An Introduction to Public Participation in U.S. Offshore Wind Development

Offshore wind power is an exciting new frontier for American energy production, where technological advances, business opportunity, and policy are converging to unlock a reliable natural resource. Offshore wind will bring tens of thousands of highly-skilled U.S. jobs, strengthen coastal economies, and deliver vast amounts of reliable, clean energy to America's largest population centers.

America's first offshore wind farm came online in 2016 in Rhode Island state waters. As of January 2020, there are 15 active commercial lease areas for offshore wind development in federal waters, with more in the works.

Interested parties, including members of the general public, industries, all levels of government, non-governmental organizations, and educational institutions, have numerous opportunities to provide feedback throughout the Bureau of Ocean Energy Management's ("**BOEM**") regulatory process. Public participation from other ocean users, including the fishing industry and coastal communities, is essential to help the United States fully realize the benefits of offshore wind power.

This guide is meant to draw attention to the opportunities for public comment in BOEM's regulatory process for commercial offshore wind development to ensure an American offshore wind industry that works for coastal communities, traditional ocean industries, and U.S. national security interests.

The Offshore Wind Sector's Commitment to Public Engagement

The emerging U.S. offshore wind industry, the U.S. fishing industry, other ocean users, and coastal communities can benefit by working side-by-side, adding diversity and strength to the American Blue Economy. Offshore wind developers will continue to seek out and respond to feedback from the communities in which they develop and operate.

Public participation in the offshore wind development process is critical, especially during the process of identifying potential opportunities for future offshore wind development. While this guide outlines the public participation opportunities throughout the BOEM regulatory process for offshore wind development, interested parties may also provide input to regional fishery management councils, state permitting processes, and state fisheries, habitat, and environmental working groups, among others. The offshore wind industry is also committed to going above and beyond what is outlined in this guide to provide opportunities for public participation. For example, offshore wind developers have collectively held thousands of voluntary meetings with other ocean users, like fishermen and fishing groups, and the industry continually looks for ways to expand engagement. Early feedback from interested parties helps inform offshore wind development. Developers encourage interested parties to provide feedback to BOEM throughout the process and directly to developers once they gain site control.

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SPECIAL INITIATIVE ON OFFSHORE WIND

About the Special Initiative on Offshore Wind:
The Special Initiative on Offshore Wind is an independent project at the University of Delaware's College of Earth, Ocean and Environment that supports the advancement of offshore wind as part of a comprehensive solution to the most pressing energy problems facing the United States. The Special Initiative on Offshore Wind provides expertise, analysis, information sharing, and strategic partnership with industry, advocacy and government stakeholders to build understanding and drive the deployment of offshore wind.

AWEA AMERICAN WIND ENERGY ASSOCIATION

About the American Wind Energy Association (AWEA):
AWEA is the national trade association of the U.S. wind energy industry. We represent 1,000 member companies and over 100,000 jobs in the U.S. economy, serving as a powerful voice for how wind works for America. Members include global leaders in wind power and energy development, turbine manufacturing, and component and service suppliers.

More information about the offshore wind leasing process and public participation opportunities can be found in the following resources:

Bureau of Ocean Energy Management (BOEM)
https://www.boem.gov/Renewable-Energy/

A Citizen's Guide to BOEM's Renewable Energy Authorization Process
https://www.boem.gov/kw-cg-broch

BOEM Stakeholder Engagement and Partnerships
https://www.boem.gov/Stakeholder-Engagement-and-Partnerships/

Atlantic Fishing Industry Communication and Engagement
https://www.boem.gov/Atlantic-Fishing-Industry-Communication-and-Engagement/

Commercial Fishing Frequently Asked Questions: Wind Energy on the Outer Continental Shelf
https://www.boem.gov/sites/default/files/uploadedFiles/BOEM-Fishing%20FAQs.pdf

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Produced by the American Wind Energy Association and the University of Delaware's Special Initiative on Offshore Wind

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Photo: Block Island Wind Farm Project - US Project

Public Participation Road Map for Commercial Offshore Wind Development in Federal Waters

How Are Offshore Wind Farms Sited?

The Bureau of Ocean Energy Management ("BOEM") works to identify potential areas for offshore wind development on the Outer Continental Shelf ("OCS") based on extensive public input (the OCS is all submerged lands lying seaward of state coastal waters that are under U.S. jurisdiction). To ensure the process is as complete and transparent as possible, BOEM solicits public comments, convenes **Intergovernmental Renewable Energy Task Forces ("Task Forces")** with interested states, and holds public meetings throughout the offshore wind development process. Outside of these opportunities, BOEM has an open-door policy. It always wants to hear from the public and receive all available information in order to ensure it will make the most informed decisions possible.

The offshore wind development process starts when BOEM determines interest either from a state, through a Governor's request that BOEM establish a Task Force and hold meetings, or when one or more companies seek to build an offshore wind farm in federal waters. When BOEM receives a request from a Governor/State to establish a Task Force or a developer submits an unsolicited lease request, this kicks off a multi-year process, which includes many opportunities to get involved. After at least one Task Force meeting, during which public input is available, BOEM requests public comment by issuing a **Request for Information or a Call for Information and Nominations ("Call")** for potential offshore wind lease areas. This comment period seeks information from the public on site conditions, resources, and multiple uses in close proximity to, or within, the areas where offshore wind could be developed **("Call Areas")**. These comments should be relevant to BOEM's review of any nominations submitted, as well as its subsequent decision whether to offer all or part of the Call Areas for commercial wind leasing.

Your Feedback Makes a Difference

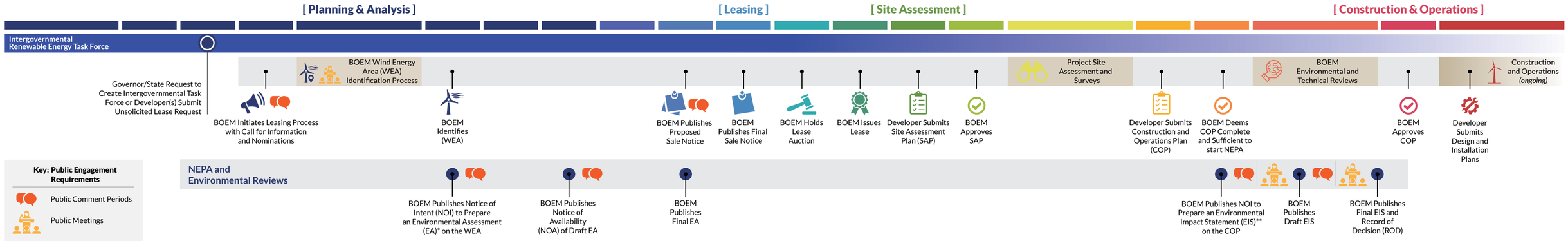
Taking time to provide BOEM with meaningful feedback helps ensure that offshore wind development reduces multiple use conflicts of the ocean to the greatest extent possible. After incorporating extensive public feedback from the Call, BOEM identifies **Wind Energy Areas ("WEAs")**, which are the parts of the OCS that appear most suitable for commercial wind energy activities, while presenting the fewest apparent environmental and user conflicts. These WEAs are generally smaller than Call Areas because they incorporate feedback from interested parties, including state and federal agencies and other ocean users, like the fishing and commercial shipping industries.

In each case, BOEM balances site-specific factors and other considerations, including feedback from the public. BOEM has previously removed portions of the Call Area from consideration because of known fishing activity (e.g., Massachusetts [Nantucket Lightship], Rhode Island/Massachusetts [Cox Ledge], and New York [Cholera Bank]). Feedback also matters to the offshore wind industry. In one case, in response to written and oral feedback from the region's fisheries industry and other maritime users, five leaseholders reached a joint agreement to adopt a uniform turbine layout proposal across their adjacent New England lease areas in order to ensure safe transit from one end of the New England WEA to the other without unexpected obstacles.

What Happens if There Is an Unsolicited Lease Request?

Unsolicited lease requests are another way that BOEM works with interested parties to identify potential areas for offshore wind development in federal waters. An unsolicited lease request is a submission received by BOEM that is not in response to a **Request for Interest ("RFI")** or a Call issued by BOEM. **The receipt of an unsolicited lease request does not grant authority to construct an offshore wind project;** rather, the receipt of an unsolicited lease request serves to inform BOEM of interest in leasing a particular site on the OCS.

Unsolicited lease requests provide an avenue for developers to seek a federal lease for the development of renewable energy projects. Following an unsolicited lease request, BOEM issues a **Request for Competitive Interest** to determine whether or not competitive processes are necessary. Importantly, receipt of an unsolicited lease request by BOEM is the earliest step in a process that includes all of the same environmental analysis and public engagement steps outlined elsewhere in this document.



* **Environmental Assessments ("EAs"):** An EA analyzes the environmental effects of a proposed activity to determine the significance of potential impacts to marine life and ecosystems. Any significant impacts identified in an EA must be analyzed in an **Environmental Impact Statement ("EIS")**. An EA also documents the potential environmental impacts of proposals that do not require an EIS and identifies as early as possible mitigation measures that BOEM may require to avoid or minimize adverse effects of a proposal. There are opportunities for public comment and involvement in the EA process.

** **Environmental Impact Statements ("EIS"):** Once a wind farm developer submits a formal **Construction & Operations Plan ("COP")**, federal law requires BOEM to conduct a comprehensive, site-specific EIS. To get things started, BOEM publishes a **Notice of Intent ("NOI")** to Prepare an EIS in the Federal Register. This action starts the scoping process in which BOEM and the public collaborate to define the range of issues and possible alternatives to be addressed in the EIS. Public participation is critical to this process. To solicit as much public input as possible, BOEM holds at least one public meeting in the communities that might be affected if leasing or development were to occur. Based on the information received during scoping and other information, BOEM identifies alternatives to the COP that might reduce possible impacts. In addition, any reasonable measures suggested to mitigate possible impacts are considered for analysis in the EIS. Through this public participation, in addition to environmental and technical reviews of the COP, BOEM decides whether to approve, approve with modification, or disapprove the COP. The EIS process ends when BOEM issues a **Record of Decision ("ROD")**, which explains its decision, describes the alternatives considered, and discusses plans for mitigation and monitoring, if necessary.

Formal Comment Periods: Allow interested parties, including members of the general public, opportunities to provide formal, written comments on proposed actions published in the Federal Register. Formal comment periods are between 30 and 60 days, and comments must be filed before the specified deadline. Comments filed during formal comment periods will become part of the official public record.

Visit **https://www.boem.gov/submitting-comments/** to see current and upcoming opportunities to comment on BOEM regulatory programs, including offshore wind, oil and gas, and other activities under BOEM's jurisdiction.

Public Meetings: Gatherings that allow the public a forum to discuss the issues, share information, and get a fuller understanding of the ongoing community engagement process. BOEM holds public meetings as a part of the **National Environmental Policy Act ("NEPA")** process, but the number will vary depending on the geography and the amount and complexity of other ocean uses in the area. BOEM also regularly participates in public information sessions and Regional Fisheries Management Council meetings, including associated open houses, to communicate BOEM's process and provide an opportunity to submit feedback.

Visit **https://www.boem.gov/Note-to-Stakeholders/** to see postings for all interested parties, including public meeting notices.

Intergovernmental Renewable Energy Task Forces: BOEM meets with its Intergovernmental Renewable Energy Task Forces, which bring together members of state, local, and tribal governments and federal agencies to discuss issues, exchange data and information, and identify potential conflicts early in and during the planning and leasing process. These meetings are open to the public, who can provide comment.

Visit **https://boem.gov/Strengthening-the-Task-Forces/** to learn more about the Task Forces.
Visit **http://boem.gov/renewable-energy-state-activities/** to see what's happening in your state.