

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



RECIPIENT: Pueblo of Picuris

STATE: NM

PROJECT TITLE: Pueblo of Picuris Community Solar Project Phase II

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0001847	DE-IE0000104	GFO-0000104-002	

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.)
B5.16 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.
B4.12 Construction of powerlines	Construction of electric powerlines approximately 10 miles in length or less, or approximately 20 miles in length or less within previously disturbed or developed powerline or pipeline rights-of-way.

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide funding to Picuris Pueblo for the second phase of their community solar PV system. This project would consist of design, permitting, construction, and commissioning of a 750 kW single axis, ground mounted solar photovoltaic (PV) array and corresponding transmission route. The project would be located on a pre-disturbed parcel owned by Picuris Pueblo. The array would be collocated with an existing solar PV array project (Pueblo of Picuris Community Solar System Phase I) that was built in 2017 under DOE award DE-IE000033.

DOE previously completed one NEPA Determination (ND) (GFO-0000104-001; CX A9 and B3.1; October 10, 2018) for this award. The previous ND was conditional, only reviewed planning, characterization, and design activities. This ND covers activities proposed in tasks 3 and 4 of the approved SOPO, which include selection of vendors and contractors, the preparation of the construction site, construction and installation of the solar array and transmission line, testing, and commissioning.

The ground-mounted, fixed tilt solar array would occupy an area measuring approximately 0.74 acre, consisting of 1,500 bi-facial panels, three inverters, and three transformers. The solar array would be connected to the Kit Carson Electric existing utilities via a 2.5 mile transmission route which will follow Indian Service Route 202. The first half of the route (from the solar array, through the airfield would be overhead, supported by power poles); the second half of the route would be trenched conduit within the boundaries of the service route (from the western end of the airfield to the transformer). The transmission line would terminate with a transformer and switchgear installed atop a concrete pad.

Based on an archaeological survey of the proposed solar array site conducted in April of 2023, and discussions with Picuris Pueblo and the New Mexico State Historic Preservation Office (SHPO), DOE determined no adverse effects to historic properties are expected if certain precautions are taken. The New Mexico SHPO concurred with DOE's determination in a letter dated June 21, 2023, provided conditions are included regarding protection of cultural features and artifacts in the award.

The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) website identifies two threatened species (Mexican Spotted Owl and Yellow-billed Cuckoo), one proposed threatened species (Silverspot),

two endangered species (New Mexico Meadow Jumping Mouse and Southwestern Willow Flycatcher), and two candidate species (Rio Grande Cutthroat Trout and Monarch Butterfly), which may occur in the proposed project area. No critical habitats are identified within the proposed project area. The Yellow-billed cuckoo and the Southwestern willow flycatcher prefer nesting along riparian waterways. The New Mexico meadow jumping mouse and Silverspot butterfly inhabit moist, riparian meadows. No water features, aquatic riparian areas, or moist meadows would be impacted by this project. The Mexican Spotted Owl would not be impacted by the proposed project as it typically nests in canyons and Douglas-fir trees; tree removal is not proposed and cliffsides would not be impacted. DOE has determined no effect to special status species.

Minimal air emissions would occur from the use of small-scale construction equipment and vehicles during construction, installation, and trenching activities. Significant air impacts are not anticipated as construction equipment and vehicle use would be temporary and intermittent. Project activities would involve hazards associated with routine construction activities, working in the heat, and working with electricity. Any risks working with hazards would be mitigated through established Pueblo and corporate safety and construction protocols. Picuris Pueblo would observe all applicable health, safety, and environmental regulations. DOE does not anticipate any impacts to resources of concern due to the proposed activities of the project.

NEPA PROVISION

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

1. The Recipient shall adhere to the requests and requirements outlined in the New Mexico SHPO letter to the DOE, dated June 21, 2023, Re: Log#119609B, Phase II DOE-funded solar array at Picuris Pueblo.
2. If any significant archaeological features or artifacts are discovered during the transmission trenching, construction activities shall stop and the SHPO and DOE Project Officer shall be contacted.

Notes:

Office of Indian Energy Policy and Programs (OIE)
This NEPA determination requires legal review of the tailored NEPA provision.
NEPA review completed by Amy Lukens, 7/12/2023.

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: _____



Casey Strickland

NEPA Compliance Officer

Date: 7/12/2023

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: _____

Field Office Manager

Date: _____