# FINDING OF NO SIGNIFICANT IMPACT

Commercial and Research Wind Lease and Grant Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf of the New York Bight

## Introduction

In accordance with the National Environmental Policy Act (NEPA), 42 United States Code (USC) 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 Bureau of Ocean Energy Management (BOEM) policy, BOEM prepared an Environmental Assessment (EA) of the potential effects of the issuance of up to 10 commercial and research wind leases,[1] the issuance of potential easements (rights-of-way [ROWs] and rights-of-use and easement [RUEs]) associated with each lease, and the issuance of grants for subsea cable corridors and associated offshore collector/converter platforms. The ROWs and RUEs easements would all be located within the New York (NY) Bight wind energy areas (WEAs) identified offshore NY and New Jersey (NJ) and may include corridors that extend from the WEAs to the onshore energy grid.

Issuance of the above referenced grants would only allow for the submittal of plans for BOEM's consideration and approval, which does not constitute an irreversible and irretrievable commitment of resources. Therefore, BOEM's environmental analysis focused on the effects of site characterization (i.e., surveys of the lease area and potential cable routes) and site assessment activities (i.e., temporary placement of up to two meteorological [met] buoys on each lease) that may could occur in the WEAs and that may take place after the issuance of up to 10 commercial and research wind energy leases.

On August 10, 2021, BOEM published a Notice to Stakeholders announcing the availability of the *Commercial and Research Wind Lease and Grant Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf of the New York Bight Environmental Assessment* for a 30-day comment period. In response to stakeholder requests, BOEM extended the public comment period by an additional 14 days due to weather events in the project area, technical issues with BOEM's website, and several requests for extension from stakeholders. All public comments received by BOEM can be viewed at www.regulations.gov by searching for docket ID BOEM-2021-0054. 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 comment, and discuss next steps in the environmental review and leasing processes. BOEM revised the EA to address comments received during the public comment period and public meetings and incorporate the results of consultations. Appendix G of the revised EA includes a summary of public comments and BOEM's responses. This finding is accompanied by and cites the revised EA.

BOEM prepared the EA to determine whether the Proposed Action may result in significant effects such that an environmental impact statement is required (40 CFR §1501.3(a)). The EA included here analyzes the potential for significant effects from the Proposed Action on the human

[1] The actual number of leases to be issued will be determined in the Final Sale Notice BOEM issues after publication of this final EA.

environment, which is interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment. The EA was also prepared to assist with BOEM planning and decision-making (40 CFR §1501.5(b)).

**Environmental Assessment**

The purpose of the Proposed Action is to issue commercial and research leases within the WEAs and grant ROWs and RUEs in the region to provide lessees the exclusive right to submit plans to assess the physical characteristics of areas of the Outer Continental Shelf (OCS) of the NY Bight. BOEM's issuance of these leases and grants is needed to (1) to confer the exclusive right to submit plans to BOEM for potential development, such that the lessees and grantees develop plans for BOEM's review and will commit to site characterization and site assessment activities necessary to determine the suitability of their leases and grants for commercial offshore wind production and/or transmission and develop plans for BOEM's review; and (2) to impose terms and conditions intended to ensure that site characterization and assessment activities are conducted in a safe and environmentally responsible manner.

BOEM evaluated the Proposed Action and a No Action alternative. Several additional alternatives were identified during the public involvement period but did not meet the purpose and need for the Proposed Action.

***No Action Alternative***

Under this alternative, BOEM would not issue commercial or research leases within the WEAs, meaning the Proposed Action would not occur. This alternative would 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 would not be likely to occur without a commercial wind energy lease or grant.

***Proposed Action***

Under this alternative, BOEM would issue up to 10 commercial and research leases within the WEAs and grant ROWs and RUEs in the region to provide lessees the exclusive right to submit plans to assess the physical characteristics of areas of the OCS of the NY Bight over a 5- to 7-year timeframe after issuance of the first lease. Site characterization activities would most likely include geophysical, geotechnical, and biological surveys in support of plan submittal. Site assessment activities would most likely include the temporary placement of met buoys and oceanographic devices.

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

Anticipated impacts of the Proposed Action are summarized below:

- *Benthic Resources*

Overall, impacts to benthic resources are expected to be minor. Impacts of routine activities, including site characterization surveys and installation and operation of met buoys on benthic communities, are expected to be minor, except for buoy removal and biological surveys, which are

expected to have negligible impacts. Primary effects of routine activities associated with the Proposed Action would be crushing and smothering by clump anchors and mooring chains. These impacts would be limited to the immediate footprint of the buoy and spread out across each WEA. The maximum area affected would be small for buoy-related activities. The recovery of affected benthic communities to pre-disturbance levels is expected to take between a few months to a few years, depending on the degree of impact and specific composition of the benthic substrate and associated community. BOEM would require a lessee to incorporate avoidance measures before physical sampling and met buoy installation near any hardbottom communities identified during geophysical surveying.

Impacts to benthic communities from non-routine events are limited to those associated with the recovery of lost equipment. The extent of impacts would depend on the type of lost equipment. Given that the WEAs are predominantly composed of sand substrate, it is generally anticipated that benthic impacts from non-routine events are expected to be negligible because sand substrate recovers quickly without remedial or mitigating action.

- *Commercial and Recreational Fishing*

Overall, impacts to commercial and recreational fisheries under the Proposed Action are expected to be minor. Impacts are expected to range from negligible to minor depending on the fishery and Proposed Action activity, as effects would be notable, but the resource would be expected to recover completely without remedial or mitigating action. Minor impacts are expected based on multiple factors, including the low level of vessel traffic activity associated with site characterization and site assessment activities relative to existing traffic; the fact that up to 20 met buoys would be installed over a relatively large geographic area; and the relatively small spatial area and limited duration of sound produced from routine activities and events. Communication and coordination between a lessee and affected fishermen could greatly reduce the potential for conflict during vessel movement and met buoy installation activities.

- *Finfish, Invertebrates, and Essential Fish Habitat (EFH)*

Overall, impacts from site characterization and site assessment activities to finfish and shellfish populations and EFH in the WEAs, when combined, are expected to be minor. However, impacts would range from negligible to minor depending on the activity. Primary impacts to this resource are disturbance related, and no population-level effects are anticipated.

- *Marine Mammals*

Overall, impacts from site characterization and site assessment activities to marine mammals in the WEAs are expected to be minor. However, impacts would range from negligible to minor depending on the activity being conducted, as effects would be notable, but the resource would be expected to recover completely without remedial or mitigating action. While it is possible for more significant impacts to occur (i.e., vessel strike, entanglement), the probability of such an occurrence is very low. Vessel strike and noise are two of the most important factors that may affect marine mammals. Implementing the vessel strike avoidance measures in the Standard Operating Conditions (SOCs) would minimize the potential for vessel strikes. BOEM's SOCs related to site characterization surveys and site assessment would minimize the potential for noise impacts to marine mammals.

- *Sea Turtles*

Overall, impacts to sea turtles are expected to be minor, with potential impacts to sea turtles ranging from negligible to minor depending on the activity being conducted; effects would be notable, but the resource would be expected to recover completely without remedial or mitigating action. Vessel strike and noise are two of the most important factors that may affect sea turtles. However, SOCs would minimize the potential for vessel strikes and adverse impacts on sea turtles.

- *Other Resources Analyzed*

This EA also analyzed the effects of the Proposed Action on air quality and greenhouse gas emissions; cultural, historical, and archaeological resources; military use and navigation/vessel traffic; and recreation and tourism. The effects of the Proposed Action on these resources were determined to be negligible.

## Effects of the Action

I have considered the following in my evaluation of the degree of the effects 40 CFR § 1501.3(b)(2)) from the issuance of up to 10 commercial and research wind leases, the issuance of potential ROWs and RUEs associated with each lease, and the issuance of grants for subsea cable corridors and associated offshore collector/converter platforms:

**1. Short- and Long-term Effects**

The EA considered the Proposed Action's potential contribution to impacts when combined with other past, present, and reasonably foreseeable activities for the NY Bight WEAs offshore NY and NJ. The EA effects analyses indicate that the Proposed Action is not reasonably anticipated to produce significant impacts, nor is it anticipated to combine with the effects of other activities such that the incremental effects of the action result in significant impacts.

**2. Beneficial and Adverse Effects**

Potential adverse effects of the Proposed Action to benthic resources; commercial and recreational fishing; finfish, invertebrates, and EFH; marine mammals; and sea turtles 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**

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

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

There is no indication that the Proposed Action, if approved, would threaten a violation of Federal, State, or local law or requirement imposed for the protection of the environment. No

substantial disputes about the environmental consequences of such surveys are evident from the scientific literature, past analyses of similar activities in the NY Bight area, or the present EA. The effects of the Proposed Action are therefore not highly controversial. Additionally, any BOEM authorizations that result from the Proposed Action would 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.

**Finding of No Significant Impact**

BOEM has considered the evaluation of the potential effects of the Proposed Action and has determined that the Proposed Action would not cause any significant impacts and implementing 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.

MICHELLE MORIN Digitally signed by MICHELLE MORIN Date: 2021.12.13 08:30:50 -05'00'

December 13, 2021

Michelle Morin
Chief, Environment Branch for Renewable Energy
Office of Renewable Energy Programs

Date