



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ecological Services, Northeast Regional Office
300 Westgate Center Drive, Hadley, MA 01035
June 3, 2024

David Bigger
Office of Renewable Energy Programs
Bureau of Ocean Energy Management
45600 Woodland Road, VAM-OREP
Sterling, VA 20166

Re: Wind Energy Commercial and Research Leases on the Central Atlantic Outer
Continental Shelf, Project code: 2023-0133833

This is the U.S. Fish and Wildlife Service's (USFWS or Service) response to your April 17, 2024, request for review of the Bureau of Ocean Energy Management's (BOEM) proposed Central Atlantic lease activities as described in the Biological Assessment (BA) entitled, "Wind Energy Commercial and Research Leases on the Central Atlantic Outer Continental Shelf" (Project).

Federally listed and proposed species that potentially occur in all or portions of the Action Area and may be affected by the proposed activities include the piping plover (*Charadrius melodus*; threatened); rufa red knot (*Calidris canutus*; threatened); roseate tern (*Sterna dougallii dougallii*; endangered); monarch butterfly (*Danaus plexippus*, status); northern long-eared bat (*Myotis septentrionalis*, endangered); and tri-colored bat (*Perimyotis subflavus*, proposed endangered). BOEM has determined that the issuance of a wind energy research lease in support of wind energy development on the Central Atlantic is not likely to adversely affect these listed and proposed species. This letter does not address species under the jurisdiction of the National Marine Fisheries Service (NMFS).

BOEM's request and the Service's response are made pursuant to section 7 of the Endangered Species Act, as amended (87 Stat. 884, as amended; 16 U.S.C 1531, et seq.) (ESA).

A full description of the lease activities, listed species that may be present in the lease area, and effects of the lease activities are found in the BA. Short descriptions are provided below.

Proposed Action:

The purpose of the Proposed Action is to issue commercial leases within the Wind Energy Areas (WEAs) and granting of rights-of-way (ROWs) and rights-of-use (RUEs) in the region of the Outer Continental Shelf 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 BA also includes conducting the following surveys: biological surveys (aerial), biological surveys (marine), offshore geophysical surveys, and geotechnical investigations.

Concurrence

While the proposed action of issuance of leases is largely administrative in nature, the BA evaluates various potential impacts, including noise, air emissions, lighting, vessel discharges, strikes and spills, and aircraft traffic from biological surveys to the piping plover in Section 2.10.4, roseate tern in Section 2.11.4, and rufa red knot in Section 2.12.4.

BOEM determined that the expected increase in vessel activity within the Action Area will not substantially increase the overall level of vessel traffic. This conclusion is based on assessments of current and projected vessel movements, which indicate that the incremental increase in traffic is minimal relative to existing traffic levels. Consequently, this increase is expected to have an insignificant effect on these species, as this minimal change is unlikely to alter their habitat or behavior.

The Service has reviewed BOEM's findings and concurs with their determination that the proposed activities are not likely to adversely affect the piping plover, roseate tern, and rufa red knot. This concurrence is based on the impacts from surveys being discountable.

The Service does not agree with BOEM's determination of "no effect" for the black-capped petrel and considers the appropriate determination to be "not likely to adversely affect" based on the impacts from surveys being discountable. Additionally, BOEM references onshore habitat use for this species; however, the black-capped petrel is a pelagic sea bird and would not be using onshore habitats in the Central Atlantic.

Although the ESA does not require conferencing on species proposed to be listed, the Service disagrees with BOEM's decision to exclude the tricolor bat from consultation. The Service recommends that BOEM conference on the tricolored bat, given its proposed listing status. Should the species be officially listed, BOEM will need to reinstate consultation to remain in compliance under the ESA.

As a reminder, until the proposed project is complete, we recommend that you check IPaC every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project area is current (by selecting "Request updated list" on your My Projects page). Should project plans change or additional information on listed or proposed species or critical habitat become available, our concurrences or acknowledgement of the effects of the proposed project may be reconsidered.

Thank you for continued coordination with the Service. If you have any questions or require further assistance, please contact Stephanie Vail-Muse (stephanie_vail-muse@fws.gov) Regional Energy Coordinator, Ecological Services Program, Northeast Regional Office.

Sincerely,

Martin Miller
Manager, Division of Endangered Species