

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



RECIPIENT: Athens Land Trust, Community Relations-Social Development Commission,
International Center for Appropriate & Sustainable Technology, Enterprise
Community Partners

STATE: Mult

PROJECT TITLE : WAP Enhancement & Innovation - Recipients Requiring a NEPA Log

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002520		GFO-FY22E&I-001	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.

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.

B5.17 Solar thermal systems

The installation, modification, operation, and removal of commercially available smallscale solar thermal systems (including, but not limited to, solar hot water systems) located on or contiguous to a building, and 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 determination is specific to: The Athens Land Trust, Community Relations Social Development Commission, International Center for Appropriate & Sustainable Technology, and Enterprise Community Partners under DE-FOA-0002520. Any activities on tribal lands or tribal properties are restricted to homes/buildings less than forty-five (45) years old and without ground disturbance. Recipients may contact their Project Officer for a Historic Preservation Worksheet to request a review of "Bounded Categories" listed below on tribal homes/buildings forty-five (45) years and older and/or ground disturbing activities. Approval from the DOE is required prior to initiating activities reviewed on a Historic Preservation Worksheet.

DOE has determined the following Bounded Categories of activities that are funded by DE-FOA-0002520 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.

Bounded Categories:

1. Administrative activities associated with creation and management of programs for energy saving activities, including hiring of contractors.
2. Energy audits to assess energy use of homes/buildings
3. Installation of light sources and controls including replacement and/or retrofit of efficient LED lighting
4. Installation and/or replacement of smoke detectors and carbon monoxide detectors
5. Electrical repairs
6. Plumbing repairs including replacing damaged pipes and fixtures
7. Installation of home/building controls including smart thermostats
8. Pest management to address hazards
9. Building shell measures that adhere to the requirements of the respective Recipients' DOE executed Historic Preservation Programmatic Agreement, are installed in existing homes/buildings, and are appropriately sized. If measures are installed on tribal land, homes/buildings must be less than forty-five years old and not require ground disturbance. Activities are limited to:
 - a. Repair and/or replacement of access to homes/buildings including stairways, porches, and ramps
 - b. Installation of insulation for wall, attic, duct, pipes, water heater tank, exterior insulated wall panels for mobile homes, and foundation insulation
 - c. Air sealing
 - d. Caulking and sealants
 - e. Weather Stripping
 - f. Repair and replace windows, storm windows and storm doors
 - g. Siding repairs
 - h. Roof repair and replacement including, replacing decking material and roof, and/or changing roof material (e.g., shingles to metal)
 - i. Inspect and install carbon monoxide and smoke alarms
10. Commercially available energy or energy/water efficiency upgrades, provided that activities adhere to the

requirements of the respective Recipients' DOE executed Historic Preservation Programmatic Agreement, are installed in existing homes/buildings, and are appropriately sized. If measures are installed on tribal land, homes/buildings must be less than forty-five years old and not require ground disturbance. Activities are limited to:

- a. Installation and/or replacement of existing hot water heaters with heat pump water heaters, or hybrid electric heat pump water heaters, electric water heaters, or tankless water heaters
- b. Heating, ventilation, and air conditioning (HVAC) system modifications including
 - i. HVAC cleaning, tuning, repair, or replacement
 - ii. Gas furnace removal and replacement with electric heat pump, replacing wood stoves, heat pump mini split units, and air to air heat exchangers.
- d. Installation of water saving shower heads, faucets, and toilets
- e. Replacement of propane and natural gas stoves with electric stoves, or more efficient electric stoves
- f. Installation of programmable thermostats and other HVAC controls
- g. Replacement of refrigerators and freezers with higher energy efficient models
- h. Installation of electric clothes dryers
- i. Installation of waste heat recovery devices

11. Electric panel and wiring upgrades to accommodate additional electric load from additional electric appliances and equipment

12. Installation of mechanical ventilation to ensure adequate indoor air quality

13. Testing and/or containment, removal or disposal of mold and moisture

14. Development, implementation, and installation of onsite renewable energy technology, provided that projects are installed in or on an existing home/building or within the boundaries of a facility (defined as an already disturbed area due to regular ground maintenance), do not require structural reinforcement, no trees are removed, and are appropriately sized. If measures are installed on tribal land, homes/buildings must be less than forty-five years old and not require ground disturbance. Activities are limited to:

- a. Solar Electricity/Photovoltaic—appropriately sized system or unit not to exceed 60 kW.
- b. Solar air collectors limited to vertical solar thermal collectors
- c. Solar water heaters

The Recipient shall adhere to the restrictions of their DOE executed Historic Preservation Programmatic Agreement for activities, as applicable.

