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Via E-Mail: Jboyd@crmc.ri.gov

Deputy Director James Boyd Coastal Resources Management Council Stedman Government Center 4808 Tower Hill Road Wakefield, RI 02879

Re: Anbaric – Comments in Response to ANPR – Amendments to 650-RICR-20-00-1 – Submerged Renewable Energy Cables Within State Waters

Jim,

In response to CRMC's Advanced Notice of Proposed Rulemaking ("ANPR") on proposed amendments to 650-RICR-20-00-1, specifically the addition of a new subsection, §1.3.1(S), for submerged renewable energy cables within Rhode Island state waters, please find Anbaric's suggested edits, comments, recommendations and supporting statements related to CRMC's proposed amendment.

A. Comments on CRMC's four specific issues listed in the ANPR

1. Potential costs that could be incurred by applicants by requiring cable burial at the specified depths or using specified technology within the rules. Are there more cost-effective methods and will they achieve the industry specified cable burial depths necessary (4 to 6 feet) to minimize impacts to the environment, coastal resources and coastal users as well as protect the integrity of the cable itself?

Comment: Specifying a required target burial is appropriate for a set of regulations. Specifying the means and methods for installing a cable in regulations may lead to unintended consequences. As an example a developer that uses the installation method specified in the regulation but does not meet burial could make statements such as "the methods specified in the regulations did not allow the project to meet the required burial depth" when questioned by CRMC as to why the required burial depth was not met. A burial depth requirement is a standard while an installation method requirement is an opinion of what may be deemed appropriate. Additionally, requiring a specific installation of advances in technology as it becomes available over time.

2. Are the monitoring provisions (e.g., fisheries and electromagnetic frequency) within the proposed rules sufficient to ensure that necessary information is provided to the agency and the public to ensure that the regulatory standards are achieved? Are there less costly and more efficient methods to achieve the desired monitoring information?

<u>Comment</u>: The monitoring requirements, while well-intentioned, seem excessive in terms of scope and duration. See comments below on the proposed regulations.

3. It is expected that having a designated renewable cable corridor or corridors would assist in state agency permitting reviews and provide predictability to applicants and the public. Do the proposed rules provide sufficient flexibility and are there other methods for designating preferred cable corridors within state waters, other than by the proposed rule adoption, that would be more efficient or be less costly? Additionally, CRMC is soliciting comments on any likely marginal costs or benefits concerning the Narraganset Bay West Passage, specifically regarding location and width, that might impact future offshore wind developers or other stakeholders.

Comment: Designating cable corridors is seemingly appropriate and has been done by other states (See Massachusetts Ocean Management Plan https://www.mass.gov/service-details/massachusetts-ocean-management-plan). We strongly suggest that cable corridors should be designed with sufficient widths to accommodate for the installation of a reasonably foreseeable number of cable bundles for multiple renewable energy cable projects. CRMC needs to ensure that these initial cable corridor proposals have sufficient width so as to not prohibit and/or restrict future use of said cable corridors beyond the project(s) that are currently being developed. Additionally, lanes should be designated within corridors to optimize cable spacing and minimize cable corridor widths for each project. The regulations must provide for the ability to locate cables outside of the cable corridors if the corridors prove to not be conducive to cable installation as long as other performance standards are met. We also suggest the survey data submitted to and utilized by CRMC to designate cable corridors should be made available to public and/or made available, at the request of other potential applicants.

4. This proposed rule sets out standards and process for designating Areas of Particular Concern (APC) and CRMC expects future regulatory actions will codify those exact areas consistent with the process specified in the CRMC's Ocean SAMP. Do the standards set out in the proposed rule, and the APCs that are likely to be designated under these standards (e.g., shipwrecks), create any marginal costs or benefits that should be considered?

<u>Comment:</u> Significant potential costs could be incurred by applicants/ developers if required to find a new cable route due to the designation of a new APC, after the application has been submitted and is being processed by CRMC, prohibiting the location of the cable in the newly defined APC area. See

comments below on the proposed regulations. In addition, if an APC is designated for a shipwreck, is that information made publicly available or provided to applicants/developers through the State Historic Preservation Offices to protect the culturally significant resource?

<u>B. Comments/Recommendations on CRMC's proposed amendments to 650-RICR-20-00-1,</u> Subsection §1.3.1(S) for Submerged Renewable Energy cables within state waters

1. <u>650-RICR-20-00-1.3.1(S)(1)</u> Policies (a): "The Council shall identify and designate a renewable energy cable corridor or corridors within Rhode Island state waters for the purpose of facilitating the installation of submerged renewable energy cables from offshore wind farms and to minimize potential adverse impacts to Rhode Island coastal resources and uses."

<u>Comment:</u> Will this regulation also apply to point to point (i.e., connecting two land masses) submerged renewable energy cables and/or other submerged cables that may or may not transmit electricity from renewable energy sources? CRMC should consider clarifying language to make the intention clear.

2. <u>650-RICR-20-00-1.3.1(S)(1) Policies (e):</u> "It is the Council's policy to preserve submerged paleolandscapes, which are areas along the seafloor with a higher potential to contain cultural and historical resources, within state waters. In addition, if shipwrecks or possible shipwrecks have been identified within the corridor, these should either be avoided or should be assessed to determine if they are significant cultural resources eligible for listing in the National Register of Historic Places. When paleolandscapes are identified as likely containing significant cultural and historical resources, the Council shall designate them as APCs."

<u>a. Comment:</u> As written, this section implies submerged paleolandscapes will be preserved without any further considerations. We suggest the addition of the following language:

b. Proposed Redline Version:

<u>650-RICR-20-00-1.3.1(S)(1)</u> Policies (e): "It is the Council's policy to preserve, to the maximum extent practicable, submerged paleolandscapes, which are areas along the seafloor with a higher potential to contain cultural and historical resources, within state waters. In addition, if shipwrecks or possible shipwrecks have been identified within the corridor, these should either be avoided or should be assessed to determine if they are significant cultural resources eligible for listing in the National Register of Historic Places. When paleolandscapes are identified as likely containing

significant cultural and historical resources, the Council shall designate them as APCs."

c. <u>Proposed Clean Version:</u>

<u>650-RICR-20-00-1.3.1(S)(1)</u> Policies (e): "It is the Council's policy to preserve, to the maximum extent practicable, submerged paleolandscapes, which are areas along the seafloor with a higher potential to contain cultural and historical resources, within state waters. In addition, if shipwrecks or possible shipwrecks have been identified within the corridor, these should either be avoided or should be assessed to determine if they are significant cultural resources eligible for listing in the National Register of Historic Places. When paleolandscapes are identified as likely containing significant cultural and historical resources, the Council shall designate them as APCs."

3. <u>650-RICR-20-00-1.3.1(S)(2)</u> Standards (a): "All submerged renewable energy cables in state waters shall be installed and maintained within a CRMC designated renewable energy cable corridor(s) as shown in § 1.3.1(S)(5) of this Part, regardless of whether the cable makes landfall in Rhode Island or another state."

a. Comment: What if the designated renewable energy cable corridor cannot handle demand and/or the corridor has physical characteristics that prevent cable burial? The concern is that if the submerged renewable energy cable cannot be located within the designated renewable energy cable corridor it cannot be permitted even after justification is provided and accepted by CRMC. We suggest the following edit:

b. Proposed Redline Version:

<u>650-RICR-20-00-1.3.1(S)(2)</u> Standards (a): "All submerged renewable energy cables in state waters, except as provided for in §1.3.1 (S)(2)(c), shall be installed and maintained within a CRMC designated renewable energy cable corridor(s) as shown in § 1.3.1(S)(5) of this Part, regardless of whether the cable makes landfall in Rhode Island or another state."

c. Proposed Clean Version:

<u>650-RICR-20-00-1.3.1(S)(2)</u> Standards (a): "All submerged renewable energy cables in state waters, except as provided for in \$1.3.1 (S)(2)(c), shall be installed and maintained within a CRMC designated renewable energy cable corridor(s) as shown in § 1.3.1(S)(5) of this Part, regardless of whether the cable makes landfall in Rhode Island or another state."

4. 650-RICR-20-00-1.3.1(S)(2) Standards (c): Submerged renewable energy cables shall be presumptively excluded from being installed within a CRMC designated APC. 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 *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 resource 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. The Council may require a successful applicant to provide a mitigation plan that protects the ecosystem.

