

PMC-ND

(1.08.09.13)

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



RECIPIENT: Oscilla Power

STATE: WA

PROJECT TITLE: Demonstration of an Advanced Multi-Point Absorber for Wave Energy Conversion

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0001418	DE-EE0007819	GFO-0007819-003	GO7819

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.)

B3.6 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.

B5.15 Small-scale renewable energy research and development and pilot projects Small-scale renewable energy research and development projects and small-scale pilot projects, provided that the projects are located within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide funding to Oscilla Power Inc. (OPI) to design, fabricate, and demonstrate a full scale wave energy device, known as the Triton-C.

The proposed project is divided into three Budget Periods, with a Go/No Go decision point between each Budget Period (BP). DOE previously completed two NEPA reviews of the proposed project (Budget Period 1: GFO-0007819-001; CX A9; 12/21/2016) (Budget Period 2: GFO-0007819-002; CX A9, B3.6; 12/12/2018). DOE is now proposing to fund BP 3 activities. This NEPA review is for BP 3.

In BP 3 OPI would transport the Triton-C device to Hawaii, deploy the device at the Department of Navy Wave Energy Test Site (WETS), operate the device for up to 12 months at the test site, collect data and perform any necessary maintenance during the deployment, remove the device from the test site, and transport the device from Hawaii back to the west coast of the United States. WETS is a preexisting Naval facility that tests Wave Energy Devices (WECs). The site has existing cables and mooring systems.

The Triton-C device, which has been described in the previous NEPA determination, is an approximate 12 ton Wave Energy Converter. The device would be loaded by crane onto a sea going barge which regularly transports materials from the west coast of the United States to Hawaii. The device would be shipped on that barge from the west coast to Honolulu, where it would be unloaded by crane onto a commercial pier. When ready for deployment the device would be towed to the deployment site at WETS. The device would be anchored at the specified berth and tested for up to one year. Deployment would be performed by Sea Engineering, a contractor who regularly performs work at WETS. Any required maintenance to the device would also be performed by Sea Engineering. After up to one year of deployment and data collection Sea Engineering would remove the device and return the device to Honolulu, where it

would be placed onto a sea going barge and returned to the west coast. Sea Engineering has submitted an approved plan to the Navy for deployment, recovery, and response. All data analysis would be completed by OPI at their offices in Washington.

Deployment of the Triton-C at WETS could impact ESA listed species. Prior to this proposed project, the Department of Navy conducted a Programmatic Consultation with the National Marine Fisheries Service (NMFS) which analyzed the potential impact from deployment of WECs at WETS to protected species and their habitats, as well as Essential Fish Habitat, as required by the Endangered Species Act and the Magnuson Stevens Fisheries Act. The Navy determined that the deployments would Not Likely Adversely Affect (NLAA) any species and their habitats and Essential Fish Habitat. NMFS concurred with that finding, but required Navy to submit each proposed deployment to NMFS for concurrence that it fits within the Programmatic Consultation. Navy submitted the proposed Triton-C deployment to NMFS, and on December 8, 2020 NMFS concurred that the Triton-C fits under the Programmatic. DOE then requested that NMFS concur that the Triton-C project as funded by DOE is covered by the Programmatic Consultation. On December 9, 2020 NMFS notified DOE that it considers DOE a cooperating agency under the agreement and thus the determination of NLAA applies to the proposed DOE action. As such, DOE now determines that the proposed action would Not Likely Adversely Affect listed species, their habitats, or Essential Fish Habitat, and NMFS has concurred with that determination.

The proposed project requires appropriate permits from US Army Corp of Engineers as well as environmental reviews from Navy. Those permits have been obtained and reviews completed.

Project work would include the working with heavy equipment and machinery, including loading and offloading of a 14 ton device, and ocean based work including deploying and maintaining the device within an ocean environment. All work would be completed by qualified professionals who are trained for the type of work they are conducting. All work would follow existing corporate health and safety procedures.

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, 03/04/2021

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**

Date: **3/4/2021**

NEPA Compliance Officer

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: