

**Screening Form**  
**Low-Effect Incidental Take Permit Determination and**  
**National Environmental Policy Act (NEPA)**  
**Environmental Action Statement**

**I. HCP Information**

**A. HCP Name: Habitat Conservation Plan for the Tri-State II Solar Project**

**B. Affected Species:** eastern indigo snake (*Drymarchon couperi*)

**C. HCP Size (in stream miles and/or acres):** The Tri-State II Solar Project (the Project) is under development by Tri-State Solar II Project, LLC (Tri-State Solar II/the Applicant) and its infrastructure will occupy approximately 788 acres and generate 79 megawatts.

**D. Brief Project Description (including minimization and mitigation plans):**

**HCP Duration and Covered Lands**

The proposed HCP for the Project in Decatur County, Georgia, requests an Incidental Take Permit (ITP) for three eastern indigo snakes and one clutch of eggs in the first 10 years of the Project, covering both construction and operations. The HCP covers the lands within the 788-acre Project boundary. Avoidance and minimization measures will be applied within the Project boundary. Compensatory mitigation will fund an eastern indigo snake conservation fund. Therefore, mitigation actions will not be included as part of the covered lands.

**Species Occupation and Baseline (Including Habitat)**

The Project site is located in Decatur County, of southwest Georgia and is part of the Panhandle eastern indigo snake region. No eastern indigo snakes were identified in the Plan (Project) Area during the rigorous pre-construction field surveys conducted according to U.S. Fish and Wildlife Service (USFWS) protocol in 2020 and 2021. Although no eastern indigo snakes were documented within the Project boundary, the area contains suitable habitat in the form of longleaf pine (*Pinus palustris*) forests and grassland with gopher tortoise (*Gopherus polyphemus*) burrows. The Project is in a portion of the eastern indigo snake's range where the species is considered "possibly extirpated, rare, or very local." However, one eastern indigo snake dead on road was documented in 2020 approximately 7 miles southwest of the Project boundary and the USFWS has five other records for Decatur and Seminole counties, Georgia. Further, the Project is wholly located within a mapped eastern indigo snake population-conservation unit that is capable of supporting populations based on habitat suitability, connectivity, species movement potential, and other factors and may be used for breeding, nesting, foraging, sheltering, and wintering habitat. Therefore, the Project is considered occupied by the species, but in low densities that are difficult to detect. Based on eastern indigo snake home ranges of 340 hectares (840 acres) and the potential for each home range to overlap with three other home ranges (assumed low density due to edge of the species' range, rare or very local distribution, and negative survey data), there are an estimated 0.004 eastern

indigo snakes per acre of the 600 acres of habitat. Using annual home range size to determine the density estimate, approximately three eastern indigo snakes and one nest have the potential to inhabit the Plan Area. The Project boundary does not contain designated critical habitat.

### **Goals and Objectives for Covered Species**

The Applicant has committed to implementing avoidance, minimization, and mitigation measures to contribute to the survival and recovery of the eastern indigo snake through implementation of the following biological goal and objectives:

**Goal:** Help sustain the eastern indigo snake populations that occur in the Panhandle region (i.e., southwest Georgia), by contributing to the resiliency (population size and growth), redundancy (multiple populations), and representation (genetic and ecological diversity within and among populations) of the species.

**Objective 1:** Avoid and minimize impacts on eastern indigo snakes by re-establishing potential foraging habitat and through Project design modifications, on-site training, and monitoring for the duration of the ITP.

**Objective 2:** Fully offset any impacts to eastern indigo snakes that cannot be avoided through a contribution of \$157,500.00 to the Wildlife Foundation of Florida – Eastern Indigo Snake Conservation Fund prior to the start Covered Activities. Funds may be applied anywhere within the species' range with a focus on implementing conservation projects that contribute to the recovery of the species.

