

Date: August 8, 2025

To: Chairman Ronald T. Gerwatowski and RI EFSB Members
State of Rhode Island Energy Facilities Siting Board
89 Jefferson Boulevard
Warwick, RI 02888

From: Priscilla Wong

Subj: RI EFSB Docket No. SB-2022-02: Reliability and Validity of documents submitted to the RI EFSB by SouthCoast Wind (SCW) and various State and Federal Agencies in support of SCW's permit before the RI EFSB

This supplemental submission¹ highlights the important changes in government that occurred with the inauguration of President Trump in January 2025. In light of these changes, a review of many of the documents and permits submitted to the RI EFSB is necessary in order to determine the accuracy of their content. Reliance on them without such review and determination would be contrary to the Board's mandate to comply with State and Federal law and may result in legal liability. To this end, we provide the following information for your consideration and request you consider outright denial of SouthCoast Wind's (SCW) application or, at a minimum, an undetermined delay in your decision until the following issues can be resolved.

When considering public interest, RI Gen. Laws §42-98 requires the RI EFSB to consider **need, cost, and alternatives** in the current national political environment. The Biden Administration had a significantly different Energy Policy that had an all of government approach and focus on pushing wind and solar energy generation. The current administration has reversed the Biden Energy Policy and now focusses on fossil fuel, gas, coal, and nuclear alternatives. As such, it would be inappropriate for the RI EFSB to evaluate their remit within a foregone paradigm. It would be a disservice to RI residents to mislead them "living in the past" and to not incorporate the current Energy Policy into their decision analysis which may continue for succeeding generations of Rhode Islanders OR flip back and forth between the current and past administrations energy policies. But, for now, the economics of energy for, at least, the next 3.5 years will not focus on wind and solar power. It would be contrary to RI State Affairs and Government under RI Title 42, Chapter 98 for the RI EFSB to go against the prevailing "winds" of current energy policy. The Energy Facility Siting Act (EFSA) clearly mandates the RI EFSB "shall give priority to energy generation projects based on the degree to which such projects meet criteria including, but not limited to using renewable fuels, natural gas, or coal processed by 'clean coal technology' as their primary fuel." This does not appear to have been done by the RI EFSB or PUC. Nor has an assessment of "efficiency" been made by the RI EFSB, pursuant to the EFSA mandate (8)(ii) that priority also must be given to energy generation projects based on the degree to which they meet "maximizing efficiency" criteria. These assessments must be done.

¹ Original submission dated July 23, 2025 to Kristen Masse (PUC) and other EFSB / PUC members on behalf of the original signatories.

President Trump’s and Department of Interior Orders are premised on the fact that offshore wind creates an **economic distortion based on significant tax incentives; this economic distortion has not been incorporated into any cost analysis. These orders have also determined that Offshore wind is environmentally harmful, and a national security risk. These factors alone give pause to the RI EFSB’s deliberations and are a basis to reject SCW’s application, since it is clear the federal government itself no longer supports any claimed emissions benefits, energy need, and economic justification proposed by offshore wind developers.** The RI EFSB must re-evaluate whether SCW’s pending application meets state statutory requirements, including **need, cost-effectiveness, and compliance with federal law.** Because the project lacks valid federal foundation, and cannot demonstrate cost effectiveness or “need,” it is too legally uncertain for the RI EFSB to approve and as such, does not meet its mandates under the EFS Act.

I. Change in Policy Subsequent to the EFSB on July 23, 2025, at Portsmouth Middle School:

On July 29, 2025, Secretary Doug Burgum issued **Order No. 3437 (SO 3437)**, entitled “Ending Preferential Treatment for Unreliable, Foreign-Controlled Energy Sources in Department Decision Making.”² The Order implements provisions of President Trump’s July 7, 2025, **Executive Order (EO) 14315**, entitled “Ending Market Distorting Subsidies for Unreliable, Foreign-Controlled Energy Sources,” which “directs the Department of the Interior (Department) to identify the existence of any preferential treatment toward wind and solar facilities, in comparison to dispatchable energy sources, in any Department regulations, guidance, policies, or practices, and to make the necessary revisions, as appropriate and consistent with applicable law, to eliminate such preferences. The previous administration’s destructive and ideological policies not only severely impacted our Nation’s supply of reliable energy infrastructure and dispatchable energy but also highlighted our Nation’s reliance on foreign-made and controlled energy equipment,” which pose a threat to our national security.

Issuance of President Trump’s Executive Order 14315, and SO 3437, implementing the policy therein enunciated, underscores the importance of the RI EFSB’s consideration of the adequacy, reliability and validity of data provided by SCW and by federal and state agencies that inappropriately failed to adequately document / support their positions based on state and federal statutes and regulations.

