

The logo for SWCA (Southwest Water Conservation Agency) is displayed vertically on the left side of the page. It consists of the letters 'S', 'W', 'C', and 'A' stacked vertically in a large, light blue, serif font.

Scoping Summary Report for the Skeleton Creek Solar and Battery Storage Project

APRIL 2021

PREPARED FOR

USDA Rural Utilities Service

PREPARED BY

SWCA Environmental Consultants

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1 INTRODUCTION

The following is a summary of the scoping process and public comments received by the Rural Utilities Service (RUS) regarding the Skeleton Creek Solar and Battery Storage Project (the Project).

Skeleton Creek Energy Center, LLC (the Applicant) intends to apply for a loan from RUS, an agency that administers the U.S. Department of Agriculture's Rural Utilities Programs, to construct and operate the Project, a proposed solar and battery storage facility located on private lands in Garfield County, Oklahoma. On March 15, 2021, RUS issued a notice of intent (NOI) to prepare an environmental impact statement (EIS) consistent with the regulations implementing the National Environmental Policy Act (NEPA) (42 United States Code 4321 et seq.) to assess the potential impacts of the Proposed Action and alternatives (83 *Federal Register* 53104).

The NOI initiated a public scoping process which solicited input from federal agencies, tribes, state and local governments, and the general public regarding potential significant resources and issues, reasonable alternatives (e.g., size, geographic, seasonal, or other restrictions on construction and siting of facilities and activities), and potential mitigation measures to be analyzed in the EIS as well as additional sources of information for consideration. Since the Section 106 process is being streamlined with NEPA pursuant to 36 Code of Federal Regulations 800.8, the public scoping process also provided meaningful opportunity for consulting parties to participate in the Section 106 process. The public scoping period occurred from March 15 through April 19, 2021.

2 OBJECTIVE

The goals of this scoping report are to

- ensure that every comment is considered;
- identify the concerns raised by all respondents;
- represent the breadth and depth of the public's viewpoints and concerns as fairly as possible; and
- present public concerns in such a way as to facilitate RUS consideration of comments.

Although this summary attempts to capture the full range of public issues and concerns, they should be considered with caution. Because respondents are self-selected, their comments may not necessarily represent the sentiments of the public as a whole.

3 METHODOLOGY

3.1 Terminology

The following terminology is used throughout this report:

- **Submission:** The entire content submitted by a single person or group at a single time. For example, a 1-page letter from a citizen, an e-mail with a portable document format (PDF) attachment, or a transcript of a public scoping meeting was considered to be a single submission.
- **Comment:** A specific statement within a submission that expresses a sender's specific point of view, concern, question, or suggestion. One submission may contain many comments.
- **Substantive Comment:** Scoping submissions were reviewed to identify and categorize substantive comments. To be substantive, a comment must meet both of the following criteria:

- **Related to the Proposed Project:** To be substantive, a comment must first relate, even tangentially, to the proposed Project, its connected actions, cumulative actions/effects, and other reasonably foreseeable actions, impacts, or conditions.
- **More than Simple Opinion:** This criterion requires that substantive comments provide information to help RUS prepare the EIS by providing some level of support or basis for the commenter's position or some indication of the issues the commenter believes are significant. As a hypothetical example, a statement that "RUS should reject the Project" would not be considered substantive, but a statement that "The Project should not be approved because it would harm commercial fisheries" would be considered substantive.

3.2 Comment Submittal and Public Scoping Meeting

RUS accepted submissions during the public scoping period via the following mechanisms:

- Emails submitted to RUS via the Project email: SkeletonCreekSolarPublicComments@usda.gov
- Comments submitted verbally at the public scoping meeting

One public scoping meeting was held on March 30, 2021, from 5:00 to 9:00 p.m. ET using Zoom Webinar. Individuals and agencies could register to attend the meeting via RUS's website: <https://www.rd.usda.gov/environmentalstudy/skeleton-creek-solar-and-battery-storage-project-garfield-county-oklahoma>.

The meeting included a PowerPoint presentation by RUS, the Applicant, and SWCA staff, followed by an open session for comment or question and answer (Q&A). A total of 10 attendees participated in the public scoping meeting.

RUS received a total of 15 questions from the public during the scoping meeting. Questions asked during the public meeting are not considered formal comments for the public record. However, these questions and answers are provided in a separate Q&A Report, posted on RUS's website. Zoom Webinar also generated a Microsoft Word version of the meeting transcript. This transcript was converted to a PDF for the administrative record and is also posted on RUS's website.

3.3 Additional Scoping Outreach

In addition to the public scoping meeting, RUS conducted public and agency outreach through the following steps:

- Publication of Project information on RUS's website
- Publication of a legal notice in the *Enid News & Eagle* on March 16–18, 2021
- Distribution of a press release regarding the Project and upcoming scoping meeting on March 16, 2021 to local newspapers, radio, and television stations
- E-mailing of letters to federal, state, and local agencies on March 16–17, 2021 to introduce the Project, gather information on preliminary concerns, and provide public meeting information
- Submittal of an informal Department of Defense Siting Clearinghouse review request for the Project on March 31, 2021, with follow-up emails through April 13, 2021

- E-mailing the Natural Resources Conservation Service for an appropriate contact for farmland conversion issues on March 31, 2021

Agency responses included clarification of appropriate points of contact as well as information on Enid's Metropolitan Area Planning Commission jurisdiction and State of Oklahoma and City of Enid requirements for renewable energy projects within that jurisdiction. All agency contacts were added to the Project mailing list for future EIS notifications.

At the same time as the NOI publication, RUS also sent out letters to initiate Section 106 with State Historic Preservation Offices, the Oklahoma Archeological Survey, and other consulting parties as well as letters to initiate government-to-government consultation with tribes to engage these parties early in the planning process and provide opportunities to contribute to determining potential effects to historic properties and cultural resources under both NEPA and the National Historic Preservation Act. To date, three tribes have responded. The Osage Nation Historic Preservation Office requested a separate meeting to discuss the Project, while the Choctaw Nation of Oklahoma and the Kaw Nation declined further involvement.

3.4 Comment Processing

RUS downloaded all submissions submitted via the Project email and converted each email into a PDF for the administrative record. Appendix A provides a detailed listing of all the submissions received.

Each submission was read to identify substantive comments (as defined in Section 3.1). Each substantive comment was assigned a unique comment ID number and coded to the most applicable resource or topic area.

4 SCOPING SUBMISSION AND COMMENT SUMMARY

4.1 Submissions

RUS received three submissions during the scoping period. Submissions were provided by the following federal entities:

- Environmental Protection Agency (EPA)
- U.S. Geological Survey (USGS)
- National Park Service (NPS)

The U.S. Army Corps of Engineers, Tulsa District, indicated that it would not provide a submission, as resources pertinent to its interest are required by law to be included in the EIS. No submissions were received from state or local governments or private individuals.

4.2 Comments

A total of two substantive comments were identified within the EPA submission and are summarized below. The USGS and NPS submissions indicated that the agencies had no comments on the Project at this time. Full letters are provided in Appendix B.

4.2.1 Air Quality

The EPA stated that the EIS should provide a detailed discussion of ambient air conditions, National Ambient Air Quality Standards, Nonattainment Areas for Criteria Pollutants, and federal Class I Areas in the vicinity of the Project and emission estimates and duration during construction and operations. The EPA also indicated that the EIS should identify appropriate mitigation measures to minimize emissions, including a construction emissions mitigation plan that addresses all local, state, and federal air quality requirements.

4.2.2 Environmental Justice

The EPA stated that RUS should engage in consultation with potentially affected tribal governments and conduct an environmental justice analysis that relies on EPA guidance and data (EJSCREEN). In particular, the EPA encouraged outreach to potentially affected rural communities and development of a mitigation plan, if applicable, to resolve any high and disproportionately adverse environmental justice effects.

Appendix A

List of Submission IDs, Names, and Affiliations

Letter ID	Organization / Affiliation	Name / Title	Physical Address or Email
1	EPA, Region 6	Robert Houston, on behalf of Joanna Polk, Director, Office of Communities, Tribes, and Environmental Assessment	120 Elm Street, Suite 500 Dallas, Texas 75270-2102
2	USGS	Alison Gordon	agordon@usgs.gov
3	NPS	Nida Holliday	Nida_Holliday@nps.gov

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Appendix B
Scoping Letters

From: [Hayden, Keith](#)
To: [RD Skeleton Creek Solar Public Comments](#)
Cc: [Bastis, Kristen - RD, Washington, DC](#)
Subject: [External Email]EPA scoping letter for the Skeleton Creek Solar and Battery Storage
Date: Monday, April 19, 2021 12:38:23 PM
Attachments: [Skeleton Creek Solar Project Scoping Response Letter.pdf](#)

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;
Use caution before clicking links or opening attachments.
Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Attached is the EPA scoping letter for the Skeleton Creek Solar and Battery Storage Project. If you have any questions about our comments please contact me at your earliest convenience.

