

Categorical Exclusion (CX) Determination

Proposed Action: Elliot 115kV/43.8kV Transmission Substation Construction and Elliot 43.8kV Transmission Line.

Description of Proposed Action: The Central Power Electric Cooperative (Central Power) is proposing a new substation near Elliot, ND to be owned and operated by Western under Western's Valley City to Forman 115kV transmission line in addition to 8 miles of new 43.8kV transmission line to connect the new substation to Dakota Valley Electric's (a Central Power member) North Milnor substation.

Number and Title of Categorical Exclusions Being Applied: 10 CFR 1021.410 Subpart D, Appendix B, B4.11: Construction of electric power substations... or modification of existing substations and support facilities.

Regulatory Requirements for CX Determination: The DOE Guidelines for Compliance with the Regulatory Requirements for the National Environmental Policy Act at 10 CFR 1021.410(b), require the following determinations be made in order for a proposed action to be categorically excluded from National Environmental Policy Act (NEPA) review:

- 1) The proposed action fits within a class of actions listed in Appendix B to Subpart D.
- 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.

Results of Review: In accordance with DOE environmental regulations (10 CFR 1021) Western has reviewed the proposed action in terms of the level NEPA review needed. Based on this review, Western has determined the proposal is encompassed within a class of action listed in Appendix B to Subpart D (10 CFR 1021.410) which lists actions not normally requiring the preparation of either an Environmental Impact Statement (EIS) or an Environmental Assessment (EA), provided the actions meet the integral elements defined in Appendix B. The proposed action fits into the categorical exclusion listed under B4.11 "Construction of electric power substations... or modification of existing substations and support facilities...". Central Power received a concurrence of "no historic properties affected" from the North Dakota SHPO office on September 14, 2010. The Rural Utilities Service (Lead federal agency) sent Central Power a letter on December 02, 2010 determining that the environmental review for the project was complete and the project is categorically excluded under their regulations.

Determination: Based on my review of information provided to me concerning the proposed action as NEPA Compliance Officer, I have determined that the proposed action fits within the specified class of action, the other regulatory requirements set forth above are met, and the proposed action is categorically excluded from further requirements of NEPA review.



Nicholas J. Stas
NEPA Compliance Officer, UGP



Date