



DESAUTEL LAW

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September 8, 2022

VIA USPS AND ELECTRONIC MAIL

Emma Rodvien, Coordinator
Energy Facility Siting Board
89 Jefferson Boulevard
Warwick, RI 02888

**RE: Docket No. SB-2022-02 – Mayflower Wind Energy LLC Application
For a License to Construct Major Energy Facilities**

Dear Ms. Rodvien:

Enclosed herewith for filing in the above-entitled matter please find an original and nine (9) copies of the Town of Middletown's Memorandum in Response to the August 18, 2022 Open Meeting before the Energy Facility Siting Board.

Please be advised that an electronic copy of this document has been sent to the Service List Updated August 4, 2022. Thank you for your attention to this matter.

Sincerely,

/s/ Marisa Desautel
Marisa Desautel, Esq.

Enclosures

Cc: Service List Updated August 4, 2022

Docket No. SB-2022-02 – Mayflower Wind Energy LLC’s Application for a License to Construct Major Energy Facilities (Portsmouth, RI) (as of 08/04/2022)

Name/Address	Email	Phone/FAX
<p>File an original and 9 copies with EFSB: Emma Rodvien, Coordinator Energy Facility Siting Board 89 Jefferson Boulevard Warwick, RI 02888</p> <p>Ronald Gerwatowski, Chairperson Terry Gray, DEM Meredith Brady, Assoc. Director Division of Planning Patti Lucarelli Esq., Board Counsel Suzanne Amerault, Asst. to the Director Department of Energy Management</p>	<p>Emma.Rodvien@puc.ri.gov; Patricia.Lucarelli@puc.ri.gov; Ronald.Gerwatowski@puc.ri.gov; Terry.Gray@dem.ri.gov; Meredith.Brady@doa.ri.gov; Suzanne.Amerault@dem.ri.gov Maria.Mignanelli@doa.ri.gov</p>	<p>401-780-2173</p>
Parties (Electronic Service Only, Unless by Request)		
<p>Town of Little Compton Marisa A. Desautel, Esq. Desautel Law 38 Bellevue Avenue, Unit H Newport, RI 02840</p>	<p>marisa@desautelesq.com</p>	<p>401-477-0023</p>
<p>Town of Middletown Marisa A. Desautel, Esq. Desautel Law 38 Bellevue Avenue, Unit H Newport, RI 02840</p>	<p>marisa@desautelesq.com mdewey@desautelesq.com</p>	<p>401-477-0023</p>
<p>Town of Portsmouth Kevin P. Gavin, Esq. Law Office of Kevin P. Gavin 31 Harrington Avenue Portsmouth, RI 02871</p>	<p>kevingavinlaw@gmail.com tierneylaw@yahoo.com clerkoffice@portsmouthri.com rrainer@portsmouthri.gov</p>	<p>401-662-2520 401-316-4566</p>
<p>Narragansett Electric Company George W. Watson, III, Esq. Robinson & Cole One Financial Plaza, 14th Floor Providence, RI 02903</p>	<p>GWatson@rc.com RJReybitz@pplweb.com COBrien@pplweb.com JScanlon@pplweb.com</p>	
<p>Office of Energy Resources One Capitol Hill Providence, RI 02908</p>	<p>Christopher.Kearns@energy.ri.gov</p>	

Public Utilities Commission Cynthia Wilson Frias, Esq. 89 Jefferson Boulevard Warwick, RI 02888	Cynthia.Wilsonfrias@puc.ri.gov Todd.Bianco@puc.ri.gov Luly.Massaro@puc.ri.gov	401-941-4500
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**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
BEFORE THE ENERGY FACILITY SITING BOARD**

IN RE: MAYFLOWER WIND ENERGY :
LLC’S APPLICATION FOR LICENSE TO : **Docket No. SB-2022-02**
CONSTRUCT MAJOR ENERGY FACILITIES :

**MEMORANDUM OF THE TOWN OF MIDDLETOWN IN RESPONSE TO
THE AUGUST 18, 2022 OPEN MEETING BEFORE THE
ENERGY FACILITY SITING BOARD**

NOW COMES the Town of Middletown (“Town” or “Middletown”), by and through its undersigned counsel, and hereby responds to the Chairman of the Energy Facility Siting Board (“Board” or “EFSB”), giving the participants the opportunity to address the following issues in a Memorandum to the EFSB. The issues are as follows:

- If the assumption is that the Board will grant intervention to the Town, what do the participants believe would be reasonable parameters that limit the scope of the intervention in light of the arguments made during the August 18, 2022 Open Meeting;
- If the Applicant and the Town has a consensus proposal, that should also be filed with the Board;

Following the August 18, 2022 Open Meeting, counsel for the Town and for the developer corresponded, in good faith, to determine whether the parties could stipulate to parameters for intervention. Despite that communication, the parties were unable to agree to parameters. As a result, and in accordance with the above directives, the Town submits the following list of issues which it proposes for the EFSB’s consideration in this Docket.

The Town respectfully requests consideration of the following parameters in the context of the economic impacts anticipated as a result of the construction, maintenance, and decommissioning of the subject cable in this matter.

1. Town owned mooring fields;
2. Local tourism;
3. Retail businesses;
4. Local fishing efforts;
5. Recreation;
6. Aesthetics;
7. Alternative locations; and
8. Coastal commercial business.

Parameter number 7 relates to the Town’s request to be heard on any and all issues to alternative cable locations that may arise in the scope of these proceedings. Parameter numbers 1 - 6 and 8 are contemplated by relevant sections of Draft Environmental Impact Statements (“DEIS”) for other offshore wind projects. For example, the Revolution Wind DEIS, dated September 2022, states that the lighting associated with construction activity will have impacts on towns:

“Light: Future offshore wind activities would impact viewshed resources in the long term from navigational and aviation lighting on structures and in the short term from construction lighting. Impacts from lighting would be most visible at night and from cultural resources that are along shorelines or on elevated locations with unobstructed views....Construction lighting and decommissioning lighting associated with both onshore and offshore wind facilities would have temporary, intermittent, and localized impacts...”

“A limited number of cultural resources would be affected and would include those for which the nighttime sky is a contributing element to historic integrity, such as resources on the nearest shores of Rhode Island and Massachusetts and their offshore islands. Construction lighting and decommissioning lighting associated with both onshore and offshore wind facilities would have temporary, intermittent, and localized impacts...”

See: https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/Revolution_Wind_DEIS_Vol_1_and_2_508_compressed.pdf.

Developers are actively reporting that they expect impacts to occur to municipalities. The extent of those impacts remains to be seen. The project applicant in this case should bear the burden

of explaining the impacts to the municipalities affected through the course of this Docket. Unless and until the parameters listed above are actually before the EFSB in this Docket, no mitigation of the impacts can be considered.

For these reasons, the Town respectfully requests that the EFSB allow the Town to Intervene on its requested parameters.

Respectfully submitted:

/s/ Marisa A. Desautel
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38 Bellevue Ave., Unit H
Newport, RI 02840
Tel. (401) 477-0023
marisa@desautelesq.com

Dated: September 8, 2022

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that an original and (9) copies of the within Memorandum was mailed to Emma Rodvien, Energy Facility Siting Board Coordinator, 89 Jefferson Boulevard, Warwick, Rhode Island 02888, for filing, and a true copy of the within was served via electronic mail upon all parties set forth in the attached Service List Updated August 4, 2022 on the 8th day of September, 2022.

/s/ Michele A. Dewey