EMC-EF2a
(20.03)

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

RECIPIENT: University of Hawaii **STATE:** HI

PROJECT TITLE : Subtask 2.1 Maui Site: National Marine Renewable Energy Center in Hawaii

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-PS36-08GO98030	DE-FG36-08GO18180	GFO-09-013-001	GO18180

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:

B3.1 Onsite and offsite site characterization and environmental monitoring, including siting, construction (or modification), operation, and dismantlement or closing (abandonment) of characterization and monitoring devices and siting, construction, and associated operation of a small-scale laboratory building or renovation of a room in an existing building for sample analysis. Activities covered include, but are not limited to, site characterization and environmental monitoring under CERCLA and RCRA. Specific activities include, but are not limited to:

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 review if this project is being conducted in order to lift the NEPA condition on task 2.1 of the University of Hawaii's (University) approved SOPO. This task was originally held due to insufficient data available to conduct a NEPA review.

Under task 2.1, the University of Hawaii and the Hawaii National Marine Renewable Energy Center (HINMREC) are proposing to use Federal funding to conduct High-Resolution-Multibeam oceanographic and soil surveys in nearshore marine waters off Pa'uwela (north-central) Maui. The data gathered by the University's project would assist in evaluating and characterizing the site's feasibility for future wave energy conversion deployments and in the development of a proposed Federal Energy Regulatory Commission (FERC) initiated environmental impact assessment (EIS).

The vessel, RV Huki Pono, would be used to conduct the surveys. The surveys would be conducted during two separate cruises. The survey team would adhere to the NMFS-recommended BMPs (Annex 1) during all vessel operations, including the transits to and from the survey areas in order to avoid or reduce impacts on protected marine species and their habitats, particularly as they pertain to protected species awareness and avoidance. In addition, if whales are sighted the HINMREC would adhere to all guidelines as summarized in Annex 2.

The Multibeam Surveys would be conducted at a frequency of 455 kHz - sound levels beyond the hearing range of any marine mammals and endangered species known to occur in the project site and its vicinity. Survey work would take approximately two days to complete.

In compliance with the Marine Mammal Protection Act (MMPA) and Section 7 of the Endangered Species Act (ESA), DOE initiated consultation with the National Marine Fisheries Service (NMFS) Hawaii regional office. A Biological Evaluation and a letter initiating consultation were sent to NMFS on February 4th, 2011. In this letter, DOE made a determination of "not likely to adversely affect" listed marine species that may be affected by the project's activities. In response to this letter and sent via email on February 8, 2011, the NMFS agreed with this determination, thus concluding DOE consultation obligations for the MMPA and for Section 7 of the ESA.

As part of the project and in compliance with the ESA and MMPA, the University would adhere to the guidelines, as stated in Annex 1 (Best Management Practices for General In-Water Work Including Boat and Diver Operations) and Annex 2 (Operational Guidelines when in Sight of Whales) of the attached biological evaluation. The University would also adhere to health and safety policies as established and implemented by their Environmental Health and Safety Office.

Based on the above discussion and the information provided by the NMFS and the recipient, DOE has determined that the impacts related to the proposed project are anticipated to have negligible or no affects on the human and natural environment, including marine mammals and ESA listed species The proposed project is consistent with actions outlined in A9 (information gathering), A11 (technical assistance) and B3.1 (offsite site characterization and environmental monitoring) and is, therefore, categorically excluded from further NEPA review.

NEPA PROVISION

DOE has made a final NEPA determination for this award

Insert the following language in the award:

Insert the following language in the award:

You are required to:
Adhere to all the guidelines, as listed in Annex 1 and Annex 2 of the Biological Evaluation

DOE Officials must be notified and ESA Consultation must be reinitiated if: 1) a take occurs; 2) new information reveals effects of the action that may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the identified action is subsequently modified in a manner causing effects to listed species or designated critical habitat not previously considered; or 4) a new species is listed or critical habitat designated that may be affected by the designated action.

Note to Specialist :

Laura Margason 2.17.2011

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

NEPA Compliance Officer Signature: _____ Date: 2/24/11

NEPA Compliance Officer

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: _____ Date: _____

Field Office Manager