



State of Rhode Island  
**Coastal Resources Management Council**  
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Michelle Morin  
Chief, Environment Branch for Renewable Energy  
U.S. Department of the Interior  
Bureau of Ocean Energy Management  
45600 Woodland Road, VAM-OREP  
Sterling, Virginia 20166

Subject: Rhode Island CZMA Federal Consistency review 30-day letter for the Mayflower Wind project; Docket No. BOEM-2021-0062; CRMC File No.: 2022-03-080

Dear Ms. Healy and Ms. Morin,

The Rhode Island Coastal Resources Management Council (CRMC) is in receipt of the Federal Consistency Certification filed by Mayflower Wind Energy, LLC for the above referenced offshore wind energy project and received by the CRMC on **March 18, 2022**, as required by 15 C.F.R. §§ 930.58 and 930.76. The Bureau of Ocean Energy Management (BOEM) issued its Notice of Intent on November 1, 2021 to prepare an Environmental Impact Statement for Mayflower Wind Energy, LLC's proposed wind energy facility offshore Rhode Island and Massachusetts, and located in federal waters of the outer continental shelf (OCS) within BOEM Lease Area OCS-A 0521.

The submerged cables as part of the proposed Brayton Point Offshore Export Cable Corridor are a listed activity subject to CRMC federal consistency review pursuant to Section 307 of the Coastal Zone Management Act (CZMA) (16 U.S.C. § 1451 et seq.), and the CZMA's implementing regulations at 15 C.F.R. Part 930. The Mayflower Wind Consistency Certification filing with the CRMC is specific to the Brayton Point export cable corridor (Brayton Point ECC), as it is the only element of the Mayflower Wind offshore wind energy project that is currently proposed to be located within the Rhode Island 2011 and 2018 Geographic Location Descriptions.

The CRMC is providing the following comments concerning necessary data and information (NDI) pursuant to 15 C.F.R. §§ 930.60(a)(2) and 930.77. The CRMC's federally-approved enforceable policies for offshore wind projects are contained within § 11.10 of the CRMC's Ocean Special Area Management Plan (Ocean SAMP) at: <https://rules.sos.ri.gov/regulations/part/650-20-05-11>.

The enforceable policies of §§ 11.10.1(D) and (J) require that a meeting to review the offshore wind project 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 11.10.1(J)(1) specify that "the CZMA six-month review period shall not begin until the day after" the FAB and HAB meetings, respectively. Accordingly, a meeting with the FAB and HAB are necessary data and information and the CZMA 6-month review period will not commence until such meeting with the FAB and HAB has been completed. The CRMC will endeavor to schedule a combined meeting of the FAB and HAB within approximately 30-days following the issuance of this letter so that the meeting will occur in a timely manner to ensure that the CZMA process is not delayed.

In addition to the missing NDI specified above, the CRMC has preliminarily identified other information based on our review of the Mayflower Wind Consistency Certification that will need to be provided to the CRMC during its CZMA review period. Mayflower Wind has indicated that some of this information is currently under development and will be submitted to the CRMC at a later date when completed. We are providing a brief summary below of this preliminary identified information that will need to be submitted to CRMC, but there could be additional information identified during the CZMA review period that may also be required. We anticipate that any additional information requests will be included, as may be necessary, in the CRMC's 3-month letter required pursuant to 15 C.F.R. § 930.77(a)(3).

### Fisheries Monitoring Plan

The CRMC requires a fisheries monitoring plan that will provide a baseline biological assessment of commercially and recreationally targeted fishery species as specified in the Ocean SAMP §§ 11.10.6 and 11.9.9(E). The biological assessment of commercially and recreationally targeted species must be performed at least four times to include a minimum of two (2) complete years before offshore construction and installation activities begin, for each year of construction (if construction extends beyond one year) and three (3) complete years following completion of construction and installation activities and during the operational phase of the project. There is no fisheries monitoring plan included in the Mayflower Wind COP or appendices, and the Consistency

Certification does not address CRMC enforceable policy § 11.10.6. Mayflower Wind, however, does indicate that they “will be working with the University of Massachusetts Dartmouth’s School for Marine Science and Technology (SMAST) and the Anderson Cabot Center of Ocean Life at the New England Aquarium to conduct baseline of existing fisheries information in and around the Lease Area and establish monitoring plans for pre-construction, construction, operations, and decommissioning phases of the Project Area.” *See* Section 11.1.5 COP Vol. 2 at 11-49. Mayflower Wind also notes in its Consistency Certification filing letter, dated March 17, 2022, to the CRMC that “certain studies and analyses are ongoing which are needed to provide necessary demonstrations for compliance with one or more enforceable RI CZMA policies. Mayflower Wind has identified in Section 3 where additional information will be provided, and the expected demonstrations that will be made once those data are available.” *See* Mayflower Wind letter at 1.

Mayflower Wind will need to provide to the CRMC a fully developed fisheries monitoring plan that provides for the baseline assessments of commercially and recreationally targeted fishery species during the CRMC’s CZMA review period in order to demonstrate compliance with enforceable policy Ocean SAMP § 11.10.6. The CRMC anticipates that Mayflower Wind should be able to conduct the required 2-year pre-construction baseline assessments in a timely manner given that the commencement of planned offshore construction activity is projected for Q2 2025 (3 years from now) as shown in Figure 3-6 of COP Volume 1 at 3-9.

#### Alternative Land-based Cable Route to Brayton Point

Mayflower Wind conducted a preliminary analysis of multiple potential export cable routes within Rhode Island state waters to a connection point at Brayton Point in Somerset, Massachusetts, known as the Brayton Point ECC. Mayflower Wind appears to have determined that a route through the Sakonnet River would be the most optimal route as described in Section 3.3.5 and as shown in Figure 3-26 of the COP Volume 1. Mayflower Wind, however, has not provided an analysis of an entirely land-based cable route to avoid resource impacts within the Sakonnet River. Accordingly, Mayflower Wind should conduct such an analysis, if it has not done so already, of a potential cable utility route along existing roadways either on Aquidneck Island or east of the Sakonnet River in the towns of Little Compton and Tiverton and submit it to the CRMC during its CZMA review.

To address the CRMC enforceable policy of avoiding significant adverse impact as specified in Ocean SAMP § 11.10.1(C), Table 3-1 of the Consistency Certification states that “Mayflower Wind is and will continue to work closely with commercial and recreational fishing interests on mitigation of potential impacts to their operations.” Mayflower Wind also states that “the potential for negative effects associated with the construction, operation, and decommissioning of the Project on EFH are limited in scale and considered to be very low to low.” *Id.* at 3-3. Given that the entire Sakonnet River is designated by the New England Fishery Management Council (NEFMC) as Essential Fish Habitat (EFH) and the proposed Brayton Point ECC will traverse the entire length of the river, it is not clear how Mayflower Wind has drawn its conclusion that project impacts are

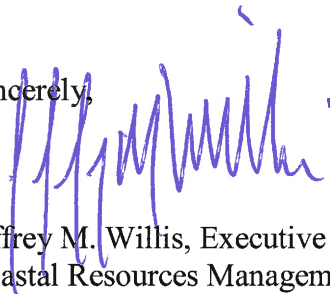
limited. *See* Map 245 – Inshore Juvenile Cod HAPC in the NEFMC Essential Fish Habitat Amendment 2 at 390. Based on an initial review of the Consistency Certification and the COP it appears that Mayflower Wind may have underestimated the impacts associated with the construction, operation of the project over the 30-year design lifetime and decommissioning thereafter. Consequently, the CRMC at this time believes that the necessary details to demonstrate minimization measures for impacts to fisheries resources and any potential fisheries mitigation have yet to be developed and available for CRMC review.

Notwithstanding the absence of a baseline biological assessment for commercially and recreationally targeted fishery species, a land-based cable route to Brayton Point to avoid the Sakonnet River, and the development of any necessary fishery mitigation measures as noted above, the CRMC’s six-month CZMA review period will not commence until the day after a meeting between Mayflower Wind, CRMC staff and the FAB and HAB has been completed to discuss potential fishery-related impacts, such as, but not limited to, project location, wind turbine configuration and spacing, construction schedules, alternative locations, project minimization and identification of high fishing activity or habitat edges, which is necessary data and information, pursuant to the CRMC’s enforceable policies and 15 C.F.R. §§ 930.60(a) and 930.77.

Given that Mayflower Wind indicates in its filing that “certain studies and analyses are ongoing which are needed to provide necessary demonstrations for compliance with one or more enforceable policies,” we anticipate that a stay agreement as provided for in 15 C.F.R. § 930.60(b) will be necessary to provide Mayflower Wind sufficient time to complete its ongoing studies and analyses, submit them to CRMC and allow sufficient time for the CRMC to complete its CZMA federal consistency review and issue a consistency decision. *See* Mayflower Wind Consistency Certification at 1-1.

Please contact me at [jwillis@crmc.ri.gov](mailto:jwillis@crmc.ri.gov) or James Boyd, CRMC Deputy Director at [jboyd@crmc.ri.gov](mailto:jboyd@crmc.ri.gov) or call 401-783-3370 should you have any questions concerning this matter.

Sincerely,



Jeffrey M. Willis, Executive Director  
Coastal Resources Management Council

/lat

cc Council members  
Anthony DeSisto CRMC Legal Counsel  
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