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January 25, 2022

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Re: Rhode Island CZMA federal consistency review status for the Sunrise Wind offshore wind project; Docket No. BOEM-2021-0052; CRMC File No.: 2021-09-036

Dear Ms. Lefton and Messrs. Evans and Payne,

The purpose of this letter is to provide a status update, pursuant to the requirements of 15 C.F.R. § 930.78(a), on the Rhode Island Coastal Resources Management Council's (CRMC) federal consistency review of the proposed Sunrise Wind offshore wind project. The CRMC, at this time, is not issuing a concurrence or an objection to the Consistency Certification filed with the CRMC by Sunrise Wind LLC<sup>1</sup> for the reasons detailed herein. However, if the CRMC were required to issue a consistency decision at this time for the Sunrise Wind project, it would be an objection based on the information filed by Sunrise Wind to date with the CRMC, as the project is presently not consistent with the State's federally approved coastal management program enforceable policies, which are specified in the CRMC's Ocean Special Area Management Plan at 650-RICR-20-05-11. The CRMC is requesting additional information, as specified below, that is necessary to complete the CRMC federal consistency review for the Sunrise Wind project.

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<sup>1</sup> Sunrise Wind, LLC is a 50/50 joint venture between Orsted North America Inc. and Eversource Investment LLC. See: <https://sunrisewindny.com>

Furthermore, the CRMC and Sunrise Wind LLC have mutually entered into an agreement to stay the CRMC federal consistency review of the project until October 21, 2022 with a final consistency decision issued by the CRMC no later than March 2, 2023<sup>2</sup>. This stay agreement will provide an opportunity for the CRMC to review project alternatives, including a habitat minimization alternative(s), that will be integrated into the Bureau of Ocean Energy Management (BOEM) Draft Environmental Impact Statement (DEIS) to be issued by BOEM on or about October 21, 2022.

On August 31, 2021 BOEM issued a Notice of Intent (NOI) in the Federal Register to prepare an Environmental Impact Statement for Sunrise Wind LLC's proposed offshore wind energy facility. *See* FR Vol. 86 at 48763. Then on September 3, 2021 BOEM issued a NOI for an extension of comment period and technical corrections. *Id* at 49563. The CRMC on September 28, 2021 submitted scoping comments (BOEM-2021-0052-0007) to BOEM on the Sunrise Wind construction and operation plan (COP).

The proposed Sunrise Wind offshore wind project will be located on the Outer Continental Shelf (OCS) within BOEM Lease Area OCS-A 0487<sup>3</sup> approximately 16.7 mi (14.5 nm) southeast from Block Island, Rhode Island. The Sunrise Wind project consists of up to 102<sup>4</sup> wind turbine generators (WTGs), a direct current seawater cooled offshore converter station (OCS-DC), and an export cable bundle comprised of two direct current cables traversing through both Federal and New York State waters to a landfall at Brookhaven, Long Island, New York. The wind farm (SRWF), the OCS-DC and a portion of the export cable (SRWEC) are located within the CRMC's 2011 and 2018 Geographic Location Descriptions (GLD). Offshore wind facilities and underwater cables are listed activities, pursuant to 15 C.F.R. § 930.53, within the CRMC's federally approved coastal management program. Therefore, the Sunrise Wind project is subject to CRMC federal consistency review 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.

On September 1, 2021 Sunrise Wind LLC filed with the CRMC a Consistency Certification for the proposed Sunrise Wind project as required by 15 C.F.R. §§ 930.58 and 930.76. The CRMC subsequently issued a 30-day letter on September 27, 2021 to Sunrise 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 Special Area Management Plan (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

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<sup>2</sup> BOEM was notified on December 13, 2021 by letter of transmittal from the CRMC including the stay agreement executed on December 10, 2021.

<sup>3</sup> A portion of Lease Area OCS-A 0500 (Bay State Wind LLC) and the entirety of Lease Area OCS-A 0487 (formerly Deepwater Wind New England LLC) were assigned to Sunrise Wind LLC on September 3, 2020, and the two areas were merged with a revised Lease OCS-A 0487 issued by BOEM on March 15, 2021.

<sup>4</sup> Following the Sunrise Wind consistency certification filing with the CRMC on September 1, 2021, the project was modified to reduce the overall number of WTGs from a maximum of 122 to 102 in the revised October 29, 2021 Construction and Operation Plan.

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 October 27, 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 Sunrise Wind project began on October 28, 2021<sup>5</sup>. Accordingly, the CRMC’s 3-month CZMA review status letter, required by 15 C.F.R. § 930.78(a), is due on or before January 28, 2022.

Appendix C (dated August 23, 2021) of the Sunrise Wind COP provides Coastal Zone Management Consistency Statements for Massachusetts, New York and Rhode Island. Section 4.0 of Appendix C specifically addresses consistency with Rhode Island’s enforceable policies of the Ocean SAMP at 650-RICR-20-05-11. Additionally, Table 3 separately addresses enforceable policies of the Rhode Island coastal program for the SRWF and the SRWEC on the OCS (SRWEC-OCS). The CRMC enforceable policy discussion within each of the following sections applies to both the SRWF and the SRWEC unless specifically called out within the applicable discussion section.

**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 Sunrise 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*

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<sup>5</sup> The CRMC notified BOEM and Sunrise Wind LLC in a letter dated October 28, 2021 that commencement of the CRMC CZMA consistency review for the Sunrise Wind project began on October 28, 2021.

*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.*

Sunrise Wind’s response to this enforceable policy states that “The [SRWF and SRWEC–OCS] is consistent with this policy. The [SRWF and SRWEC–OCS] will not have significant adverse impact on the natural resources or human uses of the area. Current activities will be able to continue post construction.” See Table 3 Rhode Island CRMP Certification at 11.10.1(C). While it is conceivable that current commercial and recreational fishing operations may be able to continue operating at some level of activity post-construction of the Sunrise Wind project, it is not yet clear based on currently available information as to what modifications to the project may be necessary to avoid likely adverse 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 coastal uses and resources 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. Further, the CRMC and the developers agreed to compensatory fisheries mitigation for unavoidable adverse impacts from both projects. As noted by the National Marine Fisheries Service (NMFS) the Sunrise Wind lease area is located along and overlaps the southern edge of Cox Ledge a large area of complex marine habitat. Cox Ledge is an important area for fishing activity, and 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. See NMFS Scoping Comments Letter to BOEM (Sept. 30, 2021) at A-2. A portion of the project overlaps substantial hard bottom complex habitat that is Essential Fish Habitat (EFH) for a number of managed fish species, including Atlantic Cod fish. Further, the project area overlaps with spawning habitat for Atlantic cod, which is a species of economic and cultural significance to the region. And, a portion of the lease area in the northwest corner appears to overlap with CRMC designated Area of Particular Concern (APC), designated as such due to glacial moraine characteristics. The Sunrise Wind COP shows the lease area in relation to glacial moraine in Figure 4.3.2-1, but there is no graphic within the COP that shows whether any proposed turbine foundations, inter-array cables or other foundations structures will be located within these glacial moraine areas.

The NMFS recommended to BOEM that a habitat minimization alternative(s) be included within the Environmental Impact Statement (EIS) to minimize effects of the project on important habitats. The alternative should evaluate “not just impacts of WTG construction and operation, but also ways to minimize impacts from cables on sensitive habitats.” *Id.* The NMFS also stated that “the alternative should evaluate the habitat data and identify areas where construction should be avoided.

*Id.* The CRMC anticipates that such alternative(s) will be part of the Draft EIS when made available by BOEM on or about October 21, 2022. We anticipate that project modifications will be necessary to avoid both temporary and long-term adverse impacts to sensitive marine habitats and the commercial and recreational fishermen that rely upon the fisheries resources dependent upon these complex marine habitats. We anticipate that mitigation will likely be necessary for the Sunrise Wind project, as it was for the Vineyard Wind and South Fork Wind projects.

Sunrise Wind needs to conduct an a socio-economic impact analysis of the project on commercial and recreational fisheries for Rhode Island-based vessels harvesting/fishing within the Sunrise 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 Sunrise Wind Draft EIS scheduled to be issued by BOEM on or about October 21, 2022. Sunrise Wind will need to provide evidence to the CRMC as part of its CZMA federal consistency review 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 Sunrise Wind project is consistent with this enforceable policy, as stated within its consistency certification.

**CRMC Enforceable Policy § 11.10.1(E):** *The Council shall prohibit any other uses or activities that would result in significant long-term negative impacts to Rhode Island's commercial or recreational fisheries. Long-term impacts are defined as those that affect more than one or two seasons.*

Sunrise Wind's response to this enforceable policy states that "The SRWF is consistent with this policy. There are no expected significant long-term negative impacts to Rhode Island's commercial or recreational fisheries from the SRWF." However, based on the comments submitted by NMFS, the agency is recommending that BOEM avoid/minimize impacts to fishery resources and existing and anticipated future fishing operations from the Sunrise Wind project. NMFS also indicated that the Sunrise Wind project could alter EFH for certain species, while construction activities and noise could disrupt spawning behavior, mask species communications, and negatively impact eggs and larvae. These effects will have short- and potentially long-term impacts to such resources and resulting consequences to fisheries that target them. Apart from indirect biological impacts, the project could result in direct impacts to fishing operations in the form of reduced area access, increased steaming time, and navigational/operational impediments. *See* NMFS Scoping Comments Letter to BOEM (Sept. 30, 2021) at A-27-28. Consequently, based on the information available at this time, the CRMC is unable to conclude that there would not be any significant long-term negative impacts to Rhode Island's commercial or recreational fisheries. The CRMC anticipates that the issues of significant long-term negative impacts will be addressed in the BOEM DEIS, as requested by NMFS.

**CRMC Enforceable Policy § 11.10.1(F):** *The Council shall require that the potential adverse impacts of offshore developments and other uses on commercial or recreational fisheries be evaluated, considered and mitigated as described in § 11.10.1(G) of this Part.*

Sunrise Wind's response to this enforceable policy in Table 3 states that "The SRWF is consistent with this policy. Sunrise Wind has evaluated and considered potential adverse impacts from the SRWF and made substantial modifications to the SRWF to mitigate any potential adverse impacts. To the extent any reasonably foreseeable potential impacts remain after consideration of the project modifications, Sunrise Wind will engage in mitigation negotiations pursuant to the Ocean SAMP enforceable policies. Environmental protection measures will be adopted to mitigate any potential impacts from the SRWF." Nevertheless, the full extent of potential adverse impacts have not yet been fully evaluated by BOEM has yet to consider project modifications as the DEIS has not yet been issued, and it is likely that BOEM may require a habitat minimization alternative, as recommended by NMFS. Further, Sunrise Wind has yet to file with the CRMC a socio-economic impact analysis of the project on commercial and recreational fisheries that will be the basis for any fisheries mitigation negotiations, and no mitigation negotiations have yet taken place between the CRMC, the FAB and Sunrise Wind. Accordingly, Sunrise Wind is not presently consistent with this enforceable policy.

**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.*

Sunrise Wind's response to this enforceable policy in Table 3 states that "The SRWF is consistent with this policy. The SRWF will be sited to avoid Areas of Particular Concern, or will take all feasible efforts to avoid damage to the Areas of Particular Concern resources and values and there will be no significant alteration of the Areas of Particular Concern resources and values." As noted above in discussion of enforceable policy § 11.10.1(C), the Sunrise Wind lease area is located along and overlaps the southern edge of Cox Ledge a large area of complex marine habitat. Cox ledge is a glacial moraine, and therefore the Sunrise Wind project is located along and overlaps the edge of a glacial moraine. Furthermore, Sunrise Wind has not provided any evidence or graphics to demonstrate whether any proposed turbine foundations, inter-array cables or other foundations structures will be located within these glacial moraine areas. Notwithstanding the statement by Sunrise Wind that it "will take all feasible efforts to avoid damage to the Areas of Particular Concern resources and values," absent appropriate graphics to determine proximity to and avoidance of glacial

moraine, the CRMC at this time is unable to conclude that Sunrise Wind is consistent with this enforceable policy.

**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.*

The Sunrise Wind consistency certification states that “the SRWF is consistent with this policy to the extent applicable. Sunrise Wind is performing surveys to determine any impact on essential habitats and those species within the wind farm area and will be part of a fisheries monitoring plan.” The CRMC is undergoing its CZMA federal consistency review of the Sunrise Wind now, and must complete that review before issuing a final consistency decision on or before March 2, 2023. However, the draft Sunrise Wind fisheries monitoring plan filed with the CRMC is incomplete and does not cover species of shellfish and crustaceans that are targeted by Rhode Island-based commercial fishermen. Thus, Sunrise Wind will not be able to determine any impacts on essential species because they are not included within the current draft fisheries monitoring plan.

NOAA NMFS stated within their September 30, 2021 Sunrise Wind scoping comments letter to BOEM that “based on preliminary review of information from early coordination meetings we expect complex habitat areas to be found along the northern project boundary, where the project overlaps with Cox Ledge and known areas of cod spawning activities. There may also be large areas of complex habitats along the central and eastern portions of the lease area. The alternative should evaluate the habitat data and identify areas where construction should be avoided or where micrositing should be considered to minimize impacts. The alternative should not only consider locations for turbine removal and/or micrositing, but also consider portions of the lease where cod spawning aggregations have been detected and areas dominated by complex habitats that provide important functions for associated living marine resources, such as Atlantic cod.” *See* NOAA NMFS Scoping Comments Letter to BOEM (Sept. 30, 2021) at A-2.

We agree with NMFS that a habitat minimization alternative should be considered for the Sunrise Wind project that minimizes effects on complex habitats that support spawning and nursery areas. The CRMC may require project modifications as a condition of any final consistency decision to avoid and minimize sensitive habitat impacts resulting from construction and operation of the Sunrise Wind project. In addition, the CRMC requires a revised fisheries and benthic habitat monitoring plan to account for species harvested by Rhode Island-based commercial fishermen within the Sunrise lease and export cable areas.

**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 Sunrise Wind project area. As noted above, the Sunrise Wind lease area is located along the southern edge of Cox Ledge, and the northwest portion of the lease area in particular overlaps hard bottom complex habitat, which supports EFH and 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](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 June 7, 2021 Letter at 4. This glacial moraine habitat in the SFW lease is part of the same habitat complex located along the Sunrise Wind project boundary.

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. 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. Sunrise 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, Sunrise Wind has not demonstrated that they have sited the project to avoid APC as they claim within their consistency certification statement. Thus, the Sunrise Wind project is not consistent with this enforceable policy.

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 Sunrise 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 Sunrise 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 C-Table 3.

**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. The Sunrise Wind consistency certification 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 C – Table 3. There is no graphic or other evidence within the COP that clearly shows that the Sunrise 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 Sunrise Wind 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 Sunrise Wind consistency certification (Appendix C – Table 3).

## **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, Sunrise 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 data and information provided by Sunrise Wind to the CRMC does not support Sunrise Wind’s statements of consistency for some CRMC enforceable policies, as detailed herein. I am requesting that Sunrise Wind provide the data and information specified herein and listed below **within sixty (90) days from the date of this letter** so that the CRMC can further evaluate and determine whether the Sunrise 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 with a final consistency no later than **March 2, 2023**, the CRMC would have to conclude that the Sunrise Wind project is not consistent with the Rhode Island coastal management program, and would then have to object to the Sunrise Wind Consistency Certification pursuant to 15 CFR §§ 930.63(c) and 930.78.

**C. Requested supplemental information necessary for CRMC review**

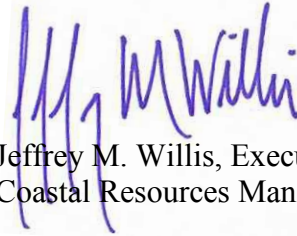
1. Sunrise Wind must submit a detailed graphic or graphics that clearly delineate the CRMC identified **glacial moraine** (identified as Areas of Particular Concern within Ocean SAMP § 11.10.2) in relation to the proposed turbine foundations, inter-array cable network, and any other proposed structures that are located in the northwestern portion of the SRWF. The graphic(s) must clearly distinguish wind turbine foundations, offshore substations, offshore converter station, inter-array cables and any other proposed structures located within or close proximity of CRMC identified glacial moraine (APC) as identified and demarcated in Figure 3 in § 11.10.2(F) of the Ocean SAMP.
2. Sunrise Wind must provide an **alternative project layout** inclusive of all project elements (i.e., turbine foundations, offshore substation, offshore converter station, inter-array cables and export cables) that avoids and does not overlay glacial moraine and moraine edges. This alternative could be the appropriate habitat minimization alternative that “identifies areas where construction should be avoided” as NMFS requested in their September 30, 2021 Sunrise Wind EIS scoping comments letter.
3. Sunrise Wind must submit a **socio-economic impact analysis of the project on commercial and recreational fisheries** for Rhode Island-based vessels harvesting/fishing within the Sunrise Wind lease area and along the export cable corridor that takes into account construction, operation and decommissioning phases over the life of the Sunrise Wind 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 include 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 consider by the CRMC for evaluating likely adverse impacts under the enforceable policies.
4. Sunrise Wind must submit a **revised Fisheries and Benthic Monitoring Plan**, as specified within the CRMC email to the Sunrise Wind project manager on January 13, 2022. See attached email. In particular the CRMC noted that the Plan did not include a specific monitoring proposal for Sea Scallops, which are the second most valuable species harvested within the SRWF Lease Area from 2008 through 2019, and the Plan did not include a ventless trap survey, despite similar surveys included as part of the nearby adjacent Revolution Wind and South Fork monitoring plans (Ørsted is the parent company for all three wind energy projects).

Based on the CRMC’s CZMA commencement review date of October 28, 2021, and the current effective stay agreement between CRMC and Sunrise Wind LLC, a final decision for concurrence or objection to the Sunrise Wind Consistency Certification must be issued by the CRMC no later than March 2, 2023 pursuant to 15 C.F.R. §§ 930.62, 930.63 and 930.78. Absent the requested information described herein that is necessary to support a final CRMC federal consistency

decision within the specified CZMA review period, the CRMC will have to conclude that the Sunrise Wind project is not consistent with the enforceable policies of the Ocean SAMP, and the CRMC would therefore have to issue an objection to the Sunrise Wind Consistency Certification.

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

Sincerely,



Jeffrey M. Willis, Executive Director  
Coastal Resources Management Council

/lat

cc: CRMC Council Members  
Anthony DeSisto, Esq., CRMC Legal Counsel  
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CRMC File 2021-09-036