RECORD OF CATEGORICAL EXCLUSION DETERMINATION

A. **Proposed Action:** Western proposes to replace the existing Black Point (formerly known as Big Maria) microwave building by constructing a new building in the same location as the current building. To do this, a pre-constructed temporary building will be placed adjacent to the existing one; communication equipment will first be transferred to the temporary building and then transferred to the new building, once it is completed. Finally, the temporary building will be removed from the project area.

The project area comprises the communication building relocation area, the area between an existing Southern California Edison distribution line and the new communication building, lower and upper staging areas, a concrete transfer area, and an access road extending between Highway 95 and the communication site (see attached map). The length of the access road is approximately 1.3 miles.

The project area is located on land under the jurisdiction of the Bureau of Land Management (BLM), Yuma, Arizona Field Office, north of Blythe in Riverside County, California. The project is located within portions of Sections 7 and 12, T5S, R23E; and Sections 7 and 12, T5S, R24E; San Bernardino Baseline and Meridian (USGS 7.5′ Quadrangles Blythe Northeast, California, 1970, and Big Maria Mountains, California, 1970).

This site is a critical part of the microwave system used for protection of 345-kV high voltage transmission lines and telecommunications circuits along the Colorado River. The configuration of the existing microwave building, with thin gauge gable metal roof, thin gauge metal siding, and roof trusses and siding anchored to light gauge uni-strut columns, is weak and may not withstand wind loads. Currently, 90 percent of the building is termite infested. This building has now become a safety hazard and is in urgent need of replacement.

B. **Categorical Exclusion Applied:** 10 CFR, Part 1021, Subpart D, Appendix B:

- B1.3: "Routine maintenance activities and custodial services for buildings, structures, rights-of-way, infrastructures (e.g., pathways, roads, and railroads), vehicle and equipment, and localized vegetation and pest control, during which operation may be suspended and resumed…Routine maintenance activities, corrective (that is repair), preventative, and predicted are required to maintain and preserve buildings, structures, infrastructures, and equipment, in a condition suitable for a facility to be used for its designated purpose. Routine maintenance may result in replacement to the extent that replacement is in kind and is not a substantial upgrade or improvement. In kind replacement includes installation of new components to replace outmoded components if the replacement does not result in a significant change in the expected useful life, design capacity, or function of the facility…"

- B1.16: "Removal of asbestos-containing materials from buildings in accordance with 40 CFR part 61 (National Emission Standards for Hazardous Air Pollutants), subpart M (National Emission Standard for Asbestos); 40 CFR part 763 (Asbestos), subpart G (Asbestos Abatement Projects); 29 CFR part 1910, subpart I (Personal Protective Equipment), §1910.134 (Respiratory Protection); subpart Z (Toxic and Hazardous Substances), §1910.1001 (Asbestos, tremolite, anthophyllite and actinolite); and 29 CFR part 1926 (Safety and Health Regulations for Construction), subpart D (Occupational Health and Environmental Controls), §1926.58 (Asbestos, tremolite, anthophyllite, and actinolite), other appropriate Occupational Safety and Health Administration standards in title 29, chapter XVII of the CFR, and appropriate state and local requirements, including certification of removal contractors and technicians."
- B1.19: "Siting, construction, and operation of microwave and radio communication towers and associated facilities, if the towers and associated facilities would not be in an area of great visual value."
- B1.23: "Demolition and subsequent disposal of buildings, equipment, and support structures..."

C. Regulatory Requirements in 10 CFR 1021.410 (b):

1. The proposed action fits within a class of actions that is listed in Appendix B to Subpart D.

   a. The proposed action was reviewed for the requirements of the Endangered Species Act, the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and all applicable Department of Energy Orders.

   b. The proposed action does not require the siting, construction, or major expansion of waste storage, disposal, recovery, or treatment facilities.

   c. The proposed action does not disturb hazardous substances, pollutants, contaminates, or CERLA-excluded petroleum and natural gas products that pre-exist in the environment such that there would be uncontrolled and unpermitted releases.

   d. The proposed action was reviewed and surveyed for impacts to cultural and sensitive biological resources. Cultural and sensitive biological resources have been determined to not be affected.

2. There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal; and

3. The proposal is not "connected" to other actions with potentially significant impacts, is not related to other proposed actions with cumulatively significant impacts, and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211.

