

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



RECIPIENT: U.S. General Services Administration

STATE: TX

PROJECT TITLE : GSA Region 7 Land Port of Entry ESPC Resiliency ESA

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-EE0002329	DE-EE0009315	GFO-0009315-001	

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.) |
| 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:

The U.S. Department of Energy (DOE) is proposing to provide funding to the U.S. General Services Administration (GSA) to install a photovoltaic (PV) system, including a ground-mounted solar array, at the Ysleta Land Port of Entry (LPOE) (El Paso, TX).

Early activities would include planning, evaluating contractor bids, negotiations, and establishing agreements and contracts. After a contract is awarded, installation of the PV system would begin. Installation of the grid-connected PV system would involve the handling and assembly of components including solar panels, ground-mounting structures, conduits, wiring, and inverters. Some shallow trenching activities would occur in order to install the solar array. The solar array would occupy an area of approximately 30,000 square feet in an area located between paved roads at the Ysleta LPOE. GSA would contract a qualified energy service company (ESCO) using an energy savings performance contract (ESPC) energy sales agreement (ESA). Installation, operation, and maintenance of the PV system would be completed by qualified personnel.

All installation activities would occur at the Ysleta LPOE. All activities would be completed in compliance with GSA and federal building requirements, as well as all federal, state, and local regulations.

Because GSA is a federal agency, it is required to comply with the National Environmental Policy Act (NEPA) for this project. This would include completing an environmental review for the project, including any necessary consultations and geotechnical or other surveys prior to a decision whether to proceed. If GSA proceeds with the proposed project after their NEPA review, they would be required to obtain all necessary permits and follow appropriate environmental, health, and safety measures. GSA must provide its final NEPA determination(s) to their DOE Federal Energy Management Program (FEMP) Technical Project Officer (TPO) or point of contact.

Any work proposed to be conducted at a federal facility may be subject to additional NEPA review by the cognizant federal official and must meet the applicable health and safety requirements of the facility.

This DOE grant is a secondary funding source for this project and comprises approximately 9% of total project

funding. Primary funding would come from GSA.

NEPA PROVISION

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

The Recipient is a Federal agency and is also required to comply with NEPA. When the Recipient has completed the NEPA review process for the proposed project, the recipient will provide its final NEPA determination(s) to their Department of Energy (DOE) Federal Energy Management Program (FEMP) Technical Project Officer (TPO) or point of contact.

Notes:

Federal Energy Management Program (FEMP)

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

Review completed by Dan Cahill, 3/2/2022.

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: _____



Kristin Kerwin

NEPA Compliance Officer

Date: 3/4/2022

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: _____

