

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



**RECIPIENT:** Nebraska Department of Environment and Energy

**STATE:** NE

**PROJECT TITLE:** Village of Emerson Renewable Energy Solar System

<b>Funding Opportunity Announcement Number</b>	<b>Procurement Instrument Number</b>	<b>NEPA Control Number</b>	<b>CID Number</b>
DE-FOA-0002882	DE-SE0000226	GFO-SE0000226-004	

**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 Village of Emerson in Dixon County, Nebraska, via the Nebraska Department of Environment and Energy, to install a photovoltaic solar tracking array. The array would be ground mounted and constructed on approximately 3.4 acres of Winnebago Tribal land south of the Village of Emerson. This project would be funded under the Administrative and Legal Requirements Document (ALRD) for the DOE's Energy Efficiency Conservation Block Grant (EECBG) Program Formula Infrastructure Investment and Jobs Act (EECBG Formula - IJJA).

The recipient has also been awarded a U.S Department of Agriculture (USDA) Rural Energy for America Program (REAP) grant award for this project. Any work funded by a federal agency may be subject to additional NEPA review by the cognizant federal agency and must meet the applicable health and safety requirements of the facility.

The Proposed solar tracking array would include 500 kW (AC) / 650 kW (DC) photovoltaic solar panels and would connect to the village's municipal power grid and the village's sewer plant located at 1700 Logan Street. There would be trenching and electrical lines running parallel with the tree line from the solar panels to the sewer facility. No trees would be removed.

The proposed site of the Solar Farm contains areas of Prime, Unique and Statewide Important Farmland. The Farmland Conversion Impact Rating form, (AD-1006) was completed and the combined rating of the site is 149 so no further evaluation is necessary.

DOE does not expect any impacts to ESA-listed species. The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) website identifies four threatened, endangered, or candidate species (Piping Plover, Pallid Sturgeon, Scaleshell Mussel, and Monarch Butterfly), which may occur on the proposed project site. No critical habitats are identified within the proposed project area. There is one bird of Conservation Concern, the Chimney Swift. The Monarch Butterfly is listed as a candidate species and does not require a determination. The Piping Plover, Pallid Sturgeon, and Scaleshell Mussel require aquatic ecosystems and would not be found in the project area. DOE has determined the proposed project would have no effect to threatened, endangered or candidate species in the area.

The Village of Emerson is located within the boundaries of the Winnebago Tribe Reservation. DOE consulted with both the adjacent Omaha Tribal Historic Preservation Officer (THPO) and the Winnebago THPO to ensure the protection of cultural resources during the course of the project activities. Both THPO offices gave concurrence for the project to move forward.

Based on FEMA National Flood Hazard Map data accessed on July 31, 2024, the proposed project site is located within an unmapped flood hazard area. However, a soil resource report was produced and there are three soil units identified: Lamo silt loam, Alcester silty clay loam and Moody silty clay loam. The frequency of ponding and flooding is considered none to occasional for all three units. Minimal ground disturbance is anticipated, and project activities would not have the potential to impact the floodplain itself. DOE has determined that providing funding in support of this project is not a floodplain action requiring a floodplain assessment under 10 CFR 1022.

Minimal air emissions may result from the use of diesel-powered vehicles and equipment during installation of the solar array. However, significant air impacts are not anticipated as emissions would be temporary and intermittent. Hazards associated with installation activities include use of heavy equipment, power tools, machinery, scaffolding and lifts, and working with electricity. Employee training, proper protective equipment, and internal safety reviews and assessments would be utilized to mitigate hazards.

Nebraska Department of Environment and Energy and its subrecipient would observe all applicable federal, state, and local health, safety, and environmental regulations and requirements. DOE does not anticipate any impacts to resources of concern due to the proposed activities of the project.

## NEPA PROVISION

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

1. 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 Winnebago and Omaha THPO offices and DOE Project Officer of the discovery so that an evaluation of the discovery can be completed prior to continuing work.
2. Nebraska Department of Environment and Energy is required to submit an annual Historic Preservation Report at <https://forms.office.com/g/kAFs0N7CZH>.

Notes:

Office of State and Community Energy Programs – EECBG  
NEPA review completed by Emily Cohen, August 19, 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: Matthew Blevins Date: 8/20/2024  
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