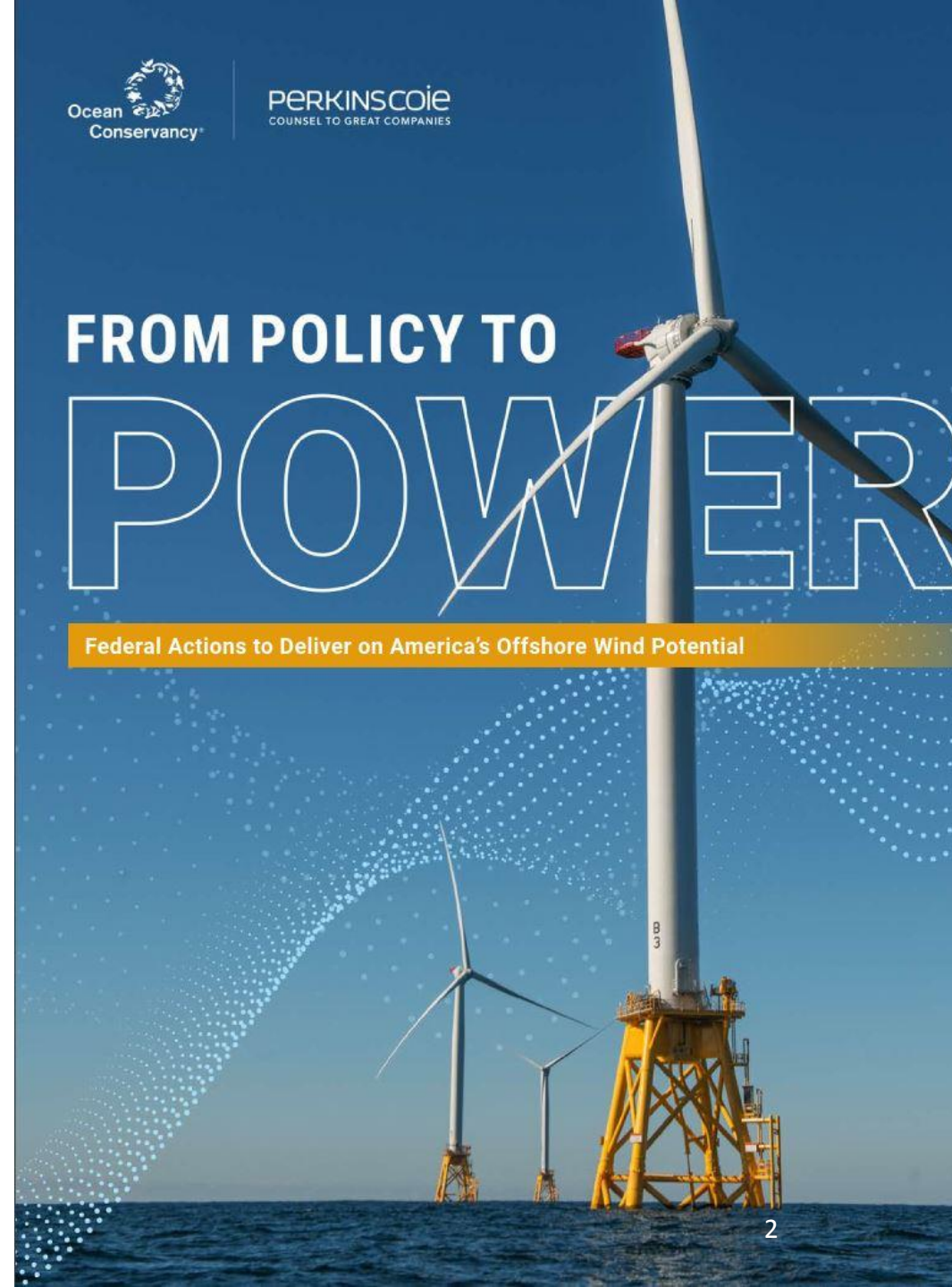


WIND CHALLENGES

- Barriers – incomplete planning and need for permitting certainty, data gaps, ocean use conflicts, stakeholder and community challenges
- Still evolving – new industry, advancing technologies. Transmission and port infrastructure
- 2005 Energy Policy Act – first time federal law set forth legal authorities for issuing leases of offshore renewable energy in OCSLA
 - Amendments were add-ons to OCSLA's oil and gas leasing
 - Fail to fully account for needs and opportunities or to reflect best practices for ocean planning
- Regulations governing unchanged since early 2009

