ENVIRONMENTAL REVIEW for CATEGORICAL EXCLUSION DETERMINATION
Rocky Mountain Region, Western Area Power Administration

Terry Ranch Road Substation, Laramie County, Wyoming

A. **Brief Description of Proposal:** Western Area Power Administration (Western) proposes to approve a request for a new point of delivery under Cheyenne Light, Fuel, and Power (CLF&P) Network Integration Transmission Contract No. 07-RMR-1797, Attachment F. Per Letter Agreement No. 11-RMR-2220, Western would receive a 230-kV switching substation, the Terry Ranch Road Substation, which would serve as the new delivery point. The new substation would be constructed by CLF&P who would then transfer ownership to Western who would own, operate, and maintain the facility. The substation would serve as a tap point to provide bulk power to the CLF&P distribution system from Western's Ault-Cheyenne and Archer-Hayden 230-kV transmission lines near Cheyenne, Wyoming. The substation would be positioned near the intersection of the two transmission lines and the existing 230-kV lines would then connect in and out of the substation. The substation would be located on approximately 9 acres in township 12N, range 66W, northwest ¼ of Section 5 and northeast ¼ of Section 6 of the Sixth Principal Meridian within a 33-acre parcel of rangeland purchased by CLF&P for the purpose. To provide access to the substation, CLF&P would upgrade and provide a graveled surface to the existing transmission line access road.

CLF&P contracted and completed natural and cultural resource surveys and a Phase I Environmental Site Assessment (ESA), dated October 31, 2011, for the entire 33-acre project area and access road. The Phase I ESA found no recognized environmental conditions. Western provided the survey reports to, and consulted with, the appropriate Federal and State agencies and developed measures to minimize the impacts of the project. See Special Project Stipulations in Section D of this Categorical Exclusion for a list of the Conservation Measures required for the project.

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

B 1.24 Property transfers.
Transfer, lease, disposition or acquisition of interests in personal property (including, but not limited to, equipment and materials) or real property (including, but not limited to, permanent structures and land), provided that under reasonably foreseeable uses (1), there would be no potential for release of substances at a level, or in a form, that could pose a threat to public health or the environment and (2) the covered actions would not have the potential to cause a significant change in impacts from before the transfer, lease, disposition, or acquisition of interests.

B 4.1 Contracts, policies, and marketing and allocation plans for electric power.
Establishment and implementation of contracts, policies, and marketing and allocation plans related to electric power acquisition that involve only the use of the existing transmission system and existing generation resources operating within their normal operating limits.

B 4.11 Electric power substations and interconnection facilities.
Construction or modification of electric power substations or interconnection facilities (including, but not limited to, switching stations and support facilities).

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:

   - 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:

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

This Categorical Exclusion is valid for 1 year after the signature date. If construction has not commenced within that time, Western's Environmental Division must be contacted for an updated environmental review prior to construction.

If any cultural materials are discovered during construction, work in the area shall halt immediately, Western and the Wyoming SHPO staff shall be contacted, and the material be evaluated by an archaeologist or historian meeting the Secretary of the Interior's Professional Qualification Standards (48 FR 22716, Sept. 1983).
The contractor shall comply with all Federal, State, and local environmental laws, orders, and regulations. All necessary permits such as National Pollutant Discharge Elimination System (NPDES) permits shall be obtained by CLF&P.

Prior to construction, all supervisory construction personnel will be instructed on the protection of cultural and ecological resources. To assist in this effort, the construction contract will address a) Federal and State laws regarding antiquities and plants and wildlife, including collection and removal, and b) the importance of these resources and the purpose and necessity of protecting them.

Cheyenne Light, Fuel, and Power will implement the Project Construction and Conservation Measures listed in the Terry Ranch Road Natural Resource Report and Biological Report compiled by Aquaterra Environmental Solutions, Inc.

Specific Conservation Measures include:
Prior to ingress of migratory birds into the area, CLF&P will mow or clear the prairie vegetation at the future construction site to prevent, as much as possible, nest development of migratory ground nesting birds in the construction area. If construction is to occur in migratory bird habitat during the breeding and nesting season, CLF&P would survey potential habitat for the presence/absence of migratory nests and would avoid construction within at least 200 feet of nest sites until 7 days post-hatching. Certain species (e.g., raptors and early season passerines) may start nesting sooner and the appropriate project preplanning would be necessary to avoid having to delay construction until after young birds have fledged in August or September. CLF&P will consult with Western to determine the appropriate nesting survey protocols to locate nests, timing limitations and spatial buffers to avoid or minimize direct and indirect effects.

CLF&P would design and construct the transmission line in conformance with *Suggested Practices for Protection of Raptors on Powerlines: the State of the Art in 1996* (Avian Power Line Interaction Committee 1996), to eliminate the potential for raptor electrocution. CLF&P would install bird flight diverters, as deemed necessary by Western, to mitigate the potential for future raptor collisions.

To minimize impacts to nesting raptors, CLF&P will conduct surveys prior to the initiation of construction-related activities within 1.0 mile of the Project Area. In general, no construction-related activities shall occur within 1.0 mile of any active raptor nest from February 1 through July 31. However, if a nest is determined to be active, CLF&P will immediately notify the U.S. Fish and Wildlife Service (USFWS) and a raptor mitigation plan will be developed and implemented with the concurrence of the USFWS and the Wyoming Game and Fish Department (WGFD).

While it is not often effective to prevent animals' access into substations, CLF&P would reduce impacts by utilizing protection for buswork, circuit breakers, transformers, and capacitors. Hazard guards and insulation would be installed, as necessary.

The contractor shall exercise care to preserve the natural landscape and shall conduct his construction operations to prevent any unnecessary destruction, scarring, or defacing of the natural surroundings in the vicinity of the work. Except where clearing is required for permanent works, approved construction roads, or excavation operations, vegetation shall be preserved and shall be protected from damage by the contractor's construction operations and equipment. Clearing or mowing of the substation site may occur prior to migratory bird nesting season in order to discourage nesting at the construction site.

On completion of the work, all work areas except access trails shall be scarified or left in a condition that will facilitate natural revegetation, provide for proper drainage, and prevent erosion. All destruction, scarring, damage, or defacing of the landscape resulting from the contractor's operations shall be repaired by the contractor.

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.

Gene Iley, Jr. **Date:** 3/29/12
Signature

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

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Terry Ranch Road Substation, Laramie County, Wyoming

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

Application of Categorical Exclusions (1021.410)	Disagree	Agree	Unknown
(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. 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, 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	X		

identified as needing protection through Executive Order, statue, 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:			
(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		

(5) Involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those of the Department of Agriculture, the Environmental Protection Agency, and the National Institutes of Health.	X		