

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

Conditions of Site Assessment Plan Approval

Lease Number OCS-A 0508

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. Avoidance of Potential Archaeological Resources. The lessee must avoid nine potential archaeological resources, identified as follows in the lessee’s SAP:

Potential Historic Period Resources to be Avoided
TS 2019 01 WBD 2 MAG Contact 045
TS 2019 01 WBD 2 MAG Contact 046
TS 2019 01 WBD 2 MAG Contact 047 & SSS WBD2 CONTACT 0027
TS 2019 01 WBD 2 MAG Contact 052
TS 2019 01 WBD 2 MAG Contact 055
TS 2019 01 WBD 2 MAG Contact 057 & SSS WBD2 CONTACT 0048
TS 2019 01 WBD 2 MAG Contact 071
TS 2019 01 WBD 2 MAG Contact 073
TS 2019 01 WBD 3 MAG Contact 099

The avoidance must extend a minimum of 100 m (328.08 ft) as measured from the center point of each potential archaeological resource. Where multiple anomalies or contacts comprise a potential archaeological resource, the center point must be measured from the related side scan sonar target. Should it be impracticable for the Lessee to avoid these areas, and thus necessary for the Lessee to work within these boundaries, the Lessee is required to notify the Bureau of Ocean Energy Management (BOEM) prior to any seafloor impact, so that BOEM can advise the Lessee on how to protect the potential archaeological resource, and what additional investigations would be necessary for the Lessee to conduct in order to determine if the potential archaeological resource is eligible for listing in the National Register of Historic Places (NRHP) (30 CFR 585.802(b)). For anomalies presented in this table, the size of the avoidance buffer required in this Condition supersedes the size of the avoidance buffer required in Condition 6.1.

- 1.3. Post-Review Discovery Clauses. If, while conducting SAP activities, the Lessee or its designated operator, 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 prehistoric artifacts, or relict landforms, etc. within the project area, the Lessee, by itself or through its designated operator, must:
 - 1.3.1. Immediately halt seafloor/bottom-disturbing activities within the area of discovery;
 - 1.3.2. Notify the Lessor within 24 hours of discovery;
 - 1.3.3. Notify the Lessor in writing via report to the Lessor within 72 hours of discovery;

- 1.3.4. 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
- 1.3.5. Conduct any additional investigations as directed by the Lessor to determine if the resource is eligible for listing in the 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 OCS Lands Act (30 CFR 585.802(c & d)).

2. Conditions Relating to Protected Marine Mammals, Sea Turtles, and Fish

- 2.1. Project Meetings and Protected Species Briefings. Prior to conducting at-sea activities pursuant to the SAP, the Lessee must hold a briefing on protected species (all marine mammals, sea turtles, and fish listed under the Endangered Species Act and Marine Mammal Protected Act) that occur in the project area, the conditions and reporting requirements specified herein, and establish the responsibilities of each party involved in at-sea operations. During this briefing, the parties involved must define the chains of command, discuss communication procedures, provide an overview of mitigation and monitoring requirements, and review operational procedures. This briefing must include all relevant personnel, crew members, and any Protected Species Observers (PSOs). New personnel must be briefed as they join the work in progress.
 - 2.1.1. The Lessee must ensure that all vessel operators and crew members, including any PSOs, are familiar with, and understand, the requirements specified in Sections 2 and 4 of these conditions.
 - 2.1.2. The Lessee must ensure that a copy of Section 2 and Section 4 of these conditions are made available on every project-related vessel.
- 2.2. Minimum Separation Distance for Protected Species. The Lessee must ensure all vessel operators and crews maintain a vigilant watch for protected species. All vessels must maintain the following minimum separation distances from any sighted protected species to avoid potential harm or harassment, except when the safety of the vessel or crew is at risk:
 - 2.2.1. 500 m (547 yd) or greater from any sighted North Atlantic right whale any other unidentified large marine mammal;
 - 2.2.2. 100 m (109 yd) or greater from any sighted Endangered Species Act-listed whales other than a North Atlantic right whale; and
 - 2.2.3. 50 m (55 yd) or greater from any sighted small cetaceans (dolphins and porpoises), seals, sea turtles, and giant manta rays.

2.3. 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 the vessel or crew is at risk.

2.3.1. The Lessee must ensure that vessel operators and crews maintain a vigilant watch for marine mammals, sea turtles, and giant manta rays, and take appropriate measures to avoid striking sighted protected species. Vessels must route around the animals and maintain minimum separation distances (per Section 2.2 above) from protected species whenever possible.

2.3.2. The Lessee must ensure that vessel operators reduce vessel speed to 10 knots (18.5 kilometer [km]/hour [hr]) or less in the following circumstances:

2.3.2.1. When operating a vessel in any Dynamic Management Area established for North Atlantic right whales including those established in transit routes to and from local ports, and within the lease area.

2.3.2.2. When mother/calf pairs, pods, or large assemblages of marine mammals are observed near an underway vessel.

2.3.3. The Lessee must ensure that underway vessels do not divert their course to approach protected species.

2.3.4. When marine mammals approach an underway vessel (e.g., bow-riding by small cetaceans), the Lessee must ensure that vessel operators make best efforts to remain parallel to the animal's course and avoid excessive speed or abrupt changes in direction until the animal has left the area.

2.3.5. When an animal is sighted in the vessel's path or in close proximity to a moving vessel, the Lessee must ensure that vessel operators reduce speed and shift the engine to neutral. Vessel operators must not engage the engines until the animals are clear of the area.

2.3.6. The Lessee must ensure all vessel operators check communication media for general information regarding avoiding ship strikes and daily information regarding North Atlantic right whale sighting locations. These media may include, but are not limited to, National Oceanic and Atmospheric Administration weather radio, U.S. Coast Guard (USCG) Navigational Text broadcasts, Notices to Mariners, and the Whale Alert app.

2.4. North Atlantic Right Whales

2.4.1. The Lessee must ensure that all vessels greater than or equal to 19.8 m (65 ft) in length must operate at 10 knots (11.5 mph) or less when operating within any current Seasonal Management Area (SMA) designated for the North Atlantic right whale, including those established in transit routes to and from local ports and within the lease area (see the current SMA maps and coordinates at <https://www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-ship-strikes-north-atlantic-right-whales>).

Seasonal Management Area	Effective Dates
<u>Northeast Feeding Areas</u>	
Cape Cod Bay SMA	Jan 1 – May 15
Off Race Point SMA	Mar 1 – Apr 30
Great South Channel SMA	Apr 1 – Jul 31
<u>Mid-Atlantic Migratory Route</u>	
Port and vessel route areas from Block Island, RI to Savannah, GA	Nov 1 – Apr 30

- 2.4.2. The Lessee must ensure that the following avoidance measures are taken if a vessel comes within 500 m (547 yd) of any North Atlantic right whale:
- 2.4.2.1. 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 (547 yd) minimum separation distance has been.
- 2.4.2.2. If a North Atlantic right whale is sighted within 100 m (109 yd) of 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 (109 yd) and steer a course away from the whale.
- 2.4.3. If a vessel is stationary, the vessel must not engage engines until the North Atlantic right whale has moved beyond 100 m (109 yd) and steer a course away from the whale. The Lessee must ensure that any sighted injured, dead or entangled North Atlantic right whale is immediately reported to the USCG via VHF Channel 16, in addition to the reporting requirements set forth in Section 2.6 below.
- 2.5. Entanglement Avoidance.
- 2.5.1. The Lessee must ensure that any structures or devices attached to the seafloor for continuous periods greater than 24-hour use the best available mooring systems. Buoy lines (chains, cables, or coated rope systems), swivels, shackles, and anchor designs must prevent any potential entanglement or entrapment of marine mammals, sea turtles, and giant manta rays while ensuring the safety and integrity of the structure or device.
- 2.5.2. All mooring lines and ancillary attachment lines must use one or more of the following measures to reduce entanglement risk: shortest practicable line length, rubber sleeves, weak-links, chains, cables or similar equipment types that prevent lines from looping, wrapping, or entrapping protected species.
- 2.5.3. Any equipment utilized for activities conducted pursuant to the SAP must be attached by a line within a rubber sleeve for rigidity. The length of the line must be as short as necessary to meet its intended purpose.
- 2.5.4. If a live or dead marine protected species becomes entangled, the Lessee must immediately contact the marine mammal or sea turtle stranding network coordinator per Section 2.6 below, and provide any on-water assistance requested by the coordinator.

- 2.6. **Reporting.** The Lessee must ensure compliance with the following reporting requirements for activities conducted pursuant to the SAP, and must use the contact information provided in Attachment 1, or updated contact information as provided by the Lessor, to fulfill these requirements.
- 2.6.1. The Lessee must ensure that sightings of any injured or dead protected species (e.g., listed marine mammals, sea turtles, giant manta rays, or sturgeon) are immediately reported within 24 hours to the Lessor, National Marine Fisheries Service (NMFS), and the appropriate stranding network (*see* Attachment 1).
- 2.6.2. The Lessee must record all sighting data reported per Section 2.6.1, including observed injuries or mortalities, using the form provided in Attachment 2 below.
- 2.6.3. The Lessee must additionally ensure that any sighted injured, dead, or entangled North Atlantic right whale is immediately reported to the USCG via VHF Channel 16,
- 2.6.4. If the Lessee's activity is responsible for the injury or death, the Lessee must ensure that the vessel assists in any salvage effort as requested by NMFS.

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. **Lighting.** Any lights used by the lessee to aid marine navigation during SAP activities must meet USCG requirements for private aids to navigation, available at: https://www.navcen.uscg.gov/pdf/AIS/CG_2554_Paton.pdf. The Lessee must use any additional lighting only when necessary, and such lighting must be hooded downward and directed when possible, to reduce upward illumination and illumination of adjacent waters.
- 3.3. **Reporting Requirement for Avian and Bat Species.** The Lessee must provide BOEM and the United States Fish and Wildlife Service (USFWS) an annual report documenting any dead or injured birds or bats found on structures, as well as during installation, operation, and decommissioning of the meteorological buoy. The reports are due each November 1 after the date of the SAP approval and required for every year that the buoy is deployed. Each report must be sent to the USFWS contact provided in Attachment 1 below, and 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/bbL/bblretrv>).

4. Marine Trash and Debris Prevention

The Lessee must ensure that vessel operators, employees, and contractors engaged in activities pursuant to the SAP are briefed on marine trash, debris awareness and elimination, as described in the Bureau of Safety and Environmental Enforcement Notice to Lessees (NTL) No. 2015-G03 ("Marine Trash and Debris Awareness and Elimination") or any NTL that supersedes this NTL. The Lessee must ensure that its vessel operators, employees and contractors participating in activities pursuant to the SAP, receive training on the environmental and socioeconomic impacts associated with marine trash and debris, as well as

their responsibilities for ensuring that trash and debris are not intentionally or accidentally discharged into coastal and marine environment. Briefing materials on marine debris awareness, elimination, and protected species are available at <https://www.ooctraining.org/copy-of-free-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 USCG Fifth District to establish a private aid to maritime navigation (PATON) for all facilities deployed pursuant to the SAP, 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. Conditions Related to the Avoidance of Magnetic Anomalies For Safety

- 6.1. The Lessee must ensure that all anchor points for vessels and SAP facilities are placed at least 30 meters from any identified magnetic anomalies on the sea floor, unless the size of the avoidance buffer is superseded by Condition 1.2.

7. Conditions Related to Mooring Line Entanglement

- 7.1. The Lessee must locate all WindSentinel buoys and trawl resistant bottom mounted platform buoys outside their respective mooring line sweep areas, in order to avoid a potential mooring line entanglement.

8. 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 requirements in Section 2.6 of the Conditions for SAP approval:

Dead and/or Injured Protected Species

National Marine Fisheries Service
Southeast U.S. Marine mammal Stranding Hotline
877-433-8299

North Carolina
Sea Turtle Stranding and Salvage Network Hotline
252-241-7367

All other reporting requirements in Section 2.6

Bureau of Ocean Energy Management
Environment Branch for Renewable Energy
Phone: 703-787-1300
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.

The following contact information must be used for the reporting and coordination requirements specified in Section 3.3 of the Conditions for SAP approval:

Kathy Matthews at (919) 856-4520, x27 or kathy_matthews@fws.gov
Fish and Wildlife Service
Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726

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: _____

Sturgeon Information: *(please designate cm/m or inches and kg or lbs)*

Species: _____

Fork length (or total length): _____ Weight: _____

Condition of specimen/description of animal: _____

Fish Decomposed: NO SLIGHTLY MODERATELY SEVERELY

Fish tagged: YES / NO If Yes, please record all tag numbers.

Tag #(s): _____

Genetic samples collected: YES / NO

Genetics samples transmitted to: _____ on ____ / ____ / 20 ____

Sea Turtle Species Information: *(please designate cm/m or inches)*

Species: _____ Weight (kg or lbs): _____

Sex: Male Female Unknown

How was sex determined?: _____

Straight carapace length: _____ Straight carapace width: _____

Curved carapace length: _____ Curved carapace width: _____

Plastron length: _____ Plastron width: _____

Tail length: _____ Head width: _____

Condition of specimen/description of animal: _____

Existing Flipper Tag Information

Left: _____ Right: _____

PIT Tag#: _____

Miscellaneous:

Genetic biopsy collected: YES NO Photographs taken: YES NO

Turtle Release Information:

Date: _____ Time: _____

Latitude: _____ Longitude: _____

State: _____ County: _____

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: _____

