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Commercial Leasing for Wind Power on the Outer Continental Shelf (OCS) Offshore New Jersey –
Call for Information and Nominations

Comment On: BOEM-2011-0005-0001

Commercial Leasing for Wind Power; Call for Information and Nominations Outer Continental Shelf
Offshore New Jersey

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Comment from Sean Dixon, organization

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General Comment

Please See Attached Document

Attachments

BOEM-2011-0005-DRAFT-0012.1: Comment from Sean Dixon, organization

Participating Organizations



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Since 1984*

June 6, 2011

William Waskes
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**RE: Commercial Leasing for Wind Power on the Outer Continental Shelf Offshore New Jersey;
call for information.**

Dear Mr. Waskes;

On April 20, 2011, the Bureau of Ocean Energy Management, Regulation and Enforcement issued a public notice in the Federal Register calling for nominations and information for proposed commercial wind power leasing on the New Jersey Outer Continental Shelf. In that notice, BOEMRE requested information from interested parties on geologic conditions, archeological and cultural resources, historic properties, multiple use issues, and any other relevant socioeconomic, biological, and environmental information on the Wind Energy Area of New Jersey (76 F.R. 22130, at 22138). Included herein is information regarding these, and related, issues, submitted by Clean Ocean Action.

Clean Ocean Action (COA) is a regional, broad-based coalition of over 125 conservation, environmental, fishing, boating, diving, student, surfing, women's, business, service, and community groups with a mission to improve the degraded water quality of the marine waters of the New Jersey/New York coast. COA is actively engaged in the state and federal Outer Continental Shelf (OCS) renewable energy development discussions and has provided extensive comments to both Department of the Interior (DOI)'s Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) and the New Jersey Department of Environmental Protection (NJDEP) on this issue.

While recognizing the urgent need to reduce greenhouse gas emissions from burning fossil fuels, COA asserts that ocean renewable energy development must use a cautionary approach to ensure long-term success and environmental protection. Opening our coastline to renewable forms of energy generation will require careful planning using a step-wise process that ensures environmental protection and successful facility construction and operation. Good governance is necessary to ensure that renewable energy projects are carefully planned, selected, implemented, and monitored and none of this can be achieved without regular, sustained inclusion of the interested public at all stages of the process.

Our comments, specifically, call on the BOEMRE not to issue Wind permits until after addressing these concerns:

1. Wind Energy Areas (WEA) in New Jersey were not developed with adequate input from the users of those areas - no leasing should be allowed until a thorough stakeholder process occurs; furthermore, under the President's Executive Order on National Ocean Policy, this *ad hoc* WEA planning is contrary to the directive to use Coastal and Marine Spatial Planning;

Alliance for a Living Ocean
American Littoral Society
Arthur Kill Coalition
Asbury Park Fishing Club
Bayberry Garden Club
Bayside Regional Watershed Council
Bayshore Saltwater Flyrodders
Belford Seafood Co-op
Belmar Fishing Club
Beneath The Sea
Bergen Save the Watershed Action Network
Berkeley Shores Homeowners Civic Association
Cape May Environmental Commission
Central Jersey Anglers
Citizens Conservation Council of Ocean County
Clean Air Campaign, NY
Coalition Against Toxics
Coalition for Peace & Justice/Unplug Salem
Coast Alliance
Coastal Jersey Parrot Head Club
Communication Workers of America, Local 1034
Concerned Businesses of COA
Concerned Citizens of Bensonhurst
Concerned Citizens of COA
Concerned Citizens of Montauk
Concerned Students and Educators of COA
Eastern Monmouth Chamber of Commerce
Fisher's Island Conservancy
Fishermen's Conservation Association, NJ Chapter
Fishermen's Conservation Association, NY Chapter
Fishermen's Dock Cooperative, Pt. Pleasant
Friends of Island Beach State Park
Friends of Liberty State Park, NJ
Friends of the Boardwalk, NJ
Garden Club of Englewood
Garden Club of Fair Haven
Garden Club of Long Beach Island
Garden Club of RFD Middletown
Garden Club of Morristown
Garden Club of Navesink
Garden Club of New Jersey
Garden Club of New Vernon
Garden Club of Oceanport
Garden Club of Princeton
Garden Club of Rumson
Garden Club of Short Hills
Garden Club of Shrewsbury
Garden Club of Spring Lake
Garden Club of Washington Valley
Great Egg Harbor Watershed Association
Green Party of Monmouth County
Green Party of New Jersey
Highlands Business Partnerships
Holly Club of Sea Girt
Hudson River Fishermen's Association
Jersey Shore Captains Association
Jersey Shore Parrot Head Club
Jersey Shore Running Club
Junior League of Monmouth County
Keypoint Environmental Commission
Kiwans Club of Manasquan
Kiwans Club of Shadow Lake Village
Leonardo Party & Pleasure Boat Association
Leonardo Tax Payers Association
Main Street Wildwood
Mantoloking Environmental Commission
Marine Trades Association of NJ
Monmouth Conservation Foundation
Monmouth County Association of Realtors
Monmouth County Audubon Society
Monmouth County Friends of Clearwater
National Coalition for Marine Conservation
Natural Resources Protective Association, NY
NJ Beach Buggy Association
NJ Commercial Fishermen's Association
NJ Environmental Federation
NJ Environmental Lobby
NJ Main Ship Owners Group
NJ Marine Education Association
NJ PIRG Citizen Lobby
Nottingham Hunting & Fishing Club, NJ
NYC Sea Gypsies
NY State Marine Education Association
NY/NJ Baykeeper
Ocean Wreck Divers, NJ
PaddleOut.org
Piscataway Salwater Sportsmen Club
Raritan Riverkeeper
Religious on Water
Riverside Drive Association
Rotary Club of Long Branch
Rotary District #7510—Interact
Saltwater Anglers of Bergen County
Sandy Hook Bay Anglers
Save Barnegat Bay
Save the Bay, NJ
SEAS Monmouth
Seaweeds Garden Club
Shark Research Institute
Shark River Cleanup Coalition
Shark River Surf Anglers
Shore Adventure Club
Sierra Club, NJ Shore Chapter
Sisters of Charity, Mars Stella
Sons of Ireland of Monmouth County
Soroptimist Club of Cape May County
South Jersey Dive Club
South Monmouth Board of Realtors
Staten Island Tuna Club
Strathmere Fishing & Environmental Club
Surfers' Environmental Alliance
Surfrider Foundation, Jersey Shore Chapter
TACK I, MA
Terra Nova Garden Club
Three Harbors Garden Club
Unitarian Universalist Congregation/Monm. Cty.
United Boatmen of NY/NJ
Village Garden Club
Volunteer Friends of Boaters, NJ
WATERSPIRIT
Women's Club of Brck Township
Women's Club of Keypoint
Women's Club of Long Branch
Women's Club of Merchantville
Women's Club of Spring Lake
Women Gardeners of Ridgewood
Zen Society

2. New Jersey's ecological baseline studies have only been comprehensively completed through to 12 miles offshore - no wind leasing should be allowed beyond this line until those areas have their own completed ecological baseline studies;
3. Much of the information in other OCS activities is, unfortunately, not fully disclosed to the public - as WEA leasing is a new concept in the OCS, full disclosure of all information to the public is a vital component of standardized monitoring, BMP development, and innovation;
4. A history of munitions dumping pervades the WEA in New Jersey's OCS, no leasing should be allowed until BOEMRE receives detailed reports and assurances from the Department of Defense that the area is clear of unexploded, dumped, or abandoned munitions and the DOD completes its ongoing surveys to find lost munitions; and
5. Wind development planning should not limit its review of conflicts with navigational channels near the New Jersey WEA to just charted lanes – at-sea ship traffic tends to be much less organized and is generally not constrained to demarcated pathways.

