

ENVIRONMENTAL REVIEW FOR CATEGORICAL EXCLUSION DETERMINATION

Rocky Mountain Region, Western Area Power Administration

Miracle Mile - Seminoe 115-kV Transmission Line

Access Road and Right-of-Way Repairs

Carbon County, Wyoming

Project Number: 2016-156

- A. Brief Description of Proposal:** Western Area Power Administration (WAPA) proposes to conduct access road and right-of-way (ROW) repairs on the Miracle Mile - Seminoe (MM-S) 115-kV Transmission Line. A gulch has formed in the ROW under Structures 3/3 to 3/6, destroying the access road to these structures and bisecting the foundation of Structure 3/4. The gulch has also made the access road from Moore Road to Structure 3/6 impassible in several sections. The gulch is the result of runoff and erosional forces following a fire in the vicinity of the MM-S line in recent years. The gulch damage affecting WAPA's right-of-way (ROW) and access road needs repair to allow for continued access to the MM-S structures, and to ensure the stability of Structure 3/4. Additionally, the access road from Structure 3/1 south to Structure 3/3 is in need of routine maintenance.

The access road and ROW repairs would include: grading and installation of drainage structures (culverts) and erosion control measures (rip-rap, water bars) as necessary on the MM-S access roads from Structure 3/1 to 3/3, and from Moore Road to Structure 3/6; rebuilding the landing for Structure 3/4 and stabilizing other sections of the ROW as necessary; and removing standing dead trees and other obstacles that impede safe ROW access. This project would require the use of a dozer, dump truck, skid-steer, motor grader, and track hoe. All work will be conducted within WAPA's existing ROW and access easements on public land under the jurisdiction of the Bureau of Land Management and the State of Wyoming.

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

B1.3 Routine maintenance

- C. Regulatory Requirements in 10 CFR Part 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;

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- 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.
- 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 Part 1506.1 or 10 CFR Part 1021.211.

D. Special Stipulations Pertaining to the Proposal:

- 1) If the scope of work of this project changes, WAPA’s Environmental Division must be contacted to determine whether additional environmental review is required.
- 2) **This Categorical Exclusion expires two years from the signature date.** If all project work has not been completed by the expiration date, or if the need for an environmental compliance extension is anticipated, WAPA’s Environmental Division must be contacted for an updated environmental review.
- 3) Any injured or dead birds encountered on WAPA’s ROW shall be immediately reported to the RMR Avian Protection Leads at (970) 593-8803 or (970) 278-7119. Additional documentation, such as photographs and GPS coordinates, may be requested to support WAPA’s reporting requirements to the U.S. Fish and Wildlife Service. Any active nests located on WAPA’s transmission structures, substation equipment, or other areas that may threaten the safety of the nesting birds or pose a threat of fire hazard, mechanical failure, or power outage shall also be reported to the RMR Avian Protection Leads as soon as possible.
- 4) To comply with the Migratory Bird Treaty Act, vegetation-disturbing activities (brush removal, tree cutting, tree removal, etc.) should be scheduled outside the March 1 to July 31 general nesting period. If vegetation-disturbing activities are to be done during this period, contact WAPA’s Environmental Division at least 30 days before the work is scheduled so that they may arrange for a pedestrian survey to be conducted no more than 5 calendar days in advance of the maintenance crews to identify active nests that are to be avoided.

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- 5) If any cultural resources are inadvertently discovered during implementation of the proposed action, work within 100-feet of the discovery area shall halt immediately, WAPA's archaeologist shall be contacted immediately, and the resource shall be evaluated by an archaeologist or historian who meets the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61). Work in the area of discovery shall not resume until notification to proceed is provided by WAPA's archaeologist.
- 6) If any possible human remains are inadvertently discovered during implementation of the proposed action, work within 100-feet of the discovery area shall halt immediately and WAPA's archaeologist shall be notified immediately by telephone (no later than 24 hours from the time of discovery). A reasonable effort shall be made to protect the remains from looting and/or further damage. If the discovery is located on Federal or tribal lands, the provisions of the Native American Graves Protection and Repatriation Act of 1990 (as amended) and implementing regulations 43 CFR Part 10 shall be followed. In this situation, a mandatory minimum 30 day halt to construction activities in the area of discovery is required. If the discovery is located on State or private lands, the appropriate State laws regarding the discovery of human remains shall be followed. Work in the area of discovery shall not resume until notification to proceed is provided by WAPA's archaeologist.
- 7) WAPA has a clean vehicle policy intended to prevent the transport of non-native and invasive plants and animals, including noxious weeds and aquatic nuisance species. Operators will be required to thoroughly wash all vehicles and equipment (trailers, trucks, UTVs, etc.) before entering the action area and working on the project.
- 8) WAPA shall exercise care to preserve the natural landscape and shall conduct this project to prevent any unnecessary destruction, scarring, or defacing of the natural surroundings in the project vicinity. Vegetation shall be preserved and shall be protected from damage by WAPA's maintenance operations and equipment as much as possible. If operations or equipment cause terrain damage, the maintenance crew shall repair the damage.
- 9) To minimize impacts to the environment and prevent damage to access roads, operation of off-road equipment will not be permitted during periods of heavy rains, when soils are wet, or when excessive soil damage may occur due to unsuitable operating conditions. Project work shall not be conducted during periods when the soil is too wet to adequately support construction equipment. If equipment creates ruts in excess of six inches deep, the soil shall be deemed too wet to adequately support construction equipment.
- 10) To prevent spills of fuel, oil, hydraulic fluid, or other petroleum products into the environment during fueling or maintenance activities for vehicles, equipment, or tools, project site personnel shall maintain an appropriately sized containment device to contain incidental spills under any work area. All fueling activities shall take place over a drip pan lined with absorbent pads. Used absorbent pads shall be placed into an approved DOT container and

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removed from the project site for appropriate disposal. In addition, project site personnel shall have on hand sufficient supplies, such as absorbent mats, booms, socks, or other spill containment materials, to be available for immediate spill prevention, containment, and cleanup prior to commencing any refueling activities.

- 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



Signature

Date: 28 SEPT 2017

Brian Little
NEPA Compliance Officer
Rocky Mountain Customer Service Region
Western Area Power Administration

Prepared by: Andrea M. Severson

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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

| Application of Categorical Exclusions (1021.410) | 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. Extraordinary circumstances are unique situations presented by specific proposals, 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 Part 1508.25(a)(1)), is not related to other actions with individually insignificant but cumulatively significant impacts (40 CFR Part 1508.27(b)(7)), and is not precluded by 40 CFR Part 1506.1 or § 1021.211 of this part concerning limitations on actions during EIS preparation. | | X | |
| B. Conditions that are Integral Elements of the Classes of Actions in Appendix 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 | X | | |

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| 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: | | | |
| (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 Part 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 Part 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 | | |

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| (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 | | |
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