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Ocean SAMP Regulatory Compliance

For the purposes of this Category B Assent Application and as discussed within Section 1.3.4, the portion of the RWECS-RI from the mouth of Narragansett Bay to the three-nautical mile limit of state waters is subject to the policies and regulations of the Ocean SAMP (650-RICR-20-05-11) (See Figure 1.1-1). For Project components beyond the three-nautical mile state waters boundary, the CRMC will review the Project components under its enforceable policies of CRMC's federally approved coastal resources management program. The CZMA federal consistency regulations. Applicable sections from these enforceable policies and regulations in the Ocean SAMP are referenced below followed by the applicant's responses.

5.1 Ocean SAMP §11.9 General Policies

A. Ocean SAMP policies and regulatory standards represent actions the CRMC must take to uphold its regulatory responsibilities mandated to them by the Rhode Island General Assembly and the CZMA to achieve the Ocean SAMP goals and principles described in the Introduction Chapter. ... However, for state permitting purposes, offshore developments proposed to be sited in state waters are bound by both the General Policies (§ 11.9 of this Part) and regulatory standards (§ 11.10 of this Part) listed herein, The Policies of the Ocean SAMP. ...

Revolution Wind acknowledges the portion of the RWECS-RI within the Ocean SAMP area is subject to both the General Policies (Section 11.9 of the Ocean SAMP) and regulatory standards (Section 11.10 of the Ocean SAMP). The applicable policies and standards are addressed herein.

B. § 11.9 of this Part presents all Ocean SAMP general policies, while § 11.10 of this Part integrates the regulatory standards into a regulatory process that ensures the Council's ability to uphold its mandatory requirements.

Revolution Wind acknowledges the portion of the RWECS-RI within the Ocean SAMP area is subject to both the General Policies (Section 11.9 of the Ocean SAMP) and regulatory standards (Section 11.10 of the Ocean SAMP). The applicable policies and standards area addressed herein.

C. Any assent holder of a CRMC-approved offshore development, as defined in § 11.10.1(A) of this Part, shall:

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.

Refer to Section 2.2.5 for a description of measures that will be implemented by Revolution Wind to avoid undue harm or damage to natural resources. In addition, refer to Appendices X and G for the Project's Safety Management System and Emergency Response Plan/Oil Spill Response Plan, which are provided under confidential cover to this application because they contain confidential commercial information not subject to disclosure under APRA (RIGL § 38-2-1) or FOIA (5 U.S.C. § 552).

2. Submit requests, applications, plans, notices, modifications, and supplemental information to the Council as required;

Revolution Wind will comply.

3. Acknowledge, in writing, any oral request or notification made by the Council, within three (3) business days and follow up in writing on such request or notification within a reasonable period of time as determined jointly by the assent holder and CRMC considering the circumstances;

Revolution Wind will comply.

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 § 11.10.5 of this Part;

Revolution Wind will comply.

5. Make all applicable payments on time;

Revolution Wind will comply.

6. Conduct all activities authorized by the assent in a manner consistent with the provisions of this document, the Rhode Island Coastal Resources Management Program, and all relevant federal and state statutes and regulations;

The Project design is intended to be consistent with the provisions of the Ocean SAMP, the CRMP, and all relevant federal and state statutes and regulations, and Revolution Wind will comply with all relevant federal and state statutes and regulations in conducting activities authorized by the assent.

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

This information is provided within this application for a Category B Assent and the Project's COP. Revolution Wind will comply with this policy to the extent the Council requires additional information.

8. *Respond to requests from the Council in a timeframe specified by the Council.*

Revolution Wind will comply.

D. Administrative processing fee: For large-scale offshore developments, underwater cables, and other projects as determined by the Council, the CRMC may assess the applicant with an administrative processing fee to help defray costs to conduct the CZMA federal consistency review, including the mitigation negotiations. This fee shall be \$20,000. The Council cannot issue a conditional concurrence or an objection for failure to pay the fee.

This fee is not applicable to this Category B Assent application; Revolution Wind is supplying the required application fee for this Category B Assent application.

5.1.1 Ocean SAMP §11.9.1 Ecology

A. The Council recognizes that the preservation and restoration of ecological systems shall be the primary guiding principle upon which environmental alteration of coastal resources will be measured. Proposed activities shall be designed to avoid impacts and, where unavoidable impacts may occur those impacts shall be minimized and mitigated.

Noted. The RWE-CR is designed to avoid adverse impacts and, where unavoidable impacts may occur those impacts will be minimized and mitigated. All reasonable efforts have been made to avoid sensitive ecological and benthic resources with respect to the RWE-CR cable corridor. Refer to Sections 3.2.3 through 3.2.6 for discussions regarding potential ecological impacts associated with the RWE-CR and proposed avoidance, minimization, and mitigation measures.

B. As the Ocean SAMP is an extension and refinement of CRMC's policies for Type 4 multipurpose waters as described in § 00-1.2.1(E) of this Chapter, CRMC will encourage a balance among the diverse activities, both traditional and future water dependent uses, while preserving and restoring the ecological systems.

Noted. The RWE-CR was sited, planned, and designed to avoid and minimize impacts and foster coexistence with other water-dependent uses. To the extent there are potential adverse impacts that cannot be avoided, these will be minimized and mitigated. Overall, the RWE-CR is consistent with CRMC's policies for Type 4 multipurpose waters as it is a water dependent use and will not have any long-term adverse impacts to activities that coexist in Type 4 waters, such as commercial and recreational fishing. Refer to Sections 3.2.8 through 3.2.10 for discussions regarding potential impacts to other water-dependent uses associated with the RWE-CR and proposed avoidance, minimization, and mitigation measures.

C. The Council recognizes that while all fish habitat is important, spawning and nursery areas are especially critical in providing shelter for these species during the most vulnerable stages of their life cycles. The Council will ensure that proposed activities shall be designed to avoid impacts to these sensitive habitats, and, where unavoidable impacts may occur, those impacts shall be minimized and mitigated. In addition, the Council will give consideration to habitat used by species of concern as defined by the NMFS Office of Protected Resources.

As discussed in Section 3.2.3, the RWEC-RI is designed to avoid and minimize any adverse impacts to sensitive habitats. Where impacts cannot be fully avoided, they will be minimized and mitigated. Revolution Wind is committed to adhering to TOY restrictions to avoid impact to sensitive taxa during critical times in their life cycles (e.g., winter flounder eggs) (see Section 2.2.5.1).

Revolution Wind is also committed to collaborative science with the commercial and recreational fishing industries pre-, during, and post-construction. Fisheries monitoring studies are being planned to assess the potential impacts associated with the Project on ecologically important fisheries resources. These studies will be conducted in collaboration with the local fishing industry and will build upon monitoring efforts being conducted by affiliates of Revolution Wind at other wind farms in the region.

D. Because the Ocean SAMP is located at the convergence of two eco-regions and therefore more susceptible to change, the Council will work with partner federal and state agencies, research institutions, and environmental organizations to carefully manage this area, especially as it relates to the projected effects of global climate change on this rich ecosystem.

Noted.

E. The Council shall appoint a standing Habitat Advisory Board (HAB) which shall provide advice to the Council on the ecological function, restoration and protection of the marine resources and habitats in the Ocean SAMP area and on the siting, construction, and operation of off shore development in the Ocean SAMP study area and in NOAA-approved geographic location descriptions (GLDs). ...

Noted.

5.1.2 Ocean SAMP §11.9.2 Global Climate Change

A. The Council recognizes that the changes brought by climate change are likely to result in alteration of the marine ecology and human uses affecting the Ocean SAMP area. The Council encourages energy conservation, mitigation of greenhouse gasses and adaptation approaches for management. The Council, therefore, supports the policy of increasing offshore renewable energy production in Rhode Island as a means of mitigating the potential effects of global climate change.

As an offshore renewable energy project, the Project is consistent with this policy.

B. The Council shall incorporate climate change planning and adaptation into policy and standards in all areas of its jurisdiction of the Ocean SAMP and its associated land-based infrastructure to proactively plan for and adapt to climate change impacts such as increased storm intensity and temperature change, in addition to accelerated sea level rise. For example, when evaluating Ocean SAMP area projects and uses, the Council will carefully consider how climate change could affect their future feasibility, safety and effectiveness. When evaluating new or intensified existing uses within the Ocean SAMP area, the Council will consider predicted impacts of climate change especially upon sensitive habitats, most notably spawning and nursery grounds, of particular importance to targeted species of finfish, shellfish and crustaceans.

Noted. The Project will provide clean, reliable offshore wind energy that will significantly increase the renewable energy pool available to Rhode Island and Connecticut and reduce carbon emissions across the region, thereby contributing to the region's efforts to combat climate change. Therefore, the Project is consistent with CRMC's policy of increasing offshore renewable energy production in Rhode Island as a means of mitigating the potential effects of global climate change.

C. The Council will convene a panel of scientists, biannually, to advise on findings of current climate science for the region and the implications for Rhode Island's coastal and offshore regions, as well as the possible management ramifications....

Noted.

D. The Council will prohibit those land-based and offshore development projects which based on a sea level rise scenario analysis will threaten public safety or not perform as designed resulting in significant environmental impacts. The U.S. Army Corps of Engineers has developed and is implementing design and construction standards that consider impacts from sea level rise. These standards and other scenario analyses should be applied to determine sea level rise impacts.

The modeled 5 feet of SLR during the life of the Project is not expected to impact the onshore Project components in a manner that threatens public safety or impacts the environment. See attached Coastal Hazard Application Worksheets for the OnSS and TJB (see Appendix C).

E. The Council supports the application of enhanced building standards in the design phase of rebuilding coastal infrastructure associated with the Ocean SAMP area, including port facilities, docks, and bridges that ships must clear when passing underneath.

Not applicable. The Project does not involve rebuilding coastal infrastructure.

F. The Council supports the development of design standards for marine platforms that account for climate change projections on wind speed, storm intensity and frequency, and wave conditions and will work with the U.S. Bureau of Ocean Energy Management, Department of the Interior, Department of Energy, and the Army Corps of Engineers to develop

a set of standards that can then be applied in Rhode Island projects. The Council will re-assess coastal infrastructure and seaworthy marine structure building standards periodically not only for sea level rise, but also for other climate changes including more intense storms, increased wave action, and increased acidity in the sea.

Not applicable. The offshore portion of the Project applicable to this Category B Assent application (i.e., the RWEC-RI) does not include marine platforms.

G. The Council supports public awareness and interpretation programs to increase public understanding of climate change and how it affects the ecology and uses of the Ocean SAMP area.

Noted.

5.1.3 Ocean SAMP §11.9.3 Cultural and Historic Resources

A. The Council recognizes the rich and historically significant history of human activity within and adjacent to the Ocean SAMP area. These numerous sites and properties, that are located both underwater and onshore, should be considered when evaluating future projects.

Revolution Wind has submitted to BOEM, the lead federal agency reviewing the Project, technical reports evaluating cultural and historic resources potentially affected by the Project. One shipwreck and two geomorphic features of archaeological interest were identified within the portion of the Ocean SAMP Area subject to this Category B Assent application during Project surveys (i.e., from the mouth of Narragansett Bay to the three nautical mile state water line). Revolution Wind has submitted to BOEM a Marine Archaeological Resources Assessment. A copy of this report is provided under confidential cover to Category B Assent application because it contains confidential commercial information not subject to disclosure under APRA (RIGL § 38-2-1) or FOIA (5 U.S.C. § 552) (Appendix N).

Revolution Wind also notes that BOEM is required to satisfy Section 106 of the NHPA, which requires consultation with SHPOs, THPOs, and other interested parties, as well as assessment and mitigation of any adverse effects to historic properties. BOEM initiated Section 106 consultation for the Project on April 2, 2021.²⁰

B. The Council has a federal obligation as part of its responsibilities under the federal Coastal Zone Management Act to recognize the importance of cultural, historic, and tribal resources within the state's coastal zone, including Rhode Island state waters. It has a similar

²⁰ The regulations at 36 CFR § 800.8 provide for use of the National Environmental Policy Act (NEPA) process to fulfill a Federal agency's National Historic Preservation Act (NHPA) Section 106 review obligations in lieu of the procedures set forth in 36 CFR § 800.3 through 800.6. This process is known as NEPA substitution for Section 106 and the Bureau of Ocean Energy Management (BOEM) is using this process for the Project.

[https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/BOEM NEPASubstitution ConsultingPartyGuide_Final.pdf](https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/BOEM%20NEPASubstitution%20ConsultingPartyGuide_Final.pdf)

responsibility under the Rhode Island Historic Preservation Act. The Council will not permit activities that will significantly impact the state's cultural, historic and tribal resources.

Noted. As stated in response to Section 11.9.3(A) above BOEM, as the lead federal agency, is required to satisfy Section 106 of the NHPA which requires consultation with SHPOs, THPOs, and other interested parties, as well as assessment and mitigation of any adverse effects to historic properties.

C. The Council will engage federal and state agencies, and the Narragansett Indian Tribe's Tribal Historic Preservation Office (THPO), when evaluating the impacts of proposed development on cultural and historic resources. The Rhode Island Historic Preservation and Heritage Commission (RIHPHC) is the State Historic Preservation Office (SHPO) for the State of Rhode Island and is charged with developing historical property surveys for Rhode Island municipalities, reviewing projects that may impact cultural and historic resources, and regulating archaeological assessments on land and in state waters. For other tribes outside of Rhode Island that might be affected by a federal action it is the responsibility of the applicable federal agency to consult with affected tribes.

Noted. Revolution Wind has engaged with applicable federal and state agencies, SHPOs, and THPOs (including the Narragansett Indian Tribe's THPO) as part of cultural resource investigations and assessments performed for the Project. BOEM is required to satisfy Section 106 of the NHPA, which requires consultation with SHPOs, THPOs, and other interested parties.

D. Project reviews will follow the policies outlined in §§ 00-1.2.3 (Areas of Historic and Archaeological Significance) and 00-1.3.5 of this Chapter (Guidelines for the Protection and Enhancement of the Scenic Value of the Coastal Region) of the State of Rhode Island Coastal Resources Management Program, as amended (Subchapter 00 Part 1 of this Chapter). The standards for the identification of cultural resources and the assessment of potential effects on cultural resources will be in accordance with the National Historic Preservation Act Section 106 regulations, 36 C.F.R. Part 800, Protection of Historic Properties.

Noted. Revolution Wind has engaged with applicable federal and state agencies, SHPOs, and Native American Tribes (including the Narragansett Indian Tribe's Tribal Historic Preservation Officer [THPO]) as part of cultural resource investigations and assessments performed for the Project. Identification and evaluation surveys conducted for the Project are implemented in accordance with the Advisory Council on Historic Preservation's 36 C.F.R. Part 800 federal regulations and the Rhode Island Historical Preservation and Heritage Commission's (RIHPHC's) Performance Standards and Guidelines for Archaeology in Rhode Island (as revised) and the RIHPHC's archaeological permitting policies.

E. Historic shipwrecks, archeological or historical sites located within Rhode Island's coastal zone are Areas of Particular Concern (APCs) for the Rhode Island coastal management program. Direct and indirect impacts to these resources must be avoided to the greatest extent possible. Other areas, not noted as APCs, may also have significant archeological sites that could be identified through the permit process. For example, the area at the south end of Block

Island waters within the 30 foot depth contour is known to have significant archeological resources. As a result, projects conducted in the Ocean SAMP area may have impacts to Rhode Island's underwater archaeological and historic resources.

As noted above, one shipwreck and two geomorphic features of archaeological interest were identified during Project surveys within the portion of the Ocean SAMP Area subject to this Category B Assent application. Revolution Wind will avoid the identified shipwreck and 164 ft (50 m) buffer from the outer extent of its magnetic signature during installation of the RWEC-RI to the greatest extent practicable. Additionally, installation of the RWEC-RI will avoid to the greatest extent practicable, the two geomorphic features of archaeological interest located within the Ocean SAMP area subject to this Category B Assent application. Mitigation of any unavoidable adverse impacts to historic properties will be addressed through the Section 106 process lead by BOEM.

F. Archaeological surveys shall be required as part of the permitting process for projects which may pose a threat to Rhode Island's archaeological and historic resources. During the filing phase for state assent, projects needing archaeological surveys will be identified through the joint review process. The survey requirements will be coordinated with the SHPO and, if tribal resources are involved, with the Narragansett THPO.

Revolution Wind has completed archaeological surveys within the portion of the RWEC-RI in the Ocean SAMP area consistent with state and federal guidelines and in consultation with SHPOs and THPOs.

G. Areas of Particular Concern may require a buffer or setback distance to ensure that development projects avoid or minimize impacts to known or potential historic or archaeological sites. The buffer or setback distance during the permitting process will be determined by the SHPO and if tribal resources are involved, the Narragansett THPO.

Noted. Revolution Wind's Qualified Marine Archaeologist ("QMA") has recommended avoidance buffers for resources identified within the RWEC-RI. Revolution Wind will avoid the identified buffers to the greatest extent practicable. Revolution Wind understands buffer distances may be adjusted through BOEM's consultation with SHPOs and THPOs per Section 106 of the NHPA.

H. In addition to general Area of Particular Concern buffer/setback distances around shipwrecks or other submerged cultural resources, the Council reserves the right, based upon recommendations from RIHPHC, to establish protected areas around all submerged cultural resources which meet the criteria for listing on the National Register of Historic Places.

Noted.

I. Projects conducted in the Ocean SAMP area may have impacts that could potentially affect onshore archaeological, historic, or cultural resources. Archaeological and historical surveys may be required of projects which are reviewed by the joint agency review process. During the filing phase for state assent, projects needing such surveys will be identified and the survey

requirement will be coordinated with the SHPO and if tribal resources are involved, with the Narragansett THPO.

Revolution Wind has performed surveys to identify buried archaeological sites in areas of potential ground disturbance focusing on the Onshore Project Area. Revolution Wind is continuing to investigate the potential for impacts to terrestrial archaeological resources in consultation with RIHPHC and the Narragansett THPO. A copy of the Project's current Terrestrial Archaeological Resources Assessment is provided under confidential cover to this Category B Assent application because it contains confidential commercial information not subject to disclosure under APRA (RIGL § 38-2-1) or FOIA (5 U.S.C. § 552) (see Appendix K).

J. Guidelines for onshore archaeological assessments 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. In addition, 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.

Noted. Revolution Wind has performed onshore archaeological surveys consistent with state and federal guidelines and in consultation with SHPOs and THPOs. A visual impact assessment of Project components within the Ocean SAMP area subject to this Category B Assent application was not conducted because the RWEC-RI will not be visible.

