

# Overview of BOEMRE Regulatory Framework & Leasing Process

Renewable Energy Task Force Meeting  
March 31, 2011

## What am I going to discuss?

- ◆ Introduction to BOEMRE and its responsibilities
- ◆ Overview of statutory and regulatory framework
- ◆ Leasing policies and process
- ◆ Opportunities for Task Force involvement

## What is BOEMRE?

- ◆ Bureau of Ocean Energy Management, Regulation and Enforcement (formerly the Minerals Management Service or MMS)
- ◆ Part of the Department of the Interior
- ◆ Steward of energy and minerals on the OCS

## What does OCSLA require?

- ◆ Competition
- ◆ Safety
- ◆ Environmental Protection
- ◆ Coordination
- ◆ Public comment
- ◆ Conservation and prevention of waste
- ◆ Fair return
- ◆ Prevention of interference with reasonable uses

## What else is in the regulations?

- ◆ Coordination, Coordination, Coordination
- ◆ Leasing Process and Issuance [Subpart B]
  - Commercial, Limited & Research
  - Competitive & Non-competitive
- ◆ Payments [Subpart E]
  - Bonding, Payments, Revenue Sharing
- ◆ Plans [Subpart F]\*
- ◆ Conduct of Approved Plan Activities [Subpart H]\*
- ◆ Decommissioning [Subpart I]\*

\*These provisions relate to wind projects;  
FERC licenses address these issues for marine hydrokinetic projects

## What is the road to a lease?

- ◆ State requests task force, or applicant submits unsolicited proposal
- ◆ If State requests task force:
  - BOEMRE may establish an intergovernmental task force
  - BOEMRE and task force discuss areas of interest
  - BOEMRE develops Request for Interest (RFI) or Call for Information
  - BOEMRE determines if competitive interest exists

## What is the road to a lease (continued)?

- ◆ If an applicant submits a proposal:
  - BOEMRE determines if applicant is “qualified”
  - BOEMRE discusses proposal with task force
  - BOEMRE develops Request for Interest (RFI) or Call for Information
  - BOEMRE determines if competitive interest exists
- ◆ Conduct NEPA review\*
- ◆ Publish Notice of Sale (if applicable)
- ◆ Hold lease sale (competitive) or issue lease (non-competitive)
- ◆ Hand baton to FERC

\*The BOEMRE environmental analysis for a marine hydrokinetic project on the OCS will focus on impacts of lease issuance and site assessment; other impacts analyzed by FERC

## What about “Smart from the Start”?

- ◆ Secretary’s policy for Atlantic wind projects, but has applicable elements
- ◆ Proposed rule eliminates duplicative public notice step
- ◆ Environmental Assessment (EA) for lease issuance (no commercial activities)
- ◆ Site Assessment Plan (SAP) may not require additional NEPA review

## Who else plays a role?

Organization	Role
Council on Environmental Quality	National Environmental Policy Act
Department of the Interior, Fish and Wildlife Service	Endangered Species Act, Marine Mammal Protection Act, Migratory Birds
Department of Commerce, National Oceanic and Atmospheric Administration	
•National Ocean Service (NOS)	National Marine Sanctuaries Act
•National Marine Fisheries Service	Endangered Species Act, Marine Mammal Protection Act, Magnuson-Stevens Fishery Conservation and Management Act
•Office of Ocean and Coastal Resource Management	CZMA
Environmental Protection Agency	Marine Protection, Research and Sanctuaries Act of 1972, Clean Air Act, Clean Water Act, RCRA
Coast Guard	Marking of Obstructions, Ports and Waterways Safety Act
Army Corps of Engineers	Dredging and filling, structures that affect navigable waters
Tribal Governments; National Park Service; Advisory Council on Historic Preservation; State and Tribal Historic Preservation Officers	Executive Orders on Indian Tribal Consultations and Indian Sacred Sites; National Historic Preservation Act, American Indian Religious Freedom Act
Federal Aviation Administration	Federal Aviation Act
States	Coastal Zone Management Act (Federal waters); Activities in State waters (up to 3 miles offshore)
Department of Defense	Safety and national defense
This is not a comprehensive list	

## Where does the Task Force get involved?

- ◆ Upfront planning
- ◆ Request for Interest (RFI)
- ◆ Call for Information and Nominations
- ◆ NEPA scoping
- ◆ NEPA comments
- ◆ Identifying data gaps and information needs to inform leasing decisions
- ◆ Development of protocols for monitoring, environmental studies, etc.
- ◆ Lease terms and conditions, mitigation measures
- ◆ Proposed and Final Notices of Sale

## When can the public get involved?

- ◆ Request for Interest published in Federal Register (FR) (60 days)
- ◆ Call for Information and Nominations published in FR when applicable (45 days)
- ◆ NEPA scoping (30-90 days)
- ◆ NEPA comments (depends on type of NEPA document)
- ◆ Proposed Notice of Sale published in FR when competition (60 days)

## Questions?

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