



NEPA Categorical Exclusion Determination Form

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

Project Title: Install Aerial Survey Quality Control Monuments and Perform Aerial Surveys

Location: Falls City, Texas, Disposal Site

Proposed Action or Project Description:

The U.S. Department of Energy (DOE) Office of Legacy Management (LM) is proposing to install permanent aerial survey quality control monuments and perform periodic aerial surveys to collect various site characteristics to facilitate long-term management of the Falls City, Texas, Disposal Site. Aerial survey quality control monuments would be constructed at six proposed locations near the engineered disposal cell to provide reliable control points for repeatable aerial surveys. Because the proposed locations have not been field checked, alternate locations within the site footprint would be used if, for example, adverse soil conditions or access limitations are encountered. All of the monuments would be located off the disposal cell within the site boundaries.

The aerial surveys are expected to be conducted by unmanned aerial vehicles (also called drones); however, there is potential for a manned aircraft or helicopter to be used to conduct the surveys. If an aircraft or helicopter were to be used, the takeoff and landing would occur from a nearby airport. Ongoing maintenance of the aerial survey quality control monuments would be performed, as needed. Maintenance activities include the use of all-terrain vehicles, ground surveying, and vegetation management. Temporary targets would be placed on the ground surface for survey monitoring.

Flights would adhere to all federal, state, local, and tribal laws, ordinance, and restrictions. Performance of aerial remote sensing surveys would occur on an as-needed basis. 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. The need to perform follow-on aerial surveys would depend, in part, upon the results of the baseline aerial survey. Follow-on aerial surveys would require new Flight Safety Plans approved by a certified DOE aviation manager and LM site manager. All proposed work would be conducted by the Legacy Management Support (LMS) contractor or a subcontractor under LMS supervision.

A Section 106 consultation letter was submitted to the Texas Historical Commission (THC) on August 21, 2019, with the determination of *no historic properties affected*. The THC concurred with this determination on September 20, 2019.

Categorical Exclusion(s) Applied:

- B1.3 Routine Maintenance
- 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.



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- ☒ 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 CHAVEZ Digitally signed by JOYCE CHAVEZ
Date: 2022.11.22 13:23:01 -07'00'
