

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



RECIPIENT: Red Cloud Renewable

STATE: SD

PROJECT TITLE : FY 22 E&I Recipients Individual Submission (Native to Native Energy Sovereignty)

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002520		GFO-FY22E&I-004	GO28308

Based on my review of the information concerning the proposed action, as NEPA Compliance Officer (authorized under DOE Policy 451.1), 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.) |
| A11 Technical advice and assistance to organizations | Technical advice and planning assistance to international, national, state, and local organizations. |
| B1.16 Asbestos removal | Removal of asbestos-containing materials from buildings in accordance with applicable requirements (such as 40 CFR part 61, "National Emission Standards for Hazardous Air Pollutants"; 40 CFR part 763, "Asbestos"; 29 CFR part 1910, subpart I, "Personal Protective Equipment"; and 29 CFR part 1926, "Safety and Health Regulations for Construction"; and appropriate state and local requirements, including certification of removal contractors and technicians). |
| B1.34 Lead-based paint containment, removal, and disposal | Containment, removal, and disposal of lead-based paint in accordance with applicable requirements (such as provisions relating to the certification of removal contractors and technicians at 40 CFR part 745, "Lead-Based Paint Poisoning Prevention In Certain Residential Structures"). |
| B2.2 Building and equipment instrumentation | Installation of, or improvements to, building and equipment instrumentation (including, but not limited to, remote control panels, remote monitoring capability, alarm and surveillance systems, control systems to provide automatic shutdown, fire detection and protection systems, water consumption monitors and flow control systems, announcement and emergency warning systems, criticality and radiation monitors and alarms, and safeguards and security equipment). |
| 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's (DOE) Weatherization Assistance Program (WAP) is authorized per Title IV of the Energy Independence and Security Act of 2007. The goal of WAP is to increase the energy efficiency of dwellings owned or occupied by low-income persons, reduce their total residential expenditures, and improve their health and safety. DOE has approximately \$18.6 million available for the Enhancement and Innovation (E&I) Program under the 2021 appropriations for the WAP E&I Funding Opportunity Announcement (DE-FOA-0002520). This NEPA review is specific to Red Cloud Renewable proposed project activities selected under DE-FOA-0002520.

DOE has determined the following "Allowable Activities" are categorically excluded from further NEPA review, absent extraordinary circumstances, cumulative impacts, or connected actions that may lead to significant impacts on the environment, or any inconsistency with "integral elements" (as contained in 10 CFR Part 1021, Appendix B) as they relate to a specific activity.

Allowable Activities:

1. Administrative activities associated with creation and management of Red Cloud Renewable's program for energy saving activities on Pine Ridge Reservation homes, including hiring of contract trainers.
2. Evaluation of the viability of homes for energy saving retrofits and possible renewable energy installations.
3. Purchase of a van or trailer to be converted into a weatherization rig. This rig would travel to homes with all the tools and equipment needed for weatherization.
4. Purchasing of tools and equipment for the mobile training lab installation within the van or trailer, as well as tools and equipment needed for classroom training and weatherization installation.
5. Training to occur in classrooms and in the field on homes determined to be viable for weatherization activities and are less than forty-five (45) years old. Field training would take place at homes that are qualified by client willingness and income requirements. Training would be led by a contracted trainer who has several years of experience and has been trained by an authorized weatherization training center. The trainers would provide educational instruction on weatherization techniques and photovoltaic installations listed below.
6. Commercially available energy or energy/water efficiency upgrades, provided activities are installed in or on existing homes less than forty-five (45) years old, are appropriately sized, and are limited to:
 - a. Installation and replacement of existing windows and doors with more energy efficient windows and doors
 - b. Installation of energy efficient LED lighting
 - d. Replacement of shower heads
 - e. Complete air sealing based on blower door assessment
 - f. Installation and replacement of existing heating systems with air source heat exchangers, heat pumps, heat pump mini split units, air to air heat exchangers, or tune-up of existing furnace
 - g. Installation and replacement of gas stove/range with electric stove/range
 - h. Installation and replacement of wood stoves with more efficient wood stoves
 - i. Installation and replacement of electric hot water heaters with heat pump water heaters
 - j. Installation of insulation, including exterior insulated wall panels and caulking. Ground disturbance would be limited to the undercarriage, or close proximity to the undercarriage of the mobile homes for installation of insulated wall panels
 - k. Upgrades to electric panels to accommodate additional electric load
7. Identifying and addressing potential health and safety problems including asbestos, mold, lead, sewage, roof leaks, and electrical wiring on homes less than forty-five (45) years old. Remediation of these items would be limited to areas identified during the course of project activities within homes or, in the case of mobile homes, could include the undercarriage directly under the mobile homes. Ground disturbance would be limited to the undercarriage of the mobile homes or within close proximity of the foundation/perimeter of all homes.
8. Development, implementation, and installation of onsite renewable energy technology provided projects are installed in or on an existing home less than forty-five (45) years old, do not require structural reinforcement or ground disturbance, no trees are removed, are appropriately sized, and are limited to:
 - a. roof mounted solar photovoltaic systems, not to exceed 5 kW
 - b. Vertical solar air collector
9. Truss roof additions over mobile homes less than forty-five (45) years old based on site-specific engineering

assessments to increase the available space to install insulation for the mobile homes, and for possible placement of solar photovoltaic systems. The truss roof additions would not cause ground disturbance.

