

## RECORD OF CATEGORICAL EXCLUSION DETERMINATION

### **Kayenta-Shiprock 230-kV Transmission Line, Nest Removal Project, San Juan County, New Mexico and Apache and Navajo Counties, Arizona**

- A. Brief Description of Proposal:** Western Area Power Administration (Western) proposes to remove empty bird nests on the KAY-SHR 230-kV transmission line structures in New Mexico and Arizona. Nests on the cross-arms of structures above energized wires present a safety hazard for the birds and maintenance personnel and reliability risks for the transmission line. Because of the hazards, Western periodically removes nests structures when they become numerous and/or very large after many years of bird occupation. No golden or bald eagle nests would be impacted.

Crews will consist of 2-5 men. Equipment used includes pick-up trucks and bucket trucks. All travel will be confined to existing rights-of-way access roads. Activity will occur on the Kayenta-Shiprock 230-kV Transmission Line structures at the following Structures: 93-2, 94-4, 96-4 (2 nests), 97-1, 104-2, 128-4, 138-2.

Work must occur outside of the breeding season for birds, and is currently scheduled for September 1 to January 1.

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

B1.3 Routine maintenance activities and custodial services for buildings, structures, rights-of-way, infrastructure (e.g. pathways, roads, and railroads), vehicles and equipment and localized vegetation and pest control, during which operations may be suspended and resumed.

- C. Regulatory Requirements in 10 CFR 1021.410(b)** (Refer to full text in regulation and Attachment A )

1. The proposed action fits within a class of actions that is listed in Appendix A or B to Subpart D.

For classes of actions listed in Appendix B, the following conditions are integral elements; i.e., to fit within a class, the proposal must not:

- Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, including DOE and/or Executive Orders;
- Require siting, construction, or major expansion of waste storage, disposal, recover, or treatment facilities, but may include such categorically excluded facilities;
- Disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that pre-exist in the environment such that there would be uncontrolled or unpermitted releases; or
- Adversely affect environmentally sensitive resources (including but not limited to those listed in paragraph B. (4).\*

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

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

**Work must occur outside of the breeding season for migratory birds between September 1 and January 1.**

Resources maps were provided (see tough books) to Maintenance Division. These maps identify sensitive resources to be avoided. The following sensitive resources must be avoided.

Site gc-shr-env-79

OK to use access road. Stay on existing road. No maintenance or other ground disturbing activities within 50ft of the site. Any ground disturbance requires testing.

Site gc-shr-env-70

OK to use access road. Stay on existing road. No maintenance or other ground disturbing activities within 50ft of the site. Any ground disturbance requires testing.

Site gc-shr-env-71

Ok to use access road. Avoid the site. Do not use road N or current access road.

Site gc-shr-env-73

OK to use access road. Stay on existing road. No maintenance or other ground disturbing activities within 50ft of the site. Any ground disturbance requires testing.

Site gc-shr-env-74

OK to use access road. Stay on existing road. No road maintenance or other ground disturbing activities within 50 ft of the site. Special mitigation required if ground disturbance is necessary.

Site gc-shr-env-75

Avoid the site. Stay on the existing access road and/or t-line ROW.

Site gc-shr-env-45

OK to use access road. Stay on existing road. No maintenance or other ground disturbing activities within 50ft of the site. Any ground disturbance requires testing.

Site gc-shr-env-53

Ok to use road. No ground disturbance within site boundaries.

Site gc-shr-env-303

OK to use access road. Stay on existing road. No maintenance or other ground disturbing activities within 50ft of the site.

Western has a Programmatic Agreement (PA) with the Advisory Council on Historic Preservation, State Historic Preservation Offices, Federal Agencies and Tribal Nations within Western’s Rocky Mountain Region. The PA addresses impacts of routine maintenance of transmission lines, substations and other facilities on archaeological resources. This proposed activity falls within

Category I of Attachment B, i.e. maintenance activity associated with minor surface disturbance. **This provision requires that all work be done by hand, and that the area be accessed with rubber-tired vehicles.**

Western will notify the landowner or appropriate agency before proceeding with work.

