

# ENVIRONMENTAL REVIEW FOR CATEGORICAL EXCLUSION DETERMINATION

## Rocky Mountain Region, Western Area Power Administration

### Flaming Gorge – Vernal #3 138-kV Transmission Line Vegetation Management and Herbicide Treatments Uintah and Daggett Counties, Utah

- A. **Brief Description of Proposal:** Western Area Power Administration (Western) proposes to conduct routine vegetation management and inspection along its Flaming Gorge-Vernal #3 138-kV Transmission Line in Uintah and Daggett Counties, Utah. The crews will survey and inspect vegetation along approximately 39 miles of the transmission line right-of-way (ROW) from the Vernal Substation to Flaming Gorge. The work is a continuation of annual danger tree removal and clearing along the transmission line ROWs. Trained crews will measure electrical clearance distances between the conductor and tree branches and cut down any trees that meet or exceed the allowable clearance distance. Any “danger” trees and vegetation that constitute an electrical hazard to the line will be removed. Individual trees will be cut, lopped, chipped and scattered within the existing ROW or processed through a chipper machine and chips left onsite. Also proposed is routine maintenance to clear vegetation in and around transmission structures, as needed, to ensure safe access to the structures. Vegetation that is 50 feet or less from transmission structure will be pruned or removed. No ground disturbance is anticipated to occur. Crews will consist of two to five persons. Equipment used will include pickup trucks, laser measuring devices, tree chipper machines, ropes, and chainsaws. All travel will be confined to existing ROWs access roads. Only rubber-treaded vehicles will be used.

In addition to the danger tree inspection, crews plan to remove and treat Russian Olive (*Elaeagnus angustifolia*) trees to prevent re-generation on previously treated sites between Structures 30/1 through 38/9. This work is primarily on private lands along riparian areas near Vernal, Utah. The activity includes cutting trees by hand and grinding and chipping on-site followed by stump treatment to prevent re-sprouting. The cut and stump treatment method has been shown to be the most effective control for invasive Russian Olive trees. The equipment used will include rubber-tired vehicles, chainsaws, and chipper/grinder. Additional equipment may include a backpack sprayer or an all-terrain vehicle with a mounted herbicide sprayer. The spraying Contractor will be licensed in the state of Utah and will follow all applicable federal, state and local laws, regulations and guidelines. All travel will be confined to existing ROW and access roads.

- B. **Number and Title of the Categorical Exclusion Being Applied:** (See text in 10 CFR Part 1021, Subpart D.)

#### B1.3. Routine Maintenance:

**Routine maintenance activities and custodial services for buildings, structures, rights-of-way, infrastructures (including, but not limited to, pathways, roads, and railroads), vehicles and equipment, and localized vegetation and pest control,** during which operations may be suspended and resumed, provided that the activities would be conducted in a manner in accordance with applicable requirements. Custodial services are activities to preserve facility appearance, working conditions, and sanitation (such as cleaning, window washing, lawn mowing, trash collection, painting, and snow removal). Routine maintenance activities, corrective (that is, repair), preventive, and predictive, 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. Such maintenance may occur as a result of severe weather (such as hurricanes, floods, and tornados), wildfires, and other such events. 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

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includes installation of new components to replace outmoded components, provided that the replacement does not result in a significant change in the expected useful life, design capacity, or function of the facility. Routine maintenance does not include replacement of a major component that significantly extends the originally intended useful life of a facility (for example, it does not include the replacement of a reactor vessel near the end of its useful life). Routine maintenance activities include, but are not limited to:

- (a) Repair or replacement of facility equipment, such as lathes, mills, pumps, and presses;
- (b) Door and window repair or replacement;
- (c) Wall, ceiling, or floor repair or replacement;
- (d) Reroofing;
- (e) Plumbing, electrical utility, lighting, and telephone service repair or replacement;
- (f) Routine replacement of high-efficiency particulate air filters;
- (g) Inspection and/or treatment of currently installed utility poles;
- (h) Repair of road embankments;
- (i) Repair or replacement of fire protection sprinkler systems;
- (j) Road and parking area resurfacing, including construction of temporary access to facilitate resurfacing, and scraping and grading of unpaved surfaces;
- (k) Erosion control and soil stabilization measures (such as reseeding, gabions, grading, and revegetation);
- (l) Surveillance and maintenance of surplus facilities in accordance with DOE Order 435.1, "Radioactive Waste Management," or its successor;
- (m) Repair and maintenance of transmission facilities, such as replacement of conductors of the same nominal voltage, poles, circuit breakers, transformers, capacitors, crossarms, insulators, and downed powerlines, in accordance, where appropriate, with 40 CFR part 761 ("Polychlorinated Biphenyls Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions") or its successor;
- (n) Routine testing and calibration of facility components, subsystems, or portable equipment (such as control valves, in-core monitoring devices, transformers, capacitors, monitoring wells, lysimeters, weather stations, and flumes);
- (o) Routine decontamination of the surfaces of equipment, rooms, hot cells, or other interior surfaces of buildings (by such activities as wiping with rags, using strippable latex, and minor vacuuming), removal of contaminated intact equipment and other materials (not including spent nuclear fuel or special nuclear material in nuclear reactors); and
- (p) Removal of debris.

