

**MEMORANDUM OF UNDERSTANDING
AMONG
THE FEDERAL ENERGY REGULATORY COMMISSION, THE OFFICE OF
SCIENCE AND TECHNOLOGY POLICY, AND THE COUNCIL ON
ENVIRONMENTAL QUALITY REGARDING ACTIVE PARTICIPATION ON THE
NATIONAL OCEAN COUNCIL AND SUBORDINATE BODIES, AND IN THE
PROCESS FOR COASTAL AND MARINE SPATIAL PLANNING**

I. PURPOSE

The Federal Energy Regulatory Commission (Commission), the Office of Science and Technology Policy (OSTP), and the Council on Environmental Quality (CEQ) (jointly, the Parties) enter in to this Memorandum of Understanding (MOU) to document the terms of participation of the Chair of the Commission as a member of the National Ocean Council (NOC), and the commitments, both individual and collective, of the Parties in furtherance of the national policy set forth in the *Final Recommendations of the Interagency Ocean Policy Task Force (Final Recommendations)*.

II. OBJECTIVES

The objectives of this MOU include the following:

- A. Designation of the Chair of the Commission as a member of the NOC.
- B. Document mutual expectations regarding active participation by the Commission on the NOC and its subordinate bodies in accordance with the *Final Recommendations*, while accounting for relevant legal and procedural requirements associated with the Commission's status as an independent Federal regulatory agency.

III. DEFINITIONS

- A. “*Final Recommendations*” means the *Final Recommendations of the Interagency Ocean Policy Task Force* that shall be made publicly available and for which a notice of public availability shall be published in the Federal Register.

- B. The term “coastal and marine spatial planning” means a comprehensive, adaptive, integrated, ecosystem-based, and transparent spatial planning process, based on sound science, for analyzing current and anticipated uses of ocean, coastal, and Great Lakes areas. Coastal and marine spatial planning identifies areas most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce environmental impacts, facilitate compatible uses, and preserve critical ecosystem services to meet economic, environmental, security, and social objectives. In practical terms, coastal and marine spatial planning provides a public policy process for society to better determine how the ocean, coasts, and Great Lakes are sustainably used and protected - now and for future generations.

- C. The term “coastal and marine spatial plans” means the plans that are certified by the NOC as developed in accordance with definition, goals, principles, and process described in the *Final Recommendations*.

IV. COMMITMENTS OF THE PARTIES

The Parties agree as follows:

- A. The Parties support the vision of the Interagency Ocean Policy Task Force (Task Force), as stated in the *Final Recommendations*, to promote an America whose stewardship ensure 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.

- B. The Parties acknowledge that America's stewardship of the ocean, our coasts, and the Great Lakes is intrinsically and intimately linked to environmental sustainability, human health and well-being, national prosperity, adaptation to climate and other environmental changes, social justice, international diplomacy, and national and homeland security.

- C. The Parties recognize that the ocean is a source of existing energy and offers numerous opportunities for offshore renewable energy which can help to secure the Nation's energy independence and mitigate climate change. New and expanding uses-including energy development, shipping, aquaculture, and emerging security requirements are expected to place increasing demands on the Nation's ocean, coastal, and Great Lakes ecosystems. The Commission's expertise and jurisdiction, including as provided in the April 9, 2009 MOU between the Commission and the U.S. Department of Interior regarding renewable energy projects in offshore waters on the Outer Continental Shelf, are particularly important in the forward-looking process for coastal and marine spatial planning.

- D. The Parties recognize that in accordance with the *Final Recommendations* the NOC is a dual Principal- and Deputy-level committee, co-chaired by the Chair of CEQ and the Director of OSTP. NOC membership may include such other officers or employees of the United States as the Co-Chairs may from time to time designate.

- E. The Parties agree that the position of the Chair of the Commission meets the requirements as set forth in the *Final Recommendations* for designation as a member of the NOC.

- F. The Commission's Chairman accepts the invitation of the NOC Co-Chairs to be designated as a member of the NOC. The Chair of the Commission, or the Chair's designee(s), will actively participate in the NOC, and will work to ensure the Commission's appropriate participation on appropriate NOC sub-bodies, to include Interagency Policy Committees (IPCs) and Regional Planning Bodies (RPBs).
- G. The Commission's staff in support of the NOC's efforts to implement the policy recommendations, stewardship principles, and national priority objectives as set forth in the *Final Recommendations*, agrees to participate in the activities of the NOC, including the following:
1. The Commission' staff — through the Office of Energy Projects (OEP), the Office of Energy Policy and Innovation (OEPI), or any other office(s) as appropriate — shall participate, to the extent practicable, in the process for coastal and marine planning, and on the Ocean Resource Management (ORM) and Ocean Science and Technology (OST) IPCs, providing support to the coordination and development of proposed NOC guidance on emerging issues affecting the nation's energy markets, including such areas as climate change, the integration of renewable resources, and the deployment of demand response and distributed resources, smart grid and other advanced technologies.
 2. The Commission's staff will assist in establishing a common information management system as defined in the *Final Recommendations*.
 3. To the extent practicable, the Commission shall provide the NOC such information, support, and assistance as the NOC, through the Co-Chairs, may request.

H. The Commission must render decisions based on substantial evidence in the record of individual proceedings. When the *Final Recommendations*, subsequent guidance from the NOC, or any applicable NOC-certified coastal and marine spatial plans are filed with the Commission as qualified comprehensive plans or are filed in the record of individual Commission proceedings, the Commission will, in determining whether any proposed hydroelectric project meets the standards set forth in section 10(a)(1) of the Federal Power Act, consider the extent to which the proposed project is consistent with those recommendations, guidance, or coastal and marine spatial plans.

V. MISCELLANEOUS

The Parties agree that this MOU is strictly for internal management purposes, does not expand or alter the scope of the Parties' respective authorities, and shall not be construed to create any legal obligation on the part of either agency or any private right or cause of action for or by any person or entity.

VI. PRINCIPAL CONTACTS

Commission: Chairman

OSTP: Director

CEQ: Chair

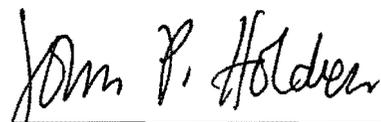
VII. TERM OF THE AGREEMENT

This MOU shall take effect on the date of the last approving signature specified in Section VII, below. The MOU may be modified only upon the written agreement of the Parties.

VIII. SIGNATORIES



JON WELLINGHOFF
Chairman
Federal Energy Regulatory Commission



JOHN P. HOLDREN
Director
Office of Science and Technology Policy



NANCY H. BUTLEY
Chair
Council on Environmental Quality