

Joint Committee on Telecommunications, Utilities and Energy
December 3, 2013

S.1591 and H. 2980

An Act relative to comprehensive siting reform for land based wind projects

One of the stated purposes of this bill is to streamline the permitting process and reduce delays associated with permit appeals. A concern is that "streamlining" prohibits meaningful public participation in the siting process.

By shortening deadlines and eliminating important procedural processes, the bill would essentially eliminate public participation in decisions to site wind turbines. Eliminating a meaningful role for the public in the siting process is unnecessary, given that the Green Communities Act states, at MGL c. 25, § 21, that to mitigate capacity and energy costs for all customers, electric and natural gas resource needs shall first be met through all available energy efficiency and demand reduction resources that are cost effective or less expensive than supply.

As such, efficiency and demand reduction measures should be implemented fully before allowing the further destruction of forests and ecosystems that will be caused by siting wind turbines in the manner provided under this bill.

Promoting wind project development is presumably based on lowering GHG emissions but nowhere in this bill is there a requirement for reporting net generation so that displacement of fossil fuels and any reduction in emissions can be measured.

This committee should not accept legislation that promotes the development of wind projects without access to such data. Likewise, no bill should facilitate wind project development without honestly evaluating it.

Wind projects require considerable clearing and excavation for roads, power lines, and substations. Even low-capacity projects result in habitat loss and harm to wildlife. The federal government is taking this seriously. It recently prosecuted Duke Energy Renewables under the Migratory Bird Treaty Act for unpermitted avian takings at wind projects. Let's not give the wind projects a pass on full environmental review. As the third most densely populated state in the nation, there is not much room for error.

Under the bill, "standards" must include avoiding, minimizing and mitigating impacts to areas of special federal or state significance. There is no meaning or enforceability, however, because there is no definition in the bill or other law defining an area of special state or federal significance. This hollow language provides no protection, leaving the definition to the whim of the EFSB.

This bill takes away home rule powers over wind energy development. It allows the Commonwealth to overrule decisions by local officials by allowing the EFSB to permit a wind project, even if the municipality denies the permit.

Proponents of the bill say that is false. On the contrary, the expedited permitting procedures under Section 69V provide that, after the local board makes its decision, the project applicant can file an application with the EFSB. If the EFSB "finds that the proposed facility meets the standards", the bill provides that "it shall approve the facility...."

Communities wish to plan what is appropriate and safe for them. Under the Green Communities Act, many communities have taken the initiative to meet alternative energy goals and choose their source of alternative energy.

The bill provides for an "advisory group" to create "standards" but there is no process to for selecting members to ensure impartiality. In addition, there is no spot specifically designated for citizen advocates or unbiased acoustical engineers. What will protect citizens from standards that are more lenient than those currently existing in towns across the Commonwealth? This bill leaves it to an appointed "advisory group" to propose standards that may or may not result in protection for nearby residents and the environment.

Finally, the question would be – Do we need to do this now? MassDEP, MassCEC and DPU are each involved in wind studies.

Respectfully submitted,

Louise Grabowski
164 Crabtree Rd.
Quincy, MA 02171
(617) 851-1673