PMC-EF2a

(2.04.02)

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

RECIPIENT: County of Kern **STATE:** CA

PROJECT TITLE : Lerdo Jail Solar Facility

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0000013			0

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 County of Kern proposes to use EECBG funding for installation of DOE EECBG funding will be used to support the design and construction of a 1 MW ground-mounted photovoltaic installation, covering approximately 6.5 acres at the Lerdo Jail site in Kern County.

Existing conditions at the 6.5 acre site are agricultural and analysis of historic aerial photos show that project site has been farmed regularly since 1994. The project site is relatively flat and according to the Biological Survey conducted by ARCADIS in December 2009, there is no evidence of low lying depressions or potential wetland areas. The proposed location for the 1 MW solar array is surrounded to the north, south and southeast by agriculture and livestock grazing. Across to road to the west are a cultivated grape field and the Kern County Juvenile Treatment facility.

A Notice of Exemption under CEQA for the proposed solar array was issued on April 20, 2010. No federal or state threatened or endangered species were identified during the biological survey. However, a single overwintering burrowing owl was identified on site. Burrowing owl is a California Species of Concern. To avoid and minimize any potential impacts to burrowing owl, pre-construction surveys will be conducted within 30 days of proposed grading to determine the number of burrowing owls that are resident onsite immediately prior to construction. The survey process will assess the presence of burrowing owl habitat on the project site including a 150 meter (approximately 500 ft) buffer zone around the project boundary. If the proposed activity occurs during the nesting season (February 1 through August 31) and nesting burrowing owls are identified onsite, California Department of Fish & Game shall be contacted to establish appropriate buffers until the young have fledged and to determine appropriate mitigation. If the project activity occurs outside the nesting season and resident owls are identified on site, they will be passively relocated in coordination with CDFG and in accordance with CDFG Burrowing Owl Survey Protocol and Mitigation Guidelines (1993) to ensure compliance with the federal Migratory Bird Treaty Act and the California Fish and Game Code.

Prior to construction activities, Kern County 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, Burlington County 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.

The proposed solar array at the Lerdo Facility is categorically excluded under NEPA under B5.1 Actions to Conserve Energy.

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: 4/20/10

NEPA Compliance Officer

FIELD OFFICE MANAGER DETERMINATION

☐ Field Office Manager review required

NCO REQUESTS THE FIELD OFFICE MANAGER REVIEW FOR THE FOLLOWING REASON:

☐ Proposed action fits within a categorical exclusion but involves a high profile or controversial issue that warrants Field Office Manager's attention.

☐ Proposed action falls within an EA or EIS category and therefore requires Field Office Manager's review and determination.

BASED ON MY REVIEW I CONCUR WITH THE DETERMINATION OF THE NCO :

Field Office Manager's Signature: _____ Date: _____

Field Office Manager