

Categorical Exclusion (CX) Determination

Proposed Action: Circle substation expansion

Description of Proposed Action: Expansion of the Circle substation approximately 4 acres to the south for the purpose of adding additional bays for the Keystone XL pipeline project.

Number and Title of Categorical Exclusions Being Applied: 10 CFR 1021.410 Subpart D, Appendix B, B4.11: Construction of electric power substations... or modification of existing substations and support facilities.

Regulatory Requirements for CX Determination: The DOE Guidelines for Compliance with the Regulatory Requirements for the National Environmental Policy Act at 10 CFR 1021.410(b), require the following determinations be made in order for a proposed action to be categorically excluded from National Environmental Policy Act (NEPA) review:

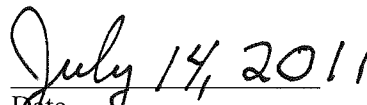
- 1) The proposed action fits within a class of actions listed in Appendix B to Subpart D.
- 2) There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal; and
- 3) The proposal is not "connected" to other actions with 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.

Results of Review: In accordance with DOE environmental regulations (10 CFR 1021) Western has reviewed the proposed action in terms of the level of NEPA review needed. Based on this review, Western has determined the proposal is encompassed within a class of action listed in Appendix B to Subpart D (10 CFR 1021.410) which lists actions not normally requiring the preparation of either an Environmental Impact Statement (EIS) or an Environmental Assessment (EA), provided the actions meet the integral elements defined in Appendix B. The proposed action fits into the categorical exclusion listed under B4.11 "Construction of electric power substations... or modification of existing substations and support facilities...". A site visit was made on 21 April 2011. The Montana State Historic Preservation Office concurred with Western's finding of "No historic properties affected" on 5 July 2011. No biological concerns were identified during the site visit.

Determination: Based on my review of information provided to me concerning the proposed action as NEPA Compliance Officer, I have determined that the proposed action fits within the specified class of action, the other regulatory requirements set forth above are met, and the proposed action is categorically excluded from further requirements of NEPA review.



Nicholas J. Stas
NEPA Compliance Officer, UGP



Date