

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



RECIPIENT: [Town of Wardensville](#)

STATE: [WV](#)

PROJECT TITLE: [Town of Wardensville Photovoltaic Solar Field](#)

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
<a href="#">N/A</a>	<a href="#">DE-EE0010815</a>	<a href="#">GFO-0010815-001</a>	

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:

<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 administer Congressionally Directed Spending to the Town of Wardensville, WV, to provide a solar photovoltaic (PV) power system for the Wastewater Treatment Plant, Community Center and Water Plant owned and managed by the Town of Wardensville. With the proposed Wardensville Solar Field (WPSF) project, the Wardensville Town Council is seeking transition to a greener alternative for electrical consumption.

Award activities would include site work prep, trenching, survey work, engineering, construction, fencing, a transformer upgrade, and a three-phase electrical tie in with the wastewater treatment plant, and any required permitting for the installation of the ground mounted PV. The PV would be constructed behind the Town Garage and to the left of the sewer lagoon on level ground that is outside of the 100-year flood plain. The Maintenance Garage would need to have its electric service upgraded to a three-phase system to better accommodate the production of electricity from the proposed PV system. Ground disturbance (trenching) would also need to occur for the installation of a new three-phase power line that would be installed from the ground mounted PV system. Additionally, existing vegetation between the garage and the sewer plant would also need to be removed so that the PV system can be installed in this location. The area of ground disturbance would be about 1 to 1.25 acres of land.

All project activities would be completed in previously disturbed areas. Non-hazardous waste generated by the project could be packaging materials that may be able to be recycled. Packaging that cannot be recycled would go to the landfill. Trees removed during the prepping of the land would be sold for timber (if timber grade) or used for landscaping. Large tree trunks would be used to line the roadway/shoulder area on sewer lagoon property. Individuals working on this project could be exposed to physical hazards. Existing corporate health and safety policies and procedures would be followed including employee training, proper protective equipment, engineering controls, and monitoring. Additional policies and procedures would be implemented as necessary if new health and safety risks are identified. All potentially hazardous materials would be collected and identified for proper disposal.

The Town of Wardensville has been in contact with the Hardy County Planning Office to obtain the Improvement Location Permit. A Construction Storm Water Permit may be needed from the West Virginia Department of Environmental Protection Office. The Town of Wardensville is currently in the process of applying to First Energy/Potomac Edison for service for the three-phase line connection.

A bat survey shall be conducted no more than seven (7) days prior to any ground-disturbing activities occurring between March 31 and November 15. If bat activity is found, an appropriate spatial buffer would need to be applied

per U.S. Fish and Wildlife Service or West Virginia Department of Natural Resources guidelines. A migratory bird nesting survey would also need to be conducted no more than seven (7) days prior to ground-disturbing activities occurring between March 15 and September 15. If active nests or eggs are found, an appropriate spatial buffer would need to be applied per USFWS guidelines.

If the recipient or other project participants encounter cultural or archaeological artifacts during project activities, all activities must immediately cease in the vicinity of the discovery. The recipient must notify the DOE Project Officer and the West Virginia State Historic Preservation Office of the discovery within forty-eight hours of the discovery. Project activities in the vicinity of the discovery must cease until an evaluation of the discovery is completed by the appropriate officials and the DOE Contracting Officer provides written authorization to resume the activities. If the recipient seeks to relocate the affected work to another nearby site, the recipient must first obtain written authorization from the DOE Contracting Officer.

DOE has considered the scale, duration, and nature of proposed activities to determine potential impacts on resources, including those of an ecological, historical, cultural, and socioeconomic nature. DOE does not anticipate impacts on these resources which would be considered significant or require DOE to consult with other agencies or stakeholders.

## **NEPA PROVISION**

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

A bat survey shall be conducted no more than seven (7) days prior to any ground-disturbing activities occurring between March 31 and November 15. If bat activity is found, an appropriate spatial buffer would need to be applied per U.S. Fish and Wildlife Service or West Virginia Department of Natural Resources guidelines. A migratory bird nesting survey would also need to be conducted no more than seven (7) days prior to ground-disturbing activities occurring between March 15 and September 15. If active nests or eggs are found, an appropriate spatial buffer would need to be applied per USFWS guidelines.

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Notes:

Solar Energy Technology Office

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

NEPA review completed by Meagan Jacobsen on 05/31/2024.

## **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.

The proposed action is categorically excluded from further NEPA review.

**SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.**

NEPA Compliance Officer Signature:  **Electronically Signed By: Andrew Montano** \_\_\_\_\_ Date: 6/10/2024  
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