



# MARINE MAMMAL COMMISSION

27 March 2013

Mr. Peter Meffert  
Office of Policy, Regulations, and Analysis  
Bureau of Ocean Energy Management  
381 Elden Street, MS-4001  
Herndon, Virginia 20170-4817

Dear Mr. Meffert:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the Bureau of Ocean Energy Management's 25 February 2013 proposed rule regarding timing requirements for submitting a site assessment plan or a general activities plan for renewable energy projects on the outer continental shelf (78 Fed. Reg. 12676).

The Commission supports the Bureau's efforts to develop offshore renewable energy in a timely and efficient manner. However, the Commission believes that such development should proceed in a thoughtful and deliberate manner to minimize potential effects on marine ecosystems, including marine mammals. Before development, the Bureau requires operators to submit a site assessment plan (for commercial leases) or a general activities plan (for limited leases, right-of-way grants, and right-of-use or easement grants). The plans detail the activities that would be used to characterize offshore lease or grant areas, including activities to assess renewable energy resources and test various technologies. The Bureau requires lessees and grantees to submit, as part of the plans, the results of geophysical and geological surveys, hazards surveys, archaeological surveys (if required), and baseline biological studies (as specified in 30 C.F.R. § 585.610 and 585.645).

The Commission is concerned that current timelines for submission of site assessment and general activities plans may not allow sufficient time for lessees and grantees to provide the required information. Extending the timeline to twelve months should provide sufficient time to compile available survey data, but may not provide sufficient time to complete additional surveys in areas where the information currently available is inadequate.

The Bureau has issued guidelines for the collection of certain biological information (i.e., for birds and benthic habitats), but has yet to issue guidelines for the collection of information on marine mammals, sea turtles, and fish. Clear and consistent guidelines should be provided as soon as possible regarding the types of biological information that should be collected, how it should be collected, and how it should be stored for future reference. Such information should enhance considerably the utility of site assessment and general activities plans.

To ensure that lessees and grantees have sufficient time to collect and submit the information needed to characterize potential renewable energy sites and test various technologies, the Marine Mammal Commission recommends that the Bureau of Ocean Energy Management

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extend the timeline for submission of site assessment and general activities plans for renewable energy development to at least 12 months. To ensure that lessees and grantees have sufficient guidance regarding the biological and environmental survey data needed for site assessment and general activities plans, the Commission also recommends that the Bureau work with the National Marine Fisheries Service, the Fish and Wildlife Service, the Marine Mammal Commission, and other federal and state agencies, as appropriate, to finalize its guidelines for marine wildlife surveys as soon as possible.

The Commission hopes that you find these recommendations and comments helpful. Please contact me if you have questions or if the Commission can assist you as you consider these matters.

Sincerely,

A handwritten signature in blue ink that reads "Peter O Thomas, Sr".

Timothy J. Ragen, Ph.D.  
Executive Director

cc: Ms. Jennifer Golladay, Bureau of Ocean Energy Management, Office of Renewable Energy Programs