



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
OFFICE OF COASTAL ZONE MANAGEMENT
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**Massachusetts Office of Coastal Zone Management
Executive Office of Energy and Environmental Affairs**

**Public comment on proposed Cape Wind Energy Project
Mitigation and Lease Revenue Program**

In accordance with the Certificate of the Secretary of Executive Office of Energy and Environmental Affairs on the Final Environmental Impact Report for the Cape Wind Project (EPA #: 12643; Project Proponent: Cape Wind Associates, LLC), the Massachusetts Office of Coastal Zone Management is seeking public input on a proposed program to guide the allocation of lease revenue and contributed mitigation funds. The attached document describes the Cape Wind Energy Project Mitigation and Lease Revenue Program. Written comments will be accepted until October 3, 2008. Comments should be mailed to:

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Cape Wind Energy Project Mitigation and Lease Revenue Program Proposal July 2, 2008

Avifauna Program

Administered by Department of Fish and Game's Natural Heritage and Endangered Species Program.

Piping Plovers and Roseate Terns are currently listed as “Threatened” and “Endangered”, respectively, in Massachusetts and along the Atlantic Coast pursuant to Massachusetts’ Endangered Species Act (MESA) and the U.S. Endangered Species Act.

Piping Plovers are the rarest species of shorebird that regularly breeds in North America, with a total global population of only about 8,000 adults. Nearly 15% of the global population and over 30% of the Atlantic Coast population nests on Massachusetts’ coastal beaches each year. The primary factors limiting reproductive success of Piping Plovers in Massachusetts are, in descending order: 1) predation on eggs and chicks, 2) flooding of nests associated with coastal storms and monthly high tides, and 3) human-caused disturbance and direct mortality, primarily as the result of recreational activities, including pedestrian beach use, dogs, and off-road vehicles.

Of Massachusetts’ four nesting tern species, the Common Tern, the Least Tern and the Arctic Tern are listed as “Special Concern” pursuant to the Massachusetts Endangered Species Act. The Roseate Tern is listed as “Endangered” pursuant to both the Massachusetts and U.S. Endangered Species Acts. The Roseate Tern population is vulnerable due to its small size, large proportion (~45%) of the North American population breeding nearby in Buzzards Bay, and important post-breeding concentrations of birds from all parts of the breeding range at sites surrounding Nantucket Sound. In the breeding range, predation, habitat availability and quality, and food limitations are major factors affecting Common and Roseate Tern survival, distribution, and productivity. Most adult mortality is thought to occur in the wintering areas (primarily South America), which are poorly known. In fact, very little is known about these species after they leave the nesting islands. Effective conservation of these species will require ongoing colony and habitat management at the breeding sites, post-breeding staging areas, and wintering areas, and identification of limiting factors outside the breeding areas. The four main aspects of the avifauna mitigation program are as follows;

1. ***Predator Management*** – Assess mammalian and avian predators at a carefully selected subset of priority Piping Plover nesting sites and at the three island-nesting colonies of Roseate and Common Terns in Buzzards Bay. Remove selected predators from those sites during winter and spring in order to improve plover and tern reproductive success and adult survival. Predator removal at priority plover nesting sites would likely benefit Least Terns as well. Predator removal work would be conducted pursuant to depredation permits issued by MassWildlife, and would occur only at sites where MassWildlife and USDA-Wildlife Services have secured permission from the landowner(s).

2. ***Population monitoring, site protection, and management*** – Monitor the breeding season abundance, distribution, and reproductive success of Piping Plovers and terns in Massachusetts. Protect birds, nests, unfledged chicks, and habitat from human recreational activities, dune-building and beach stabilization activities. Hire seasonal shorebird monitors to support monitoring and protection activities as coordinated by MassWildlife and USFWS. Monitors will follow protocols as directed by MassWildlife, including reporting of abundance, reproductive success, and limiting factors using standard census forms; protection of nests, nesting habitat, and chick refuge areas with warning signs and string fencing; and protection of nests with wire predator exclosures.
3. ***Identification and protection of tern and Piping Plover post-breeding staging and migration areas*** – Identify post-breeding staging and migratory stop-over areas for terns and Piping Plovers, identify management needs, and provide annual site management to protect the birds from human disturbance. Site management activities to include: purchase and install signage, patrol key staging sites, educate beach-goers, and work with landowners and beach managers to reduce disturbance from dogs.
4. ***Coastal Waterbird Conservation Position*** – Primary tasks include: Implement and oversee the above projects. Provide technical assistance to state, municipal, and NGO cooperators and landowners on protection and monitoring of Piping Plovers and their habitats during the breeding season. Assist with compiling, quality checking, and entering annual Piping Plover and tern monitoring data into appropriate databases. Assist with preparing and updating Piping Plover and tern GIS data layers and regulatory maps. Assist with regulatory protection of Piping Plovers, terns, and their habitats, pursuant to MESA and the Wetlands Protection Act: regulatory site visits, review and preparation of comment letters on Notices of Intent and MESA filings.

