

**UNITED STATES DEPARTMENT OF THE INTERIOR  
Bureau of Ocean Energy Management  
Office of Renewable Energy Programs**

**May 27, 2020**

**Guidelines for Activities Requiring Authorization for Renewable Energy  
Development on the Outer Continental Shelf  
Pursuant to 30 CFR Part 585**

**Guidance Disclaimer**

Except to the extent that the contents of this document derive from requirements established by statute, regulation, lease, contract, or other binding legal authority, the contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding legal requirements, related agency policies, and technical issues.

**Cancellation**

This guidance document cancels and supersedes the previous guidance entitled, “What renewable energy activities on the OCS require authorization by MMS?” dated November 27, 2009, and will remain in effect until cancelled.

**What renewable energy activities on the outer continental shelf (OCS) require authorization by the Bureau of Ocean Energy Management (BOEM)?**

Under the OCS Lands Act, as amended by the Energy Policy Act of 2005, the Secretary of the Interior may grant a lease, easement, or right-of-way on the OCS for activities that “produce or support production, transportation, or transmission of energy from sources other than oil and gas” [43 U.S.C. 1337(p)(1)(C)]. The Secretary delegated that authority to BOEM. For the foreseeable future, BOEM believes that such activities will be limited to the development of wind, ocean wave, and ocean current resources on the OCS for the purposes of generating or supporting the production, transportation, or transmission of electricity. For wind development activities, BOEM has authority for issuing leases and grants and for managing all activities on those leases and grants. For wave and current development activities, BOEM has authority for issuing leases and grants, and the Federal Regulatory Energy Commission has authority for issuing licenses and exemptions regulating construction and operations for applicable leases and grants issued by BOEM. Any activities supporting the production, transportation, or transmission of energy from OCS wind, wave, and current resources—including resource assessment, research, and technology testing activities—that entail the temporary or permanent attachment of a structure or device to the seabed generally require a lease, easement, or right-of-way issued by

BOEM. However, BOEM will consider such proposed renewable energy activities on a case-by-case basis to determine whether those activities constitute “supporting production, transportation, or transmission of energy,” to assess likely impacts of the proposed structure or device, and to decide whether a lease, easement, or right-of-way is required.

### **What about site characterization activities relating to renewable energy development on the OCS?**

Under the OCS Lands Act, BOEM is not required to issue permits for renewable energy preliminary site characterization activities (e.g., geological, geophysical, and archaeological surveys) that are conducted on unleased or ungranted areas of the OCS. However, if you are contemplating conducting such site characterization activities relating to OCS renewable energy development, we encourage you to first contact BOEM to initiate proper consultation concerning applicable federal laws and authorities, as well as to ensure that the data you intend to acquire are consistent with BOEM information requirements governing subsequent submissions relating to lease or grant issuance and plan approval. We also encourage you to contact the local U.S. Army Corps of Engineers (USACE) district office to ascertain whether its authorization may be necessary for your proposed activities.

Site characterization surveys that are conducted on a lease or grant will be authorized by BOEM under the provisions of the lease or grant and regulated by applicable regulations.

### **What about site assessment activities relating to renewable energy development on the OCS, such as installing measurement devices such as meteorological towers and buoys?**

As stated above, renewable energy resource assessment devices that produce or support production, transportation, or transmission of energy and are proposed outside the context of a BOEM-issued existing commercial lease (i.e., off-lease) generally require a separate lease issued by BOEM. (Resource assessment devices on commercial leases require the submittal of a site assessment plan (SAP) pursuant to 30 CFR 585.600.) However, there may be circumstances under which such installations would not require a lease from BOEM but instead would be subject to USACE jurisdiction and may be covered under a nationwide or other general permit or other appropriate authorization. BOEM will consider off-lease site assessment proposals on a case-by-case basis to determine whether each proposed site assessment constitutes “supporting production, transportation, or transmission of energy” and to decide whether a lease, easement, or right-of-way is required. If you are contemplating the installation of off-lease measurement devices relating to OCS renewable energy resources, we encourage you to contact BOEM to enable us to determine whether a lease is required and to ensure that the data you intend to acquire will satisfy BOEM information requirements governing subsequent submissions relating to lease or grant issuance and plan approval. We also encourage you to contact the local USACE district office to ascertain whether its authorization may be necessary for your proposed activities.