

**NEPA REVIEW
LASO-10-002**

CATEGORICAL EXCLUSION

PAJARITO ROAD RIGHT-OF-WAY SHIFT AT TA-50 AND TA-55

1. DESCRIPTION OF PROPOSED ACTION:

LANL proposes to shift a segment of Pajarito Road slightly to the south along the edge of Two-Mile Canyon in the vicinity of TA-55. The existing centerline would be moved between 36 feet and 56 feet depending on final designs. This shift would address the need to integrate security requirements related to the Chemistry and Metallurgy Building Replacement Project (CMRR) and the Nuclear Materials Safeguards and Security Upgrades Project (NMSSUP) - specifically placement of the Perimeter Intrusion Detection, Assessment, and Delay System fence improvements in proximity to Pajarito Road. Pajarito Road is not open to the public and is secured to preclude unauthorized access to the facilities between TA-64 and White Rock. It serves essentially as an access road to LANL technical areas.

Pajarito Road modifications would include relocating utilities to the north of the proposed road segment, removing the existing road bed, and constructing up to one-half mile of a road segment. The new segment would have two twelve-foot driving lanes and two eight-foot paved shoulders. There would be a 12-foot wide turn lane at the Pecos/Pajarito intersection approach. Part of the segment would include an additional four-foot wide section to accommodate installation of a retaining wall system on the south side of the road in order to reduce the amount of earthwork and engineered fill otherwise required to cross two drainages.

Utilities within the existing Pajarito Road right-of-way that would require relocation include gravity sewer lines, one effluent force main, a telecommunication duct bank, electrical duct bank, and the main County of Los Alamos water transmission line. Two sewer lines and a natural gas line southwest of the Pajarito/Pecos intersection to the south of Pajarito Road may also require relocation. Utilities would be relocated to the north of the new road segment pavement to minimize future maintenance costs and traffic disruption.

The LANL Cultural Resources Team (CRT) has surveyed the adjacent area and the Two-Mile Canyon bench in compliance with the National Historic Preservation Act, in order to record any archaeological sites. CRT has concluded that constructing the proposed segment would not impact historic properties or have a negative effect on a rock shelter site on the canyon bench, and that on-site archaeological monitoring during construction would assure this is the case. The resulting survey report documenting no adverse effect will be provided to the State Historic Preservation Officer.

The U.S. Fish and Wildlife Service has concurred with LANL and LASO's earlier determination that the proposed action "may affect, is not likely to adversely affect" the Mexican Spotted Owl (MSO). The action and associated activities would conform to the guidance in LANL's Habitat Management Plan. The MSO and their habitat would not be adversely affected by the action and this species prey habitat would be retained or only temporarily impacted. Any shift of the road bed further to the south onto the canyon shelf would require re-consulting with the US Fish and Wildlife Service.

The proposed activities would not require a New Mexico Section 401 Water Quality Certification or an Army Corps of Engineers 404 Dredge and Fill Permit.

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2. PROJECT REQUIREMENTS:

Endangered Species Act: Any shift of the road bed further to the south onto the canyon shelf would require re-consulting with the US Fish and Wildlife Service.

Clean Water Act Permits: The roadway segment move would require a NPDES (National Pollutant Discharge Elimination System) General Permit for Storm Water Discharge from Construction Activities and an associated SWPPP (Storm Water Pollution Prevention Plan). If oil, gasoline, diesel fuel, or other petroleum products spill onto the soil, they must be cleaned up, containerized, characterized, and disposed. Excess materials such as product debris, equipment, chemicals, waste, concrete, asphalt, and stockpiled soil, are considered to be wastes and must not be abandoned at the end of the project.

Interface with Material Disposal Area (MDA) C: Analytical data from the Phase II Investigation Report for MDA C (northeast of the proposed action) indicates volatile organic compounds (VOCs), tritium, Americium-241, Cesium-134, isotopic uranium and isotopic plutonium have migrated south of Pajarito Road or are present in the north-east corner of the intersection of Pecos Road and Pajarito Road. Because of the proximity of these sample locations to the existing segment of Pajarito Road proposed to be removed as part of this project, a representative sample of the asphalt (and/or any soil removed as part of this project) may need to be obtained and analyzed for these constituents.

3. CATEGORICAL EXCLUSION BEING APPLIED:

10 CFR 1021, Appendix B 1.13, which includes construction, acquisition, and relocation of onsite pathways and short onsite access roads and railroads.

3. REGULATORY REQUIREMENTS IN 10 CFR 1021.410 (B):

1. The proposed action fits within a class of actions that is listed in Appendix B to Subpart D.

For classes of actions listed in Appendix B, the following conditions are integral elements; i.e., to fit within a class, the proposal must not:

- a. Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, including DOE and/or Executive Orders;
 - b. Require siting, construction, or major expansion of waste storage, disposal, recovery, or treatment facilities, but may include such categorically excluded facilities;
 - c. Disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that pre-exist in the environment such that there would be uncontrolled or unpermitted releases; or
 - d. Adversely affect environmentally sensitive resources (including but not limited to those listed in paragraph B. (4)).
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.

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4. NEPA COMPLIANCE OFFICER CLASSIFICATION/DETERMINATION:

This proposal is covered by a NEPA categorical exclusion in accordance with Appendix B to Subpart D of 10 CFR 1021, and meets the requirements of 10 CFR 1021.410 (B) listed above.

If changes are made to the scope of action so that it is no longer bounded by the action described in this memo, or it is changed to encompass other actions, NEPA requirements for the action will need to be reassessed at that time and further analysis may be required.

Signature: *George J. Rael* Date: *April 21, 2010*
George Rael, LASO NEPA Compliance Officer