

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



**RECIPIENT:** US Customs and Border Protection

**STATE:** DC

**PROJECT TITLE:** Demonstrating Mission Essential Lighting at Lowest Life Cycle Cost

<b>Funding Opportunity Announcement Number</b>	<b>Procurement Instrument Number</b>	<b>NEPA Control Number</b>	<b>CID Number</b>
DE-FOA-0002329	DE-EE0009312	GFO-0009312-001	

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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| <b>A9 Information gathering, analysis, and dissemination</b> | 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.)   |
| <b>B2.1 Workplace enhancements</b>                           | Modifications within or contiguous to an existing structure, in a previously disturbed or developed area, to enhance workplace habitability (including, but not limited to, installation or improvements to lighting, radiation shielding, or heating/ventilating/air conditioning and its instrumentation, and noise reduction).  |
| <b>B2.5 Facility safety and environmental improvements</b>   | Safety and environmental improvements of a facility (including, but not limited to, replacement and upgrade of facility components) that do not result in a significant change in the expected useful life, design capacity, or function of the facility and during which operations may be suspended and then resumed. Improvements include, but are not limited to, replacement/upgrade of control valves, in-core monitoring devices, facility air filtration systems, or substation transformers or capacitors; addition of structural bracing to meet earthquake standards and/or sustain high wind loading; and replacement of aboveground or belowground tanks and related piping, provided that there is no evidence of leakage, based on testing in accordance with applicable requirements (such as 40 CFR part 265, "Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities" and 40 CFR part 280, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks"). These actions do not include rebuilding or modifying substantial portions of a facility (such as replacing a reactor vessel).  |
| <b>B5.1 Actions to conserve energy or water</b>              | (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 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 U.S. Customs and Border Protection (CBP) to implement and evaluate cost-wise readiness (CWR) methods to reduce costs associated with facility lighting while maintaining or improving operational readiness.

CBP would issue a notice which interested energy service companies (ESCOs) could reply to with offers. CBP would select an ESCO and work with them to complete data collection, analysis, and modeling activities at CBP facilities to identify potential lighting solutions which would meet award objectives. A limited number of lighting solutions would be implemented to validate projected outcomes. After validation, planning and wide-scale implementation of lighting solutions across 60 CBP facilities would be completed. Additional data would be collected and analyzed to determine effectiveness of utilizing CWR methods.

All work would occur at CBP facilities. All work would be completed in compliance with federal, state, and local regulations and building requirements.

Because CBP 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 CBP 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. CBP must provide its final NEPA determination(s) to their DOE Federal Energy Management Program (FEMP) Technical Project Officer (TPO) or point of contact.

This DOE grant is a secondary funding source for this project and comprises approximately 3.9% of total project funding. Primary funding would come from CBP.

#### NEPA PROVISION

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

Because U.S. Customs and Border Protection (CBP) is a federal agency, it is required to comply with the National Environmental Policy Act (NEPA). When CBP has completed its NEPA review process for the proposed project, CBP 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 Jason Spencer, 03/21/2024.

#### 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: \_\_\_\_\_



Andrew Montano

NEPA Compliance Officer

Date: 3/25/2024

**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: \_\_\_\_\_