

ENVIRONMENTAL REVIEW FOR CATEGORICAL EXCLUSION DETERMINATION

Rocky Mountain Region, Western Area Power Administration

Flatiron - Pole Hill and Estes - Pole Hill 115-kV Transmission Lines

Danger Tree Management (Hand Work)

Larimer County, Colorado

Project Nos.: 2018-057 & 2018-058

Expiration Date: December 31, 2024

A. Brief Description of Proposal: Western Area Power Administration (WAPA) proposes to conduct “danger tree” management along its Flatiron - Pole Hill (F-PH) 115-kV, and Estes - Pole Hill (E-PH) 115-kV Transmission Lines located in Larimer County, Colorado. “Danger tree” management will be conducted within WAPA’s rights-of-way (ROWs) between Structure 3/5 and the Pole Hill Substation on the Flatiron - Pole Hill Transmission Line, and Structures 2/6 to 7/2, on the Estes - Pole Hill Transmission Line. Work will occur on private lands and those managed by the U.S. Department of Agriculture Forest Service and the State of Colorado. 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, 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 (MVCD) 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 ROW closer to, or actively maintain, WAPA’s desired condition.

The proposed activity will enlist trained vegetation management crews to assess the ROW condition, identify incompatible vegetation, and trim and/or remove incompatible vegetation, including “danger trees” as defined in WAPA Order 430.1C, using only hand cutting techniques. No mechanical vegetation removal is authorized for this project. Equipment used for vegetation management may include chainsaws, pickup trucks with pull-behind chippers, ATVs, measuring equipment, and bucket trucks. Only rubber-treaded vehicles will be used. The transmission line will be accessed via existing access routes; no road maintenance or new road construction is authorized.

This Categorical Exclusion (CX) supersedes the previous two CXs issued on July 20, 2018 and September 21, 2018. The proposed action described within remains the same as the previously issued CXs. The Special Stipulations (Section B, below) have been updated for this CX and supersede all previous CX stipulations.

B. 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 expires on *December 31, 2024*.** 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 Environment Department must be contacted for an updated environmental review.

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- 3) Any injured or orphaned birds, and all active nest relocations, must be immediately reported to the RMR Avian Protection Lead at (970) 593-8803. Any dead birds must be reported to the RMR Avian Protection Lead 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.
- 4) Vegetation management crews must carefully inspect vegetation for active avian nests prior to any vegetation management activities between May 15 and August 15 (alternate dates may be used if justified). Vegetation must be inspected no more than five (5) calendar days in advance of vegetation management activities during this time period. If an active avian nest is found in vegetation that needs trimmed or removed, vegetation management activities must be delayed until the nest is no longer active. An avian nest becomes active when the first egg is laid and remains active until all offspring have fledged (left the nest) and the nest is empty. Inactive (empty) 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 must halt immediately and an RMR Archaeologist must be contacted immediately at (970) 461-7563 or (970) 461-7214. Work in the area of discovery must not resume until notification to proceed is provided by an RMR Archaeologist.
- 6) 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 an RMR Archaeologist must be notified immediately at (970) 461-7563 or (970) 461-7214 (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 an RMR Archaeologist.
- 7) When working with machinery in a wetland the Vegetation management crews must adhere to the following actions allowed as per the Clean Water Act. Actions may include cutting and pruning trees or shrubs at ground surface and mowing herbaceous (soft stemmed) vegetation. However, the crews must leave all stumps or large roots in place and may not add or remove soil.
- 8) 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.
- 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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C. Number and Title of the Categorical Exclusion Being Applied: (See text in 10 CFR Part 1021, Subpart D.)

B1.3. Routine Maintenance

D. 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.

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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 environmental assessment (EA) or an environmental impact statement (EIS).

**JAMES
WOOD**

 Digitally signed by
JAMES WOOD
Date: 2020.12.15
09:18:29 -07'00'

Signature and Date

James Wood
NEPA Compliance Officer
Rocky Mountain Region
Western Area Power Administration

Prepared by:
Scott Morey, Environmental Protection Specialist
Brian Joseph, Archaeologist

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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 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 identified as needing protection	X		

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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:			
(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		

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(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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