

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



RECIPIENT: [USDA Forest Service](#)

STATE: DC

PROJECT TITLE : [Constructing Ongoing National Strategy for Energy Reduction with Validated Efficiency \(CONSERVE\)](#)

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0001574	DE-EE0007889	GFO-0007889-002	

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.)

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 U.S. Forest Service (USFS) to develop an internal process which would conform to the Energy Savings Performance Contract (ESPC) ENABLE program, identify potential projects which could leverage the process, and complete potential projects using the process. The ESPC ENABLE program is a streamlined approach for ESPCs which are restricted to certain energy conservation measures (ECMs) for small-scale projects.

DOE previously completed a NEPA Determination (ND) (GFO-0007889-001; A9; 03/27/2017) which only applied to

Phase One activities. This ND (GFO-0007889-002) applies to Phase Two activities. Phase Two activities would involve the completion of multiple ESPC ENABLE projects at USFS facilities using the process developed during Phase One. Projects would involve the installation of ECMs at USFS facilities throughout USFS Regions 5 (Pacific Southwest) and 9 (Eastern). All ECMs would be consistent with ESPC ENABLE program, including modifications to lighting, water usage, temperature control systems (e.g., heating and air conditioning), and solar photovoltaic (PV) systems. Additional activities would include development of plans, discussions with potential Energy Savings Companies (ESCOs), selection of ESCOs, and investment grade audits.

All work would occur at existing USFS facilities. All work would be completed in compliance with USFS and federal building requirements, as well as all federal, state, and local regulations. If a solar PV system were to be installed at a facility, the system would be mounted to existing structures or to the ground, depending on the site characteristics. A solar PV system would not exceed 10 acres per site. Installation of ground-mounted solar PV systems would require minor ground disturbance but would only occur on previously disturbed or developed land.

Because USFS is a federal agency, it is required to comply with the National Environmental Policy Act (NEPA) for this project. This would include completing an environmental review for the project, including any necessary consultations and geotechnical or other surveys prior to a decision whether to proceed. If USFS proceeds with the proposed project after their NEPA review, they would be required to obtain all necessary permits and follow appropriate environmental, health, and safety measures. USFS must provide its final NEPA determination(s) to their DOE Federal Energy Management Program (FEMP) Technical Project Officer (TPO) or point of contact.

Any work proposed to be conducted at a federal facility may be subject to additional NEPA review by the cognizant federal official and must meet the applicable health and safety requirements of the facility. This DOE grant is a secondary funding source for this project and comprises approximately 4.8% of total project funding. Primary funding would come from USFS.

NEPA PROVISION

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

Because U.S. Forest Service (USFS) is a federal agency, it is required to comply with the National Environmental Policy Act (NEPA). When USFS has completed its NEPA review process for the proposed project, USFS will provide its final NEPA determination(s) to their Department of Energy (DOE) Federal Energy Management Program (FEMP) Technical Project Officer (TPO) or point of contact.

Notes:

Federal Energy Management Program (FEMP)
This NEPA determination requires legal review of the tailored NEPA provision.
Review completed by Dan Cahill, 03/07/2023.

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: _____



Signed By: Andrew Montano

NEPA Compliance Officer

Date: 3/16/2023

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: _____