

FINDING OF NO SIGNIFICANT IMPACT

Additional Site Assessment Activities on Beacon Wind, LLC's Renewable Energy Lease OCS-A 0520

INTRODUCTION

The United States Department of the Interior (USDOI), Bureau of Ocean Energy Management (BOEM) prepared an environmental assessment (EA) to determine whether approval of additional site assessment activities as proposed by Beacon Wind LLC (Beacon Wind) within Lease Area OCS-A 0520 (Lease Area) offshore Massachusetts would lead to reasonably foreseeable significant impacts on the environment. BOEM conducted its analysis to comply with the National Environmental Policy Act (NEPA), 42 United States Code (U.S.C.) 4321-4370f, the Council on Environmental Quality regulations at 40 Code of Federal Regulations (CFR) 1501.5 and 1501.6, USDOI regulations implementing NEPA at 43 CFR 46, and USDOI Manual (DM) Chapter 15 (516 DM 15).

On June 3, 2014, BOEM issued a Finding of No Significant Impact (FONSI) based on a Revised Environmental Assessment for Commercial Wind Lease Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf Offshore Massachusetts (BOEM 2014; referred to herein as the “2014 EA”), which covered Lease Area OCS-A 0520. Additionally, in October 2016, BOEM issued a FONSI based on the Revised Environmental Assessment for Commercial Wind Lease Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf Offshore New York (BOEM 2016; referred to herein as the 2016 EA). On December 8, 2020, Beacon Wind submitted a Site Assessment Plan (SAP) for the Lease Area in support of site assessment activities consisting of installation and operation of metocean equipment, with updated versions submitted April 27, 2021, and June 28, 2021. The 2014 EA addressed the activities included in the SAP, and the SAP was approved by BOEM on September 24, 2021. The metocean equipment was deployed in the Lease Area on November 10, 2021, and was removed in December 2023. BOEM’s environmental analysis supplements analysis presented in the 2014 EA and 2016 EA and focuses on new site assessment activities and their potential impacts that have not been previously evaluated.

On March 2, 2023, Beacon Wind submitted a SAP Amendment application for additional site assessment activities in the Lease Area not included in the SAP previously approved by BOEM in 2021. On November 6, 2023, BOEM published a *Notice of Intent to Prepare an Environmental Assessment for Additional Site Assessment Activities on Beacon Wind, LLC's Renewable Energy Lease OCS-A 0520* (88 FR 76852) for a 30-day comment period. During the 30-day scoping comment period, BOEM received 9 unique comment submissions from representatives of federal, state, or regional government entities; business associations; advocacy groups; and the general public that have been summarized in Appendix E. On February 2, 2024, BOEM published a *Notice of Availability of a Draft Environmental Assessment for Additional Site Assessment Activities on Beacon Wind, LLC's Renewable Energy Lease OCS-A 0520* (89 FR

7409) (the “EA”) for a 30-day comment period. All public comments received by BOEM can be viewed at <http://www.regulations.gov> by searching for docket number BOEM-2024-0006. During the comment period, BOEM held two virtual public meetings to provide an overview of the EA, solicit public comment, and discuss next steps in the environmental review and leasing processes. BOEM revised the EA to address comments received during the public comment period and public meetings and to incorporate the results of consultations. Section 1.3 of the Final EA includes a summary of changes made since the Draft EA. Appendix E of the Final EA also summarizes and provides BOEM’s responses to the 17 individual comments received during the public review period and on the Draft EA. This Finding of No Significant Impact (“Finding”) is accompanied by and cites the Final EA.

PURPOSE AND NEED OF THE PROPOSED ACTION

The purpose of the Proposed Action is to approve the SAP Amendment in support of site assessment activities within the Lease Area on the Outer Continental Shelf (OCS) offshore Massachusetts. The need for BOEM’s approval of the SAP Amendment is to enable the lessee to adequately assess whether the geological and geotechnical conditions of select locations within the Lease Area are suitable for, and could support, commercial-scale wind energy production by wind turbine generators and offshore substations that use suction-bucket jacket foundations.

DESCRIPTION OF THE PROPOSED ACTION

The Proposed Action is to approve additional site assessment activities as described in the SAP Amendment. The proposed site assessment activities consist of 35 deployments and removals of a single suction bucket foundation at 26 locations within the Lease Area. Suction bucket foundations are an alternative foundation design to traditional pile-driven foundations. The suction bucket design technology secures a steel bucket-shaped foundation by penetrating the seafloor sediment by pumping water from within the bucket to create an area of reduced pressure against the seafloor, also described as vacuum suctioning the bucket foundation into the seafloor. Due to reduced noise and depth disturbance of these foundation types relative to pile-driven foundations, suction bucket designs can have environmental and technical advantages over pile-driven designs. The foundation testing will be conducted to further assess the geological and geotechnical conditions and gather information to support the engineering design of wind turbine and offshore substation foundations that would potentially be installed within the Lease Area for the proposed Beacon Wind project.

ENVIRONMENTAL ASSESSMENT SUMMARY

The EA considers the reasonably foreseeable effects of foundation testing and non-routine activities associated with the proposed site assessment activities within the Lease Area. The scenario of reasonably foreseeable activity and impact-producing factors is informed by Beacon Wind’s SAP Amendment, the requirements of the renewable energy regulations at 30 CFR Part 585, applicable BOEM guidance for lessees, and previous EAs prepared for similar activities.

The Proposed Action includes Standard Operating Conditions (SOCs) to reduce or eliminate potential risks to or conflicts with specific environmental resources. The lessee's SAP Amendment contains a description of environmental protection features or measures that the lessee will use (Section 5 and Appendix F of the Final EA). These SOCs and mitigation measures were developed by BOEM through the analyses presented in Section 3 of the Final EA and in coordination with cooperating agencies (Section 6 of the Final EA). If the SAP Amendment is approved, BOEM will require the lessee to comply with the SOCs and mitigation measures throughout Foundation Testing activities. The key SOCs and mitigation is listed in Appendix F of the Final EA and a summary is outlined below.

- Section 1 lists general requirements to establish roles and responsibilities of the Lessee and personnel, particularly in relation to compliance with the Endangered Species Act (ESA).
- Section 2 notes the Lessee's obligations to comply with all the Project Design Criteria (PDC) and Best Management Practices (BMPs) in BOEM's *Project Design Criteria and Best Management Practices for Protected Species Associated with Offshore Wind Data Collection* as well as any National Marine Fisheries Service (NMFS)-approved measures and PDC and BMPs for ESA-listed species, as established through consultation with NMFS.
- Section 3 establishes requirements to provide the results of archaeological surveys, ensure that the analysis of archaeological survey data is conducted by a Qualified Marine Archaeologist, implement monitoring and avoidance measures, and take appropriate actions in the event of discovery of an unanticipated potential archaeological resource. BOEM's January 2024 *Finding of No Adverse Effect* also listed these requirements as conditions for meeting its obligations under Section 106 of the National Historic Preservation Act of 1966, as amended (54 United States Code 306108), to ensure that the proposed suction bucket testing will not adversely affect historic properties (Section 6.2.4 of the Final EA).
- Section 3.2 of the Final EA references the biological assessment prepared for NMFS, which contains PDC and BMPs to avoid, minimize, and mitigate impacts on ESA-listed species during data collection and site survey activities for renewable energy on the Atlantic OCS. These conditions include vessel strike avoidance, marine debris prevention, protected species observers, anchoring impacts avoidance, benthic resources impacts avoidance, training requirements, speed restrictions, seasonal-dependent restrictions for various activities, and multiple reporting requirements.
- Section 4 lists avian and bat survey and reporting requirements, including specifications for lighting, annual and incident reporting, and data sharing.
- Section 5 and Appendix F includes Essential Fish Habitat Conservation Recommendations that have been adopted as SOCs as part of the SAP Amendment Approval.

ALTERNATIVES

In addition to the Proposed Action, BOEM considered a No Action Alternative. No additional action alternatives were proposed during scoping however, BOEM was asked to consider various concepts, strategies, tools, and safeguards to ensure environmental effects are avoided or mitigated and these were included in the PDC, BMPs and as part of consultations. Under the No Action Alternative, BOEM would not approve the additional site assessment activities proposed in the Beacon Wind SAP Amendment. The No Action Alternative includes other ongoing activities and future planned actions.

BOEM's preferred alternative is the Proposed Action, which would approve additional site assessment activities consisting of foundation suction bucket testing. The focus of the environmental analysis in the EA is the Proposed Action and how its implementation would change the baseline conditions described under the affected environment in Section 4.3 of the Final EA.

Environmental and Socioeconomic Consequences of the Proposed Action

BOEM uses a four-level classification scheme (negligible, minor, moderate, and major) to characterize the environmental impacts predicted for the Proposed Action (Section 3 of the Final EA). Under the No Action Alternative, any potential environmental and socioeconomic impacts, including benefits, associated with the Proposed Action would not occur; however, impacts could occur from other ongoing or future planned actions (Section 3 of the Final EA).

The Proposed Action is generally anticipated to have greater environmental consequences than the No Action Alternative. Overall, the incremental effects of the Proposed Action are predicted to range from negligible to minor due to the temporary and localized nature of the site assessment and site characterization activities.

Adverse effects to the environment from site characterization and site assessment activities are expected to occur. The level of these impacts would range from negligible to minor, depending on the specific environmental resource. Anticipated impacts of the Proposed Action are negligible for the following resources: air quality and greenhouse gas emissions; benthic resources; cultural, historic, and archaeological resources, marine mammals, and sea turtles. Anticipated impacts of the Proposed Action are negligible to minor for commercial and recreational fishing and finfish, invertebrates, and essential fish habitat.

Additionally, many of the activities described in this EA have been previously analyzed in the 2014 EA and resource areas of concern for site assessment activities for the proposed suction bucket testing have been well documented. Therefore, the following resources were not carried forward for analysis in this EA given that their impacts are anticipated to be negligible or lower: bats; birds; coastal habitats; demographics and employment; environmental justice; geology; military use areas; navigation and vessel traffic; recreation and visual resources; and water quality. Primary issues of concern identified through preparation of the EA, analysis of public comments, and agency consultations were impacts on benthic resources and ESA-listed species.

The impacts from site characterization activities on benthic resources in the Lease Area are expected to be negligible because PDC and BMPs would be followed, no pile driving would occur, the maximum area affected by the foundation testing would be small (approximately 0.99 acre or 3,990 square meters), and no population-level effects are anticipated (Section 4.3.1 of Final EA). Additionally, per a requirement of consultation with NMFS, the Lessee must avoid live bottom features, such as submerged aquatic vegetation and deep-sea corals, when conducting bottom-disturbing activities to reduce the risk of adverse effects on benthic resources.

The potential impacts of greatest concern for ESA-listed species are vessel strike and entrainment, however the likelihood of a vessel strike or entrainment as a result of the Proposed Action is considered very low given the expected use of only one vessel and given the duration of activities would be only two weeks. On March 7, 2024, BOEM received concurrence from NMFS on BOEM's determination that the impacts of the Proposed Action on ESA-listed species and critical habitats are expected to be discountable and insignificant and thus not likely to adversely affect such species or habitats.

BOEM weighed comments from the public and interested parties, consultations, and information received through BOEM's outreach efforts in reaching this Finding. BOEM finds that the approval of the SAP Amendment in support of site characterization activities within the Lease Area on the OCS offshore Massachusetts would have no significant impact on the environment. As a result, it is not necessary for BOEM to prepare an EIS in order to approve these additional site assessment activities.

SUPPORTING DOCUMENTS

The Final EA and consultation documents support this Finding of No Significant Impact and are available upon request or at <https://www.boem.gov/renewable-energy/state-activities/beacon-wind>. Key NEPA and consulting documents used to inform this Finding are listed below. Please refer to the Final EA for full documentation.

- Public response to the November 7, 2023, Notice of Intent to prepare the EA and the February 2, 2024, Notice of Availability for the draft EA can be found in Appendix E of the Final EA.
- Consultations with other Federal agencies, including the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) can be found in Section 6 and Appendix G of the Final EA.
- Research and review of current relevant NEPA documents that assess similar activities, as well as relevant scientific and socioeconomic literature.
- *Final Programmatic Environmental Impact Statement for Alternative Energy Development and Production and Alternate Use of Facilities on the Outer Continental Shelf, OCS Environmental Impact Statement (EIS)/Environmental Assessment (EA) Minerals Management Service (MMS) 2007-046 (MMS 2007).*

- *Commercial Wind Lease Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf Offshore Massachusetts Revised Environmental Assessment, OCS EIS/EA BOEM 2014-603 (BOEM 2014).*
- *Commercial Wind Lease Issuance and Site Assessment Activities on the Atlantic OCS Offshore NY, Revised Environmental Assessment, OCS EIS/EA BOEM 2016-070 (BOEM 2016).*

CONCLUSION

I have thoroughly considered the issues and concerns identified in the Final EA and by the public and cooperating and consulting agencies in their comments; the evaluation of the potential effects of the Proposed Action in the attached, Final EA; and the criteria for findings of no significant impact in 40 CFR 1501.6. It is my determination that there are no substantial questions regarding the reasonably foreseeable impacts of the Proposed Action, and that no reasonably foreseeable significant impacts are expected to occur as the result of the Proposed Action contemplated in the Final EA. It is therefore my determination that implementing the Proposed Action would not constitute a major federal action significantly affecting the quality of the human environment under Section 102(2)(C) of the National Environmental Policy Act of 1969. As a result, an EIS is not required, and I am issuing this Finding of No Significant Impact.

Jessica Stromberg
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Office of Renewable Energy Programs

Date