



March 18, 2011

FILED ELECTRONICALLY

Department of the Interior
Bureau of Ocean Energy Management, Regulation and Enforcement
Attn: Regulations and Standards Branch (RSB)
381 Elden Street, MS-4024
Herndon, VA 20170-4817

Re: Opposition to Direct Rule, Acquire a Lease Noncompetitively, 1010-AD71

Dear BOEMRE Regulations and Standards Representative:

The Oceans Public Trust Initiative, a project of the International Marine Mammal Project of the Earth Island Institute (OPTI) commends the Department of the Interior for its strong commitment to making the United States a leader in offshore renewable energy. It is essential to develop properly-sited renewable energy projects expeditiously, and the marine environment has many locations potentially suitable for such development. The United States must break its dependence on fossil fuel-based sources of energy, and offshore renewable energy will be essential to achieving that goal.

While OPTI strongly supports the Department of the Interior's (DOI) general policy goal, the current method for achieving it is unacceptable. DOI is following a path that sacrifices fundamental principles of environmental law, public trust responsibility, and public involvement in the interest of expediting offshore wind energy development virtually without limitation. This problem is fully evident by the disastrous decision to approve the Cape Wind project, and to do so without complying with NEPA, ESA, MMPA, MBTA and other laws. In addition, the President's pledge to implement marine spatial planning was clearly abandoned to make possible a project that has repeatedly avoided all efforts to pursue a publicly acceptable alternative location that avoids net negative impacts to the public trust. The Cape Wind decision is a step in the wrong direction, and OPTI encourages DOI to reach out now to stakeholders concerned about the health of the marine ecosystem to develop a sound foundation for offshore renewable energy development. Thus far, DOI seems to be talking only to those companies and organizations who favor such development. The results of this narrow outreach are evident in the conflict over Cape Wind and the one-sided nature of the offshore renewable energy program pronouncements to date.

It is on this basis that OPTI opposes the proposed rule that would eliminate a step in the competitive bidding and public review processes for private control of the OCS. 76 Fed. Reg. 8,962 (Feb. 16, 2011). The sole purpose of this step appears to be to make offshore energy project leasing work move quickly. Such speed very well could be at the expense of a more careful and balanced review. In the long run, as confirmed by the Cape Wind experience, such

an approach will only add time to the development of properly-sited projects. In addition, competition is inherently desirable as it will be an incentive for better proposals and perhaps generate greater revenues for the private access granted to the OCS, which can be reinvested in ocean conservation. Maintaining this extra step will also encourage developers who are more sensitive to the environment to come forward with better plans and proposals. There is no incentive for companies to do so if they know that they can get preferential treatment simply on a first-come, first-served basis. In fact, eliminating the current requirement in 30 C.F.R. §§ 285.31 and 285.32 promotes collusion among the industry participants, as they have a reason to avoid competing for the same areas.

For these reasons, OPTI opposes the proposed rule and request that 30 C.F.R. §§ 285.31 and 285.32 be retained. Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink that reads "Cindy Lowry". The signature is written in a cursive, flowing style.

Cindy Lowry
Director, Oceans Public Trust Initiative