

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



RECIPIENT: Recipient: Wild Earth Society, dba Wildlands Network

STATE: NM

PROJECT TITLE : Testing Solar Energy Siting Guidelines for Mammals in High Desert Ecosystems

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002605-1540	DE-EE0010379	GFO-0010379-001	

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.)

A11 Technical advice and assistance to organizations

Technical advice and planning assistance to international, national, state, and local organizations.

B3.1 Site characterization and environmental monitoring

Site characterization and environmental monitoring (including, but not limited to, siting, construction, modification, operation, and dismantlement and removal or otherwise proper closure (such as of a well) of characterization and monitoring devices, and siting, construction, and associated operation of a small-scale laboratory building or renovation of a room in an existing building for sample analysis). Such activities would be designed in conformance with applicable requirements and use best management practices to limit the potential effects of any resultant ground disturbance. Covered activities include, but are not limited to, site characterization and environmental monitoring under CERCLA and RCRA. (This class of actions excludes activities in aquatic environments. See B3.16 of this appendix for such activities.) Specific activities include, but are not limited to: (a) Geological, geophysical (such as gravity, magnetic, electrical, seismic, radar, and temperature gradient), geochemical, and engineering surveys and mapping, and the establishment of survey marks. Seismic techniques would not include large-scale reflection or refraction testing; (b) Installation and operation of field instruments (such as stream-gauging stations or flow-measuring devices, telemetry systems, geochemical monitoring tools, and geophysical exploration tools); (c) Drilling of wells for sampling or monitoring of groundwater or the vadose (unsaturated) zone, well logging, and installation of water-level recording devices in wells; (d) Aquifer and underground reservoir response testing; (e) Installation and operation of ambient air monitoring equipment; (f) Sampling and characterization of water, soil, rock, or contaminants (such as drilling using truck- or mobile-scale equipment, and modification, use, and plugging of boreholes); (g) Sampling and characterization of water effluents, air emissions, or solid waste streams; (h) Installation and operation of meteorological towers and associated activities (such as assessment of potential wind energy resources); (i) Sampling of flora or fauna; and (j) Archeological, historic, and cultural resource identification in compliance with 36 CFR part 800 and 43 CFR part 7.

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide federal funding to the Wild Earth Society, dba Wildlands Network, to employ various survey methods in order to estimate the presence and space use of grassland and desert-grassland target species. This would be done with a focus on current and future Utility-Scale Solar Energy sites.

The proposed project would consist of three Budget Periods (BPs). In all three BPs, thirty pronghorn (*Antilocapra americana*) at both the North Project Area (NPA) and the South Project Area (SPA) would be collared (60 in total), and noninvasive surveys such as camera trapping, drone surveys, visual observation surveys, and sign (animal evidence, such as track or scat) transect surveys. In addition to surveying, a literature review would be carried out, outreach with community colleges would be established, and a website would be created.

Proposed sampling methods include the following:

- Pronghorn collaring:
 - o Helicopters would be used for capture with a net gun

- o Only adult female pronghorn would be captured
- o Pronghorn would be sedated, fitted with a GPS collar, given medical attention, and sufficient recovery time under the supervision of trained staff before release
- o Collars would have a programmed release date
- Camera trapping:
 - o Cameras would be deployed on naturally occurring structures like trees when possible, or on fencing t-posts if needed
 - o T-posts would be driven 6-12 inches into the ground
 - o The exact location is flexible in order to avoid areas with archeological value, animal burrows, Mesa Verde (*Sclerocactus mesae-verdae*) cacti, or other flora and fauna
- Drone surveillance:
 - o An unmanned aerial vehicle (UAV; “drone”) would be deployed to aerially assess study sites and record video and photographs
 - o Drones would be flown at a maximum height of 400 feet, for one hour every four months
- Visual surveys:
 - o Study sites would be visited by foot or by vehicle to determine pronghorn location
 - o Existing pathways would be used, and awardees would exclusively use existing roadways
- Sign transect surveys:
 - o Study sites would be visited to record the presence and number of tracks, scat, or other evidence as documented

All NPA sites would be located in northwest New Mexico, roughly near Kirtland and Shiprock, NM and Cortez, CO, near the San Juan Generation Station. All SPA sites would be located within eastern Arizona, on Navajo Nation land south of Lupton, AZ and north of AZ Hwy 61. The U.S. Fish and Wildlife Service Endangered Species Program website (IPaC) identifies several federally listed threatened or endangered species, including the Colorado Pikeminnow, Gray Wolf, Knowlton’s Cactus, Mancos Milk-Vetch, Mesa Verde Cactus, Mexican Spotted Owl, Mexican Wolf, Monarch Butterfly, New Mexico Meadow Jumping Mouse, Northern Mexican Gartersnake, Razorback Sucker, Southwestern Willow Flycatcher, Yellow-billed Cuckoo, Zuni Bluehead Sucker, and Zuni Fleabane are believed to occur in the project area. Bald Eagles in addition to fourteen migratory bird species of conservation concern, as identified in IPaC, may be present seasonally within the project areas. However, because equipment installations would be temporary, limited to standard types of noninvasive surveying tools, and result in negligible ground disturbance. DOE has determined that no adverse impacts to species of concern are to be expected as a result of the proposed activities at these locations.

Critical habitat of the Colorado Pikeminnow and Razorback sucker is believed to be within the project areas. However, because this project would not cause any disturbance to or affect any waterways, DOE has determined that no adverse impacts to species of concern are to be expected as a result of the proposed activities at these locations.

The proposed project would not involve the permanent modification of existing/planned facilities or any change in the use, mission, or operation of these facilities. 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.

Helicopters would only be flown at specific times to reduce stress to migratory birds and any other federally listed species. Pronghorn take would be carefully monitored in order to ensure no more than 10% fatality rate. Both drone and helicopter activity would follow the Federal Aviation Administration guidelines. Additionally, drones would be flown no more than 400 feet high, and time would be limited to one hour, four times a year. A half mile buffer zone would be created around Golden Eagle nests from January 1st until early March, and after March a buffer zone of a third of a mile would be maintained.

If during project work cultural or archaeological artifacts are encountered, the recipient shall stop the site-based activities immediately and inform the DOE Project Officer of the finding. A Class III: Intensive Cultural Resources Inventory shall be required prior to re-commencing project work.

NEPA PROVISION

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

If during project work cultural or archaeological artifacts are encountered, the recipient shall stop the site-based activities immediately and inform the DOE Project Officer of the finding. A Class III: Intensive Cultural Resources Inventory shall be required prior to re-commencing project work.

Notes:

Solar Energy Technologies Office (SETO)
NEPA review completed by Alex Colling on 3/20/2023.

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: Andrew Montano
NEPA Compliance Officer

Date: 4/5/2023

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: