PMC-EF2a

(2.04.02)

U.S. DEPARTMENT OF ENERGY
EERE PROJECT MANAGEMENT CENTER
NEPA DETERMINATION

RECIPIENT: City of Bakersfield- EECBG **STATE:** CA

PROJECT TITLE: City of Bakersfield 1 mega-watt solar energy facility at wastewater plant 3

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
EECBG/DE-FOA-0000013	DE-EE0000862		GO10337

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:

B5.1 Actions to conserve energy, demonstrate potential energy conservation, and promote energy-efficiency that do not increase the indoor concentrations of potentially harmful substances. These actions may involve financial and technical assistance to individuals (such as builders, owners, consultants, designers), organizations (such as utilities), and state and local governments. Covered actions include, but are not limited to: programmed lowering of thermostat settings, placement of timers on hot water heaters, installation of solar hot water systems, installation of efficient lighting, improvements in generator efficiency and appliance efficiency ratings, development of energy-efficient manufacturing or industrial practices, and small-scale conservation and renewable energy research and development and pilot projects. The actions could involve building renovations or new structures in commercial, residential, agricultural, or industrial sectors. These actions do not include rulemakings, standard-settings, or proposed DOE legislation.

Rational for determination:

The City of Bakersfield proposes to use EECBG funding to support the design and construction of a 1 MW ground-mounted photovoltaic installation, covering approximately 5 acres at the their existing wastewater treatment plant (WWTP) No. 3.

The City of Bakersfield PWD proposes to construct a 1 Mega-Watt Solar Energy Facility at WWTP No. 3. The solar panels would be constructed and operated to supplement the high-energy demands of wastewater treatment plant activities. The proposed action is anticipated to be built using concrete, steel, electrical wiring and photovoltaic solar panels. It is anticipated that approximately three 16-row solar arrays and one 17-row array would be required at build-out of the proposed action on approximately 5 acres of land owned by the City of Bakersfield.

A Reconnaissance-Level Biological Survey report was completed by Quad Knopf (February 2010) on the approximate 5-acre site. The survey revealed that the project area is currently located on primarily vacant land which has been previously graded; with minimal vegetation and no animals. The adjacent land consists of the effluent holding ponds associated with the WWTP No. 3, located immediately west and north of the project area. The future Bakersfield Sports Village is situated to the adjacent south and east of the project area. Results of the site visit indicated that no special-status plant or animal species were observed on the project area or within the immediate vicinity during the field survey.

As part of the survey work, a search of the California Department of Fish and Game's (CDFG) California Natural Diversity Database (CNDDB, 2010) was conducted to identify reported historical occurrences of special-status plant and animal species and sensitive habitats within the Gosford USGS 7.5-minute topographic quadrangle, as well as, eight surrounding quadrangles (Rosedale, Oildale, Oil Center, Stevens, Lamont, Millux, Conner, and Weed Patch). A database search of the California Native Plant Society's (CNPS) Online Inventory of Rare and Endangered Plants (CNPS, 2010) was also conducted. A species list was also obtained from the U.S. Fish and Wildlife Service (USFWS) website for sensitive species potentially occurring within the area of the project.

Eighteen special-status plant species and twenty-nine special-status wildlife species were identified by the CNDDB as occurring within the nine quadrangles. Of these species, only San Joaquin kit fox (Vulpes macrotis mutica) federally-listed Threatened and burrowing owl (Athene cunicularia) Species of Special Concern and protected during the nesting season under the Migratory Bird Treaty Act (MBTA), were determined to have the potential to occur within the project area due to the high level of disturbance and activity, and lack of suitable habitat. The remaining species are not expected to occur on or adjacent to the project area due to specific habitat requirements not identified at the project area. Additionally, potential exists for ground-nesting bird species, such as killdeer (Charadrius vociferous), California horned lark (Eremophila alpestris actia) and western meadowlark (Sturnella neglecta) to occur on the

proposed project site.

The City of Bakersfield is a signatory participant in the Metropolitan Bakersfield Habitat Conservation Plan (MBHCP), which was prepared in accordance with Section 10 of the Endangered Species Act. As such, the City of Bakersfield will implement appropriate avoidance and minimization measures and pay approved mitigation fees in accordance with the MBHCP for San Joaquin kit fox and burrowing owl. These measures include:

• To reduce the potential for direct and indirect impacts to San Joaquin kit fox, a qualified biologist would be retained prior to ground disturbing activities to conduct a pre-construction survey of the project area. Surveys would be conducted in accordance with the USFWS Standard Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 1999).

• Authorized biologists would conduct pre-construction clearance surveys on the proposed project area for burrowing owls. Burrowing owl pre-construction surveys would be conducted no more than two weeks prior to construction. The survey for potential burrows should encompass the entire project area, including a 500-foot buffer around the project area, as practicable during the active nesting season (February 1 through August 31). Surveys would be conducted pursuant to the Burrowing Owl Survey Protocol and Mitigation Guidelines as outlined by the California Burrowing Owl Consortium (CBOC) (CBOC 1993), and as adopted by the CDFG in their 1995 Staff Report on Burrowing Owl Mitigation (CDFG 1995).

• Construction should be scheduled to occur outside the typical nesting season (February 15 –September 15). If construction occurs during the typical nesting season, a qualified biologist will be retained to conduct nesting bird surveys within suitable nesting habitat prior to construction or site preparation to determine if active nests of bird species protected by the MBTA and/or the California Fish and Game Code are present in the construction zone or within 300 feet (500 feet for raptors, including burrowing owls).

• Within the City of Bakersfield limits, the MBHCP is implemented by Section 15.78 of the Bakersfield Municipal Code. Development impact fees, including the MBHCP fee, are calculated at $2,145 per gross acre. Upon payment of the mitigation fee and receipt of City or County project approval, the development permit applicant would be allowed the "incidental take" of special status species in accordance with state and federal endangered species laws.

On April 20, 2010, the USFWS indicated via email that the City of Bakersfield, through participation in the MBHCP and implementation of the measures described above for kit fox and burrowing owl relinquishes DOE's obligation under Section 7 of the ESA. Additionally, on March 12, 2010, the City of Bakersfield issued a Notice of Exemption for the proposed WWTP No. 3 solar array. Based on the foregoing, the proposed activity is categorically excluded under NEPA under B5.1 Actions to Conserve Energy.

Prior to construction activities, the City of Bakersfield has the affirmative responsibility to secure a General Construction Permit in accordance with Order 2009-0009 DWQ from the State Water Resources Control Board and will ensure a SWPPP is prepared and all appropriate BMP's are implemented during construction.

Prior to the expenditure of Federal funds to implement any of the above-mentioned activities, the City of Bakersfield has the affirmative responsibility to ensure that it has a waste management plan addressing waste generated by their proposed actions. The plan will describe the plan to dispose of any sanitary or hazardous waste, e.g. construction and demolition debris, discarded equipment, debris, asbestos, etc. generated as a result of the proposed project. The recipient must ensure that it will comply with all federal, state and local regulations for waste disposal.

NEPA PROVISION

DOE has made a final NEPA determination for this award

Insert the following language in the award:

Note to Specialist :

None Given.

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: _____ Date: 4/21/10

NEPA Compliance Officer