

## 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

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### 218 DM 1

**1.1 Delegation of Authority.** The Director of the Bureau of Ocean Energy Management (BOEM) is delegated, subject to Paragraph 1.4, the program authority of the Assistant Secretary – Land and Minerals Management (ASLM) with respect to the Outer Continental Shelf to authorize: exploration, development, and production of conventional and renewable energy resources and marine mineral resources; use of existing facilities for other energy and marine-related purposes; and injection and sequestration of carbon.

The Director’s authority includes all associated functions related thereto, including, but not limited to, issuance of leases, easements, rights-of-way, rights-of-use and easement, and agreements; approval and administration of exploration and development plans; approval and administration of construction and operations plans and other plans; conducting resource evaluations; and permitting of geological and geophysical activities.

This program authority includes:

A. The authority granted by the Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. §§ 1331 *et seq.*), to administer in an environmentally and economically responsible way:

- (1) the development of the Nation’s OCS oil, gas, and sulfur resources;
- (2) the development of the Nation’s OCS minerals other than oil, gas, and sulfur;
- (3) the development of energy on the OCS from sources other than oil and gas, including renewable energy;
- (4) the use of facilities, currently or previously authorized under the OCS Lands Act, for energy-related purposes or for other authorized marine-related purposes;
- (5) the injection of carbon dioxide into sub-seabed geologic formations of the OCS for the purpose of long-term sequestration; and
- (6) the conduct of environmental studies and the development and imposition of mitigation measures or requirements to avoid or minimize harm to the marine, coastal, or human environments (including, but not limited to, measures for: avoiding impacts,

conserving natural resources, and ensuring compliance with the national ambient air quality standards).

B. The authority granted by:

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

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

(b) setting and adjusting the limits of liability (to reflect significant increases in the Consumer Price Index) with respect to offshore facilities used 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.

(2) The Federal Oil and Gas Royalty Management Act of 1982, as amended (30 U.S.C. §§ 1701 *et seq.*), to carry out the responsibilities of the Secretary relating to mineral leasing, development, and production, and related activities on the OCS.

(3) The Energy Policy Act of 2005 § 357 (42 U.S.C. § 15912) and § 965 (42 U.S.C. § 16295) to conduct certain inventory, analysis, and programs of research and prepare certain reports to Congress related to oil and gas on the OCS.

(4) Pub. L. No. 111-88, div. A, title I, § 112 (43 U.S.C. § 1457b) to enter into cooperative agreements with a state or political subdivision (including any agency thereof) or a not-for-profit organization if:

(a) the agreement will serve a mutual interest of the parties in carrying out the programs administered by BOEM; and

(b) all parties will contribute resources to the accomplishment of the cooperative agreement's objectives.

C. Departmental Manual (DM) 318 to issue Federal Register notices that pertain to the responsibilities and functions delegated to BOEM, other than as noted below in Paragraph 1.4.E.

## 1.2 **Redelegation.**

Unless redelegation is specifically prohibited or limited, the Director may further delegate any of the authority described above.

## 1.3 **Program Activities.**

The activities that BOEM performs under the authorities noted above and other directives of the Department of the Interior are described in BOEM's organization statement (118 DM 1- 4).

#### 1.4 Limitations.

The following authorities are not delegated to the Director:

- A. Authority that the Secretary may not redelegate, as set forth in 200 DM 1.
- B. Authority to cancel:
  - (1) producing oil, gas, and sulfur leases, as provided for in 43 U.S.C. § 1334(a)(2) and (d);
  - (2) leases for OCS minerals other than oil, gas, sulfur, sand, gravel, or shell resources pursuant to 43 U.S.C. § 1337(k); and
  - (3) leases for renewable energy activities, pursuant to 43 U.S.C. § 1337(p)(5).
- C. Authority regarding:
  - (1) the proposal and approval of the National OCS Oil and Gas Leasing Program, pursuant to 43 U.S.C. § 1344;
  - (2) the approval of oil and gas lease sales, including the Proposed and Final Notices of Sale for such lease sales, pursuant to 43 U.S.C. § 1337(a)(1), and approval of the related Record of Decision for such oil and gas lease sales, pursuant to 42 U.S.C. §§ 4321 *et seq.*;
  - (3) 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)(2);
  - (4) the length of the primary term and the size of the tracts to be offered in an oil and gas or sulfur lease sale, pursuant to 43 U.S.C. § 1337(b);
  - (5) the length of the primary term and the size of tracts to be offered in a lease sale for OCS minerals other than oil, gas, and sulfur, sand, gravel, or shell resources, pursuant to 43 U.S.C. § 1337(k); and
  - (6) periodic adjustments to maximum civil penalties based on inflation, pursuant to 43 U.S.C. § 1350(b) and 28 U.S.C. § 2461;
- D. Authority to accept or reject State recommendations on the size, timing, or location of oil and gas lease sales, pursuant to 43 U.S.C. § 1345.
- E. Authority to approve and sign any proposed or final rulemaking, or advance notice of proposed rulemaking, to be published in the Federal Register, per 200 DM 1 and 318 DM 1.