

**DEPARTMENT OF ENERGY**

**FINDING OF NO SIGNIFICANT IMPACT  
AND WETLAND STATEMENT OF FINDINGS**

**ENVIRONMENTAL ASSESSMENT FOR THE  
FLATIRONS CAMPUS WATER SYSTEM PROJECT,  
JEFFERSON COUNTY, COLORADO**

**DOE/EA-2171**

**AGENCY:** U.S. Department of Energy (DOE), Office of Energy Efficiency and Renewable Energy (EERE)

**ACTION:** Finding of No Significant Impact (FONSI) and Wetland Statement of Findings

**SUMMARY:** DOE is proposing to provide federal funding to the National Renewable Energy Laboratory (NREL) to construct and operate a water pipeline from the Francis Smart Reservoir (Smart Reservoir) located in the southwest corner of the Rocky Flats National Wildlife Refuge (Refuge), adjacent to the NREL Flatirons Campus (FC) near Boulder, Colorado, to a new water treatment facility on the FC (Proposed Project). The water pipeline would traverse about 2.3 miles from the Smart Reservoir to the southwest corner of the FC. The proposed project would provide code-compliant water to the FC for use in domestic water, fire suppression water, and wastewater systems.

DOE completed Environmental Assessment (EA) DOE/EA-2171 to evaluate the potential environmental impacts of providing federal funding to the Proposed Project. The analysis provided in the EA supports DOE's determination that providing federal funding for the Proposed Project will not significantly affect the quality of the human and natural environment. The EA is hereby incorporated into this FONSI and Wetland Statement of Findings by reference.

DOE places a strong emphasis on avoiding, minimizing, and mitigating potentially adverse environmental impacts. NREL has committed to obtain and comply with all appropriate federal, state, and local permits required for the project.

**SUPPLEMENTARY INFORMATION**

**Description of the Proposed Action**

Since its establishment in the late 1970s, the FC has never been serviced by municipal domestic water, fire water, or sanitary sewer water utilities; as such, a variety of sources—including delivered and stored water and onsite wastewater treatment systems—are used to meet the water needs of the NREL staff and research activities located at the FC. The predominant source of water for the FC is via delivery trucks. Approximately three deliveries, totaling approximately 9,500 gallons, are made

to the FC weekly. The water is used for domestic water, fire suppression water, and wastewater systems. In addition, the 75,000 gallons of water currently stored for fire suppression is below the amount required by the National Fire Protection Association and the quantity considered adequate for commercial buildings or facilities intended to meet the highly protective risk criteria, as is dictated by DOE Orders and Standards.

Water delivery via truck is inefficient, costly, cannot be reasonably scaled up, and, thus, would not reasonably support future mission expansions at the FC. Consequently, DOE proposes to construct and operate a water pipeline from the Smart Reservoir to a new water treatment facility on the FC and would include construction of a pump station at the Reservoir. In addition to the new water pipeline and pump station, DOE is proposing to install an overhead distribution line to service the pump station, and a second overhead distribution line is proposed to service a small building for the USFWS. Both overhead distribution lines would be installed by Xcel Energy. The new water pipeline would include newly constructed segments and would also reuse an existing water pipeline that once serviced Rocky Flats. DOE is also proposing to construct a water treatment system and fire and domestic water tanks at the FC and to upgrade the fire suppression system at the site. The Proposed Action would also provide additional FC site upgrades, including electrical, access roadways, wastewater, and fire/domestic water distribution to accommodate project needs and planned growth. The project would also include the construction of a new Control Center Facility (CCF) (and associated wastewater treatment system). The wastewater system that would be installed would service the CCF, a new building that would be constructed on the FC to provide operational control and monitoring of research projects in support of FC missions.

The FC missions are indispensable to the successful development and growth of wind energy and distributed generation technologies. The future growth of the FC, which involves both increasing the number of staff and the construction of new and/or upgraded research facilities, is directly dependent on obtaining more robust water utility services. Constructing and operating the proposed water pipeline would provide an efficient, cost-effective, and timely supply of code-compliant water to support future mission expansions at the FC.

### **Context of Potential Impacts**

DOE must evaluate the significance of an action in several different contexts, such as society as a whole (human, socioeconomic, etc.), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than globally. Both short- and long-term effects are relevant.

