

**RHODE ISLAND GOVERNMENT REGISTER
ADVANCE NOTICE OF PROPOSED RULEMAKING

COASTAL RESOURCES MANAGEMENT COUNCIL**

Title of Rule: Red Book (650-RICR-20-00-1)

Rule Identifier: 650-RICR-20-00-1

Rulemaking Action: Advance Notice of Proposed Rulemaking

Important Dates:

Date of Public Notice: 03/15/2021

End of Public Comment: 04/15/2021

Authority for this Rulemaking:

R.I. Gen. Laws Chapter 46-23 et seq.

Coastal Zone Management Act 16 U.S.C. §§ 1451 through 1464

Summary of Rulemaking Action:

Pursuant to R.I. Gen. Laws § 42-35-2.5 the Coastal Resources Management Council (CRMC) is issuing this Advanced Notice of Proposed Rulemaking to gather relevant information the public and regulated community's input on potential amendments to the CRMC Red Book (650-RICR-20-00-1) by adding a proposed new subsection § 1.3.1(S) for submerged renewable energy cables within state waters. The new subsection will add policies and standards to promote the installation of renewable energy cables from offshore wind farms into and through state waters within designated cable corridors that will aid in minimizing impacts to coastal resources and coastal activities. In addition, the new standards will provide predictability in the permitting of proposed renewable energy cables and establish specific installation and monitoring requirements. The proposed draft regulations would only apply within state waters and not apply to federal waters. The proposed draft regulations along with graphics are attached to this notice. Background: Given the current and expected future proposals filed with the Bureau of Ocean Energy Management (BOEM) for commercial scale offshore wind farms within the Southern New England wind energy area (see <https://www.boem.gov/renewable-energy/state-activities>), the CRMC in 2018 established the Narragansett Bay SAMP Cable Working Group, an ad hoc stakeholder group of diverse interests, to review and consider designating submerged renewable energy cable corridors within state waters. It is expected that one or more offshore renewable energy companies will propose an export cable from future offshore wind farms to make landfall in Rhode Island or transit through Rhode Island state waters into a neighboring state. The proposed preliminary draft regulations attached as part of this ANPR are an outgrowth of the issues raised by working group to achieve a balanced approach to establishing renewable energy cable corridors to meet renewable energy goals of the State, facilitate the installation of submerged cables and to minimize impacts to coastal resources and coastal

activities. The CRMC invites comment on the specific issues listed below, but will also consider other comments provided in writing during the 30-day comment period.

1. Potential costs that could be incurred by applicants by requiring cable burial at the specified depths or using specified technology within the rules. Are there more cost-effective methods and will they achieve the industry specified cable burial depths necessary (4 to 6 feet) to minimize impacts to the environment, coastal resources and coastal users as well as protect the integrity of the cable itself?
2. Are the monitoring provisions (e.g., fisheries and electromagnetic frequency) within the proposed rules sufficient to ensure that necessary information is provided to the agency and the public to ensure that the regulatory standards are achieved? Are there less costly and more efficient methods to achieve the desired monitoring information?
3. It is expected that having a designated renewable cable corridor or corridors would assist in state agency permitting reviews and provide predictability to applicants and the public. Do the proposed rules provide sufficient flexibility and are there other methods for designating preferred cable corridors within state waters, other than by the proposed rule adoption, that would be more efficient or be less costly? Additionally, CRMC is soliciting comments on any likely marginal costs or benefits concerning the Narraganset Bay West Passage, specifically regarding location and width, that might impact future offshore wind developers or other stakeholders.
4. This proposed rule sets out standards and process for designating Areas of Particular Concern (APC) and CRMC expects future regulatory actions will codify those exact areas consistent with the process specified in the CRMC's Ocean SAMP. Do the standards set out in the proposed rule, and the APCs that are likely to be designated under these standards (e.g., shipwrecks), create any marginal costs or benefits that should be considered?

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until April 15, 2021 by contacting the appropriate party at the address listed below:

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