



## NEPA Categorical Exclusion Determination Form

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

**Project Title:** Routine Inspections, Monitoring, and Maintenance at the Bear Creek, Wyoming, Disposal Site

**Location:** Bear Creek, Wyoming, Disposal Site

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### Proposed Action or Project Description:

Conduct vegetation control activities and routine site monitoring and maintenance. DOE would complete the following activities on a routine, as-needed, or annual basis:

- Noninvasive inspections would be performed to visually inspect the site and its features and assets for informational gathering or sharing purposes. Non-ground-intrusive tasks, such as visual monitoring and measuring features, could occur. Stakeholders, regulatory agencies, and other interested parties could also participate in these activities.
- Conduct vegetation management activities including small-scale vegetation trimming, mowing, reseeding, weed removal, and herbicide applications for weed control. Fuel-powered machines would be used.
- Conduct rangeland health assessments that would observe and count vegetation.
- Inspect the fence and site features (i.e., signs, site markers, survey or boundary monuments, and aerial survey quality control monuments) for damage.
- Conduct routine maintenance activities such as fence, sign, and monument repair and replacement.
- Maintain groundwater monitoring wells, including performing well development activities and pump repairs.
- Perform land surveying activities. Place or remove T-posts, survey markers, flagging pins, etc., as needed to support site activities. Replace locks. Remove trash.
- Perform minor road or parking area repairs.
- Conduct maintenance, calibration, replacement, and removal of System Operation and Analysis at Remote Sites (SOARS) monitoring equipment.
- Onsite driving of vehicles, all-terrain vehicles, and utility vehicles to support field activities.

Monitoring activities would include, as needed:

- Perform routine groundwater monitoring and sampling at onsite and offsite wells within the monitoring network, in accordance with the Sampling and Analysis Plan.
- Perform vegetation, wildlife, rock, and erosion monitoring through visual observations.
- Perform other non-ground-intrusive monitoring, as needed, to obtain additional information to support future site projects or scientific studies (i.e., perform geophysical investigation or electromagnetic survey on the cell cover).

An Legacy Management Support pesticide applicator, or licensed pesticide applicator vendor, would perform herbicide applications using established practices and procedures. Any herbicide applications on potential wetland areas would be in accordance with the requirements of the Wyoming Pollutant Discharge Elimination System General Permit for Minor Pesticide Discharges and the procedure for *Handling Herbicides at Western Legacy Management Sites* (LMS/PRO/S12853).

A private rancher leases the property for livestock grazing and operates and maintains a water tank and underground water line to provide water to livestock. The private rancher leasing the property for livestock grazing would utilize designated portions of the property for livestock grazing and maintain the existing water tank and underground water line.

The majority of the Bear Creek site property has been previously surveyed for archaeological sites; none have been found. Since the proposed undertaking does not have the potential to cause effects on historic properties, there are no further obligations under Section 106. Because the site is within the range of the monarch butterfly, a federal candidate species, no milkweed plants would be trimmed, crushed, or sprayed with pesticides as a best management practice.

Activities proposed under this CXE would be valid for a period of 5 years from the date of signature for the activities performed within the scope and limitations described above.

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### Categorical Exclusion(s) Applied:

- A1 Routine DOE Business Actions
- A9 Information Gathering, Analysis, and Dissemination
- B1.3 Routine Maintenance
- B1.7 Electronic Equipment
- B1.11 Fencing



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- B1.19 Microwave, Meteorological, and Radio Towers
- B2.2 Building and Equipment Instrumentation
- B3.1 Site Characterization and Environmental Monitoring
- B3.3 Research Related to Conservation of Fish, Wildlife, and Cultural Resources

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: 2022.11.29 13:55:27 -07'00'