

The National Environmental Policy Act (NEPA) Process

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Leasing and Development Process

Initiate Leasing Process (RFI/Call)



Area Identification
Wind Energy Areas

Publish Leasing Notices

Lease Granted

Submit SAP

BOEM Deems COP Complete & Sufficient

BOEM Approves COP



Pre-survey Meetings/Plan

Site Assessment & Surveys
(maximum timeframe)

BOEM Environmental & Technical Reviews

Installation

0 — ~1/2

0 — <1 1/2

0

1

0

<5

0

2

NEPA/Environmental Reviews



We are here



Auction

BOEM Reviews & Approves SAP

Submit COP
(with Project Design Envelope – optional)

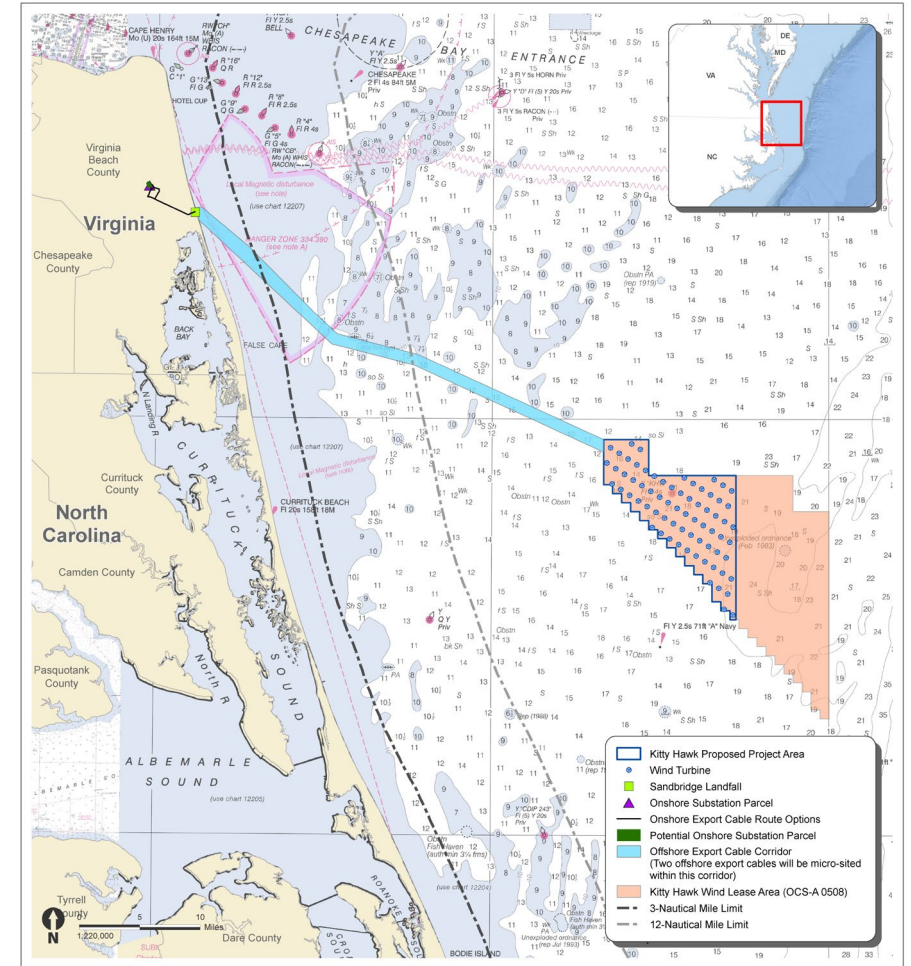
Submit Design & Installation Plans

Kitty Hawk Construction and Operations Plan (COP)

- December 2020: Initial COP submitted
- June 2021: Revised COP
- July 2021: Revised COP (Current Version)
- Available at <https://www.boem.gov/kitty-hawk>

BOEM approves, disapproves, or approves with modifications

- After Environmental Impact Statement (EIS) is complete
- Documented by the Record of Decision (ROD)



National Environmental Policy Act (NEPA)

Procedural law requiring Federal agencies to assess environmental effects of proposed action(s) and reasonable alternatives prior to making decisions.

The NEPA process is often referred to as environmental review.

Major Actions/Decision Points

Lease Issuance (Survey Work)

Plan Approval
(Site Assessment, Construction &
Operation, or General Activities)

Decommissioning Activities

Environmental Review and Approval Process for COP



Notice of Intent (NOI) to Prepare an EIS

Published in the *Federal Register* on July 30, 2021



<https://www.regulations.gov/document/BOEM-2021-0050-0001>



Docket Number: BOEM-2021-0050



Starts the EIS process



Initiates 30-day public comment period, ending **August 30, 2021**

Public Comments on the NOI

- Very important element of NEPA
- Local expertise and perspective guide environmental analysis = more informed decisions



Types of information BOEM is looking for:

- Significant **issues** to be analyzed in the EIS
- **Sources** of information to include in the EIS
- Data **gaps** and information needs
- Reasonable **alternatives**

<https://www.regulations.gov/document/BOEM-2021-0050-0001>

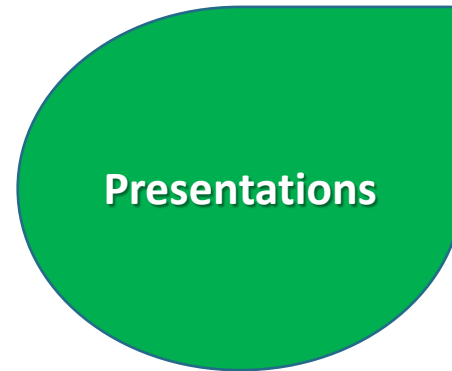
Virtual Public Scoping Meetings

Live Virtual Meetings

Tuesday, August 10, 2021	5:30 pm ET
Thursday, August 12, 2021	1:00 pm ET
Tuesday, August 17, 2021	5:30 pm ET

Virtual Meeting Room

<https://www.boem.gov/Kitty-Hawk-Scoping-Virtual-Meetings>



Meeting Posters

<https://www.boem.gov/Kitty-Hawk-Scoping-Virtual-Meetings>

1. **Kitty Hawk Project Overview**
2. **Project Area**
3. **Outer Continental Shelf (OCS) Lease Areas**
4. **Renewable Energy Process**
5. **How to Comment**
6. **Sea Turtle**
7. **Marine Mammal**
8. **Electromagnetic Fields and Marine Life**
9. **Impact Distances from Piledriving Sounds**
10. **Impact of Underwater Sound on Protected Species**
11. **Project Design Envelope**
12. **Project Construction**
13. **Commercial Fisheries**
14. **Fishery Landings, Gear Type, and VMS Activity**
15. **National Historic Preservation Act (NHPA)**
16. **Avian Sensitivity**
17. **NEPA Substitution for Section 106 Consulting Party Guide**

How to Comment



<https://www.regulations.gov/commenton/BOEM-2021-0050-0001>



At this meeting

“Raise your hand” in the Zoom meeting during the listening session portion

Via Mail: In an envelope titled: “Kitty Hawk COP EIS”, addressed to:

Program Manager
Bureau of Ocean Energy Management
Office of Renewable Energy Programs
45600 Woodland Road (VAM-OREP)
Sterling, VA 20166

Online at www.regulations.gov

Enter BOEM-2021-0050; click “search.” Use the “Comment” button



What's in an EIS?

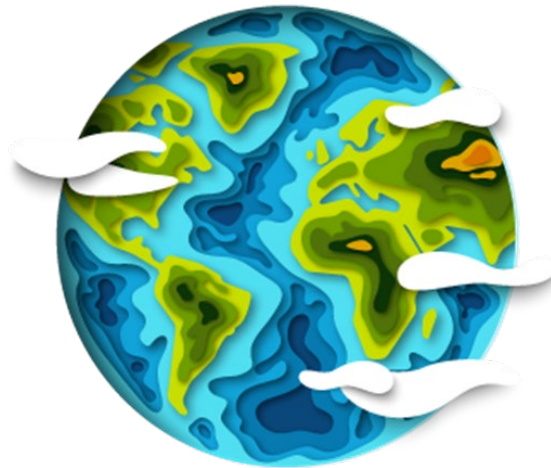
Presents a proposed Federal action's **impacts analysis** on the environment

Proposed Action

Action being analyzed

Alternatives

Reasonable alternatives that could reduce or eliminate impacts. At a minimum, proposed action and no action alternative.



