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Vineyard Wind is a commercial-scale offshore wind farm that is currently under construction. It's located 35 miles off the coast of Massachusetts and 15 miles from the islands of Martha's Vineyard and Nantucket. The preferred action proposed in the Environmental Impact Statement (EIS) would involve the construction of 100 turbines each having somewhere between an 8-to-14-megawatt generation capacity (FEIS Volume 1 9). The 13 MW turbines (the approved alternative) will stand 248 meters (814 feet) tall when constructed (Duchamp). These turbines would be placed about a mile apart from each other across the 166,866 acres of land that Vineyard Wind has leased for this project (FEIS Volume 1 31). Over a year, this project would generate 800 megawatts, which would power roughly 400,000 homes in Massachusetts. This project is in part a product of Massachusetts renewable energy requirements, specifically 220 CMR 23.00 which requires distribution companies to buy offshore wind if economically feasible ("220 CMR'). These requirements would help the state of Massachusetts generate more of its own energy. Currently, Massachusetts is considered an "energy importer" state because it consumes almost seventeen times more energy than it produces ("Massachusetts State Profile"). Using offshore wind would not only ease the burden of climate change but also help Massachusetts reliance on out of state energy production. This project also fits into Massachusetts' set goal of contracting 5,600 megawatts of offshore wind by 2027. There are currently four other wind projects that the BOEM has started the EIS process for ("Offshore Wind Update").

The land that Vineyard Wind now owns is home to many aquatic species. There is also a large population of endangered animals protected by the Endangered Species Act and Marine Mammal Protection Act. These include the Atlantic salmon, giant manta, two kinds of sturgeon, and five kinds of whales (FEIS Volume 1 138). The project therefore requires an Incidental Take Authorization from the National Marine Fisheries Service due to the potential harm and this protection given by both acts. "Incidental take" is any action that might have an unintentionally harass or kill an endangered species ("Glossary: Permits for Protected Resources"). This is because of the anticipated disruption of this ocean habitat due to the proposed wind farm. With the installation of cables to carry the energy produced by the turbines, the ocean floor will need to be dredged as much as eight feet in some places (FEIS Volume 1 80). The turbines and increased boat traffic will bring with them increased noise and light pollution in the area as well as trash from construction (FEIS Volume 1 156-160). The noise from pile driving is expected to most impact cetaceans who hear at a low frequency, including North American right whales, of which there are less than 350 left. One of the factors for this increased mortality are collisions with boats ("North American Right Whale"), of which the project will increase traffic within their habitat. To mitigate this, Vineyard Wind is required by the National Marine Fisheries Service to pile drive only in a certain season to minimize the impact. The impact of this noise on cetaceans is described in the EIS as "behavioral disruption", so it is hard to tell how serious the effect will be or how this pile driving will affect marine mammals behaviorally.

The impacts on marine animals will also impact Massachusetts and Rhode Island fisheries in the area. The port in New Bedford, one island in Massachusetts that is 15 miles from the proposed

site, brought in 438 million dollars' worth of fish in 2018. This industry also employs about 52,000 people in Massachusetts and 4,522 in Rhode Island, with most of those employed working in either harvesting or retail (FEIS Volume 1 268). The noise that will impact cetaceans will cause some serious injuries but also "behavioral impacts" that could affect spawning in commercial fish species. The addition of structures such as foundations for the turbines will lead to a loss of fishing gear and a decrease in mobility especially for larger operations. During the construction of the turbines, fishing operations would not be able to conduct business within the construction area. The other impacts mentioned previously (trash, light pollution, and ocean floor disruptions) will also impact the species that are being fished and is also a concern for fisheries (FEIS Volume 1 274-280). For-hire fisheries are also expected to have a decline in income because of the above factors, however they are mentioned less in the EIS, presumably because they are less economically important for the region.

Tourism is another large employer in the area that may experience impacts from the project. Massachusetts is home to many popular seasonal tourist destinations such as Martha's Vineyard. A concern about the project is how the turbines might cause less tourists due to the visual effects. People traveling to a historic town may not want to see modern technology or people visiting a beach may not want to see lights on turbines during their visit. In addition, places with "scenic" views may also be affected. One study claims that this disruption will be minimal, with trip loss due to the turbines somewhere between 5-8% of typical traffic, however this study is a hypothetical question posed to residents and not something that has been tested (FEIS Volume 1 248-250). One of the largest impacts in the tourist industry is expected to be recreational fishing, although most recreational fishers stay within a mile of shore, the increased traffic and boats in port may make fishing harder even for those who don't do it commercially (FEIS Volume 1 254).

Another impact that was explored was the impact on "cultural resources". The project will result in a change in fish population, which will affect the traditional fishing methods of local tribes. This is significant both for the tribe's subsistence and culture. Tribes also identified that unobstructed views of the sky during lunar events and sunrises and sunsets are important to them and are listed as a concern. In addition, one tribe identified submerged ancient landforms that are associated with their culture and their ancestors (FEIS Volume 1 235-239). Although what tribes these effects are linked to was not specified, the cooperating tribal nation for this report is listed as the Narragansett Indian Tribe (FEIS Volume 1 5).

Navigation was also brought up in the EIS as a concern. This area of New England sees heavy boat traffic, although most of it is from commercial fisheries and recreational boaters. In 2016-2017, 150 boats travelled on or near the proposed site a day (FEIS Volume 1 304). With the addition of 64-100 turbines, visibility of other boats will be decreased in addition to the possibility of ships radars being affected (FEIS Volume 1 306). Increased boat activity at ports would be a nuisance for others trying to boat and many local ports weren't made to handle commercial offshore wind farm activity. The Coast Guard also has concerns about how this would affect Search and Rescue missions and that drivers of boats may crash into the turbines. Although buoys will be marked, 58% of surveyed boaters stated they were concerned that other boaters lack knowledge about navigational rules and 43% were concerned about alcohol use (FEIS Volume 1 304). These concerns may not necessarily be representative of the percent of

boaters who do lack knowledge about navigational rules or that boat while impaired, but it is worth nothing when considering the effect that these turbines may have on boater safety.

This EIS was prepared by the Bureau of Ocean Energy Management (BOEM). This agency works underneath the Department of the Interior and manages the leasing and development of the United States' Outer Continental Shelf for energy and mineral resources (Bureau of Ocean Energy Management) Mostly this includes permits for oil, working on coastal erosion, and now renewable ocean energy. BOEM has the responsibility to make the final decision on what alternative, if any, could be constructed. This is in addition to the decisions made by the National Marine Fisheries Service regarding the Incidental Take Authorization, and the US Army Corps of Engineers' decision as this project falls under both the Clean Water Act and the Rivers and Harbors Act due to the possible pollution and impacts on navigation (FEIS Volume 1 31).

During this process, the National Environmental Policy Act requires a public participation process. The public involvement process specific to the BOEM requires that the period to submit comments is at least 45 days long. It also requires that the availability of the impact statement is announced in the Federal Register and press releases. Public comments need to have an option to be either in writing or a comment at a public hearing. The public hearings should be held in the areas most affected by the proposed action ("What Is The Environmental Impact Statement?"). The Department of the Interior also requires that those leading public hearings need specific trainings ("PEP Environmental Statement Memorandum").

This specific EIS followed the above guidelines. The BOEM distributed copies of the Draft Environmental Impact Statement (DEIS) on the BOEM website and through CD or hard copies of the DEIS given to libraries. Those interested could comment by a submission on www.regulations.gov, email a BOEM representative, mail a comment letter to BOEM, hand in comment cards or letters at a public meeting, and submit a "verbal comment" at a public hearing. There were five public hearings for the DEIS comment period, all which took place in cities that are connected to the tourism industry, fishing industry, and/or had a port that would be used for the project (FEIS Volume 3 12). The public comment process for this project was criticized because all of these meetings had to be rescheduled to February 2019. This was due to the government shutdown in January 2019, however the BOEM could not have foreseen the shutdown and did extend the comment period to accommodate for this.

Despite this, 54% of the 341 comments received were in favor of the project. By BOEM's standards, only 11% were opposed, leaving the rest classified as "neutral" comments. Most of these comments were from members of the public (65%), and most of the rest were from businesses and non-governmental organizations (combined 28%) The rest of the responses were from governments, most of them local governments (40 responses) and some from state and federal agencies (FEIS Volume 3 14). Among those who commented, most, if not all, businesses and organizations fall into three categories: fishing business or representative, a food processing business, and renewable energy companies or environmental organizations. This trend can be observed on page 17, where the organizations associated with comments include Scandinavian Fisheries, Inc, Seafreeze Ltd., and Massachusetts Climate Action Network. This can also be observed in the distribution of topics included in the comments. The most frequent parts

commented on include commercial fisheries and for hire recreational fishing (16.1%), mitigation (8.56%), and purpose and need (7.7%) (FEIS Volume 3 16).

The Supplement to the DEIS (SEIS) was released in June of 2020 and followed the same notice of availability and comment options except the public hearings were now held virtually. This included new fishing data and a new alternative that considered planning for a transit lane for boat traffic to travel through the wind farm (FEIS Volume 3 12-13). The SEIS comment period generated a large amount of interest, resulting in nearly 30,000 comments (FEIS Volume 3 379). This number includes form submissions, which the EIS describes as "pre-written text provided by an interest group for submission by individuals." (FEIS Volume 3 11). In total, these form submissions by six organizations and two labelled "unknown" account for 29,238 of the 29,985 comments (FEIS Volume 3 380). 2,317 of the form letter comments were considered "variant", meaning they had some basis in the pre-written form letter that the organization promoted but deviated from the template (FEIS Volume 3 12). One of the larger form letters was from the National Wildlife Federation, which had 9,563 submissions of their form letter with no variant submissions. The Union of Concerned Scientists had a total of 12,161 submissions and the Sierra Club had 7,070 submissions, with 177 and 2,090 variant submissions respectively. All the listed organizations and their submissions were in favor of the proposed project, and only 23 from an unknown organization were opposed to the project. Out of the 747 unique submissions not associated with a form letter, 79% were in favor and 14% were opposed to the project's installation. Overall, the distribution of public, organizations, businesses, organizations, and governments remained similar to the DEIS comment period as most comments were from the public or businesses (FEIS Volume 3 379-380). Unique comments and comments associated with form letters that had variation led to a total of 3,767 comments that were considered "substantive". The most common topics remained similar to those from the DEIS, with the most comments on purpose and need (21%), alternatives (17%), employment (16%), and commercial fisheries (9%) (FEIS Volume 3 381). Many of the comments speaking on alternatives focused on the alternative involving a transit lane proposed in the SEIS, with most of the comments against the proposed lane. One comment on alternatives from the Marine Mammal Commission remarks that they do not have a preferred alternative because all the alternatives will harm mammals similarly (FEIS Volume 4 371).

Many comments that weren't very substantial received the response of "thank you for your comment". Some of these submissions include comments such as "we need MORE wind turbines" (FEIS Volume 4 21) and "Wind turbines kill birds and bats and insects" (FEIS Volume 4 13) (no bats live thirty-five miles off the coast of Massachusetts ("Bats of Massachusetts")). Parts of submissions that had nothing to respond to also received this response, for example, commenting about how this project is only being built due to tax incentives (FEIS Volume 4 24). As outlined above, a decent percent of comments were from businesses concerned about Vineyard Wind's potential impact on fishing. One part of a comment submitted by Jason Jarvis from Old Jake Fisheries reads "These windmills could potentially be the nail in the coffin for RI Squid boats." The response given was typical in that it reads as detached without considering the mindset of those sending the comment and mainly references the EIS instead of engaging.

> As already discussed in the DEIS Section 3.4.5.3, BOEM acknowledges that "squid resource is located where construction activity is occurring then the resource may not be available during the time that the resource and construction activity overlap." As described in Appendix D of the

> DEIS BOEM is considering a Dynamic Squid Fishing Avoidance Plan as mitigation measure that would require daily communication between squid fishery representatives and Vineyard Wind so that harvesters are aware of the day's activities and the developer is aware of where fishing is occurring. As such, no revisions to the FEIS are warranted.

