



BOEM

BUREAU OF OCEAN ENERGY MANAGEMENT

BOEM Environmental Review Process

For New York Power Authority
Request for Commercial Lease on
Outer Continental Shelf, Long Island,
New York

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Presentation Overview

- “Smart from the Start” Initiative
- National Environmental Policy Act (NEPA) and Environmental Consultations
- NEPA process if BOEM:
 - determines there is competitive interest
 - determines there is no competitive interest
 - develops a Call
- Site Assessment Plan (SAP)
- Environmental consultations (regardless competitive or non-competitive interest)

“Smart from the Start” Initiative

- Announced on November 23, 2010 by Secretary of the Interior Ken Salazar
- Initiative to simplify responsible renewable wind energy development on the Atlantic Outer Continental Shelf (OCS) by
 - Identifying areas most conducive to wind energy development (Wind Energy Areas or WEAs),
 - Coordinating environmental studies, and
 - Utilizing large-scale planning and an expedited leasing process.
- WEAs are identified through state task forces (comprised of elected state, local and tribal officials), comments received on public notices, and consultations.

The National Environmental Policy Act and Environmental Consultations

- NEPA is a procedural law that requires Federal agencies to undertake an assessment of the environmental effects of their proposed actions prior to making decisions. Two of the major purposes of the environmental review process are better informed decisions and public involvement.
- Environmental consultations (will run concurrently with the NEPA process)
 - National Historic Preservation Act (NHPA)
 - Migratory Bird Treaty Act (MBTA)
 - Endangered Species Act (ESA)
 - Magnuson-Stevens Fishery Conservation and Management Act (Essential Fish Habitat)
 - Marine Mammal Protection Act (MMPA)
 - Coastal Zone Management Act (CZMA)

NEPA Process for Competitive Interest - “Smart from the Start”

Initiative

- Publish a Notice of Intent (NOI) in the *Federal Register* to prepare a Environmental Assessment (EA) for lease issuance, associated site characterization activities (surveys) and approval of site assessment activities (installation of meteorological towers and/or meteorological buoys).
 - 30 day comment period
- Preparation of the EA
 - develop and analyze the scenario (Routine and Non-routine activities)
 - analyze physical resources (ex. Air Quality & Water Quality)
 - analyze biological resources (ex. Marine Mammals & Benthic Resources)
 - analyze socioeconomic conditions (ex. Maritime traffic, Archaeological Resources & Recreational Resources)
 - develop and analyze alternatives
 - analyze cumulative impacts (past, present and reasonably foreseeable future actions)
 - develop mitigation measures (reduce or eliminate potential impacts)

NEPA Process for Competitive Interest - “Smart from the Start” Initiative

- Publish a Notice of Availability (NOA) in the *Federal Register* of the draft EA
 - 30 day comment period
- Publication of NOA of Final EA and Finding of No significant Impact (FONSI) (if applicable) or prepare an Environmental Impact Statement (EIS)
- BOEM conducts lease sale
- The lease does not grant the lessee the right to construct any facilities; rather, the lease grants the right to use the leased area to develop its plans, which must be approved by BOEM.

NEPA Process for Non-Competitive Interest

- Publish a NOI to prepare an EA in the *Federal Register* for lease issuance, associated site characterization activities (surveys) and approval of site assessment activities (installation of meteorological towers and/or meteorological buoys).
 - 30 day comment period
- Preparation of the EA
- Publish a NOA in the *Federal Register* of the EA
 - 30 day comment period
- FONSI (if applicable) or prepare an EIS
- BOEM conducts lease negotiations

NEPA Process if BOEM develops a Call – “Smart from the Start” Initiative

- Publish a NOI in the *Federal Register* to prepare an EA for lease issuance, associated site characterization activities (surveys) and approval of site assessment activities (installation of meteorological towers and/or meteorological buoys).
- Simultaneously publish the Call for Information and Nomination for commercial leasing
 - 45 day comment period
- Area Identification – BOEM will announce the area identification which defines a WEA and identify alternatives to the proposed action.
- Preparation of the EA

NEPA Process if BOEM develops a Call – “Smart from the Start” Initiative

- Publish a NOA in the *Federal Register* of the draft EA
 - 30 day comment period
- Publication of NOA of Final EA and FONSI (if applicable) or prepare an EIS
- BOEM conducts lease sale (for competitive interest)
- BOEM conducts lease negotiations (for non-competitive interest)
- The lease does not grant the Lessee the right to construct any facilities; rather, the lease grants the right to use the leased area to develop its plans, which must be approved by BOEM.

Site Assessment Plan (SAP)

- The Lessee submits a Site Assessment Plan (SAP) to BOEM, which contains the Lessee's detailed proposal for construction of a meteorological tower and/or meteorological buoy).
- The Lessee must provide the results of shallow hazards, geological, geotechnical, biological, and archaeological resource surveys with their SAP.
- The Lessee's SAP must be approved by BOEM before it conducts site assessment activities (installation of met towers and/or met buoys).
- BOEM may approve, approve with modification, or disapprove a Lessee's SAP.

Environmental Consultations for Competitive and Non-Competitive Interest

- National Historic Preservation Act (NHPA)
 - Section 106 of the NHPA requires Federal agencies to take in to account the effects of their undertakings on historic properties.
 - The implementing (36 CFR 800) regulations lay out the steps of the Section 106 process which require BOEM to identify the appropriate consulting parties, to make reasonable and good faith efforts to identify historic properties, to assess the potential effects of the undertaking on these properties, and to resolve adverse effects.
- Migratory Bird Treaty Act (MBTA)
 - BOEM will coordinate with the U.S Fish and Wildlife Service.
- Endangered Species Act (ESA)
 - Consultation is required when BOEM believes a proposed action may affect ESA-listed species or adversely modify designated critical habitat.
 - BOEM will coordinate with the National Marine Fisheries Service (NMFS) and U.S Fish and Wildlife Service (FWS).

Environmental Consultations for Competitive and Non-Competitive Interest

- Magnuson-Stevens Fishery Conservation and Management Act (Essential Fish Habitat)
 - If BOEM funds, permits, or undertakes activities that may adversely affect EFH, BOEM is required to consult with NMFS.
- Marine Mammal Protection Act (MMPA)
 - All marine mammals are protected under the MMPA. The MMPA prohibits, with certain exceptions, the “take” of marine mammals in U.S waters.
 - The Lessee will consult with the NMFS regarding any marine mammal concerns.
- Coastal Zone Management Act (CZMA)
 - CZMA requires that Federal actions that are reasonably likely to affect coastal use or coastal resource be “consistent to the maximum extent practicable” with relevant enforceable policies of the State’s federally approved coastal management program.
 - BOEM will coordinate appropriately with the affected State.

Questions?

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