February 12, 2024

Bridgette Duplantis
Bureau of Ocean Energy Management
Office of Leasing and Plans
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RE: Proposed Sale Notice for the Central Atlantic Outer Continental Shelf
Submitted via email: www.regulations.gov; Docket No. BOEM-2023-0062

Dear Ms. Duplantis:

The American Clean Power Association (ACP)[1] appreciates the opportunity to submit comments on the Bureau of Ocean Energy Management's (BOEM) Proposed Sale Notice (PSN) for Commercial Leasing for Wind Power Development on the U.S. States Central Atlantic Outer Continental Shelf.

I. Introduction

ACP appreciates BOEMs effort to move forward with a Central Atlantic lease sale, and notes that the PSN outlining wind energy areas (WEA) available for lease is a vital next step towards ensuring the states of Maryland, Delaware, Virginia, and North Carolina—and even states outside the region—meet their current *and anticipated future* offshore wind and decarbonization goals, creating a project pipeline that can help grow and sustain a durable onshore supply chain with tens of thousands of well-paying clean energy jobs, and supporting our national goal of deploying 30 gigawatts (GW) of offshore wind energy by 2030[2], and 15 GW of floating wind by 2035.[3] Moving forward, ACP strongly encourages BOEM to move expeditiously to identify additional WEAs for a second round of leasing to guarantee these goals are met. BOEM should not wait until the current Central Atlantic lease sale is held to begin this process and should

[1] ACP is the national trade association representing the renewable energy industry in the United States, including in all aspects of offshore wind energy, bringing together over 1,000 member companies, 120,000 members, and a national workforce located across all 50 states with a common interest in encouraging the deployment and expansion of renewable energy resources in the United States. By uniting the power of wind, solar, storage, and transmission companies and their allied industries, ACP seeks to enable the transformation of the U.S. power grid to a low-cost, reliable, and renewable power system. The views and opinions expressed in this filing do not necessarily reflect the official position of each of ACP's individual members.

[2] *See* https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/29/fact-sheet-biden-administration-jumpstarts-offshore-windenergy-projects-to-create-jobs/.

[3] See https://www.whitehouse.gov/briefing-room/statements-releases/2022/09/15/fact-sheet-biden-harris-administration-announces-new-actionsto-expand-u-s-offshore-wind-energy/#:~:text=New%20Goal%20to%20Reach%2015,met%20using%20fixed%2Dbottom%20technology.

initiate the first step, the publication of a Call for Information and Nominations, as soon as possible. Below we provide additional input and respond to BOEM's request for comments regarding the PSN.

II. Background

The United States ("U.S.") currently produces over 7.2 billion metric tons of greenhouse gasses ("GHG") per year, 1.7 billion of which come from the power sector.[4] This production of GHGs has led to significant, detrimental effects on the environment and human health, including increased temperatures and frequency of severe weather events.[5] Rapid deployment of carbon-neutral, renewable offshore wind would result in a marked decrease in GHG emissions and associated negative health effects. Indeed, a Harvard University study which analyzed offshore wind facilities ranging from 200 megawatt ("MW") to 3,000 MW found that the benefits, in terms of monetized GHG emissions reductions and human health impacts, ranged from $54 to $120 per megawatt hour ("MWh"); the largest facility analyzed resulted in an astounding $690 million in benefits per year.[6] The study further found that the facility would save around 55 lives a year (over 1,600 lives over the 30-year project lifespan).[7]

Furthermore, offshore wind is necessary to meet the Biden Administration's ("Administration") national and international climate goals. Nationally, the Administration has pledged to deploy 30 gigawatts ("GW") of offshore wind energy by 2030 and 15 GW of floating offshore wind by 2035.[8] Executive Order ("EO") 14008, "Tackling the Climate Change Crisis at Home and Abroad," instructs the Federal government to reduce pollution economy-wide and specifically calls for the acceleration of clean energy deployment.[9] Additionally, the Energy Act of 2020 instructs the Secretary to establish a national minimum goal of "25 GW of electricity from wind, solar, and geothermal energy projects" on public lands by 2025.[10] Internationally, under the Paris Agreement, the U.S. has pledged to "reduc[e] net greenhouse gas emissions by 50-52% below

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[4] *Navigating America's net-zero frontier: a guide for business leaders,* McKINSEY SUSTAINABILITY, https://www.mckinsey.com/capabilities/sustainability/our-insights/navigating-americas-net-zero-frontier-a-guide-for-business-leaders (last visited Jan. 25, 2023).

