

FINDING OF NO SIGNIFICANT IMPACT

Commercial Wind Lease Issuance, Site Characterization Activities, and Site Assessment Activities on the Atlantic Outer Continental Shelf in the Gulf of Maine Offshore the States of Maine and New Hampshire and the Commonwealth of Massachusetts

Introduction

The Bureau of Ocean Energy Management (BOEM) prepared an environmental assessment (EA) of the potential environmental impacts associated with commercial wind energy leasing and site assessment and characterization activities on the Outer Continental Shelf (OCS) in the Gulf of Maine offshore the States of Maine and New Hampshire and the Commonwealth of Massachusetts. The EA helped BOEM determine that commercial leasing and site assessment and characterization activities in that region of the U.S. OCS (the Proposed Action) will not cause significant effects requiring more detailed analysis in an environmental impact statement (40 Code of Federal Regulations [CFR] § 1501.3(a)). The EA continues to inform BOEM's planning and decision-making on the Proposed Action (40 CFR § 1501.5(b)). BOEM prepared the EA in accordance with the National Environmental Policy Act (NEPA), 42 United States Code (U.S.C.) §§ 4261 *et seq.*; the Council on Environmental Quality regulations at 40 CFR § 1501 *et seq.*; Department of the Interior regulations implementing NEPA at 43 CFR Part 46; and BOEM policy.

A BOEM-issued lease or grant allows the lessee or grantee only the exclusive right to submit plans for BOEM's possible approval. The issuance of a lease or grant does not constitute an irreversible and irretrievable commitment of resources. BOEM's EA focused on the effects of site characterization (i.e., biological, archeological, geological, and geophysical surveys, and core samples) and site assessment activities (i.e., installation of meteorological [met] and Passive Acoustic Monitoring [PAM] buoys), which are expected to take place following lease issuance.

On March 18, 2024, BOEM announced in the *Federal Register* (FR) its intent to prepare an EA of potential impacts from leasing on the OCS offshore Maine (89 FR 19354). That announcement opened a 30-day public comment period. On June 21, 2024, BOEM announced the availability of the draft EA. See "*Notice of Availability of a Draft Environmental Assessment for a Wind Energy Commercial Lease on the Atlantic Outer Continental Shelf Offshore Maine*" (89 FR 52086). That announcement opened another 30-day comment period. During the comment period, BOEM held two virtual public meetings and hosted a virtual meeting room on www.boem.gov to provide an overview of the EA, solicit public comments, and discuss next steps in the environmental review and leasing processes.

All public comments received by BOEM can be viewed at www.regulations.gov by searching for docket ID BOEM-2024-0030. BOEM revised the EA to address public comments and comments from consultations with Federal and State agencies. Appendix G of the final EA includes a summary of all public comments and BOEM's responses.

The finding outlined in this document is accompanied by and refers to the final EA available at <https://www.boem.gov/renewable-energy/state-activities/maine/gulf-maine>.

Environmental Assessment

The EA accompanying this finding analyzed the potential for significant effects from the Proposed Action on the human environment. The human environment is interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment.

The Proposed Action's purpose is to develop offshore clean, renewable energy resources by issuing commercial leases within the Gulf of Maine wind energy area (WEA) and granting associated right-of-way (ROWs) and rights-of-use-and-easement (RUEs). A BOEM-issued lease confers to a lessee only the exclusive right to develop and submit plans for site assessment and project construction and operation to develop those resources. BOEM considers such plans after public input and thorough environmental analysis and must decide to approve the plans before a lessee may construct any facility on the OCS. Any lease issued under the Proposed Action will include terms and conditions to ensure that preliminary site characterization and site assessment activities are conducted in a safe and environmentally responsible manner. These preliminary activities are necessary to determine the suitability of the leasehold for commercial offshore wind energy development and to obtain information required for a subsequent site assessment plan.

BOEM evaluated the Proposed Action and a No Action alternative.

No Action Alternative

Under this alternative, BOEM will not pursue the Proposed Action and will not issue commercial leases within the WEA. This alternative will avoid potential impacts to the environment identified in the EA. Some site characterization surveys (e.g., biological surveys) and off-lease site assessment activities do not require BOEM approval and could still be conducted under this alternative, but these activities will not be likely to occur without a commercial wind energy lease or grant.

Proposed Action

Under this alternative, BOEM will develop offshore wind energy resources by issuing commercial leases within the WEA in the Gulf of Maine and grant ROWs and RUEs. These leases will provide lessees only the exclusive right to submit site assessment and Construction and Operations Plans and to conduct preliminary site assessment and characterization activities. Site characterization activities will most likely include shallow hazard, geological, geotechnical, archaeological, and biological surveys to obtain required information for site assessment and Construction and Operations Plan submittal. Site assessment activities will most likely include the installation of met and PAM buoys.

Adverse effects to the environment from site characterization and site assessment activities are expected to occur. The level of these impacts will range from negligible to minor, depending on the specific environmental resource and the mitigation measures employed.

Anticipated effects of the Proposed Action are summarized below:

- *Benthic Resources*

Effects from site assessment and site characterization activities on benthic communities are expected to be negligible to minor. The primary effects of routine activities associated with the Proposed Action will be crushing and smothering by clump anchors and mooring chains from vessels and buoys. These impacts will be limited to the immediate footprint of the anchors and mooring chains and spread out across the WEA. The maximum area affected will be small for buoy-related activities. The recovery of affected benthic communities to pre-disturbance levels is expected to take from a few months to a few years, depending on the degree of impact and specific composition of the benthic substrate and associated community. BOEM will require a lessee to incorporate avoidance measures before physical sampling and met and PAM buoy installation near any hardbottom communities identified during geophysical surveying. For example, all vessel anchoring and seafloor sampling must also occur at least 492 feet (150 meters) from any known locations of deep-sea corals and shallow/mesophotic reefs. All sensitive live bottom habitats (eelgrass, cold-water corals, etc.) would be avoided as practicable.

Impacts on benthic communities from non-routine events are limited to those associated with the recovery of equipment lost at sea. The extent of impacts will depend on the type of lost equipment and the specific composition of the benthic substrate and associated community. The recovery of affected benthic communities to pre-disturbance levels is expected to take from a few months to a few years, depending on the degree of impact. It is generally anticipated that benthic impacts from non-routine events are expected to be negligible.

- *Marine Mammals*

Effects from site characterization and site assessment activities on marine mammals in the WEA are expected to range from negligible to minor, depending on the activity being conducted. The effects will be present, but marine mammals will be expected to recover completely without remedial or mitigating action. While more significant effects are possible (i.e., vessel strike, entanglement), the probability is very low. Vessel strike and noise are two of the most important factors that may affect marine mammals. BOEM's Standard Operating Conditions (SOCs), included in the lease, address these factors and would minimize the potential for vessel strikes and noise impacts from site characterization and site assessment activities.

BOEM will evaluate the actual high-resolution geophysical survey equipment proposed by a lessee in any future plan submission. BOEM will continue to reevaluate the SOCs as new information becomes available.

- *Sea Turtles*

Effects from site assessment activities on sea turtles are expected to be negligible. Effects from site characterization activities on sea turtles are expected to range from negligible to minor, depending on the activity being conducted. Effects could be present, but the sea turtles will be expected to recover completely without remedial or mitigating action. Vessel strike and noise are two of the most important factors that affect sea turtles. However, the SOCs described in the marine mammal discussion will likewise minimize the potential for adverse effects on sea turtles

from vessel strikes and noise.

- *Navigation and Vessel Traffic*

Because site-specific coordination will be required to minimize multiple-use conflicts on the OCS in and around the WEA, effects from met and PAM buoys on navigation and vessel traffic are expected to be negligible. Effects from site characterization and site assessment activities on navigation and vessel traffic are expected to be negligible.

The Proposed Action is expected to generate a small increase in the number of vessel trips relative to existing vessel traffic in the region. Consequently, the effects from this small increase in vessel traffic on navigation and port density are expected to be negligible over the 5- to 7-year span of activities. Additionally, BOEM designed the WEA to avoid major shipping lanes. BOEM also requires lessees to mark their met and PAM buoys consistent with U.S. Coast Guard regulations and to announce the buoys' location in notices to mariners.

