

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

Notice of Funding Opportunity Number
DE-FOA-0002012

Procurement Instrument Number
DE-EE0008895

NEPA Control Number
GFO-0008895-017

CID Number
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.

B5.25 Small-scale renewable energy research and development and pilot projects in aquatic environments

Small-scale renewable energy research and development projects and small-scale pilot projects located in aquatic environments. Activities would be in accordance with, where applicable, an approved spill prevention, control, and response plan, and would incorporate appropriate control technologies and best management practices. Covered actions would not occur (1) within areas of hazardous natural bottom conditions or (2) 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, use of large-scale vibratory coring techniques, or seismic activities other than passive techniques.

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide federal 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. Considering the dynamic nature of TEAMER, however, POET conducts periodic reviews of facilities that request to join the TEAMER facility network. Any facility that requests to join the network or modify their existing support capabilities is subject to additional NEPA review in addition to a separate review conducted by POET and the TB.

For this review, the facility identified by POET is:

1. California Polytechnic State University Pier (Cal Poly Pier) in San Luis Obispo (SLO) Bay, CA. Activities at the Cal

Poly Pier would include deployment, testing, and retrieval of marine energy related technologies and equipment. Open water testing of devices and systems would occur within three marine regions, with some overlap: (1) benthic (i.e., seafloor); (2) pelagic (i.e., water column); and (3) water surface. The open water testing area would include the waters of SLO Bay surrounding Cal Poly Pier.

Cal Poly's Center for Coastal Marine Sciences administers the Pier, which operates as a marine research and educational facility. The Pier is 914 meters (m) (3000 ft) long and 6.4 m (21 ft) wide, with a 48.8 m (160 ft) long by 29.3 m (96 ft) wide platform at the southern end. The end of the Pier is in approximately 12 m (40 ft) deep water. A two-story office and control building, a storage shed, and four hoists are located on the platform.

Most proposed TEAMER projects that would occur at the Pier would not require new permits, as they would fall within the current permitted footprint of the Pier. Cal Poly would provide notification to relevant agencies (e.g., the Port San Luis Harbor District, the California Department of Fish and Wildlife (CDFW), and the California Coastal Commission) for those projects prior to providing technical support as a TEAMER facility. For proposed projects that would fall outside of the permitted footprint of the Pier, Cal Poly would advise potential TEAMER clients concerning any additional necessary permitting requirements and authorizations prior to providing technical support as a TEAMER facility. Required permits may include California State Lands Commission approval and permitting, California Environmental Quality Act compliance, U.S. Army Corps of Engineers permitting pursuant to Section 404 or Section 10 federal requirements, California Water Quality Control Board 401-Clean Water Act compliance, CDFW Environmental Review, and California Coastal Commission permitting or permit waivers.

DOE has an Endangered Species Act (ESA) Section 7 Programmatic Consultation in place for Cal Poly with the Ventura Fish and Wildlife Office of the U.S. Fish and Wildlife Service (FWS; concurrence letter dated 02/02/2025) and the West Coast Region of the National Marine Fisheries Service (NMFS; concurrence letter dated 03/21/2025). The Programmatic Consultation with NMFS also included consideration of Essential Fish Habitat (EFH). The DOE verification processes established with FWS and NMFS would be completed for each proposed TEAMER Technical Support Recipient (TSR) project to ensure activities fall within the terms of the Programmatic Consultation. If proposed TSR project activities do not fall within the terms of the Programmatic Consultation, additional consultation with FWS and NMFS would be required.

All proposed activities would follow existing Cal Poly Health and Safety Manuals, which include information on safety equipment, spill control equipment, and deployment procedures in accordance with federal, state, and local laws and regulations. In addition, the Best Management Practices outlined in the Cal Poly Pier as a TEAMER Facility Final Programmatic Biological Assessment (Revision 2; 03/14/25) would be adhered to for all deployment, monitoring, and recovery of marine technologies.

DOE has considered potential impacts on resources, including those of an ecological, historical, cultural, and socioeconomic nature. DOE does not anticipate adverse impacts on these resources.

If additional facilities are identified beyond those reviewed in this or previous determinations, or if the type of assistance offered by an approved facility is modified, additional NEPA reviews must be completed regarding those proposed changes.

EERE is aware of the November 12, 2024, decision in *Marin Audubon Society v. FAA*, No. 23-1067 (D.C. Cir. Nov. 12, 2024). To the extent that a court may conclude that the Council on Environmental Quality (CEQ) regulations implementing NEPA are not judicially enforceable or binding on this agency action, EERE has nonetheless elected to follow those regulations at 40 C.F.R. Parts 1500-1508, in addition to DOE's procedures/regulations implementing NEPA at 10 C.F.R. Part 1021, to meet the agency's obligations under NEPA, 42 U.S.C. §§ 4321 et seq.

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, selection of additional facilities, new activities, and Technical Support Recipients (TSRs) are subject to additional NEPA review.

The following facility is approved to join the TEAMER facility network and provide technical support as described in this NEPA Determination:

1. California Polytechnic State University Pier in San Luis Obispo Bay, CA.

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.

Notes:

Water Power Technologies Office (WPTO)
NEPA review completed by Melissa Parker, 04/16/25

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:  Electronically Signed By: Matthew Blevins Date: 4/17/2025
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