

PMC-ND  
(1.08.09.13)

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



RECIPIENT: Southern Ute Indian Tribe dba Southern Ute Indian Tribe Growth Fund

STATE: CO

PROJECT TITLE : Community-Scale Solar for Southern Ute Indian Tribe

<b>Funding Opportunity Announcement Number</b>	<b>Procurement Instrument Number</b>	<b>NEPA Control Number</b>	<b>CID Number</b>
DE-FOA-0000852	DE-EE0006469	GFO-0006469-001	

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:

<b>B5.16 Solar photovoltaic systems</b>	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.
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Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide federal funding to the Southern Ute Indian Tribe Growth Fund (recipient) to install a ground-mounted solar photovoltaic (PV) system up to 1 megawatt (MW) in the Oxford Area within the Southern Ute Indian Reservation on Tribal Trust Land in La Plata County, Colorado.

The proposed installation would occur at a previously disturbed site that currently holds an unused natural gas well pad and an electrical substation. The installation would be located in the vicinity of the Iron Horse and Rock Creek substations. The proposed installation would cover less than 10 acres of land. The soil in the area contains naturally occurring and elevated levels of selenium which limits the land's suitability for residential or agricultural uses. The public would be restricted from access to the site during construction due to selenium levels. Dust control measures would be utilized to limit airborne exposure to selenium. The installation would include one or two small sheds for storage, sensitive equipment, and maintenance tools. A site security fence would also be constructed around the facility. Gravel access roads would be constructed that run between the strings of panels. The roads would require 2,000 cubic yards of gravel obtained from a licensed vendor.

The proposed project will require an interconnection agreement with La Plata Electric Association to connect to the grid and will also need a clearance letter from the Southern Ute Indian Tribe Lands Division prior to the commencement of construction activities. All applicable permits are in place. Proposed work would occur on Tribal Trust land and no Bureau of Indian Affairs involvement is necessary because the recipient is not requesting a surface lease, access road right of way or power line right of way.

The U.S. Fish and Wildlife Endangered Species website lists three threatened or endangered species for La Plata County, Colorado: Mexican Spotted owl, Southwestern Willow flycatcher, and Knowlton's cactus. The Mexican Spotted owl requires habitats consisting of old-growth mature forests, canyons with riparian communities, vertical-walled rocky cliffs and areas with some type of water source. The proposed project location is previously disturbed, sparsely vegetated and has no associated habitat requirements therefore DOE has determined there would be no effect to the Mexican Spotted owl. The Southwestern Willow flycatcher requires dense riparian habitats consisting of saturated soils and standing water for nesting and foraging. The proposed project location is previously disturbed, not considered a riparian habitat and has no standing water, therefore DOE has determined there would be no effect to the Southwestern Willow flycatcher. The Knowlton's cactus has been found in rocky soil in forest and woodland areas. It can generally be found in the shade of trees and shrubs at an elevation of between 1800 meters to 2000 meters. Its known habitat is limited to tertiary alluvial deposits and mountainous terrain. The proposed location is previously disturbed, lacks rocky soil and does not contain forested or woodland areas, therefore DOE has determined there would be no effect to the Knowlton's cactus.

Upon completion of an archeological survey, the recipient must provide notification to the DOE Project Officer of any findings regarding cultural resources that could be impacted by the proposed project prior to initiation of surface disturbing activities. If during project activities the recipient or their staff encounters any cultural material (i.e. historic or prehistoric), all activities should cease in the vicinity of the discovery immediately. The recipient must inform the DOE Project Officer of the discovery and an archeologist should be contacted to evaluate the discovery.

Based on the review of project information and the above analysis, DOE has determined that the installation of a ground mounted solar PV system would not have a significant individual or cumulative impact to human health and/or environment. DOE has determined the proposed installation 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:


Upon completion of an archeological survey, the recipient must provide notification to the DOE Project Officer of any findings regarding cultural resources that could be impacted by the proposed project prior to initiation of surface disturbing activities. If during project activities the recipient or their staff encounters any cultural material (i.e. historic or prehistoric), all activities should cease in the vicinity of the discovery immediately. The recipient must inform the DOE Project Officer of the discovery and an archeologist should be contacted to evaluate the discovery.

Note to Specialist :

Kelly Daigle 2/13/2014

This NEPA determination requires a tailored NEPA provision.

**SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.**

NEPA Compliance Officer Signature:   
NEPA Compliance Officer

Date: 2/18/2014

**FIELD OFFICE MANAGER DETERMINATION**

Field Office Manager review required

**NCO REQUESTS THE FIELD OFFICE MANAGER REVIEW FOR THE FOLLOWING REASON:**

- Proposed action fits within a categorical exclusion but involves a high profile or controversial issue that warrants Field Office Manager's attention.
- Proposed action falls within an EA or EIS category and therefore requires Field Office Manager's review and determination.

**BASED ON MY REVIEW I CONCUR WITH THE DETERMINATION OF THE NCO :**

Field Office Manager's Signature: \_\_\_\_\_  
Field Office Manager

Date: \_\_\_\_\_