[5] *See, e.g.,* NOAA, *Climate Change Increased Chances of Record Rains in Louisiana by at Least 40 Percent* (Sept. 7, 2016), https://www.noaa.gov/media-release/climate-change-increased-chances-of-record-rains-in-louisiana-by-at-least-40-percent.).

[6] *What Are the Health and Climate Benefits of Offshore Wind Farms?*, HARVARD CTR. FOR CLIMATE, HEALTH, & GLOBAL ENV'T, https://www.hsph.harvard.edu/c-change/news/what-are-the-health-and-climate-benefits-of-offshore-wind-farms/ (last visited Mar. 17, 2023).

[7] *Id.*

[8] *FACT SHEET: Biden Administration Jumpstarts Offshore Wind Energy Projects to Create Jobs,* WHITE HOUSE (Mar. 29, 2021), https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/29/fact-sheet-biden-administration-jumpstarts-offshore-wind-energy-projects-to-create-jobs/; *FACT SHEET: Biden-Harris Administration Announces New Actions to Expand U.S. Offshore Wind Energy,* WHITE HOUSE (Sept. 15, 2022), https://www.whitehouse.gov/briefing-room/statements-releases/2022/09/15/fact-sheet-biden-harris-administration-announces-new-actions-to-expand-u-s-offshore-wind-energy/.

[9] Exec. Order No.14,008, 86 FR 7622, 7626 (2021), available at https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad.

[10] Energy Act of 2020, Pub. L. 116-260, § 3104, 1335 (2020), https://www.congress.gov/116/bills/hr133/BILLS-116hr133enr.pdf.

2005 levels in 2030."[11] Meeting these goals will require rapid deployment of offshore wind energy. Currently, there are only two fully operational offshore wind projects in the United States, totaling 42 MW;[12] consequently, it is of crucial importance that the leases issued in the Central Atlantic are done so in a manner that will facilitate the maximum amount of offshore wind deployment possible.

III. Lease areas

The PSN proposes two areas for leasing, Lease Areas A-2, which consists of 101,443 acres and is approximately 26.4 nm from Delaware Bay and Lease Area C-1, which consists of 176,505 acres and is approximately 35 nm from the mouth of the Chesapeake Bay. While significantly more acres will need to be identified if we are to reach State and Federal goals, and maximize offshore wind's role in mitigating the worst impacts of climate change, ACP supports the identification of these two areas.

a. Lease area C-1 (OCS-A 0558) should be split into two separate leases.

ACP strongly encourages BOEM to split lease area C-1 (OCS-A 0558) into two lease areas, while ensuring each area consists of at least 80,000 acres. When delineating the two lease areas, BOEM should work with the National Renewable Energy Laboratory to ensure that the lease areas have maximum energy generation potential. In particular, BOEM should design the lease areas to reduce potential wake effects from the adjacent Coastal Virginia Offshore Wind project.

Multiple lease areas can benefit states through more competition and projects to meet procurement needs. More lease areas can also result in faster project development and help build out the local supply chain. ACP anticipates that these lease areas will garner significant commercial interest given that they represent some of the last fixed bottom lease areas that will be available and the robust offshore wind energy goals of the adjacent states. If more lease areas are made available, the cost to acquire a lease would be lowered and thus result in lower energy prices for ratepayers.

b. BOEM should not include a buffer for lease area C-1 (OCS-A 0558)

In the PSN BOEM requests comment on the need for a buffer or setback between proposed Lease Area C-1… and the existing Lease Area OCS A 0483."[13] BOEM further notes such a buffer could be created by removal of lease blocks from proposed Lease Area C-1 or through a lease stipulation that prohibits surface structures within a specified distance of Lease OCS–A 0483."[14] BOEM does not provide any clarification as to why such a buffer may be necessary,

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[11] UNITED STATES OF AMERICA NATIONALLY DETERMINED CONTRIBUTION, REDUCING GREENHOUSE GASSES IN THE UNITED STATES: A 2030 EMISSIONS TARGET, UNITED STATES 1 (Apr. 21, 2021), https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/United%20States%20of%20America%20First/United%20States%20NDC%20April%2021%202021%20Final.pdf.

