

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



RECIPIENT: Pacific Ocean Energy Trust

STATE: OR

PROJECT TITLE: Network Director for the TEAMER Program

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002012	DE-EE0008895	GFO-0008895-023	GO8895

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.)

A11 Technical advice and assistance to organizations Technical advice and planning assistance to international, national, state, and local organizations.

B3.16 Research activities in aquatic environments Small-scale, temporary surveying, site characterization, and research activities in aquatic environments, limited to: (a) Acquisition of rights-of-way, easements, and temporary use permits; (b) Installation, operation, and removal of passive scientific measurement devices, including, but not limited to, antennae, tide gauges, flow testing equipment for existing wells, weighted hydrophones, salinity measurement devices, and water quality measurement devices; (c) Natural resource inventories, data and sample collection, environmental monitoring, and basic and applied research, excluding (1) large-scale vibratory coring techniques and (2) seismic activities other than passive techniques; and (d) Surveying and mapping. These activities would be conducted in accordance with, where applicable, an approved spill prevention, control, and response plan and would incorporate appropriate control technologies and best management practices. None of the activities listed above would occur within the boundary of an established marine sanctuary or wildlife refuge, a governmentally proposed marine sanctuary or wildlife refuge, or a governmentally recognized area of high biological sensitivity, unless authorized by the agency responsible for such refuge, sanctuary, or area (or after consultation with the responsible agency, if no authorization is required). If the proposed activities would occur outside such refuge, sanctuary, or area and if the activities would have the potential to cause impacts within such refuge, sanctuary, or area, then the responsible agency shall be consulted in order to determine whether authorization is required and whether such activities would have the potential to cause significant impacts on such refuge, sanctuary, or area. Areas of high biological sensitivity include, but are not limited to, areas of known ecological importance, whale and marine mammal mating and calving/pupping areas, and fish and invertebrate spawning and nursery areas recognized as being limited or unique and vulnerable to perturbation; these areas can occur in bays, estuaries, near shore, and far offshore, and may vary seasonally. No permanent facilities or devices would be constructed or installed. Covered actions do not include drilling of resource exploration or extraction wells.

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide funding to the Pacific Ocean Energy Trust (POET) to administer the Testing and Access for Marine Energy Research (TEAMER) program. POET would collaborate with a Technical Board (TB) which would include representatives from DOE, DOE National Laboratories, and National Marine Renewable Energy Centers. The primary objective of TEAMER is to provide marine energy (ME) technology developers access to a network of facilities within the U.S. which provide testing and modeling assistance for ME technologies. Developers would apply for assistance through a competitive process.

DOE previously completed NEPA reviews which apply to all tasks. However, under Subtask 3.3.1, POET would conduct periodic rounds of funding, specifically identifying facilities offering assistance for which developers could apply. Applications would be reviewed and selected by POET and the TB. Prior to releasing funds to support any selected application, each application would be subject to NEPA review. Applications would include scope of work, where work would be completed, and who would be responsible for completing work (including assistance provided by TEAMER facilities.)

For this review, POET has identified one Technical Support Recipient (TSR) to receive support through the TEAMER program:

1. Hilcorp Alaska, LLC (Hilcorp)

For this project, Hilcorp would receive technical assistance from the University of Alaska, Fairbanks (UAF). Proposed support activities would include fieldwork in Cook Inlet, AK. UAF does not currently have approval in place to provide open water support at this location as a TEAMER facility. Therefore, this NEPA determination (ND) reviews the project activities in full.

The proposed project would involve deployment of six oceanographic moorings at Hilcorp oil and gas platforms in Cook Inlet that have been identified as prime candidates for tidal turbine installation. The data collected during the deployment would be used to characterize the nature of the water velocity fields in the tidal currents and the effect of the platform structures themselves on velocity. The six moorings would each house an Acoustic Doppler Current Profiler (ADCP) and a timed release for retrieving the moorings. Each mooring would have a 1-meter (m) x 1m x 1m footprint and would be deployed and retrieved off a 30-foot marine vessel. ADCP transects would also be conducted from the vessel. Deployment of the moorings would be completed during the summer months for a duration of at least 60 days.

Hilcorp has an Alaska Department of Natural Resources land use permit in place for deployment of the moorings on the sea floor. The proposed activities would be completed under U.S. Army Corps of Engineers Nationwide Permit 5, Scientific Measurement Devices. Project information would be submitted to the U.S. Coast Guard District 17 for inclusion in a Local Notice to Mariners.

DOE completed informal consultation with the National Marine Fisheries Service (NMFS) per Section 7 of the Endangered Species Act (ESA) to determine potential impacts of the proposed project activities on federally listed species under NMFS's jurisdiction. DOE received a letter from NMFS on June 11, 2024, stating they concurred with DOE's determination that the proposed project may affect, but is not likely to adversely affect, the Cook Inlet beluga whale (*Delphinapterus leucas*) and its critical habitat nor the Western distinct population segment (DPS) of Steller sea lions (*Eumetopias jubatus*). All mitigation measures outlined in the concurrence letter received from NMFS would be adhered to during project activities.

As per correspondence with NMFS, the proposed project did not require an Essential Fish Habitat assessment because effects to the sea floor would be minimal. DOE determined that project activities would have no effect on the federally listed Short-tailed albatross (*Phoebastria albatrus*), which is under U.S. Fish & Wildlife jurisdiction, given the nature of the activities. Other protected species may occur in the proposed project area, including the northern sea otter (*Enhydra lutris kenyoni*) and other non-ESA listed marine mammals protected under the Marine Mammal Protection Act. The mitigation measures outlined for the project would serve to avoid or minimize project impacts on these species.

Award activities would present typical hazards associated with open water activities that involve the deployment, maintenance, and removal of instrumentation and mooring systems, including operation of marine vessels. Mitigations of these hazards would include safety briefings before each activity, hiring of experienced and licensed crews and vessels, and adherence to Occupational Safety and Health Administration guidelines, including those for personal protective equipment.

DOE has considered the scale, duration, and nature of proposed activities to determine potential impacts on resources, including those of an ecological, historical, cultural, and socioeconomic nature. DOE does not anticipate impacts on these resources which would be considered significant.

NEPA PROVISION

DOE has made a conditional NEPA determination.

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

All tasks are approved; however, selections of additional facilities, new activities, and Technical Support Recipients (TSRs) are subject to additional NEPA review.

The following TSR is approved to receive technical support for activities proposed in the applications that were part of this review:

1. Hilcorp Alaska, LLC

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

Selections of additional facilities, new activities, and TSRs. Such additions are subject to additional NEPA review. All technical support activities must be completed by pre-approved facilities and must be the type of work which a signed NEPA Determination applies to.

Include the following condition in the financial assistance agreement:

All mitigation measures for the project outlined in the National Marine Fisheries Service Letter of Concurrence dated June 11, 2024 must be followed.

Notes:

Water Power Technologies Office (WPTO)
This NEPA Determination requires legal review of the tailored NEPA provision.
NEPA review completed by Melissa Parker, 06/12/24

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:  _____ Date: 6/13/2024
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: _____ Date: _____
Field Office Manager