

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



RECIPIENT: Northern Cheyenne Tribe

STATE: MT

PROJECT TITLE : White River Community Solar on the Northern Cheyenne Reservation

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002032	DE-IE0000122	GFO-0000122-003	GO122

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.)

B3.6 Small-scale research and development, laboratory operations, and pilot projects

Siting, construction, modification, operation, and decommissioning of facilities for smallscale research and development projects; conventional laboratory operations (such as preparation of chemical standards and sample analysis); and small-scale pilot projects (generally less than 2 years) frequently conducted to verify a concept before demonstration actions, provided that construction or modification would be within or contiguous to a previously disturbed or developed area (where active utilities and currently used roads are readily accessible). Not included in this category are demonstration actions, meaning actions that are undertaken at a scale to show whether a technology would be viable on a larger scale and suitable for commercial deployment.

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide funding to the Northern Cheyenne Tribe (NCT) for the installation of 53 net-metered residential solar photovoltaic (PV) systems totaling approximately 845 kilowatts (kW) and 3 behind the meter solar systems on tribal facilities totaling 150 kW for a combined 995 kW.

This project (award number DE-IE0000122) received a conditional NEPA determination (ND) (GFO-0010169-001; CX A9) in August of 2019, which only applied to Task 1 of the statement of project objectives (SOPO) and a Final ND (GFO-0000122-002; CX A9 and B5.16) in April of 2022, which applied to Tasks 1 through 4, for the installation of PV systems at 15 residential locations, and 3 facilities. NCT has since changed scope by adding an additional 53 residential PV installation locations, totaling 68. The 15 locations included in Final ND (GFO-0000122-002) have been completed.

Project activities for this ND would occur on the Northern Cheyenne Tribe Reservation. The three tribal facility installations would occur at the Northern Cheyenne Tribal School, Northern Cheyenne Head Start, and the Busby Water Pump House. Residential installations would occur in Lame Deer, Busby, Ashland, Muddy Creek, and Muddy Cluster, Montana.

Associated project activities include solar program design and management; technical training partnerships, orientation workshop and solar installation training; construction and commissioning; and performance measurement verification. The electrical substation in Busby, MT would be upgraded to accommodate this project and potential future development. All PV systems would be installed on rooftops or ground mounted near existing buildings, within previously developed areas. Ground disturbance would be required for minimal leveling work, driving piles for ground racking, and trenching for running conduit at approximately 28 ground mounted locations, totaling approximately 70 acres of disturbance. Each ground mounted would be 15 kW; improvements in module capacity increased each site to 15 kW (from the previous planned 10 kW systems) without increasing the system footprint. The remaining 25 installations would be 8 kW roof mounted systems.

NCT worked directly with their respective Tribal Historic Preservation Officer (THPO) to ensure protection of cultural and historic resources during project activities. The THPO reviewed the proposed project activities and site locations and based on the information reviewed anticipated that no cultural resources should be adversely affected by the proposed undertaking and has made a formal determination of 'No Historic Properties' for this project undertaking.

DOE is in agreement with the THPO.

Minimal air emissions may result from the use of equipment during construction of the system. However, significant air impacts are not anticipated as emissions would be temporary and intermittent. Project activities would involve hazards associated with construction activities and working with electricity. Any risks working with hazards would be mitigated through established Tribal safety and construction protocols. NCT 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.

DOE has considered the scale, duration, and nature of the proposed activities to determine potential impacts on sensitive resources, including those of an ecological, historical, cultural, and socioeconomic nature. DOE found no effects would be expected as a result of the proposed project activities.

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 staff encounters any cultural materials (i.e. historic or prehistoric), all activities must cease in the vicinity of the discovery immediately. The recipient must inform the THPO and the 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 Policy and Programs (IE)
This NEPA determination requires legal review of the tailored NEPA provision.
NEPA review completed by Dustin Hill, 6/25/2024.

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:



Andrew Montano

NEPA Compliance Officer

Date: **6/26/2024**

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: _____