

Leading Light
Wind

Incidental Harassment Authorization Renewal Request

Non-Lethal Taking of Marine Mammals
during a Site Characterization Survey in
New York Bight



May 3, 2024

Invenergy Wind Offshore LLC

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Director, Environmental Compliance & Strategy

Prepared By:

Worley Consulting

Revision Control

Revision	Date	Status	Prepared	Checked	Approved by
A	4/12/24	Draft	Worley Consulting		LM
B	5/1/24	Interim Draft	Worley Consulting		LM
0	5/3/24	Final	Worley Consulting		LM

May 3, 2024

Jolie Harrison, Division Chief
Permits and Conservation Division, Office of Protected Resources
1315 East-West Highway, F/PR1 Room 13805
Silver Spring, MD 20910
(Submitted via email to PR.ITP.applications@noaa.gov)

Subject: Request for Renewal of Incidental Harassment Authorization for Leading Light Wind Site Characterization Surveys in New York Bight (Lease Area OCS-A 0542)

Dear Ms. Harrison:

Leading Light Wind (f.k.a. Invenergy Wind Offshore, LLC) was issued an Incidental Harassment Authorization (IHA) on July 25, 2023 (effective July 31, 2023; 88 Federal Register [FR] 47846) pursuant to Section 101(a)(5) of the Marine Mammal Protection Act and 50 Code of Federal Regulations (CFR) § 216 Subpart I (CFR 2000), to allow for the incidental Level B harassment of small numbers of marine mammals resulting from the operation of high-resolution geophysical (HRG) survey equipment during field activities which include marine site characterization surveys in coastal waters off of New York and New Jersey in the New York Bight.

The issued IHA, effective through July 30, 2024, includes the provision for a one-year renewal, on a case-by-case basis, when (1) up to another year of identical, or nearly identical, activities as described in the Specified Activities section of the IHA is planned, or (2) the activities as described in the Specified Activities of the IHA would not be completed by the time the IHA expires and a Renewal would allow for completion of the activities beyond that described in the authorization pursuant to the requirements of Condition 8(a) and (b)(i) and (ii). Leading Light Wind plans to conduct identical survey activities for an additional year and is requesting an IHA Renewal. This request is for a one-year renewal effective July 31, 2024 through July 30, 2025. The information provided below is pursuant to the requirements of Condition 8(b)(i) and (ii) of the issued IHA.

The activities proposed are identical to the initial application using the same trackline length, proposed equipment, and mitigation and monitoring measures. The type and amount of take is the same as in the original application. A preliminary monitoring report is attached in Appendix A to demonstrate that the results of required monitoring to date do not indicate impacts of a scale or nature not previously analyzed.

1. **Proposed Activities**

Leading Light Wind would like to continue HRG surveys for site characterization within the operational area shown Figure 1, which is the same as that shown and described in Leading Light Wind's IHA application to NMFS dated March 29, 2023.

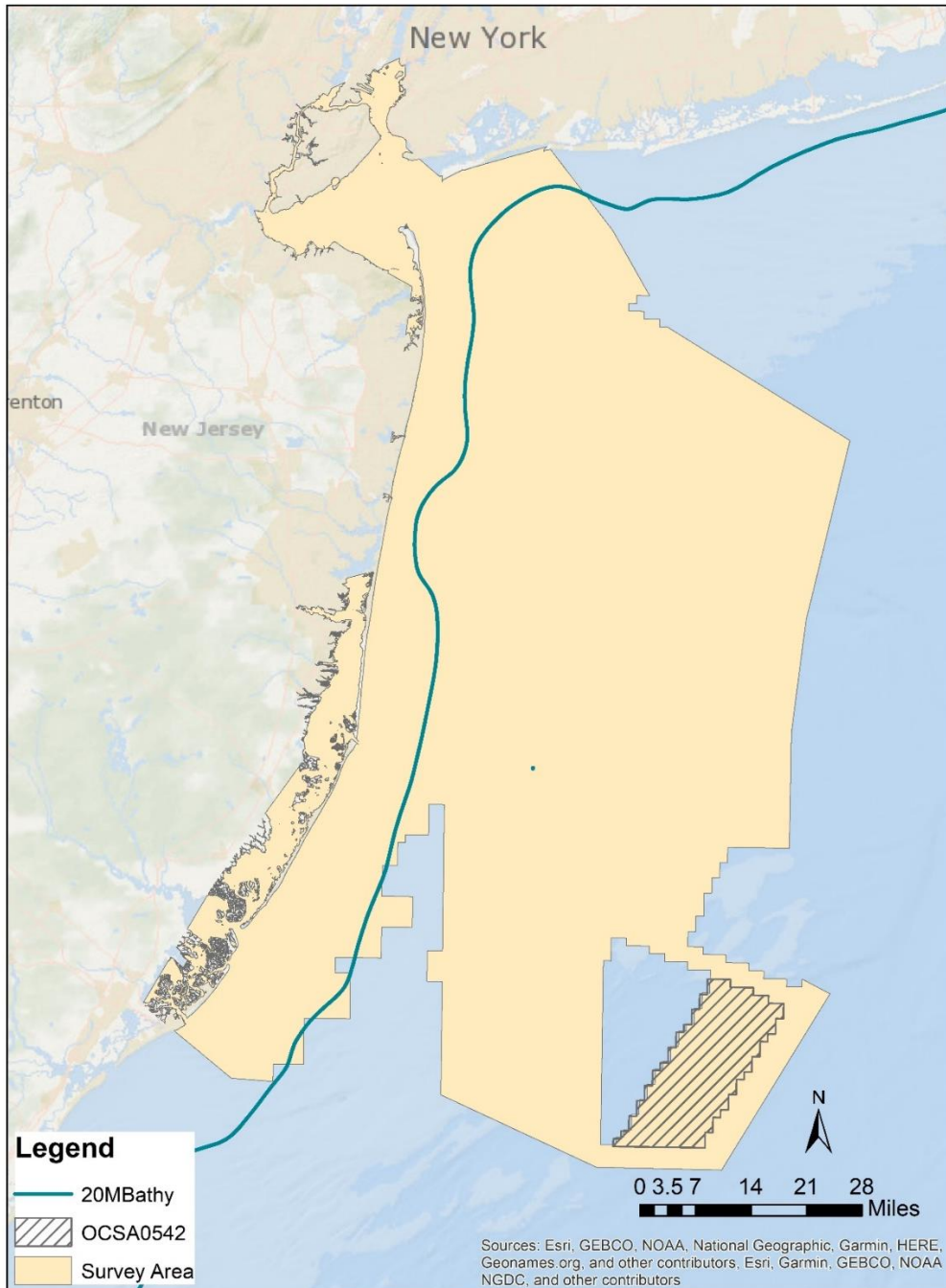


Figure 1-1 Proposed Survey Area – New York Bight

Note: Proposed Survey Area includes both the Lease Area (hatched) and ECR Area (beige). The 20-meter depth contour is shown in green.

The proposed activity is identical to the activities in the current IHA and no changes are proposed to equipment or vessel types and numbers. Therefore, no changes to the mitigation and monitoring protocols established under the issued IHA are proposed.

During the one-year period covered by this Renewal, Leading Light Wind is proposing up to conduct survey activities identical to the original IHA application up to approximately 12,818 km of trackline, which would be conducted over up to

approximately 274 days across multiple vessels (in the same manner as the original IHA application). The original IHA application used the sparker for all survey activities in estimating potential take as the maximum-case-scenario, but a boomer may be used for some survey trackline, as also specified in the current IHA.

2. Take Estimation

A preliminary monitoring report of protected species observation data collected through October 31, 2023 has been attached to this request (Appendix A) to demonstrate that the results of required monitoring to date do not indicate impacts of a scale or nature not previously analyzed. Individuals sighted within the Level B Threshold distance were few, as outlined in Table 1. Leading Light Wind is requesting the same take as authorized in the original IHA request, with no changes.

Table 1. Authorized Level B Harassment Takes and Total Number of Animals Observed within Level B Threshold to Date

Species		Total Authorized Takes	Total Number Observed within the Level B Threshold Distance
Mysticetes			
North Atlantic Right Whale	<i>Eubalaena glacialis</i>	6	0
Fin Whale	<i>Balaenoptera physalus</i>	18	1
Sei Whale	<i>Balaenoptera borealis</i>	7	0
Common Minke Whale	<i>Balaenoptera acutorostrata</i>	92	0
Humpback Whale	<i>Megaptera novaeangliae</i>	13	0
Odontocetes			
Sperm Whale	<i>Physeter macrocephalus</i>	2	0
Atlantic White-sided Dolphin	<i>Lagenorhynchus acutus</i>	101	0
Atlantic Spotted Dolphin	<i>Stenella frontalis</i>	42	0
Common Bottlenose Dolphin Offshore Stock**	<i>Tursiops truncatus</i>	611	0
Common Bottlenose Dolphin Northern Migratory Coastal Stock**	<i>Tursiops truncatus</i>	795	0
Long-finned Pilot Whale	<i>Globicephala melas</i>	15	0

Species		Total Authorized Takes	Total Number Observed within the Level B Threshold Distance
Risso's Dolphin	<i>Stenella frontalis</i>	10	0
Short-beaked Common Dolphin	<i>Delphinus delphis</i>	888	207
Harbor Porpoise	<i>Phocoena phocoena</i>	950	0
Pinnipeds			
Gray Seal	<i>Halichoerus grypus</i>	950	0
Harbor Seal	<i>Phoca vitulina</i>	950	0

Leading Light Wind appreciates the opportunity to submit this IHA renewal request. For further information or questions, please contact Laura Morse at LMorse@invenergy.com.

Kind Regards

A handwritten signature in black ink, appearing to read 'Laura Morse', followed by a horizontal line extending to the right.

Laura Morse

Cc:

Benjamin Laws, benjamin.laws@noaa.gov

Attachment 1
Interim Protected Species Observer Report

Leading Light Wind conducted geophysical surveys in the ECR and Lease Area OCS-A 0542 (Lease), located off the coasts of New York and New Jersey in the New York Bight in the Atlantic Ocean (see Figure 1 above). From August 2, 2023 to October 14, 2023, approximately 3,883 km was surveyed within the Lease utilizing a medium penetration sub-bottom profiler (sparker). After October 14, 2023 the sparker system was demobilized from the vessel and Protected Species Observers (PSOs) remained onboard to monitor vessel strike avoidance zones during transit. Surveys resumed on February 14, 2024 and are currently ongoing.

During the surveys, 164 marine mammal detection events occurred as of April 4, 2024. Species detected consisted of bottlenose dolphin, common dolphin, common minke whale, fin whale, gray seal, harbor porpoise, harbor seal, humpback whale, sei whale, unidentified dolphin, and unidentified whale. Species detected within the ECR consisted of bottlenose dolphin, humpback whale, unidentified dolphin, and unidentified whale.

Source mitigation measures were implemented for two of the 164 detection events. A sighting of a fin whale and an unidentified Mysticete whale resulted in two shutdowns of the acoustic source. No delays were implemented during the surveys.

A Level B Harassment Zone was established around active equipment for each survey based on the difference in equipment operated, with a Level B Harassment Zone set at 141 m for the sparker. A boomer was not used. There were 248 individual marine mammals observed within the Level B Harassment Zone while sparker equipment was active. No behaviors were documented that suggested adverse impacts had occurred to any marine mammal species encountered that can be attributed to the survey activities undertaken.

Based on issued take in the IHA, there was less than 6% of the number issued observed within the Level B zones of the boomer and sparker, with the exception of short-beaked common dolphins, for which 23% of the total issued take were observed with the Level B zone. The total amount of survey covered in this protected species observer report is approximately 30% of the survey trackline requested in the IHA application (3,883 km out of 12,818 km requested). The proper implementation of mitigation, the lack of reactive behaviors, and the low numbers of marine mammals observed in Level B zones relative to issued take demonstrates that the results of required monitoring to date do not indicate impacts of a scale or nature not previously analyzed.

Two providers of protected species observers, Tetra Tech (formerly known as RPS) and AIS, were employed during the surveys to provide third party observers during HRG survey activities. The excel files with complete observation records have been submitted separately as part of interim reporting to support this Renewal request.