



NEPA Categorical Exclusion Determination Form

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

Project Title: Amendment to Unmanned Aerial Surveys at Lakeview, Oregon, Disposal Site

Location: Lakeview, Oregon, Disposal Site

Proposed Action or Project Description:

Amendment to the following NEPA CXE LM 05-21 proposed action: The U.S. Department of Energy (DOE) Office of Legacy Management (LM) is proposing to conduct aerial surveys by small unmanned aircraft systems at the Lakeview, Oregon, Uranium Mill Tailings Radiation Control Act Title I Disposal Site to provide aerial photography and topographic mapping services on- and offsite within the geo-fence boundary. The primary data sets from the survey would include aerial imagery and light detecting and ranging elevation data of 76 acres on and surrounding the site. Regular collection of aerial survey data is expected to facilitate long-term management of the disposal cell by providing accurate baseline data sets that can be assessed and compared to future site aerial surveys and to existing ground survey data.

Aerial work would be performed in accordance with the subcontract Statement of Work. All associated field ground surveying and target placement would be performed by a professional land surveyor and subsequent removal would be the responsibility of Legacy Management Support (LMS) personnel. The temporary placement of small targets on the ground surface would occur using anchor spikes less than 6 inches in length and would be installed and removed using handpowered tools only. Marker placement could occur in both onsite and offsite locations within the geo-fence boundary, including placement on the disposal cell. All temporary targets would be removed when the data collection activity is complete.

Proposed activities do not take place on tribal land. No important tribal or other cultural resources known to exist following extensive National Historic Preservation Act Section 106 consultation in 2019. Consultation with the Oregon State Historic Preservation Office and three federally recognized tribes confirmed the absence of historic property or important tribal cultural resources at this location.

The initial aerial survey activities would occur in autumn 2021 and are expected to take two days of ground survey work and three days of flight work. Proposed work would be conducted by the LMS contractor or a subcontractor under LMS supervision. No aviation activities would commence until required Aviation Safety Plans are approved by a certified DOE Aviation Manager and permission is received from the LM site manager to proceed with aviation activities. The need to perform follow-up aerial surveys would depend, in part, upon the results of the baseline aerial survey. Follow-up aerial surveys would require new Aviation Safety Plans approved by a certified DOE Aviation Manager and LM site manager.

The site could contain habitat for several state-sensitive species and the Monarch butterfly, a federal candidate species under the Endangered Species Act. The site is also within range of the federally threatened yellow-billed cuckoo, but there is no suitable habitat on or near the site. The short duration, planned time frame, and low intensity of the planned activities would be unlikely to result in significant impacts to these species or their habitats. Human activity would last for approximately 5 days, which could affect eagles, greater sage-grouse, and other protected migratory birds during their breeding, nesting, and fledging seasons. LM's activities are planned for September, outside of sensitive seasons, and would not have significant impacts to birds.

Actions associated with expanded scope:

To the extent possible, vehicles and ATV/UTV travel would be limited to existing on- and off-site roads, and established trails. Cross-country travel of ATVs would be minimal and avoid vegetation when possible.

On-site fueling would comply with the Contractor's Fueling Plan (LMS 2623 CON). Equipment must be fueled using an approved fuel container with spill containment and a spill kit in place. Equipment fueling would be conducted with the contractor representative's approval and would take place during work hours.

Marker placement and other proposed activities at off-site locations would require obtaining permission and/or easements, which LMS would acquire prior to commencement of work.

Placements of temporary targets would avoid vegetation, to the extent possible to limit disturbance of native habitat. Targets would be placed in potential wetlands or heavily vegetated areas only when less sensitive areas are not usable. Efforts would



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be made to minimize impacts to all vegetation near the temporary targets. If vegetation prevents the proper placement of targets, vegetation may be trimmed or mowed in an area not to exceed 10 × 10 feet per target. Vegetation trimming would not occur in an area with active bird nests unless the site's Environmental Compliance point of contact has provided mitigation measures to be implemented before vegetation is trimmed. Only hand tools, including weed whackers, would be used to trim or mow vegetation; ground disturbance would be minimal. Additionally, the placement of temporary targets would avoid any area suspected of containing cultural resources.

Categorical Exclusion(s) Applied:

- B1.3 Routine maintenance
- B3.1 Site characterization and environmental monitoring
- B3.2 Aviation activities
- B1.24 Property Transfers

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.

NEPA Compliance Officer Signature and
Determination Date

JOYCE CHAVEZ

Digitally signed by JOYCE CHAVEZ
Date: 2021.09.03 10:03:31 -06'00'