



# What Does EPAAct05 do?

- Amends OCS Lands Act (OCSLA) to authorize the U.S. Department of the Interior (DOI) to act as “lead” agency for certain alternative energy and marine-related uses on the OCS
  - DOI designated OCSLA authority to MMS
- MMS must develop regulatory regime that
  - Ensures consultation with States and other stakeholders
  - Grants leases, easement, or right-of ways
  - Enforces regulatory compliance
  - Requires financial surety
  - Provides fair return to the Nation

# What does EPA Act 2005 not do?

- **Supersede or modify existing Federal authority**
- **Authorize any oil and gas leasing, exploration, or development or activities supporting oil and gas exploration, development, production, or storage in moratoria areas**
- **Apply to areas designated as National Marine Sanctuaries, National Parks, National Wildlife Refuges, or any National Monument**

# What decisions face MMS?

## Near term

- Assume oversight of existing projects, such as Cape Wind and Long Island Power Authority

## Long term

- Develop a regulatory program that integrates “new” uses with existing uses of offshore resources

# Section 388 Tasks for MMS

Create a new regulatory process

- Issue necessary regulations

Establish revenue sharing formula

- Coastal states within 15 miles of a project

Comprehensive mapping initiative

Develop consultation and coordination process

# Developing a Framework

## Program design premises:

- Enter into meaningful dialogue with stakeholders
- Create new regulatory process
- Focus on “regulator” role
- Use sound science, engineering, and environmental protection principles

# **MMS Action Plan**

**Identify information needs and data gaps**

**Conduct dialogue with stakeholders**

**Develop plan for existing projects**

**Develop plan for proposed energy and alternative OCS use related projects**

# MMS Action Plan

Develop strategic plan for identifying program areas and access priorities

Develop regulatory regime

- Identify appropriate conveyance instrument
- Develop monitoring and inspection protocols
- Develop a fee/royalty/rental structure

Contract needed scientific and engineering research

# What are MMS's main goals?

Provide for **multiple-use management** of Federal offshore lands for non-traditional energy and related uses

**Protect** the Nation's economic and land use interests

Establish a **predictable process** that facilitates private sector permitting and encourages public sector input

Provide the public and private sector with

# What are MMS's main goals?

**Increase and balance** the Nation's sources and supplies of energy

Encourage **new and innovative technologies** to help meet our energy needs

Support the Energy Policy Act's initiative to **simplify permitting** for energy production in an environmentally safe manner

# Advanced Notice of Proposed Rulemaking (ANPR)

Published in the *Federal Register* on December 30, 2005, the ANPR requested public comments to assist MMS in development of this new program and implementing regulations.

MMS has identified five major program areas for comment, including:

- Access to OCS lands and resources,
- Environmental information, management, and compliance
- Operational activities,
- Payments and revenues, and

# Advanced Notice of Proposed Rulemaking (ANPR)

ANPR described each program area and provided a list of general issues followed by specific questions. The lists and questions are not all inclusive, but are intended to provide ideas and a framework for commenting.

The comment period closes in late February 2006.

Proposed Renewable Rules are scheduled to be published in Late-Spring 2006.

Final Regulations will be published in Late-Fall 2006.

# Manage Existing Proposals

Engage Coastal States actively involved in permitting offshore renewable energy

Identify State and Federal resource agencies and NGOs with information and expertise

Work with States, localities, Federal agencies, and other stakeholders to build the foundation for regional plans and regulatory regime

Collaborate with coastal states and other stakeholders throughout the program formulation process

# Manage Existing Proposals

## Cape Wind (Massachusetts)

An application was filed with the U.S. Army Corps of Engineers (COE) in November 2001.

The COE published a draft EIS in November 2004 and received more than 4,000 comments.

In November 2005, MMS met with Massachusetts State agencies, the Cape Wind federal partners and Cape Wind. Additional meetings were held with State Congressional staff on Capitol Hill.

MMS plans to prepare its own Draft NEPA and have it available for public comment in late-Spring 2006.

# Manage Existing Proposals

## Long Island Power Authority (New York)

In April 2005, an application was filed with the COE and a public notice was published in June 2005.

MMS has conducted an initial completeness review on LIPA's application.

In mid-January 2006, MMS plans to meet with New York State agencies, the LIPA federal partners and LIPA/FPL.

MMS plans to begin its NEPA process, once a complete application is received.