



September 16, 2024

Jolie Harrison, Chief
Permits and Conservation Division,
Office of Protected Resources
National Marine Fisheries Service
Submitted via email: ITP.hilt@noaa.gov

Re: Bay State Wind, LLC (Bay State Wind) Incidental Harassment Authorization (IHA) to Take Marine Mammals off Massachusetts and Rhode Island.

Dear Ms. Harrison,

On August 21, 2024, the National Marine Fisheries Service (NMFS) and the National Oceanic and Atmospheric Administration (NOAA) issued a request for comments on the proposed IHA to Bay State Wind for site characterization activities off the coast of Massachusetts and Rhode Island, specifically within Bureau of Ocean Energy Management (BOEM) Outer Continental Shelf (OCS) Lease Area OCS-A 0500 and associated Export Cable Route area.

The Wampanoag Tribe of Gay Head (Aquinnah) (Tribe) requests that no IHAs are authorized or renewed off the coast of Massachusetts and Rhode Island until the following issues are addressed:

- NMFS continues to administer Section 7 consultations and take permits without complying with Executive Order 13175 that requires meaningful government-to-government consultation with Tribes on matters like this, that have tribal implications. The Tribe's history includes the endangered North Atlantic Right Whale (as seen on our Tribal logo above) as part of its creation story.
- NMFS and BOEM continue to improperly segment offshore wind activities in the Atlantic Ocean which should be considered cumulatively. Off the coast of Massachusetts and Rhode Island alone, NMFS has authorized or is in the process of authorizing harassment by Vineyard Wind 1, LLC; SouthCoast Wind, LLC; Vineyard Northeast, LLC; Avangrid Renewables, LLC; Atlantic Shores Offshore Wind, LLC; Orsted Wind Power North America LLC; and Revolution Wind, LLC.¹ The cumulative harassment of marine mammals and other listed species needs to be studied to truly make an opinion regarding jeopardy to listed species, particularly the North Atlantic Right Whale – whose population remains at critically low levels. We do not agree with categorically excluding these

¹ <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable>

permitting actions under the National Environmental Policy Act without looking at the cumulative impact of projects in the Massachusetts and Rhode Island offshore area.

- The investigation into the Vineyard 1 blade failure and the subsequent debris that have washed up along our homeland of Noepe, now Martha's Vineyard, needs to be completed. The debris from the blade failure, consisting of green and white foam along with larger fiberglass pieces, chards and splinters, has raised significant concerns about its potential negative and adverse impact on the environment, marine life, and human health. Prior to any further federal action concerning offshore wind farms, the implications of this debris on marine mammals, shellfish, and humans needs to be studied.
- We oppose any further take related to offshore wind until the Coast Guard has finished establishing shipping safety fairways. Offshore wind development needs to be balanced with navigational safety

We understand and support the need to move away from fossil fuels and into renewable energy, however, we cannot support the rapid pace of massive deployment of this nascent industry and in such a manner that unduly burdens the First People of North America, and more specifically the us, the *People Of The First Light*. These impacted species are our relatives and, as seafaring peoples, integral to our traditional lifeways and cultural practices. Protections for these severely endangered whales themselves, as well as the environment and habitat that nourishes and sustains them, requires meticulous, careful and deliberate consideration. The United States has legal and moral obligations to protect our ways of life and this includes preserving these priceless ecosystems, so that our future generations may continue to live according to our traditions.

Please feel free to contact me with any questions at chairwoman@wampanoagtribe-nsn.gov.

In Balance, Harmony and Peace,



Chairwoman Cheryl Andrews-Maltais
The Wampanoag Tribe of Gay Head (Aquinnah)

CC: Jolie Harrison, Division Chief, Office of Protected Resources, NMFS
Liz Klein, Director, Bureau of Ocean Energy Management
Hon. Debra Haaland, Secretary of the Interior
Hon. Elizabeth Warren, Senator
Hon. Edward Markey, Senator
Hon. Bill Keating, Congressman, Ninth District
Bryan Newland, Assistant Secretary-Indian Affairs, Department of Interior
Anthony Morgan Rodman, Senior Policy Advisor for Native American Affairs, White House Domestic Policy Council
PoQueen Rivera, Executive Director, White House Council on Native American Affairs
Shaun Deschene, Director of Office of Native American Business Development, Department of Commerce
Kevin M. Sligh Sr., Director, BSEE
Bronia E. Ashford, Tribal Liaison Officer, BSEE

A FEDERALLY ACKNOWLEDGED TRIBE