

## Proposed/annotated amendments

**Note:** This is an entirely new subsection and proposed new text is identified as blue underline

650-RICR-20-00-1.3.1(S)

### S. Submerged renewable energy cables within state waters

#### 1. Policies

- a. The Council shall identify and designate a renewable energy cable corridor or corridors within Rhode Island state waters for the purpose of facilitating the installation of submerged renewable energy cables from offshore wind farms and to minimize potential adverse impacts to Rhode Island coastal resources and uses.
- b. The Council shall collaborate with and consider the advice and recommendations of the CRMC's Cable Working Group as part of the Narragansett Bay SAMP, which includes members of the CRMC Fishermen's Advisory Board (FAB), as defined in § 05-11.3(E) of this Chapter, representation of the RI Shellfisherman's Association, RI Department of Environmental Management Division of Marine Fisheries (DEM DMF), and other interested stakeholders, to minimize, and when feasible eliminate, potential adverse impacts to Rhode Island coastal resources and uses.
- c. For purposes of this Part in designating a renewable energy cable corridor or corridors, representation of all major commercial fishing interests in state waters, including, but not limited to, the RI Shellfisherman's Association, the RI Lobstermen's Association, etc., shall be included on the CRMC's Cable Working Group to aid the CRMC in identifying areas of active fish, crustacean and shellfish harvesting within state waters and to advise and make recommendations to the CRMC for the purpose of minimizing, and when feasible eliminating, potential adverse impacts to the commercial fishing industry as a result of submerged renewable energy cable installation and operation within state waters.
- d. It is the Council's policy to identify and designate Areas of Particular Concern (APCs) within state waters with the advice and recommendations of the CRMC's Cable Working Group for the purposes of this Part.

- e. It is the Council's policy to preserve submerged paleolandscapes, which are areas along the seafloor with a higher potential to contain cultural and historical resources, within state waters. When paleolandscapes are identified as likely containing significant cultural and historical resources, the Council shall designate them as APCs.
- f. Given the current state of uncertainty in the magnitude of potential impacts to marine organisms from electromagnetic fields (EMF) associated with submerged electrical cables from offshore wind farms in southern New England offshore waters, the Council will establish standards to require applicants to use best available technology to achieve appropriate cable burial depths in an effort to avoid and minimize adverse EMF effects.
- g. Any submerged renewable energy cable approved by the CRMC, regardless of its location within state waters, shall be subject to an annual submerged lands fees specified by the CRMC and consistent with R.I. Gen. Laws § 46-23-1(f) within any permit issued by the CRMC or as may be required by any applicable legislative action.

## 2. Prohibitions

- a. Submerged renewable energy cables are prohibited from being installed within a CRMC designated APC.
- b. The installation of renewable energy cables within the U.S. Department of Defense (DoD) restricted areas of Narragansett Bay, as specified in 33 CFR §§ 334.80, 334.81 and 334.82, is prohibited without the explicit authorization of the DoD and CRMC approval.

## 3. Standards

- a. All submerged renewable energy cables in state waters shall be installed and maintained within a CRMC designated renewable energy cable corridor(s) as shown in § 1.3.1(S)(5) of this Part, regardless of whether the cable makes landfall in Rhode Island or another state.
- b. Applications for submerged cables submitted to the CRMC shall include site plans showing the location of the proposed cable(s) within state tidal waters, the landfall location and proposed electric grid connection point. In addition, design details and cable installation methods shall be provided for all proposed renewable

energy cables within state waters including the cable landfall and the upland cable routes to the electric grid connection point. The site plans and detail sheets shall be certified and stamped by a professional engineer licensed by the state of Rhode Island.

c. In the event that an applicant proposes an alternative location within state waters for a renewable energy cable that is located partially or wholly outside of a CRMC designated renewable energy cable corridor, then the applicant must meet the variance criteria of § 1.1.7 of this Part and provide scientifically valid assessments and evidence to the CRMC concerning the following conditions:

- (1) It is not technologically feasible, regardless of cost, for the proposed renewable energy cable to be located within a CRMC designated renewable energy cable corridor;
- (2) Maintaining the renewable energy cable entirely within a CRMC designated cable corridor is not feasible due to the proposed cable landfall location; and
- (3) The proposed alternative cable route will not have significant adverse impacts to Rhode Island coastal resources and uses.

d. The CRMC considers the installation of submerged renewable energy cables within state waters as dredging activity pursuant to § 1.3.1(I) of this Part. Applications for submerged cables within state waters shall meet all applicable programmatic standards including, but not limited to, §§ 1.1.6(F), 1.3.1(A), 1.3.1(C), 1.3.1(H) and 1.3.1(I) of this Part.

e. Submerged cable installation

- (1) All submerged cables proposed for installation on a seafloor bottom shall be buried below the seafloor surface at a depth determined by accepted scientific and engineering geophysical investigation techniques. The minimum cable burying depth shall be 2.0 meters to avoid potential adverse impacts from ship anchors, EMF or to commercial fishing operations. In the event a cable cannot be buried to the minimum depth of 2.0 meters, then appropriate cable protection shall be used in accordance with § 1.3.1(S)(3)(e)(4) of this Part.

- (2) In areas where submerged cable installation may be challenging due to bedrock or other geologic obstruction, the applicant must use best available technology and accepted engineering techniques to assure cable burial depth to the standard specified in § 1.3.1(S)(3)(e)(1) of this Part. Jet plow cable installation methods may not be suitable in areas of hard bottom (those containing rocks, cobble, excess clay and silt and other known geologic obstructions). Under these circumstances best available technology must be used to achieve the cable burial standard specified in § 1.3.1(S)(3)(e)(1) of this Part.
- (3) During cable trench excavation operations all installed cables shall be covered over to the cable burial standard specified in § 1.3.1(S)(3)(e)(1) of this Part as soon as technically feasible following the cable laying within the trench to minimize the possibility of cable damage from ship anchors. Mariners shall be advised daily by the applicant of cable laying operations through mariner bulletins on the appropriate VHF radio channel(s) in addition to twice weekly email notifications to an established email notification list.
- (4) Cable protection methods may have adverse impacts on commercial fishing gear by creating obstructions that may snag and cause damage to mobile fishing gear (e.g., trawl nets) or fixed gear (e.g., lobster pots, fish pots and gill nets). Therefore, the applicant shall limit cable armoring to areas where the installed cable crosses other submerged cables and utilities (e.g., gas, water, sewer, etc.) to minimize adverse impacts. In addition, necessary cable armoring shall be constructed of biologically-friendly materials (i.e., that allow epifaunal colonization).
- (5) Applicants shall avoid using jet plow or mechanical dredging techniques within preserved paleolandscapes that are likely to contain cultural and historical resources. In the event that alternative cable routing is not possible and disturbance will be unavoidable, the applicant will be required to work with the State Historic Preservation Office and the local Tribal Historic Preservation Office prior to cable installation to develop a satisfactory resolution to be stipulated as part of the CRMC assent.

- (6) All submerged cables making landfall shall have a minimum cable burial depth determined by accepted scientific and engineering geophysical investigation techniques. Cable burial depth at the inland edge of a beach or dune shall not be less than three (3.0) meters below mean lower low water (MLLW) for any onshore cable landing. This standard is best achieved by using horizontal directional drilling (HDD) techniques and may be required by the CRMC. A variance to this standard may be granted where the CRMC determines that the cable landing area is composed of a stable seafloor and shoreline unlikely to suffer significant beach loss from coastal storms.
- (7) Following the completion of a submerged cable and landfall installation project the applicant shall provide to the CRMC within 30 days a post-installation survey report verifying the installation was completed in accordance with the CRMC approved plans and application specifications.

