



The NEPA Process for Offshore Wind Farms

Presented by
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**South Carolina Wind Energy
Production Farm Feasibility Committee
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Agenda

- **Who Regulates Offshore Wind?**
- **What is NEPA?**
- **EIS Contents**
- **NEPA Process**
- **Public Involvement**
- **MMS Regulatory Framework**
- **MMS NEPA Documents**
- **Cumulative Impacts**
- **Adaptive Management**

Who Regulates Offshore Wind?

- **Within 3 miles of shore, State has authority**
- **From 3 to 200 miles offshore, Minerals Management Service (MMS) has authority (conveyed by Energy Policy Act of 2005)**
- **MMS issues renewable energy leases, easements, and rights-of-way under Outer Continental Shelf Lands Act**

What is NEPA?

- **National Environmental Policy Act of 1969**
- **Requires federal agencies to consider the environmental consequences of their actions**
- **Law of disclosure**
- **Procedural act**

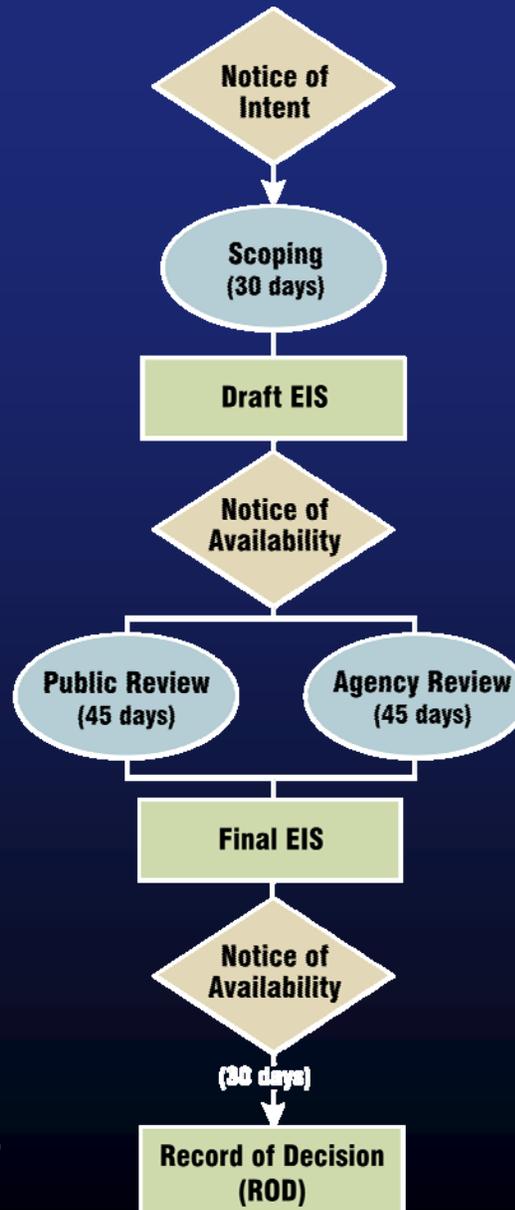
What is NEPA?

- **NEPA documents**
 - Environmental Impact Statement (EIS)
 - Environmental Assessment (EA)
- **Key elements:**
 - Identifying significant impacts
 - Considering alternatives to the proposed action
 - Cooperating and consulting with other agencies
 - Public involvement

EIS Contents

- **Purpose and Need for Action**
- **Alternatives including the Proposed Action**
- **Affected Environment**
- **Environmental Consequences**
- **Mitigation and Monitoring**
- **Appendices**
 - **EFH Assessment**
 - **ESA Section 7 Consultation**
 - **CZM Consistency Determination**
 - **Avian and Bat Monitoring Plan**

EIS Process



 Opportunities for Public Input

Public Involvement

- Scoping Meetings
- DEIS Public Hearings
- Regulator/Stakeholder Workshops



- Cooperating Agencies
- Endangered Species Act Consultations
- Essential Fish Habitat Consultation

Public Involvement

Stakeholders

- Coastal states
- Agencies
- Fishermen
- Recreational boaters
- Commercial shipping
- Waterfront landowners
- Marine/coastal advocacy groups
- Utilities/power generators

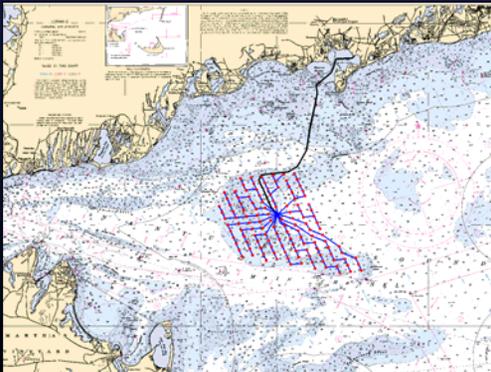


MMS Regulatory Framework

- **Programmatic EIS for Alternative Energy/Alternative Use (Nov. 2007)**
- **Record of Decision adopting 15 interim policies & 52 best management practices (Jan. 2008)**
- **Renewable Energy/Alternate Use Regulations (30 CFR 285) (April 2009)**
 - **Leases (commercial & limited)**
 - **Right-of-Way Grants**
 - **Right-of-Use and Easement Grants**
- **Guidelines for MMS Renewable Energy Framework (July 2009)**

MMS Regulatory Framework

- **Surveys permitted under USACE (likely no NEPA document)**
- **Lease sale and site assessment activities (MMS EIS)**
- **Applicant-required plans (MMS EIS's, EA's)**
 - **General Activities Plan (GAP)**
 - **Site Assessment Plan (SAP)**
 - **Construction and Operation Plan (COP)**



MMS Regulatory Framework

Plan Information Required

- Hazards
- Water quality
- Biological resources
- Threatened and endangered species
- Sensitive biological resources or habitats
- Archaeological resources
- Socioeconomic information
- Coastal and marine uses



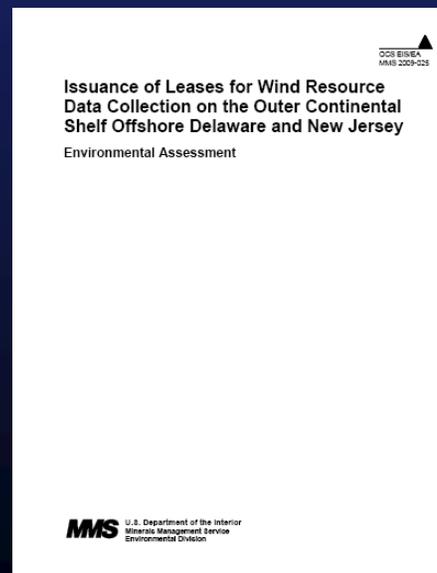
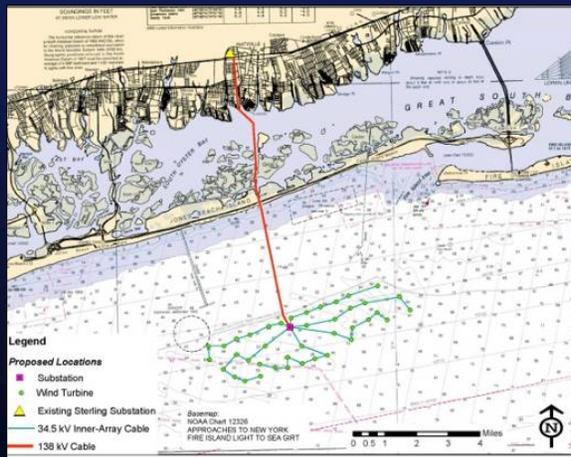
MMS Regulatory Framework

MMS NEPA Documentation

Type of Lease	MMS Process	NEPA Documentation
Competitive Commercial	Conduct lease sale & issue decision on plans	1. Lease Sale/SAP EIS 2. COP
Noncompetitive Commercial	Negotiate and issue lease	1. Lease Issuance/SAP 2. COP
Competitive Limited	Conduct lease sale & issue decision on plan	1. Lease Sale 2. GAP
Noncompetitive Limited	Negotiate and issue lease	1. Lease Issuance/GAP

MMS NEPA Documents

- Programmatic EIS for Alternative Energy/Use (2007)
- EIS for Cape Wind (USACE 2004, MMS 2008)
- EIS for Long Island Offshore Wind Park (NOI, 2006)
- EA for Issuance of Leases for Wind Resource Data Collection on the OCS Offshore DE and NJ (2009)



USACE's 3,800 page Cape Wind DEIS

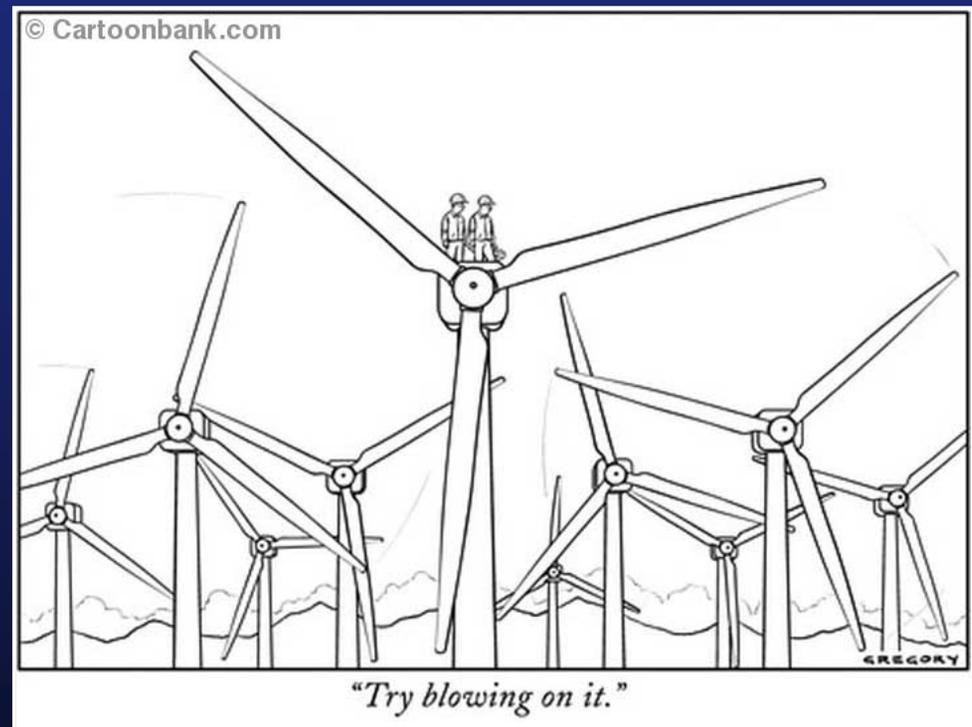
Cumulative Impacts

- **Consideration of past, present, and reasonably foreseeable future actions**
- **Assessed at each stage of environmental review**
 - Lease sale
 - Expansion of pilot projects to commercial arrays
 - Addition of multiple wind farms
- **Cumulative impacts from geographically distant projects affecting the same resources (e.g., marine mammals)**



Adaptive Management

- MMS adopted a policy of adaptive management
- Uncertainty of impacts requires “learn as you go”
- Need well-designed monitoring programs
- Phased development facilitates adaptive management



Questions?

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