

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



**RECIPIENT:** City of Clovis

**STATE:** NM

**PROJECT TITLE :** City of Clovis NM Solar Project Civic Center

**Notice of Funding Opportunity Number**  
DE-FOA-0002882

**Procurement Instrument Number**  
EECEQ-01242

**NEPA Control Number**  
GFO-ClovisNM-001

**CID Number**

**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.

**Rationale for determination:**

The U.S. Department of Energy (DOE) is proposing to provide funding to the City of Clovis, New Mexico (NM) for a rooftop solar photovoltaic (PV) array installation at the Clovis Civic Center. This project would be funded under the Administrative and Legal Requirements Document (ALRD) for the Energy Efficiency Conservation Block Grant (EECBG) Program Formula Infrastructure Investment and Jobs Act.

Award activities would involve site assessment, design, and installation of a high-performance rooftop solar PV system at the Clovis Civic Center located at 801 Schepps Blvd., Clovis, NM. There would be two arrays of 122 panels each (244 panels total) for an approximately 100-kilowatt (kW) direct current (DC) system. The arrays would be installed on two sections of the roof covering an area of approximately 4,000 square feet each (8,000 square feet total). The DC conduit would run along the roof to the inverters and then to the electrical equipment on the ground. Existing conduits and wire that run from the inverter location to the point of intertie would be used. There would be no ground disturbing activities. The staging for the construction would be located on the asphalt parking lot of the Civic Center. Depending on site conditions, an articulation telehandler or a crane would be used to move materials. Weighted ballasts would be used to secure the panels and roof reinforcement would not be required.

The IPaC report generated November 13, 2024, includes two listed species in the project area: lesser Prairie-chicken (*Tympanuchus pallidicinctus*) and monarch butterfly (*Danaus plexippus*). There are no designated critical habitats at the location. Several migratory bird species are identified as having a high likelihood of occurrence and breeding in the project area. However, the project would be contained to existing structures and would not disturb nesting locations. There would be no ground disturbance, and no trees would be trimmed or removed. Therefore, DOE has determined the proposed project would have no effect on threatened, endangered or candidate species in the area.

The Civic Center was built in 2006. The City of Clovis shall adhere to the restrictions of the DOE-executed Historic Preservation Programmatic Agreement (PA) with the State of New Mexico, available at <https://www.energy.gov/node/812599>. In the event an activity would not meet the exemptions identified within the PA (i.e., require ground disturbance), the City shall halt project activities until an additional DOE NEPA review is conducted and consult with the New Mexico State Historic Preservation Office to obtain concurrence prior to project initiation.

Minimal air emissions may result from the use of diesel-powered vehicles during installation of the new equipment. However, significant air impacts are not anticipated as emissions would be temporary and intermittent. Hazards associated with the activities include working at elevated heights, operating large machinery (crane), and working with

electricity and electrical equipment. Existing health, safety, and environmental policies and procedures would be followed, including personnel training, proper personal protective equipment, and engineering controls. Mitigation measures would be followed to reduce safety hazards including weekly toolbox talks, fall protection training, and roof warning line systems.

The City of Clovis would observe all applicable federal, state, and local health, safety, and environmental regulations and requirements. DOE does not anticipate any impacts to resources of concern due to proposed project activities.

EERE is aware of the November 12, 2024, decision in *Marin Audubon Society v. FAA*, No. 23-1067 (D.C. Cir. Nov. 12, 2024). To the extent that a court may conclude that the Council on Environmental Quality (CEQ) regulations implementing NEPA are not judicially enforceable or binding on this agency action, EERE has nonetheless elected to follow those regulations at 40 C.F.R. Parts 1500-1508, in addition to DOE's procedures/regulations implementing NEPA at 10 C.F.R. Part 1021, to meet the agency's obligations under NEPA, 42 U.S.C. §§ 4321 et seq.

## NEPA PROVISION

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

1. The City of Clovis must adhere to the terms and restrictions of the DOE-executed Historic Preservation Programmatic Agreement with the State of New Mexico, available at <https://www.energy.gov/node/812599>.
2. The City of Clovis is responsible for reviewing the online NEPA and Historic Preservation training at [www.energy.gov/node/4816816](https://www.energy.gov/node/4816816) and contacting [EECBG.NEPA@ee.doe.gov](mailto:EECBG.NEPA@ee.doe.gov) with any EECBG NEPA or general historic preservation questions. Please make sure to copy your DOE Project Officer on the email.
3. The City of Clovis is required to submit an annual historic preservation report on the MS Forms Website. Please contact your DOE Project Officer for the link to the online form. If you have any questions about completing the annual historic preservation report, please contact [historicpreservation@ee.doe.gov](mailto:historicpreservation@ee.doe.gov) and include your DOE Project Officer on the email.

Notes:

Office of State and Community Energy Programs – EECBG  
This NEPA determination requires legal review of the tailored NEPA provision.  
NEPA review completed by Emily Cohen, 1/13/2025

## 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: \_\_\_\_\_



Electronically Signed By: Matthew Blevins

NEPA Compliance Officer

Date: 1/13/2025

**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: \_\_\_\_\_