

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



RECIPIENT: Black Bear Hydro Partners Inc

STATE: ME

PROJECT TITLE: Testing of a volitional entry Whooshh Fish Transport System for Passage of Endangered Species Act (ESA) listed Atlantic salmon at Milford Dam on the Penobscot River in Maine

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0001662	DE-EE0008339	GFO-0008339-001	

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.)

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide federal funding to Black Bear Hydro Partners, LLC (Black Bear) to test and validate a Whooshh Fish Transport System (WFTS) system for the safe passage of endangered Atlantic salmon into the Denil fishway at Milford Dam, in Milford CT.

The proposed project is divided into seven tasks.

Tasks 1 - 3 would include developing a project study plan, obtaining required permits (including assisting DOE with consultations required by the Endangered Species Act) and completing engineering designs for potential installation of the WFTS at the Milford Dam site. Tasks 1-3 would be analytical.

Tasks 4 – 7 would involve deployment and testing of the WFTS, as well as analysis of tests and reporting results. Deployment and testing would involve the handling and potential take of endangered species, specifically the Atlantic salmon. There is not enough information available at this time to conduct a review of these tasks.

Based on the review of the proposal, DOE has determined Tasks 1 - 3 fit within the class of action(s) selected above. DOE has also determined that: (1) there are no extraordinary circumstances (as defined by 10 CFR 1021.410(2)) related to the proposal that may affect the significance of the environmental effects of the proposal; (2) the proposal has not been segmented to meet the definition of a categorical exclusion; and (3) the proposal is not connected to other actions with potentially significant impacts, related to other proposals with cumulatively significant actions, or an improper interim action. Tasks 1-3 are 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 4 Manufacturing and Mobilization Process
- Task 5 Installation Process
- Task 6 WFTS Ready for Operation Process
- Task 7 Project Study Implementation and Reporting

This restriction does not preclude you from:

- Task 1 Develop Draft Study Plan
- Task 2 Project Permits
- Task 3 Engineering Design

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:

The recipient is required to assist DOE in consultation pursuant to the Endangered Species Act.

Note to Specialist :

Water Power Program

This NEPA requires a tailored NEPA determination

NEPA review completed by Roak Parker 08/03/18

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature:  Kristin Kerwin Date: 8/3/2018
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