

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



RECIPIENT: SCEP – Renew America's Nonprofits Non-tribal Applicants with a Historic Preservation Programmatic Agreement and Possible Ground Disturbing Activities

STATE: CO

PROJECT TITLE : State and Community Energy Program – BIL Renew America's Nonprofits - Energy Improvements at Nonprofits

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0003066	n/a	GFO-SCEP-NP-2024A	

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.)
A11 Technical advice and assistance to organizations	Technical advice and planning assistance to international, national, state, and local organizations.
B1.16 Asbestos removal	Removal of asbestos-containing materials from buildings in accordance with applicable requirements (such as 40 CFR part 61, "National Emission Standards for Hazardous Air Pollutants"; 40 CFR part 763, "Asbestos"; 29 CFR part 1910, subpart I, "Personal Protective Equipment"; and 29 CFR part 1926, "Safety and Health Regulations for Construction"; and appropriate state and local requirements, including certification of removal contractors and technicians).
B1.34 Lead-based paint containment, removal, and disposal	Containment, removal, and disposal of lead-based paint in accordance with applicable requirements (such as provisions relating to the certification of removal contractors and technicians at 40 CFR part 745, "Lead-Based Paint Poisoning Prevention In Certain Residential Structures").
B2.1 Workplace enhancements	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).
B2.2 Building and equipment instrumentation	Installation of, or improvements to, building and equipment instrumentation (including, but not limited to, remote control panels, remote monitoring capability, alarm and surveillance systems, control systems to provide automatic shutdown, fire detection and protection systems, water consumption monitors and flow control systems, announcement and emergency warning systems, criticality and radiation monitors and alarms, and safeguards and security equipment).
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.

B5.14 Combined heat and power or cogeneration systems

Conversion to, replacement of, or modification of combined heat and power or cogeneration systems (the sequential or simultaneous production of multiple forms of energy, such as thermal and electrical energy, in a single integrated system) at existing facilities, provided that the conversion, replacement, or modification would not have the potential to cause a significant increase in the quantity or rate of air emissions and would not have the potential to cause significant impacts to water resources.

B5.17 Solar thermal systems

The installation, modification, operation, and removal of commercially available smallscale solar thermal systems (including, but not limited to, solar hot water systems) located on or contiguous to a building, and 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.

B5.19 Ground source heat pumps

The installation, modification, operation, and removal of commercially available smallscale ground source heat pumps to support operations in single facilities (such as a school or community center) or contiguous facilities (such as an office complex) (1) only where (a) major associated activities (such as drilling and discharge) are regulated, and (b) appropriate leakage and contaminant control measures would be in place (including for cross-contamination between aquifers); (2) that would not have the potential to cause significant changes in subsurface temperature; and (3) would be located 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) has administered funds to the Office of State and Community Energy Programs (SCEP) to establish a grant program via Section 40542 of the Bipartisan Infrastructure Law focused on funding energy-efficiency improvements in nonprofit buildings, known as the Renew America's Nonprofits program.

Under the Renew America's Nonprofits program, as outlined in the Funding Opportunity Announcement (FOA; DE-FOA-0003066), DOE used an aggregation model to enable the bundling of projects into portfolios while providing technical and administrative support for retrofit projects and maximizing equitable impacts. Per the aggregation model, each prime recipient (hereinafter "Recipient") and subrecipient must be nonprofit organizations as described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code. All renovations, repairs, or installations under this provision must be performed on a building owned and operated by a nonprofit 501(c)(3).

This NEPA Determination (ND) is specific to SCEP – Renew America's Nonprofits non-tribal recipients with a Historic Preservation Programmatic Agreement* and possible ground disturbing activities. SCEP – Renew America's Nonprofits non-tribal recipients with a Historic Preservation Programmatic Agreement* and no ground disturbing activities have a separate ND: GFO-SCEP-NP-2024B.

DOE has determined that the following Bounded Categories of activities that are funded by the SCEP – Renew America's Nonprofits program, are categorically excluded from further NEPA review absent of extraordinary circumstances, cumulative impacts or connected actions that may lead to significant impacts on the environment, or any inconsistency with "integral elements" (as contained in 10 C.F.R. Part 1021, Appendix B) as they relate to a particular project.

