

PMC-ND

(1.08.09.13)

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

**RECIPIENT:** Ute Mountain Ute Tribe**STATE:** CO**PROJECT TITLE:** Energy Infrastructure Deployment on Tribal Lands - 2020

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002168	IE-0000135	GFO-0000135-001	

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 Ute Mountain Ute Tribe (UMUT) to install seven solar photovoltaic (PV) systems on Tribal government facilities in the White Mesa Community in White Mesa, Utah to help reduce electricity costs and carbon footprint. Six systems would be ground-mounted and one would be roof-mounted with total installed capacity being approximately 144 kW. Systems are planned for the Community Center, Education Center, Public Works Building, north community well, Diabetes Program Office, Environmental Programs and Vocational Rehabilitation Office, and the Wood Pile Road facility for Public Works.

Proposed project activities would include contracting; planning and permitting; design; procurement and construction; workforce development and community outreach; commissioning; and verification. System performance would be documented and reports provided to DOE for one year after commissioning. All solar PV systems would be installed either on the rooftop of an existing facility or within previously disturbed areas near existing facilities. No tree/vegetation removal would be needed to implement the project. Any permits needed for the project work would be obtained prior to installation. Proposed work would occur on Tribal Trust land and no Bureau of Indian Affairs involvement is necessary, as the Tribe is not requesting a surface lease, access road right of way or power line right of way. The UMUT Environmental Programs Director and the UMUT Renewable Energy Committee would provide guidance, direction, and support to the project.

Project activities would pose routine construction hazards and high voltage electrical hazards. These hazards would be mitigated by following OSHA construction safety guidelines and contractor safety protocols, securing tools and equipment when not in use, and having all electrical wiring and connections installed by qualified personnel in compliance with the National Electric Code (NFPA 70). All facilities involved in the project were built or remodeled within the last 25 years and there are no National Register of Historic Places listed properties located near the proposed project sites. UMUT would work directly with their Tribal Historic Preservation Officer (THPO) to ensure protection of cultural resources, including any onsite archaeological monitoring during surface disturbing activities, if determined necessary by the THPO. Although no historic resources are known to occur at the project site, DOE requires the following as part of best management practices for any project with ground disturbing activities: 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. Due to the project area's location and nature of the installations, DOE does not anticipate any impacts to resources of concern due to the proposed activities of 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: _____

 Electronically Signed By: Casey Strickland
NEPA Compliance Officer

Date: 11/20/2020

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: _____