

**Memorandum of Understanding
between the
Bureau of Ocean Energy Management
and the
Bureau of Safety and Environmental Enforcement**

I. Purpose

This Memorandum of Understanding (MOU) replaces the previous MOU between the Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE”), which was effective beginning on October 1, 2011, and addressed the relationship of BOEM and BSEE. This MOU describes general bureau roles and responsibilities and will help minimize duplication of effort, promote consistency in procedures and regulations, and resolve disputes. Separate memoranda of agreement (MOA) have been and may be developed to describe more specific roles and responsibilities of the two bureaus.

II. Background

Secretary’s Order 3299, issued on May 19, 2010, and amended on June 18, 2010, and August 29, 2011, separated and reassigned the responsibilities that had been delegated to the Minerals Management Service (MMS) into new management structures to “improve the management, oversight, and accountability of activities on the Outer Continental Shelf (OCS); ensure a fair return to the taxpayer from royalty and revenue collection and disbursement activities; and provide independent safety and environmental oversight and enforcement of offshore activities.” The order established the Office of Natural Resources Revenue (ONRR) under the supervision of the Assistant Secretary for Policy, Management and Budget to perform offshore royalty and revenue management functions previously assigned to MMS and also established BOEM and BSEE to conduct the other functions of MMS under the supervision of the Assistant Secretary for Land and Minerals Management. ONRR became operational on October 1, 2010, while BOEM and BSEE became operational on October 1, 2011.

III. Authorities

The Outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. 1331 *et seq.*) establishes the Secretary of the Interior’s authority over the programs that ensure that the energy and mineral resources of the OCS are available for orderly and expeditious development, subject to environmental, human health, and property safeguards. The statute also establishes various authorities and responsibilities related to that purpose.

In addition to OCSLA, BOEM and BSEE also rely on other applicable legal authorities to conduct various activities.

IV. Procedures and Responsibilities

A. BOEM Responsibilities

BOEM is responsible for managing offshore energy and mineral resources on the OCS in an environmentally and economically responsible way. BOEM assesses the nature, extent, recoverability and value of leasable minerals, renewable energy, and other authorized energy and marine-related activities on the OCS. It promotes the orderly and timely

exploration, inventory and development of energy and mineral resources, and other authorized energy or marine-related activities. It ensures that: appropriate environmental analyses are conducted; the potential environmental effects of proposed operations are given consideration during decision-making related to resource management; and leasing and plan approval activities reflect the thorough consideration of all relevant factors. BOEM conducts research in the environmental sciences to inform these analyses. BOEM develops and implements regulations governing leasing, geological and geophysical permitting, resource management, plan administration, and renewable energy activities. BOEM is responsible for resource evaluation of energy and minerals on the OCS and the economic analysis of offshore topics. It oversees the financial accountability of lessees, grantees, operators, and operating rights holders in order to ensure that these responsible parties can meet their lease obligations. BOEM is responsible for production and maintenance of the official marine cadastre and related products. It promotes cooperative relationships between the Federal Government, the states, and tribes and native communities with respect to national, regional, and local issues related to the full scope of its responsibility. The operations of BOEM support a number of national goals and objectives, including energy security, environmental protection, and social and economic development.

B. BSEE Responsibilities

BSEE is responsible for the development, oversight, and enforcement of safety and environmental standards for offshore energy and mineral operations. Its activities include issuance and monitoring of permits related to drilling, well work over activities, production, development and measurement operations, pipelines, the inspection of offshore structures and facilities, ongoing monitoring of environmental hazards, and the mitigation of safety and environmental risks. BSEE develops and implements regulations governing offshore operations; administers the inspection, investigation, civil penalty, and enforcement programs; and provides a comprehensive offshore safety training program for BSEE employees. BSEE is also responsible for ensuring the conservation of offshore mineral and energy resources; the development of technical standards; and oil spill response planning, preparedness for discharges from offshore facilities, and offshore containment.

C. Joint Responsibilities

BOEM and BSEE will strive for timely and consistent communication, information sharing, and resolution of issues between themselves to ensure that their work is conducted effectively, efficiently, and in a safe and environmentally sound manner. The bureaus will ensure that points of contact on different matters are identified and communicated to each other, and that relevant BOEM and BSEE managers and points of contact will confer as appropriate to coordinate planning, facilitate interrelated program activities, share information, and resolve issues.

BOEM and BSEE will work to clarify lines of responsibilities that may impact the activities of each respective bureau. The bureaus may enter into agreements as they determine useful for their work. The purpose of these agreements will be to establish principles and define procedures and responsibilities across regions and offices for interdependent functions. These more specific agreements may include or provide for the development of standard operating procedures (SOPs), as well as descriptions of processes for ensuring such SOPs are kept up-to-date and shared between the bureaus. Additional documents might further inform specific BOEM and BSEE interactions. Such documents include reimbursable

service agreements (RSAs) and memoranda of agreement (MOAs) on emerging areas of coordination (e.g., renewable energy activities), as well as agreements into which both BOEM and BSEE enter with other agencies on subjects within the responsibilities of both bureaus. These documents should be limited to the internal operations and procedures of the bureaus.

V. Proprietary Data

BOEM and BSEE collect and use proprietary data and information, which the bureaus sometimes need to share with each other to perform their work. Sharing proprietary data can reduce the paperwork burden on the public and the need for duplication of effort and cost while enhancing cooperation. Each bureau agrees to share proprietary data with the other bureau whenever it adds efficiency or otherwise advances the department or bureau missions, with the bureau that receives the data maintaining and sharing it in an agreed format. The bureaus agree that they will manage proprietary data as controlled unclassified information, and will not disseminate proprietary data shared by the other bureau, nor any information derived from the proprietary data shared by the other bureau, to any source without prior notice to the bureau that collected and first received the information, unless authorized by agreement between the bureaus or required by law.

Further disclosures of proprietary data or information to other authorized individuals outside of BOEM or BSEE may be made only by the responsible agency, in accordance with applicable laws and regulations including, 30 CFR 250.197, 30 CFR 551.14, and 30 CFR 550.197, 32 CFR part 2002, or other written agreements with state or other officials as authorized by 30 CFR 252.7.

VI. Limitations

1. Nothing in this MOU is intended to alter, limit, or expand the statutory or regulatory authority of BOEM or BSEE.
2. Nothing in this MOU limits informal consultations not otherwise mentioned in this agreement.
3. This MOU is to be executed in full compliance with all applicable laws.
4. Nothing in this agreement requires BOEM, BSEE, or the United States to obligate or expend funds in advance of appropriations from Congress. Nor does this agreement require BOEM, BSEE, or the United States to obligate or expend funds on any particular project or purpose, even if the funds are available.
5. This MOU is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

VII. Modifications, Review and Termination

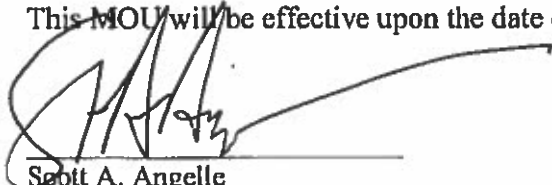
Modifications to this MOU will be made by mutual, written consent of both Bureau

Directors. The bureaus agree to review this agreement every two years. This MOU may be terminated by either bureau upon 60-day written notice to the other bureau.

In the event of a disagreement, BOEM and BSEE will use their best efforts to resolve the dispute in an informal fashion through consultation and communication. Every effort will be made to resolve issues at the lowest organizational level possible. When the bureaus have exhausted all options, the issue may be raised to the Assistant Secretary, Land and Minerals Management, for ultimate resolution.

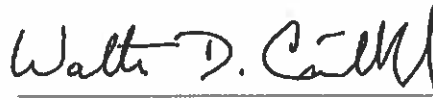
VII: Signatures

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



Scott A. Angelle
Director, Bureau of Safety and
Environmental Enforcement
U.S. Department of the Interior

Date: SEP 03 2020



Walter D. Cruickshank
Acting Director, Bureau of Ocean Energy
Management
U.S. Department of the Interior

Date: SEP - 2 2020