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March 9, 2010

## GENERAL MEMORANDUM 10-026

### IHS Announces the Availability of FY 2010 Tribal Self-Governance Program Planning Cooperative Agreements

The Indian Health Service (IHS) announced in the attached March 8, 2010, FEDERAL REGISTER notice the availability of FY 2010 planning cooperative agreements under the Tribal Self-Governance Program (TSGP). This competitive grant program is authorized by Title V, Tribal Self-Governance Amendments of 2000, of the Indian Self-Determination and Education Assistance Act, PL 93-638, as amended. The TSGP is designed to promote self-determination by allowing tribes to assume more control of IHS programs and services through compacts negotiated with the IHS.

Applications are due *April 16, 2010*, and are to be submitted electronically. If a tribe/organization wants to submit an application non-electronically, they must receive specific authorization from the IHS to do so. The earliest anticipated project start date for recipients of the cooperative agreements is June 14, 2010. Detailed application criteria and contact information are contained in the attached notice.

The purpose of the program is to award cooperative agreements that provide planning resources to tribes interested in participating in the TSGP. These cooperative agreements allow tribes to gather information that leads to a greater understanding of IHS programs, services, functions, and activities; to determine funding available at the Service Unit, Area, and Headquarters levels; and to identify programmatic alternatives that will better meet tribal needs. It is not required, however, for a tribe to have had a planning grant in order to enter the TSGP.

To be eligible for a planning cooperative agreement, the applicant tribe must be a federally recognized tribe, request participation in the TSGP through a resolution from its governing body, demonstrate financial stability and management capability by having had no significant and material audit exceptions for three previous fiscal years, and submit copies of audits for the three previous fiscal years.

The notice also states that Alaska Native Villages or Village Corporations are not eligible to apply for this funding if they are located within an area served by an Alaska Native regional health entity (including Native Village of Eyak, Eastern Aleutian Tribes, and the Council for Athabascan Tribal Governments) already participating in the Alaska Tribal Health Compact in 1998.

There is \$600,000 available to fund up to eight tribes to enter the TSGP planning process for compacts. Accepted tribes would be awarded \$75,000 for a 12-month project period.

Please contact us if we may provide further information or assistance regarding the IHS FY 2010 Tribal Self-Governance Program planning cooperative agreements.

# # #

Inquiries may be directed to:

Geoffrey D. Strommer

(503-242-1745; [gstrommer@hobbsstrauss.com](mailto:gstrommer@hobbsstrauss.com))

budget period ends, and will include a brief comparison of actual accomplishments to the goals established for the period, or, if applicable, provide sound justification for the lack of progress, and other pertinent information as required. A final report must be submitted within 90 days of expiration of the budget/project period.

B. Financial Status Report. Semi-annual financial status reports must be submitted within 30 days after the budget period ends. Final financial status reports are due within 90 days of expiration of the budget/project period. Standard Form (SF) 269 (long form) will be used for financial reporting and the final SF-269 must be verified from the grantee's records on how the value was derived.

C. Federal Cash Transaction Reports are due every calendar quarter to the Division of Payment Management (DPM), Payment Management Branch. Please refer to the DPM Web site (<http://www.dpm.psc.gov/>) for additional guidance. Failure to submit timely reports may cause a disruption in timely payments to your organization.

Telecommunication for the hearing impaired is available at: TTY (301) 443-6394.

## VII. IHS Agency Contact(s)

1. Questions on the programmatic issues may be directed to: Anna Old Elk, Program Analyst, Office of Tribal Self-Governance, *Telephone No.:* (301) 443-7821, *Fax No.:* (301) 443-1050, *E-mail:* [anna.oldelk@ihs.gov](mailto:anna.oldelk@ihs.gov).

2. Questions on grants management and fiscal matters may be directed to: Kimberly M. Pendleton, Grants Management Officer, Division of Grants Operations, *Telephone No.:* (301) 443-5204, *Fax No.:* (301) 443-9602, *E-mail:* [kimberly.pendleton@ihs.gov](mailto:kimberly.pendleton@ihs.gov).

## VIII. Other Information

The Public Health Service (PHS) strongly encourages all cooperative agreement and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103-227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of the facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Dated: March 1, 2010.

**Yvette Roubideaux,**

*Director, Indian Health Service.*

[FR Doc. 2010-4854 Filed 3-5-10; 8:45 am]

**BILLING CODE 4165-16-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Indian Health Service

#### **Tribal Self-Governance Program Planning Cooperative Agreement; Announcement Type: New Funding Announcement Number: HHS-2010-IHS-TSGP-0001**

Catalog of Federal Domestic Assistance Number: 93.444.

**DATES:** Key Dates: Application Deadline Date: April 16, 2010. Review Date: May 14, 2010. Anticipated Start Date: June 14, 2010.

#### **I. Funding Opportunity Description**

The purpose of the Planning Cooperative Agreement is to provide resources to Tribes interested in participating in the Tribal Self-Governance Program (TSGP), as authorized by Public Law 106-260, the Tribal Self-Governance Amendments of 2000, and Title V of the Indian Self-Determination and Education Assistance Act, Public Law 93-638, as amended (Title V) (25 U.S.C. 458aaa-2(e)). The Planning Cooperative Agreement enables a Tribe to gather information on the current types of programs, services, functions, and activities (PSFAs) and related funding available at the Service Unit, Area, and Headquarters levels as well as determine the organizational preparation related to the administration of health programs.

There is limited competition under this announcement because the authorizing legislation restricts eligibility to Tribes that meet specific criteria (Refer to Section III.1.A., *Eligible Applicants* in this announcement). The TSGP is designed to promote Self-Governance by enabling Tribes to assume control of Indian Health Service (IHS) PSFAs, or portions thereof, through compacts negotiated with the IHS. This program is described at 93.444 in the Catalog of Federal Domestic Assistance (CFDA).

Indian Tribes that have completed comparable health planning activities in previous years using Tribal resources are not required to receive a Self-Governance Planning Cooperative Agreement to be eligible to participate in the TSGP. The receipt of a Planning

Cooperative Agreement award is not a prerequisite to enter the TSGP.

The Tribes eligible to compete for the Planning Cooperative Agreements include: Any Federally recognized Indian Tribe that has not previously received a Planning Cooperative Agreement; Federally recognized Indian Tribes that have previously received Planning Cooperative Agreements but chose not to enter the TSGP; and those Federally recognized Indian Tribes that received a Planning Cooperative Agreement, entered the TSGP, and would like to plan for the assumption of new and expanded programs. Tribes are also eligible to apply for and receive a Negotiation Cooperative Agreement within the same grant cycle contingent upon completion of planning activities.

#### **II. Award Information**

Type of Awards: Cooperative Agreement.

Estimated Funds Available: The total amount identified for Fiscal Year (FY) 2010 is \$600,000 for approximately eight Tribes. Awards under this announcement are subject to the availability of funds. In the absence of funding, the agency is under no obligation to make awards that are selected for funding under this announcement.

Anticipated Number of Awards: The estimated number of awards to be funded is approximately eight.

Project Period: 12 months.

Award Amount: \$75,000 per year.

Programmatic Involvement: Planning Cooperative Agreements entail substantial IHS programmatic involvement to establish a basic understanding of PSFAs and associated funding at the Service Unit, Area, and Headquarters levels.

The IHS roles and responsibilities include:

- Providing a description of PSFAs and associated funding at all levels, including funding formulas and methodologies related to determining Tribal shares.
- Identifying IHS staff to consult with applicants on methods currently used to manage and deliver health care.
- Providing applicants with statutes, regulations and policies that provide authority for administering IHS programs.

The grantee roles and responsibilities are critical to the success of the TSGP and include:

- Researching and analyzing the complex IHS budget to gain a thorough understanding of funding distribution at all levels and to determine which PSFAs the Tribe may elect to assume.

- Establishing a process by which Tribes can effectively approach the IHS to identify programs and associated funding which could be incorporated into their current programs.

- Determining the Tribe's share of each PSFA and evaluating the current level of health care services being provided to make an informed decision on new program assumption(s).

### III. Eligibility Information

#### 1. Eligible Applicants

To be eligible for a Planning Cooperative Agreement under this announcement, an applicant must:

A. Be a Federally recognized Tribe as defined in 25 U.S.C. 450b(e). However, Alaska Native Villages or Alaska Native Village Corporations are not eligible if they are located within the area served by an Alaska Native regional health entity already participating in the Alaska Tribal Health Compact in 1998. By Congressional statute, the Native Village of Eyak, Eastern Aleutian Tribes, and the Council for Athabascan Tribal Governments have also been deemed Alaska Native regional health entities. Those Alaska Tribes not represented by a Self-Governance Tribal consortium Funding Agreement (FA) within their area may still be considered to participate in the TSGP.

B. Submit a Tribal resolution or other official action from the appropriate governing body of each Indian Tribe to be served authorizing the submission of the Planning Cooperative Agreement application. Tribal Consortia applying for a Tribal Self-Governance Planning Cooperative Agreement shall submit Tribal Council Resolutions from each Tribe in the consortium. Draft resolutions are acceptable in lieu of an official signed resolution to submit with the application; however, an official signed Tribal resolution must be received by the Division of Grants Operations (DGO), Attn: Kimberly M. Pendleton, 801 Thompson Avenue, TMP Suite 360, Rockville, MD 20852, by May 12, 2010, prior to the Objective Review Committee (ORC) evaluation on May 14, 2010. If the IHS DGO does not receive an official signed resolution by May 12, 2010, then the application will be considered incomplete and will be returned without consideration.

\*It is highly recommended that the Tribal resolution be sent by a delivery method that includes proof of receipt.

C. Demonstrate, for three fiscal years, financial stability and financial management capability, which is defined as no uncorrected significant and material audit exceptions in the required annual audit of the Indian

Tribe's Self-Determination contracts or Self-Governance Funding Agreements with any Federal agency. Applicants are required to submit complete annual audit reports for the three fiscal years prior to the year in which the applicant is applying for the Planning Cooperative Agreement. The applicants may scan an electronic copy of the documents and attach them to the online application. If the applicant determines that the audit reports are too lengthy, then the applicants may submit them separately via regular mail by the due date, April 16, 2010. Applicants sending in audits via regular mail must submit two copies of the complete audits for the three previous fiscal years under separate cover directly to the DGO, Attn: Kimberly M. Pendleton, 801 Thompson Avenue, TMP Suite 360, Rockville, MD 20852, referencing the Funding Opportunity Number, HHS-2010-IHS-TSGP-0001, as prescribed by Public Law 98-502, the Single Audit Act, as amended (see OMB Circular A-133, revised June 24, 1997, Audits of States, Local Governments, and Non-Profit Organizations). If the IHS DGO does not receive this documentation by April 16, 2010, then the application will be considered incomplete and will be returned to the applicant without further consideration. Applicants must include the grant tracking number assigned to their electronic submission from Grants.gov and the date submitted via Grants.gov in their cover letter transmitting the required complete audits for the previous three fiscal years.

#### 2. Cost Sharing or Matching

The Tribal Self-Governance Planning Cooperative Agreement announcement does not require matching funds or cost sharing to participate in the competitive grant process.

#### 3. Other Requirements

A. This program is described at 93.444 in the CFDA.

B. If application budget documents exceed the stated dollar amount that is outlined within this announcement, the application will be returned to the applicant without further consideration.

### IV. Application and Submission Information

1. Application package and detailed instructions for this announcement may be found through Grants.gov (<http://www.grants.gov>) or at: [http://www.ihs.gov/NonMedicalPrograms/gogp/index.cfm?module=gogp\\_funding](http://www.ihs.gov/NonMedicalPrograms/gogp/index.cfm?module=gogp_funding).

Information regarding this announcement may also be found on the Office of Tribal Self-Governance Web site at: <http://www.ihs.gov/NonMedical>

*Programs/SelfGovernance/index.cfm?module=planning\_negotiation.*

2. Content and Form of Application Submission:

A. The application must contain the following:

(1) Table of Contents.

(2) Abstract (one page) summarizing the project.

(3) Project Narrative (no more than seven pages) providing:

(a) Background information on the Tribe.

(b) Proposed scope of work, objectives, and activities that provide a description of what will be accomplished including a one-page Time Frame Chart.

(4) Application forms: SF-424, SF-424A, and SF-424B.

(5) Budget narrative and justification.

(6) Tribal Resolution (or official action).

(7) Appendices:

(a) Resumes or position descriptions of key staff.

(b) Contractor/Consultant resumes or qualifications and scope of work.

(c) Current Indirect Cost Rate Agreement.

(d) Organizational Chart (optional).

(e) Audits.

B. The project and budget narratives must:

(1) Be single spaced.

(2) Be typewritten.

(3) Have consecutively numbered pages.

(4) Use black type not smaller than 12 characters per one inch.

(5) Be printed on one side only of standard size 8½" × 11" paper.

C. The seven page limit for the narrative does not include the work plan, standard forms, Tribal resolutions or letters of support, table of contents, budget, budget justifications, narratives, and/or other appendix items.

Public Policy Requirements:

All Federal-wide public policies apply to IHS grants with exception of the Discrimination policy.

3. Submission Dates and Times:

Applications must be submitted electronically through Grants.gov by 12 midnight Eastern Standard Time (EST) on April 16, 2010. Any application received after the application deadline will not be accepted for processing, and it will be returned to the applicant(s) without further consideration for funding.

If technical challenges arise and assistance is required with the electronic application process, contact Grants.gov Customer Support via e-mail to [support@grants.gov](mailto:support@grants.gov) or at (800) 518-4726. Customer Support is available to

address questions 24 hours a day, 7 days a week (except on Federal holidays). If problems persist, contact Tammy Bagley, Division of Grants Policy (DGP) ([tammy.bagley@ihs.gov](mailto:tammy.bagley@ihs.gov)) at (301) 443-5204. Please be sure to contact Ms. Bagley at least ten days prior to the application deadline. Please do not contact the DGP until you have received a Grants.gov tracking number. In the event you are not able to obtain a tracking number, call the DGP as soon as possible.

If an applicant needs to submit a paper application instead of submitting electronically via Grants.gov, prior approval must be requested and obtained. The waiver must be documented in writing (e-mails are acceptable), *before* submitting a paper application. A copy of the written approval must be submitted along with the hardcopy that is mailed to the DGO (Refer to Section VII to obtain the mailing address). Paper applications that are submitted without a waiver will be returned to the applicant without review or further consideration. Late applications will not be accepted for processing, will be returned to the applicant, and will not be considered for funding.

4. Intergovernmental Review: Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions:

A. Each planning cooperative agreement shall not exceed \$75,000, including direct and appropriate indirect costs.

B. Only one planning cooperative agreement will be awarded per applicant per grant cycle.

C. Pre-award costs are not allowable without prior approval from the awarding agency. All pre-award costs are incurred at the recipient's risk.

6. Electronic Submission Requirements:

The preferred method for receipt of applications is electronic submission through Grants.gov. In order to submit an application electronically, please go to <http://www.Grants.gov> and select the "Apply for Grants" link on the home page. Download a copy of the application package on the Grants.gov Web site, complete it offline and then upload and submit the application via the Grants.gov site. You may not e-mail an electronic copy of a grant application to IHS.

Applicants that receive a waiver to submit paper application documents must follow the rules and timelines that are noted below. The applicant must seek assistance at least 10 days prior to

the application deadline (exact date: April 6, 2010).

Please be reminded of the following:

- Please search for the application package in Grants.gov (<http://www.Grants.gov>) by entering the CFDA number or the Funding Opportunity Number. Both numbers are located in the header of this announcement.

- Paper applications are not the preferred method for submitting applications. However, if you experience technical challenges while submitting your application electronically, please contact Grants.gov Customer Support directly at: <http://www.Grants.gov/CustomerSupport> or (800) 518-4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays).

- Upon contacting Grants.gov, obtain a tracking number as proof of contact. The tracking number is helpful if there are technical issues that cannot be resolved and a waiver request from the DGO must be obtained.

- If it is determined that a waiver is needed, you must submit a request in writing (e-mails are acceptable) to [GrantsPolicy@ihs.gov](mailto:GrantsPolicy@ihs.gov) with a copy to [Tammy.Bagley@ihs.gov](mailto:Tammy.Bagley@ihs.gov). Please include a clear justification for the need to deviate from our standard electronic submission process.

- If the waiver is approved, the application should be sent directly to the DGO grants official (Refer to Section VII) by the deadline date, April 16, 2010.

- You must submit all documents electronically, including all information typically included on the SF-424 and all necessary assurances and certifications. Audits being sent separately must be received by the due date, April 16, 2010. Although draft Tribal resolutions may be submitted with the application, an official signed Tribal resolution must be received by May 12, 2010, prior to the ORC review on May 14, 2010.

- Please use the optional attachment feature in Grants.gov to attach additional documentation that may be requested by the IHS.

- Your application must comply with any page limitation requirements described in this program announcement.

- After you electronically submit your application, you will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The DGO will retrieve your application from Grants.gov. The DGO will not notify applicants that the application has been received.

- If submission of a paper application is requested and approved, the original and two copies must be sent to the appropriate grants contact listed in Section VII.

- E-mail applications will not be accepted under this announcement.

Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS)

Applicants are required to have a DUNS number to apply for a grant or cooperative agreement from the Federal Government. The DUNS number is a unique nine-digit identification number provided by D&B, which uniquely identifies your entity. The DUNS number is site specific; therefore each distinct performance site may be assigned a DUNS number. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, you may access it through the following Web site: <http://fedgov.dnb.com/webform> or to expedite the process call (866) 705-5711.

Another important fact is that applicants must also be registered with the Central Contractor Registration (CCR) and a DUNS number is required before an applicant can complete their CCR registration. Registration with the CCR is free of charge. Applicants may register online at <http://www.ccr.gov> or by calling (866) 606-8220. Additional information regarding the DUNS, CCR, and Grants.gov processes can be found at: <http://www.Grants.gov>.

## V. Application Review Information

### 1. Criteria

A. Goals and Objectives of the Project (30 points).

Are the goals and objectives measurable and consistent with the purpose of the program and the needs of the people to be served, and are they achievable within the proposed time frame?

B. Organizational Capabilities and Qualifications (25 points).

Describe the organizational structure of the Tribe and its ability to manage the proposed project. Include resumes or position descriptions of key staff showing requisite experience and expertise and, where applicable, include resumes and scope of work for consultants that demonstrate experience and expertise relevant to the project.

C. Methodology (20 points).

Describe fully and clearly the methodology and activities that will be used to accomplish the goals and objectives of the project.

D. Budget and Budget Justification (15 points).

Submit a line-item budget with a narrative justification for all

expenditures identifying reasonable and allowable costs necessary to accomplish the goals and objectives as outlined in the project narrative.

E. Management of Health Program(s) (10 points).

Does the applicant propose an improved approach to managing the health program(s) and indicate how the delivery of quality health services will be maintained under self-governance?

## 2. Review and Selection Process

In addition to the evaluation criteria in Section V.1., applications are considered according to the following:

### A. Application Submission:

(1) The applicant and proposed project type is eligible in accordance with this cooperative agreement announcement.

(2) Abstract, narrative, budget, required forms, appendices and other material submitted meet the requirements of the announcement, allowing the review panel to undertake an in-depth evaluation.

