COLUMBIA LAW SCHOOL
SABIN CENTER FOR CLIMATE CHANGE LAW

July 27, 2020

Program Manager
Office of Renewable Energy
Bureau of Ocean Energy Management
45600 Woodland Road, VAM-OREP
Sterling, VA 20166

Via the Federal eRulemaking Portal

Re: Supplement to the Draft Environmental Impact Statement for Vineyard Wind LLC's Proposed Wind Energy Facility Offshore Massachusetts and Public Meetings (Docket ID BOEM-2020-005-0141)

To Whom It May Concern:

This comment on the Supplement to the Draft Environmental Impact Statement ("SEIS") for Vineyard Wind LLC's proposed wind energy facility offshore Massachusetts ("the Project") is submitted on behalf of Win with South Fork Wind, Inc. ("Win with Wind"). Win with Wind is an independent, nonpartisan group of private citizens of the South Fork of Long Island, New York, that is not affiliated with or funded by any wind or energy development company. Win with Wind aims to produce fact-based information regarding the benefits of offshore wind energy, and is currently working to advocate for the proposed South Fork Wind Farm as an opportunity to place Win with Wind's community at the forefront of clean energy leadership. Win with Wind supports the Project's approval because of the contribution that the Project will make to reducing greenhouse gas emissions, and because it will lay the groundwork for offshore wind development along the Eastern Seaboard.

As the SEIS recognizes, offshore wind serves the nation's goal of producing electricity that is affordable, reliable, safe, secure, and clean,[1] and the Project would "contribute to arresting global warming and associated sea level rise and increased storm severity [and] frequency."[2] Indeed, climate change linked to greenhouse gas emissions is altering coastal habitats, species distributions, and ecological relationships.[3] Offshore wind is critical to ensuring that the United States achieves emissions reductions consistent with avoiding the most catastrophic impacts of climate change. Ushering in deep decarbonization of the U.S. economy through renewable

[1] SEIS at ES-1 (citing Executive Order 13783 (March 28, 2017)).
[2] *Id*. at B-62.
[3] *Id*. at 3-2, 3-10.

energy expansion will require the development of up to 4,770 megawatts ("MW") of offshore wind by 2025, depending on how much of certain other technologies are employed.[4]

As residents of Long Island, Win With Wind members are aware that coastal communities are uniquely threatened by the climate change impacts wrought by greenhouse gas emissions. According to the Intergovernmental Panel on Climate Change (IPCC) Fifth Assessment Report, coasts will increasingly experience adverse impacts such as submergence, flooding, and coastal erosion due to sea level rise caused by climate change.[5] The Fourth National Climate Assessment (NCA4) similarly found that "[c]oasts will confront a more diverse and, to a great extent, unique range of climate stressors and impacts compared with the rest of the country. Rising sea levels will force many more coastal communities to grapple with chronic high tide flooding, higher storm surges, and associated emergency response costs over the next few decades."[6] According to the NCA4, heavy precipitation coupled with sea level rise will produce higher storm surges that exacerbate the risks to coastal communities.[7] Moreover, as the SEIS notes, carbon dioxide emissions causing ocean acidification may threaten species that are important for commercial fishing, and climate change caused by such emissions will lead to property and infrastructure damage.[8]

The SEIS estimates that approximately 2,200 MW of Atlantic offshore wind development is reasonably foreseeable in light of existing permitting approvals, leases, and announcements.[9] An analysis of the offshore wind facilities currently in motion shows that those facilities, if they become operational, will produce enough electricity to power nearly 10 million homes.[10] The

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[4] GERRARD, MICHAEL B. AND JOHN C. DERNBACH, LEGAL PATHWAYS TO DEEP DECARBONIZATION IN THE UNITED STATES 465-466 (2019).

[5] 2014: Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part A: Global and Sectoral Aspects. Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Field, C.B., V.R. Barros, D.J. Dokken, K.J. Mach, M.D. Mastrandrea, T.E. Bilir, M. Chatterjee, K.L. Ebi, Y.O. Estrada, R.C. Genova, B. Girma, E.S. Kissel, A.N. Levy, S. MacCracken, P.R. Mastrandrea, and L.L.White (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, p. 364.

[6] Fleming, E., J. Payne, W. Sweet, M. Craghan, J. Haines, J.F. Hart, H. Stiller, and A. Sutton-Grier, 2018: Coastal Effects. In *Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment, Volume II* [Reidmiller, D.R., C.W. Avery, D.R. Easterling, K.E. Kunkel, K.L.M. Lewis, T.K. Maycock, and B.C. Stewart (eds.)]. U.S. Global Change Research Program, Washington, DC, USA, p. 335.

[7] *Id*. at 323.

[8] SEIS at B-62, B-75.

[9] *Id*. at 1-3.

