

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

Routine Avian Protection Activities
Arizona, Colorado, Montana, Nebraska, New Mexico, Utah, and Wyoming
Project Number: 2018-108
Expiration Date: December 31, 2023

A. Brief Description of Proposal: The Western Area Power Administration (WAPA), Rocky Mountain Region (RMR), is a signatory to WAPA's agency-wide Avian Protection Plan (APP). The APP is a tool RMR uses to avoid and minimize avian electrocutions and collisions with electrical transmission system infrastructure, execute actions to promote avian conservation, and strengthen its mission of marketing and delivering reliable, cost-based hydroelectric power and related services.

The following activities related to implementing WAPA's APP **within existing rights-of-way (ROW) and at existing facilities on non-tribal lands** are covered by this Categorical Exclusion (CX):

- (1) Installation and replacement of transmission line marking devices (aerial marker spheres, spirals, and suspended devices);
- (2) Installation and replacement of non-conductive covers (for phase-phase and phase-ground hazards);
- (3) Installation and replacement of nest and perch discouragers;
- (4) Installation and replacement of nesting platforms and artificial perches on existing poles/structures;
- (5) Installation and replacement of exclusion devices or equipment retrofits to reduce entrapment hazards;
- (6) Removal of inactive nests;
- (7) Relocation of active nests that pose a health or safety risk in accordance with applicable permits;
- (8) Collection of collision, electrocution, and entrapment data; and
- (9) Activities permitted under WAPA's Migratory Bird Special Purpose Utility Permits issued by the U.S. Fish & Wildlife Service (USFWS).

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

B1.3 Routine maintenance

B1.20 Protection of cultural resources, fish and wildlife habitat

B3.3 Research related to conservation of fish, wildlife, and cultural resources

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;

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- 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) **Activities not listed in Section A, Items 1 through 9, or activities that cannot be implemented while following all Special Stipulations in Section D, are not authorized to be completed under this CX. In these instances, the project proponent must contact RMR’s Environment Department to initiate the appropriate environmental review.**
- 2) **This CX is valid until December 31, 2023**, or until an updated version is executed by RMR’s Environment Department, whichever comes first.
- 3) This CX does not authorize the installation or removal of wood poles or any other ground disturbing activities. RMR’s Environment Department must be contacted prior to beginning work if ground disturbance is necessary in conjunction with any of the activities described in Section A, Items 1 through 9.

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- 4) Any avian nests (active or inactive) that belong, or are suspected to belong, to bald or golden eagles or threatened or endangered (T&E) species must not be removed or relocated without the appropriate individual permits. If a nest is known or suspected to be an eagle or T&E species nest, RMR's Avian Protection Leads must be contacted at 970-593-8803 or 970-278-7119 before any action is taken.
- 5) 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 USFWS.
- 6) U.S. Department of Agriculture (USDA) Wildlife Services may be contacted at 866-487-3297 for emergency assistance with active nests, injured birds, and orphaned birds.
- 7) All activities must comply with the Conditions and Authorizations of WAPA's current USFWS Migratory Bird Special Purpose Utility Permits, State Permits, and Tribal Permits. RMR's Avian Protection Leads must be contacted if it is unclear whether an activity requires additional permits or other authorizations.
- 8) 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.
- 9) 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.
- 10) Transmission line and substation components must be designed and constructed in conformance with the most current editions of *Suggested Practices for Avian Protection on Power Lines* and *Reducing Avian Collisions with Power Lines*, both published by the Avian Power Line Interaction Committee (APLIC) to minimize avian collision and electrocution risk while maintaining safe and reliable electrical service.

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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

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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	X		

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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		
(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		