

U.S. DEPARTMENT OF  
**ENERGY**

Office of  
**ENERGY EFFICIENCY &  
RENEWABLE ENERGY**

# Navigating the National Environmental Policy Act (NEPA)

October 3, 2017

Diana Heyder, Environmental Protection Specialist



# Introductions and Agenda

---

## Introductions

Diana Heyder

NEPA Specialist

Department of Energy

Buddy Justice

Program Manager

Louisiana Department of Natural  
Resources

## Agenda

- Terminology
- What is NEPA
- NEPA and SEP
- Understanding the NEPA Process in SEP
  - Two Paths
  - Sample project
- Project Management Center (PMC)
- Possible Changes in 2018
- How it's done in Louisiana

# What is NEPA?

---

The **National Environmental Policy Act** of 1969 is the national charter for protection of the environment

Requires the federal government to evaluate and understand potential environmental impacts of a project

Results in better decision making

# NEPA and SEP

---

## State Energy Program during ARRA Creation of Bounded Categories

### Why ongoing training?

New employees

Annual guidance update

Address new trends/clarifications

# Two Paths for NEPA Review in SEP

---

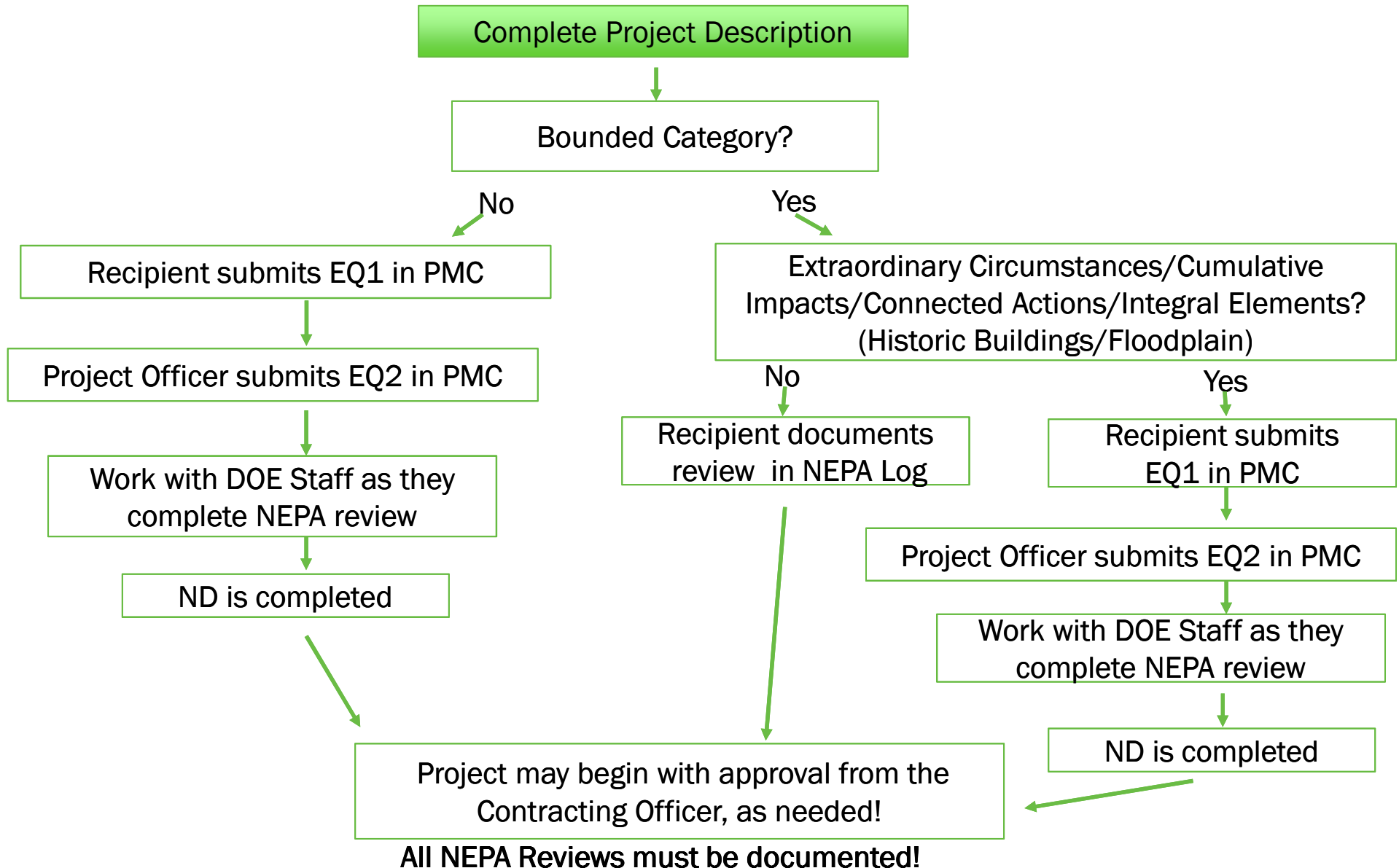
## Bounded Category/Recipient

- List of Eligible Activities
  - Recipient can complete bounded category review.
  - Must document review to demonstrate how it is covered by bounded category
    - Extraordinary circumstances
    - Connected Actions
    - Cumulative Impacts
    - Integral Elements
- \*\* Must be documented \*\***

## Non-Bounded Category/DOE

- Not an eligible type of activity under bounded categories, or
- Eligible type of activity, but other circumstances prevent it from being covered by bounded category
- DOE must complete NEPA review
- Submit EQ1
  - Complete scope of work
  - maps/photos

# National Environmental Policy Act (NEPA) & the State Energy Program (SEP)



# Project Description

---

Can you explain the project that is being proposed...  
who is completing the project, what is the project, how  
will it be completed, where it will be completed?

In explaining the project, include the steps needed to  
complete the project.

**A complete project description is needed for all projects,  
including those within the bounded categories.**

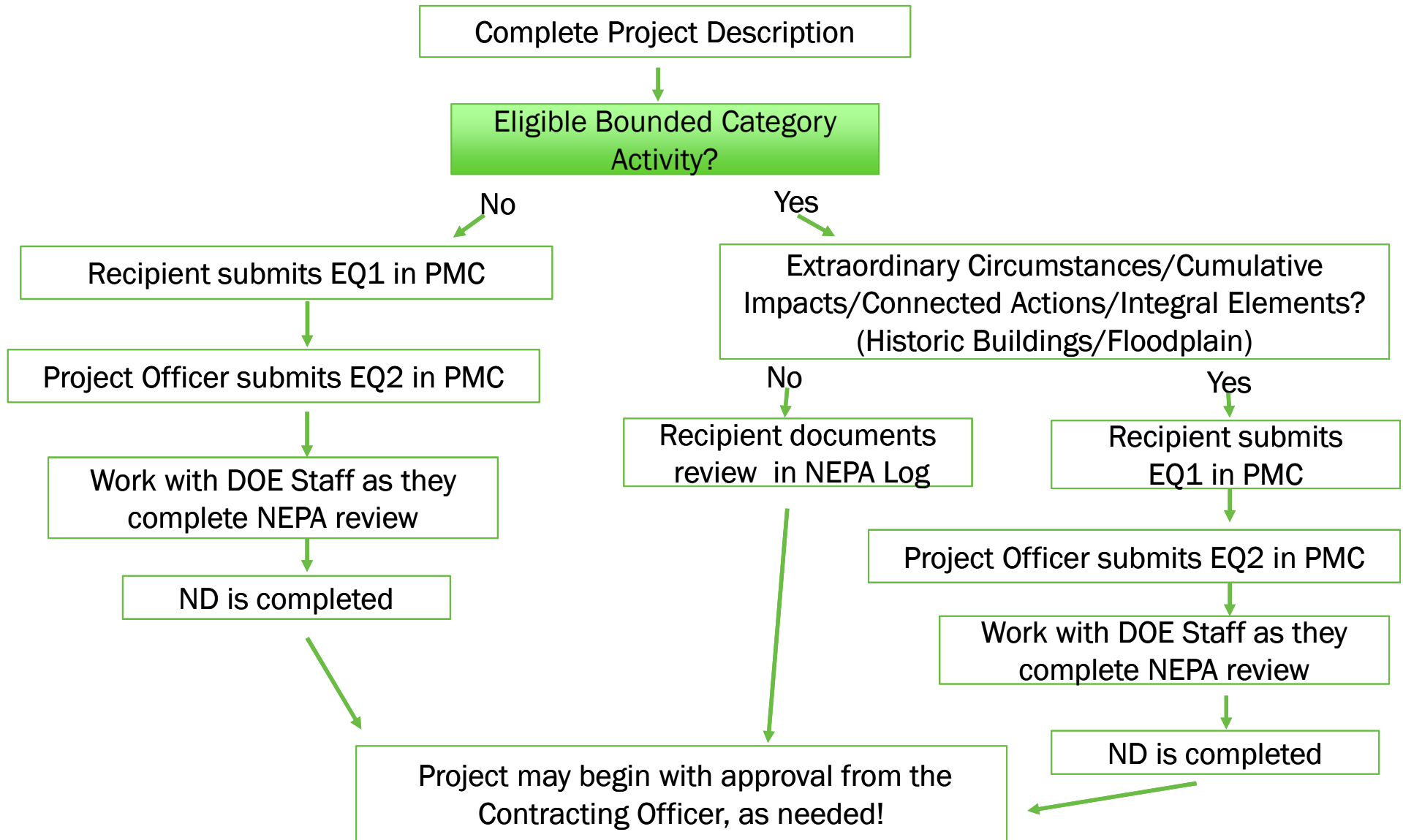
# Sample Project Description

---

The Engineering Department with the city of Smithtown, CO proposes to purchase and install new energy efficient windows and replace the existing 20-year old HVAC system (heating and air conditioning) to a more efficient Energy Star HVAC system at City Hall. All activities would occur at Smithtown City Hall located at 123 Main St. Existing electrical connections would be used for the new HVAC system. The old windows and HVAC would be recycled at the city recycling facility in Smithtown.



# National Environmental Policy Act (NEPA) & the State Energy Program (SEP)



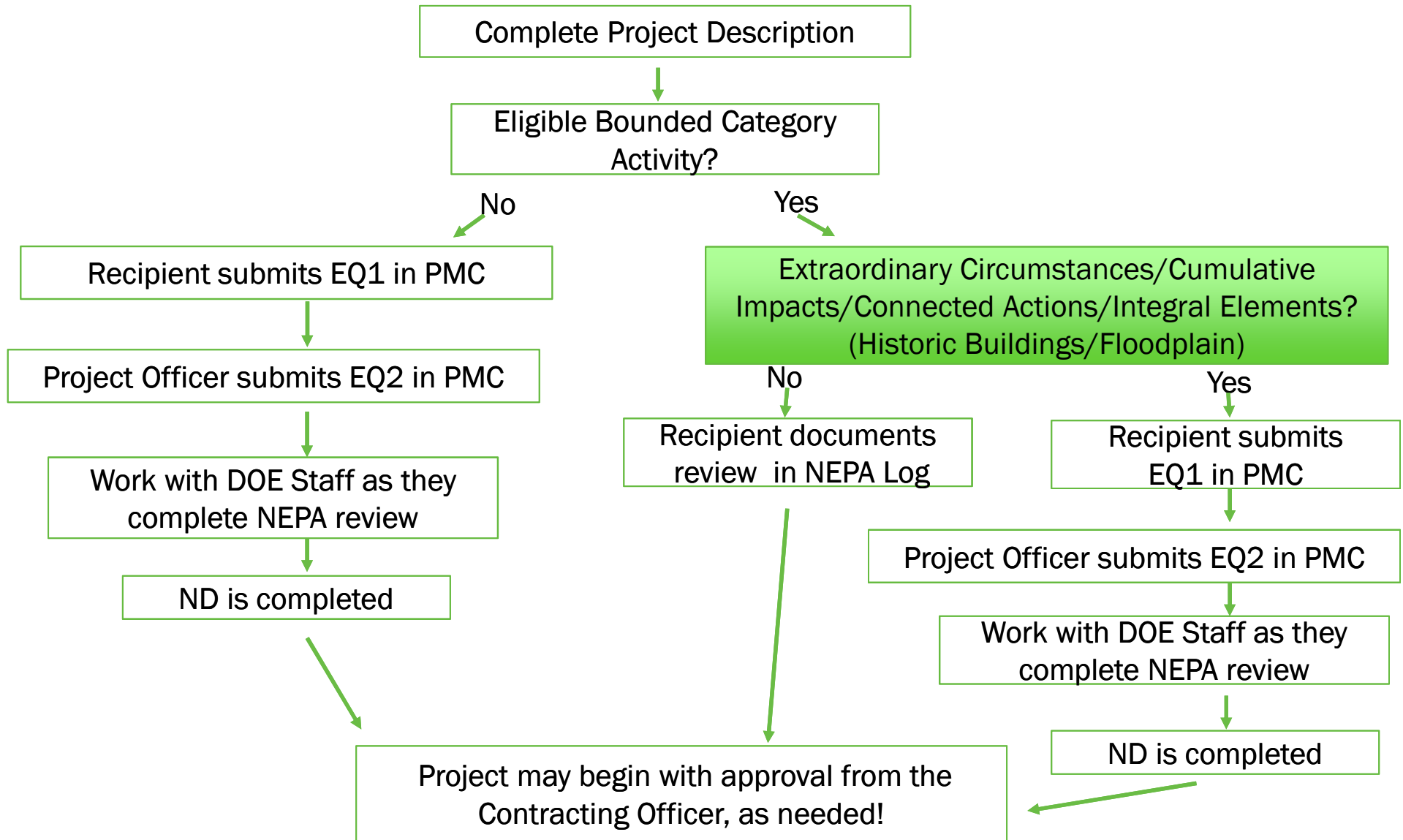
**All NEPA Reviews must be documented!**

# 2017 Bounded Categories

---

3. Funding energy efficiency upgrades, provided that projects apply the restrictions of each State's programmatic agreement with SHPO, and are limited to:
  - installation of insulation;
  - installation of energy efficient lighting;
  - **HVAC upgrades (to existing systems)**;
  - weather sealing;
  - purchase and installation of ENERGY STAR appliances (such as but not limited to; furnaces and air conditioners);
  - **replacement of windows** and doors; and

# National Environmental Policy Act (NEPA) & the State Energy Program (SEP)



**All NEPA Reviews must be documented!**

# Extraordinary Circumstances

---

- Is there scientific controversy about the environmental effects of the project?
- Does the project result in uncertain effects or effects involving unique or unknown risks?
- Are there unresolved conflicts concerning alternative uses of available resources for the project?

**Example:**

**Do you have to remove unknown toxic chemicals due to the site's former use?**

# Cumulative Impacts

---

- A Cumulative Impact is defined as the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions.
- Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

## Example:

Would project contribute to increased traffic congestion during and possibly after construction, if site becomes an education center for energy efficiency upgrades?

# Connected Actions

---

Actions are connected if they:

- Automatically trigger other actions.
- Cannot or will not proceed unless other actions are taken previously or simultaneously.
- Are interdependent parts of a larger action and depend on the larger action for their justification.

Example:

To accommodate additional traffic for education efforts, would a parking lot would be constructed? If the parking lot would be funded thru another source, it would still be a connected action and would need to be evaluated by DOE.

# Integral Elements

---

Does the project:

- **Have the potential to cause significant impacts on environmentally sensitive or culturally important resources**
- **Threaten or is a violation of environment, safety, and health requirements**
- **Disturb hazardous substances, pollutants, or contaminants**

# Environmentally Sensitive Resources

---

A project cannot impact the following types of environmentally sensitive resources to be within a bounded category:

- Property of historic, archeological, or architectural significance or property determined to be eligible for listing on the National Register of Historic Places
- Federally-listed threatened or endangered species or their habitat or proposed or candidate species or their habitat; State-listed endangered or threatened species or their habitat; and Federally-protected marine mammals and Essential Fish Habitat
- Floodplains and wetlands
- Areas having a special designation such wilderness areas, national parks, national monuments, wild and scenic rivers, and marine sanctuaries
- Prime or unique farmland, or other farmland of statewide or local importance
- Special sources of water, and
- Tundra, coral reefs, or rain forests



# Historic Preservation

---

## Historic Preservation and the State Historic Preservation Officer (SHPO)

During ARRA, Programmatic Agreements (PA) were developed to offer a more streamlined process for recipients to satisfy their historic preservation requirements with minimum or no consultation with the SHPO based on the type of activity that is being undertaken.

All PA's were extended to December 31, 2020. Copies for each state can be found at:

<http://energy.gov/eere/wipo/historic-preservation-executed-programmatic-agreements>

**AS, AR, GU, KY, MS, MP, ND, OR, RI, VI, WV – Do not have PA's in place. These recipients must submit to DOE for review any projects that might impact historic properties. This would be require an EQ1 submission.**

# Floodplains

---

Locating a project site on a flood map is a step in determining if the project falls within the bounded categories.

If a project is in a floodplain, an EQ1 must be submitted for a complete NEPA review by DOE.

To identify the location of a project on a flood map go to:  
<https://msc.fema.gov/portal>

# 10 CFR Part 1022-Compliance with Floodplain and Wetland Environmental Review Requirements

---

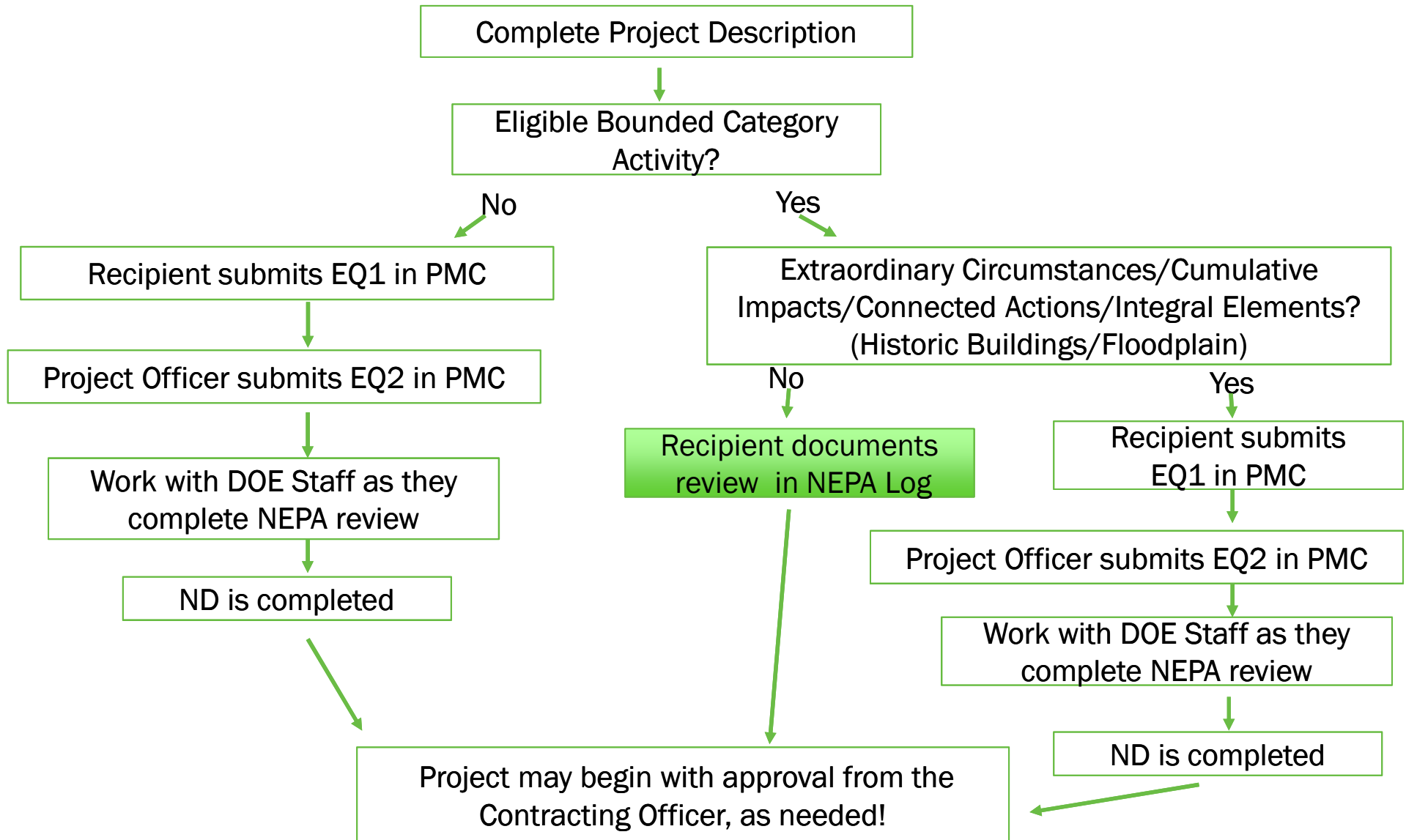
## *DOE shall...*

- *Reduce the risk of flood loss;...*
- *Minimize the impact of floods on human safety, health, and welfare;...*
- *Avoid to the extent possible the long and short-term adverse impacts associated with the destruction of wetlands and the occupancy and modification of floodplains and wetlands, and avoid direct and indirect support of development in a floodplain.*

## **What this means:**

- **Loss of federal dollars, due to investment in high risk areas**
- **Don't want to put people at increased risk**
- **Federal responsibility to avoid adverse impacts where possible to wetlands and floodplains**

# National Environmental Policy Act (NEPA) & the State Energy Program (SEP)



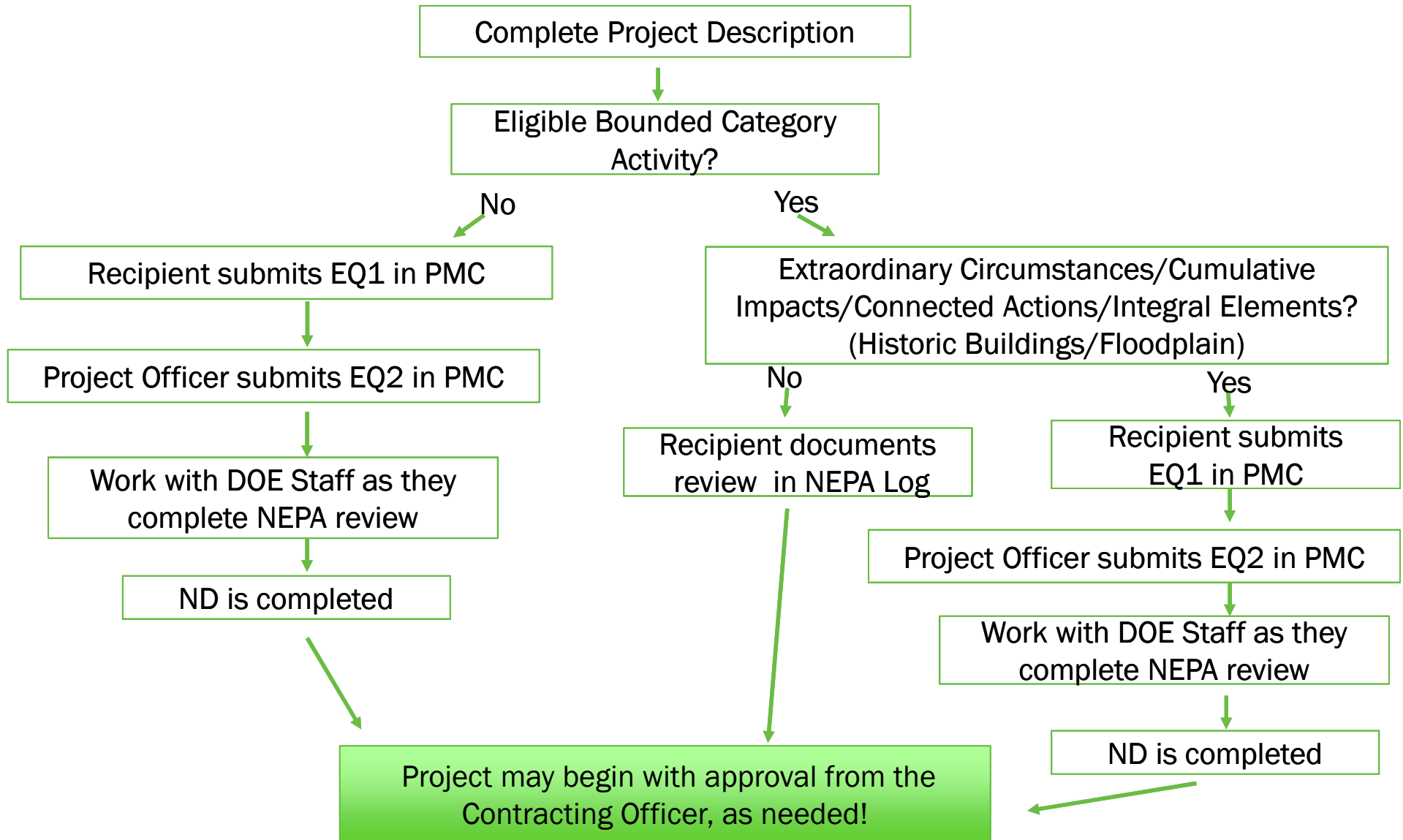
**All NEPA Reviews must be documented!**

# NEPA Log

## Example of Information Needed to Demonstrate NEPA Review

Project Title	Project Number	Project Description	Bounded Category (1-12)	SHPO Consultation/ Documentation per Programmatic Agreement	Extraordinary Circumstances (A)	Cumulative Impacts (B)	Connected Actions (C)	“Integral elements” applicable to Appendix B classes of Action (D)	Is the project site in a floodplain? Floodplain map: <a href="https://msc.fema.gov/portal/search">https://msc.fema.gov/portal/search</a>
<i>Smith-town City Hall, Energy Efficiency Upgrade</i>	<i>DE-EE0999</i>	<i>Replace windows and HVAC (Complete SOW in project file)</i>	<i>#3 (Energy Star appliance and windows)</i>	<i>No adverse effect. SHPO letter in project file.</i>	<i>N/A</i>	<i>None</i>	<i>There will be no additional components installed.</i>	<i>N/A</i>	<i>Not in floodplain Map in project file</i>

# National Environmental Policy Act (NEPA) & the State Energy Program (SEP)



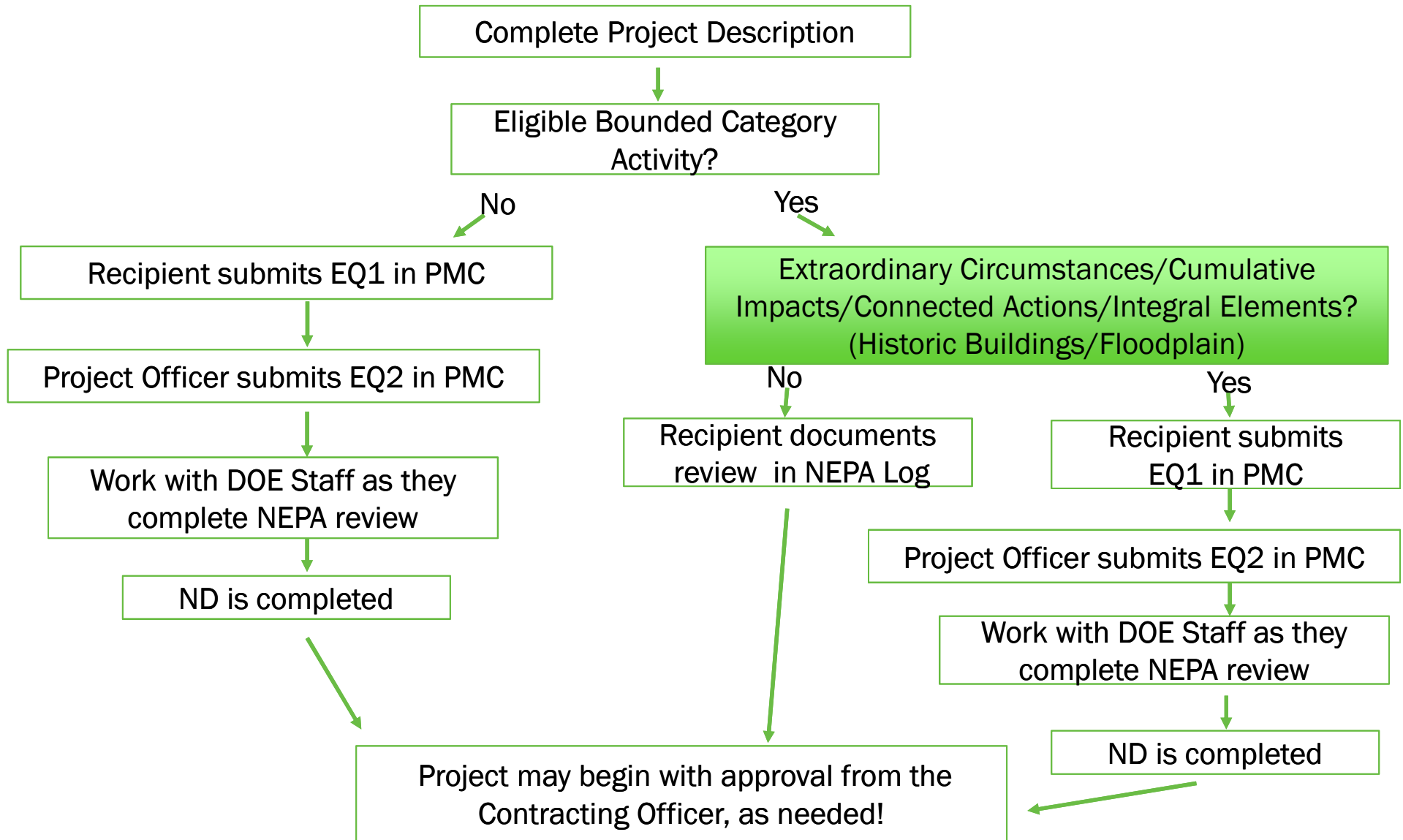
**All NEPA Reviews must be documented!**

# Sample Project Description

---

The Engineering Department with the city of Smithtown, CO proposes to purchase and install new energy efficient windows and replace the existing 20-year old HVAC system (heating and air conditioning) to a more efficient Energy Star HVAC system at City Hall. All activities would occur at Smithtown City Hall located at 123 Main St. Existing electrical connections would be used for the new HVAC system. The old windows and HVAC would be recycled at the city recycling facility in Smithtown.

# National Environmental Policy Act (NEPA) & the State Energy Program (SEP)



**All NEPA Reviews must be documented!**

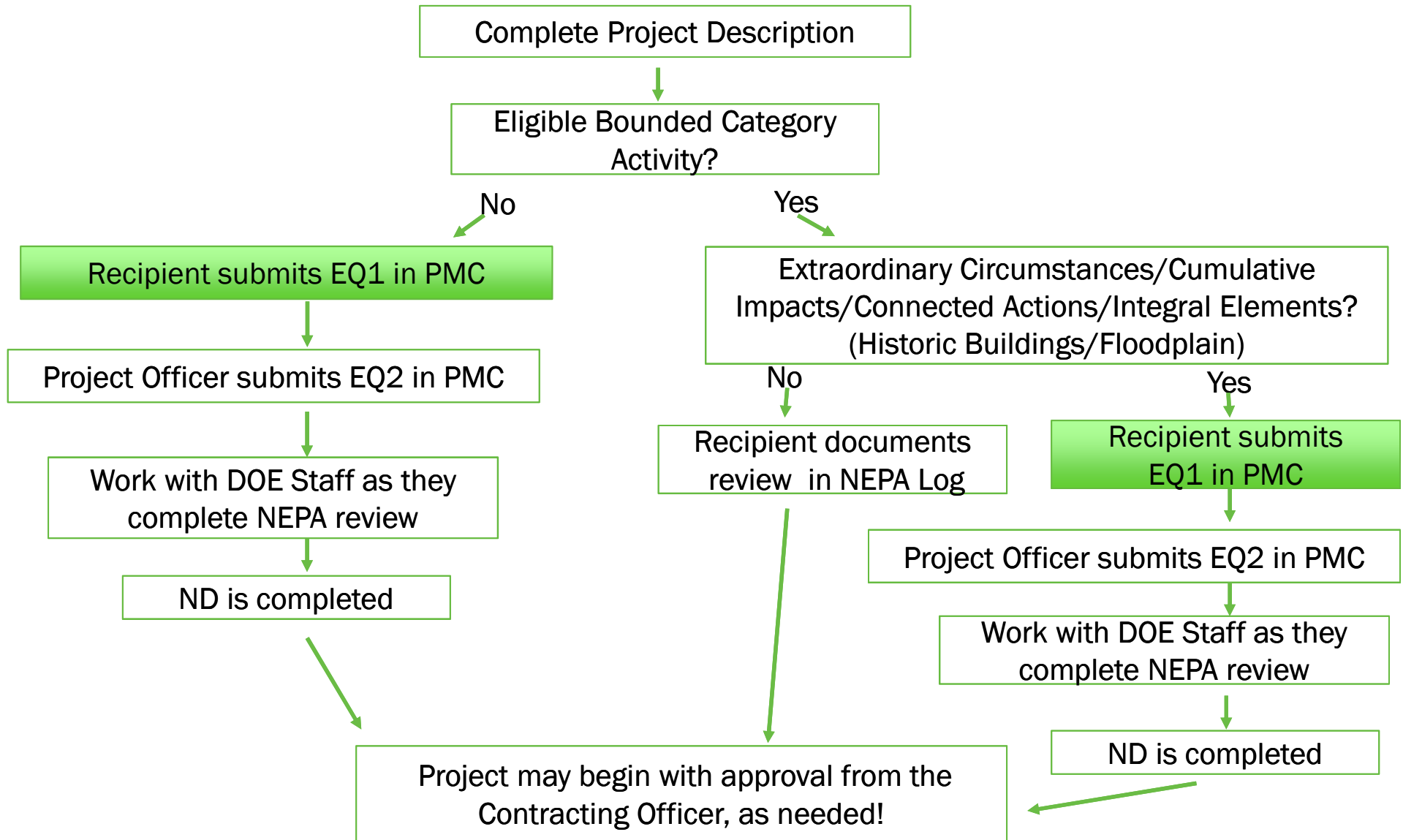


# NEPA Log

## Example of Information Needed to Demonstrate NEPA Review

Project Title	Project Number	Project Description	Bounded Category (1-12)	SHPO Consultation/ Documentation per Programmatic Agreement	Extraordinary Circumstances (A)	Cumulative Impacts (B)	Connected Actions (C)	“Integral elements” applicable to Appendix B classes of Action (D)	Is the project site in a floodplain? Floodplain map: <a href="https://msc.fema.gov/portal/search">https://msc.fema.gov/portal/search</a>
<i>Smith-town City Hall, Energy Efficiency Upgrade</i>	<i>DE-EE0999</i>	<i>Replace windows and HVAC (Complete SOW in project file)</i>	<i>#3 (Energy Star appliance and windows)</i>	<i>No adverse effect. SHPO letter in project file.</i>	<i>N/A</i>	<i>None</i>	<i>There will be no additional components installed.</i>	<i>N/A</i>	<i>Not in floodplain Map in project file</i>

# National Environmental Policy Act (NEPA) & the State Energy Program (SEP)



**All NEPA Reviews must be documented!**

# Project Management Center (PMC)

## Step-by-Step EQ-1 Submission Guide for DOE Award Recipients

U.S. DEPARTMENT OF ENERGY | Energy Efficiency & Renewable Energy

EERE Project Management Center (Home) | Login: DOE Officials - Public Users

### EERE Project Management Center

HOME ABOUT BUSINESS OPPORTUNITIES **RECIPIENT RESOURCES** MEDIA GLOSSARY DOE OFFICIALS LOGIN

EERE Project Management Center

#### Welcome to the EERE Project Management Center Golden Business Services System

This site is a "virtual hub" of project management information and resources for Energy Efficiency and Renewable Energy (EE) customers, stakeholders, staff and contractors offered by the U.S. Department of Energy's Golden Field Office.

As the Business and Service Center for the U.S. Department of Energy - Energy Efficiency and Renewable Energy Program Support Office, Golden offers a wide range of information and collaborative Cloud and web services for Federal and public use.

The mission of the Golden Field Office is to support The DOE through research and development (R&D) partnerships, outreach to stakeholders nationwide to further the use of EE technologies, and laboratory contract administration.

We hope that the EERE community finds this site useful for:

- Locating and tracking funding opportunities
- Public collaboration and file sharing services
- Accessing federal forms, regulations, & circulars
- Researching EERE projects
- [Submit FOIA request online using the eFOIA request form](#)
- [Applicant, Recipient & Vendor Login](#)
  - [Create a new login account](#)
  - Personal Folders for Public and DOE Officials document collaboration
  - NEPA EQ-1 submission Public and DOE Officials collaboration
  - Award information and document collaboration
  - [Access to the Golden Cloud DocShare, SharePoint collaboration site](#)
- [Uploading and downloading reports and information updates](#)
- [Submit NEPA EQ-1 Compliance Questionnaires](#)
- [Upload Block Grant Program Environmental Review](#)
- [Energy Efficiency Community Block Grant Program Environmental Reviews Document Upload Page](#)
- [Upload FFMP Documents](#)
- And much, much more

[Printable Version](#)

#### LOGIN TO THE PMC

Select Login Type:

#### NEPA COMPLIANCE TRACKING

 NEPA Compliance Dashboard  
Track NEPA Environmental Questionnaire submissions and drill down into the data by fiscal year and state to the individual Environmental Questionnaire, EQ-1, submissions, EQ-2 Reviews and ND Final Determinations.

#### FEATURES

 The Golden Field Office Reading Room  
The Golden Field Office Reading Room contains electronic documents that were created after November 1, 1996, per the requirements of the Electronic Freedom of Information Act Amendment of 1996. This includes Freedom of Information Act (FOIA), National Environmental Policy Act (NEPA), and National Renewable Energy Laboratory (NREL) documents and Golden's [eFOIA online request form](#).

# PMC

1. Access the Project Management Center (PMC) at <https://www.eere-pmc.energy.gov>
2. Click on the “Recipient Resources” tab

The screenshot shows the EERE Project Management Center website. The navigation menu at the top includes: HOME, ABOUT, BUSINESS OPPORTUNITIES, RECIPIENT RESOURCES (circled in red), MEDIA, GLOSSARY, and DOE OFFICIALS LOGIN. The main content area features a welcome message and a list of services:

- Locating and tracking funding opportunities
- Public collaboration and file sharing services
- Accessing federal forms, regulations, & circulars
- Researching EERE projects
- [Submit FOIA request online using the eFOIA request form](#)
- [Applicant, Recipient & Vendor Login](#)
  - [Create a new login account](#)
  - Personal Folders for Public and DOE Officials document collaboration
  - NEPA EQ-1 submission Public and DOE Officials collaboration
  - Award information and document collaboration
  - [Access to the Golden Cloud Doc Share SharePoint collaboration site](#)
- [Uploading and downloading reports and information updates](#)
- [Submit NEPA EQ-1 Compliance Questionnaires](#)
- [Upload Block Grant Program Environmental Review](#)
- [Energy Efficiency Community Block Grant Program Environmental Reviews Document Upload Page](#)
- [Upload FEHMP Documents](#)
- And much, much more

The sidebar on the right contains sections for:

- LOGIN TO THE PMC**: Select Login Type:  (Dropdown menu)
- NEPA COMPLIANCE TRACKING**: NEPA Compliance Dashboard. Track NEPA Environmental Questionnaire submissions and drill down into the data by fiscal year and state to the individual Environmental Questionnaire, EQ-1 submissions, EQ-2 Reviews and ND Final Determinations.
- FEATURES**: The Golden Field Office Reading Room. The Golden Field Office Reading Room contains electronic documents that were created after November 1, 1996, per the requirements of the Electronic Freedom of Information Act Amendment of 1996. This includes Freedom of Information Act (FOIA), National Environmental Policy Act (NEPA), and National Renewable Energy Laboratory (NREL) documents and Golden's eFOIA online request form.

# PMC

3. Click on the “Create Login/Register Account” link at the second bullet.

The screenshot shows the EERE Project Management Center website. The header includes the U.S. Department of Energy logo and the text "Energy Efficiency & Renewable Energy". The main navigation bar contains links for HOME, ABOUT, BUSINESS OPPORTUNITIES, RECIPIENT RESOURCES (highlighted), MEDIA, GLOSSARY, and DOE OFFICIALS LOGIN. A search bar is located in the top right corner.

The main content area is titled "EERE Project Management Center" and "Recipient Resources". It features a sidebar on the left with links such as "Recipient/Applicant Login", "Submit Reporting Requirements", "FEMP Contractor Document Upload", "NEPA Compliance Information & Submissions", "eFOIA Electronic FOIA Request", "State Energy Policy (SEP) Reference Documents", "Congressionally Directed Projects", "Recent Clean Energy Initiative", "Forms", and "Questions & Comments".

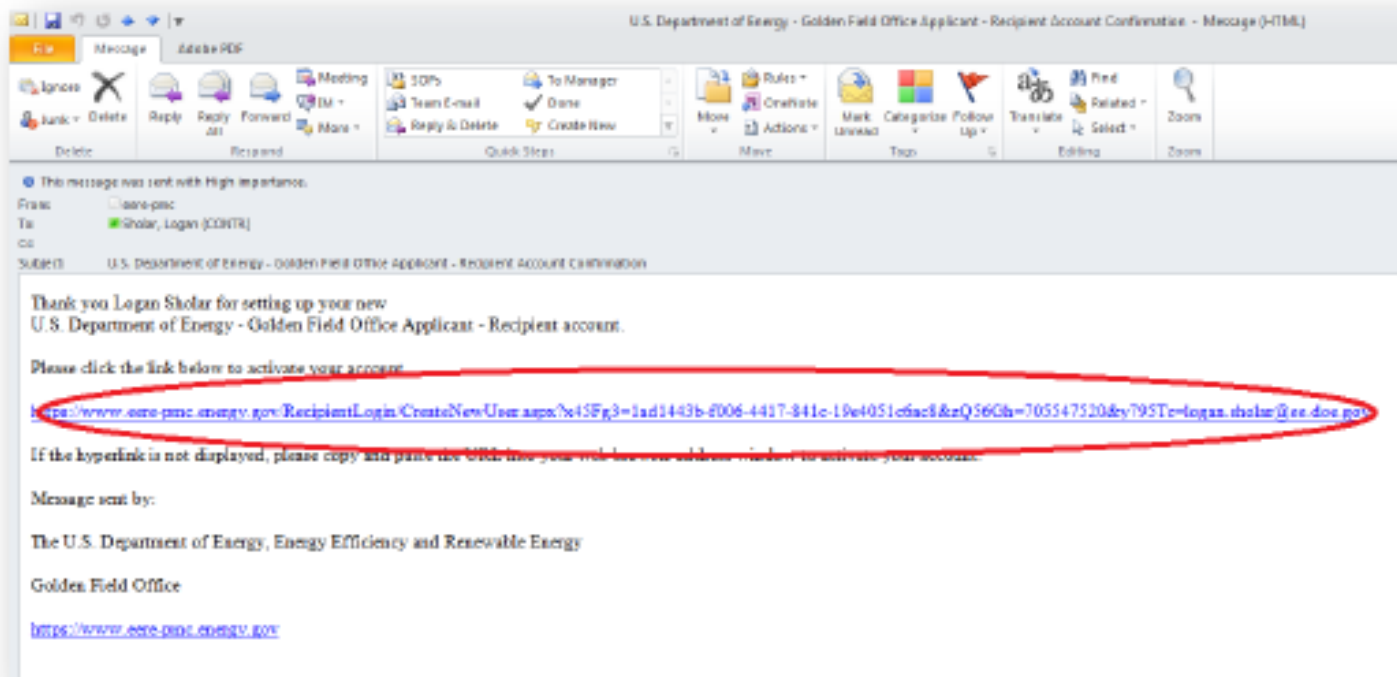
The central section is titled "Recipient and PMC Partner Information" and contains the following text:  
Recipients of financial assistance from EERE may use this site to conduct electronic business with the EERE-PMC on this site, recipients may upload deliverable reports, upload Deliverable Requirements, submit NEPA Environmental Checklists, and download financial and programmatic forms.  
The Applicant/Recipient area has been put in place to allow Applicants/Recipients to share documents and files with their DOE Contracting and Project Management Officials, Submit and manage EQ-1 NEPA Compliance Environmental Checklist submissions and DOE Award Reporting Requirements.

Below this text is a "Resources" section with a bulleted list of links. The first bullet is "Recipient Login" with a sub-link "Create Login/Register Account" circled in red. Other links include "Submit Reporting Requirements", "NEPA Compliance Information and Submissions" (with sub-links for "NEPA Act" and "Block Grant Program Environmental Review Upload"), "eFOIA Electronic FOIA Request", "State Energy Policy (SEP) Reference Documents", "Congressionally Directed Projects", "Recent Clean Energy Initiative", "Forms", and "Questions & Comments".

On the right side of the page, there is a "LOGIN TO THE PMC" button and a "Select Login Type:" dropdown menu with "Please Select" as the current selection.

# PMC

4. Follow the directions to create an account for accessing the PMC database. When you are finished creating your account, you will receive an email asking you to activate your account using the link provided in the body of the email.



