



NEPA Categorical Exclusion Determination Form

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

Project Title: Routine Actions at the Legacy Management Field Support Center (LMFSC) at Grand Junction, Colorado

Location: Grand Junction, Colorado, Site: Decontamination and Decommissioning Site

Proposed Action or Project Description:

The U.S. Department of Energy (DOE) Office of Legacy Management (LM) is proposing to: conduct routine activities throughout the year, including inspections, monitoring, and maintenance at the LMFSC, located in Mesa County.

Inspections, site visits, and site tours: At a minimum, the LMFSC would be visually inspected on an annual basis; however, other factors could require more frequent inspections (e.g., stakeholder feedback or weather-related issues). These non-ground-intrusive activities would include visually inspecting the site and its features and assets for information-gathering or -sharing purposes and identifying any maintenance activities that would need to be addressed at a later time. Inspections, site visits, and site tours would be noninvasive visual activities that could involve public and nonpublic visitors.

Monitoring: Monitoring activities would include general surveying (e.g., ground surveys, well surveys) to generate and maintain spatially accurate databases, maps, or other documents (e.g., reports, presentations) and conducting groundwater and surface water sampling. Purge water generated from sampling would be dispersed on the ground in the vicinity of the well sampled. All field-generated excess liquid investigation-derived waste (e.g., purge water, excess sample water, equipment rinse) would be managed in accordance with the *Sampling and Analysis Plan for U.S. Department of Energy Office of Legacy Management Sites*. Other proposed activities include well maintenance, well redevelopment, data downloading from data loggers or similar instrumentation, transducer maintenance and calibration, telemetry equipment maintenance and calibration, unscheduled well repairs.

Other routine maintenance activities: Routine noninvasive activities would be performed throughout the year to ensure protection of human health and the environment. Routine activities would include:

- Collecting data from field instruments.
- Maintaining signs as required.
- Managing, recycling, and properly disposing of nonhazardous and hazardous solid waste (e.g., used paint/universal waste, including fluorescent lamps and used batteries) generated during routine activities.
- Reusing, recycling, and composting waste material when possible. If waste is generated, consult with the Environmental Compliance (EC) point of contact with questions about management and provide tracking data.
- Avoiding any potential wetlands, active bird nests, or animal burrows during all maintenance activities.
- Performing any required fueling of gas-powered hand tools needed during maintenance and monitoring activities in accordance with the *Routine Site Maintenance JSA*.
- Ensuring that any ground-disturbing activities would be of small-scale and limited to the use of hand-powered tools (e.g., powered landscaping tools). The use of mechanized ground-disturbing equipment would be excluded from this scope of work (e.g., powered digging equipment).
- A Geoprobe rig may not be operated to conduct any ground penetration.

Water resources: The site contains nonjurisdictional ponds that contain year-round surface water and support wetland vegetation around the shorelines and is near the Gunnison River and wetlands as described by the Waters of the U.S.. Groundwater and surface water sampling and well maintenance activities would take place in the floodplain of the Gunnison River. However, sampling activities would follow the requirements in the *Sampling and Analysis Plan for U. S. Department of Energy Office of Legacy Management Sites* and would have no impacts to water resources.

Threatened, endangered, or sensitive species: The site is within potential range of the following federally listed species: yellow-billed cuckoo, bonytail, Colorado pikeminnow, humpback cub, razorback sucker, and monarch butterfly (candidate species). Landscaping activities that might occur around the monitoring wells would avoid impacts to milkweed plants, if present, that provide habitat for the monarch butterfly. Workers would be made aware of how to identify these plants. No other species would be adversely affected by the work activities. Designated critical habitat for the Colorado pikeminnow, razorback sucker, and yellow-billed cuckoo exists near the perimeter of the site that borders the Gunnison River. The routine activities are included in a biological opinion for LM sites within the Upper Colorado River Basin. This biological opinion evaluated effects of water depletion on listed fish in the watershed. Quantities of water to be used for the project are within the quantities evaluated in the biological opinion and would not result in adverse effects to the fish or their designated critical habitat. Critical habitat for the yellow-billed cuckoo is approximately ¼ of a mile from the site. Routine work activities would not adversely impact the bird or its young during nesting season.

Migratory birds breeding or nesting: Some routine work activities have the potential to disturb nesting birds, eggs, or young, including bald eagles. If active nests are discovered during monitoring or sampling activities, nests would be avoided and not disturbed. If nests cannot be avoided, work would pause and LMS EC POC would be contacted for mitigation measures to be put in place before work continues.



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Categorical Exclusion(s) Applied:

A.9 Information Gathering, Analysis, and Dissemination
B1.3 Routine Maintenance
B3.1 Site Characterization and Environmental Monitoring

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: 2023.02.17 15:02:59 -07'00'