

Appendix A. Required Environmental Permits and Consultations

A.1. Required Environmental Permits

Table A-1 includes a summary of federal, state, and local permits or approvals that are required for Project implementation.

Table A-1 Required Environmental Permits for the Proposed Project

Agency/Regulatory Authority	Permit/Approval	Status
Federal (Portions of the Project within Federal Jurisdiction)		
BOEM	COP Approval	COP filed with BOEM on December 17, 2020. Updates to the COP were submitted on June 29, 2021, October 29, 2021, December 3, 2021, and May 6, 2022. BOEM's decision to approve, approve with modifications, or disapprove the COP is anticipated by September 1, 2023.
FAA	FAA Form 7460-1, Notice of Proposed Construction or Alteration (for Hazard to Air Navigation Determination)	Submitted on April 5, 2022, and determinations received on May 10, 2022.
NMFS	MMPA Section 101(a)(5) Letter of Authorization	Dominion Energy submitted a Letter of Authorization application to NMFS on February 16, 2022. The application was reviewed and considered complete on August 12, 2022. NMFS published a Notice of Receipt in the <i>Federal Register</i> on September 15, 2022.
USACE - Norfolk District	CWA Section 404 Permit and RHA Section 10 Permit	The initial RHA Section 10 and CWA Section 404 application was submitted on May 17, 2022. The complete application was received on August 31, 2022 and USACE published a Public Notice on September 15, 2022. Issuance of the permit decision is anticipated for Q3 2023.
USACE - Norfolk District	CWA Section 408 Permit	The initial application was submitted on May 17, 2022. A revised application was submitted on July 15, 2022 and USACE determined it was complete on August 1, 2022. Issuance of the permit decision is anticipated for Q3 2023.

Agency/Regulatory Authority	Permit/Approval	Status
USCG	PATON authorization	Planned.
USCG	Local Notice to Mariners per Ports and Waterways Safety Act	Planned.
USEPA	CAA OCS Air Permit	Initial application submitted on March 15, 2022. Submittal of the complete application is anticipated in Q3 2022.
State (Portions of the Project within State Jurisdiction)		
VMRC	Submerged Land Permit	Planned.
SCC	Certificate of Public Convenience and Necessity	Application submitted on November 5, 2021 and approved on August 5, 2022.
VDEQ, NCDEQ	CZMA Section 307 Consistency Certification	VDEQ review was started December 12, 2021. A decision is anticipated on November 24, 2022 (stay agreed upon from March 24, 2022, to September 1, 2022).
VDEQ	Virginia Water Protection Individual Permit	Planned.
VDEQ	CWA Section 401 Water Quality Certification	Planned.
VDEQ	Conformity Determination	Formal determination of applicability will result from further discussion with USEPA and VDEQ.
VDEQ	Emergency Generator General Permit	Planned.
VDEQ	Construction Stormwater General Permit Authorization	Planned.
VDEQ	Stormwater Pollution Prevention Plan	Planned.
VDEQ	Erosion and Sediment Control Plan	Planned.
VDCR	Virginia Scenic Rivers and invasive species consultation; invasive species management plan	Planned.
VDWR	Natural heritage/protected species consultation	Planned.
VDHR	Historic properties consultation	Planned.
VDACS	Consultation	Planned.
VDOF	Consultation	Planned.
Local (Portions of the Project within Local Jurisdiction)		
City of Virginia Beach	Floodplain Development Permit	Planned.
City of Virginia Beach	Land Disturbance Permit	Planned.
City of Virginia Beach	Conditional Use Permit/Site Plan Review	Planned.

Agency/Regulatory Authority	Permit/Approval	Status
Chesapeake	Floodplain Development Permit	Planned.
Chesapeake	Conditional Use Permit/Site Plan Review	Planned.
Local Wetlands Board Virginia Beach	Local Wetlands Approvals	Planned.
Various Virginia Counties / Municipalities, and Virginia Department of Transportation	Transportation permits (use of wide load and similar vehicles on public roads)	Planned.

BOEM = Bureau of Energy Management; COP = Construction and Operations Plan; FAA = Federal Aviation Administration; MMPA = Marine Mammal Protection Act; CWA = Clean Water Act; NCDEQ = North Carolina Department of Environmental Quality; Q = quarter; RHA = Rivers and Harbors Act; SCC = State Corporation Commission; USACE = U.S. Army Corps of Engineers; USCG = U.S. Coast Guard; USEPA = U.S. Environmental Protection Agency; VCADS = Virginia Department of Agriculture and Consumer Services; VDEQ = Virginia Department of Environmental Quality; VDHR = Virginia Department of Historic Resources; VDOF = Virginia Department of Forestry; VDOR = Virginia Department of Forestry; VMRC = Virginia Marine Resources Commission

A.2. Consultation and Coordination

A.2.1 Introduction

This section discusses public and agency involvement leading up to the preparation and publication of the Draft Environmental Impact Statement (EIS), including formal consultations, cooperating agency exchanges, the public scoping comment period, and correspondence. This section discusses public involvement in the preparation of this EIS, including BOEM’s responses to public comments, formal consultations, and cooperating agency exchanges. Interagency consultation, coordination, and correspondence throughout the development of this Draft EIS occurred primarily through virtual meetings, teleconferences, and written communications (including email). BOEM coordinated with numerous agencies throughout the development of this document, as listed in Section A.2.3.2, *Cooperating Agencies*.

A.2.2 Consultations

A.2.2.1 Coastal Zone Management Act

The Coastal Zone Management Act (CZMA) requires that any applicant for a required federal license or permit to conduct an activity, within the coastal zone or within the geographic location descriptions (i.e., areas outside the coastal zone in which an activity would have reasonably foreseeable coastal effects), affecting any land or water use or natural resource of the coastal zone be consistent with the enforceable policies of a state’s federally approved coastal management program. The Virginia Coastal Zone Management Program (CZMP) was established in 1986 and is administered by VDEQ, which serves as the lead agency for the network of Virginia state agencies and local governments that administer the CZMP. The North Carolina CZMP was established in 1978 and is administered by the North Carolina Division of Coastal Management, which serves as the lead agency for the network of North Carolina state agencies and local governments that administer the CZMP. Dominion Energy submitted a Coastal Zone consistency certification in the Coastal Virginia Offshore Wind Project (CVOW-C) COP. Appendix P (Dominion Energy 2021) provides the data and information necessary to certify that the construction, operations and maintenance (O&M), and decommissioning of the Project will be consistent with the CZMP, in accordance with CZMA § 307(c)(3)(A) and 15 Code of Federal Regulations (CFR) § 930, subpart D. VDEQ and the North Carolina DCM will review the reasonably foreseeable effects of the

Project on coastal use or resources for consistency with the enforceable policies of the Virginia and North Carolina CZMPs. The state's concurrence is required before BOEM may approve or approve with conditions the CVOW-C COP per 30 CFR 585.628(f) and 15 CFR 930.130(1).

A.2.2.2 Endangered Species Act

Section 7(a)(2) of the Endangered Species Act (ESA) of 1973, as amended (16 United States Code [U.S.C.] 1531 et seq.), requires that each federal agency ensure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat of those species. When the action of a federal agency may affect a protected species or its critical habitat, that agency is required to consult with either the National Marine Fisheries Service (NMFS) or U.S. Fish and Wildlife Service (USFWS), depending upon the jurisdiction. Pursuant to 50 CFR 402.07, BOEM has accepted designation as the lead federal agency for the purposes of fulfilling interagency consultation under Section 7 of the ESA for listed species under the jurisdiction of NMFS and USFWS. BOEM is consulting on the proposed activities considered in this Draft EIS with both NMFS and USFWS and has prepared biological assessments for listed species under their respective jurisdictions.

A.2.2.3 Government-to-Government Tribal Consultation

Executive Order 13175 commits federal agencies to engage in government-to-government consultation with tribes when federal actions have tribal implications, and Secretarial Order No. 3317 requires U.S. Department of the Interior agencies to develop and participate in meaningful consultation with federally recognized tribes where a tribal implication may arise. A June 29, 2018, memorandum outlines BOEM's current tribal consultation policy (BOEM 2018). This memorandum states that "consultation is a deliberative process that aims to create effective collaboration and informed federal decision-making" and is in keeping with the spirit and intent of the National Historic Preservation Act (NHPA) and National Environmental Policy Act (NEPA), Executive and Secretarial Orders, and U.S. Department of the Interior Policy (BOEM 2018). BOEM implements tribal consultation policies through formal government-to-government consultation, informal dialogue, collaboration, and other engagement.

On July 2, 2021, BOEM contacted the Eastern Shawnee Tribe of Oklahoma, Shawnee Tribe, Cherokee Nation, Eastern Band of Cherokee Indians, United Keetoowah Band of Cherokee Indians in Oklahoma, Absentee-Shawnee Tribe of Indians of Oklahoma, Delaware Nation, Delaware Tribe of Indians, Shinnecock Indian Nation, Narragansett Indian Tribe, Pamunkey Indian Tribe, Chickahominy Indian Tribe, Chickahominy Indian Tribe – Eastern Division, Upper Mattaponi Indian Tribe, Rappahannock Tribe, Nansemond Indian Nation, Tuscarora Nation, and Monacan Indian Nation by email and mail with information about the Project, an invitation to be a consulting party to the NHPA Section 106 review of the COP, and the Notice of Intent to prepare an EIS. BOEM also used this correspondence to notify of its intention to use the NEPA process for Section 106 purposes, as described in 36 CFR 800.8(c), during its review.

BOEM hosted a government-to-government consultation meeting with the Rappahannock Indian Tribe, Pamunkey Indian Tribe, Nansemond Indian Nation, Chickahominy Indian Tribe, Upper Mattaponi Indian Tribe, Monacan Indian Nation, Delaware Nation, Delaware Tribe of Indians, Mashpee Wampanoag Tribe, Eastern Band Cherokee Indians, Passamaquoddy Tribe, Mashantucket (Western) Pequot Tribal Nation, and Cultural Heritage Partners on September 27, 2021. During the meeting, BOEM presented information about both the CVOW-C and Kitty Hawk Wind projects and discuss scoping comments received from federally recognized tribes for both projects.

A.2.2.4 National Historic Preservation Act

Section 106 of the NHPA (54 U.S.C. 306108) and its implementing regulations (36 CFR 800) require federal agencies to consider the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation (ACHP) an opportunity to comment. BOEM has determined that the proposed Project is an undertaking subject to Section 106 review. The construction of WTGs and OSS, installation of inter-array cables, and development of staging areas are ground- or seabed-disturbing activities that may adversely affect archaeological resources. The presence of WTGs may also introduce visual elements out of character with the historic setting of historic structures or landscapes; in cases where historic setting is a contributing element of historic properties' eligibility for the NRHP, the Project may adversely affect those historic properties.

The Section 106 regulations at 36 CFR 800.8 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. This process is commonly known as "NEPA substitution for Section 106", and BOEM is using this process and documentation required for the preparation of this EIS and the ROD to comply with Section 106. Appendix O, *Summary of Finding of [No] Adverse Effect for Historic Properties*, of this Draft EIS contains BOEM's Finding of Adverse Effect, which includes a description and summary of BOEM's consultation so far. BOEM will continue consulting with the Virginia State Historic Preservation Office (SHPO), Advisory Council on Historic Preservation (ACHP), federally recognized tribes, and the consulting parties regarding the Finding of Adverse Effect and the resolution of adverse effects. BOEM has conducted and will be conducting Section 106 consultation meeting(s) on the Finding of Adverse Effect and the resolution of adverse effects, and the agency will be requesting the consulting parties to review and comment on the Finding of Adverse Effect and proposed resolution measures.

BOEM fulfilled public involvement requirements for Section 106 of the NHPA through the NEPA public scoping and public meetings process, pursuant to 36 CFR 800.2(d)(3). The Scoping Summary Report (BOEM 2021), available on BOEM's Project-specific website, summarizes comments on historic preservation issues. On June 28, 2021, BOEM contacted ACHP, Virginia Department of Historic Resources, and North Carolina SHPO to provide Project information, notify of BOEM's intention to use the NEPA process to fulfill Section 106 obligations in lieu of the procedures set forth in 36 CFR 800.3 through 800.6, and invite these organizations to be consulting parties.

On June 28, 2021, BOEM corresponded with 59 points of contact from governments, organizations, and non-federally recognized tribes by mail and email. The correspondence included information about the Project, an invitation to be a consulting party to the NHPA Section 106 review of the COP, and the Notice of Intent to prepare an EIS. BOEM also used this correspondence to notify of its intention to use the NEPA process for Section 106 purposes, as described in 36 CFR 800.8(c), during its review. To aid those consulting parties not familiar with the NEPA substitution process, BOEM developed a *National Environmental Policy Act (NEPA) Substitution for Section 106 Consulting Party Guide* (available at <https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/NEPA-Substitution-Consulting-Party-Guide.pdf>).

On July 2, 2021, BOEM contacted the following federally recognized tribes by email and mail with information about the Project, an invitation to be a consulting party to the NHPA Section 106 review of the COP, and the Notice of Intent to prepare an EIS: the Eastern Shawnee Tribe of Oklahoma, Shawnee Tribe, Cherokee Nation, Eastern Band of Cherokee Indians, United Keetoowah Band of Cherokee Indians in Oklahoma, Absentee-Shawnee Tribe of Indians of Oklahoma, Delaware Nation, Delaware Tribe of Indians, Shinnecock Indian Nation, Narragansett Indian Tribe, Pamunkey Indian Tribe, Chickahominy Indian Tribe, Chickahominy Indian Tribe – Eastern Division, Upper Mattaponi Indian Tribe, Rappahannock Tribe, Nansemond Indian Nation, Tuscarora Nation, and Monacan Indian Nation. BOEM

also used this correspondence to notify of its intention to use the NEPA process for Section 106 purposes, as described in 36 CFR 800.8(c), during its review.

Participants that have accepted consulting party status for the NHPA Section 106 Consultation are listed in Table A-2.

Table A-2 NHPA Section 106 Consulting Parties

Participants in the Section 106 Process	Participating Consulting Parties
SHPOs and state agencies	Virginia Department of Historic Resources Advisory Council on Historic Preservation
Federal agencies or facilities	Bureau of Safety and Environmental Enforcement National Park Service, Interior Region 1 U.S. Army Corps of Engineers, Eastern Virginia Regulatory Section U.S. Navy Region Mid-Atlantic U.S. Coast Guard U.S. Fish and Wildlife Service U.S. Fleet Forces Command Virginia Army National Guard Colonial National Historic Park NASA Wallops Flight Facility U.S. Fish and Wildlife Service Back Bay National Wildlife Refuge U.S. Fish and Wildlife Service Chincoteague National Wildlife Refuge U.S. Fish and Wildlife Service Eastern Shore of Virginia National Wildlife Refuge
Federally recognized tribes	Chickahominy Indian Tribe Chickahominy Indian Tribe – Eastern Division Delaware Nation Monacan Indian Nation Nansemond Indian Nation Pamunkey Indian Tribe Rappahannock Indian Tribe Upper Mattaponi Indian Tribe
Local governments	Accomack County City of Norfolk City of Virginia Beach Town of Chincoteague Town of Eastville
Non-federally recognized tribes	Coharie Tribe Lumbee Tribe of North Carolina Nottoway Indian Tribe of Virginia Patawomeck Indian Tribe of Virginia
Nongovernmental organizations or groups	Council of Virginia Archaeologists Eastern Shore of Virginia Historical Society Nansemond River Preservation Alliance Preservation Virginia Virginia African American Cultural Center

A.2.2.5 Magnuson-Stevens Fishery Conservation and Management Act

Pursuant to Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), federal agencies are required to consult with NMFS on any action that may result in adverse effects on Essential Fish Habitat (EFH). NMFS regulations implementing the EFH provisions of the MSA can be found at 50 CFR 600. As provided for in 50 CFR 600.920(b), BOEM has accepted designation as the lead agency for the purposes of fulfilling EFH consultation obligations under Section 305(b) of the MSA. Certain OCS activities authorized by BOEM may result in adverse effects on EFH and, therefore, require consultation with NMFS. BOEM developed an EFH Assessment concurrent with the Draft EIS and transmitted the EFH Assessment to NMFS on August 31, 2022. NMFS anticipates receipt of the complete EFH Assessment from BOEM and initiation of the EFH consultation on March 20, 2023.

A.2.2.6 Marine Mammal Protection Act

Section 101(a) of the MMPA (16 U.S.C. 1361) prohibits persons or vessels subject to the jurisdiction of the United States from taking any marine mammal in waters or on lands under the jurisdiction of the United States or on the high seas (16 U.S.C. 1372(a)(1), (a)(2)). Sections 101(a)(5)(A) and (D) of the MMPA provide exceptions to the prohibition on take, which give NMFS the authority to authorize the incidental but not intentional take of small numbers of marine mammals, provided certain findings are made and statutory and regulatory procedures are met. Incidental Take Authorizations may be issued as either (1) regulations and associated Letters of Authorization, or (2) an Incidental Harassment Authorization. Letters of Authorization may be issued for up to a maximum period of 5 years, and Incidental Harassment Authorizations may be issued for a maximum period of 1 year. NMFS has also promulgated regulations to implement the provisions of the MMPA governing the taking and importing of marine mammals (50 CFR 216) and has published application instructions that prescribe the procedures necessary to apply for an Incidental Take Authorization. Applicants seeking to obtain authorization for the incidental take of marine mammals under NMFS' jurisdiction must comply with these regulations and application instructions in addition to the provisions of the MMPA.

Once NMFS determines an application is adequate and complete, NMFS has a corresponding duty to determine whether and how to authorize take of marine mammals incidental to the activities described in the application. To authorize the incidental take of marine mammals, NMFS evaluates the best available scientific information to determine whether the take would have a negligible impact on the affected marine mammal species or stocks and an immitigable impact on their availability for taking for subsistence uses. NMFS must also prescribe the "means of effecting the least practicable adverse impact" on the affected species or stocks and their habitat, and on the availability of those species or stocks for subsistence uses, as well as monitoring and reporting requirements.

Dominion Energy submitted a Letter of Authorization application to NMFS on February 16, 2022. The application was reviewed and considered complete on August 12, 2022. NMFS published a Notice of Receipt in the *Federal Register* on September 15, 2022.

A.2.3 Development of the Draft Environmental Impact Statement

This section provides an overview of the development of the Draft EIS, including public scoping, cooperating agency involvement, and distribution of the Draft EIS for public review and comment.

A.2.3.1 Scoping

On July 2, 2021, BOEM issued a Notice of Intent (NOI) to prepare an EIS consistent with NEPA regulations (42 U.S.C. 4321 et seq.) to assess the potential impacts of the Proposed Action and alternatives (83 *Federal Register* 13777). The NOI commenced a public scoping process for identifying issues and potential alternatives for consideration in the EIS. The formal scoping period was from July 2,

2021 through August 2, 2021. BOEM held three virtual public scoping meetings to solicit feedback and identify issues and potential alternatives for consideration in the EIS. Throughout this timeframe, federal agencies, state and local governments, and the general public had the opportunity to help BOEM identify potential significant resources and issues, impact producing factors (IPFs), reasonable alternatives (e.g., size, geographic, seasonal, or other restrictions on construction and siting of facilities and activities), and potential mitigation measures to analyze in the EIS, as well as provide additional information. BOEM also used the NEPA scoping process to initiate the Section 106 consultation process under the NHPA (54 U.S.C. 300101 et seq.), as permitted by 36 CFR 800.2(d)(3), which requires federal agencies to assess the effects of projects on historic properties. Additionally, BOEM informed its Section 106 consultation by seeking public comment and input through the NOI regarding the identification of historic properties or potential effects on historic properties from activities associated with approval of the COP (Dominion Energy 2022). The NOI requested comments from the public in written form, delivered by hand or by mail, or through the <http://regulations.gov> web portal.

BOEM held three virtual scoping meetings on July 12, 14, and 20, 2021. BOEM reviewed and considered all scoping comments in the development of the Draft EIS and used the comments to identify alternatives for analysis. A Scoping Summary Report (BOEM 2021) summarizing the submissions received and the methods for analyzing them is available on BOEM’s website at <https://www.boem.gov/renewable-energy/state-activities/CVOW-C>. In addition, all public scoping submissions received can be viewed online at <http://www.regulations.gov> by typing “BOEM-2021-0040” in the search field. As detailed in the Scoping Summary Report, the resource areas or NEPA topics most referenced in the scoping comments include the NEPA/public involvement process; recreation and tourism; mitigation and monitoring; commercial fisheries and for-hire recreational fishing; birds; demographics, employment and economics; and others.

A.2.3.2 Cooperating Agencies

BOEM invited other federal agencies and state, tribal, and local governments to consider becoming cooperating agencies in the preparation of the Draft EIS. According to Council on Environmental Quality (CEQ) guidelines, qualified agencies and governments are those with “jurisdiction by law or special expertise” (CEQ 1981). BOEM asked potential cooperating agencies to consider their authority and capacity to assume the responsibilities of a cooperating agency, and to be aware that an agency’s role in the environmental analysis neither enlarges nor diminishes the final decision-making authority of any other agency involved in the NEPA process. BOEM also asked agencies to consider the “Factors for Determining Cooperating Agency Status” in Attachment 1 to CEQ’s January 30, 2002 Memorandum for the Heads of Federal Agencies (CEQ 2002). BOEM held interagency meetings on August 19, 2021, October 18, 2021, and December 17, 2021, to discuss the environmental review process, schedule, responsibilities, consultation, and potential alternatives.

In response to BOEM’s invitation to be a cooperating agency, the National Park Service requested to support the environmental review as a participating agency instead. The following federal agencies and state, tribal, and local governments have supported preparation of the Draft EIS as cooperating agencies:

- NMFS
- USACE
- Bureau of Safety and Environmental Enforcement (BSEE)
- USEPA
- USCG
- US Navy
- USFWS

- U.S. Department of Defense (DOD)
- Virginia Mines Minerals & Energy Department (VA DMME)

NMFS is serving as a cooperating agency pursuant to 40 CFR 1501.8 because the scope of the Proposed Action and alternatives involves activities that have the potential to affect marine resources under its jurisdiction by law and special expertise. As applicable, permits and authorizations are issued pursuant to the MMPA, as amended (16 U.S.C. 1361 et seq.); the regulations governing the taking and importing of marine mammals (50 CFR 216); the ESA (16 U.S.C. 1531 et seq.); and the regulations governing the taking, importing, and exporting of threatened and endangered species (50 CFR 222–226). In accordance with 50 CFR 402, NMFS also serves as the Consulting Agency under Section 7 of the ESA for federal agencies proposing action that may affect marine resources listed as threatened or endangered. NMFS has additional responsibilities to conserve and manage fishery resources of the United States, which include the authority to engage in consultations with other federal agencies pursuant to the MSA and 50 CFR 600 when proposed actions may adversely affect EFH. The MMPA is the only authorization for NMFS that requires NEPA compliance, which may be met via adoption of BOEM’s EIS and issuance of the Record of Decision (ROD).

USACE is serving as a cooperating agency pursuant to 40 CFR 1501.8 because the scope of the Proposed Action and alternatives involves activities that could affect resources under its jurisdiction by law and special expertise. As applicable, permits and authorizations are issued pursuant to Sections 10 and 14 of the RHA and Section 404 of the CWA. As an offshore wind energy project, the Project needs to be situated offshore in the water. Consequently, the fill activities associated with the Project—which consist of the inter-array cables, armoring at the base of the WTG foundations, protective cable armoring for the export cables, and temporary cofferdams—are water dependent. Issuance of Section 10 or Section 404 permits requires NEPA compliance, which will be met via adoption of BOEM’s EIS and issuance of the ROD.

BSEE is serving as a cooperating agency pursuant to 40 CFR 1501.8 because the scope of the Proposed Action and alternatives involves activities that could affect marine resources under its jurisdiction by law and special expertise.

USEPA is serving as a cooperating agency pursuant to 40 CFR 1501.8 because the scope of the Proposed Action and alternatives involves activities that could affect resources under its jurisdiction by law and special expertise, including air quality and water quality.

USCG is serving as a cooperating agency pursuant to 40 CFR 1501.8 because the scope of the Proposed Action and alternatives involves activities that could affect navigation and safety issues that fall under its jurisdiction by law and special expertise.

US Navy is serving as a cooperating agency pursuant to 40 CFR 1501.8 because the scope of the Proposed Action and alternatives involves activities that could affect issues that fall under its jurisdiction by law and special expertise.

USFWS is serving as a cooperating agency pursuant to 40 CFR 1501.8 because the scope of the Proposed Action and alternatives involves activities that could affect resources under its jurisdiction by law and special expertise. USFWS also serves as the Consulting Agency under Section 7 of the ESA for federal agencies proposing actions that may affect terrestrial resources listed as threatened or endangered.

DOD is serving as a cooperating agency pursuant to 40 CFR 1501.8 because it has special expertise with respect to potential impacts that may occur as a result of the Proposed Action.

VA DMME is serving as a cooperating agency pursuant to 40 CFR 1501.8 because it has special expertise with respect to potential impacts that may occur as a result of the Proposed Action.

A.2.3.3 Distribution of the Draft Environmental Impact Statement for Review and Comment

The Draft EIS is available in electronic format for public viewing at <https://www.boem.gov/renewable-energy/state-activities/CVOW-C>. Hard copies and digital copies of the Draft EIS can be requested by contacting the Program Manager, Office of Renewable Energy in Sterling, Virginia. Publication of this Draft EIS initiates a 60-day comment period where government agencies, members of the public, and interested stakeholders can provide comments and input. BOEM will accept comments in any of the following ways.

- In hard copy form, delivered by mail, enclosed in an envelope labeled “CVOW-C EIS” and addressed to Program Manager, Office of Renewable Energy, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166. Comments must be received or postmarked no later than February 14, 2023.
- Through the [regulations.gov](https://www.regulations.gov) web portal by navigating to <https://www.regulations.gov/> and searching for docket number “BOEM-2022-0069”. Click the “Comment Now!” button to the right of the document link. Enter your information and comment, then click “Submit.”
- By attending one of the public hearings at the locations and dates listed in the NOA and providing written or verbal comments. BOEM will hold three virtual meetings to solicit feedback and identify issues for consideration in preparing the Final EIS.

BOEM will use comments received during the public comment period to inform its preparation of the Final EIS, as appropriate. EIS notification lists for the Project are provided in Appendix K, *List of Agencies, Organizations, and Persons to Whom Copies of the Statement are Sent*.

A.3. References Cited

Bureau of Ocean Energy Management (BOEM). 2018. *Tribal Consultation Guidance*. June 29, 2018. Available: <https://www.boem.gov/sites/default/files/about-boem/Public-Engagement/Tribal-Communities/BOEM-Tribal-Consultation-Guidance-with-Memo.pdf>.

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Dominion Energy. 2022. *Construction and Operations Plan Coastal Virginia Offshore Wind Commercial Project*. May 2022. Available: <https://www.boem.gov/renewable-energy/state-activities/cvow-construction-and-operations-plan>.