Project work may involve contact with asbestos, structural issues, gases, pollutants, lead-based paint, radon, and pests. Subgrantees will adhere to their Grantee health and safety plans described in Weatherization Program Notice (WPN) 22-7, and in accordance with applicable local requirements.

The Recipient is required to participate in DOE led training on NEPA and Historic Preservation which would include the additional reporting requirements for the above activities prior to commencing work on the above activities. The training is available at www.energy.gov/node/4816816. The Recipient is responsible for contacting NEPA with any NEPA or historic preservation questions at GONEPA@ee.doe.gov.

The Recipient is responsible for identifying and promptly notifying DOE of extraordinary circumstances, cumulative impacts, or connected actions that may lead to significant impacts on the environment, or any inconsistency with the "integral elements" (as contained in 10 CFR Part 1021, Appendix B) relating to any proposed activities.

Activities that fit within the restrictions of the Allowable Activities, except those that involve homes 45 years or older, require the submission of a Historic Preservation Worksheet and approval from the DOE Contracting Officer prior to initiating the project. Recipients should contact their Project Officer or email GONEPA@ee.doe.gov for information to complete a Historic Preservation Worksheet.

Most activities listed under "Allowable Activities" are more restrictive than the Categorical Exclusion. The restrictions must be followed for the Allowable Activity to be applicable.

For activities requiring additional NEPA review, including any ground disturbing activities, the Recipient must complete the environmental questionnaire (found at <https://www.eere-pmc.energy.gov/NEPA.aspx>) for review by DOE.

NEPA PROVISION

DOE has made a conditional NEPA determination.

The NEPA Determination applies to the following Topic Areas, Budget Periods, and/or tasks:

This NEPA Determination only applies to the Red Cloud Renewable's "Allowable Activities" on buildings less than forty-five (45) years old without ground disturbance.

The NEPA Determination does not apply to the following Topic Area, Budget Periods, and/or tasks:

This NEPA Determination does NOT apply to activities other than the listed "Allowable Activities", activities on buildings forty-five (45) years or older, and ground disturbing activities.

Include the following condition in the financial assistance agreement:

1. This NEPA Determination only applies to activities funded by the WAP (E&I) Funding Opportunity Announcement dated 07/08/2022.
2. This NEPA Determination is restricted to "Allowable Activities" that do not cause ground disturbance beyond the undercarriage of mobile homes, or close proximity of the foundation/perimeter of homes that are less than forty-five (45) years old.
3. Activities requiring ground disturbing activities beyond the undercarriage of mobile homes or close proximity of the foundation/perimeter of all homes, structural improvements other than the addition of truss roofs to homes, tree removal, and any activities not listed within this NEPA determination, are subject to additional NEPA review and approval by DOE. For activities requiring additional NEPA review, the Recipient must complete the environmental questionnaire found at <https://www.eere-pmc.energy.gov/NEPA.aspx> and receive notification from DOE that the NEPA review for the activities has been completed and the Contracting Officer has approved the activities prior to initiating those activities.
4. Proposed "Allowable Activities" involving structures 45 years or older, require a Historic Preservation Worksheet submission and approval from the DOE Contracting Officer prior to initiating the project. The Recipient should contact their Project Officer or email GONEPA@ee.doe.gov for information to complete a Historic Preservation Worksheet.
5. This authorization does not include activities where the following elements exist: extraordinary circumstances; cumulative impacts or connected actions that may lead to significant effects on the human environment; or any inconsistency with the "integral elements" (as contained in 10 CFR Part 1021, Appendix B) as they relate to a particular project.
6. The Recipient must identify and promptly notify DOE of extraordinary circumstances, cumulative impacts or connected actions that may lead to significant effects on the human environment, or any inconsistency with the "integral elements" (as contained in 10 CFR Part 1021, Appendix B) as they relate to project activities.
7. The Recipient is responsible for completing the online NEPA and historic preservation training at www.energy.gov/node/4816816 and contacting NEPA with any questions GONEPA@ee.doe.gov.
8. This authorization excludes any activities that are otherwise subject to a restriction set forth elsewhere in the Award.

Notes:

Weatherization and Intergovernmental Programs Office – Weatherization Assistance Program
This NEPA Determination requires legal review of the tailored NEPA provision.
NEPA review completed by Alex Colling on 01/09/2023.

FOR CATEGORICAL EXCLUSION DETERMINATIONS

The proposed action (or the part of the proposal defined in the Rationale above) fits within a class of actions that is listed in Appendix A or B to 10 CFR Part 1021, Subpart D. To fit within the classes of actions listed in 10 CFR Part 1021, Subpart D, 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 listed in paragraph B(5) of 10 CFR Part 1021, Subpart D, Appendix B.

There are no extraordinary circumstances related to the proposed action that may affect the significance of the environmental effects of the proposal.

The proposed action has not been segmented to meet the definition of a categorical exclusion. This proposal is not connected to other actions with potentially significant impacts (40 CFR 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 proposed action is categorically excluded from further NEPA review.

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: _____



Casey Strickland

NEPA Compliance Officer

Date: 1/30/2023

FIELD OFFICE MANAGER DETERMINATION

- Field Office Manager review not required
- Field Office Manager review required

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

Field Office Manager's Signature: _____

Field Office Manager

Date: _____