



**U.S. Department of Energy
Office of Legacy Management
Categorical Exclusion Determination Form**



Program or Field Office: Office of Legacy Management

Project Title and I.D. No.: Conduct Fence Installation and Road Repair at the L-Bar, NM, Disposal Site (LM 15-16).

Location: Cibola County, New Mexico

Proposed Action or Project Description:

LM is proposing to conduct the installation of fence and road maintenance and repair at the L-Bar Disposal Site in Cibola County, New Mexico. The work includes realigning sections of the perimeter fence. The realignment is necessary to avoid areas of erosion that are undermining the current fence. New fence sections will cross apparently undisturbed ground surface encompassed within Areas A, B, and C in Figure 2. New fence will also be installed between Areas B and C within disturbed areas of an existing roadway. The new fence construction is designed to match the existing perimeter fence, which consists of angle-iron corner posts set in concrete, metal t-posts at 16-foot centers, and barbed wire. Fence construction activity would be confined to the top 2.5 feet of ground surface.

A gully is encroaching the east access road. A small construction project is planned to prevent damage to the road. It will consist of installing culverts and recontouring a small area near the inlets to ensure storm runoff enters the culverts. The head of the gully encroaching on the road will be repaired with compacted fill..

The proposed work would be conducted in areas where the surface vegetation was disturbed during mining, milling, reclamation, and grazing activities; therefore, biological surveys were not conducted. However, an archaeological survey was conducted for the specified areas because the area had not been disturbed to the degree that would preclude intact archaeological resources. No archaeological resources were identified during the survey. A conclusion of "No Historic Properties Affected," supported by an archaeological report of the pedestrian survey and its results, was submitted to the New Mexico State Historic Preservation Officer (SHPO) on May 19, 2016, for review and comment. The New Mexico SHPO concurred with this finding on June 17, 2016 (attached).

Categorical Exclusion(s) Applied:

B1.3 – Routine Maintenance

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

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 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 under DOE Order 451.1B), 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:

Date Determined: