

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



RECIPIENT: Nebraska Department of Environment and Energy

STATE: NE

PROJECT TITLE: Village of Glenvil Pedestrian and Bicycle Paths

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002882	DE-SE0000226	GFO-SE0000226-001	

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:

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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.) |
| B1.13 Pathways, short access roads, and rail lines | Construction, acquisition, and relocation, consistent with applicable right-of-way conditions and approved land use or transportation improvement plans, of pedestrian walkways and trails, bicycle paths, small outdoor fitness areas, and short access roads and rail lines (such as branch and spur lines). |

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide funding to the Nebraska Department of Environment and Energy to repair existing and create new pathways for people to walk or cycle in the Village of Glenvil, Nebraska. This project would be funded under the Administrative and Legal Requirements Document (ALRD) for the DOE's Energy Efficiency Conservation Block Grant (EECBG) Program Formula Infrastructure Investment and Jobs Act (EECBG Formula - IJJA).

Award activities would involve the removal and replacement of old pathways and the construction of new concrete pathways. All pathways would be installed adjacent to existing roads and within the right of way. Four roadways within the Village of Glenvil, Nebraska were selected to receive repairs or new paths: Winters Avenue, First Street, Fifth Street, and Juliette Low. Proposed activities would consist of one to two street-block segments where pathway repair is needed, or the addition of new pathways where safe pedestrian and cycling routes are not currently available. Old pathways would be removed using skid loaders and excavation. New pathways would be installed by excavating the select location (approximately four to six inches deep) and poured concrete. This project would not require permits, licenses, or authorizations.

The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) website identifies three endangered species (i.e., northern long-eared bat, whooping crane, and monarch butterfly), which may occur in the proposed project site at Glenvil, Nebraska. No critical habitats are identified within the proposed project area. The monarch butterfly is listed as a candidate species and does not require a determination. There would be no anticipated effects to the whooping crane, and it is unlikely that this bird species would be found on the project site. There is a potential for effect to the northern long-eared bat due to possible tree removal on Winters Avenue between 6th and 7th Street. Using the IPaC-assisted determination key, the project reached a determination of "may affect, not likely to adversely affect" for the northern long-eared bat. Consultation with USFWS was initiated on July 19, 2024, and USFWS concurrence was finalized on August 3, 2024. Therefore, no effects to the whooping crane or monarch butterfly are anticipated, and the project may affect but is not likely to adversely affect the northern long-eared bat.

Potential air emissions would be limited to construction and concrete truck emissions. All areas are classified as prime farmland; however, the project would not convert farmland as the areas have already been developed into residential communities with paved or dirt roads and sidewalks.

The Glenville School is listed on the National Register of Historic Properties (NRHP), and it is located on the corner of Juliette Low and Fifth Street. The proposed project would not affect the school; no construction material would be stored within 100 feet of the building, and concrete removed in front of the building would only be cut and lifted. The

recipient is working directly with their State Historic Preservation Officer (SHPO) to ensure protection of cultural resources during the course of project activities, per their historic preservation programmatic agreement with DOE and the Nebraska SHPO.

The Nebraska Department of Environment and Energy would observe all applicable federal, state, and local health, safety, and environmental regulations and requirements. 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.

Include the following condition in the financial assistance agreement:

1. The Nebraska Department of Environment and Energy must adhere to the terms and restrictions of the DOE executed Historic Preservation Programmatic Agreement with the State of Nebraska, available at <https://www.energy.gov/node/812599>.
2. The Nebraska Department of Environment and Energy is responsible for reviewing the online NEPA and Historic preservation training at www.energy.gov/node/4816816 and contacting EECBG.NEPA@ee.doe.gov with any EECBG NEPA or historic preservation questions.
3. The Nebraska Department of Environment and Energy is required to submit an annual Historic Preservation Report in the Performance and Accountability for Grants in Energy system (PAGE) located at <https://www.page.energy.gov/default.aspx>.
4. If during project activities the recipient or their contractors encounter any cultural materials (i.e. historic or prehistoric), all activities must cease in the vicinity of the discovery immediately. The recipient must inform the DOE Project Officer of the discovery so that an evaluation of the discovery can be completed prior to continuing work.
5. DOE will require the following as part of best management practices for the project activities near the building located at 401 S 5th Street:
 - a. No construction material shall be stored within 100 feet of the building
 - b. Jackhammer use is prohibited in the area around the building. Concrete shall only be removed via cut and lift methods.
6. All tree cutting/trimming or other knocking or bringing down of trees would be restricted to the inactive (hibernation) season for the northern long-eared bat.

Notes:

Office of State and Community Energy Programs – EECBG
This NEPA determination requires legal review of the tailored NEPA provision.
NEPA review completed by Nick Iraola, 08/09/2024

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:  Electronically Signed By: Matthew Blevins Date: 8/14/2024
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