

# **GENERIC CATEGORICAL EXCLUSION FOR PROTECTION OF CULTURAL RESOURCES OR FISH AND WILDLIFE HABITAT, PACIFIC NORTHWEST NATIONAL LABORATORY, RICHLAND, WASHINGTON**

## **Proposed Action**

Pacific Northwest National Laboratory (PNNL) needs to perform actions to protect cultural resources and/or to protect, restore, or improve fish and wildlife habitat.

## **Location of Action**

Actions may occur at the PNNL campuses in Richland and Sequim, Washington, or other locations where PNNL research or operations and maintenance occur, or at non-PNNL sites selected to perform cultural or biological resource mitigation actions.

## **Description of the Proposed Action**

Actions intended to protect cultural resources may include activities similar to installation, removal, or relocation of fencing, gates, signs, and other means of limiting access to the vicinity of known cultural resource sites, and removal of unneeded structures, roads, or infrastructure.

In some cases, protection may include planting native vegetation to inhibit erosion, or installation of geotextiles, rock or earthen covers, or streambank protection to prevent erosion and exposure of the resources.

Activities intended to protect, improve, or restore fish and wildlife habitat include activities similar to: installation or relocation of fencing, gates, signs, and other means to limit access to areas with important resources; small-scale earthwork or grading to create more natural landscape topography; planting desirable native species to enhance habitat value; removal of undesirable vegetation including noxious weeds via mechanical or chemical means; and installation of features such as artificial burrows to enhance habitat suitability.

These routine activities would be managed in accordance to, and in compliance with, DOE orders, as well as federal and state regulations and guidelines.

## **Biological and Cultural Resources**

Biological and cultural resources reviews will be conducted prior to such activities to assure that impacts to sensitive resources are avoided or minimized.

The biological resources review will identify the occurrence of federally and state-protected species and habitats in the project area such as avian species protected under the Migratory Bird Treaty Act (MBTA); species protected by the Marine Mammal Protection Act (MMPA); essential fish habitat as defined by the Magnuson-Stevens Fisheries Conservation and Management Act (MSA); plant and animal species and critical habitat protected under

the Endangered Species Act (ESA), including candidates for such protection; and state species listed as threatened or endangered. Resource review recommendations will be followed during cultural and biological resource protection activities to assure there are no adverse impacts to sensitive species and resources.

DOE will conduct a cultural resources review as part of the Section 106 process of the National Historic Preservation Act (NHPA). The Section 106 process assesses undertakings to determine if the undertaking will have an adverse effect/impact to historic properties.

If the biological and/or the cultural resources review determines that resources may be adversely affected/impacted, the use of this categorical exclusion (CX) would be reevaluated. Potential options could be, but are not limited to, changing the proposed activity location, the development of mitigation measures to render the impacts not significant, or the performance of additional National Environmental Policy Act (NEPA) analysis and review.

### **Categorical Exclusion to Be Applied**

As the proposed action is to protect cultural resources and/or protect, restore, or enhance biological resources, the following CX, as listed in the DOE NEPA implementing procedures, 10 CFR 1021, would apply:

*B1.20* Small-scale activities undertaken to protect cultural resources (such as fencing, labeling, and flagging) or to protect, restore, or improve fish and wildlife habitat, fish passage facilities (such as fish ladders and minor diversion channels), or fisheries. Such activities would be conducted in accordance with an existing natural or cultural resource plan, if any.

Generic CXs are authorized by 10 CFR 1021.410(f) for recurring activities to be undertaken during a specified period of time, after considering potential aggregated impacts.

### **Eligibility Criteria**

The proposed activity meets the eligibility criteria of 10 CFR 1021.410(b) because the proposed action does not have any extraordinary circumstances that might affect the significance of the environmental effects, 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 environmental impact statement preparation.

