TEAMER Experimental Facility Summit

University of Michigan

Ann Arbor, MI

Courtesy of FAU SNMREC

Regulatory Overview

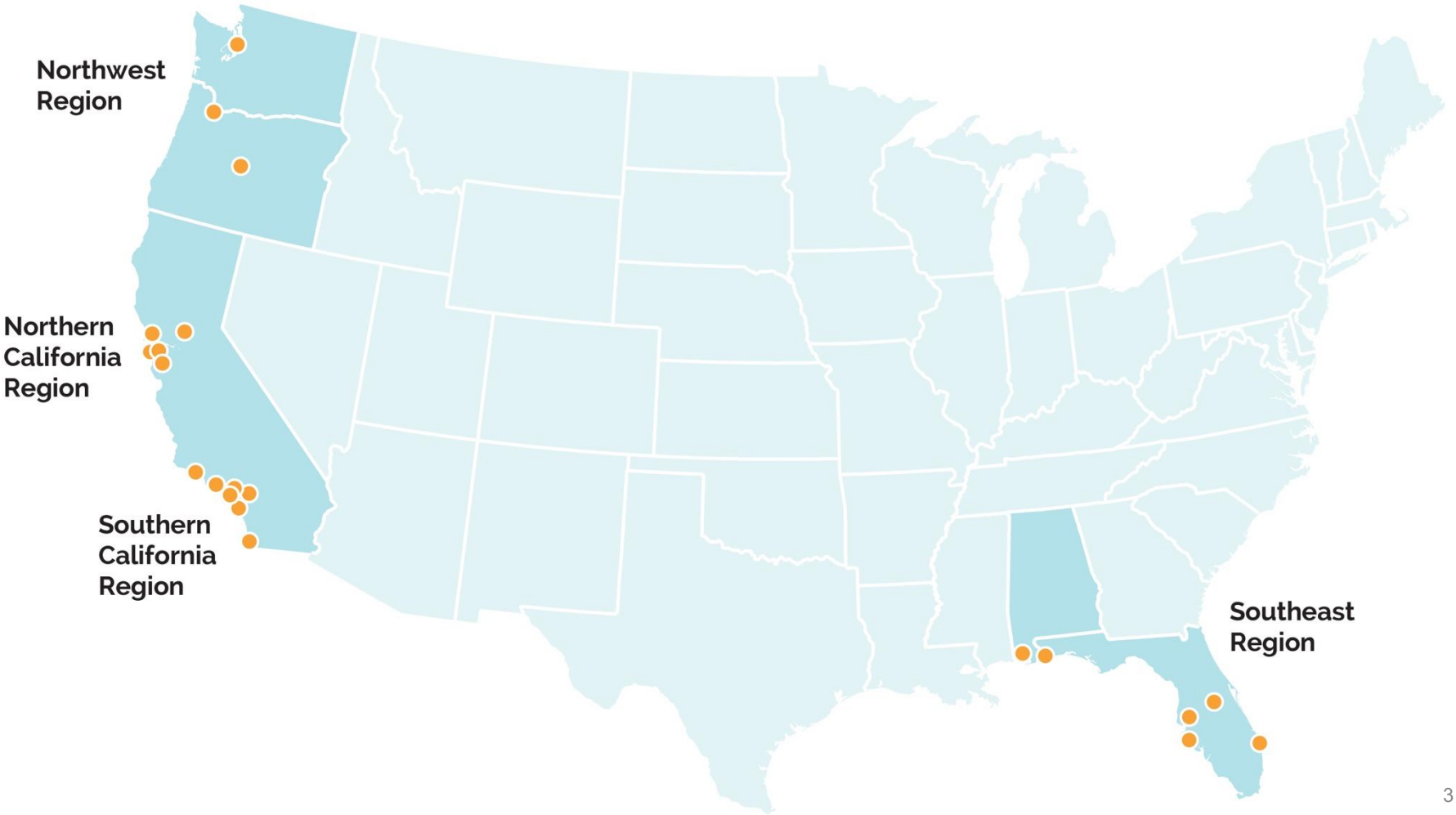
July 9, 2025

Agenda

- Who is ESA and who am I?
- NEPA – what is it and what triggers it?
- Levels of NEPA review
- Applicable federal acts that support a NEPA review
- Next steps
- Q & A

