From:	Jesper Christensen
To:	Marisa Desautel; Main, Robin L.; Kellen Ingalls; Jeff Willis; ksloan@crmc.ri.gov; LANNY DELLINGER; Chris Brown; Chris Lee; Rick Bellavance; Rich Hittinger; Brian Thibeault; Michael Marchetti; Kerin Browning; Todd Guilfoos
Cc:	Bellis, Marvin P; Bowes, Kenneth B; Melanie Gearon; Megan Eakin; Ross Pearsall
Subject:	RE: RevWind Fed Con Mitigation Proposal
Date:	Thursday, February 2, 2023 12:21:35 PM
Attachments:	7F3E8FDC26914DE989D698F1A18D0160[23806596].png BB2BA17A69BD4BD8BB8C9ACF359C248D[23806595].png

Hi Marisa, All,

Thank you for putting together this proposal and list of issues. We have been working hard on a response that addresses each of them, which you will find below. We look forward to discussing further in the coming days.

Commercial:
We fully support the ongoing work to agree on a modified baseline, and to examine the specific impacts as identified within the WHOI analysis. It is important that we close out the baseline discussion sooner rather than later, as this has a direct effect on the impact assessment. To date, we are in line with WHOI's approach. We believe that the FAB's higher commercial baseline is inconsistent with the data and has an unreasonably high upward adjustment for the lobster and Jonah Crab value. WHOI made a lobster and Jonah Crab adjustment that we agree is necessary, as the FAB has pointed out previously. Without further support for an even larger adjustment, we remain at the current adjustment factor.

We also agree with WHOI's specific, detailed, and conservative assessment of impacts based on scientifically defensible data. That said, we are open to continued modification for purpose of negotiation and trying to come to an agreement to account for specific fishing practices within the Revolution lease area. Following a period from higher loss values during construction, WHOI assesses a 5% loss during operations. By comparison a 70% loss is extreme without adequate justification. We note that Revolution has taken significant steps to modify the project to avoid and/or mitigate any impacts to fisheries, including adopting a 1x1 nautical mile layout spacing, reducing the number of WTGs from 100 (COP envelope) to 65, micro-siting to avoid permanent impact to glacial moraine. We can appreciate that there will be an amount of adjustment/ learning required following construction, however this learning curve will be scaled for existing fishing and will not be applicable to new future fishing. As such we believe the discussion should focus on the early years after construction and not the mid and long term operations of the project.

We believe a 5% discount rate remains appropriate as recently agreed in Revolution Wind's Category B process. Short-term poor performance of the stock market should not affect the discount rate used, nor should concerns about the TAP costs. We believe the TAP costs will be adequately covered but remain open to discussing a reasonable amount to offset those concerns.

Recreation:
WHOI assesses that there will be no meaningful loss due to the ability to choose other locations. It should also be noted that the WHOI analysis does not take into account the documented positive effects on fish species. In the spirit of compromise, and because private recreational does not lend itself to direct claims, Revolution Wind will instead propose a Community Fund contribution in the

amount of $300,000.

Charter:
As we understand it, the basis for the additional money for charter is an assumption that large fish will stay away from the wind farm. This is not supported by data, and in fact the data shows the opposite, that species do indeed return and in many cases thrive. We agree with WHOI's assessment when it comes to impact to charter, however, for purposes of negotiations, will agree to the assessment of a $500k impact.

Glacial moraine:
Subject to BOEM's layout identification process and approval from installation contractors, REV will be able to completely avoid permanent impact to glacial moraine. Temporary impacts will be minor from array cable installation, and recovery expectations are in line with WHOI's impact analysis.

Other issues:

1. Moving boulders – As part of the Category B Assent, we agreed to supply a boulder relocation plan that ensures sensitive benthic habitats are preserved to the extent possible and that when moved, boulders do not negatively impact essential fish habitat. We also agreed that boulders shall be relocated to areas with similar bottom types within the 50m surveyed corridor, where technically practicable and shall not be placed in areas with SAV, on mussel beds, or on complex hard bottom habitats. We will make the same commitment, again to the greatest extent practicable, for federal waters. Additionally, we will commit to grouping relocated boulders to the extent practicable.
2. Contingency – We have discussed this in great detail. As noted previously BOEM and the National Marine Fisheries Service assess and monitor these impacts.
3. Revolution has a fisheries and benthic monitoring plan that was provided to CRMC. This plan includes a ventless trap survey. In addition, other groups are doing studies in the area, e.g. Coonamessett Farm Foundation, CFRF, and SMAST.
4. Please see recreational discussion above.
5. RIDEM State Water survey – applying the RIDEM results from State waters to federal waters would not make sense given the difference in species, environment, spatial constraints, etc. We are open to further discussions on this, but we see this approach as being inapplicable to federal waters.
6. See the Glacial Moraine discussion above.
7. Cumulative impacts, if any, are not part of the mitigation discussions during a Federal Consistency Review.
8. Atlantic Cod spawning is being comprehensively evaluated through NMFS essential fish habitat consultation as part of the federal permitting process. Revolution expects avoidance, minimization and mitigation measures will be required through the federal permitting process.
9. We do not agree with your interpretation of the Sunrise Wind materials. Revolution Wind has a Navigational Safety Fund that will provide for experiential learning opportunities and pulse compression radar, among other things.
10. Please provide specific information on this concern.
11. We are open to receiving more feedback from you, but this issue has been reviewed and there is no support for this concern.

Best regards,

Jesper Christensen
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From: Marisa Desautel <marisa@desautelesq.com>
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Subject: RevWind Fed Con Mitigation Proposal

Good afternoon,
Working with the FAB in the last several days, we propose the following terms for a mitigation agreement. There are several outstanding issues listed below the terms on payment and we are hopeful that we can continue to discuss ways to address them.

Commercial:
$34M - This includes using a mixture of the VMS and VTR data products to estimate landings- which are likely underestimated from VTR alone. I make many of the same assumptions from the WHOI report, except that there will be considerable effects of the WLA from operations (equal to 70% loss at 3% discount rate). I am assuming that the loss of area is driven by turbine footprints which extend laterally for many fisheries, movement of boulders, the increase in navigation costs and risks associated with operating in a WLA, and the effects of changes in trawling patterns and the 'gentlemens' agreement.

Recreation:
$1.58M - Using the data provided by WHOI I expect a $700k size of loss, mainly from construction and decommissioning. I have adjusted the estimate by a factor of 1.5 to due to the high interest of recreational fishers around Cox Ledge, and the fishing competitions which take place in the WLA. Effects of operations are estimated at $880k due to the impact on big game fishing in the WLA over operations.

Charter:
$1.5M - Using the survey data provided by WHOI I expect a $500k loss, mainly from construction and decommissioning. Effects of operations are estimated at $1M due to the impact on big game fishing in the WLA over operations.

For Charter and private recreation there are many glacial moraines in the area of the WLA which are important to the recreational fisheries and private charter businesses. Due to the location of WLA, if

these fish(tuna, cod, shark, for example) move elsewhere there are not equivalent replacements for this habitat and fishing location for recreational fishers. So, secondary sites are much less valuable and we could observe significant exit from the recreational fishery. Sites further away are generally unattractive to most recreation fishing due to steam time. In essence, the site is uniquely valuable and poses a significant loss during times of construction-and if permanent damage then permanent damage to this industry.

Total: $37.08 Mil in 2022 dollars

In addition we request that any findings from the cable studies in the Bay be applied to the cable in federal waters.

Other issues:

1. Moving boulders- they should be moved to existing boulder fields. Large boulders, can cables go around them to maintain habitat?
2. Contingency for unforeseen effects on spawning and existence of critical species in WLA. Some effects of cod have been noted in the Block Island project and there is a concern that if particular species are removed from the area it would be devastating to multiple fisheries.
3. Follow up studies in the area of lobster and other key species in coordination with RI DEM. Identify the fishing monitoring plans for species pre and post construction-make sure important species have coverage.
4. Todd is surveying recreation anglers to increase the accuracy of the current estimates.
5. In addition, we request that any findings from the cable studies in the Bay be applied to the cable in federal waters.
6. Moraines, according to CRMC, can require more robust mitigation measures. If there is no further opportunity to move the project out of moraines, we should discuss further.
7. How are cumulative impacts of several wind farm projects valued? Especially when they are right next to each other on Cox Ledge? Cumulatively we are looking at the total loss of fishing on Cox Ledge during construction and decommissioning. Possibly during operations once all farms gain approvals and are constructed.
8. Construction schedule needed – with value placed on delays. Must avoid Atlantic Cod spawning between November and April at all costs – need to confirm this timing is correct for spawning.
9. Developer admits in Sunrise Wind materials that there will be impacts to Radar. How to mitigate effects on Radar?
10. Value on light pollution to night time fishing?
11. Issue of fishers being declined insurance coverage so that fishing in federal lease area is prohibited by risk. Can we include this occurrence as a damage upon denial of coverage every year and estimate damage as loss of revenue attributable to particular lease area?

Thanks,
M

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