

MEETING SUMMARY
MAY 8, 2009
OCEAN ENERGY TASK FORCE
ST. PAUL'S CENTER, AUGUSTA, ME

I. Introductory Matters

- Mr. Perkins welcomed all in attendance and then began a round of introductions.

II. Subcommittee Reports

- Subcommittee Two (*Permitting and Regulatory*)
 - Subcommittee Two has not met since the last full Task Force meeting, though Chair Kathleen Leyden gave an update on L.D. 1465 and its current legislative status.

L.D. 1465's webpage can be found here:

http://www.mainelegislature.org/legis/bills/bills_124th/billtexts/SP054501.asp

- Subcommittee Five (*Tidal Power*)
 - Subcommittee Five has been discussing requirements for tidal development in Maine and will be meeting again in July.
- Subcommittee Four (*Economic Development*)
 - Subcommittee Four has not met since the last full Task Force meeting.
- Subcommittee Six (*Oil and Gas Development*)
 - The Subcommittee has been involved in talks with the U.S. Minerals Management Service to discuss the Agency's offshore planning process and what opportunities there are for states to weigh in.
 - The Subcommittee will probably have one more meeting to wrap up for the legislative session.

II. Human Uses and Environmental Impacts Presentations, Sean Mahoney, Conservation Law Foundation

Chair Mahoney began the first session of the meeting with comments regarding the basic principles underlying the charges of Subcommittee One, which are: 1) to determine what we know, 2) to determine what we don't know, and 3) to determine where we need to go. He then went on to say that in order to obtain success, the Task Force needs to design an outreach process that will both communicate to and involve the communities that will be most impacted by the Task Force's final recommendations.

Mr. Mahoney spoke to the some of the challenges of what his Subcommittee is currently facing, including the dynamic nature of the marine environment, the large number of "communities" that need to be involved in this process (fishing, recreational boating, municipal, etc), and the lack of a demonstrated process for the marine environment, as opposed to the terrestrial wind power task force. Mr. Mahoney could not stress the importance of successful, intelligent, and comprehensive outreach enough.

➤ **Environmental Impacts of Offshore Wind Energy, Paul Martin, TRC Environmental**

- Mr. Martin opened up his presentation by discussing his group's (TRC Environmental) involvement with the Massachusetts Cape Wind Environmental Impact Statement (EIS). Mr. Martin covered all aspects of the EIS with topics ranging from electromagnetic fields from undersea cables, vegetation, the need to include the landside connection of any project in an environmental assessment, tribal considerations, and inclusion of all specie's life stages when determining potential impacts.
- He noted that one existing obstacle to Cape Wind is FAA clearance.

Mr. Martin's presentation can be found here:

http://www.maine.gov/spo/specialprojects/OETF/Documents/May8'09_TFmtg/Martin_EnvironmentalImpacts.pdf

➤ **Birds, Bats, and Offshore Wind Farms: Considerations in the Gulf of Maine, Wing Goodale, Biodiversity Research Institute**

- Mr. Goodale emphasized three major points at the onset of his presentations:
 - The impact to flying animals (birds and bats) by wind farms can be significantly reduced by proper placement.
 - There exists a strong need for pre-construction surveys and research

- Inland research will not necessarily be applicable to offshore applications.
- Mr. Goodale discussed the three areas of bird/bat impact that are correlated to wind farms, which are: displacement/avoidance, direct habitat loss, and collision mortality. All of the impacts are species, season, and weather dependant. Collectively, the impacts can have a considerable cumulative effect. Mr. Goodale continued to discuss these impacts in more detail in his following slides.
- Mr. Goodale then reviewed his preliminary bird use map which was generated from Maine Inland Fish and Wildlife, and BRI data.
- His final conclusions and recommendations were the creation of a Bird/Bat Advisory council consisting of members from Federal, state, and Nongovernmental Organizations, and extensive pre-construction studies.

Mr. Goodale's presentation can be found here:

http://www.maine.gov/spo/specialprojects/OETF/Documents/May8'09_TFmtg/Goodale_BirdsBatsWindFarms.pdf

➤ **Marine Mammal Considerations in the Gulf of Maine** *Scott Krauss, New England Aquarium*

- Mr. Krauss began his presentation by highlighting methods used to obtain marine mammal data, which include opportunistic sightings, surveys, and satellite tagging. The best way to interpret this data is by Sightings per unit Effort converted to raster grids. He also added that items of concern for the Task Force to consider were the Marine Mammal Protection Act and the Endangered Species Act as far as permitting and "takings" are concerned, and acoustic noise levels during construction and operation of an ocean energy facility. Mr. Krauss asserted that data on ocean energy facility impacts on marine mammals is sparse (there has been some work done in Europe on Harbor Porpoises) and that much of the existing data is frequently out of date.

Mr. Krauss' presentation can be found here:

http://www.maine.gov/spo/specialprojects/OETF/Documents/May8'09_TFmtg/Kraus_MarineMammals.pdf

Questions from the Task Force

Question: How have Rhode Island and New Jersey accounted for marine mammals?

- **Answer:** The state of New Jersey has been fronting millions of dollars for comprehensive surveys.

Question: Did Mr. Krauss know if European developments had any data about turbines changing migration patterns of whales from Europe.

- **Answer:** No, they do not, and the effects are not local. When underwater structures exist, they can potentially enhance local productivity and attract fish. Mr. Krauss has no idea if marine mammals would be attracted or not.

Question: The Task Force asked Mr. Martin what the biggest surprise was to him related to the differences between onshore and offshore project development.

- **Answer:** Every Federal agency conducts their NEPA process differently. One of the things that they do very well is the focus on identifying impact-producing factors. It's important to read the first section of the Cape Wind EIS to see what they did exactly. As far as any resource-specific surprises, nothing was really all that surprising.

Question: Is there any idea how long a preconstruction survey would take?

- Two or three year. During the application process, surveys could be started when sites are identified.

IV. Coastal Community Considerations

- **Lobster Community Interests** *Pat White, Gulf of Maine Lobster Foundation*
 -
- **Groundfishing/Shrimping Interests** *Glen Libby, Midcoast Fisherman's Association*
 -
- **Coastal Landowners and Viewshed Considerations** *Sebastian Bell, Maine Aquaculture Association*

- Mr. Bell spoke to his experiences in bringing aquaculture to Maine and the issues that revolved around his industry. Mr. Bell advised on a number of pertinent topics including watershed problems, regional differences, municipal differences, employment perspectives, and the opportunity to engage stakeholder as an early time.

➤ **Recreational Boating Perspective**, *Curtis Rindlaub, Maine Coast Cruising Guide*

- Mr. Rindlaub spoke to Maine's history as a destination for recreational boating. He also spoke to the preservation qualities that go hand in hand with recreational boating activity, namely, island preservation. Mr. Rindlaub expressed his belief that offshore wind development will soon be a part of the boating vernacular as a result of the existence of multiple state initiatives to develop offshore wind farms.

Questions and Comments from the Task Force

Comment: It is vital to know where the proposed demonstration sites are for the fishermen. There has to be a tangible benefit. One of the things that immediately came to Mr. Bell's mind was scallop restoration. Wind farms might be a good place to raise scallop seed. This could also be a way for fishermen to generate income (transport of materials and people).

Comment: Coming from an area of Maine that is the epicenter of aquaculture, Mr. Bell would like to note that there were significant differences in local community response (to aquaculture). It was an opportunity for employment for some areas, while other areas were not as responsive. There is a lot of commonality between this (aquaculture) and ocean wind development.

V. Outreach Program Update

- If L.D. 1465 passes it contains language indicating that by Dec. 15th the Department of Conservation and the State Planning Office identify up to five sites for offshore wind test facilities. The Outreach program will feature two tracks, the first will be a broad educational piece, indicating: "Why Maine, Why Wind, Why Now". The second track will be focused on the actual siting process of the test facilities.

Public Questions and Comments

Question: Would the actual physical placement of an offshore wind project affect fishing activities?

- **Answer:** It would probably impact the movements of mobile fishermen.

Comment: Stantec worked as consultants regarding endangered species with the Massachusetts Cape Wind Project. There is very little data to draw definitive conclusions from. We do not want paralysis through analysis.

VI. Environmental and Human Use Lessons from Other States

➤ **The Rhode Island Ocean Special Area Management Plan, Grover Fugate, Rhode Island Coastal Resources Management Council**

- Mr. Fugate began his presentation by defining the Rhode Island Coastal Resources Management Council's (CRMC) role in managing the Rhode Island coast and marine environments. It is a comprehensive (primarily stand alone) agency as opposed to Maine which has a fully networked system with multiple agencies partnering to achieve coastal management. Mr. Fugate then defined Special Area Management Plan (SAMP) as:

The term "special area management plan" means a comprehensive plan providing for natural resource protection and reasonable coastal-dependent economic growth containing a detailed and comprehensive statement of policies; standards and criteria to guide public and private uses of lands and waters; and mechanisms for timely implementation in specific geographic areas within the coastal zone.

