

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



**RECIPIENT:** Ava Community Energy Authority

**STATE:** CA

**PROJECT TITLE:** Hayward Municipal Critical Facility Resilience Solar and Storage

<b>Funding Opportunity Announcement Number</b>	<b>Procurement Instrument Number</b>	<b>NEPA Control Number</b>	<b>CID Number</b>
FY23 CDS	DE-EE0010888	GFO-0010888-001	

**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.)
- B1.7 Electronic equipment** Acquisition, installation, operation, modification, and removal of electricity transmission control and monitoring devices for grid demand and response, communication systems, data processing equipment, and similar electronic equipment.
- 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:

CX: B4.6: Additions and modifications to transmission facilities Additions or modifications to electric power transmission facilities within a previously disturbed or developed facility area. Covered activities include, but are not limited to, switchyard rock grounding upgrades, secondary containment projects, paving projects, seismic upgrading, tower modifications, load shaping projects (such as the installation and use of flywheels and battery arrays), changing insulators, and replacement of poles, circuit breakers, conductors, transformers, and crossarms.

The U.S. Department of Energy (DOE) is proposing to administer Congressionally Directed Spending to Ava Community Energy Authority to design and install electric solar photovoltaic (PV) panels and energy storage systems on critical municipal facilities in Hayward, California, to provide daily and resilient power.

Solar PV panels and energy storage systems would be installed at four municipal locations, including two Hayward fire stations (stations #1 and #7), the Hayward maintenance and vehicle storage facility (corporate yard base 121), and the Hayward municipal parking garage (lot #3). Solar PV parking canopies would be installed at all locations. Rooftop and solar PV parking canopies would be installed at Fire station #7. Solar PV parking canopies would be installed in each facility's pre-existing parking lot and atop the municipal parking garage. Ground disturbance for canopy support posts would be limited to existing parking lots. Battery storage systems would be installed in custom weatherproof containers placed on the facility rooftop or adjacent to the facilities within existing paved areas.

Based on FEMA National Flood Hazard Map data accessed on January 18, 2024, a portion of the canopy installation at fire station #1 would be located within a flood hazard area. The proposed parking canopy solar PV panels would be elevated above flood levels. Further, no changes to the landscape itself are planned so project activities in the flood hazard areas would not have the potential to impact the floodplain itself. Therefore, DOE has determined that providing funding in support of this project is not a floodplain action requiring a floodplain assessment under 10 CFR 1022.

Minimal air emissions would occur during installation activities from the use of small-scale construction equipment and vehicles. Significant air impacts are not anticipated as construction equipment and vehicle use would be temporary and intermittent. Project activities would involve hazards associated with routine construction activities, working with

electricity, and working on roofs. Any risks working with hazards would be mitigated through established governmental and corporate safety and construction protocols. Ava Community Energy Authority would observe all applicable health, safety, and environmental regulations. DOE does not anticipate any impacts to resources of concern due to the proposed activities of the project.

**NEPA PROVISION**

DOE has made a final NEPA determination.

Notes:

Solar Energy Technologies Office (SETO)  
NEPA review completed by Amy Lukens, 1/18/2024.

**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:  \_\_\_\_\_ Date: 1/23/2024  
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