

1223 Linden Place, NE
Washington, D.C. 20002

February 24, 2011

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: Acquire a Lease Noncompetitively, 1010-AD71

To Whom It May Concern:

I submit these comments in support of the Bureau of Ocean Energy Management, Regulation and Enforcement's ("BOEMRE") proposed rule, *Renewable Energy Alternate Uses of Existing Facilities on the Outer Continental Shelf – Acquire a Lease Noncompetitively*, published in the Federal Register on February 16, 2011. 76 Fed. Reg. 32, 8962 (Feb. 16, 2011).

I support the proposed rule because I believe it eliminates an unnecessary, inefficient and redundant requirement on both BOEMRE and entities which respond to a BOEMRE request for interest ("RFI") or Call for Information and Nomination ("Call"). The majority of the comments on the original DFR appeared to believe incorrectly that the proposed revision would eliminate the public notice requirement to determine competitive interest. I agree with BOEMRE's assessment that this understanding of the revision is incorrect, and I believe a clarification is in order.

30 CFR 285 §§ 285.231 and 285.232 detail the procedure by which BOEMRE may award a non-competitive lease. § 285.231 deals with *unsolicited* requests for leases, while §285.232 deals with *solicited* requests for leases. The distinction between solicited and unsolicited request is crucial.

In the scenario envisioned by § 285.231, BOEMRE passively receives an unsolicited bid from an entity interested in obtaining a lease for a particular section of the Outer Continental Shelf. For example, say some entity I'll call "WindCo" is interested in a stretch of the shelf off the coast of New Jersey. Upon receiving WindCo's, pursuant to §285.231, BOERME must issue an RFI. If, following the RFI, BOEMERE determines there is no competitive interest, it must then issue a notice to that effect in the Federal Register. Thus, §285.231 *effectively provides two layers of public review for unsolicited lease requests.*

In the scenario envisioned by § 285.232, instead of passively receiving WindCo's unsolicited request for lease, BOEMRE issues an RFI in a particular section of the Outer Continental Shelf which it has determined is appropriate for leasing. However, under § 285.232, if, after evaluating the responses to the RFI, BOERME determines that WindCo is the only entity with a competitive interest in leasing this particular section of the ocean, it must then issue a second RFI. If, following this second RFI, BOEMERE again determines there is no competitive

interest, then it must issue a notice to that effect in the Federal Register. Thus, §285.232 *effectively provides three layers of public review for solicited lease requests.*

It is important to note that there will be no change in the way BOEMRE handles unsolicited lease requests. This revision simply eliminates the second, redundant RFI the regulations currently require of solicited lease requests.

Setting aside any misunderstanding, the organizations and individuals opposed to this rule ground their arguments in the belief that their views must be incorporated into any decision-making or approval process regarding the leasing of a section of the ocean. I wholeheartedly agree with this sentiment and would urge BOERME to take steps to ensure that concerned individuals and organizations are given a meaningful role in these processes. However, though this revision technically does eliminate a layer of review for solicited lease requests, I do not believe it irreparably harms the public's ability to review and comment on proposed leases.

Sincerely,

A handwritten signature in black ink, appearing to read 'N. Sheehan', written in a cursive style.

Nicholas Sheehan