U.S. Department of Energy
Categorical Exclusion Determination Form

Submit by E-mail

Proposed Action Title: CCR-WC Structure modifications to accommodate US HWY-85 upgrade.

Program or Field Office: NDMO

Location(s) (City/County/State): McKenzie County, North Dakota

Proposed Action Description:

The NDDOT & FHWA are proposing to finish upgrading approximately 62 miles of US HWY-85 to accommodate additional lanes of traffic. NDDOT/ FHWA's project is being designed in phases. The current phase will impact WAPA's existing Charlie Creek to Watford City 230kV transmission line & will require structure modifications (raises & relocations). The total length of impact is about 1.75 miles, between structures 6/3 to 6/7 and 7/7 to 9/3. The structure modifications will occur outside of existing WAPA right-of-way but in previously-developed land (other utility ROW and roads are present). The NDDOT is responsible for acquiring & transferring all permanent land rights necessary to facilitate WAPA's structure relocations & access for future maintenance.

The Project is not located in or near other formally classified lands, nor areas of high scenic beauty, scenic overlooks, scenic highways, wilderness areas, etc. Project work would have limited impacts to wildlife because the project area and surrounding landscape are developed & offer low, if any, wildlife habitat. WAPA has determined No Effect to federally-listed species & critical habitat. Additionally, the project location was analyzed in the FHWA's Programmatic Biological Assessment (PBA), dated May 2017. WAPA is committed to conducting tree removal activities outside of the active season for NLEB (April 1 - September 30) if needed. The HWY-85 Project corridor was surveyed for cultural resources & SHPO concurrence was received during the spring of 2018 on all determinations of effect. WAPA field-verified the prior surveys in May 2022. A desktop qualitative review identified no concerns to tair quality, hazardous materials, human health/safety, socioeconomic, & community resources.

Categorical Exclusion(s) Applied:

B4.13 - Upgrading and rebuilding existing powerlines

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 RUSSELL Digitally signed by JOHN RUSSELL Date: 2024.04.18 12:35:42 -06'00' Date Determined: 04/18/2024