FINDING OF NO HISTORIC PROPERTIES AFFECTED FOR THE GARDEN STATE OFFSHORE ENERGY I, LLC SITE ASSESSMENT PLAN ON THE OUTER CONTINENTAL SHELF OFFSHORE DELAWARE

MARCH 5, 2019

FINDING

The Bureau of Ocean Energy Management (BOEM) has made a Finding of No Historic Properties Affected for this undertaking, pursuant to 36 CFR § 800.4(d)(1). No historic properties have been identified within the area of potential effects (APE).

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 Garden State Offshore Energy I, LLC (GSOE I, LLC) Site Assessment Plan (SAP) on the Outer Continental Shelf (OCS) offshore Delaware. 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 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, Narragansett Indian Tribe and Shinnecock Indian Nation as signatories to this Programmatic 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 of 2005, Pub. L. No. 109-58, added Section 8(p)(1)(C) to the Outer Continental Shelf Lands Act, which grants the Secretary of the Interior the authority to issue leases, easements, or rights-of-way on the OCS for the purpose of renewable energy development, including wind energy development. The Secretary delegated this authority to BOEM and on April 22, 2009, BOEM promulgated final regulations implementing this authority at 30 CFR § 585.

On February 3, 2012, BOEM published in the Federal Register a *Notice of Availability of an Environmental Assessment* and *Finding of No Significant Impact* (77 FR 5560-5561) for commercial wind lease issuance and site assessment activities on the Atlantic OCS offshore New Jersey, Delaware, Maryland, and Virginia. On April 26, 2012, BOEM completed its Section 106 review of issuing commercial leases within the Delaware Wind Energy Area (WEA) and published a *Finding of No Historic Properties Affected for the Issuance of Commercial Leases within the Delaware Wind Energy Area* (See: https://www.boem.gov/DE-Support-Finding-No-Historic-Properties-Affected/). On November 16, 2012, BOEM executed a lease (OCS-A 0482) with Bluewater Wind Delaware LLC. On December 2, 2016, Bluewater Wind Delaware LLC requested to assign commercial lease OCS-A 0482 to GSOE I, LLC. BOEM approved the assignment on December 20, 2016.

GSOE I, LLC has subsequently submitted a SAP describing the proposed installation, operation, and decommissioning of a meteorological buoy. BOEM has determined that the approval of a SAP constitutes an undertaking subject to Section 106 of the NHPA (54 U.S.C. 306108) and its implementing regulations (36 CFR § 800). BOEM implemented a Programmatic Agreement pursuant to 36 CFR § 800.14(b) to fulfill its obligations under Section 106 of the NHPA for the undertakings of lease issuance and approval of site assessment activities on the OCS offshore the Mid-Atlantic states. BOEM's Mid-Atlantic Programmatic Agreement was executed January 31, 2012, among the SHPOs of Delaware, Maryland, New Jersey, and Virginia; the ACHP; the Narragansett Indian Tribe; and the Shinnecock Indian Nation. (See: http://www.boem.gov/MidAtlantic-PA-Executed/).

3 The Undertaking

GSOE I, LLC proposes to install, operate, and decommission a meteorological buoy within OCS block 6375 located in the northwestern portion of Lease OCS-A 0482. The proposed buoy site is approximately 14 nautical miles (25.9 kilometers) offshore of Rehoboth Beach, Delaware, in water depths of approximately 43.5 feet (ft;13.2 meters [m]) (Figure 1). The meteorological buoy will be deployed to collect wind resource, metocean, and biological data to support future development of offshore wind energy within the lease area.

The buoy will consist of instrumentation systems mounted onboard an AXYS Navy Oceanographic Meteorological Automated Device (NOMAD) hull, a mooring chain, and clump weight anchoring system (Figure 2). The NOMAD hull measures 19.7 ft (6 m) in length by 10.2 ft (3.1 m) in width. The vertical profile of the buoy including instrumentation will be approximately 13.8 ft (4.2 m) from the sea surface to the top of the hull mast.

The meteorological buoy will be moored to the seabed by a 5-ton concrete clump weight connected via a 250 ft (76.2 m) mooring chain providing a chain to water depth scope of 5:1. The maximum total footprint of seafloor impacts from the clump weight and anchor chain sweep during operations is approximately 3.3 acres (ac; 1.3 hectares [ha]).

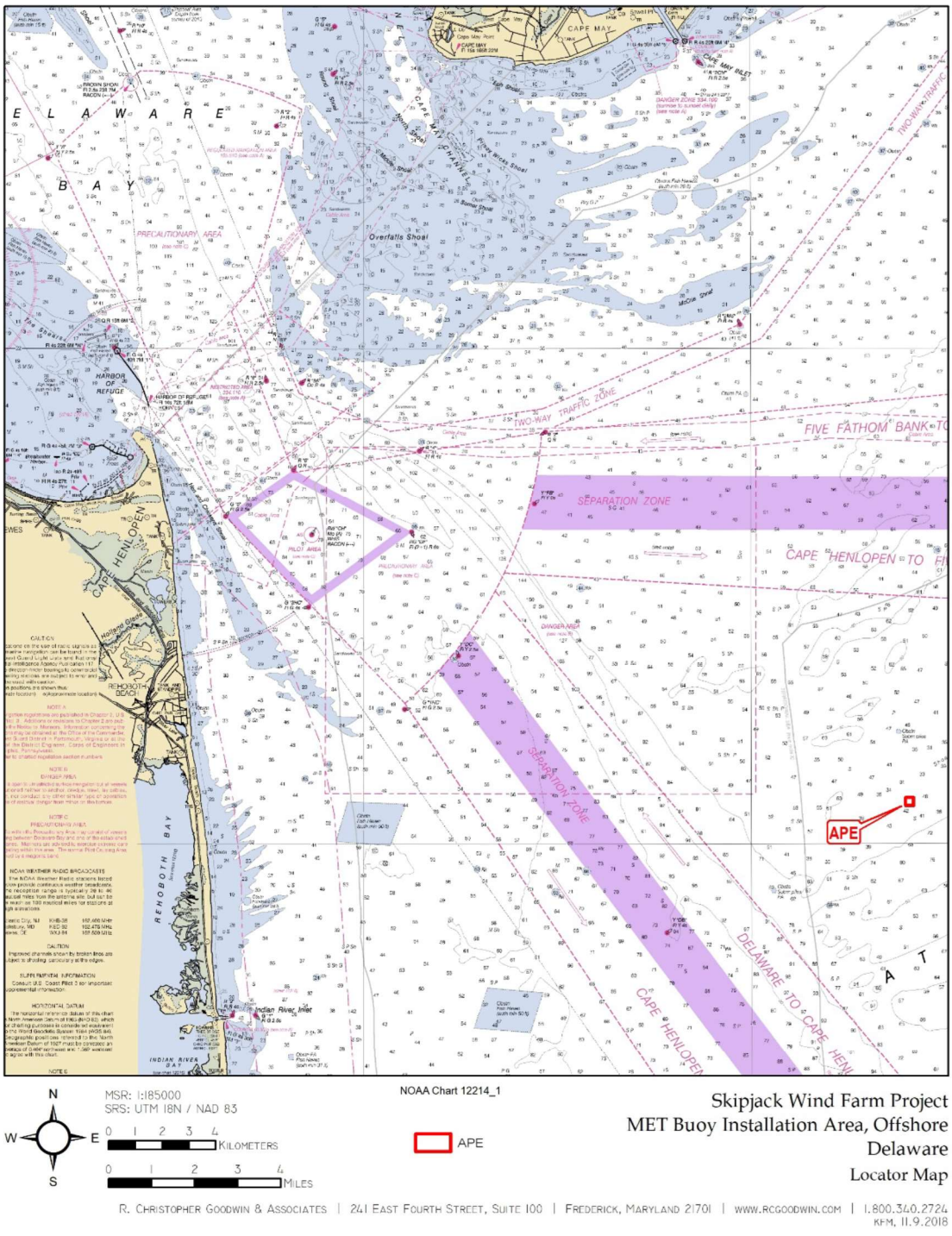

Figure 1. Project location (Goodwin and Associates 2018).

