OCS 012

[See New York transcript for 12-001 and 12-002]

Should the Long Island Offshore Wind Project, LIOWP be "Unplugged"?

The LIOWP should not be built. It will be an eyesore that will last at least 40 years with 40 wind turbines each over 400 feet high that will be seen from both Jones Beach and Fire Island. The average power will be a paltry 35 Megawatts which will fluxuate radically with the wind so you will have token amounts of power being produced sporadically. Furthermore, it can't be adjusted for varying power needs.

This project will only delay Repowering efforts by LIPA and Keyspan by diverting needed funds and effort away. The LIOWP will cost at least $600 million which is the same amount of money repowering half of the Northport power plant will cost. Repowering Keyspan's generating equipment is far more important and beneficial to the environment than the LIOWP. It is also far more suitable for meeting LI's needs. Repowering Northport, Port Jefferson, and Barret Island will nearly double the efficiency, while providing an additional 4 million kilowatts of additional power. This can drastically cut both fuel and CO2 emissions while easily meeting our growing need for clean electric power. This is the thing to do.

The LIOWP is merely filling a need by some environmentalists for renewable energy. Unfortunately they should have been asking "How best to reduce fossil fuel use as well as CO2 emissions?" instead of "How can I include renewable energy regardless of how much it costs or how well it works?" As a power source, it is very poor since it's undependable and changes drastically with wind speed. This prevents "wind energy" from ever being able to replace more than 20% of fossil fuel use. It's just not worth doing.

Steve Bellone, Babylon Township supervisor prefers repowering over the LIOWP saying "It's a no-brainer". However, if both are done, then part of the additional 4 million kilowatts from repowering can be used to power up the LIOWP as giant electric fans to cool off the fishermen. In short it's a "Piece of Junk".

Charles A. Hersh, Retired Electrical Engineer
E-mail chuck101@optonline.net

12-003

OCS 036

[See Newton, MA transcript]

COMMENTS ON DRAFT PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT TO THE U.S. DEPARTMENT OF THE INTERIOR'S MINERALS MANAGEMENT SERVICE
BY MICHAEL ERNST, SENIOR ENERGY CONSULTANT
TETRA TECH EC, INC.
Newton, MA April 26, 2007

My name is Michael Ernst, Senior Energy Consultant at Tetra Tech EC, Inc., which provides consulting services to many developers to support the siting and permitting of dozens of onshore and proposed offshore wind farms across the country from the Atlantic Ocean off the Delaware coast to Hawaii.

Thank you for the opportunity to present comments on the MMS Draft Programmatic Environmental Impact Statement ("PEIS") to develop policies and best management practices for MMS's new Alternate Energy-Related Use ("AERU") Program.

I commend MMS for the comprehensive draft PEIS which provides over 600 pages of environmental analysis of potential impacts and mitigation measures for offshore renewable development. This draft follows issuance by MMS of a comprehensive "Technical White Paper on Wind Energy Potential on the U.S. Outer Continental Shelf" and issuance by the U.S. Army Corps of Engineers of a 3,800 page DEIS for the Cape Wind Project. While I expect that MMS will receive many oral and written comments by May 21, it is not likely that any significant new issues will be raised that will require substantial additional analysis by MMS. In addition, MMS has determined in the Draft PEIS that all major projects will still require site-specific applications and environmental reviews and approvals.

Therefore, I wish to add my voice to the large and growing chorus asking for the expedited issuance of the Final PEIS and the draft and final rules. I also call on MMS to authorize the installation of offshore meteorological towers on a case-by-case basis in the interim to permit developers to begin learning now whether potential offshore sites will support new projects.

Section 388 of the Environmental Policy Act of 2005 amended the Outer Continental Shelf Lands Act ("OCSLA") of 1953 to require DOI and by delegation MMS to

> "establish policies and procedures … to result in ***expedited exploration and development*** *of the OCS in order to achieve national economic and energy policy goals,* … and to *make such resources available to meet the nation's energy needs* ***as rapidly as possible*** …"

MMS has carefully and deliberately studied the potential impacts of offshore development since 2005, including issuance of the Technical White Paper and following receipt and consideration of the public comments on the draft PEIS, MMS should promptly issue the draft rules for offshore renewable development for public comment.

The Draft PEIS has provided sufficient guidance to developers to draft new applications for met towers and projects, and they should be allowed to proceed to do so now.

DOI Deputy Assistant Secretary Mike Olsen testified at a Congressional Hearing Tuesday that "MMS has spoken to several developers and become aware of dozens of potential development proposals involving offshore wind off the east coast." Yet MMS has determined not to review any new proposals until issuance of the final PEIS and final rules in 2008, including applications for met towers.

Individual met towers appropriately sited will have minimal temporary impacts on a few square yards of seabed and are so benign they can be approved by the U.S. Army Corps of Engineers under a general Nationwide Permit #5 for scientific measuring devices. Considering that MMS has determined that each met tower and project will require its own site-specific review and approval by MMS, at a minimum, applications for met towers should be accepted and approved by MMS now.

As an environmental attorney and given the extensive review by MMS since enactment of EPACT, I believe that expedited review now by MMS of applications for met towers and new offshore wind projects is both the clear Congressional intent expressed in EPACT and sound environmental and energy policy.

Thank you for your consideration of these comments. I am helping draft more specific written comments on the draft PEIS to be filed by May 21 as a member of the Offshore Wind Working Group of the American Wind Energy Association.

OCS 041

I'm Catherine Maas and I represent HealthLink, a grassroots environmental group living in the shadow of the Salem Harbor Generating Station, a dirty coal- and oil-fueled power plant. We have been working for 8 1/2 years to reduce the amount of toxic emissions from this plant. Although landmark state regulations were passed in 2001 and the plant is running somewhat cleaner, the owners have not begun to deal with the mercury or greenhouse gasses emitted. Our voluntary citizens group spends enormous time and energy monitoring the plant's compliance with the regulations and specific interpretation of the regulations. We must keep informed about the management of the plant. 41-001

Massachusetts relies heavily on dirty old coal and oil power plants. We know that their emissions harm and even ruin our health. Imported coal, heavy oil, and natural gas generally come from unstable countries and result in dollars and troops leaving the United States, some never to return.

I come here to speak in favor of moving this permitting process on Cape Wind along. It has been 6 years that this company has been dealing with the process. Six years for the siting of inert stanchions on the ocean floor. It is hard not to compare this to the one year permitting process for offshore lng chemical factories which have much more impact on the sea around them and much more possibility for disaster. 41-002

I am here to urge you to expedite this process. It is inexcusable to lose the opportunity to site America's first offshore wind farm in our State. We need the jobs it would provide. We need to be able to breathe the clean air it would foster. We need energy independence. There is simply no sane excuse to delay this project. It has already been delayed too long. The time for action is now.

A continued delay in the development of the Cape Wind project will result in millions of dollars in extra electricity costs for Massachusetts ratepayers. That doesn't take into consideration the huge monetary, physical and emotional cost of additional emergency room visits and asthma and heart attacks thanks to extra tons of sulfur dioxide and nitrogen oxide spewed into our air by exisitng dirty power plants. It doesn't deal with the additional mercury emitted that contaminates our lakes and makes fish inedible. It ignores the toxic runoff from coal fly ash landfills that threaten our drinking water. Nor does it deal with the thousands of extra tons of carbon dioxide emissions from these same plants that will add to global warming. 41-004

Higher temperatures mean more storms like the one we just had with the ocean slamming over our seawalls and rivers flooding our streets and basements. They mean rising insurance rates, increased road and dam repair costs, home renovations or rebuiding. This summer they will result in more heat related deaths, especially among the elderly. Already experts are predicting more mosquito caused disease like West Nile virus and Lyme disease from the accumulated drenchings. All in all, a plethora of unaccounted costs.

41-004 (cont.)

The public is awakening to the problems of global warming. We have reached the tipping point in public consciousness. There is new energy out there for solutions. And the public knows that what they do personally is just one part of the answer. The solution is larger. Our government must lead us into a sustainable future with clean renewable energy and must do it now.

41-003

OCS 045

Defenders of Wildlife Testimony
on Proposed "Alternate Uses" of Federal Outer Continental Shelf Waters

MMS Public Hearing on Alternate Energy and Alternate Uses
on the OCS Programmatic EIS and Proposed Rulemaking
San Francisco, CA, May 1, 2007

My name is Richard Charter, and I am speaking today on behalf of Defenders of Wildlife, whose nearly half-million members and supporters nationwide, and more than 100,000 California members and supporters, are deeply involved in marine conservation efforts, including the protection of sensitive wildlife and fragile ocean habitats. While we are supportive of truly renewable energy strategies with careful site selection and appropriate mitigations to protect the environment, some of America's most sensitive coastal waters will inevitably be affected by the construction of major industrial facilities and by commercial aquaculture installations on the federal Outer Continental Shelf (OCS) that may be converted from current oil and gas platforms.

Statements in MMS' Programmatic Environmental Impact Statement (PEIS) can only lead one to conclude that the agency is anticipating the unauthorized issuance of a proposed rulemaking that would establish the first national program for the permitting and regulation of fish farming, or aquaculture, in federal waters; and a rule that would allow oil companies to abandon old, disused platforms at sea instead of requiring the operators to remove them as currently mandated by federal law and by the contractual obligations incurred voluntarily by the lessees at the time such leases were issued. These are proposals that lie outside the authority delegated to MMS to regulate only "authorized" activities, a legislative restriction clearly placed on MMS pursuant to Section 388 of the Energy Policy Act of 2005. Any such fiscal incentives to oil companies inappropriately promote new offshore oil and gas leases in remote and fragile "frontier" OCS regions, by diminishing the life-cycle cost of hydrocarbon operations through MMS' arbitrary forgiveness of legitimate rig decommissioning costs, and thus unduly put at risk sensitive fisheries, wildlife, local economies, and indigenous communities, particularly in Alaskan waters. Here in California, the public clearly remembers the solemn commitments made by the Interior Department and the lessees when the present offshore rigs were put in place, accompanied by assurances that the companies would remove the rigs and restore the seafloor to as near pre-lease condition as possible, once production was terminated. Putting aquaculture operations on top of seafloor mounds of spent drilling muds containing mercury, cadmium, lead, and a host of toxic and mutagenic hydrocarbon pollutants, would be counterintuitive at best.

45-001

Further, a controversial proposal first promulgated by the now-defunct Enron Corporation, and proposed to Vice President Dick Cheney's "Energy Task Force", early in the first term of the current Administration, produced an unsuccessful piece of draft legislation called the "Cubin bill". Since no legislative markup of the Cubin bill could be facilitated in any subcommittee or committee of jurisdiction due to a lack of votes, analogous language was then arbitrarily dropped verbatim into Section 388 of the Energy Policy Act of 2005 in an apparent attempt to pre-empt state authority over subsea pipelines, seafloor anchoring systems, and other major industrial installations associated with floating offshore Liquefied Natural Gas (LNG) terminals and related facilities. It remains inappropriate for MMS, or for any other federal agency, including FERC, to attempt to over-ride state jurisdiction in this manner.

45-002

Since the PEIS also purports to speak to the issues associated with what are traditionally considered to be the more-legitimate "Alternate Energy" renewable technologies, in addition to the so-called "Alternate Uses" I have just discussed, it is incumbent upon MMS to exercise a precautionary approach to the potential adverse impacts of a range of unproven energy technologies on the OCS. While there is an obvious attraction right now to pursuing electrical-energy-generating approaches that produce no radioactive plume, no evacuation zone, no oil spill trajectory, and a diminished carbon emissions footprint related primarily to manufacture of the device itself, there is fundamentally no energy technology that is without some degree of risk to the environment and to human health.

45-003

Wave energy devices, for example, have the potential to create large-scale space-use conflicts that interfere with vessel access to important harbors, and to inflict inevitable and substantial direct damage on marine mammals, seabirds, fish, and other wildlife. Several coastal communities in Oregon and in Northern California are already experiencing a virtual *Klondike Gold Rush* of wave energy permit applications in state waters. Proposals for MMS' federal leases for offshore wave installations must therefore carefully consider the cumulative impacts of such activities in both state and federal waters. Similarly, salt water hydroelectric turbine machinery can unduly damage fisheries in certain locations, while associated cable landfalls must be carefully sited and installed. Offshore windfarms and certain bird species may not be able to co-exist unless appropriate mitigation measures are required of wind developers. The sheer scale of these potential adverse impacts argues toward starting out with small, proof-of-concept trial installations first, to avoid an early "Hindenberg" scale of accident that casts a subsequent stigma over what could otherwise turn out to be a promising technology. All shoreline and nearshore coastal waters impacts offshore California should be fully subject to due legal review by the California Coastal Commission under the jurisdiction of the Coastal Zone Management Act, whether the MMS leases are located in state or federal waters.

45-004

And in conclusion, MMS is now facing increased congressional oversight amidst confirmed reports of tens-of-billions of dollars in missing federal revenues, as cited by the Government Accounting Office, and even ongoing criminal investigations over the agency's persistent failure to secure fair market value for the American public for petroleum resources already developed and produced by the petroleum industry in the Gulf of Mexico. Going forward, MMS must obviously exercise due care to ensure that the taxpayers receive full compensation via the federal treasury from energy developers once again seeking to profit from public trust resources, this time in the form of alternative energy resources that may be found on the federal Outer Continental Shelf.

45-005

It must be noted that any activities proposed by MMS pursuant to this rulemaking must comply fully with all provisions of the bipartisan *Congressional OCS Moratorium* which precludes leasing, pre-leasing, and related activities in specific regions, and must also be in full compliance with the separate *Presidential OCS Withdrawals* of 1991, as renewed in 1998, in addition to complying with the Endangered Species Act (ESA), National Environmental Policy Act (NEPA), and the National Marine Sanctuaries Act (NMSA).

45-006

Thank you for this opportunity to provide testimony before you this evening on behalf of Defenders of Wildlife.

OCS 065

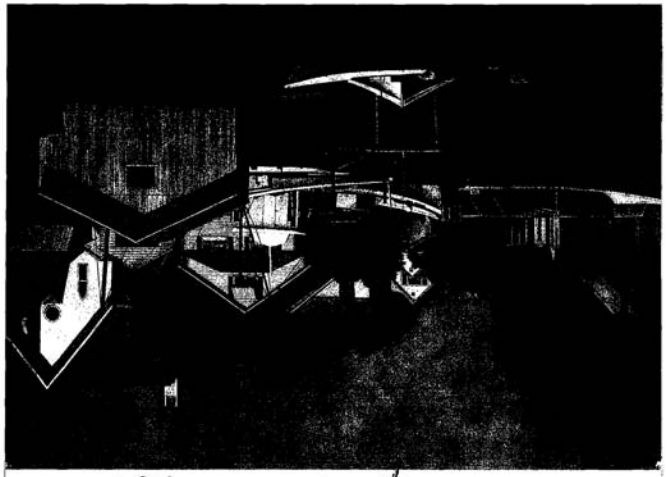
3/25/07

Hello,
This is a plea to STOP Capewind in locating the windfarm in such a beautiful area. The fact that they (WindFarm) are ignoring many environmental questions points to their real intention is to make $ at any expense. Sadly, because of the politics of this country & who has the most money wins. I hope I'm wrong here.

I've become very skeptical as to the right intentions of most political watchdogs. I'm hoping that the glaring and obvious drawbacks of Cape Winds project will not be allowed to destroy the God given beauty that exists in that area.

Granted wind power is a viable alternative to energy, but there are more desireable areas without creating such a tragic

65-001



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FS 215

presidence and allowing a capitalistic venture to go forward under very false & incomplete information that exists. Don't let them do it there!

Sincerely
Charles Mansfield
PO Box 1023
W Falmouth MA
02574

65-001 (cont.)

①

OCS 066

March 30, 2007

MMS alternative Energy & alternate Use Programmatic EIS
Argonne National Laboratory EVS/900
9700 S. Cass Av
Argonne IL 60439

RE: Off Shore Energy Impacts RE: Winds & Wave

Good People:

New Jersey is known for its diversity of migrating bird species even hosting a 24 hour bird-athon every May with national and international teams competing to have the highest bird species count in one twenty four hour period.

Many of these avian travellers move along the shoreline - my concern is the impact of collisions with turbines ~~both~~ Off Shore ~~and~~ with migrating inland birds as well as marine and coastal birds. I support alternative energy and see that it is long over due, however, I also support our eco diversity and did not want to threaten it any more than the overdevelopment impact we've suffered here. 66-001

As to wave energy many safety features would need to be implemented to protect endangered and threatened marine wildlife. 66-002

As to Off Shore drilling platforms 66-003

② the potential for spills / collisions is far too great a threat to NJ beach tourism which is an economic benefit to the state. It also imposes a threat to wildlife as well. 66-003 (cont.)

Thank you for listening to my concerns.

Patrice J McCoy
19 Irwin Ave
Freehold NJ 07728-2609
732-431-9565

P.S. I do not have a computer, Thus Snail mail. ~~FFOC~~

OCS 067

Provincetown Center for Coastal Studies

April 6, 2007

MMS Alternative Energy & Alternative
Use Programmatic EIS
Argonne National Laboratory EVS/900
9700 S. Cass Ave.
Argonne IL 60439

To Whom It May Concern:

Re: Alternative Energy Programmatic EIS

Thank you for this opportunity to review and comment upon your agency's Alternative Energy Programmatic EIS.

The language and intent of the Energy Policy Act of 2005 are quite clear. For two years prior to its passage we at the Provincetown Center for Coastal Studies (PCCS) had been calling for clarification and redirection of federal policy as it pertained to management of the OCS relative to alternative energy development. Building upon the Department of Interior's experience in the area of oil and gas leasing, it seemed only logical to make MMS the lead agency for alternative energy projects on the OCS.

No Action Alternative
PCCS has previously commented (May 30, 2006) on the need for a planning process that identifies areas suitable for alternative energy development. The "No-Action" alternative contained in the EIS, therefore, is contrary to this recommendation, not to mention the congressional intent of the Energy Policy Act. 67-001

Case-By-Case Alternative
The potential lack of consistency in MMS permitting is reason enough for rejecting this alternative. Again, the Energy Policy Act has made it perfectly clear that it should be a national objective to enhance the development of alternative energy . This cannot be accomplished in an economically efficient manner without consistency and fairness in the permitting process. 67-002

Proposed Action
The promulgation of permitting regulations associated with the development of alternative energy sources is a necessary beginning. The EIS clearly and convincingly articulates why and how this should be carried forward. However, a permitting process that proceeds in the absence of broad-scale planning may not achieve the desired results, if site-specific projects become bogged down in overlapping or conflicting management objectives for the OCS. As we outlined in our 2005 report "An Ocean Vision for the Nantucket Shelf Region," it is imperative that we begin the process of "ocean zoning." The development process should not be driven by project proponents alone. While a considerable amount of public investment and research is required, we know enough about certain portions of the OCS to avoid time-consuming and costly conflicts. Alternative energy development ought not to be pursued at the expense of other uses, policies or values. 67-003 (cont.) 67-004

We strongly recommend, therefore, that MMS establish a broad-scale planning process aimed at identifying appropriate offshore sites for alternative energy development. This planning process should be carried out in collaboration with the Marine Protected Areas Center within Interior, NOAA, and other federal and state agencies with an interest in the protection and use of offshore areas. Following on the recommendations of the U.S. Commission on Ocean Policy, this planning process ought to be conducted on a regional basis and be assisted by regional working groups. 67-005

Thank you again for this opportunity to comment.

Sincerely,

Peter Borrelli
Executive Director

115 Bradford Street, Provincetown, Massachusetts 02657
: 508 487.3622 : 508 487.4495 coastalstudies.org

OCS 068

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

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April 11, 2007

MMS Alternative Energy and Alternate Use Programmatic EIS
Argonne National Laboratory
EVS/900
9700 S. Cass Avenue
Argonne, Illinois 60439

Dear Minerals Management Service:

As one of the states most likely to benefit from ocean energy technologies, the State of Hawaii is pleased to have reviewed the Draft Programmatic Environmental Impact Statement (DPEIS) for Alternative Energy Development and Production and Alternate Use of Facilities on the Outer Continental Shelf.

Although the DPEIS specifically excludes Hawaii, the discussion of potential impacts and mitigation measures is informative and may be, at least in part, applicable to projects in Hawaiian waters. We concur that it is very likely that wave energy devices, and other ocean energy technologies, will first be deployed less than three miles from Hawaii's coastline and thus will not be under the purview of the U.S. Department of Interior Minerals Management Service (MMS).

The State of Hawaii supports the proposed action, which is to develop regulations for a broad program of alternate energy development in waters under MMS jurisdiction. We agree with MMS that these regulations will allow consistent application of rules for data collection, facility siting, mitigation, and ongoing impact evaluation. It is the best option of the three actions studied. The remaining two actions - developing regulations on a case-by-case basis, or not developing alternative energy in the outer continental shelf at all - would not support Hawaii's goal of procuring 20% of its electricity from renewable resources by the year 2020. 68-001

A number of potential impacts from renewable ocean energy development of particular interest to Hawaii were examined in the DPEIS document. These include changes to seafloor topography caused by scouring, and the related potential impacts to sediment transport processes along the coast. Interruptions to the natural seasonal migration of beach sand could exacerbate beach erosion. 68-002

Impacts on aesthetics and conflicting commercial and recreational uses of the ocean are likely to be greater in Hawaii than in areas with wider continental shelves, since ocean energy devices would be located comparatively close to the shore. Furthermore, any decrease in wave height caused by energy facilities will be a potential concern if surfing beaches are nearby. 68-003

Potential impacts on marine life during the construction, operation and decommissioning of ocean energy facilities will also need to be minimized. Noise impacts on marine mammals, for instance, have been the subject of public and scientific concern in Hawaii. The proposed mitigation of noise impacts by deterring fish and marine mammals from the work site does not seem practical, and the methods outlined on page 5-29 (and elsewhere in the document) seem in themselves to have potential to injure or distress animals. 68-003 (cont.) 68-004

Thank you for the opportunity to review the DPEIS. We await the resolution of this and other regulatory issues so that ocean energy technologies can proceed toward commercialization.

Sincerely,

Theodore E. Liu

MMS-OCS Alternative Energy and Alternate Use Program EIS.
Argonne Natl, Lab.
9700 S. Cass Avenue
Argonne, Illinois 60439

April 16, 2007

I am sending my (and my families) comments to you concerning the possible placement of the 400 foot towers in our Nantucket, Ma. Sound for "wind power".

I have been a resident full time since Oct. 1972 and part time 5 years prior. Three seasons there are multitudes of boaters both professional and not, out there. Fishing near and in Nantucket Sound just of Cape Cod is also extremely busy three seasons.

I worked for 2 gas utility companies (15 years) before selling real estate. Both claimed power from the sun (solar) is the only way to go instead of fossil fuels.

Not only does the Cape have nearly the highest of electric billings in all 50 states but wind power will not be giving us the promised benefit. We have a nuclear power plant just off the cape in Plymouth, Ma., and an oil fired power plant in Sandwich-on cape-both have done little or nothing to aid our high electric rates (outside of Alaska, just about the highest.)

69-001

Swell – now we'll have to wait for the fog (many days) and dead calm of the Sound to clear, hoping for gusts to sustain these 400 foot towers. When boats slam into them who will get sued, by the way?

Carol Delano Capachione

Carol Delano Capachione

Box 63
E. Dennis, Ma. 02641

Mendonoma Marine Life Conservancy

P.O. Box 217
Manchester, CA 95459
(707) 882-2186

May 4 2007

MMS Alternative Energy & Alternative Use Programmatic EIS
Argonne National Laboratory, S/900
9700 South Cass Avenue
Argonne, IL 60439

Ladies & Gentlemen:

I am writing on behalf of the Mendonoma Marine Life Conservancy (MMLC) to convey our comments and suggestions regarding your draft EIS, Programmatic Environmental Impact Statement for Alternative Energy Development and Production and Alternate Use of Facilities on the Outer Continental Shelf (March 2007).

MMLC is a private group of sixteen educators, fishermen, environmentalists, divers, Tribal Americans, kelp harvesters, and other stakeholders focused on the offshore geography, ecology, fisheries, and recreational uses of California State waters from the Humboldt-Mendocino county line to the outflow of the Russian Gulch Watershed south of Fort Ross. Established in 2004, MMLC's mailing list includes over 100 individuals and organizations, and our By-Laws authorize advocacy as an "interested party" as referenced in Section 2861(a) of the California Fish & Game Code. MMLC is currently hosting an Internet discussion on potential environmental risks associated with wave energy conversion (WEC) technology. Monthly digests of this discussion are available to the public at <http://lists.topica.com/lists/mmlcwave/read>.

Our comments are organized into three general areas:

A: Scope, format, and content
B: Assessment of potential coexistence of wind/wave farms and aquaculture operations
C: Assessment of sea floor contamination beneath oil platforms

Scope, Format, & Content

Scope:

The Alternative Energy sections of the Programmatic EIS present the most complete and comprehensive analysis of potential impacts of WEC technology we have reviewed since beginning our research in the aftermath of a public briefing by the Electric Power Research Institute on possible WEC site developments off the coasts of Northern California last January.

70-001

MMLC

It is our intention to use MMS's final Alternative Energy EIS as a general framework for evaluating the site-specific EIS we expect to be forthcoming from Pacific Gas & Electric regarding construction of a WEC test hub off of Fort Bragg, California.