Effects

Beneficial and adverse effects

Affected environment description includes reasonably foreseeable environmental trends and planned actions other than the Project.

Environmental and Socioeconomic Resources

Biological

- Marine Mammals
- Sea Turtles
- Fish and Essential Fish Habitat (EFH)
- Coastal Habitats
- Benthic Resources
- Avian and Bat Species



Physical

- Air Quality
- Water Quality

Socioeconomic

- Aesthetics and Visual Resources
- Commercial and Recreational Fishing
- Cultural Resources
- Military Uses
- Environmental Justice
- Land Use and Coastal Infrastructure
- Tourism and Recreation
- Demographics and Employment

Environmental Review of Construction and Operations Plan

- Maximum impacting parameters for each resource
- Avoids pausing or restarting environmental review due to project changes
- Reduces or eliminates the need for subsequent environmental reviews as project is refined/revise after approval
- Additional environmental review and consultations required for revisions outside the design envelope

Project Design Envelope



Concurrent Environmental Review & Consultations



Section 106, National
Historic Preservation Act
(NHPA)



Magnussen-Stevens Fishery
Conservation Act



Endangered Species Act (ESA)



Marine Mammal Protection Act
(MMPA)

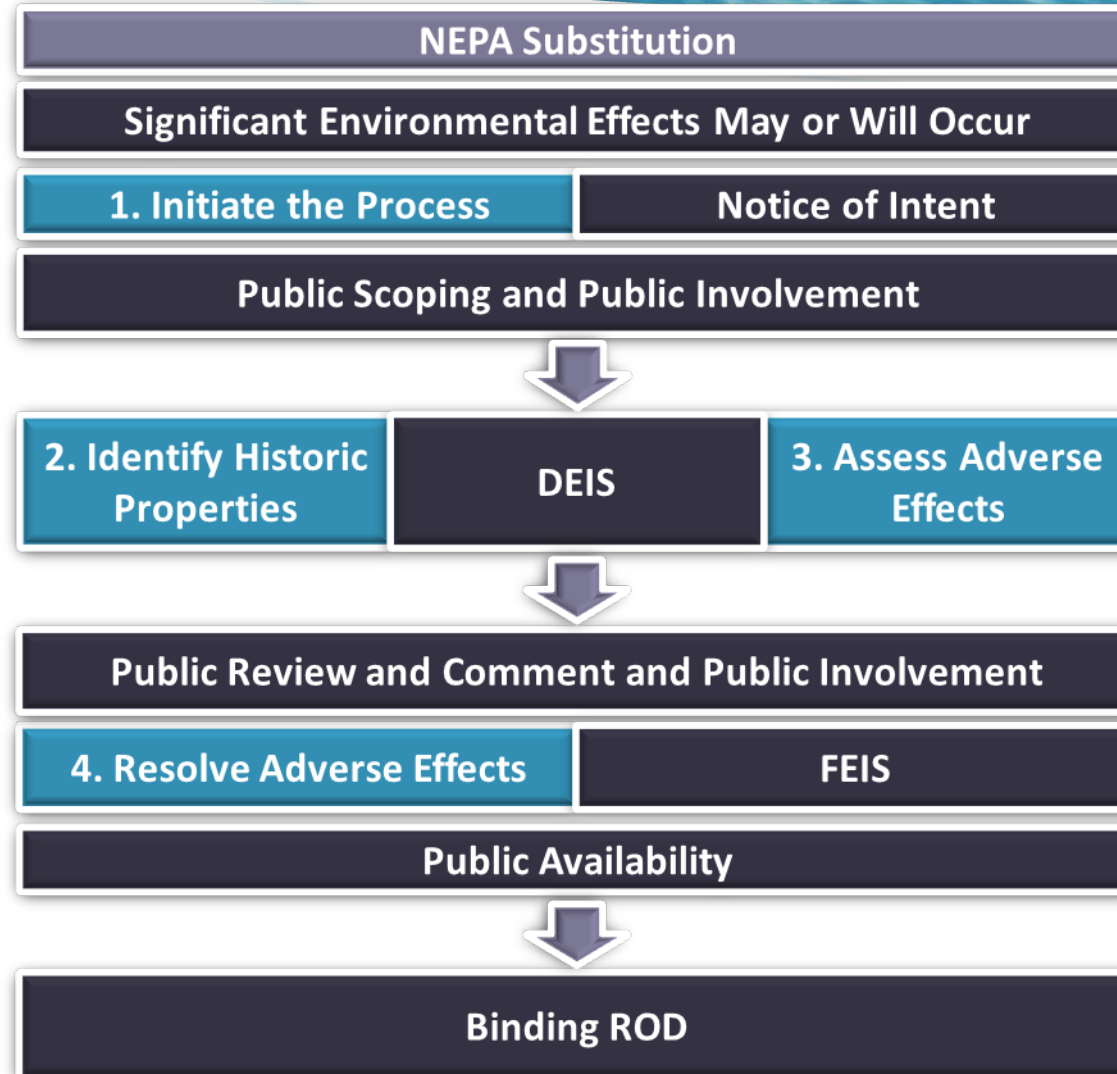


Coastal Zone Management Act
(CZMA)

NEPA substitution for Section 106 is used to reflect stakeholder needs.

- **BOEM:** Substitution = efficient, streamlined approach to better integrate NHPA and NEPA
- **Lessees:** Clearer expectations for environmental review timeline and mitigation costs
- **Consulting Parties and Stakeholders:** Earlier and more direct input into alternatives and mitigation measures selection
- **Tribes:** Greater focus on government-to-government consultation

Environmental Review of COP



Use of NEPA Process for NHPA Section 106 Review

Through this process, BOEM is now seeking comment and input regarding:

- Identification of historic properties and/or potential effects to historic properties from activities associated with approval of the Kitty Hawk COP;
- Reasonable alternatives (e.g., size, geographic, or other restrictions on construction and siting of facilities and activities); and
- Potential mitigation measures to be analyzed in the EIS, include ways to avoid, minimize, or otherwise treat and resolve adverse effects on historic properties.



EIS Schedule



Early Fall 2022

Publish Draft EIS – (initiates a 45-day public comment period)



Summer 2023

Publish Final EIS



Late Summer 2023

Conclude consultations and publish Record of Decision

BOEM Environmental Studies Program

- Rigorous scientific research
- Informs decision-making processes and fills data gaps
- **Snapshot of studies:**
 - EMF Impacts on Elasmobranch (sharks, rays and skates) and American Lobster Movement and Migration – Led by University of Rhode Island (<https://espis.boem.gov/final%20reports/5659.pdf>)
 - Renewable Energy in situ Power Cable Observation (<https://www.boem.gov/sites/default/files/environmental-stewardship/Environmental-Studies/Pacific-Region/Studies/BOEM-2016-008.pdf>)
 - Real-time Opportunity for Development Environmental Observations (RODEO) (www.boem.gov/RODEO)
 - Atlantic Offshore Wind Energy Development: Values and Implication for Recreation and Tourism (<https://espis.boem.gov/final%20reports/5662.pdf>)
 - North Carolina Collaborative Archaeological Survey: Kitty Hawk Wind Energy Area (<https://espis.boem.gov/final%20reports/5633.pdf>)

Visit our website: www.boem.gov/Renewable-Energy-Environmental-Studies

BOEM

Bureau of Ocean Energy
Management

BOEM.gov



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For more information on the Kitty Hawk Project, visit:

www.boem.gov/kitty-hawk