



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT
WASHINGTON, DC 20240-0001

Mr. Joshua J. Bennett
Vice President – Offshore Wind Operations
Virginia Electric Power Company
120 Tredegar Street
Richmond, Virginia 23219

Dear Mr. Bennett:

I am writing on behalf of the Bureau of Ocean Energy Management (BOEM), Office of Renewable Energy Programs, regarding Virginia Electric and Power Company's May 17, 2024, variance request pursuant to Condition 1.5 of the Coastal Virginia Offshore Wind Commercial Project's (the Project) Conditions of Construction and Operations Plan (COP) Approval, Lease Number OCS-A 0483 (Conditions).

Virginia Electric and Power Company requested a variance to Condition 6.3 (Federal Survey Mitigation Program) proposing to extend the deadline by one year for executing a mitigation agreement with the National Marine Fisheries Service (NMFS) and submitting the agreement to BOEM by May 27, 2025.

In support of this variance request, Virginia Electric and Power Company stated that, during coordination with the NMFS Northeast Fisheries Science Center (NEFSC), it was mutually agreed upon that the allowance for additional time to provide a regionalized approach to Condition 6.3 would be beneficial to all parties. BOEM, in coordination with the Bureau of Safety and Environmental Enforcement (BSEE) and the NMFS NEFSC, agrees to extending the proposed deadline.

BOEM has determined that a variance: (1) would not result in a change in the Project impact levels described in the Final Environmental Impact Statement and Record of Decision for the Project; (2) would not alter obligations or commitments resulting from consultations performed by BOEM and BSEE under Federal law in connection with the COP approval, in a manner that would require BOEM to reinitiate or perform additional consultation for applicable laws (e.g., Endangered Species Act, Marine Mammal Protection Act, or Magnuson-Stevens Fishery Conservation and Management Act); and (3) would not alter BOEM's determination that the activities associated with the Project would be conducted in accordance with Section 8(p)(4) of the Outer Continental Shelf Lands Act.

Therefore, BOEM approves a variance to Condition 6.3 limited to the deadline for the mitigation agreement/plan as follows, with **bold** for emphasis:

6.3 Federal Survey Mitigation Program (Planning) (Construction) (Operations) (Decommissioning). There are 14 NMFS scientific surveys that overlap with wind energy development in the northeast region. Nine of these surveys overlap with the Project. Consistent with NMFS and BOEM survey mitigation strategy actions 1.3.1, 1.3.2, 2.1.1, and 2.1.2 in the *NOAA Fisheries and BOEM Federal Survey Mitigation Implementation Strategy - Northeast US Region*,³⁴ **by May 27, 2025**, the Lessee must submit to BOEM a survey mitigation agreement between NMFS and the Lessee. The survey mitigation agreement must describe how the Lessee will mitigate the Project impacts on the 9 NMFS surveys. The Lessee must conduct activities in accordance with such agreement. If the Lessee and NMFS fail to reach a survey mitigation agreement, then the Lessee must submit a survey mitigation plan to BOEM and NMFS that is consistent with the mitigation activities, actions, and procedures described in Sections 6.3.1 and 6.3.2 below, **by July 26, 2025**. BOEM will review the survey mitigation plan in consultation with NMFS Northeast Fisheries Science Center (NEFSC), and the Lessee must resolve comments to BOEM's satisfaction and must conduct activities in accordance with the plan.

Please contact Mary Margaret Tarbox at (856) 476-7201 or MaryMargaret.Tarbox@boem.gov if you have any questions.

Sincerely,

David Diamond
Deputy Chief for Operations,
Atlantic Outer Continental Shelf
Office of Renewable Energy Programs

cc: Mr. Mark D. Mitchell
Vice President – Generation Construction
Virginia Electric and Power Company
120 Tredegar Street
Richmond, Virginia 23219