



Incidental Harassment Authorization Renewal Request for the Non-Lethal Taking of Marine Mammals During a Site Characterization Survey

New York Bight Offshore Wind Energy Lease Area (OCS-A 0539)

14 June 2024

June 14, 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 Community Offshore Wind Site Characterization Surveys in New York Bight (Lease Area OCS-A 0539)

Dear Ms. Harrison:

Community Offshore Wind (f.k.a. Community Offshore Wind, LLC) was issued an Incidental Harassment Authorization (IHA) effective July 1, 2023 (88 Federal Register [FR] 42322) 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 June 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). Based on survey progress at this time, Community Offshore Wind expects to be unable to complete the specified activities by the time the IHA expires and is therefore requesting a Renewal IHA to complete the remaining survey activities planned under the initial IHA. The request is for a one-year renewal effective August 6th. 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 and cover a subset of the activities for which take was authorized using the same proposed equipment and the same 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

Community Offshore Wind would like to continue HRG surveys for site characterization within the operational area shown in Figure 1-1, which is the same as that shown and described in Community Offshore Wind's IHA application to NMFS dated February 27, 2023.

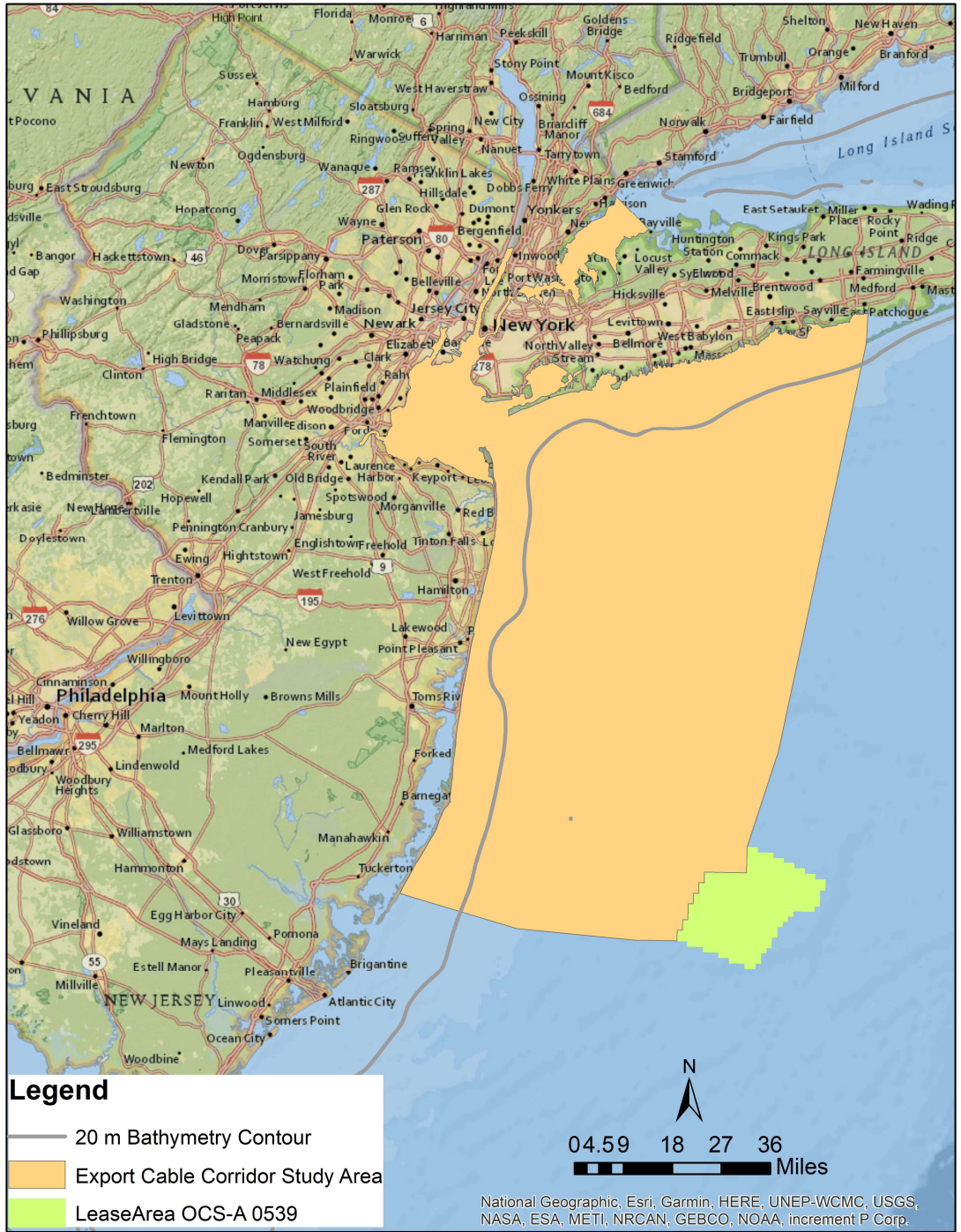


Figure 1-1. 2024 Community Offshore Wind proposed Survey Area showing the Lease Survey Area (green), Export Cable Corridor Survey Area (orange) and 20-meter bathymetry contour line in gray.

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

Survey progress under the IHA to date is shown in Table 1-1.

Table 1-1 Trackline distance surveyed and planned under IHA dated June 30, 2023

Equipment*	Km trackline <20 m deep	Km trackline >20 m deep	Total
3-sparker array (Applied Acoustics Dura-Spark UHD 400+400)	120	11,655	11,775

During the one-year period covered by this Renewal, Community Offshore Wind is proposing to continue to conduct survey activities as per the original IHA application up to approximately 19,092 km of trackline, which would be conducted in the same manner as the original IHA application. This is a subset of the survey trackline included in the application for the issued IHA (88 FR 42322). The original IHA application requested 30,867 km of trackline (400 m of which was proposed in <20 m) using a triple-sparker array for all survey activities as the maximum-case-scenario. Challenges and delays with procurement, mobilization, and downtime contributed to less survey being completed during the original IHA period than anticipated.

2 Take Estimation

A preliminary monitoring report of protected species observation data collected through June 3, 2024 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. Estimates of potential take for the renewal IHA are based on the percentage of survey trackline requested relative to the originally estimated trackline and multiplied by the originally estimated potential take, which was described in the application for the initial IHA. This is broken down by effort in >20 m and <20 m deep for bottlenose dolphins to differentiate the two stocks present in the full survey area. Estimated take is provided in Table 2-1.

In addition, observations from surveys indicate that the IHA estimates are likely an overestimate of animals occurring in the Level B zone (much fewer are observed than the number of takes issued for most species - see Table 2-1 and Appendix A), and the Level B zone is fairly small and easy to monitor for this equipment. The only species observed within the Level B radius during the surveys were common dolphins and humpback whales. All trackline was covered by the triple sparker (distance to Level B threshold 158 m), so this threshold was used for assessing potential take from survey activities in the preliminary monitoring report.

Table 2-1 Authorized Level B Harassment Takes from Current IHA and Estimated Renewal Take Based on Percentage of Survey Effort Remaining

Common Name	Scientific Name	Total Authorized Takes	Total Number Observed within the Level B Threshold Distance	Remaining Number of Estimated Takes Based on Number in Level B Distance	Percentage of Trackline Requested in Renewal	Estimate of Take for Requested Trackline
North Atlantic Right Whale	<i>Eubalaena glacialis</i>	24	0	24	62	15
Fin whale	<i>Balaenoptera physalus</i>	76	0	76	62	47
Sei whale	<i>Balaenoptera borealis</i>	24	0	24	62	15
Minke Whale	<i>Balaenoptera acutorostrata</i>	304	0	304	62	188
Humpback Whale	<i>Megaptera novaeangliae</i>	46	10	36	62	29
Sperm Whale	<i>Physeter macrocephalus</i>	10	0	10	62	6
Risso's Dolphin	<i>Grampus griseus</i>	59	0	59	62	37
Long-finned Pilot Whale	<i>Globicephala melas</i>	78	0	78	62	48
Atlantic White-sided Dolphin	<i>Lagenorhynchus acutus</i>	427	0	427	62	265
Common Dolphin	<i>Delphinus delphis</i>	5,572	29	5,543	62	3,446
Atlantic Spotted Dolphin	<i>Stenella frontalis</i>	320	0	320	62	198
Common Bottlenose Dolphin Offshore Stock**	<i>Tursiops truncatus</i>	1,316	0	1,316	62	816
Common Bottlenose Dolphin Northern Migratory Coastal Stock**	<i>Tursiops truncatus</i>	115	0	115	70	81
Harbor Porpoise	<i>Phocoena phocoena</i>	1,912	0	1,912	62	1,185
Harbor Seal	<i>Phoca vitulina</i>	1,955	0	1,955	62	1,212
Gray Seal	<i>Halichoerus grypus</i>	1,955	0	1,955	62	1,212

Notes:

*Calculated as percentage of total estimated trackline remaining multiplied by estimated take for total trackline in the IHA rounded up to nearest whole number.

**The proposed remaining trackline is broken down by <20 m depth and >20 m depth to estimate take for the Migratory Coastal Stock and Offshore Stock, respectively.

Community Offshore Wind appreciates the opportunity to submit this IHA renewal request. For further information or questions, please contact Ian Renshaw at Ian.Renshaw@rwe.com.

Kind Regards



Douglas Perkins
President and Project Director



Patrick Johnson
Vice-President and Deputy Project Director

Community Offshore Wind Community Offshore Wind

Cc:

Benjamin Laws, benjamin.laws@noaa.gov

Appendix A
Preliminary Protected Species Observer Report

Community Offshore Wind conducted geophysical surveys in the ECR and Lease Area OCS-A 0539 (Lease), located off the coasts of New York and New Jersey in the New York Bight in the Atlantic Ocean. From August 28, 2023 to March 31, 2024, approximately 8,935 km (61 km in <20 m) was surveyed within the ECR and Lease Area utilizing a medium penetration sub-bottom profiler three-sparker array. A worksheet of observations by Protected Species Observers (PSOs) for this 8,935 km of trackline has been provided with this letter as part of this preliminary report accompanying the renewal request. In addition, approximately 2,840 km of trackline (41 m in <20 m) was surveyed March 31, 2024 to June 3, 2024. This results in a total of approximately 11,775 km (120 km of which was in <20 m) of active survey trackline from August 28, 2023 to June 3, 2024. There is not yet a worksheet of observations by PSOs developed for the 2,850 km of trackline surveyed after March 31, 2024, but a preliminary estimate of observed marine mammals within 158 m (Level B zone) of the active acoustic source is included in the totals in Table 2-1. There were 14 common dolphins observed within 158 m of the active acoustic source from August 28, 2023 to March 31, 2024 and an additional 15 common dolphins and 10 humpback whales observed within 158 m of the active acoustic source from March 31, 2024 to June 3, 2024. The humpbacks observed within 158 m of the active acoustic source were observed surfacing near the vessel. Observations of humpbacks within the Level B zone occurred on several different days. No reactive behaviors were observed.

During the August - March survey, 85 marine mammal detection events occurred. Species detected consisted of bottlenose dolphin, common dolphin, common minke whale, fin whale, humpback whale, North Atlantic right whale, Risso's dolphin, sei whale, unidentified dolphin, and unidentified whale. The data for March - June are still under review.

Mitigation measures were implemented for one of the 85 detection events consisting of a shutdown of the active source. The shutdown event was implemented for a detection of an unidentified whale with a mitigation time 1 hour and 41 minutes. No delays to the initiation of sound sources occurred during the survey. The data from March - June are still under review.

Quality assurance and quality control checks of the final PSO data are still underway prior to the submittal of the 90-day report. For any ambiguous sighting data in the accompanying worksheet, we conservatively assumed individuals to be within the Level B Harassment Zone. 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, the number of common dolphins observed within the Level B zone with an active source was less than 1% of the total issued take; for humpback whales, the total observed within the Level B zone with an active source was 22% of issued take. The total amount of survey covered for these total observations was 11,775, which is 38% of the survey trackline requested in the IHA application. 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.

A PSO provider, Tetra Tech (formerly known as RPS), was employed during the surveys to provide third party observers during HRG survey activities. The preliminary excel files with observation records from August 28, 2023 to March 31, 2024 in spreadsheets have been submitted separately as part of reporting to support this Renewal request. The remaining data are not yet compiled into spreadsheets but will be part of the final 90-day report that is submitted to NMFS. As noted above, the results of required monitoring to date do not indicate impacts of a scale or nature not previously analyzed.