



EPAct and MMS

On August 8, 2005, President George W. Bush signed into law the Energy Policy Act of 2005 (the Act). This law grants the Minerals Management Service (MMS) new responsibilities over Federal offshore alternative energy and alternate uses of America's offshore public lands, also known as the Outer Continental Shelf (OCS).

Section 388 of the Act provides an initiative to facilitate increased alternative energy production on the OCS.

It gives the Secretary of the U.S. Department of the Interior (the Department) the authority to:

- grant leases, easements, or rights-of-way for alternative energy-related uses on Federal OCS lands,
- act as a lead agency for coordinating the permitting process with other Federal Agencies, and
- monitor and regulate those facilities used for alternative energy production and support services.

Since it was established in 1982, the MMS has been designated by the Department to oversee the management of oil, natural gas, and other mineral activities on offshore Federal lands. Given the agency's expertise and experience in managing such complex programs, the MMS will assume this new authority as outlined in Section 388.

Section 388 clarifies the Secretary's authority to allow an offshore oil and gas structure, previously permitted under the OCS Lands Act, to remain in place after

oil and gas activities have ceased if the structure will be used for other energy and marine-related activities. This authority provides opportunities to extend the life of facilities for non-oil and gas purposes, such as research, alternative energy production, aquaculture, etc., before being removed.

Section 388 further gives the Secretary the authority to establish an interagency comprehensive digital mapping effort to assist in decision-making related to alternative energy activities.

Section 388 does not authorize any leasing, exploration, or development activities for oil or natural gas. Congressional moratoria and administrative withdrawals in effect remain unchanged.

The MMS remains committed to:

- protecting the environment and providing for safety of personnel and operations,
- cooperating, coordinating, and collaborating with others to manage the OCS resources,
- providing regulatory certainty and consistency,
- establishing a comprehensive framework for planning, permitting, and inspecting,
- providing for a fair return to the Nation for use of its resources,
- basing management decisions on detailed science and engineering reviews, and
- improving our understanding of ocean ecosystems to make sound OCS resource management decisions.

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