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May 28, 2021

Program Manager
Office of Renewable Energy Resources
Bureau of Ocean Energy Management
45600 Woodland Road
Sterling, Virginia 20166

Re: Revolution Wind COP EIS; Docket No. BOEM–2021–0029

To Whom It May Concern,

The Rhode Island Coastal Resources Management Council (RICRMC) is providing the following comments as a cooperating agency in the preparation of the above referenced EIS for the Revolution Wind offshore project located within BOEM Lease Area OCS-A 0486.

1. Pertaining to the current Revolution Wind project, BOEM should be aware of the RICRMC enforceable policies for Areas of Particular Concern (APC) that presumptively exclude all offshore development, as defined at 650-RICR-20-05-11.10.1(A), within APC. The RICRMC has preliminarily identified multiple turbines located within areas of the Revolution project boundary that meet the characteristics and definition of APC as identified in state waters. Specifically, these preliminarily identified turbines are located in areas identified as glacial moraine. Accordingly, the RICRMC believes that the project can be modified to avoid the installation of offshore development within these areas of glacial moraine and still meet the purpose and need for the proposed project as described within the Revolution Wind Construction and Operations Plan (COP).

The RICRMC enforceable policy at § 11.10.2(B) states in part “*All large-scale, small-scale, or other offshore development, or any portion of a proposed project, shall be presumptively excluded from APCs.*” The Revolution Wind project is partly located on a terminal glacial moraine which is defined as a high boulder hazard area. See Revolution Wind COP at section 4.2.3. In accordance with Ocean SAMP enforceable policy § 11.10.2(C)(3) glacial moraine are defined as APC because they contain valuable habitats for fish and other marine life that are important to commercial and recreational fishermen. See APC definition at § 11.10.2(A). CRMC staff have tentatively identified upwards of 28 Revolution Wind turbine foundations and associated inter-array cables located within glacial moraine as shown in Figure 1 (Appendix A). Figure 1 is based on the proposed Revolution Wind turbine foundation layout, which is aligned with the wind industry’s

November 2019 proposed 1 x 1 NM uniform grid wind farm layout. The currently proposed Revolution Wind project has not sited foundations and inter-array cables to avoid areas of glacial moraine. All offshore development is presumptively excluded from CRMC designated APC pursuant to the CRMC enforceable policy at § 11.10.2(B). This exclusion, however, 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.

The project design envelope (PDE) for the project is based on a maximum operating capacity ranging between 704 and 880 megawatts (MW), and includes wind turbine generators (WTG) up to 12 MW. The purpose and need for the proposed Revolution Wind project is to construct and operate a commercial-scale, offshore wind energy facility in Lease Area OCS-A 0486 that is intended to fulfill the three purchase and power agreements (PPA): (1) A 200-MW contract with the State of Connecticut approved in January 2019; (2) A 400 MW contract with the State of Rhode Island approved in June 2019; and (3) a 104-MW contract with the State of Connecticut approved in December 2019. Given that the purpose and need for the Revolution Wind project is to provide 704 MW, it stands to reason that should the 12 MW WTG be selected and installed, then only 59 WTGs are required to meet the purpose and need of the project and fulfill Revolution Wind's contractual obligations to CT and RI under their respective PPAs. Offshore wind industry technology is rapidly changing and larger wind turbine generators are being planned for new projects. In fact, just within the last year Vineyard Wind requested BOEM to consider use of a 14 MW WTG (upgraded from previously planned 9.6 MW units) for the Vineyard Wind 800 MW project. BOEM has now issued its Final EIS and record of decision for the Vineyard Wind project. It is highly likely that Revolution Wind will use the 12 MW WTGs for its project. Therefore, by using the larger 12 MW units for the Revolution Wind project, the developer has a feasible alternative to avoid turbine foundation and inter-array cables within glacial moraine and further reduce impacts within the project area by reducing the overall number of turbine foundations from 100 to less than 60. Even if the Revolution Wind project developer is awarded additional state energy production contracts in the future, the maximum nameplate capacity of the project is 880 MW. Using 12 MW WTG, the number of turbine foundations necessary to meet the PDE is between 59 and 74. Nevertheless, the project purpose is to fulfill Revolution Wind's obligations to both Connecticut and Rhode Island in accordance with the PPAs totaling 704 MW.

The CRMC enforceable policy at § 11.10.2(B) requires the developer to demonstrate that "all feasible efforts have been made to avoid damage to the APC resources and values." Given the currently proposed layout of the 100 turbines, it is our determination that the developer has not demonstrated that "all feasible efforts" have been made to avoid damage to the APC resources and values. There are approximately 28 turbine foundations identified at this time that are proposed within glacial moraine that could be relocated and not impact the developer's ability to meet the project purpose for the Revolution Wind project to provide 704 MW under the current contractual agreements.

2. It is RICRMC's recommendation that a state's federal consistency review process for offshore wind projects should begin with the publication of the Draft Environment Impact Statement (DEIS) or draft Environmental Assessment (DEA) once BOEM issues a Notice of Availability (NOA) for offshore wind projects under Subpart E of 15 C.F.R § 930.

Under existing federal regulations, the NEPA process starts with BOEM's Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the COP. For renewable energy projects on the outer continental shelf (OCS) the State's Coastal Zone Management Act (CZMA) federal consistency review process begins with receipt of a consistency certification and the COP, which are filed with the State on or about the time BOEM issues an NOI. BOEM's NEPA regulations (codified in 30 C.F.R. § 585.628) state that the NOI and the initiation of the federal consistency reviews begins once the information requirements for the COP are met and BOEM forwards the consistency certification to the state agency. NOAA's federal consistency regulations at 15 CFR 930.58 specifies that "NEPA documents shall not be considered necessary data and information when a federal statute requires a federal agency to initiate the CZMA federal consistency review prior to its completion of NEPA compliance." In the RICRMC's opinion, however, the availability and review of an offshore renewable energy project's DEIS prior to initiation of the federal consistency review period would lead to a more informed and science-driven decision-making process, and provide for a more timely decision for developers.

BOEM states within the current DEIS for the South Fork Wind project (BOEM Docket 2020-0066) that "Cooperating agencies would rely on the DEIS to support their decision making and to determine if the analysis is sufficient to support their decision." See DEIS at i. State CZM agencies are cooperating agencies under the BOEM renewable energy review process. However, as it pertains to federal consistency requirements, the CZMA review process must be completed within 6-months, unless mutually agreed upon by both the agency and the developer for a stay of the state agency's federal consistency decision to provide further time to review necessary data and information. In the case of the South Fork Wind project, BOEM publicly released the DEIS on January 8, 2021 some 2-years following the NOI. Obviously in this case, given the timing between BOEM's issuance of the NOI and the DEIS it would not have been possible for a state agency to review the DEIS and meet the CZMA 6-month review period. It would be more beneficial to the state cooperating agencies if the initiation of the CZMA federal consistency review starts with BOEM's release of the DEIS. We urge BOEM to work with other federal agencies, in particular NOAA, to properly align the CZMA federal consistency review process with the NEPA process so that the DEIS is available to guide and inform the state's CZMA federal consistency decision development.

In order to better align 30 C.F.R. § 585 with 15 C.F.R. § 930, the RICRMC suggests making the following revisions to NOAA's federal consistency regulations (15 C.F.R. § 930) so that the consistency certification is not filed with the state until the DEIS is publically available (generally

lining up with BOEM's issuance of the NOA). NOAA's federal consistency regulations should require federal agencies to submit a DEIS or DEA as information required pursuant to the list of necessary data and information so that the state agency can review the consistency certification along with all the alternatives presented in the DEIS/DEA and make a determination within the CZMA 6-month review period. As mentioned, BOEM published a NOA for the South Fork DEIS on January 8, 2021, but issued its NOI to begin preparation of the DEIS on October 19, 2018, which would not have allowed for a fully informed CZMA review to include examination of the DEIS if it was not for the seven stay agreements in the case of South Fork Wind.

The New York State Coastal Management Program recently amended their necessary data and information requirements subject to review pursuant to 15 C.F.R. Part 930, Subpart E (Consistency for Outer Continental Shelf Exploration, Development and Production Activities) by requiring Draft NEPA documentation including DEIS or DEA (when required by a federal agency) rather than final NEPA documentation as is currently listed.

It is the RICRMC's recommendation that NOAA's federal consistency regulations at 15 C.F.R. § 930.76 for OCS projects be amended to include a DEIS or DEA as necessary data and information. Filing of the consistency certification with the state agency should be delayed until the DEIS is made public so that the state CZMA federal consistency review can commence once all the pertinent information is available. In the RICRMC's opinion, the CZMA process should not begin until the NOA is issued for the DEIS. The state agency review of the consistency certification can then begin at the time the state agency receives the certification (amendment to § 930.77 *Commencement of state agency review and public notice*). In addition, the RICRMC recommends modifying BOEM's NEPA regulations at 30 C.F.R. § 585.628) so that DEIS or DEA documents should be considered necessary data and information when BOEM forwards the COP, consistency certification, and associated data and information under the CZMA to the applicable state agency to initiate the CZMA federal consistency review. The RICRMC experience from the two offshore wind projects it has reviewed to date is that the COP and Appendices have been regularly updated during the federal consistency review period. BOEM should reconsider when it initiates the federal consistency review process so that state agency review is not initiated prior to BOEM issuing the DEIS, but rather concurrently to better inform both the CZMA and NEPA processes.

This recommendation is in line with 40 C.F.R. § 1506.2 which specifies "To the fullest extent practicable unless specifically prohibited by law, agencies shall cooperate with State, Tribal, and local agencies to reduce duplication between NEPA and comparable State, Tribal, and local requirements. Such cooperation shall include, to the fullest extent practicable, joint environmental impact statements."

