

Coastal Zone Management Consistency Statements (New York, Rhode Island, and Massachusetts)

Prepared for



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Coastal Zone Management Consistency Statements

The federal Coastal Zone Management Act (CZMA) of 1972 requires that federal actions affecting any coastal use or resource (defined as land or water use, or natural resource of a state's coastal zone), be conducted in a manner that is consistent with the enforceable policies of a state's federally-approved Coastal Zone Management Program (CZMP) or Coastal Resource Management Program (CRMP). The CZMA and federal regulations at 15 Code of Federal Regulation (CFR) 930.00 authorize states with approved coastal zone management programs to conduct a coastal zone consistency review and concurrence determination of projects within or outside the state coastal zone boundary (if applicable) that require a federal license or permit, are federally funded, or are a direct activity of a federal agency to ensure that activities in or affecting the state's coastal zone are consistent with the state enforceable program policies.

In accordance with the "federal consistency" requirement of the CZMA (16 USC 1456), as well as 307(c)(3)(A) and 15 CFR Part 930, the federal actions associated with the Project include approval of the COP by BOEM (15 CFR part 930, subpart E) and issuance of an Individual Permit by USACE, under Section 10 and 404 (15 CFR part 930, subpart D). Based on pre-application discussions, DWSF expects that New York, Rhode Island, and Massachusetts will review the Project for consistency with their state's enforceable program policies. The construction, operations and maintenance, and decommissioning of the SFEC-NYS and SFEC-Onshore will also be reviewed and authorized under Article VII of the New York Public Service Law (PSL) by the New York State Department of Public Service Commission (NYSPSC). Their review will include review for consistency with the New York State CZMP.

This appendix provides summary tables listing each of the enforceable program policies and management principles for the New York State CZMP, the Rhode Island CRMP, and the Massachusetts CZMP. The summary tables present descriptions of how the South Fork Wind Farm (SFWF) and South Fork Export Cable (SFEC) will be consistent with each applicable policy or management principle and provide a cross reference to specific sections of the COP where the applicable policy or management principle is addressed. Key details for each state are described below.

New York State's Coastal Zone Management Program

The New York CZMP was established in 1982 and is administered by the New York Coastal Management Program within the New York State Department of State, which serves as the lead agency for the network of New York state agencies and local governments that administer the CZMP. The 44 enforceable policies of the New York State CZMP are implemented through a series of regulatory and management state authorities assigned to the New York State Department of State (NYSDOS), the Department of Environmental Conservation, the Department of Energy, the Public Service Commission, and the Office of Parks, Recreation, and Historic Preservation. The Waterfront Revitalization and Coastal Resources law (Executive Law, Article 42) establishes a balanced statewide approach for encouraging development in the coastal area while protecting natural coastal resources. The local waterfront revitalization program offers the town of East Hampton with the opportunity to participate in the State's CZMP. DWSF has voluntarily prepared a consistency statement that reviews the Project for consistency with the enforceable policies that make up the New York CZMP, including the Town of East Hampton Local Waterfront Revitalization Program (LWRP), see Appendix A-1. The proposed activity complies with

the enforceable policies of the New York approved management program and will be conducted in a manner consistent with such program.

Rhode Island Coastal Resources Management Program

The Rhode Island CRMP was established in 1977 and is administered by Rhode Island Coastal Resources Management Council (CRMC), the lead agency for the network of Rhode Island state agencies and local governments that administer the CRMP and the Rhode Island Ocean Special Area Management Plan, or Ocean SAMP. The Ocean SAMP serves as a federally recognized coastal management and regulatory tool for outer continental shelf (OCS) exploration, development, and production activities needs to follow the requirements of CZMA section 307(c)(3)(b) (16 U.S.C. 1456(c)(3)(B)) and 15 CFR part 930, subpart E. Rhode Island has established a geographic location description (GLD) associated with the Ocean SAMP, which includes the federal portions of Block Island Sound and Rhode Island Sound as well as portions of the Atlantic Ocean. The SFWF and a large portion of the SFEC are located in the area defined by the GLD. DWSF is required to file a consistency certification because the Project is a listed activity on Rhode Island's approved federal consistency list and is located within Rhode Island's GLD. DWSF has prepared a consistency statement that reviews the Project for consistency with the enforceable policies set forth in Section 11.10 (formerly 1160) of the Ocean SAMP Renewable Energy and Other Offshore Development Policies and Standards, see Appendix A-2. The proposed activity complies with the enforceable policies of the Rhode Island approved management program and will be conducted in a manner consistent with such program.

Massachusetts Coastal Zone Management Program

The Massachusetts CZMP was established in 1978 and is administered by the Massachusetts Office of Coastal Zone Management, which serves as the lead agency for the network of Massachusetts state agencies and local governments that administer the CZMP. DWSF has voluntarily prepared a consistency statement that reviews the Project for consistency with the enforceable policies of the Massachusetts CZMP, see Appendix A-3. The proposed activity complies with the enforceable policies of the Massachusetts approved management program and will be conducted in a manner consistent with such program.

Appendix A-2

Appendix A-2. Coastal Zone Management Consistency Statements: Rhode Island
Deepwater Wind South Fork, LLC

SFWF - Rhode Island Ocean Special Area Management Plan (Ocean SAMP) Consistency Review - DRAFT

Ocean SAMP Section Number 650-RICR-20-05-11	Policy/Requirement	Old Policy #	Response to Policy for SFWF	Response to Policy for SFEC	COP Section Reference
11.10 Regulatory Standards		1160			
11.10 (A)	A. This section contains all the regulatory standards outlined by the Ocean SAMP. The regulatory standards have been organized according to the following stages: application; design, fabrication and installation; pre-construction; construction and decommissioning and; monitoring. Section 11.10.1 of this part, Overall Regulatory Standards, applies to all stages of development. The regulatory standards contained within all previous chapters of the Ocean SAMP document have been incorporated into this section based upon the applicable stage of development. The "Regulatory Standards" in Section 11.10 of this part are enforceable policies for purposes of the Federal CZMA Federal Consistency provision (16 U.S.C. § 1456 and 15 C.F.R. part 930). For CZMA Federal Consistency purposes the Regulatory Standards, in addition to other applicable federally approved RICRMP enforceable policies shall be used as the basis for a CRMC CZMA Federal Consistency concurrence or objection.	1	The South Fork Wind Farm (SFWF) is consistent with this policy. The SFWF is located in Federal waters, but also is within the Rhode Island Ocean Special Area Management Plan (Ocean SAMP) study area and meets the definition of an Offshore Development.	The South Fork Export Cable (SFEC) is consistent with this policy. The SFEC is located in Federal and New York State waters. Portions of the SFEC will be located in Federal waters as well as in the Rhode Island Ocean Special Area Management Plan (Ocean SAMP) study area and meets the definition of an Offshore Development.	Section 1.2, Project Purpose; Section 1.3.1, Federal Permits, Approvals, and Consultations; Section 2.0, Project Siting and Route Selection; and Section 3.0, Project Description
11.10(B)	B. The federal offshore renewable energy leasing process, and subsequent regulation of renewable energy projects located in federal waters, will remain under the jurisdiction of BOEMRE, in consultation and coordination with relevant federal agencies and affected state, local, and tribal officials, as per BOEMRE's statutory authority at 43 USC 1337(p) and the regulations found at 30 CFR 285.	2	The SFWF is consistent with this policy. The SFWF is located in federal waters and therefore will remain in compliance with BOEMRE policies. The SFWF is also located within the RI Ocean SAMP study area and will comply with federally approved RICRMC enforceable policies.	The SFEC is consistent with this policy. The SFEC is located in federal waters and state waters, and will remain in compliance with BOEMRE policies as well as with New York State Coastal Zone Management policies. The SFEC is also located within the RI Ocean SAMP study area and will comply with federally approved RICRMC enforceable policies.	Section 1.2, Project Purpose; Section 1.3.1, Federal Permits, Approvals, and Consultations; Section 2.0, Project Siting and Route Selection; and Section 3.0, Project Description
11.10.1 Overall Regulatory Standards		1160.1			
11.10.1(A)	A. All Offshore Developments regardless of size, including energy projects, which are proposed for or located within state waters of the Ocean SAMP area, are subject to the policies and standards outlined in Sections 11.9 and 11.10 of this part (except, as noted above, Section 11.9 policies shall not be used for CRMC concurrence or objection for CZMA Federal Consistency reviews). For the purposes of the Ocean SAMP, Offshore Developments are defined as:	1	The SFWF is consistent with this policy. The SFWF is not located within Rhode Island State waters but meets the definition of a large-scale offshore development and is subject to section 11.10 policies.	The SFEC is consistent with this policy. The SFEC is not located within Rhode Island State waters but meets the definition of a large-scale offshore development and is subject to section 11.10 policies.	Section 1.2, Project Purpose; Section 1.3.1, Federal Permits, Approvals, and Consultations; Section 2.0, Project Siting and Route Selection; and Section 3.0, Project Description
11.10.1(A)(1)	1. Large-scale projects, such as:	i.	The SFWF is consistent with this policy because it meets the definition of an offshore wind facility with 5 or more turbines.	This policy is not applicable because SFEC is a buried export cable, and does not include offshore wind facilities, wave generation devices, instream tidal or ocean current devices, offshore LNG platforms, artificial reefs, or OCS plans.	Section 1.2, Project Purpose; Section 1.3.1, Federal Permits, Approvals, and Consultations; Section 2.0, Project Siting and Route Selection; and Section 3.0, Project Description
11.10.1(A)(1)(a)	a. offshore wind facilities (5 or more turbines within 2 km of each other, or 18 MW power generation);	a.			
11.10.1(A)(1)(b)	b. wave generation devices (2 or more devices, or 18 MW power generation);	b.			
11.10.1(A)(1)(c)	c. instream tidal or ocean current devices (2 or more devices, or 18 MW power generation); and	c.			
11.10.1(A)(1)(d)	d. offshore LNG platforms (1 or more); and	d.			
11.10.1(A)(1)(e)	e. Artificial reefs (1/2 acre footprint and at least 4 feet high), except for projects of a public nature whose primary purpose is habitat enhancement.	e.			
11.10.1(A)(1)(f)	f. outer continental shelf (OCS) exploration, development, and production plans.	N/A			
11.10.1(A)(2)	2. Small-scale projects, defined as any projects that are smaller than the above thresholds;	ii.	This policy is not applicable because the SFWF is not a small-scale project.	This policy is not applicable because the SFEC is not a small-scale project.	
11.10.1(A)(3)	3. Underwater cables;	iii.	The SFWF is consistent with this policy. The SFWF includes an inter-array underwater cable system that connects the WTGs to an offshore substation. Although the SFWF is located in Federal waters, it is also located within the RI Ocean SAMP study area.	The SFEC is consistent with this policy because it includes underwater cables that connects the SFWF to the mainland electric grid. The SFEC-Offshore will be located both in federal waters and New York State waters, as well as within the RI Ocean SAMP study area.	Section 1.2, Project Purpose; Section 1.3.1, Federal Permits, Approvals, and Consultations; Section 2.0, Project Siting and Route Selection; and Section 3.0, Project Description
11.10.1(A)(4)	4. Mining and extraction of minerals, including sand and gravel;	iv.	This policy is not applicable because the SFWF is an offshore wind farm facility, not a mining and extraction of minerals facility.	This policy is not applicable because the SFEC is a buried export cable, not a mining and extraction of minerals facility.	Not applicable
11.10.1(A)(5)	5. Aquaculture projects of any size, as defined and regulated in Section 00-1.3.1(K) of this chapter;	v.	This policy is not applicable because the SFWF is an offshore wind farm facility, not an aquaculture project.	This policy is not applicable because the SFEC is a buried export cable, not an aquaculture project.	Not applicable
11.10.1(A)(6)	6. Dredging, as defined and regulated in Section 00-1.3.1(I) of this chapter; or	vi.	This policy is not applicable because the SFWF is an offshore wind farm facility, not a dredging project.	This policy is not applicable because the SFEC is a buried export cable, not a dredging project.	Not applicable
11.10.1(A)(7)	7. Other development as defined in subchapter 00 part 1 of this chapter (RICRMP - Red Book) which is located from the mouth of Narragansett Bay seaward, in tidal waters from between 500 feet offshore and the 3-nautical mile, state water boundary.	vii.	This policy is not applicable because the SFWF is an offshore wind farm facility, not a development located in Rhode Island coastal tidal waters.	This policy is not applicable because the SFEC is a buried export cable, not a development located in Rhode Island coastal tidal waters.	Not applicable
11.10.1(B)	B. In assessing the natural resources and existing human uses present in state waters of the Ocean SAMP area, the Council finds that the most suitable area for offshore renewable energy development in the state waters of the Ocean SAMP area is the Renewable Energy Zone depicted in Figure 1 in Section 11.10.1(R) of this part, below. The Council designates this area as Type 4E waters. In the Rhode Island Coastal Resources Management Program these waters were previously designated as Type 4 (or multipurpose) but are hereby modified to show that this is the preferred site for large scale renewable energy projects in state waters. The Council may approve offshore renewable energy development elsewhere in the Ocean SAMP area, within state waters, where it is determined to have no significant adverse impact on the natural resources or human uses of the Ocean SAMP area. Large-scale Offshore Developments shall avoid areas designated as Areas of Particular Concern consistent with Section 11.10.2 of this part. No large-scale offshore renewable energy development shall be allowed in Areas Designated for Preservation consistent with Section 11.10.3 of this part.	2	The SFWF is consistent with this policy. The SFWF is located outside Rhode Island state waters and the Renewable Energy Zone designated by the Council. The SFWF has been sited to avoid areas designated for preservation and avoid, to the extent possible, areas of particular concern. When avoidance is not possible, protection measures will be employed to avoid or minimize impact to any areas of particular concern.	The SFEC is consistent with this policy. The SFEC is located outside Rhode Island state waters and the Renewable Energy Zone designated by the Council. The SFEC has been sited to avoid areas designated for preservation and avoid, to the extent possible, areas of particular concern. When avoidance is not possible, protection measures will be employed to avoid or minimize impact to any areas of particular concern.	Section 1.2, Project Purpose; Section 1.3.1, Federal Permits, Approvals, and Consultations; Section 2.0, Project Siting and Route Selection; and Section 3.0, Project Description
11.10.1(C)	C) Offshore Developments shall not have a significant adverse impact on the natural resources or existing human uses of the Rhode Island coastal zone, as described in the Ocean SAMP. Where the Council determines that impacts on the natural resources or human uses of the Rhode Island coastal zone through the pre-construction, construction, operation, or decommissioning phases of a project constitute significant adverse effects, the Council shall, through its permitting and enforcement authorities in state waters and through any subsequent CZMA federal consistency reviews, require that the applicant modify the proposal to avoid and/or mitigate the impacts or the Council shall deny the proposal.	3	The SFWF is consistent with this policy. The SFWF will not have significant adverse impact on the natural resources or human uses of the RI Ocean SAMP study area. It is expected that current activities will be able to continue post construction.	The SFEC is consistent with this policy. The SFEC will not have significant adverse impact on the natural resources or human uses of the RI Ocean SAMP study area. It is expected that current activities will be able to continue post construction.	Section 1.3.4, Coastal Zone Management Act Consistency; Section 4.3, Biological Resources; Section 4.6, Socioeconomic Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix A, Coastal Zone Management Federal Consistency Statements

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Ocean SAMP Section Number 650-RICR-20-05-11	Policy/Requirement	Old Policy #	Response to Policy for SFWF	Response to Policy for SFEC	COP Section Reference
11.10.1(D)	D) Any assent holder of an approved Offshore Development shall:	4	The SFWF is consistent with this policy. The SFWF was designed in a way that will ensure safety and not cause undue harm to natural resources. DWSF has identified environmental protection measures to minimize potential impacts to natural resources from construction of the SFWF.	The SFEC is consistent with this policy. Th SFEC was designed in a way that will ensure safety and will not cause undue harm to natural resources. DWSF has identified environmental protection measures to minimize potential impacts to natural resources from construction of the SFEC.	Section 4.1.5, Discharges and Releases; Section 4.1.6, Trash and Debris; Section 4.2, Physical Resources; Section 4.3, Biological Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix D, Oil Spill Response Plan; and Appendix E, Safety Management System
11.10.1(D)(1)	1. Design the project and conduct all activities in a manner that ensures safety and shall not cause undue harm or damage to natural resources, including their physical, chemical, and biological components to the extent practicable; and take measures to prevent unauthorized discharge of pollutants including marine trash and debris into the offshore environment.	i.			
11.10.1(D)(2)	2. Submit requests, applications, plans, notices, modifications, and supplemental information to the Council as required;	ii.			
11.10.1(D)(3)	3. Follow up, in writing, any oral request or notification made by the Council, within 3 business days;	iii.			
11.10.1(D)(4)	4. Comply with the terms, conditions, and provisions of all reports and notices submitted to the Council, and of all plans, revisions, and other Council approvals, as provided in Section 11.10.5 of this part;	iv.			
11.10.1(D)(5)	5. Make all applicable payments on time;	v.			
11.10.1(D)(6)	6. Conduct all activities authorized by the permit in a manner consistent with the provisions of this document, the Rhode Island Coastal Resources Management Program (Subchapter 00 Part 1 of this Chapter), and all relevant federal and state statutes, regulations and policies;	vi.			
11.10.1(D)(7)	7. Compile, retain, and make available to the Council within the time specified by the Council any information related to the site assessment, design, and operations of a project; and	vii.			
11.10.1(D)(8)	8. Respond to requests from the Council in a timeframe specified by the Council.	viii.			
11.10.1(E)	E) Any Large-Scale Offshore Development, as defined in section 11.3(F), shall require a meeting between the Fisherman's Advisory Board (FAB), the applicant, and the Council staff to discuss potential fishery-related impacts, such as, but not limited to, project location, construction schedules, alternative locations, project minimization and identification of high fishing activity or habitat edges. For any state permit process for a Large-Scale Offshore Development this meeting shall occur prior to submission of the state permit application. The Council cannot require a pre-application meeting for federal permit applications, but the Council strongly encourages applicants for any Large-Scale Offshore Development, as defined in Section 11.3(F) in federal waters to meet with the FAB and the Council staff prior to the submission of a federal application, lease, license, or authorization. However, for federal permit applicants, a meeting with the FAB shall be necessary data and information required for federal consistency reviews for purposes of starting the CZMA 6-month review period for federal license or permit activities under 15 C.F.R. part 930, subpart D, and OCS Plans under 15 C.F.R. part 930, subpart E, pursuant to 15 C.F.R. § 930.58(a)(2). Any necessary data and information shall be provided before the 6-month CZMA review period begins for a proposed project.	5	The SFWF is consistent with this policy. A FAB and HAB meeting was held on August 27, 2018 to discuss potential fisheries-related impacts from the SFWF.	The SFEC is consistent with this policy. A FAB and HAB meeting was held on August 27, 2018 to discuss potential fisheries-related impacts from the SFEC.	Section 1.3.4, Coastal Zone Management Act Consistency; Section 1.4, Agency and Stakeholder Outreach; Section 2.0, Project Siting and Future Activities; Section 3.0, Project Description; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix A, Coastal Zone Management Federal Consistency Statements
11.10.1(F)	F) The Council shall prohibit any other uses or activities that would result in significant long-term negative impacts Rhode Island's commercial or recreational fisheries. Long-term impacts are defined as those that affect more than one or two seasons.	6	The SFWF is consistent with this policy. There are no expected significant long-term negative impacts to Rhode Island's commercial or recreational fisheries from the SFWF.	The SFEC is consistent with this policy. There are no expected significant long-term negative impacts to Rhode Island's commercial or recreational fisheries from the SFEC.	Section 4.3.2, Benthic and Shellfish Resources; Section 4.3.3, Finfish and Essential Fish Habitat; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix N, Benthic Resources Survey Report; Appendix O, Essential Fish Habitat Report; and Appendix Y, Commercial and Recreational Fisheries Technical Report
11.10.1(G)	G) The Council shall require that the potential adverse impacts of Offshore Developments and other uses on commercial or recreational fisheries be evaluated, considered, and mitigated as described in Section 11.10.1(H) of this part.	7	The SFWF is consistent with this policy. DWSF has conducted an assessment of commercial and recreational fisheries within the region, which encompasses the SFWF. The SFWF is not expected to have major long term impacts on commercial or recreational fisheries. Environmental protection measures have been identified to mitigate any potential impacts from the SFWF.	The SFEC is consistent with this policy. DWSF has conducted an assessment of commercial and recreational fisheries which encompasses the SFEC. The SFEC is not expected to have major long term impacts on commercial or recreational fisheries. Environmental protection measures have been identified to mitigate any potential impacts from the SFWF.	Section 4.3.2, Benthic and Shellfish Resources; Section 4.3.3, Finfish and Essential Fish Habitat; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix N, Benthic Resources Survey Report; Appendix O, Essential Fish Habitat Report; and Appendix Y, Commercial and Recreational Fisheries Technical Report
11.10.1(H)	H) For the purposes of Fisheries Policies and Standards as summarized in Chapter 5, Commercial and Recreational Fisheries, sections 5.5.1-5.3.2, mitigation is defined as a process to make whole those fisheries user groups that are adversely affected by proposals to be undertaken, or undertaken projects, in the Ocean SAMP area. Mitigation measures shall be consistent with the purposes of duly adopted fisheries management plans, programs, strategies and regulations of the agencies and regulatory bodies with jurisdiction over fisheries in the Ocean SAMP area, including but not limited to those set forth above in 11.9.4(B) of this part. Mitigation shall not be designed or implemented in a manner that substantially diminishes the effectiveness of duly adopted fisheries management programs. Mitigation measures may include, but are not limited to, compensation, effort reduction, habitat preservation, restoration and construction, marketing, and infrastructure improvements. Where there are potential impacts associated with proposed projects, the need for mitigation shall be presumed. Negotiation of mitigation agreements shall be a necessary condition of any approval or permit of a project by the Council. Mitigation shall be negotiated between the Council staff, the FAB, the project developer, and approved by the Council. The reasonable costs associated with the negotiation, which may include data collection and analysis, technical and financial analysis, and legal costs, shall be borne by the applicant. The applicant shall establish and maintain either an escrow account to cover said costs of this negotiation or such other mechanism as set forth in the permit or approval condition pertaining to mitigation. This policy shall apply to all Large-Scale Offshore Developments, underwater cables, and other projects as determined by the Council.	8	The SFWF is consistent with this policy. Environmental Protection Measures have been identified to mitigate any potential impacts from the SFWF. The SFWF Fisheries Communication Plan summarizes the outreach conducted and includes a Fishing Gear Conflict Prevention and Compensation Plan that identifies measures to Prevent gear loss, as well as a claim procedure in the event that gear loss is caused by SFWF activities.	The SFEC is consistent with this policy. Environmental Protection Measures have been identified to mitigate any potential impacts from the SFEC. The SFWF Fisheries Outreach and Communication Plan summarizes the outreach conducted and includes a Fishing Gear Conflict Prevention and Compensation Plan that identifies measures to Prevent gear loss, as well as a claim procedure in the event that gear loss is caused by SFEC activities.	Section 4.3.2, Benthic and Shellfish Resources; Section 4.3.3, Finfish and Essential Fish Habitat; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix B, Fisheries Communication Plan. Appendix N, Benthic Resources Survey Report; Appendix O, Essential Fish Habitat Report; and Appendix Y, Commercial and Recreational Fisheries Technical Report
11.10.1(I)	I) The Council recognizes that moraine edges, as illustrated in Figures 3 and 4 in section 11.10.2 of this part, are important to commercial and recreational fishermen. In addition to these mapped areas, the FAB may identify other edge areas that are important to fisheries within a proposed project location. The Council shall consider the potential adverse impacts of future activities or projects on these areas to Rhode Island's commercial and recreational fisheries. Where it is determined that there is a significant adverse impact, the Council will modify or deny activities that will impact these areas. In addition, the Council will require assent holders for Offshore Developments to employ micro-siting techniques in order to minimize the potential impacts of such projects on these edge areas.	9	The SFWF is consistent with this policy. The SFWF has been sited to avoid areas of particular concern, including moraine edges. When avoidance is not possible, protection measures will be employed to avoid to minimize impact to any moraine edges.	The SFEC is consistent with this policy. The SFEC has been sited to avoid areas of particular concern, including moraine edges. When avoidance is not possible, protection measures will be employed to avoid to minimize impact to any moraine edges.	Section 4.3.2, Benthic and Shellfish Resources; Section 4.3.3, Finfish and Essential Fish Habitat; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix N, Benthic Resources Survey Report; Appendix O, Essential Fish Habitat Report; and Appendix Y, Commercial and Recreational Fisheries Technical Report

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11.10.1(J)	J) The finfish, shellfish, and crustacean species that are targeted by commercial and recreational fishermen rely on appropriate habitat at all stages of their life cycles. While all fish habitat is important, spawning and nursery areas are especially important in providing shelter for these species during the most vulnerable stages of their life cycles. The Council shall protect sensitive habitat areas where they have been identified through the Site Assessment Plan or Construction and Operation Plan review processes for Offshore Developments as described in Section 11.10.5(C) of this part.	10	The SFWF is consistent with this policy. The SFWF is not expected to have negative effects on commercially and recreationally fished species and habitats. Siting of the SFWF was informed by site specific habitat assessments. Impacts to habitat are expected to be short-term and localized. Environmental protection measures have been identified to minimize the potential impacts.	The SFEC is consistent with this policy. The SFEC is not expected to have negative effects on commercially and recreationally fished species and habitats. Siting of the SFEC was informed by site specific habitat assessments. Impacts to habitat are expected to be short-term and localized. Environmental protection measures have been identified to minimize the potential impacts.	Section 4.3.2, Benthic and Shellfish Resources; Section 4.3.3, Finfish and Essential Fish Habitat; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix N, Benthic Resources Survey Report; Appendix O, Essential Fish Habitat Report; and Appendix Y, Commercial and Recreational Fisheries Technical Report
11.10.1(K)	K) Any Large-Scale Offshore Development, as defined in Section 11.10.1(A) of this part, shall require a meeting between the HAB, the applicant, and the Council staff to discuss potential marine resource and habitat-related issues such as, but not limited to, impacts to marine resource and habitats during construction and operation, project location, construction schedules, alternative locations, project minimization, measures to mitigate the potential impacts of proposed projects on habitats and marine resources, and the identification of important marine resource and habitat areas. For any state permit process for a Large-Scale Offshore Development, this meeting shall occur prior to submission of the state permit application. The Council cannot require a pre-application meeting for federal permit applications, but the Council strongly encourages applicants for any Large-Scale Offshore Development, as defined in Section 11.10.1(A) of this part, in federal waters to meet with the HAB and the Council staff prior to the submission of a federal application, lease, license, or authorization. However, for federal permit applicants, a meeting with the HAB shall be necessary data and information required for federal consistency reviews for purposes of starting the CZMA 6-month review period for federal license or permit activities under 15 C.F.R. part 930, subpart D, and OCS Plans under 15 C.F.R. part 930, subpart E, pursuant to 15 C.F.R. § 930.58 (a)(2). Any necessary data and information shall be provided before the 6-month CZMA review period begins for a proposed project.	11	The SFWF is consistent with this policy. A FAB and HAB meeting was held on August 27, 2018 to discuss potential fisheries-related impacts from the SFWF.	The SFEC is consistent with this policy. A FAB and HAB meeting was held on August 27, 2018 to discuss potential fisheries-related impacts from the SFEC.	Section 1.3.4, Coastal Zone Management Act Consistency; Section 1.4, Agency and Stakeholder Outreach; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix A, Coastal Zone Management Federal Consistency Statements
11.10.1(L)	L) The potential impacts of a proposed project on cultural and historic resources will be evaluated in accordance with the National Historic Preservation Act and Antiquities Act, and the Rhode Island Historical Preservation Act and Antiquities Act as applicable. Depending on the project and the lead federal agency, the projects that may impact marine historical or archaeological resources identified through the joint agency review process shall require a Marine Archaeology Assessment that documents actual or potential impacts the completed project will have on submerged cultural and historic resources.	12	The SFWF is consistent with this policy. The identification of cultural and historic resources for the SFWF the evaluation of potential impacts have involved several meetings with agency and tribal representatives. Cultural resource studies include: - Historic Resources Visual Analysis and Visual Impact Assessment; - Marine Archeological Resource Assessment	The SFEC is consistent with this policy. The identification of cultural and historic resources for the SFEC the evaluation of potential impacts have involved several meetings with agency and tribal representatives. Cultural resource studies include: - Historic Resources Visual Analysis and Visual Impact Assessment; - Marine Archeological Resource Assessment	Section 4.4, Cultural Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix R, Marine Archaeological Report (Not for Public Distribution); Appendix V, Visual Impact Assessment Report - Offshore; and Appendix W, Visual Resources Assessment - Historic Resources
11.10.1(M)	M) Guidelines for Marine Archaeology Assessment in the Ocean SAMP Area can be obtained through the RIHPHC in their document, "Performance Standards and Guidelines for Archaeological Projects: Standards for Archaeological Survey" (RIHPHC 2007), or the lead federal agency responsible for reviewing the proposed development.	13	The SFWF is consistent with this policy. BOEM is the lead federal agency for the SFWF and the Marine Archaeology Assessment was conducted in accordance with their guidelines.	The SFEC is consistent with this policy. BOEM is the lead federal agency for the SFEC and the Marine Archaeology Assessment was conducted in accordance with their guidelines.	Section 4.4, Cultural Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix R, Marine Archaeological Report (Not for Public Distribution)
11.10.1(N)	N) The potential non-physical impacts of a proposed project on cultural and historic resources shall be evaluated in accordance with 36 CFR 800.5, <i>Assessment of Adverse Effects, (v) Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features</i> Depending on the project and the lead federal agency, the Ocean SAMP Interagency Working Group may require that a project undergo a Visual Impact Assessment that evaluates the visual impact a completed project will have on onshore cultural and historic resources.	14	The SFWF is consistent with this policy. A Visual Impact Assessment was conducted for the SFWF and surrounding areas that could be potentially affected. The project will be visible from certain vantage points during construction and operations.	The SFEC is consistent with this policy. During construction, the project will be visible from certain vantage points, but once in operation the SFEC will be buried and will not be visible from shore.	Section 4.1.9, Visible Structures; Section 4.5, Visual Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix V, Visual Impact Assessment Report for SFWF
11.10.1(O)	O) A Visual Impact Assessment may require the development of detailed visual simulations illustrating the completed project's visual relationship to onshore properties that are designated National Historic Landmarks, listed on the National Register of Historic Places, or determined to be eligible for listing on the National Register of Historic Places. Assessment of impacts to specific views from selected properties of interest may be required by relevant state and federal agencies to properly evaluate the impacts and determination of adverse effect of the project on onshore cultural or historical resources.	15	The SFWF is consistent with this policy. As a part of the Visual Impact Assessment, detailed visual simulations were completed to show the visual relationship with onshore properties. More information on the visual simulations can be found in sections 4.4.2 and 4.5.2.	The SFEC is consistent with this policy. The SFEC cable will be buried underground and not visible from onshore properties.	Section 4.1.9, Visible Structures; Section 4.4, Cultural Resources; Section 4.5, Visual Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix R, Marine Archaeological Report (Not for Public Distribution); and Appendix V, Visual Impact Assessment Report for SFWF
11.10.1(P)	P) A Visual Impact Assessment may require description and images illustrating the potential impacts of the proposed project.	16	The SFWF is consistent with this policy. As a part of the Visual Impact Assessment, potential impacts from the SFWF were evaluated	The SFEC is consistent with this policy. During construction, the project will be visible from certain vantage points, but once in operation the SFEC will be buried and will not be visible from shore.	Section 4.1.9, Visible Structures; Section 4.5, Visual Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix V, Visual Impact Assessment Report for SFWF
11.10.1(Q)	Q) Guidelines for Landscape and Visual Impact Assessment in the Ocean SAMP Area can be obtained through the lead federal agency responsible for reviewing the proposed development.	17	The SFWF is consistent with this policy. BOEM is the lead federal agency for the SFWF and the landscape and Visual Impact Assessment was conducted in accordance with their guidelines.	The SFEC is consistent with this policy. BOEM is the lead federal agency for the SFEC and the Marine Archaeology Assessment was conducted in accordance with their guidelines.	Section 4.1.9, Visible Structures; Section 4.5, Visual Resources; Section 4.6, Socioeconomic Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix V, Visual Impact Assessment Report for SFWF

