



**Memorandum of Agreement**  
**between the**  
**Bureau of Ocean Energy Management**  
**and the**  
**Bureau of Safety and Environmental Enforcement**  
**on**  
***Renewable Energy***

**I. Purpose**

This Memorandum of Agreement (MOA) establishes a general framework for coordination between the Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE) in regulating Outer Continental Shelf (OCS) renewable energy activities. This MOA is intended to clarify each Bureau's roles and responsibilities and promote efficient use of each Bureau's resources.

This MOA is tiered from the September 3, 2020, Memorandum of Understanding (MOU) between BOEM and BSEE that describes the general relationship between the Bureaus and incorporates by reference the expectations, responsibilities, and limitations laid out in the overarching MOU, including sections VI (Limitations) and VII (Modifications, Review and Termination). Additionally, this MOA supersedes the previous Renewable Energy MOA signed between the two Bureaus on December 22, 2020.

**II. Authorities**

Both BOEM and BSEE derive authority over energy and marine mineral resource activities from the Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. §§ 1331 *et seq.*; the Oil Pollution Act of 1990, 33 U.S.C. §§ 2701 *et seq.*; and Departmental delegations of authority. Applicable BSEE regulations are codified in Title 30 (Mineral Resources), Chapter II, Subchapter B, part 285 of the CFR. Applicable BOEM regulations are codified in Title 30, Chapter V, Subchapter B, part 585 and 586 of the CFR.

**III. Responsibilities**

Responsibilities for BOEM and BSEE are outlined in the Joint Notice to Lessees (NTL 2023-N01), *Reorganization of Title 30 – Renewable Energy and Alternate Uses of Existing Facilities on the Outer Continental Shelf into 30 CFR Parts 285, 585, and 586*; effective date of January 17, 2023. This NTL can be viewed at: <https://bsee.gov/notices-to-lessees-ntl/ntl-2023-n01-reorganization-of-title-30-renewable-energy-and-alternate-uses>.

This section provides an overview of each Bureau's authorities as reflected in the final rule, Reorganization of Title 30—Renewable Energy and Alternate Uses of Existing Facilities on the Outer Continental Shelf, 88 Fed. Reg. 6376 (Jan. 31, 2023), and NTL.

Key BOEM authorities include, but are not limited to:

- Issuing and managing leases, easements, and rights of way for activities on the OCS that produce or support the production, transportation, or transmission of energy from sources other than oil and gas, including area identification, determinations of competitive interest, and resource analysis;
- Issuing and managing alternate use of existing OCS facilities through right-of-use and easement grants;
- Reviewing and either approving, approving with modifications, or disapproving plans, including construction and operations plans, site assessment plans, and general activities plans;
- Enforcing BOEM regulations through notices of noncompliance and civil penalties;
- Conducting environmental analyses under the National Environmental Policy Act of 1969 and developing and imposing measures to avoid, minimize, or mitigate harm to the marine, coastal, or human environments (including, but not limited to, measures for avoiding impacts and conserving natural resources); and
- Determining and maintaining financial assurance requirements, including decommissioning financial assurance.

Key BSEE authorities include, but are not limited to:

- Evaluating and overseeing facility design, fabrication, installation, safety management systems, and oil spill response plans;
- Enforcing operational safety through inspections, incident reporting, and investigations;
- Enforcing compliance, including safety and environmental compliance, with all applicable laws, regulations, leases, grants, and approved plans through notices of noncompliance, cessation orders, civil penalties, and other appropriate means; and
- Providing BOEM with decommissioning cost estimates and overseeing decommissioning activities.

#### **IV. Development of Standard Operating Procedures and Guidance**

Procedures for coordination regarding the above responsibilities will be documented in standard operating procedures approved by both Bureaus. These documents may be modified as appropriate over time.

**V. Modifications, Interpretations, and Termination**

Modifications to this MOA may be made by written consent of both Bureau Directors or Deputy Directors. Interpretations of this MOA should be consistent with its stated purpose and objective. This MOA may be terminated by either Bureau upon 60-day written notice to the other Bureau.

**VI. Signatures**

This MOA will be effective upon the date of the last signature appearing below.

**KAREN  
BAKER**

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KAREN BAKER  
Date: 2024.09.19  
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Karen Baker  
Chief  
Office of Renewable Energy Programs  
Bureau of Ocean Energy Management

Date

**MICHAELA  
NOBLE**

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Date: 2024.09.17  
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Michaela Noble  
Director  
Renewable Energy and Regulatory Compliance  
Program  
Bureau of Safety and Environmental Enforcement

Date