



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT
WASHINGTON, DC 20240-0001

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Mr. Michael Pentony
Regional Administrator
Greater Atlantic Regional Fisheries Office
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, Massachusetts 01930

Dear Mr. Pentony:

The Department of the Interior (DOI), Bureau of Ocean Energy Management (BOEM), has reviewed the Proposed Action of issuance of leases and grants within the Wind Energy Areas (WEAs) in the Central Atlantic (see Attachment 1 for a map of the WEAs) area of the Outer Continental Shelf (OCS). BOEM has determined that the Proposed Action falls within the scope of its informal programmatic ESA consultation and NMFS' June 29, 2021, letter of concurrence. Thus, no additional consultation is necessary for data collection activities defined in BOEM's programmatic biological assessment and the letter of concurrence. BOEM's review included any new information that has become available since the completion of the consultation that may have affected the determinations.

Regulatory Authority

In April 2009, DOI announced the final regulations for the Outer Continental Shelf (OCS) Renewable Energy Program, which was authorized by the Energy Policy Act of 2005 (EPA). The Outer Continental Shelf Lands Act (OCSLA), as amended, mandates the Secretary of the Interior (Secretary), through BOEM, to manage the siting and development of OCS renewable energy facilities. The EPA of 2005, Public Law 109-58, added Section 8(p)(1)(C) to OCSLA, which grants the Secretary the authority to issue leases, easements, or rights-of-way on the OCS for the purpose of renewable energy development (43 U.S.C. § 1337(p)(1)(C)). BOEM is delegated the responsibility for overseeing offshore renewable energy development in Federal waters (30 C.F.R. Part 585) and has accepted designation as the lead Federal agency (50 C.F.R. § 402.07) for the purposes of fulfilling interagency consultation under section 7 of the Endangered Species Act (ESA).

Project Description

For additional history of the consultation process for this Proposed Action, see Attachment 2. A brief history of BOEM's planning and leasing activities in the Central Atlantic includes the following:

- On August 1, 2023, BOEM published in the *Federal Register* for comment a Notice of Intent to prepare an Environmental Assessment (EA) of potential impacts from offshore wind leasing in the WEAs in the Federal Register for a 30-day comment period that closed on August 31, 2023.
- On January 11, 2024, BOEM published a Notice of Availability of the Central Atlantic draft EA in the *Federal Register* for a 30-day comment period that closed on February 12, 2024.

The purpose of the Proposed Action is to issue commercial and research leases within the WEAs

and granting of rights-of-way (ROWs) and rights-of-use (RUEs) in the region of the OCS of the Central Atlantic. BOEM's issuance of these leases and grants is needed to:

- (1) Confer the exclusive right to submit plans to BOEM for potential development, such that the lessees and grantees develop plans for BOEM's review and will commit to site characterization and site assessment activities necessary to determine the suitability of their leases and grants for commercial offshore wind production and/or transmission; and
- (2) Impose terms and conditions intended to ensure that site characterization and assessment activities are conducted in a safe and environmentally responsible manner. The issuance of a lease by BOEM to the lessee conveys no right to proceed with development of a wind energy facility; the lessee acquires only the exclusive right to submit a plan to conduct this activity. BOEM does not consider the issuance of a lease to constitute an irreversible and irretrievable commitment of agency resources. The issuance of a lease only grants the lessee the exclusive right to submit to BOEM a Site Assessment Plan (SAP) and Construction and Operations Plan (COP) proposing development of the leasehold; the lease does not, by itself, authorize any activity within the lease area.

BOEM's assumptions for the Proposed Action scenario are summarized in Attachment 3. BOEM has determined that the activities in the Proposed Action scenario are within the scope of activities contemplated in the 2021 programmatic consultation. The Project Design Criteria (PDC) and Best Management Practices (BMP) for threatened and endangered species for site characterization and site assessment activities remain valid and effective to ensure those activities are not likely to adversely affect ESA-listed species. The Proposed Action does not include any survey activities that have the potential to result in directed or incidental capture or collection of any ESA-listed species (e.g., trawl surveys in areas where ESA-listed sea turtles occur).

Thank you for your continued coordination on the proposed Project. Please contact Jeri Wisman (jeri.wisman@boem.gov) with any questions or additional information that may be required.

Sincerely,

David Diamond
Deputy Chief for Atlantic Operations
Office of Renewable Energy Programs

Enclosures

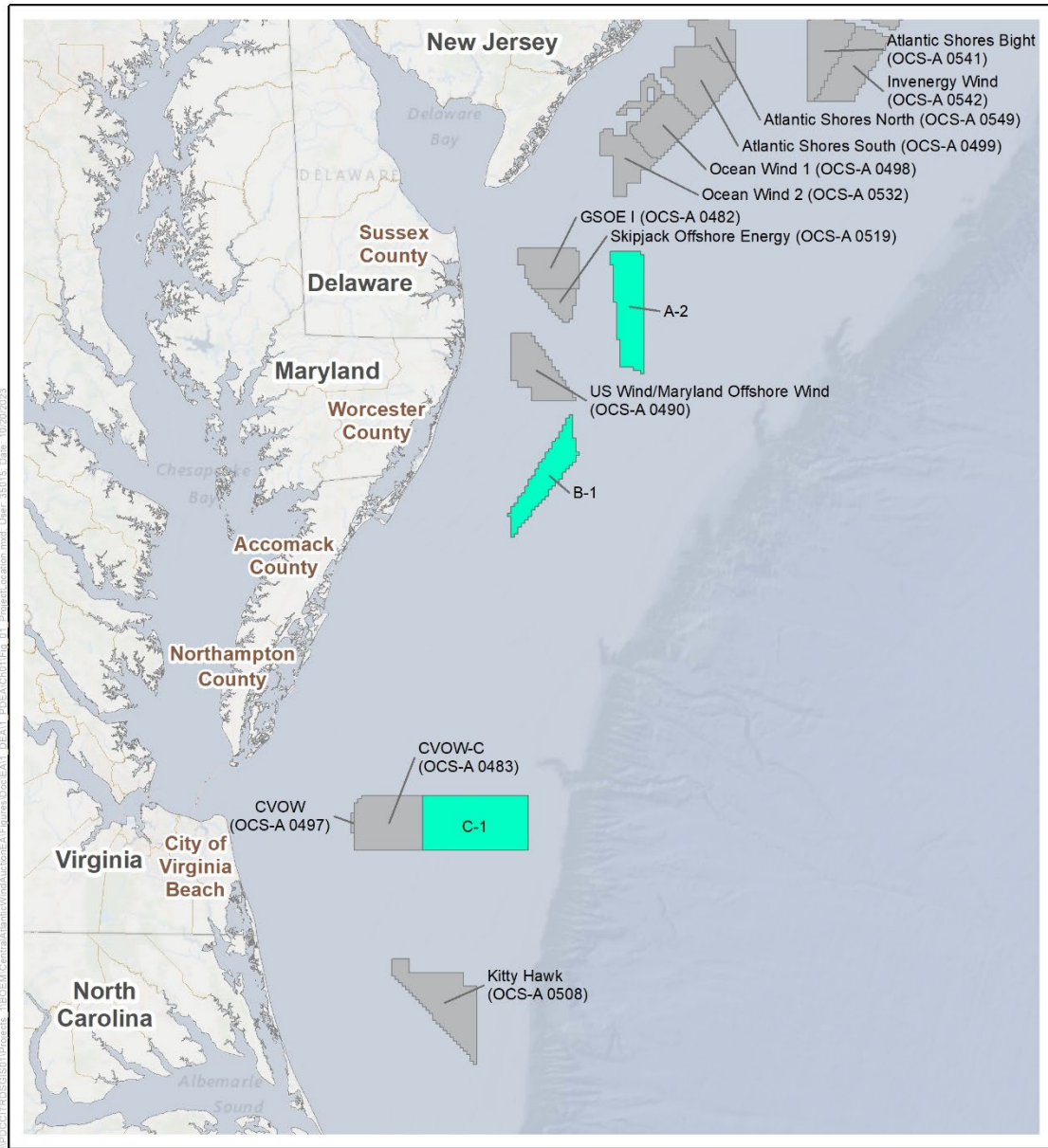
Attachment 1 – Central Atlantic Wind Energy Areas Map

Attachment 2 – Additional Consultation History

Attachment 3 – Assumptions for the Proposed Action Scenario

Attachment 4 – References Cited

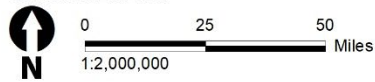
Attachment 1 – Central Atlantic Wind Energy Areas Map



Final Central Atlantic Wind Energy Areas
Other BOEM Lease Areas



Source: BOEM 2023.



Attachment 2 – Additional Consultation History

- On April 27, 2022, BOEM announced the publication of a Call for Information and Nominations (Call) to assess commercial interest in, and obtain public input on, potential wind energy leasing activities in Federal waters of the Central Atlantic.
- On November 16, 2022, BOEM announced eight draft WEAs in the Central Atlantic for public review and comment. The eight draft WEAs represent a subset of the original 3.9 million acres of the Call Area that the Department of Interior announced for public comment in April 2022.
- On July 31, 2023, BOEM released the Announcement of Area Identification (Area ID) Memorandum (BOEM 2023). The Area ID Memorandum documents the analysis and rationale used to develop the WEAs in the Central Atlantic. BOEM announced three final WEAs offshore Delaware, Maryland, and Virginia.

