



NEPA Categorical Exclusion Determination Form

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

Project Title: Monument Marker Maintenance

Location: Bayo Canyon, New Mexico, Site

Proposed Action or Project Description:

LM is proposing to replace a missing boundary marker monument at the Formerly Utilized Sites Remedial Action Program Bayo Canyon site by placing a new marker and metal rod and sealing the new marker in concrete in the same location as the original and surveying all six marker locations for a record plat with Los Alamos County. Several activities are planned to complete this action: (1) The service road would be used to access the monument location, on public land owned by Los Alamos County. Access has been agreed to between DOE and the county. (2) Legacy Management Support personnel would hand excavate a circular area of 1 foot in diameter to a depth of 1 foot. The monument would consist of a metal cap and rebar foot, which would be stamped with relevant information to match the existing monuments and would be embedded in the ground with concrete. (3) Concrete and water, both transported to the site in the vehicle used to access the monument location, would be mixed together and shoveled into a form to set the monument in place. All soil removed in the excavation would be placed on top of the marker leaving only the marker cap visible. (4) The new monument along with the other five would be surveyed to generate a survey plat. The six site monument markers delineate the no-excavation boundary that contains the buried residual radioactive material and serve to protect the public and the environment from unintentional excavation. The anticipated ground-disturbing action is an "in-kind" replacement, and therefore does not trigger the review process of Section 106 of the National Historic Preservation Act. No consultation is necessary.

Categorical Exclusion(s) Applied:

- B1.3 Routine Maintenance
- B3.1 Site Characterization and Environmental Monitoring

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 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

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O'BRIEN
Date: 2025.02.24 15:16:03 -07'00'