

PMC-ND
(1.08.09.13)

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



RECIPIENT: Eastern Band of Cherokee Indians

STATE: NC

PROJECT TITLE : Deployment of Energy Efficiency and Clean Energy on Indian Lands - A Community Solar Project

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0001660	DE-IE0000086	GFO-0000086-001	

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.)
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Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide funding to Eastern Band of Cherokee Indians (EBCI) for the installation of an approximately 700 kilowatt (kW) sized solar photovoltaic (PV) system for generating renewable energy that would be consumed on site. The proposed site for the PV system is on EBCI reservation land adjacent to the water tower and parking lot of the Harrah's Cherokee River Casino and Hotel located in Murphy, NC. The power produced would offset the energy demand of the casino and hotel as well as two administration buildings. There are two potential sites that could be used for the PV installation. Both sites are adjacent to each other with similar topography and forest cover but the final decision on which of the two is to be used has not been made. At this time, there is not enough information to complete a thorough review of the construction and surface disturbing activities associated with the installation of the PV system at the proposed location. Once additional details of project design and siting are completed and submitted to DOE, another NEPA review will be required to assess potential impacts associated with the installation of the PV system (Tasks 1 through 4). This NEPA review is for Task 5: Reporting/Performance only. Reporting activities would consist exclusively of intellectual, academic, or analytical activities.

Based on the review of the proposal, DOE has determined that Task 5 of 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. Task 5 of the proposal is categorically excluded from further NEPA review.

NEPA PROVISION

DOE has made a conditional NEPA determination for this award, and funding for certain tasks under this award is contingent upon the final NEPA determination.

Insert the following language in the award:

You are restricted from taking any action using federal funds, which would have an adverse affect on the environment or limit the choice of reasonable alternatives prior to DOE/NNSA providing either a NEPA clearance or a final NEPA decision regarding the project.

Prohibited actions include:

Task 1: Design & Permitting

Task 2: Interim Completion

Task 3: Substantial Completion

Task 4: Final Completion

This restriction does not preclude you from:

Task 5: Reporting/Performance

If you move forward with activities that are not authorized for federal funding by the DOE Contracting Officer in advance of the final NEPA decision, you are doing so at risk of not receiving federal funding and such costs may not be recognized as allowable cost share.

Note to Specialist :

Office of Indian Energy Policy and Programs

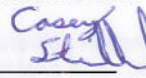
This NEPA determination requires a tailored NEPA provision.

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: _____

 Electronically Signed By

Casey Strickland



Date: 8/21/2017

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: _____