



## **National Environmental Policy Act (NEPA) Determination**

### **Categorical Exclusion**

**Recipient:** West Biofuels, LLC

**State:** California

**Project Title:** Rural Community Bioenergy Facilities for Energy Resiliency and Forest Climate Adaptation (Hat Creek Facility) – Phases 3 and 4

**Funding Opportunity Announcement Number:** DE-FOA-0002970

**Award Number:** DE-CD0000074

**OCED NEPA Control Number:** OCED-00074-001-CX

**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:**

**CATEGORICAL EXCLUSION APPENDIX, NUMBER, AND DESCRIPTION: B5.20 Biomass power plants:** The installation, modification, operation, and removal of small-scale biomass power plants (generally less than 10 megawatts), using commercially available technology (1) Intended primarily to support operations in single facilities (such as a school and community center) or contiguous facilities (such as an office complex); (2) that would not affect the air quality attainment status of the area and 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; 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:**

DOE's Office of Clean Energy Demonstrations (OCED) is proposing to provide funding to West Biofuels in support of their project to develop a cluster of three community-scale forest bioenergy production facilities in rural California forest communities which will utilize forest feedstock from sustainable forest management practices.

At this time, DOE is proposing to provide funding in support of West Biofuels operations and maintenance only; those activities are described below. The operations and maintenance activities completed in Phases 3 and 4 would inform additional DOE NEPA review and a go/no-go decision prior to authorizing Federal funding in support of subsequent phases of the other two sub-projects (Mariposa and Mammoth facilities) under this project.

The Hat Creek facility received a loan guarantee from the U.S. Department of Agriculture (USDA). Prior to issuing the loan guarantee, USDA completed a NEPA review of the construction and operation of the facility. An Environmental Report was prepared as part of the USDA NEPA review. The Environmental Report described the proposed project, associated environmental impacts, and demonstrated compliance with environmental laws including the Endangered Species Act and National Historic Preservation Act. USDA issued an categorical exclusion (CX) determination on October 7, 2022 (attached). In that determination, USDA found that the construction and operation of the Hat Creek Bioenergy facility would be consistent with the USDA CX 7 CFR 1970.54(C)(7) for small-scale development. "Construction of small electric generating facilities (except geothermal and solar electric projects), including those fueled with wind or biomass, with a rating of 10 average MW or less. All supporting facilities and new related electric transmission lines 10 miles in length or less are included." All applicable environmental consultations were completed as part of the USDA NEPA review. Hat Creek was also subject to review under the California Environmental Quality Act (CEQA) prior to construction.

The operations activities at Hat Creek that would occur as part of OCED's financial assistance agreement would be substantially the same as the operations activities analyzed by USDA and documented in their CX determination. DOE hereby incorporates by reference the USDA CX and Environmental Report with all applicable consultations into this CX determination.

In Phases 3 and 4, West Biofuels Hat Creek Facility activities would include:

- Community Benefits commitments planning and implementation.
- Engineering review of the existing facility and coordination with West Biofuels to implement this sub-project.
- Commissioning, startup, and validation of the facility.
- Plant Operations & Maintenance, which includes feedstock procurement & hauling and training operators.
- Remote facility oversight and operations through the Supervisory Control and Data Acquisition (SCADA) system, including remote troubleshooting of operational issues.

No ground disturbance or other activities that will have an environmental impact are anticipated at this time for Hat Creek Facility's Phase 3 and 4.

DOE does not anticipate adverse impacts to sensitive resources as a result of the proposed activities.

**Consultations (Section 106 NHPA, Section 7 ESA, etc.):** All cultural resource identification activities (e.g., archaeological, historic above ground, historic visual assessments) must be completed in accordance with applicable guidelines and standards provided by the State Historic Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO) and the Secretary of the Interior's Identification Standards. Coordination with DOE is required to establish an Area of Potential Effects (APE) and scope of effort (i.e., research design) prior to cultural resource field investigations. DOE will initiate Section 106 consultation prior to cultural resource field investigations in order to support coordination with SHPO/THPO, Tribes, and other Section 106 consulting parties.

☒ 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 1501.9(e)(1)), is not related to other actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.1(g)(3)) 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.

☐ DOE has determined that work to be carried out outside of the United States, its territories and possessions is exempt from further review pursuant to Section 5.1.1 of the DOE Final Guidelines for Implementation of Executive Order 12114; "Environmental Effects Abroad of Major Federal Actions."

☒ The proposed action is categorically excluded from further NEPA review.

☐ A portion of the proposed action is categorically excluded from further NEPA review.

**Notes:** This categorical exclusion applies to those activities listed above. Any changes to the sub-project activities or location are subject to additional NEPA review by DOE and are not authorized for federal funding unless and until the Contracting Officer provides written authorization on those additions or modifications.

**SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.**

OCED NEPA Compliance Officer Signature:

Date:

Categorical Exclusion Form



## U.S. DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT ENVIRONMENTAL CHECKLIST FOR CATEGORICAL EXCLUSIONS

1. APPLICANT NAME:

2. NAME OF PROPOSAL (provide brief description):

3. ADDRESS OR GENERAL LOCATION OF PROPOSAL:

<b>4. FEDERAL ACTION:</b>	Loan	Grant	Guarantee	Construction Work Plan or Loan/System Design
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5. APPLICABLE RD PROGRAM:

6. THIS PROPOSAL QUALIFIES AS A CATEGORICAL EXCLUSION IN ACCORDANCE WITH § 1970.53 \_\_\_\_\_ OR § 1970.54 \_\_\_\_\_

7. \*ENVIRONMENTAL REPORT PREPARED FOR RD:      YES                      NO

\* This form can be used to document the consideration and incorporation by reference of environmental information from any source

8. Section 106 Findings:

No Potential to Affect	No Adverse Effect to Historic Properties
No Historic Properties Affected	

9. Endangered Species Act, Section 7 Findings:

Species/Habitat - Not Present	Species/Habitat Present - May Affect, Not Likely to Adversely Affect
Species/Habitat - No Effect	

10. IF PREPARED, ATTACH ENVIRONMENTAL REPORT (SEE EXHIBIT C)

For the items listed below, indicate either a "Yes" or "No" in the appropriate columns. If the answer is "Yes" in the "Adversely Affected" column for any listed resources, then an extraordinary circumstance exists and the proposed action is not eligible for a Categorical Exclusion.

RD Instruction 1970-B  
Exhibit D  
Page 2  
Table (Con.)

Resources	Resources Present		Effects to Resources		
	Yes	No	No Effect	Affected	Adversely Affected
a. Historic Properties/Cultural Resources (Historic Properties listed or eligible for listing in the National Register of Historic Places, sites of cultural or religious significance to tribes)					
b. Threatened or Endangered Species, Critical Habitat, State Listed Species					
c. Wetlands					
d. Floodplains (100 or 500 year floodplains)					
e. Formally Classified Lands (State/Federal Parks, Monuments, Natural Landmarks, Wilderness Areas, Wild and Scenic Rivers, National Forest System Lands, other Federal or State Lands, etc.)					
f. Water Resources (Sole Source Aquifers, Well-head protection areas, Watershed Protection Areas, etc.)					
g. Coastal Resources (Coastal Barrier Resources System or Coastal Zone Management Areas)					
h. Coral Reefs or Protected aquatic habitats (Only applies to American Samoa, Florida, Guam, Hawaii, Northern Marianna Islands, Puerto Rico, U.S. Virgin Islands)					
Questions	Yes	No			
i. Is the proposal located on Important Farmland (Prime Farmland, Unique Farmland, Farmland of Statewide Importance, Farmland of Local Importance) and if so, has Form AD-1006 been completed?					
j. Does the project threaten a violation of local, state, or federal statutory, regulatory, or permitting requirements?  Have all necessary permits been identified?					
k. Is the proposal located within EPA-designated Non Attainment or Maintenance Areas for Air Quality Criteria Pollutants?					
l. Does the proposal result in the production of unpermitted hazardous materials or waste, or consist of construction of a new RCRA hazardous materials handling facility?					

Table (Con.)

m. Does the proposal have any Environmental Justice concerns or disproportionately high and adverse human health or environmental effects on minority populations or low-income populations?			
n. Is the proposal controversial for environmental reasons? If so, attach a summary of the controversy(ies) and any actions taken and resolutions necessary to respond to the concerns.			
o. Is the proposal controversial for other than environmental reasons? If so, attach a summary of the controversy(ies) and any actions taken and resolutions necessary to respond to the concerns.			

#### 11. FINDING:

I find that the proposal meets the criteria established in 7 CFR §1970.53, "Categorical Exclusions Involving No or Minimal Disturbance," or §1970.54 (c), "Categorical Exclusions Involving Small-scale Development." Upon review of the proposal's description or the Environmental Report I find that the proposal is consistent with 40 CFR §1508.4, "Categorical Exclusion" and does not have any extraordinary circumstances or that the proposal individually or cumulatively does not have a significant effect on the human environment and, therefore, neither an Environmental Assessment nor an Environmental Impact Statement is required.

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**12. SIGNATURES:**

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**12a. SIGNATURE OF PREPARER**

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**DATE**

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**NAME OF PREPARER**

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**TITLE**

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**12b. SIGNATURE OF STATE ENVIRONMENTAL  
COORDINATOR OR NATIONAL ENVIRONMENTAL STAFF**

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**DATE**

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**NAME OF STATE ENVIRONMENTAL COORDINATOR OR  
NATIONAL ENVIRONMENTAL STAFF**

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**TITLE**

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**12c. SIGNATURE OF APPROVING OFFICIAL**

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**DATE**

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**NAME OF APPROVING OFFICIAL**

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**TITLE**