

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



**RECIPIENT:** Leech Lake Band of Ojibwe

**STATE:** MN

**PROJECT TITLE :** Solar Energy Sustainability

<b>Funding Opportunity Announcement Number</b>	<b>Procurement Instrument Number</b>	<b>NEPA Control Number</b>	<b>CID Number</b>
DE-FOA-0002317	DE-IE0000155	GFO-0000155-001	GO155

**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 Leech Lake Band of Ojibwe (LLBO) to install roof-mounted solar photovoltaic (PV) systems and a ground-mounted solar PV system for the Leech Lake community in Cass and Itasca Counties, Minnesota. Additionally, a renewable energy curriculum would be created in coordination with the local high school and Leech Lake Tribal College to provide solar construction training and education.

Award activities include installing roof-top solar PV panels and battery storage on several existing community buildings (including the Leech Lake Red Cedar Assisted Living Center, the homeless shelter, the early childhood building, the justice center/workforce center, the tribal roads and construction facility, the Leech Lake Market, Cedar Lakes Casino, the school-age care center, and housing authority building) and a ground-mounted solar PV array would be installed at the Leech Lake Ball Club Orchard. The ground-mounted solar array would occupy approximately one acre or less, adjacent to an existing apple orchard. 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 Leech Lake Tribal Historic Preservation Officer (THPO) reviewed the proposed project and locations. The THPO determined, due to the location and age of the buildings and project activities, no effects to historic properties would occur from the roof-mounted solar arrays. The site for the ground-mounted array has been surveyed and no cultural resources were identified. The THPO determined no effect to historic places or cultural resources from the ground-mounted solar array. During project activities, if the recipient or staff encounter any cultural materials (i.e., historic or prehistoric), all activities would cease in the vicinity of the discovery immediately and the THPO and DOE would be contacted for guidance. The DOE agrees with the THPO's determinations.

The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) website identifies one candidate (Monarch Butterfly) and three threatened (Canada lynx, Gray wolf, and Northern long-eared bat) species that may occur in the proposed project areas. The proposed ground-mounted solar array would be located adjacent to a highway and apple orchard. No tree cutting or trimming would be required for the ground-mounted and roof-top solar array installations. Due to the lack of habitat and proximity to a highway, DOE has determined the proposed project would have no effect to threatened, endangered or candidate species in the area.

Minimal air emissions would occur during construction and installation activities 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. Any risks working associated with such hazards would be mitigated through established Tribal safety and construction protocols. The LLBO 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 any cultural resources, artifacts, or features are discovered during project activities, the Recipient will cease all work in the vicinity of the discovery. The Recipient will contact the DOE Project Officer and Tribal Historic Preservation Officer (THPO) for guidance. The Recipient will not resume work in the vicinity of the discovery until the THPO and DOE have evaluated the discovery and approved continuation of work.

Notes:

Office of Indian Energy Policy and Programs (IE)  
NEPA review completed by Amy Lukens, 9/27/2023.

## 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:

  
NEPA Compliance Officer

Date: 10/2/2023

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