

memorandum

DATE: March 22, 2012

REPLY TO
ATTN OF: KEC-4

SUBJECT: Environmental Clearance Memorandum

TO: Pam Kingsbury
Project Manager – PGP-5

Proposed Action: Columbia River Non-Treaty Storage Agreement

Budget Information: 00003863 01

Categorical Exclusion Applied (from Subpart D, 10 C.F.R. Part 1021): B4.4 – Power marketing services and activities; B4.5 – Temporary adjustments to river operations.

Location: Columbia River, United States of America (United States) and Canada

Proposed by: Bonneville Power Administration (BPA)

Description of the Proposed Action: BPA proposes to enter into a new long-term Columbia River Non-Treaty Storage Agreement (NTSA) with British Columbia Hydro and Power Authority (BC Hydro), a Crown corporation of the Province of British Columbia, for use of non-Treaty storage space owned by BC Hydro in Canada. Non-Treaty storage is water storage on the Columbia River in Canada that is in addition to water storage built pursuant to the Columbia River Treaty, an international treaty between the United States and Canada. Because this additional water storage is not operated under the terms of the Treaty, it is referred to as non-Treaty storage. Access to this storage is obtained only through negotiation of operational agreements that provide mutual benefits to both BPA and BC Hydro.

The proposed new NTSA will replace a previous long-term NTSA that fully expired in January of 2011, along with the current non-Treaty storage “bridge” agreement that has been in place since September, 2011 and expires on March 30, 2012. The new NTSA will allow use of 1.5 million acre-feet (MAF) of non-Treaty storage each for BPA and BC Hydro. BC Hydro may also make available an additional 1.0 MAF each of non-Treaty storage on a temporary basis. Absent an agreement with BC Hydro, BPA does not have access to BC Hydro’s non-Treaty storage.

The new NTSA will allow use of non-Treaty storage to provide additional flows for protected fish and to support power generation through September 15, 2024. This new NTSA fulfills an objective called for in the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service’s 2008/2010 Biological Opinion on the Federal Columbia River Power System (FCRPS) to support mainstem Columbia River flows for benefits to listed fish. The agreement allows for coordinated use of non-Treaty storage in Canada to shape flows within the year for fisheries benefits, and provides up to an additional 0.5 MAF to benefit fish in the lowest water conditions.

The agreement also provides greater flexibility to shape flows to provide additional power benefits to BPA and its customers.

Like the previous non-Treaty storage agreements, use of non-Treaty storage under the new NTSA will be conducted in a manner that does not reduce flood control and power benefits under the Columbia River Treaty, which is a Columbia River Treaty requirement for any non-Treaty storage use.

Findings: Any effects on cultural resources due to reservoir level fluctuations during implementation of the proposed NTSA will be within the range of effects already occurring with existing FCRPS operations. FCRPS operational impacts are being addressed as part of routine FCRPS cultural resource program implementation conducted by BPA, the U.S. Army Corps of Engineers, Bureau of Reclamation, affected tribes of the Columbia River, and others.

Because river operation will be maintained within existing operating constraints, implementation of the proposed NTSA will not affect compliance with the Endangered Species Act (ESA) of 1973, as amended, for impacts to federally listed endangered, threatened, and candidate species, and designated and proposed critical habitats. In addition, the NSTA fulfills an objective called for in NOAA's 2008/2010 Biological Opinion on the FCRPS and allows greater flexibility to adjust water flow during dry water years to support ESA-listed fish passage.

The NTSA will have no impacts to floodplains or wetlands; specially designated areas; human health and safety; prime agricultural lands; special water sources; consistency with state and local laws and regulations; and pollution control at federal facilities.

BPA has determined that the proposed action complies with Section 1021.410 and Appendix B of Subpart D 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, July 9, 1996; 61 FR 64608, Dec. 6, 1996, 76 FR 63764, Nov. 14, 2011). The proposed action does not present any extraordinary circumstances that may affect the significance of the environmental effects of the proposal. The proposal is not connected [40 C.F.R. 1508.25(a)(1)] to other actions with potentially significant impacts, has not been segmented to meet the definition of a categorical exclusion, is not related to other proposed actions with cumulatively significant impacts [40 C.F.R. 1508.25(a)(2)], and is not precluded by 40 C.F.R. 1506.1 or 10 C.F.R. 1021.211. Moreover, the proposed action would not (i) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, (ii) require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities, (iii) disturb hazardous substances, pollutants, contaminants, or Comprehensive Environmental Response, Compensation and Liability Act-excluded petroleum and natural gas products that pre-exist in the environment such that there would be uncontrolled or unpermitted releases, (iv) have the potential to cause significant impacts on environmentally sensitive resources, or (v) involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements.

This proposed action meets the requirements for the Categorical Exclusions referenced above. We therefore determine that the proposed action may be categorically excluded from further NEPA review and documentation.

/s/ Lydia T. Grimm, for
Sandra Ackley
Environmental Project Manager – KEC-4

Concur:

/s/ Katherine S. Pierce
Katherine S. Pierce
NEPA Compliance Officer

Date: March 22, 2012

Attachment:
Environmental Checklist for Categorical Exclusions

Environmental Checklist for Categorical Exclusions

Name of Proposed Project: Non-Treaty Storage Agreement

Work Order #: 00003863 01 TVAG

This project has been found to not adversely affect the following environmentally sensitive resources, laws, and regulations:

Environmental Resources	No Adverse Effect	No Adverse Effect With Conditions
1. Cultural Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. T & E Species, or their habitat(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Floodplains or wetlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Areas of special designation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Health & safety	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Prime agricultural lands	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Special sources of water	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Consistency with state and local laws and regulations	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Pollution control at Federal facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Signed: /s/ Lydia T. Grimm, for Sandra Ackley

Date: March 22, 2012