



U.S. Department of Energy
Office of Legacy Management
Categorical Exclusion Determination Form



Program or Field Office: Office of Legacy Management

Project Title and I.D. No.: Relinquish part of the Rio Blanco, Colorado, Site and modify restricted access to subsurface areas. LM # 1-14

Location: Rio Blanco, Colorado

Proposed Action or Project Description:

DOE proposes to relinquish to the U.S. Bureau of Land Management (BLM) an estimated 126 acres of surface and the associated subsurface mineral interests withdrawn from BLM in 2003 under Public Land Order (PLO) No. 7582. DOE also proposes to relinquish to BLM an estimated 36 acres of subsurface mineral rights on the contiguous privately-owned property.

In addition, DOE wishes to reduce the depth of the area restricted from mineral entry. Under the 2003 PLO, mineral entry was excluded from the ground surface to an undefined depth below the ground surface (bgs). DOE proposes to exclude mineral entry from the ground surface to a true vertical depth of 7,500 feet bgs. The areas to be relinquished are not needed to protect the public from potential subsurface contamination related to an underground nuclear detonation conducted in 1973 at the Rio Blanco Project Site). Long-term hydrologic testing of surface water and groundwater from locations near the site indicate that much of the site withdrawn in 2003 is free of contamination. Technical data from the Rio Blanco and Rulison, Colorado, sites and from the oil and gas industry was used to revise a transport model that predicts minor movement of site-related contamination through diffusion and pressure gradients. In all simulations, no site-related contamination breached the proposed modified Withdrawal Area.

There would be no change in surface uses on the land that would be relinquished to BLM, nor has DOE changed surface uses from the original uses present in 2003. No negative impacts are associated with this proposed relinquishment. Potential positive impacts might occur related to potential development of oil and gas fields below 7,500 feet bgs.

Categorical Exclusion(s) Applied:

B1.36 Determination of Excess real property

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:

Date Determined: