

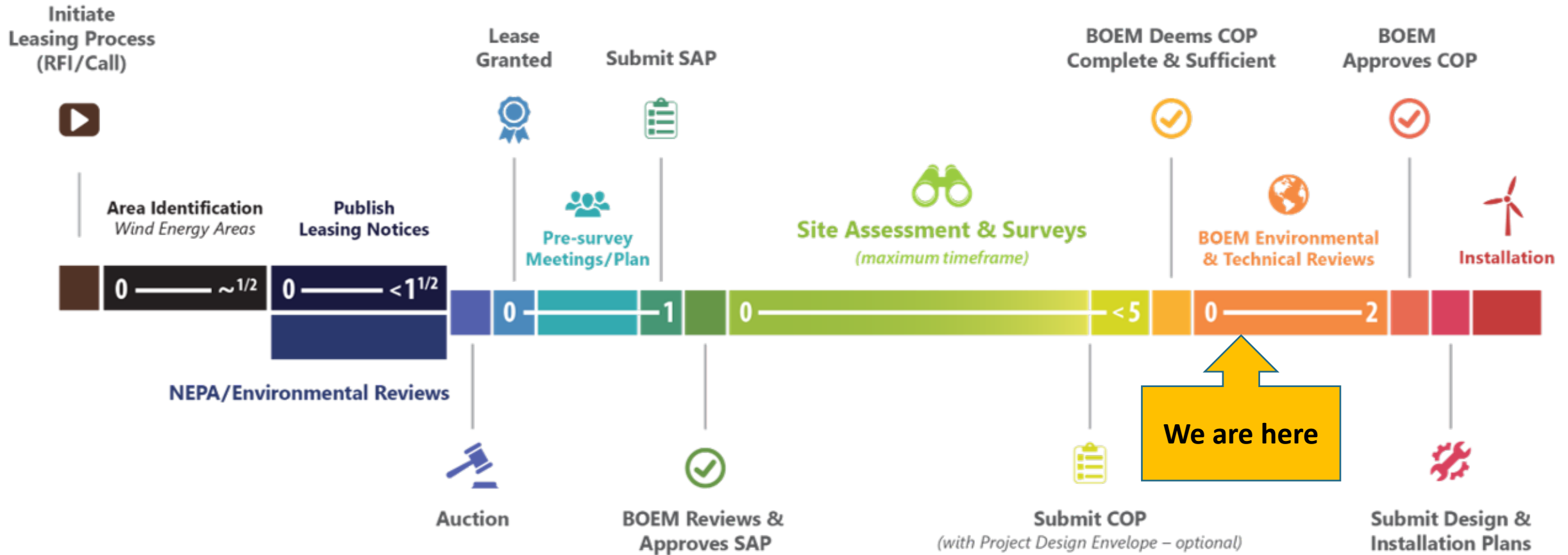
The National Environmental Policy Act (NEPA) Process

Brian Krevor

Environmental Protection Specialist
BOEM Office of Renewable Energy Programs

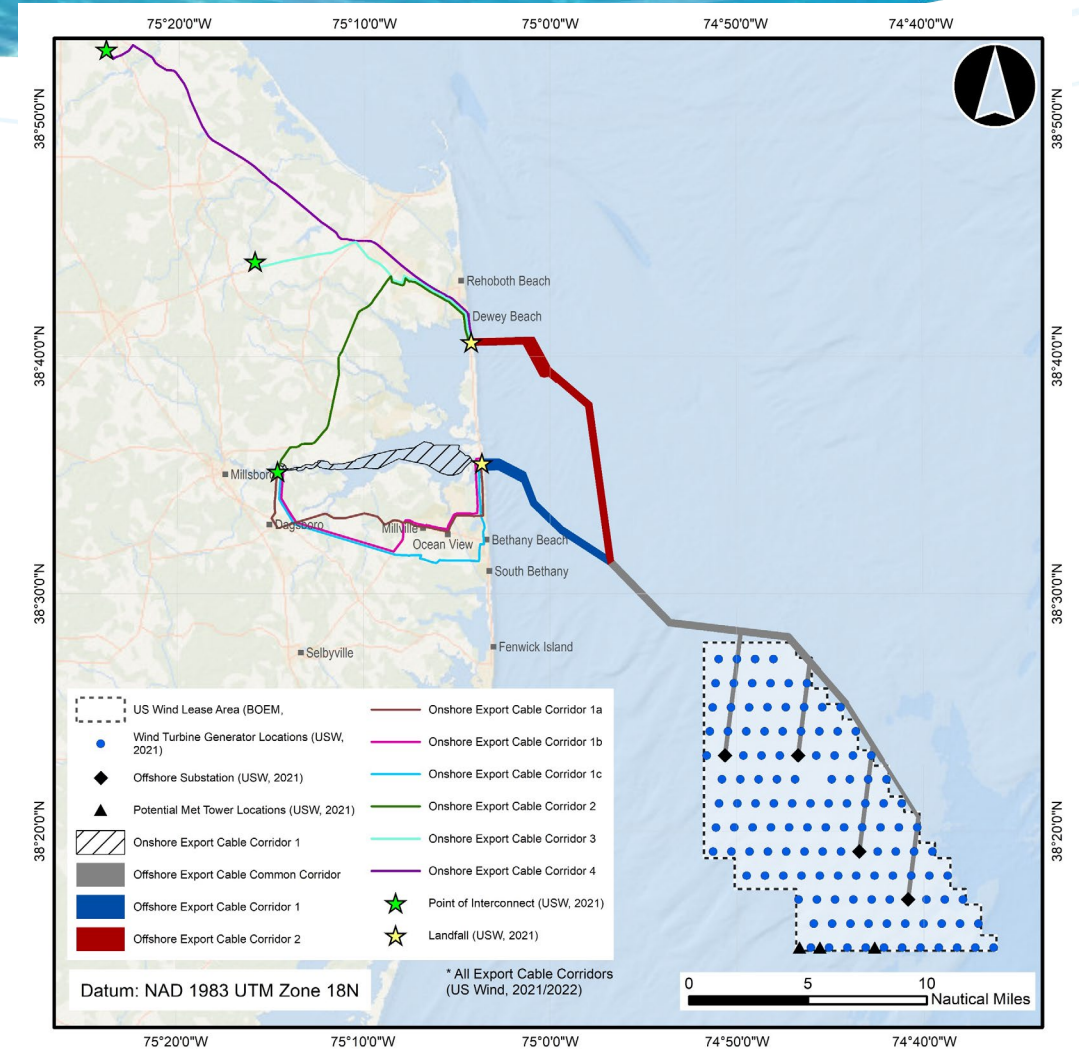


Leasing and Development Process



US Wind Construction and Operations Plan (COP)

- US Wind Inc. submitted COP May 2022
- COP is currently available at:
<https://www.boem.gov/renewable-energy/state-activities/us-wind-construction-and-operations-plan>
- **BOEM approves, disapproves, or approves with modifications**
 - Will happen after environmental impact statement (EIS) is complete and will be 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 June 8, 2022



<https://www.regulations.gov/docket/BOEM-2022-0025>



Docket Number: BOEM-2022-0025



Starts the EIS process



Initiates 30-day public comment period, ending **July 8, 2022**

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/search?filter=BOEM-2022-0025>

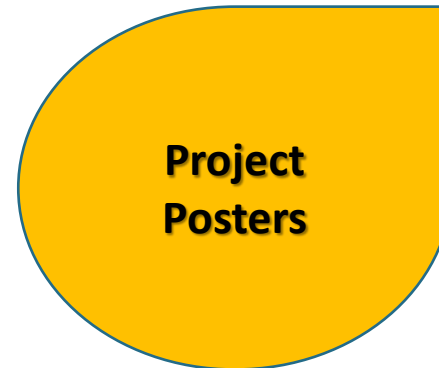
Virtual Public Scoping Meetings

Live Virtual Meetings

- Tuesday, June 21, 2022, 5:00 pm EST
- Thursday, June 23, 2022, 5:00 pm EST
- Monday, June 27, 2022, 1:00 pm EST

Virtual Meeting Room

<https://www.boem.gov/renewable-energy/state-activities/us-wind-scoping-virtual-meetings>



How to Comment



<https://www.regulations.gov/search?filter=BOEM-2022-0025>



At this meeting

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

Via Mail: In an envelope titled: “US WIND 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-2022-0025; click “search.” Use the “Comment” button

What's in an EIS?

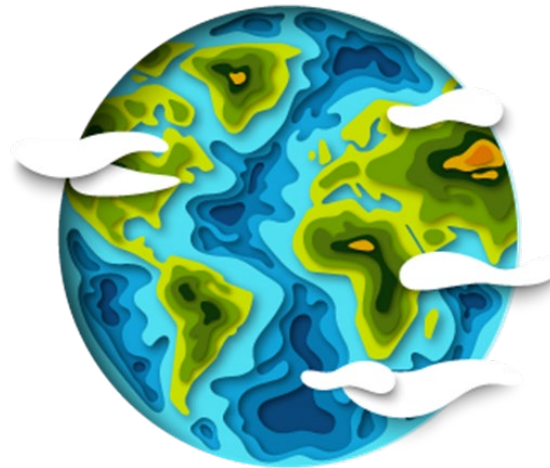
Presents a proposed Federal action's **impacts analysis** on the environment

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

Project Design Envelope in COPs

- BOEM allows for developers to submit a project design envelope (PDE) in their COPs
- Based off the UK's Rochdale envelope
- Draft guidance issued in 2018:
<https://www.boem.gov/sites/default/files/renewable-energy-program/Draft-Design-Envelope-Guidance.pdf>
- Range of activities a developer may utilize to construct their project
 - Examples: Wind Turbine Generator (WTG) foundations types, sizes, and numbers, export cable routes and/or landfalls, number of offshore substations, etc.

Project Design Envelope



Environmental Review of PDE in COPs

- 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/revised after approval
- Additional environmental review and consultations required for revisions outside the design envelope

Project Design Envelope



Concurrent Environmental Reviews & Consultations



Section 106, National
Historic Preservation Act
(NHPA)



Magnuson-Stevens Fishery
Conservation Act



Endangered Species Act (ESA)



Marine Mammal Protection Act
(MMPA)



Coastal Zone Management Act
(CZMA)

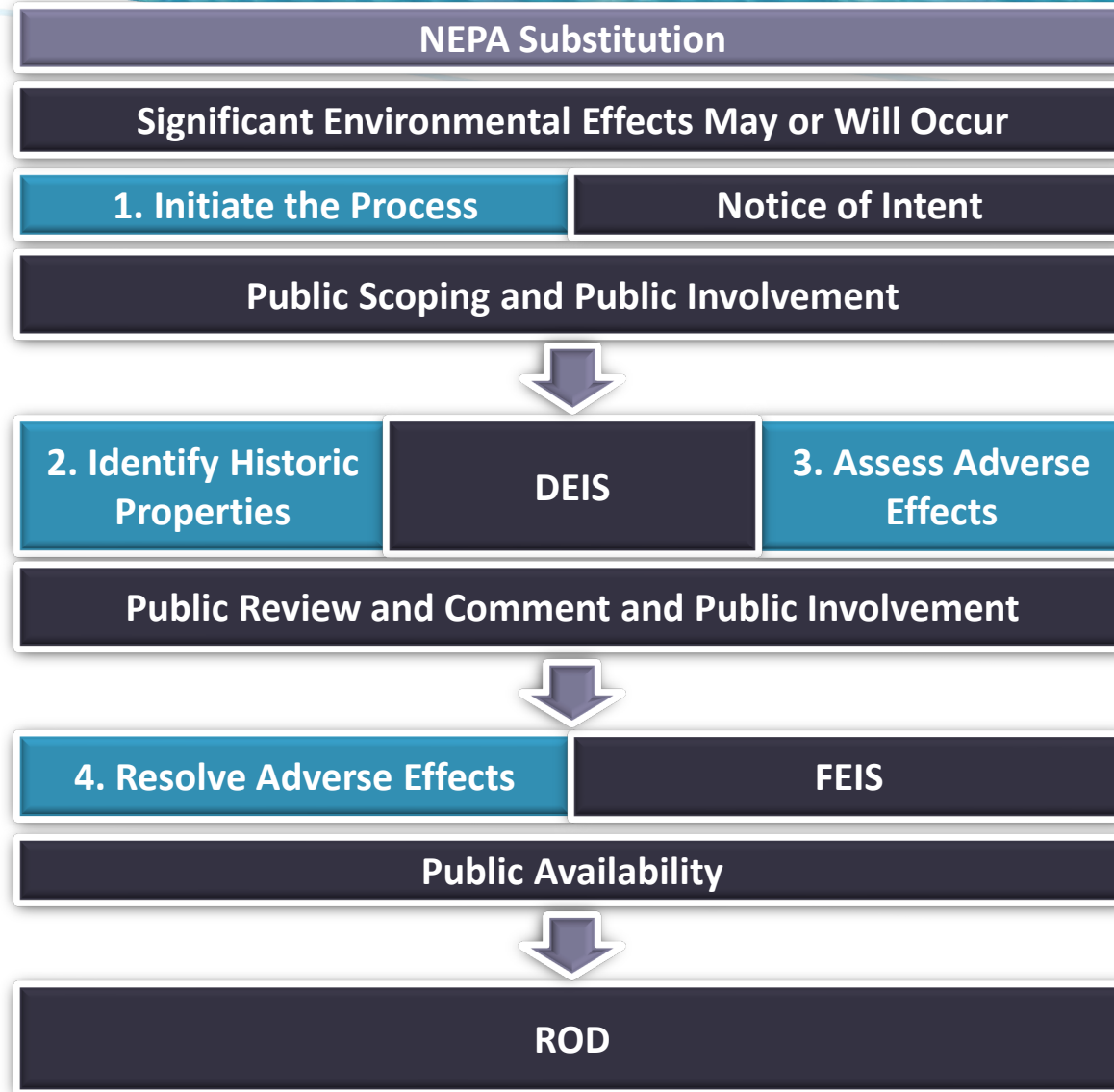


Migratory Bird Treaty Act
(MBTA)

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 US Wind 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



Late Summer 2023

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



Spring 2024

Publish Final EIS



Summer 2024

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>)

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

BOEM

Bureau of Ocean Energy
Management

BOEM.gov



Brian Krevor | brian.krevor@boem.gov | 703-787-1346

For more information on the US Wind Project, visit:
<https://www.boem.gov/renewable-energy/state-activities/us-wind>