

Permitting Challenges in the Great Lakes

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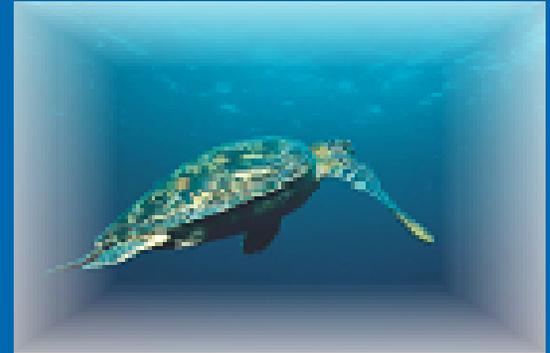
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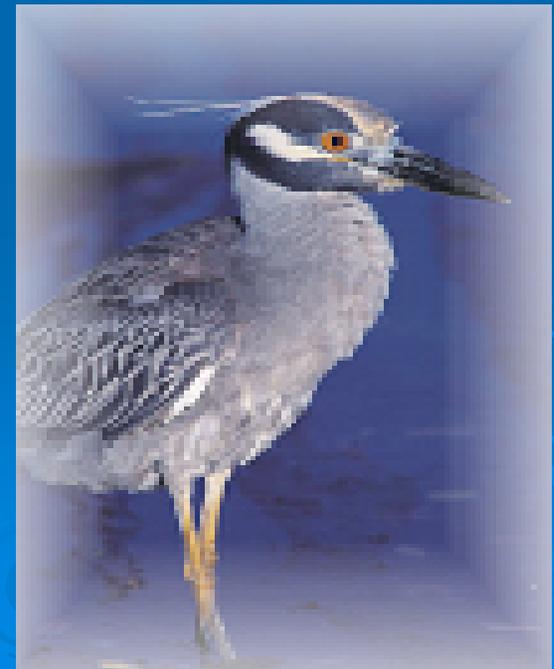
What are the Key Questions?

- How does government assure necessary environmental and social protections within the public interest?
- What is the level of risk compared to other energy options?
 - Understanding socio-economic impacts
 - Measuring health effects
 - Facing facts --- current energy unsustainable
--- dominant risk of global climate change
- How do we devise a sound & rigorous permitting process?
 - Setting reasonable standards
 - Commitment to public response research
 - Encouraging offshore wind pilot projects



Is There a Viable Permitting Process?

- Regulations and institutions are adequate
- No tested process to date
- Early stages of technology
- Multiple agencies with different jurisdictions
 - 8 states
 - Ontario and Quebec Provinces
 - Over 30 Native American Tribes
- States own the bottomlands



The Elements of a Viable Permitting Process?

Solve the leadership void

- States and local communities are central actors

➤ Develop a siting process

- First demonstrations are test beds
- Good siting leads to big payoffs
- Avoid sensitive habitats

➤ Process evolves with experience

- Just do it – expedite permitting for demonstrations

➤ Evaluate fair market value for use of submerged lands



Recommendations

- Identify the lead agencies and the roles they will play
- Gather baseline information
 - Wind resources
 - Research partnerships
- Establish a knowledge base for comparative risks and benefits of energy options
- Devise state siting strategies -- sustained public involvement
- Move forward applying lessons learned from Europe and the U.S.



BACKGROUND SLIDES



Selected U.S. Federal Regulations

| Legislative Authority | Major Program/Permit | Lead Agencies |
|--|---|---|
| Rivers And Harbors Act - Section 10 | Prohibits the obstruction or alteration of navigable water of the U.S without a permit | U.S. Army Corps of Engineers (District Office) |
| National Environmental Policy Act (NEPA) | Requires submission of an environmental review for all major federal actions that may significantly affect the quality of the human environment | Designated Lead Agency Council on Environmental Quality |
| Coastal Zone Management Act | Consistency determination with the coastal program of the affected state | NOAA State Coastal Zone Management Agencies |
| Navigation and Navigable Waters | Navigation aid permit to fixed structures (markings and lighting) | U.S. Coast Guard |
| Navigational Hazard to Air Traffic | Determination of the safe use of airspace from construction start (lighting) | U.S Federal Aviation Administration (Regional Administrator) |

Selected Federal Regulations

| Legislative Authority | Major Program/Permit | Lead Agencies |
|---|---|--|
| Fish & Wildlife Coordination Act | Protection of fish, wildlife, and migratory birds across jurisdictions | Fish and Wildlife Service |
| Migratory Bird Treaty Act | No "taking" or harming of birds determination | Fish and Wildlife Service Migratory Bird Conservation Commission |
| National Historic Preservation Act | Consultation on the protection of historic resources — places, properties, shipwrecks | Department of the Interior State Historic Preservation Offices |
| National Marine Sanctuary Act (Title III) | Designates marine protected areas | National Ocean Service (NOAA) |
| Endangered Species Act | Consultation on action that may jeopardize threatened & endangered (listed) species or adversely modify critical habitat | Fish & Wildlife Service National Marine Fisheries Service |
| Clean Water Act | Regulates discharges of pollutants into navigable waters of the United States (water quality certifications & dredge and fill material) | U.S. Environmental Protection Agency and states (Section 401) and USACOE (Section 404) |

