



State of Rhode Island and Providence Plantations
Coastal Resources Management Council
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June 22, 2020

Walter Cruickshank, Ph.D., Acting Director
Bureau of Ocean Energy Management
45600 Woodland Road
Sterling, Virginia 20166

James Bennett, Renewable Energy Program Manager
Bureau of Ocean Energy Management
45600 Woodland Road
Sterling, Virginia 20166

Re: Deepwater Wind South Fork, LLC; Docket No. BOEM-2018-0010
CRMC File 2018-10-082

Dear Messrs. Cruickshank and Bennett,

Pursuant to 15 CFR § 930.76, Deepwater Wind South Fork, LLC on October 22, 2018 filed with the Rhode Island Coastal Resources Management Council (“CRMC”) a federal consistency certification and a copy of their Construction and Operation Plan (“COP”) for the proposed construction and operation of the South Fork Wind energy project (“SFW”). The SFW project consists of up to fifteen (15) wind turbine generators and an export cable that will make landfall on Long Island, NY, and will be located in federal offshore waters approximately 13 miles southeast of Block Island within BOEM Lease Area OCS-A 0517¹ (formerly part of OCS-A 0486) and within the CRMC’s 2011 Geographic Location Description.

The proposed SFW project is subject to CRMC federal consistency review pursuant to the federal Coastal Zone Management Act (“CZMA”), 16 USC §§ 1451-1466 and the CZMA’s implementing regulations at 15 CFR part 930 subpart E - Consistency for Outer Continental Shelf (OCS) Exploration, Development and Production Activities.

The CRMC and Deepwater Wind South Fork, LLC on March 17, 2020 had mutually agreed to stay the CRMC six-month federal consistency review period in accordance 15 CFR § 930.60(b), and the CRMC decision date for the SFW matter was extended until August 31, 2020 to provide sufficient time for discussions, meetings and exchange of materials between Deepwater

¹ In January 2020, Deepwater Wind New England, LLC requested that BOEM assign a portion of Lease Area OCS-A 0486 to DWSF. BOEM approved the assignment on March 23, 2020 with the new lease number OCS-A 0517.

Wind South Fork, LLC and the CRMC in order to meet the requirements of the CRMC's enforceable policies of the Ocean SAMP (650-RICR-20-05-11). The amended Stay Agreement was executed on March 17, 2020 that extended the CRMC federal consistency decision date until August 31, 2020.

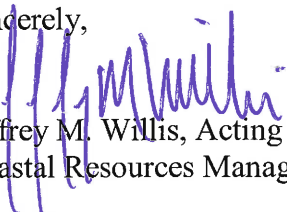
On May 14, 2020 the U.S. Coast Guard (USCG) released its final MA/RI Port Access Route Study (MARIPARS) report with recommendations for a 1 by 1 nautical mile (NM) grid configuration with an East-West, North-South orientation for all wind energy structures (turbines and offshore substations) within the MA/RI wind energy area to provide for continued historic commercial fishing activities, safe vessel navigation and to accommodate USCG search and rescue operations. The CRMC is anticipating that BOEM will accept the USCG MARIPARS recommendations and require them as a condition of COP approval for all wind energy projects in southern New England offshore waters. Ørsted has aligned the SFWF project for conformance with the 1 by 1 NM grid configuration and plans on filing additional information with the CRMC in the coming weeks so that the CRMC may evaluate the new information pursuant to its enforceable policies.

Given these recent developments the CRMC and Deepwater Wind South Fork, LLC have mutually agreed to further stay the CRMC six-month federal consistency review period pursuant to the attached amended stay agreement executed on June 22, 2020. **The CRMC federal consistency decision date in this matter is now due no later than January 31, 2021.**

The purpose of this letter is to notify the Bureau of Ocean Energy Management (BOEM) of this agreement as required by 15 CFR § 930.60(b). In addition, the CRMC requests BOEM not to issue a license or permit to Deepwater Wind South Fork, LLC until the requirements of 15 CFR part 930 subpart E have been satisfied. The CRMC will promptly notify BOEM when it issues a final federal consistency decision in this matter.

Please contact me at 401-783-3370 or email jwillis@crmc.ri.gov should you have any questions.

Sincerely,


Jeffrey M. Willis, Acting Executive Director
Coastal Resources Management Council

/lat

cc Melanie Gearon, Deepwater Wind South Fork, LLC
David Kaiser, NOAA
Allison Castellan, NOAA
Jennifer Cervenka, CRMC Chair
CRMC Members
Anthony DeSisto, Esq., CRMC Legal Counsel
James Boyd, Coastal Policy Analyst



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AMENDED AGREEMENT TO STAY SIX-MONTH REVIEW PERIOD

Between

Rhode Island Coastal Resources Management Council

And

Deepwater Wind South Fork, LLC

The Rhode Island Coastal Resources Management Council, hereinafter referred to as the “CRMC,” and Deepwater Wind South Fork¹, LLC, hereinafter referred to as “Deepwater Wind,” hereby agree as follows.

Pursuant to 15 CFR § 930.76, Deepwater Wind filed a federal consistency certification with the CRMC on October 22, 2018 for the proposed construction and operation of a wind energy project, known as the South Fork Wind (SWF), consisting of up to 15 wind turbine generators and an export cable that will make landfall on Long Island, NY, that will be located in offshore waters southeast of Block Island within BOEM Lease Area OCS-A 0517². The proposed project is subject to CRMC review pursuant to the federal Coastal Zone Management Act (CZMA), 16 USC §§ 1451-1466 and the CZMA’s implementing regulations at 15 CFR part 930 subpart E – Consistency for Outer Continental Shelf (OCS) Exploration, Development and Production Activities.

BOEM announced in August 2019 that it would expand the cumulative impact analysis of offshore wind energy projects within its draft Environmental Impact Statement (EIS) for the Vineyard Wind project (Docket No. BOEM-2020-0005). BOEM released the supplemental Draft

¹ Deepwater Wind South Fork, LLC (DWSF) is a subsidiary of Ørsted U.S. Offshore Wind. The South Fork Wind Farm project is a 50/50 joint venture between Ørsted and Eversource.

² In January 2020, Deepwater Wind New England, LLC requested that BOEM assign a portion of Lease Area OCS-A 0486 to DWSF. BOEM approved the assignment on March 23, 2020 with the new lease number OCS-A 0517.

EIS for the Vineyard Wind project on June 12, 2020 and has previously indicated that the cumulative impact analysis methodology will be applied to all other pending and future offshore wind energy projects, which includes the SWF project. Since BOEM's August 2019 announcement concerning the Vineyard Wind project, federal review of other offshore wind energy projects has been paused. On February 13, 2020 Ørsted filed with BOEM a revised Construction and Operation Plan. BOEM, however, has yet to remove the federal review pause for the SWF project. In addition, Ørsted will be providing the CRMC with additional submissions for consideration by the CRMC pursuant to its enforceable policies. Thus, additional review time is warranted to achieve development of a mitigation plan and subsequent negotiations as required under the CRMC's enforceable policies.

In accordance with 15 CFR § 930.60(b), and in consideration of the parties' mutual interest that the State have additional time to fully assess the proposed project's consistency with the State's enforceable policies, the CRMC and Deepwater Wind mutually agree to the following dates and to stay the CRMC CZMA six-month review period as specified herein.

- Date the CRMC 6-month review period commenced: October 22, 2018
- Date the 6-month review period was to end: August 31, 2020
- Date during the 6-month review period that the stay begins: June 22, 2020
- Date that the stay ends: November 23, 2020
(70 days remaining in the 6-month review period)
- Date the 6-month review period ends and the CRMC consistency decision is due: January 31, 2021

The CRMC will issue its consistency decision on or before **January 31, 2021** unless Deepwater Wind and CRMC mutually agree in writing to another later date. Furthermore, should the CRMC conclude its review earlier than anticipated by this agreement, then the CRMC will issue its consistency decision at the earliest possible time prior to January 31, 2021.

This agreement made and entered by:

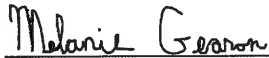


Jeffrey M. Willis
Acting Executive Director, CRMC



Date

Deepwater Wind South Fork, LLC
By its agent, Orsted Wind Power North America LLC



Melanie Gearon
Ørsted Authorized Person

June 22, 2020

Date

And



Robert Mastria
Ørsted Authorized Person

June 22, 2020

Date

cc BOEM
NOAA OCM
CRMC Council members