

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



RECIPIENT: Lummi Indian Business Council

STATE: WA

PROJECT TITLE: Lummi Microgrid Project

Funding Opportunity Announcement Number DE-FOA-0002774	Procurement Instrument Number DE-IE0000174	NEPA Control Number GFO-0000174-001	CID Number GO174
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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:

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| 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 the Lummi Indian Business Council for the installation of five battery energy storage systems (BESSs) and a roof-mounted solar photovoltaic (PV) array.

BESSs would be installed at the tribal administration building, health & dental facility, K-12 school, CARES substance abuse facility, and tribal youth facility, all located on Lummi Nation trust land, just outside of Bellingham, WA. Each BESS would be either 250 kW/330 kWh or 125 kW/220 kWh and be placed on a 12 ft by 12 ft concrete pad adjacent to the electrical rooms of each respective building. Installation would include electrical cables running from the pads to

the buildings, and buried in a 12 inch wide trench. All project activities would take place on previously disturbed ground. BESS installation would be followed by a 12 month period of data collection and analysis.

A 19.2 kW PV array would be installed on the roof of the aforementioned tribal youth facility. No structural improvements nor ground disturbance would be required, and the building is less than 20 years old.

The Lummi Nation Tribal Historic Preservation Office (LNTHPO) coordinated on an internal review of the project activities using records on file with the Lummi Nation's Cultural Resource Management Program. Based on the review, an archaeological assessment was not recommended at this time.

While the presence of cultural resources is not anticipated, the following inadvertent discovery language was recommended by the LNTHPO: Should archaeological materials (e.g. shell midden, faunal remains, stone tools) or human remains be observed during project activities, all work in the immediate vicinity shall stop, and the area shall be secured. The Lummi Nation Tribal Historic Preservation Office (360.312.2257) shall be contacted immediately in order to help assess the situation and determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources is required.

DOE agrees with the LNTHPO recommendations and will include the inadvertent discovery language as part of the terms of the award along with a requirement to also inform the DOE Project Officer or any discovery.

Project activities would involve hazards associated with routine construction activities and working with electricity. Existing health, safety, and environmental policies and procedures would be followed at all facilities, including personnel training, proper personal protective equipment, engineering controls, monitoring, and internal assessments.

DOE has considered the scale, duration, and nature of proposed activities to determine potential impacts on resources, including those of an ecological, historical, cultural, and socioeconomic nature. DOE does not anticipate impacts on these resources which would be considered significant or require DOE to consult with other agencies or stakeholders.

NEPA PROVISION

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

Should archaeological materials (e.g. shell midden, faunal remains, stone tools) or human remains be observed during project activities, the Recipient or their staff must stop all work in the immediate vicinity, and the area must be secured. The Recipient must contact the Lummi Nation Tribal Historic Preservation Office (360.312.2257) and the DOE Project Officer immediately in order to help assess the situation and determine how to preserve the resource(s). The Recipient must comply with all applicable laws pertaining to archaeological resources.

Notes:

Office of Indian Energy (OIE)

This NEPA Determination requires legal review of the tailored NEPA provision.

NEPA review completed by Andrew McClellan, 25 October 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:  **Electronically Signed By: Casey Strickland** Date: **10/25/2023**
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