FINDING OF NO SIGNIFICANT IMPACT

Commercial and Research Wind Lease and Grant Issuance and Site Assessment Activities on the Outer Continental Shelf of the Gulf of Mexico

1 INTRODUCTION

In accordance with the National Environmental Policy Act (NEPA) at 42 U.S.C. §§ 4261 *et seq*., the Council on Environmental Quality implementing regulations at 40 CFR parts 1500-1508, the U.S. Department of the Interior's regulations implementing NEPA at 43 CFR part 46, and Bureau of Ocean Energy Management (BOEM) policy, BOEM prepared an environmental assessment (EA) of the potential effects of the issuance of up to 18 commercial and research wind leases within the GOM Call Area, the issuance of potential easements (rights-of-way [ROWs] and rights-of-use and easement [RUEs]) associated with each lease, and the issuance of grants for subsea cable corridors and associated offshore collector/converter platforms. The ROW and RUE easements would all be located on the Outer Continental Shelf (OCS) areas of the Gulf of Mexico (GOM), extending from the GOM Call Area through to State waters and to the onshore energy grid.

Lease issuance does not, by itself, authorize any activities on the OCS. Issuance of the above-referenced leases would allow lessees only the exclusive right to submit plans, including Site Assessment Plans (SAPs), for BOEM's consideration and approval, which does not constitute an irreversible and irretrievable commitment of resources. Notwithstanding the foregoing, BOEM's environmental analysis focused on the effects of site characterization (i.e., surveys of the lease area and potential cable routes) and site assessment activities (i.e., temporary placement of up to two meteorological [met] buoys on each lease) that could occur in the GOM Call Area after the issuance of up to 18 commercial and research wind energy leases.

BOEM's approach for the EA is to analyze the entire GOM Call Area rather than using the Area Identification (Area ID) process to identify wind energy areas (WEAs), followed by preparation of an EA covering only those areas to be considered for potential leasing. Although the NEPA analysis is not required at the Area ID stage, BOEM has decided to prepare the EA prior to the identification of the WEAs as an exercise of agency discretion.[1] This approach not only allows greater flexibility for future identification of WEAs but also provides NEPA coverage for site characterization and site assessment activities for unsolicited requests for non-competitive commercial or research leases that could be received in the GOM Call Area.

On July 20, 2022, BOEM published a Press Release announcing the availability of the *Commercial and Research Wind Lease and Grant Issuance and Site Assessment Activities on the Outer Continental Shelf of the Gulf of Mexico: Draft Environmental Assessment*, which initiated a 30-day comment period. In response to stakeholder requests, BOEM extended the public comment

[1] Save Long Beach Island v. U.S. Dept. of the Interior, No. 22-cv-55, 2023 U.S. Dist. 39873, (D.D.C. Mar. 9, 2023).

period to 45 days. All public comments received by BOEM can be viewed at www.regulations.gov by searching for Docket ID BOEM-2021-0092. During the comment period, BOEM held two virtual public meetings on August 9 and August 11, 2022, and posted virtual meeting resources on https://www.boem.gov/renewable-energy/state-activities/gulf-mexico-draft-ea 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 incorporate the results of consultations. Appendix J of the Final EA includes a summary of public comments and BOEM's responses. This finding is accompanied by and cites the revised EA.

2 ENVIRONMENTAL ASSESSMENT

The purpose of the Proposed Action is to issue commercial and research leases within the GOM Call Area and grant ROWs and RUEs in the region to provide lessees/grant holders the exclusive right to submit SAPs to assess the physical metocean characteristics of the areas within the GOM Call Area and either a General Activities Plan or a Construction and Operations Plan, all of which would be subject to additional environmental review. BOEM's issuance of these leases and grants is needed to (1) confer the exclusive right to submit plans to BOEM for potential development, such that the lessees and grant holders may conduct the site characterization and site assessment activities necessary to determine the suitability of their leases and grants for commercial offshore wind production and/or transmission and develop plans for BOEM's review, and (2) impose terms and conditions intended to ensure that site characterization and assessment activities are conducted in a safe and environmentally responsible manner that allows developers to gather information to determine the suitability of their leases and grants for commercial offshore wind production and/or transmission and develop plans for BOEM's review.

BOEM considered three alternatives in the EA. Of the alternatives considered in the EA, Alternative A is the No Action Alternative, which analyzes other ongoing activities and future planned actions. Alternative B analyzes site characterization and site assessment activities in the GOM Call Area and along export cable corridors to shore. Alternative C also analyzes characterization and site assessment activities in the GOM Call Area and along export cable corridors to shore, but it excludes areas within the Topographic Features Stipulation blocks. BOEM is analyzing this third alternative to remove these areas from leasing consideration, which would prevent site characterization and site assessment activities in sensitive benthic habitat in order to assist the decisionmaker in understanding the impacts avoided from not allowing such activities in these areas should the decisionmaker choose to eliminate these areas of sensitive benthic habitat. BOEM considered other alternatives for the EA but did not analyze them in detail because they did not assist the decisionmaker in understanding the differences in impacts from site characterization and site assessment activities for those alternatives. During scoping for the EA, as well as on the Request for Interest and the Call for Information and Nominations, BOEM received suggestions for alternatives that might reduce impacts to resources at the next stage of the process, i.e., the wind energy development stage. Those alternatives were not analyzed in detail because they consider impacts outside of the scope of the proposed action analyzed

in this EA and would not assist the decisionmaker in considering impacts from site characterization and site assessment activities.

2.1 ALTERNATIVES

2.1.1 Alternative A – No Action Alternative

Under the No Action Alternative, BOEM would not issue commercial or research leases within the Call Area, meaning the Proposed Action would not occur. This alternative would avoid potential impacts to the environment identified in the EA. Site characterization surveys (e.g., biological surveys) and off-lease site assessment activities do not require BOEM's approval. Those activities could still be conducted under this alternative and would result in the same types of impacts described in the EA, but these activities would not be likely to occur without the issuance of a commercial wind energy lease or grant.

2.1.2 Alternative B – Wind Energy Lease Issuance in the GOM Call Area

Alternative B would allow for all blocks within the GOM Call Area to be offered for lease with the exception of whole and partial blocks located within the exterior boundaries of any unit of the National Park System, National Wildlife Refuge System, National Marine Sanctuary System, or any National Monument, as provided in Subsection 8(p)(10) of the Outer Continental Shelf Lands Act.

2.1.3 Alternative C – Wind Energy Lease Issuance in the GOM Call Area Excluding the Topographic Features Stipulation Blocks (Preferred Alternative)

Alternative C, the preferred alternative, considers the issuance of the same leases and grants contemplated in Alternative B but would also remove from leasing consideration whole or partial Topographic Features Stipulation blocks. Alternatives B and C consider the issuance of up to 18 commercial and research wind energy leases over multiple lease sales within the GOM Call Area. The alternatives also consider the granting of ROWs and RUEs in support of wind energy development. Alternatives B and C analyze site characterization and site assessment activities within the GOM Call Area that are expected to occur after issuance of such leases and grants. Site characterization activities would most likely include geophysical, geotechnical, and biological surveys in support of plan submittal. Site assessment activities would most likely include the temporary placement of met buoys and oceanographic devices. Whole and partial Topographic Features Stipulation Blocks have been removed from Alternative C because these features provide habitat for sensitive benthic and fish species in the GOM.

As discussed in the EA, adverse effects to the environment from site characterization and site assessment activities may occur as a result of the Proposed Action. With the application of mitigating measures, also called Standard Operating Conditions (SOCs), the level of these impacts would range from negligible to minor, depending on the specific environmental resource and the mitigating measures employed. Gulf of Mexico-specific mitigating measures (SOCs) for site characterization

and site assessment activities are being finalized and will be detailed in the Final Sale Notice. The types of mitigating measures that should be adopted for the lease sale are listed below.

2.2 Mitigating Measures for Gulf of Mexico Site Characterization and Site Assessment Activities

All practicable SOCs to avoid or minimize environmental harm from the selected alternative should be adopted at the lease sale stage. The various SOCs that should be adopted for the lease sale are listed below. Impacts to resources would be further minimized if the best management practices (BMPs) developed through essential fish habitat and Endangered Species Act (ESA) consultations with the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (FWS) (refer to Appendices H, K, and L of the Final EA, and BOEM's website at https://www.boem.gov/gulf-mexico-environmental-consultations) are included in leases as SOCs. Refer to the Proposed Sale Notice on BOEM's website at https://www.boem.gov/renewable-energy/state-activities/gulf-mexico-activities.

2.2.1 Standard Operating Conditions

The leases should be offered subject to the applicable SOCs described in the *Commercial and Research Wind Lease and Grant Issuance and Site Assessment Activities on the Outer Continental Shelf of the Gulf of Mexico: Final Environmental Assessment*. The following are the SOCs that should be adopted for the commercial leasing for wind power development on the OCS in the GOM (GOMW-1) Lease Sale: General Requirements, Protected Species, Benthic Habitat, Commercial Fisheries, Archaeological Survey Requirements, Avian and Bat Survey and Reporting Requirements, Manatee Conservation, Avoidance and Minimization Measures and Reporting, Additional Protected Species Mitigations, and Proposed Information to Lessees. For descriptions of these SOCs, refer to Appendix H of the Final EA. Some of these SOCs were derived from the BMPs for mitigation, monitoring, and reporting protocols for site assessment and site characterization developed through programmatic consultations with NMFS and FWS. The consultation letters from NMFS for the ESA and essential fish habitat consultations and from FWS for the ESA consultation can be found in Appendix K of the Final EA, and the resultant BMPs can be found in Appendix L of the Final EA and on BOEM's website at https://www.boem.gov/gulf-mexico-environmental-consultations. The Final Sale Notice package will identify the SOCs to be included in the leases to be offered.

Resources that may experience minor or greater impacts from the Proposed Action are summarized below. Should an impact be reduced with the application of a protective measure, all of which are listed above as commitments and will be described in the Final Sale Notice, the impacts with the application of that commitment are described below. Operators are required to perform site characterization and site assessment activities in accordance with all applicable stipulations in the lease and conditions of approval for SAPs, including those resulting from consultations required under other Federal statutes. In addition, lessees are required to perform site characterization and site assessment activities in accordance with the commitments listed above, which will be detailed in the Final Sale Notice.

2.3 ENVIRONMENTAL ANALYSIS

2.3.1 Air Quality

The effects of air emissions and pollution on air quality from site characterization and site assessment activities are expected to be **negligible** from issuance of a single OCS wind energy lease in the Call Area and minor for the 18 OCS wind energy leases because the calculated amounts for precursor pollutants to O_3 are very low and, when compared to non-anthropogenic sources, the emissions appear insignificant. In addition, the effects of unintentional releases to the environment and response activities on air quality from site characterization and site assessment activities are expected to be **negligible** for the issuance of a single OCS wind energy lease in the GOM Call Area because of the infrequent and localized impacts of spills and minor for the 18 OCS wind energy leases because there would be more risk to widespread impacts from spills in comparison to the potential for a spill with the issuance of a single OCS wind energy lease. When compared to the cumulative impacts in the GOM, site characterization and site assessment activities would have **negligible** impacts on air quality for the issuance of a single OCS wind energy lease and **minor** impacts for 18 OCS wind energy leases because the calculated amounts for precursor pollutants to O_3 from these activities are calculated to be very low in comparison with the amounts for existing baseline sources. In accordance with the Council on Environmental Quality's interim guidance,[2] greenhouse gas emissions were quantified for site characterization and site assessment activities. Absent exceptional circumstances, the relative minor and short-term greenhouse gas emissions associated with site characterization and site assessment activities are a small component of the overall construction of offshore wind projects and contribute only minor emissions.

2.3.2 Coastal Communities and Habitats

Bottom disturbance could result in the crushing or smothering of submerged aquatic vegetation and other submerged coastal habitat, while suspended sediments could temporarily increase water turbidity and decrease the amount of light available for photosynthesis in shallow waters. The impacts from site characterization and site assessment activities on coastal communities and habitats are expected to be **negligible** for the issuance of a single OCS wind energy lease due to the relatively small scope and scale of the activity expected to occur. The impacts would be **negligible** to **minor** for the issuance of 18 OCS wind energy leases due to the estimated number of samples to be collected under the high-end lease issuance scenario, which would result in localized impacts from which the habitat would be expected to completely recover without remedial or mitigating action. When compared to the cumulative impacts in the GOM, impacts from site characterization and site assessment activities expected to take place after issuance of a single OCS wind energy lease and 18 OCS wind energy leases on coastal communities and habitats would be **negligible** because of the relatively small scale of the proposed activities when compared to existing OCS oil- and gas-related activities and other OCS and non-OCS activities occurring in the baseline environment and expected to occur in the future. In addition, impacts would be reduced through a lessee's early coordination with BOEM prior to the submission of an SAP to discuss pre-survey planning and to ensure that all

[2] National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change; Council on Environmental Quality, 88 Fed. Reg. 1196, at 1196, (Jan. 9, 2023).

surveys are conducted in a manner that addresses the regulatory information requirements for an SAP. If required, State regulatory review of these activities may require that bottom-disturbing activity be distanced from or avoid live bottoms and submerged aquatic vegetation, which can help reduce impacts to these sensitive areas from site characterization and site assessment activities.

2.3.3 Benthic Communities and Habitats

Bottom-disturbing activities could result in crushing or burial of sensitive, habitat-forming invertebrates, such as corals, which are known to have slow growth and recovery rates. However, with BOEM's commitment to apply protective measures that distance bottom-disturbing activities from sensitive benthic habitat, site characterization and site assessment activities expected to take place after issuance of a single OCS wind energy lease and 18 OCS wind energy leases on benthic communities and habitats is expected to be **negligible**. The impacts of site characterization and site assessment activities for a single OCS wind energy lease issuance and 18 OCS wind energy leases compared to the cumulative impacts in the GOM would also be **negligible** with protections put into place to distance these activities from hard bottom habitats.

2.3.4 Fish and Invertebrates

Bottom disturbance and noise from site characterization and site assessment activities could impact fish and invertebrates. The high-resolution geophysical survey equipment, vessel engines, offshore operations and maintenance, and decommissioning of meteorological buoys, can result in underwater sound. Overall, the effects of noise on fish and invertebrates from site characterization and site assessment activities expected to take place after issuance of a single OCS wind energy lease and 18 OCS wind energy leases in the GOM Call Area would range from **negligible** to **minor** because the activities could result in transient/short-term, small, and localized impacts to fish and invertebrates. Bottom disturbance from geotechnical surveys, biological sampling methods, and buoy installation could disturb benthic habitats, which in turn could impact fish and invertebrates that rely on these habitats. With BOEM's commitment to the application of protective measures that would require the avoidance of hard bottom habitats from bottom-disturbing activities associated with site characterization and site assessment activities, impacts from a single OCS wind energy lease and 18 OCS wind energy leases would be **negligible**. The impacts of site characterization and site assessment activities for a single OCS wind energy lease issuance and 18 OCS wind energy leases compared to the cumulative impacts in the GOM would also be **negligible** with protections put into place to distance these activities from hard bottom habitats.

2.3.5 Marine Mammals

Noise and strikes and collisions from site characterization and site assessment activities could impact marine mammals. Water-transmitted noise can cause behavioral responses (e.g., avoidance maneuvers), disturbance, masking of sounds, physiological responses (e.g., stress), and hearing impairment (temporary threshold shift or permanent threshold shift) on marine mammals. Strikes and collisions from the Proposed Action that have the potential to affect marine mammals include vessel strike and entanglement, which can result in death. In order to reduce impacts to marine mammals

from site characterization and site assessment activities, BOEM commits to protective measures including (1) the monitoring of the sea surface for protected species, including marine mammals, during vessel transit; (2) the delay of acoustic source activation that is within the hearing range of marine mammals when they are detected nearby; (3) the requirement that lessees implement trash awareness programs that would reduce the amount of trash and debris entering the marine environment; and (4) the review of equipment design and monitoring to reduce the potential for entanglement. Operators are required to perform site characterization and site assessment activities in accordance with all applicable stipulations in the lease, including those resulting from consultations required under other Federal statutes (refer to Appendix H of the Final EA). With the application of protective measures and due to the small footprint and short duration of the proposed activities, the impacts to marine mammals from site characterization and site assessment activities are anticipated to range from **negligible** to **minor** for both a single OCS wind energy lease and 18 OCS wind energy leases. When compared to the cumulative impacts occurring in the GOM, the impacts of site characterization and site assessment activities on marine mammals would be **negligible** because of the application of the protective measures; the scope, timing, and short-term nature of the proposed activities; and the wide range of marine mammal movements and distribution in the GOM. BOEM will work with lessees to reduce impacts to marine mammals and require the use of the best available mooring systems to prevent, or reduce to discountable levels, any potential entanglement or entrainment of marine mammals. BOEM will review each buoy design to ensure that reasonably low-risk mooring designs are used.

2.3.6 Sea Turtles

Bottom disturbance, noise, unintentional releases to the environment, and strikes and collisions from site characterization and site assessment activities could impact sea turtles. The Proposed Action can cause direct bottom disturbance and increases in turbidity that would be localized and temporary and have the potential to cause a behavior response in sea turtles and displace prey. Noise impacts from acoustic sources and vessels could result in behavior responses, such as avoidance or disturbed feeding, or acoustic masking. Unintentional releases to the environment may impact sea turtles in the immediate vicinity of a spill because they may be exposed to hydrocarbons and acute exposure injury may occur. In addition, the accidental release of trash and debris can be ingested by sea turtles. Collisions with commercial and recreational vessels can cause sea turtle mortalities. Entanglement could occur from biological survey activities such as trawling or passive sampling devices. In order to reduce impacts to sea turtles from site characterization and site assessment activities, BOEM commits to protective measures including (1) the requirement to avoid sensitive benthic habitat during surveys and met buoy installation; (2) monitoring for sea turtles close to survey vessels and the delay of acoustic source activation that is within the hearing range of the sea turtles when the turtles are detected nearby; (3) requiring that lessees implement trash awareness programs that would reduce the amount of trash and debris entering the marine environment; (4) requiring the lessee to monitor the sea surface for protected species, including sea turtles, during vessel transit; and (5) the review of equipment design and monitoring to reduce the potential for entanglement. Operators are required to perform site characterization and site assessment activities in accordance with all applicable stipulations in the lease, including those resulting from consultations

required under other Federal statutes (Appendix H of the Final EA). With the application of protective measures and due to the small footprint and short duration of the proposed activities, the impacts to sea turtles from site characterization and site assessment activities are anticipated to be **negligible** for both a single OCS wind energy lease and 18 OCS wind energy leases. When compared to the cumulative impacts, the impacts from site characterization and site assessment activities expected to take place after issuance of a single OCS wind energy lease and 18 OCS wind energy leases on sea turtles would be **negligible**, with BOEM's commitment to the application of protective measures, and because the small contribution of activity from site characterization and site assessment activities is much less than those attributed to the cumulative stressors. BOEM will work with lessees to reduce impacts to sea turtles and require the use of the best available mooring systems to prevent, or reduce to discountable levels, any potential entanglement or entrainment of sea turtles. BOEM will review each buoy design to ensure that reasonable low-risk mooring designs are used.

2.3.7 Cultural, Historic, and Archaeological Resources

Site characterization and site assessment activities disturb the seafloor and, therefore, have the potential to impact historic properties located on or below the seafloor. However, these potential impacts can be reduced to **negligible** for the issuance of a single OCS wind energy lease and 18 OCS wind energy leases through BOEM's commitment to requiring a lessee to conduct geophysical surveys consistent with the "Guidelines for Providing Archaeological and Historic Property Information Pursuant to 30 CFR Part 585" prior to conducting geotechnical and biological sampling, and if a potential offshore historic property is identified, the lessee would be required to avoid it. In addition, to comply with the National Historic Preservation Act and other relevant laws, the SAP must contain a description of the historic properties that could be affected by the activities proposed in the plan (30 CFR § 585.611(a) and 30 CFR § 585.611(b)(6)). Should the pre-installation geophysical surveys reveal the possible presence of an archaeological site in an area that may be affected by activities proposed in an SAP, BOEM hereby commits to requiring the lessee to avoid the potential site or to demonstrate through additional investigations that an archaeological resource either does not exist or would not be adversely affected by the seafloor/bottom-disturbing activities. When compared to the cumulative impacts of activities expected to take place after issuance of a single OCS wind energy lease and 18 OCS wind energy leases on cultural, historic, and archaeological resources, impacts from site characterization and site assessment activities would be **negligible** with BOEM's commitment to the application of protective measures because potential sensitive sites would be avoided.

2.3.8 Other Resources Analyzed

This EA also analyzed the effects of the Proposed Action on water quality, pelagic communities and habitats, birds, bats, land use and coastal infrastructure, commercial fisheries, recreational fishing, recreation, environmental justice, and demographics and employment. The effects of the Proposed Action on these resources were determined to be **none** to **negligible**.

2.4 EFFECTS OF THE ACTION

I have considered the following in my evaluation of the degree of the effects (40 CFR § 1501.3(b)(2)) from site characterization and site assessment activities expected to follow the issuance of up to 18 commercial and research wind leases, the issuance of potential ROWs and RUEs associated with each lease, and the issuance of grants for subsea cable corridors and associated offshore collector/converter platforms, and the approval of SAPs.

2.4.1 Short-term and Long-term Effects

The EA considered the Proposed Action's potential contribution to impacts when combined with other past, present, and reasonably foreseeable activities for the GOM Call Area. The EA effects analyses indicate that the Proposed Action is not reasonably anticipated to produce significant impacts nor is it anticipated to combine with the effects of other activities such that the incremental effects of the action result in significant impacts.

2.4.2 Beneficial and Adverse Effects

Potential adverse effects of the Proposed Action to air quality; coastal communities and habitats; benthic communities and habitats; fish and invertebrates; marine mammals; sea turtles; and cultural, historic, and archaeological resources are expected to occur at negligible to minor levels. Significant adverse effects are not anticipated for any resource. Absent exceptional circumstances, the relative minor and short-term greenhouse gas emissions associated with site characterization and site assessment activities are a small component of the overall construction of offshore wind projects and contribute only minor emissions. Therefore, the level of adverse and beneficial effects of the Proposed Action does not render the potential impacts significant.

2.4.3 Effects on Public Health and Safety

Within its environmental analysis, BOEM considered the distance of the Proposed Action from local communities, potential effects of anticipated discharges and emissions, and the potential for the Proposed Action to interfere with subsistence activities. Due to the nature and location of the Proposed Action, it is expected to have little to no effect on public health or safety. Therefore, the degree to which the Proposed Action may affect public health or safety does not render the potential impacts significant.

2.4.4 Effects That Would Violate Federal, State, Tribal, or Local Law Protecting the Environment

There is no indication that the Proposed Action would threaten a violation of Federal, State, or local law or requirement imposed for the protection of the environment. No substantial disputes about the environmental consequences of such surveys are evident from the scientific literature, past analyses of similar activities in the GOM Call Area, or the present EA. Therefore, the effects of the Proposed Action are not highly controversial. Additionally, any BOEM authorizations that result from the Proposed Action would require that lessees receive all appropriate Federal, State, and other

permits. Therefore, the degree to which the Proposed Action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment does not render the potential impacts significant.

2.5 FINDING OF NO SIGNIFICANT IMPACT

BOEM has considered the evaluation of the potential effects of the Proposed Action and has chosen Alternative C as the Preferred Alternative, which will result in the avoidance of sensitive benthic habitat by not leasing the Topographic Features Stipulation blocks. BOEM has determined that the Proposed Action would not cause any significant impacts and that implementing the Proposed Action does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969.

AGATHA-MARIE KALLER

Digitally signed by AGATHA-MARIE KALLER
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