Consequently, the effects on navigation from a maximum of 30 met buoys and 60 PAM buoys across the WEA are expected to be negligible. The Proposed Action's overall effect on military activities, navigation, and vessel traffic will be small, readily overcome (by a course change to avoid a buoy, for instance), and limited in duration, and the resource will be expected to return to its pre-disturbance condition with no measurable effects without any mitigation.

- *Commercial and Recreational Fishing*

Effects from site assessment and site characterization activities on commercial and recreational fisheries are expected to range from negligible to minor. Impacts are expected to be minor based on multiple factors, including the small number of vessel trips associated with site characterization and site assessment activities relative to existing vessel traffic, the installation of up to 30 met buoys and 60 PAM buoys over a relatively large geographic area, and the limited duration and propagation of marine sound produced from site assessment and characterization activities.

Communication and coordination between a lessee and affected fishers could greatly reduce the potential for conflict during vessel movement and met and PAM buoy installation. The impact will depend on the fishery and the activity, and any affected fishery is expected to recover completely without remedial or mitigating action.

- *Other Resources Analyzed*

This EA also analyzed the effects of the Proposed Action on bats, birds, finfish, invertebrates, and essential fish habitat; bathymetry, geology, and sediments; coastal habitats; coastal infrastructure; demographics and employment; environmental justice; physical oceanography; visual resources; water quality and air quality; military use; cultural, historical and archaeological resources; and recreation and tourism. BOEM determined that the effects of the Proposed Action on these resources are negligible.

Effects of the Action

As directed by 40 CFR § 1501.3(b)(2), I have considered the following in my evaluation of the degree of the effects from the Proposed Action:

1. Short- and Long-Term Effects

The EA considered the Proposed Action's potential contribution to effects when combined with other past, present, and reasonably foreseeable activities that overlap both spatially and temporally within the Gulf of Maine WEA. The EA analysis indicated that the Proposed Action is not reasonably anticipated to produce significant effects either alone or when its incremental effects are combined with the effects of other activities.

2. Beneficial and Adverse Effects

Potential adverse effects of the Proposed Action to benthic resources, marine mammals, sea turtles, commercial and recreational fishing, and navigation and vessel traffic are expected to occur at negligible to minor levels. Significant adverse effects are not anticipated for any resource. Therefore, the level of adverse and beneficial effects of the Proposed Action does not render the potential impacts significant.

3. Effects on Public Health and Safety

The EA considered the distance of the Proposed Action from local communities, the potential effects of anticipated discharges and emissions, and the potential for the Proposed Action to interfere with subsistence activities. Due to its nature and location, the Proposed Action is expected to have little to no effect on public health and safety. Therefore, the degree to which the Proposed Action may affect public health and safety or subsistence activities does not render the potential impacts significant.

4. Effects that Would Violate Federal, State, Tribal, or Local Law Protecting the Environment

The EA analysis indicated that the Proposed Action will not threaten a violation of Federal, State, or local law or any requirement imposed for the protection of the environment. Substantial disputes about the environmental consequences of the Proposed Action's surveys are not evident in either the scientific literature or past analyses of similar activities in waters offshore Maine. BOEM does not anticipate that the effects of the Proposed Action will be viewed as highly controversial. Additionally, any BOEM authorizations that result from the Proposed Action will require that lessees receive all appropriate Federal, State, and other permits. Therefore, the degree to which the Proposed Action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment does not render the potential impacts significant.

Consultations with the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (FWS) for Magnuson–Stevens Fishery Conservation and Management Act (Magnuson Act) and Endangered Species Act (ESA) have not been completed at this time. BOEM has provided both NMFS and FWS with Biological Assessments for ESA consultation and NMFS with an Essential Fish Habitat Assessment for Magnuson Act consultation. Based on the assessments that BOEM prepared for these consultations, BOEM does not expect impacts that are significantly different in kind or magnitude from those it has identified in previous wind lease sales. BOEM will not execute any leases in the Gulf of Maine prior to the completion of all consultations.

Finding of No Significant Impact

BOEM has considered the evaluation of the potential effects of the Proposed Action. BOEM has determined that the Proposed Action will not cause any significant effects and that the Proposed Action does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969.

Jessica Stromberg
Chief, Environment Branch for Renewable Energy
Office of Renewable Energy Programs

August 30, 2024
Date