

CATEGORICAL EXCLUSION DETERMINATION

Proposed Action Title: Magnetic Mountain and Teec Nos Pos Communication Site and Facilities Herbicide Treatments.

Location: Rio Blanco County, Colorado and Apache County, Arizona

Project Number: 2025-056

Expiration Date: December 31, 2029

A. PROPOSED ACTION DESCRIPTION:

Western Area Power Administration (WAPA), Rocky Mountain Region (RMR), proposes to conduct routine herbicide application for vegetation management in the spring and fall, as necessary, at the Magnetic Mountain (MAG) and Teec Nos Pos (TNP) Communication sites in Rio Blanco County, Colorado and Apache County, AZ. Herbicide will be applied by backpack sprayer or custom vehicle-mounted sprayer. All weeds located within WAPA's property boundaries and rights-of-way (ROWs) and easements on private lands and lands managed by Navajo Nation (NAV) may be targeted for treatment. Treatment areas will be accessed using existing access routes; 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, 2029.** 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) Pesticide and herbicide applicators must meet all state licensing requirements and must follow all applicable federal, state, and local laws, regulations, and guidelines. Applicators must use only EPA-registered pesticides and herbicides that are approved for the intended use and location and must follow all applicable label directions.
- 4) Any injured or orphaned birds and all observed active nests must be immediately reported to RMR Environment at (970) 342-6462 or (970) 473-5586. 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) 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.

- 6) 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.
- 7) 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.
- 8) 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 AND GUIDANCE IN 10 CFR 1021.102 AND DOE's NEPA IMPLEMENTING PROCEDURES: (See full text in regulation and in Implementing Procedures)

For the DOE procedures regarding categorical exclusions, including the full text of each categorical exclusion, see 10 CFR 1021.102 and Appendix B to 10 CFR Part 1021, and also Section 5.4 (Applying one or more categorical exclusions to a proposal) and Appendices B and C of DOE's National Environmental Policy Act Implementing Procedures (June 30, 2025).

☒ The proposal fits within a class of actions that is listed in Appendix B to 10 CFR Part 1021 or Appendix B and C of DOE's NEPA Implementing Procedures (June 30, 2025).

To fit within the classes of actions listed in Appendix B to 10 CFR Part 1021, or Appendix B of DOE's NEPA Implementing Procedures, a proposal must satisfy the conditions that are integral elements of the classes of actions in Appendix B of both 10 CFR Part 1021 and DOE's NEPA Implementing Procedures.

☒ There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal. DOE or an applicant may modify the proposal to avoid reasonably foreseeable adverse significant effects such that the categorical exclusion would apply.



☒ The proposal has not been segmented to meet the definition of a categorical exclusion.

[Note: For proposals that fit within the categorical exclusions listed in Appendix C of DOE's NEPA Implementing Procedures, see DOE's notice of adoption for the subject Appendix C categorical exclusion for additional considerations. DOE notices of adoption for other agency categorical exclusions may be found on DOE's Section 109 webpage.]

E. DETERMINATION:

Based on my review of the proposed action, as NEPA Compliance Officer, I have determined that the proposed action fits within the specified class(es) of action, the other regulatory guidance set forth above are met, and the proposed action is hereby categorically excluded from further NEPA review.

Signature and Date

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

Prepared by:
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