

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Amendment to the 2012 Memorandum of Agreement between the Kalispel Tribe of Indians and Bonneville Power Administration, the U.S. Army Corps of Engineers and the U.S. Bureau of Reclamation

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, proposes an Amendment to the existing 2012 Memorandum of Agreement (Agreement) with the Kalispel Tribe of Indians. The primary function of this Amendment is to extend the term and to provide budgets and coordination consistency for ongoing implementation of existing fish and wildlife mitigation projects during those years. The Agreement supports actions to benefit various species, including ESA-listed species considered in the 2020 ESA consultation with the U.S. Fish and Wildlife Service, such as ESA-listed bull trout (*Salvelinus confluentus*), and to address in part, BPA's obligations under the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Northwest Power Act) (16 U.S.C. (USC) 839 *et seq.*).

Through this Amendment, the Agreement would be extended until September 30, 2025. Amending the Agreement would build upon and largely continue certain tribally-sponsored fish and wildlife habitat protection and enhancement projects and fish production work from the previous years of the Agreement. Funding for individual projects would be provided through separate intergovernmental contracts or cooperative agreements. These individual projects would continue to undergo site-specific environmental compliance analysis prior to implementation. This analysis would include 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 to the Agreement is administrative in nature, supports the normal conduct of Bonneville's business, and does not require Bonneville to take any action that would have a potential effect on the human environment. This Amendment to the Agreement also falls within a class of actions that is excluded from further NEPA review. More specifically, amending this Agreement would help ensure continued understanding and collaboration with the Kalispel Tribe of Indians, 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 bull trout, including avoiding jeopardy

and adverse modification of designated critical habitat; meeting the statutory obligations of NEPA and its applicable implementing regulations; protecting, mitigating, and enhancing, fish and wildlife 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 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

June 5, 2023

Date