



## NEPA Categorical Exclusion Determination Form

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

**Project Title:** Unmanned Aerial Surveys at Sherwood, Washington, Disposal Site

**Location:** Sherwood, Washington, Disposal Site

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### Proposed Action or Project Description:

DOE LM is proposing to conduct aerial surveys by small unmanned aircraft systems at the Uranium Mill Tailings Radiation Control Act Title II Sherwood, Washington, Disposal Site (site) to provide aerial photography and topographic mapping services onsite and offsite within the geofence boundary. The primary datasets from the survey would include aerial imagery and light detection and ranging (lidar) elevation data for 484 acres on and surrounding the site. Regular collection of aerial survey data is expected to facilitate long-term management of the disposal cell by providing accurate baseline datasets that can be assessed and compared to future site aerial surveys and to existing ground survey data.

All field ground surveying and target placement would be performed by a professional land surveyor, and subsequent target removal would be the responsibility of Legacy Management Support (LMS) personnel. The temporary placement of small targets on the ground surface would occur using anchor spikes less than 6 inches in length, and the targets would be installed and removed using hand-powered tools. Marker placement could occur in both onsite and offsite locations within the geofence boundary, including placement on the disposal cell. All temporary targets would be removed when data collection activity is complete.

The initial aerial survey activities would occur in autumn 2021 and are expected to take two days of ground survey work and three days of flight work. Proposed work would be conducted by the LMS contractor or a subcontractor under LMS supervision. No aviation activities would commence until required aviation 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 the results of the baseline aerial survey. Follow-up aerial surveys would require new aviation safety plans approved by a certified DOE aviation manager and the LM site manager.

The site is located within the Spokane Tribe of Indians reservation. LM completed National Historic Preservation Act Section 106 consultation for this activity in 2018. LM determined that the construction of aerial targets and subsequent flight operations would have no adverse effect on historic property in the area. LM communicated this in writing to the Tribal Historic Preservation Officer (THPO) for the Tribe. The THPO agreed in an email response on November 18, 2018. No further Section 106 consultation is required for this undertaking.

The site is within range of two federally listed species (yellow-billed cuckoo and bull trout) but includes no habitat for either species. The Spokane Tribe of Indians does not maintain an endangered species list, but habitat may exist on and near the site for two Birds of Conservation Concern (golden eagle and white-headed woodpecker). However, the work would be scheduled outside of breeding seasons; furthermore, the proposed activities are of relatively short duration and associated with low impacts, so they are not expected to significantly affect any of these special-status species. Human activity would last for approximately 5 days, which could affect eagles, greater sage-grouse, and other protected migratory birds during their breeding, nesting, and fledging seasons. However, LM's activities are planned for September (outside of sensitive seasons) and would not have a significant impact on birds.

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### Categorical Exclusion(s) Applied:

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

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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)



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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 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.

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**NEPA Compliance Officer Signature and  
Determination Date**

JOYCE CHAVEZ Digitally signed by JOYCE  
CHAVEZ  
Date: 2021.05.27 14:24:11 -06'00'

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