The "Integral Elements" of 10 CFR 1021 are satisfied as discussed in the table below:

<b>INTEGRAL ELEMENTS, 10 CFR 1021, SUBPART D, Appendix B (1)-(5)</b>	
<i>Would the Proposed Action:</i>	Evaluation
Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health?	No, the proposed action would not threaten a violation of statutory, regulatory, or permit requirements for environment, safety, and health regulations or DOE or Executive Orders.
Require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities?	No waste management facilities would be constructed under this CX. Any generated waste would be managed in accordance with applicable regulations in existing facilities. Waste disposal pathways would be identified prior to generating waste and waste generation would be minimized.
Disturb hazardous substances, pollutants, or contaminants that preexist in the environment such that there would be uncontrolled or unpermitted releases?	No preexisting hazardous substances, pollutants, or contaminants would be disturbed in a manner that results in uncontrolled or unpermitted releases.
Involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species?	The proposed action would not involve the use of 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).
<p>Have the potential to cause significant impacts on environmentally sensitive resources, including, but not limited, to:</p> <ul style="list-style-type: none"> <li>• protected historic/archaeological resources</li> <li>• protected biological resources and habitat</li> <li>• jurisdictional wetlands, 100-year floodplains</li> <li>• Federal- or state-designated parks and wildlife refuges, wilderness areas, wild and scenic rivers, national monuments, marine sanctuaries, national natural landmarks, and scenic areas.</li> </ul>	<p>No environmentally sensitive resources would be adversely affected by the proposed actions.</p> <p>The proposed action would not adversely affect floodplains, wetlands regulated under the Clean Water Act, national monuments, or other specially designated areas, prime agricultural lands, or special sources of water.</p> <p>Potential impacts to Biological or Cultural resources would be addressed as described above.</p>

### Summary of Environmental Impacts

The following table summarizes environmental impacts considered when preparing this CX determination.


<b>Environmental Impacts Considered when Preparing this CX Determination</b>	
<i>Would the Proposed Action:</i>	Evaluation

Result in more than minimal air impacts?	Other than small amounts of vehicle emissions and minor and temporary dust generation during some restoration actions, there would be no air impacts.
Increase offsite radiation dose measurably?	The proposed action would not measurably increase offsite radiation dose.
Require a radiological work permit?	The proposed work is not expected to require a radiological work permit.
Discharge any liquids to the environment?	The proposed action would discharge liquids to the environment. These discharges would only be minor applications of water for initial plant irrigation or dust control.
Require a Spill Prevention, Control, and Countermeasures plan?	The proposed action would not require a Spill Prevention, Control, and Countermeasures plan.
Use carcinogens, hazardous, or toxic chemicals/materials?	The proposed work might include the use of herbicides to control noxious weeds or invasive species. These chemicals would be applied under supervision of licensed pesticide applicators following specific label requirements for each herbicide.
Involve hazardous, radioactive, polychlorinated biphenyl, or asbestos waste?	The proposed action would not produce hazardous, radioactive, polychlorinated biphenyl, or asbestos waste.
Cause more than a minor or temporary increase in noise level?	Some protective or restoration activities could result in a temporary, minor increase in noise levels in the immediate vicinity.
Create light / glare, or other aesthetic impacts?	The proposed action would not create light/glare or other aesthetic impacts.
Require an excavation permit (e.g., for test pits, wells, utility installation)?	Some resource protection, restoration, and improvement activities may require an excavation permit, such as a PNNL or Hanford Site excavation permit. All required procedures would be followed and any required reviews would be obtained as part of the excavation permit process.
Disturb an undeveloped area?	Many of the proposed activities would occur within undeveloped areas. However, the purpose of the activities would be to protect, improve, or restore the cultural or biological resources at the site and are not expected to negatively alter the character of an undeveloped area. Additional NEPA would be required if disturbances would adversely impact sensitive species and/or habitats; cultural resources, including historic buildings and Traditional Cultural Properties; or other resources.
Result in more than minimal impacts on transportation or public services?	The proposed action would not have more than minimal impacts on transportation or public services.

Disproportionately impact low-income or minority populations?	The proposed action would not disproportionately impact low-income or minority populations.
Require environmental or other permits from federal, state, or local agencies?	Depending on the specific project, some activities may require permits, such as wetland permits, shoreline permits, and access permits. The need for permits would be considered on a project-specific basis and any permits required for a proposed project would be obtained prior to initiation of the proposed protective, improvement, or restorative actions. Activities will abide by all applicable permit requirements.

**Compliance Action**

I have determined that the proposed action satisfies the DOE NEPA eligibility criteria and integral elements, does not pose extraordinary circumstances, and meets the requirements for the CX referenced above. Therefore, using the authority delegated to, I have determined that the proposed action may be categorically excluded from further NEPA review and documentation. This determination must be reviewed at least once every 5 years.

**Signature:**  Digitally signed by THOMAS MCDERMOTT  
Date: 2023.03.31 10:36:02 -07'00'

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Tom McDermott  
PNSO NEPA Compliance Officer

cc: ES Norris, PNNL