



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) Program Safeguarding on Private Property in Monogram Mesa, Colorado, with the Colorado Division of Reclamation, Mining, and Safety

Location: DRUM Sites on Private Property in Colorado

Proposed Action or Project Description:

LM is proposing to amend *Categorical Exclusion Evaluation (CXE) Form* LM 11-21 to conduct project-specific safeguarding activities at five open mine features on private property in Montrose County, Colorado, as part of the larger Monogram Mesa, Colorado, closure project. Using LM Cooperative Agreement funding, the Colorado Division of Reclamation, Mining, and Safety would develop, solicit, and award a contract for safeguarding mine features. CXE LM 11-21 evaluated potential impacts related to conducting routine DRUM safeguarding, monitoring, and maintenance activities on abandoned mine lands in Alaska, Arizona, California, Colorado, Florida, Idaho, Montana, Nevada, New Mexico, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, and Wyoming in accordance with the *Defense-Related Uranium Mines (DRUM) Mine Safeguarding Program Management Plan*. All information in CXE LM 11-21 is still applicable, as are all of the Categorical Exclusions that were identified therein. All activities would be conducted in compliance with applicable laws and regulations. Safeguarding projects at the proposed locations are planned to occur in fall 2024. Any other discrete safeguarding projects are or would be addressed as separate amendments to CXE LM 11-21.

A consultation letter was sent to the Colorado State Historic Preservation Officer, and a response was received on June 26, 2024, which concurred that a finding of no historic properties affected (Title 36 *Code of Federal Regulations* Section 800.4[d][1]) is appropriate for the subject undertaking (attached). Letters were also sent to the Apache Tribe of Oklahoma; the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; the Navajo Nation (sharing geography with Arizona, New Mexico, and Utah); and the Ute Mountain Ute Tribe, but no responses were received within the 30-day response period.

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)

☒ 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.



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- ☒ 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 1501.9(e)(1)), is not related to other actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.1(g)(3)), 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

JENNIFER
O'BRIEN

Digitally signed by
JENNIFER O'BRIEN
Date: 2024.07.29
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