

# ENVIRONMENTAL REVIEW FOR CATEGORICAL EXCLUSION DETERMINATION

## Rocky Mountain Region, Western Area Power Administration

### Badwater - Thermopolis 230-kV Transmission Line

#### Danger Tree Management

#### Fremont and Hot Springs Counties, Wyoming

#### Project No. 2016-135

A. **Brief Description of Proposal:** Western Area Power Administration (WAPA) proposes to survey and inspect areas along the Badwater - Thermopolis (BDW-TH) 230-kV Transmission Line located in Fremont and Hot Springs Counties, Wyoming. WAPA will conduct routine vegetation management and danger tree removal intermittently along the right-of-way (ROW) from the Thermopolis Substation Structure 0/1 to Structure 10/3, around Structure 22/5, and from Structure 38/3 to 41/3 near the Badwater Substation. 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 lines will be removed. Individual trees will be cut, lopped, and scattered within the existing ROW. Also proposed is routine maintenance to clear vegetation in and around transmission structures, as needed, to ensure safe access. Vegetation that is 50-feet or less from transmission structures will be managed. All tree removal activities will be conducted using hand tools only, no mechanical equipment use is authorized as part of this Categorical Exclusion (CX). No ground disturbance will occur. Crews will consist of two to five persons. Equipment used will include pickup trucks, small all-terrain vehicles (ATV's), pull-behind chippers, laser measuring devices, ropes, and chainsaws. All travel will be confined to existing ROW 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 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;

**ENVIRONMENTAL REVIEW FOR CATEGORICAL EXCLUSION DETERMINATION**

**Rocky Mountain Region, Western Area Power Administration**

**Badwater - Thermopolis 230-kV Transmission Line**

**Danger Tree Management**

**Fremont and Hot Springs Counties, Wyoming**

***Project No. 2016-135***

- (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 reseeded, 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:

- 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 pre-exist 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

**ENVIRONMENTAL REVIEW FOR CATEGORICAL EXCLUSION DETERMINATION**

**Rocky Mountain Region, Western Area Power Administration**

**Badwater - Thermopolis 230-kV Transmission Line**

**Danger Tree Management**

**Fremont and Hot Springs Counties, Wyoming**

***Project No. 2016-135***

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, WAPA's Environmental Division must be contacted to determine whether additional environmental review is required.

**This Categorical Exclusion expires at the end of the original Period of Performance for Task Order No. VMW-126, issued under Master Contract DE-AM65-11WJ91848.** If the Period of Performance for this Task Order is modified, or if the need for a project extension is anticipated, WAPA's Environmental Division must be contacted for an updated environmental review.

To comply with the Migratory Bird Treaty Act, work should be scheduled outside the March 1 to July 31 general nesting period. If work is to be done during this period, contact WAPA's Environmental Division at least 60 days before the work is scheduled so that they may arrange for a pedestrian survey to be conducted no more than 5 calendar days in advance of the maintenance crews to identify active nests that are to be avoided.

If any cultural resources are inadvertently discovered during implementation of the proposed action, work within 100-feet of the discovery area shall halt immediately, WAPA's archaeologist shall be contacted immediately, and the resource shall be evaluated by an archaeologist or historian who meets the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61). Work in the area of discovery shall not resume until notification to proceed is provided by WAPA's archaeologist.

If any possible human remains are inadvertently discovered during implementation of the proposed action, work within 100-feet of the discovery area shall halt immediately and WAPA's archaeologist shall be notified immediately by telephone (no later than 24 hours from the time of discovery). A reasonable effort shall be made to protect the remains from looting and/or further damage. If the discovery is located on Federal or Tribal lands, the provisions of the Native American Graves

**ENVIRONMENTAL REVIEW FOR CATEGORICAL EXCLUSION DETERMINATION**

**Rocky Mountain Region, Western Area Power Administration**

**Badwater - Thermopolis 230-kV Transmission Line**

**Danger Tree Management**

**Fremont and Hot Springs Counties, Wyoming**

***Project No. 2016-135***

Protection and Repatriation Act of 1990, as amended, and implementing regulations 43 CFR.10 shall be followed. In this situation, a mandatory minimum 30 day halt to construction activities in the area of discovery is required. If the discovery is located on State or private lands, the appropriate State laws regarding the discovery of human remains shall be followed. Work in the area of discovery shall not resume until notification to proceed is provided by WAPA's archaeologist.

The proposed action shall be completed on foot with hand tools (i.e. chainsaws), with no brush piling or dragging of felled trees through known cultural resource site boundaries. All vehicular traffic (other than with an ATV) will be confined to existing access roads. This is especially important within 600-feet around Structure 39/1. Please see avoidance map (attached).

WAPA has a clean vehicle policy intended to prevent the transport of non-native and invasive plants and animals, including noxious weeds and aquatic nuisance species. Operators will be required to thoroughly wash all vehicles and equipment (trailers, trucks, UTVs, etc.) before entering the action area and working on the project.

WAPA shall exercise care to preserve the natural landscape and shall conduct this project to prevent any unnecessary destruction, scarring, or defacing of the natural surroundings in the project vicinity. 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 WAPA's construction operations and equipment. If operations or equipment cause terrain damage, the maintenance crew shall repair the damage.

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. Project work shall not be conducted during periods when the soil is too wet to adequately support construction equipment. If equipment creates ruts in excess of six inches deep, the soil shall be deemed too wet to adequately support construction equipment.

To comply with Section 404 of the Clean Water Act and Executive Order 11990, Protection of Wetlands, any work adjacent to or in a wetland will be accomplished by hand. No mechanized equipment other than hand carried chain saws may be used below the ordinary high water mark in wetland areas.

The Applicator shall meet all state licensing requirements for herbicide applicators and shall follow all applicable Federal, State, and local laws, regulations, and guidelines. The Applicator shall use only EPA-registered herbicides that are approved for the intended use and location, and shall follow all applicable label directions.

**ENVIRONMENTAL REVIEW FOR CATEGORICAL EXCLUSION DETERMINATION**

**Rocky Mountain Region, Western Area Power Administration**

**Badwater - Thermopolis 230-kV Transmission Line**

**Danger Tree Management**

**Fremont and Hot Springs Counties, Wyoming**

***Project No. 2016-135***

**E. Determination:** Based on my review of information provided to me and in my possession concerning the proposed action, I have 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.

  
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Signature

Date: 30 NOV 2016

Brian Little  
NEPA Compliance Officer  
Rocky Mountain Customer Service Region  
Western Area Power Administration

