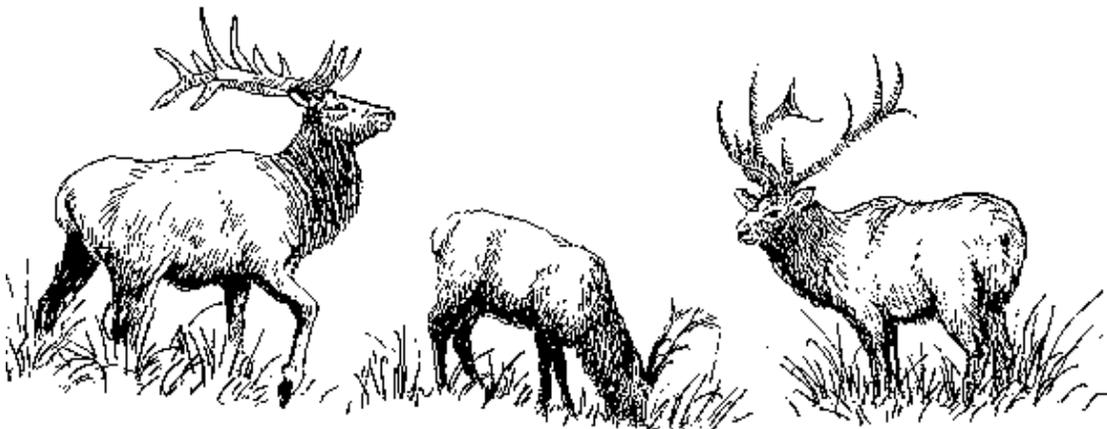


U.S. DEPARTMENT OF THE INTERIOR  
BURNED AREA EMERGENCY REHABILITATION

APPENDIX II. ENVIRONMENTAL COMPLIANCE

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- ! Environmental Compliance Considerations, Documentation, and Consultations
- ! NEPA Categorical Exclusion Documentation and Decision



Rocky Mountain Elk  
*U.S. Fish and Wildlife Service*

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## ENVIRONMENTAL COMPLIANCE CONSIDERATIONS, DOCUMENTATION, AND CONSULTATIONS

### 24 Command Fire Burned Area Emergency Rehabilitation Plan

#### L. FEDERAL, STATE, AND PRIVATE LANDS ENVIRONMENTAL COMPLIANCE RESPONSIBILITIES

All projects proposed in the 24 Command Fire Burned Area Emergency Rehabilitation (BAER) Plan that are prescribed, funded, or implemented by Federal agencies on Federal, State, or private lands are subject to compliance with the *National Environmental Policy Act (NEPA)* in accordance with the guidelines provided by the *Council on Environmental Quality (CEQ) Regulations (40 CFR 1500-1508)*; *Department of the Interior Manual, Part 516, U.S. Fish and Wildlife Service, NEPA Guidelines, Part 516 DM 6, Appendix 1*; and *DOE, NEPA Regulations (10 CFR Part 1021)*. This Appendix documents the BAER Team considerations of NEPA compliance requirements for prescribed rehabilitation and monitoring actions described in this plan for all jurisdictions affected by the 24 Command Fire burned area emergency.

#### B. RELATED PLANS AND CUMULATIVE IMPACTS ANALYSIS

*Draft Hanford Biological Resources Management Plan and Final Hanford Comprehensive Land-Use Plan Environmental Impact Statement*: The BAER Team Environmental Protection Specialist reviewed the *Draft Hanford Biological Resources Management Plan (1996)* and *Final Hanford Comprehensive Land-Use Plan Environmental Impact Statement (September 1999)* and in consultation with the Department of Energy (DOE) NEPA coordinator determined that actions proposed in the 24 Command Fire BAER Plan within the boundary of the Hanford National Laboratory are consistent with the management objectives established in the Land-Use Plan. The EIS incorporates the management plan by reference. The EIS/management plan specifically addresses bulldozer lines and provides NEPA compliance for bulldozer line rehabilitation under NEPA.

*Arid Lands Ecology (ALE) Facility Management Plan*: The BAER Team Environmental Protection Specialist reviewed the *Arid Lands Ecology (ALE) Facility Management Plan (1993)* and determined that actions proposed in the 24 Command Fire BAER Plan within the boundaries of the ALE, now incorporated as part of the Hanford Reach National Monument, is consistent with the plan.

*Cumulative Impact Analysis*: Cumulative effects are the environmental impacts resulting from the incremental impacts of a proposed action when added to other past, present, and reasonably foreseeable future actions, both Federal and non-Federal. Cumulative impacts can result from individually minor, but collectively significant actions taking place over a period of time. The emergency protection and rehabilitation treatments for areas affected by the 24 Command Fire, as proposed in the 24 Command Fire BAER Plan, do not result in an intensity of impact (i.e. major ground disturbance, etc.) that would cumulatively constitute a significant impact on the quality of the environment. The treatments are consistent with the above jurisdictional management plans and associated environmental compliance documents and categorical exclusions listed below.

