



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

OFFICE OF COASTAL ZONE MANAGEMENT

100 Cambridge Street, Suite 900, Boston, MA 02114 • (617) 626-1200

October 21, 2024

Michael Brown, CEO
SouthCoast Wind Energy LLC
3 Center Plaza, Suite 205
Boston, MA 02108

Re: CZM Federal Consistency Review of SouthCoast Wind Energy LLC (formerly known as Mayflower Wind Energy LLC Project and Clean Energy Resource) Proposed Wind Farm Project - Subpart E – Consistency for Outer Continental Shelf (OCS) Exploration, Development and Production Activities and Subpart D – Consistency for Activities Requiring a Federal License or Permit Action; Massachusetts.

Conditional Concurrence

Dear Mr. Brown:

The Massachusetts Office of Coastal Zone Management (CZM) has reviewed the proposed offshore wind renewable energy project of SouthCoast Wind Energy LLC (formerly known as Mayflower Wind Energy LLC) and issues this conditional concurrence. SouthCoast Wind Energy LLC (SCW LLC), a wholly owned subsidiary of OW North America LLC (a 50-50 joint venture of EDP Renewables and ENGIE, and SouthCoast Wind Energy Holdings LLC, is the proponent of the project and will be responsible for the construction, operation, and decommissioning of the project. SCW LLC has proposed to construct and operate an offshore wind energy facility within the Bureau of Ocean Energy Management (BOEM) Lease Area OCS-A 0521 in two phases (SCW Project 1 and SCW Project 2), with up to 149 positions comprised of a combination of up to 147 wind turbine generators (WTG) and up to 5 offshore substation platforms (OSPs) sited in a 1 nautical mile (nm) x 1 nm grid layout across the 127,388-acre site. Some or all of the OSPs may contain converter stations to convert alternating current (AC) power to direct current (DC) power depending upon the landfall location. The proposed project also includes inter-array cables connecting the WTGs, and up to six cables in the Brayton Point offshore export cable corridor. As discussed, SCW LLC intends to utilize Brayton Point as the point of interconnection for both SCW Project 1 and SCW Project 2. The Falmouth Connector Project has been downgraded to a “variant” option in the SCW LLC Construction and Operations Plan (COP). As such, the Falmouth portion of the Project (Falmouth export cable corridor, landfall, and onshore project facilities) is not covered under this conditional concurrence. Should SCW LLC need to use the Falmouth variant in the future, an updated Federal Consistency Determination which includes the Falmouth Project components would be required. The project includes two landing sites for the offshore transmission cables sites in Somerset, Massachusetts (the western and eastern sides of Brayton Point), and an intermediate landfall in Portsmouth, Rhode Island at Aquidneck Island.

Under Section 307 of the Coastal Zone Management Act (CZMA), 15 CFR § 930.57, and 15 CFR 930.54(f), SCW LLC voluntarily filed a federal consistency certification with CZM on November 30, 2021, for the proposed project and the federal consistency review commenced on that date. However, stays of the CZMA review period have been agreed to by CZM and SCW LLC changing the current date that the decision is due to July 31, 2024. CZM issued a three-month update and request



for additional information on February 18, 2022. SCW LLC was notified that the final issued state licenses and certifications were required for those parts of the project that would occur in state waters and state lands during the discussions of needed stay agreements on December 16, 2021, May 5, 2023, November 8, 2023, March 26, 2024, May 15, 2024, July 24, 2024, August 28, 2024, and September 27, 2024, October 15, 2024, and October 17, 2024.

To inform the federal consistency review, CZM reviewed the COP, Draft Environmental Impact Statement, and the Preliminary Final Environmental Impact Statement developed under the National Environmental Policy Act; the CZMA federal consistency certification; the U.S. Army Corps of Engineers (USACE) Clean Water Act Section 404/Section 10 permit application; and lease/easement/right-of-way application to BOEM under the Outer Continental Shelf Lands Act. Throughout the state and federal review process, CZM received data and information necessary to complete its consistency review. As a designated cooperating agency, CZM will continue to review and comment on future BOEM submissions for SCW LLC, including the Final Environmental Impact Statement scheduled for release in the Fall of 2024.

In addition to the documents reviewed above, the SCW LLC fisheries impact analysis identified the need for mitigation to impacted fishermen to meet the CZM's enforceable policy under Ports and Harbors Policy #4. Because CZM cannot require monetary compensation for mitigation as part of CZMA federal consistency reviews, CZM could not object for failure to pay a compensation amount or include a condition that an applicant must pay a compensation amount. However, CZM and SCW LLC can mutually agree upon a monetary compensation package and CZM can then determine that the applicable enforceable policies are satisfied. As a result of extensive mitigation negotiations conducted between SCW LLC, CZM, the Massachusetts Division of Marine Fisheries (DMF), the Massachusetts Executive Office of Energy and Environmental Affairs (EEA) Fisheries Working Group on Offshore Wind, and key stakeholders, SCW LLC has entered into an agreement with the EEA to provide funds totaling \$5,717,000 for impacts over the life of the project. The agreement includes the Massachusetts Fisheries Compensatory Mitigation Fund and the Massachusetts Fisheries Innovation Fund. The Massachusetts Fisheries Compensatory Mitigation Fund (\$4,217,000) will be used to offset economic impacts to Massachusetts commercial and charter/for-hire fishing and is intended for claims of direct economic loss to compensate Massachusetts fishermen for loss of access or reduction of harvest. The Massachusetts Fisheries Innovation Fund (\$1,500,000) will provide funding to programs and projects through grants to conduct studies on the impacts of offshore wind development on fishery resources and the recreational and commercial fishing industries as well as provide grants for technology and innovation upgrades for fishery participants (and vessels) actively fishing within a wind energy area. The Agreement Regarding the Massachusetts Fisheries Compensatory Mitigation Funds and the Contribution to the Massachusetts Fisheries Innovation Fund is attached.

CZM conveyed to SCW LLC during the agreements for required federal consistency review stays on December 16, 2021, May 5, 2023, November 8, 2023, March 26, 2024, May 15, 2024, July 24, 2024, August 28, 2024, and September 27, 2024, October 15, 2024, and October 21, 2024 that CZM needed the required final and issued Massachusetts Department of Environmental Protection's (MassDEP) §401 Water Quality Certifications and the Chapter 91 Waterways authorizations (and associated Wetlands Protection Act Order of Conditions or Superseding Order of Conditions) to determine consistency for the parts of the project within state jurisdiction. On May 7, 2024, MassDEP issued to SCW LLC the §401 Water Quality Certification for SouthCoast Wind Project 1 based upon the proposed offshore export cable corridor in the Lee River and Mount Hope Bay. On October 21,

2024 MassDEP issued to SCW LLC the Chapter 91 Waterways license for Project 1. To date, the Chapter 91 Waterways authorization for Project 2 has not been issued. Therefore, CZM issues this full concurrence for the SCW BOEM COP and a conditional concurrence with the following conditions regarding the USACE Section 10 permit.

1. SCW Project 2 – SCW LLC shall obtain and provide to CZM the required signed final MassDEP Chapter 91 license (and associated Wetlands Protection Act Order of Conditions or Superseding Order of Conditions) for the offshore export cable in state waters with a landfall site in Somerset, Massachusetts. SCW Project 2 proposes to use the same offshore export cable corridor assessed by MassDEP for the SCW Project 1 Chapter 91 License.

If SCW LLC agrees with these conditions, then the CZMA process is complete. If SCW LLC does not agree with these conditions, then pursuant to 15 CFR 930.4, the conditional concurrence automatically becomes an objection. SCW LLC then has the right to appeal the state's conditional concurrence/objection to the U.S. Secretary of Commerce (with a copy to the National Oceanic and Atmospheric Administration's Office of General Council, Oceans and Coast Section) within 30 days of receipt of this letter. As per 15 CFR 930.125(d), the appellant shall send the notice of appeal to the Secretary, Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, DC 20230; a copy of the notice of appeal to the objecting State agency; and to the Assistant General Counsel for Ocean Services (GCOS), 1305 East West Highway, Room 6111 SSMC 4, Silver Spring, Maryland 20910.

Thank you for your cooperation with CZM.

Sincerely,



Alison Brizius
Director

AB/sd
CZM # 4922

cc: Genevieve Brune, BOEM
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