



MASSWILDLIFE

## DIVISION OF FISHERIES & WILDLIFE

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January 24, 2019

Matthew A. Beaton, Secretary  
Executive Office of Energy and Environmental Affairs  
Attention: MEPA Office  
Purvi Patel, EEA No. 15787  
100 Cambridge St.  
Boston, Massachusetts 02114

*Project Name:* Vineyard Wind Connector  
*Proponent:* Vineyard Wind LLC  
*Location:* Cable connection (from offshore wind project within federal waters) through Massachusetts waters northerly through Nantucket Sound to Covell's Beach, Barnstable or New Hampshire Ave, Yarmouth with onshore underground cables to Barnstable Switching Station.  
*Project Description:* Utility – Transmission Cables from offshore Wind Energy Generation  
*Document Reviewed:* Final Environmental Impact Report  
*EEA File Number:* 15787  
*NHESP Tracking No.:* 17-37398

Dear Secretary Beaton:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the Division) has reviewed the *Final Environmental Impact Report* (FEIR) for the proposed cable connection through Massachusetts waters northerly through Nantucket Sound to Covell's Beach (Barnstable) or New Hampshire Avenue (Yarmouth) as well as onshore underground cables to a new Barnstable Substation. The proposed cable connection will facilitate a proposed 800 MW offshore wind project within federal waters. The Division would like to offer the following comments regarding state-listed species and their habitats.

Renewable energy sources such as wind power are a necessary component of a future, sustainable energy portfolio. Although an important emission-free energy source, wind power generation can have unintended impacts, particularly upon avian species. Thus, wind generation must thoroughly assess potential impacts, have comprehensive planning and review during the permitting process, and detail an adaptive management strategy to avoid, minimize and mitigate these potential impacts.

Components of Vineyard Wind Connector will occur within areas mapped as *Priority Habitat* and *Estimated Habitat* for state-listed species, including Piping Plover (Threatened), Roseate Tern (Endangered), Common Tern (Special Concern), and Least Tern (Special Concern) according to the 14<sup>th</sup> Edition of the Massachusetts Natural Heritage Atlas. The Piping Plover and Roseate Tern are also listed as Threatened and Endangered, respectively, pursuant to the U.S. Endangered Species Act (ESA, 50 CFR 17.11). These species and their habitats are protected pursuant to the Massachusetts Endangered

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Species Act (M.G.L c. 131A) and its implementing regulations (MESA, 321 CMR 10.00) as well as the rare wildlife provisions of the Massachusetts Wetlands Protection Act and its implementing regulations (WPA, 310 CMR 10.37, 10.58(4)(b) and 10.59).

**Cable Installation:**

Vineyard Wind Connector, which includes those components of the project that occur within *Priority Habitat* and *Estimated Habitat*, requires review by the Division for compliance with the MESA and rare species provisions of the WPA.

The preferred Landfall Site utilizing Covell's Beach (Barnstable) occurs within mapped habitat for Piping Plover. As detailed in the FEIR (Section 4.3), the Proponent has continued to proactively consult with the Division regarding this Landfall Site and has committed to beginning the Horizontal Direction Drilling process (HDD) in advance of April 1, or will otherwise not begin HDD until after Labor Day, in order to minimize impacts to Piping Plovers during the breeding season. In December 2018, the Proponent submitted a MESA Project Review Checklist for the Vineyard Wind Connector. On January 17, 2019, the Division determined (attached) that a Piping Plover protection and contingency plan must be developed to ensure that state-listed species and their habitats are protected in the event that either delays or HDD issues arise during the cable installation process.

The FEIR retains the New Hampshire Avenue (Yarmouth) landing site and variants thereof as alternative routes. All onshore alternate routes associated with the Yarmouth landing site appear to avoid mapped *Priority Habitat* and *Estimated Habitat* for state-listed species. However, and as noted in the Division's comments on the SDEIR, Variant 3 (Bike Path) may traverse the Division's Hyannis Ponds Wildlife Management Area. The Proponent has acknowledged (pg. 6-45) that should Variant 3 be pursued, additional and early coordination with the Division's Chief of Wildlife Lands is required.

The Proponent has detailed some of the potential impacts to state-listed species associated with the proposed cable installation process, including vessel traffic and suspended sediment. Secondary impacts (e.g. electromagnetic fields (EMF) and heat from the cables) and their anticipated impacts on benthic organisms, particularly Sand Lance – a critical prey resource for state-listed terns – were not specifically addressed. However, the Proponent has incorporated Sand Lance into the Benthic Habitat Monitoring Plan. The Division will continue to evaluate these impacts as they relate to state-listed tern species and looks forward to providing comments on the Benthic Habitat Monitoring Plan. The Division requests that the Proponent continue to incorporate recommendations from the Division of Marine Fisheries (DMF) regarding the Benthic Habitat Monitoring Plan to ensure valuable data collection relative to Sand Lance.

