Clean Power Now

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To: Environmental Affairs Secretary Ellen Roy-Herzfelder
The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
251 Causeway Street, Suite 800
Boston, MA 02114-2136

Subject: Public Hearing on the Ocean ManagementTask Force Draft Report

Dear Secretary Roy-Herzfelder,

I want to state first that the organization I represent, Clean Power Now, has 2,000 members, who support the Nantucket Sound Wind Farm permit approval and implementation as soon as practical.

There seems to be nothing in the Report about the threat to the ocean from global climate change, nor of the needs to produce clean, non-polluting, sustainable energy.

#2 recommends that if the Act is not enacted, the State consider "enhancing the role of the EOEA Secretary" in "determinations on occupation of, and compensation for, the use of public trust ocean waters."   The Task Force is recommending a new and unspecified tax on coastal development.

#3 recommendation seems to be an attempt to extend the state's oversight into projects in federal waters. This extension seems to violate present state laws and policy.

#5 recommendation has the effect of increasing fees. However, changing to a new tax based on the "economic value of the regulated activity itself" would have a negative effect on the process of development and financing.

t seems to me that a main impetus for the Ocean Task Force conclusions was the fact that the proposed Nantucket Sound Wind Farm is placed in Federal waters, not State waters.   I believe that does not justify the conclusion to propose new State controls and taxes.

For that reason, my comments consider the impact the draft principles may have, not only on state waters, but in an attempted extension to federal waters also, particularly regarding renewable energy projects.

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It seems to me that most principles of the Task Force are intended to either impose new taxes and fees or restrict activities on the state's public waters. Renewable energy projects should not be subject to these taxes, fees or restrictions. My use of the term "renewable energy" is as defined in the state mandated "Renewable Energy Portfolio Standard", namely: ocean, wind, and solar projects. The reason for the state's RPS is not only to encourage, but to mandate, renewable energy in our suppliers' portfolios. The concept of renewable and sustainable energy for the nation is the reason for the federal production tax credit for wind energy production.

The draft principles seem likely to add more bureaucratic delay and undefined taxes to potential offshore renewable energy projects. These principles, if implemented, would place doubt and unknown circumstances over beneficial renewable energy projects, and thus discourage or prohibit such development in Massachusetts.

Instead, rather than focus on fees and perceived negative impacts, the ocean act principles, it seems to me should weigh the benefits of renewable energy on offsetting fossil energy with respect to public health, air and water quality, the importation of fossil fuel, greenhouse gas accumulation, and the free energy source of wind. Where the balance favors the public good, any new prohibitions and taxes on such projects should be negated so long as current permitting agencies approve the project.

Lastly, the State has a right to regulate its coast. However, developers have the right to assume that a process will not be changed in midstream. The Task Force recommends replacing a system with clear rules and fees with a system based on subjective rules and unknown taxes. The Principles should clearly provide that the ORMA is not intended to impair or delay ongoing projects.

I ask that the task force eliminate renewable energy projects from the listed activities or ensure that the benefits, both monetary and intangible, be balanced against perceived negative impacts.

Sincerely,

James E. Liedell
Operations Director and Vice President of Clean Power Now