



NEPA Categorical Exclusion Determination Form

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

Project Title: Site Transition and Long-Term Surveillance and Maintenance Activities at the Durita, Colorado, Disposal Site

Location: Durita, Colorado

Proposed Action or Project Description:

DOE is proposing to transition the Durita, Colorado, Disposal Site from the current licensee to LM for long-term custody and stewardship. The Durita site is located in Montrose County, approximately 100 miles south of Grand Junction and 3 miles southwest of Naturita. The proposed action would satisfy administrative, asset management, and post-transition long-term surveillance and maintenance (LTS&M) actions related to site transition. Administrative functions associated with site transition would include acquiring and preserving site information, evaluating the disposal structures, establishing the administrative transfer boundary, developing a long-term surveillance plan (LTSP), transferring surface and subsurface estates to DOE, evaluating reuse opportunities, determining post-closure care requirements, and adding assets to the Facilities Information Management System.

Once the site is transferred to LM, implementation of the LTSP would begin immediately with LTS&M activities including annual site inspections, routine maintenance, monitoring of the site, and future aerial and terrestrial surveys and associated activities on an as-needed basis. No aviation activities would commence until required flight safety plans are approved by a certified DOE Aviation Manager and permission is received from the LM Site Manager. 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. Proposed activities would be conducted by the Legacy Management Support (LMS) contractor or qualified subcontractor(s).

Categorical Exclusion(s) Applied:

- A1 Routine DOE Business Actions
- A9 Information Gathering, Analysis, and Dissemination
- B1.3 Routine Maintenance
- B1.24 Property Transfers
- B3.1 Site Characterization and Environmental Monitoring
- B3.2 Aviation Activities

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.



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NEPA Compliance Officer Signature and
Determination Date

JOYCE CHAVEZ  Digitally signed by JOYCE CHAVEZ
Date: 2023.10.13 14:44:36 -06'00'
