

**ENVIRONMENTAL REVIEW FOR CATEGORICAL EXCLUSION DETERMINATION**

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

**Lovell - Yellowtail 115-kV Transmission Line  
Vegetation and Danger Tree Management - Task Order No. 127  
Big Horn County, Wyoming and  
Carbon and Big Horn Counties, Montana  
Project Nos. 2018-064 & 2018-065**

- A. Brief Description of Proposal:** Western Area Power Administration (WAPA) proposes to conduct Vegetation and Danger Tree Management along 44.2 miles of its Lovell - Yellowtail (LV-YT) No. 1 and No. 2 115-kV Transmission Lines right-of-way (ROW). The work will occur from Structures 2/4 on LV-YT No. 1 and 2/6 on LV-YT No. 2, near the Lovell, Wyoming Substation to Structures 46/5 on LV-YT No. 1 and 42/6 on LV-YT No. 2, at the Yellowtail Substation in Fort Smith, Montana. The ROW widths for each line are 75-feet. The project is located on private lands and those managed by the U.S. Department of Interior (USDI) Bureau of Land Management, USDI National Park Service, and the Crow Tribe of Montana. The work is a continuation of annual vegetation and danger tree removal and clearing around transmission line structures.

The proposed activity will enlist trained vegetation management crews to assess the ROW condition, identify "danger trees" (as defined in *WAPA Order 430.IC*), and trim and remove these trees using hand cutting techniques only. Any "danger trees" and vegetation that constitute an electrical hazard to the line will be removed. Individual trees will be cut, lopped, and scattered within the existing ROW using hand tools only. No mechanized clearing is authorized under this Categorical Exclusion (CX). Also proposed is routine maintenance to clear vegetation in and around transmission structures, as needed, to ensure access to the structures. Vegetation that is 50-feet or less from a transmission line structure will be pruned or removed using hand tools. Herbicide may be sprayed on tree stumps to alleviate sapling regrowth. No ground disturbance will occur. Crews will consist of two to five persons. Equipment used may include pickup trucks, 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

- C. Regulatory Requirements in 10 CFR Part 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;

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- 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; and
  - 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, WAPA’s Environmental Division must be contacted to determine whether additional environmental review is required.
- 2) **This CX expires February 28, 2020.** 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) 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.
- 4) To comply with the Migratory Bird Treaty Act, vegetation management work should be scheduled outside the March 1 to July 31 general nesting period. If the vegetation management 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 five (5) calendar days in advance of the vegetation management crew(s) to identify active nests that are to be avoided.

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- 5) 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 WAPA's reporting requirements to the U.S. Fish and Wildlife Service. 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 shall also be reported to the RMR Avian Protection Leads as soon as possible.
- 6) 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.
- 7) 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 Protection and Repatriation Act of 1990, as amended, and implementing regulations 43 CFR Part 10 shall be followed. In this situation, a mandatory minimum 30 day halt to work 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.
- 8) 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 vegetation management equipment. If equipment creates ruts in excess of six (6) inches deep, the soil shall be deemed too wet to adequately support vegetation management equipment.
- 9) Crews shall exercise care to preserve the natural landscape and shall conduct this vegetation management project to prevent any unnecessary destruction, scarring, or defacing of the natural surroundings in the project vicinity. Except where clearing is required for transmission system safety, security, and reliability, vegetation shall be preserved and shall be protected from damage by WAPA's vegetation management operations and equipment.
- 10) 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

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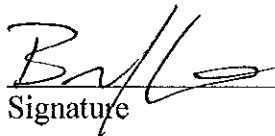
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required to thoroughly wash all vehicles and equipment (trailers, trucks, UTVs, etc.) before entering the action area and working on the project.

- 11) To prevent spills of fuel, oil, hydraulic fluid, or other petroleum products into the environment during fueling or maintenance activities for vehicles, equipment, or tools, project site personnel shall maintain an appropriately sized containment device to contain incidental spills under any work area. All fueling activities shall take place over a drip pan lined with absorbent pads. Used absorbent pads shall be placed into an approved DOT container and removed from the project site for appropriate disposal. In addition, project site personnel shall have on hand sufficient supplies, such as absorbent mats, booms, socks, or other spill containment materials, to be available for immediate spill prevention, containment, and cleanup prior to commencing any refueling activities.
- 12) 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.

**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

Date: 18 MAY 2018

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

Prepared by: Tim Snowden

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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>	<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 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>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	X		

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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 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		

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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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