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BOEM Hawaii OCS Renewable Energy Task Force Charter March 2012

Introduction

In April 2009, the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), previously the Minerals Management Service (“MMS”) and now the Bureau of Ocean Energy Management (“BOEM”), promulgated rules that govern the issuance of leases, easements and rights-of-way for renewable energy development activities on the federal Outer Continental Shelf (OCS) and regulates those activities. (*See* 30 C.F.R. Part 585.) The rules were developed under the authority of subsection 388(a) of the Energy Policy Act of 2005 (“EPAAct 2005”) and as a result of a decision by MMS in 2007 to establish an Alternative Energy and Alternate Use Program for renewable energy activities and the alternate use of facilities on the OCS. Under the regulations, BOEM may authorize commercial and research activities related to renewable energy activities on the OCS offshore the State of Hawaii. The purpose of this charter is to establish the BOEM Hawaii OCS Renewable Energy Task Force (hereafter, “Task Force”), an intergovernmental task force established to provide input into BOEM’s decision-making process on issues related to renewable energy activities on the OCS off the coast of Hawaii.

The BOEM Hawaii OCS Renewable Energy Task Force was established by Secretary of the Interior Ken Salazar in response to a request from Hawaii Governor Neil Abercrombie. In a letter dated May 9, 2011, Governor Abercrombie requested the formation of a task force to facilitate effective and efficient review of requests for research leases and commercial leases on the OCS offshore Hawaii. Secretary Salazar informed Governor Abercrombie that he accepted the Governor’s request in a letter dated July 1, 2011.

Authority

Subsection 388(a) of the EPAAct 2005 added subsection 8(p) to the Outer Continental Shelf Lands Act (OCS Lands Act) (43 U.S.C. §1337(p)). Under 43 U.S.C. §1337(p)(7), BOEM must provide for the coordination and consultation with the Governor of any state or the executive of any local government that may be affected by a renewable energy lease, easement or right-of-way on the OCS. The Task Force provides BOEM a means to fulfill this mandate in its consideration of potential renewable energy activities on the OCS offshore Hawaii. Membership and participation in the Task Force is restricted and is composed solely of representatives of federal, state, and local governmental bodies and is not chartered under the Federal Advisory Committee Act.

Purpose

The Task Force is chartered by BOEM to provide for coordination and consultation with respect to its consideration of potential renewable energy activities on the OCS offshore Hawaii. Pursuant to 30 C.F.R. § 585.102(e), BOEM “may invite any affected State Governor, representative of an affected Indian tribe, and affected local government executive to join in establishing a task force or other joint planning or coordination agreement in carrying out our responsibilities under this part.” A number of federal, state and local government agencies have independent statutory responsibilities related to the authorization of OCS renewable energy activities. To the extent practicable, the Task Force will provide input for the purpose of ensuring the efficient, coordinated review of OCS renewable energy activities and projects.

Participation in the Task Force offers members the opportunity to provide meaningful and timely input into BOEM’s decision-making process. While BOEM will consider all Task Force member input, the Task Force is not a decision-making body. Membership or participation in the Task Force does not preclude any federal, state, or local government from reviewing, commenting or making independent determinations regarding matters and issues addressed by the Task Force.

BOEM will work with interested agency partners to:

- ensure the appropriate governments/agencies (federal, state, local) are offered the opportunity to participate in the Task Force;
- share information about the regulatory authorities and policy objectives of the various agencies/governments and the processes each employs to fulfill its responsibilities, both generally and with respect to specific (or conceptual) activities or projects;
- coordinate approval, permit and review processes for OCS renewable energy projects;
- discuss and identify opportunities to overcome uncertainties in regulatory processes that may pose impediments to effective and efficient review of proposed activities or projects; and
- identify information needs that may benefit from further study and explore various means to obtain the needed information.

Membership

Task Force members and participants include federal and state agencies, and local governments that have a role in approving, permitting, reviewing and/or regulating resources or activities that could be affected by or have an effect on renewable energy activities on the OCS offshore Hawaii. The membership and/or participation in the Task Force may change over time. Nothing in this charter expands or alters the scope of the Task Force members’ respective authorities, or creates any legal obligation on the part of any Task Force member or private right or cause of action for or by any person or entity.

BOEM will work with federal and state agencies, and local governments to identify a primary point of contact for each body represented. These primary points of contact will be responsible for ensuring participation from relevant functional units within their respective organizations and cultivating an open exchange of information with Task Force members and participants.

Task Force Contact Information:

State of Hawaii:

Mark B. Glick
Energy Program Administrator
Hawaii State Energy Office
Department of Business, Economic Development, and Tourism
State of Hawaii
235 So. Beretania St., 5th Floor, Honolulu, Hawaii 96813
Mailing Address: PO Box 2359, Honolulu, Hawaii 96804
Ph: 808.587.3812
mark.b.glick@dbedt.hawaii.gov

Andrea T. Gill
Renewable Energy Specialist
Hawaii State Energy Office
Department of Business, Economic Development, and Tourism
State of Hawaii
99 Aupuni Street #214
Hilo, HI 96720
Ph: 808.933.0312
agill@dbedt.hawaii.gov

Bureau of Ocean Energy Management:

Ellen Aronson
Regional Director
Pacific OCS Region
Bureau of Ocean Energy Management
770 Paseo Camarillo, 2nd Floor
Camarillo, CA 93010
Office: (805) 389-7502 | Fax: (805) 389-7505
ellen.aronson@BOEM.gov

John Smith,
Hawaii OCS Renewable Energy Task Force Coordinator
Pacific OCS Region
Bureau of Ocean Energy Management
770 Paseo Camarillo | Camarillo, CA 93010
Office: (805) 389-7833 | Fax: (805) 389-7602 john.smith@BOEM.gov