### B. Competitive Review of Eligible Applications:

Applications will undergo an initial prescreening by the DGO. The prescreening will assess whether applications that meet the eligibility requirements are complete, responsive, and conform to criteria outlined in this program announcement. The applications that meet the minimum criteria will be reviewed for merit by the ORC based on the evaluation criteria. The ORC is composed of both Tribal and Federal reviewers, appointed by the IHS, to review and make recommendations on these applications. The review will be conducted in accordance with the IHS Objective Review Guidelines. The technical review process ensures selection of quality projects in a national competition for limited funding. Applications will be evaluated and rated by each reviewer on the basis of the evaluation criteria listed in Section V.1. The reviewers use the criteria outlined in this announcement to evaluate the quality of a proposed project, determine the likelihood of success, and assign a numerical score to each application. The scoring of approved applications will assist the IHS in determining which proposals will be funded if the amount of TSGP funding is not sufficient to support all approved applications. Applications scored by the ORC at 60 points and above will be recommended for approval and forwarded to the DGO for cost analysis and further recommendation. The program official will forward the approval list to the IHS

Director for final review and approval. Applications scoring below 60 points will be disapproved.

Note: In making final selections, the IHS Director will consider the ranking factors and the status of the applicant's three previous years' single audit reports. The comments from the individual reviewers that participate in the ORC will be recommendations only. The IHS Director will make the final decision on awards.

## IV. Award Administration Information

### Award Notices:

The Notice of Award (NoA) is a legally binding document, signed by the Grants Management Officer, and serves as the official notification of the grant award. The NoA is the authorizing document for which funds are dispersed to the approved entities and reflects the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, and the budget/project period. The NoA will be mailed via postal mail to each entity that is approved for funding under this announcement. Applicants who are approved but unfunded or disapproved based on their Objective Review score will receive a copy of the Final Executive Summary which identifies the weaknesses and strengths of the application submitted. Any correspondence other than the NoA announcing to the Project Director that an application was selected is not an authorization to begin performance.

### 2. Administrative Requirements:

Cooperative Agreements are administrated in accordance with the following documents:

A. The criteria as outlined in this Program Announcement.

### B. Administrative Regulations:

- 45 CFR part 92, Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Tribal Governments.

### C. Grants Policy:

- HHS Grants Policy Statement, January 2007.

### D. Cost Principles:

- Title 2: Grant and Agreements, Part 225—Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87).

### E. Audit Requirements:

- Audit of States, Local Governments, and Non-profit Organizations (OMB Circular A-133).

### 3. Indirect Costs:

This section applies to all grant recipients that request reimbursement of indirect costs in their grant application. In accordance with the HHS Grants

Policy Statement, Part II-27, IHS requires applicants to have a current indirect cost rate agreement in place prior to award. The rate agreement must be prepared in accordance with the applicable cost principles and guidance as provided by the cognizant agency or office. A current rate means the rate covering the applicable activities and the award budget period. If the current rate is not on file with the DGO at the time of award, the indirect cost portion of the budget will be restricted and not available to the recipient until the current rate is provided to the DGO.

Generally, indirect costs rates for IHS grantees are negotiated with the Division of Cost Allocation (<http://rates.psc.gov/>) and the Department of the Interior National Business Center (1849 C St., NW., Washington, DC 20240) (<http://www.aqd.nbc.gov/services/ICS.aspx>). If your organization has questions regarding the indirect cost policy, please contact the DGO at (301) 443-5204 to request assistance.

### 4. Reporting Requirements:

Grantees must submit the reports consistent with the applicable deadlines. Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) The imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This applies whether the delinquency is attributable to the failure of the grantee organization or the individual responsible for preparation of the reports.

A. Progress Report. Program progress reports are required to be submitted semi-annually, within 30 days after the budget period ends, and will include a brief comparison of actual accomplishments to the goals established for the period, or, if applicable, provide sound justification for the lack of progress, and other pertinent information as required. A final report must be submitted within 90 days of expiration of the budget/project period.

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Dated: March 3, 2010.

**Yvette Roubideaux,**

*Director, Indian Health Service.*

[FR Doc. 2010-4834 Filed 3-5-10; 8:45 am]

**BILLING CODE 4165-16-P**

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### Environmental Assessment Prepared for Proposed Cape Wind Energy Project in Nantucket Sound, MA

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Notice of the Availability of an Environmental Assessment (EA) and Draft Finding of No New Significant

Impact (FONNSI) for Public Review and Comment.

