



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

September 26, 2024

Corrin Macluckie
NEPA Specialist
NEPA Division EERE
U.S. Department of Energy
Golden Field Office
15013 Denver West Parkway
Golden, Colorado 80401

RE: Essential Fish Habitat Review of DE-EE0008390 Test of the Intelligent Mooring System (IMS) for Floating Offshore Wind Platforms

Dear Ms. Macluckie:

We have reviewed the EFH Assessment worksheet and additional project description provided to NMFS on August 15, 2024, for activities related to the deployment, operation, and retrieval of a novel mooring component called the Intelligent Mooring System (IMS). The IMS is an adjustable pneumatic mechanism meant to reduce the size and cost of moorings for floating wind platforms. The test mooring system is planned to be installed in October 2024 and retrieved in May 2025. Installation would occur approximately 3.5 nautical miles offshore of Virginia Beach, VA in a water depth of 48 feet at a location of 36.860°N / 075.893°W. The temporary IMS would consist of a moored float, four anchors, chains, ropes, and two test components. The only surface feature would be a surface buoy equipped with pressure control, data acquisition, and communication equipment. A riser line would connect the surface data buoy to the IMS units and would contain two small air hoses and two small sensor cables. The buoy would be equipped with a global positioning system and a 4G telemetry system that uploads collected IMS and location data to an internet cloud service daily. Vessels and divers would be required to install the test device, and vessels would be used to transport, deploy, monitor, maintain, and remove the IMS. Three ports within Virginia will be used to support the project; Weems, VA, Norfolk, VA, and Little Creek, VA.

Consultation Responsibilities

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the Fish and Wildlife Coordination Act (FWCA) require federal agencies to consult with one another on projects such as this that may adversely affect EFH and other aquatic resources. In turn, we must provide recommendations to conserve EFH. These recommendations may include measures to avoid, minimize, mitigate, or otherwise offset adverse effects on EFH resulting from actions or proposed actions authorized, funded, or undertaken by that agency. This process is guided by the requirements of our EFH regulation at 50 CFR 600.905, which mandates the preparation of EFH assessments and generally outlines each agency's obligations in this consultation procedure.

As stated in your consultation request, the project area is designated as EFH for a number of federally-managed species including Atlantic sharpnose shark (*Rhizoprionodon terraenovae*),



albacore tuna (*Thunnus alalunga*), bluefish (*Pomatomus saltatrix*), bluefin tuna (*Thunnus thynnus*), black sea bass (*Centropristis striata*), long-finned inshore squid (*Doryteuthis pealeii*), sandbar shark (*Carcharhinus plumbeus*), summer flounder (*Paralichthys dentatus*), windowpane flounder (*Scophthalmus aquosus*), scup (*Stenotomus chrysops*), yellowfin tuna (*Thunnus albacares*) and others. Project activities may also impact migration and spawning of anadromous fishes such as Atlantic herring (*Clupea harengus*).

EFH Determination

We have reviewed the EFH worksheet and supporting information and agree that the potential adverse effects to EFH include direct benthic habitat and community impacts from installment and retrieval of the IMS; increased turbidity levels from disturbance during deployment and retrieval; and noise impacts and potential contaminant release from vessel traffic. More specifically, we are concerned that the proposed project may result in adverse impacts to high relief sand ridge and trough habitats and the associated heterogeneous complex habitats that support important federally managed species and their prey. However, we agree with the EFH worksheet that potential adverse effects are likely to be temporary and minimized through the implementation of the proposed management practices and through adherence to our EFH conservation recommendations (CRs) provided below. The provided documents include only limited information on the habitats present in the project area, so although we have deemed the EFH worksheet complete for purposes of initiating consultation, our CRs are risk-averse in order to avoid effects to these sensitive habitats.

EFH Conservation Recommendations

In order to avoid, minimize, and offset adverse impacts to EFH as result of the proposed project, pursuant to Section 305(b)(4)(A) of the MSA, we recommend that you adopt the following EFH CRs:

1. Complete site investigation surveys to ground-truth the project area and identify the presence of any sensitive¹ benthic habitats.
2. Avoid placing anchors or conducting any bottom disturbance activities in areas characterized by stable, spatially complex, high-relief sand ridges and troughs and other sensitive benthic habitats.
3. Reinitiate consultation, should the anticipated project disturbances be greater than anticipated, if site investigation surveys identify the presence of sensitive benthic habitats that may be disturbed, or if site investigation surveys identify the need for boulder relocation activities prior to placing the cable.

Please note that Section 305(b)(4)(B) of the MSA requires you to provide us with a detailed written response to these EFH conservation recommendations, including a description of measures adopted by you for avoiding, mitigating, or offsetting the impact of the project on EFH.

¹ The term sensitive habitats is used to encompass complex habitats and benthic features (defined as coarse unconsolidated mineral substrates [i.e., substrates containing 5% or greater gravels], rock substrates [e.g., bedrock], and shell substrates [e.g., mussel reef] consistent with CMECS definitions as well as vegetated habitats [e.g., SAV] and as defined in our [2021 Recommendations for Mapping Fish Habitat](#)), bathymetric features (such as lumps, banks, and scarps) and other areas of high habitat heterogeneity (diversity of structural elements including bathymetric features) and complexity.

In the case of a response that is inconsistent with our recommendations, Section 305(b)(4)(B) of the MSA also indicates that you must explain your reasons for not following the recommendations. Included in such reasoning would be the scientific justification for any disagreements with us over the anticipated effects of the proposed action and the measures needed to avoid, minimize, mitigate, or offset such effects pursuant to 50 CFR 600.920(k). This response must be provided within 30 days after receiving our EFH conservation recommendations and at least 10 days prior to final approval of this action. Please also note that further EFH consultation must be reinitiated pursuant to 50 CFR 600.920(j) if new information becomes available, or if the project is revised in such a manner that affects the basis for the above determination.

Endangered Species Act

Federally listed species may be present in the project area and consultation, pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, may be necessary. We understand that you are in coordination with our Protected Resources Division on the ESA section 7 consultation. Should you have any questions about the section 7 consultation process, please contact Ryan Bernstein at (978) 281-9174 or by email (ryan.bernstein@noaa.gov).

Conclusion

We look forward to your response to our EFH recommendations on this project. Please contact Kendra Babcock (Kendra.babcock@noaa.gov) if you have any questions or need any assistance.

Sincerely,

for

Louis A. Chiarella
Assistant Regional Administrator
for Habitat and Ecosystem Services

cc:

GARFO PRD – R. Bernstein
GARFO HESD – K. Greene, D. O'Brien
USACE NAO- T. Walker
MAFMC– C. Moore
NEFMC– C. O'Keefe
ASMFC– R. Beal