PMC-EF2a
(2.04.02)

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

RECIPIENT: University of Delaware **STATE:** DE

PROJECT TITLE : Wind Turbine Infrastructure for Green Energy and Research on Wind Power in DE

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
2010 CDP renewal	DE-EE0000297	GFO-0000297-002	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:

Rational for determination:
2010 CDP Renewal

- DOE/EA#1782 FONSI and MAP signed
- CX A9 and CX B3.1 determination for under NEPA control number GFO-10-328, signed March 29, 2010.

This NEPA review is being conducted in response to congressionally directed funding (CDP) granted to the University of Delaware for their Wind Energy Project. This review is being conducted for the fiscal year 2010 renewal CDP funding that will further fund the activities previously proposed and approved under the University's 2009 CDP funding.

Under the FY09 award, the University proposed three phases for their project:

Phase one (tasks #1-5) included project design and permitting for the wind turbine project. This phase was reviewed under NEPA by DOE on March 29th, 2010, and was determined that tasks under this phase would have negligible affects on the human and natural environment and therefore was categorically excluded (DOE CX A9 and B3.1) from further NEPA review.

Phases two and three involved the purchase, construction and commission of a two megawatt wind turbine. Impacts related to these phases were unknown and therefore DOE determined that an environmental assessment (EA) would need to be completed prior to allowing expenditure of Federal funding for these phases.

A Final EA, a Mitigated Finding of No Significant Impacts (FONSI), and a Mitigation Action Plan was completed, approved and signed on December 2, 2010 for phases two and three of the project. The University has agreed to all the terms and condition of the award as listed in the Mitigation Action Plan.

The DOE and cost share funding for the FY10 funds would be used to complete the existing tasks for FY09 as part of this renewal award. No new phases or tasks have been added to the project. Project work being conducted is the same as listed in the FY09 SOPO – all of which has been analyzed and issued a categorical exclusion or Mitigated FONSI, determining impacts related to this project to be less than significant to the human and natural environment. DOE determines that the FY2010 funding is consistent with previous actions covered under the previous determination and no further NEPA analysis is required.

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:
For this award, DOE has made a final NEPA determination for all activities under this award that are listed in the Statement of Project Objectives (SOPO) formally approved by DOE through incorporation into and attached to the award. You (Recipient) may proceed with the activities as described in the SOPO. This NEPA determination is specific to the project as described in the SOPO formally approved by DOE through incorporation into and attached to the award.

DOE issued an EA and Finding of No Significant Impact (FONSI) for the University of Delaware's Wind Turbine Project (Project) in order to carry out its NEPA obligations for the funding of the Project. The FONSI is conditioned on the University of Delaware complying with the Mitigation Action Plan (MAP), which includes taking the following steps by the following dates as part of a comprehensive approach to mitigating potentially significant impacts to the human environment:

(1) University of Delaware assembled an Advisory Group that includes representatives of the US Fish and Wildlife Service (USFWS), the Delaware Department of Natural Resources and Environmental Control, and the Delaware Audubon Society, to prepare an Avian and Bat Protection Plan (ABPP) that addresses monitoring and evaluation protocols, and adaptive management;

(2) by February 28, 2011, provide the members of the Advisory Group and the DOE Contracting Officer a summary of the Advisory Group's findings and recommendations on the draft ABPP

(3) by March 31, 2011, provide the members of the Advisory Group and the DOE Contracting Officer a completed ABPP in which the University of Delaware makes a good faith effort to address the Advisory Group's findings and recommendations developed for part 2 above;

(4) by March 1, 2012, and March 1, 2013, respectively, submit two annual reports to the members of the Advisory Committee and the DOE Contracting Officer, describing the University of Delaware's compliance activities under the ABPP;

(5) determine, in consultation with the Advisory Group, if species specific biological thresholds are being exceeded and, if they are being exceeded, institute adaptive management practices.

(6) continue to execute the project in accordance with the terms of the ABPP.

The University of Delaware shall return to DOE any Federal funds used for construction or operation of the Project if the University of Delaware fails to meet the conditions as described above by the deadlines. In addition, cost shared funds for these activities will be disallowed.

If you later add to or modify the activities in the above-referenced SOPO, you must submit the revised SOPO to the DOE Project Officer. Those additions or modifications are subject to review by the NEPA Compliance Officer and approval by the DOE Contracting Officer. Recipients are restricted from taking any action using Federal funds, which would have an adverse effect on the environment or limit the choice of reasonable alternatives prior to DOE providing a final NEPA determination. Any

new activities or modification of activities is subject to additional NEPA review and is not authorized for federal funding until DOE provides a NEPA determination on those additions or modifications. DOE may require the Recipient to submit additional information to support a revised NEPA determination. Should you move forward with activities that are not authorized for Federal funding by the DOE Contracting Officer in advance of the final NEPA determination, you are doing so at risk of not receiving Federal funding and such costs may not be recognized as allowable cost share.

Note to Specialist :

Review completed by Laura Margason on February 8, 2011.

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: _____ Date: 2/8/11

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