Selected State & Other Authorities

- Selected State Permits/Licenses/Approvals
 - Public Trust Mandate for Lakebeds
 - Environmental Quality Review Boards
 - Coastal Zone Management Programs
 - Siting Boards for Energy Facilities and Transmission Lines
 - Cultural & Historic Resources, Water Quality, and Fisheries

- Local Land Planning Boards

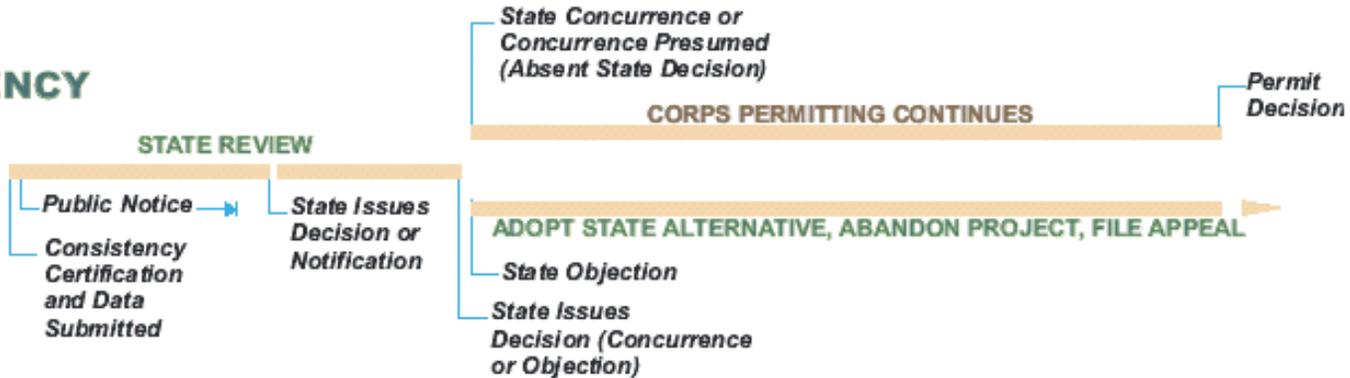
- Great Lakes Institutions

- Quebec and Ontario Provincial and Federal Governments

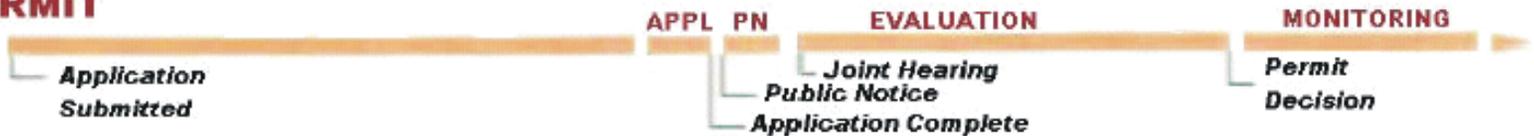
- International Joint Commission

U.S. Army Corp of Engineers Permit and NEPA Process

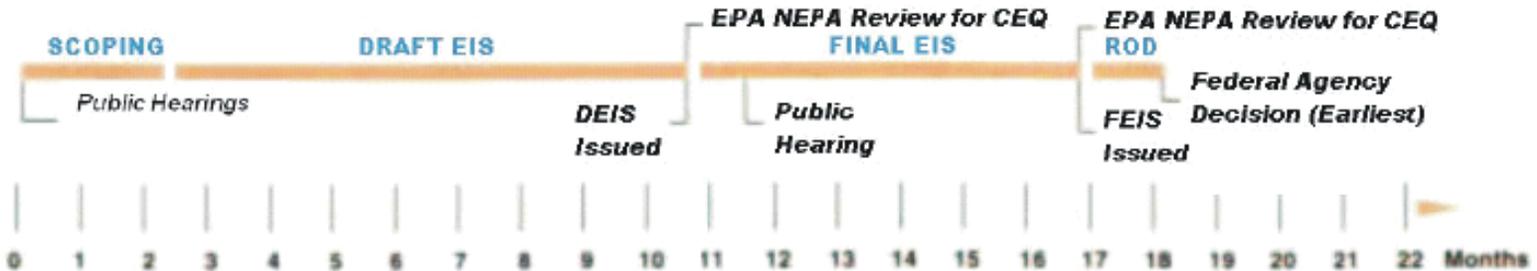
CZMA CONSISTENCY PROCESS



CORPS PERMIT PROCESS



NEPA EIS PROCESS



Reference: Adapted from USACE presentation, Karen Adams

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