TOWN OF BARNSTABLE

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SENT VIA ELECTRONIC MAIL AND US PRIORITY MAIL
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Secretary Bethany A. Card
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

Subject: New England Wind 2 Connector
Environmental Notification Form (ENF) EEA #16611

Dear Secretary Card:

The Town of Barnstable offers the following comments:

I. Executive Summary:

The Town's comments below reflect several primary concerns.

First, the Town wishes to seek assurance that Commonwealth Wind cables cannot ever be accessed by a wind developer seeking to develop a wind farm in Nantucket Sound.

Second, Town officials are very cognizant of the fact that the Dowse's causeway is proposed as the only, and highly exposed, cable connection to the mainland. The proponent carries a very high burden to convince regulators that the culvert, the proposed concrete conduits atop the causeway, and the very causeway itself can successfully survive future storm events. It seems clear to the Town that the very size of the conduits will add considerable expenses for sewer and other utility installation, maintenance, and replacement along the proposed routes, and the Town should not bear those expenses during and after the project's useful life.

Third, the proposed substation and expansion of the existing Eversource substation pose significant risks to groundwater because of the presence of highly toxic dielectric fluids and other hydrocarbon-based liquids that, if released to our sole source aquifer perhaps only 50' or less below the substations, would cause irreparable harm to our public water supplies. All of these risks have been thoroughly addressed in the two Host Community Agreements between the Town and Vineyard Wind and between the Town and Park City Wind executed to date. A third HCA for this project has not been negotiated and, regardless, the aquifer protections agreed to in those agreements should, as a matter of course, be incorporated into any and all relevant permits as a matter of vital public policy. The standards are industry leading and should not be left out of permits in the hope that an HCA will be successfully executed.

Fourth, and certainly not the last concern, is that the proposed routes for upland cable will pass through several Zone I and Zone II Wellhead Protection areas. Again, groundwater protection is one of our highest priorities. The closest possible examination of these facts is required to fashion alternatives that offer the highest level of protection to our water resources.

The Town hopes that the Secretary's MEPA Certificate will indicate that the scoping tasks represent the minimum, and not the exclusive, areas to be examined by all involved agencies. The project is very large, the challenges many, and the resolutions complicated. As newly discovered issues arise or are identified, the Secretary should encourage all agencies not to be unduly restrictive in their inquiry and willingness to explore thoroughly all issues responsibly raised by the parties during permitting proceedings.

The Town's officials look forward to a proactive and creative exchange of ideas that will bring this important project to life if consistent sound environmental practice and public health, safety, and welfare considerations.

II. General comments related to specific ENF sections:

The ENF repeatedly refers to the project site focusing on the substation but the "project site" includes a beach landing, on shore cable routing, new substation and improvements to an existing substation. It is unclear whether Avangrid's answers of "yes" or "no" to ENF standard questions are for the substation or for the "entire project". The Town's comments and questions assume that the ENF is for the entire project.

The ENF suggests that the commencement date for the project will be 2025. In light of Avangrid's recent announcement seeking to re-negotiate Power Purchase Agreements while asserting that the project is uneconomic without new PPA's, is 2025 an accurate target commencement date in order to successfully coordinate the Town's sewer and utility installations with cable installation?

On page 8 of the ENF, the term "off season" is used. For clarity, does this term refer to the "summer season" or to the interim presence of rare and endangered species?

On page 9, Table 2, there is discussion of the Dowse's Beach access road. It has a trenchless crossing to address concerns about storm surge and impacts to sensitive resource areas. There appears to be little to no analysis of this highly vulnerable location to high velocity and storm surge events and how the proposed construction atop the causeway could negatively affect the area's resources.

On page 9, does the single core cable specification reflect of the modifications that needed to be made to the Phase 1 and 2 cables specifications relative to municipal, district, and private utilities regarding adequate lateral separation and insulation requirements?

On page 10, the new substation is proposed for an area in a residential zone and within an aquifer protection overlay district. The EIR must address the impacts of the proposed substation on these protected interests. An alternatives analysis should also be ordered.

On page 11, are the Oak Street substation and the new substation containment systems going to reflect the specificity of the Phase 1 and 2 containment design requirements as set forth in the relevant Host Community Agreements as a condition of permitting, rather than relying on the yet-to-be-negotiated HCA for this project?

On page 12, is the stormwater management plan for the existing and new electrical substations adequate, given the sensitivity of the surrounding public water resources?

On page 14, the proponent has answered "No" to the Outstanding Resource Water "ORW" question. Given the proximity of Zone I and II resources, and the proposed upland cable route alternatives, both of which pierce both Zone I and II areas, the answer to the ORW question should be "yes". All research and analyses implicated by the correct affirmative answer should be pursued to completion and publicly reported in a timely fashion.

With reference to page 15, Dowse's Beach and the upland cable routes are regulated areas. The ENF seems to downplay the impacts of the project at Dowse's and along the upland cable route. The EIR scope needs to set out adequate environmental precautions to protect all sensitive receptors along the cable route/s.

On page 16, the Centerville River and East Bay are covered under the River Sanctuary act. The ENF suggests that these two waterways are not considered a Wild and Scenic River or a State-designated Scenic River? How are these two water bodies designated and what will be required if either body is so designated?

On page 19, Section II.E is answered "No". In light of clear Conservation Commission jurisdiction over some of these areas, zoning designating areas as GP, WP, and Zone I and II, should not the answer be "Yes"? Additionally, the Three Bays Watershed is a "Nitrogen Sensitive Area" given great scrutiny by MassDEP as part of the Town's approved Comprehensive Wastewater Management Plan. Finally, MassDEP is expected to drastically revise its septic system regulations in January 2023, likely resulting in the Three Bays Area being designated as special areas necessitating greatly intensified protection from

nitrogen and other pollutants. If the answer is "yes", what additional studies are indicated and how will such designations affect the proposed project?

On page 20, "Economic Development", how does Avangrid's announcement that the proposed project is uneconomic affect the project's permitting trajectory and the amount of time that the Town should await final commitments before it may reasonably pursue other potential projects seeking landfall in Barnstable?

On page 21, the proponent has answered questions 1 A & B in the negative or "unknown" category. Given the admitted presence of piping plovers and least terns in the immediate area, the answer should be "yes". All appropriate studies, avoidance techniques, and mitigation solutions should be publically vetted by experts as part of the DEIR and EIR.

On page 26, D.3 should be answered "yes" with respect to the velocity zone. The cable will be elevated atop the culvert and causeway and therefore not technically "buried". Additionally, in terms of consistency, the Town published in 2009 the "Coastal Resource Management Plan" covering the Three Bays Area, including Dowse's Beach and East Bay. Among the subjects addressed was "Erosion Control" and "Design Criteria". See section 7.3.2 – 7.3.2.2, page 7 – 9. Design criteria favored design height of hard structures to "allow sediment release during extreme storm events" and "Require 'rough face' surfaces with shallowest possible slope to displace wave energy and cut down on 'end effect' erosion without a footprint that encroaches on resource areas." Finally, the Plan called for "Construct[ion] of hard structures as far landward from MHW (mean high water) as possible."

The addition of concrete conduits atop the causeway does not reflect the proponent's concerns about rising sea level at the Dowse's site. Nor does the ENF acknowledge the high degree of vulnerability of the causeway and the proposed conduit which is located in a high velocity flood zone and a Category 1 (the worst) Hurricane Zone with expected flooding to elevation 15', compounded by massive wave heights atop the elevated sea surface.

Clearly the ENF does not address the obvious risks posed, nor does it attempt to find and seriously analyze numerous other locations that might actually assure uninterrupted delivery of green energy to the grid. This deficiency must be rectified with exhaustive alternatives analysis.

On page 29, there does not appear to be sufficient analysis to confidently determine whether eel grass beds will be adversely affected by dredging nor is there sufficient disclosure of the presence of eel grass, the quantities, and its relative health. Only with this information can one determine whether the seaward cable exit point is appropriate or should be moved to another location.

III. Specific Categories:

1. Protection of Nantucket Sound:

The Town embarked on years of litigation to ban Cape Wind from building its 130 wind towers in Nantucket Sound in close proximity (one-quarter of a mile in one measurement) to the only deep-water channel between Vineyard Sound and Nantucket. This route exposed the Sound and

more than 400 miles of shoreline to the risk of a collision between fuel barges and the wind towers, an accident that would have released up to 1,000,000 gallons of petroleum products. Having in mind the devastation resulting from the Bouchard spill in Buzzards Bay which dumped "only" 100,000 gallons of fuel oil onto the beaches, the risk posed by the Cape Wind project was at least 10x greater.

Those risks were readily acknowledged by Vineyard Wind (VW)and by Park City Wind (PCW). The Host Community Agreements for both projects contain a ban on allowing their respective cable connections to the grid to be utilized by any developer who proposes to construct a wind farm in Nantucket Sound.

The public interests of the Nantucket Sound communities, the Commonwealth, and the parties have been well served by such a ban. That ban should be incorporated into any relevant permitting for this project as any failure to adopt that standard would be an outcome completely unacceptable to the Town.

2. **Cable Landing area:**
    a. An exhaustive study of alternative cable landing and mobilization areas is needed.
    b. For the Dowse's route, consider Horizontal Directional Drilling (HDD) landing and mobilization in vicinity of East Bay Road.
    c. For non-Dowse's routes, examine other locations including Centerville River, West Bay, etc.
    d. Consider splitting cable landings between PCW route and a westerly route.
    e. Consider joining CW and PCW routes.
    f. All landing and upland areas being considered are owned by the Town. Require a thorough examination of private property that would otherwise satisfy location criteria.

3. **Causeway and Culvert Considerations:**
    a. Causeway is in a high velocity "VE" flood plain zone. Expected flood elevation is at Elevation 15, per Flood Plain regulations. The Causeway is in a Category I (i.e., the worst) hurricane surge zone.
    b. An exhaustive study of the viability of both the causeway, the culvert, and the duct bank in Category 1, 2, and 3 hurricanes (or higher categories, if warranted) must be undertaken.
    c. Causeway, according to witnesses, is regularly submerged in lunar and storm conditions.
    d. DEP and/or CZM should identify "significant" erosion potential at the Dowse's site, especially in hurricane conditions.
    e. Construction atop a culvert poses a number of issues:
        a. Unclear what added weight of the conduit will do to integrity of culvert.

b. Unclear how normal maintenance, repair, and replacement of culvert would be accomplished if the conduit is built atop it, at what added costs, and at whose expense?
c. If the culvert fails under any circumstances, how would repairs/replacement be accomplished?
d. If the conduits on the causeway suffer a catastrophic failure under any circumstances, how would repairs/replacement be accomplished?
e. Will added water flow resistance be caused by the conduit atop the causeway? Would redirected water flow contribute to undermining the causeway and/or culvert, thereby causing washout and structural failure? Would existing height of water in either the abutting pond or in East Bay be altered temporarily or permanently in any circumstances and what would those effects be?
f. Require that the added bulk, weight, and resistance of conduit atop the causeway be fully modeled in a test tank to mimic hurricane conditions in order to predict erosion, culvert failure, or/or conduit failure.
g. Require at proponent's expense exhaustive peer review of all risks posed, and mitigation measures proposed, should the causeway be used for the proponent's cable.

4. **Dowse's Beach Mobilization:**
   - Time lines
   - Construction season
   - Public access and Handicapped pier access; proponent's verbal assurances of uninterrupted beach and pier access appear at variance with proponent's visual aids that suggest complete denial of such access during construction. This conflict needs clarity and resolution.
   - Surface restoration standards, interim and permanent

5. **Upland Conduit Routes:**
   a. Roadways south of Main Street are quite narrow and the 9' width of the conduits, with associated trenching design, will close many roads. How long will road access be closed? What are plans for alternate routing during such closures?
   b. For abutting residential and commercial properties, how will access be guaranteed?
   c. Conduit's complete occupancy of many roadways during construction will require relocation of all existing utilities in most roadways.
      1. How will this be accomplished?
      2. How will abutters be assured of uninterrupted use of their homes and businesses?
      3. Is compensation proposed for abutters whose use of their properties is interrupted? How will this be compensated and guaranteed?
      4. What other abutter impacts may be expected?

5. The conduit occupation of the roadways will make installation, repair, and replacement of utilities considerably more expensive. It will also add costs to sewer installation.
6. How will these costs be determined?
7. Will the proponent be held responsible for such costs for the life of the conduit installation?
8. How can the payment of such costs be guaranteed?
9. What thermal impacts may be expected in the immediate vicinity of the conduits? How will those impacts affect adjoining utilities in the narrow roadways? Order peer review of these impacts and costs at proponent's expense.
10. Will the proponent be responsible for added costs to protect , repair, or replace such utilities negatively affected by thermal impact and/or other identifiable causes related to the project?

6. <u>Road restoration:</u>

a. Vineyard Wind specifications for road restoration to Barnstable and MassDOT standards were apparently not included or inadequately identified in its road construction contract, leading to conflicts, delays, and enormous consumption of Town DPW staff time.
b. How can these standards be assured via CW permitting and contract drafting and approvals?
c. Will Avangrid agree to include such resolutions into its PCW road construction contracts or must there be supplemental proceedings initiated for the PCW permits?

7. <u>Coordinated Conduit and Sewer Construction</u>

a. Ideally, conduit and sewer construction should be accomplished by the same contractor in order to minimize conflicts and accelerate installation.
b. How can this be accomplished via a single contract or via two contracts with the same contractor, one public and one private?

8. <u>Environmental Considerations</u>

a. Both the primary and noticed alternative routes call for stream crossings. However, the ENF provides little to no detail concerning potential negative impacts to protected wetlands interests, nor does it propose and analyzed construction and mitigation methods intended to avoid or mitigate such negative impacts. See ENF, page 24. Please provide this analysis.
b. Older Town studies of eelgrass presence and health identified relatively vibrant communities of eelgrass, especially in Nantucket Sound in the immediate vicinity of Dowse's Beach and extending westerly from there. As potential partial mitigation offered by this developer, are these identified areas capable of sustaining eelgrass that might be replanted in the vicinity, even a demonstration project?

c. Electromagnetic and thermal impacts need to be thoroughly investigated. Regular testing pre-commissioning annually post-construction with reporting to the Town should be required.

9. **Proximity to and Protection of Public Water Supply**

- The ENF appears to incorrectly state that neither the primary nor noticed alternative upland cable route will pass near public water supply lands.
- In fact, the primary route will transect two (2) Zone I Wellhead Protection Areas as well as two (2) extended incursions into a very large Zone II Wellhead Protection Areas.
- The noticed alternative route will transect one Zone 1 and two Zone II areas.
- The projected upland routes will also pass very closely to potential Public Water Supply Areas under consideration for future well development.
- What research, if any, has the proponent conducted to identify risks and to propose mitigation measures to protect these Zones? Indeed, will any incursion into a Zone I be tolerated?

10. **Protection of the Sole Source Aquifer:**

a. Vineyard Wind and Park City Wind Host Community Agreements ("HCA") provided extensive protocols to identify all hazardous materials and fluids at their substations. The Town collaborated with these two developers in the design of industry-leading containment designs to protect groundwater from releases of dangerous fluids, including dielectric cooling fluids, diesel oil, etc. Indeed, Eversource, to its credit, has now voluntarily undertaken to retrofit its Independence Park sub-station with such protective designs and equipment.

b. Will the agencies require such designs and construction in both the proponent's and Eversource's Oak Street substation, regardless of an HCA between the proponent and the Town?

c. Construction sites often experience spills of diesel fuel, hydraulic fluid releases from broken hoses, etc. What conditions will attach to permits to require immediate response equipment on-site to contain releases in the shortest possible time? What training and stockpiled equipment will be available onsite to insure this instant response?

