



NEPA Categorical Exclusion Determination Form

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

Project Title: Vegetation monitoring, weed control, fence repair, and routine maintenance at Gunnison, Colorado, Disposal Site

Location: Gunnison, Colorado, Disposal Site

Proposed Action or Project Description:

DOE LM is proposing to perform vegetation monitoring and onsite weed control, using herbicide application; minor perimeter fence repairs; and other minor, nonground penetrating, site maintenance activities. These actions are necessary to maintain the site. See attached figure. The herbicide Milestone would be used for the onsite spraying of Canada thistle, a noxious weed. Management of offsite weeds is not included in this proposed action. Monitoring would be performed to identify weed locations. Other weed species may also be sprayed during this effort if the use of Milestone is appropriate for their management. Because the entire site is within Gunnison sage grouse (GSG) (a federally-listed threatened species) critical habitat, a site-specific biological assessment (BA) was prepared by LM and approved by the U.S. Fish and Wildlife Service (USFWS). Site activities, including the spraying of noxious weeds, would conform to the conditions and intent of the BA. Specifically, access to the site is prohibited annually from March 15 through July 15 during the GSG nesting season without prior USFWS consultation.

Because there are no established site roads, all on site travel is restricted to foot travel. A back-pack held applicator would be used for spot herbicide applications. All unused herbicide would be removed from the site upon completion of the work. Minor fence repair and minor maintenance activities (e.g., replacement of wiring, tightening of fencing and braces, replacing existing signs, replacing locks, adjusting gates) would also be performed as needed. Such activities would be limited to hand-powered tools and would exclude ground disturbing or penetrating and vegetation-disturbing activities or the use of chemicals. No onsite refueling of equipment or vehicles would be performed. Proposed activities are scheduled to begin after July 15, 2018 during the summer and fall field season. Long-term weed control and maintenance activities are indefinite. A Legacy Management Support contractor would perform the proposed activities.

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 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 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.

U.S. Department of Energy
Office of Legacy Management

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NEPA Compliance Officer

Date Determined