

8 CONSULTATION AND COORDINATION

8.1 PUBLIC SCOPING

A Notice of Intent (NOI) to prepare the *Outer Continental Shelf Alternative Energy and Alternate Use Programmatic EIS* was published in the *Federal Register* on May 5, 2006. This NOI invited interested members of the public to provide comments on the scope of the programmatic EIS, including identification of issues, alternatives, and mitigation measures that should be considered in the programmatic EIS analyses. The Minerals Management Service (MMS) conducted scoping for the programmatic EIS from May 5, 2006, through July 5, 2006.

The public was provided with three methods for submitting scoping comments or suggestions on the *Outer Continental Shelf Alternative Energy and Alternate Use Programmatic EIS*:

- Via the online comment form on the project Web site,
- By mail, and
- In person at public scoping meetings.

Public scoping meetings were held at ten locations in May and June 2006: Herndon, Virginia (May 18); Trenton, New Jersey (May 23); Austin, Texas (May 23); Melville (Long Island), New York (May 24); Dedham, Massachusetts (May 25); Long Beach, California (May 25); Atlanta, Georgia (June 6); Portland, Oregon (June 6); Orlando, Florida (June 8); and San Francisco, California (June 8) (Figure 8.1-1). At each meeting, the MMS presented background information about the *Outer Continental Shelf Alternative Energy and Alternate Use Programmatic EIS*, and representatives from the Department of Energy (USDOE) National Renewable Energy Laboratory presented information about various technologies. The presentation materials from these meetings, including slides, maps depicting the various planning area boundaries, and white papers for the technologies being considered, are available on the project Web site (<http://ocsenergy.anl.gov/index.cfm>). The Public Scoping Comment Summary Report is also available at that Web site.

Nearly 235 individuals, organizations, and government agencies provided comments on the scope of the programmatic EIS by testifying at public scoping meetings, submitting comments via the project Web site, or submitting comments by mail. Some people used more than one method to submit comments. Nearly 100 comment documents were received from individuals. In addition, comments were received from four federal agencies, 16 State agencies, three local government organizations, and more than 70 other organizations, including environmental groups, interest groups, and industry.

More than 270 people registered their attendance at the public scoping meetings held during May and June 2006. The Dedham, Massachusetts, meeting drew the most people (98), followed by Long Island, New York (76). One hundred eight individuals provided oral



FIGURE 8.1-1 Locations of the 10 Cities Where Public Scoping Meetings Were Held for This Programmatic EIS

comments at one or more of the public meetings. Nearly 125 comment documents were received via the project online comment form; 19 were received by mail.

Comment documents were received from 26 states, the District of Columbia, and Canada. Approximately 75% of these comments originated from states within the study area. States providing the most comments were Massachusetts (49) and New York (23).

Federal agencies that provided comments were:

- National Park Service (NPS)
- U.S. Coast Guard
- U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA)
- U.S. Department of the Interior, U.S. Fish and Wildlife Service (FWS), New England Field Office

State agencies that provided comments were:

- Florida Department of Environmental Protection
- Hawaii Department of Business, Economic Development, and Tourism
- Massachusetts Division of Marine Fisheries
- Massachusetts Attorney General (Sec. of Environmental Affairs) representing Governor Romney
- New Jersey Department of Environmental Protection
- New York Department of Environmental Conservation
- New York Department of State
- Virginia Department of Environmental Quality
- Washington State Department of Fish and Wildlife
- Washington State Department of Community, Trade, and Economic Development, Energy Policy Division
- Washington State Department of Ecology, Coastal Zone Management Program

- Washington State Department of Ecology, Hydropower, Water Quality Program
- Washington State Department of Fish and Wildlife
- Washington State Department of Natural Resources
- Washington State Governor's Office of Regulatory Assistance

Local agencies that provided comments were:

- Barnstable County Assembly of Delegates
- Lincoln County, Oregon
- Woods Hole, Martha's Vineyard, Nantucket Steamship Authority

8.2 GOVERNMENT-TO-GOVERNMENT CONSULTATION

Along with the Notice of Intent published on May 5, 2006, letters were sent to tribal leaders in compliance with Executive Order 13175, dated November 6, 2000, and the Executive Memorandum of April 29, 1994, on Government-to-Government Relations with Native American Tribal Governments. Our current administration, on April 30, 2004, reaffirmed its commitment to Government-to-Government relations in Executive Order 13336, entitled American Indian and Alaska Native Education. The MMS recognizes the right of Indian tribes to self-government, supports tribal sovereignty and self-determination, and strives to work with federally recognized tribes whenever any of its proposed activities may potentially affect a tribe, its treaty rights, sovereignty, or its members.

The MMS offers consultation with tribes as an ongoing process in a culturally sensitive manner that is respectful of tribal sovereignty. To date, the MMS has not been contacted by any tribe regarding this programmatic EIS.

8.3 AGENCY COOPERATION, CONSULTATION, AND COORDINATION

The MMS invited other Federal agencies and state, tribal, and local governments to consider becoming cooperating agencies in the preparation of the programmatic EIS through the NOI of May 5, 2006. Only the U.S. Coast Guard requested to be a cooperating agency. The MMS opened dialogues with many Federal agencies, including FWS, NOAA, Federal Aviation Administration (FAA), Environmental Protection Agency (USEPA), USDOD, NPS, and Department of Homeland Security (DHS) and will continue to work with these agencies throughout the process of preparation of this EIS.

8.3.1 Biological Assessment and Opinion for Threatened and Endangered Species

Section 7(a)(2) of the Endangered Species Act (ESA) [16 USC §1536(a)(12)] requires every Federal agency, in consultation with and with the assistance of the Secretaries of the Interior and/or Commerce, to ensure that any action it authorizes, funds, or carries out in the United States or upon the high seas is not likely to jeopardize the continued existence of any species listed as endangered or threatened or result in destruction or adverse modification of critical habitats for listed species. Establishment of regulations and implementation of an Alternative Energy and Alternate Use program may result in projects that could have impacts to species protected by the ESA. The MMS is using the draft programmatic EIS to determine whether a biological assessment and associated FWS and National Marine Fisheries Service (NMFS) biological opinions or formal concurrences are needed at this early stage. The MMS will conduct ESA consultations during the project application review process when sufficient information is available for specific proposals to be thoroughly analyzed. These consultations will be conducted simultaneously with the National Environmental Policy Act (NEPA) review process.

8.4 DISTRIBUTION OF THE DRAFT PROGRAMMATIC EIS

Copies of the draft programmatic EIS will be made available to the public on the project Web site at <http://ocsenergy.anl.gov/>.

