



STATE OF RHODE ISLAND

COASTAL RESOURCES MANAGEMENT COUNCIL

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Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, Rhode Island 02888

RE: Comments on OSW Docket 22-22-EL

Dear Commissioners,

Thank you for providing the Rhode Island Coastal Resources Management Council (CRMC) the opportunity to provide comments on OSW Docket 22-22-EL which is a draft Request for Proposals (RFP) for offshore wind energy pursuant to the Affordable Clean Energy Security Act (ACES), R.I. Gen. Laws Chapter 39-31. CRMC supports offshore wind renewable energy projects which help achieve the 2021 Act on Climate goal of reducing climate emissions to reach economy-wide net-zero emissions in Rhode Island by 2050. However, to achieve emissions reduction goals, it is critical that adverse environmental impacts and conflicts with existing ocean uses resulting from the construction, operation, maintenance and decommissioning of offshore wind projects be mitigated to the greatest extent feasible to protect Rhode Island coastal resources and users.

General Comments/Suggestions

Assistance to Support for Research and Monitoring

Sustained research and monitoring are necessary to responsibly manage marine resources and understand the extent of environmental and fisheries impacts resulting from the construction, operation, maintenance and eventual decommissioning of offshore wind facilities. Both New York and New Jersey have acknowledged these research and monitoring needs and have required a \$10,000 per megawatt contribution from wind developers to provide financial support for state agencies. The CRMC recommends the RFP include a similar provision using the following language:

- “2.2.4.4 Commitment Agreements
A. Assistance to Support Research and Monitoring. Aligned with current offshore wind development practice as evidence by the wind procurement process in New York and New Jersey, the successful Bidder shall commit to

contributing a ten thousand dollars (\$10,000) per on megawatt (1 MW) impacts study fee in line with the project's total estimated offshore wind energy generation. The impact study fees shall be used by the RI CRMC and Department of Environmental Management Division of Marine Fisheries (DEM DMF) to fund research and monitoring studies to reduce the uncertainty in potential impacts, which may be beneficial or detrimental, to RI coastal resources throughout the duration of the project. Fees may be used for but are not limited to the following:

- Hiring subject matter experts.
- Commissioning surveys including but not limited to cable burial, fisheries impacts, habitat alterations, and impacts to water users.
- Commissioning research studies including but not limited to economic impacts, benthic habitat recovery, Electric and Magnetic Field (EMFs) impacts, and future planning of similar projects.
- Additional monitoring and analysis of species that may have been overlooked in the original fisheries monitoring plan.
- Shifts in species of commercial interest over the life of the project or lower trophic levels that support all species of commercial interest.
- Work supporting adaptation of current stakeholders to work within the wind farm.”

In addition, there is an effort at the national and international level to provide resources for research support that will spur innovation, enhance understanding and provide pre-industry academic training associated with offshore wind farms in waters of the United States. CRMC welcomes proposals that will include a minimum of two foundations of the proposed project be allowed access by research projects that are approved by the executive director of CRMC or the research director at the Bureau of Safety and Environmental Enforcement (BSEE). Any approved projects will not endanger the warranties of the structures or impact operations and maintenance activities. Approved studies welcome in kind support of the owner operator but will be required to obtain independent funding for the entire project including decommissioning and will return the facility to its original state as much as practicable. The research program will be proposed by the research team with coordination with the owner operator, approved by the executive director of CRMC and presented to a funding agency to compete for the funding. The research team must prove or be able to comply with all safety training and requirements to work on offshore wind farms to the satisfaction of the wind farm operator. To support this request, the developer should be prepared for share data transmission and small power requirements for the measurement equipment. Data from such research would be made available on an appropriate time scale with the intent to better support the development of the industry, optimize community electrical production and maximize the life of the installed assets transparently.

This is already a condition of the seven foundations currently in US waters. There are also ongoing studies on the existing foundations for migratory birds and bats and for structural health. The structural health research has as one of its goals to understand how to minimize the number of

sensors installed to properly manage the fatigue life of the entire wind farm which is essential knowledge for considerations of re-powering or life extension. The real advantage of such research collaborations is to provide leading experts who can develop methods that can be used with the extensive data the industry is already collecting but needs resources to analyze in detail. This is an extension to a small portion of commercial wind farms to allow data collection and research to evolve as the industry evolves. Foundations made available may be chosen to be co-located with industry sensors or to compliment those instrumented. Ideally, while this infrastructure if getting built out, developers would work with NSF to set up a certain number of wired underwater nodes linked to the data transfer network or to include a dedicated fiber channel to support such an underwater cabled network with plug and play nodes like in existing cabled observatories. Such a collaboration would create a world class research facility. This would require discussions with NSF or DOE as to funding this effort and management of the network for future funded studies. While the cabled undersea observatory is supported by the academic community and small business in Rhode Island, it is not the part of this request that some structures be designated for approved research use. Language for the RFP may include:

