

PMC-ND

(1.08.09.13)

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



RECIPIENT: U. S. Department of Energy

STATE: VA

PROJECT TITLE : Chesapeake Light Tower - Declaration of Excess Property

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
	DE-AC36-08GO28308	NREL-15-005	GO28308

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, 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.)
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Rationale for determination:

B1.36 Determinations of excess real property

Determinations that real property is excess to the needs of DOE and, in the case of acquired real property, the subsequent reporting of such determinations to the General Services Administration or, in the case of lands withdrawn or otherwise reserved from the public domain, the subsequent filing of a notice of intent to relinquish with the Bureau of Land Management, Department of the Interior. Covered actions would not include disposal of real property.

The proposed project by U.S. Department of Energy (DOE) would declare the Chesapeake Light Tower (CLT) as excess property and report it as such to the General Services Administration. The CLT is located in the federally-administered Outer Centennial Shelf of the Atlantic Ocean approximately 14 miles (22.531 kilometers) east of Cape Henry, Virginia at coordinates 36°54'17"N, 75°42'46"W (See Figures uploaded to the PMC database), at a water depth of approximately 47 feet (14.326 meters). In December 2012, the DOE acquired custody of the Chesapeake Light Tower from the U.S. Coast Guard to examine the feasibility of repurposing the platform into a research center for offshore renewable energy called the Reference Facility for Offshore Renewable Energy (RFORE). Based upon the results of the various assessments, DOE has decided to not pursue renovation of the Chesapeake Light Tower into the RFORE concept, and therefore no longer has a mission need for the platform.

On 12/16/2014, DOE initiated consultations with the Virginia Department of Historic Resources (Virginia SHPO) per Section 106 of the National Historic Preservation Act. Virginia SHPO concurred with DOE's determination on 01/15/2015 that the DOE declaration of excess property is an administrative undertaking that has no potential to effect historic properties. Virginia SHPO also stated that they have determined that the CLT is eligible for inclusion into the National Register of Historic Places, the removal or transfer of the CLT from federal ownership constitutes an adverse effect on historic properties, and the actual disposal of the real property will require further Section 106 consultations. Copies of this correspondence are uploaded to the PMC database.

The scope of this NEPA Determination only covers the DOE determination of excess real property, coordination with the General Services Administration, other agencies and stakeholders, and other administrative activities to support the excess real property process. A subsequent NEPA determination and further consultations pursuant to Section 106 and 110 of National Historic Preservation Act will be required once the proposed disposition of the CLT has been determined and prior to any transfer, lease, or sale of property out of Federal ownership or control.

DOE's proposed action would not have a significant individual or cumulative impact to human health and/or environment. DOE has determined that these activities are consistent with actions contained in DOE categorical

exclusions A9 "Information gathering, analysis, and dissemination," and B1.36 "Determinations of excess real property."

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:

Actual disposal of real property.

This restriction does not preclude you from:

Declaration of excess property, reporting of excess property to GSA, listing of property by GSA as excess property, and all other required steps in the excess real property process except the actual disposal of real property.

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:

A subsequent NEPA determination will be required for the actual disposal of real property. Additional actions to comply with Section 106 and 110 of the National Historic Preservation Act would be required in conjunction with this subsequent NEPA determination.

Note to Specialist :

National Renewable Energy Laboratory
NEPA review completed by Robert Smith, 12/4/2014

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: Electronically Signed By: Lori Gray *Lori Gray* Date: 1/20/2015
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