

## Memo

**To** Jeffrey Willis, Executive Director; James Boyd, Coastal Policy Analyst (CRMC)

**Copy** Rhode Island Fishermen’s Advisory Board  
Robin Main (Hinckley Allen), Liz Gowell (Orsted)

**From** Olivia Larson Tesse Melanie Gearon (Orsted)

**Date** February 18, 2021

**Regarding** CRMC File No. 2018-1082, South Fork Wind Farm and South Fork Export Cable

On November 3, 2020, the Rhode Island Fishermen’s Advisory Board (“FAB”), an advisory board to the Coastal Resources Management Council (“CRMC”), submitted to CRMC and South Fork Wind, LLC (“South Fork” or “SFW”) “Questions for Orsted Regarding Mitigation Proposal.”

On November 5, 2020, and November 19, 2020, South Fork provided verbal responses to many of the FAB’s questions during mitigation negotiations with CRMC staff and the FAB. In addition, during various times throughout negotiations among the FAB, CRMC and SFW, South Fork provided further information responsive to the below questions. The written responses detailed below memorialize South Fork’s prior verbal responses and information provided during negotiations and provide responses to those questions or parts of questions not otherwise addressed. South Fork also incorporates by reference its Construction and Operations Plan (“COP”) dated June 29, 2018, and all subsequent updates, Mitigation Proposal dated September 28, 2020, Fisheries Research and Monitoring Plan dated September 2020, and all additional documentation or data submitted to CRMC in support of the above-referenced file.

For the reader’s convenience, South Fork sets forth the entire FAB question and then puts its response in bold immediately below the question.

A. Questions Regarding the Scope of the Woods Hole Analysis

1. What was the contracted scope of the Woods Hole analysis?

**South Fork asked the Woods Hole Oceanographic Institution (“Woods Hole”) to assess any economic impacts to commercial fisheries from South Fork’s proposed offshore wind farm, including the export cable corridor (the “Project” or “SFW Project”). Woods Hole also provided an assessment of any economic impacts to Rhode Island charter fishing.**

2. Was Woods Hole instructed to consider, include or otherwise evaluate information from the SFWF Construction and Operations Plan (COP) and its appendices?

**Woods Hole considered, included, and evaluated information contained in the COP. The COP is listed in the References section of the Woods Hole report entitled “Economic Impact of South Fork Wind on Rhode Island Commercial Fisheries written by Di Jin, Ph.D., and Hauke Kite-Powell, Ph.D., and dated September 28, 2020, (the “Woods Hole Report”).**

3. The location and unique characteristics of Cox’s Ledge cannot be overstated – it is the most ecologically important area in the Ocean SAMP, and its proximity to Point Judith, RI means it is critically important for recreational and charter fishing in addition to commercial harvesters. Cox’s Ledge is also home to very sensitive habitat.
  - a. Who made the determination that evaluation of charter and recreational fishing value would be excluded from the Woods Hole analysis, and on what basis?

**Woods Hole made all decisions regarding what data to rely on for economic value calculations based on the available research and their decades of experience. Woods Hole has conducted ocean research for 90 years. The authors of the Woods Hole Report together have over six decades of experience in resource and ocean economics and have co-authored more than 100 peer-reviewed publications. Federal VTR data does not include party/charter fishing revenue values or private fishing data. South Fork’s Mitigation Proposal initially incorporated potential impacts to the charter and recreational fishing communities through its proposed Coastal Community Fund. Based on feedback from the FAB and CRMC, SFW revised its mitigation proposal to provide direct financial mitigation to the Rhode Island charter fishing industry. Please also see the December 15, 2020 Update to “Economic Impact of South Fork Wind to Rhode Island Commercial Fisheries” authored by Di Jin and Hauke Kite-Powell of Woods Hole (the “Woods Hole Update”).**

- b. Why is the unique and sensitive value of Cox’s Ledge not considered by Woods Hole?

**This question makes an incorrect assumption that Cox’s Ledge was not considered by Woods Hole. Woods Hole considered the location of the Project, including the alternative cable routes.**

4. Navigation safety risks are indicated as having a major adverse impact on fishing in the BOEM Vineyard Wind Supplement to the Draft EIS (SEIS). Who made the determination that navigation safety risks would be excluded from the Woods Hole analysis, and on what basis?

**No portion of the SFW Project is located within Rhode Island territorial waters. Rather, portions of the SFW Project fall within Rhode Island’s designated Geographic Location Description for purposes of the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1466, (“CZMA”), allowing CRMC to conduct a federal consistency review of the proposed SFW Project under the enforceable policies of Rhode Island’s federally approved coastal management program found in the Ocean Special Area Management Plan (“OSAMP” or “Ocean SAMP”). *See generally* 650 R.I. Code R. 20-05-11.10. CRMC must evaluate the SFW Project under only its enforceable policies and not under or in reference to the Supplement to the Draft Environmental Impact Statement (“SEIS”) of a wholly separate project of another developer. Navigational safety risks are not within CRMC’s enforceable policies.**

5. Additional transit costs for re-routing are indicated as a moderate adverse impact in the SEIS. Who made the determination that additional transit costs imposed on the fishing industry from re-routing would be excluded from the Woods Hole analysis, and on what basis?

**No portion of the SFW Project is located within Rhode Island territorial waters. Rather, portions of the SFW Project fall within Rhode Island’s designated Geographic Location Description for purposes of the CZMA, allowing CRMC to conduct a federal consistency review of the proposed SFW Project under the enforceable policies of Rhode Island’s federally approved coastal management program found in the OSAMP. *See generally* 650 R.I. Code R. 20-05-11.10. CRMC must evaluate the SFW Project under only its enforceable policies and not under or in reference to the SEIS of a wholly separate project of another developer.**

**SFW notes that Woods Hole made all decisions regarding what impacts to consider and how to quantify them based on the available research and their decades of experience. SFW notes further that, based on feedback from the FAB and CRMC, SFW incorporated into its mitigation proposal an additional adjustment to account for potential vessel rerouting during construction and decommissioning.**

6. The 1x1 nm uniform grid layout for MA/RI Wind Energy Area suggests impacts should be assessed relative to a 1 nm square centered on each

turbine. This suggests the appropriate region to consider bounds the 3 rows x 6 columns project layout (5 nm x 2 nm) by 0.5 nm on each edge, resulting in a total area of 18 nm<sup>2</sup>. The OCS-A 0517 lease is 13,700 acres, corresponding to only 16.16 nm<sup>2</sup>, an understatement of more than 10%. Who made the determination to confine the scope of the analysis to the SFWF lease area, OCS-A 0517, and on what basis?

**South Fork disagrees with the premise of this question. As shown in the Woods Hole Report, Woods Hole analyzed the Project wind lease area and alternative cable routes. Within this review, Woods Hole considered the location of the turbines in relation to the lease boundary. As shown in the COP, the turbines are not located immediately against the wind lease area boundaries. Further, on October 15, 2020, the National Oceanic and Atmospheric Administration (“NOAA”) Fisheries released a report entitled Socioeconomic Impacts of Atlantic Offshore Wind Development, which summarized previous fishing activity within each offshore wind lease or project area, including the SFW Project, and reported annualized landings and revenue by species, gear type, and fishery management plan. The NOAA report applied an identical methodology to that used by Woods Hole.**

7. Who made the determination that underwater noise effects from construction would be only transient effects on populations of species of interest in the SFWF area, and on what basis? This determination seems to directly contradict mortality effects reported in Appendix J1 of the COP and the SEIS.

**The Woods Hole Report and Woods Hole Update made no such determination. They explicitly account for mortality effects for non-mobile species in the immediate vicinity of pile driving, where noise level modeling suggests that mortal injury thresholds may be reached. Woods Hole made all decisions regarding what impacts to consider and how to quantify them based on the available research, their decades of experience, and the information contained in the COP. Please also see the Mitigation Actions Memorandum submitted to CRMC on December 15, 2020 (“Mitigation Actions Memo”), regarding pile-driving noise attenuation and sound verification.**

**As stated above, CRMC must evaluate the SFW Project under only its enforceable policies and not under or in reference to the SEIS of a wholly separate project of another developer.**

8. Who made the determination that adverse impacts on landings would be confined to the lease area, and on what basis? Appendix J1 of the COP

indicates large radiuses of noise impacts that can extend well beyond the lease boundaries. See also the question below about space conflicts detailed in the SEIS.

**The Woods Hole Report and Woods Hole Update made no such determination. They explicitly include stock effects in an area outside the wind lease area, where noise modeling suggests that mobile species may temporarily leave the area. Woods Hole made all decisions regarding what impacts to consider and how to quantify them based on the available research, their decades of experience, and the information contained in the COP. Please also see the Mitigation Actions Memo regarding pile-driving noise attenuation and sound verification. Further, research has found only temporary behavioral disturbances resulting from noise. As distance from the noise source increases, the intensity of the noise decreases.**

**As stated above, CRMC must evaluate the SFW Project under only its enforceable policies and not under or in reference to the SEIS of a wholly separate project of another developer.**

9. Who determined the parameters and assumptions corresponding to Scenarios 1 and 2, and on what basis? Was anyone with fishing experience consulted? If so, who was consulted, and what are their qualifications?

**Woods Hole developed the assumptions and parameters corresponding to Scenarios 1 and 2 based on the available research, their decades of experience, and information provided by SFW regarding construction methods and timetable.**

10. The SEIS indicates moderate to major adverse impacts due to space conflicts, including temporary or permanent reduction of fishing activities, increased gear conflicts between recreational and commercial fishing, and increased conflict and competition due to relocation of fishing activity outside wind development areas. Who determined that these considerations would be excluded from the Woods Hole analysis, and on what basis?

**No portion of the SFW Project is located within Rhode Island territorial waters. Rather, portions of the SFW Project fall within Rhode Island's designated Geographic Location Description for purposes of the CZMA, allowing CRMC to conduct a federal consistency review of the proposed SFW Project under the enforceable policies of Rhode Island's federally approved coastal management program found in the OSAMP. See generally 650 R.I. Code R. 20-05-11.10. CRMC must evaluate the SFW Project under**

**only its enforceable policies and not under or in reference to the SEIS of a wholly separate project of another developer.**

11. The SEIS indicates major adverse impacts on scientific research and surveys, consistent with public statements by NOAA representatives that “fisheries independent” research vessels would not be entering the WEA once it was built out. The SEIS indicates a likely result of these limitations is lower commercial quotas corresponding to lower fishing revenues. Who determined that these considerations would be excluded from the Woods Hole analysis, and on what basis?

**No portion of the SFW Project is located within Rhode Island territorial waters. Rather, portions of the SFW Project fall within Rhode Island’s designated Geographic Location Description for purposes of the CZMA, allowing CRMC to conduct a federal consistency review of the proposed SFW Project under the enforceable policies of Rhode Island’s federally approved coastal management program found in the OSAMP. *See generally* 650 R.I. Code R. 20-05-11.10. CRMC must evaluate the SFW Project under only its enforceable policies and not under or in reference to the SEIS of a wholly separate project of another developer.**

12. The FAB is concerned that future policies restricting fishermen are bound to occur throughout the construction and operation process. These economic harms were not considered when estimating the overall economic impact on fishermen. Why?

**This is a speculative question. The U.S. Coast Guard has sole authority to control vessel traffic on the Outer Continental Shelf, and neither SFW nor CRMC has authority to do so. The U.S. Coast Guard’s authority is limited to establishing limited access areas with a maximum radius of 500 meters from a center point or the outer edges of a structure. Any controls considered by the U.S. Coast Guard in the future would require a Federal rulemaking with opportunity for public comment.**

**Further, no portion of the SFW Project is located within Rhode Island territorial waters. Rather, portions of the SFW Project fall within Rhode Island’s designated Geographic Location Description for purposes of the CZMA, allowing CRMC to conduct a federal consistency review of the proposed SFW Project under the enforceable policies of Rhode Island’s federally approved coastal management program found in the OSAMP. *See generally* 650 R.I. Code R. 20-05-11.10. CRMC must evaluate the SFW Project under only its enforceable policies.**

13. BOEM’s SEIS exists because of the importance of cumulative impacts that could result from the incremental impact of this project when combined with past, present, or reasonably foreseeable activities, including other future offshore wind activities. Who determined that these considerations would be excluded from the Woods Hole analysis, and on what basis?

**No portion of the SFW Project is located within Rhode Island territorial waters. Rather, portions of the SFW Project fall within Rhode Island’s designated Geographic Location Description for purposes of the CZMA, allowing CRMC to conduct a federal consistency review of the proposed SFW Project under the enforceable policies of Rhode Island’s federally approved coastal management program found in the OSAMP. *See generally* 650 R.I. Code R. 20-05-11.10. CRMC must evaluate the SFW Project under only its enforceable policies and not under or in reference to the SEIS of a wholly separate project of another developer.**

**Further, any cumulative impacts of wind lease areas are being addressed at the federal level by BOEM and in connection with the Environmental Impact Statements for offshore wind projects.**

B. Questions Regarding the Content of the Woods Hole Analysis

1. The characterization of the IMPLAN multiplier as including downstream impacts is incorrect. Indirect impacts are impacts on suppliers to the fishing industry, and induced impacts are economy-wide impacts from expenditures of labor income and proprietor profits. Will this be corrected? What method will be used to estimate downstream impacts?

**This question is premised on inaccurate assumptions. The IMPLAN model is a widely accepted, peer-reviewed model that allows comparison between analyses. It incorporates data from over 500 industry sectors, including seafood processors and other sectors subject to the downstream impacts of the commercial fishing industry, with data updated annually. Please also see the Woods Hole Update.**

2. IMPLAN was the only software used to determine economic impact. Other economic impact software should be used to compare the different results because different multipliers arise from different input-output models (e.g., RIMS II). Why was IMPLAN the only software used?

**The IMPLAN model is a widely accepted, peer-reviewed model that**

**allows easy comparison between analyses. It incorporates data from over 500 industry sectors, including seafood processors and other sectors subject to the downstream impacts of the commercial fishing industry, with data updated annually. In light of this, the IMPLAN model provides a sufficient basis to assess indirect and induced economic impacts.**

3. Will the data used in the Woods Hole analysis be disclosed for audit by the FAB?

**The Woods Hole Report contains and explains all the data relied upon. Woods Hole received this data directly from NOAA fisheries for the SFW Project area. Further, on October 15, 2020, NOAA Fisheries released a report entitled Socioeconomic Impacts of Atlantic Offshore Wind Development, which summarized previous fishing activity within each offshore wind lease or project area, including the SFW Project, and reported annualized landings and revenue by species, gear type, and fishery management plan. This publicly available data aligns with the data contained in the Woods Hole Report.**

4. The FAB is concerned that the “All Others” category (WH Table A1, p.26) is reported with a landings value of approximately \$0.101 per pound for a large number of pounds, and thus may contain errors. An average necessarily includes values above and below the average, and there are only three species with annual average prices below this value reported for RI in any year from 2008-2018 by NMFS: Little Skate, Menhaden and Sea Mussel. Menhaden is individually reported in the same Table, and Little Skate and Sea Mussel do not appear in the complete species list (WH Table A4, pp. 32-33). Please provide information sufficient to determine the correct landings value for All Others.

**The data from NOAA does not contain an error. Ocean quahog and surf clams landings were both reported by NMFS in the underlying data set as pounds of live weight (including shells), while all other species were reported as landed weight. This does not affect dollar values reported. The Woods Hole Report provided the NMFS landed weight conversion factors on page 11.**

5. With respect to the data included or excluded from the analysis based on the boundaries of lease OCS-A 0517, what robustness checks were conducted to avoid sensitivity of the results to these boundaries?

**Woods Hole requested from NOAA data for a 5 km buffer around the Wind Lease Area to evaluate sensitivity to the boundaries.**



**Please see the Woods Hole Update.**

6. The Woods Hole description of the data analysis is unclear because of the statement, “VMS information has been integrated into the current version of the VTR data” (WH, p.8). The VTR models cited are DePiper (2014) and Benjamin et al. (2018), both of which are “raster” models in which the landings value matched to a single LAT/LON pair reported in a VTR is smoothed over space according to a statistical model of how nearby to that point the fishing activity tends to occur (based on observer data). In contrast, the standard VMS-based modeling will match VTR landings with VMS trips, and allocate the landings over the vessel track based on speed, as is described on p.8 of the Woods Hole analysis. The VMS-based approach can be smoothed over space as well, but that is not stated here. If not smoothed, the VMS-based approach is highly sensitive to the exact location of boundary lines, such as those of the OCS-A 0517 lease area. Please provide information sufficient to determine the actual analysis procedure that took place.

**NOAA, not Woods Hole, performed the data analysis described in this question. NOAA compared the VTR and VMS data to develop a standardized approach for modeling the data for use across offshore wind lease areas that distributes landings along the vessel track.**

7. Will the computer code generating the Woods Hole analysis estimates be disclosed for audit by the FAB?

**SFW does not intend to request that Woods Hole disclose its computer code. Woods Hole used SAS Software, which is commercially available, to process the NOAA data into tabular form by major species, gear type, state, and major port. The only adjustment made to the NOAA data was the upward adjustment for lobster and Jonah crab landings, the formula for which is included in the Woods Hole Report, and the upward adjustment for dockside sales, made in response to input from the FAB. Please see the Woods Hole Update.**

**With respect to the two impact scenarios developed by Woods Hole (Scenarios 1 and 2), all of the numerical assumptions relied upon for the scenarios are disclosed in the Woods Hole Report at pages 18 – 21.**

8. What testing and review processes were used to ensure that the computer code generating the Woods Hole analysis estimates did not contain errors?

**Woods Hole applied standard procedures to ensure the accuracy of the data analysis. This included consistency checks, calculation reviews, and comparison to prior BOEM studies.**

9. Why didn't Woods Hole discuss irreversible and/or irretrievable commitments of resources resulting from this project?

**SFW understands from the FAB that the “irreversible and/or irretrievable commitments” language comes from the draft Supplemental Environmental Impact Statement for another offshore wind farm project. As stated above, CRMC does not have jurisdiction to evaluate the SFW Project based on the Environmental Impact Statement of a wholly separate project as part of its consistency review. CRMC must evaluate the SFW Project under only its enforceable policies.**

10. What exactly is the “general framework” used from the reports by BOEM (2017a and 2017b), as referenced on p.6 of the Woods Hole analysis? Also, these references include an assessment of exposure of recreational fishing to offshore wind development. Why was no such exposure evaluated?

**BOEM’s general framework is ascertainable in the reports cited in the Woods Hole Report, full citations for which are included in the References section at pages 23 – 24. Notwithstanding the foregoing, the general framework used in the Woods Hole analysis was to determine the proposed project area, obtain VTR data from NOAA for that area, and calculate the total gross revenues potentially lost as a result of the proposed project. Please also see the Woods Hole Update for Woods Hole’s assessment of potential impacts to the Rhode Island charter fishing industry.**

C. Mitigation-Specific Questions Regarding the SFWF COP

1. The “project envelope” includes no noise attenuation as the primary modeled scenario in Appendix J1 of the COP. Is Orsted committed to implementing noise attenuation of underwater noise from pile-driving? If yes, what level of noise attenuation can be guaranteed to the FAB? What steps are planned to verify the amount of noise attenuation achieved?

**As described in Section 3.1.1 of COP Appendix J1 and Section 4.2.2.1 of COP Appendix P1, underwater acoustic modeling results were generated for no noise attenuation and for three broadband noise attenuation levels (6, 10, and 12 dB).**

**SFW is committed to implementing underwater noise attenuation systems during foundation pile-driving. The statement "These measures will include: . . . noise attenuation systems, such as bubble curtains, as appropriate" is included in COP Volume I in Table ES-1, Table 4.7-2, Section 4.3.4.3, and Section 4.3.5.3.**

**Please also see the Mitigation Actions Memo regarding pile-driving noise attenuation and sound verification.**

2. Pile-driving multiple foundations in a single day occurred during installation of the Block Island Wind Farm (BIWF). This is an aggravating factor for mortality effects of underwater noise. Does the construction schedule allow for pile-driving of multiple foundations in a single day? Appendix J1 of the COP models effects only under the assumption of one foundation per day, but the body text of the COP is silent on whether this assumption is a committed component of the construction schedule.

**Installation of the Block Island Wind Farm did not involve pile-driving multiple foundations in a single day, though it did involve installation of multiple piles in a single day.**

**The SFW construction schedule does not allow for pile-driving of multiple foundations in a single day. SFW will install monopile foundations, unlike the jacket foundation installed at BIWF. SFW monopile foundations will be installed sequentially. In the COP Volume I, Table 3.1-8 indicates the duration of foundation installation may be 2-4 days per foundation.**

3. What are the planned dimensions of the offshore substation? Specifically, what will be the height of the base platform above mean sea level, and what will be the length and width dimensions?

**As indicated in Section 3.1.2.4 of COP Volume 1, the total height of the substation located on its own monopile foundation will be 150 to 200 feet (45.7 to 61 m), measured from mean sea level to the top of the substation. The height of the base platform above mean sea level and the length and width dimensions of the offshore substation will be defined in the Final Design Report (FDR) submitted to BOEM.**

D. Questions Regarding the SFWF Fisheries Monitoring Plan

1. Will a final Fisheries Monitoring Plan document be released prior to conclusion of the mitigation process?

**SFW submitted the Fisheries Monitoring Plan (FMP) to CRMC on September 30, 2020.**

2. Will Orsted perform studies before, during, and after construction to collect data on the short-term and long-term impacts to all marine species observed in the SFWF lease area?

**As required by the Ocean SAMP, SFW will collect data before, during, and after construction for the marine fish and invertebrate species groups identified in the SFW FMP.**

3. Will a final power analysis for the Fisheries Monitoring Plan be released before the conclusion of the mitigation process?

**Appendices B and D of the FMP contain the final power analyses for the beam trawl and lobster ventless trap surveys. As outlined in the FMP, SFW plans to conduct power analyses after the first year of sampling for the gillnet and fish pot surveys.**

4. Will Orsted commit to avoiding proximity of HRG/G&G survey vessels to fisheries research vessels carrying out the Fisheries Monitoring Plan?

**Please see Appendix C of the FMP for SFW's position regarding the relationship between High-Resolution Geophysical (HRG) Surveys and Fisheries Monitoring Surveys. Please also see the Mitigation Actions Memo regarding HRG surveys and fisheries monitoring surveys.**

5. How will the Fisheries Monitoring Plan assess both impacts of underwater noise, and correspondence of modeled underwater noise levels to actual, realized underwater noise levels from pile-driving activities?

**SFW will take sound source measurements during pile driving of foundations to verify in situ underwater noise levels. Please also see the Mitigation Actions Memo regarding pile-driving noise attenuation and sounds verification.**

6. How will the Fisheries Monitoring Plan assess impacts of electromagnetic fields?

**The FMP is not designed to assess EMF. SFW conducted an EMF modeling assessment of the export and inter-array cable, which is included as Appendix K1 of the COP. The assessment concluded that EMF effects are negligible.**

**The assumptions in the EMF modeling assessment were conservative (e.g. untwisted conductors). The assessment concluded that impacts to marine fish and invertebrates from EMF from SFW export cable and inter-array cables will be negligible. In addition, direct measurements were taken at the Block Island Wind Farm export and inter-array cables (also Alternating Current or AC) and measured magnetic values were an order of magnitude lower than modeled values (Sigray and King, 2020).**

7. How will the Fisheries Monitoring Plan assess impacts of sea bottom disturbance?

**Please see Section 7.0 of the FMP.**

8. How will the Fisheries Monitoring Plan determine total and cumulative impact of the wind turbines on species diversity and ecosystems in the wind lease areas?

**No portion of the SFW Project is located within Rhode Island territorial waters. Rather, portions of the SFW Project fall within Rhode Island’s designated Geographic Location Description for purposes of the CZMA, allowing CRMC to conduct a federal consistency review of the proposed SFW Project under the enforceable policies of Rhode Island’s federally approved coastal management program found in the OSAMP. *See generally* 650 R.I. Code R. 20-05-11.10. CRMC must evaluate the SFW Project under only its enforceable policies. Cumulative impact analysis is not within CRMC’s enforceable policies.**

**Further, any cumulative impacts of wind lease areas are being addressed at the federal level by BOEM and in connection with the Environmental Impact Statements for offshore wind projects.**

9. Are there any plans in place in the event that the wind lease areas cause population declines that put a species at risk of becoming classified as vulnerable or worse?

**No portion of the SFW Project is located within Rhode Island territorial waters. Rather, portions of the SFW Project fall within Rhode Island’s designated Geographic Location Description for purposes of the CZMA, allowing CRMC to conduct a federal consistency review of the proposed SFW Project under the enforceable policies of Rhode Island’s federally approved coastal management program found in the OSAMP. *See generally* 650 R.I. Code R. 20-05-11.10. CRMC must evaluate the SFW Project under**

**only its enforceable policies. Consideration of population-level impacts is not within CRMC’s enforceable policies.**

**Further, any population-level impacts of wind lease areas are being addressed at the federal level by BOEM and in connection with the Environmental Impact Statements for offshore wind projects.**

10. Will a commercial fisheries Biological Assessment monitoring plan summary be submitted, as required by Rhode Island enforceable policies in the Ocean SAMP?

**The FMP meets the requirement of a biological assessment under the OSAMP.**

E. Questions Regarding the Mitigation Proposal

1. The funding structure described in the proposal appears to treat recreational and charter fishing as shoreside impacts. What was the basis for this decision?

**Recreational and charter fishing are not treated as shoreside impacts. SFW recognizes the importance of these fishing communities. Because Federal VTR data does not include party/charter fishing revenue values or private fishing data, SFW initially included these fishing communities within the benefits of the Coastal Community Fund. Based on feedback from the FAB and CRMC, SFW revised its mitigation proposal to provide direct financial mitigation to the Rhode Island charter fishing industry. Please also see the Woods Hole Update.**

2. Orsted has indicated in the past to the FAB that the remaining issues with respect to the Fisheries Monitoring Plan would need to be resolved during mitigation. What is Orsted’s plan for addressing these unresolved issues in the mitigation proposal?

**SFW submitted the FMP to CRMC on September 30, 2020.**

3. Orsted has indicated in the past to the FAB that any issues with information deficiencies in the COP would need to be resolved during mitigation. What is Orsted’s plan for addressing these unresolved issues in the mitigation proposal?

**SFW has evaluated the alleged information deficiencies raised by the FAB and does not find that there are deficiencies in the COP. The COP will not be revised.**

**SFW has provided CRMC with supplemental information as requested under its authority to conduct a CZMA consistency review.**

4. Will Orsted be preparing a Site Assessment Plan, as defined in the Ocean SAMP?

**SFW filed a Site Assessment Plan with BOEM on April 1, 2016. CRMC issued a consistency certification, and BOEM approved the Site Assessment Plan on October 12, 2017.**

5. The Ocean SAMP Section 11.10.1(H) requires that mitigation measures “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.” Can Orsted demonstrate how the mitigation measures are consistent with this section of the Ocean SAMP?

**SFW refers to and incorporates by reference the COP, FMP, Mitigation Proposal, and all additional documentation or data submitted to CRMC in support of the SFW Project.**

6. Cox’s Ledge is a unique, sensitive and critical habitat, identified in the COP as Essential Fish Habitat for 37 species. There is no demonstration by Orsted that turbines will not cause serious damage to Cox’s Ledge habitat and the resources that exist there. Will such information be forthcoming before conclusion of the mitigation process?

**SFW has sited the turbines to avoid damage to the habitat on Cox’s Ledge. SFW refers the FAB to its COP, FMP and other documentation submitted to CRMC for its consistency review.**

7. Why isn’t Orsted offering anything other than money? There appears to be no consideration of ongoing monitoring of impacts to habitat, efforts for habitat restoration during the operations period and following decommissioning, or mitigation of impacts on pelagic fisheries, both commercial rod & reel and recreational?

**SFW disagrees with the premise of this question. SFW has invested heavily in Project modifications to avoid or mitigation impacts to commercial and recreational fisheries, including but not limited to modifications to the turbine layout, increased cable burial depth, and efforts to avoid or minimize gear conflicts. In addition, the FMP includes an extensive benthic habitat monitoring plan and acoustic telemetry plan.**

**Notwithstanding these extensive Project modifications, many of which began in response to input from the FAB and the wider commercial fishing community, SFW recognizes that the SFW Project may cause temporary impacts to fisheries requiring mitigation pursuant to the Ocean SAMP. SFW engaged Woods Hole to quantify these potential impacts. Based on the assessment contained in the Woods Hole Report, SFW developed a comprehensive Mitigation Proposal. SFW has also proposed the Rhode Island Navigational Enhancement and Training Program, which would enable commercial fishermen and for-hire vessels to acquire certain approved navigation equipment through a grant system and would provide training and experiential learning opportunities to those navigating within the Orsted/Eversource Joint Venture Wind Lease Areas in the Massachusetts/Rhode Island Wind Energy Area.**

8. Will Orsted develop a monitoring program to ensure that environmental conditions are monitored during construction, operation, and decommissioning phases? Will that plan be submitted to CRMC and the FAB for review?

**SFW submitted the FMP to CRMC on September 30, 2020.**

9. Page 4 of Appendix B in the mitigation proposal indicates that the Coastal Community Fund will occur at the “conclusion of SFWF commissioning activities.”
  - a. When does this occur?

**Commissioning activities conclude when all SFW Project turbines are delivering energy to the electrical grid pursuant to SFW’s Power Purchase Agreement.**

- b. How will the “five consecutive annual payments” be distributed throughout the year?

**SFW intends to fund the escrow account to support the Coastal Community Fund through five consecutive annual payments, each occurring on the anniversary of the first payment. Distribution of those funds through grants will be determined solely by the proposed SFW Coastal Community Advisory Council (“Advisory Council”). SFW will have no rights or role with respect to the Advisory Council’s distribution of funds.**

- c. What is the rate of inflation to be applied to this amount, assuming a delayed construction start date?



**SFW intends to apply an inflation rate based on the Consumer Price Index for All Urban Consumers.**

11. From October 2019 until 2022, BOEM is conducting a study in the Orsted lease areas in Cox’s Ledge.<sup>1</sup> As a result of this study, it is clear that cod study is important in this area, as it’s the southern-most range of spawning for cod. Spawning dynamics in this area are poorly understood. BOEM’s study is meant to serve as a “baseline study” to address any future effects of offshore wind; cod spawning stocks are sensitive/vulnerable to disturbance since they form in large, dense areas over multiple weeks in predictable locations. If disturbed, it is very unlikely they will come back and spawn that season. Why were these impacts not considered in the mitigation proposal?

**Underwater noise generated from pile driving of monopile foundations is identified in the SFW COP as an impact producing factor (IPF) having negligible to moderate impacts on finfish and essential fish habitat (Table 4.7-1, COP Section 4.7). The timeframe within which pile driving will occur (May – December, COP Table ES-1) does not greatly overlap with the known cod spawning season on Cox’s Ledge (primarily December – March; Kovach et al., 2010; Loehrke, JL, 2014; Langan et al., 2020; Dean et al., 2020; Cadrin et al., 2020), largely mitigating and minimizing impacts to spawning cod stocks.**

12. The Ocean SAMP states that 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 160.5.3 (i).” §1160.1.10. In the webinar cited above, BOEM states that “[o]bviously Cox Ledge is a known feature in Southern New England. It is important habitat for many commercial and recreational fish...” Why has Orsted not identified any sensitive habitat areas on Cox’s Ledge?

**This question is based on an incorrect assumption. SFW has sited the turbines to avoid damage to the habitat on Cox’s Ledge. SFW refers the FAB to its COP and other documentation submitted to CRMC for its consistency review. Appendix N2 of the COP mapped, delineated, and identified the habitats within the Project area.**

13. The Ocean SAMP states that “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. In making the evaluation of the effect on human uses, the Council will determine, for example, if there is an overall net benefit to the Rhode Island marine economic sector from the development of the project or if there is an overall net loss.” The mitigation proposal does not discuss this requirement; what is Orsted’s position on it?

**The quoted language falls within the “Overall Regulatory Standards” section of the OSAMP by which the Council must review SFW’s consistency certification. The assessment of overall net benefit to the Rhode Island marine economic sector lies solely with the Council after its review of the complete Project submission. SFW states that the COP, FMP, Mitigation Proposal and all additional documentation or data submitted to CRMC in support of the Project demonstrate that development of the SFW Project will create an overall net benefit to the Rhode Island marine economic sector.**