

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:** Community-Scale Solar Photovoltaic for 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-0002032	DE-IE0000120	GFO-0000120-001	GO120

**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 Forest County Potawatomi Community (FCPC) for the installation of approximately 1 MW of solar photovoltaic (PV) facilities (roof and ground mounted at 8 locations) on Tribal lands in Forest County, Wisconsin and Milwaukee, Wisconsin. Solar PV installations would range in size from approximately 8.0 kW roof-mounted systems up to a 280 kW roof-mounted system planned at the Potawatomi Bingo Casino. 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.

Proposed project activities would include system specification and implementation planning; power purchase and access agreements; system design; structural reviews; permitting; installation of the PV arrays and associated equipment; testing, inspection, and commissioning of the systems; and verification of energy savings. System installations are planned at eight locations:

- Potawatomi Bingo Casino, Milwaukee, WI; 280 kW roof-mounted
- Wgema Wgechda Building, Milwaukee, WI; 255 kW ground-mounted
- FCPC Renewable Generation, Milwaukee, WI; 240 kW ground-mounted over retention pond (floating)
- Potawatomi Carter Casino Hotel, Wabeno, WI; 197 kW roof-mounted
- Carter Wastewater Treatment Facility, Wabeno, WI; 20 kW roof-mounted
- Carter Church, Wabeno, WI; 8 kW roof-mounted
- Aquaponics Facility, Wabeno, WI; 60 kW roof-mounted
- Stone Lake Church, Crandon, WI; 8 kW roof-mounted

All proposed structures for the roof-mounted installations would be evaluated by the recipient and determined to be structurally sound prior to installation of a PV system. A couple of the locations would have ground-mounted systems installed. None of the systems would require vegetation clearing or tree removal for installation.

The FCPC Renewable Generation installation is partially within the 100-year floodplain but would be a floating installation over an existing retention pond. This floating installation would not impact flood flows within the floodplain. One location (Wgema Wgechda Building) is within the National Register of Historic Places listed Concordia Historic District (Ref# 85001688). FCPC has submitted information about project activities at this location to the Milwaukee Historic Preservation Commission for review and issuance of a Certificate of Appropriateness (COA). Once a COA has been issued and project details are finalized for this location they will be submitted to the FCPC Tribal Historic Preservation Officer and the DOE for National Historic Preservation Act Section 106 review.

DOE also conducted a review of potential issues related to other resources of concern and found no effects that would be expected to result from the proposed project activities at the eight proposed locations.

## NEPA PROVISION

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

All site preparation and installation activities at the Wgema Wgechda Building location in Milwaukee, Wisconsin are prohibited unless and until the following conditions have been met:

(1) Once the Recipient has received a Certificate of Appropriateness (COA) from the Milwaukee Historic Preservation Commission, the Recipient must provide a copy of the COA to both the FCPC THPO and the DOE for further Section 106 review; and

(2) The Recipient receives written authorization from the DOE Contracting Officer to move forward with the activities stated above.

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: \_\_\_\_\_



Casey Strickland

NEPA Compliance Officer

Date: 8/19/2019

**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: \_\_\_\_\_