



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 Temporary Offsite Water Flow Sensor at L-Bar, New Mexico, Disposal Site

Location: L-Bar, New Mexico, Disposal Site

Proposed Action or Project Description:

LM is proposing to team with the U.S. Army Corps of Engineers (USACE) to install and maintain a temporary water flow sensor and camera in an offsite arroyo drainage north of the L-Bar, New Mexico, Disposal site (site) and County Road 1. The L-Bar site is a Uranium Mill Tailings Radiation Control Act Title II site approximately 10 miles north of Laguna Pueblo, New Mexico, in Cibola County.

Proposed activities include monitoring flow depth and taking photographs. The sensor would be equipped with solar cells. USACE personnel would require access to the sensor periodically to adjust the sensor orientation, to conduct maintenance on the sensor/transducer, and to survey the flow path following larger flow events. A T-post would be installed adjacent to the arroyo to a depth of 12 to 18 inches using only hand-powered tools. The sensor equipment would be mounted to the T-post, while the sensor itself would be placed on the arroyo surface bed and connected to the T-post by a sensor cable. Smaller stakes might be used to anchor the tubing on the ground. The camera would either be set on the T-post or attached to the end of the culvert at the sensor location. USACE would install and monitor the equipment and data. The equipment would be set up within or adjacent to the road right-of-way on Cebolleta Land Grant property. All environmental evaluations and the identification of applicable requirements would be a coordinated effort between LM, its Legacy Management Support (LMS) contractor, and USACE.

Cultural resources and active animal dens would be avoided when field-locating the placement of equipment. The equipment would remain in place for approximately 2-3 years. LMS staff would coordinate access to the sensor through an agreement with Cebolleta Land Grant. Access permission would be obtained in writing prior to the start of work. Activities proposed under this Categorical Exclusion Evaluation would be valid for 5 years from the date of the final signature for the activities performed within the scope and limitations described.

Categorical Exclusion(s) Applied:

- A9 Information Gathering, Analysis, and Dissemination
- B1.3 Routine Maintenance
- B3.1 Site Characterization and Environmental Monitoring
- B1.24 Property Transfer

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.

**NEPA Compliance Officer Signature and
Determination Date**

JOYCE CHAVEZ Digitally signed by JOYCE CHAVEZ
Date: 2021.09.03 09:23:24 -06'00'