

PMC-ND

(1.08.09.13)

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

**RECIPIENT:** Tolowa Dee-ni' Nation**STATE:** CA

PROJECT TITLE: Renewable Solar Energy for Rowdy Creek Fish Hatchery

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|--|--------------------------------------|----------------------------|-------------------|
| Funding Opportunity Announcement Number | Procurement Instrument Number | NEPA Control Number | CID Number |
| DE-FOA-0001847 | DE-IE0000111 | GFO-0000111-001 | |

Based on my review of the information concerning the proposed action, as NEPA Compliance Officer (authorized under DOE Policy 451.1), 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 Tolowa Dee-ni' Nation (TDN) for the installation of approximately 114 kW of solar photovoltaic (PV) arrays at the Rowdy Creek Fish Hatchery in Smith River, CA. The majority of the PV arrays would be ground-mounted on the Nation's Tribal lands at the fish hatchery with a small portion being roof-mounted on one of the buildings at the hatchery. Installations would use standard system components of solar modules, inverters, and racking structures. Project activities include administration, contracting, design and permitting as well as installation, commissioning, and inspection of the PV system. Performance of the installed PV arrays would be measured and monitored for a 12 month period after installation and commissioning.

The U.S. Fish and Wildlife Service (USFWS) lists seven special status species and 13 migratory bird species (including bald eagle) as possibly occurring within the County of Del Norte. As part of a biological assessment of the project, a records search was completed to assess potential impacts to those federal and state-listed and sensitive wildlife species and their mapped locations reported to have occurred at least once within 0.5 miles of the project site. Because of the project's location being in the midst of the town of Smith River, only three sensitive species were noted. A subsequent field investigation was completed to assess potential wildlife habitats within the project area and surroundings. Based on the records search and field investigation along with the resource protection measures outlined below, DOE has determined that there would be no effect to either special status species or migratory birds as a result of the project activities.

There are no wetlands near the project site but there is a designated Zone A floodplain in the vicinity of project activities. Project activities would not have the potential to impact the floodplain itself. As Zone A floodplains do not have established flood water elevations, a Base Flood Elevation (BFE) certificate was completed to determine the extent of the floodplain and associated flood levels in the vicinity of the project. While a small portion of the project site will be within the Zone A floodplain, based on the information from the BFE certificate, all PV equipment would be installed above the BFE. Additionally, TDN must get a building permit from the County of Del Norte which will require compliance with all community floodplain ordinances and established floodplain development requirements. With project activities not affecting the floodplain itself, all PV equipment being located above the BFE, and the

project being in compliance with established community floodplain ordinances; DOE has determined that a floodplain assessment under 10 CFR 1022 is not required.

DOE also conducted a review of potential issues relating to other resources of concern and found that no effects would be expected to result from project activities.

NEPA PROVISION

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

The recipient must ensure that:

1. Domini Creek is protected by installing a proper sediment-drift fence located as far into the project area from top of bank as possible, to prevent sediments or pollutants from entering the creek. No spoils shall be stored within 50 feet of the top of bank.
2. All construction vehicles are maintained to prevent oil or other fluid leaks and regularly inspected for leaks and any necessary repairs.
3. All vehicles and equipment are kept clean to prevent excessive build-up of oil and grease and that clean-up materials will be kept nearby in the case of any leak or spill.
4. If fueling must occur on-site, designated areas away from the drainage will be used and any on-site fuel storage tanks will be located with a berm area designed to hold the tank volume. Secondary containment, such as a drain pan or drop cloth, will be used to catch spills or leaks when removing or changing fluids.
5. Construction vehicles will be stored at least 100 feet away from top of bank during non-work hours.
6. Vegetation removal shall occur outside of the migratory bird breeding season (February 1st to August 15th) unless surveys for migratory bird nests are completed prior to construction. If vegetation removal must occur during the migratory bird nesting season, the recipient must utilize a qualified biologist to survey the project area during the nesting season (but prior to the vegetation removal occurring) to determine if migratory birds are present and nesting at the project site. These bird surveys should occur no more than 7-10 days prior to when work actually begins on the project site. If no migratory birds are found nesting at the project site immediately prior to the time of the vegetation removal, then proceed with your project activity as planned. If migratory birds are present and nesting in the project area, the recipient should contact the nearest USFWS Ecological Services Field Office and/or USFWS Regional Migratory Bird Management Office for guidance on appropriate next steps to avoid and minimize impacts to (and take of) migratory birds associated with the proposed project activities.
7. As a part of the project area has existing drains in place, no vegetation removal or ground disturbing work will occur during any rainfall events, nor afterwards until the ground is dry.
8. Compliance with all requirements of the County of Del Norte building permit is maintained.

Notes:

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

FOR CATEGORICAL EXCLUSION DETERMINATIONS

The proposed action (or the part of the proposal defined in the Rationale above) fits within a class of actions that is listed in Appendix A or B to 10 CFR Part 1021, Subpart D. To fit within the classes of actions listed in 10 CFR Part 1021, Subpart D, Appendix B, a proposal must be one that would not: (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders; (2) require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions or facilities; (3) disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases; (4) have the potential to cause significant impacts on environmentally sensitive resources, including, but not limited to, those listed in paragraph B(4) of 10 CFR Part 1021, Subpart D, Appendix B; (5) involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those listed in paragraph B(5) of 10 CFR Part 1021, Subpart D, Appendix B.

There are no extraordinary circumstances related to the proposed action that may affect the significance of the environmental effects of the proposal.

The proposed action has not been segmented to meet the definition of a categorical exclusion. This proposal is not connected to other actions with potentially significant impacts (40 CFR 1508.25(a)(1)), is not related to other actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.27(b)(7)), and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211 concerning limitations on actions during preparation of an environmental impact statement.

The proposed action is categorically excluded from further NEPA review.

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: _____



Signed By: Casey Strickland

NEPA Compliance Officer

Date: 12/3/2018

FIELD OFFICE MANAGER DETERMINATION

- Field Office Manager review not required
- Field Office Manager review required

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

Field Office Manager's Signature: _____

Field Office Manager

Date: _____