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(1.08.09.13)

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



RECIPIENT: US Department of Energy

STATE: VA

**PROJECT TITLE :** Chesapeake Light Tower - Sale of Real Property NREL Tracking No. 16-010

<b>Funding Opportunity Announcement Number</b>	<b>Procurement Instrument Number</b>	<b>NEPA Control Number</b>	<b>CID Number</b>
	DE-AC36-08GO28308	NREL-16-010	

**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:

<b>B1.24 Property transfers</b>	Transfer, lease, disposition, or acquisition of interests in personal property (including, but not limited to, equipment and materials) or real property (including, but not limited to, permanent structures and land), provided that under reasonably foreseeable uses (1) there would be no potential for release of substances at a level, or in a form, that could pose a threat to public health or the environment and (2) the covered actions would not have the potential to cause a significant change in impacts from before the transfer, lease, disposition, or acquisition of interests.
<b>A9 Information gathering, analysis, and dissemination</b>	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.)
<b>B1.19 Microwave, meteorological, and radio towers</b>	Siting, construction, modification, operation, and removal of microwave, radio communication, and meteorological towers and associated facilities, provided that the towers and associated facilities would not be in a governmentally designated scenic area (see B(4)(iv) of this appendix) unless otherwise authorized by the appropriate governmental entity.

## Rationale for determination:

A1 Routine DOE Business Actions  
 B1.3 Routine Maintenance

The U.S. Department of Energy (DOE) is proposing to enter into an agreement with the U.S. General Services Administration (GSA) to act as DOE's agent to conduct a public auction to sell the Chesapeake Light Tower located approximately 14.5 miles off of Cape Henry, Virginia at coordinates 36°54'17"N, 75°42'46"W. The proposed activities include: coordination with GSA to support the sale of this real property including providing funding to GSA for realty services to act as DOE's agent, on-site inspection of the property by potential buyers if deemed necessary, installation and maintenance of required navigation markings by DOE and/or the U.S. Coast Guard, and transfer of real property interests to the buyer.

DOE reported the Chesapeake Light Tower as excess property to GSA on January 29, 2015 after it was determined it was not feasible to repair and renovate the facility for its intended purpose of a reference facility for offshore renewable energy. Several previous NEPA determinations have been completed for this structure (Structural Assessments - NREL Tracking No. 13-005 and Report of Excess Property - NREL Tracking No. 15-005). GSA initially accepted this report of excess property on April 28, 2015. A report of excess property engages GSA to dispose of the property under the Federal Property and Administrative Services Act (40 U.S.C §102).

Subsequently, GSA determined that the Chesapeake Light Tower is in fact "foreign excess property" (in accordance with 40 U.S.C. §701) due to its location approximately 14.5 miles offshore. This designation exempts the Chesapeake Light Tower from the National Historic Lighthouse Preservation Act (NHLPA) and the general disposal authority of GSA in Title 40, Chapter 5 (the Property Act). A copy of this determination has been uploaded to the project management center database.

Per 40 U.S. C. §701, DOE, as the landholding agency of this foreign excess property, would engage GSA to assist with the sale of this property. The property would be sold "as is" at auction. An on-site assessment of the Chesapeake Light Tower documented the presence of hazardous materials including fuels, gases, cleaners, antifreeze, light



ballasts, asbestos containing materials and lead-based paint. The presence of hazardous materials would be disclosed in the Invitation for Bids document for this sale and the general sales terms. Responsibility for proper disposal of any hazardous wastes would be conveyed to the new property owner.

The Coast Guard operates the un-manned aid to navigation (ATON) equipment (i.e. lights and fog horn signals) located on the Chesapeake Light Tower. In addition, NASA uses the structure for weather and cloud research. Both agencies follow their approved safety procedures and the DOE safety requirements in place for this structure.

The Coast Guard intends to remove their ATON equipment either prior to or after the sale of the property. Removal of the Coast Guard equipment would require access to the structure by helicopter. Coast Guard personnel would follow their safety procedures during removal of the equipment. Upon removal, DOE or the new property owner would be responsible for providing navigation lights and fog horn signals to identify it for mariners as required by 33 CFR Part 66, Subpart 66.01 - Aids to Navigation Other Than Federal or State. If the Coast Guard equipment is removed prior to the sale of the property, DOE would either engage the Coast Guard to install the required equipment for DOE when they remove their equipment or DOE would direct the National Renewable Energy Laboratory to subcontract the installation work to a qualified contractor. Approved safety procedures would be followed.

If it is deemed necessary, a site visit by potential buyers would be managed by the National Renewable Energy Laboratory and the GSA. Approved safety procedures would be followed.

DOE has determined the Chesapeake Light Tower is not eligible for the National Register of Historic Places under the National Historic Preservation Act since it is a "foreign excess property".

Based on review of the project information, DOE has determined that the proposed activities 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 outlined in DOE categorical exclusions A1: Routine DOE Business Actions; A9: Information Gathering, Analysis and Dissemination; B1.3 Routine Maintenance; B1.19 Microwave, Meteorological and Radio Towers; B1.24: Property Transfers and are categorically excluded from further NEPA review.

**NEPA PROVISION**

DOE has made a final NEPA determination for this award

Insert the following language in the award:

If the Recipient intends to make changes to the scope or objective of this project, the Recipient is required to contact the Project Officer, identified in Block 15 of the Assistance Agreement before proceeding. The Recipient must receive notification of approval from the DOE Contracting Officer prior to commencing with work beyond that currently approved. If the Recipient moves forward with activities that are not authorized for Federal funding by the DOE Contracting Officer in advance of a final NEPA decision, the Recipient is doing so at risk of not receiving Federal funding and such costs may not be recognized as allowable cost share.

Note to Specialist :

NREL

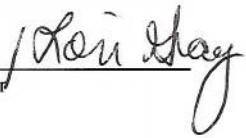
This review was completed by Lori Gray on 3/16/2016.

This NEPA determination does not require a tailored NEPA provision.

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

NEPA Compliance Officer Signature: \_\_\_\_\_

 Electronically Signed By: Lori Gray  
NEPA Compliance Officer



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

3/16/2016

**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 :**