

PMC-EF2a

(200602)

**U.S. DEPARTMENT OF ENERGY
EERE PROJECT MANAGEMENT CENTER
NEPA DETERMINATION**



RECIPIENT: Oregon State University

STATE: OR

PROJECT TITLE : Wave Energy Research and Demonstration Center-Continuation (FY10CDP)

| Funding Opportunity Announcement Number | Procurement Instrument Number | NEPA Control Number | CID Number |
|---|-------------------------------|---------------------|------------|
| N/A-Congressionally directed Project | EE0000279 | GFO-09-411-001 | GOO |

Based on my review of the information concerning the proposed action, as NEPA Compliance Officer (authorized under DOE Order 451.1A), I have made the following determination:

CX, EA, EIS APPENDIX AND NUMBER:

Description:

- A9** Information gathering (including, but not limited to, literature surveys, inventories, audits), data analysis (including computer modeling), document preparation (such as conceptual design or feasibility studies, analytical energy supply and demand studies), and dissemination (including, but not limited to, document mailings, publication, and distribution; and classroom training and informational programs), but not including site characterization or environmental monitoring.
- B3.3** Field and laboratory research, inventory, and information collection activities that are directly related to the conservation of fish or wildlife resources and that involve only negligible habitat destruction or population reduction
- B3.1** Onsite and offsite site characterization and environmental monitoring, including siting, construction (or modification), operation, and dismantlement or closing (abandonment) of characterization and monitoring devices and siting, construction, and associated operation of a small-scale laboratory building or renovation of a room in an existing building for sample analysis. Activities covered include, but are not limited to, site characterization and environmental monitoring under CERCLA and RCRA. Specific activities include, but are not limited to:

Rational for determination:

This is a congressionally directed project with funding that will be used in conjunction to Oregon State University's 2009 congressionally directed project (DE-EE0000279) and their 2008 competitive award (GO18179) for the Northwest National Marine Renewable Energy Center (NNMREC). There is an Environmental Assessment (EA) currently underway for the deployment of the Mobile Ocean Test Berth established by the prior awards in which this award corresponds. Activities under this award involve preliminary studies and planning that will assist in the development of the EA are allowable prior to DOE making a final NEPA determination on activities proposed under the EA.

The Oregon State University is proposing to use 2010 congressionally directed funding to assist in furthering the development of the NNMREC facility. The project will focus on planning the development of start-up and operational procedures, continued community engagement and education, and additional environmental studies around the proposed Mobile Ocean Test Berth site.

Project tasks under this funding source include:

- Task 1: Advancing Mobile Ocean Test Berth – Operational designs
- Task 2: MOTB Outreach/Education
- Task 3: MOTB Environmental Studies
- Task 4: Project Management and Reporting

Tasks 1, 2, and 4 involve planning, information gathering, educational outreach, and project management activities, all administrative in nature.

Task 3 activities involve analysis of the potential impacts of marine energy infrastructure on the marine ecosystems would be performed through ecological and environmental studies at the Mobile Ocean Test Berth site. This would involve physical environment investigations, such as sampling of the water column and the seafloor and evaluating soft sediment infauna and epifauna, including both finfish and shellfish. Survey methods may include box-coring to sample infauna, and trawls and towed video to survey epifaunal invertebrates and fish. All activities under this task will take place within Oregon State designated waters.

OSU has consulted and received a "Scientific Taking Permit - Fish" from the Oregon Department of Fish and Wildlife for site surveys (Permit Number: 15389). This permit allows for the taking of specific fish species around the project site. This permit required consultation with and approval by invertebrate and fish biologists by the State. Based on the acquisition of a USFWS Scientific Taking Permit and the short-term duration of the studies, DOE determines that the

taking of fish this task does not constitute a significant impacts affecting those species' populations.

This project comprises information gathering, educational outreach, planning, site characterization and ecological studies directly related to the conservation of fish species; therefore a CX A9, B3.1 and B3.3 apply to this project.

