

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



RECIPIENT: Warner School District I 74

STATE: OK

PROJECT TITLE: Warner Community Improvement

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002756	DE-SE0000708	GFO-SE0000708-001	GO708

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.

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide funding to the Warner School District I 74 for energy conservation measures at Warner High School, Warner Middle School, Warner Elementary School, and the Events Center in Warner, Oklahoma which are within the boundaries of the Cherokee Nation. The school buildings are used as community shelters during weather events and power outages in addition to being educational facilities. The proposed energy conservation measures would decrease energy use and costs, improve indoor air quality, and foster healthier learning environments.

Improvements at the Warner Elementary, Middle and High Schools would entail replacing the existing heating, ventilation, and air conditioning (HVAC) systems with high efficiency variable refrigerant flow (VRF) systems with proper outside air requirements and building management control systems including fire alarms/protection. Ceiling insulation impacted by the HVAC systems would be replaced. Failing windows and doors also be replaced. The existing HVAC units and concrete pads would be removed and replaced with new concrete pads and HVAC units adjacent to the buildings on previously disturbed soil. The pads would generally be within three (3) feet of the

buildings. Electrical upgrades would be required to support the new HVAC system requirements at each building. Utility trenching for the new electrical services would occur on previously disturbed ground. The lighting at the high school football field would be retrofitted with LED fixtures and advanced lighting controls. Existing light poles would remain in place. The existing HVAC units at the Warner Event would be replaced with high efficiency heat pump units.

The U.S. Fish and Wildlife Service's Information for Planning and Consultation (IPaC) website identifies two mammals (Gray Bat and Tricolored Bat), two birds (Piping Plover and Rufa Red Knot), one reptile (Alligator Snapping Turtle), and two insects (American Burying Beetle and Monarch Butterfly) that may occur in the project area. No trees are located at the project site for the Gray Bat or Tricolored Bat. The Rufa Red Knot nests on the Arctic Tundra. In migration and in winter, they are most often found on coastal and other mudflats, as well as occasionally being found on sandy beaches. The Piping Plover forages in mudflats and sandbars for invertebrates. The Alligator Snapping Turtle is found in deep rivers, oxbow lakes, and sloughs. The American Burying Beetle is usually found in open, oak-hickory forests with native grass cover. The Monarch Butterfly prefers woodland edges where milkweeds are prevalent. The appropriate habitats listed above are not located at the project site for any of the identified species. Due to the nature and location of the project (i.e. installation of equipment on regularly disturbed ground from mowing) it is unlikely that any of the species of concern would be present in the project area. Additionally, the proposed project site is outside of the critical habitat of all listed species. Accordingly, DOE has determined there would be no effect on federally listed threatened or endangered species. Further, DOE does not anticipate adverse impacts to migratory bird species.

The project sites are not located in the 100-year floodplain.

The Tribal Historic Preservation Officer (THPO) for the Cherokee Nation was consulted and does not object to the project proceeding at Warner Elementary, Middle, or High School as well as the Warner Events Center as long as the following stipulations are observed:

- 1) The Nation requests that the United States Department of Energy (DOE) re-contact this Office if there are any changes to the activities within or the scope of the APE.
- 2) The Nation requests that the DOE halt all project activities immediately and re-contact our Office for further consultation if items of cultural significance are discovered during the course of this project; and
- 3) The Nation requests that the DOE conduct appropriate inquiries with other pertinent Historic Preservation Offices regarding historic and prehistoric resources not included in the Nation's databases or records. Note - both the State Historic Preservation Office (Oklahoma Historical Society) and the Oklahoma Archaeological Survey were consulted and did not have any findings.

The proposed project may involve the use of heavy equipment and working with electricity, and hazardous materials such as asbestos and lead. Potential hazards would be mitigated through adherence to established institutional health and safety policies and procedures. The sub-recipient and their partners would adhere to all applicable federal, state, and local health, safety, and environmental regulations.

NEPA PROVISION

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

- 1) The recipient must contact their DOE Project Officer, who will contact the NEPA Specialist, if any changes are made to the scope of the project.
- 2) The recipient must halt all project activities immediately and contact their DOE Project Officer, who will contact the NEPA Specialist, if items of cultural significance are discovered during the course of the project.

Notes:

Office of State and Community Energy Programs – Schools EE/RE Retrofits
Community Energy Programs - Public School and Non-Profit Programs
This NEPA Determination requires legal review of the tailored NEPA provision
NEPA review completed by Diana Heyder, 8/20/24

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature:  Electronically Signed By: Matthew Blevins Date: 8/21/2024
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