



Kerry Kehoe, NOAA

NOAA'S LICENSING AUTHORITY FOR OTEC FACILITIES



Drivers for the Rulemaking

- No commercial or demonstration scale project has been proposed
- Industry and the Navy are moving forward with component and subsystem designs
- Potential sites are being studied
- NOAA needs to be ready to participate in the authorization of a demonstration project and process a license application if one is submitted
- NOAA needs to provide project developers with the regulatory thresholds for license approval



NOAA's Role

OTECA charges NOAA with –

- Advancing the commercial application of OTEC
- Developing and administering a licensing program

OTECA requires that the program and any license to first satisfy environmental protection and other thresholds



Other Reviewing Federal Agencies

- Advisory Council on Historic Preservation
- Army Corps of Engineers
- Environmental Protection Agency
- Fish & Wildlife Service
- Federal Aviation Administration
- Justice Department
- State Department
- NOAA
 - National Ocean Service
 - National Marine Fisheries Service
- National Park Service
- Occupational Health & Safety Administration'
- U.S. Coast Guard



Minimum Information Requirements

- General Information on the Facility
- Compliance with Other Federal Laws
- State CZMA Federal Consistency Concurrence
- Identification of Potentially Affected OTEC Facilities
- Assessment of –
 - Pollutants and Bioaccumulation
 - Pollutant Transport
 - Potential Human Health Impacts
 - Receiving Water and Air Impacts
- Identification of Potentially Impacted-
 - Protected Areas
 - Fishing Grounds
- Description of—
 - Oceanic, Meteorological, Climatic , and Seismologic Conditions
- Baseline Assessments and Thermal Plume Studies
- Environmental Monitoring Plan



The OTECA Licensing Process

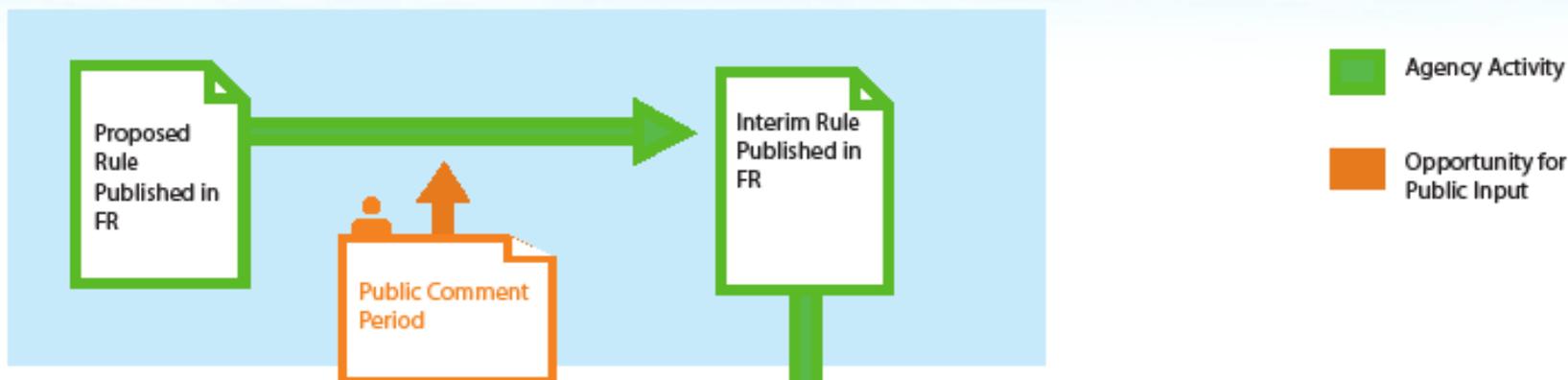
The process for issuing an OTEC license is set forth by statute.

- **Day 0** – NOAA has 356 days to make a decision on a license application
- **Day 21** – NOAA must determine whether an application is complete
- **Day 26** – Once deemed complete, the Administrator must publish notice of the project in the Federal Register, and forward a copy of the application to interested Federal agencies and adjacent coastal states. An application serves as an application for all Federal authorizations except for U.S. Coast Guard approvals.
- **Day 206** – A draft environmental impact statement (EIS) must be completed
- **Day 266** – Public hearings must be completed
- **Day 356** – NOAA must complete a final EIS statement within 90 days of the conclusion of public hearings and issue a decision on the license application.

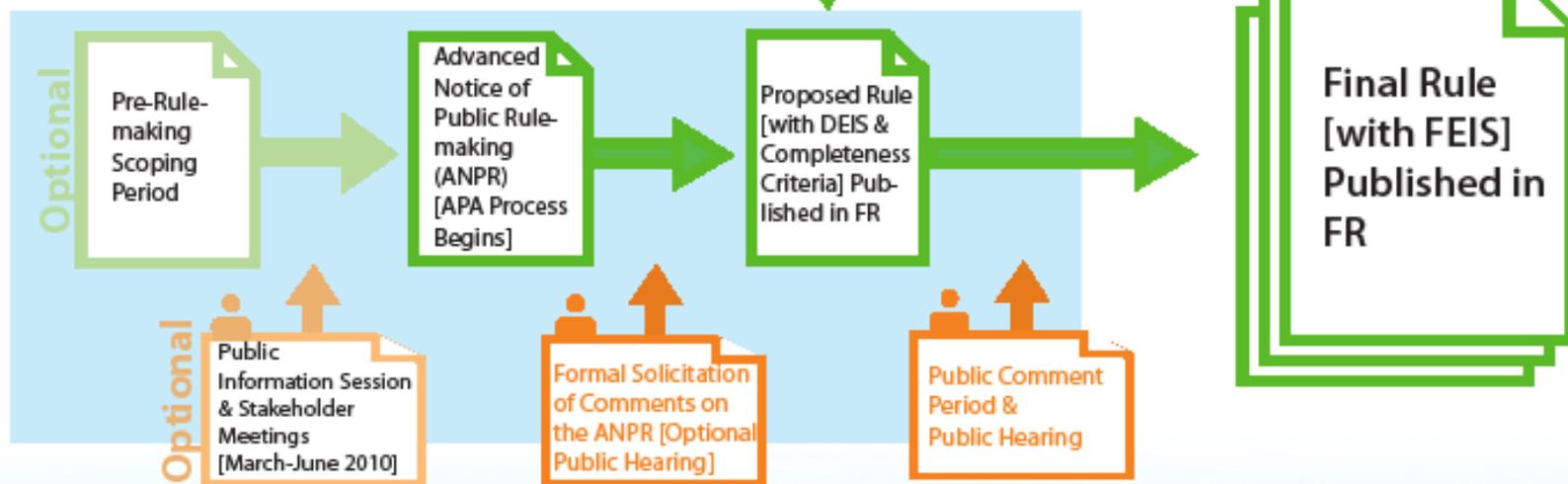


NOAA OTECA Rulemaking Sequence for Commercial Facilities

STAGE 1 Completeness Criteria Rule



STAGE 2 Programmatic Rule



STAGE 3 Rule for Industry Applications Other than Electricity- Details TBD



Uncertainties

- Technological
- Environmental Impacts
 - Degree
 - Cumulative and Secondary
- Regulatory
 - Strict timeframe for license review
 - No definition of demonstration projects
 - No clear pathway between demonstration and commercial projects
- Investment Risks



What We Want From the Public

- Questions
- Concerns
- Perspectives and Insights
- Suggestions



Dr. Luis Vega, Hawaii Natural Energy Institute

HISTORY OF OTEC IN HAWAII



QUESTIONS AND COMMENTS



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For more information

<http://coastalmanagement.noaa.gov/programs/otec.html>

For questions and comments

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