

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



RECIPIENT: Department of Energy – Building Technology office

STATE: Mult

PROJECT TITLE : Bipartisan Infrastructure Law: Resilient and Efficient Codes Implementation

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0003225	N/A	GFO-FOA0003225-001	

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:

The U.S. Department of Energy (DOE) Office of Energy Efficiency and Renewable Energy (EERE) Building Technologies Office (BTO) is proposing to issue a Funding Opportunity Announcement (FOA) (DE-FOA-0003225) for advancing building energy codes and building efficiency policies. Awards made under this FOA will be funded, in whole or part, with funds appropriated by the Infrastructure Investment and Jobs Act, more commonly known as the Bipartisan Infrastructure Law (BIL). Areas of interest would include state and local code adoption, high impact states and local jurisdictions, rural communities, tribal governments, workforce development, implementation and compliance, innovative approaches, utility and data and partnerships, equity, energy, environmental justice, and partnerships.

All selected awards would be limited to activities of an intellectual, academic, or analytical nature. Anticipated award activities would include but are not limited to building energy code education, training, outreach, and technical assistance. Each award would be expected to write a final report to disseminate project findings.

Participating entities would be identified as part of award selection processes. As such, award recipients and locations are not yet known. Despite this, further NEPA review would not be required for activities of selected awards under this FOA provided that all activities are consistent with the activity descriptions in this NEPA Determination.

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.

NEPA PROVISION

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

This NEPA Determination applies to the issuance of the FOA as well as all awards selected under the FOA, provided the scope of the selected awards remains consistent with the intent of the FOA, as issued. If selected applicants

propose to use project funds for activities outside the scope of this NEPA Determination, additional NEPA review will be required.

Notes:

Building Technologies Office (BTO)
NEPA review completed by Dustin Hill, 12/26/2023.

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:  Andrew Montano Date: 1/5/2024
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