

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



RECIPIENT: Muscogee (Creek) Nation

STATE: OK

PROJECT TITLE : MCN Okemah Community Hospital Clean Energy Project

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002975	DE-IE0000195	GFO-0000195-001	GO195

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 Muscogee (Creek) Nation to install a 924-kilowatt ground mounted solar photovoltaic (PV) system, at the Okemah Indian Health Center in Okemah, Oklahoma.

Award activities include installing 1,824 ground mounted solar PV panels at the Okemah Indian Health Center, covering approximately 2 acres of ground, and supporting project management, and electrical work. All ground disturbance would be on a previous disturbance, where a geothermal field was installed.

The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) website identifies three threatened species (Piping Plover, Rufa Red Knot, American Burying Beetle), one candidate species (Monarch Butterfly), and two proposed threatened (Tricolored Bat and Alligator Snapping Turtle) which may occur in the proposed project area. The project areas are previously disturbed, and no critical habitats are identified within the area. The Piping Plover and Rufa Red Knots are typically shore birds during nesting and migration, stop over areas are generally areas with water features, and free from excessive human disturbance, these habitats are not present in the project area. Suitable habitat for the American Burying Beetle is not present as the project area has been previously disturbed. Therefore, the Piping Plover, Rufa Red Knot, and American Burying Beetle would not be present or impacted by the proposed action. Furthermore, Alligator Snapping Turtles are almost exclusively aquatic. No water features or aquatic riparian areas would be impacted by this project. The Tricolored Bat primarily inhabits dead leaf clusters of live or recently dead deciduous hardwood trees. The proposed project area does not include trees, or removal of trees. Therefore, these species would not be impacted by the proposed action. DOE has determined no effect to special status species.

This project would be placed on previously disturbed tribal lands and will be coordinated with the Muscogee (Creek) Nation's Tribal Historic Preservation Office.

Project activities would involve hazards associated with working with electricity. Any risks or hazards would be mitigated through established Tribal safety and construction protocols. The Muscogee (Creek) Nation 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.

Notes:

Office of Indian Energy Policy and Programs (IE)
NEPA review completed by Dustin Hill, 11/29/2023.

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:  _____ Date: 12/11/2023
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