

## RECORD OF CATEGORICAL EXCLUSION DETERMINATION

**Project ID No.:** WH R-O-W Clearing

**Title:** WH Right-of-Way Clearing FY22-FY26

**Description:** Subcontractor shall provide all labor, tools, equipment, transportation and supervision, as required to cut trees, brush and grass from not more than 80-mile-long by 50 feet wide of Pipeline Right of Way. Subcontractor shall survey and mark perpetual Right of Way (ROW) easements as needed. This work may include approximately 5 miles of heavy cutting of trees, brush and grass.

**Regulatory Requirements** National Environmental Policy Act (NEPA) Implementing Procedures (10 Code of Federal Regulations (CFR) 1021)

### **10 CFR 1021.410 (Application of Categorical Exclusions)**

(a) The actions listed in Appendices A and B of Subpart D are classes of actions that Department of Energy (DOE) has determined do not individually or cumulatively have a significant effect on the human environment (categorical exclusions).

(b) To find that a proposal is categorically excluded, DOE shall determine the following:

- (1) The proposed action fits within a class of actions that is listed in Appendix A or B of Subpart D;
- (2) There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal; and
- (3) The proposal is not "connected" (40 CFR 1508.25(a)(1)) to other actions with potentially significant impact, is not related to other proposed actions with cumulatively significant impacts (40 CFR 1508.25(a)(2)), and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211.

### **Appendix B (Categorical Exclusions Applicable to Specific Agency Actions)**

The proposed action must not:

1. Threaten a violation of statutory, regulatory, or permit requirements for environment, safety, and health, including requirements of DOE and/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 Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)-excluded petroleum and natural gas products that preexist in the environment such that would be uncontrolled or un-permitted releases;
4. Have the potential to cause significant impacts on environmentally sensitive resources, which includes (i) property (sites, buildings, structures, and objects) of historical, archeological, or architectural significance; (ii) federally-listed and state-listed threatened or endangered species or their habitat, federally-protected marine mammals and essential fish habitat and otherwise federally-protected species; (iii) floodplains and wetlands; (iv) federally and state designated areas (wilderness areas, national parks, national monuments, national natural landmarks, wild and scenic rivers, wildlife refuges, scenic areas, and marine sanctuaries); (v) prime or unique farmland; (vi) special sources of water (sole-source aquifers, wellhead protection areas, and other vital water resources); and (vii) tundra, coral reefs, or rain forests); or
5. Involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species.

NEPA Preparer: Matthew Dubuc

Creation Date: 11/09/2021

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**Environmental Analysis:** (mark all environmental aspects that are applicable to this project)

Air Emissions		Environmental Monitoring		Fire	
Green Procurement		Project Design		Waste	
Spills/Releases		Cavern Integrity		Discharges	
Energy Use		Natural Resource Conservation		Water Use	
Transportation		Chemical Use/Selection	X	Public Involvement	
Sustainable Building		Electronic Stewardship		Wetlands Permitting	
Clean Water		Pollution Prevention			

**Categorical Exclusion (CX) Determination**

NEPA review suggests this project is a Categorical Exclusion. This suggestion is based on review of the project description. If there are changes in the scope of this project additional NEPA review may be required.

CX to be applied B1.3

Routine maintenance activities and custodial services for buildings, structures, rights-of-way, infrastructures (including, but not limited to, pathways, roads, and railroads), vehicles and equipment, and localized vegetation and pest control, during which operations may be suspended and resumed, provided that the activities would be conducted in a manner in accordance with applicable requirements. Custodial services are activities to preserve facility appearance, working conditions, and sanitation (such as cleaning, window washing, lawn mowing, trash collection, painting, and snow removal). Routine maintenance activities, corrective (that is, repair), preventive, and predictive, are required to maintain and preserve buildings, structures, infrastructures, and equipment in a condition suitable for a facility to be used for its designated purpose. Such maintenance may occur as a result of severe weather (such as hurricanes, floods, and tornados), wildfires, and other such events. Routine maintenance may result in replacement to the extent that replacement is in-kind and is not a substantial upgrade or improvement. In-kind replacement includes installation of new components to replace outmoded components, provided that the replacement does not result in a significant change in the expected useful life, design capacity, or function of the facility. Routine maintenance does not include replacement of a major component that significantly extends the originally intended useful life of a facility (for example, it does not include the replacement of a reactor vessel near the end of its useful life).

**NEPA Approval**

Based on my review of information conveyed to me and in my possession the proposed action, as NEPA Compliance Officer (as authorized under DOE Order 451.1) I have determined that the proposed action fits within the specified actions, the other regulatory requirements set forth above are met, and the action is hereby excluded from further NEPA review.

Approved By

DOE NEPA Compliance Officer

*Stephen Reese*

# NEPA Review Summary

<b>Created By:</b>	Dubuc, Matthew
<b>Date NEPA Review Initiated:</b>	11/9/2021
<b>Type of NEPA Review:</b>	Type B
<b>Project ID Number:</b>	WH R-O-W Clearing
<b>Title:</b>	WH Right-of-Way Clearing FY22-FY26
<b>Workflow Status:</b>	Approved

If Workflow Status is Rejected, see below for Reason:

## Concurrence Details:

**Auger, Jennifer** 11/9/2021  
*FFPO Environmental Concurrence Compliance Date*  
(not required for Type A-DOE Only Record of NEPA Review or Type B-DOE Only Record of Categorical Exclusion Determination)

**Crosby, Thomas** 11/9/2021  
*SPR Derivative Classifier Compliance Date*  
(only required for Type B)

**Woods, Will** 11/9/2021  
*DOE ES&H Director (or Acting) Compliance Date*  
(only required for Type B & Type A-DOE Only Record of NEPA Review)

**Reese, Stephen** 11/9/2021  
*DOE NEPA Compliance Officer (or Acting) Compliance Date*

**ALL SIGNATURES WERE CAPTURED VIA THE ELECTRONIC WORKFLOW SYSTEM.**

Click on the following Link to view the associated NEPA Document:

[https://myspr.spr.doe.gov/sites/sprworkflow/nepa/NEPA\\_Uploaded\\_Documents/WH\\_Annual\\_Right\\_of\\_Way\\_Clearing\\_NEPA\\_CX.docx, NEPA E](https://myspr.spr.doe.gov/sites/sprworkflow/nepa/NEPA_Uploaded_Documents/WH_Annual_Right_of_Way_Clearing_NEPA_CX.docx, NEPA E)