



NEPA Categorical Exclusion Determination Form

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

Project Title: Defense-Related Uranium Mines (DRUM) Verification and Validation (V&V) Visits—New Mexico

Location: DRUM locations in the state of New Mexico

Proposed Action or Project Description:

LM proposes to amend the National Environmental Policy Act Categorical Exclusion Evaluation (CXE) LM 04-19 to (1) include B1.24 property transfers for activities associated with development of access agreements and (2) document the potential to enter into National Historic Preservation Act (NHPA) Section 106 consultation, if required by tribes or other agencies. If applicable, work would not commence until consultation is complete.

LM would conduct inventory, mapping, and soil and surface water sampling at abandoned uranium mines in the state of New Mexico in accordance with the approved *Defense-Related Uranium Mines Verification and Validation Work Plan*. Section 3151 of the National Defense Authorization Act for Fiscal Year 2013 mandates actions to verify and validate abandoned uranium mines associated with the atomic energy defense activities of the United States. Although this is an amended CXE, the description of activities below has not changed from those described in LM 04-19. The amendment is to include Categorical Exclusion B1.24 and the potential to enter into a NHPA Section 106 consultation only.

Activities would include inventory and survey and sampling visits. Inventory may be performed by state or federal agencies but would be funded by LM. Inventory activities would include the following: traveling to and from mine sites using full-sized vehicles, all-terrain vehicles (ATVs), or utility task vehicles (UTVs) on existing and agency-approved roads or on foot and without entering adits or other hazardous areas; exploring the mine sites and nearby areas to identify mine-related features; describing mine features and mine site conditions and recording their locations with GPS data collection; and installing small metal tags to identify features if necessary. Survey and sampling only visits would include the following activities: recording gamma radiation measurements using backpack-mounted instruments along transects within the mine's disturbed area, surrounding areas, sediment shed areas, and background locations; utilizing ATVs or UTVs to collect gamma radiation measurements on waste rock piles or disturbed areas at some large or very large mines (vehicle use would normally entail one vehicle pass along 100-foot transects throughout previously disturbed areas); collecting samples by hand from the upper 6 inches of soils in mine waste rock piles and background locations (each composite sample is less than 1 liter in volume, and the number of samples varies by mine); collecting and preserving (e.g., with nitric or sulfuric acid) surface water samples when surface water is present; shipping soil and water samples to a certified laboratory for analysis and disposal; decontaminating sampling equipment in the field and managing small quantities of radioactively contaminated solid waste, if present; collecting samples of plant material for a DRUM herbarium, excluding listed species; and using unmanned aircraft to supplement investigations at some locations.

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. The need to perform follow-up aerial surveys would depend, in part, upon the results of the baseline aerial survey. Follow-up aerial surveys would require new Aviation Safety Plans approved by a certified DOE Aviation Manager and LM site manager.

Categorical Exclusion(s) Applied:

- B3.1 Site characterization and environmental monitoring
- B3.2 Aviation activities
- B1.24 Property transfers

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

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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 A. Ribeiro Digitally signed by Tracy A. Ribeiro
Date: 2022.08.03 19:11:30 -06'00'