

PMC-ND
(1.08.09.13)

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

**RECIPIENT:** Rincon San Luiseño Band of Mission Indians**STATE:** CA**PROJECT
TITLE:** Rincon Solar Microgrids Project

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002032	DE-IE0000125	GFO-0000125-001	

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.)
- 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 the Rincon San Luiseño Band of Mission Indians (Rincon) to deploy two (2) energy microgrid systems at buildings owned and operated by Rincon and located on the Rincon Indian Reservation, in Valley Center, CA. The first system would be installed at the Rincon Fire Station and would include 100 kilowatts (kW) of rooftop solar photovoltaic (PV) panels and a 50 kW battery energy storage system (BESS). This system would also incorporate an existing generator. The second system would be installed at the Harrah's Resort Southern California, and would include 2 (MW) of carport solar PV panels, a 2,400 kW BESS, and 500 kW diesel generator. This system would also incorporate an existing 1 MW ground-mounted solar PV system.

Proposed project activities would include procurement/contractor selection, site assessments, development of engineering specifications/design drawings, permitting, equipment installation, interconnection, commissioning, testing, and post-installation monitoring. Installation of the BESS unit at the Rincon Fire Station would require the construction of a concrete pad measuring approximately 6' x 4' x 0.75'. The microgrid at the Harrah's Resort would require approximately 1,800 feet of trenching at a width of 18" and depth of 3' in order to install an electrical conduit that would connect the system components. Installation of the diesel generator and BESS at this site would require the construction of two concrete pads, measuring approximately 16' x 8' x 1' and 20' x 8' x 1', respectively. Solar carports would also be installed, requiring approximately 170 concrete footings, estimated to have a 2' diameter and depth of 10'.

All project activities would be overseen by Rincon and performed by a qualified design-build contractor. The selected contractor would also provide solar installation, operations, and maintenance training to individuals designated by Rincon to receive instruction. Utility interconnection permits would be required prior to commissioning each system. An Environmental Protection Agency (EPA) air permit may also be required for installation of the diesel generator, per the Federal Minor New Source Review Program in Indian Country Rules (40 CFR §§ 49.151-49.165). Whether or not this permit would be needed would depend on the generator's potential to emit pollutants, among other factors. This would only be known once the generator is selected. Rincon would obtain all applicable permits/authorizations required for completing any installation work, including any required EPA authorizations.

Installation activities would include task work performed on rooftops and elevated surfaces, as well as handling of high powered tools and equipment. Hazards associated with the performance of project work would be mitigated through adherence to health and safety plans developed for the project. Rincon would ensure that all project personnel comply with applicable Federal, state, and local health, safety and environmental regulations.

A number of threatened or endangered species are listed by the U.S. Fish and Wildlife Service (USFWS) for the areas in which the solar PV systems would be installed, including several bird species, as well as a toad, insect, mammal, and bird species. However, due to the nature of the project activities (i.e. solar systems and associated equipment being installed on heavily disturbed land), DOE has determined that this project will have no effect on any Endangered Species Act listed species of concern.

The Harrah's Resort site is located within an Area of Undetermined Flood Hazard (Zone D), per the Federal Emergency Management Agency's (FEMA) flood map data. All project work involves the installation of equipment for minor modifications to improve environmental conditions at existing facilities that have flood protections in place. These modifications would not support increased floodplain development or impact flood flows within the floodplain.

Neither the Harrah's Resort site nor the Fire Station are near any listed historical places, or places eligible for listing on the National Register of Historic Places (NRHP). Although no historic resources are known to occur near the project locations, DOE will require the following as part of best management practices for the project: 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 Rincon THPO and the DOE Project Officer of the discovery so that an evaluation of the discovery can be completed prior to continuing work.

The Harrah's Resort site exists on farmland of statewide importance and the Fire Station exists on prime farmland if irrigated. In both cases, the land has already been heavily disturbed for human use (i.e. building facilities were constructed on the land that are currently in use) and therefore there would be no conversion of protected farmlands to non-agricultural use as a result of the DOE funded project.

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 the proposed project activities.

NEPA PROVISION

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

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 Rincon THPO and the DOE Project Officer of the discovery so that an evaluation of the discovery can be completed prior to continuing work.

The Recipient must provide DOE with a copy of any and all permits/authorizations obtained for installation of the diesel generator.

Notes:

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

Review completed by Jonathan Hartman, 08/23/2019

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:



Signed By: Casey Strickland

NEPA Compliance Officer

Date: 8/23/2019

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: