


Corps of Engineers



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- **Why is the Corps involved in offshore wind power?**
- **Why is the Corps the only Federal agency?**
- **What is the Corps permit process?**
- **What is NEPA?**
- **What information will be in the EIS?**
- **What alternatives are being reviewed?**
- **What is the Corps' schedule for review?**
- **How will the Corps' permit decision be made?**

Why is the Corps involved in offshore wind power?

- Section 10 of the Rivers & Harbors Act of 1899 – issue permits for structures in navigable waters of the U.S.
- Outer Continental Shelf Lands Act- artificial islands, installations, and other devices located on the seabed

Why is the Corps the only Federal agency?

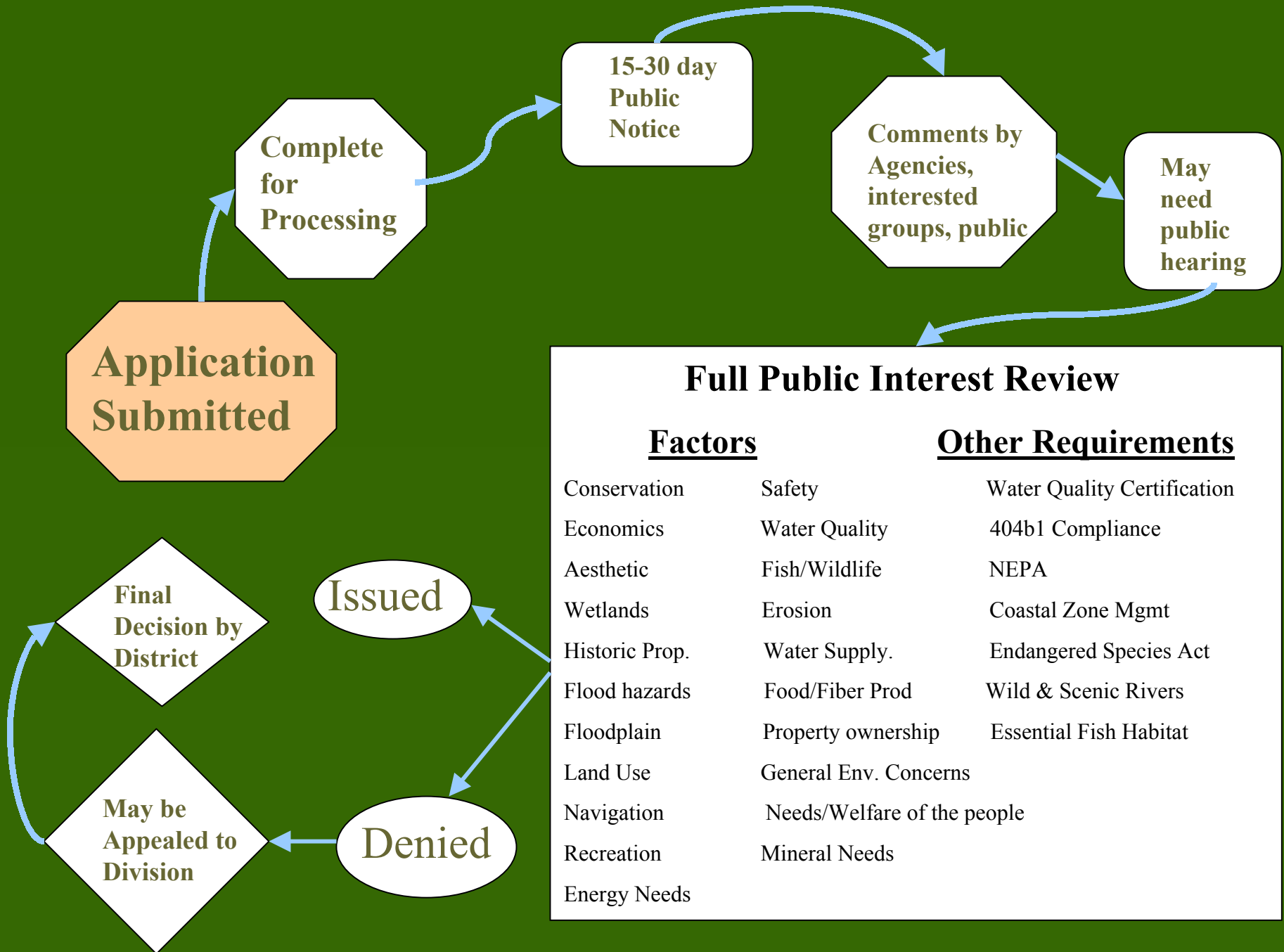
- No one else will admit to having jurisdiction or authority
 - Mineral Management Service
 - FERC
 - Dept of Energy

What is the Corps permit process?

- Receipt of Complete Application
- 30 day Public Notice
- Work with agencies and applicant to resolve issues/modify project/special conditions
- Write Environmental Assessment/Statement of Findings
- Permit decision



INDIVIDUAL PERMIT EVALUATION PROCESS



Full Public Interest Review

Factors

Conservation
Economics
Aesthetic
Wetlands
Historic Prop.
Flood hazards
Floodplain
Land Use
Navigation
Recreation
Energy Needs

Other Requirements

Safety
Water Quality
Fish/Wildlife
Erosion
Water Supply.
Food/Fiber Prod
Property ownership
General Env. Concerns
Needs/Welfare of the people
Mineral Needs
Water Quality Certification
404b1 Compliance
NEPA
Coastal Zone Mgmt
Endangered Species Act
Wild & Scenic Rivers
Essential Fish Habitat

What is NEPA?

National Environmental Policy Act (NEPA) was the first law to focus environmental concerns within a comprehensive national policy. NEPA called for "productive harmony" between "man and nature".

Environmental Impact Statement (EIS)

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on --

- (i) the environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) alternatives to the proposed action,
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long- term productivity, and
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

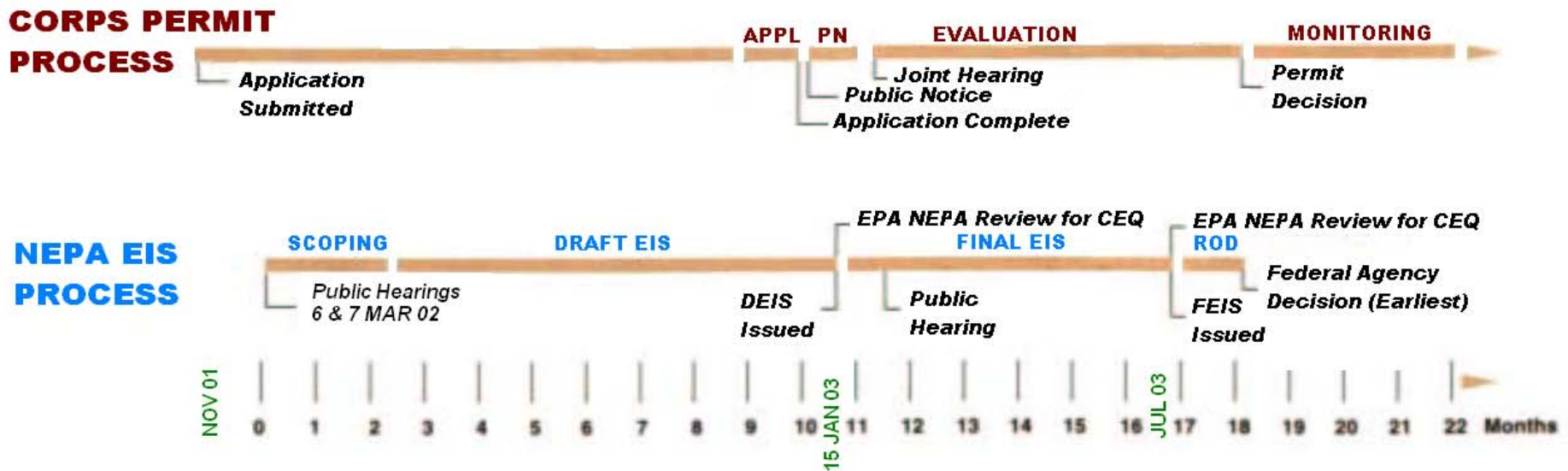
What information will be in the EIS?

- Technological & geographic range of alternatives
- Birds, fish, marine mammals, benthos
- Endangered-whales, turtles, birds
- Visual affect/viewscape from historic districts
- Aviation
- Socio-economic (recreation, tourism & fishing industries)
- Navigation

What alternatives are being reviewed?

- Reasonable terrestrial & offshore renewable energy facility locations in New England
- Alternative technologies: wind, tidal, solar, biomass, and hydroelectric

What is the Corps' schedule for review?



How will the Corps' permit decision be made?

- Develop Record of Decision subsequent to the FEIS
- Weighing and balancing of *public interest factors*

Public Interest Factors

Conservation

Aesthetics

Wetlands

Fish & Wildlife Values

Floodplain Values

Navigation

Recreation

Water Quality

Safety

Mineral Needs

Economics

General environmental concerns

Historic properties

Flood Hazards

Land Use

Shoreline Erosion & Accretion

Water Supply & Conservation

Energy Needs

Food & Fiber Production

**Considerations of Property
Ownership**

General Needs & Welfare of the People

How will the Corps' permit decision be made?

- Develop Record of Decision subsequent to the FEIS
- Weighing and balancing of public interest factors
- “not contrary to the public interest”

Further information

- www.nae.usace.army.mil see Corps web page for the link to Corps information related to the Cape Winds permit application
- **33 CFR part 320 through 330** Corps of Engineers Regulatory Program
- **33 CFR Part 230 and 325**, Corps of Engineers regulations for implementing NEPA