Finding of No Historic Properties Affected
for the
Issuance of a Research Lease within the Gulf of Maine
on the Atlantic Outer Continental Shelf Offshore Maine

November 2, 2023

Finding

The Bureau of Ocean Energy Management (BOEM) made a Finding of No Historic Properties Affected (Finding) for this undertaking, pursuant to Section 106 of the National Historic Preservation Act (NHPA) (54 U.S. Code [USC] 306108) and 36 Code of Federal Regulations (CFR) § 800.4(d)(l) of the Section 106 regulations, "Protection of Historic Places." The Finding will be met through BOEM's inclusion of lease stipulations, requiring the lessee to identify any potential historic properties identified through their high-resolution geophysical (HRG) surveys and, if identified, avoid such areas during bottom-disturbing activities associated with site assessment and characterization activities.

Documentation in Support of the Finding

I. Description of the Undertaking

Summary

This document describes BOEM's compliance with Section 106 of the NHPA and documents the agency's Finding for the undertaking of issuing a research lease within the Gulf of Maine. BOEM has prepared this documentation in support of the Finding, following the standards outlined in 36 CFR § 800.11(d) (Documentation Standards). This Finding and supporting documentation has been provided to the entities that have agreed to be consulting parties for the undertaking (see the *Consultation with Appropriate Parties and the Public* section below). This Finding and supporting documentation was made available for public inspection by placement on BOEM's public website prior to the bureau approving the undertaking.

Federal Involvement

The Energy Policy Act of 2005, Pub. L. No. 109-58, added Section 8(p)(l)(C) to the Outer Continental Shelf (OCS) Lands Act (OCSLA). This new section authorized the Secretary of the Interior to issue leases, easements, or rights-of-way on the OCS for the purpose of renewable energy development, including wind energy development (see 43 USC § 1337[p][l][C]). The secretary delegated this authority to the former Minerals Management Service, now BOEM. Final regulations implementing the authority for renewable energy leasing under the OCSLA (30 CFR Part 585) were promulgated on April 22, 2009.

On May 3, 2023, BOEM announced the publication of the Gulf of Maine's Notice of Intent to prepare an Environmental Assessment (EA) for a wind energy research lease on the Atlantic OCS offshore Maine, pursuant to 30 CFR § 585.211(a) (Appendix A). BOEM has determined that the issuance of this research lease and resulting site assessment and characterization activities in and around the lease area, and between the lease area and the shoreline, constitute an undertaking subject to Section 106 of the NHPA (54 USC § 306101) (NHPA Section 106) and its implementing regulations (36 CFR 800). BOEM will serve as the lead federal agency for the NHPA Section 106 review.

Description of the Research Lease Area

The research lease area consists of one area designated within the Gulf of Maine (Figure 1). The research lease area covers a total of 68,320 acres (276 square kilometers) located approximately 19 nautical miles (35.2 kilometers) from the nearest shoreline.

The Undertaking

The undertaking is the issuance of a wind energy research lease in support of wind energy development in the Gulf of Maine and associated site assessment activities and site characterization activities. Within the research lease area, BOEM would issue a research lease not to exceed 10,000 acres (40.5 square kilometers). The research lease would not authorize any activities on the U.S. OCS but would result in site assessment activities (i.e., placement of a floating light detection and ranging (FLiDAR) buoy) within the lease area and site characterization activities (i.e., geophysical and geotechnical, biological, and archaeological surveys and monitoring activities) within and around the lease area and potential future project easements. Issuance of the research lease would also give the State of Maine the exclusive right to submit a detailed site assessment plan (SAP) and a research activities plan (RAP) for wind energy–related research activities offshore Maine. A lessee must submit the results of site characterization surveys with their plans (e.g., 30 CFR § 585.610, § 585.626, and § 585.645). Although BOEM does not issue permits or approvals for these site characterization activities, it will not consider approving a lessee's plan if the required survey information is not included.

Site characterization activities include both HRG surveys, which do not involve seafloor-disturbing activities, and geotechnical investigations, benthic sampling, and bottom and lobster trawl surveys which may include seafloor-disturbing activities. Retrieval of lost equipment may occur, as necessary. The purpose of the HRG survey is to acquire shallow hazards data, identify potential archaeological resources, characterize seafloor conditions, and conduct bathymetric charting. BOEM anticipates that the HRG surveys would be conducted using the following equipment: multibeam echosounder, side-scan sonar, parametric sub-bottom profiler, magnetometer, and ultrahigh-resolution seismic imaging systems. This equipment does not come in contact with the seafloor and is typically towed from a moving survey vessel that does not require anchoring. BOEM does not consider the HRG survey to be an activity that has the potential to cause effects on historic properties. This activity is not considered further in this Finding.

Geophysical surveys and most biological surveys and monitoring would not create bottom disturbance, and therefore no impacts would be expected on submerged cultural resources during routine surveys of these types. Subsurface geotechnical investigations, benthic sampling, bottom and lobster trawl surveys, installation of the FLiDAR buoy, and vessel anchoring would result in small, localized disturbances of the seabed. BOEM's Guidelines for Providing Archaeological and Historic Property Information Pursuant to 30 CFR Part 585 state that a qualified marine archaeologist should design and interpret the results of geophysical surveys before bottom disturbance occurs (BOEM, 2020). Consequently, submerged cultural resources would be avoided during site assessment and site characterization activities. The undertaking does not, however, include cable installation or a connection to shore-based facilities or consideration of commercial-scale wind energy facilities.

