

PMC-ND
(1.08.09.13)

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



RECIPIENT: Northern Pueblos Housing Authority

STATE: NM

PROJECT TITLE : Picuris Pueblo Community Solar Array

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
FOA-0001390	DE-IE0000033	GFO-0000033-002	GO33

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:

The U.S. Department of Energy (DOE) is proposing to provide funding to the Northern Pueblos Housing Authority (NPHA) for the Picuris Pueblo Community Solar Array Project. This project consists of design, permitting, construction, and commissioning of a 1MW single axis, ground mounted solar photovoltaic (PV) array that would occupy approximately seven acres of a ten-acre parcel of Tribal trust land in northern New Mexico. DOE completed a previous NEPA Determination for preliminary design and pre-construction activities (GFO-0000033-001; CX A9; 06/10/16). This NEPA review is specific to the remaining DOE funded activities only and analyzes the potential impacts associated with the project activities not covered by GFO-0000033-001 (i.e. the construction and surface disturbance associated with installation of the PV array).

As part of Bureau of Indian Affairs (BIA) requirements for the approval of a lease for development, an Environmental Assessment (EA) was completed in November 2012 by Pueblo of Picuris for the BIA to analyze the impacts of commercial development (gas station, RV park, and convenience store) at the proposed site. A revised EA titled "Environmental Assessment, Solar Generation Facility Project, Pueblo of Picuris, Taos County, New Mexico," is being completed to analyze the installation of the PV array instead of the originally considered commercial development because approval of a lease for development of the property may be needed. If a lease is needed, completion of the revised EA and the issuance of the lease by the BIA would be required prior to beginning work on installation of the PV array.

The U.S. Fish and Wildlife Service lists five threatened or endangered species and 24 migratory bird species that could occur in the area. The New Mexico Department of Fish & Game lists an additional 13 state-listed threatened or endangered species that could occur in Taos County. A biological survey of the project area was completed in April 2016. No listed or otherwise protected species or their sign were observed during the biological survey of the project area. No bird nests were found during the field survey. However, suitable nesting habitat for migratory birds occurs in the project area. To prevent impacts to protected nesting species, any construction (including tree and shrub removal) would be completed outside of the nesting season for the area (April 1 – August 30). If construction must occur during this time period, a survey for nests would be completed prior to construction. Should active nests be located, disturbance activities would cease until the nests are inactive or appropriate mitigation measures (i.e. buffer zones, delays, etc.) are established. In addition to the above, the recipient would implement the following measures to reduce any effects to wildlife: replant disturbed areas with Pueblo approved and certified weed-free native vegetation and if excavations are needed, any unfilled areas at the end of each workday would have escape ramps installed to reduce the chances of trapping small mammals and reptiles. With the above measures, DOE has determined that the project

would have no effect to any federal or state listed special status species.

A cultural resource survey and report was completed in May 2016 for the project area. Eligible archaeological sites were found in the area surveyed. The NPHA initiated consultation with the New Mexico State Historic Preservation Office (SHPO) and sent the cultural survey report for their review. After review of the report and review of BIA comments, in a letter dated September 15, 2016, the SHPO concurred with a finding of no historic properties affected provided three of the archaeological sites are flagged for avoidance and the archaeological contractor that completed the survey returns to these three sites to ensure that flagging has occurred within 30 days of construction. With the implementation of the flagging, DOE agrees with the determination of no historic properties affected.

No other resources of concern were found during review of the project activities other than those discussed above.

Based on the review of the proposal, DOE has determined the proposal fits within the class of action(s) and the integral elements of Appendix B to Subpart D of 10 CFR 1021 outlined in the DOE categorical exclusion(s) selected above. DOE has also determined that: (1) there are no extraordinary circumstances (as defined by 10 CFR 1021.410 (2)) related to the proposal that may affect the significance of the environmental effects of the proposal; (2) the proposal has not been segmented to meet the definition of a categorical exclusion; and (3) the proposal is not connected to other actions with potentially significant impacts, related to other proposals with cumulatively significant actions, or an improper interim action. This proposal is 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:

To reduce any effects to wildlife, the Recipient must implement the following measures:

- 1) To prevent impacts to protected nesting species, any construction (including tree and shrub removal) will be completed outside of the nesting season for the area (April 1 – August 30). If construction must occur during this time period, a survey for nests will be completed prior to construction. Should active nests be located, disturbance activities will cease until the nests are inactive or appropriate mitigation measures (i.e. buffer zones, delays, etc.) are established.
- 2) Replant disturbed areas with Pueblo approved and certified weed-free native vegetation.
- 3) If excavations are needed, any unfilled areas at the end of each workday will have escape ramps installed to reduce the chances of trapping small mammals and reptiles.

To protect archaeological sites that are known to occur in the area, the Recipient must ensure that the three archaeological sites (LA 164423, LA 164424, and LA 183201) are flagged for avoidance prior to construction.

Note to Specialist :

Office of Indian Energy
This NEPA determination requires a tailored NEPA provision.
NEPA review completed by Casey Strickland 12/13/16

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: _____



Casey Strickland

NEPA Compliance Officer

Date: 12/13/2016

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: _____