Marine Fisheries Resources and Habitat Program

Administered by Department of Fish and Game's Division of Marine Fisheries.

Nantucket Sound provides important feeding and/or nursery grounds for many species of finfish and invertebrates, including bluefish, striped bass, scup, butterfish, summer flounder, black sea bass, tautog, longfin squid, quahog, and knobbed whelk. Commercial and recreational fishing are valuable economies, provide important sources of local revenue, and represent integral parts of the Cape and Islands socioeconomic and cultural fabric. The marine fisheries resources and habitat program consists of four components;

1. ***Eelgrass monitoring*** – Develop a comprehensive in-situ monitoring program for eelgrass areas in Nantucket Sound to compliment DEP's eelgrass mapping and inventory work and Estuaries Project. The systematic and rigorous monitoring program will improve understanding of trends in eelgrass distribution and abundance, anthropogenic impacts, and temporal and spatial dynamics of this resource.

2. **Resource investigations** – Important fishery resources are located in Nantucket Sound and critical dynamics of certain stocks—like the Longfin squid (*Loligo pealeii*)—are not well understood. This project will support applied research to improve management of stocks and determine if the new wind turbine monopiles are affecting habitat availability.
3. **A Five-Year Socioeconomic Study of the Impact On Nantucket Sound Fishermen and Fisheries** – This project would support social science investigations to assess changes in local fisheries: shifts in gear types (mobile to fixed gear) and locations and level of effort. Investigations should include a component which examines the layout of the monopiles and its effect on commercial fishing (via mobile gear or fixed gear) and recreational fishing (i.e., will the monopiles act as ‘artificial reefs’ and increase the opportunity for recreational fishing or provide new habitat for fishery resources?). The results could inform how monopiles are arranged in future projects.
4. **Quahog Management** – In the locations of the monopiles, implement a harvest and transplant effort for Quahogs (*Mercenaria mercenaria*). Harvested quahogs to be relayed to pre-determined sites. Assess the density of quahogs in the project area and re-seed other suitable areas with young quahogs from a local hatchery.

Grants Program

Administered by the Office of Coastal Zone Management.

The waters and marine habitats in and around Nantucket Sound provide many ecosystem services including: wildlife habitat, recreation, commercial fishing and aquaculture, marine transportation and navigation, and social and cultural resources. A flexible grants program will be established with the broad purpose of preserving, enhancing, and restoring the ecosystem services of Nantucket Sound and its environs. As specific in the Secretary’s final MEPA Certificate, eligible projects must be located in the area of Cape Cod, Nantucket, and Martha’s Vineyard. While the specific focus area may vary from year to year, depending on needs, opportunities, and priorities, the general criteria for projects would be those that clearly furthered one or more of the following:

1. **Preservation and Management** - of habitats and species of particular concern such as threatened, rare, or endangered.
2. **Restoration** - of sub- and inter-tidal habitats.
3. **Applied Investigations** - that directly further ocean planning and management through improved understanding of avifauna, fishing and fisheries management, tourism and recreation, renewable energy resources, habitat mapping and classification, effects of climate change on natural resources, and other usages and functions.
4. **Public Access** - to support coastal and ocean recreation, such as boat ramps and kayak access sites.
5. **Education and Stewardship Programming** - such as out-of-classroom, hands-on environmental educational opportunities.

The funds comprising the mitigation spending package total \$10 million, with \$4.22 million in compensatory mitigation and \$5.78 million derived from the federal lease payment. Distribution of the funds is to be as follows;

\$800,000 for Bird Island as a one-time payment (prior to construction)

\$460,000 as annual payments over 20 years (= \$9.2 M), distributed as follows:

- Years 1 through 10
 - \$200,000 for Avifauna Program
 - \$200,000 for Marine Fisheries Resources and Habitat Program
 - \$60,000 for Grants Program
- Years 11 through 20
 - \$460,000 for Grants Program