



BOEM
BUREAU OF OCEAN ENERGY MANAGEMENT

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

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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*

Wind

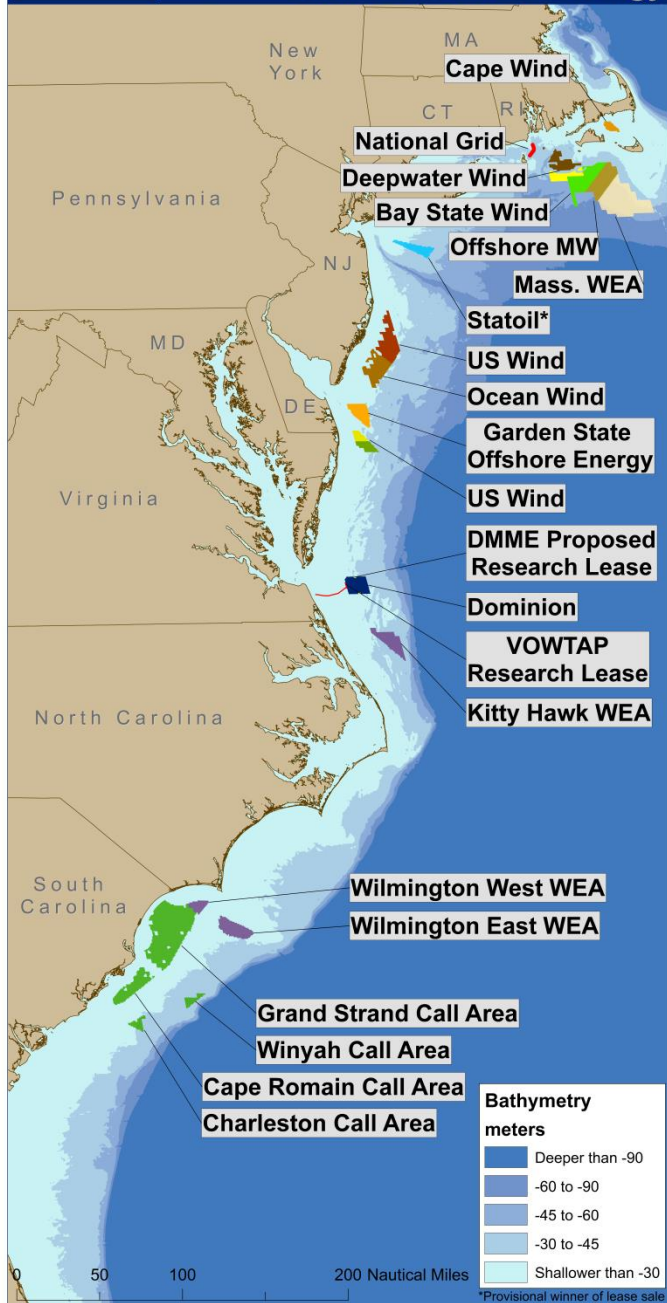


Wave

Ocean Current



Transmission



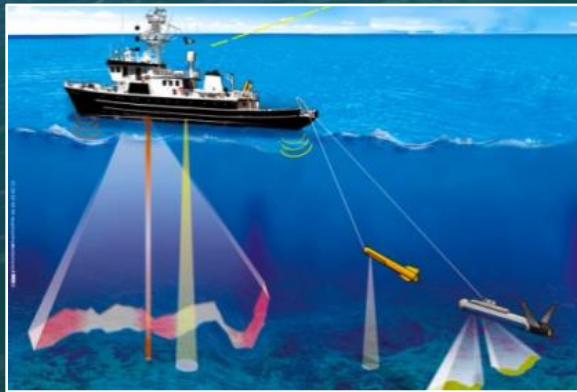
ATLANTIC OUTER CONTINENTAL SHELF



RENEWABLE ENERGY COMMERCIAL LEASES



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



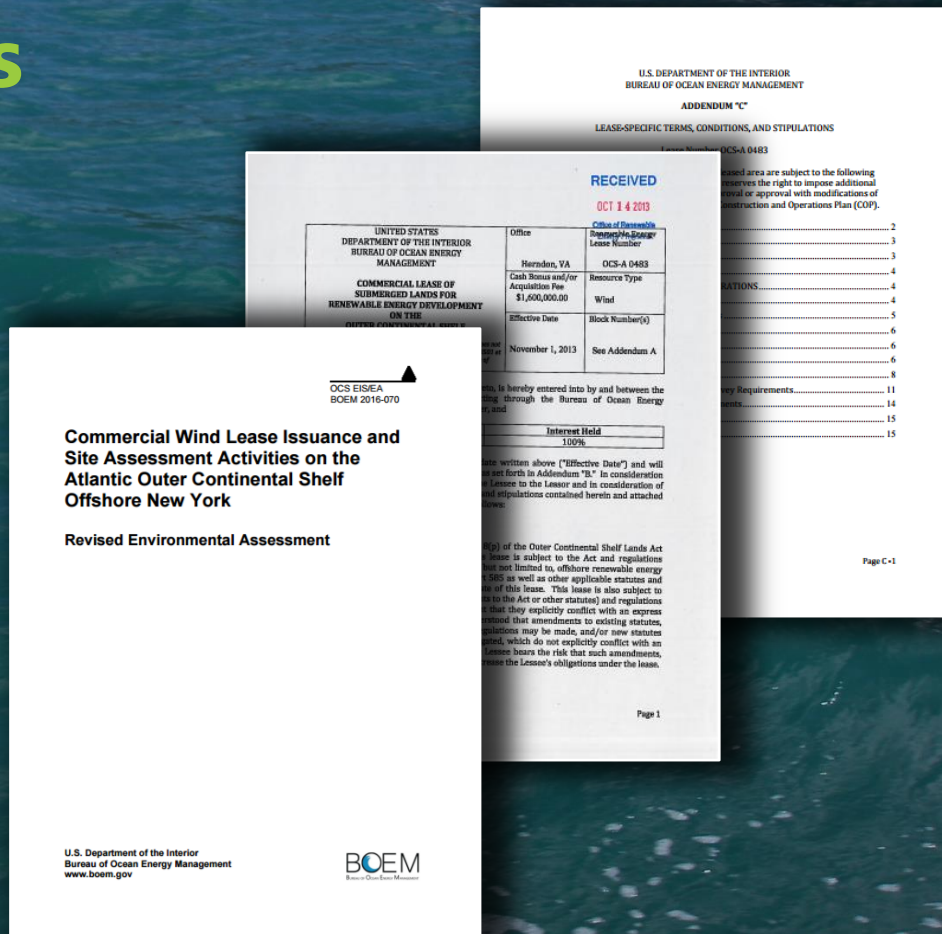
No right to construct any facilities

RENEWABLE ENERGY COMMERCIAL LEASES

Lease stipulations

Environmental
assessment and
consultations

Science and
stakeholders

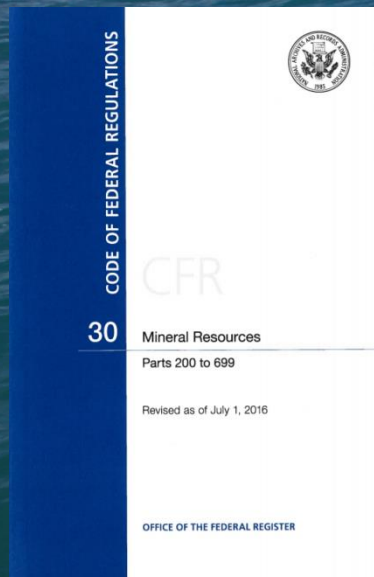


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INFORMATION REQUIREMENTS FOR PLANS

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

Science and
stakeholders

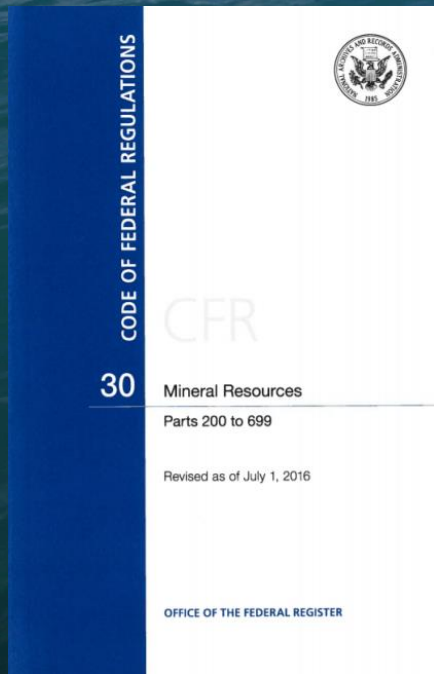


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RENEWABLE ENERGY REGULATIONS

