



May 25, 2006

US Department of the Interior  
Minerals Management Service  
Argonne National Laboratory  
9700 S. Cass Avenue, Argonne, IL 60439

Boston, Massachusetts Area Hearing  
Holiday Inn Boston-Dedham Hotel & Conference Center  
55 Ariadne Road  
Dedham, MA

**Re:** *Renewable Energy & Alternate Use Programmatic EIS Scoping*

Mass Audubon thanks the Minerals Management Service (MMS) for the opportunity to provide comments on the scope of the Programmatic Environmental Impact Statement (EIS) for the National Offshore Alternate Energy-Related Use Program and Rule as authorized by *The US Energy Policy Act of 2005*.

Mass Audubon is the largest conservation organization in New England, concentrating its efforts on protecting the nature of Massachusetts for people and wildlife. We protect over 30,000 acres of land, conduct educational programs for 250,000 children and adults annually, and advocate for sound environmental policies at the local, state, and federal levels. Established in 1896 and supported by 65,000 member households, we maintain 43 wildlife sanctuaries that are open to the public and serve as the base for its conservation, education, and advocacy work across the state.

We understand that under *The Energy Policy Act*, MMS will regulate, among other uses, renewable energy projects on the Outer Continental Shelf (OCS) including wind. And that the Programmatic EIS will assess generic impacts from development, operations and decommissioning of renewable energy or alternate use facilities and identify key issues and mitigation measures that should be considered by subsequent site-specific reviews.

As such, we provide as comment for your further consideration the attached and recently submitted (March 27, 2006) *Challenge Proposal Regarding the Cape Wind Energy Project*.

While this *Challenge* was developed as a result of our direct involvement in the review and data-gathering for a particular project, we believe this experience, the lessons learned and the principles applied have significant relevance to MMS' process of developing an overall regulatory and management strategy for the review and permitting of renewable energy projects on the OCS.

A major component of our *Challenge* to the project applicant and state and federal permitting agencies is a proposed Adaptive Management Plan. We recommend that an Adaptive Management Plan be a necessary component to the permitting of wind energy facilities on the OCS. An Adaptive Management Plan for wind energy facilities should include:

1. Solid and adequate baseline data on the existing project-area environment; a comprehensive and rigorous three-year monitoring program beginning at the construction phase; mitigation measures in the event that a project results in unanticipated ecologically significant adverse impacts to the marine environment; compensation for the use of public lands and waters; and enforceable procedures for decommissioning any abandoned facilities.
2. An independent review panel, which would be responsible for analyzing data, collected during monitoring, and preparing reports for peer review and dissemination to relevant agencies, applicant, and public.
3. Finally, mitigation funds should be established for conservation of habitat in and around a project site. Monitoring and mitigation should be funded by applicants, supplemented with contributions from independent institutions and government agencies as appropriate. Independent third parties should administer mitigation funds.

Thank you again for the opportunity to comment. We look forward to further comment on the Programmatic EIS at the draft stage.

Sincerely,

John J. Clarke  
Director of Public Policy & Government Relations