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BOEMRE to Undertake Conventional Rulemaking Process for Offshore Renewable Energy Rule

New Rule Will Eliminate Redundant Step in Leasing Process

WASHINGTON, DC – The Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) will continue to push forward with a proposed rule that will eliminate a redundant step in the noncompetitive leasing process for commercial renewable energy development on the Outer Continental Shelf (OCS), BOEMRE Director Michael R. Bromwich said today.

BOEMRE announced on Nov. 26, 2010, that it would implement the new rule through an accelerated “direct final” rulemaking process that is used for proposed rules that are considered to be non-controversial. The direct final rule could have been fully implemented after a 30-day public comment period if no adverse comments had been received. The agency, however, collected comments that it deemed adverse.

As a result, the bureau is withdrawing the direct final rule and will instead proceed with a more conventional rulemaking process to make the change. BOEMRE expects to issue a proposed rule within the next month and initiate a 30-day public comment period.

“The rule we are proposing is a common-sense improvement to our regulations that will cut out unneeded redundancy in the offshore renewable energy leasing process,” said Director Bromwich. “Based on our consultations, there is broad support for this simple change among Atlantic states that are interested in wind energy development off their coasts. Implementing the new rule will take longer than we had hoped, but it is important that we still move forward as quickly as possible with what we believe is an important step toward facilitating responsible offshore wind development on a commercial scale.”

At issue is a requirement in the federal offshore renewable energy regulation related to the non-competitive leasing process. Under the current regulation, if BOEMRE issues a request for interest for a specific area being considered for commercial leasing, and only one entity responds expressing interest in acquiring a lease for that area, the bureau must still issue a second request for interest to ensure there is indeed no competitive interest in that area. This process can take several months, and the bureau determined that it is redundant.

The proposed amendment would eliminate the requirement for the second request for interest and potentially save up to six to 12 months in the leasing process.

The notice is available for public inspection today through the Federal Register’s website at: <http://www.archives.gov/federal-register/public-inspection/index.html>.

The Nov. 26, 2010, Federal Register notice announcing the direct final rule can be viewed at: <http://www.regulations.gov/#!documentDetail;D=BOEM-2010-0045-0001>.

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