**SUMMARY:** The Minerals Management Service (MMS), in accordance with Federal regulations that implement the National Environmental Policy Act (NEPA), announces the availability for public review and comment of an EA and Draft FONNSI prepared by MMS for the Cape Wind Energy Project proposed for Nantucket Sound, Massachusetts. On January 16, 2009, the MMS announced the release of the Final Environmental Impact Statement (FEIS) for the Cape Wind Energy Project. The FEIS assessed the physical, biological, and social/human impacts of the proposed project and 13 alternatives, including a no-action alternative (i.e., the project is not built), and proposed mitigation.

The MMS has identified new information that has become available since the publication of the FEIS in January 2009 that pertains to the proposed project, the feasibility of alternatives to the proposed project, and to some of the resources that were analyzed in the FEIS. The MMS used an environmental assessment (EA) to determine whether it needs to supplement its existing analysis under the National Environmental Policy Act (NEPA). This EA, in accordance with CEQ regulations (40 CFR 1501.3(b) and 40 CFR 1502.9), examines whether the new information indicates that there have been "substantial changes in the proposed action" or "significant new circumstances or information" that either were not fully discussed or did not exist at the time the FEIS was prepared that are relevant to environmental concerns and have a bearing on the proposed action or its impacts. MMS researched and reviewed new information obtained from the scientific/technical literature, government reports and actions, intergovernmental coordination and communications, required consultations, and comments made during two comment periods offered after the FEIS was circulated to determine if any assumptions, data or analysis related to resources should be reevaluated or if the new information would alter conclusions of the FEIS. This includes new information in the January 13, 2010, MMS Documentation of Section 106 Finding of Adverse Effect (Revised) (Revised Finding), and the comments received during a comment period on this document. No new information was found that would necessitate a reanalysis of range of the alternatives or the kinds, levels or locations of the impacts by the Proposed Action upon biologic, physical,

socioeconomic or cultural resources. The analyses, potential impacts, and conclusions detailed in the FEIS remain applicable and unchanged. Therefore, MMS has determined that a supplemental EIS is not required and proposes to issue the attached FONNSI. MMS seeks public comment on the analysis, findings and conclusions in the proposed EA and Draft FONNSI.

**DATES:** The comment period for the EA/Draft FONNSI document closes April 7, 2010.

**FOR FURTHER INFORMATION CONTACT:**

James F. Bennett, Chief, Environmental Assessment Branch, Minerals Management Service, 381 Elden Street MS-4042, Herndon, Virginia 20170.

**SUPPLEMENTARY INFORMATION:**

#### Cape Wind Energy Project Description

In November 2001, Cape Wind Associates, LLC, applied for a permit from the U.S. Army Corps of Engineers (USACE) under the Rivers and Harbors Act of 1899 to construct an offshore wind power facility on Horseshoe Shoal in Nantucket Sound, Massachusetts. Following the adoption of the Energy Policy Act of 2005 (EPA) and its associated amendments to the Outer Continental Shelf Lands Act (OCSLA), the Department of the Interior was given statutory authority to issue leases, easements, or rights-of-way for renewable energy projects on the Outer Continental Shelf (OCS). Accordingly, Cape Wind Associates, LLC, submitted an application to MMS in 2005 to construct, operate, and eventually decommission an offshore wind power facility on Horseshoe Shoal in Nantucket Sound, Massachusetts. The project calls for 130, 3.6± megawatt (MW) wind turbine generators, each with a maximum blade height of 440 feet, to be arranged in a grid pattern in 25 square miles of Nantucket Sound, offshore of Cape Cod, Martha's Vineyard, and Nantucket Island. With a maximum electric output of 468 megawatts and an average anticipated output of 182 megawatts, the facility is projected to generate up to three-quarters of the Cape and Islands' electricity needs. Each of the 130 wind turbine generators would generate electricity independently. Solid dielectric submarine inner-array cables (33 kilovolt) from each wind turbine generator would interconnect within the array and terminate on an electrical service platform, which would serve as the common interconnection point for all of the wind turbines. The proposed submarine transmission cable system (115 kilovolt) from the electric service platform to the landfall location in