

From: Gary Dorfman [mailto:gsdorfman.homeoffice@cox.net]
Sent: Tuesday, February 15, 2022 6:49 PM
To: 'Jeff Willis'; 'James Boyd'
Cc: Lisa Turner
Subject: FW: CRMC File Number 2021-07-005 and 2021-07-010; DEM File Number WQC-21-135 and DP-21-187

Dear Mr. Willis and Mr. Boyd,

I sincerely appreciate the extension for providing comment on CRMC File Number 2021-07-005. I have previously provided comments which I attach again hereto as reference. My thoughts on the matter remain consistent with what I had previously submitted. However, I would like to add a few additional points by way of clarification and expansion.

First, I'd like to reference CRMC's comments to the BOEM regarding the Mayflower Wind project (2021-0062-0023). I note therein that CRMC makes many of the same points that I have made in my comments regarding the Revolution Wind application. The points I would make are as follows:

1) Purpose and Need: In my opinion, the only factor that justifies the Revolution Wind proposal for a ROW using the West Passage of Narragansett Bay for its submarine power export cables is their desire to make landfall at Quonset Point, which is merely a matter of convenience for this project. There are numerous other areas for the landfall from this project that are coincident with already existing or already approved power cable runs. The West Passage of Narragansett Bay is heavily utilized for commercial purposes including, but not limited to, the high speed ferry that departs Quonset Point, commercial fishing and aquaculture, the URI GSO campus, and the route for dredging barges en-route to the Army Corps of Engineering dump site. There will also be increased commercial use of the West Passage secondary to the collaboration between the Groton and Quonset Point for military boat building activities. In addition, this constrained water way is heavily utilized for recreational purposes including, but not limited to, sailing, motor boating, kite sailing, wind surfing, fishing, and swimming. The proposed ROW follows the most commonly utilized route for leaving and entering Narragansett Bay by large sailing vessels and during numerous competitive sailing events. The already available landfall sites on the ocean-facing coastline of Rhode Island and Massachusetts as well as on Martha's Vineyard, Block Island, and Long Island have far fewer complicating uses.

2) Potential Fisheries Impact: The waters proposed for the Revolution Wind ROW are used for both recreational and commercial fishing as well as aquaculture activities (see immediately above).

3) Consolidated and Coordinated Export Cable Corridors: I make this point in my original comments and will not expand upon it further herein. However, there are indeed numerous existing, approved, and yet to be considered BOEM lease areas with

cable runs that should be utilized by the Revolution Wind applicant. There is absolutely no reason to impinge upon the existing users of the West Passage of Narragansett Bay simply for the convenience of the applicants' business plan to use Quonset Point as the landfall area. There has been no attempt by the applicant to evaluate and utilize existing cable corridors as you suggest is appropriate for the Mayflower applicant. In my opinion, this consideration should be applied with equipoise to both applications.

4) Finally, I make note of the fact that the Revolution Wind applicant has summarily discarded the very route that the Mayflower applicant believes is most appropriate for their submarine power export cable corridor and ROW. It seems curious that the "science" behind evaluating proposed ROW routes would allow two supposedly competent applicants to arrive at diametrically opposed conclusions regarding the suitability of their proposed power cable corridor. This really leaves someone who is not an expert in such matters wondering how believable and exhaustive the Revolution Wind analysis is – especially since the proprietary details are not being made public for external review by independent experts.

Second, I'd like to make a few points regarding the ROW stipulations that I previously pointed out as defective in the Revolution Wind application in light of the still not approved CRMC proposed regulations as provided in the ANPR 650-RICR-20-00-1. I realize that the comment period for the ANPR has expired. However, I do note that many stipulations not included in the Revolution Wind proposal are also not addressed by the ANPR. Many of these are already included in my previously provided comments. However, to reiterate, it seems to me that both the ANPR and any proposal for power export cable corridors and Rights of Way should at a minimum include:

1) justification as to why no other route, especially routes that are coincident with existing corridors, would be suitable and that use of the Bay is therefore mandatory. The business plan and convenience of the applicant are insufficient justification to impinge upon the existing and important current uses of these highly constrained waters.

2) any ROW should occupy the minimum width of the Bay. 500 – 600 meters as a width for the ROW corridor as discussed in this application and the ANPR is over one-third of the navigable width of the West Passage in several areas. This seems excessive.

3) any ROW rule and application should stipulate how the ROW could be used with regard to seasonality of access, duration of use for each event (especially if such use would prohibit or limit other users' access to the waters), days of the week for use, times of the day for use, noise levels during such use, limitations on lighting use if nighttime access is granted, monitoring of the waters during such use, maximum and minimum frequency of access per unit of time (monthly, annually, etc.), and what would constitute both routine / scheduled use and emergent / urgent use. Furthermore, there must be detailed description of how others users of the affected waters as well as coastal property owners would be engaged to develop mutually acceptable terms and conditions for ROW usage by the applicant. There should be explicit description of what

would constitute emergency access, who would be notified, how competing activities would be compensated for loss of use, how those impacted would be engaged and fairly treated by such events, etc.

Neither the application nor the ANPR covers these important aspects of ROW regulation. It would be inappropriate for the ROW grantee to have unfettered and unmonitored access rights for both routine and emergent use at any time of the day or night all year long without notice and potentially at industrial noise levels and with floodlights during nighttime use. Property holders on land in all cities and towns throughout the State must abide by zoning restrictions that cover land use, storage and use of dangerous materials, noise levels, hours of day for various activities, etc. There are stringent application processes that must engage affected neighbors and impacted users of nearby facilities prior to granting approvals for uses that might impact others. The users of water-based ROWs should have to abide by similar stipulations, if not even more stringent stipulations given the valuable and irreplaceable resource that are our State's waters.

I would hope that a revised ANPR would address these issues and that any applicant should have to also address these issues in the application. In fact, in the Revolution Wind application, the plan for "routine" use of the ROW is provided as a "placeholder" with the statement that a final plan would be provided after approval but prior to implementation. That is completely inappropriate. And there is no plan provided at all (even a placeholder) for determining if and how emergent access would be managed.

In conclusion, I sincerely appreciate the work that you both (and your staff) do on behalf of the State and its citizens. I also appreciate the opportunity to submit these supplementary comments regarding the CRMC Revolution Wind application. Please acknowledge receipt of these supplementary comments. I do not plan to submit these in hard copy. But, if you desire that I do so, please let me know and I will provide hard-copy immediately.

As always, I am more than willing to discuss these comments with you and your staff at a mutually convenient time.

Best regards,

Gary S. Dorfman
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