



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT

WASHINGTON, DC 20240-0001

JAN 19 2018

Ms. Rachel Pachter
Vice President, Permitting Affairs
Vineyard Wind, LLC
700 Pleasant Street, Suite 510
New Bedford, Massachusetts 02740

Dear Ms. Pachter:

I am writing on behalf of the Bureau of Ocean Energy Management (BOEM), Office of Renewable Energy Programs (OREP) regarding Vineyard Wind, LLC's (Vineyard Wind) regulatory departure requests submitted pursuant to 30 CFR § 585.103 on August 23, 2017, and resubmitted in revised form on October 19, 2017. Through this letter, BOEM approves Vineyard Wind's departure requests subject to the conditions set forth below.

Vineyard Wind seeks these departures in order to submit its turbine- and cable-specific geophysical and geotechnical (G&G) survey data and archaeological information after it submits a Construction and Operations Plan (COP) for lease area OCS-A 0501. To accomplish this, Vineyard Wind has requested that BOEM depart from the following regulations:

- § 585.626(a)(4)(ii) (Geotechnical survey results) "requiring that a COP, when submitted, contain the results of 'in situ testing, boring, and sampling at each foundation location...'"
- § 585.626(a)(2) (Geological survey relevant to facility design and siting) "to the extent that this section requires, with COP submission, geophysical surveys results of inter-array and export cable routes."
- § 585.626(a)(5) (Archaeological resources) "to the extent that this section requires with COP submission, for archeological purposes, geophysical surveys at each turbine location and along inter-array and export cable routes."

Instead of submitting the above-referenced data with its COP, Vineyard Wind proposes to submit it at a later date, but before BOEM finalizes its environmental and historic/cultural reviews and issues a record of decision with respect to the COP. BOEM has identified an additional regulatory provision—§ 585.627(a)(6)—that would also require a departure to effectuate Vineyard Wind's request to submit incomplete archaeological survey information with its COP.

BOEM finds that these departures would facilitate appropriate lease activities in accordance with 30 CFR § 585.103(a)(1) by providing the Lessee with the flexibility to submit a COP to initiate BOEM review before finalizing proposed project details. For example, we agree that including a complete set of G&G data with the initial COP submission would be impractical considering that a design envelope such as the one proposed by Vineyard Wind embraces different technologies, the choice of which will determine the ultimate foundation and cable arrangement of the project.

These departures would also enable BOEM to initiate consultations under Section 106 of the National Historic Preservation Act (NHPA) using the desktop and reconnaissance-level historic property information that Vineyard Wind proposes to include with its initial COP submission. Vineyard Wind's subsequent submittal of the complete archaeological survey information would allow the bureau to complete its Section 106 and NHPA consultations before the COP decision.

BOEM finds that the above-noted departures also comply with § 585.103(b)(1-3) in that they: 1) are consistent with Subsection 8(p) of the Outer Continental Shelf Lands Act; 2) protect the environment, and public health and safety, to the same degree as if there were no approved regulatory departure; and 3) do not impair the rights of third parties. BOEM makes these findings based on the fact that no wind turbine construction will commence until BOEM has reviewed and analyzed the full suite of survey data.

BOEM therefore approves departures from §§ 585.626(a)(4)(ii), 585.626(a)(2), and 585.626(a)(5), and prescribes a departure from 585.627(a)(6) to allow Vineyard Wind to submit the required G&G and archaeological survey results to BOEM before COP approval. BOEM approves these departures under the following conditions:

1. Vineyard Wind must update the preliminary survey data included in its initial COP submission, as necessary, based on any new information from its supplemental survey results.
2. With its COP, Vineyard Wind must submit a visual impact assessment and a visual effects assessment of historic properties. The visual effects assessment should be based on the results of the visual impact assessment. Vineyard Wind met this condition as part of its COP submission on December 19, 2017.
3. Before BOEM's COP approval decision, Vineyard Wind must submit to BOEM the results of its marine archaeological survey. BOEM recommends that this survey be conducted and reported following BOEM's *Guidelines for Providing Archaeological and Historic Property Information Pursuant to 30 CFR Part 585*.
4. Before BOEM's COP approval decision, Vineyard Wind must submit to BOEM the results of its terrestrial archaeological survey. BOEM recommends that this survey be conducted and reported following the guidance of the affected state historic preservation offices (SHPOs) and provided through consultation with the affected SHPOs.

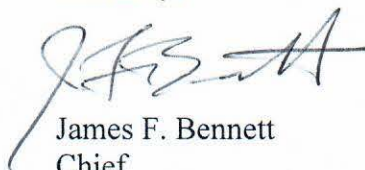
Once submitted, BOEM will review the archaeological and historic property survey results to determine if they are sufficient to complete review and consultation under Section 106 of the NHPA. BOEM may request additional information if we determine that the information provided is not sufficient. Under the terms of this departure approval, BOEM will approve, approve with modification, or disapprove the COP after this information is submitted and deemed sufficient.

Although these departure requests indicate that Vineyard Wind will submit the relevant information in the summer of 2018, Vineyard Wind should be aware that any delays in the submittal of that information may extend BOEM's timeline for reviewing the COP and reaching

a COP approval decision. Similarly, later submittal of the archaeological results may increase the time BOEM requires to conduct review and consultation under Section 106 of the NHPA.

Please contact Meredith Lilley at 703-787-1037 or meredith.lilley@boem.gov if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'JFB', with a stylized flourish extending to the right.

James F. Bennett

Chief

Office of Renewable Energy Programs