[12] *Offshore Wind Market Report: 2022 Edition*, DEP'T ENERGY (Aug. 16, 2022), https://www.energy.gov/eere/wind/articles/offshore-wind-market-report-2022-edition (last visited Mar. 17, 2023).

[13] 88 Fed. Reg. 237 86145, 86148 (Dec 12, 2023).

[14] Id.

and indeed creating one may lead to the unnecessary removal of lease blocks. Instead of creating a buffer at this time, BOEM should work with the eventual lessee and relevant stakeholders during the project development and Construction and Operations Plan (COP) review process. A successful example of this collaboration can be found in the Atlantic Shores project where Atlantic Shores and the developer of a neighboring lease, in coordination with the Coast Guard, developed a mutually agreeable setback arrangement. Such developer-driven arrangements are more likely to address issues adequately while preserving more energy-development capacity. Doing so will ensure that lease areas are as large as possible by not pre-emptively removing lease blocks that may have no impact on existing leases.

IV. Bidding Credits

In the PSN, BOEM seeks feedback on bidding credits for workforce training or supply chain development, fisheries compensatory mitigation fund, and on potential future bidding credits for conservation programs. Broadly speaking ACP strongly supports the use of bidding credits as part of a multi-factor auction, and, more specifically for workforce training or supply chain development and a regional fisheries compensation fund. In that spirit, BOEM should increase the bidding credit cap from 25% to 30%. There is no explicit legal requirement to limit the bidding credit to 25% and a 5% increase in the cap does not represent a fundamental departure from current practice. Raising the bidding credit cap will allow for higher bidding credits to be allocated for the regional fisheries compensation fund which is supported by the offshore wind industry, the commercial fishing industry, and Atlantic coastal States.

In addition, BOEM should retain language in the Final Sale Notice (FSN) that provides flexibility on how the bidding credit funds are allocated for the fisheries compensation fund. BOEM should ensure that if the funds are contributed to a regional fisheries mitigation fund that funds are not exhausted by other existing lease areas before they can be made available for claims on the Central Atlantic leases.

a. Bidding credit for work force training or supply chain development

BOEM proposes to allow a bidder to receive a credit of 17% in exchange for a commitment to make a "qualifying monetary contribution, in the same amount as the bidding credit received, to programs or initiatives that support workforce training programs for the U.S. offshore wind industry or development of a U.S. domestic supply chain for the offshore wind industry, or both." ACP supports the use of this bidding credit to ensure the creation of a strong domestic work force and domestic supply chain, both of which will be key to the success of the offshore wind industry. However, as ACP has argued in previous comments, BOEM can best support the establishment of a domestic offshore wind industry through increased leasing in the Central Atlantic. Providing assurances of lease availability and development potential to developers will be the biggest incentive for the establishment of a domestic workforce and supply change.

b. Bidding credit for regional fisheries compensatory mitigation fund.

BOEM proposes to allow a bidder to receive a credit of 8 % of its bid in exchange for a commitment to establish and contribute to a fisheries compensatory mitigation fund, or to

contribute to a similar existing fund. A “similar existing fund” is closer to reality than ever before. ACP and the offshore wind industry have been working closely with Atlantic coastal states and the fishing industry in an effort headed by the Special Initiative for Offshore Wind to establish a regional fisheries compensatory mitigation fund. In fact, 11 states have signed a letter of support for the establishment of this fund and the New York State Energy Research and Development Authority recently released a Request for Proposal for a Regional Fund Administrator for this fund. Offshore wind developers have committed to providing the initial investment to design the fund and get it established. This fund is critical to providing consistency and clarity for fisheries compensation and is a massive improvement over the current state by state and project by project fisheries compensation fund model.

The momentum for this regional fund is threatened by the smaller than anticipated Central Atlantic lease sale and the lack of commitment from BOEM to allocate a percentage of operating fees for fisheries compensation. The initial Central Atlantic Call Areas were much larger than the final WEAs and it was anticipated that the Central Atlantic lease sale would be robust with up to 10 total lease areas. In this spirit, ACP strongly encourages BOEM to increase the bidding credit for fisheries compensation from 8% to 13%, using the extra 5% from the increase of the overall bidding credit cap. An increase in this credit is essential to ensure that the fund is established with sufficient resources to cover any potential claims. As one of the last fixed bottom lease sales anticipated for the Atlantic, the bidding credits from this sale were anticipated to provide a large portion of the funding for the regional fisheries compensation fund. With a lease sale currently proposed for only two lease areas, a significant increase in the fisheries compensation bidding credit is necessary to ensure that the regional fisheries compensation fund can be stood up with sufficient fundings. In addition, an increase reflects the importance of this fund and the Federal government’s commitment to ensure that the fishing industry and offshore wind industry can utilize the resources of the OCS with minimal conflict, and supports the work of eleven east coast states, commercial fishermen, and the offshore wind industry to establish a regional compensation fund. The flexibility in how the bidding credit is allocated could also be leveraged with a higher bidding credit; allocating a portion for the general regional fisheries mitigation fund and another portion to ensure coverage for claims stemming from the Central Atlantic lease areas.

The PSN states that “The fund must be established and the Contribution made before the lessee submits the lease's first FDR or before the fifth Lease Anniversary, whichever is sooner.” It is understandable to require that the contribution be made before the lessee submits its first FDR, however, the requirement to have the contribution made before the fifth Lease Anniversary has the potential to create problems for a lessee. Project development timelines are based upon many factors, some which are out of a lessee’s control such as agency initiation, and progression of, environmental reviews. Requiring a lessee to contribute to the fund in 5 years may be too early in a lessee’s project development process and could be before an environmental review is initiated and potential impacts to fishing are known. In addition, BOEM’s regulations at 30 CFR 585.235 (a)(2) states that a lessee has 5 years to conduct site assessment activities and submit a COP. ACP believes it would be more reasonable to have a longer timeframe available for lessees to contribute to the fisheries compensation fund considering the 5-year site assessment period (and the 12-month preliminary term) as well as potential delays which can be outside of a lessee’s control. In light of this, ACP recommend that the language in the PSN be modified to the

following: “The fund must be established and the Contribution made before the lessee submits the lease's first FDR or before the seventh Lease Anniversary, whichever is sooner.”

c. Bidding credits for conservation program.

While not proposed for the Central Atlantic, BOEM is requesting comments on a conservation bidding credit “which would allow a bidder to receive a credit in exchange for a commitment to advance conservation for threatened and endangered species, migratory birds, or North Atlantic right whales.”[15] While ACP appreciates the opportunity to provide feedback on the conservation program bidding credit concept, we believe this issue deserve a more robust process. BOEM should publish a Request for Information (RFI) with a public comment period as well as host meetings to solicit feedback from stakeholders. The limited scope of the Central Atlantic PSN means that many stakeholders outside of the Central Atlantic region would not be aware of this solicitation for input and would therefore not have had a chance to provide their feedback. Future PSNs should not be the first place where stakeholders participate in the process for providing input on conservation program bidding credits as the language will already have been drafted and other ideas and possibilities will be less viable for adoption in an FSN. Although it may take more time and effort, going through the proper RFI process will ensure that all voices are heard, and careful consideration is given to how bidding credits for conservation programs should be designed.

Existing federal statutes, including the Endangered Species Act (ESA), Marine Mammal Protection Act (MMPA) and the Migratory Bird Treaty Act (MBTA), include significant protections for wildlife and their habitat. For example, incidental take authorization under the MMPA requires operator mitigation and monitoring plans. The agencies that execute those laws are more familiar with the use of compensatory mitigation to advance conservation for protected species, and utilizing that expertise would be more beneficial to the environment and would avoid duplicative efforts.

The offshore wind industry has demonstrated a strong commitment to responsible development, and to mitigating impacts to wildlife. Any bidding credit developed for conservation programs should be set up to ensure that these programs address actual impacts from offshore wind and those determinations are supported by the best available scientific information. Any bidding credit would need to acknowledge that it may be difficult to show “demonstrable benefit” to a species given the significant number of other factors which influence the success of species. ACP is concerned that additional bidding credits could take away from other bidding credits unless more space for credits is created through an increase to the overall bidding credit cap. As offshore wind remains a nascent industry, existing bidding credits for workforce and supply chain development as well as fisheries compensatory mitigation are important for the successful development of the industry. A higher bidding credit cap would help accommodate the addition of more bidding credits.

If a bidding credit for conservation programs is adopted for future lease sales, BOEM should ensure that sufficient flexibility is built into the credit and consideration be given to how the effectiveness of such programs is measured. Any future bidding credits for conservation

[15] Id.

programs should be developer driven with the developer empowered to determine how and where the credits are allocated. To facilitate this, BOEM should work with the offshore wind industry when developing the language that would be included in a PSN for any future bidding credit.

V. Department of Defense (DoD) mitigation measures.

In the PSN, BOEM discusses a number of potential future restrictions to mitigate potential conflicts with DoD activities. ACP appreciates that BOEM works with DoD throughout the leasing process to ensure that DoD activities and offshore wind development are not in conflict. In order to reduce uncertainty for developers ACP requests clarity on certain measures. First, BOEM notes that lessees may need to curtail wind turbine operations for national security or defense purposes for Advanced Dynamic Aircraft Measurement System (ADAMS) operations.[16] Curtailment can have significant impacts to the financial viability of projects. ACP requests clarity as to the specific conditions when curtailment would be required, how often curtailment would be required, and how much notice would be provided before curtailment is required. Specifically, how many hours per day, week, and month should be expected? How many days or weeks in advance would DoD begin to coordinate curtailment? What constitutes curtailment? As much of this information as possible should be included in the FSN as it has implications for project economic viability and will impact the business decisions of potential lessees. BOEM and DoD should coordinate closely with leases on any curtailment timeframes to ensure technical feasibility and safety. Finally, ACP requests that BOEM confirm that this issue, and any associated mitigation measures, applies to C-1 (OCS-A 0558) and not A-2 (OCS-A 0557).

Another noted project approval condition is that a "lessee will contribute funds to the DoD in the amount of no less than $80,000 toward the cost of DoD's execution of the RAM procedures for each radar system effected." ACP requests clarification as to the estimated number of radar systems effected per lease.

In Section 3 (c) of the draft lease, BOEM states that "The Lessor reserves the right to suspend the Lessee's operations in accordance with the national security and defense provisions of Section 12 of the Act (OSCLA) and applicable regulations." ACP supports the reference to Section 12 of OSCLA which provides authority for a national security/defense suspension in exceptional circumstance involving Congressional or Presidential action. However, the reference to "applicable regulations" in Section 3 (c) is concerning as BOEM's suspension regulation could be read more broadly than Section 12 of OCSLA. Specifically, 30 CFR 585.417 simply states: "BOEM may order a suspension under the following circumstances: . . . (b) When the suspension is necessary for reasons of national security or defense." ACP assumes that BOEM's authority under 30 CFR 585.417 is derived from Section 12 of OCSLA and, therefore, BOEM's authority to suspend operations for national security/defense purposes is limited to the circumstances described in Section 12 of OCSLA. ACP encourages BOEM to clarify this in the language used in Section 3 of the leases. Similarly, Lease OCS-A 0558, Addendum C, Section 10.3, contains similar language as Section 3 but deals with suspensions for NASA missions. Specifically, the stipulation states that "the United States may temporarily suspend operations and/or require evacuation on this lease in the interest of fulfilling NASA

[16] 88 F.R. at 86147.

missions." However, no information is provided on how a decision to suspend operations or require evacuation of personnel would be made and where BOEM's authority to do so is derived. Clarity should be provided on exactly what level of the United States government makes the determination of when a suspension is needed to fulfil NASA missions and guardrails be put in place, similar to the language in Section 12 of OCSLA. In addition, and similar to our request above for any DoD curtailment, ACP requests clarity as to the specific conditions when curtailment would be required, how often curtailment would be required, and how much notice would be provided before curtailment is required. Specifically, how many hours per day, week, and month should be expected? How many days or weeks in advance would NASA begin to coordinate curtailment? What constitutes curtailment? As much of this information as possible should be included in the FSN as it has implications for project economic viability and will impact the business decisions of potential lessees. In addition, BOEM and NASA should coordinate closely with leases on any curtailment timeframes to ensure technical feasibility and safety.

In the PSN BOEM notes that the U.S Air Force, above both proposed Lease Areas, has a floor of 1,000 feet above sea level, and as a result the U.S. Air Force requested BOEM to limit structure heights to no higher than 1,000 feet above sea level.[17] ACP notes that at the time these leases are likely to be developed, the optimal Wind Turbine Generator (WTGs) height would exceed this restriction. A condition restricting height to 1,000 feet would be very problematic as the availability of WTGs less than 1,000 feet may be extremely limited or not available at all when these projects are ready for construction. Such a stringent condition may impact the financial and technical viability of projects. In addition, even if a WTG is available that could meet the requirements of the provision, it would exclude larger WTGs that could produce more energy. Less energy production would reduce the benefits of the project including emissions reductions and human health benefits. Therefore, ACP requests BOEM work with DoD to determine whether there is sufficient flexibility in the U.S. Air Force floor requirements, such that the height limit could be expanded to allow for larger WTGs. In addition, BOEM should draft this condition with inherent flexibility to ensure that it does not preclude development due to the available WTGs on the market at the time of project construction. Including flexibility in any provision on WTG height would also allow the environmental review process to determine the impacts of the project and the mitigations that should be adopted to reduce those impacts. For example, allowing larger WTGs may allow for the project to address other environmental impacts which BOEM may ultimately decide are more important to mitigate than any potential impacts that this provision is intended reduce. Placing such a restriction at this point in the process is pre-mature and ACP strongly encourages BOEM and DoD to work with an eventual lessee to address potential impacts to U.S. Air Force operations and use the environmental review process to inform these decisions. In fact, the environmental review process includes 3rd party airspace and radar studies, and the results of these studies can help inform any decisions made on mitigations for interference with flight operations.

[17] 88 F.R. at 86147.

VI. Potential future restrictions to ensure navigation safety

In the PSN BOEM states that "Potential bidders are advised that portions of the Lease Areas may not be available for future development (i.e., installation of wind energy facilities) because of navigational safety concerns. BOEM may require additional mitigation measures at the COP stage when the lessee's site-specific navigational safety risk assessment is available to inform BOEM's decision-making." ACP notes that the lease areas already avoid navigation safety impacts due to the extensive removal of acreage from the Call Areas to accommodate the U.S. Coast Guard Consolidated Port Approaches and International Entry and Departure Transit Areas Port Access Route Studies (CPAPARS). Any analysis of navigation safety should take the USCG proposed routes into account, and this should be reflected in any additional proposed mitigation measures. ACP encourages BOEM to provide additional information and clarity in the FSN on the types of additional mitigation measures that may be required and the rationale for their potential inclusion.

VII. Potential future restriction to mitigate potential conflicts with sand resources.

In the PSN, BOEM advises potential bidders that BOEM may require developers to take measures, including the modification of transmission corridors to protect these resources to the maximum extent practicable.[18] Because developers spend significant resources designing and surveying transmission routes, ACP strongly encourages BOEM to work with developers early during the planning process to ensure deconfliction *prior* to the finalization of route designs. BOEM is in unique position to coordinate early with lessees since a core function of BOEM's marine mineral program is the identification of sand resources. In fact, the marine minerals program's stated vision includes "Identify, assess, and sustainably manage resources to ensure future availability" and "Promote strategic stakeholder engagement to facilitate planning and information sharing"[19]. It is incumbent upon BOEM to utilize its marine minerals program to fulfill its core vision by ensuring early coordination with BOEM's offshore wind lessees prior to the expenditure of significant resources by the lessee. In addition, a lessees must obtain a Section 404 Permit from the US Army Corps of Engineers and potential conflicts with sand resources will be analyzed as part of that review process.

VIII. Rent

In the PSN, BOEM does not include language seen in both the Gulf of Mexico and California Lease sale that confer to the Lessee "the right to one or more project easements, without further competition, for the purpose of installing, gathering, transmission, and distribution cables, pipelines, and appurtenances on the lease as necessary for the full enjoyment of the lease."[20] ACP respectfully requests BOEM include this right to project easements in the FSN as such a right is essential to ensure the efficient development of the offshore wind project in the lease area.

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[18] Id.
[19] https://www.boem.gov/sites/default/files/documents/about-boem/MMP-Mission-Vision_2.pdf
[20] *See* 88 F.R. 139, 47173, 47179 (July 21, 2023).

ACP also requests BOEM clarify that the Lessee must apply for any project easement as part of the COP or SAP, consistent with provisions in BOEM's previous FSNs in the Gulf of Mexico and California.[21]

IX. Conclusion

ACP appreciates the opportunity to provide these comments. We look forward to working with BOEM as it moves forward with leasing offshore wind in the Central Atlantic.

Sincerely,

Brian Krevor

Brian Krevor
Senior Director, Offshore Environmental and Permitting

[21] Id.