

MEMORANDUM OF UNDERSTANDING

Between

THE UNITED STATES DEPARTMENT OF THE INTERIOR

And

THE STATES OF

**MAINE
NEW HAMPSHIRE
MASSACHUSETTS
RHODE ISLAND
NEW YORK
NEW JERSEY
DELAWARE
MARYLAND
VIRGINIA
NORTH CAROLINA**

To

**CREATE AN ATLANTIC OFFSHORE WIND ENERGY CONSORTIUM TO
COORDINATE ISSUES OF REGIONAL APPLICABILITY FOR THE PURPOSE
OF PROMOTING THE EFFICIENT, EXPEDITIOUS, ORDERLY AND
RESPONSIBLE DEVELOPMENT OF THE WIND RESOURCES OF THE
ATLANTIC OUTER CONTINENTAL SHELF**

I. Purpose

The vast Atlantic offshore wind resource presents a significant opportunity to spur domestic manufacturing and capital investment, generate clean renewable energy close to load centers, enhance our national security by accelerating energy independence efforts, and reduce greenhouse gas emissions. The Department of Energy has estimated that achieving 20% of our national energy from wind energy by 2030 will require 54 gigawatts of offshore wind. Deployment of the resource at this scale in the years ahead has the potential to create a robust industry that supports hundreds of thousands of jobs and spurs billions of dollars of investment.

To seize these emerging opportunities, the United States Department of the Interior (DOI), and the States of Maine, New Hampshire, Massachusetts, Rhode Island, New

York, New Jersey, Delaware, Maryland, Virginia, and North Carolina, (jointly, the Participants) enter into this Memorandum of Understanding (MOU) to facilitate Federal-state cooperation and coordination for the efficient, expeditious, orderly, and responsible development of the significant wind resources of the Outer Continental Shelf (OCS) along the Atlantic coast through collaborative efforts on issues of mutual interest. This partnership serves as the first step toward a goal of broader collaboration and coordinated effort among the Atlantic states and other relevant Federal Agencies that are critical to the development of the offshore wind industry.

II. Statutory Authorities

Subsection 8(p) of the OCS Lands Act (OCSLA) gives the Secretary of the Interior the authority to issue a lease, easement, or right-of-way for, among other things, activities that produce or support production, transportation, or transmission of energy from sources other than oil and gas and that are not otherwise authorized in the OCSLA, the Deepwater Port Act of 1974, the Ocean Thermal Energy Conversion Act of 1980, or other applicable law. Subsection 8(p)(7) directs the Secretary to provide for coordination and consultation with the Governor of any state, or the executive of any local government that may be affected by a lease, easement, or right-of-way under this subsection.

III. Scope and Objectives

The Participants agree that it is a national and regional priority to facilitate the expeditious development of the wind resources of the Atlantic OCS in a safe, responsible and environmentally sound manner. The Participants recognize that appropriate development of OCS wind power will enhance regional and national energy security, and will create domestic jobs through development of regional energy markets and related support infrastructure, as well as through investments in renewable energy technologies. The Participants also recognize that the advancement of OCS wind development may serve to support important state renewable portfolio standards.

To advance the efficient, expeditious, orderly and responsible development of offshore wind in the Atlantic OCS, the Participants express their intent to join together in an Atlantic offshore wind energy consortium to undertake collaborative activities and consultation to achieve region-wide strategies and produce specific recommendations to facilitate the development of Atlantic offshore wind resources. Participants anticipate that this shall include:

1. Permitting and Regulatory Process

- Clarifying permitting responsibilities and authorities among Federal and state agencies over Atlantic OCS wind resources.

- Evaluating opportunities for expediting OCS leasing procedures and related reviews to promote processes that are orderly, efficient and predictable, including identifying areas where multi-agency coordination and/or statutory or policy changes may be appropriate.
- Evaluating the feasibility of pilot programs, possibly identifying “lead” projects to showcase situations that could measurably improve process without weakening environmental standards.
- Promoting effective communication between and among all regulatory bodies and other entities involved with offshore wind permitting, including, but not limited to, Federal and state agencies, DOI-led intergovernmental task forces, and appropriate regional entities, for the purpose of advancing deployment of Atlantic OCS wind resources.

2. Data and Science

- Inventorying existing environmental data and research among Federal Agencies, states, regional consortiums, and academic institutions, including, but not limited to, resource characterization, avian and cetacean migration patterns, critical marine and near-shore habitats, geology, and other marine uses.
- Evaluating and addressing research gaps that must be bridged for coordinated marine spatial planning efforts and scientific assessments that will inform environmental protection strategies that allow for the safe and effective development of wind resources in state and Federal waters on the Atlantic OCS.
- Creating efficient processes to share and leverage technical research, environmental data and other information about the OCS between and among Federal and state agencies and regional consortiums.
- Developing effective models on the OCS that may be of assistance in informing state and Federal review of wind development in state waters.

3. Investment and Infrastructure

- Addressing investment challenges and other financial barriers to Atlantic offshore wind development and identifying strategies for reducing such barriers.
- Evaluating and proposing solutions for deficiencies in deployment and maintenance infrastructure, including, but not limited to, domestic marine vessels, production and staging areas, installation equipment, and workforce needs.
- Identifying opportunities to reduce project development costs and increase system reliability.

- Examining regional offshore wind transmission strategies, and producing specific recommendations to address relevant planning and siting processes with Federal regulators, regional transmission organizations, and state officials.
- Identifying additional priorities for the development of OCS wind, including, but not limited to, the identification of substantial and steady demand necessary for a robust industry, supply chain analyses and enhancement, and workforce training.
- Developing specific recommendations in each of these areas for consideration by appropriate Federal and state agencies and a process for advancing each recommendation.

IV. Implementation and Review of Activities

Participants agree that for purposes of this MOU, the Secretary of the Interior or his designee will represent the DOI; and the Governor or his or her designee will represent his or her respective state.

Participants agree that within 30 days of the signing of this MOU, the Participants will develop an Action Plan setting forth priorities, initial goals, specific recommendations, and action steps for achieving the objectives outlined in this document. The Action Plan may be amended as desired upon written agreement of the Participants. The Participants may designate working groups to review or execute specific elements of the Action Plan.

Participants agree that the Secretary of the Interior or his designee will convene and chair a meeting of the Participants at least quarterly to review progress toward the goals in the Action Plan. The Secretary of the Interior may also call meetings at such other times as is deemed appropriate. The meetings may be by teleconference or in person.

V. Funding

While funding for any cooperative activities agreed upon will be subject to funds and staff available, participants will pursue sufficient resources to ensure the objectives of the MOU are achieved. The DOI may provide staff to coordinate the business of the Consortium and technical assistance for sharing documents and products. Each Participant will cover its own costs except in cases where special funding is available for cooperative activities. In such cases, the terms of funding will be decided by the Participants before the commencement of the activity and will be described in the Action Plan.

VI. Administration

A. This MOU neither expands nor limits those powers and authorities vested in the Participants by applicable law or regulation, including preliminary and final action on leases, permits, licenses, or any other matter requiring official decision. This MOU is to be construed in a manner consistent with all applicable existing and future laws and regulations.

B. This MOU is intended only to improve the working relationship of the Participants in connection with coordinating regional issues of mutual interest relating to wind development on the Atlantic OCS. It is not intended to create, nor does it create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by or against any person, party, the United States, its agencies or officers, or any Participant.

C. This MOU may be modified, amended, or terminated upon written consent of 50 percent of the Participants. Any Participant may withdraw from this MOU through written notice to all other Participants.

D. Nothing in this MOU requires any Participant to enter into any contract, grant or interagency agreement.

E. This MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement, contribution of funds, or other transfer of anything of value between the Participants will be handled in accordance with applicable laws, regulations and procedures, including those for government procurement and printing. Such endeavors will be outlined in individual agreements that shall be made in writing by representatives of the Participants and shall be independently authorized by appropriate statutory authority.

F. Documents furnished to DOI under this MOU shall be subject to the Freedom of Information Act (5 U.S.C. 552). Absent express Congressional authorization, DOI will not disclose to the other Participants any privileged or confidential trade secret, commercial or financial information obtained from a third party, or other information protected by law, unless the owner of such information expressly consents to such disclosure in writing. Documents furnished to states under this MOU may be subject to applicable state information handling and disclosure requirements.

VII. Contacts

All notices, communications and coordination shall involve, at a minimum, the following individuals, their successors and/or designees as follows:

- a) For the United States Department of the Interior: Ken Salazar, Secretary
- b) For the State of Maine: John E. Baldacci, Governor
- c) For the State of New Hampshire: John H. Lynch, Governor
- d) For the State of Massachusetts: Deval L. Patrick, Governor
- e) For the State of Rhode Island: Donald L. Carcieri, Governor
- f) For the State of New York: David A. Paterson, Governor
- g) For the State of New Jersey: Chris Christie, Governor
- h) For the State of Delaware: Jack Markell, Governor
- i) For the State of Maryland: Martin O'Malley, Governor
- j) For the State of Virginia: Robert F. McDonnell, Governor
- k) For the State of North Carolina: Beverly Eaves Perdue, Governor

VIII. Effective Date

This MOU - to Create an Atlantic Offshore Wind Energy Consortium to Coordinate Issues of Regional Applicability for the Purpose of Promoting the Efficient, Expeditious, Orderly and Responsible Development of the Wind Resources of the Atlantic Outer Continental Shelf – shall be effective on the date the United States DOI and the last Participant sign below, and it will terminate 4 years from that date or an earlier date as provided in section VI.C above.