

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



RECIPIENT: Tule River Economic Development Corporation

STATE: CA

PROJECT TITLE: TRT Solar Systems

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002774	DE-IE0000183	GFO-0000183-001	GO183

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 Tule River Economic Development Corporation (TREDC) to install four solar arrays on Tule River Tribal buildings and facilities located in the towns of Porterville, Tipton and Avenal, California.

The award activities would include roof-mounted solar PV installations and invertors installed on the TREDC Administration Office and Warehouse at 31071 Highway 190 in Porterville, and a commercial agriculture structure located at 645 Hamlin Road in Tipton. Ground-mounted solar PV arrays and invertors are proposed at Eagle Feather Trading Post 1 (Porterville location, co-located at 3107 Highway 190) and Eagle Feather Trading Post 2 (Avenal location, 40103 Highway 33). All structures and areas involved in this proposed project are owned by the Tule River Tribe. Eagle Feathers Trading Post 1 and the TREDC Administration Office and Warehouse are located on Tribal Trust land. Eagle Feathers Trading Post 2 and 645 Hamlin Road are located on private property.

None of the proposed buildings or locations are listed on the National Register of Historic Places (NRHP) or located within historic districts. The TREDC Administrative Office and Warehouse building was constructed in 2012. The commercial agricultural structure in Tipton is an open-sided building that previously housed a cotton gin. The Tribe estimates it was constructed in the 1970s. DOE determined the structure does not meet the NRHP eligibility requirements and the addition of solar panels would have no adverse effect to historic properties. The California Office of Historic Preservation concurred with DOE's determination in a letter dated October 24, 2023.

Eagle Feather Trading Post 1 was constructed in 2009. All ground-mounted solar panels and supporting infrastructure would be installed on an area previously disturbed by the construction of the trading post, TREDC facilities, and adjacent septic disposal lines. A cultural survey was conducted in the Spring of 2023 to identify known and unknown archaeological sites within the 30-acre Tribal Trust parcel which hosts the Eagle Feather Trading Post 1 and the TREDC Administration Office and Warehouse. This survey covers the area where the proposed ground-mounted solar array and supporting infrastructure would be located. No resources were identified within the vicinity of the proposed solar array project.

Eagle Feather Trading Post 2 was originally "Reef City" gas station, built around 1985. The existing structure was built in the 1990s. All ground-mounted solar panels and supporting infrastructure would be installed on an area currently used as a laydown area for pipes and semi-truck parking. The area is covered with gravel and is directly adjacent to the septic system lines. As this area has been in use and disturbed since the 1980s, no cultural resources impacts are anticipated by the proposed project.

The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) website identifies five endangered species (Fisher, San Joaquin Kit Fox, California Condor, Southwestern Willow Flycatcher, and Keck's Checker-mallow plant), one proposed endangered species (Foothill Yellow-legged Frog), one threatened species (San Joaquin Adobe Sunburst plant), and one candidate species (Monarch Butterfly) which may occur in the proposed ground-array location at the Eagle Feathers Trading Post 1 project area. No critical habitats are identified within the proposed project area. The proposed area is not forested or near a water source or wetland. Therefore, the Fisher, Southwestern Willow Flycatcher, and Foothill Yellow-legged Frog would not inhabit the project area. Fisher prefer forested areas and the other species require moist riparian environments. The California Condor nests in cliffsides and roosts in snags along grasslands. The proposed project site is not near nesting habitat and would not impact roosting or foraging as the solar locations are adjacent to existing development and there are no snags in the vicinity. San Joaquin Kit Fox typically inhabit valley grasslands and woodlands along the foothills. Kit Fox inhabit underground dens and occasionally use pipes and culverts for dens. Kit Fox would not be impacted by the proposed project as current land uses prevent habitation of the project site. Once constructed, the operation of the solar array would not impact foraging or denning in the vicinity. The area where the solar array would be located is mowed monthly and sprayed for weeds, Keck's Checker-mallow and the San Joaquin Adobe Sunburst would not inhabit the maintained footprint. Furthermore, a botanical survey of the 30-acre Tribal Trust parcel was conducted in March and April of 2023. No threatened or endangered plant species were identified. No effects to rare, threatened, and endangered species are anticipated from this project.

The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) website identifies eight endangered species (Buena Vista Lake Ornate Shrew, Giant Kangaroo Rat, San Joaquin Kit Fox, Tipton Kangaroo Rat, California Condor, Blunt-nosed Leopard Lizard, California Jewelflower, and San Joaquin Woolly-threads), two threatened species (California Tiger Salamander, Vernal Pool Fairy Shrimp), and one candidate species (Monarch Butterfly) which may occur in the proposed ground-array location at the Eagle Feathers 2 Trading Post project area. No critical habitats are identified within the proposed project area. The proposed project site is used as a laydown area for pipes and semi-truck parking behind a gas station on the corner of a 4-way intersection. It has no vegetation cover and is not near a water source. Therefore, the Buena Vista Lake Ornate Shrew, Giant Kangaroo Rat, San Joaquin Kit Fox, Tipton Kangaroo Rat, and Blunt-nosed Leopard Lizard would not inhabit the project area. The Buena Vista Lake Ornate Shrew requires dense vegetation cover and moist soils. The Giant Kangaroo Rat and the San Joaquin Kit Fox inhabit grasslands, and no such habitat exists within the project area. The Tipton Kangaroo Rat inhabits grasslands, deserts, and rural ecosystems and can be found in burrows along roads and fence lines. Blunt-nosed Leopard Lizards inhabit the San Joaquin Valley in very small, undeveloped arid areas, frequently utilize kangaroo rat burrows for dens. Due to the current disruptive land use of the site, the Tipton Kangaroo Rats and Blunt-nosed Leopard Lizards would not be able to inhabit the project site. The California Jewelflower and San Joaquin Woolly-threads would not be affected as both species inhabit grasslands and scrublands above 200 feet in elevation. The project site is below 200 feet in elevation and is regularly disturbed as part of its current land use. The California Condor nests in cliffsides and roosts in snags along grasslands. The proposed project site is not near nesting habitat and would not impact roosting or foraging. California Tiger Salamanders and Vernal Pool Fairy Shrimp require aquatic habitats for part or all of their life cycles. The proposed project is not near a water source. No effects to rare, threatened, and endangered species are anticipated from this project.

Minimal air emissions would occur from the use of small-scale construction equipment and vehicles during construction, installation, and trenching activities. 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 in the heat, and working with electricity. Any risks working with hazards would be mitigated through established Tribal safety and construction protocols. TREDG 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 during project activities the Recipient or their contractors encounter any cultural materials (i.e. historic or prehistoric), all activities must cease in the vicinity of the discovery immediately. The Recipient must inform the DOE Project Officer of the discovery so that an evaluation of the discovery can be completed prior to continuing work.

Notes:

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:  _____ Date: 10/27/2023
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