

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



RECIPIENT: City of Temple

STATE: TX

PROJECT TITLE: Bellaire District North 1st Street Sidewalks

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002988	DE-SE0000559	GFO-SE0000559-001	

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:

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 City of Temple to construct sidewalks in a residential neighborhood located at N 1st Street in Temple, Texas. 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 construction of pedestrian crossings and sidewalks on both sides of N 1st Street from W Shell Avenue to W Zenith Avenue in a residential neighborhood within a city right-of-way. The installation of sidewalks would require the removal of at least six inches of existing soil, and proper traffic control measures would be required to locate and mark the existing underground utilities. Any vegetation that conflicts with the proposed sidewalks would need to be removed. This would include the removal of one tree on the south side of the alley between W Xavier Avenue and W Young Avenue. The project would require 3,050 square yards of concrete, and wood forms would be used to form the sidewalks, ramps, and other crossings.

Based on FEMA National Flood Hazard Map data accessed on June 24, 2024, a portion of the proposed project would be located within flood hazard areas. The channelized section of Williams Creek runs along the west side of N 1st Street from W Victory Ave to just north of W Walker Avenue, with culverts located underneath each road. While changes to the landscape would occur, the proposed activities in the flood hazard area would not impact the floodplain itself. DOE has determined that providing funding in support of this project is not a floodplain action requiring a floodplain assessment under 10 CFR 1022.

The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) website identifies eight threatened, candidate, or endangered species (i.e., Tricolored bat, Piping plover, Rufa red knot, Golden-cheeked warbler, Whooping crane, Monarch butterfly, False Spike, and Texas Fawnsfoot), which may occur in the proposed project site along N 1st Street between W Shell Avenue and W Zenith Avenue. 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. The riverine habitat that exists onsite is comprised of concrete channels and culverts, so it is inhospitable to the False Spike and Texas Fawnsfoot. There would be no anticipated effects to the Tricolored bat, Piping plover, Rufa red knot, Golden-cheeked warbler, or Whooping crane; the project site is already disturbed from residential and urban developments and lacks suitable habitat. USFWS Austin Ecological Services Field Office was contacted on August 8, 2024, to discuss tree removal impacts to the Golden-cheeked warbler and the Tricolored bat. USFWS confirmed a determination of "no effect" would be sufficient because neither species would be found in an urban setting. Due to the lack of substantial habitat, DOE has determined the proposed project would have no effect to threatened, endangered, or candidate species in the area.

The recipient obtained concurrence from the Texas State Historic Preservation Officer (SHPO) that the project would have no adverse effects to cultural resources, features, or structures. The recipient would continue working directly with their SHPO to ensure the protection of cultural resources during the course of project activities, per their historic preservation programmatic agreement with DOE and the Texas SHPO.

Potential air emissions would be limited to gasoline and diesel-powered vehicles and construction equipment. Existing government and corporate health, safety, and environmental policies and procedures would be followed, including personnel training, proper personal protective equipment (PPE), monitoring, and internal assessments. The City of Temple would observe all applicable federal, state, and local health, safety, and environmental regulations and requirements, and would obtain and comply with all applicable permits. 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 City of Temple must adhere to the terms and restrictions of the DOE executed Historic Preservation Programmatic Agreement with the State of Texas, available at <https://www.energy.gov/node/812599>.
2. The City of Temple 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 City of Temple 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.

Notes:

Office of State and Community Energy Programs - EECBG
NEPA review completed by Nick Iraola, 08/23/2024

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
NEPA Compliance Officer

Date: 8/23/2024

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: _____