ESA is a 100% employee-owned environmental consulting firm

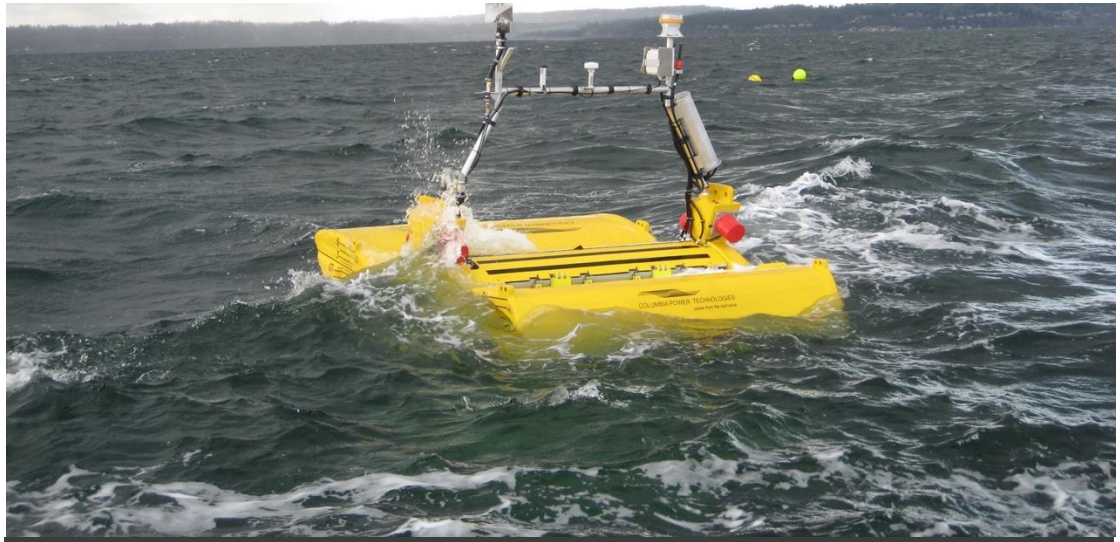
20+ Offices in Four Regions



Project Experience

Clients:

- Universities and National Labs
- Early-stage developers
- Navy-funded projects
- TEAMER



C Power WEC Deployment, WA (2010)

UW-APL Tidal Deployment, WA (2024)

National Environmental Policy Act ("NEPA")

- U.S. environmental law enacted in 1970
- Requires federal agencies to assess the environmental impacts of their actions into their decision making.
- Council on Environmental Quality (or CEQ), part of the Executive Office of the President, oversees NEPA implementation.
- Each federal agency has its own NEPA procedures tailored to its mission

What triggers NEPA?

Any time a federal agency proposes a “major Federal action” that may significantly affect the quality of the human environment, NEPA’s review requirements are kicked off.

Types of NEPA Review

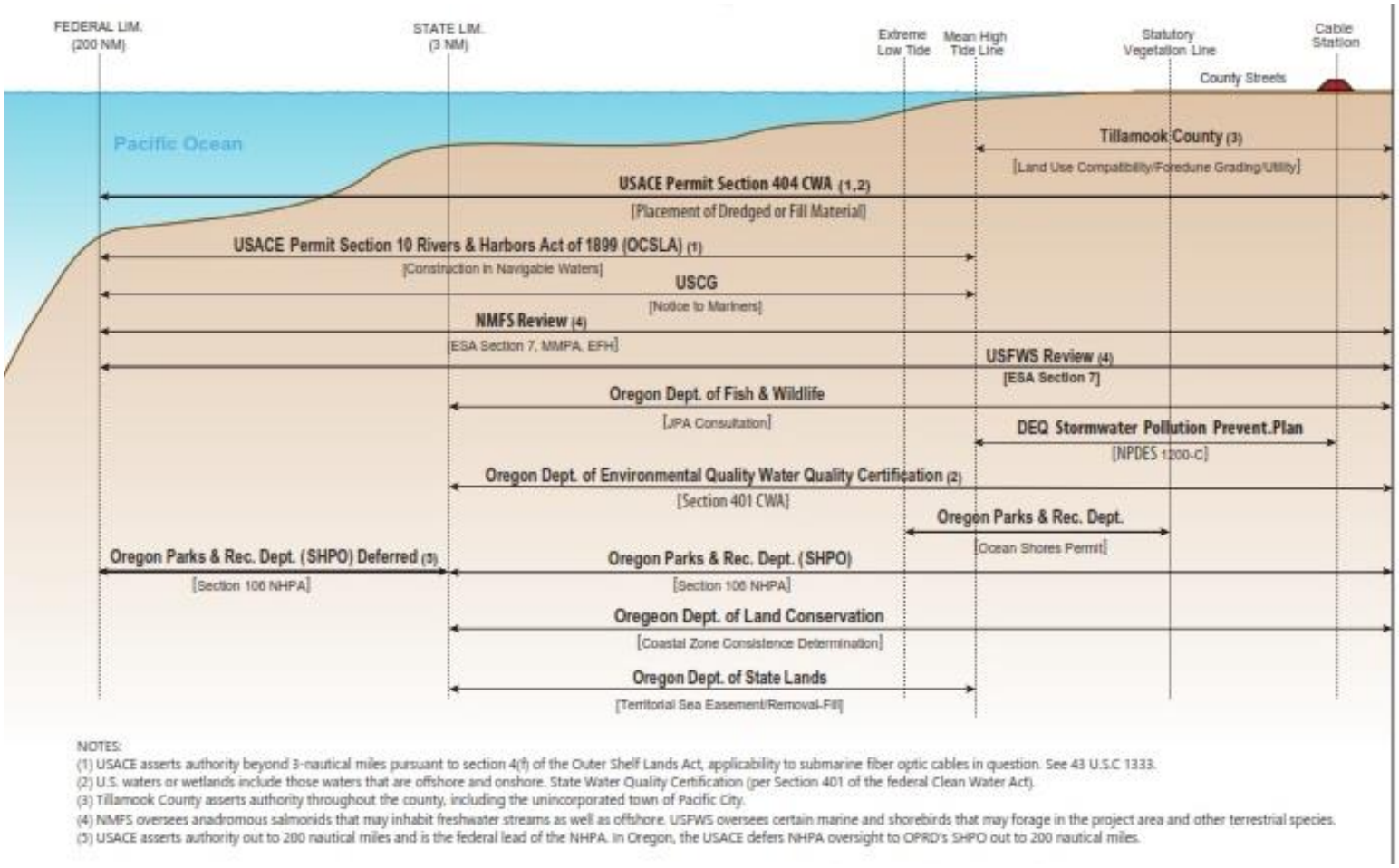
Three tiers of NEPA Review:

