



NATIONAL WILDLIFE FEDERATION®

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October 3, 2011

Program Manager
Office of Offshore Alternative Energy Programs
Bureau of Ocean Energy Management, Regulation, and Enforcement
381 Elden Street
Mail Stop 4090
Herndon, Virginia 20170

Filed electronically via www.regulations.gov

**Re: Call for Information and Nominations for Commercial Leasing for Wind Power on the OCS Offshore Rhode Island and Massachusetts.
Docket No. BOEM-2011-0049**

**Notice of Intent to Prepare an Environmental Assessment for Commercial Wind Lease Issuance and Site Characterization Activities on the Atlantic Outer Continental Shelf (OCS) Offshore Rhode Island and Massachusetts
Docket No. BOEM-2011-0063**

Dear Program Manager:

These comments are submitted on behalf of the National Wildlife Federation (NWF). Thank you for the opportunity to provide comments on the Bureau of Ocean Energy Management's (BOEM's) Call for Information and nominations (call) for commercial leasing for wind power in the identified Area of Mutual Interest (AMI) on the Outer Continental Shelf (OCS) off of Rhode Island and Massachusetts, and for the opportunity to provide scoping comments in response to the Notice of Intent (NOI) to prepare and Environmental Assessment (EA) for commercial wind lease issuance and site characterization in the same area under the Department of Interior's 'Smart from the Start' program. NWF is submitting these comments today via electronic mail to serve as comments towards both dockets.

As an organization, NWF represents the power and commitment of four million members and supporters joined by affiliated organizations in 47 states and territories and the District of Columbia. NWF and its affiliates have a long history of working to conserve wildlife and wild places. NWF also recognizes that climate change poses an enormous threat to both the human environment and the earth's biologic diversity. For that reason, NWF has called for a rapid

transition to energy sources other than fossil fuels that contribute to greenhouse gas (GHG) emissions and climate change. The generation of electricity via utility-scale offshore wind energy is an important component of that transition. Without immediate and decisive steps to curb GHG emissions, the long-term survival of many wildlife species is in jeopardy. Nevertheless, it is crucial that BOEM commit to avoiding sensitive wildlife habitats in siting offshore wind energy development activities.

Vast offshore wind potential along the Atlantic coast can play an increasingly important role in getting our region and our nation off fossil fuels. For the North Atlantic States, offshore wind represents one of our best strategies to generate significant amounts of energy without creating more pollution.

We support the Obama Administration's recently announced offshore wind announcement for the waters off the Atlantic coast states, "Smart from the Start", which seeks to expedite the development of first generation offshore wind projects on the Atlantic coast through multi-agency collaboration, while ensuring that these projects are carefully and appropriately sited. As a first step, the Department of the Interior is working with the Governors of Atlantic coast states to identify areas of interest, like the area under consideration in the call, and to further refine those zones into formal "wind energy areas". These high priority zones, with the potential for minimal conflict to the environment and to other ocean users, may be appropriate for the development of offshore wind and can be prioritized for a quick and responsible review and permitting process. NWF supports the identification of a wind energy area or areas off of Massachusetts and Rhode Island, and is pleased to see BOEM take the important steps toward commercial leasing for site characterization activities.

This can be done while protecting the Atlantic Ocean as a priceless and connected ecosystem. We need policies that enable swift deployment of offshore wind while at the same time setting standards to safeguard natural resources by, for example, proper siting of facilities in the right locations. The AMI is a particularly important piece of our nation's offshore wind puzzle, as the effort already undertaken by stakeholders to gather data and identify potential low-conflict areas helps reveal how truly win-win careful siting processes can be for clean energy and ocean and wildlife conservation. We believe there is an important ecological imperative to move forward quickly with clean, sustainable energy and that it can be accomplished concurrently with ensuring the protection of fish and wildlife populations.

Considerations for the Rhode Island and Massachusetts AMI Call Area

Public Stakeholder Engagement

As with all forms of development, NWF believes strongly that robust stakeholder and public engagement early and often throughout the process will be essential to the success of wind energy development off the southern coast of Rhode Island and Massachusetts. While the Massachusetts and Rhode Island Renewable Energy Task Forces have been meeting periodically, that does not accomplish the necessary degree of stakeholder and public engagement that we

believe will be essential to the success of this process. Therefore we have been proud to participate actively in the State of Massachusetts' Offshore Wind Habitat Working Group. In advance of the development of the draft EA for the AMI call area, we urge that BOEM conduct meetings with targeted stakeholder and ocean user groups in both affected states and in the broader region. These discussions would earnestly seek information that could aid DOI in its decision-making process, such as helping to clarify the areas of important recreational fishing grounds, recreational boating, undesignated but active shipping lanes, important marine habitat areas worthy of protection, as well as the extent and intensity of user activities.

NWF particularly encourages robust consultation with the commercial fishermen who operate regularly in and adjacent to the AMI. The AMI is located near New Bedford, the nation's number one fishing port last year in terms of the total value of seafood landed. There are important fishing grounds located in and adjacent to the AMI and the siting of wind energy development should give full consideration to and minimize the potential impacts of any wind energy facility on commercial fishing operations.

Data Analysis, the Rhode Island Ocean Special Area Management Plan and the National Ocean Policy

An essential element of ocean planning, and indeed ocean wind energy planning, is the analysis of data on the biological, physical, oceanographic, socio-economic, cultural, and historic characteristics of the planning area. In order for the public to be aware of the known characteristics of the area, we encourage BOEM and its state partners to compile, map, and analyze best existing data on the AMI on human uses of the area, fish populations, marine mammals and sea turtles, avian resources, seafloor sediment and benthic habitat, historic and cultural resources, and oceanographic conditions.

