

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF OCEAN ENERGY MANAGEMENT

Conditions of Site Assessment Plan Approval

Lease Number OCS-A 0490

The Lessee's rights to conduct activities under the approved Site Assessment Plan (SAP) are subject to the following conditions. The Lessor reserves the right to impose additional conditions incident to any future approval of any modifications to the SAP.

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1. Conditions for Cultural Resource Protection

- 1.1. No Impact Without Approval. The Lessee must not knowingly impact a potential archaeological resource without the Lessor's prior approval.
- 1.2. Post-Review Discovery Clauses. If, while conducting SAP activities, the Lessee discovers a potential archaeological resource, such as the presence of a shipwreck (e.g., a sonar image or visual confirmation of an iron, steel, or wooden hull; wooden timbers; anchors; concentrations of historic objects; or piles of ballast rock), or pre-contact archaeological site (e.g., stone tools; pottery) within the project area, the Lessee must:
 - 1.2.1. Immediately halt seafloor/bottom-disturbing activities within the area of discovery;
 - 1.2.2. Notify the Lessor within 24 hours of discovery;
 - 1.2.3. Notify the Lessor in writing via report to the Lessor within 72 hours of discovery;
 - 1.2.4. Keep the location of the discovery confidential and take no action that may adversely affect the archaeological resource until the Lessor has made an evaluation and instructs the applicant on how to proceed; and
 - 1.2.5. Conduct any additional investigations as directed by the Lessor to determine if the resource is eligible for listing in the National Register of Historic Places (NRHP) (30 CFR §585.802(b)). The Lessor will direct the Lessee to conduct such investigations if: (1) the site has been impacted by the Lessee's project activities; or (2) impacts to the site or to the area of potential effect cannot be avoided. If investigations indicate that the resource is potentially eligible for listing in the NRHP, the Lessor will instruct the Lessee as to how to protect the resource, or how to mitigate adverse effects to the site. If the Lessor incurs costs in protecting the resource, under Section 110(g) of the National Historic Preservation Act, the Lessor may charge the Lessee reasonable costs for carrying out preservation responsibilities under the Outer Continental Shelf (OCS) Lands Act (30 CFR 585.802(c & d)).

2. Conditions Relating to Marine Mammals and Sea Turtles

The marine protected species conditions specified below were derived from the Bureau of Ocean Energy Management's (BOEMs) standard operating conditions (SOCs) used in several recent Endangered Species Act (ESA) consultations for activities supporting offshore wind in the Atlantic and are thus consistent with the informal ESA consultation for geophysical and geotechnical activities and the installation of meteorological buoys, which was completed on September 20, 2011. Since completion of the Mid-Atlantic Regional Environmental Assessment

in 2012, BOEM has clarified and updated some of its SOCs and the changes are incorporated below. These changes are minor in nature and remain consistent with the relevant consultations. Further, NMFS concurred that SAP activities are consistent and fall within the scope of activities considered in ESA consultations on October 19, 2017.

- 2.1. Prior to conducting activities pursuant to the SAP, the Lessee must hold a briefing to establish responsibilities of each party involved in implementing the requirements specified in Sections 2 and 4 of these conditions. During this briefing, the parties involved must define the chains of command, discuss communication procedures, provide an overview of monitoring procedures, and review operational procedures. This briefing must include all relevant personnel. New personnel must be briefed as they join the work in progress.
- 2.2. The Lessee must ensure that all vessel operators and crew members, including any Protected Species Observers are familiar with, and understand, the requirements specified in Sections 2 and 4 of these conditions.
- 2.3. The Lessee must ensure that a copy of Section 2 and Section 4 of these conditions are made available on every project-related vessel.
- 2.4. Requirements for Vessel Strike Avoidance. The Lessee must ensure that all vessels conducting activities pursuant to the SAP, including those transiting to and from local ports and the lease area, comply with the vessel-strike avoidance measures specified below, except when the safety of life at sea is in question.
 - 2.4.1. The Lessee must ensure that vessel operators and crews maintain a vigilant watch for marine mammals and sea turtles and take appropriate measures to avoid striking these protected species.
 - 2.4.2. The Lessee must ensure that vessel operators monitor NMFS North Atlantic right whale reporting systems (e.g., the Early Warning System, Sighting Advisory System, and Mandatory Ship Reporting System) for the presence of North Atlantic right whales.
 - 2.4.3. The Lessee must ensure that vessel operators comply with the 10 knots (18.5 kilometer [km]/hour [hr]) or less speed restrictions in the following circumstances:
 - 2.4.3.1. When operating a vessel in any Dynamic Management Area (DMA) designated in transit routes to and from local ports, and within the meteorological buoy installation area.
 - 2.4.3.2. When operating a vessel 19.8 meters (m; 65 feet [ft]) in length or greater from November 1 through April 30 that is transiting to or

from local ports or operating within the meteorological buoy installation area.

- 2.4.3.3. When mother/calf pairs, pods, or large assemblages of marine mammals are observed near any vessel.

2.5. North Atlantic Right Whales

- 2.5.1. The Lessee must ensure all vessels maintain a separation distance of 500 m (1,640 ft) or greater from any sighted North Atlantic right whale.
- 2.5.2. The Lessee must ensure that the following avoidance measures are taken if a vessel comes within 500 m (1,640 ft) of any North Atlantic right whale:
 - 2.5.2.1. If underway, any vessel must steer a course away from any North Atlantic right whale at 10 knots (18.5 km/h) or less until the 500 m (1,640 ft) minimum separation distance has been established (except as provided in 2.5.2.2).
 - 2.5.2.2. If a North Atlantic right whale is sighted within 100 m (328 ft) to an underway vessel, the vessel operator must immediately reduce speed and promptly shift the engine to neutral. The vessel operator must not engage the engines until the North Atlantic right whale has moved beyond 100 m (328 ft), at which point the Lessee must comply with 2.5.2.1 above.
 - 2.5.2.3. If a vessel is stationary, the vessel must not engage engines until the North Atlantic right whale has moved beyond 100 m (328 ft), at which point the Lessee must comply with 2.5.2.1 above.

2.6. Large Whales other than the North Atlantic Right Whale

- 2.6.1. The Lessee must ensure all vessels maintain a separation distance of 100 m (328 ft) or greater from any sighted large whales.
- 2.6.2. The Lessee must ensure that the following avoidance measures are taken if a vessel comes within 100 m (328 ft) of any sighted large whale:
 - 2.6.2.1. If underway, the vessel must reduce speed and shift the engine to neutral and must not engage the engines until the whale has moved beyond 100 m (328 ft).
 - 2.6.2.2. If stationary, the vessel must not engage engines until the whale has moved beyond 100 m (328 ft).

2.7. Small Cetaceans (Dolphins and Porpoises) and Seals

- 2.7.1. The Lessee must ensure that all vessels underway do not divert to approach any small cetacean or seal.
- 2.7.2. The Lessee must ensure that all vessels maintain a separation distance of 50 m (164 ft) or greater from any sighted small cetacean or seal, except when the animal approaches the vessel, in which case, the Lessee must follow 2.7.3 below.
- 2.7.3. If a small cetacean or seal approaches any vessel underway, the vessel underway must avoid excessive speed or abrupt changes in direction to avoid injury to the small cetacean or seal.

2.8. Sea Turtles

- 2.8.1. The Lessee must ensure all vessels maintain a separation distance of 50 m (164 ft) or greater from any sighted sea turtle.

2.9. Reporting

- 2.9.1. The Lessee must use the contact information provided as Addendum A, or updated contact information as provided by the Lessor, to fulfill these reporting requirements.
- 2.9.2. Reporting Observed Impacts to Protected Species. The Lessee must report any observed takes (as defined by NMFS) of listed marine mammals, sea turtles, or sturgeon resulting in injury or mortality within 24 hours to the Lessor and NMFS. If the Lessee's activity is responsible for the injury or mortality, the Lessee must assist in any salvage effort as requested by NMFS.
- 2.9.3. The Lessee must report any observations concerning any impacts on ESA listed marine mammals, sea turtles, or sturgeon to the Lessor and NMFS Greater Atlantic (Northeast) Region's Stranding Hotline (866-755-6622 or current) within 48 hours.
- 2.9.4. The Lessee must record any observed injuries or mortalities using the form provided in Addendum B below.

3. Conditions for Avian and Bat Protection

- 3.1. Anti-perching Devices. The Lessee must install anti-perching devices on the meteorological buoy to the extent practicable.

- 3.2. Reporting Requirement for Avian and Bat Species. By January 31 of each year during the site assessment term, the Lessee must provide BOEM and the United States Fish and Wildlife Service a report documenting any dead or injured birds or bats found on vessels and structures during construction, operations, and decommissioning of the meteorological buoy. Each report must contain the following information: the name of species; date found; location; a picture to confirm species identity (if possible); and any other relevant information. The Lessee must report carcasses with Federal or research bands to the United States Geological Survey Bird Band Laboratory (<https://www.pwrc.usgs.gov/bbIL>).

4. Marine Trash and Debris Prevention

The Lessee must ensure that vessel operators, employees, and contractors actively engaged in the Lessee's approved SAP activities are briefed on marine trash and debris awareness and elimination, as described in the Bureau of Safety and Environmental Enforcement NTL No. 2015-G03 ("Marine Trash and Debris Awareness and Elimination") or any NTL that supersedes this NTL, except that the Lessor will not require the Lessee, vessel operators, employees, and contractors to undergo formal training or post placards. The Lessee must ensure that these vessel operator employees and contractors are made aware of the environmental and socioeconomic impacts associated with marine trash and debris and their responsibilities for ensuring that trash and debris are not intentionally or accidentally discharged into the marine environment. The above-referenced NTL provides information the Lessee may use for this awareness training.

5. Conditions Related to Private Aids to Maritime Navigation

- 5.1. The Lessee must file an application (Form CG-2554), either in paper form or electronically, with the Commander of the United States Coast Guard (USCG) Fifth District to establish a private aid to maritime navigation (PATON) for a meteorological buoy, per 33 CFR Part 66.
- 5.2. Upon receipt of the application, the Commander of the USCG Fifth District will provide an information sheet outlining the Lessee's responsibilities for the establishment, operation, maintenance, and discontinuance of the PATON.
- 5.3. The Lessee must submit a copy of the USCG-approved PATON to BOEM prior to deployment of any facilities covered by 5.1.

6. Post-Deployment Information

- 6.1. The Lessee must provide to BOEM the following information within 60 days after installation of the facility:
 - An actual location plat with precise latitude and longitude coordinates;
 - Record of any technical, engineering, or design deviations from the approved SAP; and
 - As-Built drawings of the facility

7. Modifications

The Lessee, by itself or through its designated operator, may request a modification of a term in the SAP or these conditions of approval. The Lessor will review this request and determine whether the modification requires a revision to the SAP under 30 CFR 585.617. If the Lessor determines that the requested modification does not require a revision to the SAP, the Lessor will provide a written response to the Lessee and its designated operator approving, approving with conditions, or disapproving the modification. This written response will become a part of the approved SAP.

Attachment 1

Contact Information for Reporting Requirements

The following contact information must be used for the reporting and coordination requirements specified in Section 2 of the Conditions for Site Assessment Plan approval:

United States Fleet Forces (USFF) N46
1562 Mitscher Avenue, Suite 250
Norfolk, VA 23551
(757) 836-6206

The following contact information must be used for the reporting and coordination requirements specified in Section 3.1 of the Conditions for Site Assessment Plan approval:

U.S. Fish and Wildlife Service
Supervisor
New England Field Office
70 Commercial Street, Suite 300,
Concord, NH 03301

The following contact information must be used for the reporting requirements in Section 2.9 of the Conditions for Site Assessment Plan approval (Attachment 1):

Reporting Injured or Dead Protected Species

National Oceanic and Atmospheric Administration
Fisheries Northeast Region's Stranding Hotline
866-755-6622

All Other Reporting Requirements in Section 2.9

Bureau of Ocean Energy Management
Environment Branch for Renewable Energy
Phone: 703-787-1340
Email: renewable_reporting@boem.gov

National Marine Fisheries Service
Northeast Regional Office, Protected Resources Division
Section 7 Coordinator
Phone: 978-281-9328
Email: incidental.take@noaa.gov

Vessel operators may send a blank email to ne.rw.sightings@noaa.gov for an automatic response listing all current Dynamic Management Areas.

Attachment 2

Incident Report: Protected Species Injury or Mortality

Photographs/Video should be taken of all injured or dead animals.

Observer's full name: _____

Reporter's full name: _____

Species Identification: _____

Name and type of platform: _____

Date animal observed: _____ Time animal observed: _____

Date animal collected: _____ Time animal collected: _____

Environmental conditions at time of observation (i.e. tidal stage, Beaufort Sea State, weather):

Water temperature (°C) and depth (m/ft) at site: _____

Describe location of animal and events 24 hours leading up to, including and after, the incident (incl. vessel speeds, vessel activity and status of all sound source use):

Photograph/Video taken: YES / NO If Yes, was the data provided to NMFS? YES / NO
(Please label *species, date, geographic site* and *vessel name* when transmitting photo and/or video)

Date and Time reported to NMFS Stranding Hotline: _____

Remarks: (note if turtle was involved with tar or oil, gear or debris entanglement, wounds, or mutilations, propeller damage, papillomas, old tag locations, etc.) _____

Marine Mammal information: *(please designate cm/m or ft/inches)*

Length of marine mammal (note direct or estimated): _____

Weight (if possible, kg or lbs): _____

Sex of marine mammal (if possible): _____

How was sex determined?: _____

Confidence of Species Identification: SURE UNSURE BEST GUESS

Description of Identification characteristics of marine mammal: _____

Genetic samples collected: YES / NO

Genetic samples transmitted to: _____ on ____/____/20__

Fate of marine mammal: _____

Description of Injuries Observed: _____

Other Remarks/Drawings: _____

