

1101 14<sup>th</sup> Street N.W. • Suite 1400  
Washington, DC 20005  
www.hydroreform.org



T: 202.243.7076  
F: 202.347.9240  
coordinator@hydroreform.org

**HYDROPOWER  
REFORM  
COALITION**  
*Putting water, wildlife,  
and people back in rivers.*

July 23, 2010

Wilma A. Lewis  
Assistant Secretary  
Land and Minerals Management  
US Department of the Interior

Cathy Zoi  
Assistant Secretary  
Energy Efficiency and Renewable Energy  
US Department of Energy

**Re: MOU (Coordinated Deployment of Offshore Wind and Marine and Hydrokinetic Energy  
Technologies on the United States Outer Continental Shelf)**

Dear Ms. Lewis and Ms. Zoi:

The Hydropower Reform Coalition (HRC) applauds the recent Memorandum of Understanding (MOU) signed by the Department of Interior and the Department of Energy to coordinate the deployment of offshore wind and marine and hydrokinetic (MHK) energy technologies on the Outer Continental Shelf (OCS). We believe that the MOU is the right step toward responsible energy development in the OCS. The HRC looks forward to working with you as you move forward with the implementation of the MOU.

Formed in 1992, the HRC consists of more than 150 member organizations. We represent stakeholders – from canoeists to conservationists to lake homeowners – that seek to improve the water quality, fisheries, recreation, and general environmental health of rivers that have been degraded by hydropower facilities. HRC's years of involvement in resource and energy issues, as well as our extensive experience with the licensing of energy (hydroelectric) projects and stakeholder participation, has naturally led to an expanded interest in new energy development and technologies such as marine and hydrokinetic (MHK) energy. We view this MOU as an excellent opportunity to link riverine with ocean resources, to encourage stakeholder involvement, and to grow partnerships among state and federal agencies, tribes, and other nonprofit organizations with an interest in renewable energy and resource protection.

---

**Steering Committee:**

Alabama Rivers Alliance • American Rivers • American Whitewater • Appalachian Mountain Club  
California Hydropower Reform Coalition • California Sportfishing Protection Alliance • Friends of the River • Idaho  
Rivers United • Michigan Hydro Relicensing Coalition • Natural Heritage Institute • New England FLOW  
New York Rivers United • Coastal Conservation League • Trout Unlimited

The HRC believes that environmentally responsible development of MHK energy technologies has the potential to increase the nation's renewable energy portfolio. At the same time, since MHK energy technologies are still relatively experimental, we believe that it is important to understand the environmental impacts of these technologies in various settings before widely developing such projects on a commercial scale. We support the deployment of testing or pilot projects that simultaneously provide renewable energy and strong protection for living marine resources, seafloor habitat, and coastal communities.

We are hopeful that your efforts to undertake collaborative activities, perform research, and develop standards and guidelines will result in responsible development of MHK technologies. HRC offers the following comments and recommendations as you implement the MOU.


1. We are excited by the potential opportunity to participate in implementation of the MOU in various forms. Section III: Scope and Objectives of the MOU states that the "Participants (DOI and DOE) intend to undertake collaborative activities, including stakeholder involvement." This stakeholder engagement must include members of the NGO community with an interest in resource protection. Many of our member and partner organizations would appreciate an opportunity to participate.
2. In Section III (2) of the MOU, you commit to "Identification and implementation of inter-agency measures to harmonize and synchronize Federal and State project authorization processes in order to establish reasonable and efficient permitting timeframes." The HRC supports efficient permitting of energy projects. We believe that making the authorization process more efficient, so long as the efforts to understand the impacts on resources are not compromised, is in the public interest. This efficiency must be focused on successful outcomes as well as on accelerating the permitting process. At the same time, we think that there must be appropriate balance between agencies mandated with providing authorizations for energy development and agencies mandated with resource protection to allow for institutional safeguard. We encourage the Participants to develop a policy for achieving such institutional balance.
3. The HRC supports Section III (4) of the MOU for MHK resource measurement and prediction. We think it is important to have an honest assessment of the energy that can be generated using MHK energy technologies before we invest significant time and resources in project development.
4. The HRC also supports Section III (6) for identification of best management practices (BMPs) for developing MHK technologies in the OCS. BMPs are critical for proper management and utilization of public resources, such as our rivers and oceans.
5. As you consider sites with high potential for commercial scale MHK technologies under Section III (7) of the MOU, we strongly encourage you to consider the resource (ecological and recreational) values of potential sites. MHK energy projects should be sited so that areas of high ecological significance are avoided. We also encourage you to identify sites where there may be an overlap: sites with high energy potential and high resource value. Such sites are likely to be contentious and will thus require a high level of scrutiny.
6. We request you to engage the HRC members in the task forces and other initiatives that are identified in Section III (11) of the MOU. HRC members have significant interest and experience in hydropower projects, including MHK energy projects, and in protecting the resources affected by them. Our

participation will also represent the interests that will not be adequately represented by states, tribes, or governors associations.

7. We encourage you to collaborate with the Federal Energy Regulatory Commission (FERC) as you provide technical assistance to Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE) during MHK lease and project reviews. While the process for obtaining a FERC license is different from the process for obtaining a BOEMRE lease, we believe information exchange and collaboration during technical reviews and studies will lead to more efficient and less costly processes.
8. We support the MOU's concept of having a one-stop clearinghouse for any information related to MHK energy technologies. We recommend that you use the Department of Energy's Marine and Hydrokinetic Technology Database (<http://www1.eere.energy.gov/windandhydro/hydrokinetic/default.aspx>) for housing MHK related information.
9. Finally, we request that all stakeholders with an interest in MHK energy technologies be allowed to provide input in the Action Plan to be developed under Section IV of the MOU. We recommend that a draft action plan be subject to public notice and review.

The HRC looks forward to working with you on these issues. If you have any questions, please do not hesitate to contact Rich Bowers at 360-303-9625 ([rich@hydroreform.org](mailto:rich@hydroreform.org)) or Rupak Thapaliya at 202-243-7076 ([rupak@hydroreform.org](mailto:rupak@hydroreform.org)).

Sincerely,



John Seebach  
Chair  
Hydropower Reform Coalition

Cc: Michael R. Bromwich  
Director, Bureau of Ocean Energy Management, Regulation and Enforcement