

May 2, 2022

Amanda Lefton, Director
Bureau of Ocean Energy Management
1849 C Street, NW
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Re: Need for a Programmatic Environmental Impact Statement to Identify Wind Energy Areas in the Gulf of Maine

Dear Director Lefton,

On behalf of Conservation Law Foundation, Acadia Center, Blue Ocean Society, Friends of Casco Bay, Island Institute, League of Conservation Voters, Maine Audubon, Maine Conservation Voters, Mass Audubon, National Audubon Society, National Wildlife Federation, Natural Resources Council of Maine, Natural Resources Defense Council, New England Aquarium, New Hampshire Audubon, Oceana, Surfrider Foundation, and 350NH, we submit the following letter in regard to the Bureau of Ocean Energy Management's ("BOEM") and Department of Interior's ("DOI") October 13, 2021 announcement that BOEM intends to conduct offshore wind lease sales by 2025 in the Gulf of Maine.¹ Most of the signatories to this letter are based in Maine, New Hampshire, or Massachusetts or have a substantial presence in the Gulf of Maine region.

Our organizations are deeply committed to addressing the climate crisis and strongly support the Biden Administration's efforts to swiftly advance clean energy alternatives—including environmentally responsible offshore wind development that avoids, minimizes, and mitigates impacts to wildlife and ecosystems—upon which a decarbonized economy can be centered. We strongly urge BOEM to adjust its process for these lease sales by conducting at the outset a programmatic environmental impact statement ("PEIS") pursuant to the National Environmental Policy Act ("NEPA")² to identify wind energy areas ("WEA").³ From our more than a decade of experience in southern New England and the many lessons learned during the development and on-going permitting of various projects there, we urge BOEM to conduct a PEIS that fully analyzes the Gulf of Maine's outstanding ecological significance, including to benthic ecosystems and vulnerable populations of fish, crustaceans, whales, sea turtles, seabirds, landbirds, and bats, as well as its considerable cultural and economic importance, including to the local fishing industry and coastal and tribal communities. A PEIS conducted prior to the designation of WEAs, will allow contentious issues to be identified, evaluated, and addressed in

¹ "Secretary Haaland Outlines Ambitious Offshore Wind Leasing Strategy," DOI (October 13, 2021).

² 42 U.S.C. §4321 *et seq.*

³ Conservation Law Foundation, Natural Resources Defense Council, National Wildlife Federation, and National Audubon Society previously submitted a letter to BOEM on February 1, 2022, requesting that BOEM conduct a PEIS for the Gulf of Maine.

a public and transparent manner at the outset of the process, rather than delaying projects further down the road.

Incorporating NEPA Review at the Start of WEA Identification in the Gulf of Maine is Critical

Because WEAs dictate which areas are leased and where offshore wind farms are ultimately constructed, BOEM should fully consider the environmental and socioeconomic impacts of multiple offshore wind projects across a region before designating WEAs. Under current practice, WEAs are identified through information gleaned from the Call for Information and Nominations and the Intergovernmental Renewable Energy Task Forces, in which the public has only a minimal role, and the information used by BOEM in its designation of WEAs is not fully transparent. To date, environmental review of the full scope of potential impacts from wind development under NEPA does not occur until after WEAs have already been identified and leases allotted. Waiting to conduct an initial NEPA review of impacts from offshore wind development until after a broad area has been winnowed down to WEAs limits the information available to decision-makers, and the opportunity for public input, during site selection. As a result, the existing process lacks the rigorous analysis necessary to ensure that the full extent of the impacts of offshore wind developments are first avoided, and then minimized and mitigated.

The Gulf of Maine is one of the most productive ecosystems in the world. Known as a “sea within a sea,” the Gulf of Maine is characterized by a unique undersea topography of deep basins, shallow banks, and ledges and by powerful tidal currents, which mix the cold waters of the North Atlantic with the freshwater of 60 rivers draining into the Gulf. This fuels a biological engine that supports some 3000 species of wildlife, including marine mammals, fish, birds, turtles, and invertebrates. The Gulf of Maine plays a significant role in the culture of New England and is the foundation for a coastal economy characterized by commercial and recreational fishing, aquaculture, recreational boating, shipping, and tourism. Because of the Gulf of Maine’s immeasurable economic, cultural, and ecological importance, BOEM should conduct a PEIS before designating WEAs there.

A PEIS prior to identifying WEAs in the Gulf of Maine would provide the rigorous alternatives analysis necessary to ensure that the areas selected have the optimum wind energy potential and the least potential environmental and social impacts. Adopting a NEPA review process to designate WEAs would illuminate, address, and reduce environmental and user conflicts from the start; provide a more robust public engagement and comment process that builds public confidence in the WEAs that are identified; and allow stakeholders, lessees, and agencies to start collaborating on developing solutions to recognized impacts at the beginning of the process, instead of learning of issues later in the process when BOEM conducts environmental analyses of individual project construction and operations plans. Further, by identifying affected parties and impacts early on, a PEIS could provide greater certainty and predictability for lessees going forward and could increase efficiencies in later development stages by helping inform future

NEPA reviews.⁴ Finally, a PEIS would also capitalize on the significant experience that stakeholders and federal, state, and tribal entities have in regional ocean planning, which for many in New England has become the expected way to collaborate and deliberate on the management of the ocean.

In sum, to maximize the opportunity for offshore wind projects to be developed with minimal environmental and human use impacts and maximum stakeholder input and engagement from the start, the undersigned parties recommend and request that BOEM conduct a PEIS prior to, and as the means for, identifying WEAs in the Gulf of Maine. We appreciate BOEM's consideration of this letter and would like to arrange a meeting with BOEM in the coming weeks to discuss this matter further.

Sincerely,

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⁴ In particular, a PEIS could facilitate efficiency gains later in the process when, as appropriate, project-level NEPA analyses may be able to tier off the PEIS. *See* 40 C.F.R. § 1501.11 (which allows agencies to use tiering for subsequent environmental review).

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