UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930

October 26, 2022

Ms. Karen Baker
Chief, Office of Renewable Energy Programs
Bureau of Ocean Energy Management
45600 Woodland Road VAM–OEP
Sterling, VA 20166

RE: Vineyard Wind 1 Anchoring Plan

Dear Ms. Baker:

We are writing in response to your request for our review and comment of a Vineyard Wind Anchoring Plan, as outlined in your 5.4.2 Anchoring Plan Term and Condition (T&C) for the Vineyard Wind (VW) 1 Construction and Operation Plan (COP) approval. We received this updated plan on October 20, 2022, and you requested review and comments by October 26, 2022, to meet Vineyard Wind's proposal to begin construction on October 26, 2022. We consider this to be an unreasonable timeline for review and comment, but provide herein some initial comments and recommendations to help inform your decision related to the proposed anchoring plan. Our intent in doing so is to encourage you to comply with the accepted recommendations in our EFH consultation and specified as conditions of COP approval so that impacts to habitat areas of particular concern (HAPCs) in the project area can be avoided and minimized.

Based on our review of the documents you provided, we have not received any information to suggest that the COP Anchoring Plan T&C (5.4.2), or other COP T&Cs associated with our EFH consultation, have been met (specifically, 5.3.1- Benthic Monitoring Plan and, 5.3.2 -Evaluation of Additional Benthic Habitat Data Prior to Cable Laying). Despite this, we understand BOEM expects to approve the Anchoring Plan so that Vineyard Wind can begin construction. During a call with your staff on October 25, 2022, we learned that BOEM was recently presented with a proposed schedule for pre-lay grapnel runs and cable laying activities. This schedule suggests that, while some work is proposed for October and November, work within Muskeget Channel and associated juvenile cod HAPC is not expected to begin until February. We propose, as a way forward to avoid schedule delays, that any approval BOEM provides for the anchoring plan be conditional, with incorporation of the comments provided herein and through future correspondence. This approach would allow VW to demonstrate how impacts to hard bottom and juvenile cod HAPC will be avoided and minimized, consistent with T&C 5.4.2 and associated conservation recommendations BOEM accepted and committed to implement as part of our EFH consultation process.

VW Anchoring Plan Comments

Our ability to provide detailed comments on the anchoring plan is challenged by both the time allotted as well as the fact that BOEM has not provided us with the new habitat data collected as part of T&C 5.3.2--Evaluation of Additional Benthic Habitat Data Prior to Cable Laying. That new data collection should have been provided to us (as stated in BOEM's response to our EFH

CR) and used to inform development of the anchoring plan as well as the benthic monitoring plan (COP T&C 5.3.1). Based on our review of the anchoring plan, there is no evidence that the new data were used to evaluate appropriate locations for vessel anchoring. Even if we are to assume the delineations associated with the plan incorporate the new data and represent accurate habitat delineations, the plan does not "[demonstrate] how the Lessee will avoid and minimize impacts to benthic habitat" as required by COP T&C 5.4.2. The anchoring plan provides some discussion of and illustration as to how the 11- to 15-ton anchors will avoid eelgrass around Spindle Rock as well as ancient landforms (i.e., historic sites); however, the plan does not demonstrate how impacts to hard bottom or juvenile cod HAPC would be minimized. The plan simply states "hard/complex habitats" were one of the "main points held in consideration," but the plan provides no evidence to support that statement based on the proposed locations for vessel anchoring and lacks discussion of how these habitats were considered. The lack of information and analysis is particularly concerning for juvenile cod HAPC within Muskeget Channel. The anchoring plan does not address any measures taken to avoid or minimize impacts to HAPC, as recommended in our EFH consultation and accepted by BOEM. Lastly, the anchoring plan only considers anchoring associated with cable installation and does not incorporate other necessary anchoring associated with pre-lay grapnel runs or boulder relocations. We would note that COP T&C 5.4.2 is "for all areas where anchoring is being used within 1,640 feet (500 meters) of sensitive habitats, resources, and submerged infrastructure, including hard bottom and structurally complex habitats."

The anchoring plan provides some details related to how anchors will be set to avoid eelgrass around Spindle Rock in the inshore portion of the cable route. Based on our review, it appears more can be done to avoid and minimize impacts to the large-grain complex habitats immediately adjacent to the eelgrass bed. For example, the habitat data provided suggest there is soft sediment immediately adjacent to the hard bottom complex habitat where the anchor location is currently proposed, which may be a more suitable location to avoid and minimize impacts to complex hard bottom habitat. It is important to further reduce impacts to hard bottom and adjacent eelgrass because mid-line anchors are not being used. Recommendations for minimizing impacts to these inshore habitats are included below.

Recommendations and Next Steps

The proposed schedule for cable installation offers a path forward to address our concerns while avoiding schedule delays. Specifically, we recommend that any approval BOEM offers for the anchoring plan be conditional so that recommendations and requested information below can be incorporated into an updated anchoring plan. Such an approach would allow construction to begin while additional measures can be implemented to avoid and minimize impacts to juvenile cod HAPC in Muskeget Channel.

Recommendations for minimizing impacts to inshore habitats in and around Spindle Rock:
We understand that VW is proposing to begin construction in the inshore area in October and November and thus we offer some recommendations to further reduce impacts to hard complex habitats as well as eelgrass around this inshore portion of the cable route.

1. The anchor location closest to the delineated eelgrass bed should be placed further south within soft bottom habitat to avoid direct impacts to large grain hard bottom areas and

allow for greater distance between the anchor and the eelgrass bed. If the habitat information provided is accurate, this should not be a substantial shift south and would move the location out of large grain complex habitats into soft substrates and provide further distance from the eelgrass bed. This is particularly important since mid-line anchors are not being used.
2. Additional monitoring should be done in the inshore area within the eelgrass and adjacent complex habitats to evaluate impacts, determine if these habitats were avoided, and determine if additional mitigation is necessary.
3. The nearshore portion of the export cable corridor should be re-evaluated to avoid anchoring within complex habitats where soft-bottom habitats occur in close proximity to the proposed anchor locations. For any areas where the additional distance (or shorter distance) necessary to relocate anchors into soft bottom habitat is not feasible due to engineering constraints, a rationale for the unavoidable impact to complex habitats should be included in the anchoring plan.

Recommendations related to construction activities with Muskeget Channel:
We understand that VW is proposing to begin construction within Muskeget Channel in February and thus we recommend the additional information and updates to this portion of the anchoring plan be made prior to commencing construction in this area. Below we provide additional recommendations and information needs related to COP T&C 5.4.2, 5.3.1, and 5.3.2.

1. NMFS requests BOEM provide us the acoustic backscatter data with the 2020 sample data overlaid within the VW 1 corridor. This request is consistent with our EFH consultation, the Record of Decision, and COP T&C 5.3.2, and will allow us to better understand how this new habitat data was considered in the anchoring plan.
2. NMFS requests BOEM provide us with the updated benthic monitoring plan that incorporates the new habitat data. This request is consistent with COP T&C 5.3.1 and will be important to accurately understand project impacts to HAPCs within the project area.
3. Prior to commencement of construction within Muskeget Channel, NMFS requests BOEM provide us with an addendum to the Anchoring Plan that demonstrates, based on the updated habitat data, how in-water work is planned to avoid and minimize impacts to juvenile cod HAPC within Muskeget Channel, consistent with COP T&C 5.4.2 and 5.3.2. We recommend this be provided at least 90 days prior to construction to allow for sufficient time to review the updated Anchoring Plan (30 days) and ensure any feedback can be incorporated prior to construction commencement.

This requested information is necessary for us to assess the new habitat data and updated benthic monitoring plan and offer any additional comments or recommendations to help ensure impacts to juvenile cod HAPC is avoided and minimized, consistent with our EFH consultation for this project.

Conclusion
Based on this experience, we recommend BOEM and NMFS staff have a more robust discussion to allow us to better understand the standards BOEM is using to determine when a COP T&C has been met. This appears to be an issue for more than this VW project, as similar issues are

occurring with the South Fork Project. It is critical we ensure that conservation recommendations that are accepted by BOEM are adequately implemented and associated terms and conditions are met. Failing to do so will result in unnecessary and avoidable impacts to NOAA trust resources. Clearly we also need to ensure that NMFS staff are not only getting the information needed to respond to these reviews, but also provided sufficient time to do so. We hope the recommendations put forward in this letter will allow for the identification of measures to reduce impacts to HAPC while allowing construction to move forward as scheduled. If you have any further questions, please contact Sue Tuxbury (susan.tuxbury@noaa.gov).

Sincerely,

Louis A Chiarella
Assistant Regional Administrator
for Habitat Conservation

cc: Tammy Turley, USACE NAE
Naomi Handell, USACE NAD