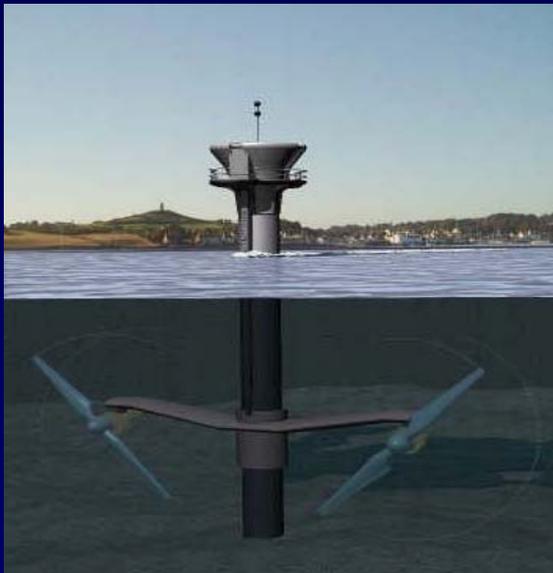


Working with the Regulators: NOAA Perspective

Keith Kirkendall
NOAA/NMFS
NWR Hydropower Division



NW Region Hydropower/Energy Workshop

DOI & DOC Conference

Portland Oregon

April 21-24, 2009

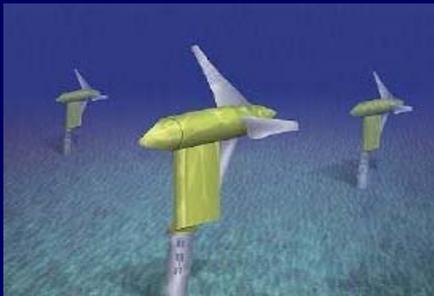


Key Points

- **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, MMPA)**
- **Provide physical and biological data useful in site characterization, project siting, and environmental assessment**
- **Develop partnerships to address R&D and project monitoring needs**



Issue Drivers

- **New licensing regimes emerging**
- **Fundamental information gaps**
- **Conflicting national priorities**
- **High industry & public expectations**
- **Competing agency resource demands**
- **Opportunity for leadership direction**

Key NOAA Challenges

Expedited licensing (Pilot) timeframes:

Short term

- Can we legally exercise our statutory authorities within a six-month licensing process?
- Can we effectively apply an adaptive management framework?

Long term

- How can we secure resources to address the expanded workload requirements?

Key NOAA Challenges

Limited information

Short term

- Can we make mandated management decisions in a limited-information environment?
- How can we obtain information needed to make short-term management decisions?

Long term

- How should we develop a research strategy with internal and external partners?

Key NMFS Challenges

Strategic approach

Short term

- How can we be prepared to provide information and demonstrate leadership?

Long term

- Can we devise a precautionary, adaptive approach that allows effective participation in project permitting and licensing?

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



Recommendations

- **Formulate stance on FERC's accelerated licensing process**
- **Initiate development of near & long term science strategies**
- **Analyze relevant current information, determine gaps & ID research needs**
- **Collaborate with other agencies to design and complete ecological & socio-economic studies**
- **Work w/FERC, MMS & DOE to influence their research agenda**



Recommendations

Strategic approach

- **redirect existing resources to encourage collaborative efforts with industry on project-specific and sector-wide scales**
- **pursue interagency partnerships to meet shared needs**
- **respond to new legislative proposals**
- **establish clear focal point for ocean energy matters within NMFS**



Suggestions & 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

Further information:

Keith.Kirkendall@noaa.gov

Phone: 503-230-5431

