

CATEGORICAL EXCLUSION DETERMINATION



Proposed Action Title: Flaming Gorge-Vernal No. 1 and Flaming Gorge-Vernal No. 3 138-kV Transmission Lines Vegetation Management (Machine Work)

Location: Daggett and Uintah Counties, Utah

Project Numbers: 2019-025 and 2019-026

Expiration Date: December 31, 2024

A. PROPOSED ACTION DESCRIPTION:

Western Area Power Administration (WAPA), Rocky Mountain Region (RMR), proposes to conduct routine vegetation management along its Flaming Gorge-Vernal No. 1 (FGE-VNL-1) and Flaming Gorge-Vernal No. 3 (FGE-VNL-3) 138-kV Transmission Lines. Routine vegetation management will be conducted within WAPA's right-of-way (ROW) in Daggett and Uintah Counties, Utah, between FGE-VNL-1 Structures 0/1 to 20/1 and FGE-VNL-3 Structures 0/1 to 26/3. Work will occur on private lands and public lands managed by the U.S. Forest Service Ashley National Forest (ANF) and the Bureau of Land Management (BLM). The intent of WAPA's vegetation management program is to secure and maintain a manageable and stable ROW that minimizes vegetative threats to transmission system safety, security, and reliability, and ultimately does not require frequent re-treatments. Achieving a desired condition is a process that may require several treatments over an extended period of time. Once a desired condition is achieved, the desired condition will be proactively maintained. WAPA's desired condition, as stated in *WAPA Order 450.3C*, is consistent with American National Standards Institute (ANSI) A300 Part 7 and the minimum vegetation clearance distances (MVCD) as defined by North American Electric Reliability Corporation (NERC) standard FAC-003-4. The intent of this proposed activity is to continue to move the ROW closer to, or actively maintain, WAPA's desired condition.

This proposed activity will enlist trained vegetation management crews to assess the ROW condition, identify incompatible vegetation, and trim and remove incompatible vegetation, including "danger trees" (as defined in *WAPA Order 430.1C*), using the appropriate means for the terrain and vegetation type. Appropriate means of vegetation removal may include equipment such as masticators, hydro-axes, bucket trucks, skid-steer loaders with brush-hog attachments, mulchers, chippers, chainsaws, pickup trucks, ATVs, measuring equipment, and associated forestry tools. The transmission line will be accessed via existing access routes and overland access; no road maintenance or new road construction is authorized.

B. STIPULATIONS PERTAINING TO PROPOSAL:

- 1) If the scope of work of this project changes, RMR's Environment Department must be contacted to determine whether additional environmental review is required.
- 2) **This Categorical Exclusion expires on December 31, 2024.** If all project work has not been completed by the expiration date, or if the need for an environmental compliance extension is anticipated, RMR's Environment Department must be contacted for an updated environmental review.

- 3) **Cultural resource avoidance areas are identified on maps to be provided to WAPA's vegetation management Contractor.** The vegetation management Contractor must only use hand tools (e.g. chainsaws) within cultural resource avoidance areas. No heavy machinery (e.g. masticator) is allowed within these areas. All access within cultural resource avoidance areas must be limited to existing access roads, and no brush piling within these areas is allowed. If brush piling, the use of heavy machinery, or off-road vehicular access within cultural resource avoidance areas is necessary, an RMR Archeologist must be contacted at (970) 302-4753 or (970) 286-3523. No brush piling, heavy machinery use, or off-road vehicular access within cultural resource avoidance areas is allowed until written notification to proceed is provided by an RMR Archeologist.
- 4) Herbicide application is not authorized under this CX. If herbicide application is required, RMR's Environment Department must be contacted for an updated environmental review.
- 5) RMR's Environment Department must be contacted immediately if a dead or injured Canada lynx is encountered on WAPA's right-of-way.
- 6) **Vegetation management crews must adhere to the following restrictions to minimize disturbance to breeding and nesting greater sage-grouse:**
- a) From February 15 to March 31, work should only occur from two (2) hours after sunrise to two (2) hours before sunset in the following structure ranges:
 - FGE-VNL-1 Structures 15/6 to 17/5
 - FGE-VNL-1 Structures 17/8 to 19/4
 - FGE-VNL-3 Structures 18/2 to 19/8
 - b) From April 1 to July 15, work should be avoided in the following structure ranges:
 - FGE-VNL-1 Structures 10/3 to 20/1
 - FGE-VNL-3 Structures 13/8 to 21/1
 - c) If work must occur between April 1 and July 15, contact RMR's Environment Department at least thirty (30) days prior to initiation of the project to arrange for an on-site biological monitor to ensure avoidance of greater sage-grouse nesting activities.
- 7) Vegetation management crews must carefully inspect vegetation for active avian nests prior to any vegetation management activities between May 15 and August 15. Vegetation must be inspected no more than five (5) calendar days in advance of vegetation management activities during this time period. If an active avian nest is found in vegetation that needs to be trimmed or removed, vegetation management activities must be delayed until the nest is no longer active. An avian nest becomes active when the first egg is laid, and it remains active until all offspring have fledged (left the nest) and the nest is empty. Inactive (empty) nests that do not belong to threatened species, endangered species, or eagles may be removed and destroyed in accordance with WAPA's Avian Protection Plan (APP). Contact RMR's Environment Department prior to nest removal to ensure conformance with the APP.
- 8) Any injured or orphaned birds and all observed active nests must be immediately reported to the RMR Avian Protection Lead at (970) 593-8803. Any dead birds must be reported to the RMR Avian Protection Lead 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.

- 9) Only cutting or removing of vegetation above the ground (e.g. with a chainsaw, rotary cutter, or mower) is allowed within Waters of the United States (within wetland boundaries and below the ordinary high-water mark of surface waters). Within these areas, all stumps and roots must be left in place to minimize soil disturbance. No mechanized pushing, dragging, or other activities that would add or remove soil or create significant debris piles (e.g. brush or slash piling) is authorized within these areas.
- 10) 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 notification to proceed is provided by an RMR Archaeologist.
- 11) 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 notification to proceed is provided by an RMR Archaeologist.
- 12) 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.
- 13) Activities involving the use of fuel, oil, hydraulic fluid, or other petroleum products must comply with RMR's Spill Response Plan (SRP).

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

(See text in 10 CFR 1021, Subpart D.)

B1.3 Routine maintenance

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.

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**

Digitally signed by
JAMES WOOD
Date: 2021.02.08
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Signature and Date

James Wood
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