

# BOEMRE

## Rhode Island/Massachusetts Renewable Energy Task Force



### Next Steps: BOEMRE Environmental Review Process

Offshore Alternative Energy Programs  
Bureau of Ocean Energy Management,  
Regulation and Enforcement

# Program Stages



- Planning & Analysis
- Leasing
- Site Assessment
- Commercial Development

\*Engage & receive comment from Intergovernmental Task Force, stakeholders, and public throughout

# Program Stages



- Planning & Analysis Stage
  - Engage Intergovernmental Task Force, stakeholders, and public
  - Develop and Publish Planning Notices
    - Request for Interest (RFI) or Call for Information and Nominations (Call)
  - Announce Area Identification
  - **Conduct environmental compliance and consultation**

# Applicable Statutes & Executive Orders



- National Environmental Policy Act
- National Historic Preservation Act
- Endangered Species Act
- Marine Mammal Protection Act
- Magnuson-Stevens Fishery Conservation and Management Act
- National Marine Sanctuaries Act
- E.O. 13186 (Migratory Birds)
- Coastal Zone Management Act
- Clean Air Act
- Clean Water Act
- Federal Power Act
- Federal Aviation Act
- E.O. 13547 (Stewardship of the Oceans, Our Coasts & the Great Lakes)
- Rivers and Harbors Act
- Archeological and Historic Preservation Act
- Native American Graves Protection and Repatriation Act
- American Indian Religious Freedom Act
- Ports and Waterways Safety Act
- Marine Protection, Research, & Sanctuaries Act

# Consultation & Coordination with Indian Tribal Governments (EO 13175)



- Recognize that federally-recognized Indian tribes have concerns relating to wind energy leasing in the AMI
- There may be potential impacts to sacred and ceremonial sites, and inundated sites on ancestral lands
- Will request formal government-to-government consultations to:
  - learn about these concerns
  - create the foundation for future consultations under NHPA Section 106

# National Historic Preservation Act (NHPA)



- Recognize Indian tribes possess specialized expertise in assessing the eligibility of historic properties that may possess religious and cultural significance
- Conduct Section 106 consultations on a government-to-government basis in recognition of the unique legal relationship with Indian tribal governments

# National Historic Preservation Act (NHPA)



- Carry out consultations in a manner sensitive to tribal needs and concerns;
- Begin with the publication of the Notice of Intent to Prepare NEPA compliance
  - Announces the preparation of analysis for lease issuance, site characterization, and site assessment activities;
  - Consistent with the beginning of other statutorily-mandated consultations

# Endangered Species Act



- Prepare Biological Assessment (BA) covering potential effects from leasing and site assessment and characterization activities on endangered and threatened species
- Consult with National Marine Fisheries Service and U.S. Fish and Wildlife Service.
- Services will provide BOEMRE with a Biological Opinion (BO) within 135 days of receipt of the BA
- BO may have additional binding mitigation measures for the project to reduce impacts on endangered and threatened species.

# Magnuson-Stevens Fishery Conservation & Management Act



- Prepare an assessment of the impacts of leasing and site assessment and characterization activities on Essential Fish Habitat (EFH)
- Consult with the National Marine Fisheries Service regarding potential impacts to EFH
- National Marine Fisheries Service may recommend further mitigation measures to reduce impacts on EFH

# Renewable Energy Lease



- Grants exclusive right to submit plans
- Does not authorize construction
- Only reasonably foreseeable activities are site assessment and site characterization activities
  - Meteorological buoys or towers
  - May include archaeological, biological, geophysical, geotechnical, and shallow hazard surveys

# Smart from the Start

## Atlantic Wind Initiative



- Use RFIs and Calls to refine and modify to delineate a WEA and inform both our NEPA and lease issuance processes
  - Streamline NEPA: Start with an environmental assessment to evaluate potential impacts from renewable energy lease issuance
  - EA will only analyze site characterization and assessment activities
  - Other approaches (e.g., anticipate significant impacts, AOWEC RI pilot)

# Environmental and Socioeconomic Resources and Issues



- Multiple Use Conflicts
- Fisheries & Fishing
- Socioeconomics
- Cultural Resources
- Air Quality
- Water Quality
- Marine Mammals
- Sea Turtles
- Birds and Bats
- Seafloor Habitats
- Physical Oceanography
- Coastal Habitats



# Opportunity to Provide Comment



- Stakeholder Meetings
- BOEMRE Intergovernmental Task Force Meetings
- Comment Period for the Draft Environmental Assessment or other NEPA document