Assessing the True Potential of Offshore Renewable Energy

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New York Is A Coastal State
Promising New Industries
Taking a Deliberate Approach

Influenced by:

• National policy direction
• Interstate partnerships
• DOS offshore planning
• Interagency collaboration
Complex Jurisdictions

Great Lakes:
- State: 0 nmi – International Boundary

Atlantic Ocean:
- State: 0-3 nmi
- Federal: 3-200 nmi

Selected Atlantic Ocean jurisdictions

Exclusive Economic Zone (out to 200 miles)
Disjointed Energy Policies

Electricity Generation by Fuel Type, 2009

New York State Energy Research and Development Authority (NYSERDA)
Aligned Ocean Policies

- **New York Ocean and Great Lakes Ecosystem Conservation Act (NYS Environmental Conservation Law Article 14)**
  - “to conserve, maintain and restore coastal ecosystems so that they are healthy, productive, resilient and able to deliver the resources people want and need”

- **National Ocean Policy (Executive Order 13547)**
  - “to achieve an America whose stewardship ensures that the ocean, our coasts, and the Great Lakes are healthy and resilient, safe and productive, and understood and treasured so as to promote the well-being, prosperity, and security of present and future generations”

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A Competitive Region

• “The [State Energy Master Plan] supports the development of new energy-related technologies such as fuel cells, off shore wind, and alternatively fueled vehicles while encouraging the developers, providers and support businesses related to these technologies, to locate here in New Jersey.” - NJ Gov. Christie, June 7, 2011

• “The opportunity to be the first state in the nation to construct an offshore wind farm presents significant advantages to our state, including attracting the jobs and investment dollars of offshore wind turbine manufacturers and related businesses.” - RI Governor Carcieri, May 5, 2010

• “The United States is 20 years behind Europe on offshore wind, and China is pulling out ahead on offshore wind as well. America now has a chance to turn that around, and we in Massachusetts have a chance to show our leadership.” – MA Governor Deval Patrick, April 28, 2010
Key State Siting Authority:
Coastal Zone Management Act (CZMA)

- DOS is home to New York’s Coastal Management Program (CMP)
- CZMA ‘federalizes’ approved state CMPs
  - Planning: CMP works with local governments
  - Regulatory: consistency decisions based on effects
- Broad view of coastal resources – more than environmental
- Applies to ocean and Great Lakes offshore waters
Many State Actors

- Department of State (DOS)
- New York State Energy Research and Development Authority (NYSERDA)
- Department of Public Service/Public Service Commission (DPS/PSC)
- Department of Environmental Conservation (DEC)
- Office of Parks, Recreation, and Historic Preservation (OPRHP)
- Office of General Services (OGS)
- Empire State Development (ESD)
- Port Authority of New York/New Jersey
Key Federal Siting Authority:
Outer Continental Shelf Lands Act (OCSLA)

- Federal authority expanded under the Energy Policy Act of 2005
- Lead agency is U.S. Department of the Interior’s Bureau of Ocean Energy Management (BOEM)
- Leasing of underwater ocean lands for offshore renewable energy; different framework in the Great Lakes
- Final rule published April 2009
- Estimate 7+ years from lease request to start construction
Many Federal Actors

- National Environmental Policy Act
- Rivers and Harbors Act (Section 10)
- Magnuson-Stevens Fisheries Conservation and Management Act
- National Historic Preservation Act
- Endangered Species Act
- Migratory Bird Treaty Act
- Marine Mammal Protection Act
- Federal Aviation Act
- Clean Water Act

...and many others
A Mostly Unknown Ocean
National Ocean Council

• Formed under national ocean policy

• Cabinet level, with sub-cabinet committees

• Governance Coordinating Committee

• Regional Planning Bodies
Regional Ocean Partnerships

Regional and State Ocean Leadership

Due to the physical and ecological characteristics of oceans, coasts, and wetlands, ocean resources and functions extend beyond the boundaries of traditional geopolitical units. This means that the need for regional cooperation in the protection and management of the ocean is even more urgent. The current patchwork of federal, state, and local stewardship policies is inherently incapable of effectively and coherently addressing such complex challenges as ocean acidification, habitat loss, and the impacts of and efforts to mitigate climate change along our densely populated coasts. It also constrains our ability to explore and take advantage of new opportunities such as ocean-based forms of renewable energy production, environmentally and economically sustainable fisheries, aquaculture, and marine bioprospecting. Regional collaborations among states can facilitate effective management across jurisdictional boundaries and improve opportunities for implementing, cost-effective management, and the preservation of the ocean's many resources. Moreover, multi-state and other regional governance mechanisms can strengthen the voice of local stakeholders in communicating their needs to the federal government. States have been forging ahead, working to incorporate new alliances, policies, and initiatives that should be further supported by coordination with federal agencies.

Guiding Principles for Effective Regional Collaboration

Regional ocean governance mechanisms can facilitate more coordinated and collaborative approaches to meeting current and addressing emerging issues in the region. For developing comparable and comprehensive plans and priorities, governments at all levels can work together to develop a regional, national, and global framework for addressing the ocean's many challenges. These frameworks should be further supported by coordination with federal agencies.

- Regional Research and Information. Decision makers at all levels, but particularly at the local level, need accurate and timely information about coastal and ocean ecosystems, including how human activities impact those ecosystems.
- Regional Ecosystem Assessments. Assessments of the natural, cultural, social, and economic attributes of a region would help guide management decisions and improve the processes mandated under the National Environmental Policy Act by providing a single science-based regional assessment that can be the basis for individual environmental impact statements.
- Enhance Regional Governance Capacity by Improving Federal Coordination in Regions. Our governmental institutions need to be restructured to enable governance at all levels to work together more effectively at the regional level. One step toward improved regional coordination is for federal agencies to identify representative and facilitate opportunities for existing programs and activities to align and support these efforts as well as regional priorities.
Mid-Atlantic Governors’ Agreement on Ocean Conservation

A Rising Tide of New Challenges

The ocean waters of the Mid-Atlantic, stretching from New York to Virginia, provide a wealth of economic and environmental services to local communities, States, and the nation. At the same time, the people of the Mid-Atlantic region are a significant force that influences our ocean and coastal environment. We change the coastline and watershed through our buildings and development, we harvest the ocean’s resources through increasingly efficient means, and we rely on offshore waters to support diverse activities such as maritime commerce and recreation. As the intensity of these human influences has increased, they have at times led to significant threats to the health of our ecosystems.

Now our ocean and coastal resources face a new generation of challenges, and these challenges are only growing in their urgency. Volatile energy prices, a pressing need to embrace alternative energy development, and a
MARCO Priorities:
Offshore Renewable Energy
MARCO Priorities: Offshore Habitats
NYS DOS’s Offshore Planning

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Offshore Planning

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“The Regional Economic Development Councils are Governor Cuomo’s biggest economic priority.”

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Current Projects

Source: Verdant Power

Source: Long Island – New York City Offshore Wind Collaborative

New York Department of State
Conclusions

• Offshore Renewable Energy holds promise
  – Offshore Wind has immediate large-scale potential;
  – Marine hydrokinetic potential also significant though smaller-scale
• The landscape is complicated by federal, interstate, and state-level policy concerns
• Much is being done to coordinate across levels
• New York is taking a deliberate approach
Thank You

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