



# U.S. Department of Energy

## Categorical Exclusion Determination Form

Submit by E-mail

Proposed Action Title: Rebuild of Fort Randall to O'Neill 115kV at the Niobrara River Crossing

Program or Field Office: SDMO

Location(s) (City/County/State): Spencer, Boyd County, NE

Proposed Action Description:

In 2019, the Spencer Dam experienced a critical failure, which destroyed structures along WAPA's Fort Randall to O'Neill 115kv transmission line, as well as a bridge and portions of U.S. Highway-281 that cross the Niobrara River. WAPA is proposing to rebuild the damaged structures in a location closer to the bridge and highway.

No structures will be placed in the river channel itself, nor will WAPA excavate, fill, or otherwise alter/modify the course, location, condition, or capacity of the river. There will be no change in land use because the existing land use is developed/utility. Bird flight diverters will be installed on all sections/spans that fall within the historic footprint of the river & floodplain. Due to the proximity to bridges, which are often used by swallows and other migratory birds for nesting & perching, WAPA will place bird flight diverters on the transmission line to increase visibility and reduce collisions and avoid construction during the spring/fall migration and nesting seasons for sensitive species. WAPA has determined No Effect to federally-listed Threatened or Endangered species. Appropriate spill, runoff, and erosion measures will be implemented, as described in WAPA's Construction Standard 13. WAPA surveyed the proposed structure locations, which were negative for any cultural artifacts. If, during the course of any ground disturbance related to the project, any bones, artifacts, foundations, or other indications of past human occupation of the area are uncovered, the project will be stopped, and the SHPO notified immediately. A desktop qualitative review of impacts to transportation, air quality, hazardous materials, human health and safety, socioeconomic and community resources identified no concerns.

Categorical Exclusion(s) Applied:

B4.12 - Construction of powerlines

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 D. Russell** Digitally signed by John D. Russell  
Date: 2022.05.31 10:20:20 -06'00'

Date Determined: 05/31/2022