

Offshore Renewable Energy Program

Michelle Morin, Chief, Environment Branch Office of Renewable Energy Programs

Best Management Practices Workshop for Atlantic Offshore Wind Facilities and Marine Protected Species Silver Spring, MD Tuesday, March 7, 2017

BUREAU OF OCEAN ENERGY MANAGEMENT OFFSHORE RENEWABLE ENERGY PROGRAM

"... may grant a lease [for] energy from sources other than oil and gas ... in a manner that provides for safety and protection of the environment."

- Energy Policy Act of 2005, Sec. 388





ATLANTIC OUTER CONTINENTAL SHELF

RENEWABLE ENERGY COMMERCIAL LEASES

Exclusive right to use the lease area to develop plans (i.e., conduct surveys)





No right to construct any facilities

RENEWABLE ENERGY COMMERCIAL LEASES

Lease stipulations

Environmental assessment and consultations



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		BUREAU OF	OCEAN ENERGY MANAGEMENT	
			ADDENDUM "C"	
-		LEASE-SPECIFIC TE	RMS, CONDITIONS, AND STIPULATIONS	
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			Number OCS-A 0483	
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		OCT 1 4 2013	roval or approval with modifications of ionstruction and Operations Plan (COP).	
		Office of Resemble	2	
i VTERIOR VERGY	Office	Rennershin Energy Lease Number		
	Herndon, VA	OCS-A 0483		
EOF	Cash Bonus and/or Acquisition Fee	Resource Type	BATIONS 4	
FOR	\$1,600,000.00	Wind		
LOPMENT	Effective Date	Block Number(s)		
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100 50	November 1, 2013	See Addendum A		
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PARTMENT OF THE BUREAU OF OCEAN

BOEM

Commercial Wind Lease Issuance and Site Assessment Activities on the

Atlantic Outer Continental Shelf

Revised Environmental Assessment

Offshore New York

U.S. Department of the Interio

au of Ocean Energy

BUREAU OF OCEAN ENERGY MANAGEMENT INFORMATION REQUIREMENTS FOR PLANS

NOLUTION TO A CONTRACT OF A CO

Revised as of July 1, 2016

OFFICE OF THE FEDERAL REGISTER

Description of resources, conditions, and activities that could be affected

Detailed information to assist in NEPA compliance

Marine mammal and sea turtle survey guidelines:

www.boem.gov/Survey-Guidelines/



REVIEW AND APPROVAL RENEWABLE ENERGY PLANS

Terms and conditions of plan approval

NEPA review and consultations





BUREAU OF OCEAN ENERGY MANAGEMENT RENEWABLE ENERGY REGULATIONS

A developer's plan must include: proposed measures and best management practices



OFFICE OF THE FEDERAL REGISTER

"Best management practices mean practices recognized within their respective industry, or by Government, as one of the best for achieving the desired output while reducing undesirable outcomes."

NATIONAL ENVIRONMENTAL POLICY ACT **CATEGORIES OF MITIGATION MEASURES**

Avoiding the impact altogether by not taking a certain action or parts of an action.

Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

Compensating for the impact by replacing or providing substitute resources or environments.



FROM SUBJECT EXECUTIVE OFFICE OF THE PRESIDENT COUNCIL ON ENVIRONMENTAL QUALITY WASHINGTON, D.C. 20503

January 14, 2011

MEMORANDUM FOR HEADS OF FEDERAL DEPARTMENTS AND AGENCIES NANCY H. SUTLEY

Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact

The Council on Environmental Quality (CEQ) is issuing this guidance for Federal departments and agencies on establishing, implementing, and monitoring mitigation commitments identified and analyzed in Environmental Assessments, Environmental Impact Statements, and adopted in the final decision documents. This guidance also clarifies the appropriate use of mitigated "Findings of No Significant Impact" under the National Environmental Policy Act (NEPA). This guidance is issued in accordance with NEPA, 42 U.S.C. § 4321 et seq., and the CEQ Regulations for Implementing the Procedural Provisions of NEPA (CEQ Regulations), 40 CFR Parts 1500-1508.¹ The guidance explains the requirements of NEPA and the CEQ Regulations, describes CEQ policies, and recommends procedures for agencies to use to help them comply with the equirements of NEPA and the CEQ Regulations when they establish mitigation planning and implementation procedures.

¹ The Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (CEQ Regulations) are available on www.nepa.gov at ceq.hss.doe.gov/ceq regulations/regulations.html.

² CEQ is issuing this guidance as an exercise of its duties and functions under section 204 of the National Environmental Policy Act (NEPA), 42 U.S.C. § 4344, and Executive Order No. 11,514, 35 Fed. Reg. 4,247 (Mar. 5, 1970), as amended by Executive Order No. 11,991, 42 Fed. Reg. 26,927 (May 24, 1977). This guidance is not a rule or regulation, and the recommendations it contains may not apply to a particular situation based upon the individual facts and circumstances. This guidance does not change or substitute for any law, regulation, or other legally binding requirement and is not legally enforceable. The use of language such as "recommend," "may," "should," and "can" i intended to describe CEQ policies and recommendations. The use of mandatory terminology such as "must" and "required" is intended to describe controlling requirements under the terms of NEPA and the CEQ Regulations, but this document does not independently establish legally binding requirements

SCOPE AND FORMS OF **MITIGATION MEASURES**

Incorporated into the **project design** (the proposed action)

(Agency and applicant commitments)

Alternatives to the proposed action (in addition to)

Identification of <u>reasonable</u> mitigation is <u>not limited</u> to: **Significant impacts** or **agency's authority**

North Atlantic Right Whale Mitigation Measures for Atlantic Renewable Energy Activities



10 knots

BOEM | October 2016

Protected species observer requirements

General vessel-strike avoidance measures

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Vessels \geq 65' restricted to 10 knots (or less) Nov 1 to April 30



Exclusion zones for sub-bottom profiling and pile driving

No sub-bottom profiling within right whale critical habitat Nov 15 to April 15 No surveys or pile-driving at night (unless alternative monitoring plan)

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All sub-bottom profiling and pile driving stops within **24 hrs** of DMA establishment



IMPORTANCE AND PURPOSE OF MONITORING



intended to describe CEQ policies and recommendations. The use of mandatory terminology such as "must" and "required" is intended to describe controlling requirements under the terms of NEPA and the CEQ Regulations, but this document does

not independently establish legally binding requirement

✓ Ensure compliance

Study effectiveness

 Remedy non-effective or failed mitigation

 Detect unforeseen impacts

REAL-TIME OPPORTUNITY FOR DEVELOPMENT ENVIRONMENTAL OBSERVATIONS (RODEO)







Michelle Morin michelle.morin@boem.gov

703-787-1722

For more information visit www.boem.gov/Renewable-Energy