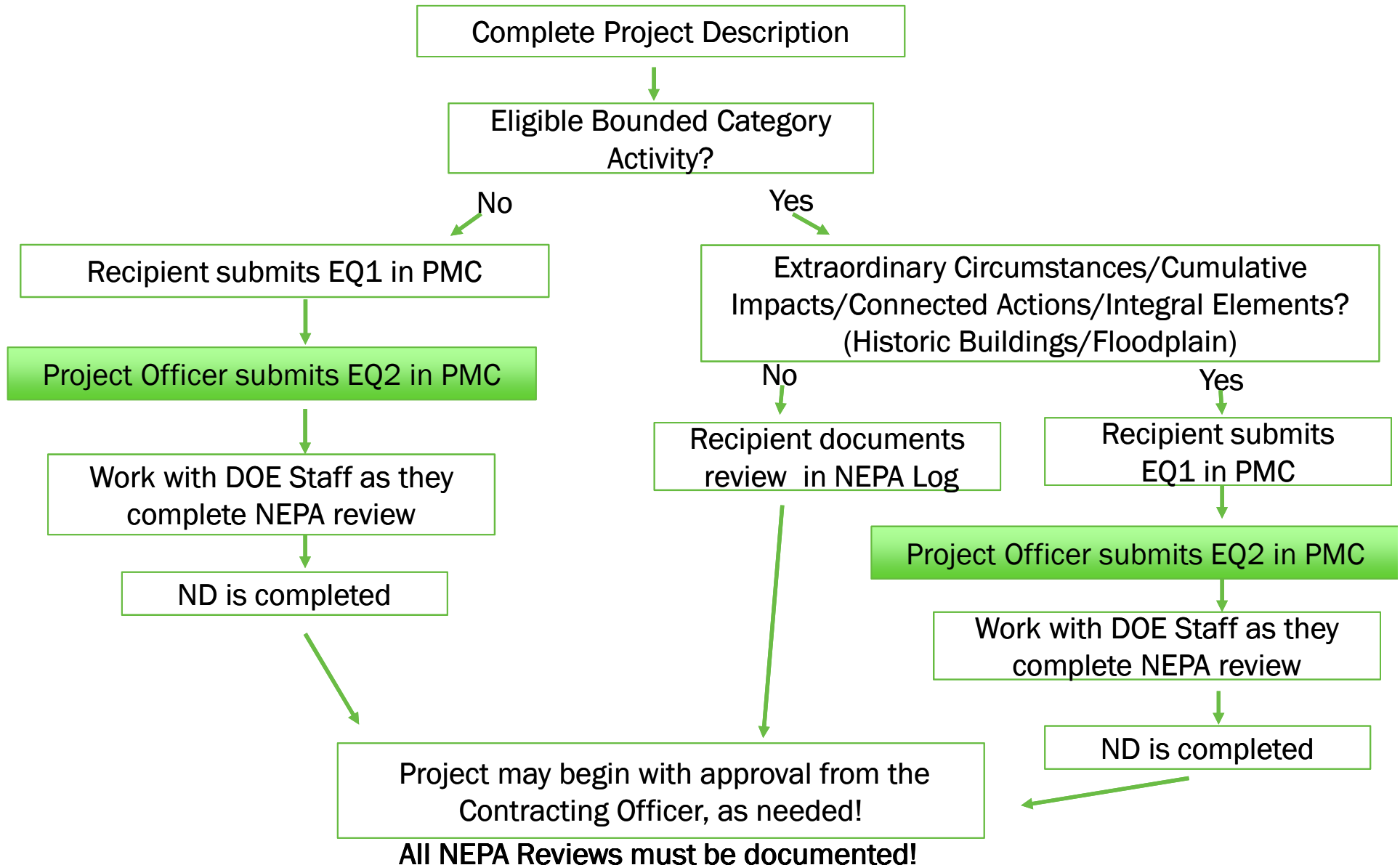
# PMC

5. Once you enter your information to activate your account, click on the “EERE-PMC Web Site” link at the bottom center of the page in red font. You will need to login using your email, password and an answer to one of your security questions.



The screenshot shows the EERE-PMC Sign-In Page. At the top, there is a globe icon and the text "Welcome Applicants and Recipients" and "EERE-PMC Sign-In Page". A link "Return to Main EERE-PMC web site" is visible in the top right. Below the header is a "Sign-In" section with a "Sign-in E-mail Address:" label and an input field. A "Continue..." button is positioned below the input field. Below the button are two links: "Register a New Account" and "Lost Password?". In the center, there is the U.S. Department of Energy logo and the text "U.S. Department of Energy Golden Field Office". Below this is a "WARNING!" section with a detailed disclaimer about the federal computer system's use and security policies.

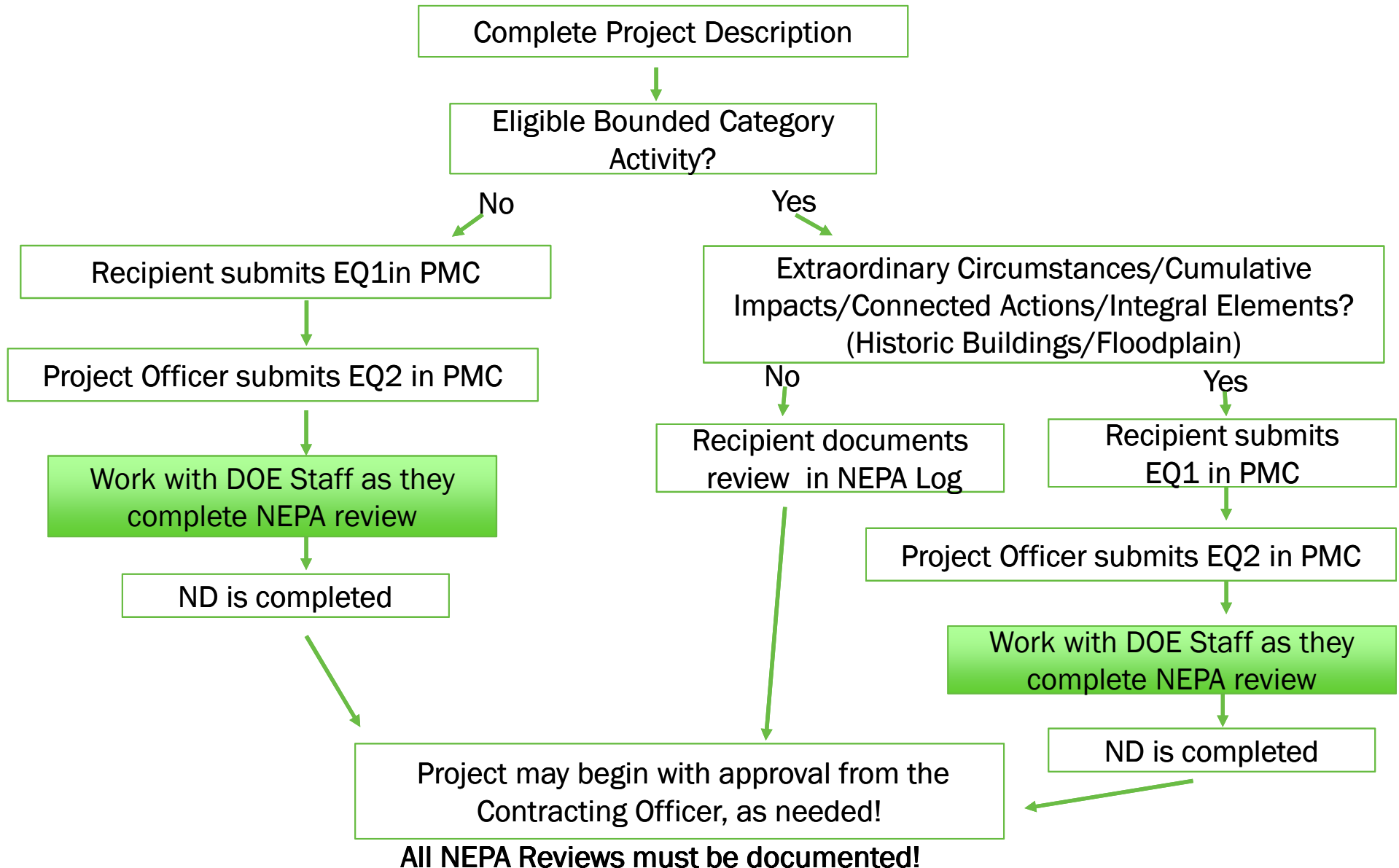
# National Environmental Policy Act (NEPA) & the State Energy Program (SEP)



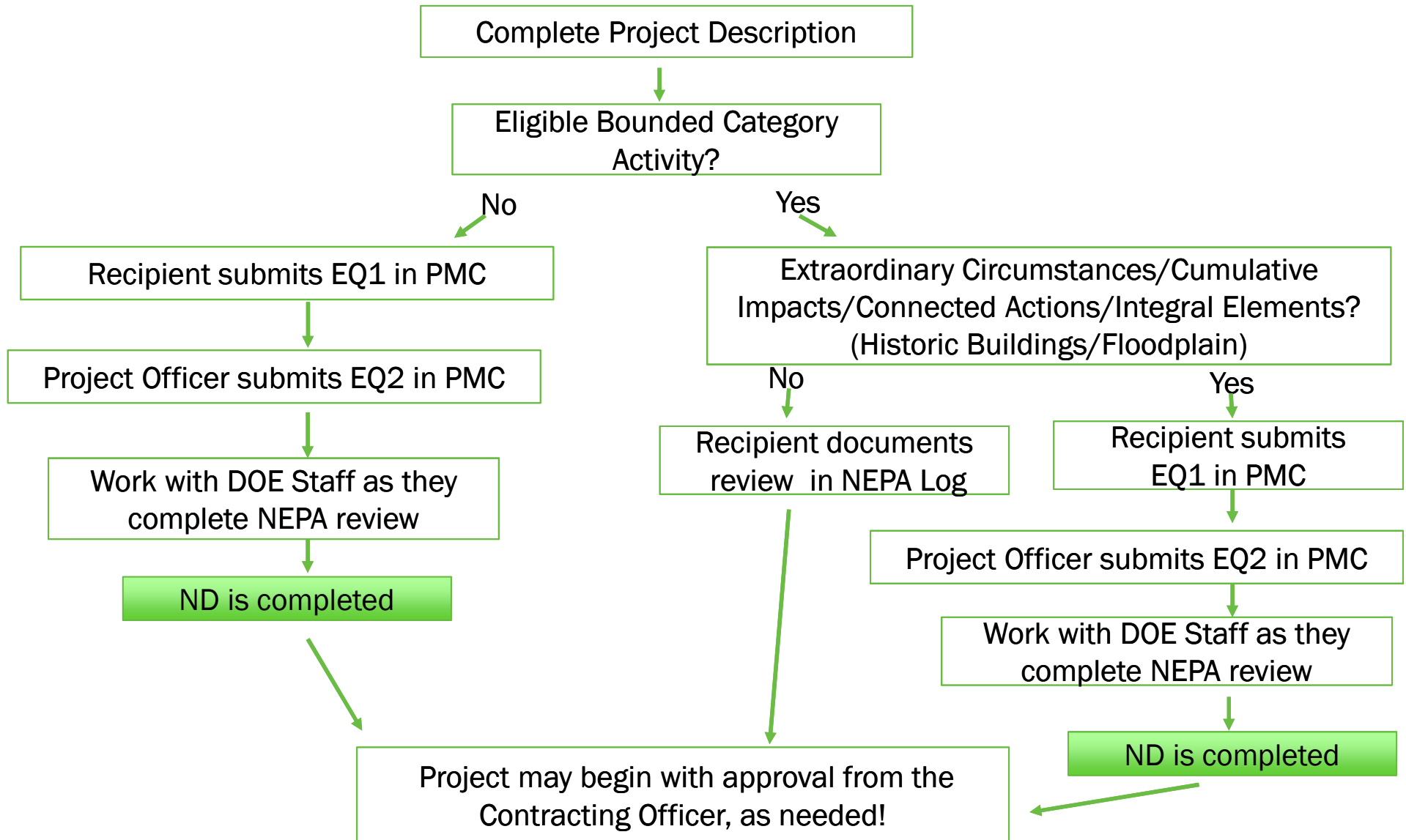
**All NEPA Reviews must be documented!**