The Recipient is required to review the PowerPoint presentations on NEPA and historic preservation prior to commencing work on the above activities. The presentations are available at www.energy.gov/node/4816816. Recipients are 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. Additionally, the Recipient must inform DOE of activities in the 100-year floodplain and wetlands.

DOE is required to consider floodplain management and wetland protection as part of its environmental review process (10 CFR 1022). As part of this required review, DOE determined requirements set forth in Subpart B of 10 CFR 1022 are not applicable to the activities described in "Bounded Categories" above, other than ground mounted photovoltaic solar panels, solar air collectors, and solar water heaters. The "Bounded Categories" other than ground mounted photovoltaic solar panels, solar air collectors, and solar water heaters, that would occur in the 100-year floodplain (hereinafter "floodplain") or wetland would not have short-term or long-term adverse impacts to the floodplain or wetland. These "Bounded Categories" other than ground mounted photovoltaic solar panels, solar air collectors, and solar water heaters are minor modifications of existing facilities to improve environmental conditions. All other integral elements and environmental review requirements are still applicable. All activities occurring in the floodplain or wetland must be documented.

For activities not listed in the "Bounded Categories," additional NEPA review is required. 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 "Bounded Categories" funded by the WAP Enhancement & Innovation Funding Opportunity Announcement (DE-FOA-0002520) for Athens Land Trust, Community Relations-Social Development Commission, International Center for Appropriate & Sustainable Technology, and Enterprise Community Partners.

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

This NEPA Determination does not apply to activities funded by sources other than the WAP Enhancement & Innovation Funding Opportunity Announcement (DE-FOA-0002520), activities that do not fit within the restrictions of the "Bounded Categories," or Recipients other than Athens Land Trust, Community Relations-Social Development Commission, International Center for Appropriate & Sustainable Technology, and Enterprise Community Partners.

Include the following condition in the financial assistance agreement:

1. This NEPA Determination only applies to efforts by the following WAP recipients: Athens Land Trust, Community Relations-Social Development Commission, International Center for Appropriate & Sustainable Technology, Enterprise Community Partners, for activities funded by the WAP Enhancement & Innovation Funding Opportunity Announcement (DE-EE0002520).
2. All activities must be documented (e.g., a NEPA log) to ensure compliance with the restrictions of the Bounded Categories. The documentation must be available for DOE review upon request and submitted quarterly as outlined in the Federal Assistance Reporting Checklist.
3. Activities not listed under Bounded Categories including ground disturbing activities outside the boundaries of a facility (defined as an already disturbed area due to regular ground maintenance) are subject to additional NEPA review and approval by DOE.
4. Any activities on tribal lands or tribal properties are restricted to homes/buildings less than forty-five (45) years old and without ground disturbance. Recipients must contact their Project Officer for a Historic Preservation Worksheet to request a review of "Bounded Categories" listed on tribal homes/buildings forty-five (45) years and older and/or with ground disturbing activities. Approval from the DOE is required prior to initiating activities reviewed on 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. Most activities listed under the Bounded Categories are more restrictive than the Categorical Exclusion. The restrictions listed in the Bounded Categories must be followed.
8. 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.
9. This authorization excludes any activities that are otherwise subject to a restriction set forth elsewhere in the Award.

Notes:

Office of State and Community Energy Programs (SCEP) – WAP
This NEPA Determination requires legal review of the tailored NEPA provision.
NEPA review completed by Diana Heyder on 1/23/23.

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.

A portion of the proposed action is categorically excluded from further NEPA review. The NEPA Provision identifies Topic Areas, Budget Periods, tasks, and/or subtasks that are subject to additional NEPA review.

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature:  Casey Strickland Date: 2/8/2023
NEPA Compliance Officer

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: _____ Date: _____
Field Office Manager