

NEPA clause prepared by OCC : Reesha Trznadel, 12/1/09

You are restricted from taking any action using Federal funds, which would have an adverse effect on the environment or limit the choice of reasonable alternatives prior to DOE providing either a NEPA clearance or a final NEPA decision regarding this project.

If you move forward with activities that are not authorized for Federal funding by the DOE Contracting Officer in advance of the final NEPA decision, you are doing so at risk of not receiving Federal funding and such costs may not be recognized as allowable cost share.

DOE has made a conditional NEPA determination for this award, and funding for certain activities or tasks under this award is contingent upon the final NEPA determination:

Dr. Gualberto Rabel Diagnostic and Treatment Center's Energy Efficiency Retrofits: Prohibited actions include: Demolition, construction, removal, installation or disposal activities, until such time that Recipient complies with the Waste Stream clause.

This restriction does not preclude Recipient from: (1) purchasing any necessary equipment or related materials; (2) conducting assessments, studies and other related administrative work; or (3) hiring staff.

Recipient shall ensure the safety and structural integrity of any repair, replacement, construction and/or alteration performed under this project.

For the following Activities: Installation of Solar Panels in one or more municipal buildings; Capture and Processing of Greenhouse Gases at the San Juan Landfill; and Installation of Solar Powered Garbage Compactors: Recipient is prohibited from implementing energy efficiency improvements and renewable energy generation opportunities, including demolition, repair, replacement, installation, construction, or alteration activities, pending: (1) further submission by Recipient specifically identifying the types of activities it intends to implement under these programs; and (2) a final NEPA determination from DDE regarding those activities. The design and layout of these programs need to be provided to DOE for analysis.

Once DOE makes a final NEPA determination and DOE authorizes Recipient to expend Federal funds to implement energy efficiency improvements and renewable energy generation opportunities, the activities will be subject to the Waste Stream and Historic Preservation clauses. Further, Recipient shall ensure the safety and structural integrity of any repair, replacement, installation, construction, and or alteration performed under these programs.

Installation of Solar Parking Lot Lights and Poles in one or more City buildings: Prohibited actions include: Demolition, construction, removal, installation or disposal activities, until such time that Recipient complies with the Historic Preservation clause.

This restriction does not preclude Recipient from: (1) purchasing any necessary equipment or related materials or (2) conducting assessments, studies and other related administrative work.

Recipient shall ensure the safety and structural integrity of any repair, replacement, construction and/or alteration performed under this project.

City Buildings Energy Efficiency Evaluation: DOE has made a final NEPA Determination for this activity, which is categorically excluded from further NEPA review.

Neighborhood Green-Energy Retrofits: Prohibited actions include: Demolition, construction, removal, installation or disposal activities, until such time that Recipient complies with the Waste Stream clause and Historic Preservation clause.

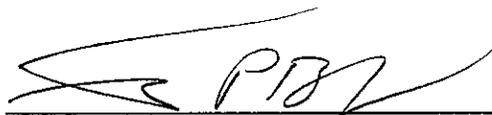
This restriction does not preclude Recipient from: (1) purchasing any necessary equipment or related materials or (2) conducting assessments, studies and other related administrative work.

Recipient shall ensure the safety and structural integrity of any repair, replacement, construction and/or alteration performed under this project.

Additional Comments:

Activity 2- Design and layout is to be provided to DOE for analysis. What kinds of clearances have been done if any? (Threatened and endangered species, is it in a Brown Field? DOE needs a checklist from the applicant.)

Based on my review of information conveyed to me and in my possession (or attached) concerning the proposed action, as NEPA Compliance Officer (as authorized under DOE Order 451.1B), I have determined that the proposed action fits within the specified class of actions, other applicable regulatory requirements are met, and the proposed action is hereby categorically excluded from further NEPA review.



NEPA Compliance Officer

12/2/09

Date