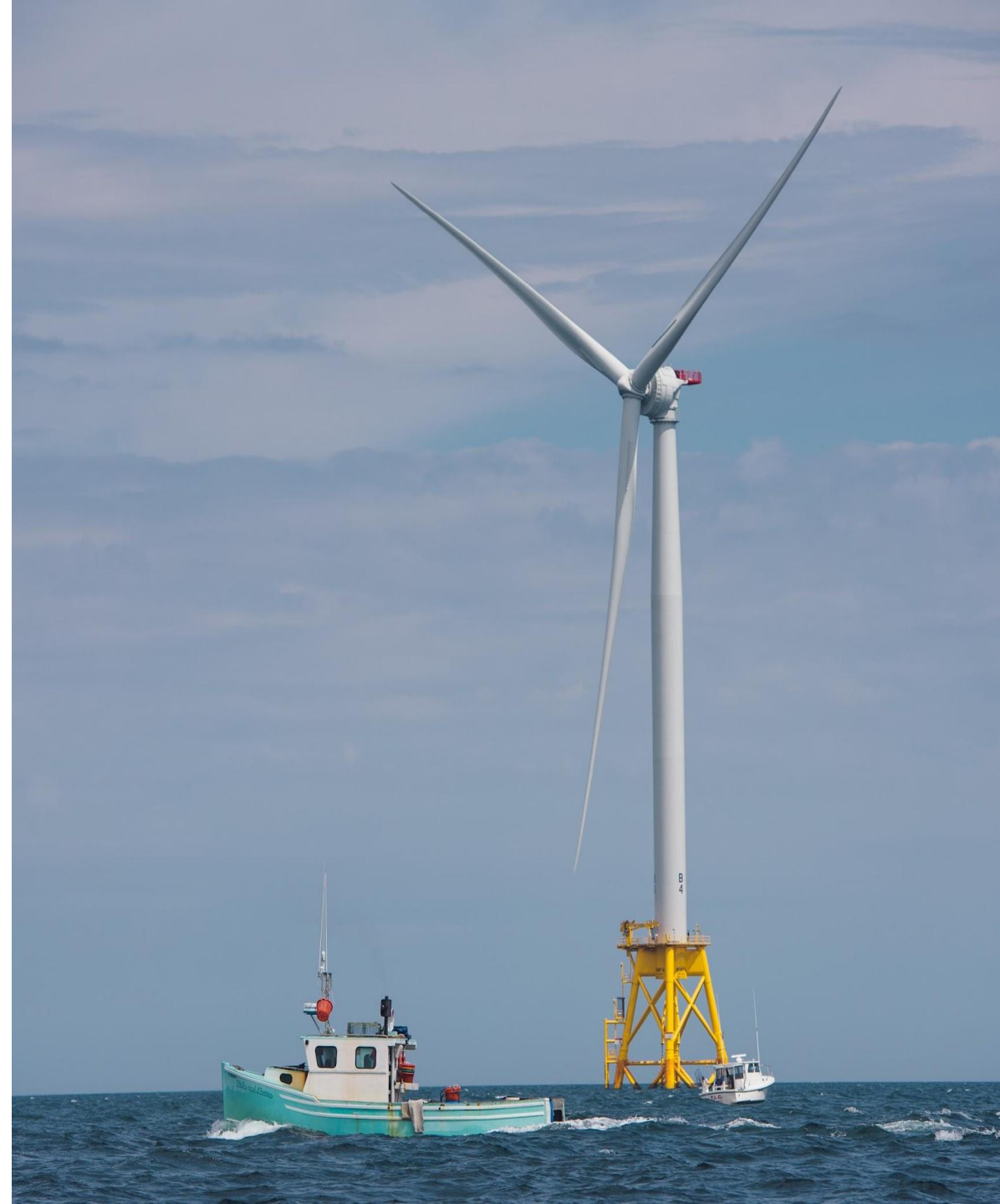
SUMMARY

- Biden administration target to deploy 30 gigawatts by 2030
 - States committed to acquire a specific megawatts to meet climate goals
- Current set of legal and regulatory tools is not well designed for rapidly evolving industry and threatens to stall progress
- Overcoming challenges needed to achieve multiple topline priorities – climate mitigation, conservation, equitable green jobs



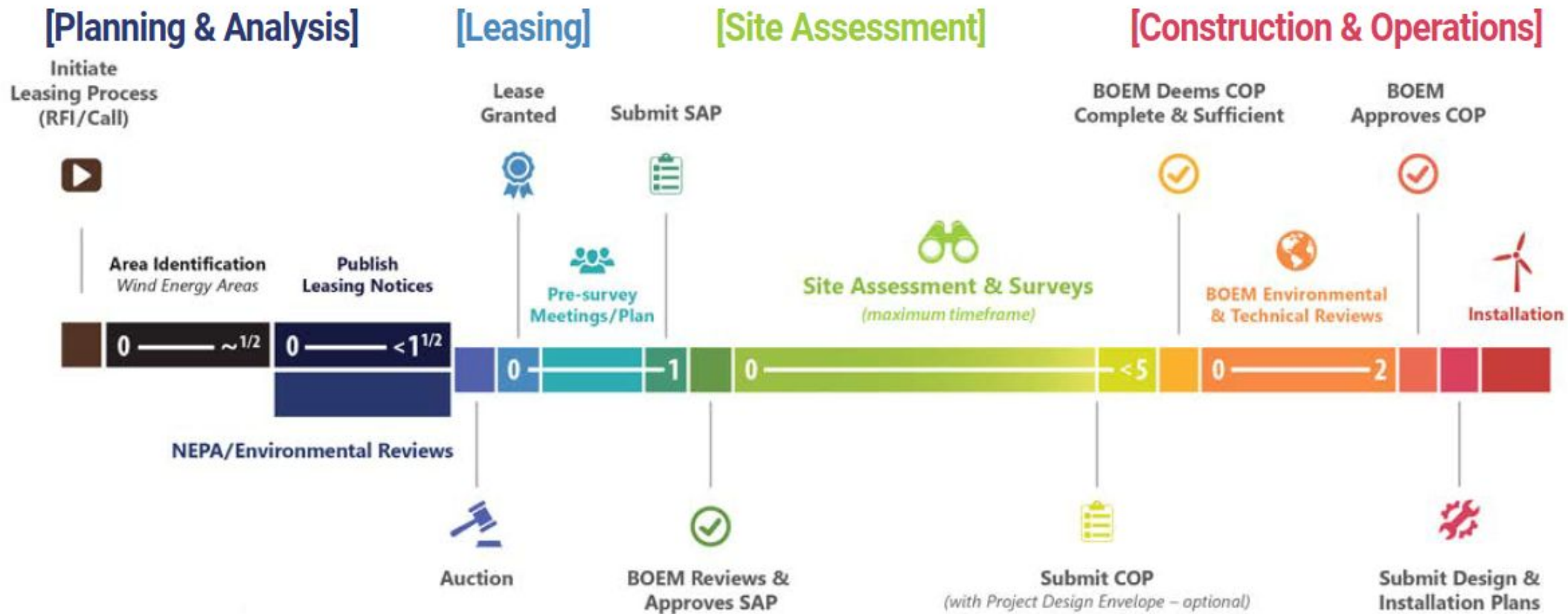
BACKGROUND

- Developed with legal and policy experts from Perkins Coie
- Author expertise spans
 - federal government
 - permitting/NEPA
 - marine mammals/conservation
 - interagency coordination
 - stakeholder engagement/regional ocean planning
- Informed by experts in federal ocean policy, federal agency staff, and ocean users



RECOMMENDATIONS

- Aimed at the Administration, federal agencies, and Congress
 - Advance efficient permitting processes, knowledge-based decision making, and early and consistent community engagement
 - Coordination of federal agencies including transmission planning, programmatic and cumulative impact approaches
 - Revise OCSLA to create a separate title for offshore wind
 - Establish a comprehensive ocean statute
 - comparable to public lands, providing basis for landscape-scale conservation and renewable energy programs
- Targeted federal agencies and committees:
 - DOI/BOEM/FWS
 - NOAA/NMFS
 - Federal Energy Regulatory Commission
 - DOD Siting Clearinghouse
 - Ocean Policy Committee
 - Permitting Council



IMPROVEMENTS TO CURRENT MANAGEMENT, AGENCY POLICY AND REGULATIONS

Planning for Wind Energy Areas and Project Siting

FOCUS AREA	RECOMMENDATION	TYPE OF ACTION
Public Engagement	BOEM should develop a coordination framework to expand on its state-based task forces to engage federal leaders, states, Tribes, underserved communities, and ocean use stakeholders more effectively in advance of defining new Wind Energy Areas.	Administrative Policy
	BOEM should designate staff to coordinate with fisheries interests during the early stages of project siting and throughout construction and operations.	Administrative Policy
Government Coordination Before Project Siting	BOEM, NOAA, the U.S. Coast Guard, and other agencies should partner with the Regional Ocean Partnerships from the earliest stages of the planning process.	Administrative Policy
	The White House should use the Ocean Policy Committee to support the administration's goal of 30 gigawatts of offshore wind by 2030.	Administrative Policy
	BOEM should create a formal role for the Department of Defense Siting Clearinghouse in Wind Energy Area identification.	Administrative Policy; Regulatory
	The Permitting Council should fund positions dedicated to conflict resolution.	Administrative Policy
Site Identification	Agencies should credit developers that engage with Regional Ocean Partnerships and associated data portals and follow other ocean planning principles.	Administrative Policy; Regulatory
	BOEM should codify ocean planning procedures, including both existing regional best practices and the improved planning and permitting approaches recommended in this report.	Regulatory

Transmission Planning

FOCUS AREA	RECOMMENDATION	TYPE OF ACTION
Agency Coordination	The Federal Energy Regulatory Commission (FERC) and BOEM should enter into a Memorandum of Understanding to strengthen coordination in the review of offshore wind projects and associated transmission planning needs.	Administrative Policy
FERC Rulemaking	FERC should open a rulemaking to propose targeted additional reforms to transmission planning processes of Regional Transmission Organizations (RTOs) and Independent System Operators (ISOs).	Regulatory
	FERC should open a rulemaking to propose targeted reforms to cost allocation and generator interconnection procedures of RTOs/ISOs.	Regulatory
BOEM Rulemaking	In coordination with Department of Energy, FERC, and regional authorities, BOEM should incorporate transmission planning into its regulations.	Regulatory

Leasing

FOCUS AREA	RECOMMENDATION	TYPE OF ACTION
Multifactor Bidding	To avoid conflicts and improve coordination in project approvals, BOEM should expand multifactor bidding to recognize the value of developers' engagement with stakeholders.	Administrative Policy; Regulatory
	BOEM should credit bidder outreach efforts that have resulted in agreements with stakeholders.	Administrative Policy; Regulatory

IMPROVEMENTS TO CURRENT MANAGEMENT, AGENCY POLICY AND REGULATIONS

Permitting		
FOCUS AREA	RECOMMENDATION	TYPE OF ACTION
Pre-Application	BOEM should implement a pre-application approach to help frame a well-designed proposal before it is submitted for agency review.	Administrative Policy; Regulatory
	Agencies should coordinate and focus data and information requirements to ensure that site characterization surveys collect data and information that is useful both for project-specific decisions and the development of shared, publicly available databases.	Administrative Policy; Regulatory
Review Procedures	NOAA and BOEM should require all non-proprietary biological and oceanographic data collected to be made publicly available.	Administrative Policy; Regulatory
	BOEM environmental review and authorization procedures should allow adaptive management for mitigation, monitoring, and continual improvement.	Administrative Policy; Regulatory
	BOEM should revise its regulations to allow for technological advances.	Regulatory
	BOEM should develop a programmatic program for permitting.	Administrative Policy; Regulatory
Programmatic and Cumulative Effects Review	BOEM should develop a comprehensive analysis of cumulative effects for proposed and anticipated projects within a defined region using a programmatic approach to analyze cumulative impacts and comprehensively plan for offshore wind energy.	Administrative Policy

Permitting Requirements	BOEM should replace the provisions requiring a Site Assessment Plan with site characterization guidelines.	Regulatory
	BOEM should update its regulations to resolve competing interpretations of the Outer Continental Shelf Lands Act (OCSLA) section 8(p)(4)(I).	Regulatory
Governmental Coordination in Environmental Review	The Ocean Policy Committee and the Permitting Council should establish a regional approach to permitting coordination through Memoranda of Understanding with jurisdictional states, Tribes, and local agencies under FAST-41.	Administrative Policy
	BOEM should more actively integrate input from state, federal, and local agencies and Tribal governments into its environmental review.	Administrative Policy
	Agencies should coordinate with Regional Ocean Partnerships, Indigenous knowledge and local knowledge experts, and institutions to obtain data and information needed for environmental reviews.	Administrative Policy

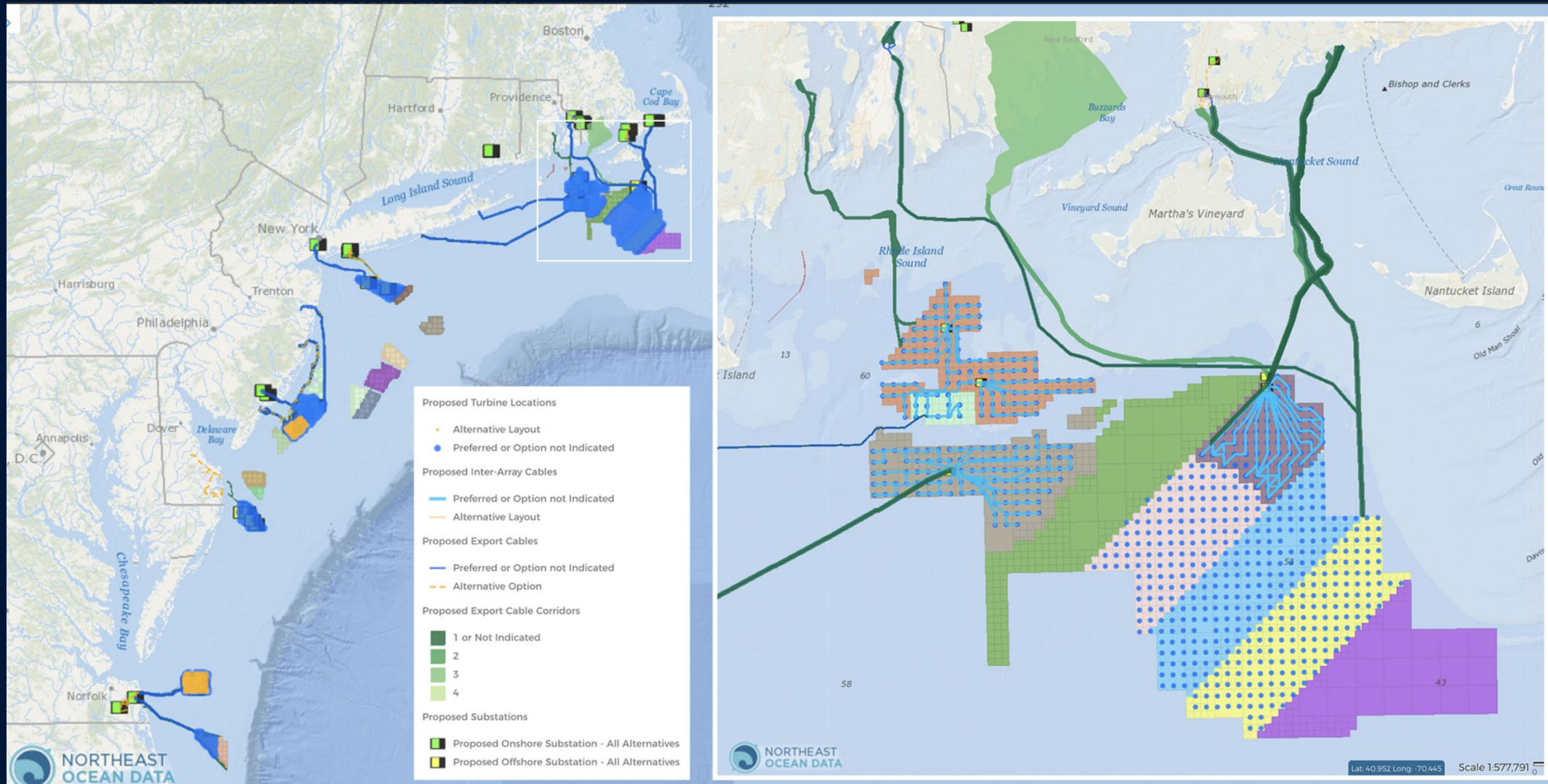
IMPROVEMENTS TO CURRENT MANAGEMENT, AGENCY POLICY AND REGULATIONS

Construction and Operation		
FOCUS AREA	RECOMMENDATION	TYPE OF ACTION
Ongoing Regulatory Compliance	BOEM and National Marine Fisheries Service should develop guidelines outlining avoidance, minimization, and compensatory mitigation strategies for incidental take under the Endangered Species Act and Marine Mammal Protection Act and conduct programmatic reviews.	Administrative Policy
	BOEM and NOAA should establish a collaborative process to issue Incidental Harassment Authorizations and Letters of Authorization that protect North Atlantic right whales and incentivize conservation initiatives by project developers.	Administrative Policy; Regulatory
	U.S. Fish and Wildlife Service should develop guidelines outlining risks associated with incidental take under the Migratory Birdy Treaty Act.	Administrative Policy
Ongoing Public Input	BOEM should establish regional offices for ongoing engagement with ocean users, states, communities, and Tribal governments.	Administrative Policy
Changing Technologies	Agencies should develop guidance that considers technological advancements in determining how to protect wildlife.	Administrative Policy; Regulatory

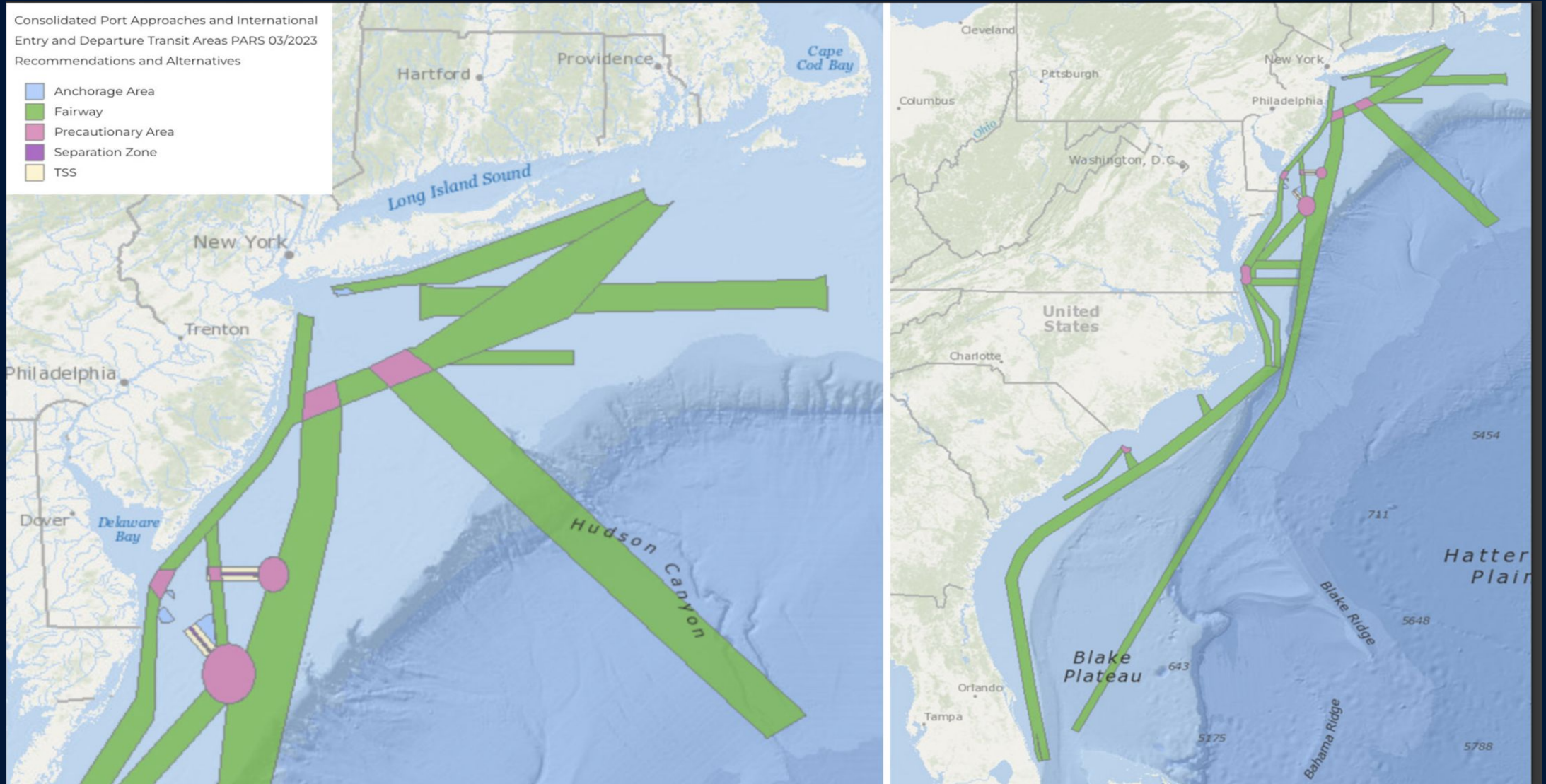
OPPORTUNITIES TO STRENGTHEN THE OVERARCHING AUTHORITIES FOR OFFSHORE WIND

OPPORTUNITY	TYPE OF ACTION
Revise OCSLA to create a separate title for offshore wind to fully account for the different needs and opportunities it poses and to reflect best practices for integrated ocean management.	Congressional
Establish a comprehensive ocean statute, comparable to those that exist for public lands, to provide the basis for landscape-scale conservation and renewable energy programs.	Congressional

NORTHEAST REGIONAL OCEAN COUNCIL



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