Format:

Much of the text in Section 5.2 regarding anchors, cabling, and other aspects of transmitting wind-generated electricity to terrestrial substations also applies to WEC devices. While some attempt is made to refer readers of Section 5.3 to this information, MMLC suggests the information should be repeated in Section 5.3 or a stronger reference to those subsections of Section 5.2 applicable to WEC technology should be placed at the beginning of Section 5.3. 70-002

Content:

Section 5.3.4.4 reads, in part, "Most antifouling coatings work by gradually leaching toxic components to the water layer adjacent to the coating, thereby inhibiting fouling organisms." In our research we found a URL, <http://www.awi-bremerhaven.de/TT/antifouling/index-e.html>, which claims there is a biocide-free antifouling coating. If this is so, use of such a coating should be included in the list of mitigation measures in Section 5.3.4.6. 70-003

Potential Coexistence of Wind/Wave Farms & Aquaculture Operations

There is little doubt that some portion of coastal states' offshore waters and the OCS will be occupied by wind and wave farms in the foreseeable future. The same holds true for marine aquaculture operations.

Section 5.2.4.6 lists exclusion of commercial and recreational fishing inside wind farm boundaries as a mitigation measure for operational impacts listed in Section 5.2.4.4. Section 5.3.4.6 lists prohibition of commercial and recreational fishing inside wave farm boundaries as a mitigation measure for operational impacts listed in Section 5.3.4.4. The inference is that commercial and/or recreational fishing access will be determined on a site-specific basis; but the threat of potential loss to local fishing interests certainly exists. And certainly aquaculture operations will result in additional restrictions on traditional fishing practices.

If the water column beneath and around wind and/or WEC generators could be utilized for marine aquaculture, this would somewhat mitigate the loss of access to fishing grounds. Personnel maintaining the aquaculture operation could also perform device inspection operations, thus eliminating the need for inspection-only trips to the site, and dealing with one aquaculture company on contract would involve much less operational risk to wind and wave farm owners than allowing commercial and/or recreational vessels inside their boundaries. 70-004

MMLC recommends that the Alternative Energy EIS be expanded to address the potential for coexistence of wind/wave farms and commercial marine aquaculture operations, including a determination of the potential power loss of WEC technology operating within a fish enclosure. 70-005

MMLC

Assessment of Sea Floor Contamination Beneath Oil Platforms

MMLC has followed and participated in the debate over decommissioning requirements for Southern California oil platforms since the California Artificial Reef Experiment attempted to have fourteen of the platforms designated as a Groundfish Habitat Area of Particular Concern in 2005. We find the Alternative Uses portion (Chapter 6) of the EIS, previous MMS studies, and the MMS 2007-2009 Study Guide to be totally lacking in addressing the fundamental issue underlying any decision regarding alternative uses for decommissioned oil platforms: the extent of sea floor contamination beneath the oil platforms in question. 70-006

A Google Internet search on "Toxic contamination under oil platforms" (first 20 pages of responses) yielded reports of:

* "oil and grease, heavy metals, hydrocarbons ... nickel and ...PCBs "
  <http://linwoodp.bol.ucla.edu/rigs.htm>

* "free oil, dissolved aromatic hydrocarbons, heavy metals, and radionucleides.
  ...chromium, copper, nickel, lead, zinc, barium..."
  <http://www.offshore-environment.com/drillingwastecontents.html>

* "intense mercury contamination"
  <http://www.al.com/specialreport/mobileregister/index.ssf?merc19.htm>

* "toxic sludge and radioactive waste residues"
  <http://multinationalmonitor.org/hyper/mm0795.03.html>

* "methylmercury"
  <http://www.lawrencehallofscience.org/gss/uptodate/articles-gss/5lbdeeptrouble.html>

* "contaminated sediment"
  <http://www.uea.ac.uk/~e130/cuttings.htm>

* "Cu and Ni ... and Zn"
  <http://aehsmag.com/issues/2001/october/taxonomic.htm>

* "mercury"
  <http://www.coastkeeper.org/backend/PDF/event_2007-03-30_rigs-abstracts.pdf>

It is unconscionable to discuss the possibility of basing aquaculture operations around decommissioned oil platforms when lacking a full understanding of the extent of toxic contamination of the sea floor beneath those platforms, and decision making regarding other alternative uses for decommissioned platforms would also benefit from this knowledge. Thus we find it troubling that the issue is ignored in both Chapter 6 of the EIS and the MMS 2007-2009 Study Plan. 70-007

MMLC therefore recommends that:

1. An accounting of the current state of knowledge regarding toxic contamination beneath and around oil platforms be included in Chapter 6.

2. Studies of sea floor contamination in the vicinity of oil platforms be added to MMS's planned research . 70-008

3. The Programatic EIS list detailed site-specific studies of sea floor contamination as a mitigation measure for every alternative addressed in Chapter 6.

We thank you for the opportunity to comment, and look forward to seeing our comments reflected in the final EIS.

Sincerely,

Rob Cozens, Staff Conservator
Mendonoma Marine Life Conservancy

OCS 071

Dear Minerals Management Service:

I am a citizen of Florida and am very concerned about how you are developing your Alternative Energy and Alternate Use program. First, your Programmatic Environmental Impact Statement (PEIS) is incomplete and does not allow for the public to fully understand your intentions for the AEAU program. This is one of the main purposes for a PEIS. Because the PEIS is unclear, it is possible that the new AEAU program will allow the transfer of old oil rigs to other uses, like fish farming. I find this especially troubling since our U.S. Congress has refused to develop an open ocean fish farming program in recent years through a national bill. MMS should not use a "back door way" to be the agency to create and regulate offshore aquaculture. 71-001

Open ocean aquaculture has many problems associated with it: spread of diseases and pollution, habitat damage, unsafe human conditions and irreversible changes to fish and other wildlife. We here in Florida are coastal people known for our commercial and recreational fisheries including shrimp, crab, lobster snapper, grouper and many more. Tourism, based on our environment, is a key economic factor and so many of us live here to enjoy the benefits of a coastal lifestyle: relaxing on white sand beaches, swimming in clear blue waters, boating and countless water sports. Any potential damage to our waters directly hurts our lifestyle and livelihoods, and so open water fish farming on oil rigs is particularly disturbing. 71-002

Finally, during the violent storms in the Gulf of Mexico in recent years, oil rigs were destroyed, some even being carried miles to shore. Had offshore aquaculture existed on these rigs at the time of the storms, there would have been massive releases of captive fish, feed and other pollutants directly into ocean waters. 71-003

Oil rigs are erected for a purposes and when that purpose is completed, they should be removed as originally contemplated, not transitioned into other uses that might cause serious long term negative consequences. 71-004

Francoise Harris Date Signed Francoise Harris May 11, 2007 12:18 PM

OCS 072

2 Trader's Lane
Nantucket, MA 02554-3736

May 13, 2007

MMS Alternative Energy & Alternate Use Programmatic EIS
Argonne National Laboratory EVS/900
9700 S. Cass Ave.
Argonne, IL 60439

Dear Sir or Madame,

I have read the executive summary of the Alternative Energy Programmatic EIS. Given the recent warnings of the United Nations Intergovernmental Panel on Climate Change I feel that it is critically important to pursue and develop clean nonpolluting alternative energy sources as soon as possible on the Outer Continental Shelf.

As Chapter Director of Clean Power Now Nantucket I have spent the last 4 years researching and studying offshore wind energy as an advocate for the proposed Cape Wind Energy Project in Nantucket Sound here in Massachusetts. Clean Power Now is a citizens grass roots organization based in Hyannis Massachusetts with 7,000 members in the Cape and Islands region. The environmental review of this project has already produced thousands of pages of documents with no major impacts to anything environmental or otherwise identified. I have traveled to Denmark and visited offshore wind parks at Nysted and Horns Rev. Europeans have had over 15 years of experience with both onshore and offshore wind energy and the results have been overwhelmingly positive. 72-001

Through proper review and mitigation techniques I feel strongly that wind wave and ocean current technologies can be safely developed and implemented. I also feel just as strongly that we as citizens and stewards of this Earth can stop climate change and turn it around in the next 5-10 years. As such, pursuing and developing clean, nonpolluting alternative energy sources on the Outer Continental Shelf are an important first step in that process.

Sincerely yours,

Carl K. Borchert Chapter Director Clean Power Now Nantucket Island Mass.

OCS 073

----- Original Message -----
From: Annette Fay <annette@blueplanetrun.org>
To: Oynes, Chris
Sent: Wed May 09 10:12:46 2007
Subject: Programmatic Environmental Impact Statement

Dear Mr. Chris Oynes:

Thank you for the opportunity to comment on your draft Programmatic Environmental Impact Statement.

I am concerned that MMS plans to allow energy companies to abandon unused oil platforms instead of requiring companies to remove them as mandated by federal law. MMS should not allow energy companies to avoid paying the costs of removing their rigs, estimated to be $9.9 billion from 1985-2020, when nothing in the 2005 Energy Act gives MMS such new authority. 73-001

I also am concerned that MMS plans to establish a program to permit industrial fish farming in federal waters even though Congress has not specifically authorized this activity. This would exceed MMS's mandate and capacity, which is clear given that the draft PEIS does not adequately address the ecological, human health, and economic impacts of

fish farming. Specifically, fish farms anchored off oil rigs may:

* Cause long-term contamination of the marine environment due to the abandoned oil rigs.
* Threaten the environment and consumers because of the connection between oil and gas rigs and elevated mercury levels in surrounding sediments and fish.
* Harm consumers by using chemicals, antibiotics, and hormones to raise fish in crowded conditions.
* Harm the marine environment through transmission of disease and parasites to wild fish populations.
* Deplete wild fish populations because farmed finfish require wild fish

for feed.
* Harm marine ecosystems when non-native or genetically distinct farmed fish escape and

interact with wild fish populations. 73-002

I respectfully request that you consider these factors and do not exceed

the authority granted to you under the Energy Act of 2005.

--
Annette Fay
Blue Planet Run/PWX
office: 510.338.4538
www.blueplanetrun.org
www.peerwater.org

OCS 074

From: EdwardG743@aol.com [mailto:EdwardG743@aol.com]
Sent: Wednesday, May 02, 2007 6:50 AM
To: ocsenergywebmaster@anl.gov
Subject: ocean energy

I think you should contact the proper people in California to see how successful these wind mills are. Theirs all sit silently off highways, only good for sightseeing now. Also, you will get all of the environmentalists on your back because of the birds that fly into them and get killed, as they did in California. A few Eagles gone, not to mention all of other species, and all of your wind mills will sit just as they do in California, with less sightseers.....

74-001
74-002

5/11/2007

OCS 075

OCS Alternative Energy and Alternate Use Programmatic EIS Public Comment Form

Minerals Management Service (MMS), a bureau of the U.S. Department of the Interior, invites you to participate in the public comment process for development of a programmatic environmental impact statement (Programmatic EIS). The draft OCS Alternative Energy and Alternate Use Programmatic EIS is available for review and comment (for printed or CD–ROM copy of the draft EIS, contact the Minerals Management Service, Environmental Assessment Branch Office (MS 4042), 381 Elden Street, Herndon, Virginia 20170 or visit the MMS's Internet Web site at http://ocsenergy.anl.gov/). The draft Programmatic EIS assesses the potential for alternative energy (e.g., wind, wave, solar, current, and generation of hydrogen) and for alternate uses of existing oil and gas facilities on the U.S. Outer Continental Shelf (OCS). The draft Programmatic EIS evaluates generic impacts from development and identifies key issues that should be considered by subsequent site-specific assessments.

FOLD HERE

The Public Comment period is open from March 21, 2007 to May 21, 2007. You can submit comments via the project Web site (http://ocsenergy.anl.gov), by folding and mailing in this form (postage is required), or by mailing other materials to the address provided on the other side of this form.

FOLD HERE

WITHHOLDING OF PERSONAL INFORMATION: Commenters who wish their name or street address to be withheld from public view or from disclosure must check the "Withhold Name and Address" or the "Withhold Address Only" check box below. MMS policy is to withhold such respondent's identity to the extent allowable under the Freedom of Information Act. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety. Commenters who do not wish to have their name or address withheld, should print their name and return address below and on the other side of this mailing.

- ☐ Withhold my name and address from the public record.
- ☑ Withhold only my address from the public record.

Name: Carly Sotharon

Address:

Comments:

FOLD HERE

I am fully supportive of alternative energies, but what needs to be considered is the energy that goes into constructing and implementing these alternatives. Building these turbines requires lots of materials and energy. What is important is to make the whole process environmentaly friendly. For example use recycled materials and alternative energies and fuels in the construction and maintanence processes.

FOLD HERE

75-001

Please mark the box indicating how you would like to receive additional information. *If an e-mail address is provided, you will only receive information electronically.*

- ☑ By E-mail to: csothor@edisto.cofc.edu
- ☐ By Postal Mail to:
- ☐ Do Not Want to Receive Additional Information

From: Donna Shanske [mailto:dsmo1@cox.net]
Sent: Saturday, May 19, 2007 11:04 PM
To: ocsenergywebmaster@anl.gov
Subject: OCS Alternative Energy

OCS 076

It's reassuring to see that our government is planning on developing real alternative energies to replace oil and gas. 76-001

The ocean current cabling system (sans underwater propellors) gets my vote for the simplest process to get the best results. Although you mention that we have but one strong cold current off of the Atlantic seaboard, this technology could be used globally. It could mean massive reduction of green house gases and an end to our dependence on foreign oil/gas. 76-002

Donna Shanske, San Diego, CA

5/21/2007

From: llmf [mailto:llmf@granderiver.net]
Sent: Monday, May 21, 2007 3:57 PM
To: ocsenergywebmaster@anl.gov
Subject: public comments

OCS 077

To whom it may concern,

My name is Walt KIttelberger and I am Chairman of the Lower Laguna Madre Foundation. These are my comments relating to the possible location of wind turbines in the offshore waters of the Gulf of Mexico in and near South Texas.

The Lower Texas Coast is a primary migration route for numerous threatened,endangered as well as many other bird species important not just to South Texas but the entire Western Hemisphere. As such extraordinary care must be taken when choosing suitable locations for wind turbine and other such structures. 77-001

As Chairman of the LLMF I urge you to take the importance of this unique area into consideration when performing an EIS for this location.

For the record please note that the LLMF opposes the construction of any wind turbines in and near this very sensitive area.

Thank you for including by brief comments in your document and please include me in any future public participation(mailing list) regarding this issue.

Walt Kittelberger, Chairman
Lower Laguna Madre Foundation (501c-3)
P.O. Box 153
Port Mansfield, TX. 78598

5/22/2007

OCS 078

ADEM

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
POST OFFICE BOX 301463 36130-1463 • 1400 COLISEUM BLVD. 36110-2059
MONTGOMERY, ALABAMA
WWW.ADEM.STATE.AL.US
(334) 271-7700

ONIS "TREY" GLENN, III, P.E.
DIRECTOR

BOB RILEY
GOVERNOR

Facsimiles: (334)
Administration: 271-7950
General Counsel: 394-4332
Communication: 394-4383
Air: 279-3044
Land: 279-3050
Water: 279-3051
Groundwater: 270-5631
Field Operations: 272-8131
Laboratory: 277-6718
Mining: 394-4326

May 14, 2007

MMS Renewable Energy and Alternate Use
Programmatic EIS Scoping
Argonne National Laboratory
9700 S. Cass Avenue
Argonne, Illinois 60439

RE: U.S. Department of the Interior [DOI] Minerals Management Service [MMS]
Draft Programmatic EIS for the Outer Continental Shelf [OCS] Alternative Energy Related Use (AERU) Program

Dear Sir:

Reference is made to the April 3, 2007 correspondence from R. M. "Johnnie" Burton, Director MMS to Alabama Governor Bob Riley requesting comments on the above-referenced proposed draft EIS. The Governor's office forwarded the request to ADEM.

It is understood that Section 338 of the Energy Policy Act of 2005 [EP Act] granted the Department of the Interior discretionary authority to issue leases, easements, or rights-of-way for activities on the OCS that produce or support production, transportation, or transmission of energy from sources other than oil and gas, and not otherwise authorized by other applicable law. DOI delegated this authority to MMS.

The MMS was further delegated the authority to issue leases, easements, or rights-of-way for other OCS project activities that make alternative use of existing OCS facilities for "energy-related purposes or for other authorized marine-related purposes," to the extent such activities are not otherwise authorized by other applicable law. Such activities may include, but are not limited to: offshore aquaculture, research, education, recreation, and support of offshore operations and facilities.

In consideration of the aforementioned understandings, ADEM offers the following comments to this draft EIS.

By letters dated April 13, 2006 and November 20, 2006, Governor Bob Riley expressed the State's support for a balanced, reasonable, and environmentally sound federal leasing program. This support being contingent upon OCS activities in waters adjacent to Alabama's coast being carried out in full compliance with relevant Alabama laws, rules, and regulations and in a manner that is fully compliant and consistent with its Coastal Zone Management Program. Additionally, the ADEM has consistently supported protection for environmentally sensitive areas that might be impacted by development activities on the OCS. 78-001

78-001 cont.

The Governor's letters further state that it has long been the policy of the State of Alabama to oppose the offering of blocks for lease south and within 15 miles of the Baldwin County, Alabama coast which is a tourist destination providing significant positive economic impact to our State. While the Governor's comments were specifically directed toward oil and gas exploration, the ADEM emphasizes the Governor's opposition to structures in this area due to potential negative impacts to the State's tourism. 78-002

The ADEM requests that MMS insure adequate protection for the live bottom areas, pinnacle reefs, chemosynthetic communities, and other sensitive environments in the OCS off Alabama's coast. 78-003

Aquaculture activities may result in negative impacts to Alabama's coastal resources pursuant to ADEM Admin. Code R. 335-8-2-.01(2(b)) [wildlife and fishery habitat] and will of course require review on a project specific basis. 78-004

Call or write anytime with questions. The ADEM contact for this project is Allen Phelps. He may be reached by phone [251] 432-6533 or e-mail at: cap@adem.state.al.us.

Sincerely,

Steven O. Jenkins, Chief
Field Operations Division

Birmingham Branch
110 Vulcan Road
Birmingham, Alabama 35209-4702
(205) 942-6168
(205) 941-1603 [Fax]

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, Alabama 35603-1333
(256) 353-1713
(256) 340-9359 [Fax]

Mobile Branch
2204 Perimeter Road
Mobile, Alabama 36615-1131
(251) 450-3400
(251) 479-2593 [Fax]

Mobile – Coastal
4171 Commanders Drive
Mobile, Alabama 36615-1421
(251) 432-6533
(251) 432-6598 [Fax]

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OCS 079

North Carolina
Department of Administration

Michael F. Easley, Governor

Britt Cobb, Secretary

May 18, 2007

Mr. R.M. "Johnnie" Burton
U.S. Dept. of the Interior
MMS Renewable Energy
Argonne National Lab
9700 S. Cass Avenue
Argonne, IL 60439

Dear Mr. Burton:

Re: SCH File # 07-E-0000-0328; Scoping; Proposal of the Draft Programmatic EIS for alternative energy on the Outer Continental Shelf (OCS) Alternate Energy-Related Use (AERU) Program. Visit http://ocsenergy.anl.gov to view document

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are the comments made by agencies in the course of this review.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,

Chrys Baggett/STC

Ms. Chrys Baggett
Environmental Policy Act Coordinator

Attachments

Mailing Address:
1301 Mail Service Center
Raleigh, NC 27699-1301

Telephone: (919)807-2425
Fax (919)733-9571
State Courier #51-01-00
e-mail Chrys.Baggett@ncmail.net

Location Address:
116 West Jones Street
Raleigh, North Carolina

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OCS 079

NCDENR

North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary

MEMORANDUM

TO: Chrys Baggett
State Clearinghouse

FROM: Melba McGee
Environmental Review Coordinator

SUBJECT: 07-0328 Draft Programmatic EIS for Alternative Energy on OCS Alternative Energy-Related Use Program

DATE: May 16, 2007

The Department of Environment and Natural Resources has completed its review of the Draft Programmatic EIS for Alternative Energy on OCS Alternate Energy-Related Use Program. The attached comments are for the applicant's information.

The draft EIS addresses programmatic alternatives and facilitates the development of site-specific projects that may follow. The department will provide more explicit comments when the site specific projects are individually circulated under the National Environmental Policy Act.

Thank you for the opportunity to review.

Attachment

1601 Mail Service Center, Raleigh, North Carolina 27699-1601
Phone: 919-733-4984 \ FAX: 919-715-3060 \ Internet: www.enr.state.nc.us/ENR/

OCS 079

NCDENR

North Carolina Department of Environment and Natural Resources
Division of Marine Fisheries

Michael F. Easley, Governor
William G. Ross Jr., Secretary

Dr. Louis B. Daniel III, Director

MEMORANDUM

TO: Melba McGee
FROM: Michael W. Street
DATE: 10 May 2007
SUBJECT: Draft Programmatic EIS (#07-0328) for Alternative Energy on OCS Alternate Energy-Related Use (AERU) Program

The following comments are provided by the North Carolina Division of Marine Fisheries (DMF) under authority of North Carolina General Statute 113-131.

Energy production is an area in which DMF has little expertise. Our agency focus is on fish habitats, fish, fishing (including access to fishing opportunities), and navigation. Alternative energy developments that physically place any type of structure in the coastal aquatic system (in the public trust waters, adjacent to the public trust waters, or on/under the submerged bottom of North Carolina's public trust waters) will affect those waters and the fisheries resources within them. The degree of that impact will vary greatly depending on a multitude of factors, including but not limited to, specific location(s), bottom type(s), shoreline conditions, depth, fish communities present, existing human uses, magnitude of area impacted, scope location of associated developments and structures, and frequency and timing of events (construction, operation, maintenance, etc.). Effects can be both positive and negative (such as a structure that interferes with navigation and use of movable fishing gears, but provides structure serving as fish habitat). Effects may be direct, but acute, indirect (not affect fishing activities, but interfere with aerial patrol for enforcement of fisheries rules), and cumulative.

The draft document seems to recognize that effects of energy development may be significant, depending on site-specific characteristics. All proposed specific alternative energy development projects in the geographic area covered by this document should undergo specific evaluation through the NEPA process. As long as that process is applied, the document is adequate as a generic description of potential environmental impacts from OCS alternative energy development. 79-001

The DMF would participate in evaluation of any specific proposals for alternative energy development that would affect the coastal public trust waters and fisheries resources and habitats of eastern North Carolina.

3441 Arendell Street, P.O. Box 769, Morehead City, North Carolina 28557
Phone: 252 726-7021 \ FAX: 252 727-5127 \ Internet: www.ncdmf.net

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MAY 15 '07 15:30 P.02

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

RECEIVED
APR 20 2007
PUBLIC PRESERVATION OFFICE

STATE NUMBER: 07-E-[illegible]-0328 H11
DATE RECEIVED: 04/16/2007
AGENCY RESPONSE: 05/14/2007
REVIEW CLOSED: 05/17/2007

MS RENEE GLEDHILL-EARLEY
CLEARINGHOUSE COORD
DEPT OF CUL RESOURCES
ARCHIVES-HISTORY BLDG - MSC 4617
RALEIGH NC

REVIEW DISTRIBUTION
DENR LEGISLATIVE AFFAIRS
DEPT OF CUL RESOURCES
DEPT OF TRANSPORTATION

MAY 2007
RECEIVED
Secretary's Office
DOA

CH 07- 0862 5/2/07
A- RWL left see letter
S - NC JRH 5/8/07

PROJECT INFORMATION
APPLICANT: U.S. Dept. of the Interior
TYPE: National Environmental Policy Act Multi Co. 5/8/07
EPD: Scoping
DESC: Proposal of the Draft Programmatic EIS for alternative energy on the Outer Continental Shelf (OCS) Alternate Energy-Related Use (AERU) Program. Visit http://ocsenergy.anl.gov to view document

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.
If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:

☐ NO COMMENT
☒ COMMENTS ATTACHED

SIGNED BY: Renee Gledhill-Earley

DATE: 5-16-07

RECEIVED
MAY 02 2007

APR 24 2007

North Carolina Department of Cultural Resources
State Historic Preservation Office
Peter B. Sandbeck, Administrator

Michael F. Easley, Governor
Lisbeth C. Evans, Secretary
Jeffrey J. Crow, Deputy Secretary

Office of Archives and History
Division of Historical Resources
David Brook, Director

May 15, 2007

MMS Renewable Energy and Alternate Use
Programmatic EIS Scoping
Argonne National Laboratory
9700 S. Cass Avenue
Argonne, Illinois 60439

Re: Proposed Draft Programmatic EIS for alternate energy on the Outer Continental Shelf (OCS) Alternate Energy-Related Use (AEUR Program), CH 07-0862

Dear Sir or Madam:

We have reviewed the draft Programmatic EIS for the above project and offer the following comments. We concur with the discussion in Section 4.2.19 that there is a high probability for the presence of archaeological resources in the project area. This is particularly true for shipwrecks located off of North Carolina's Outer Banks, an area frequently referred to as "the Graveyard of the Atlantic." Our Underwater Archaeology Branch maintains historic research files that document over 5,000 shipwrecks along the state's coast. We also support the measures, outlined in sections 5.2.19 – 5.2.19.5 of the DEIS, designed to locate significant archaeological resources and mitigate the impact on those resources.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919-733-4763, ext. 246. In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,

Renee Gledhill-Earley

Peter Sandbeck

Reid the original by mail 5/24/07

cc: State Clearinghouse

	Location	Mailing Address	Telephone/Fax
ADMINISTRATION	507 N. Blount Street, Raleigh NC	4617 Mail Service Center, Raleigh NC 27699-4617	(919)733-4763/733-8653
RESTORATION	515 N. Blount Street, Raleigh NC	4617 Mail Service Center, Raleigh NC 27699-4617	(919)733-6547/715-4801
SURVEY & PLANNING	515 N. Blount Street, Raleigh, NC	4617 Mail Service Center, Raleigh NC 27699-4617	(919)733-6545/715-4801

OCS 080

THE HUMANE SOCIETY OF THE UNITED STATES

MMS Alternative Energy & Alternate Use Programmatic EIS
Argonne National Laboratory EVS/900
9700 S. Cass Ave.
Argonne IL 60439

RE: Alternative Energy Programmatic EIS

On behalf of the more than 9 million members and constituents of The Humane Society of the United States (The HSUS), I wish to offer the following comments on your Programmatic Environmental Statement evaluating impacts of offshore alternative energy and alternative uses of existing offshore facilities (the DEIS). The HSUS appreciates the Minerals Management Service's (MMS) attempt to present an overarching evaluation of impacts of further development of the Outer Continental Shelf (OCS) as this is an area of increasing interest to developers and other user groups. Most of our comments will focus on sections dealing with marine mammals and birds.

We are concerned that there was no assessment provided for the waters off Alaska and Hawaii, though alternative energy is already being explored in Hawaii. These regions should have been analyzed. 80-001

Further, we are very concerned that the species accounts for marine mammals and birds in Chapter 4 (The Affected Environment) are inappropriately sparse and contain inaccurate information. This, in turn, leads to an inadequate context into which risk is assessed in Chapter 5. The result of this is that, even though the most common mitigation measure suggested throughout the document is siting in risk averse locations, potential developers are given inadequate information to assist them in choosing sites or technology with the least risk. We are concerned that the analysis is so general that it leaves those considering development of the OCS with little more information than they had prior to the construction of this DEIS and forces developers to use the same ad hoc approach that has been necessary up to this point. This is very disappointing and likely to lead to a continuation of the contention and litigation that has marked attempts to develop most sites in the OCS. 80-002

Chapter 2 Alternatives Considered
We do not disagree with the choice of the preferred alternative of the 3 that are provided; however, we were hoping that additional effort might have been put toward developing a viable alternative such as that described in 2.4.2. Under that alternative, which was not considered, the MMS would identify areas more (or less) suitable for development by various alternative energy technologies (e.g., wind or wave or 80-003

current) based on the energy generating potential and the presence of risk factors (e.g., marine protected areas, high use areas for birds or marine mammals, etc). Much of this information already exists. Indeed this author has attended a number of fora in which maps of wind potential and hydrokinetic energy potential were presented by industry speakers and those from Department of Energy and FERC. Marine Protected Areas and military use areas are already mapped and well known. Compiling GIS data regarding distribution and habitat use by marine wildlife could have been a significant contribution toward achieving the goal of choosing risk averse siting with maximal benefit. We had hoped that this DEIS process would do that, but it has not. Instead MMS simply proposes some future effort to that end.

80-003 (cont.)

Chapter 4 The Affected Environment

This chapter is long, yet entirely inadequate in the information it provides regarding the abundance and distribution of wildlife. As we outline below, much of the information that is provided is either inadequate or inaccurate (e.g., information on the distribution and frequency of use of habitat types by birds and marine mammals). It provides little or no information on the flight characteristics of various classes of birds that make them vulnerable either to in-air collisions or in-water risk from bladed turbines. The use of coastal habitats by marine mammals on the east coast is largely dismissed, and key information on stock structure (and thus localized risk) is not included. Given the controversy that has dogged many individual OCS energy proposals, we are very disappointed at the superficial treatment of marine wildlife. We were under the impression that this chapter would provide in-depth information that would prevent each developer from having to reinvent the proverbial wheel each time a project is proposed. It does not. The DEIS, in essence, leaves it up to each individual project proponent to determine for him or herself what constitutes an appropriate site and leaves it up to them to determine site-by-site what risk a particular technology poses by itself or in conjunction with other proposals. This is no improvement over the current situation and thus may perpetuate current controversies.

80-004

Regional Planning

We agree with the regional divisions that the MMS outlines in Chapter 4; however, we reiterate our concern that there is no discussion of Alaska and Hawaii. For all regions, there was a discussion of the acoustic environment. We wish to emphasize that there are data indicating that the marine environment is increasingly noisy. Ambient noise levels in the ocean have risen by approximately 3-4 decibels each decade, with increasing use of the ocean by ships, military activities, acoustic exploration of the ocean environment (e.g. seismic and SONAR) and extraction activities. (Southall, 2004) Discussion such as that on page 40, which identifies two of the three "predominant contributors to ambient noise" as vocalizations of marine mammals, and movements of shrimp, inappropriately trivialize a very real problem that exists in the ocean environment where increasing levels of anthropogenic noise, particularly in certain frequency bands, are at a level where key biological sounds are masked by the ambient noise levels. (Ibid.) The language in this section should be changed to reflect the fact that, other than wind, anthropogenic sounds

80-005

80-006

Comments of The HSUS on MMS DPEIS on OCS Alternative Energy

are the "predominant contributors to ambient noise" (not shrimp and marine mammal vocalizations).

80-006 (cont.)

All regional discussions of marine mammals inappropriately abbreviate and "lump" discussion of the status and distribution of non-ESA listed marine mammals species. For example, the Gulf of Mexico has a single short paragraph on non-endangered species with the meaningless assertion that "dolphins are the most abundant cetaceans in the northern Gulf of Mexico; abundance estimates range from about 12,000 spinner dolphins to more than 91,000 spotted dolphins." This tells nothing of the sub-species/stock differentiations or predictably patchy distribution that can inform risk that may be more likely in certain areas.

The discussion of non-listed species not mention the precarious status of a number of them. For example, in the Gulf of Mexico, there are numerous small stocks of bottlenose dolphins that are resident in the bays, sounds and estuaries of the northern Gulf of Mexico (Waring et al 2006). They are not managed as a single species and EA/EIS evaluations for other projects (e.g. localized military exercises) consider impacts to local stocks. Individual stocks found in the bays and coastal areas are often less than 100 animals in size, not the thousands implied in the excerpt above. Localized impacts could adversely impact the future of these stocks which do not interbreed nor share a range with other con-specifics. There should be greater discussion of individual species and management stocks of animals.

80-007

In addition, as we note below, the Tables in all regions contain gross inaccuracies that need to be corrected to provide a more reasonable understanding of risk to animals. For example some species are stated to be uncommon when they are not (e.g. humpback and right whales in east coast) or distributed only in deep water, when they are often seen in shallow, sandy coastal waters (e.g., right whales on the east coast). Since Chapter 5 appropriately stresses the need for greater caution in areas of higher abundance, it is imperative that the summaries in Chapter 4 be accurate.

1. Atlantic Region (4.2)

80-008

The discussion of acoustic concerns in the Atlantic (4.2.5.7) should be expanded to include the contribution of U.S. Navy SONAR activities and other exercise conducted by the Defense Department.

The mention of migrations on page 50 (4.2.8.1) is inaccurate and overly simplistic. For example, northerly migrations for critically endangered right whales have been documented between February and May, not confined to March and April as the text would imply. The last part of the final sentence in 4.2.8.2 should be eliminated for clarity.

Table 4.2.8.1 should be amended. It has gross inaccuracies. Fin whales are the only mysticete listed as "common" in the North Atlantic region. This is inaccurate. Right whales are not "uncommon" in all three regions of the Atlantic. While the population

abundance is low (thus making sightings infrequent), they are commonly found all along the eastern seaboard in multiple seasons. They are common, for example, in Massachusetts from January through April and again just offshore and in the Jeffrey's Ledge area in the fall; they are in their only known breeding grounds in the South Atlantic region from November through April. They are migratory in the mid-Atlantic and they are one of the species most frequently entangled in commercial fishing gear and involved in vessel collisions. Humpback whales too are said to be uncommon in the South Atlantic, mid-Atlantic and North Atlantic. However, they are the species most frequently sighted from commercial whale watching boats in both the mid-Atlantic and the North Atlantic regions and should be considered "common." Fin whales are said to be uncommon in the mid-Atlantic, but they too are commonly spotted from whale watch boats in the mid-Atlantic. Minke whales are said to be uncommon in the North Atlantic, but are, in fact a frequently sighted animal from Massachusetts northward and are among the species most frequently entangled in commercial fishing gear. They should be listed as "common." Further, we could not readily find a definition of "coastal" waters, but the typical habitat of virtually all mysticetes includes a near shore (coastal) distribution, as all are seen in shallower state waters, not simply at the edges of deeper water features (e.g., George's Bank). The Table accompanying this section does not show coastal waters as their habitat. Humpback, minke and right whales are frequently sighted in and around Cape Cod Bay and Massachusetts Bay as well as just offshore from Virginia Beach. Right whales can readily be seen and photographed from condominium balconies in Florida. (Kraus 2006) These would not seem to be "shelf" or "slope/deep" waters which the table indicates are only the "typical" habitats. This table requires substantial correction.

80-008 (cont.)

With regard to odontocetes, harbor porpoise are said to be "occasional" in the mid-Atlantic but, in fact, are seasonally resident as far south as North Carolina where there is an historically high winter bycatch of harbor porpoise in commercial gillnet fisheries. They should be listed as "common" in that area. White-sided dolphins are stated to be typically found in "slope/deep" habitat but are commonly seen from whale watch boats close to shore in Cape Cod Bay, Massachusetts Bay and Long Island Sound. So too are pilot whales, which are commonly stranded throughout New England, particularly Cape Cod. Common dolphins are also seen aboard whale watching vessels and should be listed as occurring in coastal habitats. These and other errors should be corrected.

Hooded seals, like other phocids in the list, are commonly found near shore. The frequent and increasing sightings of ice seals such as harp seals in New England would seem to warrant a higher occurrence rating, perhaps "uncommon" (as per hooded seals) rather than extralimital. Corrections should be made to this section of the table.

The discussion of humpback whales on page 54 states that they are observed migrating north offshore of the Atlantic states during "mid-to-late spring and mid-to-late fall." In fact, as is documented in Waring et al 2006 (the primary citation used in this document for marine mammal information), juvenile humpback whales are commonly seen in the mid-Atlantic all winter. This should be corrected.

2. Gulf of Mexico (4.3)

As stated above, the discussion of the acoustic environment would be remiss without acknowledging the fact that ambient noise levels are increasing. Further, there is virtually no discussion of the contribution of U.S. Naval Activities including live ammunition and bombing activities that occur in the Gulf. There is also little mention of noise from scientific research involving SONAR, seismic activity and other intense noise sources.

While we agree that sightings of right whales in the Gulf of Mexico are rare, the text states that "confirmed records" in the Gulf consist of a single stranding in Texas in 1972. This is not correct. There is published literature substantiating sightings in the 1960's. In addition, sightings of females with calves are periodically reported in the Gulf, often with multiple sightings of the pair over a period of several months. For example, a female and her calf were seen in the Gulf of Mexico for several months in 2004 (RWN 2004) and another mother calf pair were seen in Corpus Cristi Bay Texas in January 2006 and again on the west coast of Florida in March of that year, the calf evidencing recent cuts from a vessel propeller (NEAQ 2006). The text should be updated.

80-009

The text on page 145 relating to small cetaceans should be expanded to discuss the fact that there is more than one stock of bottlenose dolphins in the Gulf of Mexico. These stocks include Northern Gulf of Mexico continental shelf stock, the Northern Gulf of Mexico coastal stock, the Northern Gulf of Mexico oceanic stock and *numerous* Gulf of Mexico Bays, Sounds and Estuarine stocks. (Waring, et al 2006) There is considerable genetic differentiation and little overlap in range of these stocks. Some in the Bays, Sounds and Estuaries are very small stocks and have experienced recent die-offs (unusual mortality events) that may be imperiling their populations. Localized impacts from projects sited close to shore could have a devastating effect on already stressed populations. This information on the status of various bottlenose dolphin stocks in the Gulf of Mexico should be noted in the DEIS to avoid a misunderstanding of stock status and distribution.

We expected to see greater discussion of sharks in the Gulf of Mexico under section 4.3.11. A number of sharks have lost up to 90% of their populations in the past few decades and some are listed by the National Marine Fisheries Service as "prohibited species" or are on the "species of concern" list as a result of precarious population status. This should be part of the discussion in the DEIS.

