PMC-EF2n
(2.06.02)

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

RECIPIENT: Stantec Consulting Services **STATE:** ME

PROJECT TITLE : Deepwater Offshore Bat and Avian Monitoring Program

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0000414	DE-EE0005378	GFO-0005378-001	EE5378

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.)

B3.1 Site characterization and environmental monitoring
Site characterization and environmental monitoring (including, but not limited to, siting, construction, modification, operation, and dismantlement and removal or otherwise proper closure (such as of a well) of characterization and monitoring devices, and siting, construction, and associated operation of a small-scale laboratory building or renovation of a room in an existing building for sample analysis). Such activities would be designed in conformance with applicable requirements and use best management practices to limit the potential effects of any resultant ground disturbance. Covered activities include, but are not limited to, site characterization and environmental monitoring under CERCLA and RCRA. (This class of actions excludes activities in aquatic environments. See B3.16 of this appendix for such activities.) Specific activities include, but are not limited to: (a) Geological, geophysical (such as gravity, magnetic, electrical, seismic, radar, and temperature gradient), geochemical, and engineering surveys and mapping, and the establishment of survey marks. Seismic techniques would not include large-scale reflection or refraction testing; (b) Installation and operation of field instruments (such as stream-gauging stations or flow-measuring devices, telemetry systems, geochemical monitoring tools, and geophysical exploration tools); (c) Drilling of wells for sampling or monitoring of groundwater or the vadose (unsaturated) zone, well logging, and installation of water-level recording devices in wells; (d) Aquifer and underground reservoir response testing; (e) Installation and operation of ambient air monitoring equipment; (f) Sampling and characterization of water, soil, rock, or contaminants (such as drilling using truck- or mobile-scale equipment, and modification, use, and plugging of boreholes); (g) Sampling and characterization of water effluents, air emissions, or solid waste streams; (h) Installation and operation of meteorological towers and associated activities (such as assessment of potential wind energy resources); (i) Sampling of flora or fauna; and (j) Archeological, historic, and cultural resource identification in compliance with 36 CFR part 800 and 43 CFR part 7.

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.

Rational for determination:

DOE is proposing to provide federal funding to Stantec Consulting Services (Stantec) to deploy bat echolocation detector systems at numerous costal and offshore locations including the Gulf of Maine, the mid-Atlantic and the Great Lakes. This NEPA determination only applies to Budget Period 1 activities. Budget Period 2 and 3 will require additional NEPA review.

Budget Period I:
Task 1.0 Project Coordination, Logistics and Permitting
Task 2.0 Acoustic Bat Surveys and System Tests
Task 3.0 Radar Surveys
Task 4.0 Reporting and Outreach
Task 5.0 Budget Period I Project Review

Budget Period II:
Task 6.0 Project Coordination, Logistics and Permitting
Task 7.0 Acoustic Bat Surveys and System Tests
Task 8.0 Radar Surveys
Task 9.0 Reporting and Outreach
Task 10.0 Budget Period II Project Review

Budget Period III:
Task 11.0 Project Coordination, Logistics and Permitting
Task 12.0 Acoustic Bat Surveys and System Tests
Task 13.0 Radar Surveys
Task 14.0 Reporting and Outreach
Task 15.0 Project Management and Reporting

The proposed project would include a three-year regional offshore study that uses passive acoustic bat detectors and marine radar to evaluate seasonal movement and migration patterns at multiple locations. The radar equipment would not emit signals; it would only record information from frequencies used by bats for echolocation.

Stantec would not deploy the buoys. The equipment would be or has been deployed by the organization that owns the buoy including: Integrated Ocean Observing System (IOOS), Northeastern Regional Association of Coastal Ocean Observing Systems (NERACOOS) and at least one US Coast Guard Aids to Navigation (ATON) platform.

Field equipment would be deployed during the spring and operation would extend through the fall migration period. Stantec would perform periodic maintenance and inspection visits to each location site. Except for long-term buoy deployments or unique access cases, all equipment would be deployed in early spring and retrieved in late fall each year.

Stantec will comply with all best management practices for boating and traveling in coastal areas including appropriate BMP's addressing safe boating and personal safety concerns. Stantec will cooperate with the US Coast Guard, IOOS and NERACOOS when attaching instrumentation onto their equipment. Where applicable, Stantec will meet other Federal Agency rules and regulations, such as the US Fish and Wildlife Service, US Coast Guard and NOAA/NMFS. Per the recipient, the Maine State Historic Preservation Office and the US Coast Guard have approved proposed lighthouse sites indicating no historic properties affected.

Based on this information, DOE has determined the work outlined is consistent with activities identified in categorical exclusion A9 (information gathering), B3.1 (Site characterization and environmental monitoring), B3.3 (research related to conservation of fish, wildlife, and cultural resources) and B3.16 (research activities in aquatic environments).

NEPA PROVISION

DOE has made a conditional NEPA determination for this award, and funding for certain tasks under this award is contingent upon the final NEPA determination.

Insert the following language in the award:

You are restricted from taking any action using federal funds, which would have an adverse affect on the environment or limit the choice of reasonable alternatives prior to DOE/NNSA providing either a NEPA clearance or a final NEPA decision regarding the project.

Prohibited actions include:
Budget Period 2 and 3

This restriction does not preclude you from:
Budget Period 1
If you move forward with activities that are not authorized for federal funding by the DOE Contracting Officer in advance of the final NEPA decision, 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 :

Cristina Tyler 1.10.2011

DOE Funding: $213,182
Cost Share: $72,711

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: _____ Date: 1/10/2012
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