

PMC-ND

(1.08.09.13)

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

**RECIPIENT:** Flandreau Santee Sioux Tribe**STATE:** SD

PROJECT TITLE: Solar Energy Development on FSST Reservation

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002032	DE-IE0000118	GFO-0000118-001	

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 Flandreau Santee Sioux Tribe (FSST) to install and commission eleven (11) solar photovoltaic (PV) systems, with a total generating capacity of approximately 318 kW. Both ground and roof-mounted systems of 60 kW or less would be deployed at multiple FSST-owned properties. With the exception of a convenience store, located in Coleman, SD, all properties receiving installations would be located in the FSST Tribal Reservation.

Proposed project activities would include development of site/materials specifications, materials procurement, establishment of installation agreements, installation of solar PV systems (i.e. support structures and PV panels), connection of solar PV systems to inverters, inspections and system commissioning, and operations verification. Ground-mounted systems would be installed by drilling holes in land on or adjacent to the selected facilities and filling these with concrete to anchor the system support structures. Shallow trenching would also be carried out at these locations in order to connect the solar PV systems to the facilities. In all cases, the areas in which trenching/excavation would occur are previously disturbed soils currently in use (e.g. parking areas).

Each of the 11 sites would require approval of a new electrical interconnection by the municipal utility, as well as the completion of an inspection by the state electrical inspector. FSST would obtain all applicable permits/authorizations required for completing any installation work.

Installation activities would include task work performed on rooftops and elevated surfaces, as well as handling of high powered tools and equipment. Safety reviews would be performed at each site and industry-standard health and safety protocols would be adhered to when performing project activities. All installation activities would be performed by FSST personnel, with training provided by project partner Nebraska Renewable Energy Systems (NRES). All personnel would observe applicable Federal, state, and local health, safety, and environmental regulations.

There are four threatened or endangered species that are listed by the U.S. Fish and Wildlife Service (USFWS) for the areas in which the solar PV systems would be installed. They are the Northern Long-eared Bat, the Red Knot,

the Dakota Skipper, and the Western Prairie Fringed Orchid. DOE discussed these ESA-listed species with FSST. FSST noted that habitats where these species may have been found naturally in the project area at one time have been converted to farmland. FSST also verified that the Western Prairie Fringed Orchid is not currently growing in any of the project areas where ground-mounted solar PV arrays would be installed. Based on the information above and all installations being located in areas that have previously been disturbed and are currently in use for human activities, DOE has determined that this project will have no effect on any Endangered Species Act (ESA) listed species of concern.

None of the project sites are near any listed historical places, or places eligible for listing on the National Register of Historic Places (NRHP). DOE also consulted with FSST's Tribal Historic Preservation Officer (THPO) regarding any potential impacts to historic or cultural resources. FSST's THPO reviewed the project and indicated that he was unaware of any historic/cultural resources that could be impacted by the project and agreed that, based on the types of activities proposed and the locations reviewed, project activities would have no effect on historic or cultural resources. 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 FSST THPO and the DOE Project Officer of the discovery so that an evaluation of the discovery can be completed prior to continuing work.

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 project.

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 Flandreau Santee Sioux Tribe (FSST) Tribal Historic Preservation Officer (THPO) and the DOE Project Officer of the discovery so that an evaluation of the discovery can be completed prior to continuing work.

Notes:

Office of Indian Energy Policy and Programs
This NEPA determination requires a tailored NEPA provision.
Review completed by Jonathan Hartman, 09/04/2019

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: **9/5/2019**

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: _____