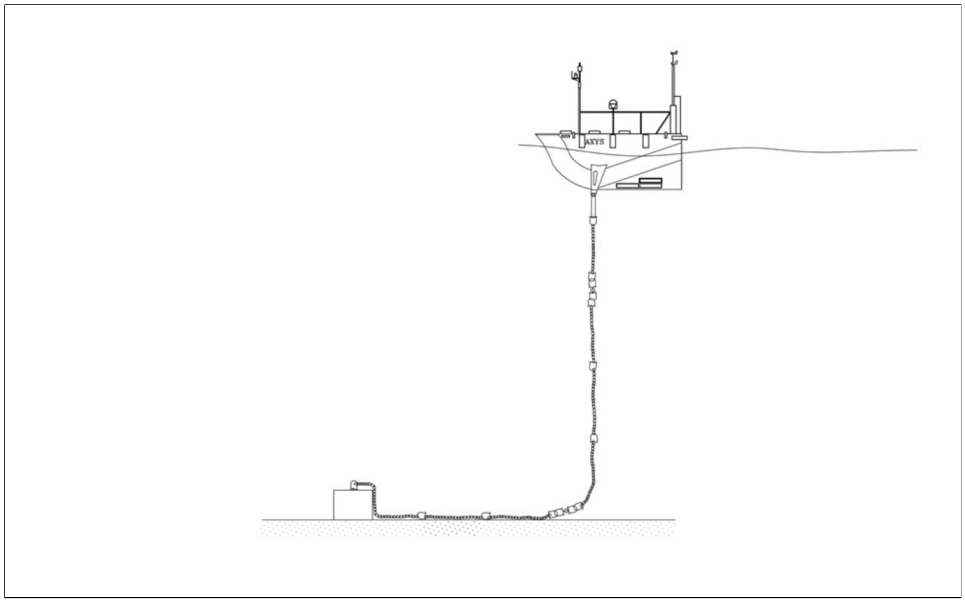

Figure 2. Illustration of the meteorological buoy and mooring system (GSOE I, LLC 2018).

3.1 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 Programmatic Agreement, the APE for the approval of a SAP is considered as:

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

3.1.1 Offshore APE

The offshore APE is defined as a 984 ft by 984 ft (300 m by 300 m) area of seafloor (approximately 22.9 ac [9.3 ha]) that may be impacted by bottom disturbing activities associated with installation, operation, and decommissioning of the meteorological buoy (see Figure 1). A broader area than what may be impacted was defined to allow GSOE I, LLC flexibility in siting the meteorological buoy. The vertical extent of potential impacts into the seafloor from installation of the clump weight anchor is approximately 12 ft (3.7 m) or less.

3.1.2 Viewshed APE

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.

3.1.3 Onshore Staging APE

Onshore staging activities will take place from existing facilities at the Port of Wilmington; therefore, onshore staging areas are not defined as part of the APE for the undertaking.

4 Consultation with Appropriate Parties and the Public

BOEM initiated consultation for the development of the Programmatic Agreement in 2011 through letters of invitation, telephone calls, emails, meetings, webinars, and the circulation and discussion of the Programmatic Agreement that guides the Section 106 consultation for the undertaking considered in 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). Additionally, BOEM conducted 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 Programmatic Agreement. Furthermore, BOEM identified and contacted 16 state-recognized tribes, one of whom, the Lenape Tribe of Delaware, chose to consult with BOEM and participate in the development of the Programmatic Agreement.

On January 26, 2011, BOEM published in the Federal Register a *Notice of Proposed Lease Area and Request for Competitive Interest* (76 FR 4716-4719) to provide notice of the Bluewater Wind Delaware, LLC proposed lease area and invite public comment. On April 12, 2011, BOEM published in the Federal Register a *Notice of Determination of No Competitive Interest* (76 FR 20367-20368) announcing BOEM's decision to proceed with a noncompetitive lease process with Bluewater Wind Delaware, LLC. No comments were received concerning historic properties, the scope of historic properties identification efforts, or any other topic relevant to the undertaking reviewed under this Finding.

The Section 106 consultation conducted by BOEM prior to the issuance of commercial leases within the Delaware WEA is detailed in the April 26, 2012, *Finding of No Historic Properties Affected for the Issuance of Commercial Leases within the Delaware Wind Energy Area* (See: https://www.boem.gov/DE-Support-Finding-No-Historic-Properties-Affected/). Information and comments provided by the parties as part of the lease issuance consultation were also considered for the undertaking of SAP approval as reviewed in this Finding and are thus incorporated by reference.

