

FINDING OF NO SIGNIFICANT IMPACT

**Gering Solar
Scotts Bluff County, Nebraska**

**Rural Utilities Service
U.S. Department of Agriculture**

SE Municipal Solar, LLC / Sandhills Energy

**Prepared by:
Engineering and Environmental Staff
Rural Utilities Service**

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A. INTRODUCTION

SE Municipal Solar, LLC / Sandhills Energy plans to submit a financing request to the U.S. Department of Agriculture, Rural Utilities Service (RUS) to construct the proposed Gering Solar (Project) in Scotts Bluff County, Nebraska. RUS is considering this financing request. Prior to taking a federal action (i.e., providing financial assistance), RUS is required to complete an environmental analysis in accordance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. §§ 4321–4347), the Council on Environmental Quality’s (CEQ) regulations for implementing NEPA (40 CFR Parts 1500-1508), and RD’s NEPA implementing regulations, Environmental Policies and Procedures (7 CFR Part 1970). After completing an independent analysis of an environmental report prepared by SE Municipal Solar, LLC and its consultant, RUS concurred with its scope and content. In accordance with 7 CFR § 1970.102, RUS will adopt the report and issue 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. SE Municipal Solar, LLC 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. PROJECT DESCRIPTION AND PURPOSE/NEED

The overall purpose of the Project is to construct the Gering Solar facility in Scotts Bluff County, Nebraska. The Project will be on a 22.6-acre tract of land owned by the City of Gering. It will be approximately 500 feet west of the intersection of U Street (County Road N) and Lockwood Road (County Road 23) in the City of Gering. The project will construct a solar energy generation facility which will connect to City of Gering’s electrical distribution system. RUS have reviewed the purpose and need for the Project and determined that the proposal will meet the RUS purpose and need.

C. ALTERNATIVES EVALUATED

1. No Action

Under the No Action Alternative, RUS will not provide financial assistance to SE Municipal Solar, LLC, and/or the proposed Project will not be constructed. This alternative will not assist SE Municipal Solar, LLC in providing electricity to rural residents.

2. Action Alternative (Preferred Alternative)

Under the Action Alternative, RUS will consider financing the proposed Project, and SE Municipal Solar, LLC will construct the Gering Solar Project. The proposed Project will be on a 22.6-acre tract of land in Scotts Bluff County. It will be approximately 500 feet west of the intersection of U Street (County Road N) and Lockwood Road (County Road 23) in the City of Gering. The project will construct a solar energy generation facility which will connect to the City of Gering's electrical distribution system.

3. Alternatives Eliminated from Further Consideration

In addition to the No Action Alternative and Action Alternative, SE Municipal Solar, LLC considered alternative electricity generation, which are documented in the Alternatives section of the EA.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

The analysis in the EA documented that the proposed Project will have no adverse effects to land use, farmland, floodplains, wetlands, water resources, coastal resources, biological resources, cultural resources & historic properties, aesthetics, air quality, socioeconomic & environmental justice, noise, transportation, human health & safety, and corridors. In accordance with the requirements of § 1970.104(b), a summary of anticipated impacts on the human environment is provided below, including any mitigation measures deemed necessary to avoid, minimize, or mitigate impacts. SE Municipal Solar, LLC is responsible for implementing these measures.

There are no federal lands or formally classified lands within the Project, which will be on land zoned for industrial use. The Project site received a rating less than 160, so it will not receive further evaluation under the Farmland Protection Policy Act. Therefore, the Project will have no significant impact to formally classified lands or important farmland.

The Project site is within FEMA Zone C, which is above the 500-year floodplain. A wetland delineation was conducted. There are no wetlands at the Project site, though there is one small, isolated wetland at the Project boundary. The Project area will not impact sole source aquifers or coastal resources or have a significant impact to other water resources. The Project will have no significant impact to floodplains, wetlands, water resources, or coastal resources.

The Project may affect but is not likely to adversely affect two federally listed species and will have no effect to the other federally listed, proposed, or candidate species. There are no critical habitats or eagle nests within the Project area. The Project will use revegetation and a weed management plan for invasive species and vegetation control. The Project will have no significant impact to biological resources.

A cultural resources file search was conducted in the Project Area of Potential Effect (APE). Consultation was conducted with the State Historic Preservation Officer (SHPO) and Indian Tribes. Twelve Indian Tribes were contacted, and one Tribe responded. The Project will not affect historic properties and cultural resources.

The Project area is in attainment for criteria air pollutants. The Project will not negatively affect minority or low-income populations. The Project may have temporary, minimal impacts during construction to aesthetics, noise, and transportation. There are no identified Recognized Environmental Conditions (RECs) or Controlled REGs in the Project site. Therefore, the Project will have no significant impact to aesthetics, air quality, socioeconomics & environmental justice, noise, transportation, and human health & safety.

E. PUBLIC AND AGENCY INVOLVEMENT

A local newspaper advertisement, announcing the availability of the EA and participation under Section 106 of the National Historic Preservation Act, was published on June 27 & July 4, 2024, in the Gering Courier, Scotts Bluff County, Nebraska. A copy of the EA was available for public review at <https://www.rd.usda.gov/resources/environmental-studies/assessment/gering-solar-project>. The 14-day comment period ended on July 10, 2024. RUS received no comments on the EA during the public review period.

F. FINDING OF NO SIGNIFICANT IMPACT

Based on its EA, RUS has concluded that the proposed Project will have no significant effects to land use & important farmland, floodplains, wetlands, water resources, coastal resources, biological resources, cultural resources & historic properties, aesthetics, air quality, socioeconomic/environmental justice, miscellaneous issues (noise, transportation), human health & safety, and corridors. 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 will not disproportionately affect minority or low-income populations.

In accordance with the National Environmental Policy Act, as amended, the Council on Environmental Quality Regulations, and RD's Environmental Policies and Procedures, 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 will 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 action will not result in 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.

G. 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's budget. There are no provisions to appeal this FONSI or the agency's other environmental determinations. Legal challenges to the FONSI may be filed in Federal District Court under the Administrative Procedures Act.

H. APPROVAL

This Finding of No Significant Impact is effective upon signature.

Dated:

CHRISTOPHER MCLEAN  Digitally signed by CHRISTOPHER
MCLEAN
Date: 2024.07.23 07:09:26 -04'00'

CHRISTOPHER A. MCLEAN

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For additional information on this FONSI and EA, please contact Terry Czerwien, Environmental Protection Specialist, at terry.czerwien@usda.gov.