ANNEX 3

PROACTIVE COORDINATION TO ADVANCE TECHNOLOGIES AND SUPPORT INNOVATION

AN ANNEX TO:

"MEMORANDUM OF UNDERSTANDING

TO

RESPONSIBLY ADVANCE OFFSHORE WIND ENERGY

BETWEEN THE

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

AND THE

US DEPARTMENT OF THE INTERIOR
BUREAU OF OCEAN ENERGY MANAGEMENT"

I. PARTIES AND PURPOSE

This Annex 3 to the Memorandum of Understanding (MOU) between the National Oceanic and Atmospheric Administration (NOAA) and the Bureau of Ocean Energy Management (BOEM), signed by the NOAA Administrator and the BOEM Director on January 12, 2022, is entered into by BOEM and the National Marine Fisheries Service (NMFS), referred herein as "the Parties." This annex serves to coordinate efforts between NMFS and BOEM to support the rapid development and deployment of advanced or new technologies that can further improve the ability to detect, monitor, and mitigate negative interactions with marine mammals during offshore wind facility construction and operations. Through collaboration with scientists, offshore wind and associated industries, and other experts, NMFS and BOEM can help advance current and novel technologies, evaluate their effectiveness in detecting marine mammals, and explore potential applications of these technologies in sustainable energy development. The findings of this coordination could be explored for application of technologies in other ocean sectors and for other protected species (e.g., sea turtles).

II. SCOPE OF ANNEX

NMFS and BOEM will continue to strive for close collaboration, coordination, and communication in identifying, incorporating, and integrating new or advanced technologies and innovations into their core responsibilities while advancing responsible offshore wind deployment. Such work may include, when possible and consistent with applicable authorities:

- Hosting joint briefings and other coordinated outreach with Congressional offices and stakeholders.
- Coordinating participation in and actions resulting from expert workshops or other opportunities.
- Coordinating relevant technology development and research projects and leveraging resources (e.g., vessel time)
- Providing technical assistance and sharing scientific expertise with government partners, private sector, nongovernmental, research, and other interested parties.
- Identifying opportunities for technologies and innovations that may be developed in the context of offshore wind to be usable in other pertinent applications or sectors, and vice versa.
- Exploring opportunities to jointly assist relevant technology development efforts through future interagency, cooperative research, or other agreements.

III. TRANSFER OF FUNDS INFORMATION

This annex does not involve a transfer of funds.

IV. CONTACTS

All significant notices, communications, and coordination must involve, at a minimum, the following points of contact for each agency:

A. BOEM

Walter D. Cruickshank
Deputy Director
Bureau of Ocean Energy Management
Email: walter.cruickshank@boem.gov

B. NOAA

Samuel D. Rauch, III
Deputy Assistant Administrator for Regulatory Programs
NOAA, National Marine Fisheries Service
Email: samuel.rauch@noaa.gov

V. COMMITMENTS AND LIMITATIONS

Nothing herein is intended to conflict with current Department of Commerce or Department of the Interior directives. If any terms of this Annex are inconsistent with existing directives, the portions of this Annex that are determined to be inconsistent will be invalid, but the remaining terms and conditions not affected by the inconsistency will remain in full force and effect. Any applicable statutory authorities, including any dispute resolution processes established under such authorities, take precedence over the procedures outlined in this Annex and nothing in this Annex should be construed to impair or otherwise affect the authority granted by law to either agency. Detailed procedures related to actions covered in this Annex may also be developed where necessary and appropriate, including procedures inclusive of additional parties.

VI. DURATION OF ANNEX, AMENDMENTS, OR TERMINATION

This Annex will become effective when signed by both Parties. The Annex will remain in effect through January 12, 2032. The Annex may be amended within the scope of the MOU and this Annex, or extended at any time through the written mutual consent of the Parties and consistent with the MOU. The Parties will review this Annex at least once every three (3) years to determine whether it should be amended or terminated. This Annex may be terminated by (1) mutual written consent; or (2) six (6) months advance written notice of either Party.

VII. DISPUTE RESOLUTION

If disagreements arise between the Parties about implementation of this Annex; the interpretation of the provisions of this Annex; or amendments and/or revisions to this Annex, that cannot be resolved at the lowest possible level, the area(s) of disagreement will be stated in writing by each party and presented to the other party for consideration. If agreement is not reached within 30 days, the Parties will forward the written presentation of the disagreement to their own respective higher officials for appropriate resolution.

VIII. APPROVALS

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Samuel D. Rauch III
Deputy Assistant Administrator for
Regulatory Programs
National Marine Fisheries Service
NOAA

Date

WALTER CRUICKSHANK Digitally signed by WALTER CRUICKSHANK Date: 2024.12.31 14:27:54 -05'00'

12/31/24

Walter D. Cruickshank
Deputy Director
BOEM

Date