



MMS Proposed Regulatory Process for Alternative Energy Development on the OCS

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Ocean Energy: Offshore Wind
DC Bar Environment, Energy and Natural Resources Section
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Energy Policy Act of 2005

- ◆ The Minerals Management Service (MMS) may issue a **lease, easement or right-of-way** on the OCS for activities that, among other things:
 - ~ Produce or support production, transportation or transmission of energy from sources **other** than oil and gas;
 - ~ Use existing facilities on the OCS for energy-related purposes or for other marine-related purposes.
- 43 U.S.C. 1337(p)*



Energy Policy Act of 2005

- ◆ The MMS is required to establish:
 - ~ Royalties
 - ~ Fees
 - ~ Rentals
 - ~ Bonuses
 - ~ Or other payments
- ◆ To ensure a “fair return” to the United States for any lease, easement or right-of-way.



Examples of OCS Renewable Energy

- ◆ Wind Energy
- ◆ Wave Energy
- ◆ Ocean Current Energy
- ◆ Solar Energy
- ◆ Hydrogen





MMS Regulatory Timeline

- ◆ December 30, 2005: Advance Notice of Proposed Rulemaking (*70 Fed. Reg. 77345*)
 - ~ MMS sought public input on a range of issues
- ◆ January 10, 2008: Final Programmatic EIS (*73 Fed. Reg. 1894*)
- ◆ July 9, 2008: Proposed Regulations (*73 Fed. Reg. 39376*)
- ◆ End of 2008: Final Regulations (?)



Proposed Rules

- ◆ Leases:
 - ~ Competitive vs. Noncompetitive
 - ~ Limited vs. Commercial
- ◆ Plans:
 - ~ Site Assessment Plan (SAP)
 - ~ Construction & Operations Plan (COP)
 - ~ General Activities Plan (GAP)



Proposed Rules (cont'd)

- ◆ Royalties & Fees
- ◆ Decommissioning
- ◆ Alternate Uses
- ◆ Environmental Review and Coordination