

PMC-EF2a

(20102)

**U.S. DEPARTMENT OF ENERGY
EERE PROJECT MANAGEMENT CENTER
NEPA DETERMINATION**



RECIPIENT: Pacific Energy Ventures, LLC

STATE: CO

PROJECT TITLE : Active Acoustic Deterrence of Migratory Whales

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0000069	EE0002660	GFO-10-036	0

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:

- B3.3** Field and laboratory research, inventory, and information collection activities that are directly related to the conservation of fish or wildlife resources and that involve only negligible habitat destruction or population reduction
- A9** Information gathering (including, but not limited to, literature surveys, inventories, audits), data analysis (including computer modeling), document preparation (such as conceptual design or feasibility studies, analytical energy supply and demand studies), and dissemination (including, but not limited to, document mailings, publication, and distribution; and classroom training and informational programs), but not including site characterization or environmental monitoring.

Rational for determination:

The objective of this project is to test the effectiveness of an acoustic deterrent mechanism in deflecting migratory gray whales around wave energy structures.

Pacific Energy Ventures will conduct the following tasks as part of this project:

- Task 1.0 - Requirements and Permits
- Task 2.0 - Research
- Task 3.0 - Dissemination

Tasks 1 and 3 will involve information gathering and dissemination activities only. Task 2 will involve the deployment of a buoy with a small acoustic device fixed to it. The buoy will be temporarily anchored directly west of Yaquina Head, OR during whale migration season. The instrument will be suspended above the seafloor with a recoverable anchor system ensuring that no part of the mooring will remain on the seafloor after recovery.

Initial discussions with NOAA and the Army Corps of Engineers (ACOE) indicate that the device can be deployed under an ACOE Nationwide Permit for Scientific Measurement Devices. This permit is a categorical exemption under their regulations based on the small size (less than 25 cubic yards of removal/fill) and a short duration of the test (less than 1 year).

This project comprises of information gathering, dissemination, field research activities that are directly related to the conservation of oceanic resources. No negligible habitat destruction or population reduction will occur; therefore a CX A9 and B3.3 will apply.

NEPA PROVISION

DOE has made a final NEPA determination for this award

Insert the following language in the award:

Note to Specialist :

None Given.

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: *Kambin Ileswiler*
NEPA Compliance Officer

Date: 11/23/09

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: _____
Field Office Manager

Date: _____