

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

**North Fork - Rifle 230-kV Transmission Line
Vegetation Management - Task Order No. 111
Delta, Garfield and Mesa Counties, Colorado
Project Number: 2016-186
*Expiration Date: February 28, 2022***

A. Brief Description of Proposal: Western Area Power Administration (WAPA), Rocky Mountain Region (RMR), proposes to conduct routine vegetation management along its North Fork-Rifle (NFK-RFL) 230-kV Transmission Line right-of-way (ROW) in Delta, Garfield, and Mesa Counties, Colorado. This work will include all transmission structures between the North Fork (NKF) Substation (Structure 28/4) and the Rifle (RFL) Substation (Structure 80/5A). The intent of WAPA’s vegetation management program is to secure and maintain a manageable and stable ROW that minimizes vegetative threats to transmission system safety, security, and reliability, and ultimately does not require frequent re-treatments. Achieving a desired condition is a process that may require several treatments over an extended period of time. Once a desired condition is achieved, it is intended that the desired condition will be proactively maintained. WAPA’s desired condition, as stated in *WAPA Order 450.3C*, is consistent with American National Standards Institute (ANSI) A300 Part 7 and the minimum vegetation clearance distances (MVCS) as defined by North American Electric Reliability Corporation (NERC) standard FAC-003-4.

The intent of this proposed activity is to continue to move the NFK-RFL ROW closer to WAPA’s desired condition. This proposed activity will enlist trained vegetation management crews to assess the ROW conditions, identify incompatible vegetation, and trim and remove incompatible vegetation, including “danger trees” as defined in *WAPA Order 430.1C*, using the appropriate means for the terrain and vegetation type. Appropriate means of vegetation removal may include equipment such as masticators, hydroaxes, skid-steers with brush-hog attachments, mulchers, chippers, chainsaws, pickup trucks, ATVs/UTVs, measuring equipment, and associated forestry tools. Herbicide may also be applied to stumps to alleviate sapling regrowth. The Transmission Line will be accessed via existing access routes; no road maintenance or new road construction is required, and only rubber-treaded vehicles will be used. The proposed work will be confined to WAPA’s existing ROWs.

This Categorical Exclusion (CX) supersedes the previous two CXs, issued July 11, 2017, and July 14, 2017, both with original expiration dates of February 28, 2019. The proposed action described within remains the same as the previously-issued CXs. The Special Stipulations (Section D, below) have been updated for this CX and supersede all original stipulations.

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

B1.3. Routine Maintenance

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.

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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 Part 1506.1 or 10 CFR Part 1021.211.

D. Special Stipulations Pertaining to the Proposal:

- 1) If the scope of work of this project changes, RMR’s Environment Department must be contacted to determine whether additional environmental review is required.
- 2) **This Categorical Exclusion (CX) expires on February 28, 2022.** If all project work has not been completed by the expiration date, or if the need for an environmental compliance extension is anticipated, RMR’s Environmental Department must be contacted for an updated environmental review.

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- 3) **The RMR Vegetation Management Program must coordinate with the U.S. Department of Agriculture (USDA) Forest Service, Grand Mesa, Uncompahgre & Gunnison National Forest and the White River Forest, to identify blocks of functional vegetation within suitable Canada lynx habitat to be retained to ensure lynx habitat connectivity. This requirement must be met to ensure compliance with the U.S. Fish and Wildlife Service's (USFWS) 2014 Biological Opinion for WAPA's Routine Maintenance and Vegetation Management Practices in Colorado, Nebraska, and Utah.**
- 4) **On public lands managed by the USDA Forest Service (approximately 260 feet south of Structure 39/5 to 490 feet north of Structure 68/5), only "danger tree" management is authorized. No routine vegetation management activities shall occur within this span.**
- 5) **From June 1 to August 31, no vegetation management work shall occur within a 500-foot radius of Structure 35/4 to avoid potential impacts to nesting yellow-billed cuckoo.**
- 6) **The proposed action shall be completed on foot with hand tools (i.e. chainsaws) within the following locations to avoid impacts to sensitive biological resources:**
 - Structures 73/1 - 73/2
 - Structures 74/1 - 74/2
 - Structures 78/2 - 78/3
 - Structures 79/2 - 79/3
 - Structures 79/5 - 80/1
 - Structures 80/2 - 80/3
- No brush piling or dragging of felled trees shall occur in these locations, and all vehicular traffic (other than with an ATV) shall be confined to existing access roads.**
- 7) **No trees designated as a "Wildlife Tree" by the U.S. Department of Agriculture Forest Service (USFS) shall be removed.** Several of these designated trees exist between Structures 43/2 - 43/3 and 43/5 - 44/1. These trees are designated with a USFS sign that reads: "Wildlife Tree Saved for Their Food and Shelter. Do Not Cut."
- 8) **Mechanical vegetation management must not occur within waters of the United States. Vegetation management crews must use only hand tools (e.g. chainsaws) with no heavy machinery (e.g. self-propelled machine grinder, etc.) allowed within wetland boundaries and below the ordinary high water mark of surface waters. All access for vegetation management crews within such areas must be on foot and no brush piling is authorized.**
- 9) **To comply with the Migratory Bird Treaty Act, Vegetation Management activities should be scheduled outside the March 1 to July 31 general nesting period. If work is to be done during this period, contact RMR's Environment Department at least 90 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 must be avoided.**

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- 10) Any injured or orphaned birds, and all active nest relocations, must be immediately reported to the RMR Avian Protection Leads at 970-593-8803 or 970-278-7119. Any dead birds must be reported to the RMR Avian Protection Leads within twenty-four (24) hours of discovery. Additional documentation, such as photographs and GPS coordinates, may be requested to support RMR's reporting requirements to the U.S. Fish and Wildlife Service.
- 11) **Cultural resources that must be avoided have been identified on maps that have been provided to RMR's Regional Vegetation Management Program Staff.** Vegetation management crews must use only hand tools (e.g. chainsaws) with no heavy machinery (e.g. self-propelled machine grinder, etc.) allowed within cultural resource boundaries. All access for vegetation management crews within cultural resource boundaries must be on foot and no brush piling is authorized.
- 12) If any cultural resources are inadvertently discovered during implementation of the proposed action, work within 100-feet of the discovery area must halt immediately, RMR's Archaeologist must be contacted immediately. Work in the area of discovery must not resume until notification to proceed is provided by RMR's Archaeologist.
- 13) If any possible human remains are inadvertently discovered during implementation of the proposed action, work within 100-feet of the discovery area must halt immediately and RMR's Archaeologist must be notified immediately by telephone (no later than 24 hours from the time of discovery). A reasonable effort must be made to protect the remains from looting and/or further damage. Work in the area of discovery must not resume until notification to proceed is provided by RMR's Archaeologist.
- 14) To prevent the transport of non-native and invasive plants and animals, including noxious weeds and aquatic nuisance species, work crews must thoroughly wash all vehicles and equipment (trailers, trucks, UTVs, etc.) before entering the action area and working on the project.
- 15) Pesticide and herbicide applicators must meet all state licensing requirements and must follow all applicable federal, state, and local laws, regulations, and guidelines. Applicators must use only EPA-registered pesticides and herbicides that are approved for the intended use and location, and must follow all applicable label directions.
- 16) Activities involving the use of fuel, oil, hydraulic fluid, or other petroleum products must comply with RMR's Spill Response Plan (SRP).

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- 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.

Signature and Date

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

Prepared by: Erik Bray

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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

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 Part 1508.25(a)(1)), is not related to other actions with individually insignificant but cumulatively significant impacts (40 CFR Part 1508.27(b)(7)), and is not precluded by 40 CFR Part 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 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:	X		
(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		

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(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 Part 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 Part 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		