

**ENVIRONMENTAL REVIEW FOR CATEGORICAL EXCLUSION DETERMINATION**

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

**Flaming Gorge-Vernal No. 1 138-kV Transmission Line**

**Emergency Structure Relocation**

**Uintah County, Utah**

***Project Number: 2019-063***

***Expiration Date: August 12, 2019***

**A. Brief Description of Proposal:** Western Area Power Administration (WAPA), Rocky Mountain Region (RMR), completed an emergency relocation of Structure 39/3 on the Flaming Gorge-Vernal No. 1 (FGE-VNL-1) 138-kV Transmission Line on June 13 and 14, 2019. The emergency relocation occurred within WAPA's existing right-of-way (ROW) on privately-owned lands in Uintah County, Utah. On June 11, 2019, WAPA's line crew discovered Structure 39/3 was at extreme risk of failure due to exposure of the structure's footer by bank erosion on Ashley Creek. The structure was temporarily stabilized and a power outage was immediately requested to relocate the structure. A power outage was approved for June 13, and crews worked that day to install a new structure approximately 130 feet southwest of the existing structure, within WAPA's existing ROW, and to remove the existing structure on the bank of Ashley Creek. To access the new structure location, WAPA widened an existing two-track access road through a small belt of Russian olive trees. Some trees were removed for the widening of the road. This was necessary to provide within-ROW access to the new structure location for bucket trucks, a crane/auger truck, pole trailer, and other associated vehicles and equipment. The structure installation work included augering new structure holes, placing the new wooden poles, backfilling the holes, and installing all necessary hardware and conductor. Once this work was done, the existing structure was removed and the non-eroded structure hole was filled. All work was completed by the end of the work day on June 14, 2019, and all equipment was removed from the area.

**B. Special Stipulations Pertaining to the Proposal:**

- 1) This Categorical Exclusion (CX) covers emergency work that has already been completed. No further work is authorized under this CX. If additional work is required, RMR's Environment Department must be contacted to determine whether additional environmental review is required.
- 2) WAPA completed an emergency informal consultation with the U.S. Fish and Wildlife Service (USFWS) for this project. WAPA determined this emergency structure relocation may have affected, but was not likely to adversely affect, the Ute ladies'-tresses and the yellow-billed cuckoo. Concurrence was received from the USFWS on August 12, 2019. On June 12, WAPA and USFWS jointly determined no conservation measures were necessary for the Ute ladies'-tresses, and developed the following conservation measures for the yellow-billed cuckoo:
  - Prior to removal of trees or shrubs (e.g. Russian olive and tamarisk), the vegetation must be checked for the presence of birds or nests. If birds or nests are detected, they must be avoided if at all possible.
  - Removal of trees and shrubs (e.g. Russian olive and tamarisk) must be limited to the minimum amount necessary to get the work done.

WAPA implemented these conservation measures, and no birds or nests were detected prior to or after vegetation removal.

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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 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;
  - 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.

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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.

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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

<b>Application of Categorical Exclusions (1021.410)</b>	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>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 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	X		

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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		