<u>a. Comment:</u> The language in this section appears to be redundant. We deleted the redundant section in the redline below. We suggest the appropriate standard to apply in this section should be "by a preponderance of the evidence" rather than by "clear and convincing evidence" as developers may not be able to meet the higher burden of proof due to the underwater geophysical conditions. We also suggest clarifying that such demonstration should be made to the Council and or a CRMC sub-committee. In addition, we suggest the deletion of the following language below "...less damaging.." and "...that protects the ecosystem..." as it is too ambiguous.

b. Proposed Redline Version:

"Submerged renewable energy cables shall be presumptively excluded from being installed within a CRMC designated APC. This exclusion is rebuttable if the applicant can <u>reasonably</u> <u>demonstrate to the Council</u>, by <u>a preponderance of the evidence</u>, <u>elear and convincing evidence</u> 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 may 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 significant alteration damage to APC resources and values. The Council may require a successful applicant to provide a mitigation plan for the impacted ecosystem." that protects the ecosystem. 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 resource 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. The Council may require a successful applicant to provide a mitigation plan that protects the ecosystem.

c. Proposed Clean Version:

1. "Submerged renewable energy cables shall be presumptively excluded from being installed within a CRMC designated APC. This exclusion is rebuttable if the applicant can reasonably demonstrate to the Council, by a preponderance of the evidence, that there are no practicable alternatives 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 may 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 in areas outside of the APC must also demonstrate that all feasible efforts have been made to avoid significant alteration to APC resources and values."

5. <u>650-RICR-20-00-1.3.1(S)(2)</u> Standards (e): "In the event that an applicant proposes an alternative location within state waters for a renewable energy cable that is located partially or wholly outside of a CRMC designated renewable energy cable corridor, then the applicant must meet the variance criteria of § 1.1.7 of this Part and provide scientifically valid assessments and evidence to the CRMC concerning the following conditions:

(1) It is not feasible for the proposed renewable energy cable to be located within a CRMC designated renewable energy cable corridor due to existing conditions;

(2) Maintaining the renewable energy cable entirely within a CRMC designated cable corridor is not feasible due to the proposed cable landfall location;

(3) The proposed alternative cable route will not have significant adverse impacts to Rhode Island coastal resources and uses; and

(4) The proposed alternative if located within a CRMC designated APC meets the requirements of 1.3.1(S)(2)(c) of this Part."

<u>a. Comment:</u> CRMC should ensure that this section aligns with 650-RICR-20-00-1.3.1(S)(2) Standards (a)&(c). In addition, we suggest the deletion of the following language below "scientifically valid assessments" as it is too ambiguous.

b. Proposed Redline Version:

<u>650-RICR-20-00-1.3.1(S)(2)</u> Standards (e): "In the event that an applicant proposes an alternative location within state waters for a renewable energy cable that is located partially or wholly outside of a CRMC designated renewable energy cable corridor, then the applicant must meet the variance criteria of § 1.1.7 of this Part and provide scientifically valid assessments and evidence to the CRMC concerning the following conditions:

(1) It is not feasible for the proposed renewable energy cable to be located within a CRMC designated renewable energy cable corridor due to existing conditions <u>including but not limited to the</u> <u>presence of submerged infrastructure</u>; (2) Maintaining the renewable energy cable entirely within a CRMC designated cable corridor is not feasible due to the proposed cable landfall location;

(3) The proposed alternative cable route will not have significant adverse impacts to Rhode Island coastal resources and uses; and

(4) The proposed alternative if located within a CRMC designated APC meets the requirements of 1.3.1(S)(2)(c) of this Part."

c. Proposed Clean Version:

<u>650-RICR-20-00-1.3.1(S)(2)</u> Standards (e): "In the event that an applicant proposes an alternative location within state waters for a renewable energy cable that is located partially or wholly outside of a CRMC designated renewable energy cable corridor, then the applicant must meet the variance criteria of § 1.1.7 of this Part and provide evidence to the CRMC concerning the following conditions:

(1) It is not feasible for the proposed renewable energy cable to be located within a CRMC designated renewable energy cable corridor due to existing conditions including but not limited to the presence of submerged infrastructure;

(2) Maintaining the renewable energy cable entirely within a CRMC designated cable corridor is not feasible due to the proposed cable landfall location;

(3) The proposed alternative cable route will not have significant adverse impacts to Rhode Island coastal resources and uses; and

(4) The proposed alternative if located within a CRMC designated APC meets the requirements of 1.3.1(S)(2)(c) of this Part."

6. <u>650-RICR-20-00-1.3.1(S)(2)</u> Standards (g) Submerged cable installation (1): "The target burial depth for submerged cables proposed for installation on a seafloor bottom shall be 4 to 6 feet (1.2 to 1.8 m) below the seafloor (BSF). The target cable burial depths shall be determined through a cable burial risk (or feasibility) assessment (CBRA) based on an assessment of seabed conditions, seabed mobility, and the risk of interaction with external hazards such as commercial fishing gear and vessel anchors.

Where sufficient burial depth cannot be achieved based on the CBRA, or protection is required due to cables crossing other cables or pipelines, additional cable protection methods may be used in accordance with § 1.3.1(S)(2)(g)(4) of this Part."

<u>a. Comment:</u> We suggest that the target burial depth be stated as being measured to the top of the cable. In addition, we suggest that the applicant prepares the CBRA.

b. Proposed Redline Version:

<u>650-RICR-20-00-1.3.1(S)(2)</u> Standards (g) Submerged cables installation (1): "The target burial depth for submerged cables proposed for installation on a seafloor bottom shall be 4 to 6 feet (1.2 to 1.8 m) below the seafloor (BSF) measured to the top of the cable. The target cable burial depths shall be determined through a cable burial risk (or feasibility) assessment (CBRA), prepared by the applicant, based on an assessment of seabed conditions, seabed mobility, and the risk of interaction with external hazards such as commercial fishing gear and vessel anchors. Where sufficient burial depth cannot be achieved based on the CBRA, or protection is required due to cables crossing other cables or pipelines, additional cable protection methods may be used in accordance with § 1.3.1(S)(2)(g)(4) of this Part."

c. Proposed Clean Version:

<u>650-RICR-20-00-1.3.1(S)(2)</u> Standards (g) Submerged cable installation (1): "The target burial depth for submerged cables proposed for installation on a seafloor bottom shall be 4 to 6 feet (1.2 to 1.8 m) below the seafloor (BSF) measured to the top of the cable. The target cable burial depths shall be determined through a cable burial risk (or feasibility) assessment (CBRA), prepared by the applicant, based on an assessment of seabed conditions, seabed mobility, and the risk of interaction with external hazards such as commercial fishing gear and vessel anchors. Where sufficient burial depth cannot be achieved based on the CBRA, or protection is required due to cables crossing other cables or pipelines, additional cable protection methods may be used in accordance with § 1.3.1(S)(2)(g)(4) of this Part."

7. <u>650-RICR-20-00-1.3.1(S)(2)</u> Standards (g) Submerged cable installation (3): "During cable burial, the target cable burial depth shall be achieved as soon as practical following cable laying within the trench to minimize the possibility of cable damage from ship anchors. Mariners shall be advised daily by the applicant of cable laying operations through mariner bulletins on the appropriate VHF radio channel(s) in

addition to twice weekly email notifications to an established email notification list and following the U.S.C.G. regulations for notice to mariners." This will require the renumbering of the subsections after subsection (4).

a. Comments: We suggest the highlighted portion of this section should be its own paragraph as a separate requirement. In addition, the United States Coast Guard should be the entity that determines how the VHF frequencies should be used. See suggested changes "....or using methods and timing specified by the USCG"

b. Proposed Redline Version:

<u>650-RICR-20-00-1.3.1(S)(2)</u> Standards (g) Submerged cable installation:

(3) "During cable burial, the target cable burial depth shall be achieved as soon as practical following cable laying within the trench to minimize the possibility of cable damage from ship anchors.

(4) Mariners shall be advised daily by the applicant of cable laying operations through mariner bulletins on the appropriate VHF radio channel(s) or by using methods and timing specified by the <u>U.S.C.G.</u> in addition to twice weekly email notifications to an established email notification list and following the U.S.C.G. regulations for notice to mariners."

c. Proposed Clean Version:

<u>650-RICR-20-00-1.3.1(S)(2)</u> Standards (g) Submerged cable installation:

(3) "During cable burial, the target cable burial depth shall be achieved as soon as practical following cable laying within the trench to minimize the possibility of cable damage from ship anchors.

(4) Mariners shall be advised daily by the applicant of cable laying operations through mariner bulletins on the appropriate VHF radio channel(s) or by using methods and timing specified by the U.S.C.G. in addition to twice weekly email notifications to an established email notification list and following the U.S.C.G. regulations for notice to mariners."

8. <u>650-RICR-20-00-1.3.1(S)(2)</u> Standards (g) Submerged cable installation (6): "All submerged cables making landfall (onshore of the MLLW line) shall target a burial depth greater than or equal to three (3.0) meters BSF. This standard is best achieved by using horizontal directional drilling (HDD) techniques and may be required by the CRMC. A variance to this standard may be granted where the applicant demonstrates through the CBRA that the cable landing area is composed of a stable seafloor and a shoreline (e.g., man-made) unlikely to suffer significant beach loss and erosion from coastal storms."

<u>a. Comment:</u> Suggest not qualifying standard as "best achieved" by use of HDD techniques and allow for flexibility of alternative techniques acceptable within the industry. Our reasoning behind this comment is the same as our comment in A(1) above.

b. Proposed Redline Version:

<u>650-RICR-20-00-1.3.1(S)(2)</u> Standards (g) Submerged cable <u>installation (6):</u> "All submerged cables making landfall (onshore of the MLLW line) shall target a burial depth greater than or equal to three (3.0) meters BSF. This standard <u>may be</u> is best achieved by using horizontal directional drilling (HDD) techniques <u>or</u> <u>alternative techniques acceptable within the industry</u> and <u>as</u> may be required by the CRMC. A variance to this standard may be granted where the applicant demonstrates through the CBRA that the cable landing area is composed of a stable seafloor and a shoreline (e.g., man-made) unlikely to suffer significant beach loss and erosion from coastal storms."

c. Proposed Clean Version:

<u>650-RICR-20-00-1.3.1(S)(2)</u> Standards (h) Submerged cable <u>monitoring (1):</u> "All submerged cables making landfall (onshore of the MLLW line) shall target a burial depth greater than or equal to three (3.0) meters BSF. This standard may be achieved by using horizontal directional drilling (HDD) techniques or alternative techniques acceptable within the industry and as may be required by the CRMC. A variance to this standard may be granted where the applicant demonstrates through the CBRA that the cable landing area is composed of a stable seafloor and a shoreline (e.g., man-made) unlikely to suffer significant beach loss and erosion from coastal storms."

9. <u>650-RICR-20-00-1.3.1(S)(2)</u> Standards (g) Submerged cable monitoring (1): "The entire cable route within state waters shall be surveyed using multi-beam bathymetry promptly following submerged cable installation and the placement of any secondary

cable protection (if necessary). The entire cable route within state waters will again be surveyed following the first and second years of operation. The results of the post-lay, year 1 and year 2 multi-beam cable surveys shall be provided to the CRMC review within forty-five (45) days of survey completion and include any remedial actions taken or scheduled to occur. The entire cable route within state waters will continue to be surveyed for the lifecycle of the project using multi-beam bathymetry every two (2) years following completion of the year 2 survey and shall be provided to the CRMC within forty-five (45) days of survey completion."

<u>a. Comment</u>: We believe, based on our experience that it will take at least 30-45 days for the marine surveyor to process the survey data and generate the plans. We suggest 90 days is more reasonable time frame.

b. Proposed Redline Version:

<u>650-RICR-20-00-1.3.1(S)(2)</u> Standards (g) Submerged cable <u>monitoring (1):</u> "The entire cable route within state waters shall be surveyed using multi-beam bathymetry promptly following submerged cable installation and the placement of any secondary cable protection (if necessary). The entire cable route within state waters will again be surveyed following the first and second years of operation. The results of the post-lay, year 1 and year 2 multibeam cable surveys shall be provided to the CRMC review within <u>ninety (90) forty-five (45)</u> days of survey completion and include any remedial actions taken or scheduled to occur. The entire cable route within state waters will continue to be surveyed for the lifecycle of the project using multi-beam bathymetry every two (2) years following completion of the year 2 survey and shall be provided to the CRMC within <u>ninety (90) forty-five (45)</u> days of survey completion."