A developer's plan must include:

proposed measures **and** best management practices



***“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

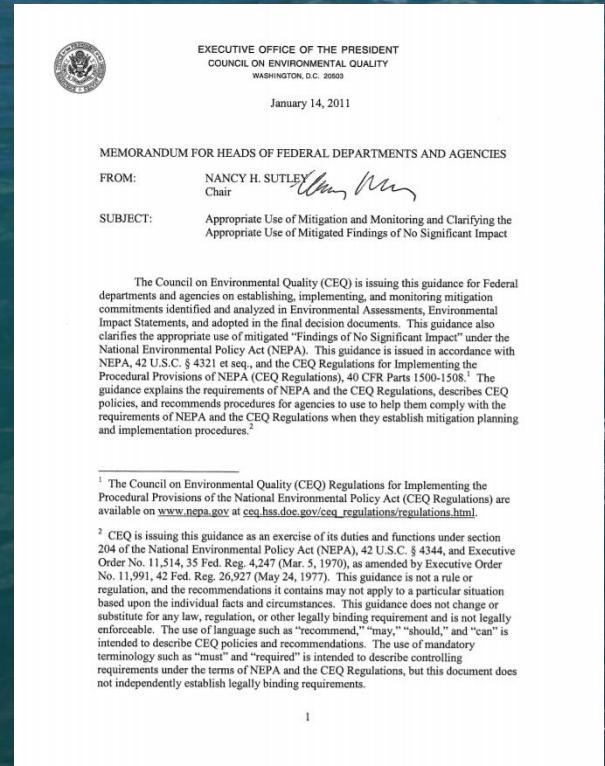
Avoiding the impact altogether by not taking a certain action or parts of an action.

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.



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 reasonable mitigation is not limited to:
Significant impacts or **agency's authority**

North Atlantic Right Whale Mitigation Measures for Atlantic Renewable Energy Activities



Protected species observer requirements

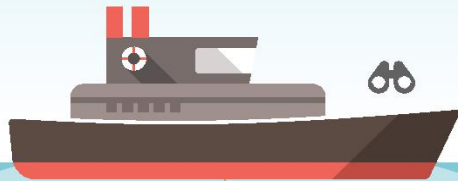
No surveys or pile-driving at night
(unless alternative monitoring plan)



General vessel-strike avoidance measures

Vessels $\geq 65'$ restricted to 10 knots (or less)

■ Nov 1 to April 30



Prohibition on pile driving (met tower)

■ Nov 1 to April 30

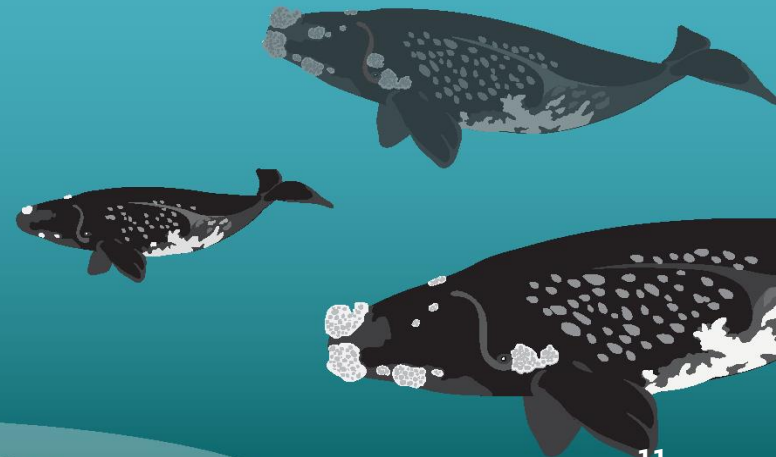
Exclusion zones for sub-bottom profiling and pile driving

No sub-bottom profiling within right whale critical habitat

■ Nov 15 to April 15



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




IMPORTANCE AND PURPOSE OF MONITORING

- ✓ Ensure compliance
- ✓ Study effectiveness
- ✓ Remedy non-effective or failed mitigation
- ✓ Detect unforeseen impacts


Mineral Resources
Parts 200 to 699

Revised as of July 1, 2016

OFFICE OF THE FEDERAL REGISTER



CFR



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

January 14, 2011

MEMORANDUM FOR HEADS OF FEDERAL DEPARTMENTS AND AGENCIES

FROM: NANCY H. SUTLEY
Chair

SUBJECT: 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 requirements of NEPA and the CEQ Regulations when they establish mitigation planning and implementation procedures.²

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.neppa.gov at ceq.hqs.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" is 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.

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REAL-TIME OPPORTUNITY FOR DEVELOPMENT ENVIRONMENTAL OBSERVATIONS (RODEO)





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