

PMC-ND
(1.08.09.13)

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



RECIPIENT: Spirit Lake Tribe

STATE: ND

PROJECT TITLE: 1.5 MW Community Wind Energy Project

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0001847	DE-IE0000110	GFO-0000110-001	

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.)

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide funding to the Spirit Lake Tribe for the design, permitting, construction and interconnection of a 1.5 MW capacity direct-drive wind turbine with associated access road and wind turbine pad. The wind turbine would be installed and maintained on Tribal Trust Land near Fort Totten in North Dakota. This NEPA determination is only for Task 1 of the approved Statement of Project Objectives. These tasks will help to more thoroughly define the remaining project activities and proposed location of the turbine. 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 wind turbine at the proposed location. Once additional details regarding the design and siting are completed, another NEPA review will be required to assess potential impacts associated with the procurement, construction, and operation of the wind turbine.

NEPA PROVISION

DOE has made a conditional NEPA determination.

The NEPA Determination applies to the following Topic Areas, Budget Periods, and/or tasks:

Phase 1: Pre-Construction Activities (Task 1.0 and associated subtasks only)

Task 1.0 Conduct all requisite project studies

The NEPA Determination does not apply to the following Topic Area, Budget Periods, and/or tasks:

Phase 1: Pre-Construction Activities (Tasks 2.0 through 5.0)

Task 2.0: Finalize Wind Turbine Technology Selection

Task 3.0: Permits verification

Task 4.0: Power Purchase Agreement (PPA) and Finance

Task 5.0: Road and Transport Engineering

Phase 2: Project Construction (all tasks)

Phase 3: Post Construction Activities (all tasks)

Notes:

Office of Indian Energy Policy and Programs
This NEPA determination requires a tailored NEPA provision.

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.

A portion of the proposed action is categorically excluded from further NEPA review. The NEPA Provision identifies Topic Areas, Budget Periods, tasks, and/or subtasks that are subject to additional NEPA review.

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature:  _____ Date: 4/18/2019
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