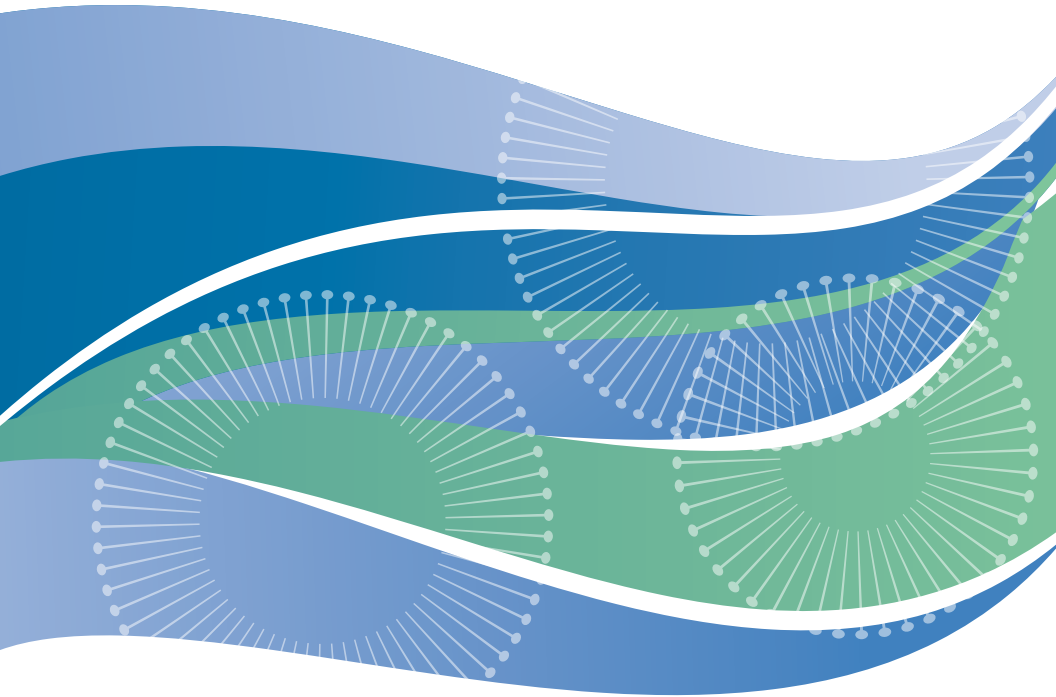
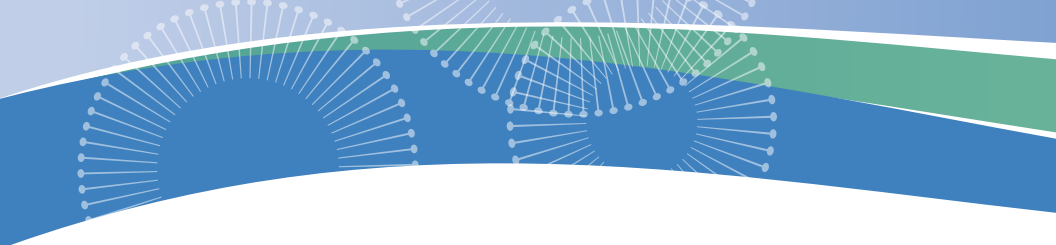


A Citizen's Guide

TO THE BUREAU OF OCEAN ENERGY MANAGEMENT'S
RENEWABLE ENERGY AUTHORIZATION PROCESS

December 2016





Overview

This guide is intended to help the public understand the Bureau of Ocean Energy Management's (BOEM) process for overseeing renewable energy projects on the Outer Continental Shelf (OCS) and to highlight opportunities for public involvement.

About BOEM

BOEM is the Bureau within the U.S. Department of the Interior responsible for managing development of the nation's offshore energy resources in an environmentally and economically responsible way. BOEM promotes energy independence, environmental protection, and economic

development through responsible, science-informed management of offshore energy resources.

Introduction

The United States is experiencing increased interest in the development of marine energy projects using wind, wave, and ocean current technologies. These types of renewable energy sources can provide densely populated coastal communities with a clean source of electrical power while helping to diversify the U.S. electrical supply. For additional information on offshore renewable energy technology, see BOEM's "Offshore Renewable Energy Guide" at <http://www.boem.gov/Offshore-Renewable-Energy-Guide/>.

In 2016, the U.S. Department of Energy (DOE) estimated 10,800 gigawatts (GW) of offshore wind energy could be accessed within the 200 nautical miles (nm) Exclusive Economic Zone (EEZ) limit. DOE estimates offshore wind energy capacity recoverable given current technical capabilities to be 2,058 GW, with an energy generation potential almost double the electricity consumption of the United States.

BOEM's Regulatory Authority for Renewable Energy Activities

BOEM is the federal agency responsible for issuing leases, easements, and rights-of-way for renewable energy projects on the OCS. The OCS is regulated by the Department of the Interior through the Outer Continental Shelf Lands Act (OCSLA). The OCS refers to the 3.2 billion acres of Federal submerged lands, subsoil, and seabed seaward of submerged lands under State jurisdiction, which in most cases begins three nm off the coastline.

BOEM's authority to oversee renewable energy development derives from amendments to subsection 8(p) of the OCSLA (43 U.S.C. 1337), as set forth in section 388(a) of the Energy Policy Act of 2005 (EPAAct) (Pub. L. 109-58). The Secretary of the Interior delegated authority to BOEM to regulate activities that produce or support the production, transportation, or transmission of energy from sources other than oil and gas. BOEM published regulations governing its renewable energy program in 2009 (30 C.F.R. Part 585). For additional information on BOEM's renewable energy regulatory framework and associated guidelines, see <http://www.boem.gov/National-and-Regional-Guidelines-for-Renewable-Energy-Activities/>.

BOEM's Renewable Energy Oversight Process

Types of Leases and Grants

A lease is an agreement authorizing the use of a designated portion of the OCS for renewable energy activities. There are three types of leases:

1. **Commercial lease** — for commercial activities that generate energy for sale and distribution.
2. **Limited lease** — for activities that support the production of energy, but do not result in the production of electricity for sale or distribution beyond a very limited threshold.



3. **Research lease** — reserved solely for States or Federal agencies conducting renewable energy research activities on the OCS.

A developer holding a lease is referred to as a lessee. A lease is an agreement that allows a prospective renewable energy developer to explore, develop, and, potentially, produce energy from renewable energy resources. A lease does not grant the lessee the right to construct any facilities; rather, the lease grants the right to develop a plan for use of the area for BOEM's review and potential approval — a Site Assessment Plan (SAP), Construction and Operations Plan (COP), or General Activities Plan (GAP). Activities proposed in a plan are subject to BOEM's approval after thorough environmental and technical reviews are conducted.

BOEM may also issue two types of grants associated with renewable energy projects:

Right-of-Way (ROW) — A ROW grant authorizes the installation of cables, pipelines, and associated facilities that involve the transportation or transmission of electricity or other energy produced from a renewable energy project that is not located on the OCS.



Right-of-Use (RUE) — A RUE grant authorizes the construction and maintenance of facilities or installations that support the production, transportation, or transmission of electricity or other energy produced from a renewable energy project in the OCS.

Competitive vs. Non-Competitive Leasing

The Energy Policy Act of 2005 requires that BOEM issue leases and grants on a competitive basis, unless it determines that there is no competitive interest in the proposed lease or grant. When only one developer has indicated interest in developing a given site, BOEM may issue a lease or grant non-competitively. If multiple developers express interest in leasing a given site, then BOEM proceeds with a competitive leasing process, which may ultimately result in a lease sale where developers can bid against each other to win the lease or grant.

Required Plans for Renewable Energy Activities

- **Site Assessment Plan (SAP)** — The SAP describes how the lessee will conduct resource assessment activities, such as the installation of meteorological towers or buoys, and technology testing during the site assessment phase of the commercial lease. BOEM must approve the SAP before the lessee can install facilities or conduct activities described in the SAP.
- **Construction and Operations Plan (COP)** — The COP describes how the lessee will construct and operate a commercial wind project on a commercial lease. The COP includes a description of all planned facilities as well as a description of proposed construction activities, commercial operations, and conceptual decommissioning plans. BOEM must approve the COP before the lessee can install facilities or conduct commercial activities described in the COP.
- **General Activities Plan (GAP)** — The GAP describes how the lessee/grantee will construct and operate renewable energy facilities on a limited lease or ROW/RUE grant. The GAP includes a description of construction activities for all planned facilities, associated activities, and conceptual decommissioning plans. BOEM must approve the GAP before the lessee can install facilities or conduct activities described in the GAP.



The Leasing Process

The following charts describe the various renewable energy authorization processes, noting opportunities for public involvement, for OCS project proposals. For offshore wind energy projects, BOEM has sole jurisdiction and determines whether to issue leases and approve projects. For marine hydrokinetic projects (such as wave or ocean current), BOEM and FERC have a shared jurisdiction where BOEM issues leases and oversees the siting of such projects, and FERC issues licenses and approves construction and operation of the projects.

Chart 1

BOEM TYPICAL AUTHORIZATION PROCESS FOR COMMERCIAL WIND ENERGY PROJECTS ON THE OUTER CONTINENTAL SHELF: COMPETITIVE

Note: for illustrative purposes only

1. BOEM Issues a Request for Interest (RFI) to Determine Competitive Interest in a Potential Lease Area *(in response to applicant's lease application)*



2. BOEM Determines Competitive Interest



3. BOEM Publishes Call for Information and Nominations for interest in commercial wind energy leases and a Notice of Intent (NOI) to Prepare an Environmental Assessment to support BOEM's leasing and Site Assessment Plan (SAP) decision-making



4. BOEM Conducts Area Identification to delineate Wind Energy Area



5. BOEM Conducts National Environmental Policy Act (NEPA) Review and Consultations



Footnote: there can be some variances to this process (e.g., BOEM may issue a call and forgo the RFI stage).

PUBLIC INVOLVEMENT OPPORTUNITIES:



Published in the
Federal Register
www.federalregister.gov



Posted on
BOEM's Website
www.boem.gov



Public Comment
Period



Public Meetings

6. BOEM Lease Issuance

- a. BOEM Issues Proposed Sale Notice   
- b. BOEM Issues Final Sale Notice  
- c. BOEM Holds Lease Sale Auction
- d. BOEM Awards Lease 
 - Applicant cannot begin construction of wind facility until after Step 10

7. Lessee Submits SAP; BOEM reviews proposed activities and approves, approves with modification, or disapproves SAP

8. If SAP Approved, Lessee Conducts Site Assessment and Submits Construction and Operations Plan (COP)

9. BOEM Conducts NEPA Review and Consultation, Review of COP Activities, and Technical Reviews

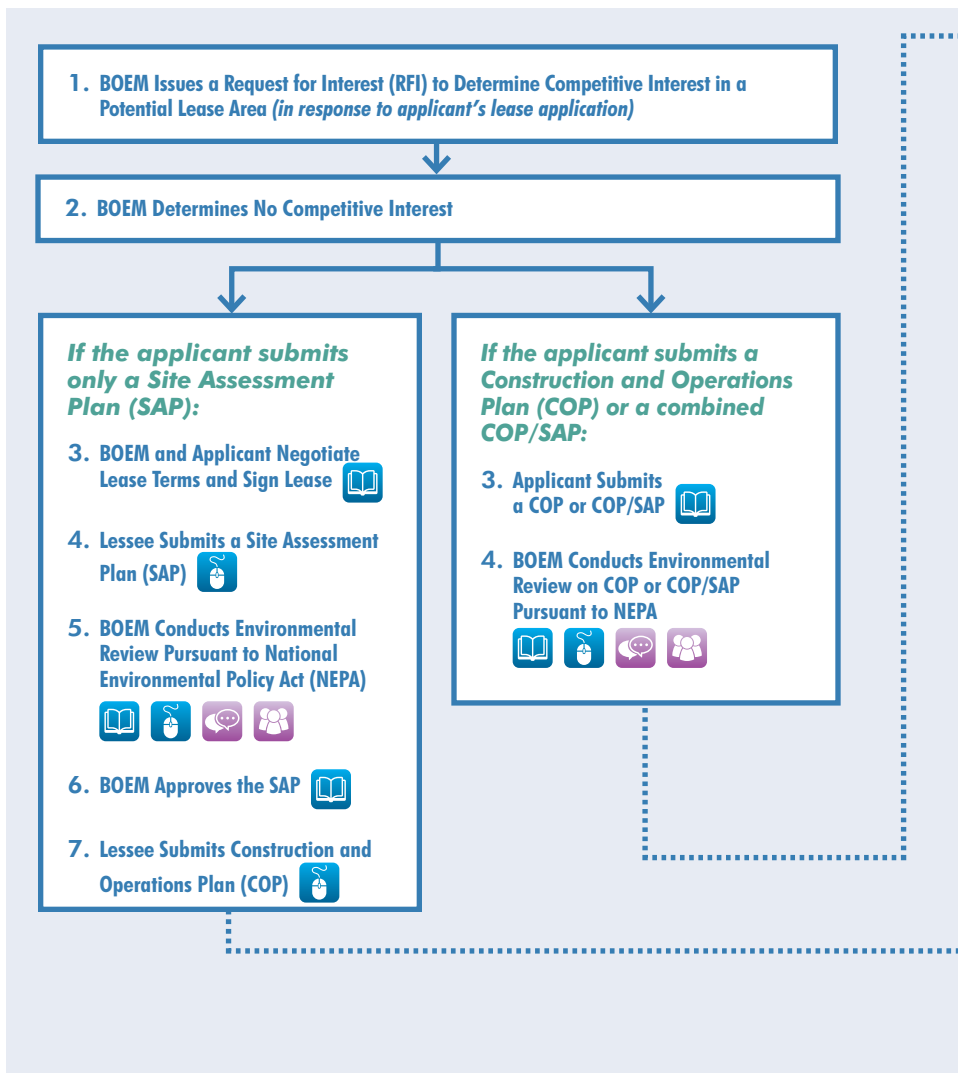
10. BOEM Approves COP

- BOEM reviews Facility Design Report (FDR) and Fabrication and Installation Report (FIR) and may raise objections
- If all objections resolved, lessee can now begin project development/construction

Chart 2

BOEM TYPICAL AUTHORIZATION PROCESS FOR COMMERCIAL WIND ENERGY PROJECTS ON THE OUTER CONTINENTAL SHELF: NON-COMPETITIVE

Note: for illustrative purposes only



PUBLIC INVOLVEMENT OPPORTUNITIES:



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Federal Register
www.federalregister.gov



Posted on
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Public Comment
Period



Public Meetings

8. BOEM Conducts Environmental Review on COP Pursuant to NEPA



9. BOEM Approves COP

- BOEM reviews Facility Design Report (FDR) and Fabrication and Installation Report (FIR)
- If approved, lessee can now begin project development/construction

5. BOEM and Applicant Negotiate Lease Terms and Sign Lease; BOEM Approves the COP or COP/SAP

- BOEM reviews FDR and FIR
- If approved, lessee can now begin project development/construction

Chart 3

BOEM TYPICAL AUTHORIZATION PROCESS FOR MARINE HYDROKINETIC (WAVE, CURRENT) PROJECTS (*Assumes Use of the FERC Integrated Licensing Process*)

Note: for illustrative purposes only

1. BOEM Issues a Request for Interest (RFI) to Determine Competitive Interest in a Potential Lease Area (*in response to applicant's lease application*)



If there is no competitive interest:

2. BOEM Publishes a Determination of No Competitive Interest (DNCI)



If there is competitive interest:

2. BOEM Conducts Lease Sale



- a. BOEM Publishes Call for Information and Nominations for Interest in Commercial Hydrokinetic Energy Leases and a Notice of Intent to Prepare an Environmental Assessment to Support BOEM's Leasing and Site Assessment Plan Decision-Making
- b. BOEM Performs Area Identification to Delineate Hydrokinetic Energy Area
 - Based on comments gathered in consultation with federal, tribal, state, local governments and others
- c. BOEM Conducts National Environmental Policy Act (NEPA) Review and Consultations
- d. BOEM Publishes Proposed and Final Sale Notices
- e. BOEM Holds Sale and Evaluates Bids
- f. BOEM Awards Lease
 - Applicant cannot begin construction of hydrokinetic facility until after Step 5



3. Applicant/Lessee Submits a Site Assessment Plan (SAP) to BOEM and Pre-Application Document (PAD) to FERC



PUBLIC INVOLVEMENT OPPORTUNITIES:



Published in the
Federal Register
www.federalregister.gov



Posted on
BOEM's Website
www.boem.gov



Public Comment
Period



Public Meetings

4. BOEM and FERC Conduct Joint Environmental Review Pursuant to NEPA



- Applicant/Lessee submits proposed Study Plan to FERC
- FERC issues Study Plan Determination
- Applicant/Lessee conducts studies
- Applicant/Lessee files Preliminary Licensing Proposal and License Application with FERC



If there is no competitive interest:

**5. BOEM issues a lease
and FERC issues a license**



If there is competitive interest:

**5. FERC issues a license;
BOEM synchronizes the lease
term with FERC license term**

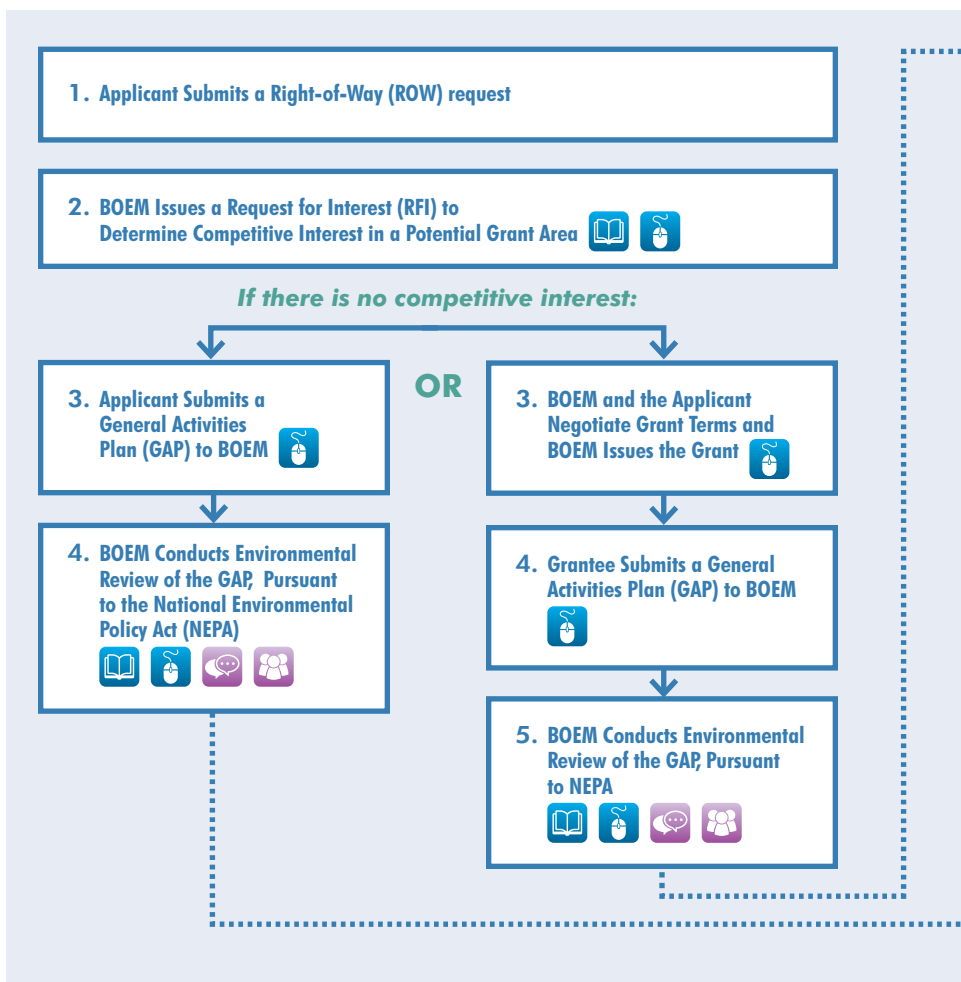


Chart 4

RIGHT-OF-WAY GRANT PROCESS FOR NON-COMPETITIVE PROJECTS

Note: for illustrative purposes only

In addition to issuing leases, BOEM has the authority to issue Right-of-Way (ROW) grants. These ROW grants enable applicants to connect renewable energy installations that are not located on the OCS to the electrical grid via transmission lines located on the OCS.



PUBLIC INVOLVEMENT OPPORTUNITIES:



Published in the
Federal Register
www.federalregister.gov



Posted on
BOEM's Website
www.boem.gov



Public Comment
Period



Public Meetings

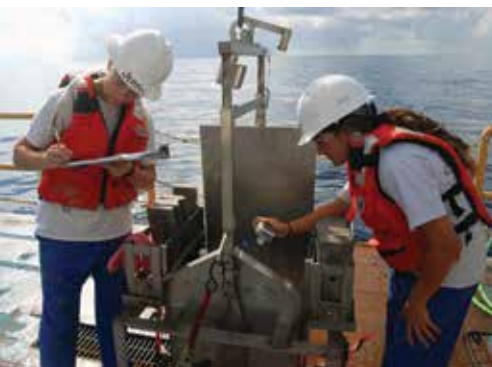
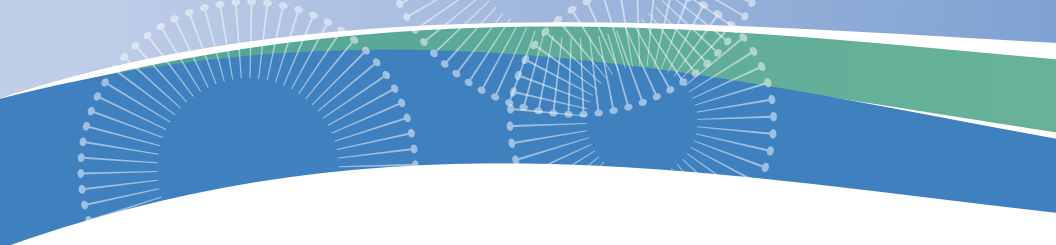
**5. BOEM and the Applicant
Negotiate Grant Terms and
BOEM Issues Grant; BOEM
Approves GAP, Possibly with
Modifications**



