

PMC-ND

(1.08.09.13)

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

**RECIPIENT:** Rincon Band of Luiseño Indians**STATE:** CA**PROJECT TITLE:** Rincon Government Center Microgrid Project

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002168	DE-EE0000127	GFO-0000127-001	

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 Rincon Band of Luiseño Indians (Rincon) to deploy a solar powered microgrid system at the Rincon Government Center near Valley Center, California on the Rincon Indian Reservation. This microgrid would include a new installation of approximately 290 kilowatts (kW) of rooftop solar photovoltaic (PV) panels and solar carports as well as a 140 kW/560 kWh battery energy storage system (BESS). The solar, battery storage, and an existing 150 kW diesel generator would be connected and controlled through a new microgrid controls system.

Proposed project activities would include project management and reporting; engineering, procurement, and contracting; permitting; equipment installation, integration, commissioning, and interconnection; construction closeout; and operations and maintenance training. Microgrid system performance would be documented and reports provided to DOE for one year after commissioning. The microgrid system at the Rincon Government Center would include an estimated 600 feet of trenching at a width of 18" and depth of 3' for installation of electrical conduit that would connect the system components. Installation of the BESS would require a concrete pad of approximately 20' x 8' x 1'. Solar carports would also be installed, requiring approximately 17 concrete footings, estimated to have a 2' diameter and depth of 10'. As the Rincon Government Center was built in late 2018, the installation of the roof-mounted solar PV is not expected to require building modifications beyond the installation itself.

The proposed project would not require any change in the use, mission, or operation of existing facilities. The disturbance during construction would be entirely within areas that have already been developed and disturbed and would be limited to the dimensions described above. All new equipment would also be installed entirely within areas that have already been developed and disturbed. All construction supplies, equipment, and machines would be temporarily staged during the installation on existing paved or dirt parking areas. Existing roads would be used to access the project sites.

Project activities would pose potential general construction related health and safety hazards to project workers during the installation of the rooftop solar panels, solar carports, and BESS. It would also pose electrical related health and safety hazards to project workers during the installation of the microgrid controls system and electrical components of all the connected systems. Hazards associated with the performance of project work would be mitigated through compliance with all applicable Federal and Tribal occupational health and safety laws. Compliance plans would be in place prior to proceeding with the project work. All government permits and approvals as well as any interconnection agreements would be in place prior to beginning construction of the microgrid system.

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 mammal, bird, amphibian, insect, and flowering plant species. However, considering all project activities would occur on already disturbed and developed lands that are not suitable habitat for these species, DOE has determined that this project will have no effect on any special status species of concern.

There are no known historical, archaeological, or cultural resources within the proposed project areas. Although no historic resources are known to occur within or near the project locations, the following will be required as part of best management practices for the project: 1) Tribal monitoring is required for all ground disturbing activities until the Rincon Tribal Historic Preservation Officer (THPO) determines that there is no longer any potential to impact cultural resources within the project area; 2) 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 soils in the area are considered prime farmland if irrigated but the land has already been heavily disturbed for human use (i.e. building facilities and parking areas 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:

Tribal monitoring is required for all ground disturbing activities until the Rincon Tribal Historic Preservation Officer (THPO) determines that there is no longer any potential to impact cultural resources within the project area.

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.

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: _____

 Electronically Signed By: **Casey Strickland**
NEPA Compliance Officer

Date: 7/13/2020

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: _____