



# United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT  
WASHINGTON, DC 20240-0001

Mr. Erich Stephens  
Chief Executive Officer  
Vineyard Wind, LLC  
700 Pleasant Street, Suite 510  
New Bedford, Massachusetts 02740

MAY 10 2018

Dear Mr. Stephens:

This letter serves to inform you that the Bureau of Ocean Energy Management (BOEM) has approved the Site Assessment Plan (SAP) submitted by Vineyard Wind, LLC (Vineyard Wind) subject to the enclosed conditions of approval pursuant to 30 CFR § 585.613(e)(1). The SAP was initially filed on March 31, 2017, with subsequent versions received on July 30, 2017, and October 30, 2017, and a final version on November 27, 2017. Your five-year site assessment term commences on the date of this letter, pursuant to 30 CFR § 585.235(a)(2).

To help maintain compliance with the approved SAP, please take note that, in addition to following other requirements, Vineyard Wind must:

1. Adhere to the enclosed Conditions of SAP 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 with the enclosed Conditions of SAP Approval, pursuant to 30 CFR § 585.615(c). This compliance certification must include:
  - a. Summary reports that cover, and demonstrate compliance with, all of the conditions (provided in sections 1 through 5 of the Conditions of SAP Approval); 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 new 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, starting on November 1, 2018, submit an annual Self-Inspection Report no later

than November 1 of each year 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 Ms. Meredith Lilley at (703) 787-1037 if you have any questions.

Sincerely,

*Abette B. Moon*  
acting for

James F. Bennett

Program Manager

Office of Renewable Energy Programs

Enclosure

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF OCEAN ENERGY MANAGEMENT**

**Conditions of Site Assessment Plan Approval**

**Lease Number OCS-A 0501**

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.

**Table of Contents**

**Section:**

1. CONDITIONS FOR CULTURAL RESOURCE PROTECTION
2. CONDITIONS FOR AVIAN AND BAT PROTECTION
3. CONDITIONS RELATING TO MARINE MAMMALS AND SEA TURTLES
4. CONDITIONS RELATING TO FACILITY DEPLOYMENT
5. CONDITIONS RELATING TO PRIVATE AIDS TO MARITIME NAVIGATION
6. MODIFICATIONS

**Attachments:**

1. Contact Information for Reporting Requirements
2. Incident Report: Protected Species Injury or Mortality

## 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 activities pursuant to the SAP, the Lessee discovers a 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; or piles of ballast rock), or pre-contact archaeological site (e.g., stone tools, pottery) 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 instructed 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 (NRHP; 30 CFR § 585.802(b)). The Lessor will direct the Lessee to conduct such investigations 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 NRHP, 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 Outer Continental Shelf (OCS) Lands Act (30 CFR § 585.802(c-d)).

## 2. CONDITIONS FOR AVIAN AND BAT PROTECTION

- 2.1 Reporting Requirement for Avian and Bat Species. The Lessee must provide an annual report to the Lessor and United States (U.S.) Fish and Wildlife Service using the contact information in Attachment 1, or updated contact information as provided by the Lessor, by January 31 of each year of the site assessment term of the Lease. This report must document dead or injured birds or bats found on vessels and the meteorological buoy during construction, operations, and decommissioning of the meteorological buoy. Each report must contain the

following information: the species name, date found, location, a picture to confirm species identity (if possible), and any other relevant information. In addition to submitting the Annual Report, the Lessee must report carcasses with Federal or research bands to the U.S. Geological Survey Bird Band Laboratory within 30 calendar days of discovery, using the following website: <https://www.pwrc.usgs.gov/bbl/>, or updated contact information as provided by the Lessor.

### **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 (including, for example, crew members and protected species observers). 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 are familiar with, and understand, the requirements specified in Sections 2 and 3 of these conditions.
- 3.3 The Lessee must ensure that a copy of Sections 2 and 3 of these conditions is 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 Bureau of Safety and Environmental Enforcement Notice to Lessee (NTL) No. 2015-G03 (“Marine Trash and Debris Awareness and Elimination”) or any NTL that supersedes this NTL, except that the Lessor will not require the Lessee, vessel operators, employees, and contractors to undergo formal training or post placards. The Lessee must ensure that its employees and contractors are made aware of the environmental and socioeconomic impacts associated with marine trash and debris, and 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 briefing.
- 3.5 Requirements for Vessel Strike Avoidance. The Lessee must ensure that all vessels conducting activities pursuant to the SAP, including those transiting to and from local ports and the lease area, comply with the vessel strike avoidance measures specified below, except under extraordinary circumstances when complying with these requirements would put the safety of the vessel or crew at risk.

- 3.5.1 The Lessee must ensure that vessel operators and crews maintain a vigilant watch for marine mammals and sea turtles, and slow down or stop their vessel to avoid striking protected species.
- 3.5.2 The Lessee must ensure that vessels 19.8 meters (m) (65 feet [ft]) in length or greater that operate between November 1 and July 31 operate at speeds of 10 knots (18.5 kilometers [km]/hour [hr]) or less.
- 3.5.3 The Lessee must ensure that between November 1 and July 31, vessel operators monitor National Marine Fisheries Service (NMFS) North Atlantic Right Whale reporting systems (e.g., the Early Warning System, Sighting Advisory System, and Mandatory Ship Reporting System) for the presence of North Atlantic right whales.
- 3.5.4 The Lessee must ensure that all vessel operators comply with 10-knot (18.5 km/hr) speed restrictions in any Dynamic Management Area established for right whales, or when mother/calf pairs, groups, or large assemblages of cetaceans are observed near an underway vessel, when safety permits. Vessels shall route around the animals, maintaining minimum distances for protected species whenever possible.
- 3.5.5 North Atlantic right whales.
  - 3.5.5.1 The Lessee must ensure that all vessels maintain a separation distance of 500 m (1,640 ft) or greater from any sighted North Atlantic right whale.
  - 3.5.5.2 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:
    - 3.5.5.2.1 If underway, any vessel must steer a course away from the North Atlantic right whale at 10 knots (18.5 km/hr) or less until the 500 m (1,640 ft) minimum separation distance has been established (unless 3.5.5.2.2 below applies).
    - 3.5.5.2.2 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 3.5.5.2.1 above.

