



# United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT

WASHINGTON, DC 20240-0001

OCT 12 2017

Mark D. Mitchell  
Vice President – Generation Construction  
Dominion Virginia Power  
5000 Dominion Blvd.  
Glen Allen, Virginia 23060

Mr. Mitchell:

This letter serves to inform you that the Bureau of Ocean Energy Management (BOEM) has approved the Site Assessment Plan (SAP) submitted by Virginia Electric and Power Company, a wholly owned subsidiary of Dominion Resources, Inc., on March 2, 2016, subject to the enclosed conditions of approval. Your five-year site assessment term commences on the date of this letter, pursuant to 30 CFR 585.235(a)(2).

Please take note of the following nonexclusive list of regulatory requirements that must be met to maintain compliance with your approved SAP:

1. Adhere to the enclosed Conditions of Site Assessment Plan Approval, pursuant to 30 CFR § 585.613(e)(1).
2. Notify BOEM in writing within 30 days of completing the installation activities approved in your SAP, pursuant to 30 CFR § 585.615(a).
3. Each November 1 of your site assessment term starting on November 1, 2018, submit to BOEM a report that summarizes your site assessment activities and the results of those activities, pursuant to 30 CFR § 585.615(b).
4. Each November 1 of your site assessment term starting on November 1, 2018, submit a certification of compliance, pursuant to 30 CFR § 585.615(c), with the enclosed Conditions of Site Assessment Plan Approval. Together with your certification, you must submit:
  - a. Summary reports that demonstrate compliance with specified terms and conditions that require certification; and
  - b. A statement identifying and describing any mitigation measures and monitoring methods that you have taken, as well as their effectiveness. If you identify measures that are not effective, you must make recommendations for substitute mitigation measures or monitoring methods and explain why you believe they would be effective.
5. Develop a comprehensive annual Self-Inspection Plan, pursuant to 30 CFR § 585.824(a); and submit an annual Self-Inspection Report no later than November 1 of each year starting on November 1, 2018, that your site assessment facility is in operation, pursuant to 30 CFR § 585.824(b).

This letter constitutes a final BOEM decision that may be appealed pursuant to 30 CFR § 585.118, 30 CFR Part 590, and 43 CFR Part 4, Subpart E.

Please do not hesitate to contact Mr. Casey Reeves at [casey.reeves@boem.gov](mailto:casey.reeves@boem.gov) or (703) 787-1730 if you have any questions.

Sincerely,

*Christie B. Moore*  
*acting for*

James F. Bennett  
Program Manager  
Office of Renewable Energy Programs

Enclosure

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF OCEAN ENERGY MANAGEMENT

Conditions of Site Assessment Plan Approval

Lease Number OCS-A 0483

The Lessee's rights to conduct activities under the approved Site Assessment Plan (SAP) are subject to the following conditions. The Lessor reserves the right to impose additional conditions incident to any future approval of any modifications to the SAP.

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## **1. Conditions for Cultural Resource Protection**

- 1.1 No Impact without Approval. The Lessee must not knowingly impact a potential archaeological resource without the Lessor's prior approval.
- 1.2 Post-Review Discovery Clauses. If, while conducting bottom-disturbing activities pursuant to the SAP, the Lessee discovers an unanticipated potential archaeological resource, such as the presence of a shipwreck (e.g., a sonar image or visual confirmation of an iron, steel, or wooden hull; wooden timbers; anchors; concentrations of historic objects; and piles of ballast rock), prehistoric artifacts, or relict landforms, etc., within the project area, the Lessee must:
  - 1.2.1 Immediately halt seafloor/bottom-disturbing activities within the area of discovery;
  - 1.2.2 Notify the Lessor within 24 hours of discovery;
  - 1.2.3 Notify the Lessor in writing via report to the Lessor within 72 hours of discovery;
  - 1.2.4 Keep the location of the discovery confidential and take no action that may adversely affect the archaeological resource until the Lessor has made an evaluation and instructs the applicant on how to proceed; and
  - 1.2.5 Conduct any additional investigations as directed by the Lessor to determine if the resource is eligible for listing in the National Register of Historic Places (30 CFR 585.802(b)). The Lessor will do this if: (1) the site has been impacted by the Lessee's project activities; or (2) impacts to the site or to the area of potential effect cannot be avoided. If investigations indicate that the resource is potentially eligible for listing in the National Register of Historic Places, the Lessor will instruct the Lessee, as to how to protect the resource, or how to mitigate adverse effects to the site. If the Lessor incurs costs in protecting the resource, under Section 110(g) of the National Historic Preservation Act, the Lessor may charge the Lessee reasonable costs for carrying out preservation responsibilities under the OCS Lands Act (30CFR 585.802(c-d)).

## **2. Conditions for Avian and Bat Protection**

- 2.1 Anti-perching Devices. The Lessee must install anti-perching devices on the meteorological buoy to the extent practicable.
- 2.2 Reporting Requirement for Avian and Bat Species. By January 31 of each year during the site assessment term, the Lessee must provide BOEM, USFWS, and the Virginia Department of Game and Inland Fisheries (VDGIF) a report documenting

any dead or injured birds or bats found on vessels and structures during construction, operations, and decommissioning of the meteorological buoy. Each report must contain the following information: the name of species; date found; location; a picture to confirm species identity (if possible); and any other relevant information. The Lessee must report carcasses with Federal or research bands to the USGS Bird Band Laboratory (<https://www.pwrc.usgs.gov/bbl/>).

### **3. Conditions Relating to Marine Mammals and Sea Turtles**

- 3.1 Prior to conducting activities pursuant to the SAP, the Lessee must hold a briefing to establish responsibilities of each involved party, define the chains of command, discuss communication procedures, provide an overview of monitoring procedures, and review operational procedures. This briefing must include all relevant personnel and crew members. New personnel must be briefed as they join the work in progress.
- 3.2 The Lessee must ensure that all vessel operators and crew members, including any PSOs, are familiar with, and understand, the requirements specified in Section 3 through Section 4 of these conditions.
- 3.3 The Lessee must ensure that a copy of Section 3 and Section 4 of these conditions are made available on every project-related vessel.
- 3.4 Marine Debris Prevention. The Lessee must ensure that vessel operators, employees, and contractors engaged in activities pursuant to the SAP are briefed on marine trash and debris awareness elimination as described in the BSEE NTL No. 2015-G03 (“Marine Trash and Debris Awareness and Elimination”) or any NTL that superseded this NTL. The Lessee must ensure that its employees and contractors are made aware of the environmental and socioeconomic impacts associated with marine trash and debris, as well as their responsibilities for ensuring that trash and debris are not intentionally or accidentally discharged into the marine environment. The above-referenced NTL provides information the Lessee may use for this awareness training. The Lessor will not require the Lessee, vessel operators, employees, and contractors to undergo formal training or post placards as described in the NTL.
- 3.5 Requirements for Vessel Strike Avoidance. The Lessee must ensure that all vessels conducting activities pursuant to the SAP comply with the vessel strike avoidance measures specified below, except when the safety of life at sea is in question.
  - 3.5.1 The Lessee must ensure that vessel operators and crews maintain a vigilant watch for marine mammals and sea turtles and take the appropriate measures to avoid striking these protected species.

- 3.5.2 The Lessee must ensure that vessel operators comply with 10 knot (kt; 18.5 km/hr) or less speed restrictions in the following circumstances:
  - 3.5.2.1 When operating a vessel in any Dynamic Management Area (DMA) designated in transit routes to and from local ports, and within the meteorological buoys installation area.
  - 3.5.2.2 When operating a vessel 19.8 meters (m; 65 feet [ft]) in length or greater from November 1 through April 30 that is transiting to or from local ports, or operating within the meteorological buoy installation area.
  - 3.5.2.3 When mother/calf pairs, pods, or large assemblages of non-delphinoid cetaceans are observed near any vessel.
- 3.5.3 North Atlantic right whales.
  - 3.5.3.1 The Lessee must ensure all vessels maintain a separation distance of 500 m (1,640 ft) or greater from any sighted North Atlantic right whale.
  - 3.5.3.2 The Lessee must ensure that the following avoidance measures are taken if a vessel comes within 500 m (1,640 ft) of any North Atlantic right whale:
    - 3.5.3.2.1 If underway, any vessel must steer a course away from the North Atlantic right whale at 10 kt or less until the 500 m (1,640 ft) minimum separation distance has been established (unless 3.5.3.2.2 below applies).
    - 3.5.3.2.2 If a North Atlantic right whale is sighted within 100 m (328 ft) of an underway vessel, the vessel operator must immediately reduce speed and promptly shift the engine to neutral. The vessel operator must not engage the engines until the North Atlantic right whale has moved beyond 100 m (328 ft), at which point the Lessee must comply with 3.5.3.2.1 above.
    - 3.5.3.2.3 If a vessel is stationary, the vessel operator must not engage engines until the North Atlantic right whale has moved beyond 100 m (328 ft), at which point the Lessee must comply with 3.5.3.2.1 above.
- 3.5.4 Non-delphinoid cetaceans other than the North Atlantic right whale.
  - 3.5.4.1 The Lessee must ensure all vessels maintain a separation distance of 100 m (328 ft) or greater from any sighted non-delphinoid cetacean.
  - 3.5.4.2 The Lessee must ensure that the following avoidance measures are taken if a vessel comes within 100 m (328 ft) of any non-delphinoid cetacean:

3.5.4.2.1 If any non-delphinoid cetacean is sighted, the vessel must reduce speed and shift the engine to neutral, and must not engage the engines until the non-delphinoid cetacean has moved beyond 100 m (328 ft).