Prepared by: Tim Snowden

**ENVIRONMENTAL REVIEW FOR CATEGORICAL EXCLUSION DETERMINATION**

**Rocky Mountain Region, Western Area Power Administration**

**Badwater - Thermopolis 230-kV Transmission Line**

**Danger Tree Management**

**Fremont and Hot Springs Counties, Wyoming**

**Project No. 2016-135**

**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		

**ENVIRONMENTAL REVIEW FOR CATEGORICAL EXCLUSION DETERMINATION**

**Rocky Mountain Region, Western Area Power Administration**

**Badwater - Thermopolis 230-kV Transmission Line**

**Danger Tree Management**

**Fremont and Hot Springs Counties, Wyoming**

***Project No. 2016-135***

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		

**ENVIRONMENTAL REVIEW FOR CATEGORICAL EXCLUSION DETERMINATION**

**Rocky Mountain Region, Western Area Power Administration**

**Badwater - Thermopolis 230-kV Transmission Line**

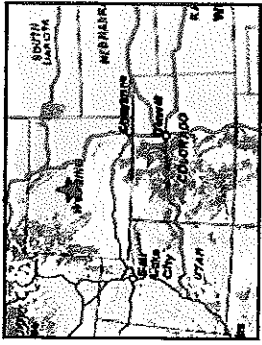
**Danger Tree Management**

**Fremont and Hot Springs Counties, Wyoming**

***Project No. 2016-135***

(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		
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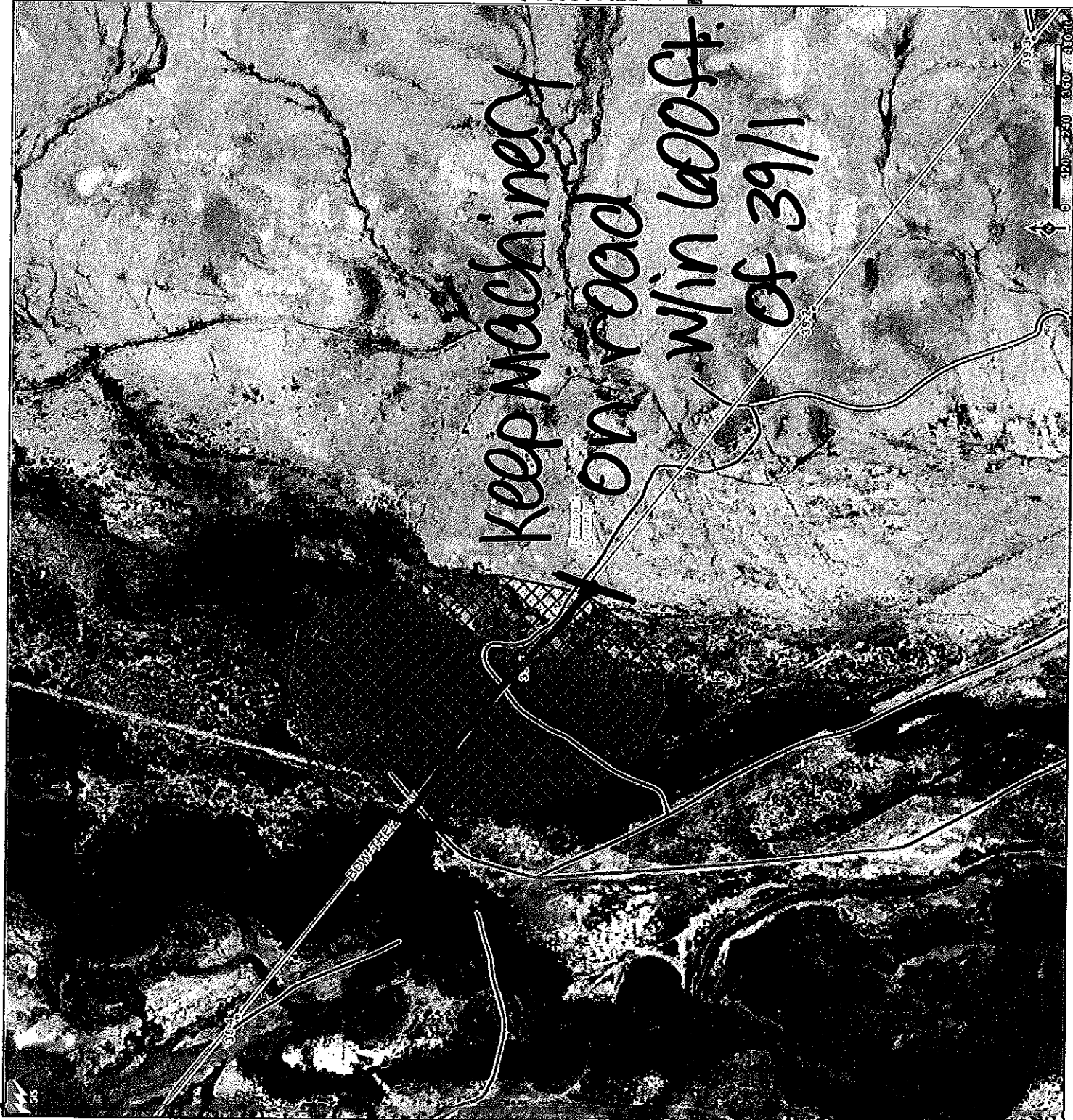
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A Division of the U.S. Department of Energy

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Scale 1:3,532  
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- Proposed and Re-route structures
- Complete Structure
- Incomplete Structure
- Distribution Structure
- ▲ Proposed or Re-route T-Line
- ▲ Complete T-Line
- ▲ Incomplete T-Line
- ▲ Distribution Line
- ▲ Underground T-Line
- ▲ Access Road
- Documented Access Road
- ROW Maintenance Road
- Proposed New Access Road
- Non Western Documented Access Road
- Public Road
- Abandon Road
- Cultural Survey Area
- Road Survey Area
- ▲ Proposed Facilities
- ▲ Facility / Location / Inventory
- ▲ State
- ▲ County
- ▲ ZIP Areas

2016-135  
Avoidance  
Map  
Veg. Task  
Order #126



Keep Machinery  
on road  
w/in 600ft.  
of 3911