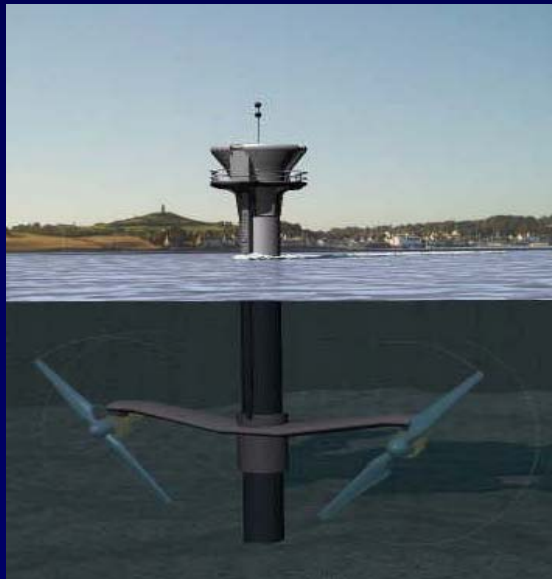


Working with the Regulators: NOAA Perspective

Thomas E. Bigford
NOAA/NMFS
Office of Habitat Conservation



National Hydropower Association
Annual Conference
Washington, D.C.
Monday April 14, 2008

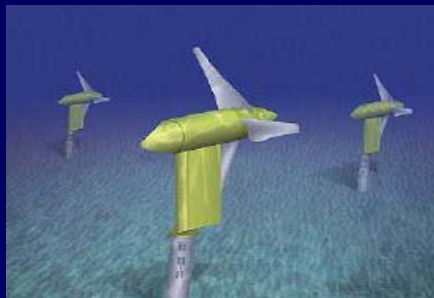


Key Points

- **We have a consultative role that may affect project development and siting**
- **NOAA has engaged industry and licensing agencies in order to advance technology testing and provide for improved information gathering**
- **Environmentally compatible ocean energy development can happen if we work together**

NOAA's Role in Hydrokinetic Development

- **Statutory authorities (e.g., MSA, ESA, FPA)**
- **Provide physical and biological data useful in site characterization, project siting, and environmental assessment**
- **Develop partnerships to address R&D and project monitoring needs**



NOAA's Approach to the Evolving Regulatory Framework

Comments to FERC:

- **Hydroelectric Infrastructure Technical Conference** (*December 2006*)
- **Notice of Inquiry and Interim Statement of Policy for Preliminary Permits for Wave, Current, and Instream New Technology** (*April 2007*)
- **Hydrokinetic Energy Pilot Project Licensing Process** (*November 2007*)
- **Hydrokinetic Conditioned License Policy** (*December 2007*)

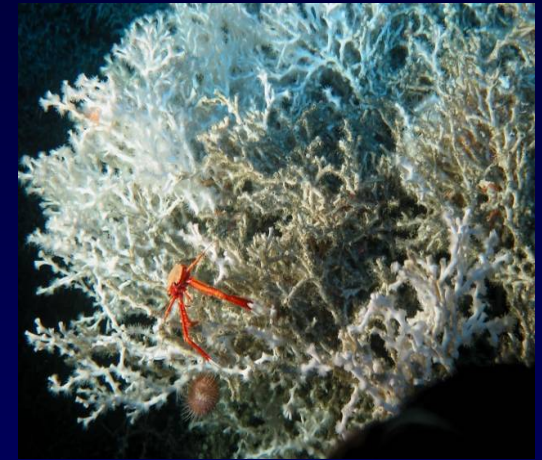
NOAA's Approach to the Evolving Regulatory Framework

Comments to MMS:

- **Draft PEIS for Alternative Energy Development and Alternative Use of Facilities on the OCS (*May 2007*)**
- **Request for Information and Nominations of Areas for Leases Authorizing Alternative Energy Resource Assessment and Technology Testing Activities (*May 2008*)**
- **Alternative Energy and Alternative Uses of Existing Facilities on the OCS Proposed Rule (*anticipated summer/fall 2008*)**

NOAA's Perspective on the Evolving Regulatory Framework

- **Regulatory uncertainty makes it difficult for developers and resource agencies**
- **Lack of scientific understanding of impacts will hamper regulatory decision-making**
- **Anticipate a process that continues to be challenged by disparities in the evolving framework**



NOAA's Work with Others

- **Resolve** (2004-2005)
- **MMS** (2006 to present)
- **FERC** (2006 to present)
- **Kearns and West** (2007)
- **NHA** (2007 to present)
- **DOE** (2007 present)
- **Regional dialogs**
- **GMRE NY Conference** (2008)



NOAA's Internal Efforts

- **NOAA Energy Team**
- **NMFS and NOS Energy Teams**
- **National dialogs**
- **Developing processes to meet others' needs**



Recommendations & Next Steps

To Developers:

- Engage resource agencies early and often

To Regulatory Agencies:

- Provide the industry with a process that provides certainty, and requires environmental monitoring that will benefit future sector development

To Resource Agencies:

- Work with the industry to address concerns/information gaps

To All:

- Proceed in tandem whenever possible

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