

PMC-ND

(1.08.09.13)

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

**RECIPIENT:** Rosebud Sioux Tribe**STATE:** SD

**PROJECT TITLE:** Sicangu Village Solar Project

<b>Funding Opportunity Announcement Number</b>	<b>Procurement Instrument Number</b>	<b>NEPA Control Number</b>	<b>CID Number</b>
DE-FOA-0001847	DE-IE0000107	GFO-0000107-002	GO107

**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 Rosebud Sioux Tribe (Tribe) for the Sicangu Village Solar Project. This project includes the development, design, EPC (Engineering, Procurement, and Contracting), installation, training, and commissioning of a ground-mounted solar photovoltaic (PV) system, approximately 149 kW-AC solar capacity, and 13 rooftop residential solar systems for homes located on the Rosebud Sioux Reservation at Sicangu Village. The total rated solar capacity of both the ground and roof mounted systems is expected to be approximately 250 kW. Contracting and design activities in Task 1 of the approved Statement of Project Objectives were previously reviewed by GFO-0000107-001 (A9) on 03/26/19. This NEPA review is for all remaining tasks of the project.

All proposed homes for the roof-mounted arrays would be evaluated by the recipient and determined to be structurally sound prior to installation of a PV system. Installation of the roof-mounted systems would not require any vegetation clearing or tree removal. Ground-mounted solar PV array installation would occur in a currently undeveloped area southeast of Sicangu Village measuring approximately 100 ft. wide x 240 ft. long. Installation would require drilling approximately 60 3' holes in the ground to mount the array. These holes would be filled with concrete and fitted with mounting brackets. The ground-mounted array would also require that a 30' trench be dug, which would be used for wiring to the master meter, to serve 17 housing units. Finally, an 8' high fence would be erected around the area of the ground array installation (approximately 800' of fencing in total). The fence would require that approximately 80 holes be dug. Site preparation would involve leveling the area in which the solar PV array would be installed by 1 – 3 feet.

The Tribe worked directly with their Tribal Historic Preservation Officer (THPO) to ensure protection of cultural resources during the project activities. The Tribe's THPO reviewed the proposed project activities, site location, and previous archaeological surveys and recommended that there would be no historic properties affected with the inclusion of an inadvertent discovery clause. DOE is in agreement with the THPO and 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 THPO and the DOE Project Officer of the discovery so that an evaluation of the

discovery can be completed prior to continuing work.

The U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) database indicates that there are five (5) endangered or threatened species possibly occurring in the project area. These include the American Burying Beetle, the Western Prairie Fringed Orchid, the Whooping Crane, the Red Knot, and the Northern Long-eared Bat. Due to the nature of the project (i.e. trenching and installation of solar PV arrays), DOE determined that there would be no effect to the Whooping Crane, Red Knot or Northern Long-eared Bat. Furthermore, DOE determined that there would be no effect to the Western Prairie Fringed Orchid, as the project area for the ground-mounted array would be located in an area with soils that do not contain sufficient moisture so as to act as a suitable habitat for the orchid.

This area is considered conditional habitat for the American Burying Beetle (ABB). By this time of year, ABBs have buried into the soil and become inactive therefore surveying by trapping to assess whether or not ABBs are in the vicinity of the project isn't possible. If ABBs are present in the vicinity, they may be affected by project activities, as the project would require ground leveling, trenching, and drilling to complete installation of the solar PV array. These activities could result in a small loss of the beetle's habitat or take of individuals if present. However, past surveys in South Dakota found the beetle to be most prevalent in southern Tripp County. Only a single record for the beetle was logged in a survey carried out in Todd County in 1998. An earlier survey in 1995 also found specimens in the extreme eastern portion of Todd County. Due to the location of the project site (i.e. south-central Todd County), the scarcity of the beetle in Todd County, and the relatively small size of the project area (i.e. approximately 0.5 acre) DOE determined that the project may affect but would not likely adversely affect the American Burying Beetle and initiated consultation with the USFWS. USFWS reviewed the information provided and concurred with the above determination on November 14, 2019.

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 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.

## 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: 11/22/2019  
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