# BOEM REGULATIONS FOR ISSUING RIGHT-OF-WAY GRANTS ON THE OCS

John B. Smith, Bureau of Ocean Energy Management

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### STAUTORY AND REGULATORY FRAMEWORK

- Energy Policy Act of 2005: Gave the Secretary of the Interior the authority to regulate the production, transportation, or transmission of energy from sources other than oil and gas on the OCS (3-200 nm) "Renewable Energy"
- Code of Federal Regulations, 30 CFR, Part 585: BOEM OCS Renewable Energy Regulations

#### WHAT IS A ROW GRANT?

A ROW is an authorization issued by BOEM for the construction and use of a cable or pipeline for the purpose of gathering, transmitting, distributing, or otherwise transporting electricity or other energy product generated or produced from renewable energy.

## WHAT DOES A ROW INCLUDE?

- Includes the full length of the OCS corridor on which a cable, pipeline, or associated facility is located.
- Is 200 feet in width, centered on the cable or pipeline, unless safety and environmental factors during construction and maintenance of the associated cable or pipeline require a greater width.

#### WHERE DOES BOEM HAVE AUTHORITY TO ISSUE A ROW?

- On Federal submerged lands (OCS) located 3-200 nm offshore the coastal states
- BOEM is not authorized to issue ROW's within any unit of the National Park System, National Wildlife System, National Marine Sanctuary System or National Monument.

#### **Hawaiian Islands Humpback Whale**

NATIONAL MARINE SANCTUARY

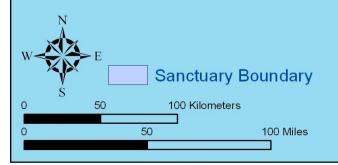
Maui



d areas
th of 100

Noloka'i

- Five separate protected areas
- From shoreline to depth of 100 fathoms (600 feet)
- 1,370 square miles of federal and state waters









## ROW REQUESTS 30 CFR 585.305

- A Request for a ROW must include the following information:
- 1. The area you are requesting for a ROW
- 2. A general description of your objectives and facilities that you would use
- 3. A general schedule of proposed activities
- 4. Pertinent data and information concerning environmental conditions in the area.

#### GENERAL ACTIVITIES PLAN

- Applicants must submit a GAP describing their proposed construction activities and conceptual decommissioning plans for all planned facilities.
- The plan must demonstrate the proposed activities:
- 1. Conform with all applicable laws, regulations, grant provisions;
- 2. Is safe;
- 3. Does not unreasonably interfere with other uses;
- 4. Uses best available and safest technology;
- 5. Uses best management practices; and
- 6. Uses properly trained personnel.

#### WHAT IS INCLUDED IN A GAP?

- Survey results (geotechnical, biological, cultural etc.)
- Project related information including:
- 1. Site assessment or technology testing concept
- 2. Designation of operator
- 3. Location plat
- 4. General structural design, fabrication, and installation info.
- 5. Deployment activities
- 6. Solid & liquid wastes generated and chemical products used
- 7. Air quality information
- 8. Decommissioning and site clearance procedures
- 9. Federal, State and local permits required
- 10. Financial assurance information

#### ROW GRANT PROCESS

- There are two types of processes.
- 1. Non-competitive
- 2. Competitive
- Energy Policy Act mandate: ... The Secretary shall issue a lease, easement, or ROW on a competitive basis unless the Secretary determines, after public notice, that there is no competitive interest.

#### ROW PROCESS NON-COMPETITIVE

APPLICANT SUBMITS REQUEST FOR ROW GRANT



BOEM ISSUES REQUEST FOR INTEREST (to determine if competition exists)



COMPETING PROJECT(S) IDENTIFIED?



APPLICANT SUBMITS GAP WITHIN 60 DAYS



BOEM CONDUCTS NEPA REVIEW AND CONSULTATIONS ON PROPOSAL

GIVEN THE GEOGRAPHICAL NATURE OF ROW GRANTS AND THE ACTIVITIES THEY **AUTHORIZE, IT IS UNLIKLEY** THAT GEOGRAPHICALLY OVERLAPPING ROW PROPOSALS WOULD BE DEEMED MUTUALLY **EXCLUSIVE AND SUBJECT TO** COMPETITION. HOWEVER, IF **BOEM DETERMINES THAT** COMPETITION EXISTS, IT WILL STOP THE NON -COMPETITIVE PROCESS AND INITIATE A COMPETITIVE **PROCESS** 

ROW GRANTEE INSTALLS,
OPERATES, & DECOMMISSIONS
IN ACCORDANCE WITH BOEM
REGULATIONS AND APPROVED
GAP



**BOEM AWARDS ROW GRANT** 



APPLICANT ACCEPTS ROW TERMS AND CONDITIONS AND EXECUTES ROW GRANT



**BOEM OFFERS ROW GRANT** 



**BOEM APPROVES GAP** 

#### **ROW PROCESS COMPETITIVE**

APPLICANT SUBMITS REQUEST FOR ROW GRANT



BOEM ISSUES REQUEST FOR INTEREST (to determine if competition exists)



BOEM DETERMINES
COMPETITION EXISTS



BOEM ISSUES CALL FOR INFORMATION



BOEM ISSUES AREA IDENTIFICATION



BOEM CONDUCTS NEPA REVIEW AND CONSULTATIONS ON ISSUING ROW GRANT



BOEM ISSUES PROPOSED NOTICE OF SALE

ROW GRANTEE INSTALLS,
OPERATES, & DECOMMISSIONS
IN ACCORDANCE WITH BOEM
REGULATIONS AND APPROVED
GAP



**BOEM APPROVES GAP** 



BOEM REVIEWS GAP AND
DETERMINIES WHETHER
ADDITIONAL NEPA REVIEW IS
NECESSARY



GRANTEE SUBMITS GAP WITHIN 6 MONTHS



BOEM HOLDS AUCTION AND AWARDS ROW GRANT



BOEM ISSUES FINAL NOTICE OF SALE

#### **QUESTIONS?**

John B. Smith
Coordinator
Hawaii OCS Renewable Energy Task Force
Bureau of Ocean Energy Management
805-389-7833

john.smith@boem.gov