

**ENVIRONMENTAL REVIEW FOR CATEGORICAL EXCLUSION DETERMINATION**

**Rocky Mountain Region, Western Area Power Administration**

**Shiprock Substation Stormwater Erosion Control Maintenance**

**San Juan County, New Mexico**

- A. Brief Description of Proposal:** Western Area Power Administration (Western) proposes to conduct routine maintenance at the Shiprock Substation in San Juan County, New Mexico. The proposed action involves repairing stormwater erosion damage along the north fence of the substation yard by re-directing stormwater flows away from the fence line and into an existing drainage swale. Existing conditions threaten to undermine the substation perimeter fence and may cause the fence to fall. Crews plan to backfill and re-grade the area with a backhoe tractor and other necessary equipment. The construction footprint impacts are estimated to be less than 1 acre in size. All work will be conducted within Western's existing property boundary and easements.
- B. Number and Title of the Categorical Exclusion Being Applied:** (See text in 10 CFR Part 1021, Subpart D.)

**B1.33 Storm Water Runoff Control.**

**Design, construction, and operation of control practices to reduce stormwater runoff and maintain natural hydrology.** Activities include, but are not limited to, those that reduce impervious surfaces (such as vegetative practices and use of porous pavements), best management practices (such as silt fences, straw wattles, and fiber rolls), and use of green infrastructure or other low impact development practices (such as cisterns and green roofs).

- C. Regulatory Requirements in 10 CFR 1021.410 (b):** (See full text in regulation and attached checklist.)

- 1) The proposed action fits within a class of actions listed in Appendix A or B to Subpart D.

For classes of actions listed in Appendix B, the following conditions are integral elements. To fit within a class, the proposal must not:

- Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders;
- 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;
- 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;
- Have the potential to cause significant impacts on environmentally sensitive resources. An environmentally sensitive resource is typically a resource that has been identified as needing protection through Executive Order, statute, or regulation by Federal, State, or local government, or a federally recognized Indian tribe. An action may be categorically excluded if, although sensitive resources are present, the action would not have the potential to cause significant impacts on those resources (such as construction of a building with its foundation well above a sole-source aquifer or upland surface soil removal on a site that has wetlands). Environmentally sensitive resources include, but are not limited to those listed in paragraph B. (4) (see Attachment A).

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- 2) There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal.
- 3) 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.

**D. Special Stipulations Pertaining to the Proposal:**

This Categorical Exclusion is valid for 1 year after the signature date. If vegetation management has not commenced within that time, Western’s Environmental Division must be contacted for an updated environmental review prior to implementation.

If any cultural materials are discovered during construction, work in the area shall halt immediately, Western’s Regional Preservation Officer shall be contacted, and the material be evaluated by an archaeologist or historian meeting the Secretary of the Interior’s Professional Qualification Standards (48 FR 22716, Sept. 1983).

To comply with the Migratory Bird Treaty Act, maintenance work should be scheduled outside the March 1 through July 31 general nesting period. **An active nest is currently located near the project area in an abandoned steel lattice tower. Work may not begin until after July 31 or until verification by Western’s Environmental Division that the nest has been vacated.**

Western has a clean vehicle policy and all equipment used must be cleaned prior to use in order to prevent transporting of invasive plant or noxious weed seeds. Operators will be required to wash all machinery (trailers, trucks, skid steer loaders, etc.) before entering the action area and working on the project to prevent transporting of non-native invasive species within the transmission line corridor.

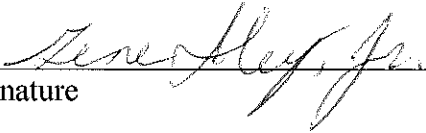
To minimize impacts to the environment and prevent damage to access roads, operation of off-road equipment will not be permitted during periods of heavy rains, when soils are wet, or when excessive soil damage may occur due to unsuitable operating conditions. No maintenance activities shall be performed during periods when the soil is too wet to adequately support equipment. If equipment creates ruts in excess of 6 inches deep, the soil shall be deemed too wet to adequately support the equipment.

