



## Department of Energy

Washington, DC 20585

September 6, 2020

### RECORDS OF CATEGORICAL EXCLUSION DETERMINATION

Order No. 202-20-2

**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 September 6, 2020, the California Independent System Operator (CAISO), the Regional Transmission Organization whose service territory includes California and a portion of Nevada, filed a Request for Emergency Order Pursuant to Section 202(c) of the Federal Power Act (Application) with the United States Department of Energy (Department) "to preserve the reliability of bulk electric power system."

**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.

DOE's Order limits the times and days that specific generation units CAISO identified can operate to meet increased demand as a result of severe heat conditions throughout California.

**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: B4.4 Power marketing services and activities. Power marketing services and power management activities (including, but not limited to, storage, load shaping and balancing, seasonal exchanges, and other similar activities), provided that the operations of generating projects would remain within normal operating limits.

**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 B4.4 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, 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: \_\_\_\_\_  
Bruce J. Walker  
Assistant Secretary  
Office of Electricity

Bruce J. Walker  
Digitally signed  
Date:2020:9:3

Date: September 6, 2020