



Sent via electronic mail (PR.ITP.applications@noaa.gov)

April 29, 2024

Jolie Harrison, Chief
Permits and Conservation Division Office of Protected Resources National Marine Fisheries
Service 1315 East-West Highway
Silver Spring, MD 20910

Re: Request for Renewal for the Incidental Harassment Authorization (IHA) Issued to
Vineyard Northeast, LLC, July 27, 2023

Dear Ms. Harrison,

Vineyard Northeast, LLC (Vineyard Northeast) received an Incidental Harassment Authorization on July 27, 2023 (2023 IHA) from NOAA's National Marine Fisheries Service (NMFS), Office of Protected Resources, permitting the incidental harassment of small numbers of marine mammals resulting from high resolution geophysical (HRG) surveys in support of offshore wind development projects in Federal and State waters. The 2023 IHA permitted HRG survey efforts are within Bureau of Ocean Energy Management (BOEM) Lease area OCS-A 0522, Lease Area OCS-A 0544, and potential offshore export cable corridor (OECC) routes.

Under the 2023 IHA, Vineyard Northeast intended to survey several potential cable corridors, but due to unforeseen circumstances Vineyard Northeast was unable to complete the planned work before the July 26, 2024 expiration date of the current IHA. Therefore, in accordance with Condition 8 of the 2023 IHA, Vineyard Northeast is formally requesting a renewal of the 2023 IHA to authorize HRG survey work between July 27, 2024 and July 26, 2025. Condition 8 of the 2023 IHA states NMFS may issue a one-time, one-year renewal when 1) up to another year of identical or nearly identical activities are planned, or 2) the specified activities would not be completed by the time the IHA expires, and a renewal would allow for the completion of the activities, provided all of the following conditions are met:

(a) A request for Renewal is received no later than 60 days prior to needed Renewal IHA effective date.

This renewal request is submitted to NMFS on April 29, 2024, 88 days prior to the 2023 IHA expiration, which is the date by which the renewal is needed.

(b) The request for renewal must include the following:

(i) An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed in the original IHA, are a subset of the activities, or include changes so minor that the changes do not affect the previous



analyses, mitigation, monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

HRG activities to be conducted under this renewal are identical (same equipment) to the activities analyzed in the 2023 IHA application. The amount of work proposed under this renewal is a subset of the analyzed activities that were not completed during the 2023 survey season as authorized in the 2023 IHA. The 2023 IHA was based on 37,360 kilometers (km) of survey activity and 467 vessel days. Since July 2023, Vineyard Northeast has conducted 11 vessel days of HRG survey activities (approximately 860 km), which is approximately 2% of planned anticipated survey under the 2023 IHA and does not expect to conduct additional HRG survey prior to the expiration of the 2023 IHA. Therefore, 456 vessel days (36,500 km) remain for purposes of this renewal.

- (ii) *A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.*

A preliminary monitoring report from the 2023 survey campaign is enclosed, which shows that one HRG vessel operated after July 27, 2023. As presented in this report, and summarized in Table 1 below, while there were sightings of protected species within the exclusion zone during HRG operations, mitigation measures were successfully employed and there were no reported marine mammal behavioral reactions associated with the survey activities.

Species of Interest (Common Name)	Number of Sightings	Estimated Number of Individuals	Behavioral Reaction Observed	Estimated Number of Individuals with Behavioral Reaction	Number of Estimated Takes
Common bottlenose dolphin ²	1	4	None	None	None
Common dolphin (short-beaked)	2	11	None	None	None
Humpback whale	1	3	None	None	None
Total	4	18	None	None	None

¹ Level B Harassment Zone distance is 141 meters for GeoMarine Geo Sparker.

² In the IHA, common bottlenose dolphin takes are split into western north Atlantic offshore stock and western north Atlantic migratory stock, which are difficult to be distinguished in the field, so are referenced collectively in this report.



To obtain the 2023 IHA, Vineyard Northeast submitted an updated survey scope and take estimates based on the latest marine mammal density information (Roberts *et al.*, 2022) on May 18, 2023 (the “supplemental application”). NOAA Fisheries Stock Assessment Reports and density information have not been updated since that supplemental application, which reflected the updated abundance estimate for North Atlantic right whale (NARW) as reported in the 2022 *US Atlantic and Gulf of Mexico Marine Mammal Stock Assessment Report* (Hayes et al. 2023).

Based on PSO observations, the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized by the existing IHA; thereby, supporting the renewal of the 2023 IHA. Indeed, the number of sightings is a small fraction of the authorized Level B takes under the 2023 IHA.

Vineyard Northeast will continue to comply with the mitigation and monitoring measures as required by the existing IHA.

If you have any questions or concerns regarding this request, please do not hesitate to contact us.

Sincerely,

Laura George
Permitting Manager
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Geri Edens
Head of Permitting and Environmental Affairs
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cc: Jessica Taylor (via email)

Enclosure (Preliminary Monitoring Report)



**VINEYARD
OFFSHORE**

**Preliminary Monitoring Report
2023**

Lease Area OCS-A 0544

April 22, 2024

Submitted by

**Vineyard Mid-Atlantic LLC
200 Clarendon Street, 18th Floor
Boston, Massachusetts 02116**

Submitted to

**NMFS
1315 East-West Hwy
Silver Spring, MD 20910**

Prepared by

**Geo SubSea LLC
437 Main Street, 2nd Floor
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Acronyms and Abbreviations

HRG	High Resolution Geophysical
IHA	Incidental Harassment Authorization
MMPA	Marine Mammal Protection Act
NOAA	National Oceanic and Atmospheric Administration
NMFS	National Marine Fisheries Service
PSO	Protected Species Observer
Vineyard Mid-Atlantic	Vineyard Mid-Atlantic, LLC
Vineyard Northeast	Vineyard Northeast, LLC
Vineyard Offshore	Vineyard Offshore, LLC

1. Introduction

On July 27, 2023, Vineyard Northeast, LLC (Vineyard Northeast) received an Incidental Harassment Authorization (2023 IHA) issued from the National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS). Office of Protected Resources, pursuant to Section 101(a)(5) of the Marine Mammal Protection Act (MMPA) and 50 Code of Federal Regulations § 216 Subpart I. This IHA permits the incidental harassment of small numbers of marine mammals resulting from high resolution geophysical (HRG) surveys in support of offshore wind development projects in Federal and State waters. The IHA is based on 467 vessel days and 37,360 kilometers of survey. The IHA authorizes the incidental (Level B harassment) take of 9,705 individuals from 19 different species.¹

In July and August 2023², Vineyard Mid-Atlantic LLC (Vineyard Mid-Atlantic)³ conducted a geophysical survey within BOEM Lease Area OCS-A 0544 (the “Lease Area”), and associated cable corridors in state waters of New York and New Jersey. The survey season ended in August 2023.

2. 2023 HRG Survey Activities

During this survey season, Vineyard Mid-Atlantic utilized the R/V Brooks McCall to conduct an HRG survey for approximately 11 vessel days covering a total of approximately 880 kilometers. The program used a geophysical spread consisting of multibeam echosounder, side-scan sonar, magnetometer, transverse gradiometer, ultra-short baseline (USBL), parametric sub-bottom profiler, and deep seismic profiler (sparker – GeoMarine Geo Sparker)⁴ to survey potential offshore export cable corridors (OECCs) and Lease Area. All survey operations were conducted in accordance with the OCS-A 0544 Lease, approved Survey Plan, all relevant Project Design Criteria/Best Management Practices (PDCs/BMPs) – as described in the NMFS Programmatic Letter of Concurrence dated June 29, 2021, and the conditions of the 2023 IHA.

3. Results of Marine Mammal Monitoring (July 27 to August 14, 2023)

Throughout the 2023 HRG survey program, Vineyard Mid-Atlantic followed the monitoring and mitigation measures described in the 2023 IHA to ensure that marine mammals were not adversely affected by equipment noise or vessels. These measures include employment of one (1) NMFS-approved Protected Species Observer (PSO) at all times during daylight hours and two (2) NMFS-approved PSOs when HRG equipment was in use during reduced visibility, exclusion zones (EZ), monitoring, ramp-up and shutdown procedures, seasonal speed restrictions, and vessel strike avoidance measures. Table 1 provides a summary of observer effort from July 27 to August 14, 2023.

¹ In the 2023 IHA, common bottlenose dolphin takes are split into western north Atlantic offshore stock and western north Atlantic migratory stock, which are difficult to be distinguished in the field, so are referenced collectively in this report.

² In 2023, survey work commenced in April, but HRG survey activities conducted prior to July 27, 2023 were included with the previous IHA, so are not included herein.

³ Vineyard Mid-Atlantic, LLC (lessee of OCS-A 0544) is an affiliate of Vineyard Northeast.

⁴ Only impulsive sparkers and boomers or non-impulsive non-parametric sub-bottom profilers require mitigation under the IHA and NMFS Offshore Wind Site Assessment Programmatic ESA Consultation.

Table 1. Observer Effort and Number of Observations

	Total
Protected Species Observer Effort	348:35
Protected Species Observations ⁵	17

As a result of these mitigation measures the 2023 HRG survey program was completed with no Level B harassment takes indicated. There were no incidents of vessel strikes during the 2023 HRG survey program. There were three sightings of delphinids from the genera of the family Delphinidae within the longest level B exposure distance (141 meters), two of which were also within the 100-meter exclusion zone. Shutdowns were waived for these observations following IHA conditions 4(e)(iv)(A) and 4(e)(iv)(B). There was one sighting of a small group of humpback whales, both within the longest level B exposure distance (141 meters), and the 100-meter exclusion zone. A shutdown of the acoustic source was carried out for this observation.

During these marine mammal observations, no behaviors were documented that would indicate a behavioral response to harassment (i.e., rapid swimming away from the sound source or vessel; repeated fin slaps or breaches; notable changes in behavior as a result of vessel approach), and no behaviors suggested adverse impacts had occurred to any protected species encountered during the survey activities. Therefore, it was concluded that the monitoring and mitigation measures employed during the HRG investigation were effective and ensured that no marine mammals were taken. Note that after one shutdown, the acoustic source was activated without conducting the required 30-minute clearance period and ramp-up. PSOs and vessel crew met to review proper mitigation protocols to ensure there was not a repeat event.

A summary of the Authorized Takes by Level B Harassment for the current IHA is outlined in Table 2. The number of sightings and number of individuals at each sighting that occurred within 141 meters of active HRG sound sources are provided in Table 3, as well as noted observations regarding behavior.

Table 2. Total Authorized Level B Harassment Takes

Taxonomic Group	Common Name	2023 Authorized Takes by Level B Harassment
Cetacean (Mysticete)	North Atlantic right whale	12
	Bule whale	1
	Fin whale	20
	Sei whale	5
	Minke whale	46
	Humpback whale	12
Cetacean (Odontocete)	Sperm whale	2
	Atlantic white-sided dolphin	129
	Atlantic spotted dolphin	29
	Common bottlenose dolphin (Offshore stock)	169
	Common bottlenose dolphin (Migratory stock)	45
	Common dolphin (short-beaked)	7,472
	White-beaked dolphin	30
	Risso's dolphin	9

⁵ Total number of protected species observations include sightings within (4) and outside (13) of the Level B harassment zone.

	Long-finned pilot whale	17
	Killer whale	4
	False killer whale	5
	Harbor porpoise	347
Pinniped (Phocid)	Gray seal	418
	Harbor seal	939

Table 3. Number of Sightings Occurring within the Level B Harassment Zone⁶

Species of Interest (Common Name)	Number of Sightings	Estimated Number of Individuals	Behavioral Reaction Observed	Estimated Number of Individuals with Behavioral Reaction	Number of Estimated Takes
Bottlenose dolphin	1	4	None	None	None
Common dolphin (short-beaked)	2	11	None	None	None
Humpback whale	1	3	None	None	None

4. Summary and Conclusion

In accordance with Condition 8(b)(i) of the 2023 IHA, this preliminary monitoring report is prepared to support a request to renew the 2023 IHA for one year.

The total number of individuals sighted was less than 1% of the total number of authorized takes. While there were sightings of protected species within the exclusion zone during HRG operations, mitigation measures were successfully employed and there were no behavioral reactions observed that indicated Level B harassment.

5. References

National Marine Fisheries Service. 2023. Incidental Harassment Authorization issued to Vineyard Northeast, LLC. July 27.

Vineyard Northeast and LGL Ecological Research Associates, Inc. 2022. Request for Incidental Harassment Authorization to Allow the Non-Lethal Take of Marine Mammals Incidental to Site Characterization Surveys for Vineyard Northeast. May 2.

Vineyard Northeast. 2023. Request to Reissue the Incidental Harassment Authorization (IHA) Issued to Vineyard Northeast, LLC. May 18.

⁶ Level B Harassment Zone distance is 141 meters for GeoMarine Geo Sparker

Appendix A

Protected Species Sightings

Protected Species Observer Sightings

Sighting ID #	Vessel Name	Vessel Type (HRG, Geotechnical, UXO, Environmental)	Observer's Name (Last, First)	Date (YYYY-MM-DD)	First Time of Sighting (UTC)	Sighting Location (Decimal Degrees)		Vessel Heading (Degrees)	Species Identification		Animal Behavior (Behaviors observed in sequential order)	Group Composition		Estimated Total Number of Animals			Distance at Initial Sighting (m)	Animal's Initial Direction of Travel (Degrees, i=stationary, u=unknown, var=variable, relative to vessel)	Animal Pace (Stationary, Sedate, Moderate, Vigorous)	Closest Point of Approach to Source (Reticle distance in m)	Closest Point of Approach to Vessel (Reticle distance in m)	Vessel Activity at First Sighting (Transit, Soft Start, Testing, Full Power, Deploying/Retrieving, Coing, Sampling, Silent, Standby)	Equipment Operating During Sighting (Non-Parametric SBP/ESBP Only, SBP & Boomer, SBP & Sparker, Sparker Only, Boomer Only, None)	Animal Within 141m of Active Survey Equipment (Yes/No)	Number of Animals Within 141m of Active Survey Equipment (Number)	Source Mitigation Action (Delay, Shutdown, None)	Time Shutdown Called For (UTC)	Time Equipment was Shutdown (UTC)	Watch Status: (On Watch, Off Watch-Incidental Sighting)	
						Latitude	Longitude		Species or Species Group	Species ID Certainty (Possible, Probable, Definite)		Animal Description	# Adults (Visual sightings only)	# Juveniles (Visual sightings only)	High	Low														Best (Total # Observed)
74	Brooks McCall	HRG	Ortega Arana, Jimena	2023-07-30	17:20	40.57042	-73.52337	179	Bottlenose dolphin - <i>Tursiops truncatus</i>	Definite	Robust body, color light gray with white belly and lips; tall and pointed dorsal fin	Breaching/Jumping/Acrobatic behavior, Fast travel, Swimming at the surface	13	2	20	12	15	460	70	Vigorous	250	200	Full Power	Sparker Only	No	0	None	N/A	N/A	On Watch
75	Brooks McCall	HRG	Cardenas, Ana	2023-07-30	23:17	40.57573	-73.52685	3	Bottlenose dolphin - <i>Tursiops truncatus</i>	Definite	Robust body, color light gray with white belly and lips; tall and pointed dorsal fin	Breaching/Jumping/Acrobatic behavior, Feeding, Porpoising, Swimming at the surface	27	0	40	20	27	700	180	Moderate	127	117	Full Power	Sparker Only	Yes	4	None	N/A	N/A	On Watch
76	Brooks McCall	HRG	Alwin, Alicia; Ortega Arana, Jimena	2023-07-31	15:01	40.55958	-73.52613	357	Humpback whale - <i>Megaptera novaeangliae</i>	Definite	Gray dark body with humped dorsal fin. Long and white pectoral fins. Flukes with white patterns. Tall and bushy blow	Blowing, Feeding, Breaching/Jumping/Acrobatic behavior, Fin or tail slapping, Milling	2	1	5	2	3	1300	210	Vigorous	1100	1100	Full Power	Sparker Only	No	0	None	N/A	N/A	On Watch
77	Brooks McCall	HRG	Ortega Arana, Jimena	2023-07-31	17:30	40.57863	-73.52082	129	Humpback whale - <i>Megaptera novaeangliae</i>	Definite	Gray dark body with humped dorsal fin. Long and white pectoral fins. Flukes with white patterns. Tall and bushy blow	Blowing, Breaching/Jumping/Acrobatic behavior, Fin or tail slapping	3	0	4	1	3	2200	90	Vigorous	1750	1700	Silent	Sparker Only	No	0	None	N/A	N/A	On Watch
78	Brooks McCall	HRG	Cardenas, Ana	2023-07-31	18:15	40.56035	-73.52660	176	Humpback whale - <i>Megaptera novaeangliae</i>	Definite	Stout body with flat, broad head, black color, and small dorsal fin with a broad base	Blowing, Swimming at the surface, Swimming below the surface, Diving with flukes	3	0	3	2	3	1400	30	Moderate	70	50	Full Power	Sparker Only	Yes	3	Shutdown	18:27	18:28	On Watch
79	Brooks McCall	HRG	Alwin, Alicia; Ortega Arana, Jimena	2023-08-01	14:48	40.31713	-73.16900	104	Humpback whale - <i>Megaptera novaeangliae</i>	Definite	Dark grey body, humped dorsal fin and bushy blow	Blowing, Swimming at the surface	1	0	2	1	1	1300	104	Moderate	1200	1200	Full Power	Sparker Only	No	0	None	N/A	N/A	On Watch
80	Brooks McCall	HRG	Ortega Arana, Jimena	2023-08-01	15:34	40.30982	-73.09857	120	Common dolphin - <i>Delphinus delphis</i>	Definite	Slender body, hour-glass patterns on sides with faint stripes on lower sides and falcated dorsal fin.	Porpoising, Diving, Fast travel, Swimming below the surface	8	0	10	5	8	400	310	Vigorous	70	1	Full Power	Sparker Only	Yes	8	None	N/A	N/A	On Watch
81	Brooks McCall	HRG	Szmidt, Paulina; Ortega Arana, Jimena	2023-08-02	01:56	40.30785	-73.07520	302	Common dolphin - <i>Delphinus delphis</i>	Definite	Slender body, hour-glass patterns on sides and falcated dorsal fin.	Fast travel, Porpoising, Swimming below the surface	3	0	5	2	3	500	220	Vigorous	45	5	Full Power	Sparker Only	Yes	3	None	N/A	N/A	On Watch
83	Brooks McCall	HRG	Szmidt, Paulina; Alwin, Alicia	2023-08-03	11:17	40.54220	-73.51172	264	Humpback whale - <i>Megaptera novaeangliae</i>	Definite	Dark grey body, humped dorsal fin and bushy blow	Blowing, Swimming at the surface, Diving	1	0	1	1	1	1500	260	Stationary	1500	1500	Full Power	Sparker Only	No	0	None	N/A	N/A	On Watch
84	Brooks McCall	HRG	Cardenas, Ana	2023-08-03	19:31	40.55132	-73.56798	95	Humpback whale - <i>Megaptera novaeangliae</i>	Probable	Humped dorsal fin and bushy blow	Blowing, Swimming at the surface, Diving	2	0	2	1	1	700	90	Moderate	540	500	Full Power	Sparker Only	No	0	None	N/A	N/A	On Watch
85	Brooks McCall	HRG	Szmidt, Paulina; Alwin, Alicia	2023-08-07	06:34	40.31618	-73.15373	288	Common dolphin - <i>Delphinus delphis</i>	Probable	Tall dorsal fin, bright side	Swimming at the surface, Porpoising, Diving, Fast travel, Bow-riding	20	0	25	15	20	10	var	Vigorous	20	1	Silent	None	No	0	Delay	N/A	N/A	On Watch
86	Brooks McCall	HRG	Ortega Arana, Jimena	2023-08-07	17:56	40.54728	-73.62190	286	Bottlenose dolphin - <i>Tursiops truncatus</i>	Definite	Robust body color light gray with white belly and lips; tall and pointed dorsal fin	Fast travel, Breaching/Jumping/Acrobatic behavior, Feeding, Porpoising, Swimming below the surface	48	2	60	40	50	400	270	Vigorous	180	200	Full Power	Sparker Only	No	0	None	N/A	N/A	On Watch
87	Brooks McCall	HRG	Alwin, Alicia	2023-08-09	11:38	40.53800	-73.74117	75	Humpback whale - <i>Megaptera novaeangliae</i>	Definite	Dark body with humped dorsal fin, bushy blow	Blowing	1	0	2	1	1	600	255	Sedate	N/A, source not deployed	600	Transit	None	No	0	None	N/A	N/A	On Watch
88	Brooks McCall	HRG	Cardenas, Ana	2023-08-09	18:33	40.54247	-73.63523	280	Humpback whale - <i>Megaptera novaeangliae</i>	Definite	Dark body with humped dorsal fin, bushy blow	Blowing, Diving, Fin or tail slapping, Swimming at the surface	1	0	2	1	1	350	120	Moderate	40	50	Full Power	Sparker Only	No	0	None	N/A	N/A	On Watch
89	Brooks McCall	HRG	Alwin, Alicia	2023-08-10	12:18	40.54858	-73.60030	277	Bottlenose dolphin - <i>Tursiops truncatus</i>	Probable	Grey body with brighter side, beak robust and not very long, dorsal fin tall and pointed	Swimming at the surface, Milling	5	1	8	5	6	700	40	Sedate	750	600	Full Power	Sparker Only	No	0	None	N/A	N/A	On Watch
90	Brooks McCall	HRG	Alwin, Alicia	2023-08-11	12:13	40.51210	-73.98148	131	Humpback whale - <i>Megaptera novaeangliae</i>	Definite	Dark body with humped dorsal fin, bushy blow	Swimming at the surface, Blowing	1	0	2	1	1	1500	40	Sedate	N/A, source not deployed	600	Transit	None	No	0	None	N/A	N/A	On Watch
91	Brooks McCall	HRG	Alwin, Alicia	2023-08-11	12:42	40.50785	-73.86577	97	Humpback whale - <i>Megaptera novaeangliae</i>	Definite	Dark body with humped dorsal fin, bushy blow	Swimming at the surface, Milling, Blowing, Feeding, Breaching/Jumping/Acrobatic behavior	1	0	2	1	1	2000	i	Stationary	N/A, source not deployed	500	Transit	None	No	0	None	N/A	N/A	On Watch

*Note: Sighting ID #82 (Leatherback sea turtle - *Dermochelys coriacea*) was removed for the purposes of this report.