



Dept. of Interior, FERC Move to Resolve Offshore Jurisdiction Issues

Moving to settle a conflict over which government agency has jurisdiction over offshore renewable energy, the U.S. Department of the Interior (DOI) and the Federal Energy Regulatory Commission (FERC) issued a joint statement confirming their intent to work together to facilitate the permitting of offshore renewable energy projects.

“Our renewable energy is too important for bureaucratic turf battles to slow down our progress,” said Secretary of the Interior Ken Salazar. “I am proud that we have reached an agreement with the Federal Energy Regulatory Commission regarding our respective roles in approving offshore renewable energy projects. This agreement will help sweep aside red tape so that our country can capture the great power of wave, tidal, wind, and solar power off our coasts.”

DOI and FERC have struggled with the issue of jurisdiction, given FERC’s licensing authority for hydropower—including wave and tidal technology—and DOI’s authority, through its Minerals Management Service, over projects on the outer continental shelf. Salazar noted that there is no dispute with respect to offshore wind energy, explaining that FERC and DOI’s Minerals Management Service plans to work together to finalize rules governing all offshore renewable energies, including current and tidal.

“The Interior Department’s responsibility for the permitting and development of renewable energy resources on the outer continental shelf is broad,” the joint statement said. “In particular, the Department of the Interior has permitting and development authority over wind power projects that use offshore resources beyond state waters. Interior’s authority does not diminish existing responsibilities that other agencies have with regard to the outer continental shelf. In that regard, under the Federal Power Act, the Federal Energy Regulatory Commission has the statutory responsibility to oversee the development of hydropower resources in navigable waters of the United States.”

Salazar said the agencies could potentially finalize rules for offshore renewable energy within as little as two months, although the timeline could easily be extended if the latest iteration of the rules, developed under the Bush administration, are changed significantly.

“Timely development of U.S. offshore wind resources is important if we are to achieve the 20% vision by 2030,” AWEA CEO Denise Bode said in a statement released by the trade association. “Today’s announcement by Interior Secretary Salazar and FERC Commissioner [Jon] Wellenbush is a welcome sign that some of the bureaucratic obstacles to offshore wind will soon be removed. It is also still another indication that the Obama administration is ready to back up its commitment to renewable energy with concrete actions.”

The agencies said that their staffs will be drafting a memorandum of understanding setting out the basic principles of the agreement and describing the process by which permits and licenses related to renewable energy resources in offshore waters will be developed.

“Resolution of this stalemate should allow MMS to complete the final rule on alternative energy development on the OCS [Outer Continental Shelf], which will in turn move offshore wind projects forward,” said AWEA Manager of Siting Policy Laurie Jodziewicz. “My hope is that we will now have some certainty.”

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