



NEPA Categorical Exclusion Determination Form

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

Project Title: Routine Activities on Patented Claims Adjacent to Uranium Leasing Program Lease Tracts, Uranium Leasing Program (ULP)

Location: Patented Claims Adjacent to Various ULP Lease Tracts, Southwestern Colorado

Proposed Action or Project Description:

LM is proposing to issue access agreements for patented lands, some of which are private deeded property, adjacent to the ULP lease tracts in southwestern Colorado. Access agreements are needed to conduct routine maintenance, monitoring, and inspection activities on the patented claims lands. In the event the lessee/patented claim holder is unable to perform/complete reclamation activities, then ULP staff would need access to the patented lands to perform reclamation work. Proposed activities would occur in previously disturbed areas only. Activities occurring in undisturbed areas would require a separate NEPA review. Proposed activities are described below, identified by the responsible party.

ULP LM/LMS Personnel Activities

- Visually inspect and monitor disturbance conditions and lessee activities.
- Store general fencing supplies and tools in a secured shipping container.
- Obtain GPS data and perform surface and underground physical land surveys as needed.
- Check for and treat noxious weeds using mechanical, biological, or chemical methods in accordance with U.S. Bureau of Land Management (BLM)-approved methods and reporting requirements and also in accordance with state and U.S. Environmental Protection Agency (EPA) requirements.
- Conduct pedestrian cultural resource inventories or other types of field surveys.
- Perform site characterization activities such as radiological surveys and unmanned aerial vehicle surveys, collection of environmental media samples, and shipment of samples to analytical laboratories for analysis.
- Coordinate with other federal and state agencies and ULP stakeholders. Coordination activities would consist of reviewing plans, participating in meetings or teleconferences, sharing information, and organizing field visits to observe operations or proposed activities.

Lessee Activities

- Visually inspect and monitor disturbance conditions.
- Maintain access roads to operations using equipment such as road graders, front-end loaders, and other general construction equipment. Scheduled or unscheduled road repairs may be needed to address damage caused by either vehicular traffic or erosion.
- Conduct pedestrian cultural resource inventories or other types of field surveys..
- Visually inspect mine-related features such as site access gates and fences, mine portals, ponds, secondary escape ways, vent-hole locations and buildings for security purposes, unauthorized entry, and entrapped wildlife. Repair features as required.
- Inspect mine workings and perform mine maintenance (if conditions warrant).
- Perform routine checks and maintenance on equipment associated with mines, such as emergency escape hoists, surface ventilation fans, and other equipment.
- Conduct inspections and maintenance to groundwater monitoring well or other telemetry devices.
- Collect, monitor, and analyze water samples from monitoring wells and mine-related ponds.
- Check for and treat noxious weeds using mechanical, biological, or chemical methods in accordance with BLM-approved methods and reporting requirements and also in accordance with state and EPA requirements.
- Conduct inspections on overburden pile and surface material stockpile adjacent to the lease tract but located on private property (JD-7 Open Pit).
- Check open-pit mines for slope stability.
- Check and maintain stormwater runoff control features (in accordance with federal, state, and local NPDES permitting requirements), including repairs to, and reinforcement of, berms, ditches, and catchment ponds.

The proposed work could occur any time of year, except during restricted wildlife breeding and nesting seasons. Some activities would be coordinated with applicable tribes or other federal (BLM, U.S. Fish and Wildlife Service), state (Colorado Division of Reclamation, Mining, and Safety, Department of Public Works, State Historic Preservation Office), and local agencies. Coordination would include reviewing plans, participating in meetings or teleconferences, sharing information, and organizing field visits to observe proposed activities.



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Categorical Exclusion(s) Applied:

- A9: Information gathering, analysis, and dissemination
- A11: Technical advice and assistance to organizations
- 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
- B3.1: Site Characterization and Environmental Monitoring
- B3.2: Aviation Activities

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 E. Chavez Digitally signed by Joyce E. Chavez
Date: 2021.10.25 16:12:40 -06'00'
