



March 13, 2017

The Massachusetts Department of Energy Resources
The Massachusetts Office of the Attorney General
Fitchburg Gas & Electric Light Company d/b/a Unitil ("Unitil")
Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid
NSTAR Electric Company and Western Massachusetts Electric Company d/b/a Eversource

Submitted electronically to: marfp83C@gmail.com

RE: Solicitation of Stakeholder Comment Regarding Section 83C of Chapter 169 of the Acts 2008, as amended by Chapter 188 of the Acts of 2016, An Act to Promote Energy Diversity

The below comments are submitted on behalf of the following non-profit advocacy organizations: National Wildlife Federation, Environmental League of Massachusetts, Mass Audubon, and Natural Resources Defense Council.

On behalf of the undersigned organizations and our thousands of members and supporters across the Commonwealth, we appreciate the opportunity to make recommendations on the content of the offshore wind request for proposals (RFP). We supported and celebrated the passage of An Act to Promote Energy Diversity as confirmation that Massachusetts intends to lead the nation in launching an offshore wind power industry and seizing the massive, local, job-creating, clean energy potential off our shores. We wish to underscore that the Commonwealth's leadership role carries the responsibility of thoughtful, inclusive, and effective execution as other states consider how to follow in our path.

As environmental and conservation organizations, we submit the below comments within the context of deep concern about the already present impacts of rapid climate change, air pollution, ocean warming and acidification, sea level rise, and coastal erosion. The environmental, public health, and economic impacts of our reliance on fossil fuels must drive us to advance utility-scale clean energy solutions as swiftly as responsible development allows. We are fortunate to have reliable and increasingly affordable offshore wind power among our energy options, and in great abundance. As we face the pressing question of how to replace retiring fossil fuel-fired and nuclear power plants, we must embrace offshore wind power as a viable, home-grown resource ready to help us choose a sustainable and prosperous path through our current energy crossroads.

Question 2:

- a. We urge expediency in both the submission and review of proposals. Specifically, we recommend that:
 - bidders must submit proposals within 90 days of the issuance of the RFP; and
 - the evaluation team must then select the winning bid(s) within 90 days.

- b. We are of the view that 24 months is far too long to wait between solicitations, allowing for an unnecessary lag in the development of the resource. We suggest that solicitations occur every 12 months, and that a clear schedule of solicitations is provided with the first RFP. Clarity on the long-term plan to develop the full 1,600 MW will allow industry leaders to plan ahead and identify opportunities to reduce costs. Such clarity will likely also carry the benefit of reducing the environmental impact of transmission development through a more intentional, coordinated approach.

Question 3:

As advocates, we called for a specific offshore wind power commitment large enough to truly launch an industry and attract manufacturing capacity to Massachusetts. We support 400 MW as the minimum starting point, as a scale capable of maximizing cost-reduction and local job-creation, and as the first step on a clear roadmap to reaching the full 1,600 MW quickly and responsibly.

Question 4:

Evaluation of transmission cost risks should include an analysis of the potential of proposed transmission projects to alleviate transmission constraints on the regional transmission grid. Transmission constraints result in additional costs to all ratepayers. Therefore, any transmission development to serve offshore wind that can also resolve constraints will be beneficial to ratepayers. The analysis should use the best available information at the time of the RFP.

Question 7:

We welcome consideration of shared transmission solutions, and recognize their potential to offer both environmental and economic benefits. However, the prospect of such an undertaking should not be allowed to slow the advancement of the initial RFP process, and therefore should be considered separately from, not contingent to, proposed projects in this RFP.

Question 10:

To the extent possible, bidders should provide a delivery profile for the winter peak period based on their modeled site data. This provision can be similar to the 2.2.2.7 requirement of 83D as amended in the March 1, 2017 EDC supplemental filing in D.P.U. Docket 17-32.

Question 11:

To the extent possible, bids containing energy storage systems should be evaluated with a flexible set of criteria that allows bidders the maximum flexibility to pair storage with offshore wind in a manner that suits their particular economic and electrical site specific needs.

Question 12:

We recognize and celebrate the significant environmental and public health benefits of the greenhouse gas emissions reductions to be achieved by the swift and large-scale development of the Commonwealth's world-class offshore wind resource. We are confident that with thorough stakeholder engagement and utilization of the best available data, as well as the comprehensive databases

associated with the Northeast Ocean Plan (Northeast Ocean Data Portal), the Massachusetts Ocean Plan (Massachusetts Ocean Resources Information System) and the Rhode Island Ocean SAMP, offshore wind can be developed in a manner that protects marine and coastal wildlife and habitat every step of the way. The RFP should require project proponents to provide a thorough environmental characterization of the proposed project site, potential environmental impacts, and a detailed plan to avoid, minimize, and mitigate impacts to the marine ecosystem during site characterization, construction and operation.

Specifically, the RFP should require Project proponents to provide a preliminary environmental assessment of the project area, including wind turbine areas and transmission corridors. Proposals should demonstrate that they are informed by the wealth of data made available in recent years by the New England Aquarium, the Woods Hole Oceanographic Institute, the Massachusetts Clean Energy Center, BOEM, and others. This data should be supplemented by any of the project applicant's own data collected through site assessment and characterization and relevant data gaps should be identified. The RFP should require project proponents to demonstrate how their project will comply with all relevant federal and state environmental laws and regulations.

- a. Bidders should provide information that demonstrates that the route of the transmissions line is consistent with requirements in the (1) Massachusetts Ocean Plan to avoid relevant special, sensitive and unique marine and estuarine resources, and (2) the Rhode Island Ocean SAMP to avoid areas of particular concern and areas for preservation.
- b. *North Atlantic Right Whales*: The North Atlantic right whale is a critically endangered species with an estimated global population of approximately 500 individual animals, making the species one of the rarest large whales in the world, and the latest data indicate that the population is no longer increasing in abundance, but may be declining in number.¹ Significant aggregations of right whales have been observed in the Massachusetts and Massachusetts/Rhode Island wind energy areas. Concerns about potential impacts to the North Atlantic right whale population during offshore wind site assessment and construction and operation activities include vessel collisions, and harassment by noise generated from high-resolution geophysical surveying equipment and pile driving that may interrupt foraging and interfere with communication. More broadly, offshore wind development activity may result in displacement, over both the short and potentially long-term, of North Atlantic right whales into adjacent shipping lanes and other areas of suboptimal habitat. New research suggests that the chronic stress caused by the cumulative nature of these impacts, in combination with the other stressors faced by North Atlantic right whales along the U.S. east coast, may jeopardize the long-term health and reproductive output of the species.²

Given its endangered status and its observed distribution in the New England wind energy areas, precautionary protection measures are necessary for its protection. We recommend that the

¹ *North Atlantic Whale Consortium 2015 Annual Report Card*. Report to the North Atlantic Right Whale Consortium, Nov. 2015. Available at: www.narwc.org/pdf/2015%20Report%20Card.pdf; Kraus SD, Kenney RD, Mayo C, McLellan WA, Moore MJ, and Nowacek DP (2016). *Letter submitted to the National Marine Fisheries Service (NMFS) Office of Protected Resources (OPR) in response to the NMFS OPR draft strategic plan*. Feb. 26, 2016; Atlantic Scientific Review Group (2016). *Letter submitted to Eileen Sobeck, Assistant Administrator for Fisheries, National Marine Fisheries Service*. Apr. 4, 2016.

² Rolland RM, Schick RS, Pettis HM, Knowlton AR, Hamilton PK, Clark JS, and Kraus SD (2016). Health of North Atlantic right whales *Eubalaena glacialis* over three decades: From individual health to demographic and population health trends. *Marine Ecology Progress Series*, **542**, 265-282.

RFP specify that proposals with strong protection measures for right whales will be given added weight in bid selection process. An appropriate suite of mitigation measures, tailored for the specific project site and design, and based on the best available data on right whales, including the aforementioned CEC/BOEM marine mammal survey study, should include:

- vessel speed restriction of 10 knots for all site characterization and construction vessels and support vessels operating in the wind energy area, and a speed restriction of 10 knots for all vessels transiting to and from the wind energy areas in areas identified as important habitat for North Atlantic right whales based on an independent review of the best available science;
- protected species observers on vessels to reduce incidence of vessel collision;
- selection of the least impactful noise-generating technology currently available, used in combination with noise attenuation and source level reduction technology;
- seasonal restrictions on sub-bottom profiling and pile driving to avoid co-occurrence of these activities with the presence of right whales;
- marine mammal exclusion zones of adequate size to protect against Level B harassment;
- real-time monitoring during sub-bottom profiling and pile driving, including a combination of shipboard protected species observers, aerial, and passive acoustic surveys; and
- visibility requirements for sub-bottom profiling and pile driving to ensure that right whales and other marine mammals can be sighted should they approach the site during sub-bottom profiling or pile driving activities.

To ensure the success of an individual project, and the growth of the industry as a whole, an inclusive, collaborative, and constructive process is essential to avoiding the pitfalls inherent to skipping important conversations. The RFP should require that project proponents identify all relevant stakeholders, including those that are active in the project area (commercial and recreational fishermen, shipping companies, recreational boaters, wildlife watchers, tribes, utilities, and others), live in adjacent communities, and other interested parties, and any concerns raised by these stakeholders. Proposals should include practical measures to mitigate any significant impacts to these stakeholders.

We thank you for your consideration of these comments.

Sincerely,

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