United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT
WASHINGTON, DC 20240-0001

JUN 04 2014

Mr. J. K Bullard
Regional Administrator, NOAA
National Marine Fisheries Service
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930-2276

Dear Mr. Bullard,

Thank you for your letter received by BOEM on May 23, 2014, with the amended Incidental Take Statement (ITS) for the biological opinion (Opinion) issued by your office on December 30, 2010, under Section 7(a)(2) of the Endangered Species Act, regarding the proposed construction, operation and future decommissioning by Cape Wind Associates, LLC (CWA) of a wind energy project offshore Massachusetts located in Nantucket Sound on the Outer Continental Shelf.

BOEM agrees that if there is any incidental take of North Atlantic right whales, humpback whales or fin whales, the specified amount or extent of incidental take will be exceeded, and, pursuant to 50 CFR Part 402.14(h)(4) and 50 CFR Part 402.16(a), consultation must be reinitiated immediately. BOEM also agrees that the amended ITS includes Reasonable and Prudent Measures (RPMs) necessary and appropriate for monitoring and reporting any incidental take of listed whales. As your letter correctly points out, these measures are consistent with monitoring and reporting requirements included in your 2010 Opinion and the measures required by BOEM in lease OCS-A 0478 held by CWA and executed on November 1, 2010. BOEM will ensure that CWA complies with the RPMs as described in the amended ITS.

Thank you for your update in this regard and we look forward to further cooperation with your office to minimize the potential effects offshore renewable energy projects in the northeast region. For further information regarding this letter, please contact Dr. Desray Reeb at (703) 787-1768 or via e-mail at Desray.Reeb@boem.gov.

Sincerely,

Michelle Morin

Ms. Michelle Morin
Chief, Environment Branch for Renewable Energy

cc: Lewandowski – BOEM
McDonnell – EPA RI
Adams – ACOE
McMillan – DOE