

PMC-ND

(1.08.09.13)

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

**RECIPIENT:** Seminole Tribe of Florida**STATE:** FL**PROJECT TITLE:** Rural Reservation Resiliency - The Brighton 4

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002317	DE-IE0000150	GFO-0000150-001	

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 federal funding to the Seminole Tribe of Florida (Tribe) for the design and installation of approximately 475 kW of solar photovoltaic (PV) facilities with approximately 1810 kWh of battery storage capacity at four (4) essential loads on Tribal trust lands within its Brighton Reservation in southern Florida. Installations at the Veteran's Building, Public Safety Building, and the Administration Building would be either solar carports or roof-mounted systems. A ground-mounted system would be installed at the Health Clinic.

Brighton Veteran's Building (125 kW DC system; 350 kWh battery storage)
Brighton Public Safety (125 kW DC system; 740 kWh battery storage)
Brighton Health Clinic (100 kW DC system; 150 kWh battery storage)
Brighton Administration Building (125 kW DC system; 570 kWh battery storage)

Associated project activities include solar carport installation; ground racking; installation of connectors, inverters, control switches, integrated battery storage systems; and subsequent wiring for electrical distribution to existing Tribal facilities. All PV facilities would be installed within existing disturbed areas near existing buildings requiring minimal ground disturbance. The ground-mounted installation location has already been cleared to the south of the Health Clinic building.

The project involves the normal potential hazards associated with construction activities. Applicable Occupational Safety and Health Act requirements and other applicable safety codes would be followed, and special care in handling of the batteries during installation would occur to avoid leakage.

Resources of Concern

A previous solar installation project (DE-IE0000109) awarded to the Tribe included these sites for PV installations, but these sites were removed from that award when the scope of that project was reduced. This award includes larger capacity solar arrays and battery storage at each location, but the larger systems would not require additional ground disturbance at the Veteran's, Public Safety, and Administration Buildings beyond that considered in the previous resource review for the previous project since each of these locations would include either roof-mounted systems or solar carports within an existing paved parking lot. The ground-mounted system at the Health Clinic would be installed within the area reviewed for resources of concern under the previous project.

Project details for all PV installations and associated work were submitted to the Tribal Historic Preservation Officer

(THPO) for review as part of the previous solar installation project. Based on that information and the area of potential effects (APE) for each installation the THPO determined that the undertaking would either not be the type of activity that could affect cultural resources or there would be no historic properties or no cultural resources affected by proposed project activities. Although no historic resources are known to occur at any of the project sites, DOE will require the following as part of best management practices for the project: If during project activities the recipient or their staff encounters any archaeological remains, 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. If human remains, funerary objects, or sacred objects are discovered inadvertently, the THPO, Tribal Bioarchaeologist, and the Seminole Police Department must be notified immediately by telephone and all further activity ceased. Additionally, a reasonable effort must be made to leave the discovery in place.

None of the project sites themselves are within a wetland or floodplain but the sites are in close proximity to areas of waterways/streams and wetland habitats. As a condition of approval, silt fencing will be required to prohibit sediment runoff into surrounding Waters of the U.S. from associated construction activities. Construction activities will be required to maintain a 200 foot set back from wet detention ponds and a 15 foot minimum to 25 foot average set back from wetlands. Construction sites are to establish maintenance areas for activities, which are capable of causing migration of pollutants, away from water bodies. With implementation of the conditions outlined above, no impacts to jurisdictional waters of the United States or Water Rights Compact jurisdictional wetlands are anticipated for this project; therefore, DOE has determined that a floodplain/wetland assessment under 10 CFR 1022 is not required.

