

OFFSHORE WIND REGULATION: A Decade of Lessons Learned?

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A DECADE OF PROGRESS: FROM CAPE WIND TO NOW

» Development of Renewable Leasing Program under OCSLA

- Resolved uncertainty over:
 - seabed ownership
 - ability to construct and operate OSW projects
- Replaced amorphous “Public Interest” review standard under Section 10 of the River and Harbors Act of 1898

» Continued Development of Regulatory Process

- Extensive State-specific stakeholder involvement process
- Project Design Envelope Guidance
- Expected improvements to SAP and Decommissioning processes

A DECADE OF PROGRESS: FROM CAPE WIND TO NOW

»Streamlining of Federal Permitting Process

- FAST-41 Program
- One Federal Decision MOU

»Proliferation of State OSW Incentive Programs

- Increased emphasis on addressing climate change
- Desire to capture economic / employment benefits

»Improvement in Technology = Reduction in Cost

BUT CHALLENGES REMAIN TO BE ADDRESSED

»Can the Stakeholder Process Actually Produce Consensus?

- Energy production v. Fisheries v. Visual v. Sensitive Species
- Ability remains to shape the Administrative Record on *all* sides

»Will the Regulatory and Permitting Process Improvements Produce Timely and Defensible Results?

- Information sufficiency for:
 - ESA and MMPA coordination
 - NEPA / Cumulative Impact reviews
 - Supply Chain build-out, sequential / multiple projects or leases
- Ability to respond to comments / develop Administrative Record?

BUT CHALLENGES REMAIN TO BE ADDRESSED

»How will the environmental community and other stakeholders respond?

- Will the perfect be the enemy of the good?
- Is *Fisheries Survival Fund* an indication of more to come?

»And What About Offshore Transmission Systems?

»Potential Impact on Ability to Capture and Move Beyond State Incentive Programs

QUESTIONS?

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