### **Land and Benefiting Management Activities**

Avoidance and minimization measures include training construction, operations, and maintenance staff to identify and avoid eastern indigo snakes, to decrease vehicle speed on Project roads, and report sightings. Activities will cease within 300 feet of an identified eastern indigo snake and will only resume when the snake has vacated the area on its own or has been moved within 24 hours through coordination with USFWS and the Georgia Department of Natural Resources (GDNR). Small-wildlife permeable fencing will allow for movement of snakes and other small wildlife across the Project. Natural fiber, net-free rolled erosion control blankets will be used at the Project to aid in the avoidance of wildlife entanglement. Native grasses will be planted around Project infrastructure to provide suitable foraging habitat for wildlife. Mitigation will be a contribution of \$157,500 to the Wildlife Foundation of Florida – Eastern Indigo Snake Conservation Fund. These funds will be used in Georgia for the management or restoration of eastern indigo snake habitat, purchase of occupied habitat, purchase of development rights of occupied habitat, or a combination thereof.

### **Monitoring**

A biologist trained in eastern indigo snake identification will be present during gopher tortoise burrow excavation and backfilling activities. A biologist will also be present during construction activities that may impact snakes, such as debris clearing and burning. Project staff will be trained and instructed to monitor for and report eastern indigo snake sightings. An observations report will be provided to the USFWS and GDNR 60 days after the end of

construction and annually during for the duration of the HCP regardless of whether snakes are observed.

**II. Does the HCP fit the following Department of Interior and Fish and Wildlife Service categorical-exclusion criteria?**

**A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP?**

Yes. The HCP is requesting the take of three eastern indigo snakes and one clutch of eggs over 10 years from the modification of 600 acres of occupied sheltering, breeding, and nesting habitat that will be revegetated using native seed mixes and could continue to support eastern indigo snake foraging habitat post-construction. Take will be minimized by implementing the Eastern Indigo Snake Standard Protection Measures which aim to reduce impacts from construction and operational effects, such as educating personnel about the species, reducing speed limits on roadways to avoid vehicle strikes, and restoring foraging habitat through the project site. Further take will be offset via a donation to the Wildlife Foundation of Florida – Eastern Indigo Snake Conservation Fund. The Applicant will implement avoidance and minimization measures to further reduce potential impacts on the snake. Therefore, effects from the implementation of the HCP and ITP are minor for the covered species (eastern indigo snake).

**B. Are the effects of the HCP minor or negligible on all other components of the human environment, including environmental values and environmental resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, environmental justice, etc.), after implementation of the minimization and mitigation measures?**

Yes.

A desktop cultural resource review and a systematic Phase I archaeological survey has been completed for the Project and no significant cultural resources were identified. The USFWS will initiate formal consultation under section 106 of the National Historic Preservation Act (NHPA) with the Georgia State Historic Preservation Office and relevant Tribes will be consulted. If any significant cultural resources are identified, they will be avoided, or all impacts will be mitigated.

On-site wetland delineation surveys did not identify any jurisdictional waters. Solar development will not have a negative effect on air quality. The Project will minimize impacts to soils and water by implementing a Stormwater Pollution Prevention Plan. Tri-State II Solar will adhere to all applicable federal, state, and local laws and is committed to constructing and operating the Project in a safe and socially responsible manner. Solar energy production is a safe and eco-friendly form of energy that will have a net positive impact on the environment.

**C. Would the incremental impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable future actions (regardless of what agency or person undertakes such other actions) not result, over time, in a cumulative**

**effects to the human environment (the natural and physical environment) which would be considered significant?**

Yes. The Project's anticipated take (3 snakes and 1 nests) is not expected to have significant cumulative impacts on the species locally or as a whole. While the Project is located in an area of conservation interest for the species, it is primarily located on silvicultural land, near developed areas of Bainbridge Georgia wedged between major highways, and on the edge of the species' range. It is not a critical location for connecting species populations and it will not result in the removal of this local population. Following construction and revegetation of disturbed areas, it is expected that eastern indigo snakes will continue to use the Project site as foraging habitat.

