

# CATEGORICAL EXCLUSION DETERMINATION



Western Area  
Power Administration  
Rocky Mountain Region

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**Proposed Action Title: Blanket CX for Routine Avian Protection Activities**

**Location: Arizona, Colorado, Montana, Nebraska, New Mexico, Utah, and Wyoming**

**Project Number: 2021-033**

**Expiration Date: December 31, 2026**

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## **A. PROPOSED ACTION DESCRIPTION:**

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 (ROWs) and at existing facilities** 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 perch and nest discouragers;
- (4) Installation and replacement of nesting platforms and artificial perches on existing poles and structures;
- (5) Installation and replacement of exclusion devices or equipment retrofits to reduce entrapment hazards;
- (6) Removal of inactive nests;
- (7) Activities permitted under WAPA's Migratory Bird Special Purpose Utility Permit issued by the U.S. Fish & Wildlife Service (USFWS; refer to Permit for Authorizations and Conditions); and
- (8) Other closely related activities that have little or no environmental or cultural resource impacts or regulated materials concerns as determined by RMR's Environment Department (**requires submission of a Project Initiation Form [PIF] per Stipulation B.2**).

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## **B. STIPULATIONS PERTAINING TO PROPOSAL:**

- 1) Activities listed in **Section A, Items 1 through 7**, that will adhere to all Stipulations in Section B **do not require submission of a PIF** to RMR's Environment Department.
- 2) Activities listed in Section A, Items 1 through 7, that will not adhere to all Stipulations in Section B, and other closely related activities (**Section A, Item 8**), **require submission of a PIF** to

RMR's Environment Department. If approved, RMR's Environment Department will provide written approval for use of this CX.

- 3) **This CX is valid until December 31, 2026**, or until an updated version is executed by RMR's Environment Department, whichever comes first.
- 4) Activities listed in **Section A, Items 6 and 7**, that will be occurring on **tribal lands** require prior notification of the RMR Avian Protection Lead at (970) 593-8803. Additional coordination with tribal agencies may be required before work can proceed.
- 5) 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 Lead must be contacted at (970) 593-8803 before any action is taken.
- 6) All activities must comply with the Authorizations and Conditions of WAPA's current USFWS Migratory Bird Special Purpose Utility Permit and applicable State Permits. RMR's Avian Protection Lead must be contacted if it is unclear whether an activity requires additional permits or other authorizations.
- 7) Any injured or orphaned birds and all observed active nests must be immediately reported to RMR Environment at (970) 593-8803 or (970) 342-6462. Any dead birds must be reported to RMR Environment 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.
- 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) 302-4753 or (970) 286-3523. Work in the area of discovery must not resume until written 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) 302-4753 or (970) 286-3523 (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 written notification to proceed is provided by an RMR Archaeologist.
- 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).



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**C. NUMBER AND TITLE OF THE CATEGORICAL EXCLUSION BEING APPLIED:**

(See text in 10 CFR 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

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**D. REGULATORY REQUIREMENTS 10 CFR 1021.410 (b):** (See full text in regulation)

The proposed action fits within a class of actions that is listed in Appendix A or B of 10 CFR 1021.

To fit within the classes of actions listed in Appendix B, a proposal must be one that would not: (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of the Department of Energy (DOE) or Executive Orders; (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; (3) disturb hazardous substances; pollutants; contaminants; or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases; (4) have the potential to cause significant impacts on environmentally sensitive resources, including, but not limited to, those listed in paragraph B(4) of 10 CFR 1021, Subpart D, Appendix B; (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.

There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal.

The proposal has not been improperly segmented, and 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 conveyed to me and in my possession (or attached) concerning the proposed action, as NEPA Compliance Officer (as authorized under DOE Order 451.1B), I have determined that the proposed action fits within the specified class(es) of action, the other regulatory requirements set forth above are met, and the proposed action is hereby categorically excluded from further NEPA review.

**JAMES  
WOOD**

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JAMES WOOD  
Date: 2021.03.04  
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Signature and Date

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

