



**US Army Corps
of Engineers**®
New England District
696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Comment Period Begins: September 2, 2022

Comment Period Ends: October 17, 2022

File Number: NAE-2020-00707

In Reply Refer To: Ruth A. Brien

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ANNOUNCEMENT OF PUBLIC MEETINGS AND REQUEST FOR PUBLIC COMMENT

The District Engineer has received a permit application to conduct work in waters of the United States, navigable waters, and the Outer Continental Shelf from Kellen Ingalls representing Ørsted/Revolution Wind, LLC at 56 Exchange Terrace, Suite 300, Providence, RI 02903. The majority of the proposed work would be located in the Atlantic Ocean in the Bureau of Ocean Energy Management's (BOEM) Renewable Energy Lease Area OCS-A 0486, which is approximately 15 nautical miles (nm) southeast of Point Judith, Rhode Island (RI), approximately 13 nm east of Block Island, RI, approximately 7.5 nm south of Nomans Land Island National Wildlife Refuge (NWR), and between approximately 10.0 and 12.5 nm south-southwest of varying points of the RI and Massachusetts (MA) coastlines 15.0 miles east of Block Island, RI. Work would also occur within the Narragansett Bay- West Passage, terminating near Quonset Point in North Kingstown, RI.

The overall proposal involves the construction, operations and maintenance, and eventual decommissioning of the Revolution Wind Farm (RWF) and associated Revolution Wind Export Cable (RWEC). The RWF would include the installation of up to 100 wind turbine generators (WTGs or turbines) connected by a network of inter-array cables (IACs), up to two offshore substations (OSSs) connected by one offshore substation link cable (OSS-link cable), and one onshore logistics or O&M facility. The RWEC would include up to two alternating current (AC) electric cables (export cables) generally co-located within a single corridor; one onshore substation (OnSS); and one interconnection facility (ICF) that would connect the RWF to the existing onshore regional electric transmission grid at The Narragansett Electric Company d/b/a National Grid (TNEC) Davisville Substation in North Kingstown, Rhode Island.

The RWEC export cables would extend approximately 42 miles from the shoreline to the lease area. The cables are approximately 11.8 inches in diameter and would primarily be laid using industry standard subsea cable installation and burial methods to a target depth of 4 to 6 feet below the substrate. The temporary disturbance corridor would be up to 131 feet wide. In areas where burial could not occur, where sufficient burial depth could not be achieved due to seabed conditions, or where protection would be needed due to the cables crossing other cables or pipelines, cable protection in the form of hard armoring would be installed. This armoring would consist of rock berms, concrete mattresses, fronded mattresses, or rock bags. Hard armoring would be up to 39 feet wide.

Horizontal directional drilling (HDD) would be used in the nearshore environment to limit aquatic impacts. Two HDD exit pits would be excavated approximately 800 feet offshore. Each pit would be approximately 182

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feet long, 113 feet wide and 14 feet deep. This HDD exit pit work would involve the temporary excavation of up to 8,704 cubic yards of material. The excavated material would be loaded onto a support barge and then would be redeposited once the HDD work was complete.

The work to be reviewed by the Corps under Section 404 of the Clean Water Act includes all activities that constitute the discharge of fill material within waters of the United States. As there are no non-tidal waters or wetlands to be impacted by the proposed work, the shoreward limit of waters of the United States in relation to this project is the high tide line of Narragansett Bay in the vicinity of Quonset Point in North Kingstown, RI. The seaward limit of Corps Section 404 jurisdiction is the limit of the territorial seas, which extends 3 geographical miles from the mean low water mark of the shoreline or any other further out base line permitted by law. In the vicinity of Narragansett Bay, the base line consists of a line from the mean low water mark of the southernmost point of Point Judith, RI east to the mean low water mark of the southernmost point of the southernmost island of the West Island group south of Sakonnet Point, RI.

The proposed work within the limits of Section 404 jurisdiction is associated with the RWEC installation and includes backfilling of the trench during cable laying, placing hard armor as needed for cable protection, and redepositing the dredged material from the two exit pits once the HDD work is complete.

The work to be reviewed under Section 10 of the Rivers and Harbors Act includes all proposed structures, dredging, and work from the mean high water line of Narragansett Bay near Quonset Point in North Kingstown, RI out to the lease area in the Atlantic Ocean. This would include all of the work within BOEM Lease Area OCS-A 0486 associated with the RWF. It would also include work associated with the installation of the RWEC export cables, including the cable laying, the placement of hard armoring where needed, and the HDD work in the nearshore area.

The jurisdictional impacts from the proposed project include the following:

<u>Activity</u>	<u>Temporary/Installation</u>	<u>During Operations</u>	<u>Authority</u>
Foundations (WTGs and OSS0	734.4 acres (ac) subtidal	71.4 ac subtidal	Sec 10
OSS link cable	148 ac subtidal	4.4 ac subtidal (armor)	Sec 10
IACs	2,471 ac subtidal	74.1 ac subtidal (armor)	Sec 10
Export Cables (past 3 mile limit)	593.1 ac subtidal	17.8 ac subtidal (armor)	Sec 10
Export Cables (within 3 mile limit)	731.4 ac subtidal	42.7 ac subtidal (armor)	Sec 10/404
HDD exit pits	0.94 ac subtidal	0 ac	Sec 10/404

The proposed work is shown on the plans entitled “Revolution Wind DRAWINGS ISSUED FOR PERMIT REVIEW,” on seventy-five (75) sheets, and dated “December 22, 2021 REVISED July 20, 2022.” These plans can be accessed on our website by following this link: <https://www.nae.usace.army.mil/Missions/PublicNotices/> and looking under “Regulatory/Permitting Public Notices”.

