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VINEYARD WIND

Draft Construction and Operations Plan

Volume I

Vineyard Wind Project

October 22, 2018

Submitted by

**Vineyard Wind LLC
700 Pleasant Street, Suite 510
New Bedford, Massachusetts 02740**

Submitted to

**Bureau of Ocean Energy Management
45600 Woodland Road
Sterling, Virginia 20166**

Prepared by

**Epsilon Associates, Inc.
3 Mill & Main Place, Suite 250
Maynard, Massachusetts 01754**

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In Association with:

Biodiversity Research Institute
C2Wind
Capitol Air Space Group
Clarendon Hill Consulting
Ecology and Environment
Foley Hoag
Geo SubSea LLC
Gray & Pape

JASCO Applied Sciences
Morgan, Lewis & Bockius LLP
Public Archaeology Laboratory, Inc.
RPS
Saratoga Associates
Swanson Environmental Associates
Wood Thilsted Partners Ltd
WSP

October 22, 2018

Section 5.0

Regulatory Framework

5.0 REGULATORY FRAMEWORK

Table 5-1 below lists the expected federal, Massachusetts, regional (county), and local level reviews and permits for the Project. Filing dates are provided for those permit applications or review documents that have already been submitted.

Table 5-1 Required Environmental Permits for the Project

Agency/Regulatory Authority	Permit/Approval	Status
<i>Federal</i>		
Bureau of Ocean Energy Management	Site Assessment Plan ("SAP") approval	SAP filed March 31, 2017, deemed complete and sufficient November 21, 2017.
	Construction and Operations Plan ("COP") approval	COP filed with BOEM December 19, 2017.
	Consultation under Section 7 of the Endangered Species Act with National Marine Fisheries Service and US Fish and Wildlife Service	To be initiated by BOEM.
US Environmental Protection Agency	National Pollutant Discharge Elimination System ("NPDES") General Permit for Construction Activities Outer Continental Shelf Air Permit	To be filed ("TBF") Notice of Intent ("NOI") to apply for an air permit filed on December 11, 2017. Permit application submitted August 17, 2018.
US Army Corps of Engineers	Individual Clean Water Act Section 404 (Required for side-casting of dredged material and placement of foundations, scour protection, and cable protection) Rivers and Harbors Act of 1899 Section 10 Permit (Required for all offshore structures and dredging activities)	TBF
US National Marine Fisheries Service	Marine Mammal Protection Act (MMPA) Authorization	NMFS concurrence that no Incidental Harassment Authorization (IHA) required for 2017 survey activities received March 9, 2017. NMFS concurrence that no IHA required for 2018 survey activities received February 28, 2018. LOA or IHA for pile-driving activities will be submitted.

Table 5-1 Required Environmental Permits for the Project (Continued)

Agency/Regulatory Authority	Permit/Approval	Status
<i>Federal</i>		
US Coast Guard	Private Aids to Navigation authorization	TBF
Federal Aviation Administration	No Hazard Determination	TBF
<i>State/Massachusetts (for portions of the project within state jurisdiction)</i>		
Massachusetts Environmental Policy Act Office	Certificate of Secretary of Energy and Environmental Affairs on Final Environmental Impact Report	Environmental notification form ("ENF") filed on December 15, 2017. Secretary's Certificate on ENF issued on February 9, 2018. Draft Environmental Impact Report ("DEIR") filed on April 30, 2018. Secretary's Certificate on DEIR issued on June 15, 2018.
Massachusetts Energy Facilities Siting Board	G.L. ch. 164, § 69 Approval	Petition filed December 18, 2017.
Massachusetts Department of Public Utilities	G.L. ch. 164, § 72, Approval to Construct G.L. ch. 40A, § 3 Zoning Exemption (if needed)	Filed February 14, 2018.
Massachusetts Department of Environmental Protection	Chapter 91 Waterways License and Dredge Permit; Water Quality Certification (Section 401 of the Clean Water Act); Approval of Easement (Drinking Water Regulations) ¹⁸	TBF
Massachusetts Department of Transportation	Road Crossing Permits Rail Division Use and Occupancy License	TBF
Massachusetts Board of Underwater Archaeological Resources	Special Use Permit	Provisional permit issued May 23, 2017, final permit issued September 28, 2017.
Natural Heritage and Endangered Species Program	Conservation and Management Permit (if needed)	TBF (if needed)
Massachusetts Historical Commission	Field Investigation Permits (980 C.M.R. § 70.00)	Reconnaissance survey application filed November 14, 2017.
Massachusetts Office of Coastal Zone Management Rhode Island Coastal Resources Management Council	Federal Consistency Determination (15 CFR 930.57)	Joint MA/RI consistency certification filed on April 6, 2018.

¹⁸ Required because the onshore route may pass through a Zone I area

Table 5-1 Required Environmental Permits for the Project (Continued)

Agency/Regulatory Authority	Permit/Approval	Status
<i>Regional (for portions of the project within regional jurisdiction)</i>		
Cape Cod Commission (Barnstable County) and Martha's Vineyard Commission	Development of Regional Impact Review	TBF
<i>Local (for portions of the project within local jurisdiction)</i>		
Yarmouth and Barnstable Conservation Commissions	Order of Conditions (Massachusetts Wetlands Protection Act and municipal wetland non zoning bylaws)	TBF
Yarmouth DPW and/or Board of Selectmen	Street Opening Permits/Grants of Location	TBF
Barnstable DPW and/or Town Council	Street Opening Permits/Grants of Location	TBF
<i>Local (for portions of the project within local jurisdiction)</i>		
Barnstable Planning/Zoning	Zoning approvals as necessary	TBF
Edgartown, Nantucket, and/or Mashpee Conservation Commissions	Order of Conditions (Massachusetts Wetlands Protection Act and municipal wetland non zoning bylaws) (if needed as dictated by final submarine route)	TBF

A copy of the Coastal Zone Management Act Consistency Certification is included as Attachment III-P.