

**Leading Light  
Wind**

# Attachments to Section 14



# Attachment 14.1

## Received Permits





## INCIDENTAL HARASSMENT AUTHORIZATION

Invenergy Wind Offshore, LLC (IWO) is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1371(a)(5)(D)) to incidentally harass marine mammals, under the following conditions:

1. This incidental harassment authorization (IHA) is valid from July 31, 2023, through July 30, 2024.
2. This IHA authorizes take incidental to marine site characterization surveys, as specified in IWO's IHA application, in Bureau of Ocean Energy Management Lease Area OCS-A 0542 and associated export cable routes.
3. General Conditions
  - (a) A copy of this IHA must be in the possession of IWO, vessel operators, other relevant personnel, lead protected species observers (PSOs), and any other relevant designees operating under the authority of this IHA.
  - (b) The species and/or stocks authorized for taking are listed in Table 1. Authorized take, by Level B harassment only, is limited to the species and numbers listed in Table 1.
  - (c) The taking by serious injury or death of any of the species listed in Table 1 or any taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this IHA. Any taking exceeding the authorized amounts listed in Table 1 is prohibited and may result in the modification, suspension, or revocation of this IHA.
  - (d) IWO must instruct relevant vessel personnel with regard to the authority of the protected species monitoring team (PSO team), and must ensure that relevant vessel personnel and the PSO team participate in a joint onboard briefing, led by the vessel operator and lead PSO, prior to beginning survey activities to ensure that responsibilities, communication procedures, marine mammal monitoring protocols, safety and operational procedures, and IHA requirements are clearly understood. This PSO briefing must be repeated when relevant new personnel join the survey operations before work involving those personnel commences.
  - (e) The sparkers (hereinafter referred to as the "acoustic source") must be deactivated when not acquiring data or preparing to acquire data, except as necessary for testing. Unnecessary use of the acoustic source shall be avoided.
  - (f) IWO must abide by the relevant Project Design Criteria (PDCs 4, 5, and 7) of the programmatic consultation completed by NMFS' Greater Atlantic Regional Fisheries Office on June 29, 2021 (revised September 2021), pursuant to section 7 of the Endangered Species Act (ESA). To the extent that any relevant Best



Management Practices (BMPs) described in these PDCs are more stringent than the requirements herein, those BMPs supersede these requirements.

4. Mitigation Requirements

- (a) IWO must use independent, dedicated, qualified PSOs, meaning that the PSOs must be employed by a third-party observer provider, must have no tasks other than to conduct observational effort, collect data, and communicate with and instruct relevant vessel crew with regard to the presence of protected species and mitigation requirements (including brief alerts regarding maritime hazards), and must be qualified pursuant to section 5(a) of this IHA.
- (b) The operator must establish and maintain clear lines of communication directly between PSOs on duty and crew controlling the acoustic source to ensure that mitigation commands are conveyed swiftly while allowing PSOs to maintain watch.
- (c) During survey operations (*e.g.*, any day in which use of an acoustic source is planned to occur, and whenever an acoustic source is in the water, whether activated or not), a minimum of one PSO must be on duty and conducting visual observations at all times during daylight hours (*i.e.*, from 30 minutes prior to sunrise through 30 minutes following sunset), and a minimum of two PSOs must be on duty and conducting visual observations at all times during nighttime hours.
- (d) Visual monitoring must begin no less than 30 minutes prior to ramp-up and must continue until 30 minutes after use of the acoustic source ceases.
- (e) Visual PSOs shall conduct visual observations from the most appropriate observation posts using appropriate equipment and the naked eye while free from distractions and in a consistent, systematic, and diligent manner. When two PSOs are required, the PSOs must coordinate to ensure 360° visual coverage around the vessel.
- (f) Any observations of marine mammals by crew members aboard any vessel associated with the survey must be relayed to the PSO team.
- (g) PSOs may be on watch for a maximum of four consecutive hours followed by a break of at least one hour between watches and may conduct a maximum of 12 hours of observation per 24-hour period.
- (h) PSOs shall establish and monitor applicable Shutdown Zones during use of the acoustic source (see below). These zones shall be based upon the radial distance from the acoustic source (rather than being based around the vessel itself).
- (j) Shutdown Zones must be as follows (Table 2):

- (i) A 500-meter (m) shutdown zone for North Atlantic right whales (NARW) during use of the sparker.
  - (ii) A 100-m shutdown zone for all other marine mammals (excluding NARW) during use of the sparker.
- (k) Pre-start clearance and ramp-up – A ramp-up procedure, involving a gradual increase in source level output, is required at all times as part of the activation of the acoustic source when technically feasible. Operators should ramp up sources to half power for 5 minutes and then proceed to full power. A 30-minute pre-start clearance observation period of the Shutdown Zones must occur prior to the start of ramp-up (or initiation of source ramp-up is not technically feasible) (Table 2). All operators must adhere to the following pre-start clearance and ramp-up requirements:
- (i) The operator must notify a designated PSO of the planned start of ramp-up as agreed upon with the lead PSO; the notification time should not be less than 60 minutes prior to the planned ramp-up in order to allow the PSOs time to monitor the Shutdown Zones for 30 minutes prior to the initiation of ramp-up (pre-start clearance). During this 30 minute pre-start clearance period, the entire applicable Shutdown Zones must be visible, except as indicated in (viii) below.
  - (ii) Ramp-ups shall be scheduled so as to minimize the time spent with the source activated.
  - (iii) A visual PSO conducting pre-start clearance observations must be notified again immediately prior to initiating ramp-up procedures and the operator must receive confirmation from the PSO to proceed.
  - (iv) Any PSO on duty has the authority to delay the start of survey operations if a marine mammal is detected within the applicable pre-start clearance zone.
  - (v) Ramp-up may not be initiated if any marine mammal to which the pre-start clearance requirement applies is within the applicable Shutdown Zone (Table 2). If a marine mammal is observed within the applicable Shutdown Zone during the 30 minute pre-start clearance period, ramp-up may not begin until the animal(s) has been observed exiting the zones or until an additional time period has elapsed with no further sightings (30 minutes for all baleen whale species and sperm whales, 15 minutes for all other species).
    - A. The pre-start clearance requirement is waived for small delphinids (individuals belonging to the following genera of the Family Delphinidae: Steno, Delphinus, Lagenorhynchus, Stenella, and Tursiops) and pinnipeds. Detection of a small

delphinid or pinniped within the Shutdown Zone does not preclude beginning of ramp-up, unless the PSO confirms the individual to be of a genus other than those listed, in which case normal pre-clearance requirements apply.

B. If there is uncertainty regarding identification of a marine mammal species (*i.e.*, whether the observed marine mammal(s) belongs to one of the delphinid genera for which the pre-clearance requirement is waived), PSOs must use best professional judgment in making the decision to call for a shutdown.

- (vi) PSOs must monitor the Shutdown Zones 30 minutes before and during ramp-up, and ramp-up must cease and the source must be shut down upon observation of a marine mammal within the applicable Shutdown Zone.
- (vii) Ramp-up may occur at times of poor visibility, including nighttime, if appropriate visual monitoring has occurred with no detections of marine mammals in the 30 minutes prior to beginning ramp-up. Acoustic source activation may only occur at night where operational planning cannot reasonably avoid such circumstances.
- (viii) If the acoustic source is shut down for brief periods (*i.e.*, less than 30 minutes) for reasons other than implementation of prescribed mitigation (*e.g.*, mechanical difficulty), it may be activated again without ramp-up if PSOs have maintained constant visual observation and no detections of marine mammals have occurred within the applicable Shutdown Zone. For any longer shutdown, pre-start clearance observation and ramp-up are required.

(l) Shutdown requirements

- (i) Any PSO on duty has the authority to call for shutdown of the acoustic source if a marine mammal is detected within the applicable Shutdown Zone.
- (ii) When the acoustic source is active and a marine mammal appears within or enters the applicable Shutdown Zone (see conditions 4(i) and 4(j)), the acoustic source must be shut down. When shutdown is instructed by a PSO, the acoustic source must be immediately deactivated and any dispute resolved only following deactivation.
- (iii) The shutdown requirement is waived for small delphinids (individual belonging to the following genera of the Family Delphinidae: *Steno*, *Delphinus*, *Lagenorhynchus*, *Stenella*, and *Tursiops*) and pinnipeds. If a small delphinid or pinniped is visually detected within the Shutdown

Zone, no shutdown is required unless the PSO confirms the individual to be of a genus other than those listed, in which case a shutdown is required.

- A. If there is uncertainty regarding identification of a marine mammal species (*i.e.*, whether the observed marine mammal(s) belongs to one of the delphinid genera for which shutdown is waived or one of the species with a larger Shutdown Zone), PSOs must use best professional judgment in making the decision to call for a shutdown.
- (iv) Upon implementation of shutdown, the source may be reactivated after the marine mammal has been observed exiting the applicable Shutdown Zone or following a clearance period (30 minutes for all baleen whale species and sperm whales, 15 minutes for all other species) with no further detection of the marine mammal (Table 2).
- (v) If a species for which authorization has not been granted, or a species for which authorization has been granted but the authorized number of takes have been met, approaches or is observed within the applicable Level B harassment zone (141 m), shutdown must occur (Table 2).
- (m) Vessel Strike Avoidance – Vessel operators must comply with the below measures except under extraordinary circumstances when the safety of the vessel or crew is in doubt or the safety of life at sea is in question. These requirements do not apply in any case where compliance would create an imminent and serious threat to a person or vessel or to the extent that a vessel is restricted in its ability to maneuver and, because of the restriction, cannot comply.
  - (i) Vessel operators and crews must maintain a vigilant watch for all marine mammals and slow down, stop their vessel, or alter course, as appropriate and regardless of vessel size, to avoid striking any marine mammal. A single marine mammal at the surface may indicate the presence of submerged animals in the vicinity of the vessel; therefore, precautionary measures should always be exercised. A visual observer aboard the vessel must monitor a vessel strike avoidance zone around the vessel (species-specific distances detailed below). Visual observers monitoring the vessel strike avoidance zone may be third-party observers (*i.e.*, PSOs) or crew members, but crew members responsible for these duties must be provided sufficient training to 1) distinguish marine mammal from other phenomena and 2) broadly to identify a marine mammal as a NARW, other whale (defined in this context as sperm whales or baleen whales other than NARW), or other marine mammals. Crew and supply vessel personnel must have access to and use an appropriate reference guide that includes identifying information on all marine mammals that may be encountered.

- (ii) All vessels, regardless of size, must observe a 10-knot speed restriction in specific areas designated by NMFS for the protection of NARW from vessel strikes. These include all Seasonal Management Areas (SMA) (when in effect), any Dynamic Management Areas (DMA) (when in effect), and Slow Zones. See [www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-ship-strikes-north-atlantic-right-whales](http://www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-ship-strikes-north-atlantic-right-whales) for specific detail regarding these areas. It is IWO's responsibility to maintain awareness of the establishment and location of any such areas and to abide by these requirements accordingly
- (iii) Vessel speeds must be reduced to 10 knots or less when mother/calf pairs, pods, or large assemblages of cetaceans are observed near a vessel.
- (iv) All vessels must maintain a minimum separation distance of 500-m from NARWs, baleen whales (except humpback and minke), sperm whales, and any unidentified large whales. If a NARW, baleen whale (except humpback and minke), sperm whale, or an unidentified large whale is sighted within the relevant separation distance, the vessel must steer a course away at 10 knots or less until the 500-m separation distance has been established. If a whale is observed but cannot be confirmed as a species other than a NARW, the vessel operator must assume that it is a NARW and take appropriate action.
- (v) All vessels must maintain a minimum separation distance of 100 m from all humpback and minke whales.
- (vi) All vessels must, to the maximum extent practicable, attempt to maintain a minimum separation distance of 50 m from all other marine mammals, with an understanding that at times this may not be possible (*e.g.*, for animals that approach the vessel).
- (vii) When marine mammals are sighted while a vessel is underway, the vessel shall take action as necessary to avoid violating the relevant separation distance (*e.g.*, attempt to remain parallel to the animal's course, avoid excessive speed or abrupt changes in direction until the animal has left the area, reduce speed and shift the engine to neutral). This does not apply to any vessel towing gear or any vessel that is navigationally constrained.

## 5. Monitoring

- (a) Visual monitoring must be performed by qualified, NMFS-approved PSOs. IWO must submit PSO resumes for NMFS review and approval prior to commencement of the survey. Resumes should include dates of training and any prior NMFS approval, as well as dates and description of last experience, and



must be accompanied by information documenting successful completion of an acceptable training course.

- (i) NMFS may approve PSOs as conditional or unconditional. A conditionally approved PSO may be one who is trained but has not yet attained the requisite experience. An unconditionally-approved PSO is one who has attained the necessary experience. For unconditional approval, the PSO must have a minimum of 90 days at sea performing the role during a geophysical survey, with the conclusion of the most recent relevant experience not more than 18 months previous.
  - (ii) At least one of the visual PSOs aboard the vessel must be unconditionally approved. One unconditionally-approved visual PSO shall be designated as the lead for the entire PSO team. This lead should typically be the PSO with the most experience, would coordinate duty schedules and roles for the PSO team, and serve as primary point of contact for the vessel operator. Responsibility for coordination of duty schedules and roles may be delegated, such as to a shore-based monitoring coordinator employed by the third-party observer provider. To the maximum extent practicable, the duty schedule shall be planned such that unconditionally approved PSOs are on duty with conditionally-approved PSOs.
  - (iii) A “trained lookout” may be used on a space-limited nearshore vessel (generally operating in water less than 20 m depth for no more than 12 hours per day) during required breaks for the approved PSO on duty. Project-specific training must be conducted for all vessel crew prior to the start of a survey and during any changes in crew with “lookout” responsibilities prior to the start of a survey and during any changes in crew such that all relevant survey personnel are fully aware and understand the mitigation, monitoring, and reporting requirements. All vessel crew members operating as a Trained Lookout must be briefed in the identification of protected species that may occur in the survey area and in relevant mitigation requirements. Reference materials must be available aboard all project vessels for identification of protected species. Should a mitigation action be taken, the Trained Lookout will immediately notify the off-watch PSO to ensure that the appropriate response was taken and sightings and mitigation measures are properly documented (*i.e.*, if shutdown was called for or avoidance measures for large whales/vessel strike avoidance taken, the Trained Lookout immediately notifies the off-watch PSO). If the survey is operating within a DMA or Slow Zone, the survey may only operate with a PSO on-watch.
- (b) At least one PSO aboard each acoustic source vessel must have a minimum of 90 days at-sea experience working in the role, with no more than 18 months elapsed since the conclusion of the at-sea experience. One PSO with such experience must be designated as the lead for the entire PSO team. The lead must coordinate duty schedules and roles for the PSO team and serve as the primary point of contact for the vessel operator. (Note that the responsibility of coordinating duty schedules

and roles may instead be assigned to a shore-based, third-party monitoring coordinator). To the maximum extent practicable, the lead PSO must devise the duty schedule such that experienced PSOs are on duty with those PSOs with appropriate training but who have not yet gained relevant experience.

- (c) PSO qualifications:
- (i) PSOs must successfully complete relevant training, including completion of all required coursework and passing (80 percent or greater) a written and/or oral examination developed for the training program.
  - (ii) PSOs must have successfully attained a bachelor's degree from an accredited college or university with a major in one of the natural sciences, a minimum of 30 semester hours or equivalent in the biological sciences, and at least one undergraduate course in math or statistics. The educational requirements may be waived if the PSO has acquired the relevant skills through alternate experience. Requests for such a waiver shall be submitted to NMFS and must include written justification. Alternate experience that may be considered includes, but is not limited to: Secondary education and/or experience comparable to PSO duties; Previous work experience conducting academic, commercial, or government-sponsored marine mammal surveys; or Previous work experience as a PSO; the PSO should demonstrate good standing and consistently good performance of PSO duties.
- (d) Equipment – IWO is required to work with the selected third-party PSO provider to ensure PSOs have all equipment (including backup equipment) needed to adequately perform necessary tasks, including accurate determination of distance and bearing to observed marine mammals, and to ensure that PSOs are capable of calibrating equipment as necessary for accurate distance estimates and species identification. Such equipment, at a minimum, shall include:
- (i) At least one thermal (infrared) imaging device suited for the marine environment;
  - (ii) Reticle binoculars (*e.g.*, 7 x 50) of appropriate quality (at least one per PSO, plus backups);
  - (iii) Global Positioning Units (GPS) (at least one plus backups);
  - (iv) Digital camera with a telephoto lens (the camera or lens should also have an image stabilization system) that is at least 300 mm or equivalent on a full-frame single lens reflex, also known as SLR (plus backup);
  - (v) Equipment necessary for accurate measurement of distances to marine mammal;
  - (vi) Compass (plus backup);

- (vii) Means of communication among vessel crew and PSOs; and,
  - (viii) Any other tools deemed necessary to adequately and effectively perform PSO tasks.
- (e) Equipment specified in (i) through (viii) above may be provided by an individual PSO, the third-party PSO provider, or the operator, but IWO is responsible for ensuring PSOs have the proper equipment required to perform the duties specified within this IHA.
  - (f) During good conditions (*e.g.*, daylight hours; Beaufort sea state 3 or less), PSOs shall conduct observations when the acoustic sources are not operating for comparison of sighting rates and behavior with and without use of the acoustic sources and between acquisition periods, to the maximum extent practicable.
  - (g) Members of the PSO team shall consult NMFS' NARW reporting system and Whale Alert, daily and as able, for the presence of NARW throughout survey operations and for the establishment of DMAs and/or Slow Zones.

## 6. Reporting

- (a) IWO must submit a draft comprehensive report to NMFS on all activities and monitoring results within 90 days of the completion of the survey or expiration of the IHA, whichever comes sooner, and must include all information described below under section 6(c) of this IHA. A final report must be submitted within 30 days following resolution of any comments on the draft report. All draft and final marine mammal monitoring reports must be submitted to NMFS by email (*PR.ITP.MonitoringReports@noaa.gov*, *nmfs.gar.incidental-take@noaa.gov*, and *ITP.clevenstine@noaa.gov*).
- (b) The report must describe all activities conducted and sightings of marine mammals, must provide full documentation of methods, results, and interpretation pertaining to all monitoring, and must summarize the dates and locations of survey operations and all marine mammal sightings (dates, times, locations, activities, associated survey activities). The draft and final reports shall also include georeferenced, time-stamped vessel tracklines for all time periods during which acoustic sources were operating. Tracklines should include points recording any change in acoustic source status (*e.g.*, when the sources began operating, when they were turned off, or when they changed operational status). GIS files shall be provided in ESRI shapefile format and include the UTC date and time, latitude in decimal degrees, and longitude in decimal degrees. All coordinates shall be referenced to the WGS84 geographic coordinate system. In addition to the report, all raw observational data shall be made available.
- (c) PSOs must use standardized electronic data forms to record data. PSOs shall record detailed information about any implementation of mitigation requirements, including the distance of marine mammal to the acoustic source and description of specific actions that ensued, the behavior of the animal(s), any observed changes

in behavior before and after implementation of mitigation, and if shutdown was implemented, the length of time before any subsequent ramp-up of the acoustic source. If required mitigation was not implemented, PSOs should record a description of the circumstances. At a minimum, the following information must be recorded:

- (i) Vessel name (source vessel and other vessels associated with survey), vessel size and type, maximum speed capability of vessel;
- (ii) Dates of departures and returns to port with port name;
- (iii) PSO names and affiliations;
- (iv) Date and participants of PSO briefings;
- (v) Visual monitoring equipment used;
- (vi) PSO location on vessel and height of observation location above water surface;
- (vii) Dates and times (Greenwich Mean Time) of survey on/off effort and times corresponding with PSO on/off effort;
- (viii) Vessel location (decimal degrees) when survey effort begins and ends and vessel location at beginning and end of visual PSO duty shifts;
- (ix) Vessel location at 30-second intervals if obtainable from data collection software, otherwise at practical regular interval;
- (x) Vessel heading and speed at beginning and end of visual PSO duty shifts and upon any change;
- (xi) Water depth (if obtainable from data collection software);
- (xii) Environmental conditions while on visual survey (at beginning and end of PSO shift and whenever conditions change significantly), including BSS and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon;
- (xiii) Factors that may contribute to impaired observations during each PSO shift change or as needed as environmental conditions change (*e.g.*, vessel traffic, equipment malfunctions); and,
- (xiv) Survey activity information (and changes thereof), such as acoustic source power output while in operation, number and volume of airguns operating in an array, tow depth of an acoustic source, and any other notes of significance (*i.e.*, pre-start clearance, ramp-up, shutdown, testing, shooting, ramp-up completion, end of operations, streamers, *etc.*).

- (xv) Upon visual observation of any marine mammal, the following information must be recorded:
- A. Watch status (sighting made by PSO on/off effort, opportunistic, crew, alternate vessel/platform);
  - B. Vessel/survey activity at time of sighting (*e.g.*, deploying, recovering, testing, shooting, data acquisition, other);
  - C. PSO who sighted the animal;
  - D. Time of sighting;
  - E. Initial detection method;
  - F. Sightings cue;
  - G. Vessel location at time of sighting (decimal degrees);
  - H. Direction of vessel's travel (compass direction);
  - I. Speed of the vessel(s) from which the observation was made;
  - J. Identification of the animal (*e.g.*, genus/species, lowest possible taxonomic level or unidentified); also note the composition of the group if there is a mix of species;
  - K. Species reliability (an indicator of confidence in identification);
  - L. Estimated distance to the animal and method of estimating distance;
  - M. Estimated number of animals (high/low/best);
  - N. Estimated number of animals by cohort (adults, yearlings, juveniles, calves, group composition, *etc.*);
  - O. Description (as many distinguishing features as possible of each individual seen, including length, shape, color, pattern, scars, or markings, shape and size of dorsal fin, shape of head, and blow characteristics);
  - P. Detailed behavior observations (*e.g.*, number of blows/breaths, number of surfaces, breaching, spyhopping, diving, feeding, traveling; as explicit and detailed as possible; note any observed changes in behavior before and after point of closest approach);

- Q. Mitigation actions; description of any actions implemented in response to the sighting (*e.g.*, delays, shutdowns, ramp-up, speed or course alteration, *etc.*) and time and location of the action;
  - R. Equipment operating during sighting;
  - S. Animal's closest point of approach and/or closest distance from the center point of the acoustic source; and,
  - T. Description of any actions implemented in response to the sighting (*e.g.*, delays, shutdown, ramp-up) and time and location of the action.
- (d) If a NARW is observed at any time by PSOs or personnel on any project vessels, during surveys or during vessel transit, IWO must report the sighting information to the NMFS North Atlantic Right Whale Sighting Advisory System (866-755-6622) within two hours of occurrence, when practicable, or no later than 24 hours after occurrence. NARW sightings in any location may also be reported to the U.S. Coast Guard via Channel 16 and through the Whale Alert app (<http://www.whalealert.org/>).
- (e) Reporting injured or dead marine mammals:
- (i) Sightings of any injured or dead marine mammal must be reported to NMFS, regardless of the cause of injury or death. In the event that personnel involved in the survey activities discover an injured or dead marine mammal, IWO must report the incident to NMFS as soon as feasible by phone (866-755-6622) and by email ([nmfs.gar.incidental-take@noaa.gov](mailto:nmfs.gar.incidental-take@noaa.gov) and [PR.ITP.MonitoringReports@noaa.gov](mailto:PR.ITP.MonitoringReports@noaa.gov)) as soon as feasible. The report must include the following information:
    - A. Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
    - B. Species identification (if known) or description of the animal(s) involved;
    - C. Condition of the animal(s) (including carcass condition if the animal is dead);
    - D. Observed behaviors of the animal(s), if alive;
    - E. If available, photographs or video footage of the animal(s); and,
    - F. General circumstances under which the animal was discovered.
  - (ii) In the event of a ship strike of a marine mammal by any vessel involved in the survey activities, IWO must report the incident to NMFS by phone

(866-755-6622) and by email (*nmfs.gar.incidental-take@noaa.gov* and *PR.ITP.MonitoringReports@noaa.gov*) as soon as feasible. The report must include the following information:

- A. Time, date, and location (latitude/longitude) of the incident;
  - B. Species identification (if known) or description of the animal(s) involved;
  - C. Vessel's speed during and leading up to the incident;
  - D. Vessel's course/heading and what operations were being conducted (if applicable);
  - E. Status of all sound sources in use;
  - F. Description of avoidance measures/requirements that were in place at the time of the strike and what additional measures were taken, if any, to avoid strike;
  - G. Environmental conditions (*e.g.*, wind speed and direction, Beaufort sea state, cloud cover, visibility) immediately preceding the strike;
  - H. Estimated size and length of animal that was struck;
  - I. Description of the behavior of the marine mammal immediately preceding and/or following the strike;
  - J. If available, description of the presence and behavior of any other marine mammals immediately preceding the strike;
  - K. Estimated fate of the animal (*e.g.*, dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared); and,
  - L. To the extent practicable, photographs or video footage of the animal(s).
7. This Authorization may be modified, suspended or revoked if the holder fails to abide by the conditions prescribed herein (including, but not limited to, failure to comply with monitoring or reporting requirements), or if NMFS determines: (1) the authorized taking is likely to have or is having more than a negligible impact on the species or stocks of affected marine mammals, or (2) the prescribed measures are likely not or are not effecting the least practicable adverse impact on the affected species or stocks and their habitat.
8. Renewals

On a case-by-case basis, NMFS may issue a one-time, one-year Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities are planned or (2) the specified activities would not be completed by the time this IHA expires and a Renewal would allow for completion of the activities, provided all of the following conditions are met:

- (a) A request for renewal is received no later than 60 days prior to the needed Renewal IHA effective date (the Renewal IHA expiration date cannot extend beyond one year from expiration of this IHA).
- (b) The request for renewal must include the following:
  - (i) An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed for this IHA, are a subset of the activities, or include changes so minor (*e.g.*, reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).
  - (ii) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.
- (c) Upon review of the request for Renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings made in support of this IHA remain valid.

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Kimberly Damon-Randall,  
Director, Office of Protected Resources,  
National Marine Fisheries Service.

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Date



**Table 1. Authorized Incidental Take**

<b>Common name</b>	<b>Scientific name</b>	<b>Stock</b>	<b>ESA Status</b>	<b>Authorized Take</b>
North Atlantic right whale	<i>Eubalaena glacialis</i>	Western North Atlantic	Endangered	6
Fin whale	<i>Balaenoptera physalus</i>	Western North Atlantic	Endangered	18
Humpback whale	<i>Megaptera novaeangliae</i>	Gulf of Maine	N/A	13
Minke whale	<i>Balaenoptera acutrostrata</i>	Canadian East Coastal	N/A	92
Sei whale	<i>Balaenoptera borealis</i>	Nova Scotia	Endangered	7
Sperm whale	<i>Physeter macrocephalus</i>	North Atlantic	Endangered	2
Atlantic spotted dolphin	<i>Stenella frontalis</i>	Western North Atlantic	N/A	42
Atlantic white-sided dolphin	<i>Lagenorhynchus acutus</i>	Western North Atlantic	N/A	101
Bottlenose dolphin	<i>Tursiops truncatus</i>	Western North Atlantic, Offshore	N/A	611
Bottlenose dolphin	<i>Tursiops truncatus</i>	Western North Atlantic, Northern Migratory Coastal	N/A	795
Long-finned pilot whale	<i>Globicephala melas</i>	Western North Atlantic	N/A	15
Risso's dolphin	<i>Grampus griseus</i>	Western North Atlantic	N/A	10
Common dolphin	<i>Delphinus delphis</i>	Western North Atlantic	N/A	888
Harbor porpoise	<i>Phocoena phocoena</i>	Gulf of Maine/Bay of Fundy	N/A	950
Gray seal	<i>Halichoerus grypus</i>	Western North Atlantic	N/A	950
Harbor seal	<i>Phoca vitulina</i>	Western North Atlantic	N/A	950

**Table 2. Clearance, Vessel Separation, and Shutdown Zones**

Common name	Scientific name	Pre-start Observation and Ramp-Up Clearance Zone	Vessel Separation Zone (m)	Shutdown Zone
North Atlantic right whale	<i>Eubalaena glacialis</i>	500 meters; 30 minutes	500	500 meters; 30 minutes
Fin whale	<i>Balaenoptera physalus</i>	100 meters; 30 minutes	500	100 meters; 30 minutes
Humpback whale	<i>Megaptera novaeangliae</i>	100 meters; 30 minutes	100	100 meters; 30 minutes
Minke whale	<i>Balaenoptera acutrostrata</i>	100 meters; 30 minutes	100	100 meters; 30 minutes
Sei whale	<i>Balaenoptera borealis</i>	100 meters; 30 minutes	500	100 meters; 30 minutes
Sperm whale	<i>Physeter macrocephalus</i>	100 meters; 30 minutes	500	100 meters; 30 minutes
Atlantic spotted dolphin	<i>Stenella frontalis</i>	Not required (exempt)	50 (as feasible)	Not required (exempt)
Atlantic white-sided dolphin	<i>Lagenorhynchus acutus</i>	Not required (exempt)	50 (as feasible)	Not required (exempt)
Bottlenose dolphin (W.N. Atlantic Offshore)	<i>Tursiops truncatus</i>	Not required (exempt)	50 (as feasible)	Not required (exempt)
Bottlenose dolphin (Northern Migratory Coastal)	<i>Tursiops truncatus</i>	Not required (exempt)	50 (as feasible)	Not required (exempt)
Long-finned pilot whale	<i>Globicephala melas</i>	100 meters; 15 minutes	50 (as feasible)	100 meters; 15 minutes
Risso's dolphin	<i>Grampus griseus</i>	100 meters; 15 minutes	50 (as feasible)	100 meters; 15 minutes
Common dolphin	<i>Delphinus delphis</i>	Not required (exempt)	50 (as feasible)	Not required (exempt)
Harbor porpoise	<i>Phocoena phocoena</i>	100 meters; 15 minutes	50 (as feasible)	100 meters; 15 minutes
Gray seal	<i>Halichoerus grypus</i>	Not required (exempt)	50 (as feasible)	Not required (exempt)
Harbor seal	<i>Phoca vitulina</i>	Not required (exempt)	50 (as feasible)	Not required (exempt)

## 2023 Scientific Collecting Permits

Please see below for a few reminders regarding your NJ Scientific Collecting Permit.

### Permit

- Your permit number will remain the same as 2022 and will not change in the future. This will eliminate the need to re-label gear annually.

### Reporting Requirements

- Failure to comply with any reporting requirement may render the permit null and void and may subject the permittee and/or or subsidiary project leader to prosecution, in addition to permit revocation. Applications for future permits may also be denied.
- Notify the Bureau of Marine Law Enforcement of all scientific collecting activities at least 24 hours in advance of the activities by emailing [njdfwcommercialnotify@dep.nj.gov](mailto:njdfwcommercialnotify@dep.nj.gov). This reporting method will provide permit holders with a permanent record of the notification. **Please include your permit number on all correspondence.**
- A report summarizing all 2023 permit activities must be submitted in order to receive a 2024 permit. Reporting instructions are provided on the permit.

### Applying for 2024

- Download the application at [https://dep.nj.gov/njfw/wp-content/uploads/njfw/marine\\_scicollectapp.pdf](https://dep.nj.gov/njfw/wp-content/uploads/njfw/marine_scicollectapp.pdf).
- Submit the application, payment, two testimonial letters, and the 2022 report, if not submitted.
- **To simplify the application process:**
  - Check “yes” or “no” to identify any changes from your previous permit.
    - Check “yes” for any changes. Include only the changes in Section 2 of the application and sign at the bottom. You do not need to complete the entire application.
    - Check “no” if there are no changes. Only complete Section 1 of the application and sign at the bottom. Your new 2023 permit will be identical to your previous year’s permit. Do not enter anything in Section 2. Section 2 is only for changes.

### Questions

- Contact Heather Corbett  
[heather.corbett@dep.nj.gov](mailto:heather.corbett@dep.nj.gov)  
609-748-2020



NJ Department of Environmental Protection  
NJ Fish and Wildlife  
Marine Resources Administration  
PO Box 418  
Port Republic, NJ 08241  
Phone: (609) 748-2020

## 2023 Scientific Collecting Permit

**Permit Number:** 2023- 1929

**Date Issued:** 02/10/2023

Under provisions of N.J.S.A Title 23:4-52, permission is hereby given to:

**Name/Organization:** Fugro  
**Address:** 6100 Hilcroft Avenue  
**City, State, Zip:** Houston, TX 77081  
**Name:** Katie Duncan

**To conduct the following activities:** Conduct benthic research for the development of the Leading Light Wind Project

**At the following locations:** Lease Area OCS-A-0542 and along cable route options

**During the following time:** Spring through Fall, 2023

**Using the following gear:** Sediment grab sampler with real-time video system, sediment profile imaging and plan view imaging, ultrashort baseline system, surface navigation including DGNSS/gyrocompass/altitude sensors, High-resolution towed video system

**With the following vessel(s):**

Name	Registration #	Length (feet)
F/V Go Explorer	N/A	170'
M/V Westerly	1231991	48'
M/V Yeti	IAR36MONA515	39'

For the following species:

Species	Quantity	Retained or Released	Species	Quantity	Retained or Released
Benthic species	Various	Retained	All other species	Various	Retained

This permit is subject, but not limited, to the following conditions:

1. Although the permit is issued to the permittee, above, all terms and conditions shall be adhered to by any and all persons listed below as Subsidiary Project Leaders.
2. The person(s) named herein shall have this permit in the permittee's possession when collecting scientific specimens in marine, fresh, or estuarine waters of the State and must present it upon request to any official or citizen.
3. **The holder of this permit shall notify the Marine Law Enforcement Region Office of his/her scientific collecting activities in any of the State's marine, fresh, or estuarine waters at least 24 hours in advance of the activities. Notification must be made by emailing the Marine Enforcement Office at [njdfwcommercialnotify@dep.nj.gov](mailto:njdfwcommercialnotify@dep.nj.gov).** Please provide the following information in the email: permit #, sampling activity, sampling location, and telephone number.
4. A report of the organisms collected (species, numbers, specific location where taken, dates of sampling) and a final report for the study for which the permit is requested shall be sent to NJ Fish & Wildlife, Marine Resources Administration, Scientific Collecting Permit, P.O. Box 418, Port Republic, NJ 08241. Mail the report no later than four (4) weeks after the expiration date of this permit or upon request for permit renewal, whichever is earlier.
5. Additional permits may be required for species listed by the United States Government as endangered or threatened. Special provisions may apply.
6. This permit does not convey the right to trespass.
7. Violation by the permittee or any Subsidiary Permit Holders of any term or condition of the permit or any State law or regulation promulgated pursuant to N.J.S.A. Title 23 or 50 or N.J.A.C. 7:25 or 7:25A shall render this permit null and void and may subject the permittee and/or Subsidiary Permit Holder to prosecution in addition to permit revocation. Applications for future permits may also be denied.
8. The holder of this Scientific Collecting Permit is also required to have in his/her possession a "Special Permit for Research" from the Division of Watershed Management, Bureau of Marine Water Monitoring, P.O. Box 405, Leeds Point, NJ 08220, prior to the taking of shellfish (clams, oysters, mussels) for scientific purposes from the marine or estuarine waters of the State that are designated "Conditionally Approved", "Restricted", "Prohibited", or "Suspended" (N.J.S.A. 58:24-3, and N.J.A.C. 7:12-2). A chart of these designated waters may be obtained from the Bureau of Marine Water Monitoring or by visiting [www.nj.gov/dep/wms/bmw](http://www.nj.gov/dep/wms/bmw).

9. If the Permittee is conducting research, this permit does not confer any rights beyond the collection of samples. Any commercialization of the research, including but not limited to, patenting, licensing, trademarking, copyrighting, or any other type of legal protection or agreement, must be negotiated with the Department separately from this permit. In addition, if the Permittee develops any invention, apparatus, computer program, discovery, or other intellectual property, the Department will own the entire right, title, and interest throughout the world to each such property right and to patents and copyrights protecting the same. The Department's ownership shall be unaffected by any termination, revocation, or expiration of this permit.

This permit cannot be transferred and expires on 12/31/2023.



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Jeff Brust, Chief  
Marine Resources Administration

- c: Deputy Chief Jason Snellbaker, Bureau of Law Enforcement-Marine Enforcement Region Office  
Capt. Brian Scott, Bureau of Law Enforcement-Marine Enforcement Region Office  
Lt. Christopher Wozniak, NJ State Police – Marine Service Bureau  
Deborah Watkins, Bureau of Marine Water Monitoring  
Sarah Gentile, Bureau of Marine Water Monitoring

Note for collection of:

- Horseshoe crab  
 Terrapin  
 Shellfish (hard/soft clams, mussels, oysters or other bivalve mollusks)  
 Endangered or threatened species

Subsidiary Project Leaders:

Daniel Doolittle

Darron Kriegel

Tom Shinskey



## State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SHAWN M. LATOURETTE  
Commissioner

SHEILA Y. OLIVER  
Lt. Governor

Division of Land Resource Protection  
Mail Code 501-02A  
P.O. Box 420  
Trenton, New Jersey 08625-0420  
[www.nj.gov/dep/landuse](http://www.nj.gov/dep/landuse)

March 21, 2023

Byran Schueler  
Vice President  
Invenergy Wind Offshore LLC  
One South Wacker Drive, Ste ;1800  
Chicago , IL 60606

RE: Sediment Sampling & Analysis Plan  
File and Activity No.: 0000-23-0002.1 DRG230001  
Applicant: Byran Schueler  
Project: Invenergy Leading Light Wind

Dear Mr. Schueler:

This is in response to your February 1, 2023, request for approval of a proposed benthic sampling as part of investigation of potential transmission line routes that would connect to an offshore wind energy generation facility. No dredging is proposed as part of this project at this time. This SSAP is designed to satisfy specific benthic habitat mapping guidelines issued by the BOEM and the National Marine Fisheries Service.

After reviewing the proposed sampling plan and core locations, the Office of Dredging and Sediment Technology (ODST) approves the collection of 36 sample locations that are proposed in New Jersey Waters. The approved core locations are depicted on Table 1. Benthic Sampling Locations in Waters of the State of New Jersey, included in the 2/1/2023, SSAP application package.

It is further noted that the project now qualifies for *N.J.C. 7:7-4.20 Permit-by-rule 20 – implementation of a sediment sampling plan for sampling in a water area as part of a dredging or dredged material management activity or as part of a remedial investigation of a contaminated site*, and that activities that qualify for this permit-by-rule also qualify for a water quality certificate pursuant to Section 401 of the Federal Clean Water Act, U.S.C. 33 §§ 1251 et seq.

If you have any questions, please feel free to contact me at [gary.nickerson@dep.nj.gov](mailto:gary.nickerson@dep.nj.gov).

Sincerely,

Gary Nickerson  
Office of Dredging and Sediment Technology



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NEW YORK 10278-0090

REGULATORY BRANCH

**July 14, 2023**

SUBJECT: Permit Application File Number NAN-2023-00421-EMI by Invenergy Wind Offshore, LLC for Surveying Activities in the East River, Upper New York Bay, Lower New York Bay, Raritan Bay and the Atlantic Ocean in New York and New Jersey

1. PERMITTEE:

Invenergy Wind Offshore, LLC  
Attn: Carmen Burnett  
One South Wacker Drive, Suite 1800  
Chicago, Illinois 60606  
[cbernett@invenergy.com](mailto:cbernett@invenergy.com)

2. On June 7, 2023, the New York District of the U.S. Army Corps of Engineers received a request for Department of the Army authorization from Invenergy Wind Offshore, LLC to conduct geotechnical and geochemical samplings. Samples will generally range from 4-7 inches in diameter. Approximately seventy (70) vibracore geotechnical samples will be taken, approximately 70 cone penetration tests (CPT) geotechnical samples will be taken, and approximately one hundred and nineteen (119) vibracore geochemical samples will be taken in the East River, Upper New York Bay and Lower New York Bay within New York State Waters. Additionally, approximately sixty-five (65) vibracore geotechnical samples will be taken, approximately sixty-five (65) cone penetration tests (CPT) geotechnical samples will be taken, and approximately fifty-nine (59) vibracore geochemical samples will be taken in the Raritan Bay and the Atlantic Ocean within New Jersey State Waters.

3. The specific applicant-provided details are as shown on the attached permit drawings, titled "Geophysical & Geotechnical Program Survey Plan", prepared by Invenergy, Fugro, and WSP.

4. This determination covers only the work described in the submitted material. Any major changes in the project may require additional authorizations from the New York District of the U.S. Army Corps of Engineers.

5. Based on the information submitted to this office and accomplishment of any required notification in accordance with the applicable federal requirements, our review of the subject work indicates that an individual Department of the Army permit is not required. It appears that the activities within the jurisdiction of this office could be accomplished under Department of the Army Nationwide General Permit Number 6 SURVEY ACTIVITIES in accordance with Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). The nationwide permits are prescribed at Reissuance and Modification of Nationwide Permits in the Federal Register dated December 27, 2021 (86 FR 73522). The subject work may be performed without further authorization from this office provided it complies with Number 6 SURVEY ACTIVITIES; New York District regional conditions; the following work-specific Special Conditions listed below; and any applicable regional conditions added by the State of New Jersey.



SUBJECT: Permit Application File Number NAN-2023-00421-EMI by Invenergy Wind Offshore, LLC for Surveying Activities in the East River, Upper New York Bay, Lower New York Bay, Raritan Bay and the Atlantic Ocean in New York and New Jersey

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6. Other than the work-specific Special Conditions listed below, the 2021 nationwide general permits in the State of New Jersey, including their final regional conditions, water quality certifications, and coastal zone concurrence statements are available at:

<https://www.nan.usace.army.mil/Missions/Regulatory/Nationwide-Permits/>

If you require a specific paper copy, please contact our Regulator-of-the-Day at 917-790-8511 to request one be mailed to you. Please be sure to have the above eighteen-character file number readily available when you call.

7. Work-specific Special Conditions:

(A) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

(B) The permittee shall sign and submit the attached compliance certification form to this office **within 30 days of COMPLETION** of the regulated activity authorized by this permit and any mitigation work required by Special Condition.

(C) The permittee shall take actions to prevent construction materials, including debris, from entering any waterway to become drift or pollution hazards.

(D) The permittee shall submit the following information, a minimum of 14 days before starting operations for publication in the Local Notice to Mariners to the First Coast Guard District by email to [D01-SMB-LNM@uscg.mil](mailto:D01-SMB-LNM@uscg.mil) and [SECTORNYWWM@uscg.mil](mailto:SECTORNYWWM@uscg.mil), and to the Fifth Coast Guard District by email at [cgd5waterways@uscg.mil](mailto:cgd5waterways@uscg.mil) or by written request to the following: Commander (dpw), Fifth Coast Guard District, Aids to Navigation Branch, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23704-5004, FAX Number 757-398-6303:

Date of submission

Name, phone number, and email address of project point of contact

Company Name

Type of Work

Waterway and location where work will be done

Latitude & Longitude of work area (Degrees, Minutes, Thousandths of seconds)

Work Start & Stop dates and Hours of Operation

Equipment on scene

SUBJECT: Permit Application File Number NAN-2023-00421-EMI by Invenergy Wind Offshore, LLC for Surveying Activities in the East River, Upper New York Bay, Lower New York Bay, Raritan Bay and the Atlantic Ocean in New York and New Jersey

- 3 -

Passing Arrangements / Time to move vessels to not impede navigation  
VHF Radio Channel monitored  
Disposal Site (if used)  
NOAA Chart Number for the area

(E) To protect federally listed species pursuant to Section 7 of the Endangered Species Act (ESA) under the jurisdiction of the National Marine Fisheries Service (NMFS) the permittee shall implement the prescribed best management practices described in the 2021 programmatic concurrence the National Oceanic & Atmospheric Administration (NOAA) Protected Resources Division (PRD) issued to the Bureau of Ocean Energy Management (BOEM).

8. This verification is valid until March 14, 2026, unless the nationwide general permits are modified, reissued, or revoked before then. This verification will remain valid until March 14, 2026, if the subject work activity complies with the terms of any subsequent modifications of the nationwide general permits. If the nationwide general permits are suspended, revoked, or modified in such a way that the subject activity would no longer comply with the terms and conditions of a nationwide general permit, and the proposed work activity has commenced, or is under contract to commence, the permittee will have twelve (12) months from the date of such permit action to complete the regulated work.

**This authorization is conditional on the applicant's receipt of the required coastal zone management concurrences or waivers from the New York State Department of State (NYSDOS) and New Jersey Department of Environmental Protection (NJDEP). No work may be accomplished until the required approvals from NYSDOS and NJDEP has been obtained.**

9. In order for us to better serve you and others, please complete our Customer Service Survey located at:

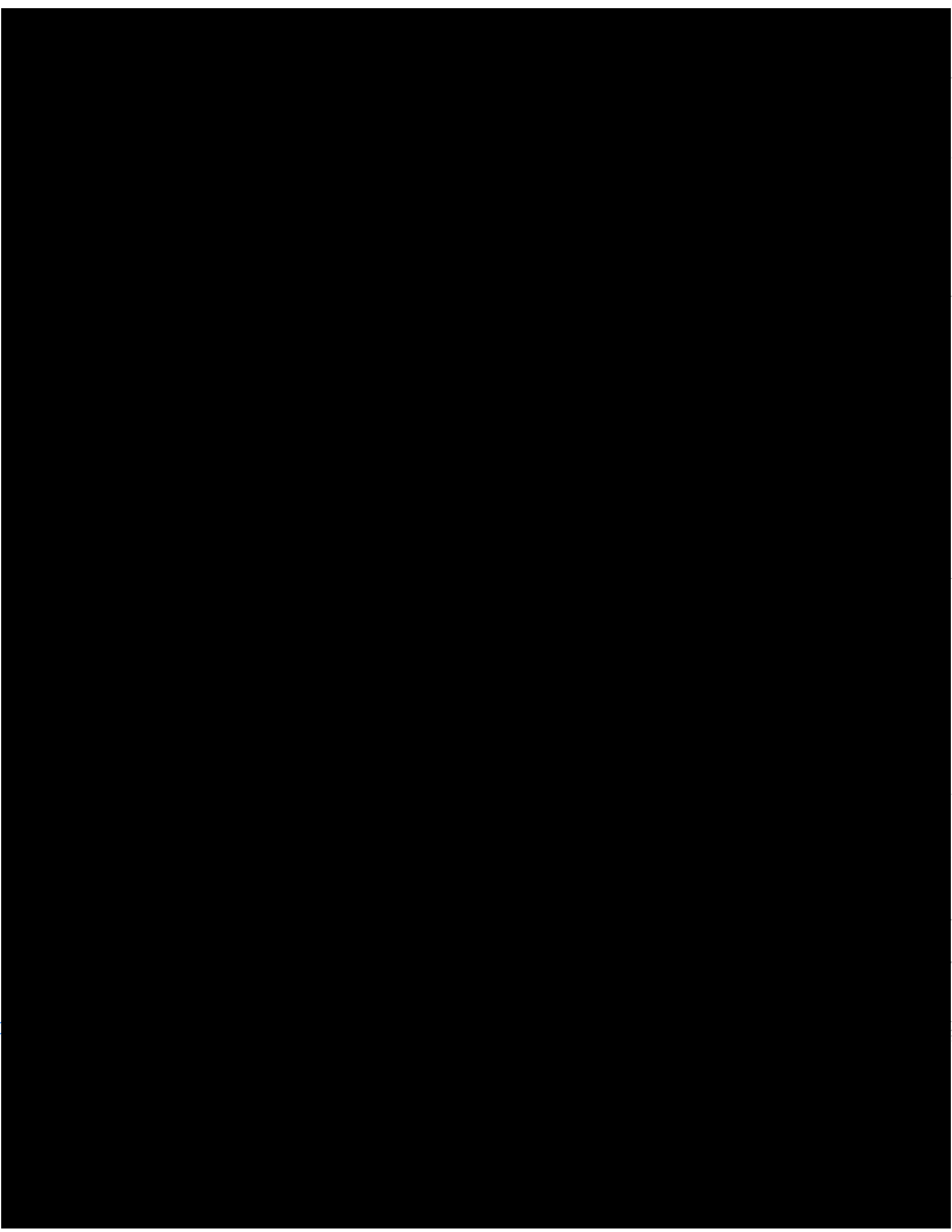
<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

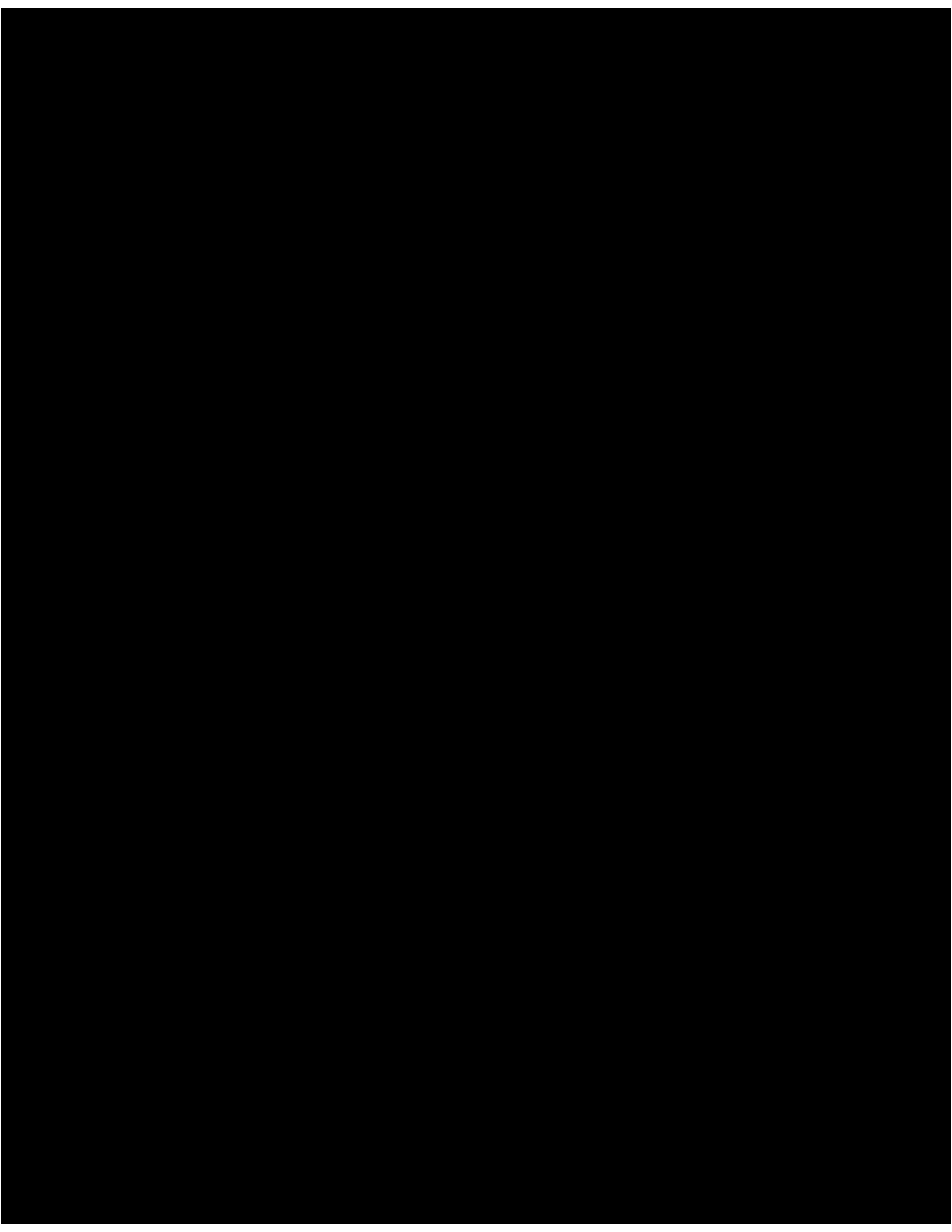
10. Any inquiries should be directed to our Regulator-of-the-Day at 917-790-8511. Please be sure to have the above eighteen-character file number readily available when you call.

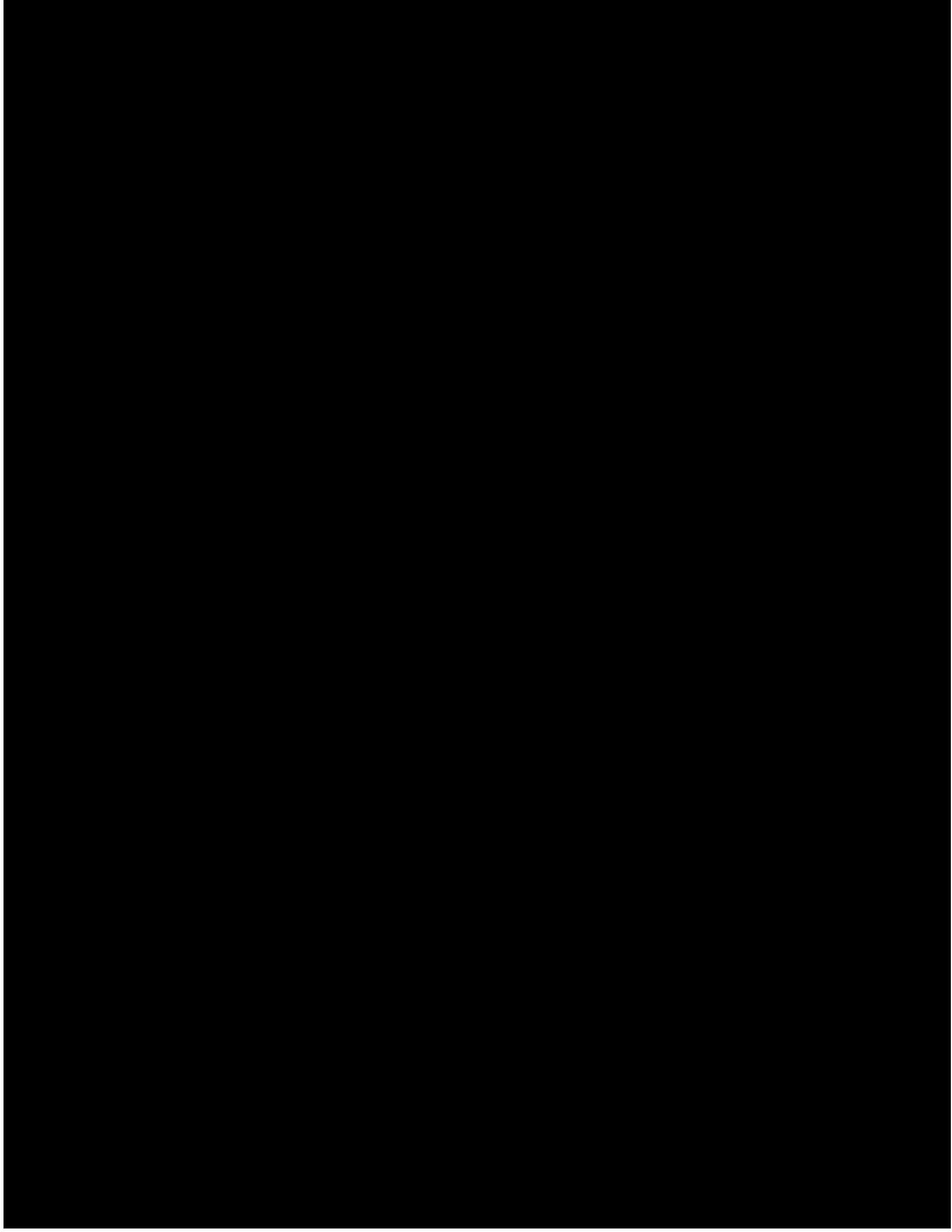
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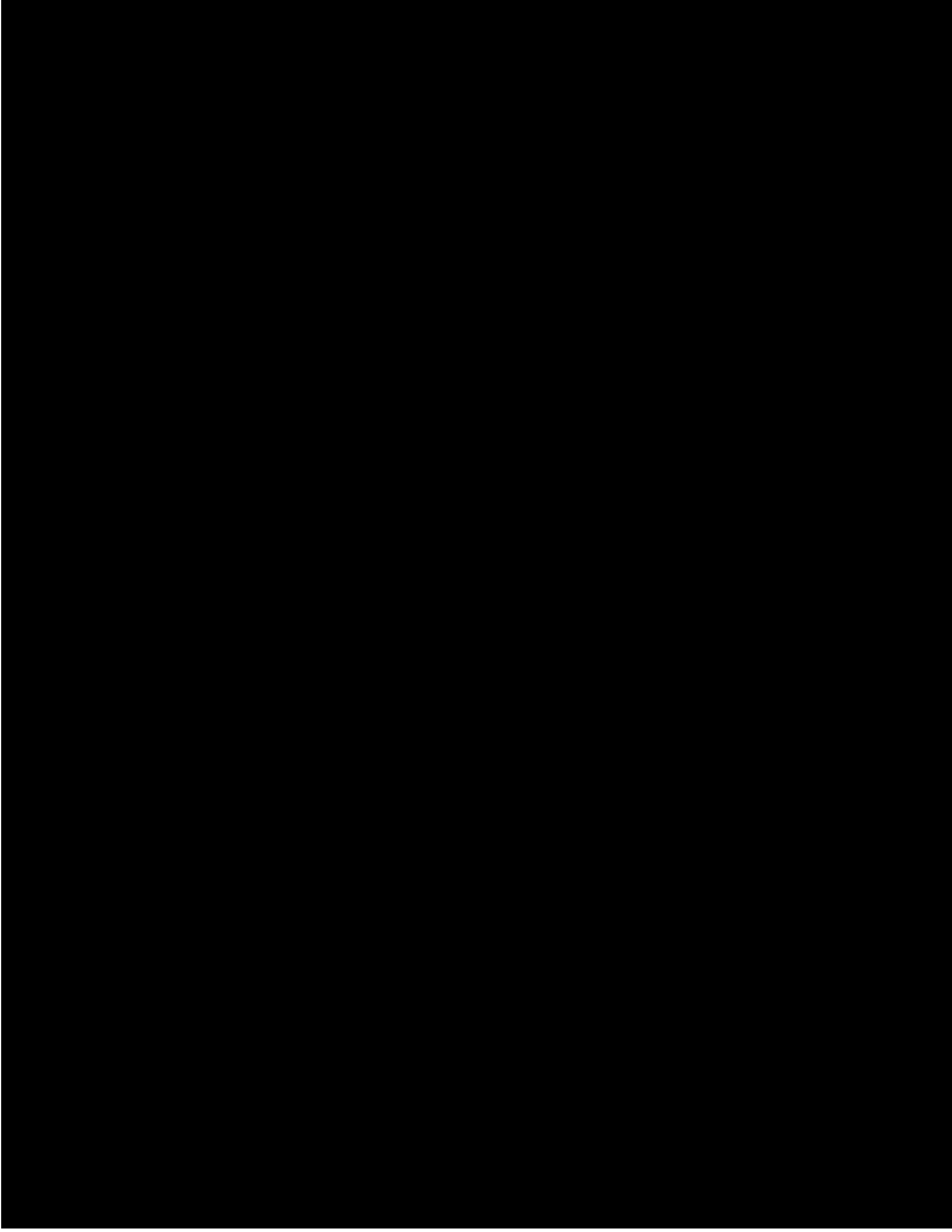
1. Dated Permit Drawings
2. Compliance Form

Christopher Minck  
Project Manager, Eastern Section

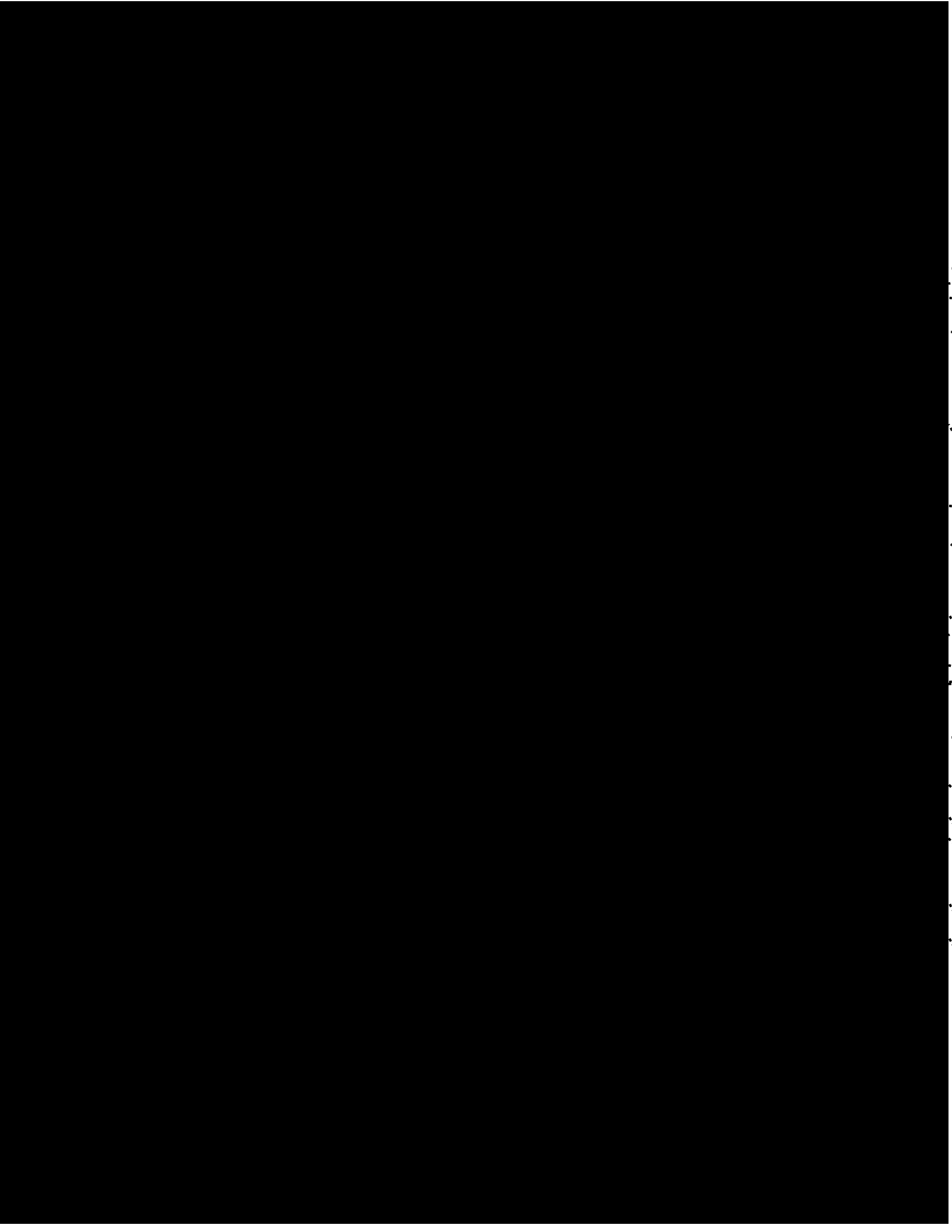




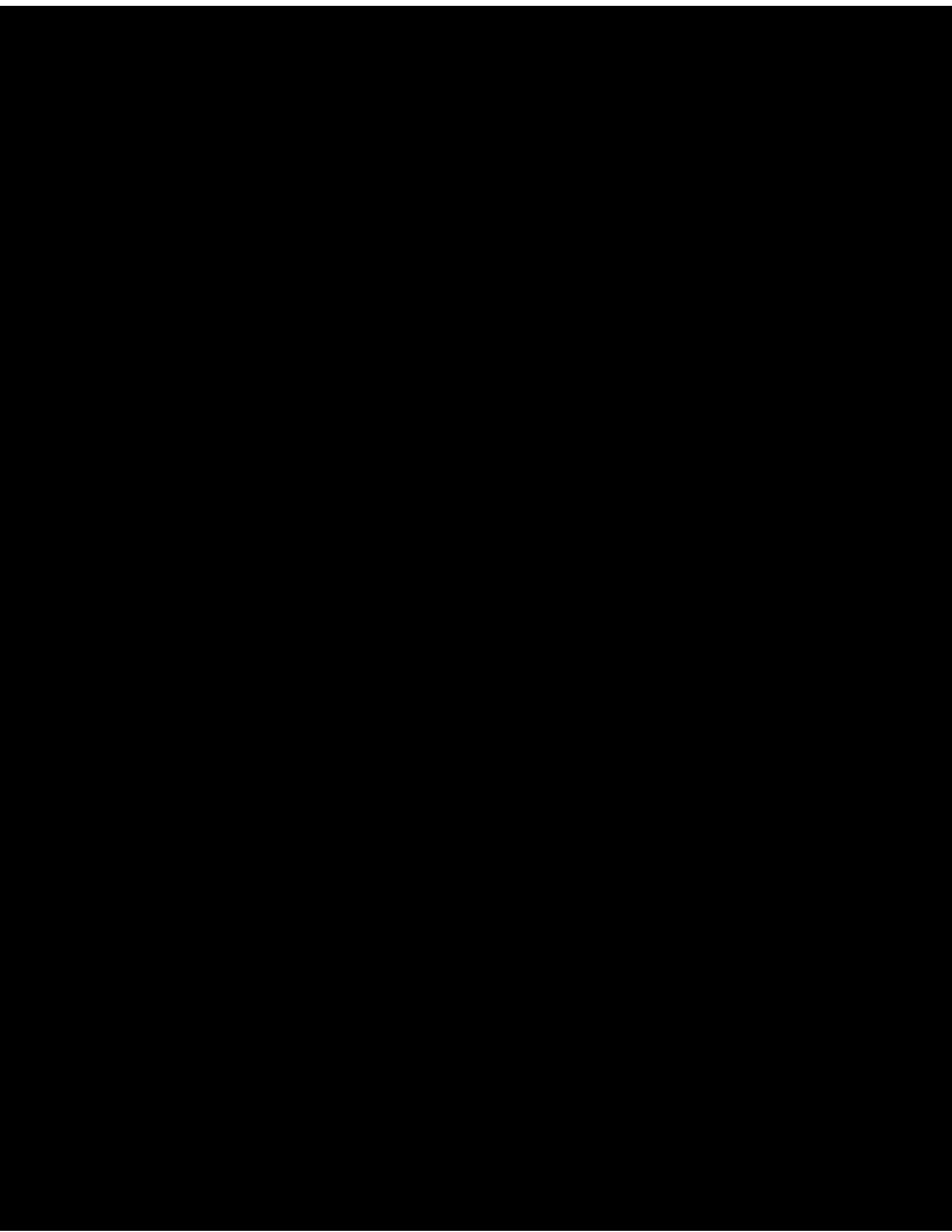


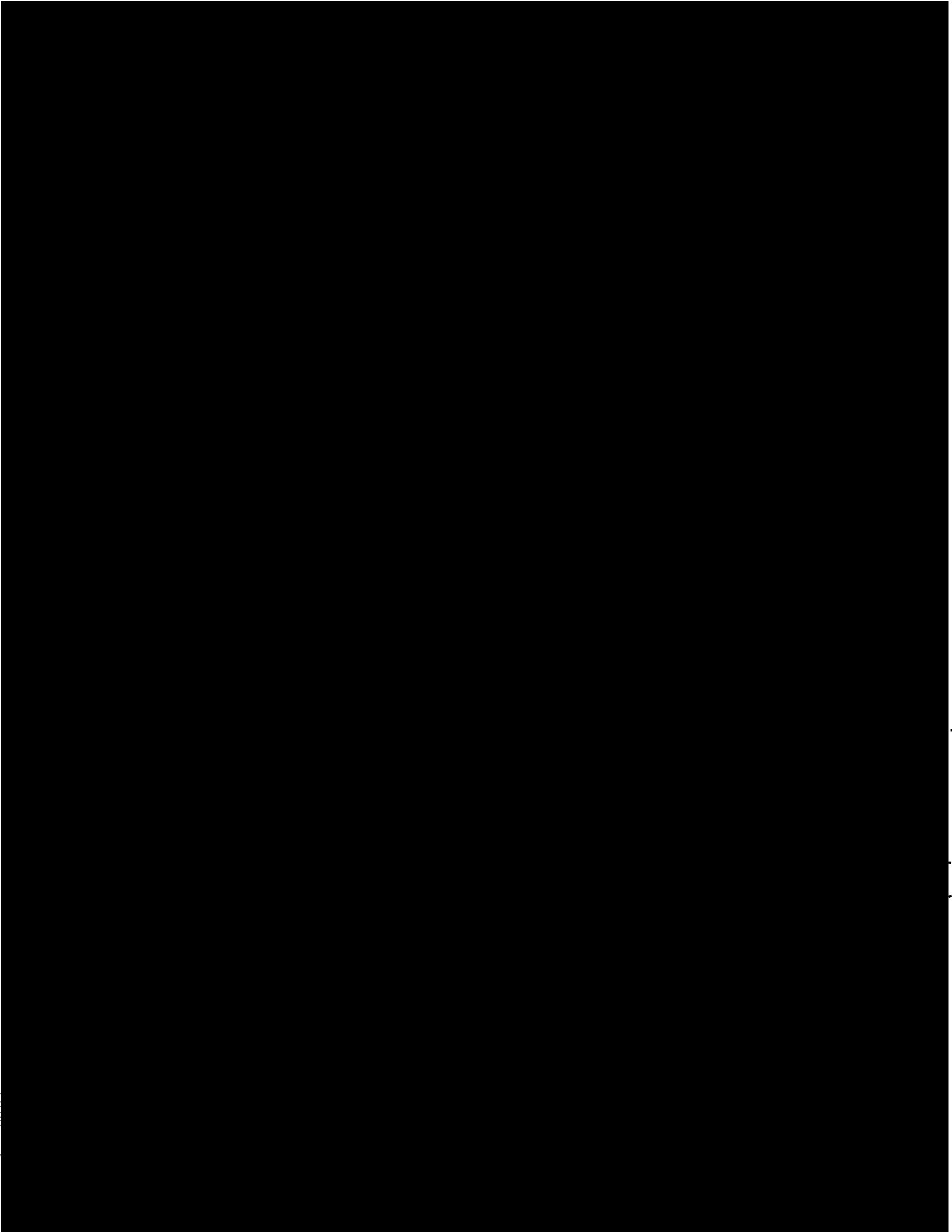


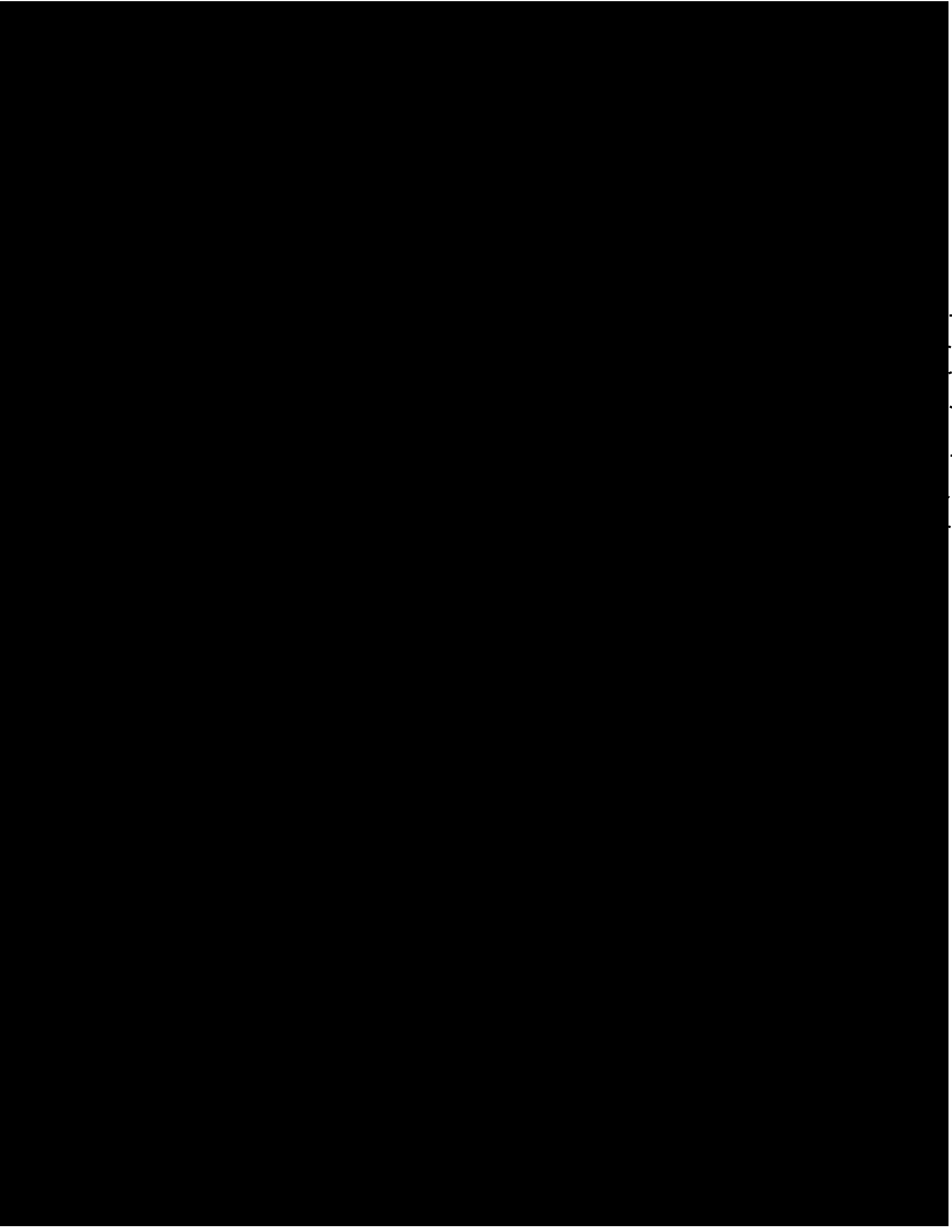


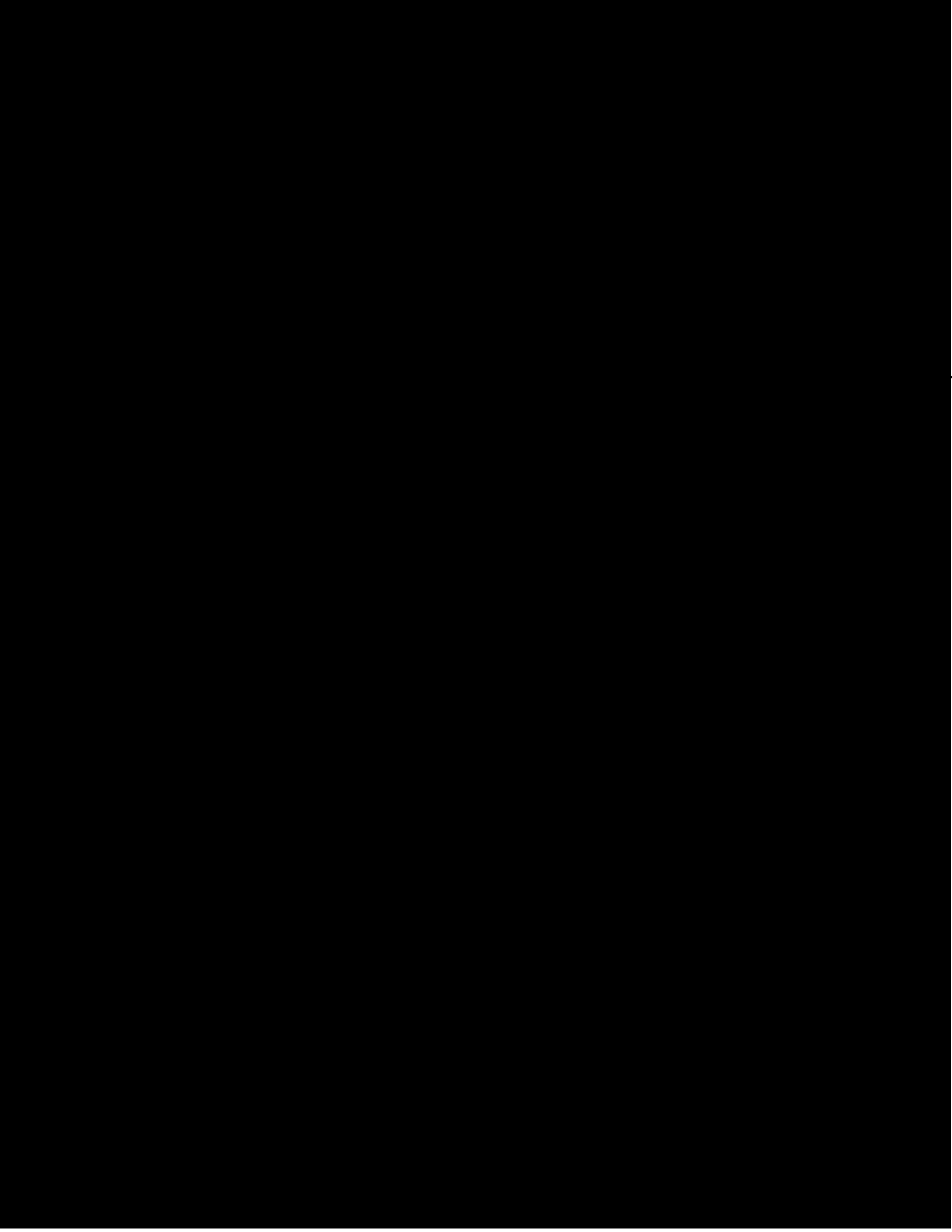


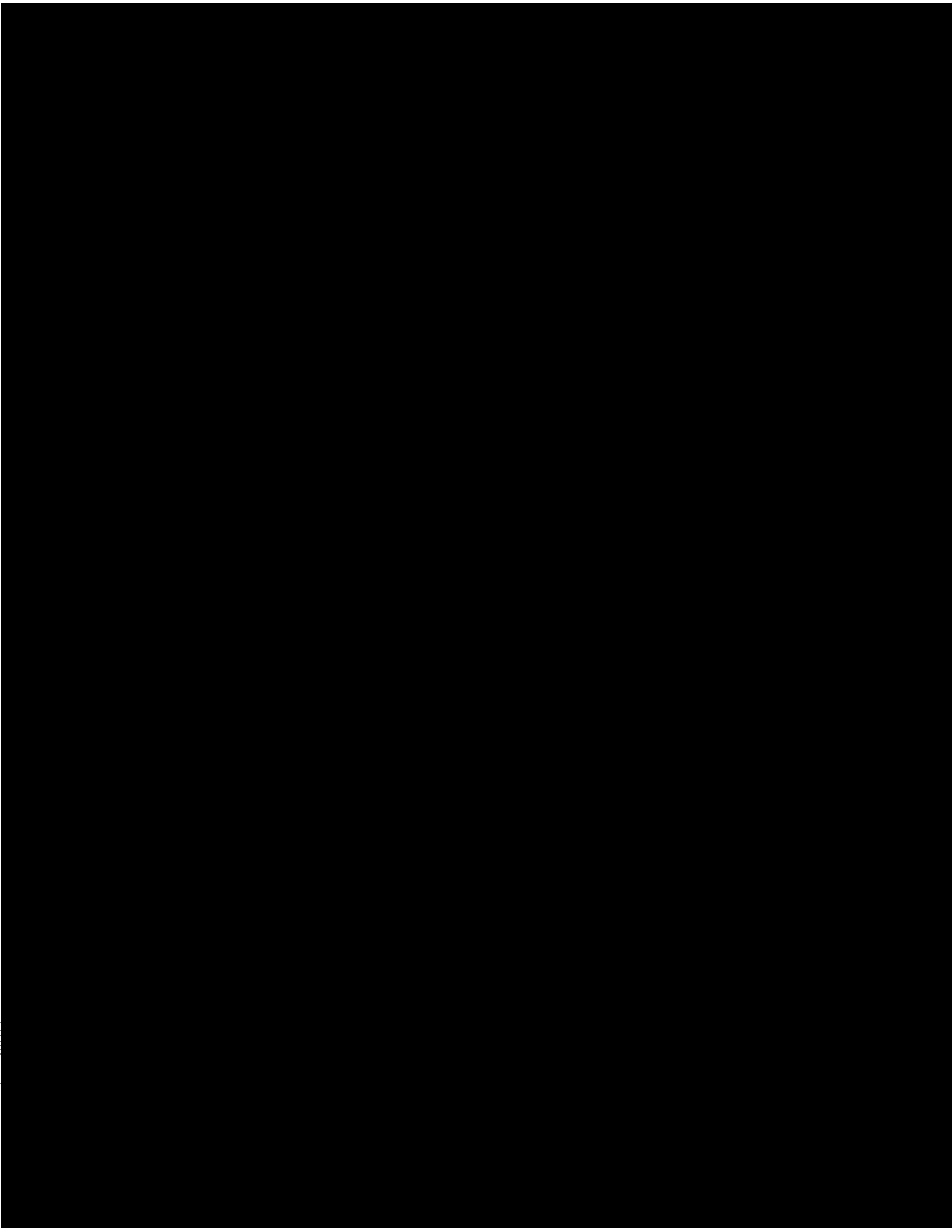












# **NATIONWIDE GENERAL PERMIT** **COMPLIANCE CERTIFICATION** **AND REPORT FORM**

Permit File Number: NAN-2023-00421-EMI

Permittee: Invenergy Wind Offshore, LLC

Location: Atlantic Ocean, Raritan Bay, Sandy Hook Bay, and Lower New York Bay in New Jersey

Date Permit Letter Issued: July 14, 2023

Within 30 days of the completion of the activity authorized by this nationwide general permit and any mitigation required in the verification letter, please sign this certification and return it to the address at the bottom of this form.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the permit's terms and conditions you are subject to permit suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced nationwide general permit has been completed in accordance with the terms and conditions of said permit, and required mitigation was completed in accordance with the permit conditions.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

**FOLD THIS FORM INTO THIRDS, WITH THE BOTTOM THIRD FACING OUTWARD.  
TAPE IT TOGETHER AND MAIL TO THE ADDRESS BELOW OR FAX (212) 264-4260.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLACE  
STAMP  
HERE**

**DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
ATTN: CENAN-OP-RE  
NEW YORK, NEW YORK 10278-0090**



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NEW YORK 10278-0090

REGULATORY BRANCH

**March 22, 2023**

SUBJECT: Permit Application File Number NAN-2022-00970-EMI by Invenergy Wind Offshore, LLC for Surveying Activities in the Atlantic Ocean, Upper New York Bay and Lower New York Bay in New York and New Jersey

1. PERMITTEE:

Invenergy Wind Offshore, LLC  
Attn: Bryan Schueler  
One South Wacker Drive, Suite 1800  
Chicago, Illinois 60606  
(708) 883-3878

2. On January 31, 2023, the New York District of the U.S. Army Corps of Engineers received a request for Department of the Army authorization from Invenergy Wind Offshore, LLC to perform various benthic surveying activities including seafloor video, SPI-PV data, high-resolution towed video transects, and grab samples. Approximately 8-inches of sediment from an approximately 24 square foot sample area would be removed per grab sample. The grab sampling will result in the removal of less than two cubic yards of sediment. The material will be collected for onshore analysis and disposed of at an approved upland facility. Approximately 27 samples will be located within New York State Waters and 36 samples will be located within New Jersey State Waters in the Atlantic Ocean, Upper New York Bay, and Lower New York Bay.

3. The specific applicant-provided details are as shown on the attached permit drawings, titled "Benthic Program Survey Plan", prepared by Invenergy, Fugro, & WSP.

4. This determination covers only the work described in the submitted material. Any major changes in the project may require additional authorizations from the New York District of the U.S. Army Corps of Engineers.

5. Based on the information submitted to this office and accomplishment of any required notification in accordance with the applicable federal requirements, our review of the subject work indicates that an individual Department of the Army permit is not required. It appears that the activities within the jurisdiction of this office could be accomplished under Department of the Army Nationwide General Permit Number 6 SURVEY ACTIVITIES in accordance with Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). The nationwide permits are prescribed at Reissuance and Modification of Nationwide Permits in the Federal Register dated December 27, 2021 (86 FR 73522). The subject work may be performed without further authorization from this office provided it complies with Number 6 SURVEY ACTIVITIES; New York District regional conditions; the following work-specific Special Conditions listed below; and any applicable regional conditions added by the State of New Jersey and State of New York.

SUBJECT: Permit Application File Number NAN-2022-00970-EMI by Invenergy Wind Offshore, LLC for Surveying Activities in the Atlantic Ocean, Upper New York Bay and Lower New York Bay in New York and New Jersey

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6. Other than the work-specific Special Conditions listed below, the 2021 nationwide general permits in the State of New Jersey and State of New York, including their final regional conditions, water quality certifications, and coastal zone concurrence statements are available at:

<https://www.nan.usace.army.mil/Missions/Regulatory/Nationwide-Permits/>

If you require a specific paper copy, please contact our Regulator-of-the-Day at 917-790-8511 to request one be mailed to you. Please be sure to have the above eighteen-character file number readily available when you call.

7. Work-specific Special Conditions:

(A) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

(B) The permittee shall sign and submit the attached compliance certification form to this office **within 30 days of COMPLETION** of the regulated activity authorized by this permit and any mitigation work required by Special Condition.

(C) The permittee shall take actions to prevent construction materials, including debris, from entering any waterway to become drift or pollution hazards.

(D) The permittee shall submit the following information, a minimum of 14 days before starting operations for publication in the Local Notice to Mariners to the First Coast Guard District by email to [D01-SMB-LNM@uscg.mil](mailto:D01-SMB-LNM@uscg.mil) and [SECTORNYWWM@uscg.mil](mailto:SECTORNYWWM@uscg.mil), and to the Fifth Coast Guard District by email at [cgd5waterways@uscg.mil](mailto:cgd5waterways@uscg.mil) or by written request to the following: Commander (dpw), Fifth Coast Guard District, Aids to Navigation Branch, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23704-5004, FAX Number 757-398-6303:

Date of submission

Name, phone number, and email address of project point of contact

Company Name

Type of Work



SUBJECT: Permit Application File Number NAN-2022-00970-EMI by Invenergy Wind Offshore, LLC for Surveying Activities in the Atlantic Ocean, Upper New York Bay and Lower New York Bay in New York and New Jersey

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Waterway and location where work will be done  
Latitude & Longitude of work area (Degrees, Minutes, Thousandths of seconds)  
Work Start & Stop dates and Hours of Operation  
Equipment on scene  
Passing Arrangements / Time to move vessels to not impede navigation  
VHF Radio Channel monitored  
Disposal Site (if used)  
NOAA Chart Number for the area

(E) To protect federally listed species pursuant to Section 7 of the Endangered Species Act (ESA) under the jurisdiction of the National Marine Fisheries Service (NMFS) the permittee shall implement the prescribed best management practices described in the 2021 programmatic concurrence the National Oceanic & Atmospheric Administration (NOAA) Protected Resources Division (PRD) issued to the Bureau of Ocean Energy Management (BOEM).

8. This verification is valid until March 14, 2026, unless the nationwide general permits are modified, reissued, or revoked before then. This verification will remain valid until March 14, 2026, if the subject work activity complies with the terms of any subsequent modifications of the nationwide general permits. If the nationwide general permits are suspended, revoked, or modified in such a way that the subject activity would no longer comply with the terms and conditions of a nationwide general permit, and the proposed work activity has commenced, or is under contract to commence, the permittee will have twelve (12) months from the date of such permit action to complete the regulated work.

**This authorization is conditional on the applicant's receipt of the required coastal zone management concurrence or waiver from the New York State Department of State (NYS DOS). No work may be accomplished until the required approval from NYSDOS has been obtained.**

9. In order for us to better serve you and others, please complete our Customer Service Survey located at:

<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

10. Any inquiries should be directed to our Regulator-of-the-Day at 917-790-8511. Please be sure to have the above eighteen-character file number readily available when you call.

Encl (2)

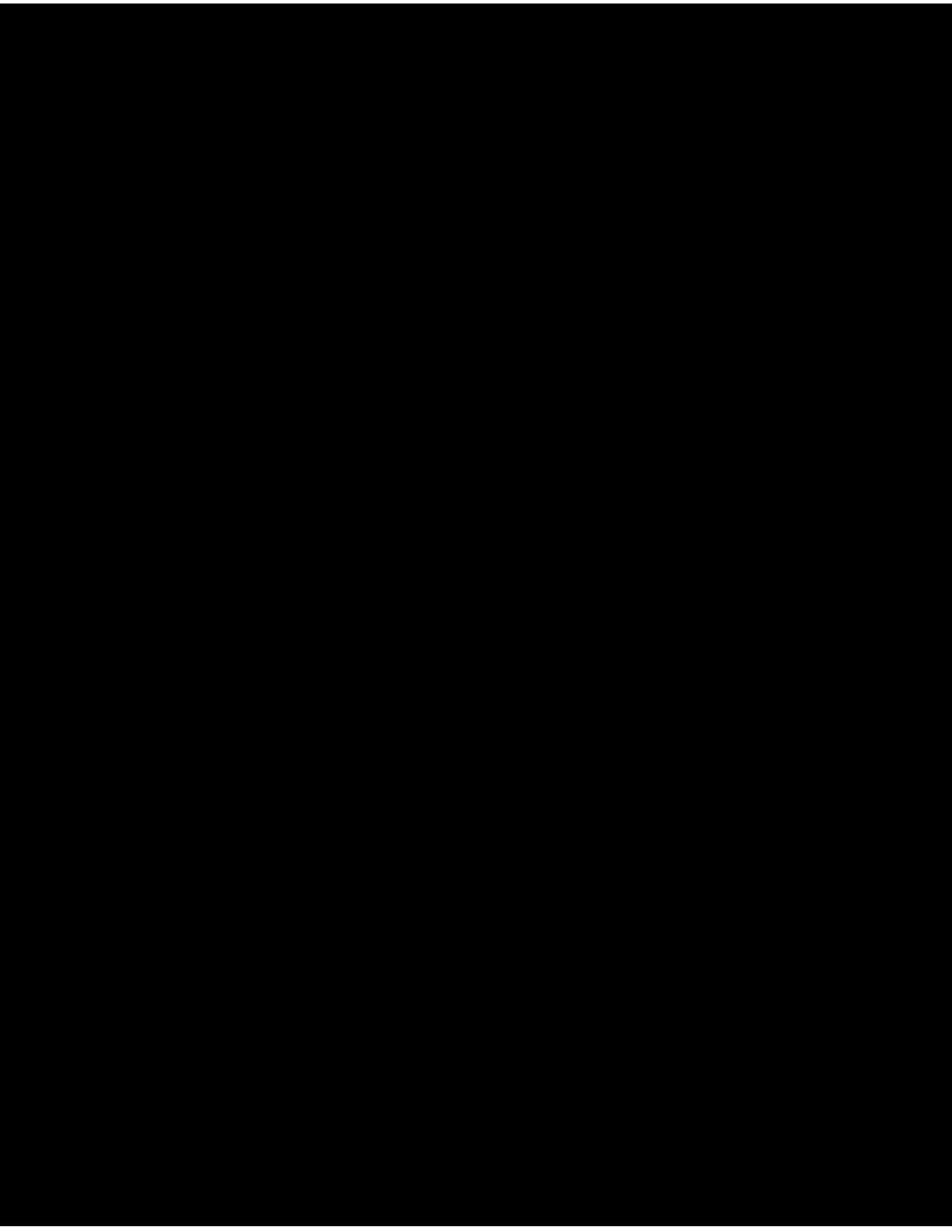
Christopher Minck  
Project Manager, Eastern Section

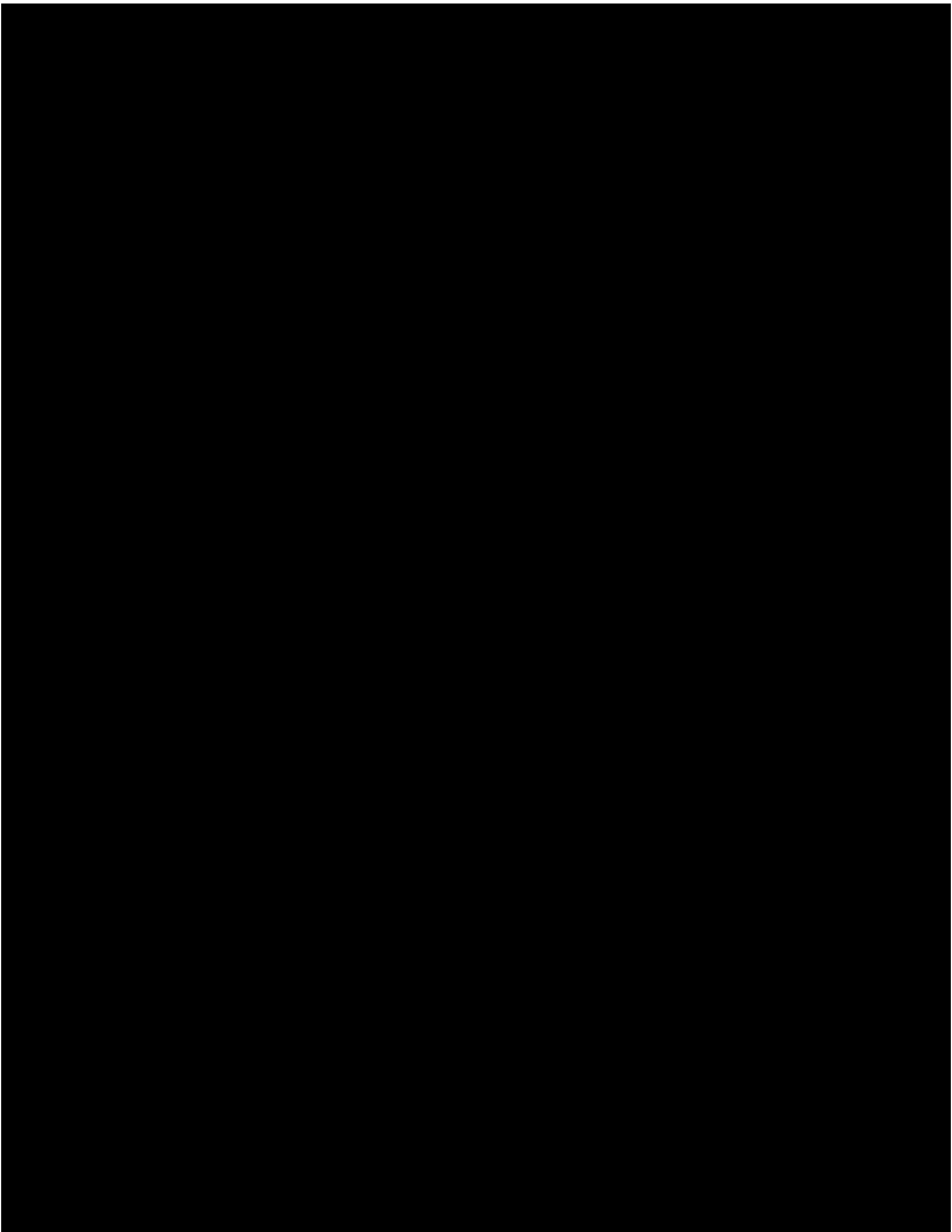
SUBJECT: Permit Application File Number NAN-2022-00970-EMI by Invenergy Wind Offshore, LLC for Surveying Activities in the Atlantic Ocean, Upper New York Bay and Lower New York Bay in New York and New Jersey

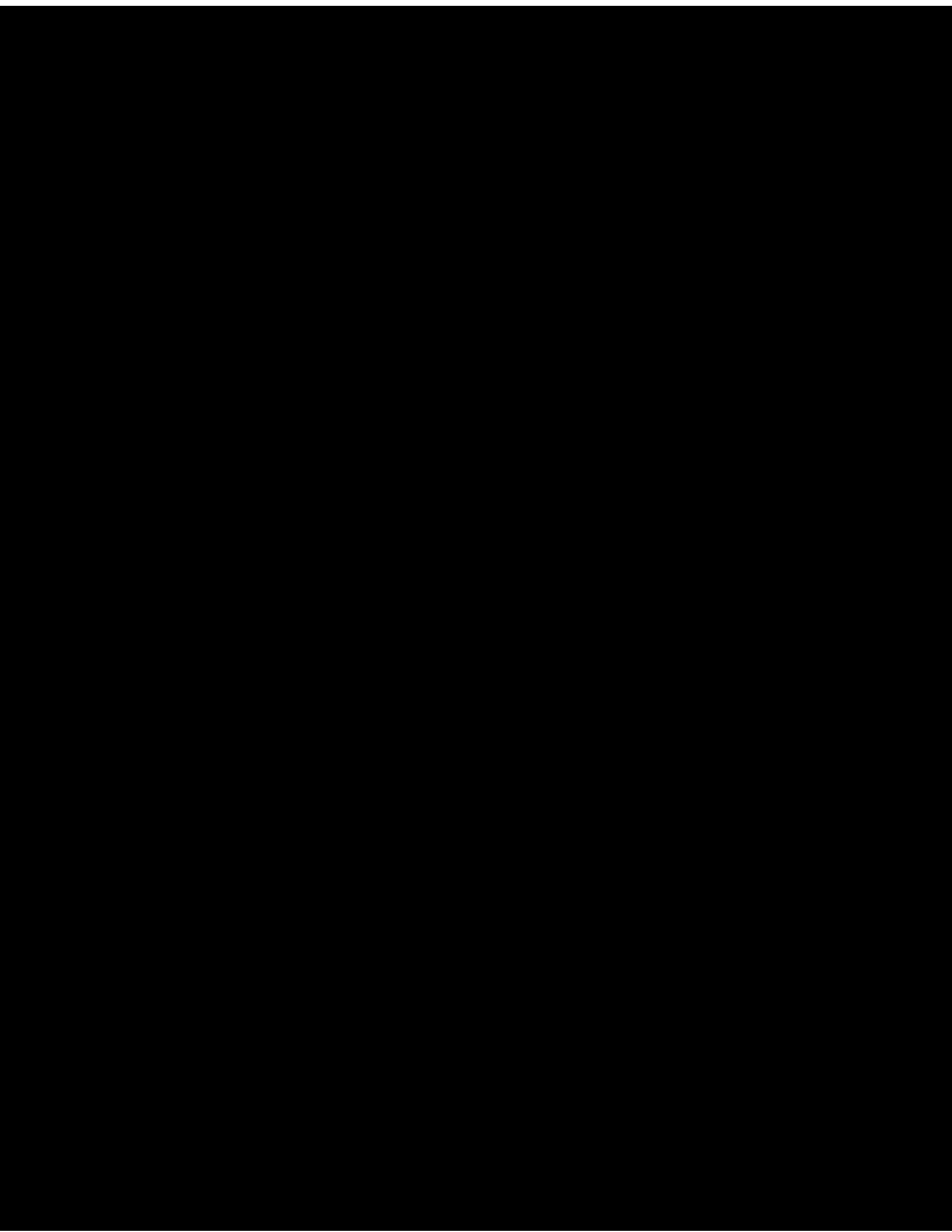
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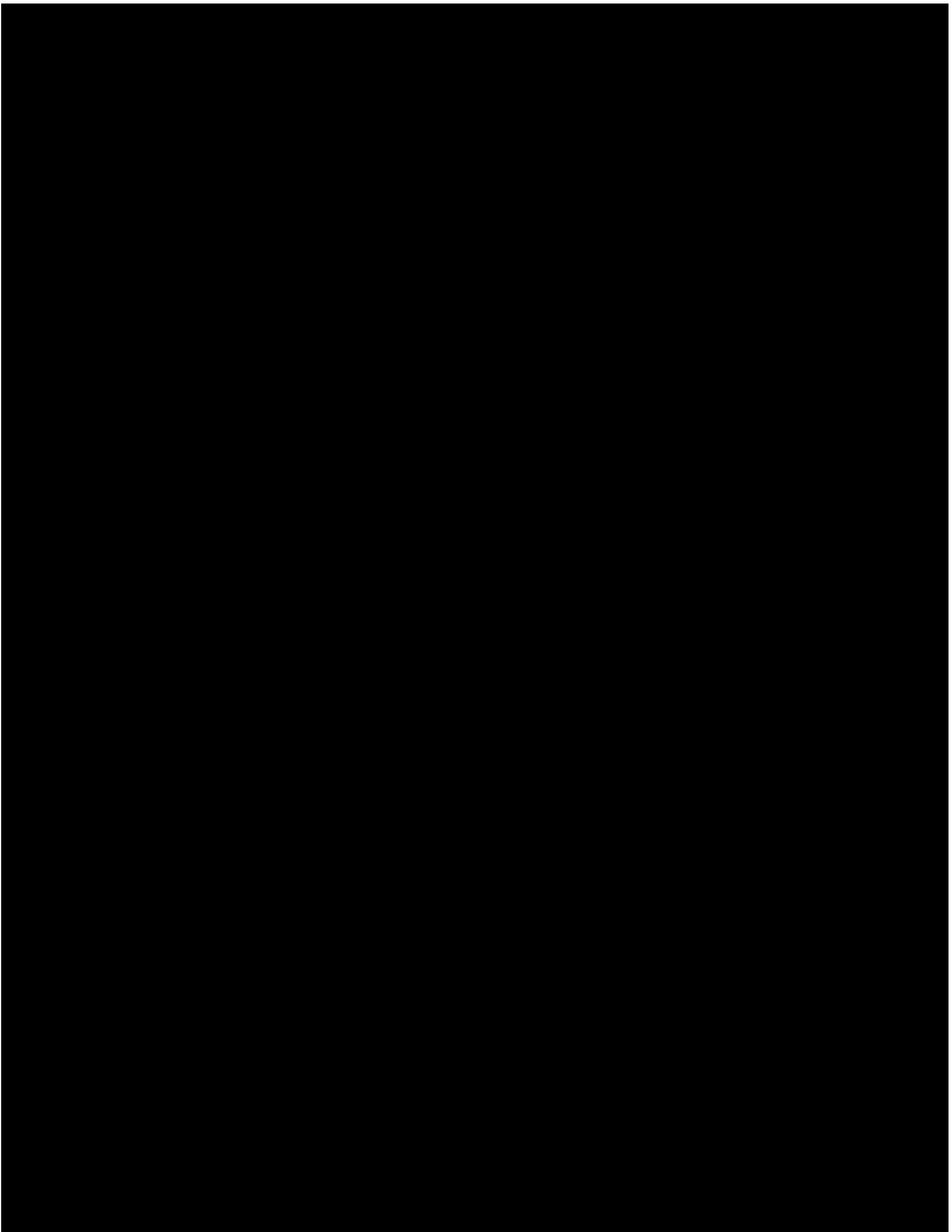
1. Dated Permit Drawings
2. Compliance Form

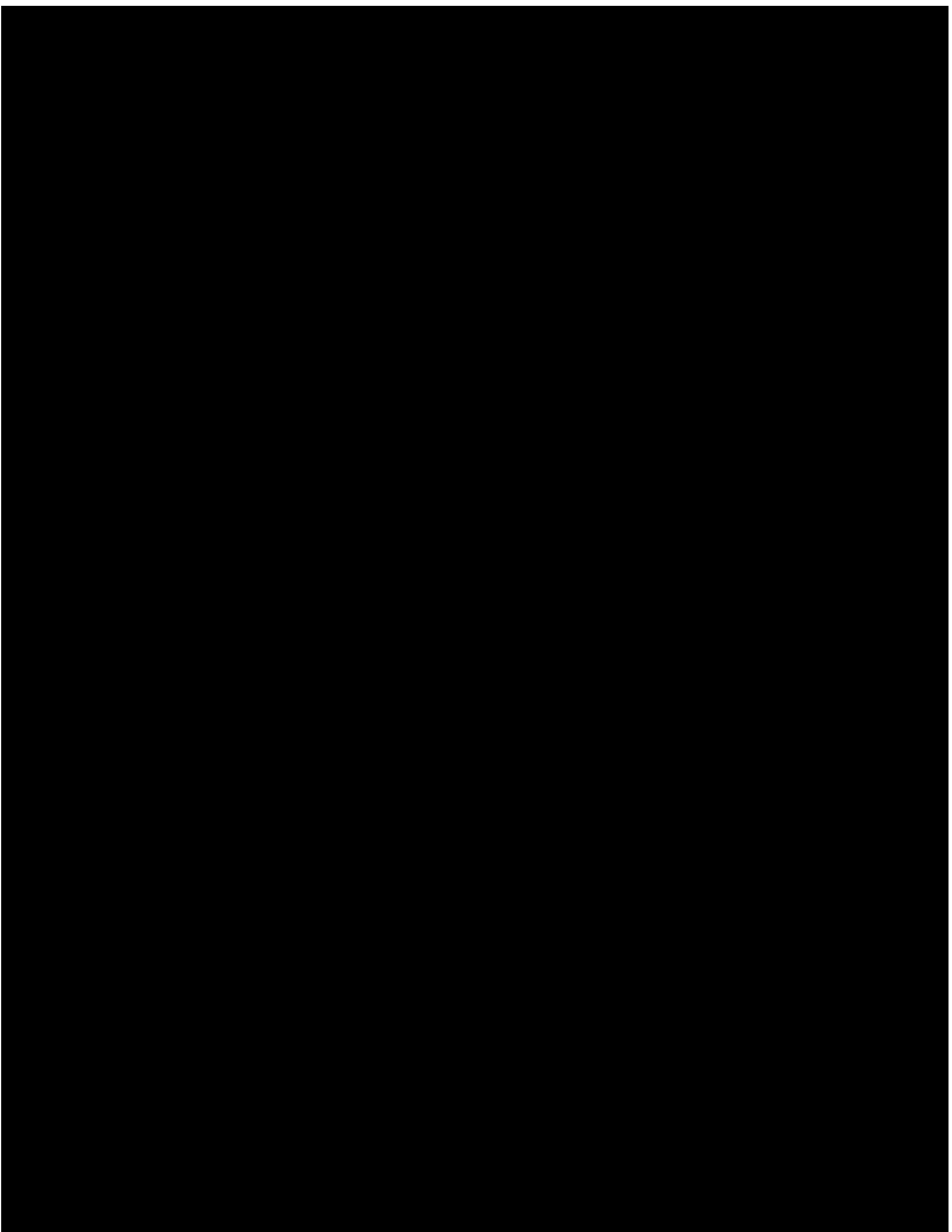
Copies Furnished  
CENAP-OP-R

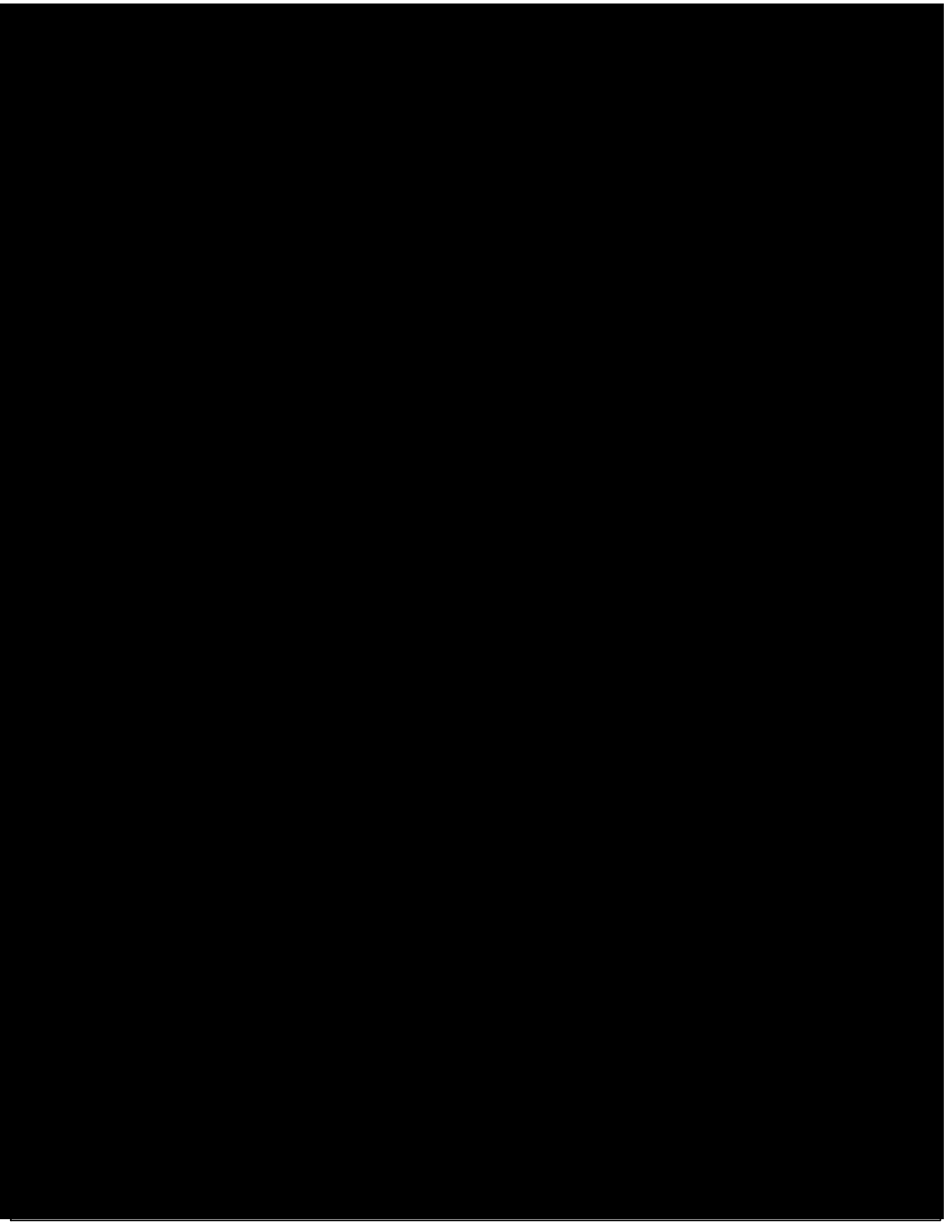




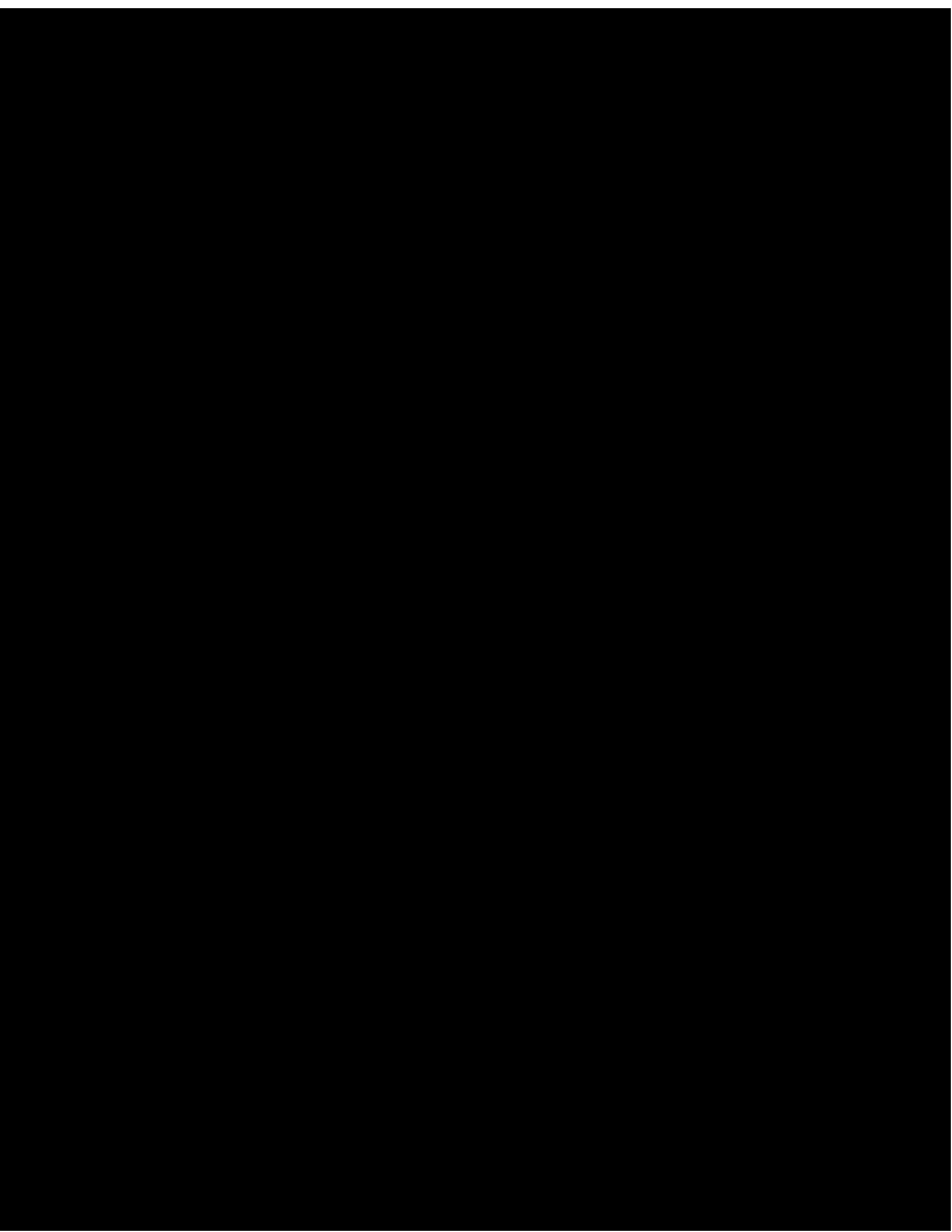


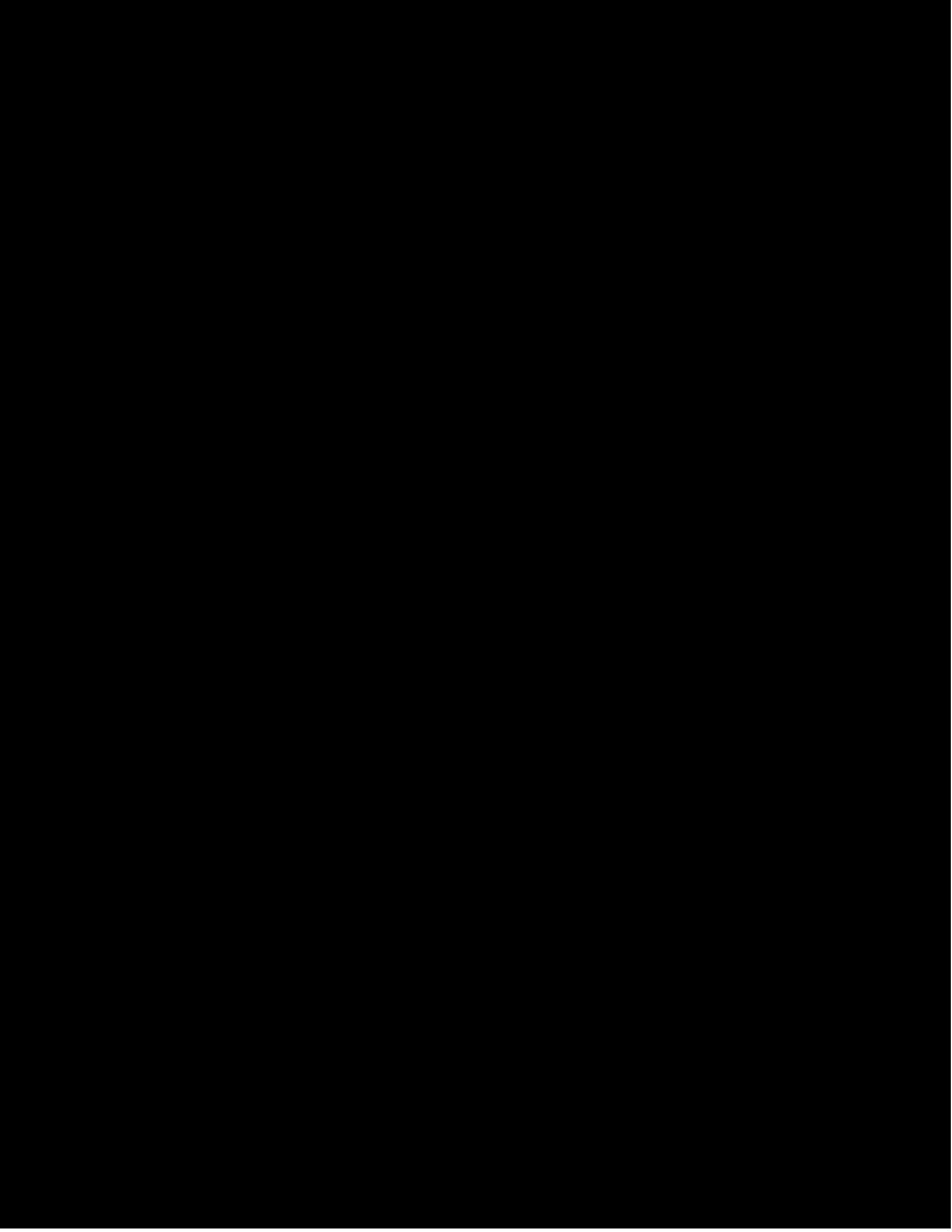


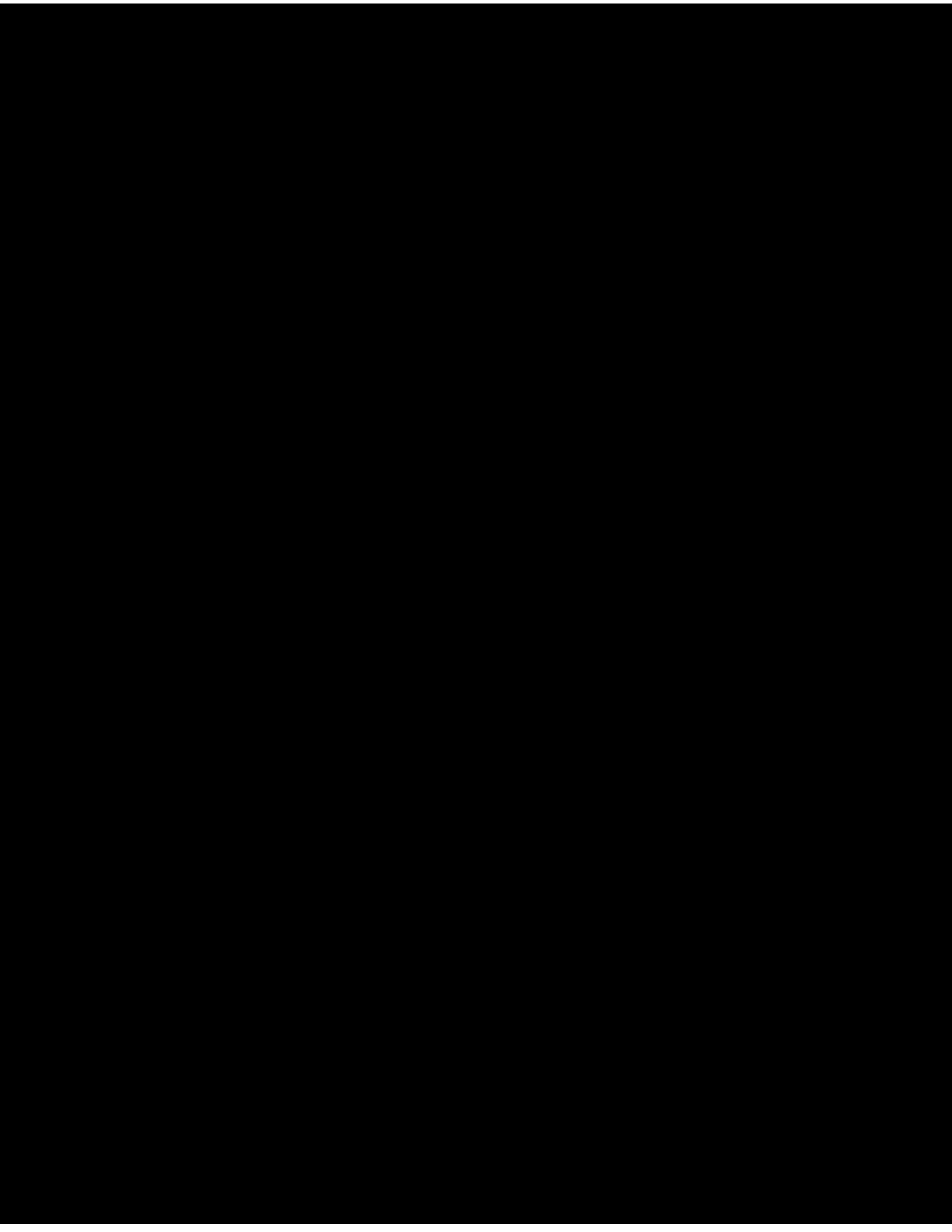


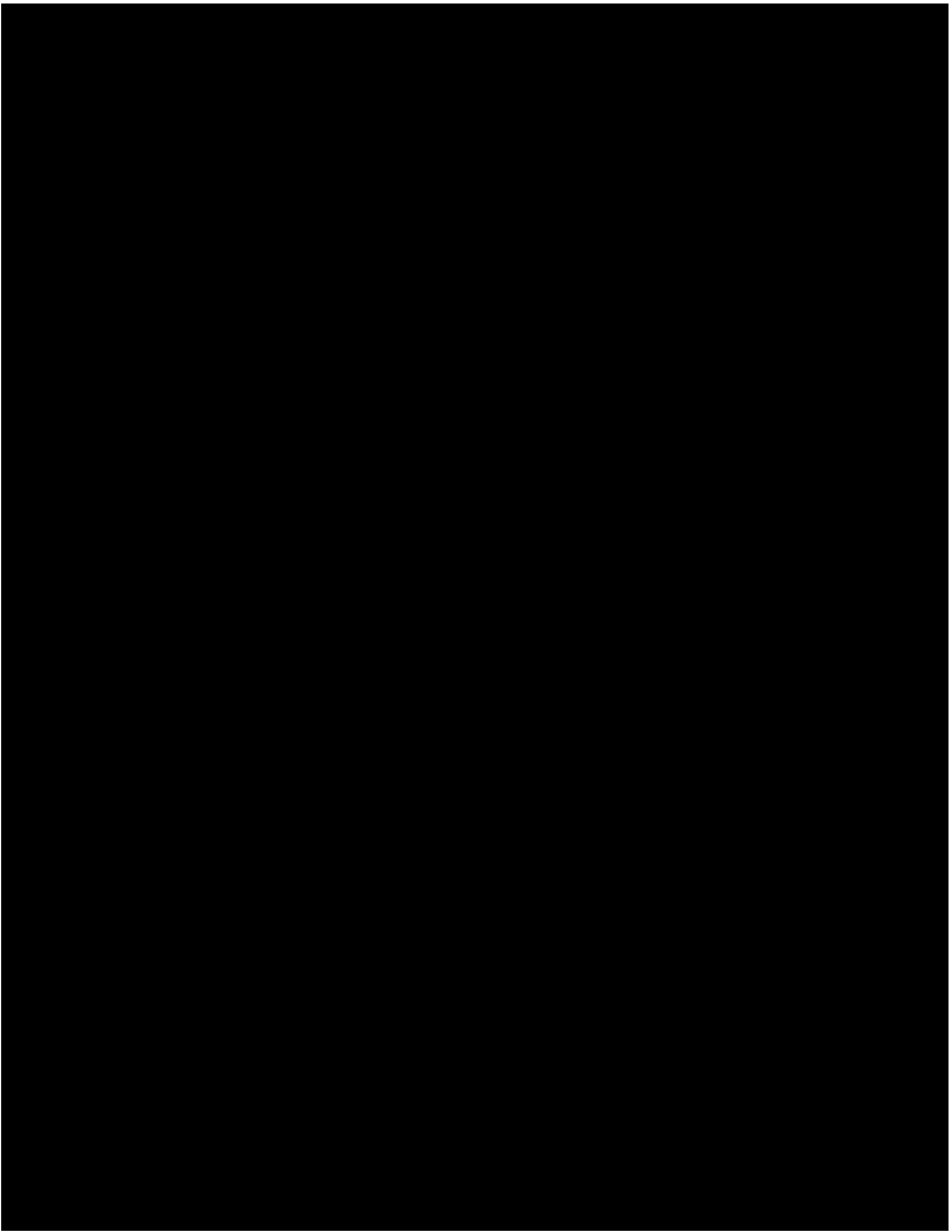












**NATIONWIDE GENERAL PERMIT**  
**COMPLIANCE CERTIFICATION**  
**AND REPORT FORM**

Permit File Number: NAN-2022-00970-EMI

Permittee: Invenergy Wind Offshore, LLC

Location: Atlantic Ocean, Upper New York Bay, Lower New York Bay, New York and New Jersey

Date Permit Letter Issued: March 22, 2023

Within 30 days of the completion of the activity authorized by this nationwide general permit and any mitigation required in the verification letter, please sign this certification and return it to the address at the bottom of this form.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the permit's terms and conditions you are subject to permit suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced nationwide general permit has been completed in accordance with the terms and conditions of said permit, and required mitigation was completed in accordance with the permit conditions.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

FOLD THIS FORM INTO THIRDS, WITH THE BOTTOM THIRD FACING OUTWARD.  
TAPE IT TOGETHER AND MAIL TO THE ADDRESS BELOW OR FAX (212) 264-4260.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLACE  
STAMP  
HERE

DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
ATTN: CENAN-OP-RE  
NEW YORK, NEW YORK 10278-0090