



TOWN AND COUNTY OF NANTUCKET

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Department of Environmental Protection
Division of Wetlands and Waterways
Attn: David Wong
One Winter St.
Boston, MA 02108

Re: Public Comments on Vineyard Wind, LLC's Chapter 91 License Application No. W19-5470

Dear Mr. Wong:

Thank you for the opportunity to comment on Vineyard Wind, LLC's Chapter 91 License Application No. W19-5470. While the Town of Nantucket understands that these comments are being filed after the comment period, the Town has been struggling with obtaining complete information on the permits required for the Vineyard Wind project. The Town feels strongly about the protection of its coastline and urges you to consider the below comments in your review of the Vineyard Wind Chapter 91 License Application.

The island of Nantucket proudly supports approximately 81 miles of coastline and is best known for its historical significance and as a seasonal destination for tourists who seek an island oasis coupled with culturally rich New England. In order to access Nantucket, many people take a ferry from Cape Cod to get to the island. The waters off of Nantucket are saturated with vessels, commercial fishing vessels, recreational vessels and ferries. Therefore, the preservation of Commonwealth tidelands and the public's rights to navigation, fishing and fowling and free passage over and through the water are of the utmost importance to Nantucket.

The Town's main concern with the proposed project focuses on navigation and public safety concerns resulting from the proposed "eastern option" of the project, which involves 3.1 miles of offshore export cable running through Muskeget Channel. While it is understood that the project proposes to lay the cables on land under the ocean floor, whereby not interfering with navigation post-construction, the construction phase of the project is particularly concerning and will cause a significant amount of disturbance to the navigation routes within Nantucket Sound and Muskeget Channel. The construction at Muskeget Channel is proposed to take place in the spring of 2021, approximately April through June. This is an inopportune timeframe for construction within Muskeget Channel and Nantucket Sound. For example, the construction phase will be occurring during the height of the summer season and will have dire impacts on

navigation routes for all vessels coming and going from the island. The Figawi Regatta, one of the busiest weekends on the island, occurs during Memorial Day weekend, thereby in direct conflict with the construction. 310 CMR 9.35(2)(a), states that a project "shall not significantly interfere with public rights of navigation." The project proponent's position is that the "construction-period impacts to navigation in the water of the Commonwealth as a result of the offshore export cable installation activities will be temporary in nature...." and that coordination efforts will be ongoing with the Coast Guard, the Steamship Authority, fishermen, commercial vessel operators and recreational boaters to advise of navigational routes during the construction period. The Town needs further information and assurances from the project proponent to ensure that any impacts to navigation, even if temporary, are known by all stakeholders prior to the construction phase in Muskeget Channel and Nantucket Sound. It will also be necessary that the project proponent's marine coordinator is extremely transparent throughout the entire construction phase and has ongoing communications with all stakeholders. Temporary navigation routes must be publicly available to the general public so that public safety is not suddenly jeopardized on the water. Additionally, compensation for the temporary interference with navigation is warranted and justified pursuant to 310 CMR 9.35(4) and the project proponent should work with the Town to assess an appropriate amount towards compensation.

Moreover, the proposed April through June 2021 construction timeline is inappropriate based upon the time of year restrictions implemented by the Division of Marine Fisheries. Muskeget Channel is home to many marine species including squid, river herring, shad, sea herring, striped bass, lobster, Jonah crab, horseshoe crab, and conch. Time of year restrictions for marine construction are in place for Nantucket Sound during April through June to allow fish spawning and egg laying. The laying of the cables during April through June will have serious, negative impacts on the marine species that spawn in Nantucket Sound during the spring, increasing the risk for eradication of the species for that entire season. The turbidity from the laying of the cables will also jeopardize and likely impact the benthic and pelagic marine species as higher turbidity levels will impact migration paths in Muskeget Channel and sedimentation will cause benthic organisms to become smothered. It is recommended that the project proponent utilize alternative measures to minimize turbidity and habitat alteration.

Lastly, I would urge the Department to not issue a written determination for the project until the Order of Conditions issued by the Nantucket Conservation Commission becomes final, so the Department may utilize and incorporate some of the Special Conditions of the Order of Conditions within its written determination on the Chapter 91 License. These Special Conditions will be tailored to protect the public interests and resource areas which are significant thereto.

Thank you for your time and consideration.

Sincerely,



C. Elizabeth Gibson
Town Manager