

PMC-ND

(1.08.09.13)

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



RECIPIENT: Wisconsin Office of Energy Innovation

STATE: WI

PROJECT TITLE: Roof-Mounted PV: Bayfield County and Red Cliff Band

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
SEP-ALRD-2020	DE-EE0008669	GFO-0008669-006	

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.)
- B5.1 Actions to conserve energy or water** (a) Actions to conserve energy or water, demonstrate potential energy or water conservation, and promote energy efficiency that would not have the potential to cause significant changes in the indoor or outdoor concentrations of potentially harmful substances. These actions may involve financial and technical assistance to individuals (such as builders, owners, consultants, manufacturers, and designers), organizations (such as utilities), and governments (such as state, local, and tribal). Covered actions include, but are not limited to weatherization (such as insulation and replacing windows and doors); programmed lowering of thermostat settings; placement of timers on hot water heaters; installation or replacement of energy efficient lighting, low-flow plumbing fixtures (such as faucets, toilets, and showerheads), heating, ventilation, and air conditioning systems, and appliances; installation of drip-irrigation systems; improvements in generator efficiency and appliance efficiency ratings; efficiency improvements for vehicles and transportation (such as fleet changeout); power storage (such as flywheels and batteries, generally less than 10 megawatt equivalent); transportation management systems (such as traffic signal control systems, car navigation, speed cameras, and automatic plate number recognition); development of energy-efficient manufacturing, industrial, or building practices; and small-scale energy efficiency and conservation research and development and small-scale pilot projects. Covered actions include building renovations or new structures, provided that they occur in a previously disturbed or developed area. Covered actions could involve commercial, residential, agricultural, academic, institutional, or industrial sectors. Covered actions do not include rulemakings, standard-settings, or proposed DOE legislation, except for those actions listed in B5.1(b) of this appendix. (b) Covered actions include rulemakings that establish energy conservation standards for consumer products and industrial equipment, provided that the actions would not: (1) have the potential to cause a significant change in manufacturing infrastructure (such as construction of new manufacturing plants with considerable associated ground disturbance); (2) involve significant unresolved conflicts concerning alternative uses of available resources (such as rare or limited raw materials); (3) have the potential to result in a significant increase in the disposal of materials posing significant risks to human health and the environment (such as RCRA hazardous wastes); or (4) have the potential to cause a significant increase in energy consumption in a state or region.
- 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 Wisconsin Office of Energy Innovation for energy efficiency upgrades and roof mounted solar photovoltaic (PV) installations with battery storage systems at the Early Childhood Center (ECC) on the reservation of the Red Cliff Band of Lake Superior Chippewa (Red Cliff) and the Bayfield County Jail in Wisconsin. Additionally, Red Cliff would host education and training seminars on solar installations.

Red Cliff proposes to install a rooftop 45kW PV system and a 38kW battery storage system to sustain the ECC as a

critical facility. The ECC is located on trust land within the reservation boundaries. The roof would not require reinforcement to accommodate the PV system. The battery storage system would be located within the ECC and be connected to an existing generator. No building modifications would be required for the battery storage system beyond the addition of electrical connections. A bi-directional meter would be installed once a Service Line Agreement is in place with the local utility, Xcel Energy. Funds would also be used for education and training seminars on solar energy and PV installations, to train tribal members so two members can take the North American Board of Certified Energy Practitioners Associate PV exam. If successfully certified, the tribal members would install the proposed PV and battery storage system, otherwise the installation would be completed by certified contractors.

The Tribal Historic Preservation Officer (THPO) reviewed the proposed project activities and the site location, and determined, "No Historic Properties Effected". DOE is in agreement with this determination from the THPO.

Bayfield County proposes to install a 23.4 kW PV system on the roof of the Bayfield County Jail, with a 60kW battery storage system. A master meter would connect the Jail and the Bayfield County Courthouse with an artificial intelligence based control system. The Jail's generator would be removed to allow for the new battery storage system to be placed next to the Jail where the generator was previously located. Two new ground mounted transformers would be placed in existing right of ways or on already disturbed ground next to the Jail. Additionally, the Jail's solar thermal water heating system would be repaired and updated with new heat exchangers and a tank liner. DOE previously funded a 116kW PV installation and other energy efficiency upgrades at the Jail in 2019. The NEPA review for the 2019 project was completed on 7/23/2019 with A9, B5.1 and B5.16 categorical exclusions.

At the Bayfield County Jail, the iPaC database shows two mammals, (Canada Lynx and the Northern Long-eared Bat), two birds (Piping Plover and the Red Knot), one flowering plant (Fassett's Locoweed), and one insect (Monarch Butterfly) which have the potential to be in or around the project area. Additionally, 11 migratory birds have the potential to be in or around the project area (Bald Eagle, Bobolink, Canada Warbler, Common Tern, Connecticut Warbler, Evening Grosbeak, Golden Eagle, Golden-winged Warbler, Lesser Yellowlegs, Ruddy Turnstone, and the Wood Thrush). Because of the nature of the project (i.e. limited ground disturbance on landscaped and mowed land), it is unlikely that any of the species of concern would be present in the project area. Additionally, the proposed project site is outside of the critical habitat of all listed species. Accordingly, DOE has determined the proposed project will have no effect on federally listed threatened or endangered species. Further, DOE does not anticipate adverse impacts to migratory bird species.

An existing Programmatic Agreement with the Wisconsin State Historic Preservation Office would be applicable to all activities proposed as part of the Bayfield County Jail and Courthouse project. This Programmatic Agreement exempts the undertakings to be performed from Section 106 review. Accordingly, DOE has determined that there would be no potential to affect historic properties.

The proposed sites for both projects are located outside of the 100-year floodplain.

Any changes to the project activities or locations are subject to additional NEPA review by DOE and are not authorized for Federal funding unless and until the Contracting Officer provides written authorization on those additions or modifications.

NEPA PROVISION

DOE has made a final NEPA determination.

Notes:

Weatherization and Intergovernmental Programs Office – State Energy Program
This NEPA determination does not require a tailored NEPA Provision.
NEPA review completed by Diana Heyder, 09/23/2021

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: Casey Strickland** Date: 9/27/2021
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