#### C. APPLICABLE AND RELEVANT CATEGORICAL EXCLUSIONS

U.S. Fish and Wildlife Service: The individual actions proposed in this plan for Hanford Reach National Monument are Categorically Excluded from further environmental analysis as provided for in the Department of the Interior Manual Part 516 and U.S. Fish and Wildlife Service, NEPA Guidelines, Part 516 DM 6, Appendix 1. All applicable and relevant Department and Agency Categorical Exclusions are listed below. Department exceptions (516) DM 2.3 do not apply to any of the individual actions proposed. Categorical Exclusion decisions were made with consideration

given to the results of required emergency consultations completed by the BAER Team and documented in Section E below.

### **Applicable Departmental Categorical Exclusions**

- 516 DM2 App. 2, 1.6 Non-destructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research and monitoring activities.
- 516 DM 6 App. 4.4 A Operations, maintenance, and replacement of existing facilities (includes road maintenance).
- 516 DM 6 App. 4.4 L(5) Emergency road repairs under 23 U.S.C. 125.
- 516 DM 6 App. 7.4 C(3) Routine maintenance and repairs to non-historic structures, facilities, utilities, grounds and trails.
- 516 DM 6 App. 7.4 C(19) Landscaping and landscape maintenance in previously disturbed or developed areas.

### **Applicable U.S. Fish and Wildlife Service Categorical Exclusions**

- 516 DM 6 App. 1.4B (1) Research, inventory, and information collection activities directly related to the conservation of fish and wildlife resources which involve negligible animal mortality of habitat destruction, no introduction of contaminants, or no introduction of organisms not indigenous to the affected ecosystem.
- 516 DM 6 App. 1.4B (3) i The installation of fences.
- 516 DM 6 App. 1.4B (3)iii The planting of seeds or seedlings and other minor revegetation actions.
- 516 DM 6 App. 1.4B (3)v The development of limited access for routine maintenance and management purposes.
- 516 DM 6 App. 1.4B (5) Fire management activities, including prevention and restoration measures, when conducted in accordance with Departmental and Service procedures.
- 516 DM 6 App. 1.4B (6) The reintroduction or supplementation (e.g. stocking) of native, formerly native, or established species into suitable habitat within their historic or established range, where no or negligible environmental disturbances are anticipated.

### **Applicable U.S. Department of Energy Categorical Exclusions**

- 10 CFR 1021 D App. B1.3 Routine maintenance activities and custodial services for buildings, structures, rights-of-way, infrastructures (e.g., pathways, roads, and railroads), vehicles and equipment, and localized vegetation and pest control, during which operations may be suspended and resumed. Custodial services are activities to preserve facility appearance....Routine maintenance activities include, but are not limited to:
  - 10 CFR 1021 D App. B1.3h Repair of road embankments
  - 10 CFR 1021 D App. B1.3j Road and parking area resurfacing, including construction of temporary access to facilitate resurfacing;
  - 10 CFR 1021 D App. B1.3k Erosion control and soil stabilization measures (such as reseeded and revegetation)
  - 10 CFR 1021 D App. B1.11 Installation of fencing, including that for border marking
  - 10 CFR 1021 D App. B1.15 Siting, construction (or modification), and operation of support buildings and support structures... within or contiguous to an

10 CFR 1021 D App. B1.20	already developed area (where active utilities and currently used roads are readily accessible). Covered support buildings and structures include those for office purposes; ...fire protection; and similar support purposes, but excluding facilities for waste storage activities, except as provided in other parts of this appendix that will not adversely affect wildlife movements or surface water flow. Small-scale activities undertaken to protect, restore, or improve fish and wildlife habitat, fish passage facilities (such as fish ladders or minor diversion channels), or fisheries.
10 CFR 1021 D App. B1.32	Traffic flow adjustments to existing roads at DOE sites (including, but not limited to, stop sign or traffic light installation, adjusting direction of traffic flow, and adding turning lanes). Road adjustments such as widening or realignment are not included.
10 CFR 1021 D App. B3.3	Field and laboratory research, inventory, and information collection activities that are directly related to the conservation of fish or wildlife resources and that involve only negligible habitat destruction or population reduction.

**D. STATEMENT OF COMPLIANCE FOR THE 24 COMMAND FIRE BURNED AREA EMERGENCY REHABILITATION PLAN**

This section documents consideration given to the requirements of specific environmental laws in the development of the 24 Command Fire BAER Plan. Specific consultations initiated or completed during development and implementation of this plan are also documented. The following executive orders and legislative acts have been reviewed as they apply to the 24 Command Fire BAER Plan:

1. National Historic Preservation Act (NHPA). The BAER Team archeologists have initiated necessary consultation with the Washington State Historic Preservation Office (SHPO) and the Yakama, Umatilla, Nez Perce, and Wanapum Tribes regarding treatments proposed in the 24 Command Fire BAER Plan.
2. Executive Order 11988. Floodplain Management. No treatments are proposed within the 100-year floodplain.
3. Executive Order 11990. Protection of Wetlands. No treatments are proposed within jurisdictional wetlands.
4. Executive Order 12372. Intergovernmental Review. Coordination and consultation is ongoing with affected Tribes, Federal, State, and local agencies. A copy of the BAER Plan will be disseminated to all affected agencies.
5. Executive Order 12892. Federal Actions to Address Environmental Justice in Minority and Low-Income Populations. All Federal actions must address and identify, as appropriate, disproportionately high and adverse human health or low-income populations, and Indian Tribes in the United States. The BAER Team Environmental Protection Specialist has determined that the actions proposed in this plan will result in no adverse human health or environmental effects for minority or low-income populations and Indian Tribes.

6. Endangered Species Act. The BAER Team wildlife biologist and vegetation specialists have consulted with the Service and Washington Department of Fish and Wildlife regarding actions proposed in this plan and potential affects on Federally and State listed species and has determined that there is no effect. Individual agencies are responsible for continued consultations during plan implementation.
7. Secretarial Order 3127. Although contaminated sites are known to occur on properties owned by the Hanford National Laboratory, no treatments are proposed that would affect contaminated sites. There are no known contaminated sites on other jurisdictions affected by the 24 Command Fire.
8. Clean Water Act. No treatments are proposed within jurisdictional wetlands.
9. Clean Air Act. Federal Ambient Air Quality Primary and Secondary Standards are provided by the National Ambient Air Quality Standards, as established by the U.S. Environmental Protection Agency (EPA) (Clean Air Act, 42 U.S.C. 7470, et seq., as amended). The BAER Team Environmental Protection Specialist has determined that treatments prescribed in the 24 Command burned area will have short-term minor impacts to air quality that would not differ significantly from routine land use practices for the area. Long-term, treatments proposed in this plan would be expected to have a beneficial impact to air quality through stabilization of ash and soils within the 24 Command Fire burned area.

## **E. CONSULTATIONS**

### **Department of Energy, Hanford National Laboratory**

Paul Dunigan, NEPA Compliance Officer, Team Leader, NEPA and Cultural Resource Team

Tom Ferns, Program Manager, Richland Operations Office

Annabelle L. Rodriguez, NEPA and Cultural Resource Team

## NEPA CATEGORICAL EXCLUSION DOCUMENTATION AND DECISION

### 24 Command Fire Burned Area Emergency Rehabilitation Plan

**NEPA CHECKLIST: If any of the following exception applies, the BAER plan cannot be Categorically Excluded and an Environmental Assessment (EA) is required.**

- | (Yes)                    | (No)                                |   |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Adversely affect Public Health and Safety   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Adversely affect historic or cultural resources, wilderness, wild and scenic rivers, aquifers, prime farmlands, wetlands, floodplains, ecologically critical areas, or Natural Landmarks.             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Have highly controversial environmental effects.  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Have highly uncertain environmental effects or involve unique or unknown environmental risks.   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Establish a precedent resulting in significant environmental effects.   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Relates to other actions with individually insignificant but cumulatively significant environmental effects.  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Adversely effects properties listed or eligible for listing in the National Register of Historic Places.  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Affect a species listed or proposed to be listed as Threatened or Endangered.   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Threaten to violate any laws or requirements imposed for the "protection of the environment" such as Executive Order 11988 (Floodplain Management) or Executive Order 11990 (Protection of Wetlands). |

### NATIONAL HISTORIC PRESERVATION ACT

#### Ground Disturbance:

- None
- Ground disturbance did occur and an archeologist survey, required under section 110 of the NHPA will be prepared. A report will be prepared under contract as specified by the BAER plan.

#### A NHPA Clearance Form:

- Is required because the project may have affected a site that is eligible or on the national register. The clearance form is attached. SHPO has been consulted under Section 106 (**see Cultural Resource Assessment, Appendix I**).
- Is not required because the BAER plan has no potential to affect cultural resources (initial of cultural resource specialist).

### OTHER REQUIREMENTS

- | (Yes)                               | (No)                                |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Does the BAER plan have potential to affect any Native American uses? If so, consultation with affiliated tribes is needed.                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Are any toxic chemicals, including pesticides or treated wood, proposed for use? If so, local agency integrated pest management specialists must be consulted. |

I have reviewed the proposals in the 24 Command Burned Area Emergency Rehabilitation Plan in accordance with the criteria above and have determined that the proposed actions would not involve any significant environmental effect. Therefore it is categorically excluded from further environmental (NEPA) review and documentation. BAER Team technical specialists have completed necessary coordination and consultation to insure compliance with the National Historic Preservation Act, Endangered Species Act, Clean Water Act and other Federal, State and local environmental review requirements.

***Original Signed 07/08/00***

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BAER Team, Environmental Protection Specialist Date

- I concur and it is my decision to approve the plan.
- I do not concur because.

Project Leader, Hanford Reach National Monument Date

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- I concur and it is my decision to approve the plan.
- I do not concur because.

NEPA Compliance Officer, DOE, Hanford National Laboratory Date

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