**III. Do any of the exceptions to categorical exclusions (extraordinary circumstances) listed in 43 CFR 46.215 apply to this HCP?**

**Would implementation of the HCP:**

**A. Have significant impacts on public health or safety?**

No. Land clearing and construction is not expected to have adverse effects on public health or safety. Tri-State II Solar will adhere to all applicable federal, state, and local laws and is committed to constructing and operating the Project in a safe manner. Solar energy production is a safe and eco-friendly form of energy.

**B. Have significant impacts on such natural resources and unique geographic characteristics as: historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990) or floodplains (Executive Order 11988); national monuments; migratory birds, eagles, or other ecologically significant or critical resources?**

No. None of these features or resources were identified at or in the immediate vicinity of the Project. Cultural resources and wetland delineation surveys were conducted at the Project and no features were identified. Migratory birds do occur at the Project. However, vegetation clearing will be limited to areas with a history of silviculture and vegetation clearing will be performed outside of the general migratory bird nesting season. No ecologically significant or critical resources were identified at the Project.

**C. Have highly controversial environmental effects (defined at 43 CFR 46.30), or involve unresolved conflicts concerning alternative uses of available resources [see NEPA section 102(2)(E)]?**

No. Solar energy production is an acceptable, safe, and eco-friendly form of energy.

**D. Have highly uncertain and potentially significant environmental effects, or involve unique or unknown environmental risks?**

No, the Project will be using technology and techniques that have been in the industry for many years and environmental risks and effects have been studied and are generally understood.

**E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?**

No, there have been ITPs issued previously to cover the take of eastern indigo snakes as a result of solar energy development.

**F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?**

No. The Project is not interrelated or interdependent on any other projects and historically solar energy development has not been identified as a cumulatively significant effect for eastern indigo snakes in this region of Georgia.

**G. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places?**

No. See Section II.B above.

**H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?**

No. Appropriate minimization and mitigation will be implemented to reduce impacts to the eastern indigo snake. There will be no effect to any other federally listed threatened or endangered species. Gopher tortoises are being protected by alternative conservation strategies being volunteered by Tri-State II. There are no designated critical habitats in the Permit Area.

**I. Violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment.**

No, Tri-State II Solar is committed to adhering to all applicable federal, state, local, and tribal laws.

**J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).**

No.

**K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).**

No.

**L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).**

No, Tri-State II Solar is committed to planting native grasses and will limit the spread of noxious weeds and non-native invasive species to the extent practicable.

**IV. ENVIRONMENTAL ACTION STATEMENT [This may be placed elsewhere in a case file according to Regional procedures.]**

Within the spirit and intent of the Council on Environmental Quality’s regulations for implementing the National Environmental Policy Act and other statues, orders, and policies that protect fish and wildlife resources, I have established the following administrative record.

Based on the information and analysis above, I determine that the proposed Incidental Take Permit for the Habitat Conservation Plan for the Tri-State II Solar Project qualifies for a categorical exclusion, as defined in 40 CFR 1508.4 and in the U.S. Fish and Wildlife Service *Habitat Conservation Planning Handbook*. Furthermore, no extraordinary circumstances identified in 43 CFR 46.215 exist for the Habitat Conservation Plan for the Tri-State II Solar Project. Therefore, the Service’s permit action for Habitat Conservation Plan for the Tri-State II Solar Project is categorically excluded from further NEPA review and documentation, as provided by 40 CFR 1507.3; 43 CFR 46.205; 43 CFR 46.215; 516 DM 3; 516 DM 8.5; and 550 FW 3.3C. A more extensive NEPA process is unwarranted, and no further NEPA documentation will be made.

Other supporting documents:

- Habitat Conservation Plan for the Tri-State II Solar Project

Signature Approval:

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**Peter Maholland**  
Field Supervisor  
Georgia Ecological Services Field Office

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Date