



Offshore Wind Transmission Framework

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Josh Gange, Office of Renewable Energy Programs



Federal Regulatory Framework

- Under OCSLA §1337(p)(1)(C), the Secretary may grant a lease, easement, or ROW on the OCS for activities that produce or support production, transportation, or transmission of energy sources other than oil and gas.
- §585.104 states that except as otherwise authorized by law, it will be unlawful for any person to construct, operate, or maintain any facility to produce, transport, or support generation of electricity or other energy product derived from a renewable energy resource on any part of the OCS, except under and in accordance with the terms of a lease, easement, or ROW issued pursuant to the OCS Lands Act.

Roles in Transmission Planning

1. Federal Government

1. BOEM
2. FERC
3. Permitting Agencies – Natural Resources, etc.

2. Grid Operators

1. Independent System Operators/Regional Transmission Operators

3. State Role

1. Renewable Energy Goals/Legislation
2. Conditions in Offtake Agreements
3. State Utilities
4. Property Interests in Landfall Connection Points

Two Paths

- 1. Transmission as part of an offshore wind lease**
 - 585.200(b) - a lease confers the right to one or more project easements without further competition for transmission
- 2. Transmission under a Right of Way Grant**
 - 585.300 - an ROW grant authorizes the holder to install on the OCS cables, pipelines, and associated facilities that involve the transportation or transmission of electricity or other energy product from renewable energy projects.

Transmission as Part of a Lease

- 1. A lessee negotiates with state entities and utilities to determine appropriate landfall and grid connections points**
 - Grid connection study with the appropriate ISO
 - ISO determines upgrades needed for interconnection, which developer is responsible for
 - BOEM does not have jurisdiction over landfall sites, nor state waters
- 2. An easement to shore is granted with a lease**
 - The details of the easement(s) are provided as part of the COP
- 3. Easement may be presented in COP as options under a Project Design Envelope**
 - Allows for more than one option to be considered

Right of Way Grant Process

- 1. OCSLA requires a competitive process unless BOEM determines there is competitive interest (585.307)**
 - BOEM likely issues a Request for Competitive Interest
 - Also solicits information about the area proposed
- 2. If competition exists, BOEM will utilize a competitive process to award the ROW Grant (e.g., auction)**
- 3. BOEM will conduct an environmental analysis and assess multiple use conflicts prior to making a decision on whether to issue a ROW Grant**

ROW Process Continued

4. **The Grant holder will propose the project within one year of issuance of the ROW in the form of a General Activities Plan (GAP)**
 - Grantee conducts survey work to identify any hazards, cultural resources, and to optimize the route
 - Discusses methods and equipment to be utilized
5. **The GAP will trigger additional NEPA process and consultations with other agencies prior to any approval and installation, or denial**

Regional Transmission Options

- **Likely proposed under a ROW Grant**
 - BOEM would analyze the impacts of any proposed system through the NEPA process
- **BOEM is likely unable to require use of an unbuilt system**
- **A lessee proposing to use a regional transmission system could be granted an easement to the system**
- **A state could mandate use of such a system through an offtake mechanism**

ROW Details

- **Any ROW Grant holder must first be qualified by BOEM**
- **An ROW is 200 ft in width centered on the cable**
 - Greater widths available for demonstrated safety or environmental issues
- **A Grant does not prevent the granting of other rights by the US either before or after issuance**
- **Activities may not unreasonably interfere with other approved activities or existing operations**
- **The holder agrees that other users may use or occupy any part of the ROW not actually used**
- **BOEM requires financial assurance for decommissioning**

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