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Deepwater Wind, LLC \* Environmental Defense Fund \* Global Energy Horizons Corp. \*  
Hydropower Reform Coalition \* Independent Natural Resources, Inc. \* National  
Hydropower Association \* Natural Resources Defense Council \* Ocean Champions \*  
Ocean Conservancy \* Ocean Power Technologies \* Oregon Wave Energy Trust \*  
Pacific Energy Ventures LLC \* Pacific Gas & Electric \* Pelamis Wave Power Ltd. \*  
Portland General Electric \* Save the Bay \* Surfrider Foundation

October 22, 2009

Nancy Sutley, Chair  
Interagency Ocean Policy Task Force  
c/o Council on Environmental Quality  
730 Jackson Place  
Washington, D.C. 20503

Dear Chairwoman Sutley,

As you are aware, the development of new sources of renewable energy is vital to securing our nation's clean energy future and is a top priority of the Obama Administration. As President Obama has recognized, the oceans present a huge untapped source of renewable energy. The President's Ocean Policy Task Force has a critically important role in determining how ocean renewable energy will be developed and we appreciate the leadership the President has shown in this area.

One of the most difficult challenges facing the task force is designing a marine spatial planning framework that will constitute an investment in ocean renewable energy, rather than creating additional impediments to its development. The undersigned, which represent some of the leading voices in both ocean conservation and ocean renewable energy development, have worked together to agree on a set of principles that we believe can help the Administration accomplish that goal. These principles seek to balance the protection of ecosystems with the need to rapidly deploy ocean energy technologies, and have been negotiated at great length over the course of the last four months by our extremely broad coalition.

We request that you forward the principles to the other members of the task force and that you give them appropriate consideration in the development of a national framework for marine spatial planning. While many of us have discussed these ideas with members of the task force already, we are, of course, happy to engage in any further dialogue that would be helpful to your work. We thank you and the other members of the task force for your attention to these important issues.

Sincerely yours,



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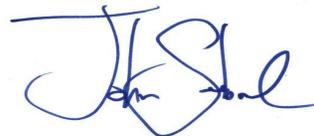
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Chair Nancy Sutley

October 22, 2009

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A handwritten signature in black ink, appearing to read 'Jim Moriarty', with a stylized flourish at the end.

Jim Moriarty  
Chief Executive Officer  
Surfrider Foundation  
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# Ocean Renewable Energy and the Marine Spatial Planning Process

A Collaboration Between Ocean Renewable Energy Interests and Ocean Conservationists

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October 2009

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## **SUPPORTERS\***

### **COMMERCIAL INTERESTS**

**Bluewater Wind**

**Cape Wind Associates, LLC**

**Deepwater Wind, LLC**

**Global Energy Horizons Corp.**

**Independent Natural Resources, Inc.**

**Ocean Power Technologies**

**Pacific Energy Ventures LLC**

**Pacific Gas & Electric**

**Pelamis Wave Power Ltd.**

**Portland General Electric**

### **ASSOCIATIONS**

**National Hydropower Association**

**Oregon Wave Energy Trust**

### **CONSERVATION ORGANIZATIONS**

**Coastal Conservation League**

**Environmental Defense Fund**

**Hydropower Reform Coalition**

**Natural Resources Defense Council**

**Ocean Champions**

**Ocean Conservancy**

**Save the Bay**

**Surfrider Foundation**

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\*Endorsement of this document should not be interpreted as an endorsement of any specific legislative proposal or any specific development project.

On June 12, 2009, President Obama signed a Presidential Memorandum creating an Interagency Ocean Policy Task Force (Task Force) led by the Council on Environmental Quality. The Task Force was assigned, first, with making recommendations towards establishment of a national oceans policy and an interagency framework to implement that policy; and, second, with making recommendations to form “a framework for effective coastal and marine spatial planning.”

