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April 26, 2019

Jonathon Idman, Chief Regulatory Officer
Cape Cod Commission
P.O. Box 226
Barnstable, MA 02630

RE: Vineyard Wind Connector Development of Regional Impact

Dear Mr. Idman:

The Association to Preserve Cape Cod (APCC) writes in regard to the Vineyard Wind Connector Development of Regional Impact (DRI) and provides the following comments.

On December 19, 2018, APCC issued a public statement endorsing the Vineyard Wind project. The decision to support the project followed comprehensive review by APCC of the project's multiple state regulatory filings through the Massachusetts Environmental Policy Act process, as well as the release of the Bureau of Ocean Energy Management's Draft Environmental Impact Statement. APCC's determination to take a public stand on the project was prompted by the 2018 report from the Intergovernmental Panel on Climate Change predicting dire consequences unless world governments and private businesses commit to radical changes that significantly reduce carbon emissions. As the first major offshore wind project in the United States, Vineyard Wind represents a significant step forward in shifting our reliance from greenhouse gas-causing fossil fuels to clean renewable energy sources.

APCC believes Vineyard Wind has largely addressed the major issue areas associated with the project through proposed actions that would avoid, minimize or mitigate most of the potential environmental impacts in the offshore and onshore aspects of the project, including those aspects of the project that are within the Cape Cod Commission's regulatory jurisdiction.

When APCC expressed support for the project, we recognized at that time that some elements of project planning were yet to be resolved. However, we also recognized and appreciated Vineyard Wind's willingness to work in good faith with regulators and the community to address issues of concern.

In reviewing the DRI application materials submitted by Vineyard Wind, we noted there are still outstanding issues in the DRI review that need to be finalized. These issue areas are centered around the design of the substation, including critical actions proposed by the applicant to protect water resources from hazardous material contamination, as well as mitigation the applicant is required to provide as part of the DRI review process. APCC expects that these unresolved items will be provided by Vineyard Wind as part of the Cape Cod Commission's required conditions for DRI approval. These include:

- Final site plans and containment design details for the substation that show Vineyard Wind's proposal for 110 percent containment capacity for all hazardous materials, which would also accommodate a simultaneous 100-year, 24-hour rain event.
- A final substation spill prevention and response plan that includes descriptions of spill/leak detection instrumentation, plans for remote monitoring, staffing and spill/leak response equipment.
- Final stormwater management plans for the substation site, including pretreatment, sizing and plans for grass swales and an infiltration basin.

If the above issue areas are not finalized when a Cape Cod Commission decision of approval is rendered on the DRI, APCC seeks the Commission's confirmation that it will make submission of completed plans a condition for its final sign-off of the project.

The applicant had previously requested flexibility or a waiver from the open space requirement for DRI projects located in Industrial Activity Centers. For this project, the open space requirement is 5.9 acres for the development of the substation site. At the Vineyard Wind Connector public hearing on April 9, 2019, APCC called on the Commission to require the open space mitigation as described in the Open Space Technical Bulletin, and also called on Vineyard Wind to meet its open space obligation for this project.

Following the hearing, Vineyard Wind drafted the following proposal for meeting the open space requirement:

Within 60 months of the date of the Cape Cod Commission's final approval of the Vineyard Wind Connector, Vineyard Wind will provide for a total of 5.9 acres of open space protection on Cape Cod using conservation restriction or equivalent through any combination of the following: (i) the Town of Barnstable approves the use of funds provided through the Host Community



Agreement to protect land that could currently be developed; (ii) Vineyard Wind pays into a town or land trust's open space acquisition fund, or equivalent, such payments considered to protect land as open space at a rate of \$97,096 per acre (such that a sum of \$572,866.40 would fully satisfy the commitment to provide for 5.9 acres of open space protection); (iii) Vineyard Wind permanently protects land through a conservation restriction or other mechanism; (iv) Vineyard Wind donates property in fee for conservation purposes to a town, nonprofit conservation organization, or land trust; or (v) Vineyard Wind contributes to a nonprofit (501(c)(3)) conservation organization or land trust for the purpose of funding a specific identified land acquisition or conservation restriction by that organization, the amount of land considered protected by Vineyard Wind to be the same proportion to the total area protected as is Vineyard Wind's contribution proportional to the total cost of the entire acquisition or conservation restriction. Vineyard Wind will make an annual compliance filing with the Cape Cod Commission that informs the Commission of the status of progress towards satisfying this condition until the condition is fully satisfied.

APCC believes this approach allows some flexibility in how the open space requirement is met but will still result in the required 5.9 acres of potentially developable land to be permanently protected, and therefore it satisfies the DRI open space requirements. APCC supports this proposal by Vineyard Wind and we request that the Cape Cod Commission accept this as appropriate mitigation for the substation location.

APCC commends Vineyard Wind for its efforts to find a workable solution that allows the project to meet its regulatory obligations.

The Vineyard Wind project is a critically important project for Cape Cod and the Commonwealth of Massachusetts that will provide our region with a clean, renewable source of energy, and which will hopefully set the standard for future offshore wind development for our nation. APCC urges the Cape Cod Commission to approve the Vineyard Wind Connector DRI, with the conditions and mitigation as described above.

Sincerely,



Andrew Gottlieb
Executive Director



Don Keeran
Assistant Director

cc: Erich Stephens, Vineyard Wind
Nate Mayo, Vineyard Wind