



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Jicarilla Agency
P.O. Box 167
Dulce, New Mexico 87528

IN REPLY REFER TO:
M40 – Office of the Superintendent

FINDING OF NO SIGNIFICANT IMPACT

This FONSI was completed in accordance with the National Environmental Policy Act of 1969 (NEPA), Council of Environmental Quality Regulations, Department of Interior procedures, and Bureau of Indian Affairs (BIA) NEPA manual.

Proposed Project:

Shallow Basket Energy, LLC, proposes to develop a solar electrical power generation facility with up to 190 MW alternating current (AC) of ground-mounted photovoltaic arrays and a battery storage system on approximately 1,500 acres, with ancillary-project components on the Jicarilla Apache Nation (JAN). The facility will connect to an existing JAN Power Authority (JANPA) and Public Service Company of New Mexico (PNM) substation via an approximately 1-mile-long transmission tie line being constructed and permitted by JANPA on Jicarilla Apache Nation lands east of Counselor, New Mexico.

The proposed project is in northwestern New Mexico, west of New Mexico Highway 537 (NM 537), approximately 5 miles north of U.S. Highway 550 (U.S. 550), and approximately 11.8 miles east of Counselor, New Mexico. The northeastern portion of the project area parallels Jicarilla Road 36 (J 36) and there are several unnamed dirt roads located throughout the project area. A partially constructed solar facility is located approximately 1.5 miles southeast. Specifically, the study area is located within an un-platted portion of the Jicarilla Apache Nation, as indicated on the Otero Store and Tancosa Windmill, New Mexico, 7.5-minute U.S. Geological Survey quadrangle.

The federal action is to authorize a Wind and Solar Resource lease, which would allow Shallow Basket Energy to construct, operate, and maintain the proposed solar facility on Jicarilla Apache Nation lands. The federal action requires the Bureau of Indian Affairs to review, approve, and issue a Wind and Solar Resource lease authorization for energy facilities. The need for the Bureau of Indian Affairs action is established under 25 Code of Federal Regulations Part 169 and responds to requests for lease authorizations on Native American Indian lands in compliance with the provisions of the applicable land use plan.

Based on the analysis of the NEPA documents entitled “Environmental Assessment – Shallow Basket Energy, LLC, Shallow Basket Energy Project” it has been determined that the proposed action will not constitute a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) is not required. The reasons supporting these findings are as follows:

1. Short-term minimal impacts with long-term beneficial economic impacts are anticipated.

2. Short-term effects on vegetation, soils, and air quality are anticipated.
3. No effects to wildlife and resource-use patterns in the project area are anticipated.
4. No effects to Federal-listed threatened and endangered species are anticipated.
5. No effects to cultural/archaeological resources, land use planning, or transportation networks are anticipated.
6. Positive long-term impacts to socio-economic resources and environmental justice are anticipated.

For these reasons, I declare a Finding of No Significant Impact to the human environment resulting from the proposed project. The EA for the proposed project will be available for review upon request at the BIA - Jicarilla Agency, P.O. Box 167, Dulce, New Mexico 87528.

Comments may be submitted by writing to the Bureau of Indian Affairs - Jicarilla Agency, Office of the Superintendent, P.O. Box 167, Dulce, New Mexico 87528. Your comments must be received no later than **March 14, 2024**.

VERINDA REVAL

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Superintendent

02/13/2024

Date



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Jicarilla Agency

P.O. Box 167

Dulce, New Mexico 87528

IN REPLY REFER TO:
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NOTICE OF AVAILABILITY OF ENVIRONMENTAL ASSESSMENT

PROPOSED ACTION:

Shallow Basket Energy, LLC, proposes to develop a solar electrical power generation facility with up to 190 MW alternating current (AC) of ground-mounted photovoltaic arrays and a battery storage system on approximately 1,500 acres, with ancillary-project components on the Jicarilla Apache Nation (JAN). The facility will connect to an existing JAN Power Authority (JANPA) and Public Service Company of New Mexico (PNM) substation via an approximately 1-mile-long transmission tie line being constructed and permitted by JANPA on Jicarilla Apache Nation lands east of Counselor, New Mexico.

DETERMINATION:

The federal action is to authorize a Wind and Solar Resource lease, which would allow Shallow Basket Energy to construct, operate, and maintain the proposed solar facility on Jicarilla Apache Nation lands. The federal action requires the Bureau of Indian Affairs to review, approve, and issue a Wind and Solar Resource lease authorization for energy facilities. The need for the Bureau of Indian Affairs action is established under 25 Code of Federal Regulations Part 169 and responds to requests for lease authorizations on Native American Indian lands in compliance with the provisions of the applicable land use plan.

Based on the analysis of the NEPA document entitled “Environmental Assessment (EA) Shallow Basket Energy, LLC, Shallow Basket Energy Project” it has been determined that the proposed action will not constitute a significant impact on the quality of the human environment.

FOR FURTHER INFORMATION:

To review a copy of the “Environmental Assessment for the Shallow Basket Energy, LLC, Shallow Basket Energy Project” or the Finding of No Significant Impact (FONSI) contact:

Office of the Superintendent
BIA – Jicarilla Agency
P.O. Box 167
Dulce, New Mexico 87528

NOTICE OF DECISION

It is my decision to proceed with the action described above. In accordance with 25 CFR 2.7, this decision may be appealed within 30 days of this notice being posted. An appeal to the decision to proceed with the proposed Shallow Basket Energy, LLC, Shallow Basket Energy Project should be made in writing to the Office of the Superintendent, Bureau of Indian Affairs – Jicarilla Agency, P. O. Box 167, Dulce, New Mexico 87528. Any appeal must be received no later than **March 14, 2024**.

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Superintendent

02/13/2024

Date