Activities on tribal lands or tribal properties are restricted to homes/buildings less than forty-five (45) years old and no ground disturbance. Recipients must contact their DOE Project Officer for a Historic Preservation Worksheet to request a review of activities listed below (i.e., Bounded Categories) that would occur on tribal homes/buildings forty-five (45) years and older and/or involve ground disturbing activities on tribal land/properties. Approval from DOE is required prior to initiating activities reviewed on a Historic Preservation Worksheet.

Bounded Categories :

1. Administrative activities associated with management and operation of the SCEP – Renew America's Nonprofits program and strategies to encourage energy efficiency and renewable energy, including meetings, travel, and energy audits.
2. Development and implementation of programs, plans, and strategies to encourage energy efficiency such as policy

development and stakeholder engagements.

3. Development and implementation of classroom or online training programs.

4. Development and implementation of building codes including inspection services, and associated activities to support code compliance and promote building energy efficiency.

5. Implementation of financial incentive programs including rebates and energy savings performance contracts for existing facilities; grants and loans to support energy efficiency; and energy/water saving projects. All project activities funded under a financial incentive program must be listed within the Bounded Categories in this ND.

6. Funding commercially available energy efficiency upgrades, provided the projects adhere to the requirements of the respective states' DOE-executed Historic Preservation Programmatic Agreement, are installed in or on existing buildings (or within the boundaries of a facility, defined as an already disturbed area due to regular ground maintenance), do not require tree removal or tree trimming, do not require structural reinforcement, are appropriately sized, and are limited to:

a. Installation of insulation

b. Installation of energy efficient lighting and light poles (light poles may be installed within a maintained utility easement if no trees are removed or trimmed)

c. Heating, Ventilation, and Air Conditioning (HVAC) upgrades to existing systems

d. Weather sealing and duct sealing

e. Purchase and installation of energy/water-efficient residential and commercial appliances and equipment (including, but not limited to, grid-interactive building technologies, energy or water monitoring and control systems, thermostats, heat pumps, furnaces, air conditioners, and related software).

f. Retrofit of energy efficient pumps and motors (for such uses as, but not limited to, wastewater treatment plants) where it would not alter the capacity, use, mission, or operation of an existing facility.

g. Retrofit and replacement of windows and doors.

h. Installation of electric appliances (including replacement of appliances that utilize fossil fuels with electric appliances) such as heat pumps for water heating, air heating/cooling, electric dryers, and stoves.

i. Retrofit and installation of energy-efficient commercial kitchen equipment, such as efficient refrigerators, freezers, dishwashers, ice makers, fryers, ovens, and stoves.

j. Electrical system upgrades required to enable energy efficient/clean energy. Measures limited to electric panel upgrades, updated wiring and conduit, grounding, and arc-fault circuit interrupter (AFCI) and ground-fault circuit interrupter (GFCI) breakers.

7. Development, implementation, and installation of onsite renewable energy technology, provided the projects adhere to the requirements of the respective states' DOE-executed Historic Preservation Programmatic Agreement, are installed in or on existing buildings (or within the boundaries of a facility, defined as an already disturbed area due to regular ground maintenance), do not require tree removal or tree trimming, do not require structural reinforcement, are appropriately sized, and are limited to:

a. Solar Thermal systems (including solar thermal hot water) – system must be 200,000 British thermal unit (BTU) per hour or smaller.

b. Ground Source Heat Pumps – limited to horizontal/vertical, ground, and closed-loop systems with a capacity of 5.5 tons or smaller.

c. Combined Heat and Power System – system not to exceed peak electrical production at 300 kilowatts (kW).

8. Development and installation of energy storage systems, including electrochemical and thermal storage systems, provided the projects adhere to the requirements of the respective states' DOE-executed Historic Preservation Programmatic Agreement, are installed in or on existing buildings (or within the boundaries of a facility, defined as an already disturbed area due to regular ground maintenance), do not require tree removal or tree trimming, do not require structural reinforcement, are appropriately sized not to exceed 1,000 kilowatt-hour (kWh), obtain the appropriate permits, and comply with regulatory requirements.

