



NEPA Categorical Exclusion Determination Form

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

Project Title: Safeguarding DRUM mining features located on state, tribal, and private lands

Location: Various

Proposed Action or Project Description:

DOE-LM is proposing to conduct Defense-Related Uranium Mine (DRUM) safeguarding, monitoring, and maintenance activities on abandoned mine lands (AML) in Alaska, Arizona, California, Colorado, Florida, Idaho, Montana, Nevada, New Mexico, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Utah, Washington, Texas, and Wyoming in accordance with the DRUM Safeguarding Program Management Plan. All activities would be conducted in compliance with federal, state, tribal, and local laws and regulations.

Safeguarding involves constructing barricades to protect public safety by restricting access to, stabilizing, or removing mine features that present a safety hazard, and may also include collecting and disposing of excess equipment, scrap metal, and other debris. Safeguarding would occur year-round from 2021-2026, except during restricted wildlife breeding and nesting seasons. Before constructing safeguards, areas would be evaluated for cultural resources and special-status species, including pedestrian surveys. Safeguarding actions may include revegetating disturbed areas with seed, mulch, and/or implementing erosion control measures. Mine-specific guidelines and restrictions would be developed and implemented as part of individual project-specific Environmental Review Forms to protect these resources.

Monitoring may occur at least once within 5 years after safeguarding and could include: 1) Visually inspecting mine conditions on foot or using vehicles in previously disturbed areas, 2) manned or unmanned aerial surveys, 3) physical land surveys, and/or 4) documenting results to state that completed safeguards function as designed or that maintenance is necessary. No aviation activities would commence until required flight safety plans are approved by a certified DOE aviation manager and permission is received from the LM site manager to proceed with aviation activities. Any follow-up aerial surveys would require new flight safety plans approved by a certified DOE aviation manager and the LM site manager.

Maintenance could occur year-round and include 1) repairing breached, incompetent, or nonfunctional safeguards, 2) installing new safeguards to replace failed safeguards, 3) constructing a safeguard if a previously unidentified hazardous feature has developed or is actively developing at a safeguarded mine, or 4) other similar maintenance activities as required.

DOE-LM must receive appropriate access agreements from the state land management agency or private landowner to perform safeguarding activities. Proposed work would not commence until environmental regulatory review processes are complete. Future site- or project-specific environmental reviews would be conducted to verify that the proposed safeguarding activities fit within the class of actions and eligibility criteria identified in Section B and Section C of this CXE. This CXE may be amended as needed to identify the locations of ongoing safeguarding actions as they are planned.

Categorical Exclusion(s) Applied:

- A1 Routine DOE Business Actions; A9 Information Gathering, Analysis, and Dissemination; B1.3 Routine Maintenance; B1.11 Fencing; B1.20 Protection of Cultural Resources, Fish and Wildlife Habitat; B1.24 Property Transfers; B1.28 Placing a Facility in an Environmentally Safe Condition; B1.33 Stormwater Runoff Control; B3.1 Site Characterization and Environmental Monitoring; B3.2 Aviation Activities; B6.1 Cleanup Actions

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)



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- 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

TRACY RIBEIRO Digitally signed by TRACY RIBEIRO
Date: 2021.07.12 13:36:26 -06'00'
