

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

Western Area Power Administration and Tri-State Generation and Transmission Association, Inc.,  
Facility Exchange Project, Lincoln and Weld Counties, Colorado;  
Cheyenne County, Nebraska; and Fremont County, Wyoming

- A. Brief Description of Proposal:** Western Area Power Administration (Western), Tri-State Generation and Transmission Association, Inc. (Tri-State), and High Plains Power, Inc. (High Plains) (collectively the Parties), propose to transfer and exchange land rights, electrical equipment, and transmission line ownership. The Parties constructed and now operate and maintain interconnected electrical transmission systems. To achieve operational efficiencies and improved customer service, the Parties propose an equitable exchange of metering and communication equipment, as well as transmission, distribution, and land rights in lieu of constructing new facilities. A list of the facilities to be transferred and exchanged is provided below.

**Transfer of easement and facility by Tri-State/High Plains to Western:**

- Prospect Valley-Sand Creek 115-kV Transmission Line (private land), 6.6 miles, Weld County, Colorado.

**Transfer of easement and facility by Western to Tri-State:**

- Limon-Big Sandy 115-kV Transmission Line (State of Colorado and private lands), 4.0 miles, Lincoln County, Colorado.
- Badwater-Lost Cabin 69-kV Transmission Line (approximately 1600 feet of the line is located on BLM land, the rest is on private lands), approximately 1.5 miles, Fremont County, Wyoming.

**Transfer of ownership by Tri-State/High Plains to Western:**

- Electrical equipment (printed circuit boards, switches, relays, and meters) at Badwater Substation, Fremont County, Wyoming.

**Transfer of ownership by Western to Tri-State:**

- Limon Substation with equipment in Lincoln County, Colorado.
- Relays at Sidney Substation, Cheyenne County, Nebraska.
- KV1A transformer and other electrical equipment (CTs, CCVTs, relays, switcher, switch boards) at Badwater Substation, Fremont County, Wyoming.

The use of the properties will remain essentially the same. Each Party shall be responsible for the operation, maintenance, and replacement of the facility transferred to such Party. The property transfers and exchanges are documented in Contract No. 11-RMR-2247/TS-11-0020.

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

B1.24 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

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substances at a level, or in a form, that could pose a threat to public health or 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.

**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.

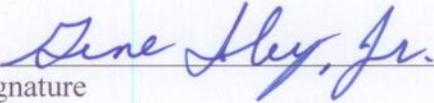
**D. Special Stipulations Pertaining to the Proposal:**

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

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- 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: 3/28/12

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

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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>   | 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. Extraordinary circumstances are unique situations presented by specific proposals, 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  | X        |       |         |

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| <p>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:</p> |   |  |  |
| <p>(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;</p>  | X |  |  |
| <p>(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);</p>  | X |  |  |
| <p>(iii) Floodplains and wetlands (as defined in 10 CFR 1022.4, —Compliance with Floodplain and Wetland Environmental Review Requirements: “Definitions,” or its successor);</p>  | X |  |  |
| <p>(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;</p>   | X |  |  |
| <p>(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;</p>  | X |  |  |
| <p>(vi) Special sources of water (such as sole-source aquifers, wellhead protection areas, and other water sources that are vital in a region); and</p>   | X |  |  |

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| (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 |  |  |

**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).**