

PMC-EF2a

**U.S. DEPARTMENT OF ENERGY
EERE PROJECT MANAGEMENT CENTER
NEPA DETERMINATION**



(20402)

RECIPIENT:Sacramento Municipal Utility District**STATE:** CA

PROJECT TITLE : Sacramento Municipal Utility District: Community Renewable Energy Deployment - Conergy Solar Facility at Sutter's Landing Park

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-DOA-0000122	DE-EE0003070	GFO-0003070-008	GO3070

Based on my review of the information concerning the proposed action, as NEPA Compliance Officer (authorized under DOE Order 451.1A), I have made the following determination:

CX, EA, EIS APPENDIX AND NUMBER:

Description:

B5.16 Solar photovoltaic systems The installation, modification, operation, and removal of commercially available solar photovoltaic systems located on a building or other structure (such as rooftop, parking lot or facility, and mounted to signage, lighting, gates, or fences), or if located on land, generally comprising less than 10 acres 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.

Rational for determination:

The U.S. Department of Energy (DOE) is proposing to provide federal funding to the Sacramento Metropolitan Utility District (SMUD), who, in partnership, with Conergy, Inc. and the City of Sacramento (City) would install and operate a 1.5 megawatt solar photovoltaic (PV) generation facility on a portion of the City's Sutter's Landing Park, located on a portion of the City's former 28th Street Landfill, in Sacramento, California. The proposed project includes the installation of solar modules (arrays), operation of the arrays to produce and sell electricity, and development of infrastructure for the transmission of electricity. Conergy, Inc. was awarded a sub-grant from SMUD and has entered into a lease agreement with the City to develop and maintain the proposed solar facility. The solar facility would be interconnected into SMUD's electrical grid. It is anticipated the installation would take approximately four months

As the land-owner of the propose project location, the City completed a California Environmental Quality Act (CEQA) Initial Study analysis and released a Mitigated Negative Declaration which states that the proposed project, with mitigation measures identified in the Initial Study, would have no significant effect on the environment. The CEQA mitigation measures are integral elements of the project and must be adhered to by the recipient. The CEQA Initial Study analysis was reviewed as part of this NEPA determination. On May 7, 2013, the Sacramento City Council adopted an amendment to 28th Street Landfill's 1993 Final Closure and Post-closure Maintenance Plan, for the development of the proposed solar facility.

The proposed project site is on a portion of Sutter's Landing Park and is located at the northern end of 28th Street, in the northeast area of downtown Sacramento. The project site has been heavily modified due to activities associated with the operation and closure of the former 28th Street Landfill and the subsequent development of the Sutter's Landing Park. The American River and its levee is over 1,500 feet to the north of the project site, Southern Pacific Railroad tracks are to the south, industrial properties are to the west and the remainder of the Sutter's Landing Park is to the east. The former 28th Street Landfill has not accepted waste since 1994, was closed pursuant to a closure plan in 1997 and currently is subject to ongoing landfill closure activities. The closure involved capping the landfill and grading it to drain properly. Surrounding land uses include recreational uses to the north and east, industrial uses to the south and west, and residential uses further to the south and east. All installation activities would occur on parcel APN 003-0010-001-0000, which is approximately 31 acres and sits entirely on landfill. This parcel includes the areas for the proposed arrays, an existing building with an enclosed skateboard park, basketball courts, bocce courts and the end of 28th Street.

The proposed project would include three separate ground-mounted solar PV arrays in three previously disturbed and developed areas: an existing paved asphalt parking lot east of 28th Street (Array 1), an existing compacted dirt covered fenced dog park west of 28th Street (Array 2), and an existing paved asphalt area immediately west of the dog park (Array 3). Paved access to each array site already exists and no new access would be needed for

installation or maintenance activities.

Minimal site preparation would be required to install the arrays as the sites are compacted asphalt or dirt. Minor ground disturbance would be associated with the installation of the support mounts, panel bases, installation of security fencing and trenching for electrical lines. The maximum depth of any ground disturbance would be approximately three feet and would not be deeper than the landfill soil cap cover, which ranges from three to eighteen feet deep. Array 1 would be located in an existing asphalt paved parking area and would include approximately 1,540 modules on columns to create shade structures for parking cover. The shade structures would be approximately 14 feet in height, 152 feet wide and 225 feet long. Array 2 would include approximately 140 modules and would be mounted on ten individual columns to create ten shade structures within the dog park. The shade structures would be approximately 11 feet in height. The dog park area is not paved, has a compacted soil cover and a few landscaping trees. Array 3 would be located on an existing asphalt paved area immediately west of the dog park and would include approximately 4,508 ground-mounted modules. Modules in Array 3 would be mounted on aluminum racks that support 28 panels mounted in a portrait configuration and would be approximately 7 feet in height. Security fencing, approximately six feet high, would be installed around the perimeter of Array 3. Minor trenching, approximately three feet deep, through previously disturbed areas in the project site, would connect the arrays to inverters and an existing electrical transformer.

A biological resource evaluation of the proposed project site and portions of the surrounding Sutter's Landing Park (study area) was completed in November of 2012. The evaluation analyzed potential impacts to federal and California special-status species, sensitive habitats, and other biological resources from installation and operation of the proposed facility.

The biological resource evaluation notes that a majority of the study area is nonnative grassland and/or Ruderal/developed areas including the project site. Federal threatened or endangered plant species and California special-status plant species do not occupy the study area as there is no potentially suitable habitat present.

