

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF OCEAN ENERGY MANAGEMENT

Conditions of Site Assessment Plan Approval

Lease Number OCS-A 0521

The Lessee's rights to conduct activities under the approved Site Assessment Plan (SAP) are subject to the following conditions. The Lessor reserves the right to impose additional conditions incident to any future approval of any modifications to the SAP.

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## **1. Conditions for Cultural Resource Protection**

- 1.1. No Impact without Approval. The Lessee must not knowingly impact a potential archaeological resource without the Lessor's prior approval.
- 1.2. Post-Review Discovery Clauses. If, while conducting SAP activities, the Lessee discovers a potential archaeological resource, such as the presence of a shipwreck (e.g., a sonar image or visual confirmation of an iron, steel, or wooden hull; wooden timbers; anchors; concentrations of historic objects; or piles of ballast rock), or pre-contact archaeological site (e.g., stone tools; pottery) within the project area, the Lessee must:
  - 1.2.1. Immediately halt seafloor/bottom-disturbing activities within the area of discovery;
  - 1.2.2. Notify the Lessor within 24 hours of discovery;
  - 1.2.3. Notify the Lessor in writing via report to the Lessor within 72 hours of discovery;
  - 1.2.4. Keep the location of the discovery confidential and take no action that may adversely affect the archaeological resource until the Lessor has made an evaluation and instructs the applicant on how to proceed; and
  - 1.2.5. Conduct any additional investigations as directed by the Lessor to determine if the resource is eligible for listing in the National Register of Historic Places (NRHP) (30 CFR §585.802(b)). The Lessor will direct the Lessee to conduct such investigations if: (1) the site has been impacted by the Lessee's project activities; or (2) impacts to the site or to the area of potential effect cannot be avoided. If investigations indicate that the resource is potentially eligible for listing in the NRHP, the Lessor will instruct the Lessee as to how to protect the resource, or how to mitigate adverse effects to the site. If the Lessor incurs costs in protecting the resource, under Section 110(g) of the National Historic Preservation Act, the Lessor may charge the Lessee reasonable costs for carrying out preservation responsibilities under the Outer Continental Shelf (OCS) Lands Act (30 CFR 585.802(c & d)).

## **2. Conditions Relating to Protected Marine Mammals, Sea Turtles, and Fish**

- 2.1. Project Meetings and Protected Species Briefings. Prior to conducting at-sea activities pursuant to the SAP, the Lessee must hold a briefing on protected species (all marine mammals, sea turtles, and fish listed under the Endangered Species Act and Marine Mammal Protected Act) that occur in the project area, the conditions and reporting requirements specified herein, and establish the responsibilities of each party involved in at-sea operations. During this briefing, the parties involved must define the chains of command, discuss communication procedures, provide an overview of mitigation and monitoring requirements, and review operational procedures. This briefing must include all relevant personnel, crew members, and any Protected Species Observers (PSOs). New personnel must be briefed as they join the work in progress.
  - 2.1.1. The Lessee must ensure that all vessel operators and crew members, including any PSOs, are familiar with, and understand, the requirements specified in Sections 2 and 4 of these conditions.

- 2.1.2. The Lessee must ensure that a copy of Section 2 and Section 4 of these conditions are made available on every project-related vessel.
- 2.2. Minimum Separation Distance for Protected Species. The Lessee must ensure all vessel operators and crews maintain a vigilant watch for protected species. All vessels must maintain the following minimum separation distances from any sighted protected species to avoid potential harm or harassment, except when the safety of the vessel or crew is at risk:
  - 2.2.1. 500 meters ([m]; 547 yards [yd]) or greater from any sighted North Atlantic right whale or any other unidentified large marine mammal;
  - 2.2.2. 100 m (109 yd) or greater from any sighted Endangered Species Act-listed whales other than a North Atlantic right whale; and
  - 2.2.3. 50 m (55 yd) or greater from any sighted small cetaceans (dolphins and porpoises), seals, sea turtles, and giant manta rays.
- 2.3. Requirements for Vessel Strike Avoidance. The Lessee must ensure that all vessels conducting activities pursuant to the SAP, including those transiting to and from local ports and the lease area, comply with the vessel-strike avoidance measures specified below, except when the safety of the vessel or crew is at risk.
  - 2.3.1. The Lessee must ensure that vessel operators and crews maintain a vigilant watch for marine mammals, sea turtles, and giant manta rays, and take appropriate measures to avoid striking sighted protected species. Vessels must route around the animals and maintain minimum separation distances (per Section 2.2 above) from protected species whenever possible.
  - 2.3.2. The Lessee must ensure that vessel operators reduce vessel speed to 10 knots (18.5 kilometer [km]/hour [hr]) or less in the following circumstances:
    - 2.3.2.1. When operating a vessel in any Dynamic Management Area (DMA) established for North Atlantic right whales including those established in transit routes to and from local ports, and within the lease area.
    - 2.3.2.2. When mother/calf pairs, pods, or large assemblages of marine mammals are observed near an underway vessel.
  - 2.3.3. The Lessee must ensure that underway vessels do not divert their course to approach protected species.
  - 2.3.4. When marine mammals approach an underway vessel (e.g., bow-riding by small cetaceans), the Lessee must ensure that vessel operators make best efforts to remain parallel to the animal's course and avoid excessive speed or abrupt changes in direction until the animal has left the area.
  - 2.3.5. When an animal is sighted in the vessel's path or in close proximity to a moving vessel, the Lessee must ensure that vessel operators reduce speed and shift the engine to neutral. Vessel operators must not engage the engines until the animals are clear of the area.
  - 2.3.6. The Lessee must ensure all vessel operators check communication media for general information regarding avoiding ship strikes and daily information regarding North Atlantic right whale sighting locations. These media may include, but are not limited to, National Oceanic and Atmospheric Administration weather radio, U.S. Coast Guard (USCG) NAVTEX broadcasts, Notices to Mariners, and the Whale Alert app.

2.4. North Atlantic Right Whales

2.4.1. The Lessee must ensure that all vessels greater than or equal to 19.8 m (65 feet [ft]) in length must operate at 10 knots (11.5 miles per hour) or less when operating within any current Seasonal Management Area (SMA) designated for the North Atlantic right whale, including those established in transit routes to and from local ports and within the lease area (see the current SMA maps and coordinates at <https://www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-ship-strikes-north-atlantic-right-whales>).

<b>Seasonal Management Area</b>	<b>Effective Dates</b>
<u>Northeast Feeding Areas</u>	
Cape Cod Bay SMA	Jan 1 – May 15
Off Race Point SMA	Mar 1 – Apr 30
Great South Channel SMA	Apr 1 – Jul 31
<u>Mid-Atlantic Migratory Route</u>	
Port and vessel route areas from Block Island, RI to Savannah, GA	Nov 1 – Apr 30

2.4.2. The Lessee must ensure that the following avoidance measures are taken if a vessel comes within 500 m (547 yd) of any North Atlantic right whale:

2.4.2.1. If underway, any vessel must steer a course away from any North Atlantic right whale at 10 knots (18.5 km/h) or less until the 500 m (547 yd) minimum separation distance has been.

2.4.2.2. If a North Atlantic right whale is sighted within 100 m (109 yd) of an underway vessel, the vessel operator must immediately reduce speed and promptly shift the engine to neutral. The vessel operator must not engage the engines until the North Atlantic right whale has moved beyond 100 m (109 yd) and steer a course away from the whale.

2.4.3. If a vessel is stationary, the vessel must not engage engines until the North Atlantic right whale has moved beyond 100 m (109 yd) and steer a course away from the whale. The Lessee must ensure that any sighted injured, dead or entangled North Atlantic right whale is immediately reported to the USCG via VHF Channel 16, in addition to the reporting requirements set forth in Section 2.6 below.

2.5. Entanglement Avoidance.

2.5.1. The Lessee must ensure that any structures or devices attached to the seafloor for continuous periods greater than 24 hours, use the best available mooring systems. Buoy lines (chains, cables, or coated rope systems), swivels, shackles, and anchor designs must prevent any potential entanglement or entrapment of marine mammals, sea turtles, and giant manta rays while ensuring the safety and integrity of the structure or device.

