

FINDING OF NO SIGNIFICANT IMPACT

Red Mesa Solar Generation Facility and Access Road Project
Red Mesa, Utah

RURAL UTILITIES SERVICE
United States Department of Agriculture

Navajo Tribal Utility Authority

Prepared by:
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A. INTRODUCTION

Navajo Tribal Utility Authority (NTUA) plans to submit a financing request to the U.S. Department of Agriculture (USDA) Rural Development's Rural Utilities Service (RUS) to construct the proposed Red Mesa Solar Generation Facility and Access Road Project (Project) on Navajo Nation lands in Red Mesa, Utah. RUS is considering this financing request. Prior to taking a federal action (i.e., providing financial assistance), RUS is required to complete an environmental impact analysis in accordance with the National Environmental Policy Act of 1969 (NEPA) (U.S.C. 4231 et seq.), the Council on Environmental Quality's (CEQ) regulations for implementing NEPA (40 CFR Parts 1500-1508), and RUS's NEPA implementing regulations, Environmental Policies and Procedures (7 CFR Part 1970).

After completing an independent analysis of an environmental report prepared by NTUA, RUS concurred with its scope and content. In accordance with 7 CFR § 1970.102, RUS adopted the report and issued it as the Agency's Environmental Assessment (EA) for the proposed Project. RUS finds that the EA is consistent with federal regulations and meets the standards for an adequate assessment. NTUA published newspaper notices, announcing the availability of the EA for public review, in accordance with 7 CFR § 1970.102. In addition, RUS considers the proposed Project an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 USC 470(f), and its implementing regulation, "Protection of Historic Properties" (36 CFR Part 800).

B. PURPOSE AND NEED

The overall purpose of this Project is to provide a long-term sustainable renewable energy source that will allow NTUA to transition from a purchased power coal-based energy source to a renewable energy source. NTUA and the Navajo Nation will own the solar facility. Resources are needed to meet energy demand and future needs, which is expected to increase across the Navajo Nation and the region.

RUS has reviewed the applicant's purpose and need for the Project and determined that the proposal will meet the present and future needs of NTUA and the Navajo Nation.

C. ALTERNATIVES EVALUATED

No Action Alternative

Under the No Action Alternative, RUS would not provide financial assistance to NTUA, and/or the proposed project would not be constructed. This alternative would not assist NTUA in providing a renewable energy source and one that would meet future demands and need. Currently, NTUA relies on other sources of generation to provide adequate energy supply and to meet future needs. Transitioning from a fossil fueled energy source would not be possible, would not allow NTUA to maintain low rates and would not allow NTUA and the Navajo Nation to become independently green energy efficient.

Action Alternative (Preferred Action)

Under the Action Alternative, RUS would consider financing the proposed project and NTUA would construct and operate a 72-Megawatt (MW) utility-scale solar power-generating facility. The solar facility will be constructed on 550.13 acres located within the Red Mesa Chapter, a Chapter within the Navajo Nation in San Juan County, Utah. The facility would be situated within Sections 16, 17, 20, 21, 28 and 29, Township 42 South, Range 23 East, Salt Lake Meridian, in Red Mesa, Utah. A solar power generation

project will create a Navajo owned generation facility that would provide long-term sustainable power for the Navajo Nation and would create an avenue to maintain lower rates for the Navajo People.

The Project site, sparsely vegetated with low growing scrub, is relatively flat with no trees, ridges, hills or depressions. Site preparation includes the removal of vegetation, ground leveling and grading within the 550.13 acre parcel. Posts and inverter station foundations will be installed along with attaching the panels to the racking and connection wires. A substation, electrical components and an operations and maintenance building will be constructed on site, along with an access road roughly forty (40) feet wide and sixty-six (66) feet in length.

The solar modules would be connected to solar inverters that convert direct current (DC) electricity to alternating current (AC) electricity. Each inverter will be connected to a transformer, then joined in series and ultimately connect to the project substation. Within the project substation, a main power transformer would step up the voltage to 69 kV for interconnection to an existing transmission system.

Alternatives Eliminated from Further Consideration

In addition to the No Action Alternative and Action Alternative, NTUA considered other alternatives which are documented in Section 2.0 of the EA.

SUMMARY OF ENVIRONMENTAL IMPACTS

The analyses in the EA documented that the proposed Project would have no adverse effects to land use, floodplains, wetlands, water resources, coastal resources, biological resources, cultural/historic resources, aesthetics, air quality, social impact and environmental justice, noise, transportation, human health and safety, and soils. A summary of anticipated impacts on the human environment is provided below, including any mitigation measures deemed necessary to avoid or minimize impacts. NTUA is responsible for implementing these measures.

Floodplains. The Project area is not within any 100-year or 500-year floodplain. Therefore, the proposed action would result in no direct or indirect impacts to any identified floodplains and no mitigation is proposed.

Wetlands. There are no wetlands identified within the 550.13 acre parcel. The National Wetlands Inventory identified the nearest wetland to be 1,700-feet from the northwest corner of the Project site, which is an intermittent unnamed wash and flows only following precipitation. The unnamed wash converges into Desert Creek, which is roughly two (2) miles from the nearest section of the solar tract. Desert Creek is a tributary of the San Juan River. To prevent sediment runoff into the unnamed wash, a Stormwater Pollution Prevention Plan (SWPPP) will be developed and implemented and will serve as an erosion and sediment control plan. Best Management Practices (BMPs) included in the SWPPP would minimize the potential impacts of construction and operation of the project on the off-site unnamed wash and Desert Creek. Therefore, the proposed Project would have no impacts on wetlands.

