

BSEE/BOEM RENEWABLE ENERGY SPLIT RULE INFORMATION AND Q&A

AA003

*REORGANIZATION OF TITLE 30—
RENEWABLE ENERGY AND ALTERNATE USES
OF EXISTING FACILITIES
ON THE OUTER CONTINENTAL SHELF*

February 2, 2023

2:30 – 3:30pm ET



OPENING REMARKS

Director Kevin Sligh, BSEE

Director Elizabeth Klein, BOEM

BOEM

Bureau of Ocean Energy
Management



MEETING OBJECTIVES



- Share an informational overview of the Reorganization of Title 30 – Renewable Energy and Alternate Uses of Existing Facilities on the OCS
- Provide participants with the opportunity to ask clarifying questions regarding the rule
- Identify topic areas where stakeholders would benefit from additional clarification, engagement, and/or future workshops

WORKSHOP AGENDA

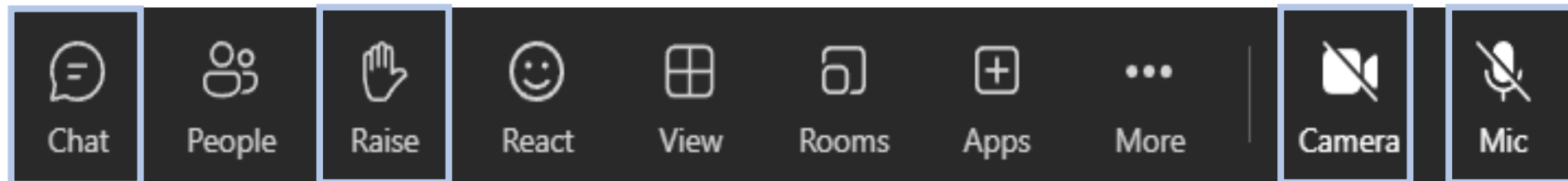


Time (ET)	Topic
2:30 p.m.	Welcome and Opening Remarks <ul style="list-style-type: none">• Opening remarks by Director Sligh and Director Klein• Agenda review and meeting guidelines
2:45 p.m.	Overview of Split Rule <ul style="list-style-type: none">• Background information• Split of responsibilities between BSEE and BOEM• Communications with BSEE and BOEM after the split
3:05 p.m.	Question & Answer Period <ul style="list-style-type: none">• Opportunity for participants to ask clarifying questions about the split rule
3:25 p.m.	Wrap Up and Closing Remarks <ul style="list-style-type: none">• Review of meeting information• Closing remarks
3:30 p.m.	Adjourn

TECHNICAL GUIDANCE



- Participants will remain muted and off camera during the presentation.
- During the Q&A period, participants will be selectively unmuted and given camera access as it's their turn to speak.
- Use the “raise hand” function to ask a question during the Q&A period
- For technical support, message Mike O’Berry in the chat or email him at eugene.oberry@bsee.gov



GROUND RULES



- Participate and ask questions respectfully during the Q&A period
- Speak in order; facilitator will mind the queue
- Provide your name and affiliation when you ask your question
- Speak clearly into your microphone

This meeting is being recorded for internal purposes. The recording will not be distributed.

**AA003
REORGANIZATION OF TITLE 30—RENEWABLE
ENERGY AND ALTERNATE USES OF EXISTING
FACILITIES
ON THE
OUTER CONTINENTAL SHELF**

Christy Lan (BSEE) and Wright Frank (BOEM)
Renewable Energy Webinar
February 2, 2023



BACKGROUND



- In December 2020, the Principal Deputy ASLM, determined that the increased level of development activity . . . has reached the threshold envisioned by S.O. 3299 as amended, and direct[ed] the transfer of safety and environmental compliance responsibilities from BOEM to BSEE.
- That transfer of authority was effectuated in September 2022, through revised chapters in the Departmental Manual.
- BOEM/BSEE “Split Rule” (AA03): This final rule transfers certain safety and environmental oversight, compliance, and enforcement regulations for the Department’s Offshore Renewable Energy Program from BOEM (30 CFR 585) to BSEE (30 CFR 285), with no substantive changes.
- AA03 also reorganizes certain sections pertaining to Alternate Use RUEs in BOEM’s regulations, transferring them from 30 CFR part 585 to a new 30 CFR part 586. In BSEE’s regulations, Alternate Use is covered in the new 30 CFR 285 regulations.

THE TRANSFER WILL HAVE MINIMAL IMPACT TO THE OFFSHORE WIND INDUSTRY



BSEE and BOEM are dedicated to timely and consistent communication, information sharing, and the resolution of issues to ensure that offshore wind development progresses in an effective, efficient, safe and environmentally sound manner.

Both Bureaus have been working collaboratively to review renewable energy submissions and establish guidance for the offshore wind industry. They will continue in this manner after the transfer of regulations.

BOEM is responsible for managing offshore energy resources on the OCS in an environmentally and economically responsible way.

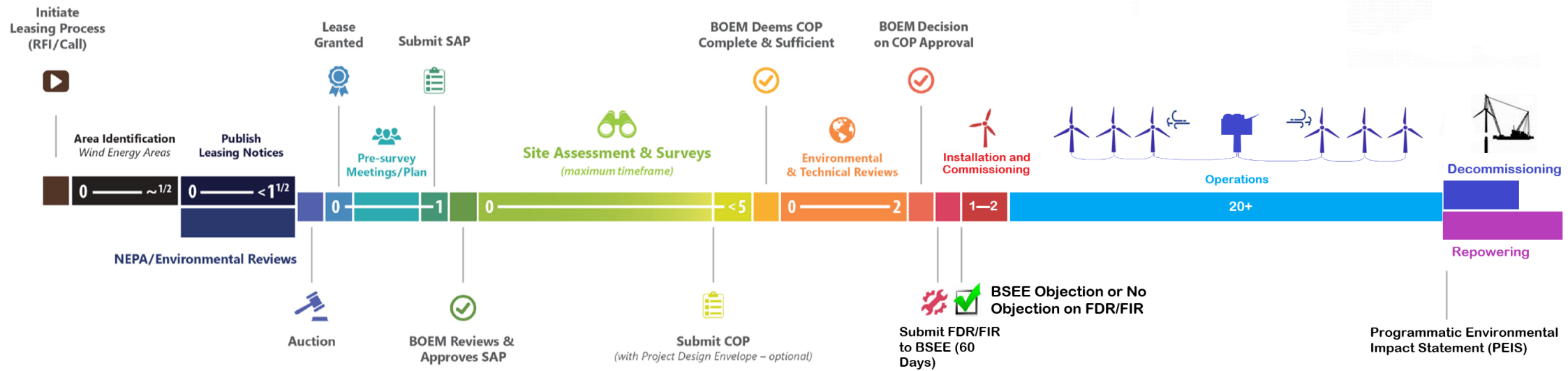
BSEE is responsible for the development, oversight, and enforcement of safety and environmental standards for the offshore energy operations.

BOEM/BSEE KEY AUTHORITIES



BOEM	BSEE
<p>Issuing and managing leases, easements, and ROWs for activities on the OCS that produce or support the production, transportation, or transmission of energy from sources other than oil and gas, including area identification, determinations of competitive interest, and resource analysis.</p>	<p>Evaluating and overseeing facility design, fabrication, installation, safety management systems, and oil spill response plans.</p>
<p>Issuing alternate use of existing OCS facilities through right-of-use and easement grants (Alternate Use RUEs).</p>	<p>Enforcing operational safety and environmental protection through inspections, incident reporting, and investigations.</p>
<p>Reviewing and either approving, approving with modifications, or disapproving plans, including construction and operations plans (COP), site assessment plans (SAP), and general activities plans (GAP).</p>	<p>Enforcing compliance, including safety and environmental compliance, with all applicable laws, regulations, leases, grants, and approved plans through notices of noncompliance, cessation orders, civil penalties, and other appropriate means.</p>
<p>Enforcing BOEM regulations through notices of noncompliance and civil penalties.</p>	<p>Overseeing decommissioning activities.</p>
<p>Conducting environmental analyses under the National Environmental Policy Act of 1969 (NEPA) and developing and imposing mitigation measures to avoid or minimize harm to the marine, coastal, or human environments (including, but not limited to, measures for avoiding impacts and conserving natural resources).</p>	

