

# Renewable Energy Uses of the Outer Continental Shelf BOEM Guam Task Force Charter

## Introduction

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On April 22, 2009, former President Barack Obama announced that the Bureau of Ocean Energy Management (BOEM) within the U.S. Department of the Interior had finalized the framework for overseeing renewable energy generation on the Outer Continental Shelf (OCS). (*See* 30 C.F.R. Part 585.) The framework established a BOEM program to issue leases, easements, and rights-of-way for orderly, safe, and environmentally responsible renewable energy development activities, such as the siting and construction of wind energy facilities on the OCS.

This charter establishes the BOEM Guam Intergovernmental Renewable Energy Task Force (“BOEM Guam Task Force”) to provide a forum for: (1) educating members about the renewable energy program, processes and requirements; (2) exchanging data and information; (3) discussing issues of concern; and (4) assisting the federal government decision-making within the umbrella of the established BOEM regulatory framework regarding renewable energy leasing and development on the OCS off the coast of Guam.

## Authority

Subsection 8(p)(7) of the OCS Lands Act, as amended by the Energy Policy Act of 2005 (EPAct), directs the Department of the Interior (DOI) through BOEM to *provide for coordination and consultation with the Governor of any state or the executive of any local government that may be affected by a lease, easement, or right-of-way* authorized under the Act. The Inflation Reduction Act (IRA) of 2022 contains several provisions relevant to BOEM’s offshore energy program, including amending the definition of Outer Continental Shelf (OCS) in the OCS Lands Act to include submerged lands within the exclusive economic zone adjacent to U.S. territories. The IRA also amended the OCS Lands Act by adding a definition of “State” to include each of the several 50 States of the Union, as well as the Commonwealth of Puerto Rico, Guam, American Samoa, U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands. BOEM is establishing the BOEM Guam Task Force to help fulfill this obligation in its consideration of renewable energy activities on the OCS offshore Guam.

This charter does not expand or alter the scope of the BOEM Guam Task Force members’ respective authorities and shall not be construed to create any legal obligation on the part of any BOEM Guam Task Force member or any private right or cause of action for or by any person or entity.

## Purpose

BOEM chartered this BOEM Guam Task Force to facilitate education, coordination and consultation on leasing and permitting for, as well as the monitoring and evaluation of, renewable energy activities on the OCS offshore Guam. This Task Force is not chartered under the Federal Advisory Committee Act and thus is wholly intergovernmental with regard to membership. BOEM will afford the public with the opportunity to attend meetings and participate in a question and answer or comment

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sessions at the close of each Task Force meeting.

Numerous local, territorial, and federal governmental agencies have roles in overseeing and/or could be affected by OCS renewable energy proposals. To the extent practicable, the BOEM Guam Task Force will coordinate and consult on how BOEM may ensure the most efficient, effective, and coordinated assessments within established procedures regarding proposed projects. Task Force efforts will assist BOEM in broadening the energy resource portfolio for the Nation, consistent with individual agency and government mandates, and statutory and jurisdictional authority. The purpose should be compatible with the renewable energy goals of Guam.

While BOEM will consider all BOEM Guam Task Force member discussions/ideas, the BOEM Guam Task Force is neither a decision-making nor an approval body nor acting on behalf of a decision-making or approval body. The Secretary of the Interior remains the ultimate decision-maker with regard to renewable energy leasing on the OCS.

**Immediate Charge** – Action Items and Issues to be addressed in the short term and discussed at the inaugural meeting of the BOEM Guam Task Force meeting include, but are not limited to:

- Review and adopt the BOEM Guam Task Force charter;
- Identify additional federal, and/or territorial/local government representatives/points of contact, as appropriate, to serve as participants on the Task Force;
- Adopt operating and communication procedures for the BOEM Guam Task Force;
- Explain the BOEM process for overseeing OCS renewable energy projects. This discussion should include the critical steps in the process and identify opportunities for input from territorial, federal, and local agencies, and the public.
- Discuss the role of other federal laws in OCS renewable energy development; and
- Identify additional topics to be addressed by the BOEM Guam Task Force.
- Start the leasing and planning process to achieve the goal of a Call for Information and Nominations by 2025, in accordance with the IRA.

**Subsequent Activities** – Topics to be considered by the BOEM Guam Task Force in future meetings may include the following:

- Development of materials or guidance documents deemed necessary and appropriate for Task Force members to better understand the leasing and permitting processes and their respective roles and responsibilities;
- Identification and mapping of regions within the OCS that provide the greatest potential for energy development with the least potential for conflicts with resource protection, military uses, indigenous interests, and other uses.
- Identification of a process for coordination by federal, state and local agencies in review of proposed projects, including sharing of data and information; outreach to stakeholders and interested parties, and ways to resolve regulatory uncertainties that may become issues of concern;
- Facilitation of intergovernmental coordination on specific subject areas within the scope of proposed project review,
- Coordination and collaboration on information-gathering efforts to help inform

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Task Force members;

- Review of studies on, and discussion of the potential effects of, OCS renewable energy development on the biological and physical environment, emphasizing those applicable to Guam;
- Identification of data/information gaps regarding resources and/or the effects of renewable energy development that require further study; and
- Discussion of protocols for siting and monitoring of renewable energy projects offshore Guam.

### **Membership and Communication**

Members of the BOEM Guam Task Force include federal agencies, and Government of Guam and local agencies that have a role in permitting, reviewing, and/or regulating resources or activities that could be affected by or have an effect on renewable energy development on the OCS. BOEM recognizes that the participants in the Task Force may change over time as the status of projects progress or different projects are proposed. Therefore, the membership will be dynamic. BOEM will also work with federal agencies through primary points-of-contact. These primary points of contact will be responsible for rallying participation from all possible participating functional units within their respective organizations and cultivating open exchange of information throughout the process.

BOEM will use email to communicate meeting dates, times, and locations and distribute meeting materials to the Task Force membership through primary points-of-contact. BOEM may arrange for Task Force meetings to be held via web-meeting software (e.g., Teams). In-person meetings will be arranged on an as-needed basis. All non-proprietary information or materials from BOEM Guam Task Force meetings will be made available by BOEM on the BOEM website.

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**Task Force Contact Information:**

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April 15, 2024

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