Sincerely,

Keith Hayden
Environmental Scientist/NEPA Specialist
Mail Code: ORACN
USEPA - Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270
e: hayden.keith@epa.gov
p: 214.665.2133



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270-2102

April 16, 2021

Barbara R. Britton
Director, Environmental and Engineering Staff
Water and Environmental Programs
Rural Utilities Service, Rural Development
United States Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Ms. Britton:

The Region 6 office of the U.S. Environmental Protection Agency (EPA) has reviewed the Rural Utilities Service (RUS) Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS), dated March 15, 2021. The purpose of the NOI is to solicit input regarding the impacts associated with the proposed construction of the Skeleton Creek Solar and Battery Storage Project proposed by NextEra Energy Resources.

To assist in the scoping process, we have identified the following areas for your attention in the preparation of the EIS:

Air Quality

EPA recommends the EIS provide a detailed discussion of ambient air conditions, National Ambient Air Quality Standards, and criteria pollutant nonattainment areas in the vicinity of the project. In order to quantify emissions, the EIS should estimate emissions of criteria and hazardous air pollutants (air toxics) from the proposed project, and discuss the timeframe for release of these emissions over the lifespan of the project. Please describe and estimate emissions from potential construction activities, as well as proposed mitigation measures to minimize these emissions. The EIS should also consider any expected air quality/visibility impacts to Class I Federal Areas identified in 40 CFR Part 81, Subpart D.

The EIS should specify all emission sources by pollutant from mobile sources (on and off-road), stationary sources (including portable and temporary emission units), fugitive emission sources, area sources, and ground disturbance. This source specific information should be used to identify appropriate mitigation measures and areas in need of the greatest attention.

Finally, EPA recommends the EIS include a draft Construction Emissions Mitigation Plan and ultimately adopt this plan in the Record of Decision. We recommend all applicable local, state (e.g., coordination of land-clearing activities with the state air quality agency to determine air quality conditions such as atmospheric inversions prior to performing open burning activities), or Federal requirements (e.g., certification of non-road engines as in compliance with the EPA Tier 4 regulations found at 40 CFR Parts 89 and 1039) be included in the Construction Emissions

Mitigation Plan in order to reduce impacts associated with emissions of particulate matter and other toxics from any potential construction-related activities.

Environmental Justice and Tribes

EPA recommends the RUS coordinate with tribal governments that could be impacted by this action and formally initiate consultation as appropriate. The RUS should conduct a cumulative impact analysis, and if warranted, prepare a mitigation plan to be agreed to by the impacted minority and low-income populations. This agreement should be made part of the EIS. If necessary, RUS should conduct unorthodox means of outreach to rural populations being adversely impacted by the proposed project. This could include reaching out to religious and local establishments, door to door contact, and unbiased community leaders. Finally, EPA recommends that RUS use the following reports/guidance to address Environmental Justice:

- Promising Practice Reports available at https://www.epa.gov/sites/production/files/2016-08/documents/nepa_promising_practices_document_2016.pdf;
- Environmental Justice: Guidance Under the National Environmental Policy Act available at: https://www.epa.gov/sites/production/files/2015-02/documents/ej_guidance_nepa_ceq1297.pdf; and
- EJSCREEN Screening and Mapping Tool at: <https://www.epa.gov/ejscreen>.

We appreciate the opportunity to provide comments for the proposed Skeleton Creek Solar and Battery Storage Project. We look forward to reviewing the EIS documents related to this effort. The staff contact for the review is Keith Hayden and he can be reached at 214-665-2133, or by e-mail at hayden.keith@epa.gov.

