PMC-EF2a
(2.04.02)

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

RECIPIENT: Ocean Renewable Power Company, LLC **STATE:** AK

PROJECT TITLE : Acoustic Monitoring of Beluga Whale Interactions withCook Inlet Tidal Energy Project

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0000069	DE-EE0002657	GFO-0002657-002	GO2657

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:

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.

Rational for determination:

This NEPA review is being conducted to reevaluate the project activities as proposed by Ocean Renewable Power Company, LLC (ORPC) Alaska. A prior NEPA determination was made on August 10, 2010 (control # GFO-10-180). Since that time ORPC has proposed additional environmental studies further south of the original location and extended the dates through January 31, 2013.

ORPC Alaska is proposing to use DOE funding to conduct visual and passive hydroacoustic monitoring of the Cook Inlet beluga whales (Delphinapterus leucas) and marine mammals as part of the ongoing biological assessment (BA). The BA is being conducted for ORPC's proposed Cook Inlet Tidal Energy Project located in the Upper Cook Inlet. Due to project conflicts at the original project site off the north shore of Fire Island, a new project site is being proposed south of that site in the East Foreland area in the Upper Cook Inlet near Nikiski, Alaska. The environmental studies are being proposed to assist the development of ORPC's BA at the new proposed site by providing the necessary baseline data for assessing potential effects to the beluga whales.

The environmental monitoring would involve deploying four passive acoustic monitoring hydrophones known as Directional Autonomous Seafloor Acoustic Recorders (DASARs) to collect baseline data to characterize pre-deployment patterns of distribution, relative abundance, and behavior of beluga whales and other marine mammals around the proposed new location. The DASARs would be deployed at the East Foreland site from August through the end of October 2012. At that time, they would be retrieved, data downloaded and battery pack replaced for an over winter redeployment. They would be retrieved by means of an acoustic release pop up buoy system attached to the mooring and would have a secondary anchor attached to the mooring frame by 100' of line to offer a secondary retrieval mechanism. When the data collection efforts are completed, the DASARs mooring frames and ancillary anchors will be removed from the site.

Per Section 7 of the Endangered Species Act, DOE initiated consultation with the National Marine Fisheries Service (NMFS) for the proposed activities at the Fire Island site. NMFS concurred with DOE's finding of No Significant Impacts to endangered species or their critical habitat in a letter dated August 10, 2010. Due to the change in project site and dates, DOE reinitiated consultation with NMFS, explaining the changes in the project scope. In a letter dated May 1, 2012, NMFS replied that, "despite the changes in location and project dates, the analysis of effects of the project on Cook Inlet beluga whales and their critical habitat does not appreciably change. NMFS reaffirms its current concurrence that the project is not likely to adversely affect the Cook Inlet beluga whales or their designated critical habitat." This approval allows ORPC to conduct their proposed studies until the end of November 2013.

Based on the above information and a determination of "not likely to adversely affect" endangered species from NMFS, DOE has determined that proposed rescoped environmental studies remain consistent with the previous

NEPA determination and are anticipated to have negligible or no effects on the human and natural environment. This project is consistent with actions outlined in categorical exclusion B3.3 (field and laboratory research, inventory, and information collection activities that are directly related to the conservation of fish and wildlife resources, and would not have the potential to cause significant impacts on fish and wildlife habitat) and is, therefore, categorically excluded from further NEPA review.

NEPA PROVISION

DOE has made a final NEPA determination for this award

Insert the following language in the award:

Note to Specialist :

Review completed by Laura Margason 7/17/2012

DOE funding: $240,000
Recipient Cost Share funding: $60,267

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: _____ Date: 7/19/2012
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