

## Steps Toward Wind Energy Development Off North Carolina Coast



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The possibility of wind energy development on the Outer Continental Shelf (OCS) off North Carolina's shores moved one step closer to fruition last week, as the Department of the Interior Bureau of Ocean Energy Management (BOEM) released its [Call for Information](#) and [Notice of Intent](#) regarding leasing and site assessments.

BOEM identified [three offshore areas](#) for potential wind energy development projects, including two off the coast of Wilmington and one near Kitty Hawk.

The publication of the Call and the Notice of Intent are further steps in the first of four key phases in the wind energy planning, leasing, and development process on the OCS:

Planning and siting;

Lease issuance;

Approval of a site assessment plan (SAP); and

Approval of a construction and operations plan (COP).

Through its Call for Information, the BOEM is requesting: (a) statements of interest from companies wanting to acquire commercial wind leases in some or all of the designated areas on the Outer Continental Shelf; and (b) public comments

regarding site conditions, resources, and other uses of these areas. These steps are precursors to lease negotiation and/or bidding.

The purpose of the Notice of Intent is to clear the path for BOEM to conduct an Environmental Assessment pursuant to the Department of the Interior's (DOI) "Smart from the Start" wind energy initiative, which provides for expedited review procedures under applicable DOI and National Environmental Policy Act (NEPA) regulations.

January 28, 2013 is the deadline for submissions of interest in potential leasing and submissions of concerns regarding potential impacts.

While there are currently no wind turbines in the water anywhere off the U.S. coast, BOEM has already moved forward with leases for wind projects off the coast of Massachusetts (October 2010) and Delaware (October 2012). With their recent steps, BOEM has indicated that North Carolina leases may soon follow.

*A partner at Brooks Pierce, Alex Elkan has a broad environment and natural resources permitting, counseling, and complex litigation practice, including extensive experience in coastal resources. In the renewable energy field, Brooks Pierce utilizes a client- and project- focused approach to leverage its environment, energy, regulatory, governmental affairs, and litigation expertise to efficiently and effectively achieve client objectives. Attorneys include, among others, George House, Marcus Trathen, Ed Turlington, and former NC DENR Secretary Bill Ross.*