

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



RECIPIENT: Standing Rock Sioux Tribe

STATE: ND

PROJECT TITLE : Prairie Knights Community-Scale Single Wind Turbine Project

Funding Opportunity Announcement Number DE-FOA-0002774	Procurement Instrument Number DE-IE0000184	NEPA Control Number GFO-0000184-001	CID Number GO184
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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.)

B3.1 Site characterization and environmental monitoring

Site characterization and environmental monitoring (including, but not limited to, siting, construction, modification, operation, and dismantlement and removal or otherwise proper closure (such as of a well) of characterization and monitoring devices, and siting, construction, and associated operation of a small-scale laboratory building or renovation of a room in an existing building for sample analysis). Such activities would be designed in conformance with applicable requirements and use best management practices to limit the potential effects of any resultant ground disturbance. Covered activities include, but are not limited to, site characterization and environmental monitoring under CERCLA and RCRA. (This class of actions excludes activities in aquatic environments. See B3.16 of this appendix for such activities.) Specific activities include, but are not limited to: (a) Geological, geophysical (such as gravity, magnetic, electrical, seismic, radar, and temperature gradient), geochemical, and engineering surveys and mapping, and the establishment of survey marks. Seismic techniques would not include large-scale reflection or refraction testing; (b) Installation and operation of field instruments (such as stream-gauging stations or flow-measuring devices, telemetry systems, geochemical monitoring tools, and geophysical exploration tools); (c) Drilling of wells for sampling or monitoring of groundwater or the vadose (unsaturated) zone, well logging, and installation of water-level recording devices in wells; (d) Aquifer and underground reservoir response testing; (e) Installation and operation of ambient air monitoring equipment; (f) Sampling and characterization of water, soil, rock, or contaminants (such as drilling using truck- or mobile-scale equipment, and modification, use, and plugging of boreholes); (g) Sampling and characterization of water effluents, air emissions, or solid waste streams; (h) Installation and operation of meteorological towers and associated activities (such as assessment of potential wind energy resources); i) Sampling of flora or fauna; and (j) Archeological, historic, and cultural resource identification in compliance with 36 CFR part 800 and 43 CFR part 7.

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide funding to the Standing Rock Sioux Tribe to design, procure and construct a 1.7MW wind turbine adjacent to the Prairie Knights Resort, on federal trust land, north of Fort Yates, North Dakota.

This NEPA Determination (ND) only applies to activities identified in Task 0, Subtasks 1.1.1 and 1.1.2 of Task 1.1, and Subtasks 1.2.1, 1.2.2, and 1.2.4 of Task 1.2 of the Statement of Project Objectives. It does not apply to any other activities or tasks. All other tasks and activities are dependent on the outcome of the tasks and subtasks reviewed in this ND and will require additional NEPA review.

Task 0, Subtasks 1.1.1 and 1.1.2 of Task 1.1, and Subtasks 1.2.1, 1.2.2, and 1.2.4 of Task 1.2 include administrative, desktop, and field survey activities such as, project management, stakeholder engagement, data collection, biological and cultural surveys, monitoring, and research, geotechnical surveys, and consultations with agencies and stakeholders.

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 Office (THPO) and

DOE Project Officer of the discovery so that an evaluation of the discovery can be completed prior to continuing work.

Minimal air emissions may result from the use of vehicles and geotechnical equipment during field surveys. However, significant air impacts are not anticipated as emissions would be temporary and intermittent. Hazards associated with geotechnical and field surveys include use of machinery and large equipment, exposure to weather, and traversing unlevel ground. Employee training, proper protective equipment, and internal safety reviews and assessments would be utilized to mitigate hazards. Existing Tribal and corporate health, safety, and environmental policies and procedures would be followed for all tasks. The Tribe 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 conditional NEPA determination.

The NEPA Determination applies to the following Topic Areas, Budget Periods, and/or tasks:

Task 0: Project Management & Planning,
Task 1.1 Subtask 1.1.1: Requirement gathering and design,
Task 1.1 Subtask 1.1.2: Perform geotechnical investigation and environmental studies,
Task 1.2 Subtask 1.2.1: File notice of construction with FAA,
Task 1.2 Subtask 1.2.2: Cultural due diligence, and
Task 1.2 Subtask 1.2.4: Environmental due diligence and permit.

The NEPA Determination does not apply to the following Topic Area, Budget Periods, and/or tasks:

Task 1.1 Subtasks 1.1.3 through 1.1.8,
Task 1.2 Subtasks 1.2.3 and 1.2.5 through 1.2.7,
Tasks 1.3 through 3.5 (including all Subtasks).

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 Office (THPO) 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 Amy Lukens on 02/14/2024.

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.

A portion of the proposed action is categorically excluded from further NEPA review. The NEPA Provision identifies Topic Areas, Budget Periods, tasks, and/or subtasks that are subject to additional NEPA review.

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature:  **Electronically Signed By: Casey Strickland** _____ Date: 2/15/2024
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