The Task Force, building on the work of the Pew Oceans Commission and the U.S. Commission on Ocean Policy, publicly released its interim recommendations on a national oceans policy that “ensures the protection, maintenance, and restoration of ocean, coastal, and Great Lakes ecosystems” on September 17, 2009. The memorandum now requires the Task Force to turn its attention to marine spatial planning, and to issue recommendations on an effective interagency process that is “a comprehensive, integrated, ecosystem-based approach that addresses conservation, economic activity, user conflict and sustainable use of ocean, coastal, and Great Lakes resources.”

As described in a recent report prepared for UNESCO, marine spatial planning is a public process of analyzing and developing management measures to coordinate the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic and social objectives that have been specified through a political process. *See* <http://www.unesco-ioc-marinesp.be/>. This task is complex because of the enormous number of federal and state agencies and stakeholder groups that must be accommodated in such a process. However, there have been successful efforts at marine spatial planning in Europe and in individual states that can provide models for the President’s initiative.

The rapid deployment of clean, renewable energy is an Administration priority and a national imperative. A potentially important aspect of marine spatial planning is to identify appropriate areas for the development of new ocean uses like renewable energy. The oceans hold great potential and promise for production of electrical power from waves, tides, ocean currents, and offshore winds. However, siting of such facilities will need to take into account numerous other uses of the ocean, such as fishing, boating, surfing, aesthetic appreciation, wildlife habitat, shipping, oil and gas production, and other recreational, ecosystem, and commercial services. Marine spatial planning provides a potential avenue to coordinate all of these new and existing uses.

It is important to point out that, as used in this document, marine spatial planning is not the same as “ocean zoning.” While zoning can be used to implement spatial plans for marine areas to achieve multiple-objective and multiple-use management of marine spaces, it is also possible to engage in marine spatial planning that simply identifies ecologically and socially significant areas or indicates preferences or priorities.

Recognizing that marine spatial planning may have potential benefits, but may also present potential obstacles for their industry, ocean renewable energy interests have been working with environmentalists to produce a set of principles that all agree should form the basis for conducting marine spatial planning.<sup>1</sup> Those principles are:

1. *Two key goals of marine spatial planning are to protect marine ecosystems and ensure the orderly and sustainable development of ocean resources, in a manner that respects and minimizes conflicts with existing uses.*

For use of our ocean resources to be truly sustainable, we must protect marine ecosystems. The transition to a green energy future will be of great benefit to the world's oceans because reduction of greenhouse gas emissions is critical to forestall the impacts of climate change and ocean acidification. Ocean renewable energy can be an important part of that future. Identification and protection of important marine ecological areas and responsible planning will ensure that ocean renewable energy development is consistent with ensuring the overall health of marine ecosystems, so that they can continue to provide the services humans want and need, like food, jobs, and recreation. Identifying compatibilities with ecosystem services and existing uses should be an explicit goal of, and is a key benefit to, marine spatial planning.

2. *Planning should be ecosystem-based, spatially and temporally explicit to the greatest degree possible, and founded on the best information available.*

Given that a major goal of marine spatial planning is protecting marine ecosystems, plans must be more than simply roadmaps of existing or potential uses. To be most useful, marine spatial plans must consider not only where an activity or a species occurs, but when it occurs. Plans should strive to gather and include this type of four-dimensional data. However, planning also should not be delayed until we have “perfect” data, and we must move forward with the best information available at the time planning is initiated.

3. *The Administration must make a commitment to secure significant funding to gather, map, standardize, assimilate and make available baseline environmental and economic resource data through a central clearinghouse.*

Funding of environmental baseline data gathering, mapping, assimilation and dissemination is essential to begin the implementation of marine spatial planning and to foster development of ocean renewable energy technologies. Such data includes species composition, location and temporal behavior; key habitats; bathymetry; subsurface geology; and wave, tidal, and wind resources. Gathering such information has become a major project cost for developers and could in some cases be better performed by public agencies, which would have the added benefit of making such data available in the public domain. Some of these data already exist, but there is no central clearinghouse for compiling and distributing them. Without a significant funding commitment on the part

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<sup>1</sup> The first five principles are broad principles of general applicability, while the second five are more specific to ocean renewable energy.

of the Administration and Congress it is likely that the ocean renewable energy industry in the United States will continue to lag behind other countries.

- 4. The planning process should provide transparency and an opportunity for meaningful input for stakeholders, with a specific aim of reducing conflict in siting decisions.*

Public involvement should be structured to ensure consideration of relevant input and require acknowledgement of how such input was incorporated or not into planning documents. Local involvement should be encouraged by providing explicit opportunities for input from stakeholders at the coast, including fishing and recreational interests. Transparency is critical to legitimacy and can lead to greater public confidence in siting decisions.

- 5. Marine spatial planning needs to move forward efficiently, and plans should be reviewed and revised at regular intervals after they are adopted.*

A prolonged marine spatial planning process is inefficient for all parties involved. Plans should be completed as quickly as possible and reviewed and revised regularly, subject to new information.

- 6. Planning should explicitly facilitate the appropriate siting of prototype and commercial-scale renewable-energy-based electric generation facilities, and allow for their construction, testing, operation and evolution as technologies are perfected.*

Plans need to be living documents that are flexible enough to accommodate new technologies and newly-understood environmental variables and information, and allow for consideration of newly-proposed projects. As some ocean technologies are still evolving, developers are concerned that marine spatial planning efforts may inadvertently foreclose consideration of potentially viable sites at a time when the industry is just beginning to grow. In the event that some type of renewable energy preference zones were designated in the future, such zones should not be defined as the exclusive locations where developers can apply to site renewable energy projects, provided that important marine ecological areas are appropriately protected and existing ocean uses are taken into account.

- 7. Adaptive management principles should be central to any ocean planning regime to enable mitigation of unanticipated effects of new uses.*

The development of ocean renewable energy will be an iterative learning process that will rely on feedback from pilot projects and the first commercial-scale installations.<sup>2</sup> Marine spatial planning processes should be explicitly designed to incorporate the lessons learned from these installations, as well as new scientific and commercial information

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<sup>2</sup> In the case of offshore wind, the first commercial projects, constructed in Europe, date back 18 years, and have generated environmental data that is relevant to marine spatial planning in this country.

and advancements in renewable ocean energy technology, in regular updates to ocean plans.

8. *Federal and State agencies should continue to review and approve permits for applications to develop ocean renewable energy projects using the best information available, consistent with existing laws, regulations and state-federal agreements, while the marine spatial planning process is being conducted.*

Because of the national and global importance of developing new sources of renewable energy, we believe that there should not be a moratorium or delay on new ocean renewable projects during the marine spatial planning process.

9. *Because the boundary between state and federal waters is critical to the development of ocean renewable energy, planning should be coordinated with ongoing state coastal zone management plans and marine renewable initiatives.*

Many of the best initial sites for ocean renewable projects straddle the boundary between state and federal waters. In addition, states have the authority to affect projects in federal waters through consistency determinations under the Coastal Zone Management Act and federal agencies have authority to affect projects in state waters through various permitting requirements. Several states have also initiated requests for proposals for ocean renewable projects off their coasts. Accordingly, states will be key partners in any marine spatial planning process and federal efforts must provide avenues and incentives for state participation.

10. *Marine spatial planning should explicitly weigh the benefits of developing clean renewable offshore energy against its potential environmental externalities.*

We need immediate and strong action to transition to new renewable sources of energy that can support a vibrant and sustainable economy. We must move ahead expeditiously with development of clean, renewable energy offshore in a manner that protects and maintains ocean ecosystem health. Many of the potential ecological externalities of offshore renewables production may be addressed through proper siting and mitigation measures; marine spatial planning can help with this effort.