

# Categorical Exclusion Determination

Bonneville Power Administration  
Department of Energy



**Proposed Action:** Amendment to the 2018 Extension of the 2008 Columbia Basin Fish Accords and the 2019 Memorandum of Agreement between the Kootenai Tribe of Idaho and Bonneville Power Administration.

**Location:** Portland, Oregon

**Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021):** A2 - Clarifying or Administrative Contract Actions.

**Description of the Proposed Action:** Bonneville Power Administration (Bonneville), along with the U.S. Army Corps of Engineers, and the U.S. Bureau of Reclamation (Agencies), propose an Amendment to the term and certain other provisions of the existing 2018 Columbia Basin Fish Accords Memoranda of Agreement (Agreements) with the Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes and Bands of the Yakama Nation, Columbia River Intertribal Fish Commission, the Confederated Tribes of the Colville Reservation, the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation, the State of Idaho, and the State of Montana, to maintain interim budgeting and coordination consistency for ongoing fish and wildlife mitigation in the Columbia River Basin.

Bonneville also proposes an Amendment to amend the term of the existing Memorandum of Agreement with the Kootenai Tribe of Idaho (Kootenai Tribe) to maintain budgeting and coordination consistency for ongoing fish and wildlife mitigation in the Columbia River Basin. This Agreement helped formalize an existing collaborative relationship and partnership between Bonneville and the Kootenai Tribe for tribally-sponsored fish and wildlife habitat protection and enhancement projects and operation of fish production facilities consistent with the Northwest Power and Conservation Council's Fish and Wildlife Program.

Through this Amendment, the Agreements would be amended to be in effect until September 30, 2022.

The Agreements contained support for Columbia River System operations and funding for certain state and tribally-sponsored fish and wildlife habitat protection and enhancement projects and fish production facility construction and operation consistent with the Northwest Power and Conservation Council's Fish and Wildlife Program.

Amending the Agreements would build upon and largely continue certain state and tribally-sponsored fish and wildlife habitat protection and enhancement projects and fish production work from the previous Agreements and would not represent new commitments or proposals. Funding for individual projects would be provided through separate intergovernmental contracts or cooperative agreements. These projects and their budgets remain the same as

specified in the 2018 Accord Extensions. These projects would continue to undergo site-specific environmental compliance prior to implementation. This analysis includes review under applicable laws and regulations, such as the National Environmental Policy Act (NEPA). If projects change the status quo or directly impact the human environment, commensurate NEPA analysis would be conducted.

This Amendment of the Agreements is purely administrative in nature and does not require Bonneville to take any action that would have a potential effect on the human environment. The Amendment of the Agreements also falls within a class of actions excluded from further NEPA review. More specifically, amending the Agreements would help ensure continued understanding and collaboration with regional partners, and would update and modernize certain terms and conditions to reflect the evolution of the environmental, legal, and economic context of impacts from Columbia River System operations, maintenance, and configuration.

Moreover, agreeing to these commitments for the duration of this Amendment would help Bonneville fulfill obligations for: conserving ESA-listed salmon and steelhead, including avoiding jeopardy and adverse modification of critical habitat; meeting the statutory obligations of NEPA and its applicable implementing regulations; protecting, mitigating, enhancing, and providing equitable treatment of fish and wildlife resources under the Northwest Power Act; and restoring and maintaining the chemical, physical, and biological integrity of waters regulated under the Clean Water Act.

**Findings:** In accordance with Section 1021.410(b) of the Department of Energy's (DOE) National Environmental Policy Act (NEPA) Regulations (57 FR 15144, Apr. 24, 1992, as amended at 61 FR 36221-36243, Jul. 9, 1996; 61 FR 64608, Dec. 6, 1996, 76 FR 63764, Nov. 14, 2011), Bonneville has determined that the proposed action:

- 1) fits within a class of actions listed in Appendix A of 10 CFR 1021, Subpart D
- 2) does not present any extraordinary circumstances that may affect the significance of the environmental effects of the proposal; and
- 3) has not been segmented to meet the definition of a categorical exclusion.

Based on these determinations, Bonneville finds that the proposed action is categorically excluded from further NEPA review.

/s/ Dan Gambetta

Dan Gambetta  
Environmental Protection Specialist

Concur:

/s/ Sarah T. Biegel

Sarah T. Biegel  
NEPA Compliance Officer

September 23, 2020

date