

**NEPA Determination for the
Energy Efficiency and Conservation Block Grant Program
Application submitted by the Ute Mountain Tribe of the Ute Mountain Reservation of
CO/NM/UT
Energy Audits**

The American Recovery and Reinvestment Act of 2009, Public Law 111-5, appropriates funding for the Department of Energy (DOE) to issue/award formula-based grants to states, U.S. territories, units of local government, and Indian tribes under the Energy Efficiency and Conservation Block Grant (EECBG) Program. DOE's authorization for this program is set forth in Title V, Subtitle E, of the Energy Independence and Security Act (EISA) of 2007. This CX determination is applicable to DOE elements reviewing and awarding formula-based and competitive grants under the EECBG Program, and includes, but is not limited to, EECBG Program activities under the purview of DOE-HQ Energy Efficiency and Renewable Energy, DOE Golden Field Office, and the DOE Oak Ridge Office. Residential and commercial building audits would be conducted by various states, U.S. territories, units of local government, and Indian tribes.

Tribe would retain technical assistance to conduct energy efficiency audits of three tribal buildings:

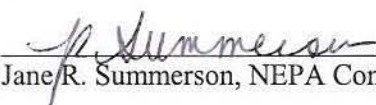
- Tribal Office Complex Building (32,240 f²);
- Gymnasium (35,000 f²). The Gymnasium audit will exclude the swimming pool area;
- The third building is still to be determined but will likely be the 30,000 f² Human Resource Building.

Audits will identify deficiencies associated with the current energy usage at each facility. A final audit report will be prepared and recommendations will be developed to promote energy efficiency improvements. Relevant data will be incorporated into the tribe's Strategy document being funded as a separate EECBG activity.

The application submitted and the technical review for this proposal do not reveal any extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal. The proposal is not "connected" to other actions with potentially significant impacts, or to other proposed actions with cumulatively significant impacts, and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211. The proposed development and implementation of energy efficiency and conservation activities funded by this grant would not result in an adverse effect to historic properties included or eligible for inclusion in the National Register of Historic Places (National Register), would not impact sensitive resources [e.g., threatened and endangered (T/E) species, wetlands and floodplains].

A9 and B5.1 are the applicable CXs that cover the proposed action in the DOE NEPA Implementing Procedures, 10 CFR 1021, Subpart D, Appendix A and Appendix B.

Based on my review of the above description, I have determined that the above actions are categorically excluded from further NEPA review and documentation. The DOE Contracting Officer Representative is responsible for oversight of the application of this determination.



Jane R. Summerson, NEPA Compliance Officer

1/19/10

Date