[10] *See Atlantic Shores Offshore Wind* (visited July 14, 2020), https://www.atlanticshoreswind.com/; Bay State Wind Submits Bid to Build Offshore Wind Farm in Massachusetts (Aug. 23, 2019), https://bit.ly/32gRGDV; Equinor, Equinor Charts and Course of Progress with Beacon Wind (June 2, 2020), https://bit.ly/2CEpOi3; Tatiana

SEIS assumes that if the Project is not approved, these other offshore wind facilities will still be constructed and come online.[11]

It is not, however, simply a given that offshore wind development will proceed along the Eastern Seaboard. If the Bureau of Ocean Energy Management ("BOEM") declines to approve the Project's Construction and Operations Plan ("COP"), other wind developers will take note and could be discouraged from proposing new facilities, or from continuing with an existing permitting process. The protracted and ultimately unsuccessful effort to build the Cape Wind project, for example, subsequently cast a pall over offshore wind in the United States.[12] A failure to permit the Project at this stage is likely to have a similar impact. A decision imposing new requirements that would render the Project economically nonviable—as envisioned by Alternative F—could also act as a deterrent to developers, who may subsequently see no reason to invest in new offshore wind facilities.

By contrast, if the Project goes forward, it will represent a crucial precedent and pave the way for wind development along the Eastern Seaboard. The first offshore wind facility in the United States, the Block Island Wind Farm, has a capacity of 30 MW.[13] The recently completed Virginia Offshore Wind Project is the country's second offshore wind farm, with an expected capacity of 12 MW.[14] With a capacity of 800 MW,[15] the Project would be by far the largest

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Schlossberg, *America's First Offshore Wind Farm Spins to Life*, N.Y. TIMES, Dec. 14, 2016; *Equinor's Boardwalk Wind* (visited July 14, 2020), https://bit.ly/2CuuUgV; *Equinor's Empire Wind* (visited July 14, 2020), https://bit.ly/2OoKqxt; Trevor Metcalfe, *NC wind project lays groundwork in Virginia Beach*, INSIDE BUSINESS, Feb. 24, 2020; Vineyard Wind, *Liberty Wind* (visited July 14, 2020), https://bit.ly/3fwbOFL; U.S. Wind, *Maryland* (visited July 14, 2020), https://bit.ly/30d53Cb; Mayflower Wind, *The Project* (visited July 14, 2020), https://bit.ly/32jiN1e; Ørsted, Ørsted selected as preferred bidder for New Jersey's first offshore wind farm (June 21, 2019), https://bit.ly/2Zvofwa; Patrick Skahill, CONNECTICUT PUBLIC RADIO, *Connecticut Selects Vineyard Wind to Redevelop Bridgeport Harbor, Provide Offshore Wind*, Dec. 6, 2019; Ørsted, Rhode Island Regulators Approve Revolution Wind Power Contract (May 28, 2019), https://bit.ly/2AZtQBp; Ørsted, *Skipjack Wind Farm* (visited July 14, 2020), https://bit.ly/2Cev1xc; Anmar Frangoul, *New York gives green light for two huge offshore wind projects in waters off Long Island*, CNBC, July 19, 2019; Dominion Energy, Dominion Energy Announces Largest Offshore Wind Project in US (Sept. 19, 2019), https://bit.ly/3entJgA; *Vineyard Wind* (visited July 14, 2020), https://bit.ly/2CEfRkE; *South Fork Wind Farm* (visited July 14, 2020), https://bit.ly/3fuS5Gr.

[11] SEIS at 3-1.

[12] GERRARD, *supra* note 4 at 471.

[13] Bob Woods, "US has only one offshore wind energy farm, but a $70 billion market is on the way," CNBC, Dec. 13, 2019.

[14] Bureau of Ocean Energy Management, *Coastal Virginia Offshore Wind Project* (visited July 6, 2020), https://bit.ly/3fuHrzD.

[15] *See* SEIS at ES-1.

offshore wind farm in the country.[16] Its approval will signal that the federal government is serious about allowing sensibly sited and environmentally sound large-scale offshore wind development—that the Eastern Seaboard is open for business, and not only for small-scale or pilot projects.

Win With Wind has a particular interest in the Project—and the impact that its success or failure will have on the offshore wind industry—because New York State critically needs offshore wind energy. In fact, New York cannot meet its statutorily mandated renewable energy targets without significant offshore wind resources. The Climate Leadership and Community Protection Act ("CLCPA") came into effect in January 2020. The CLCPA mandates that a minimum of 70% of statewide electric generation be supplied by renewable energy by 2030, and that 100% be derived from zero-emission sources by 2040.[17] The CLCPA also requires the development of at least 9,000 MW of offshore wind electricity generation by 2035.[18] Recognizing the urgent need to scale up renewable energy capacity, in April 2020 the New York Legislature enacted and Governor Cuomo signed the Accelerated Renewable Energy Growth and Community Benefit Act to streamline the siting of renewable energy facilities in order "to meet the state's renewable energy goals."[19] New York cannot meet its statutory mandates without massive and rapid offshore wind development. The Project, as a bellwether, represents an opportunity for the federal government to signal its support for such development.

For these reasons, Win With Wind urges BOEM to approve the Facility's COP without imposing new requirements such as those included in Alternative F. Thank you for your time and consideration.

Sincerely,

[16] The South Fork Wind Farm, which is expected to be operational by the end of 2022, will have a capacity of 132 MW, still far below that of the Project. *See* Ørsted, South Fork Wind Farm (2019), http://dwwind.com/project/south-fork-wind-farm/; Ørsted, South Fork Wind Farm – frequently asked questions, http://dwwind.com/wp-content/uploads/2019/06/SFWF-FAQ-FINAL.pdf.

[17] NY PUB. SERV. LAW 66-p(2)(a), (b).

[18] *Id.* § 66-p(5).

[19] NY EXEC. LAW § 94-c(1).

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