5.1.4 Ocean SAMP §11.9.4 Commercial and Recreational Fisheries

A. The commercial and recreational fishing industries, and the habitats and biological resources of the ecosystem they are based on, are of vital economic, social, and cultural importance to Rhode Island's fishing ports and communities. Commercial and recreational fisheries are also of great importance to Rhode Island's economy and to the quality of life experienced by both residents and visitors. The Council finds that other uses of the Ocean SAMP area could potentially displace commercial or recreational fishing activities or have other adverse impacts on commercial and recreational fisheries.

Refer to Section 3.2.8 of this Category B Assent application for an evaluation of commercial and recreational fisheries within state waters and potential impacts associated with the RWEC-RI, which are expected to be temporary and localized during construction and decommissioning. During O&M, commercial and recreational fisheries are expected to experience no effect or limited effects from the presence of the RWEC-RI because it will be buried beneath the seabed. The USCG's stated policy is that "in the United States vessels will have the freedom to navigate through [wind farms], including export cable routes" (see Coast Guard Navigation and Vessel Inspection Circular 01-19 dated 1 August 2019). Therefore, commercial fishermen will have the ability to continue to fish along the RWEC-RI corridor.

B. The Council recognizes that finfish, shellfish, and crustacean resources and related fishing activities are managed by a host of different agencies and regulatory bodies which have jurisdiction over different species and/or different parts of the SAMP area. Entities involved in managing fish and fisheries within the SAMP area include, but are not limited to, the Atlantic States Marine Fisheries Commission, the R.I. Department of Environmental Management, the R.I. Marine Fisheries Council, the NOAA National Marine Fisheries Service, the New England Fishery Management Council, and the Mid-Atlantic Fishery Management Council. The Council recognizes the jurisdiction of these organizations in fishery management and will work with these entities to protect fisheries resources. The Council will also work in coordination with these entities to protect priority habitat areas.

Noted. Refer to Sections 3.2.3 and 3.2.4 of this Category B Assent application for an evaluation of shellfish and finfish resources within state waters and potential impacts associated with the RWEC-RI. Also refer to Appendix P of this Category B Assent for a description of benthic habitats present within state waters.

C. The Council's policy is to protect commercial and recreational fisheries within the Ocean SAMP area, and the 2011 and 2018 GLDs, from the adverse impacts of other uses, while supporting actions to make ongoing fishing practices more sustainable. The Council anticipates that over time there will be improved scientific knowledge of the impacts of fishing on habitats and fish populations. Improvements in more sustainable gear technology, fishing practices, and management tools may improve the state of fisheries resources. A general goal of the Council is to improve the health of the Ocean SAMP area ecosystem and the populations of fish and shellfish it provides. Cooperative research, using the unique skills and expertise of the fishing community, will be a cornerstone to this goal.

Refer to response to Section 11.9.4(A) above.

Revolution Wind is committed to collaborative science with the commercial and recreational fishing industries pre-, during, and post-construction. Fisheries and benthic monitoring studies are being planned to assess the potential impacts associated with the Project (including the RWEC-RI) on economically and ecologically important fisheries resources. These studies will be conducted in collaboration with the local fishing industry and will build upon monitoring efforts being conducted by affiliates of Revolution Wind at other wind farms in the region. Revolution Wind's Fisheries and Benthic Monitoring Plan was submitted to CRMC under separate cover on June 7, 2021.

D. Commercial and recreational fisheries activities are dynamic, taking place at different places at different times of the year due to seasonal species migrations and other factors. The Council recognizes that fisheries are dynamic, shaped by these seasonal migrations as well as other factors including shifts in the regulatory environment, market demand, and global climate change. The Council further recognizes that the entire Ocean SAMP area is used by commercial and recreational fishermen employing different fishing methods and gear types. Changes in existing uses, intensification of uses, and new uses within the area could cause adverse impacts to these fisheries. Accordingly, the Council shall:

- 1. In consultation with the Fishermen's Advisory Board, as defined in § 11.3(E) of this Part, identify and evaluate prime fishing areas on an ongoing basis through an adaptive framework.*
- 2. Review any uses or activities that could disrupt commercial or recreational fisheries activities.*

Noted. Refer to response to Section 11.9.4(A) above.

E. The Council shall work together with the U.S. Coast Guard, the U.S. Navy, the U.S. Army Corps of Engineers, NOAA, fishermen's organizations, marine pilots, recreational boating organizations, and other marine safety organizations to promote safe navigation, fishing, and recreational boating activity around and through offshore structures and developments, and along cable routes, during the construction, operation, and decommissioning phases of such projects. The Council will promote and support the education of all mariners regarding safe navigation around offshore structures and developments and along cable routes.

Revolution Wind has worked and continues to work regularly with all the agencies and entities listed above to promote safe navigation, fishing, and recreational boating during development, construction, and operation of the Project. Revolution Wind's Marine Affairs team posts twice-weekly Mariners Briefings to its website (<https://us.orsted.com/wind-projects/mariners>), which is also published in the USCG Local Notice To Mariners. The Marine Affairs team also briefs the greater southeastern New England maritime community at each of the USCG's quarterly Port Safety Forum. The Marine Affairs team has three Fisheries Liaisons for the northeast region who regularly attend local and regional fishing industry meetings (such as the New England Fishery Management Council) to provide project updates and seek mariner feedback, and also visit fishing docks in Rhode Island to ensure continuous contact with stakeholders. Throughout these engagements and as new potential conflicts are identified, Revolution Wind will continue to work with potentially affected parties to deconflict waterway usage and ensure there are no significant impacts to mariners.

F. Discussions with the U.S. Coast Guard, the U.S. Department of the Interior Bureau of Ocean Energy Management and the U.S. Army Corps of Engineers have indicated that no vessel access restrictions are planned for the waters around and through offshore structures and developments, or along cable routes, except for those necessary for navigational safety. Commercial and recreational fishing and boating access around and through offshore structures and developments and along cable routes is a critical means of mitigating the potential adverse impacts of offshore structures on commercial and recreational fisheries and recreational boating. The Council endorses this approach and shall work to ensure that the waters surrounding offshore structures, developments, and cable routes remain open to commercial and recreational fishing, marine transportation, and recreational boating, except for navigational safety restrictions. The Council requests that federal agencies notify the Council as soon as is practicable of any federal action that may affect vessel access around and through offshore structures and developments and along cable routes. The Council will continue to monitor changes to navigational activities around and through offshore developments and along cable routes. Any changes affecting existing navigational activities

may be subject to CZMA federal consistency review if the federal agency determines its activity will have reasonably foreseeable effects on the uses or resources of Rhode Island's coastal zone.

Revolution Wind continues to work with the USCG on a safety zone plan that minimizes the implementation of vessel control measures to ensure navigation safety during construction of the Project. The USCG is expected to issue a Federal rulemaking proposal in 2022 which will describe the plan in detail. The public will be afforded an opportunity to comment on the proposal. Revolution Wind does not anticipate requesting the USCG to establish safety zones during operation of the Project.

G. The Council recognizes that commercial and recreational fishermen from other states, such as the neighboring states of Connecticut, New York, and Massachusetts, often fish in the Ocean SAMP area. The Council also recognizes that many fish species that are harvested in adjacent waters may rely on habitats and prey located within the Ocean SAMP area. Accordingly, the Council will work with neighboring states to ensure that offshore development and other uses of the Ocean SAMP area do not result in significant impacts to the fisheries resources or activities of other states.

Noted. Refer to response to Section 11.9.4(A) above.

H. The Council shall appoint a standing Fishermen's Advisory Board (FAB) which shall provide advice to the Council on the siting and construction of other uses in marine waters. ...

Noted.

5.1.5 Ocean SAMP §11.9.5 Recreation and Tourism

A. The Council recognizes the economic, historic, and cultural value of marine recreation and tourism activities in the Ocean SAMP area to the state of Rhode Island. The Council's goal is to promote uses of the Ocean SAMP area that do not significantly interfere with marine recreation and tourism activities or values.

Refer to Section 3.2.9 of this Category B Assent application for an evaluation of recreation and tourism within state waters and potential impacts associated with the RWE-C-RI. Installation of the RWE-C-RI will not significantly interfere or detract from marine recreation and tourism uses. As discussed within Section 3.2.9.2, potential impacts to recreational boating, which includes fishing, diving, races, and wildlife viewing, will generally be limited to construction and decommissioning, and any potential impacts these phases will be minimized with Revolution Wind's compliance with TOY restrictions in state waters (e.g., offshore work generally occurring between Labor Day and February 1; see Section 2.2.5.1). As a submarine cable, the RWE-C-RI will have no impact on recreation and tourism activities once installed.

B. When evaluating proposed offshore developments, the Council will carefully consider the potential impacts of such activities on marine recreation and tourism uses. Where it is determined that there is a significant impact, the Council may modify or deny activities that significantly detract from these uses.

Refer to response to Section 11.9.5(A) above.

C. The Council will encourage and support uses of the Ocean SAMP area that enhance marine recreation and tourism activities.

Noted.

D. The Council recognizes that the waters south of Brenton Point and within the 3-nautical mile boundary surrounding Block Island are heavily-used recreational areas and are commonly used for organized sailboat races and other marine events. The Council encourages and supports the ongoing coordination of race and marine event organizers with the U.S. Coast Guard, the U.S. Navy, and the commercial shipping community to facilitate safe recreational boating in and adjacent to these areas, which include charted shipping lanes and Navy restricted areas (see Ocean SAMP Chapter 7, Marine Transportation, Navigation, and Infrastructure). The Council shall consider these heavily-used recreational areas when evaluating offshore developments in this area. Where it is determined that there is a significant impact, the Council may suitably modify or deny activities that significantly detract from these uses. The Council also recognizes that much of this organized recreational activity is concentrated within the circular sailboat racing areas as depicted in Figure 6 in § 11.10.2(I) of this Part, and accordingly has designated these areas as Areas of Particular Concern. See § 11.10.2 of this Part for requirements associated with Areas of Particular Concern.

Revolution Wind has and will continue to engage with the USCG and the organizers of major marine events in state waters to avoid any potential waterway conflicts with the installation of the RWEC-RI. During installation of the RWEC-RI, Revolution Wind will maintain regular contact with the USCG to avoid waterway conflicts to the extent feasible.

E. See § 11.9.4(E) of this Part for policy regarding safe navigation around and through offshore structures and developments and along cable routes.

Refer to response to Section 11.9.4(E) above in Section 5.1.4 of this Category B Assent application.

F. See § 11.9.4(F) of this Part for policy regarding vessel access around and through offshore structures and developments and along cable routes.

Refer to response to Section 11.9.4(F) above in Section 5.1.4 of this Category B Assent application.

G. The Council recognizes that offshore wildlife viewing activities are reliant on the presence and visibility of marine and avian species which rely on benthic habitat, the availability of food, and other environmental factors. The Council shall consider these environmental factors when evaluating proposed offshore developments in these areas. Where it is determined that there is a significant impact, the Council may modify or deny activities that significantly detract from these uses.

Refer to Section 3.2 of this Category B Assent application for an evaluation of biological and benthic resources, including marine and avian species, within state

waters and potential impacts associated with the RWEC-RI. As described in applicable subsections in Section 3.2 (i.e., benthic and shellfish resources, marine mammals and sea turtles, and coastal and marine birds), significant impacts to these resources are not anticipated in state waters given the limited scale and intensity of the RWEC-RI activities.

5.1.6 Ocean SAMP §11.9.6 Marine Transportation, Navigation, and Infrastructure

A. The Council recognizes the importance of designated navigation areas, which include shipping lanes, precautionary areas, recommended vessel routes, pilot boarding areas, anchorages, military testing areas, and submarine transit lanes to marine transportation and navigation activities in the Ocean SAMP area. The Council also recognizes that these and other waters within the Ocean SAMP area are heavily used by numerous existing users who have adapted to each other with regard to their uses of ocean space. Any changes in the spatial use patterns of any one of these users will result in potential impacts to the other users. The Council will carefully consider the potential impacts of such changes on the marine transportation network. Changes to existing designated navigational areas proposed by the U.S. Coast Guard, NOAA, the R.I. Port Safety and Security Forums, or other entities could similarly impact existing uses. The Council requests that they be notified by any of these parties if any such changes are to be made to the transportation network so that they may work with those entities to achieve a proper balance among existing uses.

Refer to Sections 3.2.10 and 3.2.11 of this Category B Assent application for an evaluation of commercial shipping and other marine uses (e.g., anchorage areas, ferry routes, pilot boarding areas, etc.), respectively, within state waters and potential impacts associated with the RWEC-RI.

Revolution Wind does not intend to request that the USCG modify any precautionary areas, recommended vessels routes, pilot boarding areas, etc. In conjunction with the RWEC-RI route through the West Passage of Narragansett Bay, the USCG may consider modifying some of the U.S. Navy anchorages north of the Jamestown Bridge, which the USCG considers to be obsolete.

B. The Council recognizes the economic, historic, and cultural value of marine transportation and navigation uses of the Ocean SAMP area to the state of Rhode Island. The Council's goal is to promote uses of the Ocean SAMP area that do not significantly interfere with marine transportation and safe navigation within designated navigation areas, which include shipping lanes, precautionary areas, recommended vessel routes, pilot boarding areas, anchorages, military testing areas, and submarine transit lanes. See § 11.10.2 of this Part for discussion of navigation areas which have been designated as Areas of Particular Concern.

Refer to response to Section 11.9.6(A) above. Refer to Section 5.2.2 of this Category B Assent application for discussion of Areas of Particular Concern.

C. The Council will encourage and support uses of the Ocean SAMP area that enhance marine transportation and safe navigation within designated navigation areas, which include shipping lanes, precautionary areas, recommended vessel routes, pilot boarding areas, anchorages, military testing areas, and submarine transit lanes.

Refer to response to Section 11.9.6(A) above.

D. See § 11.9.4(E) of this Part for policy regarding safe navigation around and through offshore structures and developments and along cable routes.

Refer to response to Section 11.9.4(E) above in Section 5.1.4 of this Category B Assent application.

E. See § 11.9.4(F) of this Part for policy regarding vessel access around and through offshore structures and developments and along cable routes.

Refer to response to Section 11.9.4(F) above in Section 5.1.4 of this Category B Assent application.

5.1.7 Ocean SAMP §11.9.7 Offshore Renewable Energy and Other Offshore Development

A. The Council supports offshore development in the Ocean SAMP area that is consistent with the Ocean SAMP goals, which are to:

- 1. Foster a properly functioning ecosystem that can be both ecologically effective and economically beneficial;*
- 2. Promote and enhance existing uses; and*
- 3. Encourage marine-based economic development that considers the aspirations of local communities and is consistent and complementary to the state's overall economic development needs and goals.*

Revolution Wind developed the Project in direct response to the expressed needs of the States of Rhode Island and Connecticut to increase the renewable energy load serving each state. Refer to Section 1.3 of this Category B Assent application for further description of the Project's purpose and need. The RWEC-RI is a water dependent use proposed in Type 4 and Type 6 waters which will facilitate transfer of renewable energy generated by the Project to the States of Rhode Island and Connecticut. The RWEC-RI was sited, planned, and designed to avoid and minimize impacts to ecological resources. To the extent there are potential adverse impacts that cannot be avoided, these will be mitigated.

B. The Council supports the policy of increasing renewable energy production in Rhode Island. The Council also recognizes:

- 1. Offshore wind energy currently represents the greatest potential for utility-scale renewable energy generation in Rhode Island;*

- 2. Offshore renewable energy development is a means of mitigating the potential effects of global climate change;*
- 3. Offshore renewable energy development will diversify Rhode Island's energy portfolio;*
- 4. Offshore renewable energy development will aid in meeting the goals set forth in Rhode Island's Renewable Energy Standard;*
- 5. Marine renewable energy has the potential to assist in the redevelopment of urban waterfronts and ports.*

As an offshore wind energy project, the Project is consistent with this policy of the Ocean SAMP. As noted in Section 1.3 of this Category B Assent application, the Project will contribute 400 MW of renewable energy toward Rhode Island's ambitious goal of converting Rhode Island to 100% renewable energy by 2030. The RWEI-RI is a water dependent use proposed in Type 4 and Type 6 waters which will facilitate transfer of renewable energy generated by the Project to the States of Rhode Island and Connecticut.

C. The Council's support of offshore renewable energy development shall not be construed to endorse or justify any particular developer or particular offshore renewable energy proposal.

Noted.

D. The Council may require the applicant to fund a program to mitigate the potential impacts of a proposed offshore development to natural resources and existing human uses. The mitigation program may be used to support restoration projects, additional monitoring, preservation, or research activities on the impacted resource or site.

The RWEI-RI avoids and minimizes impacts to natural resources and existing uses to the extent practicable. Refer to Section 3.2 for discussions of potential impacts associated with the RWEI-RI and proposed avoidance, minimization, and mitigation measures for resources in the Ocean SAMP Area subject to this Category B Assent application.

E. To the greatest extent possible, offshore development structures and projects shall be made available to researchers for the investigation into the effects of large-scale installations on the marine environment, and to the extent practicable, educators for the purposes of educating the public.

As described in Table 2.2-8 and -9, Revolution Wind is committed to collaborative science with the commercial and recreational fishing industries pre-, during, and post-construction. Fisheries and benthic monitoring studies are being planned to assess the impacts associated with the Project on economically and ecologically important fisheries resources. These studies will be conducted in collaboration with the local fishing industry and will build upon monitoring efforts being conducted by affiliates of Revolution Wind at other wind farms in the region. Additionally, Revolution Wind will collaborate with independent researchers seeking to evaluate effects to the marine environment, and to educators seeking to better inform the public.

F. The Council shall work in coordination with the U.S. Department of the Interior Bureau of Ocean Energy Management to develop a seamless process for review and design approval of offshore wind energy facilities that is consistent across state and federal waters.

Revolution Wind supports this policy. The Project (including the RWEF) spans both state and federal waters and will benefit from a seamless, consistent review process.

G. The Council shall work together with the U.S. Coast Guard, the U.S. Navy, the U.S. Army Corps of Engineers, NOAA, fishermen's organizations, marine pilots, recreational boating organizations, and other marine safety organizations to promote safe navigation, fishing, and recreational boating activity around and through offshore structures and developments, and along cable routes, during the construction, operation, and decommissioning phases of such projects. The Council will promote and support the education of all mariners regarding safe navigation around offshore structures and developments and along cable routes.

Revolution Wind has worked and continues to regularly work with all the agencies and entities listed above to promote safe navigation, fishing, and recreational boating during development, construction, and operation of the project. Revolution Wind's Marine Affairs teams posts twice-weekly Mariners Briefings to our website (<https://us.orsted.com/wind-projects/mariners>), which is also published in the USCG Local Notice To Mariners. The Marine Affairs team also briefs the greater southeastern New England maritime community at each of the USCG's quarterly Port Safety Forums. The Marine Affairs team has three Fisheries Liaisons for the northeast region who regularly attend local and regional fishing industry meetings (such as the New England Fishery Management Council) to provide Project updates and seek mariner feedback, and also visit fishing docks in Rhode Island to ensure continuous contact with stakeholders. Throughout these engagements and as new potential conflicts are identified, Revolution Wind will continue to work with potentially affected parties to deconflict waterway usage and ensure there are no significant impacts to mariners.

H. To coordinate the review process for offshore wind energy developments, the Council shall adopt consistent information requirements similar to the requirements of the U.S. Department of the Interior's Bureau of Ocean Energy Management for offshore wind energy. All documentation required at the time of application shall be similar with the requirements followed by the U.S. Department of the Interior Bureau of Ocean Energy Management when issuing renewable energy leases on the Outer Continental Shelf. For further details on these regulations see 30 C.F.R. §§ 285 et seq. The Council shall continue to monitor the federal review process and information requirements for any changes and will make adjustments to the Ocean SAMP policies accordingly.

Revolution Wind supports this policy. Information presented in this Category B Assent application includes synthesis of information presented in the Project's COP, as published by BOEM on April 30, 2021. The Project's COP is available on BOEM's project website (<https://www.boem.gov/Revolution-Wind>).

I. To the maximum extent practicable, the Council shall coordinate with the appropriate federal and state agencies to establish project specific requirements that shall be followed by the

applicant during the pre-construction, construction, operation and decommissioning phases of an offshore development...

Revolution Wind supports this policy. The Project (including the RWEC) spans both state and federal waters and will benefit from a seamless, consistent review process.

J. The Council identifies the following industry goals for offshore projects. These are not required standards at this time but are targets project proponents should try to meet where possible to alleviate potential adverse impacts:

- 1. A goal for the offshore wind farm applicant and operator is to have operational noise from wind turbines average less than or equal to 100 dB re 1 μ Pa² in any 1/3 octave band at a range of 100 meters at full power production.*
- 2. The applicant and manufacturer should endeavor to minimize the radiated airborne noise from the wind turbines.*
- 3. A monitoring system including acoustical, optical and other sensors should be established near these facilities to quantify the effects.*

Not applicable; the Project's wind turbines are located in federal waters and are not subject to this Category B Assent application.

5.1.8 Ocean SAMP §11.9.8 Application Requirements in State Waters

A. Applicants shall meet the site assessment plan (SAP) requirements in § 11.10.5 of this Part and the following: (text of subparts A.1-A.9 omitted)

Revolution Wind's SAP for Lease Area OCS-A-0486 was approved by BOEM in October 2017. CRMC issued concurrence in file #2017-09-034 on September 8, 2017. Therefore, Revolution Wind has complied with the SAP requirements in Section 11.9.8(A), including all reporting requirements of the approved SAP.

B. Applicants shall meet the construction and operation plan (COP) requirements in § 11.10.5 of this Part and the following: (B.1-B.7 omitted)

Revolution Wind's COP is consistent with the requirements in Section 11.10.5. On April 30, 2021, BOEM published a Noticed of Intent to Prepare an Environmental Impact Statement for the Project and published the Project's COP to their website (<https://www.boem.gov/Revolution-Wind>). The Project's ERP/OSRP and Safety Management System ("SMS") are provided under confidential cover to this Category B Assent application because it contains confidential commercial information not subject to disclosure under Access to Public Records Act ("APRA"; RIGL § 38-2-1) or Freedom of Information Act ("FOIA"; 5 U.S.C. § 552) (see Appendix G and Appendix X, respectively).

Refer to Appendix Y for a review of the Project's COP relative to the content requirements in Section 11.10.5 of this Part.

8. If the application and COP is approved, prior to construction the applicant shall submit to the Council for approval the documents listed below in §§ 11.9.8(B)(8)(a), (b), (c), (d) and (e) of this Part: (a-e omitted)

Revolution Wind will comply with this standard and submit a facility design report and fabrication and installation report to CRMC that complies with the requirements of this subpart.

Revolution Wind has submitted a CVA nomination to BOEM. BOEM approved the CVA nomination on June 10, 2021. Revolution Wind anticipates filing a similar nomination with CRMC to satisfy this requirement of the Category B Assent application.

9. 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: (a-b omitted)

10. 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.

11. 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.

12. 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.

13. 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.

14. The applicant shall notify the Council in writing of the following events, within the time periods provided: (a-c omitted)

15. The applicant may commence commercial operations within thirty (30) days after the CVA has submitted to the Council the final fabrication and installation report.

16. *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. (a-d omitted)*

Revolution Wind acknowledges requirements of Section 11.9.8(B)(9)-(16) and will comply. Refer to Appendix Y for the Contents of the Revolution Wind COP.

C. *Design, fabrication and installation standards (1-21 omitted)*

Revolution Wind acknowledges and will comply with requirements of Section 11.9.8(C)(1)-(21). Revolution Wind has submitted a CVA nomination to BOEM. BOEM approved the CVA nomination on June 10, 2021. Revolution Wind anticipates filing a similar nomination with CRMC to support this requirement of the Category B Assent application.

D. *Pre-construction standards (1-3 omitted)*

Revolution Wind acknowledges and will comply with requirements of Section 11.9.8(D)(1)-(3). Refer to Table 1.4-1 in Section 1.4 of this Category B Assent application for a summary of other state and federal approvals that Revolution Wind will obtain.

4. *The Council shall consult with the U.S. Coast Guard, the U.S. Navy, marine pilots, the Fishermen's Advisory Board as defined in § 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.*

Revolution Wind has worked and continues to work regularly with all the agencies and entities listed above to promote safe navigation, fishing, and recreational boating during development, construction, and operation of the Project. Revolution Wind's Marine Affairs team posts twice-weekly Mariners Briefings to its website (<https://us.orsted.com/wind-projects/mariners>), which is also published in the USCG Local Notice To Mariners. The Marine Affairs team also briefs the greater southeastern New England maritime community at each of the USCG's quarterly Port Safety Forum. The Marine Affairs team has three Fisheries Liaisons for the northeast region who regularly attend local and regional fishing industry meetings (such as the New England Fishery Management Council) to provide project updates and seek mariner feedback, and also visit fishing docks in Rhode Island to ensure continuous contact with stakeholders. Throughout these engagements and as new potential conflicts are identified, Revolution Wind will continue to work with potentially affect parties to deconflict waterway usage and ensure there are no significant impacts to mariners.

5. *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.

Revolution Wind will comply. Refer to response above.

6. 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).

Revolution Wind will comply. Revolution Wind has developed a Fisheries Communication and Outreach Plan which prescribes fisheries liaisons and fisheries representatives to serve as conduits for providing information to, and gathering feedback from, the fishing industry (see Appendix DD of the Project's COP).

7. 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.

The RWEC-RI will be buried to sufficient depths (target burial of 4-6 feet [1.2-1.8 meters]) so as to minimize adverse impact on other user groups and not interfere with navigation.

8. 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.

Revolution Wind will comply. Refer to Section 2.2.3.8 of this Category B Assent application for a description of temporary ADCPs that will be deployed during construction and for one-year post-construction.

9. 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."

A Navigation Safety Risk Assessment is included as Appendix T to this Category B Assent application. The RWEC-RI will be buried to sufficient depths (target burial of 4-6 ft [1.2-1.8 m]) so as to minimize adverse impact on other user groups and not interfere with navigation.

10. 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 will be evaluated according to the same criteria used by the U.S. Coast Guard, as follows; these criteria shall not

Refer to response to 11.9.8(D)(9) above.

11. 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.

Revolution will comply with all USCG permitting requirements and will provide CRMC documentation of such permits when obtained. Additionally, Revolution Wind has met with and will continue to meet regularly with USCG Sector Southeastern New England to discuss RWEC-RI operations to minimize impacts to the Marine Transportation System, and to secure USCG acceptance of Project plans.

E. Standards for construction activities

1. 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.

Refer to Section 2.2.3.4 for the cable installation tools that may be utilized during installation of the RWEC-RI within the Ocean SAMP Area. In order to determine the most appropriate cable installation methodology, Revolution Wind will complete a Cable Burial Risk Assessment in which the site conditions will be described in detail, identifying features such as boulder distribution and dimensions, sandwave height and mobility, soil strength and classification, seabed obstructions and UXO and MEC. Following this detailed information on the installation, final technique(s) will be selected and burial requirements will be included in the FDR and FIR, to be reviewed by the CVA. The RWEC-RI is designed to avoid adverse impacts and, where unavoidable impacts may occur those impacts will be minimized and mitigated.

2. 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.

Refer to Section 2.2.5.3 for Revolution Wind's commitments to compliance monitoring during construction. Revolution Wind will comply with this provision.

3. Installation techniques for all construction activities should be chosen to minimize sediment disturbance. Jet plowing and horizontal directional drilling in near-shore 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.

As described in Section 2.2.3.2, Revolution Wind is proposing the use of HDD at the landfall location, although the Project's landfall location is outside the Ocean SAMP Area. Also as described in Section 2.2.3.2, Revolution Wind is also considering the use of jet plowing for cable installation within the Ocean SAMP area. Refer to response to Section 11.9.8(E)(1) above regarding Revolution Wind's evaluation of cable installation methods.

4. 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.

Refer to Section 4 of this Category B Assent application for review of the Project's compliance with the CRMP. Also, refer to Table 1.4-1 in Section 1.4 of this Category B Assent application for a summary of other state and federal approvals that Revolution Wind will obtain.

5. 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 § 11.10.1(E) of this Part, and using:

a. Trained personnel; and

Revolution Wind will comply.

b. Technologies, precautions, and techniques that shall not cause undue harm or damage to natural resources, including their physical, atmospheric, chemical and biological components.

Revolution Wind is committed to minimizing potential effects on natural resources and existing human uses in the Project Area. Revolution Wind has proposed a suite of measures to avoid and minimize potential impacts resulting from construction and operation of the RWECC-RI, which are summarized in Tables 2.2-8 and 2.2-9 of this application.

6. 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.

a. As required, the applicant shall submit to the Council:

(1) Measures designed to avoid or minimize adverse effects and any potential incidental take of endangered or threatened species as well as all marine mammals;

(2) Measures designed to avoid likely adverse modification or destruction of designated critical habitat of such endangered or threatened species; and

(3) 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.

Revolution Wind will comply. Revolution Wind has proposed a suite of measures to avoid and minimize potential impacts resulting from construction and operation of the RWEC-RI, which are summarized in Tables 2.2-8 and 2.2-9 of this application. Revolution Wind will obtain an incidental take authorization for Project activities pursuant to the Marine Mammal Protection Act and Endangered Species Act (see Table 1.4-1). Revolution Wind anticipates such authorizations will specify specific conditions to avoid, minimize, and monitor potential adverse effects and incidental take of endangered and threatened species as well as marine mammals.

7. 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: (a-c omitted)

An Unanticipated Discoveries Plan is included as part of the Project's Marine Archaeological Resources Assessment, which is provided under confidential cover to this Category B Assent application because it contains confidential commercial information not subject to disclosure under APRA (RIGL § 38-2-1) or FOIA (5 U.S.C. § 552) (Appendix N).

8. 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 ninety (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.

Refer to Section 2.2.5.3. Revolution Wind will conduct an as-built multi-beam survey along the entirety of the cable routes within state waters following installation and the placement of any secondary cable protection. Revolution Wind will comply with the stated reporting requirements in this standard.

9. 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.

Not applicable. No piling driving will occur during installation of the RWEC-RI within the Ocean SAMP Area subject to this Category B Assent application.

10. 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.

Revolution Wind has submitted a CVA nomination to BOEM. BOEM approved the CVA nomination on June 10, 2021. Revolution Wind anticipates filing a similar nomination with CRMC to support this requirement of the Category B Assent application.

F. When mitigation is required by the Council, the reasonable costs associated with mitigation negotiations, 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 the negotiations or such other mechanism as set forth in the permit or approval condition pertaining to mitigation.

Noted. Revolution Wind will comply.

G. The CRMC shall convene a Wind Energy Industry-Fishery Coordination Board that will be composed of invited representatives of wind energy developers with projects located within state waters and the Rhode Island 2011 and 2018 GLDs, fishery representatives of the major sectors from the states of Rhode Island and Massachusetts, and state fishery and coastal management representatives from each state, including any other representatives of state or federal agencies deemed necessary. The Board will meet semi-annually to discuss and resolve fishery and wind industry interactions during and after the construction phase of each wind energy project.

Noted.

5.1.9 Ocean SAMP §11.9.9 Baseline Assessment Requirements and Standards in State Waters

A. The Council in coordination with the Joint Agency Working Group, as described in § 11.9.7(I) of this Part, shall determine requirements for the development of baseline assessments prior to, during, and post construction for all offshore projects. Monitoring of offshore projects is essential to determine whether construction and operation activities may have an adverse impact on the physical and biological components of offshore waters. In particular, establishment of pre-construction baseline assessments of commercial and recreational fishery resource conditions (i.e., community structure, biodiversity, and species biomass, abundance, size distribution) is necessary for evaluation of any potential coastal effects. Assessments and monitoring are essential to determine whether there are any potential coastal effects and potential cumulative impacts resulting from the construction and operation of multiple wind energy projects. Specific assessment and monitoring requirements shall be determined on a project-by-project basis and may include but are not limited to the assessment and monitoring of: (list omitted)

Revolution Wind has undertaken detailed analyses of the topics listed in this policy as part of its COP and has summarized these analyses, as they related to the RWE-RI, in this Category B Assent application (see Section 3.2).

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,

but not limited to, the July 4th holiday weekend, the week in June when the Block Island Race Week typically takes place, and other recreational boating events within Narragansett Bay, and Rhode Island and Block Island Sounds. The quantitative results of such observations, including raw boat counts and average number of vessels per day, will be provided to the Council.

Noted. Revolution Wind will comply if required by the Council.

C. The items listed below shall be required for all offshore developments:

1. A biological assessment of commercially and recreationally targeted fishery species shall be required within the project area for all offshore developments for the periods specified in § 11.9.9(E) of this Part. 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, using survey equipment and methods that are appropriate for sampling finfish, shellfish, and crustacean species at the project's proposed location. This assessment may include evaluation of survey data collected through an existing survey program, if data are available for the proposed site.

Refer to response to Section 11.9.9(E) below.

2. An assessment of commercial and recreational fisheries effort, landings, and landings value shall be required for all proposed offshore developments. The assessment shall focus on the proposed project area and any alternatives. This assessment shall evaluate commercial and recreational fishing effort, landings, and landings value at three different stages: pre-construction (to assess baseline conditions); during construction; and during operation, as specified in § 11.9.9(E) of this Part. 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 (pre-construction) conditions.

Revolution Wind will comply with this requirement and will submit an economic assessment of fisheries values within the Project area at the three stages specified above.

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:

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.

Noted. Revolution Wind will comply.

E. Assessment standards—applicants shall provide the following biological assessments necessary to establish the baseline conditions of the fishery resource conditions during the project phases detailed below so that an analysis of comparison between project phases can be completed to assess whether project construction, installation and operation has resulted in significant adverse impacts to the commercial and recreational fishery resources.

1. *Pre-construction baseline biological assessments of commercial and recreational targeted fishery species as specified in § 11.9.9(C) of this Part for a minimum of two (2) complete years before offshore construction and installation activities begin;*
2. *During construction biological assessments of commercial and recreational targeted fishery species as specified in § 11.9.9(C) for each year (if construction extends beyond a single year) of construction and installation; and*
3. *Post-construction biological assessments of commercial and recreational targeted fishery species as specified in § 11.9.9(C) of this Part for three (3) complete years following completion of construction and installation activities and during the operational phase of the project.*

Revolution Wind is committed to collaborative science with the commercial and recreational fishing industries pre-, during, and post-construction. Fisheries and benthic monitoring studies are being planned to assess the impacts associated with the Project on economically and ecologically important fisheries resources. These studies will be conducted in collaboration with the local fishing industry and will build upon monitoring efforts being conducted by affiliates of Revolution Wind at other wind farms in the region. The Project's Fisheries and Benthic Monitoring Plan was submitted to CRMC under separate cover on June 7, 2021.

F. The Council shall require post-construction assessments of commercial and recreational targeted fishery species at five (5) year intervals following the post-construction monitoring required in § 11.9.9(E)(3) of this Part. The assessments shall be conducted during the four seasons of a year as specified in § 11.9.9(C) of this Part. If the analysis of post-construction assessments demonstrate adverse impacts to fishery species as compared to the baseline assessments required in § 11.9.9(E) (1) of this Part that are attributable to the construction or operation of a wind energy project, then the Council may require mitigation measures consistent with §§ 11.10.1(E) and (F) of this Part.

Refer to response above.

5.2 Ocean SAMP §11.10 Regulatory Standards

This section contains regulatory standards outlined in the Ocean SAMP. Pursuant to the Ocean SAMP, Revolution Wind is addressing the following standards in this Category B Assent application:

- › §11.10.1 Overall Regulatory Standards
- › §11.10.2 Areas of Particular Concern
- › §11.10.4 Other Areas
- › §11.10.5 Application Requirements
- › §11.10.6 Monitoring Requirements

Section 11.10.3, Prohibition and Areas Designated for Preservation, is not applicable to this Category B Assent application because, as an underwater cable, the RWEC-RI is exempt from this standard.

5.2.1 Ocean SAMP §11.10.1 Overall Regulatory Standards

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 §§ 11.9 and 11.10 of this Part (except, as noted above, § 11.9 of this Part 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: (1-7 omitted)

The RWEC-RI is an underwater cable and, therefore, Revolution Wind understands is subject to the policies and standards outlined in Section 11.9 and 11.10 of the Ocean SAMP.

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 § 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 (Subchapter 00 Part 1 of this Chapter) these waters were previously designated as Type 4 (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 § 11.10.2 of this Part. No large-scale offshore renewable energy development shall be allowed in Areas Designated for Preservation consistent with § 11.10.3 of this Part.

Based on the figure provided in § 11.10.1.P, Figure 1: Renewable energy zone, the RWEC-RI is not within the renewable energy zone around Block Island. However, Revolution Wind does not propose a large-scale project within state waters. The wind farm portion of the Project is proposed in federal waters beyond the three-nautical mile limit of Rhode Island state waters and is therefore not considered a large-scale offshore project that is subject to this Category B Assent application process. The RWEC-RI is designed to avoid and minimize significant adverse impacts. Where impacts cannot be fully avoided, they will be minimized and mitigated.

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. 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. 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 not previously evaluated, 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.

As noted above and discussed throughout this application, The RWEF-RI is designed to avoid and minimize significant adverse impacts. Where impacts cannot be fully avoided, they will be minimized and mitigated.

As detailed in Section 1.3, Purpose and Need, the Project will provide clean, reliable offshore wind energy that will increase significantly the volume of renewable energy delivered to consumers in Rhode Island and Connecticut. In addition, overall, the Project will bring substantial benefits to Rhode Island, including the marine economic sector. Guidehouse evaluated the direct²¹, indirect²², and induced jobs²³; labor earnings²⁴; gross output²⁵; and economic value added²⁶ expected from the Project (inclusive of the RWF, RWEF, and onshore Project components). Based on this evaluation, the Project would have beneficial effects for the national economy across both phases – construction and operation – with an expected gross output (i.e. the sum value of all goods and services at all stages of production resulting from the Project) of roughly \$1,360.3 million and value added (the best indicator of economic development benefits to the local economy) of roughly \$737.9 million. For Rhode Island, the expected gross output and value added are \$726.8 million and \$390.6 million, respectively. This includes the generation of 3,059 direct, indirect, and induced jobs during the construction phase, and 233 direct, indirect, and induced annual jobs during the operations phase (Guidehouse, 2020).

D. Any large-scale offshore development, as defined in § 11.3(H) of this Part, 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, wind turbine configuration and spacing, construction schedules, alternative locations, project minimization and identification of high fishing activity or habitat edges. For any state permit

21 Direct jobs are on-site labor and professional services. On-site labor is given in job years, which are full-time equivalent (FTE) jobs multiplied by the number of construction years. Construction jobs are given as FTE job-years since they are spread over a multi-year construction period. Some construction jobs will last only a portion of a year while others may last the entire expected construction period of three years. Operations jobs are given as annual FTE jobs over the entire operating period.

22 Indirect jobs are driven by the increase in demand for goods and services from direct on-site spending from the Project.

23 Induced jobs are driven by the local expenditures of those receiving payments within the first two job categories or increased household spending by workers.

24 Labor earnings are the additional earnings (wages and employer paid benefits) associated with the additional local jobs.

25 Gross output is the sum value of all goods and services at all stages of production resulting from the Project.

26 Value added is the best indicator of economic development benefits to the local economy. The sum total of value added of all enterprises and self-employed in a given state comprises that state's gross domestic product. These values are the sum of earnings from capital and labor or the difference between total gross output and the cost of intermediate inputs. It is comprised of payments made to workers, proprietary income, other property type income, indirect business taxes, and taxes on production and imports less subsidies.

process for a large-scale offshore development this meeting shall occur prior to submission of the state permit application.

1. For purposes of BOEM's renewable energy program under the Outer Continental Shelf Lands Act, the CZMA federal consistency process cannot begin until a construction and operations plan (COP) has been submitted for BOEM's review and approval.

The portion of the Project subject to this this Category B Assent application (i.e., the RWE-RI) is not a large-scale offshore development and a meeting with the FAB is not required per this subpart. Revolution Wind understands that CRMC will schedule a meeting with the FAB to discuss the broader Project as part of the requirements under federal consistency review.

E. The Council shall prohibit any other uses or activities that would result in significant long-term negative impacts to Rhode Island's commercial or recreational fisheries. Long-term impacts are defined as those that affect more than one or two seasons.

Noted. Revolution Wind is committed to minimizing Project impacts on commercial and recreational fisheries and the RWE-RI will not result in significant impacts to Rhode Island's commercial or recreational fisheries. Construction and decommissioning activities associated with the RWE-RI are generally expected to have short-term, localized impacts on access to fishing grounds due to safety measures on entering the area. During O&M of the RWE-RI, commercial and recreational fisheries are expected to experience no effect or limited effects because the cables will be buried beneath the seabed. Refer to Section 3.2.8 and Appendix S of this Category B Assent application for evaluation of fisheries in the RWE-RI corridor. Finally, Revolution Wind has developed a Fisheries Communication and Outreach Plan in consultation with relevant stakeholders and remains committed to continuous dialogue with these stakeholders (see Appendix DD of the Project's COP).

F. 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 § 11.10.1(G) of this Part.

Noted. See the response to § 11.10.1(E) above.

G. For the purposes of fisheries policies and standards as summarized in Ocean SAMP Chapter 5, Commercial and Recreational Fisheries, §§ 5.3.1 and 5.3.2 of this Subchapter, mitigation is defined as a process to make whole those fisheries user groups, including related shore-side seafood processing facilities, that are adversely affected by offshore development proposals or projects. 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 commercial and recreational fisheries, 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 and commercial fishing fleet improvements. Where there are potential impacts associated with proposed projects, the need for mitigation shall be presumed (see § 11.10.1(F) of this Part). Mitigation shall be negotiated between the Council staff, the FAB, the project developer, and approved by the Council. The final mitigation will be the mitigation required by the CRMC and included in the CRMC's Assent for the project or, included within the CRMC's federal consistency decision for a project's federal permit application.

Noted. See the response to § 11.10.1(E) above.

H. The Council recognizes that moraine edges, as illustrated in Figures 3 and 4 in § 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 would 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.

Noted. Refer to response to Section 11.10.2(C)(3) below.

I. 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 § 11.10.5(C) of this Part.

Noted. Refer to Section 11.10.2(C)(3) below and the response to § 11.10.1(E) above.

J. Any large-scale offshore development, as defined in 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.

1. For purposes of BOEM's renewable energy program under the Outer Continental Shelf Lands Act, the CZMA federal consistency process cannot begin until a construction and operations plan (COP) has been submitted for BOEM's review and approval.

The portion of the Project subject to this this Category B Assent application (i.e., the RWEC-RI) is not a large-scale offshore development and a meeting with the HAB is not required per this subpart. Revolution Wind understands that CRMC will schedule a

meeting with the HAB to discuss the broader Project as part of the requirements under federal consistency review.

K. 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 may require a marine archaeology assessment that documents actual or potential impacts the completed project will have on submerged cultural and historic resources.

BOEM is the lead federal agency reviewing the Project and is required to satisfy Section 106 of the NHPA, which requires consultation with SHPOs, THPOs, and other interested parties, as well as assessment and mitigation of any adverse effects to historic properties. BOEM initiated Section 106 consultation for the Project on April 2, 2021.²⁷ Revolution Wind has submitted to BOEM a Marine Archaeological Resources Assessment. A copy of this report is provided under confidential cover to Category B Assent application because it contains confidential commercial information not subject to disclosure under APRA (RIGL § 38-2-1) or FOIA (5 U.S.C. § 552) (Appendix N).

L. 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.

Noted. Revolution Wind has completed marine archaeological surveys consistent with state and federal guidelines and in consultation with SHPOs and THPOs.

M. The potential non-physical impacts of a proposed project on cultural and historic resources shall be evaluated in accordance with 36 C.F.R. § 800.5, assessment of adverse effects, including the introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features. 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.

N. 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

²⁷ The regulations at 36 CFR § 800.8 provide for use of the National Environmental Policy Act (NEPA) process to fulfill a Federal agency's National Historic Preservation Act (NHPA) Section 106 review obligations in lieu of the procedures set forth in 36 CFR § 800.3 through 800.6. This process is known as NEPA substitution for Section 106 and the Bureau of Ocean Energy Management (BOEM) is using this process for the Project.

https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/BOEM_NEPAsubstitution_ConsultingPartyGuide_Final.pdf

and federal agencies to properly evaluate the impacts and determination of adverse effect of the project on onshore cultural or historical resources.

O. A visual impact assessment may require description and images illustrating the potential impacts of the proposed project.

As a submarine cable, the RWE-RI will not result in visual impacts.

5.2.2 Ocean SAMP §11.10.2 Areas of Particular Concern

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. ...

Noted. Refer to response to Section 11.10.2(C) regarding APCs applicable to the portion of the RWE-RI in the Ocean SAMP area.

B. The Council has designated the areas listed below in § 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 § 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.

Revolution Wind has sited the RWE-RI to avoid APC to the extent practicable. To the extent any portion of the RWE-RI subject to this Category B Assent application overlaps with APC, no practicable alternatives exist that are less damaging in areas outside of the APC, and the RWE-RI will not result in a significant alteration to the values and resources of the APC. Revolution Wind will take all feasible efforts to avoid damage to APC resources and values, and there will be no significant alteration of APC resources or values as a result of the RWE-RI. Refer to response to Section 11.10.2(C)

below regarding APCs applicable to the portion of the RWEC-RI in the Ocean SAMP area.

C. Areas of particular concern that have been identified in the Ocean SAMP area in state waters are described as follows:

1. Historic shipwrecks, archeological or historical sites and their buffers as described in Ocean SAMP Chapter 4, Cultural and Historic Resources, Sections 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.

Revolution Wind understands shipwrecks are designated as APCs per the Ocean SAMP. Within the portion of the RWEC-RI corridor subject to the Ocean SAMP (i.e., from the mouth of the Narragansett Bay to the three nautical mile state water line), one shipwreck was identified during Project surveys and the Project's QMA has recommended a 50-meter avoidance buffer around this resource (see Appendix N). The RWEC-RI will avoid this shipwreck and associated buffer to the extent practicable. BOEM is required to satisfy Section 106 of the NHPA, which requires consultation with SHPOs, THPOs, and other interested parties, as well as assessment and mitigation of unavoidable adverse effects to historic properties.

2. Offshore dive sites within the Ocean SAMP area, as shown in Figure 2 in § 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.

There are no dive sites located within the RWEC-RI corridor. The nearest dive site, as identified on Figure 2 of Section 11.10.2 is located approximately 115 feet (35 meters) from the western edge of the RWEC-RI corridor. The dive site is approximately 1,000 feet (305 meters) west of the RWEC-RI routing, as shown in Appendix A.

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 Figures 3 and 4 in § 11.10.2 of this Part as Areas of Particular Concern.

Three benthic habitat types which are direct remnants of glaciation were identified within the Ocean SAMP area subject to this Category B Assent application based on site-specific data collected during 2019/2020 site investigation surveys: Glacial Moraine A, Glacial Moraine B, and Bedrock (see Appendix P). Bedrock habitats consist of exposed outcroppings of bedrock, either present as solitary outcrops or in groupings of large bedrock outcrops. Glacial moraine habitats, on the other hand, are complex

habitat classification categories composed of consolidated and unconsolidated geologic debris directly deposited by glacial movement (rather than reworking from meltwaters or transgressive seas) and are limited in distribution along the outer continental shelf near New England. A distinction was made between Glacial Moraine A and Glacial Moraine B habitats to distinguish between areas of unconsolidated geological debris (Glacial Moraine A) and consolidated geological debris (Glacial Moraine B). The surface of Glacial Moraine B deposits appeared poorly sorted and dense with very high boulder densities resulting in greater structural complexity and permanence. By comparison, the surface of Glacial Moraine A units was reworked with sand and gravel deposits resulting in less structural complexity and permanence. Glacial Moraine A and B habitats comprised 0.3% (5 acres) of the habitats mapped within the RWEC-RI Project Area in the portion of the Ocean SAMP area subject to this Category B Assent application (i.e., from the mouth of Narragansett Bay to the three nautical mile state water line). The data included in Appendix P to this Category B Assent application represent more detailed, higher resolution data to supplement data depicted in Figures 3 and 4 of Section 11.10.2(C) of the Ocean SAMP.

As shown in Appendix A (Export Cable Plan Set), Revolution Wind anticipates avoidance of Glacial Moraine A and B with siting of the RWEC-RI. Should complete avoidance of Glacial Moraine A and B habitats not be possible due to other, currently unknown, constraints (e.g., unexploded ordnance – refer to Section 2.2.3.5 of this application), Revolution Wind will take all feasible efforts to avoid any damage to the glacial moraine benthic habitats.

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 § 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.

Through consultation with applicable agencies, the RWEC-RI was sited to avoid conflicts with DoD use areas and navigational areas identified by the USCG, as applicable. As noted in Section 3.2.11 of this Category B Assent application, while the RWEC-RI intersects the Brenton Reef Pilot Station, within the past two decades there are no documented cases of any vessel anchoring in the pilot boarding area, nor is there a recollection among the USCG or the Northeast Marine Pilots of any vessels anchoring there²⁸.

28 Personal communication with Capt. P. Costabile, April 2020

5. *Areas of high fishing activity as identified during the pre-application process by the Fishermen's Advisory Board, as defined in § 11.3(E) of this Part, may be designated by the Council as Areas of Particular Concern.*

Noted. Refer to Section 3.2.8 and Appendix S of this Category B Assent application for evaluation of fishing activity within, and in the vicinity of, the RWEC-RI Project Area.

6. *Several heavily-used recreational boating and sailboat racing areas, as shown in Figure 6 in § 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.*

Revolution Wind has assessed available data regarding recreational boating and sailboat racing areas (refer to Section 3.2.9). Revolution Wind has also reviewed the data depicted in Figure 6 of Section 11.10.2 of the Ocean SAMP and finds that the RWEC-RI corridor passes through the Recreational Boating APCs south of Brenton Point. Siting of the RWEC-RI in this location was determined through detailed G&G surveys within the proposed corridor and consultation with the DoD. The G&G surveys identified the presence of geological obstructions extending southwesterly from Brenton Point into Rhode Island Sound (Refer to Section 3.2.1). The presence of shallow bedrock prohibits cable burial throughout much of this area. The G&G surveys identified a gap in the bedrock formation where sufficient depth to bedrock below the sediment surface would allow for cable installation. Similarly, consultation with the DoD led Revolution Wind to avoid a restricted area south of the entrance to Narragansett Bay. Routing around these other constraints causes the RWEC-RI corridor to intersect with the Recreational Boating APCs south of Brenton Point.

Given Revolution Wind's commitment to complying with TOY restrictions, construction of the RWEC-RI will generally occur between Labor Day and February 1 and will avoid times of the year when a heavy concentration of recreational boating is occurring in the Recreational Boating APCs. Construction impacts will be limited in duration and will avoid significant impact to these areas of substantial recreational value. Once installed, the RWEC-RI will be buried below the seafloor and will not interfere with use of these Recreational Boating APCs. Consequently, the RWEC-RI will not result in a significant alteration of the values and resources of the Recreational Boating APCs and Revolution Wind has made all feasible efforts to avoid affecting the Recreational Boating APC resources and values.

7. *Naval fleet submarine transit lanes, as described in Ocean SAMP Chapter 7, Marine Transportation, Navigation, and Infrastructure Section 720.7, are designated as Areas of Particular Concern.*

Through consultation with applicable agencies, the RWEC-RI was sited to avoid conflicts with DoD use areas and navigational areas identified by the USCG, as applicable. Through additional consultation with the USCG and the U.S. Navy, the RWEC-RI was sited to avoid or minimize conflicts with any of their equities in RI state

waters (e.g. underwater sensor and weapons testing ranges, designated anchorages, aids-to-navigation, vessel routing measures, etc.). These agencies have reviewed the RWEC-RI installation plans and indicated there are no objections subject to regular updates on installation schedules and discussion of potential waterway conflicts and plans to avoid or minimize those conflicts.

8. *Other Areas of Particular Concern may be identified during the preapplication review by state and federal agencies as areas of importance.*

Noted.

D. Developers proposing projects for within the renewable energy zone as described in § 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 § 11.10.2 of this Part).

The Project is not proposed in the renewable energy zone around Block Island.

5.2.3 Ocean SAMP §11.10.4 Other Areas

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 shown in Figure 9 in § 11.10.4(B) of this Part.

The portion of the Project that is the subject of this application for Category B Assent (i.e., the RWEC-RI) does not constitute a large-scale development as defined by the Ocean SAMP. Revolution Wind has committed to achieving sufficient burial depth of the RWEC-RI such that it will not interfere with commercial navigation. Additionally, the West Passage of Narragansett Bay is typically not used by commercial vessels due to water depth limitations, air draft restrictions of the Jamestown Bridge (approximately 30 feet less than the Newport Bridge), lack of a clearly marked navigation channel, and the absence of marine pilots qualified to conn a ship within the West Passage. Consequently, the majority of commercial vessel traffic transits the East Passage of Narragansett Bay.

5.2.4 Ocean SAMP §11.10.5 Application Requirements

Revolution Wind acknowledges Sections 11.10.5(A) and (B) of this part and does not restate those herein.

C. Prior to construction, the following sections shall be considered necessary data and information:

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. The SAP shall describe how the applicant*

shall conduct the resource assessment (e.g., meteorological and oceanographic data collection) or technology testing activities. For projects in state waters the applicant shall receive the approval of the SAP by the Council (see § 11.9.8 of this Part). For projects within Type 4E waters (depicted in Figure 1 in § 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. For a SAP required by BOEM under the Outer Continental Shelf Lands Act for projects in federal waters, if BOEM combines the SAP with the COP, then the SAP and COP would be filed at the same time. If BOEM does not require a SAP for a project in federal waters, then the SAP shall not be necessary data and information for federal consistency reviews. (a-h omitted)

Revolution Wind has complied with SAP requirements. The SAP for Lease Area OCS-A-0486 was approved by BOEM in October 2017. The CRMC issued concurrence in file #2017-09-034 on September 8, 2017.

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. (a-g omitted)

Revolution Wind's COP is consistent with the requirements outlined in this subpart. On April 30, 2021, BOEM published a Noticed of Intent to Prepare an Environmental Impact Statement for the Project and published the Project's COP to their website (<https://www.boem.gov/Revolution-Wind>).

Refer to Appendix Y for a review of the Project's COP relative to the content requirements of this subpart.

5.2.5 Ocean SAMP §11.10.6 Monitoring Requirements

A. The Council in coordination with the Joint Agency Working Group, as described in § 11.9.7(l) of this Part, shall determine requirements for monitoring as specified in § 11.9.9 of this Part. For CZMA federal consistency purposes the Council must identify any baseline assessments and construction monitoring activities during its CZMA six-month review of the COP.

Revolution Wind is committed to conducting monitoring prior to, during, and post construction and will coordinate with the Council and other key stakeholders in the development of specific monitoring plans. Current monitoring commitments are outlined in Tables 2.2-9 and 2.2-10 and Section 2.2.5.3, and include onshore environmental compliance monitoring, bathymetry and cable burial surveys, fisheries and benthic habitat monitoring, marine mammal and sea turtle monitoring for pile driving activities, and a post-construction avian monitoring. See also the responses to Section 11.9.9 of this Part (Section 5.1.9 of this Category B Assent application).