

R.I. Coastal Resources Management Council: Offshore Wind Update

Kevin Sloan, Coastal Policy Analyst

November 2023

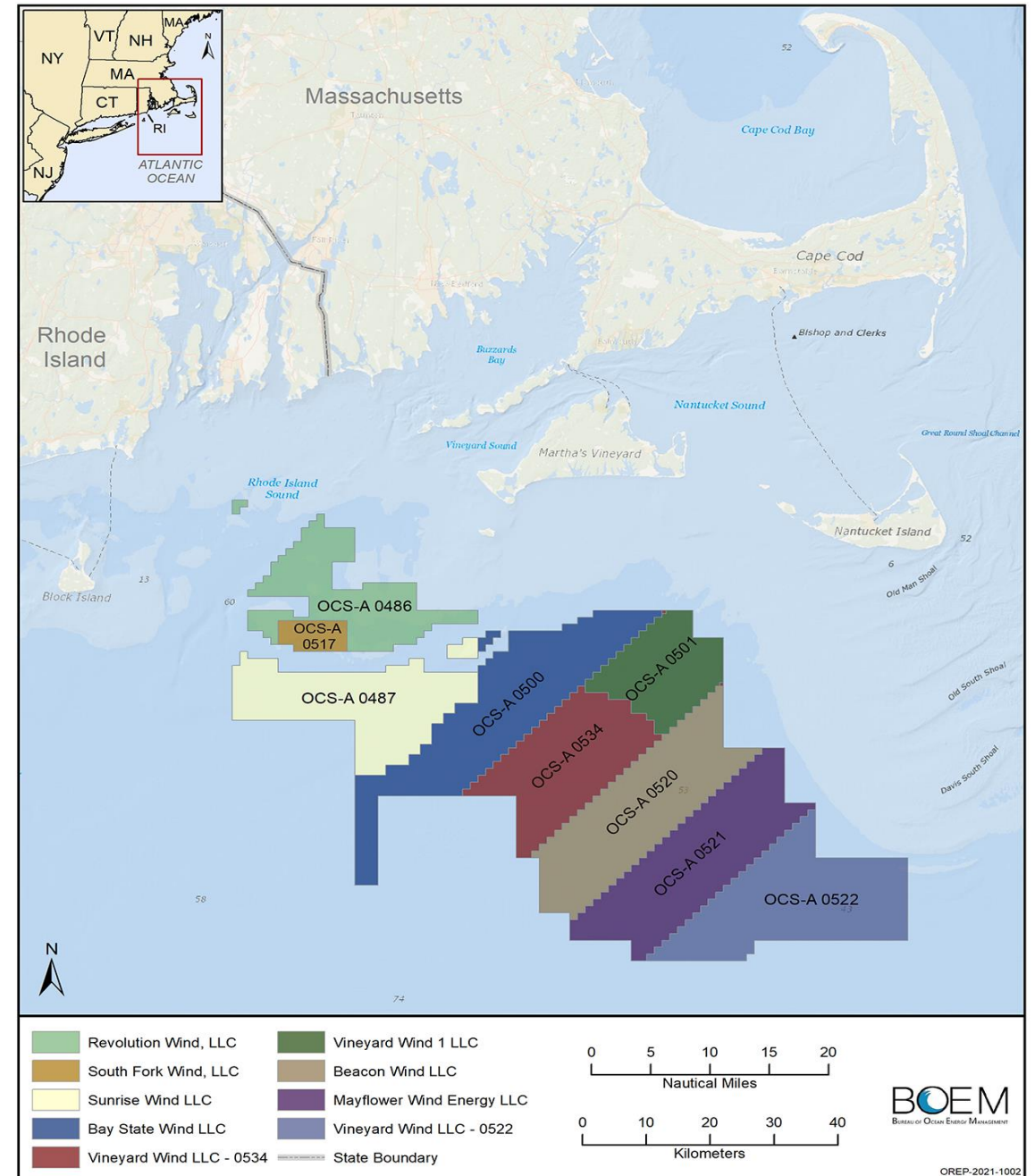
Offshore Wind in the North Atlantic Generally

Nine federal lease areas (not including the Block Island Wind Farm)

- CRMC has reviewed, will review, or is currently reviewing eight of these projects.

