

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



RECIPIENT: Office of Energy Resources

STATE: RI

PROJECT TITLE: Energy Improvements for Rhode Island Public Buildings

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-EE0010697	DE-EE0010697	GFO-0010697-001	

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.)
- 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.
- B5.15 Small-scale renewable energy research and development and pilot projects** Small-scale renewable energy research and development projects and small-scale pilot projects, provided that the projects are located 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.
- 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.
- B5.23 Electric vehicle** The installation, modification, operation, and removal of electric vehicle charging stations, using commercially available technology, within a previously disturbed or developed area. Covered actions are limited to areas where access and parking are in accordance with applicable requirements (such as local

charging stations

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 administer Congressionally Directed Spending to the Rhode Island Office of Energy Resources to enhance the energy efficiency of facilities occupied by Rhode Island state agencies by installing building automation systems (BAS), upgrading heating, ventilation, and air conditioning (HVAC) systems, installing heat-pump water heaters, upgrading lighting to LED with integrated controls, installing electric vehicle (EV) charging infrastructure, implementing photovoltaic (PV) systems, and implementing education on system design, procurement, and installations.

This award would be executed over three budget periods (BP) and 11 tasks. BP1 (Tasks 1-5) includes: execution of partnerships and outreach, development of technical team, creation of scope of work for pilot locations identified below, sign agreements with pilot communities, and implementation of pilot projects. BP2 (Tasks 6-8) includes: development of scope of work and updated measurement and verification (M&V) plan for state facilities identified below, sign agreements with state agencies, and implementation of projects for facilities. BP3 (Tasks 9-11) includes: development of scope of work and updated M&V plan for additional state facilities not included in locations outlined below, sign agreements with additional state facilities, and implementation of projects for these additional state facilities.

The eight currently identified project locations and associated work would be as follows.

Pilot location award work includes lighting upgrades and installation of EV chargers which would take place at:

- 1) Rhode Island State House in Providence, RI.
- 2) Manuel Mathias Building in Cranston, RI

EV chargers only would be installed at:

- 3) Attorney General's Office in Cranston, RI
- 4) DMV Building in Cranston, RI
- 5) Department of Labor and Training in Cranston, RI
- 6) Powers Building in Providence, RI
- 7) DOT Building in Providence, RI
- 8) Cannon Building in Providence, RI.

The Rhode Island State House, completed in 1904, is listed on the National Register of Historic Places (NRHP). The Manuel Mathias Building was completed in 1958 and is approximately 66 years of age; based on age, this building has been determined as eligible for the NRHP. Pursuant to Section 106 of the National Historic Preservation Act, DOE submitted a Request for Review to the Rhode Island Historic Preservation Office (SHPO) and received concurrence with the determination that no properties listed on the NRHP or eligible properties would be adversely affected. Any other work proposed to be conducted at the pilot locations is prohibited pending further NEPA review and SHPO consultation.

EV chargers have been identified as exempt from Section 106 review as they meet the Advisory Council on Historic Preservation's Exemption from Historic Preservation Review for Electric Vehicle Supply Equipment, as installations meet categories outlined in 36 CFR § 800.14(c).

It is possible that other types of energy upgrades and installations would be considered for the locations outlined above. DOE has considered the scale, duration, and nature of the proposed activities to determine potential impacts on sensitive resources, including those of an ecological, historical, cultural, and socioeconomic nature, and found no effects that would be expected to result from the installation of BAS, upgrades to HVAC systems, heat-pump water heaters, and upgrading lighting to LED with integrated controls at locations not listed or eligible for listing on the NRHP, or within a historic district. These activities are prohibited at the two pilot locations, the DMV Building and the Department of Labor and Training in Cranston, RI, and the DOT Building and the Cannon Building in Providence, RI.

The proposed scope of work also includes solar PV installations. At this time no locations have been identified for solar PV and no details on the size and type of any such installation have been made available for NEPA review. All solar PV installations are prohibited pending further NEPA review.

Additional government building locations would be selected for project work at a later date. There is insufficient information available at this time to conduct a thorough NEPA review of proposed project activities beyond BP3 Task 9, during which the locations and proposed scope of work would be developed. A subsequent NEPA Determination will be required for BP3 Tasks 10 and 11 once project details have been fully defined and provided to DOE for review.

Project activities would involve hazards associated with construction activities and working with electricity. Existing

corporate health, safety, and environmental policies, procedures, and regulations would be followed, including personnel training, proper personal protective equipment, engineering controls, monitoring, and internal assessments.

NEPA PROVISION

DOE has made a conditional NEPA determination.

The NEPA Determination applies to the following Topic Areas, Budget Periods, and/or tasks:

BP1 and BP2 for the eight locations identified in this NEPA Determination in accordance with the tailored NEPA Conditions.

BP3 Task 9

The NEPA Determination does not apply to the following Topic Area, Budget Periods, and/or tasks:

BP3 Tasks 10 and 11.

Include the following condition in the financial assistance agreement:

1. This NEPA Determination applies to the installation of EV chargers and lighting upgrades at the two pilot locations:

Rhode Island State House in Providence, RI.
Manuel Mathias Building in Cranston, RI

Any other work proposed to be conducted at these locations is prohibited unless and until the following conditions have been met:

- a. The Recipient provides the location and description of activities planned to the DOE at gonepa@ee.doe.gov.
- b. If DOE determines it necessary, DOE completes Section 106 (National Historic Preservation Act) consultations for the applicable project locations; and
- c. The Recipient receives written authorization from the DOE Contracting Officer to move forward with the activities stated above.

2. This NEPA Determination applies to the installation of EV chargers at the following locations:

DMV Building in Cranston, RI
Department of Labor and Training in Cranston, RI
DOT Building in Providence, RI
Cannon Building in Providence, RI.

Any other work proposed to be conducted at these four locations is prohibited unless and until the following conditions have been met:

- a. The Recipient provides the location and description of activities planned to the DOE at gonepa@ee.doe.gov.
- b. If DOE determines it necessary, DOE completes Section 106 (National Historic Preservation Act) consultations for the applicable project locations; and
- c. The Recipient receives written authorization from the DOE Contracting Officer to move forward with the activities stated above.

3. This NEPA Determination applies to the installation of building automation systems (BAS), upgrading heating, ventilation, and air conditioning (HVAC) systems, installation of heat-pump water heaters, upgrading lighting to LED with integrated controls, and installation of electric vehicle (EV) charging infrastructure at the following locations:

Attorney General's Office in Cranston, RI
Powers Building in Providence, RI

4. Any and all solar PV installations proposed to be implemented at any project location are prohibited unless and until the following conditions have been met:

- a. The Recipient provides the location and description of activities planned to the DOE at gonepa@ee.doe.gov.
- b. If DOE determines it necessary, DOE completes Section 106 (National Historic Preservation Act) consultations for the applicable project locations; and
- c. The Recipient receives written authorization from the DOE Contracting Officer to move forward with the activities

stated above.

5. If additional locations are selected for BP2, and all locations selected for BP3 tasks 10 and 11 would need to be submitted for further NEPA review to the DOE at gonepa@ee.doe.gov.

Notes:

Building Technologies Office (BTO)

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

NEPA review completed by Dustin Hill, 06/4/2024.

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.

A portion of the proposed action is categorically excluded from further NEPA review. The NEPA Provision identifies Topic Areas, Budget Periods, tasks, and/or subtasks that are subject to additional NEPA review.

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature:



Electronically Signed By: Whitney Donoghue

NEPA Compliance Officer

Date: 6/10/2024

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: