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Town of Chilmark
Board of Selectmen
Front Desk

April 30, 2021

Timothy Carroll
Town Administrator
Town of Chilmark
401 Middle Road
P.O. Box 119
Chilmark, MA 02535

RE: Invitation to consult on the Revolution Wind Farm and Revolution Wind Export Cable Project, North Kingstown, Rhode Island, and Notification of Using the NEPA Process to Fulfill NHPA Section 106 Obligations

Dear Timothy Carroll,

The Bureau of Ocean Energy Management (BOEM), serving as lead federal agency under the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA), is reviewing the Revolution Wind Farm and Revolution Wind Export Cable Project (the Project), North Kingstown, Rhode Island (Figure 1). The wind farm is proposed in federal waters managed by BOEM on the Outer Continental Shelf (OCS) and export cabling would connect through Rhode Island state waters to a landing point and substation near Quonset Point in North Kingstown. The study area for the project extends to include adjacent areas in Connecticut, Massachusetts, and New York (Figure 2).

The Project, as currently submitted to BOEM in the Construction and Operations Plan (COP) for Revolution Wind Farm, consists of:

Offshore

- up to 100 Wind Turbine Generators (WTGs) on the OCS connected by inter-array cables;
- up to two Offshore Substations (OSSs) on the OCS connected by an OSS-Link Cable; and
- up to two submarine export cables generally co-located within a single corridor connecting from the OCS, through Rhode Island state waters, and to the shores of Rhode Island.

Onshore

- a Landfall Work Area measuring up to 2.5 acres (1 hectare [ha]) located at Quonset Point in North Kingstown, Rhode Island;
- up to two underground transmission circuits co-located within a single corridor; and
- a new onshore substation with up to two interconnection circuits (overhead or underground) connecting the new substation to the existing Davisville Substation in Rhode Island.

BOEM has determined that approval, approval with modification, or disapproval of the COP constitutes an undertaking subject to Section 106 of the NHPA. The regulations implementing Section 106 of the NHPA, at 36 CFR 800.8(c), provide for use of the NEPA process to fulfill a lead federal agency's Section 106 obligations in lieu of the procedures set forth in the regulations at 36 CFR 800.3 through 800.6. BOEM will use the NEPA process to fulfill its NHPA Section 106 obligations for the Revolution Wind COP review and has notified the Advisory Council on Historic Preservation and the State Historic Preservation Officers in Connecticut, Massachusetts, New York, and Rhode Island, as required under 36 CFR 800.8(c).

Additional detail on the NHPA Section 106 process and NEPA substitution can be found at <https://www.achp.gov/digital-library-section-106-landing/citizens-guide-section-106-review> and https://www.achp.gov/integrating_nepa_106, respectively. Through the use of NEPA substitution, consultation with your organization will occur during preparation of the Revolution Wind Environmental Impact Statement (EIS) in accordance with NEPA regulations and 36 CFR 800.8(c)(1) during NEPA scoping, environmental analysis, and the preparation of NEPA documents for the Project (see the enclosed *BOEM Consulting Party Guide to NEPA Substitution*). The BOEM release of the Notice of Intent to Prepare an Environmental Impact Statement for the Project is upcoming, which will initiate the NEPA process to inform its decisions on review of the Revolution Wind Farm COP.

We respectfully request your response to this invitation **no later than 30 days of receipt of this letter**. If we have not heard back from your organization by this time, we will conclude that you do not wish to consult on this Project. While you may also request to be a consulting party at a later date, the Project may advance without your input, and your opportunity to fully comment on each step of the process may be affected. If you accept this invitation to be a consulting party on the Project, please designate one representative to receive future correspondence and attend meetings, and provide your preferred contact information for that representative (all correspondence will be electronic unless otherwise requested). Please also indicate the nature of your organization's demonstrated interest in either the undertaking itself or any historic properties that may be affected by it. We look forward to working with you.

Please provide your responses and contact information to Mr. Scott Phillips at sphillips@swca.com or 303.468.6903. SWCA's role in this Section 106 review is to coordinate communication with the consulting parties, facilitate distribution of BOEM-approved documents, provide technical assistance, and arrange and lead the facilitation of meetings, webinars, or calls with consulting parties. Although BOEM has assigned SWCA as the third-party contractor to facilitate the Section 106 consultation process, all federal oversight and decisions will remain with BOEM. Please reach out to Mr. Phillips if you require additional information.

Sincerely,



Scott Phillips,
Section 106 Lead
303.468.6903 (office)
sphillips@swca.com

Figure 1: Map of Proposed Revolution Wind Farm Project Area

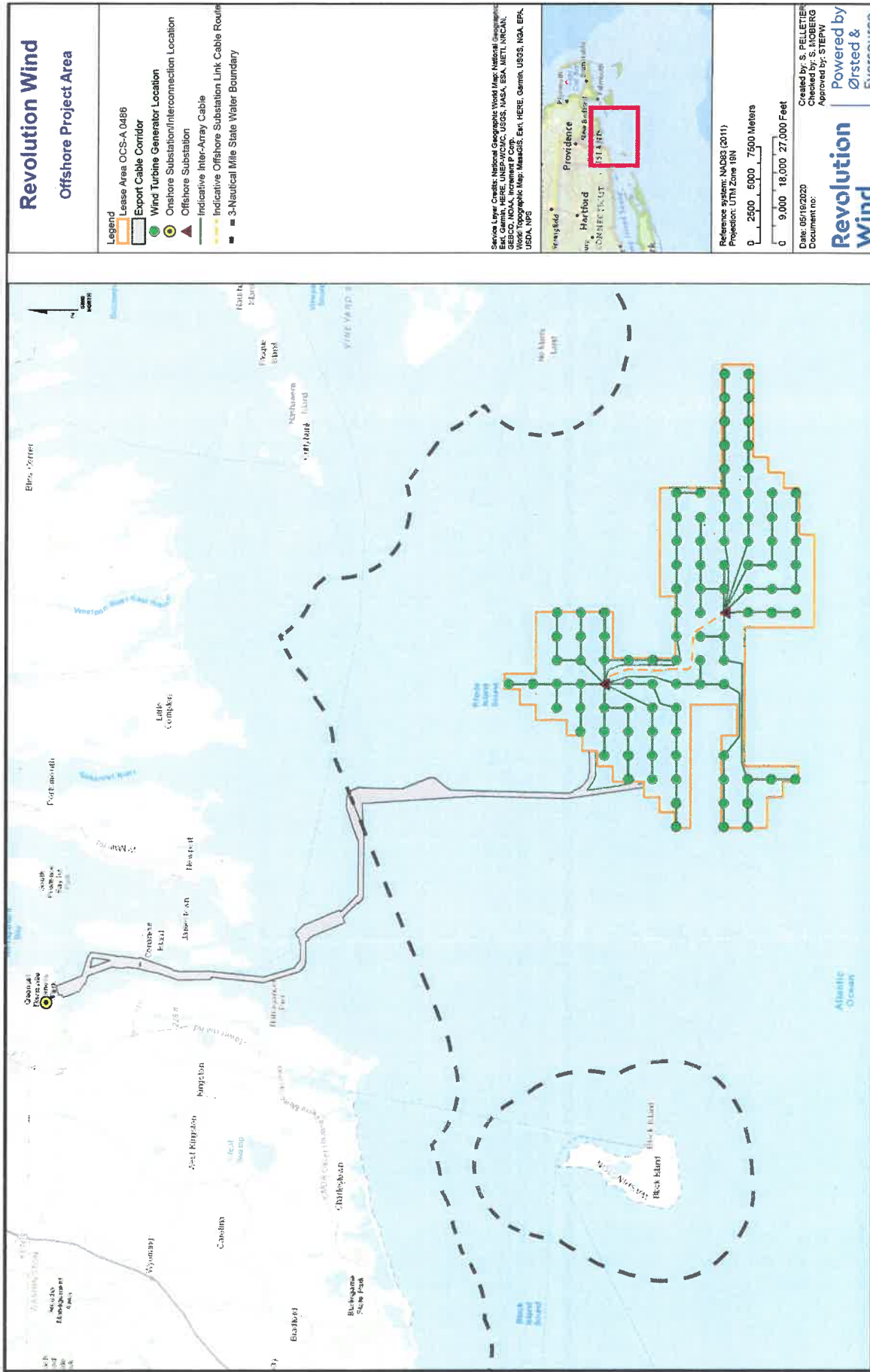
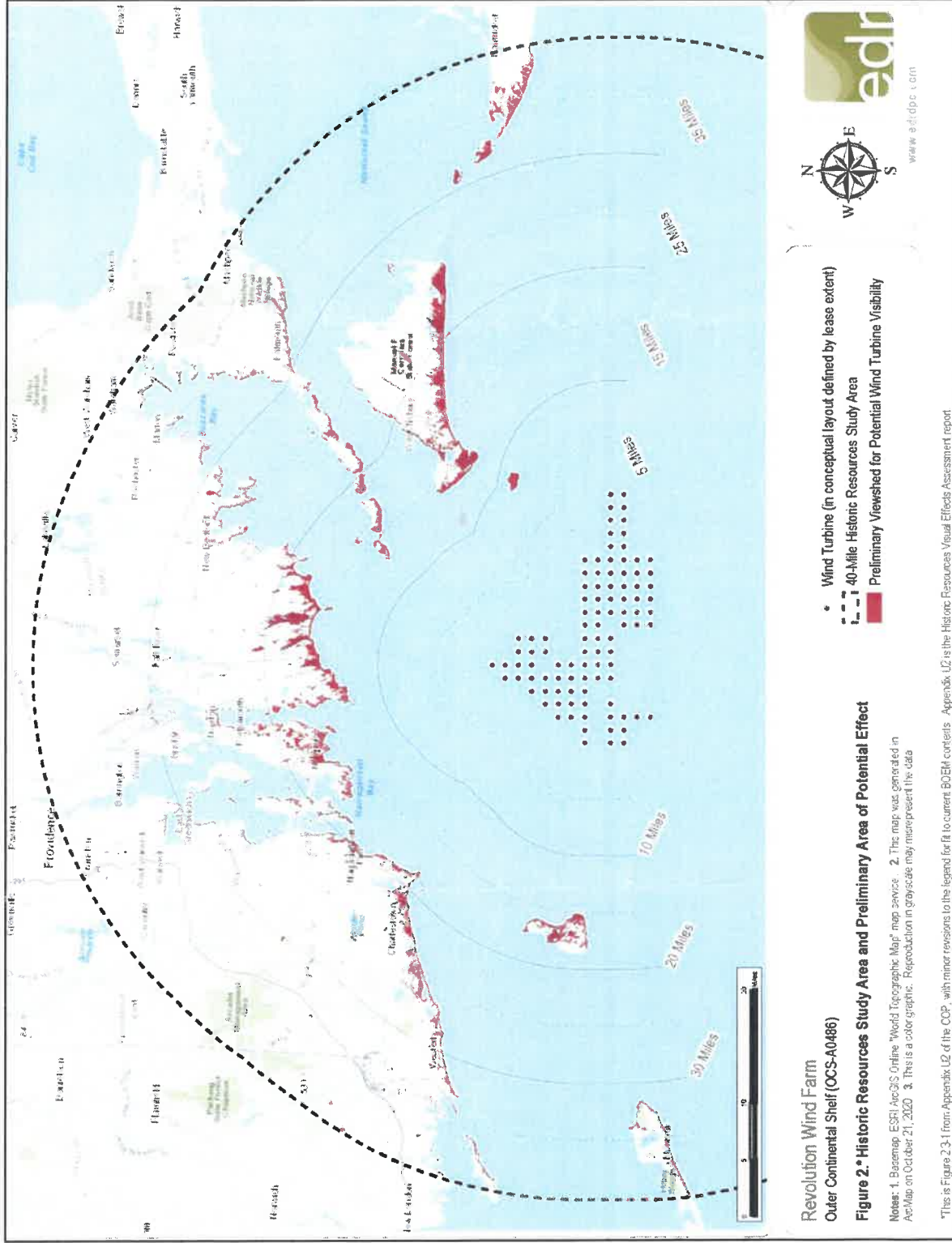


