



NEPA Categorical Exclusion Determination Form

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

Project Title: Water Line Installation at Bear Creek, Wyoming, UMTRCA Title II Disposal Site

Location: Bear Creek, Wyoming UMTRCA Title II Disposal Site

Proposed Action or Project Description:

LM is proposing installation of a new underground water line, beginning on a private rancher's property northeast of the Bear Creek disposal site and extending into the northeast portion of the site. LM would provide oversight to the private rancher leasing the property for livestock grazing, who would install the water line for livestock. The water line would be approximately 1000–1200 feet long and installed in a trench, approximately 5 feet deep and 6 inches wide. The estimated total width of ground disturbance associated with this proposed action is 3 feet or less, resulting in a total area of disturbance of less than 0.1 acre. Only the portion of the water line within the northeastern portion of the site is included in this determination. The line would be 3-inch-diameter high-density polyethylene (HDPE) pipe.

The water line would be installed using hand tools, a backhoe, and either a skid-steer with a trencher or a ditch witch trencher equipped with a chain trencher and fusing machine. Approximately 15–20 yards of sandstone gravel and native soil from the private rancher's property would be placed around a water tank to be installed at the terminus of the water line on the site property. All material dug from the trench would be used to backfill the trench. The trench would be backfilled, compacted with any depressions filled, and then graded to match existing topography. The water line installation is proposed for 2023 and expected to take 7 days, with approximately 2 days' worth of work on the site property. The source of water is a well currently used to water stock located approximately 1/4 to 1/3 mile north-northeast of the site. LM would monitor the installation of the water line to ensure minimal impacts to the environment on LM property.

A class III cultural resources survey was conducted in November of 2022 which resulted in a finding of "no historic properties affected." This determination was submitted to the Wyoming State Historic Preservation Officer in December 2022 and was reviewed with no comment or need for further consultation.

Limitations and conditions of this planned action include:

- The area must be walked to look for active bird nests or animal burrows before work begins. If found, work would be relocated away from the area, where the nest or burrow would not be disturbed.
- To the extent possible, vehicle use would be limited to existing travel routes and established trails.
- Generation of waste material is not expected, but would be managed by the private rancher, if generated.
- The project would not result in sediment leaving the site.
- Fueling of equipment and storage of equipment and materials associated with the water line installation would be offsite on land owned by the private rancher leasing the LM property for livestock grazing.

Categorical Exclusion(s) Applied:

A9 Information Gathering, Analysis, and Dissemination, B1.3 Routine Maintenance, B5.5 Short Pipeline Segments

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



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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**

Tracy A. Ribeiro Digitally signed by Tracy A. Ribeiro
Date: 2023.04.10 12:22:33 -06'00'
