

**Memorandum of Agreement
Between the
Bureau of Ocean Energy Management
And the
Bureau of Safety and Environmental Enforcement**

Marine Minerals Program

I. Purpose

This Memorandum of Agreement (MOA) establishes a framework for coordination and cooperation between the Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE) to ensure the timely review and authorization of proposed activities that use sand, gravel, or shell resources from the U.S. Outer Continental Shelf (OCS). Cooperation between the parties will ensure that each Bureau can meet its enforcement and management responsibilities related to the issuance of authorizations for sand, gravel, or shell resources from the OCS. A separate, overarching Memorandum of Understanding describes the general relationship between the two bureaus. A series of standard operating procedures (SOPs) describes more specific roles and responsibilities of the two Bureaus and are designed to be updated as dictated by changing practices, law, regulations or technology.

II. Authorities

The Section 8(k) of the Outer Continental Shelf Lands Act (OCS Lands Act), as amended (43 U.S.C. § 1331 *et seq.*) gives the Secretary of the Interior the authority to issue a lease for any mineral other than oil, gas, or sulphur in any area of the OCS not then under lease for such mineral upon such royalty, rental, and other terms and conditions as the Secretary may prescribe at the time of offering the area for lease. Section 8(k) also authorizes the Secretary to negotiate noncompetitive agreements for the use of OCS sand, gravel, and shell resources for shore protection, beach or wetlands restoration projects, or for use in construction projects funded in whole or part by or authorized by the Federal Government. Both BOEM and BSEE derive authority to regulate certain activities on the OCS through the Secretary of the Interior.

III. Objectives

This MOA and associated SOPs have several objectives. Both bureaus will work to ensure safe and environmentally responsible removal of sand, gravel and shell resources from the U.S. Outer Continental Shelf (OCS) for use in shore protection, beach or wetland restoration projects, or for use in construction projects funded in whole or part by or authorized by the Federal Government through multi-use coordination, project review, development of Lease/Memorandum of Agreement (Agreement) terms and conditions and enforcement of Agreement terms and conditions.

IV. Contacts

BSEE

HQ Environmental Enforcement Division
Regional Environmental Enforcement Unit (POCS)
Regional Office of Field Operations (POCS)
Regional Environmental Inspection & Enforcement Unit (GOMR)
Regional Field Operations (FO) Pipeline Section (GOMR)
District Field Operations (GOMR)

BOEM

Leasing Division (HQ) - Atlantic & West Coast of Florida Projects
HQ Environmental Assessment Branch
Regional Assessment Unit II (GOMR) - GOMR Projects
Regional Lease Management & Plans Section (POCS) - Pacific Projects
Regional Environmental Analysis Section (POCS)

V. Responsibilities

The parties will begin coordinating early and will involve the public and other government agencies during the pre-project geological and geophysical process, agreement authorization process, associated environmental review, and post agreement activities as appropriate. More specifically, BOEM will provide BSEE the locations of new and proposed sand borrow area locations, locations of significant sand resources, and coordinates for sediment conveyance pipelines. BSEE staff, when appropriate, will participate in project specific teams and will work with BOEM to determine setback distances, resolve potential multi-use conflicts, and avoid placement of oil and gas pipelines and appurtenant structures within significant sand resources. BOEM will provide a copy of Agreement Stipulation Deliverables to BSEE to enable oversight and inspections.

To that end, both parties agree to:

1. work together and with applicants and other stakeholders to align and efficiently conduct project reviews, inspections, environmental coordination, information exchange and the completion of the authorization processes;
2. identify and resolve issues as early and quickly as possible;
3. provide for effective and efficient environmental, technical review of post-project requirements and deliverables;
4. identify and seek opportunities to streamline the overall environmental review process through advance planning and the development of specific program-related SOP's to ensure consistency; and
5. form project-specific teams at beginning of process to develop project schedule, assign tasks and adjust work load to ensure timely responses.

VI. Modifications and Interpretations

Modifications to this MOA shall be made by written consent of both Bureaus' Deputy Directors.

Interpretations of this MOA should be consistent with the stated goals and purpose. For specific actions, Bureaus should clarify their roles and responsibilities in SOPs. The SOPs may be modified with the written consent of both Bureaus' appropriate Regional Director or Senior Executive.

VII. Signatures

Walter D. Cull
BOEM Deputy Director

10/3/11
Date

Mr. L. Kelly
BSEE Deputy Director, Acting

10/3/11
Date