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E. **Determination:** Based on my review of information provided to me and in my possession concerning the proposed action, I determined that the proposed action fits within the specified class of actions, the other regulatory requirements set forth above are met, and the proposed action is categorically excluded from requirements for an EA or an EIS

  
Signature

Date: 7/1/14

Eugene Iley, Jr.  
NEPA Compliance Officer  
Rocky Mountain Customer Service Region  
Western Area Power Administration

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**ATTACHMENT A**

**Conditions That Are Integral Elements of the Classes  
of Actions in Appendix B That Apply to This Proposal**

Checklist for Categorical Exclusion Determination, revised Nov. 2011

| <b>Application of Categorical Exclusions (1021.410)</b>   | <b>Disagree</b> | <b>Agree</b> | <b>Unknown</b> |
|---|-----------------|--------------|----------------|
| (b)(1) The proposal fits within a class of actions that is listed in appendix B to subpart D.   |                 | X            |                |
| (b)(2) There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal. Extraordinary circumstances are unique situations presented by specific proposals, including, but not limited to, scientific controversy about the environmental effects of the proposal; uncertain effects or effects involving unique or unknown risks; and unresolved conflicts concerning alternate uses of available resources.   |                 | X            |                |
| (b)(3) The proposal has not been segmented to meet the definition of a categorical exclusion. Segmentation can occur when a proposal is broken down into small parts in order to avoid the appearance of significance of the total action. The scope of a proposal must include the consideration of connected and cumulative actions, that is, the 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 § 1021.211 of this part concerning limitations on actions during EIS preparation. |                 | X            |                |
| <b>B. Conditions that are Integral Elements of the Classes of Actions in Appendix B.</b>  | NO              | YES          | Unknown        |
| (1) Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety and health, or similar requirements of DOE or Executive Orders.  | X               |              |                |
| (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;   | X               |              |                |
| (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;   | X               |              |                |
| (4) Have the potential to cause significant impacts on environmentally sensitive resources. An environmentally sensitive resource is typically a resource that has been   | X               |              |                |

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| <p>identified as needing protection through Executive Order, statute, or regulation by Federal, state, or local government, or a federally recognized Indian tribe. An action may be categorically excluded if, although sensitive resources are present, the action would not have the potential to cause significant impacts on those resources (such as construction of a building with its foundation well above a sole-source aquifer or upland surface soil removal on a site that has wetlands). Environmentally sensitive resources include, but are not limited to:</p> |   |  |  |
| <p>(i) Property (such as sites, buildings, structures, and objects) of historic, archaeological, or architectural significance designated by a Federal, state, or local government, or property determined to be eligible for listing on the National Register of Historic Places;</p>   | X |  |  |
| <p>(ii) Federally-listed threatened or endangered species or their habitat (including critical habitat) or Federally-proposed or candidate species or their habitat (Endangered Species Act); state-listed or state-proposed endangered or threatened species or their habitat; Federally-protected marine mammals and Essential Fish Habitat (Marine Mammal Protection Act; Magnuson-Stevens Fishery Conservation and Management Act); and otherwise Federally-protected species (such as under the Bald and Golden Eagle Protection Act or the Migratory Bird Treaty Act);</p> | X |  |  |
| <p>(iii) Floodplains and wetlands (as defined in 10 CFR 1022.4, —Compliance with Floodplain and Wetland Environmental Review Requirements: “Definitions,” or its successor);</p>   | X |  |  |
| <p>(iv) Areas having a special designation such as Federally- and state-designated wilderness areas, national parks, national monuments, national natural landmarks, wild and scenic rivers, state and Federal wildlife refuges, scenic areas (such as National Scenic and Historic Trails or National Scenic Areas), and marine sanctuaries;</p>  | X |  |  |
| <p>(v) Prime or unique farmland, or other farmland of statewide or local importance, as defined at 7 CFR 658.2(a), —Farmland Protection Policy Act: Definitions, or its successor;</p>   | X |  |  |
| <p>(vi) Special sources of water (such as sole-source aquifers, wellhead protection areas, and other water sources that are vital in a region); and</p>  | X |  |  |
| <p>(vii) Tundra, coral reefs, or rain forests; or</p>  | X |  |  |

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| (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. | X |  |  |
|---|---|--|--|