



# U.S. Department of Energy Categorical Exclusion Determination Form

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Proposed Action Title: Integrated Vegetation Management actions along the Flagstaff Pinnacle Peak 1 & 2 Transmission Lines (Structures 202/1 to 227/4)

Program or Field Office: Western Area Power Administration, Desert Southwest Regional Office

Location(s) (City/County/State): Maricopa and Yavapai Counties, Arizona

Proposed Action Description:

Western Area Power Administration (WAPA), Desert Southwest Region (DSW), plans to conduct integrated vegetation management actions along a 26-mile-long portion of the Flagstaff Pinnacle Peak #1 & 2 345-kV Transmission Lines situated between Structures 202/1 and 227/4 located north of Scottsdale in Maricopa and Yavapai Counties, Arizona. This portion of the lines cross Tonto National Forest. The transmission lines are situated parallel and adjacent to each other. Each transmission line has a right-of-way that measures 150 feet wide.

WAPA would cut down vegetation within the existing right-of-way using either hand tools (e.g., hand saws, chainsaws) or mechanical means (e.g., mowers, hydro axe, front end loaders with cut-shredder attachments) to achieve a stable low-growing plant community. The resulting stumps would be no greater than 4 inches high. WAPA would either lop or chip the resulting woody debris and scatter it in the right-of-way. WAPA would immediately remove any detected vegetation that threaten the conductors or transmission line structures (these are referred to as hazard or danger trees). WAPA would use existing access roads to reach work areas. This work is needed to maintain the reliability and safety of the bulk electrical system.

WAPA plans to conduct work from 3/1/2018 to 3/17/2018.

See Attached Continuation Sheet

Categorical Exclusion(s) Applied:

B1.3 - Routine maintenance

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 Marust*

Date Determined:

3.1.18

# Integrated Vegetation Management along the Flagstaff Pinnacle Peak 1 & 2 Transmission Lines (Structures 202/1 to 227/4) Continuation Sheet

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## Special Conditions:

1. Coordination
  - a. WAPA and all contractors will provide to the Environmental Manager, in writing, that they received, understand, and will follow special conditions described on this Continuation Sheet prior to initiation of work.
2. Biological Resources
  - a. Birds and Bats
    - i. Project activities shall not harm or harass individuals, eggs, nestlings, or active nests of species protected by federal law.
      1. All trees before they are felled must be surveyed within seven (7) days of work to determine if there is an active bird or bat nest in them. If an active nest is of a species protected by the Migratory Bird Treaty Act (MBTA), Endangered Species Act (ESA), or Bald and Golden Eagle Protection Act (BGEPA), one of the following four (4) outcomes will follow:
        - a. The biological surveyor, in conjunction with Headquarters biologist, will determine the appropriate buffer avoidance distance and no work shall be performed within that buffer. Workers shall avoid the flagged environmental sensitive areas until a qualified biologist determines that the nest is no longer active.
        - b. If WAPA has declared the tree is an "emergency situation", the active nest (eggs or chicks) will be moved in accordance with DSW's Special Purpose Utility permit authorized pursuant to the MBTA for MBTA-protected species.
        - c. If the active nest is of an ESA species and it is an emergency situation, the Headquarters biologist will be contacted to conduct an emergency ESA consultation prior to work to authorize removal of the tree.
        - d. For an eagle nest, work may not occur within 0.5-mile of an active nest. In Arizona, the eagle nesting season is approximately from late December to June 30. In Arizona, Bald Eagles breed in trees and on cliffs along rivers and lakeshores; most breeding areas in Arizona are in central Arizona along the Verde and Salt Rivers. Golden Eagles are widely distributed throughout the state's mountain ranges and terrain with steep cliffs. Nests of Bald Eagles and Golden Eagles must be unoccupied for 10 years before they can be removed or destroyed. Therefore, if the pre-work biological survey identifies an inactive eagle nest in a

tree that needs to be removed, a BGEPA permit is necessary to remove that inactive nest prior to removal and the Headquarters biologist shall be contacted to obtain this permit.

b. Desert Tortoise

- i. A qualified biologist shall survey work areas in advance and flag active or potentially active burrows of the Sonoran desert tortoise.
- ii. Workers shall avoid the flagged environmental sensitive areas.
- iii. If desert tortoises are discovered to be in imminent danger during project activities, they may be moved out of harm's way by following Arizona Game and Fish Department's 2007 Guidelines (attached).

c. Noxious Weeds

- i. The spread of noxious weeds will be minimized.
  1. Workers shall clean seeds from large commercial trucks and mowers before entering the transmission line right-of-way.
  2. On Forest Service lands, known locations of noxious plants will be flagged for avoidance to minimize the spread of seeds; workers shall avoid these areas.

d. Special Status Species

All workers shall follow requirements of the completed ESA consultation for avoiding and minimize effects to listed species and designated critical habitat(s).

