

Dear Friends,

As stakeholders from the Massachusetts environmental community who have been working hard to promote responsible renewable energy development – including through our support for the pending Wind Energy Siting Reform legislation – we would like to respond to some of the most significant arguments and mischaracterizations made by the bill's opponents, particularly those set forth in Eleanor Tillinghast's recent email blasts regarding the bill.

As an initial matter, it is important to consider that some of the most vociferous opponents of the Wind Energy Siting Reform bill have made clear that they are opposed to *all* land-based wind energy projects. As such, their opposition to the legislation is unsurprising; these opponents probably would oppose any wind energy siting reform, irrespective of how it is designed.

By choosing to oppose responsible wind energy development, opponents are choosing a wholly unacceptable and dangerous *status quo* that entails ongoing reliance on polluting fossil fuel-fired power plants, plants that are major sources of global warming pollution and that emit other largely invisible yet dangerous pollutants including mercury, lead and particulates that are damaging to human health and the environment. The wind energy opponents make the unreasonable argument that we should pursue energy efficiency and conservation *instead* of wind. But considerable electricity must be generated somehow in order to meet ongoing demand. Despite progress in leaps and bounds to ramp up efficiency and conservation in Massachusetts – with a \$1.4 billion investment planned for the next 3 years in Massachusetts alone – we continue to need significant quantities of clean energy to keep the (compact fluorescent) lights on. The truth is that we need to promote efficiency, conservation *and* clean renewable energy sources like wind.

All energy facilities have some environmental impacts, including wind projects. Yet we need to consider (and mitigate) not just the impacts of building and operating renewable energy facilities, but also the public health, natural resource and other impacts that would occur should we *fail* to deploy new clean energy infrastructure and leave ourselves dependent on dangerous and polluting electric generation sources including the region's fleet of old coal plants.

The pending Wind Energy Siting Reform legislation represents a critical step in the right direction. The bill's important objectives include the following:

- Leveling the playing field: Existing power plant permitting laws in Massachusetts provide a significant advantage to large fossil fuel-fired facilities, giving them an unfortunate leg up over much cleaner renewable energy projects. Under current law, only power plants with a capacity of 100 Megawatts (MW) or larger are eligible to go through centralized state permitting before the Massachusetts Energy Facilities Siting Board and to take appeals of the Board's decisions directly to the state's highest court. The vast majority of wind energy projects are far too small to qualify for Siting Board review. From an environmental and public health perspective, it makes no sense to favor

large-scale fossil fuel fired power plants rather than smaller wind energy facilities that have substantially fewer environmental impacts. The bill would level the playing field by allowing wind projects as small as 2 MW in size to be reviewed by the Siting Board.

- Striking the right balance between environmental protection and efficient permitting for wind projects: The Wind Energy Siting Reform Act not only would establish single board review at both the state and local levels and streamline some of the associated appeals processes, it also would introduce important new wind energy siting standards that, by statute, must be as protective as existing environmental laws and will specifically address wind energy facilities. The bill also requires the first-ever siting standards to be set with respect to resources such as large unfragmented habitat blocks. Collectively, these standards will promote environmental protection as well as consistency and predictability for all stakeholders. In addition, new environmental representation would be added to the Siting Board, which will promote environmental considerations as part of the decision-making for *all* projects, not just smaller wind energy projects.

- Striking the right balance between local and state authority: Unlike some other states' renewable energy permitting systems that put all decision-making in the hands of a centralized state authority, the Wind Energy Siting Reform Act recognizes the strong Home Rule tradition in Massachusetts and the valuable role played by local communities. The bill retains permitting authority for wind energy projects at the local level through a single local board. Local communities in areas with significant wind energy resources will establish new Wind Energy Permitting Boards (WEPB) with representation from each of the local boards that typically have a role in permitting wind projects: members of the local Conservation Commission, Planning Board and Zoning Board of Appeals all would participate on the local WEPB. In the event the local WEPB denies a wind energy project or proposes conditions unacceptable to the developer, appeals by the developer could only be taken to Superior Court or Land Court. Appeals of project approvals by third parties would be brought before the state Siting Board.

These are the core objectives of the Wind Energy Siting Reform Act, which we believe would significantly promote much-needed wind energy projects in Massachusetts while protecting natural resources, contrary to what is suggested by some opponents. Setting aside much of the considerable exaggeration and inflammatory language used by the bill's principal opponents, we would like to respond to some of the most significant misrepresentations:

- The argument that the bill would give wind energy projects a "free pass" to evade existing environmental protections is flatly wrong. The plain language of the bill makes clear that *the Siting Board is required to base its decisions on the Board's wind energy siting standards, standards that must be as protective as existing environmental laws*. The Board never would be required or even authorized to simply "waive" these standards. Projects are only assured of approval if they actually meet all of the siting standards. For projects that fall short of any of those standards, the permitting process may be extended through evidentiary hearings, and at the end of the process the Siting

Board may only approve a facility that complies with the siting standards “to the maximum extent practicable,” has demonstrated benefits that outweigh negative impacts, and includes appropriate mitigation.

- The legislation would *not* give the Siting Board authority to override municipal board rejections of wind energy projects. The revised Wind Energy Siting Reform Act makes clear that the Siting Board must retain locally imposed conditions “to the maximum extent practicable” and must provide a written justification for any condition that is not adopted. If a local WEPB denies a project, the applicant wind developer could appeal only to Superior Court or Land Court, not to the Siting Board – unlike the case with developers of traditional large-scale power plants, who may seek an override from the Siting Board.

- The Green Communities program will complement, but is not a substitute for, wind energy siting reform. Communities may seek to qualify for the Green Communities Program by adopting as-of-right siting bylaws for wind projects, but they are not required to do so; they may instead elect to adopt such bylaws for ground-based solar projects or for renewable energy R&D or manufacturing. In addition, the local wind siting process envisioned in the Wind Energy Siting Reform Act is not “as-of-right” siting. The legislation does not require communities to designate appropriate “as of right” zoning for wind projects, and the local WEPB would be empowered to deny projects that are not responsibly sited or designed, and to require mitigation measures for projects that are approved.

We therefore ask you to look past the exaggerations and mischaracterizations to assess the Wind Energy Siting Reform Act for what it is: a long overdue reform to a historically imbalanced energy facility permitting system – reform designed to allow responsibly sited wind projects to move forward and contribute clean, local energy to meet our needs.

Thank you,

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