



United States Department of the Interior



FISH AND WILDLIFE SERVICE

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Office of Renewable
Energy Programs

November 1, 2012

Ms. Michelle Morin
Bureau of Ocean Energy Management
Environment Branch for Renewable Energy
381 Elden Street, HM 1328
Herndon, Virginia 20170-4817

Dear Ms. Morin:

This responds to your letter, dated October 19, 2012, requesting that we review the October 2012 Biological Assessment for the Commercial Wind Lease Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf Offshore Rhode Island and Massachusetts (BA), and concur with your determination of "not likely to adversely affect" federally endangered roseate terns, threatened piping plovers, and the candidate red knot. Our comments are provided in accordance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531, *et seq.*).

The proposed action consists of commercial wind energy lease issuance for up to nine leaseholds, associated site characterization activities (geophysical, geotechnical, archeological and biological surveys), and site assessment activities [installation, operation and decommissioning of meteorological towers (met towers) and meteorological buoys (met buoys)] for future wind projects that may be proposed in two Wind Energy Areas (WEAs): the Massachusetts WEA and the Rhode Island/Massachusetts WEA. The project area covers 1,419 square statute miles (907,724 acres) of the Outer Continental Shelf, and comprises 130 whole and 49 partial lease blocks. The Bureau of Ocean Energy Management (BOEM) estimates a maximum of nine met towers and 18 met buoys could be constructed in the project area for the leaseholds.

Based upon a review of information in our files, the Northeastern roseate tern, the Atlantic Coast piping plover, and the red knot are known to occur along the coast and islands of Rhode Island and Massachusetts, either during the breeding season (roseate tern and piping plover) or during post-breeding staging and migration (all three species). The project area does not provide suitable foraging habitat for piping plovers and red knots.

Overall, the extent to which these species occur within the project area is unknown. However, the likelihood of roseate terns being present in the action area was determined to be extremely low based on a model developed by Menza *et al.* (2012)¹ and summarized in the BA. Although multiple tern species were pooled together due to the difficulty in identifying mixed tern groups to species, it is apparent that irrespective of the species, the predicted annual distribution and relative abundance of tern species within the action area was near zero. It should be noted that post-breeding roseate terns may be present in New England through mid-September; therefore, we cannot rule out the possibility of terns being present in the OCS at this time. However, we anticipate that the likelihood of roseate terns being present through mid-September is similar to the model's prediction for August.

The BA provided a review of past informal section 7 consultations between BOEM and the U.S. Fish and Wildlife Service (USFWS) for similar proposed actions in New Jersey, Delaware, Maryland and Virginia. In letters dated February 26, 2009 and June 20, 2011 from the USFWS to BOEM as part of those consultations, the USFWS recommended that visibility sensors be placed on met towers to collect information on the occurrence, frequency and duration of poor visibility conditions (pages 4-5). We believe that visibility sensors are also needed here and appreciate that BOEM will now require the placement of those sensors on met towers for the Rhode Island and Massachusetts leaseholds. Data collected on the occurrence, frequency and duration of poor visibility conditions will assist in the future evaluation of offshore wind facilities impacts on threatened and endangered birds.

The primary risk to piping plovers, roseate terns and red knots from the proposed leases would be from collisions with met towers and from oil spills occurring as a consequence of increased boat traffic during the implementation of project activities. We concur with BOEM's determination that the proposed actions of commercial wind energy lease issuance, associated site characterization activities, and site assessment are "not likely to adversely affect" these species. The likelihood of a piping plover, roseate tern or red knot occurring in the action area and either colliding with one of nine met towers spread over a 1,419 square mile area, or being present during an oil spill that BOEM estimates to be no greater than 240 gallons of diesel fuel, is anticipated to be discountable (extremely unlikely to occur). We also concur that acoustic effects from the installation of the met towers and met buoys are not likely to adversely affect federally listed species within our jurisdiction.

For future projects associated with the Rhode Island and Massachusetts WEAs, we note that permitting the placement of up to nine met towers and 18 meteorological buoys is clearly different from that of permitting a wind generating facility consisting of numerous large wind turbines. Consultation on any eventual wind energy projects in the Rhode Island and Massachusetts lease areas will require preparation of a biological assessment pursuant to section 7(c) of the Endangered Species Act, possibly leading to the initiation of formal consultation under section 7(b). There is the possibility that wind turbines located offshore may pose a collision risk to these listed and candidate species, and the scope of the analyses, conclusions and

¹ Menza, C., B.P. Kinlan, D.S. Dorfman, M. Poti and C. Caldow (eds.). 2012. A biogeographic assessment of seabirds, deep sea corals and ocean habitats of the New York Bight: Science to support offshore spatial planning. NOAA Technical Memorandum NOS NCCOS 141. Silver Spring, MD. 224 pp.

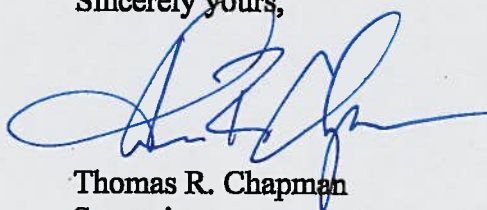
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outcome of the subsequent wind energy consultation(s) may differ significantly from those contained in this letter.

We appreciate the opportunity to provide comments relevant to threatened and endangered species. This Endangered Species Act determination does not address other Federal statutes protecting wildlife, such as the Migratory Bird Treaty Act (16 U.S.C. 703-712), and does not exempt the project from obtaining all permits and approvals that may be required by other state or Federal agencies. Thank you for your cooperation, and please contact Ms. Susi von Oettingen of this office at (603) 223-2541, extension 22, if you need any further assistance.

Sincerely yours,



Thomas R. Chapman
Supervisor
New England Field Office

Ms. Michelle Morin
November 1, 2012

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cc: Grover Fugate, RI Coastal Zone Management
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Reading file

ES: SvonOettingen:11-1-12:603-223-2541