



**Memorandum of Understanding between
the Department of the Interior,
Bureau of Safety and Environmental Enforcement
and
the Department of Commerce,
National Oceanic and Atmospheric Administration
regarding**



**Coordination and Collaboration of Outer Continental Shelf Energy Activities and
Environmental Stewardship**

1. Purpose

This memorandum of understanding (MOU or agreement) establishes a framework for cooperation and collaboration between the Department of the Interior (DOI), Bureau of Safety and Environmental Enforcement (BSEE), and the Department of Commerce, National Oceanic and Atmospheric Administration (NOAA) (each a “Party”, together “the Parties”), with respect to Outer Continental Shelf (OCS) energy activities and environmental stewardship.

This MOU serves as an umbrella agreement that sets forth the general terms and conditions to support interagency partnership on federal actions and initiatives that balance sustainable use and development of the OCS with protecting biodiversity and promoting shared use of the ocean. The Parties intend to rely on each other’s expertise to increase the effectiveness of each Party’s functions and to help protect human health and the environment, while meeting the Nation’s energy, economic, and information needs. Activities on which the Parties cooperate may include, but are not limited to, environmental planning, preparedness, forecasting, monitoring, and response; maritime policy coordination (e.g., safe marine transportation); ocean data and observations; climate adaptation and mitigation; science and research; rulemaking; environmental justice; sustainability; compliance and enforcement (e.g., regarding offshore wind energy activities on the OCS); and outreach and engagement.

2. Background

BSEE’s mission is to promote safety, protect the environment, and conserve resources offshore through vigorous regulatory oversight and enforcement of ocean energy, marine mineral, and carbon sequestration activities on the OCS.

NOAA’s mission is to understand and predict changes in climate, weather, ocean and coasts; to share that knowledge and information with others; and to conserve and manage coastal and marine ecosystems and resources.

This agreement reflects the responsibilities and interests that are of mutual value to NOAA and BSEE and supersedes and replaces the September 26, 1985, MOU between NOAA and the Minerals Management Service, as well as the May 19, 2011, MOU between NOAA and the Bureau of Ocean Energy Management, Regulation and Enforcement.

3. Authority

The authorities for BSEE and NOAA to enter into this MOU include, but are not limited to:

- Coast and Geodetic Survey Act, 33 U.S.C. §§ 883a *et seq.*
- Coastal Zone Management Act, 16 U.S.C. §§ 1451 *et seq.*
- Coral Reef Conservation Act, 16 U.S.C. §§ 6401 *et seq.*
- Endangered Species Act, 16 U.S.C. §§ 1531 *et seq.*
- Executive Order 12777 (56 Fed. Reg. 54,757, 1997).
- Hydrographic Services Improvement Act, 33 U.S.C. §§ 892 *et seq.*
- Integrated Coastal and Ocean Observation System Act of 2009 as amended, 33 U.S.C. §§ 3601 *et seq.*
- Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. §§ 1801 *et seq.*
- Marine Mammal Protection Act, 16 U.S.C. §§ 1361 *et seq.*
- National Marine Sanctuaries Act, 16 U.S.C. §§ 1431 *et seq.*
- National Weather Service organic authority, 15 U.S.C. §§ 313 *et seq.*
- National Environmental Policy Act, 42 U.S.C. §§ 4321 *et seq.*
- Oil Pollution Act of 1990 (OPA), 33 U.S.C. §§ 2701 *et seq.*
- Outer Continental Shelf Lands Act, as amended, 43 U.S.C. §§ 1331 *et seq.*, including § 1348.
- Presidential Policy Directive (PPD)-8: National Preparedness (Footnote 1: PPD-8 names NOAA and DOI, including for these purposes, BSEE, as support agencies under Emergency Support Function #10 – Oil and Hazardous Materials Response Annex of the National Response Framework.).
- Section 311 of the Clean Water Act (CWA), 33 U.S.C. § 1321.
- The Ocean Exploration Act, 33 U.S.C. §§ 3401 *et seq.*

4. Implementation of Annexes

Specific activities undertaken under this MOU may be developed in annexes. Each annex will: incorporate the terms and conditions of this MOU; identify the relevant authorities for the annex; address specific topics and resources; and if relevant, describe in detail the scope of the activities to be undertaken and identify individual project managers. A list of annexes will be added to this MOU as an attachment and updated as needed. Updates to the attachment listing the annexes will not constitute a modification to this MOU requiring written consent.

5. Agreements and Responsibilities

The Parties endeavor to:

- Enhance mutual understanding of respective agency roles and responsibilities across cooperative activities.
- Cooperate in areas of mutual interest by:
 - sharing data, information, and findings;
 - supporting interagency training efforts, educational programs, and exhibits; and
 - coordinating press releases or other statements intended for the public.

