



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 activities on America's offshore public lands, also known as the Outer Continental Shelf (OCS).



What authority did the MMS receive?

Section 388 of the Act authorizes the Department, delegated to the MMS, to:

- act as the lead agency for Federal offshore alternative energy on America's offshore public lands,
- ensure consultation with States and other stakeholders,
- grant, leases, easements or rights-of way for alternative energy related uses of the Federal OCS,
- pursue appropriate enforcement actions in the event violations occur,
- require financial assurance to ensure that facilities constructed are properly removed at the end of their economic life, and
- regulate, monitor, and determine fair return to the Nation.

What decisions are needed by the MMS?

- Near term – assume oversight of existing offshore alternative energy projects, such as the Cape Wind Offshore Wind project proposed off Massachusetts
- Longer term – develop a program that judiciously integrates these new uses with existing uses of offshore resources

What action items have been identified by the MMS?

- Prepare proposed rulemaking
- Develop a plan for proposed projects
- Develop a strategic plan for identifying program areas and access priorities
- Meet with stakeholders (Congressional delegations, coastal states, Federal Agencies, industry, the environmental community and the general public)
- Identify information needs, gaps, and sources
- Prepare guidelines
- Contract scientific and engineering information
- Identify appropriate conveyance instrument
- Develop monitoring and inspection protocols
- Develop a fee/royalty/rental structure

What specific tasks are found in Section 388 of the Act, regarding the MMS?

- Issue necessary regulations for carrying out its new authority
- Establish a formula for sharing revenue among coastal states within 15 miles of a project
- Establish interagency comprehensive digital mapping initiative



What are MMS's major philosophies in developing a new Alternative Energy Program?

- Enter into a meaningful dialogue with interested stakeholders
- Create a new regulatory paradigm
- Focus on the MMS "regulatory" role
- Use sound science, engineering, and environmental protection principles

What exclusions or limitations are included in Section 388 of the Act?

- The Act will not supersede or modify the existing authority of any other agency with regard to the permitting of alternative energy projects.
- The Act will not authorize any leasing, exploration or development activities for oil or natural gas. Congressional moratoria and administrative withdrawals in effect remain unchanged.
- The Act will not apply to areas within the boundaries of the National Park System, National Wildlife Refuge System, National Marine Sanctuary System, or any National Monument.

What are MMS's main goals?

- Provide for sound multiple-use management of Federal offshore lands for non-traditional energy.
- Protect the Nation's economic and land use interests.
- Ensure human safety and environmental protection.
- Establish a predictable process that facilitates private sector permitting and encourages public sector input that directly supports the Act's initiative to simplify permitting for alternative energy production in an environmentally safe manner.
- Provide the public and private sector with certainty and stability.
- Help increase and balance both sources and supplies of energy that are critical to our Nation's future energy needs.
- Encourage new and innovative technologies to help meet our Nation's increasing energy needs.

Contacts:

Maureen "Mo" Bornholdt, Program Manager
Minerals Management Service Alternative Energy Program
381 Elden Street, Herndon, VA 20170
Phone: (703)787-1300 Email: maureen.bornholdt@mms.gov

Maurice Hill, Alternative Energy Coordinator
Minerals Management Service AEP-Pacific Region
770 Paseo Camarillo, Camarillo, California 93010
Phone: (805) 389-7815 Email: maurice.hill@mms.gov

*To learn more about the MMS Alternative Energy Program,
go to the following websites:*

www.mms.gov/offshore/RenewableEnergy/RenewableEnergyMain.htm
www.ocsenenergy.anl.gov