

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

**Estes-Mary's Lake East 115-kV, Estes-Mary's Lake West 115-kV, and Mary's Lake-East
Portal 69-kV Transmission Lines
Fiber Optic Ground Wire (OPGW) Installation
Larimer County, Colorado
Project Number: 2018-028**

- A. Brief Description of Proposal:** Western Area Power Administration (WAPA) proposes to install new fiber optic ground wire (OPGW) on approximately 0.1 miles of its existing Estes-Mary's Lake East (E-MLA-E) 115-kV Transmission Line, approximately 3.1 miles of its existing Estes-Mary's Lake West (E-MLA-W) 115-kV Transmission Line, and approximately 3.1 miles of its existing Mary's Lake-East Portal (MLA-EP) 69-kV Transmission Line, all located in Larimer County, Colorado. This project is part of WAPA's ongoing program to update and improve its communication system.

The new OPGW would replace the existing overhead ground wire (OGW) on the E-MLA-E, E-MLA-W, and MLA-EP Transmission Lines. The OPGW would not be visibly different from the existing OGW. Equipment including a helicopter, bucket trucks, wire pullers and tensioners, cranes, and work trucks would be used to install the new OPGW. The existing OGW would be used to pull the new OPGW into place, with "pulling sites" positioned on previously-disturbed areas at Estes Switchyard, Mary's Lake Metering Station, Mary's Lake Power Plant, and East Portal. The "pulling sites" would be used to pull, wind, and remove the old OGW, and feed, tighten, and secure the new OPGW. The individual lengths of OPGW would be spliced together at these facilities. WAPA would also have a helicopter landing zone of approximately 10,000 ft² (0.23 acres) located on a temporary easement near E-MLA-W Structures 2/6 and 2/7, which would be used by the helicopter for loading and unloading line crew members and equipment. Designated parking for line crew vehicles, trailers, and a fuel truck would be located on WAPA's existing access roads and transmission line right-of-way (ROW). This work would be confined to WAPA's ROW and existing access routes on private lands and public lands managed by the Bureau of Reclamation (BOR), as well as temporary easement on BOR land.

This Categorical Exclusion (CX) supersedes the original CX issued August 8, 2018, with an original expiration date of August 8, 2021. The proposed action has been updated to reflect new project details received since the original CX was issued. 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.)

B4.7 Fiber Optic Cable

- 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:

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- 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:

- 1) If the scope of work of this project changes, WAPA's Environmental Division must be contacted to determine whether additional environmental review is required.
- 2) **This Categorical Exclusion (CX) expires August 8, 2021.** If all project work has not been completed by the expiration date, or if the need for an environmental compliance extension is anticipated, WAPA's Environmental Division must be contacted for an updated environmental review.
- 3) Any injured or dead birds encountered on WAPA's ROW shall be immediately reported to the RMR Avian Protection Leads by telephone at 970-593-8803 or 970-278-7119. 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.

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- 4) Active avian nests must not be disturbed or damaged. An avian nest becomes active when the first egg is laid, and remains active until all offspring have fledged and the nest is empty. Any active nests located on WAPA's transmission structures, substation equipment, or other areas that may threaten the safety of the nesting birds or pose a threat of fire hazard, mechanical failure, or power outage must be reported to the RMR Avian Protection Leads as soon as possible. Inactive nests that do not belong to threatened species, endangered species, or eagles may be removed and destroyed in accordance with WAPA's Avian Protection Plan (APP). Contact RMR's Environment Department prior to nest removal to ensure conformance with the APP.
- 5) If any cultural resources are inadvertently discovered during implementation of the proposed action, work within 100-feet of the discovery area shall halt immediately, RMR's Archaeologist shall be contacted immediately. Work in the area of discovery shall not resume until notification to proceed is provided by RMR's Archaeologist.
- 6) 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 RMR'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. Work in the area of discovery shall not resume until notification to proceed is provided by RMR's Archaeologist.
- 7) 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.
- 8) 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. Vegetation shall be preserved and protected from damage by WAPA's operations and equipment. If operations or equipment cause terrain damage, the maintenance crew shall repair the damage.
- 9) 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: Andrea M. Severson

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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. 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. 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	X		

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preexist in the environment such that there would be uncontrolled or unpermitted releases;			
(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		
(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		

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(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		