



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT
WASHINGTON, DC 20240-0001

Mr. Alejandro de Hoz
President and Chief Executive Officer
Avangrid Renewables, LLC
75 Arlington Street, Floor 7
Boston, Massachusetts 02116

Dear Mr. de Hoz:

I am writing on behalf of the Bureau of Ocean Energy Management (BOEM), Office of Renewable Energy Programs, regarding Avangrid Renewables, LLC's (Avangrid) regulatory departure request submitted by letter dated December 11, 2020, pursuant to 30 C.F.R. § 585.103. Concurrently with this request, Avangrid separately submitted its Construction and Operations Plan (COP) for the Kitty Hawk Offshore Wind Project (Project) to BOEM. Avangrid requests a regulatory departure from BOEM's regulations at 30 C.F.R. § 585.626(a)(4)(ii), 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 COP. Instead, Avangrid 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).

BOEM hereby approves Avangrid's departure request subject to the following conditions:

1. BOEM will review the overall site investigation report submitted with the COP pursuant to 30 C.F.R. § 585.626(a)(6) for adequacy to ensure it demonstrates the proposed foundations are feasible and geologic hazards can be mitigated.
2. The Marine Site Investigation Report (MSIR) scheduled for submission in December 2021 must include the results from the high-resolution geophysical (HRG) survey campaign planned for 2021. The ground model report should incorporate the additional HRG survey data, including updates to the assessment of the deeper deposits below expected foundation tips.
3. The MSIR must include a discussion of the geohazards of concern, including scour and potential dense gravel layers, and should be updated as necessary in the MSIR.
4. As recommended in Avangrid's pile driveability report submitted in support of its departure request, the MSIR must include back calculations from similar sites to provide greater confidence in the pile driveability assessment.

5. BOEM must review the final boring locations selected to support the final engineering design as part of the FDR. The boring information must be integrated into the design basis.

BOEM's review of the geotechnical and geophysical information provided by Avangrid to date is sufficient and appropriate for BOEM to determine whether soil composition and geological characteristics of the site are suitable for the proposed foundation concepts.

BOEM's review also indicates that the current data in the COP, along with the forthcoming MSIR in December 2021 that will include an updated ground model with associated data are sufficient, subject to conditions 1 through 4, to allow BOEM to make a decision on the COP. The MSIR will include the results of Avangrid's 2021 HRG survey campaign that is expected to adequately characterize conditions to 10 meters beyond the deepest vertical impact of foundation installations.

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 Avangrid with flexibility in Project siting as additional geotechnical testing and analyses are conducted and incorporated into the MSIR, FDR and Fabrication and Installation Report 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 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 affect their right to participate in the environmental review process for the COP. 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 Will Waskes at (703) 787-1287 or will.waskes@boem.gov.

Sincerely,

James F. Bennett
Chief
Office of Renewable Energy Programs