

PMC-ND

(1.08.09.13)

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



RECIPIENT: Ocean Renewable Power Company, Inc.

STATE: ME

PROJECT TITLE: Modular RivGen

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002080	DE-EE0008948	GFO-0008948-001	GO8948

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.)

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide funding to Ocean Renewable Power Company, Inc. (ORPC) to develop and demonstrate the RivGen3.0 modular crossflow turbine.

The proposed project would be divided into two Budget Periods (BP) with a go no/go decision between the two BPs. This review is for BP 1 only. BP 2 includes proposed field deployment(s) and will be reviewed when enough information is available to adequately evaluate the impacts of those actions.

BP 1 would be limited to information gathering, analysis and dissemination. BP 1 would include the following tasks:

Task 1 – Project management;
 Task 2 – Site evaluation, which would be limited to evaluation of existing data for potential deployment sites;
 Task 3 – Preliminary design of the RivGen 3.0;
 Task 4 – Development of a preliminary installation, operations and maintenance plan;
 Task 5 – Identification of potential supply chain partners;
 Task 6 – Development of a permitting strategy working with local communities and identifying state and federal permitting needs;
 Task 7 – Completing technoeconomic modeling;
 Task 8 – Presentation of information and data developed in BP 1 to DOE for the down selection and/or go/no go process; and,

All BP 1 project activities would be limited to work conducted in an office environment, except for community outreach which could include face to face interaction with community members. No new permits or modifications to any facilities or equipment would be needed for BP 1 activities.

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

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

Budget Period 2

Notes:

Water Power Technology Office

This NEPA determination does require a tailored NEPA provision.

Review completed by Roak Parker 1/24/2020

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:



NEPA Compliance Officer

Date: 1/29/2020

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: