

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



RECIPIENT: La Jolla Band of Luiseno Indians

STATE: CA

PROJECT TITLE : La Jolla Tribal Government Renewable Energy Development Project

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002317	DE-IE0000158	GFO-0000158-001	

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:

- | | |
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| 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 La Jolla Band of Luiseño Indians to install a ground-mounted solar photovoltaic (PV) panel array and battery storage system for the La Jolla Trading Post convenience store and gas station on the La Jolla Indian Reservation, in Pauma Valley, CA.

The ground-mounted solar array would occupy approximately 5,514 square feet adjacent to the existing parking lot for the Trading Post. This area was previously an old road and is currently used as a storage area for the Trading Post. The battery storage system would be adjacent to the existing Trading Post structure. Minor electrical modifications would be required to connect the facility's existing electrical panel to the PV system. Approximately 297 linear feet of trenching in pre-disturbed areas would be required to connect the panel and battery system to the solar array.

The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) website identifies one candidate (Monarch Butterfly) two threatened (Stephens' Kangaroo Rat and Coastal California Gnatcatcher), and four endangered (Least Bell's Vireo, Southwestern Willow Flycatcher, Arroyo Toad, and Quino Checkerspot Butterfly) species that may occur in the proposed project area. No wetlands or USFWS designated critical habitats are present in the area. The proposed project site is previously disturbed from the construction of the Trading Post and parking lot and is currently used for outdoor storage. The La Jolla Band of Luiseño Indians Environmental Protection Officer (EPO) conducted a site visit and determined no adverse effects to any protected species. Based on the previously disturbed nature of the project site, minimal and temporary nature of project construction activities, and the EPO's knowledge of the area and site visit, DOE has determined the proposed project would have no effect to threatened, endangered or candidate species in the area.

The La Jolla Band of Luiseño Indians Tribal Historic Preservation Officer (THPO) reviewed the project design and location and determined there were two known cultural sites located in the immediate vicinity of the proposed project area. In order to protect the cultural sites, the THPO identified mitigation requirements. DOE agrees with the THPO and will require the identified mitigation measures outlined below be implemented prior to or during project activities to ensure protection of any known or unknown cultural sites.

Minimal air emissions would occur during construction from the use of small-scale construction equipment and vehicles. Significant air impacts are not anticipated as construction equipment and vehicle use would be temporary and intermittent. Project activities would involve hazards associated with routine construction activities, working with electricity, and handling of lithium batteries. Any risks working with hazards would be mitigated through established Tribal safety and construction protocols. The La Jolla Band of Luiseño Indians to 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:

In order to protect any known or unknown cultural sites, the Recipient must ensure the following conditions are implemented prior to or during project activities:

1. The two known cultural sites will be flagged and given at least a 50-foot buffer. The buffer will be marked with construction tape stating: "No One Beyond This Point"; this means no person, vehicle, or any other activity is allowed past the 50-foot buffer.
2. A pre-excavation site walk shall be completed by a trained Luiseño Monitor and shovel test pits conducted where the proposed footings would be placed.
3. A Luiseño Monitor shall be on site during any ground disturbing activities.
4. If any artifacts are unearthed or discovered on the site, construction shall immediately stop and the THPO and DOE Project Officer shall be notified. Ground disturbing work shall be stopped until the THPO can look at and determine the significance of the discovering and plan of action.
5. If any human/ancestral remains are discovered the project shall come to an immediate halt, the THPO and DOE Project Officer shall be notified, and no further activity will be allowed on the site.
6. Prior to any construction the Tribe will have a clear monitoring and treatment agreement to handle any possible discoveries on the site.

Notes:

Office of Indian Energy Policy and Programs (IE)
NEPA review completed by Amy Lukens, 8/8/2022

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: 8/9/2022

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: _____