

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 Double Run Solar Project

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

C. HCP Size (in stream miles and/or acres): The Double Run Solar Project (the Project) is under development by Double Run Solar, LLC (Double Run/the Applicant) and its infrastructure will occupy approximately 2,037 acres and generate 220 megawatts of alternating current (AC).

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

HCP Duration and Covered Lands

Double Run requests an Incidental Take Permit (ITP) for three eastern indigo snakes (*Drymarchon couperi*) and two clutches of eggs in the first 10 years of the Project, covering both construction and operations. The HCP covers the lands within the Permit Area (2,037-acre solar facility and 96-acre gopher tortoise (*Gopherus polyphemus*) relocation area). Avoidance and minimization measures will be applied within the Permit Area. Compensatory mitigation for the eastern indigo snakes will be provided via contributing funds to an Eastern indigo snake conservation fund.

Species Occupation and Baseline (Including Habitat)

The Project site is located in Turner County, Georgia and is part of the Southeast Georgia eastern indigo snake region. Based on information and surveys provided in the HCP 768.8 acres of occupied habitat primarily in the form of scrub and grassland with gopher tortoise burrows provides breeding, foraging, sheltering, and/or winter refugia. As of the date of the HCP, there is no critical habitat designated for the eastern indigo snake; therefore, there is no federally designated critical habitat within the Permit Area. 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 (northern edge of the species' range), there are an estimated 0.004 eastern indigo snakes per acre of the 768.8 acres of habitat. Therefore, if annual home range size is used to determine the density estimate, approximately three eastern indigo snakes and two nests have the potential to inhabit the Permit Area.

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 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 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 \$403,620.00 to a non-profit entity with a focus on implementing conservation projects that contribute to the recovery of the species prior to the start Covered Activities.

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. Biologists trained in eastern indigo snake identification will be present for gopher tortoise burrow excavation and backfill, vegetation clearing, and Project staff training. Activities will cease within 100 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 U.S. Fish and Wildlife Service (USFWS) and the Georgia Department of Natural Resources. Double Run will utilize perimeter fencing that allows eastern indigo snake movement throughout the site. Native grasses will be planted around Project infrastructure, improving 645 acres of habitat that was converted from cropland. Compensatory mitigation will be a contribution of \$403,620.00 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

An on-site observer trained in eastern indigo snake identification will be present during gopher tortoise burrow excavation and backfill. An on-site observer 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 Georgia Department of Natural Resources 60 days after the end of construction and annually for the duration of the HCP regardless of whether snakes are observed. In addition, a summary of the vegetation and management will be included in the annual report highlighting maintenance schedule and activities, as well as a summary of overall vegetation coverage.

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 two clutches of eggs over 10 years from the modification of 768.8 acres of occupied sheltering, breeding, and nesting habitat, 645 acres of which will be revegetated 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.

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 has been completed and a systematic Phase I archaeological survey was recommended and is underway for the Project. When results are complete 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.

Wetland delineation surveys identified likely presence of Waters of the U.S (WOTUS) within the Project Area and an Aquatic Resources Delineation Review has been issued for the Project from the U.S. Army Corps of Engineers Savannah District; however, current site design plans avoid all impacts to WOTUS. If Project design plans change and impacts to WOTUS are anticipated, the Applicant will pursue all applicable federal, state, and local permits. Double Run will also adhere to all applicable federal, state, and local laws pertaining 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. Solar development will not have a negative effect on air quality. The project will have nominal impacts on geology and soil, and most of the grading onsite is minimal (1-2 feet below surface grade). The project will be constructed and operated under a Stormwater Pollution Prevention Plan and will therefore not have a negative impact on water resource quality or quantity. The Project will result in approximately 200 temporary construction jobs and 5 permanent jobs, which will have a net economic benefit in the region. The project will comply with all local ordinance requirements and will initiate the local permitting process in Q3 2024.

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 2 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 low quality agricultural land 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. Double Run 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, see Section II.B. above. Migratory birds do occur at the Project. However, vegetation clearing will be performed outside of the general migratory bird nesting season. Prime farmland does occur within the Permit Area; however, it represents approximately 1.6 percent of the prime farmland within Turner County, therefore impacts to farmlands are negligible. 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 or the species' range.

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 Double Run. 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. Double Run 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. Double Run 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 Double Run 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 Double Run Solar HCP. Therefore, the Service's permit action for the Double Run Solar HCP 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 [list]:

Double Run Solar Habitat Conservation Plan

Signature Approval:

Peter Maholland
Field Supervisor
Georgia Ecological Services Field Office

Date