

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



RECIPIENT: The Navajo Nation Tribal Government - Ojo Encino Chapter

STATE: NM

PROJECT TITLE: Ojo Encino Shaandiin Solar Project

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-00002774	DE-IE0000181	GFO-0000181-001	GO181

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:

- |  |  |
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| <b>A9 Information gathering, analysis, and dissemination</b> | 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.) |
| <b>B5.16 Solar photovoltaic systems</b>                      | 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 Navajo Nation Tribal Government - Ojo Encino Chapter to design, procure, and install 50 grid-tied solar photovoltaic (PV) systems at 50 Tribal residences of the Ojo Encino Chapter of the Navajo Nation in Northwest New Mexico.

Award activities would consist of hiring staff, site visits, conducting workshops, and construction. Construction activities would include trenching and installation of conduit, wires, panels, net meters, and infrastructure (earth screws, concrete piers, trenching, feeder wires, PV panels) for the new solar PV systems. All award activities would occur on Ojo Encino Chapter Tribal land (Ojo Encino, NM).

The proposed award activities, including ground disturbing activities described above, would occur within areas already graded and permitted for construction, with existing homes that have already been built. All homes were constructed within the homeowner's homesite lease which was approved by the Navajo Nation's Land Office and Tribal Historic Preservation Officer. All leases have been cleared for biological and cultural resources. No effects are anticipated for any biological or cultural resources from construction activities within homesite leases.

Construction and installation activities would occur adjacent to existing houses, within the homesite leases. An outdoor area of approximately 20x20 feet would be cleared within the permitted homesite lease at each residence in order to install a concrete slab and 12 solar PV panels, 300ft of metal piping, 12 microinverters, 100ft of PVC electrical conduit, 200ft of wiring, and 400ft of metal fencing. Earth screws of 5 inches (in) in diameter and up to 6ft long and concrete piers of up to 5ft deep and 12(in) in diameter would be used to anchor the PV system. Trenching would be 24in deep by 10in wide, with a maximum length of 10ft.

DOE will require the following as part of best management practices for the project: 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 Tribal Historic Preservation Officer and the DOE Project Officer of the discovery so that an evaluation of the discovery can be completed prior to continuing work.

Award activities would involve exposure to hazards including construction equipment and electricity. Established tribal health and safety policies and procedures would be followed to mitigate against potential risks. Existing tribal and government health, safety, and environmental policies and procedures would be followed at all times, including personnel training, use of proper personal protective equipment (PPE), engineering controls, monitoring, and

assessments. DOE does not anticipate any impacts to resources of concern due to the proposed activities of this award.

## 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 Tribal Historic Preservation Officer and DOE Project Officer of the discovery so that an evaluation of the discovery can be completed prior to continuing work.

Notes:

Office of Indian Energy (OIE)

This NEPA Determination requires legal review of the tailored NEPA provision.

Review completed by Alex Colling on 11/08/2023.

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



Casey Strickland

NEPA Compliance Officer

Date: 11/9/2023

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