Response to Comments

BOEM received 19 comment submissions during the *Proposed Sale Notice and Request for Interest for Commercial Leasing for Wind Power on the Outer Continental Shelf (OCS) North Carolina (Kitty Hawk)* (PSN/RFI) comment period that closed October 17, 2016[1]. The submissions addressed many aspects of this lease sale, and this document was prepared in response to several key comments and questions. BOEM's responses to the comments are organized into six categories: (1) Support for Offshore Wind; (2) Navigational Impact Concerns; (3) Viewshed Concerns; (4) Protection of Marine Species; (5) Environmental Studies; and (6) Public Input on Site Assessment Plans (SAPs) and Construction and Operations Plans (COPs).

1. Comments Supporting Offshore Wind

***Comment:* BOEM received 17 individual letters from stakeholders showing their support for offshore wind energy off North Carolina. Commenters requested a quick and efficient approval process for potential projects, citing the potential for carbon reduction, new jobs, and support for the local economy.**

BOEM appreciates the public's participation in our process and the fact that individual stakeholders took the time to express their opinions regarding decisions about the shared Federal wind resource. BOEM recognizes the important role that offshore wind can play in the effort to decrease carbon pollution and understands the need for efficient yet thorough vetting of these projects.

2. Comments Regarding Navigational Impacts

***Comment:* BOEM should work with the United States Coast Guard to revise the proposed leasing area to address navigational conflicts with commercial vessels that operate in the proposed lease area. BOEM should take no further action to develop the proposed lease area until conflicts with navigation safety and the recommendations included in the USCG's Marine Planning Guidelines have been properly addressed to the satisfaction of the USCG.**

BOEM appreciates the concerns of the maritime community that could be affected by potential offshore wind development in the Kitty Hawk lease area. BOEM has actively coordinated with the United States Coast Guard (USCG) since the establishment of the BOEM North Carolina Intergovernmental Renewable Energy Task Force (Task Force) in 2010. The USCG has sent one or more representatives to all Task Force meetings to date and actively participated in Task Force dialogue about the appropriateness of areas identified offshore North Carolina for potential leasing and development during the May 2011, October 2011, and August 2012 meetings.[2]

[1] Comments Received in Response to the North Carolina (Kitty Hawk) Proposed Sale Notice and Request for Interest: https://www.regulations.gov/docket?D=BOEM-2016-0045

[2] BOEM North Carolina Renewable Energy Task Force Meeting Materials: https://www.boem.gov/Renewable-Energy-Task-Force-Meetings/

Outside of the Task Force process, in December 2012, BOEM attempted to establish a Maritime Working Group (MWG). The MWG was intended to consist of relevant maritime agencies and stakeholders, and had the goal of combining quantitative data analysis (Automatic Identification System (AIS) data) with stakeholder input to refine the areas identified in BOEM's Call for Information and Nominations (Call) in a manner that would be acceptable to the maritime community. While the MWG meeting was useful in further identifying vessel transit needs or issues, the group was ultimately unable to identify and recommend a portion of the Kitty Hawk Call area that would address all navigational safety concerns.

In a second effort, BOEM worked with the USCG and select members of the maritime community to develop five Kitty Hawk option areas that would, independently, minimize impacts to navigational safety while still providing sufficient area for wind development.[3] These options were provided to the maritime community through a USCG-led outreach effort. Based on the feedback received from this outreach effort and additional analysis of available AIS data, the USCG identified the two options that, independently, would have the fewest impacts to navigation safety based on current navigational patterns. These options are identified as Option 2 and Option 3 in Appendix VI of the Atlantic Coast Port Access Route Study Final Report (ACPARS)[4]. The USCG determined that Option 3 would result in the least displacement of vessel traffic from existing routes, but may be less suitable for wind energy development due to increased depths and distance to shore. USCG determined that Option 2, their preferred option, would have the advantages of simplifying traffic patterns while providing the most suitable routes for larger vessels in the future, and would also provide the largest area for wind energy development.

During the Area Identification phase of BOEM's planning process, BOEM delineated several subsets of the Kitty Hawk Call Area as alternatives for moving forward, using as a base the USCG's Options 2 and 3. One potential area largely mirrored the USCG's Option 2, and was not selected, due in part to National Park Service (NPS) concerns about potential visual impacts to NPS properties including Bodie Island Lighthouse. BOEM ultimately selected a subset of the USCG's Option 3 as the Kitty Hawk Wind Energy Area, which is the same area offered in the PSN/RFI and the North Carolina (Kitty Hawk) Final Sale Notice.

In response to the PSN/RFI published on August 16, 2016, the Fifth Coast Guard District noted it had no objections to the PSN/ RFI and stated that the proposed Kitty Hawk lease area best balances the safe navigation of maritime commerce and wind energy interests.[5]

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[3] United States Coast Guard. 2016. Atlantic Coast Port Access Route Study Final Report (Docket Number USCG-2011-0351). Appendix VI (Figure 17)

[4] United States Coast Guard. 2016. Atlantic Coast Port Access Route Study Final Report (Docket Number USCG-2011-0351). https://www.uscg.mil/lantarea/acpars/docs/ACPARS_Final_Report_08Jul2015%20Combined%20Appendix-Enclosures%20-%20Final%20After%20LMI%20Review-Corrected%20Date.pdf

[5] United State Coast Guard, Fifth District. October 2016, Comment letter to BOEM in response to the North Carolina Proposed Sale Notice and Request for Interest - https://www.regulations.gov/docket?D=BOEM-2016-0045.

BOEM will continue to engage with the USCG and the maritime community as BOEM moves forward with site-specific plan reviews offshore North Carolina.

Comment: **BOEM should apply the recommendations from USCG navigation safety risk assessments (Red-Yellow-Green Assessments) of current and proposed wind energy areas as soon as the Coast Guard provides such recommendations and before inviting further interest in the affected lease areas.**

Maritime safety and navigation concerns are major considerations for BOEM and BOEM strives to engage with the maritime community about this important issue. BOEM's approach has been to actively seek USCG participation as early in the planning process as possible and continue these engagement efforts as BOEM moves forward with leasing and specific plan reviews. The USCG sits on all fourteen of BOEM's Task Forces, including the North Carolina Task Force, which were created to inform BOEM's offshore renewable energy authorization processes.

The first efforts by BOEM and USCG to assess offshore vessel traffic and develop a Red-Yellow-Green Assessment were conducted using primarily traditional knowledge sources such as nautical charts and the maritime community, but expanded to include AIS data. AIS data analysis allows BOEM and USCG to empirically quantify vessel traffic and validate traditional knowledge.

BOEM and USCG's initial efforts to process AIS data to inform BOEM's planning processes were limited to analyzing vessel traffic as a whole, but then improved to the point that vessel traffic could be analyzed on a more detailed level (by ship type, transit direction, vessel draft, etc.). This has allowed for vessel traffic patterns to be better understood and previously-unknown vessel traffic patterns to be identified. In certain instances, the USCG's Red-Yellow-Green Assessments have been superseded by later assessments, following new analyses and additional stakeholder outreach efforts with the maritime community. For example, the Red-Yellow-Green Assessment conducted for the areas offshore North Carolina delineated certain portions of the areas as "Green" that were later determined to be essential tug and barge routes and removed from further leasing consideration during BOEM's Area Identification process.[6] This illustrates the need to continually evaluate impacts to navigational safety as more information becomes available and remain engaged with the maritime community.

BOEM will continue to coordinate with the USCG and the maritime community on all current and future offshore wind planning effort and navigational risk assessments.

Comment: **BOEM should remind potential wind energy lease area bidders that construction of production facilities in a given lease area is not approved until a full EIS, which is required by NEPA to include an assessment of navigational safety risks, has been completed and contains a favorable determination for lease development.**

[6] August 7, 2014 North Carolina Area Identification Announcement - https://www.boem.gov/NC_AreaID_Announcement/

The Kitty Hawk FSN notes that the issuance of the lease resulting from the sale would not constitute an approval of project specific plans (e.g., a Construction and Operations Plan) to develop offshore wind energy. Such plans, if submitted by the lease sale winner, would be subject to subsequent environmental, technical, and public reviews prior to any BOEM approval. BOEM expects that any COP will include a Navigational Safety Risk Assessment drafted in conformance with the USCG's Navigational and Vessel Inspection Circular No. 02-07.[7] This expectation is documented in BOEM's *Guidelines for Information Requirements for a Renewable Energy Construction and Operations Plan*[8]. This information will help BOEM determine whether additional setbacks and/or specific mitigation measures are warranted, and will be incorporated into BOEM's environmental analysis, likely an Environmental Impact Statement (EIS), before approving, approving with modification(s), or disapproving a COP for the Kitty Hawk lease area.

3. Comments Related to Viewshed

Comment: **BOEM should not utilize a one-size fits-all buffer to address viewshed concerns, but rather should use a process for siting that involves stakeholder engagement and input from local communities to ensure offshore wind projects remain cost competitive and allow potential visual impacts to be taken into consideration.**

In developing the Kitty Hawk WEA, BOEM worked closely with Federal, state, local, and industry stakeholders to reduce conflicts with existing high use and sensitive resources while maximizing areas for offshore wind development. BOEM utilizes stakeholder engagement when siting projects and resolves multiple use conflicts on a case-by-case basis. Specifically for viewshed concerns, BOEM held four open houses in various locations along the North Carolina coast to solicit feedback on potential visual impacts of offshore wind facilities (see https://www.boem.gov/Visual-Simulation-Open-Houses-January-2013/). Information from these outreach efforts has informed BOEM's decision-making process. BOEM also encourages lessees to engage with stakeholders when siting projects to address viewshed concerns. Additional information on the development of the North Carolina WEAs can be found at: https://www.boem.gov/NC_AreaID_Announcement/.

4. Comments Related to Protection of Marine Species

Comment: **Several commenters recommended that BOEM adopt additional stipulations for the protection of North Atlantic right whales (NARW) similar to those contained in the voluntary agreement between NGOs and some developers for the Mid-Atlantic WEAs.**

Based on its analysis of the currently available science, BOEM believes that its current suite of mitigation measures will protect endangered species, including the NARW, during site characterization and assessment activities. These conditions were developed in consultation with

[7] Navigation and Vessel Inspection Circular No. 01-07: Guidance on the U.S. Coast Guard's Roles and Responsibilities for Offshore Renewable Energy Installations (OREI) https://www.uscg.mil/hq/cg5/nvic/pdf/2007/NVIC02-07.pdf

[8] Available at: https://www.boem.gov/COP-Guidelines/

the National Marine Fisheries Service (NMFS) to provide appropriate measures to reduce potential impacts from site characterization surveys and site assessment activities. BOEM supports coordination and cooperation between environmental organizations and offshore wind energy developers. BOEM remains committed to using the best science and scientific methodologies currently available to support effective mitigations to protect the NARW and continues to support research efforts through the Environmental Studies Program. BOEM will continue to evaluate new information as it becomes available, to determine whether additional protective measures are appropriate.

Lease OCS-A 0508 contains measures to reduce or eliminate potential impacts associated with site characterization surveys, and does not include environmental stipulations pertaining to site assessment activities or activities that would take place during the construction and operation of a commercial wind facility. Upon receiving a SAP BOEM will review the plan and impose relevant and appropriate mitigation measures as provided in the Revised North Carolina Environmental Assessment as terms and conditions of SAP approval. Upon receiving a COP, BOEM will conduct the necessary environmental analysis, likely an Environmental Impact Statement (EIS), and consultations before approving, approving with modification(s), or disapproving a COP. If BOEM approves the COP, or approves the COP with modifications, BOEM will impose any appropriate mitigation measures developed during the environmental review process as terms and conditions.

For more information on the potential impacts of this lease sale on the NARW and other marine mammals, as well as mitigation measures required by BOEM, see Sections 5.4.2.5 and 5.1.3.1.3 and Appendix B of the Revised North Carolina Environmental Assessment, available at https://www.boem.gov/NC-EA-Camera-FONSI/ .

4A. Vessel Speed Restrictions

***Comment*: Additional vessel speed restrictions should be put in place requiring a 10-knot speed limit restriction during the period of November 1 – April 30 on *all* vessels conducting site assessment surveys and site characterization activities, not just vessels 19.8 meters (65 ft) in length or greater.**

BOEM has not included an additional lease stipulation requiring a speed restriction of 10-knots during the period of November 1 – April 30 on all vessels. Section 5.2 of Addendum C of commercial lease OCS-A 0508 contains Vessel Strike Avoidance Measures aimed at reducing impacts to sensitive species. Measures include monitoring the Early Warning System, Sighting Advisory System, and Mandatory Ship Reporting system for the presence of NARWs; maintaining a vigilant watch for protected species, species-specific separation distances, speed restrictions of 10 knots (18.5 km/hr) or less for vessels 19.8 meters (65 ft) in length or greater, operating from November 1 through April 30, and 10 knot speed restrictions on vessels of any size in any NMFS-designated Seasonal or Dynamic Management Areas. These restrictions are a requirement of NOAA's 2013 Biological Opinion issued to BOEM by NOAA for Programmatic Geological and Geophysical Activities in the Mid- and South Atlantic Planning Areas from 2013

to 2020.[9] NOAA determines timeframes for speed restrictions based on when higher densities of right whales are likely to pass through or reside in the area (73 FR 60173).

The restrictions will be implemented in order to reduce the potential of vessel collisions with protected species during activities conducted in support of the submission of a SAP and/or COP and apply throughout the survey area. BOEM believes that these standard operating conditions (SOCs) (Section 5.0 of Lease OCS-A 0508 Addendum C) will provide the necessary protections to sensitive species, including the NARW, in the lease area offshore North Carolina.

4B. High Resolution Geophysical Surveys

***Comment*: BOEM should include a prohibition on high resolution geophysical surveys during site assessment activities from November 1 – April 30 in order to avoid the highest likelihood of right whales.**

BOEM has not included a prohibition on high resolution geophysical surveys during site assessment activities from November 1 – April 30. A prohibition on high resolution geophysical surveys from November 1 – April 30 was analyzed as Alternative C of the Revised North Carolina Environmental Assessment. Impacts to NARWs were anticipated to remain negligible to minor. This is based on the hearing abilities of the marine mammal and sea turtles species, including the NARW, which may occur in the area and the sound characteristics of the HRG sound sources (Crocker & Fratantonio, 2016)[10]. BOEM believes an exclusion zone of 200 m for marine mammals and sea turtles and a 500 m separation distance for NARWs adequately minimize the potential impacts that may occur to these species. BOEM will continue to evaluate new information as it becomes available to determine whether additional protective measures are appropriate.

4C. Pile Driving

***Comment:* BOEM should prohibit pile driving activities from November 1 – April 30 during the site assessment stage in order to avoid the highest likelihood of right whale presence in the lease area. This should be a condition of any SAP or COP approval.**

BOEM will prohibit all pile driving activities from November 1 – April 30 during the site assessment term of the lease in order to protect all ESA-listed species, including the NARW. This prohibition will be implemented through terms and conditions of SAP approval if the SAP proposes pile driving activities. For more information, please see Section 4.4.2.5 of the Revised North Carolina Environmental Assessment. Upon receiving a COP for the Kitty Hawk lease area, BOEM would conduct the necessary environmental analysis, likely an Environmental Impact Statement (EIS), and consultations before approving, approving with modification(s), or

[9] NOAA. 2013. Programmatic Geological and Geophysical Activities in the Mid- and South Atlantic Planning Areas from 2013 to 2020. Biological Opinion.
www.nmfs.noaa.gov/pr/.../boem_atlantic_gological_geophysical_biop_2013.pdf.
[10] Crocker, S.E. and F.D. Fratantonio. 2016. Characteristics of sounds emitted during high-resolution marine geophysical surveys. Naval Undersea Warfare Center Division, NUWC-NPT Technical Report 12,203

disapproving a COP. If BOEM approves the COP or approves the COP with modifications, BOEM will impose any appropriate mitigation measures developed during the environmental review process, including those relating to pile driving activities, as terms and conditions.

Comment: **BOEM should consider quieting technologies as mitigation when conducting site assessment (pile driving) and BOEM should require that shut down procedures be applied upon visual shipboard detection of a right whale at any distance from the sources during pile driving.**

Although the lease does not include environmental stipulations for site assessment activities or construction activities, Section 4.4.2.5 (page 4-53) of the Revised North Carolina Environmental Assessment describes SOCs for pile driving operations to be conducted as part of site assessment activities. However, due to the differing acoustic impacts of various foundation designs and pile specifications, BOEM will not know until it receives a SAP whether additional mitigations, for example, noise quieting technologies or additional shutdown procedures, would need to be required. As new information becomes available, it will be incorporated in BOEM's plan reviews and, using the most up-to-date NOAA acoustic guidance, if additional mitigations are required to remove or minimize potential impacts to protected species, BOEM has the authority to require these as terms and conditions of SAP approval.

BOEM remains committed to using the most up-to-date science currently available and – in accordance with NMFS's Conservation Recommendations in BOEM's Endangered Species Act consultations – is supporting studies in areas where data is currently not available. Studies include HRG survey sound source verification (see: http://www.boem.gov/Collaborative-Archaeological-Investigations-Sound-Source-Verifications-Final/) and pile-driving mitigation (http://www.bsee.gov/Research-and-Training/Technology-Assessment-and-Research/Project-634/). In addition, BOEM has recently made available the proceedings of a meeting BOEM convened to evaluate noise-mitigating technologies, including pile-driving mitigation (see: https://www.infinityconferences.com/InfiniBase/Templates/183779/Links.html). In order to reduce the potential for injury to protected species, BOEM has made use of previous reports and modeled areas of ensonification from pile driving activities, in consultation with NMFS, and has adopted a conservative shutdown requirement that would apply to all incursions into the exclusion zone during pile driving. Exclusion zone and Protected Species Observer requirements, as well as soft-start procedures, also provide supportive mitigations to minimize any possible impacts to protected species during pile driving activities.

Comment: **BOEM should clarify that it will require a minimum of four qualified observers located at the pile driving site, allowing observers to operate on a two on, two off schedule, with each observer covering 180 degrees of the horizon from bow to stern.**

The lease does not include environmental stipulations for site assessment activities or activities that would take place during the construction and operation of a commercial wind facility. However, Section 4.4.2.5 of the Revised North Carolina Environmental Assessment states that the exclusion zone for all pile driving activities associated with the installation of a meteorological tower during the site assessment term must be monitored by NMFS-approved PSOs around the sound source. The number of PSOs must be sufficient to effectively monitor

the exclusion zone at all times. In line with the recommendations for national standards for a protected species observer and data management program (Baker et al., 2013)[11], in order to prevent observer fatigue and reduced effectiveness, a sufficient number of PSOs must be on board to facilitate effective observer rotations. Further, the qualifications of all PSOs must be reviewed and approved by NMFS, and monitoring of the exclusion zone must occur from the highest available vantage point on the associated operational platform, allowing for 360-degree scanning.

BOEM believes that the requirements described above, and NMFS's PSO approval process, address the recommendations included in the comment and provide the necessary protections for NARWs and other endangered species. These measures will be imposed as terms and conditions of any SAP that proposes pile driving activities.

Comment: **All pile driving should be prohibited at night except under limited circumstances as described in the 2012 agreement.**

Section 4.4.2.5 of the Revised North Carolina Environmental Assessment sets forth SOCs that BOEM would implement at the time of SAP approval, stating that pile driving for a meteorological tower foundation may not be conducted at any time when lighting or weather conditions prevent visual monitoring of the exclusion zones, unless BOEM allows such activities to take place pursuant to an alternative monitoring plan submitted by the Lessee and reviewed by BOEM and NMFS. If the Lessee proposes pile driving activities in its SAP, then this requirement will be considered as part of BOEM's review of the SAP.

Comment: **BOEM should not allow alternative monitoring plans until alternative monitoring is properly evaluated.**

Stipulation 5.4.3 of Addendum C allows a lessee to request to be allowed to undertake night-time geological and geophysical operations by submitting an alternative monitoring plan detailing proposed monitoring methodology to BOEM. Upon review of the alternative monitoring plan, BOEM, in consultation with NMFS, will decide whether night-time operations will be allowed. Based on its experience reviewing alternative monitoring plans submitted pursuant to other commercial wind leases, BOEM has modified Section 5.4.3 of Lease OCS-A 0508, Addendum C, and Section 4.4.2.5 of the Revised North Carolina Environmental Assessment, to require that an alternative monitoring plan must demonstrate the effectiveness of the methodology proposed to BOEM's satisfaction. This language was added to clarify that the lessee is not only required to provide an alternative monitoring methodology, but also must demonstrate the effectiveness of the methodology proposed.

The alternative monitoring plan is evaluated on its technical content based on the best available information, and considered with regard to the best available science on the potential impacts of the proposed activities.

[11] Baker, K., D. Epperson, G. Gitschlag, H. Goldstein, J. Lewandowski, K. Skrupky, B. Smith, and T. Turk. 2013. National Standards for a Protected Species Observer and Data Management Program: A Model Using Geological and Geophysical Surveys. U.S. Department of Commerce. NOAA Technical Memorandum. NMFS-OPR-49. 73 p

5. Environmental Studies

Comment: **BOEM should apply observations learned from construction and operation of the Block Island Offshore Wind Farm (BIWF) to its review of SAPs and COPs off the coast of North Carolina.**

BOEM has committed to acquiring real time observations of the construction and initial operation of the BIWF to aid the evaluation of environmental effects of future offshore wind facilities. This is being accomplished through BOEM's Real-time Opportunity for Development Environmental Observations (RODEO) study. The RODEO study is currently scheduled to run through 2019 and all data acquired from the study will be applied to future reviews of SAPs and COPs. More information on the RODEO study can be found here: https://www.boem.gov/Real-time-Opportunity-for-Development-Environmental-Observations/.

Comment: **BOEM should include a lease condition that requires that aerial and acoustic monitoring of right whale presence be undertaken prior to the submission of a COP.**

BOEM has not included a lease stipulation that requires aerial and acoustic monitoring of right whale presence be undertaken prior to the submission of a COP. BOEM supports baseline data collection, including passive acoustic monitoring, through the Atlantic Marine Assessment Program for Protected Species Study. The study makes use of aerial, ship-based and acoustic platforms. Additional acoustic monitoring is being undertaken offshore Maryland and Virginia through BOEM's Environmental Studies Program, and BOEM is collaborating with NMFS in the large-scale monitoring of acoustic soundscapes and species distribution patterns across the western Atlantic Ocean. These efforts are directed at trying to address identified data gaps with respect to the distribution and abundance of protected species, including the NARW, within and beyond BOEM's Wind Energy Areas. However, in the event that data gaps remain, BOEM has developed guidelines for collecting information on marine mammals and sea turtles in the Atlantic OCS, in support of SAP or COP submission. These guidelines can be found here: https://www.boem.gov/uploadedFiles/BOEM/Renewable_Energy_Program/Regulatory_Information/BOEM_Renewable_MMandST_Guidelines.pdf.

Comment: **BOEM should conduct comprehensive survey efforts in partnership with other agencies to fill any information gaps for the Kitty Hawk lease area regarding right whale, sea turtle and offshore bird activity prior to approval of any SAPs or COPs.**

BOEM supports baseline data collection, including passive acoustic monitoring, through the Atlantic Marine Assessment Program for Protected Species Study, in collaboration with NMFS, the U.S. Navy and the US Fish and Wildlife Service. This study is the largest broad scale study of its kind along the U.S. Atlantic OCS, covering marine mammals, including the NARW, sea turtles and sea birds, as well as the collection of various oceanographic data. The study makes use of aerial, ship-based and acoustic platforms. BOEM is collaborating with NMFS in the large scale monitoring of acoustic soundscapes and species distribution patterns across the western Atlantic Ocean. These efforts are directed at trying to address identified data gaps with respect

to the distribution and abundance of protected species within and beyond BOEM's Wind Energy Areas.

Comment: **BOEM should prepare a cumulative population viability analysis (PVA) for right whale takings, as a conservative assumption, that the species would be excluded from operational windfarm areas off North Carolina and other coastal states.**

BOEM's initial planning effort includes the collection of information to assist with identifying locations that appear most suitable for wind energy development. This process includes identifying potential environmental conflicts pertaining to protected marine species. Identified conflicts are resolved based on the best available science and expert input. This is particularly true with respect to NARWs, where high density or sensitive habitat areas are preferentially avoided for the siting of wind energy areas. BOEM works closely with NMFS, which is the federal agency responsible for preparing population viability analyses in association with their stock assessment reporting responsibilities. To date there is no available science that indicates that NARWs would be permanently excluded from entering operational wind facilities offshore North Carolina and other coastal states. BOEM is committed to using new data as it becomes available to update current SOCs to mitigate any potential impacts to protected species.

Comment: BOEM should consider new and developing technologies such as unmanned drones when conducting studies for marine mammals.

BOEM supports the use of new and developing technologies when conducting studies for marine mammals, and will continue to evaluate new technologies as they become available to ensure that the most effective measures are being used to conduct biological surveys and collect data**.** BOEM has developed guidelines for collecting information on marine mammals and sea turtles in the Atlantic OCS, in support of SAP or COP submission. These guidelines can be found here: https://www.boem.gov/uploadedFiles/BOEM/Renewable_Energy_Program/Regulatory_Information/BOEM_Renewable_MMandST_Guidelines.pdf. These guidelines are not prescriptive and allow for the inclusion of new technologies as data-collecting platforms.

Comment: BOEM should identify, collect, and incorporate the best available natural resource datasets into the evaluation and siting of specific projects within the Kitty Hawk WEA.

BOEM is committed to utilizing the best available information when evaluating offshore wind projects on the Atlantic OCS and – in accordance with NMFS's Conservation Recommendations in BOEM's Endangered Species Act consultations – is supporting studies in areas where data is currently not available.

6. Public Input on Site Assessment Plans and Construction and Operations Plans

Comment: BOEM should provide the opportunity for written comment on SAPs since piling driving mitigations are not proposed in the lease terms and conditions.

While BOEM will make the SAP available to the public, BOEM does not intend to provide a public comment period on the SAP. There were multiple comment periods associated with the Revised North Carolina Environmental Assessment, which contains SOCs that cover mitigation measures for site assessment activities, including pile driving for a meteorological tower. These SOCs are located in Section 4.4.2.5 of the Revised North Carolina Environmental Assessment, which can be found here: https://www.boem.gov/NC-EA-Camera-FONSI/.

Comment: BOEM should commit to preparing a full Environmental Impact Statement before approval of each lessee's submitted COP.

Should a future lessee submit a construction and operation plan (COP), BOEM will conduct a comprehensive review of the plan under the National Environmental Policy Act (NEPA) before approving, approving with modifications, or disapproving the proposed activities. While this will most likely take the form of an Environmental Impact Statement, the appropriate level of NEPA review will depend on the scale of the proposed activities and the significance of potential environmental and socioeconomic impacts.

Comment: BOEM should offer workshops for stakeholders to provide an overview of any submitted SAP and provide an opportunity to ask questions.

BOEM will post all SAPs to its website once each SAP is deemed complete and any information determined to be privileged or confidential has been redacted as required by the Freedom of Information Act (FOIA). At this time, BOEM does not anticipate holding public meetings when SAPs are received. However, BOEM may consider holding public meetings should a SAP describe novel or unique activities.