D. **Determination:** Based on my review of information conveyed to me and in my possession (or attached) concerning the proposed action, as NEPA Compliance Officer (as authorized under DOE Order 451.1A), I have determined that the proposed action fits within the specified class of actions, the other regulatory requirements set forth above are met, and the proposed action is hereby categorically excluded from further NEPA review.

E. **Special Conditions:**

Hazardous Materials

Asbestos-containing roof coating is considered to be a non-friable asbestos-containing material (ACM), but may release asbestos fibers when disturbed or broken and is subject to asbestos abatement. ACM encountered during demolition will be disposed of by a professional asbestos abatement contractor in accordance with applicable regulations. Transportation of asbestos will meet DOT regulations 49 CFR, and asbestos will be disposed at an approved landfill.

Cultural Resources

- No blading or grading shall occur.
- All project vehicles shall use existing access roads.

Biological Resources

- *Limited disturbance area:* Limit all project activities to existing graded areas, including the construction site, roadways, turnouts, and similar disturbed areas. No project activities, including staging of materials or equipment, will take place in undisturbed habitats. To identify limits of approved disturbance, work area, access, and staging area boundaries shall be marked by the biological monitor prior to site mobilization with brightly colored tape, flagging, or other easily recognizable means that is sturdy enough to withstand the construction period. All activities, including vehicle parking, will be limited to within the marked areas. Flagging, etc. will be removed as soon as possible after construction is complete.
- *Biological Monitor*: Due to the possibility that desert tortoises or other special status species or nesting birds may be found on the site, one Biological Monitor shall be present at the construction site during all project activities during the tortoise activity season (1 March – 1 November) or activities that have potential to disturb soil, vegetation, and wildlife. The Biological Monitor shall inspect the locations of any tortoise burrows or sign that were located during the pre-construction survey (below) to monitor potential tortoise activity on or near the project site. A Biological Monitor is not required for transferring the equipment

between temporary and permanent microwave buildings, because they only involve using crew trucks to bring personnel to the mountain top; however, personnel must attend environmental awareness training (below). The Biological Monitor shall regularly inspect the work area, including access route, turnouts, staging areas, and any other areas related to project activities, for desert tortoises, nesting birds, and for compliance with resource-related project requirements. The monitor also shall inspect vehicles, excavations, and stored supplies or equipment to ensure that they do not present potential hazards to desert tortoises. The Biological Monitor will be authorized by Western to temporarily halt construction activity if needed to prevent potential harm to desert tortoises or other wildlife. The work supervisor will coordinate with the Biological Monitor on planned or ongoing activities and any specific monitoring requirements for each activity. The following incidents shall require immediate cessation of project activities causing the incident: 1) imminent threat of injury or death to a desert tortoise; 2) unauthorized handling of a desert tortoise, regardless of intent; 3) operation of construction equipment or vehicles outside a marked or authorized project area, and 4) conducting any construction activity without the biological monitor's knowledge or against the monitor's recommendation.

- *Pre-construction clearance survey*: No more than 7 days prior to project construction, a qualified biologist will survey the access road, turnout areas, staging areas, work site, and the interior of the existing structure for special status wildlife or sign thereof, including desert tortoises or their burrows, burrowing owls, special status bats, nesting birds, and other species described above. The biologist shall record the locations of any such species or sign and shall provide a memo describing the results of the pre-construction clearance survey to Western prior to the onset of construction activities.
- *Desert tortoise*: No project activities of any kind shall be permitted in the vicinity of a desert tortoise. No vehicles or construction equipment parked outside the fenced area shall be moved prior to an inspection of the ground beneath the vehicle for the presence of desert tortoise. If a desert tortoise is observed, it shall be left to move on its own. The Biological Monitor and all workers shall regularly observe the work area for desert tortoises. At any time a desert tortoise is seen within or near any work area (including access road, turnouts, staging areas, or concrete transfer area), the Biological Monitor and project supervisor will be immediately notified. If an active desert tortoise is found on or near the work area during pre-construction surveys or project implementation, then the Biological Monitor or a designated assistant will monitor the tortoise's activity and location throughout the duration of the project.
- *Nesting birds*: Project construction and demolition activities, and materials deliveries, will either be conducted outside the breeding bird season, or, for activities during the breeding season, work sites will be cleared by pre-construction surveys prior to beginning work (see clearance surveys, above). To

avoid disturbance to nesting / breeding wildlife, project activities taking place between 1 January and 15 June will be subject to pre-construction surveys. Project activities may not disturb an active bird nest. If an active bird nest is located on or adjacent to the site, the Biological Monitor (above) will designate and flag an appropriate buffer area around the nest where activities will not be permitted. The buffer area will be based on the bird species and nature of project activity.

- *Burrowing owl*: If a burrowing owl is observed using the site (e.g., within a burrows or cavity beneath the foundation), the Biological Monitor will observe its activity and, as appropriate, passively relocate it (i.e., allow it to leave the site, and then prevent it from re-entering). If a borrowing owl is found using a burrow on or near the site during nesting season, then the Biological Monitor will designate a buffer area around the burrow, as described above (nesting birds).
- *Special status bats*: If bats of any species are located within the structure during pre-construction clearance surveys, Western will contract with a qualified bat specialist to determine what species is present, any applicable agency conservation status, and to recommend procedures to allow for passive relocation.
- *Worker training*: The Biological Monitor or Western will conduct environmental awareness training to ensure that all workers on the project site (including contractors and supply/equipment delivery drivers) are aware of all applicable avoidance measures for biological resources. Specifically, workers will be required to: 1) limit all activities to approved and marked areas; 2) check beneath and around vehicles and equipment before moving them; 3) report any desert tortoise observation in the project area, including the access road, to the supervisor or biological monitor; 4) pick up and properly dispose of any food, trash or construction refuse; and 5) report any spilled materials (oil, fuel, solvent, engine coolant, raw concrete, or other material potentially hazardous to wildlife, to supervisor or biological monitor. In addition, all workers will be informed of civil and criminal penalties for violations of the state and federal ESAs, the Migratory Bird Treaty Act, and the Bald and Golden Eagle Protection Act.
- *Animals*: No pets will be permitted on the work site. Workers will not be permitted to feed, harm, or handle wildlife at any time, except as noted for native reptiles (below).
- *Native reptiles (excluding desert tortoise)*: If native reptiles other than desert tortoise (above) enter the project work area, the Biological Monitor may direct work crews to stop work, to avoid the animal, or may move the animal out of harm's way. This condition will not exempt the Biological Monitor from any Western safety policy with regard to venomous reptiles.
- *Trash, refuse, concrete, and other materials*: All trash and food materials will be properly contained within vehicles or closed refuse bins while on the site, and will regularly be removed from the site (at least on a weekly basis) for proper

disposal. All construction refuse will be removed from the site upon completion of construction. No raw cement/concrete or washings thereof, asphalt, paint, oil, solvents, or other petroleum products, or any other substances that could be hazardous to vegetation or wildlife resources, shall be disposed of on-site or allowed to spill onto soil. Cleanup of any spilled material shall begin immediately.

- *Wildlife hazards or attractants*: No potential wildlife pitfalls (trenches, bores, temporary detention basins, and other excavations) will be left uncovered. If covering or backfilling are not feasible, excavations shall be sloped at 3:1 at the ends to provide wildlife escape ramps, or fully enclosed with desert tortoise-exclusion fencing. All trenches, bores, temporary detention basins, and other excavations shall be inspected periodically, but no less than three times throughout the day and at the end of each workday by the biological monitor. Any wildlife encountered during the course of construction shall be allowed to leave the construction area unharmed. Any construction pipe, culvert, or similar structure with a diameter greater than 3 inches, stored less than 8 inches aboveground for one or more nights, shall be inspected for tortoises before the material is moved, buried, or capped. As an alternative, all such structures may be capped before being stored outside the fenced area, or placed on pipe racks.
- *Minimize standing water*: Water applied to dirt roads and construction areas (trenches or spoil piles) for dust abatement shall use the minimal amount needed to meet safety and air quality standards to prevent the formation of puddles, which could attract desert tortoises and common ravens to construction sites. The Biological Monitor shall patrol these areas to ensure water does not puddle and shall take appropriate action to reduce water application where necessary.

Linda Hughes
NEPA Compliance Officer

10.7.11
Date