



NEPA Categorical Exclusion Determination Form

Program or Field Office: U.S. Department of Energy (DOE) Office of Legacy Management (LM)

Project Title: Install and Maintain Aerial Survey Quality Control Monuments and Perform Aerial Surveys at the Tuba City, Arizona, Disposal Site

Location: Tuba City, Arizona, Disposal Site

Proposed Action or Project Description:

DOE LM is proposing to construct six permanent aerial survey quality control monuments at the Tuba City, Arizona, Uranium Mill Tailings Radiation Control Act Title I Disposal Site. All monuments would be located adjacent to the site's engineered disposal cell. The monuments would be constructed to provide reliable control points for conducting future aerial surveys, which is expected to facilitate the long-term management of the disposal cell. All proposed work would be conducted by the Legacy Management Support (LMS) contractor or a subcontractor under LMS supervision. Proposed work would include ground surveying and the placement of survey pins at all locations. An excavator would be used to dig holes to construct the monuments. Efforts would be made to minimize areas of land disturbance during monument construction, with excavations approximately 3 feet wide and 2 feet deep, and monument survey rods driven approximately 4 feet deep. Care would be taken to drive construction equipment on existing site roads or tracks whenever possible. Refueling of equipment would occur onsite following an LMS contractor fueling plan. Construction of the monuments is tentatively scheduled for September 2020. Maintenance of the monuments would be conducted in out years as needed.

In accordance with the National Historic Preservation Act (NHPA), Section 106 process, LM reviewed the proposed undertaking and determined that the proposed work would have no adverse effects on historic property. This determination was submitted in a consultation letter to the Navajo Tribal Historic Preservation Officer on July 15, 2020. Proposed work would not commence until the NHPA process is complete.

Future aerial surveys would occur as needed. Aerial surveys are expected to be conducted by unmanned aerial vehicles (also called drones); however, there is a potential for a manned aircraft or helicopter to be used to conduct the surveys. If a manned aircraft or helicopter were to be used, the takeoff and landing would occur at a nearby airport. No aviation activities would commence until required flight safety plans are approved by a certified DOE aviation manager and permission is received from the LM site manager to proceed with aviation activities. The need to perform follow-up aerial surveys would depend, in part, upon results of the baseline aerial survey, which is scheduled to occur in 2022. Follow-up aerial surveys would require new flight safety plans approved by a certified DOE aviation manager and the LM site manager.

Categorical Exclusion(s) Applied:

- B1.3, Routine maintenance
- B3.1, Site characterization and environmental monitoring
- B3.2, Aviation activities

For the complete DOE National Environmental Policy Act (NEPA) regulations regarding categorical exclusions, including the full text of each categorical exclusion, see Subpart D of Title 10 *Code of Federal Regulations* Section 1021 (10 CFR 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.



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- 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 by the LM Director per DOE Policy 451.1), I have determined that the proposed action fits within the specified classes 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 Signature and
Determination Date**

JOYCE CHAVEZ Digitally signed by JOYCE CHAVEZ
Date: 2021.02.03 13:59:44 -07'00'
