

**FINDING OF NO
SIGNIFICANT IMPACT**

**Tutuilla Solar Electric Generation Facility and Business Site Lease
Confederated Tribes of Umatilla Indian Reservation
Tribal Trust Tract T2103-C
Umatilla Indian Reservation
Umatilla County, Oregon**

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

Tutuilla Solar LLC

**Prepared by:
Environmental and Historic Preservation Division
Rural Utilities Service**

A. INTRODUCTION

Tutuilla Solar LLC plans to submit a financing request to the U.S. Department of Agriculture (USDA), Rural Utilities Service (RUS) to obtain a Business Site Lease (BSL) from the Confederated Tribes of the Umatilla (Tribe) Indian Reservation in section 21, Township 2N, Range 33E, Willamette Meridian, Umatilla County, Oregon, to construct and operate the proposed Tutuilla Solar Electric Generation Facility (proposed Project).

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: 42 United States Code [U.S.C.] § 4321–4347), the Council on Environmental Quality’s (CEQ) regulations for implementing NEPA (40 CFR Parts 1500-1508), and USDA Rural Development’s NEPA implementing regulations, Environmental Policies and Procedures (7 CFR Part 1970).

Because the proposed Project is on the CTUIR, the U.S. Department of the Interior, Bureau of Indian Affairs (BIA), Umatilla Agency was the lead agency for NEPA and Section 106 of the National Historic Preservation Act, with the CTUIR acting as a cooperating agency. After completing an independent analysis of the Environmental Assessment (EA) prepared by BIA, RUS concurred with its scope and content. In accordance with 40 CFR § 15603, RUS adopted BIA’s EA as the Agency’s EA for the proposed Project. RUS finds that the EA is consistent with federal regulations and meets the standards for an adequate assessment. 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

Tutuilla Solar LLC proposes to obtain a business lease for a 14.5 acre parcel on Tract T2103-C located within the CTUIR’s 142-acre business park, called the Coyote Business Park South, to construct and operate the Tutuilla Solar Electric Generation Project. The proposed Project will consist of 5,850, seventy-two (72) cell photovoltaic (PV) panels made of high efficiency monocrystalline or polycrystalline silicon and twenty-six (26) 60 kilowatt (kW) inverters for a total output of 1.56 megawatts (MW).

C. PURPOSE AND NEED

USDA, Rural Development, RUS, is a mission area that includes three federal agencies: (1) Rural Business–Cooperative Service; (2) Rural Housing Service; and (3) RUS. The agencies offer more than 50 programs that provide financial assistance and a variety of technical and educational assistance to eligible rural and Native American Tribal populations, eligible communities, individuals, cooperatives, and other entities with a goal of improving the quality of life, sustainability, infrastructure, economic opportunity, development, and security in rural America. Financial assistance can include direct loans, guaranteed loans, and grants in order to accomplish program objectives.

CTUIR is seeking federal financial assistance for the proposed Project from RUS under the Powering Affordable Clean Energy (PACE) program, which was established as part of the Inflation Reduction Act of 2022. The objective of PACE is to increase rural community access to affordable, clean, and reliable energy resources. Through the Board of Trustees Resolution Number 10-079, the CTUIR adopted a Comprehensive Plan in 2010 that incorporated long-range goals for its members as they relate to treaty reserved rights, both on and off the Umatilla Indian Reservation. More specific goals of the plan included,

among others, long-term economic security in the face of national and global environmental and economic conditions and to diversify the economy through investment in energy production.

RUS has reviewed the purpose and need for the proposed Project and determined that the proposal will meet the present and future needs of the CTUIR.

D. ALTERNATIVES EVALUATED

1. No Action

Under the No Action Alternative, RUS would not provide financial assistance to Tutuilla Solar LLC, and the proposed Project would not be constructed. This alternative would not assist CTUIR in providing reliable, low cost, renewable electric service to customers in this service territory, therefore failing to meet the increasing demand for electricity with renewable energy generation.

2. Action Alternative (Preferred Alternative)

Under the Action Alternative, RUS would consider financing the proposed Project, and Tutuilla Solar LLC would construct the Project. The proposed Project would incorporate high-efficiency commercially available Underwriters Laboratories (UL)-listed solar PV panels that are made from monocrystalline or polycrystalline silicon modules, anti-reflective glass, aluminum frame, and copper electrical wires with plastic sheathing. By design, the solar PV panels would absorb sunlight to maximize electrical output and use anti-reflective glass, resulting in approximately half the reflectance of standard residential and commercial glass. Due to the limited rotation angles, the solar PV panels have low potential for reflecting the sun's rays upon any ground-based observer. These panels would be protected from impact by tempered glass and would have factory applied ultraviolet and weather resistant quick connect wire connectors. Two solar panel arrays (North and South) would contain 39 rows of panels on E-W single axis tracker racking each approximately 7.2 acres in size. Each array would contain 13 string inverters connecting 3 rows of panels, and each row containing 75 panels. Individual PV panels and rows would be electrically connected together in series to carry direct current (DC) electricity to the interior end of the row, called DC strings. Each string has wiring above ground into 24in x 36in string inverters mounted on a post along interior driveway (Figure 5). Each inverter converts DC to AC electricity.

E. SUMMARY OF ENVIRONMENTAL EFFECTS

The analyses in the EA documented that the proposed Project would have no significant adverse effects to existing land use, floodplains, threatened and endangered species, water resources, coastal resources, the surrounding community, air quality, noise, transportation, aesthetics, or human health and safety.

RUS completed consultation with the Umatilla Tribal Historic Preservation Office (THPO). The viewshed analysis determined the solar array will be visible from an unnamed historic property of religious and cultural significance to the CTUIR in Coyote Business Park. A finding of no adverse effect was made with conditions. Those conditions are minimizing impacts to the unnamed historic property, by keeping the view as natural as possible by planting vegetation in appropriate locations and using natural plant colors where possible. In addition, off-site mitigation to fully resolve the adverse effects of the undertaking would be implemented. The mitigation is related to the Mission Long House and will benefit the tribal community.

In the event of a discovery [discovery means any previously unidentified or incorrectly identified cultural resources including, but not limited to, archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the BIA Regional Archaeologist and the RUS Archeologist must be notified.

F. PUBLIC INVOLVEMENT

BIA published the notice of availability (NOA) for 30 days at the CTUIR and BIA offices, as well as at the CTUIR Tribal store, announcing the availability of the EA for public review, in accordance with 7 CFR §1970.102(6)(ii). No comments were submitted.

G. FINDING OF NO SIGNIFICANT IMPACT

Based on the EA, RUS has concluded that the proposed Project would have no significant effects to existing land use, floodplains, wetlands, cultural resources, threatened and endangered species, water resources, coastal resources, the surrounding community, air quality, noise, transportation, aesthetics, or human health and safety. 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 National Environmental Policy Act, the Council on Environmental Quality Regulations (40 CFR 1500–1508), and RD’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 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.

H. 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 decision (i.e., issuance of a FONSI). Legal challenges to the FONSI may be filed in Federal District Court under the Administrative Procedures Act.

I. APPROVAL

This Finding of No Significant Impact is effective upon signature.

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Contact information

For additional information on this FONSI, email: RUSPublicComments@usda.gov