



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT
WASHINGTON, DC 20240-0001

JAN 08 2013

Ms. Victoria Foster
Conservation Planning Assistance Supervisor
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960

Dear Ms. Foster:

On April 24, 2012, under Section 7 of the Endangered Species Act (ESA) of 1973, the Bureau of Ocean Energy Management (BOEM), as the lead Agency in cooperation with the U.S. Army Corps of Engineers (USACE), requested informal consultation with the U. S. Fish and Wildlife Service (USFWS) on the effects on ESA-listed birds and bats from proposed activities on the Outer Continental Shelf off Florida. This lease would specifically authorize Florida Atlantic University's Southeast National Marine Renewable Energy Center to deploy three single-anchor moorings systems, with a mooring and telemetry buoy and test, for limited periods, equipment designed to use the Florida Current to generate electricity on the proposed leasehold. The activities being considered include: (1) issuing a lease; (2) the lessee's installation, relocation, and removal of mooring systems, which would utilize anchors, cables, and buoys; and (3) the lessee's technology testing activities, which would involve turbine deployment, maintenance, operations, and recovery.

The enclosed is a draft version of the environmental assessment (EA) that will be finalized after the conclusion of this consultation. The "Alternatives Including the Proposed Action" and "Avian Resources" sections have been revised to incorporate USFWS written suggestions (July 3, 2012) and comments made during a conference call on September 11, 2012.

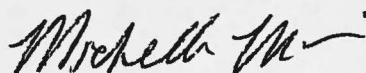
The revised EA serves as a biological assessment for this proposed activity and analyzes the likely impacts to ESA-listed species that may occur in in the area of potential effect for the proposed action. Based on the analyses in this document, BOEM concludes that the impacts of the proposed action, in consideration of operating conditions and lease stipulations, are expected to be discountable and insignificant, and thus not likely to adversely affect ESA-listed birds and manatees. In addition, BOEM concludes that the proposed action will have no effect on ESA-listed bats. As part of this analysis, BOEM has also determined that there is no critical habitat impacted by the proposed action.

We request your concurrence and/or advice regarding our conclusions within 30 days of receiving this letter so that BOEM can finalize the EA. We are also consulting with the National Marine Fisheries Service under ESA, under separate cover letter. If you have any

questions or require additional information, please contact Dr. David Bigger at (703) 787-1802 or David.Bigger@boem.gov. Correspondence may also be sent to the following address:

Bureau of Ocean Energy Management
Environment Branch for Renewable Energy
381 Elden Street, HM 1328
Herndon, Virginia 20170-4817

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Morin", with a stylized flourish at the end.

Michelle Morin
Chief, Environment Branch for Renewable Energy

Enclosure

cc: USACE
Laura Margason, DOE