

Energy Policy Act of 2005

Agencies: U.S. Departments of Energy and the Interior, and U.S. Environmental Protection Agency

Citation: [42 U.S.C. §§ 15801 et seq.](#)

Enacted as: the “Energy Policy Act of 2005”, on August 8, 2005

Summary:

The Energy Policy Act of 2005 (EPAAct) ([Public Law 109-58](#)) addresses energy production in the United States, including: (1) energy efficiency; (2) renewable energy; (3) oil and gas; (4) coal; (5) Tribal energy; (6) nuclear matters and security; (7) vehicles and motor fuels, including ethanol; (8) hydrogen; (9) electricity; (10) energy tax incentives; (11) hydropower and geothermal energy; and (12) climate change technology.

Section 388 of the EPAAct amends the Outer Continental Shelf Lands Act, giving the Secretary of the Interior, via the Bureau of Ocean Energy Management (BOEM), authority to issue leases, easements, or rights-of-way on the outer continental shelf (OCS) for activities including those that “produce or support production, transportation, or transmission of energy from sources other than oil and gas.” Leases should be issued on a competitive basis where there is demand unless it is determined there is no competitive interest.

Agency jurisdiction was clarified in a signed Memorandum of Understanding in April 2009, which established a streamlined process through which BOEM and the Federal Energy Regulatory Commission (FERC) will lease, license, and regulate renewable energy activities on the OCS. The agreement gives BOEM exclusive jurisdiction over the production, transportation, or transmission of energy from non-hydrokinetic renewable energy projects. FERC meanwhile, has exclusive jurisdiction to issue licenses for hydrokinetic projects after a BOEM lease is obtained.

Source: <http://www.epa.gov/lawsregs/laws/epa.html> and http://seagrant.gso.uri.edu/oceansamp/pdf/samp_approved/1000_existingpolicies_APPROVED_5.4_Clean.pdf

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