NATIONAL WILDLIFE FEDERATION
National Advocacy Center

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National Wildlife Federation
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To: Special Initiative on Offshore Wind (SIOW)
Submitted via email: comments@offshorewindpower.org

Subject: Procurement Reform RFI

The National Wildlife Federation (NWF), with more than 6 million members and supporters, advocates for offshore wind energy development that responsibly considers and mitigates wildlife and environmental impacts. As a conservation organization committed to advancing clean energy development in response to the climate crisis, we view this RFI process as an opportune step toward accelerating this transition responsibly while taking a pause to appreciate the long-term goals. Thank you for the opportunity to provide our insight on offshore wind procurement reform. We recommend the following on how the procurement framework can better strengthen the longevity of our communities, wildlife, and the environment, while promoting a resilient, low-carbon energy system.

Response to 1(a)
While existing procurement approaches have made important progress, there are still structural gaps that limit their effectiveness in advancing responsible, ecologically compatible, and sustainable offshore wind development. Despite progress, environmental performance often remains a marginal consideration, with much of the focus going to price and construction feasibility. This is a grave misstep and a missed opportunity to require and incentivize the most responsible practices from the start. There are massive hidden costs, including potential unmitigable environmental and wildlife impacts, which become far more expensive to fix later. Society eventually pays for these costs. Appropriately, some more recent rounds of procurement have begun to acknowledge the importance of environmental protection, and engagement with coastal communities, and while still undervalued, these steps signal a positive trend toward meaningfully integrating ecological considerations into project selection.

It is common for solicitations to not require bidders to submit draft environmental mitigation and monitoring plans with their bids. This greatly limits the ability of states to comparatively assess the robustness of proposed wildlife protections. Similarly, procurement models tend to focus on project-level impacts rather than broader regional ecological changes caused by multiple proposed offshore wind projects operating simultaneously. This is inconsistent with the reality that, collectively, these projects could impact the environment and wildlife in ways that differ significantly from the effects assessed for each project in isolation. We recommend that state contracts include a requirement to fund regional monitoring through the Regional Wildlife Science Collaborative (RWSC) and the Responsible Offshore Science Alliance (ROSA), specifically supporting efforts outside individual project areas, to sustain long-term, ecosystem-scale characterization of cumulative project effects.

Finally, existing contracts often do not fully address the need for multi-decade monitoring and adaptive management, despite offshore wind facilities operating for 25-30 years. Without clear contractual expectations, long term ecological commitments may be underprioritized.

Overall, the offshore wind procurement framework as it stands today is ripe for integrating environmental stewardship as a core performance criterion.

Response to 1(e)
To support a more resilient and competitive regional offshore wind procurement framework, we recommend that states incorporate enhanced flexibility mechanisms within power purchase agreements and renewable energy certificates. Specifically,

states might include mechanisms that include indexed, inflation-adjustable pricing provisions, and allow for milestone-based contract modifications tied to federal permitting approvals. Additionally, procurement schedules should be coordinated to prevent projects from being locked into final terms before the Bureau of Ocean Energy Management completes its environmental reviews and approves the Construction and Operations Plan.

While federal permitting timelines are a major driver of project risk, developers should be able to request targeted adjustments, such as changes to commercial operation dates or inflation-indexed price updates, when critical federal milestones are delayed or altered for reasons outside the control of both the developer and the state. Embedding such flexibility would substantially reduce financial exposure associated with unpredictable federal processes, helping ensure that projects remain viable as they advance through permitting. While no entity can eliminate uncertainty entirely, states can reduce the fear of uncertainty by establishing clear adaptive pathways within the procurement structures. The objective should not be punitive, but rather to enable practical, forward-looking solutions that keep clean energy development on track for all parties.