The issues before the EFSB fall within the above Orders, and hence the reconsideration and re-evaluation of the information provided, specifically the quality of the information relevant to national security, state security and the provision of electricity to RI, environmental impact, as well as the adequacy of any (if supplied) cost-effectiveness analyses to support the economic growth of RI and subsequent impact on the Nation’s fiscal health and the residents of RI, are **mandated**. The RI EFSB must reassess information it has received and view it in the context of the above Orders which aim to ensure that energy dominance, national security, economic growth, and the fiscal health of the Nation, are not subject to “the ebb and flow of arbitrary and

² [SO 3437 - Ending Preferential Treatment for Unreliable, Foreign Controlled Energy Sources in Department Decision-Making](#)

preferential treatment towards **expensive, unreliable, foreign-controlled intermittent sources like wind** and solar **power.**”

DOI Order 3437 further makes clear, “the proliferation of **unreliable energy sources like wind** and solar **has displaced affordable, reliable, dispatchable domestic energy sources; compromised our electric grid**; denigrated the beauty of our Nation’s natural landscape; and **threatened national security** by making the United States dependent on supply chains controlled by foreign adversaries.” The Order seeks to “eliminate the existence of any preferential treatment toward wind and solar in order to provide a balance, reliable, diversified, growing, secure, and affordable supply of energy not only for our Nation but also our allies abroad.” The DOI has been ordered to carry out similar directives in SO 3418, entitled “Unleashing American Energy”, which implements EO 14154, and as well in Presidential Memorandum, “Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of Federal Government’s Leasing and Practices for Wind Projects”. The latter **directs the DOI to “consider the economic costs associated with the intermittent generation of electricity and the effect of subsidies on the viability of the wind industry.” [Emphasis added]**

These lines of inquiry - the cost, affordability, reliability, dispatchability of electricity and the security of the grid - are all within the purview of the EFSB.

In the course of carrying out ongoing reviews, the Order further noted, “the Department (of Interior) has found, over the last four years, that the prior Department leadership’s actions or inactions” included an “ideological agenda” which needs to be reevaluated to ensure compliance with *current* energy policies.

We submit, that this re-evaluation will surely have a significant impact on the RI EFSB’s deliberative process when the areas that have been placed under scrutiny by the various Orders are taken into consideration.

For example, the Trump Administration has declared the following to be aberrations: (quoted from the Order):

- a. Prioritizing an ideological agenda that was tailored specifically towards climate extremism and the development of intermittent energy. [Note for example, the following are elements in an EFSB cost model that must be incorporated appropriately as cost offsets]:
 1. Bureau of Land Management (BLM) rents and capacity fees were arbitrarily reduced by roughly 80 percent below fair market value for wind and solar projects.
 2. Between the second quarter of 2021 and third quarter of 2022, the Department broke the law by refusing to hold any oil and gas lease sales on BLM lands, despite the statutory mandate to hold them quarterly.
 3. The total average time to process an Application for a Permit to Drill (APD) nearly doubled, going from 150 days to 298 days.
 4. Public outreach, news releases, and website communications prominently featured intermittent sources of energy over much-needed baseload power.

- b. Failing to interpret the laws administered by the Department in accordance with their single best reading, which is contrary to the U.S. Supreme Court’s holding in *Loper Bright Enterprises v. Raimondo*.
 1. One of the most egregious misinterpretations of those laws administered by the prior Department’s leadership is addressed (by Acting Solicitor, Gregory Zerzan) in M-Opinion 37086 (May 1, 2025), which discusses section 8(p)(4) of the Outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. § 1337(p)(4)) and the prior Department leadership’s decision to disregard the statutory requirement that each of the enumerated criteria under section 8(p)(4) be independently satisfied. This misreading allowed the prior Department’s leadership to proceed as though it could balance one consideration, such as offshore wind development, with others, rather than ensuring that all factors, including protection of the environment, marine mammals, commercial fishing, and other existing ocean uses, are fully met.
 2. Indeed, the prior Department’s leadership chose to misapply section 8(p)(4) of OCSLA when making decisions to approve of the Construction and Operation Plans (COPs) for offshore wind energy projects, despite the fact that the development of offshore wind energy projects may interfere with the mandate that the Department prevent “interference with reasonable uses (as determined by the Secretary) of the exclusive economic zone, the high seas, and the territorial seas.” *Id.* Rather than recognizing that each section 8(p)(4) criterion constitutes an independent, affirmative obligation, the prior Department’s leadership operated under the erroneous assumption that it could meet some criteria while ignoring or minimizing others.”

To address the above aberrations, DOI Order No. 3437 requires the DOI Deputy Secretary, the Solicitor, and each Assistant Secretary to submit an extensive report within 30-60 days, after their review of practices, including: A. Land use and site authorizations, including: ROW authorizations, Plan of development approvals, Land use Plan amendments and revisions, area of Critical Environmental Concern designations, Site testing and monitoring, performance and reclamation Bonding approvals, and more; B. Environmental analyses including environmental impact statements, biological assessments and opinions, including for marine mammals and fisheries, Incidental Take permits, cultural and visual resource management analyses, and more; C. Processes related to Tribal and Native Lands; D. Commercial and financial authorizations; and E. Many other actions and authorizations.

Moreover, in order to implement the Trump administration’s policy, the DOI is required to: “Assess whether particular projects are in the public interest and consistent with the requirement that the Department manage public lands for multiple uses, protect environmental concerns, earnestly value public participation, coordinate with other government entities, and make decisions in conformance with land-use plans.”

Additionally, the Order mandates reporting to the DOI within 45 days:

- A. Trends in environmental impacts from onshore and offshore wind projects on wildlife, especially birds, marine mammals, and fisheries.
- B. Economic costs associated with the intermittent generation of electricity.
- C. Effect of taxpayer-funded subsidies on artificially propping up the wind industry.

D. Impacts that the development of offshore wind projects that have received a COP from the Department may have on military readiness.

We submit, the above cited matters placed by EO or SO under Department review are within the purview of the RI EFSB. Hence, we urge the RI EFSB to await a decision by the DOI before the EFSB continues their deliberations because they are likely to have an impact not only on the EFSB's cost analysis, but on all the other elements in the RI EFSB's review.

Of particular relevance, the Order mandates the "Solicitor shall, within 45 days of the issuance of this Order, conduct a review of **any pending litigation**, in co-ordination with the Attorney General and other relevant agencies, challenging an approval of a wind or solar project and identify cases where remand of any such approvals to the Department would be appropriate. If remanded, the Department shall ensure that such decisions 1) were not based on any legally or factually unsupported findings or conclusions; and 2) are consistent with either the most recent judicial interpretation of the law or the Department's interpretation of the best reading of the applicable."

Considering there is currently litigation pending in several jurisdictions, including litigation brought by Green Ocean's against Revolution Wind, and these law suits involve myriad issues covered by the various Orders, and involve issues, practices, similar permits³ generally applicable to SCW's project and application before the RI EFSB, we urge RI EFSB to delay its decision until there is a resolution of the Green Oceans vs Revolution Wind law suit and any other litigation challenging an approval of off shore wind projects.

In addition to the above Orders, on August 01, 2025, the Secretary of the Interior issued **Order No. 3438** "Managing Federal Energy Resources and Protecting the Environment"⁴ stating "This Order directs the Department of the Interior (Department), consistent with the Federal Land Policy and Management Act (FLPMA) and the Outer Continental Shelf Lands Act (OSCLA), to optimize the use of lands under its direct management, including the Outer Continental Shelf, (hereafter referred to collectively as "Federal lands") by **considering, when reviewing a proposed energy project under the National Environmental Policy Act (NEPA), a reasonable range of alternatives that includes projects with capacity⁵ densities meeting or exceeding that of the proposed project.**" (NOTE: "capacity density" is a measure of how much energy a project produces or how much the energy source is more than wind or solar energy as a source). The "capacity density" of fossil fuel (oil and gas) plants is thousands of times greater than Solar or Wind as energy sources. The capacity density of nuclear plants is a thousand times more than fossil fuels, i.e. nuclear is a million times more than Solar or Wind as energy sources. "To ensure the Department optimizes the use of its Federal lands in accordance with these statutes and to "attain the widest range of beneficial uses of the environment without

³ See Petition to Withdraw or Suspend NPDES Permit No. MA0004940 (Sunrise Wind Offshore Converter Station), sent to US EPA, Region 1 NPDES Permitting Program. Submitted on behalf of *Protect Our Coast NJ*, Petitioner; on May 12, 2025. By and through, Blaney Donohue & Weinberg, P.C., Avalon NJ. re: the open-loop cooling system authorized by EPA without assessment of Best Technology Available alternatives despite known adverse environmental impacts to early life marine species resulting from the discharge of 8 MGD of heated and chlorinated seawater into the ocean in the converter cooling process. <https://budsoffshoreenergy.com/2025/05/13/protect-our-coast-nj-petitions-epa-to-withdraw-permit-allowing-sunrise-wind-to-use-open-loop-cooling/>

⁴ [SO 3438 - Managing Federal Energy Resources and Protecting the Environment](#)

⁵ DOI Order No. 3438 notes "capacity density is defined as the nameplate generation capacity of an energy project multiplied by its projected capacity factor; the product of which is then divided by the total acres of the project area." There is a wide discrepancy between the capacities of dispatchable energy (fossil fuel) and non-dispatchable energy (solar and wind)."

degradation, risk to health or safety, or other undesirable and unintended consequences” as directed by NEPA, 42 U.S.C. § 1331(b), the Department shall consider energy projects’ capacity density in its decision-making, including when considering reasonable alternatives to a proposed energy project.” We contend the RI EFSB must consider “capacity density” under the EFSA in its economic models to ensure Rhode Islanders get the best bang for the buck. The RI EFSB has not completed an assessment of “efficiency” or “capacity density”, pursuant to the EFSA mandate (8)(ii) which states that priority also must be given to energy generation projects based on the degree to which they meet “maximizing efficiency” criteria. Fossil fuels are much more efficient than wind or solar power.

The Order directs that, “Consistent with the aforementioned statutory authorities, the Department shall only permit those energy projects that are the most appropriate land use when compared to a reasonable range of project alternatives.” We note, as was stated in the Order, “Based on common sense, arithmetic, and physics, wind and solar projects are highly inefficient uses of Federal land”.

Accordingly, given the overarching Federal mandate, the RI EFSB must ensure a comprehensive analyses of alternatives, including the cost, safety, and the environment in its analyses which, currently, have not been fully developed, not least as we have previously noted by the absence of the PUC cost analysis and other elements mandated by the RI EFSB process.

We formally request that the RI EFSB incorporate into their decision-making process any information gathered as a result of the above Directives, and any other relevant information that will ensure a defensible position in light of the questioning of the data by President Trump, Secretary Burgum, other officials in the Federal government and equally important, RI Residents.

II. Similar Objections to SCW’s project sent to USACE:

Additionally, we would like to bring to the RI EFSB’s attention, a letter from Green Oceans sent prior to July 23, 2025, to Secretaries Doug Burgum, Lee M. Zeldin, Pete Hegseth, Kristi Noem, Daniel P. Driscoll of the Office of the Secretary of the Army and General Scott A. Spellmon of the US Army Corps of Engineers. The latter (USACE) has accepted submission of the letter and is currently reviewing it. Although this is specific to Revolution Wind, the same issues apply to SouthCoast Wind’s project.

May 27, 2025
Green Oceans
Dear Secretaries,
Re: Inadequacies of the USACE’s Public Interest review

Green Oceans⁶ respectfully submits this letter to raise concerns regarding the U.S. Army Corps of Engineers’ (USACE) compliance with the statutory and regulatory framework governing the “Public

⁶ Green-Oceans is a non-partisan, grassroots organization with a purpose to preserve the health of the ocean and all the life it sustains. See: Our Story — Green Oceans and Off-Shore Wind & National Security at: Offshore Wind & National Security — Green Oceans

Interest Review” under 33 CFR §320.4. First, we contend that USACE’s Public Interest Review is insufficient because it fails to consider the Revolution Wind projects’ encroachment on national security and military operations. Second, we assert that the USACE has based its conclusions on a misinterpretation of the data presented in project’s Final Environmental Impact Statement (FEIS). Thirdly, we argue that the USACE has overstepped its authority and has misinterpreted Congress’s intent with regard to balancing the potential detriments and benefits of the project. Finally, we have new evidence of chronic wastewater discharges of toxic pollutants that exceed established limits. In light of the inadequacy of the Public Interest Review and the new evidence of polluting discharges, we hope you will consider a remand of the Revolution Wind permit for reconsideration.

Legal Framework for Public Interest Review

Under 33 CFR §320.4,⁷ the USACE is required to conduct a “Public Interest Review” when evaluating permit applications. 33 CFR §320.4 is part of the Corps of Engineers’ regulations under the authority of several statutes, primarily the Rivers and Harbors Act of 1899 (particularly Section 10) and the Clean Water Act (Section 404), which govern the Corps’ regulatory responsibilities for permitting activities involving wetlands and navigable waters. 33 CFR §320.4 falls within the regulatory framework that applies to permit decisions under both of these statutes, particularly the Corps’ implementation of its permitting responsibilities and its public interest review. While the Department of Defense (DOD) consults on national security issues, the USACE holds ultimate responsibility for incorporating these issues into their own Public Interest Review. This review requires the Corps to balance the benefits of a proposed project against its reasonably foreseeable detriments to the public interest, including environmental, societal, and national security considerations. The agency must provide a careful, fact-based evaluation of all relevant factors, rather than a subjective determination that could be influenced by ideological or political considerations. Although the regulation provides broad discretion in determining which factors to weigh and how to apply them, the USACE has misapplied this by failing to adequately assess national security concerns, such as interference with early warning systems, aviation radar, and weather monitoring. The USACE should have carefully considered these factors in their decision-making process, yet such considerations seem to have been overlooked, undermining the integrity of the review.

I. Critical Omissions in the Public Interest Review

1. Failure to Assess National Security and Radar Interference

Green Oceans has raised alarm over the rapid development of offshore wind projects, particularly the impact on military radar systems and early warning capabilities.⁸ We have found evidence that the USACE’s current review process has overlooked these critical issues. Offshore wind turbines, due to their height, proximity to critical radar stations, and electromagnetic emissions, pose significant risks to radar systems essential for national defense, including the PAVE PAWs radar at Cape Cod Space Force Station, which is the only early missile detection system on the East Coast. Further, underwater surveillance systems vital for detecting submarines and other covert threats are at risk of disruption due to the electromagnetic fields (EMFs), vibrations, and acoustic signals emitted by these turbines. These systems provide essential early warning for threats to U.S. national security, and their interference could have catastrophic consequences for our ability to respond to threats, such as ballistic missile launches.

2. Lack of Comprehensive Evaluation of National Security Impacts

Westlope Consulting determined that both Revolution Wind and SouthCoast Wind will have significant impacts on radar systems, including the early warning radar system operated by the

⁷ 33 CFR §320.4 General policies for evaluating permit applications, <https://www.law.cornell.edu/cfr/text/33/320.4>

⁸ Offshore Wind Energy as a threat to National Defense, January 7, 2025 at The Green Oceans White Paper on National Defense — Green Oceans

Air Space Station on Cape Cod. The results of their analysis, which were included in the appendices to the Construction and Operation plans,⁹ clearly indicate the risks to national security. Despite Westlope's review, neither BOEM nor the developer of the project has provided sufficient information on the impact of wind turbines on communication and transmission capabilities that could be exploited by foreign adversaries.

3. Inadequate Technology to Mitigate Risks

A recent Congressional Report acknowledges that "To date, no mitigation technology has been able to fully restore the technical performance of impacted radars."¹⁰ BOEM's own studies,¹¹ as well as the consulting documents accompanying the Construction and Operation Plans of the Revolution and SouthCoast Wind projects confirm that projects will significantly interfere with military, airspace, and meteorological radar systems.¹²

Conclusion

The failure to adequately account for these risks violates the intent of the Public Interest Review, which demands a balanced assessment of benefits and detriments. Given this inadequacy, the permit issued to Orsted for the Revolution Wind project should be remanded for further consideration of these national security risks.

II. Incorrect Analyses and Misinterpretations

The USACE's Public Interest Review also contains several factual and legal misinterpretations:

1. Economic misinterpretation: The USACE states in Section 5.3.6.1 that the project (Alternative G) would have a "minor beneficial impact" on the economy.¹³ However, the table referenced (Table 3-2) clearly indicates that the economic impact is MAJOR ADVERSE, as denoted by the orange color. The key to the Table on page 14 clearly states that the "Orange cell color represents major adverse overall impact [emphasis added]."¹⁴ This misinterpretation raises concerns about the USACE's understanding of the economic consequences of the project. Green Oceans brought this to the attention of the Regulatory Project Manager of the New England District, Ruthann Brien on Aug 30, 2023, via email and then again on Sept 8, 2023, during a phone conversation, to no avail.