1. Coastal and Marine Spatial Planning

The DOI recently released a National Offshore Wind Strategy (NOWS), which clearly states development efforts would be “implemented in a manner consistent with the policies and principles” of the National Policy for the Stewardship of the Oceans, Our Coasts and Great Lakes (Executive Order # 13547) and its Framework for Coastal and Marine Spatial Planning. In fact, according to the DOI, the Coastal and Marine Spatial Planning (CMSP) process is intended to identify “areas most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce environmental impacts, facilitate compatible uses, and preserve critical ecosystem services to meet economic, environmental, security, and social objectives.” Clearly, the CSMP process is the ideal, and DOI-sanctioned system through which all wind energy lease areas should be channeled. Unfortunately, the development of WEA maps in the Mid-Atlantic serves to undermine the stated intent of CMSP by zoning large areas for a specific use before any CMSP process has been undertaken.

This is especially troubling as offshore renewable energy installations cause significant impacts to marine resources and habitats and interfere with other uses of the coastal zone (including fishing, shipping, and tourism, among others). For the WEA leases under consideration in this rule, these multiple uses have not had adequate input into the decisionmaking process and have not had an opportunity to share their concerns about wind leasing in this area (aside from commenting on the development of an Environmental Assessment under NEPA. Determination of appropriate areas for offshore wind development must be a collaborative initiative between NOAA, the EPA and FWS, other relevant federal and state resource agencies, and all members of the public through a coordinated, multi-sector planning process that includes significant opportunity for public input and involvement and is guided by principles that promote and maintain a healthy, productive, sustainable, and resilient condition of our marine ecosystems. We urge the DOI to work with the Mid Atlantic Regional Council for the Ocean (MARCO) to initiate the CMSP process in this region so that wind planning can be done pursuant to the President's Executive Order on Ocean Policy and in accordance with the needs and interests of the multiple users.

2. Limit Wind Energy Leasing to Areas with Existing Ecological Baseline Studies

Leasing in the entire WEA identified by the BOEMRE fails to consider that much of this area has not been adequately surveyed and studies. This lack of information is not news to BOEMRE; both the DOI and the Department of Energy (DOE) have publically acknowledged that critical environmental baseline data from which to build environmental impact assessments has not been collected. The recent DOI “Smart from the Start Initiative” acknowledges this deficiency and lays out the Department's plans to work through an Atlantic Offshore Wind Interagency Working Group to gather more information.

Because more information is needed on the environmental dynamics, geophysical attributes, other uses of the New Jersey WEA, and that information must still be assembled into a publicly available format then evaluated for suitability for development, no leases should be issued yet. Indeed, even a recently-completed NJDEP baseline study already needs to be supplemented with additional investigations – further highlighting the fact that we simply do not know enough yet about this area to being wind project leasing. Because the WEA off of New Jersey is larger than the area covered by the one completed ecological baseline study, many blocks of OCS open in this call for interest have not been adequately studied or surveyed. BOEMRE should not accept any bids or requests for interest from developers looking to build beyond in these areas which are beyond the geographical constraints of the existing Ecological Baseline Study.

3. Full Public Disclosure of all Wind Lease Activities is Vital

Leasing wind blocks on New Jersey's OCS is a novel initiative, and as such, BOEMRE should ensure that wind developers make all data publicly available. Furthermore, public disclosure of all information and data will help in the development and implementation of monitoring standards and enforcement programs. With closed-doors reviews (providing for public input and review only certain portions of the administrative record) BOEMRE, for wind, risks falling into the same trap as offshore oil and gas operations: incomplete, often inapplicable, and dangerous operation and enforcement conditions. To ensure that protocols, criteria and models are based on objective, scientifically-valid information, BOEMRE must seek input and outside peer review from marine scientists and oceanographers from academia, government, industry and non-profit groups – input that is not feasible without publicly available datasets and ready access to information.

As described in the NOWS, DOI plans on developing standardized protocols for baseline planning surveys and monitoring programs for OCS Wind Developments in an effort to “enhance efficiencies in the permitting process.” BOEMRE needs to ensure that this efficiency in leasing does not come at the expense of completeness. The new and developing nature of offshore wind in U.S. waters will require the availability of consistent, reliable, high quality data from these early facilities and help DOI achieve their stated goal to “eliminate uncertainty, and “mitigate risks,” and this must be a public, transparent process.

COA welcomes DOE's announcement in the NOWS, in conjunction with other federal agencies, to “institute a nationally coordinated effort to gather, analyze, and make public, environmental data in order to better inform stakeholders and decision-makers on the extent of potential environmental impacts of offshore development.” We remain concerned, however, that this will not be the practice of the agency unless Best Management Practices for the industry and agency disclosures are instituted *before* leasing occurs. In Europe, offshore wind developers have had success in utilizing an open, informed public for wind energy and environmental benefit; the Collaborative Offshore Wind Research into the Environment (COWRIE) is an independent research group funded from licensing application fees to support ongoing marine and avian biology work needed to better understand environmental management issues of offshore wind development. We urge BOEMRE to explore setting up a similar fee-supported, independent research group in the US to provide much needed biological, ecological, and environmental data on the real-time, in situ impacts of wind projects on the OCS.

4. Leasing shouldn't commence until lost and discarded munitions studies are completed

Studies are needed to identify potential chemical and conventional weapons disposed in the vicinity of the windmill installation and the supporting systems. No wind facility leases should be issued until the Department of Defense makes an affirmative finding that they have surveyed the WEA off of New

Jersey's coast and found it to contain no lost or discarded munitions. According to a 2007 Congressional Research Service Report summarizing the history of U.S. chemical weapons disposal in the ocean, U.S. Armed Forces have "routinely disposed of chemical weapons in the ocean since World War I," though few records exist to document specific disposal sites pre-1941. After 1941, there were at least 4 chemical weapon disposal events in New Jersey's OCS, detailed here:

- 1957** 48 one-ton containers of lewisite
- 1967** 4,577 one-ton containers of mustard agent and 7,380 M55 Sarin rockets in concrete vaults
- 1968** 38 one-ton containers of Sarin and VX gas, 1,460 vaults holding M55 Sarin and VX rockets, and 120 drums of arsenic and cyanide
- 1968** 3,500 one-ton containers contaminated with mustard agent and an unspecified quantity, type, and size of conventional explosive materials

These dumping events, combined with undocumented events and accidental disposals, make for a littered seafloor. Wind construction activities, and really any and all OCS industrialization activities, should be put on hold until Department of Defense analyses can surveys can be completed. Department of Defense sign-off should be a condition on all WEA activities, from seismic studies to installation and operation.

5. Ship traffic beyond mapped shipping lanes must be included in development proposals before leasing can occur.

Wind facility plans and BOEMRE WEA maps tend to limit analyses of shipping traffic to the mapped shipping lanes in and out of major ports and along the coasts. In practice, however, large vessels frequently stray from allotted pathways and smaller ships tend from smaller ports may ignore them entirely. Transit lanes for fishing boats, small-freight coastal cargo ships, and tugboat/barges generally have regular courses, but these courses are regularly ignored in the development of WEAs. Ship tracking databases (available freely to the public) should be incorporated into WEA lease block plans to ensure that the *real* and *regularly traversed* shipping areas are avoided. Tracking outside-the-lines vessel movements and transit lanes is something that would be incorporated into CMSP discussions, so if this WEA leasing by BOEMRE is to proceed outside of the President's National Ocean Policy Framework, new studies into this issue should be initiated.

In sum, we are close to the development of renewable energy sources that protect existing coastal users and the environment, but for this WEA, there are still some research and planning gaps that need to be filled in. New Jersey's WEA is home to many geologic conditions, archeological and cultural resources, historic properties, and multiple uses that need to be protected. First, in order to preserve a clean coastal economy, leasing should not occur without more robust input and involvement with the communities and with the advocates for these resources. The President has established a system to accomplish this: the Coastal and Marine Spatial Planning Framework, which is currently off-the-ground and running as part of the National Ocean Council's strategy plan. Second, even with more thorough public involvement (including data and information disclosure), Federal and State agencies still need to complete ecological baseline studies and lost/discarded munitions surveys in much of the WEA lease blocks before any leasing should occur.

Sincerely,



Cindy Zipf
Executive Director