

# **FINDING OF NO SIGNIFICANT IMPACT**

Coldwater Solar Facility  
Comanche County, Kansas

**RURAL UTILITIES SERVICE**  
United States Department of Agriculture

Today's Power, Inc.

Prepared by:

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## **A. INTRODUCTION**

Today's Power, Inc. (TPI) 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 Coldwater Solar Facility in Comanche 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 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 RD's NEPA implementing regulations, Environmental Policies and Procedures (7 CFR Part 1970).

After completing an independent analysis of an environmental report prepared by TPI and its consultant, 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. TPI 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. PURPOSE AND NEED**

The purpose of this Project is to provide a clean and renewable energy source to the existing electrical grid in the area. TPI is partnering with CMS Electric Cooperative to construct this Project and improve the reliability and capacity of the power system in the area by providing clean, renewable energy.

RUS has reviewed the applicant's purpose and need for the project and determined that the proposal will meet the present and future needs.

## **C. ALTERNATIVES EVALUATED**

### ***No Action Alternative***

Under the No Action Alternative, RUS would not provide financial assistance to TPI, and/or the proposed Project would not be constructed. This alternative would not assist TPI in providing clean, renewable energy to improve the reliability and capacity of the power system in the area.

### ***Proposed Action Alternative (Preferred Action)***

Under the Action Alternative, RUS would consider financing the proposed Project, and TPI would construct the Coldwater Solar Facility. The proposed project the construction of a 12-acre, 2.8-Megawatt solar electric array located on land previously cleared and developed for agricultural use.

### ***Alternatives Eliminated from Further Consideration***

In addition to the No Action Alternative and Action Alternative, TPI considered other technology and siting alternatives, which are documented in the Alternatives section of the EA.

## **D. SUMMARY OF ENVIRONMENTAL IMPACTS**

The analyses in the EA documented that the proposed Project would have no adverse effects to Land Use; Farmland; Formally Classified Land; Floodplains; Wetlands; Water Resources; Coastal Resources; Biological Resources; Cultural Resources and Historic Properties; Aesthetics; Air Quality; Socio-Economic & Environmental Justice; Noise; Transportation; or Human Health and Safety. A summary of anticipated impacts on the human environment is provided below, including any mitigation measures deemed necessary to avoid or minimize impacts. TPI is responsible for implementing these measures.

Environmental Resource	Determination of Effect
<b>General Land Use</b>	No known development plans for the area, CMS Electric Cooperative currently owns the property. No Effect Anticipated.
<b>Important Farmland</b>	Conversion of approximately 12 acres of farmland, USDA consultation concluded. No Effect Anticipated.
<b>Formally Classified Lands</b>	No known Formally Classified Lands within project area. No Effect Anticipated
<b>Floodplains</b>	No Floodplains within project area. No Effect Anticipated.
<b>Wetlands</b>	No Wetlands within project area. No Effect Anticipated.
<b>Water Resources</b>	No sole source aquifer, well-heads, or watershed protection areas within project area. No Effect Anticipated.
<b>Biological Resources - General Fish, Wildlife and Vegetation</b>	Little to no suitable habitat for native vegetation currently within project area. USFWS concurrence granted. No Effect Anticipated
<b>Biological Resources - Listed Threatened and Endangered Species</b>	No suitable habitat for listed threatened and endangered species currently within project area. USFWS concurrence granted. No Effect Anticipated.
<b>Biological Resources - Migratory Birds</b>	Little suitable habitat for birds of concern within project area. Construction will occur outside of breeding season and significant probability of presence timeframe. No Effect Anticipated.
<b>Biological Resources - Bald and Golden Eagles</b>	Little suitable habitat for Bald Eagle within project area. Construction will occur outside of breeding season and significant probability of presence timeframe. No Effect Anticipated.
<b>Biological Resources - Invasive Species</b>	Minimized fill required from offsite and no surface water at project site. Project will not promote the introduction or growth of invasive Species. No Effect Anticipated.
<b>Cultural Resources and Historic Properties</b>	Survey concluded. SHPO and United Keetowah Band of Cherokee Indians in Oklahoma concurrence provided. Consultation concluded for all other tribes. No Effect Anticipated.
<b>Air Quality</b>	Project is outside of any EPA-designated non-attainment or maintenance areas for air quality criteria pollutants. Short term increases to dust will be mitigated by BMPs and short term increases to emissions will be negligible during construction. No Adverse Effect Anticipated. Long-term Benefit Anticipated due to clean, renewable energy source.

<b>Environmental Resource</b>	<b>Determination of Effect</b>
<b>Socioeconomics and Environmental Justice</b>	Project is not an environmental risk nor controversial and will not displace any current residents, nor will it adversely impact local public facilities or public services. No Effect Anticipated.
<b>Coastal Resources</b>	No coastal areas or aquatic habitats in region. No Effect Anticipated.
<b>Noise</b>	Short-term noise during construction will be controlled by using manual installation methods where possible. Post-construction noise levels will be equivalent to current ambient noise levels in area. No Effect Anticipated.
<b>Traffic and Transportation</b>	Project is over 5 miles from nearest airport. No significant short-term obstruction to traffic planned for construction. No significant long-term increase to traffic during Project life. No Effect Anticipated.
<b>Aesthetics</b>	Project is outside of any aesthetically sensitive area. Project will be of limited height and is located adjacent to an existing substation of taller height upon fallow land. No Effect Anticipated.
<b>Human Health and Safety</b>	Highest EMFs would be present at approximately three feet of distance from the inverter units used. Project location is over 1000 feet occupied residences and will be fenced off to prevent unauthorized access. No Effect Anticipated.

#### **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, were published on February 10, 2022 and February 17, 2022 in The Western Star newspaper in the City of Coldwater, Comanche County, Kansas. A copy of the EA was available for public review at <https://www.rd.usda.gov/resources/environmental-studies/assessments>.

The 14-day comment period ended on March 3, 2022. The RUS website included project information in an easily accessible format (e.g., Section 508-compliant portable document format file [PDF]). RUS and the newspaper received no comments from the public.

## **F. 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.

## **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’ 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.

## **H. APPROVAL**

This FONSI is in effect upon signature:

Dated:

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Authorized Signature

CHRISTOPHER A. McLean  
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Electric Programs  
Rural Utilities Service

For additional information on this FONSI and EA, go to:

<https://www.rd.usda.gov/resources/environmental-studies/assessments>, or contact Marcus Brundage at [marcus.brundage@usda.gov](mailto:marcus.brundage@usda.gov).