

March 1, 2023

Submitted Electronically via Marian.Swain@mass.gov

Commissioner Elizabeth Mahony
Department of Energy Resources
100 Cambridge Street #1020
Boston, MA 02114

RE: MA 83C Round 4 Offshore Wind Solicitation Request for Public Comment

Dear Commissioner Mahony,

Thank you for the opportunity to provide comments on the fourth-round solicitation for long-term energy contracts. The Nature Conservancy submitted detailed comments on the draft 83C Round III procurement, most of which still apply today.

These comments specifically address DOER's questions and are largely focused on improving Appendix J of 83C III and the overall process.

Questions 1 – 3. Procurement Size, Schedule, and Commercial Operation Date.

Clarity on the outcome of projects contracted in the 83C Round III solicitation is essential for determining procurement size. We encourage DOER to scale the 4th Round solicitation in such a way as to not fall behind on the overall procurement schedule that keeps the Commonwealth on track to meet or exceed its renewable energy goals of a 50% emissions reduction by 2030.

Question 5. Inflation, Supply Chain, and Macroeconomic Factors

Recognizing the economic turbulence that currently contracted projects are facing, we support an approach that makes projects more resilient to future fluctuations. Any approach should balance the need to protect ratepayers with supporting the long-term viability of selected projects needed to meet our emission reduction goals. We support the development of an approach where bidders would adjust their price at a time certain, such as the time of their BOEM Record of Decision, with a previously agreed to formulaic and transparent mechanism based on objective and quantifiable macroeconomic values, such as inflation and interest rates, and that the price would either increase or decrease accordingly. Failure to include such flexibility could result in higher overall prices to ratepayers as bidders may be forced to price in the uncertainty of a worst-case economic scenario.

Question 8: Environmental Justice

We commend the inclusion of detailed guidance regarding Environmental Justice impacts as a baseline expectation. While the focus on avoiding, minimizing, and mitigating harm is critically important, we urge that bidders also be required to provide initial details on the benefits they will deliver to Environmental Justice populations, including any planned in-state spending that will support Environmental Justice populations by providing jobs, grants, training programs, or environmental benefit projects to address historical and cumulative impacts in economically disadvantaged communities.

To ensure that these important endeavors get the attention they deserve, we recommend that the solicitation details how these plans will be scored in the evaluation process, and explicitly incentivize greater detail and larger commitments.

Question 9: Environmental and Fisheries Impacts

Our previous comments urged the inclusion of a transparent scoring process, developed by state agency subject matter experts (in consultation with EEA Habitat and Fisheries working groups), and then ultimately scored by state environmental and fisheries agency experts. This aligns with the new requirements in *An Act Driving Clean Energy and Offshore Wind* (Ch. 179 of the Acts of 2022) including that the department give preference to proposals that demonstrate benefits from “mitigation, minimization, and avoidance of detrimental environmental and socioeconomic impacts.” (Sec.61(c)) In order to ‘give preference’ bidders should expect to be evaluated not only on the inclusion of specific elements, but on the quality of those element, and there should be a published and transparent scoring system for evaluation of each part of the qualitative criteria. We also strongly encourage all non-confidential records and proceedings of the proposal evaluation, scoring, and bidder selection process be made public in a timely fashion.

An Act Driving Clean Energy and Offshore Wind also requires that evaluators produce a numeric score for each bid’s plans for financial and technical assistance to support wildlife habitat and monitoring (Sec.61(b)). We continue to encourage the inclusion of specific language for a minimum of a \$10,000/MW regional research commitment (and note the RWSE has been renamed the Regional Wildlife Science Collaborative¹ where TNC is currently a steering committee member alongside the Massachusetts CEC), in addition to onsite and local commitments.

As further detailed in *An Act Driving Clean Energy and Offshore Wind* the solicitation should require submission of a draft environmental and fisheries mitigation plan, which should include, but not be limited to: “a detailed description of the best management practices and any on-site or off-site mitigation the applicant shall employ, informed by the latest science at the time the plan is made, that will avoid, minimize, and mitigate impacts to: wildlife, including but not limited to threatened or endangered species such as North Atlantic right whale; coastal and marine habitats; natural resources;

¹ <https://rwsc.org/>

ecosystems; and traditional or existing water-dependent uses, including, but not limited to, commercial and recreational fishing. The plan shall include preconstruction and post construction monitoring to understand the effects of facilities on marine and avian species.” (Sec.62)

This requirement that bidders provide an environmental and fisheries mitigation plan in their bids is a minimum baseline. The 83C Round 4 RFP should further incentivize companies to minimize the impacts and maximize the benefits of their projects on the marine environment by appropriately weighting these plans in evaluation. For example, if encouraged to do so, companies could establish goals for net-positive environmental benefits; clean transportation and vessels to reduce emissions during construction and operations; or funding for coastal resiliency.

Site and Environmental Data Transparency: While we appreciate that Appendix J asks for a “Plan for timely data sharing with relevant environmental and fisheries stakeholders” we recommend a more prescriptive approach. The NYSEDRA language is “If awarded a contract, Proposers must agree to make publicly available any information or data and supporting metadata that is developed in furtherance of a Project and relates to environmental characteristics, or use by wildlife, of any offshore, nearshore or onshore areas...”² and it goes on to specify the development of a Data Availability Plan, discuss sharing of real time marine mammal sightings and detection data, and data hosting requirements. This specificity makes it clear to bidders from the start what the expectations for data sharing are, and creates a collaborative environment for dialog about these important data. In order to constructively learn from these first offshore wind projects, we will need to rapidly evaluate new information and then determine the appropriate adaptive management steps.

Thank you for considering our comments, and we look forward to commenting on the Draft 83C Round 4 RFP when it is released. Please feel free to contact Steve Long, Director of Government Relations (slong@tnc.org) or Chris McGuire, Director MA Ocean Program (cmcguire@tnc.org) with any questions.

Sincerely,

/s/ Christopher H. McGuire

Christopher McGuire
Director, Massachusetts Ocean Program

² NYSEDRA 2022 RFP Section 2.2.8