PMC-EF2a

(2/06.02)

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

RECIPIENT: Biodiversity Research Institute

STATE: ME

PROJECT TITLE: Modeling wildlife densities and habitat across temporal and spatial scales on the mid-Atlantic continental shelf

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0000414	DE-EE0005362	GFO-0005362-001	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:

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.)

B3.3 Research related to conservation of fish, wildlife, and cultural resources
Field and laboratory research, inventory, and information collection activities that are directly related to the conservation of fish and wildlife resources or to the protection of cultural resources, provided that such activities would not have the potential to cause significant impacts on fish and wildlife habitat or populations or to cultural resources.

B3.16 Research activities in aquatic environments
Small-scale, temporary surveying, site characterization, and research activities in aquatic environments, limited to: (a) Acquisition of rights-of-way, easements, and temporary use permits; (b) Installation, operation, and removal of passive scientific measurement devices, including, but not limited to, antennae, tide gauges, flow testing equipment for existing wells, weighted hydrophones, salinity measurement devices, and water quality measurement devices; (c) Natural resource inventories, data and sample collection, environmental monitoring, and basic and applied research, excluding (1) large-scale vibratory coring techniques and (2) seismic activities other than passive techniques; and (d) Surveying and mapping. These activities would be conducted in accordance with, where applicable, an approved spill prevention, control, and response plan and would incorporate appropriate control technologies and best management practices. None of the activities listed above would occur 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.

B3.2 Aviation activities
Aviation activities for survey, monitoring, or security purposes that comply with Federal Aviation Administration regulations.

A11 Technical advice and assistance to organizations
Technical advice and planning assistance to international, national, state, and local organizations.

Rational for determination:

DOE is proposing to provide funding to Biodiversity Research Institute (BRI) design and implement a research project to model wildlife densities and movements across spatial and temporal scales on the mid-Atlantic Outer Continental Shelf. The study is intended to produce data and reports on environmental factors that influence the development of offshore wind energy in the mid-Atlantic Ocean. This study would include information and data gathering, surveys (aviation and marine), wildlife monitoring, modeling, reporting, and technical advice.

To help accomplish the goals of this project, BRI has established collaborative relationships with the U.S. Fish and Wildlife Service (USFWS), HiDef Aerial Surveying Limited, College of Staten Island, North Carolina State University, Duke University, Bailey Wildlife Foundation, University of Newfoundland, Boise State University, and HawkWatch International.

BRI is proposing to conduct satellite telemetry studies that would require federal and state bird banding and scientific collection permits. BRI would request an amendment of existing federal permit (USFWS Permit MB62630A-0) and obtain new permits from states in which fieldwork would be conducted. Current, USFWS Permit MB62630A-0 authorizes BRI to take, transport, and posses ~30 migratory birds for scientific purposes. All survey efforts would be conducted according to FAA regulations for small aircraft, and boat-based surveys would follow all National Oceanic Atmospheric Administration (NOAA) regulations as well as Best Management Practices (BMPs) regarding encounters and required distances from marine mammals.

The following activities are proposed as part of this project:

• Aerial surveys: HiDef Aerial Surveying (HiDef) is a sub-recipient, would conduct eight aerial-based wildlife surveys that would be analyzed (via. GPS & video) and summarized in a report. HiDef follows all Federal Aviation Administration (FAA) safety, and operating procedures. Due to the height at which surveys would be flown, no permits are required from NOAA.

• Boat surveys: College of Staten Island (CSI), a sub-recipient, would conduct the boat-based wildlife surveys. CSI follows all NOAA BMPs regarding marine mammal approaches, encounters, and research vessel safety, and operating procedures. Surveys would be conducted in "passing mode," (the boat would stay on transect) at survey speed of 10 knots except when complying with National Marine Fisheries Service (NMFS) rules about approaching marine mammals, including rules regarding vessel speed and encounters with endangered North Atlantic right whales.

• Satellite telemetry studies would include the capture, release, and deployment of satellite transmitters (PTTs) on ~49 migratory birds (see species specifics in EF1). To reduce impacts of PTTs on the locomotion of study subjects, all PTTs would weigh less than 3-5% of an individual's body mass. All permits and animal care protocols would be reviewed by state wildlife agencies prior to the onset of fieldwork. BMPs would be followed when attaching PTTs to migratory birds to avoid casualties. Duty cycles for all PTTs would follow guidelines outlined by the USFWS and would be programmed with duty cycles that represent a compromise between longevity and location data frequency.

• Individual Tracking: Passive acoustic monitoring systems would be operated on board the survey boat to record flight calls of nocturnal migrating birds. BRI and their collaborators would interpret data resulting from the satellite surveys and conduct modeling and understanding the environmental factors influencing species distributions and densities.

• Incorporation of historical data into modeling efforts: Facilitate data analysis and incorporation into modeling efforts for this study where possible, given the limitations of the historical data.

• Outreach and study coordination of project results with industry and researchers

• Project management and reporting

On 1/20/2012, per the Migratory Bird Treaty Act, DOE consulted with USFWS regarding the proposed capture, tagging, and release of approximately~49 migratory birds for research purposes. On 1/20/2012, per the Marine Mammal Protection Act and Endangered Species Act, DOE consulted NOAA regarding the proposed aerial and boat surveys of marine mammals. Additionally, BRI and all sub-awardees would follow NOAA BMPs designed to minimize and/or mitigate any potential affects to marine mammals and threatened or endangered (T & E) species. Based on the consultation and the commitment of BRI and sub-awardees to implement BMPs, DOE has determined that this project will have "No Effect" on T & E species.

There would be no generation of hazardous wastes associated with this project. Additionally this project does not have the potential to impact cultural or historic resources. This project comprises information gathering, technical advice, aviation activities, research related to wildlife, and research activities in aquatic environments; therefore CXs A9, A11, B3.2, B3.3, and B3.16 apply.

Budget: $ 4,499,954 (DOE); $ 40,200 (cost share)

Condition of Approval: Prior to capturing birds (as identified in Task 3), BRI will provide all necessary local, state, and federal permits to DOE. BRI and their contractors will follow NOAA, USFWS, State, and USCG when conducting wildlife surveys and acquire any necessary permission from private owners prior to engaging in activities; Where applicable, BRI and their contractors will meet other Federal Agency and State rules and regulations, such as USFWS, NOAA, USCG, and Bureau of Ocean Energy Management.

NEPA PROVISION

DOE has made a final NEPA determination for this award

Insert the following language in the award:

If you intend to make changes to the scope or objective of your project you are required to contact the Project Officer identified in Block 11 of the Notice of Financial Assistance Award before proceeding. You must receive notification of approval from the DOE Contracting Officer prior to commencing with work beyond that currently approved.

Insert the following language in the award:

You are required to:
Prior to capturing birds (as identified in Task 3), Biodiversity Research Institute (BRI) will provide all necessary local, state, and federal permits to DOE. BRI and their contractors will follow National Oceanic Atmospheric Administration (NOAA), Federal Aviation Administration (FAA), State, and US Coast Guard (USCG) when conducting wildlife surveys and acquire any necessary permission from private owners prior to engaging in activities; Where applicable, BRI and their contractors will meet other Federal Agency and State rules and regulations, such as USFWS, BOMR, NOAA and USCG.

Note to Specialist :

EF2A by Christopher Carusona

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: _____ Date: 2/1/2012
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