



Central Atlantic Wind Energy Areas

Consultations

Endangered Species Act (ESA)

Federal agencies must ensure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat of those species. When the action of a Federal agency may affect a protected species or its critical habitat, that agency is required to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS), depending upon the protected species.

USFWS: BOEM prepared a biological assessment to cover the species and critical habitat that may be affected by activities associated with the issuance of a lease and preparation of a Site Assessment Plan within the Central Atlantic. BOEM will submit the biological assessment to USFWS to request concurrence with BOEM's determination that the impacts of the proposed activities are expected to be discountable and insignificant and thus not likely to adversely affect ESA-listed bird species.

NMFS: The activities that may occur as a result of the issuance of leases in the Central Atlantic are subject to a programmatic consultation with NMFS. BOEM plans to submit a literature review to NMFS.

Magnuson-Stevens Fishery Conservation and Management Act

Federal agencies are required to consult with NMFS on any action that may result in adverse effects on essential fish habitat (EFH). NMFS regulations implementing the EFH provisions of the Magnuson-Stevens Fishery Conservation and Management Act can be found at 50 CFR Part 600. BOEM plans to submit an EFH Assessment to NMFS that identifies potential adverse effects on designated EFH from activities described in the Proposed Action.

Coastal Zone Management Act

Federal actions that are reasonably likely to affect any land or water use or natural resource of the coastal zone must be consistent to the maximum extent practicable with relevant enforceable policies of a state's federally approved coastal management program. BOEM prepared a Consistency Determination to determine whether issuing leases and site assessment activities are consistent to the maximum extent practicable with the provisions identified as enforceable by the Coastal Zone Management Programs of the states of DE, MD, VA, and NC.

Tribal Coordination and Government to Government Consultations with Federally Recognized Tribes

BOEM recognizes the unique legal relationship of the U.S. with tribal governments, and BOEM is required to consult with federally recognized Native American Tribes when a BOEM action has tribal implications. BOEM extended invitations to Tribal governments for both government to government and Tribal coordination meetings. Initially, this outreach included representatives from eight federally recognized Tribes currently located on the Central Atlantic east coast, and BOEM has subsequently augmented this Tribal engagement to include a total of 23 federally recognized Tribes with historic and cultural ties to the region.

National Historic Preservation Act (NHPA)

Section 106 of the NHPA requires Federal agencies to consider the effects of their actions on historic properties and provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment. BOEM initiated consultation through letters on August 11, 2023, with the Delaware State Historic Preservation Office (SHPO), Maryland SHPO, Virginia SHPO, ACHP, and 23 federally recognized Native American Tribes. BOEM contacted over 200 entities to solicit public comment and input, and prepared a Finding of No Historic Properties Affected, which was provided to consulting parties.

