



FACTSHEET: Marine Mammal Harassment Authorizations for Offshore Wind Development off the NY/NJ Coast*

There are **twelve** active and **five** pending or “in process” Incidental Take Authorizations (ITAs) and Incidental Take Regulations (ITR)/Letters of Authorization (LOA) by the National Marine Fisheries Service (NMFS) *just* for offshore wind energy development activities off the New York and New Jersey coast. Through the IHAs and ITR/LOAs authorization process, numerous companies have requested permission to harass tens of thousands of marine mammals, including threatened, endangered, and otherwise protected species. The tables below outline the current, pending/in-process, and expired marine mammal harassment authorizations and applications in process off the NY/NJ coast.

According to the National Oceanic and Atmospheric Administration (NOAA), “[u]nder the 1994 Amendments to the MMPA, harassment is statutorily defined as, any act of pursuit, torment, or annoyance which:

- (Level A Harassment) has the potential to injure a marine mammal or marine mammal stock in the wild; or,
- (Level B Harassment) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering but which does not have the potential to injure a marine mammal or marine mammal stock in the wild.”

Table 1. *Active Incidental Harassment Authorizations (IHA) and Incidental Take Regulation (ITR)/Letter of Authorization (LOA) for OSW projects in the NY/NJ region:*

Company	Purpose	Issue Date	Effective Dates	Total Marine Mammals		Total Marine Mammal Species	Total North Atlantic Right Whales
				Level A	Level B		
Bluepoint Wind, LLC	Marine Site Characterization Surveys off of New York and New Jersey in the New York Bight (IHA)	2/28/2023	3/1/2023 – 2/29/2024	0	11,904	16	14 (Level B)
Ørsted Wind Power North America, LLC	Marine Site Characterization Surveys off of New York to Massachusetts	10/6/2022	10/6/2022 – 10/5/2023	0	7,086	16	17 (Level B)

Source: NOAA Fisheries, <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable#active-authorizations>
<https://www.fisheries.noaa.gov/national/laws-and-policies/glossary-permits-protected-resources#marine-mammal-protection-act-terms>

Company	Purpose	Issue Date	Effective Dates	Total Marine Mammals Level A Level B		Total Marine Mammal Species	Total North Atlantic Right Whales
				Total Marine Mammal Species			
Vineyard Northeast, LLC	Marine Site Characterizations Surveys off of Massachusetts to New Jersey	7/27/2022	7/27/2022 - 7/26/2023	0	19,934	19	40 (Level B)
Attentive Energy, LLC	Marine Site Characterization Surveys off of New Jersey and New York	8/16/2022	9/15/2022 - 9/14/2023	0	388	15	3 (Level B)
Atlantic Shores Offshore Wind Bight, LLC	Marine Site Characterization Surveys off of New Jersey and New York	8/10/2022	8/10/2022 - 8/9/2023	0	2,345	15	24 (Level B)
Park City Wind, LLC	Marine Site Characterization Surveys for the New England Wind Project, Phase 1, off of Massachusetts to New York	7/19/2022	9/1/2022 - 8/31/2023	0	13,974	16	30 (Level B)
NextEra Energy Transmission Mid-Atlantic Holdings, LLC	Marine Site Characterization Surveys off New Jersey	6/29/2022	7/1/2022 - 6/30/2023	0	1,149	15	8 (Level B)
Ocean Wind II, LLC	Marine Site Characterization Surveys off New Jersey	5/9/2022	5/10/2022 - 5/9/2023	0	2,539	16	11 (Level B)

Source: NOAA Fisheries, <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable#active-authorizations>
<https://www.fisheries.noaa.gov/national/laws-and-policies/glossary-permits-protected-resources#marine-mammal-protection-act-terms>

<i>Company</i>	<i>Purpose</i>	<i>Issue Date</i>	<i>Effective Dates</i>	<i>Total Marine Mammals</i>		<i>Total Marine Mammal Species</i>	<i>Total North Atlantic Right Whales</i>
				<i>Level A</i>	<i>Level B</i>		
Ørsted Wind Power North America, LLC	Marine Site Characterization Surveys off Delaware	5/6/2022	5/10/2022 - 5/9/2023	0	3,375	15	11 (Level B)
Ocean Wind, LLC	Renewal of Marine Site Characterization Surveys off New Jersey	5/9/2022	5/10/2022 - 5/9/2023	0	1,965	16	9 (Level B)
Atlantic Shores Offshore Wind, LLC	Marine Site Characterization Surveys off New Jersey and New York	4/18/2022	4/20/2022 - 4/19/2023	0	3,456	15	17 (Level B)
South Fork Wind, LLC	Construction of the South Fork Offshore Wind Project off Rhode Island and Massachusetts (near NY)	12/21/2021	11/15/2022 - 11/14/2023	7 (1 Fin, 1 Sei, 1 Minke, 4 Hump-back)	7,602	15	13 (Level B)
			SUB TOTALS:	7	75,727		197 (Level B)
Total Marine Mammals in Active Authorizations: 75,924 (Level A +B)							

Source: NOAA Fisheries, <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable#active-authorizations>
<https://www.fisheries.noaa.gov/national/laws-and-policies/glossary-permits-protected-resources#marine-mammal-protection-act-terms>

Table 2. Pending or “In Process” Incidental Harassment Authorizations (IHA) and Incidental Take Regulation (ITR)/Letter of Authorization (LOA) for offshore wind projects in the NY/NJ region:

Company	Purpose	Total Marine Mammals		Total Species of Marine Mammals	Total North Atlantic Right Whales
		Level A	Level B		
TerraSond	Limited Marine Site Characterization Surveys in the New York Bight and Central Atlantic Call Area (IHA)	0	19,759	19	15 (Level B)
Ocean Wind, LLC	Construction of the Ocean Wind 1 Wind Energy Facility off of New Jersey (ITR/LOA)	206	13,173	17	14 (Level B)
Atlantic Shores Offshore Wind, LLC	Construction of the Atlantic Shores Offshore Wind Energy Projects (ITR/LOA)	92	15,372	17	33 (Level B)
Empire Offshore Wind, LLC	Construction of the Empire Wind Project (EW1 and EW2) off of New York (ITR/LOA)	5	10,428	16	0 (Level B)
Sunrise Wind, LLC	Construction and Operation of the Sunrise Wind Offshore Wind Farm off of New York (ITR/LOA)	64	20,512	16	47 (Level B)
	SUBTOTALS:	367	79,244		109 (Level B)
TOTAL Marine Mammals in Pending Authorizations: 105,412					

Source: NOAA Fisheries, <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable#active-authorizations>
<https://www.fisheries.noaa.gov/national/laws-and-policies/glossary-permits-protected-resources#marine-mammal-protection-act-terms>

Previously Issued/Expired Incidental Harassment Authorizations (IHA) and Incidental Take Regulation (ITR)/Letter of Authorization (LOA) for OSW projects in NY/NJ region:

1. Ørsted Wind Power North America, LLC, Renewal of Site Characterization Survey off of New York to Massachusetts, effective 3/3/2022 - 9/24/2022
2. Vineyard Wind, LLC Marine Site Characterization Surveys off of Massachusetts, Rhode Island, Connecticut, and New York, effective 7/15/2021 - 6/20/2022
3. Garden State Offshore Energy, LLC Marine Site Characterization Surveys off of Delaware and New Jersey, effective 6/11/2021 - 6/10/2022
4. Ocean Wind, LLC Marine Site Characterization Surveys off of New Jersey, effective 5/10/2021 - 5/9/2022
5. Atlantic Shores Offshore Wind, LLC Renewal of Marine Site Characterization Surveys off of New Jersey and New York, effective 4/20/2021- 4/19/2022
6. Skipjack Offshore Energy, LLC Marine Site Characterization Surveys off of Delaware, effective 4/5/2021- 4/4/2022
7. Ørsted Wind Power North America Site Characterization off of Massachusetts to New York, 9/25/2020 - 9/24/2021
8. Equinor Wind, LLC Site Characterization off of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, effective 9/20/2020 - 9/19/2021
9. Vineyard Wind, LLC Reissuance of Marine Site Characterization Surveys off of Massachusetts, Rhode Island, Connecticut, and New York, effective 6/21/2020 - 6/20/2021
10. Atlantic Shores Offshore Wind, LLC Marine Site Characterization Surveys off of New Jersey and New York, effective 4/20/2020 - 4/19/2021
11. Vineyard Wind, LLC Marine Site Characterization Surveys off of Massachusetts, Rhode Island, Connecticut, and New York, effective 6/1/2020- 5/31/2021
12. Skipjack Offshore Energy, LLC Marine Site Characterization Surveys off of Delaware and Maryland, effective 11/25/2019- 11/24/2020
13. Ørsted Wind Power LLC Site Characterization Surveys for Renewable Energy off the Coast of New England in the Areas of OCS-A 0486, OCS-A 0487, and OCS-A 0500, effective 9/26/2019 - 9/25/2020
14. Equinor Wind US LLC Renewal of Wind Site Characterization Surveys off of New York, effective 4/25/2019 - 4/24/2020
15. Garden State Offshore Energy, LLC Geophysical Survey for Skipjack Wind off of Delaware, effective 5/15/2018- 5/14/2019
16. Statoil Wind U.S. LLC, Wind Site Characterization Surveys off of New York, effective 4/24/2018- 4/23/2019
17. Deepwater Wind, LLC Marine Site Characterization Surveys, off of New York, effective 6/16/2017 - 6/15/2018
18. Ocean Wind, LLC, Marine Site Characterization Surveys, off of New Jersey, 6/8/2017- 6/7/2018

Source: NOAA Fisheries, <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable#active-authorizations>
<https://www.fisheries.noaa.gov/national/laws-and-policies/glossary-permits-protected-resources#marine-mammal-protection-act-terms>