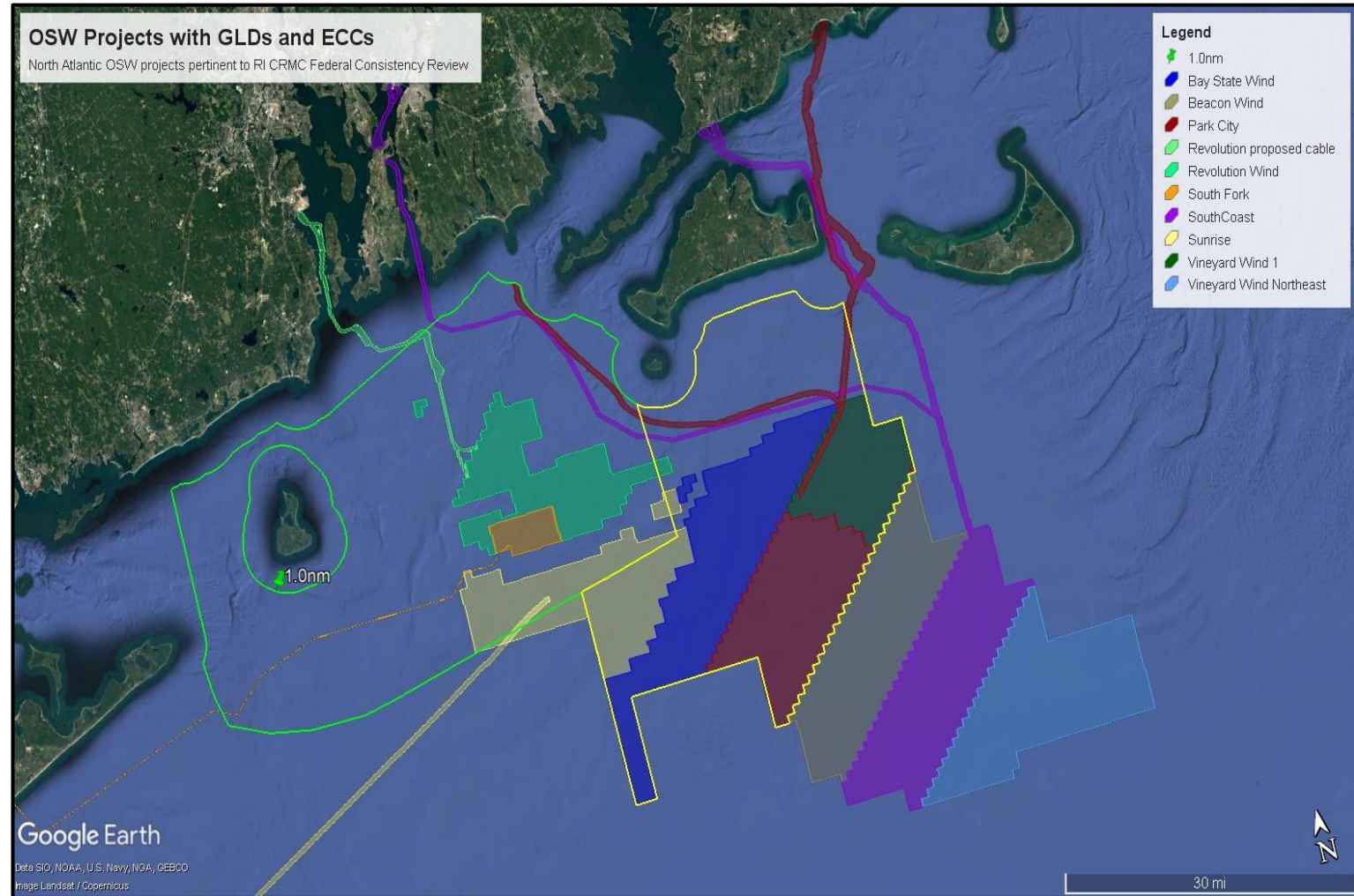
Projects Relevant to CRMC:

- Block Island Wind Farm
- Vineyard Wind 1 800MW; issued 2/28/2019
- South Fork Wind 130MW; issued 7/1/21
- Revolution Wind 704MW; issued 5/12/23
- Sunrise Wind 924MW; issued 9/7/23
- New England Wind 2000+ MW capacity; 10/19/23
- SouthCoast Wind 1200+ MW capacity; active
- Beacon Wind 1450-2000+ MWs; NEPA coordination stage
- Bay State Wind 2000+ MW capacity; not active



2011 & 2018 Geographic Location Description (GLD) Areas

- GLDs are established based on the marine resources and uses in the areas that are similar to those found in the R.I. coastal zone.
- Lease areas and project components within GLDs are automatically subject to CRMC federal consistency review.
- OSW activities within GLDs are presumed to have **reasonably foreseeable coastal effects** on R.I. coastal resources and uses.
- Federal consistency review for projects located outside of the GLD areas is possible.



