RECORD OF CATEGORICAL EXCLUSION DETERMINATION

Danger tree cutting Miracle Mile-Seminoe 115-kV and Miracle Mile-Platte 115-kV transmission lines, Carbon County, Wyoming, Summer 2010

Brief Description of Proposal: Western proposes to cut trees growing on transmission line rights-of-way where vegetation presents an electrical hazard. Tree cutting is limited to trees growing on or into Western rights-of-way. Tree cutting is proposed on lands managed by the Bureau of Reclamation and the Bureau of Land Management in:

T26N, R84W, 6th PM, Carbon County, Wyoming, Section 32 and 33
T25N, R84W, 6th PM, Carbon County, Wyoming, Section 5

A. Number and Title of the Categorical Exclusion Being Applied: (See text in 10 CFR 1021, Subpart D.) B1.3 Routine maintenance activities and custodial services for buildings, structures, rights-of-way, infrastructures (e.g. pathways, roads, and railroads), vehicles and equipment, and localized vegetation and pest control, during which operations may be suspended and resumed. 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 building structures, infrastructures, and equipment in a condition suitable for a facility to be used for its 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. 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 of facility equipment, such as lathes, mills, pumps, and presses;
(b) Door and window repair or replacement;
(c) Wall, ceiling, or floor repair;
(d) Reroofing;
(e) Plumbing, electrical utility, and telephone service repair;
(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;
(k) Erosion control and soil stabilization measures (such as reseeding and revegetation);

B. Regulatory Requirements in 10 CFR 1021.410(b) (Refer to full text in regulation)

1.) The proposed action fits within a class of actions that is listed in Appendix A or 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 a proposal must not:

- Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safely and health, including DOE and/or Executive Orders;
- Require siting, construction, or major expansion of waste storage, disposal, recovery, 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(1) (See attached checklist)

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 CRF 1021.211.

C. Special Stipulations Pertaining to the Proposal:

Action complies with Western's Programmatic Agreement for Section 106 of the Historic Preservation Act (use of rubber-tired vehicles on existing ROW, no earth disturbing activities).

D. Determination:

Based on my review of information provided to me and in my possession concerning the proposed action, I determine 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.

17 June 2010

Signature
NEPA Compliance Officer
Rocky Mountain Region

APPENDIX A
Checklist for Categorical Exclusion Determination

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)