Office of Environmental Management
U.S. Department of Energy

Categorical Exclusion Determination Form

Proposed Action Title: Transfer of excess property containing an adjacent land owner's barn.

Program or Field Office: Oak Ridge Office of Environmental Management

Location(s) (City/County/State): Oak Ridge, Roane County, Tennessee

Proposed Action Description:

The U.S. Department of Energy (DOE) Office of Environmental Management intends to transfer a 1.94-acre parcel of federal property in the Oak Ridge Reservation to an adjacent property owner. The property is not currently used nor needed for DOE mission. The property was previously encroached upon by the adjacent property owner, and is mostly cleared and partially forested land containing a privately-owned barn, a portion of a gravel driveway, and a pond, and does not include any DOE structures. The property is a portion of a larger parcel of land that has been approved as "uncontaminated" property by the U. S. Environmental Protection Agency. The property will be transferred in its current state to the private owner of the barn and pond. The private owner would continue the current use of the property. The attached Categorical Exclusion Analysis for the disposition of the 1.94-acre parcel is incorporated.

Categorical Exclusion(s) Applied:

B1.24 – Property transfers

For the complete DOE National Environmental Policy Act regulations regarding categorical exclusions, including the full text of each categorical exclusion, see Subpart D of 10 CFR Part 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.

The classes of actions listed below include the following conditions as integral elements of the classes of actions. 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, 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.

Based on my review of the proposed action, I have determined that the proposed action fits within the specified class(es) 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: LEAH ALEXANDER Digitally signed by LEAH ALEXANDER Date: 2026.11.12 10:30:06 -05'00'

Date Determined: 11/12/2026

CATEGORICAL EXCLUSION ANALYSIS

This analysis demonstrates that the Proposed Action does not have the potential to cause significant impacts to environmentally sensitive resources and meets the other integral elements of Categorical Exclusion B1.24 Property transfers.

Proposed Action: The U.S. Department of Energy (DOE) Oak Ridge Office of Environmental Management (OREM) intends to facilitate the transfer of an excess parcel of land to a private property owner. The approximate 1.94-acre parcel of federal property is located north of the Heritage Center and adjacent to the Black Oak Ridge Conservation Easement (BORCE) and Blair Road. The property has previously been encroached upon by the adjacent property owner.

Project Site Description: The property designated for transfer is mostly cleared and partially forested land containing a privately-owned barn, a portion of a gravel driveway, and a pond, which occupies the location of a former rock quarry (Gallaher Quarry). The property has previously been encroached upon by the adjacent property owner with the construction of the barn and stocking of the pond with fish. The property is not currently used nor needed for DOE mission. The property is an approximate total of 1.94 acres that does not include any DOE structures. The parcel will be transferred in its current state to the private owner of the barn and pond and the owner would continue the current use of the property.

OREM recommends CATEX B1.24 for the property transfer, which states “Transfer, lease, disposition, or acquisition of interests in personal property (including, but not limited to, equipment and materials) or real property (including, but not limited to, permanent structures and land), provided that under reasonably foreseeable uses (1) there would be no potential for release of substances at a level, or in a form, that could pose a threat to public health or the environment and (2) the covered actions would not have the potential to cause a significant change in impacts from before the transfer, lease, disposition, or acquisition of interests.”

The basis of this recommendation is that DOE’s proposed action is the transfer of the land in its current configuration to eliminate any conflict in ownership. Transfer of the parcel meets condition (1) because there is no potential for release of any substances that would pose a threat to public health or the environment. The property is a portion of a larger clean parcel that is being transferred under CERCLA 120(h), and has been approved by the Environmental Protection Agency (EPA) that the property is safe and poses no threat to human health or the environment prior to transfer. The reasonably foreseeable land use is the continued use as a barn and pond by the encroaching property owner. An attempt to conduct NEPA analysis at this time would be unnecessary because the transfer would not cause a significant change in land use from before the transfer.

Environmental impact analysis for the reasonably foreseeable action is not necessary in that the scope of the action maintains the current use of the property. Most of the 1.94-acre transfer property will be used for a privately-owned barn and pond, consistent with the use for the past 40+ years.

Application of Categorical Exclusion Elements:

The Proposed Action meets DOE's general requirements for all categorical exclusions as well as the specific requirements of categorical exclusion B1.24.

General Categorical Exclusion Requirements:

10 C.F.R. § 1021.410 provides that for DOE to find a proposed action is categorically excluded under NEPA, DOE shall determine the following:

1. There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal.

   The Proposed Action involves no extraordinary circumstances that may impact the significance of the environmental effect of the proposed property transfer. Extraordinary circumstances are unique situations presented by specific proposals, including, but not limited to, scientific controversy about the environmental effects of the proposal; uncertain effects or effects involving unique or unknown risks; and unresolved conflicts concerning alternative uses of available resources. 10 C.F.R. § 1021.410(b)(2). This property transfer presents none of the foregoing concerns.