- Rhode Island gained funding for the Ocean SAMP through 3.2 million dollars from the Renewable Energy Fund, \$667,000 dollars were from a Department of Energy grant, and 2.8 million came from energy stimulus funds.
- Rhode Island utilized a Tiered Analysis to screen for prospective sites and then to narrow down areas to analyze to a greater degree. Tier One consisted of hard constraints such as wind, waves, currents, exclusions (such as shipping lanes and munitions dumps) and technology limits. After the Tier One analysis eliminated some areas, Tier Two was applied to the remaining areas which consisted of use conflicts and environmental considerations.
- Before ending his presentation, Mr. Fugate said that one of the issues that the SAMP process was trying to address was a problem arising from insurance and fishing. The developer contracted to build the Rhode Island wind farm would be required by the insurance carrier to create an exclusion zone within the project for all vessels.

Mr. Fugate's presentation can be found here:

http://www.maine.gov/spo/specialprojects/OETF/Documents/May8'09_TFmtg/FugateRIOceanSamp.pdf

➤ **The Massachusetts Ocean Management Plan**, *John Weber, Massachusetts Coastal Zone Management*

- Mr. Weber highlighted a two-pronged approach to the planning involved for Massachusetts ocean zoning. The state of Massachusetts was required to plan for specific uses including energy facilities and related infrastructure through the Massachusetts Oceans Act of 2008. The approach that Massachusetts Coastal Zone Management (MACZM) took to obtain this goal utilized Data Acquisition and Outreach, each having two separate phases.
- Phase One of the Outreach Segment involved 18 separate “listening sessions” with 70+ stakeholder groups and individuals. The point was “to listen, not talk”. Phase Two involved public workshops to preview the agency’s work and to identify gaps and mischaracterizations.
- Phase One of the Data Acquisition segment involved the collection of large amounts of data on habitat, commercial and recreational fishing, navigation and infrastructure, among others. Internal and external reviews were conducted on data validity and needs.
- Mr. Weber concluded by highlighting a few point of information that would be useful for the Maine process including allowing more time than the Task Force thinks it needs, using qualitative information to ease budget and scheduling pain, and the fact that new ground (planning for renewable energy projects) means new ways of looking at data.

Mr. Weber's presentation can be found here:

http://www.maine.gov/spo/specialprojects/OETF/Documents/May8'09_TFmtg/Weber_MAOceanEnergyPlan.pdf

Questions from the Task Force

Question: What is the Federal reaction to Rhode Island conducting ocean planning in Federal waters?

- **Answer:** All of the study methodology was run by the Army Corps of Engineers and the Minerals Management Service. When the Rhode Island SAMP is adopted, Rhode Island will ask NOAA for permission to invoke the Coastal Zone Management Act's consistency provision within the SAMP.

Question: Was there any sort of Memorandum of Understanding with the Federal agencies?

- **Answer:** Rhode Island did not need a formal agreement with the agencies. Involvement from the onset of the planning process was enough.

Question: Is it safe to presume that part of Rhode Island's work is to avoid costs for the developers?

- **Answer:** It's the intent in Rhode Island to foster renewable energy as quickly as possible. The development community was not at first happy about the state doing most of the leg work, but Deepwater (the contracted developer) is now pleased with the results.

Question: What was the budget and schedule for each of the presenting states?

- **Answer:** Rhode Island – 8 Million dollars total by 2010 with a start date of August 2008. All of this money has gone to the University of Rhode Island for SAMP studies.
- **Answer:** Massachusetts – 3.8 Million dollars total with a start date of June, 2008 and an end date of December, 2009.

VII. Task Force Final Report Outline Review

- Key issues in discussion pertaining to the final report outline involved federal agency regulations and involvement, potential transmission roadblocks, pricing, and the proposed Midwest power pipeline.

VIII. Legislation Update (L.D. 1465)

- The bill was heard in front of the energy committee on Tuesday the 5th of May.
- There was no opposition or “neither for nor against”. The bill passed committee unanimously.
- Since the bill was finalized, UMaine and the Island Institute would like to add a couple of amendments. The University points relate to the length of time for the university research park to be in the water and how many technologies they can test at one time. The Island Institute would like to add Nongovernmental Organizations to the list of consulting bodies for site selection.

IX. Adjournment

- There will not be a full task force meeting in June. There being no further discussion, Chairman Perkins adjourned the meeting.