

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



RECIPIENT: United Tribes Technical College

STATE: ND

PROJECT TITLE : Enhancing UTTC's Event Resilience Through Autonomous Operation of the Wellness Center

Notice of Funding Opportunity Number
DE-FOA-0003298

Procurement Instrument Number
DE-IE0000206

NEPA Control Number
GFO-0000206-001

CID Number
GO206

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 United Tribes Technical College (UTTC) to design and install an integrated solar system in Bismark, ND.

Award activities would consist of project management, administration, procurement, deployment, commissioning, development and training of staff, verification of performance of clean energy technology, demonstration of revenue capture, grant closeout, and reporting.

Rooftop solar PVs would be installed on the Lewis Goodhouse Wellness Center on the campus of UTTC. The installation would consist of a 198-kilowatt (kW) dc/150-kW ac ballasted rooftop array which would power a 250 kW, 1376-kWh battery energy storage system with a microgrid controller.

Due to the proximity to the Bismark Municipal Airport, UTTC submitted a Notice of Proposed Construction or Alteration Form 7460-1 with project information, to the Federal Aviation Administration (FAA) for a hazard glare analysis for visual impacts. The FAA completed an aeronautical study of the rooftop solar project and determined that the structure does not exceed obstruction standards and would not be a hazard to air navigation, provided that the recipient submits the required FAA Form 7460-2, Notice of Actual Construction or Alteration, within 5 days after the construction reaches its greatest height. FAA issued a Determination of No Hazard (2025-AGL-140-OE) on February 7, 2025.

Minimal air emissions may result from the use of equipment during construction of the system. However, significant air impacts are not anticipated as emissions would be temporary and intermittent. Project activities would involve hazards associated with construction activities and working with electricity. Any risks working with hazards would be mitigated through established Tribal safety and construction protocols. The tribe 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.

DOE has considered the scale, duration, and nature of the proposed activities to determine potential impacts on sensitive resources, including those of an ecological, historical, cultural, and socioeconomic nature. DOE found no effects would be expected as a result of the 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.

Notes:

Office of Indian Energy Policy and Programs (IE)
NEPA review completed by Dustin Hill, 2/20/2024.

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:

2/25/2025

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: