



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DIVISION, GREAT LAKES AND OHIO RIVER
CORPS OF ENGINEERS
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CINCINNATI, OH 45202-3222

Mr. Terry Yonker
Chair, Great Lakes Wind Collaborative
Steering Committee
2805 South Industrial Hwy, Suite 100
Ann Arbor, Michigan 48104-6791

AUG 24 2009

Dear Mr. Yonker:

I am writing in response to your letter dated June 19, 2009, regarding the need for a comprehensive Programmatic Environmental Impact Statement (PEIS) to guide the future siting and permitting of offshore wind energy facilities in the Great Lakes. You recommend that the Corps take the lead on development of a PEIS to 1) assess the environmental, social, and economic impacts of offshore wind development, 2) establish policies on avoidance, minimization and mitigation measures, and 3) identify appropriate programmatic policies, performance standards, and best management practices to guide the Corps regulatory program on future project reviews.

While I understand that issues exist regarding the planning and siting of offshore wind projects in the Great Lakes, the Corps is not the appropriate agency to lead a PEIS effort. The Corps is not a proponent or opponent in this regard but rather is a neutral party that is prepared to fairly and thoroughly evaluate any proposed wind project under its regulatory authorities. These regulatory authorities include Section 10 of the Rivers and Harbors Act of 1899 for any work in, over or under navigable waters, and Section 404 of the Clean Water Act for any discharge of dredged or fill material into a water of the U.S. We also cannot advise you on the potential cost of such a study. The entity that wishes to perform the study should develop an estimate.

The Corps will likely be the lead Federal regulatory agency when an offshore wind farm in the Great Lakes is proposed. Any application for a wind farm will be fully coordinated with appropriate Federal and state regulatory and resource agencies, the U.S. Coast Guard, and in-house Operations and Navigation staff to ensure a full understanding of the environmental and navigational impacts of the proposed project.

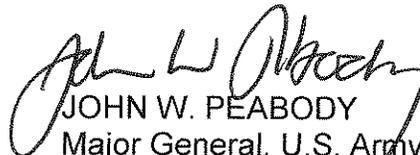
The Corps recognizes the importance of establishing an efficient and consistent evaluation framework for offshore wind projects. The Lakes & River Division and Mississippi River Division have established a regional interdisciplinary team of Corps regulatory and counsel staff from both divisions as well as all Great Lakes districts. One work group within this team will partner with the U.S. Fish & Wildlife Service on aquatic habitat and bird issues and a second work group will be developing consistent permit processing procedures for Great Lakes wind projects. In a second collaborative effort, Corps Buffalo District staff participates in monthly interagency teleconferences initiated by the Ohio Department of Natural Resources to discuss specific projects and issues of

interest to the State of Ohio. The Buffalo District also developed the attached regional information paper.

The Corps also understands the need to work with all stakeholders in developing appropriate avoidance and minimization measures, as well as necessary mitigation techniques in our evaluation of offshore wind projects. To this end, we are currently assembling state-by-state lists of stakeholders and agencies with an interest in wind power. We welcome input from stakeholders such as the Great Lakes Wind Collaborative, either informally or through a formal permit review process.

If you require further information, please contact me at 513-684-3002 or Ms. Suzanne Chubb, my Regulatory Program Manager, at (513) 684-7261.

Sincerely,


JOHN W. PEABODY
Major General, U.S. Army
Division Engineer

Attachment, As Stated

CF:

CECW-CO-R

Commander, Mississippi Valley Division

Commander, Buffalo District

Commander, Chicago District

Commander, Detroit District

Commander, St. Paul District

Great Lakes Off-Shore Wind Energy Projects and the U.S. Army Corps of Engineers Permitting Process

As interest grows in alternative fuel research and production, so does the potential for off-shore wind energy projects. While lake morphology, wind resource, and proximity to large population centers present opportunities for off-shore development in the Great Lakes, it also presents complex permitting issues for the U.S. Army Corps of Engineers (Corps), and other involved regulatory and resource agencies. Issues likely to be considered as part of the permit evaluation include potential impacts to both local and migratory avian species, potential shifts in littoral/wave action processes, the effects of ice flows and currents, impacts to air traffic/radar capabilities, acoustic disturbances to aquatic species, potential shipping disruptions and aesthetic concerns for on shore residents. The greatest unknowns currently include potential avian impacts, ice concerns, and potential acoustic impacts to aquatic species.

Regulatory Authorities

Under Section 10 of the Rivers and Harbors Act, the Corps regulates the placement of fill material and structures, including utility lines, in, over, or under Navigable Waters of the U.S. An example of a Navigable Water of the U.S. is Lake Erie. Additionally, under Section 404 of the Clean Water Act, the Corps regulates the placement of fill material (i.e. concrete, stone, etc.) in Waters of the U.S., including wetlands. Off-shore wind energy projects will often involve structures, fill material, and utility lines that will require Corps Permits.

Corps Permit Types

The Corps will determine the appropriate permitting review on a "per project" basis. Factors to be considered in determining the appropriate permit type include, but are not limited to, impacts to the aquatic environment, wildlife and fisheries resources, historic resources, view shed, etc. Prospective applicants should engage the Corps and other involved agencies as early as possible in the planning process since applications will likely require extensive review. Requesting a pre-application meeting with the Corps that includes the respective regulatory and resource agencies is the ideal means of obtaining preliminary feedback on proposed projects.

Other Involved Agencies

Other agencies with either direct authority or involvement through the Corps permitting process may include Federal agencies such as the U.S. Fish and Wildlife Service (Endangered Species Act, wildlife & fishery impacts including migratory birds & bats), U.S. Environmental Protection Agency (fill material in the waterway), U.S. Coast Guard (navigation), Federal Aviation Administration (aircraft safety), and State resource agencies such as the State Departments of Natural Resources, Environmental Conservation or Environmental Protection. Other State agencies would include Coastal Management Agencies/Offices,

Historic Preservation Offices, Public Service Commissions, Submerged Lands Leasing Offices, etc. Early coordination and contact with the Corps and all involved agencies is key to a thorough review.

Corps Permitting Process

Wind power projects in the Great Lakes will likely be evaluated using Standard Permit procedures. These procedures include a public comment period advertised through a public notice, coordination with interested Federal and State agencies, a full public interest review, preparation of environmental documentation and a final permit decision. Comments received during the public comment period will be fully considered. Environmental documentation may include an environmental assessment or environmental impact statement, as determined on a case-by-case basis. Permit decisions are based on compliance with the 404(b)(1) guidelines and the public interest review. Further information regarding the Corps permitting regulations may be found at http://www.usace.army.mil/CECW/Pages/reg_permit.aspx.

Great Lakes Corps Districts:

Buffalo District (Lakes Ontario and Erie (NY and OH))
US Army Corps of Engineers
Regulatory Branch
1776 Niagara Street
Buffalo, New York 14207
716-879-4330

Chicago District (Lake Michigan (IL))
US Army Corps of Engineers
Regulatory Branch
111 North Canal Street, 6th Floor
Chicago, Illinois 60606-7206
312-846-5530

Detroit District (Lakes, Erie (MI), Huron, Michigan (MI and IN) and Superior (MI))
U. S. Army Corps of Engineers
Regulatory Office CELRE-RG
P.O. Box 1027
Detroit MI 48231-1027
313-226-2218

Pittsburgh District (Lake Erie (PA))
Regulatory Branch
Department of the Army
Pittsburgh District Corps of Engineers
William S. Moorhead Federal Building
1000 Liberty Avenue
Suite 2200
Pittsburgh, PA 15222
412-395-7154

St. Paul District (Lakes Superior (MN), Michigan (WI))
Department of the Army
Corps of Engineers
St. Paul District, Attn: OP-R
190 Fifth Street East, Suite 401
St. Paul, MN 55101-1638