



United States Department of the Interior

FISH AND WILDLIFE SERVICE
3817 Luker Road
Cortland, New York 13045



October 15, 2021

Annette J. Moore
Acting Program Manager
Office of Renewable Energy Programs
U.S. Department of Interior
Bureau of Ocean Energy Management
45600 Woodland Road, VAM-OREP
Sterling, VA 20166

Dear Ms. Moore:

This is the U.S. Fish and Wildlife Service's (Service) response to your August 10, 2021, correspondence, requesting Endangered Species Act (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) consultation on the Bureau of Ocean Energy Management's (BOEM) proposed New York Bight lease activities as described in the Biological Assessment (BA) entitled, "*Commercial and Research Wind Lease and Grant Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf of the New York Bight.*" A full description of the lease activities, listed species which may be present in the lease area, and the effects of the lease activities are found in the BA. Short descriptions are provided below.

Description of Proposed Activities

- (1) issuance of commercial and research leases within the Wind Energy Areas (WEA) and granting of rights-of-way and rights-of-use and easement;
- (2) associated site characterization activities that a lessee may undertake on the lease (e.g., geophysical, geotechnical, archaeological, and biological surveys); and
- (3) the installation, operation, and decommissioning of up to 2 meteorological buoys per lease for up to 10 leases (a total of twenty (20)) in the NY Bight.

Federally Listed Species in the New York Bight Lease Area

Federally listed species that may be affected by the proposed activities include the piping plover (*Charadrius melodus*; threatened); roseate tern (*Sterna dougallii dougallii*; endangered); red knot (*Calidris canutus rufa*; threatened); Bermuda petrel (*Pterodroma cahow*; endangered), and

northern long-eared bat (*Myotis septentrionalis*; threatened). There are no designated critical habitats for the above listed species in the offshore lease areas.

BOEM ESA Determinations

BOEM has determined that the proposed activities would not be likely to adversely affect the piping plover, red knot, roseate tern, and Bermuda petrel, and determined that the activities would have no effect on piping plover critical habitat or the northern long-eared bat. See BOEM (2021) for discussions on the effects of the proposed activity on each of these species.

Service Comments

Overall, the Service concurs with BOEM's not likely to adversely affect determinations and acknowledges its no effect determinations. However, we offer the following comments to clarify some of the finer points and conclusion reached in studies referenced by BOEM in support of its determinations.

Section 2, Threatened and Endangered Species - Red Knot, paragraph 2, sentence 3: We note that in a red knot tracking study using automated radio telemetry (Loring et al. 2018), the majority (77% of n=30) of flights across WEAs were estimated to have occurred in the rotor swept zone of offshore wind turbines (20 to 200 meters [m]), with a mean altitude of 106 m (range 22 m to 882 m). However, these estimates were subject to large error bounds (typically 100 to 200 m) and should be interpreted with caution.

Section 2, Threatened and Endangered Species – Red Knot, paragraph 2, sentence 6 of the section entitled, Red Knot section – Please change Loring et al. (2018) to Loring et al. (2020). Figure 3 in the BA should also be similarly cited.

Section 2, Threatened and Endangered Species – Red Knot, paragraph 2, sentence 7 of the Red Knot section – We suggest adding this clause at the end of the sentence "...presumably because most offshore flights occur during the night (Loring et al. 2018)."

Section 2, Threatened and Endangered Species – Red Knot Figure 3 on page 12 – We note that 98 percent (n=515 of 525) of red knots tracked during spring migration were tagged in Delaware Bay, so there is still a large information gap on movements across the Atlantic Outer Continental Shelf during spring migration.

Section 2, Threatened and Endangered Species – Roseate Tern, paragraph 2, sentence 8 of the Roseate Tern section – We note that in a pilot satellite telemetry on common terns (*Sterna hirundo*) tagged at a nesting colony in the Gulf of Maine, one of five terns tracked during fall crossed New York Bight during regional staging movements and one of two terns tracked during spring migrated through New York Bight, intersecting with lease areas (Loring et al. 2019, Appendix j). More detailed information is needed on offshore movements of roseate terns to assess exposure risk, particularly during staging and migratory periods.

Section 5, Avoidance, Minimization, and Mitigation Measures, Number 2: We suggest the following insertion, "To help address information gaps on offshore movements of birds and bats, including ESA-listed species, installation of Motus stations on meteorological or environmental data buoys in coordination with U.S. Fish and Wildlife Service's Offshore Motus network."

Section 6, Literature Cited: We recommend adding “Loring PH, McLaren JD, Smith PA, Niles LJ, Koch SL, Goyert HF, Bai H. 2018. Tracking movements of threatened migratory rufa Red Knots in U.S. Atlantic Outer Continental Shelf Waters. Sterling (VA): US Department of the Interior, Bureau of Ocean Energy Management. OCS Study BOEM 2018-046. 145 pp.”

Thank you for the opportunity to consult with your agency. If you have any questions or require any further assistance, please have your staff contact Steve Papa of the Long Island Field Office at Steve_Papa@fws.gov or (631) 286-0485 extension 2120.

Sincerely,

David A. Stilwell

Field Supervisor

Cc: NYSDEC, Stony Brook, NY (M. Gibbons)

References Cited:

Bureau of Ocean Energy Management. 2021. Biological Assessment: Commercial and Research Wind Lease and Grant Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf of the New York Bight. August 2021. 22 pp.

Loring PH, Lenske AK, McLaren JD, Aikens M, Anderson AM, Aubrey Y, Dalton E, Dey A, Friis C, Hamilton D, Holberton B, Kriensky D, Mizrahi D, Niles L, Parkins K.L. Paquet J, Sanders F, Smith A, Turcotte Y, Vitz A, Smith PA. 2020. Tracking Movements of Migratory Shorebirds in the US Atlantic Outer Continental Shelf Region. Sterling (VA): US Department of the Interior, Bureau of Ocean Energy Management. OCS Study BOEM 2021-008. 104 p.

Loring, P.H., P.W.C. Paton, J.D. McLaren, H. Bai, R. Janaswamy, H.F. Goyert, C.R. Griffin, and P.R. Sievert. 2019. Tracking Offshore Occurrence of Common Terns, Endangered Roseate Terns, and Threatened Piping Plovers with VHF Arrays. Sterling (VA): US Department of the Interior, Bureau of Ocean Energy Management. OCS Study BOEM 2019-017. 140 pp.

Loring PH, McLaren JD, Smith PA, Niles LJ, Koch SL, Goyert HF, Bai H. 2018. Tracking movements of threatened migratory rufa Red Knots in U.S. Atlantic Outer Continental Shelf Waters. Sterling (VA): US Department of the Interior, Bureau of Ocean Energy Management. OCS Study BOEM 2018-046. 145 pp.