

Amendment #12 to H4515

Selection Committee

Mr. Jones of North Reading moves to amend the bill by striking out Section 22 and inserting in place thereof the following:

"SECTION 22. Said section 83C of said chapter 169, as so amended, is hereby further amended by striking out subsection (m) and inserting in place thereof the following 4 subsections:-

(m) The plan required in subclause (viii) of clause 5 of subsection (d) shall include, but shall not be limited to, a detailed description of the best management practices and any on-site or off-site mitigation the applicant shall employ, informed by the latest science at the time the plan is made, that will avoid, minimize and mitigate impacts to wildlife, including, but not limited to: threatened or endangered species such as North Atlantic right whales, coastal and marine habitats; natural resources; ecosystems; and traditional or existing water-dependent uses, including, but not limited to, commercial and recreational fishing. The plan shall include pre-construction and post-construction monitoring to understand the effects of facilities on marine and avian species.

(n) The office of coastal zone management established in section 4A of chapter 21A of the General Laws, in consultation with the environmental and fisheries working groups established in section 4A½ of said chapter 21A, shall determine how the funds required in subclause (ix) of clause 5 of subsection (d) shall be used to advance the responsible development of the offshore wind energy industry.

(o) The winning bid shall be chosen by the selection committee, which shall consider all proposals and criteria in subsection (d) when making a final decision, as well as technical advice from the electric distribution companies. The committee shall consist of the following members: the secretary of energy and environmental affairs, or their designee, who shall be the chair; the independent evaluator required by subsection (f); the secretary of the executive office of housing and economic development. No member of the selection committee shall have a financial interest in any company or affiliated company that has submitted a bid or multiple bids. The selection committee shall give preference to proposals that demonstrate benefits from: (i) the greatest economic development and employment contributions to the commonwealth, including opportunities for diversity, equity and inclusion; (ii) the avoidance, minimization and mitigation of impacts to wildlife, natural resources, ecosystems, commercial and recreational fishing and other traditional or existing water-dependent

uses; (iii) resources able to guarantee firm energy delivery; (iv) energy storage, including new and existing long-duration and multi-day energy storage systems; (v) commitments to enter into long-term contracts with businesses, nonprofit organizations, a municipality or group of municipalities with an approved municipal load aggregation plan pursuant to section 134 of chapter 164 of the General Laws or other government entities directly to purchase offshore wind energy; provided, that said contracts may be in addition to the long-term contracts entered into by distribution companies under this section; and (vi) the use of a project labor agreement with the appropriate labor organization for construction, renovation, reconstruction, alteration, installation, demolition, expansion, maintenance and repair.

(p) If this section is subjected to a legal challenge, the department of public utilities may suspend the applicability of the challenged provision during the pendency of the action until a final resolution, including any appeals, is obtained and shall issue an order and take other actions as are necessary to ensure that the provisions not subject to the challenge are implemented expeditiously to achieve the public purposes of this section."