

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



**RECIPIENT:** Northern Cheyenne Tribe

**STATE:** MT

**PROJECT TITLE :** White River Community Solar on the Northern Cheyenne Reservation

|                                                |                                      |                            |                   |
|------------------------------------------------|--------------------------------------|----------------------------|-------------------|
| <b>Funding Opportunity Announcement Number</b> | <b>Procurement Instrument Number</b> | <b>NEPA Control Number</b> | <b>CID Number</b> |
| DE-FOA-0002032                                 | DE-IE0000122                         | GFO-0000122-002            | GO122             |

**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 Northern Cheyenne Tribe (Tribe) for the installation of approximately fifteen 10 kW residential PV systems totaling 150 kW, three PV systems on Tribal facilities (Northern Cheyenne Tribal School, Little Eagle Head Start, and Busby Water Pump House) totaling 155 kW and an approximate 950 kW PV array. Solar systems would be ground-mounted and require approximately 9 acres of unused land on the Tribe's Reservation. Total installed PV capacity would be approximately 1.25 MW. The large PV array and Tribal facilities systems would be installed in Busby, Montana. Residential systems would be distributed throughout the five population centers of the Reservation. Planning and construction work would occur over an estimated 18-month period, with verification of energy production, savings, and income being conducted for a minimum of 12 months after the solar arrays begin operation. Activities within the approved Statement of Project Objectives that helped to inform the design and details of the PV installations (Task 1) were previously reviewed by GFO-0000122-001 (A9) on 08/21/19. This NEPA review is for all remaining tasks of the project.

Associated project activities include solar program design and management; technical training partnerships, orientation workshop and solar installation training; construction and commissioning; and performance measurement verification. The electrical substation in Busby would be upgraded to accommodate this project and potential future development. All PV systems would be installed near existing buildings within previously developed areas. Ground disturbance would be required for minimal leveling work, driving piles for the ground racking, and trenching for running conduit. The project involves the normal potential hazards associated with construction activities involving operation of site-clearing machinery, transportation of solar array components, workers lifting materials and using tools, and electrical work. Safety protocols and procedures would be in force during the entirety of the project. Risks would be mitigated by employing licensed and bonded contractors with all necessary licensing and training. The Tribe and developer would oversee all contractors to ensure that they have necessary certifications and prioritize workplace safety.

The Tribe worked directly with their Tribal Historic Preservation Officer (THPO) to ensure protection of cultural resources during project activities. The THPO reviewed the proposed project activities and site locations and based on the information reviewed anticipated that no cultural resources should be adversely affected by the proposed undertaking provided that all access roads and ground disturbance activities remain within the direct project areas. The THPO made a formal determination of 'No Historic Properties' for this project undertaking and included a stop-work clause if cultural materials are discovered. 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 materials (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.

DOE also conducted a review of potential issues related to other resources of concern and found no effects that 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 materials (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 legal review of the 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:

  
NEPA Compliance Officer

Date: 4/13/2022

## 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: \_\_\_\_\_