Attachment 3 – Assumptions for the Proposed Action Scenario

Overall Scenario Assumptions

This scenario is based on the requirements of the renewable energy regulations at 30 CFR Part 585, BOEM's guidance for lessees, previous lease applications and plans that have been submitted to BOEM, previous EAs prepared for similar activities, and the biological assessment evaluating the effects of survey and data collection activities associated with renewable energy on the Atlantic OCS (Baker and Howson 2021).

BOEM would issue leases within the WEAs of 80,000 acres each (WEAs A-2 and B-1 are large enough to accommodate one lease each; WEA C-1 is large enough for two such lease areas).

A lessee would install up to two met buoys per lease.

There would be up to two offshore export cable route corridors per lease.

A backbone offshore export cable system with offshore converter collector platforms (platforms located within the cable corridors) could be granted an easement.

Surveying and Sampling Assumptions

Site characterization surveys would likely begin within 1 year following execution of a lease (based on the likelihood that a lessee would complete reconnaissance site characterization surveys prior to installing a met buoy). Site characterization surveys would then continue on an intermittent basis for up to 5 years leading up to the preparation and submittal of the COP.

Lessees would likely survey the entire proposed lease area during the 5-year site assessment term to collect required geophysical and geotechnical information for siting of commercial facilities (wind turbines and offshore export cable corridors). The surveys may be completed in phases, with the met buoy areas likely to be surveyed first.

Sub-bottom sampling (CPTs, vibracores, grab samples, SPI) of the WEA would require a sub-bottom sample at every potential wind turbine location (which would only occur in the portion of the WEA where structural placement is allowed) and one sample per kilometer of offshore export cable corridor. Sampling will also be conducted at locations where offshore collector and/or converter platforms are proposed. The amount of effort and vessel trips required to collect the geotechnical samples varies greatly by the type of technology used to retrieve the sample. Benthic sampling could also include nearshore, estuarine, and SAV habitats along the offshore export cable routes.

Lessees would be required to comply with SOC(s) developed to avoid and minimize adverse effects on resources (**Section 5, Standard Operating Conditions**, of the EA).

Installation, Decommissioning, and Operations and Maintenance Assumptions

Met buoy installation and decommissioning would likely take approximately 1 day each.

Met buoy installation and decommissioning would likely occur between April and August (due to weather).

Met buoy installation would likely occur in Year 2 after lease execution.

Met buoy decommissioning would likely occur in Year 6 or Year 7 after lease execution.

Assumptions for Generation of Noise

Under the Proposed Action, the following activities and equipment would generate noise: HRG survey equipment and vessel engines during site characterization surveys and met buoy installation, operations and maintenance, and decommissioning.

BOEM = Bureau of Ocean Energy Management; COP = Construction and Operations Plan; CPT = cone penetration test; HRG = high-resolution geophysical; met = meteorological; SAV = submerged aquatic vegetation; SOC = Standard Operating Conditions; SPI = sediment profile imaging; WEA = Wind Energy Area.

Attachment 4 – References Cited

- Baker K, Howson U. 2021. Data collection and site survey activities for renewable energy on the Atlantic Outer Continental Shelf. Biological assessment. Sterling (VA): U.S. Department of the Interior, Bureau of Ocean Energy Management. 152 p.
- BOEM 2023. Central Atlantic Wind Energy Areas. Available at: <https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/Central%20Atlantic%20Final%20Wind%20Energy%20Areas.pdf>. Accessed August 28, 2023.
- National Marine Fisheries Service (NMFS). 2021. Offshore Wind Site Assessment Programmatic ESA Consultation. U.S. Dept. of Commer., NOAA. Available <https://media.fisheries.noaa.gov/2021-12/OSW-surveys-NLAA-programmatic-rev-1-2021-09-30-508-.pdf>. Accessed on September 26, 2023.
- NMFS. 2013. Endangered Species Act Section 7 consultation biological opinion. Commercial wind lease issuance and site assessment activities on the Atlantic Outer Continental Shelf in Massachusetts, Rhode Island, New York, and New Jersey Wind Energy Areas. Gloucester (MA): National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Greater Atlantic Regional Fisheries Office. 255 p. Report No.: NER-2012-9211, GARFO-2012-00011.