“Proposals which include a provision to make available two or more foundations (structures) from the total for independent research which is reviewed and approved by the State or Federal regulatory agency regulators will be viewed as more advantageous to the renewable energy goals of the State of Rhode Island.”

Section Specific Comments/Suggestions

Section 2.2.3.3: Site Control

Section 2.2.3.3 of the RFP includes requirements for demonstrating site control for Offshore Delivery Facilities including the offshore export cable corridor which will facilitate the transmission of energy from offshore to interconnection facilities onshore. The CRMC urges that the RFP give preference to Bidders that propose utilizing a single cable route to minimize environmental impacts and that propose to use, or upgrade, existing interconnection facilities in Rhode Island. Choosing a Bidder who proposes one, or both, of these suggestions would allow for cost-effective integration of renewable energy into the onshore power grid.

Additionally, in an effort to consolidate offshore transmission cables, provide predictability in the permitting of proposed renewable energy cables, and reduce adverse impacts from cable installation, the CRMC recommends the RFP state the following language in Section 2.2.3.3:

“Eligible Bidders, where feasible, shall co-locate renewable energy cables with existing renewable energy cables to aid in minimizing impacts to coastal resources and coastal activities.”

Section 2.2.3.3 requires maps of Offshore Delivery Facilities be of scales required to identify significant marine or terrestrial features. The CRMC recommends requiring proposed cable routes to avoid identified significant marine or terrestrial features. As such, the CRMC recommends the RFP require maps for all proposed routes for renewable energy cables explicitly identify complex bottom habitat (i.e. glacial moraine and moraine edge) and areas of high

commercial and recreational fishing activity, as described in Ocean SAMP § 11.10.2(C)(3) and (4), along and within proximity to the proposed cable routes. Glacial moraine creates unique complex habitats that promote biodiversity, are essential in various development stages for marine life development and are crucially important to commercial and recreational fishermen. Maps identifying cable route proximity to glacial moraine will aid in understanding the potential extent of adverse environmental impacts from construction activities.

Section 2.3.3.2: Factors to be Assess in Non-Price Evaluation

Section 2.3.3.2 discusses project and proposal-related factors that will be assessed including the “Environmental Impacts and Environmental and Fisheries Mitigation Plan.” The Environmental and Fisheries Mitigation Plan (“the Plan”) is referred to as the “EMP” and will address a Bidder’s avoidance, minimization and mitigation efforts. CRMC recommends this plan be referred to as the “EFMP” throughout the RFP and not the “EMP.” Environmental and fisheries impacts are not necessarily limited to impacts to the resource. Fisheries impacts include impacts to commercial/recreational fisheries and coastal economies/communities in addition to impacts to the marine environment. Ensuring the Plan is referenced correctly will emphasize that a Bidder is required to address beneficial and adverse impacts to the environment and to commercial and recreational fisheries.

Section 2.3.3.3: Specific Environmental and Fisheries Monitoring Plan Measures

The CRMC supports this requirement and offers recommendations to bolster the plan. Rhode Island General Laws § 39-31-12 requires that Bidders pay for the cost of consultants and counsel that state agencies retain to assess impacts related to the procurement required by the amendments to the Affordable Clean Energy Security Act enacted earlier this year up to a maximum of \$200,000 per agency. CRMC urges that this statutory requirement be clearly highlighted in the RFP and that Bidders demonstrate the ability to comply.

The RFP requires a Plan to detail specific measures the Bidder will take to avoid, minimize, and/or mitigate potential environmental and fisheries impacts. CRMC recommends rephrasing a portion of Section 2.3.3.3 to read as follows:

“The Environmental and Fisheries Mitigation Plan should detail, to the extent practical, specific adverse environmental and fisheries impacts that are likely to result from the proposed Facility and detail specific measures the Bidder will take to avoid, minimize, and/or mitigate those impacts.”

