



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT

WASHINGTON, DC 20240-0001

OCT 12 2017

Mr. Jeffrey Grybowski
Deepwater Wind New England, LLC
c/o Deepwater Wind Holdings, LLC
56 Exchange Terrace, Suite 101
Providence, Rhode Island 02903

Dear Mr. Grybowski:

This letter serves to inform you that the Bureau of Ocean Energy Management (BOEM) has approved the Site Assessment Plan (SAP) submitted by Deepwater Wind New England, LLC on April 1, 2016, subject to the enclosed conditions of approval pursuant to 30 CFR 585.613(e)(1). Your five-year site assessment term commences on the date of this letter, pursuant to 30 CFR 585.235(a)(2).

To help maintain compliance with the approved SAP, please take note of the following requirements, among others, that must be implemented:

1. Adhere to the enclosed Conditions of Site Assessment Plan Approval, pursuant to 30 CFR § 585.613(e)(1).
2. Notify BOEM in writing within 30 days of completing the installation activities approved in your SAP, pursuant to 30 CFR § 585.615(a).
3. Each November 1 of your site assessment term starting on November 1, 2018, submit to BOEM a report that summarizes your site assessment activities and the results of those activities, pursuant to 30 CFR § 585.615(b).
4. Each November 1 of your site assessment term starting on November 1, 2018, submit a certification of compliance, pursuant to 30 CFR § 585.615(c), with the enclosed Conditions of Site Assessment Plan Approval. Together with your certification, you must submit:
 - a. Summary reports that demonstrate compliance with specified terms and conditions that require certification; and
 - b. A statement identifying and describing any mitigation measures and monitoring methods that you have taken, as well as their effectiveness. If you identify measures that are not effective, you must make recommendations for substitute mitigation measures or monitoring methods and explain why you believe they would be effective.
5. Develop a comprehensive annual Self-Inspection Plan, pursuant to 30 CFR § 585.824(a); and submit an annual Self-Inspection Report no later than November 1 of each year starting on November 1, 2018, that your site assessment facility is in operation, pursuant to 30 CFR § 585.824(b).

This letter constitutes a final BOEM decision that may be appealed pursuant to 30 CFR § 585.118, 30 CFR Part 590, and 43 CFR Part 4, Subpart E.

Please do not hesitate to contact Ms. Jessica Stromberg at jessica.stromberg@boem.gov or (703) 787-1730 if you have any questions.

Sincerely,

Amelle B. Moore
acting for

James F. Bennett
Program Manager
Office of Renewable Energy Programs

Enclosure

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

Conditions of Site Assessment Plan Approval

Lease Number OCS-A 0486

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.

Table of Contents

Section:

1. CONDITIONS FOR NATIONAL SECURITY AND MILITARY OPERATIONS
2. CONDITIONS FOR CULTURAL RESOURCE PROTECTION
3. CONDITIONS FOR AVIAN AND BAT PROTECTION
4. CONDITIONS RELATING TO MARINE MAMMALS AND SEA TURTLES
5. CONDITIONS RELATING TO OIL SPILL RESPONSE
6. CONDITIONS RELATING TO PRIVATE AIDS TO NAVIGATION
7. MODIFICATIONS

Attachments:

1. Contact Information for Reporting Requirements
2. Incident Report: Protected Species Injury or Mortality

1 CONDITIONS FOR NATIONAL SECURITY AND MILITARY OPERATIONS

- 1.1 Notification. The Lessee must notify the Lessor and the Department of Defense, using the contact information listed in Attachment 1, or updated contact information as provided by the Lessor, of any proposal to add new sensors to the data collection buoy. The Lessee must include the technical specifications (manufacturer, model number, spectrum requirements, etc.) for any proposed new sensors, including seismometers and hydrophones, in this notification.

2 CONDITIONS FOR CULTURAL RESOURCE PROTECTION

- 2.1 No Impact without Approval. The Lessee must not knowingly impact a potential archaeological resource without the Lessor's prior approval.
- 2.2 Post-Review Discovery Clauses. If, while conducting activities pursuant to the SAP, the Lessee discovers an unanticipated 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:
- 2.2.1 Immediately halt seafloor/bottom-disturbing activities within the area of discovery;
 - 2.2.2 Notify the Lessor within 24 hours of discovery;
 - 2.2.3 Notify the Lessor in writing via report to the Lessor within 72 hours of discovery;
 - 2.2.4 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
 - 2.2.5 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 (30 CFR 585.802(b)). The Lessor will direct the Lessee to conduct such investigations: (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 National Register of Historic Places, 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 Lands Act (30 CFR 585.802(c-d)).

3 CONDITIONS FOR AVIAN AND BAT PROTECTION

- 3.1 Reporting Requirement for Avian and Bat Species. The Lessee must provide an annual report to the Lessor and U.S. Fish and Wildlife Service using the contact information in Attachment 1, or updated contact information as provided by the Lessor, by January 31 of each year of the site assessment term of the Lease. This report must document the

dead or injured birds or bats found on vessels and the meteorological buoy 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. In addition to submitting the Annual Report, the Lessee must report carcasses with Federal or research bands to the U.S. Geological Survey Bird Band Laboratory within 30 calendar days of discovery, using the following website: <https://www.pwrc.usgs.gov/bbl/>, or updated contact information as provided by the Lessor.

4 CONDITIONS RELATING TO MARINE MAMMALS AND SEA TURTLES

- 4.1 Prior to conducting activities pursuant to the SAP, the Lessee must hold a briefing to establish responsibilities of each involved party, 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, and crew members. New personnel must be briefed as they join the work in progress.
- 4.2 The Lessee must ensure that all vessel operators and crew members are familiar with, and understand, the requirements specified in these conditions.
- 4.3 The Lessee must ensure that a copy of these conditions is made available on every project-related vessel.
- 4.4 Marine Debris Prevention. The Lessee must ensure that vessel operators, employees, and contractors engaged in activities pursuant to the SAP are briefed on marine trash and debris awareness elimination as described in the Bureau of Safety and Environmental Enforcement Notice to Lessee (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 its 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 briefing.
- 4.5 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 under extraordinary circumstances when complying with these requirements would put the safety of the vessel or crew at risk.
 - 4.5.1 The Lessee must ensure that vessel operators and crews maintain a vigilant watch for marine mammals and sea turtles, and slow down or stop their vessel to avoid striking protected species.
 - 4.5.2 The Lessee must ensure that vessels 19.8 meters (m) (65 feet [ft]) in length or greater that operate between November 1 through July 31 operate at speeds of 10 knots (18.5 kilometers [km]/hour [hr]) or less.
 - 4.5.3 The Lessee must ensure that between November 1 and July 31, vessel operators monitor National Marine Fisheries Service (NMFS) North Atlantic Right Whale

- reporting systems (e.g., the Early Warning System, Sighting Advisory System, and Mandatory Ship Reporting System) for presence of North Atlantic right whales.
- 4.5.4 The Lessee must ensure that all vessel operators comply with 10 knot (18.5 km/hr) speed restrictions in any Dynamic Management Area.
- 4.5.5 North Atlantic right whales.
- 4.5.5.1 The Lessee must ensure all vessels maintains a separation distance of 500 m (1,640 ft) or greater from any sighted North Atlantic right whale.
- 4.5.5.2 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:
- 4.5.5.2.1 If underway, any vessel must steer a course away from the 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 (unless 4.5.5.2.2 below applies).
- 4.5.5.2.2 If a North Atlantic right whale is sighted within 100 m (328 ft) 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 (328 ft), at which point the Lessee must comply with 4.5.5.2.1 above.
- 4.5.5.2.3 If a vessel is stationary, the vessel operator 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 4.5.5.2.1 above.
- 4.5.6 Non-delphinoid cetaceans (whales) other than the North Atlantic right whale.
- 4.5.6.1 The Lessee must ensure all vessels maintain a separation distance of 100 m (328 ft) or greater from any sighted non-delphinoid cetacean.
- 4.5.6.2 The Lessee must ensure that all vessel operators reduce vessel speed to 10 knots or less when mother/calf pairs, pods, or large assemblages of non-delphinoid cetaceans are observed near an underway vessel.
- 4.5.6.3 The Lessee must ensure that the following avoidance measures are taken if a vessel comes within 100 m (328 ft) of any sighted non-delphinoid cetacean:
- 4.5.6.3.1 If underway, the vessel underway must reduce speed and shift the engine to neutral, and must not engage the engines until the non-delphinoid cetacean has moved beyond 100 m (328 ft).
- 4.5.6.3.2 If stationary, the vessel must not engage engines until the non-delphinoid cetacean has moved beyond 100 m (328 ft).
- 4.5.7 Delphinoid cetaceans and Pinnipeds (dolphins, porpoises, and seals).
- 4.5.7.1 The Lessee must ensure that all vessels underway do not divert to approach any delphinoid cetacean and/or pinniped.

