

Department of the Interior Departmental Manual

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Series: Delegation

Part 218: Bureau of Ocean Energy Management

Chapter 1: General Program Authority - Outer Continental Shelf

Originating Office: Bureau of Ocean Energy Management

218 DM 1

1.1 **Delegation of Authority.** The Director, Bureau of Ocean Energy Management (BOEM) is authorized, except as provided in 200 Departmental Manual (DM) 1, to exercise the program authority of the Assistant Secretary – Land and Minerals Management with respect to leasing and authorizations for exploration, development, and production of conventional and renewable energy resources and marine mineral resources on the Continental Shelf, and all associated functions that relate thereto, including:

A. Under the Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. § 1331 et seq.), and section 105 of the Energy Policy and Conservation Act (42 U.S.C. § 6213), to manage the development of the Nation's offshore resources in an environmentally and economically responsible way. The Director's authority includes managing and administering programs for the leasing of minerals from, and for the issuance of leases, easements, or rights of use for energy-related purposes on or across, the submerged lands of the OCS; exploration and development plan administration; resource evaluation, including permitting of geological and geophysical activities; environmental studies; and National Environmental Policy Act and economic analyses.

B. Under section 388 of the Energy Policy Act of 2005, Public Law No. 109-58 (43 U.S.C. § 1337(p)), to grant leases, easements, and rights-of-way, and oversee activity that involves the production, transportation, or transmission of energy on OCS lands from sources other than oil and gas or the use of offshore facilities for energy-related or other authorized marine related purposes.

C. Under sections 4(c), 5(a)(1), and 5(b)(2) of Executive Order 12777 as amended, which delegates the authority to implement sections 1004(d), 1016(e), 4202(b)(4), and 4303 of the Oil Pollution Act of 1990 (33 U.S.C. §§ 2704, 2716, and 2716a), to manage and administer programs for:

(1) evidence of financial responsibility for certain facilities seaward of the coastline and the assessment of civil penalties for the violation of financial responsibility requirements; and

(2) adjustment of limits of liability to reflect significant increases in the Consumer Price Index with respect to offshore facilities engaged in exploring for, drilling for, producing, handling, transferring, processing, or transporting oil (other than deepwater ports subject to the Deepwater Ports Act) and associated pipelines.

D. Under section 328(b) of the Clean Air Act (42 U.S.C. § 7627(b)); and certain provisions of the Federal Oil and Gas Royalty Management Act of 1982, as amended (30 U.S.C. §§ 1701 et seq.), and the Energy Policy Act of 2005 (119 Stat. 594), to carry out responsibilities designated for the Secretary of the Interior relating to energy and mineral leasing, development, production, and related activities on the OCS.

E. Under 318 DM, to issue Federal Register notices that pertain to the responsibilities and functions delegated to BOEM or those responsibilities and functions identified in 218 DM 1.4 for which approval has been given by the Secretary or Assistant Secretary – Land and Minerals Management. All proposed and final rules and rulemaking documents, as defined in 318 DM 1, are signed by the Assistant Secretary – Land and Minerals Management.

F. Under the Take Pride in America Act (16 U.S.C. §§4601-4608), to establish and maintain a public awareness campaign, in cooperation with public and private organizations and individuals, to instill in the public the importance of the appropriate use of, and appreciation for, Federal, state, and local natural and cultural resources.

G. Under the Use of Cooperative Agreements authority (43 U.S.C. §1457b), to enter into cooperative agreements with a state or political subdivision (including any agency thereof), or any not-for-profit organization if:

- (1) the agreement will serve a mutual interest of the parties to the agreement in carrying out the programs administered by BOEM; and
- (2) all parties will contribute resources to the accomplishment of these objectives.

1.2 **Redelegation.** Unless redelegation is specifically prohibited or limited, the Director may further delegate all of the authorities described above.

1.3 **Program Activities.** The activities performed by BOEM under the legislation above and other directives of the Department are stated in BOEM's organization statement (118 DM 1- 4).

1.4 **Limitation.** The authority granted in 218 DM 1.1 does not include any authority that the Secretary may not redelegate, as set forth in 200 DM 1. In addition, the following authorities are not included in the general authorities delegated to BOEM in 218 DM 1.1:

A. Approval of the Five Year OCS Oil and Gas Leasing Program, pursuant to 43 U.S.C. § 1344, and approval and signing of a Record of Decision for that program.

B. Acceptance or rejection of state recommendations on the size, timing, or location of oil and gas lease sales, pursuant to 43 U.S.C. § 1345.

C. Approval of the Proposed and Final Notices of Sale for an oil and gas lease sale, pursuant to 43 U.S.C. § 1337(1), and approval and signing of the related Record of Decision for such oil and gas lease sale, pursuant to 40 CFR 1505.2.

D. Approval of the length of the primary oil and gas lease terms to be offered in a lease sale, pursuant to 43 U.S.C. § 1337(b).

E. Approval of the size of oil and gas tracts to be offered, pursuant to 30 CFR 556.28.

F. Cancellation of producing oil and gas leases, as provided for in 43 U.S.C. § 1334(a)(2) and (d).

G. Approval of any deferment of a cash bonus payment required as part of an oil and gas lease sale, pursuant to 43 U.S.C. § 1337(a).

H. Cancellation of a producing lease for renewable energy activities, pursuant to 43 U.S.C. § 1337(p).

I. Granting of leases for OCS minerals other than oil, gas, sulfur, sand, gravel, or shell resources, pursuant to 43 U.S.C. § 1337(k).

J. Approval of the length of the primary lease terms and approval of sizes of tracts to be offered for OCS minerals other than oil, gas, sand, gravel, or shell resources, pursuant to 43 U.S.C. § 1337(k) and 30 CFR 581.19.

K. Cancellation of producing leases for OCS minerals other than oil, gas, sand, gravel or shell resources, pursuant to 43 U.S.C. § 1337(k) and 30 CFR 581.47.

L. Review and approval of modifications to the Bureau's Categorical Exclusions list in 516 DM 15.4, pursuant to 43 CFR 46.205.