Project information for the solar installation locations in this current award were submitted to the Tribe's Environmental Resource Management Department (ERMD) for review in accordance with the Tribe's applicable policies, procedures, ordinances and regulations as part of the previous solar project. Based on the details submitted, ERMD prepared an Environmental Compliance Review package which included a wildlife review of all available threatened and endangered species databases for species that could occur in the area of the PV installations. Utilizing ERMD wildlife staff knowledge and expertise, the Tribe completed Section 7 consultation with the U.S. Fish and Wildlife Service (FWS) for the proposed project activities (FWS Log No. 2019-I-0150). Specific species included in the consultation with effects determinations are found below.

Audubon's crested caracara (*Polyborus plancus audubonii*) – with required conservation measures, may affect but not likely to adversely affect

Eastern indigo snake (*Drymarchon corais couperi*) – may affect but not likely to adversely affect

Florida bonneted bat (*Eumops floridanus*) – no effect

Florida panther (*Puma concolor coryi*) – may affect but not likely to adversely affect

Wood Stork (*Mycteria americana*) – no effect

FWS reviewed the information provided and, concurring with the above effects determinations on December 12, 2018, found that the proposed action was not likely to adversely affect any federally listed species or designated critical habitat protected by the Endangered Species Act.

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 project.

NEPA PROVISION

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

Cultural/Historic Resources

- If during project activities the Recipient or their staff encounters any archaeological remains, all activities must cease in the vicinity of the discovery immediately. The Recipient must inform the Tribe's THPO and the DOE Project Officer of the discovery so that an evaluation of the discovery can be completed prior to continuing work.
- If human remains, funerary objects, or sacred objects are discovered inadvertently, the THPO, Tribal Bioarchaeologist, and the Seminole Police Department must be notified immediately by telephone and all further activity ceased. Additionally, a reasonable effort must be made to leave the discovery in place. Within 48 hours, the DOE Project Officer must also be informed.

Wetlands

- The Recipient is required to use silt fencing, as per the attached specifications found in the Environmental Compliance Review completed by the Tribe for award number DE-IE0000109, to prohibit sediment runoff into Waters of the U.S. from associated construction activities.
- The Recipient must ensure construction activities maintain a 200 foot set back from wet detention ponds and a 15 foot minimum to 25 foot average set back from wetlands.
- The Recipient is required to implement best management practices to minimize the adverse impacts of soil erosion and sedimentation to downstream water bodies. Construction sites must have maintenance areas established away from water bodies for activities which are capable of causing migration of pollutants. Examples of such activities are fuel and maintenance staging areas and mixing areas for pesticides, herbicides and fertilizers. Effective minimization and control of erosion surrounding water bodies must be ensured by scheduling grading and construction activities to minimize soil exposure, retaining existing vegetation when applicable, stabilization immediately following final grading (mulching, vegetating, and sodding), controlling runoff and erosion, installation of sediment traps (silt fences, turbidity curtains, perimeter dikes, and inlet protections), and regular inspections of the implemented control measures.

Wildlife

- The Recipient must ensure construction work is conducted during the non-nesting season to avoid disturbance to nesting caracaras. Suitable trees beneficial for nesting, such as cabbage palms, and other large trees for perching and roosting must be retained. Additional actions to minimize harmful effects may include: habitat enhancement, muffling of equipment, less intrusive construction methods, maintaining natural ground cover that may be used by fledglings, and other project-specific recommendations.
- The Recipient must plan conservation measures prior to commencing the defined project activities, and these measures must be included in the project designs because these project modifications can avoid formal consultation with U. S. Fish and Wildlife Service and expedite the project's completion.
- If construction must occur in the secondary zone during the nesting season, the Recipient must monitor the nest trees during construction activities. The monitoring will determine if project activities are disturbing the caracara. If the nesting caracaras are disturbed by the activities, the Recipient must contact the U. S. Fish and Wildlife Service to develop actions that minimize adverse effects and reduce the likelihood of incidental take.
- All personnel involved in the site preparation and construction must watch an informational video on T&E species within the reservation and carry species brochures with them while on the site.

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** _____ Date: 8/20/2021
NEPA Compliance Officer

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: _____ Date: _____
Field Office Manager