- 4.5.7.2 The Lessee must ensure that all vessels maintain a separation distance of 50 m (164 ft) or greater from any sighted delphinoid cetacean or pinniped, except if the delphinoid cetacean and/or pinniped approaches the vessel, in which case, the Lessee must follow 4.5.7.3 below.
- 4.5.7.3 If a delphinoid cetacean and/or pinniped approaches any vessel underway, the vessel underway must avoid excessive speed or abrupt changes in direction to avoid injury to the delphinoid cetacean and/or pinniped.
- 4.5.8 Sea Turtles. The Lessee must ensure all vessels maintain a separation distance of 50 m (164 ft) or greater from any sighted sea turtle.
- 4.6 Reporting Requirements for Protected Species. The Lessee must ensure compliance with the reporting requirements in Section 4 for activities conducted pursuant to the SAP.
- 4.6.1 The Lessee must use the contact information provided as Attachment 1, or updated contact information as provided by the Lessor, to fulfill these reporting requirements.
- 4.6.2 The Lessee must ensure that sightings of any injured or dead protected species (i.e., marine mammals, sea turtles, or sturgeon) are reported to the Lessor, NMFS, and the NMFS Northeast Region Stranding Hotline within 24 hours of sighting, regardless of how the injury or death was caused. The Lessee must use the form provided in Attachment 2 to report the sighting or incident. 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.
- 4.6.3 The Lessee must report any observations concerning any impacts on Endangered Species Act-listed marine mammals, sea turtles, or sturgeon to the Lessor and NMFS Northeast Regional Stranding Hotline within 48 hours.

5 **CONDITIONS RELATING TO OIL SPILL RESPONSE**

- 5.1 The following requirements supersede Section 4.6 of the SAP. Before installing any facilities on the OCS that contain oil, as defined in Section 5.1.8, the Lessee must provide to BOEM a list of the emergency measures to take in the event of an oil spill that contains the following information:
- 5.1.1 A description of the type and amounts of oil on the facility, and design parameters intended to monitor for and/or prevent oil spills.
- 5.1.2 A list of Oil Spill Response Organization(s) (OSRO) entities that are available to execute any planned response measures and their contact information. Contracts with OSROs are not required.
- 5.1.3 The name of a designated point-of-contact (POC), as defined in Section 5.1.8 below, and an alternate POC, and their contact numbers.
- 5.1.4 A description of the procedures the POC will follow to notify BOEM, the OSRO and any other appropriate officials or personnel within 24 hours of a report of a spill event. The POC must conduct an annual notification drill on the anniversary of SAP approval

(or as close to the date as practical) to test the ability to communicate pertinent information regarding the facility emergency situation and the necessary response measures to an OSRO and to BOEM.

- 5.1.5 The address of the onshore location where the information in 5.1.1-5.1.4 is kept and any associated records.
- 5.1.6 For as long as facilities containing oil approved in the SAP remain on the OCS, if any information required in items 5.1.1 to 5.1.5 changes, the Lessee must provide notice to BOEM no more than 30 days after said change.
- 5.1.7 Oil means oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. It does not include animal fats, oils, and greases, and fish and marine mammal oils, or oils of vegetable origin, including oils from seeds, nuts, and kernels.
- 5.1.8 A company POC should be an English-speaking representative of the Lessee or designated operator who is located in the United States, available on a 24 hour basis, with full authority to obligate funds, carry out removal actions, and communicate with the appropriate officials and person providing personnel and equipment in removal operations.

6 CONDITIONS RELATED TO PRIVATE AIDS TO MARITIME NAVIGATION

- 6.1 The Lessee must file an application (form CG-2554), either in paper form or electronically, with the commander of United States Coast Guard (USCG) First District to establish a private aid to maritime navigation (PATON) for all facilities deployed pursuant to the SAP, per 33 CFR Part 66.
- 6.2 Upon receipt of the application, the commander of USCG First District will provide an information sheet outlining the Lessee's responsibilities for the establishment, operation, maintenance, and discontinuance of the PATON.
- 6.3 The Lessee must submit a copy of the USCG approved PATON to BOEM prior to deployment of any facilities covered by 6.1.

7 MODIFICATIONS

- 7.1 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 1.1 of the Conditions for Site Assessment Plan approval:

United States Fleet Forces (USFF) N46
1562 Mitscher Avenue, Suite 250
Norfolk, Virginia 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, New Hampshire 03301

The following contact information must be used for the reporting requirements in Section 4.6.1 of the Conditions for Site Assessment Plan approval:

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 4

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 DMAs.

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 (*include 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): _____

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 ____ / ____ /201__

Fate of marine mammal: _____

Description of Injuries Observed: _____

Other Remarks/Drawings: _____
