

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

Renewable Energy

I. Purpose

This Memorandum of Agreement (MOA) establishes a general framework for coordination between the Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE) in regulating Outer Continental Shelf (OCS) renewable energy activities. This MOA is intended to clarify each bureau's roles and responsibilities and promote efficient use of each bureau's resources.

This MOA is tiered from the September 3, 2020, Memorandum of Understanding (MOU) between BOEM and BSEE that describes the general relationship between the bureaus. This MOA incorporates by reference the expectations, responsibilities, and limitations laid out in the overarching MOU, including sections VI (Limitations) and VII (Modifications, Review, and Terminations).

II. Authorities

The Secretary of the Interior has delegated authority to BOEM and BSEE to regulate certain activities on the OCS under the Outer Continental Shelf Lands Act. BOEM's authority includes mineral and renewable energy development processes, including, but not limited to, leasing, geological and geophysical permitting, plan review and approval, and environmental analyses and studies. BSEE's authority includes, but is not limited to, permitting, environmental compliance, resource conservation, engineering standards and regulations, oil spill preparedness, inspections, enforcement, and investigations related to OCS mineral resource development activities. Per Secretary's Order 3299, as amended and issued August 29, 2011, BOEM has authority over all aspects of the OCS renewable energy program until the Assistant Secretary for Land and Minerals Management (ASLM) "determines that an increase in activity justifies transferring the inspection and enforcement functions to [BSEE]."

III. Objective

This MOA clarifies the working relationship between BOEM and BSEE regarding environmental compliance, oil spill preparedness, inspections, enforcement, and investigations for OCS

renewable energy activities. BOEM currently has authority over these aspects of the OCS renewable energy program but recognizes that its exercise of this authority would benefit from consultation and coordination with the robust compliance and enforcement functions of BSEE. To secure the benefit of BSEE's expertise in these areas, BSEE will assist BOEM with its safety, environmental compliance, oil spill preparedness, inspections, enforcement, and investigation functions for OCS renewable energy activities. The objective of this MOA is to outline the process through which BSEE will assist BOEM with these matters.

IV. Responsibilities

BSEE will conduct activities, consult, and advise in support of BOEM for the functional areas listed below:

- environmental and safety management, including development and oversight of Safety Management Systems;
- inspections;
- facility design report review;
- fabrication and installation report review;
- verification activities, including Certified Verification Agent responsibilities;
- structural assessments;
- facility and equipment maintenance;
- incident reporting;
- investigations;
- decommissioning and site clearance plan review;
- decommissioning cost estimates;
- oil spill preparedness;
- environmental compliance;
- development of engineering and installation design standards;
- recommendations related to enforcement actions; and
- other topics involving safety or environmental compliance.

BSEE will formulate recommendations for BOEM's consideration regarding potential regulatory actions, including enforcement. BOEM will issue any official regulatory actions within its delegated areas of responsibility.

As requested, and in accordance with any established standard operating procedures (SOPs), BSEE will also provide support to BOEM regarding certain BOEM-led program functions, including plan review and cooperating agency participation in National Environmental Policy Act analyses.

V. Development of Standard Operating Procedures and Guidance

Procedures for coordination regarding the above responsibilities will be documented in SOPs approved by both bureaus. These documents may be modified as appropriate over time.

VI. Modifications and Interpretations

Modifications to this MOA may be made by written consent of both bureaus' Directors or Deputy Directors. Once the ASLM has directed the transfer of inspection and enforcement functions to BSEE, this MOA will be revised to reflect the changed relationship between the bureaus and modify processes as appropriate. Interpretations of this MOA should be consistent with its stated purpose and objective.

VII. Signatures

This MOA will be effective upon the date of the last signature appearing below.

WALTER
CRUICKSHANK

Digitally signed by WALTER
CRUICKSHANK
Date: 2020.12.18 08:37:30
-05'00'

Walter D. Cruickshank
Acting Director
Bureau of Ocean Energy Management

Date



Scott A. Angelle
Director
Bureau of Safety and Environmental Enforcement

DEC 22 2020

Date