SFWF - Rhode Island Ocean Special Area Management Plan (Ocean SAMP) Consistency Review - DRAFT

Ocean SAMP Section Number 650-RICR-20-05-11	Policy/Requirement	Old Policy #	Response to Policy for SFWF	Response to Policy for SFEC	COP Section Reference
11.10.2 Areas of Particular Concern		1160.2			
11.10.2(A)	A) Areas of Particular Concern (APCs) have been designated in state waters through the Ocean SAMP process with the goal of protecting areas that have high conservation value, cultural and historic value, or human use value from Large-Scale Offshore Development. These areas may be limited in their use by a particular regulatory agency (e.g. shipping lanes), or have inherent risk associated with them (e.g. unexploded ordnance locations), or have inherent natural value or value assigned by human interest (e.g. glacial moraines, historic shipwreck sites). Areas of Particular Concern have been designated by reviewing habitat data, cultural and historic features data, and human use data that has been developed and analyzed through the Ocean SAMP process. Currently designated Areas of Particular Concern are based on current knowledge and available datasets; additional Areas of Particular Concern may be identified by the Council in the future as new datasets are made available. Areas of Particular Concern may be elevated to Areas Designated for Preservation in the future if future studies show that Areas of Particular Concern cannot risk even low levels of Large-Scale Offshore Development within these areas. Areas of Particular Concern include:	1	The SFWF is consistent with this policy, as described below.	The SFEC is consistent with this policy, as described below.	Section 4.2.3, Geological Resources; Section 4.3, Biological Resources; Section 4.4, Cultural Resources; Section 4.5, Visual Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix H, Geophysical and Geotechnical Survey Reports; Appendix N, Benthic Resources Survey Report; Appendix O, Essential Fish Habitat Report; Appendix R, Marine Archaeological Report (Not for Public Distribution); and Appendix V, Visual Impact Assessment Report for SFWF
11.10.2(A)(1)	1. Areas with unique or fragile physical features, or important natural habitats;	i.	The SFWF is consistent with this policy. Based on benthic and geophysical surveys, the SFWF was sited to avoid fragile physical features or important natural habitats.	The SFEC is consistent with this policy. Based on benthic and geophysical surveys, the SFEC was sited to avoid fragile physical features or important natural habitats.	Section 4.3.1, Coastal and Terrestrial Habitat; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix N, Benthic Resources Survey Report; Appendix O, Essential Fish Habitat Report; and Appendix Y, Commercial and Recreational Fisheries Technical Report
11.10.2(A)(2)	2. Areas of high natural productivity;	ii.	The SFWF is consistent with this policy. Based on fisheries assessment, the SFWF was sited to avoid areas of high natural productivity.	The SFEC is consistent with this policy. Based on fisheries assessment, the SFWF was sited to avoid areas of high natural productivity.	Section 4.3, Biological Resources; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix N, Benthic Resources Survey Report; Appendix O, Essential Fish Habitat Report; and Appendix Y, Commercial and Recreational Fisheries Technical Report
11.10.2(A)(3)	3. Areas with features of historical significance or cultural value;	iii.	The SFWF is consistent with this policy. Based on marine archaeological assessment, the SFWF was sited to avoid areas with features of historical significance or cultural value. Where avoidance is not possible, DWSF has identified environmental protection measures to minimize impacts on these resources, including an Unanticipated Discovery Plan.	The SFEC is consistent with this policy. Based on marine archaeological assessment, the SFEC was sited to avoid areas with features of historical significance or cultural value. Where avoidance is not possible, DWSF has identified environmental protection measures to minimize impacts on these resources, including an Unanticipated Discovery Plan.	Section 4.1.9, Visible Infrastructure; Section 4.4, Cultural Resources; Section 4.5, Visual Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix R, Marine Archaeological Report (Not for Public Distribution); and Appendix V, Visual Impact Assessment Report for SFWF
11.10.2(A)(4)	4. Areas of substantial recreational value;	iv.	The SFWF is consistent with this policy. The SFWF is not located in an area that has substantial recreational value.	The SFEC is consistent with this policy. The SFEC is not located in an area that has substantial recreational value.	Section 4.6.4, Recreation and Tourism; Section 4.6.5, Commercial and Recreational Fishing; Section 4.6.7, Coastal Land Use and Infrastructure; Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix Y, Commercial and Recreational Fisheries Technical Report
11.10.2(A)(5)	5. Areas important for navigation, transportation, military and other human uses; and	v.	The SFWF is consistent with this policy. The SFWF was sited to avoid areas that are important to navigation, transportation, military and other uses.	The SFEC is consistent with this policy. The SFEC was sited to avoid areas that are important to navigation, transportation, military and other uses.	Section 4.6.6, Commercial Shipping; Section 4.6.7, Coastal Land Use and Infrastructure; Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix X, Navigational Safety Risk Assessment Report
11.10.2(A)(6)	6. Areas of high fishing activity.	vi.	The SFWF is consistent with this policy. Based on fisheries assessment, the SFWF is not sited in an area of high fishing activity.	The SFEC is consistent with this policy. Based on fisheries assessment, the SFEC is not sited in an area of high fishing activity.	Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix Y, Commercial and Recreational Fisheries Technical Report;
11.10.2(B)	B) The Council has designated the areas listed below in section 11.10.2(C) of this part in state waters as Areas of Particular Concern. All Large-scale, Small-scale, or other offshore development, or any portion of a proposed project, shall be presumptively excluded from APCs. This exclusion is rebuttable if the applicant can demonstrate by clear and convincing evidence that there are no practicable alternatives that are less damaging in areas outside of the APC, or that the proposed project will not result in a significant alteration to the values and resources of the APC. When evaluating a project proposal, the Council shall not consider cost as a factor when determining whether practicable alternatives exist. Applicants which successfully demonstrate that the presumptive exclusion does not apply to a proposed project because there are no practicable alternatives that are less damaging in areas outside of the APC must also demonstrate that all feasible efforts have been made to avoid damage to APC resources and values and that there will be no significant alteration of the APC resources or values. Applicants successfully demonstrating that the presumptive exclusion does not apply because the proposed project will not result in a significant alteration to the values and resources of the APC must also demonstrate that all feasible efforts have been made to avoid damage to the APC resources and values. The Council may require a successful applicant to provide a mitigation plan that protects the ecosystem. The Council will permit underwater cables, only in certain categories of Areas of Particular Concern, as determined by the Council in coordination with the Joint Agency Working Group. The maps listed below in section 11.10.2(C) of this part, depicting Areas of Particular Concern may be superseded by more detailed, site-specific maps created with finer resolution data.	2	The SFWF is consistent with this policy. The SFWF is located in federal waters, but within the RI Ocean SAMP study area, and was sited to avoid Areas of Particular Concern. When avoidance is not possible, protection measures will be employed to avoid or minimize impacts to Areas of Particular Concern.	The SFEC is consistent with this policy. The SFEC is located in federal waters, but within the RI Ocean SAMP study area, and was sited to avoid Areas of Particular Concern. When avoidance is not possible, protection measures will be employed to avoid or minimize impacts to Areas of Particular Concern.	Section 1.2, Project Purpose; Section 1.3.1, Federal Permits, Approvals, and Consultations; Section 4.2.3, Geological Resources; Section 3.0, Project Description; and Appendix H, Geophysical and Geotechnical Survey Reports

Appendix A-2. Coastal Zone Management Consistency Statements: Rhode Island
Deepwater Wind South Fork, LLC

SFWF - Rhode Island Ocean Special Area Management Plan (Ocean SAMP) Consistency Review - DRAFT

Ocean SAMP Section Number 650-RICR-20-05-11	Policy/Requirement	Old Policy #	Response to Policy for SFWF	Response to Policy for SFEC	COP Section Reference
11.10.2(C)	C) Areas of particular concern that have been identified in the Ocean SAMP area in state waters are described as follows.	3	The SFWF is consistent with this policy.	The SFEC is consistent with this policy.	Section 1.2, Project Purpose; and Section 1.3.1, Federal Permits, Approvals, and Consultations
11.10.2(C)(1)	1. Historic shipwrecks, archaeological or historical sites and their buffers as described in Chapter 4, Cultural and Historic Resources, section 440.1.1 through 440.1.4, are Areas of Particular Concern. For the latest list of these sites and their locations please refer to the Rhode Island State Historic Preservation and Heritage Commission.	i.	The SFWF is consistent with this policy. DWSF analyzed the shipwreck data provided by Rhode Island and there are none located within the SFWF area.	The SFEC is consistent with this policy. DWSF analyzed the shipwreck data provided by Rhode Island and there are none located along the SFEC route.	Section 4.4, Cultural Resources; Section 4.2, Marine Archaeological Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix R, Marine Archaeological Report (Not for Public Distribution)
11.10.2(C)(2)	2. Offshore dive sites within the Ocean SAMP area, as shown in Figure 2 in Section 11.10.2 of this part are designated Areas of Particular Concern. The Council recognizes that offshore dive sites, most of which are shipwrecks, are valuable recreational and cultural ocean assets and are important to sustaining Rhode Island's recreation and tourism economy.	ii.	The SFWF is consistent with this policy. There are no offshore dive sites of significance in the SFWF area.	The SFEC is consistent with this policy. There are no offshore dive sites of significance in the SFEC area.	Section 4.6.4, Recreation and Tourism; Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix X, Navigational Risk Assessment
11.10.2(C)(3)	3. Glacial moraines are important habitat areas for a diversity of fish and other marine plants and animals because of their relative structural permanence and structural complexity. Glacial moraines create a unique bottom topography that allows for habitat diversity and complexity, which allows for species diversity in these areas and creates environments that exhibit some of the highest biodiversity within the entire Ocean SAMP area. The Council also recognizes that because glacial moraines contain valuable habitats for fish and other marine life, they are also important to commercial and recreational fishermen. Accordingly, the Council shall designate glacial moraines as identified in Figure 3 and Figure 4 in section 11.10.2 of this part as Areas of Particular Concern.	iii.	The SFWF is consistent with this policy. The SFWF has been sited to avoid areas of particular concern. When avoidance is not possible, protection measures will be employed to avoid to minimize impact to glacial moraines.	The SFEC is consistent with this policy. The SFEC has been sited to avoid areas of particular concern. When avoidance is not possible, protection measures will be employed to avoid to minimize impact to glacial moraines.	Section 4.2.3, Geological Resources; Section 4.2.4, Physical Oceanography and Meteorology; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix H, Geophysical and Geotechnical Survey Reports
11.10.2(C)(4)	4. Navigation, Military, and Infrastructure areas including: designated shipping lanes, precautionary areas, recommended vessel routes, ferry routes, dredge disposal sites, military testing areas, unexploded ordnance, pilot boarding areas, anchorages, and a coastal buffer of 1 km as depicted in Figure 5 in section 11.10.2 of this part are designated as Areas of Particular Concern. The Council recognizes the importance of these areas to marine transportation, navigation and other activities in the Ocean SAMP area.	iv.	The SFWF is consistent with this policy. DWSF analyzed navigation, military, and infrastructure areas, and there are no precautionary areas, ferry routes, dredge disposal sites, military testing areas, unexploded ordnance, pilot boarding areas, anchorages, or coastal buffers located in the SFWF area. There may be designated shipping lanes or recommended vessel routes in the future.	The SFEC is consistent with this policy. DWSF analyzed navigation, military, and infrastructure areas, and there are no precautionary areas, ferry routes, dredge disposal sites, military testing areas, unexploded ordnance, pilot boarding areas, anchorages, or coastal buffers located in the SFEC area. There may be designated shipping lanes or recommended vessel routes in the future.	Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix X, Navigational Safety Risk Assessment Report
11.10.2(C)(5)	5. Areas of high fishing activity as identified during the pre-application process by the Fishermen's Advisory Board, as defined in section 11.3(E) of this part, may be designated by the Council as Areas of Particular Concern.	v.	The SFWF is consistent with this policy. The SFWF has been sited to avoid Areas of high fishing activity. The SFWF is not expected to have major long-term impacts on fishing it is expected that fishing will continue after the SFWF construction.	The SFEC is consistent with this policy. The SFEC has been sited to avoid Areas of high fishing activity. The SFEC is not expected to have major long-term impacts on fishing it is expected that fishing will continue after the SFEC construction.	Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix Y, Commercial and Recreational Fisheries Technical Report
11.10.2(C)(6)	6. Several heavily-used recreational boating and sailboat racing areas, as shown in Figure 6 in section 11.10.2 of this part, are designated as Areas of Particular Concern. The Council recognizes that organized recreational boating and sailboat racing activities are concentrated in these particular areas, which are therefore important to sustaining Rhode Island's recreation and tourism economy.	vi.	The SFWF is consistent with this policy. The SFWF is not located in a heavily-used recreational boating and sailboat racing areas as shown in Figure 6 of the RI SAMP.	The SFEC is consistent with this policy. The SFEC is not located in a heavily-used recreational boating and sailboat racing areas as shown in Figure 6 of the RI SAMP.	Section 4.6.4, Recreation and Tourism; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix Y, Commercial and Recreational Fisheries Technical Report
11.10.2(C)(7)	7. Naval Fleet Submarine Transit Lane, as described in Chapter 7, Marine Transportation, Navigation, and Infrastructure section 720.7, are designated as Areas of Particular Concern.	vii.	The SFWF is consistent with this policy. The SFWF is not located in a Naval Fleet Submarine Transit Lane.	The SFEC is consistent with this policy. The SFEC is not located in a Naval Fleet Submarine Transit Lane.	Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix X, Navigational Safety Risk Assessment Report
11.10.2(C)(8)	8. Other Areas of Particular Concern may be identified during the pre-application review by state and federal agencies as areas of importance.	viii.	The SFWF is consistent with this policy. DWSF recognizes that other Areas of Particular concern may be identified during the pre-application review.	The SFEC is consistent with this policy. DWSF recognizes that other Areas of Particular concern may be identified during the pre-application review.	Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix X, Navigational Safety Risk Assessment Report
11.10.2(D)	D) Developers proposing projects for within the Renewable Energy Zone as described in section 11.10.1(B) of this part shall adhere to the requirements outlined in 11.10.2 of this part regarding Areas of Particular Concern in state waters, including any Areas of Particular Concern that overlap the Renewable Energy Zone (see Figure 7 in section 11.10.2 of this part).	4	This policy is not applicable because the SFWF is not located within Rhode Island State waters.	This policy is not applicable because the SFEC is not located within Rhode Island State waters.	Not applicable
11.10.3 Prohibitions and Areas Designated for Preservations		1160.3			
11.10.3(A)	A) Areas Designated for Preservation are designated in the Ocean SAMP area in state waters for the purpose of preserving them for their ecological value. Areas Designated for Preservation were identified by reviewing habitat and other ecological data and findings that have resulted from the Ocean SAMP process. Areas Designated for Preservation are afforded additional protection than Areas of Particular Concern (see section 11.10.2 of this part) because of scientific evidence indicating that Large-Scale Offshore Development in these areas may result in significant habitat loss. The areas listed in Section 11.10.3 are designated as Areas Designated for Preservation. The Council shall prohibit any Large-Scale Offshore Development, mining and extraction of minerals, or other development that has been found to be in conflict with the intent and purpose of an Area Designated for Preservation. Underwater cables are exempt from this prohibition. Areas designated for preservation include:	1	This policy is not applicable because the SFWF is located in federal waters, outside state waters, and is therefore not located in any Areas Designated for Preservation.	This policy is not applicable because the SFEC is located in federal waters, outside state waters, and is therefore not located in any Areas Designated for Preservation.	Not applicable
11.10.3(A)(1)	1. Ocean SAMP sea duck foraging habitat in water depths less than or equal to 20 meters [65.6 feet] (as shown in Figure 8 in section 11.10.2 of this part) is designated as an Area Designated for Preservation due to their ecological value and the significant role these foraging habitats play to avian species, and existing evidence suggesting the potential for permanent habitat loss as a result of offshore wind energy development. The current research regarding sea duck foraging areas indicates that this habitat is depth limited and generally contained within the 20 meter depth contour. It is likely there are discreet areas within this region that are prime feeding areas, however at present there is no long-term data set that will allow this determination. Thus, the entire area within the 20 meter contour is being protected as an Area Designated for Preservation until further research allows the Council and other agencies to make a more refined determination.	i.	This policy is not applicable because the SFWF is not located in any Areas Designated for Preservation or Ocean SAMP sea duck foraging habitat.	This policy is not applicable because the SFEC is not located in any Areas Designated for Preservation or Ocean SAMP sea duck foraging habitat.	Not applicable
11.10.3(A)(2)	2. The mining and extraction of minerals, including sand and gravel, from tidal waters and salt ponds is prohibited. This prohibition does not apply to dredging for navigation purposes, channel maintenance, habitat restoration, or beach replenishment for public purposes.	2	This policy is not applicable because the SFWF is an offshore wind farm facility, not a mining and extraction of minerals facility.	This policy is not applicable because the SFEC is a buried export cable that will interconnect the SFWF with the SFEC - Onshore substation, not a mining and extraction of minerals facility.	Not applicable