9. Activities focused on structural, health, and safety issues required before energy efficiency measures can be completed provided the activities adhere to the requirements of the respective states' DOE-executed Historic Preservation Programmatic Agreement, are installed in or on existing buildings, and are limited to:

a. Repair/replace damaged windows and doors.

b. Minor electrical and plumbing repairs

c. Roof repair or replacement including, replacing decking material and roof and/or changing roof material (e.g., shingles to metal). NOTE – These activities would likely require State Historic Preservation Office (SHPO) consultation on buildings 45 years or older, as applicable per each states' Historic Preservation Programmatic Agreement. Recipients and subrecipients must review their DOE-executed Historic Preservation Programmatic Agreement to understand their responsibilities for SHPO consultation.

d. Ceiling repairs

e. Floor repairs

f. Foundation or subspace (crawl space) repairs

g. Exterior drainage repairs limited to gutter repair or replacement, trimming shrubs, and/or grading in close proximity to the perimeter of the foundation.

h. Clean-up or remediation activities:

i. Lead paint

ii. Asbestos (confirmed or suspected, including vermiculite)

iii. Mold and/or moisture

Recipients must adhere to the restrictions of their DOE-executed Historic Preservation Programmatic Agreement. DOE-executed historic preservation programmatic agreements are available here: <https://www.energy.gov/eere/wipo/historic-preservation-executed-programmatic-agreements>. To satisfy programmatic agreement stipulations, the Recipient is required to submit an annual Historic Preservation Report to DOE for the life of the award. Recipients should contact their DOE Project Officer for a link to the report.

All activities must be documented in a NEPA log to ensure compliance with the restrictions of the Bounded Categories. This documentation must be available for DOE review upon request. Submission of a NEPA log is required prior to initiating award activities and on a quarterly basis for the life of the award. Recipients should contact their DOE Project Officer for the latest NEPA log template.

The Recipient is responsible for identifying and promptly notifying DOE of extraordinary circumstances, cumulative impacts or connected actions that may lead to significant impacts on the environment, or any inconsistency with the “integral elements” (as contained in 10 C.F.R. Part 1021, Appendix B) relating to proposed activities. Additionally, the Recipient must demonstrate compliance with Section 106 of the National Historic Preservation Act and inform DOE of activities in 100-year floodplains and wetlands.

DOE is required to consider floodplain management and wetland protection as part of its environmental review process (10 C.F.R. 1022). The Recipient must determine if any proposed activities would occur within 100-year floodplains (hereinafter “floodplains”) or wetlands. Activities limited to administrative duties or minor building modifications without ground disturbance would not have short-term or long-term adverse impacts to floodplains or wetlands. However, all other activities must be evaluated for the presence of these resources and the Recipient must be able to document that these award activities occur outside of floodplains and wetlands. If this is not possible, an additional NEPA review and approval from DOE is required prior to initiating any activity occurring within a floodplain and/or wetland.

For activities requiring additional NEPA review, recipients must complete the environmental questionnaire (found at <https://www.eere-pmc.energy.gov/NEPA.aspx>) for DOE review.

Most activities listed under “Bounded Categories” are more restrictive than the Categorical Exclusions. All restrictions must be followed for the Bounded Category to be applicable.

*SCEP recipients with a Historic Preservation Programmatic Agreement: AL, AK, AS, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MP, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY, and VI.

NEPA PROVISION

DOE has made a conditional NEPA determination.

The NEPA Determination applies to the following Topic Areas, Budget Periods, and/or tasks:

This NEPA Determination (ND) only applies to activities funded by the SCEP – Renew America’s Nonprofits Funding Opportunity Announcement (FOA; DE-FOA-0003066). Additionally, for this ND to be applicable, the Recipient must meet the following criteria:

1. Is a non-tribal entity,
2. Has a DOE-executed Historic Preservation Programmatic Agreement,
3. Proposes potentially ground disturbing activities,
4. Only proposes activities listed in the Bounded Categories, AND
5. Adheres to all restrictions in this ND.

The NEPA Determination does not apply to the following Topic Area, Budget Periods, and/or tasks:

This ND does NOT apply to activities funded by sources other than the SCEP – Renew America’s Nonprofits FOA (DE-FOA-0003066) nor does it apply to a Recipient meeting the following criteria:

1. Is a tribal entity,
2. Does not have a DOE-executed Historic Preservation Programmatic Agreement,
3. Proposes only non-ground disturbing activities, OR
4. Proposes activities that do not fit within the Bounded Categories/restrictions listed in this ND.

