



Chair Nancy Sutley
Council on Environmental Quality
722 Jackson Place NW
Washington DC 20503

December 1, 2009

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DAVID NAFTZGER
Executive Director

Dear Chair Sutley:

As you know, interest in developing the world-class offshore wind resources in the Great Lakes is rapidly gaining momentum and Great Lakes states are actively planning for offshore wind development. A coordinated federal environmental review process for the siting and permitting of offshore wind energy facilities in the Great Lakes is essential if states are to proceed under an orderly, efficient and economical planning process. I am concerned that, without your leadership, Great Lakes wind development could be significantly delayed. Investors and wind development companies are justifiably concerned about the risk and expense of regulatory uncertainty. Our states and federal partners must work together to anticipate and remove barriers to sustainable energy development to advance our mutual objectives of developing a vibrant clean energy economy and to attain our ambitious national wind energy goals.

The Energy Policy Act of 2005 places primary responsibility for offshore renewable energy leasing in federal waters with the USDOJ Minerals Management Service (MMS). However, the Act is silent on development in the Great Lakes and while states are primarily responsible for the management of their bottomlands and waters, the U.S. Army Corps of Engineers (USACE) is the lead federal agency for location of offshore wind facilities pursuant to the Rivers and Harbors Act of 1899 (Section 10) and the Clean Water Act of 1977 (Section 404). The U.S. Coast Guard (USCG) and other agencies will also play important roles in the review and regulation of offshore windpower in the Great Lakes.

With the likelihood of proposals for offshore wind development in the very near future, the Great Lakes states encourage the USACE to conduct a comprehensive environmental review process to guide the future siting and permitting of offshore wind energy facilities in waters of the Great Lakes. Such a Programmatic Environmental Impact Statement (PEIS) process would involve interested and affected government agencies working together to establish a Great Lakes Wind Energy Development Program. The program's purpose would be to address threshold issues and establish a predictable framework for efficient review of future permit applications filed for siting wind energy facilities in Great Lakes waters that meet the requirements of all the reviewing authorities. It has been suggested that the 2009 MMS

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renewable energy rule could be adapted to the specific needs of the Great Lakes in very short order without compromising the purposes of the National Environmental Policy Act. This would place the Great Lakes states on an equal footing with states on the marine coast. With your leadership, a memorandum of agreement (MOA) among the agencies, specifying the interim use of those rules could be executed promptly, accelerating the collaborative process.

The Great Lakes MOA and/or PEIS would clarify a core set of federal principles and policies that would guide offshore wind development in the Great Lakes basin. The PEIS also would establish a comprehensive, efficient approach for ensuring the appropriate siting of wind energy development and reduce regulatory ambiguity, costs and conflict. This would bolster the Great Lakes states' competitive edge in attracting the international business development it needs to thrive in the new energy economy.

I encourage your leadership in this endeavor to create an efficient and equitable framework for the development of offshore wind power on the Great Lakes. Should you or your staff have questions, please contact me directly, or David Naftzger, Executive Director of the Council of Great Lakes Governors.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Doyle". The signature is fluid and cursive, with the first name "Jim" and last name "Doyle" clearly distinguishable.

Jim Doyle
Chair, Council of Great Lakes Governors
Governor of Wisconsin