

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



RECIPIENT: CITY OF VESTAVIA HILLS

STATE: AL

PROJECT TITLE : Oakview Lane Sidewalk

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002882	DE-SE0000949	GFO-SE0000949-001	

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:

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.)

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).

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.

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide funding to the City of Vestavia Hills to install four solar lamps and a sidewalk with curb and valley gutter along a portion of Oakview Lane in Vestavia Hills, Jefferson County, Alabama. 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 - IJA).

Proposed upgrades include the installation of a pedestrian sidewalk, measuring 288 linear feet, 5 feet wide, along Oakview Lane where there is existing asphalt paved road. The sidewalk would be installed in an existing right of way

on previously disturbed land. Site preparation would include grading and no drilling would be required. The sidewalk would include gutters that would improve drainage issues. Four solar lampposts that would require concrete footings and anchor bolts would be installed along the newly constructed sidewalk. There is no tree removal planned. The proposed project is adjacent to a separate roadwork project that includes road widening with a hammerhead turnaround for emergency vehicles. The separate roadwork project would occur regardless of DOE's funding.

The recipient is working directly with their State Historic Preservation Officer (SHPO) to ensure protection of cultural resources during project activities, per their historic preservation programmatic agreement with DOE and the Alabama SHPO. The Alabama SHPO concurred no historic properties would be affected within the proposed project area provided that all construction activities would be within the existing and previously disturbed highway right-of-way and other previously disturbed areas. The recipient has verified that all project work would be within the previously disturbed right-of-way area.

Minimal air emissions may result from the use of diesel-powered vehicles and construction equipment during sidewalk construction and installation of solar lampposts. However, significant air impacts are not anticipated as emissions would be temporary and intermittent. Hazards associated with construction activities include use of heavy construction equipment, power tools, machinery, and working with electricity. Because the road widening project would be happening concurrently with the sidewalk project, appropriate safety measures would need to be adopted. Employee training, proper protective equipment, and internal safety reviews and assessments would be utilized to mitigate hazards. Existing health, safety, and environmental policies and procedures would be followed by the City of Vestavia Hills to mitigate hazards to acceptable levels.

The City of Vestavia Hills would observe and comply with all applicable federal, state, and local health, safety, and environmental regulations, permits, and requirements. 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 awardee must adhere to the terms and restrictions of the DOE executed Historic Preservation Programmatic Agreement with the State of Alabama, available at <https://www.energy.gov/scep/articles/alabama-state-historic-preservation-programmatic-agreement>
2. The awardee 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 awardee 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. DOE will require the following as part of best management practices for the project: 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 Emily Cohen 05172024.

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 Blevis Date: 5/30/2024
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