



BUREAU OF OCEAN ENERGY MANAGEMENT (BOEM)

NEW OR CHANGED PROGRAM DELEGATIONS¹

CURRENT DELEGATION(S) OF AUTHORITY AND CITATION(S): Delegation 1.28 - Approve for publication a Delegated Lease Sale EIS (BOEM Program Delegations Handbook) Current Approval: BOEM Director

PROPOSED NEW DELEGATION(S) OR CHANGE TO DELEGATION(S) OF AUTHORITY: Proposed : First-line SES (the Chief Environmental Officer or OSR Chief, where designated, or the Regional Director, for Region-specific action of decisions)

REASON(S) FOR PROPOSING THE NEW OR CHANGED DELEGATION: (Please include whether the delegation of authority is related to an Executive Order, statute, regulation, Departmental or BOEM Manual chapter, and/or other authority.): This change would align the Delegation of Authority with the process outlined in the April 27, 2018 DOI Deputy Secretary Memorandum, NEPA Document Clearance Process, which directs the role of the first-line SES member in EIS approvals and other related decisions. Once implemented, these changes will help streamline the approval process for NEPA documents and increase the efficiency and clarity in EIS processing and BOEM decision-making.

EFFECTIVE DATE (OR PROPOSED DATE) FOR DELEGATION CHANGE: December 2, 2019

DOES THE BOEM GENERAL PROGRAM AUTHORITY OR THE GENERAL ADMINISTRATIVE DELEGATION AUTHORITY (218 DM 1 OR 218 DM 2) REQUIRE REVISION TO ALIGN WITH THIS PROPOSED DELEGATION CHANGE? _____

FOR EMERGENCY DELEGATIONS² ONLY:

DURATION OF PROPOSED EMERGENCY DELEGATION: (A) TO EXPIRE ON _____ OR (B) NOT TO EXCEED _____ OR (C) OTHER _____.

LIMITATIONS OF THE PROPOSED DELEGATION OF AUTHORITY (I.E., FOR A SINGLE LEASE SALE): _____

DATE OF REQUEST: October 31, 2018

NAMES(S) AND TITLE(S) OF REQUESTOR(S): Dr. William Brown, Chief Environmental Officer

¹ Use this form to propose new, revised, or emergency delegations or re-delegations, following the directions in Section 2.8 Procedures of BOEMM Chapter 218.2, Program Delegations.
² For Emergency Delegations, include information on the nature of the emergency in this space. If further information is needed, attach additional pages. An emergency is defined as a "serious, unexpected or often dangerous situation requiring immediate actions (such as imminent danger to life or health)."

Deana Mergulbryska
DIRECTIVES OFFICER SIGNATURE

Walter D. Cull *12/2/19*
DIRECTOR'S SIGNATURE AND DATE:

All proposed delegation changes should be submitted to the Directives Officer (DO) in the Office of Policy, Regulation and Analysis. Delegations are effective upon signature of the Director. A signed copy of this form must be submitted to the Directives Coordinator for addition to the Program Delegations Handbook, posting to the BOEM Manual webpage, and for coordination with the BOEM Records Officer.

DELEGATION NUMBER 218.2-H-2019-0002

DTS # 2537

Delegation number format is YYYY-####. This number is assigned by the Directives Coordinator.



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT
WASHINGTON, DC 20240-0001

Memorandum

To: Acting Director

From: William Y. Brown
Chief Environmental Officer

Subject: Proposed Revision of BOEM EIS- and ROD-Related Delegations to Align With New DOI Deputy Secretary NEPA Streamlining Directive

WYB 18 OCT 2019

I recommend revising five BOEM Environmental Impact Statement (EIS) and Record of Decision (ROD) delegations in BOEM Manual Chapter 218.2:

- **Delegation 1.27** - Approve/Sign/Issue a *Federal Register Notice* required by NEPA;
- **Delegation 1.28** - Approve for publication a Delegated Lease Sale EIS;
- **Delegation 1.29** - Approve or sign a ROD related to a Delegated EIS, except for Lease Sale EIS;
- **Delegation 2.119** - Make a determination to prepare any Delegated EIS (including Lease Sale and Programmatic EISs); and,
- **Delegation 2.120** - Approve for publication any other Delegated EIS, except a Lease Sale EIS.

The proposed revisions would align, to the maximum extent allowed by regulation, the Delegations of Authority with guidance provided in the April 27, 2018, Department of the Interior (DOI) Deputy Secretary Memorandum entitled, *NEPA Document Clearance Process*, which gives directions regarding the role of the first Senior Executive Service (SES) member with line authority over the proposed action for which BOEM is preparing an EIS for approval and other related decisions (first-line SES member) (April 27, 2018, memorandum). Once implemented, these changes would help streamline the approval process for NEPA documents and increase the efficiency, consistency, and clarity in EIS processing and BOEM decision-making. These recommendations were coordinated with the BOEM Program Chiefs and Regional Directors. These delegation changes would not divest the Director of any concurrent authority to approve/sign/issue any notice or decision, if circumstances warrant it.

Delegation 1.27 - Approve/Sign/Issue a *Federal Register Notice* required by NEPA

The current Delegation of Authority to approve, sign, or issue a Federal Register Notice is the BOEM Director. The proposed revision would also delegate the authority to take these actions to the first-line SES member (the Chief Environmental Officer [CEO], or the Office of Strategic Resources [OSR] Chief, when designated, or the Regional Director [RD], for Region-specific actions or decisions). The revision would align this delegation with the process outlined in the April 27, 2018, memorandum.

Delegation 1.28 - Approve for publication a Delegated Lease Sale EIS

Under the current Delegations of Authority, a decision to approve a lease sale EIS for publication is delegated to the BOEM Director. We propose also to delegate the authority to make this type of decision to the first-line SES member (the CEO or OSR Chief, when designated, or RD, for Region-specific actions or decisions). This change would align the Delegation of Authority with the process outlined in the April 27, 2018, memorandum. The CEO, OSR Chief, or RD would be responsible for navigating the DOI Review Team process and ultimately approving EISs following completion of that process. The Assistant Secretary, Land and Minerals Management (ASLM), would still make lease sale related decisions. The ASLM would sign the Record of Decision and all other OCSLA documents according to other existing lease sale delegations.

Delegation 1.29 - Approve/Sign a ROD related to a Delegated EIS, except for Lease Sale EIS

The current Delegation of Authority to approve or sign a ROD related to an EIS is the BOEM Director. The proposed revision would also delegate this authority to the official designated in BOEM Handbook 210.H, or in an individual delegation memorandum signed by the Director, to approve the BOEM decision, which the Delegated EIS informs. In the event the approval authority was not re-delegated, it would continue to be delegated to the Director. The revision would align this Delegation of Authority with the process outlined in the April 27, 2018, memorandum in a manner fully consistent with the definition of "responsible official" in Interior's NEPA regulations and the Council of Environmental Quality's regulations regarding RODs.

Delegation 2.119 - Make a determination to prepare a Delegated EIS (including Lease Sale and Programmatic EISs) and Delegation 2.120 - Approve for publication a Delegated EIS, except a Lease Sale EIS

The current Delegation of Authority for both of these decisions is the CEO and RD; the proposed revision would also delegate this to the first-line SES member (either the CEO or OSR Chief, where designated, or the RD, for Region-specific decisions). This change is critical because it eliminates a situation where two individuals are making one decision, as seen in the current process. This change would align these Delegations of Authority with the process outlined in the April 27, 2018, memorandum. The CEO, OSR Chief, or RD will be responsible for navigating the DOI Review Team process and ultimately approving EISs following completion of that process.

Path Forward

I recommend that you approve the proposed changes to the BOEM Delegations of Authority. In accordance with the procedures for changing BOEM Program Delegations, outlined in BOEM 218.2 Program Delegations Handbook, we are providing a BOEM Form 5100 for each of the proposed changes described above.

Approval _____

Disapproval _____

Walter D. Cruickshank
Walter D. Cruickshank
Acting Director

12-2-2019
Date