The Division will not render a final decision until the MEPA review process and associated public and agency comment period is completed, and until all required MESA filing materials are submitted to the Division. As the MESA review is not complete, no work associated with the proposed project shall occur until the Division has made a final MESA determination.

**Wind Energy Generation:**

A large proportion of the North American Roseate Tern population is reliant upon Massachusetts for nesting. In addition, the largest Roseate Tern breeding colony in New York annually (spring and fall) travels through federal waters to Massachusetts for staging in advance of migrating south for the winter. Because a large proportion of the North American population is likely to travel within and

through the Vineyard Wind Lease Area, and given the regional importance of Massachusetts to nesting, feeding and staging Roseate Terns, wind turbines have the potential to increase risks to Roseate Terns and other state-listed avian species (e.g., Common Tern, Least Tern and Piping Plover).

On January 22, 2019, the Division provided detailed comments to the Bureau of Ocean Energy Management (BOEM) regarding its Draft Environmental Impact Statement (DEIS) and associated documents prepared for the proposed Vineyard Wind Project pursuant to the National Environmental Policy Act (NEPA). In summary, the DEIS concluded that effects of Vineyard Wind Project are insignificant and discountable and thus, “not likely to adversely affect” ESA-listed bird species. The Division’s comments confirm that the DEIS does not provide sufficient evidence to support these conclusions, does not reference several previous studies that run counter to its conclusions, and does not fully or accurately characterize existing and recently collected avian data.. As a result, the DEIS does not fully account for increased mortality risk and other negative impacts to ESA- and MESA-listed bird species associated with the Vineyard Wind Project.

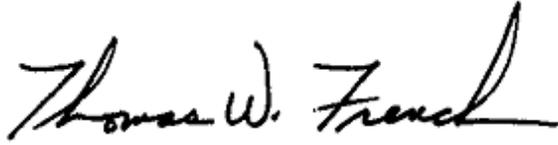
The Division anticipates that the operation of Wind Turbine Generators (WTGs), primarily, will result in increased risk of direct mortality of individual ESA- and MESA-listed birds. This mortality is of greatest concern for the Endangered Roseate Tern given their small population size, recent population volatility, and the large proportion of the North American population expected to travel within and through the Wind Development Area.

The FEIR presents a comprehensive strategy for avoiding, minimizing and mitigating potential impacts to marine mammals associated with the Vineyard Wind Connector as well as the WTG installations. Given the likelihood of impacts to avian species associated with WTG installation and operation, the Division believes a similar approach is warranted for MESA-listed avian species, particularly the Roseate Tern. However, the FEIR does not provide a comparable comprehensive strategy for MESA-listed avian species and the Division is concerned that impacts have not been adequately addressed. Therefore, we recommend that the Proponent submit a comprehensive plan to minimize impacts to MESA-listed avian species and develop a comprehensive post-construction monitoring and adaptive management plan. We also recommend that the Proponent mitigate any unavoidable Project impacts by providing support for conservation measures that provide meaningful and measurable benefit to these species.

The Division requested that the Proponent submit a comprehensive plan to minimize and mitigate impacts to ESA- and MESA-listed avian species in its June 8, 2018 comments on the DEIR and its October 5, 2018 comments on the SDEIR. The Secretary’s October 12, 2018 Certificate reflected the Division’s request, stating that “[t]he FEIR should include a comprehensive, adaptive strategy for avoiding, minimizing and mitigating potential impact to listed avian species.” Therefore, the Division again requests that the Proponent submit a comprehensive, adaptive plan to minimize impacts to MESA-listed avian species, and consult with the Division to develop an appropriate mitigation plan to address unavoidable impacts associated with the Vineyard Wind Project.

If you have any questions about this letter, please contact Amy Hoenig, Endangered Species Review Biologist, at (508) 389-6364 or [Amy.Hoenig@state.ma.us](mailto:Amy.Hoenig@state.ma.us). We appreciate the opportunity to comment on this project.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. French". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Thomas W. French, Ph.D.  
Assistant Director

cc: Rachel Pachter, Vineyard Wind  
Matthew Robertson, Vineyard Wind  
Holly Carlson Johnston, Epsilon Associates, Inc.  
Jack Vaccaro, Epsilon Associates, Inc.  
Yarmouth Board of Selectmen  
Yarmouth Conservation Commission  
Yarmouth Planning Department  
Barnstable Board of Selectmen  
Barnstable Conservation Commission  
Barnstable Planning Department  
DEP Southeast Regional Office, MEPA