Table 1. Entities Solicited for Information and Comments Regarding Historic Properties within the Mid-Atlantic WEAs during Development of the Programmatic Agreement

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	Chickahominy Tribe	Atlantic City	Town of Ocean City
Catawba Indian Nation	Eastern Chickahominy Tribe	Berlin, MD	Town of Ocean City Council
Delaware Nation (Anadarko)	Lenape Indian Tribe of Delaware	Board of Supervisors Accomack County	Town of Ocean View
Delaware Nation (Bartlesville)	Mattaponi Tribe	City of Chesapeake	Town of South Bethany
Delaware Nation (Emporia)	Monacan Indian Nation	City of Hampton	Worcester County Commission
Eastern Band of Cherokee Indians	Nansemond Tribe	City of Lewes	
Eastern Shawnee Tribe of Oklahoma	Nanticoke Indian Association, Inc.	City of Millville	**Additional Organizations**
Houlton Band of Maliseet Indians	Nanticoke Lenni-Lenape Indians	City of Newport News	Lower Eastern Shore Heritage Council, Inc.
Mashpee Wampanoag Tribe	Nottoway Indian Tribe	City of Norfolk	Maryland Commission on Indian Affairs
Miccosukee Tribe	Pamunkey Tribe	City of Portsmouth	Preservation Maryland
Narragansett Indian Tribe	Patawomeck Indian Tribe	City of Rehoboth	
Oneida Indian Nation	Powhatan Renape Nation	City of Suffolk	
Onondaga Nation	Rampanough Mountain Indians	City of Virginia Beach	
Passamaquoddy Tribe (Indian Township)	Rappahannock Tribe	Dennis Township	
Passamaquoddy Tribe (Pleasant Point)	Upper Mattaponi Tribe	Egg Harbor City	
Penobscot Nation		Egg Harbor Township	
Saint Regis Mohawk Tribe		Hampton Roads Planning District Commission	
Seminole Tribe		James City County	
Shinnecock Indian Nation		Northampton/Accomack City	

Stockbridge-Munsee Community of Mohican Indians		Ocean City	
Tuscarora Nation		Office of Congressman Michael N. Castle	
Wampanoag Tribe of Gay Head (Aquinnah)		Ship Bottom Borough	
		Stafford Township	
		Sussex County	
		Sussex County Council	
		Town of Bethany	
		Town of Dewey Beach	

5 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/, 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 Tribal Historic Preservation Officers, if on tribal lands.

BOEM has reviewed the GSOE I, LLC SAP and reports provided in support of the plan including a Marine Archaeological Resources Assessment, summarized below (Schmidt et al. 2018; Appendix A).

5.1 Marine Archeological Resources Assessment

The archaeological assessment was completed using a combination of geophysical data gathered during surveys conducted in 2009 and 2010. These combined data 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 side scan sonar targets or magnetic anomalies were identified within the APE (Schmidt et al. 2018:53). CHIRP sub-bottom profiler data were analyzed to identify paleolandscape features within the offshore APE. Review of this information did not identify any paleo-channels or other buried paleolandscape features with archaeological potential within the APE (Schmidt et al. 2018:54).

6 The 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 GSOE I, LLC SAP (Schmidt et al. 2018). 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 SAP approval, ensures that any discoveries are reported and reviewed under the NHPA.

7 References

Garden State Offshore Energy. 2018. *Site Assessment Plan, GSOE I, LLC, Commercial Lease OCS-A-0482*.

Schmidt, James S., Katherine Clevenger, Christopher Dvorscak, and Michael Twarog. 2018. *Marine Archaeological Resources Assessment for the Skipjack Offshore Wind Farm Project Met Buoy Installation Area Official Protraction Areas Salisbury NJ18-05 OCS Block 6375 Offshore Delaware*. Prepared for Skipjack Offshore Energy, LLC by R. Christopher Goodwin & Associates, Inc.

APPENDICES

Appendix A: Marine Archaeological Resources Assessment for the Skipjack Offshore Wind Farm Project Meteorological Buoy Installation Area.