



## NEPA Categorical Exclusion Determination Form

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

**Project Title:** Osprey Nesting Pole Installation by Xcel Energy at Legacy Management Field Support Center at Grand Junction

**Location:** Legacy Management Field Support Center at Grand Junction, Colorado, Site

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### Proposed Action or Project Description:

LM is proposing to mitigate fire hazards and/or power outages posed by osprey nesting on a power pole owned by Xcel Energy (XE). XE would set and install a taller pole, approximately 55 feet tall, and platform near an existing power pole that the osprey has been nesting on.

The new pole would be installed north and west of the existing pole within the Building 7 Parcel, owned by DOE, near the North Pond. The pole would be set approximately 5 feet (ft) below ground surface (bgs), not to exceed 8 ft bgs, and would require ground-penetrating work. Groundwater would not be contacted during the pole installation as the depth to groundwater during high rainfall is approximately 10 ft below ground surface. Upon completion of the pole and platform installation, parts of the existing nest would be placed on the platform.

XE would complete counsel with their U.S. Fish and Wildlife (USFWS) experts on staff and ensure compliance with any guidance from the USFWS Division of Migratory Birds, including scheduling work to avoid impacts to nesting birds. The work would be performed to mitigate risks to osprey from potential fire. XE would conduct all work at their own expense.

DOE LM would contact the Colorado Department of Public Health and Environment (CDPHE) informing them of the soil disturbance due to the work that would be conducted. Institutional controls maintained at the site require written consent of the CDPHE and LM for the disturbance or use of any untreated groundwater underlying the site including drilling wells, excavating soils that expose groundwater, or diverting groundwater. The pole installation would not contact groundwater but would disturb soils.

The area of potential effect for the proposed work is adjacent to the Grand Junction Office Historic District (Colorado Historical Society 69050). A Section 106 consultation letter was sent regarding the pole installation on October 25, 2022. The Colorado State Historic Preservation Officer concurred on October 28, 2022 that the undertaking as described should result in *no adverse effect* to historic properties, including the Manhattan Engineer District Grand Junction Office Historic District (5ME.21616). A follow up email continuing consultation was sent to the Colorado SHPO on November 30, 2022, describing an expanded area of potential effect. SHPO agreed the undertaking as described should still result in *no adverse effect*.

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### Categorical Exclusion(s) Applied:

- B1.20 Protection of Cultural Resources and Fish and Wildlife
- B4.6 Additions and modifications to transmission facilities

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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.



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- ☒ 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: 2022.12.20 15:29:41 -07'00'