

SENATE No. 506

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to offshore wind and wildlife habitat management.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Anne M. Gobi</i>	<i>Worcester and Hampshire</i>	
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/30/2023</i>
<i>Marc R. Pacheco</i>	<i>Third Bristol and Plymouth</i>	<i>1/30/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/2/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/14/2023</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>2/23/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/6/2023</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>3/23/2023</i>

SENATE No. 506

By Ms. Gobi, a petition (accompanied by bill, Senate, No. 506) of Anne M. Gobi, Angelo J. Puppolo, Jr., Marc R. Pacheco, Michael O. Moore and other members of the General Court for legislation relative to offshore wind and wildlife habitat management. Environment and Natural Resources.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to offshore wind and wildlife habitat management.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 21A of the General Laws, as so appearing in the 2022 Official
2 Edition, is hereby amended by inserting after section 4A the following section:

3 Section 4A½. The secretary of the executive office of energy and environmental affairs
4 shall establish an advisory council on offshore wind wildlife habitat management, hereinafter
5 advisory council. The advisory council shall be comprised of experts and stakeholders in
6 wildlife monitoring and protection, representation from both federally recognized tribes in the
7 commonwealth, and relevant state and federal agencies.

8 The advisory council shall provide input to the office of coastal zone management on best
9 practices for avoiding, minimizing and mitigating impacts to wildlife, including, but not limited
10 to, threatened or endangered species such as North Atlantic right whales, coastal and marine
11 habitats, natural resources and ecosystems, and traditional or existing water-dependent uses, by:

a) establishing baseline standards for monitoring and mitigation plans required by sections 83(e)(1)(v)(H) and 83C(e)(1)(v)(I) of chapter 169 of the acts of 2008; b) advising on and monitoring the expenditure of funds raised through any long-term contracts dedicated for wildlife monitoring and mitigation; and c) conducting an ongoing review of implemented monitoring and mitigation programs and provide feedback and recommendations on an as-needed basis, to be considered by the office. Pre-construction engagement of the advisory council shall correspond with project development, solicitation and permitting and a process to determine federal consistency with approved coastal management programs.

SECTION 2. Clause (v) of subsection (e)(1) of section 83C of chapter 169 of the acts of 2008, as most recently amended by section 61 of chapter 179 of the acts of 2022, is hereby amended by striking out subclause (I) and inserting in place thereof the following subclause:

(I) contain comprehensive plans for wildlife monitoring and mitigation of adverse wildlife impacts due to the construction and operation of offshore wind facilities that meet the standards established by the office of coastal zone management based on input from the advisory council on offshore wind wildlife habitat management established in section 4A½ of chapter 21A of the General Laws;

SECTION 3. Section 3(a)(32) of chapter 23J of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking the words “and (vii)” and inserting in place thereof the following: “(vii) coordinating with state agencies, regional and tribal entities, and experts on wildlife monitoring and mitigation planning associated with offshore wind activities, including, but not limited to, the members of the advisory council established pursuant to section 4A1/2 of chapter 21A; and (viii)”

34 SECTION 4. Section 9(c) of chapter 23J of the General Laws, as so appearing in the
35 2022 Official Edition, as most recently amended by section 17 of chapter 179 of the acts of 2022,
36 is hereby amended by striking the words “and (viii)” and inserting in place thereof the words
37 “(viii) the protection of coastal and marine wildlife through monitoring and mitigation of habitat
38 loss from threats posed by of offshore wind development; and (ix)”.

39 SECTION 5. Section 9(d) of chapter 23J of the General Laws, as so appearing in the
40 2022 Official Edition, is hereby amended by adding at the end the following words: “and coastal
41 and marine wildlife and habitats.”