



STATE OF RHODE ISLAND

COASTAL RESOURCES MANAGEMENT COUNCIL

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July 7, 2023

Ronald T. Gerwatowski, Chairman
Energy Facility Siting Board
89 Jefferson Boulevard
Warwick, Rhode Island 02888

Dear Chairman Gerwatowski:

This response is in regard to your July 3, 2023 letter asking the Coastal Resources Management Council (CRMC) to "... review the estimates in the attached Gantt Chart to formally comment upon the reasonableness of SouthCoast Wind's (SCW) timeline estimates for completion of the CRMC Category B Assent process and Federal Consistency Determination ..." Should you have any questions please feel free to contact me.

The Gantt Chart provided by SCW represents their two initial estimates for the CRMC's review of the SCW export cable through the CRMC Geographic Location Descriptions in federal waters, and the review of the export cable through state waters. These processes are, respectively, the Federal Consistency review and determination, and the State regulatory review, known as the Category "B" Assent Application review.

As to the CRMC's Category B Assent Application review process, please know that while the SCW project has filed an application for their export cable into and through State Waters, with a landfall and exit within the Town of Portsmouth, minimum application review material requirements such as upland site control have not been provided, and the application has not been officially accepted. Please know that with any application to the CRMC, site control over which an activity is proposed is required to be shown so that the CRMC and the public at-large have assurances that the proposed activity has the permission of said property owner to perform the activity, if and once permitted. While SCW has not yet secured this, but is working to do so, CRMC staff has, since the application's filing, been meeting with the SCW Team to review all aspects of the application with the anticipation that site control will be provided.

Within any CRMC regulatory review, the public has a right to review the request for a State Assent. This is accomplished through public notification of the application, whereafter the agency receives such public comment, which are entered into the application's record of materials and become part and parcel of staff and Council review. Because the application has not been officially accepted a Public Notice of the proposed activity has not been issued.

However, given the information supplied to-date, the staff and applicant continue to cooperatively exchange clarifying information requested by staff throughout this period.

As explained above staff has been and continues to work with the SCW Team to generate as much information as possible to develop its forthcoming recommendation in anticipation of the SCW Team securing its site control requirements.

The Federal Consistency Review process has a more rigid timeline than the state Category B regulatory process.

All Coastal Zone Management (CZM) programs have 180 days to conduct a review of projects that fall under the federal consistency provisions of the Coastal Zone Management Act (CZMA). At the conclusion of the 180 days a CZM program must issue a Decision, or else the project is presumed consistent with the state CZM program. The 180-day timeline can be 'stayed' by mutual agreement between the CZM agency and the Project Proponent.

The CRMC's 180-day federal consistency review period for the SCW Project began on May 27, 2022. Since that time staff and the SCW Team have met regularly to discuss issues regarding the proposed activity's impacts to the state's enforcement policies in federal waters. Because of the complexities and amount of information needed to perform such a review, three (3) Stay Agreements have since been mutually agreed to and the CRMC's Federal Consistency Decision date is December 1, 2023. Additionally, a public notice and comment period is currently ongoing until July 23, 2023 for the Federal Consistency Review. The timeline for a Consistency Decision in SCW's Gantt Chart timeline is accurate.

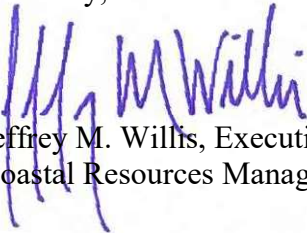
With regard to communications between CRMC and SCW, the parties are in near constant communication. As previously stated, both parties have a standing monthly check-in call to discuss all aspects of the Project in state and federal waters. The frequency of these regular meetings will increase as the Project's review progresses. For example, CRMC and SCW will shift to weekly meetings as it has done with other developers who are further along in the consistency review process. These meetings will discuss matters regarding CRMC's enforceable policies and fisheries compensatory mitigation. The parties have also held ad-hoc meetings to discuss specific topics in more detail (i.e., cable burial methods and micro-siting) and have weekly phone calls to discuss any relevant updates.

Due to CRMC's concurrent review of three to four offshore wind projects at one time, information requests between CRMC and SCW have not always been consistent. However, when CRMC has made information requests regarding various aspects of the project, SCW has been responsive, timely, and delivered the appropriate deliverables. SCW has and continues to express its willingness and desire to have additional meetings as necessary to assist CRMC staff in understanding the project and finding solutions to complex matters.

Lastly, the email which spurred the EFSB's request for this response letter was not authorized by the CRMC. Additionally, please note that SWC's outside counsel, Christian Capizzo, has appeared before the CRMC many times over the years; his character, honesty and integrity has never been in question.

Again, should you have any questions please do not hesitate to contact me at your convenience.

Sincerely,



Jeffrey M. Willis, Executive Director
Coastal Resources Management Council

Cc: Raymond Coia, Chairman, CRMC
Meredith Brady, EFSB Member
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