



NEPA Categorical Exclusion Determination Form

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

Project Title Unmanned Aircraft Survey of L-Bar, New Mexico, Disposal Site

Location: L-Bar, New Mexico, Disposal Site; Uranium Mill Tailings Radiation Control Act (UMTRCA) Title II [Click to enter](#)

Proposed Action or Project Description:

LM proposes to perform aerial surveys using small unmanned aircraft systems at the L-Bar, New Mexico, Disposal Site. Data collected from aerial surveys facilitate the long-term management of this disposal site. Targets would be placed on the ground by driving an object shorter than 6 inches in length into the ground using hand-powered tools. No mechanized equipment would be used. Targets would be placed to limit disturbance to native vegetation and potential wetlands to the extent possible. Milkweed plants would not be mowed or cut in an effort to minimize impacts to the monarch butterfly. Work is planned for November or later to minimize impacts to nesting migratory birds. Targets would not be placed in any areas suspected of containing cultural resources and would be removed when data collection is complete.

No aviation activities would begin until required aviation safety plans are approved by a certified DOE aviation manager and permission would be 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.

Routine maintenance related to the use of all-terrain vehicles (ATVs), ground surveying, onsite fueling, vegetation management, or reoccurrence of the aerial surveys would also occur. Vehicles, ATVs, and utility terrain vehicles would be limited to existing onsite and offsite roads and established trails.

Categorical Exclusion(s) Applied:

- A.1 Routine DOE Business Actions
- B1.3 Routine Maintenance
- B3.1 Site Characterization and Environmental Monitoring
- B.3.2 Aviation Activities [Click here to enter text.](#)

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.
- 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: 2022.10.14 11:36:46 -06'00'