3.5.4.2.2 If a vessel is stationary, the vessel must not engage engines until the non-delphinoid cetacean has moved beyond 100 m (328 ft).

3.5.5 Delphinoid cetaceans and Pinnipeds.

3.5.5.1 The Lessee must ensure that vessels underway do not divert to approach any delphinoid cetacean and/or pinniped.

3.5.5.2 The Lessee must ensure that all vessels maintain a separation distance of 50 m (164 ft) or greater from any sighted delphinoid cetacean or pinniped, except if the delphinoid cetacean and/or pinniped approaches the vessel, in which case, the Lessee must follow 3.5.5.3 below.

3.5.5.3 The Lessee must ensure that if a delphinoid cetacean and/or pinniped approaches any vessel underway, that vessel must avoid excessive speed or abrupt changes in direction to avoid injury to the delphinoid cetacean and/or pinniped.

3.5.6 Sea Turtles. The Lessee must ensure all vessels maintain a separation distance of 50 m (164 ft) or greater from any sighted sea turtle.

3.6 Reporting Requirements for Marine Mammals and Sea Turtles

3.6.1 General. The Lessee must ensure compliance with the reporting requirements in Section 4 for activities conducted pursuant to the SAP, and must use the contact information provided as Attachment 2, or updated contact information as provided by the Lessor, to fulfill these requirements.

3.6.2 Reporting Injured or Dead Protected Species. The Lessee must ensure that sightings of any injured or dead protected species (e.g., marine mammals, sea turtles, or sturgeon) are reported to the Lessor, NMFS, and the NMFS Greater Atlantic Regional Fisheries Office Stranding Hotline within 24 hours of sighting, regardless of how the injury or death was caused. In addition, if an injury or death was caused by a project-related activity, the Lessee must use the form provided as Attachment 3 to report the sighting or incident. If the Lessee's activity is responsible for the injury or death, the Lessee must ensure that the vessel assist in any salvage effort as requested by NMFS.

- 3.6.3 Reporting Observed Impacts to Protected Species. The Lessee must report any observed takes of listed marine mammals, sea turtles, or sturgeon within 24 hours to the Lessor and NMFS, using the form provided as Attachment 3.

**4. Conditions Related to Oil Spill Response:**

"The following requirements supersede SAP Table 1-3, Section 4.2.2. as well as all language in the November 10, 2014 BOEM/BSEE memorandum within Appendix A of the SAP relating to oil spill response.

*Oil* means oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. It does not include animal fats, oils, and greases, and fish and marine mammal oils, or oils of vegetable origin, including oils from seeds, nuts, and kernels.

Before installing any facilities on the OCS that contains oil, the Lessee must provide to BOEM a list of the emergency measures to take in the event of an oil spill that contains the following information:

- 4.1 A description of the type and amounts of oil on the facility, and the design parameters intended to monitor for and/or prevent oil spills.
- 4.2 A list of Oil Spill Response Organization(s) (OSRO) entities that are available to execute any planned response measures and their contact information. Contracts with OSROs are not required.
- 4.3 The name of a designated point of contact, as defined in Section 5.7 below, and an alternate, and their contact numbers.
- 4.4 A description of the procedures your POC will follow to notify BOEM, the OSRO and any other appropriate officials or personnel within 24 hours of a report of a spill event. Your POC must conduct an annual notification drill on the anniversary of SAP approval (or as close to the date as practical) to test the ability to communicate pertinent information regarding the facility emergency situation and the necessary response measures to an OSRO and to BOEM.
- 4.5 The address of the onshore location where the information in 4.1-4.4 is kept and any associated records.
- 4.6 A company POC should be an English- speaking representative of the lessee or designated operator who is located in the United States, available on a 24-hour basis, with full authority to obligate funds, carry out removal actions, and communicate with the appropriate officials and person providing personnel and equipment in removal operations.



- 4.7 For as long as facilities containing oil approved in the SAP remain on the OCS, if any information required in items 4.1 to 4.5 changes, you must provide notice to BOEM no more than 30 days after said change.

**5. Conditions Related to Private Aids to Navigation**

- 5.1 The Lessee must file an application (form CG-2554), either in paper form or electronically, with the commander of USCG Fifth District to establish a private aid to maritime navigation (PATON) for all facilities deployed pursuant to your SAP, per 33 CFR Part 66.
- 5.2 Upon receipt of the application, the commander of USCG Fifth District will provide an information sheet outlining the Lessee's responsibilities for the establishment, operation, maintenance, and discontinuance of the PATON.
- 5.3 The Lessee must submit a copy of the USCG-approved PATON to BOEM prior to deployment of any facilities covered by 5.1.