Furthermore, the USACE either overlooked or failed to disclose that BOEM's economic analysis does not assess net gains, merely gross impacts. The appendix to the FEIS on the economic impacts clearly states, on the last page that, "Importantly, results generated by the JEDI models are gross (not net) results. They do not consider potential increases or decreases in electricity rates resulting from investments in new infrastructure, nor do they consider whether the respective projects displace economic activity elsewhere."¹⁵ The USACE does not incorporate this critical aspect into their consideration of the economic impact.

⁹ <https://www.boem.gov/renewable-energy/state-activities/app-s2-basic-rlos-study>, <https://www.boem.gov/renewable-energy/state-activities/appendix-y4radar-and-navigational-aid-screening-study>

¹⁰ <https://www.energy.gov/sites/default/files/2024-02/EXEC-2022-004484> - Report to Congress as of December 14 2023 %282%29.pdf

¹¹ https://www.boem.gov/sites/default/files/documents/environment/Radar-Interference-Atlantic-Offshore-Wind_0.pdf

¹² <https://www.boem.gov/renewable-energy/state-activities/app-s2-basic-rlos-study>, <https://www.boem.gov/renewable-energy/state-activities/appendix-y4radar-and-navigational-aid-screening-study>

¹³ ROD, section 5.3.6.1, p. 53.

¹⁴ ROD, p. 14, <https://www.boem.gov/renewable-energy/state-activities/revolution-wind-record-decision-ocs-0486>

¹⁵ https://ripuc.ri.gov/efsb/2021_SB-01/Revolution_Wind_DRI_Statewide_Planning_Program.pdf, Guidehouse Advisory Opinion on the Economic Development benefits of the proposed Revolution Wind Project, 2021, page 18

Additionally, USACE failed to consider the expense to the US Treasury. Given the IRA's generous tax subsidies and lack of oversight, the Revolution Wind project will likely cost the US Treasury over 6 billion dollars in tax credits.¹⁶

2. Visual Resources: The USACE improperly disregards the impact to visual resources based on a misunderstanding of the required mitigations. They rely on the installation of the turbines in 1nm x 1nm uniform grid to compensate for the aesthetic disruption,¹⁷ yet this fails to acknowledge or understand that BOEM has required "micrositing" of the turbine foundations to mitigate their impact on the benthic habitat. The micrositing will allow foundations to deviate by 500 feet in any direction, which will, by necessity, disturb this uniform grid.¹⁸
3. Safety: The USACE consents to an overall moderate adverse impact on navigation safety without providing any justification for why such a risk should be acceptable to the public.¹⁹ Again, the USACE fails to understand the color coding of the chart and presumes that the overall impact is minor to moderate, not actually moderately adverse, as the yellow color indicates.²⁰ Moreover, they rely on a uniform grid to mitigate some of the risk without acknowledging that the required micrositing will disrupt this uniformity.
4. General Environmental Concerns: The USACE anticipates that the project "would result in beneficial impacts to general environmental concerns."²¹ This assessment directly contradicts BOEM's statement on page 20 that states, "Adverse environmental impacts in the Project area would generally be less under Alternative A (No Action) because construction and installation, O&M, and decommissioning activities and disturbances related to the proposed Project would not occur and, hence, impacts on physical, biological, or cultural resources from the Proposed Action would be avoided."²² The USACE bases their positive assessment of the environmental benefits seemingly on the averted CO2 emissions predicted in the FEIS and the increased energy production. Yet, according to the project developer, "It must be recognized that this [the predicted CO2 savings] is just a general upper-boundary estimate of the potential lifetime avoided emissions, and the AVERT model is unable to provide any type of certainty for the long-term avoided emissions associated with the Project."²³ Moreover, the FEIS repeatedly states, "The impacts of the Proposed Action as they relate to climate change would be the same as the No Action Alternative,"²⁴ indicating that no material environmental benefit will result from the project. Thus, the USACE overestimated the value of the environmental benefits in their review.
5. Water Quality: The USACE anticipates that the cumulative impact of the projects off the coast of RI and MA will have only minor adverse impacts on water quality. However, the USACE fails to discuss the findings, reported in the FEIS, that these projects will contain over 34 million gallons of petroleum products, lubricants, and coolants.²⁵ This amount is

¹⁶ For an explication of the calculations, please see <https://www.green-oceans.org/our-information-archive/white-paper-economic-costs>

¹⁷ ROD, p. 53.

¹⁸ See the discussion of micrositing in the ROD, p. 8, footnote 7.

¹⁹ ROD, p. 55-56.

²⁰ ROD, p. 55, "USACE anticipates that the project (Alternative G) would have minor to moderate adverse impacts to navigation (see Table 3-2 under Navigation and Vessel Traffic).

²¹ ROD, p. 54.

²² ROD, p. 20.

²³ SFWF, H-15, <https://www.boem.gov/renewable-energy/state-activities/sfwf-feis>

²⁴ RWF, FEIS, 3.10-47, 48, 50, 52, 53, 56, 57, <https://www.boem.gov/renewable-energy/state-activities/revolution-wind-final-eis>

²⁵ RWF, FEIS, 3.6-11, <https://www.boem.gov/renewable-energy/state-activities/revolution-wind-final-eis>

three times more than the Exxon Valdez oil spill. Nor does the USACE discuss the water contamination released by possible turbine blade failures.

6. Energy Needs: The USACE anticipates that the project will result in an “addition of reliable, renewable energy to these states’ power grids,” and this will “have beneficial effects on energy needs.”²⁶ This conclusion fails to consider the intermittent nature of offshore wind energy. Intermittent energy sources increase our need for peaker plant electricity production supplied by natural gas. New England has a dearth of these resources. According to the North American Electricity Reliability Corporation’s study, adding intermittent power to the grid will predispose this area to blackouts and capacity shortages.²⁷ Blackouts and shortages are clearly not in the public’s interest.
7. Food and Fiber production: The USACE has underappreciated the impact of the project on food production, as well as the impact on Fish and wildlife resources. Again, a misinterpretation of Table 3.2’s color coding has led to this error. The USACE claims “The FEIS estimates that impacts to commercial fishing would vary from short term to long term and from negligible to major adverse.”²⁸ Yet, again, Table 3.2 of the ROD and FEIS color code the impact to commercial fishing as MAJOR ADVERSE. Even if some species might benefit, the FEIS does NOT predict any net benefits and clearly anticipates that the overall impact will be MAJOR ADVERSE, even to recreational fishing. Nor does the USACE discuss the adverse impact on Southern New England cod, as discussed in the letter from NOAA to BOEM warning of this risk.²⁹ Thus, the USACE fails to appreciate the overall major negative impact of net harm in their review.

The USACE’s final determination that, “the project would be in the interest of the people as the authorization of the project, with the required mitigation, would result in increased energy reliability and environmental benefits in the form of a net reduction in greenhouse gas emissions (see General Environmental Concerns above).”³⁰ This assessment fails to appreciate the intermittent nature of weather-dependent energy production, the lack of certainty of any material benefit, and discredits the real risks to public safety, natural resources, and national security. Thus, the USACE failed to properly weigh the detrimental environmental impacts against the nebulous benefits of the project in their public interest review.

III. Improper Interpretation and Application of 33 CFR §320.4

We assert that the USACE has overstepped its role in evaluating the Public Interest Review.

Although the law allows for some discretion, agency’s decision to weigh the production of unreliable and intermittent energy at great cost to the US public,³¹ over national security, safety, and environmental concerns clearly defies the intent and purpose of the Public Interest Review. (And, in a similar fashion, we believe other State and Federal Agencies over-stepped their authority in issuing opinions for your review and issuing permits.)

²⁶ ROD, p. 57.

²⁷ <https://www.powermag.com/five-critical-insights-from-nercs-2024-long-term-reliability-assessment/>;
https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_Long%20Term%20Reliability%20Assessment_2024.pdf

²⁸ ROD, p. 57.

²⁹ Chiarella, Letter from NOAA to BOEM June 16, 2023, <https://www.green-oceans.org/our-information-archive/letter-from-noaa?rq=NOAA>

³⁰ ROD, p. 58.

³¹ <https://www.green-oceans.org/offshore-wind-economy>

IV. The Need for Judicial Review

The U.S. Supreme Court's decision in *Loper Bright Enterprises et al. v. Raimondo* (No. 22-451, June 28, 2024) clarified that courts, not agencies, must interpret the ambiguous elements of such statutes. This ruling emphasizes the need for judicial scrutiny of USACE's actions and reinforces our contention that the agency misapplied its authority in interpreting the law to favor the production of costly, intermittent energy at the expense of clear harm to the environment, national security, and safety. As such, we urge that this permit be reconsidered and that a thorough judicial review be conducted to ensure compliance with statutory requirements and the intent and purpose of the Public Interest Review.

Respectfully submitted,
Elizabeth Quattrochi Knight, M.D., Ph.D.,
President
Green Oceans
May 27, 2025

III. Additional points for RI EFSB's consideration:

We herewith reiterate our prior letter of July 13, 2025. It is our belief that in order for the RI EFSB to properly do a cost benefit analysis and fulfill its statutory mandate, the RI EFSB must take into consideration the following additional points:

A. Cost of electricity to RI consumers:

In the absence of a Power Purchasing Agreement (PPA) for this project, how is it possible to do an analysis of what will be the cost of electricity to RI consumers once SCW is connected to the grid? We have not been told what SCW is going to propose. Why is the RI EFSB considering this SCW application now? This is a reversal of the Board's past practices, since the Board told SCW not to return without a power purchase agreement with the State of Massachusetts.

Plus, there has been no consideration of what the impact on RI will be if SCW fails to put up a Decommissioning Bond prior to the start of construction. The cost of decommissioning would be part of the cost passed on to RI rate payers and taxpayers. If there is no decommissioning bond or if there is an inadequate one, and the project ages out and falls apart, who pays for that? If the reason for waiving or postponing a decommissioning bond is because the upfront financial cost prior to receiving project income would be burdensome to the developer, then that puts in question the financial solidity of the developer. Will SCW be in a position to properly provide maintenance during the life of the project? Or cover unexpected incidents such as blade failure? SCW has already delayed signing a PPA several times. These financial risks will fall on Rhode Islanders: it is they who will pay for it. The RI EFSB must take these risks into consideration.

