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Amanda Lefton, Director
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45600 Woodland Road
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Re: Rhode Island CZMA federal consistency review status for the Revolution Wind offshore wind project; Docket No. BOEM-2021-0029; CRMC File No.: 2021-06-029

Dear Mr. Roll and Ms. Lefton,

The purpose of this letter is to provide a status update on the Rhode Island Coastal Resources Management Council's ("CRMC") federal consistency review of the proposed Revolution Wind offshore wind project pursuant to the requirements of 15 C.F.R. § 930.78(a). The CRMC at this time is not issuing a concurrence or an objection to the consistency certification for the Revolution Wind project for the reasons detail herein. However, if the CRMC were required to issue a consistency decision at this time it would be an **objection** based on the information filed to date by Revolution Wind LLC¹, because the project is not consistent with the State's federally approved coastal management program enforceable policies as specified in the CRMC's Ocean Special Area Management Plan at 650-RICR-20-05-11. The CRMC is requesting additional information, as detailed herein, that is necessary to complete our federal consistency review for the Revolution Wind project.

The proposed Revolution Wind offshore wind project is subject to CRMC federal consistency review authority pursuant to Section 307 of the Coastal Zone Management Act ("CZMA") and the CZMA's implementing regulations at 15 C.F.R. Part 930, Subpart E - Consistency for Outer Continental Shelf (OCS) Exploration, Development and Production Activities, as the project is a listed activity pursuant to 15 C.F.R. § 930.53 within the CRMC's federally approved coastal management program.

¹ Revolution Wind, LLC is a 50/50 joint venture between Ørsted North America, Inc. and Eversource Investment, LLC.
See: www.revolution-wind.com

On April 30, 2021 BOEM issued a Notice of Intent to prepare an Environmental Impact Statement for Revolution Wind LLC's ("Revolution Wind") proposed offshore wind energy facility. The CRMC on May 28, 2021 submitted scoping comments (BOEM-2021-0029-0013) on the Revolution Wind construction and operation plan ("COP"). Then on June 7, 2021 Revolution Wind filed with the CRMC a Consistency Certification for the proposed Revolution Wind project as required by 15 C.F.R. §§ 930.58 and 930.76. The CRMC subsequently issued a 30-day letter on June 29, 2021 to Revolution Wind, pursuant to 15 C.F.R. § 930.60(a)(2), notifying the applicant that it did not submit all the necessary data and information as required by the CRMC's enforceable policies of the Ocean SAMP §§ 650-RICR-20-05-11.10.1(D) and (J). These enforceable policies specifically require that a meeting with the CRMC's Fishermen's Advisory Board ("FAB") and the Habitat Advisory Board ("HAB"), respectively, "shall be necessary data and information required for federal consistency reviews for purposes of starting the CZMA 6-month review period for federal license or permit activities under 15 C.F.R. Part 930, Subpart D, and OCS Plans under 15 C.F.R. Part 930, Subpart E, pursuant to 15 C.F.R. § 930.58(a)(2)." In addition, the CRMC's enforceable policies at §§ 11.10.1(D)(1) and (J)(1) specify that "the CZMA six-month review period shall not begin until the day after" the FAB and HAB meetings, respectively.

The Federal consistency regulations at 15 C.F.R. § 930.60(a) state that a "State agency's six-month review period (see § 930.62(a)) of an applicant's consistency certification begins on the date the State agency receives the consistency certification required by § 930.57 and all the necessary data and information required by § 930.58(a)." Additionally, necessary data and information are described in the Federal consistency regulations as "Information specifically identified in the management program as required necessary data and information for an applicant's consistency certification." *Id.* at § 930.58(a)(2). Thus, a meeting with the FAB/HAB is necessary data and information identified in the CRMC's federally approved management program. A combined meeting of the CRMC's FAB and HAB was held on August 5, 2021 and in accordance with the afore noted state enforceable policies and the Federal consistency regulations, the CRMC's CZMA six-month review period for the Revolution Wind project began on August 6, 2021². Accordingly, the CRMC's 3-month CZMA review status letter, required by 15 C.F.R. § 930.78(a), is due on or before **November 6, 2021**.

Appendix B of the Revolution Wind construction and operation plan ("COP") provides Coastal Zone Management Consistency Statements for both Rhode Island and Massachusetts, while Appendix B-1 specifically addresses consistency with Rhode Island's enforceable policies of the Ocean Special Area Management Plan (Ocean SAMP) at 650-RICR-20-05-11. Additionally, Appendix B-1 separately addresses enforceable policies for the Revolution Wind Farm ("RWF") and the Revolution Wind Export Cable ("RWEC"). The CRMC enforceable policy discussion within each of the following sections applies to both the RFW and the RFEC unless specifically called out within the applicable discussion section.

² The CRMC notified BOEM and Revolution Wind in a letter dated August 18, 2021 that commencement of the CRMC CZMA consistency review for the Revolution Wind project began on August 6, 2021.

A. Supplemental information required to address Rhode Island’s enforceable policies

The regulatory standards contained within 650-RICR-20-05-11 are the enforceable policies for purposes of the CZMA federal consistency provisions, specifically Part 11.10. These standards in addition to other applicable federally approved Rhode Island Coastal Resources Management Program enforceable policies are the basis for the CRMC’s CZMA federal consistency certification concurrence or objection. The CRMC is providing the following enforceable policy discussion and requesting specific additional information necessary for evaluation of the Revolution Wind consistency certification statements with the applicable enforceable policies.

CRMC Enforceable Policy § 11.10.1(C): *Offshore Developments shall not have a significant adverse impact on the natural resources or existing human uses of the Rhode Island coastal zone, as described in the Ocean SAMP. In making the evaluation of the effect on human uses, the Council will determine, for example, if there is an overall net benefit to the Rhode Island marine economic sector from the development of the project or if there is an overall net loss. Where the Council determines that impacts on the natural resources or human uses of the Rhode Island coastal zone through the pre-construction, construction, operation, or decommissioning phases of a project constitute significant adverse effects not previously evaluated, the Council shall, through its permitting and enforcement authorities in state waters and through any subsequent CZMA federal consistency reviews, require that the applicant modify the proposal to avoid and/or mitigate the impacts or the Council shall deny the proposal.*

Revolution Wind’s response to this enforceable policy states that “The RWF and RWEC is consistent with this policy. The RWF and RWEC will not have significant adverse impact on the natural resources or human uses of the Ocean SAMP study area. It is expected that current activities will be able to continue post construction.” See Appendix B-1 Coastal Zone Management Consistency Statements: Rhode Island at 11.10.1(C). While it is conceivable that current commercial and recreational fishing operations might be able to continue operating at some level of activity post-construction, it is still is not yet clear based on currently available information as to what modifications to the project may be necessary to avoid potential significant impacts to Rhode Island-based commercial and recreational fishery activities.

In both the Vineyard Wind 1 and South Fork Wind projects the CRMC and BOEM independently determined that there would be adverse impacts to existing uses within both of the proposed offshore wind farms. Accordingly, mitigation was necessary to minimize the impacts and required by BOEM of both Vineyard Wind 1 and South Fork Wind. And, given the extensive glacial moraine and associated sensitive marine habitat within the Revolution Wind lease area, we anticipate that significant project modification will be necessary to avoid impacts to extensive glacial moraine and associated sensitive marine habitat, and that mitigation will likely be necessary as well for the Revolution Wind project, as it was for offshore wind projects previously noted. See further discussion below in Ocean SAMP §§11.10.1 (H), 11.10.1 (I) and 11.10.2(B). Revolution Wind should conduct an economic impact analysis of the project on commercial and recreational fisheries for Rhode Island-based vessels harvesting/fishing within the Revolution Wind lease area that takes

into account construction, operation and decommissioning phases over the life of the project. We anticipate that any necessary fisheries mitigation discussions will not occur until project alternatives are developed and presented within the Revolution Wind DEIS scheduled to be issued by BOEM on or about July 1, 2022. Revolution Wind will need to provide evidence to the CRMC that the project has been modified to avoid unnecessary adverse impacts and meet its burden of proof under Rhode Island's enforceable policy § 11.10.1(C). Therefore, the CRMC cannot at this time conclude that the Revolution Wind project is consistent with this enforceable policy, as Revolution Wind stated within its consistency certification.

CRMC Enforceable Policy § 11.10.1(H): *The Council recognizes that moraine edges, as illustrated in Figures 3 and 4 in § 11.10.2 of this Part, are important to commercial and recreational fishermen. In addition to these mapped areas, the FAB may identify other edge areas that are important to fisheries within a proposed project location. The Council shall consider the potential adverse impacts of future activities or projects on these areas to Rhode Island's commercial and recreational fisheries. Where it is determined that there is a significant adverse impact, the Council will modify or deny activities that would impact these areas. In addition, the Council will require assent holders for offshore developments to employ micro-siting techniques in order to minimize the potential impacts of such projects on these edge areas.*

Appendix B-1 of the Revolution Wind COP states in part that “The RWF is consistent with this policy. The RWF has been sited to avoid and minimize impacts to areas of particular concern, including moraine edges.” The same language is provided within Appendix B-1 for Revolution Wind's response for the RWEC. The CRMC has preliminarily identified multiple turbine foundations, at least twenty-eight (28), including portions of the inter-array cable network and a portion of the export cable route that are located within CRMC-identified glacial moraine as shown in Figure 3 in § 11.10.2(F) of the Ocean SAMP. These areas of glacial moraine have been designated by the CRMC as Areas of Particular Concern (“APC”) as specified within enforceable policies §§ 11.10.2(A) and (C) of the Ocean SAMP. See further discussion below on enforceable policy § 11.10.2(B).

Revolution Wind has not provided any evidence with their consistency certification to demonstrate that the project “has been sited to avoid and minimize impacts to areas of particular concern, including moraine edges” and be consistency with Ocean SAMP enforceable policy § 11.10.1(H). The CRMC is unable at this time to determine the extent of any significant adverse impact to glacial moraine (APC), including moraine edges, because the Revolution Wind COP does not show any CRMC designated glacial moraine in any graphics in relation to the 100 proposed turbine foundations, inter-array cables or export cable shown in Figure 2.2.1-1 of the COP.

All offshore development is presumptively excluded from APC pursuant to Ocean SAMP § 11.10.2(B), as further discussed in detail below. Accordingly, based on the currently available information filed by Revolution Wind, the CRMC has determined that the consistency certification statements for this enforceable policy for both the RWF and RWEC are not accurate and that the

Revolution Wind project is not consistent with CRMC enforceable policies, as it appears that both the RWF and RWEC have not been sited to avoid and minimize impacts to APC. Therefore, the CRMC requires Revolution Wind to submit a detailed graphic or graphics that clearly delineate the CRMC identified glacial moraine (identified as Areas of Particular Concern within the Ocean SAMP) in relation to the proposed turbine foundation locations, inter-array cables and the export cable(s) to support the ongoing CRMC CZMA review of this project. The graphic(s) must clearly distinguish between turbine foundations, inter-array cables and export cables that are located within and outside of CRMC identified glacial moraine (APC) as demarcated in Figure 3 in § 11.10.2(F) of the Ocean SAMP. Importantly, Revolution Wind must show how the project avoids impacts to areas of particular concern, including moraine edges, and demonstrate how the Revolution Wind is in compliance with the enforceable policies.

CRMC Enforceable Policy § 11.10.1(I): *The finfish, shellfish, and crustacean species that are targeted by commercial and recreational fishermen rely on appropriate habitat at all stages of their life cycles. While all fish habitat is important, spawning and nursery areas are especially important in providing shelter for these species during the most vulnerable stages of their life cycles. The Council shall protect sensitive habitat areas where they have been identified through the Site Assessment Plan or Construction and Operation Plan review processes for offshore developments as described in § 11.10.5(C) of this Part.*

NOAA NMFS stated within their June 1, 2021 Revolution Wind scoping comments letter to BOEM that “The proposed Revolution Wind project would be located on Cox Ledge, with a substantial portion of the proposed development overlapping with hard bottom complex habitat that is Essential Fish Habitat (EFH) for a number of managed fish species and trust resources for which NMFS has conservation responsibilities. While the minimization of impacts should be considered in the development of all alternatives, given the particular complexity of habitat in this lease area and the importance of Cox Ledge as a spawning location for Atlantic cod, it will be critical for you to consider a discrete alternative that reduces impacts to fisheries habitats that are more sensitive and vulnerable to impacts. Complex habitats are particularly sensitive and vulnerable to impacts as disturbances or alterations to these habitats can impact both the physical and biological components of these habitats that provide complexity. Impacts to the physical (e.g. three-dimensional structure, crevices) and biological (e.g. epifauna) may be permanent or long-term, typically taking years to decades for recovery. Therefore, an alternative that minimizes effects of the project on complex habitats should be considered in the EIS.” See NOAA NMFS Letter at 4 (<https://www.regulations.gov/comment/BOEM-2021-0029-0035>). We agree with NOAA NMFS in this matter that Revolution Wind needs to provide another project alternative that minimizes effects on complex habitats within the lease area. The CRMC may require project modifications as a condition of any final consistency decision to avoid and minimize glacial moraine and associated sensitive habitat impacts resulting from construction and operation of the Revolution Wind project.

CRMC Enforceable Policy § 11.10.2(B): *The Council has designated the areas listed below in § 11.10.2(C) of this Part in state waters as Areas of Particular Concern. All large-scale, small-*

scale, or other offshore development, or any portion of a proposed project, shall be presumptively excluded from APCs. 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 and that there will be no significant alteration of the APC resources or values. Applicants successfully demonstrating that the presumptive exclusion does not apply because the proposed project will not result in a significant alteration to the values and resources of the APC must also demonstrate that all feasible efforts have been made to avoid damage to the APC resources and values. The Council may require a successful applicant to provide a mitigation plan that protects the ecosystem. The Council will permit underwater cables, only in certain categories of Areas of Particular Concern, as determined by the Council in coordination with the Joint Agency Working Group. The maps listed below in § 11.10.2(C) of this Part depicting Areas of Particular Concern may be superseded by more detailed, site-specific maps created with finer resolution data. (Emphasis added.)

Submerged glacial moraine is specifically identified in Ocean SAMP § 11.10.2(C)(3) as areas of particular concern (APC) that represent areas of high biodiversity and essential fish habitat. The installation of wind turbine foundations, inter-array and export cables within these glacial moraine areas will likely result in long-term or permanent significant adverse impacts to habitat and the fish populations that are dependent on these habitat types, and thus impact the Rhode Island based fisheries and communities that rely upon this specific habitat type located within the Revolution Wind project area. The Revolution Wind lease and project are located on and around Cox Ledge, which is an area composed of particularly complex and unique habitat that supports a wide range of important marine species including Atlantic cod fish, a species that is culturally and economically significant to the New England region.

In fact, the CRMC specifically identified significant adverse impacts to glacial moraine on Cox Ledge as a result of the proposed South Fork Wind (SFW) project construction as detailed in the CRMC July 1, 2021 SFW federal consistency decision. *See:* http://www.crmc.ri.gov/windenergy/dwsouthfork/SFWF_FedConsistencyDecision_20210701.pdf. In addition, NOAA NMFS also identified concerns for SFW project impacts to Cox Ledge in their June 7, 2021 consultation letter to BOEM (<https://www.boem.gov/renewable-energy/state-activities/sfwf-efh-letter-final-lac>). In that letter NMFS stated that the SFW project “is located on Cox Ledge, an area with particularly complex and unique habitat conditions that support a wide range of marine resources. This area provides habitat for feeding, spawning, and development of federally managed species, and supports commercial and recreational fisheries and associated communities. Impacts to complex habitats, such as those found in the project area, are known to result in long recovery times

and may take years to decades to recover from certain impacts. Such impacts may result in cascading long term to permanent effects to species that rely on this area for spawning and nursery grounds and the fisheries and communities that target such species. This area is also known to support spawning aggregations of Atlantic cod.” See NOAA NMFS Letter at 4. This glacial moraine habitat in the SFW lease is part of the same habitat complex located within the Revolution Wind project boundary. Indeed, the SFW lease area (OCS-A 0517) was originally part of the larger Revolution Wind lease (OCS-A 0486) before the lease reassignment was unilaterally approved by BOEM in March 2020, 15 months after BOEM initiated its NEPA review with cooperating agencies, which resulted in limited options being available for alternatives to the SFW project to reduce impacts to glacial moraine (areas of particular concern).

The CRMC is obligated through its enforceable policy at § 11.10.1(I) to protect sensitive habitat areas where they have been identified through the Site Assessment Plan or COP review processes. The Ocean SAMP has identified and designated glacial moraines as APC as shown in Ocean SAMP §§ 11.10.2(F) and (G), Figures 3 and 4, respectively. The Revolution Wind consistency certification in Appendix B-1 states in part that the project “is consistent with this policy. The RWF is located in federal waters, but within the Ocean SAMP study area, and was sited to avoid Areas of Particular Concern” (Emphasis added). Based on sources of information other than the Revolution Wind COP, the CRMC staff have preliminarily identified at least 28 turbine foundations, associated inter-array cable and a portion of export cable(s) that are located within CRMC identified glacial moraine (APC). As indicated above in the discussion of enforceable policy § 11.10.1(H), there is no graphic or other evidence within the Revolution Wind COP or Appendices to demonstrate that the project is not located within CRMC designated glacial moraine (APC) as depicted within §§ 11.10.2(F) and (G) of the Ocean SAMP. Accordingly, absent the necessary graphic(s) depicting project elements in relation to glacial moraine (APC) the CRMC is unable to fully and accurately determine the extent to which any portion of the proposed Revolution Wind project is or is not sited to avoid APC.

Ocean SAMP enforceable policy § 11.10.2(B) presumptively excludes all offshore development including any portion of a proposed project, unless there are no practicable alternatives that are less damaging in areas outside of the APC, and that all feasible efforts have been made to avoid damage to the APC resources and values. Revolution Wind has not provided any graphic(s) that show project elements in relation to glacial moraine (APC), and has also not provided any evidence as to the necessity for turbine foundations, inter-array cables and export cables to be located within APC. In other words, Revolution Wind has not demonstrated that they have sited the project to avoid APC as they claim within their consistency certification statement. Thus, the Revolution Wind project is not consistent with this enforceable policy.

Section 2.2.1.1 of the COP indicates that Revolution Wind “evaluated several WTG layouts within the Lease Area” and that one criterion used was to avoid and/or minimize impacts to sensitive biological habitat. Areas of glacial marine (APC) are sensitive biological habitats, as they provide unique bottom topography that supports structural complexity and some of the highest biodiversity

within the entire Ocean SAMP area as described within enforceable policy § 11.10.2(C)(3). Yet, the only two project alternatives described within Section 2.2.1.1 of the COP do not avoid and do not minimize impacts to sensitive biological habitat (i.e., glacial moraine) as identified in Ocean SAMP § 11.10.2(F). Moreover, the COP project design envelope anticipates full build out of the lease area with up to 100 turbines. Thus, Revolution Wind has not provided a project layout that avoids glacial moraine (APC), contrary to Revolution Wind’s own consistency certification statement that the project was sited to avoid Areas of Particular Concern. And, Revolution Wind has not provided any clear and convincing evidence that there are no practicable alternatives that are less damaging in areas outside of the APC.