If the scope of work for this project changes Western's Maintenance Division must contact Western's Rocky Mountain Region Environment Division for additional environmental review.

If work is not completed within 3 years of the date of this signed document Maintenance Division must contact Western's Rocky Mountain Region Environment Division for additional environmental review.

**E. Determination:**

Based on my review of information provided to me and in my possession concerning the proposed action, I determine 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: 10/25/11

Gene Iley, Jr.  
NEPA Compliance Officer  
Rocky Mountain Customer Service Region  
Western Area Power Administration

[\*Note: This approval applies only to the project/action described in the documents provided by Western Area Power Administration. These project descriptions provide the basis for review of potential impacts on other environmental resources. This approval may not extend to a project/action that differs from the one described.]

**APPENDIX A**

**Conditions That Are Integral Elements of the Classes of Action in Appendix B That Apply to This Proposal**

<b>Application of Categorical Exclusions (1021.410)</b>	<b>Disagree</b>	<b>Agree</b>	<b>Unknown</b>
1) The proposal fits within a class of actions that is listed in appendix A or B to subpart D.		x	
2) There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effect of the proposal, (e.g. scientific controversy about environmental effects; uncertain effects or effects involving unique or unknown risks; unresolved conflicts concerning alternate uses of available resources (see NEPA 102(2)(E))		x	
3) The proposal is not connected (40 CFR 1508.25(a)(1) to other actions with potentially significant impacts, is not related to other proposed actions with cumulatively significant impacts (40 CFR 1508.25(a)(2)), and is not precluded by 40 CFR 1506.1 or § 1021.211.		x	
<b>Conditions that are Integral Elements of the Classes of Actions in Appendix B</b>	<b>NO</b>	<b>YES</b>	<b>UNKNOWN</b>
1) Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety and health, including requirements of DOE and/or Executive Orders <sup>1</sup> .	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.	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 intermitted releases; or	x		
4) Adversely affect environmentally sensitive resources. Including but not limited to: <ul style="list-style-type: none"> <li>• Property of historic, archaeological, or architectural significance designated by Federal, state, or local governments or property eligible for listing on the National Register of Historic Places</li> </ul>	x		
<ul style="list-style-type: none"> <li>• Federally-listed threatened or endangered species or their habitat (including critical habitat), federally-proposed or candidate species or their habitat, or state-listed endangered or threatened species or their habitat;</li> </ul>	x		
<ul style="list-style-type: none"> <li>• Wetlands regulated under the Clean Water Act and Floodplains;</li> </ul>	x		

<ul style="list-style-type: none"> <li>• Areas having a special designation such as Federally- and state-designated wilderness areas, national parks, national natural landmarks, wild and scenic rivers, state and Federal wildlife refuges and marine sanctuaries;</li> </ul>	x		
<ul style="list-style-type: none"> <li>• Prime agricultural lands;</li> </ul>	x		
<ul style="list-style-type: none"> <li>• Special sources of water (such as sole-source aquifers, wellhead protection areas, and other water sources that are vital in a region); and</li> </ul>	x		
<ul style="list-style-type: none"> <li>• Tundra, coral reefs, or rain forests.</li> </ul>			

<b><sup>1</sup>Applicable statutory, regulatory, or permit requirements for environment, safety and health, including requirements of DOE and/or Executive Orders (in addition to those listed above)</b>
Clean Air Act Complies with U.S. DOE Clean Air Act Conformity Requirements
<u>Department of Energy Floodplain and Wetland Regulations (10 CFR 1022)</u>
Clean Water Act <ul style="list-style-type: none"> <li>• Complies with Section 404 requirements</li> <li>• Complies with National Pollutant Discharge Elimination System Permitting requirements</li> </ul>
Complies with <u>Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations</u> (February 11, 1994, with Presidential Memorandum)
Complies with Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds. (January 10, 2001)

1 All reviews and discussion supporting the “not adversely affect” determination have been completed.