



**U.S. Department of Energy
Office of Legacy Management
Categorical Exclusion Determination Form**



Program or Field Office: Office of Legacy Management

Project Title and I.D. No.: Grazing Agreement Amendment to LM #8-12, Acid Pond Property Disposition Near the Spook, Wyoming, Disposal Site.

Location: Spook, Wyoming

Proposed Action or Project Description:

In the spring of 2012, DOE granted a grazing license to the same rancher from whom portions of the Spook site were originally acquired, and to whom the Acid Pond Parcel of the property would be dispositioned. This rancher controls the grazing of cattle on the Spook site as an extension of his ranching activities. The Spook site is not a fenced site, and as such, grazing was allowed to occur consistent with the State of Wyoming's "fence out" regulations. DOE has formalized the use of the site for grazing by issuing a grazing license, which also acknowledges grazing as a "reuse" opportunity for this site. Since the cattle have been grazing freely, the related impacts upon issuance of the grazing agreement are of the same context and intensity as the impacts that existed prior to issuance of the grazing agreement. Issuing the grazing agreement was found to be categorically excluded from further evaluation under the National Environmental Policy Act.

Categorical Exclusion(s) Applied:

- B1.24 Property Transfers

For the complete DOE National Environmental Policy Act regulations regarding categorical exclusions, including the full text of each categorical exclusion, see Subpart D of 10 CFR Part 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 under DOE Order 451.1B), I have determined that the proposed action fits within the specified class(es) of action, the other regulatory requirements set forth above are met, and the proposed action is hereby categorically excluded from further NEPA review.

Tracy A. Ribeiro
NEPA Compliance Officer:

09/12/12
Date Determined: