FINDING OF NO SIGNIFICANT IMPACT

Commercial Wind Lease and Site Assessment Activities
on the Atlantic Outer Continental Shelf of the Central Atlantic

Introduction

The Bureau of Ocean Energy Management (BOEM) prepared an environmental assessment (EA) of the potential environmental impacts associated with commercial wind energy leasing and site assessment and characterization activities on the Outer Continental Shelf (OCS) offshore the U.S. Central Atlantic coast. The EA helped BOEM determine that commercial leasing and site assessment and characterization activities on that region of the U.S. OCS (the Proposed Action) will not cause significant effects requiring more detailed analysis in an environmental impact statement (40 Code of Federal Regulations [CFR] § 1501.3(a)). The EA continues to inform BOEM's planning and decision-making on the Proposed Action (40 CFR § 1501.5(b)). BOEM prepared the EA in accordance with the National Environmental Policy Act (NEPA), 42 United States Code (U.S.C.) §§ 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 BOEM policy.

A BOEM-issued lease or grant only allows the lessee or grantee the exclusive right to submit plans for BOEM's possible approval. The issuance of a lease or grant does not constitute an irreversible and irretrievable commitment of resources. BOEM's EA focused on the effects of site characterization (i.e., biological, archeological, geological, and geophysical surveys, and core samples) and site assessment activities (i.e., installation of meteorological [met] buoys), which are expected to take place following lease issuance.

On August 1, 2023, BOEM announced in the *Federal Register* (FR) its intent to prepare an EA of potential impacts from leasing on the OCS offshore the U.S. Central Atlantic coast (88 FR 50170). That announcement opened a 30-day public comment period. On January 11, 2024, BOEM announced the availability of the draft EA. See "*Notice of Availability of a Draft Environmental Assessment for Commercial Wind Lease Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf Offshore Delaware, Maryland, and Virginia*," 89 FR 2251. That announcement opened another 30-day comment period. 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 comments, and discuss next steps in the environmental review and leasing processes.

All public comments received by BOEM can be viewed at www.regulations.gov by searching for docket ID BOEM-2024-0004. BOEM revised the EA to address public comments and comments from consultations with Federal and State agencies. Appendix G of the final EA includes a summary of all public comments and BOEM's responses.

The finding outlined in this document is accompanied by and refers to the final EA available at https://www.boem.gov/renewable-energy/state-activities/central-atlantic.

Environmental Assessment
The EA accompanying this finding analyzed the potential for significant effects from the Proposed Action on the human environment. The human environment is interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment.

The Proposed Action's purpose is to develop offshore clean, renewable energy resources by issuing commercial leases within the Central Atlantic wind energy areas (WEAs) and granting associated right-of-way (ROWs) and rights-of-use-and-easement (RUEs). A BOEM-issued lease confers to a lessee the exclusive right to develop and submit plans for site assessment and for project construction and operation to develop those resources. BOEM considers such plans after public input and thorough environmental analysis and must decide to approve the plans before a lessee may construct any facility on the OCS. Any lease issued under the Proposed Action will include terms and conditions to ensure that preliminary site characterization and assessment activities are conducted in a safe and environmentally responsible manner. These preliminary activities are necessary to determine the suitability of the leasehold for commercial offshore wind energy development and to obtain information required for a subsequent site assessment plan.

BOEM evaluated the Proposed Action and a No Action alternative.

No Action Alternative

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

Proposed Action

Under this alternative, BOEM will develop offshore wind energy resources by issuing commercial leases within the WEAs offshore the U.S. Central Atlantic coast and grant ROWs and RUEs. These leases will provide lessees the exclusive right to submit site assessment and Construction and Operations Plans and to conduct preliminary site assessment and characterization activities. Site characterization activities will most likely include shallow hazard, geological, geotechnical, archaeological, and biological surveys to obtain required information for site assessment and Construction and Operations Plan submittal. Site assessment activities will most likely include the installation of met buoys.

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

Anticipated effects of the Proposed Action are summarized below:

- *Benthic Resources*

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

Impacts on benthic communities from non-routine events are limited to those associated with the recovery of equipment lost at sea. The extent of impacts will 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*

Effects from site assessment and site characterization activities on commercial and recreational fisheries are expected to range from negligible to minor. Impacts are expected to be minor based on multiple factors, including the small number of vessel trips associated with site characterization and site assessment activities relative to existing vessel traffic, the installation of up to eight met buoys over a relatively large geographic area, and the limited duration and propagation of marine sound produced from site assessment and characterization activities. Communication and coordination between a lessee and affected fishers could greatly reduce the potential for conflict during vessel movement and met buoy installation. The impact will depend on the fishery and the activity, and any affected fishery is expected to recover completely without remedial or mitigating action.

- *Finfish, Invertebrates, and Essential Fish Habitat*

Effects from site characterization on finfish and shellfish populations and Essential Fish Habitat (EFH) are expected to be negligible. Impacts from site assessment activities on finfish and shellfish populations and EFH are expected to range from negligible to minor depending on the activity. Primary impacts on this resource are disturbance related, and no population-level effects are anticipated.

- *Marine Mammals*

Effects from site characterization and site assessment activities on marine mammals in the WEAs are expected to range from negligible to minor, depending on the activity being conducted. The effects will be present, but marine mammals will be expected to recover completely without remedial or mitigating action. While more significant effects are possible (i.e., vessel strike, entanglement), the probability is very low. Vessel strike and noise are two

of the most important factors that may affect marine mammals. BOEM's Standard Operating Conditions (SOCs), included in the lease, address these factors and would minimize the potential for vessel strikes and noise impacts from site characterization and site assessment activities.

BOEM will evaluate the actual high-resolution geophysical survey equipment proposed by a lessee in any future site assessment plan. BOEM will continue to reevaluate the SOCs as new information becomes available.

- *Military Use and Navigation and Vessel Traffic*

Because site-specific coordination will be required to minimize multiple-use conflicts on the OCS in and around the WEAs, effects from met buoys on military activities are expected to be negligible. Effects from site characterization and site assessment activities on navigation and vessel traffic are expected to be negligible.

The Proposed Action is expected to generate a small increase in the number of vessel trips relative to existing vessel traffic in the region. Consequently, the effects from this small increase in vessel traffic on navigation and port density are expected to be negligible over the 5- to 7-year span of activities. Additionally, BOEM designed the WEAs to avoid major shipping lanes. BOEM also requires lessees to mark their met buoys consistent with U.S. Coast Guard regulations and to announce the buoys' location in notices to mariners. Consequently, the effects from a maximum of eight met buoys across the WEAs on navigation are expected to be negligible. The Proposed Action's overall effect on military activities, navigation, and vessel traffic will be small, readily overcome (by a course change to avoid a buoy, for instance), and limited in duration, and the resource will be expected to return to its pre-disturbance condition with no measurable effects without any mitigation.

- *Sea Turtles*

Effects from site assessment activities on sea turtles are expected to be negligible. Effects from site characterization activities on sea turtles are expected to range from negligible to minor depending on the activity being conducted. Effects could be present, but the sea turtles will be expected to recover completely without remedial or mitigating action. Vessel strike and noise are two of the most important factors that affect sea turtles. However, the SOCs described in the marine mammal discussion will likewise minimize the potential for adverse effects on sea turtles from vessel strikes and noise.

- *Other Resources Analyzed*

This EA also analyzed the effects of the Proposed Action on bats; bathymetry, geology, and sediments; birds; coastal habitats; coastal infrastructure; demographics and employment; environmental justice; physical oceanography; visual resources; water quality and air quality; cultural, historical, and archaeological resources; and recreation and tourism. BOEM determined that the effects of the Proposed Action on these resources are negligible.

Effects of the Action

As directed by 40 CFR § 1501.3(b)(2), I have considered the following in my evaluation of the degree of the effects from the Proposed Action:

1. Short- and Long-Term Effects
The EA considered the Proposed Action's potential contribution to effects when combined with other past, present, and reasonably foreseeable activities that overlap both spatially and temporally within the Central Atlantic WEAs. The EA analysis indicated that the Proposed Action is not reasonably anticipated to produce significant effects either alone or when its incremental effects are combined with the effects of other activities.

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; military use; navigation and vessel traffic; 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
The EA considered the distance of the Proposed Action from local communities, the potential effects of anticipated discharges and emissions, and the potential for the Proposed Action to interfere with subsistence activities. Due to its nature and location, the Proposed Action is expected to have little to no effect on public health and safety. Therefore, the degree to which the Proposed Action may affect public health and safety or subsistence activities does not render the potential impacts significant.

4. Effects that Would Violate Federal, State, Tribal, or Local Law Protecting the Environment
The EA analysis indicated that the Proposed Action will not threaten a violation of Federal, State, or local law or any requirement imposed for the protection of the environment. Substantial disputes about the environmental consequences of the Proposed Action's surveys are not evident in either the scientific literature or past analyses of similar activities in waters offshore the U.S. Atlantic coast. BOEM does not anticipate that the effects of the Proposed Action will be viewed as highly controversial. Additionally, any BOEM authorizations that result from the Proposed Action will 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. BOEM has determined that the Proposed Action will not cause any significant effects and that 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.

DAVID DIAMOND Digitally signed by DAVID DIAMOND Date: 2024.06.05 15:32:07 -04'00'

June 5, 2024

David Diamond
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Date