

PMC-ND

(1.08.09.13)

**U.S. DEPARTMENT OF ENERGY  
OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY  
NEPA DETERMINATION**

**RECIPIENT:** Penobscot Nation**STATE:** ME

**PROJECT TITLE:** Penobscot Nation - Green Building Project

<b>Funding Opportunity Announcement Number</b>	<b>Procurement Instrument Number</b>	<b>NEPA Control Number</b>	<b>CID Number</b>
DE-FOA-0001847	DE-IE0000105	GFO-0000105-001	

Based on my review of the information concerning the proposed action, as NEPA Compliance Officer (authorized under DOE Order 451.1A), I have made the following determination:

**CX, EA, EIS APPENDIX AND NUMBER:**

Description:

**A9 Information gathering, analysis, and dissemination** Information gathering (including, but not limited to, literature surveys, inventories, site visits, and audits), data analysis (including, but not limited to, computer modeling), document preparation (including, but not limited to, conceptual design, feasibility studies, and analytical energy supply and demand studies), and information dissemination (including, but not limited to, document publication and distribution, and classroom training and informational programs), but not including site characterization or environmental monitoring. (See also B3.1 of appendix B to this subpart.)

**B5.1 Actions to conserve energy or water** (a) Actions to conserve energy or water, demonstrate potential energy or water conservation, and promote energy efficiency that would not have the potential to cause significant changes in the indoor or outdoor concentrations of potentially harmful substances. These actions may involve financial and technical assistance to individuals (such as builders, owners, consultants, manufacturers, and designers), organizations (such as utilities), and governments (such as state, local, and tribal). Covered actions include, but are not limited to weatherization (such as insulation and replacing windows and doors); programmed lowering of thermostat settings; placement of timers on hot water heaters; installation or replacement of energy efficient lighting, low-flow plumbing fixtures (such as faucets, toilets, and showerheads), heating, ventilation, and air conditioning systems, and appliances; installation of drip-irrigation systems; improvements in generator efficiency and appliance efficiency ratings; efficiency improvements for vehicles and transportation (such as fleet changeout); power storage (such as flywheels and batteries, generally less than 10 megawatt equivalent); transportation management systems (such as traffic signal control systems, car navigation, speed cameras, and automatic plate number recognition); development of energy-efficient manufacturing, industrial, or building practices; and small-scale energy efficiency and conservation research and development and small-scale pilot projects. Covered actions include building renovations or new structures, provided that they occur in a previously disturbed or developed area. Covered actions could involve commercial, residential, agricultural, academic, institutional, or industrial sectors. Covered actions do not include rulemakings, standard-settings, or proposed DOE legislation, except for those actions listed in B5.1(b) of this appendix. (b) Covered actions include rulemakings that establish energy conservation standards for consumer products and industrial equipment, provided that the actions would not: (1) have the potential to cause a significant change in manufacturing infrastructure (such as construction of new manufacturing plants with considerable associated ground disturbance); (2) involve significant unresolved conflicts concerning alternative uses of available resources (such as rare or limited raw materials); (3) have the potential to result in a significant increase in the disposal of materials posing significant risks to human health and the environment (such as RCRA hazardous wastes); or (4) have the potential to cause a significant increase in energy consumption in a state or region.

**B5.16 Solar photovoltaic systems** The installation, modification, operation, and removal of commercially available solar photovoltaic systems located on a building or other structure (such as rooftop, parking lot or facility, and mounted to signage, lighting, gates, or fences), or if located on land, generally comprising less than 10 acres within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide funding to Penobscot Nation (Penobscot) to

implement a number of energy efficiency measures (EEMs) in a new community center building, and install a 100 kW solar rooftop photovoltaic (PV) system. The EEMs would be implemented as the community center building is being built. However, the construction of this building would take place regardless of DOE funding and is being funded separately from this DOE-funded project. Accordingly, construction of the building is not considered to be a connected action to the proposed DOE project.

