

Update on Massachusetts Environmental Review Process and Overview of Addendum C

Brian Krevor
Environmental Protection Specialist
BOEM OREP

January 16, 2014

Environmental Assessment Background

- * MA Environmental Assessment published on November 2, 2012 for public review
- * Public information meetings held in Boston, New Bedford, Vineyard Haven, and Nantucket November 13-15, 2012
- * 30-day comment period ended December 3, 2012

Environmental Assessment Comments

- * A total of 25 public comments submitted on the EA
- * Commenters included Federal and State agencies, environmental groups, private citizens, and other stakeholders
- * The majority of the comments focused on marine resources, endangered species, support and opposition, the standard operating conditions, wind energy, and the regulatory process

Environmental Assessment Current Status

- * Revising the EA based on comments received
- * Incorporating new information including data from recently completed studies

Environmental Assessment Next Steps

- * Publish a Finding of No Significant Impact (FONSI) with Revised EA; or
- * Determine that an Environmental Impact Statement (EIS) is required.

Environmental Review Consultations

- * November 1, 2012 - USFWS concurred with BOEM's Biological Assessment that concluded that the impacts of the proposed activities, in consideration of standard operating conditions, were expected to be discountable and insignificant and thus not likely to adversely affect ESA-listed species (roseate tern and piping plover)
- * March 21, 2013 - NMFS's Biological Opinion (BO) states "proposed activities may adversely affect but is not likely to jeopardize the continued existence of ESA species"
- * EFH and CZM will occur concurrently with the publishing of the EA

Environmental Review Consultations: NHPA

- * BOEM has prepared and executed a programmatic agreement (PA) to guide its consultations under Section 106 of the National Historic Preservation Act (NHPA)
- * The PA provides for consultations to continue through both the leasing process and BOEM's decision making process regarding the approval, approval with modification, or disapproval of a lessees' Site Assessment Plan (SAP) and allows for a phased identification and evaluation of historic properties
- * BOEM will continue to consult with federally recognized Tribes on a government to government basis, in accordance with EO 13175

Addendum C Overview

- * Includes lease terms, conditions, and stipulations
- * How Standard Operating Conditions are incorporated into lease
- * Includes four sections:
 - * Definitions
 - * Schedule
 - * National Security and Military Operations
 - * Standard Operating Conditions

Addendum C Section 1: Definitions

- * Defines key terms used in the commercial lease
- * Some terms are defined in BOEM (or other) regulations and a simple reference is provided
- * Some terms require stand-alone definitions
 - * Ramp-up
 - * Protected Species Observer

Addendum C Section 2: Schedule

- * Outlines the timeframe in which SAP Survey Plans and COP Survey Plans must be submitted
- * Outlines when HRG Survey milestones must be met and when pre-survey meetings must occur
- * Covers progress reporting

Addendum C Section 3: National Security and Military Operations

- * Hold or Save Harmless Clause
 - * Lessee assumes all liability and risk
 - * Lessee indemnify and save harmless the United States against all claims for loss, damage, or injury in connection with the programs or activities of the command headquarters
- * Evacuation or Suspension of Activities
 - * The United States reserves and has the right to temporarily suspend operations and/or require evacuation on this lease in the interest of national security
 - * Covers notification, duration, and coordination

Addendum C Section 4: Standard Operating Conditions

- * Included in the EA as part of the proposed action
- * Enforced through inclusion in Addendum C
- * Developed through environmental review process and consultations with resource agencies
- * Addendum C only addresses activities from lease issuance to the submittal of a plan (additional construction and/or operation stipulations will be included as terms and conditions of plan approval)
- * BOEM encourages discussions between developers and NGOs about voluntary measures above and beyond what BOEM requires

Standard Operating Conditions

- * Vessel Strike Avoidance Measures
 - * All vessels conducting activities in support of a plan (i.e. a SAP and/or COP) must comply with vessel-strike avoidance measures
 - * These measures include (but are not limited to):
 - * Maintaining a vigilant watch for protected species
 - * 10 knot speed restrictions in Dynamic Management Area (DMA) and 10 knot speed restrictions for vessels 65 feet in length or greater operating from Nov. 1 – July 31
 - * 500m separation distance from North Atlantic Right Whales
 - * 100m separation distance from all non-delphinoid cetacean(s) other than a North Atlantic right whale
 - * 50m separation distance from all delphinoid cetacean(s) and sea turtles
- * Note: A full list of vessel strike avoidance measures likely to be included in the MA lease can be found in Addendum C, Section 4.1.1 of the Rhode Island/Massachusetts commercial lease

Standard Operating Conditions

- * Archaeological Survey Requirements
 - * Lessee must provide the results of an archaeological survey with its SAP and COP
 - * Tribal pre-survey meeting
 - * Monitoring and avoidance
 - * Post-review discovery clause
 - * If the Lessee, discovers a potential archaeological resource, the lessee must: halt all bottom disturbing activities in the area, notify the lessor within 24 hours, keep the location confidential, and conduct additional investigations as directed by the lessor
 - * In addition, BOEM has the obligation (under NHPA) to inform consulting parties if there is a discovery

Standard Operating Conditions

- * Geological and Geophysical (G&G) Survey Requirements
 - * All vessels conducting activities in support of a plan (i.e. a SAP and/or COP) must comply with geological and geophysical survey requirements.
 - * These requirements include (but are not limited to):
 - * Visibility requirements
 - * 200m exclusion zone for cetaceans, pinnipeds, and sea turtles will be monitored by a protected species observer
 - * 500m separation distance for North Atlantic Right Whales
 - * Electromechanical survey equipment ramp-up
 - * Shutdown requirements for protected species entering exclusion zone
- * Note: A full list of geological and geophysical survey requirements likely to be included in the MA lease can be found in Addendum C, Section 4.3 of the Rhode Island/Massachusetts commercial lease

Standard Operating Conditions

- * Reporting Requirements
 - * Reporting dead or injured protected species
 - * Reporting observed impacts to protected species
 - * Field Verification Plan for HRG survey exclusion zone

Questions?

Brian Krevor

Environmental Protection Specialist

Office of Renewable Energy Programs, Environmental Review Branch

Bureau of Ocean Energy Management

381 Eldon Street, HM 1328

Herndon, VA 20170

Office (703) 787-1346

Fax (703) 787-1708

brian.krevor@boem.gov