

# **Finding of No Historic Properties Affected For the Approval of a Site Assessment Plan For Wind Energy Development On the Outer Continental Shelf Offshore Virginia**

## **Finding**

The Bureau of Ocean Energy Management (BOEM) has made a Finding of No Historic Properties Affected for the approval of a Site Assessment Plan (SAP) for the Coastal Virginia Offshore Wind (CVOW) renewable energy project on the Outer Continental Shelf (OCS) offshore Virginia within the OCS-A 0483 commercial lease block (30 CFR 585.613). BOEM has reviewed the SAP and supporting documentation and has determined there are no historic properties present within the Area of Potential Effects (APE) of the proposed undertaking (36 CFR 800.4(d)(1)).

## **Documentation in Support of the Finding**

### **1. Summary**

This document describes BOEM's compliance with Section 106 of the National Historic Preservation Act (NHPA) and documents the agency's finding of No Historic Properties Affected (Finding) under 36 CFR § 800.4 (d)(1) for the undertaking of approving the SAP for the CVOW renewable energy project within the OCS-A 0483 commercial lease block on the OCS offshore Virginia. The SAP was submitted by Virginia Electric and Power Company, doing business as Dominion Energy Virginia (Dominion Energy) in support of the installation and operation of up to two Ocean Tech Services, LLC (OTS) EOLOS FLS200 light detection and ranging (LiDAR) Buoys (FLS200) (Met Facilities) to be located within Block 6163 Aliquot E and Block 6016 Aliquot J of commercial lease OCS-A 0483 (the undertaking).

BOEM has prepared this documentation in support of the Finding following the standards outlined at 36 CFR § 800.11(d) and as fulfillment of Stipulation IV of the Programmatic Agreement (Agreement) among BOEM; the State Historic Preservation Officers (SHPO) of Delaware, Maryland, New Jersey, and Virginia; the Advisory Council on Historic Preservation (ACHP); The Narragansett Indian Tribe; and The Shinnecock Indian Nation. This Finding and supporting documentation are being provided to the Delaware SHPO, ACHP, The Narragansett Indian Tribe, and The Shinnecock Indian Nation as signatories to this Agreement, as well as to the National Park Service and Lenape Tribe of Delaware who are consulting parties to this undertaking. This Finding and supporting documentation will be made available for public inspection by placement on BOEM's website prior to the bureau approving the undertaking.

### **2. Federal Involvement**

The Energy Policy Act (EPA) of 2005, Publication L. No. 109-58, added section 8(p)(1)(C) to the Outer Continental Shelf Lands Act (OSCLA), which grants the Secretary of the Interior the authority to issue leases, rights-of-use and easement (RUE) grants, or right-of-way (ROW) grants on the OCS for the purpose of renewable energy development, including wind energy

development. *See* 43 U.S.C. § 1337(p)(1)(C). The Secretary delegated this authority to the former Minerals Management Service (MMS), now BOEM. On April 22, 2009, BOEM promulgated final regulations implementing this authority at 30 CFR 585.

The regulations also require that a lessee provide the results of surveys with its SAP for the areas affected by the activities proposed in each plan (*see* 30 CFR 585.610(b)), including the results of an archaeological resource identification survey. BOEM provides guidelines for the submission of the results of these activities. *See Guidelines for Providing Archaeological and Historic Property Information Pursuant to 30 CFR Part 585* at: <https://www.boem.gov/sites/default/files/documents/about-boem/Archaeology%20and%20Historic%20Property%20Guidelines.pdf> which advise lessees to survey the entirety of the area they propose to impact.

In February 2012, BOEM published a single environmental assessment (EA) for two stages of its wind energy program (the issuance of leases and the approval of SAPs) for areas offshore New Jersey to Virginia, pursuant to the National Environmental Policy Act (NEPA) (42 USC § 4321 et seq.), and published a Finding of No Significant Impact (FONSI) as a result (USDOJ, BOEM, 2012a). Regarding impacts to cultural resources, the EA concluded: “the information generated from the lessee’s initial site characterization activities, the unanticipated discoveries requirement, and existing regulatory measures would make the potential for seafloor/bottom-disturbing activities (e.g., core samples, anchorages...) to cause damage to historic resources very low.”

During the preparation of the EA, BOEM determined that the proposed action constitutes multiple undertakings, subject to Section 106 of the NHPA (16 USC § 470f), and its implementing regulations (36 CFR 800):

- (1) Lease issuance (including reasonably foreseeable consequences associated with shallow hazards, geological, geotechnical, and archaeological resource surveys); and,
- (2) Approval of a SAP (including reasonably foreseeable consequences associated with the installation and operation of a meteorological tower and/or meteorological buoys).

Because the decisions to issue leases and approve SAPs are complex (staged) and multiple, and because BOEM may not have all the results of archaeological surveys prior to the issuance of leases and as such will be conducting its historic properties identification and evaluation effort in phases (36 CFR 800.4(b)(2)), BOEM developed and executed an Agreement pursuant to 36 CFR 800.14(b) with its consulting parties, including the Advisory Council on Historic Preservation (ACHP). The Agreement was executed on 31 January 2012 to fulfill its obligations under Section 106 for the undertakings of lease issuance and approval of SAPs offshore the Mid-Atlantic states (*see* [https://www.boem.gov/sites/default/files/renewable-energy-program/State-Activities/HP/MidAtlantic-PA\\_Executed.pdf](https://www.boem.gov/sites/default/files/renewable-energy-program/State-Activities/HP/MidAtlantic-PA_Executed.pdf)).

On May 21, 2013, BOEM published a Finding of No Historic Properties Affected for the issuance of commercial leases within the Virginia Wind Energy Area (WEA). On September 4, 2013, a large portion of this area was successfully auctioned for commercial development. A commercial lease (OCS-A-0483) with Virginia Electric and Power Company (dba Dominion Virginia Power) for the Virginia WEA went into effect on November 1, 2013.

On August 31, 2015, Dominion Energy submitted a SAP for the CVOW Commercial Project detailing proposed site assessment activities under its commercial lease, as well as historic properties identification survey results supporting the SAP. The SAP included provisions for the deployment of one LiDAR buoy within the commercial lease OCS-A 0483. BOEM reviewed the SAP and supporting documentation and engaged with consulting parties per the stipulations of the Agreement. BOEM determined that there were no historic properties within the APE for the SAP undertaking and published a Finding of No Historic Properties Affected on May 21, 2012. On October 12, 2017, BOEM approved the SAP for the CVOW Commercial Project, including the deployment of the LiDAR buoy.

The LiDAR buoy included in the CVOW SAP approved in October 2017 was never deployed. On October 28, 2020, Dominion Energy submitted a new SAP for the CVOW project. The new SAP included a change to the type of buoy and the addition of a second buoy. BOEM reviewed the SAP submitted by Dominion Energy in October 2020, and provided comments and requests for additional information. Dominion Energy subsequently submitted a revised SAP to BOEM on March 5, 2021. This revised SAP was reviewed by BOEM during March and April 2021 after which BOEM provided Dominion Energy with further comments. Dominion Energy submitted a revised SAP addressing BOEM comments on April 30, 2021. On May 24, 2021, BOEM deemed the proposed SAP sufficient. Under the 2020 SAP neither of the proposed buoys would be deployed in the area previously approved for the buoy in the 2017 CVOW SAP submission. BOEM has determined that the proposed the SAP for deploying two buoys in new locations represents a new undertaking as defined in 36 CFR Part 800.16(y) and, as such, requires a separate NHPA Section 106 review.

This document outlines BOEM's compliance with Section 106 and documents the agency's Finding for the proposed undertaking of the conditioned approval of the SAP under 36 CFR 800.4 (d)(1). BOEM has prepared this documentation in support of the Finding following the standards outlined at 36 CFR 800.11(d) and as fulfillment of Stipulation IV.G of the Agreement. This Finding and supporting documentation are being provided to the following consulting parties under the Agreement:

- Virginia SHPO;
- The Narragansett Indian Tribe;
- The Shinnecock Indian Nation;
- Lenape Indian Tribe; and
- ACHP as consulting parties.

The Finding and supporting documentation will be made available for public inspection on BOEM's website prior to BOEM approving the undertaking.

### 3. The Undertaking

Under the proposed SAP, Dominion Energy proposes to conduct meteorological evaluations in two locations as part of the site assessment activities for the proposed CVOW project. Dominion Energy will collect meteorological data using up to two OTS EOLOS FLS200 (LiDAR Buoys which are fully-equipped and autonomous wind, wave, and current measuring systems utilizing the ZX 300M LiDAR system. These buoys are referred to as FLS 1 and FLS 2. Each buoy is approximately 17.4 feet (ft [(5.3 meters (m)] tall, 13.1 ft (4.0 m) wide, and weighs 4,062 pounds (lbs) (1,842 kilograms [kg]) (Figure 1). The buoys are comprised of three main parts; the structural chassis, four buoyancy modules, and the exterior shell.

The structural chassis is made of Type 316L stainless steel and consists of five vertical cylinders, attached by squared profiles. The buoyancy modules are toroidal in shape and together form a square which house the batteries used to store electrical energy produced by the solar panels and wind turbines on board the buoy. The exterior shell covers all systems and is composed of stainless-steel plates and backings with sixteen solar panels attached to the plates.

Each of the FLS200 buoys will be equipped with instruments to collect data on wind speed and direction, waves, ocean current direction and velocity, air pressure, water temperature, humidity, rainfall, and solar radiation. A LiDAR and weather station will be mounted atop each FLS200 which will collect information on the vertical profile of wind speed and direction from 32.8 ft (10.0 m) up to 656.2 ft (200.0 m) above sea level, with 10 range gates.

Each FLS200 buoy will be anchored to the seafloor using a single point mooring consisting of a chain attached to a cast iron clump anchor (Figure 2). The chain connecting each buoy to the anchor will be attached to the mooring connection points on the bottom of the FLS200 by four bridle chains. The chain moorings will be attached to the cast iron clump anchors, one per buoy. The anchors will weigh 5.5 tons (4,989.5 kg) and will rest on the seafloor, covering an area of 18 ft<sup>2</sup> (1.7 m<sup>2</sup>). The anchor chain sweep areas on the seafloor around the FLS 1 and FLS 2 (inclusive of the anchor areas) is anticipated to be approximately 2.4 acres (1.0 hectare) and 4.3 acres (1.7 hectares), respectively. It is anticipated that upon deployment the 5.5-ton (4,989.5 kg) cast iron anchor will settle into the seabed resulting in vertical impacts to a depth of approximately 6.6 to 9.9 ft (2.0 to 3.0 m) below seafloor surface.

The two buoys will be deployed in the southwest and northeast corners of the commercial lease OCS-A 0483. FL 1 will be deployed in the southwest corner of the lease block at 36.84537 decimal degrees latitude and -75.430221 decimal degrees longitude in OCS Block 6163 Aliquot E. FL 2 will be deployed in the northeast corner of the lease block at 36.96847 decimal degrees latitude and -75.244385 decimal degrees longitude in and OCS Block 6016 Aliquot J (Figure 3).

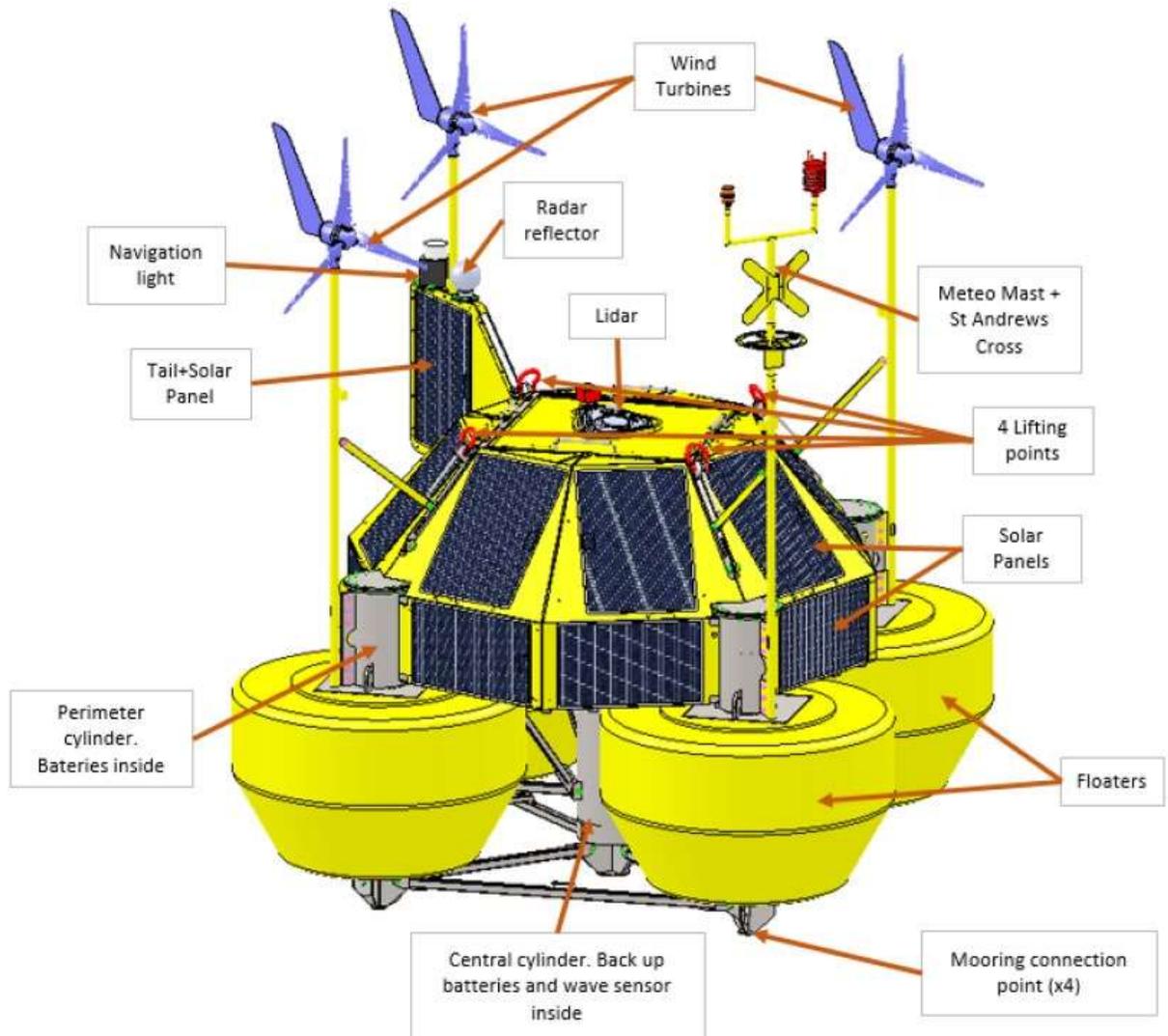


Figure 1. FLS200 buoy



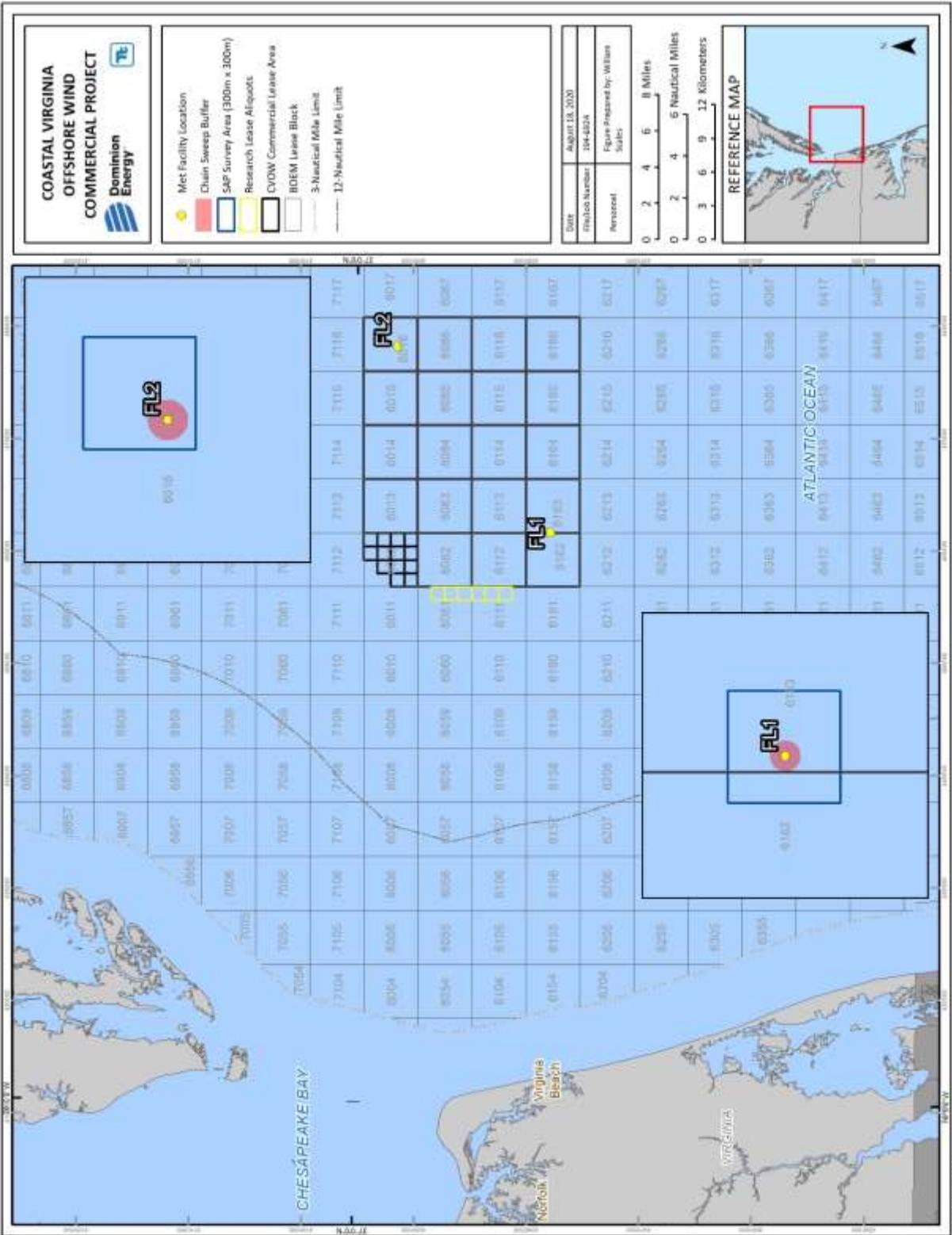


Figure 3. Location of the proposed metocean buoys in the CVOW commercial lease area (DE 2020).

The FL1 and FL2 buoys will be transported by ship from the Netherlands to the Port of New York where their final design will be completed. The buoys will then be delivered to an existing facility in Avalon, New Jersey for assembly, testing, and commissioning. Upon completion of the commissioning process the buoys will be transported from Avalon, New Jersey, to commercial lease OCS-A 0483 on the deck of the installation vessel. Both buoys will be installed using the anchor last procedure by placing the buoy in the water from the back of the vessel followed by slowly letting out the mooring chain and ending with the anchor block being slowly lowered to the seafloor.

#### **4. Area of Potential Effects**

As defined in the Section 106 regulations at 36 CFR § 800.16(d), the APE is the “geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.”

As defined by the signatories in the Agreement, the APE for the approval of a SAP is considered as:

- The depth and breadth of the seabed potentially impacted by proposed seafloor/bottom-disturbing activities;
- The onshore viewshed from which lighted meteorological structures would be visible and;
- Any onshore staging areas.

The proposed meteorological buoy is not likely to be visible from onshore locations based on the height of the proposed equipment and the distance from shore; therefore, there is no viewshed APE associated with the undertaking. Onshore staging activities will take place from existing facilities at the Port of New York and Avalon, New Jersey; therefore, onshore staging areas are not defined as part of the APE for the undertaking. As a result, the APE for the proposed undertaking is limited to the depth and breadth of the seabed that will be impacted by the clump anchor and the anchor chain sweep areas on the seafloor for the FLS 1 and FLS 2 buoys.

As previously stated, the clump anchor for each buoy will cover an area of approximately 18 ft<sup>2</sup> and will settle approximately 6.6 to 9.9 ft (2.0 to 3.0 m) below seafloor surface. The anchor chain sweep area on the seafloor around FLS 1 is anticipated to be approximately 2.4 acres (1.0 hectare) and 4.3 acres (1.7 hectares) around FLS 2. The estimated anchor sweep areas for both buoys includes the clump anchor footprint. Based on the design parameters provided in the SAP, BOEM has determined that the horizontal APE for FLS 1 is a circular, 2.4 acre (1.0 hectare) area on the surface of the seafloor centered on the proposed anchor location with a vertical APE extending 6.6 to 9.9 ft (2.0 to 3.0 m) below the surface within the 18 ft<sup>2</sup> anchor footprint. The horizontal APE for FLS 2 is a circular, 4.3 acres (1.7 hectares) area on the surface of the seafloor centered on the proposed anchor location with a vertical APE extending 6.6 to 9.9 ft (2.0 to 3.0 m) below the surface within the 18.0 ft<sup>2</sup> anchor footprint.

## 5. Consultations with Appropriate Parties and the Public

BOEM initiated consultation for the issuance of commercial wind energy development offshore Virginia in 2011, through letters of invitation, telephone calls, emails, meetings, webinars, and the circulation and discussion of the Agreement, in draft, that guides the Section 106 consultations for multiple undertakings, including the one forming the subject of this Finding. This outreach and notification included contacting over 85 individuals and entities, including federally-recognized tribes, local governments, SHPOs, state-recognized tribes, and the public (Table 1).

Federally-recognized Tribes	State-recognized Tribes	Local Governments	Local Governments
Absentee Shawnee Tribe of Oklahoma	Cheroenhaka (Nottoway) Indian Tribe	Accomack-Northampton Planning District Commission	Town of Fenwick
Aroostook Band of Micmacs	Lenape Indian Tribe of Delaware	Atlantic City	Town of Ocean City
Catawba Indian Nation	Mattaponi Indian Tribe	Berlin, MD	Town of Ocean City Council
Chickahominy Tribe	Nanticoke Indian Association, Inc.	Board of Supervisors Accomack County	Town of Ocean View
Eastern Chickahominy Tribe	Nanticoke Lenni-Lenape Indians	City of Chesapeake	Town of South Bethany
The Delaware Nation (Anadarko)	Nottoway Indian Tribe	City of Hampton	Worcester County Commission
The Delaware Nation (Bartlesville)	Patawomeck Indian Tribe	City of Lewes	<b>Additional Organizations</b>
The Delaware Nation (Emporia)	Powhatan Renape Nation	City of Millville	Lower Eastern Shore Heritage Council, Inc.
Eastern Band of Cherokee Indians	Rampanough Mountain Indians	City of Newport News	Maryland Commission on Indian Affairs
Eastern Shawnee Tribe of Oklahoma		City of Norfolk	Preservation Maryland
Houlton Band of Maliseet Indians		City of Portsmouth	
Mashpee Wampanoag Tribe		City of Rehoboth	
Miccosukee Tribe		City of Suffolk	
Monacan Indian Nation		City of Virginia Beach	

<b>Federally-recognized Tribes</b>	<b>State-recognized Tribes</b>	<b>Local Governments</b>	<b>Local Governments</b>
Nansemond Tribe		Dennis Township	
The Narragansett Indian Tribe		Egg Harbor City	
Oneida Indian Nation		Egg Harbor Township	
Onondaga Nation		Hampton Roads Planning District Commission	
Passamaquoddy Tribe (Indian Township)		James City County	
Passamaquoddy Tribe (Pleasant Point)		Northampton/Accomack City	
Pamunkey Tribe		Ocean City	
Penobscot Nation		Office of Congressman Michael N. Castle	
Rappahannock Tribe		Ship Bottom Borough	
Saint Regis Mohawk Tribe		Stafford Township	
Seminole Tribe		Sussex County	
The Shinnecock Indian Nation		Sussex County Council	
Stockbridge-Munsee Community of Mohican Indians		Town of Bethany	
Tuscarora Nation		Town of Dewey Beach	
Upper Mattaponi Tribe			
Wampanoag Tribe of Gay Head (Aquinnah)			

Additionally, BOEM has conducted formal government-to-government consultation with the Narragansett Indian Tribe and the Shinnecock Indian Nation, both of whom chose to consult with BOEM and participate in the development of the Agreement. The Nanticoke Lenni-Lenape Tribal Nation of New Jersey, the Lenape Indian Tribe of Delaware, and the Nanticoke Indian Tribe of Delaware (together, the Confederation of Sovereign Nanticoke-Lenape Tribes, an inter-tribal union between historically and genealogically interrelated indigenous tribes remaining in the area of the Delaware Bay) also chose to consult with BOEM and participate in the development of the Agreement.

On February 9, 2011, BOEM formally notified the public through the *Federal Register*, Vol.76, No. 27 (pages 7226-7228), of its intent to prepare an EA and that it would involve Federal agencies, states, tribes, local governments, wind power developers, and the public, as BOEM conducted the NEPA process and engaged in consultation, including consultation under Section 106 of the NHPA.

On March 11, 2011, BOEM's Federal Preservation Officer, Dr. Brian Jordan, sent letters to potential consulting parties notifying them BOEM had identified an area offshore Virginia and intended to prepare a regional EA considering the environmental consequences of:

- (1) issuing leases;
- (2) site characterization activities that lessees may undertake on those leases (e.g., geophysical, geotechnical, archaeological, and biological surveys); and
- (3) the subsequent approval of site assessment activities on the leaseholds (e.g., installation and operation of meteorological towers and buoys) in specific areas identified offshore Delaware, Maryland, New Jersey, and Virginia.

BOEM notified the potential consulting parties it had determined that issuing leases and subsequently approving site assessment activities in these areas constituted undertakings subject to Section 106 of the NHPA (54 U.S. Code § 306108), and its implementing regulations (36 CFR 800).

Multiple responses to BOEM's March 11, 2011 letters were received in the following months. A response from the Narragansett Indian Tribe detailed both the need for better protocols for identifying ancestral submerged paleolandscapes and recommending an inter-tribal panel to inform the protocol. The Narragansett recommended that, for the purpose of gathering oral history indicators of the presence or absence of submerged settlements, BOEM should form a panel of federally-recognized tribal historic preservation advisors comprised of Atlantic coastal Tribal Historic Preservation Officers (THPOs) and augmented by state-recognized coastal tribes. The Narragansett suggested that the panel would provide data to BOEM which could be incorporated into a database of likely areas that should be investigated by sub-bottom profiling in search of scientific evidence of submerged settlements. The results of these surveys would provide known areas of cultural sensitivity, guiding planning activities and avoidance areas for development activities.

One response was received from a state-recognized tribe. The Nanticoke Lenni-Lenape Tribal Nation of New Jersey responded, “the area[s] delineated on the map involve the traditional offshore areas of our tribe.” In response, BOEM requested that the Nanticoke Lenni-Lenape Tribal Nation of New Jersey, the Lenape Indian Tribe of Delaware, and the Nanticoke Indian Tribe of Delaware (together, the Confederation of Sovereign Nanticoke-Lenape Tribes, an inter-tribal union between historically and genealogically interrelated indigenous tribes remaining in the area of the Delaware Bay) join the development of the Agreement to guide Section 106 consultations offshore Virginia. Additionally, BOEM will continue outreach to the Nanticoke Lenni-Lenape Tribal Nation and other tribes potentially affected by the proposed undertaking and will continue to consult on relevant issues to ensure their concerns are taken into consideration.

During the preparation of the EA, BOEM recognized that the agency had limited information regarding the presence of historic properties within the areas offshore New Jersey to Virginia and would not have obtained or conducted an archaeological identification survey prior to the issuance of leases or the completion of the EA. Since the complete identification of historic properties would not take place until after leases were issued, BOEM drafted a programmatic agreement to establish the process through which consultation would continue regarding all information generated as a result of ongoing site characterization activities. This could then inform BOEM’s future decisions regarding the approval, approval with modification, or disapproval of lessees’ SAPs and COPs (30 CFR 585). Using a phased approach set out in a programmatic agreement would allow the consulting parties to participate in determining how potential adverse effects to newly identified historic properties would be addressed when BOEM considered lessees’ plans, either by avoidance or mitigation.

From September 2011 through November 2011, BOEM sent letters to all potential consulting parties, including those suggested by the SHPOs, notifying them BOEM had prepared the draft regional EA mentioned herein and wanted to consult on the matter (Table 1). BOEM requested the parties review the EA and offer any information not previously shared related to known historic sites or cultural properties within the areas that may be affected by leasing, site characterization activities, and the placement of meteorological structures offshore New Jersey to Virginia. On October 14, 2011, the Virginia SHPO replied to BOEM with concurrence that the programmatic approach appeared satisfactory.

Additionally, on October 11, 2011, BOEM invited the ACHP to participate in the Section 106 consultations and preparation of the Agreement. On October 24, 2011, the ACHP replied to Mr. Tommy Beaudreau, BOEM’s former director, stating it would participate in the consultations and preparation of the Agreement.

BOEM held multiple consultation meetings, including:

- September 15, 2011, to meet with the Narragansett Indian Tribe in government-to-government consultation (in person);
- October 11, 2011, to initiate Section 106 with all consulting parties and to present the draft Agreement (via webinar);

- November 9, 2011, to discuss revisions to and comments received on the draft Agreement with all consulting parties (via webinar);
- November 30, 2011, to meet with the Shinnecock Indian Nation in government-to-government consultation (in person);
- December 15, 2011, to discuss revisions to and comments received on the draft Agreement with all consulting parties (via webinar);
- February 21, 2012, to implement the finalized and executed Agreement and to meet the provisions of Stipulation I (via webinar); and
- April 12, 2012, to fulfill Stipulation II of the Agreement for lease issuance offshore Virginia (in person).

Through these consultations, BOEM was informed the following signatories to the Agreement have indicated they wish to be involved in the Section 106 review for undertakings offshore Virginia: The Shinnecock Indian Nation, The Narragansett Indian Tribe, the Confederation of Sovereign Nanticoke-Lenape Tribes (including the Nanticoke Lenni-Lenape Tribal Nation of New Jersey, the Lenape Indian Tribe of Delaware, and the Nanticoke Indian Tribe of Delaware), and the Virginia Department of Historic Resources (the VA SHPO).

## **6. Description of Steps Taken to Identify Historic Properties**

BOEM's renewable energy regulations require a lessee to provide the results of surveys with its SAP for the areas affected by the activities proposed in the plan (see 30 CFR 585.610(b)), including the results of an archaeological resource identification survey. BOEM provides guidelines for acquiring this information and documenting the results of these activities. See *Guidelines for Providing Archaeological and Historic Property Information Pursuant to 30 CFR Part 585* at: [http://www.boem.gov/Guidelines\\_for\\_Providing\\_Archaeological\\_and\\_Historic\\_Property\\_Information\\_Pursuant\\_to\\_30CFR585/](http://www.boem.gov/Guidelines_for_Providing_Archaeological_and_Historic_Property_Information_Pursuant_to_30CFR585/), which advise lessees to survey the entirety of the area they propose to impact. Additionally, BOEM requires lessees to provide the results of onshore historic property identification activities conducted in accordance with the standards and guidelines of the relevant SHPOs or THPOs, if on tribal lands.

BOEM has reviewed the amended CVOW SAP and reports provided in support of the plan including a Marine Archaeological Resources Assessment, summarized below (Schmidt et al. 2020).

### **6.1. Marine Archaeological Resources Assessment**

The archaeological assessment was completed using a combination of geophysical data gathered during a survey conducted in 2020. The data collected provided high resolution geophysical survey coverage of the APE utilizing multibeam echo sounder, side scan sonar, magnetometer, and CHIRP sub-bottom profiler consistent with BOEM's archaeological survey guidelines. A qualified marine archaeologist conducted line-by-line analyses of the survey data to identify targets and anomalies with potential to represent submerged cultural resources. This included

consideration of both historic period shipwrecks and submerged paleolandforms with potential to contain pre-contact archaeological sites. Background research was conducted to develop pre-contact and historic period contexts and a review of the regional geomorphology, late Pleistocene and Holocene geology, and an examination of the paleogeography, and trajectory of sea level change was conducted. No historic properties or preserved paleolandscapes with the potential to contain evidence of human habitation were identified within the two proposed buoy deployment APEs (Schmidt et al. 2021:11).

## **7. Basis for the Determination of No Historic Properties Affected**

BOEM has considered information gathered during consultation with the appropriate parties and the public and through review of the Marine Archaeological Assessment provided in support of the CVOW SAP (see Schmidt et al. 2021 in Appendix A). A good faith effort has been made to identify historic properties through this archaeological assessment and no historic properties have been identified within the APE. Although effects to historic properties may occur from an unanticipated, post-review discovery during installation, operation, or decommissioning of the meteorological buoy, the required implementation of the unanticipated discoveries clause at 30 CFR § 585.802 and the inclusion of a post-review discoveries clause as a condition of the amended SAP approval, ensures that any discoveries are reported and reviewed under the NHPA.

## **REFERENCES**

Schmidt, James S., Ashley Himmelstein, and Jessica Cook. 2021. Phase I Submerged Cultural Resources Analyses for the Coastal Virginia Offshore Wind Commercial Project Site Assessment Plan Lease No. OCS-A-0483. Offshore, Virginia. Technical Report Prepared by R. Christopher Goodwin & Associates, Inc., for Dominion Resources, Inc., under contract to Tetra Tech, Inc.

U.S. Department of the Interior, Bureau of Ocean Energy Management (BOEM). 2012a. Commercial Wind Lease Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf Offshore New Jersey, Delaware, Maryland, and Virginia; Final Environmental Assessment. Office of Renewable Energy Programs, Herndon, Virginia. January 2012.

U.S. Department of the Interior, Bureau of Ocean Energy Management (BOEM). 2012b. Finding of No Historic Properties Affected for the Issuance of Commercial Leases within the Virginia Wind Energy Area for Wind Energy Development on the Outer Continental Shelf Under the “Smart from the Start” Initiative. May 2012.

## **APPENDICES**

Appendix A: Phase I Submerged Cultural Resources Analyses for the Coastal Virginia Offshore Wind Commercial Project, Site Assessment Plan (OCS Lease No. OCS-A0483).



# COMMONWEALTH of VIRGINIA

Matthew Strickler  
Secretary of Natural Resources

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July 29, 2021

Mr. Justin J. Bedard  
U.S. Department of the Interior  
Bureau of Ocean Energy Management  
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Sterling, Virginia 20166

Re: Amended Site Assessment Plan - Coastal Virginia Offshore Wind Project  
DHR File No. 2020-4849

Dear Mr. Bedard:

We have received from the Bureau of Ocean Energy Management (BOEM) additional information regarding its review and approval of an amended Site Assessment Plan (SAP) for the Coastal Virginia Offshore Wind Project (CVOW). This information includes the document entitled *Phase I Submerged Cultural Resources Analyses for the Coastal Virginia Offshore Wind Commercial Project, Site Assessment Plan, OCS Lease No. OCS-A 0483, Offshore, Virginia* (revised April 2021) prepared by R. Christopher Goodwin & Associates, Inc. and BOEM's effect finding. The SAP has been amended to include the deployment of two buoys in new locations. Based on the information provided, we concur that implementation of the SAP, as amended, would result in *No Historic Properties Affected*.

Thank you for coordinating this change in scope with our office. If you have any questions concerning these comments or our review of this project, please do not hesitate to contact me at [roger.kirchen@dhr.virginia.gov](mailto:roger.kirchen@dhr.virginia.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Kirchen".

Roger W. Kirchen, Director  
Division of Review and Compliance

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# United States Department of the Interior

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**July 28, 2021**

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Subject: Invitation to Consult on the Coastal Virginia Offshore Wind - Commercial (CVOW-C) Site Assessment Plan and Construction and Operations Plan, et al.

Dear Justin:

The National Park Service (NPS) received your letter of June 25, on June 28, 2021 addressed to Regional Energy Specialist Mary Krueger. We have been aware of the Coastal Virginia Offshore Wind – Commercial (CVOW-C) Project since its inception and are aware of the Bureau of Ocean Energy Management’s (BOEM) plan to use the NEPA process to fulfill its Section 106 obligations and to issue a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS).

We accept your invitation to be a consulting party under Section 106 on this project for both the Site Assessment Plan and Construction and Operations Plan phases of this project and look forward to engaging in the BOEM process. NPS has reviewed the “Finding of No Historic Properties Affected for the Approval of a Site Assessment Plan for Wind Energy Development on the Outer Continental Shelf Offshore Virginia” and the accompanying marine archaeological assessment. We are in the process of consulting with NPS’s American Battlefield Protection Program (ABPP) to ensure their records of offshore historic resources is consistent with the two reports BOEM provided. We will contact you under separate cover should we know of resources not addressed in your reports.

Please designate Mary Krueger as NPS representative and Historical Landscape Architect Kathryn Schlegel as alternate for this project. Mary Krueger can be reached at (617) 223-5066 or [mary\\_c\\_krueger@nps.gov](mailto:mary_c_krueger@nps.gov). Kathy Schlegel can be reached at [kathy\\_schlegel@nps.gov](mailto:kathy_schlegel@nps.gov). Our preferred correspondence method is email or other electronic means.

If you have any questions, please don’t hesitate to contact Mary and Kathy.

Sincerely,

**JONATHAN MEADE**

Digitally signed by JONATHAN  
MEADE  
Date: 2021.07.26 15:56:07 -04'00'

Jonathan Meade  
Associate Regional Director  
Resource Stewardship and Science



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
VIRGINIA ARMY NATIONAL GUARD  
BUILDING 316, FORT PICKETT  
BLACKSTONE, VIRGINIA 23824-6316

July 26, 2021

United States Department of the Interior  
Bureau of Ocean Energy Management  
Office of Renewable Energy Programs  
45600 Woodland Drive, VAM-OREP  
Sterling, VA 20166

Attention: Justin J. Bedard  
Archaeologist/Program Tribal Liaison Officer

Dear Mr. Bedard,

Thank you for your letter of June 25, 2021, received by the Virginia Department of Military Affairs-Virginia Army National Guard (VDMA-VaARNG) in paper format on July 9, 2021, and digitally via email correspondence on June 28, 2021, inviting participation in National Historic Preservation Act (NHPA) Section 106 review consultation for the Coastal Virginia Offshore Wind (CVOW) project's amended Site Assessment Plan, on the offshore Virginia Outer Continental Shelf. The VDMA-VaARNG understands that BOEM regards the lease issuance and approval of the Site Assessment Plan to be separate undertakings, subject to NHPA Section 106, and appreciates the opportunity to take part in consultation for these and future aspects of the CVOW project.

VDMA-VaARNG has reviewed the information provided in your letter, outlining the consultation process BOEM has followed for the issuance of commercial leases for the CVOW project, with reference to the following documents:

*Programmatic Agreement Among the U.S. Department of the Interior, Bureau of Ocean Energy Management; the State Historic Preservation Officers of Delaware, Maryland, New Jersey, and Virginia; The Advisory Council on Historic Preservation; The Narragansett Indian Tribe; and the Shinnecock Indian Nation, Regarding the "Smart from the Start" Atlantic Wind Energy Initiative: Leasing and Site Assessment Activities within the Wind Energy Areas Offshore Delaware, Maryland, New Jersey, and Virginia, executed on January 31, 2012;*

*Finding of No Historic Properties Affected for the Issuance of Commercial Leases within the Virginia Wind Energy Area for Wind Energy Development on the Outer Continental Shelf, dated May 21, 2012, resulting from consultation conducted under the January 31, 2012 PA;*

*Environmental Assessment and Finding of No Significant Impact, of February 3, 2012, for issuing commercial wind leases and site assessment activities, including on the Outer Continental Shelf offshore Virginia; and*

*Finding of No Historic Properties Affected* for the issuance of commercial leases within the Virginia Wind Energy Area, May 21, 2013, followed by issuance of a lease to the Virginia Electric and Power Company (dba Dominion Virginia Power) for the Virginia Wind Energy Area, effective November 1, 2013.

VDMA-VaARNG also reviewed the following documents received with your letter:

Draft Report, *Phase I Submerged Cultural Resources Analyses for the Coastal Virginia Offshore Wind Commercial Project, Site Assessment Plan, OCS Lease No. OCS-A 043, Offshore, Virginia*, prepared for Tetrattech, Inc., by R. Christopher Goodwin & Associates, dated March 2, 2021; and

*Finding of No Historic Properties Affected For the Approval of a Site Assessment Plan For Wind Energy Development On the Outer Continental Shelf Offshore Virginia*, prepared in response to Dominion Energy's Site Assessment Plan, submitted October 28, 2020, and revised Site Assessment Plan, dated April 30, 2021, modified by Dominion Energy in response to BOEM's comments, which was accepted by BOEM on May 24, 2021.

VDMA-VaARNG recognizes that the activities proposed under the current Site Assessment Plan have the potential to impact historic properties. VDMA-VaARNG notes that according to information provided for the CVOW project describing the lessee's historic property identification efforts, no historic properties were identified in the offshore Area of Potential Effect. As VDMA-VaARNG does not have jurisdiction over this area, the agency hasn't conducted offshore studies, and doesn't possess information about the potential for resources to exist offshore. VDMA-VaARNG agrees that the undertaking's activities will result in no effect on historic properties within the onshore Area of Potential Effect, given the nature of the undertaking. Therefore, VDMA-VaARNG concurs with BOEM's *Finding of No Historic Properties Affected* for the amended CVOW Site Assessment Plan.

We look forward to continuing to consult on activities supporting the CVOW project. If you have questions about VDMA-VaARNG's comments, please contact Susan Smead, VaARNG Cultural Resources Program Manager, by email at [susan.e.smead.nfg@mail.mil](mailto:susan.e.smead.nfg@mail.mil), or by phone at (434) 298-6411 (office number), or (804) 878-7840 (cell phone number).

CHARLTON T. DUNN  
Construction & Facilities Management Officer  
ACofS, VaARNG  
Facilities Engineering and  
Management