**6. Modifications**

- 6.1 The Lessee, by itself or through its designated operator, may request a modification of a term in the SAP or these conditions of approval. The Lessor will review this request and determine whether the modification requires a revision to the SAP under 30 CFR 585.617. If the Lessor determines that the requested modification does not require a revision to the SAP, the Lessor will provide a written response to the Lessee and its designated operator approving, approving with conditions, or disapproving the modification. This written response will become a part of the approved SAP.

## **Attachment 1**

### Contact Information for Reporting Requirements

The following contact information must be used for the reporting and coordination requirements specified in Section 1.1 of the Conditions for Site Assessment Plan approval:

United States Fleet Forces (USFF) N46  
1562 Mitscher Avenue, Suite 250  
Norfolk, Virginia 23551  
(757) 836-6206

The following contact information must be used for the reporting and coordination requirements specified in Section 3.1 of the Conditions for Site Assessment Plan approval:

U.S. Fish and Wildlife Service  
Supervisor  
New England Field Office  
70 Commercial Street, Suite 300  
Concord, New Hampshire 03301

The following contact information must be used for the reporting requirements in Section 4.6.1 of the Conditions for Site Assessment Plan approval:

#### **Reporting Injured or Dead Protected Species**

National Oceanic and Atmospheric Administration  
Fisheries Greater Atlantic Regional Fisheries Office Stranding Hotline  
866-755-6622

#### **All other reporting requirements in Section 4**

Bureau of Ocean Energy Management  
Environment Branch for Renewable Energy  
Phone: 703-787-1340  
Email: [renewable\\_reporting@boem.gov](mailto:renewable_reporting@boem.gov)

National Marine Fisheries Service  
Greater Atlantic Regional Fisheries Office, Protected Resources Division  
Section 7 Coordinator  
Phone: 978-281-9328  
Email: [incidental.take@noaa.gov](mailto:incidental.take@noaa.gov)

Vessel operators may send a blank email to: [ne.rw.sightings@noaa.gov](mailto:ne.rw.sightings@noaa.gov) for an automatic response listing all current DMAs.

**Attachment 2**

**Incident Report: Protected Species Injury or Mortality**

*Photographs/Video should be taken of all injured or dead animals.*

Observer’s full name:

Reporter’s full name:

Species Identification:

Name and type of platform:

Date animal observed:Time animal observed:

Date animal collected:Time animal collected:

Environmental conditions at time of observation (*i.e., tidal stage, Beaufort Sea State, weather*):

Water temperature (°C) and depth (m/ft) at site:

Describe location of animal and events 24 hours leading up to, including and after, the incident (*include vessel speeds, vessel activity, and status of all sound source use*):

Photograph/Video taken: YES / NO If Yes, was the data provided to NMFS? YES / NO  
(*Please label species, date, geographic site, and vessel name when transmitting photo and/or video.*)

Date and Time reported to NMFS Stranding Hotline: \_\_\_\_\_

**Sturgeon Information:** (*please designate cm/m or inches and kg or lbs*)

Species: \_\_\_\_\_

Fork length (*or total length*):Weight:\_\_\_\_\_

Condition of specimen/description of animal:\_\_\_\_\_

Fish Decomposed:NOSLIGHTLY MODERATELYSEVERELY

Fish tagged:YES / NO if YES, *please record all tag numbers.*

Tag #(s):

Genetic samples collected:YES / NO

Genetics samples transmitted to: on // 20 \_\_\_\_

**Sea Turtle Species Information:** *(please designate cm/m or inches)*

Species: Weight (kg or lbs):

Sex: Male Female Unknown

How was sex determined?:

Straight carapace length: Straight carapace width:

Curved carapace length: Curved carapace width:

Plastron length: Plastron width:

Tail length: Head width:

Condition of specimen/description of animal:

**Existing Flipper Tag Information:**

Left: Right:

PIT Tag#:

**Miscellaneous:**

Genetic biopsy collected: YES / NO Photographs taken: YES / NO

**Turtle Release Information:**

Date: Time:

Latitude: Longitude:

State: County:

**Remarks:** *(note if turtle was involved with tar or oil, gear or debris entanglement, wounds, or mutilations, propeller damage, papillomas, old tag locations, etc.)*

**Marine Mammal information:** *(please designate cm/m or ft/inches)*

Length of marine mammal *(note direct or estimated)*:

Weight *(if possible, kg or lbs)*: \_\_\_\_\_

Sex of marine mammal *(if possible)*:

How was sex determined?:

Confidence of Species Identification: SURE UNSURE BEST GUESS

Description of Identification characteristics of marine mammal:

Genetic samples collected: YES / NO

Genetic samples transmitted to: on // 20 \_\_\_\_

Fate of marine mammal:

Description of Injuries Observed:

Other Remarks/Drawings: