

FINDING OF NO SIGNIFICANT IMPACT
Wind Energy Research Lease on the Atlantic Outer Continental Shelf (OCS)
Offshore Maine

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) to determine whether the issuance of a research lease offshore Maine would have a significant effect on the environment and whether an environmental impact statement (EIS) must, therefore, be prepared.

BOEM’s environmental analysis was limited to the effects of lease issuance, including site characterization (i.e., surveys of the lease area and potential cable routes), and site assessment activities (i.e., placement of a meteorological ocean buoy within the lease, if issued) within the research lease area offshore Maine. BOEM received a research lease application from the State of Maine on October 1, 2021. BOEM subsequently issued a request for competitive interest on August 19, 2022 and determined there was no competitive interest on March 20, 2023.

On May 4, 2023, BOEM published a *Notice of Intent to Prepare an Environmental Assessment for a Wind Energy Research Lease on the Atlantic Outer Continental Shelf Offshore Maine* (88 FR 28611) for a 30-day comment period. On July 21, 2023, BOEM published a *Notice of Availability of a Draft Environmental Assessment for a Wind Energy Research Lease on the Atlantic Outer Continental Shelf Offshore Maine* (88 FR 47172) (the “Draft 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-2023-0042. During the comment period, BOEM held two virtual public meetings to provide an overview of the Draft EA, solicit public comment, and discuss next steps in the environmental review and leasing processes. BOEM revised the Draft EA to address comments received during the public comment period and public meetings and to incorporate the results of consultations. Section 1.4 of the Final EA includes a summary of changes made since the Draft EA. Appendix F of the Final EA summarizes and provides BOEM’s responses to comments received during the public scoping period and on the Draft EA. This finding is accompanied by and cites the Final EA.

ENVIRONMENTAL ASSESSMENT

The purpose of the Proposed Action is to issue a wind energy research lease on the OCS of the Gulf of Maine. BOEM’s issuance of this lease is needed to (1) to confer upon the lessee the exclusive right to submit a site assessment plan (SAP) and a research activities plan (RAP) to BOEM for potential development, such that the lessee will commit to site characterization and site assessment activities necessary to determine the suitability of its lease and potential future project easements for offshore wind production and/or transmission and develop plans for BOEM’s review; and (2) to impose terms and conditions intended to ensure that site assessment and site characterization activities are conducted in a safe and environmentally responsible manner.

The Proposed Action for this EA is the issuance of a wind energy research lease in support of wind energy development in the Gulf of Maine. Issuance of the research lease would only allow for the submittal of an SAP and an RAP for BOEM's consideration and approval, which does not constitute an irreversible and irretrievable commitment of resources. Therefore, BOEM's environmental analysis focuses on the effects of site assessment and site characterization activities that are expected to take place after the issuance of the wind energy research lease. The Proposed Action would result in site assessment activities within the lease and site characterization activities within and around the lease and potential future project easements. Site assessment activities may include the temporary placement of a meteorological ocean buoy. Site characterization activities may include geophysical and geotechnical (G&G), biological, and archaeological surveys and monitoring activities. The State of Maine provided information about planned site assessment and site characterization activities including the general location, timing, and frequency of the activities and the types of equipment and vessels likely to be used. BOEM would require the lessee to avoid or minimize potential impacts on the environment by complying with standard operating conditions (SOCs) and mitigation.

In addition to the Proposed Action, BOEM considered a No Action Alternative. Under the No Action Alternative, BOEM would not issue a wind energy research lease to the State of Maine and site assessment activities would not occur within the leased area of the Gulf of Maine. Although some site characterization surveys (e.g., geological, geophysical, biological, and archaeological surveys conducted on unleased or ungranted areas of the OCS) do not require BOEM approval and could still be conducted under the No Action Alternative, these activities are less likely to occur without a research lease.

BOEM's preferred alternative is the Proposed Action. The Proposed Action is generally anticipated to have greater environmental consequences than the No Action Alternative. 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 3.2 of the Final EA.

BOEM has identified SOCs and mitigation to reduce or eliminate the potential risks to or conflicts with specific environmental resources (Section 5 and Appendix D of the Final EA). These SOCs and mitigation were developed through the analyses presented in Section 3 of the Final EA and through consultations with other federal agencies (Section 6 of the Final EA). If the research lease is issued, BOEM will require the lessee to comply with the SOCs and mitigation through lease stipulations and/or as conditions of SAP and RAP approval. A brief summary of the key SOCs and mitigation listed in Appendix D of the Final EA are 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 Project Design Criteria and Best Management Practices for ESA-listed species, as established through consultation with the National Marine Fisheries Service (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, coordinate a tribal pre-survey meeting, implement monitoring and avoidance measures, and take appropriate actions in the event of discovery of an unanticipated potential archaeological resource. BOEM's November 2023 *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 undertaking will not adversely affect historic properties (Section 6.2.4 of the Final EA).

- Section 4 lists avian and bat survey and reporting requirements, including specifications for lighting, installation of Motus wildlife tracking stations, bird deterrents, annual and incident reporting, and data sharing.
- Section 5 lists fishery monitoring conditions, including best practices for types, use, and marking of fishing gear to minimize the potential for entanglement of ESA-listed species or mortality in traps, requirements for reporting and recovery of survey gear, mandatory equipment and training for personnel conducting surveys, and detailed protocols for any interactions with ESA-listed species.
- As referenced in Final EA Section 5, Table 5-1, Appendix A of the biological assessment prepared for NMFS contains Project Design Criteria and Best Management Practices 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; exclusion and monitoring zones; sound source verification, ramp up, soft start, and shutdown procedures; visibility, seasonal, and frequency-dependent restrictions for various activities; and multiple reporting requirements.

Environmental Consequences of the Proposed Action

The Final EA considers reasonably foreseeable environmental consequences of routine and non-routine activities associated with issuance of a wind energy research lease and related site assessment and site characterization activities within and around the lease and potential future project easements.

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). 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. When considered in combination with other ongoing and planned activities, the Proposed Action's contribution to cumulative impacts would not result in significant impacts on marine ecosystem condition or function (due to biological, physical, or chemical changes), the livelihood of coastal communities that rely on marine resources (due to impacts on commercial fisheries), or other social uses (such as marine mineral or military use) (Section 4 of the Final EA). Moreover, the Proposed Action would facilitate the gathering of information related to seafloor conditions, biological data, and wind speeds necessary to successfully determine the feasibility of the lease area for research.

Primary issues of concern identified through preparation of the EA, analysis of public comments, and agency consultations were impacts on benthic resources, ESA-listed species, navigation and vessel traffic, and commercial and recreational fishing.

The impacts from site characterization and site assessment activities on benthic resources in the research lease area are expected to be negligible even without mitigation because the maximum area affected by geotechnical investigations, benthic sampling, bottom and lobster trawl surveys, installation of the one buoy, and vessel anchoring would be small, with no population-level effects anticipated (Section 3.3.3 of the 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 entanglement, and are expected to be negligible to minor impacts depending on the species and location of activities (Sections 3.3.4, 3.3.5, and 3.3.6 of the Final EA). The likelihood of a vessel strike or entanglement as a result of the Proposed Action is considered very low given the expected limited total extent and duration of activities considered. On May 17, 2024, BOEM received concurrence from NMFS on BOEM's determination that the impacts of the Proposed Action are expected to be discountable and insignificant and thus not likely to adversely affect ESA-listed species or critical habitats. This determination was reached after coordination with NMFS and the State of Maine to modify the Proposed Action to minimize risks of entangling ESA-listed species. Between the Draft and Final EA, the Proposed Action was modified to remove gillnet surveys and limit trawl surveys to water depths of 197 feet (60 meters) or more, and to remove the use of vertical line lobster traps.

Additionally, on May 15, 2024, BOEM received concurrence from USFWS on BOEM's determination that the impacts of the Proposed Action are expected to be discountable and insignificant and thus not likely to adversely affect ESA-listed bird and bat species or critical habitats.

BOEM characterizes impacts on navigation and vessel traffic from site characterization and site assessment activities to be negligible to minor depending on the location selected for installation of the buoy and the United States Coast Guard's final rulemaking for the recommended Portland Eastern Approach Fairway (Section 3.3.8 of the Final EA). Installation of the buoy and survey vessel traffic occurring within the existing Portland Eastern Approach Traffic Separation Scheme and recommended Fairway presents the potential for space-use conflicts between ongoing vessel traffic and the additional vessel traffic and buoy related to the Proposed Action. Should the research lease and associated site assessment and site characterization activities be located outside of the existing Portland Eastern Approach Traffic Separation Scheme and recommended Fairway, impacts are expected to be negligible because areas outside of these designated navigational use areas are less likely to be used for maneuvering of shipping vessels. Similarly, impacts on commercial and recreational fishing under the Proposed Action are expected to be minor based on multiple factors, including the low level of vessel traffic activity associated with site characterization and site assessment activities relative to existing traffic, the fact that a single buoy would be installed over a relatively large geographic area, and the relatively small spatial area and limited duration of sound produced from routine activities and events (Section 3.3.9 of Final EA).

BOEM weighed comments from the public and interested parties, consultations, and information received through BOEM's outreach efforts in reaching its finding. BOEM finds that the issuance of a wind energy research lease within the proposed lease area offshore Maine and related site characterization and site assessment activities would have no significant impact on the environment. As a result, it is not necessary for BOEM to prepare of an EIS in order to issue a wind energy research lease offshore Maine.

SUPPORTING DOCUMENTS

The Final EA and consultation documents support this finding of no significant impact and are available upon request or at www.boem.gov. Key NEPA and consulting documents used to inform this finding are listed below. Please refer to the Final EA for full documentation.

- Comments received in response to the August 19, 2022 Request for Competitive Interest (87 FR 51134; Docket No. BOEM-2022-0041).
- Comments received in response to the May 4, 2023 Notice of Intent to prepare the EA (88 FR 28611; Docket No. BOEM-2023-0031-0002).
- Comments received in response to the July 19, 2023 Notice of Availability of a Draft EA for the Wind Energy Research Lease (88 FR 47172; Docket No. BOEM-2023-0042).
- Discussions and exchange of information through Intergovernmental Renewable Energy Task Force meetings between 2019 and 2023, as documented in meeting summaries available on BOEM’s website: <https://www.boem.gov/renewable-energy/state-activities/maine/gulf-maine>.
- *National Environmental Policy Act Documentation for Impact-producing Factors in the Offshore Wind Cumulative Impacts Scenario on the North Atlantic Continental Shelf* (Avanti Corporation, Industrial Economics, Inc. 2019; OCS Study BOEM 2019-036).
- *Programmatic Environmental Impact Statement for Alternative Energy Development and Production and Alternate Use of Facilities on the Outer Continental Shelf* (Minerals Management Service 2007; OCS EIS/EA MMS 2007-046).
- Completed consultations with the Bureau of Safety and Environmental Enforcement, United States Fish and Wildlife Service, NMFS, United States Department of Defense, National Park Service, United States Coast Guard, the Maine State Historic Preservation Office, federally recognized tribes, and the coastal programs of Massachusetts, New Hampshire, and Maine.
- *Wind Energy Research Lease on the Atlantic Outer Continental Shelf Offshore Maine Biological Assessment for the National Marine Fisheries Service* (BOEM 2023).
- *Wind Energy Research Lease on the Atlantic Outer Continental Shelf Offshore Maine Essential Fish Habitat Assessment for the National Marine Fisheries Service* (BOEM 2023).
- *Wind Energy Research Lease on the Atlantic Outer Continental Shelf Offshore Maine Biological Assessment for the United States Fish and Wildlife Service* (BOEM 2023).
- Conditions of Construction and Operations Plan Approval for Lease Number OCS-A 0517 (BOEM 2022; South Fork Wind Farm and South Fork Export Cable Project).

Effects of the Action

As directed by 40 CFR 1501.3(b)(2)), I have considered the following in my evaluation of the degree of the effects from the issuance of a wind energy research lease in support of wind energy development in the Gulf of Maine:

1. Short- 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 that overlap both spatially and temporally within the Gulf of Maine. 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 would result in significant impacts.

2. Beneficial and Adverse Effects

Potential adverse effects of the Proposed Action to benthic resources; commercial and recreational fishing; finfish, invertebrates, and EFH; marine mammals; and sea turtles are expected to occur at negligible to minor levels. Significant adverse effects are not anticipated for any resource. Therefore, the level of adverse and beneficial effects of the Proposed Action does not render the potential impacts significant.

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.

4. Effects that Would Violate Federal, State, Tribal, or Local Law Protecting the Environment

There is no indication that the Proposed Action, if approved, 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 the proposed site assessment and characterization activities are evident from the scientific literature, past analyses of similar activities on the Atlantic OCS, or the present EA. The effects of the Proposed Action are, therefore, 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.

Finding of No Significant Impact

BOEM has considered the evaluation of the potential effects of the Proposed Action and 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.

Jessica Stromberg
Chief, Environment Branch for Renewable Energy
Office of Renewable Energy Programs

Date