

PMC-ND  
(1.08.09.13)

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



**RECIPIENT:** Forest County Potawatomi Community

**STATE:** WI

**PROJECT TITLE :** Deployment of Community-Scale Solar Photovoltaic Energy Systems in the Forest County Potawatomi Community

<b>Funding Opportunity Announcement Number</b>	<b>Procurement Instrument Number</b>	<b>NEPA Control Number</b>	<b>CID Number</b>
DE-FOA-0001660	DE-IE0000087	GFO-0000087-001	

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 Forest County Potawatomi Community (FCPC) for the installation of approximately 734 kW of solar photovoltaic (PV) facilities (55 systems) on its Forest County, Wisconsin, reservation lands and lands owned by FCPC Tribal members whose homes are qualified and selected for the project. Each solar PV installation would range in size from the approximately 4.2 kW systems on Tribal homes up the 327 kW system planned at the Potawatomi Carter Casino Hotel. Installations would use standard system components of solar modules, inverters, and racking structures with each building having a system sized appropriately for its energy needs. Performance of the installed PV systems would be measured and monitored. Energy savings would be verified and economic analysis for each PV system site would be performed.

System installations are expected on 50 Tribal homes, two community buildings (Aquaponics and Wastewater Treatment Facility), two government buildings (Health and Wellness Center and Executive Building), and one casino (Potawatomi Carter Casino Hotel). Installations at most of the Tribal homes, the Wastewater Treatment Facility, and the Executive Building are expected to be roof-mounted systems. The Aquaponics site would include both roof-mounted and ground-mounted systems. All proposed structures for the roof-mount installations would be evaluated by the recipient and determined to be structurally sound prior to installation of a PV system. A few of the Tribal homes and all other sites would have ground-mounted systems installed. Ground-mounted systems at the Health and Wellness Center (approx. 98 kW on 0.2 acres) and the Potawatomi Carter Casino Hotel (approx. 327 kW on 1.2 acres) would require vegetation clearing and tree removal for installation.

There are no wetlands or floodplains that would be affected by project activities. The U.S. Fish and Wildlife Service (USFWS) lists three special status species (Canada Lynx, Gray Wolf, and Northern Long-eared Bat) and 16 to 17 migratory bird species (including bald eagle) as possibly occurring within the various project areas. Because of the proximity to existing development, neither Canada Lynx nor Gray Wolf are expected to frequent or inhabit the areas therefore no effect to these species would be expected from the project activities. Tree removal for the ground-mounted solar systems at the Potawatomi Carter Casino Hotel and Health and Wellness locations (approximately 1.4 acres total) could affect Northern Long-eared Bat (NLEB) and migratory bird species (including bald eagle) if present. FCPC has established a policy that prohibits tree cutting or clearing from June 1st – August 15th to protect Northern Long-eared Bats so tree removal would not occur during this timeframe. To ensure protection of NLEB, tree clearing is planned to occur during the winter outside of the April 1 – October 31 timeframe assuming the project stays on the planned schedule. Based on the above, DOE completed streamlined Section 7 consultation with USFWS for NLEB. DOE determined that this project may affect the NLEB, but that any resulting incidental take of the NLEB is not

prohibited by the final 4(d) rule for the species. USFWS concurred with this determination in an email received July 28, 2017. The planned project schedule would also protect migratory birds during their various breeding seasons. Bald eagles are found throughout the area but no nests in any of the areas proposed in the project were found by FCPC during initial surveys. As part of FCPC's environmental review for these projects, which is required prior to implementation, they would look for bald eagles or their nests again and implement applicable regulations and restrictions, as needed.

None of the buildings where installations would occur are listed or eligible for listing as historic on the National Register of Historic Places (NRHP). None of the installations would occur near or within a NRHP designated historic district. There is a NRHP listed property, Minertown archaeological site (Ref. #09001315), approximately 0.78 miles south of the proposed location for the ground-mounted PV system at the Potawatomi Carter Casino Hotel. Based on the distance from as well as the intervening landscape/trees between the proposed PV installation and the archaeological site, DOE has determined that the proposed project would have no effect on the NRHP listed property. 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:  
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: 7/31/2017  
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: \_\_\_\_\_  
Field Office Manager

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