

PMC-ND
(1.08.09.13)

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



RECIPIENT: Fishermen's Energy

STATE: NJ

PROJECT TITLE : Fishermen's Atlantic City Wind Farm: Birthplace of Offshore Wind in the Americas

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
	DE-EE0005984	GFO-0005984-003	G05984

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: DOE/EA-1970 issued December 2015.

Rationale for determination:

DOE/EA-1970 - Final Environmental Assessment for the Fishermen's Atlantic City Windfarm, Offshore of Atlantic City, New Jersey

The U.S. Department of Energy is proposing to provide funding to Fishermen's Energy to prepare for and facilitate the construction and operation of their 25 megawatt Atlantic City Offshore Wind Demonstration Project, located approximately 2.8 miles offshore of Atlantic City, New Jersey.

A previous NEPA Determination (GFO-0005984-002) was completed for Budget Period 2 tasks which restricted all tasks associated with Budget Periods 3, 4, and 5 until an Environmental Assessment (EA) was completed. In addition, Budget Period 2 subtask 8.8.1 (field testing of active acoustic marine mammal detection systems) was prohibited until further NEPA review was completed. Execution of Budget Period 2 subtask 8.8.1 has been moved to Budget Period 4 and is now identified as subtask 10.3.2 Avian and Marine Mammal Detection Equipment Purchase and Field Testing.

DOE/EA-1970 Final Environmental Assessment for Fishermen's Atlantic City Windfarm Offshore of Atlantic City, New Jersey and a Finding of No Significant Impact (FONSI) were issued on December 21, 2015. Subsequently, a revised Statement of Project Objectives was submitted for Budget Period 3-5 tasks. This NEPA Determination applies to Budget Period 3 tasks.

All proposed Budget Period 3 tasks/subtasks were analyzed in DOE/EA-1970. A Supplement Analysis (Budget Period 3 task 9.8) will be completed in Budget Period 3 to review any known proposed changes to the approved project description and scope of work analyzed in DOE/EA-1970 to determine if a supplemental EA must be prepared for Budget Period 4 and 5 tasks.

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:

Budget period 4 and 5 tasks/subtasks

This restriction does not preclude you from:

Fishermen's is authorized to proceed with Budget Period 3 tasks/subtasks 9.1, 9.2, 9.2.1, 9.2.2, 9.3, 9.3.1, 9.3.2, 9.4, 9.4.1, 9.5, 9.5.1, 9.5.2, 9.5.3, 9.6, 9.7, 9.8, and 9.9

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.

Note to Specialist :

Wind Technologies Office
Tailored NEPA Provision

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: _____

 Digitally signed by
NEPA Compliance Officer

Lori Gray / *Lori Gray*

Date: 12/16/2016

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 :

Field Office Manager's Signature: _____

Field Office Manager

Date: _____