

[6450-01-P]

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Finding of No Significant Impact

10 CFR 433 “Energy Efficiency and Sustainable Design Standards for the Design and Construction of New Federal Commercial and High-Rise Multi-Family High-Rise Residential Buildings” and 10 CFR 435 “Energy Efficiency and Sustainable Design Standards for the Design and Construction of New Federal Low-Rise Residential Buildings”

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy

ACTION: Finding of no significant impact (FONSI) for green building certification system requirements for new Federal Commercial and High Rise Multi-Family Residential and Federal Low-Rise Residential Buildings

SUMMARY: Section 305(a) of the Energy Conservation and Production Act (ECPA), as revised by the Energy Policy Act of 2005 (Pub. L. 109-58) requires that DOE establish sustainable design requirements for all new Federal buildings. (42 U.S.C. 6834(a)(3)(A) Section 433(a) of the Energy Independence and Security Act of 2007 (EISA 2007; Pub. L. No. 110-140) amended section 305 of ECPA to require, among other things, DOE to identify a green certification system and level for rating Federal buildings that DOE determines to be the most likely to encourage a comprehensive and environmentally sound approach to such certification and rating. (42 U.S.C. 6834(a)(3)(D)(i)(III)). Section 433 of EISA 2007 also revised the

definition of “Federal building” applicable to the regulations for Federal buildings. (42 U.S.C. 6832(6)). DOE addressed the energy efficiency requirements of Section 305 of ECPA in a separate rulemaking published on December 21, 2007 (72 FR 72565). This Environmental Assessment originally addressed the sustainable design requirements contained in the Federal building rule. Since the publication of the Notice of Proposed Rulemaking (NOPR), however, the DOE has modified this rule to address only the green building certification requirements. For the sake of continuity of the public review process and to maintain the integrity of the NEPA process associated with the underlying rule, DOE has chosen to maintain the form of the EA, even though the scope of the rule is now limited to addressing green building certification requirements.

Based on an Environmental Assessment (EA), DOE/EA-1991 DOE has determined that the adoption of the new green building certification requirements in “Energy Efficiency and Sustainable Design Standards for the Design and Construction of New Federal Commercial and High-Rise Multi-Family High-Rise Residential Buildings” and 10 CFR 435 “Energy Efficiency and Sustainable Design Standards for the Design and Construction of New Federal Low-Rise Residential Buildings” would not be a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA) of 1969. Therefore, an environmental impact statement (EIS) is not required, and the Department is issuing this finding of no significant impact (FONSI).

ADDRESSES: Copies of the EA and the proposed rule are available from: U.S. Department of Energy, Office of the Federal Energy Management Program, 955 L'Enfant Plaza, Mail Station EE-5F, 1000 Independence Avenue, S.W., Washington, D.C., 20585-0121, (202) 586-5772.

FOR FURTHER INFORMATION CONTACT:

Sarah Jensen, Office of the Federal Energy Management Program (EE-5F), U.S. Department of Energy, 955 L'Enfant Plaza, Washington, D.C. 20585-0121 (202) 287-6033.

For Further Information Regarding The DOE NEPA Process, Contact:

Carol Borgstrom, Director, Office of NEPA Policy and Compliance (GC-54), 1000 Independence Avenue, S.W., Washington, D.C. 20585-0119, (202) 586-4600 or leave a message at (800) 472-2756.

SUPPLEMENTARY INFORMATION:

Description of the Proposed Action: The action is the establishment of green building certification system requirements for new Federal commercial and multi-family high rise residential buildings and low-rise residential buildings.

Environmental Impacts: The EA evaluates the environmental impacts of the new green building certification system requirements for new Federal buildings. In accordance with NEPA, this section discusses the elements of the rule itself. As originally proposed in the NOPR, the rule would have established sustainability sustainable design standards. The final rule, however,

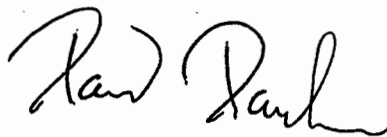
has been significantly altered and now is limited to the identification of certain criteria which an agency must apply to a green building certification system, if an agency chooses to use such a system.

The final rule addresses the green building certification requirements of Section 305 of the Energy Conservation and Production Act (ECPA; Pub. L. No. 94-385). The final rule establishes standards that Federal agencies must use if the agency chooses to use a green building certification system. The EA original to the sustainable design rule NOPR provided an analysis of environmental impacts based on the proposed rule. As modified, the final rule is procedural in nature for NEPA purposes. As a procedural rule, there are no environmental consequences to be analyzed. (See 10 CFR 102; Appendix A to Subpart D, A6). However, for the sake of continuity of the public review process and to maintain the integrity of the NEPA process associated with the underlying rule, DOE has chosen to maintain the form of the EA, even though the scope of the rule is now limited to addressing green building certification requirements.

The purpose of the rule is to improve sustainable design of Federal buildings. Because the fundamental idea of green building certification systems is to improve habitability and reduce environmental impacts, the proposed rule is inherently positive in terms of overall environmental impact.

Determination: Based on the EA, DOE has determined that the adoption of the new green building certification system requirements in 10 CFR Part 433 and 10 CFR Part 435 would not constitute a major Federal action significantly affecting the quality of the human environment, within the meaning of NEPA. Therefore, an EIS is not required.

Issued in Washington, D.C. on October 22, 2014

A handwritten signature in black ink, appearing to read "David Danielson". The signature is written in a cursive style with a large initial "D".

Dr. David T. Danielson
Assistant Secretary
Energy Efficiency and Renewable Energy