d. Given the extreme sensitivity of the sole source receptor, will there be a permitting condition requiring an onsite, independent Licensed Site Professionals (LSP) at proponent's cost, present at all times during construction to identify and direct response to identified environmental threats? Will the LSP have authority identified in any relevant permit to order the immediate shut down of the project for good cause?

e. The sole source aquifer on the Cape is often not more than 35 to 50 feet below the surface. Will permitting require testing to determine that depth both at Dowse's Beach, and along the entire upland route? Are there any site-specific design and construction precautions that may be needed to protect the aquifer?

f. The aquifer likely extends seaward from the beach. Given the number of access wells that need to be inserted along the path of the HDD, and given the depths at which the cable is proposed to be installed, will the jet-plowed cable, the HDD drilling, and/or the HDD enabled cable intrude into the aquifer?

g. If so, there appears to be a high likelihood for saltwater intrusion into the aquifer. A full study of the possibility and consequences of such an intrusion and of the effects of the cable contact with the aquifer needs to be undertaken.

h. If the study shows risks of damage to the aquifer, what options are available, including raising the elevation of the cable, to prevent such damage?

11. <u>Electrical Substations:</u>

a. The Town requests that an alternatives analysis be provided for the new substation. It is unclear whether that study has been performed. It is a significant asset meriting a logical selection process to determine the most appropriate location. It appears that more than twelve acres will be clear cut to accommodate the new substation. What alternatives analysis has been conducted?

b. Will the proponent follow the hazardous product identification, containment, and emergency notification protocols adopted for Vineyard Wind and Park City Wind?

c. Will these protocols be incorporated as conditions of any and all relevant permits issued for this project?

d. Will Eversource be required to update its substation with such containment and other protocols developed for Vineyard Wind and Park City Wind substations and for Eversource's Independence Park substation? If so, will the proponent bear the costs of doing so?

12. <u>Performance and Decommissioning Assurances:</u>

a. It is vital to identify the milestones and performance obligations of each stage of the project. How will that be accomplished? What will be the consequences for failing to comply with such obligations?

b. Adequate bonding is deemed by the Town vital to assure completion of the project once begun and removal and restoration of town property once the proposed project ceases operations.

    a. How will the appropriate insured amount of each be calculated in present value?
    b. How will the insured amount be increased over the life of the project to accurately reflect cost growth over time?
    c. How will recovery of such amounts be guaranteed?
    d. Will the bond issuer be U.S.–based and licensed to do business in the Commonwealth?
    e. Will bond terms and conditions be subject to review and reasonable commercial approval by the Town prior to commencement of construction?

13. **Economic Uncertainty:**
    a. Avangrid has asserted that its Park City and Commonwealth Wind projects are uneconomic in today's high interest rate and supply chain environment.
    b. What detailed, independent expert evaluation and conditions can be ordered to assure that the project, once begun, will be completed? Will the DPU/EFSB be directed to complete this investigation?
    c. Will appropriate irrevocable financial assurances be required before the construction commences? Would Avangrid be required to directly guarantee completion of this project, once begun?

14. **Process:**
    a. In the event that the parties reach agreement on a Host Community Agreement ("HCA") for this project, will the HCA be incorporated in whole or in relevant part to any permits that may issue for this project, including from the DPU and EFSB?

    b. Because the project is expected to be in commission for twenty-five years or more, requiring constant interaction between the proponent and the Town, will the DPU and/or EFSB order periodic compliance filings and hold open the opportunity for the parties to bring matters in dispute to either agency for resolution during and after the operational life of the project?

    c. The Town expects to require the advice of independent experts on a potential variety of subjects now and over the life of the project. Will the proponent be required to pay the cost of such expert consultants and, if so, under what terms and conditions?

Thank you for your consideration of these comments.

Sincerely,

Charles S. McLaughlin, Jr./mf

Charles S. McLaughlin, Jr.
Senior Counsel