NEPA PROVISION

DOE has made a final NEPA determination for this award

Insert the following language in the award:

Insert the following language in the award:

You are required to:
Comply with all conditions stipulated under the Oregon State Fish and Wildlife "Scientific Taking - Fish" permit (Permit Number: 15389).

Note to Specialist :

Completed by: Laura Margason 9.16.2010

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature:  Date: 9/16/10
NEPA Compliance Officer

FIELD OFFICE MANAGER DETERMINATION

Field Office Manager review required

NCO REQUESTS THE FIELD OFFICE MANAGER REVIEW FOR THE FOLLOWING REASON:

- Proposed action fits within a categorical exclusion but involves a high profile or controversial issue that warrants Field Office Manager's attention.
- Proposed action falls within an EA or EIS category and therefore requires Field Office Manager's review and determination.

BASED ON MY REVIEW I CONCUR WITH THE DETERMINATION OF THE NCO :

Field Office Manager's Signature: _____ Date: _____
Field Office Manager



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

Fish Division
3406 Cherry Avenue NE
Salem, OR 97303
(503) 947-6000
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TTY (503) 947-6339
www.dfw.state.or.us

SCIENTIFIC TAKING PERMIT - FISH



Permit Holder: **Sarah Henkel**

Permit Number: **15389**

Organization: **Oregon State University
Hatfield Marine Science Center**

Project Title: **Survey of Benthic Communities near
Planned and Potential Renewable Energy Sites Offshore
the Pacific Northwest**

Address: **2030 SE Marine Dr.
Newport, OR 97365**

Dates: **5/19/2010 to 12/31/2010**

Phone: **(541) 867-0316**

Email: **sarah.henkel@oregonstate.edu**

Federal Authorization: _____

Principal Investigator: **Sarah Henkel**

Co-Investigators: _____

PI Signature: _____

CI Signature: _____

Location:

Nearshore ocean off Yaquina Head.

CONDITIONS AND AUTHORIZATION OF THIS PERMIT:

1. General conditions of Oregon Revised Statutes and Oregon Administrative Rules apply to this permit that cannot be used in lieu of any permit required by federal law or regulation. Permission to sample in areas where federally protected fish may occur is contingent upon the permittee obtaining necessary authorization from the appropriate federal agency and acting in accordance with the conditions established by the federal government.
2. This permit is not transferable from one company or person to another and must be carried on person while collecting.
3. Access to private property is contingent on the permission of the landowner. This permit does not authorize trespassing.
4. This permit is not valid in any refuge, park, city, wildlife area, or area closed to collection without written approval of manager or administrator.
5. Local officials of the Department of Fish and Wildlife and Oregon State Police must be notified prior to each sampling effort.
6. An annual activity/collection report associated with this permit must be submitted to ODFW by 31 December 2010, using the on line application process available at <https://apps.nmfs.noaa.gov/>. Renewal of this permit is subject to receipt by ODFW of the annual activity/collection report either prior to or in conjunction with the renewal application.

7. No protected species may be taken unless specifically listed below and any other necessary federal authorizations have been granted. See ODFW Sport Fishing Regulations for listing of species, or contact ODFW directly.
8. All numbers of fish authorized in this permit are annual totals.
9. Persons named above as "Co-investigators" must sign their own copy of the permit and carry the signed copy while engaged in the activities authorized in this permit.
10. Persons not named above may assist in collecting only while accompanied by Principal Investigator(s) or Co-investigator(s) listed above.
11. Additional conditions and authorization:
 - a) **This project intends to identify and enumerate invertebrate and fish species in the vicinity of the OSU Wave Energy Test Berth to be located off Yaquina Head. Under this permit, the permittee intends to use a bottom trawl of 5m wide with a 1.5" mesh to collect bottom fish and macro-invertebrates, and a box core of 10-30cm to collect benthic infauna. The trawl activity may result in direct mortality of most fish species captured, however you will release these animals alive when possible. You may collect and sacrifice fish and invertebrates as described in the table below. A subset of 4 species, to be determined (excluding lingcod, canary rockfish and yelloweye rockfish) will be collected and preserved for later gut content analysis.**

