

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Phase 2 Implementation Plan Memorandum of Understanding and Settlement Agreement

Project Manager: Ben Zelinsky - E-4

Location: Multnomah County, Oregon

Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021): A1: Routine DOE business actions

Description of the Proposed Action: Bonneville Power Administration (Bonneville) plans to enter into a Memorandum of Understanding and Settlement Agreement (Agreement) with the Confederated Tribes of the Colville Reservation, the Coeur d'Alene Tribe, and the Spokane Tribe of Indians (Tribes) for certain funding for implementation of the Phase 2 Implementation Plan (P2IP) projects for reintroducing specific non-Federally protected salmonid stocks above Chief Joseph and Grand Coulee dams in the Upper Columbia River Basin. The proposed Agreement would provide funding for implementation of the P2IP, which is intended to benefit reintroduced salmonids and several Tribal Nations.

Subject to the terms of the Agreement, Bonneville is committed to providing \$10 million annually, for a total of \$200 million over the anticipated 20-year term (adjusted for inflation). Bonneville's funding to the Tribes may be adjusted proportionally if the U.S. Army Corps of Engineers (Corps) and Bureau of Reclamation (Reclamation) receive reimbursed funding from Bonneville, or halted if other conditions are met. The Agreement addresses: 1) how Bonneville, the Corps and Reclamation will coordinate with the Confederated Tribes of the Colville Reservation, the Coeur d'Alene Tribe, and the Spokane Tribe of Indians; and 2) the allocation of any reimbursed costs across the term of the agreement within the context of Bonneville's total funding commitment. Moreover, as part of the Agreement, Bonneville, the Corps, and Reclamation are proposing to develop separate short- and long-term funding agreements with the Spokane Tribe of Indians and the Coeur d'Alene Tribe for projects to restore fish habitat, improve migratory passage in tributary streams, secure water for instream protection, and purchase lands for conservation and habitat restoration.

The proposed Agreement is purely administrative in nature and would not require Bonneville to take any action which would have a potential effect on the human environment. Funding for existing projects that may be affected by P2IP funding would be provided through separate intergovernmental contracts or cooperative agreements. These individual projects would continue to undergo site-specific environmental compliance analysis by Bonneville environmental compliance staff prior to implementation to ensure compliance with applicable laws, including, but not limited to, the National Environmental Policy Act (NEPA), the Endangered Species Act, and the National Historic Preservation Act. Bonneville would also evaluate whether any proposed actions are covered under existing environmental compliance documents or if new or

supplemented environmental compliance documents would be necessary. This includes Bonneville's future actions under the Agreement, which remain subject to environmental compliance requirements under Federal environmental laws, thereby providing Bonneville with discretion to modify or terminate the Agreement if needed based on future decisions that are informed by the requisite environmental compliance processes.

Findings: In accordance with Section 1021.410(b) of the Department of Energy's 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/ Amy Mai

Amy Mai

Environmental Protection Specialist

Concur:

/s/ Sarah T. Biegel

Sarah T. Biegel

NEPA Compliance Officer

September 20, 2023

Date