



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930

March 7, 2024

David Diamond
Deputy Chief for Operations,
Atlantic Outer Continental Shelf
Office of Renewable Energy Programs
Bureau of Ocean Energy Management
45600 Woodland Road
Sterling, Virginia 20166

RE: Beacon Wind Site Assessment Plan Amendment - Suction Bucket Testing

Dear Mr. Diamond:

We have completed consultation under Section 7 of the Endangered Species Act (ESA) in response to your December 21, 2023 request for consultation and your revised Biological Assessment received on February 27, 2024, regarding the Bureau of Ocean Energy Management's (BOEM) proposed approval of Beacon Wind's Site Assessment Plan (SAP) amendment. The SAP amendment would allow Beacon Wind to conduct proposed suction bucket foundation testing at up to 26 sites within the Beacon Wind lease area (OCS-A 0520). Based on our review and assessment of the best available scientific information, including our knowledge, expertise, and the information and analysis in your BA, we concur with your conclusion that the proposed SAP amendment may affect but is not likely to adversely affect (NLAA) any ESA-listed species or critical habitat under our jurisdiction. Therefore, no further consultation pursuant to Section 7 of the ESA is required.

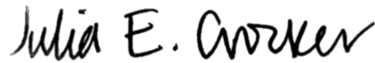
On July 5, 2022, the U.S. District Court for the Northern District of California issued an order vacating the 2019 regulations that were revised or added to 50 CFR part 402 in 2019 ("2019 Regulations," see 84 FR 44976, August 27, 2019) without making a finding on the merits. On September 21, 2022, the U.S. Court of Appeals for the Ninth Circuit granted a temporary stay of the district court's July 5 order. On November 14, 2022, the Northern District of California issued an order granting the government's request for voluntary remand without vacating the 2019 regulations. The District Court issued a slightly amended order two days later on November 16, 2022. As a result, the 2019 regulations remain in effect, and we are applying the 2019 regulations here. For purposes of this consultation and in an abundance of caution, we considered whether the substantive analysis and conclusions articulated in this letter of concurrence would be any different under the pre-2019 regulations. We have determined that our analysis and conclusions would not be any different.

Reinitiation of consultation is required and shall be requested by you or us, where discretionary Federal involvement or control over the action has been retained or is authorized by law and: (a) if new information reveals effects of the action that may affect listed species or critical habitat in



a manner or to an extent not previously considered in the consultation; (b) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this consultation or; (c) if a new species is listed or critical habitat designated that may be affected by the identified action. No take is anticipated or exempted. If there is any incidental take, reinitiation would be required. Should you have any questions about this correspondence please contact Nick Sisson at (978) 281-9179 or by email (nick.sisson@noaa.gov).

Sincerely,



for

Jennifer Anderson

Assistant Regional Administrator

for Protected Resources

cc: Sisson, Crocker – GAR PRD

File Code: Section 7/BOEM/ Informals/2023/ Beacon Wind Suction Bucket Testing
GARFO-2024-00441