**6. BOEM Approves GAP,
Possibly with Modifications**



Given the precise geographic nature of ROW grant applications, BOEM finds it unlikely that ROW proposals would be overlapping and subject to competition. However, if there is competitive interest, BOEM will undertake a competitive process for authorizing a ROW grant.



Renewable Energy Research and Understanding Potential Impacts

BOEM engages stakeholders and members of the public to gather available information and identify critical data gaps to ensure robust analysis of the impacts of proposed renewable energy activities on the OCS. BOEM's Environmental Studies Program acquires scientific information, often through partnerships with states,

federal agencies, and academic institutions, to inform policy, decision-making and resource management. Research covers physical oceanography, atmospheric sciences, biology, protected species, social sciences and economics, submerged cultural resources, and environmental fates and effects. BOEM is a leading contributor to the growing body of scientific knowledge about the nation's marine and coastal environment. This information helps BOEM understand potential impacts leasing and development activities could have on the ocean environment, leading to responsible management.

For environmental studies about offshore renewable energy technologies, visit BOEM's website at <http://www.boem.gov/Renewable-Energy-Environmental-Studies/> and <http://www.boem.gov/Studies/> or the U.S. Department of Energy's Pacific Northwest National Laboratory website (<http://tethys.pnnl.gov/>).

Stakeholder Engagement and Public Involvement

Stakeholder engagement is a cornerstone of BOEM's renewable energy program, and the bureau has developed a number of processes to facilitate coordination, collaboration, and outreach. BOEM's Renewable Energy Program focuses on providing opportunities for renewable energy development while minimizing and mitigating potential conflicts with environmental resources and other ocean users.

Intergovernmental Task Forces

BOEM's primary mechanism for coordinating with governmental partners is its Intergovernmental Renewable Energy Task Forces. These Task Forces consist of federally recognized tribes, federal agencies, states, and local governments. Through each Task Force, BOEM actively seeks to involve relevant and affected governmental entities in the various stages of planning and project review. Though Task Forces are government-only bodies, all Task Force meetings are open to the public and each meeting is followed by public question-and-answer sessions led by BOEM. BOEM has established Task Forces in 14 coastal states to date. Task Forces serve as forums to:

- Coordinate planning to identify the most appropriate sites for renewable energy leasing and development activities.
- Provide education about BOEM's processes and permitting and statutory requirements as early in the planning process as possible.
- Exchange information about biological and physical resources, ocean uses, and priorities.
- Discuss BOEM's renewable energy activities throughout the four phases of its process: planning, leasing, site assessment, and construction and operations.

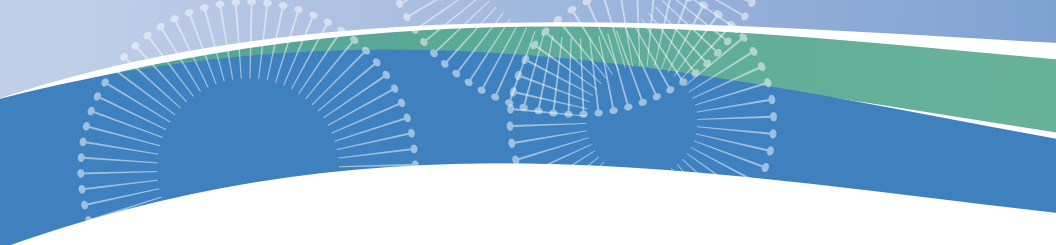
More information about past and future meetings can be found at:

<http://www.boem.gov/Renewable-Energy-State-Activities/>.

Federal Register Notices

BOEM often solicits public comment during major steps of its offshore renewable energy authorization process by publishing notices in the *Federal Register*. At different points in the process, BOEM may publish a Request for Interest (RFI), Call for Information and Nominations (Call), Notice of Intent (NOI) to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS), a Proposed Sale Notice (PSN), or a Notice of Availability (NOA) of an EA or EIS. When notices are published, public comments can be submitted through





Regulations.gov, and BOEM has a “one-stop-shop” webpage where it is easy to find any notices that are currently open for public comment: <http://www.boem.gov/Submitting-Comments/>.

National Environmental Policy Act (NEPA) Review

The National Environmental Policy Act (NEPA) requires federal agencies to integrate environmental values into its decision-making processes by considering the environmental impacts of proposed actions and reasonable alternatives to those actions. The NEPA process is typically documented through either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) and its accompanying Record of Decision (ROD), which describes the agency’s rationale in its decision-making.

One of the first steps in the NEPA process—**scoping**—solicits input from the public to inform the environmental analysis. When preparing an EA, the degree

of public engagement is at the agency’s discretion, and is typically scaled appropriately given the circumstances of the action.

However, when preparing an EIS, the law requires the agency to provide several opportunities for public involvement, including a public comment period, public meetings, and an opportunity for public comment on the draft and final EISs. There is a 30-day waiting period after the publication of a Final EIS before the agency can publish a ROD, so there is an additional opportunity for public comment prior to a final agency

Public scoping helps identify issues important to the public, including potential impacts to:

- Archaeological/cultural sites
- Fisheries
- Historic properties
- Migratory species
- Native American interests
- Navigation/maritime commerce
- Protected species (such as marine mammals, birds, sea turtles, bats)
- Sensitive offshore habitats
- Socioeconomic issues and environmental justice
- Recreation and tourism
- Viewshed
- Aviation
- National security

decision during that process. For more information about NEPA, visit the Council on Environmental Quality's NEPA Guide: https://ceq.doe.gov/nepa/Citizens_Guide_Dec07.pdf.

BOEM's leasing and plan review decisions are subject to NEPA review. BOEM requests public comment as part of the environmental review process, such as during scoping and during the preparation of an EA or EIS.



BOEM solicits feedback to:

- Identify key issues to examine;
- Determine whether additional studies are necessary to inform BOEM's environmental reviews; and
- Determine whether to issue a lease and/or approve a plan, and, if so, which mitigation measures to include as lease stipulations or terms and conditions of plan approval.

Other Opportunities for Public Involvement

There are a variety of opportunities for the public to receive updates about BOEM's offshore renewable energy activities:

- Review "Public Engagement Opportunities" on BOEM's website: <http://www.boem.gov/Public-Engagement-Opportunities/>.
- Subscribe to the email list for Stakeholder Announcements: <http://goo.gl/6knce4>.
- Read BOEM's *Federal Register* notices: <http://www.boem.gov/Submitting-Comments/>.
- Sign up for the BOEM Bulletin: <http://www.boem.gov/BOEM-Bulletin/>.

- Contact BOEM's External Affairs Liaison: <http://www.boem.gov/uploadedFiles/External%20Affairs%20Liaison.pdf>.
- Read BOEM's Notes to Stakeholders: <http://www.boem.gov/Notes-to-Stakeholders/>.
- Review online resources with FAQs, fact sheets, statistics, reports, and an online library at <http://www.boem.gov/Renewable-Energy/>.
- Attend NEPA public meetings.
- Attend public information meetings, outreach meetings and public Q&A sessions.
- Attend and observe Intergovernmental Task Force meetings.
- Refer to BOEM's Renewable Energy Program webpage for the most up-to-date information on OCS renewable energy activities: <http://www.boem.gov/Renewable-Energy/>.

BOEM has MOUs with the following federal agencies:

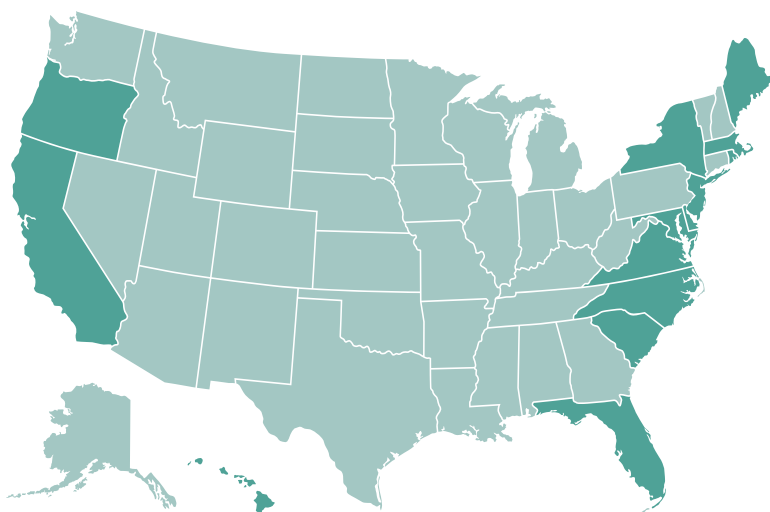
- Bureau of Safety and Environmental Enforcement
- Federal Energy Regulatory Commission
- U.S. Coast Guard
- U.S. Army Corps of Engineers
- U.S. Department of Defense
- U.S. Fish and Wildlife Service

BOEM Coordination with Other Agencies

BOEM has established a number of mechanisms to collaborate with other agencies. For example, BOEM has developed Memoranda of Understanding (MOUs) with other federal agencies describing each agency's roles for reviewing renewable energy projects on the OCS, helping to streamline the leasing and permitting processes.

As mentioned previously, BOEM has also established Intergovernmental Renewable

Energy Task Forces on a state-by-state basis to coordinate among states, tribes, local governments, and relevant federal agencies. At present, BOEM has established such Task Forces with Maine, Rhode Island, Massachusetts, New York, New Jersey, Delaware, Maryland, Virginia, South Carolina, North Carolina, Florida, Oregon, Hawaii, and California.



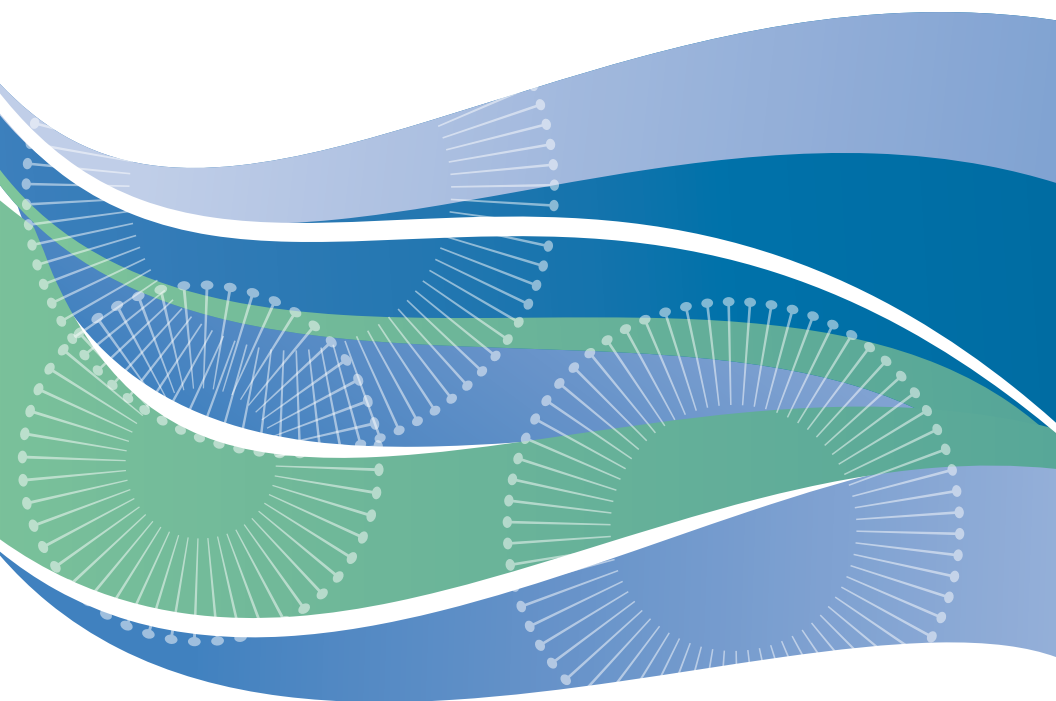
States with Intergovernmental Task Forces

For review of specific projects, BOEM establishes cooperating agency agreements with federal and state agencies so that the environmental review is complete and thorough. BOEM also conducts government-to-government consultation with federally-recognized tribes, and coordinates other required consultations pursuant to the National Historic Preservation Act, Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act, the Clean Water and Clean Air Acts, the Migratory Bird Treaty Act, and other important environmental statutes.

Additional Information

For additional information, please contact:

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