

PMC-ND

(1.08.09.13)

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

**RECIPIENT:** STANDING ROCK SIOUX TRIBE**STATE:** ND**PROJECT TITLE** COMMUNITY-SCALE PV SYSTEM INSTALLATION

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0001021	DE-EE0006952	GFO-0006952-001	

Based on my review of the information concerning the proposed action, as NEPA Compliance Officer (authorized under DOE Order 451.1A), 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:

DOE is proposing to provide funding to the Standing Rock Sioux Tribe (SRST) to install a commercially available approximately 636 kW or ground and/or roof mounted solar photovoltaic (PV) system at five Sitting Bull College (SBC) buildings located on Tribal lands in Sioux County, North Dakota. The system is anticipated to be installed at three separate locations ranging in size from 36 kW to 300 kW near or on the buildings that would be connected to the system. At least one of the systems is anticipated to be ground mounted so SBC could have a demonstration area for visitors, potential students, dignitaries, etc. Although DOE understands that the installation would be a combination of roof mounted and ground mounted arrays, for the purposed of this NEPA review DOE has considered potential impacts associated with scenarios of all arrays being ground mounted and all arrays being roof mounted to ensure that impacts are considered regardless of the mounting type or installation location on the SBC campus.

The scope of work includes system design, permitting, construction, commissioning, and monitoring of the system. Proposed work would occur on Indian Land that is held in fee. As such, no Bureau of Indian Affairs approval is necessary. All installation sites are planned for roof tops or previously disturbed lands that are currently actively managed agricultural lands or maintained campus grounds on the SBC campus. No floodplain or prime farmland would be impacted. The current use and location of the SBC campus makes it unlikely that any Threatened, Endangered, Candidate, or Migratory Bird species would use the area for breeding, foraging, or wintering habitat. The area is within the Central North American Migration Flyway. However, due to the relatively small footprint of the installation and the proximity to campus buildings, impacts to individuals or populations of migrating birds are not expected. DOE has determined there would be no effect to special status species or migratory birds as a result of the proposed project activities. SRST consulted with the Tribal Historic Preservation Office (THPO) and received a clearance letter saying that the SBC property had been previously surveyed prior to the construction of the SBC campus and that no known archaeological or cultural resources were located within the project area. Therefore, the project area was cleared for the PV array installation as well. In the event that human remains are encountered during construction or an inadvertent find is made construction must be immediately halted and the THPO's office immediately notified. There were no other resources of concern found during review of the proposed project activities.

Based on review of the project information, DOE has determined that the project activities would not have a significant individual or cumulative impact to human health and/or environment. DOE has determined that these activities are consistent with actions contained in DOE categorical exclusions A9 "Information gathering, analysis, and

dissemination," and B5.16 "Solar photovoltaic systems," and are categorically excluded from further NEPA review.

NEPA PROVISION

DOE has made a final NEPA determination for this award

Insert the following language in the award:

If the Recipient intends to make changes to the scope or objective of this project, the Recipient is required to contact the Project Officer, identified in Block 15 of the Assistance Agreement before proceeding. The Recipient must receive notification of approval from the DOE Contracting Officer prior to commencing with work beyond that currently approved. If the Recipient moves forward with activities that are not authorized for Federal funding by the DOE Contracting Officer in advance of a final NEPA decision, the Recipient is doing so at risk of not receiving Federal funding and such costs may not be recognized as allowable cost share.

Insert the following language in the award:

You are required to:

In the event that human remains are encountered during construction or an inadvertent find is made, the recipient must halt construction immediately and immediately notify the THPO's office.

Note to Specialist :

This NEPA Determination requires a tailored NEPA provision.
Office of Indian Energy
Casey Strickland 05/18/16

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: _____



Electronically Signed By: Kristin Kerwin

Date: 5/26/2016

NEPA Compliance Officer

FIELD OFFICE MANAGER DETERMINATION

Field Office Manager review required

NCO REQUESTS THE FIELD OFFICE MANAGER REVIEW FOR THE FOLLOWING REASON:

- Proposed action fits within a categorical exclusion but involves a high profile or controversial issue that warrants Field Office Manager's attention.
- Proposed action falls within an EA or EIS category and therefore requires Field Office Manager's review and determination.

BASED ON MY REVIEW I CONCUR WITH THE DETERMINATION OF THE NCO :

Field Office Manager's Signature: _____

Field Office Manager

Date: _____