



United States Department of the Interior

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT
WASHINGTON, DC 20240-0001

Greetings Native Hawaiian Organization Leader:

The Bureau of Safety and Environmental Enforcement (BSEE) oversees safety and environmental standards related to offshore energy and mineral exploration, development, and production under the Outer Continental Shelf Lands Act (OCSLA), among other laws. OCSLA authorizes BSEE to regulate energy- and minerals-related activities on the U.S. Outer Continental Shelf (OCS), which is seaward of states' jurisdiction off the West Coast and Hawai'i in the Pacific Ocean; off Alaska in the Beaufort and Chukchi Seas, the Bering Sea, and Cook Inlet; in the Gulf of Mexico; and off the East Coast in the Atlantic Ocean. BSEE is committed to partnering on a government-to-sovereign basis with the Native Hawaiian Community regarding BSEE actions on the OCS that have the potential to significantly affect Native Hawaiian resources, rights, or lands.

In accordance with BSEE's Tribal Consultation Policy and the Department of the Interior's Office of Native Hawaiian Relations Standard Operating Procedure for Consultation with the Native Hawaiian Community, BSEE is seeking your feedback on proposed rulemakings. We invite Native Hawaiian Community leaders to provide input on proposed rulemakings that BSEE plans to prepare over the next few years. Please refer to the enclosed table, which provides details about each proposed rulemaking in BSEE's regulatory agenda. Additionally, this letter and the proposed regulatory schedule will be posted to BSEE's National Tribal Engagement Program website at <https://www.bsee.gov/about-bsee/tribal-engagement-consultation>.

Input from the Native Hawaiian Community is essential to developing the best possible regulations for BSEE programs. Your perspective is important to our rulemaking process, and we welcome the opportunity to engage with you on any particular rulemaking if you wish for more information. Currently, there are no energy- or minerals-related activities under BSEE's regulatory authority occurring on the OCS offshore Hawai'i. We recognize that some of the proposed rulemakings—such as those regarding offshore oil and gas facilities—may not be relevant to Hawai'i or the Native Hawaiian Community. However, we are sharing the full regulatory agenda with you for transparency and defer to your own determination of relevance.

If you are interested in any of BSEE's proposed rulemakings, please contact Bronia Ashford, Tribal Liaison Officer, at (202)-208-7251 or via email at Bronia.ashford@bsee.gov.

You can also submit a written response on the regulatory agenda to the National Tribal Engagement Program at tribalengagement@bsee.gov.

Thank you in advance for your time and attention to this matter.

Sincerely,

Kevin M. Sligh
Director

Enclosure
BSEE Regulatory Agenda

Bureau of Safety and Environmental Enforcement – Regulatory Agenda

Regulatory Identification Number	Rule Title	Description	Rule Stage ¹
1014-AA44 ²	Oil-Spill Response Requirements for Facilities Located Seaward of the Coast Line; 30 CFR 254	BSEE is responsible for ensuring that offshore oil and gas operators are trained and equipped to respond to oil spills that may result from their activities. BSEE’s oil spill preparedness regulatory requirements in 30 CFR Part 254 require, for example, operators to develop oil spill response plans that respond to a worst-case oil discharge. These regulations also require the operator to ensure response equipment is in optimal readiness. BSEE plans to prepare a rule that would update its oil spill response requirements in 30 CFR Part 254, which was last updated 22 years ago.	Proposed
1014-AA45 ³	Revisions to Subpart J – Pipelines and Pipeline Rights-of-Way; 30 CFR 250	BSEE is responsible for regulating offshore oil and gas facilities, including pipelines, to ensure operations are performed in a safe and environmentally sound manner. BSEE’s pipeline regulations are located in 30 CFR 250 Subpart J. Regulatory activities under the subpart J regulations range from permitting the design and installation to decommissioning of all pipelines on the U.S. OCS. BSEE plans to prepare a rule that would update 30 CFR 250 Subpart J to improve pipeline safety, environmental protection, and equipment reliability.	Proposed
1014-AA51	Updates of Documents Incorporated by Reference in 30 CFR Part 250 – Oil and Gas and Sulphur Operations in the Outer Continental Shelf; 30 CFR 250	BSEE incorporates by reference approximately 125 industry standards in its regulations at 30 CFR Part 250. These standards are related to equipment specifications, operating practices, equipment manufacturing, and hydrocarbon measurement. Each of those incorporated references is required to identify the specific edition of the standard incorporated into the regulations. Incorporation of a specific edition of a standard into the regulations means that the regulated industry must comply with the terms of that edition, even if that edition is later updated or replaced by the organization that had developed the standard. BSEE plans to prepare two rules that would either update the editions of standards already incorporated by reference in 30 CFR part 250 or incorporate new standards not currently in 30 CFR part 250.	Final

¹ Rule Stage: A proposed rule presents proposed additions, revisions, or re-designations to the Code of Federal Regulations (CFR), provides a rationale for each proposed provision, and invites public comment. A final rule presents the CFR provisions adopted and the reasons for the agency's decisions, including a discussion of the changes from the proposed rule. The agency discusses and responds to significant public comments received on the proposed rule.

² Letters inviting formal consultation on the proposed rule Oil-Spill Response Requirements for Facilities Located Seaward of the Coast Line were sent in March 2023 to Tribal Nations and Alaska Native Claims Settlement Act (ANCSA) Corporations.

³ Letters inviting formal consultation on the proposed rule Subpart J – Pipelines and Pipeline Rights-of- Way were sent in March 2023 to Tribal Nations and ANCSA Corporations.

1014-AA53	Revisions to Decommissioning Requirements on the OCS; 30 CFR 250; subpart Q	BSEE is responsible for regulating decommissioning operations on the OCS. Decommissioning entails the process of safely plugging and sealing a well after all the oil and resources have been produced/exhausted from it. The process also entails disposing of the equipment, such as platforms, used to support the production on that well. BSEE plans to prepare a rule that would address issues relating to idle iron, which are inactive facilities and structures that may require dismantling and disposal after well-plugging operations, and the decommissioning-in-place of certain subsea equipment instead of removal.	Proposed
1014-AA56	Updates of Documents Incorporated by Reference; 30 CFR 250	BSEE incorporates by reference approximately 125 industry standards in its regulations at 30 CFR Part 250. These standards are related to equipment specifications, operating practices, equipment manufacturing, and hydrocarbon measurement. Each of those incorporated references is required to identify the specific edition of the standard incorporated into the regulations. Incorporation of a specific edition of a standard into the regulations means that the regulated industry must comply with the terms of that edition, even if that edition is later updated or replaced by the organization that had developed the standard. BSEE plans to prepare two rules that would either update the editions of standards already incorporated by reference in 30 CFR Part 250 or incorporate new standards not currently in 30 CFR Part 250.	Proposed
1014-AA57	OCS Civil Penalty Surety Bond Requirements When Filing an Appeal; 30 CFR 250; subpart N	This proposed rulemaking would clarify BSEE's existing regulatory authority under 30 CFR 250.1409, which establishes criteria that must be met before a party may proceed with an appeal of a civil penalty pursuant to 30 CFR part 290. Before filing an appeal to the Interior Board of Land Appeals (IBLA), an operator must either submit a surety bond to BSEE's sister agency, BOEM, in the amount of the penalty, or notify BOEM that they want their lease bond to be used as the bond for the penalty amount.	Final
1014-AA59	BSEE Renewable Energy Safety and Assurances rule; 30 CFR 285	This rulemaking would make changes and additions to streamline and improve BSEE's regulations related to renewable energy development on the OCS.	Proposed
1014-AA60	Safety and Environmental Management Systems requirements (SEMS) (SEMS III); 30 CFR 250; subpart S	This rulemaking would update the current version of American Petroleum Institute's (API) Recommended Practice (RP) 75 Recommended Practice for Development of a Safety and Environmental Management Program for Offshore Operations and Facilities from the currently incorporated third edition to the fourth edition released in 2019. It would also guide operators on implementing the new edition. The new edition of RP 75 includes additional risk management strategies to ensure safer oil and gas operations. The rulemaking would address cybersecurity of all operational technology controls for offshore energy activities and update SEMS auditing requirements.	Proposed

<p>1082-AA04 (Joint BOEM-BSEE rule)⁴</p>	<p>Carbon Sequestration (BOEM-BSEE joint rule); 30 CFR 260</p>	<p>The Infrastructure Investment and Jobs Act of 2021 directs the Department to establish regulations intended to initiate OCS activities to accomplish carbon sequestration. This proposed joint rulemaking between the Bureau of Ocean Energy management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE) would establish new regulations to implement processes in support of safe and environmentally responsible carbon sequestration activities on the OCS. The proposed rule will address the transportation and geologic sequestration aspects of a development, including leasing; siting of storage reservoirs; environmental plans and mitigations; facility and infrastructure design and installation; injection operations; monitoring; incident response; financial assurance; and safety.</p>	<p>Proposed</p>
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⁴ Joint BSEE and BOEM formal consultation notices on the proposed rule for Carbon Sequestration were sent in May 2023 to Tribal Nations and ANCSA Corporations.