**C. Regulatory Requirements in 10 CFR 1021.410 (b):** (See full text in regulation and attached checklist.)

- 1) The proposed action fits within a class of actions listed in Appendix A or B to Subpart D.

For classes of actions listed in Appendix B, the following conditions are integral elements. To fit within a class, the proposal must not:

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- Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders;
  - Require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions or facilities;
  - Disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases;
  - Have the potential to cause significant impacts on environmentally sensitive resources. An environmentally sensitive resource is typically a resource that has been identified as needing protection through Executive Order, statute, or regulation by Federal, State, or local government, or a federally recognized Indian tribe. An action may be categorically excluded if, although sensitive resources are present, the action would not have the potential to cause significant impacts on those resources (such as construction of a building with its foundation well above a sole-source aquifer or upland surface soil removal on a site that has wetlands). Environmentally sensitive resources include, but are not limited to, those listed in paragraph B. (4) (see Attachment A).
- 2) There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal.
- 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. Special Stipulations Pertaining to the Proposal:**

This Categorical Exclusion is valid only from the signature date through the end of calendar year 2015. If construction has not commenced within that time, Western’s Environmental Division must be contacted for an updated environmental review prior to construction.

**In accordance with conservation measures identified in Western’s Biological Assessment the following stipulations will be implemented:**

- **Environmentally sensitive areas that are to be avoided will be identified and flagged in the field by a biological monitor who will be present alongside the work crews. Work shall not commence until the coordination with the biological monitor and vegetation management crews has occurred.**
- **To comply with the Migratory Bird Treaty Act, the biological monitor will conduct a pedestrian survey in advance of the maintenance crews to identify active nests that are to be avoided.**

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- **The biological monitor will be on site to flag plants and ensure avoidance of Ute Ladies'-Tresses.**
- **Foot traffic and hand removal of danger trees will be implemented in occupied habitat.**
- **The biological monitor will flag a 50 meter buffer surrounding the suitable habitat; woody debris and chip refuse will be dumped at least 50 meters away from suitable habitat and known Ute Ladies'-Tresses locations.**
- **Herbicide will not be used at known locations and appropriate measures to decrease or eliminate herbicide drift will be implemented (i.e. spot treatments within a bucket).**
- **There will be no permanent disturbance activities in Ute Ladies'-Tresses suitable habitat.**
- **No machinery will be operated directly in wetlands, directly on banks, or in hydric soils.**
- **No woody debris or slash will be discarded directly in wetlands, directly on banks, or in riparian areas.**
- **No work will occur during large scale rain events.**
- **In order to prevent potential impacts to Yellow-Billed Cuckoo, no vegetation management work will occur between June 15 and August 31 from Structures 35/1 through 35/5, 37/3 through 36/6 and 37/7 through 37/10.**

If the scope of work of this project changes, Western's Environmental Division must be contacted for additional environmental review.

**Provisions for avoidance of sensitive cultural resources require that all work within these areas be conducted by hand. Areas may only be accessed using rubber-tired vehicles. No mechanical brush clearing is allowed for work along this line.**

If any cultural materials are discovered during construction, work in the area shall halt immediately, Western's Regional Preservation Officer shall be contacted, and the material evaluated by an archaeologist or historian meeting the Secretary of the Interior's Professional Qualification Standards (48 FR 22716, Sept. 1983).

To minimize impacts to the environment and prevent damage to access roads, operation of off-road equipment will not be permitted during periods of heavy rains, when soils are wet, or when excessive soil damage may occur due to unsuitable operating conditions. No vegetation management activities shall be performed during periods when the soil is too wet to adequately support equipment. If equipment creates ruts in excess of 6-inches-deep, the soil shall be deemed too wet to adequately support the equipment.