3. The following activities will be prohibited at all times within 100 feet of a seep, spring, pond, lake, river, stream, or marsh, and their associated habitats: vehicle access, except on existing access and maintenance roads; dumping, stockpiling, or burying of any material, except as required for specific operation and maintenance activities (e.g., rip-rap); mixing of pesticides, herbicides, or other potentially toxic chemicals; and open petroleum products.
4. All contaminated discharge water created by operations and maintenance activities will be contained and disposed of in accordance with applicable federal, state, and local regulations.
5. Non-biodegradable debris will not be deposited in the right-of-way.
6. Equipment will be stored, fueled, and maintained in a vehicle staging area 300 feet, or the maximum distance possible if less than 300 feet, away from a seep, spring, pond, lake, river, stream, marsh, or their associated habitats. Vehicles will be inspected daily for fluid leaks before leaving the staging area.
7. Erosion-control materials will be of a tightly woven natural fiber netting or similar material that will not entrap reptiles and amphibians (e.g., coconut coir matting). Erosion-control measures will be placed between the outer edge of the buffer and the activity area. Fiber rolls and hay bales used for erosion control will be certified as free of noxious weed seed. Seed mixtures applied for erosion control and restoration will be certified as free of noxious weed seed, and will be composed of native species or sterile nonnative species.

8. Cultural Resources

- a. Project activities shall not damage a historic property.
- b. If work must occur within a historic property, a cultural monitor shall flag historic properties located in work areas. Within the flagged area, workers shall use only hand tools to cut vegetation and hand carry the resulting woody debris outside the flagged area for lopping, chipping, and scattering.
- c. Off-road vehicle travel shall not occur within flagged areas.
- d. If any cultural materials are discovered, work in the area shall halt immediately, DSW 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).

9. Water Resources

- a. Slash or logs shall not be placed within 25 feet of the high water mark of streams or other bodies of water.
- b. All areas with the potential for flowing water (culverts, ditches, washes, etc.) shall be kept free of slash, logs, and debris from tree removal operations.
- c. Whenever possible, trees will be felled out of and away from stream maintenance zones. Trees will not be felled into the water and will be removed only by hand-tools, not large equipment.

GUIDELINES FOR HANDLING SONORAN DESERT TORTOISES  
ENCOUNTERED ON DEVELOPMENT PROJECTS

Arizona Game and Fish Department

Revised October 23, 2007

The Arizona Game and Fish Department (Department) has developed the following guidelines to reduce potential impacts to desert tortoises, and to promote the continued existence of tortoises throughout the state. These guidelines apply to short-term and/or small-scale projects, depending on the number of affected tortoises and specific type of project.

The Sonoran population of desert tortoises occurs south and east of the Colorado River. Tortoises encountered in the open should be moved out of harm's way to adjacent appropriate habitat. If an occupied burrow is determined to be in jeopardy of destruction, the tortoise should be relocated to the nearest appropriate alternate burrow or other appropriate shelter, as determined by a qualified biologist. Tortoises should be moved less than 48 hours in advance of the habitat disturbance so they do not return to the area in the interim. Tortoises should be moved quickly, kept in an upright position parallel to the ground at all times, and placed in the shade. Separate disposable gloves should be worn for each tortoise handled to avoid potential transfer of disease between tortoises. Tortoises must not be moved if the ambient air temperature exceeds 40° Celsius (105° Fahrenheit) unless an alternate burrow is available or the tortoise is in imminent danger.

A tortoise may be moved up to one-half mile, but no further than necessary from its original location. If a release site, or alternate burrow, is unavailable within this distance, and ambient air temperature exceeds 40° Celsius (105° Fahrenheit), the Department should be contacted to place the tortoise into a Department-regulated desert tortoise adoption program. Tortoises salvaged from projects which result in substantial permanent habitat loss (e.g. housing and highway projects), or those requiring removal during long-term (longer than one week) construction projects, will also be placed in desert tortoise adoption programs. *Managers of projects likely to affect desert tortoises should obtain a scientific collecting permit from the Department to facilitate temporary possession of tortoises.* Likewise, if large numbers of tortoises (>5) are expected to be displaced by a project, the project manager should contact the Department for guidance and/or assistance.

Please keep in mind the following points:

1. These guidelines do not apply to the Mojave population of desert tortoises (north and west of the Colorado River). Mojave desert tortoises are specifically protected under the Endangered Species Act, as administered by the U.S. Fish and Wildlife Service.
2. These guidelines are subject to revision at the discretion of the Department. We recommend that the Department be contacted during the planning stages of any project that may affect desert tortoises.
3. Take, possession, or harassment of wild desert tortoises is prohibited by state law. Unless specifically authorized by the Department, or as noted above, project personnel should avoid disturbing any tortoise.