| Species | Life Stage | Authorized Take | Collection Method |
|---|------------|-----------------|-------------------------------|
| Crabs, subtidal - not listed here | Adult | 5000 | Benthic Core 10-30cm diameter |
| Isopods and Amphipods | Adult | 50000 | Benthic Core 10-30cm diameter |
| Marine Invertebrates - up to 10 per species | Adult | 300 | Benthic Core 10-30cm diameter |
| Shrimp - not listed here | Adult | 300 | Benthic Core 10-30cm diameter |
| Shrimp, Mud and Ghost | Adult | 10 | Benthic Core 10-30cm diameter |
| Snail, Olive | Adult | 10000 | Benthic Core 10-30cm diameter |
| Worm, nemertean | Adult | 10000 | Benthic Core 10-30cm diameter |
| Worm, tube | Adult | 10000 | Benthic Core 10-30cm diameter |
| Anemone, not listed here | Adult | 1000 | Trawl, Otter |
| Greenling, Kelp | Unknown | 50 | Trawl, Otter |
| Halibut, Pacific | Unknown | 5 | Trawl, Otter |
| Lingcod | Unknown | 30 | Trawl, Otter |
| Poacher, Picklebreast | Unknown | 400 | Trawl, Otter |
| Ratfish, spotted | Unknown | 40 | Trawl, Otter |
| Sanddab | Adult | 2700 | Trawl, Otter |
| Sculpin, Buffalo | Unknown | 100 | Trawl, Otter |
| Skate, Big | Unknown | 40 | Trawl, Otter |
| Sole, Butter | Unknown | 900 | Trawl, Otter |
| Sole, Dover | Unknown | 100 | Trawl, Otter |
| Sole, English | Unknown | 2600 | Trawl, Otter |
| Sole, Petrale | Unknown | 100 | Trawl, Otter |
| Sole, Rex | Unknown | 200 | Trawl, Otter |
| Sole, Sand | Unknown | 100 | Trawl, Otter |
| Sole, Slender | Unknown | 100 | Trawl, Otter |
| Tomcod | Unknown | 500 | Trawl, Otter |

- b) **Macro-invertebrates authorized to be captured with the trawl and released alive are: up to 2000 adult Dungeness Crab, 1000 adult sea stars and 300 adult Crangon Shrimp. After examination and recovery all these animals should be immediately released, unharmed, at the capture site. All species handled must be identified to lowest taxonomic level and recorded in the annual report for this permit.**
- c) **No trawling or box cores may take place within 50 meters of the rocky substrate identified in Attachment 1.**
- d) **Video transects will be conducted to assess marine organisms on rocky substrate, but no species will be captured.**

- e) This work will occur aboard the Vessel R/V/Elakha, Vessel ID no. 1100178, owned by Oregon State University.
- f) Taking any species of abalone, including removal and re-release, is not authorized under this permit.
- g) No ESA-listed salmonids may be retained. If you capture an ESA salmon: it must be immediately released alive and unharmed, and you must stop your activity and contact NMFS 503/230-5433.
- h) Activities must be coordinated with Arlene Merems, Lynn Mattes or Scott Groth, ODFW Biologists, *prior to any sampling.*
- i) Indirect mortality may not exceed 10%. In the event that mortality for any species exceeds these rates, the permittee should contact ODFW ESA Program Specialist (503/947-6254).
- j) This permit is contingent upon the permittee obtaining and complying with all required Federal permits or authorizations.
- k) Unless otherwise stated in this permit, all authorized take is only for the species, purposes and by the protocols described in the permit application. If you approach or meet your permitted take and still have sampling to do, please contact the ODFW ESA Program Specialist as soon as possible.
- l) Limitations in federal waters: This permit does not authorize the take of marine fish species from federal waters (outside of 3 miles) that are under a Federal Management Plan (FMP). To take these fish, the appropriate federal permits must be obtained. This permit authorizes that marine fish taken under a federal permit in federal waters may be transported through Oregon state waters and landed at Oregon ports.
- m) Limitations in state waters: Collection of marine animals is prohibited in Whale Cove Habitat Refuge (Lincoln County). All Marine Gardens are closed to collecting marine invertebrates. Refer to *current ODFW Sport Fishing Regulations* for specific regulations, locations and maps of these areas.

