

PMC-ND
(1.08.09.13)

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



RECIPIENT: New Mexico Energy, Minerals and Natural Resources Department; Energy Conservation and Management Division

STATE: NM

PROJECT TITLE: Cimarron Forestry District Office Resiliency Project

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
SEP-ALRD-2018	EE0007485	GFO-0007485-001	

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:

- B1.31 Installation or relocation of machinery and equipment** Installation or relocation and operation of machinery and equipment (including, but not limited to, laboratory equipment, electronic hardware, manufacturing machinery, maintenance equipment, and health and safety equipment), provided that uses of the installed or relocated items are consistent with the general missions of the receiving structure. Covered actions include modifications to an existing building, within or contiguous to a previously disturbed or developed area, that are necessary for equipment installation and relocation. Such modifications would not appreciably increase the footprint or height of the existing building or have the potential to cause significant changes to the type and magnitude of environmental impacts.
- 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 New Mexico Energy, Minerals and Natural Resources Department (EMNRD); Energy Conservation and Management Division (ECMD) to install a solar photovoltaic (PV) array of between 9,700 - 9,900 watt capacity and an electrical energy storage system (approximately 8 kW capacity and 16 kWh energy storage) at the Cimarron Forestry District Office (project site), located approximately 1 mile East of Ute Park, NM.

A qualified solar installer would be selected by ECMD to complete the installation of the solar PV array and storage system. The solar PV array would either be ground or roof mounted; a decision which would be made by ECMD at a later date, in consultation with the selected solar installer. If roof-mounted, the solar PV array would be installed on an existing facility operated by ECMD. The facility has a steel frame construction, and accordingly, it is not anticipated that additional structural supports would be needed for installation. However, a structural engineer's review would be performed by the solar installer prior to installation, which would confirm structural requirements.

Ground disturbance would occur for the energy storage system and potentially for the solar PV array if ground-mounted. If ground-mounted, the solar PV array would be installed at one of three possible locations; all within the bounds of the project site. All areas in which ground disturbance may occur have already been disturbed by building construction and related infrastructure. No ground disturbance would occur on undisturbed land outside of the bounds of the project site.

The project may also include the installation of a solar PV yard light to replace the existing grid-connected yard light. This installation would also take place within the bounds of the District Office's site and would not involve ground disturbance on undisturbed land.

ECMD would secure local building and electrical permits, as well as an interconnection agreement with the Kit

Carson Electric Cooperative prior to commencing installation. Any other permits that may be needed for completion of the project would be obtained by ECMD prior to commencing installation activities.

Upon completion of all preparatory work (e.g. permitting, surveys, contract negotiations), installation of the above equipment would take approximately one month. Minimal noise impacts to the surrounding areas would be expected during installation. To ensure health and safety, industry standards and best practices would be adhered to during installation activities.

The National Register of Historic Places (NHRP) database shows no historic properties or cultural resources in close proximity to the project site. Additionally, ECMD consulted with the State of New Mexico Department of Cultural Affairs Historic Preservation Division (HPD) regarding historic properties. HPD determined that although the project area had not previously been subject to a cultural resource survey, there was a low probability that the ground disturbance included as part of the project would affect an archaeological site, since the site has already been disturbed with building construction and related infrastructure. Nonetheless, if ECMD or the selected solar installer discover any archaeological materials during installation activities, ECMD would immediately halt all construction activities associated with the project and then contact the HPD for guidance.

The U.S. Fish and Wildlife Service's Information for Planning and Consultation (IPaC) database shows two mammals (Canada Lynx and NM Meadow Jumping Mouse) and three birds (Mexican Spotted Owl, Piping Plover, and Southwestern Willow Flycatcher) as endangered or threatened species that have the potential to be in or around the project area. There are also three migratory birds listed (Bald Eagle, Lewis's Woodpecker, and Pinyon Jay). Because of the nature of the project (i.e. solar PV and energy storage installations on previously-disturbed land, currently used for human activities), it is unlikely that any of the species of concern would be present in the project area. Additionally, the proposed project site is outside of the critical habitat of all listed species. Accordingly, DOE has determined the proposed project will have no effect on federally listed threatened or endangered species. Further, DOE does not anticipate adverse impacts to migratory bird species.

The Federal Emergency Management Agency's (FEMA) database shows that the project site would be in an Area of Minimal Flood Hazard.

NEPA PROVISION

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

If ECMD or the selected solar installer discover any archaeological materials during installation activities, ECMD will immediately halt all construction activities associated with the project and contact the State of New Mexico Department of Cultural Affairs Historic Preservation Division for guidance.

Notes:

Weatherization & Intergovernmental Program – State Energy Program
This NEPA determination requires a tailored NEPA Provision.
NEPA review completed by Jonathan Hartman, 3/8/2019

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:  _____ Date: 3/8/2019
NEPA Compliance Officer

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: _____ Date: _____
Field Office Manager