

FINDING OF NO SIGNIFICANT IMPACT

Clay Center Energy Generation Facility

Clay County, Kansas

Rural Utilities Service  
U.S. Department of Agriculture

KPP Energy

Prepared by:  
Rural Utilities Service Staff  
United States Department of Agriculture

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## **A. INTRODUCTION**

KPP Energy (Applicant) plans to submit a financing request to the U.S. Department of Agriculture, Rural Utilities Service (RUS) to construct the proposed Clay Center Energy Generation Facility Project in Clay County, Kansas. 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. §§ 4231–4347), 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 KPP Energy 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. KPP Energy published a newspaper notice 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 an electric generating facility to provide 3.0-megawatts (MW) of clean renewable energy to the residents in the Clay Center community. KPP Energy is responding to a regional need for an affordable and reliable supply of electric power at competitive rates. To meet this purpose and need, KPP Energy proposes to construct a solar energy generating facility on an approximately 18.44-acre tract located within the city limits of Clay Center in Clay County, Kansas. The Project would be located south of the intersection of West Lincoln Avenue and C Street. RUS has reviewed the purpose and need for the Project and determined that the proposal would meet the RUS purpose and need.

## **C. ALTERNATIVES EVALUATED**

### **1. No Action**

Under the No Action Alternative, RUS would not provide financial assistance to KPP Energy, and/or the proposed Project would not be constructed. This alternative would not assist KPP Energy in providing an affordable and reliable supply of electric power to the residents in the Clay Center community.

## **2. Action Alternative (Preferred Alternative)**

Under the Action Alternative, RUS would consider financing the proposed Project, and KPP Energy would construct the Clay Center Energy Generation Facility, occupying approximately 18.44 acres. The proposed project would consist of the construction of ground-mounted photovoltaics ("PV") mounted on a steel rack system, which would be anchored into the ground using driven steel piles. Interconnection cables would total approximately 570 feet and would be installed at a minimum depth of 18 inches. Trenches would be excavated parallel to the PV racks to interconnect each individual rack. In addition to the PV system, other infrastructure would include access roads, power conditioning systems, a switchyard facility, and other associated facilities. Access to the facility for construction and operations would be from C Street.

## **3. Alternatives Eliminated from Further Consideration**

In addition to the No Action Alternative and Action Alternative, KPP Energy considered other technology alternatives, which are documented in the Alternatives Evaluated Including the Proposed Action and No Action section of the EA.

The Action Alternative meets the purpose and need and was selected as the Preferred Alternative.

## **D. SUMMARY OF ENVIRONMENTAL EFFECTS**

The analyses in the EA documented that the proposed Project would have no adverse effects to land use, important farmland, formally classified lands, floodplains, wetlands, water resources, coastal resources, biological resources, cultural resources and historic properties, aesthetics and visual resources, air quality, socioeconomics and environmental justice, noise, transportation and traffic, electromagnetic fields, human health and safety, or reflectivity.

A detailed discussion of the resource categories analyzed and the consequences of the implementation of the proposed Project is presented in Section 3 of the EA. A summary of anticipated effects on the human environment for select resources is provided below, including any mitigation measures deemed necessary to avoid or minimize effects. KPP Energy is responsible for implementing these measures.

### **Land Use/Farmland**

The current and historical land use for the Project Area is commercial agricultural production. There are no Formally Classified Lands in the vicinity of the Project Area, thus none would be affected in the short- or long-term. The Project Area is classified as Prime Farmland

but qualifies as an exemption under the Farmland Protection Policy Act (FPPA) due to its location within incorporated city limits for the City of Clay Center. Therefore, coordination with the NRCS is not required to obtain a Land Evaluation and Site Assessment (“LESA”) score. Upon decommissioning of the solar site, KPP Energy or their designated affiliate would remove all PV panels, steel piles, wiring, and associated facilities. Areas disturbed by the project would be returned to near pre-Project conditions with restored soils.

### **Water Resources**

The Project is in a Wellhead Protection Area (WHPA). The site would require a Stormwater Pollution Prevention Plan (SWPPP) for soil disturbance and storm water runoff during construction. Proper permits would be obtained to construct in the WHPA, and the Project would comply with all local ordinances regarding water quality. Additionally, BMPs such as soil erosion and sediment control measures would be used during construction, and vegetation would be allowed to reestablish where possible during the lifetime of the Project to minimize the potential for increased runoff, erosion, and siltation, resulting in no adverse effect to water resources.

### **Biological Resources**

The following Listed Threatened and Endangered Species were identified by the US Fish and Wildlife Service Information for Planning and Conservation (IPaC) tool as having the potential to occur within the Project Area: Northern Long-eared Bat, Tricolored Bat, and Monarch Butterfly. In addition, the following migratory birds of concern have the potential to occur within the Project Area: Western Grebe, Black-billed Cuckoo, Chimney Swift, Snowy Plover, Willet, Least Tern, Black Tern, Burrowing Owl, Long-eared Owl, Red-headed Woodpecker, Black-capped Vireo, Lark Bunting, Bobolink, and Pyrrhuloxia. However, there is little to no suitable habitat in the Project Area for these species due to historical land use and cover (agriculture). Low reflective PV panels would be incorporated to minimize bird strikes. After construction, any disturbed area would be seeded with a mixture of native herbaceous vegetation which would discourage the establishment of invasive species and promote the restoration of native species.

### **Cultural Resources and Historic Properties**

A cultural resources inventory indicated that there are no known historic properties in the Area of Potential Effect. Because no historic properties are present, the analysis for Project resulted in a “no historic properties affected” determination.

KPP Energy is not proposing environmental mitigation action related to the Clay Center Energy Generation Facility Project as no adverse environmental effects are anticipated. The

Project would be sited on land owned by the City of Clay Center and would avoid floodplains and wetlands. Potential long-term effects to soils and vegetation would be avoided by planting of a native seed mix beneath the panels to hold the soil in place and redevelop the soil profile as root matrices grow. The result would be increased water infiltration and competition with invasive species as well as the revitalization of soil biochemical nutrient cycles and horizon development. By the end of the Project lifespan soil health would be expected to be similar to or better than existing conditions.

#### **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 December 10, 2024 and December 17, 2024 in The Clay Center Dispatch, Clay Center, Kansas. A copy of the EA was available for public review at <https://www.rd.usda.gov/resources/environmental-studies/assessment/clay-center-energy-generation-facility>. The 14-day comment period ended on December 24, 2024. RUS received no comments.

#### **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, formally classified lands, floodplains, wetlands, water resources, coastal resources, biological resources, cultural resources and historic properties, aesthetics and visual resources, air quality, socioeconomics and environmental justice, noise, transportation and traffic, electromagnetic fields, human health and safety, or reflectivity. 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's 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. 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'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: December 31, 2024

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#### **Contact Person**

For additional information on this FONSI and EA, please contact [RUS.EHPD.IRA@usda.gov](mailto:RUS.EHPD.IRA@usda.gov).