Additionally, we recommend that states examine opportunities for revisiting contracting provisions to reduce or eliminate termination penalties in specific instances where project delays or cost increases stem directly from federal permitting delays, significant regulatory changes, or broader macroeconomic forces beyond the developer's control. Providing relief in these circumstances to clean energy developers would incentivize rather than scare within the bidding process and prevent unnecessary contract cancellations while avoiding creation of stranded costs, ultimately promoting a more stable procurement environment. Collectively, these adjustments would strengthen the regional offshore wind market by enabling projects to better navigate external uncertainties while protecting ratepayers and maintaining competitive procurement outcomes.

Response to 2
We recommend that states require applicants to actively engage in interregional transmission planning to ensure offshore wind infrastructure is optimized across state and regional boundaries in a way that minimizes ecological impact. Coordinated planning can lower overall system costs, enhance reliability, reduce redundant infrastructure, advance wildlife-friendly and habitat-prudent plans, and support the efficient integration of offshore wind into the broader grid. Applicants should outline how they plan to involve local communities, Tribal governments, fishing industry, and environmental groups in selecting interconnection points, transmission routes, and how this input will guide decisions to minimize impacts and maximize public benefits. A comprehensive analysis should incorporate insights from grid operators, environmental experts, wildlife experts, community parties, including environmental justice advocates, the fishing community, and Tribal representatives.

We recommend that states ensure priority is given to locations that avoid sensitive habitats, reduce land-use conflicts, utilize previously disturbed areas, and limit the need for onshore infrastructure expansion. Consistent with this goal, states should encourage or require early identification and coordination of offshore transmission corridors and interconnection points to streamline permitting, avoid ecological and community conflicts, and support scalable transmission solutions.

Response to 4(a)
NWF supports offshore wind procurement design that enables the advancement of clean energy in a manner that recognizes and upholds the need for development to responsibly coexist with and protect marine ecosystems. States now have the possibility to get energy development right. Accordingly, we encourage states to learn from past lessons of development and embed ecological protection directly into the procurement structure, thus maximizing renewable energy benefits while minimizing impacts on wildlife and habitat.

Response to 4(f)
<u>Biodiversity Protection and Environmental Impact Mitigation</u>
In the face of the climate crisis, procurement design should go beyond mere cost considerations, embedding non-price criteria as a central commitment. We strongly recommend that environmental criteria be established as threshold requirements and given substantial weight in the evaluation process when states make awards. We encourage states to be proactive in moving beyond lowest cost to include ecological stewardship by mandating environmental standards. In short, procurement models should emphasize best environmental value alongside lowest cost. Otherwise, models favor bids that may appear economical in the short term but lack strong wildlife mitigation, monitoring, or adaptive management strategies, thereby becoming costly in the long term. This will help ensure that bidders cannot prevail on price while providing only minimal safeguards for wildlife and the broader environment. While specific percentages may vary by state, the overall weighting should reflect an understanding that environmental longevity is tied to project viability, long-term public acceptance, and responsible development. Assigning a determinative weight to environmental and wildlife mitigation will ensure that projects with robust avoidance, mitigation, and monitoring measures rank higher than those giving less attention to these important matters.

In that vein, states should require that bidders submit comprehensive initial mitigation plans to demonstrate early alignment with the National Environmental Policy Act (NEPA). Preference should be given to projects that identify potential conflicts early on and incorporate effective risk reduction strategies, following the mitigation hierarchy to first avoid, then minimize, mitigate, and finally monitor potential impacts. Bidders should be required to submit their draft plans at the time of bidding and must: (1) Outline proposed best management practices and on- or off- site mitigation measures informed by the best available science, and (2) address impacts to marine and coastal habitats, protected species, and traditional water-dependent uses, such as fishing. To ensure consistency and rigor, states should require a standardized outline and guidance for mitigation plans, developed in consultation with requisite regulatory state agencies, and encouragement to work with regional science entities and relevant working groups (such as RWSC if on the east coast). Plans should require comprehensive baseline and long-term monitoring before, during, and after construction to detect, mitigate, and adaptively manage impacts. Adaptive management strategies should ensure responsiveness to new data and evolving technologies over the full life of the project. Post-construction monitoring and adaptive management requirements should be enforceable, with penalties or operational suspension for non-compliance. We recommend that states assign significant weight to the quality of mitigation plans and transparency of proposed strategies.