- Categorical Exclusion (CATEX)
- Environmental Assessment (EA)
- Environmental Impact Statement (EIS)

Other Applicable Federal Acts

- ESA (the Act) and EFH
- CZMA
- Section 106
- Nationwide Permits

Regulatory Overlap



NOTES:
(1) USACE asserts authority beyond 3-nautical miles pursuant to section 4(f) of the Outer Shelf Lands Act, applicability to submarine fiber optic cables in question. See 43 U.S.C 1333.
(2) U.S. waters or wetlands include those waters that are offshore and onshore. State Water Quality Certification (per Section 401 of the federal Clean Water Act).
(3) Tillamook County asserts authority throughout the county, including the unincorporated town of Pacific City.
(4) NMFS oversees anadromous salmonids that may inhabit freshwater streams as well as offshore. USFWS oversees certain marine and shorebirds that may forage in the project area and other terrestrial species.
(5) USACE asserts authority out to 200 nautical miles and is the federal lead of the NHPA. In Oregon, the USACE defers NHPA oversight to OPRD's SHPO out to 200 nautical miles.

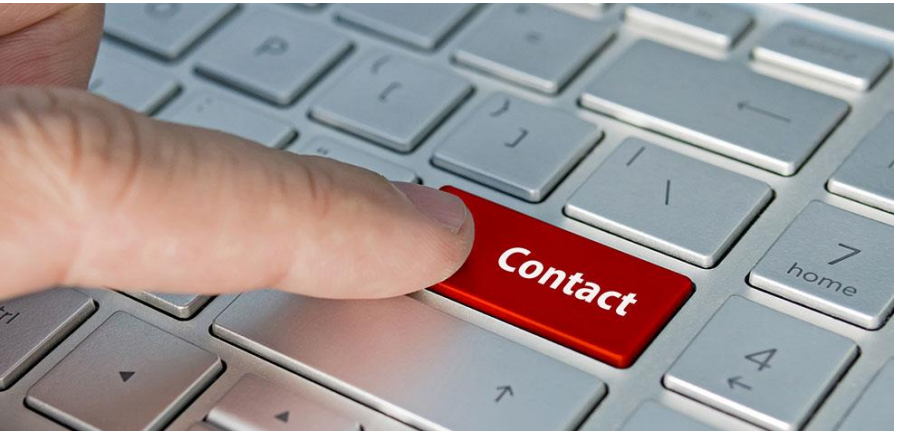
Next Steps

STEP 1: Have a clear understanding of what your open water facility can provide to an applicant.

STEP 2: Build a defined project description that you can assess impacts to the natural environment around

STEP 3: Work closely with the TEAMER group and the DOE NEPA Planner.

Q&A



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