

**MITIGATION ACTION PLAN**  
**for the**  
**ENVIRONMENTAL ASSESSMENT**  
**for the**  
**NIPPON PAPER INDUSTRIES**  
**USA COMPANY**  
**BIOMASS COGENERATION PROJECT**  
**PORT ANGELES, WASHINGTON**

**U.S. Department of Energy**  
**Office of Energy Efficiency and Renewable Energy**  
**Golden Field Office**



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## ACRONYMS AND ABBREVIATIONS

ARMP	Archaeological Resources Management Plan
DOE	U.S. Department of Energy
EA	environmental assessment
MAP	mitigation action plan
MOA	memorandum of agreement
NEPA	National Environmental Policy Act
Nippon	Nippon Paper Industries USA Company
SEP	State Energy Program

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## 1. INTRODUCTION

The U.S. Department of Energy (DOE) has prepared a final environmental assessment (DOE/EA-1858; Final EA) to aid its decision whether to authorize the expenditure of Federal funding by the State of Washington's State Energy Program (SEP) for the Nippon Paper Industries USA Company's (Nippon's) construction and operation of a biomass-fired boiler and a 20-megawatt steam turbine at its existing paper mill in Port Angeles, Washington. The Final EA for the Nippon Biomass Cogeneration Project was completed in compliance with the *National Environmental Policy Act* (NEPA) and implementing regulations issued by the Council on Environmental Quality and DOE (40 CFR Parts 1500 to 1508 and 10 CFR Part 2021, respectively). The Final EA and Finding of No Significant Impact (FONSI) are available on the DOE Golden Field Office Reading Room Website at [http://www.eere.energy.gov/golden/Reading\\_Room.aspx](http://www.eere.energy.gov/golden/Reading_Room.aspx) and the DOE NEPA Website at <http://www.nepa.energy.gov>.

Through the environmental review process, DOE determined that there would be potential environmental impacts from the proposed project that would require mitigation to ensure that the impacts would not become significant. Therefore, DOE prepared this Mitigation Action Plan (MAP) to establish conditions for issuing the FONSI as required by 10 CFR 1021.322, which provides that:

*(b) In addition to the requirements found at 40 CFR 1508.13, a DOE FONSI shall include the following:*

*(1) Any commitments to mitigations that are essential to render the impacts of the proposed action not significant, beyond those mitigations that are integral elements of the proposed action, and a reference to the Mitigation Action Plan prepared under 1021.331 of this part;*

The potential impacts requiring commitments and mitigation relate to the following:

Cultural Resources – Archaeological evidence indicates the site of the Nippon paper mill and nearby areas have been used by ancient people for several thousand years. Past excavation and construction activities within the mill site have uncovered artifacts and other evidence of ancient people, and it is believed the excavation actions required for the proposed project could do likewise.

### 1.1 Purpose of the Mitigation Action Plan

The purpose of this MAP is to specify the methods for implementing mitigation measures that address the potential environmental impacts identified in DOE/EA-1858. The development of these measures and an implementation plan, as a necessary condition for the FONSI, is described by 40 CFR 1021.331(b) Mitigation action plans, as follows:

*(b) In certain circumstances, as specified in §1021.322(b)(2), DOE shall also prepare a Mitigation Action Plan for commitments to mitigations that are essential to render the impacts of the proposed action not significant. The Mitigation Action Plan shall address all commitments to such necessary mitigations and explain how mitigation will be planned and implemented. The Mitigation Action Plan shall be prepared before the FONSI is issued and shall be referenced therein.*

Mitigation measures identified herein shall be incorporated and enforceable through NEPA requirements clause of Nippon's financial assistance award. The State of Washington, as the recipient of the SEP funding from DOE, is responsible for ensuring the implementation of the mitigation measures specified

herein, including but not limited to requiring Nippon to demonstrate successful metrics for each criterion identified in this MAP. Nippon shall return to the State of Washington Department of Commerce any Federal funds used for construction or operation of the Biomass Cogeneration Project if Nippon fails to meet the conditions of this MAP by the deadlines specified. In addition, cost shared funds for these activities will be disallowed.

## **1.2 Structure of the Mitigation Action Plan**

This MAP is organized as follows:

- Section 1 presents the introduction, purpose, and structure; and
- Section 2 presents the potential impacts, mitigation measures, metrics for defining success or failure of the mitigation measures, and monitoring methods for potential impacts to archaeological and cultural resources that could result from ground-disturbing actions that would be required as part of the proposed project at the Nippon paper mill in Port Angeles, Washington.

## **2. CULTURAL RESOURCES – PRESENCE OF ARTIFACTS AND OTHER ARCHAEOLOGICALLY SIGNIFICANT MATERIALS**

This section of the MAP presents the potential impacts, mitigation measures, metrics for defining success or failure of the mitigation measures, and monitoring methods for the potential impacts of the proposed project's construction on archaeological and cultural resources.

### **2.1 Potential Impacts**

Construction of the proposed Biomass Cogeneration Project would occur in a general area where past excavations and studies have uncovered artifacts of archaeological significance and, in some instances, of cultural and religious significance to people of the Lower Elwha Klallam Tribe. Because of this evidence of cultural and archaeological resources in the general area, there is reasonable potential that ground-disturbing activities associated with the proposed project may uncover artifacts and for those artifacts to be damaged or lost if appropriate precautions and procedures are not implemented.

### **2.2 Mitigation Measures**

DOE, the Washington State Historic Preservation Officer, the Lower Elwha Klallam Tribe, and Nippon have entered into a Memorandum of Agreement (MOA) as an element of the consultation process required under Section 106 of the *National Historic Preservation Act*. The MOA incorporates an Archaeological Resources Management Plan (ARMP) that describes onsite responsibilities, chain of command, and a stepped approach to identify, evaluate, and recover any significant archaeological resources that may be in the project area.

All parties to the MOA and its attached ARMP, including DOE, have specific roles and responsibilities to ensure effective implementation of the mitigation measures. The primary intent of this MAP, however, is to delineate the applicable mitigation measures for which the State of Washington, as the recipient of Federal funding, is responsible and for which implementation is a condition of Nippon's receiving Federal funding for the proposed project. With regard to construction-related, ground-disturbing activities associated with the proposed project, the State of Washington must ensure that Nippon meet its primary responsibilities, as presented in the MOA, and summarized as follows:

- Ensure that all historic preservation and archaeological resources work performed by Nippon or on Nippon's behalf pursuant to the MOA will be accomplished by or under the direct supervision of persons who meet the pertinent qualifications standards for the relevant discipline set out in the Secretary of the Interior's *Professional Qualifications Standards* (48 Federal Register 44716, 44738-44739, 1983; available at [http://cr.nps.gov/local-law/arch\\_stnds\\_9.htm](http://cr.nps.gov/local-law/arch_stnds_9.htm)).
- Ensure that the construction plans require the use of methods that will allow such actions to be performed in a controlled manner so that spoils can be inspected before removal.
- Ensure implementation of the procedures and protocols contained in the ARMP and, in consultation with the other parties to the MOA, modify the ARMP as necessary to accommodate unforeseen conditions in the field or changes in the construction plans.
- Distribute, to other parties to the MOA, reports that describe construction activity and the results of monitoring.

### **2.3 Metrics for Determining Success or Failure of the Mitigation Measures**

As a means of verifying the success or failure of the mitigation measures, the State of Washington will verify that Nippon has or will:

1. Actively participate in development of the MOA and its ARMP and be a signatory to the MOA;
2. Distribute, to other parties to the MOA, reports that describe construction activity and the results of monitoring;
3. Ensure implementation of the procedures and protocols contained in the ARMP; and
4. Communicate to the Washington State SEP the status of implementation of the MOA.

### **2.4 Monitoring Techniques for Mitigation Measures**

The State of Washington shall develop and maintain documentation of the implementation of these mitigation measures; DOE will review this documentation as part of its auditing and monitoring of Washington's SEP grant. Monitoring of mitigation measures will also be accomplished through DOE's participation in the MOA and its ARMP and by review of the reports submitted by Nippon as metrics for determining success or failure as identified in Section 2.3. No additional monitoring measures are anticipated.