RECORD OF CATEGORICAL EXCLUSION DETERMINATION

Structure Replacement Hayden-Gore Pass 138-kV transmission line (Structure 25/5) Spring 2010

A. Brief Description of Proposal: Western proposes to replace structure 25/5 on the Hayden-Gore Pass 138-kV transmission line. The structure is located on U.S. Forest Service lands (T.2N, R. 82W, Section 35; Gore Pass 7.5' USGS quadrangle map.

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B. Number and Title of the Categorical Exclusion Being Applied: (See text in 10 CFR 1021, Subpart D.) B 4.6 Additions or modifications to electric power transmission facilities that would not affect the environment beyond the previously developed facility area including, but not limited to, switchyard rock, grounding upgrades, secondary containment projects, paving projects, seismic upgrading, tower modifications, changing insulators and replacement of poles, circuit breakers, conductors, transformers, and cross-arms.

A full description of this project/action can be found in the following document(s):
N/A

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

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

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

- Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, including DOE and/or Executive Orders;
- Require siting, construction, or major expansion of waste storage, disposal, recover, or treatment facilities, but may include such categorically excluded facilities;
- Disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that pre-exist in the environment such that there would be uncontrolled or unpermitted releases; or
- Adversely affect environmentally sensitive resources (including but not limited to those listed in paragraph B. (4).[1]

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 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.

_____ **Date:** 15 April 2010
Signature

Jim Hartman
NEPA Compliance Officer
Rocky Mountain Customer Service Region
Western Area Power Administration

APPENDIX A
Conditions That Are Integral Elements of the Classes of Action in Appendix B That Apply to This Proposal

Application of Categorical Exclusions (1021.410)	**Disagree**	**Agree**	**Unknown**
1) The proposal fits within a class of actions that is listed in appendix A or B to subpart D.		x	
2) There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effect of the proposal, (e.g. scientific controversy about environmental effects; uncertain effects or effects involving unique or unknown risks; unresolved conflicts concerning alternate uses of available resources (see NEPA 102(2)(E)		x	
3) The proposal is not connected (40 CFR 1508.25(a)(1) to other actions with potentially significant impacts, is not related to other proposed actions with cumulatively significant impacts (40 CFR 1508.25(a)(2)), and is not precluded by 40 CFR 1506.1 or § 1021.211.		x	
Conditions that are Integral Elements of the Classes of Actions in Appendix B	**NO**	**YES**	**UNKNOWN**
1) Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety and health, including requirements of DOE and/or Executive Orders[1].	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.	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 intermitted releases; or	x		
4) Adversely affect environmentally sensitive resources. Including but not limited to: • Property of historic, archaeological, or architectural significance designated by Federal, state, or local governments or property eligible for listing on the National Register of Historic Places	x		

• Federally-listed threatened or endangered species or their habitat (including critical habitat), federally-proposed or candidate species or their habitat, or state-listed endangered or threatened species or their habitat;	x		
• Wetlands regulated under the Clean Water Act and Floodplains;	x		
• Areas having a special designation such as Federally- and state-designated wilderness areas, national parks, national natural landmarks, wild and scenic rivers, state and Federal wildlife refuges and marine sanctuaries;	x		
• Prime agricultural lands;	x		
• Special sources of water (such as sole-source aquifers, wellhead protection areas, and other water sources that are vital in a region); and	x		
• Tundra, coral reefs, or rain forests.			

[1]**Applicable statutory, regulatory, or permit requirements for environment, safety and health, including requirements of DOE and/or Executive Orders (in addition to those listed above)**
Clean Air Act Complies with U.S. DOE Clean Air Act Conformity Requirements
Department of Energy Floodplain and Wetland Regulations (10 CFR 1022)
Clean Water Act • Complies with Section 404 requirements • Complies with National Pollutant Discharge Elimination System Permitting requirements
Complies with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994, with Presidential Memorandum)

Complies with Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds. (January 10, 2001)