

PMC-ND

(1.08.09.13)

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



RECIPIENT: BIOSONICS INC

STATE: WA

**PROJECT TITLE:** Long-Range Target Detection and Classification System for Environmental Monitoring at MHK Sites

<b>Funding Opportunity Announcement Number</b>	<b>Procurement Instrument Number</b>	<b>NEPA Control Number</b>	<b>CID Number</b>
DE-FOA-0001418	DE-EE0007824	GFO-0007824-004	GO7824

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

**CX, EA, EIS APPENDIX AND NUMBER:**

Description:

- A9 Information gathering, analysis, and dissemination** Information gathering (including, but not limited to, literature surveys, inventories, site visits, and audits), data analysis (including, but not limited to, computer modeling), document preparation (including, but not limited to, conceptual design, feasibility studies, and analytical energy supply and demand studies), and information dissemination (including, but not limited to, document publication and distribution, and classroom training and informational programs), but not including site characterization or environmental monitoring. (See also B3.1 of appendix B to this subpart.)
- B3.16 Research activities in aquatic environments** Small-scale, temporary surveying, site characterization, and research activities in aquatic environments, limited to: (a) Acquisition of rights-of-way, easements, and temporary use permits; (b) Installation, operation, and removal of passive scientific measurement devices, including, but not limited to, antennae, tide gauges, and flow testing equipment for existing wells, weighted hydrophones, salinity measurement devices, and water quality measurement devices; (c) Natural resource inventories, data and sample collection, environmental monitoring, and basic and applied research, excluding (1) large-scale vibratory coring techniques and (2) seismic activities other than passive techniques; and (d) Surveying and mapping. These activities would be conducted in accordance with, where applicable, an approved spill prevention, control, and response plan and would incorporate appropriate control technologies and best management practices. None of the activities listed above would occur 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.
- B3.6 Small-scale research and development, laboratory operations, and pilot projects** Siting, construction, modification, operation, and decommissioning of facilities for smallscale research and development projects; conventional laboratory operations (such as preparation of chemical standards and sample analysis); and small-scale pilot projects (generally less than 2 years) frequently conducted to verify a concept before demonstration actions, provided that construction or modification would be within or contiguous to a previously disturbed or developed area (where active utilities and currently used roads are readily accessible). Not included in this category are demonstration actions, meaning actions that are undertaken at a scale to show whether a technology would be viable on a larger scale and suitable for commercial deployment.

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide funding to BioSonics Inc. to develop and field test a purpose built perimeter active acoustic monitoring system to detect targets at long range as they approach marine hydrokinetic devices. The device would include hydrophones, vector sensors, acoustic sensors, and a perimeter detector.

The proposed project would be divided into three Budget Periods, with a Go/No Go decision point between each Budget Period. DOE previously completed three NEPA reviews for all tasks with the exception of Task 6.5 and Task 7.1 (GFO-0007824-001 CX A9 and B3.16, 12/08/2016; GFO-0007824-002 CX A9 and B3.16, 12/21/2017; GFO-0007824-002 CX A9 and B3.16, 03/20/2019). This review is for Tasks 6.5 and 7.1.

In subtask 6.5 BioSonics would test the integrated device at the Wave Energy Test Site (WETS) located in Kaneohe Bay, Hawaii. The device would be placed on the seafloor using a vessel with an A-frame. Testing would consist of deploying the device around an existing deployed Wave Energy Converter and taking measurements, including active acoustic measurements to provide a 360 degree view of wildlife around its location on the seabed. Testing would last for multiple weeks.

In May of 2019 the Department of the Navy completed a Biological Evaluation (BE) regarding the proposed testing of the BioSonics device, as part of a larger consultation covering all DOE funded Triton devices. In that BE Navy determined that the deployment of the BioSonics device may effect but would not likely affect (NLAA) species listed under the Endangered Species Act, and Essential Fish Habitat (EFH) under the Magnuson Stevens Act. In May of 2019 the National Marine Fisheries Service (NMFS) concurred with that determination. In November of 2020 Navy notified NMFS regarding proposed changes to the BioSonics research, but again concluded that the proposed research would NLAA listed species and EFH. In December 2020 NMFS again concurred with that determination. Further, IN December 2020 NMFS notified DOE that DOE's action of funding the proposed research project was also included in the NLAA determination and concurrence. As such, DOE has determined that the proposed project would NLAA listed species and EFH, and NMFS has concurred with that determination.

In subtask 7.1 BioSonics would analyze data from the WETS testing.

## NEPA PROVISION

DOE has made a final NEPA determination.

Notes:

Water Power Technologies Office

This NEPA determination does not require a tailored NEPA provision.

Review completed by Roak Parker, 06/17/2021

## FOR CATEGORICAL EXCLUSION DETERMINATIONS

The proposed action (or the part of the proposal defined in the Rationale above) fits within a class of actions that is listed in Appendix A or B to 10 CFR Part 1021, Subpart D. To fit within the classes of actions listed in 10 CFR Part 1021, Subpart D, Appendix B, a proposal must be one that would not: (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders; (2) require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions or facilities; (3) disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases; (4) have the potential to cause significant impacts on environmentally sensitive resources, including, but not limited to, those listed in paragraph B(4) of 10 CFR Part 1021, Subpart D, Appendix B; (5) involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those listed in paragraph B(5) of 10 CFR Part 1021, Subpart D, Appendix B.

There are no extraordinary circumstances related to the proposed action that may affect the significance of the environmental effects of the proposal.

The proposed action has not been segmented to meet the definition of a categorical exclusion. This proposal is not connected to other actions with potentially significant impacts (40 CFR 1508.25(a)(1)), is not related to other actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.27(b)(7)), and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211 concerning limitations on actions during preparation of an environmental impact statement.

The proposed action is categorically excluded from further NEPA review.

## SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature:

 Electronically Signed By: Roak Parker

NEPA Compliance Officer

Date: 6/17/2021

## FIELD OFFICE MANAGER DETERMINATION

- Field Office Manager review not required
- Field Office Manager review required

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

Field Office Manager's Signature: \_\_\_\_\_  
Field Office Manager

Date: \_\_\_\_\_