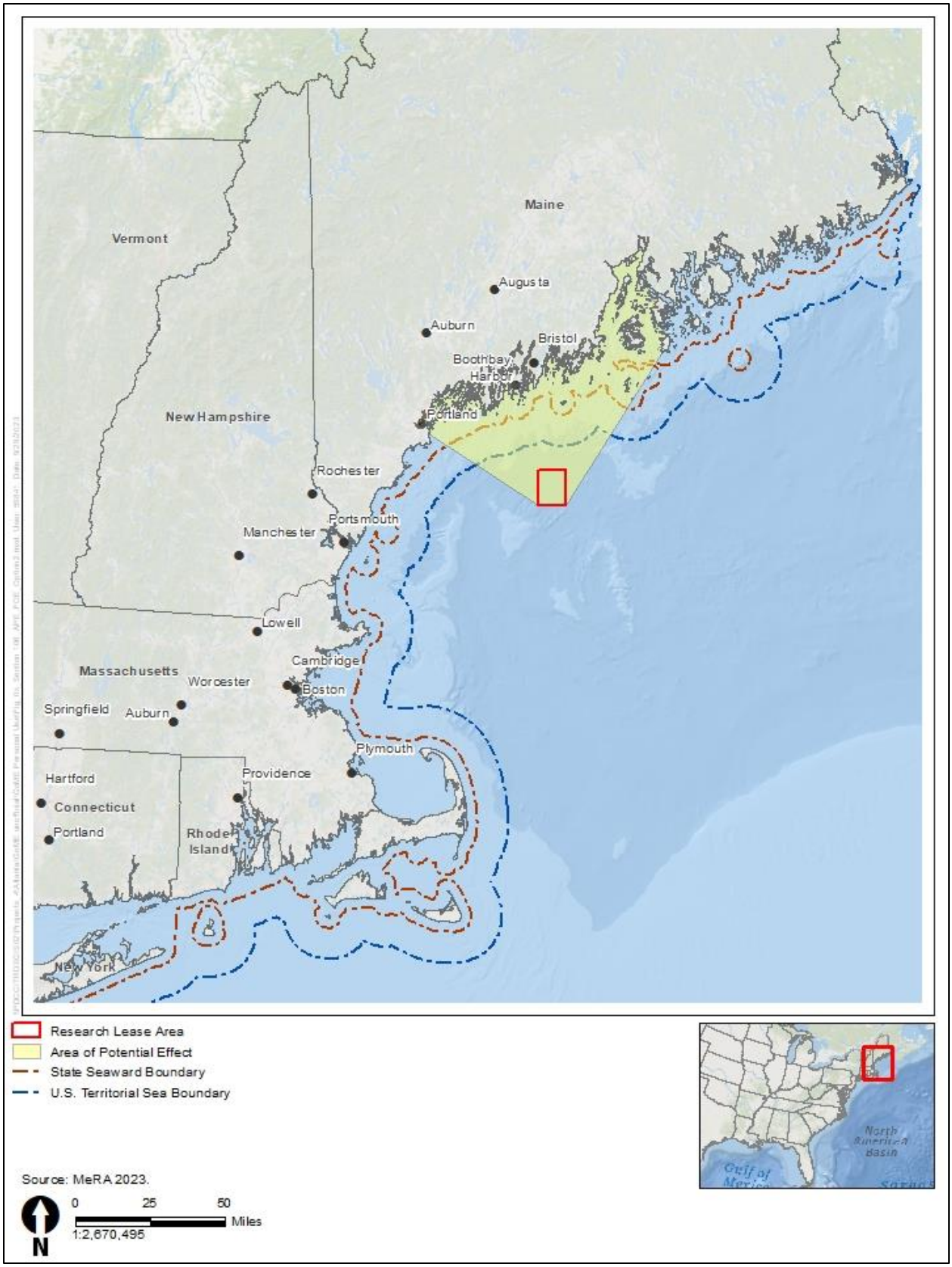

Figure 1. The Gulf of Maine Research Lease Area

Area of Potential Effects

As defined in the Section 106 regulations (36 CFR § 800.16[d]), the Area of Potential Effects (APE) is the geographic area, or areas, within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The dimensions of the APE are influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

The APE for this undertaking is defined as the depth and breadth of the seabed that could be affected by seafloor-/ground-disturbing activities associated with site assessment and characterization activities. The APE for site assessment and characterization activities includes the discrete horizontal and vertical areas of the seafloor that may directly affect historic properties on or below the seafloor, if present. These activities include subsurface geotechnical investigations, benthic sampling, bottom and lobster trawl surveys, installation of the FLiDAR buoy, and vessel anchoring.

Site assessment activities may include the temporary placement (i.e., deployment, maintenance, and decommissioning) of a FLiDAR buoy within the research lease area. Site characterization activities could occur within the research lease area and within potential future project easements between the lease and the shoreline to evaluate potentially suitable locations for future installation of submarine export cables and wet storage of wind turbine generators prior to installation. The locations of potential future project easements are unknown at this time and would be informed by information gathered through site characterization surveys.

The presence of the FLiDAR buoy is expected to result in negligible impacts on onshore historic properties because its visibility from onshore locations would be temporary (lasting approximately 2 years) and indistinguishable from lighted vessel traffic if visible from distances at least 19 nm (35 km) away. Potential increased vessel traffic associated with site characterization surveys also would be temporary in nature. These vessels would be indistinguishable from existing vessel traffic and only result in a nominal increase in existing vessel traffic over the approximately 6-year span of activities. Therefore, BOEM has not defined, as part of the APE, onshore areas from which the site characterization activities would be visible. In addition, there is no indication that the issuance of a research lease and subsequent site characterization will involve expansion of existing port infrastructure. Consequently, the APE for this specific undertaking does not include onshore areas.

Consultation with Consulting Parties and Public Involvement

On October 1, 2021, BOEM received an application from the State of Maine for a research lease, requesting 9,700 acres on the OCS in a location more than 20 nautical miles off the Maine coast. On August 19, 2022, BOEM published a Request for Competitive Interest for the Gulf of Maine in the *Federal Register* for a 45-day public comment period. On March 20, 2023, BOEM published the Notice of Determination of No Competitive Interest in a Proposed Research Lease Area on the Gulf of Maine Outer Continental Shelf (88 *Federal Register* 16662). BOEM's determination means that the bureau could move forward to process the State of Maine's research application. On May 4, 2023, BOEM released a Notice of Intent to prepare an EA for a wind energy research lease on the Atlantic OCS offshore Maine in the *Federal Register*. The publication opened a 30-day public comment period, which closed on June 5, 2023. On July 21, 2023, the Notice of Availability for the Draft EA for the proposed Gulf of Maine research lease was published in the

Federal Register. BOEM engaged with stakeholders through virtual public meetings held on August 1 and 3, 2023. The public comment period for the Draft EA closed on August 21, 2023.

Comment letters pertaining to Section 106 and National Environmental Policy Act consultation requirements in developing best management practices to avoid, minimize, or mitigate any potential adverse effects on cultural resources were received from three entities. Comments from the New England Offshore Wind Coalition received during scoping includes: "Consult with federally recognized Tribes in Maine, New Hampshire, and Massachusetts to obtain information on submerged burial and cultural sites that might be impacted by the leasing activities should BOEM decide to issue the research lease", and during the draft EA comment period "Additionally, we appreciate BOEM's noted consultation with federally recognized tribes in New England to obtain information on cultural, historical, and archaeological resources that might be impacted by the leasing activities should BOEM decide to issue the research lease. We are glad to see that the EA describes negligible impacts on cultural, historical, and archaeological resources, and we want to highlight the importance of appropriate avoidance strategies to ensure that these impacts remain negligible. We encourage BOEM to continue consulting thoroughly with federally recognized tribes and adjust its consultation strategies as informed by ongoing feedback from these groups."

During the scoping period, The National Resources Defense Council commented: "Tribal nations must be engaged from the very start – before Call Area identification. Tribes are sovereign governments recognized as self-governing under federal law, and the U.S. government has a 'trust responsibility' to those tribes. The federal government has special fiduciary obligations to protect Native resources and uphold the rights of Indigenous peoples to govern themselves on tribal lands. In carrying out this duty, federal officials are 'bound by every moral and equitable consideration to discharge the federal government's trust with good faith and fairness'. Acting in accord with these trust responsibilities requires nation-to-nation consultation from the first opportunity. This should occur pursuant to Section 106 of the National Historic Preservation Act, but in order to ensure that Tribal voices and concerns are heard, engagement should take place at the earliest possible time regardless of whether a consultation duty has yet been triggered under Section 106. It is also important that all Tribes, regardless of sovereignty status, are meaningfully consulted as well and that their concerns are accounted for in the offshore wind planning process."

During the scoping period, a letter from the Passamaquoddy Tribe commenting "Finally, the Passamaquoddy Tribe respectfully requests that if the Bureau of Ocean Energy Management grants this research lease, it prepare an Environmental Impact Statement before the proposed project may be constructed. It is likely that the proposed action will significantly affect the quality of the human environment; therefore an Environmental Assessment would be insufficient to review the proposed project under the requirements of the National Environmental Policy Act (NEPA) of 1969, as amended. The Bureau of Ocean Energy Management regularly prepares Environmental Impact Statements for the construction and operation of offshore wind energy sites, and this site should be treated no differently."

BOEM initiated Section 106 consultation for the undertaking of issuing a research lease within the Gulf of Maine by sending an invitation letter on June 29, 2023, and email, including an electronic copy of the letter on July 12, 2023. BOEM sent this letter to the Maine State Historic Preservation Office (SHPO) and the following federally recognized tribes: Houlton Band of Maliseet Indians, Mi'kmaq Nation, Passamaquoddy Tribe of Indians-Indian Township Reservation, Passamaquoddy Tribe of Indians-Pleasant Point Reservation, and Penobscot Indian Nation. BOEM sent a copy of

the Section 106 consultation letter on July 25, 2023, including an electronic copy of the letter by email to six additional federally recognized tribes: Wampanoag Tribe of Gay Head (Aquinnah), Narragansett Indian Tribe, Mashantucket (Western) Pequot Tribal Nation, Shinnecock Indian Nation, Mohegan Tribe of Connecticut, and Mashpee Wampanoag Tribe.

A list of potential Section 106 consulting parties for the undertaking was developed that included certified local governments, historical preservation societies, museums, and State-recognized tribes. A Section 106 consultation invitation letter was sent on June 23, 2023, to 100 individuals on the list of potential Section 106 consulting parties, informing them about the undertaking and inviting them to be an NHPA Section 106 consulting party to the project (Appendix A). A follow-up email with an electronic copy of the letter was sent to the consulting parties on June 27, 2023. These letters, in part, solicited consulting party comment and input regarding the identification of historic properties as well as the potential effects on historic properties from leasing and site assessment activities for the purpose of obtaining public input for the Section 106 review (36 CFR § 800.2[d][3]) and determining their interest in participating as a consulting party (Appendix A). BOEM received requests to become consulting parties from 14 entities. BOEM shared this Finding in draft form with the consulting parties on September 29, 2023 for a 30-calendar day review period Further, BOEM posted this draft Finding on BOEM's webpage and the agency did not receive any public comments.

BOEM received concurrence on this Finding from the Maine SHPO via letter on October 24, 2023 (Appendix B). BOEM also received a response from the Naval History and Heritage Command agreeing with the finding on October 10, 2023. No other comments were received on this Finding. Per 40 CFR § 800.4(d)(1)(i), "If the SHPO/Tribal Historic Preservation Office, or the Council if it has entered the Section 106 process, does not object within 30 days of receipt of an adequately documented finding, the agency official's responsibilities under Section 106 are fulfilled."

II. Description of the Steps Taken to Identify Historic Properties

BOEM has determined that separate Section 106 consultations including the identification and evaluation of historic properties, assessment of effects, and, if necessary, the resolution of adverse effects will be conducted at different stages of this lease. These Section 106 consultations will occur prior to issuing this lease and prior to approval/approval with conditions or disapproval of a SAP and RAP.

Based on the nature and scale of this undertaking (issuing a research lease) with no or minimal potential to affect historic properties, BOEM has determined that the agency will meet the reasonable and good faith effort requirements for the identification and evaluation of historic properties through the evaluation of existing databases and reports identifying potential or non-potential historic properties and consultation with the federally recognized Tribes, the Maine SHPO and consulting parties. BOEM has reviewed existing and available information regarding historic properties that may be present within the APE, including any data concerning possible historic properties not yet identified. Sources of this information include consultation with the appropriate parties, including the Maine SHPO, and information gathered through BOEM-funded studies.

Relevant BOEM studies include a review of reported shipwrecks in BOEM's Atlantic Shipwreck Database (BOEM 2021). The study compiles information on reported shipwrecks in the Atlantic Shipwreck Database and, additionally, models the potential for pre-European contact sites, based

on reconstruction of sea-level rise, human settlement patterns, and site formation and preservation conditions. BOEM's Atlantic Shipwreck Database does not represent a complete listing of all potential shipwrecks on the Atlantic OCS but, rather, serves as a baseline source of existing and available information for the purposes of corroborating and supporting identification efforts.

To date, the research lease area has not been subjected to a complete and comprehensive archaeological identification survey; however, the only type of historic property expected to be present within the APE would be a previously unknown shipwreck site.

Pre-contact Historic Properties

Approximately 12,500 years ago, sea-levels were about 60 m below present, the lowest sea-levels during human habitation of the Gulf of Maine (Kelley et al. 2012). The research lease area location is deeper than 60 m and would have been completely submerged throughout human habitation.

Based on the present understanding of the archaeological record, early human populations developed distinct cultures and lifeways, corresponding with three broadly construed periods defined by archaeologists as Paleoindian (circa 14,500 to 10,000 B.P.), Archaic (10,000 to 3000 B.P.), and Woodland (3000 B.P. to 400 B.P.). Paleoindian society was semi-nomadic within a defined territory (TRC 2012), using a broad spectrum of plants and animals for subsistence. The Paleoindian period was a time of slowly moderating climate, with cooler temperatures, increased precipitation, and rapid sea-level rise. Several episodes of melting occurred (up to 11,000 B.P.) as a result of the North American ice sheet collapsing (TRC 2012). As the sea level rose and isostatic rebound occurred, smaller drainages were captured, and deeply incised drainages formed across portions of the OCS above the 120-meter threshold. These drainages formed highly localized, productive estuarine environments that would have been utilized for food procurement, fresh water sources, and habitation as the marine transgression continued moving shoreward across the OCS. The enhanced sediment flows in these drainages associated with catastrophic flooding and increased precipitation would have provided localized burial of possible Paleoindian sites, if present, below the transgressive sediment reworking. Known Paleoindian sites in Maine are found onshore in upland locations, including the Vail Site and the Michaud Site. Coastal sites with Paleoindian components are found at the Hedden, Spiller Farm, and Neil Garrison Sites. Three lanceolate bifaces (potentially from the between the Paleoindian to very early Archaic) were recovered during scallop dragging on the OCS off the tip of Black Island, Maine (Crock et al. 1993; TRC 2012, Price and Spiess 2013).

By the Early Archaic Period (10,000 B.P.), the climate had become warmer, with less precipitation. In the Gulf of Maine, the sea level had risen to less than 20 meters below present-day levels (Kelley et al. 2012). Near Blue Hill Bay, Paleosols from the Archaic period were discovered in a submerged context, with associated artifacts, in nearshore waters (Kelley et al. 2010; Price and Spiess 2007). Fishing activity, and later excavation, also yielded Archaic submerged artifacts in Jericho Bay (Bourque and Cox 1985; Stright 1990). Several other discoveries of Archaic period artifacts have been documented in the Gulf of Maine, including those recovered during commercial fishing activity at various depths (Price 2013; Price and Spiess 2013). With the exception of a lone Archaic biface, all of the artifacts from submerged contexts in the Gulf of Maine were recovered from locations that would have been subaerial at lowstand. This artifact is likely an indicator of fishing activity, and was discovered near Grumpy Ledge, Maine, in over 90 m of water, five miles from Isle au Haut.

According to sea-level curves, the Gulf of Maine research lease area would have no potential for the presence of inundated pre-contact archaeological sites. Outside of the research lease area, precontact inundated archaeological sites are possible within the APE in areas of less than 60 m depth.

Historic-period Historic Properties

The first known European exploration of North America was made by Norse peoples somewhere around 1,000 A.D. Evidence of these early visitations was discovered in Newfoundland, but it is not certain if Viking ships came as far south as the Gulf of Maine. Modern exploration of the Atlantic coast of North America began shortly after the first voyage of Columbus in 1492. John Cabot explored the Canadian coast in 1497 and set out to explore farther south into what is now New England in 1498, but that expedition failed to return to England. Colonization of the northeastern seaboard began in the seventeenth century, and with it an increase in vessel traffic in the waters of New England. New settlements were formed in New England, beginning with Plymouth in 1620, Massachusetts Bay in 1628, Providence in 1630, and Hartford in 1635 (TRC 2012). Fish stations spread up into the Gulf of Maine, established as far as Winter Harbor by the early seventeenth century (Rowe 1948).

By the late seventeenth century, New England was becoming an established shipbuilding region, with Boston turning out up to 15 ships per year. Maine, having vast forests, quickly became a source of wood and naval stores. During the eighteenth century, several of Maine's coastal towns began to develop shipyards. By the beginning of the American Revolution, merchant vessels built in colonial shipyards made up 30 percent of the British merchant fleet. Maine, which had been a part of Massachusetts, became a state in 1820. Within ten years Maine was producing more vessels than any other state in the Union. The Maine shipbuilding industry was dominant throughout the nineteenth century, until steel hulls became the standard in the latter part of the century (Duncan 1992; Rowe 1948). Maine continued to be a leader in wooden vessel manufacture until the 1920s (TRC 2012; Sailing Ships Maine 2023).

Maritime traffic, whether shipping, fishing, or recreational, at various geographic scales, from local to international, has been a hallmark of the Gulf of Maine for centuries (Paine 2000; Rowe 1948). Consequently, shipwrecks are expected to be found within the Gulf of Maine, concentrated nearer the coasts and ports, and should reflect a variety of vessel types. Two shipwreck databases (i.e., Automated Wreck and Obstruction Information System and Electronic Navigation Charts) were consulted to assess the number of shipwrecks in the Gulf of Maine; the number of reported wrecks ranges from roughly 200 to 300. The frequency of shipwrecks increases dramatically in nearshore areas. These shipwreck databases indicate that no shipwrecks have been reported within the research lease area.

While the Gulf of Maine research lease area has no potential for the presence of inundated precontact landscapes, there is moderate potential for the presence of submerged historic sites, consisting of shipwrecks, downed aircraft, or other cultural resources. Lease stipulations will require the avoidance during ground-disturbing activities of any potential historic properties identified through HRG surveys.

III. Required Elements in the Lease

Where practicable, BOEM will require avoidance of potential historic properties through lease stipulations, resulting in BOEM recording a Finding of No Historic Properties Affected, consistent with 36 CFR § 800.4(d)(1). Inclusion of the elements outlined below in the lease will ensure the identification and avoidance of historic properties; their inclusion is a requirement of this Finding.

The following elements, designed to avoid impacts on offshore historic properties from ground-disturbing activities associated with site characterization surveys, would be included in the research lease issued within the Gulf of Maine:

- In no case may the Lessee knowingly impact a potential archaeological resource without the Lessor's prior approval.
- The lessee must provide the results of an archaeological survey with its plans.
- The Lessee must ensure that the analysis of archaeological survey data collected in support of plan (e.g., SAP and/or Research Activities Plan) submittal and the preparation of archaeological reports in support of plan submittal are conducted by a Qualified Marine Archaeologist.
- The Lessee must coordinate a tribal pre-survey meeting by sending a letter through certified mail, and following up with email or phone calls as necessary, to the following Tribes:
    - Houlton Band of Maliseet Indians;
    - Mashantucket (Western) Pequot Tribal Nation;
    - Mashpee Wampanoag Tribe;
    - Mi'kmaq Nation;
    - Mohegan Tribe of Indians of Connecticut;
    - Narragansett Indian Tribe;
    - Passamaquoddy Tribe of Indians - Indian Township Reservation;
    - Passamaquoddy Tribe of Indians - Pleasant Point Reservation;
    - Penobscot Indian Nation;
    - Shinnecock Indian Nation; and
    - Wampanoag Tribe of Gay Head (Aquinnah).
- The purpose of this meeting will be for the Lessee and the Lessee's Qualified Marine Archaeologist to discuss the Lessee's Survey Plan and consider requests to monitor portions of the archaeological survey and the geotechnical exploration activities, including the visual logging and analysis of geotechnical samples (e.g., cores, etc.). Notification of the tribal pre-survey meeting must be sent at least 15 calendar days prior to the date of the proposed tribal pre-survey meeting. The meeting must be scheduled for a date at least 30 calendar days prior to commencement of survey activities performed in support of plan

submittal and at a location and time that affords the participants a reasonable opportunity to participate. The anticipated date for the meeting must be identified in the timeline of activities described in the applicable survey plan (see 2.1 of the lease). The Lessee must provide the Lessor with documentation of compliance with this stipulation prior to commencement of surveys.

- The Lessee may only conduct geotechnical exploration activities performed in support of plan (i.e., SAP and/or Research Activities Plan) submittal in locations where an analysis of the results of geophysical surveys has been completed. This analysis must include a determination by a Qualified Marine Archaeologist as to whether any potential archaeological resources are present in the area. Except as allowed by the Lessor under 4.2.6, the geotechnical exploration activities must avoid potential archaeological resources by a minimum of 50 meters (164 feet), and the avoidance distance must be calculated from the maximum discernible extent of the archaeological resource. A Qualified Marine Archaeologist must certify, in the Lessee's archaeological reports, that geotechnical exploration activities did not impact potential historic properties identified as a result of the HRG surveys performed in support of plan submittal, except as follows: in the event that the geotechnical exploration activities did impact potential historic properties identified in the archaeological surveys without the Lessor's prior approval, the Lessee and the Qualified Marine Archaeologist who prepared the report must instead provide a statement documenting the extent of these impacts.

- The Lessee must inform the Qualified Marine Archaeologist that he or she may elect to be present during HRG surveys and bottom-disturbing activities performed in support of plan (i.e., SAP and/or Research Activities Plan) submittal to ensure avoidance of potential archaeological resources, as determined by the Qualified Marine Archaeologist (including bathymetric, seismic, and magnetic anomalies; side scan sonar contacts; and other seafloor or sub-surface features that exhibit potential to represent or contain potential archaeological sites or other historic properties). In the event that the Qualified Marine Archaeologist indicates that he or she wishes to be present, the Lessee must reasonably facilitate the Qualified Marine Archaeologist's presence, as requested by the Qualified Marine Archaeologist, and provide the Qualified Marine Archaeologist the opportunity to inspect data quality.

In addition, BOEM would require that the lessee observe the "unanticipated finds" requirements at 30 CFR 585.802. The following elements would be included in the research lease issued within the Gulf of Maine:

- If the Lessee, while conducting geotechnical exploration or any other bottom-disturbing site characterization activities in support of plan (i.e., SAP and Research Activities Plan) submittal and after review of the location by a Qualified Marine Archaeologist under 4.2.4 of the lease, discovers an unanticipated 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, piles of ballast rock) or evidence of a pre-contact archaeological site (e.g. stone tools, pottery or other pre-contact artifacts) within the project area, the Lessee must:
    - Immediately halt seafloor-disturbing activities in the area of discovery,

- Notify the lessor within 24 hours of discovery,
- Notify the lessor in writing by report within 72 hours of its discovery,
- 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
- 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, conduct additional investigations, as directed by the Lessor, to determine if the resource is eligible for listing in the National Register of Historic Places (30 CFR 585.802(b)). If investigations indicate that the resource is potentially eligible for listing in the National Register of Historic Places, the Lessor will inform the Lessee how to protect the resource or how to mitigate adverse effects to the site. If the Lessor incurs costs in protecting the resource, then, 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 OCS Lands Act (30 CFR 585.802(c-d)).

IV. The Basis for the Determination of No Historic Properties Affected

This Finding is based on a review of existing and available information conducted by BOEM, consultation with interested and affected parties, avoidance stipulations outlined in the required elements of a lease, and conclusions drawn from this information. The proposed undertaking includes the issuance of a research lease within the Gulf of Maine and takes into account the execution of associated site assessment and characterization activities.

The required identification and avoidance measures that will be included in the lease will ensure that the proposed undertaking will not affect historic properties. Therefore, no historic properties will be affected for the undertaking of issuing a research lease within the Gulf of Maine, consistent with 36 CFR § 800.4(d).

V. References

Bourque, B., and S. Cox. 1985. Report on the 1985 Field Season: Lazygut Archaeological Project. Maine State Museum, Augusta, ME.

Bureau of Ocean Energy Management (BOEM). 2021. *Atlantic Shipwreck Database*.

Crock, J.G., J.G. Petersen, and R. Anderson. 1993. Scalloping for Artifacts: A Biface and Plummet from Eastern Blue Hill Bay, Maine. *Archaeology of Eastern North America* 21:179-192.

Duncan, R.F. 2002. *Coastal Maine: A Maritime History*. The Countryman Press, Woodstock, Vermont.

Kelley, J.T., D.F. Belknap and S. Claesson. 2010. Drowned Coastal Deposits with Associated Archaeological Remains from a Sea-Level "Slowstand": Northwestern Gulf of Maine, USA. *Geology* 38(8):695-698.

Kelley, J.T., D.F. Belknap, A.R. Kelley, and S. Claesson. 2012. A Model for Drowned Terrestrial Habitats with Associated Archaeological Remains in the Northwestern Gulf of Maine, USA. *Marine Geology* 338:1-16.

Paine, L.P. 2000. *Down East: A Maritime History of Maine.* Tilbury House, Gardiner, Maine.

Price, F.H. 2013. Notes from Mount Desert Island: Interviewing Maine Fishermen to Find Archaeological Sites. *Journal of Maritime Archaeology* 8(1):59-76.

Price, F.H., and Spiess A. 2007. A New Submerged Prehistoric Site and other Fishermen's Reports near Mount Desert Island. *The Maine Archaeological Society Bulletin* 47(2):21-35.

Price, F.H., and Spiess A. 2013. Three Prehistoric Lithic Tools Recovered by Fishermen off the Maine Coast. *The Maine Archaeological Society Bulletin* 53(2):9-29.

Rowe, W.H. 1948. *The Maritime History of Maine: Three Centuries of Shipbuilding and Seafaring.* The Harpswell Press, Gardiner, Maine.

Sailing Ships Maine. 2023. *Maine Shipbuilding and Boatbuilding History*. Available: https://sailingshipsmaine.org/maineshipbuilding. Accessed: September 19, 2023.

Schuldenrein, J., C. Larsen, M. Aiuvaslasit, and M. Smith. 2014. *Geomorphology Archaeological Boring and GIS Model of Submerged Paleoenvironment in the New York and New Jersey Harbor and Bight in Connection with the New York and New Jersey Navigation Project, Port of New York and New Jersey*. Report prepared for the U.S. Army Corps of Engineers—New York District and Hunter Research, Inc. Report on file with Geoarcheology Research Associates, Yonkers, NY.

Stright, M.J. 1990. Archaeological Sites on the North American Continental Shelf. *Geological Society of America.* Centennial Special. 4:439-465.

TRC Environmental Corporation (TRC). 2012. *Inventory and Analysis of Archaeological Site Occurrence on the Atlantic Outer Continental Shelf*. OCS Study BOEM 2012-008. DOI, BOEM, Gulf of Mexico Region, New Orleans, LA.

VI. Appendices

Appendix A: Potential Consulting Parties List for Gulf of Maine Research Lease Environmental Assessment

Appendix B: Concurrence Letter from the State of Maine Historic Preservation Office

Appendix A: Potential Consulting Parties List for Gulf of Maine Research Lease Environmental Assessment

Agency/Organization	Potential Consulting Party[a]
Federal Government	
Bureau of Safety and Environmental Enforcement	**W. Shawn Arnold***
	Berry Bleichner*
	Jordan Creed
	Daniel Leedy
National Oceanic and Atmospheric Administration	Sue Tuxbury
National Wildlife Refuge	Karl Stromayer
U.S. Coast Guard	
Boothbay Harbor Station	
Rockland Station	
Sector Northern New England	Amy Florentino
U.S. Environmental Protection Agency–Region 1	David Cash
	Ken Moraff
U.S. Fish and Wildlife Service	Amanda Cross
	Rachel Carson
U.S. National Park Service–Region 1	**Mary Krueger***
	Kathy Schlegel*
	Gay Vietzke
	Kathryn Schlegel
Underwater Archaeology Branch– Naval History and Heritage Command	**Bradley Krueger***
	Alexis Catsambis*
U.S. Army Corps of Engineers	Heather Stukas
	Chris Veinotte
Acadia National Park	Kevin Schneider
Federally Recognized Tribes	
Houlton Band of Maliseet Indians	Clarissa Sabattis
	Issac St. John
Mashantucket Pequot Tribal Nation	**Rodney Butler***
	Michael Johnson*
	Crystal Whipple
	Stormy Hays
Mashpee Wampanoag Tribe	Brian Weeden
	David Weeden
Mi'kmaq Nation	Edward Peter-Paul
	Kendyl Reis
Mohegan Tribe of Indians of Connecticut	James Gessner
	James Quinn
Narragansett Indian Tribe	Anthony Dean Stanton
	John Brown

Agency/Organization	Potential Consulting Party[a]
Passamaquoddy Tribe of Indians– Indian Township Reservation	William Nicholas Donald Soctomah
Passamaquoddy Tribe of Indians– Pleasant Point Reservation	Rena Newell Donald Soctomah
Penobscot Indian Nation	Kirk Francis Chris Sockalexis
Shinnecock Indian Nation	Bryan Polite Jeremy Dennis
Wampanoag Tribe of Gay Head (Aquinnah)	Cheryl Andrews-Maltais Bettina Washington
Local Government	
City of Biddeford–Historic Preservation Program	Jeff Cabral
	Brad Favreau
City of Portland–Historic Preservation Commission	Evan Schueckler
City of Rockland	Tom Luttrell
City of Saco–Historic Preservation Commission	Diana Huot
City of South Portland–Planning	**Milan Nevajda***
City of York–Historic District Commission	Scott Stevens
Community of Cushing Maine	**Bill Aboud***
	Dustin Delano
Community of Falmouth–Planning Division	Theresa Galvin
Cumberland County Community Development	Kristin Styles
Knox County Administrative Office	Andrew L. Hart
Lincoln County Regional Planning	Mary Ellen Barner
Matinicus Isle Plantation–Historical Society	Suzanne Rankin
Peaks Island Council	Scott Mohler
Sagadahoc County Administration Office	Amber Jones
Town of Boothbay–Planning Board	William Wright
Town of Bremen–Planning Board	
Town of Bristol–Planning Board	**Rachel Bizarro***
	Jessica Westhaver*
Town of Cape Elizabeth–Planning Board	Maureen O'Meara
Town of Cape Elizabeth	Matthew Sturgis
Town of Chebeague Island	**Viktoria Wood***
Town of Cushing Maine–Planning Board	William Aboud
Town of Friendship–Planning Board	Bill Rourke
Town of Georgetown Maine–Planning Board	**Bob Trabona***
	Rich Donaldson*
Town of Harpswell–Planning	**Paul Plummer***
	Kristi K. Eiane*
Town of Kennebunk–Historic Preservation Commission	Frances Smith
	Karen Winton

Agency/Organization	Potential Consulting Party[a]
Town of Kennebunkport–Planning Division	Thomas Boak
	Warner Gilliam
Town of Long Island–Planning Board	Steve Hart
Town of Monhegan Island Plantation	
Town of Owls Head–Planning Board	Robert Pratt
Town of Phippsburg–Historic Preservation Commission	Helen Webb
Town of South Bristol–Planning Board	Amy-Jo Rice
Town of Southport–Planning Board	Skip Simonds
Town of St. George–Planning Board	Anne Cox
Town of Thomaston–Planning Board	Joanne Richards
Town of Yarmouth–Planning Division	**Erin Zwirko***
	Scott LaFlamme*
Town Office of Vinalhaven–Planning Board	Alexander Moffatt
York County	Gregory Zinser
Other Potentially Interested Parties	
Cape Elizabeth Land Trust	David Briman
Friends of Fort Williams Park	
Greater Portland Landmarks	Sarah Hansen
Ocean Park Association	Lori Gramlich
Portland Society for Architecture	Addy Smith-Reiman
Prouts Neck Association	Mary Roma
Preservation Organizations	
American Lighthouse Foundation	
Bath Historical Society	Lisa Holley
Boothbay Region Historical Society	Kathy Goldner
Chebeague Island Historical Society	Donna Damon
Falmouth Historical Society	Betsy Jo Whitcomb
Fifth Maine Regiment Museum	
Freeport Historical Society	Eric Smith
Friends of Seguin Island (Seguin Island Light)	Rick Mayo
Friends of Wood Island Lighthouse	Heorge Burns
Georgetown Historical Society	
Great Harbor Maritime Museum	
Greater Portland Landmarks	Jessie Brakenwagen
Harpswell Historical Society	
Historic New England	
Kennebunkport Conservation Trust	Thomas Bradbury
Maine Archaeological Society	
Maine Audubon	Andrew Beahm
Maine Lighthouse Museum	Dot Black
Maine Maritime Museum	Chris Timm
Maine Preservation	**Brad Miller***

Agency/Organization	Potential Consulting Party[a]
	Jonathan Hall*
Marshall Point Lighthouse and Museum	
National Trust for Historic Preservation	
North Haven Historical Society	
Owls Head Transportation Museum	
Phippsburg Historical Society	Merrill Chapin
Portland Harbor Museum	Christopher Collins
Rockland Historical Society	
Sagadahoc Preservation, Inc.	Alicia Romac
South Bristol Historical Society	
Spring Point Ledge Light Trust	William Berman
The Fishermen's Museum	
The Presumpscot Foundation (Halfway Rock Light)	Ford S. Reiche
Thomaston Historical Society	
Vinalhaven Historical Society	
Woolwich Historical Society	
Yarmouth Historical Society	Katherine Worthington
State Government	
Maine Department of Agriculture, Conservation and Forestry, Maine State Parks, Bureau of Parks and Lands	
Bureau Headquarters	Andy Cutko
Crescent Beach and Kettle Cove State Parks	
Ferry Beach State Park	
Land Use Planning Commission	Stacie R. Beyer
Mackworth Island State Park Trail	
Popham Beach State Park	
Scarborough Beach State Park	
Southern Parks Region Office	
Submerged Lands Program	**John Noll***
Two Lights State Park	
Maine Dept of Environmental Protection	Melanie Loyzim
Maine Department of Inland Fisheries and Wildlife	Judy A. Camuso
Maine Dept of Marine Resources	Patrick Keliher
Maine Historic Preservation Commission	**Kirk Mohney*** **Megan Rideout***
State of Maine, Governor's Office of Policy Innovation and the Future	Anthony Ronzio
University of Southern Maine– Casco Bay Estuary Partnership	Curtis Bohlen

[a.] Accepting parties are indicated in bold/with an asterisk.

Appendix B: Concurrence Letter from the Maine State Historic Preservation Office

MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

JANET T. MILLS
GOVERNOR

KIRK F. MOHNEY
DIRECTOR

October 16, 2023

Mr. Franklin H. Price
Marine Archaeologist
Bureau of Ocean Energy Management
Office of Renewable Energy Programs
45600 Woodland Road, VAM-OREP
Sterling, Virginia 20166

Project: MHPC #0940-23 State of Maine Offshore Wind Research Array Final EA

Location: Gulf of Maine, ME

Dear Mr. Price:

I have reviewed the information received September 29, 2023 to continue consultation on the above referenced project. We are reviewing this project pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.

Thank you for providing the final Environmental Assessment for the Gulf of Maine Research Lease.

After our review of the document, we concur with the findings presented and the inclusion of stipulations regarding prehistoric and historic archaeological resources.

Please do not hesitate to contact Megan M. Rideout of our office at megan.m.rideout@maine.gov or 207-287-2992, if you have any questions regarding this matter.

Sincerely,

Kirk F. Mohney

Kirk F. Mohney
State Historic Preservation Officer