

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



RECIPIENT: Karuk Tribe

STATE: CA

PROJECT TITLE : Community Scale Solar Energy Generating Systems

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002317	DE-IE0000160	GFO-0000160-001	GO160

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 Karuk Tribe to install solar PV systems for commercial buildings and Elder homes on the Karuk Tribal Reservation.

Award activities include retrofitting 39 Elder homes with roof-top PV solar panels and battery storage. The Tribal Wellness Center would also be retrofitted with roof-top PV. Ground-mounted solar PV panels would be installed to serve the Tribal Casino facility and Tribal Casino trailer facility. Minimal ground disturbance may be anticipated for installation staging adjacent to existing structures.

The ground-mounted solar array would occupy approximately 3.5 acres adjacent to the Tribal casino. Ground disturbance would include array foundation installation (ground screws or driven piles), approximately 700 linear feet of trenching for below-ground electrical lines, and fence footings to enclose the arrays.

The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) website identifies one candidate (Monarch Butterfly), three threatened (Northern Spotted Owl, Yellow-billed Cuckoo, and Vernal Pool Fairy Shrimp), and seven endangered (Gray Wolf, Lost River Sucker, Shortnose Sucker, Conservancy Fairy Shrimp, Vernal Pool Tadpole Shrimp, and Yreka Phlox) species that may occur in the proposed project area. The proposed solar array would be located adjacent to the casino, in a vacant lot with sparse vegetation. No tree cutting or trimming will be required for the solar array installation or roof-top PV systems. Due to the lack of substantial vegetation and aquatic ecosystems, the proposed project locations lack suitable and critical habitat. DOE has determined the proposed project would have no effect to threatened, endangered or candidate species in the area.

The Karuk Tribal Historic Preservation Officer (THPO) reviewed the project design and locations and determined due to project activities, significant adverse effects to historic properties are not expected. 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.

Minimal air emissions would occur during construction from the use of small generators and vehicles. Significant air impacts are not anticipated as generator and vehicle use would be temporary and intermittent. Project activities would involve hazards associated with routine construction activities, working with electricity, handling of lithium batteries, and use of solvents, cement, and fuels. Any risks working with hazards or associated with the handling, storage, use,

and disposal of hazardous materials would be mitigated through established Tribal safety and construction protocols. The Karuk Tribe would observe all applicable health, safety, and environmental regulations. 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 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 (IE)
This NEPA determination requires legal review of the tailored NEPA provision.
NEPA review completed by Amy Lukens, 7/13/2022

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: 7/14/2022

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: _____