The Proposed Project is located on and to the south of the FC of NREL, a DOE national laboratory sponsored by the Office of Energy Efficiency and Renewable Energy (EERE). NREL is dedicated to the research, development, and deployment of renewable energy and energy efficiency technologies.

The FC, formerly known as the National Wind Technology Center, is NREL's primary facility for the research and development of wind energy, waterpower, and grid integration technologies and supports collaboration with industry to further these technologies and to accelerate their commercialization in the marketplace. The FC is located on U.S. Highway 93 about 25 miles north of Golden, Colorado, and about 5 miles south of Boulder, Colorado.

The Proposed Project would not cause any significant adverse effects nationally, regionally, or at the statewide level.

### **Intensity of Potential Impacts**

The following discussion is organized around the ten (10) intensity factors, described in the Council for Environmental Quality NEPA Implementing Regulations, 40 CFR 1508.27, which refer to severity of impact. The intensity of effects considered is in terms of the following:

#### *1) Impacts that may be both beneficial and adverse:*

The EA analyzed the impacts of the Proposed Action that may be beneficial and adverse. The beneficial impacts of the Proposed Action relate to avoiding the need to meet the anticipated increasing water needs of the FC by increasing the number of truck deliveries of water, namely impacts related to emissions and vehicles, as the number of staff at the FC is expected to increase regardless of the pipeline. The adverse impacts of the Proposed Action would primarily relate to land disturbance during construction but they would be temporary and not significant.

It is anticipated that construction of the water pipeline would take approximately 2 years. In terms of employment, it is estimated that the peak of construction would require 50 workers, with a total of 100 workers needed over the course of the construction period. Because the construction workforce (50 persons) would be negligible compared to the population in the study area, socioeconomic impacts, although beneficial, are expected to be negligible. Future operations would have a positive impact on regional economics. Although pipeline operation itself would not involve additional workers, the pipeline would support staff growth at the FC from 150 to 300 people. Increases in traffic associated with construction activities and future staff growth would not be significant compared to existing activities in the study area.

#### *2) The degree to which the proposed action affects public health or safety:*

The EA analyzed the degree to which the Proposed Action affects public health and safety. During installation of the waterline, standard industrial accidents could occur. Construction risks could result in injuries to the general public and construction workers, including the potential for collisions with construction vehicles, equipment, and materials; and falls from structures or falls into open excavations. Public access to construction areas would be limited; therefore, the potential risk to the general public would be low. The potential risk of construction-related injuries to workers would be

minimized through safety training, use of appropriate safety equipment, and development and adherence to health and safety plans.

Under the Proposed Action, there would likely be no accidents that would result in harm to the environment, workers, or the public from a waterline failure. A failure of the waterline would release reservoir water to the environment until the system was shut down. Because the reservoir water contains no hazardous impurities, such a release would have little potential to cause harm to human health.

In addition, the EA analyzed impacts of the Proposed Action on air quality and transportation, two resource areas that could potentially affect public health and safety.

Air quality and climate impacts of the Proposed Action are limited to a short-term increase in emissions of air pollution and greenhouse gases (GHG) during construction for the duration of the project and longer-term emissions from operation of the emergency generator for the pump station, which are expected to continue for as long as NREL occupies the site. Air pollution would be generated by fossil fuel-fired equipment and transportation vehicles (including vehicle emissions) and fugitive emissions of particulate matter during construction activities. Fugitive dust would be generated from construction equipment disturbing the soil and movement of workers, construction equipment, and wind on unpaved roadways. These particulate matter emissions would be temporary and would have a minor impact on the air quality of the study area. A general conformity review (40 CFR Parts 51 and 93) is not required for the Proposed Action, as the estimated emissions from the project would not exceed the *de minimis* thresholds in 40 CFR 93.153(b)(1).

A small increase in motor-vehicle traffic that either directly support construction activities or personally belong to visiting construction workers would be expected during the Proposed Action construction period. Once operational, an increase in the FC workforce (from 150 to 300 workers) would have a negligible effect on traffic on area roads, and this increase is expected to occur with or without the pipeline.

The project activities would comply with all state and federal regulations. There are no adverse effects expected to public health or safety. As presented in the EA, the Proposed Project would not cause any significant effects on public health and safety.

The Proposed Project would not be a likely target for intentional destructive acts that could further affect public safety.

*3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas:*

The EA identified the unique characteristics in the vicinity of the Proposed Project and evaluated the potential impacts of the Proposed Project on natural and cultural resources. Prior to the start of

construction, it would be necessary to obtain a construction stormwater National Pollutant Discharge Elimination System (NPDES) permit for discharges of stormwater associated with construction activities (greater than 1 acre of land disturbance). As part of the NPDES permit, the development and implementation of a site-specific Stormwater Pollution Prevention Plan (SWPPP) would be required to help minimize any pollution that might leave the site by stormwater and to minimize erosion impacts. No soils classified as prime farmland would be disturbed. The Proposed Action would be implemented in accordance with all federal and state water quality, wetlands, and floodplains statutes and regulations, as well as NREL's water quality protection program, which focuses on protecting the water quality of the receiving waters (Coal Creek and Rock Creek) by managing stormwater runoff from construction sites and impervious surface areas.

Construction of the Proposed Action may temporarily impact wetlands. Within the permanent FC Waterline right-of-way (ROW), the construction activity and pipeline centerline would be positioned to avoid wetlands to the extent possible. Less than 0.1 acre of wetland disturbance is expected during construction. The primary impacts of construction on wetlands would be the alteration of wetland type and impacts on water quality within wetlands because of sediment loading or inadvertent spills of hazardous materials. The Proposed Action would result in no net loss of wetlands.

There would be short-term and localized effects on wildlife use of the project area due to construction and increased human activities. There may be minor disruptions to the migratory pathways of large mammals such as ungulates and large carnivores that may avoid the construction area, but disturbance would be short term. Similarly, bats would not experience impacts, due to lack of roosting habitat in the project area and foraging over the construction area may be temporarily disrupted. Once installed, the areas disturbed for pipeline construction would be restored to preconstruction conditions, and the areas would be revegetated with native species so habitat for small and large mammals would not be impacted long term.

The entire project area that would be used for construction and operations under the Proposed Action has undergone a cultural resource survey. There is only one notable property within the project area, the Rocky Spur of the Denver & Rio Grande Western Railroad grade, which crosses the pipeline corridor in multiple locations. At all but one of the locations, NREL is using the existing cast iron pipeline for the proposed waterline, thereby avoiding affecting the railroad grade. At the one location, the new pipeline would be constructed using directional boring to go under the railroad grade, thereby avoiding any direct impacts to the railroad grade. The pipeline would be installed using directional drilling in this location, and thereby no direct impacts would result to this historic property. The Proposed Action would not diminish the integrity of any nearby historic properties or affect their eligibility for listing in the National Register.

Based on the analysis provided in the EA, DOE has concluded that the Proposed Project would not cause any adverse effects on unique characteristics of the geographic area.

*4) The degree to which the effects on the quality of the human environment are likely to be highly controversial:*

Construction activities for the Proposed Action would disturb a maximum of 15.7 acres. Of this acreage, approximately 11.2 acres of offsite land would be disturbed by the pipeline, 3.4 acres of onsite land would be disturbed by the pipeline, 1.1 acres of onsite land would be disturbed by facilities and associated infrastructure, and less than 0.1 acre of land would be disturbed as a result of offsite facilities (i.e., the pump station at the Smart Reservoir). The entire land disturbance area would occur on previously disturbed land. After construction, all disturbed land would be regraded and restored to existing conditions. Permanent impacts offsite would be the reservoir pump station and overhead electric distribution lines. The two electric pumps would be housed in a small, 160-square-foot, low-profile, “vault design” pump station. Onsite, permanent facilities and infrastructure would disturb less than 1.1 acres after laydown areas are restored.

Construction activity would be visible to recreational users of the Refuge as construction vehicles and equipment install each section of pipeline, resulting in short-term minor adverse effects. No long-term effects would result from the pipeline construction or operations, as the pipeline would be underground. Once the pipeline and supporting projects are operational, the visual landscape would not change appreciably.

There are no sensitive noise receptors in the vicinity of the project. Noise impacts of the Proposed Action would be limited to a short-term increase in local noise for construction activities associated with the project and a long-term increase in temporary noise from the emergency generator for the pump station, which would operate during an electrical power outage and is expected to be in place for as long as NREL occupies the site.

