



Department of Energy  
National Nuclear Security Administration  
Categorical Exclusion Determination Form



**Categorical Exclusion ID#:** NV-2020-020

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**Proposed Action Title:** Red Tailed Hawk Nest Relocation (Emergency Action)

**Program or Field Office:** NNSA Nevada Field Office

**Location(s) (City/County/State):** Nevada National Security Site, Area 1; Nye County, NV

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**Proposed Action Description**

A Red Tailed Hawk nest is currently located on pole DAH1 along the UAE power line in Area 1 of the Nevada National Security Site (NNS). This condition is identified as an emergency that requires the relocation of migratory bird nests located along active power lines. The nest would be relocated to a safer location to avoid electrocution of birds and reduce the possibility of fires. The M&O Contractor's, Ecological and Environmental Monitoring organization oversees the U.S. Fish & Wildlife Service (FWS) Migratory Bird Special Purpose Utility Permit-Electric MB60930C-1, which allows the relocation of active nests if circumstances or conditions warrant.

A pole with a nesting platform would be constructed and installed to facilitate a new perch for the Red Tailed Hawk nest. The location would be southwest of the intersection of the 1-04 Road and Mercury Highway, just north of a power line road (see attached map). This location was selected to minimize the amount of ground disturbance needed. The wooden pole would be 70-feet (ft) in height and would require a 7- to 10-ft deep hole to set the pole. A 20-ft radius area surrounding the hole would be needed for equipment/vehicle operations and installation activities.

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**Categorical Exclusion(s) Applied**

10 CFR 1021, Appendix B, B1.20 Protection of cultural resources, fish and wildlife habitat

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**Regulatory Requirements in 10 CFR 1021**

For the complete DOE National Environmental Policy Act regulations regarding categorical exclusions, including the full text of each categorical exclusion, see Subpart D of 10 CFR 1021.

**To find that a proposal is categorically excluded, DOE shall determine the following:**

- (1) The proposal fits within a class of actions listed in Appendix A or B to 10 CFR Part 1021, Subpart D;
- (2) There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal; and
- (3) The proposal has not been segmented to meet the definition of a categorical exclusion. The proposal is not connected to other actions with potentially significant impacts (40 CFR



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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.

**The classes of actions listed in 10 CFR Part 1021, Subpart D, Appendix B, include the following conditions as integral elements of the classes of actions. To fit within the classes of actions in 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 of the Department of Agriculture, the Environmental Protection Agency, and the National Institutes of Health.

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**NEPA Compliance Officer Determination**

Based on my review of information conveyed to me and in my possession concerning the proposed action, as NEPA Compliance Officer (as authorized under NNSA NAP 451.1 and DOE P 451.1), I have determined that the proposed action fits within the specified class(es) of action and I have reviewed the proposal for integral elements. I have determined that there are no extraordinary circumstances present and that the proposal has not been segmented to meet the definition of a categorical exclusion. Therefore, the application of a categorical exclusion is appropriate.

NEPA Compliance Officer: Carrie Stewart

Date Determined: 04-15-2020