Potentially suitable habitat for the Valley elderberry longhorn beetle (VELB), a threatened wildlife species listed on the U.S. Fish and Wildlife Service (USFWS) Endangered Species Program website, was identified within the study area. The VELB is only found in association with and completely dependent on its host plant, the elderberry shrub (*Sambucus* species). Elderberry shrubs with stems greater than one-inch diameter at ground level are considered VELB habitat. One elderberry shrub with stems greater than one-inch diameter at ground level was identified 100 feet south of Array 3 and others were identified greater than 100 feet from the project site. In accordance with USFWS Conservation Guidelines for the VELB (USFWS, 1999), a complete avoidance buffer zone (minimum 100-foot wide) would be established and maintained around this elderberry shrub. A complete avoidance mitigation measure in accordance with the USFWS VELB conservation guidelines has been incorporated into this project as an integral element. Therefore, the DOE has determined the project would have no adverse effect to the VELB or its habitat. Per these guidelines, DOE and USFWS must be notified and consulted with before any disturbances within the buffer zone are considered.

The biological resource evaluation and the CEQA Initial Study and Mitigated Negative Declaration identified the riverfront portions of Sutter's Landing Park (north of the project site and outside the study area) as potential raptor and migratory bird habitat. The riverfront portions, located within the American River Parkway riparian zone, are considered habitat due to the presence of mature cottonwood trees, open non-native grasslands next to the riparian zone, and the proximity to agricultural fields in the greater region. The studies also identified potential nesting or foraging habitat within the study area, but outside the project footprint for three California special-status wildlife species; the Borrowing Owl, the White-Tailed Kite and the Swainson's hawk, as well as migratory birds and other birds of prey protected under the Migratory Bird Treaty Act of 1918. It is unlikely the three California special-status species, migratory birds and other birds of prey would choose to nest or forage within the project site footprint as the site does not provide potentially suitable habitat and is paved with asphalt or stable compacted soil. However, to protect against potential impacts to these species, avoidance mitigation measures have been identified and incorporated as integral elements into the CEQA Initial Study and Mitigated Negative Declaration and project design. These measures, such as preconstruction surveys for nests conducted by a qualified biologist, would reduce potential effects to these California special-status species, migratory birds and other birds of prey to less than significant. Per these mitigation measures, results from preconstruction surveys must be reported to the appropriate regulatory agencies and appropriate measures shall be taken to protect species as necessary.

The USFWS Endangered Species Program website identifies twenty-two additional threatened or endangered plant and wildlife species that are known to or are believed to occur in Sacramento County. The biological resource evaluation of the proposed project site and adjacent study area does not identify suitable or critical habitat for these species, therefore DOE has determined the proposed project would have no effect on these species.

The proposed project would not have adverse effects on floodplains and wetlands as these resources are not known to occur at the proposed project site.

DOE reviewed all pertinent historic and/or cultural resource information for the proposed project location and its

surrounding area of potential effect and made a finding of No Adverse Effect to historic or cultural resources associated with the proposed undertaking pursuant to Section 106 of the National Historic Preservation Act of 1966. In a letter dated May 28, 2013, the California Office of Historic Preservation (SHPO) concurred with the DOE's determination and finding.

Sacramento County is an EPA designated nonattainment area for fine particle matter (PM10 and PM2.5.) Per the Sacramento Metropolitan Air Quality Management District (SMAQMD), projects that implement Basic Construction Emissions Control Practices and disturb less than 15 acres per day would not exceed the concentration based threshold of significance for PM10 and PM2.5. Installation operations would not disturb more than 15 acres a day; however, the Basic Construction Emission Control Practices are Integral elements of the project and included as CEQA mitigation measures to be implemented during project construction to ensure that PM10 and PM2.5 emissions would not be significant.

Construction activities associated with the proposed project would temporarily generate noise due to truck travel and construction activities and would not include activities that could generate significant ground vibration, such as pile driving. Once operational the solar facility consist of solar panels mounted to infrastructure and would not generate noise.

Based on review of the project information and the above analysis, DOE has determined the installation and operation of a 1.5 megawatt solar PV generation facility on previously disturbed and/or developed land would not have a significant individual or cumulative impact to human health and/or environment. DOE has determined the proposed project is consistent with actions contained in DOE categorical exclusion B5.16 "solar photovoltaic systems" and is categorically excluded from further NEPA review.

NEPA PROVISION

DOE has made a final NEPA determination for this award

Insert the following language in the award:

If you intend to make changes to the scope or objective of your project you are required to contact the Project Officer identified in Block 11 of the Notice of Financial Assistance Award before proceeding. You must receive notification of approval from the DOE Contracting Officer prior to commencing with work beyond that currently approved.

Insert the following language in the award:

You are required to:

Integral elements of the project have been identified that the recipient must adhere to in order to mitigate any potential impacts from the solar PV generation facility's installation. The recipient must:

- Adhere to all mitigation measures identified in the California Environmental Quality Act Initial Study analysis and Mitigated Negative Declaration titled "Conergy Solar Facility at Sutter's Landing Park", California State Clearing House #2012052049.
- Establish and maintain a minimum 100-foot wide complete avoidance buffer zone around all elderberry shrubs with stems greater than one-inch diameter at ground level within the vicinity of the project site per USFWS Conservation Guidelines for the Valley Elderberry Longhorn Beetle (USFWS, 1999). Per these guidelines, DOE and USFWS must be notified and consulted with before any disturbances within the buffer zone are considered.
- Obtain all applicable and necessary permits prior to installation of the facility.

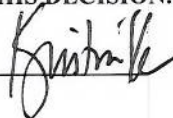
Note to Specialist :

EF2a prepared by Obadiah Broughton 5/30/2013

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: _____

 Electronically Signed By: **Kristin Kerwin**
NEPA Compliance Officer



Date: 6/3/2013

FIELD OFFICE MANAGER DETERMINATION

Field Office Manager review required