Pacific Region (4.4)

We reiterate our comments above that military contributions to noise should be mentioned in 4.4.5 under discussion of the acoustic environment (e.g., Naval ordnance exercises as well as the Defense Department's use of SONAR, currently the subject of litigation by the California Coastal Commission)

80-010

With regard to Table 4.4.8.1, we disagree with the characterization of the occurrence of various species. Although gray whales are not distributed year-round off the west coast, they are common in certain seasons. Their listing as uncommon would lead potential developers to mistake risk to them. Similarly, as the text acknowledges, blue whales are increasingly common in northern California for much of the year. They would seem to warrant a category in the summary Table that is higher than "occasional." We would argue that North Pacific right whales should be listed as "uncommon," off the coast of California, as sightings are rare. The text lists them as "extralimital" in the southern California OCS though the table does not reflect this. The Table should be corrected to accurately reflect occurrence and habitat use. 80-010 (cont.)

We also disagree that sea otters are "uncommon" in northern California, where their highly visible presence helps drive a huge tourism industry.

There is no mention in the text of the proposed listing of southern resident killer whales under the ESA. While their status is pending, it would be remiss of the MMS to fail to identify their more fragile status. Further, we would disagree that killer whales are uncommon in Washington state. They are the focus of a lucrative whale watching industry, where this author has seen them on numerous occasions.

Chapter 5. Potential Impacts of Alternative Energy Development on the OCS and Analysis of Potential Mitigation Measures

The discussion of risk to marine mammals and birds outlines impacts in only the most disappointingly general terms. It does not provide specific information on noise levels which are well studied. It provides no information on the radius of the zones of impact to various species from exposure to noise (e.g., ranges at which they may alerted versus becoming injured). It provides almost no research that is currently available from other regions of the world that could inform understanding of the risk of displacing animals from their habitats (e.g., findings of studies in Norway about differential effects of noise on pinniped versus harbor porpoise) nor does it use data available from other areas that discuss mortality risk to birds. For example, it would be helpful to provide at least a range of collision impacts found for birds at other coastal wind plants. These could include studies at coastal wind plants such as that in the Wadden Sea, cited by Cape Wind in their DEIS, that found 0.04-0.14 birds killed per turbine per day or studies cited by Everaert (2004) of facilities in Belgium that found a mortality rate of between zero and 125 birds per turbine per year, with mean numbers for three different facilities ranging from 18 to 35 birds per turbine per year in 2002. Fatalities in the Everaert study included species found in the coastal U.S. including herring gulls, lesser black-backed gulls, black headed gulls, mallards, coots, wood pigeons, peregrine falcons, kestrels and several species of terns. Providing a range of possible mortality rates would seem important to understanding likely or potential impacts when considering siting. 80-011

There may be less information on impacts from various forms of hydrokinetic energy, which are newer technologies, but a more thorough discussion of possible risk, including a modelling of risk would be useful to provide an understanding of risk.

The DEIS could have provided specific information on sound field levels or on known rates of sediment flow that cause harmful impacts to benthic dwellers or any number of other risk factors for wildlife and their habitat. But it did not. It could have, and should have, provided information that would be germane to any project; whereby developers would need only to provide narrower site-specific information for a particular project. Instead, the DEIS is so general that developers will have to do no less work to inform the risk to wildlife than they would have had to do without the benefit of this DEIS, otherwise they will face project delays or/and litigation. 80-011 (cont.)

5.2 Wind Energy

The discussion of technology testing in 5.2.1.1 states that operational wind plants elsewhere obviate the need to test the technology other than exploring novel construction of deep water offshore facilities; however, this may not be so. Even for near-shore construction, it may be advantageous to construct a small-scale plant to test the impacts the technology on birds or other marine wildlife prior to building a much larger facility. 80-012

5.2.5.6 Discusses mitigation of acoustic impacts. It states that one method is "deterring fish and mammals by proven means (e.g., horn blasts, charges, strobes, electric seines)". We submit that these methods are not appropriate for use with marine mammals, as explosive charges and electric seines would likely harm animals. Deterrence for marine mammals is largely acoustic in nature (e.g., loud acoustic harassment devices) which are themselves potentially harmful. The potentially harmful techniques should be omitted. Another mitigation measure listed in the text is "avoiding migration periods." We agree, but for some areas (e.g., New England) marine mammals are seasonally resident from early spring through late fall, leaving only the weather-challenged winter season when densities are reduced. There are additional measures for mitigation that are available but were not listed in the DEIS. These include aerial, vessel-based and acoustic monitoring of the area for marine mammal presence with construction noise halted if animals enter a zone of impact. Bubble curtains have also been employed during the construction of bridges as a means of reducing the transmission of sound beyond a limited area. These and other methods should be listed in the DEIS. We find the discussion of mitigation of noise from construction (arguably the most disruptive source of noise) to be entirely lacking. 80-013

5.2.8 Marine Mammals. The introduction to this section, appropriately states that not all marine mammals are distributed in all areas or seasons. It states that some may "uncommon" or "very limited" in their distributions. We agree, but this underscores the need for a more robust description of the affected species and their occurrence in Chapter 4. As we have noted, many are described in the tables in that section as "uncommon" when they are not. Further, the summary Table which checks off areas of "typical habitat" for many species would seem to indicate that conflicts in coastal waters are 80-014

precluded by a paucity of marine mammals in coastal areas when, in fact, they are present in the near shore/coastal environment where construction is most likely. For example, consideration is being given to developing a site just outside of right whale critical habitat in Georgia, but the chart in Chapter 4 indicates that right whales are not commonly found in the coastal area of the Southeast and thus one would be left to assume they would not likely be exposed to risk from vessel collisions or noise during construction. This would be a gross misunderstanding of the vulnerability to the risk of this critically endangered species. Similarly Chapter 4 states that harbor porpoise, which European studies have shown are almost entirely displaced from wind plant construction sites, are "occasional" in the mid-Atlantic; but they are in fact common during many months of the year as far south as North Carolina. Thus the impacts to them seem inappropriately trivialized. Chapter 4 clearly needs to be expanded and made more accurate for the discussion in this section to provide meaningful information to potential developers and project reviewers; otherwise the information in Chapter 5 is not provided proper context.

We do not agree that "pinnipeds are considered less likely to be harmed by underwater noise than are cetaceans." (page 38). Work by Ron Schusterman and his colleague at the University of California has shown temporary and/or permanent threshold hearing shifts in pinnipeds from noise of intensity similar to that used in seismic surveys. This sentence should be changed or additional citation provided to substantiate it.

80-014 (cont.)

The NMFS has concluded that 180 dB is the maximum threshold for marine mammals for non-injurious noise (see: 70 FR 8768 for example), but the noise generated by pile driving foundations is considerably higher than the "up to 180 dB" that is stated on page 39. For example, the Environmental Assessment for the Burbo Offshore Wind Farm in the United Kingdom states "[p]ile driving may generate noise levels in the range of <150 dB to approximately 236 dB at source (i.e., in the location of the piling)" (Seascape 2002). An additional analysis in San Francisco indicated that the sound level from pile driving was approximately 200 dB at 100 meters (Anon. 2001). With sounds at that level, the 180 dB level at which injury would occur could extend for up to 2 kilometers from the pile driving. The environmental analysis done for the Burbo Wind Project also states that the "zone of responsiveness" in which small cetaceans are likely to show startle or alarm response extends from 500 meters to more than 20 *kilometers* (Seascape 2002). This means that the sound will be aversive to any small cetacean within approximately 12.5 miles. The DEIS for the Cape Wind project (USACE # NAE-2004-338-1) also cited work at Utgrunden that documented noise levels over 180 dB at 500 meters (approximately one quarter of a mile) from the pile driving. Thus, conservatively, any marine mammal within one quarter of a mile risks hearing damage and any marine mammals within 12 miles or more of the area may choose to avoid it for the duration of construction because of the level of noise. In this section on impacts from construction noise, the DEIS inappropriately provides no information about likely noise levels at source. This type of information is key to understanding the size of the zone in which injury to marine mammals is likely from noise in excess of the NMFS threshold noise criteria. This sort of discussion is a critical component of the DEIS and should be included in future drafts. Since there are estimates of sound generation in the literature

that are significantly higher than those provided in the DEIS, it must be revised to include discussion of these estimates and the concomitant risk. These comments are also relevant to section 5.2.8.3.2. (Construction), and that section should also be revised.

We would have liked a more thorough discussion of impacts to animals shown in extant projects. Monitoring at Nysted and Horns Rev has documented displacement from habitat for long periods during construction but has also documented return to normal use patterns in the area following construction. There should be greater acknowledgment that impacts of construction on pinnipeds and harbor porpoise are fairly well studied in Europe but impacts on mysticetes is entirely unknown, though it is not without analogy (e.g., Nowacek et al 2004)

Section 5.2.8.3.3 discusses impacts from vessels. While we agree that for most species this impact is limited, it is misleading to state that collisions would "not result in population level effects." This is not true for critically endangered right whales for which the NMFS has found that the death of even one female could result in a high risk of extinction of the species. (69 Fed. Reg. 30,857, 30,858) This caveat should be provided

Section 5.2.8.6 provides mitigation measures, including the recommendation that projects avoid "known cetacean congregation, mating, or feeding areas, such as the six major sites of the endangered northern right whale along the Atlantic coast." (page 47). We agree but the six areas listed as examples are only the right whale critical habitats. There are other areas for this species that are high use areas not contained in critical habitat (e.g., just to the north of critical habitat off Georgia and South Carolina as well as Jeffrey's Ledge off New Hampshire, etc) and most species have no critical habitat designated. The MMS should have developed mapping of areas of greatest concern for sensitive species (e.g., timing of harbor porpoise migratory routes along the east coast; gray whale migration and routes; and key feeding areas important to mysticetes off California or New England, etc.) that could be considered by developers in a manner that the charts in Chapter 4 do not allow. It would seem to be contrary to the intent of the DEIS to provide so little information about distribution of sensitive habitats and wildlife species that developers will still naïvely propose projects for risk prone areas that will then be attacked by scientists and/or conservation groups because of the risk they are likely to pose. The DEIS should identify and specify the areas where risk is greatest to prevent just such a situation.

80-014 (cont.)

We also agree that timing of construction (the fourth major "bullet") is important, but we suggest a more appropriate example than fin whales calving in the mid-Atlantic. The Stock Assessment report cited states simply that neonate stranding data from the early 1990's suggested that calving takes place during that time period in the mid-Atlantic, but it goes on to say that " it is unknown where calving, mating and wintering for most of the population occurs." Indeed no neonate strandings have been reported since the Hain paper of 1992. We would suggest another example such as avoiding the area of the Rhode Island and Massachusetts coastline when harbor porpoise migrate through the area in larger numbers in March and April; or the coast of South Carolina, Georgia and

Florida from November-April when highly endangered right whales calve in those waters, their only known calving ground.

As discussed above, additional mitigation measures should be identified including acoustic and visual monitoring, cessation of activities when marine mammals are detected in impact zones, use of bubble curtains, reduced vessel speeds to 10 knots or less transiting through seasonal high use areas, and so forth. The mitigation section requires substantial expansion. 80-014 (cont.)

5.2.9 Marine and Coastal Birds

The statement that the nature and magnitude of effects depends on the specific location of the offshore wind park and its associated infrastructure is entirely accurate. Indeed, as real estate agents have long been reported to say, it is all about "location, location, location." Some sites may be highly risk prone if they are in wintering areas for waterfowl or are traversed by high numbers of passerine migrants. For that reason, it is disappointing that the DEIS does not contain more specific information in Chapter 4 on the distribution of birds and their high use habitats.

The impacts discussed under 5.2.5.2 and 5.2.9.3 appear founded (e.g., possibility of increased energetic costs reducing body condition, displacement for short or long-term, reduced foraging efficiency, etc) and we appreciate the admission that "it is not possible to identify how birds would be affected." Section 5.2.9.4.1 discusses collision risk and concludes that "it is not possible to estimate the collision rate for offshore turbines, as this would depend on the specific location of the facilities and the marine and coastal birds that occur in or migrate through the surrounding areas." This is also true. Yet the DEIS does not appear to provide a specific recommendation as to what type or duration of "surveys of coastal and offshore areas" should be undertaken. Further, the nature and recommended methodology for the surveys is not suggested. Aerial and vessel surveys serve different purposes. Radar or acoustic monitoring may provide clearer notions of the degree of use. There should be a discussion of the merits of various appropriate survey technologies. Further, because of inter-annual variability in habitat use patterns, more than one year of monitoring is warranted but this is not a recommendation. 80-015

The mitigation measures are so generic in nature that they could be satisfied by a few weeks of day-time monitoring by small boats during a single year that could fail to detect key species or areas at greatest risk. Nor does the DEIS attempt to define "areas of low bird abundance or use" as the second bullet recommends. What is "low?" This is entirely subjective and thus of no use; one person's notion of reasonable avian risk may well be another's idea of avian genocide.

Section 5.2.10.4 on risk to terrestrial biota should expand its discussion of risk to bats which are known to migrate across water in coastal areas and have been placed at

significant risk in terrestrial wind facilities. In particular silver-haired and hoary bats have been observed far offshore (Kunz, 2005) 80-015 (cont.)

5.3 Wave Energy

We reiterate our comments above under Wind Energy regarding cursory nature of the introductory remarks on the impacts on marine mammals; without better characterization of habitat use in Chapter 4, discussion of risk and mitigation in this chapter are without proper context.

There is a discussion of risk of entanglement due to large numbers of mooring lines. There is no discussion of the energetic costs to animals from habitat displacement caused by animals choosing to avoid areas where their ability to forage and/or swim freely is restricted. This discussion should be included.

For section 5.3.8.3, we reiterate our relevant comments under 5.2.8.2 regarding the discussion of noise impacts from installation of platforms. Our previous comments on impacts from vessel collisions with large endangered cetaceans are also relevant. 80-016

Similarly 5.3.8.6 discusses mitigation. The use of acoustic "pingers" as a mitigation measure is only of limited utility. They have been shown effective with harbor porpoise and a very few dolphin species, but are *not* effective with bottlenose dolphins or with large mysticetes (who do not use bio-sonar as indicated in the bulleted item). Further, they have been shown to *attract* seals to gillnets where pingers are used (Gordon Waring, NMFS personal communication). Endangered mysticetes are at gravest risk of population level effects from the entanglement of individuals yet this mitigation measure is inappropriate for them. The best mitigation is to use lines or cables that are stiff and cannot wrap readily around the body of cetaceans. This measure was not suggested though it should be.

5.3.9 Marine and Coastal Birds

Section 5.3.9.4.4 discusses collision risk and states that "because of the relatively small number of mooring cables that may be used with each wave energy device, relatively few birds may be affected." But section 5.3.8.4.1 (page 176) stated that "wave energy facilities may have as many as 2,500 mooring lines securing the wave energy devices to the ocean floor." These two statements would seem at odds with one another. If each device has a relatively "small number" of cables, having 2,500 cables for a facility would mean that there is an extremely large number of the devices and thus the risk of striking a cable is *not* small, as is acknowledged in the discussion of risk to marine mammals. The DEIS should reconcile these statements. 80-017

The mitigation measures described in 5.3.9.6 seem appropriate, but we reiterate our comment under wind facilities that "low bird abundance" is relative and MMS would greatly facilitate risk avoidance if this document identified high risk areas or/and areas where bird abundance is not "low." Our comments on pre-construction habitat surveys for wind facilities are also appropriate in this section.

5.4. Ocean Current Energy

We disagree that the only area likely to be affected is the area in the vicinity of the Florida Current (page 264). Bladed turbines have been proposed for testing and possible construction along coastal areas of Maine and for the area near the opening to Long Island Sound. Small cetaceans, such as harbor porpoise or pinnipeds could be killed by the turning blades and larger cetaceans injured by cuts to their body as they swim around or over the turning blades. 80-018

Section 5.4.8.1.2 discusses the risk of marine mammals being struck by blades on turbines. This is not an inconsiderable risk. The DEIS implies that their ability to detect structures will lead them to avoid the structure. That a device is detectable does not mean it will be avoided. The large number of whales and manatees killed or injured in collisions with vessels is testament to this fact. Further, though dolphins can readily detect gillnets with their echolocation, they often become entangled as they are pursuing prey. This is also likely to be the case with rotating turbines in areas where animals are foraging. The natural curiosity of pinnipeds may also lure them to investigate novel structures in their environment, leading to injury or death. The DEIS also does not discuss to what extent the turning of the blades may alter current flow in a manner that might draw animals in (as is the case with some propellers). We must point out that the death of a single female right whale, cut as she swims near a turbine blade that the DEIS estimates will be turning at up to 30 mph (page 287), is a risk that may affect the species at the population level. 80-019

The DEIS provides no basis for its conclusion in 5.4.8.4.1 that "it is assumed that these species would largely avoid operating turbine facilities." The DEIS must provide a basis for its conclusions about relative risk. Nor does it discuss the energy expenditure or reduced foraging efficiency that would result from animals being displaced from habitat or migratory routes if they *do* avoid a large facility. It should fully discuss the adverse consequences of this type of habitat exclusion.

Section 5.4.8.6 on mitigation should mention among hazards, the risk of being struck by the blades of these devices. We reiterate our comments under wind that Chapter 4 requires considerable augmentation to adequately portray the distribution and thus the relative risk to species. Without a thorough and accurate depiction, recommendations such as avoiding areas of high use and concentration are meaningless. Further, as mentioned above in our comments on ocean wave energy, acoustic pingers have not been shown to be effective deterrents for most species, and have only been consistently effective with harbor porpoise. Further, they apparently act as an attractant to seals.

Section 5.4.9.4 discusses risk to diving birds. For some species, such as pelicans and gannets, the risk of collision with, and death from, the rotating blades may be *more* than minor. Cormorants and other underwater foragers may also be at considerable risk. We also reiterate our comments on mitigation measures under Wind Energy. Section 5.4.9.6 80-020

cannot reasonably recommend avoiding areas if they are not adequately identified, nor should MMS assume that there is a universal understanding of the term "low bird abundance or use." Further, the DEIS should recommend ideal survey methodologies and multiple years of data gathering to account for interannual variability. 80-020 (cont.)

Chapter 6. Alternate Uses of Existing Oil and Natural Gas Platforms on the OCS

This chapter describes potential alternate uses of existing platforms for activities such as energy generation or aquaculture. The DEIS sees largely beneficial impacts (6.3.2.2). It is clear that this use would prevent costly and potentially harmful demolition activities but some of the proposed uses are quite different in their impacts and risk than would have been the case for the structure when it was used for oil and gas production.

Because a structure is already in place, the impacts from conversion to another use could obviate many of the risk associated with installing structures that need to be anchored to the sea bed (e.g. pile driving). All other aspects require additional environmental assessment prior to the conversion. For example, if they are to be converted to platforms for wind turbines, a review of impacts of turbines on avian populations is necessary; if converted to platforms for axial flow turbines, an environmental assessment of impacts to marine mammals, endangered turtles and diving birds is necessary. 80-021

The discussion of adverse impacts from aquaculture in section 6.3.2 is clearly worth noting. There has been a great deal of controversy about environmental impacts of offshore aquaculture facilities (Tlusty et al 2001) Section 6.3.2.2 omits mention of entanglement risk. There are numerous reports of small cetaceans becoming entangled in cage mesh and lines and more recently reports of pinniped becoming trapped and drowning in the mesh in sites in the Pacific northwest. Entanglement risk should be added.

Further, though the DEIS touts the benefit to wild fish of captive production, it omits discussion of impacts to small prey fish because a significantly larger fish biomass is required to be removed from the ocean to produce feed for farmed fish than is generated by the fish themselves. Some studies have found that it requires 5.3 kg of wild fish to produce 1 kg of farmed fish. Thus, the DEIS should mention another impact from increasing the number of marine aquaculture facilities: there may be adverse impacts to forage fish, from whose populations even greater biomass will be extracted from the sea to meet increased food demands of the farmed fish. (Milewski, 2001)

Additional mitigation, not mentioned, includes precautionary siting to avoid areas near haulouts for pinnipeds and the use of materials that are tensioned or otherwise constructed to prevent entanglement.

Chapter 7. Analysis of the Proposed Action

7.5 Cumulative Impacts 80-022

The discussion of cumulative impacts on marine mammals (7.5.2.8) is dissatisfying. It is overly general and says, in essence "there will be impacts but what they might be depends entirely on where the project is located, how big it is, and what technology is used." This is true, but unhelpful. This DEIS is so general in its description of the distribution and status of marine mammals that might be affected, so vague in its allusion to impacts that might or might not occur depending on the site chosen, and so broad and general (and incomplete) in its listing of possible mitigation that it is barely better than saying to the public and developers "there are marine mammals everywhere, but how they will be affected will depend entirely on the rigor of your site analysis and what exactly you want to do on what scale." This leaves them in no better position than they were prior to construction of the DEIS.

One hopes that MMS will require specific information on the species, status, local distribution and habitat of animals that may be affected by projects that it will permit. It should also require a thorough analysis of the potential risks to which they may be subjected as well as specific mitigation. This DEIS provides little direction to that end. It appears that MMS intends that each project developer should determine ad hoc which areas have "low usage" by marine mammals or birds or are out of key migratory areas. That approach would seem to obviate the purpose of doing a programmatic DEIS. Because the MMS provides no guidance as to where projects might best be sited to be risk averse to wildlife or/and what forms of the technology are most risk averse for certain settings, it provides no assistance to either reviewers or developers to reduce the burden of risk assessment as projects are proposed ad hoc. Each developer will still be asked to provide data on the animals (their status, abundance, seasonal distribution and habitat use patterns and threats that they face). They will still need to provide in-depth information regarding the source and degree of risk that their project proposes beyond vague references to entanglement or possible collision risk or noise having a possibility of displacing animals temporarily. The MMS has provided no guidance as to how much risk or mortality a species can withstand (e.g., within the Potential Biological Removal level (PBR) that is set for marine mammals; or with regard to previous determinations made under Section 7 consultations that have set jeopardy standards; or how NMFS has set noise impact standards). It has provided no general guidance on which types of technology might pose greater or lesser risk to certain species or fragile areas, nor has it speculated on how many projects or devices might be sited in a particular area or region to help gauge the cumulative impacts of this type of additional development of the OCS.

80-022 (cont.)

Similarly, the discussion of cumulative impacts to birds in 7.5.2.9 is overbroad. It provides information on how many birds are killed in collisions with buildings and other structures. But in earlier sections the DEIS provided no estimate of a range of the number of birds that might be at risk per turbine such that a general estimate of cumulative impact from additional offshore wind energy development could be attempted. Instead it simply says that impacts could be "minor to major" and says that whether impacts are at the population level "would depend on the numbers killed from a single species" (page 38) which will, in turn, depend on a particular project's siting relative to the local avian species and their use of the habitat. This is intuitive and does not require a DEIS to

understand. The DEIS could have and should have provided parameters for understanding risk. At what level would deaths from wind turbines affect species of particular concern (e.g. locally resident endangered terns or wintering long-tailed ducks) such that a developer should consider size and location of his/her project? What areas pose highest risk such that cumulative population level impacts are more likely (e.g, identifying high use wintering areas or specific migratory corridors)? The DEIS fails to provide any of this or other information to help in understanding where, what type and how much development should occur in various portions of the OCS.

80-022 (cont.)

Section 7.6.1 discusses unavoidable impacts. It states that impacts were reviewed under Chapter 5 but, as we have commented, the impact review was so general for wildlife as to be of little help in understanding what is avoidable. Yes, it is true (as stated in this section) that some bird strikes with WTGs would inevitably occur, but the magnitude of impact is mitigable by siting them in more risk averse areas which the DEIS has failed to help identify.

80-023

Section 7.6.4 states that mitigation measures were also discussed in Chapter 5, but our comments above have indicated that a number of strategies were not discussed and those that were provided were so broad as to provide little guidance (e.g, how to determine more desirable "low use" areas).

Table 7.1.1-1 is a helpful summary but some of the information is in error. For example, for impacts from current-generated energy on marine mammals it states that pinnipeds could use the structures for "prey haulouts." This is not a real term. Haulouts are where they lie to warm themselves and rest; they have nothing to do with prey or foraging. Further, as we have noted, acoustic pingers have not been shown to work for most marine mammals and actually attract seals to fishing gear that is equipped with these devices.

80-024

Table 7.5.1-2 summarizes proposed projects. It omits mention of a proposal in Maine for current energy generation, discussions with Georgia Department of Natural Resources regarding a wind facility off Georgia, a facility near a naval base in Hawaii and others.

80-025

Conclusion

The DEIS is incomplete. Substantial revision is required in Chapter 4. The species accounts should be expanded and tables summarizing occurrence and typical habitats should be corrected. The DEIS should provide additional information in Chapter 5 on sound field levels, ranges of mortality known from extant OCS wind plants in other countries, and other more specific information on risk factors. It should expand information on appropriate pre-construction survey design to ensure proper localized site characterization. MMS should also identify and include additional mitigation measures that are appropriate. There should be an expansion of the risks of converting structures to aquaculture uses.

80-026

We are disappointed that the MMS has not identified areas of greater or lesser risk from certain technologies and that the hoped-for mapping of habitat use was not undertaken. We strongly encourage you to begin this work immediately. 80-026 (cont.)

Thank you for the opportunity to comment on the Programmatic DEIS.