- Develop individual annexes for specific programs, projects, or activities, consistent with the purpose of this MOU, when written agreements may be mutually beneficial.
- Regularly provide updates on cooperative activities conducted pursuant to this MOU and annexes.

6. Limitations

- Nothing in this agreement alters, limits, or expands the statutory or regulatory authority of NOAA or BSEE.
- Nothing in this agreement limits informal coordination not otherwise mentioned in this agreement.
- This agreement is to be executed in compliance with all applicable laws. To the extent this agreement conflicts with any provision of applicable law, that law shall control.
- Nothing in this agreement may be construed to obligate NOAA, BSEE, or the United States to make any current or future expenditure of resources in advance or in excess of the availability of appropriations from Congress. Nor does this agreement obligate NOAA, BSEE, or the United States to spend funds on any project or purpose, even if the funds are available.
- This agreement does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

7. Duration, Modification, Review, and Cancellation

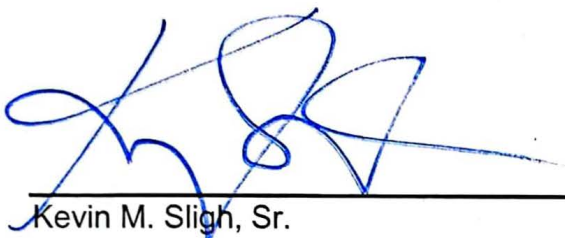
- Duration: This MOU will become effective on the date of signature by the Parties and will remain in effect for 10 years.
- Modification: Either of the Parties to this agreement may propose modifications by submitting them in writing to the other Party. No modification may be adopted except with the written consent of both Parties. Each Party will indicate its written consent to or disagreement with any proposed modification within 60 calendar days of receipt of the proposed modification. Upon the request of either Party, representatives of both Parties will meet for the purpose of considering modifications to this agreement.
- Review: The Parties agree to review this agreement every five years. Within one year from the date of this required review (first review date is October 2028), the Parties will meet to discuss the need for revisions. If any revisions are deemed necessary, then the Parties will follow their respective standard processes for negotiating a revised agreement. If no revisions are deemed necessary by the Parties, then "Attachment 1: MOU Update History" will be revised to reflect the date that the agreement was reviewed and that no changes were made. Revisions to attachments are considered non-substantive edits.
- Cancellation: Participation in this agreement may be ended by either Party upon 60-days' written notice to the other Party.

8. Administration

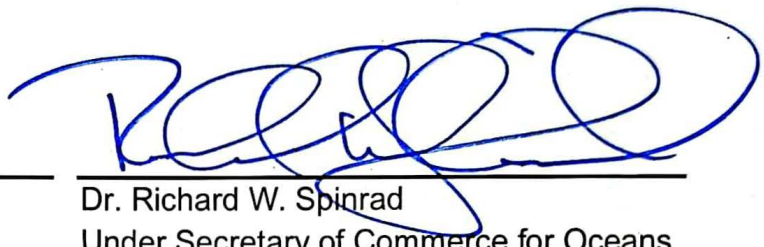
The BSEE Director and the Administrator of NOAA designate the Chiefs of Staff at their respective agencies to serve as MOU Agreement Leads. The MOU Agreement Leads will facilitate regular principals' meetings, including scheduling the meeting, providing an agenda, inviting subject matter experts as needed, and capturing notes or action items, as necessary. Principals' meetings will occur annually at a minimum. The MOU Agreement Leads may be updated as needed and captured in *Attachment 1: MOU Update History*. Any updates to the MOU Agreement Leads will not constitute a modification to this MOU requiring written consent.

9. Signature

This agreement is effective upon acceptance by all the Parties as indicated by the signatures below.



Kevin M. Sligh, Sr.
Director, Bureau of Safety and
Environmental Enforcement



Dr. Richard W. Spinrad
Under Secretary of Commerce for Oceans
and Atmosphere and NOAA Administrator

Date: *October 26, 2023*

Date: *October 26, 2023*

ATTACHMENT 1: MOU UPDATE HISTORY

This agreement was initially finalized on ***October 26, 2023***.

This agreement was revised on [DATE].

This agreement was reviewed on [DATE] and no substantive edits were deemed necessary.

Attachment 2: List of Annexes

Last Updated: **October 26, 2023**

This list will also be maintained at <https://www.bsee.gov/about-bsee/interagency>. The MOU Agreement Leads will ensure that the List of Annexes (attached here and online) is updated within 30 days of a new annex being finalized and that the updates are shared between the Parties.

- [DATE], [NAME]