



OCEAN RENEWABLE ENERGY COALITION

The National Trade Association for Hydrokinetic and Marine Renewables

Comments of the Ocean Renewable Energy Coalition (OREC) on Draft **Hydrokinetic Energy Projects & Recreation: A Guide to Assessing Impacts**

The Ocean Renewable Energy Coalition (OREC) hereby submits comments on the Draft Hydrokinetic Energy Projects & Recreation Guide to Assessing Impacts prepared by the Hydrokinetics and Recreation Work Group for National Park Service Hydropower Assistance Program, Department of Energy and Hydropower Reform Coalition (hereinafter, Recreation Report). OREC is the national trade association for the marine and hydrokinetics industry in the United States, including wave, tidal, current, ocean thermal energy conversion (OTEC), and offshore wind. Founded in April 2005, we now have 45 members, including MHK industry leaders, law firms, environmental consultants and academic institutions.

We appreciate the hard work and dedication of the authors of the Recreation Report, as well as the willingness to grant an extension of time to allow OREC to submit comments. We support the Report's references to the use of adaptive management, however, for the reasons discussed, we have few other comments to contribute at this time. In general, the report focuses largely on theoretical, long-term impacts associated with built-out projects while our member companies' present priority is deployment of small demonstration projects into the water within the next one to two years. The Report

recommends additional user interviews and types of studies that should be pursued, which again, seem premature at this time.

I. COMMENTS

A. The Report Prematurely Identifies A Range of Possible Impacts

The Report does a thorough job of identifying the universe of possible recreational impacts, and summarizing all of this information in one place.

However, many of the recreational impacts identified are premature or theoretical and are based more on speculation than science. This type of speculation does not help the industry, and could also result in money spent to study or mitigate impacts that might never occur.

In addition, the Report seems to suggest that these impacts will arise from larger scale, commercial projects. But the Report does not discuss possible effects of first stage prototype or demonstration projects, which is the state of the industry at this point. We cannot put the cart before the horse. The present focus of studies should be on impacts associated with small demonstration projects, rather than impacts which might occur many years down the line if projects are ever built out. As the Report acknowledges, adaptive management provides one tool to learn more about impacts.

Right now, OREC believes that funding should be focused on immediate impacts associated with deployment of demonstration projects, as well as follow up monitoring. Added funding for theoretical impacts increases the hurdles for demonstration projects by forcing developers to focus on “worst case scenarios” instead of immediate data related to real impacts.

B. The Proposed Studies Will Burden Developers and Hinder Ocean Renewable Energy Development in the United States

The Report recommends a range of studies and baseline data that developers should undertake. Most marine renewables companies have minimal resources and cannot afford the costs of extensive studies of impacts that may never occur. The Report should focus on questions that arise at actual sites, and on studies to mitigate site-specific impacts rather than hypothetical impacts. Unfortunately, because the regulatory process is so extensive, no demonstration projects (other than Verdant Power) have been sited for any duration in the United States and thus, the industry does not have data to share. OREC's members stand ready to work with the recreation community and as projects are sited, our members are working with with recreational stakeholders to ensure that their concerns are addressed. This approach, as well as adaptive management techniques, should be adequate to mitigate any effects on recreation.

C. The Report Should Not Support Legal Appeals of FERC Decisions

The report mentions various ways that stakeholders can involve themselves in the process, including through administrative appeals and legal challenges to FERC decisions. While we recognize that the Report's authors are striving to be complete in the information that they provide, OREC does not believe that it is appropriate for a government funded report to endorse, even by brief reference, litigation against another federal agency. We suggest that the reference to administrative appeals be removed from the report.

II. CONCLUSION

OREC appreciates this opportunity to provide comment on the Recreational Report. We look forward to working together to move the marine renewables industry forward in an environmentally responsible manner.