

# CATEGORICAL EXCLUSION DETERMINATION



Western Area  
Power Administration  
Rocky Mountain Region

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**Proposed Action Title: Vegetation Management (Hand Work) Activities**

**Location: Lyman-Torrington (LY-TO) 10/7-12/8, and Lyman-East Morril (LY-EML)**

**0/14-0/15, 8/1-9/7, 11/15-12/11, 16/4-16/16, and 20/1-20/9**

**Goshen County, Wyoming, and Scotts Bluff County, Nebraska**

**Project Number: 2023-031**

**Expiration Date: 09/01/2023**

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## A. PROPOSED ACTION DESCRIPTION:

The Western Area Power Administration (WAPA), Rocky Mountain Region (RMR), conducts vegetation management activities within existing transmission and distribution line rights-of-way (ROWs) in seven states (Arizona, Colorado, Montana, Nebraska, New Mexico, Utah, and Wyoming). These vegetation management activities ensure the conditions of WAPA's ROWs are consistent with the requirements of WAPA *Order 450.3C*, American National Standards Institute (ANSI) A300 Part 7, and North American Electric Reliability Corporation (NERC) standard FAC-003-4.

The following activities occurring **within RMR's existing ROWs** are covered by this Categorical Exclusion (CX):

- (1) Trimming and removal of incompatible vegetation and slash using hand tools (e.g. chainsaws) where no brush piling and no off-road vehicular access are required; and
  - (2) Other closely related activities that have little or no environmental or cultural resource impacts or regulated materials concerns as determined by RMR's Environment Department.
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## 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 September 1, 2023**  
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) 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 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.

- 4) Any injured or orphaned birds and all observed active nests must be immediately reported to RMR Environment at (970) 593-8803 or (970) 342-6462. Any dead birds must be reported to RMR Environment 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.
- 5) Only cutting or removing of vegetation above the ground (e.g. with a chainsaw) 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.
- 6) 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, (970) 286-3523, or (970) 658-6794. Work in the area of discovery must not resume until notification to proceed is provided by an RMR Archaeologist.
- 7) 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, (970) 286-3523, or (970) 658-6794 (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.
- 8) If culturally modified trees are encountered during implementation of the proposed action, an RMR Archaeologist must be contacted at (970) 302-4753, (970) 286-3523, or (970) 658-6794. No removal or trimming of these trees is allowed until written notification to proceed is provided by an RMR Archaeologist.
- 9) Vehicles and equipment (trailers, trucks, UTVs, etc.) will not be moved between work areas without first taking reasonable measures to ensure they are free of soil, seeds, vegetation matter, or other debris that could contain noxious weed seeds.
- 10) Activities involving the use of fuel, oil, hydraulic fluid, or other petroleum products must comply with RMR's Spill Response Plan (SRP).



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

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

B1.3 Routine maintenance

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**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.

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**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**

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James Wood  
Date: 2023.04.13  
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Signature and Date

James Wood, Regional Environmental Manager  
Rocky Mountain Region  
Western Area Power Administration

