

## **ATTACHMENT 1**

Letter from Kathryn Owens, Acting Refuge Manager for the Back Bay NWR, to Kitty Hawk COP, EIS Program Manager, BOEM (Sept. 8, 2021) (“Owens Letter”)



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Back Bay National Wildlife Refuge  
1324 Sandpiper Road  
Virginia Beach, VA 23456

September 8, 2021

Kitty Hawk COP EIS  
Program Manager, Office of Renewable Energy  
Bureau of Ocean Energy Management  
45600 Woodland Road  
Sterling, VA 20166

Dear Program Manager:

Thank you for the opportunity to provide Scoping Meeting comments regarding the Kitty Hawk Offshore Wind Project. We have appreciated the open communications experienced with Avangrid Renewables thus far and we valued the informative Scoping Meeting.

The mission of the U.S. Fish & Wildlife Service's National Wildlife Refuge System and the purposes for the establishment of Back Bay National Wildlife Refuge (Back Bay NWR/Refuge) mandate conservation and protection of fish, wildlife and plant resources and their habitats. We seek to ensure that direct and indirect environmental concerns are carefully considered through the Environmental Impact Statement (EIS) and that any potential negative impacts to neighboring Refuge lands are avoided.

The risks associated with the installation, operation, maintenance and capital upgrades of the planned onshore transmission line route, as shown in the July 26, 2021 Construction and Operations Plan, include potential environmental impacts that present conflicts to the mission of the Fish & Wildlife Service, the purposes for the establishment of Back Bay NWR and Refuge management objectives. While we support renewable energy progress and plans, we strongly urge further evaluation of an alternate onshore route that excludes the path that includes the City of Virginia Beach property located between Sandbridge Road and Atwoodtown Road, which is bordered on both sides by the Refuge. Negative impacts to the Ashville Bridge Creek and Black Gut Natural Area vicinities in this part of the Refuge are of special concern due to their undisturbed, unique and sensitive habitats. Further consideration in the EIS is requested of alternative onshore transmission line routes that include the cost of impacts to irreplaceable wildlife habitats and wildlife populations that could result from these disturbances, as noted below.

In regard to the use of this onshore route, we request further evaluation of the following concerns through the EIS process:

- 1) Loss of Unique Habitats – There is unique bald cypress-black tupelo-oak forest present on this section of City property which is an extension of this habitat on the adjacent Refuge property. Clearing of these trees will negatively impact the sensitive cypress swamp and diverse forest ecotone located there. Negative impacts to the Black Gut Natural Area, further east are expected and should be assessed as well.
- 2) Recurring Disturbances
  - a. Overhead vs. Underground Transmission Lines - The Construction and Operations Plan states the potential for installation of overhead and/or underground transmission lines. Due to increased disturbance concerns associated with overhead lines in this section and regular maintenance, extent of clearing, potential for negative migratory bird impacts, and potential of frequent maintenance due to storm damages, we strongly prefer underground transmission lines through the aforementioned section of Refuge-neighbored lands.
  - b. Future Expansion - In light of the permanent nature of these lines, future plans for the remaining 60% of the lease area, i.e. additional installs for expansion of the facility and transmission lines, should be included in the EIS analysis.
  - c. Time of Year - Consideration should be made for time of year regarding disturbances such as installation and scheduled maintenance activities in regard to migratory bird and other wildlife activity.
- 3) Disruption of the Area's Hydrology – The wetland functions of the habitat surrounding Black Gut and adjacent to Ashville Bridge Creek not only provide unique habitat but are essential to the management of flooding at the north end of Back Bay which affects a much broader area. In consideration of underground transmission lines, our preferred option through this area, we request that the EIS address potential hydrological impacts, in relation to location and depth of trenches and horizontal directional drilling as well as installation processes, to the wetlands and Ashville Bridge Creek.
- 4) Forest Fragmentation – The affected area is the largest contiguous forest in the Back Bay watershed, a significant justification for the FWS's investment in this property. Reforestation projects in this watershed have been a priority for local, state and federal governments in recent years. The EIS should address impacts of fragmentation of this forest's northwestern side in relation to declining migratory bird species and land mammals, including the Bobcat, a rare and native species that requires large, forested tracts.

We appreciate the opportunity to submit the concerns of Back Bay National Wildlife Refuge and look forward to continued collaboration as this project develops.

Sincerely,

Kathryn A. Owens  
Acting Refuge Manager