Joy Vaughan

ISSUED BY: _____

DATE: May 19, 2010

Joy Vaughan
Endangered Species Act Program Specialist

Distribution: Arlene Merems, Scott Groth, Lynn Mattes- ODFW; Carla Urbigkeit- OSP

OREGON FISH BIOLOGISTS CONTACT DETAILS

| ODFW Biologist | Phone | E-mail | Watershed District | Office |
|----------------|-------------------------|--|--------------------------------|---------------|
| Todd Alsbury | (971) 673-6011 | Todd.Alsbury@state.or.us | North Willamette-East District | Clackamas |
| Tim Bailey | (541) 962-1829 | Timothy.D.Bailey@state.or.us | Grande Ronde | LaGrande |
| Ron Boyce | (971) 673-6081 | Ron.Boyce@state.or.us | Mainstem Columbia | Clackamas |
| Bob Buckman | (541) 265-8306 ext. 224 | Robert.C.Buckman@state.or.us | Mid Coast | Newport |
| Todd Confer | (541) 247-7605 | Todd.A.Confer@state.or.us | Rogue | Gold Beach |
| Bill Duke | (541) 276-2344 | William.B.Duke@state.or.us | Umatilla | Pendleton |
| Rod French | (541) 296-4628 | Rod.A.French@state.or.us | Mid Columbia | The Dalles |
| Mike Gray | (541) 888-5515 | Michael.E.Gray@state.or.us | Coos-Coquille | Charleston |
| Scott Groth | (541) 888-5515 | Scott.D.Groth@state.or.us | Marine Invertebrates | Charleston |
| Brett Hodgson | (541) 388-6363 ext. 227 | Brett.L.Hodgson@state.or.us | Deschutes | Bend |
| Vacant | (541) 947-2950 | | South Central Oregon | Lakeview |
| Laura Jackson | (541) 440-3353 ext. 247 | Laura.S.Jackson@state.or.us | Umpqua | Roseburg |
| Chris Knutsen | (503) 842-2741 | Chris.J.Knutsen@state.or.us | North Coast | Tillamook |
| Steve Mamoyac | (541) 757-4186 ext. 249 | Steven.R.Mamoyac@state.or.us | South Willamette | Corvallis |
| Arlene Merems | (541) 867-0300 ext. 246 | Arlene.R.Merems@state.or.us | Marine Zone | Newport |
| Tom Murtagh | (971) 673-6044 | Tom.Murtagh@state.or.us | North Willamette-West District | Clackamas |
| Jeff Neal | (541) 575-1167 ext. 226 | Jeff.Neal@state.or.us | John Day | John Day |
| Ray Perkins | (541) 889-6975 ext. 25 | Raymond.A.Perkins@state.or.us | Malheur | Ontario |
| Jeff Yanke | (541) 426-3279 | Jeff.Yanke@state.or.us | Grande Ronde | Enterprise |
| Roger Smith | (541) 883-5732 | Roger.C.Smith@state.or.us | Klamath | Klamath Falls |
| Dan Van Dyke | (541) 826-8774 ext. 234 | Daniel.J.VanDyke@state.or.us | Rogue | Central Point |
| Shanon Hurn | (541) 573-6582 | Shannon.M.Hurn@state.or.us | Malheur | Hines |
| Jeff Ziller | (541) 726-3515 ext. 26 | Jeffrey.S.Ziller@state.or.us | South Willamette | Springfield |