



NEPA Categorical Exclusion Determination Form

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

Project Title: Defense-Related Uranium Mines (DRUM) Verification and Validation (V&V) Visits on Navajo Nation Tribal Lands

Location: DRUM locations within Navajo Nation trust and nontrust lands

Proposed Action or Project Description:

Conduct actions to verify and validate abandoned uranium mines associated with the atomic energy defense activities of the United States in response to Section 3151 of the National Defense Authorization Act for Fiscal Year 2013. In accordance with the DRUM Program's approved *Defense-Related Uranium Mines Verification and Validation Work Plan Campaign 2 – Navajo Nation* (V&V Work Plan), the proposed action includes a DRUM field team visiting each mine to conduct inventory, mapping, gamma radiation measurement, and soil and surface water sampling. The data would be used by DOE and partner agencies to identify priority mines for future safeguarding and other reclamation activities.

DRUM Program personnel would perform V&V field activities at approximately 205 DRUM mines: 194 within the Navajo Nation trust lands and 11 on nontrust lands, including private property. V&V activities could include:

- Traveling to and from mines using full-sized vehicles, all-terrain vehicles (ATVs), or utility task vehicles (UTVs) on existing and agency-approved roads. Exploring the mines and nearby areas to identify mine-related features on foot and without entering adits or other hazardous areas. Describing features and mine conditions and recording them with photographs and GPS data collection.
- Recording gamma radiation measurements along transects within each mine's disturbed area (including waste rock piles) and in surrounding areas, sediment shed areas, and background locations using backpack-mounted instruments in most locations while walking transects. At large mines, ATVs or UTVs may be used to collect gamma radiation measurements. Vehicles would normally pass one time along 100-foot transects throughout the disturbed areas (primarily waste rock piles) with gamma radiation measurement devices attached.
- Collecting soil samples by hand from the upper 6 inches of soils in mine waste rock piles and background locations. Each composite sample is less than 1 liter in volume, and the number of samples varies depending on the size of the waste rock pile.
- Collecting and preserving (e.g., in nitric or sulfuric acid) surface water samples. Shipping soil and water samples to a certified laboratory for analysis and disposal.

Several Navajo Nation and federally listed endangered, threatened, and candidate species as well as species protected by the States of Arizona, New Mexico, and Utah are potentially in the vicinity of DRUM mines. V&V activities would not be expected to result in any impacts to these species. However, off-road ATV and UTV travel has the potential to affect some species or habitat as a result of acute noise and dust levels caused by passing vehicles. Field ecologists would ensure potential impacts to plant and animal species are mitigated.

Historic property (i.e., property on or eligible for listing on the National Register of Historic Places) exists at most DRUM mines. While the proposed action is an undertaking, the proposed action does not have the potential to cause effects to historic property due to the limitations placed upon the activity in the approved V&V Work Plan; therefore, National Historic Preservation Act (NHPA) Section 106 consultation is not required according to Title 36 *Code of Federal Regulations* Section 800.3(a)(1) (36 CFR 800.3[a][1]). The Navajo Nation Heritage and Historic Preservation Office has determined no surveys are required and has not requested NHPA Section 106 consultation for this action. At the Navajo Nation's discretion, field teams may be escorted by tribal environmental managers while conducting fieldwork if stipulated by Navajo Nation authority.

Categorical Exclusion(s) Applied:

- B3.1 Site characterization and environmental monitoring
- 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



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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

Tracy A. Ribeiro Digitally signed by Tracy A. Ribeiro
Date: 2022.08.27 13:56:38 -06'00'