# National Environmental Policy Act (NEPA) & the State Energy Program (SEP)

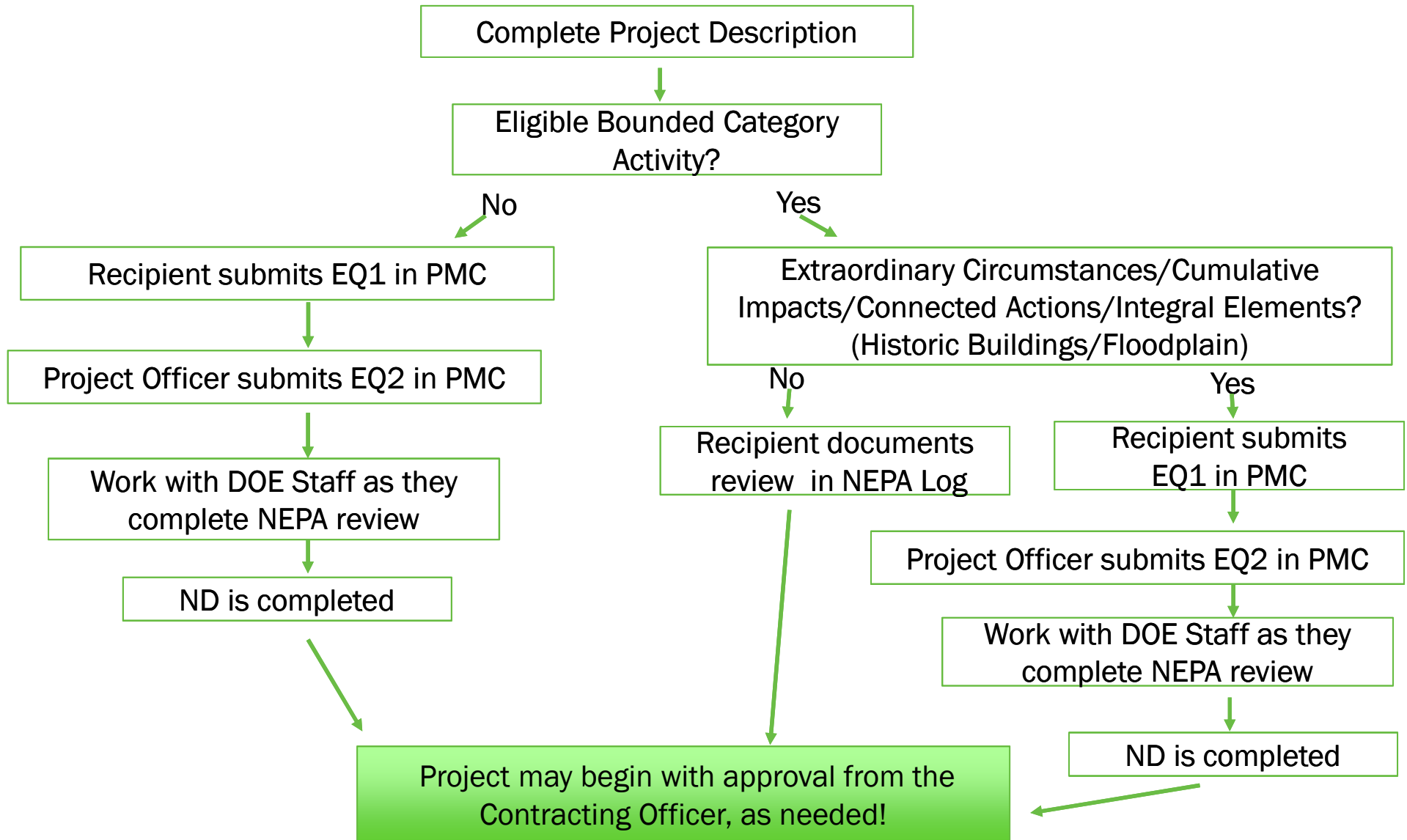


# National Environmental Policy Act (NEPA) & the State Energy Program (SEP)



**All NEPA Reviews must be documented!**

# National Environmental Policy Act (NEPA) & the State Energy Program (SEP)



**All NEPA Reviews must be documented!**

# Possible Changes in 2018

---

DOE is looking at options to streamline the NEPA process for SEP. Many of the documentation requirements are necessary due to the inclusion of activities in the bounded categories that are rarely used.

We hope to make changes in next year's guidance...

# Environmental Questionnaire-1 (EQ1)

## The New EQ1

New format, same type of information.

You will be receiving a copy of the new EQ1 and the instructions on submitting an EQ1 in the PMC.

Still need a description of who will do the project, what is the project, how the project will be completed, include maps & pictures if it helps to explain the project to someone who doesn't know anything about it.

## Similar look



DOE F 540  
(04-2017)

OMB Number 1910-5175  
Exp. TBD

### OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY

#### ENVIRONMENTAL QUESTIONNAIRE

(To be completed on-line only at: <https://www.eere-pmc.energy.gov/NEPA.aspx> unless you are instructed otherwise by EERE.)

SECTION I. PROJECT SUMMARY	
NEPA Control Number:	
Project Title:	
Recipient:	
Other Participants (Subrecipients, Contractors, etc.):	
FOA Number:	
FOA Title:	
Award Number:	
DOE Technology Office Point of Contact:	
DOE Grants Management Specialist:	

SECTION II. BACKGROUND AND INSTRUCTIONS
<p>Pursuant to the U.S. Department of Energy's National Environmental Policy Act (NEPA) implementing regulations (10 C.F.R. Part 1021), the Office of Energy Efficiency and Renewable Energy (EERE) is required to evaluate the potential environmental impact of projects that it is considering for funding. EERE must determine at the earliest possible time whether any proposed project qualifies for a categorical exclusion under 10 C.F.R. § 1021.410 or will require further environmental review within an environmental assessment or an environmental impact statement.</p> <p>You are required to answer the questions below for the <u>project as a whole</u>, including all work to be</p>

# Questions?

---

Diana Heyder – NEPA Specialist

720-356-1574

[diana.heyder@ee.doe.gov](mailto:diana.heyder@ee.doe.gov)

New staff? Need a refresher?

Send me an email and I will coordinate with your Project Officer to schedule a conference call to review NEPA as it applies to your state or territory.