

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



RECIPIENT: Public Service Commission of Wisconsin

STATE: WI

PROJECT TITLE : Energy Efficiency and Resiliency - Lac du Flambeau Chippewa Housing Authority - EIGP 2023

Notice of Funding Opportunity Number
SEP-IIJAALRD

Procurement Instrument Number
DE-EE0010109

NEPA Control Number
GFO-0010109-007

CID Number

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.)

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) is proposing to provide federal funding to the Public Service Commission of Wisconsin (PSCW) for the installation of cold climate heat pumps and a ventilation system with energy recovery. The installation would occur at a 13-unit multi-family building owned and managed by the Lac du Flambeau Chippewa Housing Authority, located on the Lac du Flambeau Indian Reservation in Lac du Flambeau, WI. A separate project (GFO-SE0010109-008) is proposed for the same location that would include the installation of a solar array and battery storage for the subject building.

The proposed system would include no more than 18 heat pumps, one energy recovery ventilator as well as associated ductwork, piping, insulation, and electrical work. Ventilation system ductwork is expected to be routed through the attic and exterior air intakes and exhaust outlets are expected to be either wall louvers or roof hoods. Supply air grills would be installed in ceilings. Outdoor condensing units for the heat pumps would be installed either on the ground near the building or wall-mounted on the exterior wall.

The US Fish and Wildlife Service's Information for Planning and Consultation (IPaC) website identifies three federally listed species, including two mammals, one bird and one federal candidate insect species that have home ranges overlapping the project site. The gray wolf is a federally listed endangered species that inhabits a range of natural, terrestrial habitats including grasslands, shrublands, tundra and forests, including hardwoods, conifer and mixes in between. The Canada lynx is a species that occurs in natural environments, including mixed hardwood/conifer forests, alpine, tundra areas. While both of these mammal species may move through the project area, project installation would be limited to a small area around the subject building and these species are highly mobile and able to fully avoid impacts from this effort. The IPaC cites a non-essential experimental population of whooping crane in proximity to the sites. This designation affords species protection on National Wildlife Refuges and National Park land exclusively, which does not occur at the sites. The monarch butterfly is a federal candidate species and is not currently afforded protection under the Endangered Species Act. This species occurs a variety of habitats that include patches of milkweed during the local activity season and while this habitat may be in close proximity to the two schools, no impacts to natural habitat are expected as a result of project implementation. The proposed project site is outside of the critical habitat of all IPaC listed species. Accordingly, DOE has determined there would be no effect on federally listed threatened or endangered species. Further, DOE does not anticipate adverse impacts to migratory bird species.

There are no wetlands at the proposed project site and it does not occur within the 1% flood exceedance area (the 100-year floodplain).

Consultation with the Lac Du Flambeau Band of the Lake Superior Chippewa Indians – Tribal Historic Preservation Office (THPO) was initiated by the PSCW on July 24th, 2024, and completed on July 26th, 2024 for archaeological resources. Follow up consultation with the THPO was initiated on May 21, 2025 and completed on June 4th, 2025 for architectural resources. The THPO found that no eligible properties would be affected by the project because none are present within the area of potential effect.

Potential hazards associated with project implementation would be mitigated through adherence to established institutional health and safety policies and procedures. The recipient would adhere to all applicable federal, state, and local health, safety, and environmental regulations. Any changes to the project activities or locations 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. Any and all permits required for the execution of the project at the above-referenced locations would be the responsibility of the recipient.

DOE has considered the scale, duration, and nature of proposed activities to determine potential impacts on resources, including those of an ecological, historical, cultural, and socioeconomic nature. DOE does not anticipate impacts on these resources that would be considered significant or require DOE to further consult with agencies or stakeholders.

Any changes to the 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.

EERE is aware of the November 12, 2024, decision of *Marin Audubon Society v. FAA*, No. 23-1067 (D.C. Cir. Nov. 12, 2024). To the extent that a court may conclude that the Council on Environmental Quality (CEQ) regulations implementing NEPA are not judicially enforceable or binding on this agency action, EERE has nonetheless elected to follow those regulations at 40 C.F.R. Parts 1500-1508, in addition to DOE's procedures/regulations implementing NEPA at 10 C.F.R. Part 1021, to meet the agency's obligations under NEPA, 42 U.S.C. §§ 4321 et seq.

NEPA PROVISION

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

1. The recipient must adhere to the terms and restrictions of their DOE-executed Historic Preservation Programmatic Agreement, available at https://www.achp.gov/sites/default/files/prototype_programmatic_agreements/2018-07/DOE%20Prototype%20PA%20Final_Complete.pdf.
2. 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 SHPO and DOE Project Officer of the discovery so that an evaluation of the discovery can be completed prior to continuing work.
3. The recipient is responsible for reviewing the online NEPA and Historic preservation training at www.energy.gov/node/4816816 and contacting gonepa@ee.doe.gov with any NEPA or general historic preservation questions.

Notes:

Office of State and Community Energy Programs – State Energy Programs
NEPA review completed by Chris Akios, 6/9/2024

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:  Electronically Signed By: Matthew Blevins Date: 6/9/2025
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