Construction waste would be expected to include items such as packaging from building materials and equipment installation, as well as residues from consumables (e.g., food and supplies) brought in by the workforce. Sanitary waste generated during construction would not be expected to be unique in nature or otherwise require special handling or management. NREL would require construction contractors to either manage the disposal on their own or direct them to the appropriate onsite receptacles. This waste would be removed by the existing FC waste collection system. Waste quantities would not be expected to overwhelm the existing FC waste collection system or the operating capacity of area landfills. Once operational, there would be increases in sanitary wastewater, nonhazardous waste, and hazardous waste as a result of increases in the operational workforce and activities at the FC. These increases would occur independently of the Proposed Action and would be managed adequately. The Proposed Action would have negligible effects on infrastructure demands.

During construction and operation-related activities, it is anticipated that environmental, health, and occupational safety impacts would be minimal, temporary, and confined to the FC and areas adjacent

to the water pipeline. Based on the impacts analysis for all resource areas, no notable adverse effects are expected from construction and operation activities of the water pipeline. For impacts that would occur, impacts are expected to affect all populations in the area equally. There would be no discernable adverse impacts to any populations, land uses, visual resources, noise, water, air quality, geology and soils, biological resources, socioeconomic resources, or cultural resources. No adverse impacts would disproportionately affect minority, low-income, or youth populations during construction and operation activities.

DOE did not receive any public comments on this project during the scoping period, apart from one request for additional information from the State Historic Preservation Office (SHPO) that was fulfilled. DOE published the EA for public comment and received three comment documents (two from the U.S. Fish and Wildlife Service (USFWS) and one from the U.S. Environmental Protection Agency). The comments from those documents and DOE's responses are included in the Final EA. Accordingly, the effects of the Proposed Project are not highly controversial.

*5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks:*

The impact analyses in chapter 3 of the EA show effects of the Proposed Project are not uncertain; they do not involve unique or unknown risks. Infrastructure actions similar to the Proposed Project are common, and standard practices, mitigation measures, and permitting requirements will ensure effects are within the expected parameters. Accordingly, the effects of the proposed project are not highly uncertain, nor do they involve unique or unknown risks.

*6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration:*

The implementation of the Proposed Project is not likely to establish a precedent for future actions with significant effects. The Proposed Project does not establish a precedent for future actions or represent a decision in principle about a future consideration. Neither scoping nor public comment for the Proposed Project raised any disputes pertaining to the appropriate scope of the project, connectedness of other actions, or reasonably foreseeable future actions other than those considered. Accordingly, the Proposed Project would not establish a precedent.

*7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts:*

The proposed action, when evaluated together with other past, present, or reasonably foreseeable land disturbing activities in the area, would not result in other cumulatively significant impacts at the local or regional scale.

DOE evaluated the proposed project in the context of other past, present and reasonably foreseeable actions. When considering other activities within the area affected, the cumulative impacts of the proposed project are anticipated to be minor. Whether the proposed project is related to other actions with individually insignificant but cumulatively significant impacts is discussed in the EA. As supported by that discussion, DOE concludes the cumulative impacts of the Proposed Project would not be significant, and the Proposed Project is not related to other actions, that when combined, would have significant impacts.

*8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (NRHP) or may cause loss or destruction of significant scientific, cultural, or historical resources:*

As noted above, historic and cultural resources have been identified in the project area, and are described in detail in the EA. In November 2021, DOE initiated National Historic Preservation Act consultations with potentially affected Tribes for the FC Water System Project. To date, DOE has not received a response indicating concerns for cultural resources of tribal significance located in the project area, and no such traditional cultural properties have been identified at the FC. In November 2021, the SHPO requested additional information about the proposed project, and DOE provided the requested information in February 2022. The SHPO agreed with DOE's finding of no adverse effect to historic properties for this undertaking.

Accordingly, DOE concludes the Proposed Project would have no adverse effect on districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places, and there is no loss of significant scientific, cultural, or historical resources.

*9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (ESA) of 1973:*

Federally listed or candidate species that have the potential to occur in the project area, according to USFWS Endangered Species Act Section 7 consultation, include Ute ladies'-tresses, monarch butterfly, Canada lynx, and Preble's meadow jumping mouse. There have been no Ute ladies'-tresses orchids found in recent surveys of the project area, nor have they been found nearby on the Refuge where robust habitat exists. However, the USFWS recently received a report that this species was observed in the area, but the exact location is not known and the observation has not been confirmed. Monarch butterfly habitat could exist in the project area, but none has been found and no impacts to this species would occur based on the short-term nature of disturbance. Although the USFWS has previously noted the potential for Canada lynx to be present, the animal has not been reported in any mammal surveys for the FC. With regard to State-listed and other at-risk species, although historically documented in the Refuge, the burrowing owl has not been observed at the FC or the utility ROW. Given the lack of prairie dog colonies within the utility ROW area, there is little suitable habitat for burrowing owls and none has been identified in the study area.



Based on analysis provided in the EA and consultation with the USFWS, DOE has concluded that the Proposed Project would not adversely affect an endangered or threatened species or any critical habitat.

*10) Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the human environment:*

To date, DOE has communicated with USFWS regarding a ROW permit that will be required for portions of the proposed pipeline that are on USFWS lands and that are not located within the existing authorized ROW. Following completion of the EA, DOE intends to apply for a ROW permit from USFWS. This EA is intended to support that ROW application. Similarly, DOE would obtain an easement from DOE's Office of Legacy Management (LM) to run the water pipeline across West Gate Road and one electrical distribution line along it, and this EA is intended to support the easement application. The USFWS and LM would complete NEPA reviews for their respective activities; this EA may be used to support these NEPA reviews. Other permits to be obtained include the following:

- Construction general permit and construction stormwater NPDES permit (U.S. Environmental Protection Agency)
- Record of approved waterworks Colorado Department of Public Health and Environment (CDPHE)
- Colorado Discharge Permit System, General Permit for Domestic Wastewater Treatment Works with Land Disposal of Effluent (Jefferson County)
- Air Pollutant Emission Notice, General Construction Permit for Land Development Projects, and General Construction Permit for Diesel Fuel-Fired Reciprocating Internal Combustion Engines (CDPHE)
- Various building permits, including grading and zoning (Jefferson County Planning & Zoning)

The Proposed Project does not violate any federal, state, or local law or requirement imposed for the protection of the environment. The Proposed Project is consistent with applicable federal, state, and local laws and requirements for the protection of the environment and with agency policy and direction.

### **Wetland Statement of Findings**

DOE has prepared this wetland statement of findings for the Proposed Action to construct and operate a water pipeline from the Smart Reservoir located in the southwest corner of the Rocky Flats National Wildlife Refuge, adjacent to the FC, to a new water treatment facility on the FC.

Previously, DOE prepared a Wetlands Assessment concurrently with the EA (see Appendix A to

DOE/EA-2171) in accordance with 10 CFR Part 1022. That assessment fulfills DOE's responsibilities under 10 CFR Part 1022 and Executive Order 11990, "Protection of Wetlands," which requires Federal agencies to minimize the destruction or degradation of wetlands, and to avoid undertaking new construction located in wetlands unless they find there is no practicable alternative to such construction. No floodplains have been identified within the study area.

### Proposed Action

Based on the field investigations, there are approximately 12,464 square feet of jurisdictional wetlands and 90 linear feet of stream located within the proposed waterline construction corridor. The portion of the proposed waterline located just south of the FC (Segment 4) was determined to contain two wetland complexes (WL-1 and WL-2) and an intermittent stream (tributary to Rock Creek). The wetland complexes identified within the northern portion of the corridor were classified as palustrine emergent wetlands (PEM) and are dominated by similar hydrophytic herbaceous species and hydrology sources (rainwater/stormwater runoff). An open water feature (OW-1) was also identified within the study area. Wetland 1 complex (WL-1) is generally associated with the open water feature identified as OW-1 and provides some hydrology for those smaller wetlands (WL-1a through WL-1e) surrounding OW-1. Wetland 2 complex (WL-2) is generally associated with Rock Creek, which provides a source of hydrology for those smaller wetlands identified as WL-2a through WL-2f on Figure 3.5-3 of DOE/EA-2171.

Within Woman Creek and Rock Creek, wetlands were identified and delineated. Some of these areas may be jurisdictional areas (Waters of the United States) located within the proposed construction corridor associated with the waterline alignment. Some impacts to wetlands, including Waters of the United States, are anticipated with the installation of the waterline. No wetlands were identified within the remaining study area, including Walnut Creek and the FC. Although there are wetlands within the FC, no wetlands would be disturbed on site because of the Proposed Project.

