



December 2, 2011

Secretary Ken Salazar
U.S. Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Email: exsec@ios.doi.gov

Dear Secretary Salazar:

The undersigned organizations and state agencies write to recommend a specific action that the Department of Interior (DOI) could readily implement to strengthen the Department's proven commitment to offshore wind energy (OSW) deployment. Under your leadership, the Department has taken innovative steps, most notably the Smart from the Start Initiative (SFTS), to ensure a regulatory framework to facilitate appropriate siting, leasing, and construction of offshore wind projects. To further this leadership and ensure the full success of the SFTS effort, we recommend that the Department announce the designation of an ombudsman position to assist stakeholders who have a major unresolved conflict or issues with the Bureau of Ocean Energy Management (BOEM) or other Department agencies with a role in the permitting and leasing program for offshore wind (e.g., USFWS, NPS). The DOI ombudsman also should serve as the point person for addressing conflicts on behalf of the Department and its agencies with non-DOI agencies, such as NMFS and the U.S. Coast Guard, on offshore-related issues.

It appears that Counselor to the Deputy Secretary, Elizabeth Klein, currently is serving in an ombudsman-like capacity for offshore wind. However, we respectfully request that the Department issue a written statement that describes the role, responsibility, and functions of the ombudsman, and identifies specifically the person or person(s) serving in the role. Such a public statement would serve to inform stakeholders, ranging from environmental non-governmental organizations to developers to ocean user groups, that there is an established, transparent mechanism for resolving conflicts that are not adequately addressed through project-specific reviews, the Atlantic Offshore Wind Interagency Working Group, the Governors' Atlantic Offshore Wind Consortium, or state-specific task forces.

The identification of a clear ombudsman function at the Department is particularly valuable for the offshore wind sector at this time. As a nascent industry in the U.S., offshore wind projects face new and untested permitting processes, which contribute to the uncertainty and risk faced by potential developers, financiers, ocean users, and ocean protection organizations alike. In addition, because there are numerous federal agencies with authority over siting, permitting and installation of wind facilities, DOI could employ an ombudsman role to ensure priority is placed by other agencies to work with BOEM, as the lead agency, to ensure increased efficiency in regulatory review and reduction of potential inter-agency redundancy and conflicts.

The ombudsman mechanism has been embraced by the Department and its bureaus in the past. For example, the Bureau of Land Management has established an ombudsman to assist members of the public who have a conflict or dispute with the BLM by connecting the public with the appropriate BLM staff or manager and to talk through disputes and conflicts.

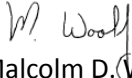
In confirming the establishment of an ombudsman position and a designated official to serve as a point person for offshore wind regulatory and siting issues, we have the following recommendations to ensure the effectiveness of the role:


1. The designated ombudsman should be given clear responsibility to receive complaints and questions from individuals concerning issues related to the functioning of BOEM, other DOI agencies, and non-DOI federal agencies working with BOEM on OSW policy, leasing and approvals. She should be charged to work for the resolution of particular issues that are presented to her from both inside and outside the Department and BOEM, and, where appropriate, make recommendations for the improvement of the general administration of the Smart from The Start Initiative.
2. The ombudsman should be authorized to:
 - a. address concerns and questions about alleged acts, omissions, and systemic problems within the OSW leasing program and have discretion to accept or decline to act on a complaint or question
 - b. act on her own initiative to address issues within the OSW leasing program
 - c. operate by fair and timely procedures to aid in the just resolution of a complaint or problem involving BOEM and the private sector or BOEM and other federal agencies involved in OSW review and siting.
 - d. gather relevant information and have the full cooperation of BOEM in undertaking her oversight role
 - e. resolve policy and regulatory issues at the most appropriate level of BOEM and the Department
 - f. conduct inquiries; report findings; develop options available to affected individuals; facilitate or mediate disputes; make recommendations for the resolution of an individual complaint or systemic problem to those persons with authority to act upon them; and identify complaint patterns
 - g. ensure confidentiality for information provided in confidence to her regarding a complaint, except when contrary to governing law.

We respectfully recommend that the Department issue a memorandum or other directive that identifies the specific designee and her corresponding responsibilities to act as an ombudsman to coordinate and lead efforts to resolve project and programmatic disputes and issues related to offshore wind development leasing and the Smart from the Start initiative. We would be glad to meet with you or your team, if useful, to discuss our request. Mark Sinclair of the Clean Energy States Alliance will serve as a contact person for coordinating follow-up discussions with the undersigned signatories if useful to the Department (msinclair@cleanegroup.org; 802-223 2554).

In closing, we appreciate your consideration of our recommendation to employ an ombudsman function to complement your leadership efforts to facilitate offshore wind development. We also thank you for your continued leadership in this important renewable energy area.

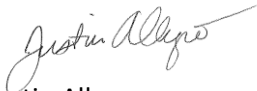
Sincerely,


Malcolm D. Woolf
Director
Maryland Energy Administration



Mark Sinclair
Executive Director
Clean Energy States Alliance

/s/

Michele N. Siekerka, Esq.
Assistant Commissioner
Economic Growth and Green Energy
New Jersey Department of Environmental
Protection


Justin Allegro
Manager, Renewable Energy and Wildlife
Program
National Wildlife Federation


Collin O'Mara
Secretary of the Environment and Energy
Delaware Department of Natural Resources
and Environmental Control


Susan M. Reid
Director, CLF Massachusetts
Conservation Law Foundation

cc: David Hayes, DOI
Tommy Beaudreau, BOEM
Walter Cruikshank, BOEM
Elizabeth Klein, DOI
Ned Farquhar, DOI
Neal Kemkar, CEQ