Figure 2: Map of the Project Study Area



I. Introduction

The regulations at 36 CFR § 800.8 provide for use of the National Environmental Policy Act (NEPA) process to fulfill a Federal agency's National Historic Preservation Act (NHPA) Section 106 review obligations in lieu of the procedures set forth in 36 CFR § 800.3 through 800.6. This process is known as NEPA substitution for Section 106 and the Bureau of Ocean Energy Management (BOEM) is using this process on all future offshore wind project Construction and Operations Plans (COPs) for which you may be invited to participate as a Consulting Party.

This document is intended to act as a guide for Consulting Parties on the NEPA substitution for Section 106 process to aid understanding of how this process works, how it compares to BOEM's traditional Section 106 process approach and where in BOEM's NEPA substitution process you will be involved.

More information regarding the NEPA substitution process can be found at:

<https://www.achp.gov/digital-library-section-106-landing/citizens-guide-section-106-review> and
https://www.achp.gov/integrating_nepa_106.

II. Why is BOEM implementing a NEPA substitution process?

BOEM is using the NEPA substitution process as part of a multi-faceted approach to meet the Office of Renewable Energy Program's needs. Multiple orders and regulations requiring increased streamlining and efficiency of the NEPA process have been issued.¹ In addition to efficiency, BOEM anticipates several other benefits from implementing the NEPA substitution process for its Section 106 review of COPs, including the following:

- Earlier and more direct input from Consulting Parties into the development and selection of alternatives and avoidance, minimization, or mitigation measures.
- Better integration of comments and responses, especially concerning natural and cultural resources, historic properties, visual effects, environmental justice issues, and traditional cultural practices.
- Providing a more holistic and meaningful approach to government-to-government consultation with Indian Tribes, as defined at 36 CFR 800.16(m).

III. What are the major differences between BOEM's Standard Section 106 and its new NEPA Substitution approaches?

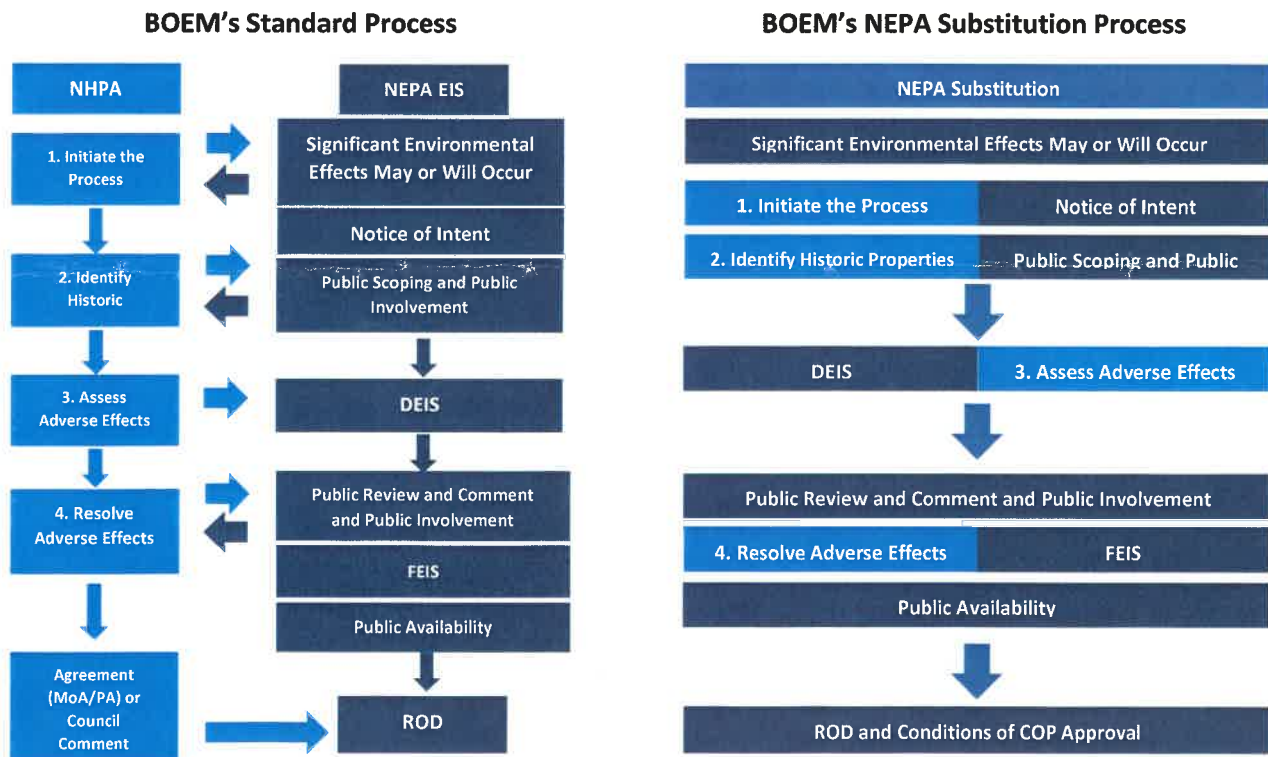
The key differences between BOEM's standard approach and its new NEPA substitution approach for Section 106 review of COPs includes the following:

¹ See: [Secretarial Order 3355, Streamlining NEPA Reviews and Implementation of Executive Order 13807](#); [Memorandum providing Additional Direction for Implementing Secretary's Order 3355](#); [Council on Environmental Quality's \(CEQ\) Update to the Regulations Implementing the Procedural Provisions of NEPA](#); [Secretarial Order 3389, Coordinating and Clarifying National Historic Preservation Act Section 106 Reviews](#); and [Memorandum of Understanding Implementing One Federal Decision under Executive Order 13807](#).

National Environmental Policy Act (NEPA) Substitution for Section 106 Consulting Party Guide Updated March 10, 2021

- BOEM will seek formal consultation earlier, during significant NEPA milestones (at scoping and after publication of the Draft EIS); parties may comment throughout the development of the EIS.
- The identification of historic properties, finding of effects, and resolution of adverse effects will be documented in the Draft and Final EIS rather than in a separate documentation of a Section 106 Finding. BOEM will provide the reports documenting the identification of historic properties along with the Draft EIS. These include:
 - the Marine Archaeological Resources Assessment,
 - the Terrestrial Archaeological Resources Assessment, and
 - the Report of Visual Effects on Historic Properties, along with viewshed analyses and visual simulations.
- Resolution of adverse effects will be documented in a binding Record of Decision (ROD) and as conditions of COP approval. This differs from BOEM’s standard Section 106 process in which a Memorandum of Agreement (MOA) is developed to resolve adverse effects. The combination of BOEM’s binding ROD and application of Conditions of COP approval provide effective and equivalent legal requirements on itself and on the lessee.
- BOEM’s government-to-government consultation responsibilities to Federally recognized tribes remain unchanged and efforts to consult with tribes are likely to expand under NEPA substitution.

Below, the graphic on the left illustrates BOEM’s standard approach to NEPA and the NHPA Section 106 review, showing the major milestones in each process when executed in parallel. The graphic on the right shows BOEM’s NEPA substitution approach, and how these milestones will be combined.



IV. How will BOEM meet the requirements of 36 CFR § 800.8(c) under the NEPA Substitution Process?

As provided in 36 CFR § 800.8(c), four standards must be met:

1. The first standard is to identify Consulting Parties and invite them to participate in the process. Under the NEPA Substitution process, BOEM will identify Consulting Parties for each project pursuant to 36 CFR § 800.3(f) no later than issuance of its Notice of Intent (NOI) to prepare an EIS. During the NEPA scoping period BOEM will send a formal letter to these parties inviting them to participate in the process. These letters will also state that BOEM intends to use the NEPA substitution process to comply with Section 106 in lieu of 36 CFR § 800.3 through § 800.8.
2. The second standard is to identify historic properties and assess the effects of the undertaking in a manner consistent with 36 CFR § 800.4 through § 800.5. Under NEPA substitution, the Draft EIS will identify historic properties and assess the effects of the undertaking using the lessee's cultural resources reports from the COP as well as Consulting Party and public input provided during the scoping period. BOEM's regulations require that lessees include in their COPs information about historic properties, any adverse effects from their project on these historic properties, and how they propose to resolve those adverse effects (through avoidance, minimization, and mitigation measures). This information will be sent to Consulting Parties with the Draft EIS for their review, so that final measures may be developed in consultation. The Final EIS will reflect continued consultations, as well as consulting party comments received on the Draft EIS.
3. The third standard is to consult with Consulting Parties during NEPA scoping, environmental analysis, and the preparation of the EIS regarding the effects of the undertaking on historic properties. Under NEPA substitution, formal consultation will occur during the scoping period as well as during the public comment period after publication of the Draft EIS. However, Consulting Party comments will be accepted at any point during the preparation of the EIS. Additionally, if necessary, Section 106-specific consultation meetings with consulting parties can be arranged. Comments submitted by Consulting Parties provided during NEPA comment periods will help inform the effects analysis on historic properties in the Draft and Final EIS.
4. The fourth standard is to involve the public in accordance with BOEM's NEPA procedures and develop alternatives and proposed avoidance, mitigation, and minimization measures in consultation with Consulting Parties. Proposed measures to avoid, minimize, or mitigate any adverse effects to historic properties will be first presented in the lessee's COP, which Consulting Parties will be able to review prior to scoping, as well as through consultation with Consulting Parties during scoping and the Draft EIS comment period. These measures will be further developed and refined in consultation, and those changes will be reflected in the Draft and Final EIS. Public involvement will take place during the NEPA comment periods and through standard public participation practices for the NEPA process, including posting of relevant information on BOEM's website and through Federal register notices.

V. When and How do I provide input?

Opportunities for formal and informal consultation will occur throughout the development of the EIS. Consulting Parties will be formally invited to submit comments twice during this process: first, during the NEPA Scoping Period (so that comments can be incorporated into the Draft EIS) and second, during the Draft EIS public comment period (so that comments can be incorporated into the Final EIS). Additionally, Consulting Party comments will be accepted at any time during the NEPA process up to the closing of the comment period on the Draft EIS.

Furthermore, BOEM is encouraging lessees to coordinate with Consulting Parties *prior to* their COP submission to request input as they develop their proposed avoidance, minimization, and mitigation measures.

VI. Will sensitive information regarding historic properties or traditional practices or places remain confidential under NEPA Substitution?

All sensitive information provided during the NEPA Substitution Process will be treated the same way it would have been under BOEM's standard Section 106 reviews. Please note that all comments submitted through the NEPA process are submitted through regulations.gov and are available for viewing by the public. However, BOEM will provide a different means for consulting parties to provide comments that contain sensitive information. For Indian Tribes, as defined at 36 CFR 800.16(m), BOEM's Tribal Liaison Officers can provide additional guidance on sharing sensitive information for Section 106 review purposes.

VII. What is the role of third-party contractors in the NEPA Substitution process?

A third-party contractor has been contracted to aid with the preparation of each EIS assessing the environmental effects of a renewable energy Construction and Operations Plan. The lessee pays for the third-party contractor's services, but BOEM is responsible for providing all work direction as well as reviewing all work performed by the third-party contractor. Third-party contractor support is essential so BOEM can meet deadlines for multiple projects occurring simultaneously. Throughout the NEPA Substitution process you can expect to be contacted by the third-party contractor unless you are an Indian Tribe, as defined at 36 CFR 800.16(m). For all others, letters and other communication will come from the third-party contractor. It is important to note that it is BOEM's responsibility to comply with Section 106 and all decisions and content of the Draft EIS, Final EIS, and ROD as well as other documents are determined by BOEM.



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT
WASHINGTON, DC 20240-0001

Re: Delegated Authority on the Revolution Wind Offshore Wind Farm Construction and Operations Plan

Dear Consulting Party:

The Bureau of Ocean Energy Management (BOEM), serving as the lead Federal agency under the National Historic Preservation Act and the National Environmental Policy Act, will be assisted by SWCA in our Section 106 review of the Construction and Operations Plan submitted by DWW Rev I, LLC. More information on the Revolution Wind Offshore Wind Farm Project (the Project) is available at: <https://www.boem.gov/renewable-energy/state-activities/commercial-wind-leasing-offshore-rhode-island-and-massachusetts>.

With this letter, BOEM hereby authorizes SWCA to initiate and conduct consultation with the Advisory Council on Historic Preservation, the State Historic Preservation Officers of Connecticut, Massachusetts, New York, and Rhode Island, and other consulting parties regarding Section 106 review for the Project on BOEM's behalf. SWCA, as the third-party contractor, will execute various administrative and logistical tasks, including but not limited to coordinating communication with the consulting parties; distributing BOEM-approved documents; providing technical assistance; and hosting and facilitating meetings, webinars, and calls with consulting parties.

BOEM fully recognizes that the responsibility to consult with the appropriate federally recognized tribes is its own and cannot be delegated, per 36 CFR Section 800.2(c)(4). Additionally, BOEM remains legally responsible for all findings and determinations throughout the entirety of the undertaking. BOEM will remain involved throughout the consultation.

The primary contact at SWCA for the Project is Scott Phillips at sPhillips@swca.com or (303) 468-6903. Should you have any questions or concerns regarding this delegation please contact Connie Barnett at connie.barnett@boem.gov or (703) 787-1085.

Sincerely,

**JAMES
BENNETT**

Digitally signed by JAMES
BENNETT
Date: 2021.04.02
16:36:31 -04'00'

James F. Bennett
Chief
Office of Renewable Energy Programs