The NOI indicates the EA for the AMI will be developed using many of the principles of coastal and marine spatial planning, such as comprehensive interagency coordination, to identify information needs for COP submittals.

We believe that the most efficient way to advance offshore wind energy and actually build working wind turbines into the ocean environment is to ensure that decisions on offshore wind are part of the federal and state governments' vision for the sustainable use of their coastal and marine resources. The President's recent Executive Order that establishes the National Ocean Policy, including the Framework for Effective Coastal and Marine Spatial Planning, offers a guide for using multi-objective principles to promote conservation, science-based decision making and coordination between federal agencies, states and all ocean users. These principles can be used to help can identify and establish wind energy areas, and through a public process, coordinate wind energy development with the many other uses of coastal and marine resources and gather needed data. This planning framework need not delay current and proposed wind projects.

NWF would like to applaud the State of Rhode Island, the Coastal Resources Management Council, and the countless stakeholders whose tireless engagement resulted in the Rhode Island Ocean Special Area Management Plan (SAMP). By getting out ahead with this effort, it will be that much easier to allow the National Ocean Policy's planning framework to guide the smartest wind development in the AMI. We believe this collaborative effort to quickly identify ocean resources, uses and information gaps and then better coordinate ocean uses will better protect important ocean resources while reducing burdens to wind developers and shortening the timeframe to construction of wind turbines in the water. As our National Ocean Policy moves forward in the months and years ahead, the SAMP should serve as a model of how robust engagement can result in quick and essential product.

Protection of Important Ecological Areas and Resources

During consideration of the AMI for potential wind energy area designation, BOEM should consult thoroughly the existing data in the SAMP and elsewhere and avoid areas that support large aggregations of fish and wildlife populations, hot-spots for daily and seasonal fish and wildlife movement between estuarine and near-shore ecosystems, threatened or endangered species habitat, and areas critical to migration, breeding, wintering, or other sensitive life stages needed to sustain healthy populations of wildlife.

The AMI incorporates nearly 250 square nautical miles of ocean waters that contain a variety of important biological resources and seafloor habitats. As BOEM considers its requirements vis-à-vis the SAMP recommendations stemming from legal consistency requirements, NWF urges careful attention Chapter 11, 1160.02 (*Areas of Particular Concern*) and 1160.03 (*Prohibitions and Areas Designated for Preservation*). Of particular note are identified glacial moraines highlighted as important habitat, and identified sea duck foraging habitat. NWF also refers BOEM to the figures in Chapter 2 of the SAMP, Figure 2.32(a) (*Modeled seasonal relative abundance patterns of right whale in the Ocean SAMP area*) and Figure 2.3 (*Location of glacial moraines in the Ocean SAMP area*).

NWF is aware of recent ASA data on observations of North Atlantic Right Whale in and around the AMI site in the month of April over the last two years. As indicated in our previous comments, we urge BOEM to listen to the mitigation, monitoring and best practice recommendation of NOAA fisheries in early consultation on the Right Whale, and while we do not recommend delaying the preparation of the EA for the AMI, NWF encourages the expansion of robust data collection efforts in neighboring water into the AMI to facilitate uniformity in understanding and in the consideration of alternatives.

These areas and resources are of particular significance and require close examination to determine whether they are compatible with responsible wind energy development.

Relation to Leasing Instrument

NWF believes that draft template for a renewable energy lease on the OCS, for which a public comment period remains open, will facilitate a more streamlined and efficient process of leasing that provides the maximum clarity to lessees, the agency, wind developers and the public. We encourage consideration of language in the draft EA requiring inclusion in all commercial wind lease instruments for the AMI the minimum mitigation and monitoring terms, conditions and stipulations proposed in the Final Environmental Assessment for the AMI upon its completion.

Tribal Consultations Principles

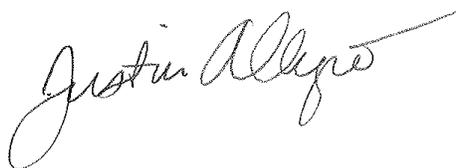
The federal government must fully pursue its government-to-government consultation obligation by reaching out directly to tribes and ensure that the appropriate tribal officials and tribal staff have been fully consulted. Moreover, Tribal consultation must involve more than an official letter of notice, and include every possible communication method (letter, email, phone, and face-to-face meetings). Consultation must not be “one-stop shopping,” but involve ongoing dialogue throughout the process of examining a potential renewable energy project. Consultation must happen early, before a project moves beyond a contemplative stage. Government to government consultation includes meetings among tribal and federal elected officials and between tribal and federal agency directors. Tribes must not bear the financial brunt of consultation; the responsible federal agency or developer must ensure that resources are available for tribes to attend meetings, participate in project field trips, and for tribal supervision of project archaeologists.

The federal government must fully address and pursue measures to minimize and fully mitigate impacts to tribal cultural, wildlife, water and other natural resources, with the ultimate objective of having no impact on tribal cultural, wildlife or other natural resources or traditional properties. Access and availability to traditional and treaty areas and their resources must be maintained and agreements to facilitate tribal access and resource sustainability would be part of the consultation process.

Conclusion

Thank you for the opportunity to provide comments to help guide the preparation of an EA for the identified area. Appropriately sited and developed off of Rhode Island and Massachusetts is an important part of our clean energy future, and we look forward to additional federal action and comment opportunities. NWF appreciates BOEM’s continued efforts to advance policy to promote U.S. offshore wind development and wildlife-friendly siting decisions.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Allyn", with a long horizontal flourish extending to the right.

Program Manager
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Justin Allegro
Manager
Renewable Energy and Wildlife Program