United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT
WASHINGTON, DC 20240-0001

Mr. Ricardo Toto
President
US Wind Inc.
1 North Charles Street, Suite 2310
Baltimore, Maryland 21201

Dear Mr. Toto:

I am writing on behalf of the Bureau of Ocean Energy Management (BOEM), Office of Renewable Energy Programs, regarding US Wind Inc.'s (US Wind) regulatory departure request submitted on September 11, 2020, pursuant to BOEM's regulations at 30 C.F.R. § 585.103. US Wind requests a regulatory departure from BOEM's regulations at 30 C.F.R. § 585.626(a)(4)(i-iii), which require the submittal of *in situ* testing, boring, and sampling at each foundation location as well as a minimum of one deep boring (with soil sampling and testing) at each edge of the Project area and within the Project area as part of its Construction and Operations Plan (COP). Instead, US Wind proposes to submit the required geotechnical information at each foundation location with the Facility Design Report (FDR) in accordance with 30 C.F.R § 585.701(a)(6)(iii).

For the reasons set forth below, BOEM hereby approves US Wind's departure request.

The initial and supplemental COP submissions include a detailed geologic ground model for shallow depths and a geotechnical assessment of the site, which BOEMs considers to be adequate. The ground model, along with several deep borings and pile drivability assessments, is sufficient to demonstrate the feasibility of the proposed foundations to support the proposed offshore wind farm components. In addition, BOEM deems the proposal to submit the geotechnical investigations at final foundation locations, updated geotechnical analyses with foundation design parameters, and a Final Marine Site Investigation Report (MSIR) with, or prior to, the FDR to be sufficient to conduct a regulatory review.
BOEM finds that the requested departure would facilitate appropriate lease activities, in accordance with 30 C.F.R. § 585.103(a)(1), because it would provide US Wind with flexibility in project siting as additional geotechnical testing and analyses are conducted and incorporated into the MSIR without delaying BOEM's review of the COP. As the deep geotechnical information is needed only for the detailed engineered design of the foundations, the departure would align the supplemental data submissions with their intended purpose. BOEM finds the reports, the data interpretation, and the analyses currently available to be of adequate quality to inform its analysis of the COP at this stage.

Finally, approval of the departure is consistent with the requirements in 30 C.F.R. § 585.103(b), as it would not increase the likelihood of adverse impacts to the environment, sites of historical

or archeological significance, or affect public health or safety, as sufficient geotechnical and geophysical information will be available to BOEM for inclusion in its environmental review of the COP. Nor will such approval impair the rights of third parties as it will not result in additional or different activities to be performed by US Wind. The requested departure is also consistent with subsection 8(p)(4) of the Outer Continental Shelf Lands Act, 43 U.S.C. § 1337(p)(4), as all protections of safety, environment, and natural resources are maintained to the same degree as if there were no departure from the regulations.

If there are any questions, please contact Jeff Browning at Jeffrey.Browning@boem.gov or (703) 787-1577.

Sincerely,

JAMES BENNETT

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James F. Bennett
Chief
Office of Renewable Energy Programs