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Ocean SAMP Section Number 650-RICR-20-05-11	Policy/Requirement	Old Policy #	Response to Policy for SFWF	Response to Policy for SFEC	COP Section Reference
11.10.3(A)(3)	3. The Council shall prohibit any Offshore Development in areas identified as Critical Habitat under the Endangered Species Act.	3	The SFWF is consistent with this policy. The SFWF is not located within any critical habitat areas.	The SFEC is consistent with this policy. The SFEC is not located within any critical habitat areas.	Section 4.3, Biological Resources; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix N, Benthic Resources Survey Report; Appendix O, Essential Fish Habitat Report; and Appendix Y, Commercial and Recreational Fisheries Technical Report
11.10.3(A)(4)	4. Dredged material disposal, as defined and regulated in Section 00-1.3.1(I) of this chapter, is further limited in the Ocean SAMP area by the prohibition of dredged material disposal in the following Areas of Particular Concern as defined in section 11.10.2 of this part: historic shipwrecks, archaeological, or historic sites; offshore dive sites; navigation, military, and infrastructure areas; and moraines. Beneficial reuse may be allowed in Areas Designated for Preservation, whereas all other dredged material disposal is prohibited in those areas. All disposal of dredged material will be conducted in accordance with the U.S. EPA and U.S. Army Corps of Engineers' manual, <i>Evaluation of Dredged Material Proposed for Ocean Disposal</i> .	4	This policy is not applicable because the SFWF is an offshore wind farm facility, not a dredging project.	This policy is not applicable because the SFEC is a buried export cable not a dredging project.	Not applicable
11.10.4 Other Areas		1160.4			
11.10.4(A)	A) Large-scale projects or other development which is found to be a hazard to commercial navigation shall avoid areas of high intensity commercial marine traffic in state waters. Avoidance shall be the primary goal of these areas. Areas of High Intensity Commercial Marine Traffic are defined as having 50 or more vessel counts within a 1 km by 1 km grid, as in Figure 9 in Section 11.10.2 of this part.	1	The SFWF is consistent with this policy. The SFWF is not located in the areas of high traffic as described in Figure 9 of the SAMP.	The SFEC is consistent with this policy. The SFEC will be buried and therefore not a hazard to commercial navigation.	Section 4.6.8, Other Marine Uses; and Appendix X, Navigational Safety Risk Assessment Report
11.10.5 Application Requirements		1160.5			
11.10.5(A)	A) For the purposes of this document, the phrase "necessary data and information" shall refer to the necessary data and information required for federal consistency reviews for purposes of starting the Coastal Zone Management Act (CZMA) 6-month review period for federal license or permit activities under 15 C.F.R. part 930, subpart D, and OCS Plans under 15 C.F.R. part 930, subpart E, pursuant to 15 C.F.R. § 930.58(a)(2). Any necessary data and information shall be provided before the 6-month CZMA review period begins for a proposed project. It should be noted that other federal and state agencies may require other types of data or information as part of their review processes.	1	The SFWF is consistent with this policy. All necessary data and information will be provided to start the 6 month review period.	The SFEC is consistent with this policy. All necessary data and information will be provided to start the 6 month review period.	Section 1.3.4, Coastal Zone Management Act Consistency; Section 1.4, Agency and Stakeholder Outreach; and Appendix A, Coastal Zone Management Federal Consistency Statements
11.10.5(B)	B) For the purposes of this document, the following terms shall be defined as:	2			
11.10.5(B)(1)	1. A Site Assessment Plan (SAP) is defined as a pre-application plan that describes the activities and studies the applicant plans to perform for the characterization of the project site.	i.	The SAP for lease OCS-A-0486 was developed and approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	The SAP for lease OCS-A-0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	Not Applicable
11.10.5(B)(2)	2. A Construction and Operations Plan (COP) is defined as a plan that describes the applicant's construction, operations, and conceptual decommissioning plans for a proposed facility, including the applicant's project easement area.	ii.	The COP for the SFWF was submitted to BOEM in July 2018 and is under review.	The COP for the SFEC was submitted to BOEM in July 2018 and is under review.	Section 1.2, Project Purpose; Section 1.3.1, Federal Permits, Approvals, and Consultations; and Section 3.0, Project Description
11.10.5(B)(3)	3. A Certified Verification Agent (CVA) is defined as an independent third-party agent that shall use good engineering judgment and practices in conducting an independent assessment of the design, fabrication and installation of the facility. The CVA shall have licensed and qualified Professional Engineers on staff	iii.	The CVA nomination was submitted with the COP and will be approved by BOEM.	The CVA nomination was submitted with the COP and will be approved by BOEM.	Section 1.5.3, Certified Verification Agency Nominations
11.10.5(C)	C) Prior to construction, the following sections shall be considered necessary data and information and shall be required by the Council:	3			
11.10.5(C)(1)	1. Site Assessment Plan – A SAP is a pre-application plan that describes the activities and studies (e.g. installation of meteorological towers, meteorological buoys) the applicant plans to perform for the characterization of the project site. Within the Renewable Energy Zone, if an applicant applies within 2 years of CRMC's adoption of the Ocean Special Area Management Plan they may elect to combine the SAP and Construction and Operation Plan (COP) phase, but only within the renewable energy zone and only for 2 years after the adoption date. If an applicant elects to combine these two phases all requirements shall still be met. The SAP shall describe how the applicant shall conduct the resource assessment (e.g., meteorological and oceanographic data collection) or technology testing activities. The applicant shall receive the approval of the SAP by the Council. For projects within Type 4E waters (depicted in Figure 1 in section 11.10.1 of this part), pre-construction data requirements may incorporate data generated by the Ocean SAMP provided the data was collected within 2 years of the date of application, or where the Ocean SAMP data is determined to be current enough to meet the requirements of the Council in coordination with the Joint Agency Working Group. The applicant shall reference information and data discussed in the Ocean SAMP (including appendices and technical reports) in their SAP.	i.	The SAP for lease OCS-A-0486 was developed and approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	The SAP for lease OCS-A-0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	See CRMC concurrence issued for file # 2017-09-034 on September 8, 2017.
11.10.5(C)(1)(a)	a. The applicant's SAP shall include data from:	i.			
11.10.5(C)(1)(a)(1)	1. Physical characterization surveys (e.g., geological and geophysical surveys or hazards surveys); and	1	The SAP for lease OCS-A-0486 was developed and approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	The SAP for lease OCS-A-0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	See CRMC concurrence issued for file # 2017-09-034 on September 8, 2017.
11.10.5(C)(1)(a)(2)	2. Baseline environmental surveys (e.g., biological or archaeological surveys).	2			
11.10.5(C)(1)(b)	b. The SAP shall demonstrate that the applicant has planned and is prepared to conduct the proposed site assessment activities in a manner that conforms to the applicant's responsibilities listed above in section 11.10.1(E) of this part:	ii.	The SAP for lease OCS-A-0486 was developed and approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	The SAP for lease OCS-A-0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	See CRMC concurrence issued for file # 2017-09-034 on September 8, 2017.
11.10.5(C)(1)(b)(1)	1. Conforms to all applicable laws, regulations;	1			
11.10.5(C)(1)(b)(2)	2. Is safe;	2			
11.10.5(C)(1)(b)(3)	3. Does not unreasonably interfere with other existing uses of the state waters.	3			
11.10.5(C)(1)(b)(4)	4. Does not cause undue harm or damage to natural resources; life (including human and wildlife); the marine, coastal, or human environment; or sites, structures, or direct harm to objects of historical or archaeological significance;	4			
11.10.5(C)(1)(b)(5)	5. Uses best available and safest technology;	5			
11.10.5(C)(1)(b)(6)	6. Uses best management practices; and	6			
11.10.5(C)(1)(b)(7)	7. Uses properly trained personnel.	7			
11.10.5(C)(1)(c)	c. The applicant shall also demonstrate that the site assessment activities shall collect the necessary data and information required for the applicant's COP, as described below in section 11.10.5(C)(2) of this part.	iii.			
11.10.5(C)(1)(d)	d. The applicant's SAP shall include the information described in Table 1, as applicable.	iv.			

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Ocean SAMP Section Number 650-RICR-20-05-11	Policy/Requirement	Old Policy #	Response to Policy for SFWF	Response to Policy for SFEC	COP Section Reference
Table 1	Table 1: Contents of a site assessment plan	Table 11.1	The SAP for lease OCS-A-0486 was developed and approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	The SAP for lease OCS-A-0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	See CRMC concurrence issued for file # 2017-09-034 on September 8, 2017.
11.10.5(C)(1)(d)(1)	(1) Contact Information. The name, address, e-mail address, and phone number of an authorized representative.	(1)			
11.10.5(C)(1)(d)(2)	(2) The site assessment or technology testing concept. A discussion of the objectives; description of the proposed activities, including the technology to be used; and proposed schedule from start to completion.	(2)			
11.10.5(C)(1)(d)(4)	(4) Stipulations and compliance. A description of the measures the applicant took, or shall take, to satisfy the conditions of any permit stipulations related to the applicant's proposed activities.	(4)			
11.10.5(C)(1)(d)(5)	(5) A location. The surface location and water depth for all proposed and existing structures, facilities, and appurtenances located both offshore and onshore.	(5)			
11.10.5(C)(1)(d)(6)	(6) General structural and project design, fabrication, and installation. Information for each type of facility associated with the applicant's project.	(6)			
11.10.5(C)(1)(d)(7)	(7) Deployment activities. A description of the safety, prevention, and environmental protection features or measures that the applicant will use.	(7)			
11.10.5(C)(1)(d)(8)	(8) The applicant's proposed measures for avoiding, minimizing, reducing, eliminating, and monitoring environmental impacts. A description of the measures the applicant shall take to avoid or minimize adverse effects and any potential incidental take, before the applicant conducts activities on the project site, and how the applicant shall mitigate environmental impacts from proposed activities, including a description of the measures to be used.	(8)			
11.10.5(C)(1)(d)(9)	(9) Reference information. Any document or published sources that the applicant information and data discussed in the Ocean SAMP (including appendices and technical reports), other plans referenced in the Ocean SAMP, and other plans previously submitted by the applicant or that are otherwise readily available to the Council.	(9)			
11.10.5(C)(1)(d)(10)	(10) Decommissioning and site clearance procedures. A discussion of methodologies.	(10)			
11.10.5(C)(1)(d)(11)	(11) Air quality information. Information required for the Clean Air Act (42 U.S.C. 7409) and implementing regulations.	(11)			
11.10.5(C)(1)(d)(12)	(12) A listing of all Federal, State, and local authorizations or approvals required to conduct site assessment activities on the project site. A statement indicating whether such authorization or approval has been applied	(12)			
11.10.5(C)(1)(d)(13)	(13) A list of agencies or persons with whom the applicant has communicated, or will communicate, regarding potential impacts associated with the proposed activities. Contact information and issues discussed.	(13)			
11.10.5(C)(1)(d)(14)	(14) Financial assurance information. Statements attesting that the activities and facilities proposed in the applicant's SAP are or shall be covered by an appropriate performance bond or other Council approved	(14)			
11.10.5(C)(1)(d)(15)	(15) Other information. Additional information as requested by the Council in coordination with the Joint Agency Working Group.	(15)			
11.10.5(C)(1)(e)	e. The applicant's SAP shall provide the results of geophysical and geological surveys, hazards surveys, archaeological surveys (as required by the Council in coordination with the Joint Agency Working Group), and biological surveys outlined in Table 2 (with the supporting data) in the applicant's SAP:	v.	The SAP for lease OCS-A-0486 was developed and approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	The SAP for lease OCS-A-0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	See CRMC concurrence issued for file # 2017-09-034 on September 8, 2017.
Table 2	Table 2: Necessary data and information to be provided in the site assessment plan	Table 11.2			
11.10.5(C)(1)(e)(1)	(1) Geotechnical.	(1)			
11.10.5(C)(1)(e)(2)	(2) Shallow hazards.	(2)			
11.10.5(C)(1)(e)(3)	(3) Archaeological resources.	(3)			
11.10.5(C)(1)(e)(4)	(4) Geological survey.	(4)			
11.10.5(C)(1)(e)(5)	(5) Biological survey.	(5)			
11.10.5(C)(1)(e)(6)	(6) Fish and Fisheries Survey	(6)			
11.10.5(C)(1)(f)	f. The applicant shall submit a SAP that describes those resources, conditions, and activities listed in Table 3 that could be affected by the applicant's proposed activities, or that could affect the activities proposed in the applicant's SAP, including but not limited to:	vi.	The SAP for lease OCS-A-0486 was developed and approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	The SAP for lease OCS-A-0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	See CRMC concurrence issued for file # 2017-09-034 on September 8, 2017.
Table 3	Table 3: Resource data and uses that shall be described in the site assessment plan	Table 11.13			
11.10.5(C)(1)(f)(1)	(1) Hazard information.	(1)			
11.10.5(C)(1)(f)(2)	(2) Water quality	(2)			
11.10.5(C)(1)(f)(3)	(3) Biological resources.	(3)			
11.10.5(C)(1)(f)(4)	(4) Threatened or endangered species.	(4)			
11.10.5(C)(1)(f)(5)	(5) Sensitive biological resources or habitats.	(5)			
11.10.5(C)(1)(f)(6)	(6) Archaeological and visual resources.	(6)			
11.10.5(C)(1)(f)(7)	(7) Social and economic resources.	(7)			
11.10.5(C)(1)(f)(8)	(8) Fisheries Resources and Uses	(8)			
11.10.5(C)(1)(f)(9)	(9) Coastal and marine uses.	(9)			
11.10.5(C)(1)(g)	g. The Council shall review the applicant's SAP in conjunction with the Joint Agency Working Group to determine if it contains the information necessary to conduct technical and environmental reviews and shall notify the applicant if the SAP lacks any necessary information.	vii.	The SAP for lease OCS-A-0486 was developed and approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	The SAP for lease OCS-A-0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	See CRMC concurrence issued for file # 2017-09-034 on September 8, 2017.
11.10.5(C)(1)(h)	h. As appropriate, the Council shall coordinate and consult with relevant Federal and State agencies, and affected Indian tribes.	viii.	The SAP for lease OCS-A-0486 was developed and approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	The SAP for lease OCS-A-0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	See CRMC concurrence issued for file # 2017-09-034 on September 8, 2017.
11.10.5(C)(1)(i)	i. Any Large-Scale Offshore Development, as defined above in section 11.10.1(A) of this part, shall require a pre application meeting between the FAB, the applicant, and the Council staff to discuss potential fishery-related impacts, such as, but not limited to, project location, construction schedules, alternative locations, and project minimization. During the pre-application meeting for a Large-Scale Offshore Development, the FAB can also identify areas of high fishing activity or habitat edges to be considered during the review process	ix.	The SAP for lease OCS-A-0486 was developed and approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	The SAP for lease OCS-A-0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	See CRMC concurrence issued for file # 2017-09-034 on September 8, 2017.
11.10.5(C)(1)(j)	j. During the review process, the Council may request additional information if it is determined that the information provided is not sufficient to complete the review and approval process.	x.	The SAP for lease OCS-A-0486 was developed and approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	The SAP for lease OCS-A-0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	See CRMC concurrence issued for file # 2017-09-034 on September 8, 2017.
11.10.5(C)(1)(k)	k. Once the SAP is approved by the Council the applicant may begin conducting the activities approved in the SAP.	xi.	The SAP for lease OCS-A-0486 was developed and approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	The SAP for lease OCS-A-0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	See CRMC concurrence issued for file # 2017-09-034 on September 8, 2017.

Appendix A-2. Coastal Zone Management Consistency Statements: Rhode Island
Deepwater Wind South Fork, LLC

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Ocean SAMP Section Number 650-RICR-20-05-11	Policy/Requirement	Old Policy #	Response to Policy for SFWF	Response to Policy for SFEC	COP Section Reference
11.10.5(C)(1)(l)	I. Reporting requirements of the applicant under an approved SAP:	xii.	The SAP for lease OCS-A-0486 was developed and approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	The SAP for lease OCS-A-0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	See CRMC concurrence issued for file # 2017-09-034 on September 8, 2017.
11.10.5(C)(1)(l)(1)	1. Following the approval of a SAP, the applicant shall notify the Council in writing within 30 days of completing installation activities of any temporary measuring devices approved by the Council.	1			
11.10.5(C)(1)(l)(2)	2. The applicant shall prepare and submit to the Council a report semi-annually. The first report shall be due 6 months after work on the SAP begins; subsequent reports shall be submitted every 6 month thereafter until the SAP period is complete. The report shall summarize the applicant's site assessment activities and the results of those activities.	2			
11.10.5(C)(1)(l)(3)	3. The Council reserves the right to require additional environmental and technical studies, if it is found there is a critical area lacking or missing information.	3			
11.10.5(C)(1)(m)	m. The applicant shall seek the Council's approval before conducting any activities not described in the approved SAP, describing in detail the type of activities the applicant proposes to conduct and the rationale for these activities. The Council shall determine whether the activities proposed are authorized by the applicant's existing SAP or require a revision to the applicant's SAP. The Council may request additional information from the applicant, if necessary, to make this determination.	xiii.	The SAP for lease OCS-A-0486 was developed and approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	The SAP for lease OCS-A-0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	See CRMC concurrence issued for file # 2017-09-034 on September 8, 2017.
11.10.5(C)(1)(n)	n. The Council shall periodically review the activities conducted under an approved SAP. The frequency and extent of the review shall be based on the significance of any changes in available information and on onshore or offshore conditions affecting, or affected by, the activities conducted under the applicant's SAP. If the review indicates that the SAP should be revised to meet the requirements of this part, the Council shall require the applicant to submit the needed revisions.	xiv.	The SAP for lease OCS-A-0486 was developed and approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	The SAP for lease OCS-A-0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	See CRMC concurrence issued for file # 2017-09-034 on September 8, 2017.
11.10.5(C)(1)(o)	o. The applicant may keep approved facilities (such as meteorological towers) installed during the SAP period in place during the time that the Council reviews the applicant's COP for approval. Note: Structures in state waters shall require separate authorizations outside the SAP process.	xv.	The SAP for lease OCS-A-0486 was developed and approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	The SAP for lease OCS-A-0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	See CRMC concurrence issued for file # 2017-09-034 on September 8, 2017.
11.10.5(C)(1)(p)	p. The applicant is not required to initiate the decommissioning process for facilities that are authorized to remain in place under the applicant's approved COP. If, following the technical and environmental review of the applicant's submitted COP, the Council determines that such facilities may not remain in place the applicant shall initiate the decommissioning process.	xvi.	The SAP for lease OCS-A-0486 was developed and approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	The SAP for lease OCS-A-0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	See CRMC concurrence issued for file # 2017-09-034 on September 8, 2017.
11.10.5(C)(1)(q)	q. The Executive Director on behalf of the Council will be responsible for reviewing and approving study designs conducted as part of the necessary data and information contained in the SAP. The Executive Director shall seek the advice of the FAB and HAB in setting out the study designs to be completed in the SAP. The Executive Director shall also brief the Ocean SAMP Subcommittee on each study design as it is being considered. Any applicant that initiated, conducted and/or completed site assessment studies or surveying activities prior to the adoption of the policies set forth in the SAMP, shall demonstrate that the studies were done in accordance with the federal protocols for such studies or in the alternative, to the council's satisfaction that the completed studies were conducted with approval from the Executive Director and in accordance with Sections 11.10.5(A), 11.10.5(C)(2), 11.10.5(C)(3), and 11.10.5(C)(4) of this Part.	N/A	The SAP for lease OCS-A-0486 was developed and approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	The SAP for lease OCS-A-0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file # 2017-09-034 on September 8, 2017	See CRMC concurrence issued for file # 2017-09-034 on September 8, 2017.
11.10.5(C)(2)	2. Construction and Operations Plan (COP) - The COP describes the applicant's construction, operations, and conceptual decommissioning plans for the proposed facility, including the applicant's project easement area.	ii.	The COP for the SFWF was submitted to BOEM in July 2018 and is under review.	The COP for the SFEC was submitted to BOEM in July 2018 and is under review.	Section 3.0, Project Description
11.10.5(C)(2)(a)	a. The applicant's COP shall describe all planned facilities that the applicant shall construct and use for the applicant's project, including onshore and support facilities and all anticipated project easements.	a.	The COP for the SFWF was submitted to BOEM in July 2018 and is under review.	The COP for the SFEC was submitted to BOEM in July 2018 and is under review.	Section 3.0, Project Description
11.10.5(C)(2)(b)	b. The applicant's COP shall describe all proposed activities including the applicant's proposed construction activities, commercial operations, and conceptual decommissioning plans for all planned facilities, including onshore and support facilities.	b.	The COP for the SFWF was submitted to BOEM in July 2018 and is under review.	The COP for the SFEC was submitted to BOEM in July 2018 and is under review.	Section 3.0, Project Description
11.10.5(C)(2)(c)	c. The applicant shall receive the Council's approval of the COP before the applicant can begin any of the approved activities on the applicant's project site, lease or easement.	c.	The COP for the SFWF was submitted to BOEM in July 2018 and is under review.	The COP for the SFEC was submitted to BOEM in July 2018 and is under review.	Section 1.2, Project Purpose; Section 1.3.1, Federal Permits, Approvals, and Consultations; Section 2.0, Project Siting and Route Selection; Section 3.0, Project Description; and Section 4.0, Site Characterization and Assessment of Potential Impacts
11.10.5(C)(2)(d)	d. The COP shall demonstrate that the applicant has planned and is prepared to conduct the proposed activities in a manner that:	d.	The COP for the SFWF was submitted to BOEM in July 2018 and is under review. The COP demonstrates that DWSF has planned and prepared to conduct activities as described.	The COP for the SFEC was submitted to BOEM in July 2018 and is under review. The COP demonstrates DWSF has planned and prepared to conduct activities as described.	Section 4.0, Site Characterization and Assessment of Potential Impacts; and Appendix R, Marine Archaeological Report (Not for Public Distribution)
11.10.5(C)(2)(d)(1)	1. Conforms to all applicable laws, implementing regulations.	1			
11.10.5(C)(2)(d)(2)	2. Is safe;	2			
11.10.5(C)(2)(d)(3)	3. Does not unreasonably interfere with other uses of state waters;	3			
11.10.5(C)(2)(d)(4)	4. Does not cause undue harm or damage to natural resources; life(including human and wildlife); the marine, coastal, or human environment; or direct impact to sites, structures, or objects of historical or archaeological	4			
11.10.5(C)(2)(d)(5)	5. Uses best available and safest technology;	5			
11.10.5(C)(2)(d)(6)	6. Uses best management practices; and	6			
11.10.5(C)(2)(d)(7)	7. Uses properly trained personnel.	7			
11.10.5(C)(2)(e)	e. The applicant's COP shall include the following project-specific information, as applicable.	e.	The COP for the SFWF was submitted to BOEM in July 2018 and is under review. All of this information is listed in the COP and can be found in the designated sections within the COP.	The COP for the SFEC was submitted to BOEM in July 2018 and is under review. All of this information is listed in the COP and can be found in the designated sections within the COP.	Executive Summary; and Section 1.1, Project Overview
Table 4	Table 4: Contents of the construction and Operations Plan	Table 11.4			
11.10.5(C)(2)(e)(1)	(1) Contact Information	(1)			
11.10.5(C)(2)(e)(2)	(2) Designation of operator, if applicable.	(2)			Executive Summary; and Section 1.6.1, Authorized Representative and Operator
11.10.5(C)(2)(e)(3)	(3) The construction and operation concept	(3)			Section 1.2, Project Purpose; Section 2.0, Project Siting and Route Selection; and Section 3.0, Project Description
11.10.5(C)(2)(e)(4)	(4) A location.	(5)			Section 1.2, Project Purpose; Section 2.0, Project Siting and Route Selection; and Section 3.0, Project Description
11.10.5(C)(2)(e)(5)	(5) General structural and project design, fabrication, and installation.	(6)			Section 3.0, Project Description
11.10.5(C)(2)(e)(6)	(6) All cables and pipelines, including cables on project easements.	(7)			Section 3.0, Project Description

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Ocean SAMP Section Number 650-RICR-20-05-11	Policy/Requirement	Old Policy #	Response to Policy for SFWF	Response to Policy for SFEC	COP Section Reference
11.10.5(C)(2)(e)(7)	(7) A description of the deployment activities.	(8)			Section 3.0, Project Description
11.10.5(C)(2)(e)(8)	(8) A list of solid and liquid wastes generated.	(9)			Section 3.0, Project Description; Section 4.1.5, Discharges and Releases; Section 4.1.6, Trash and Debris; and Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures.
11.10.5(C)(2)(e)(9)	(9) A list of chemical products used (if stored volume exceeds Environmental Protection (EPA) Reportable Quantities).	(10)			Section 3.0, Project Description
11.10.5(C)(2)(e)(10)	(10) Decommissioning and site clearance procedures.	(12)			Section 3.0, Project Description
11.10.5(C)(2)(e)(11)	(11) A list of all Federal, State, and local authorizations, approvals, or permits that are required to conduct the proposed activities, including commercial operations.	(13)			Section 1.3.1, Federal Permits, Approvals, and Consultations
11.10.5(C)(2)(e)(12)	(12) The applicant's proposed measures for avoiding, minimizing, reducing, eliminating, and monitoring environmental impacts.	(14)			Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures
11.10.5(C)(2)(e)(13)	(13) Information the applicant incorporates by reference.	(15)			Section 5.0, References
11.10.5(C)(2)(e)(14)	(14) A list of agencies or persons with whom the applicant has communicated, or will communicate, regarding potential impacts associated with the proposed activities.	(16)			Section 1.4, Agency and Stakeholder Outreach
11.10.5(C)(2)(e)(15)	(15) Reference.	(17)			Section 5.0, References
11.10.5(C)(2)(e)(16)	(16) Financial assurance.	(18)			Section 1.6.2, Financial Assurance
11.10.5(C)(2)(e)(17)	(17) CVA nominations	(19)			Section 1.6.3, Certified Verification Agency Nominations
11.10.5(C)(2)(e)(18)	(18) Construction schedule.	(20)			Section 1.5, Tentative Schedule
11.10.5(C)(2)(e)(19)	(19) Air quality information.	(21)			Section 4.1.8, Air Emissions; Section 4.2.1, Air Quality, and Appendix L, Air Emissions Inventory
11.10.5(C)(2)(e)(20)	(20) Other information.	(22)			Not Applicable
11.10.5(C)(2)(f)	f. The applicant's COP shall include the following information and surveys for the proposed site(s) of the applicant's facility or facilities:	f.	The COP for the SFWF was submitted to BOEM in July 2018 and is under review. The necessary data and information can be found in the designated sections within the COP.	The COP for the SFEC was submitted to BOEM in July 2018 and is under review. The necessary data and information can be found in the designated sections within the COP.	Section 4.2.3, Geological Resources; and Appendix H, Geophysical and Geotechnical Survey Reports
Table 5	Table 5: Necessary data and information to be provided in the Construction and Operations Plan	Table 11.5			
11.10.5(C)(2)(f)(1)	(1) Shallow hazards.	(1)			
11.10.5(C)(2)(f)(2)	(2) Geological survey relevant to the siting and design of the facility.	(2)			Section 4.2.3, Geological Resources; and Appendix H, Geophysical and Geotechnical Survey Reports
11.10.5(C)(2)(f)(3)	(3) Biological Survey	(3)			Section 4.3, Biological Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix N, Benthic Resources Survey Report; and Appendix O, Essential Fish Habitat Report
11.10.5(C)(2)(f)(4)	(4) Fish and Fisheries Survey	(4)			Section 4.3.2, Benthic and Shellfish Resources; Section 4.3.3, Finfish and Essential Fish Habitat; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix N, Benthic Resources Survey Report; Appendix O, Essential Fish Habitat Report; and Appendix Y Commercial and Recreational Fisheries Technical Report
11.10.5(C)(2)(f)(5)	(5) Geotechnical survey.	(5)			Section 4.2.3, Geological Resources; and Appendix H, Geophysical and Geotechnical Survey Reports
11.10.5(C)(2)(f)(6)	(6) Archaeological and Visual resources if required.	(6)			Section 4.4, Cultural Resources; Section 4.5, Visual Resources; Appendix R, Marine Archaeological Report (Not for Public Distribution); and Appendix V, Visual Impact Assessment Report for SFWF
11.10.5(C)(2)(f)(7)	(7) Overall site investigation.	(7)			Section 4.2.3, Geological Resources; and Appendix H, Geophysical and Geotechnical Survey Reports
11.10.5(C)(2)(g)	g. The applicant's COP shall describe those resources, conditions, and activities listed in Table 6 that could be affected by the applicant's proposed activities, or that could affect the activities proposed in the applicant's COP, including:	g.	The COP for the SFWF was submitted to BOEM in July 2018 and is under review. The COP describes the resources, conditions and activities that could be affected by the SFWF.	The COP for the SFEC was submitted to BOEM in July 2018 and is under review. The COP describes the resources, conditions and activities that could be affected by the SFEC.	Section 4.2.3, Geological Resources; Section 4.2.4, Physical Oceanography and Meteorology; and Appendix H, Geophysical and Geotechnical Survey Reports
Table 6	Table 6: Resources, conditions, and activities that shall be described in the Construction and Operations Plan	Table 11.6			
11.10.5(C)(2)(g)(1)	(1) Hazard information and sea level rise.	(1)			
11.10.5(C)(2)(g)(2)	(2) Water quality and circulation	(2)			Section 4.2.2, Water Quality and Water Resources; and Appendix I, Sediment Survey and Sediment Transport Analysis Reports

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11.10.5(C)(2)(g)(3)	(3) Biological resources.	(3)			Section 4.3, Biological Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix N, Benthic Resources Survey Report; Appendix O, Essential Fish Habitat Report Appendix P, Marine Mammal, Sea Turtle, and Sturgeon Reports; and Appendix Q, Avian and Bat Reports
11.10.5(C)(2)(g)(4)	(4) Threatened or endangered species.	(4)			Section 4.3, Biological Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix N, Benthic Resources Survey Report; Appendix O, Essential Fish Habitat Report Appendix P, Marine Mammal, Sea Turtle, and Sturgeon Reports; and Appendix Q, Avian and Bat Reports
11.10.5(C)(2)(g)(5)	(5) Sensitive biological resources or habitats.	(5)			Section 4.3, Biological Resources; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix N, Benthic Resources Survey Report; Appendix O, Essential Fish Habitat Report; Appendix P, Marine Mammal, Sea Turtle, and Sturgeon Reports; Appendix Q, Avian and Bat Reports; and Appendix Y, Commercial and Recreational Fisheries Technical Report
11.10.5(C)(2)(g)(6)	(6) Fisheries Resources and Uses	(6)			Section 4.3.2, Benthic and Shellfish Resources; Section 4.3.3, Finfish and Essential Fish Habitat, Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix N, Benthic Resources Survey Report; Appendix O, Essential Fish Habitat Report; Appendix P, Essential Fish Habitat Report; and Appendix Y, Commercial and Recreational Fisheries Technical Report
11.10.5(C)(2)(g)(6)	(6) Archaeological resources.	(6)			Section 4.4, Cultural Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix R, Marine Archaeological Report (Not for Public Distribution), and Appendix W, Historic Resources Visual Effect Analysis for SFWF
11.10.5(C)(2)(g)(7)	(7) Social and economic resources.	(7)			Section 4.6, Socioeconomic Resources; and Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures
11.10.5(C)(2)(g)(8)	(8) Coastal and marine uses.	(8)			Section 4.6.7, Coastal Land Use and Infrastructure; Section 4.6.8, Other Marine Uses; and Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures
11.10.5(C)(2)(h)	h. The applicant shall submit an oil spill response plan per the Oil Pollution Act of 1990, 33 USC 2701et seq.	h.	The COP for the SFWF was submitted to BOEM in July 2018 and is under review. An Oil Spill Response Plan was submitted with the COP.	The COP for the SFEC was submitted to BOEM in July 2018 and is under review. An Oil Spill Response Plan was submitted with the COP.	Section 4.6.3, Public Services; Appendix D, Oil Spill Response Plan; and Appendix E, Safety Management System
11.10.5(C)(2)(i)	i. The applicant shall submit the applicant's Safety Management System, the contents of which are described below:	i.	The COP for the SFWF was submitted to BOEM in July 2018 and is under review. The Safety Management System was submitted with the COP.	The COP for the SFEC was submitted to BOEM in July 2018 and is under review. The Safety Management System was submitted with the COP.	Section 4.6.3, Public Services; Appendix D, Oil Spill Response Plan; Appendix E, Safety Management System; and Appendix X, Navigational Safety Risk Assessment Report
11.10.5(C)(2)(i)(1)	1. How the applicant plans to ensure the safety of personnel or anyone on or near the facility;	1.			
11.10.5(C)(2)(i)(2)	2. Remote monitoring, control and shut down capabilities;	2.			
11.10.5(C)(2)(i)(3)	3. Emergency response procedures;	3.			
11.10.5(C)(2)(i)(4)	4. Fire suppression equipment (if needed);	4.			
11.10.5(C)(2)(i)(5)	5. How and when the safety management system shall be implemented and tested; and	5.			
11.10.5(C)(2)(i)(6)	6. How the applicant shall ensure personnel who operate the facility are properly trained.	6.			
11.10.5(C)(2)(j)	j. The Council shall review the applicant's COP and the information provided to determine if it contains all the required information necessary to conduct the project's technical and environmental reviews. The Council shall notify the applicant if the applicant's COP lacks any necessary information.	j.	The COP for the SFWF was submitted to BOEM in July 2018 and is under review. DWSF understands that additional information may be requested and will provide it as requested.	The COP for the SFEC was submitted to BOEM in July 2018 and is under review. DWSF understands that additional information may be requested and will provide it as requested.	Section 1.2, Project Purpose; Section 1.3.1, Federal Permits, Approvals, and Consultations; Section 2.0, Project Siting and Route Selection; Section 3.0, Project Description; and Section 4.0, Site Characterization and Assessment of Potential Impacts
11.10.5(C)(2)(k)	k. As appropriate, the Council shall coordinate and consult with relevant Federal, State, and local agencies, the FAB and affected Indian tribes.	k.			
11.10.5(C)(2)(l)	l. During the review process, the Council may request additional information if it is determined that the information provided is not sufficient to complete the review and approval process. If the applicant fails to provide the requested information, the Council may disapprove the applicant's COP.	l.			
11.10.5(C)(2)(m)	m. Upon completion of the technical and environmental reviews and other reviews required, the Council may approve, disapprove, or approve with modifications the applicant's COP.	m.			
11.10.5(C)(2)(n)	n. In the applicant's COP, the applicant may request development of the project area in phases. In support of the applicant's request, the applicant shall provide details as to what portions of the site shall be initially developed for commercial operations and what portions of the site shall be reserved for subsequent phased development.	n.			
11.10.5(C)(2)(o)	o. If the application and COP is approved, prior to construction the applicant shall submit to the Council for approval the documents listed below:	o.			

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11.10.5(C)(2)(o)(1)	1. Facility Design Report- The applicant's Facility Design Report provides specific details of the design of any facilities, including cables and pipelines, that are outlined in the applicant's approved SAP or COP. The applicant's Facility Design Report shall demonstrate that the applicant's design conforms to the applicant's responsibilities listed in Section 11.10.6 of this part. The applicant shall include the following items in the applicant's Facility Design Report:	1.	The SFWF is consistent with this policy. FDR and FIR will be developed according to BOEM requirements and provided to BOEM prior to construction.	The SFEC is consistent with this policy. FDR and FIR will be developed according to BOEM requirements and provided to BOEM prior to construction.	Not Applicable
Table 7	Table 7: Contents of the Facility Design Report	Table 11.7			
11.10.5(	(1) Cover letter.	(1)			
11.10.5(	(2) Location.	(2)			
11.10.5(	(3) Front, Side, and Plan View drawings.	(3)			
11.10.5(	(4) Complete set of structural drawings.	(4)			
11.10.5(	(5) Summary of environmental data used for design.	(5)			
11.10.5(	(6) Summary of the engineering design data.	(6)			
11.10.5(	(7) A complete set of design calculations.	(7)			
11.10.5(	(8) Project-specific studies used in the facility design or installation.	(8)			
11.10.5(	(9) Description of the loads imposed on the facility.	(9)			
11.10.5(	(10) Geotechnical report.	(10)			
11.10.5(C)(2)(o)(2)	2. For any floating facility, the applicant's design shall meet the requirements of the U.S. Coast Guard for structural integrity and stability (e.g., verification of center of gravity). The design shall also consider	a.			
11.10.5(C)(2)(o)(2)(AA)	AA. Foundations, foundation pilings and templates, and anchoring systems; and	i.			
11.10.5(C)(2)(o)(2)(BB)	BB. Mooring or tethering systems.	ii.			
11.10.5(C)(2)(o)(3)	3. The applicant is required to use a Certified Verified Agent (CVA). The Facility Design Report shall include two paper copies of the following certification statement: "The design of this structure has been certified by a Council approved CVA to be in accordance with accepted engineering practices and the approved SAP, or COP as appropriate. The certified design and as-built plans and specifications shall be on file at (given location)."	b.	The SFWF is consistent with this policy. FDR and FIR will be developed according to BOEM requirements and provided to BOEM prior to construction and will be approved by the CVA.	The SFEC is consistent with this policy. FDR and FIR will be developed according to BOEM requirements and provided to BOEM prior to construction and will be approved by the CVA.	Not Applicable
11.10.5(C)(2)(o)(4)	4. Fabrication and Installation Report- The applicant's Fabrication and Installation Report shall describe how the applicant's facilities shall be fabricated and installed in accordance with the design criteria identified in the Facility Design Report; the applicant's approved SAP or COP; and generally accepted industry standards and practices. The applicant's Fabrication and Installation Report shall demonstrate how the applicant's facilities shall be fabricated and installed in a manner that conforms to the applicant's responsibilities listed in Section 11.10.6 of this part. The applicant shall include the following items in the applicant's Fabrication and Installation Report:	2	The SFWF is consistent with this policy. FDR and FIR will be developed according to BOEM requirements and provided to BOEM prior to construction.	The SFEC is consistent with this policy. FDR and FIR will be developed according to BOEM requirements and provided to BOEM prior to construction.	Not Applicable
Table 8: Contents of the Fabrication and Installation	Table 8: Contents of the Fabrication and Installation Report	Table 11.8			
11.10.5(	(1) Cover letter.	(1)			
11.10.5(	(2) Schedule.	(2)			
11.10.5(	(3) Fabrication information.	(3)			
11.10.5(	(4) Installation process information.	(4)			
11.10.5(	(5) Federal, State, and local permits (e.g., EPA, Army Corps of Engineers).	(5)			
11.10.5(	(6) Environmental information.	(6)			
11.10.5(	(7) Project easement.	(7)			
11.10.5(C)(2)(o)(5)	5. A CVA report shall include the following: a Fabrication and Installation Report which shall include four paper copies of the following certification statement: "The fabrication and installation of this structure has been certified by a Council approved CVA to be in accordance with accepted engineering practices and the approved SAP or COP as appropriate."	a.			
11.10.5(C)(2)(p)	p. Based on the Council's environmental and technical reviews, if approved, the Council may specify terms and conditions to be incorporated into any approval the Council may issue. The applicant shall submit a certification of compliance annually (or another frequency as determined by the Council) with certain terms and conditions which may include:	p.			
11.10.5(C)(2)(p)(1)	1. Summary reports that show compliance with the terms and conditions which require certification; and	1.			
11.10.5(C)(2)(p)(2)	2. A statement identifying and describing any mitigation measures and monitoring methods, and their effectiveness. If the applicant identified measures that were not effective, then the applicant shall make recommendations for new mitigation measures or monitoring methods.	2.			
11.10.5(C)(2)(q)	q. After the applicant's COP, Facility Design Report, and Fabrication and Installation Report is approved, and the Council has issued a permit and lease for the project site, construction shall begin by the date given in the construction schedule included as a part of the approved COP, unless the Council approves a deviation from the applicant's schedule.	q.			
11.10.5(C)(2)(r)	r. The applicant shall seek approval from the Council in writing before conducting any activities not described in the applicant's approved COP. The application shall describe in detail the type of activities the applicant proposes to conduct. The Council shall determine whether the activities the applicant proposes are authorized by the applicant's existing COP or require a revision to the applicant's COP. The Council may request additional information from the applicant, if necessary, to make this determination.	r.			
11.10.5(C)(2)(s)	s. The Council shall periodically review the activities conducted under an approved COP. The frequency and extent of the review shall be based on the significance of any changes in available information, and on onshore or offshore conditions affecting, or affected by, the activities conducted under the applicant's COP. If the review indicates that the COP should be revised, the Council may require the applicant to submit the needed revisions.	s.			
11.10.5(C)(2)(t)	t. The applicant shall notify the Council, within 5 business days, any time the applicant ceases commercial operations, without an approved suspension, under the applicant's approved COP. If the applicant ceases commercial operations for an indefinite period which extends longer than 6 months, the Council may cancel the applicant's lease, and the applicant shall initiate the decommissioning process.	t.			
11.10.5(C)(2)(u)	u. The applicant shall notify the Council in writing of the following events, within the time periods provided:	u.			
11.10.5(C)(2)(u)(1)	1. No later than 10 days after commencing activities associated with the placement of facilities on the lease area under a Fabrication and Installation Report	1.			
11.10.5(C)(2)(u)(2)	2. No later than 10 days after completion of construction and installation activities under a Fabrication and Installation Report.	2.			
11.10.5(C)(2)(u)(3)	3. At least 7 days before commencing commercial operations.	3.			

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11.10.5(C)(2)(v)	v. The applicant may commence commercial operations within 30 days after the CVA has submitted to the Council the final Fabrication and Installation Report.	v.			
11.10.5(C)(2)(w)	w. The applicant shall submit a Project Modification and Repair Report to the Council, demonstrating that all major repairs and modifications to a project conform to accepted engineering practices.	w.			
11.10.5(C)(2)(w)(1)	1. A major repair is a corrective action involving structural members affecting the structural integrity of a portion of or all the facility.	1			
11.10.5(C)(2)(w)(2)	2. A major modification is an alteration involving structural members affecting the structural integrity of a portion of or all the facility.	2			
11.10.5(C)(2)(w)(3)	3. The report must also identify the location of all records pertaining to the major repairs or major modifications.	3			
11.10.5(C)(2)(w)(4)	4. The Council may require the applicant to use a CVA for project modifications and repairs.	4			
11.10.6 Design, Fabrication and Installation Standards		1160.6			
11.10.6(A)	A) Certified Verification Agent- The Certified Verification Agent (CVA) shall use good engineering judgment and practices in conducting an independent assessment of the design, fabrication and installation of the facility. The CVA shall certify in the Facility Design Report to the Council that the facility is designed to withstand the environmental and functional load conditions appropriate for the intended service life at the proposed location. The CVA is paid for by the applicant, but is approved and reports to the Council.	1	The Project is consistent with this policy. The CVA nomination was submitted with the COP and will be approved by BOEM.	The SFEC is consistent with this policy. The CVA nomination as submitted with the COP and will be approved by BOEM.	Section 1.6.3, Certified Verification Agency Nominations Appendix C, Certified Verification Agency Nominations
11.10.6(A)(1)	1. The Applicant Shall use a CVA to review and certify the facility design report, the fabrication and installation report, and the project modifications and repairs report. The applicant shall use a CVA to	i.			
11.10.6(A)(1)(a)	a. Ensure the applicant's facilities are designed, fabricated and installed in conformance with accepted engineering practices and the facility design report and fabrication and installation report	a.			
11.10.6(A)(1)(b)	b. ensure that repairs and major modifications are completed in conformance with accepted engineering practices; and	b.			
11.10.6(A)(1)(c)	c. Provide the Council immediate reports of all incidents that affect the design, fabrication, and installation of the project and its components.	c.			
11.10.6(A)(2)	2. Nominating a CVA for Council approval - the applicant shall nominate a CVA for the Council Approval. The Applicant shall specify whether the nomination is for the facility design report fabrication and installation report, modification and repair report, or for any combination of these.	ii.			
11.10.6(A)(2)(a)	a. For each CVA that the applicant nominates, the applicant shall submit to the council a list of documents they shall forward to the CVA and a qualification statement that includes the following	a.			
11.10.6(A)(2)(a)(1)	1. Previous experience in third-party verification or experience in the design, fabrication, installation, or major modification of offshore energy facilities;	1			
11.10.6(A)(2)(a)(2)	2. Technical Capabilities of the individual or the primary staff for the specific project;	2			
11.10.6(A)(2)(a)(3)	3. Size and type of organization or corporation;	3			
11.10.6(A)(2)(a)(4)	4. In house availability of, or access to, appropriate technology (including computer programs, hardware, and testing materials and equipment);	4			
11.10.6(A)(2)(a)(5)	5. Ability to perform the CVA functions for the specific project considering current commitments	5			
11.10.6(A)(2)(a)(6)	6. Previous experience with the Council requirements and procedures, if any; and	6			
11.10.6(A)(2)(a)(7)	7. The level of work to be performed by the CVA	7			
11.10.6(A)(3)	3. Individuals or organizations acting as CVAs shall not function in any capacity that shall create a conflict of interest, or the appearance of a conflict of interest;	iii.			
11.10.6(A)(4)	4. The verification shall be conducted by or under the direct supervision of registered professional engineers	iv.			
11.10.6(A)(5)	5. The Council shall approve or disapprove the applicant's CVA prior to construction	v.			
11.10.6(A)(6)	6. The applicant shall nominate a new CVA for the Council approval if the previously approved CVA:	vi.			
11.10.6(A)(6)(a)	a. Is no longer able to serve in a CVA capacity for the project; or	a.			
11.10.6(A)(6)(b)	b. No longer meets the requirements for a CVA set forth in this subpart.	b.			
11.10.6(A)(7)	7. The CVA shall conduct an independent assessment of all proposed:	vii.			
11.10.6(A)(7)(a)	a. Planning criteria;	a.			
11.10.6(A)(7)(b)	b. Operational requirements;	b.			
11.10.6(A)(7)(c)	c. Environmental loading data	c.			
11.10.6(A)(7)(d)	d. Load determinations;	d			
11.10.6(A)(7)(e)	e. Stress analyses;	e			
11.10.6(A)(7)(f)	f. Material designations;	f			
11.10.6(A)(7)(g)	g. Soil and foundation conditions;	g			
11.10.6(A)(7)(h)	h. Safety factors; and	h			
11.10.6(A)(7)(i)	i. Other pertinent parameters of the proposed design.	i			
11.10.6(A)(8)	8. For any floating facility, the CVA shall ensure that any requirements of the U.S. Coast Guard for structural integrity and stability (eg. verification of center of gravity), have been met. The CVA shall also consider	viii.			
11.10.6(A)(8)(a)	a. Foundations;	a.			
11.10.6(A)(8)(b)	b. Foundation pilings and templates, and anchoring systems	b.			
11.10.6(A)(9)	9. The CVA shall do all of the following:	ix.			
11.10.6(A)(9)(a)	a. Use good engineering judgment and proactive in conducting an independent assessment of the fabrication and installation activities;	a.			
11.10.6(A)(9)(b)	b. Monitor the fabrication and installation of the facility;	b.			
11.10.6(A)(9)(c)	c. Make periodic onsite inspections while fabrication is in progress and verify the items required by Section 11.10.6 (A)(11) of this Part;	c.			
11.10.6(A)(9)(d)	d. Make periodic onsite inspections while installation is in progress and satisfy the requirements by Section 11.10.6 (A)(12) of this Part; and	d			

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11.10.6(A)(9)(e)	e. Certify in a report that project components are fabricated and installed in accordance with accepted engineering practices; the applicant's approved COP or SAP; and the fabrication and installation report	e			
11.10.6(A)(9)(e)(1)	(1) The report shall also identify the location of all records pertaining to fabrication and installation.	1			
11.10.6(A)(9)(e)(2)	(2) The applicant may commence commercial operations or other approved activities 30 days after the council receives that certification report, unless the council notifies the applicant within that time period of its objections to the certification report	2			
11.10.6(A)(10)	10. The CVA shall monitor the fabrication and installation of the facility to ensure that it has been built and installed according to the facility design report and fabrication and installation report.	x.			
11.10.6(A)(10)(a)	a. If the CVA finds that fabrication and installation procedures have been changed or design specifications have been modified, the CVA shall inform the applicant and the Council	a.			
11.10.6(A)(11)	11. The CVA shall make periodic onsite inspections while fabrication is in progress and shall certify the following items, as appropriate:	xi.			
11.10.6(A)(11)(a)	a. Quality control by lessee (or grant holder) and builder;	a.			
11.10.6(A)(11)(b)	b. Fabrication site facilities;	b.			
11.10.6(A)(11)(c)	c. Material quality and identification methods;	c.			
11.10.6(A)(11)(d)	d. Fabrication procedures specified in the fabrication and installation report, and adherence to such procedures;	d.			
11.10.6(A)(11)(e)	e. Welder and welding procedure qualification and identification;	e.			
11.10.6(A)(11)(f)	f. Adherence to structural tolerances specified;	f.			
11.10.6(A)(11)(g)	g. nondestructive examination requirements and evaluation results of the specified examinations;	g.			
11.10.6(A)(11)(h)	h. destructive testing requirements and results;	h.			
11.10.6(A)(11)(i)	i. repair procedures;	i.			
11.10.6(A)(11)(j)	j. installation of corrosion protection systems and splash zone protection;	j.			
11.10.6(A)(11)(k)	k. Erection procedures to ensure that overstressing of structural members does not occur;	k.			
11.10.6(A)(11)(l)	l. alignment procedures;	l.			
11.10.6(A)(11)(m)	m. dimensional check of the overall structure, including any turrets, turret and hull interfaces, any mooring line and chain and riser tensioning line segments; and	m.			
11.10.6(A)(11)(n)	n. status of quality control records at various stages of fabrication.	n.			
11.10.6(A)(12)	12. The CVA shall make periodic onsite inspections while installation is in progress and shall, as appropriate, verify, witness, survey, or check, the installation items required by this section. The CVA shall verify, as appropriate, all of the following:	xii.			
11.10.6(A)(12)(a)	a. Load out and initial flotation procedures;	a.			
11.10.6(A)(12)(b)	b. Towing operation procedures to the specified location, and review the towing records;	b.			
11.10.6(A)(12)(c)	c. Launching and uprighting activities;	c.			
11.10.6(A)(12)(d)	d. Submergence activities;	d.			
11.10.6(A)(12)(e)	e. Pile or anchor installations;	e.			
11.10.6(A)(12)(f)	f. Installation of mooring and tethering systems;	f.			
11.10.6(A)(12)(g)	g. Transition pieces, support structures, and component installations; and	g.			
11.10.6(A)(12)(h)	h. Installation at the approved location according to the facility design report and the fabrication and installation report.	h.			
11.10.6(A)(13)	13. For a fixed for floating facility, the CVA shall verify that proper procedures were used during the following:	xiii.			
11.10.6(A)(13)(a)	a. The loadout of the transition pieces and support structures, piles, or structures, from each fabrication site; and	a.			
11.10.6(A)(13)(b)	b. The actual installation of the facility or major modification and the related installation activities.	b.			
11.10.6(A)(14)	14. For a floating facility, the CVA shall verify that proper procedures were used during the following:	xiv.			
11.10.6(A)(14)(a)	a. The loadout of the facility	a.			
11.10.6(A)(14)(b)	b. The installation of foundation pilings templates, and anchoring systems.	b.			
11.10.6(A)(15)	15. The CVA shall conduct an onsite survey of the facility after transportation to the approved location.	xv.			
11.10.6(A)(16)	16. The CVA shall spot check the equipment, procedures, and recordkeeping as necessary to determine compliance with the applicable documents incorporated by reference and the regulation under this part.	xvi.			
11.10.6(A)(17)	17. The CVA shall prepare and submit to the applicant and the Council all reports required by this subpart. The CVA shall also submit interim reports to the applicant and the council, as requested by the council. The CVA shall submit one electronic copy and four paper copies of each final report to the council. In each report, the CVA shall:	xvii.			
11.10.6(A)(17)(a)	a. Give details of how, by whom, and when the CVA activities were conducted;	a.			
11.10.6(A)(17)(b)	b. Describe the CVA's activities during the verification process;	b.			
11.10.6(A)(17)(c)	c. Summarize the CVA's findings; and	c.			
11.10.6(A)(17)(d)	d. Provide any additional comments that the CVA deems necessary.	d.			
11.10.6(A)(18)	18. Until the council releases the applicant's financial assurance under Section 11.10.7(B) of this part, the applicant shall compile, retain, and make available to the council representatives all of the following:	xviii.			
11.10.6(A)(18)(a)	a. The as-built drawings;	a.			
11.10.6(A)(18)(b)	b. The design assumptions and analyses;	b.			
11.10.6(A)(18)(c)	c. A summary of the fabrication and installation examination records;	c.			
11.10.6(A)(18)(d)	d. Results from the required inspections and assessments;	d.			
11.10.6(A)(18)(e)	e. Records of repairs not covered in the inspection report submitted.	e.			
11.10.6(A)(19)	19. The applicant shall record and retain the original material test results of all primary structural materials during all stages of construction until the council releases the applicant's financial assurance under Section 11.10.7(B) of this part. Primary material is material that, should it fail, would lead to a significant reduction in facility safety, structural reliability, or operating capabilities. Items such as steel brackets, deck stiffener and secondary braces or beams would not generally be considered primary structural members (or materials).	xix.			
11.10.6(A)(20)	20. The Applicant shall provide the Council with the location of these records in the certification statement.	xx.			
11.10.6(A)(21)	21. The council may hire its own CVA agent to review the work of the applicant's CVA. The applicant shall be responsible for the cost of the council's CVA. The council's CVA shall perform those duties as assigned by the council.	xxi.			

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11.10.7 Pre-Construction Standards		1160.7			
11.10.7(A)	A) The Council may issue a permit for a period of up to 50 years to construct and operate an Offshore Development. A lease shall be issued at the start of the construction phase and payment shall commence at the end of the construction phase. Lease payments shall be due when the project becomes operational. Lease renewal shall be submitted 5 years before the end of the lease term. Council approval shall be required for any assignment or transfer of the permit or lease. This provision shall not apply to aquaculture permitting. Aquaculture permitting and leasing are governed by the provisions of the RI General Laws Chapter 20-10 and Section 00-1.3.1(K) of this Chapter.	1	The SFWF is in federal waters. A permit, lease, or assent from the Council is not required for the SFWF.	The SFEC is in federal waters and New York State waters. A permit, lease, or assent from the Council is not required for the SFEC.	Section 1.2, Project Purpose; Section 1.3.1, Federal Permits, Approvals, and Consultations; Section 2.0, Project Siting and Route Selection; Section 3.0, Project Description; and Section 4.0, Site Characterization and Assessment of Potential Impacts
11.10.7(B)	B) Prior to construction, the assent holder shall post a Performance Bond sufficient to ensure removal of all structures at the end of the lease and restore the site. The Council shall review the bond amount initially and every 3 years thereafter to ensure the amount is sufficient.	2			Section 1.6.2, Financial Assurance
11.10.7(C)	C) Prior to construction, the assent holder shall show compliance with all federal and state agency requirements, which may include but are not limited to the requirements of the following agencies: the Rhode Island Coastal Resources Management Council, the Rhode Island Department of Environmental Management, the Rhode Island Energy Facilities Siting Board, the Rhode Island Historical Preservation and Heritage Commission, U.S. Department of the Interior Bureau of Ocean Energy Management, Regulation and Enforcement, Army Corps of Engineers, National Oceanic and Atmospheric Administration, U.S. Fish and Wildlife Service, and the U.S. Environmental Protection Agency.	3			Section 1.3.1, Federal Permits, Approvals, and Consultations; and Section 2.0, Project Siting and Route Selection
11.10.7(D)	D) The Council shall consult with the U.S. Coast Guard, the U.S. Navy, marine pilots, the Fishermen's Advisory Board as defined in section 11.3 (E) of this part, fishermen's organizations, and recreational boating organizations when scheduling offshore marine construction or dredging activities. Where it is determined that there is a significant conflict with season-limited commercial or recreational fishing activities, recreational boating activities or scheduled events, or other navigation uses, the Council shall modify or deny activities to minimize conflict with these uses.	4			Section 4.6.4, Recreation and Tourism; Section 4.6.5, Commercial and Recreational Fishing; Section 4.6.6, Commercial Shipping; Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix B, Fisheries Communication Plan; Appendix X, Navigational Safety Risk Assessment Report; and Appendix Y, Commercial and Recreational Fisheries Technical Report
11.10.7(E)	E) The Council shall require the assent holder to provide for communication with commercial and recreational fishermen, mariners, and recreational boaters regarding offshore marine construction or dredging activities. Communication shall be facilitated through a project website and shall complement standard U.S. Coast Guard procedures such as Notices to Mariners for notifying mariners of obstructions to navigation.	5			Section 4.6.4, Recreation and Tourism; Section 4.6.5, Commercial and Recreational Fishing; Section 4.6.6, Commercial Shipping; Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix B, Fisheries Communication Plan; Appendix X, Navigational Safety Risk Assessment Report; and Appendix Y, Commercial and Recreational Fisheries Technical Report
11.10.7(F)	F) For all Large-Scale Offshore Developments, underwater cables, and other development projects as determined by the Council, the assent holder shall designate and fund a third-party fisheries liaison. The fisheries liaison must be knowledgeable about fisheries and shall facilitate direct communication between commercial and recreational fishermen and the project developer. Commercial and recreational fishermen shall have regular contact with and direct access to the fisheries liaison throughout all stages of an offshore development (pre-construction; construction; operation; and decommissioning).	6			Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix B, Fisheries Communication Plan; and Appendix Y, Commercial and Recreational Fisheries Technical Report
11.10.7(G)	G) Where possible, Offshore Developments should be designed in a configuration to minimize adverse impacts on other user groups, which include but are not limited to: recreational boaters and fishermen, commercial fishermen, commercial ship operators, or other vessel operators in the project area. Configurations which may minimize adverse impacts on vessel traffic include, but are not limited to, the incorporation of a traffic lane through a development to facilitate safe and direct navigation through, rather than around, an Offshore Development.	7			Section 4.6.4, Recreation and Tourism; Section 4.6.5, Commercial and Recreational Fishing; Section 4.6.6, Commercial Shipping; Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix B, Fisheries Communication Plan; Appendix X, Navigational Safety Risk Assessment Report; and Appendix Y, Commercial and Recreational Fisheries Technical Report
11.10.7(H)	H) Any assent holder of an approved Offshore Development shall work with the Council when designing the proposed facility to incorporate where possible mooring mechanisms to allow safe public use of the areas surrounding the installed turbine or other structure.	8			Section 4.6.8, Other Marine Uses; and Appendix X, Navigational Safety Risk Assessment Report
11.10.7(I)	I) The facility shall be designed in a manner that minimizes adverse impacts to navigation. As part of its application package, the project applicant shall submit a navigation risk assessment under the U.S. Coast Guard's Navigation and Vessel Inspection Circular 02-07, "Guidance on the Coast Guard's Roles and Responsibilities for Offshore Renewable Energy Installations."	9			Section 4.6.8, Other Marine Uses; and Appendix X, Navigational Safety Risk Assessment Report
11.10.7(J)	J) Applications for projects proposed to be sited in state waters pursuant to the Ocean SAMP shall not have a significant impact on marine transportation, navigation, and existing infrastructure. Where the Council, in consultation with the U.S. Coast Guard, the U.S. Navy, NOAA, the U.S. Bureau of Ocean Energy Management, Regulation and Enforcement, the U.S. Army Corps of Engineers, marine pilots, the R.I. Port Safety and Security Forums, or other entities, as applicable, determines that such an impact on marine transportation, navigation, and existing infrastructure is unacceptable, the Council shall require that the applicant modify the proposal or the Council shall deny the proposal. For the purposes of Marine Transportation policies and standards as summarized in Ocean SAMP Chapter 7 impacts would be evaluated according to the same criteria used by the U.S. Coast Guard, as follows: these criteria shall not be construed to apply to any other Ocean SAMP chapters or policies.	10			Section 4.6.8, Other Marine Uses; and Appendix X, Navigational Safety Risk Assessment Report
11.10.7(J)(1)	1. Negligible: No measurable impacts.	i.			Section 4.1, Summary of Impact-producing Factors
11.10.7(J)(2)	2. Minor: Adverse impacts to the affected activity could be avoided with proper mitigation; or impacts would not disrupt the normal or routine functions of the affected activity or community; or once the impacting agent is eliminated, the affected activity will return to a condition with no measurable effects from the proposed action without any mitigation.	ii.			Section 4.1, Summary of Impact-producing Factors
11.10.7(J)(3)	3. Moderate: Impacts to the affected activity are unavoidable; and proper mitigation would reduce impacts substantially during the life of the proposed action; or the affected activity would have to adjust somewhat to account for disruptions due to impacts of the proposed action; or once the impacting agent is eliminated, the affected activity would return to a condition with no measurable effects from the proposed action if proper remedial action is taken.	iii.			Section 4.1, Summary of Impact-producing Factors

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11.10.7(J)(4)	4. Major: Impacts to the affected activity are unavoidable; proper mitigation would reduce impacts somewhat during the life of the proposed action; the affected activity would experience unavoidable disruptions to a degree beyond what is normally acceptable; and once the impacting agent is eliminated, the affected activity may retain measurable effects of the proposed action indefinitely, even if remedial action is taken	iv.			Section 4.1, Summary of Impact-producing Factors
11.10.7(K)	K) Prior to construction, the Applicant shall provide a letter from the U.S. Coast Guard showing it meets all applicable U.S. Coast Guard standards.	11			Section 1.3.1, Federal Permits, Approvals, and Consultations; and Section 1.4, Agency and Stakeholder Outreach
11.10.8 Standards for Construction Activities		1160.8			
11.10.8(A)	A) The Assent Holder shall use the best available technology and techniques to minimize impacts to the natural resources and existing human uses in the project area.	1	The SFWF is in federal waters. An assent from the Council is not required for the SFWF.	The SFEC is in federal waters and New York State waters. An assent from the Council is not required for the SFEC.	Section 2.0, Project Siting and Route Selection; Section 3.0, Project Description; Section 3.2, South Fork Export Cable; and Section 4.7, Summary of Potential Impact and Proposed Environmental Protection Measures
11.10.8(B)	B) The Council shall require the use of an environmental inspector to monitor construction activities. The environmental inspector shall be a private, third-party entity that is hired by the Assent Holder, but is approved and reports to the Council. The environmental inspector shall possess all appropriate qualifications as determined by the Council. This inspector service may be part of the CVA requirements.	2			Section 2.0, Project Siting and Route Selection; Section 3.0, Project Description; Section 3.2, South Fork Export Cable; and Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures
11.10.8(C)	C) Installation techniques for all construction activities should be chosen to minimize sediment disturbance. Jet plowing and horizontal directional drilling in nearshore areas shall be required in the installation of underwater transmission cables. Other technologies may be used provided the applicant can demonstrate they are as effective, or more effective, than these techniques in minimizing sediment disturbance.	3			Section 3.0, Project Description; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix I, Sediment Survey and Sediment Transport Analysis Reports; and Appendix J, Sediment Transport Analyses
11.10.8(D)	D) All construction activities shall comply with the policies and standards outlined in the Rhode Island Coastal Resources Management Program (RICRMP), as well as the regulations of other relevant state and federal agencies	4			Section 1.3, Regulatory Framework; Section 3.0, Project Description; and Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures
11.10.8(E)	E) The applicant shall conduct all activities on the applicant's permit under this part in a manner that conforms with the applicant's responsibilities in section 11.10.1(E), and using	5			Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures
11.10.8(E)(1)	1. Trained personnel; and	i.			
11.10.8(E)(2)	2. Technologies, precautions, and techniques that shall not cause undue harm or damage to natural resources, including their physical, atmospheric, chemical and biological components	ii.			
11.10.8(F)	F) The Assent Holder shall be required to use the best available technology and techniques to mitigate any associated adverse impacts of offshore renewable energy development.	6			Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures
11.10.8(F)(1)	1. As required, the applicant shall submit to the Council:	i.			
11.10.8(F)(1)(a)	a. Measures designed to avoid or minimize adverse effects and any potential incidental take of endangered or threatened species as well as all marine mammals;	1			
11.10.8(F)(1)(b)	b. Measures designed to avoid likely adverse modification or destruction of designated critical habitat of such endangered or threatened species; and	2			
11.10.8(F)(1)(c)	c. The applicant's agreement to monitor for the incidental take of the species and adverse effects on the critical habitat, and provide the results of the monitoring to the Council as required; and	3			
11.10.8(G)	G) If the Assent Holder, the Assent Holder's subcontractors, or any agent acting on the Assent Holder's behalf discovers a potential archaeological resource while conducting construction activities, or any other activity related to the Assent Holder's project, the applicant shall:	7			Section 4.4, Cultural Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix R, Marine Archaeological Report (Not for Public Distribution)
11.10.8(G)(1)	1. Immediately halt all seafloor disturbing activities within the area of the discovery;	i.			
11.10.8(G)(2)	2. Notify the Council of the discovery within 24 hours; and	ii.			
11.10.8(G)(3)	3. Keep the location of the discovery confidential and not take any action that may adversely affect the archaeological resource until the Council has made an evaluation and instructed the applicant on how to proceed	iii.			
11.10.8(G)(3)(a)	a. The Council may require the Assent Holder to conduct additional investigations to determine if the resource is eligible for listing in the National Register of Historic Places under 36 CFR 60.4. The Council shall do this if	1			
11.10.8(G)(3)(a)(1)	1. The site has been impacted by the Assent Holder's project activities; or	a.			
11.10.8(G)(3)(a)(2)	2. Impacts to the site or to the area of potential effect cannot be avoided.	b.			
11.10.8(G)(3)(b)	b. If the Council incurs costs in protecting the resource, under section 110(g) of the NHPA, the Council may charge the applicant reasonable costs for carrying out preservation responsibilities	2			
11.10.8(H)	H) Post construction, the Assent Holder shall provide a side scan sonar survey of the entire construction site to verify that there is no post construction debris left at the project site. These side-scan sonar survey results shall be filed with the Council within 90 days of the end of the construction period. The results of this side-scan survey shall be verified by a third-party reviewer, who shall be hired by the Assent Holder but who is pre-approved by and reports to the Council.	8			Section 3.0, Project Description
11.10.8(I)	I) All pile-driving or drilling activities shall comply with any mandatory best management practices established by the Council in coordination with the Joint Agency Working Group and which are incorporated into the RICRMP.	9			Section 3.0, Project Description
11.10.8(J)	J) The Council may require the Assent Holder to hire a CVA to perform periodic inspections of the structure(s) during the life of those structure(s). The CVA shall work for and be responsible to the council	10			Section 1.6.3, Certified Verification Agency Nominations
11.10.9 Monitoring Requirements		1160.9			
11.10.9(A)	A) The Council in coordination with the Joint Agency Working Group, as described in section 11.9.7(J) shall determine requirements for monitoring prior to, during, and post construction. Specific monitoring requirements shall be determined on a project-by-project basis and may include but are not limited to the monitoring of	1	The SFWF is consistent with this policy. DWSF is committed to conducting monitoring prior to, during, and post construction as required by the Council. DWSF will coordinate with the Council and other key stakeholders in the development of specific monitoring plans.	The SFEC is consistent with this policy. DWSF is committed to conducting monitoring prior to, during, and post construction as required by the Council. DWSF will coordinate with the Council and other key stakeholders in the development of specific monitoring plans.	Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures
11.10.9(A)(1)	1. Coastal processes and physical oceanography	i.			Section 4.2.4, Physical Oceanography and Meteorology; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix H, Geophysical and Geotechnical Survey Reports; and Appendix I, Sediment Survey and Sediment Transport Analysis Report
11.10.9(A)(2)	2. Underwater noise	ii.			Section 4.1.3, Noise; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix J, Acoustic Assessment Reports

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11.10.9(A)(3)	3. Benthic ecology	iii.			Section 4.3.2, Benthic and Shellfish Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix N, Benthic Resources Survey Report; and Appendix O, Essential Fish Habitat Report		
11.10.9(A)(4)	4. Avian species	iv.			Section 4.3.6, Avian Species; Section 4.3.7, Bat Species; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix Q, Avian and Bat Reports		
11.10.9(A)(5)	5. Marine mammals	v.			Section 4.3.4, Marine Mammals; and Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix P, Marine Mammal, Sea Turtle, and Sturgeon Reports		
11.10.9(A)(6)	6. Sea turtles	vi.			Section 4.3.5, Sea Turtles; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix P, Marine Mammal, Sea Turtle, and Sturgeon Reports		
11.10.9(A)(7)	7. Fish and fish habitat	vii.			Section 4.3.2, Benthic and Shellfish Resources; Section 4.3.3, Finfish and Essential Fish Habitat; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix N, Benthic Resources Survey Report; and Appendix O, Essential Fish Habitat Report		
11.10.9(A)(8)	8. Commercial and recreational fishing	viii.			Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix B, Fisheries Communication Plan; and Appendix Y, Commercial and Recreational Fisheries Technical Report		
11.10.9(A)(9)	9. Recreation and tourism	ix.			Section 4.6.4, Recreation and Tourism; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix Y, Commercial and Recreational Fisheries Technical Report		
11.10.9(A)(10)	10. Marine transportation, navigation and existing infrastructure	x.			Section 4.6.7, Coastal Land Use and Infrastructure; Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix B, Fisheries Communication Plan; and Appendix Y, Commercial and Recreational Fisheries Technical Report		
11.10.9(A)(11)	11. Cultural and historic resources	xi.			Section 4.4, Cultural Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix R, Marine Archaeological Report (Not for Public Distribution)		
11.10.9(B)	B) The Council shall require where appropriate that project developers perform systematic observations of recreational boating intensity at the project area at least three times: pre-construction; during construction; and post-construction. Observations may be made while conducting other field work or aerial surveys and may include either visual surveys or analysis of aerial photography or video photography. The Council shall require where appropriate that observations capture both weekdays and weekends and reflect high-activity periods including the July 4th holiday weekend and the week in June when Block Island Race Week takes place. The quantitative results of such observations, including raw boat counts and average number of vessels per day, will be provided to the Council.	2			The SFWF is consistent with this policy. If appropriate, DWSF will develop plans for observations of boat intensity. Based on coordination with the Council, monitoring will occur prior to, during, and post construction.	The SFEC is consistent with this policy. If appropriate, DWSF will develop plans for observations of boat intensity. Based on coordination with the Council, monitoring will occur prior to, during, and post construction.	Section 4.6.4, Recreation and Tourism; Section 4.6.5, Commercial and Recreational Fishing; Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix B, Fisheries Communication Plan; and Appendix Y, Commercial and Recreational Fisheries Technical Report
11.10.9(C)	C) The items listed below shall be required for all Offshore Developments:	3			The SFWF is consistent with this policy. DWSF has developed a draft plan to assess commercial and recreational targeted species during all four seasons of the year pre-construction, during construction and during operation. See supplemental submission dated November 13, 2018.	The SFEC is consistent with this policy. DWSF conducted a desktop assessment of commercially and recreationally targeted species. DWSF is currently developing a plan to further assess targeted species pre-construction and during construction and operations.	Section 4.3, Biological Resources; Section 4.3.2, Benthic and Shellfish Resources; Section 4.3.3, Finfish and Essential Fish Habitat; Section 4.6.4, Recreation and Tourism; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix N, Benthic Resources Survey Report; Appendix O, Essential Fish Habitat Report; Appendix P, Marine Mammal, Sea Turtle, and Sturgeon Reports; and Appendix Y, Commercial and Recreational Fisheries Technical Report
11.10.9(C)(1)	1. A biological assessment of commercially and recreationally targeted species shall be required within the project area for all Offshore Developments. This assessment shall assess the relative abundance, distribution, and different life stages of these species at all four seasons of the year. This assessment shall comprise a series of surveys, employing survey equipment and methods that are appropriate for sampling finfish, shellfish, and crustacean species at the project's proposed location. Such an assessment shall be performed at least four times: pre-construction (to assess baseline conditions); during construction; and at two different intervals during operation (i.e. 1 year after construction and then postconstruction). At each time this assessment must capture all four seasons of the year. This assessment may include evaluation of survey data collected through an existing survey program, if data are available for the proposed site. The Council will not require this assessment for proposed projects within the Renewable Energy Zone that are proposed within 2 years of the adoption of the Ocean SAMP.	i.					

Appendix A-2. Coastal Zone Management Consistency Statements: Rhode Island
Deepwater Wind South Fork, LLC

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11.10.9(C)(2)	2. An assessment of commercial and recreational fisheries effort, landings, and landings value shall be required for all proposed Offshore Developments. Assessment shall focus on the proposed project area and alternatives. This assessment shall evaluate commercial and recreational fishing effort, landings, and landings value at three different stages: preconstruction (to assess baseline conditions); during construction; and during operation. At each stage, all four seasons of the year must be evaluated. Assessment may use existing fisheries monitoring data but shall be supplemented by interviews with commercial and recreational fishermen. Assessment shall address whether fishing effort, landings, and landings value has changed in comparison to baseline conditions. The Council will not require this assessment for proposed projects within the Renewable Energy Zone that are proposed within 2 years of the adoption of the Ocean SAMP.	ii.	The SFWF is consistent with this policy. DWSF conducted a pre-construction assessment of commercial and recreational fisheries activity for the SFWF area. DWSF will develop a plan to continue to assess commercial and recreational fishing activity.	The SFEC is consistent with this policy. DWSF conducted a pre-construction assessment of commercial and recreational fisheries activity for the SFWF area. DWSF will develop a plan to continue to assess commercial and recreational fishing activity.	Section 4.3.3, Finfish and Essential Fish Habitat; Section 4.6.4, Recreation and Tourism; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix N, Benthic Resources Survey Report; Appendix O, Essential Fish Habitat Report; Appendix P, Marine Mammal, Sea Turtle, and Sturgeon Reports; and Appendix Y, Commercial and Recreational Fisheries Technical Report
11.10.9(D)	D) The Council in coordination with the Joint Agency Working Group may also require facility and infrastructure monitoring requirements, that may include but are not limited to:	4	The SFWF is consistent with this policy. A CVA has been nominated to verify design and installation of the SFWF via the Facility Design Report and Fabrication and Installation Report.	The SFEC is consistent with this policy. A CVA has been nominated to verify design and installation of the SFEC via the Facility Design Report and Fabrication and Installation Report.	Section 3.0, Project Description; Section 3.1.5, Operations and Maintenance;
11.10.9(D)(1)	1. Post construction monitoring including regular visual inspection of inner array cables and the primary export cable to ensure proper burial, foundation and substructure inspection	i.			Section 3.2.5, Operations and Maintenance