

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



RECIPIENT: All 50 states, the District of Columbia, 5 U.S. Territories, and Certain Local Units of **STATE:** Mult Government that have the authority to adopt building codes

PROJECT TITLE : Inflation Reduction Act of 2022 (IRA) Assistance for the Adoption of the Latest and Zero Building Energy Codes FOA

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0003056	GFO- IRA 50131-Building Codes FOA	GFO- IRA 50131-Building Codes FOA	

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.

Rationale for determination:

Congress appropriated funding for states, territories, and certain local units of governments with the authority to adopt building energy codes to adopt, implement, and enforce the latest building energy codes, zero energy building codes, or equivalent codes or standards. Under the Assistance for Latest and Zero Building Energy Code Adoption (IRA Sec. 50131) Funding Opportunity Announcement (FOA), the U.S. Department of Energy (DOE) is proposing to provide competitive funding totaling approximately \$530,000,000 to support activities associated with the following topic areas: Topic Area 1 - Adoption and Implementation of Qualifying Building Energy Codes by Certain Units of Local Government, Topic Area 2 - Adoption and Implementation of the Latest Model Energy Codes or Zero Energy Codes with Combinations of Strengthening and Weakening Amendments by States and Certain Units of Local Government, and Topic Area 3 - Adoption and Implementation of Innovative Building Energy Codes by States and Certain Units of Local Government. This FOA complements, but does not duplicate, the previously-released Administrative and Legal Requirements Document Formula Funding opportunity released under IRA Section 50131.

This NEPA determination covers all eligible activities outlined in the FOA, including drafting technical documents, analysis of the impacts resulting from code adoption, and compliance and enforcement efforts of code adoption.

Based on the types of activities listed above, DOE does not anticipate any impacts to resources of concern.

NEPA PROVISION

DOE has made a final NEPA determination.

Notes:

Office of State and Community Energy Programs – Partnerships
(Code Adoption Assistance)
NEPA review completed by Diana Heyder, 11/27/2023

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 Date: 11/29/2023
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