Bidders should be required to participate in and share data with regional science entities, such as on the east coast, RWSC and the ROSA. To enhance regional environmental protections, bidders should receive higher evaluation scores when they provide financial support for regional wildlife, fisheries, and ecosystem research and monitoring efforts, based on a per-megawatt funding requirement linked to project capacity, consistent with practices in New York, New Jersey, and Connecticut.

Additionally, we recommend that states include weight for projects that commit to transparent, publicly accessible ecological data, including pre-construction, construction, and operational monitoring within a reasonable timeframe.

We recommend that states incorporate clear environmental point criteria for projects that present net positive strategy and design. Projects that produce a net positive impact on ecosystem function and biodiversity are common principles embedded into international safeguard standards and policy. The purpose is for projects to go beyond just mitigating the harm caused by their pre-construction, construction, and operation activities and seek to leave the impacted area in a better condition than it was found. This design requires the adoption of best practices, a focus on direct and cumulative impacts from all activities, a decommissioning plan, consistent and transparent data collection, careful planning, and thorough documentation. This means, bidders should be rewarded by states, for exceeding regulatory standards, by investing in enhancing ecological function of the affected area and proposing innovative projects that build up marine and aquatic ecosystems. Net positive impact projects support the advancement of the larger goal of being nature positive, a global holistic goal that seeks to stop and reverse biodiversity loss and diminishment of ecosystem function.

Lastly, we amply encourage states to use this time to earnestly explore incorporating nature-based designs and sustainable construction material use as a point metric within the environmental evaluation criteria.

<u>Workforce Development and Community Benefits</u>

Community Benefit Agreements (CBAs) are essential tools for ensuring that the development of offshore wind energy translates into tangible benefits for the local communities directly impacted by these projects. They serve as formal agreements between developers and local parties, outlining commitments related to economic development, job creation, workforce training, environmental stewardship, and community investment. We recommend states require enforceable commitments to promote equitable workforce opportunities, fair labor standards, and strong safety protections for coastal communities, and Tribal governments and entities. Specifically, states should guide bidders to provide explicit guarantees that:

- Workers will receive prevailing wage rates throughout the project.
- Developers will partner with local community organizations and labor unions through a Community Benefits Agreement to engage in transitioning workers and economically distressed communities in workforce development, pre-apprenticeship, and apprenticeship programs that create pathways to high-quality careers in offshore wind.
- Developers will commit to union neutrality and make every effort to negotiate a Project Labor Agreement with all relevant unions during construction, and a Labor Peace Agreement throughout operations, management, port facilities, and the manufacturing of offshore wind components. Developers who already have entered into such agreements should receive higher evaluation scores.
- Employment on the project will meet or exceed the minimum apprentice participation required for the full Energy Investment Tax Credit (U.S. Code Sec. 45(b)(8)(C)), if applicable.

We urge states to include robust CBAs that prioritize environmental stewardship. CBAs provide a critical mechanism for ensuring accountability to protect sensitive habitats, migratory species, and marine biodiversity while developing renewable energy. We advocate for enforceable commitments from developers, as well as adaptive management strategies informed by ongoing

ecological research and monitoring. By integrating these protections directly into CBAs, procurement processes can ensure that projects advance clean energy goals while supporting long-term ecological resilience.

We strongly encourage states to provide substantial weight to developers that actively seek opportunities to incorporate traditional ecological knowledge in project design, workforce development, and environmental planning. We recommend that representatives from Tribes and coastal NGOs are included on advisory boards to ensure that projects reflect diverse, place-based expertise, identify risks early on, and build community trust. This collaborative approach supports resilient and responsible development while advancing environmental justice, sovereign respect, and inclusive governance. Crucially, Tribal sovereignty must be upheld through meaningful, documented consultation, with the protection of culturally significant resources and landscapes recognized as a fundamental, non-negotiable responsibility in project development.

Sincerely,

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