The National Environmental Policy Act (NEPA) Process

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BOEM Office of Renewable Energy Programs
Leasing and Development Process

We are here
Kitty Hawk
Construction and Operations Plan (COP)

- December 2020: Initial COP submitted
- June 2021: Revised COP
- July 2021: Revised COP (Current Version)
- Available at https://www.boem.gov/kitty-hawk

BOEM approves, disapproves, or approves with modifications

- After Environmental Impact Statement (EIS) is complete
- Documented by the Record of Decision (ROD)
National Environmental Policy Act (NEPA)

Procedural law requiring Federal agencies to assess environmental effects of proposed action(s) and reasonable alternatives prior to making decisions.

The NEPA process is often referred to as environmental review.

Major Actions/Decision Points

- Lease Issuance (Survey Work)
- Plan Approval (Site Assessment, Construction & Operation, or General Activities)
- Decommissioning Activities
### Environmental Review and Approval Process for COP

<table>
<thead>
<tr>
<th>COP Submittal</th>
<th>Public Scoping</th>
<th>Draft EIS</th>
<th>Final EIS</th>
<th>Record of Decision</th>
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</thead>
<tbody>
<tr>
<td>Completeness and sufficiency review</td>
<td>• Publish Notice of Intent in <em>Federal Register</em></td>
<td>• Prepare with cooperating agencies</td>
<td>• Address public comments with cooperating agencies</td>
<td>• Minimum 30-day waiting period</td>
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<td></td>
<td>• 30-day public comment period</td>
<td>• Publish Notice of Availability in <em>Federal Register</em></td>
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<td>• Hold public meetings</td>
<td>• 45-day public comment period</td>
<td>• Hold public hearings</td>
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<td></td>
<td>• Receive input on issues and alternatives</td>
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<tr>
<th>~2 YEARS OR LONGER</th>
<th>24 MONTHS</th>
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<td></td>
<td>Minimum 30-day waiting period</td>
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Notice of Intent (NOI) to Prepare an EIS

Published in the *Federal Register* on July 30, 2021

https://www.regulations.gov/document/BOEM-2021-0050-0001

Docket Number: BOEM-2021-0050

Starts the EIS process

Initiates 30-day public comment period, ending **August 30, 2021**
Public Comments on the NOI

- Very important element of NEPA
- Local expertise and perspective guide environmental analysis = more informed decisions

Types of information BOEM is looking for:

- Significant issues to be analyzed in the EIS
- Sources of information to include in the EIS
- Data gaps and information needs
- Reasonable alternatives

COMMENTS DUE
August 30, 2021

https://www.regulations.gov/document/BOEM-2021-0050-0001
Virtual Public Scoping Meetings

**Live Virtual Meetings**

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
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<tbody>
<tr>
<td>Tuesday, August 10, 2021</td>
<td>5:30 pm ET</td>
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<tr>
<td>Thursday, August 12, 2021</td>
<td>1:00 pm ET</td>
</tr>
<tr>
<td>Tuesday, August 17, 2021</td>
<td>5:30 pm ET</td>
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**Virtual Meeting Room**

https://www.boem.gov/Kitty-Hawk-Scoping-Virtual-Meetings
Meeting Posters

1. Kitty Hawk Project Overview
2. Project Area
3. Outer Continental Shelf (OCS) Lease Areas
4. Renewable Energy Process
5. How to Comment
6. Sea Turtle
7. Marine Mammal
8. Electromagnetic Fields and Marine Life
9. Impact Distances from Piledriving Sounds
10. Impact of Underwater Sound on Protected Species
11. Project Design Envelope
12. Project Construction
13. Commercial Fisheries
14. Fishery Landings, Gear Type, and VMS Activity
15. National Historic Preservation Act (NHPA)
16. Avian Sensitivity
17. NEPA Substitution for Section 106 Consulting Party Guide

https://www.boem.gov/Kitty-Hawk-Scoping-Virtual-Meetings
How to Comment

https://www.regulations.gov/commenton/BOEM-2021-0050-0001

At this meeting
“Raise your hand” in the Zoom meeting during the listening session portion

Via Mail: In an envelope titled: “Kitty Hawk COP EIS”, addressed to:

Program Manager
Bureau of Ocean Energy Management
Office of Renewable Energy Programs
45600 Woodland Road (VAM-OREP)
Sterling, VA 20166

Online at www.regulations.gov

Enter BOEM-2021-0050; click “search.” Use the “Comment” button
What's in an EIS?