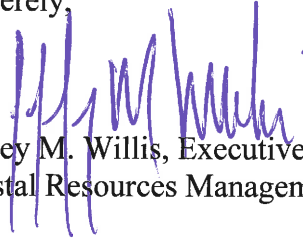
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The RICRMC appreciates the opportunity to provide comments on BOEM's NOI regarding Lease Area OCS-A 0486 and the Revolution Wind project. The RICRMC stands ready to assist BOEM further as necessary. Please contact me jwillis@crmc.ri.gov or James Boyd jboyd@crmc.ri.gov should you have any questions concerning these comments.

Sincerely,



Jeffrey M. Willis, Executive Director
Coastal Resources Management Council

/ajt

cc: CRMC Council Members
Anthony DeSisto, CRMC Legal Counsel

Appendix A

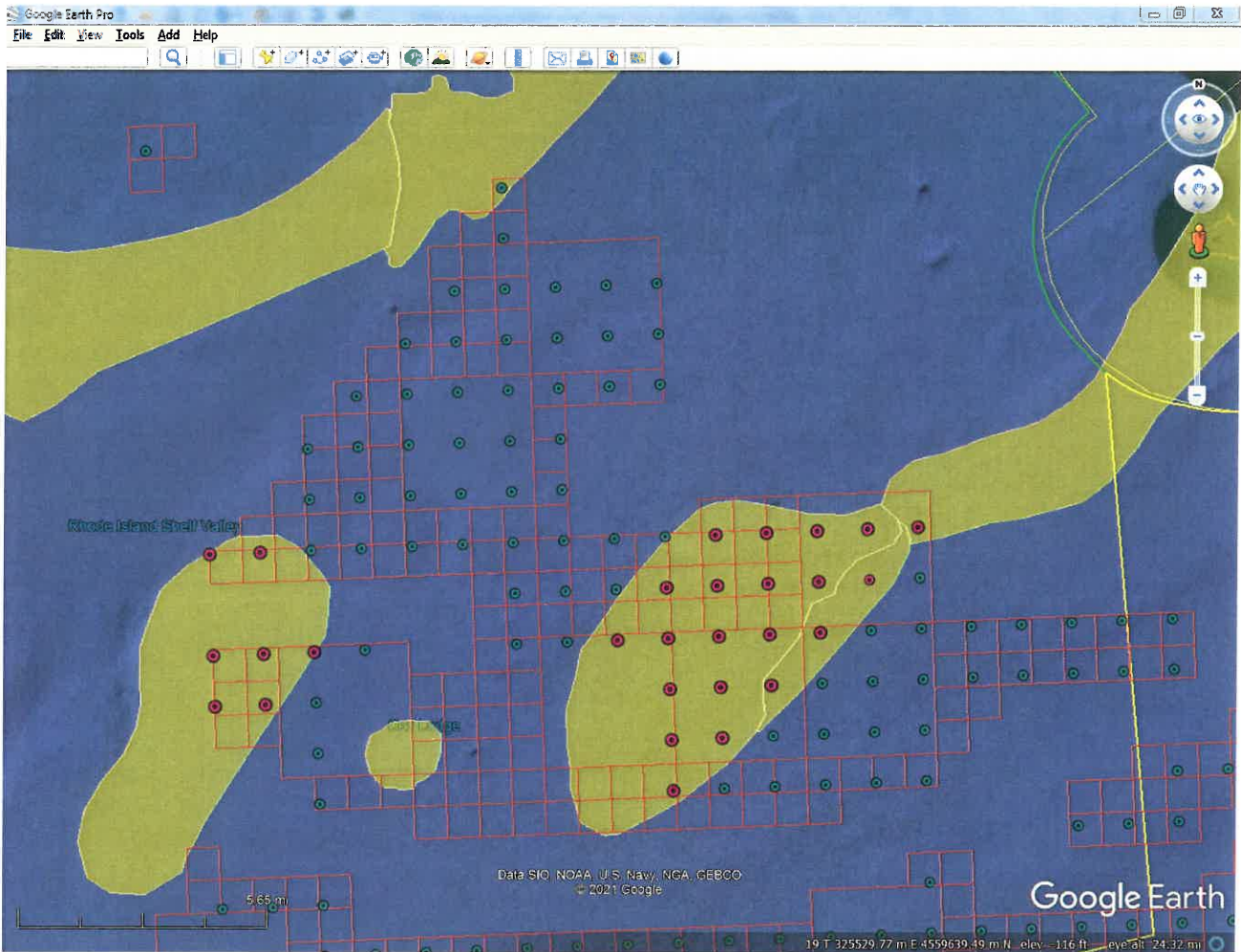


Figure 1. Revolution Wind turbine locations based on offshore wind industry 1 x 1 uniform grid layout provided by Ørsted. The yellow-shaded polygon areas are glacial moraine and meet the definition of CRMC designated Areas of Particular Concern (APC). The Revolution Wind turbine locations intersecting glacial moraine are shown as magenta dots, 28 in total preliminarily identified.