

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



RECIPIENT: Batched Applicants with PV+BESS (Lac du Flambeau; Village of Viola; WHPC-Tanglewood) Wisconsin SEO **STATE:** WI

PROJECT TITLE: Wisconsin Energy Innovation Grant Program 2022

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
SEP-ALRD-2020	DE-EE0008669	GFO-0008669-033	

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 is proposing to provide funding to the Wisconsin Office of Energy Innovation for three separate projects. The first project proposes to install a 36 kW pole mounted dual axis tracker solar photovoltaic (PV) array and accompanying 132 kWh battery energy storage system (BESS) for the Lac du Flambeau Chippewa Housing Authority in the parking lot of the Elks Point West Apartments on the Lac du Flambeau Band of Lake Superior Chippewa Reservation. The second project proposes to install a 500-kW ground mounted solar PV system with a 440-kWh stand-alone BESS in Viola, WI. The third project proposes a 113-kW rooftop solar array and 75 kWh BESS at the Wisconsin Housing Preservation Corporation's Tanglewood Apartments in Kenosha, WI.

The PV installation on the Lac du Flambeau Reservation would include a single pole mounted system installed in the parking lot of a multifamily apartment building. This pole mounted system would be a carport mounting structure built on a base with 9'-13' pole mounting, to minimize ground disturbance. The battery storage would be installed in the utility room of the apartment building or outside adjacent to the building. Approximately 200' of underground conduit would connect the solar array to the building's meter on the southeast side of the building and connect the BESS to the solar array. A 6'x8' concrete pad would be placed next to the apartment building if the BESS were to be installed outside the building.

The U.S. Fish and Wildlife Service's Information for Planning and Consultation (IPaC) website identifies four mammals (Canada Lynx, Gray Wolf, Northern Long-eared Bat, and Tricolored Bat), one bird (Whooping Crane), one insect (Monarch Butterfly), and four migratory birds (Bald Eagle, Evening Grosbeak, Olive-sided Flycatcher, and Wood Thrush), that may occur in the project area. Both the Canada Lynx and Grey Wolf preferred habitat include boreal forests and temperate forests respectively, which occur at the project site. However, the installation would not disturb their habitat, and this is an area where human interaction would already be occurring. No trees would be removed at the project site for either the Northern Long-eared Bat or the Tricolored Bat. The Whooping crane is designated as non-essential populations in Wisconsin and consultation is only required if the proposed project occurs within a National Wildlife Refuge or National Parks; the project would not occur within those land designations. The Monarch Butterfly prefers woodland edges where milkweeds are prevalent. Although these environments may be in close proximity to the project site, the installation would not disturb their habitat. Because of the nature and location of the project (i.e. installation of equipment on regularly disturbed ground from use as a parking lot) it is unlikely that any of the species of concern would be present in the project area. Additionally, the proposed project site is outside of the critical habitat of all listed species. Accordingly, DOE has determined there would be no effect on federally listed threatened or endangered species. Further, DOE does not anticipate adverse impacts to migratory bird species.

DOE consulted with the Tribal Historic Preservation Officer (THPO). The THPO stated that the proposed project area had already been surveyed and no historic resources were identified.

A proposed 500 kW solar PV installation in a field next to the Kickapoo High School in Viola, WI would include 924 solar panels with ground mount racking, a 500 kVa transformer and a 440-kWh battery storage system in a weatherproof container adjacent to the PV array. Trenching approximately 800 feet for the electrical wire from the mainline at the Kickapoo High School to the battery and inverters would also be required.

The U.S. Fish and Wildlife Service's Information for Planning and Consultation (IPaC) website identifies two mammals (Northern Long-eared Bat, and Tricolored Bat), one bird (Whooping Crane), one insect (Monarch Butterfly), one flowering plant (Northern Wild Monkshood) and eight migratory birds (Bald Eagle, Black-billed Cuckoo, Bobolink, Chimney Swift, Eastern Whip-poor-will, Lesser Yellowlegs, Red-headed Woodpecker, and Wood Thrush), that may occur in the project area. No trees would be removed at the project site for either the Northern Long-eared Bat or the Tricolored Bat. The Whooping crane is designated as non-essential populations in Wisconsin and consultation is only required if the proposed project occurs within a National Wildlife Refuge or National Parks; the project would not occur within those land designations. The Monarch Butterfly prefers woodland edges where milkweeds are prevalent. Although this environment may be in close proximity to the project site, they do not occur where the installation would occur. The Northern Wild Monkshood grows in areas that have cool soil conditions, cold air drainage or cold groundwater flowage, which do not occur at the farmed project site. Because of the nature and location of the project (i.e. installation of equipment on regularly disturbed ground from planting and harvesting crops and trenching adjacent to roadways that are also disturbed areas) it is unlikely that any of the species of concern would be present in the project area. Additionally, the proposed project site is outside of the critical habitat of all listed species. Accordingly, DOE has determined there would be no effect on federally listed threatened or endangered species. Further, DOE does not anticipate adverse impacts to migratory bird species.

The project would convert approximately 1.25 acres of farmland of statewide importance to non-agricultural use, so a Farmland Conversion Impact Rating form (AD-1006) was used to determine the impact of the conversion. The relative value of the farmland was rated at 80. Sites receiving a total score of less than 160 need not be given further consideration for protection and no additional sites need to be evaluated. Based on the AD-1006 rating, no further consideration for the protection of Prime Farmland is required.

The State Historic Preservation Officer (SHPO) has required an archeological survey prior to initiating any ground disturbing work on this project.

The third project proposes the installation of a 113-kW rooftop solar array and 75 kWh BESS at Wisconsin Housing Preservation Corp.'s (WHPC) Tanglewood Apartments. The BESS would be installed inside the apartment building in a climate-controlled environment. No ground disturbance would be required for the PV installation or the BESS.

The recipient is working directly with their (SHPO) to ensure protection of cultural resources on non-tribal lands during the course of all projects, per their historic preservation programmatic agreement with DOE and the Wisconsin SHPO.

Installation of the proposed project may involve the use of heavy equipment and working with electricity. Potential hazards would be mitigated through adherence to established institutional health and safety policies and procedures. The sub-recipient and their partners would adhere to all applicable federal, state, and local health, safety, and environmental regulations. DOE does not anticipate any impacts to resources of concern due to the proposed activities of the project.

Any changes to the project activities or locations are subject to additional NEPA review by DOE and are not authorized for federal funding unless and until the Contracting Officer provides written authorization on those additions or modifications.

NEPA PROVISION

DOE has made a final NEPA determination.

Notes:

Office of State and Community Energy Programs – State Energy Programs
(State Energy Program Transformation & Planning)
This NEPA Determination requires legal review of the tailored NEPA provision.
NEPA review completed by Diana Heyder, 10/23/23

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: 10/25/2023

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: _____