

## Guidance on National Environmental Policy Act

All projects receiving American Recovery and Reinvestment Act of 2009 (Recovery Act) money from the US Department of Energy (DOE) through the Energy Efficiency and Conservation Block Grant (EECBG) funding must be reviewed under the National Environmental Policy Act (NEPA).

There are, however, many projects and activities that can be funded by the EECBG that can be excluded from NEPA review through what is called a Categorical Exclusion (CE or sometimes CX). Categorical Exclusion means a category of actions for which neither an Environmental Assessment (EA) nor an Environmental Impact Statement (EIS) is normally required.

A final determination must be made by the DOE NEPA Compliance Officer, however, activities that fall within the following categories can often be categorically excluded:

1. Building retrofits, energy education outreach, solar outdoor lighting, and photovoltaic emergency back-up power (on existing structures or within existing facilities)
2. Retrofits of existing industrial buildings and facilities such as energy efficient lighting controls/sensors, chillers, furnaces, boilers, heat recovery
3. Development and implementation of an energy efficiency strategy
4. Retaining technical consultant services to assist the eligible entity in the development of such
5. Residential and commercial building energy audits
6. Development and implementation of energy efficiency programs for buildings and facilities
7. Development and implementation of programs to conserve energy used in transportation, including:
  - a. Use of flex time by employers
  - b. Satellite work center
  - c. Development and promotion of zoning guidelines or requirements that promote energy efficient development
  - d. Synchronization of traffic signals
  - e. Other measure that increase energy efficiency and decrease energy consumption
8. Development and implementation of building codes and inspections to promote building energy efficiency
9. Replacement of traffic signals and street lighting with energy efficient light technologies including
  - a. Light emitting diodes
  - b. Any other technology of equal or greater energy efficiency

Applicants must know that by proposing projects in support of activities 4, 5, 7D, 11, 13, or 14, the NEPA process could delay the award process; applicants may be restricted to use of funds for planning purposes only until the NEPA process is complete.

All project activities permitted under the EECBG Program and the corresponding required NEPA actions are reflected in the table below:

Table of NEPA Requirements by EECBG Project Activities		
ACTIVITY NUMBER	ACTIVITY DESCRIPTION	NEPA ACTION REQUIRED AT THIS TIME
1.	development and implementation of an energy efficiency and conservation strategy under section 545(b);	No further action needed at this time
2.	retaining technical consultant services to assist the eligible entity in the development of such a strategy, including— A. formulation of energy efficiency, energy conservation, and energy usage goals; B. identification of strategies to achieve those goals— (i) through efforts to increase energy efficiency and reduce energy consumption; and (ii) by encouraging behavioral changes among the population served by the eligible entity; C. development of methods to measure progress in achieving the goals; D. development and publication of annual reports to the population served by the eligible entity describing— (i) the strategies and goals; and (ii) the progress made in achieving the strategies and goals during the preceding calendar year; and E. other services to assist in the implementation of the energy efficiency and conservation strategy;	No further action needed at this time
3.	residential and commercial building energy audits;	No further action needed at this time
4.	<b>establishment of financial incentive programs for energy efficiency improvements;</b>	<b>Complete NETL F 451.1-1/3-EECBG and submit with application</b>
5.	<b>the provision of grants to nonprofit organizations and governmental agencies for the purpose of performing energy efficiency retrofits;</b>	<b>Complete NETL F 451.1-1/3-EECBG and submit with application</b>

6.	development and implementation of energy efficiency and conservation programs for buildings and facilities within the jurisdiction of the eligible entity, including— A. design and operation of the programs; B. identifying the most effective methods for achieving maximum participation and efficiency rates; C. public education; D. measurement and verification protocols; and E. identification of energy efficient technologies;	No further action needed at this time
7.	development and implementation of programs to conserve energy used in transportation, including— A. use of flex time by employers; B. satellite work centers; C. development and promotion of zoning guidelines or requirements that promote energy efficient development;	No further action needed at this time
	<b>D. development of non-highway transportation infrastructure, such as bike lanes and pathways and pedestrian walkways;</b>	<b>Complete NETL F 451.1-1/3-EECBG and submit with application</b>
	E. synchronization of traffic signals; and F. other measures that increase energy efficiency and decrease energy consumption;	No further action needed at this time
8.	development and implementation of building codes and inspection services to promote building energy efficiency;	No further action needed at this time
9.	application and implementation of energy distribution technologies that significantly increase energy efficiency, including— A. distributed resources; and B. district heating and cooling systems;	No further action needed at this time
10.	activities to increase participation and efficiency rates for material conservation programs, including source reduction, recycling, and recycled content procurement programs that lead increases in energy efficiency;	No further action needed at this time
11.	<b>the purchase and implementation of technologies to reduce, capture, and, to the maximum extent practicable, use methane and other greenhouse gases generated by landfills or similar sources;</b>	<b>Complete NETL F 451.1-1/3-EECBG and submit with application</b>
12.	replacement of traffic signals and street lighting with energy efficient lighting technologies, including—	No further action needed at this time

	<p>A. light emitting diodes; and</p> <p>B. any other technology of equal or greater energy efficiency;</p>	
13.	<p><b>development, implementation, and installation on or in any government building of the eligible entity of onsite renewable energy technology that generates electricity from renewable resources, including—</b></p> <p><b>A. solar energy;</b></p>	<p><b>Complete NETL F 451.1-1/3-EECBG and submit with application</b></p>