Project Purpose: The applicant’s stated purpose and need for the Project is to provide a commercially viable offshore wind energy project within Lease OCS-A 0486 to meet New England’s need for clean energy.

The basic project purpose, as determined by the USACE for the Section 404(b)(1) guidelines evaluation, is offshore wind energy generation.

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The overall Project purpose for the Section 404(b)(1) guidelines evaluation, as determined by the USACE, is the construction and operation of a commercial-scale offshore wind energy project, including associated transmission lines, for renewable energy generation and distribution to the Connecticut and Rhode Island Energy Grids.

Avoidance, Minimization and Compensatory Mitigation: The applicant has designed the Revolution Wind Project to avoid and minimize impacts to Waters of the United States. No impacts to onshore wetlands are proposed as part of the Revolution Wind Project. In offshore areas where impacts to marine resources are unavoidable, the applicant has avoided all Corps defined special aquatic sites (SAS) including eelgrass beds, intertidal mud flats, coral reef complexes, etc. Impacts are anticipated to consist of structures, fills, and temporary construction impacts with no permanent losses of Waters of the United States. Compensatory mitigation requirements are under consideration.

The United States Army Corps of Engineers neither favors nor opposes the proposed construction work.

BOEM is the lead federal agency for federal review of this project in relation to the National Environmental Policy Act (NEPA), Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851) and Section 106 of the National Historical Preservation Act (NHPA). The project is identified as Docket No. BOEM-2022-0045. As the lead federal agency, BOEM has prepared a Draft Environmental Impact Assessment (DEIS) in accordance with NEPA. The DEIS includes an initial review of the project in relation to Section 7 of the Endangered Species Act and Section 106 of the NHPA, as well as other applicable Federal regulations. The DEIS will be issued and published in the federal register on September 2, 2022 and is available for review at <https://www.boem.gov/RevolutionWindDEIS>.

Comments may be submitted directly to BOEM, as the lead federal agency, in one of three ways: 1) Orally or in written form at one of the public meetings referenced below. 2) In written form by mail or other delivery service, enclosed in an envelope labeled “Revolution Wind COP DEIS” and addressed to Program Manager, Office of Renewable Energy Programs, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, VA 20166. 3) Through the regulations.gov web portal: Navigate to <http://www.regulations.gov> and search for Docket No. BOEM-2022-0045. Click on the “Comment” button below the document link. Enter your information and comment, then click “Submit Comment”.

As the lead federal agency, BOEM will hold public comment meetings on the DEIS for the proposed Revolution Wind Project and USACE will participate in the meetings.

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The dates and locations of the meetings are as follows:

Date	Location
Thursday, September 29, 2022 1:00 pm ET (virtual)	Registration Link: https://swca.zoom.us/webinar/register/WN_KS9YHPmRSw-4OCS66fMYoQ
Tuesday, October 4, 2022 5:00 pm ET (in person)	Registration Link: https://forms.office.com/r/VWQ0DqQeGV Aquinnah Old Town Hall, 67 State Road, Aquinnah, MA 02535
Wednesday, October 5, 2022 5:00 pm ET (in person)	Registration Link: https://forms.office.com/r/VWQ0DqQeGV Swift Community Center, 121 Peirce Street, East Greenwich, RI 02818
Thursday, October 6, 2022 5:00 pm ET (in person)	Registration Link: https://forms.office.com/r/VWQ0DqQeGV Keith Middle School, 225 Hathaway Blvd, New Bedford, MA 02740
Tuesday, October 11, 2022 5:00 pm ET (virtual)	Registration Link: https://swca.zoom.us/webinar/register/WN_tqaitRLHQ5SrMInd6x2EHg

Note: Each virtual meeting has a unique registration link and registration will be required to receive the webinar information. Registering for the in-person meetings is optional. However, pre-registration is highly encouraged as any updates to the in-person meetings will be emailed to pre-registrants in addition to any website updates.

AUTHORITY

Permits are required pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899
- Section 404 of the Clean Water Act
- Section 103 of the Marine Protection, Research and Sanctuaries Act.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties/cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers, New England District (USACE), is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider

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and evaluate the impacts of this proposed activity. The USACE will consider all comments received to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments will be used in the USACE’s reviews of the project, including the USACE-specific assessment of impacts to conservation, economics, aesthetics, general environmental concerns, water quality, and the other public interest factors listed above. Comments will also be used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

As the activity involves the discharge of dredged or fill material into waters of the United States, the evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. Comments received in response to the public notice will also be used in determining compliance with these guidelines.

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted by BOEM as the lead federal agency and will be concluded prior to the final decision.

NATIONAL HISTORIC PRESERVATION ACT

Based on their initial review as the lead federal agency, BOEM has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

ENDANGERED SPECIES CONSULTATION

As the lead federal agency, BOEM is reviewing the project for potential impacts on Federally-listed threatened or endangered species and their designated critical habitat pursuant to Section 7 of the Endangered Species Act as amended. BOEM is coordinating with the NMFS and/or U.S. Fish and Wildlife Service on listed species and the ESA consultation will be concluded prior to the final decision.

OTHER GOVERNMENT AUTHORIZATIONS

The applicant has stated that the proposed work will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management programs of Rhode Island and Massachusetts.

The following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, license or assent from State.
- (X) Permit from local wetland agency or conservation commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

COMMENTS

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Ruth A. Brien at (978) 318-8054 or (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The USACE holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

Paul Maniccia

Paul Maniccia
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil.