



# The Village of Bald Head Island

January 3, 2022

Via electronic submission at <http://www.regulations.gov>

Office of Renewable Energy Programs  
Bureau of Ocean Energy Management  
U.S. Department of the Interior  
45600 Woodland Road  
Sterling, Virginia 20166

Re: Docket No. BOEM 2021-0078, Comments on Carolina Long Bay Proposed Sale Notice

Gentlemen and Ladies:

On behalf of the Village of Bald Head Island (“the Village,” or “BHI”), I am submitting the following comments on the Bureau of Ocean Energy Management’s (“BOEM”) proposed lease sale notice for Atlantic Wind Lease Sale 9, in the Wilmington East Wind Energy Area (“WEA”). The proposed lease sale notice was published in the *Federal Register* on November 1, 2021. 86 Fed. Reg. 60,274. Bald Head Island is situated at the mouth of the Cape Fear River, directly north of the Wilmington East WEA. The WEA begins approximately 15 nautical miles south of Bald Head Island.<sup>1</sup> As such, our community will be among those most directly impacted by the proposed lease sale. We appreciate the opportunity to comment.

I am the new Mayor of the Village of Bald Head Island, elected November 2, 2021 to succeed my friend and colleague Andy Sayre. As you are aware, during Mayor Sayre’s tenure, the Village has actively participated in BOEM’s various efforts to identify and lease wind energy areas offshore North Carolina. Most recently, BHI commented on BOEM’s notice of intent to supplement its 2015 environmental assessment (“EA”) evaluating wind energy lease sales offshore North Carolina. See Letter from J. Andrew Sayre to Michelle Morin, BOEM (September 12, 2021), submitted to Docket No. BOEM 2021-0055. That letter summarizes all of BHI’s interactions with BOEM regarding offshore wind energy since 2014. I incorporate and renew those comments here.

BOEM published the supplemental EA in December 2021, and posted notice of its availability at its website on December 8. See <https://www.boem.gov/renewable-energy/state-activities/north-carolina-activities>. We are reviewing the supplemental EA, and plan to submit further comments on it on or prior to January 7, 2022.

BHI’s message remains consistent: the Village would like to be supportive of offshore wind development, and would like to work with BOEM and eventual lessees to address our concerns

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<sup>1</sup> See BOEM, Announcement of Area Identification, Commercial Wind Energy Leasing on the Outer Continental Shelf Offshore North Carolina at 1, 6 (August 7, 2014).

about visual impacts. However, as detailed in Mayor Sayre's September 12, 2021 letter, to date BOEM has done little to assuage these concerns, and the little it has done has been inconsistent and incomplete, and hard to understand from our community's perspective. The proposed lease sale unfortunately offers no comfort or assurance about BOEM's intentions. In the December 2021 supplemental EA, BOEM made the following observation:

The Wilmington West and Wilmington East WEAs were removed from [the Kitty Hawk lease] sale due to concerns over visual impacts that also applied to the South Carolina areas. Additionally, the entire Wilmington West WEA was located in proposed right whale critical habitat. The thought was to combine the Wilmington Areas with the South Carolina leasing effort and resolve the right whale and visual concerns in a more regional manner. The South Carolina leasing effort did not move forward, but BOEM is now planning to conduct another lease sale, which may result in the issuance of up to three commercial leases within the Wilmington East WEA.

Supplemental EA at 4. In other words, BOEM at one time recognized visual concerns about the Wilmington East WEA in 2017, and apparently planned to address them "in a more regional manner." However, that process never happened. Now, without holding that promised conversation with stakeholders about visual impacts, BOEM plans to move forward with auctions in the Wilmington East WEA.

We ask again, as we did in our recent comments on BOEM's notice of intent to supplement the EA, that you take action now to address visual impacts by not allowing wind turbines closer than 24 nautical miles to BHI's shoreline. This distance from shore is consistent with BOEM's approach to the definition of the Kitty Hawk WEA identification in 2014, and addresses the concerns of Bald Head Island and its neighboring coastal communities. BOEM in that case responded to concerns of communities and the National Park Service upfront, before undertaking detailed environmental reviews, and defined the boundaries of the Kitty Hawk WEA in accordance with those concerns. It is within BOEM's power to do the same for Wilmington WEA stakeholders by stating its intention in the final lease sale notice not to auction lease blocks that are closer than 24 nautical miles to shore.

We acknowledge BOEM's past statements – most recently in the Supplemental EA itself – that BHI's visual concerns are beyond the scope of the EA, and will be addressed in an eventual environmental impact statement ("EIS") that would be prepared after lease issuance, in connection with one or more construction and operation plans submitted by lessees. *See* Supplemental EA at 38. That response is not enough. BOEM is avoiding a direct answer to what BHI and others have been asking. Our request is not simply that you address visual concerns in current or future NEPA reviews. After all, NEPA reviews are procedural; they are driven by the Agency's substantive decision-making processes. To be clear, we ask that you decide now – as part of this lease sale notice – to limit leasing to areas 24 nautical miles or greater from the shore, and that your NEPA compliance address the environmental impacts of that decision, rather than leasing areas now that you know will have visual impacts and then

talking about those in an EIS as though there were nothing you could have done to avoid them. We believe these impacts are avoidable, and that BOEM can and should avoid them.

As Mayor Sayre described in his September 12, 2021 comment letter, BOEM initiated a process in 2017 intended to learn the views of stakeholders about offshore wind development in what BOEM is now calling “Carolina Long Bay.” BOEM engaged a facilitator, Consensus Building Institute (CBI), held numerous meetings in 2018 – including with Bald Head Island – and provided a draft of its April 2018 report to participants.<sup>2</sup> The draft report was principally about visual impacts concerns expressed by stakeholders. CBI recommended options for BOEM action, including: (1) a white paper on the current WEAs, “including accompanying rationales for [] setback distances;” (2) refinement of existing tools and creation of new tools to create better understanding of potential visual impacts; (3) engagement with North Carolina and South Carolina task forces jointly to discuss the report and next steps; (4) a “region-wide” workshop or sub-regional workshops on potential refinement of the Wilmington WEAs and the South Carolina call areas; and (5) individual meetings with communities to further explore concerns.

Unfortunately, nothing ever came of this work. The draft report was never finalized, and as far as we are aware, BOEM has not adopted any of CBI’s recommendations. We have asked repeatedly about the status of the report and its recommendations, and have received no response from BOEM. BHI supports all of the recommendations, but especially urges BOEM to (1) draft and publish the white paper or other written product explaining the rationale for setback distances, especially for Kitty Hawk and Wilmington East WEAs; and (2) release the final report, or provide an explanation why BOEM decided not to finalize it or act on its recommendations. We support more transparency from BOEM, which should include better tools to communicate potential visual impacts, engagement with the Carolina Long Bay Task Force, regional workshops, and/or one-on-one meetings with agency officials.

I appreciate your consideration of these comments. BHI welcomes any opportunity to make our concerns known to BOEM, and to hear BOEM’s perspective on and intentions about visual impacts.

Sincerely,

*Peter Quinn*

Peter Quinn  
Mayor

Enclosures

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<sup>2</sup> Consensus Building Institute, North Carolina / South Carolina Offshore Wind Stakeholder Assessment (April 2018).