

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



RECIPIENT: Penobscot Indian Nation

STATE: ME

PROJECT TITLE : Penobscot Indian Nation Community Solar Hub and Infrastructure

| | | | |
|--|--------------------------------------|----------------------------|-------------------|
| Funding Opportunity Announcement Number | Procurement Instrument Number | NEPA Control Number | CID Number |
| DE-FOA-0002975 | DE-IE0000198 | GFO-0000198-001 | GO198 |

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 Penobscot Indian Nation to install rooftop solar photovoltaic (PV) panels within the community of Indian Island, Maine.

The roof top solar arrays would be installed across three Tribal buildings, including the health center, community center, and the SalmGen Aquatic Culture facility (scheduled to be constructed in 2025). Rooftop arrays would be connected via trenched conduit to a new pedestal area at the community center which would host a 1,000-kilowatt (kW) transformer and meter. All award activities would take place on Tribal lands.

The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) website identifies two endangered species (Atlantic Salmon and Northern Long-eared Bat), one proposed endangered species (Tricolored Bat), one candidate species (Monarch Butterfly), and one critical habitat (Atlantic Salmon) within the proposed project area. The solar arrays would be roof-mounted, and the trenching would occur along existing roadways and paths. No tree cutting or trimming would be required. No suitable habitats would be impacted. DOE has determined the proposed project would have no effect to threatened, endangered or candidate species in the area.

DOE consulted with the Penobscot Nation's Tribal Historic Preservation Officer (THPO) and agrees with the THPO's determination that the project would have no negative impacts to structures or sites of historic, architectural, or archaeological significance. DOE would require the following as a best management practice for the project: If the recipient or their staff encounter any cultural materials (i.e. historic or prehistoric) during project activities, 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.

Minimal air emissions would occur during construction from the use of small-scale construction equipment and vehicles. Significant air impacts are not anticipated as construction equipment and vehicle use would be temporary and intermittent. Project activities would involve hazards associated with routine construction activities, working at elevated heights, operating heavy machinery, and working with electricity. Any risks working with hazards would be mitigated through established Tribal safety and construction protocols. The Penobscot Indian Nation would observe all applicable health, safety, and environmental regulations. DOE does not anticipate any impacts to other resources of concern from the proposed activities of the project.

NEPA PROVISION

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

If the recipient or their staff encounter any cultural materials (i.e. historic or prehistoric) during project activities, 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 (OIE)
NEPA review completed by Amy Lukens, 6/26/2024.

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

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: