Appendix J: Finding of Adverse Effect under Section 106 of the National Historic Preservation Act

Appendix J Determination of Effect for NHPA Section 106 Consultation

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Abbreviations and Acronyms

ACHP	Advisory Council on Historic Preservation
ADLS	aircraft detection lighting system
APE	area of potential effects
BOEM	Bureau of Ocean Energy Management
CFR	Code of Federal Regulations
COP	Construction and Operations Plan
DPL	Delmarva Power and Light
EIS	Environmental Impact Statement
FAA	Federal Aviation Administration
HDD	horizontal directional drill
MHT	Maryland Historical Trust
MOA	Memorandum of Agreement
MW	megawatt
NAACP	National Association for the Advancement of Colored People
NEPA	National Environmental Policy Act
NHL	National Historic Landmark
NHPA	National Historic Preservation Act
NOI	Notice of Intent
NPS	National Park Service
NRHP	National Register of Historic Places
O&M	operations and maintenance
OCS	Outer Continental Shelf
OREC	Offshore Renewable Energy Credit
OSS	offshore substation
PAPE	preliminary area of potential effects
PDE	Project design envelope
PRDP	Post-Review Discovery Plan
Project	Maryland Wind Project
SHPO	State Historic Preservation Officer
TSS	traffic separation scheme
USC	U.S. Code
WTG	wind turbine generator
ZTV	zone of theoretical visibility

J.1 Introduction

The Bureau of Ocean Energy Management (BOEM) has made a Finding of Adverse Effect (Finding) under Section 106 of the National Historic Preservation Act (NHPA) pursuant to Code of Federal Regulations, Title 36, Section 800.5 (36 CFR § 800.5) for the US Wind/Maryland Wind Project (proposed Project), consisting of construction and installation (construction), operations and maintenance (O&M), and conceptual decommissioning (decommissioning) of an offshore wind energy project, as described in the proposed Project's Construction and Operations Plan (COP). BOEM finds that the undertaking would adversely affect the following historic properties:

- Fort Miles Historic District (Section J.4.3.1, Assessment of Effects on Historic Properties in the Visual area of potential effects [APE]);
- U.S. Coast Guard Tower, Ocean City, Maryland (Section J.4.3.2, Assessment of Effects on Historic Properties in the Visual APE); and
- Oceanside North Ocean City Survey District (Section J.4.3.3, Assessment of Effects on Historic Properties in the Visual APE).

The Project would also cause visual effects and contribute to cumulative effects from Offshore Project component visibility on three historic aboveground resources that are historic properties in the visual portion of the APE (COP Volume II, Appendix II-I3; US Wind 2023 and Appendix I, *Historic Resources Visual Effects Assessment* of the Draft EIS). These resources have ocean views that are character-defining features contributing to their NRHP eligibility; these ocean views are subject to adverse effects by the Project.

BOEM elected to use the National Environmental Policy Act (NEPA) substitution process for Section 106 purposes, as described in 36 CFR 800.8(c), during its review. The regulations at 36 CFR 800.8(c) provide for use of the NEPA substitution process to fulfill a federal agency's NHPA Section 106 review obligations in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. The NEPA substitution process is described at https://www.achp.gov/integrating_nepa_106. Both NEPA and Section 106 allow participation of consulting parties. Consistent with use of the NEPA substitution process to fulfill Section 106 requirements, BOEM will document the mitigation measures to resolve the adverse effects in a Memorandum of Agreement (MOA) pursuant to 36 CFR 800.8(c)(4)(i)(B). See Attachment J-1, Memorandum of Agreement, for the Draft MOA.

J.2 Project Overview

In the proposed Project COP (originally submitted on August 11, 2020, and comprehensively revised in November 2021, March 2022, May 2022, November 2022 and July 2023), US Wind proposes construction, O&M, and decommissioning of an offshore wind energy project that would generate up to 2.2 gigawatts of wind energy in three phases including MarWin, a wind farm of approximately 300 megawatts (MW) for which the State of Maryland awarded to US Wind offshore renewable energy credits (ORECs) in 2017; Momentum Wind, consisting of approximately 808 MW for which the State of Maryland awarded additional ORECs in 2021; and build out of the remainder of the Lease Area to fulfill

ongoing, government-sanctioned demands for offshore wind energy within BOEM Renewable Energy Lease Area OCS–A 0490 hereafter together referenced as the Lease Area (Figures J1 and J2). If approved by BOEM, US Wind would construct and operate wind turbine generators (WTG) and offshore substations (OSSs), an export cable to shore, and associated facilities for a 35-year term. BOEM is conducting its environmental and technical reviews of the COP (US Wind 2023) under the NEPA for its decision regarding approval, disapproval, or approval with modifications of the proposed Project COP. The Draft Environmental Impact Statement (EIS) and COP for the proposed Project are available on the Project-specific website (https://www.boem.gov/renewable-energy/state-activities/us-wind). The EIS considers the potential impacts of the proposed Project, including impacts on cultural resources.

BOEM has determined that construction, O&M, and decommissioning constitute an undertaking subject to Section 106 of the NHPA (U.S. Code, Title 54 Section 306108 [54 USC § 306108]) and its implementing regulations (36 CFR Part 800), and that the activities proposed under the COP have the potential to affect historic properties.

J.2.1 Background

In 2012, BOEM prepared an environmental assessment to analyze the environmental impacts associated with issuing commercial wind leases and approving site assessment activities within the Atlantic OCS, this included areas offshore Delaware, Maryland, New Jersey, and Virginia (BOEM 2012a). On January 31, 2012, BOEM executed the Mid-Atlantic Programmatic Agreement (BOEM 2012b). In June 2012, BOEM conducted NHPA Section 106 review of its decision to issue commercial leases within the Maryland wind energy area (BOEM 2012c). Through a competitive leasing process under 30 CFR 585.211, BOEM awarded US Wind with Commercial Lease OCS–A 0490 covering an area offshore Maryland (Lease Area) in 2014. During the same competitive lease sale, BOEM also awarded US Wind with Commercial Lease OCS–A 0489. By a lease amendment, made effective March 1, 2018, US Wind's Commercial Leases OCS–A 0489 and OCS–A 0490 were merged into a single lease, Lease OCS– A 0490. Lease OCS–A 0489 automatically terminated. Subsequently, US Wind submitted a Site Assessment Plan for the installation of meteorological buoys, which BOEM reviewed under NHPA Section 106, resulting in its April 12, 2016, *Finding of No Historic Properties Affected* (BOEM 2016).

J.2.2 Undertaking

The Project would generate up to 2,000 MW of wind energy to the Delmarva Peninsula, including Maryland, in fulfillment of state and federal clean energy standards and targets (COP, Volume I, Section 1.1.2; US Wind 2023). The Project (full build out) includes (1) MarWin, a wind farm of approximately 300 MW for which US Wind was awarded ORECs in 2017 by the State of Maryland; (2) Momentum Wind, consisting of approximately 808 MW for which the State of Maryland awarded additional ORECs in 2021; and (3) future development of approximately 600 to 800 MW of the remainder of the Lease Area to fulfill ongoing, government-sponsored demands for offshore wind energy.

If approved by BOEM and other agencies with authority to approve Project components outside of BOEM's jurisdiction, US Wind would be allowed to construct and operate WTGs, export cables to shore, and associated facilities, including those outside BOEM's jurisdiction, for a specified term. BOEM is now conducting its environmental and technical reviews of the COP and the connected action under NEPA; its decision regarding approval of the plan is provided in this Draft EIS. A detailed description of the proposed Project can be found in Chapter 2, Alternatives, Section 2.1.2, Alternative B – Proposed Action, of the Draft EIS. This Draft EIS considers reasonably foreseeable impacts of the Project, including impacts on cultural resources, which include historic properties.

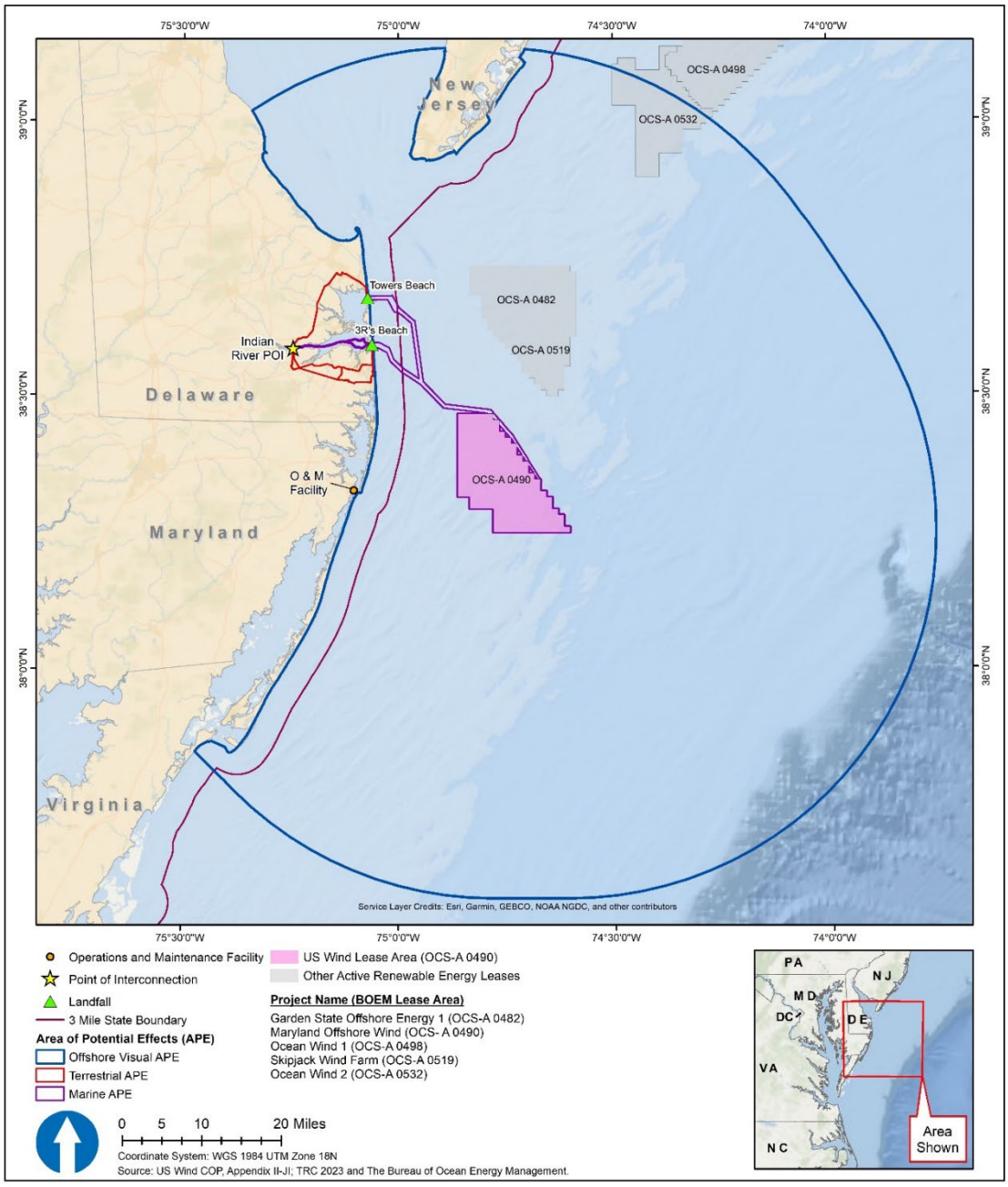

Figure J-1. Proposed wind development area relative to Mid-Atlantic lease areas

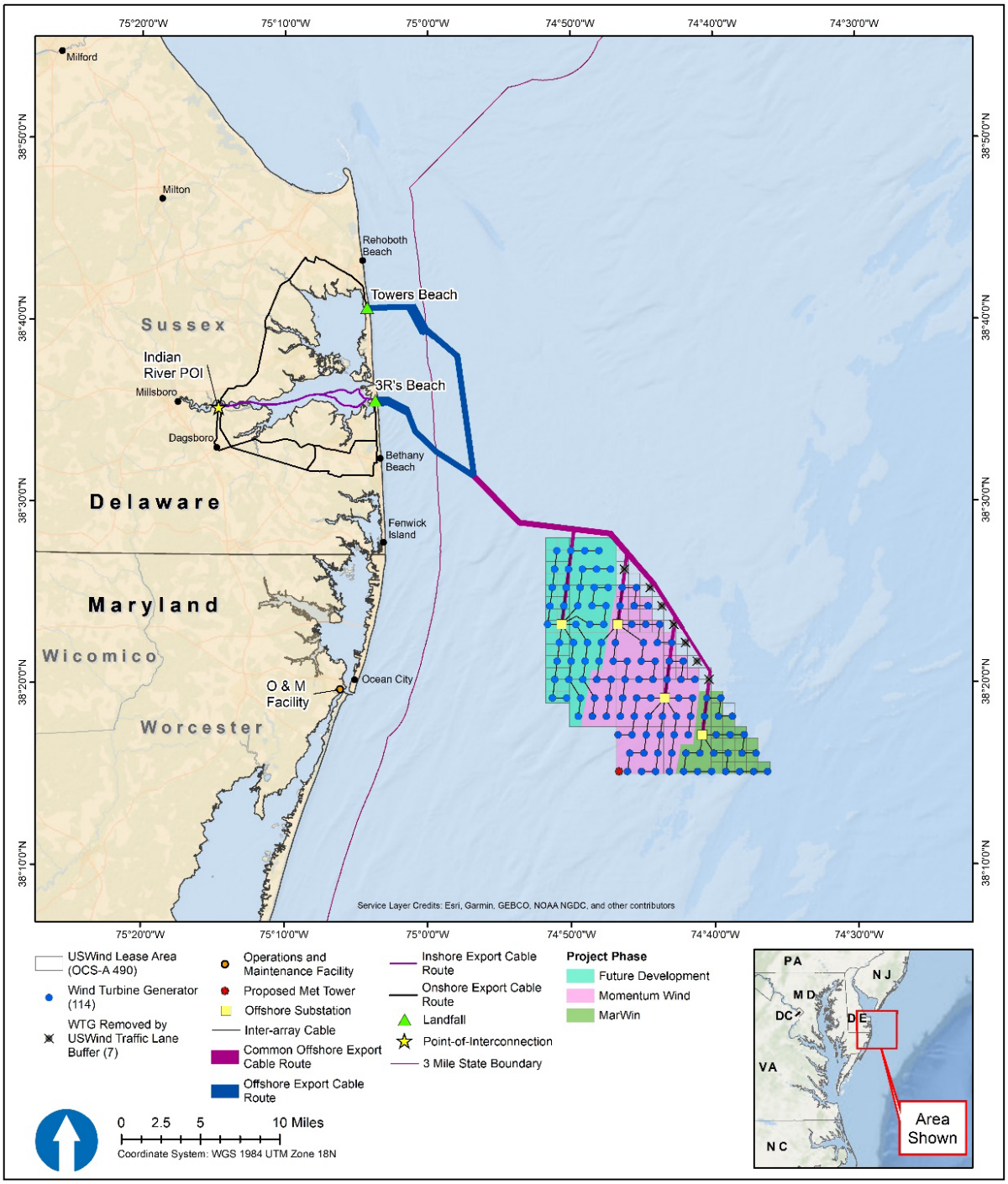

Figure J-2. Proposed Project overview

The Proposed Action is to construct, operate, maintain, and decommission an up to 2.2-GW wind energy facility in the Lease Area, 10.1 miles (16.2 kilometers) off the coast of Maryland. The facility would consist of up to 114 WTGs—ranging from 14 to 18 MW each, up to four offshore substations (OSSs), inter-array cables in strings of four to six linking the WTGs to the OSSs, and substation interconnector cables linking the OSSs to each other. The Proposed Action includes a 1 nautical mile (1.9 kilometer) setback from the traffic separation scheme (TSS) from Delaware Bay which removes 7 of the 121 WTG positions, resulting in a total of 114 WTGs). Up to four offshore export cables (installed within one Offshore Export Cable Route) would transition to a landfall at 3R's Beach via horizontal directional drilling (HDD). From the landfall, the cables would continue along the Inshore Export Cable Route within Indian River Bay to connect to an onshore substation adjacent to the point of interconnection (POI) at the Indian River Substation owned by Delmarva Power and Light (DPL) in Dagsboro, Delaware. The POI will include an expansion of the existing substation and construction of three new substations adjacent to the existing substation. An O&M facility is also proposed in Ocean City, Maryland. Development of the wind energy facility would occur within the range of design parameters outlined in the COP (US Wind 2023).

J.2.3 Area of Potential Effects

The APE for this undertaking is defined by the Section 106 implementing regulations (36 CFR § 800.16[d]).

> *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 area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.*

BOEM (2020) defines the undertaking's APE as the following:

- The depth and breadth of the seabed potentially affected by any bottom-disturbing activities, constituting the marine archaeological resources portion of the APE;
- The depth and breadth of terrestrial areas potentially affected by any ground disturbing activities, constituting the terrestrial archaeological portion of the APE;
- The viewshed from which renewable energy structures, whether offshore or onshore, would be visible, constituting the viewshed portion of the APE; and
- Any temporary or permanent construction or staging areas, both onshore and offshore.

The Lease Area, inter-array cables, Offshore Export Cable Route, and terrestrial facilities make up the footprint of the Proposed Action. The terrestrial archaeological resources portion of the APE (terrestrial APE), the marine archaeological resources portion of the APE (marine APE), and the APE for visual effects analysis (visual APE) are defined based on these Proposed Action component footprints.

J.2.3.1 Marine Area of Potential Effects

The marine APE for the Proposed Action is depth and breadth of the seabed potentially affected by any bottom-disturbing activities and temporary or permanent offshore construction or staging areas, including the PDE's range of Project designs. The marine APE includes the footprint for activities within the areas affected by vessel anchors, the workspaces of the WTG, OSS and Met Tower positions, inter-array cables, and export cables. The exact footprint of the marine APE will be dependent on which Offshore Export Cable Route and landfall site (3R's Beach or Towers Beach) is used (Figure J-3).

Water depths in the Lease Area range from 46 to 135 feet (14 to 41 meters), and effects on the seafloor resulting from lift boat/jack-up vessels would be contained to the work zone around the WTGs, Met Tower, and OSSs positions and export and inter-array cable routes. The vertical marine APE is based on the maximum proposed disturbance depth defined within the PDE and varies by component, while the horizontal extent reflects the impacted surface area. Table J-1 summarizes the vertical and horizontal marine APE from each Proposed Action offshore component.

Table J-1. Summary of the vertical and horizontal extent of the marine area of potential effects for Proposed Action facilities

Facility	APE	Extent
Cables (inter-array, and export cables)	vertical (below seafloor surface)	13 feet (4 meters)
Cables (inter-array, and export cables)	horizontal	Entire Project area and export cables[b]
WTGs	vertical	938 feet (285.9 meters) above mean sea level
WTGs	horizontal[a]	820 feet (249.9 meters)
OSSs	vertical	128 and 144 feet (39.0 and 43.9 meters) above mean sea level
OSSs	horizontal[a]	591 feet (180.1 meters)

APE = area of potential effects; OSS = offshore substation; WTG = wind turbine generator

[a] This is the maximum radius work zone around which each WTG and OSS's foundation, where construction will occur.

[b] The proposed Offshore Export Cable Route extends up to 1,968 ft from the OSSs to landfall locations at 3R's Beach or Towers Beach, Delaware, with width of 1,968 ft (COP Volume II, Appendix II-I1; R. Christopher Goodwin & Associates 2023b).

The diameter of each WTG is based on several factors, including water depth and geotechnical conditions. Installation will be conducted using either a jack-up installation vessel and/or dynamically positioned crane vessel. If an anchored vessel is used for installation, seabed impacts would be contained within the installation area (US Wind 2023). Seabed disturbance resulting to jacking and anchoring will be confined to a 984.25-foot (300-meter) radius centered on the installation location. The four OSSs will be installed using either monopile or jacket foundations (COP Volume II, Appendix II-I1; R. Christopher Goodwin & Associates 2023b). The inter-array cables, which connect the WTGs to the OSSs, will connect between 4 and 6 WTGs in a string. Based on the PDE layout, up to 125.6 miles (202.2 kilometers) of inter-array cable will be used for the Proposed Action. The inter-array cables will be buried between 3.3 to 9.8 feet (1 to 3 meters), but no deeper than 13.1 feet (4 meters). Two Offshore Export Cable Routes with a maximum length of 142.5 miles (229.3 kilometers) running from

the OSSs to the planned landfall at 3R's Beach or Towers Beach (barrier beach landfalls) are being considered. Each will contain up to four offshore export cables. US Wind anticipates using a jet plow to bury the cable to target depths of approximately 3.3 to 9.8 feet (1 to 3 meters), but no deeper than 13.1 feet (4 meters) (COP Volume II, Appendix II-I1; R. Christopher Goodwin & Associates 2023b).

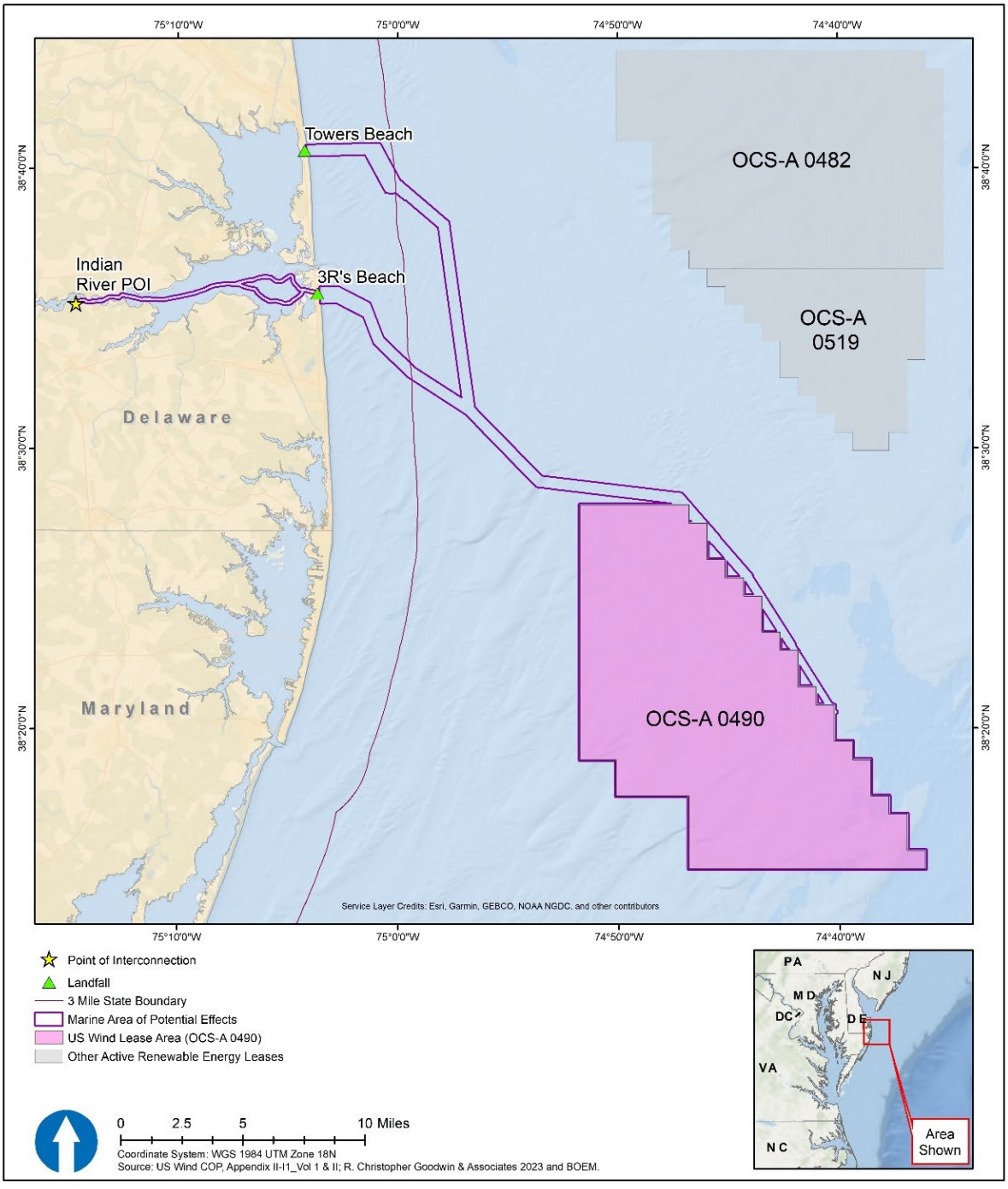

Figure J-3. Marine area of potential effects

J.2.3.2 Terrestrial Area of Potential Effects

The terrestrial APE includes areas of potential ground disturbance associated with the onshore construction and O&M of the Proposed Action. The terrestrial APE is presented as part of the proposed PDE, which includes the onshore substation sites, including the two proposed and one existing, and areas in and around the proposed landfall sites (including the Proposed Action landfall at 3Rs Beach and the alternative landfall site at Towers Beach), the O&M facility in Ocean City, Worcester County, Maryland, as well as Onshore Export Cable Routes. The Proposed Action includes an Inshore Export Cable Route extending from the transition vault at 3R's Beach parking lot via HDD and transverse Indian River Bay (the portion through Indian River Bay is considered to be associated with the offshore, state waters MARA), to an HDD exit location near the US Wind substations, while other alternatives involve terrestrial routes north and south of Indian River, in Sussex County, Delaware (COP Volume II, Appendix II-I2; R. Christopher Goodwin & Associates 2023e).

US Wind has produced a preliminary area of potential effects (PAPE) which consists of the PDE for all preferred onshore Project elements and all alternatives currently under consideration. This includes temporary and permanent easements, areas of ground clearance, and laydown areas. Cultural resources located approximately 30 meters (100 feet) within the terrestrial APE, including all alternative Onshore Export Cable Routes within the PAPE, were considered.

The Proposed Action includes a landfall and transition vault located within the parking lot at 3R's Beach, and an alternative location is within the parking lot at Towers Beach. Onshore export cables would be installed in one or more of the Onshore Export Cable Routes. The Proposed Action would include an Inshore Export Cable Route that would enter Indian River Bay using HDD and would cross the bay to an HDD exit location in Indian River near the proposed US Wind substations. The proposed vaults are each approximately 40 feet (12 meters) long, 10 feet (3 meters) wide, and 10 feet (3 meters) deep. The HDD ducts will be connected to the transition vaults and backfilled with the excavated material or the appropriate clean fill. The transition vaults, when fully installed, will be accessed from ground-level access points. Alternative terrestrial Onshore Export Cable Routes would exit the transition vaults at the landfall sites and be buried in the previously disturbed rights-of-way along the designated corridor (COP Volume II, Appendix II-I2, Chapter 1; R. Christopher Goodwin & Associates 2023e).

Previously disturbed rights-of-way used for the terrestrial onshore export cables may include other infrastructure, such as utility lines. Depending on the configuration, excavated trenches would contain space for duct banks approximately 6.6 feet to 8.75 feet (2 meters to 2.67 meters) wide and approximately 2.5 feet to 7. 5 feet (0.76 meters to 2.3 meters) high. Trenches would contain up to 18 inches (45 centimeters) of additional excavation on either side of the duct bank during construction. Up to four cables would be installed in duct banks of cement-bound sand in either horizontal or vertical configuration. The duct banks would be buried such that the top of the bank is a minimum of 3 feet (0.9 meters) below grade (COP Volume II, Appendix II-I2, Chapter 1; R. Christopher Goodwin & Associates 2023e).

The three proposed onshore substations would be constructed adjacent to the Indian River Substation, within an approximately 35-acre area northwest and southwest of the existing Indian River Substation

with an 80 m HDD corridor. The proposed O&M Facility would consist of quayside facilities near the intersection of the Ocean City Harbor and Sinepuxent Bay, in Ocean City, Worcester County, Maryland. The proposed O&M Facility would be developed through the combination of two adjacent, partially developed parcels, providing an overall property of approximately 350-feet of quayside buildable land approximately 142-feet deep. The combined properties would accommodate three buildings (main office building, secondary warehouse, and crew support building) as well as parking, a laydown yard, and approximately 628-ft long fixed pier for the mooring of up to four crew vessels. The proposed main office and crew support buildings may be up to three stories but would not exceed the 45-feet municipal building height limit (COP App II-13; R. Christopher Goodwin 2023a). Figures J-4 – J-7 show the terrestrial APE.

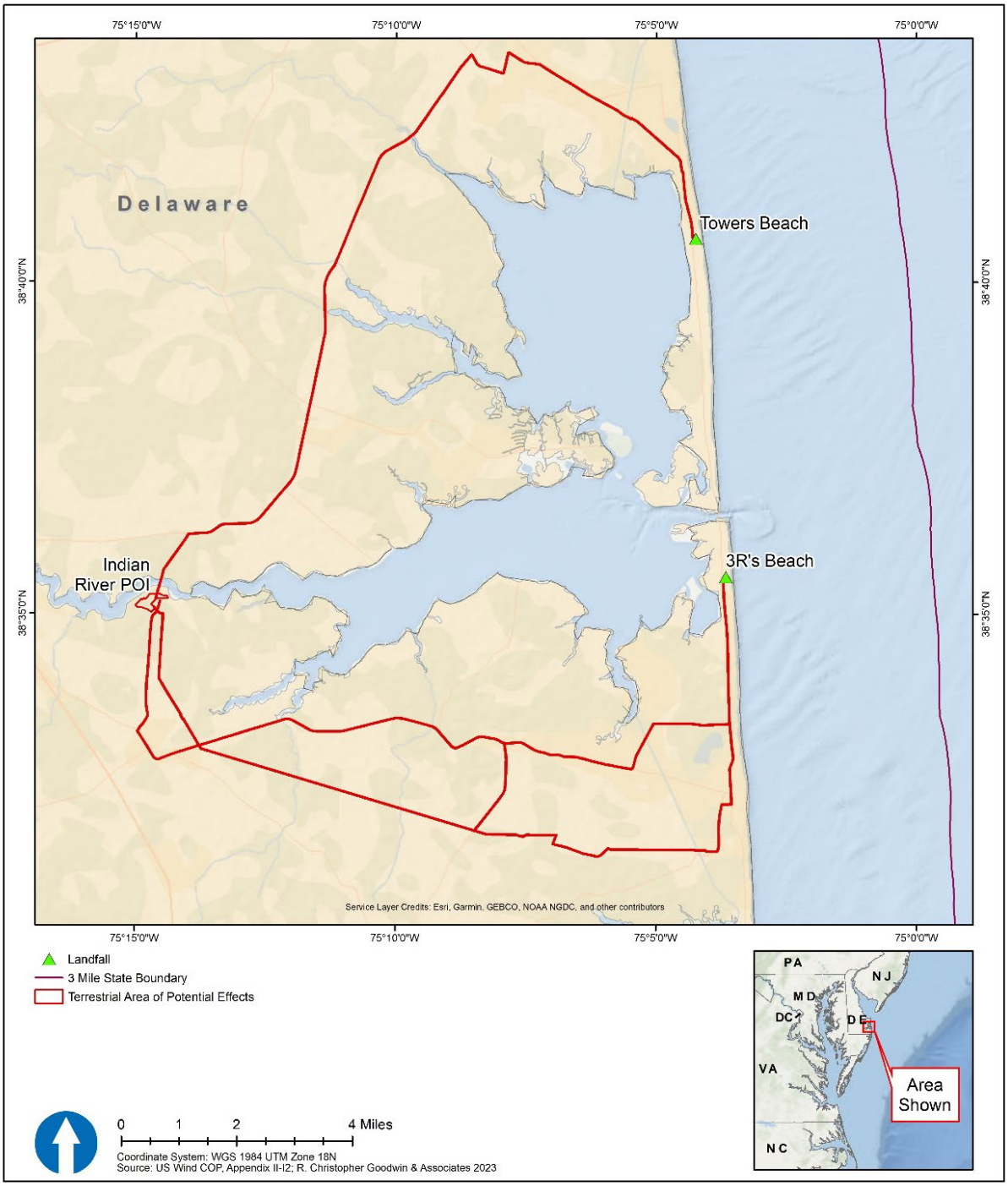

Figure J-4. Terrestrial area of potential effects

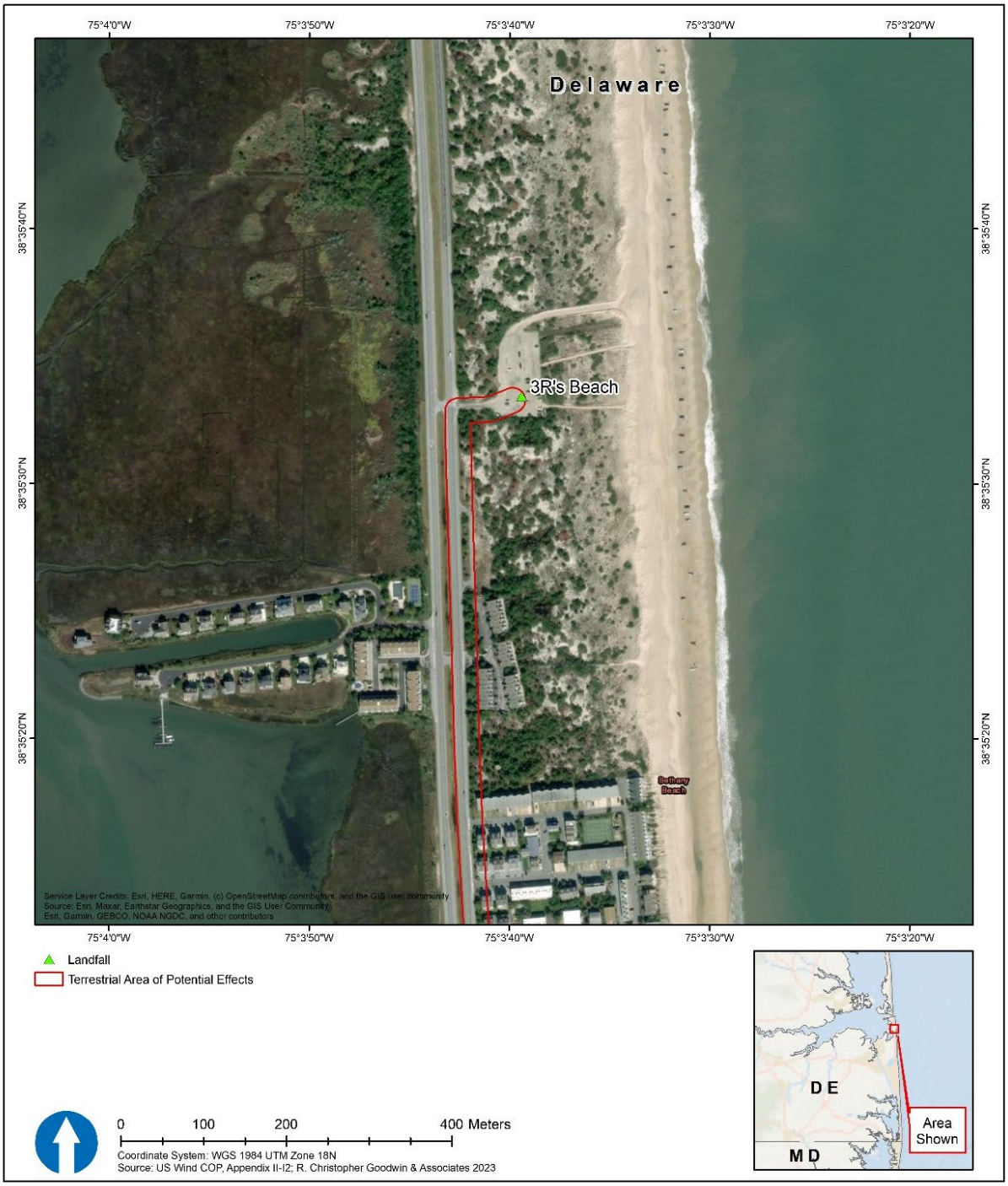

Figure J-5. Terrestrial area of potential effects; landfall 3R's Beach

Figure J-6. Terrestrial area of potential effects; landfall Towers Beach

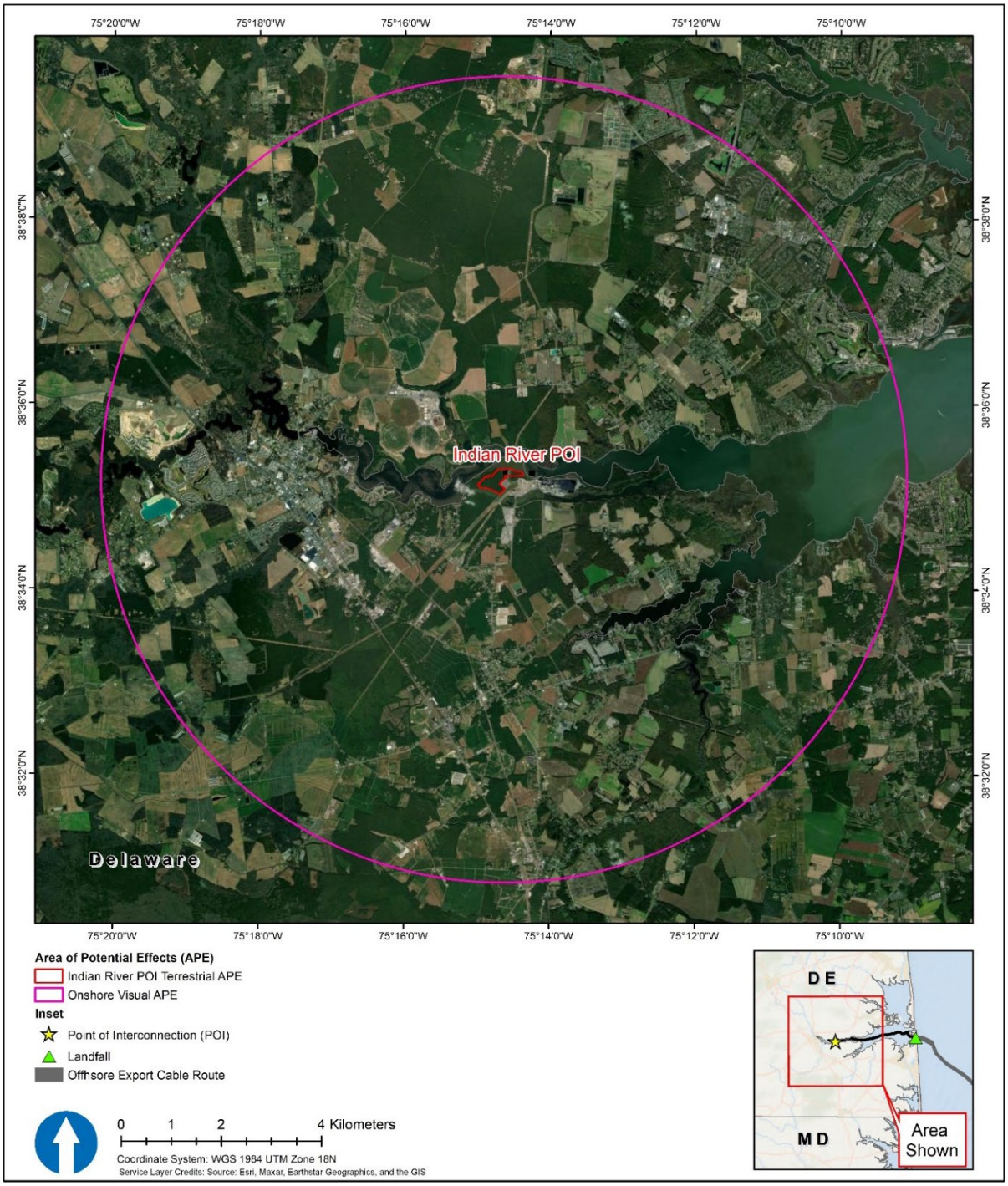

Figure J-7. Terrestrial area of potential effects and Onshore Visual area of potential effects; Indian River Substation POI

J.2.3.3 Visual Area of Potential Effects

Using BOEM's (2020) definitions, the visual area of effects is the viewshed from which renewable energy structures, whether offshore or onshore, would be visible (Figures J-7 – J-8). As such, the APE will include areas from which the proposed undertaking would, with some certainty, be visible and recognizable under a reasonable range of meteorological conditions.

Offshore Area of Potential Effect for Direct Visual Effects

The WTGs would be the tallest and most visible component of the Proposed Action's offshore renewable energy structures with a nacelle-top height of 528 feet (161 meters) and a maximum vertical blade-tip extension of 938 ft. As a result, the visual APE for the WTGs encompasses that of the OSSs. With this height, curvature of the earth, and during optimal viewing conditions (i.e., an absence of haze, fog, sea spray), the maximum theoretical distance from which the top of the nacelles (where required Federal Aviation Administration hazard lighting would be placed) could potentially be visible is 43 miles (62.9 kilometers). The nacelle and support structure are used as the reference point for the visual APE due to the slender nature of the blades and low contrast paint used on the entire WTG structure. Mainland landfall sites, export cables, and inter-array and inter-link cables would not generate visual effects (beyond the temporary presence of construction vessels), as they would be submerged.

Taking into consideration this range of visibility, US Wind identified a zone of theoretical visibility (ZTV). The ZTV includes land areas within the 43-mile (69.2 kilometer) maximum theoretical area of nacelle visibility where Proposed Action WTGs could be visible, based on topography, vegetation, and existing structures. US Wind identified the ZTV using distance from shore, the earth curvature, and the atmospheric conditions that could screen some or all the foundation, and portions of the WTG tower, nacelle, and rotor (COP Volume II, Appendix II-J1; US Wind 2023) (Figure J-1).

Onshore Area of Potential Effects for Direct Visual Effects

The Proposed Action's onshore facilities would generate direct visual effects near the three proposed onshore substation sites with their 5-mile APE (Figure J-7) and an O&M with its 0.5-mile APE facility (Figure J-8).

The three proposed onshore substations would be placed adjacent to the existing Indian River Substation near Millsboro, Delaware. The Inshore Export Cable Route within Indian River will transition onshore via HDD exit pit into the proposed onshore substation site adjacent to the POI at the Indian River Substation. This portion of the export cable will be buried underground. The three proposed US Wind substations would connect to the Indian River Substation via overhead line. The transmission line between the proposed US Wind substations and the Indian River Substation POI is expected to be a short overhead transmission line that would be less 500 feet (152 meters) long. If the final design of the substations are gas insulated, they would have a maximum height of approximately 60 feet (18 meters) and a maximum footprint of approximately 351 feet by 434 feet (107 meters by 132 meters). If the final design of the substations is air insulated, they would have a maximum height of approximately 29 feet (9 meters) and a maximum footprint of approximately 380 feet by 672 feet (116 meters by 205 meters).

Figure J-8. Terrestrial area of potential effects and Onshore visual area of potential effects, O&M Facility

The proposed substations would be connected to the Indian River Substation via an 80 m wide HDD corridor to a POI adjacent to the substation (COP Volume II, Appendix II-12; US Wind 2023). This is consistent with the existing substation visual character and appearance in terms of components and height (COP Volume II Appendix II-J1, Section 2.6; US Wind 2023). Additional facilities would require the existing DPL Substation to accommodate the three new substations by means of extension. Although limited tree clearing may be required for the new substations and for the expansion of the existing substation, the area surrounding the existing Indian River Substation is highly industrialized.

The O&M facility would consist of quayside facilities near the intersection of the Ocean City Harbor and Sinepuxent Bay, in Ocean City, Worcester County, Maryland. The proposed O&M Facility would be developed through the combination of two adjacent, partially developed parcels, providing an overall property of approximately 350-feet of quayside buildable land approximately 142-feet deep. The combined properties would accommodate three buildings (main office building, secondary warehouse, and crew support building) as well as parking, a laydown yard, and approximately 628-feet long fixed pier for the mooring of up to four crew vessels.

J.3 Steps Taken to Identify Historic Properties

J.3.1 Technical Reports

US Wind has conducted onshore and offshore cultural resource investigations (Table J-2) to identify known and previously undiscovered cultural resources within the marine, terrestrial, and visual portions of the APE. BOEM has reviewed all the reports summarized in Table J-2 and found them to be sufficient. Collectively, BOEM finds that these reports represent a good-faith effort to identify historic properties within the proposed undertaking's APEs. All the documents summarized in Table J-2 will be shared with consulting parties and are hereby incorporated by reference.

J.3.1.1 Early Coordination

In 2009, the United States Department of the Interior announced final regulations for the OCS Renewable Energy Program, which was authorized by the Energy Policy Act of 2005. The Energy Policy Act provisions implemented by BOEM provide a framework for issuing renewable energy leases, easements, and rights-of-way for OCS activities (see Section 1.3 of the EIS). BOEM's renewable energy program occurs in four distinct phases: (1) regional planning and analysis, (2) lease issuance, (3) site assessment, and (4) construction and O&M. The history of BOEM's planning and leasing activities offshore Maryland is summarized in Table 1-1 of the EIS.

Since 2010, BOEM has coordinated OCS renewable energy activities offshore Maryland with its federal, tribal, state, and local government partners through its Intergovernmental Renewable Energy Task Force. BOEM also hosts public information meetings to help keep interested stakeholders updated on major renewable energy milestones. Information pertaining to BOEM's Maryland Intergovernmental Renewable Energy Task Force meetings is available at https://www.boem.gov/renewable-energy/state-activities/maryland-activities, and information pertaining to BOEM's overall stakeholder engagement efforts (separate from stakeholder engagement associated with individual offshore wind projects) is available at https://www.boem.gov/renewable-energy/state-activities/public-information-meetings.

Table J-2. Summary of cultural resources investigations and cultural resources for the Proposed Action

Project Area/APE	Studies[a]	Summary of Findings
Offshore	Marine Archaeological Resource Assessment: Volume I Federal Waters (COP Volume II, Appendix II-I1; R. Christopher Goodwin & Associates 2023b)	• US Wind's cultural resources consultant conducted a marine archaeological resources assessment of high-resolution geophysical survey data collected by third party marine survey contractors within the Lease Area and Offshore Export Cable Route. • Geotechnical surveys were conducted 2021/2022. • Recommended minimum avoidance zones for the 14 potential cultural resources were identified during remote sensing analysis and interpretation: 13 in the Lease Area and 1 in the export cable Offshore Export Cable Route. The 14 resources include 5 shipwrecks and 9 clustered anomalies. • 14 preserved paleolandforms were identified within the Lease Area and none in the Offshore Export Cable Route. Avoidance is recommended to the extent feasible. • Due to the preliminary nature of the findings, additional data review and research will be necessary to determine if any of the shipwrecks or paleolandforms are likely to yield historical information warranting consideration for listing in either the NRHP, the Maryland Historical Trust, or the Delaware Division of Cultural Affairs.
Offshore	Marine Archaeological Resources Assessment: Volume II Delaware State Waters (COP Volume II, Appendix II-I1; R. Christopher Goodwin & Associates 2023c)	• US Wind's cultural resources consultant conducted a marine archaeological resources assessment of high-resolution geophysical survey data collected by third party marine survey contractors within the Lease Area and Offshore Export Cable Route in state waters. • Geotechnical investigations were completed in 2021 and2022. • Recommended minimum avoidance zones for the four target resources were identified during the survey, all of which are located outside the PAPE for the state waters portion of the Project. • Two targets are likely wrecks, and two are likely debris fields. • Additional consultation may be necessary to develop mitigation plans.
Onshore	Terrestrial Archaeological Resource Assessment (COP Volume II, Appendix II-I2; R. Christopher Goodwin & Associates 2023e)	• The desktop study examined online databases maintained by the Delaware Division of Historical and Cultural Affairs Cultural and Historical Resources Information System and Maryland's Medusa tool, the NPS, and historic maps and provided an assessment of the archaeological sensitivity of each component of the Project. • The study area consisted of the PAPE and a 0.5-mile (0.8-kilometer) buffer and was determined that the general region through which the preliminary APE passes is considered to have a high probability for containing archaeological resources.

Project Area/APE	Studies[a]	Summary of Findings
Onshore (cont'd)		• The PAPE included the preferred Inshore Export Cable Route and four Onshore Export Cable Route alternatives as well as the three new US Wind Substations and the O&M Facility.One previously recorded archaeological site is mapped within close proximity to the PAPE within the onshore substation Project area. **REDACTED** is a large precontact site near the Indian River Substation within the proposed US Wind Substation's PAPE that was previously recommended for further evaluation as is considered potentially eligible for listing in the NRHP under Criterion D. • Three geotechnical borings and one cone penetration test were conducted at 3R's Beach Landfall with an archaeological monitor present to oversee the first 106 feet (32 meters) of bore location B-BI-S-MM-1. No archaeological material or evidence of cultural features were identified within bore B-BI-S-MM-1. The applicant's contracted archaeologists reviewed the soil bore logs and did not identify any strata that appeared to represent cultural horizons. • Two geotechnical borings and one cone penetration test were conducted at Tower Road Beach Landfall with an archaeological monitor present to oversee the first 65 feet (20 meters) of bore location B-BI-N-MM-2. No archaeological material or evidence of cultural features was identified within B-BI-N-MM-2. The applicant's contracted archaeologists reviewed the soil bore logs and did not identify any strata that appeared to represent cultural horizons. • Phase 1 survey was conducted for the onshore substation site and associated HDD corridor which is part of the Inshore Export Cable Route. No Phase 1 surveys of the four alternative Onshore Export Cable Routes (1a, 1b, 1c, and 2) have been conducted at this time. A total of 16 previously recorded archaeological sites, districts, and historic properties are recorded along the alternative cable routes variants. These sites were not revisited as part of this assessment as the alternative routes are not being pursued. Should an alternative route be considered then Phase 1 survey would be conducted as part of the Section 106 consultation process. • **REDACTED** was revisited as part of the Phase I assessment. Historic and precontact artifacts were recovered and archaeological site boundaries have been expanded. The site is considered potentially eligible under Criterion A, B, and D. As a result of the assessment, an additional survey of two supplemental areas of the preferred PAPE will take place in August 2023 and results submitted in an addendum report. • Avoidance is being recommended, however, if it is not feasible Phase II investigations and evaluations are recommended in consultation with the Section 106 Consulting Parties. • Temporary avoidance measures for **REDACTED** during construction would include protective barriers such as snow fencing and cultural and tribal monitoring in order to ensure avoidance during construction. A Terrestrial Archaeological Monitoring Plan will be developed and included in the final MOA to ensure site protection of **REDACTED** during construction.

Project Area/APE	Studies[a]	Summary of Findings
Onshore (cont'd)		• A historic property archaeological protection plan will be developed and included in the final MOA for **REDACTED** to ensure site protection measures during ongoing operation and maintenance. • No previously recorded archaeological sites, districts, or historic properties were recorded within the O&M facility PAPE*
Visual	Maryland Offshore Wind Project Offshore Project Components Historic Resources Visual Effects (COP Volume II, Appendix II-I3; R. Christopher Goodwin & Associates 2023d)	• US Wind's consultants prepared an Historic Resources Visual Effects Assessment to support consideration of potential visual effects to aboveground historic properties caused by the introduction of Offshore Project elements that may diminish the integrity of a historic property's character-defining features. • Archival research was undertaken to identify and to develop a comprehensive inventory of previously identified historic properties within the initial 43-mile (69.2-kilometer) study area for the WDA. • Online databases examined were maintained by the Delaware Division of Historical and Cultural Affairs Cultural and Historical Resources Information System, New Jersey Historic Preservation Office Lucy, Virginia Department of Historic Resources Virginial Cultural Resource Information System, Maryland Historical Trust's Medusa, and NPS's NHL. • A total of 395 identified properties were within the 43-mile (69.2-kilometer) viewshed radius for the WDA. A total of 157 properties were recommended ineligible, 117 properties were unevaluated (considered eligible for Project), 16 are listed in the NRHP (including on NHL), 18 were NRHP eligible, 6 were recommended eligible, 1 was state listed, 60 were demolished, and 20 were not eligible. • A total of 147 properties will experience no effects from the Project, including: 117 properties that were unevaluated (considered eligible for Project), 11 that were NRHP listed, 17 that were NRHP eligible, and 2 that were recommended eligible. • A total of 3 historic properties may experience visual adverse effects, 1 NRHP listed, and 2 properties that were recommended eligible for NRHP listing (pending SHPO concurrence). • Examples of mitigation measures provided by the applicant include support for financial support for the consultant fees, printing and binding of technical historical documentation, and design and production of signage for the Oceanside North Ocean City Survey District; providing funding for the consultant fees and signage production overviewing the history of WWII Defense Structures and Facilities constructed to monitor and defend coastal Delaware during World War II for the Fort Miles Historic District; and provide funding for the consultant fees and signage production overviewing the history of U.S. Coast Guard at Ocean City and the U.S. Coast Guard Tower.

Project Area/APE	Studies[a]	Summary of Findings
Visual	Built Resources Investigations for Onshore Components of the Maryland Offshore Wind Project at Sussex County, Delaware, and Worcester County, Maryland. Historic Resources Visual Effects Analysis (COP Volume II, Appendix II-I3; R. Christopher Goodwin & Associates 2023a)	• A total of 15 properties were identified, and 12 properties evaluated within the visual APE, which covered the projected viewshed toward the Project, within a 5-mile (8.05-kilometer) study area around the Indian River Substation, all of which have been recommended ineligible by the surveyor. • A total of 62 properties were identified, and 28 properties evaluated within the visual APE of 0.5 mile around the O&M facility, as per guidance from MHT. All 28 properties have been recommended ineligible by the surveyor.
Visual	Maryland Offshore Visual Impact Assessment (COP Volume II, Appendix II-J1; US Wind 2023); (COP Volume II, Appendix II-J1; TRC 2023)	• US Wind's consultants established a visual study area of 43 miles (69.2 kilometers) which was used to establish the APE. • US Wind's consultant used The Historic Properties Visual Impact Assessment (COP Volume II, Appendix II-I3; R. Christopher Goodwin & Associates 2023a, 2023d) to identify a variety of historic properties that the Proposed Action may affect. • Visual impacts are dependent on the distance from shore, the earth curvature, and the atmospheric conditions that could screen some or all the foundation, and portions of the WTG tower, nacelle, and rotor.

APE = area of potential effects; COP = Construction and Operations Plan; DPL = Delmarva Power and Light; MHT = Maryland Historical Trust; NHL = National Historic Landmark; NPS = National Park Service; NRHP = National Register of Historic Places; O&M = operations and maintenance; PAPE = preliminary area of potential effects; WTG = wind turbine generator

[a] Not all reports are publicly available due to sensitive information.

J.3.1.2 National Environmental Policy Act Scoping and Public Hearings

On June 8, 2022, BOEM issued a Notice of Intent (NOI) to prepare an EIS consistent with NEPA regulations (42 USC § 4321 et seq.) to assess the potential impacts of the Proposed Action and alternatives (86 *Federal Register* 34901 [June 8, 2022]). The NOI commenced a public scoping process for identifying issues and potential alternatives for consideration in the EIS. During the formal scoping period, from June 8 through July 8, 2022, three virtual public scoping meetings were held on the dates as outlined in Table J-3. The recordings are available at https://www.boem.gov/renewable-energy/state-activities/us-wind-scoping-virtual-meetings.

Table J-3. Public scoping meetings

Date	Time
June 21, 2022	Presentation, public statements, and Q&A at 5:00 p.m. eastern daylight time
June 23, 2022	Presentation, public statements, and Q&A at 5:00 p.m. eastern daylight time
June 27, 2022	Presentation, public statements, and Q&A at 1:00 p.m. eastern daylight time

Q&A = questions and answers

During the formal scoping period, federal agencies, state and local governments, and the general public had the opportunity to submit written and oral comments that would help BOEM identify potential significant resources and issues, impact-producing factors, reasonable alternatives (e.g., size, geographic, seasonal, or other restrictions on construction and siting of facilities and activities), and potential mitigation measures to analyze in the EIS, as well as to provide additional information. BOEM also indicated its intent to use the NEPA process to fulfill its review obligations under Section 106 of the NHPA (54 USC § 300101 et seq.), in lieu of the procedures set forth in 36 CFR §§ 800.3 through 800.6 for the proposed undertaking, as permitted by 36 CFR § 800.8(c), which requires federal agencies to assess the effects of projects on historic properties. Additionally, BOEM informed its Section 106 consultation by seeking public comment and input through the NOI regarding the identification of historic properties or potential effects on historic properties from activities associated with approval of the COP.

Through the NEPA scoping process, BOEM received a total of seven comments regarding cultural, historical, and archaeological, or tribal resources during the public scoping periods. These are presented in BOEM's Scoping Summary Report for the proposed undertaking (BOEM 2022), available at https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/USWind-Scoping-Report.pdf.

J.3.1.3 National Historic Preservation Act Section 106 Consultations

After receipt of the COP submission from US Wind, BOEM contacted 81 governments and organizations, providing information on the proposed undertaking and inviting each of them to be a consulting party to the NHPA Section 106 review of the COP (Attachment J-2). Entities that responded positively to BOEM's

invitation or were subsequently made known to BOEM and added as consulting parties are listed in Attachment J-2. BOEM initiated NHPA Section 106 consultation with letters to these entities with the NOI notification on June 8, 2022. BOEM used this correspondence to also notify these parties of the intention to use the NEPA substitution process for Section 106 consultation purposes, as described in 36 CFR § 800.8(c), and provided its *National Environmental Policy Act (NEPA) Substitution for Section 106 Consulting Party Guide* (BOEM 2021a). The first Section 106 Consulting Parties meeting was held on December 5, 2022.

BOEM has held the following government-to-government consultation meetings as of the time of publication of this Finding:

- September 30, 2022 and attendees included: the Chickahominy Indian Tribe, the Delaware Nation, and the Shinnecock Indian Nation

In these letters and consultation meetings, BOEM requested information from consulting parties on historic properties that may be potentially affected by the proposed undertaking.

BOEM intends to send technical reports pertinent to Section 106 consultation, including a memorandum summarizing the methodology for identifying the APE (ERM 2023), to consulting parties prior to publication of the Draft EIS. BOEM plans to continue consulting with federally recognized Tribal Nations, state-recognized tribes, State Historic Preservation Officers (SHPO), the Advisory Council on Historic Preservation (ACHP), National Park Service (NPS), and consulting parties to seek their comments and input regarding the effects of the undertaking on historic properties and the resolution of adverse effects including the development and implementation of treatment plans. BOEM intends to have at least three additional consultation meetings with all parties to receive final input about BOEM's plans for mitigations.

J.4 Application of the Criteria of Adverse Effect

The Criteria of Adverse Effect under NHPA Section 106 (36 CFR § 800.5(a)(1)) states that an undertaking has an adverse effect on a historic property:

> *when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association…Adverse Effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.*

Adverse effects on historic properties include, but are not limited to (36 CFR § 800.5(a)(2)):

i. Physical destruction of or damage to all or part of the property;
ii. Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the Secretary's standards for the treatment of historic properties (36 CFR Part 68) and applicable guidelines;
iii. Removal of the property from its historic location;

iv Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;

v Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features;

vi Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and

vii. Transfer, lease, or sale of property out of federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

Based on the studies conducted to identify historic properties within the Proposed Action's marine APE, terrestrial APE, and visual APE and the assessment of effects upon those properties determined with consulting parties, BOEM has found the Proposed Action would have an adverse effect on three historic properties within the visual APE, no adverse effect to the one historic property within the terrestrial APE, no adverse effect on the 18 submerged cultural resources, and no adverse effect on ancient submerged landform features identified within the marine APE, including the Lease Area and Offshore Export Cable Route. The assessment of visual effects considers the findings of US Wind's visual simulations and visual effects simulations of the Proposed Action (COP Volume II, Appendix II-J1; TRC 2023), as well as BOEM's Cumulative Historic Resources Visual Effects Assessment (Appendix I, *Cumulative Historic Resources Visual Effects Assessment* of the EIS), which evaluated the visual effects of the proposed undertaking in relation to the visual effects from all other offshore wind projects in the Atlantic OCS Lease Areas. The assessments in this section consider the four criteria established for potential inclusion in the National Register of Historic Places (NRHP) (NPS 1995), which identify historic properties:

- Criterion A—That are associated with events that have made a significant contribution to the broad patterns of our history;
- Criterion B—That are associated with the lives of persons significant in our past;
- Criterion C—That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- Criterion D—That have yielded or may be likely to yield, information important in prehistory or history.

J.4.1 Assessment of Effects on Historic Properties in the Marine Area of Potential Effects

This section discusses effects on marine cultural resources (i.e., marine archaeological resources and ancient submerged landform features) in the marine APE. The extent of marine cultural investigations performed for the Proposed Action does not enable conclusive determinations of eligibility for listing of identified resources in the NRHP; as such, BOEM is considering all identified marine archaeological resources and ancient submerged landform features eligible and, therefore, historic properties. Based

on the information presented below, BOEM finds that no historic properties within the marine APE would be adversely affected by the Proposed Action.

J.4.1.1 Marine Archaeological Resources

Marine geophysical archaeological surveys within the marine APE identified a total of 14 targets representing potential marine archaeological resources such as charted and uncharted wrecks located with federal waters of the Lease Area (COP Volume II, Appendix II-I1; R. Christopher Goodwin & Associates 2023b). Marine geophysical archaeological surveys within the marine APE identified a total of four targets representing potential marine archaeological resources such as potential cultural resources located with state waters of the Indian River Bay and along the proposed export cable route (R. Christopher Goodwin & Associates 2023c). Geotechnical surveys in state waters are ongoing and results are pending. All potential cultural resources will be avoided with sufficient buffers by all Proposed Action activities that are part of the undertaking; as a result, there would be no adverse effects on these potential historic properties.

J.4.1.2 Ancient Submerged Landform Features

Marine geophysical archaeological surveys within the marine APE identified a total of 14 ancient submerged landform features within federal waters of the Lease Area and export cable route (COP Volume II, Appendix II-I1; R. Christopher Goodwin & Associates 2023b). Geophysical archaeological surveys identifying geomorphic features representing potential ancient submerged landform features that are archaeologically and culturally significant were conducted as part of the marine APE cultural resource investigations which demonstrate that submerged portions of the Proposed Action area were subaerial during and immediately following the last glacial maximum. The cultural resources investigations in the marine APE identified ancient submerged landform features (including stream channel, lake, and estuarine landscape features) within the marine APE that have the potential to contain precontact Native American archaeological sites dating prior to the inundation of the OCS during the late Pleistocene and early Holocene (COP Volume II, Appendix II-I1; R. Christopher Goodwin & Associates 2023b). A total of 14 ancient submerged landform features were identified in the marine APE for the Lease Area (P-01, P-02, P-03-A, P-03-B, P-03-C, P-03-D, P-03-E, P-04-A, P-04-B, P-05-A, P-05-B, P-05-C, P-05-D, and P-05-E) and no ancient submerged landform features in the marine APE for state waters of Indian River Bay and along the proposed Offshore Export Cable Route. No archaeological material was identified during the geophysical surveys. Any archaeological information preserved within these sites, if present, would likely yield significant information important in the precontact history of the region, making the sites eligible for NRHP listing under Criterion D.

The Proposed Action would be able to avoid all the 14 ancient submerged landform features present within the marine APE. Direct physical effects on these resources would threaten the viability of the affected portion of these resources as both potential repositories of archaeological information as well as the cultural significance of these landforms to Native American tribes in the region. The severity of effects would depend on the horizontal and vertical extent of effects relative to the size of the intact ancient submerged landform features. Due to the size of the offshore remote sensing survey areas, the

full extent or size of individual ancient landforms cannot be defined. All identified ancient submerged landform features will be avoided with sufficient buffers by all Proposed Action activities that are part of the undertaking; as a result, there would be no adverse effects on these potential historic properties.

If avoidance is not possible, the proposed undertaking would result in the physical damage or destruction of at least a portion of the identified resources that cannot be avoided and adverse effects on these ancient submerged landform features.

Based on the information available from the marine archaeological resources surveys of the marine APE and the assessment of effects upon those properties, BOEM has found that the undertaking would result in direct adverse physical effects on none of the ancient submerged landform features in the Offshore Export Cable Route and Lease Area. All 14 ancient submerged landform features will be avoided and would not be adversely affected.

J.4.2 Assessment of Effects on Historic Properties within the Terrestrial Area of Potential Effects

Both reconnaissance and intensive level archaeological surveys were conducted within the terrestrial archaeology portion of the APE. The region that the Onshore Export Cable Route, and alternatives, passes through has a high potential for containing archaeological resources. There are 23 previously recorded terrestrial archaeological resources within 0.5 miles (0.8 kilometers) of the Inshore Export Cable Route and no previously recorded archaeological resources at the 3R's Beach landfall or O&M facility. Alternate Onshore Export Cable Routes (1a, 1b, 1c, 2) variants will undergo Phase 1 archaeological survey if they are selected pursuant to 36 CFR § 800.4(b)(2) for the identification and evaluation of historic properties. One site, **REDACTED**, located within the onshore substation Project area and in the APE for the proposed substations near the Indian River Substation, was revisited and archaeological site boundaries were expanded. The site is considered potentially eligible for NRHP listing under Criterion A and B for its association with former Indigenous reservation land and affiliation with resident Indigenous groups, and D, as it may be likely to yield, information important in history or prehistory. Additional archaeological survey and reporting on **REDACTED** and the two additional substation expansion areas will be completed prior to the Final EIS. BOEM will conduct Section 106 consultation for the remainder of the terrestrial archaeology APE with the federally recognized Tribal Nations, Delaware SHPO, ACHP, and other identified consulting parties.

J.4.3 Assessment of Effects on Historic Properties in the Visual Area of Potential Effects

J.4.3.1 Fort Miles Historic District

The Fort Miles Historic District (CRS: 06048) is a former army installation at Cape Henlopen State Park in Lewes, Delaware. Constructed between 1938 and 1941, the site was originally intended to defend Delaware Bay and is today a historical area and part of Cape Henlopen State Park consisting of 51 contributing buildings and 9 structures. The historic district is listed in the NRHP under Criteria A and C and is identified in *Evaluation of Visual Impact on Cultural Resources/Historic Properties: North Atlantic, Mid-Atlantic, South Atlantic, and Florida Straits: Volume II: Appendices* as possessing a significant

maritime setting and views to the ocean (COP Volume II, Appendix II-I3; R. Christopher Goodwin & Associates 2023d).

US Wind's assessment of the visual effects of the Proposed Action on the Fort Miles Historic District found that that the Proposed Action would adversely affect the maritime setting of the Fort Miles Historic District and its viewshed through the introduction of new elements out of character with the historic setting, feeling, and association, thereby diminishing its integrity under Criterion C.

BOEM's cumulative Historic Properties Visual Effects Assessment (Appendix I of the Draft EIS) concluded that the Proposed Action comprised approximately 39.9 percent of all theoretically visible WTG blade tips. The assessment also analyzed the number of WTGs theoretically visible from the Fort Miles Historic District using three different tiered distances (10 to 20, 20 to 30, and 30 to 40 nautical miles [18.5 to 37.0, 37.0 to 55.6, and 55.6 to 74.1 kilometers]). This part of the assessment found that the proposed WTGs would comprise 0 percent of the WTGs visible within 20 nautical miles (37.0 kilometers), 25 percent of all WTGs visible at 20 to 30 nautical miles (37.0 to 55.6 kilometers), and 58 percent of all WTGs visible beyond 30 nautical miles (55.6 kilometers).

Due to distance and the view angle, the Project's WTGs would be less noticeable to observers than WTGs associated with other projects, which would be closer and visible more directly to the east (i.e., the assumed prevailing direction of most land-based ocean views). The Project WTGs would disappear from the field of view as the observer turns to the north.

In summary, WTGs from other projects would occupy a larger portion of the horizon line than those from the Project and would be substantially closer to Battery Herring and other portions of the Fort Miles Historic District. While the Project's WTGs would contribute to visual impacts on clear days by creating additional visual clutter on the southeast horizon, they would be visible less often due to weather conditions, and less visually prominent than other projects' WTGs due to distance (Appendix I of the EIS).

J.4.3.2 U.S. Coast Guard Tower

The U.S. Coast Tower (WO-347) is a five story, braced metal observation tower located on the south end of Ocean City. The tower is considered eligible under Criterion C for potential local architectural significance (COP Volume II, Appendix II-I3; R. Christopher Goodwin & Associates 2023d).

US Wind's visual effects assessment concluded that the Proposed Action would adversely affect the maritime setting of the U.S. Coast Guard Tower and its viewshed through the introduction of new elements out of character with the historic setting, feeling, and association, thereby diminishing its integrity under Criterion C. US Wind's assessment found that 121 WTGs (PDE) would be partially or fully visible from the U.S. Coast Guard Tower in views toward the east.

BOEM's cumulative Historic Properties Visual Effects Assessment (Appendix I of the EIS) concluded that the Proposed Action comprised approximately 51.7 percent of all theoretically visible WTG blade tips. The assessment also analyzed the number of WTGs theoretically visible from the U.S. Coast Guard Tower using three different tiered distances (10 to 20, 20 to 30, and 30 to 40 nautical miles [18.5 to 37.0, 37.0 to 55.6, and 55.6 to 74.1 kilometers]). This part of the assessment found that the proposed

WTGs would comprise 100 percent of the WTGs visible within 20 nautical miles (37.0 kilometers), 46 percent of all WTGs visible at 20 to 30 nautical miles (37.0 to 55.6 kilometers), and 0 percent of all WTGs visible beyond 30 nautical miles (55.6 kilometers). In clear weather, Project WTGs would occupy a substantial portion of the view from the U.S. Coast Guard Tower location. Due to distance and the view angle the Projects' WTGs would be substantially more noticeable to observers than the WTGs associated with other projects, which would be farther away and visible to the northeast. The other project WTGs would disappear from the field of view as the observer turns to the southeast.

In summary, the undertaking would contribute approximately three-quarters of the cumulative visual effects of offshore wind projects on the U.S. Coast Guard Tower. The Project's WTGs would occupy a substantial portion of the open ocean horizon visible in 124-degree east-northeastward views from the U.S. Coast Guard Tower. WTGs associated with other projects are situated behind, adjacent to, and farther away than the Project's WTGs. The Project's WTGs would be substantially more visible than those from other projects, especially if less than ideal viewing conditions diminish the more distant views of WTGs from other projects (Appendix I of the EIS).

J.4.3.3 Oceanside North Ocean City Survey District

The Oceanside North Ocean City Survey District is recommended eligible, pending approval from SHPO. The district includes twentieth century residential structures, recreational lodgings, and commercial buildings. It is representative of the twentieth century seasonal communities that were common along the coast. The site yields significance and integrity from its maritime setting, unobstructed views, and access to the Atlantic Ocean (COP Volume II, Appendix II-I3; R. Christopher Goodwin & Associates 2023d).

US Wind's visual effects assessment concluded that the Proposed Action would adversely affect the maritime setting of the Oceanside North Ocean City Survey District and its viewshed through the introduction of new elements out of character with the historic setting, feeling, and association, thereby diminishing its integrity under Criterion C. US Wind's assessment found that 121 WTGs (PDE) would be fully or partially visible from the Oceanside North Ocean City Survey District viewed to the west.

BOEM's cumulative Historic Properties Visual Effects Assessment (Appendix I of the EIS) concluded that the Proposed Action comprised approximately 51.7 percent of all theoretically visible WTG blade tips. The assessment also analyzed the number of WTGs theoretically visible from the Oceanside North Ocean City Survey District using three different tiered distances (10 to 20, 20 to 30, and 30 to 40 nautical miles [18.5 to 37.0, 37.0 to 55.6, and 55.6 to 74.1 kilometers]). This part of the assessment found that the proposed WTGs would comprise 100 percent of the WTGs visible within 20 nautical miles (37.0 kilometers), 24 percent of all WTGs visible at 20 to 30 nautical miles (37.0 to 55.6 kilometers), and 0 percent of all WTGs visible beyond 30 nautical miles (55.6 kilometers). Due to distance and the view angle, the Projects' WTGs would be substantially more noticeable to observers than the WTGs associated with other projects, which would be farther away and visible to the northeast. The other project WTGs would be visible in a relatively narrow portion of the view to the left (northeast) of the Project. The other project WTGs would disappear from the field of view as the observer turns to the southeast.

In summary, other projects' WTGs would occupy the majority of the horizon line, and all the open ocean horizon visible in 124-degree east-northeastward views from the Oceanside North Ocean City Survey District. WTGs associated with other projects are situated behind, adjacent to, and farther away than the Project's WTGs. While the Proposed Action's WTGs would be substantially more visible than those from other Projects, especially if less than ideal viewing conditions diminish the more distant views of WTGs from other projects (Appendix I of the EIS).

J.4.3.4 Visual Effects from Lighting

US Wind's Historic Resources Visual Effects Assessment for the Proposed Action did not identify any properties for which a dark nighttime sky is a contributing element to historical integrity (COP Volume II, Appendix II-I3; R. Christopher Goodwin & Associates 2023d). The three resources in Maryland and Delaware are likely to have views of vessel lighting from Proposed Action construction, due to distance. All three of the historic properties described in Section J.4.3 would have views of the Federal Aviation Administration (FAA) obstruction warning lights on top of the Proposed Action's WTGs.

US Wind has committed to installing aircraft detection lighting system (ADLS) on WTGs, which would activate the hazard lighting system in response to detection of nearby aircraft but would leave the FAA warning lights off when no aircraft is nearby. US Wind estimates that ADLS for the Proposed Action would be activated for approximately 5 hours, 46 minutes, 22 seconds in a 1-year period (Capitol Airspace Group 2023), which is approximately 0.1 percent of all annual nighttime hours. As a result, nighttime lighting during Proposed Action O&M would have negligible effects on historic properties. Because a dark nighttime sky is not a contributing element to historical integrity for any of the historic properties, lighting from the Proposed Action would not adversely affect those properties.

J.5 Summary of Adversely Affected Historic Properties

J.5.1 Adverse Effects on Historic Properties in the Marine APE

BOEM has determined the undertaking would have no adverse effect on the 18 marine archaeological resources and 14 ASLFs identified in the marine APE due to US Wind's commitments to avoid effects on these historic properties.

J.5.2 Adverse Effects on Historic Properties in the Terrestrial APE

BOEM has determined the undertaking would have no adverse effect on archaeological **REDACTED** located at the substation and Project area for the preferred route option within the terrestrial APE. No proposed Project activities are planned for the alternative cable routes in the terrestrial APE. If design plans change and alternative routes are pursued, then those alternative routes would require an intensive level pedestrian survey and subsurface testing plan that would be conducted through consultation with the Section 106 Consulting Parties for the Project.

J.5.3 Adverse Effects on Historic Properties in the Visual APE

Based on the information available to BOEM from the studies conducted to identify historic properties within the visual APE for the undertaking and the assessment of effects upon those properties determined in consultation with the consulting parties, BOEM finds that the undertaking would have a direct adverse visual effect on three properties (see Figure J-9)including: the Fort Miles Historic District, the U.S. Coast Guard Tower, and Oceanside North Ocean City Survey District (Appendix I, *Cumulative Historic Resources Visual Effects Assessment* of the Draft EIS). Per BOEM's cumulative historic Resources Visual Effects Analysis, the undertaking would affect the character-defining features of the properties' setting that contributes to their historic significance by introducing visual elements that are out of character with the historic beachfront or maritime setting of the properties and unobstructed ocean views. However, BOEM determined that due to the distance and open viewshed, the integrity of the properties would not be so diminished as to disqualify any of them for NRHP eligibility (Appendix I, *Cumulative Historic Resources Visual Effects Assessment* of the Draft EIS).

The adverse effects on the viewshed of the aboveground historic properties would occupy the space for approximately 35 years, but they are unavoidable for reasons discussed in Section J.4.3, *Assessment of Effects on Historic Properties in the Visual APE* and *BOEM's* cumulative historic Resources Visual Effects Analysis (Appendix I of the Draft EIS). This application of the Criteria of Adverse Effect and determination that the effects are direct is based on pertinent NRHP Bulletins, subsequent clarification, and guidance by the NPS and ACHP, and other documentation, including professionally prepared viewshed assessments and computer-simulated photographs and video.

Where BOEM determined adverse effects would occur from Offshore Project actions on historic properties, BOEM then assessed if those effects would add to the potential adverse effects of other reasonably foreseeable actions and thereby result in cumulative effects, which are additive effects. Where BOEM found adverse visual effects on historic properties in the visual APE for Offshore Project components, BOEM also determined that the undertaking would cause cumulative visual effects (Appendix I, *Cumulative Historic Resources Visual Effects Assessment* of the Draft EIS).

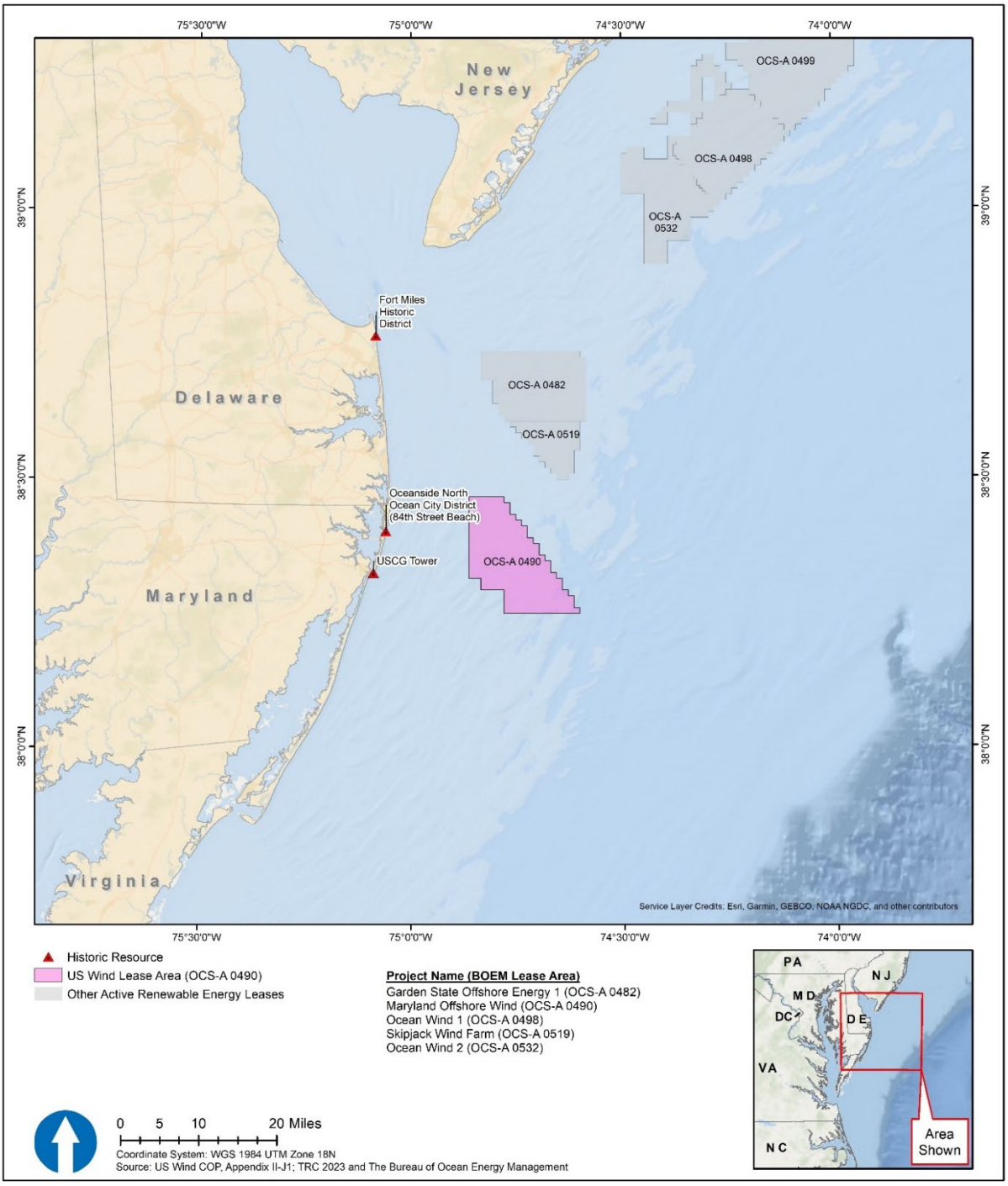

Figure J-9. Three visually adversely affected properties; the Fort Miles Historic District, the U.S. Coast Guard Tower, and Oceanside North Ocean City Survey District

J.6 Measures to Avoid, Minimize, or Mitigate Adverse Effects

BOEM will stipulate measures to avoid, minimize, or mitigate adverse effects on historic properties identified in the APE as adversely affected by the Proposed Action. Specifically, BOEM will stipulate measures to avoid known terrestrial archaeological resources and submerged archaeological and ancient submerged landform features, as well as minimize visual effects on historic properties. BOEM will also stipulate measures that would be triggered in cases in cases where there is post-review discovery of previously unknown terrestrial or marine archaeological resources that are not currently found to be adversely affected by the Project. A combined historic property treatment plan (HPTP) has been prepared to mitigate visual adverse effects and cumulative visual adverse effects and will be an attachment to the MOA.

As part of the NRHP Section 106 process, US Wind has committed to the following measures to avoid, minimize, or mitigate adverse effects, as conditions of approval of the COP:

1. Painting the WTGs, no lighter than RAL 9010 Pure White and no darker than RAL 7035 Light Grey in accordance with *Federal Aviation Administration Advisory Circular 70/7460-1M* (Federal Aviation Administration 2020) and BOEM's (2021b) *Guidelines for Lighting and Marking of Structures Supporting Renewable Energy Development* to minimize daytime visibility.
2. Installing an ADLS to reduce the duration of nighttime lighting. The system would activate aviation warning lights only when an aircraft is in the vicinity of the Lease Area. Although a dark nighttime sky is a not contributing element to historical integrity for any of the historic properties, ADLS would greatly reduce FAA obstruction lighting during Proposed Action O&M to approximately 0.1 percent of annual nighttime hours (Capitol Airspace Group 2023).
3. Temporary avoidance measures at archaeological **REDACTED** include placement of protective barriers to protect archaeological site boundaries and archaeological monitoring. These activities will include tribal involvement. All measures and activities will be captured in a Terrestrial Archaeological Monitoring Plan. Archaeological monitoring during ground disturbing activities within the terrestrial APE at the Indian River Substation in the vicinity of **REDACTED**.
4. Preparation of an Archaeological Historic Property Protection Plan for **REDACTED** which will document agreed upon measures to protect the site during ongoing Operations and Maintenance at the US Wind substations and surrounding property which US Wind is acquiring.
5. Avoidance measures, including 50-meter buffers around the ASLFs.
6. Micro-siting to avoid identified paleo features as follows:
   a. WTG locations UA-01 and UA-03 (formerly A1 and C1)
      i. US Wind would shift all turbines within the "UA row", i.e., UA-01, UA-02, UA-03, and US-04, to the north and northeast up to 5% of the inter-turbine spacing distance (+/- 75 m in the east-west direction, and about 95 m in the north-south direction). Shifting the positions of the entire row would maintain orientation relative to other positions in the other columns of WTG locations.
      ii. US Wind currently estimates shifting the WTG locations by 30 m to the north-northeast of the previously planned locations, which would entirely avoid impacting the buffered feature areas.
   b. WTG location UD-03 (formerly C4)
      i. US Wind would shift the WTG foundation at UD-03 up to 5% of the inter-turbine spacing distance (+/- 75 m in the east-west direction, and about 95 m in the north-south direction)

ii. US Wind currently estimates shifting the WTG location 35m to the east of the previously planned location, which would entirely avoid impacting the buffered feature area.

7. Prepare a Terrestrial Post-Review Discovery Plan (PRDP) for outlining the protocol/steps for dealing with potential unanticipated discoveries of cultural resources, including archaeological resources and human remains.
8. Prepare a Marine Post-Review Discovery Plan outlining the protocol/steps for dealing with potential unanticipated discoveries of cultural resources, including archaeological resources and human remains.

The NHPA Section 106 consultation process is ongoing for the Proposed Action and will culminate in an MOA (see Attachment J-1) detailing avoidance, minimization, and mitigation measures to resolve adverse effects on historic properties to which the consulting parties agree. BOEM would continue to consult in good faith with the Delaware, Maryland, New Jersey, and Virginia State Historic Preservation Offices and other consulting parties to resolve adverse effects.

J.7 References

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Attachment J-1. Memorandum of Agreement

DRAFT
MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT, THE DELAWARE STATE HISTORIC PRESERVARTION OFFICER, THE MARYLAND STATE HISTORIC PRESERVATION OFFICER, THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICER, AND THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE US WIND/MARYLAND WIND OFFSHORE WIND ENERGY PROJECT

WHEREAS, the Bureau of Ocean Energy Management (BOEM) is considering whether to authorize construction and operations of the US Wind/Maryland Wind Project (Project) pursuant to Section 8(p)(1)(C) of the Outer Continental Shelf (OCS) Lands Act (43 U.S. Code [USC] § 1337(p)(1)(C)), as amended by the Energy Policy Act of 2005 (Public Law No. 109–58) and in accordance with Renewable Energy Regulations at 30 Code of Federal Regulations (CFR) Part 585; and

WHEREAS, BOEM determined that the Project constitutes an undertaking subject to Section 106 of the National Historic Preservation Act (NHPA), as amended (54 USC § 30618), and its implementing regulations (36 CFR 800); and

WHEREAS, BOEM is considering whether to approve with conditions the Construction and Operations Plan (COP) submitted by US Wind, LCC (US Wind); and

WHEREAS, BOEM determined the construction, operations, maintenance, and eventual decommissioning of the Project, designed for up to 121 offshore wind turbine generators (WTGs), up to 4 offshore substations (OSSs), offshore export cables within an offshore export cable corridor (OECC), onshore export cables in an onshore export cable route (OECR), three onshore substations with buried connection line to the existing Indian River Substation near Millsboro, Delaware, and Operations and Maintenance facility in Ocean City, Maryland have the potential to adversely affect historic properties as defined under 36 CFR § 800.16(l)(1); and

WHEREAS, BOEM is preparing an Environmental Impact Statement (EIS) for the Project pursuant to the National Environmental Policy Act (NEPA; 42 USC § 4321 et seq.) and elected to use the NEPA substitution process with its Section 106 consultation pursuant to 36 CFR § 800.8(c); and

WHEREAS, throughout this document the term 'Tribal Nation' has the same meaning as a federally recognized 'Indian Tribe," as defined at 36 CFR 800.16(m); and

WHEREAS, BOEM recognizes its government-to-government obligation to consult with Tribal Nations that may attach religious and cultural significance to historic properties that may be affected by the proposed undertaking; in addition BOEM will comply with the American Indian Religious Freedom Act (AIRFA), Native American Graves Protection and Repatriation Act (NAGPRA), Executive Orders 13007 and 13175; and the Memorandum of Understanding to Protect Sacred Sites (November 2001); and

WHEREAS, BOEM invited the following federally recognized Tribal Nations (Tribal Nations) to consult on this Project: the Absentee Shawnee Tribe of Oklahoma, the Chickahominy Indian Tribe – Eastern Division, the Chickahominy Indian Tribe, the Delaware Nation, the Delaware Tribe of Indians, the Eastern Shawnee Tribe of Oklahoma, the Mashpee Wampanoag Tribe, the Mashantucket (Western) Pequot Tribal Nation, the Monacan Indian Nation, the Nansemond Indian Nation, the Narragansett Indian Tribe, the Pamunkey Indian Tribe, the Rappahannock Indian Tribe, the Shinnecock Indian Nation, the

Tuscarora Nation, the Upper Mattaponi Indian Tribe, and the Wampanoag Tribe of Gay Head (Aquinnah); and

WHEREAS, [TBD through consultation] accepted BOEM's invitation to consult, and BOEM invited these Tribal Nations to sign the MOA as invited signatories; and

WHEREAS, [TBD through consultation], accepted BOEM's invitation to consult and BOEM invited these Tribal Nations to sign as concurring parties; and

WHEREAS, BOEM acknowledges that Tribal Nations possess special expertise in assessing the NRHP eligibility of properties with tribal religious and cultural significance to the Tribe(s) pursuant to 36 CFR 800.4(c)(1); and

WHEREAS, BOEM consulted with Tribal Nations to identify properties of religious and cultural significance to Tribal Nations that may be eligible for listing in the National Register of Historic Places (NRHP), including sacred sites, cultural landscapes, and TCPs, and that may be affected by this undertaking; and

WHEREAS, BOEM notified in advance the Tribal Nations and the Tribal Historic Preservation Officers (THPOS), State Historic Preservation Officers (SHPO) of Delaware, Maryland, New Jersey, and Virginia, and the Advisory Council on Historic Preservation (ACHP) on June 8, 2022, of its decision to use NEPA substitution and followed the standards for developing environmental documents to comply with Section 106 consultation for this Project pursuant to 36 CFR § 800.8(c), and posted this decision in the *Federal Register* (Fed. Reg.) with BOEM's Notice of Intent to prepare an EIS for the Project on June 8, 2022; and

WHEREAS, BOEM notified and invited the Secretary of the Interior (SOI), as represented by the National Park Service (NPS) to consult regarding this Project pursuant to the Section 106 regulations, including consideration of the potential effects to National Historic Landmarks (NHLs), as required under NHPA Section 110(f) (54 USC 306107) and 36 CFR 800.10, the NPS accepted BOEM's invitation to consult on July 8, 2022, and BOEM invited NPS to sign this MOA as a concurring party; and

WHEREAS, in accordance with 36 CFR 800.3, BOEM invited the Delaware SHPO, Maryland SHPO, the New Jersey SHPO, and the Virginia SHPO to consult on the Project on June 8, 2022, and the Maryland SHPO formally accepted on June 21, 2022, the Delaware SHPO formerly accepted on July 8, 2022, and the New Jersey SHPO and Virginia SHPO accepted through participation in consultation following those dates: and

WHEREAS, the Project is within a commercial lease area that was subject to previous NHPA Section 106 review by BOEM regarding the issuance of the commercial lease and approval of site assessment activities. Both Section 106 reviews for the lease issuance and the approval of the site assessment plan were conducted pursuant to the programmatic agreement (PA) and concluded with No Historic Properties Affected for the lease issuance on December 1, 2014 (OCSA-A 0490), and site assessment approval on June 25, 2012, consistent with the PA regarding the review of the OCS renewable energy activities offshore Atlantic Wind Energy Initiative (*Programmatic Agreement Among the U.S. Department of the Interior, Bureau of Ocean Energy Management, The State Historic Preservation Officers Of Delaware, Maryland, New Jersey, and Virginia; The Advisory Council on Historic Preservation; The Narragansett Indian Tribe; and The Shinnecock Indian Nation regarding the "Smart from the Start" Atlantic Wind Energy Initiative: Leasing and Site Assessment Activities offshore within*

the Wind Energy Areas offshore Delaware, Maryland, New Jersey, and Virginia) and this PA expired on January 31, 2012 and

WHEREAS, consistent with 36 CFR § 800.16(d) and BOEM's *Guidelines for Providing Archaeological and Historic Property Information Pursuant to 30 CFR Part 585* (May 27, 2020), BOEM has defined the undertaking's area of potential effects (APE) as the depth and breadth of the seabed potentially impacted by any bottom-disturbing activities, constituting the marine archaeological resources portion of the APE (marine APE); the depth and breadth of terrestrial areas potentially impacted by any ground-disturbing activities, constituting the terrestrial archaeological resources portion of the APE (terrestrial APE); the viewshed from which offshore or onshore renewable energy structures would be visible, constituting the viewshed portion of the APE (visual APE); and any temporary or permanent construction or staging areas that may fall into any of the aforementioned offshore or onshore portions of the APE where direct, indirect, or cumulative effects could occur (see Attachment 1 APE Maps); and

WHEREAS, BOEM identified 158 aboveground historic properties in the offshore Project components' portion of the viewshed APE and 75 historic properties in the onshore Project components' portion of the viewshed APE; 18 submerged historic properties and 14 ancient submerged landforms and features (ASLFs) in the marine APE; and 1 historic property in the terrestrial APE; and

WHEREAS, BOEM identified one National Historic Landmark (NHL) within the visual APE for offshore development and BOEM's planning and any action it decides to take would avoid adverse effects on this NHL. The avoided NHL in the APE is the Cape May Historic District; and

WHEREAS, within the range of the Project alternatives analyzed in the EIS (EIS Chapter 2, Table 2-1), BOEM determined 3 aboveground historic properties would be subject to visual adverse effects from WTGs (see Attachment 3 and EIS Appendix J), no Traditional Cultural Places (TCP) would be subject to visual and physical adverse effects, no submerged historic properties, and no ASLFs would be adversely affected by physical disturbance in the lease area and from export cable construction in the marine APE, and no historic properties in the terrestrial APE would be adversely affected with implementation of the undertaking; and

WHEREAS, BOEM determined that the implementation of the project design and avoidance measures identified in this MOA would avoid adverse effects on 155 aboveground historic properties in the offshore viewshed APE (including one NHL), 75 above ground historic properties in the onshore viewshed APE and 18 submerged historic properties and 14 ASLFs in the marine APE; and

WHEREAS, under each of the Project alternatives analyzed in the EIS, BOEM determined the Project would visually adversely affect 3 aboveground historic properties in Delaware and Maryland, one of which is listed in the NRHP; and two of which are eligible for listing in the NRHP; and

WHEREAS, the Delaware SHPO, Maryland SHPO, the New Jersey SHPO, and the Virginia SHPO [insert date of SHPO concurrence] with or not objected to BOEM's finding of adverse effect; and

WHEREAS, in accordance with 36 CFR § 800.3, BOEM invited other federal agencies, state and local governments, and additional consulting parties with a demonstrated interest in the undertaking to participate in this consultation; the list of those accepting or declining to participate by either written response or no response to direct invitation are listed in Attachment 2; and

WHEREAS, BOEM has consulted with US Wind in its capacity as applicant seeking federal approval of its COP, and, because the applicant has responsibilities under the MOA, BOEM has invited the applicant to be an invited signatory to this MOA; and

WHEREAS, construction of the Project requires a Department of the Army permit from the U.S. Army Corps of Engineers (USACE) for activities that result in the discharge of dredged or fill material into jurisdictional wetlands and/or other waters of the U.S. pursuant to Section 404 of the Clean Water Act (33 USC § 1344), and activities occurring in or affecting navigable waters of the U.S. pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC § 403) and BOEM invited USACE to consult; and

[**TBD: WHEREAS,** the USACE designated BOEM as the lead federal agency pursuant to 36 CFR § 800.2(a)(2) to act on its behalf for purposes of compliance with NHPA Section 106 for this Project (in a letter dated [MONTH, XX, 20XX]), BOEM invited the USACE to sign this MOA as a concurring party, [and the USACE accepted the invitation to sign this MOA as a concurring party]; and]

WHEREAS, BOEM has consulted with signatories, invited signatories, and consulting parties participating in the development of this MOA regarding the delineation of the APEs, the identification and evaluation of historic properties, the assessment of potential effects on the historic properties, and on measures to avoid, minimize, and mitigate adverse effects on historic properties; and

WHEREAS, pursuant to 36 CFR § 800.6, BOEM invited the consulting parties as listed in Attachment 2 to sign as concurring parties; however, the refusal of any consulting party to sign this MOA or otherwise concur does not invalidate or affect the effective dates of this MOA, and consulting parties who choose not to sign this MOA will continue to receive information if requested and will have an opportunity to participate in consultation as specified in this MOA; and

WHEREAS, the signatories agree, consistent with 36 CFR § 800.6(b)(2), that adverse effects will be resolved in the manner set forth in this MOA; and

WHEREAS, BOEM conducted [#]consulting party meetings, on December 5, 2022, [Pending additional meetings]; and

WHEREAS, BOEM sought and considered the views of the public regarding Section 106 for this Project through the NEPA process by holding virtual public scoping meetings when initiating the NEPA and NHPA Section 106 review on June 21, 23, and 27, 2022, and virtual and in-person public hearings related to the Draft EIS on [Month XX, Year]; and

WHEREAS, BOEM made the first Draft MOA available to the public for review and comment from [Month XX, Year], to [Month XX, Year], using BOEM's Project website, and BOEM [did or did not receive any comments from the public]; and

NOW, THEREFORE, BOEM, Tribal Nations, the Delaware SHPO, the Maryland SHPO, the New Jersey SHPO, and Virginia SHPO; US Wind, and the ACHP agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the adverse effects of the undertaking on historic properties.

STIPULATIONS

BOEM, with the assistance of US Wind, must ensure that the following measures are carried out as conditions of its approval of the undertaking:

I. MEASURES TO AVOID ADVERSE EFFECTS ON IDENTIFIED HISTORIC PROPERTIES

A. Marine APE

1. BOEM will include the following measures to avoid adverse effects within the marine APE as conditions of approval of the US Wind/Maryland Wind COP:
    i. US Wind will avoid known shipwrecks identified during marine archaeological surveys by a distance of no less than 164 feet (50 meters) from the known extent of the resource for placement of Project structures and when conducting seafloor-disturbing activities.
    ii. US Wind will avoid 11 ASLFs previously identified during marine archaeological resources assessments for the proposed project by a distance of no less than 164 feet (50 meters) from the known extent of the resource for placement of proposed Project structures and when conducting seafloor-disturbing activities.
    iii. US Wind will avoid three ASLFs (UA-01, UA-03, and UD-03) by implementing micro-siting. These ASLFs cannot be avoided by 164-foot (50-meter) buffers. The lessee would shift all turbines in the UA row to the north-northeast up to 5 percent of the inter-turbine distance (±246 feet (75 meters) in the east-west direction and approximately 312 feet (95 meters) in the north-south direction). The lessee would shift the WTG foundation at UD-03 up to 5 percent of the inter-turbine spacing distance (±246 feet (75 meters) in the east-west direction and approximately 312 feet (95 meters) in the north-south direction).
    iv. US Wind will follow the Notification of the Discovery of Shipwrecks on the Seafloor per 30 CFR 250.194(c), 30 CFR 250.1009(c)(4), and 30 CFR 251.7(b)(5)(B)(iii).

B. Visual APE

1. BOEM will include the following measure to avoid adverse effect within the visual APE as a condition of approval of the US Wind/Maryland Wind COP:
2. To maintain avoidance of adverse effects on historic properties in the viewshed APE where BOEM determined there would be no adverse effects or where no effects would occur, BOEM will require the lessee to ensure Project structures are within the Project design envelope (PDE), sizes, scale, locations, lighting prescription, and distances that were used to inform the definition of APE for the Project and for determining effects in the Finding of Effect (see the US Wind Project COP).

C. Terrestrial APE

1. BOEM will include the following measures to avoid adverse effects within the terrestrial APE as conditions of approval of the US Wind/Maryland Wind COP:
    i. US Wind will avoid archaeological **REDACTED** during construction. Avoidance measures would include protective barriers such as snow fencing and cultural and tribal monitoring in order to ensure avoidance during construction A terrestrial archaeological monitoring plan (Attachment 5) will be developed and included in the final MOA to ensure site protection of **REDACTED** during construction.

ii. US Wind will implement protection measures during ongoing operations and maintenance which will be outlined in the Archaeological Historic Property Protection Plan for **REDACTED**. Attachment 6.

I. MEASURES TO MINIMIZE ADVERSE EFFECTS ON IDENTIFIED HISTORIC PROPERTIES

A. Visual APE

1. BOEM has undertaken planning and actions to minimize adverse effects on aboveground historic properties in the visual APE. BOEM will include the following measures to minimize adverse effects within the visual APE as conditions of the approval of the US Wind/Maryland Wind COP:
    i. US Wind will use uniform WTG design, speed, height, and rotor diameter to reduce visual contrast and decrease visual clutter.
    ii. US Wind will use uniform WTG spacing to decrease visual clutter.
    iii. US Wind will paint the in accordance with Federal Aviation Administration Advisory Circular 70/7460-1M (2020) and BOEM's Guidelines for Lighting and Marking of Structures Supporting Renewable Energy Development (2021) to help reduce potential visibility of the turbines against the horizon during daylight hours.
    iv. US Wind will equip all WTGs and ESPs with an aircraft detection lighting system to reduce the duration of nighttime lighting. The system will activate aviation warning lights only when an aircraft is in the vicinity of the Lease Area, resulting estimated reduction of nighttime visibility of the Project from adversely effected historic properties to l5 hours, 46 minutes, 22 seconds annually (or approximately 0.1 percent of annual nighttime hours). The WTGs and ESPs will be lit and marked in accordance with Federal Aviation Administration and U.S. Coast Guard lighting standards, consistent with BOEM's Guidelines for Marking of Structures to reduce light intrusion.

II. MEASURES TO MITIGATE ADVERSE EFFECTS ON IDENTIFIED HISTORIC PROPERTIES

A. Visual APE

1. BOEM will include the following as conditions of approval of the US Wind/Maryland Wind COP and as mitigation measures to resolve the adverse effects including direct, indirect, and cumulative effects, to the following historic properties that will be visually adversely affected: Fort Miles Historic District; U.S. Coast Guard Tower; and Oceanside North Ocean City Survey District:
    i. The lessee will fund fulfillment of mitigation measures prior to construction in accordance with Attachment 3, Historic Property Treatment Plan, for the Fort Miles Historic District:
        a. Develop interpretive signage: US Wind will fulfill commitments to fund the consultant fees and signage production overviewing the history of WWII Defense Structures and Facilities constructed to monitor and defend coastal Delaware during World War II
    ii. US Wind will fund fulfillment of mitigation measures prior to construction in accordance with Attachment 3, Historic Property Treatment Plan, for the U.S. Coast Guard Tower:

a. Develop interpretive signage: US Wind will fulfill commitments to fund the consultant fees and signage production overview the history of the U.S. Coast Guard at Ocean city and the U.S. Coast Guard Tower.

iii. US Wind will fund fulfillment of mitigation measures prior to construction in accordance with Attachment 3, Historic Property Treatment Plan, for the Oceanside North Ocean City Survey District:

a. Preparation of interpretational materials and/or technical documentation for the Oceanside North Ocean City Survey District: US Wind will fulfill commitments to develop interpretive materials and/or document the Oceanside North Ocean City Survey District.

III. REVIEW PROCESS FOR DOCUMENTS PRODUCED UNDER MOA STIPULATIONS

A. The following process will be used for any document, report, or plan produced in accordance with Stipulations I through III of this MOA:

1. Draft Document
   i. US Wind must provide the document to BOEM for technical review and approval.
   ii. BOEM has 15 calendar days to complete its technical review.
   iii. If BOEM does not provide approval, it will submit its comments back to US Wind, who will have 15 calendar days to address the comments.
   iv. BOEM, with the assistance of US Wind, will provide the draft document to consulting parties, except the ACHP, for review and comment.
   v. Consulting parties will have 30 calendar days to review and comment.
   vi. BOEM, with the assistance of US Wind, will coordinate a meeting with consulting parties to facilitate comments on the document if requested by a consulting party.
   vii. BOEM will consolidate comments received and provide them to US Wind within 15 calendar days of receiving comments from consulting parties.
2. Draft Final Document
   i. US Wind must provide BOEM with the draft final document and response to consulting party comments for technical review and approval.
      a. BOEM has 15 calendar days to complete its technical review.
      b. If BOEM does not provide approval, it will submit its comments back to US Wind, who will have 15 calendar days to address the comments.
   ii. BOEM, with the assistance of US Wind, will provide the draft final document and response to previous comments to consulting parties, except the ACHP, for review and comment.
      a. Consulting parties have 30 calendar days to review and comment.
      b. BOEM, with the assistance of US Wind, will coordinate a meeting with consulting parties to facilitate comments on the document if requested by a consulting party.
      c. BOEM will consolidate comments received and provide them to US Wind within 15 calendar days of receiving comments from consulting parties.

3. Final Document
    i. US Wind must provide BOEM with the final document and response to consulting party comments for approval.
        a. BOEM has 15 calendar days to complete its technical review.
        b. If BOEM does not provide approval, it will submit its comments back to US Wind, who will have 15 calendar days to address the comments.
        c. BOEM, with the assistance of US Wind, will provide the final document and responses to previous comments to consulting parties, except the ACHP, within 30 calendar days of approving the final document.

IV. PROJECT MODIFICATIONS

A. If US Wind proposes any modifications to the Project that expands the Project beyond the Project Design Envelope included in the COP and/or occurs outside the defined APEs or the proposed modifications would change BOEM's final Section 106 determinations and findings for this Project, US Wind must notify and provide BOEM with information concerning the proposed modifications. US Wind will not proceed with the proposed modifications until the following process under Stipulation V.A is concluded. BOEM will notify consulting parties within 60 calendar days and consult on whether these modifications require alteration of the conclusions reached in the Finding of Effect and, thus, may require additional consultation with the signatories, invited signatories and consulting parties. US Wind will provide the signatories, invited signatories, and consulting parties with the information concerning the proposed changes, and they will have 30 calendar days from receipt of this information to comment on the proposed changes. BOEM will take into account any comments from signatories, invited signatories, and consulting parties prior to agreeing to any proposed changes. Using the procedure below, BOEM will, as necessary, consult with the signatories, invited signatories, and consulting parties to identify and evaluate historic properties in any newly affected areas, assess the effects of the modification, and resolve any adverse effects. Any project modification followed pursuant to Stipulation V would not require an amendment to the MOA.
    1. If, for the proposed Project modification, BOEM identifies no additional historic properties or finds that no historic properties are adversely affected due to the modification, BOEM, with the assistance of US Wind, will notify and consult with the signatories, invited signatories, and consulting parties following the consultation process set forth in this Stipulation V.A.1.
        i. US Wind will notify all the signatories, invited signatories, and consulting parties about this proposed change and BOEM's finding by providing a written summary of the project modification including any maps, a summary of any additional surveys and/or research conducted to identify historic properties and assess effects, and copies of the surveys.
        ii. BOEM and US Wind will allow the signatories, invited signatories, and consulting parties 30 calendar days to review and comment on the proposed change, BOEM's finding, and the documents.
        iii. After the 30-calendar day review period has concluded and if no comments require additional consultation, US Wind will notify the signatories and consulting parties that the project modification has been accepted and, if they received any comments, provide a summary of the comments and BOEM's responses.

iv. BOEM, with the assistance of US Wind, will conduct any consultation meetings if requested by the signatories or consulting parties.

2. If BOEM finds new adverse effects to historic properties will occur due to a proposed Project modification, BOEM, with the assistance of US Wind, will notify and consult with the signatories, invited signatories, and consulting parties regarding BOEM's finding and the proposed measures to resolve the adverse effect(s), including the development of a new treatment plan(s) following the consultation process set forth in this Stipulation V.A. 2.
   i. US Wind will notify all signatories, invited signatories, and consulting parties about this proposed modification, BOEM's finding, and the proposed resolution measures for the adverse effect(s).
   ii. The signatories, invited signatories, and consulting parties will have 30 calendar days to review and comment on the adverse effect finding and the proposed resolution of adverse effect(s), including a draft treatment plan(s).
   iii. BOEM, with the assistance of US Wind, will conduct additional consultation meetings, if necessary, during consultation on the adverse effect finding and during drafting and finalization of the treatment plan(s).
   iv. BOEM, with the assistance of US Wind, will respond to the comments and make necessary edits to the documents.
   v. US Wind will send the revised draft final documents to the other signatories, invited signatories, and consulting parties for review and comment during a 30-calendar day review and comment period. With this same submittal of draft final documents, US Wind will provide a summary of all the comments received on the documents and BOEM's responses.
   vi. BOEM, with the assistance of US Wind, will respond to the comments on the draft final documents and make necessary edits to the documents.
   vii. Once BOEM has received agreement from the appropriate SHPO(s) on the finding of new adverse effect(s), BOEM has accepted the final treatment plan(s), and the Project modification has been accepted, then US Wind will notify all the signatories, invited signatories, and consulting parties that the project modification has been accepted. With this notification, US Wind will provide the final document(s), including the final treatment plan(s) and a summary of comments and BOEM's responses to comments (if they receive comments on the draft final documents).
3. If any of the signatories, invited signatories, or consulting parties object to the findings or resolutions made pursuant to these measures (Stipulation V.A.1 and 2), BOEM will resolve any such objections pursuant to the dispute resolution process set forth in Stipulation X.

V. SUBMISSION OF DOCUMENTS

A. ACHP, NPS, Tribal Nations, and Consulting Parties

1. All submittals to ACHP, NPS, Tribal Nations, and Consulting Parties will be submitted electronically unless a specific request is made for the submittal to be provided in paper format.

B. Delaware, Maryland, New Jersey, and Virginia SHPOs

1. All submittals to Delaware SHPO, Maryland SHPO, the New Jersey SHPO, and the Virginia SHPO will be submitted electronically unless a specific request is made for the submittal to be provided in paper format.

VI. CURATION

A. Collections from federal lands or the OCS:

1. Any archaeological materials removed from federal lands or the OCS as a result of the actions required by this MOA must be curated in accordance with 36 CFR 79, "Curation of Federally Owned and Administered Archaeological Collections," ACHP's "Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites" published in the Federal Register (64 Fed. Reg. 27085-27087 (May 18, 1999)), or other provisions agreed to by the consulting parties and following applicable State guidelines. Other provisions may include curating materials of Native American heritage with Tribal Nations. No excavation may be initiated before acceptance and approval of a curation plan developed through consultation with the Tribal Nations, agencies, and property owners.

B. Collections from state, local government, and private lands:

1. Archaeological materials from state or local government lands in the APE and the records and documentation associated with these materials must be curated within the state of their origin at a repository preferred by the respective SHPO, or an approved and certified repository, in accordance with the standards and guidelines required by the SHPO. Lands as described here may include the seafloor in state waters. No excavation may be initiated before acceptance and approval of a curation plan developed through consultation with the Tribal Nations, agencies, and property owners.
2. Collections from private lands that would remain private property: In cases where archaeological survey and testing are conducted on private land, any recovered collections remain the property of the landowner. In such instances, BOEM and US Wind, in coordination with the SHPO(s) and affected Tribal Nations(s), will encourage landowners to donate the collection(s) to an appropriate public or tribal entity. To the extent a private landowner requests that the materials be removed from the site, US Wind will seek to have the materials donated to the repository identified under Stipulation VIII.B\.1 through a written donation agreement developed in consultation with the consulting parties. BOEM, assisted by US Wind, will seek to have all materials from each state curated together in the same curation facility within the state of origin. In cases where the property owner wishes to transfer ownership of the collection(s) to a public or tribal entity, BOEM and US Wind will ensure that recovered artifacts and related documentation are curated in a suitable repository as agreed to by BOEM, Delaware, Maryland, New Jersey, and Virginia SHPO, and affected tribe(s), and following applicable state guidelines. To the extent feasible, the materials and records resulting from the actions required by this MOA for private lands must be curated in accordance with 36 CFR 79. No excavation may be initiated before acceptance and approval of a curation plan developed through consultation with the Tribal Nations, agencies, and property owners.

VII. PROFESSIONAL QUALIFICATIONS

A. SOI Standards for Archaeology and Historic Preservation. US Wind will ensure all work carried out pursuant to this MOA meets the Secretary of the Interior's Standards for Archaeology and Historic Preservation (48 Fed. Reg. 44716, September 29, 1983), taking into account the suggested approaches to new construction in the Standards for Rehabilitation.

B. SOI Professional Qualification Standards. US Wind will ensure that all work carried out pursuant to this MOA is performed by or under the direct supervision of historic preservation

professionals who meet the Secretary of the Interior's Professional Qualifications Standards (48 Fed. Reg. 44738–44739). A "qualified professional" is a person who meets the relevant standards outlined in such SOI's standards. BOEM, or its designee, will ensure that consultants retained for services pursuant to the MOA meet these standards.

C. Tribal Consultation Experience. US Wind will ensure that all work carried out pursuant to this MOA that requires consultation with Tribal Nations is performed by professionals who have demonstrated professional experience consulting with federally recognized Tribal Nations.

D. BOEM Acknowledgement of the Special Expertise of Tribal Nations. BOEM recognizes that all tribal participants and knowledge need not conform to the SOI's standards, acknowledging that Tribal Nations possess special expertise in assessing the eligibility of historic properties that may possess religious and cultural significance to Tribal Nations, pursuant to 36 CFR 800.4(c)(1). To further apply this expertise, BOEM with the assistance of US Wind will incorporate indigenous knowledge and ITEK into the documents and review processes when such knowledge is received from Tribal Nations in consultation and during implementation of the MOA, consistent with the Office of Science and Technology Policy and Council on Environmental Quality memorandums (Executive Branch policy) on ITEK and federal decision making (November 15, 2021) and on guidance for federal departments and agencies on indigenous knowledge (November 30, 2022). Tribal Nations are also afforded the opportunity to review the application of their knowledge in documents produced under the MOA pursuant to Stipulation IV.

VIII. DURATION

A. This MOA will expire at (1) the decommissioning of the Project in the lease area, as defined in US Wind's lease with BOEM (Lease Number OCS-A 0490) or (2) 25-years from the date of COP approval, whichever occurs first. Prior to such time, BOEM may consult with the other signatories and invited signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation XIV.

IX. POST REVIEW DISCOVERIES

A. Implementation of Post Review Discovery Plans. If properties are discovered that may be historically significant or unanticipated effects on historic properties found, BOEM will implement the post-review discovery plans found in Attachment 4 US Wind Terrestrial Post Review Discovery Plan, and Attachment 7, US Wind Post Review Discovery Plan for Submerged Archaeological Resources.

1. The signatories acknowledge and agree that it is possible that additional historic properties may be discovered during implementation of the Project, despite the completion of a good faith effort to identify historic properties throughout the APEs.

B. All Post Review Discoveries. In the event of a post review discovery of a property or unanticipated effects on a historic property prior to or during construction, operations, maintenance, or decommissioning of the Project, US Wind will implement the following actions, which are consistent with the post review discovery plans (Attachments 4 & 7):

1. Immediately halt all ground- or seafloor-disturbing activities within the area of discovery while taking into account whether stabilization and further protections are warranted to keep the discovered resource from further degradation and impact;
2. Notify BOEM in writing via report within 72 hours of the discovery, including any recommendations on need and urgency of stabilization and additional protections for the discovered resource;

3. Keep the location of the discovery confidential and take no action that may adversely affect the discovered property until BOEM, or its designee, has made an evaluation and instructs US Wind on how to proceed; and
4. Conduct any additional investigations as directed by BOEM or its designee to determine if the resource is eligible for listing in the NRHP (30 CFR 585.702(b)). BOEM will direct US Wind to complete additional investigations, as BOEM deems appropriate, if:
   i. the site has been impacted by US Wind Project activities; or
   ii. impacts to the site from US Wind Project activities cannot be avoided.
5. If investigations indicate that the resource is eligible for the NRHP, BOEM, with the assistance of US Wind, will work with the other relevant signatories, invited signatories, and consulting parties to this MOA who have a demonstrated interest in the affected historic property and on the further avoidance, minimization, or mitigation of adverse effects.
6. If investigations identify that human remains or funerary items are present and associated with Tribal Nations or Native American occupations, as defined at 25 USC 32 3001 (9), then BOEM, assisted by US Wind, will implement the treatment process consistent with the Native American Graves Protection and Repatriation Act (NAGPRA). BOEM will consult with Tribal Nations prior to the development or execution of an action plan, consistent with the provisions of NAGPRA at 25 USC 3001-3013 and related law at 18 USC 1170. US Wind will assist BOEM in the development and execution of an action plan at BOEM's request that is responsive to Tribal Nation concerns that might be expressed in the consultation.
7. If there is any evidence that the discovery is from an indigenous society or appears to be a preserved burial site, US Wind will contact [TBD through consultation]as identified in the notification lists included in the post review discovery plans within 72 hours of the discovery with details of what is known about the discovery, and consult with the Tribal Nations pursuant to the post review discovery plan.
8. If BOEM incurs costs in addressing the discovery, under Section 110(g) of the NHPA, BOEM may charge US Wind reasonable costs for carrying out historic preservation responsibilities, pursuant to its delegated authority under the OCS Lands Act (30 CFR 585.702(c)-(d)).

X. EMERGENCY SITUATIONS

A. In the event of an emergency or disaster that is declared by the U.S. President or the Governor of Delaware, Maryland, New Jersey, or Virginia, which represents an imminent threat to public health or safety, or creates a hazardous condition, BOEM will immediately notify the Tribal Nations, SHPOs, and the ACHP of the condition which has initiated the situation and the measures taken to respond to the emergency or hazardous condition. If the Tribal Nations, SHPOs, or the ACHP want to provide technical assistance to BOEM, they will submit comments within seven calendar days from notification if the nature of the emergency or hazardous condition allows for such coordination.

XI. MONITORING AND REPORTING

A. At the beginning of each calendar year by January 31, following the execution of this MOA until it expires or is terminated, US Wind will prepare and, following BOEM's review and agreement to share this summary report, provide all signatories, invited signatories, and consulting parties to this MOA a summary report detailing work undertaken pursuant to the MOA. Such report will include:

1. a description of how the stipulations relating to avoidance and minimization measures (Stipulations I, II, and III) were implemented;
2. any scheduling changes proposed, any problems encountered; and
3. any disputes and objections received in BOEM's efforts to carry out the terms of this MOA.

B. US Wind can satisfy its reporting requirement under this stipulation by providing the relevant portions of the annual compliance certification required under 30 CFR § 585.633.

C. BOEM with the assistance of US Wind will hold annual meetings with the required signatories and invited signatories, to review work undertaken pursuant to the MOA for the first five calendar years of the MOA implementation.

XII. DISPUTE RESOLUTION

A. If any signatory, invited signatory, or consulting party to this MOA objects at any time to any actions proposed or the manner in which the terms of this MOA are implemented, it must notify BOEM in writing of its objection. BOEM must consult with such party to resolve the objection. If BOEM determines that such objection cannot be resolved, BOEM will:

1. Forward all documentation relevant to the dispute, including BOEM's proposed resolution, to the ACHP. The ACHP will provide BOEM its advice on the resolution of the objection within 30 calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, BOEM will prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories, invited signatories, and/or consulting parties, and provide them with a copy of the written response. BOEM will then make its final decision and proceed accordingly.
2. If the ACHP does not provide its advice regarding the dispute within the 30-calendar-day time period, BOEM may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, BOEM will prepare a written response that takes into account any timely comments regarding the dispute from the signatories, invited signatories, and/or consulting parties to the MOA and provide them and the ACHP with a copy of such written response.

B. BOEM's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

C. At any time during the implementation of the measures stipulated in this MOA, should a member of the public object in writing to the signatories regarding the manner in which the measures stipulated in this MOA are being implemented, that signatory will notify BOEM. BOEM will review the objection and may notify the other signatories as appropriate and respond to the objector.

XIII. AMENDMENTS

A. This MOA may be amended when such an amendment is agreed to in writing by all signatories and invited signatories. The amendment will be effective on the date a copy signed by all of the signatories and invited signatories is filed with the ACHP.

B. Revisions to any attachment may be proposed by any signatory or invited signatory by submitting a draft of the proposed revisions to all signatories and invited signatories with a notification to the consulting parties. The signatories and invited signatories will consult for no more than 30 calendar days (or another time period agreed upon by all signatories and invited signatories) to consider the proposed revisions to the attachment. If the signatories and invited signatories unanimously agree to revise the attachment, BOEM will provide a copy of the revised attachment to the other signatories, invited signatories, and consulting parties. Revisions to any attachment to this MOA will not require an amendment to the MOA.

XIV. COORDINATION WITH OTHER FEDERAL AGENCIES

A. In the event that another federal agency not initially a party to or subject to this MOA receives an application for funding/license/permit for the undertaking as described in this MOA, that agency may fulfill its Section 106 responsibilities by stating in writing it concurs with the terms of this MOA and notifying the signatories and invited signatories that it intends to do so. Such federal agency may become a signatory, invited signatory, or a concurring party (collectively referred to as signing party) to the MOA as a means of complying with its responsibilities under Section 106 and based on its level of involvement in the undertaking. To become a signing party to the MOA, the agency official must provide written notice to the signatories and invited signatories that the agency agrees to the terms of the MOA, specifying the extent of the agency's intent to participate in the MOA. The participation of the agency is subject to approval by the signatories and invited signatories who must respond to the written notice within 30 calendar days, or the approval will be considered implicit. Any necessary amendments to the MOA as a result will be considered in accordance with the Amendment Stipulation (Stipulation XIV).

B. If signatories and invited signatories approve the federal agency's request to be a signing party to this MOA, an amendment under Stipulation XIV will not be necessary if the federal agency's participation does not change the undertaking in a manner that would require any modifications to the stipulations set forth in this MOA. BOEM will document these conditions and involvement of the federal agency in a written notification to the signatories, invited signatories, and consulting parties and include a copy of the federal agency's executed signature page, which will codify the addition of the federal agency as a signing party in lieu of an amendment.

XV. ANTI-DEFICIENCY ACT

A. Pursuant to 31 USC § 1341(a)(1), nothing in this MOA will be construed as binding the United States to expend in any one fiscal year any sum in excess of appropriations made by Congress for this purpose, or to involve the United States in any contract or obligation for the further expenditure of money in excess of such appropriations.

B. Execution of this MOA by BOEM, the Delaware, Maryland, New Jersey, and Virginia SHPOs, and the ACHP, and implementation of its terms, evidence that BOEM has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment on resolution of effects of this undertaking on historic properties.

XVI. TERMINATION

A. If any signatory or invited signatory to this MOA determines that its terms will not or cannot be carried out, that party will immediately consult with the other signatories, invited signatories, and consulting parties to attempt to develop an amendment per Stipulation XIV. If within 30 calendar days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory or invited signatory may terminate the MOA upon written notification to the other signatories.

B. Once the MOA is terminated, and prior to work continuing on the undertaking, BOEM must either (a) execute an MOA pursuant to 36 CFR § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. BOEM will notify the signatories and invited signatories as to the course of action it will pursue.

[SIGNATURES COMMENCE ON FOLLOWING PAGE]

MEMORANDUM OF AGREEMENT
AMONG
THE BUREAU OF OCEAN ENERGY MANAGEMENT,
THE DELAWARE STATE HISTORIC PRESERVARTION OFFICER, THE MARYLAND STATE HISTORIC PRESERVATION OFFICER, THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICER, AND THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER, US WIND, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE US WIND/MARYLAND WIND OFFSHORE WIND ENERGY PROJECT

Signatory:

Bureau of Ocean Energy Management (BOEM)

_____ Date: _____

Elizabeth Klein

Director

Bureau of Ocean Energy Management

MEMORANDUM OF AGREEMENT
AMONG
THE BUREAU OF OCEAN ENERGY MANAGEMENT,
THE DELAWARE STATE HISTORIC PRESERVARTION OFFICER, THE MARYLAND STATE HISTORIC PRESERVATION OFFICER, THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICER, AND THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER, US WIND, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE US WIND/MARYLAND WIND OFFSHORE WIND ENERGY PROJECT

Signatory:

Delaware State Historic Preservation Officer (SHPO)

_____ Date: _____

Suzanne Savery, State Historic Preservation Officer

MEMORANDUM OF AGREEMENT
AMONG
THE BUREAU OF OCEAN ENERGY MANAGEMENT,
THE DELAWARE STATE HISTORIC PRESERVARTION OFFICER, THE MARYLAND STATE HISTORIC PRESERVATION OFFICER, THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICER, AND THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER, US WIND, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE US WIND/MARYLAND WIND OFFSHORE WIND ENERGY PROJECT

Signatory:

Maryland State Historic Preservation Officer (SHPO)

_____ Date: _____

Elizabeth Hughes, State Historic Preservation Officer

MEMORANDUM OF AGREEMENT
AMONG
THE BUREAU OF OCEAN ENERGY MANAGEMENT,
THE DELAWARE STATE HISTORIC PRESERVARTION OFFICER, THE MARYLAND STATE HISTORIC PRESERVATION OFFICER, THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICER, AND THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER, US WIND, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE US WIND/MARYLAND WIND OFFSHORE WIND ENERGY PROJECT

Signatory:

New Jersey State Historic Preservation Officer (SHPO)

_____ Date: _____

Shawn LaTourette, State Historic Preservation Officer

MEMORANDUM OF AGREEMENT
AMONG
THE BUREAU OF OCEAN ENERGY MANAGEMENT,
THE DELAWARE STATE HISTORIC PRESERVARTION OFFICER, THE MARYLAND STATE HISTORIC PRESERVATION OFFICER, THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICER, AND THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER, US WIND, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE US WIND/MARYLAND WIND OFFSHORE WIND ENERGY PROJECT

Signatory:

Virginia State Historic Preservation Officer (SHPO)

_____ Date: _____

Julie Langan, State Historic Preservation Officer

MEMORANDUM OF AGREEMENT
AMONG
THE BUREAU OF OCEAN ENERGY MANAGEMENT,
THE DELAWARE STATE HISTORIC PRESERVARTION OFFICER, THE MARYLAND STATE HISTORIC PRESERVATION OFFICER, THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICER, AND THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER, US WIND, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE US WIND/MARYLAND WIND OFFSHORE WIND ENERGY PROJECT

Signatory:

Advisory Council on Historic Preservation (ACHP)

_____ Date: _____

Reid J. Nelson

Executive Director, Acting

Advisory Council on Historic Preservation

MEMORANDUM OF AGREEMENT
AMONG
THE BUREAU OF OCEAN ENERGY MANAGEMENT,
THE DELAWARE STATE HISTORIC PRESERVARTION OFFICER, THE MARYLAND STATE HISTORIC PRESERVATION OFFICER, THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICER, AND THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER, US WIND, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE US WIND/MARYLAND WIND OFFSHORE WIND ENERGY PROJECT

Invited Signatory:

US Wind

_____ Date: _____

[Name]

[Title]

[Affiliation]

MEMORANDUM OF AGREEMENT
AMONG
THE BUREAU OF OCEAN ENERGY MANAGEMENT,
THE DELAWARE STATE HISTORIC PRESERVARTION OFFICER, THE MARYLAND STATE HISTORIC PRESERVATION OFFICER, THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICER, AND THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER, US WIND, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE US WIND/MARYLAND WIND OFFSHORE WIND ENERGY PROJECT

Concurring Party:

United States Army Corps of Engineers (USACE)

_____ Date: _____

[Name]

[Title]

[Affiliation]

MEMORANDUM OF AGREEMENT
AMONG
THE BUREAU OF OCEAN ENERGY MANAGEMENT,
THE DELAWARE STATE HISTORIC PRESERVARTION OFFICER, THE MARYLAND STATE HISTORIC PRESERVATION OFFICER, THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICER, AND THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER, US WIND, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE US WIND/MARYLAND WIND OFFSHORE WIND ENERGY PROJECT

Concurring Party:

Tribal Nation

_____ Date: _____

[Name]

[Title]

[Affiliation]