Sincerely,

Sharon B. Young
Marine Issues Field Director

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COMMERCIAL AND ADMINISTRATIVE LAW

CO-CHAIR:
CONGRESSIONAL COAST GUARD CAUCUS
OLDER AMERICANS CAUCUS

May 21, 2007

Dear Ms. Burton:

I am writing to comment on the Minerals Management Service's (MMS) Draft Programmatic Environmental Impact Statement (DPEIS) on offshore renewable energy.

As you may also know, I was an early and strong supporter of federal legislation to formally authorize the use of our oceans for renewable energy. In the years leading up to the Energy Policy Act of 2005, there was considerable debate over how such a program should be constructed. I filed my own legislative proposal in 2003 that would have established a comprehensive ocean zoning program and provided funding to identify areas suitable for offshore renewable energy development.

I also endorsed the recommendations of the United States Commission on Ocean Policy. The Commission was critical of the Army Corps of Engineers review process and urged support for adopting the MMS oil and gas drilling program as a model for a new leasing program for offshore renewable energy. As we all know, the MMS oil and gas leasing program is a successful form of ocean zoning, meaning the government uses objective and independent science to identify sites for development based on a comprehensive needs assessment. After completing an environmental impact analysis, the MMS then establishes a competitive leasing program for companies to gain access to the final list of environmentally appropriate sites.

During the legislative deliberations, I --- and many of my colleagues --- opposed the original language introduced by Representative Cubin on behalf of MMS. We argued that it was too vague and not consistent with the comprehensive recommendations of the Oceans Commission. However, critics were assured that MMS would use its discretion wisely and closely follow the recommendations of the Commission; that it would also engage the services of the National Academy of Sciences to help establish a credible program, and follow the successful approach used by MMS for offshore oil and gas leasing.

In my view, the agency's approach, as outlined in the PDEIS, does not follow through on any of these assurances. To be specific, there has been no progress in working with the National Academy of Sciences. There has been no progress in identifying those areas of our oceans that are suitable for renewable energy. Further, it appears that the MMS is proposing to abandon the successful model used in the oil and gas leasing program, and proposes instead to let private energy companies take the lead in choosing sites for offshore renewable energy development. 81-001

As we have consistently argued, the approach suggested in the PDEIS takes the program in the wrong direction. It means that each project, each energy company and developer will become the focal point for intense debate. Adopting such an approach will inevitably delay the rapid development of offshore renewable energy in the United States. 81-001 (cont.)

It has been suggested that ocean zoning takes too long. However, in the five years that we have debated this issue the German government has already finished zoning the North Sea. They have identified numerous offshore areas for offshore wind energy and have developed the policies and procedures to develop these sites. Their goal is to bring on line 25,000 megawatts of offshore wind energy in the next twenty five years. It is expected that 1,500 megawatts of offshore wind energy will be developed by 2011 and much of that in "deep-water".

Unless the MMS reverses course --- and follows through on its promises to Congress --- the opportunity for the United States to successfully compete in this global wind energy market may pass us by. I recognize that MMS has limited funding and that undertaking such an ambitious effort is a considerable undertaking. However, at the very least, the agency should work with those states, communities and academic institutions that are willing to invest in the research and science to objectively identify areas suitable for offshore renewable energy. 81-002

There are many states and coastal communities willing to step in and help undertake this work --- and their efforts ought to be supported. For example, the states of Rhode Island and New Jersey have already set up programs to do this. The MMS should also work with coastal communities and receive nominations for preferred areas for offshore renewable energy development. These communities should be given sufficient time to submit plans that meet federal guidelines, while at the same time demonstrating economic feasibility.

As you know, the Town of Hull, Massachusetts is taking the lead in developing an offshore wind energy project that is located in state waters. It is a modestly scaled project that involves local residents in the planning and development process. It will provide enough power to make the town energy independent and will adopt a pricing scheme that provides local residents with power at an affordable price through the use of their local municipal utility. The Department of Energy has called the Hull project a national model, and the MMS program should make provisions that allow other communities to follow this model in federal waters. 81-003

A similar initiative involves the Town of Nantucket. The Nantucket Planning and Economic Development Commission has already informed the MMS that the thirty square miles of federal waters south of Tuckernuck Island have potential for offshore renewable energy development. This area is one of the most productive areas in New England for offshore wind energy. Nantucket officials are interested in developing an economically viable plan and intend to draw on the model used by Hull. Given the strong support of the Commission and the Nantucket Selectmen, I am now working with them to secure federal and state funding to undertake such a project. 81-004

In addition, the Town of Edgartown Board of Selectmen unanimously endorsed the Nantucket proposal and is interested in seeing the planning area broadened to an area that is up to fifty square miles so that it approaches the waters of Martha's Vineyard and offers the opportunity to

develop offshore wave and tidal energy At a meeting hosted by the Martha's Vineyard Commission, Selectmen from around Martha's Vineyard expressed enthusiastic support for this initiative and have contacted me to express their strong support for such a project. 81-004 (cont.)

I urge the MMS to support the concept of ocean zoning and to follow through on its original promises to Congress. In the meantime, I want to add my strong support to the efforts now underway in Nantucket and on Martha's Vineyard to designate this area of federal waters south of Tuckernuck Island as zone for offshore renewable energy. 81-005

Sincerely,

William Delahunt.

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cc:
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From: Laurie Burnett **Pages:** 4, including cover
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COMMENTS:

Please see the following correspondence from Congressman Delahunt.

OCS 082

MAY-21-2007 12:49 DEP OLISP 860 424 4054

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Subject: Draft Programmatic Environmental Impact Statement (PEIS) for Alternative Energy Development and Production and Alternate Use of Facilities on the Outer Continental Shelf (OCS)

Date: May 21, 2007

No. Pages: 5, including cover page

Tim,

Please email or call me at the address above to let me know that you have received this. Please also provide a name or box number at either Argonne or MMS, if appropriate, to which we should mail the original copy of our letter.

Thanks for your assistance.

Tom Ouellette

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

May 17, 2007

MMS Renewable Energy and Alternate Use Programmatic EIS Scoping
Argonne National Laboratory
9700 S. Cass Avenue
Argonne, IL 60439

Re: Draft Programmatic Environmental Impact Statement (PEIS) for Alternative Energy Development and Production and Alternate Use of Facilities on the Outer Continental Shelf (OCS)

To Whom It May Concern:

This is in response to Director R. M. "Johnnie" Burton's letter of April 3, 2007 to Governor M. Jodi Rell regarding the draft Programmatic Environmental Impact Statement (PEIS) for Alternative Energy Development and Production and Alternate Use of Facilities on the Outer Continental Shelf (OCS), dated March 2007. On behalf of Governor Rell, I wish to thank you for the opportunity to review and comment on the draft PEIS. This letter also serves as Connecticut's response to the request for comments on that document published by the Minerals Management Service (MMS) in the Federal Register on March 21, 2007.

Connecticut, as an affected state under Section 2(f) of the Outer Continental Shelf Lands Act, has for many years reviewed and commented on the preparation of successive 5-year plans for oil and gas development on the OCS, addressing the potential state and regional implications of such development. As the process begun by issuance of this draft PEIS continues, Connecticut fully expects that any concerns the state may have concerning OCS alternative energy development would receive equal consideration by MMS. 82-001

The draft PEIS was developed pursuant to Section 388 of the Energy Policy Act of 2005, under which the MMS would regulate alternative energy projects on the OCS and the alternate use of existing OCS facilities. The document focuses on potential alternative energy development that may be initiated in the next 5-7 years. Connecticut strongly supports the development of renewable and alternative energy sources in the interests of improving our nation's energy self-sufficiency, conserving existing non-renewable resources, and reversing the adverse environmental impacts of existing fossil fuel consumption. Indeed, these goals are embodied in *Connecticut's Energy Vision for a Cleaner, Greener State*, signed by Governor Rell 82-002

Such development, whether land- or water-based must, however, be conducted in a manner consistent with all appropriate environmental safeguards. With specific regard to alternative energy development on the OCS, such imperatives include the protection of 82-003

marine and coastal resources and coastal uses. Connecticut's recognized coastal resources and uses are clearly spelled out in the *Connecticut Coastal Management Program and Final Environmental Impact Statement*, dated 1980.

Connecticut's identified coastal resources exist entirely within the physical bounds of Long Island Sound, an estuary whose waters Connecticut shares with the States of New York and, to a lesser degree, Rhode Island. Long Island Sound is a designated participant in the National Estuary Program. While there is little expectation that those resources would be directly affected by the actual construction, operation or decommissioning of alternative energy facilities on the OCS, Connecticut may experience indirect effects of such activity.

The draft PEIS discusses the fact that the most likely development options within the projected program timeframe include wind and wave generated power facilities. The potential impacts to Long Island Sound resulting from these optional installations are essentially identical, and would derive from the installation of cables for the transmission of energy to shore, and the possible construction of onshore support facilities. The coastal resources that may be adversely affected by such activities include dune communities, tidal wetlands, intertidal flats, intertidal and subtidal shellfish beds and submerged aquatic vegetation, and the fish and wildlife that utilize those habitats. In particular, intertidal and subtidal resources may be temporarily or permanently affected by cable trenching and side casting of excavated materials. These resources have been the subject of similar concern with regard to the existing or proposed installation of energy-related cables and pipelines with the Sound.

82-003 (cont.)

The identified water-dependent uses of Connecticut's coastal zone may also be affected by OCS development activities. Many of Connecticut's commercial fishermen fish in open ocean waters outside Long Island Sound and could be adversely affected if the construction and placement of alternative energy structures within existing fishing grounds caused space-use conflicts for commercial and recreational fishermen, such as either imposed or *de facto* area closures or the loss of fishing gear, or if such structures were detrimental to fish populations or to essential fish habitat, including breeding and forage habitat.

Such structures may also indirectly affect other living marine resources including marine mammals and sea turtles that migrate along the U. S. eastern seaboard and may enter Long Island Sound, where they contribute to species diversity within the estuary and the integrity of the Sound's ecosystem. Among those species that may be affected are loggerhead and Atlantic green turtles, Kemp's (Atlantic) Ridley and leatherback turtles, and North Atlantic right whales and humpback whales. All of these species are state and/or federally listed as threatened or endangered. Threats to these animals may include entanglement in construction materials and debris, distress caused by noise associated with pile driving, and exposure to toxic drilling fluids.

82-004

In general, the mitigative measures described in the PEIS for all potentially affected resources appear to be comprehensive and effective. Such measures include, but are not limited to, preconstruction surveys and consultation with user groups, seasonal or spatial avoidance of sensitive resources and habitats and fishing areas, and use of environmentally benign construction materials including water-based, non-toxic drilling fluids. We expect, however, that it might be appropriate to expand upon or further tailor specific measures to actual development activities on a site-by-site basis.

82-005

It is stated in the draft PEIS that the proposed Alternative Energy and Alternate Use regulatory program would include consistent stipulations for data collection, facility siting, mitigation, and impact evaluation. The alternative to the proposed program would be a case-by-case review of individual projects. We believe that the proposed stipulations are essential for an environmentally and economically successful alternative energy program, and we support development of the proposed regulatory program. In particular, the program would provide guidance for developers during the permitting process so as to enable them to determine the resources necessary for successful projects and to minimize the potential for failed projects. The case-by-case alternative would likely result in inconsistent and incomplete applications, inadequately justified construction, and ineffective mitigation, and would jeopardize valuable natural resources and unnecessarily burden regulatory staff.

82-006

Finally, please be advised that Connecticut recently updated its list of federal agency actions and federal licenses and permits that are subject to federal coastal consistency review under the Federal Coastal Zone Management Act of 1972, as amended. NOAA's Office of Ocean and Coastal Resources Management approved that update on October 18, 2006. The newly approved list requires the submittal for consistency review of any application for a federal license or permit for drilling, or for rights of use or easements for construction and maintenance of pipelines, gathering and flow lines, and associated structures, pursuant to OCS Lands Act (43 U.S.C. 1334), as amended, or for OCS exploration, development and production plans. This requirement would apply to any cables or transmission lines from OCS alternative energy facilities that would make landfall in Connecticut. Additionally, any federally licensed or permitted onshore structures that would reasonably affect intertidal or coastal resources would also be subject to state review for their consistency with the enforceable policies of Connecticut's federally approved Coastal Management Program as contained in Sections 22a-90 through 22a-112 of the Connecticut General Statutes. The requirement for such coordination is referenced in Sections 5.2.20.2 and 5.3.20.2 of the draft PEIS.

82-007

Connecticut had the opportunity to express many of the concerns addressed above at a scoping meeting held in New York City on January 26, 2007. We are pleased to provide the comments above as part of the continuing development of the proposed plan for Alternative Energy Development and Production and Alternate Use of Facilities on the Outer Continental Shelf, and look forward to future and continuing involvement in this process. If you have any questions or concerns regarding these comments, please contact