

PMC-ND
(1.08.09.13)

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



RECIPIENT: Ute Mountain Ute Tribe

STATE: CO

PROJECT TITLE : Ute Mountain Ute Tribe Community Scale Solar Initiative

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0001660	DE-IE0000095	GFO-0000095-001	

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:

- A9 Information gathering, analysis, and dissemination** Information gathering (including, but not limited to, literature surveys, inventories, site visits, and audits), data analysis (including, but not limited to, computer modeling), document preparation (including, but not limited to, conceptual design, feasibility studies, and analytical energy supply and demand studies), and information dissemination (including, but not limited to, document publication and distribution, and classroom training and informational programs), but not including site characterization or environmental monitoring. (See also B3.1 of appendix B to this subpart.)
- 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.

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide funding to the Ute Mountain Ute Tribe (UMUT) for the installation of a 1 MW community-scale fixed axis ground-mounted solar photovoltaic (PV) facility on approximately 4.5 acres of tribally owned land in Towaoc, Colorado. Analyses of the solar array's performance, operation and maintenance, impact of crediting structures, and impact on UMUT's goal to reduce and stabilize energy costs on the reservation would also be performed.

The site selected for the array installation is currently part of a 49.8 acre center-pivot irrigated agricultural field located within the Economic Development District that would be repurposed for use by the solar array and other potential future alternative uses. This DOE project would involve the installation of the solar array as well as transmission equipment. Interconnection to an existing substation, located approximately 500 feet to the west-southwest, would be underground by trenching. Ground disturbing activities include: leveling of the array location, excavation for concrete pad installation, and trenching for underground wires and interconnect. Access roads already exist but may need to be modified and improved for heavy equipment access. Total ground disturbance is expected to be less than five acres and would occur within previously disturbed areas (e.g. actively managed agricultural land and existing roads).

Project activities would not affect wetlands or floodplains. The U.S. Fish and Wildlife Service lists 10 special status species and 26 migratory bird species as possibly occurring within the project area. While the project area is near habitat that could support special status species, project work is not in nor would it disturb that habitat. With the lack of disturbance to special status species habitat, nature of the project (solar photovoltaic), and the previously disturbed nature of the site; the DOE has determined that there would be no effects to either special status species or migratory birds as a result of the project activities.

There are no National Register of Historic Places (NRHP) listed properties located within two miles of the proposed solar array and transmission equipment which would be installed in a previously disturbed agricultural area and existing roads. UMUT is working directly with their Tribal Historic Preservation Officer (THPO) to ensure protection of cultural resources which would include archaeological monitors being onsite during surface disturbing activities, if determined necessary by the THPO. Although no historic resources are known to occur at the project site, DOE requires the following as part of best management practices for any project with ground disturbing activities: If during project activities the recipient or their staff encounters any cultural material (i.e. historic or prehistoric), all activities must cease in the vicinity of the discovery immediately. The recipient must inform the THPO and the DOE Project Officer of the discovery so that an evaluation of the discovery can be completed prior to continuing work. There were

no other resources of concern found during review of the proposed project.

Based on the review of the proposal, DOE has determined the proposal fits within the class of action(s) and the integral elements of Appendix B to Subpart D of 10 CFR 1021 outlined in the DOE categorical exclusion(s) selected above. DOE has also determined that: (1) there are no extraordinary circumstances (as defined by 10 CFR 1021.410 (2)) related to the proposal that may affect the significance of the environmental effects of the proposal; (2) the proposal has not been segmented to meet the definition of a categorical exclusion; and (3) the proposal is not connected to other actions with potentially significant impacts, related to other proposals with cumulatively significant actions, or an improper interim action. This proposal 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 the Recipient intends to make changes to the scope or objective of this project, the Recipient is required to contact the Project Officer, identified in Block 15 of the Assistance Agreement before proceeding. The Recipient must receive notification of approval from the DOE Contracting Officer prior to commencing with work beyond that currently approved. If the Recipient moves forward with activities that are not authorized for Federal funding by the DOE Contracting Officer in advance of a final NEPA decision, the Recipient is doing so at risk of not receiving Federal funding and such costs may not be recognized as allowable cost share.

Insert the following language in the award:

You are required to:

The recipient must follow all mitigation measures identified by the Tribal Historic Preservation Officer necessary for the protection of cultural resources.

If during project activities the recipient or their staff encounters any cultural material (i.e. historic or prehistoric), all activities must cease in the vicinity of the discovery immediately. The recipient must inform the Tribal Historic Preservation Officer and the DOE Project Officer of the discovery so that an evaluation of the discovery can be completed prior to continuing work.

Note to Specialist :

Office of Indian Energy Policy and Programs
This NEPA determination requires a tailored NEPA provision.

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature:  Casey Strickland  Date: 7/25/2017
NEPA Compliance Officer

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: _____ Date: _____
Field Office Manager