Western has a clean vehicle policy and all equipment used must be cleaned prior to use in order to prevent transporting of invasive plant or noxious weed seeds. Operators will be required to wash all

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machinery (trailers, trucks, skid steer loaders, etc.) before entering the action area and working on the project to prevent transport of non-native invasive species within the transmission line corridor.

The contractor shall use only EPA registered pesticides that are approved for the intended use. The contractor will comply with all the requirements as provided on the applicable herbicide label.

- E. Determination:** Based on my review of information provided to me and in my possession concerning the proposed action, I 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 categorically excluded from requirements for an EA or an EIS.

  
Signature

Date: 4/27/15

Gene Iley, Jr.  
NEPA Compliance Officer  
Rocky Mountain Customer Service Region  
Western Area Power Administration

Prepared by: Daniel Borunda

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**ATTACHMENT A**

**Conditions That Are Integral Elements of the Classes  
of Actions in Appendix B That Apply to This Proposal**

Checklist for Categorical Exclusion Determination, revised Nov. 2011

<b>Application of Categorical Exclusions (1021.410)</b>	<b>Disagree</b>	<b>Agree</b>	<b>Unknown</b>
(b)(1) The proposal fits within a class of actions that is listed in appendix B to subpart D.		X	
(b)(2) There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal, including, but not limited to, scientific controversy about the environmental effects of the proposal; uncertain effects or effects involving unique or unknown risks; and unresolved conflicts concerning alternate uses of available resources.		X	
(b)(3) The proposal has not been segmented to meet the definition of a categorical exclusion. Segmentation can occur when a proposal is broken down into small parts in order to avoid the appearance of significance of the total action. The scope of a proposal must include the consideration of connected and cumulative actions, that is, the proposal is not connected to other actions with potentially significant impacts (40 CFR 1508.25(a)(1)), is not related to other actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.27(b)(7)), and is not precluded by 40 CFR 1506.1 or § 1021.211 of this part concerning limitations on actions during EIS preparation.		X	
<b>B. Conditions that are Integral Elements of the Classes of Actions in Appendix B.</b>	NO	YES	Unknown
(1) Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety and health, or similar requirements of DOE or Executive Orders.	X		
(2) Require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions or facilities.	X		
(3) Disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases.	X		
(4) Have the potential to cause significant impacts on environmentally sensitive resources. An environmentally sensitive resource is typically a resource that has been identified as needing protection through Executive Order, statute, or regulation by Federal, state, or local government, or a federally	X		

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recognized Indian tribe. An action may be categorically excluded if, although sensitive resources are present, the action would not have the potential to cause significant impacts on those resources (such as construction of a building with its foundation well above a sole-source aquifer or upland surface soil removal on a site that has wetlands). Environmentally sensitive resources include, but are not limited to:			
(i) Property (such as sites, buildings, structures, and objects) of historic, archaeological, or architectural significance designated by a Federal, state, or local government, or property determined to be eligible for listing on the National Register of Historic Places;	X		
(ii) Federally-listed threatened or endangered species or their habitat (including critical habitat) or Federally- proposed or candidate species or their habitat (Endangered Species Act); state-listed or state-proposed endangered or threatened species or their habitat; Federally-protected marine mammals and Essential Fish Habitat (Marine Mammal Protection Act; Magnuson-Stevens Fishery Conservation and Management Act); and otherwise Federally-protected species (such as under the Bald and Golden Eagle Protection Act or the Migratory Bird Treaty Act);	X		
(iii) Floodplains and wetlands (as defined in 10 CFR 1022.4, —Compliance with Floodplain and Wetland Environmental Review Requirements: “Definitions,” or its successor);	X		
(iv) Areas having a special designation such as Federally- and state-designated wilderness areas, national parks, national monuments, national natural landmarks, wild and scenic rivers, state and Federal wildlife refuges, scenic areas (such as National Scenic and Historic Trails or National Scenic Areas), and marine sanctuaries;	X		
(v) Prime or unique farmland, or other farmland of statewide or local importance, as defined at 7 CFR 658.2(a), —Farmland Protection Policy Act: Definitions, or its successor;	X		
(vi) Special sources of water (such as sole-source aquifers, wellhead protection areas, and other water sources that are vital in a region); and	X		
(vii) Tundra, coral reefs, or rain forests; or	X		