Presents a proposed Federal action’s **impacts analysis** on the environment

**Proposed Action**

Action being analyzed

**Alternatives**

Reasonable alternatives that could reduce or eliminate impacts. At a minimum, proposed action and no action alternative.

**Effects**

Beneficial and adverse effects

Affected environment description includes reasonably foreseeable environmental trends and planned actions other than the Project.
Environmental and Socioeconomic Resources

**Biological**
- Marine Mammals
- Sea Turtles
- Fish and Essential Fish Habitat (EFH)
- Coastal Habitats
- Benthic Resources
- Avian and Bat Species

**Socioeconomic**
- Aesthetics and Visual Resources
- Commercial and Recreational Fishing
- Cultural Resources
- Military Uses
- Environmental Justice
- Land Use and Coastal Infrastructure
- Tourism and Recreation
- Demographics and Employment

**Physical**
- Air Quality
- Water Quality
Environmental Review of Construction and Operations Plan

- Maximum impacting parameters for each resource
- Avoids pausing or restarting environmental review due to project changes
- Reduces or eliminates the need for subsequent environmental reviews as project is refined/revised after approval
- Additional environmental review and consultations required for revisions outside the design envelope
Concurrent Environmental Review & Consultations

Section 106, National Historic Preservation Act (NHPA)

Magnussen-Stevens Fishery Conservation Act

Endangered Species Act (ESA)

Marine Mammal Protection Act (MMPA)

Coastal Zone Management Act (CZMA)
NEPA substitution for Section 106 is used to reflect stakeholder needs.

- **BOEM**: Substitution = efficient, streamlined approach to better integrate NHPA and NEPA
- **Lessees**: Clearer expectations for environmental review timeline and mitigation costs
- **Consulting Parties and Stakeholders**: Earlier and more direct input into alternatives and mitigation measures selection
- **Tribes**: Greater focus on government-to-government consultation
Environmental Review of COP

1. Initiate the Process
   - Notice of Intent
2. Identify Historic Properties
3. Assess Adverse Effects
4. Resolve Adverse Effects
   - FEIS
Public Availability
Binding ROD
Use of NEPA Process for NHPA Section 106 Review

Through this process, BOEM is now seeking comment and input regarding:

- Identification of historic properties and/or potential effects to historic properties from activities associated with approval of the Kitty Hawk COP;

- Reasonable alternatives (e.g., size, geographic, or other restrictions on construction and siting of facilities and activities); and

- Potential mitigation measures to be analyzed in the EIS, include ways to avoid, minimize, or otherwise treat and resolve adverse effects on historic properties.
Early Fall 2022
Publish Draft EIS – (initiates a 45-day public comment period)

Summer 2023
Publish Final EIS

Late Summer 2023
Conclude consultations and publish Record of Decision
BOEM Environmental Studies Program

- Rigorous scientific research
- Informs decision-making processes and fills data gaps
- **Snapshot of studies:**
  - EMF Impacts on Elasmobranch (sharks, rays and skates) and American Lobster Movement and Migration – Led by University of Rhode Island ([https://espis.boem.gov/final%20reports/5659.pdf](https://espis.boem.gov/final%20reports/5659.pdf))
  - Real-time Opportunity for Development Environmental Observations (RODEO) ([www.boem.gov/RODEO](http://www.boem.gov/RODEO))

**Visit our website:** [www.boem.gov/Renewable-Energy-Environmental-Studies](http://www.boem.gov/Renewable-Energy-Environmental-Studies)