2. The proposal has not been segmented to meet the definition of a categorical exclusion.

   The proposed action has not been segmented to meet the definition of a categorical exclusion. The proposed property transfer serves a standalone purpose by resolving a private property encroachment and boundary dispute. It is not tied to any broader federal project or larger development with significant impacts. The parcel that is the subject of this property transfer is a portion of a clean parcel pursuant to CERCLA Section 120(h)(4), meaning that the United States Environmental Protection Agency (EPA) has designated it as "uncontaminated" and therefore "there is no indication that the release or disposal of hazardous substances or petroleum products has resulted in an environmental condition that poses a threat to human health or the environment." See EPA's 1997 Guidance on EPA Concurrence in the Identification of Uncontaminated Parcels under CERCLA §120(h)(4), EPA (March 27, 1997).

3. 10 C.F.R. 1021 App. B (1–5) mandates that "[t]o fit within the classes of actions listed below, a proposal must be one that would not:"

   a. Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health:

The Proposed Action threatens no violations of applicable statutory, regulatory, or permit requirements for environment, safety, and health. The transferee will comply with all applicable land use restrictions in the deed, including those specific to land transferred pursuant to CERCLA Section 120(h)(4).

b. 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:

   The Proposed Action is a real property transfer and does not require any waste management construction.

c. 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:

   See answer to (a) above.

d. Have the potential to cause significant impacts on environmentally sensitive resources? Environmentally sensitive resources include, but are not limited to:

   i. Property (such as sites, buildings, structures, and objects) of historic, archaeological, or architectural significance designated by a Federal, state, or local government, Federally recognized Indian tribe, or Native Hawaiian organization, or property determined to be eligible for listing on the National Register of Historic Places:

      The transfer of the property to a private owner would not impact any historic, archaeological, or architectural significant property. Following Section 106 consultation of the National Historic Preservation Act, the Tennessee State Historic Preservation Office concurred on September 29, 2026 that no historic properties eligible for listing in the National Register of Historic Places will be affected by this undertaking. Additionally, none of the ten Federally-recognized Tribes that were invited wished to consult on the transfer of this property.

   ii. Federally-listed threatened or endangered species or their habitat (including critical habitat) or Federally-proposed or candidate species or their habitat (Endangered Species Act); state-listed or state proposed endangered or threatened species or their habitat; Federally-protected marine mammals and Essential Fish Habitat

(Marine Mammal Protection Act; Magnuson-Stevens Fishery Conservation and Management Act); and otherwise Federally protected species (such as the Bald and Golden Eagle Protection Act or the Migratory Bird Treaty Act):

The transfer of the property will not impact federally-listed or endangered species or any other otherwise protected species or habitat. Following informal Section 7 consultation of the Endangered Species Act of 1973, the U.S. Fish & Wildlife Service concurred on October 27, 2026 that transfer of the property is not likely to adversely affect federally listed species or critical habitat.

iii. Floodplains and wetlands (as defined in 10 CFR 1022.4, "Compliance with Floodplain and Wetland Environmental Review Requirements: Definitions," or its successor):

Floodplains and wetlands have not been identified within the property. Therefore, transfer of the property to a private owner would not impact floodplains or wetlands.

iv. Areas having a special designation such as Federally- and state designated wilderness areas, national parks, national monuments, national natural landmarks, wild and scenic rivers, state and Federal wildlife refuges, scenic areas (such as National Scenic and Historic Trails or National Scenic Areas), and marine sanctuaries:

No areas having a special designation exist in or around the property, therefore there will be no significant impacts to these resources.

v. Prime or unique farmland, or other farmland of statewide or local importance, as defined at 7 CFR 658.2(a), "Farmland Protection Policy Act: Definitions," or its successor:

No farmland defined in 7 CFR 658.2(a) exists in the property, therefore there will be no significant impacts to these resources.

vi. Special sources of water (such as sole-source aquifers, wellhead protection areas, and other water sources that are vital in a region):

No such sources exist in or around the property, therefore there will be no significant impacts to these resources.

vii. Tundra, coral reefs, or rain forests:

No such biomes exist in or around the property, therefore there will be no significant impacts to these resources.

e. 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:

   The proposed action does not involve the use of genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species.

Requirements for Categorical Exclusion B1.24:

The Proposed Action meets the specific criteria for application of the B1.24 Property Transfers Categorical Exclusion. Categorical Exclusion B1.24 applies to:

> Transfer, lease, disposition, or acquisition of interests in personal property (including, but not limited to, equipment and materials) or real property (including, but not limited to, permanent structures and land), provided that under reasonably foreseeable uses (1) there would be no potential for release of substances at a level, or in a form, that could pose a threat to public health or the environment and (2) the covered actions would not have the potential to cause a significant change in impacts from before the transfer, lease, disposition, or acquisition of interests.

The basis for this recommendation is that DOE's proposed action is the transfer of the land in its current configuration with the purpose of continuing this use as a barn and pond. There is no reasonably foreseeable potential for a release of substances posing a threat to public health or the environment. As discussed above, DOE is transferring this property as a clean parcel under CERCLA 120(h)(4), which has EPA approval that the property and its transfer is safe and poses no threat to human health or the environment prior to transfer. The private property owner and any subsequent owners would be required to comply with applicable land use restrictions on the property designed to avoid release of hazardous substances.