Proposed project activities would include conducting site investigations, EEMs installation, solar PV system design, completion of the application process for interconnection of the PV system, solar PV system installation, and performance monitoring. Energy efficiency measures to be installed would include radiant heating, energy recovery ventilation, efficiency improvements to the boiler, windows, lighting, and air sealing, and improvements to multiple building envelope insulations.

All project activities would be completed at the new community center building located on Penobscot Nation land on Indian Island on the Penobscot River, near Old Town, Maine. Installation of EEMs would be carried out concurrently with construction of the new building. The solar PV system would be installed upon completion of the roof. The previous community building has already been demolished. The new building would be built within the pre-existing footprint of the demolished building, and would be connected into existing support infrastructure (water/sewer/electrical/parking lots). Completion of the project (i.e. installation of the EEMs and the solar PV system), would not result in any change to the use, mission, or operation of the community building. Penobscot would ensure that all relevant permits, licenses, and authorizations needed for installation of the EEMs and solar PV system, including interconnection approvals, are obtained prior to commencing these activities.

A qualified contractor would be competitively selected to install the EEMs. Likewise, a qualified solar installation firm would be hired to mount and connect the solar array. Any risks associated with the completion of these tasks would be mitigated by adherence to industry-standard health and safety policies and procedures. Penobscot and its project partners would observe all applicable Federal, state, and local health, safety and environmental laws and regulations.

Because the community building would be constructed less than two (2) miles from the Old Town Municipal Airport (Dewitt Field), a glare analysis was completed in October 2018, to confirm that the installation of solar panels onto the rooftop of the structure would not interfere with flights landing at the airport. The conclusion of the analysis was that the project would not result in any negative impact to flight paths at the airport caused by glare. The analysis was completed by a qualified consultant in accordance with Federal Aviation Administration guidelines and policy.

Based on the review of the proposal, DOE has determined the proposal fits within the class of action(s) and the integral elements of Appendix B to Subpart D of 10 CFR 1021 outlined in the DOE categorical exclusion(s) selected above. DOE has also determined that: (1) there are no extraordinary circumstances (as defined by 10 CFR 1021.410(2)) related to the proposal that may affect the significance of the environmental effects of the proposal; (2) the proposal has not been segmented to meet the definition of a categorical exclusion; and (3) the proposal is not connected to other actions with potentially significant impacts, related to other proposals with cumulatively significant actions, or an improper interim action. This proposal is categorically excluded from further NEPA review.

#### **NEPA PROVISION**

DOE has made a final NEPA determination for this award

Insert the following language in the award:

If the Recipient intends to make changes to the scope or objective of this project, the Recipient is required to contact the Project Officer, identified in Block 15 of the Assistance Agreement before proceeding. The Recipient must receive notification of approval from the DOE Contracting Officer prior to commencing with work beyond that currently approved. If the Recipient moves forward with activities that are not authorized for Federal funding by the DOE Contracting Officer in advance of a final NEPA decision, the Recipient is doing so at risk of not receiving Federal funding and such costs may not be recognized as allowable cost share.


Note to Specialist :

Office of Indian Energy Policy and Programs

This NEPA determination does not require a tailored NEPA provision.

Review completed by Jonathan Hartman, 10/18/2018

**SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.**

NEPA Compliance Officer Signature:  **Electronically Signed By: Casey Strickland**  
NEPA Compliance Officer

Date: 10/22/2018

**FIELD OFFICE MANAGER DETERMINATION**

Field Office Manager review required

**NCO REQUESTS THE FIELD OFFICE MANAGER REVIEW FOR THE FOLLOWING REASON:**

- Proposed action fits within a categorical exclusion but involves a high profile or controversial issue that warrants Field Office Manager's attention.
- Proposed action falls within an EA or EIS category and therefore requires Field Office Manager's review and determination.

**BASED ON MY REVIEW I CONCUR WITH THE DETERMINATION OF THE NCO :**

Field Office Manager's Signature: \_\_\_\_\_  
Field Office Manager

Date: \_\_\_\_\_