Include the following condition in the financial assistance agreement:

Activities not listed under “Bounded Categories”, activities that do not fit with the restrictions of the Bounded Categories, or activities that do not fit within the restrictions of this NEPA Determination (ND) are subject to additional NEPA review and approval by DOE. For activities requiring additional NEPA review, recipients must complete the environmental questionnaire (found at <https://www.eere-pmc.energy.gov/NEPA.aspx>) and receive approval from the DOE Contracting Officer prior to initiating the activities.

1. This ND only applies to activities funded by the SCEP – Renew America’s Nonprofits Funding Opportunity Announcement (FOA; DE-FOA-0003066).
2. Activities on tribal lands or tribal properties are restricted to homes/buildings less than forty-five (45) years old and no ground disturbance. Recipients must contact their DOE Project Officer for a Historic Preservation Worksheet to request a review of activities (i.e., Bounded Categories) that would occur on tribal homes/buildings forty-five (45) years and older and/or involve ground disturbing activities on tribal land/properties. Approval from DOE is required prior to initiating activities reviewed on a Historic Preservation Worksheet.
3. Activities not listed under “Bounded Categories” including ground disturbing activities outside the boundaries of a facility (defined as an already disturbed area due to regular ground maintenance), tree removal or tree trimming, and structural improvements to facilities are subject to additional NEPA review and approval by DOE. For activities requiring additional NEPA review, recipients must complete the environmental questionnaire (found at <https://www.eere-pmc.energy.gov/NEPA.aspx>) and receive approval from the DOE Contracting Officer prior to initiating the activities.
4. All award activities must be documented in a NEPA log to ensure compliance with the restrictions of the Bounded Categories. This documentation must be available for DOE review upon request. Submission of a NEPA log is required prior to initiating award activities and on a quarterly basis for the life of the award. Recipients should contact their DOE Project Officer for the latest NEPA log template.
5. This ND does not include activities where the following elements exist: extraordinary circumstances; cumulative impacts or connected actions that may lead to significant effects on the human environment; or any inconsistency with the “integral elements” (as contained in 10 C.F.R. Part 1021, Appendix B) relating to proposed activities.
6. The Recipient must identify and promptly notify DOE of extraordinary circumstances, cumulative impacts or connected actions that may lead to significant effects on the human environment, or any inconsistency with the “integral elements” (as contained in 10 C.F.R. Part 1021, Appendix B) relating to proposed activities.
7. Recipients must have a DOE-executed Historic Preservation Programmatic Agreement and adhere to the terms and restrictions of their DOE-executed Historic Preservation Programmatic Agreement. DOE-executed historic preservation programmatic agreements are available here: <https://www.energy.gov/eere/wipo/historic-preservation-executed-programmatic-agreements>.
8. DOE requires that the Recipient submit an annual Historic Preservation Report summarizing all award activities and reviews occurring from September 1st through August 31st. These reports are due to DOE annually for the life of the award and are to be received no later than September 15th each year. Recipients should contact their DOE Project Officer for a link to the report.
9. The Recipient must determine if any proposed activities would occur within 100-year floodplains (hereinafter “floodplains”) or wetlands. Activities limited to administrative duties or minor building modifications without ground disturbance would not have short-term or long-term adverse impacts to floodplains or wetlands. However, all other activities must be evaluated for the presence of these resources and the Recipient must be able to document that these award activities occur outside of floodplains and wetlands. If this is not possible, an additional NEPA review and approval from DOE is required prior to initiating any activity occurring within a floodplain and/or wetland.
10. Most activities listed under “Bounded Categories” are more restrictive than the Categorical Exclusions. All restrictions must be followed for the Bounded Category to be applicable.
11. Recipients are responsible for reviewing the disseminated NEPA and Historic Preservation training materials and contacting their DOE Project Officer with any questions.
12. This authorization excludes any activities that are otherwise subject to a restriction set forth elsewhere in the award.

Notes:

Office of State and Community Energy Programs (SCEP) – Renew America’s Nonprofits
This NEPA determination requires legal review of the tailored NEPA provision.
NEPA review completed by Corrin MacLuckie, 04/01/2024.

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.

A portion of the proposed action is categorically excluded from further NEPA review. The NEPA Provision identifies Topic Areas, Budget Periods, tasks, and/or subtasks that are subject to additional NEPA review.

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature:  Electronically Signed By: Matthew Blevins Date: 4/1/2024
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