Offshore Wind Permitting
Professor Joshua Belcher
Summer 2022 – Term 1

First Assignment:

Join the Offshore Wind Permitting TWEN page before the first day of class.

Class 1
Friday, June 3, 4:00 PM – 6:00 PM
- Required:
- Recommended:
  - US Offshore Wind Power Economic Impact Assessment (AWEA, Mar. 2020)
  - BOEM, Environment – Regulatory Framework and Guidelines (link)
  - DOE, EERE, Top 10 Things You Didn’t Know About Offshore Wind Energy (link)
  - Windpower Engineering & Development, Comparing offshore wind turbine foundations (link)
  - Windpower Engineering & Development, Vineyard offshore project will use GE HaliadeX turbines (link)
  - U. Delaware & DOE, Video: Offshore Wind - Industrializing Development to Reduce Cost (link)

Class 2
Saturday, June 4, 9:00 AM – 12:00 PM
- Required:
  - Outer Continental Shelf Lands Act (OCSLA), Sections 1331, 1332 & 1337(p)
  - Parker Drilling Management Services Ltd. v. Newton, 139 S.Ct. 1881 (2019) (link)
  - DOI, “Secretary’s Duty to Prevent Interference with Reasonable Uses of the Exclusive Economic Zone, the High Seas, and the Territorial Seas in Accordance with Outer Continental Shelf Lands Act Subsection 8(p), Alternate Energy-related Uses on the Outer Continental Shelf” (Dec. 2020)
  - DOI, “Secretary’s Duties under Subsection 8(p)(4) of the Outer Continental Shelf Lands Act When Authorizing Activities on the Outer Continental Shelf” (April 2021)
  - Vineyard Wind, Lease OCS-A 0501 (pp. 1-7 & Addendum C)
  - Site Assessment Plan, Vineyard Wind (pp. 3-20; 62-69) (link)
  - Construction and Operations Plan, Vineyard Wind (Vol. 1, Sec 1.6 & Table) (link)
- Recommended:
  - Excerpt from EPAct 2005
Inside Clean Energy: Explaining the Record-Breaking Offshore Wind Sale (Mar. 3 2022) ([link])

BOEM, Governing Statutes ([link])

Class 3
Saturday, June 4, 1:00 PM – 5:00 PM

- Required:
  - Construction and Operations Plan, Vineyard Wind, Vol. 1, Sec. 5 ([link])
  - Migratory Bird Treaty Act (MBTA) (16 USC Subch. II), Sections 703(a), 707
  - Endangered Species Act of 1973 (ESA), Sections 1536, 1538(a) and 1539(a)
  - NOAA Fisheries, Section 7: Types of Endangered Species Act Consultations in the Greater Atlantic Region ([link])
  - ESA Interagency Cooperation (50 CFR Part 402), Subparts A and B
  - Marine Mammal Protection Act of 1972 (MMPA), Sections 1372(a) and 1374(a)-(b)
  - Regulations Governing Marine Mammal Takes (50 CFR Part 216), Subpart I
  - Rivers and Harbors Act (RHA), Section 403
  - Clean Water Act (CWA), Section 1344
  - USACE Permit Regulations, 33 CFR Parts 322, 323, Sections 325.1, .2 and .4, and Appendix B
  - Coastal Zone Management Act (CZMA), Sections 1456 and 1465
  - CZMA Federal Consistency Regulations (15 CFR Part 930), Subparts A and D
  - National Environmental Policy Act (NEPA) (42 USC 42 USC 4321 et seq.)
  - NEPA Implementing Regulations (40 CFR Subchapter A) Parts 1500-1502
  - Robertson v. Methow Valley Citizens Council, 490 US 332 (1989) ([link])
  - Kern v. US Bureau of Land Management, 284 F.3d 1062 (9th Cir. 2002) ([link])

- Recommended:
  - Vineyard Wind ROD (Section 1, pp. 3-10) ([link])
  - NOAA Fisheries, Incidental Take Authorizations Under the Marine Mammal Protection Act ([link])
  - BOEM, Coastal Zone Management Act ([link])
  - NOAA, CZMA: Federal Consistency Overview (Feb 24, 2020) ([link])
  - National Historic Preservation Act (NHPA) Section 106
  - NHPA Section 106 Regulations (36 CFR 2021 Part 800)
  - Laws & Policies: Magnuson-Stevens Act ([link])
  - Outer Continental Shelf Air Permits ([link])
  - USACE, Section 408 Permits ([link])

Class 4
Sunday, June 5, 9:00 AM – 12:00 PM

- Required:
• Cape Wind Decision
  o RODA Complaint for Declaratory and Injunctive Relief (DDC Jan. 31, 2022) (pp.19-67)
• Recommended:
  o Seafreeze Complaint for Declaratory and Injunctive Relief (DDC Dec. 15, 2021)