Construction of the Proposed Action may temporarily impact wetlands within Segment 4. Within the permanent FC Waterline ROW, the construction activity and pipeline centerline would be positioned to avoid wetlands to the extent possible. Less than 0.1 acre of wetland disturbance is expected during construction. The pipeline would be constructed using standard pipeline construction procedures in wetlands with firm soils or without standing water. Non-saturated topsoil over the trench would be segregated to preserve the natural seedstock and encourage the growth of native plant species during restoration. Conversely, if soils were saturated at the time of construction, equipment mats would be used to support construction equipment to avoid rutting and subsurface mixing of soils. Erosion control devices would be installed at these workspaces such as silt fence, straw/hay bales, or earthen berms to prevent transport of sediment into wetlands and waterbodies. The primary impacts of construction on wetlands would be the alteration of wetland type and impacts on water quality within wetlands because of sediment loading or inadvertent spills of hazardous materials. The Proposed Action would result in no net loss of wetlands.

### Why Action Is Proposed To Be Located in Wetlands

The wetland features in Segment 4 extend from east to west and lie in between the Smart Reservoir and the FC. Consequently, those wetland features would be crossed by the proposed pipeline for any reasonable pipeline route. DOE proposed the most direct pipeline route that would meet up with an existing (abandoned) water pipe and would not disturb any previously undisturbed land. The proposed pipeline route is designed to avoid and minimize impacts to wetlands to the extent practicable. This wetland statement of findings explains why there is no practicable alternative to the Proposed Action with regard to potential wetland avoidance/disturbance (see below).

### Alternatives Considered

As explained in Section 2.2 of DOE/EA-2171, prior to initiating the Proposed Action, DOE considered alternatives that could have met the need, including (1) the purchase of water from municipalities and (2) the use of groundwater. As discussed below, those alternatives were eliminated from detailed analysis.

*Municipal Water Sources.* In 2018 and 2021, DOE evaluated four water suppliers: (1) City of Arvada, (2) Town of Superior, (3) City of Broomfield, and (4) Denver Water. DOE met with and consulted with each of these suppliers. Obtaining water from these sources was considered an unreasonable alternative for the following reasons:

- Legal, engineering, and political implications/issues of providing water outside of the sources' service boundaries led to uncertainty in achieving success.
- Lengthy and costly studies would be required, with no assurance of success.
- Other viable options for potable or raw water are closer to the FC.

*Groundwater.* DOE has the right to use groundwater that underlies its property, but DOE is subject to the state's maximum annual withdrawal rate of 1 percent of the estimated aquifer capacity under the site. Due to uncertainties associated with the potential yield of the aquifer(s) beneath the FC, as well as the potentially high costs/uncertainties associated with implementing this alternative in a timely manner, DOE determined that it was unreasonable.

### Conformance to Applicable Wetland Protection Standards

DOE, in accordance with 10 CFR Part 1022, seeks to identify, evaluate, and, as appropriate, implement alternative actions that may avoid or mitigate adverse wetlands impacts and provide early and adequate opportunities for public review of plans or proposals for actions that may affect wetlands. The Proposed Action conforms to applicable wetland protection standards. Because less than 0.1 acre of wetland disturbance is expected during construction, DOE would not be required to submit a pre-construction notification to the U.S. Army Corps of Engineers prior to commencing the

Proposed Action.

### Minimizing Potential Harm to or within the Wetland

Avoidance, minimization, and mitigation will be used throughout the construction corridor to reduce impacts to wetlands as much as possible. NREL staff will work with the construction contractor to identify and avoid wetlands to the extent that Nationwide Permit 58, which covers utility activities for water lines, could be used. Otherwise, a Clean Water Act Section 404 permit, including satisfying any required mitigation, would be obtained prior to impacting any jurisdictional resources identified associated with the project.

### Wetland Findings

Based on the analysis in DOE/EA-2171 and this Wetland Statement of Findings, DOE has determined that there is no practicable alternative to the construction and operation of the proposed water pipeline. In accordance with 10 CFR Part 1022 and Executive Order 11990, DOE has identified, evaluated, and minimized/mitigated adverse wetlands impacts associated with the construction and operation of the water pipeline. Less than 0.1 acre of wetland disturbance is expected during construction of the water pipeline.

### **FONSI Conclusion:**

Based on the EA and the above considerations, DOE finds that the proposed action is not a major action that constitutes a significant effect on the human environment. This finding and decision is based on the consideration of DOE's NEPA implementing regulations (10 CFR Part 1021) and the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts analyzed in the EA. Accordingly, the Proposed Action does not require the preparation of an environmental impact statement.

For questions about this FONSI, Wetland Statement of Findings, or the Final EA, please contact:

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Issued in Golden, Colorado this 14th day of June 2022.

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