Sincerely,

**ROBERT
HOUSTON**

Digitally signed by ROBERT HOUSTON
DN: c=US, o=U.S. Government,
ou=Environmental Protection
Agency, cn=ROBERT HOUSTON,
0.9.2342.19200300.100.1.1=68001003
655693
Date: 2021.04.16 14:41:29 -0500

For Jonna Polk
Director
Office of Communities, Tribes and
Environmental Assessment

From: [Kopec, Brett A](#)
To: [RD Skeleton Creek Solar Public Comments](#)
Cc: [Janowicz, Jon A](#)
Subject: Fw: ENVIRONMENTAL REVIEW (ER) NEW POSTING NOTIFICATION: ER21/0103 - NOI EIS RUS Skeleton Creek Solar and Battery Storage Project (Project) proposed by NextEra Energy Resources, Garfield county, OK
Date: Monday, March 22, 2021 7:32:58 AM

Brett Kopec
USGS
Administrative Operations Assistant

From: Gordon, Alison D <agordon@usgs.gov>
Sent: Friday, March 19, 2021 4:44 PM
To: Kopec, Brett A <bkopec@usgs.gov>
Cc: Janowicz, Jon A <jjanowicz@usgs.gov>
Subject: Fw: ENVIRONMENTAL REVIEW (ER) NEW POSTING NOTIFICATION: ER21/0103 - NOI EIS RUS Skeleton Creek Solar and Battery Storage Project (Project) proposed by NextEra Energy Resources, Garfield county, OK

The USGS has no comment at this time. Thank you.

From: oepchq@ios.doi.gov <oepchq@ios.doi.gov>
Sent: Tuesday, March 16, 2021 8:26 AM
To: Reddick, Virginia <Virginia_Reddick@ios.doi.gov>; Treichel, Lisa C <Lisa_Treichel@ios.doi.gov>; Alam, Shawn K <Shawn_Alam@ios.doi.gov>; Braegelmann, Carol <carol_braegelmann@ios.doi.gov>; Kelly, Cheryl L <cheryl_kelly@ios.doi.gov>; Howerton, B J <BJ.Howerton@bia.gov>; Yazzie, Harrilene J <Harrilene.Yazzie@bia.gov>; Hardt, Richard A <rhardt@blm.gov>; Paulete, Francisca (Panchita) E <fpaulete@blm.gov>; Gilbert, Megan A <magilbert@blm.gov>; Taylor, Theresa J <TTaylor@usbr.gov>; Cunningham, Catherine (Cathy) S <ccunningham@usbr.gov>; ERs, FWS HQ <FWS_HQ_ERs@fws.gov>; Stedeford, Melissa <Melissa_Stedeford@nps.gov>; Runkel, Roxanne <Roxanne_Runkel@nps.gov>; Hamlett, Stephanie R <shamlett@osmre.gov>; Gordon, Alison D <agordon@usgs.gov>; Janowicz, Jon A <jjanowicz@usgs.gov>; Herman, Mark <Mark.Herman@bia.gov>; Anderson, David S <David.Anderson@bia.gov>; Avery, Christie A <Christie.Avery@bia.gov>; oepchq@ios.doi.gov <oepchq@ios.doi.gov>; King, Susan E <susan_king@ios.doi.gov>
Subject: ENVIRONMENTAL REVIEW (ER) NEW POSTING NOTIFICATION: ER21/0103 - NOI EIS RUS Skeleton Creek Solar and Battery Storage Project (Project) proposed by NextEra Energy Resources, Garfield county, OK

This e-mail alerts you to a Environmental Review (ER) request from the Office of Environmental Policy and Compliance (OEPCC). This ER can be accessed [here](#). To access electronic ERs visit the Environmental Assignments website: <https://ecl.doi.gov/ERs.cfm>. For assistance, please contact the Environmental Review Team at 202-208-5464.

Comments due to Agency by: 04/18/21

From: NPS_Environ_Rev@nps.gov
To: [RD Skeleton Creek Solar Public Comments](#)
Cc: Nida_Holliday@nps.gov; lani_pettebone@nps.gov
Subject: No NPS Comments, ER-21/0103: Skeleton Creek Solar and Battery Storage Project proposed by NextEra Energy Resources, Garfield county, OK
Date: Thursday, April 15, 2021 4:39:44 PM

Dear Sir/Madam,

The NPS has no comments on ER-21/0103, the Skeleton Creek Solar and Battery Storage Project proposed by NextEra Energy Resources, Garfield county, OK.

If you have questions, please contact Nida Holliday at Nida_Holliday@nps.gov.