

PMC-ND

(1.08.09.13)

**U.S. DEPARTMENT OF ENERGY
OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY
NEPA DETERMINATION**



RECIPIENT: Oregon State University/Attn: PAT HAWK

STATE: OR

PROJECT TITLE : NORTHWEST NATIONAL MARINE RENEWABLE ENERGY CENTER

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
	DE-FG36-08GO18179	GFO-GO18179-006	GO18179

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:

B5.25 Small-scale renewable energy research and development and pilot projects in aquatic environments Small-scale renewable energy research and development projects and small-scale pilot projects located in aquatic environments. Activities would be in accordance with, where applicable, an approved spill prevention, control, and response plan, and would incorporate appropriate control technologies and best management practices. Covered actions would not occur (1) within areas of hazardous natural bottom conditions or (2) within the boundary of an established marine sanctuary or wildlife refuge, a governmentally proposed marine sanctuary or wildlife refuge, or a governmentally recognized area of high biological sensitivity, unless authorized by the agency responsible for such refuge, sanctuary, or area (or after consultation with the responsible agency, if no authorization is required). If the proposed activities would occur outside such refuge, sanctuary, or area and if the activities would have the potential to cause impacts within such refuge, sanctuary, or area, then the responsible agency shall be consulted in order to determine whether authorization is required and whether such activities would have the potential to cause significant impacts on such refuge, sanctuary, or area. Areas of high biological sensitivity include, but are not limited to, areas of known ecological importance, whale and marine mammal mating and calving/pupping areas, and fish and invertebrate spawning and nursery areas recognized as being limited or unique and vulnerable to perturbation; these areas can occur in bays, estuaries, near shore, and far offshore, and may vary seasonally. No permanent facilities or devices would be constructed or installed. Covered actions do not include drilling of resource exploration or extraction wells, use of large-scale vibratory coring techniques, or seismic activities other than passive techniques.

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide federal funding to Oregon State University (OSU) in partnership with the University of Washington (UW) to develop the Northwest National Marine Renewable Energy Center (NNMREC) to support wave and tidal energy development for the United States. DOE funding would be used for testing, experiments, modeling and outreach for wave and tidal projects.

DOE has made previous determinations for this award:

GFO-GO18179-005 (CX B3.3) on 11/6/2013
 GFO-GO18179-004 (CX A9, A11, B3.6) on 12/10/2012
 GFO-09-411 (CX A9, B3.1, B3.6, C12) on 11/5/2009
 GFO-09-012-001 (CX A9, B3.6, C12) on 9/24/2009
 GFO-09-411-001 (CX A9, B3.3, B3.1) on 9/16/2010
 GFO-GO18179-003 (CX A9, C12) on 10/18/2011
 Environmental Assessment (EA) with a Mitigated Finding of No Significant Impact (FONSI) (DOE/EA 1917 8/15/2012).

The previous determinations were completed for several separate projects as part of NNMREC's role as a DOE Marine Renewable Energy Center. The previous NEPA determinations have allowed all project tasks to move forward except for Tasks 16.2, 17.2, and 22.1.4, which have been conditioned pending project details and corresponding Endangered Species Act consultations. This NEPA review is being conducted for sub-task 22.1.4, which involves testing the performance of a custom built under water monitoring system developed by NNMREC-UW for marine hydro technologies. Tasks 16.2 and 17.2 are directly connected to a separate DOE funded project, #EE0006397 (ORPC RivGen), for which deployment of hydro technologies are pending further NEPA review. These tasks will be reviewed after the NEPA determination has been made for the ORPC project.

Task 22.1.4 involves optimizing and testing an Adaptable Monitoring Package (AMP) the UW has developed for use with Hydrokinetic energy technologies. The AMP is a custom-designed, streamlined instrumentation frame that

supports environmental monitoring sensors, which would be tested in Lake Washington and in Admiralty Inlet in the State of Washington.

UW's is proposing to test their custom AMP instrumentation package which consists of an inspection-class ROV (Saab SeaEye Falcon) coupled with a tool skid and a docking station. The objective of this testing is to evaluate stability and performance of the system in field conditions similar to those around wave and tidal current energy converters. The system would also be used to assist in ongoing environmental data collection activities in support of the Snohomish PUD tidal energy project at Admiralty Inlet, Washington.

Testing would commence summer of 2014 and end in June 2015. Testing would take place during daylight hours on no more than six occasions at the Lake Washington site and three occasions at the Admiralty Inlet site. During test operations, the surface vessel would observe marine mammal Best Management Practices recommended by NOAA's National Marine Fisheries Service.

Per Section 7 requirements of the Endangered Species Act (ESA), DOE consulted with the National Marine Fisheries Service (NMFS) on potential affects to ESA-listed species and their critical habitat from NNMREC-UW's proposed activities. Consultation was initiated on March 13, 2014. DOE concluded that the proposed activities are "may affect, but not likely to adversely affect" ESA-listed species or any critical habitat. In a letter dated March 24, 2014, NMFS concurred with DOE's findings. They deemed any potential affects would be negligible or short-term.

Based on the above information, the concurrence of effects from NMFS, and the short duration of the project, DOE finds that this project would not have a significant impact on the human or natural environment. DOE has determined that this project is consistent with actions covered under DOE CX 5.25 (small-scale renewable energy research in aquatic environments); and therefore is categorically excluded from further NEPA review.

NEPA PROVISION

DOE has made a conditional NEPA determination for this award, and funding for certain tasks under this award is contingent upon the final NEPA determination.

Insert the following language in the award:

You are restricted from taking any action using federal funds, which would have an adverse affect on the environment or limit the choice of reasonable alternatives prior to DOE/NNSA providing either a NEPA clearance or a final NEPA decision regarding the project.

Prohibited actions include:

Task 16.2 Integrated and Standardized Test Facility Development – Tidal Energy

Task 17.2 Investigate the Compatibility of Marine Technologies with Environment, Fisheries, and Other Marine Resources –Tidal Energy

All activities associated with the testing of the ORPC RivGen technology project in the Kvichak River, Alaska.

This restriction does not preclude you from:

If you move forward with activities that are not authorized for federal funding by the DOE Contracting Officer in advance of the final NEPA decision, you are doing so at risk of not receiving federal funding and such costs may not be recognized as allowable cost share.

Insert the following language in the award:

You are required to:
Submit a new EQ1 for activities associated with Tasks 16.2 and 17.2

Note to Specialist :

NEPA review completed by Laura Margason on June 18, 2014

This NEPA Determination requires a tailored NEPA provision.

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: 
NEPA Compliance Officer

Date: 6/19/2014

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: _____
Field Office Manager

Date: _____