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Boston, MA 02108

May 21, 2007

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

Re: OCS Alternative Energy and Alternate Use Programmatic EIS

Dear Sir/Madam:

Thank you for the opportunity to comment on the Outer Continental Shelf (OCS) *Alternative Energy and Alternate Use Draft Programmatic Environmental Impact Statement (EIS)*.

Mass Audubon works to protect the nature of Massachusetts for people and wildlife. Together with more than 100,000 members, we care for 32,000 acres of conservation land, provide educational programs for 200,000 children and adults annually, and advocate for sound environmental policies at local, state, and federal levels. Mass Audubon's mission and actions have expanded since our beginning in 1896 when our founders set out to stop the slaughter of birds for use on women's fashions. Today we are the largest conservation organization in New England. Our statewide network of 43 wildlife sanctuaries welcomes visitors of all ages and serves as the base for our conservation, education, and advocacy work.

We understand that the US Department of the Interior's Minerals Management Service (MMS) has prepared this draft EIS to support the establishment of a program that provides for the efficient and orderly development of alternative energy projects on the federal OCS as well as the alternate use of offshore facilities for other energy and marine-related activities. We also observe

that the draft Programmatic EIS takes a first look at the potential environmental, social, and economic impacts from and mitigation measures for the activities that could be initiated in the next five to seven years. We support both objectives.

Mass Audubon recognizes that all energy choices have environmental impacts. MMS must, however, evaluate the potential environmental risks associated with the operation of appropriately sited offshore wind energy facilities against the proven destructive effects on the marine environment associated with the production and consumption of fossil fuels.

Consistent with MMS' desire to establish the Alternative Energy and Alternative Use Program, Mass Audubon has undertaken the following activities:

- On May 25, 2006, we provided oral testimony to MMS at the Boston, Massachusetts Area Hearing on the *Renewable Energy & Alternate Use Programmatic EIS Scoping*.
- We followed this up on December 21, 2006, by providing MMS with written comments on the *Renewable Energy & Alternate Use Program on the Outer Continental Shelf EIS Scoping*.
- On January 11, 2007, as invited by MMS, we participated in the regional stakeholder meeting in Boston on the development of the alternative energy and alternate use program on the Outer Continental Shelf (OCS) under Section 388 of *The Energy Policy Act of 2005*.
- On April 26, 2007 in Newton, Massachusetts, we provided oral testimony to MMS on the *OCS Alternative Energy and Alternate Use Draft Programmatic EIS*.
- As further invited by MMS, we have also agreed to continue this conversation by participating in a *Workshop to Identify Alternative Energy Environmental Information Needs* on June 26-28, 2007 at MMS headquarters in Herndon, VA.

We also have direct experience in this matter having commented both orally and in writing on the following first-in-the-nation offshore wind energy project– the Cape Wind Energy Project. Our participation has taken the following forms:

- Comments to MMS on the *Notice of Intent to Prepare an EIS on the Cape Wind Project*, July 11, 2006;
- Comments to the U.S. Army Corps of Engineers, New England District on the *Draft Environmental Impact Statement/Report/Development of Regional Impact (DEIS) for the Cape Wind Energy Project*, Dec. 23, 2005 (NAE-2004-338-1.)

Also in this regard and as requested, we provided to MMS comments from Mass Audubon, The Nature Conservancy, and the Berkshire Natural Resources Council on The Commonwealth of Massachusetts' failed attempts to draft avian and bat guidance for onshore wind energy facilities. Lessons learned from this effort can assist MMS in furthering its draft EIS goals.

As responsible citizens, stewards, and advocates, Mass Audubon strongly supports public policies and private projects that advance energy conservation and efficiency. We also support the development of wind farms as a renewable energy source to offset the effects of global climate change produced by the burning of fossil fuels.

Rapid climate warming is one of the most serious long-term threats to the nature of Massachusetts and planet. This warming primarily results from the burning of fossil fuels to power cars, trucks, planes and trains, and generate electricity. Though we make up just 4 percent of the world's population, Americans produce 25 percent of the world's carbon dioxide pollution.

The development production, and consumption of fossil fuels also damages the public's health and environment including destruction of wildlife habitat from drilling and mining; the closure of shell fisheries and fouling of beaches by oil spills; damage to human health from air and water pollution; and contamination of groundwater from the disposal of solid and hazardous waste.

To reduce these impacts, the reliance on fossil fuels as a major source of energy must be dramatically reduced. Simultaneously, there must be an aggressive increase in the amount of energy derived from renewable sources. As such, we endorse MMS' alternative energy and alternative use program.

Of the renewable energy options currently available, wind power has the greatest potential to mitigate the harmful environmental effects of rapid climate warming caused by the burning of fossil fuels. Technology to harvest wind is among the more advanced, widely available, and environmentally benign of the renewable energy options. While all energy choices have environmental impacts, the potential environmental risks associated with the operation of wind energy facilities must be evaluated against the proven destructive effects associated with the production and consumption of fossil fuels. That evaluation should be made based on the standards established by MMS through the alternative use program and against each individual project proposal off our coast.

The potential environmental risks of wind energy development can be reduced by the development of responsible and informed standards for siting wind energy facilities. The development of wind energy on the OCS should also include standards for the installation and decommissioning of these facilities.

Again, we support MMS' efforts to establish offshore wind energy standards. While some existing regulatory programs do apply to wind energy projects, such as those developed by the Bureau of Land Management, as noted in the PEIS, these programs were developed prior to today's large-scale proposals and do not address potential risks to birds, wildlife and remote habitats in the offshore environment. We therefore believe that the wind energy industry and permitting agencies would benefit from a framework of comprehensive planning and facility siting criteria to guide projects to the most appropriate locations, as proposed here.

Measures needed to promote the development of wind energy and manage its effects include:

- Establishing leasing programs to compensate the public for use of state and federal lands and waters;
- Developing planning and siting criteria to guide environmentally sound facility site selection, including on state and federal lands and waters;
- Refining regulatory permitting procedures;

- Establishing protocols for multi-year pre- and post-construction monitoring; and
- Establishing procedures for decommissioning abandoned wind energy facilities.

In the planning, permitting, operation and decommissioning of wind energy facilities, the location and scale of wind farms must not pose a significant threat to terrestrial, marine, and avian wildlife and habitat. Unless it can be shown that the construction and operation of wind turbines would not significantly lower the habitat value or pose undue mortality risks for wildlife at a proposed site, we recommend, that wind energy facilities avoid:

- Sites documented as important habitat for state and federally listed endangered species;
- Important Bird Areas; and
- Commonwealth of Massachusetts BioMap Core Habitat.

Based on the habitat value criteria noted above, Mass Audubon will undertake a risk analysis of certain wind energy projects and weigh the benefits and detriments as we review and comment on each proposal.

As renewable energy technologies advance and more is learned about this growing and promising industry, the early permitted projects and leased areas should be closely monitored for their overall impacts on the environmental – both beneficial and adverse. This information and data can then be used by MMS to inform future phases of lease sales consistent with monitoring protocols (see below.)

Mass Audubon continues to recommend that an Adaptive Management Plan be a central and necessary component to the permitting of wind energy facilities on the OCS. An Adaptive Management Plan for wind energy facilities should include but not necessarily be limited to the following requirements:

- Solid and adequate baseline data on the existing project-area environment based on multiple years of pre-construction monitoring;
- A comprehensive, rigorous, and scientifically valid three-year monitoring program on area avian life beginning at the construction phase;
- Independent scientific review panel responsible for analyzing data collected during monitoring, and preparing reports for peer review and dissemination to relevant agencies, applicant(s), and public;
- Mitigation measures in the event that a project results in any ecologically significant adverse impacts to the marine environment;
- Agency permit, license, authorization, and lease adjustments made over the life of a project based on the need to mitigate against any ecologically significant adverse impacts to the marine environment;
- Monitoring and mitigation should be funded by applicants, supplemented with contributions from independent institutions and government agencies as appropriate. Independent third parties should administer any mitigation funds;
- Mitigation funds established for conservation of habitat in and around a project site;
- Fair and adequate compensation for the use of public lands and waters; and

- Enforceable procedures for decommissioning any abandoned facilities.

Thank you again for the opportunity to comment. We look forward to your response in the Final Programmatic EIS.

Sincerely,

John J. Clarke
Director of Public Policy & Government Relations