



# U.S. Department of Energy

## Categorical Exclusion Determination Form

Submit by E-mail

Proposed Action Title: ROW Renewal: Yellowtail-Custer Transmission Line and Access Roads

Program or Field Office: Yellowtail-Custer 230kv Transmission Line

Location(s) (City/County/State): Crow Indian Reservation

Proposed Action Description:

WAPA has been negotiating a Right-of-Way (ROW) renewal along the Yellowtail-Custer Transmission Line and access road clarification with the Crow Tribe for over 10 years. WAPA's existing ROW along the Yellowtail-Custer Transmission Line expired in 2014 and WAPA submitted a formal Grant of ROW request to the BIA on May 14th, 2021. WAPA is requesting a 50-year term and has proposed no change to the present width, length, size, type, or location of facilities. The new Grant of ROW for the transmission line would remain at 125 feet wide and would formalize WAPA's access road ROW permissions (30 foot wide).

Cultural surveys have been completed for all ROWs (transmission line and access roads) and WAPA determined that isolated finds were not eligible for listing and the project would have no impact to historic properties. Appropriate consultations with the Crow THPO were completed in August/September of 2015. Property appraisals were completed circa 2011 and 2014 and have been accepted by the BIA. There are no extraordinary circumstances for this project and no new ground disturbance is planned.

Categorical Exclusion(s) Applied:

B1.24 - Property transfers

For the complete DOE National Environmental Policy Act regulations regarding categorical exclusions, including the full text of each categorical exclusion, see Subpart D of [10 CFR Part 1021](#).

Regulatory Requirements in 10 CFR 1021.410(b): (See full text in regulation)

The proposal fits within a class of actions that is listed in Appendix A or B to 10 CFR Part 1021, Subpart D.

To fit within the classes of actions listed in 10 CFR Part 1021, Subpart D, 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 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 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 Part 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 listed in paragraph B(5) of 10 CFR Part 1021, Subpart D, Appendix B.

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 segmented to meet the definition of a categorical exclusion. This 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 10 CFR 1021.211 concerning limitations on actions during preparation of an environmental impact statement.

Based on my review of 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.

NEPA Compliance Officer: **John D. Russell** Digitally signed by John D. Russell  
Date: 2021.06.24 14:53:22 -06'00'

Date Determined: 06/24/2021