



NEPA Categorical Exclusion Determination Form

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

Project Title: Amendment to LM 11-21: Jamestown and Sullivan's Travels DRUM Safeguarding Projects on Private Lands in Colorado

Location: Private lands in Larimer and Boulder Counties, Colorado

Proposed Action or Project Description:

LM proposes to amend Categorical Exclusion Evaluation (CXE) LM 11-21 to conduct project-specific safeguarding activities at five open mine features for two projects on private lands in Larimer and Boulder Counties, Colorado. The Colorado Department of Reclamation, Mining, and Safety (DRMS), using LM cooperative agreement funding, would award a contract for safeguarding Defense-Related Uranium Mines (DRUM) hazardous features for the Jamestown and Sullivan's Travels projects.

CXE LM 11-21 evaluated potential impacts related to conducting routine DRUM safeguarding, monitoring, and maintenance activities on abandoned mine lands in Alaska, Arizona, California, Colorado, Florida, Idaho, Montana, Nevada, New Mexico, New Jersey, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, and Wyoming in accordance with the DRUM Safeguarding Program Management Plan. All information in CXE LM 11-21 is still applicable, as are all of the Categorical Exclusions that were identified therein. A project-specific Environmental Review Form has been completed to identify any applicable environmental requirements, reviews, or surveys; and to verify that the proposed work can be completed in accordance with CXE LM 11-21. All activities would be conducted in compliance with applicable laws and regulations. Safeguarding projects at the proposed locations are planned to occur in late summer to early fall 2022. Any other discrete safeguarding projects are or would be addressed as separate amendments to CXE LM 11-21.

DRMS Department of Natural Resources completed an Environmental Assessment of the work activities described in this document. They determined that no natural resources would be impacted, and they included a list of conservation measures to reduce potential impacts (see attached). The U.S. Fish and Wildlife Service would be consulted if any listed species are identified during preconstruction line of site surveys.

The proposed action is an undertaking as defined in Title 36 *Code of Federal Regulations* Section 800.3 (36 CFR 800.3) and in 36 CFR 800.16(y). DRMS has previously completed the National Historic Preservation Act Section 106 consultation process for the larger Sullivan's Travels Mine Closure Project, which addresses 14 hazardous mine openings on public, municipal, and private property, including the three subject LM DRUM sites. DRMS separately consulted on the Jamestown Project, which includes the two subject LM DRUM sites. The State Historic Preservation Office (SHPO) determined that the mine sites were not eligible for the National Register of Historic Places, and the SHPO concurred that no historic properties would be affected by either project. LM reviewed and agreed with the findings of the DRMS consultation. An informational letter was sent to the SHPO to explain that LM is working together with the DRMS and has a federal funding role for the mines on private property.

Colorado State agencies adhere to state and federal policy and laws. DRMS has a Uranium Safety, Health, and Environmental Action Plan that lists safety measures for work on uranium sites.

Categorical Exclusion(s) Applied:

- Listed in CXE LM 11-21

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

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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

Tracy A. Ribeiro Digitally signed by Tracy A. Ribeiro
Date: 2022.08.15 09:51:12 -06'00'