2.5.2. All mooring lines and ancillary attachment lines must use one or more of the following measures to reduce entanglement risk: shortest practicable line length, rubber sleeves, weak-links, chains, cables or similar equipment types that prevent lines from looping, wrapping, or entrapping protected species.

- 2.5.3. Any equipment utilized for activities conducted pursuant to the SAP must be attached by a line within a rubber sleeve for rigidity. The length of the line must be as short as necessary to meet its intended purpose.
- 2.5.4. If a live or dead marine protected species becomes entangled, the Lessee must immediately contact the marine mammal or sea turtle stranding network coordinator per Section 2.6 below, and provide any on-water assistance requested by the coordinator.
- 2.6. Reporting. The Lessee must ensure compliance with the following reporting requirements for activities conducted pursuant the SAP, and must use the contact information provided in Attachment 1, or updated contact information as provided by the Lessor, to fulfill these requirements.
  - 2.6.1. The Lessee must ensure that sightings of any injured or dead protected species (e.g., listed marine mammals, sea turtles, giant manta rays, or sturgeon) are immediately reported within 24 hours to the Lessor, National Marine Fisheries Service (NMFS), and the appropriate stranding network.
  - 2.6.2. The Lessee must record all sighting data reported per Section 2.6.1, including observed injuries or mortalities, using the form provided in Attachment 2 below.
  - 2.6.3. The Lessee must additionally ensure that any sighted injured, dead, or entangled North Atlantic right whale is immediately reported to the USCG via VHF Channel 16,
  - 2.6.4. If the Lessee's activity is responsible for the injury or death, the Lessee must ensure that the vessel assist in any salvage effort as requested by NMFS.

### **3. Conditions for Avian and Bat Protection**

- 3.1. Anti-perching Devices. The Lessee must install anti-perching devices on the meteorological buoy to the extent practicable.
- 3.2. Lighting. Any lights used by the lessee to aid marine navigation during SAP activities must meet USCG requirements for private aids to navigation, available at: [https://www.navcen.uscg.gov/pdf/AIS/CG\\_2554\\_Paton.pdf](https://www.navcen.uscg.gov/pdf/AIS/CG_2554_Paton.pdf). The Lessee must use any additional lighting only when necessary, and such lighting must be hooded downward and directed when possible, to reduce upward illumination and illumination of adjacent waters.
- 3.3. Reporting Requirement for Avian and Bat Species. The Lessee must provide the Bureau of Ocean Energy Management (BOEM) and the United States Fish and Wildlife Service (USFWS) an annual report documenting any dead or injured birds or bats found on structures, as well as during installation, operation, and decommissioning of the meteorological buoy. The reports are due each November 1 after the date of the SAP approval and required for every year that the buoy is deployed. Each report must be sent to the USFWS contact provided in Attachment 1 below, and must contain the following information: the name of species; date found; location; a picture to confirm species identity (if possible); and any other relevant information. The Lessee must report carcasses with Federal or research bands to the United States Geological Survey Bird Band Laboratory (<https://www.pwrc.usgs.gov/bbL/bblretrv>).

#### **4. Marine Trash and Debris Prevention**

The Lessee must ensure that vessel operators, employees, and contractors engaged in activities pursuant to the SAP are briefed on marine trash and debris awareness and elimination, as described in the Bureau of Safety and Environmental Enforcement Notice to Lessees (NTL) No. 2015-G03 (“Marine Trash and Debris Awareness and Elimination”) or any NTL that supersedes this NTL. The Lessee must ensure that its vessel operators, employees and contractors participating in activities pursuant to the SAP, receive training on the environmental and socioeconomic impacts associated with marine trash and debris, as well as their responsibilities for ensuring that trash and debris are not intentionally or accidentally discharged into coastal or marine environments. Briefing materials on marine debris awareness, elimination, and protected species are available at <https://www.ooctraining.org/copy-of-free-training>.

#### **5. Conditions Related to Private Aids to Maritime Navigation**

- 5.1. The Lessee must file an application (Form CG-2554), either in paper form or electronically, with the commander of USCG First District to establish a private aid to maritime navigation (PATON) for all facilities deployed pursuant to the SAP, per 33 CFR Part 66. Upon receipt of the application, the commander of USCG First District will provide an information sheet outlining the Lessee’s responsibilities for the establishment, operation, maintenance, and discontinuance of the PATON.
- 5.2. The Lessee must submit a copy of the USCG-approved PATON to BOEM prior to deployment of any facilities covered by 5.1.

#### **6. Conditions Related to the Avoidance of Magnetic Anomalies**

The Lessee must ensure that all anchor points for vessels and SAP facilities are placed at least 30 m from any identified magnetic anomalies on the sea floor.

#### **7. Conditions Related to Oil Spill Response**

- 7.1 Before installing any facilities on the OCS that contain oil, as defined in Section 7.1.7, the Lessee must provide to BOEM a list of the emergency measures to take in the event of an oil spill that contains the following information:
  - 7.1.1 A description of the type and amounts of oil on the facility, and design parameters intended to monitor for and/or prevent oil spills.
  - 7.1.2 A list of Oil Spill Response Organization(s) (OSRO) entities that are available to execute any planned response measures and their contact information. Contracts with OSROs are not required.
  - 7.1.3 The name of a designated point-of-contact (POC), as defined in Section 7.1.8 below, and an alternate POC, and their contact numbers.
  - 7.1.4 A description of the procedures the POC will follow to notify BOEM, the OSRO and any other appropriate officials or personnel within 24 hours of a report of a spill event. The POC must conduct an annual notification drill on the anniversary of SAP approval (or as close to the date as practical) to test the ability to

communicate pertinent information regarding the facility emergency situation and the necessary response measures to an OSRO and to BOEM.

- 7.1.5 The address of the onshore location where the information in 7.1.1-7.1.4 is kept and any associated records.
- 7.1.6 For as long as facilities containing oil approved in the SAP remain on the OCS, if any information required in items 7.1.1 to 7.1.5 changes, the Lessee must provide notice to BOEM no more than 30 days after said change.
- 7.1.7 Oil means oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. It does not include animal fats, oils, and greases, and fish and marine mammal oils, or oils of vegetable origin, including oils from seeds, nuts, and kernels.
- 7.1.8 A company POC should be an English-speaking representative of the Lessee or designated operator who is located in the United States, available on a 24 hour basis, with full authority to obligate funds, carry out removal actions, and communicate with the appropriate officials and persons providing personnel and equipment in removal operations.

## **8. Conditions Related to System Deployment**

The Lessee must provide to BOEM the following information within 60 days after installation of the facility:

- 8.1 An actual location plat with precise latitude and longitude coordinates;
- 8.2 Record of any technical, engineering, or design deviations for the approved SAP; and
- 8.3 As-Built drawings of the facility.

This information will assist BOEM in ensuring that the facility is installed as designed and is for the administrative record and future bureau reference.

## **9. Modifications**

The Lessee, by itself or through its designated operator, may request a modification of a term in the SAP or these conditions of approval. The Lessor will review this request and determine whether the modification requires a revision to the SAP under 30 CFR 585.617. If the Lessor determines that the requested modification does not require a revision to the SAP, the Lessor will provide a written response to the Lessee and its designated operator approving, approving with conditions, or disapproving the modification. This written response will become a part of the approved SAP.

## **Attachment 1**

### Contact Information for Reporting Requirements

The following contact information must be used for the reporting requirements in Section 2.6 of the Conditions for Site Assessment Plan (SAP) approval (Attachment 2):

#### **Dead and/or Injured Protected Species**

National Marine Fisheries Service  
Northeast Region's Stranding Hotline  
866-755-6622

#### **All other reporting requirements in Section 2.6**

Bureau of Ocean Energy Management  
Environment Branch for Renewable Energy  
Phone: 703-787-1300  
Email: [renewable\\_reporting@boem.gov](mailto:renewable_reporting@boem.gov)

National Marine Fisheries Service  
Northeast Regional Office, Protected Resources Division  
Section 7 Coordinator  
Phone: 978-281-9328  
Email: [incidental.take@noaa.gov](mailto:incidental.take@noaa.gov)

Vessel operators may send a blank email to [ne.rw.sightings@noaa.gov](mailto:ne.rw.sightings@noaa.gov) for an automatic response listing all current Dynamic Management Areas.

The following contact information must be used for the reporting and coordination requirements specified in Section 3.3 of the Conditions for SAP approval:

U.S. Fish and Wildlife Service  
Northeast Regional Office  
300 Westgate Center Drive  
Hadley, MA 01035  
Phone: 413-253-8200  
Email: [Northeast@fws.gov](mailto:Northeast@fws.gov)



**Attachment 2**

**Incident Report: Protected Species Injury or Mortality**

*Photographs/Video should be taken of all injured or dead animals.*

Observer's full name: \_\_\_\_\_

Reporter's full name: \_\_\_\_\_

Species Identification: \_\_\_\_\_

Name and type of platform: \_\_\_\_\_

Date animal observed: \_\_\_\_\_ Time animal observed: \_\_\_\_\_

Date animal collected: \_\_\_\_\_ Time animal collected: \_\_\_\_\_

Environmental conditions at time of observation (i.e. tidal stage, Beaufort Sea State, weather):

\_\_\_\_\_  
\_\_\_\_\_

Water temperature (°C) and depth (m/ft) at site: \_\_\_\_\_

Describe location of animal and events 24 hours leading up to, including and after, the incident (incl. vessel speeds, vessel activity and status of all sound source use):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Photograph/Video taken: YES / NO      If Yes, was the data provided to NMFS? YES / NO  
(Please label *species, date, geographic site* and *vessel name* when transmitting photo and/or video)

Date and Time reported to NMFS Stranding

Hotline: \_\_\_\_\_

**Sturgeon Information:** *(please designate cm/m or inches and kg or lbs)*

Species: \_\_\_\_\_

Fork length (or total length): \_\_\_\_\_ Weight: \_\_\_\_\_

Condition of specimen/description of animal: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Fish Decomposed: NO SLIGHTLY MODERATELY SEVERELY

Fish tagged: YES / NO If Yes, please record all tag numbers.

Tag #(s): \_\_\_\_\_

Genetic samples collected: YES / NO

Genetics samples transmitted to: \_\_\_\_\_ on \_\_\_\_ / \_\_\_\_ /20\_\_

**Sea Turtle Species Information:** (please designate cm/m or inches)

Species: \_\_\_\_\_ Weight (kg or lbs): \_\_\_\_\_

Sex: Male Female Unknown

How was sex determined?: \_\_\_\_\_

Straight carapace length: \_\_\_\_\_ Straight carapace width: \_\_\_\_\_

Curved carapace length: \_\_\_\_\_ Curved carapace width: \_\_\_\_\_

Plastron length: \_\_\_\_\_ Plastron width: \_\_\_\_\_

Tail length: \_\_\_\_\_ Head width: \_\_\_\_\_

Condition of specimen/description of animal: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Existing Flipper Tag Information**

Left: \_\_\_\_\_ Right: \_\_\_\_\_

PIT Tag#: \_\_\_\_\_

**Miscellaneous:**

Genetic biopsy collected: YES NO Photographs taken: YES NO

**Turtle Release Information:**

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

State: \_\_\_\_\_ County: \_\_\_\_\_

**Remarks:** (note if turtle was involved with tar or oil, gear or debris entanglement, wounds, or mutilations, propeller damage, papillomas, old tag locations, etc.) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Marine Mammal information:** *(please designate cm/m or ft/inches)*

Length of marine mammal (note direct or estimated): \_\_\_\_\_

Weight *(if possible, kg or lbs)*: \_\_\_\_\_

Sex of marine mammal (if possible): \_\_\_\_\_

How was sex determined?: \_\_\_\_\_

Confidence of Species Identification:                      SURE                      UNSURE                      BEST GUESS

Description of Identification characteristics of marine mammal: \_\_\_\_\_

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Genetic samples collected:                      YES / NO

Genetic samples transmitted to: \_\_\_\_\_ on \_\_\_\_ / \_\_\_\_ /20 \_\_\_\_

Fate of marine mammal: \_\_\_\_\_

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Description of Injuries Observed: \_\_\_\_\_

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Other Remarks/Drawings: \_\_\_\_\_

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