B. Socio-economic justification:

The 17,000 job years suggested by pro wind advocates will equal, over the course of 20+ years, 850 actual jobs; however, jobs lost in the fishing and tourism industries have not been factored in. Nor has the loss of real estate value been considered as a result of adverse visual impacts.

C. Environmental impacts

Major adverse environmental impacts will be borne by RI. It is not reasonable for RI to accept the known and expected environmental adverse impacts onshore and offshore in return for only 200MW of electricity that are slated for RI consumers.

There has been no testing for chemicals deposited in the Sediment along the Energy Cable Corridor (ECC) in the Sakonnet River as a result of years of industrial dumping on Brayton Point /Mount Hope Bay. Testing needs to be done to prevent possible disbursement of toxic chemicals into 137 acres of RI state waters that the RI DEM foresees will be disturbed by jet & mechanical plowing in the process of installing the cables. Testing must be done to protect commercial and recreational fishing, the use and enjoyment of the Mount Hope Bay Area, as well as the Sakonnet River's shore and coastal waters.

The RI EFSB should consider that they and the RI DEM, the CRMC and other RI permitting agencies, will likely be approached in the future by SCW, or its successor and/or the energy provider for back up Battery Energy Storage System (BESS) as wind power is unreliable and unpredictable and will require backup energy and/or energy storage. BESS are historically known to be tremendous polluters of the environment. With alarmingly increasing frequency, we are hearing of more cases of fires raging out of control at battery storage facilities in the U.S., necessitating evacuation of surrounding neighborhoods.

D. CO2 Emissions and the Impact on Climate change

It is forecast in BOEM's EIS³² that there will be no net positive impact on climate change. "The impacts of the Proposed Action as they relate to climate change would be the same as the No Action Alternative".³³ The RI EFSB must factor in the CO2 emissions that will be expended to provide backup dispatchable energy 24/7 when the wind power is inadequate or non-existent.

E. DEM 401 Permit-38 Conditions

DEM-401 PERMIT # 38 states, "The permit shall expire 10 years from the date of issuance." We submit that the public must be informed **now** about what happens after the 10-year expiration period since it will have an impact on the states needless to say, to further tax RI residents. If we knew an expiration plan, the public would be able to express their concern and plan accordingly. We ask the RI EFSB to explain if this means that all of the 38 conditions become null and void, including any such decommissioning barely mentioned in number 33, as well as any oversight.

With respect to the question of decommissioning, Number 33 of the DEM Dredge Plan states: "All cables buried **greater than 36 inches may be abandoned in place at the time of decommissioning**". Exposed cable can also be abandoned in place, if it does not pose a risk to marine life, commercial fishing practices or navigation. However, following abandonment in place, whether the cable is exposed or if the cable resurfaces, #33 of the Dredge plan requires removal or reburial of the cables to a minimum depth of 36 inches, to avoid risk to marine life, commercial fishing practices and navigation. Hence, a decommissioning bond must be available in the eventuality that a cable becomes exposed well after the life cycle of the project, to provide

³² BOEM, Vineyard Wind FEIS, Vol 2, p. A-66, <https://www.boem.gov/renewable-energy/state-activities/vineyard-wind-1-feis-volume-2>; <https://www.boem.gov/renewable-energy/state-activities/revolution-wind-final-eis>

³³ RWF, FEIS, 3.10-47, 48, 50, 52, 53, 56, 57, <https://www.boem.gov/renewable-energy/state-activities/revolution-wind-final-eis>

for removal of that portion of the cable, because at that point it poses a risk to the public, in addition to being a threat to marine life, commercial fishing practices, or navigation.

We stress the importance of providing details of decommissioning: the public needs to know if the decommissioning bond will have any value by the time decommissioning becomes necessary either due to resurfacing, wear and tear or governmental policy changes. The RI EFSB must require the applicant to provide such details, indeed, to provide a full decommissioning bond prior to the start of construction, in the absence of which, denial of their application is warranted.

Additionally, the dredge plan includes that SCW designate an Environmental Compliance Monitor. We believe in this kind of situation, appointment of a neutral Environmental Compliance Monitor should **not** be left to the applicant. It is unwise and unreasonable to expect an Applicant to provide its own oversight. While we agree that the Applicant should pay for the third party, we strongly assert the permitting authorities should be involved in choosing the neutral third party hired to monitor compliance. Any compliance monitor should be unbiased and held strictly responsible to the rate payers and residents of RI who will be impacted by SCW and all of these offshore wind projects.

E. Lack of data on toxic chemicals / heavy metal contamination along the route of SCW through the Sakonnet River.

From perusal of recent responses from SCW to the Fisherman's Advisory Board's July 22, 2025, response letter, SCW's Responses to RI CRMC FAB/ HAB Questions re: SCW Fisheries Exposure Report (RICRMC File 2023-02-090), dated July 16, 2025, we can report as of July 22, 2025, SCW had not yet developed a Seabed floor Soil Sampling Plan. As was required in RI DEM's list of 38 conditions to approval of Permit 401.

In this regard, SCW's landing site, after coming up the Sakonnet River and into Mount Hope Bay, at Brayton Point in Somerset, MA, historically has been a well-known site of contamination with 11 entombed toxic sites, including several with a designation of Activities of Use limitations. Contamination from that site over the past 60 years has contaminated the waterways downstream through the Sakonnet to the ocean.