The CRMC stated clearly in its May 28, 2021 scoping comments (BOEM-2021-0029-0013) on the Revolution Wind COP EIS that at least 28 turbine positions are presumptively excluded under the CRMC enforceable policies. We continue to maintain that position as Revolution Wind has not provided any clear and convincing evidence that the turbines and inter-array cables located within glacial moraine (APC) are necessary to meet the purpose and need of the project. Indeed, in our view Revolution Wind has alternatives so as to avoid construction and installation within glacial moraine, as there are sufficient turbine locations outside of glacial moraine to meet the purpose and need of the project. Furthermore, NOAA NMFS stated within their June 1, 2021 Revolution Wind scoping comments letter that “We remain concerned with construction within this unique area and expect some areas within the lease may not be appropriate for development.” *See* NOAA NMFS Letter at 3 (<https://www.regulations.gov/comment/BOEM-2021-0029-0035>). In requesting BOEM to provide an alternative within the Revolution Wind EIS analysis to minimize the effect on complex habitat, NOAA NMFS stated “**This alternative should not only consider specific turbine locations for removal, but large portions of the lease dominated by highly complex areas** that provide important functions for associated living marine resources, such as Atlantic cod, a species that is culturally and economically significant to the region. Cox Ledge is an important area for fishing activity, and any adverse impacts to fish habitat or recruitment of economically valuable species may result in subsequent impacts on commercial and recreational fishing opportunities and associated communities. It will be especially important for this alternative to consider both impacts to complex habitats and habitat use by Atlantic cod. Because cod stocks region-wide are depleted in part due to low recruitment in recent years, any adverse impacts to the spawning and recruitment of Atlantic cod associated with this project may result in significant long-term cumulative impacts to this stock.”(Emphasis added.) *Id* at 4. We agree with the NOAA NMFS position for the necessity to remove turbine locations within a large portion of the lease area composed of complex habitat (i.e., glacial moraine) to avoid and minimize significant impacts to sensitive habitat.

Therefore, absent additional information pursuant to Ocean SAMP §§ 11.10.1(H), 11.10.1(I) and 11.10.2(B), the CRMC at this time cannot conclude that the Revolution Wind project is not located within glacial moraine (APC) or sensitive marine habitat areas. Therefore, the CRMC does not agree with the consistency certification statements that the Revolution Wind project is consistent with the enforceable policies of §§ 11.10.1(H) 11.10.1(I) and 11.10.2(B) as stated within COP Appendix B-1.

CRMC Enforceable Policy § 11.10.2(C)(2): *Offshore dive sites within the Ocean SAMP area, as shown in Figure 2 in § 11.10.2 of this Part, are designated Areas of Particular Concern. The Council recognizes that offshore dive sites, most of which are shipwrecks, are valuable recreational and cultural ocean assets and are important to sustaining Rhode Island's recreation and tourism economy.*

As noted above, enforceable policy § 11.10.2(B) presumptively excludes all offshore development from Areas of Particular Concern. There may be two offshore dive site that could be impacted by the Revolution Wind project. The wrecks “Neptune” and “PT Teti” are designated offshore dive sites as identified in Figure 2 of the Ocean SAMP at § 11.10.2(F) and appear to be co-located within the export cable route into state waters. However, The Revolution Wind COP does not include any graphic(s) that shows any offshore dive sites in relation to the turbine foundations, inter-array cables or export cables. Appendix B-1 of the Revolution Wind COP indicates that for § 11.10.2(C)(2) the RWF and RWEC are “consistent with this policy, as there are no offshore dive sites of significance in the RWF area” and “there are no offshore dive sites of significance along the RWEC route.” The CRMC is unable at this time to confirm the veracity of Revolution Wind’s consistency certification statements concerning this particular enforceable policy, as Revolution Wind has provided no evidence to demonstrate that the project meets this enforceable policy. Therefore, Revolution Wind will have to submit a graphic(s) that clearly depicts all project elements in relation to any CRMC identified offshore dive sites that have been designated as APCs. Revolution Wind will have to demonstrate that the project avoids or will minimize any potential impacts to these offshore dive sites designated as APC.

CRMC Enforceable Policy § 11.10.2(C)(3): *Glacial moraines are important habitat areas for a diversity of fish and other marine plants and animals because of their relative structural permanence and structural complexity. Glacial moraines create a unique bottom topography that allows for habitat diversity and complexity, which allows for species diversity in these areas and creates environments that exhibit some of the highest biodiversity within the entire Ocean SAMP area. The Council also recognizes that because glacial moraines contain valuable habitats for fish and other marine life, they are also important to commercial and recreational fishermen. Accordingly, the Council shall designate glacial moraines as identified in Figures 3 and 4 in § 11.10.2 of this Part as Areas of Particular Concern.*

Glacial moraines represent areas of high biodiversity and important fish habitat. Impacts to these areas could result in long-term or permanent impacts to fish populations that are dependent on these habitat types and thus impact the Rhode Island fishery in the area. Additionally, the CRMC is obligated through § 11.10.1(I) to protect sensitive habitat areas where they have been identified through the Site Assessment Plan or Construction and Operation Plan review processes. The Ocean SAMP has identified specific glacial moraines as areas of particular concern (APC) as shown in §§ 11.10.2(F) and (G), Figures 3 and 4, respectively. Revolution Wind’s COP indicates that the project is consistent with the enforceable policy and that the project has been sited to avoid any areas of

particular concern, including moraine edges. *See* COP Appendix B-1. There is no graphic or other evidence within the COP that clearly shows that the Revolution Wind project is not located within a glacial moraine as depicted within §§ 11.10.2(F) and (G) of the Ocean SAMP. A detailed graphic is requested showing the project elements in relation to existing areas of glacial moraine as mapped within the Ocean SAMP. The CRMC's Ocean SAMP glacial moraine data layers have been included with and are available on the Northeast Regional Ocean Council Ocean Data Portal at <https://www.northeastoceandata.org/>.

Accordingly, absent the specified requested information pursuant to enforceable policies §§ 11.10.2(C)(2) and (3), the CRMC at this time cannot conclude that the project is not located within CRMC identified Areas of Particular Concern. Therefore, the CRMC presently does not agree that the project is consistent with the enforceable policies of Ocean SAMP §§ 11.10.2(B), 11.10.2(C)(2) and 11.10.2(C)(3), as indicated within the Revolution Wind consistency certification (Appendix B-1).

B. Conclusion

Pursuant to the enforceable policies of the Ocean SAMP, offshore developments shall not have a significant adverse impact on the natural resources or existing human uses of the Rhode Island coastal zone. Where the CRMC determines that there are significant adverse effects on Rhode Island coastal resources or uses, it can require the applicant to modify a proposal to avoid and/or mitigate the impacts or the CRMC shall deny the proposal (or issue an objection for federal consistency purposes). *See* Ocean SAMP § 11.10.1(C). As detailed herein, Revolution Wind must provide additional information to support the ongoing CRMC federal consistency review so that the agency can properly assess any potential adverse impacts to Rhode Island-based coastal resources and uses, in particular commercial and charter fishing activities, and evaluate the new information with the CRMC's enforceable policies.

To date the sum of information provided by Revolution Wind to the CRMC does not support Revolution Wind's statements of consistency for some enforceable policies, as detailed herein. I am requesting that Revolution Wind provide the data and information specified herein and listed below **within sixty (60) days from the date of this letter** so that the CRMC can further evaluate and determine whether the Revolution Wind project is consistent with the applicable enforceable policies of the Ocean SAMP. Absent this information during the CRMC's CZMA federal consistency review period, presently scheduled to end on **February 6, 2022**, the CRMC would have to conclude that the Revolution Wind project is not consistent with the Rhode Island coastal management program, and would then have to object to Revolution Wind's consistency certification pursuant to 15 CFR §§ 930.63(c) and 930.78.

C. Requested supplemental information necessary for CRMC review

1. Revolution Wind must submit a detailed graphic or graphics that clearly delineate the CRMC identified **glacial moraine** (identified as Areas of Particular Concern within Ocean SAMP § 11.10.2) in relation to the proposed turbine foundations, inter-array cable network, offshore substation(s) and the export cables leading into state waters. The

graphic(s) must clearly distinguish turbine foundations, the offshore substation(s), inter-array cables and export cables that are located both within and outside of CRMC identified glacial moraine (APC) as identified and demarcated in Figure 3 in § 11.10.2(F) of the Ocean SAMP.

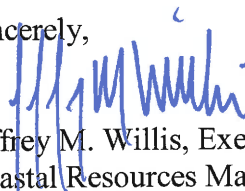
2. Revolution Wind must provide an **alternative project layout** inclusive of all project elements (i.e., turbine foundations, offshore substation(s), inter-array cables and export cable(s)) that avoids and does not overlay glacial moraine as identified and demarcated in Figure 3 in § 11.10.2(F) of the Ocean SAMP. Revolution Wind must demonstrate with this alternative project layout that all feasible efforts have been made to avoid damage to APC (glacial moraine) resources and values. This could be commensurate with the NOAA NMFS requested Fisheries Habitat Impact Minimization Alternative specified in NOAA's June 1, 2021 Revolution Wind EIS scoping comments.
3. Revolution Wind must submit a detailed graphic or graphics that clearly delineate the CRMC identified **offshore dive sites** as identified in Ocean SAMP § 11.10.2(C)(2) and as shown in Figure 2 at § 11.10.2(E) in relation to the proposed turbine foundations, inter-array cable network, offshore substation(s) and the export cables leading into state waters. The graphics must demonstrate that the project elements will not affect the Ocean SAMP offshore dive sites. It may be possible to combine this information request with number 1 above (glacial moraine) given that there may only be two offshore dive sites potentially affected by the Revolution Wind project.
4. Revolution Wind must submit an **economic impact analysis of the project on commercial and recreational fisheries** for Rhode Island-based vessels harvesting/fishing within the Revolution Wind lease area and along the export cable corridor that takes into account construction, operation and decommissioning phases over the life of the project. The analysis should include all commercial gear types used and commercially harvested species, as well as the valuation of charter/recreational trips by RI-based vessels. The analysis should show baseline fishery landings and average annual values for the period of 2008 through 2019 using multiple data sources to ensure best available information is used in the analysis, and include estimated indirect and direct economic impacts. The CRMC will evaluate the analysis in consultation with NOAA NMFS and RIDEM DMF, and will be considered by the CRMC for evaluating potential adverse impacts under the enforceable policies.
5. Revolution Wind must submit a revised Fisheries Research and Monitoring Plan as specified within the CRMC email to the Revolution Wind project manager on October 7, 2021. As discussed during the CRMC FAB meeting of September 28, 2021 new monitoring elements were added by Revolution Wind to the draft plan dated June 2021.

Based on the CRMC's CZMA commencement review date of August 6, 2021, a final decision for concurrence or objection to Revolution Wind's consistency certification must be issued by the CRMC on or before February 6, 2022 (six months following commencement of State agency review) pursuant to 15 C.F.R. §§ 930.62, 930.63 and 930.78. Absent the requested information necessary to

support a final CRMC federal consistency decision within the allotted CZMA review period and as detailed herein, the CRMC will have to conclude that the Revolution Wind project is not consistent with the enforceable policies of the Ocean SAMP and would therefore have to issue an objection to the Revolution Wind consistency certification. Revolution Wind may find that it needs additional time to prepare and file the requested information with CRMC and that it would be in Revolution Wind's best interests for the CRMC to have additional time to review the project and additional requested information. If so, then the CRMC is amenable to enter into a mutual agreement with Revolution Wind, LLC as provided for under 15 C.F.R. § 930.60(b) to stay the CRMC's CZMA federal consistency review period for a reasonable period of time, thus rescheduling the date for the CRMC's issuance of a federal consistency decision on Revolution Wind's consistency certification. We note that that BOEM anticipates issuing a Notice of Availability for the Draft EIS on or about July 1, 2022 based on the federal project schedule for Revolution Wind. The CRMC anticipates that important information will be provided within the DEIS especially for potential project alternatives designed to minimize habitat impacts relative to the discussed herein. Therefore, the timing of BOEM's issuance of the DEIS should be strongly factored into consideration of any stay agreement discussions between CRMC and Revolution Wind, LLC.

Please contact me at 401-783-3370 should you have any questions.

Sincerely,



Jeffrey M. Willis, Executive Director
Coastal Resources Management Council

/lat

cc: Jeffrey L. Payne, Ph.D., Director, NOAA OCM (via email)
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