3.5.5.2.3 If a vessel is stationary, 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 3.5.5.2.1 above.

3.5.6 Non-delphinoid cetaceans (whales) other than the North Atlantic right whale.

3.5.6.1 The Lessee must ensure that all vessels maintain a separation distance of 100 m (328 ft) or greater from any sighted non-delphinoid cetacean.

3.5.6.2 The Lessee must ensure that all vessel operators reduce vessel speed to 10 knots or less when mother/calf pairs, pods, or large assemblages of non-delphinoid cetaceans are observed near an underway vessel.

3.5.6.3 The Lessee must ensure that the following avoidance measures are taken if a vessel comes within 100 m (328 ft) of any sighted non-delphinoid cetacean:

3.5.6.3.1 If underway, the vessel underway 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).

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

3.5.7 Delphinoid cetaceans and Pinnipeds (dolphins, porpoises, and seals).

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

3.5.7.2 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 3.5.7.3 below.

3.5.7.3 If a delphinoid cetacean and/or pinniped approaches any vessel underway, the vessel underway must avoid excessive speed or abrupt changes in direction to avoid injury to the delphinoid cetacean and/or pinniped.

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

3.6 Reporting Requirements for Protected Species. The Lessee must ensure compliance with the reporting requirements in this section (Section 3) for activities conducted pursuant to the SAP.

3.6.1 The Lessee must use the contact information provided as Attachment 1, or updated contact information as provided by the Lessor, to fulfill these reporting requirements.

3.6.2 The Lessee must ensure that sightings of any injured or dead protected species (i.e., marine mammals, sea turtles, or sturgeon) are reported to the Lessor, NMFS, and the NMFS Greater Atlantic (Northeast) Region's Stranding Hotline (866-755-6622 or current) within 24 hours of sighting, regardless of whether the injury or death was caused by a vessel. In addition, if the injury or death was caused by a collision with a project-related vessel, the Lessee must ensure that the Lessor is notified of the incident within 24 hours. The Lessee must use the form provided in Attachment 2 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 assists in any salvage effort as requested by NMFS.

3.6.3 Reporting Observed Impacts to Protected Species.

3.6.3.1 The Lessee must report any observed takes (as defined in 1.12 of Lease OCS A-0501) of listed marine mammals, sea turtles, or sturgeon resulting in injury or mortality within 24 hours to the Lessor and NMFS.

3.6.3.2 The Lessee must report any observations concerning any impacts on Endangered Species Act-listed marine mammals, sea turtles, or sturgeon to the Lessor and NMFS Greater Atlantic (Northeast) Region's Stranding Hotline (866-755-6622 or current) within 48 hours.

3.6.3.3 The Lessee must record injuries or mortalities using the form provided in Attachment 2.

#### **4. CONDITIONS RELATING TO FACILITY DEPLOYMENT**

4.1 At least ten days before deployment of the proposed facility in the OCS, the Lessee must provide BOEM with a description of the type of device, number of devices, and the locations of the systems to be deployed.

- 4.2 Upon receipt of the information, BOEM will examine whether the device(s) differ significantly from the proposed FLiDAR buoy system and TRIAXYS buoy in the November 27, 2017 (final) version of the SAP, including, but not limited to, factors such as the surveyed location, type of anchor, and mooring design. BOEM will then determine whether it must reassess the complexity or significance level for the facility.

## **5. CONDITIONS RELATING TO PRIVATE AIDS TO MARITIME NAVIGATION**

- 5.1 The Lessee must file an application (form CG-2554), either in paper form or electronically, with the commander of the United States Coast Guard (USCG) First District to establish a private aid to maritime navigation (PATON) for all facilities deployed pursuant to the SAP, per 33 CFR Part 66.
- 5.2 Upon receipt of the application, the commander of the USCG First 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 buoy deployment.

## **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 2.1 of the Conditions for Site Assessment Plan approval:

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

The following contact information must be used for the reporting requirements in Section 3.6.1 of the Conditions for Site Assessment Plan approval:

**Reporting Injured or Dead Protected Species**  
National Oceanic and Atmospheric Administration  
Fisheries Northeast Region's Stranding Hotline  
866-755-6622

**All other reporting requirements in Section 3**  
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  
Northeast Regional 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 Dynamic Management Areas.

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 sources 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:    NO    SLIGHTLY    MODERATELY    SEVERELY

Fish tagged:    YES / NO    If yes, please record all tag numbers.

Tag #(s): \_\_\_\_\_

Genetic samples collected: YES / NO

Genetic samples transmitted to: \_\_\_\_\_ on \_\_\_\_ / \_\_\_\_ /201\_\_

**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 \_\_\_\_ / \_\_\_\_ /201\_\_

Fate of marine mammal: \_\_\_\_\_

---

---

---

Description of Injuries Observed: \_\_\_\_\_

---

---

---

Other Remarks/Drawings: \_\_\_\_\_

---

---