



Dear Acting Director Tetreault,

The American Clean Power Association (ACP) appreciates the opportunity to submit comments on the U.S. Committee on the Marine Transportation System's (CMTS) Proposed National Guidance for Industry on Responding to Munitions and Explosives of Concern (MEC) in U.S. Federal Waters (Propo

oas companies, 120,000 members, and a national workforce. ACP has a strong interest in encouraging the deployment and expansion of clean energy in the States. ACP is encouraged by this effort and fully supports the proposed guidance in Federal waters.

Clarity on Final Decision-Making Authority for MECs and Timelines

ACP believes clarifying the roles and responsibilities of each agency and which agency makes the final call on decisions will be of great benefit to the overall process. Along these lines, ACP also recommends streamlining the MEC notification process from the current guidance to notify seven agencies to a single point of notification. This would help ensure that the decision-making process is predictable and expedient. In addition, CMTS should ensure that the final guidance has well defined timelines for all processes around MEC decision-making.

• **Clarity on MEC Timelines** is important, as offshore wind developers often have very limited construction windows due to seasonal restrictions for protected species or weather-related challenges. In addition, limited availability of specialized vessels that work on offshore wind projects, means that any delays to the construction schedule could result in projects no longer having access to the vessels needed to complete the project. ACP It is essential for developers to know how long a process may take so it can be factored into the construction schedule. ACP also recommends that agency consultations and submission of plans be allowed to occur well in advance of COP approvals so that developers can begin MEC disposition immediately upon COP approval. Finally, to ensure that any measures imposed on projects do not cause major project delays and are technically and economically feasible, the final guidance should include flexibility to tailor mitigation on a case-by-case basis.

Need for Synchronized Written Guidance Amongst Federal Regulators

ACP believes this Proposed Guidance is a first step to clearly defining the Bureau of Ocean Energy Management (BOEM) and BSEE expectations for MEC related site clearance and 'As Low As Reasonably Practical' (ALARP) approach for o/s

UXO/MEC targets and how these two detection scenarios may warrant different reporting criteria and

- What are the criteria for a "potential MEC" during the activities in ii and iii? It is

