

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: 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): A1 – Routine DOE Business Actions

Description of the Proposed Action: Bonneville Power Administration (Bonneville), along with the U.S. Army Corps of Engineers (Corps) and the U.S. Bureau of Reclamation (Reclamation), proposes to enter into a long-term Memorandum of Agreement (Agreement) with the Kalispel Tribe of Indians (Tribe) through fiscal year 2034. The primary function of this Agreement is to provide funding for projects under Bonneville's Fish and Wildlife Program for wildlife mitigation, fish habitat restoration, land acquisition, certain hatchery actions, non-native fish suppression, and research, monitoring and evaluation actions.

This Agreement would continue an existing collaborative relationship and partnership between Bonneville, Corps, and Reclamation and the Tribe and would contain support and funding commitments for tribally-sponsored fish and wildlife habitat mitigation and enhancement projects. Bonneville's funding would also be used to continue funding for the Tribe's triploid rainbow trout subsistence hatchery program and surplus hatchery salmon broodstock distribution program and may also be used to continue planning for the westslope cutthroat trout hatchery program. Bonneville's funding would be consistent with the Northwest Power and Conservation Council's Fish and Wildlife Program.

This Agreement is purely administrative in nature and does not require Bonneville to take any action that would have a potential effect on the human environment. This Agreement also falls within a class of actions excluded from preparation of an Environmental Assessment or Environmental Impact Statement under the National Environmental Policy Act (NEPA).

Funding for individual projects would be provided through separate intergovernmental contracts or financial assistance agreements. These 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 NEPA, the Endangered Species Act (ESA), 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 supplemental environmental compliance documents would be necessary. If projects change the status quo or directly impact the human environment, commensurate NEPA analysis would be conducted.

Moreover, this Agreement 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; while also supporting ongoing efforts to mitigate for effects of the Federal Columbia River Power System on fish and wildlife in the mainstem Columbia River and its tributaries pursuant to the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Northwest Power Act) (16 U.S.C. 839 *et seq.*); in addition to 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.

Dan Gambetta
Environmental Protection Specialist

Concur:

FOR Sarah T. Biegel
NEPA Compliance Officer