c. Proposed Clean Version:

650-RICR-20-00-1.3.1(S)(2) Standards (g) Submerged cable monitoring (1): "The entire cable route within state waters shall be surveyed using multi-beam bathymetry promptly following submerged cable installation and the placement of any secondary cable protection (if necessary). The entire cable route within state waters will again be surveyed following the first and second years of operation. The results of the post-lay, year 1 and year 2 multibeam cable surveys shall be provided to the CRMC review within ninety (90) days of survey completion and include any remedial actions taken or scheduled to occur. The entire cable route within state waters will continue to be surveyed for the lifecycle of the project using multi-beam bathymetry every two (2) years following completion of the year 2 survey and shall be provided to the CRMC within ninety (90) days of survey completion."

10. 650-RICR-20-00-1.3.1(S)(2) Standards (i) Electromagnetic field (EMF) monitoring requirements (1) & (2):

(1) Applicants shall provide to the CRMC background EMF measurements along the area of the intended cable route within state waters prior to the installation of any submerged renewable energy cable. Both alternating current (AC) and direct current (DC) EMF measurements shall be conducted.

<u>a. Comment:</u> The CRMC's objective related to the measurements is unclear as the means to collect such information could vary based on the objective. For example, CRMC's objective may not be achieved by collecting DC measurements if the project plans an AC export cable and vice versa. We suggest that CRMC utilize similar data sets from each project for comparisons. Also, it is unclear when such monitoring shall be submitted to CRMC.

b. Proposed Redline Version:

(1) Applicants shall provide to the CRMC background EMF measurements along the area of the intended cable route within state waters prior to the installation of any submerged renewable energy cable. Both alternating current (AC) and direct current (DC) EMF measurements shall be conducted <u>consistent with the</u> <u>electric current (AC or DC) being proposed for the respective</u> <u>cable route</u>.

c. Proposed Clean Version:

(1) Applicants shall provide to the CRMC background EMF measurements along the area of the intended cable route within state waters prior to the installation of any submerged renewable energy cable. Both alternating current (AC) and direct current (DC) EMF measurements shall be conducted consistent with the electric current (AC or DC) being proposed for the respective cable route.

(2) At the completion of installation and activation of any submerged renewable energy cable within state waters, the applicant or successive permit holder shall monitor EMF levels along the cable route at least once annually for the service life of the cable and provide measurements to the CRMC with a location map of all measurement stations. **<u>a. Comment:</u>** The request for EMF monitoring once annually for the "service life of the cable" appears to be excessive as this may involve up to 50 years of EMF monitoring. Recognizing the scientific value of the information obtained from such monitoring, we suggest EMF monitoring annually for the first five years and every five years thereafter.

b. Proposed Redline Version:

(2) At the completion of installation and activation of any submerged renewable energy cable within state waters, the applicant or successive permit holder shall monitor EMF levels along the cable route at least once annually for the <u>first five (5)</u> <u>years after installation of the cable and every five (5) years</u> <u>thereafter for</u> service life of the cable and provide measurements to the CRMC with a location map of all measurement stations.

c. Proposed Clean Version:

(2) At the completion of installation and activation of any submerged renewable energy cable within state waters, the applicant or successive permit holder shall monitor EMF levels along the cable route at least once annually for the first five (5) years after installation of the cable and every five (5) years thereafter for service life of the cable and provide measurements to the CRMC with a location map of all measurement stations.

11. 650-RICR-20-00-1.3.1(S)(3) Standards for Areas of Particular Concern (APC)(b): "APCs shall include areas of paleolandscapes that contain or have a high probability of containing significant cultural artifacts. The Council shall consult with paleoarchaeologists in designating such APCs. Whenever possible, excavation to project depth should avoid paleosol and peat horizons. Furthermore, the "ravinement" surface, a widely recognized regional seismic reflector that indicates erosional processes at the time of marine transgression over the site, should not be disturbed. In the event these features cannot be avoided, the applicant shall demonstrate compliance with § 1.3.1(S)(2)(c) of this Part."

a. Comment: When will these APCs be designated? The concern with the proposed regulations as written is that an APC could be designated after an applicant submits an application to CRMC and CRMC begins processing the application. A designation of an APC after an application has been submitted could have a significant impact on the proposed project in terms of delays and additional rework to amend/revise an application already under review by CRMC leading to unnecessary delays. We suggest that CRMC better define when APC's will be designated and whether newly designated APC's will apply to projects that CRMC is already processing.

12. 650-RICR-20-00-1.3.1(S)(3) Standards for Areas of Particular Concern (APC)(d): "APCs within state waters will be described and shown within this Part as they become identified, designated and adopted by the CRMC. Additional APCs may be identified and adopted by the CRMC as new information becomes available."

<u>a. Comment:</u> Culturally significant shipwreck locations should not be made public.

13. 650-RICR-20-00-1.3.1(S)(4) Narragansett Bay West Passage renewable energy corridor (a): "The Narragansett Bay West Passage renewable energy cable corridor is an approximate 600-meter-wide corridor as depicted in the figures in \S 1.3.1(S)(5)(b) through (j) of this Part. The West Passage cable corridor begins at a point south of Sachuest Point in Middletown at the 3-nautical mile limit of state waters and heads west towards the "Narragansett Bay Traffic Lane Inbound" as marked on NOAA nautical chart 13218. The corridor then heads northwest across the "Pilot Boarding Area" and around the "restricted area" identified on the same chart. From that point on the north side of the restricted area, the corridor heads north into the West Passage of Narragansett Bay between Bonnet Point and Beavertail Point. The corridor continues north within the West Passage, passing on the west side of Dutch Island, and continues north towards the Jamestown-Verrazano Bridge. The corridor crosses beneath the bridge and proceeds north following deeper water depths west of Conanicut Island. North of Hull Point on the Conanicut Island shore, the corridor turns west-northwest to a landfall along the southern shoreline of Quonset Point in North Kingstown. The cable corridor boundary extends along the shoreline between Blue Beach on the west and the Martha's Vineyard Fast Ferry on the east, following the mean higher high water limit. The turning point coordinates identified in each detail map panel are listed in the table in § 1.3.1(S)(5)(K) of this Part."

a. Comment: We strongly suggest that cable corridors should be designed with sufficient widths to accommodate for the installation of a reasonably foreseeable number of cable bundles for other renewable energy cable projects. CRMC needs to ensure that these initial cable corridor proposals have sufficient width so as to not prohibit and/or restrict future use of said cable corridors beyond the project(s) that are currently being developed. As an example, please refer to the attached Figure 1 that overlays the renewable energy cable corridor proposed in this section on the "Revolution Wind Export Cable Corridor" proposed by Ørsted in its RI PUC Application submitted on December 30, 2020. The corridor proposed in the regulations largely mimics the Ørsted corridor and the Ørsted proposed cables are located in the middle of the corridor, effectively limiting future use of the corridor by others.

Additionally, lanes should be designated within corridors to optimize cable spacing and minimize cable corridor widths for multiple projects. The regulations must provide for the ability to locate cables outside of the cable corridors if the corridors prove to not be conducive to cable installation as long as other performance standards are met.

We also suggest the survey data submitted to and utilized by CRMC to designate cable corridors should be made available to public and/or made available, at the request of other potential applicants.

Anbaric recognizes the importance that these new policies and standards will have in promoting the installation of renewable energy cables and cable corridors through Rhode Island state waters and minimizing the impacts to coastal resources and activities. We appreciate the opportunity to provide the above comments and recommendations and look forward to working with CRMC and other stakeholders in this rule making process.

Sincerely,

Christian F. Capizzo

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1 ⊐Nautical Miles

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Anbaric Development Partners Comments on Proposed Draft Regulations 650-RICR-20-00-1.3.1(S)

Source: 1) NOAA Chart #13221 2) CRMC Draft Regulations, 650-RICR-20-00-1.3.1 (issued for public comment March 15, 2021) 3) Application of Revolution Wind, LLC for License to Construct and Alter Major Energy Facilities (December 30, 2020)



CRMC Proposed Narragansett Bay West Passage Renewable Energy Cable Corridor (March 2021)

Indicative Circuit 1 Cable

- Indicative Circuit 2 Cable
- -- Revolution Wind Export Cable (RWEC) Corridor

Comparison of Proposed Revolution Wind Export Cable Corridor and CRMC Proposed Narragansett Bay West Passage Renewable Energy Cable Corridor

Figure 1