



## Department of Energy

Washington, DC 20585

August 27, 2020

### RECORDS OF CATEGORICAL EXCLUSION DETERMINATION

Order No. 202-20-1

**BACKGROUND:** The National Environmental Policy Act (NEPA) requires federal agencies to prepare Environmental Impact Statements (EISs) for major federal actions significantly affecting the quality of the human environment. The Department of Energy's (DOE's) regulations that implement NEPA (10 C.F.R. Part 1021) require it to determine whether a proposal requires that an EIS, an Environmental Assessment (EA), or a Categorical Exclusion (CX) be prepared. A CX refers to a category of actions that DOE has determined do not individually or cumulatively have a significant effect on the human environment. As such, DOE need not prepare an EA or an EIS for CX actions.

On August 26, 2020, CenterPoint Energy Houston Electric, LLC (CEHE), a transmission and distribution electric utility that operates wholly within the state of Texas, filed a *Request for Emergency Order Pursuant to Section 202(c) of the Federal Power Act (FPA)* with the United States DOE to assist in the restoration of power to Entergy Texas, Inc. (Entergy) and electric cooperatives and municipal customers within the State of Texas, and for CEHE to receive similar assistance due to the anticipated devastating effects of Hurricane Laura making landfall near the Texas-Louisiana border as a Category 4 hurricane.

**PROPOSED ACTION:** The DOE proposed action is issuance of the requested Emergency Order Pursuant to Section 202(c) of the FPA. FPA section 202(c)(2) requires the Secretary of Energy to ensure that any 202(c) order that may result in a conflict with a requirement of any environmental law be limited to the "hours necessary to meet the emergency and serve the public interest, and, to the maximum extent practicable," be consistent with any applicable environmental law and minimize any adverse environmental impacts.

**CX TO BE APPLIED:** The proposed action identified above fits within the classes listed in Appendix B to Subpart D of Part 1021 – Categorical exclusions applicable to specific agency actions. Specifically: B4.8 Electricity transmission agreements. New electricity transmission agreements, and modifications to existing transmission arrangements, to use a transmission facility of one system to transfer power of and for another system, provided that no new generation projects would be involved and no physical changes in the transmission system would be made beyond the previously disturbed or developed facility area.

**REGULATORY REQUIREMENT:** DOE has determined that the categorical exclusion identified above does not have a significant effect on the human environment either individually or cumulatively, and that the proposed action fits into the B4.8 class of actions. Authorizing the proposed action will not (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, including DOE and/or Executive orders; (2) require siting of new facilities or expansion of existing facilities; (3)

disturb hazardous substances, pollutants, or contaminants; or (4) adversely affect environmentally sensitive resources.

**DETERMINATION:** Based on my review of the above information concerning the proposed action, as a NEPA Compliance Officer designated consistent with DOE P 451.1, I have determined that the proposed action fits within the specified class of actions, other regulatory requirements set forth above are met, and the proposed action is hereby categorically excluded from further NEPA review.

Signature: 

Date: August 27, 2020

Charles P. Kosak  
Deputy Assistant Secretary  
Transmission Permitting and Technical Assistance Division  
DOE Office of Electricity