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Bluepoint Wind

Incidental Harassment Authorization Renewal Request



Bluepoint Wind
3 Center Plaza
Boston, MA 02109



December 21, 2023

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 Bluepoint Wind Site Characterization Surveys in New York Bight (Lease Area OCS-A 0537)

Dear Ms. Harrison:

Bluepoint Wind, LLC (Bluepoint Wind) was issued an Incidental Harassment Authorization (IHA) on February 28, 2023 (effective March 1, 2023; 87 Federal Register [FR] 13783) 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 February 29, 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, Bluepoint 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 March 1, 2024 through February 28, 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 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.

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Proposed Activities

Bluepoint 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 Bluepoint Wind's IHA application to NMFS dated November 11, 2022.

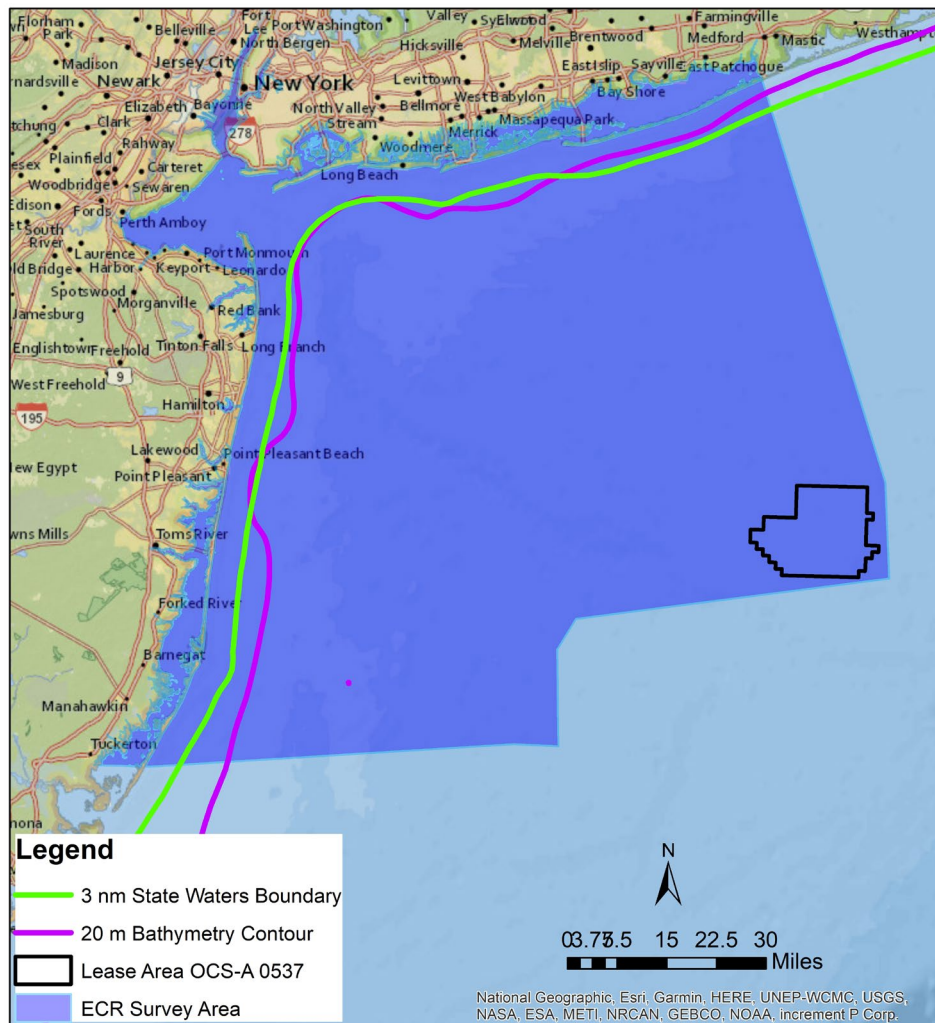


Figure 1 Bluepoint Wind Lease Area and ECR survey area in the New York Bight

The proposed activity is a subset of the activities in the initial 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. Survey progress is shown in Table 1.



Table 1. Trackline distance surveyed and planned under IHA dated February 28, 2023

Equipment	Km trackline <20 m deep	Km of trackline >20 m deep	Total
Sparker (single Dual Geo-Spark 2000 survey complete)	0.5	3,212.7	3,213.2
Boomer (Applied Acoustics S-Boom survey complete)	2,095.9	176.3	2,272.2
Boomer (Applied Acoustics S-Boom) (survey planned through February 29, 2024)	697.5	0	697.5
Total	2,793.9	3,389.0	6,182.9

During the one-year period covered by this Renewal, Bluepoint Wind is proposing up to continue to conduct survey activities as per the original IHA application up to approximately 17,008 km of trackline, which would be conducted over up to approximately 335 days across multiple vessels (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 (87 FR 61575). The original IHA application requested 13,268 km of trackline in the export cable route (ECR) survey area and 9,923 km in the Lease Area (total of 23,191 km) using the sparker for all survey activities as the worst-case-scenario. Through February 29, 2024, Bluepoint Wind expects to survey 6,183 km of trackline, leaving 17,008 km remaining from the original request (up to ~10,299 km in the ECR survey area and ~6,709 km in the Lease Area). Challenges and delays with procurement, mobilization, and downtime contributed to less survey being completed during the original IHA period than anticipated.

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. The effective dates for the initial authorization are March 1, 2023 through February 29, 2024. Estimates of potential take for the renewal IHA are based on the percentage of survey trackline remaining (relative to the originally estimated trackline) 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. Original estimates were based on the maximum case sparker Level B radius and so overestimate potential take for the boomer, which is likely to be used for some of the remaining shallow survey trackline during implementation of the Renewal. In the event it becomes necessary, the sparker may be used, and so estimates in Table 2 are a worst-case-scenario.



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

Species		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 Remaining	Estimate of Take for Remaining Trackline	Requested Take
Mysticetes							
North Atlantic Right Whale	<i>Eubalaena glacialis</i>	14	0	14	73%	11	11
Fin Whale	<i>Balaenoptera physalus</i>	86	1	85	73%	63	63
Sei Whale	<i>Balaenoptera borealis</i>	20	1	19	73%	15	15
Common Minke Whale	<i>Balaenoptera acutorostrata</i>	204	1	203	73%	149	149
Humpback Whale	<i>Megaptera novaeangliae</i>	36	2	34	73%	27	27
Odontocetes							
Sperm Whale	<i>Physeter macrocephalus</i>	6	0	6	73%	5	5
Atlantic White-sided Dolphin	<i>Lagenorhynchus acutus</i>	432	0	432	73%	316	316
Atlantic Spotted Dolphin	<i>Stenella frontalis</i>	221	0	221	73%	162	162
Common Bottlenose Dolphin Offshore Stock**	<i>Tursiops truncatus</i>	702	4	698	29%**	204	204

Species		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 Remaining	Estimate of Take for Remaining Trackline	Requested Take
Common Bottlenose Dolphin Northern Migratory Coastal Stock**	<i>Tursiops truncatus</i>	1,659	10	1,649	44%**	730	730
Long-finned Pilot Whale	<i>Globicephala melas</i>	68	0	68	73%	50	50
Risso's Dolphin	<i>Stenella frontalis</i>	52	0	52	73%	38	38
Short-beaked Common Dolphin	<i>Delphinus delphis</i>	4,734	1,010	3,724	73%	3,456	3,456
Harbor Porpoise	<i>Phocoena phocoena</i>	1,312	0	1,312	73%	958	958
Pinnipeds							
Gray Seal	<i>Halichoerus grypus</i>	1,179	0	1,071	73%	861	861
Harbor Seal	<i>Phoca vitulina</i>	1,179	0	1,071	73%	861	861

*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.



Bluepoint Wind appreciates the opportunity to submit this IHA Renewal request. For further information or questions, please contact Lia Howard at lia.howard@oceanwinds.com.

Kind Regards,

A handwritten signature in black ink, appearing to read "John Dempsey".

John Dempsey
Chief Executive Officer
Bluepoint Wind, LLC

Cc: Benjamin Laws, benjamin.laws@noaa.gov
Jenna Harlacher, jenna.harlacher@noaa.gov

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Appendix A: Interim Protected Species Observer Report

Bluepoint Wind, LLC (Bluepoint Wind) conducted geophysical surveys in the export cable route (ECR) survey area and Lease Area OCS-A 0537 (Lease Area), located off the coasts of New York and New Jersey in the New York Bight in the Atlantic Ocean (see Figure 1 in the letter above). From June 16, 2023 to August 16, 2023, 3,213.2 km was surveyed within the Lease Area utilizing a medium penetration sub-bottom profiler (sparker). From April 14, 2023 to October 31, 2023, 2,272.2 km was surveyed in the ECR survey area utilizing a medium penetration sub-bottom profiler (boomer).

During the Lease survey, 368 marine mammal detection events occurred. During the ECR survey, 99 detection events occurred. Species detected within the Lease Area consisted of bottlenose dolphin, common dolphin, common minke whale, fin whale, humpback whale, sei whale, sperm whale, unidentified dolphin, and unidentified whale. Species detected within the ECR survey area consisted of bottlenose dolphin, humpback whale, unidentified dolphin, and unidentified whale.

Mitigation measures were implemented for 20 of the 467 detection events consisting of six delays to the initiation of the source and 14 shutdowns of the active source. Delays were implemented for one bottlenose dolphin, one common dolphin, two minke whale, and two humpback whale detection events. Shutdowns were implemented for one minke whale, one fin whale, 11 humpback whale, and one sei whale detection events.

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 and 41 m for the boomer. There were 1,029 individual marine mammals observed within a Level B Harassment Zone while boomer or 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 take numbers issued in the IHA, there were less than 5% of the number issued observed for all species within the Level B zones of the boomer and sparker, with the exception of short-beaked common dolphins, for which 21% of the total issued take were observed with the Level B zones. The total amount of survey covered in the protected species observer report is 5,485.4 km, which is 23% 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.

Two providers of protected species observers, EPI Group and RPS, 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.