Threatened and Endangered Species. A biological survey was conducted in September 2019 to assess the Project for the presence of species on the Navajo Endangered Species List (NESL) and federally listed threatened and endangered species. Thirteen (13) species on the NESL were identified as having the potential to be present in the Project area and they included the Ferruginous Hawk, Golden Eagle,

Burrowing Owl, Mountain Plover, Southwestern Willow Flycatcher, Peregrine Falcon and seven (7) plant species, the Cronquist Milk-vetch, Welsh's Milkweed, Navajo Sedge, Rydberg's Thistle, Alcove Bog-orchid, Parish's Alkali Grass and the Alcove Death Camass. The September 2019 survey did not identify the presence of any of the 13 species or their suitable habitats. It was determined that there is suitable foraging habitat for the Ferruginous Hawk and the Golden Eagle. The only federally listed threatened and endangered species identified were Welsh's Milkweed and Navajo Sage. The survey also confirmed the absence of critical habitat on the Project site and surrounding area. To avoid any impacts to the Golden Eagle and Ferruginous Hawk, construction will be scheduled outside the breeding season of January through July. If unavoidable, a pre-construction survey will be conducted prior to start of construction activities. Construction should also avoid the Migratory Bird breeding season of March 1 through August 15, however if unavoidable, pre-construction surveys will be conducted. Due to the transient nature of the Golden Eagle and Ferruginous Hawk, they are not expected to be adversely impacted. The Navajo Nation Department of Fish and Wildlife issued a Biological Resources Compliance Form on January 10, 2020, with the determination of No Affect for both the NESL species and federally listed species. NTUA obtained an updated species list dated February 24, 2022, from the Navajo Natural Heritage Program and the updated list did not have any new species.

Cultural and Historic Properties. The Navajo Nation Heritage & Historic Preservation Department (NNHHPD) records identified that one previous survey had been conducted and that no archaeological sites were identified within 300 feet of the Project. A cultural resources inventory of the Project site and access road was conducted between July and August of 2019 by Carrizo Archaeological Group (CAG). No Traditional Cultural Properties (TCPs) were recorded. Twenty-five (25) Isolated Occurrences (IO) were identified but determined not to be associated with an archaeological site. The NNHHPD did not stipulate a condition of compliance or avoidance measures and therefore, the IOs will not be avoided during the construction of the Project. The NNHHPD determined on July 25, 2019, that no TCPs are present with the Project area and/ or buffer zone and that the Project may proceed as proposed.

Air Quality. Minor temporary impacts to air quality may occur due to fugitive dust from construction equipment and traffic. Mitigation will consist of water application to alleviate dust generated by construction activities.

Soils: NTUA would use BMP erosion control techniques to mitigate soil impacts. NTUA would implement and maintain the BMPs described in the SWPPP to minimize erosion and sedimentation.

PUBLIC and AGENCY INVOLVEMENT

Local newspaper notices, announcing the availability of the EA and participation under Section 106 of the National Historic Preservation Act were published on April 5, April 6, and April 8, 2022, in the daily newspaper, The Independent. A copy of the EA was available on the RUS project website, <https://www.rd.usda.gov/resources/environmental-studies/assessments>.

The 14-day public review period began on April 5, 2022 and concluded on April 18, 2022. The RUS website included project information in an easily accessible format (e.g., Section 508-compliant portable document format file [PDF]). RUS received no comments from the public.

D. FINDING OF NO NEW SIGNIFICANT IMPACT

Based on its EA, RUS has concluded that the proposed project would have no significant effects to the human environment as disclosed in the EA. The proposed project will have no effects on historic properties listed or eligible for listing on the National Register of Historic Places and no effects to federally listed species or designated critical habitat. The proposed project would not disproportionately affect minority or low-income populations.

In accordance with the NEPA, as amended (42 U.S.C. 4321 et seq.), the CEQ Regulations (40 CFR 1500–1508), and Rural Development’s Environmental Policies and Procedures (7 CFR Part 1970), RUS has determined that the environmental impacts of the proposed project have been adequately addressed and that no significant impacts to the quality of the human environment would result from construction and operation of the proposed project. Any final action by RUS related to the proposed Project will be subject to, and contingent upon, compliance with all relevant federal and state environmental laws and regulations. Because RUS’s action will not result in new significant impacts to the quality of the human environment, RUS will not prepare an Environmental Impact Statement for its potential federal action associated with the proposed project.

E. RUS LOAN REVIEW AND RIGHT OF ADMINISTRATIVE REVIEW

This FONSI is not a decision on a loan application and therefore not an approval of the expenditure of federal funds. Issuance of the FONSI and its notices concludes RUS’s environmental review process. The ultimate decision on loan approval depends upon conclusion of this environmental review process in addition to financial and engineering reviews. Issuance of the FONSI and publication of notices will allow for these reviews to proceed. The decision to provide financial assistance also is subject to the availability of loan funds for the designated purpose in RUS’ budget. There are no provisions to appeal this decision (i.e., issuance of a FONSI). Legal challenges to the FONSI may be filed in Federal District Court under the Administrative Procedures Act.

F. APPROVAL

This Finding of No New Significant Impact is in effect upon signature.

Dated:

CHRISTOPHER A. McLEAN
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Contact information:

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