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November 17, 2021

VIA E-MAIL AND HAND DELIVERY

Emma.Rodvien@puc.ri.gov

Emma Rodvien, Coordinator
Energy Facility Siting Board
89 Jefferson Boulevard
Warwick, Rhode Island 02888

Re: Docket No. SB-2021-01 – In Re: Revolution Wind, LLC’s Application to Construct and Alter Major Energy Facilities in North Kingstown, Rhode Island

Dear Ms. Rodvien:

Enclosed please find an original and four copies of Revolution Wind, LLC’s (“Revolution Wind”) Responses to the Energy Facility Siting Board’s Fifth Set of Data Requests, issued on November 10, 2021.

Thank you for your attention to this matter.

Very truly yours,



Adam M. Ramos



Robin L. Main

AMR:cw
Enclosures

cc: SB-2021-01 Service List (via e-mail)
Meredith Brady (via hand delivery)

SB-2021-01 Revolution Wind, LLC Application for Major Energy Facility**Updated October 25, 2021**

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EFSB 5-1

Request:

Has Revolution Wind made a federal consistency certification filing with CRMC? If so, please provide a copy of the filing in the same manner as the other filings in response to Record Requests 17 and 18 (CRMC and DEM filings).

Response:

Revolution Wind filed a request for federal consistency concurrence with CRMC on June 7, 2021, and CRMC has designated the request as File Number 2021-06-029. A copy of Revolution Wind's submission to CRMC is provided herein as Attachment EFSB 5-1-1 and CRMC's Public Notice of the initiation of their review is available on CRMC's website at: http://www.crmc.ri.gov/windenergy/revolution/20210928_RevWind-FedConPubNotice_2021-06-029.pdf. As noted in CRMC's public notice, the scope of federal consistency certification review is limited to the portion of the Project in federal waters. Federal consistency review occurs in conjunction with certain permits or licenses requested under federal law as dictated by the Coastal Zone Management Act. CRMC is the designated agency in Rhode Island to conduct a federal consistency review and has sole jurisdiction over the review process.



www.revolution-wind.com

06.07.2021

Jeffrey Willis, Executive Director
Rhode Island Coastal Resources Management Council
Stedman Government Center
Suite 116, 4808 Tower Hill Road
Wakefield, RI 02879-1900

Subject: Revolution Wind Farm Coastal Zone Management Act Federal Consistency Review

Dear Mr. Willis,

As discussed during our pre-filing consultations with the Rhode Island Coastal Resources Management Council (CRMC), Revolution Wind, LLC (Revolution Wind; formerly DWW Rev I, LLC) is pleased to provide the enclosed consistency certification along with the necessary data and information required for the State of Rhode Island to conduct a federal consistency review for the Revolution Wind Farm Project (Project), inclusive of both the Revolution Wind Farm (RWF) and Revolution Wind Export Cable (RWEC), pursuant to Subpart E of 15 CFR Part 930.

On April 30, The Bureau of Ocean Energy Management (BOEM) published a Notice of Intent to Prepare an Environmental Impact Statement in accordance with the National Environmental Policy Act. With this notice, BOEM published a copy of the Project's Construction and Operations Plan (COP) (available at: <https://www.boem.gov/Revolution-Wind>). The COP contains the necessary data and information required for consistency certification under the Rhode Island Ocean Special Area Management Plan, 650-RICR-20-05-11.10 (Ocean SAMP). Appendix B- Coastal Zone Management Consistency Statements (Rhode Island and Massachusetts) of the COP contains a list of the enforceable policies and statement of compliance for each enforceable program policy. References are provided to the sections of the COP where the applicable policy is addressed. Appendix B contains the required statement under 15 CFR § 930.76 that the proposed project "complies with the enforceable policies of the Rhode Island approved management program and will be conducted in a manner consistent with such program." Please let me know as soon as possible if you believe any necessary data and information is missing from this submission.

Revolution Wind acknowledges that the Ocean SAMP identifies an initial meeting with the Fishermen's Advisory Board and with the Habitat Advisory Board as necessary data and information for federal consistency review. Revolution Wind respectfully requests that CRMC promptly schedule an initial meeting among CRMC staff, Revolution Wind, and these advisory boards so that CRMC may commence its review of Revolution Wind's consistency certification pursuant to 15 CFR § 930.77.



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We look forward to working with you during your consistency review. Please do not hesitate to contact me or Liz Gowell, at LIZGO@orsted.com or (857) 348-3262, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Roll".

Mark Roll

Permit Manager, Revolution Wind
857-360-8811

Enclosure: Appendix B to the Revolution Wind COP - Coastal Zone Management Consistency Statements, April 2021

Cc (via email): James Boyd, CRMC
Jeffrey T. (JT) Hesse, BOEM
Jessica Stromberg, BOEM
Liz Gowell, Orsted

Coastal Zone Management Consistency Statements Rhode Island and Massachusetts

Prepared for

DWW Rev I, LLC
56 Exchange Terrace
Suite 300
Providence, RI 02903

April 2021



1 Cedar Street
Suite 400
Providence, Rhode Island 02903

APPENDIX B

Coastal Zone Management Consistency Statements

The federal Coastal Zone Management Act (CZMA) of 1972 encourages coastal states to be active in managing natural resources. The CZMA is a voluntary program for states. If a state chooses to participate in the CZMA program, it develops a coastal management program (CMP) pursuant to federal law. Under the federal consistency provision of the CZMA, in general, federal actions that may have reasonably foreseeable effects on the uses or resources of a state's coastal zone must be consistent with the enforceable policies of the state's federally approved CMP. The CZMA requires that non-federal applicants for federal licenses or permits submit a consistency certification to the state that declares that the proposed activity complies with the enforceable policies of the state's approved management program and will be conducted in a manner consistent with such program.

In accordance with the "federal consistency" requirement of the CZMA (16 USC 1456), as well as 15 CFR Part 930, the federal actions associated with the Revolution Wind Farm (RWF) and Revolution Wind Export Cable (RWE) (collectively the Project or proposed activity) include approval of the Construction and Operations Plan (COP) by BOEM (15 CFR part 930, subpart E) and issuance of an Individual Permit by United States Army Corps of Engineers (USACE), under Section 10 and 14 of the Rivers and Harbors Act and Section 404 of the Clean Water Act (15 CFR part 930, subpart E). Based on pre-application discussions, DWW Rev I, LLC (DWW Rev I) expects that Rhode Island and Massachusetts will review the Project for consistency with their state's enforceable policies.

This appendix provides summary tables listing each of the enforceable policies for the Rhode Island CRMP and the Massachusetts CZMP. The summary tables present descriptions of how the RWF and the RWE will be consistent with each applicable policy and provide a cross reference to specific sections of the COP where the applicable policy is addressed. Key details for each state are described below.

Rhode Island Coastal Resources Management Program

The Rhode Island Coastal Resources Management Council (CRMC) received its federal program (CRMP) approval under the CZMA in 1978. Included in the CRMP is the Rhode Island Ocean Special Area Management Plan (Ocean SAMP), which CRMC approved in 2010 and which the National Oceanic and Atmospheric Administration (NOAA) approved in 2011. The Ocean SAMP contains requirements for activities in state waters and enforceable policies for certain federal agency activities, licenses and permits in certain federal offshore waters.

A consistency certification is required for listed activities on the State's approved federal consistency list that are located in two areas of federal waters designated as geographic location description (GLD) 2011 and GLD 2018. For the GLD 2018, CRMC requested expanded federal consistency review authority of certain federal license or permit activities, namely offshore wind facilities and submarine cables within a portion of the Massachusetts Wind Energy Area (WEA) and certain federal waters. In December 2018, NOAA approved CRMC's requests including the expanded GLD (GLD 2018) and the modified federal consistency list.

The RWF and the RWE are located in the area defined by the GLDs and the Project is a listed activity on the State's approved federal consistency list. DWW Rev I has prepared a consistency certification that reviews the Project for consistency with the enforceable policies set forth in Section 11 of the Ocean

SAMP, see Appendix B-1. The Project complies with the enforceable policies of the Rhode Island approved management program and will be conducted in a manner consistent with such program.

Massachusetts Coastal Zone Management Program

The Massachusetts Coastal Zone Management Plan, which NOAA approved in 1978, is administered by the Massachusetts Office of Coastal Zone Management within the Executive Office of Energy and Environmental Affairs. The *Massachusetts Office of Coastal Zone Management Policy Guide - October 2011* (Policy Guide) contains the official program policies and references to the legal authorities of the CMP, including the federal consistency review process. DWW Rev I has voluntarily prepared a consistency certification that reviews the Project for consistency with the enforceable policies of the Massachusetts CZMP, see Appendix B-2. The Project complies with the enforceable policies of the Massachusetts approved management program and will be conducted in a manner consistent with such program.

Appendix B-1

Appendix B-1. Coastal Zone Management Consistency Statements: Rhode Island
Revolution Wind, LLC

| Rhode Island Ocean Special Area Management Plan (Ocean SAMP) Consistency Review | | | | |
|---|--|---|--|---|
| Ocean SAMP Section Number 650-RICR-20-05-11 | Policy/Requirement | Response to Policy for RWF | Response to Policy for RWEC | COP Sections and Appendices |
| 11.10 Regulatory Standards | | | | |
| 11.10 (A) | This section contains all the regulatory standards outlined by the Ocean SAMP. The regulatory standards have been organized according to the following stages: application; design, fabrication and installation; pre-construction; construction and decommissioning; and monitoring. Section 1160.1 of this part, Overall Regulatory Standards, applies to all stages of development. The regulatory standards contained within all previous chapters of the Ocean SAMP document have been incorporated into this section based upon the applicable stage of development. The "Regulatory Standards" in Section 1160 of this part are enforceable policies for purposes of the Federal CZMA. Federal Consistency provision (16 U.S.C. § 1456 and 15 C.F.R. part 930). For CZMA Federal Consistency purposes the Regulatory Standards, in addition to other applicable federally approved RICRMP enforceable policies shall be used as the basis for a CRMC CZMA Federal Consistency concurrence or objection. | The Revolution Wind Farm (RWF) will be located within federal waters, but also is within the Rhode Island Ocean Special Area Management Plan (Ocean SAMP) study area, a Geographic Location Description (GLD), and meets the definition of an Offshore Development. | The Revolution Wind Export Cable (RWEC) will be located underwater within the Ocean SAMP study area and meets the definition of an Offshore Development. | Section 1.3, Project Purpose; Section 1.4, Regulatory Framework; Section 2.0, Project Siting and Design Development; and Section 3.0, Description of Proposed Activity |
| 11.10(B) | The federal offshore renewable energy leasing process, and subsequent regulation of renewable energy projects located in federal waters, will remain under the jurisdiction of BOEM, in consultation and coordination with relevant federal agencies and affected state, local, and tribal officials, as per BOEM's statutory authority at 43 USC 1337(p) and the regulations found at 30 CFR 285. | The RWF is located in federal waters and therefore will remain in compliance with Bureau of Ocean Energy Management (BOEM) and Bureau of Safety and Environmental Enforcement (BSSE) policies. | The RWEC is located in federal waters and state waters, and will remain in compliance with BOEM policies as well as with Rhode Island Coastal Zone Management policies. | Section 1.3, Project Purpose; Section 1.4, Regulatory Framework; Section 2.0, Project Siting and Design Development; and Section 3.0, Description of Proposed Activity |
| 11.10.1 Overall Regulatory Standards | | | | |
| 11.10.1(A) | All Offshore Developments regardless of size, including energy projects, which are proposed for or located within state waters of the Ocean SAMP area, are subject to the policies and standards outlined in Sections 1150 and 1160 of this part (except, as noted above, Section 1150 policies shall not be used for CRMC concurrence or objection for CZMA Federal Consistency reviews). For the purposes of the Ocean SAMP, Offshore Developments are defined as: | The RWF is not located within Rhode Island state waters but is located in a GLD, and is subject to section 11.10 policies. | The RWEC is located within Rhode Island State waters, is located in a GLD, and is an underwater cable; therefore, the RWEC is subject to Ocean SAMP policies and standards. | Section 1.3, Project Purpose; Section 1.4, Regulatory Framework; Section 2.0, Project Siting and Design Development; and Section 3.0, Description of Proposed Activity |
| 11.10.1(A)(1) | Large-scale projects, such as: | | | |
| 11.10.1(A)(1)(a) | offshore wind facilities (5 or more turbines within 2 km of each other, or 18 MW power generation); | | | |
| 11.10.1(A)(1)(b) | wave generation devices (2 or more devices, or 18 MW power generation); | | | |
| 11.10.1(A)(1)(c) | instream tidal or ocean current devices (2 or more devices, or 18 MW power generation); and | | | |
| 11.10.1(A)(1)(d) | offshore LNG platforms (1 or more); and | | | |
| 11.10.1(A)(1)(e) | Artificial reefs (1/2 acre footprint and at least 4 feet high), except for projects of a public nature whose primary purpose is habitat enhancement; | | | |
| 11.10.1(A)(1)(f) | outer continental shelf (OCS) exploration, development, and production plans. | | | |
| 11.10.1(A)(2) | Small-scale projects, defined as any projects that are smaller than the above thresholds; | | | |
| 11.10.1(A)(3) | Underwater cables; | | | |
| 11.10.1(A)(4) | Mining and extraction of minerals, including sand and gravel; | | | |
| 11.10.1(A)(5) | Aquaculture projects of any size, as defined and regulated in Section 00-1.3.1(K) of this chapter; | | | |
| 11.10.1(A)(6) | Dredging, as defined and regulated in Section 00-1.3.1(I) of this chapter; or | | | |
| 11.10.1(A)(7) | Other development as defined in subchapter 00 part 1 of this chapter (RICRMP - Red Book) which is located from the mouth of Narragansett Bay seaward, in tidal waters from between 500 feet offshore and the 3-nautical mile, state water boundary. | | | |
| 11.10.1(B) | In assessing the natural resources and existing human uses present in state waters of the Ocean SAMP area, the Council finds that the most suitable area for offshore renewable energy development in the state waters of the Ocean SAMP area is the Renewable Energy Zone depicted in Figure 1 in Section 11.10.1(R) of this part, below. The Council designates this area as Type 4E waters. In the RICRMP these waters were previously designated as Type 4 (or multipurpose) but are hereby modified to show that this is the preferred site for large scale renewable energy projects in state waters. The Council may approve offshore renewable energy development elsewhere in the Ocean SAMP area, within state waters, where it is determined to have no significant adverse impact on the natural resources or human uses of the Ocean SAMP area. Large-scale Offshore Developments shall avoid areas designated as Areas of Particular Concern consistent with Section 11.10.2 of this part. No large-scale offshore renewable energy development shall be allowed in Areas Designated for Preservation consistent with Section 11.10.3 of this part. | The RWF is consistent with this policy. The RWF is located outside Rhode Island state waters and the OSAMP boundary designated by the Council. The RWF has been sited to avoid areas designated for preservation and avoid, to the extent possible, areas of particular concern. When avoidance is not possible, protection measures will be employed to avoid or minimize impact to any areas of particular concern. | The RWEC is consistent with this policy. Within federal waters, the RWEC is located in the OSAMP boundary designated by the Council. The RWEC has been sited to avoid areas designated for preservation and avoid, to the extent possible, areas of particular concern. When avoidance is not possible, protection measures will be employed to avoid or minimize impact to any areas of particular concern. | Section 1.3, Project Purpose; Section 1.4, Regulatory Framework; Section 2.0, Project Siting and Design Development; and Section 3.0, Description of Proposed Activity |
| 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. 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, 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. | The RWF is consistent with this policy. The RWF 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. | The RWEC is consistent with this policy. The 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. | Section 1.4.2.2, Coastal Zone Management Act Consistency; Section 4.3, Biological Resources; Section 4.6, Socioeconomic Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix B, Coastal Zone Management Act Consistency Certifications |
| 11.10.1(D) | Any Large-Scale Offshore Development, as defined in section 11.3(H), shall require a meeting between the Fisherman's Advisory Board (FAB), the applicant, and the Council staff to discuss potential fishery-related impacts, such as, but not limited to, project location, construction schedules, alternative locations, project minimization and identification of high fishing activity or habitat edges. For any state permit process for a Large-Scale Offshore Development this meeting shall occur prior to submission of the state permit application. The Council cannot require a pre-application meeting for federal permit applications, but the Council strongly encourages applicants for any Large-Scale Offshore Development, as defined in Section 11.3(H) in federal waters to meet with the FAB and the Council staff prior to the submission of a federal application, lease, license, or authorization. However, for federal permit applicants, a meeting with the FAB 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). | The RWF will be consistent with this policy. Meetings have been held with CRMC and Revolution Wind intends to schedule a pre-application meeting with the FAB to discuss potential fisheries-related impacts from the RWF. | The RWEC will be consistent with this policy. Meetings have been held with CRMC and Revolution Wind intends to schedule a pre-application meeting with the FAB to discuss potential fisheries-related impacts from the RWEC. | Section 1.4.2.2, Coastal Zone Management Act Consistency; Section 1.5, Agency and Public Outreach; Section 2.0, Project Siting and Design Development; Section 3.0, Description of Proposed Activity; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix B, Coastal Zone Management Act Consistency Certifications |
| 11.10.1(D)(1) | For purposes of BOEM's renewable energy program under the Outer Continental Shelf Lands Act, the CZMA federal consistency process cannot begin until a construction and operations plan (COP) has been submitted for BOEM's review and approval. Once BOEM has determined the COP and supporting information is sufficient to begin its environmental review under the National Environmental Policy Act, a Notice of Intent to prepare an Environmental Impact Statement will be issued. Only when BOEM issues the COP Notice of Intent can the CZMA review period begin. In most cases, an applicant provides the necessary data and information to the state at the time the applicant files its consistency certification and once the consistency certification and necessary data and information are submitted to the state, the six-month CZMA review period begins. However, for CZMA purposes the CRMC FAB meeting can occur before BOEM issues the COP Notice of Intent if the CRMC and the applicant mutually agree. If the FAB meeting does not occur until after BOEM issues the COP Notice of Intent, then the CZMA six-month review period shall not begin until the day after the FAB meeting, providing that the applicant has submitted all other necessary data and information and the consistency certification pursuant to NOAA's regulations. If the applicant requests the FAB meeting, it must be made in writing to the CRMC and the Chair of the FAB. The CRMC shall schedule the FAB meeting in a timely manner to ensure that the CZMA process is not delayed. | The RWF will be consistent with this policy. Meetings have been held with CRMC and Revolution Wind intends to schedule a pre-application meeting with the FAB meeting to discuss potential fisheries-related impacts from the RWF. | The RWEC will be consistent with this policy. Meetings have been held with CRMC and Revolution Wind intends to schedule a pre-application meeting with the FAB meeting to discuss potential fisheries-related impacts from the RWEC. | Appendix A, Agency Correspondence |

Appendix B-1. Coastal Zone Management Consistency Statements: Rhode Island
 Revolution Wind, LLC

| Ocean SAMP Section Number 650-RICR-20-05-11 | Policy/Requirement | Response to Policy for RWF | Response to Policy for RWECC | COP Sections and Appendices |
|---|--|--|--|---|
| 11.10.1(E) | The Council shall prohibit any other uses or activities that would result in significant long-term negative impacts Rhode Island's commercial or recreational fisheries. Long-term impacts are defined as those that affect more than one or two seasons. | The RWECC is consistent with this policy. Revolution Wind has conducted an assessment of commercial and recreational fisheries within the region, which encompasses the RWF. The RWF is not expected to have major long term impacts on commercial or recreational fisheries. | The RWECC is consistent with this policy. Revolution Wind has conducted an assessment of commercial and recreational fisheries within the region, which encompasses the RWECC. The RWECC is not expected to have major long term impacts on commercial or recreational fisheries. | Section 4.3.2, Benthic and Shellfish Resources; Section 4.3.3, Finfish and Essential Fish Habitat; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix X, Benthic Assessment; Appendix L, Essential Fish Habitat Assessment; and Appendix CC, Commercial and Recreational Fisheries |
| 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 Section 11.10.1(G) of this part. | The RWF is consistent with this policy. Revolution Wind has conducted an assessment of commercial and recreational fisheries within the region, which encompasses the RWF. The RWF is not expected to have major long term impacts on commercial or recreational fisheries and Revolution Wind is committed to collaborative science with the commercial and recreational fishing industries pre-, during, and post-construction. | The RWECC is consistent with this policy. Revolution Wind has conducted an assessment of commercial and recreational fisheries within the region, which encompasses the RWECC. The RWECC is not expected to have major long term impacts on commercial or recreational fisheries and Revolution Wind is committed to collaborative science with the commercial and recreational fishing industries pre-, during, and post-construction. | Section 4.3.2, Benthic and Shellfish Resources; Section 4.3.3, Finfish and Essential Fish Habitat; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix L, Essential Fish Habitat Assessment; Appendix X, Benthic Assessment; Appendix Y, Fisheries and Benthic Monitoring Plan; and Appendix CC, Commercial and Recreational Fisheries |
| 11.10.1(G) | For the purposes of fisheries policies and standards as summarized in Ocean SAMP Chapter 5, Commercial and Recreational Fisheries, §§ 5.3.1 and 5.3.2 of this Subchapter, mitigation is defined as a process to make whole those fisheries user groups, including related shore-side seafood processing facilities, that are adversely affected by offshore development proposals or projects. Mitigation measures shall be consistent with the purposes of duly adopted fisheries management plans, programs, strategies and regulations of the agencies and regulatory bodies with jurisdiction over commercial and recreational fisheries, including but not limited to those set forth above in § 11.9.4(B) of this Part. Mitigation shall not be designed or implemented in a manner that substantially diminishes the effectiveness of duly adopted fisheries management programs. Mitigation measures may include, but are not limited to, compensation, effort reduction, habitat preservation, restoration and construction, marketing, and infrastructure and commercial fishing fleet improvements. Where there are potential impacts associated with proposed projects, the need for mitigation shall be presumed (see § 11.10.1(F) of this Part). Mitigation shall be negotiated between the Council staff, the FAB, the project developer, and approved by the Council. The final mitigation will be the mitigation required by the CRMC and included in the CRMC's Assent for the project or, included within the CRMC's federal consistency decision for a project's federal permit application. | The RWF is consistent with this policy. Revolution Wind has conducted an assessment of commercial and recreational fisheries within the region, which encompasses the RWF. The RWF is not expected to have major long term impacts on commercial or recreational fisheries and Revolution Wind is committed to collaborative science with the commercial and recreational fishing industries pre-, during, and post-construction. The Project's Fisheries Communication and Outreach Plan summarizes the outreach conducted and includes a Fishing Gear Conflict Prevention and Compensation Plan that identifies measures to Prevent gear loss, as well as a claim procedure in the event that gear loss is caused by RWF activities. | The RWECC is consistent with this policy. Revolution Wind has conducted an assessment of commercial and recreational fisheries within the region, which encompasses the RWECC. The RWECC is not expected to have major long term impacts on commercial or recreational fisheries and Revolution Wind is committed to collaborative science with the commercial and recreational fishing industries pre-, during, and post-construction. The Project's Fisheries Communication and Outreach Plan summarizes the outreach conducted and includes a Fishing Gear Conflict Prevention and Compensation Plan that identifies measures to Prevent gear loss, as well as a claim procedure in the event that gear loss is caused by RWECC activities. | Section 4.3.2, Benthic and Shellfish Resources; Section 4.3.3, Finfish and Essential Fish Habitat; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix L, Essential Fish Habitat Assessment; Appendix X, Benthic Assessment; Appendix Y, Fisheries and Benthic Monitoring Plan; Appendix CC, Commercial and Recreational Fisheries; and Appendix DD, Fisheries Communication and Outreach Plan |
| 11.10.1(H) | The Council recognizes that moraine edges, as illustrated in Figures 3 and 4 in section 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 will 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. | 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. When avoidance is not possible, protection measures will be employed to avoid to minimize impact to any moraine edges. | The RWECC is consistent with this policy. The RWECC has been sited to avoid and minimize impacts to areas of particular concern, including moraine edges. When avoidance is not possible, protection measures will be employed to avoid to minimize impact to any moraine edges. | Section 4.3.2, Benthic and Shellfish Resources; Section 4.3.3, Finfish and Essential Fish Habitat; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix X, Benthic Assessment; Appendix L, Essential Fish Habitat Assessment; and Appendix CC, Commercial and Recreational Fisheries |
| 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 Section 11.10.5(C) of this part. | The RWF is consistent with this policy. Revolution Wind has conducted an assessment of commercial and recreational fisheries within the region, which encompasses the RWF. The RWF is not expected to have major long term impacts on commercial or recreational fisheries and Revolution Wind is committed to collaborative science with the commercial and recreational fishing industries pre-, during, and post-construction. | The RWECC is consistent with this policy. Revolution Wind has conducted an assessment of commercial and recreational fisheries within the region, which encompasses the RWECC. The RWECC is not expected to have major long term impacts on commercial or recreational fisheries and Revolution Wind is committed to collaborative science with the commercial and recreational fishing industries pre-, during, and post-construction. | Section 4.3.2, Benthic and Shellfish Resources; Section 4.3.3, Finfish and Essential Fish Habitat; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix L, Essential Fish Habitat Assessment; Appendix X, Benthic Assessment; Appendix Y, Fisheries and Benthic Monitoring Plan; and Appendix CC, Commercial and Recreational Fisheries |
| 11.10.1(J) | Any Large-Scale Offshore Development, as defined in this part, shall require a meeting between the HAB, the applicant, and the Council staff to discuss potential marine resource and habitat-related issues such as, but not limited to, impacts to marine resource and habitats during construction and operation, project location, construction schedules, alternative locations, project minimization, measures to mitigate the potential impacts of proposed projects on habitats and marine resources, and the identification of important marine resource and habitat areas. For any state permit process for a Large-Scale Offshore Development, this meeting shall occur prior to submission of the state permit application. The Council cannot require a pre-application meeting for federal permit applications, but the Council strongly encourages applicants for any Large-Scale Offshore Development, as defined in Section 11.10.1(A) of this part, in federal waters to meet with the HAB and the Council staff prior to the submission of a federal application, lease, license, or authorization. However, for federal permit applicants, a meeting with the HAB 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). | The RWF will be consistent with this policy. Meetings have been held with CRMC and Revolution Wind intends to schedule a pre-application meeting with the HAB meeting to discuss potential marine resources and habitat-related impacts from the RWF. | The RWECC is consistent with this policy. Meetings have been held with CRMC and Revolution Wind intends to schedule a pre-application meeting with the HAB meeting to discuss potential marine resources and habitat-related impacts from the RWECC. | Section 1.3.4, Coastal Zone Management Act Consistency; Section 1.5, Agency and Public Outreach; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix A, Agency Correspondence; and Appendix B, Coastal Zone Management Act Consistency Certifications |
| 11.10.1(J)(1) | For purposes of BOEM's renewable energy program under the Outer Continental Shelf Lands Act, the CZMA federal consistency process cannot begin until a construction and operations plan (COP) has been submitted for BOEM's review and approval. Once BOEM has determined the COP and supporting information is sufficient to begin its environmental review under the National Environmental Policy Act, a Notice of Intent to prepare an Environmental Impact Statement will be issued. Only when BOEM issues the COP Notice of Intent can the CZMA review period begin. In most cases, an applicant provides the necessary data and information to the state at the time the applicant files its consistency certification and once the consistency certification and necessary data and information are submitted to the state, the six-month CZMA review period begins. However, for CZMA purposes the CRMC HAB meeting can occur before BOEM issues the COP Notice of Intent if the CRMC and the applicant mutually agree. If the HAB meeting does not occur until after BOEM issues the COP Notice of Intent, then the CZMA six-month review period shall not begin until the day after the HAB meeting, providing that the applicant has submitted all other necessary data and information and the consistency certification pursuant to NOAA's regulations. If the applicant requests the HAB meeting, it must be made in writing to the CRMC and the Chair of the FAB. The CRMC shall schedule the meeting in a timely manner to ensure that the CZMA process is not delayed. | | | |
| 11.10.1(K) | The potential impacts of a proposed project on cultural and historic resources will be evaluated in accordance with the National Historic Preservation Act and Antiquities Act, and the Rhode Island Historic Preservation Act and Antiquities Act as applicable. Depending on the project and the lead federal agency, the projects that may impact marine historical or archaeological resources identified through the joint agency review process shall require a Marine Archaeology Assessment that documents actual or potential impacts the completed project will have on submerged cultural and historic resources. | The RWF is consistent with this policy. Potential impacts on cultural and historic resources have been evaluated. | The RWECC is consistent with this policy. Potential impacts on cultural and historic resources have been evaluated. | Section 4.4, Cultural Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix M, Marine Archaeological Resources Assessment Appendix U2, Historic Resources Visual Effects Analysis - Revolution Wind Farm |

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| 11.10.1(L) | Guidelines for Marine Archaeology Assessment in the Ocean SAMP Area can be obtained through the RIHPHC in their document, "Performance Standards and Guidelines for Archaeological Projects: Standards for Archaeological Survey" (RIHPHC 2007), or the lead federal agency responsible for reviewing the proposed development. | The RWF is consistent with this policy. BOEM is the lead federal agency for the RWF and the Marine Archaeology Assessment was conducted in accordance with their guidelines. | The RWEC is consistent with this policy. BOEM is the lead federal agency for the RWF and the Marine Archaeology Assessment was conducted in accordance with their guidelines. | Section 4.4, Cultural Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix M, Marine Archaeological Resources Assessment |
| 11.10.1(M) | The potential non-physical impacts of a proposed project on cultural and historic resources shall be evaluated in accordance with 36 CFR 800.5, <i>Assessment of Adverse Effects, (v) Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features</i> . Depending on the project and the lead federal agency, the Ocean SAMP Interagency Working Group may require that a project undergo a Visual Impact Assessment that evaluates the visual impact a completed project will have on onshore cultural and historic resources. | The RWF is consistent with this policy. Visual Impact Assessments were performed for the RWF. | The RWEC is consistent with this policy. Visual Impact Assessments were performed for the project; the RWEC will be buried and, therefore, will not be visible. | Section 4.1.10, Visible Structures; Section 4.5, Visual Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix U3, Visual Impact Assessment- Revolution Wind Farm |
| 11.10.1(N) | A Visual Impact Assessment may require the development of detailed visual simulations illustrating the completed project's visual relationship to onshore properties that are designated National Historic Landmarks, listed on the National Register of Historic Places, or determined to be eligible for listing on the National Register of Historic Places. Assessment of impacts to specific views from selected properties of interest may be required by relevant state and federal agencies to properly evaluate the impacts and determination of adverse effect of the project on onshore cultural or historical resources. | The RWF is consistent with this policy. Visual Impact Assessments were performed for the RWF. | The RWEC is consistent with this policy. Visual Impact Assessments were performed for the project; the RWEC will be buried and, therefore, will not be visible. | Section 4.4, Cultural Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix U2, Historic Resources Visual Effects Analysis - Revolution Wind Farm |
| 11.10.1(O) | A Visual Impact Assessment may require description and images illustrating the potential impacts of the proposed project. | The RWF is consistent with this policy. Visual Impact Assessments were performed for the RWF. | The RWEC is consistent with this policy. Visual Impact Assessments were performed for the project; the RWEC will be buried and, therefore, will not be visible. | Section 4.1.10, Visible Structures; Section 4.5, Visual Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix U3, Visual Impact Assessment- Revolution Wind Farm |
| 11.10.2 Areas of Particular Concern | | | | |
| 11.10.2(A) | Areas of Particular Concern (APCs) have been designated in state waters through the Ocean SAMP process with the goal of protecting areas that have high conservation value, cultural and historic value, or human use value from Large-Scale Offshore Development. These areas may be limited in their use by a particular regulatory agency (e.g. shipping lanes), or have inherent risk associated with them (e.g. unexploded ordnance locations), or have inherent natural value or value assigned by human interest (e.g. glacial moraines, historic shipwreck sites). Areas of Particular Concern have been designated by reviewing habitat data, cultural and historic features data, and human use data that has been developed and analyzed through the Ocean SAMP process. Currently designated Areas of Particular Concern are based on current knowledge and available datasets; additional Areas of Particular Concern may be identified by the Council in the future as new datasets are made available. Areas of Particular Concern may be elevated to Areas Designated for Preservation in the future if future studies show that Areas of Particular Concern cannot risk even low levels of Large-Scale Offshore Development within these areas. Areas of Particular Concern include: | The RWF is consistent with these policies, as described below. | The RWEC is consistent with these policies, as described below. | See responses below. |
| 11.10.2(A)(1) | Areas with unique or fragile physical features, or important natural habitats; | The RWF is consistent with this policy. The RWF will be sited to avoid unique or fragile physical features or important natural habitats to the maximum extent possible. Where avoidance is not possible, Revolution Wind will implement environmental protection measures to minimize impacts on these resources. | The RWEC is consistent with this policy. The RWEC will be sited to avoid unique or fragile physical features or important natural habitats to the maximum extent possible. Where avoidance is not possible, Revolution Wind will implement environmental protection measures to minimize impacts on these resources. | Section 4.3, Biological Resources; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix X, Benthic Assessment; Appendix L, Essential Fish Habitat Assessment; and Appendix CC, Commercial and Recreational Fisheries |
| 11.10.2(A)(2) | Areas of high natural productivity; | The RWF is consistent with this policy. Based on fisheries assessments, the RWF was sited to avoid areas of high natural productivity. | The RWEC is consistent with this policy. Based on fisheries assessments, the RWEC was sited to avoid to avoid areas of high natural productivity. | Section 4.3, Biological Resources; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix X, Benthic Assessment; Appendix L, Essential Fish Habitat Assessment; and Appendix CC, Commercial and Recreational Fisheries |
| 11.10.2(A)(3) | Areas with features of historical significance or cultural value; | The RWF is consistent with this policy. Revolution Wind is conducting surveys and tribal coordination to identify submerged cultural resources. The RWF will be sited to avoid areas with features of historical significance or cultural value to the maximum extent possible. Where avoidance is not possible, will implement environmental protection measures to minimize impacts on these resources, including implementation of an Unanticipated Discovery Plan. | The RWEC is consistent with this policy. Revolution Wind is conducting surveys and tribal coordination to identify submerged cultural resources. The RWEC will be sited to avoid areas with features of historical significance or cultural value to the maximum extent possible. Where avoidance is not possible, will implement environmental protection measures to minimize impacts on these resources, including implementation of an Unanticipated Discovery Plan. | Section 4.4, Cultural Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix M, Marine Archaeological Resources Assessment Appendix U2, Historic Resources Visual Effects Analysis - Revolution Wind Farm |
| 11.10.2(A)(4) | Areas of substantial recreational value; | The RWF is consistent with this policy. The RWF is not located in an area that has substantial recreational value. | The RWEC is consistent with this policy. The RWEC is not located in an area that has substantial recreational value. | Section 4.6.4, Recreation and Tourism; Section 4.6.5, Commercial and Recreational Fishing; Section 4.6.7, Coastal Land Use and Infrastructure; Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Management Measures; and Appendix CC, Commercial and Recreational Fisheries |
| 11.10.2(A)(5) | Areas important for navigation, transportation, military and other human uses; and | The RWF is consistent with this policy. The RWF was sited to avoid areas that are important to navigation, transportation, military and other uses. | The RWEC is consistent with this policy. The RWEC will be buried and will therefore not interfere with navigation, transportation, military and other uses. | Section 4.6.6, Commercial Shipping; Section 4.6.7, Coastal Land Use and Infrastructure; Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix R, Navigation/Safety Risk Assessment |
| 11.10.2(A)(6) | Areas of high fishing activity. | The RWF is consistent with this policy. Based on fisheries assessments, the RWF is not sited in an area of high fishing activity. | The RWEC is consistent with this policy. The RWEC will be buried and is not expected to have impact fishing activity. | Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix CC, Commercial and Recreational Fisheries |

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| 11.10.2(B) | The Council has designated the areas listed below in section 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 section 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. | The RWF 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. When avoidance is not possible, protection measures will be employed to avoid or minimize impacts to Areas of Particular Concern. | The RWEC is consistent with this policy. The RWEC was sited to avoid Areas of Particular Concern. When avoidance is not possible, protection measures will be employed to avoid or minimize impacts to Areas of Particular Concern. | COP Section 3.0, Description of Proposed Activity Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures. |
| 11.10.2(C) | Areas of particular concern that have been identified in the Ocean SAMP area in state waters are described as follows. | | | |
| 11.10.2(C)(1) | Historic shipwrecks, archaeological or historical sites and their buffers as described in Chapter 4, Cultural and Historic Resources, section 440.1.1 through 440.1.4, are Areas of Particular Concern. For the latest list of these sites and their locations please refer to the Rhode Island State Historic Preservation and Heritage Commission. | The RWF is consistent with this policy. Revolution Wind analyzed the shipwreck data provided by Rhode Island State Historic Preservation and Heritage Commission. Known shipwrecks located within the RWF will be avoided. | The RWEC is consistent with this policy. Revolution Wind analyzed the shipwreck data provided by Rhode Island State Historic Preservation and Heritage Commission. Known shipwrecks located within the RWEC will be avoided. | Section 4.4, Cultural Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix M, Desktop Marine Archaeological Resources Assessment |
| 11.10.2(C)(2) | Offshore dive sites within the Ocean SAMP area, as shown in Figure 2 in Section 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. | The RWF is consistent with this policy. There are no offshore dive sites of significance in the RWF area. | The RWEC is consistent with this policy. There are no offshore dive sites of significance along the RWEC route. | Section 4.6.4, Recreation and Tourism; Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix R, Navigation Safety Risk Assessment |
| 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 Figure 3 and Figure 4 in section 11.10.2 of this part as Areas of Particular Concern. | The RWF is consistent with this policy. The RWF has been sited to avoid areas of particular concern. When avoidance is not possible, protection measures will be employed to avoid to minimize impact to glacial moraines. | The RWEC is consistent with this policy. The RWEC has been sited to avoid areas of particular concern. When avoidance is not possible, protection measures will be employed to avoid to minimize impact to glacial moraines. | Section 4.2.3, Geological Resources; Section 4.2.4, Physical Oceanography and Meteorology; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures |
| 11.10.2(C)(4) | Navigation, Military, and Infrastructure areas including: designated shipping lanes, precautionary areas, recommended vessel routes, ferry routes, dredge disposal sites, military testing areas, unexploded ordnance, pilot boarding areas, anchorages, and a coastal buffer of 1 km as depicted in Figure 5 in section 11.10.2 of this part are designated as Areas of Particular Concern. The Council recognizes the importance of these areas to marine transportation, navigation and other activities in the Ocean SAMP area. | The RWF is consistent with this policy. Revolution Wind analyzed navigation, military, and infrastructure areas, and there are no precautionary areas, ferry routes, dredge disposal sites, military testing areas, unexploded ordnance, pilot boarding areas, anchorages, or coastal buffers located in the RWF area. There are no known unexploded ordnances. | The RWEC is consistent with this policy. Revolution Wind analyzed navigation, military, and infrastructure areas, and there are no precautionary areas, ferry routes, dredge disposal sites, military testing areas, unexploded ordnance, pilot boarding areas, anchorages, or coastal buffers located along the RWEC route. There are no known unexploded ordnances. | Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix R, Navigation Safety Risk Assessment |
| 11.10.2(C)(5) | Areas of high fishing activity as identified during the pre-application process by the Fishermen's Advisory Board, as defined in section 11.3(E) of this part, may be designated by the Council as Areas of Particular Concern. | The RWF is consistent with this policy. The RWF has been sited to avoid Areas of high fishing activity. The RWF is not expected to have major long-term impacts on fishing it is expected that fishing will continue after construction. | The RWEC is consistent with this policy. The RWEC has been sited to avoid Areas of high fishing activity. The RWEC is not expected to have major long-term impacts on fishing it is expected that fishing will continue after construction. | Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix CC, Commercial and Recreational Fisheries |
| 11.10.2(C)(6) | Several heavily-used recreational boating and sailboat racing areas, as shown in Figure 6 in section 11.10.2 of this part, are designated as Areas of Particular Concern. The Council recognizes that organized recreational boating and sailboat racing activities are concentrated in these particular areas, which are therefore important to sustaining Rhode Island's recreation and tourism economy. | The RWF is consistent with this policy. The RWF is not located in a heavily-used recreational boating and sailboat racing areas, as shown on Figure 6 of the Ocean SAMP, and will not negatively impact Rhode Island's recreation and tourism economy. | The RWEC is consistent with this policy. The RWEC is not located in a heavily-used recreational boating and sailboat racing areas, as shown on Figure 6 of the Ocean SAMP, and will not negatively impact Rhode Island's recreation and tourism economy. | Section 4.6.4, Recreation and Tourism; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix CC, Commercial and Recreational Fisheries |
| 11.10.2(C)(7) | Naval Fleet Submarine Transit Lane, as described in Chapter 7, Marine Transportation, Navigation, and Infrastructure section 720.7, are designated as Areas of Particular Concern. | The RWF is consistent with this policy. The RWF is not located in a Naval Fleet Submarine Transit Lane. | The RWEC is consistent with this policy. The RWEC is not located in a Naval Fleet Submarine Transit Lane. | Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix R, Navigation Safety Risk Assessment |
| 11.10.2(C)(8) | Other Areas of Particular Concern may be identified during the pre-application review by state and federal agencies as areas of importance. | The RWF is consistent with this policy. Revolution Wind recognizes that other Areas of Particular concern may be identified during the pre-application review. | The RWEC is consistent with this policy. Revolution Wind recognizes that other Areas of Particular concern may be identified during the pre-application review. | Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix R, Navigation Safety Risk Assessment |
| 11.10.2(D) | Developers proposing projects for within the Renewable Energy Zone as described in section 11.10.1(B) of this part shall adhere to the requirements outlined in 11.10.2 of this part regarding Areas of Particular Concern in state waters, including any Areas of Particular Concern that overlap the Renewable Energy Zone (see Figure 7 in section 11.10.2 of this part). | This policy is not applicable because the RWF is not located within Rhode Island state waters. | The RWEC is consistent with these policy. | Not applicable |
| 11.10.3 Prohibitions and Areas Designated for Preservation | | | | |
| 11.10.3(A) | Areas Designated for Preservation are designated in the Ocean SAMP area in state waters for the purpose of preserving them for their ecological value. Areas Designated for Preservation were identified by reviewing habitat and other ecological data and findings that have resulted from the Ocean SAMP process. Areas Designated for Preservation are afforded additional protection than Areas of Particular Concern (see section 11.10.2 of this part) because of scientific evidence indicating that Large-Scale Offshore Development in these areas may result in significant habitat loss. The areas listed in Section 11.10.3 are designated as Areas Designated for Preservation. The Council shall prohibit any Large-Scale Offshore Development, mining and extraction of minerals, or other development that has been found to be in conflict with the intent and purpose of an Area Designated for Preservation. Underwater cables are exempt from this prohibition. Areas designated for preservation include: | This policy is not applicable because the RWF is located in federal waters, outside state waters, and is therefore not located in any Areas Designated for Preservation. | This policy is not applicable because the RWEC is not located in any Areas Designated for Preservation. | Not applicable |
| 11.10.3(A)(1) | Ocean SAMP sea duck foraging habitat in water depths less than or equal to 20 meters [65.6 feet] (as shown in Figure 8 in section 11.10.2 of this part) is designated as an Area Designated for Preservation due to their ecological value and the significant role these foraging habitats play to avian species, and existing evidence suggesting the potential for permanent habitat loss as a result of offshore wind energy development. The current research regarding sea duck foraging areas indicates that this habitat is depth limited and generally contained within the 20 meter depth contour. It is likely there are discreet areas within this region that are prime feeding areas, however at present there is no long-term data set that will allow this determination. Thus, the entire area within the 20 meter contour is being protected as an Area Designated for Preservation until further research allows the Council and other agencies to make a more refined determination. | This policy is not applicable because the RWF is not located in any Areas Designated for Preservation or Ocean SAMP sea duck foraging habitat. | This policy is not applicable because the RWEC is not located in any Areas Designated for Preservation or Ocean SAMP sea duck foraging habitat. | Not applicable |
| 11.10.3(A)(2) | The mining and extraction of minerals, including sand and gravel, from tidal waters and salt ponds is prohibited. This prohibition does not apply to dredging for navigation purposes, channel maintenance, habitat restoration, or beach replenishment for public purposes. | This policy is not applicable because the RWF is an offshore wind farm facility, not a mining and extraction of minerals facility. | This policy is not applicable because the RWEC is a buried export cable, not a mining and extraction of minerals facility. | Not applicable |

Appendix B-1. Coastal Zone Management Consistency Statements: Rhode Island
Revolution Wind, LLC

| Ocean SAMP Section Number 650-RICR-20-05-11 | Policy/Requirement | Response to Policy for RWF | Response to Policy for RWEC | COP Sections and Appendices |
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| 11.10.3(A)(3) | The Council shall prohibit any Offshore Development in areas identified as Critical Habitat under the Endangered Species Act. | The RWF is consistent with this policy. The RWF is not located within any critical habitat areas. | The RWEC is consistent with this policy. The RWEC is not located within any critical habitat areas. | Section 4.3, Biological Resources; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix X, Benthic Assessment; Appendix L, Essential Fish Habitat Assessment; and Appendix CC, Commercial and Recreational Fisheries |
| 11.10.3(A)(4) | Dredged material disposal, as defined and regulated in Section 00-1.3.1(i) of this chapter, is further limited in the Ocean SAMP area by the prohibition of dredged material disposal in the following Areas of Particular Concern as defined in section 11.10.2 of this part: historic shipwrecks, archaeological, or historic sites; offshore dive sites; navigation, military, and infrastructure areas; and moraines. Beneficial reuse may be allowed in Areas Designated for Preservation, whereas all other dredged material disposal is prohibited in those areas. All disposal of dredged material will be conducted in accordance with the U.S. EPA and U.S. Army Corps of Engineers' manual, <i>Evaluation of Dredged Material Proposed for Ocean Disposal</i> . | This policy is not applicable because the RWF is an offshore wind farm facility, not a dredging project. | This policy is not applicable because the RWEC is an underwater cable, not a dredging project. | Not applicable |
| 11.10.4 Other Areas | | | | |
| 11.10.4(A) | Large-scale projects or other development which is found to be a hazard to commercial navigation shall avoid areas of high intensity commercial marine traffic in state waters. Avoidance shall be the primary goal of these areas. Areas of High Intensity Commercial Marine Traffic are defined as having 50 or more vessel counts within a 1 km by 1 km grid, as in Figure 9 in Section 11.10.4(B). | The RWF is consistent with this policy. The RWF is not located in the areas of high traffic as described in Figure 9 of the Ocean SAMP. | The RWEC is consistent with this policy. The RWEC will be buried and therefore will not be a hazard to commercial navigation. | Section 4.6.8, Other Marine Uses; and Appendix R, Navigation/Safety Risk Assessment |
| 11.10.5 Application Requirements | | | | |
| 11.10.5(A) | For the purposes of this document, the phrase "necessary data and information" shall refer to the necessary data and information required for federal consistency reviews for purposes of starting the Coastal Zone Management Act (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). Any necessary data and information shall be provided before the 6-month CZMA review period begins for a proposed project. It should be noted that other federal and state agencies may require other types of data or information as part of their review processes. | The RWF is consistent with this policy. All necessary data and information will be provided to start the 6 month review period. | The RWEC is consistent with this policy. All necessary data and information will be provided to start the 6 month review period. | Not Applicable |
| 11.10.5(B) | For the purposes of this document, the following terms shall be defined as: | | | |
| 11.10.5(B)(1) | A Site Assessment Plan (SAP) is defined as a pre-application plan that describes the activities and studies the applicant plans to perform for the characterization of the project site. | A SAP for Lease Area OCS - A - 0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file #2017-09-034 on September 8, 2017. | A SAP for Lease Area OCS - A - 0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file #2017-09-034 on September 8, 2017. | Not Applicable |
| 11.10.5(B)(2) | A Construction and Operations Plan (COP) is defined as a plan that describes the applicant's construction, operations, and conceptual decommissioning plans for a proposed facility, including the applicant's project easement area. | The COP for the RWF was submitted to BOEM in March 2020 and is under review. | The COP for the RWEC was submitted to BOEM in March 2020 and is under review. | Section 1.3, Project Purpose; Section 1.4, Regulatory Framework; and Section 3.0, Description of Proposed Activity |
| 11.10.5(B)(3) | A Certified Verification Agent (CVA) is defined as an independent third-party agent that shall use good engineering judgment and practices in conducting an independent assessment of the design, fabrication and installation of the facility. The CVA shall have licensed and qualified Professional Engineers on staff. | The CVA nomination was submitted with the COP and will be approved by BOEM. | The CVA nomination was submitted with the COP and will be approved by BOEM. | Section 7, Certified Verification Agent Nominations; Appendix C1 and C2, Certified Verification Agent |
| 11.10.5(C) | Prior to construction, the following sections shall be considered necessary data and information and shall be required by the Council: | | | |
| 11.10.5(C)(1) | Site Assessment Plan - A SAP is a pre-application plan that describes the activities and studies (e.g., installation of meteorological towers, meteorological buoys) the applicant plans to perform for the characterization of the project site. The SAP shall describe how the applicant shall conduct the resource assessment (e.g., meteorological and oceanographic data collection) or technology testing activities. For projects in state waters the applicant shall receive the approval of the SAP by the Council (see § 11.9.8 of this Part). For projects within Type 4E waters (depicted in Figure 1 in § 11.10.1 of this Part), pre-construction data requirements may incorporate data generated by the Ocean SAMP provided the data was collected within 2 years of the date of application, or where the Ocean SAMP data is determined to be current enough to meet the requirements of the Council in coordination with the Joint Agency Working Group. The applicant shall reference information and data discussed in the Ocean SAMP (including appendices and technical reports) in their SAP. For a SAP required by BOEM under the Outer Continental Shelf Lands Act for projects in federal waters, if BOEM combines the SAP with the COP, then the SAP and COP would be filed at the same time. If BOEM does not require a SAP for a project in federal waters, then the SAP shall not be necessary data and information for federal consistency reviews. | A SAP for Lease Area OCS - A - 0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file #2017-09-034 on September 8, 2017. | A SAP for Lease Area OCS - A - 0486 was approved by BOEM in October 2017. The CRMC issued concurrence for file #2017-09-034 on September 8, 2017. | Not Applicable |
| 11.10.5(C)(1)(a) | The applicant's SAP shall include data from: | | | |
| 11.10.5(C)(1)(a)(1) | Physical characterization surveys (e.g., geological and geophysical surveys or hazards surveys); and | | | |
| 11.10.5(C)(1)(a)(2) | Baseline environmental surveys (e.g., biological or archaeological surveys). | | | |
| 11.10.5(C)(1)(b) | The SAP shall demonstrate that the applicant has planned and is prepared to conduct the proposed site assessment activities in a manner that conforms to the applicant's responsibilities listed above in section 11.10.1(E) of this part: | | | |
| 11.10.5(C)(1)(b)(1) | Conforms to all applicable laws, regulations; | | | |
| 11.10.5(C)(1)(b)(2) | Is safe; | | | |
| 11.10.5(C)(1)(b)(3) | Does not unreasonably interfere with other existing uses of the state waters; | | | |
| 11.10.5(C)(1)(b)(4) | Does not cause undue harm or damage to natural resources; life (including human and wildlife); the marine, coastal, or human environment; or sites, structures, or direct harm to objects of historical or archaeological significance; | | | |
| 11.10.5(C)(1)(b)(5) | Uses best available and safest technology; | | | |
| 11.10.5(C)(1)(b)(6) | Uses best management practices; and | | | |
| 11.10.5(C)(1)(b)(7) | Uses properly trained personnel. | | | |
| 11.10.5(C)(1)(C) | The applicant shall also demonstrate that the site assessment activities shall collect the necessary data and information required for the applicant's COP, as described below in section 11.10.5(C)(2) of this part. | | | |
| 11.10.5(C)(1)(d) | The applicant's SAP shall include the information described in Table 3 in Section 11.10.5 of this Part, as applicable. | | | |
| Table 3: Contents of a site assessment plan | Table 3: Contents of a site assessment plan | | | |
| 11.10.5(C)(1)(d)(1) | (1) Contact Information. The name, address, e-mail address, and phone number of an authorized representative. | | | |
| | (2) The site assessment or technology testing concept. A discussion of the objectives; description of the proposed activities, including the technology to be used; and proposed schedule from start to completion. | | | |
| | (4) Stipulations and compliance. A description of the measures the applicant took, or shall take, to satisfy the conditions of any permit stipulations related to the applicant's proposed activities. | | | |
| | (5) A location. The surface location and water depth for all proposed and existing structures, facilities, and appurtenances located both offshore and onshore. | | | |
| | (6) General structural and project design, fabrication, and installation. Information for each type of facility associated with the applicant's project. | | | |
| | (7) Deployment activities. A description of the safety, prevention, and environmental protection features or measures that the applicant will use. | | | |

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| | (8) The applicant's proposed measures for avoiding, minimizing, reducing, eliminating, and monitoring environmental impacts. A description of the measures the applicant shall take to avoid or minimize adverse effects and any potential incidental take, before the applicant conducts activities on the project site, and how the applicant shall mitigate environmental impacts from proposed activities, including a description of the measures to be used. | | | |
| | (9) Reference information. Any document or published sources that the applicant information and data discussed in the Ocean SAMP (including appendices and technical reports), other plans referenced in the Ocean SAMP, and other plans previously submitted by the applicant or that are otherwise readily available to the Council. | | | |
| | (10) Decommissioning and site clearance procedures. A discussion of methodologies. | | | |
| | (11) Air quality information. Information required for the Clean Air Act (42 U.S.C. 7409) and implementing regulations. | | | |
| | (12) A listing of all Federal, State, and local authorizations or approvals required to conduct site assessment activities on the project site. A statement indicating whether such authorization or approval has been applied for or obtained. | | | |
| | (13) A list of agencies or persons with whom the applicant has communicated, or will communicate, regarding potential impacts associated with the proposed activities. Contact information and issues discussed. | | | |
| | (14) Financial assurance information. Statements attesting that the activities and facilities proposed in the applicant's SAP are or shall be covered by an appropriate performance bond or other Council approved security. | | | |
| | (15) Other information. Additional information as requested by the Council in coordination with the Joint Agency Working Group. | | | |
| 11.10.5(C)(1)(e) | The applicant's SAP shall provide the results of geophysical and geological surveys, hazards surveys, archaeological surveys (as required by the Council in coordination with the Joint Agency Working Group), and biological surveys outlined in Table 4 in Section 11.10.5 of this Part (with the supporting data) in the applicant's SAP. | | | |
| Table 4: Necessary data and information to be provided in the site | Table 4: Necessary data and information to be provided in the site assessment plan | | | |
| 11.10.5(C)(1)(e)(1) | (1) Geotechnical. | | | |
| 11.10.5(C)(1)(e)(2) | (2) Shallow hazards. | | | |
| 11.10.5(C)(1)(e)(3) | (3) Archaeological resources. | | | |
| 11.10.5(C)(1)(e)(4) | (4) Geological survey. | | | |
| 11.10.5(C)(1)(e)(5) | (5) Biological survey. | | | |
| 11.10.5(C)(1)(e)(6) | (6) Fish and fisheries survey. | | | |
| 11.10.5(C)(1)(f) | The applicant shall submit a SAP that describes those resources, conditions, and activities listed in Table 5 of Section 11.10.5 of this Part that could be affected by the applicant's proposed activities, or that could affect the activities proposed in the applicant's SAP, including but not limited to: | | | |
| Table 5: Resource data and uses that shall be described in the site | Table 3: Resource data and uses that shall be described in the site assessment plan | | | |
| 11.10.5(C)(1)(f)(1) | (1) Hazard information. | | | |
| 11.10.5(C)(1)(f)(2) | (2) Water quality. | | | |
| 11.10.5(C)(1)(f)(3) | (3) Biological resources. | | | |
| 11.10.5(C)(1)(f)(4) | (4) Threatened or endangered species. | | | |
| 11.10.5(C)(1)(f)(5) | (5) Sensitive biological resources or habitats. | | | |
| 11.10.5(C)(1)(f)(6) | (6) Archaeological and visual resources. | | | |
| 11.10.5(C)(1)(f)(7) | (7) Social and economic resources. | | | |
| 11.10.5(C)(1)(f)(8) | (8) Fisheries Resources and Uses | | | |
| 11.10.5(C)(1)(f)(9) | (9) Coastal and marine uses. | | | |
| 11.10.5(C)(1)(g) | The Council shall review the applicant's SAP in conjunction with the Joint Agency Working Group to determine if it contains the information necessary to conduct technical and environmental reviews and shall notify the applicant if the SAP lacks any necessary information. If the Council determines that necessary data and information is missing, the CRMC may only delay the CZMA six-month federal consistency review period in accordance with NOAA's regulations at 15 C.F.R. §§ 930.60(a) and 930.77(a) (1). | | | |
| 11.10.5(C)(1)(h) | Any Large-Scale Offshore Development, as defined above in section 11.10.1(A) of this part, shall require a meeting between the Fishermen's Advisory Board (FAB), the applicant, and the Council staff to discuss potential fishery-related impacts, such as, but not limited to, project location, construction schedules, alternative locations, project minimization and identification of high fishing activity or habitat edges. For any state permit process for a Large-Scale Offshore Development this meeting shall occur prior to submission of the state permit application. The Council cannot require a pre-application meeting for federal permit applications, but the Council strongly encourages applicants for any Large-Scale Offshore Development, as defined in Section 11.3(F) in federal waters to meet with the FAB and the Council staff prior to the submission of a federal application, lease, license, or authorization. However, for federal permit applicants, a meeting with the FAB 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 QCS Plans under 15 C.F.R. part 930, subpart E, pursuant to 15 C.F.R. § 930.58(a)(2). Any necessary data and information shall be provided before the 6-month CZMA review period begins for a proposed project. | | | |
| 11.10.5(C)(2) | Construction and Operations Plan (COP) - The COP describes the applicant's construction, operations, and conceptual decommissioning plans for the proposed facility, including the applicant's project easement area. | The COP for the RWF was submitted to BOEM in March 2020 and is under review. | The COP for the RWEC was submitted to BOEM in March 2020 and is under review. | Section 3.0, Description of Proposed Activity |
| 11.10.5(C)(2)(a) | The applicant's COP shall describe all planned facilities that the applicant shall construct and use for the applicant's project, including onshore and support facilities and all anticipated project easements. | | | |
| 11.10.5(C)(2)(b) | The applicant's COP shall describe all proposed activities including the applicant's proposed construction activities, commercial operations, and conceptual decommissioning plans for all planned facilities, including onshore and support facilities. | | | |
| 11.10.5(C)(2)(c) | The applicant shall receive the Council's approval of the COP before the applicant can begin any of the approved activities on the applicant's project site, lease or easement. | | | Section 1.4, Regulatory Framework |
| 11.10.5(C)(2)(d) | The COP shall demonstrate that the applicant has planned and is prepared to conduct the proposed activities in a manner that: | | | Section 4.0, Site Characterization and Assessment of Potential Impacts |
| 11.10.5(C)(2)(d)(1) | Conforms to all applicable laws, implementing regulations. | | | |
| 11.10.5(C)(2)(d)(2) | Is safe. | | | |
| 11.10.5(C)(2)(d)(3) | Does not unreasonably interfere with other uses of state waters; | | | |
| 11.10.5(C)(2)(d)(4) | Does not cause undue harm or damage to natural resources; life(including human and wildlife); the marine, coastal, or human environment; or direct impact to sites, structures, or objects of historical or archaeological significance; | | | |
| 11.10.5(C)(2)(d)(5) | Uses best available and safest technology; | | | |
| 11.10.5(C)(2)(d)(6) | Uses best management practices; and | | | |
| 11.10.5(C)(2)(d)(7) | Uses properly trained personnel. | | | |
| 11.10.5(C)(2)(e) | The applicant's COP shall include the following project-specific information, as applicable. | | | |

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| Table 6: Contents of the construction and Operations Plan | Table 6: Contents of the Construction and Operations Plan | | | |
| 11.10.5(C)(2)(e)(1) | (1) Contact information | | | Section 1.6, Authorized Representative and Operator |
| 11.10.5(C)(2)(e)(2) | (2) Designation of operator, if applicable. | | | |
| 11.10.5(C)(2)(e)(3) | (3) The construction and operation concept | | | Section 3.0, Description of Proposed Activity |
| 11.10.5(C)(2)(e)(4) | (4) A location. | | | |
| 11.10.5(C)(2)(e)(5) | (5) General structural and project design, fabrication, and installation. | | | Section 3.0, Description of Proposed Activity; Section 4.1.6, Discharges and Releases; and Section 4.1.7, Trash and Debris |
| 11.10.5(C)(2)(e)(6) | (6) All cables and pipelines, including cables on project easements. | | | Section 3.0, Description of Proposed Activity |
| 11.10.5(C)(2)(e)(7) | (7) A description of the deployment activities. | | | |
| 11.10.5(C)(2)(e)(8) | (8) A list of solid and liquid wastes generated. | | | Section 1.4, Regulatory Framework |
| 11.10.5(C)(2)(e)(9) | (9) A list of chemical products used (if stored volume exceeds Environmental Protection (EPA) Reportable Quantities). | | | Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures |
| 11.10.5(C)(2)(e)(10) | (10) Decommissioning and site clearance procedures. | | | Section 5.0, References |
| 11.10.5(C)(2)(e)(11) | (11) A list of all Federal, State, and local authorizations, approvals, or permits that are required to conduct the proposed activities, including commercial operations. | | | Section 1.5, Agency and Public Outreach; and Appendix A, Agency Correspondence |
| 11.10.5(C)(2)(e)(12) | (12) The applicant's proposed measures for avoiding, minimizing, reducing, eliminating, and monitoring environmental impacts. | | | Section 5.0, References |
| 11.10.5(C)(2)(e)(13) | (13) Information the applicant incorporates by reference. | | | Section 1.10, Financial Assurance |
| 11.10.5(C)(2)(e)(14) | (14) A list of agencies or persons with whom the applicant has communicated, or will communicate, regarding potential impacts associated with the proposed activities. | | | Section 1.7, Certified Verification Agent Nominations; and Appendix C1 and C2, Certified Verification Agent |
| 11.10.5(C)(2)(e)(15) | (15) Reference. | | | Section 3.0, Description of Proposed Activity |
| 11.10.5(C)(2)(e)(16) | (16) Financial assurance. | | | Section 4.1.9, Air Emissions; Section 4.2.1, Air Quality, and Appendix T, Air Emissions Calculations and Methodology |
| 11.10.5(C)(2)(e)(17) | (17) CVA nominations | | | Not Applicable |
| 11.10.5(C)(2)(e)(18) | (18) Construction schedule. | | | Section 4.2.3, Geological Resources Appendices O1-O8, Geophysical and Geotechnical Site Investigation Reports |
| 11.10.5(C)(2)(e)(19) | (19) Air quality information. | | | |
| 11.10.5(C)(2)(e)(20) | (20) Other information. | | | Section 4.3, Biological Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix X, Benthic Assessment; and Appendix L, Essential Fish Habitat Assessment |
| 11.10.5(C)(2)(f) | f. The applicant's COP shall include the following information and surveys for the proposed site(s) of the applicant's facility or facilities. | | | Section 4.3.2, Benthic and Shellfish Resources; Section 4.3.3, Finfish and Essential Fish Habitat; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix X, Benthic Assessment; Appendix L, Essential Fish Habitat Assessment; and Appendix CC, Commercial and Recreational Fisheries |
| Table 7: Necessary data and information to be provided in the Construction and Operations Plan | Table 7: Necessary data and information to be provided in the Construction and Operations Plan | | | Section 4.2.3, Geological Resources Appendices O1-O8, Geophysical and Geotechnical Site Investigation Reports |
| 11.10.5(C)(2)(f)(1) | (1) Shallow hazards. | | | Section 4.4, Cultural Resources; Section 4.5, Visual Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix M, Marine Archaeological Resources Assessment; Appendix U2, Historic Resources Visual Effects Analysis - Revolution Wind Farm; and Appendix U3, Visual Impact Assessment- Revolution Wind Farm |
| 11.10.5(C)(2)(f)(2) | (2) Geological survey relevant to the siting and design of the facility. | | | |
| 11.10.5(C)(2)(f)(3) | (3) Biological Survey | | | Section 4.2.3, Geological Resources Appendices O1-O8, Geophysical and Geotechnical Site Investigation Reports |
| 11.10.5(C)(2)(f)(4) | (4) Fish and Fisheries Survey | | | |
| 11.10.5(C)(2)(f)(5) | (5) Geotechnical survey. | | | Section 4.2.3, Geological Resources Appendices O1-O8, Geophysical and Geotechnical Site Investigation Reports |
| 11.10.5(C)(2)(f)(6) | (6) Archaeological and Visual resources if required. | | | |
| 11.10.5(C)(2)(f)(7) | (7) Overall site investigation. | | | |
| 11.10.5(C)(2)(g) | g. The applicant's COP shall describe those resources, conditions, and activities listed in Table 6 that could be affected by the applicant's proposed activities, or that could affect the activities proposed in the applicant's COP, including: | | | Section 4.2.3, Geological Resources; and Section 4.2.4, Physical Oceanography and Meteorology Appendices O1-O8, Geophysical and Geotechnical Site Investigation Reports |
| Table 8: Resources, conditions, and activities that shall be described in the Construction and Operations Plan | Table 8: Resources, conditions, and activities that shall be described in the Construction and Operations Plan | | | |
| 11.10.5(C)(2)(g)(1) | (1) Hazard information and sea level rise. | | | |

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| 11.10.5(C)(2)(g)(2) | (2) Water quality and circulation | | | Section 4.2.2, Water Quality and Water Resources; and Appendix J, Hydrodynamic and Sediment Transport Modeling Reports |
| 11.10.5(C)(2)(g)(3) | (3) Biological resources. | | | Section 4.3, Biological Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix X, Benthic Assessment; Appendix L, Essential Fish Habitat Assessment Appendix Z, Assessment of Impacts to Marine Mammals, Sea Turtles, and ESA-Listed Fish Species; and Appendix AA, Assessment of the Potential Effects of the Revolution Offshore Wind Farm on Birds & Bats |
| 11.10.5(C)(2)(g)(4) | (4) Threatened or endangered species. | | | Section 4.3, Biological Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix X, Benthic Assessment; Appendix L, Essential Fish Habitat Assessment Appendix Z, Assessment of Impacts to Marine Mammals, Sea Turtles, and ESA-Listed Fish Species; and Appendix AA, Assessment of the Potential Effects of the Revolution Offshore Wind Farm on Birds & Bats |
| 11.10.5(C)(2)(g)(5) | (5) Sensitive biological resources or habitats. | | | Section 4.3, Biological Resources; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix X, Benthic Assessment; Appendix L, Essential Fish Habitat Assessment Appendix Z, Assessment of Impacts to Marine Mammals, Sea Turtles, and ESA-Listed Fish Species; Appendix AA, Assessment of the Potential Effects of the Revolution Offshore Wind Farm on Birds & Bats; and Appendix CC, Commercial and Recreational Fisheries |
| 11.10.5(C)(2)(g)(6) | (6) Fisheries Resources and Uses | | | Section 4.3.2, Benthic and Shellfish Resources; Section 4.3.3, Finfish and Essential Fish Habitat; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix X, Benthic Assessment; Appendix L, Essential Fish Habitat Assessment; Appendix CC, Commercial and Recreational Fisheries |
| 11.10.5(C)(2)(g)(6) | (6) Archaeological resources. | | | Section 4.4, Cultural Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix M, Marine Archaeological Resources Assessment Appendix U2, Historic Resources Visual Effects Analysis - Revolution Wind Farm |
| 11.10.5(C)(2)(g)(7) | (7) Social and economic resources. | | | Section 4.6, Socioeconomic Resources; and Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures |
| 11.10.5(C)(2)(g)(8) | (8) Coastal and marine uses. | | | Section 4.6.7, Coastal Land Use and Infrastructure; Section 4.6.8, Other Marine Uses; and Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures |
| 11.10.5(C)(2)(h) | The applicant shall submit an oil spill response plan per the Oil Pollution Act of 1990, 33 USC 2701 <i>et seq.</i> | The RWF is consistent with this policy. An FDR and FIR will be developed according to BOEM requirements, provided to BOEM prior to construction, and approved by the CVA. | The RWEC is consistent with this policy. An FDR and FIR will be developed according to BOEM requirements, provided to BOEM prior to construction, and approved by the CVA. | Appendix D, Emergency Response Plan/Oil Spill Response Plan |
| 11.10.5(C)(2)(i) | The applicant shall submit the applicant's Safety Management System, the contents of which are described below: | | | Appendix E, Safety Management System |
| 11.10.5(C)(2)(i)(1) | How the applicant plans to ensure the safety of personnel or anyone on or near the facility; | | | Not Applicable |
| 11.10.5(C)(2)(i)(2) | Remote monitoring, control and shut down capabilities; | | | |
| 11.10.5(C)(2)(i)(3) | Emergency response procedures; | | | |
| 11.10.5(C)(2)(i)(4) | Fire suppression equipment (if needed); | | | |
| 11.10.5(C)(2)(i)(5) | How and when the safety management system shall be implemented and tested; and | | | |
| 11.10.5(C)(2)(i)(6) | How the applicant shall ensure personnel who operate the facility are properly trained. | | | |
| 11.10.5(C)(2)(j) | The Council shall review the applicant's COP and the information provided to determine if it contains all the required information necessary to conduct the project's technical and environmental reviews. The Council shall notify the applicant if the applicant's COP lacks any necessary information. | | | Not Applicable |
| 11.10.5(C)(2)(k) | As appropriate, the Council shall coordinate and consult with relevant Federal, State, and local agencies, the FAB and affected Indian tribes. | | | |
| 11.10.5(C)(2)(l) | During the review process, the Council may request additional information if it is determined that the information provided is not sufficient to complete the review and approval process. If the applicant fails to provide the requested information, the Council may disapprove the applicant's COP. | | | |
| 11.10.5(C)(2)(m) | Upon completion of the technical and environmental reviews and other reviews required, the Council may approve, disapprove, or approve with modifications the applicant's COP. | | | |
| 11.10.5(C)(2)(n) | In the applicant's COP, the applicant may request development of the project area in phases. In support of the applicant's request, the applicant shall provide details as to what portions of the site shall be initially developed for commercial operations and what portions of the site shall be reserved for subsequent phased development. | | | |
| 11.10.5(C)(2)(o) | If the application and COP is approved, prior to construction the applicant shall submit to the Council for approval the documents listed below: | | | |
| 11.10.5(C)(2)(o)(1) | Facility Design Report - The applicant's Facility Design Report provides specific details of the design of any facilities, including cables and pipelines, that are outlined in the applicant's approved SAP or COP. The applicant's Facility Design Report shall demonstrate that the applicant's design conforms to the applicant's responsibilities listed in Section 11.10.6 of this part. The applicant shall include the following items in the applicant's Facility Design Report. | | | Not Applicable |

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| Table 7: Contents of the Facility Design Report | Table 7: Contents of the Facility Design Report | | | |
| 11.10.5(C)(2)(o)(1)(1) | (1) Cover letter. | | | |
| 11.10.5(C)(2)(o)(1)(2) | (2) Location. | | | |
| 11.10.5(C)(2)(o)(1)(3) | (3) Front, Side, and Plan View drawings. | | | |
| 11.10.5(C)(2)(o)(1)(4) | (4) Complete set of structural drawings. | | | |
| 11.10.5(C)(2)(o)(1)(5) | (5) Summary of environmental data used for design. | | | |
| 11.10.5(C)(2)(o)(1)(6) | (6) Summary of the engineering design data. | | | |
| 11.10.5(C)(2)(o)(1)(7) | (7) A complete set of design calculations. | | | |
| 11.10.5(C)(2)(o)(1)(8) | (8) Project-specific studies used in the facility design or installation. | | | |
| 11.10.5(C)(2)(o)(1)(9) | (9) Description of the loads imposed on the facility. | | | |
| 11.10.5(C)(2)(o)(1)(10) | (10) Geotechnical report. | | | |
| 11.10.5(C)(2)(o)(2) | For any floating facility, the applicant's design shall meet the requirements of the U.S. Coast Guard for structural integrity and stability (e.g., verification of center of gravity). The design shall also consider: | | | |
| 11.10.5(C)(2)(o)(2)(AA) | Foundations, foundation pilings and templates, and anchoring systems; and | | | |
| 11.10.5(C)(2)(o)(2)(BB) | Mooring or tethering systems. | | | |
| 11.10.5(C)(2)(o)(3) | The applicant is required to use a Certified Verified Agent (CVA). The Facility Design Report shall include two paper copies of the following certification statement: "The design of this structure has been certified by a Council approved CVA to be in accordance with accepted engineering practices and the approved SAP, or COP as appropriate. The certified design and as-built plans and specifications shall be on file at (given location)." | | | |
| 11.10.5(C)(2)(o)(4) | Fabrication and Installation Report. The applicant's Fabrication and Installation Report shall describe how the applicant's facilities shall be fabricated and installed in accordance with the design criteria identified in the Facility Design Report; the applicant's approved SAP or COP; and generally accepted industry standards and practices. The applicant's Fabrication and Installation Report shall demonstrate how the applicant's facilities shall be fabricated and installed in a manner that conforms to the applicant's responsibilities listed in Section 11.10.6 of this part. The applicant shall include the following items in the applicant's Fabrication and Installation Report: | | | |
| Table 8: Contents of the Fabrication and Installation Report | Table 8: Contents of the Fabrication and Installation Report | | | |
| 11.10.5(C)(2)(o)(4)(1) | (1) Cover letter. | | | |
| 11.10.5(C)(2)(o)(4)(2) | (2) Schedule. | | | |
| 11.10.5(C)(2)(o)(4)(3) | (3) Fabrication information. | | | |
| 11.10.5(C)(2)(o)(4)(4) | (4) Installation process information. | | | |
| 11.10.5(C)(2)(o)(4)(5) | (5) Federal, State, and local permits (e.g., EPA, Army Corps of Engineers). | | | |
| 11.10.5(C)(2)(o)(4)(6) | (6) Environmental information. | | | |
| 11.10.5(C)(2)(o)(4)(7) | (7) Project easement. | | | |
| 11.10.5(C)(2)(o)(5) | i. A CVA report shall include the following: a Fabrication and Installation Report which shall include four paper copies of the following certification statement: "The fabrication and installation of this structure has been certified by a Council approved CVA to be in accordance with accepted engineering practices and the approved SAP or COP as appropriate." | | | |
| 11.10.5(C)(2)(p) | Based on the Council's environmental and technical reviews, if approved, the Council may specify terms and conditions to be incorporated into any approval the Council may issue. The applicant shall submit a certification of compliance annually (or another frequency as determined by the Council) with certain terms and conditions which may include: | | | |
| 11.10.5(C)(2)(p)(1) | Summary reports that show compliance with the terms and conditions which require certification; and | | | |
| 11.10.5(C)(2)(p)(2) | A statement identifying and describing any mitigation measures and monitoring methods, and their effectiveness. If the applicant identified measures that were not effective, then the applicant shall make recommendations for new mitigation measures or monitoring methods. | | | |
| 11.10.5(C)(2)(q) | After the applicant's COP, Facility Design Report, and Fabrication and Installation Report is approved, and the Council has issued a permit and lease for the project site, construction shall begin by the date given in the construction schedule included as a part of the approved COP, unless the Council approves a deviation from the applicant's schedule. | | | |
| 11.10.5(C)(2)(r) | The applicant shall seek approval from the Council in writing before conducting any activities not described in the applicant's approved COP. The application shall describe in detail the type of activities the applicant proposes to conduct. The Council shall determine whether the activities the applicant proposes are authorized by the applicant's existing COP or require a revision to the applicant's COP. The Council may request additional information from the applicant, if necessary, to make this determination. | | | |
| 11.10.5(C)(2)(s) | The Council shall periodically review the activities conducted under an approved COP. The frequency and extent of the review shall be based on the significance of any changes in available information, and on onshore or offshore conditions affecting, or affected by, the activities conducted under the applicant's COP. If the review indicates that the COP should be revised, the Council may require the applicant to submit the needed revisions. | | | |
| 11.10.5(C)(2)(t) | The applicant shall notify the Council, within 5 business days, any time the applicant ceases commercial operations, without an approved suspension, under the applicant's approved COP. If the applicant ceases commercial operations for an indefinite period which extends longer than 6 months, the Council may cancel the applicant's lease, and the applicant shall initiate the decommissioning process. | | | |
| 11.10.5(C)(2)(u) | The applicant shall notify the Council in writing of the following events, within the time periods provided: | | | |
| 11.10.5(C)(2)(u)(1) | No later than 10 days after commencing activities associated with the placement of facilities on the lease area under a Fabrication and Installation Report. | | | |
| 11.10.5(C)(2)(u)(2) | No later than 10 days after completion of construction and installation activities under a Fabrication and Installation Report. | | | |
| 11.10.5(C)(2)(u)(3) | At least 7 days before commencing commercial operations. | | | |
| 11.10.5(C)(2)(v) | The applicant may commence commercial operations within 30 days after the CVA has submitted to the Council the final Fabrication and Installation Report. | | | |
| 11.10.5(C)(2)(w) | The applicant shall submit a Project Modification and Repair Report to the Council, demonstrating that all major repairs and modifications to a project conform to accepted engineering practices. | | | |
| 11.10.5(C)(2)(w)(1) | A major repair is a corrective action involving structural members affecting the structural integrity of a portion of or all the facility. | | | |
| 11.10.5(C)(2)(w)(2) | A major modification is an alteration involving structural members affecting the structural integrity of a portion of or all the facility. | | | |
| 11.10.5(C)(2)(w)(3) | The report must also identify the location of all records pertaining to the major repairs or major modifications. | | | |
| 11.10.5(C)(2)(w)(4) | The Council may require the applicant to use a CVA for project modifications and repairs. | | | |
| 11.10.6 Design, Fabrication and Installation Standards | | | | |
| 11.10.6(A) | Certified Verification Agent. The Certified Verification Agent (CVA) shall use good engineering judgment and practices in conducting the assessment of the design, fabrication and installation of the facility. The CVA shall certify in the Facility Design Report to the Council that the facility is designed to withstand the environmental and functional load conditions appropriate for the intended service life at the proposed location. The CVA is paid for by the applicant, but is approved and reports to the Council. | The RWF is consistent with this policy. The CVA nomination was submitted with the COP and will be approved by BOEM. | The RWEC is consistent with this policy. The CVA nomination was submitted with the COP and will be approved by BOEM. | Section 1.7, Certified Verification Agent Nominations Appendix C1 and C2, Certified Verification Agent |

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| 11.10.6(A)(1) | The Applicant Shall use a CVA to review and certify the facility design report, the fabrication and installation report, and the project modifications and repairs report. The applicant shall use a CVA to: | | | |
| 11.10.6(A)(1)(a) | Ensure the applicant's facilities are designed, fabricated and installed in conformance with accepted engineering practices and the facility design report and fabrication and installation report; | | | |
| 11.10.6(A)(1)(b) | Ensure that repairs and major modifications are completed in conformance with accepted engineering practices; and | | | |
| 11.10.6(A)(1)(C) | Provide the Council immediate reports of all incidents that affect the design, fabrication, and installation of the project and its components. | | | |
| 11.10.6(A)(2) | Nominating a CVA for Council approval - the applicant shall nominate a CVA for the Council Approval. The Applicant shall specify whether the nomination is for the facility design report fabrication and installation report, modification and repair report, or for any combination of these. | | | |
| 11.10.6(A)(2)(a) | For each CVA that the applicant nominates, the applicant shall submit to the council a list of documents they shall forward to the CVA and a qualification statement that includes the following: | | | |
| 11.10.6(A)(2)(a)(1) | Previous experience in third-party verification or experience in the design, fabrication, installation, or major modification of offshore energy facilities; | | | |
| 11.10.6(A)(2)(a)(2) | Technical Capabilities of the individual or the primary staff for the specific project; | | | |
| 11.10.6(A)(2)(a)(3) | Size and type of organization or corporation; | | | |
| 11.10.6(A)(2)(a)(4) | In house availability of, or access to, appropriate technology (including computer programs, hardware, and testing materials and equipment); | | | |
| 11.10.6(A)(2)(a)(5) | Ability to perform the CVA functions for the specific project considering current commitments | | | |
| 11.10.6(A)(2)(a)(6) | Previous experience with the Council requirements and procedures, if any; and | | | |
| 11.10.6(A)(2)(a)(7) | The level of work to be performed by the CVA. | | | |
| 11.10.6(A)(3) | Individuals or organizations acting as CVAs shall not function in any capacity that shall create a conflict of interest, or the appearance of a conflict of interest. | | | |
| 11.10.6(A)(4) | The verification shall be conducted by or under the direct supervision of registered professional engineers | | | |
| 11.10.6(A)(5) | The Council shall approve or disapprove the applicant's CVA prior to construction | | | |
| 11.10.6(A)(6) | The applicant shall nominate a new CVA for the Council approval if the previously approved CVA: | | | |
| 11.10.6(A)(6)(a) | Is no longer able to serve in a CVA capacity for the project; or | | | |
| 11.10.6(A)(6)(b) | No longer meets the requirements for a CVA set forth in this subpart. | | | |
| 11.10.6(A)(7) | The CVA shall conduct an independent assessment of all proposed: | | | |
| 11.10.6(A)(7)(a) | Planning criteria; | | | |
| 11.10.6(A)(7)(b) | Operational requirements; | | | |
| 11.10.6(A)(7)(c) | Environmental loading data | | | |
| 11.10.6(A)(7)(d) | Load determinations; | | | |
| 11.10.6(A)(7)(e) | Stress analyses; | | | |
| 11.10.6(A)(7)(f) | Material designations; | | | |
| 11.10.6(A)(7)(g) | Soil and foundation conditions; | | | |
| 11.10.6(A)(7)(h) | Safety factors; and | | | |
| 11.10.6(A)(7)(i) | Other pertinent parameters of the proposed design. | | | |
| 11.10.6(A)(8) | For any floating facility, the CVA shall ensure that any requirements of the U.S. Coast Guard for structural integrity and stability (eg., verification of center of gravity), have been met. The CVA shall also consider: | | | |
| 11.10.6(A)(8)(a) | Foundations; | | | |
| 11.10.6(A)(8)(b) | Foundation pilings and templates, and | | | |
| 11.10.6(A)(8)(C) | Anchoring systems | | | |
| 11.10.6(A)(9) | The CVA shall do all of the following: | | | |
| 11.10.6(A)(9)(a) | Use good engineering judgment and proactive in conducting an independent assessment of the fabrication and installation activities; | | | |
| 11.10.6(A)(9)(b) | Monitor the fabrication and installation of the facility; | | | |
| 11.10.6(A)(9)(c) | Make periodic onsite inspections while fabrication is in progress and verify the items required by Section 11.10.6 (A)(11) of this Part; | | | |
| 11.10.6(A)(9)(d) | Make periodic onsite inspections while installation is in progress and satisfy the requirements by Section 11.10.6 (A)(12) of this Part; and | | | |
| 11.10.6(A)(9)(e) | Certify in a report that project components are fabricated and installed in accordance with accepted engineering practices; the applicant's approved COP or SAP; and the fabrication and installation report | | | |
| 11.10.6(A)(9)(e)(1) | The report shall also identify the location of all records pertaining to fabrication and installation. | | | |
| 11.10.6(A)(9)(e)(2) | The applicant may commence commercial operations or other approved activities 30 days after the council receives that certification report, unless the council notifies the applicant within that time period of its objections to the certification report | | | |
| 11.10.6(A)(10) | The CVA shall monitor the fabrication and installation of the facility to ensure that it has been built and installed according to the facility design report and fabrication and installation report. | | | |
| 11.10.6(A)(10)(a) | If the CVA finds that fabrication and installation procedures have been changed or design specifications have been modified, the CVA shall inform the applicant and the Council. | | | |
| 11.10.6(A)(11) | The CVA shall make periodic onsite inspections while fabrication is in progress and shall certify the following items, as appropriate: | | | |
| 11.10.6(A)(11)(a) | Quality control by lessee (or grant holder) and builder; | | | |
| 11.10.6(A)(11)(b) | Fabrication site facilities; | | | |
| 11.10.6(A)(11)(c) | Material quality and identification methods; | | | |
| 11.10.6(A)(11)(d) | Fabrication procedures specified in the fabrication and installation report, and adherence to such procedures; | | | |
| 11.10.6(A)(11)(e) | Welder and welding procedure qualification and identification; | | | |
| 11.10.6(A)(11)(f) | Adherence to structural tolerances specified; | | | |
| 11.10.6(A)(11)(g) | Nondestructive examination requirements and evaluation results of the specified examinations; | | | |
| 11.10.6(A)(11)(h) | Destructive testing requirements and results; | | | |
| 11.10.6(A)(11)(i) | Repair procedures; | | | |
| 11.10.6(A)(11)(j) | Installation of corrosion protection systems and splash zone protection; | | | |
| 11.10.6(A)(11)(k) | Erection procedures to ensure that overstressing of structural members does not occur; | | | |
| 11.10.6(A)(11)(l) | Alignment procedures; | | | |
| 11.10.6(A)(11)(m) | Dimensional check of the overall structure, including any turrets, turret and hull interfaces, any mooring line and chain and riser tensioning line segments; and | | | |
| 11.10.6(A)(11)(n) | Status of quality control records at various stages of fabrication. | | | |
| 11.10.6(A)(12) | The CVA shall make periodic onsite inspections while installation is in progress and shall, as appropriate, verify, witness, survey, or check, the installation items required by this section. The CVA shall verify, as appropriate, all of the following: | | | |
| 11.10.6(A)(12)(a) | Load out and initial flotation procedures; | | | |
| 11.10.6(A)(12)(b) | Towing operation procedures to the specified location, and review the towing records; | | | |
| 11.10.6(A)(12)(c) | Launching and uprighting activities; | | | |
| 11.10.6(A)(12)(d) | Submergence activities; | | | |
| 11.10.6(A)(12)(e) | Pile or anchor installations; | | | |

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| 11.10.6(A)(12)(f) | Installation of mooring and tethering systems; | | | |
| 11.10.6(A)(12)(g) | Transition pieces, support structures, and component installations; and | | | |
| 11.10.6(A)(12)(h) | Installation at the approved location according to the facility design report and the fabrication and installation report | | | |
| 11.10.6(A)(13) | For a fixed for floating facility, the CVA shall verify that proper procedures were used during the following: | | | |
| 11.10.6(A)(13)(a) | The loadout of the transition pieces and support structures, piles, or structures, from each fabrication site; and | | | |
| 11.10.6(A)(13)(b) | The actual installation of the facility or major modification and the related installation activities. | | | |
| 11.10.6(A)(14) | For a floating facility, the CVA shall verify that proper procedures were used during the following: | | | |
| 11.10.6(A)(14)(a) | The loadout of the facility | | | |
| 11.10.6(A)(14)(b) | The installation of foundation piling templates, and anchoring systems. | | | |
| 11.10.6(A)(15) | The CVA shall conduct an onsite survey of the facility after transportation to the approved location. | | | |
| 11.10.6(A)(16) | The CVA shall spot check the equipment, procedures, and recordkeeping as necessary to determine compliance with the applicable documents incorporated by reference and the regulation under this part. | | | |
| 11.10.6(A)(17) | The CVA shall prepare and submit to the applicant and the Council all reports required by this subpart. The CVA shall also submit interim repots to the applicant and the council, as requested by the council. The CVA shall submit one electronic copy and four paper copies of each final report to the council. In each report, the CVA shall: | | | |
| 11.10.6(A)(17)(a) | Give details of how, by whom, and when the CVA activities were conducted; | | | |
| 11.10.6(A)(17)(b) | Describe the CVA's activities during the verification process; | | | |
| 11.10.6(A)(17)(c) | Summarize the CVA's findings; and | | | |
| 11.10.6(A)(17)(d) | Provide any additional comments that the CVA deems necessary. | | | |
| 11.10.6(A)(18) | Until the council releases the applicants financial assurance under Section 11.10.7(B) of this part, the applicant shall compile, retain, and make available to the council representatives all of the following: | | | |
| 11.10.6(A)(18)(a) | The as-built drawings; | | | |
| 11.10.6(A)(18)(b) | The design assumptions and analyses; | | | |
| 11.10.6(A)(18)(c) | A summary of the fabrication and installation examination records; | | | |
| 11.10.6(A)(18)(d) | Results from the required inspections and assessments; | | | |
| 11.10.6(A)(18)(e) | Records of repairs not covered in the inspection report submitted. | | | |
| 11.10.6(A)(19) | The applicant shall record and retain the original material test results of all primary structural materials during all stages of construction until the council releases the applicant's financial assurance under Section 11.10.7(B) of this part. Primary material is material that, should it fail, would lead to a significant reduction in facility safety, structural reliability, or operating capabilities. Items such as steel brackets, deck stiffener and secondary braces or beams would not generally be considered primary structural members (or materials). | | | |
| 11.10.6(A)(20) | The Applicant shall provide the Council with the location of these records in the certification statement. | | | |
| 11.10.6(A)(21) | The council may hire its own CVA agent to review the work of the applicants CVA. The applicant shall be responsible for the cost of the council's CVA. The council's CVA shall perform those duties as assigned by the council. | | | |
| 11.10.7 Pre-Construction Standards | | | | |
| 11.10.7(A) | The Council may issue a permit for a period of up to 50 years to construct and operate an Offshore Development. A lease shall be issued at the start of the construction phase and payment shall commence at the end of the construction phase. Lease payments shall be due when the project becomes operational. Lease renewal shall be submitted 5 years before the end of the lease term. Council approval shall be required for any assignment or transfer of the permit or lease. This provision shall not apply to aquaculture permitting. Aquaculture permitting and leasing are governed by the provisions of the RI General Laws Chapter 20-10 and Section 00-1.3.1(K) of this Chapter. | These policies are not applicable. The RWF is in federal waters. A permit, lease, or assent from the Council is not required for the RWF. | The RWEC is consistent with these policies. The RWEC is located in federal and Rhode Island state waters and a permit from the Council will be sought. | Not Applicable |
| 11.10.7(B) | Prior to construction, the assent holder shall post a Performance Bond sufficient to ensure removal of all structures at the end of the lease and restore the site. The Council shall review the bond amount initially and every 3 years thereafter to ensure the amount is sufficient. | | | Section 1.10, Financial Assurance |
| 11.10.7(C) | Prior to construction, the assent holder shall show compliance with all federal and state agency requirements, which may include but are not limited to the requirements of the following agencies: the Rhode Island Coastal Resources Management Council, the Rhode Island Department of Environmental Management, the Rhode Island Energy Facilities Siting Board, the Rhode Island Historical Preservation and Heritage Commission, U.S. Department of the Interior Bureau of Ocean Energy Management, Regulation and Enforcement, Army Corps of Engineers, National Oceanic and Atmospheric Administration, U.S. Fish and Wildlife Service, and the U.S. Environmental Protection Agency. | | | Section 1.4, Regulatory Framework |
| 11.10.7(D) | The Council shall consult with the U.S. Coast Guard, the U.S. Navy, marine pilots, the Fishermen's Advisory Board as defined in section 11.3 (E) of this part, fishermen's organizations, and recreational boating organizations when scheduling offshore marine construction or dredging activities. Where it is determined that there is a significant conflict with season-limited commercial or recreational fishing activities, recreational boating activities or scheduled events, or other navigation uses, the Council shall modify or deny activities to minimize conflict with these uses. | | | Section 4.6.4, Recreation and Tourism; Section 4.6.5, Commercial and Recreational Fishing; Section 4.6.6, Commercial Shipping; Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix R, Navigation/Safety Risk Assessment; Appendix CC, Commercial and Recreational Fisheries; and Appendix DD, Fisheries Communication and Outreach Plan; |
| 11.10.7(E) | The Council shall require the assent holder to provide for communication with commercial and recreational fishermen, mariners, and recreational boaters regarding offshore marine construction or dredging activities. Communication shall be facilitated through a project website and shall complement standard U.S. Coast Guard procedures such as Notices to Mariners for notifying mariners of obstructions to navigation. | | | Section 4.6.4, Recreation and Tourism; Section 4.6.5, Commercial and Recreational Fishing; Section 4.6.6, Commercial Shipping; Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix R, Navigation/Safety Risk Assessment; Appendix CC, Commercial and Recreational Fisheries; and Appendix DD, Fisheries Communication and Outreach Plan; |
| 11.10.7(F) | For all Large-Scale Offshore Developments, underwater cables, and other development projects as determined by the Council, the assent holder shall designate and fund a third-party fisheries liaison. The fisheries liaison must be knowledgeable about fisheries and shall facilitate direct communication between commercial and recreational fishermen and the project developer. Commercial and recreational fishermen shall have regular contact with and direct access to the fisheries liaison throughout all stages of an offshore development (pre-construction; construction; operation; and decommissioning). | | | Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix CC, Commercial and Recreational Fisheries; and Appendix DD, Fisheries Communication and Outreach Plan; |
| 11.10.7(G) | Where possible, Offshore Developments should be designed in a configuration to minimize adverse impacts on other user groups, which include but are not limited to: recreational boaters and fishermen, commercial fishermen, commercial ship operators, or other vessel operators in the project area. Configurations which may minimize adverse impacts on vessel traffic include, but are not limited to, the incorporation of a traffic lane through a development to facilitate safe and direct navigation through, rather than around, an Offshore Development. | | | Section 4.6.4, Recreation and Tourism; Section 4.6.5, Commercial and Recreational Fishing; Section 4.6.6, Commercial Shipping; Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix R, Navigation/Safety Risk Assessment; Appendix CC, Commercial and Recreational Fisheries; and Appendix DD, Fisheries Communication and Outreach Plan; |
| 11.10.7(H) | Any assent holder of an approved Offshore Development shall work with the Council when designing the proposed facility to incorporate where possible mooring mechanisms to allow safe public use of the areas surrounding the installed turbine or other structure. | | | Section 4.6.8, Other Marine Uses; and Appendix R, Navigation/Safety Risk Assessment |

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| 11.10.7(I) | The facility shall be designed in a manner that minimizes adverse impacts to navigation. As part of its application package, the project applicant shall submit a navigation risk assessment under the U.S. Coast Guard's Navigation and Vessel Inspection Circular 02-07, "Guidance on the Coast Guard's Roles and Responsibilities for Offshore Renewable Energy Installations." | | | Section 4.6.8, Other Marine Uses; and Appendix R, Navigation/Safety Risk Assessment |
| 11.10.7(J) | Applications for projects proposed to be sited in state waters pursuant to the Ocean SAMP shall not have a significant impact on marine transportation, navigation, and existing infrastructure. Where the Council, in consultation with the U.S. Coast Guard, the U.S. Navy, NOAA, the U.S. Bureau of Ocean Energy Management, Regulation and Enforcement, the U.S. Army Corps of Engineers, marine pilots, the R.I. Port Safety and Security Forums, or other entities, as applicable, determines that such an impact on marine transportation, navigation, and existing infrastructure is unacceptable, the Council shall require that the applicant modify the proposal or the Council shall deny the proposal. For the purposes of Marine Transportation policies and standards as summarized in Ocean SAMP Chapter 7 impacts would be evaluated according to the same criteria used by the U.S. Coast Guard, as follows; these criteria shall not be construed to apply to any other Ocean SAMP chapters or policies: | | | Section 4.6.8, Other Marine Uses; and Appendix R, Navigation/Safety Risk Assessment |
| 11.10.7(J)(1) | Negligible: No measurable impacts. | | | |
| 11.10.7(J)(2) | Minor: Adverse impacts to the affected activity could be avoided with proper mitigation; or impacts would not disrupt the normal or routine functions of the affected activity or community; or once the impacting agent is eliminated, the affected activity will return to a condition with no measurable effects from the proposed action without any mitigation. | | | |
| 11.10.7(J)(3) | Moderate: Impacts to the affected activity are unavoidable; and proper mitigation would reduce impacts substantially during the life of the proposed action; or the affected activity would have to adjust somewhat to account for disruptions due to impacts of the proposed action; or once the impacting agent is eliminated, the affected activity would return to a condition with no measurable effects from the proposed action if proper remedial action is taken. | | | |
| 11.10.7(J)(4) | Major: Impacts to the affected activity are unavoidable; proper mitigation would reduce impacts somewhat during the life of the proposed action; the affected activity would experience unavoidable disruptions to a degree beyond what is normally acceptable; and once the impacting agent is eliminated, the affected activity may retain measurable effects of the proposed action indefinitely, even if remedial action is taken. | | | |
| 11.10.7(K) | Prior to construction, the Applicant shall provide a letter from the U.S. Coast Guard showing it meets all applicable U.S. Coast Guard standards. | | | Section 1.4, Regulatory Framework; Section 1.5, Agency and Public Outreach; and Appendix A, Agency Correspondence |
| 11.10.8 Standards for Construction Activities | | | | |
| 11.10.8(A) | The Assent Holder shall use the best available technology and techniques to minimize impacts to the natural resources and existing human uses in the project area. | These policies are not applicable. The RWF is in federal waters. An assent from the Council is not required for the RWF. | The RWEC is consistent with these policies. The RWEC is located in federal and Rhode Island state waters and complies with the BOEM and Rhode Island requirements for construction activities. | Section 3.0, Description of Proposed Activity; Section 4.7, Summary of Potential Impact and Proposed Environmental Protection Measures |
| 11.10.8(B) | The Council shall require the use of an environmental inspector to monitor construction activities. The environmental inspector shall be a private, third-party entity that is hired by the Assent Holder, but is approved and reports to the Council. The environmental inspector shall possess all appropriate qualifications as determined by the Council. This inspector service may be part of the CVA requirements. | | | Section 1.7, Certified Verification Agent Nominations; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix C1 and C2, Certified Verification Agent |
| 11.10.8(C) | Installation techniques for all construction activities should be chosen to minimize sediment disturbance. Jet plowing and horizontal directional drilling in nearshore areas shall be required in the installation of underwater transmission cables. Other technologies may be used provided the applicant can demonstrate they are as effective, or more effective, than these techniques in minimizing sediment disturbance. | | | Section 3.0, Description of Proposed Activity; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix J, Hydrodynamic and Sediment Transport Modeling Report; |
| 11.10.8(D) | All construction activities shall comply with the policies and standards outlined in the Rhode Island Coastal Resources Management Program (RICRMP), as well as the regulations of other relevant state and federal agencies. | | | Section 1.4, Regulatory Framework; Section 3.0, Description of Proposed Activity; and Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures |
| 11.10.8(E) | The applicant shall conduct all activities on the applicant's permit under this part in a manner that conforms with the applicant's responsibilities in section 11.10.1(E), and using: | | | Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures |
| 11.10.8(E)(1) | Trained personnel; and | | | |
| 11.10.8(E)(2) | Technologies, precautions, and techniques that shall not cause undue harm or damage to natural resources, including their physical, atmospheric, chemical and biological components. | | | |
| 11.10.8(F) | The Assent Holder shall be required to use the best available technology and techniques to mitigate any associated adverse impacts of offshore renewable energy development. | | | |
| 11.10.8(F)(1) | As required, the applicant shall submit to the Council: | | | |
| 11.10.8(F)(1)(a) | Measures designed to avoid or minimize adverse effects and any potential incidental take of endangered or threatened species as well as all marine mammals; | | | |
| 11.10.8(F)(1)(b) | Measures designed to avoid likely adverse modification or destruction of designated critical habitat of such endangered or threatened species; and | | | |
| 11.10.8(F)(1)(c) | The applicant's agreement to monitor for the incidental take of the species and adverse effects on the critical habitat, and provide the results of the monitoring to the Council as required; and | | | |
| 11.10.8(G) | If the Assent Holder, the Assent Holder's subcontractors, or any agent acting on the Assent Holder's behalf discovers a potential archaeological resource while conducting construction activities, or any other activity related to the Assent Holder's project, the applicant shall: | | | Section 4.4, Cultural Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix M, Marine Archaeological Resources Assessment Appendix U2, Historic Resources Visual Effects Analysis - Revolution Wind Farm |
| 11.10.8(G)(1) | Immediately halt all seafloor disturbing activities within the area of the discovery; | | | |
| 11.10.8(G)(2) | Notify the Council of the discovery within 24 hours; and | | | |
| 11.10.8(G)(3) | Keep the location of the discovery confidential and not take any action that may adversely affect the archaeological resource until the Council has made an evaluation and instructed the applicant on how to proceed. | | | |
| 11.10.8(G)(3)(a) | The Council may require the Assent Holder to conduct additional investigations to determine if the resource is eligible for listing in the National Register of Historic Places under 36 CFR 60.4. The Council shall do this if: | | | |
| 11.10.8(G)(3)(a)(1) | The site has been impacted by the Assent Holder's project activities; or | | | |
| 11.10.8(G)(3)(a)(2) | Impacts to the site or to the area of potential effect cannot be avoided. | | | |
| 11.10.8(G)(3)(b) | If the Council incurs costs in protecting the resource, under section 110(g) of the NHPA, the Council may charge the applicant reasonable costs for carrying out preservation responsibilities. | | | |
| 11.10.8(H) | Post construction, the Assent Holder shall provide a side scan sonar survey of the entire construction site to verify that there is no post construction debris left at the project site. These side-scan sonar survey results shall be filed with the Council within 90 days of the end of the construction period. The results of this side-scan survey shall be verified by a third-party reviewer, who shall be hired by the Assent Holder but who is pre-approved by and reports to the Council. | | | Section 3.0, Description of Proposed Activity |
| 11.10.8(I) | All pile-driving or drilling activities shall comply with any mandatory best management practices established by the Council in coordination with the Joint Agency Working Group and which are incorporated into the RICRMP. | | | Section 3.0, Description of Proposed Activity; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures |
| 11.10.8(J) | The Council may require the Assent Holder to hire a CVA to perform periodic inspections of the structure(s) during the life of those structure(s). The CVA shall work for and be responsible to the council. | | | Section 1.7, Certified Verification Agent Nominations Appendix C1 and C2, Certified Verification Agent |
| 11.10.9 Monitoring Requirements | | | | |

Appendix B-1. Coastal Zone Management Consistency Statements: Rhode Island
Revolution Wind, LLC

| Ocean SAMP Section Number 650-RICR-20-05-11 | Policy/Requirement | Response to Policy for RWF | Response to Policy for RWEC | COP Sections and Appendices |
|---|--|---|--|--|
| 11.10.9(A) | The Council in coordination with the Joint Agency Working Group, as described in section 11.9.7(J) shall determine requirements for monitoring prior to, during, and post construction. Specific monitoring requirements shall be determined on a project-by-project basis and may include but are not limited to the monitoring of: | The RWF is consistent with these policies. Revolution Wind is committed to conducting monitoring prior to, during, and post construction as required by the Council. Revolution Wind will coordinate with the Council and other key stakeholders in the development of specific monitoring plans. | The RWEC is consistent with these policies. Revolution Wind is committed to conducting monitoring prior to, during, and post construction as required by the Council. Revolution Wind will coordinate with the Council and other key stakeholders in the development of specific monitoring plans. | Section 3.0, Description of Proposed Activity; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures |
| 11.10.9(A)(1) | Coastal processes and physical oceanography | | | Section 4.2.4, Physical Oceanography and Meteorology; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix J, Hydrodynamic and Sediment Transport Modeling Report |
| 11.10.9(A)(2) | Underwater noise | | | Section 4.1.4, Noise; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix P3, Underwater Acoustic Modeling Analysis |
| 11.10.9(A)(3) | Benthic ecology | | | Section 4.3.2, Benthic and Shellfish Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix X, Benthic Assessment; and Appendix L, Essential Fish Habitat Assessment |
| 11.10.9(A)(4) | Avian species | | | Section 4.3.6, Avian Species; Section 4.3.7, Bat Species Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix AA, Assessment of the Potential Effects of the Revolution Offshore Wind Farm on Birds & Bats |
| 11.10.9(A)(5) | Marine mammals | | | Section 4.3.4, Marine Mammals; and Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix Z, Assessment of Impacts to Marine Mammals, Sea Turtles, and ESA-Listed Fish Species |
| 11.10.9(A)(6) | Sea turtles | | | Section 4.3.5, Sea Turtles; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix Z, Assessment of Impacts to Marine Mammals, Sea Turtles, and ESA-Listed Fish Species |
| 11.10.9(A)(7) | Fish and fish habitat | | | Section 4.3.2, Benthic and Shellfish Resources; Section 4.3.3, Finfish and Essential Fish Habitat; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix X, Benthic Assessment; Appendix L, Essential Fish Habitat Assessment; and Appendix Z, Assessment of Impacts to Marine Mammals, Sea Turtles, and ESA-Listed Fish Species |
| 11.10.9(A)(8) | Commercial and recreational fishing | | | Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix CC, Commercial and Recreational Fisheries; and Appendix DD, Fisheries Communication and Outreach Plan |
| 11.10.9(A)(9) | Recreation and tourism | | | Section 4.6.4, Recreation and Tourism; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix CC, Commercial and Recreational Fisheries |
| 11.10.9(A)(10) | Marine transportation, navigation and existing infrastructure | | | Section 4.6.7, Coastal Land Use and Infrastructure; Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix DD, Fisheries Communication and Outreach Plan; and Appendix CC, Commercial and Recreational Fisheries |
| 11.10.9(A)(11) | Cultural and historic resources | | | Section 4.4, Cultural Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix M, Marine Archaeological Resources Assessment Appendix U2, Historic Resources Visual Effects Analysis - Revolution Wind Farm |
| 11.10.9(B) | The Council shall require where appropriate that project developers perform systematic observations of recreational boating intensity at the project area at least three times: pre-construction; during construction; and post-construction. Observations may be made while conducting other field work or aerial surveys and may include either visual surveys or analysis of aerial photography or video photography. The Council shall require where appropriate that observations capture both weekdays and weekends and reflect high-activity periods including the July 4th holiday weekend and the week in June when Block Island Race Week takes place. The quantitative results of such observations, including raw boat counts and average number of vessels per day, will be provided to the Council. | The RWF is consistent with this policy. If appropriate, Revolution Wind will develop plans for observations of boat intensity. Based on coordination with the Council, monitoring will occur prior to, during, and post construction. | The RWEC is consistent with this policy. If appropriate, Revolution Wind will develop plans for observations of boat intensity. Based on coordination with the Council, monitoring will occur prior to, during, and post construction. | Section 4.6.4, Recreation and Tourism; Section 4.6.5, Commercial and Recreational Fishing; Section 4.6.8, Other Marine Uses; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix CC, Commercial and Recreational Fisheries; and Appendix DD, Fisheries Communication and Outreach Plan |
| 11.10.9(C) | The items listed below shall be required for all Offshore Developments: | | | |
| 11.10.9(C)(1) | A biological assessment of commercially and recreationally targeted species shall be required within the project area for all Offshore Developments. This assessment shall assess the relative abundance, distribution, and different life stages of these species at all four seasons of the year. This assessment shall comprise a series of surveys, employing survey equipment and methods that are appropriate for sampling finfish, shellfish, and crustacean species at the project's proposed location. Such an assessment shall be performed at least four times: pre-construction (to assess baseline conditions); during construction; and at two different intervals during operation (i.e. 1 year after construction and then postconstruction). At each time this assessment must capture all four seasons of the year. This assessment may include evaluation of survey data collected through an existing survey program, if data are available for the proposed site. The Council will not require this assessment for proposed projects within the Renewable Energy Zone that are proposed within 2 years of the adoption of the Ocean SAMP. | The RWF is consistent with this policy. Revolution Wind has conducted an assessment of commercial and recreational fisheries within the region, which encompasses the RWF. The RWF is not expected to have major long term impacts on commercial or recreational fisheries and Revolution Wind is committed to collaborative science with the commercial and recreational fishing industries pre-, during, and post-construction. | The RWEC is consistent with this policy. Revolution Wind has conducted an assessment of commercial and recreational fisheries within the region, which encompasses the RWEC. The RWEC is not expected to have major long term impacts on commercial or recreational fisheries and Revolution Wind is committed to collaborative science with the commercial and recreational fishing industries pre-, during, and post-construction. | Section 4.3, Biological Resources; Section 4.3.2, Benthic and Shellfish Resources; Section 4.3.3, Finfish and Essential Fish Habitat; Section 4.6.4, Recreation and Tourism; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix L, Essential Fish Habitat Assessment; Appendix X, Benthic Assessment; Appendix Z, Assessment of Impacts to Marine Mammals, Sea Turtles, and ESA-Listed Fish Species; and Appendix CC, Commercial and Recreational Fisheries |

Appendix B-1. Coastal Zone Management Consistency Statements: Rhode Island
Revolution Wind, LLC

| Ocean SAMP Section Number 650-RICR-20-05-11 | Policy/Requirement | Response to Policy for RWF | Response to Policy for RWEC | COP Sections and Appendices |
|---|---|---|--|---|
| 11.10.9(C)(2) | An assessment of commercial and recreational fisheries effort, landings, and landings value shall be required for all proposed Offshore Developments. Assessment shall focus on the proposed project area and alternatives. This assessment shall evaluate commercial and recreational fishing effort, landings, and landings value at three different stages: preconstruction (to assess baseline conditions); during construction; and during operation. At each stage, all four seasons of the year must be evaluated. Assessment may use existing fisheries monitoring data but shall be supplemented by interviews with commercial and recreational fishermen. Assessment shall address whether fishing effort, landings, and landings value has changed in comparison to baseline conditions. The Council will not require this assessment for proposed projects within the Renewable Energy Zone that are proposed within 2 years of the adoption of the Ocean SAMP. | | | Section 4.3.3, Finfish and Essential Fish Habitat; Section 4.6.4, Recreation and Tourism; Section 4.6.5, Commercial and Recreational Fishing; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix L, Essential Fish Habitat Assessment; Appendix X, Benthic Assessment; Appendix Y, Fisheries and Benthic Monitoring Plan; Appendix Z, Assessment of Impacts to Marine Mammals, Sea Turtles, and ESA-Listed Fish Species; and Appendix CC, Commercial and Recreational Fisheries |
| 11.10.9(D) | The Council in coordination with the Joint Agency Working Group may also require facility and infrastructure monitoring requirements, that may include but are not limited to: | The RWF is consistent with this policy. The RWF will be operated and monitored by Revolution Wind and will be inspected and tested on a regular basis based on manufacturer suggestions. A CVA has been nominated to verify design and installation of the RWF via the FDR and FIR. | The RWEC is consistent with this policy. The RWEC will be operated and monitored by Revolution Wind and will be inspected and tested on a regular basis based on manufacturer suggestions. A CVA has been nominated to verify design and installation of the RWEC via the FDR and FIR. | Section 3.0, Description of Proposed Activity; Section 1.7, Certified Verification Agent Nominations Appendix C1 and C2, Certified Verification Agent |
| 11.10.9(D)(1) | Post construction monitoring including regular visual inspection of inner array cables and the primary export cable to ensure proper burial, foundation and substructure inspection. | | | |

Appendix B-2

Appendix B-2. Coastal Zone Management Consistency Statements: Massachusetts
 Revolution Wind, LLC

Massachusetts Office of Coastal Zone Management Program Federal Consistency Review

| Policy # | Policy/Requirement | Response to Policy for RWF | Response to Policy for RWEC | COP Section Reference |
|---|--|---|---|--|
| Massachusetts Coastal Program Policies | | | | |
| Coastal Hazards | | | | |
| 1 | Preserve, protect, restore, and enhance the beneficial functions of storm damage prevention and flood control provided by natural coastal landforms, such as dunes, beaches, barrier beaches, coastal banks, land subject to coastal storm flowage, salt marshes, and land under the ocean. | The Revolution Wind (RWF) is consistent with this policy. The RWF is a wind power facility located within Lease Area Outer Continental Shelf (OCS)-A 0486 (Lease Area) that will preserve and protect the beneficial functions provided by lands under the ocean. | The Revolution Wind Export Cable (RWEC) is consistent with this policy. No direct impacts to coastal landforms will occur. The RWEC has been designed to use construction techniques to avoid or minimize environmental impacts to the greatest extent practicable. | Section 2.0, Project Siting and Design Development; Section 3.0, Description of Proposed Activity; Section 4.2.2, Water Quality and Water Resources; Section 4.3.1 Coastal Habitat; and Section 4.7 Summary of Potential Impacts and Proposed Environmental Protection Measures |
| 2 | Ensure that construction in water bodies and contiguous land areas will minimize interference with water circulation and sediment transport. Flood or erosion control projects must demonstrate no significant adverse effects on the project site or adjacent or downcoast areas. | The RWF is consistent with this policy. Construction associated with the RWF will occur approximately 12 statute miles (mi) (10.4 nautical miles [nm], 19 kilometers [km]) southwest off the coast of Martha's Vineyard, Massachusetts. Construction will not interfere with water circulation and sediment transport and does not involve a flood or erosion control project. | The RWEC is consistent with this policy. The RWEC will not be in Massachusetts waters and therefore there will be no construction that interferes with water circulation or sediment transport. | Section 2.0, Project Siting and Design Development; Section 3.0, Description of Proposed Activity; Section 4.1.3, Sediment Suspension and Deposition; Section 4.2.2, Water Quality and Water Resources; Section 4.2.3, Geological Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix J, Hydrodynamic and Sediment Transport Modeling Report |
| 3 | Ensure that state and federally funded public works projects proposed for location within the coastal zone will: Not exacerbate existing hazards or damage natural buffers or other natural resources. Be reasonably safe from flood and erosion-related damage. Not promote growth and development in hazard-prone or buffer areas, especially in velocity zone and Areas of Critical Environmental Concern. Not be used on Coastal Barrier Resource Units for new or substantial reconstruction of structures in a manner inconsistent with Coastal Barrier Resource/Improvement Acts. | These policies are not applicable because the RWEC will not be located within the Massachusetts coastal zone. This is not a federally funded public works project. | These policies are not applicable because the RWEC will not be located within the Massachusetts coastal zone. This is not a federally funded public works project. | Not applicable |
| 4 | Prioritize acquisition of hazardous coastal areas that have high conservation and/or recreation values and relocation of structures out of coastal high-hazard areas, giving due consideration to the effects of coastal hazards at the location to the use and manageability of the area. | This policy is not applicable because the RWF is an offshore wind facility that is outside the Massachusetts coastal zone. | The RWEC will not be located in Massachusetts coastal waters or marine areas; therefore, this policy does not apply. | Not applicable |
| Energy | | | | |
| 1 | For coastally dependent energy facilities, assess siting in alternative coastal locations. For non-coastally dependent energy facilities, assess siting in areas outside of the coastal zone. Weigh the environmental and safety impacts of locating proposed energy facilities at alternative sites. | The RWF is consistent with this policy. The RWF is not proposed for coastal siting in Massachusetts and is not coastally dependent. The RWF is an offshore wind energy facility located in the Lease Area OCS-A 0486 to enable it to perform its obligations under the Power Purchase Agreement (PPA) by generating electricity from an offshore wind farm located 12 southwest of Martha's Vineyard, Massachusetts and transmitting the electricity to an interconnection location (i.e., Davisville Substation) in Rhode Island. The location of the RWF will not interfere with natural coastal processes, will not cause and increase in erosion, and will not result in adverse impacts to water quality, physical processes, and marine productivity. | This policy is not applicable; the RWEC will not be located within the Massachusetts coastal zone. | Section 2.0, Project Siting and Design Development; Section 3.0, Description of Proposed Activity; Section 4.1.3, Sediment Suspension and Deposition; Section 4.2.2, Water Quality and Water Resources; Section 4.2.3, Geological Resources; Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures; and Appendix J, Hydrodynamic and Sediment Transport Modeling Report |
| 2 | Encourage energy conservation and the use of renewable sources such as solar and wind power in order to assist in meeting the energy needs of the Commonwealth. | The RWF is consistent with this policy. The RWF is not proposed for coastal siting in Massachusetts and is not coastally dependent. The RWF is an offshore wind energy facility located in the Lease Area OCS-A 0486 to enable it to perform its obligations under the PPA (within the states of Connecticut and Rhode Island) by generating electricity from an offshore wind farm located 12 miles southwest of Martha's Vineyard and transmitting the electricity to an interconnection location (i.e., Davisville Substation) located in Rhode Island. The RWF will provide National Grid and the northeast transmission grid with a sustainable source of zero-carbon generation from renewable energy sources. | This policy is not applicable; the RWEC will not be located within the Massachusetts coastal zone. | Section 1.3, Project Purpose |
| Growth Management | | | | |
| 1 | Encourage sustainable development that is consistent with state, regional, and local plans and support the quality and character of the community. | This policy is not applicable. The RWF is located 12 miles offshore the coast of Martha's Vineyard. | This policy is not applicable. The RWEC does not occur in the Massachusetts coastal zone. | Section 1.3, Project Purpose |
| 2 | Ensure that state and federally funded infrastructure projects in the coastal zone primarily serve existing developed areas, assigning highest priority to projects that meet the needs of urban and community development centers. | This policy is not applicable. The RWF is an offshore wind facility and is not a state or federally funded infrastructure project in the coastal zone. The RWF is located 12 miles offshore. | This policy is not applicable. The RWEC is not a state or federally funded infrastructure in the Massachusetts coastal zone. | Not applicable |

Appendix B-2. Coastal Zone Management Consistency Statements: Massachusetts
 Revolution Wind, LLC

Massachusetts Office of Coastal Zone Management Program Federal Consistency Review

| Policy # | Policy/Requirement | Response to Policy for RWF | Response to Policy for RWEC | COP Section Reference |
|--------------------------|---|--|---|--|
| 3 | Encourage the revitalization and enhancement of existing development centers in the coastal zone through technical assistance and financial support for residential, commercial, and industrial development. | This policy is not applicable because the RWF is an offshore wind facility. The RWF is located 12 miles offshore. | This policy is not applicable. The RWEC does not occur in the Massachusetts coastal zone. | Not applicable |
| Habitat | | | | |
| 1 | Protect coastal, estuarine, and marine habitats - including salt marshes, shellfish beds, submerged aquatic vegetation, dunes, beaches, barrier beaches, banks, salt ponds, eelgrass beds, tidal flats, rocky shore, bays, sounds, and other ocean habitats - and coastal freshwater streams, ponds, and wetlands to preserved critical wildlife habitat and other important functions and services including nutrient and sediment attenuation, wave and storm damage protection, and landform movement and processes. | The RWEC is not located in the Massachusetts coastal zone and therefore will not impact habitats. | The RWEC is not located in the Massachusetts coastal zone and therefore will not impact habitats. | Section 4.2.2. Water Quality and Water Resources; Section 4.3. Biological Resources; Section 4.3.1. Coastal and Terrestrial Habitat; Section 4.3.2. Benthic and Shellfish Resources; Section 4.3.3. Finfish and Essential Fish Habitat Section 4.7. Summary of Potential Impacts and Proposed Environmental Protection Measures; Appendix L, Essential Fish Habitat Assessment; Appendix X, Benthic Assessment; Appendix Z, Assessment of Impacts to Marine Mammals, Sea Turtles, and ESA-Listed Fish Species; and Appendix AA, Assessment of the Potential Effects of the Revolution Offshore Wind Farm on Birds & Bats |
| 2 | Advance the restoration of degraded or former habitats in coastal and marine areas. | This policy is not applicable. The RWF does not occur in the Massachusetts coastal waters or marine areas. | This policy is not applicable. The RWEC does not occur in the Massachusetts coastal waters or marine areas. | Not applicable |
| Ocean Resources | | | | |
| 1 | Support the development of sustainable aquaculture, both for commercial and enhancement (public shellfish stocking) purposes. Ensure that the review process regulating aquaculture facility sites (and access routes to those areas) protects significant ecological resources (salt marshes, dunes, beaches, barrier beaches, and salt ponds) and minimizes adverse effects on the coastal and marine environment and other water-dependent uses. | This policy does not apply. The RWF is an offshore wind facility which does not involve aquaculture. | This policy is not applicable because the RWEC is a buried (or otherwise protected) export cable that does not involve aquaculture. | Not applicable |
| 2 | Except where such activity is prohibited by the Ocean Sanctuaries Act, the Massachusetts Ocean Management Plan, or other applicable provision of law, the extraction of oil, natural gas, or marine minerals (other than sand and gravel) in or affecting the coastal zone must protect marine resources, marine water quality, fisheries, and navigational, recreational and other uses. | This policy does not apply. The RWF is an offshore wind facility and does not include the extraction of oil, natural gas, or marine minerals. | This policy is not applicable. The RWEC is a buried (or otherwise protected) export cable that does not include the extraction of oil, natural gas, or marine minerals. | Not applicable |
| 3 | Accommodate offshore sand and gravel extraction needs in areas and in ways that will not adversely affect marine resources, navigation, or shoreline areas because of alteration of wave direction and dynamics. Extraction of sand and gravel, when and where permitted, will be primarily for the purpose of beach nourishment or shoreline stabilization. | This policy is not applicable because the RWF does not propose the extraction of sand and gravel. | This policy is not applicable because the RWEC is a buried (or otherwise protected) export cable and does not propose the extraction of sand and gravel. | Not applicable |
| Ports and Harbors | | | | |
| 1 | Ensure that dredging and disposal of dredged material minimize adverse effects on water quality, physical processes, marine productivity, and public health and take full advantage of opportunities for beneficial re-use. | This policy is not applicable because the RWF does not propose dredging or disposal of dredged material in the Massachusetts coastal zone. | This policy is not applicable because the RWEC is a buried (or otherwise protected) export cable that will not require dredging or dredged material disposal within Massachusetts coastal waters. | Not applicable |
| 2 | Obtain the widest possible public benefit from channel dredging and ensure that Designated Port Areas and developed harbors are given highest priority in the allocation of resources. | This policy is not applicable because the RWF does not propose channel dredging in the Massachusetts coastal waters or a Designated Port Area. | This policy is not applicable because the RWEC does not propose channel dredging in the Massachusetts coastal waters or a Designated Port Area. | Not applicable |
| 3 | Preserve and enhance the capacity of Designated Port Areas to accommodate water-dependent industrial uses and prevent the exclusion of such uses from tidelands and any other DPA lands over which an EEA agency exerts control by virtue of ownership or other legal authority. | This policy is not applicable because the RWF is not within a DPA. | This policy is not applicable because the RWF is not within a DPA. | Not applicable |
| 4 | For development on tidelands and other coastal waterways, preserve and enhance the immediate waterfront for vessel-related activities that require sufficient space and suitable facilities along the water's edge for operational purposes. | This policy is not applicable because the RWF is an offshore wind facility located in the Lease Area and does not include development on tidelands or other coastal waterways. | This policy is not applicable because the RWEC does not include development on tidelands or other coastal waterways within Massachusetts coastal waters. | Not applicable |
| 5 | Encourage, through technical and financial assistance, expansion of water-dependent uses in Designated Port Areas and developed harbors, re-development of urban waterfronts, and expansion of physical and visual access. | This policy is not applicable because the RWF is an offshore wind facility and does not include development or redevelopment of waterfront areas. | This policy is not applicable because the RWEC does not occur in the Massachusetts coastal waters and does not include development or redevelopment of waterfront areas. | Not applicable |
| Protected Areas | | | | |
| 1 | Preserve, restore, and enhance coastal Areas of Critical Environmental Concern, which are complexes of natural and cultural resources of regional or statewide significance. | This policy is not applicable because the RWF is an offshore wind facility and will not affect state-designated Areas of Critical Environmental Concern. | This policy is not applicable because the RWEC does not occur within the Massachusetts coastal zone or within a state-designated Area of Critical Environmental Concern. | Not applicable |
| 2 | Protect state designated scenic rivers in the coastal zone. | This policy is not applicable because the RWF is an offshore wind facility and will not affect scenic rivers in the coastal zone. | This policy is not applicable because the RWEC is a buried (or otherwise protected) export cable that does not occur within the Massachusetts coastal zone and will not affect scenic rivers in the coastal zone. | Not applicable |

Appendix B-2. Coastal Zone Management Consistency Statements: Massachusetts
 Revolution Wind, LLC

Massachusetts Office of Coastal Zone Management Program Federal Consistency Review

| Policy # | Policy/Requirement | Response to Policy for RWF | Response to Policy for RWEC | COP Section Reference |
|----------------------|---|--|---|---|
| 3 | Ensure that proposed developments in or near designated or registered historic places respect the preservation intent of the designation and that potential adverse effects are minimized. | This policy is not applicable because the RWF is not located in the Massachusetts coastal area. | This policy is not applicable because the RWEC is not located in the Massachusetts coastal area. | Section 4.4, Cultural Resources; Appendix U2, Historic Resources Visual Effects Analysis - Revolution Wind Farm |
| Public Access | | | | |
| 1 | Ensure that development (both water-dependent or nonwater-dependent) of coastal sites subject to state waterways regulation will promote general public use and enjoyment of the water's edge, to an extent commensurate with the Commonwealth's interests in flowed and filled tidelands under the Public Trust Doctrine. | This policy is not applicable because the RWF is an offshore facility that is not sited within the Massachusetts coastal zone and will not affect public access. | This policy is not applicable because the RWEC is a buried (or otherwise protected) export cable that is not sited within the Massachusetts coastal zone and will not affect public access. | Not applicable |
| 2 | Improve public access to existing coastal recreation facilities and alleviate auto traffic and parking problems through improvements in public transportation and trail links (land- or water-based) to other nearby facilities. Increase capacity of existing recreation areas by facilitating multiple use and by improving management, maintenance, and public support facilities. Ensure that the adverse impacts of developments proposed near existing public access and recreation sites are minimized. | This policy is not applicable because the RWF is an offshore facility and is not sited in the Massachusetts coastal zone. | This policy is not applicable because the RWEC is a buried (or otherwise protected) export cable that is not sited within the Massachusetts coastal zone and does not affect public access near recreational facilities. | Not applicable |
| 3 | Expand existing recreation facilities and acquire and develop new public areas for coastal recreational activities, giving highest priority to regions of high need or limited site availability. Provide technical assistance to developers of both public and private recreation facilities and sites that increase public access to the shoreline to ensure that both transportation access and the recreation facilities are compatible with social and environmental characteristics of surrounding communities. | This policy is not applicable because the RWF is an offshore facility and is not sited in the Massachusetts coastal zone. | This policy is not applicable because the RWEC is a buried (or otherwise protected) export cable that is not sited within the Massachusetts coastal zone. | Not applicable |
| Water Quality | | | | |
| 1 | Ensure that point-source discharges and withdrawals in or affecting the coastal zone do not compromise water quality standards and protected designated uses and other interests. | This policy is not applicable because the RWF is an offshore wind facility that will not produce point-source discharges or withdrawals. Construction phase spills or discharges will be managed in accordance with a project-specific Emergency Response Plan/Oil Spill Response Plan. | This policy is not applicable because the RWEC is a buried (or otherwise protected) export cable that does not occur within the Massachusetts coastal zone and will not produce point-source discharges or withdrawals into or affecting the coastal zone. Construction phase spills or discharges will be managed in accordance with a project-specific Emergency Response Plan/Oil Spill Response Plan. | Appendix D, Emergency Response Plan/Oil Spill Response Plan |
| 2 | Ensure the implementation of nonpoint source pollution controls to promote the attainment of water quality standards and protect designated uses and other interests. | This policy is not applicable because the RWF is an offshore wind facility. The RWF has been designed to use construction techniques to avoid or minimize environmental impacts, such as nonpoint source discharges of pollutants, to the greatest extent practicable into coastal waters. Construction phase spills or discharges will be managed in accordance with a project-specific Stormwater Pollution prevention Plan and Emergency Response Plan/Oil Spill Response Plan. | This policy is not applicable. The RWEC is a buried export (or otherwise protected) cable that does not occur within the Massachusetts coastal zone and will not produce nonpoint source pollution. Construction phase spills or discharges will be managed in accordance with a Project-specific Stormwater Pollution Prevention Plan and Emergency Response Plan/Oil Spill Response Plan. | Section 4.2.2, Water Quality and Water Resources; and Section 4.7, Summary of Potential Impacts and Proposed Environmental Protection Measures Appendix D, Emergency Response Plan/Oil Spill Response Plan |
| 3 | Ensure that subsurface waste discharges conform to applicable standards, including the siting, construction, and maintenance requirements for on-site wastewater disposal systems, water quality standards, established Total Maximum Daily Load limits, and prohibitions on facilities in high-hazard areas. | This policy is not applicable because the RWF is an offshore facility that will not produce subsurface waste discharges that will require an onsite wastewater disposal system. | This policy is not applicable because the RWEC is a buried (or otherwise protected) underwater export cable that does not occur within the Massachusetts coastal zone and will not produce subsurface waste discharges that will require an onsite wastewater disposal system. | Not applicable |

Revolution Wind, LLC Application to Construct a Major Energy Facility
EFSB Docket No. SB-2021-01
Revolution Wind, LLC's
Responses to the Energy Facility Siting Board's Data Requests, Set 5
Issued on November 10, 2021

EFSB 5-2

Request:

Please provide an update of the status of each of the CRMC and DEM applications, copies of which were provided in response to EFSB Record Requests 17 and 18. Please also provide an update with respect to any federal consistency certification filing with CRMC. In such updates, please provide an explanation which includes expected timing of review, whether there have been any delays or Revolution Wind expects delays, and when Revolution Wind expects final approvals for each.

Response:

As indicated in Revolution Wind's response to record requests 17 and 18, CRMC and RIDEM have accepted the applications defined in those requests and assigned the following file numbers:

| Application and Agency File Number | Public Notice | Status of Review |
|--|---|-------------------------|
| Application to Alter a Freshwater Wetland for the Interconnection Facility CRMC No. 2021-07-010 | http://www.crmc.ri.gov/applicationnotices/2021-07-010.pdf | Review in process |
| Application for Category B Assent for the Export Cable, Onshore Transmission Cable and Onshore Substation CRMC File No. 2021-07-005 | http://www.crmc.ri.gov/applicationnotices/2021-07-005.pdf | Review in process |
| Application for State Water Quality Certification and Marine Dredging and Associated Activities | http://www.crmc.ri.gov/applicationnotices/2021-07-005.pdf | Review in process |

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EFSB Docket No. SB-2021-01
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| | | |
|--|----------------|-------------------|
| RIDEM WQC 21-135/DP21-187 | | |
| Application for Stormwater Construction Permit under the Rhode Island Pollutant Discharge Elimination System ("RIPDES") for the Proposed Interconnection Facility No file number assigned | Not applicable | Review in process |
| Application for Stormwater Construction Permit under RIPDES for the Proposed Onshore Components No file number assigned | Not applicable | Review in process |

The agencies have issued the public notices linked above for each of the applications as applicable. Presently these applications are under review by the CRMC and RIDEM. No formal comments have been received from the agencies to date.

As noted in response to EFSB 5-1, Revolution Wind filed a request for federal consistency certification with CRMC on June 7, 2021. CRMC's six-month review period for federal consistency began on August 6, 2021 (see Attachment EFSB 5-2-1). On October 28, 2021, CRMC and Revolution Wind mutually agreed to a stay on CRMC's six-month review period to allow the parties to engage on outstanding data needs requested by CRMC (see Attachment EFSB 5-2-2). In accordance with this stay agreement, CRMC's decision on federal consistency certification is expected on or before December 21, 2022 unless Revolution Wind and CRMC mutually agree in writing to another later date.



State of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

(401) 783-3370
Fax (401) 783-2069

August 18, 2021 (via email)

Mark Roll
Permit Manager, Revolution Wind
Ørsted North America
56 Exchange Terrace, Suite 300
Providence, RI 02903

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: CRMC Coastal Zone Management Act (CZMA) review commencement for the
Revolution Wind project; CRMC File 2021-06-029; Docket No. BOEM-2021-0029

Dear Mr. Roll and Ms. Morin,

As you know, Revolution Wind, LLC¹ (Revolution Wind) filed a consistency certification with the Rhode Island Coastal Resources Management Council (CRMC) on June 7, 2021 for the Revolution Wind project, as required by 15 C.F.R. §§ 930.58 and 930.76. The CRMC subsequently issued a 30-day letter to Revolution Wind pursuant to 15 CFR § 930.60(a)(2) on June 29, 2021 notifying the applicant that it did not submit all the necessary data and information (NDI) 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 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.

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

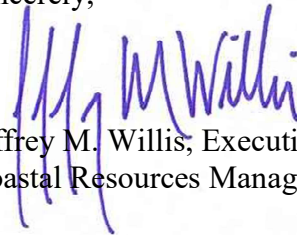
The Federal consistency regulations at 15 C.F.R. § 930.60(a) state that a “State agency’s six-month review period (see § 930.62(a)) of an applicant’s consistency certification begins on the date the State agency receives the consistency certification required by § 930.57 and all the necessary data and information required by § 930.58(a).” (Emphasis added). 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). In this matter, as explained above, 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 as of **August 6, 2021**.

We are writing to inform you of our position regarding the commencement of the CRMC’s CZMA review period for the Revolution Wind project and request that you concur with our position via email or written letter at your earliest convenience and no later than ten (10) days from the date of this letter. Thank you.

Please contact me at jwillis@crmc.ri.gov or James Boyd, CRMC Deputy Director at 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

cc: Anthony DeSisto CRMC Legal Counsel
David Kaiser, NOAA (via email)
Kerry Kehoe, NOAA (via email)

Enc. CRMC 30-day letter (June 29, 2021)
FAB/HAB August 5, 2021 meeting agenda



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

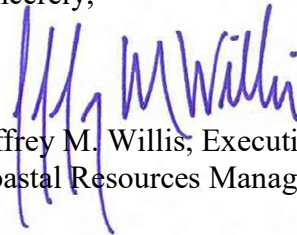
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We are writing to inform you of our position regarding the commencement of the CRMC’s CZMA review period for the Revolution Wind project and request that you concur with our position via email or written letter at your earliest convenience and no later than ten (10) days from the date of this letter. Thank you.

Please contact me at jwillis@crmc.ri.gov or James Boyd, CRMC Deputy Director at 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

cc: Anthony DeSisto CRMC Legal Counsel
David Kaiser, NOAA (via email)
Kerry Kehoe, NOAA (via email)

Enc. CRMC 30-day letter (June 29, 2021)
FAB/HAB August 5, 2021 meeting agenda



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Fax (401) 783-3767

AGREEMENT TO STAY SIX-MONTH REVIEW PERIOD

Between

Rhode Island Coastal Resources Management Council

And

Revolution Wind, LLC

The Rhode Island Coastal Resources Management Council, hereinafter referred to as the “CRMC,” and Revolution Wind¹, LLC, hereinafter referred to as “Revolution Wind,” hereby agree as follows.

Pursuant to 15 CFR § 930.76, Revolution Wind filed a federal consistency certification with the CRMC on June 7, 2021 for the proposed construction and operation of a wind energy project on the outer continental shelf (OCS), known as Revolution Wind, consisting of up to 100 wind turbine generators and an export cable that will enter Rhode Island state waters and make landfall at North Kingstown, RI. The Revolution Wind project has been assigned CRMC File 2021-06-029 and is identified on the Federal docket as BOEM-2021-0029. The proposed wind turbine generators will be located within BOEM Lease Area OCS-A 0486 and approximately 16 nautical miles southeast of Point Judith, Narragansett, Rhode Island. The proposed 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 – Consistency for Outer Continental Shelf (OCS) Exploration, Development and Production Activities.

¹ Revolution Wind, LLC is a 50/50 joint venture between Ørsted and Eversource Investment LLC.

The CRMC's CZMA six-month review period for the Revolution Wind project began on August 6, 2021². The CRMC issued its 3-month letter to Revolution Wind on October 21, 2021 pursuant to the requirements of 15 C.F.R. § 930.78(a). In that letter the CRMC detailed specific information requirements that Revolution Wind has been requested to provide to the CRMC in order to complete the CRMC's federal consistency review pursuant to its enforceable policies. Revolution Wind wants to confer with CRMC about the information that it seeks in the 3-month letter issued pursuant to 15 C.F.R. § 930.78(a). Revolution Wind identifies within its COP at Section 1.4.1.2 that the CRMC federal consistency decision for the project is anticipated between Q1 and Q3 2023. In addition, BOEM anticipates issuing a Notice of Availability for the Draft Environmental Impact Statement (DEIS) on or about July 1, 2022, and the CRMC expects that there will be considerable information that will be valuable to its decision making process within the DEIS, including the range of expected project alternatives. And, CRMC's review of the DEIS is supported by BOEM's statement within the DEIS for the South Fork Wind project (BOEM Docket 2020-0066) in that "Cooperating agencies would rely on the DEIS to support their decision making and to determine if the analysis is sufficient to support their decision" (Emphasis added). *See* DEIS at i. State CZMA agencies are cooperating agencies under the BOEM renewable energy NEPA process.

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 Revolution 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: August 6, 2021
- Date the 6-month review period was to end: February 6, 2022
- Date during the 6-month review period that the stay begins: October 29, 2021
- Date that the stay ends: September 17, 2022
(96 days remaining in the 6-month review period)
- Date the 6-month review period ends and
the CRMC consistency decision is due: December 21, 2022

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.

The CRMC will issue its federal consistency decision on or before **December 21, 2022** unless Revolution Wind and CRMC mutually agree in writing to another later date. Furthermore, should the CRMC conclude its CZMA review earlier than anticipated by this agreement, then the CRMC will issue its federal consistency decision at the earliest possible time prior to December 21, 2022.

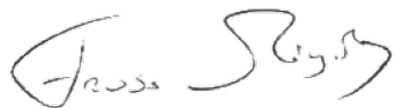
This agreement made and entered by:

Jeffrey M. Willis
Executive Director, CRMC

October 28, 2021

Date

North East Offshore, LLC
by its agent,
Ørsted Wind Power North America LLC



Francis Slingsby, Authorized Person

October 28, 2021

Date



Kellen Ingalls, Authorized Person

October 28, 2021

Date

cc BOEM
NOAA OCM
CRMC Council members