

# **ENVIRONMENTAL REVIEW FOR CATEGORICAL EXCLUSION DETERMINATION**

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

### **Flaming Gorge-Vernal No. 1 and Flaming Gorge-Vernal No. 3 138-kV Transmission Lines Vegetation Management (Hand Work and Cut Stump Treatments)**

**Uintah County, UT**

***Project Numbers: 2019-065 and 2019-066***

***Expiration Date: December 31, 2020***

**A. Brief Description of Proposal:** Western Area Power Administration (WAPA), Rocky Mountain Region (RMR), proposes to conduct routine vegetation management along its Flaming Gorge-Vernal No. 1 (FGE-VNL-1) and Flaming Gorge-Vernal No. 3 (FGE-VNL-3) 138-kV Transmission Lines. Routine vegetation management will be conducted within WAPA's right-of-way (ROW) across private lands in Uintah County, Utah, between FGE-VNL-1 Structures 38/8 and 40/9 (Vernal Substation), and FGE-VNL-3 Structures 31/6 and 39/4 (Vernal Substation). 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 action 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. After cutting vegetation, most cut stumps will be treated with a mix of triclopyr (or other herbicide suitable for cut stump treatment), surfactant, and dye. Equipment used for vegetation management may include chainsaws, pickup trucks with pull-behind chippers, ATVs, measuring equipment, bucket trucks, and backpack sprayers. Only rubber-treaded vehicles will be used. The transmission line will be accessed using existing access roads and overland access within the ROW; no road maintenance or new road construction will occur.

**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, 2020.** 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.
- 3) Herbicide applicators must meet all state licensing requirements and must follow all applicable federal, state, and local laws, regulations, and guidelines. Applicators must use only EPA-registered herbicides that are approved for the intended use and location, and must follow all applicable label directions. **All herbicide must be mixed with a dye to ensure visibility of application. Herbicide application must not occur during large-scale rain or wind events.**

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- 4) **No herbicide application may occur until the RMR Vegetation Management Program provides documentation to the RMR Environmental Protection Specialist that a *Notice of Intent (NOI) to Discharge Pesticides on or Near Waters of the State Under the Utah Pollutant Discharge Elimination System (UPDES) General Permit No. UTG-170000* has been submitted to the State of Utah, Department of Environmental Quality, Division of Water Quality; or provides documentation that the State of Utah has determined this herbicide application is not subject to regulation under the UPDES General Permit No. UTG-170000.**
- 5) **The work described within this CX must not begin until the RMR Environmental Protection Specialist provides written notification to the RMR Vegetation Management Program that all necessary surveys and U.S. Fish and Wildlife Service (USFWS) coordination for the yellow-billed cuckoo and Ute ladies'-tresses have been completed. Based upon the results of surveys and coordination, a botanical monitoring program or delayed start date may be required, and these details will be provided with this written notification.**
- 6) Any injured or orphaned birds, and all active nest locations, 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.
- 7) Vegetation management crews must use only hand tools (e.g. chainsaws) with no heavy machinery (e.g. tracked tree chipper, etc.) allowed within wetland boundaries and below the ordinary high water mark of surface waters. All access for vegetation management crews within such areas must be on foot and no debris deposition (e.g. brush piling, chipping, mulching, slash scattering) within such areas is authorized.
- 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 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.
- 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 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.

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10) 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.

11) Activities involving the use of fuel, oil, hydraulic fluid, or other petroleum products must comply with RMR's Spill Response Plan (SRP).

**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.

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- 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.

**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

Matthew Blevins  
NEPA Compliance Officer  
Western Area Power Administration

Prepared by:  
Andrea Severson, 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

<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 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>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	X		

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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		
(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		