The RFP on page 28 references a Memorandum of Understanding (“MOU”) between the Bidder and DEM prior to the execution of a final PPA. CRMC recommends the final PPA, or at minimum the MOU, require a successful bidder commit to using adaptive management strategies as information becomes available through survey work and as new technologies become commercially available. As such, the CRMC recommends the following language:

“Successful Bidders will be required to negotiate and execute a contractual commitment (i.e. Memorandum of Understanding) with DEM and CRMC before a final PPA is executed resulting from this solicitation. This Memorandum of Understanding shall

include, at a minimum, the Bidder’s commitment to use avoidance and minimization measures, Best Management Practices, industry standards, to consider and implement new technologies and practices where practical as they become commercially available, as well as site and environmental data transparency requirements and may include other commitments made by the Bidder.”

Section 2.3.3.3(A): Site and Environmental Data Transparency

The CRMC supports an agreement making publicly available any information or raw data and supporting metadata that is developed in furtherance of a project. The agreement should also include a provision for Bidders to financially support scientific work with survey designs approved through a process that includes state agencies and stakeholders, conducted in collaboration with the fishing industry when appropriate, to better understand impacts to the environment, resources, and fishing industry.

In addition to making data publicly available, Bidders should be required to work with DEM, CRMC, and applicable federal agencies and stakeholders early in the development of their Environmental and Fisheries Mitigation Plans to identify and address data gaps. Early engagement will allow for a more transparent permitting, review, and fisheries compensation mitigation process.

Section 2.3.3.3(B): Fisheries Compensation

CRMC supports the RFP’s requirement that Bidders agree to follow the Bureau of Ocean and Energy Management (“BOEM”) guidance for mitigation of fisheries impacts, but also recommends that Bidders commit to working with DEM and CRMC to ensure that the best available data is used to assess impacts.

Section 2.3.3.3(C): Noise Mitigation

In addition to noise mitigation, the CRMC recommends the RFP also require an agreement stating that the Project shall not commence activities that generate a significant amount of light during cable laying operations in State Waters. As such, the title of this section should read “Noise and Light Mitigation.” The CRMC recommends the following language be added:

“All lighting shall be limited to the minimum necessary to ensure safety and to comply with other applicable regulations.”

Section 2.3.3.3(E): Commercial Fishing Gear Loss

The CRMC supports an agreement from the Bidder regarding the commercial fishing gear loss claims. The CRMC recommends that any gear loss program include a requirement for the Bidder to set aside funds to cover a fishermen’s loss in gear and economic loss from reduced fishing effort resulting from the injury. The goal of this requirement would be to minimize economic hardship which may be prolonged due to an inability to acquire new fishing gear for some time after the injury has occurred due to supply chain issues or other factors.

The CRMC has been made aware of supply chain issues impacting the ability to replace lost fishing gear within a reasonable time regardless of a commercial fishing gear loss program.

Accordingly, the CRMC recommends the RFP require a Bidder consider the feasibility of establishing a “gear repository” comprised of various types of commercial fishing gear which could be used replace gear lost as a result of a Project. Such a repository would aid in making fishermen whole by allowing them to return to fishing quickly and mitigate adverse impacts to the commercial fishing industry.

With regard to the RFP’s commercial fishing gear loss Agreement, any gear loss compensation plan should outline a user-friendly process for compensating fishing participants for lost or damaged gear due to offshore wind-related activities. The CRMC recommends the following language be added:

“The Agreement will require a Bidder to commit to the reasonably expeditious resolution of all commercial gear loss claims.”

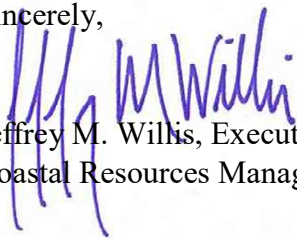
Section 2.3.3.3(F): Regional Collaboration

The CRMC supports requiring a Bidder to participate in any multi-state or regional coordination and/or collaboration efforts. The CRMC requests the following language be added:

“Agreement, if requested by the DEM or CRMC, to participate in any multi-state or regional coordination and/or collaboration efforts.”

In conclusion, the CRMC supports the development of a “roadmap” for permitting schedules and to demonstrate the environmental and fisheries work to come. The permitting and review processes for offshore wind projects are complex and CRMC staff are available to answer questions and meet prior to submission of an application. Early conversations with CRMC, DEM, and other applicable state agencies will lend to a smoother path forward.

Sincerely,



Jeffrey M. Willis, Executive Director
Coastal Resources Management Council

cc: Raymond C. Coia, Chairman, Coastal Resources Management Council