



Department of Energy
National Nuclear Security Administration
NEPA Determination Form



Proposed Action Title: Categorical Exclusion for Bandelier National Monument Utility Project

Program or Field Office: Los Alamos Field Office

Location(s) (City/County/State): Technical Area 39, Los Alamos, NM

Proposed Action Description

The National Park Service proposes to reconstruct or replace existing utilities (electrical, water, gas, and communication) in new right-of-way (ROW) along State Road 4 in Technical Area (TA) 39 at Los Alamos National Laboratory (LANL). The existing utilities will be reconstructed or replaced in kind. The soil in the ROW is previously disturbed and will be stabilized upon completion of the utility replacement project. No soil disturbance in undeveloped areas is needed for the project. The National Park Service is proposing to reconstruct or replace utilities located along a new right-of-way (ROW) in TA-39. The new ROW permit will replace the existing Memorandum of Understanding (MOU) between the National Park Service and the DOE/NNSA.

Categorical Exclusions Applied

B4.7 Fiber optic cable - Adding fiber optic cables to transmission facilities or burying fiber optic cable in existing powerline or pipeline rights-of-way. Covered actions may include associated vaults and pulling and tensioning sites outside of rights-of-way in nearby previously disturbed or developed areas.

B4.12 Construction of powerlines - Construction of electric powerlines approximately 10 miles in length or less, or approximately 20 miles in length or less within previously disturbed or developed powerline or pipeline rights-of-way.

B5.4 Repair or replacement of pipelines - Repair, replacement, upgrading, rebuilding, or minor relocation of pipelines within existing rights-of-way, provided that the actions are in accordance with applicable requirements (such as Army Corps of Engineers permits under section 404 of the Clean Water Act). Pipelines may convey materials including, but not limited to, air, brine, carbon dioxide, geothermal system fluids, hydrogen gas, natural gas, nitrogen gas, oil, produced water, steam, and water.

Regulatory Requirements in DOE's NEPA Implementing Procedures

For the complete DOE National Environmental Policy Act procedures regarding categorical exclusions, including the full text of each categorical exclusion, see DOE's NEPA Implementing Procedures, Appendix B.

To find that a proposal is categorically excluded, DOE shall determine the following:

- (1) The proposal fits within a class of actions listed in Appendix B to DOE's NEPA Implementing Procedures;
- (2) There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal; and



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(3) The proposal has not been segmented to meet the definition of a categorical exclusion. The proposal is not connected to other actions with potentially significant impacts, is not related to other actions with individually insignificant but cumulatively significant impacts, and is not precluded by limitations on actions during preparation of an environmental impact statement.

The classes of actions listed in DOE's NEPA Implementing Procedures, Appendix B, include the following conditions as integral elements of the classes of actions. To fit within the classes of actions in 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 identified as needing protection through Executive Order, statute, or regulation by Federal, state, local government, or Federally recognized Indian tribe; (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 of the Department of Agriculture, the Environmental Protection Agency, and the National Institutes of Health.

Mitigations Required on DOE Property

The below table summarizes the mitigation actions based on the NEPA analysis of this project.

<u>Resources</u>	<u>Impact Identified</u>	<u>Mitigation Required</u>
Visual Resources	Dust and particulate matter generated during construction.	Best management practices (BMPs) for dust suppression, such as application of water to soils.
Soils	Soil disturbance during construction activities.	BMPs for reducing soil erosion (storm water pollution prevention plans [SWPPP], sediment fences, mulching , and revegetation) will be the responsibility of the project.



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Water Resources	Soil disturbance and impermeable surfaces from construction.	BMPs for reducing soil erosion (SWPPP, sediment fences, and mulching); cleared vegetation would be used as BMPs for storm water runoff; use of fragment-containment structures minimize introduction of contaminants into watersheds; compliance with state and federal requirements for management of auger boring cuttings and fluids including unplanned releases generated by the project will be the responsibility of the project.
Air Quality – Nonradiological Air Emissions	Fugitive dust and nonradiological particulate matter from construction.	BMPs for dust suppression, such as application of water to soils.
Noise	Noise associated with construction and operations.	Use of hearing protection for workers.
Ecological Resources	Vegetation removal for construction and fuel mitigation.	<p>To avoid impacts to the Jemez Mountains salamander on Bandelier National Monument property, NPS will not perform any digging outside of the July–September wet season; this prohibition of digging will apply to the entire project, including the portion on LANL property.</p> <p>Construction activities that take place during migratory bird nesting season (May 15 through July 31) are required to coordinate with LANL Biological Resources staff before tree or shrub removal. BMPs to protect occupied nests include surveying project areas before vegetation removal. If active nests are discovered, LANL Biological Resources staff will coordinate with NPS regarding conducting work to avoid occupied nests. All equipment and tools will be inspected and cleaned completely before entering the work zone to prevent the spread of invasive plant seeds.</p>
Human Health and Safety	Construction activities within the project area.	Use of personal protective equipment and compliance with NPS safety standards, policies, procedures, and controls.
Cultural Resources	Archaeological sites are located within the project area.	Cultural monitoring for all ground-disturbance activities and flagging and avoidance of sites to be conducted by LANL archaeologists. NPS will inform all workers of the penalties of illegally collecting artifacts or intentionally



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		damaging any archaeological or historic property.
Transportation and Traffic	Transportation and traffic during construction activities.	A traffic control plan will be conducted and followed by the project.

NEPA Compliance Officer Determination

Based on my review of information conveyed to me and in my possession concerning the proposed action, as NEPA Compliance Officer (as authorized under NNSA NAP 451.1), I have determined that the proposed action fits within the specified categorical exclusions identified in DOE's NEPA Implementing Procedures, Appendix B, Sections B4.7, B4.12, and B5.4. If changes are made to the scope of the action so that it is no longer bounded by the above description, or the project is changed to encompass other actions, NEPA requirements for the action will need to be reassessed at that time and further analysis may be required. I have determined that there are no extraordinary circumstances present, and that the proposal has not been segmented. This determination is for the DOE portion of the project and is being coordinated with the National Park Service's NEPA determination. I approve the proposed project under DOE's NEPA Implementing Procedures, Appendix B4.7, B4.12, and B5.4. This determination is made pursuant to the NEPA [42 U.S.C. 4321 et seq.] and the DOE NEPA Implementing Procedures.

NEPA Compliance Officer:

Date Determined: