

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



RECIPIENT: City of False Pass

STATE: AK

PROJECT TITLE : Hydrokinetic Power System Validation Project

Notice of Funding Opportunity Number
CDS

Procurement Instrument Number
DE-EE0010701

NEPA Control Number
GFO-0010701-001

CID Number
GO10701

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.

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to administer Congressionally Directed Spending to the City of False Pass (City) to advance the potential installation of a marine energy generation system to decrease the City's dependence on diesel fuel.

Tasks would be completed over a 24-month budget period. This ND applies only to Tasks 1 and 2. DOE would complete the NEPA review for Task 3 (Project Feasibility and Site Characterization) and Task 4 (Grid Upgrades to Accommodate Hydrokinetic Devices) when sufficient information is available to conduct a meaningful review.

Office-based activities would occur at the City's Headquarters in False Pass, AK, Ocean Renewable Power Company, Inc. (ORPC) headquarters in Portland ME, and ORPC-Alaska in Anchorage, AK.

Proposed Task 1 project activities would include the development and implementation of project and risk management plans. The project management plan would define communication channels and the project team's roles in community engagement, data sharing, and on-site fieldwork. Proposed Task 2 project activities would include a desktop analysis for identifying potential installation sites from pre-existing data. Community engagement, permitting pathways, preliminary interconnection and infrastructure analysis, supply chain, logistics and workforce development, and techno-economic feasibility analysis would also be completed. Task 2 would include down-selection of potential installation sites.

All project work would be performed at existing, purpose-built facilities. No modifications to existing facilities, ground disturbing activities, or changes to the use, mission, or operation of existing facilities would be required. DOE does not anticipate any impacts to resources of concern due to the proposed award activities.

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:

[Tasks 1 and 2](#)

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

[Tasks 3 and 4](#)

Notes:

[Water Power Technologies Office](#)

[NEPA review completed by Melissa Parker, 04/22/25](#)

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: [Andrew Montano](#)

Date: [4/22/2025](#)

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: _____

Field Office Manager

Date: _____