



OFFICE OF THE CITY CLERK  
NEW BEDFORD, MA

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CITY CLERK

18 February 2022

Dennis Farias  
City Clerk  
City of New Bedford  
New Bedford City Hall, 133 William Street  
New Bedford, MA 02740  
Dennis.Farias@newbedford-ma.gov

RE: Invitation to consult on the New England Wind Project, formerly Vineyard Wind South, and Notification of Using the NEPA Process to Fulfill Section 106 Obligations; ***response requested by no later than 30 days of receipt of this letter***

Dear Dennis Farias,

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 Construction and Operation Plan (COP) submitted by Park City Wind, LLC (then operating as Vineyard Wind, LLC) proposing the Vineyard Wind South Project (the Project). Since initial COP submittal, the name of the Project has been changed to the New England Wind Project. If approved, the purpose of the New England Wind Project is to develop commercial-scale offshore wind energy facilities in two phases in the southern portion of the Lease Area (OCS-A 0534), immediately southwest of the approved Vineyard Wind 1 project (also in OCS-A 0501). The Project would consist of up to 130 wind turbine positions, two to five Electrical Service Platforms (ESPs, also called "offshore substations"), inter-array cables, up to three onshore substations, and up to five transmission cables making landfall in Barnstable, Massachusetts (of which up to three cables could instead make landfall in Bristol County, Massachusetts, if necessitated by technical, logistical, grid interconnection, or other unforeseen issues related to the Barnstable landfall and substation locations). The wind turbine generators (WTGs) and offshore substations, array cables, and substation interconnector cables would be in Federal waters. The closest WTG or offshore substation would be 19.9 miles from Martha's Vineyard and 23.7 miles from Nantucket. The Project's offshore export cables would be buried below the seabed surface within Federal and state waters. Phase One of the Project (called "Park City Wind") would provide 804-megawatts (MW) of offshore wind energy. Phase Two of the Project (called "Commonwealth Wind") would provide approximately 1,200-1,500 MW, for a total of 2,004 to 2,304 MW of offshore wind energy. The boundaries between Phase 1 and Phase 2 of the Project would be determined based on the final footprint of Phase 1, and would reflect the final approved footprint of the Vineyard Wind 1 project. The Project location is depicted on Figure 1.

On June 30, 2021, BOEM published the “Notice of Intent to Prepare an Environmental Impact Statement for the Vineyard Wind South Project Offshore Massachusetts” in the Federal Register (86 CFR 34782). The Notice of Intent (NOI) announced that BOEM will prepare an environmental impact statement (EIS) as part of its review of a construction and operations plan (COP) submitted by Vineyard Wind, LLC and provided project information.

On November 22, 2021, BOEM published a supplemental Federal Register Notice (86 CFR 66334) to announce the name change (to the New England Wind Project) and to account for updated project information regarding the Phase 2 Offshore Export Cable Corridor (OECC) and landfall site(s).

Detailed information about the proposed wind energy facilities, including the COP, can be found on BOEM’s website at: [www.BOEM.gov/New-England-Wind](http://www.BOEM.gov/New-England-Wind) and additional information regarding the Fall 2021 updates at BOEM’s website at: <https://www.boem.gov/renewable-energy/state-activities/new-england-wind-virtual-meeting-room>

This letter has three purposes:

- first, to invite City of New Bedford to be a Consulting Party to the Section 106 review;
- second, to inform you that BOEM plans to use the NEPA substitution process to fulfill our Section 106 obligations; and
- third, ERM, on behalf of the Bureau of Ocean Energy Management (BOEM), will be hosting its first Section 106 consultation meeting regarding the Project on **Thursday, March 3, 2022 from 1-3pm Eastern**. A Zoom meeting invite was sent out on February 7, 2022. Additional meeting details including the agenda and a copy of the PowerPoint presentation will be provided in a separate email. If you wish to participate, Environmental Resources Management, Inc. (ERM) requests you confirm your email address prior to March 1, 2022.

### **Invitation to Consult Under Section 106 of the NHPA**

BOEM has determined that the construction, operation, maintenance, and eventual decommissioning of the Project constitutes an undertaking subject to Section 106 of the NHPA. BOEM has assigned ERM as the third-party contractor to facilitate the Section 106 consultation process. All Federal oversight and decisions will remain with BOEM. ERM’s role in this Section 106 review is administrative; ERM will coordinate communication with the consulting parties; facilitate distribution of BOEM-approved documents; provide technical assistance; and arrange and lead meetings, webinars, or calls with consulting parties.

With this letter, BOEM invites you to be a consulting party to this Project regarding potential impacts to historic properties. Consulting parties have certain rights and obligations under the NHPA and its implementing regulations at 36 Code of Federal Regulations (CFR) Part 800 and NEPA and its implementing regulations at 40 CFR Parts 1500–1508. These regulations provide for a review process, known under the NHPA as Section 106 review.

By becoming a consulting party, you will be actively informed of steps in the Section 106 review process, including public meetings, and your views will be actively sought. If you would like to

be a consulting party to this project, please respond to Danna Allen at [ERM.NANewEnglandWindProjectSection106@erm.com](mailto:ERM.NANewEnglandWindProjectSection106@erm.com) or (678) 904-4399.

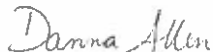
Please submit your request to become a consulting party *no later than 30 days of receipt of this letter*. BOEM will not send any subsequent communication on this project undertaking without this request. While you may also request to be a consulting party at a later date, the Project may advance without your input, and your opportunity to fully comment on each step of the process may be affected. If you are requesting consulting party status, please designate one representative and one alternate from your organization to receive correspondence and attend meetings. We also request that you indicate your preferred correspondence method – hard copy correspondence by mail, via email, or both.

#### **Notification of Using the NEPA Process to Fulfill Section 106 Obligations**

BOEM intends to use the NEPA substitution process for NHPA Section 106 purposes, as described in 36 CFR 800.8(c), during its review of the Project. The regulations at 36 CFR 800.8(c) provide for use of the NEPA substitution process to fulfill a Federal agency's NHPA Section 106 review obligations in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. Both processes allow for participation of consulting parties and BOEM intends to use this process for the New England Wind project. The NEPA substitution process is described at: [https://www.achp.gov/integrating\\_nepa\\_106](https://www.achp.gov/integrating_nepa_106). To aid those Consulting Parties who may not be familiar with the NEPA substitution process, BOEM has developed a *National Environmental Policy Act Substitution for Section 106 Consulting Party Guide*, which is attached for your reference.

Please contact me if you require additional information. We look forward to working with you.

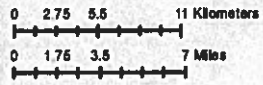
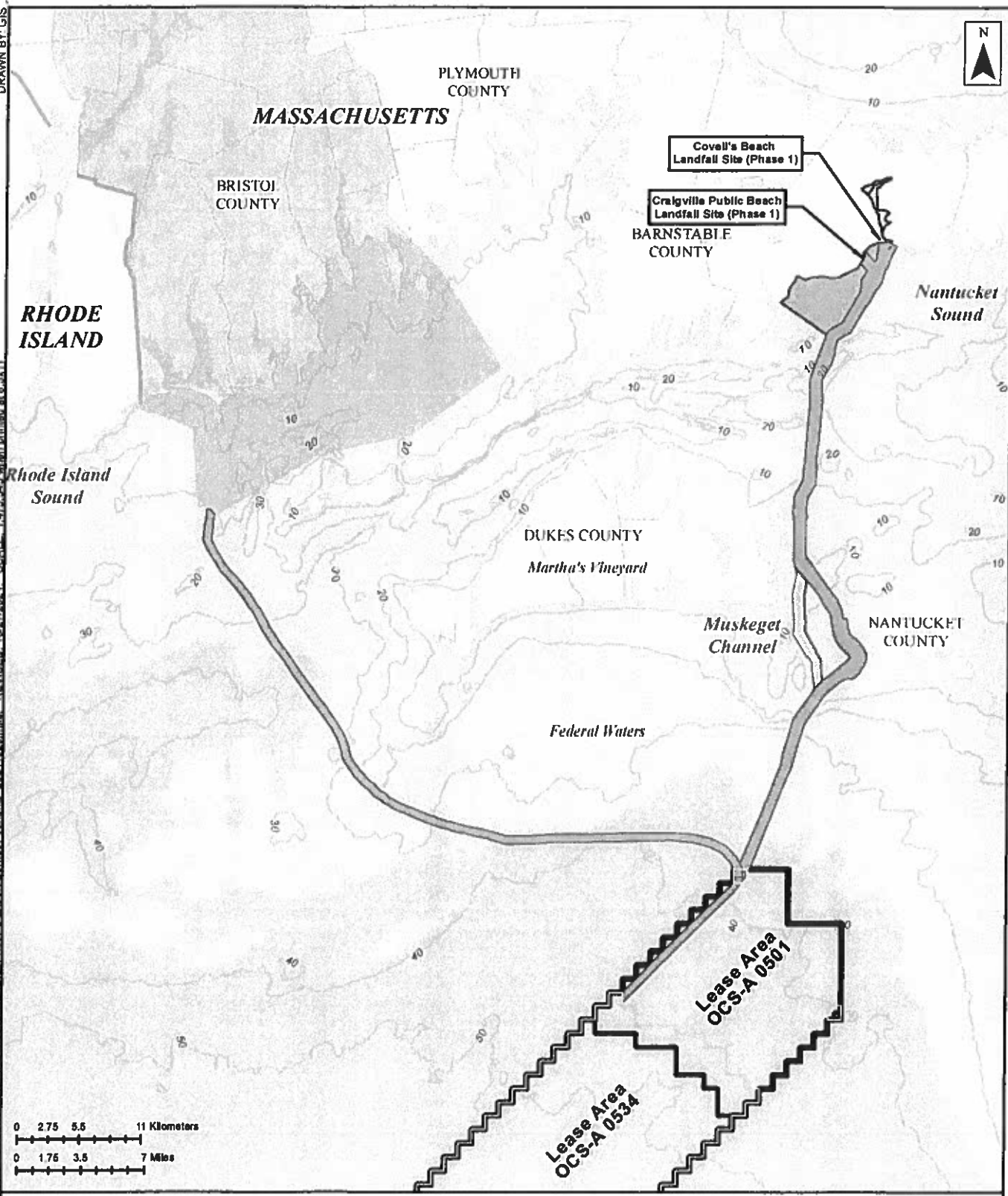
Sincerely,



Danna Allen  
Principal Consultant, Cultural Resources  
ERM

Enclosures

DRAWN BY: GIS  
 C:\Rolling Meadows\TerraGIS\Projects\New England Wind\Map\Index-5\_NEnwW\_Phase 2 Export Corridor\_Variants\_20211020.mxd, REVISED: 10/27/2021, SCALE: 1:475,545, when printed at 8.5x11  
 NAD 1983 UTM Zone 19N



**Legend**

- Lease Area
- Maximum Size of Wind Development Area
- Offshore Export Cable Corridor
- Phase 2 OECC South Coast Variant
- Phase 2 OECC Western Muskeget Variant
- Preliminary Phase 2 Nearshore OECC Envelope
- Phase 1 Onshore Export Cable
- Phase 2 South Coast Variant Offshore Routing Envelope
- Phase 2 South Coast Variant Onshore Routing Envelope
- Phase 2 Onshore Routing and Substation Envelope
- Town Boundary
- State Boundary

New England Wind Project

BOEM  
 Bureau of Ocean Energy Management

## Summary of Project Updates: New England Wind

(formerly Vineyard Wind South)

In October 2021, Vineyard Wind, LLC provided updates to the proposed New England Wind energy project offshore Massachusetts. The Project is divided into two phases: Phase 1 (Park City Wind) and Phase 2 (Commonwealth Wind). The Project updates only apply to Phase 2. See [www.boem.gov/New-England-Wind](http://www.boem.gov/New-England-Wind) for additional information. Project changes are as follows:

### Cable Routing: New Phase 2 Potential Variants

#### Western Muskeget Variant (gray on map)

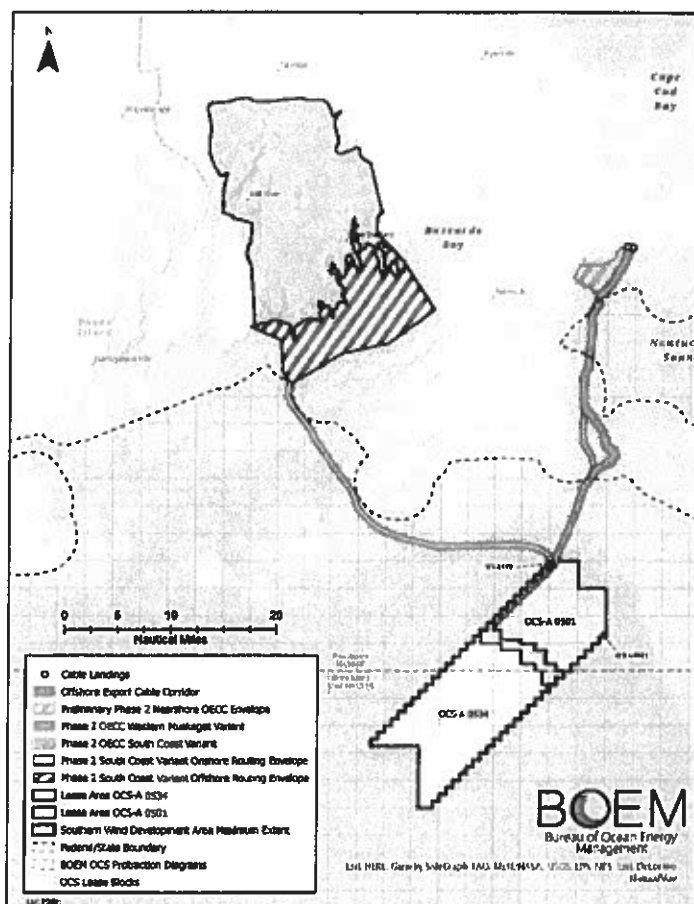
- Potential additional cable corridor west of the proposed Offshore Export Cable Corridor (OECC, blue on map) in the Muskeget Channel area.
- 1 or 2 cables installed