This response doesn't seem adequate in that it doesn't engage with Jarvis. It references where the DEIS also references squid fishing. It also "acknowledges" that construction will occur during squid season and will make it impossible to fish during certain phases of construction. There is no mitigation or compensation discussed, or at the least a "sorry you feel that way". The authors then discuss a plan that they are "considering" that is buried in Appendix D about a plan that would be mutually beneficial to both the squid fisherman and the construction workers. The last sentence about revisions to FEIS reveals what I think is the author's main view of these comments, which is that they are about whether or not they should change aspects of the FEIS and not comments on the project as a whole. If I were responding to this comment, I would include something about how the season for construction is mandated to mitigate effects that it may have on North American right whales and that they can't do anything to change it. I would also summarize the findings from the finfish and invertebrate section of the DEIS, especially the parts that claim effects on aquatic organisms would mostly be minor and temporary.

Some changes were made to the approved action because of the public comment process. Although responses to comments seem cold and copy-pasted, the comments were taken into consideration when determining the future of this project. Ultimately, BOEM decided on an alternative that is a mix of many listed alternatives and does not include a transit lane. There will be 64 14 MW turbines instead of 100 10 MW turbines. Because of concerns for the visual impacts, there will be no turbines placed in the northern-most area of the property. The layout would be facing East-West instead of North-South, and they would all be spaced a mile apart instead of different distances depending on the turbine ("Final ROD" 23). The U.S Army Corps of Engineers even acknowledged they read the comments on the EIS when coming to their decision to approve the project ("Final ROD" 30). Even though the responses to comment were lacking in some respects, the deciding federal agencies did read the submissions and some may have influenced the final decision. The BOEM also did a bit more than the minimum with ways that people could submit comments. They also rescheduled all the cancelled public hearings that were scheduled to happen during the government shutdown, and with that extending the amount of time that people could send submissions to slightly more than required. The entire process could be described barely more than the minimum, without considering the way BOEM responded to public comments. What makes it slightly better is that these comments were somewhat listened to.

Although I feel like this public participation process went okay, three different groups have decided to sue the Department of the Interior and BOEM for their decision. A group called Responsible Offshore Development Alliance (RODA) represents fisheries in Massachusetts and Rhode Island. The group's executive director has said that the approval of this project, and several other proposed offshore wind farms close by, was too hasty in their decision and believe that the company should research more about the impacts they will have on the environment before continuing construction. RODA also feels as though Vineyard Wind violates the Clean Water Act, Endangered Species Act, Outer Continental Shelf Lands Act, and "other federal environmental statutes. Although RODA as an organization brands itself as more focused on

fisheries, the inclusion of these acts suggests that RODA sees this as a weakness of the EIS that may make their lawsuit successful. This is in spite of the fact that the U.S. Army Corps of Engineers and the National Marine Fisheries Services have already approved this EIS in full knowledge of the impacts that this will have on marine mammals, endangered species, and water resources (Steinhauser). In addition to RODA, the federal government was also sued by a group of Nantucket residents and by the Texas Public Policy Foundation (Serreze). The Texas Public Policy Foundation, while funded mostly by Texan offshore oil, does represent some local businesses' fight against the turbines such as a seafood wholesaler, Seafreeze Ltd. (Gelles). Part of this resistance is the possibility of more offshore wind farms in the area, as BOEM has recently submitted a notice of intent to file an EIS for four other offshore wind projects ("Offshore Wind Update").

These lawsuits show that although Vineyard Wind offered mitigation programs for commercial fishing operations, they felt as though there wasn't enough information on how these turbines might impact their industry. Even with the best mitigation efforts, installing 64 turbines that are 814 feet tall as well as the turbines' foundations and miles of cables under the ocean floor will disturb the oceanic habitat for every organism living there. There is no alternative layout or a longer comment period that can change this. The question that Vineyard Wind is asking is if the reduction in carbon emissions is worth the environmental harm. The Bureau of Ocean Energy Management, Army Corps of Engineers, and the National Marine Fisheries Service have decided that it is.

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