

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



RECIPIENT: Oglala Lakota Housing Authority

STATE: SD

PROJECT TITLE: Oglala Omaste Nunpa

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002774	DE-IE0000172	GFO-0000172-001	GO172

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 Oglala Lakota Housing Authority (OLHA) to install grid-tied solar photovoltaic (PV) systems at 28 buildings on the Pine Ridge Reservation. System installation would be performed by GRID Alternatives. At least three Oglala Sioux Tribal members would be identified to participate in a paid training program during the installations and receive hands-on experience.

Proposed award activities would include installation of rooftop-mounted PV solar panels on 13 units newly built under the Housing and Urban Development Veterans Affairs Supportive Housing (HUD-VASH) program, 12 renovated USDA housing units (the Governor's Houses), and two OLHA maintenance buildings. Award activities would also include installation of a ground-mounted PV solar array at the Cohen Home, which provides housing for elderly and disabled tenants. Activities associated with the construction and/or renovation of buildings prior to installation of the proposed solar PV systems are not part of this award.

The ground-mounted solar array at the Cohen Home would occupy approximately 3200 square feet, which includes the footprint of the panels and aisles between the two rows of panels and between the panels and fencing around the array. Ground disturbance would include array foundation installation, 100-150 linear feet of trenching for below-ground electrical lines from the array to the point of interconnection, and fence footings to enclose the array. The proposed installation location is a previously disturbed dirt lot, with little to no vegetation present. Access for array installation and maintenance would be via an existing gravel road.

The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) website identifies one candidate (Monarch Butterfly), two threatened (Rufa Red Knot, Western Prairie Fringed Orchid), one proposed endangered (Tricolored Bat), and one endangered (Northern Long-eared Bat) species that may occur in the proposed project area. No critical habitats are identified within the proposed project area. The ground-mounted solar array would be located next to an existing building in a vacant lot with sparse vegetation. No tree cutting or trimming would be required for the ground-mounted solar array or rooftop-mounted PV systems. Due to the lack of substantial vegetation and riparian/wetland and forested ecosystems in the area, the proposed installation locations would not provide suitable habitat for these species. DOE has determined the proposed project would have no effect on threatened, endangered, or candidate species or critical habitat.

A Class III Surface Reconnaissance Survey was conducted by the OLHA Environmental Compliance Department archaeologist for the proposed project area in January 2024. The Bureau of Indian Affairs Great Plains Regional Office reached a determination of no historic properties affected for the project based on the findings and recommendations

in the survey report. The Oglala Sioux Tribal Historic Preservation Officer (THPO) concurred with the determination, with stipulations. DOE agrees with the THPO and will require the following for the project: 1) If historic properties are discovered or unanticipated effects on historic properties are found, the project shall cease all work and avoid, minimize, or mitigate the adverse effects to such properties and notify the THPO within 48 hours of discovery; 2) Any changes in the location or nature of project activities will require the submission of additional documentation for review. The recipient must inform the THPO and the DOE Project Officer of any discoveries or changes to project activities so that an evaluation can be completed prior to continuing work.

Minimal air emissions would occur during system installations from the use of small generators and vehicles. Project activities would involve hazards associated with routine construction activities, working with electricity, handling of lithium batteries, and use of solvents, cement, and fuels. Any risks working with hazards or associated with the handling, storage, use, and disposal of hazardous materials would be mitigated through established Tribal safety and construction protocols. OLHA and GRID Alternatives would observe all applicable health, safety, and environmental regulations. DOE does not anticipate any impacts to resources of concern due to the proposed project activities.

## NEPA PROVISION

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

1) If historic properties are discovered or unanticipated effects on historic properties are found, the Recipient shall cease all work and avoid, minimize, or mitigate the adverse effects to such properties and notify the Tribal Historic Preservation Officer (THPO) within 48 hours of discovery.

2) Any changes in the location or nature of project activities will require the submission of additional documentation for review. The Recipient must inform the THPO and the DOE Project Officer of any discoveries or changes to project activities so that an evaluation can be completed prior to continuing work.

Notes:

Office of Indian Energy Policy and Programs (OIE)

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

NEPA review completed by Melissa Parker, 02/01/24

## 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: 2/2/2024

**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: \_\_\_\_\_