2011 GLD – Green Outline
2018 GLD – Yellow Outline

State Permitting VS Federal Consistency Review

State Permitting (Cat B Assent)

- State regulatory action meaning CRMC has more authority to dictate how/if a project is developed
- Separate from a federal consistency review
- Includes submerged lands leases and may implicate the legislature
- Cat B Assents can include a wide range of required stipulations
- Compensatory mitigation

Federal Consistency (CZMA)

- Occurs within the scope of federal law, not state law
- “Review” of a project’s impacts against state enforceable policies
- Federal consistency decision is not a regulatory action by a state
- States issue a decision regarding a project where the state concurs, concurs with mutually agreed upon conditions, conditionally concurs, or objects.
- RI enforceable policies located in the Ocean SAMP § 11.10

Fisheries Compensatory Mitigation

State Jurisdiction: projects required to provide compensatory mitigation where impacts cannot be avoided/minimized to the appropriate degree

Federal Jurisdiction: projects follow the NEPA hierarchy of impacts and provide fisheries compensatory mitigation on a project-by-project basis

Federal Guidance: lacking leading to varying methodologies and approaches depending on the developer (i.e., Draft Guidance)

11 States Effort: Regional effort to create a “regional fund administrator” and provide a one-stop-shop for fisheries compensatory mitigation claims filed by members of the fishing industry

Compensatory Mitigation Packages To Date

OSW Project	Federal Waters	State Waters
Vineyard Wind I*	\$16,700,000	
South Fork Wind	\$5,200,000	
Revolution Wind	\$12,933,333	\$3,450,000
Sunrise Wind	\$17,621,333	
New England Wind**	\$4,873,638	
Total	\$60,778,304	

* Vineyard Wind I funds also created the R.I. Fishermen’s Future Viability Trust (Trust) which holds all mitigation monies, processes claims, and makes payments.

** New England Wind is a “phased development.” Mitigation monies are split according to the level of impacts and will be distributed to the Trust when each phase achieves financial close.

Challenges of Offshore Wind

- **Agency capacity**
 - Extremely limited, small team with multiple roles/obligations to the agency, lack of inhouse expertise on certain subject matter
- **Access to resources and subject matter experts:**
 - i.e., resource economist, fisheries experts (in addition to assistance from RI DEM, DMF)
- **Fisheries data:**
 - Commercial, for-hire recreational, leisure recreation
- **Federal guidance/pressure:**
 - Draft fisheries compensatory mitigation guidance, federal OSW priorities, lack of studies (i.e., ability to conduct NMFS stock assessments within a wind array)
- **Schedule and pace of project development:**
 - Up to four OSW project under review at once
- **Market and industry maturity:**
 - Federal regulations, lack of a state roadmap, supply chain, power purchase agreements (and ORECs), rapid technology developments (floating wind, foundation types, installation methods, monitoring requirements), etc.
- **Stakeholder input and the CRMC's Fishermen's Advisory Board (FAB):**
 - Conveying the difference between state and federal processes to the public, conveying role of the Ocean SAMP within the context of the CZMA, FAB resignation, trust within the fishing industry, OSW developers generally

Opportunities for Coordination and Looking Forward

Coordination

- Clear understanding of what each state agency's role is regarding OSW.
- Coordination on a statewide roadmap for renewable energy including how OSW fits into the state's larger climate and environmental goals.
- Access to, or a willingness to share, resources particularly regarding resource economics and impacts.
- Regular updates on agency/state initiatives or goals for OSW and other energy/coastal developments.

Looking Forward

- Larger issue that "the ship has sailed" in R.I. to address issues we've experienced through the OSW process.
- The state has had to be reactive rather than proactive in many cases due to a multitude of factors.
- Question now is how do we as a state and agency situate ourselves for future development and potential negative impacts from OSW to R.I. stakeholders and marine resources.

Questions?