#### South Coast Variant (orange on map)

- Potential additional cable corridor from Lease Area OCS-A-0501 to state waters near Buzzards Bay, an associated cable corridor through state waters in Buzzards Bay, and an onshore cable route and grid interconnection.
- 1 to 3 offshore cables installed

### Reactive Compensation Station & High-Voltage Direct Current

- Elimination of reactive compensation station and high-voltage direct current cable option.



### Foundation Type

- Elimination of option for gravity pad bottom-frame foundation option for wind turbine generators

\*Note: The elimination of the reactive compensation station, high-voltage direct current cable, and gravity pad bottom-frame foundation will be reflected in the updated Construction and Operations Plan (expected December 2021).



## National Environmental Policy Act (NEPA) Substitution for Section 106 Consulting Party Guide Updated May 4, 2021

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### **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](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. With a large number of COPs submitted for BOEM's review, there is an increased need for streamlining and efficiency in the NEPA process. 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?**

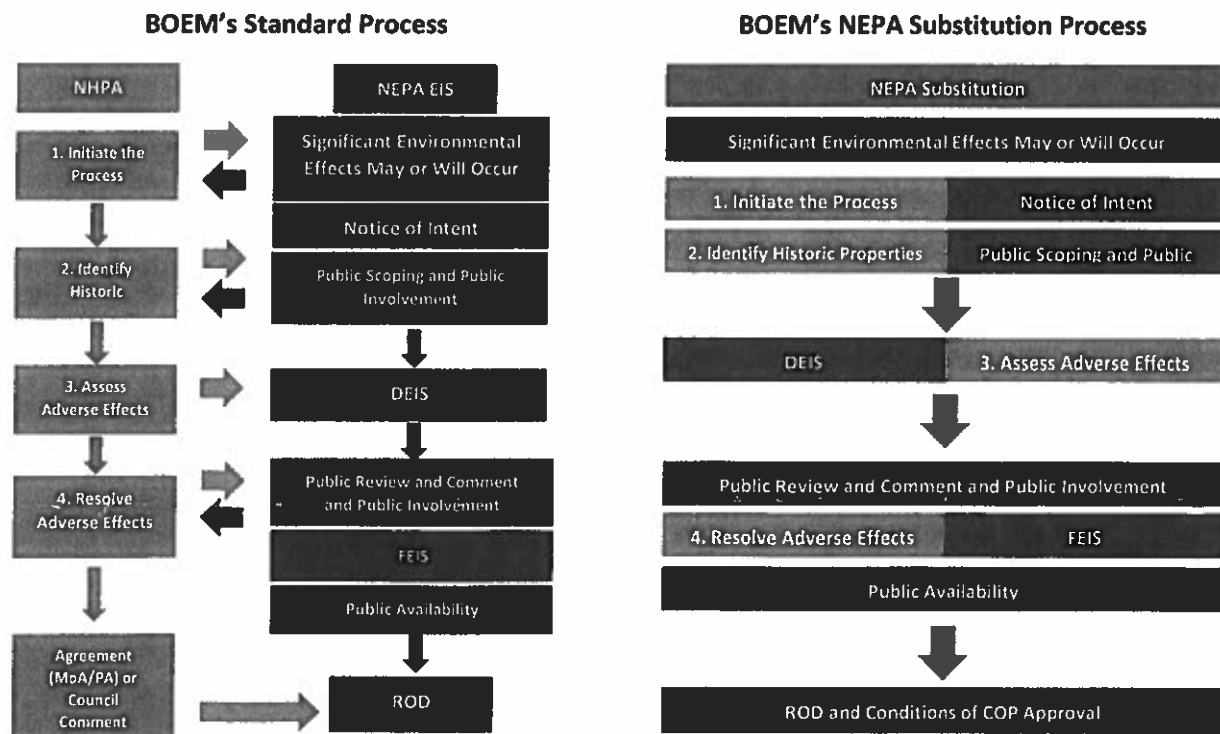
They key differences between BOEM's standard approach and its new NEPA substitution approach for Section 106 review of COPs includes the following:

- 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,

## National Environmental Policy Act (NEPA) Substitution for Section 106 Consulting Party Guide Updated May 4, 2021

- 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:

- 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).



National Environmental Policy Act (NEPA) Substitution for Section 106 Consulting Party Guide  
Updated May 4, 2021

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](https://www.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.