

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



**RECIPIENT:** Ocean Renewable Power Company, Inc.

**STATE:** AK

**PROJECT TITLE:** American Tidal Energy Project

<b>Funding Opportunity Announcement Number</b>	<b>Procurement Instrument Number</b>	<b>NEPA Control Number</b>	<b>CID Number</b>
DE-FOA-0002845	DE-EE0011265	GFO-011265-001	

**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:

<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.)
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Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide funding to the Ocean Renewable Power Company (ORPC) to develop a pilot demonstration site and install 1-5 megawatts (MW) of tidal capacity that meets current local, state, and federal regulatory requirements in Cook Inlet waters, off East Foreland, Kenai Peninsula Borough, Alaska.

The proposed project was selected under Topic Area 1 (TA1) of DOE's Bipartisan Infrastructure Law (BIL), Section 41006(a)(2): U.S. Tidal Energy Advancement Funding Opportunity Announcement (FOA) (DE-FOA-0002845), Tidal and/or Current Site Development. During the first phase, awardees are to complete preliminary tidal site research and development (R&D). DOE intends to conduct a competitive down-selection process upon the completion of an initial 12-month Budget Period (BP1). If the proposed project is selected to advance to the second phase, additional NEPA review would be required.

BP1 Subtask 4.5, temporary deployment of Acoustic Doppler Current Profilers (ADCPs) for site characterization, is not included in this NEPA review, as it is currently unknown whether that activity would be required. Desktop data gathered and analyzed during other BP1 tasks would inform that decision, with technical assistance potentially provided by the National Renewable Energy Laboratory and/or Pacific Northwest National Laboratory. If the award recipient decides Subtask 4.5 is necessary, additional NEPA review would be required.

The remaining BP1 activities would be limited to intellectual, academic, or analytical activities that would occur at ORPC offices in Anchorage, AK and Portland, ME, the University of Alaska Fairbanks Center for Energy and Power in Fairbanks, AK, and Verdant Power in Mount Pleasant, SC.

Proposed BP1 activities would include the development of a Project Management Plan, coordination with technology developers and development of a Preliminary Market Transformation Plan, community and stakeholder meetings, development of a Resource Characterization Plan and associated budget, development of a Cable Route Study, Technology Selection Plan and Report, and Technology Certification Plan, development of a Health and Safety Management Plan, establishment of a project Adaptive Management Team, development of a Preliminary Environmental Management Plan, baseline desktop assessment of the project environment, development of a Monitoring and Operations Plan, and development and filing of a Federal Energy Regulatory Commission Draft Pilot License Application.

DOE does not anticipate any impacts to resources of concern due to the proposed award's BP1 activities.

Any work proposed to be conducted at a federal facility may be subject to additional NEPA review by the cognizant federal official and must meet the applicable health and safety requirements of the facility.

**NEPA PROVISION**

DOE has made a conditional NEPA determination.

The NEPA Determination applies to the following Topic Areas, Budget Periods, and/or tasks:

[Budget Period 1 \(FOA TA1 Phase 1; All Tasks except Subtask 4.5\)](#)

The NEPA Determination does not apply to the following Topic Area, Budget Periods, and/or tasks:

[Budget Period 1 \(FOA TA1 Phase 1; Subtask 4.5\)](#)

[Budget Periods 2-4 \(FOA TA1 Phases 2-5\)](#)

Notes:

[Water Power Technologies Office \(WPTO\)](#)

[NEPA review completed by Melissa Parker, 04/30/24](#)

## 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.

A portion of the proposed action is categorically excluded from further NEPA review. The NEPA Provision identifies Topic Areas, Budget Periods, tasks, and/or subtasks that are subject to additional NEPA review.

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

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

 Electronically Signed By: Andrew Montano

NEPA Compliance Officer

Date: 5/2/2024

## 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: \_\_\_\_\_