f. Submerged cable monitoring

- (1) Following submerged cable installation and activation all cables shall be monitored on an annual basis. For the first twenty-four (24) months, monitoring shall be done monthly from October through May, and twice each month starting June through September to capture the magnitude of the annual beach storm cycle and after major storm events to ensure cable installation stability. After the initial 24 month period the applicant or successive permit holder shall submit semi-annual (every three (3) months and after major storm events) cable inspection reports to the CRMC for the lifecycle of the project.
- (2) In the event that cable monitoring shows an installed cable has been exposed or is not meeting the cable installation depth as permitted by the CRMC, then the applicant or successive permit holder shall promptly submit a corrective action report and receive approval from the CRMC before implementing corrective measures in compliance with the CRMC permit and any order of the Council.

g. Electromagnetic field (EMF) monitoring requirements

- (1) Applicants shall provide to the CRMC background EMF measurements along the area of the intended cable route within state waters prior to the installation of any submerged renewable energy cable. Both alternating current (AC) and direct current (DC) EMF measurements shall be conducted.
- (2) At the completion of installation and activation of any new submerged renewable energy cable within state waters, the applicant or successive permit holder shall monitor EMF levels along the cable route at least once annually for the service life of the cable and provide measurements to the CRMC with a location map of all measurement stations. Measurement stations shall include cable portions that achieved approved cable burial depth and cable portions that are protected by armoring that did not meet design burial depths.

#### 4. Standards for Areas of Particular Concern (APCs)

- a. APCs shall include areas of biological significance or areas of important fisheries harvesting as identified and recommended by the RIDEM Division of Marine Fisheries. Proposed APCs shall be reviewed by the CRMC's Cable Working Group, which shall make a recommendation to the CRMC for consideration of designation.
- b. APCs shall include areas of paleolandscapes that contain or have a high probability of containing significant cultural artifacts. The Council shall consult with paleoarchaeologists in designating such APCs. Whenever possible, excavation to project depth should avoid paleosol and peat horizons. Furthermore, the "ravinement" surface, a widely recognized regional seismic reflector that indicates erosional processes at the time of marine transgression over the site, should not be disturbed.
- c. APCs within state waters will be described and shown within this Part as they become identified, designated and adopted by the CRMC. Additional APCs may be identified and adopted by the CRMC as new information becomes available.

#### 5. Narragansett Bay West Passage renewable energy cable corridor

- a. The Narragansett Bay West Passage renewable energy cable corridor is an approximate 600-meter-wide corridor as depicted in the figures in §§ 1.3.1(S)(5)(b) through (j) of this Part. The West

Passage cable corridor begins at a point south of Sachuest Point in Middletown at the 3-nautical mile limit of state waters and heads west towards the “Narragansett Bay Traffic Lane Inbound” as marked on NOAA nautical chart 13218. The corridor then heads northwest across the “Pilot Boarding Area” and around the “restricted area” identified on the same chart. From that point on the north side of the restricted area, the corridor heads north into the West Passage of Narragansett Bay between Bonnet Point and Beavertail Point. The corridor continues north within the West Passage, passing on the west side of Dutch Island, and continues north towards the Jamestown-Verrazano Bridge. The corridor crosses beneath the bridge and proceeds north following deeper water depths west of Conanicut Island. North of Hull Point on the Conanicut Island shore, the corridor turns west-northwest to a landfall along the southern shoreline of Quonset Point in North Kingstown. The cable corridor boundary extends along the shoreline between Blue Beach on the west and the Martha’s Vineyard Fast Ferry on the east, following the mean higher high water limit. The turning point coordinates identified in each detail map panel are listed in the table in § 1.3.1(S)(5)(K) of this Part.

b. Overall locus map

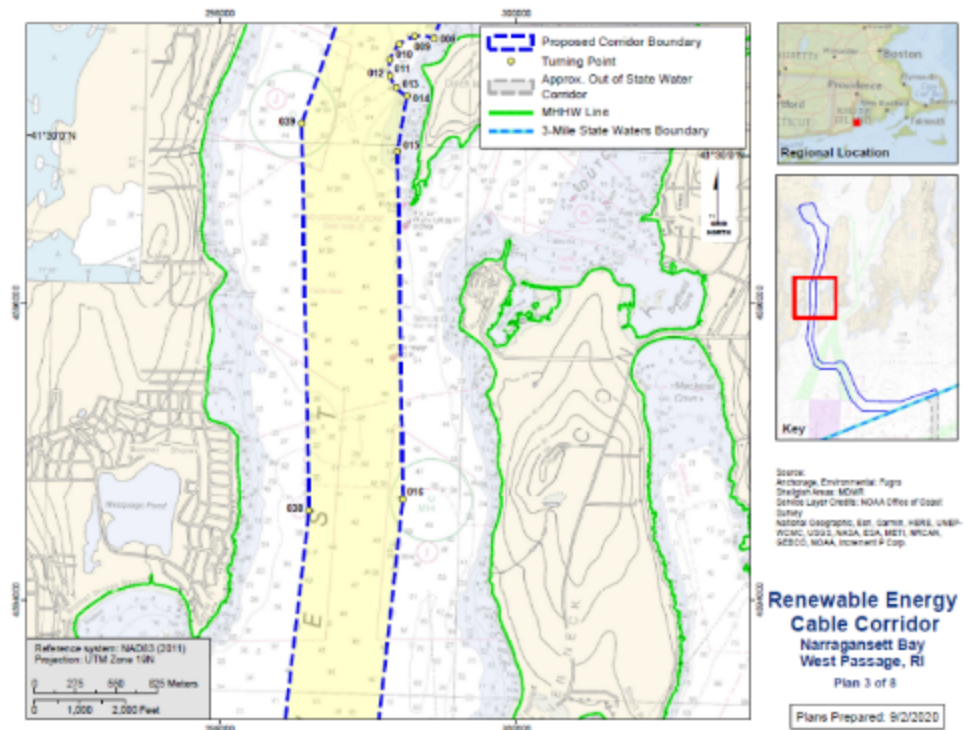




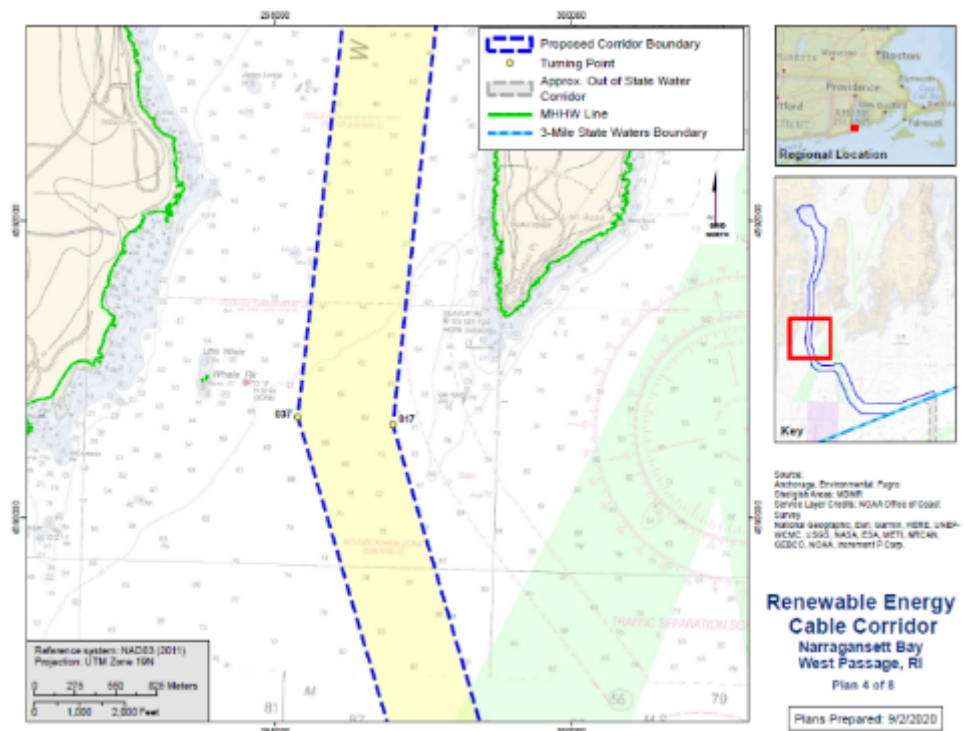




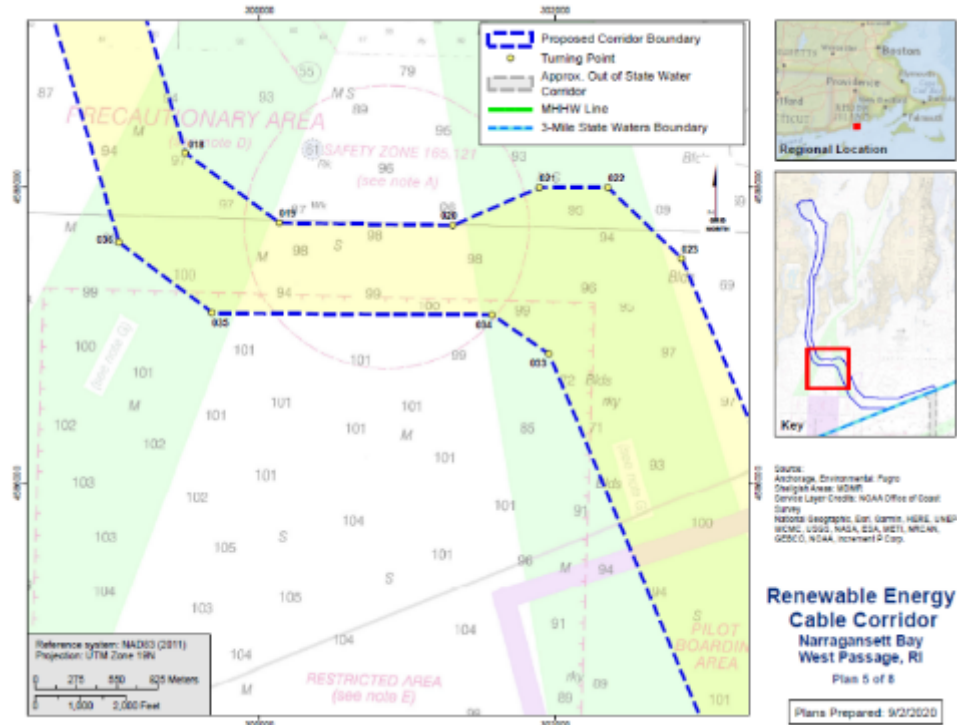
e. Detailed map panel 3



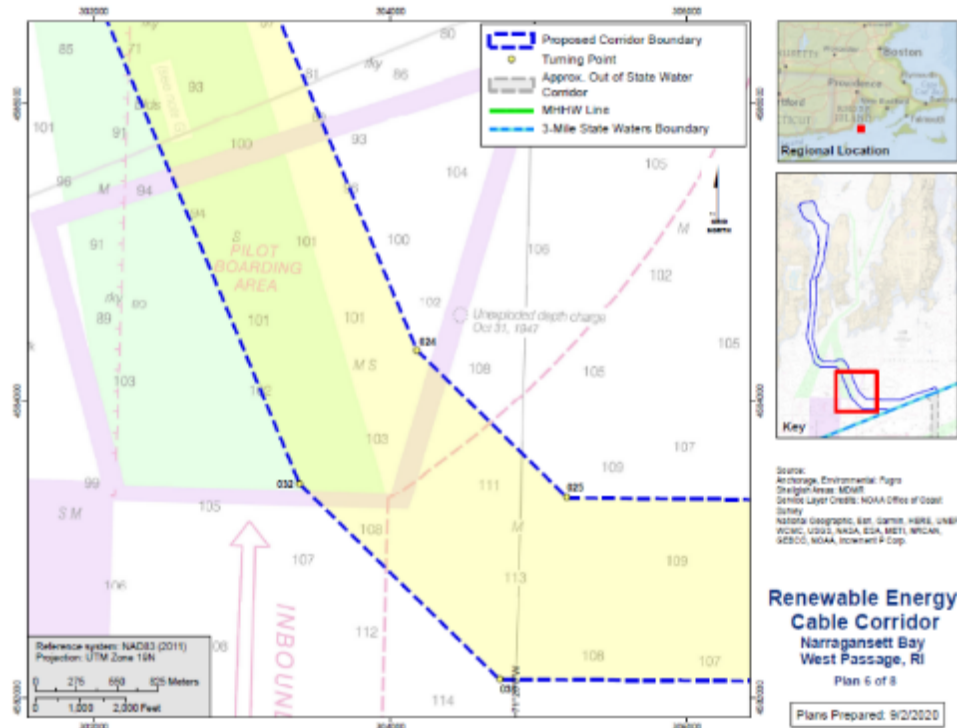
f. Detailed map panel 4



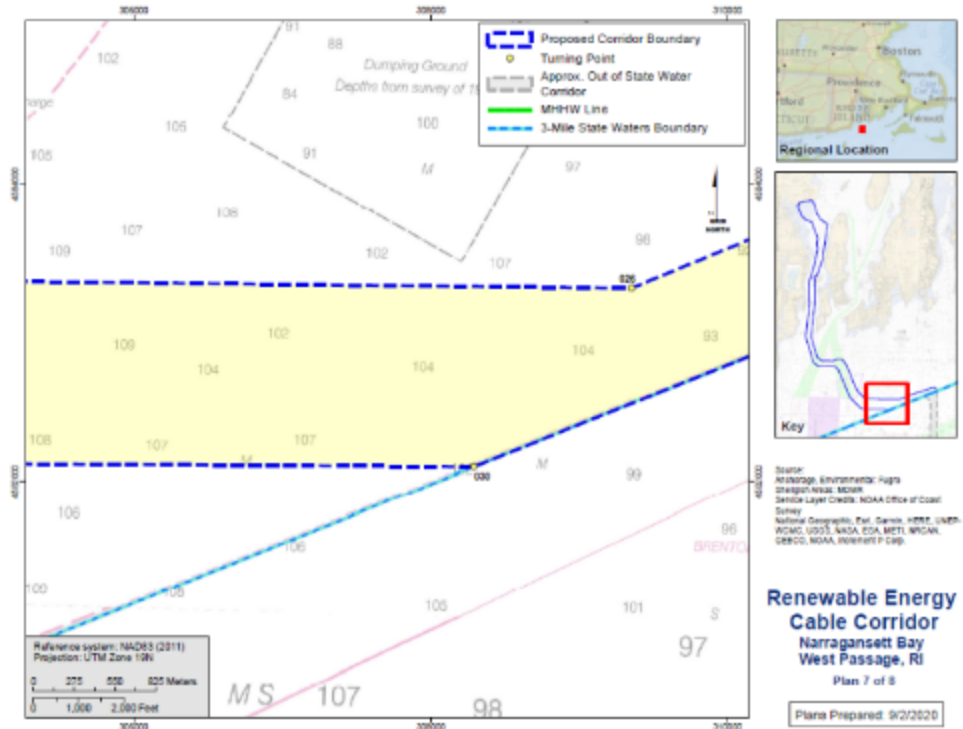
g. Detailed map panel 5



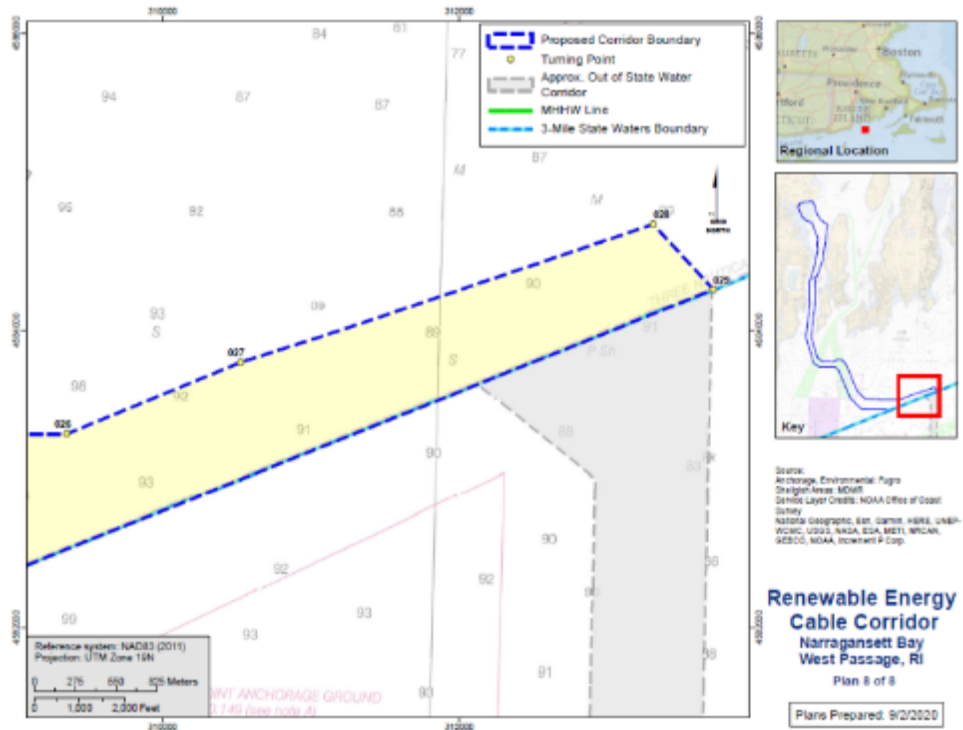
h. Detailed map panel 6



i. Detailed map panel 7



j. Detailed map panel 8



	<u>Turning point number</u>	<u>Latitude</u>	<u>Longitude</u>
<u>001</u>	<u>41.58662151</u>	<u>-71.41406973</u>	
<u>002</u>	<u>41.5859217</u>	<u>-71.41164894</u>	
<u>003</u>	<u>41.58056602</u>	<u>-71.40794571</u>	
<u>004</u>	<u>41.57356066</u>	<u>-71.40575547</u>	
<u>005</u>	<u>41.56757724</u>	<u>-71.40031586</u>	
<u>006</u>	<u>41.56218289</u>	<u>-71.39013042</u>	
<u>007</u>	<u>41.52477724</u>	<u>-71.39535597</u>	
<u>008</u>	<u>41.50657942</u>	<u>-71.40310059</u>	
<u>009</u>	<u>41.50667816</u>	<u>-71.40463589</u>	
<u>010</u>	<u>41.50617107</u>	<u>-71.40588975</u>	
<u>011</u>	<u>41.50521891</u>	<u>-71.40660887</u>	
<u>012</u>	<u>41.50423419</u>	<u>-71.40655027</u>	
<u>013</u>	<u>41.50353369</u>	<u>-71.40602139</u>	
<u>014</u>	<u>41.50304865</u>	<u>-71.40512745</u>	
<u>015</u>	<u>41.4996664</u>	<u>-71.40579501</u>	
<u>016</u>	<u>41.47857756</u>	<u>-71.40457722</u>	
<u>017</u>	<u>41.44200235</u>	<u>-71.40845563</u>	
<u>018</u>	<u>41.42062467</u>	<u>-71.39927124</u>	

<u>019</u>	<u>41.41652859</u>	<u>-71.39149622</u>
<u>020</u>	<u>41.41666517</u>	<u>-71.37747357</u>
<u>021</u>	<u>41.41912336</u>	<u>-71.37058361</u>
<u>022</u>	<u>41.41923749</u>	<u>-71.36504103</u>
<u>023</u>	<u>41.41503699</u>	<u>-71.35891293</u>
<u>024</u>	<u>41.38676821</u>	<u>-71.34204042</u>
<u>025</u>	<u>41.37810325</u>	<u>-71.32964434</u>
<u>026</u>	<u>41.37868779</u>	<u>-71.27988525</u>
<u>027</u>	<u>41.38329333</u>	<u>-71.26603703</u>
<u>028</u>	<u>41.39231781</u>	<u>-71.23303224</u>
<u>029</u>	<u>41.38845162</u>	<u>-71.22806483</u>
<u>030</u>	<u>41.3676079</u>	<u>-71.29219311</u>
<u>031</u>	<u>41.36694851</u>	<u>-71.33464318</u>
<u>032</u>	<u>41.37848198</u>	<u>-71.35121954</u>
<u>033</u>	<u>41.40900535</u>	<u>-71.36943279</u>
<u>034</u>	<u>41.41128746</u>	<u>-71.37409591</u>
<u>035</u>	<u>41.41095101</u>	<u>-71.39674734</u>
<u>036</u>	<u>41.41507645</u>	<u>-71.40443003</u>



<u>037</u>	<u>41.44231434</u>	<u>-71.41618114</u>
<u>038</u>	<u>41.47773022</u>	<u>-71.41211099</u>
<u>039</u>	<u>41.50120511</u>	<u>-71.4135789</u>
<u>040</u>	<u>41.51449207</u>	<u>-71.40791888</u>
<u>041</u>	<u>41.52952734</u>	<u>-71.4040011</u>
<u>042</u>	<u>41.53604761</u>	<u>-71.4029587</u>
<u>043</u>	<u>41.5399575</u>	<u>-71.40419231</u>
<u>044</u>	<u>41.54745585</u>	<u>-71.40321635</u>
<u>045</u>	<u>41.56416335</u>	<u>-71.41217906</u>
<u>046</u>	<u>41.56584835</u>	<u>-71.4201474</u>
<u>047</u>	<u>41.56978164</u>	<u>-71.4264238</u>
<u>048</u>	<u>41.57886237</u>	<u>-71.43178091</u>
<u>049</u>	<u>41.58102813</u>	<u>-71.43289211</u>
<u>050</u>	<u>41.58104946</u>	<u>-71.43188824</u>
<u>051</u>	<u>41.58135439</u>	<u>-71.43099121</u>
<u>052</u>	<u>41.58197688</u>	<u>-71.43044734</u>
<u>053</u>	<u>41.58266486</u>	<u>-71.43036826</u>
<u>054</u>	<u>41.58332869</u>	<u>-71.43083827</u>
<u>055</u>	<u>41.58429575</u>	<u>-71.42901043</u>



<u>056</u>	<u>41.585267</u>	<u>-71.42520728</u>
<u>057</u>	<u>41.58510047</u>	<u>-71.42462974</u>
<u>058</u>	<u>41.58571649</u>	<u>-71.42266507</u>
<u>059</u>	<u>41.58576808</u>	<u>-71.41720127</u>
<u>060</u>	<u>41.58608429</u>	<u>-71.41689568</u>

6. [Reserved] Sakonnet River renewable energy cable corridor