To this point, a complete analysis of the environmental impacts is impossible without a thorough list of industries, factories or other polluting activities in and around the Mount Hope Bay and surrounding area, and along the Sakonnet River, that "dumped" or disposed of material from their businesses intentionally or unintentionally since the late 1850's. These industries and their polluting activities must be identified. This can be done through appropriate city records, deeds, and other search mechanisms. Such a list would serve to indicate areas for sampling for toxic chemicals. Such information would help identify locations for sediment sampling for toxic material, since tides flow into the Sakonnet River from Mount Hope Bay, the Lee and Taunton Rivers, and concentrated sampling of all these areas must be included.

We ask that there be a thoughtful and detailed analysis in the Soil Sampling Plan of the Sakonnet River floor, before the RI EFSB deliberates a final decision regarding the Applicant's permit request. Additionally, it is hoped the Public will have the opportunity to comment on the Seabed

Floor Soil Sampling Plan PRIOR to approval by the RI EFSB. Arguing in the alternative, if the RI EFSB approves SCW's application, we ask that a third-party, independent, unbiased monitor with fiduciary obligations to RI residents and taxpayers, be appointed at SCW's expense. While we assert that the Applicant should pay for the third party, we respectfully insist the permitting authorities should be involved in choosing the neutral third party hired to monitor compliance.

We strongly encourage that SCW be required to post a performance bond for any damage that may occur to the waterways from their cable laying activities. Once damage is caused it cannot be reversed.

A. In conclusion

Given the federal policy reversal in DOI Order 3437 and 3438, the legal foundation for all of SCW's state applications are all potentially destabilized. The cascading effect will impact determinations heretofore made.

For example, we submit, if federal approvals (OCSLA lease/COP) are vacated or remanded, CRMC issuance of a consistency determination under the federal Coastal Zone Management Act (CZMA) would not be possible. The CRMC would need to re-evaluate cumulative environmental harms (sediment disturbance, fisheries, navigation) given the Orders above referenced and that the DOI itself is questioning whether such projects satisfy statutory protections.

So too, the prior issuance of a permit by the DEM under the Clean Water Act (401 certification, dredging/discharge, water quality impacts) and state environmental laws, is now called into question. The DOI's new directives call for a fresh review of environmental harms, fisheries, and toxic dredge material impacts. DEM must, under federal policy, now take a harder look, identify and recognize risks more carefully than previously. If SCW's environmental filings relied on outdated federal guidance, DEM could be pushed to withhold or suspend permits until DOI finishes its reassessment.

Considering DOI Order 3437 materially changes the previous federal context, and considering Federal Consistency Requirements, we submit that the RI EFSB cannot lawfully approve a project that conflicts with federal law or policy under OCSLA and NEPA. DOI Order 3437 has expressly declared that prior offshore wind approvals are legally defective because they failed OCSLA §8(p)(4). Approving SCW's transmission facilities now could mean authorizing infrastructure for a project that may later be vacated or rescinded at the federal level.

We reiterate, and urge you to be mindful, when considering the public interest, that RI Gen. Laws §42-98 requires the RI EFSB to consider need, cost, and alternatives. The DOI's finding that offshore wind is an economic distortion, is environmentally harmful, and a national security risk, alone gives the RI EFSB a basis to reject the application, since it is clear the federal government itself no longer supports any claimed emissions benefits, energy need and economic justification proposed by offshore wind developers.

In sum, SCW's project lacks valid federal foundation, cannot demonstrate "need," and is too legally uncertain for the RI EFSB to approve.

On the basis of our previously submitted objections, and additional requests above, we urge the RI EFSB to **stay or suspend proceedings** until DOI's review is completed, and refrain from rushing ahead with permits for a project that clearly falls under federal legal review for invalid approval and lack of federal compliance.

The Public has not been adequately informed or consulted about these significant risks, and we contend that the permitting process is being rushed. A more careful, transparent, and deliberate approach is needed to ensure the protection of public safety, environmental integrity, and national security.

We reserve the right to submit a supplement with a list of Order of Conditions that we recommend prior to the public hearing.

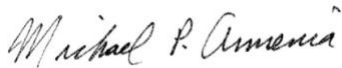
We believe the above findings support a delay in your decision-making process, if not an outright denial of SCW's application before the RI EFSB.

Respectfully submitted for your consideration,

Priscilla Wong (Narragansett)



Michael P. Armenia (Newport), The Energy Council of RI



Miles Bidwell (Newport), The Energy Council of RI



Debra Cardoza (Portsmouth)



Ralph Craft (Portsmouth)

Ralph Craft

Sandra Craig (Middletown)

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Katrina Gewirz (Middletown)

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Karen Gleason (Portsmouth)

Karen J. Gleason

Lynn Goodwin (Wakefield)

Lynn Goodwin

Donna Gricus (Jamestown)

Donna Gricus

Peter A. Hewett (Bristol)

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Nancy Howard (Portsmouth)

Nancy Howard

Elizabeth Ann Kahane (Newport)

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William M. Keogh (Jamestown)

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Kathleen Kits van Heyingen (Newport)

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Donna Lafleur

Gary Mataronas, Sr. (Little Compton)

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Ben Riggs (Newport), The Energy Council of RI

Ben Riggs

Jocelyn Sherman (Middletown)

Jocelyn Sherman

Meg Steiner (Middletown)

Meg Steiner

Bill Thompson (Tiverton)

A stylized, cursive handwritten signature in black ink, consisting of a series of connected loops and a long horizontal tail.

Margaret Young (Little Compton)

A handwritten name in black ink, written in a cursive style. The letters are connected, and the 'ac' is written as a single unit.