

FINDING OF ADVERSE EFFECT FOR THE SUNRISE WIND FARM

NOVEMBER 2023

Version sent to Section 106 Consulting Parties for review on
November 3, 2023.

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF OCEAN ENERGY MANAGEMENT
STERLING, VIRGINIA



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LIST OF ABBREVIATIONS

ACHP	Advisory Council on Historic Preservation
ADLS	aircraft detection lighting systems
APE	area of potential effects
ASLF/s	ancient submerged landscape feature/s
BOEM	Bureau of Ocean Energy Management
CHRVEA	Cumulative Historic Resources Visual Effects Analysis
COP	Construction and Operations Plan
EIS	Environmental Impact Statement
HRVEA	Historic Resources Visual Effects Assessment
Finding	finding of adverse effect
IPFs	impact-producing factors
km	kilometer
Lease Area	Renewable Energy Lease Area OCS-A 0487
MARA	Marine Archaeological Resources Assessment
MHC	Massachusetts Historical Commission
MOA	Memorandum of Agreement
MW	megawatt
NOI	notice of intent
NP&EDC	Nantucket Planning & Economic Development Commission
NPS	National Park Service
NEPA	National Environmental Policy Act
NHL	National Historic Landmark
NHPA	National Historic Preservation Act of 1966, as amended
nm	nautical miles
NRHP	National Register of Historic Places
OCS-DC	offshore converter station
OnCS-DC	onshore converter station
PA/s	programmatic agreement/s
PAPE	preliminary area of potential effect
PDE	Project Design Envelope
Project	Sunrise Wind Farm Project
RCG&A	R. Christopher Goodwin & Associates, Inc.
SAP	site assessment plan
SHPO/s	State Historic Preservation Officer/s
SEARCH	SEARCH, Inc.
Secretary	Secretary of the Interior
SRW	Sunrise Wind, LLC
SRWF	Sunrise Wind Farm
TARA	Terrestrial Archaeological Resources Assessment
TCP	Traditional Cultural Property
TJB	transition joint bay
THPO	Tribal Historic Preservation Officer

Tribes federally recognized Native American Tribes/Tribal Nations
WTG wind turbine generator

INTRODUCTION

The Bureau of Ocean Energy Management (BOEM) has made a finding of adverse effect (Finding), for the Sunrise Wind Farm (SRWF) Project (the Project) pursuant to 36 CFR 800.5, in compliance with Section 106 and Section 110(f) of the National Historic Preservation Act (NHPA) (54 USC 306108; 54 USC 306107). The SRWF project is located in federal and New York State waters in Lease Area OCS-A 0487. BOEM finds that construction and installation, operations and maintenance, and conceptual decommissioning of the Project would adversely affect the 47 historic properties listed below. BOEM has determined that the introduction of wind turbine generators (WTGs) into views to and/or from the maritime setting of these 47 historic properties would diminish the integrity of these properties' historic setting and feeling. BOEM has also determined that SRWF project will contribute to cumulative visual effects to these 47 historic properties, including four National Historic Landmarks (NHLs) resulting from the construction and operation of the SRWF as well as other reasonably foreseeable offshore wind projects off the coasts of Massachusetts and Rhode Island. These 47 historic properties that BOEM has determined will be visually adversely affected are listed below.

Town of Aquinnah, Massachusetts:

- Gay Head Light (National Register of Historic Places [NRHP] Listed Resource)
- Gay Head – Aquinnah Shops Area (Massachusetts Historical Commission [MHC] Historic Inventory Site)
- Vanderhoop, Edwin DeVries Homestead (NRHP Listed Resource)
- Cooper, Tom House (MHC Historic Inventory Site)
- Gay Head – Aquinnah Coast Guard Station Barracks (MHC Historic Inventory Site)
- Haskins, Theodore House (MHC Historic Inventory Site)
- Gay Head – Aquinnah Town Center Historic District (NRHP-Listed Resource)
- 3 Windy Hill Drive (MHC Historic Inventory Site)
- 71 Moshup Trail (MHC Historic Inventory Site)
- Vanderhoop, Leonard House (MHC Inventory Site)
- Vineyard Sound and Moshup's Bridge Traditional Cultural Property (TCP) (NRHP-eligible Resource)

Town of Chilmark, Massachusetts:

- Hancock, Capt. Samuel – Mitchell, Capt. West House (NRHP-Eligible Resource)
- Flanders, Ernest House, Shop and Barn (MHC Historic Inventory Site)
- Hancock, Russell House (MHC Historic Inventory Site)
- Mayhew, Simon House (MHC Historic Inventory Site)
- Flaghole (MHC Historic Inventory Site)

Town of Edgartown, Massachusetts:

- Chappaquiddick Island TCP (NRHP-Eligible Resource)

Town of West Tisbury, Massachusetts:

- Scrubby Neck Schoolhouse (MHC Historic Inventory Site)

Town of Narragansett, Rhode Island:

- Point Judith Lighthouse (NRHP-Listed Resource)

City of Newport, Rhode Island

- Bellevue Avenue Historic District (National Historic Landmark [NHL])
- Ocean Drive Historic District (NHL)
- The Breakers (NHL)

Town of New Shoreham, Rhode Island:

- Block Island North Light (NRHP-Listed Resource)
- Corn Neck Road (NRHP-Eligible Resource)
- Hippocampus/Boy's Camp/Beane Family (NRHP-Eligible Resource)
- Mitchell Farm (NRHP-Eligible Resource)
- Champlin Farm (NRHP-Eligible Resource)
- Indian Head Neck Road (NRHP-Eligible Resource)
- Island Cemetery/Old Burial Ground (RI Historical Cemetery)
- Beach Avenue (RI Historical Cemetery)
- Old Harbor Historic District (NRHP-Listed Resource)
- Beacon Hill (NRHP-Eligible Resource)
- Spring House Hotel (NRHP-Eligible Resource)
- Spring House Hotel Cottage (NRHP-Eligible Resource)
- Capt. Welcome Dodge Sr. House (NRHP-Eligible Resource)
- Spring Street (NRHP-Eligible Resource)
- Caleb W. Dodge Jr. House (NRHP-Eligible Resource)
- WWII Lookout Tower – Spring Street (NRHP-Eligible Resource)
- Pilot Hill Road and Seaweed Lane (NRHP-Eligible Resource)
- WWII Lookout Tower at Sands Pond (NRHP-Eligible Resource)
- Lewis-Dickens Farm (NRHP-Eligible Resource)
- Block Island Southeast Lighthouse Historic Landmark (NHL)
- Miss Abby E. Vaill/1 of 2 Vaill Cottages (NRHP-Eligible Resource)
- Hon. Julius Deming Perkins/Bayberry Lodge (NRHP-Eligible Resource)
- Mohegan Cottage/Everett D. Barlow House (NRHP-Eligible Resource)
- Capt. Mark L. Potter House (NRHP-Eligible Resource)
- New Shoreham Historic District (Local Historic District)

PROJECT OVERVIEW

Sunrise Wind, LLC (SRW) submitted a Construction and Operations Plan (COP) on September 1, 2020, to BOEM proposing the construction and installation, operations and maintenance, and conceptual decommissioning of offshore wind energy facilities for the Sunrise Wind Farm (SRWF) project. SRWF is utilizing a project design envelope (PDE) in its COP, which represents a reasonable range of design parameters that may be used for the Project. In reviewing the PDE, BOEM is assessing the maximum impact scenario that could occur from any combination of the contemplated parameters. BOEM's review of the PDE may result in the approval of a project that is constructed within that range or a subset of design parameters within the proposed PDE.

The Sunrise Wind COP calls for the construction and operation of up to 122 WTGs, an offshore converter station (OCS-DC), and inter-array cables within Commercial Lease Area OCS-A 0487 approximately 16.4 nautical miles (nm; 30.4 kilometers [km]) south of Martha's Vineyard, Massachusetts, 26.5 nm (48.1 km) east of Montauk, New York, and 14.5 nm (26.8 km) from Block Island, Rhode Island. The COP also includes an offshore transmission cable from the OCS-DC in lease area OCS-A 0487 and to a landfall site on Long Island, New York, an onshore transmission cable, an interconnection cable to Long Island Power Authority Holbrook Substation, and an onshore converter station (OnCS-DC).

In October 2021, SRWF informed BOEM that they intended to revise the maximum number of WTGs for the project due to a maximum capacity limitation for infrastructure to receive power. Under the proposed change, the SRWF project calls for the installation and operation of up to 94 WTGs at 102 possible WTG positions. As a result, Sunrise Wind submitted a revised COP proposing the construction, operation, maintenance, and eventual decommissioning of the Project, with up to 102 WTGs with a nameplate capacity of 11 megawatts (MWs), OCS-DC, inter-array cables, OnCS-DC, an offshore transmission cable making landfall on Long Island, New York, and an onshore interconnection cable to the Long Island Power Authority Holbrook Substation.

BOEM is currently conducting its environmental and technical reviews of the COP and has published a draft environmental impact statement (EIS) under the National Environmental Policy Act (NEPA) for its decision regarding approval of the COP (BOEM 2022). The EIS information for the Project, including the revised COP, are available at <https://www.boem.gov/renewable-energy/state-activities/sunrise-wind-activities>. The EIS considers the reasonable and foreseeable impacts of the Project, specifically analyzing impacts to cultural resources, including historic properties. BOEM is in the process of completing the final EIS on the Project at the time of this Finding release, and the Finding is consistent with final EIS information to date.

On July 17, 2023, the Lessee initiated onshore construction activities prior to the completion of Section 106 review of the undertaking and the NEPA review, and prior to the approval,

approval with conditions, or disapproval of the COP. Construction activities performed by the Lessee to date are summarized in Table 1.

Table 1: Onshore construction activities initiated by the Lessee prior to completion of BOEM NHPA Section 106 review.

Project Component	Description
OnCS-DC	Ground disturbance has included excavation for installation of stormwater basins/dry wells (1 acre [0.4 ha], 20 ft [6.1 m] deep); excavation for siting of foundations for control house and storage foundation (0.75 acres [0.3 ha], 5 in [12.7 cm] deep); site grading at eastern edge (1.5 acres [0.6 ha], 6 to 10 in [15.2 to 25.4 cm] deep); and asphalt milling for removal of an existing asphalt driveway (2 acres [0.8 ha], 2 to 3 in [5.1 to 7.6 cm] deep). In late 2023, the Lessee intends to initiate installation of additional foundations and equipment. Ground disturbance will include excavation of foundations for electrical equipment (up to approximately 30 ft [9 m] deep).
Northville laydown yard	Approximately 2 acres (0.8 ha) of the parcel is used as a laydown yard. This location is an industrial site that was previously cleared and graded to support various activities at the existing fuel terminal. The laydown yard required minimal grading and gravel/hardening to prepare it for use. Due to the lack of established topsoil, 4 to 6 in (10 to 15 cm) of existing grade was stripped and staged prior to the addition of modified millings.
Zorn laydown	Approximately 12.5 acres (5.0 ha) of this 20-acre (8.1 ha) site is utilized as a laydown yard. The site was previously cleared and graded to support the stockpiling of materials, parking and equipment storage during construction of the CLIEC facility. The laydown yard required minimal grading and gravel/hardening to prepare it for use. Existing topsoil was approximately 6 in (15 cm) and was stripped and staged prior to the addition of modified millings.
Onshore transmission cable	In late 2023, the Lessee intends to begin work on sections of the onshore transmission cable. Ground disturbance will occur along certain New York State Department of Transportation (NYSDOT) controlled rights-of-way (ROW) along a 4 mi (6.4 km) section of the Long Island Expressway South Service Road from Waverly Avenue to Horseblock Road and will include installation of splice vaults and duct banks (approximately 15 ft [4.6 m] deep for splice vaults and approximately 5 to 8 ft [1.5 to 2.4 m] for duct banks). Target burial depth will vary based on site-specific conditions. Following approval by NYSPSC (anticipated in late 2023), Sunrise Wind will initiate work on remaining sections of the Onshore Transmission Cable, as well as the Onshore Interconnection Cable. Ground disturbance will include installation of splice vaults and duct banks (approximately 15 ft [4.6 m] deep for splice vaults and approximately 5 to 8 ft [1.5 to 2.4 m] for duct banks). Target burial depth will vary based on site-specific conditions and may be deeper in areas of HDD or trenchless crossings.

These onshore construction activities are included in BOEM's definition of the undertaking, as defined below.

BACKGROUND

The Project is within a commercial lease area that has received previous Section 106 reviews by BOEM regarding the issuance of the commercial lease and approval of site assessment activities and is subject to two prior programmatic agreements (PAs).

In 2012, BOEM executed a PA among the State Historic Preservation Officers (SHPOs) of

Massachusetts (MA) and Rhode Island (RI), the Advisory Council on Historic Preservation (ACHP), the Mashpee Wampanoag Tribe, the Narragansett Indian Tribe, and the Wampanoag Tribe of Gay Head (Aquinnah) (see *Programmatic Agreement Among The U.S. Department of the Interior, Bureau of Ocean Energy Management; The State Historic Preservation Officers of Massachusetts and Rhode Island; The Mashpee Wampanoag Tribe; The Narragansett Indian Tribe; The Wampanoag Tribe of Gay Head (Aquinnah); and The Advisory Council on Historic Preservation; Regarding the “Smart from the Start” Atlantic Wind Energy Initiative: Leasing and Site Assessment Activities offshore Massachusetts and Rhode Island* [<http://www.boem.gov/MA-RI-PA-Executed>]) (also referred to as the MA-RI PA) and concurrently conducted a Section 106 review of its decision to issue commercial leases within the RI-MA Wind Energy Areas (WEAs).

In 2013, BOEM prepared an environmental assessment to analyze the environmental impacts associated with issuing commercial wind leases and approving site assessment activities within the RI-MA WEAs. On July 31, 2013, BOEM conducted a competitive auction and awarded Lease OCS-A 0487, consisting of about 67,250 acres, to Deepwater Wind New England, LLC.

On August 3, 2020, Deepwater Wind New England, LLC assigned Lease OCS-A 0487 to Sunrise Wind, LLC. On September 3, 2020, Bay State Wind, LLC assigned 100 percent of its record title interest in a portion of lease OCS-A 0500, which BOEM designated OCS-A 0530, to Sunrise Wind, LLC. On March 15, 2021, BOEM completed the consolidation of lease OCS-A 0530 into Lease OCS-A 0487 through an amendment to Lease OCS-A 0487. The resulting lease area is 109,952 acres. The effective date of lease OCS-A 0487 remains October 1, 2013. On September 18, 2018, Deepwater Wind New England, LLC requested an extension of the site assessment term for commercial lease OCS-A 0487 pursuant to 30 CFR 585.235(b). BOEM approved on October 23, 2018, a 3.5-year extension of the site assessment term, from July 1, 2019, to January 1, 2023 .

Subsequent to the award of the lease, SRWF submitted a site assessment plan (SAP) describing the proposed construction, operation, maintenance, and decommissioning of a stand-alone offshore meteorological data collection system. BOEM had previously determined that a federal review of a SAP is subject to review under Section 106 of the NHPA. Pursuant to the MA-RI PA, BOEM conducted a NHPA Section 106 review of the proposed SAP, resulting in the September 21, 2016, Finding of No Historic Properties Affected for Approval of the Deepwater Wind Site Assessment Plan on the Outer Continental Shelf Offshore Rhode Island (<https://www.boem.gov/sites/default/files/renewable-energy-program/State-Activities/HP/RI-SAP-Finding.pdf>).

UNDERTAKING

BOEM has determined that the construction, operation, maintenance, and decommissioning of the Project is the undertaking and is subject to a review pursuant to Section 106 of the

NHPA and its implementing regulations (36 CFR 800). Further, BOEM determined that the activities proposed under the COP have the potential to affect historic properties. Detailed information about the Project, including the COP and its appendices, can be found on BOEM's website (see <https://www.boem.gov/renewable-energy/state-activities/sunrise-wind-activities>). Confidential appendices to the COP referenced in this document, and their revisions, were provided to all consulting parties in December 2022 and again in November 2023. The COP, as well as its public and confidential appendices, is hereby incorporated by reference.

BOEM notified Massachusetts SHPO, Rhode Island SHPO, Connecticut SHPO, New York SHPO and ACHP on August 31, 2021 of their decision to use NEPA substitution for Section 106 pursuant to 36 CFR 800.8(c). The Section 106 and NEPA reviews included four action alternatives as described in the EIS (**Table 2**). Figure 1-Figure 10 provide maps of the four proposed action alternatives.

Table 2. Description of Action Alternatives Reviewed in the EIS.

Alternative	Description (from BOEM 2022)
A – No Action Alternative	Under the No Action Alternative, BOEM would not approve the COP. Project construction and installation, O&M, and decommissioning would not occur, and no additional permits or authorizations for the Project would be required. Any potential environmental and socioeconomic impacts, including benefits, associated with the Project as described under the Proposed Action would not occur. However, all other past and ongoing impact-producing activities would continue. Under the No Action Alternative impacts to marine mammals incidental to construction activities would not occur. Therefore, NMFS would not issue the requested authorization under the MMPA to the applicant. The current resource condition, trends, and impacts from ongoing activities under the No Action Alternative serve as the existing baseline against which the direct and indirect impacts of all action alternatives are evaluated.
B – Proposed Action	The Proposed Action would construct, operate, maintain, and decommission an approximately 1,034-MW wind energy facility on the OCS offshore of Massachusetts, Rhode Island, and New York within the range of design parameters described in the Sunrise Wind COP, as described in the Project Overview in this document.,
C – Fisheries Habitat Impact Minimization	Under Alternative C, the construction, O&M, and eventual decommissioning of up to a 1,034-MW wind energy facility on the OCS offshore of Massachusetts, Rhode Island, and New York would occur within the range of the design parameters outlined in the COP, subject to applicable mitigation measures. However, Alternative C is proposed with the intent to minimize impacts to fisheries habitats in the proposed Project Area that are the most vulnerable to long-term impacts. This alternative considered and prioritized contiguous areas of complex bottom habitat to be excluded from development to potentially avoid and minimize impacts to complex fisheries habitats, while still meeting BOEM's purpose and need for the project. Under the Fisheries Habitat Impact Minimization Alternative, BOEM is considering five (5) variants of the alternative (C-1, C-2, C-3A, C-3B, and C-3C). Additional information about these variants is provided below.
C-1 – Fisheries Habitat Impact Minimization Alternative 1	Sunrise Wind's proposed layout includes 102 WTG positions; however, only 94 11-MW WTGs would be needed to meet the Project's maximum capacity of up to 1,034 MW2F . Under Alternative C-1, the construction and installation, O&M, and eventual decommissioning of a wind energy facility and an OCS-DC would occur within the design parameters outlined in the Sunrise Wind Offshore Wind ProjectSunrise Wind Farm COP

	<p>(Sunrise Wind 2022) subject to applicable mitigation measures. However, certain WTG positions would be excluded from the identified Priority Areas to reduce impacts to sensitive benthic habitats and areas where Atlantic cod spawning has been detected. Under this alternative, the Project would maintain a uniform east-west and north-south grid of 1 by 1-nautical mile (nm) spacing between WTGs. Alternative C-1 would result in the exclusion of up to eight WTG positions from the identified Priority Areas to reduce impacts to sensitive benthic habitat Atlantic cod spawning areas.</p>
<p>C-2 – Fisheries Habitat Impact Minimization Alternative 2</p>	<p>Under Alternative C-2, up to eight WTG positions identified for exclusion from development in Alternative C-1 would remain the same, and up to an additional 12 WTG positions would be removed from the Priority Areas and relocated to the eastern side of the Lease Area. The construction and installation, O&M, and eventual decommissioning of a wind energy facility and an OCS-DC would occur within the design parameters outlined in the Project COP (Sunrise Wind 2022) subject to applicable mitigation measures. The Project would maintain a uniform east-west and north-south grid of 1 by 1-nm spacing between WTGs. Alternative C-2 assumes that habitat on the eastern side of the Lease Area is suitable for development. Geotechnical and geophysical surveys conducted in 2022 will help inform the feasibility of Alternative C-2. Alternative C-2 considers four WTG position configurations (C-2a, C-2b, C-2c, and C-2d) to address NMFS priority areas, provide continuous habitat, and avoid boulder fields. All eight positions identified in Alternative C-1 would remain excluded for development in all alternate configurations. An additional 12 WTG positions were selected for relocation based on a similar analysis for Alternative C-1.</p>
<p>C-3 – Glauconite Soil Avoidance (Alternatives C-3a, C-3b, and C-3c)</p>	<p>Alternative C-3 was developed following publication of the DEIS Alternative C-3 was developed to address concerns regarding pile refusal due to glauconite sands present within the southeastern and eastern portions of the Lease Area while still minimizing impacts to benthic and fisheries resources. Alternative C-3a, C-3b, and C-3c consider different WTG configurations to avoid sensitive habitats and engineering constraints to best reduce impacts while still meeting the New York State Energy Research and Development Authority’s Offshore Wind Renewable Energy Certificate Purchase and Sale Agreement. An ancillary habitat impact minimization benefit of this alternative is that 13 WTGs are removed from Priority Areas 2 and 3 because of the presence of glauconite sands. Under Alternatives C-3b and C-3c, some WTG positions may also be removed from Priority Area 1.</p> <p>Under Alternative C-3A, up to 87 WTGs at 87 potential positions will be constructed, removing up to 7 WTGs from Priority Areas identified in Alternatives C, C-1, and C-2. Under Alternative C-3B, up to 84 WTGs at 87 potential positions, excluding 3 WTG locations in Priority Area 1, and up to 7 additional WTGs from other Priority Areas, as described in Alternatives C, C-1, and C-2. Under Alternative C-3C, up to 80 WTGs at 87 potential positions, excluding 7 WTGs from Priority Area 1, and up to 7 additional WTGs from other Priority Areas, as described in Alternatives C, C-1, and C-2.</p>

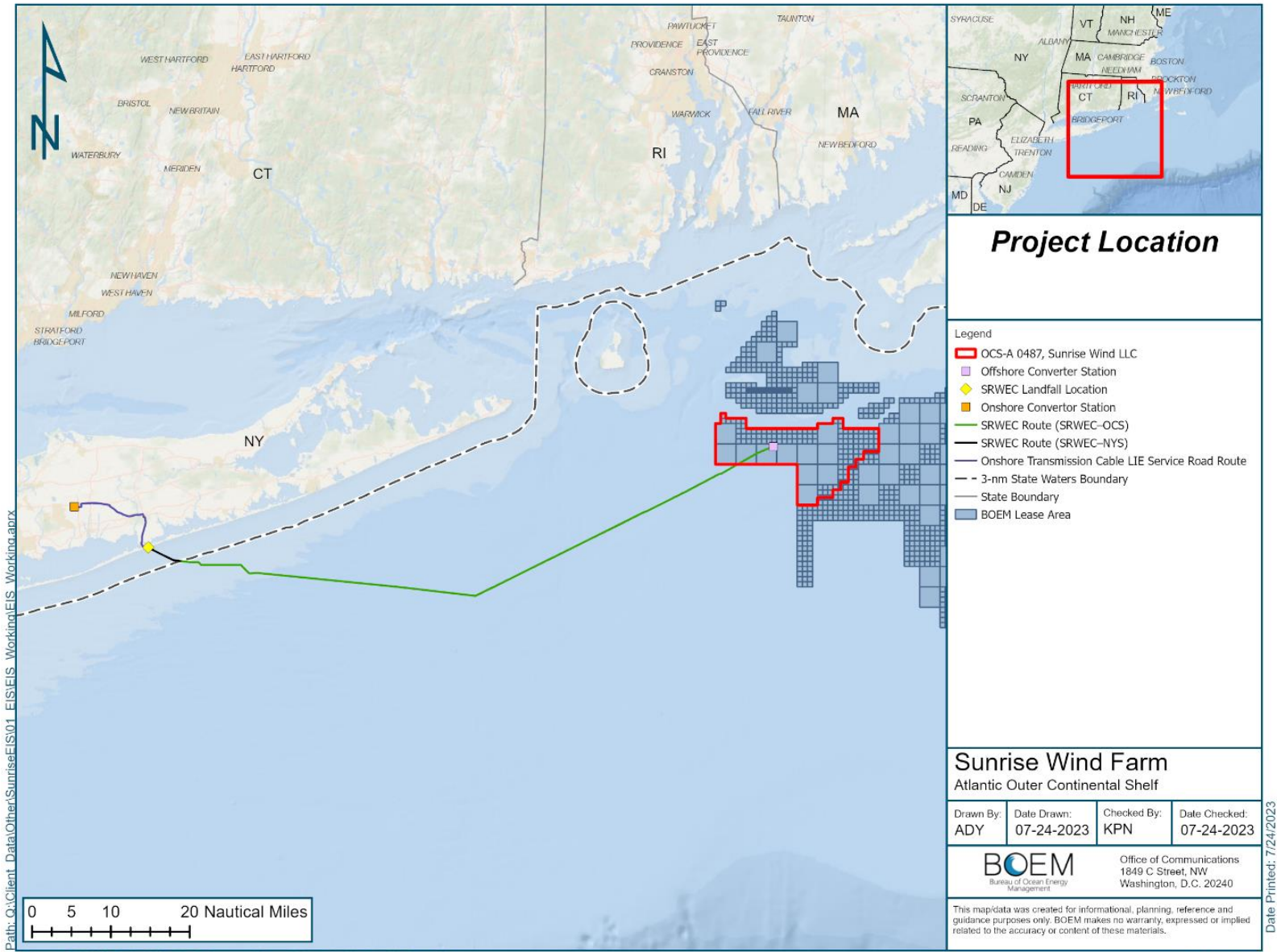
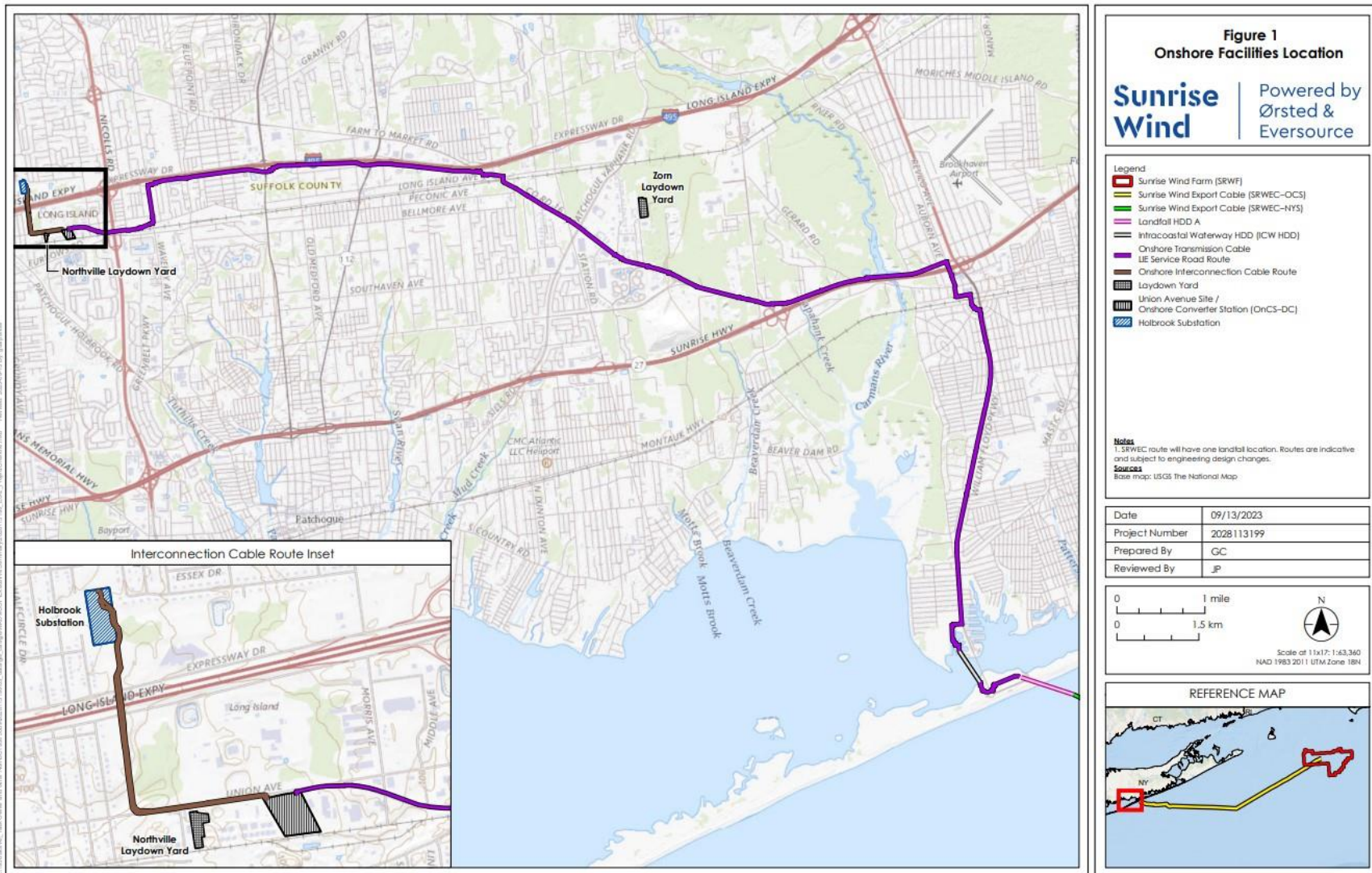


Figure 1: Alternative B (Proposed Action)



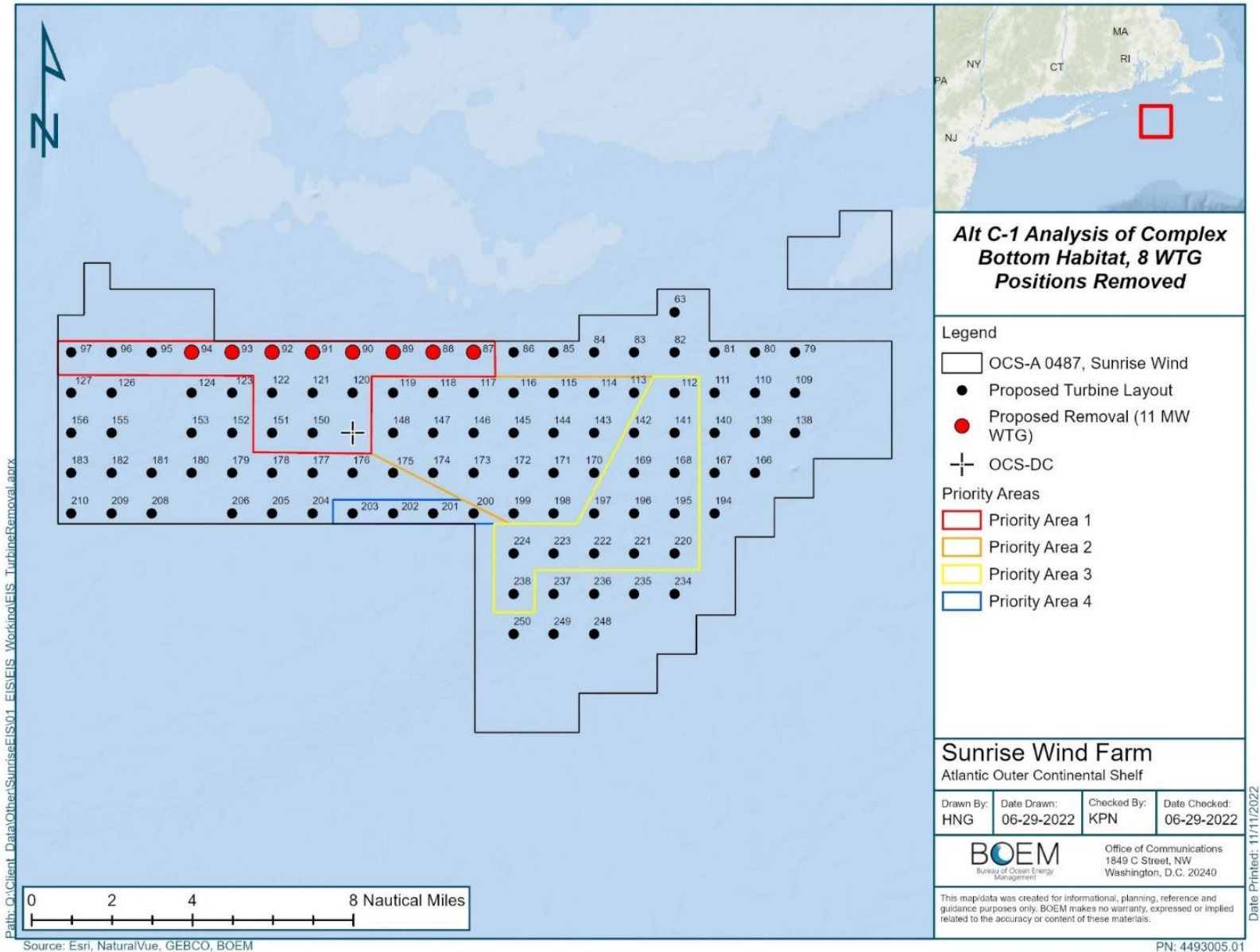


Figure 3: Alternative C-1 Fisheries Habitat Impact Minimization Alternative 1

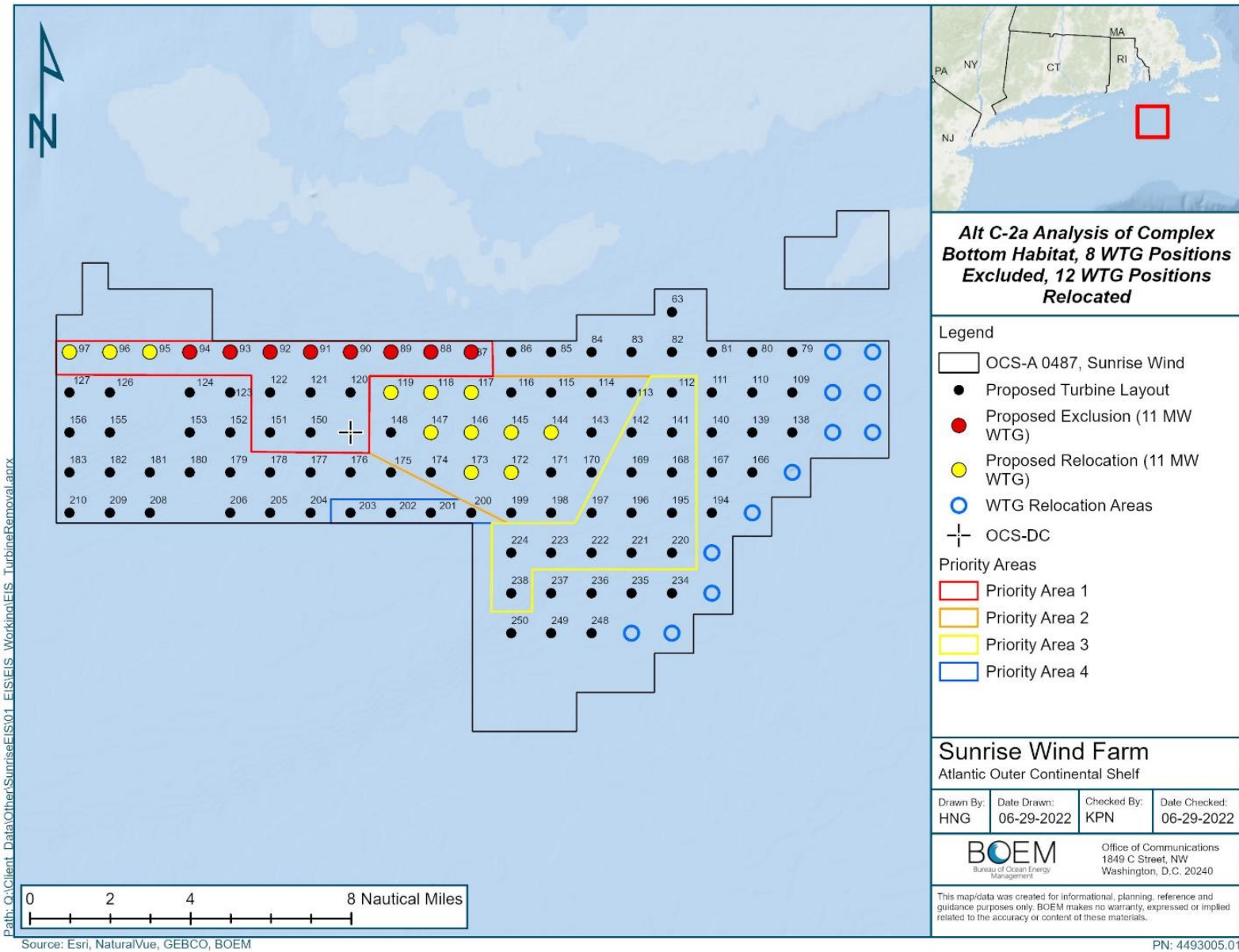


Figure 4: Alternative C-2a

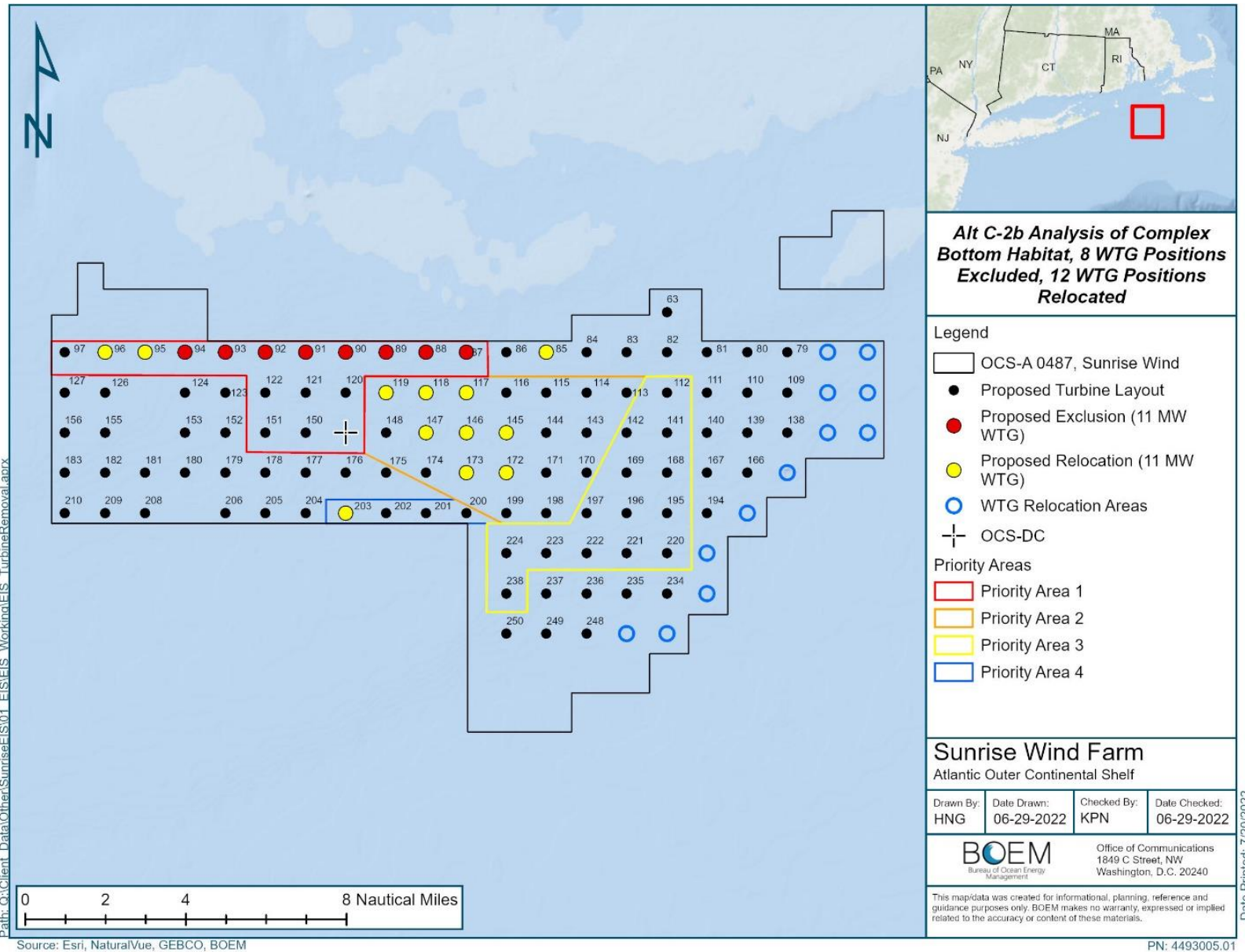


Figure 5: Alternative C-2b

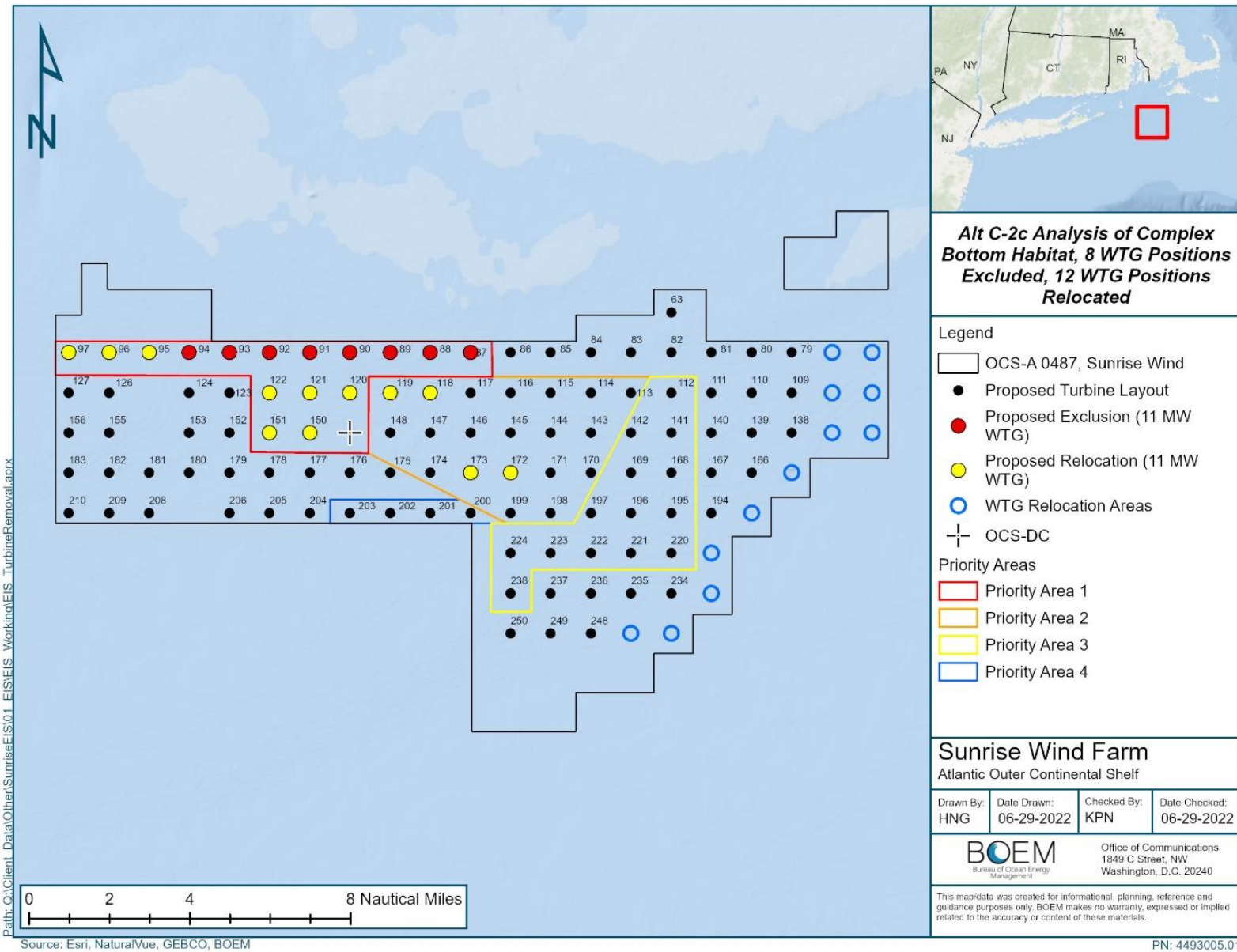


Figure 6: Alternative C-2c

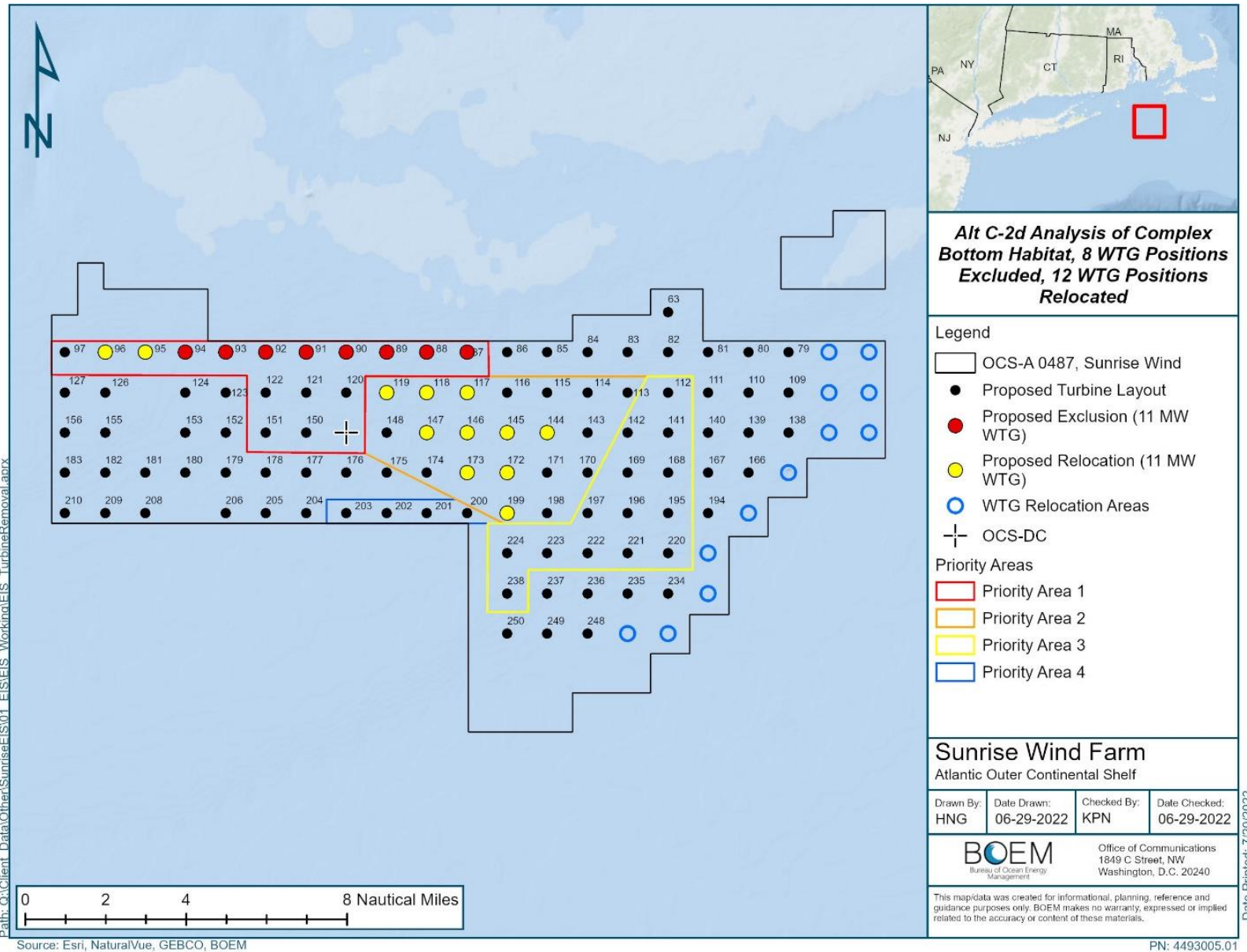


Figure 7: Alternative C-2d

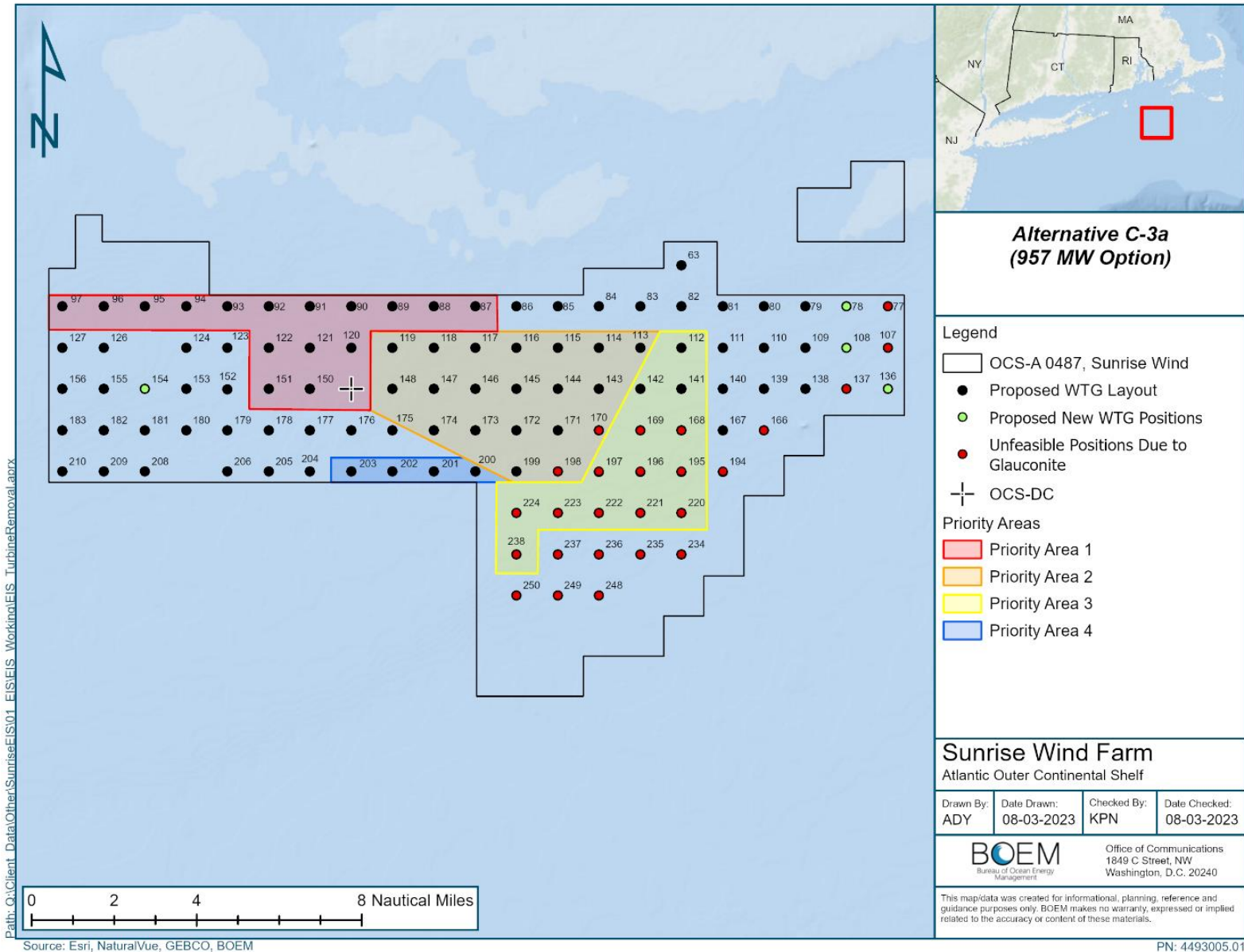


Figure 8: Alternative C-3a

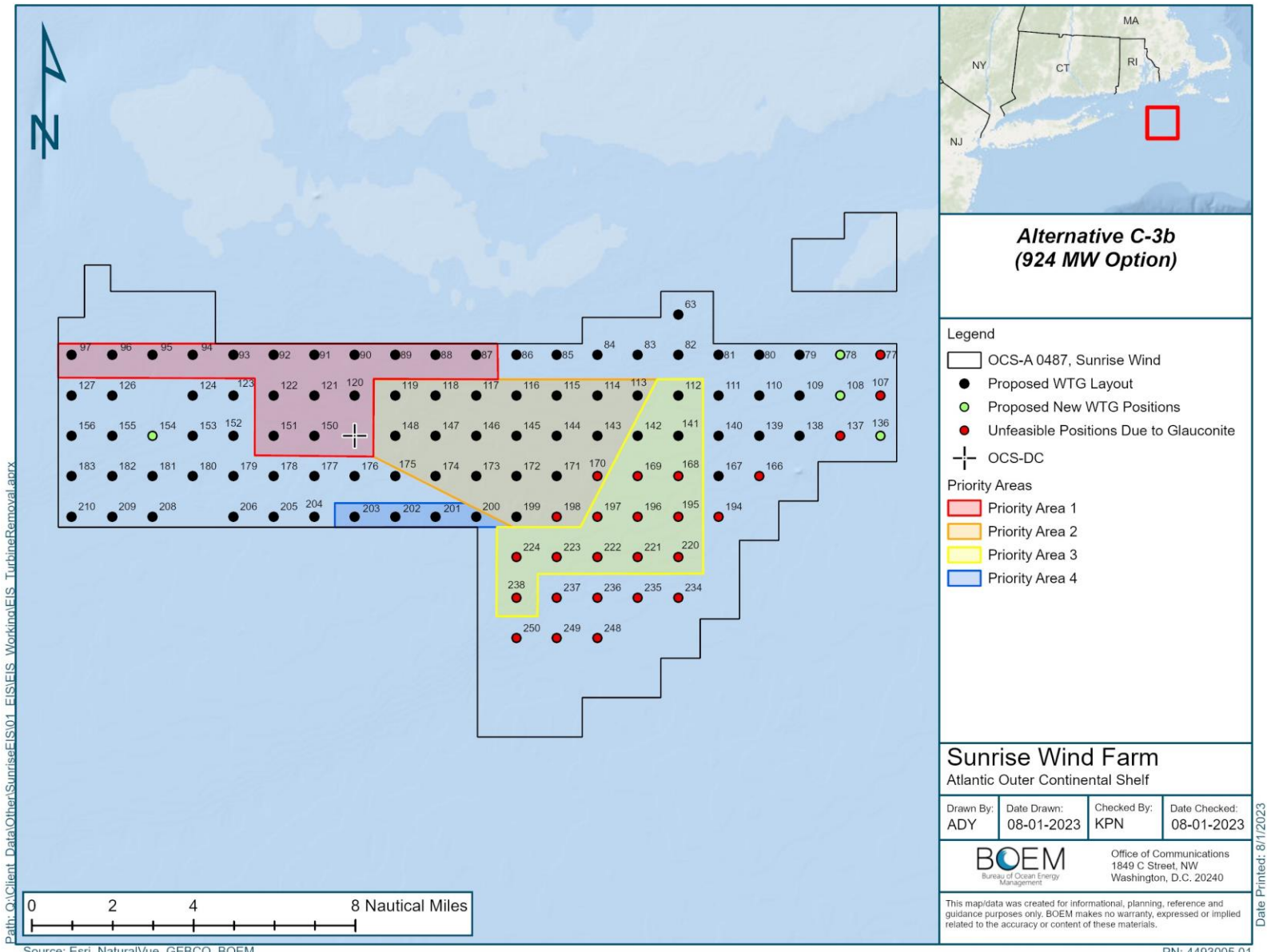


Figure 9: Alternative C-3b

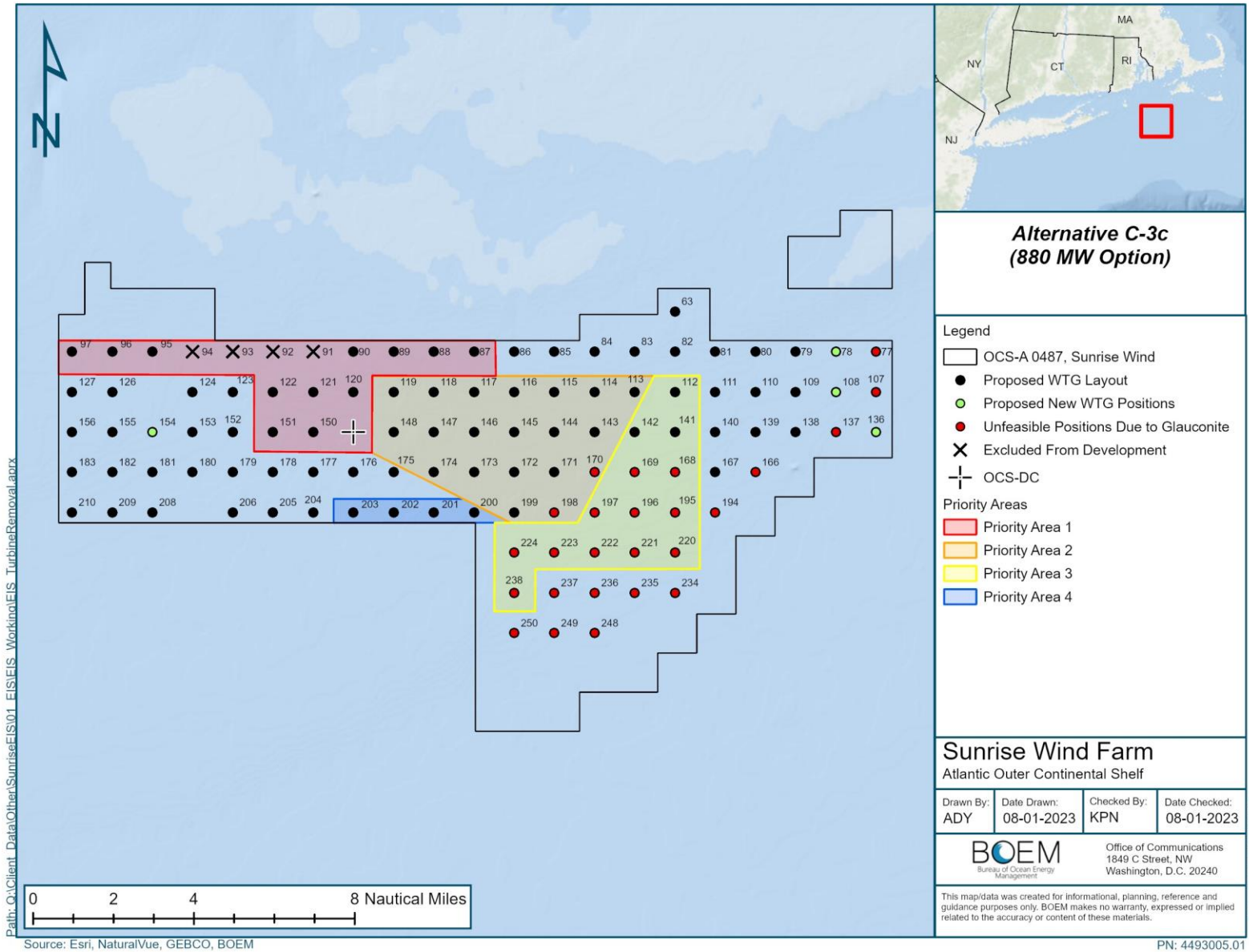


Figure 10: Alternative C-3c

AREA OF POTENTIAL EFFECTS

Section 106 of the NHPA defines the Area of Potential Effects (APE) as the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of Historic Properties, if any such properties exist (36 CFR 800.16(d)). Per BOEM's *Guidelines for Providing Archaeological and Historic Property Information Pursuant to 30 CFR Part 585* (Guidelines), BOEM has defined the Area of Potential Effects (APE) for this undertaking to include the following geographic areas:

- The depth of and breadth of the seabed potentially impacted by any bottom-disturbing activities, constituting the marine archaeological resources portion of the APE (marine APE);
- The depth and breadth of terrestrial areas potentially impacted by any ground-disturbing activities, constituting the terrestrial archaeological resources portion of the APE (terrestrial APE);
- The viewshed from which renewable energy structures, whether located offshore or onshore, would be visible, constituting the viewshed portion of the APE (visual APE); and
- Any temporary or permanent construction or staging areas, both onshore and offshore, which may fall into any of the above portions of the APE.

Effects are only assessed to historic properties within the APE for the Project. This includes reasonably foreseeable effects caused by the Project that may occur later in time, be farther removed in distance, or be cumulative (36 CFR 800.5(a)(1)). The marine archaeological APE includes the offshore areas for all three NEPA action alternatives.

Marine Archaeological Resources Area of Potential Effects

The marine APE for the Project is the depth and breadth of the seabed potentially affected by any bottom-disturbing activities and temporary or permanent offshore construction or staging areas. The APE includes a conservative PDE that can accommodate several potential WTG designs and installation methods, whether monopile or jacketed foundations are used, installed by jack-up vessels, as well as necessary support vessel and barge anchoring areas. The marine APE encompasses activities within the Lease Area and activities within the SRWEC corridor.

Table 3 contains summary information about the proposed SRWF infrastructure to be constructed within the marine APE.

Table 3: Proposed SRWF Project Components within the Marine APE

Proposed Infrastructure	Description
WTG and OCS-DC Foundations	<ul style="list-style-type: none"> • Monopile foundations for the WTGs and a piled jacket foundation for the OCS-DC • Up to 95 foundations for the WTGs and OCS-DC within 102 potential positions • Maximum embedment depth of up to 164 ft (50 m) for WTG monopile foundations and 295 ft (90 m) for OCS-DC piled jacket foundation • Maximum area of seafloor footprint per foundation, inclusive of scour protection and cable protection system stabilization: 1.06 ac (4,290 m²) for WTG monopile foundations and 1.39 ac (5,625 m²) for the OCS-DC foundation structure
Inter-array Cables	<ul style="list-style-type: none"> • Maximum 161-kV AC cables buried up to a target depth of 4 to 6 ft (1.2 to 1.8 m) • Maximum total length of up to 180 mi (290 km) • Maximum cable diameter of 8 in (200 mm) • Maximum disturbance corridor width of 98 ft (30 m) per circuit
Export Cable	<ul style="list-style-type: none"> • One 320-kV DC export cable bundle buried to a target depth of 4 to 6 ft (1.2 to 1.8 m) in federal waters and buried to a target depth of 6 ft (1.8 m) in NYS waters • Maximum individual cable diameter of 7.8 in (200 mm) and maximum bundled diameter of 15.6 in (400 mm) • Maximum total corridor length of up to 104.6 mi (168.4 km) • Maximum disturbance corridor width of 98 ft (30 m) • Maximum seafloor disturbance for horizontal directional drilling (HDD) exit pit of 61.8 ac (25 ha)

The Lease Area encompasses 109,952 acres (ac) (44,496 hectares [ha]). Within the Lease Area, the wind farm development would occur in a smaller footprint of 106,394 ac (43,056 ha) with water depths ranging from 134 to 184 feet (ft) (41 to 56 meters [m]). Sunrise Wind proposes up to 94 WTGs and one OCS-DC at 102 possible locations within the extent of the PDE. Construction activities would occur within a 1.06 ac (4,290 square meters [m²]) work zone around each WTG location, and within a 2.64 ac (10,684 m²) area for the OCS-DC foundation structure.

The marine APE also includes all offshore areas where seafloor-disturbing activities from inter-array cable trenching and installation, boulder relocation, and vessel anchoring may occur. The maximum vertical extent of seafloor impact would be approximately 164 ft (50 m) below the seafloor for WTGs and approximately 295 ft (90 m) for OCS-DC. The array and substation interconnector cables have a target burial depth of 3 to 7 ft (1 to 2 m) below the stable seabed.

The marine APE also includes an offshore export cable corridor extending from the Lease Area to the sea-to-shore transition at landfall location in Brookhaven. The export cable corridor would be a maximum width of 98 ft (30 m) which would include the cable installation trench. Dynamic Positioning (DP) vessels will generally be used for cable burial activities. If anchoring (or a pull ahead anchor) is necessary during cable installation, it will occur within a corridor ranging in width from 1,312 ft to 2,625 ft (400-800 m). The SRWEC route would be approximately 104.6 mi (168.4 km). Offshore export cables would typically be buried to a depth of 4 to 6 ft (1.2 to 1.8 m) below the seabed similarly to the array cables. Based on the potential limits of disturbance, from cable installation and potential anchoring impacts, the APE for the offshore export cable corridor is 1,312 ft to 2,625 ft (400-800 m) wide, 104.6 mi (168.4 km) long, and 4 to 6 ft (1.2 to 1.8 m) deep.

Terrestrial Archaeological Resources Area of Potential Effects

The terrestrial APE includes areas of potential ground disturbance associated with the onshore construction and operation of the undertaking). The APE is presented as a conservative PDE and consists of the depth and breadth of potential ground-disturbing activities are described below in **Table 4**.

Table 4: Proposed SRWF Project Components within the Terrestrial APE

Proposed Infrastructure	Description
OnCS-DC	<ul style="list-style-type: none"> An OnCS-DC requiring the disturbance of 7 acres during construction and with an operational footprint of up to 6 ac (2.4 ha) which will include electrical equipment, a control house and storage structure, and stormwater basins/dry wells. The entire station footprint area will be graveled and surrounded by a 7-ft (2.1-m)-high fence topped with a 1-ft (0.3-m) tall, barbed wire extension for a total height of 8 ft (2.4 m). The majority of the site equipment will require shallow foundations, 4 to 5 ft (1.2 to 1.5 m) in depth based on the expected equipment size. Larger structures may require drilled shaft equipment foundations of 12 to 30 ft (4 to 9 m) in depth. Stormwater basins/dry wells (1 acre [0.4 ha], 20 ft [6.1 m] deep)
Northville Laydown Yard	<ul style="list-style-type: none"> Approximately 2 acres (0.8 ha) of the parcel is used as a laydown yard. The laydown yard required minimal grading and gravel/hardening to prepare it for use, requiring the removal of 4 to 6 in (10 to 15 cm) of existing grade followed by the addition of modified millings.
Zorn Laydown Yard	<ul style="list-style-type: none"> Approximately 12.5 acres (5.0 ha) of this 20-acre (8.1 ha) site is utilized as a laydown yard. The laydown yard will require approximately 6 in (15 cm) to be stripped/graded from the ground surface and staged prior to the addition of modified millings.

Proposed Infrastructure	Description
<p>Onshore Transmission Cables, Interconnection Cables, and Fiber Optic Cables</p>	<ul style="list-style-type: none"> • Two transmission and two fiber optic cables collocated in an underground duct banks and splice vaults. • Up to 12 interconnection cables and 2 fiber optic cables collocated in an underground duct bank and splice vaults. • Combined length of transmission and interconnection cables will be 17.5 mi (28.2 km) long installed within a 8 ft (2.4 m) wide trench, with a temporary construction disturbance corridor of 30 ft (9.1 m) • Transmission cables and fiber optic cables installed in a subsurface duct banks buried at a target depth of 5 to 8 ft [(1.5 to 2.4 m)] • Splice vaults will be located approximately every 1,800 to 2,200 ft (549 to 671 m) along the transmission cable route and will require a disturbance area of 50 ft x 40 ft (15 m x 12 m) and be buried at a depth of up to 15 ft (4.6 m) • Maximum transmission cable diameter of 6 in (152 mm) and maximum fiber optic cable diameter of 1 in (2.5 cm)
<p>Landfall Location</p>	<ul style="list-style-type: none"> • Transition Joint Bay (TJB), link boxes, and fiber optic cable joint boxes will be located entirely within the Landfall Work Area at Smith Point County Park on Fire Island. • TJB is a pit that is dug in the soil and lined with concrete and will be up to 82 ft x 16 ft x 16 ft (25 m x 5 m x 5 m). • Should a fiber optic cable joint box and link box be required, an additional concrete pit approximately 6.6 ft x 6.6 ft x 6.6 ft (2 m x 2 m x 2 m) will be needed for each joint box. • Maximum disturbance for Landfall Work Area (onshore) of up to 6.5 ac (2.6 ha)

The terrestrial APE includes the sea-to-shore transition landfall site. The transition of the export cables from offshore to onshore would be accomplished by using open-cut trenching or trenchless methods. Ground-disturbing activities from the installation of the transition joint bay (TJB) and associated excavation would occur at the Brookhaven landfall site. From the TJB at the landfall site, Sunrise Wind would install the onshore export cable underground. Burial of the export cable in a single duct bank would require up to a 30 ft wide (9.1 m wide) construction corridor up to 6 feet (1.8 m) deep for onshore export cable corridors, excluding the landfall location and cable splice locations. Splice locations along the transmission cable route will require a disturbance area of 50 ft x 40 ft (15 m x 12 m) with the splice vaults buried at a depth of up to 15 ft (4.6 m). The onshore cable would connect to the proposed onshore converter parcel. Ground-disturbing activities associated with the construction of the Brookhaven converter station would occur on a 7 ac (2.84 ha) parcel. An Onshore Interconnection Cable would connect the Onshore Converter Station at Brookhaven to the Holbrook Substation.

BOEM defines the terrestrial APE for this undertaking to include offsite borrow and fill disposal sites pursuant to the ACHP’s guidance and recommendations (https://www.achp.gov/sites/default/files/guidance/2018-08/off-site_borrow_and_disposal.pdf).

Area of Potential Effects for Visual Effects Analysis

The visual APE includes the viewshed from which renewable energy structures—whether offshore or onshore—would be visible. Offshore, the visual study area consists of a 40 mi (64 km) radial distance from the Wind Farm Area, which is the approximate maximum theoretical distance at which the WTGs could be visible due to variables such as the curvature of the earth—a distance that does not factor in certain conditions such as weather, environmental conditions, or screening by landscape features. (COP Appendix Q1). The summary information on the proposed SRWF project components used to determine the visual APE is provided in **Table 5**.

Table 5: Proposed SRWF Project Components Used to Determine the Visual APE

Proposed Infrastructure	Description
WTGs	<ul style="list-style-type: none"> Up to 94 WTGs within 102 potential positions Nameplate capacity of 11 MW Rotor diameter of 656 ft (200 m) Hub height of 459 ft (140 m) above mean sea level (AMSL) Upper blade tip height of 787 ft (240 m) AMSL
OCS-DC	<ul style="list-style-type: none"> One OCS-DC Up to 100 ft (30 m) total structure height from above ground level (including lightning masts)

Sunrise Wind, LLC conducted a geographic information system (GIS) analysis and subsequent field investigation through a series of steps, beginning where the maximum theoretical distance WTGs could be visible. This was determined by first considering the visibility of a WTG from the water level to the tip of a vertical rotor blade at the height of 968 ft (295 m). The Project’s proposed alternatives include a selection of up to 94 WTGs at 102 possible positions within the Lease Area, and the Project would utilize an 11 MW turbine. The 11 MW turbine was selected as the Project’s nameplate wind turbine size (see Section 2.2 of the EIS for a discussion of alternatives considered but dismissed from further analysis) and consists of a nacelle height of 459 ft (140 m), a rotor diameter of 656 ft (200 m), and a maximum blade tip height of 787 ft (240 m).

The Visual APE presented herein considers up to 122 WTGs with a nacelle height of 574 ft (175 m), a 787 ft (240 m) rotor diameter, and a maximum blade tip height of 968 ft (295 m). The WTG specifications evaluated in the visual impact analysis reports represent the Project’s original PDE dated August 2020, which included a wider range of turbine size (8 - 15 MWs) and included up to 122 WTGs. These 122 WTGs were extrapolated from a PDE that included 122 WTGs and a single OCS-DC or 120 WTGs and three OCS-DCs, as presented in the Visual Impacts Assessment (VIA; SRWF COP Appendix Q1). The VIA asserts that the distinction between the counts of WTGs and OCS-DCs is not anticipated to change the overall results of the VIA in this instance.

BOEM considers the evaluation of these more numerous and larger WTGs to represent a reasonable and good faith effort to identify potential effects to cultural resources and historic properties, and that analysis based on these evaluations is sufficient for the purposes of evaluating impacts to cultural resources under NEPA and adverse effects to historic properties under the NHPA Section 106 review because it evaluates a larger, more impactful scenario.

The analysis then accounted for how distance and environmental conditions impede visibility as the distance increases between the viewer and WTGs (i.e., by a 40 mi (64 km) distance, even blade tips would be below the sea level horizon line).

The mapping effort then removed all areas with obstructed views toward WTGs, such as those views impeded by intervening topography, vegetation, and structures. Areas with unobstructed views of offshore Project elements constitute the visual Preliminary APE, which is documented in the HRVEA, COP Appendix T (Sunrise Wind 2022). Onshore, the visual APE includes a 1.0 mi (1.6 km) buffer around the Brookhaven converter station location (COP, Appendix U; Sunrise Wind 2022). All other elements would be underground and would not be visible. BOEM has reviewed the methodology used by Sunrise Wind, LLC to define the APE and the results of the GIS analysis. BOEM has determined that the methods used to define the Preliminary APE are methodologically sound and sufficient for the purposes of the NHPA Section 106 review. As a result, the Preliminary APE for Visual Effects defined in the SRWF HRVEA has been adopted by BOEM as the APE for the purposes of the NHPA Section 106 review of the SRWF COP.

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STEPS TAKEN TO IDENTIFY HISTORIC PROPERTIES

TECHNICAL REPORTS

To support the identification of historic properties within the APE, SRWF has provided survey reports detailing the results of multiple investigations within the marine, terrestrial, and visual portions of the APE. **Table 6** provides a summary of these efforts to identify historic properties and the results/key findings of each investigation. BOEM has reviewed all reports summarized in Table 6. Summary of Cultural Resources Investigations Performed by SRWF in the Marine, Terrestrial and Visual APEs. **Table 6** and found them to be sufficient. BOEM found that the Preliminary APE or PAPE proposed by SRWF is appropriate for the magnitude, extent, location, and nature of the undertaking. Further, BOEM has determined that the reports collectively represent a good faith effort to identify and evaluate historic properties within the APE, they are sufficient to apply the Criteria of Adverse Effect, and they support consultation with consulting parties regarding the resolution of adverse effects to historic properties.

SEARCH, Inc. (SEARCH) prepared a technical report for BOEM to support BOEM’s cumulative effects analysis entitled *Cumulative Historic Resources Visual Effects Analysis Management Summary for the Sunrise Wind Farm* (CHRVEA; SEARCH 2022). The cumulative historic resources visual effects analysis (CHRVEA) presents the analysis of cumulative visual effects where BOEM has determined in its review of the *Onshore Above-ground Historic Properties Report* (COP Appendix U, Sunrise 2022) that historic properties would be adversely affected by the Project.

Table 6. Summary of Cultural Resources Investigations Performed by SRWF in the Marine, Terrestrial and Visual APEs.

Portion of APE	Report	Description	Key Findings/Recommendations
Offshore	Phase I Marine Archaeological Resources Assessment for the Sunrise Offshore Wind Farm (SRW01) Located on the Outer Continental Shelf Block OCS-A 487, and Offshore New York. Appendix R. Sunrise Wind Farm Construction and Operations Plan	R. Christopher Goodwin & Associates, Inc. (RCG&A) performed a marine archaeological resources assessment (MARA) of the submerged portions of the Preliminary Area of Potential Effect (PAPE). The MARA utilized geotechnical and high-resolution geophysical data collected by Fugro USA Marine, Inc. and Gardline during survey campaigns from 2019 to 2021. The MARA also included a review of shipwreck databases and previous surveys. The analysis was conducted to identify potential marine archaeological resources that might be impacted by the Project.	Eight potential shipwreck sites, and 43 buried paleolandscape features within the SRWEC and SRWF APE were identified and were recommended for avoidance by the Project.

Portion of APE	Report	Description	Key Findings/Recommendations
Onshore	Sunrise Wind Farm Project: Phase IA Archaeological Survey, Sunrise Wind Onshore Facilities. Appendix S-1. Sunrise Wind Farm Construction and Operations Plan	Phase IA archaeological survey to determine whether previously identified terrestrial archaeological resources were located in the terrestrial archaeology PAPE, and to evaluate the potential for previously unidentified terrestrial archaeological resources to be located within the PAPE.	Phase I terrestrial archaeological survey identified a single archaeological site (EDR-SRW-001). This archaeological site was identified in an off-route variation of the onshore cable corridor that has since been removed from the APE. The site will therefore not be impacted by the Project.
	Sunrise Wind Farm Project: Phase IB Archaeological Survey, Sunrise Wind Onshore Facilities. Appendix S-2. Sunrise Wind Farm Construction and Operations Plan	Phase IB Archaeological Survey was to determine the presence or absence of previously unidentified terrestrial archaeological resources located within the Project's PAPE through infield investigations.	
	Sunrise Wind Farm Project: Laydown Area Addendum	Phase IB archaeological survey of two temporary laydown yards will support construction activities, including the Northville Laydown Yard (2 acres) and the Zorn Laydown Yard (12.5 acres)	Phase I terrestrial archaeological investigations did not identify any cultural resources within the two proposed laydown yard areas.
Visual	Sunrise Wind Farm Project: Appendix T, Historic Resources Visual Effects Assessment. Report prepared for Sunrise Wind by Environmental Design & Research. Appendix T, Sunrise Wind Farm Construction and Operations Plan	Report detailing desktop research conducted for the HRVEA for the WTGs and OCS-DC, which provided information for 307 previously identified above-ground historic resources within the PAPE for viewshed resources.	Identifies and evaluates 307 above ground historic properties within the PAPE. The assessment finds that potential adverse effects are possible concerning 47 above ground historic properties.
	Sunrise Wind Farm Project: Appendix U, Onshore Above-ground Historic Properties Report. Report prepared for Sunrise Wind by Environmental Design & Research. Appendix U, Sunrise Wind farm Construction and Operations Plan.	Report detailing field reconnaissance survey and viewshed analysis of the PAPE for the OnCS-DC.	

CONSULTATION AND COORDINATION WITH CONSULTING PARTIES AND THE PUBLIC

Early Coordination

Since 2010, BOEM has coordinated OCS renewable energy activities for the MA-RI WEAs with federally recognized Native American Tribes (Tribes) and its federal, state, and local government partners through its intergovernmental Renewable Energy Task Force. From 2010 onward, BOEM has met regularly with Tribes that may be affected by renewable energy activities in the area, specifically during planning for the issuance of leases and review of site assessment activities. BOEM also hosts public information meetings to update interested stakeholders on major renewable energy milestone. Information on BOEM's Renewable Energy Task Force meetings is available at <https://www.boem.gov/renewable-energy/state-activities/new-york-activities>.

National Environmental Policy Act Scoping and Public Hearings

On August 31, 2021, BOEM announced its notice of intent (NOI) to prepare an EIS for the SRWF COP (BOEM 2021). This NOI was revised on September 3, 2021 to allow for the comment period to extend to October 4, 2021, and to make technical corrections. The purpose of the NOI was to solicit input on issues and potential alternatives for considerations in the EIS. Throughout the scoping process, Tribes; federal agencies; state and local governments; other interested parties; and the public had the opportunity to aid BOEM in determining significant resources and issues, impact-producing factors (IPFs), reasonable alternatives, and potential mitigation measures to be analyzed in the EIS as well as provide additional information.

BOEM elected to use the NEPA substitution process to allow for public involvement in the NHPA Section 106 consultation pursuant to 36 CFR 800.8(c). Through this notice, BOEM announced that it would inform its NHPA Section 106 consultation through the NEPA commenting process and invited public comment and input regarding the identification of historic properties or potential effects to historic properties from activities associated with the undertaking.

BOEM held virtual public scoping meetings, which included specific opportunities for engaging on issues relative to NHPA Section 106 review for this undertaking, on September 16th, 20th, and 22nd of 2021. Through this NEPA scoping process, BOEM received comments related to cultural, historic, archaeological, or tribal resources. Comments indicated that the EIS should assess potential onshore impacts to archaeological and historic resources at Project locations in NY. BOEM's EIS scoping report includes these comments and is available at <https://www.boem.gov/renewable-energy/state-activities/sunrise-wind-draft-environmental-impact-statement-deis-commercial>.

On December 16, 2022, BOEM published a notice of availability for the NEPA draft EIS. As part of this process, BOEM held virtual public meetings on three dates in 2023:

- January 18, 2023; 5:00 PM
- January 19, 2023; 5:00 PM
- January 23, 2023; 1:00 PM

Each of these public meetings was held virtually. The public and consulting parties were invited to attend the meetings and were able to provide comments on the DEIS until the comment period closed on February 14, 2023. BOEM considered these comments received during scoping and on the draft EIS.

National Historic Preservation Act Section 106 Consultation

BOEM extended invitations to consult under NHPA Section 106 via letter on August 4, 2021 to 149 consulting parties. As third-party consultant to BOEM, SEARCH followed up with these parties to confirm preferred points of contact and interest in participating. The organizations BOEM invited to consult are listed in **Table 7**.

Table 7. Parties Invited to Participate in NHPA Section 106 Consultation.

Participants in the Section 106 Process	Invited Consulting Parties
SHPOs and State Agencies	Connecticut State Historic Preservation Office, Connecticut Department of Economic and Community Development
	Rhode Island Historical Preservation & Heritage Commission
	New York State Division for Historic Preservation
	Massachusetts Historical Commission
	Massachusetts Board of Underwater Archaeological Resources
	Massachusetts Commissioner on Indian Affairs
	Rhode Island Department of Environmental Management
Federal Agencies	ACHP
	BSEE
	NOAA
	USACE
	USCG
	USEPA
	USFWS
	National Park Service
	DASNE
	FAA
	USDOD

Participants in the Section 106 Process	Invited Consulting Parties
Federally Recognized Tribes	Mashpee Wampanoag Tribe
	Shinnecock Indian Nation
	Mashantucket (Western) Pequot Tribal Nation
	Wampanoag Tribe of Gay Head - Aquinnah
	Mohegan Tribe of Indians of Connecticut
	Narragansett Indian Tribe
	Delaware Tribe of Indians
	The Delaware Nation
Non-Federally Recognized Tribe	Chappaquiddick Tribe of Wampanoag Nation
	Unkechaug Nation
	The Golden Hill Paugussett
	Eastern Pequot Tribal Nation
	Schaghticoke Tribal Nation
Local Government	City of New Bedford
	City of Newport
	County of Barnstable (MA)
	County of Bristol (MA)
	County of Dukes (MA)
	County of Suffolk (NY)
	Town of Acushnet
	Town of Aquinnah
	Town of Bourne
	Town of Charlestown
	Town of Chilmark
	Town of Dartmouth
	Town of East Hampton
	Town of Edgartown
	Town of Exeter
	Town of Fairhaven
	Town of Falmouth
	Town of Gosnold
	Town of Jamestown
	Town of Little Compton
Town of Middletown	
Town of Nantucket	

Participants in the Section 106 Process	Invited Consulting Parties
	Nantucket Planning & Economic Development Commission (NP&EDC)
	Town of Narragansett
	Town of New Shoreham
	Town of North Kingstown
	Town of North Stonington
	Town of Oak Bluffs
	Town of Portsmouth
	Town of South Kingstown
	Town of Southold
	Town of Stonington
	Town of Tisbury
	Town of Tiverton
	Town of West Tisbury
	Town of West Warwick
	Town of Westerly
	Town of Westport
	Town of Brookhaven
	Cape Cod Commission
Certified Local Governments	Edgartown Historic Preservation Commission
	Acushnet Historical Commission
	North Kingstown Historic District Commission
	East Hampton Design Review Board
	Narragansett Historic District Commission
	Newport Historic District Commission
	South Kingstown Historic District Commission
	New Shoreham Historic District Commission
	Barnstable Historical Commission
	Bourne Historic Commission
	Chilmark Historical Commission
	Dartmouth Historical Commission
	Fairhaven Historical Commission
Falmouth Historical Commission	
Nongovernmental Organizations or Groups	Salve Regina University
	Norman Bird Sanctuary
	Montaukett Indian Nation

Participants in the Section 106 Process	Invited Consulting Parties
	Nantucket Historical Commission
	Nantucket Historic District Commission
	Gay Head Lighthouse Advisory Committee
	Southeast Lighthouse Foundation
	Block Island Historical Society
	Martha's Vineyard Commission
	Alliance to Protect Nantucket Sound
	Montauk Historical Society
	Preservation Massachusetts
	Bristol Historical and Preservation Society
	East Greenwich Historic Preservation Society
	The Preservation Society of Newport County (operate The Breakers, Marble House, etc.)
	Newport Historical Society
	Rhode Island Historical Society (operates The John Brown House Museum, Aldrich House, etc.)
	Newport Restoration Foundation
	Bellport-Brookhaven Historical Society
	Little Compton Historical Society
	Jamestown Historical Society
	Middletown Historical Society
	Portsmouth Historical Society
	Tiverton Historical Society
	Charlestown Historical Society
	Exeter Historical Association
	Narragansett Historical Society
	Westerly Historical Society
	Martha's Vineyard Museum
	Cuttyhunk Historical Society, Museum of the Elizabeth Islands, Massachusetts
	Nantucket Historical Association
	Nantucket Preservation Trust
	Stonington Historical Society
	New London County Historical Society
	Suffolk County Historical Society
	East Hampton Historical Society

Participants in the Section 106 Process	Invited Consulting Parties
	Southold Historical Museum
	Aquinnah Wampanoag Indian Museum
	The Barnstable Historical Society
	Falmouth Historical Society and Museums on the Green
	Dartmouth Historical and Arts Society
	Westport Historical Society
	New Bedford Historical Society
	Fairhaven Historical Society
	Long Plain Museum
	Bourne Historical Society
	Long Island Historical Societies
	Preservation Long Island
	Davis Town Meeting House Society Inc.

On June 10, 2022, BOEM contacted responsive governments and organizations listed in **Table 7**, providing information on the proposed undertaking, and re-extending the invitation to be a consulting party to the NHPA Section 106 review of the undertaking. The information provided to consulting parties beginning December 2022 included technical reports listed in that were prepared for historic property identification and presented as appendices to the COP. Fifty-eight entities that responded to BOEM’s invitation or were subsequently made known to BOEM and added as participating consulting parties are listed in **Table 8**.

Table 8. Consulting Parties Participating in the NHPA Section 106 Consultation.

Participants in the Section 106 Process	Invited Consulting Parties That Participated in Consultation
SHPOs and State Agencies	Connecticut State Historic Preservation Office, Connecticut Department of Economic and Community Development
	Rhode Island Historical Preservation & Heritage Commission
	New York State Division for Historic Preservation
	Massachusetts Historical Commission
	Massachusetts Commissioner on Indian Affairs
	Rhode Island Department of Environmental Management
Federal Agencies	ACHP
	BSEE
	NOAA
	USACE
	USCG

Participants in the Section 106 Process	Invited Consulting Parties That Participated in Consultation
	USEPA USFWS National Park Service DASNE FAA USDOD
Federally Recognized Tribes	Mashpee Wampanoag Tribe Shinnecock Indian Nation Mashantucket (Western) Pequot Tribal Nation Wampanoag Tribe of Gay Head - Aquinnah Mohegan Tribe of Indians of Connecticut Narragansett Indian Tribe Delaware Tribe of Indians The Delaware Nation
Non-Federally Recognized Tribe	Unkechaug Nation
Local Government	City of Newport County of Dukes (MA) Town of Aquinnah Town of Bourne Town of Charlestown Town of East Hampton Town of Middletown Town of Nantucket Nantucket Planning & Economic Development Commission (NP&EDC) Town of New Shoreham Town of North Stonington Town of Oak Bluffs Town of Brookhaven
Certified Local Governments	Newport Historic District Commission Barnstable Historical Commission
Nongovernmental Organizations or Groups	Salve Regina University Norman Bird Sanctuary Montaukett Indian Nation Nantucket Historical Commission

Participants in the Section 106 Process	Invited Consulting Parties That Participated in Consultation
	Nantucket Historic District Commission
	Gay Head Lighthouse Advisory Committee
	Southeast Lighthouse Foundation
	Block Island Historical Society
	Alliance to Protect Nantucket Sound
	Newport Restoration Foundation
	Narragansett Historical Society
	Nantucket Historical Association
	Nantucket Preservation Trust
	The Preservation Society of Newport County (operate The Breakers, Marble House, etc.)
	Long Island Historical Societies
	Preservation Long Island

Through multiple rounds of correspondence and consultation meetings, BOEM requested information from consulting parties on defining the APE and identifying historic properties potentially affected by the proposed undertaking.

BOEM held an initial NHPA Section 106 consultation meeting with consulting parties virtually on July 13, 2022. The meeting presented a project overview including maritime and terrestrial components, a review of NEPA/NHPA Section 106 substitution consultation and schedule procedures, and a description of Section 110(f) and its application to NHLs with regard to the project. During the discussion, Tribes inquired about the definition of the PAPE and the difference between an APE and PAPE, siting procedures and impacts to Ancient Submerged Landform Feature/s (ASLFs), avoidance measures, if ASLFs would be considered for inclusion as NHLs, and the difference in the level of scrutiny applied to NHLs under Section 110(f) and other historic properties subject to Section 106 consultation. Tribes expressed concern with lighting impacts, the inadequacy of data received to date for meaningful project review, and concern regarding the timing of consultation was raised. The Tribes expressed that consultation regarding project siting should be undertaken before selecting component locations.

In December 2022, the CHRVEA was distributed to consulting parties alongside a letter delineating the initial APE, updated versions of the historic resources visual effects assessment (HRVEA), terrestrial archaeological resources assessment (TARA) and marine archaeological resources assessment (MARA).

BOEM held the second NHPA Section 106 consultation meeting with consulting parties virtually on January 26, 2023. The meeting included review of the Project Review, Area of

Potential Effects Delineation, Technical Reports for Historic Properties Identification and Effects Assessment, and a Q&A and discussion session.

Based on feedback from consulting parties, in June 2023 BOEM decided to invite landowners of historic properties (including those within locally registered and/or NRHP listed historic districts) within the APE that were determined to be adversely affected by the undertaking to participate in the NHPA Section 106 review as consulting parties. Letter invitations were sent to 1,630 individual landowners on June 9, 2023 inviting them to participate in the review. The list of invited landowners can be provided by BOEM upon request.

BOEM shared the final Finding of Adverse Effect with consulting parties prior to a NHPA Section 106 meeting to be held in November 2023. During this meeting BOEM will review the information contained within this Finding and discuss the next steps for resolving adverse effects with consulting parties. A meeting summary and access to a recording of the meeting will be made available.

BOEM plans to continue consulting with the Tribes, SHPOs, ACHP, federal and state agencies, and the consulting parties to seek their comments and input regarding the effects of the undertaking on historic properties and the resolution of adverse effects, including the development and implementation of a memorandum of agreement (MOA).

GOVERNMENT-TO-GOVERNMENT CONSULTATIONS WITH FEDERALLY RECOGNIZED TRIBES/TRIBAL NATIONS

During preparation of the EIS and the NHPA Section 106 review, BOEM has held government-to-government meetings with Tribes. Multiple BOEM actions, including the Project and efforts of the Project on historic properties under NHPA Section 106, were discussed during these government-to-government meetings (see EIS Appendix A entitled *Required Environmental Permits and Consultations*). BOEM continues to consult with these and other Tribes on developments in offshore wind and the Project.

On October 15, 2021, BOEM held a government-to-government meeting on the Sunrise Wind Project with the Mashantucket Pequot Tribal Nation, the Mashpee Wampanoag Tribe, the Delaware Nation, the Shinnecock Nation, and the Wampanoag Tribe of Gay Head (Aquinnah). The meeting discussion included a review of the project, site characteristic studies, and required field surveys. Tribes requested additional photography in different seasons, asked for further information on specific construction methods and materials, potential environmental impacts, and cumulative visual impacts. Additionally, Tribes expressed an inability to facilitate a FAST-41 schedule, in general, due to the complexity and number of the projects being implemented simultaneously under their review.

In April 2023, the Bureau of Ocean Energy Management's (BOEM) Director, Liz Klein, and other BOEM leaders met with leaders from federally recognized Tribal Nations at the Tribal

Leaders Summit at Mohegan Sun in Montville, CT. The following Tribes' leaders and representatives participated in this two-day meeting (listed in alphabetical order): Houlton Band of Maliseet Indians; Mashantucket (Western) Pequot Tribal Nation; Mashpee Wampanoag Tribe; Narragansett Indian Tribe; Passamaquoddy Tribe, Indian Township; Passamaquoddy Tribe, Pleasant Point; Penobscot Indian Nation; Shinnecock Indian Nation; and Wampanoag Tribe of Gay Head (Aquinnah). The discussions centered on BOEM's renewable energy program and concerns about offshore wind development on the east coast, including the call from Tribal Nations for a moratorium on offshore wind energy development. BOEM shared with the Tribal Nations its continued commitment to upholding its Tribal trust responsibilities and fostering working relationships based on trust and meaningful consultation. BOEM confirmed that the agency is working to improve the consultation process to engage Tribes in a respectful way and to help Tribal Nations expand capacity to engage in environmental reviews and Section 106 consultations. During this meeting, BOEM reiterated its commitment to engage with Tribal Nations at all phases of offshore wind energy development and to ensure that the identification of historic properties and resolution of adverse effects incorporate Indigenous Knowledge and Tribal perspectives through the Section 106 consultation.

Lessee Tribal Nation Contact/Communication

Sunrise Wind LLC has conducted communications with select Tribes outside of Section 106 consultation, to include coordination for Tribal monitoring of onshore construction activities undertaken from July 2023 onward. BOEM did not participate in this communication but received notification that it had been conducted by the Lessee.

APPLICATION OF THE CRITERIA OF ADVERSE EFFECT

The Criteria of Adverse Effect under NHPA Section 106 (36 CFR 800.5(a)(1)) states that an undertaking has an adverse effect on a historic property when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later, be farther removed in distance, or be cumulative (36 CFR 800.5(a)(1)). According to the regulations (36 CFR 800.5(a)(2)), adverse effects on historic properties include, but are not limited to:

- Physical destruction of or damage to all or part of the property;
- alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access that is not consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR 68) and applicable guidelines;
- removal of the property from its historic location;
- change of the character of the property's use or physical features within the property's setting that contribute to its historical significance;
- introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features;
- neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to a Tribe or Native Hawaiian organization; and
- transfer, lease, or sale of a property out of federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure the long-term preservation of the property's historical significance.

ADVERSELY AFFECTED HISTORIC PROPERTIES

BOEM has determined that the undertaking would have an adverse effect on the following 47 historic properties within the visual APE:

Town of Aquinnah, Massachusetts:

- Gay Head Light (NRHP Listed Resource)
- Gay Head – Aquinnah Shops Area (MHC Historic Inventory Site)
- Vanderhoop, Edwin DeVries Homestead (NRHP Listed Resource)
- Cooper, Tom House (MHC Historic Inventory Site)
- Gay Head – Aquinnah Coast Guard Station Barracks (MHC Historic Inventory Site)
- Haskins, Theodore House (MHC Historic Inventory Site)
- Gay Head – Aquinnah Town Center Historic District (NRHP-Listed Resource)
- 3 Windy Hill Drive (MHC Historic Inventory Site)

- 71 Moshup Trail (MHC Historic Inventory Site)
- Vanderhoop, Leonard House (MHC Inventory Site)
- Vineyard Sound and Moshup's Bridge (NRHP-eligible TCP)

Town of Chilmark, Massachusetts:

- Hancock, Capt. Samuel – Mitchell, Capt. West House (NRHP-Eligible Resource)
- Flanders, Ernest House, Shop and Barn (MHC Historic Inventory Site)
- Hancock, Russell House (MHC Historic Inventory Site)
- Mayhew, Simon House (MHC Historic Inventory Site)
- Flaghole (MHC Historic Inventory Site)

Town of Edgartown, Massachusetts:

- Chappaquiddick Island TCP (NRHP-Eligible TCP)

Town of West Tisbury, Massachusetts:

- Scrubby Neck Schoolhouse (MHC Historic Inventory Site)

Town of Narragansett, Rhode Island:

- Point Judith Lighthouse (NRHP-Listed Resource)

City of Newport, Rhode Island

- Bellevue Avenue Historic District (NHL)
- Ocean Drive Historic District (NHL)
- The Breakers (NHL)

Town of New Shoreham, Rhode Island:

- Block Island North Light (NRHP-Listed Resource)
- Corn Neck Road (NRHP-Eligible Resource)
- Hippocampus/Boy's Camp/Beane Family (NRHP-Eligible Resource)
- Mitchell Farm (NRHP-Eligible Resource)
- Champlin Farm (NRHP-Eligible Resource)
- Indian Head Neck Road (NRHP-Eligible Resource)
- Island Cemetery/Old Burial Ground (RI Historical Cemetery)
- Beach Avenue (RI Historical Cemetery)
- Old Harbor Historic District (NRHP-Listed Resource)
- Beacon Hill (NRHP-Eligible Resource)
- Spring House Hotel (NRHP-Eligible Resource)
- Spring House Hotel Cottage (NRHP-Eligible Resource)
- Capt. Welcome Dodge Sr. House (NRHP-Eligible Resource)
- Spring Street (NRHP-Eligible Resource)
- Caleb W. Dodge Jr. House (NRHP-Eligible Resource)
- WWII Lookout Tower – Spring Street (NRHP-Eligible Resource)

- Pilot Hill Road and Seaweed Lane (NRHP-Eligible Resource)
- WWII Lookout Tower at Sands Pond (NRHP-Eligible Resource)
- Lewis-Dickens Farm (NRHP-Eligible Resource)
- Block Island Southeast Lighthouse Historic Landmark (National Historic Landmark [NHL])
- Miss Abby E. Vaill/1 of 2 Vaill Cottages (NRHP-Eligible Resource)
- Hon. Julius Deming Perkins/Bayberry Lodge (NRHP-Eligible Resource)
- Mohegan Cottage/Evertt D. Barlow House (NRHP-Eligible Resource)
- Capt. Mark L. Potter House (NRHP-Eligible Resource)
- New Shoreham Historic District (Local Historic District)

Assessment of Effects on Historic Properties in the Visual Area of Potential Effects

BOEM has determined that the maritime setting of or the sea views from the 47 adversely affected historic properties are characteristics that contribute to each properties' NRHP eligibility. The introduction of SRWF offshore infrastructure into the maritime setting and sea views from these historic properties would diminish the integrity of the properties' setting and feeling. For historic properties where BOEM has determined the Project would cause adverse effects, BOEM then assessed the impact of the SRWF in the context of other reasonably foreseeable actions, which may result in cumulative effects (see SEARCH 2022).

To evaluate effects, the HRVEA reviewed the physical parameters of the wind farm and NRHP-qualifying characteristics of 307 historic properties¹ within the HRVEA's identified PAPE. The HRVEA found that the Project's proposed WTGs would "likely constitute a change in the physical environment" and further stated that this "is particularly true for above-ground historic properties for which open views of the ocean are integral" (EDR 2022:110). Of the 307 historic properties reviewed, no adverse effect is recommended for 260. Effects did not rise to the level of adverse for these properties either because ocean views were not integral to their NRHP eligibility or because distance, visual obstructions, or diminished integrity of the current setting meant that the introduction of Project infrastructure into property setting or views would not rise to the level of an adverse effect. In regard to effects to the historic setting of properties, the HRVEA notes that visual effects "may be mitigated by the presence of modern infrastructure which diminishes the existing integrity of setting, the presence of commercial shipping vessels on the ocean, and the effect of distance on visibility" (EDR 2022:111).

In total, the HRVEA reviewed visual effects to 307 historic properties, and the HRVEA analysis recommended that 47 of the 307 historic properties will experience visual adverse effects as a result of the Project. Due to the size and scale of the Project and the importance of maritime

¹ For the purposes of this Finding, historic properties are defined as resources listed on the NRHP, resources determined eligible for listing on the NRHP but not listed, resource potentially eligible for listing, or resources of undetermined NRHP eligibility that are assumed to be eligible for the purposes of this review.

setting and/or sea view to NRHP eligibility (or a combination of all three), BOEM determined that these 47 historic properties will be adversely affected by the Project and took into account all information and comments provided by consulting parties in correspondence and meetings to inform determinations of adverse effects, including visual and cumulative effects. BOEM determined that the undertaking would result in adverse effects to four NHLs, the Block Island Southeast Lighthouse, the Bellevue Avenue Historic District, The Breakers, and The Ocean Drive Historic District, of 47 adversely affected historic properties.

Historic properties with adverse effect recommendations are distributed across Massachusetts and Rhode Island. In Massachusetts, adversely effected historic properties are located in the Town of Aquinnah (11), the Town of Chilmark (5), the Town of Edgartown (1), and Town of West Tisbury (1). Of the 18 adversely affected historic properties in Massachusetts, 17 are between 20 miles and 29 miles (rounded to the nearest mile) of the nearest WTG. The Vineyard Sound and Moshup's Bridge TCP is the only one of these 18 properties to extend within less than 20 miles of the WTGs, as the property boundary includes areas of the Atlantic Ocean. At its closest, the TCP boundary is approximately 15 miles from the Project, where the boundary extends offshore of Nomans Land Island.

In Rhode Island, adversely affected properties are located in the Town of Narragansett (1), the City of Newport (3), and the Town of New Shoreham (25) in Rhode Island. Of the adversely affected properties in Rhode Island, four are on the mainland, while the remaining 25 are on Block Island. The four mainland properties are between 25 miles and 29 miles from the WTGs, while the Block Island properties are primarily between 16 miles and 20 miles of the closest WTG, with one property at a distance of 27 miles. Each of the 47 adversely affected historic properties is within 30 miles of potential SRWF WTG locations.

The EIS presents three action alternatives (including 5 variants to Alternative C) for the Project (Table 1). BOEM determined that, aside from the No Action alternative, those alternatives proposing the construction of fewer WTGs would reduce visual effects because fewer WTGs would be visible from the affected historic properties but none of the alternatives would reduce visual effects to the extent that would avoid visual adverse effects to the 47 historic properties. Nor would the alternatives increase visual effects to historic properties already identified as having no adverse effects from the Project. Thus the 47 same historic properties would remain adversely affected regardless of which EIS alternative is selected.

The cumulative effects analysis quantified the total number of WTGs from all reasonably foreseeable offshore wind projects that would be theoretically visible (daytime or nighttime) within the APE. This analysis assumed the development of eight additional wind farms within the theoretical limit of visibility: Bay State Wind (OCS-A 0500), Beacon Wind (OCS-A 0520), SouthCoast Wind (OCS-A 0521), New England Wind (OCS-A 0534), Revolution Wind (OCS-A 0486), South Fork Wind (OCS-A 0517), Vineyard Wind 1 (OCS-A 0501), and Vineyard Wind Northeast (OCS-A 0522), and would result in the construction and operation of 923 additional WTGs (SEARCH 2022). Upon the full conceptual build-out of all the additional WTG locations, the Project would comprise approximately 11.6% of the total visible WTGs.

If all other projects are constructed, direct views of the SRWF from mainland Rhode Island would be obscured by the Revolution Wind and Southfork Wind projects. The Revolution Wind project would similarly obscure the most direct views of SRWF from Massachusetts. Despite the construction of the other projects, Block Island would have unobstructed views of the SRWF, with SRWF representing the closest project to the southeastern portion of Block Island. In areas where SRWF will be theoretically visible but partially obscured by the intervening Revolution Wind and Southfork Wind WTGs, the Project's visual effects would be proportionately small. However, for areas of Block Island with unobstructed views of the SRWF, the Project's visual effects will be proportionately large when considering the visual effects of proposed area offshore wind projects.

BOEM has found that the Project would have adverse visual effects on 47 historic properties. BOEM has applied the Criteria of Adverse Effect and determined that the Project would have adverse visual effects that diminish the integrity of setting and feeling of these 47 of these historic properties. However, BOEM has determined that adverse visual effects from the Project would not disqualify any of the historic properties from NRHP eligibility. BOEM finds that the undertaking would not adversely affect 260 historic properties within the visual APE, because the properties' significance is not related to maritime setting or views to the sea or because of limited visibility of the Project.

Assessment of Effects on Historic Properties in the Marine APE

Marine archaeological investigations within the lease area and export cable corridor identified eight shipwrecks or potential shipwrecks and 43 potential ASLFs (Schmidt et al. 2022). The eight identified shipwrecks are located within the marine APE. SRWF has established a protective buffer extending 50 m beyond each conservatively delineated shipwreck and will avoid seabed-disturbing activities within this buffer during construction, operations, and decommissioning activities (Schmidt et al., 2022). BOEM has determined the protective buffer to be sufficient to avoid adverse effects and would require its implementation as a condition of approval if the COP is approved. As a result, there will be no effects on these potential historic properties.

ASLFs are locations that may contain preserved evidence of formerly terrestrial landscape features that have survived erosion during marine transgression. Although these landforms and features exhibit high archaeological potential, no evidence of human occupation associated with the ASLFs was identified in core samples taken during the submerged cultural resources investigation (Schmidt et al. 2022:106-126). These landforms and features may derive their significance from reasons other than their archaeological potential, such as their potential contribution to a broader culturally significant landscape.

Four of the forty-three potential ASLFs within the surveyed Lease Area (WEA_P-02-D, WEA_P-11, WEA_P-17, and WEA_P-22) lie within the horizontal and vertical limits of the lease area portion of the APE. SRWF has committed to avoiding these four ASLFs. Marine archaeological

investigations of the export cable corridor identified 13 ASLFs within the export cable corridor portion of the APE. SRWF has committed to routing the export cable to avoid cable installation impacts to these 13 ASLFs within the export cable portion of the APE. In addition, SRWF has committed to developing a vessel anchoring plan prior to construction to avoid potential anchoring impacts to ASLFs in the lease area and export cable corridor portions of the APE. As a result, the undertaking will result in no adverse effects to ASLF historic properties.

Assessment of Effects to Historic Properties in the Terrestrial APE

One archaeological site (EDR-SRW-001) was identified on a flat terrace within an off-route variation of the onshore cable corridor that has since been removed from the APE. The site consists of a medium density scatter of lithic material including a single core, debitage, and fire altered rock which is associated with Native American longstanding use of the area. All the site deposits were recorded within subsurface test pits identifying two loci showing distinct activity areas. No diagnostic artifacts were identified within the subsurface tests. The site has not been evaluated for its inclusion in the NRHP. The site is no longer located within the APE and therefore would be completely avoided by the proposed undertaking. No other cultural resources were identified within the Terrestrial APE. Therefore, BOEM finds no historic properties of this type affected.

ONSHORE CONSTRUCTION ACTIVITIES

In July 2023, Sunrise Wind, LLC informed BOEM that they intended to begin construction of the ONCS, the onshore interconnection cable, two construction laydown areas prior to completion of the SRWF COP NHPA Section 106 review. These activities began on July 17, 2023.

MEASURES TO AVOID, MINIMIZE, AND MITIGATE ADVERSE EFFECTS

Measures to avoid, minimize, and/or mitigate adverse effects to historic properties will be implemented through the execution of an MOA by BOEM, the required signatories, invited signatories and consulting parties to resolve adverse effects under Section 106 of the NHPA. Examples of avoidance include defining avoidance buffers around marine archaeological resources such as shipwrecks. Examples of minimization measures could include, but would not be limited to, the use of aircraft detection lighting systems – (ADLSs) to reduce the effect of nighttime lighting or the use of a mechanical cutter, mechanical plow, and/or jet plow to install cables to minimize the amount seabed impacts (BOEM 2022). Examples of mitigation measures could include additional investigations or other measures to collect more information to understand the historic and archaeological context of affected historic properties.

A post-review discovery plan, that SRWF would implement during Project construction, would be a requirement of the MOA (pursuant to 36 CFR 800.13) to ensure that new historic properties not previously identified, and impacts to unanticipated historic properties, are considered appropriately. The MOA would contain all measures identified to avoid, minimize, and mitigate adverse effects on historic properties from the Project. (Sunrise Wind 2022)

AVOIDANCE

The NHPA Section 106 review process requires BOEM to consult with consulting parties to seek ways to avoid, minimize, or mitigate the Project's adverse effects that would result from the undertaking. BOEM is approaching this process sequentially, beginning with avoidance. Avoidance of adverse effects is preferred and prioritized where practicable. Measures planned to date to avoid adverse effects consist of the following:

Marine Archaeological Properties

The Project design has been modified to avoid direct physical impacts from the construction, operation, and decommissioning of the SRWF to the 51 marine archaeological resources (43 ASLFs and 8 potential shipwrecks) within the SRWF APE. In addition, SRWF has committed to developing a vessel anchoring plan prior to construction to identify no-anchorage areas within the lease area and export cable portions of the marine APE to avoid documented historic properties. Due to the proximity of ASLFs ECR_P4-B and ECR_P5-C to the proposed SRWF export cable and WEA_P22 to WTG 205, BOEM has requested that Sunrise Wind provide documentation demonstrating that these features were not impacted during construction activities by providing as-laid cable and as-built WTG foundation maps with the horizontal and vertical APE depicted. BOEM may require a post-construction seafloor

inspection to identify possible impacts to these three ASLFs based on the as-built/as-laid map review.

Terrestrial Archaeological Properties

The Lessee has taken the following steps to avoid impacts to terrestrial archaeological properties:

- Onshore Facilities are primarily sited within previously disturbed and developed areas (e.g., roadways, ROWs, developed industrial/commercial areas) to the extent feasible, to minimize impacts to potential archaeological resources; and

In addition to these pre-construction measures, the Lessee has developed and will implement an archaeological Monitoring Plan and Post Review Discovery Plan (MPRDP) to address the potential for post-review discoveries during Project construction. If an unanticipated archaeological discovery is made during onshore construction activities, the MPRDP includes commitments to stop work and erect protective measures around the find and to notify BOEM, NY SHPO, and federally recognized Tribes, and procedures for expedited evaluation of NRHP eligibility in consultation with the consulting parties.

Based on independent engagement between the Lessee and Tribes with ancestral ties to the terrestrial APE, the Lessee is aware that portions of the terrestrial APE have the potential to contain buried resources of concern to the Tribes. To address these concerns, the Lessee will implement an archaeological and Tribal monitoring program for construction activities within specific sections of the APE:

- The Landfall and ICW Work Areas, and
- Two areas of the Onshore Transmission Cable including segments within Mastic Beach (hamlet of Brookhaven) and
- Construction areas on either side of the Carmans River.

Ground-disturbing activities in these sections of the APE will be monitored by a professional archaeologist with stop-work authority and monitor(s) from the Tribal Nations. As the proposed construction methods for this section of the buried cable system will entail a Horizontal Directional Drill (HDD), monitoring will be conducted for the entry and exit pits, temporary workspaces and any associated areas of ground disturbance where exposed soils are visible from the ground surface. The Lessee has invited representatives of the consulting Tribes to participate in the monitoring activity and will provide reasonable compensation and accommodations for participating Tribal Monitors. In the event of an unanticipated discovery during monitored construction activities, the Lessee will adhere to the notification procedures in the MPRDP.

Aboveground Historic Properties

To maintain avoidance of adverse effects to historic properties in the visual APE where BOEM determined no adverse effects or where no effects would occur, BOEM will require Sunrise Wind to ensure that Project structures are constructed within the design envelope, sizes, scale, locations, lighting prescriptions, and distances that were used by BOEM to inform the definition of the APE for the Project and for determining effects in this Finding of Effect.

MINIMIZATION

Minimization efforts would proceed to reduce the level of any unavoidable adverse effects. However, minimization cannot eliminate adverse effects, it can only reduce them. Measures planned to date to minimize adverse effects consist of the following:

Marine Archaeological Properties

- The Offshore Post-review discovery plan included in the MOA that would include stop-work and treatment procedures for cultural material encountered during Project installation.

Aboveground Historic Properties

- Uniform WTG design, speed, height, and rotor diameter to reduce visual contrast.
- Uniform spacing of 1 nm (1.85 km) to decrease visual clutter, consistent with spacing across the NY WEAs, aligning WTGs to allow for safe transit corridors.
- The option to reduce the number of constructed WTGs from a maximum proposed number of 102 to as few as 94 (Alternatives B, C-1, and C-2), 87 (Alternative C-3A), 84 (Alternative C-3B), or 80 (Alternative C-3C).
- Lighting and marking in compliance with BOEM's *Guidelines for Lighting and Marking of Structures Supporting Renewable Energy Development* (BOEM 2021b).
 - Consistent paint color RAL 9010 Pure White or RAL 7035 Light Grey to blend with background sea and skies.
 - Flashing lighting instead of steady lighting where practicable.
 - Use of ADLSs (subject to approval by the Federal Aviation Administration) to drastically limit the time in which WTG lights are on and visible from adversely affected properties (ADLS lighting would reduce the nighttime lighting to less than 1% of the time that standard aircraft warning lights would be lit, on average, during Project operation [BOEM 2021a]).

MITIGATION

The remaining adverse effects after all avoidance and minimization efforts are employed would persist in the long term and be permanent. Mitigation measures would not correct the diminished integrity of historic properties as a result of the Project. Resolutions of adverse effects from the Project might correct other impacts or threats to historic properties, such as through property preservation or rehabilitation measures. Other mitigation for diminished integrity would focus on replacing lost historic resource values with outcomes that are in the public interest, such as through developing products that convey the important history of the property. Potential mitigation of remaining unavoidable adverse effects to Aboveground Historic Properties are summarized in **Table 9**.

Table 9: Proposed Mitigation Measures to Resolve Adverse Effects to Above Ground Historic Properties

Adversely Effected Historic Property(s)	Proposed Mitigation
The Point Judith Lighthouse, Town of Narragansett, Rhode Island	<ul style="list-style-type: none"> • Cyclical Maintenance Plan
The Scrubby Neck Schoolhouse, Town of West Tisbury, Dukes County, Massachusetts	<ul style="list-style-type: none"> • Development of a NRHP Nomination Form
The Block Island Southeast Lighthouse, NHL, Town of New Shoreham, Washington County, Rhode Island	<ul style="list-style-type: none"> • Physical Restoration • Improvements to Parking Area, Entrance, and Surrounding Landscape
The Chappaquiddick Island Traditional Cultural Property	<ul style="list-style-type: none"> • Scholarships and Training for Tribal Resource Stewardship • Survey and Risk Assessment of Shoreline Cultural Sites
The Vineyard Sound & Moshup's Bridge Traditional Cultural Property, Dukes County, Massachusetts & Atlantic Outer Continental Shelf	<ul style="list-style-type: none"> • Scholarships and Training for Tribal Resource Stewardship • Funding for Habitat Restoration
Five Historic Properties, Town of Chilmark, Dukes County, Massachusetts	<ul style="list-style-type: none"> • Historic Stone Wall Survey and Preservation Plan
Twenty-Four Historic Properties, Town of New Shoreham, Washington County, Rhode Island.	<ul style="list-style-type: none"> • Coastal Resiliency Planning and Implementation
Ten Historic Properties Town of Aquinnah, Dukes County, Massachusetts	<ul style="list-style-type: none"> • Long-Term Preservation of the Edwin DeVries Vanderhoop Homestead and the Aquinnah Shops. • Rehabilitation of the Gay Head Lighthouse
Bellevue Avenue Historic District National Historic Landmark, City of Newport, Newport County, Rhode Island	<ul style="list-style-type: none"> • Energy Efficiency, Greenhouse Gas Reduction, and/or HVAC/Climate Control Planning Studies. • Cultural Landscape Studies. • Aesthetic Enhancements. • Historic American Landscape Studies (HALS) Documentation.
The Breakers National Historic Landmark, City of Newport, Newport County, Rhode Island	<ul style="list-style-type: none"> • The Breakers Landscape Revival Project.

Ocean Drive Historic District National Historic Landmark, City of Newport, Newport County, Rhode Island	<ul style="list-style-type: none">• Planning, Conditions Assessment, or Feasibility Study for The Bells/The Reefs Property in Brenton State Park.• Cultural Landscape Studies.• Historic American Landscape Studies (HALS) Documentation
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The NHPA Section 106 consultation process is ongoing for the SRWF Project and would culminate in the final MOA detailing measures to resolve adverse effects to historic properties, as agreed upon by the signatories, invited signatories, and consulting parties (pursuant to 36 CFR 800). BOEM would continue to consult in good faith with the consulting parties to resolve adverse effects.

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NATIONAL HISTORIC LANDMARKS AND THE NHPA SECTION 106 PROCESS

The National Park Service (NPS), which administers the National Historic Landmarks (NHL) program for the Secretary of the Interior (Secretary), describes NHLs and the requirements for NHLs as follows:

National Historic Landmarks (NHL) are designated by the Secretary under the authority of the Historic Sites Act of 1935, which authorizes the Secretary to identify historic and archaeological sites, buildings, and objects which “possess exceptional value as commemorating or illustrating the history of the United States.” Section 110(f) of the NHPA requires that Federal agencies exercise a higher standard of care when considering undertakings that may directly and adversely affect NHLs. The law requires that agencies, “to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to such landmark.” In those cases when an agency’s undertaking directly and adversely affects an NHL, or when Federal permits, licenses, grants, and other programs and projects under its jurisdiction or carried out by a state or local government pursuant to a Federal delegation or approval so affect an NHL, the agency should consider all prudent and feasible alternatives to avoid an adverse effect on the NHL (NPS 2021).

NHPA Section 110(f) applies specifically to NHLs. The implementing regulations for Section 106 of the NHPA detail special requirements for protecting NHLs, as required by NHPA Section 110(f). These special requirements found at 36 CFR 800.10, provide the following guidance to federal agencies to comply with Section 110(f) through the Section 106 process:

- Requires the agency official, to the maximum extent possible, to undertake such planning and actions as necessary to minimize harm to any NHL that may be directly and adversely affected by an undertaking.
- Requires the agency official to request the participation of the ACHP in any consultation conducted under 36 CFR 800.6 to resolve adverse effects to NHLs.
- Further directs the agency to notify the Secretary of any consultation involving an NHL and to invite the Secretary to participate in consultation where there may be an adverse effect.

BOEM has determined that ten NHLs are within the visual APE for the Project: Battle of Rhode Island Historic District, Bellevue Avenue Historic District, Block Island Southeast Lighthouse, Marble House, Montauk Point Lighthouse, Nantucket Historic District, New Bedford Historic District, Ocean Drive Historic District, The Breakers, and William Watts Sherman House. BOEM is acting to avoid adverse effects on NHLs, in accordance with NHPA 110(f) and the following the Secretary of the Interior’s Standards and Guidelines for Federal Agency Historic Preservation

Programs Pursuant to the NHPA (NPS 2023). BOEM has determined that six of the ten NHLs within the visual APE will not be adversely affected by the Project: the Battle of Rhode Island Historic District, Marble House, Montauk Point Lighthouse, Nantucket Historic District, New Bedford Historic District, and William Watts Sherman House. Avoidance of adverse effects to these NHLs would be achieved through multiple existing environmental conditions that serve to obscure the Project from view of these six NHLs, including distance to the Project, curvature of the earth and natural topography, intervening buildings and vegetation, and environmental factors such as fog, sea spray, and other typical atmospheric conditions.

BOEM has determined that four of the ten NHLs in the visual APE will be adversely affected by the Project: the Bellevue Avenue Historic District, the Ocean Drive Historic District, The Breakers, and the Block Island Southeast Lighthouse Historic Landmark. BOEM invited the NPS (as delegated by the Secretary) and ACHP to be consulting parties with the initiation of NHPA Section 106 process on the Project. BOEM notified the NPS and ACHP of the adversely affected NHLs with the distribution of this Finding. The NPS has accepted BOEM's invitation to consult. BOEM is fulfilling its responsibilities to give a higher level of consideration to minimizing harm, as required by NHPA Section 110(f), through the implementation of the special requirements outlined at 36 CFR 800.10.

BOEM considered prudent and feasible alternatives to avoid adverse effects on the four NHLs. As part of this consideration, BOEM applied the Secretary of the Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act (NPS 1998, which states:

Where such alternatives appear to require undue cost or to compromise the undertaking's goals and objectives, the agency must balance those goals and objectives with the intent of section 110(f). In doing so, the agency should consider: (1) the magnitude of the undertaking's harm to the historical, archaeological and cultural qualities of the NHL, (2) the public interest in the NHL and in the undertaking as proposed, and, (3) the effect a mitigation action would have on meeting the goals and objectives of the undertaking.

As prescribed by this directive, BOEM must balance an undertaking's harm to NHLs against actions that would make construction of the undertaking unfeasible. While a no-action alternative would negate all potential adverse effects to the four NHLs due to the Project, Executive Order 14008 (2021) directs federal agencies to utilize their full capacity to combat the climate crisis, a goal which is partially achieved through the construction of the Project. As described in Table 1 and the Assessment of Adverse Effects on Above-Ground Historic Properties above, BOEM considered three alternatives to the Proposed Action. Among these, Alternatives A is no action, while B and C (including C-1, C-2, C-3A, C-3B, and C-3C), considered removal of select WTG positions from development within the Lease Area for the purpose of to minimize impacts to fisheries habitats and constructability limits in the proposed project area that are the most vulnerable to long-term impacts in balance with the undertaking's goals and objectives.

While the WTGs identified for removal under the proposed Alternatives B and C could lessen the visual impact of the Project on the four adversely affected NHLs, the overall visual impact would still result in an adverse effect on these particular NHLs.

BOEM has planned and is taking action to minimize this harm, as required by NHPA Section 110(f) at 36 CFR 800.10, to the four NHLs. Descriptions of actions to minimize or mitigate adverse effects are summarized in this Finding of Effect and are discussed in greater detail in the Memorandum of Agreement. Actions to minimize visual adverse effects include using consistent nonreflective white and light gray paint on offshore structures (i.e., WTGs and OSS) and using navigational lighting that minimizes the visibility of the WTGs and OSS. Measures to mitigate adverse effects on NHLs may include activities identified through consultation. Implementation of a mitigation measure to resolve visual adverse effects on the four NHLs, including the Bellevue Avenue Historic District, the Ocean Drive Historic District, The Breakers, and the Block Island Southeast Lighthouse Historic Landmark, would be consistent with the nature, scope, size, and magnitude of visual impacts, including cumulative visual impacts, caused by the undertaking.

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APPENDIX A:

AREA OF POTENTIAL EFFECTS MAP FIGURES

APPENDIX B:

**MAP FIGURES OF HISTORIC PROPERTIES IN RELATION TO
THE APE (DETACHED – CONFIDENTIAL)**

APPENDIX C:
CORRESPONDENCE ON ONSHORE CONSTRUCTION
ACTIVITIES



August 14, 2023

Karen J. Baker, Chief
Office of Renewable Energy Programs
Bureau of Ocean Energy Management
1849 C Street, NW
Washington, D.C. 20240

Ref: *Sunrise Wind Project*
Connecticut, Massachusetts, New York, & Rhode Island
ACHP Project Number: 016001

Dear Ms. Baker:

On August 7, 2023, the Advisory Council on Historic Preservation (ACHP) received a notification from the Bureau of Ocean Energy Management (BOEM) regarding onshore construction work planned and underway by Sunrise Wind, LLC, the applicant seeking a Construction and Operation Plan (COP) approval from BOEM to construct, operate and maintain an offshore wind farm (Sunrise Wind Project) approximately 18.5 statute miles (mi) south of Martha's Vineyard, Massachusetts, and approximately 30 mi east of Montauk, New York. BOEM initiated review under Section 106 of the National Historic Preservation Act for the proposed Sunrise Wind Project on September 13, 2021 and anticipates seeking execution of a Memorandum of Agreement (MOA) to resolve the adverse effects of the undertaking in the early fall of this year, pursuant to 36 CFR §800.6(c) of the regulations implementing Section 106, 36 CFR Part 800. In its notice to the ACHP, BOEM indicated that Sunrise Wind intends to or has commenced with multiple onshore activities as part of Phase 1A and Phase 1B that would provide for the necessary electrical connection of the wind farm to the onshore substation once completed. There is no dispute among the parties that the onshore activities (i.e., Phase 1A and Phase 1B) are part of the undertaking subject to Section 106 review in this case. The undertaking for Section 106 purposes includes those aspects of a project without which the specifically approved activity would not serve a rational need.

Based on the information provided, the ACHP is concerned that the applicant is moving forward with construction activities that are part of the proposed undertaking prior to completion of the Section 106 review. The Section 106 regulations require the review process to begin early in project planning so that a broad range of alternatives may be considered to avoid, minimize, or mitigate potential adverse effects to historic properties. When portions of the undertaking begin ahead of the review process, the agency and consulting parties are left without the ability to meaningfully consult on alternatives and the ACHP's ability to comment on the potential effects to historic properties may be foreclosed. BOEM has stated that it has limited jurisdiction to control the actions of the applicant in this situation; however, the agency intends to continue and complete the Section 106 review as expeditiously as possible. Further, BOEM has informed the applicant of the risks of its actions in this case in light of the required federal review process.

The ACHP recommends that BOEM continue to advise the applicant of the need to complete the Section 106 review for the undertaking before work proceeding. The ACHP also recommends that BOEM engage consulting parties as soon as possible, share all relevant and timely information including information

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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related to the construction onshore, and work to address the potential effects to historic properties that may result from this undertaking in entirety. The ACHP remains committed to consulting with BOEM, the applicant, and other consulting parties to develop and finalize an MOA.

Furthermore, because the Sunrise Wind Project is being reviewed under Title 41 of the Fixing America's Surface Transportation Act (FAST-41), the ACHP is concerned by what appears to be a communication breakdown regarding the interdependent portions of this undertaking, which resulted in a separate effect finding for just the onshore activities being submitted by the applicant to the New York State Historic Preservation Office. We encourage BOEM, in conjunction with the Permitting Council, to assess how information about the entirety of the project should be presented and reviewed to avoid such misunderstandings in the future.

The ACHP intends to continue working with BOEM and wind farm applicants to help ensure an efficient and appropriate Section 106 review process for offshore wind development. We appreciate your consideration of our comments and recommendations on these issues and look forward to your response regarding how BOEM and the applicant intend to proceed in this case. Should you have any questions or require additional assistance, please contact Mr. Christopher Daniel at (202) 517-0223 or by e-mail at cdaniel@achp.gov and reference the ACHP Project Number above.

Sincerely,

A handwritten signature in black ink that reads "Christopher Koepfel". The signature is written in a cursive, slightly slanted style.

Christopher Koepfel
Director, Acting
Office of Federal Agency Programs



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT
WASHINGTON, DC 20240-0001

Dear Section 106 Consulting Parties for the Sunrise Wind Project,

On September 1, 2020, the Bureau of Ocean Energy Management (BOEM) received a Construction and Operation Plan (COP) from Sunrise Wind, LLC for commercial wind lease OCS-A 0487. Sunrise Wind LLC (Sunrise Wind) proposes to construct, operate and maintain an offshore wind farm to be located approximately 18.5 statute miles (mi) (16.1 nautical miles [nm], 29.8 kilometers [km]) south of Martha's Vineyard, Massachusetts, and approximately 30 mi (26.1 nm, 48.2 km) east of Montauk, New York (NY).

Most of the Project's offshore components would be in federal waters in the designated BOEM Renewable Energy Lease Area OCS-A 0487 (Lease Area), which is in Outer Continental Shelf (OCS) blocks that were previously designated as Lease OCS-A 0487 in the Rhode Island/Massachusetts Wind Energy Area and Lease OCS-A 0500 in the Massachusetts Wind Energy Area. The Lease Area is approximately 30 statute miles (mi) east off the coast of Montauk, New York. Other components of the Project would be in New York state waters and onshore in Brookhaven, Long Island, New York. The proposed interconnection location for the Project is at the existing Holbrook Substation or the Holbrook and West Bus Substations, which are owned and operated by the Long Island Power Authority (LIPA).

On June 26, 2023 BOEM received Sunrise Wind's Notice of Intent to Commence Construction for "New York State Public Service Commission PSC Case 20-T-1617." BOEM acknowledges receiving information related to the commencement of Sunrise Wind's EM&CP Phase 1A activities (i.e., at the Onshore Converter and laydown yards), which were scheduled to commence on or about July 10, 2023, and Phase 1B activities (i.e., installation of splice vaults and duct banks, and the expansion of an existing substation), which are scheduled to commence on or around September 2023.

BOEM does not have authority over New York State Department of Public Service permitted activities. However, BOEM has a responsibility to analyze impacts from all of the proposed onshore activities included within the scope of a project as connected actions under the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA). BOEM intends to incorporate consideration of all the Phase 1 activities that Sunrise Wind wishes to commence prior to completion of the NEPA and Section 106 consultations into the ongoing analyses. BOEM has requested Sunrise Wind to update their COP to include these Phase 1a and Phase 1b activities, as presented in the approved New York State Environmental Management & Compliance Plan (EMCP) and include anticipated construction start and completion dates.

Moving forward, BOEM has informed Sunrise Wind that any onshore activities that begin prior to the completion of BOEM's NEPA and NHPA processes are at the Lessee's risk because BOEM will not make any decision on the COP until after the conclusion of those processes.

Moreover, BOEM recommends future projects do not commence onshore activities prior to the completion of the NEPA and NHPA process, since that is BOEM's preferred approach as it prevents potential delays in the permitting process by avoiding the need to revisit our analysis. As part of its obligations under NEPA and the NHPA for the Sunrise Wind COP, BOEM will revise the ongoing analyses to reflect the commencement of onshore construction activities.

BOEM plans to contact and notify our Section 106 Consulting Parties regarding Sunrise Wind's proposed early commencement of these onshore planned activities. Please Contact the Chief of Environmental Branch, Mrs. Jessica Stromberg, at Jessica.Stromberg@boem.gov or 703-787-1730 if you have any questions or concerns.

Sincerely,

Karen J. Baker
Chief
Office of Renewable Energy Programs

CC:

Mr. John Stokely, Project Coordinator

Ms. Paige Foley, NEPA Coordinator

Mr. Sarah Stokely, Section 106 Team Lead

Ms. Jessica Stromberg, Chief, Environment Branch for Renewable Energy

Mr. Dave MacDuffee, Chief, Projects & Coordination Branch

Ms. Marilyn Sauls, Chief, Engineering & Technical Review Branch

Mr. David Diamond, Deputy Chief of Operations, Atlantic Outer Continental Shelf

Mr. Pedro Meléndez-Arreaga, Office of the Solicitor, Department of the Interior

APPENDIX D:

DRAFT MEMORANDUM OF AGREEMENT

Version sent to Section 106 Consulting Parties for review on
November 3, 2023.

**DRAFT MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT, WAMPANOAG TRIBE OF
GAY HEAD (AQUINNAH), MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
THE MASSACHUSETTS STATE HISTORIC PRESERVATION OFFICER, THE RHODE
ISLAND STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER, THE CONNECTICUT
STATE HISTORIC PRESERVATION OFFICER, SUNRISE WIND LLC, AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SUNRISE WIND FARM**

WHEREAS, the Bureau of Ocean Energy Management (BOEM) plans to authorize construction and operation of the Sunrise Wind Farm (SRWF or the Project), which consists of the SRWF Wind Energy Area (WEA) within Lease Area OCS-A 0487 and the Sunrise Wind Export Cable (SRWEC) connecting the WEA to proposed terrestrial components located in Brookhaven, New York, pursuant to Section 8(p)(1)(C) of the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1337(p)(1)(C)), as amended by the Energy Policy Act of 2005 (Public Law No. 109-58) and in accordance with Renewable Energy Regulations at 30 Code of Federal Regulations (CFR) Part 585; and

WHEREAS, BOEM determined that the construction, operation, maintenance, and decommissioning of the Project constitutes an undertaking subject to Section 106 of the National Historic Preservation Act (NHPA), as amended (54 USC 306108), and its implementing regulations (36 CFR 800); and

WHEREAS, BOEM is considering whether to approve with conditions the Construction and Operations Plan (COP) submitted by Sunrise Wind, LLC (Sunrise; hereafter “the Lessee”); and

WHEREAS, BOEM determined that the construction, operation, maintenance, and decommissioning of the SRWF plan for up to 94 offshore Wind Turbine Generators (WTGs) and one offshore converter station (OCS-DC) at 102 possible locations, up to 180 statute miles (mi) (290 kilometers [km]) of inter-array cables (IAC), one OCS-DC, one DC SRWEC located within an up to 104.7-mi (168.5-km) long corridor, onshore transmission cable, a transition joint bay (TJB), concrete and/or direct buried joint bays and associated components, onshore interconnection cable, fiber optic cable co-located with the onshore transmission and onshore interconnection cables, and one onshore converter station (OnCS-DC), could potentially adversely affect historic properties as defined under 36 CFR 800.16(l); and

WHEREAS, BOEM is preparing an Environmental Impact Statement (EIS) for the Project pursuant to the National Environmental Policy Act (42 USC 4321 et seq.) (NEPA) and elected to use the NEPA substitution for its Section 106 consultation pursuant to 36 CFR 800.8(c); and

WHEREAS, throughout this document the term ‘Tribal Nation,’ has the same meaning as ‘Indian Tribe,’ as defined at 36 CFR 800.16(m); and

WHEREAS, BOEM recognizes its government-to-government obligation to consult with Tribal Nations that may attach religious and cultural significance to historic properties that may be affected by the proposed undertaking; in addition, BOEM will comply with the American Indian Religious Freedom Act (AIRFA), Native American Graves Protection and Repatriation Act (NAGPRA), Executive Orders 13007 and 13175, and the Memorandum of Understanding to Protect Sacred Sites (November 2021); and

WHEREAS, BOEM invited the following federally recognized Tribes to consult on this Project: Mashpee Wampanoag Tribe, Shinnecock Indian Nation, Mashantucket (Western) Pequot Tribal Nation,

Wampanoag Tribe of Gay Head – Aquinnah, Mohegan Tribe of Indians of Connecticut, Narragansett Indian Tribe, Delaware Tribe of Indians, and Delaware Nation; and

WHEREAS, the Mashpee Wampanoag Tribe, the Shinnecock Indian Nation, the Mashantucket (Western) Pequot Tribal Nation, and the Wampanoag Tribe of Gay Head – Aquinnah accepted BOEM’s invitation to consult and pursuant to 36 CFR 800.6(c)(2)(ii) BOEM invited these Tribes to sign this MOA as invited signatories; and

WHEREAS, the Shinnecock Indian Nation, the Narragansett Indian Tribe, the Delaware Tribe of Indians, and the Delaware Nation accepted BOEM’s invitation to consult and BOEM invited these Tribal Nations to sign this MOA as concurring parties; and

WHEREAS, BOEM acknowledges that Tribal Nations possess special expertise in assessing the NRHP eligibility of properties with tribal religious and cultural significance to the Tribe(s) pursuant to 36 CFR 800.4(c)(1); and

WHEREAS, the Wampanoag Tribe of Gay Head (Aquinnah) and the Mashpee Wampanoag Tribe have previously identified the Vineyard Sound and Moshup Bridge Traditional Cultural Property (TCP) as a sacred site; and

WHEREAS, BOEM notified in advance the Tribal Nations and the Tribal Historic Preservation Officers (THPOs), State Historic Preservation Officers (SHPOs) of Connecticut, Massachusetts, New York, and Rhode Island and the Advisory Council on Historic Preservation (ACHP) on August 31, 2021 of their decision to use NEPA substitution and followed the standards for developing environmental documents to comply with the Section 106 consultation for this Project pursuant to 36 CFR 800.8(c), and posted this decision in the Federal Register with BOEM’s Notice of Intent to prepare an EIS for the Project on August 31, 2021; and

WHEREAS, in accordance with 36 CFR 800.3, BOEM invited Massachusetts SHPO, Rhode Island SHPO, Connecticut SHPO, and the New York SHPO to consult on the Project on August 31, 2021, and each SHPO accepted on or before September 14, 2021, or reserved the right to consult upon review of the Draft EIS; and

WHEREAS, in accordance with 36 CFR 800.3, BOEM invited ACHP to consult early on the Project on August 31, 2021; and

WHEREAS, BOEM notified and invited the Secretary of the Interior (SOI; represented by the National Park Service [NPS]) to consult regarding this Project pursuant to the Section 106 regulations, including consideration of the potential effects to the NHLs as required under NHPA Section 110(f) (54 USC 306107) and 36 CFR 800.10, the NPS accepted BOEM’s invitation to consult, and BOEM invited the NPS to sign this MOA as a concurring party; and

WHEREAS, the Project is within a commercial lease area that was subject to previous NHPA Section 106 review by BOEM regarding the issuance of the commercial lease and approval of site assessment activities. Both Section 106 reviews for the lease issuance and the approval of the site assessment plan were conducted pursuant to the PA and concluded with No Historic Properties Affected for lease issuance on June 4, 2013, and site assessment approval on September 21, 2016 consistent with the Programmatic Agreement (PA) regarding the review of OCS renewable energy activities offshore Massachusetts and Rhode Island (*Programmatic Agreement Among The U.S. Department of the Interior, Bureau of Ocean Energy Management; the State Historic Preservation Officers of Massachusetts and*

Rhode Island; The Mashpee Wampanoag Tribe; the Narragansett Indian Tribe; the Wampanoag Tribe of Gay Head (Aquinnah); and the Advisory Council on Historic Preservation; Regarding the "Smart from the Start" Atlantic Wind Energy Initiative: Leasing and Site Assessment Activities offshore Massachusetts and Rhode Island) and this PA expired on May 12, 2022; and

WHEREAS, consistent with 36 CFR 800.16(d) and BOEM's *Guidelines for Providing Archaeological and Historic Property Information Pursuant to 30 CFR Part 585* (May 27, 2020), BOEM defined the area of potential effects (APE) for the undertaking as the depth and breadth of the seabed potentially impacted by any bottom-disturbing activities, constituting the marine archaeological resources portion of the APE (marine APE); the depth and breadth of terrestrial areas potentially impacted by any ground disturbing activities, constituting the terrestrial archaeological resources portion of the APE (terrestrial APE); the viewshed from which offshore or onshore renewable energy structures would be visible, constituting the visual portion of the APE (visual APE); and any temporary or permanent construction or staging areas that may fall into any offshore or onshore portions of the APE (see Attachment 1 APE Maps); and

WHEREAS, BOEM identified ten National Historic Landmarks (NHL), three Traditional Cultural Properties (TCP), 59 (38 individual resources, 21 historic districts) National Register of Historic Places (NRHP)-listed properties, 57 (32 individual resources, 25 historic districts) NRHP-eligible properties, and 178 (143 individual resource, 35 historic districts) above ground cultural resources without formal designations or determinations of NRHP eligibility that are considered historic properties for the purposes of this Section 106 review; in the offshore Project components' portion of the visual APE; and

WHEREAS, BOEM identified one aboveground historic property within the onshore above-ground visual APE; and

WHEREAS, BOEM identified eight submerged historic properties and 43 ancient submerged landforms features (ASLFs) historic properties in the marine APE; and

WHEREAS, BOEM identified no historic properties in the terrestrial APE; and

WHEREAS, BOEM identified ten NHLs in the offshore Project components' portion of the visual APE, including Montauk Point Lighthouse, Nantucket Historic District, New Bedford Historic District, Block Island Southeast Lighthouse, Ocean Drive Historic District, Bellevue Avenue Historic District, William Watts Sherman House, The Breakers (Historic District), Marble House, and the Battle of Rhode Island Historic District; and

WHEREAS, BOEM determined there would be no visual adverse effect to six of the ten NHLs in the offshore visual APE, including Montauk Point Lighthouse, Nantucket Historic District, New Bedford Historic District, William Watts Sherman House, Marble House, and Battle of Rhode Island Historic District, because ocean views are not character-defining features of these historic properties or because of the limited visibility of the Project from the historic properties; and

WHEREAS, within the range of Project alternatives analyzed in the EIS, BOEM determined that four NHLs (Bellevue Avenue Historic District, Block Island Southeast Lighthouse, Ocean Drive Historic District, and The Breakers [Historic District]), two TCPs (Chappaquiddick Island, and Vineyard Sound and Moshup's Bridge), six (four individual resources, two historic districts) NRHP-listed properties, 20 (12 individual resources, eight historic districts) NRHP-eligible properties, and 15 (13 individual resources, two historic districts) aboveground resources that may be considered historic properties would be subject to visual adverse effects from WTGs. No historic properties were identified in the terrestrial APE, and thus none are adversely affected with implementation of the undertaking; and

WHEREAS, BOEM determined that the implementation of project design and avoidance measures identified in this MOA will avoid adverse effects to one TCP, six NHLs, 53 NRHP-listed properties, 37 NRHP-eligible properties, and 163 aboveground resources that may be considered historic properties in the offshore visual APE, and one aboveground historic property within the onshore above-ground visual APE; and

WHEREAS, BOEM determined all of the ASLFs identified in the marine APE are eligible for the NRHP under Criteria A and D and determined, under each of the Project alternatives analyzed in the EIS, that the undertaking will not adversely affect these ASLFs; and

WHEREAS, BOEM determined the undertaking will not adversely affect historic properties identified in the marine APE; and

WHEREAS, under each of the Project alternatives analyzed in the EIS, BOEM determined the Project would visually adversely affect 18 properties in Massachusetts, including three NRHP-listed properties (the Gay Head Aquinnah Town Center Historic District, the Gay Head Light, and the Edwin DeVries Vanderhoop Homestead), two TCPs (Chappaquiddick Island, and Vineyard Sound and Moshup's Bridge), one NRHP-eligible, and 12 other aboveground historic properties. The adversely affected aboveground properties in Massachusetts are: Gay Head – Aquinnah Town Center Historic District (Aquinnah), Chappaquiddick Island TCP (Edgartown), Gay Head Light (Aquinnah), Gay Head – Aquinnah Shops Area (Aquinnah), Edwin DeVries Vanderhoop Homestead (Aquinnah), Tom Cooper House (Aquinnah), Gay Head – Aquinnah Coast Guard Station Barracks (Aquinnah), Theodore Haskins House (Aquinnah), 3 Windy Hill Drive (Aquinnah), 71 Moshup Trail (Aquinnah), Leonard Vanderhoop House (Aquinnah), Vineyard Sound and Moshup's Bridge TCP (Aquinnah), Capt. Samuel Hancock – Capt. West Mitchell House (Chilmark), Ernest Flanders House, Shop and Barn (Chilmark), Russell Hancock House (Chilmark), Simon Mayhew House (Chilmark), Flaghole (Chilmark), and Scrubby Neck Schoolhouse (West Tisbury); and

WHEREAS, under each of the Project alternatives analyzed in the EIS, BOEM determined the Project would visually adversely affect 29 historic properties in Rhode Island, including four NHLs (Bellevue Avenue Historic District, Block Island Southeast Lighthouse, Ocean Drive Historic District, and The Breakers [Historic District]), three NRHP-listed properties (the Old Harbor Historic District, the Point Judith Lighthouse, and the Block Island North Light), 19 NRHP-eligible properties, and three other aboveground historic properties. The adversely affected aboveground properties in Rhode Island are: Bellevue Avenue Historic District NHL (Newport), Ocean Drive Historic District NHL (Newport), The Breakers NHL (Newport), Block Island Southeast Lighthouse NHL (New Shoreham), Old Harbor Historic District (New Shoreham), New Shoreham Historic District (New Shoreham), Point Judith Lighthouse (Narragansett), Block Island North Light (New Shoreham), Corn Neck Road Historic District (New Shoreham), Hippocampus/Boy's Camp/Beane Family (New Shoreham), Mitchell Farm Historic District (New Shoreham), Champlin Farm Historic District (New Shoreham), Indian Head Neck Road Historic District (New Shoreham), Island Cemetery/Old Burial Ground (New Shoreham), Beach Avenue Historic District (New Shoreham), Beacon Hill Historic District (New Shoreham), Spring House Hotel (New Shoreham), Spring House Hotel Cottage (New Shoreham), Capt. Welcome Dodge Sr. House (New Shoreham), Spring Street Historic District (New Shoreham), Caleb W. Dodge Jr. House (New Shoreham), WWII Lookout Tower – Spring Street (New Shoreham), Pilot Hill Road and Seaweed Lane Historic District (New Shoreham), WWII Lookout Tower at Sands Pond (New Shoreham), Lewis-Dickens Farm Historic District (New Shoreham), Miss Abby E. Vaill/1 of 2 Vaill Cottages (New Shoreham), Hon. Julius Deming Perkins/Bayberry Lodge (New Shoreham), Mohegan Cottage/Everett D. Barlow (New Shoreham), and Capt. Mark L. Potter House (New Shoreham); and

WHEREAS, in accordance with 36 CFR 800.6(a)(1), BOEM has notified the ACHP of its adverse effect determination with specified documentation, including adverse effects to the NHLs, pursuant to 36

CFR 800.10(b), and ACHP is consulting on the resolution of adverse effects to the historic properties pursuant to 36 CFR 800.6(a)(1)(iii) and 36 CFR 800.10(b), and ACHP accepted the invitation to consult via letter on February 14, 2023; and

WHEREAS, Connecticut SHPO, Massachusetts SHPO, New York SHPO, and the Rhode Island SHPO have concurred with BOEM's finding of adverse effect on [this will be updated after consultation has concluded on the Finding of Adverse Effect Report]; and

WHEREAS, in accordance with 36 CFR 800.3, BOEM invited other federal agencies, state and local governments, and additional consulting parties with a demonstrated interest in the undertaking to participate in this consultation, the list of those accepting participation and declining to participate by either written response or no response to direct invitations are listed in Attachment 2; and

WHEREAS, pursuant to 36 CFR 800.6(c)(2)(iii), BOEM invited the Lessee to sign this MOA as an invited signatory because the Lessee is assuming a responsibility under the MOA to implement certain stipulations; and

WHEREAS, pursuant to Section 404 of the Clean Water Act (33 USC 1344) and Section 10 of the Rivers and Harbors Act (33 USC 403), Department of the Army permits will be required from the United States Army Corps of Engineers (USACE) for this Project for activities that result in the discharge of dredged or fill material into jurisdictional wetlands and/or other waters of the United States and occurring in or affecting navigable waters of the United States, BOEM invited USACE to consult; and

WHEREAS, the USACE designated BOEM as the Lead Federal Agency pursuant to 36 CFR 800.2(a)(2) to act on its behalf for purposes of compliance with Section 106 for this Project (in a letter dated August 31, 2021, BOEM invited the USACE to sign this MOA as a concurring party, and the USACE accepted the invitation to sign this MOA as a concurring party; and

WHEREAS, BOEM has consulted with the signatories, invited signatories, and consulting parties participating in the development of this MOA regarding the definition of the undertaking, the delineation of the APEs, the identification and evaluation of historic properties, the assessment of potential effects to the historic properties, and on measures to avoid, minimize, and mitigate adverse effects to historic properties; and

WHEREAS, BOEM has planned and is taking action to minimize harm to the maximum extent possible, as required by NHPA Section 110(f) at 36 CFR 800.10 to the four adversely affected NHLs in the visual APE, Bellevue Avenue Historic District, Ocean Drive Historic District, The Breakers, and the Block Island Southeast Lighthouse, as explained in BOEM's 2023 *Finding of Adverse Effect for the Sunrise Wind Farm* (hereafter, the Finding of Effect, and dated November 2023), this includes the planning and action that would be implemented for the NHLs by BOEM under this MOA, pursuant to 36 CFR 800.10 and NHPA Section 110(f); and

WHEREAS, pursuant to 36 CFR 800.6, BOEM has invited the consulting parties as listed in Attachment 2 to sign as concurring parties; however, the refusal of any consulting party to sign this MOA or otherwise concur does not invalidate or affect the effective date of this MOA, and consulting parties who choose not to sign this MOA will continue to receive information if requested and have an opportunity to participate in consultation as specified in this MOA; and **WHEREAS**, the signatories (required signatories and invited signatories) agree, consistent with 36 CFR 800.6(b)(2), that adverse effects will be resolved in the manner set forth in this MOA; and

WHEREAS, BOEM conducted consulting party meetings, on December 21, 2021, April 8, 2022, September 27, 2023, April 7, 2023, and November 6, 2023 [future meetings will be included here]; and

WHEREAS, BOEM sought and considered the views of the public regarding Section 106 for this Project through the NEPA process by holding virtual public scoping meetings when initiating the NEPA and NHPA Section 106 review on September 16, 20, and 22, 2021 and virtual public hearings related to the Draft EIS on January 18, 19, and 23, 2023; and

WHEREAS, BOEM made the first Draft MOA available to the public for review and comment from December 16, 2022, to February 14, 2023, and made an updated version of the Draft MOA available to the public, using BOEM’s Project website, and BOEM did receive comments from the public; and

NOW, THEREFORE, BOEM, the Wampanoag Tribe of Gay Head – Aquinnah, Mashantucket (Western) Pequot Tribal Nation, the Mashpee Wampanoag Tribe, the Massachusetts SHPO, Rhode Island SHPO, Connecticut SHPO, New York SHPO, the Lessee, and the ACHP agree that the undertaking will be implemented in accordance with the following stipulations to consider the effect of the undertaking on historic properties.

STIPULATIONS

BOEM, with the assistance of the Lessee, will ensure that the following measures are carried out as conditions of its approval of the undertaking:

I. MEASURES TO AVOID ADVERSE EFFECTS TO IDENTIFIED HISTORIC PROPERTIES

A. Marine APE

1. BOEM will include the following avoidance measures for adverse effects within the marine APE as conditions of approval of the Sunrise COP:
 - i. The Lessee will avoid the eight known (ECR01, ECR02, ECR03, ECR04, ECR05, ERC06, WEA01, WEA02) shipwreck or sunken craft sites and potentially significant debris fields previously identified during marine archaeological surveys by a distance of no less than 164 feet (50 meters) from the known extent of the resource for placement of Project structures and when conducting seafloor-disturbing activities.
 - ii. The Lessee will avoid ASLFs previously identified during marine archaeological resource assessments for the Project and incorporated avoidance buffering into the mapped ASLF feature boundary, as mapped in the MARA (COP Appendix R). This avoidance will protect ASLFs, to the known extent of the ASLF, from the placement of Project structures and when conducting seafloor-disturbing activities. The Lessee will provide documentation demonstrating that these features were not impacted during construction activities by providing as-laid cable and as-built WTG foundation maps with the horizontal and vertical APE depicted.
2. BOEM will require a post-construction seafloor inspection to identify possible impacts to ASLFs based on the as-built/as-laid map review.

B. Visual APE

1. BOEM will include the following avoidance measures for adverse effects within the visual APE as conditions of approval of the Sunrise COP:
 - i. To maintain avoidance of adverse effects to historic properties in the visual APE where BOEM determined no adverse effects or where no effects would occur, BOEM will require the Lessee to ensure Project structures are within the BOEM approved Project design envelope (PDE), sizes, scale, locations, lighting prescriptions, and distances that

were used by BOEM to inform the definition of the APE for the Project and for determining effects in the *Finding of Effect* (see the Construction & Operations Plan: Sunrise Wind Farm, September, 2023).

- ii. This measure (Stipulation I.B.1) will avoid adverse effects to six of the ten NHLs in the visual APE (Montauk Point Lighthouse, Nantucket Historic District, New Bedford Historic District, William Watts Sherman House, Marble House, and Battle of Rhode Island Historic District), through the Project distance and lack of visibility resulting from BOEM conditions of approval for the COP and PDE specifications for sizes, scale, locations, lighting prescription for the Project.

C. Terrestrial APE

BOEM will require archaeological monitoring during construction at the Carmans River crossing and the Smith Point/Mastic Beach Area – South side of Sunrise Highway to the northern margins of the Intercoastal Waterway Work Area as a condition of approval for the Sunrise COP. Archaeological monitoring would reduce potential impacts on undiscovered archaeological resources to a minor level by preventing further physical impacts on the archaeological resources encountered during construction. If archaeological resources or human remains are identified during Project construction, operations, or decommissioning, the onsite construction supervisor would stop work immediately and follow the protocols outlined in the Sunrise Wind Unanticipated Discoveries Plan (Attachment 6). Any monitoring activities by Tribal Nations will use monitors acceptable to those Tribal Nations, as identified in consultation with Tribal Nations. Tribal monitors will be compensated for their participation and any monitoring activities including per diem and travel to and from the site(s).

II. MEASURES TO MINIMIZE ADVERSE EFFECTS TO IDENTIFIED HISTORIC PROPERTIES

A. Visual APE

1. BOEM has undertaken planning and actions to minimize visual adverse effects to historic properties in the visual APE, including minimizing harm to the four adversely affected NHLs (Bellevue Avenue Historic District, Block Island Southeast Lighthouse, Ocean Drive Historic District, and The Breakers [Historic District]). The minimization measures below will minimize visual adverse effects to all adversely affected aboveground historic properties in the visual APE and will minimize the undertaking's cumulative visual adverse effects, that would add to the potential visual adverse effects of other reasonably foreseeable offshore wind energy developments. BOEM will include these minimization measures for adverse effects within the visual APE as conditions of approval of the Sunrise COP:
 - i. The Lessee will use uniform WTG design, speed, height, and rotor diameter to reduce visual contrast and decrease visual clutter.
 - ii. The Lessee will use consistent spacing, as far apart as possible, with maximum spacing in the dominant trawl tow direction where feasible and with minimum spacing of no less than 1.0 NM (1.9 km) to decrease visual clutter, aligning WTGs to allow for safe transit corridors.

- iii. BOEM and the Lessee will include an option to reduce the number of constructed WTGs from a maximum proposed number of 94 WTGs to as few as 80 WTGs among the action alternatives analyzed in the EIS for the Project.
- iv. The Lessee will apply a consistent paint color to the WTGs no lighter than RAL 9010 pure white and no darker than RAL 7035 light gray to help reduce the potential visibility of the turbines against the horizon during daylight hours.
- v. The Lessee will implement an aircraft detection lighting system (ADLS) to automatically activate lights when aircraft approach the wind farm and then return to darkness. The WTGs and OSS will be lit and marked in accordance with Federal Aviation Administration, and U.S. Coast Guard lighting standards and consistent with BOEM's *Guidelines for Lighting and Marking of Structures Supporting Renewable Energy Development* (April 28, 2021) to reduce light intrusion.

III. MEASURES TO MITIGATE ADVERSE EFFECTS TO IDENTIFIED HISTORIC PROPERTIES

A. Visual APE

1. BOEM will ensure the following mitigation measures to resolve the adverse effects to historic properties and to minimize harm to NHLs are required as conditions of approval of the Sunrise COP and are implemented by the Lessee, unless otherwise specified. Those forms of mitigation BOEM has determined effective for treating NHLs are also determined effective in treating other visually impacted historic properties. To mitigate visual and cumulative visual adverse effects to NHLs, TCPs, and other historic properties, BOEM will ensure the implementation of the mitigation measures described in this MOA and the HPTPs attached to this MOA. Where the integrity of historic properties would be diminished by the visual adverse effects and cumulative visual adverse effects of the project, the proposed mitigation measures serve to support other means of conveying the significance of the historic property and to minimize the harm to NHLs, including documentation, interpretation, and dissemination of information and property preservation planning and activities (including repair and stabilization). See Attachment 5 for proposed budgets for each mitigation effort, reflecting good faith estimates, based on the experience of qualified consultants with similar activities and comparable historic properties. Tasks associated with the mitigation of visual adverse effects can occur during and/or after Project construction. Mitigation measures under Section III-C must be completed within five years of MOA execution, unless another timeline is agreed upon by the SHPO within whose state the mitigation is being performed, and accepted by BOEM. Tasks may be completed simultaneously, as applicable. The Lessee will fund mitigation measures in accordance with Attachment 5 and pursuant to the following measures under Section III-C.
 2. Traditional Cultural Properties (TCPs)
 - i. The Vineyard Sound and Moshup's Bridge Traditional Cultural Property. BOEM will include the following as described in Attachment 4 (Historic Properties Treatment Plan for the Sunrise Wind Farm: The Vineyard Sound & Moshup's Bridge Traditional Cultural Property, Dukes County, Massachusetts & Atlantic Outer Continental Shelf) as conditions of approval of the Sunrise COP. The Lessee will fund and commence the following prior to the initiation of construction of any offshore project elements on the OCS included as part of this undertaking:

a. Support for Improved Tribal Connections to Nomans Land Island

- 1) Sunrise Wind will support the identification of appropriate printed and/or digital media for interpretative exhibits; archival research on the history, development, and historical/cultural significance of Nomans Land Island; design and production of draft and final interpretive materials; and consultation, meetings, and discussions including the Wampanoag Tribe of Gay Head (Aquinnah) and Mashpee Wampanoag on these matters.
- 2) Sunrise Wind will submit the RFP, consultant bids in response to the RFP, draft deliverables, and final deliverables to the consulting Tribal Nations and MHC for review.

b. Scholarships and Training for Tribal Resource Stewardship

- 1) The Lessee will fund scholarships and fees for professional training or certification programs in the fields of Astronomy, Archaeology or Anthropology, Marine Sciences, Aquaculture, Marine Fisheries, Marine Construction, Native American Studies, Ethnohistory, History, Biology, Natural Resources, Environmental Studies, Renewable Energy, Science, Engineering, Mathematics, and Tribal Nations' self-determined related fields of interest as described in Attachment 4. See Attachment 4 for the process for Wampanoag Tribe of Gay Head (Aquinnah) and Mashpee Wampanoag Tribe access to scholarship funds. Sunrise Wind will establish one escrow account in equal amounts for each Tribal Nation (two total).
- 2) Sunrise Wind will have the documentation prepared by professionals preference provided to members from the Tribes with associated professional expertise and not limited to academics and with demonstrated experience in education and training program management and fiscal reporting.
- 3) Sunrise Wind will deposit half of the stipulated funding into two escrow accounts (one of each Tribal Nation) within 120 calendar days of Sunrise Wind receiving a no objection to the complete Facility Design Report/Fabrication and Installation report. Within 1 year of the first payment, Sunrise Wind will place the remaining half into those escrow accounts. The escrowed funds shall be released for the sole purpose of implementation of the mitigation as set forth in this MOA, attachment 4, and attachment 5.
- 4) Sunrise Wind will submit the RFP, consultant bids in response to the RFP, executed contracts between the implementing party and selected consultants, draft Scholarship Program Proposal, and final Scholarship Program Proposal to the consulting Tribal Nations for review.

c. Coastal Resilience and Habitat Restoration

- 1) The Lessee will provide funding for planning and implementation of targeted efforts to mitigate future losses of character defining features and contributing resources for the TCP, support economically sustainable traditional shellfishing/finfishing and plant collection practices, and documentation

and/or recover of threatened elements of cultural sites associated with the TCP located in the TCP boundaries or located in Tribal Nations' culturally associated areas as described in Attachment 4.

- 2) Sunrise Wind will have the documentation prepared by professionals with preference provided to members from the Tribes with associated professional expertise and not limited to academics and with demonstrated experience in archaeology, habitat restoration, coastal resilience planning program management, tribal natural resources or environmental protection, and fiscal reporting, as appropriate to the specific funded activities. All archaeological surveys or other subsurface terrestrial investigations on any land owned or controlled by the Commonwealth of Massachusetts, its agencies or political subdivisions or on any historical or archeological landmarks or on any lands restricted by Massachusetts General Law (MGL) c. 184, § 31 will be conducted in accordance with MHC regulations (950 CMR 70).
- 3) Sunrise Wind will submit the RFP, consultant bids in response to the RFP, draft deliverables, and final deliverables to the consulting Tribal Nations and MHC for review. BOEM with the assistance of Revolution Wind will consult with the Tribal Nations on the selection of the consultant to complete this specific measure (Stipulation III.C.2.ii.c).

d. Cultural and Natural Resource Data Compilation

- 1) Sunrise Wind will provide the Wampanoag Tribe of Gay Head (Aquinnah) and Mashpee Wampanoag Tribal Nations funding for each of these Tribal Nations to engage a Tribal representative, or a professional meeting the SOI's professional qualification standards (36 CFR 60), of their choice to perform systematic update of inventories for resource of interest and to draft Tribal cultural and natural context(s) for the interpretation of resources. The survey, context development, and interpretation of resources can include the incorporation of ITEK as applicable.
 - 2) Funding levels will be in accordance with those outlined specific to this mitigation measure in Attachment 5 to the MOA. Sunrise Wind will deposit half of the stipulated funding in an escrow account within 120 calendar days of Sunrise Wind receiving a no objection to the complete Facility Design Report/Fabrication and Installation Report. Within 1 year of the first payment, Sunrise Wind will place the remaining half into that escrow account.
 - 3) This measure will be fully implemented, to update inventories and draft the context(s) at Stipulation III.A.2.i.d(1), within five years after the MOA is executed, unless otherwise agreed upon among the Wampanoag Tribe of Gay Head (Aquinnah) and Mashpee Wampanoag Tribal Nations, BOEM, and Sunrise Wind.
- ii. The Chappaquiddick Island Traditional Cultural Property. BOEM will include the following as described in Attachment 4 (Historic Properties Treatment Plan for the Sunrise Wind Farm: The Chappaquiddick Island Traditional Cultural Property) as conditions of approval of the Sunrise COP. The Lessee will fund and commence the

following prior to the initiation of construction of any offshore project elements on the OCS included as part of this undertaking.

a. Scholarships and Training for historical Chappaquiddick Wampanoag Tribal Resource Stewardship

- 1) The Lessee will fund scholarships and fees for historical Chappaquiddick Wampanoag Tribe members enrolling in accredited colleges or professional/vocational training programs in the fields of Marine Sciences, Marine Construction, Aquaculture, Geophysics, Astronomy, Geology, History, Anthropology, Archaeology, Environmental Sciences, or Indigenous Studies. At the discretion of the historical Chappaquiddick Wampanoag Tribe, recipients of financial support funded through this measure may be required to perform a limited period of service in the tribal government offices related to their field of study or training. The purpose of this measure is to enhance the capacity of the historical Chappaquiddick Wampanoag Tribe to preserve the critical physical and cultural attributes of the TCP through training and education of Tribal members. The intended outcome of this measure is to sustain and enhance the Tribe's maritime traditions by supporting and strengthening the Tribe's capacity to protect and preserve the TCP and their constituent elements through education and professional development. Traditional stewardship activities, including finfishing, shellfishing, plant harvesting and tending, and respectful treatment of plant and animal communities that form critical elements of the TCP, will be enhanced through incorporation of professional and academic training with traditional knowledge.
- 2) The scope of work will consist of: 1) Development of selection criteria for qualified applicants to receive financial support for educational and training opportunities; 2) Development of specific accreditation requirements colleges or professional/vocational training programs to which qualified tribal members may enroll; 3) Establishment of the appropriate Tribal Council, Tribal Department of Education, or committees of such governing bodies or departments to select among applicants to the funding program; 4) Development of fiscal control measures and annual reporting standards for all disbursements; and 5) Development of a Scholarship Program Proposal for review by the Interested consulting parties prior to initial disbursements, with proposed administrative costs to compensate each Tribal government for administration of the program.
- 3) If a comparable scholarship program with consistent eligibility criteria has already been established by the historical Chappaquiddick Wampanoag Tribe, the Sunrise Wind mitigation funding for this measure may be applied to such pre-existing programs provided that the Lessee and BOEM agree. In that case, implementation of the scope of work will not be required.

b. Survey and Risk Assessment of Shoreline Cultural Sites

- 1) The Lessee will fund the documentation of existing conditions of cultural places and sites and the assessment of specific risks to such places posed by coastal erosion, storm surge, and other climate change related factors. The risk assessment will assist in prioritizing actions to preserve, recover, or adapt

those places and cultural practices that have sustained the historical Chappaquiddick Wampanoag Tribe identities since time immemorial that are at specific risk of loss or major alteration.

- 2) The scope of work will consist of: 1) Archival research, review of recently-compiled ethnographic document of the TCP, and consultation with the Tribe to prioritize at-risk coastal sites and places that contribute to the significance of the historic property; 2) Archival research of historical and contemporary forecasts of future environmental conditions with a focus on shoreline change at or near priority sites and places; 3) Field review of accessible sites and places at-risk of loss or major alteration due to climate change; 4) Risk assessment for each at-risk, priority site based on the results of archival research, field reviews, analyses, and Tribal consultations; and 5) Reporting and dissemination.
 - 3) The Lessee will release a request for proposals for consultant services in consultation with the historical Chappaquiddick Wampanoag Tribe Interested consulting parties and will seek input from the historical Chappaquiddick Wampanoag Tribe on the criteria for selection and the Tribe's priorities for the consultant team's qualifications and experience.
3. National Historic Landmarks
- i. The Block Island Southeast Lighthouse, National Historic Landmark. BOEM will include the following as described in Attachment 4 (Historic Properties Treatment Plan for the Sunrise Wind Farm: The Block Island Southeast Lighthouse, National Historic Landmark, Town of New Shoreham, Washington County, Rhode Island) as conditions of approval of the Sunrise COP. The Lessee will fund and commence the following prior to the initiation of construction of any offshore project elements on the OCS included as part of this undertaking.
 - a. Physical Restoration
 - 1) The Lessee will fund the completion of the next phase of the physical restoration at the Block Island Southeast Lighthouse. The intended outcome of this measure is to ensure the long-term preservation of the Block Island Southeast Lighthouse by completing physical repairs and/or restoration of historic building materials.
 - 2) The scope of work will be determined in consultation with the Interested consulting parties. Prior to any work commencing, photographic and written documentation of the existing condition will be recorded.
 - 3) The Lessee will release a request for proposals for consultant services and select a consultant to perform the scope of work. The project will require the mobilization of a qualified contract that is experienced in the repair and restoration of historic lighthouses.
 - b. Improvements to Parking Area, Entrance and Surrounding Landscape
 - 1) The Lessee will fund additional aesthetic enhancement at the Block Island Southeast Lighthouse parking area and entrance, as well as improve the surrounding landscape at these areas. The intended outcome is to improve the quality of the visual setting for the historic property and improve the visitor

arrival experience in a manner that is consistent with the character of the historic property and matches the elevated importance of the site.

- 2) The scope of work will consist of: 1) New landscaping and potential removal of invasive or unwanted vegetation; 2) New signage explaining the history of the site and describing the challenges to preservation of the site that result from the effects of climate change; and 3) An Americans with Disabilities Act-compliant pedestrian path from the parking area to Block Island Southeast Lighthouse.
 - 3) The Lessee will release a request for proposals for a qualified contractor to perform the scope of work. Prior to any work commencing, existing conditions will be documented including photographs and at the completion of all work, as-built documentation, including photographs will be completed.
- ii. Bellevue Avenue Historic District National Historic Landmark. BOEM will include the following as described in Attachment 4 (Historic Property Treatment Plan for the Sunrise Wind Farm: Bellevue Avenue Historic District, National Historic Landmark, City of Newport, Newport County, Rhode Island) as conditions of approval of the Sunrise COP. The Lessee will fund and commence the following prior to the initiation of construction of any offshore project elements on the OCS included as part of this undertaking.
- a. Energy Efficiency, Greenhouse Gas Reduction, and/or HVAC/Climate Control Planning Studies
 - 1) The Lessee will fund planning studies for energy efficiency, greenhouse gas reduction, and/or HVAC Climate Controls of public or publicly accessible contributing resources. This measure is intended to maintain the physical and historic integrity of the properties while reducing costs of maintaining the historic properties.
 - 2) The scope of work will consist of: 1) Review existing city and state planning documents and regulations; 2) Conduct public outreach in order to identify historic preservation and energy efficiency priorities and concerns; 3) Photograph and document (e.g. map) existing conditions; 4) Draft a plan for distribution to the Interested consulting parties for review and comment; 5) Develop a final plan to include comments from the Interested consulting parties; and 6) Distribute the final plan to the Interested consulting parties.
 - 3) The Lessee will release a request for proposals for consultant services for the scope of work and select a consultant who meets the SOI's Professional Qualifications to perform the scope of work. The chosen consultant should have a demonstrated knowledge of energy efficiency and the treatment of historic properties.
 - b. Cultural Landscape Studies
 - 1) The Lessee will provide funding for the development of Cultural Landscape Studies to support aesthetic enhancements and/or the restoration of historic landscape features (fencing/plantings/hardscaping) within public areas of the Bellevue Avenue Historic District.

- 2) The scope of work will consist of: 1) Review and documentation of existing conditions; 2) Review of any existing landscape plans, current or historic, within the district; 3) Consultation with Interested consulting parties and the public in order to identify needs; 4) Draft of the study/plan for distribution to the Interested consulting parties for review and comment; 5) Develop a final study/plan to include comments from the Interested consulting parties; and 6) Distribute the final study/plan to the Interested consulting parties.
- 3) The Lessee will release a request for proposals for consultant services for the scope of work and select a consultant who meets the SOI's Professional Qualifications to perform the scope of work.

c. Aesthetic Enhancements

- 1) The Lessee will provide funding for aesthetic enhancements to existing landscape features (fencing/plantings/hardscaping) consistent with historic landscape designs and based on the priorities identified in the Cultural Landscape Study.
- 2) The scope of work will consist of: 1) Review the existing Cultural Landscape Study and other related documentation; 2) Photograph and document (e.g. map) existing conditions; 3) Complete enhancements as identified in the Cultural Landscape Study; 4) Photograph and document (e.g. map) conditions during and post work; 5) Complete draft final report for distribution to the Interested consulting parties for review and comment; and 6) Distribute the final report to the Interested consulting parties.
- 3) The Lessee will release a request for proposals for consultant services for the scope of work and select a consultant who meets the SOI's Professional Qualifications to perform the scope of work.

d. Historic American Landscapes Survey (HALS) Documentation

- 1) The Lessee will provide funding to hire SOI Qualified professionals to develop HALS documentation for identified historic landscapes within the Bellevue Avenue Historic District. The study will document the historic designed landscapes of the Historic District according to the National Park Service guidelines and will be housed in the Library of Congress and available to the public for scholarly research, interpretation, and education.
- 2) The scope of work will consist of: 1) Review of existing HALS Guidelines; 2) Research to support development of history and context for the HALS report and drawings (if required); 3) Documentation of existing conditions through large-format photography, measured drawings, and historical report (dependent upon level of documentation decided upon by Interested consulting parties and the National Park Service); 4) Draft HALS documentation (to potentially include large-format photography, measured drawings and historical report) for distribution to Interested consulting parties and National Park Service for review and comment; 5) Develop final HALS documentation based on comments and revisions provided by Interested

consulting parties and National Park Service; and 6) Distribution of final HALS documentation in required formats to Interested consulting parties and the National Park Service, who will transmit to the Library of Congress.

- 3) The Lessee will release a request for proposals for consultant services for the scope of work and select a consultant who meets the SOI's Professional Qualifications to perform the scope of work.

iii. Ocean Drive Historic District National Historic Landmark. BOEM will include the following as described in Attachment 4 (Historic Property Treatment Plan for the Sunrise Wind Farm: The Ocean Drive Historic District, National Historic Landmark, City of Newport, Newport County, Rhode Island) as conditions of approval of the Sunrise COP. Sunrise Wind will fund and commence the following prior to the initiation of construction of any offshore project elements on the OCS included as part of this undertaking.

a. Planning Conditions Assessment, or Feasibility Study for The Bells/The Reefs Property in Brenton State Park

- 1) The Lessee will provide funding to the State of Rhode Island, Department of Parks & Recreation to complete a conditions assessment, feasibility, or other preservation planning study for the existing buildings at Brenton State Park.
- 2) The scope of work will consist of: 1) Review the history and the existing conditions of the property; 2) Photograph and document existing conditions; 3) Conduct public outreach in order to identify the property's and the Department of Parks & Recreation's needs and priorities; 4) Develop a draft plan for distribution to the Interested consulting parties for review and comment; 5) Develop a final plan to include comments from Interested consulting parties; and 6) Distribute the final plan to the Interested consulting parties.
- 3) The Lessee will release a request for proposals for consultant services for the scope of work and select a consultant who meets the SOI's Professional Qualifications to perform the scope of work. The chosen consultant should have a demonstrated knowledge of the treatment of historic properties.

b. Cultural Landscape Studies

- 1) The Lessee will provide funding for the development of Cultural Landscape Studies to support aesthetic enhancements and/or the restoration of historic landscape features (fencing/plantings/hardscaping) along Ocean Drive and/or other public roadways within the Ocean Drive Historic District.
- 2) The scope of work will consist of: 1) Review and documentation of existing conditions; 2) Review of any existing landscape plans, current or historic, within the district; 3) Consultation with Interested consulting parties and the public in order to identify needs; 4) Draft of the study/plan for distribution to the Interested consulting parties for review and comment; 5) Develop a final study/plan to include comments from the Interested consulting parties; and 6) Distribute the final study/plan to the Interested consulting parties.

- 3) The Lessee will release a request for proposals for consultant services for the scope of work and select a consultant who meets the SOI's Professional Qualifications to perform the scope of work.

c. Historic American Landscapes Survey (HALS) Documentation

- 1) The Lessee will provide funding to hire SOI Qualified professionals to develop HALS documentation for the Ocean Drive Historic District. The study will document the historic designed landscapes of the Historic District according to the National Park Service guidelines and will be housed in the Library of Congress and available to the public for scholarly research, interpretation, and education.
- 2) The scope of work will consist of: 1) Review of the existing HALS guidelines; 2) Research to support development of history and context for the HALS report and drawings (if required); 3) Documentation of existing conditions through large-format photography, measured drawings, and historical report (dependent upon level of documentation decided upon by Interested consulting parties and National Park Service); 4) Draft HALS documentation (to potentially include large-format photography, measured drawings, and historical report) for distribution to Interested consulting parties and National Park Service for review and comment; 5) Develop a final HALS documentation based on comments and revisions provided by Interested consulting parties and National Park Service; and 6) Distribution of final HALS documentation in required formats to Interested consulting parties and National Park Service, who will transmit to the Library of Congress.
- 3) The Lessee will release a request for proposals for consultant services for the scope of work and select a consultant who meets the SOI's Professional Qualifications to perform the scope of work.

- iv. The Breakers National Historic Landmark. BOEM will include the following as described in Attachment 4 (Historic Property Treatment Plan for the Sunrise Wind Farm: The Breakers, National Historic Landmark, City of Newport, Newport County, Rhode Island) as conditions of approval of the Sunrise COP. The Lessee will fund and commence the following prior to the initiation of construction of any offshore project elements on the OCS included as part of this undertaking.

a. The Breakers Landscape Revival Project

- 1) The Lessee will provide funding for future phases of the Breakers Landscape Revival Project or related projects associated with the Rhode Island Historical Preservation and Heritage Commission-approved Breakers Landscape Master Plan, which was developed using the 2017 Cultural Landscape Report completed by Reed Hilderbrand Landscape Architects and Robinson & Associates. Providing funding for the plan will help ensure the restoration of, as well as the long-term preservation of the Ernest Bowditch-designed landscape.
- 2) The scope of work will consist of: 1) Review of the existing Cultural Landscape Report and other related documentation, including reports on

previously completed phases of the Breakers Landscape Revival Project; 2) Consult with the Interested consulting parties to determine the current status of the Breakers Landscape Revival Project; 3) Photograph and document (e.g. map) existing conditions; 4) Draft a work plan for distribution to the Interested consulting parties for review and comment; 5) Develop a final plan to include comments from the Interested consulting parties; 6) Distribute the final plan to the Interested consulting parties; 7) Complete the Breakers Landscape Revival Project work; 8) Photograph and document (e.g. map) conditions during and post work; 9) Complete draft final report for distribution to the Interested consulting parties for review and comment; and 10) Distribute the final report to the Interested consulting parties.

- 3) The Lessee will release a request for proposals for consultant services for the scope of work and select a consultant who meets the SOI's Professional Qualifications to perform the scope of work. The chosen consultant should have a demonstrated knowledge of historic landscapes, landscape architecture, and have previous experience working at NHLs.

4. Town of Aquinnah, Dukes County, Massachusetts.

- i. Gay Head Lighthouse, Gay Head – Aquinnah Town Center Historic District, Gay Head-Aquinnah Shops Area, Edwin DeVries Vanderhoop Homestead, Leonard Vanderhoop House, Tom Cooper House, Theodore Haskins House, Gay Head – Aquinnah Coast Guard Station Barracks, 71 Moshup Trail, and 3 Windy Hill Drive. BOEM will include the following as described in Attachment 4 (Historic Properties Treatment Plan for the Sunrise Wind Farm: Ten Historic Properties, Town of Aquinnah, Dukes County, Massachusetts) as conditions of approval of the Sunrise COP. The Lessee will fund and commence the following prior to the initiation of construction of any offshore project elements on the OCS included as part of this undertaking.

- a. Long-Term Preservation of the Edwin DeVries Vanderhoop Homestead and the Aquinnah Shops

- 1) The Lessee will provide funding to support the upkeep of town-owned historic buildings, structures, and landscapes in and around the Gay Head-Aquinnah Shops Area and the Edwin DeVries Vanderhoop Homestead to ensure the long-term preservation of the historic buildings, structures, and landscapes.
- 2) The scope of work will consist of: 1) Review of existing Town of Aquinnah and Dukes County, Massachusetts planning documents and regulations; 2) Review of existing building plans, reports, as-builts, and associated documentation; 3) Review of existing landscape plans, current or historic; 4) Photograph and document (e.g. map) existing conditions; 5) Development of a final plan to include comments from the Interested consulting parties; 6) Distribution of the final plan to the Interested consulting parties; and 7) Photograph and document as-built conditions upon completion of construction.

- 3) The Lessee will release a request for proposals for consultant services for the scope of work and select a consultant who meets the SOI's Professional Qualifications to perform the scope of work. The chosen consultants should have a demonstrated knowledge and experience with historic buildings, structures, and landscapes.

ii. The Gay Head Light

- a. The Gay Head Light. BOEM will include the following as described in Attachment 4 (Historic Properties Treatment Plan for the Sunrise Wind Farm: The Gay Head Light, Town of Aquinnah, Dukes County, Massachusetts) as conditions of approval of the Sunrise COP. The Lessee will fund and commence the following prior to the initiation of construction of any offshore project elements on the OCS included as part of this undertaking.

1) Historic Rehabilitation of The Gay Head Light

- In consultation with the Town of Aquinnah and the Gay Head Light Advisory Board, the Lessee will fund the next phase of rehabilitation at the Gay Head Light. The intended outcome of this measure is to ensure the long-term preservation of the lighthouse by completing physical repairs and/or restoration of the historic building materials according to the priorities identified by a commissioned report to identify rehabilitation and/or restoration needs for the lights.
- The scope of work will be determined by the commissioned report and developed in consultation with the Interested consulting parties. Prior to any work commencing, photographic and written documentation of the existing condition will be recorded.
- The Lessee will release a request for proposals for a consultant to develop the required documents that meet the SOI's *Standards for Treatment of Historic Properties* (36 CFR 68). When the plans and specifications are available, the Lessee will release a request for proposals for a qualified contractor with experience working on historic lighthouses to perform the scope of work. The chosen contractor will document the existing conditions prior to any work commencing and will complete as-built documentation at the completion of the project.

5. Town of Chilmark, Dukes County, Massachusetts

- i. The Capt. Samuel Hancock – Capt. West Mitchell House, The Russell Hancock House, The Simon Mayhew House, The Ernest Flanders House, Shop, and Barn, and Flaghole. BOEM will include the following as described in Attachment 4 (Historic Properties Treatment Plan for the Sunrise Wind Farm: Five Historic Properties, Town of Chilmark, Dukes County, Massachusetts) as conditions of approval of the Sunrise COP. The Lessee will fund and commence the following prior to the initiation of construction of any offshore project elements on the OCS included as part of this undertaking.

a. Historic Stone Wall Survey and Preservation Plan

- 1) The Lessee will fund a survey/inventory and preservation plan for the character-defining extant historic stone walls and public right-of-way boundary features in the Town of Chilmark. This measure is intended to preserve and enhance the stone walls that have been identified as an important character defining feature to the visual setting of historic properties in the Town of Chilmark. The intended outcome of this measure is to produce an accurate, current GIS map that locates extant historic stone walls throughout the Town of Chilmark, including both publicly maintained roadside walls, and privately owned stone walls that serve as parcel boundaries. A survey, GIS map, and historic stone wall preservation plan will assist the Town and its residents with guidance for the maintenance, preservation and/or restoration of its character-defining historic stone walls. The interactive map and preservation plan will serve as a long-term tool to assist the Town of Chilmark Planning Department in the identification and prioritization of public roadside stone wall restoration work. Private owners will benefit from guidance related to stone wall maintenance and repair included within the plan.
 - 2) The scope of work will consist of: 1) Using publicly available 2-meter resolution LiDAR bare earth digital elevation model (DEM) data to locate historic stone walls within the Town of Chilmark; 2) Reconnaissance-level historic resources survey from public rights-of-way to determine conditions of stone walls along public roads, and inputting survey results into the GIS map; 3) Public engagement to discuss the project, and solicit feedback about privately-owned stone walls; 4) Development of a list of prioritized action items to protect, preserve and/or restore stone walls along public roads; 5) Develop stone wall maintenance and repair guidance for privately-owned historic stone walls based on public engagement; and 6) Creation of a town-wide stone wall preservation plan.
 - 3) The Lessee will release a request for proposals for consultant services to perform the scope of work. The consultant will conduct a survey to document the location and condition of the existing stone walls. The consultant will develop a maintenance and repair plan which will include prioritization, schedule, costs, and plans and specifications as applicable in consultation with Interested consulting parties.
6. The Scrubby Neck Schoolhouse
- i. BOEM will include the following as described in Attachment 4 (Historic Properties Treatment Plan for the Sunrise Wind Farm: The Scrubby Neck Schoolhouse, Town of West Tisbury, Dukes County, Massachusetts) as conditions of approval of the Sunrise COP. The Lessee will fund and commence the following prior to the initiation of construction of any offshore project elements on the OCS included as part of this undertaking.
 - a. Development of a National Register of Historic Places Nomination Form
 - 1) The Lessee will fund the documentation of the historic and cultural significance of the Scrubby Neck School House by completing an NRHP Nomination.

- 2) The scope of work will consist of: 1) Research of available historic sources and documentation; 2) Field survey and existing conditions assessment; 3) Annotated photographs; 4) Drafting of the NRHP listing document; 5) Submitting the draft for review and comment to the Interested consulting parties; and 6) Developing a final NRHP Nomination to be provided to the Interested consulting parties.
 - 3) The Lessee will release a request for proposals for a consultant to perform the scope of work.
7. Town of New Shoreham, Washington County, Rhode Island
- i. The Old Harbor Historic District, The New Shoreham Historic District, The Beach Avenue Historic District, The Corn Neck Road Historic District, The Block Island North Lighthouse, The Indian Head Neck Road Historic District, The Hippocampus/Boy's Camp/Beane Family, The Mitchell Farm Historic District, Island Cemetery/Old Burial Ground, The Champlin Farm Historic District, The Beacon Hill Road Historic District, The Mohegan Cottage/Everett D. Barlow House, The Lewis Farm and Dickens Farm Road Historic District, The Miss Abby E. Vaill/1 of 2 Vaill Cottages, The Hon. Julius Deming Perkins/"Bayberry Lodge", Spring Street Historic District, The Caleb W. Dodge, Jr. House, The Capt. Mark L. Potter House, The Captain Welcome Dodge, Sr. House, The Pilot Hill Road and Seaweed Lane Historic District, The Spring House Hotel Cottage, The Spring House Hotel, The WWII Lookout Tower at Sands Pond, and The WWII Lookout Tower-Spring Street. BOEM will include the following as described in Attachment 4 (Historic Properties Treatment Plan for the Sunrise Wind Farm: Twenty-four Historic Properties, Town of New Shoreham, Washington County, Rhode Island) as conditions of approval of the Sunrise COP. The Lessee will fund and commence the following prior to the initiation of construction of any offshore project elements on the OCS included as part of this undertaking.
 - a. Coastal Resiliency Planning and Implementation
 - 1) The Lessee will fund an investigation to identify specific at-risk historic coastal properties, specifically historic roadways, breakwaters, stone walls, or other cultural features that contribute to the historic setting of individual properties and districts. The Lessee will also fund the development and implementation of engineering-based resilience projects at select historic properties or signature cultural features contributing to the historic maritime setting of districts, with the purpose of mitigating coastal hazards. Investigations will include development of a study to assess the feasibility of relocating at-risk historic buildings and associated public interpretation opportunities. The intended outcome of this measure is to provide funding to complete the investigations, project development, relocation feasibility studies, and select project implementation for high priority at-risk historic properties, to support preservation of features that contribute to the maritime setting of the Town of New Shoreham. This outcome will provide the town and historic property owners with specific measures to protect their historic properties from flooding, coastal erosion, and other climate related threats.
 - 2) The scope of work will consist of: 1) Review of existing town planning and hazard mitigation documents, guidance, and regulations; 2) Photography and documentation (e.g. mapping) of existing conditions prior to the

commencement of any project; 3) Public outreach in order to identify historic preservation priorities and concerns; 4) Development of a prioritized list of at-risk historic and cultural resources and proposed engineering-based solutions, including schedule/timeline, and accurate cost estimates; 5) A geotechnical investigation at historic properties along the coast, as applicable; 6) Development of draft studies to be distributed to the Interested consulting parties for review and comment; 7) Development of final studies incorporating any comments received to be distributed to the Interested consulting parties; 8) Select project implementation for high priority at-risk historic properties; and 9) As-built documentation at the completion of all projects including mapping and photography.

- 3) The Lessee will release a request for proposals for consultant services and select a consultant to perform the scope of work. The chosen coastal and/or geotechnical engineers (or comparable consultants) should have a demonstrated knowledge of climate change and the treatment of historic properties.

8. The Point Judith Lighthouse, Town of Narragansett, Rhode Island

- i. BOEM will include the following as described in Attachment 4 (Historic Properties Treatment Plan for the Sunrise Wind Farm: The Point Judith Lighthouse, Town of Narragansett, Rhode Island) as conditions of approval of the Sunrise COP. The Lessee will fund and commence the following prior to the initiation of construction of any offshore project elements on the OCS included as part of this undertaking.

a. Cyclical Maintenance Plan

- 1) The Lessee will fund the development of a cyclical maintenance plan for the Point Judith Lighthouse. The plan will be developed using the guidance in the *Historic Lighthouse Preservation Handbook*, which was developed through a partnership with the National Park Service, the U.S. Coast Guard, and the Department of Defense. The intent of this measure is to have a document to guide the property owners and custodians of this historic property and to maintain the lighthouse in good physical repair and sound structural condition for future generations of visitors.
- 2) The scope of work will consists of: 1) Documentation of existing conditions, including photographs and plans/drawings, as applicable; 2) Review of existing building documentation including, but not limited to, existing plans, specifications, reports, as-built documentation, and archival documents; 3) Identification of the rehabilitation and/or restoration needs of the historic property; 4) Development of plans and specifications to include any existing rehabilitation and/or restoration needs, as applicable; 5) Identification of regular maintenance needs and the development of applicable plans and specifications; 6) Development of a draft plan which should include, but is not limited to, written procedures, drawings/specifications, regular maintenance and repair schedules, checklists/forms, associated costs, procedures for existing condition and as-built documentation and photography, as applicable; 7) The draft plan will be distributed to the Interested consulting parties for review and comment; and 8) The final plan will be developed incorporating any comments and will be distributed to the Interested consulting parties for future implementation.

- 3) The implementing party will release a request for proposals for consultant services and select a consultant to perform the scope of work. The consultant will have a demonstrated knowledge of historic lighthouse repair, maintenance, and restoration.

IV. REVIEW PROCESS FOR DOCUMENTS

- A. The following process will be used for any document, report, or plan produced in accordance with Stipulations of this MOA:

1. Draft Document

- i. The Lessee will provide the document to BOEM for technical review and approval.
 - a. BOEM will have 15 calendar days to complete its technical review.
 - b. If BOEM does not provide approval of the document, it will submit its comments back to the Lessee who will have 15 calendar days to address the comments.
- ii. BOEM, with the assistance of the Lessee, will provide the draft document to SHPO[s], invited signatories, and consulting parties, except the ACHP, for review and comment.
 - a. SHPO[s], invited signatories, and consulting parties will have 30 calendar days to review and comment.
 - b. BOEM, with the assistance of the Lessee, will coordinate a meeting with SHPO[s], invited signatories, and consulting parties to facilitate comments on the document if requested by a consulting party.
 - c. BOEM will consolidate comments received and provide them to the Lessee within 15 calendar days of receiving all comments from SHPO[s], invited signatories, and consulting parties.
 - d. BOEM with the assistance of the Lessee, will respond to the comments and make necessary edits to the documents.

2. Draft Final Document

- i. The Lessee will provide BOEM with the draft final document for technical review and approval.
 - a. BOEM will have 15 calendar days to complete its technical review.
 - b. If BOEM does not provide approval, it will submit its comments back to the Lessee, who will have 15 calendar days to address the comments.
- ii. BOEM, with the assistance of the Lessee, will provide the final draft document to SHPO[s], invited signatories, and consulting parties, except the ACHP, for review and comment. With this submittal of draft final documents, BOEM, with the assistance of the Lessee, will provide a summary of all the comments received on the documents and BOEM's responses.
 - a. SHPO[s], invited signatories, and consulting parties will have 30 calendar days to review and comment.
 - b. BOEM, with the assistance of the Lessee, will coordinate a meeting with SHPO[s], invited signatories, and consulting parties to facilitate comments on the document if requested by a consulting party.

- c. BOEM will consolidate comments received and provide them to the Lessee within 15 calendar days of receiving all comments from SHPO[s], invited signatories, and consulting parties.
- d. BOEM, with the assistance of the Lessee, will respond to the comments and make necessary edits to the documents.

3. Final Document

- i. The Lessee will provide BOEM with the final document for approval.
 - a. BOEM has 15 calendar days to complete its technical review.
 - b. If BOEM does not provide approval, it will submit its comments back to the Lessee, who will have 15 calendar days to address the comments.
 - c. BOEM, with the assistance of the Lessee, will provide the final document to SHPO(s), invited signatories, and consulting parties, except the ACHP, within 30 calendar days of approving the final document. With this same submittal of final documents, the Lessee will provide a summary of all the comments received on the documents and BOEM's responses.

V. SUBMISSION OF DOCUMENTS

- A. Connecticut and New York, SHPOs, ACHP, NPS, Tribal Nations, and Consulting Parties.
 - 1. All submittals to the Rhode Island, New York, and Connecticut SHPOs, ACHP, NPS, Tribal Nations, and consulting parties will be submitted electronically unless a specific request is made for the submittal to be provided in paper format.
 - 2. Rhode Island and Massachusetts SHPOs:
 - i. All submittals to RI SHPO, if required for any document produced under an HPTP or the mitigation fund action pursuant to this MOA and unless specifically requested by RI SHPO to be for digital delivery only, will be in paper format and delivered by U.S. Mail, delivery service, or by hand.
 - ii. All submittals to the MA SHPO, if required for any document produced under an HPTP or the mitigation fund action pursuant to this MOA, will be in paper format and delivered by U.S. Mail, delivery service, or by hand.
 - iii. Plans and specifications submitted to the MA SHPO, if required for any HPTP, must measure no larger than 11- x 17-inch paper format (unless another format is agreed to in consultation); therefore, all documents produced that will be submitted to Massachusetts SHPO under this MOA, must meet this format.

VI. PROJECT MODIFICATIONS

- A. If the Lessee proposes any modification(s) to the Project that expands the Project beyond the PDE included in the COP and/or occurs outside the defined APE or the proposed modifications would change BOEM's final determinations and findings for this Project, the Lessee must notify and provide BOEM with information concerning the proposed modifications. The Lessee will not proceed with the proposed modifications until the following process under Stipulation VI.A (Project Modifications) is concluded. BOEM will notify consulting parties within 60 calendar days and consult on whether these modifications require alteration of the conclusions reached in the *Finding of Effect* and, thus, may require additional consultation with the signatories and consulting parties. If BOEM determines that additional consultation is required, the Lessee will provide the signatories and consulting parties with the information concerning the proposed changes, and these parties will have 30 calendar days from receipt of this information to comment on the proposed changes. BOEM will consider any comments from signatories, and

consulting parties prior to agreeing to any proposed changes. Using the procedure below, BOEM will, as necessary, consult with the signatories, and consulting parties to identify and evaluate historic properties in any newly affected areas, assess the effects of the modification(s), and resolve any adverse effects. Any project modification allowed pursuant to this Stipulation VI would not require an amendment to the MOA.

1. If the Project is modified and BOEM identifies no additional historic properties or determines that no historic properties are adversely affected due to the modification, the Lessee will notify and consult with the signatories, and consulting parties following the consultation process set forth in this Stipulation VII.A.1.
 - i. The Lessee will notify all the signatories and consulting parties about this proposed change and provide BOEM's determination as a written summary of the project modification including any maps, a summary of any additional surveys and/or research conducted to identify historic properties and assess effects, and copies of the surveys.
 - ii. BOEM and the Lessee will allow the signatories and consulting parties 30 calendar days to review and comment on the proposed change, BOEM's determination, and the documents.
 - iii. After the 30-calendar review period has concluded, and no comments require additional consultation, the Lessee will notify the signatories and consulting parties that BOEM has approved the project modification and, if they received any comments, provide a summary of the comments and BOEM's responses.
 - iv. BOEM, with the assistance of the Lessee, will conduct any consultation meetings if requested by the signatories, or consulting parties.
 - v. This MOA will not need to be amended if no additional historic properties are identified and/or adversely affected.
2. If BOEM finds new adverse effects to historic properties will occur due to a Project modification(s), BOEM with the assistance of the Lessee will notify and consult with the signatories and consulting parties regarding BOEM's finding and the proposed measures to resolve the adverse effect(s) including the development of a new HPTP(s) following the consultation process set forth in this Stipulation VI.A.2.
 - i. The Lessee will notify all signatories and consulting parties about this proposed modification, BOEM's determination, and the proposed resolution measures for the adverse effect(s).
 - ii. The signatories and consulting parties will have 30 calendar days to review and comment on the adverse effect finding and the proposed resolution of adverse effects, including a draft HPTP(s).
 - iii. BOEM, with the assistance of the Lessee, will conduct additional consultation meetings, if necessary, during consultation on the adverse effect finding and during drafting and finalization of the HPTP(s).
 - iv. BOEM, with the assistance of the Lessee, will respond to the comments and make necessary edits to the documents.
 - v. The Lessee will send the revised draft final documents to the other signatories and consulting parties for review and comment during a 30-calendar day review and comment

period. With this same submittal of draft final documents, the Lessee will provide a summary of all the comments received on the documents and BOEM's responses.

- vi. BOEM, with the assistance of the Lessee, will respond to the comments on the draft final documents and make necessary edits to the documents.
 - vii. The Lessee will notify all the signatories and consulting parties that BOEM has approved the project modification and will provide the final document(s) including the final HPTP(s) and a summary of comments and BOEM's responses to comments, if any comments are received on the draft final documents, after BOEM has received concurrence from the affected SHPO(s) on the finding of new adverse effect(s), BOEM has accepted the final HPTP(s), and BOEM has approved the Project modification.
3. If any of the signatories or consulting parties object to determinations, findings, or resolutions made pursuant to these measures (Stipulation VI.A.1 and 2), BOEM will resolve any such objections pursuant to the dispute resolution process set forth Stipulation XIII (DISPUTE RESOLUTION).

VII. CONSERVATION AND CURATION

A. Collections from federal lands or the OCS:

1. Any archaeological materials removed from federal lands or the OCS as a result of the actions required by this Project will be curated in accordance with 36 CFR 79, "Curation of Federally Owned and Administered Archaeological Collections," ACHP's "Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites" published in the Federal Register (64 Fed. Reg. 27085-27087 (May 18, 1999)), or other provisions agreed to by the consulting parties and Tribal Nations and following applicable State guidelines. No excavation should be initiated before acceptance and approval of a conservation and curation plan. If such a plan is submitted, it should include in-field and long-term curation of material culture recovered, and be submitted to BOEM and consulting parties for review.
2. Any archaeological materials removed from property owned by the NPS requires materials and associated records be treated in accordance with NPS museum management program requirements and 36 CFR 79, Curation of Federally Owned and Administered Archeological Collections. Archeological projects that include the recovery of archeological material will provide for cataloging objects, specimens, and associated records into the NPS's National Catalog of Museum Objects, and for cleaning, stabilizing, and preparing collections for storage.
3. If suspected human remains are encountered, the Lessee will comply with the Advisory Council on Historic Preservation's (ACHP) Policy Statement on Burial Sites, Human Remains, and Funerary Objects (March 2023).

B. Collections from state, local government and private lands:

1. Archaeological materials from state or local government lands in the APE and the records and documentation associated with these materials will be curated in accordance with the standards and guidelines required by the New York State Education Department and New York State SHPO for materials collected in New York, per New York State Education Law Section 233. Lands as described here may include the seafloor in state waters. No

excavation should be initiated before acceptance and approval of a curation plan, as coordinated with the New York State Museum and State Archaeologist.

2. Collections from private lands that would remain private property: In cases where archaeological survey and testing are conducted on private land, any recovered collections remain the property of the landowner. In such instances, BOEM and the Lessee, in coordination with the New York SHPO as appropriate based on which state these materials are located, and affected Tribe(s), will encourage land owners to donate the collection(s) to an appropriate public or Tribal entity. To the extent a private landowner requests that the materials be removed from the site, the Lessee will seek to have the materials donated to the repository identified under Stipulation VII.B.1 through a written donation agreement developed in consultation with the consulting parties. BOEM, assisted by the Lessee, will seek to have all materials from each state curated together in the same curation facility within the state of origin. In cases where the property owner wishes to transfer ownership of the collection(s) to a public or Tribal entity, BOEM and the Lessee will ensure that recovered artifacts and related documentation are curated in a suitable repository as agreed to by BOEM, the appropriate SHPO(s), and affected Tribe(s), and following applicable State guidelines. To the extent feasible, the materials and records resulting from the actions required by this MOA for private lands, will be curated in accordance with 36 CFR 79. No excavation should be initiated before BOEM's acceptance and approval of a curation plan, and after consulting with affected SHPO(s) and Tribe(s), as applicable.
3. If suspected human remains are encountered, the Lessee will comply with the Advisory Council on Historic Preservation's (ACHP) Policy Statement on Burial Sites, Human Remains, and Funerary Objects (March 2023).

VIII. EXPERTISE AND QUALIFICATIONS

- A. SOI's Standards for Archaeology and Historic Preservation. The Lessee will ensure that all work carried out pursuant to this MOA will meet the SOI Standards for Archaeology and Historic Preservation, 48 FR 44716 (September 29, 1983), taking into account the suggested approaches to new construction in the SOI's Standards for Rehabilitation.
- B. SOI Professional Qualifications Standards. The Lessee will ensure that all work carried out pursuant to this MOA is performed by or under the direction supervision of historic preservation professionals who meet the SOI's Professional Qualifications Standards (48 FR 44738-44739). A "qualified professional" is a person who meets the relevant standards outlined in such SOI's Standards. BOEM, or its designee, will ensure that consultants retained for services pursuant to the MOA meet these standards.
- C. Investigation of Marine Archaeological Resources and ASLFs. The Lessee will ensure that the additional investigations of ASLFs will be conducted and reports and other materials produced by one or more qualified marine archaeologists and geological specialists who meet the SOI's Professional Qualifications Standards and has experience both in conducting High Resolution Geophysical (HRG) surveys and processing and interpreting the resulting data for archaeological potential, as well as collecting, subsampling, and analyzing cores. The Lessee will work with Tribal Nations to provide them an opportunity to participate as monitors during the post-construction seafloor inspection of previously identified ASLFs in the APE (as described above). The Lessee will compensate Tribal Nations for the monitoring activities.
- D. Tribal Consultation Experience. BOEM, with the assistance of the Lessee, will ensure that all work carried out pursuant to this MOA that requires consultation with Tribes is performed by

professionals who have demonstrated professional experience consulting with federally recognized Tribes.

- E. BOEM Acknowledgement of the Special Expertise of Tribal Nations. BOEM recognizes that all tribal participants and knowledge need not conform to the SOI's standards, acknowledging that Tribal Nations possess special expertise in assessing the eligibility of historic properties that may possess religious and cultural significance to Tribal Nations, pursuant to 36 CFR 800.4(c)(1). To further apply this expertise, BOEM with the assistance of the Lessee will incorporate indigenous knowledge and ITEK into the documents and review processes when such knowledge is received from Tribal Nations in consultation and during implementation of the MOA, consistent with the Office of Science and Technology Policy and Council on Environmental Quality memorandums (Executive Branch policy) on ITEK and federal decision making (November 15, 2021) and on guidance for federal departments and agencies on indigenous knowledge (November 30, 2022). Tribal Nations are also afforded the opportunity to review the application of their knowledge in documents produced under the MOA pursuant to Stipulation V.

IX. DURATION

- A. This MOA will expire at (1) the decommissioning of the Project in the Lease Area, as defined in the Lessee's lease with BOEM (Lease Number OCS-A 0487) or (2) 25-years from the date of COP approval, whichever occurs first. Prior to such time, BOEM may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation XIV (AMENDMENTS).

X. POST-REVIEW DISCOVERIES

- A. Implementation of Post-Review Discovery Plans. If historic properties are discovered that may be historically significant or have unanticipated effects on historic properties found, BOEM, with the assistance of the Lessee, will implement the post-review discovery plan (PRDP) for marine archaeology (Attachment 7, Sunrise Wind Unanticipated Discoveries Protocol for Submerged Archaeological Sites, Historic Properties, and Cultural Resources Including Human Remains) and Attachment 6 (Monitoring and Unanticipated Discoveries Protocol for Terrestrial Archaeological Resources).
 - 1. The signatories acknowledge and agree that it is possible that additional historic properties may be discovered during the implementation of the Project, despite the completion of a good faith effort to identify historic properties throughout the APEs.
- B. All Post-Review Discoveries. In the event of a post-review discovery of a historic property or unanticipated effects on a historic property prior to or during construction, installation, operation and maintenance, or decommissioning of the Project, the Lessee will implement the following actions which are consistent with the post-review discovery plans for marine archaeology (Attachment 7, Sunrise Wind Unanticipated Discoveries Protocol for Submerged Cultural Resources) and terrestrial archaeology (Attachment 6, Sunrise Wind Terrestrial Unanticipated Discovery Protocol):
 - 1. Immediately halt all ground- or seafloor-disturbing activities within the area of discovery while taking into account whether stabilization and further protections are warranted to keep the discovered resource from further degradation and impact; and
 - 2. Notify BOEM and BSEE simultaneously in writing via report within 72 hours of the discovery, including any recommendations on need and urgency of stabilization and additional protections for the discovered resource; and

- i. In the case that the discovery is within an USACE permit area, BOEM will notify USACE, and consulting Tribes as identified in the post-review discovery plans for marine archaeology (Attachment 7) and terrestrial archaeology (Attachment 6) of the discovery after receiving notice from the Lessee.
3. Keep the location of the discovery confidential and take no action that may adversely affect the discovered property until BOEM or its designee has made an evaluation and instructs the Lessee on how to proceed
4. Conduct any additional investigations as directed by BOEM or its designee to determine, in consultation with the appropriate SHPO(s) and applicable federally recognized Tribes if the resource is eligible for listing in the NRHP (30 CFR 585.702(b)). BOEM will direct the Lessee to complete additional investigations, as BOEM deems appropriate, if:
 - i. The site has been impacted by Project activities; or
 - ii. Effects on the site from Project activities cannot be avoided.
5. If investigations indicate that the resource is eligible for the NRHP, BOEM, with the assistance of the Lessee, will work with the other relevant signatories and consulting parties to this MOA who have a demonstrated interest in the affected historic property and on the further avoidance, minimization or mitigation of adverse effects.
6. If there is any evidence that the discovery is from an indigenous society or appears to be a preserved burial site, the Lessee, notwithstanding Stipulation X-B.3, will contact, concurrently with BOEM, the Tribes as identified in the notification lists included in the post-review discovery plans within 72 hours of the discovery with details of what is known about the discovery, and consult with the Tribes pursuant to the post-review discovery plan.
7. If there is any evidence that the discovery is from an indigenous society or appears to be a preserved burial site, the Lessee will contact the tribal nations (the Delaware Tribe of Indians, Delaware Nation, the Shinnecock Indian Nation, Mashantucket (Western) Pequot Tribal Nation, the Mashpee Wampanoag Tribe, the Stockbridge-Munsee Community, and the Wampanoag Tribe of Gay Head (Aquinnah)) as identified in the notification lists included in the Post-review discovery plans within 72 hours of the discovery with details of what is known about the discovery, and consult with the Tribal Nations pursuant to the post review discovery plan.
8. If BOEM incurs costs in addressing the discovery, under Section 110(g) of the NHPA, BOEM may charge the Lessee reasonable costs for carrying out historic preservation responsibilities, pursuant to its delegated authority under the OCS Lands Act (30 CFR 585.702 (c)-(d)).

XI. EMERGENCY SITUATIONS

- A. In the event of an emergency or disaster that is declared by the U.S. President or the Governor of New York, which represents an imminent threat to public health or safety, or creates a hazardous condition due to impacts from the Project's infrastructure damaged during the emergency and affecting historic properties in the APE, BOEM, with the assistance of the Lessee, will notify the consulting Tribes, SHPO(s) and the ACHP of the condition which has initiated a situation and measures taken to respond to the emergency or hazardous condition. BOEM will make this notification as soon as reasonably possible,

but no later than 48 hours from when it becomes aware of the emergency or disaster. If the consulting Tribes, SHPO(s) or the ACHP want to provide technical assistance to BOEM, they will submit comments within seven calendar days from notification if the nature of the emergency or hazardous condition allows for such coordination,

XII. MONITORING AND REPORTING

At the beginning of each calendar year by January 31, following the execution of this MOA until it expires or is terminated, the Lessee will prepare and, following BOEM's review and agreement to share this summary report, provide all signatories, invited signatories, and consulting parties to this MOA a summary report detailing work undertaken pursuant to the MOA. Such report will include a description of how the stipulations relating to avoidance and minimization measures Stipulation I (MEASURES TO AVOID ADVERSE EFFECTS ON IDENTIFIED HISTORIC PROPERTIES) and Stipulation II (MEASURES TO MINIMIZE ADVERSE EFFECTS ON IDENTIFIED HISTORIC PROPERTIES) were implemented; any scheduling changes proposed; any problems encountered; and any disputes and objections received in BOEM's efforts to carry out the terms of this MOA. The Lessee can satisfy its reporting requirement under this stipulation by providing the relevant portions of the annual compliance certification required under 30 CFR 285.633. If requested by the signatories, BOEM will convene an annual meeting with the signatories, and consulting parties to discuss the annual report, the implementation of this MOA, and other requested topics.

XIII. DISPUTE RESOLUTION

- A. If any signatory, invited signatory, or consulting party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, they must notify BOEM in writing of their objection. BOEM will consult with such party to resolve the objection. If BOEM determines that such objection cannot be resolved, BOEM will:
 1. Forward all documentation relevant to the dispute, including the BOEM's proposed resolution, to the ACHP. The ACHP will provide BOEM with its advice on the resolution of the objection within 30 calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, BOEM will prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories, invited signatories, and/or consulting parties, and provide them with a copy of this written response. BOEM will make a final decision and proceed accordingly.
 2. Make a final decision on the dispute and proceed accordingly if the ACHP does not provide its advice regarding the dispute within the 30 calendar-day time period. Prior to reaching such a final decision, BOEM will prepare a written response that takes into account any timely comments regarding the dispute from the signatories, or consulting parties to the MOA, and provide each of them, and the ACHP with a copy of such written response.
- B. BOEM's and the Lessee's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.
- C. At any time during the implementation of the measures stipulated in this MOA, if a member of the public objects in writing to the signatories regarding the manner in which the measures stipulated in this MOA are being implemented, that signatory will notify BOEM. BOEM will review the objection and may notify the other signatories as appropriate and respond to the objector.

XIV. AMENDMENTS

- A. This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by the signatories is filed with the ACHP.
- B. Revisions to any attachment may be proposed by any signatory by submitting a draft of the proposed revisions to all signatories with a notification to the consulting parties. The signatories will consult for no more than 30 calendar days (or another time period agreed upon by all signatories) to consider the proposed revisions to the attachment. If the signatories and invited signatories unanimously agree to revise the attachment, BOEM will provide a copy of the revised attachment to the other signatories, and consulting parties. Revisions to any attachment to this MOA will not require an amendment to the MOA.

XV. TERMINATION

If any signatory or invited signatory to this MOA determines that its terms will not or cannot be carried out, that party will immediately consult with the other signatories, and consulting parties to attempt to develop an amendment per Stipulation XIV (AMENDMENTS). If within 30 calendar days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, BOEM must either(a) execute an MOA pursuant to 36 CFR 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR 800.7. BOEM will notify the signatories as to the course of action it will pursue.

XVI. COORDINATION WITH OTHER FEDERAL AGENCIES

- A. In the event that another Federal agency not initially a party to or subject to this MOA receives an application for funding/license/permit for the undertaking as described in this MOA, that agency may fulfill its Section 106 responsibilities by stating in writing that it concurs with the terms of this MOA and notifying the signatories and invited signatories that it intends to do so. Such Federal agency may become a signatory, invited signatory, or a concurring party (collectively referred to as signing party) to the MOA as a means of complying with its responsibilities under Section 106 and based on its level of involvement in the undertaking. To become a signing party to the MOA, the agency official must provide written notice to the signatories and invited signatories that the agency agrees to the terms of the MOA, specifying the extent of the agency's intent to participate in the MOA. The participation of the agency is subject to approval by the signatories and invited signatories who must respond to the written notice within 30 calendar days or the approval will be considered implicit. Any necessary amendments to the MOA as a result will be considered in accordance with Stipulation XIV (AMENDMENTS).
- B. Should the signatories and invited signatories approve the Federal agency's request to be a signing party to this MOA, an amendment under Stipulation XIV (AMENDMENTS) will not be necessary if the Federal agency's participation does not change the undertaking in a manner that would require any modifications to the stipulations set forth in this MOA. BOEM will document these conditions and involvement of the Federal agency in a written notification to the signatories, and consulting parties, and include a copy of the Federal agency's executed signature page, which will codify the addition of the Federal agency as a signing party in lieu of an amendment.

XVII. ANTI-DEFICIENCY ACT

BOEM's obligations under this MOA are subject to the availability of appropriated funds, and the stipulations of this MOA are subject to the provisions of the Anti-Deficiency Act. BOEM will make reasonable and good faith efforts to secure the necessary funds to implement this MOA in its entirety. If compliance with the Anti-Deficiency Act alters or impairs BOEM's ability to implement the stipulations of this agreement, BOEM will consult in accordance with the amendment and termination procedures found at Stipulations XIV (AMENDMENTS) and XV (TERMINATION) of this MOA.

Execution of this MOA by BOEM, the Massachusetts SHPO, Rhode Island SHPO, Connecticut SHPO, New York SHPO, and the ACHP, and implementation of its terms evidence that BOEM has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

[SIGNATURES COMMENCE ON THE FOLLOWING PAGE]

DRAFT

**DRAFT MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT, WAMPANOAG TRIBE OF
GAY HEAD (AQUINNAH), MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
THE MASSACHUSETTS STATE HISTORIC PRESERVATION OFFICER, THE RHODE
ISLAND STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER, THE CONNECTICUT
STATE HISTORIC PRESERVATION OFFICER, SUNRISE WIND LLC, AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SUNRISE WIND FARM**

Signatory:

Bureau of Ocean Energy Management (BOEM)

Elizabeth Klein
Director
Bureau of Ocean Energy Management

Date: _____

DRAFT

**DRAFT MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT, WAMPANOAG TRIBE OF
GAY HEAD (AQUINNAH), MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
THE MASSACHUSETTS STATE HISTORIC PRESERVATION OFFICER, THE RHODE
ISLAND STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER, THE CONNECTICUT
STATE HISTORIC PRESERVATION OFFICER, SUNRISE WIND LLC, AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SUNRISE WIND FARM**

Signatory:

Massachusetts State Historic Preservation Officer (SHPO)

Date: _____
Brona Simon State Historic Preservation Officer Massachusetts Historical Commission

DRAFT

**DRAFT MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT, WAMPANOAG TRIBE OF
GAY HEAD (AQUINNAH), MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
THE MASSACHUSETTS STATE HISTORIC PRESERVATION OFFICER, THE RHODE
ISLAND STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER, THE CONNECTICUT
STATE HISTORIC PRESERVATION OFFICER, SUNRISE WIND LLC, AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SUNRISE WIND FARM**

Signatory:

Rhode Island State Historic Preservation Officer (SHPO)

Jeffrey D. Emidy
Executive Director and State Historic Preservation Officer
Rhode Island Historical Preservation & Heritage Commission

Date: _____

**DRAFT MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT, WAMPANOAG TRIBE OF
GAY HEAD (AQUINNAH), MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
THE MASSACHUSETTS STATE HISTORIC PRESERVATION OFFICER, THE RHODE
ISLAND STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER, THE CONNECTICUT
STATE HISTORIC PRESERVATION OFFICER, SUNRISE WIND LLC, AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SUNRISE WIND FARM**

Signatory:

Connecticut State Historic Preservation Officer (SHPO)

Catherine Labadia
Deputy State Historic Preservation Officer
Connecticut State Historic Preservation Office

Date: _____

DRAFT

**DRAFT MEMORANDUM OF AGREEMENT
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT, WAMPANOAG TRIBE OF
GAY HEAD (AQUINNAH), MASHANTUCKET (WESTERN) PEQUOT TRIBAL NATION,
MASHPEE WAMPANOAG TRIBE,
THE MASSACHUSETTS STATE HISTORIC PRESERVATION OFFICER, THE RHODE
ISLAND STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER, THE CONNECTICUT
STATE HISTORIC PRESERVATION OFFICER, SUNRISE WIND LLC, AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SUNRISE WIND FARM**

Signatory:

New York State Historic Preservation Officer (SHPO)

Roger Daniel Mackay
Deputy Commissioner New York State Division for Historic Preservation

Date: _____

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STATE HISTORIC PRESERVATION OFFICER, SUNRISE WIND LLC, AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SUNRISE WIND FARM**

Signatory:

Advisory Council on Historic Preservation (ACHP)

Reid Nelson
Executive Director
Advisory Council on Historic Preservation

Date: _____

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THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SUNRISE WIND FARM**

Invited Signatory:

Sunrise Wind, LLC

NAME
TITLE
Sunrise Wind, LLC

Date: _____

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Concurring Party:

Federally Recognized Tribe

NAME
TITLE
AFFILIATION

Date: _____

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Federally Recognized Tribe

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Concurring Party:

Federally Recognized Tribe

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TITLE
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Concurring Party:

Federally Recognized Tribe

NAME
TITLE
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Date: _____

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Concurring Party:

Federally Recognized Tribe

NAME
TITLE
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Concurring Party:

Organization

Name
Title
Organization

Date: _____

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REGARDING THE SUNRISE WIND FARM
LIST OF ATTACHMENTS TO THE MOA**

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ATTACHMENT 1 – APE MAPS

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ATTACHMENT 2 – LISTS OF INVITED AND PARTICIPATING CONSULTING PARTIES

Table 1. Parties Invited to Participate in NHPA Section 106 Consultation

Participants in the Section 106 Process	Invited Consulting Parties
SHPOs and State Agencies	Connecticut State Historic Preservation Office, Connecticut Department of Economic and Community Development
	Rhode Island Historical Preservation & Heritage Commission
	New York State Division for Historic Preservation
	Massachusetts Historical Commission
	Massachusetts Board of Underwater Archaeological Resources
	Massachusetts Commissioner on Indian Affairs
	Rhode Island Department of Environmental Management
Federal Agencies	ACHP
	BSEE
	NOAA
	USACE
	USCG
	USEPA
	USFWS
	National Park Service
	DASNE
	FAA
	USDOD
	Fire Island National Seashore
Federally Recognized Tribes	Mashpee Wampanoag Tribe
	Shinnecock Indian Nation
	Mashantucket Pequot Tribal Nation
	Wampanoag Tribe of Gay Head - Aquinnah
	Mohegan Tribe of Indians of Connecticut
	Narragansett Indian Tribe
	Delaware Tribe of Indians
The Delaware Nation	
Non-Federally Recognized Tribe	Chappaquiddick Tribe of Wampanoag Nation
	Unkechaug Nation
	The Golden Hill Paugussett
	Eastern Pequot Tribal Nation
	Schaghticoke Tribal Nation
Local Government	City of New Bedford
	City of Newport

Participants in the Section 106 Process	Invited Consulting Parties
	County of Barnstable (MA)
	County of Bristol (MA)
	County of Dukes (MA)
	County of Suffolk (NY)
	Town of Acushnet
	Town of Aquinnah
	Town of Bourne
	Town of Charlestown
	Town of Chilmark
	Town of Dartmouth
	Town of East Hampton
	Town of Edgartown
	Town of Exeter
	Town of Fairhaven
	Town of Falmouth
	Town of Gosnold
	Town of Jamestown
	Town of Little Compton
	Town of Middletown
	Town of Nantucket
	Nantucket Planning & Economic Development Commission (NP&EDC)
	Town of Narragansett
	Town of New Shoreham
	Town of North Kingstown
	Town of North Stonington
	Town of Oak Bluffs
	Town of Portsmouth
	Town of South Kingstown
	Town of Southold
	Town of Stonington
	Town of Tisbury
	Town of Tiverton
	Town of West Tisbury
	Town of West Warwick
	Town of Westerly
	Town of Westport

Participants in the Section 106 Process	Invited Consulting Parties
	Town of Brookhaven
	Cape Cod Commission
Certified Local Governments	Edgartown Historic Preservation Commission
	Acushnet Historical Commission
	North Kingstown Historic District Commission
	East Hampton Design Review Board
	Narragansett Historic District Commission
	Newport Historic District Commission
	South Kingstown Historic District Commission
	New Shoreham Historic District Commission
	Barnstable Historical Commission
	Bourne Historic Commission
	Chilmark Historical Commission
	Dartmouth Historical Commission
	Fairhaven Historical Commission
	Falmouth Historical Commission
Nongovernmental Organizations or Groups	Salve Regina University
	Norman Bird Sanctuary
	Montaukett Indian Nation
	Nantucket Historical Commission
	Nantucket Historic District Commission
	Gay Head Lighthouse Advisory Committee
	Southeast Lighthouse Foundation
	Block Island Historical Society
	Martha's Vineyard Commission
	Alliance to Protect Nantucket Sound
	Montauk Historical Society
	Preservation Massachusetts
	Bristol Historical and Preservation Society
	East Greenwich Historic Preservation Society
	The Preservation Society of Newport County (operate The Breakers, Marble House, etc.)
	Newport Historical Society
	Rhode Island Historical Society (operates The John Brown House Museum, Aldrich House, etc.)
	Newport Restoration Foundation
	Bellport-Brookhaven Historical Society
	Little Compton Historical Society

Participants in the Section 106 Process	Invited Consulting Parties
	Jamestown Historical Society
	Middletown Historical Society
	Portsmouth Historical Society
	Tiverton Historical Society
	Charlestown Historical Society
	Exeter Historical Association
	Narragansett Historical Society
	Westerly Historical Society
	Martha's Vineyard Museum
	Cuttyhunk Historical Society, Museum of the Elizabeth Islands, Massachusetts
	Nantucket Historical Association
	Nantucket Preservation Trust
	Stonington Historical Society
	New London County Historical Society
	Suffolk County Historical Society
	East Hampton Historical Society
	Southold Historical Museum
	Aquinnah Wampanoag Indian Museum
	The Barnstable Historical Society
	Falmouth Historical Society and Musums on the Green
	Dartmouth Historical and Arts Society
	Westport Historical Society
	New Bedford Historical Society
	Fairhaven Historical Society
	Long Plain Museum
	Bourne Historical Society
	Long Island Historical Societies
	Preservation Long Island
	Davis Town Meeting House Society Inc.

Table 2. Consulting Parties Participating in Section 106 Consultation

Participants in the Section 106 Process	Invited Consulting Parties That Participated in Consultation
SHPOs and State Agencies	Connecticut State Historic Preservation Office, Connecticut Department of Economic and Community Development
	Rhode Island Historical Preservation & Heritage Commission
	New York State Division for Historic Preservation
	Massachusetts Historical Commission
	Massachusetts Commissioner on Indian Affairs
	Rhode Island Department of Environmental Management
Federal Agencies	ACHP
	BSEE
	NOAA
	USACE
	USCG
	USEPA
	USFWS
	National Park Service
	DASNE
	FAA
	USDOD Fire Island National Seashore
Federally Recognized Tribes	Mashpee Wampanoag Tribe
	Shinnecock Indian Nation
	Mashantucket Pequot Tribal Nation
	Wampanoag Tribe of Gay Head - Aquinnah
	Mohegan Tribe of Indians of Connecticut
	Narragansett Indian Tribe
	Delaware Tribe of Indians The Delaware Nation
Non-Federally Recognized Tribe	Unkechaug Nation
Local Government	City of Newport
	County of Dukes (MA)
	Town of Aquinnah
	Town of Bourne
	Town of Charlestown
	Town of East Hampton

Participants in the Section 106 Process	Invited Consulting Parties That Participated in Consultation
	Town of Middletown Town of Nantucket Nantucket Planning & Economic Development Commission (NP&EDC) Town of New Shoreham Town of North Stonington Town of Oak Bluffs Town of Brookhaven
Certified Local Governments	Newport Historic District Commission Barnstable Historical Commission
Nongovernmental Organizations or Groups	Salve Regina University Norman Bird Sanctuary Montaukett Indian Nation Nantucket Historical Commission Nantucket Historic District Commission Gay Head Lighthouse Advisory Committee Southeast Lighthouse Foundation Block Island Historical Society Alliance to Protect Nantucket Sound Newport Restoration Foundation Narragansett Historical Society Nantucket Historical Association Nantucket Preservation Trust The Preservation Society of Newport County (operate The Breakers, Marble House, etc.) Long Island Historical Societies Preservation Long Island
Landowners	Donna Banky Blake Banky David Bush-Brown Austin Feeny Kathleen Keating Kits van Heyningen Martian Kits van Heyningen Margaret Maloney Sean Maloney Alexandra McCabe Roselle McConnell Al O'Neill

Participants in the Section 106 Process	Invited Consulting Parties That Participated in Consultation
	Susan Petrovas
	Ronald Pulito
	Mark Stenning
	William Willis

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Table 3. Parties Invited to Consult under Section 106 and that Did Not Participate in Consultation

Participants in the Section 106 Process	Invited Consulting Parties that Did Not Participate in Consultation
Non-Federally Recognized Tribe	Chappaquiddick Tribe of Wampanoag Nation
	The Golden Hill Paugussett
	Eastern Pequot Tribal Nation
	Schaghticoke Tribal Nation
Local Government	City of New Bedford
	County of Barnstable (MA)
	County of Bristol (MA)
	County of Suffolk (NY)
	Town of Acushnet
	Town of Charlestown
	Town of Chilmark
	Town of Dartmouth
	Town of Edgartown
	Town of Exeter
	Town of Fairhaven
	Town of Falmouth
	Town of Gosnold
	Town of Jamestown
	Town of Little Compton
	Town of Narragansett
	Town of North Kingstown
	Town of Portsmouth
	Town of South Kingstown
	Town of Southold
	Town of Stonington
	Town of Tisbury
	Town of Tiverton
	Town of West Tisbury
Town of West Warwick	
Town of Westerly	
Town of Westport	
Cape Cod Commission	
Nongovernmental Organizations or Groups	Martha's Vineyard Commission
	Alliance to Protect Nantucket Sound
	Montauk Historical Society
	Preservation Massachusetts
	Bristol Historical and Preservation Society
	East Greenwich Historic Preservation Society
	Newport Historical Society
	Rhode Island Historical Society (operates The John Brown House Museum, Aldrich House, etc.)
	Bellport-Brookhaven Historical Society
	Little Compton Historical Society
	Jamestown Historical Society
	Middletown Historical Society

Participants in the Section 106 Process	Invited Consulting Parties that Did Not Participate in Consultation
	Portsmouth Historical Society
	Tiverton Historical Society
	Charlestown Historical Society
	Exeter Historical Association
	Westerly Historical Society
	Martha's Vineyard Museum
	Cuttyhunk Historical Society, Museum of the Elizabeth Islands, Massachusetts
	Stonington Historical Society
	New London County Historical Society
	Suffolk County Historical Society
	East Hampton Historical Society
	Southold Historical Museum
	Aquinnah Wampanoag Indian Museum
	The Barnstable Historical Society
	Falmouth Historical Society and Museums on the Green
	Dartmouth Historical and Arts Society
	Westport Historical Society
	New Bedford Historical Society
	Fairhaven Historical Society
	Long Plain Museum
	Bourne Historical Society
	Davis Town Meeting House Society Inc

**ATTACHMENT 3 – SUNRISE WIND TREATMENT PLAN FOR ANCIENT SUBMERGED
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