

Off-Shore Wind Power Projects: U.S. Army Corps of Engineers Regulatory Program and Permitting Process

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Regulatory Authorities

- ▶ Section 10 of the Rivers and Harbors Act
 - Navigation and Structures in Navigable Waters
 - Docks, Dredging
- ▶ Section 404 of the Clean Water Act
 - Discharges of Dredged or Fill Material into Waters of the United States
 - Armored Revetments, Groins, Disposal of Dredged Material, Wetland Fills



Other Programs

- Section 401 Water Quality Certification (State Resource Agency)
- Coastal Zone Management Program (State Resource Agency)
- Endangered Species Act (U.S. Fish and Wildlife Service)
- Section 106 of the Historic Preservation Act (State Historic Preservation Office)
 - Coordination with Tribal Nations



National Environmental Policy Act (NEPA)

- Lead Permitting Agency for Off-Shore Great Lakes Wind
 - ▶ Request input from Cooperating Agencies (e.g. USCG, USFWS, USEPA, State Resource Agencies)



Permit Requirements

- 404 (b)(1) Guidelines
 - Project Purpose – Water Dependency
 - Alternatives Analysis
 - On-Site vs. Off-site
 - Least Environmentally Damaging Practicable Alternative
 - Avoid Impacts
 - Minimize Impacts
 - Mitigate Unavoidable Impacts



Public Interest Review Factors

- Balancing process
 - Wetland values
 - Navigation
 - Conservation of natural resources
 - Wildlife values
 - Recreation
 - Flood hazards
 - Economics
 - Cultural resources
 - Safety



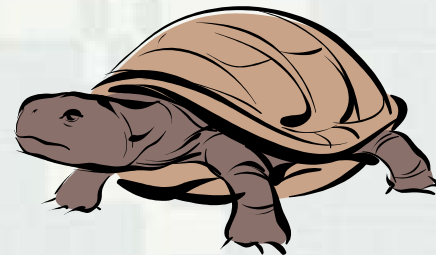
Scope of Analysis

- Primary, Secondary Impacts Associated with Jurisdictional Activities
 - Wetland/Water fills
 - Structures in Waters
 - 33 CFR Part 325 Appendix B
- Special Cases
 - Endangered Species Act
 - Historic Preservation Act (33 CFR Part 325 Appendix C)



Types of Permits

- General Permit
 - Minor Impacts – Project Specific
 - Nationwide Permits
 - Regional and Programmatic Permits
- Individual Permit
 - Standard Permit
 - Letter of Permission



Nationwide Permits

- A type of general permit used to authorize specific types of activities
- Minimal impact to aquatic environment
- Abbreviated permit review process
- Valid for 5 years
- Currently being re-issued
- Regional conditions developed by District/State agencies
- Mitigation may be required
- Nationwide Permit B: Water-Based Renewable Energy Generation Pilot Projects



Standard Permit

- Full public interest review
- Public Notice
 - 30 Day Public/Agency Comment Period
- Determination of compliance with USEPA Section 404(b)(1) Guidelines
- Preparation of Environmental Assessment (EA) and Statement of Findings (SOF)
- Results in permit issuance or denial
- Valid for 3-5 years. May obtain extension



Standard Permits

Public Participation

- Public Notices Posted on Corps' Websites
 - E-mail distribution
 - Mailings and adjacent property notification and Interested Parties (e.g. Great Lakes Shipping Interests for off-shore wind projects)
- Comments in Writing (letter or e-mail)
- Not a Vote
- Possible public hearings



Decision Document

- Environmental Assessment – Statement of findings
- EIS “Significant Effects”
 - Notice of Intent
 - Scoping and Draft
 - Comments
 - Final EIS and Record of Decision



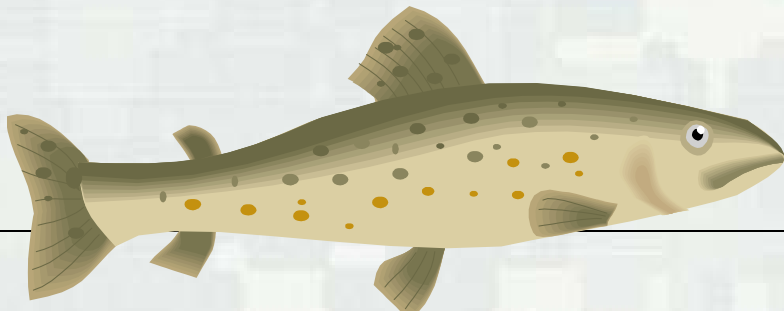
Potential Off-Shore Concerns/Issues

- Ice
- Navigation
- Recreational Boating Safety
- Migratory Birds/Bats
- Acoustics/Disruption
- Aesthetics
- Public Perception/Opinion
- Others????



Program Goals

- Protect the physical, chemical and biological integrity of waters of the U.S.
- Balance permit actions in light of the overall public interest
- Significant coordination with agencies and opportunities for public involvement



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Questions?

