



June 11, 2018

The Honorable Rodney Frelinghuysen  
The Honorable Nita Lowey  
House Appropriations Committee  
H-305 The Capitol  
Washington, DC 20515

The Honorable Richard Shelby  
The Honorable Pat Leahy  
Senate Appropriations Committee  
S-128 The Capitol  
Washington, DC 20510

Dear Chairman Frelinghuysen, Ranking Member Lowey, Chairman Shelby, and Vice-Chairman Leahy:

As Congress considers text for the FY 2019 Commerce, Justice, Science (CJS) Appropriations Bill, the National Ocean Industries Association (NOIA) and the American Wind Energy Association (AWEA) respectfully urge the committees to reject any language that would delay the development of offshore wind energy, as well as any other language which may impinge on lawful offshore energy leaseholder rights.

NOIA is the only national trade association representing all segments of the offshore industry with an interest in the exploration and production of both traditional and renewable energy resources on the U.S. Outer Continental Shelf. The NOIA membership comprises more than 250 companies engaged in a variety of business activities, including production, drilling, engineering, marine and air transport, offshore construction, equipment manufacturing and supply, telecommunications, finance and insurance, and renewable energy.

AWEA is a national trade association representing a broad range of entities with a common interest in encouraging the expansion and facilitation of wind energy resources in the United States. AWEA members include wind turbine manufacturers, component suppliers, project developers, project owners and operators, financiers, researchers, renewable energy supporters, utilities, marketers, customers, and their advocates.

As trade associations representing the offshore wind industry, we are writing to raise concerns over report language adopted by the House CJS Appropriations Committee as part of the FY 2019 Commerce-State-Justice Appropriations bill that is likely to negatively impact the development and construction of offshore wind energy in the United States.

The language in question is as follows:

*Offshore Wind Impacts.* – NOAA shall study the effects of offshore wind farm construction and operation on marine mammals and fish, including the need for any mitigation measures. NOAA should work with other appropriate agencies when completing this research. NOAA shall report to the Committee on this matter within two years of enactment of this Act.

In a worst case scenario, permitting agencies and potentially the courts could see this language as direction from Congress to implement a two-year stoppage of all offshore wind development in the OCS while awaiting the results of this study. Namely, any final NEPA completed by BOEM with NOAA consultation during this two-year period could be challenged as incomplete considering Congress' direction that NOAA "study the effects of offshore wind farm construction" and report back. In a best

case scenario, this language consumes significant NOAA staff time and resources, potentially slowing NEPA consultation and IHA analysis for construction projects during the next two years.

Additionally, this study is duplicative and unnecessary. Environmental assessments (i.e., studies on offshore wind's impacts on marine life) are done at the very early stages of wind energy area identification, and more comprehensive environmental impact statements (EISs) are done before any developer can put even one turbine in the water.

Therefore we encourage you to work to ensure that this language, and any similar language impeding offshore wind development, be kept out of the final bill. If you have any questions or concerns please feel free to reach out to either of us.

Sincerely,

A handwritten signature in black ink that reads "Tim Charters". The signature is fluid and cursive, with the first name "Tim" being more prominent than the last name "Charters".

Tim Charters  
Senior Director, Government & Political Affairs  
National Ocean Industries Association

A handwritten signature in black ink that reads "Nancy Sopko". The signature is cursive and elegant, with a long horizontal flourish extending to the right from the end of the name.

Nancy Sopko  
Director, Offshore Wind Policy & Siting  
American Wind Energy Association