OVERVIEW OF BOEM'S AND BSEE'S ROLES FOR OFFSHORE RENEWABLE ENERGY



BOEM Role and Responsibility | **BSEE Role and Responsibility**

OVERVIEW OF BOEM'S AND BSEE'S ROLES FOR OFFSHORE RENEWABLE ENERGY



Planning/Pre-Lease

BOEM Role

- Manage intergovernmental Task Forces
- Manage Renewable Energy environmental studies
- Conduct NEPA analyses and associated consultations
- Publish Request for Interest
- Publish a Call for Information and Nominations
- Identify Wind Energy Areas (WEA) or potential lease area
- Publish a Notice of Proposed Lease Area and Request for Competitive Interest

BSEE Role

- Participate as a member of Intergovernmental Task Forces.



OVERVIEW OF BOEM'S AND BSEE'S ROLES FOR OFFSHORE RENEWABLE ENERGY



Leasing and Grant Administration

BOEM Role

- Publish Proposed Sale Notice and Final Sale Notice
- Prepare lease terms conditions
- Hold lease sales
- Collect and hold general lease bonds
- Receives and processes renewal requests
- Lease adjudication management across all stages (e.g., lease terms, bonding, transfers)

BSEE Role

- Participate as a member of Intergovernmental Task Forces



OVERVIEW OF BOEM'S AND BSEE'S ROLES FOR OFFSHORE RENEWABLE ENERGY



Site Assessment

BOEM Role

- Receive and approve, disapprove, or approve with modifications Site Assessment Plan (SAP) (commercial lease) or General Activities Plan (GAP) (limited lease), and coordinate review with BSEE as applicable.
 - Determine if project is significant and/or complex.
 - Conduct NEPA analysis to prepare DNA or conduct additional NEPA analysis/consultations if necessary; CZMA determination.
 - Develop terms and conditions of plan approval.
- Provide expertise on incidents to BSEE as requested.

BSEE Role

- Review SAP or GAP and provide feedback to BOEM, as requested.
- Reviews and determines adequacy of the Safety Management System (SMS) for facilities determined to be significant and/or complex.
- Review and approve CVA nomination and SOWs for facilities determined to be significant and/or complex.
- Receive notices from Lessees within 30 days of completing installation activities approved in a SAP.
- Receive annual compliance certifications.
- Receive and review incident reports.
- Oversee decommissioning of facilities used for site assessment and confirm site clearance.
- Perform compliance verification activities, conduct investigations, and take enforcement actions, including non-compliance and civil penalties when applicable.



OVERVIEW OF BOEM'S AND BSEE'S ROLES FOR OFFSHORE RENEWABLE ENERGY



Construction and Operations Plan Review

BOEM Role

- Receive and approve, disapprove, or approve with modifications the Construction and Operations Plan (COP) and coordinate review with BSEE as applicable.
 - NEPA analysis and associated consultations; CZMA determination
 - Develop terms and conditions of plan approval, if needed
 - Review of surveys and other technical aspects.

BSEE Role

- Review COP to provide comments to BOEM on areas of expertise.
- Review and approve CVA nomination and SOWs.
- Receive and review COP stage Oil Spill Response Plan (OSRP).
- Receive and review a description of a Lessee's Safety Management System Plans (SMS) for the COP.
- Develop terms and conditions for BOEM's COP approval relevant to oversight of operations.



OVERVIEW OF BOEM'S AND BSEE'S ROLES FOR OFFSHORE RENEWABLE ENERGY



Design, Fabrication, Installation
Project Design, Fabrication and Installation

BOEM Role

- Review FDR/FIR for compliance with the Plan and lease terms/conditions; determine if Plan revision is required
- Provide expertise on incidents and review incident reports as requested by BSEE.

BSEE Role

- Receive and object or not-object to facility design reports and fabrication and installation reports (FDR/FIR), including CVA certification of FDR/FIR; coordinate review with BOEM
- Receive and review CVA fabrication and installation reports; monitor fabrication and installation activities.
- Review and determine the functionality of the SMS for installation activities.
- Prior to the installation of any oil-containing components, receive and determine the adequacy of a complete OSRP.
- Receive and review incident reports.
- Perform compliance verification activities, conduct investigations, and take enforcement actions, including non-compliance and civil penalties when applicable.
- Receive annual certifications of compliance.
- Receive notifications: (1) within 30 days of commencing activities associated with installation, (2) within 30 days of completion of installation activities, and (3) 7 days before commencing commercial operations.



OVERVIEW OF BOEM'S AND BSEE'S ROLES FOR OFFSHORE RENEWABLE ENERGY



Operations
Operations,
Maintenance, Repair

BOEM Role

- Receive production reports and coordinate operating fee reevaluation.
- Review and approve, disapprove, or approve with modifications COP revisions, if applicable.

BSEE Role

- Conduct inspections and review self-inspection plans and reports.
- Receive and review Project Modification and/or Repair Reports and associated CVA reports as applicable.
- Oversee the maintenance and implementation of the SMS
- Oversee the maintenance and implementation of the OSRP.
- Receive and review incident reports.
- Perform compliance verification activities, conduct investigations, and take enforcement actions, including non-compliance and civil penalties when applicable.
- Receive annual compliance certifications.



OVERVIEW OF BOEM'S AND BSEE'S ROLES FOR OFFSHORE RENEWABLE ENERGY



Decommissioning

BOEM Role

- Conduct NEPA analysis for decommissioning applications
- Approve facilities to be decommissioned in place.

BSEE Role

- Receive decommissioning application; coordinate review and approval.
- Receive and review decommissioning notice at least 60 days before decommissioning activities.
- Receive and review decommissioning report.
- Receive and review incident reports.
- Serves as lead NEPA agency and prepare NEPA decision document
- Perform compliance verification activities, conduct investigations, and take enforcement actions, including notices of non-compliance and civil penalties when applicable.
- Perform Site Clearance verification.
- Review SMS plans for decommissioning
- Oversee the maintenance and implementation of the OSRP for decommissioning.



OVERVIEW OF BOEM'S AND BSEE'S ROLES FOR OFFSHORE RENEWABLE ENERGY



Alternate Use

BOEM Role

- A new Part 586 was created for Alternate Uses of Existing Facilities on the Outer Continental Shelf.
- Receive and process requests for an Alternate Use Right-of-Use and Easement (RUE).
- Ensure receipt of adequate financial assurance.
- Work with BSEE to determine decommissioning requirements.

BSEE Role

- Provide BOEM information on the suitability of existing structures for potential alternate use applications, as requested.
- Receive and review incident reports.
- Conduct investigations and take enforcement actions when applicable.
- Work with BOEM to determine decommissioning requirements.



OVERVIEW OF BOEM'S AND BSEE'S ROLES FOR OFFSHORE RENEWABLE ENERGY



Suspensions, Cessation, Compliance, and Cancellations

BOEM Role

- May order lease suspension to comply with judicial decrees or for reasons of national security or defense.
- May issue a lease suspension in response to a request from the lessee.
- May recommend lease cancellation to Secretary with the concurrence of the BOEM Director and in consultation with ONRR.
- May issue Notices of Non-Compliance for violations that take place as outlined in the 585 regulations.

BSEE Role

- May order lease suspension to comply with judicial decrees or when continued activities pose an imminent threat of serious harm or damage to natural resources.
- May issue a cessation order when you fail to comply with an applicable law; regulation; order; or provision of a lease, grant, plan, or BSEE or BOEM approval.
- May recommend lease cancellation to Secretary with the concurrence of the BOEM Director and in consultation with ONRR.
- May take enforcement actions, including Notices of Non-Compliance and civil penalties, for violations as outlined in the 285 regulations.
- Advises BOEM on any outstanding obligations for terminated leases, requests for lease relinquishment, and proposed lease contraction.
- Advises BOEM on lease suspension requests.



HOW TO SUBMIT INFORMATION TO BOEM



- Detailed instructions in the Notice to Lessees (Joint NTL No. 2023-N01), Appendix A.
- Contains the addresses for each of BOEM's regional offices, with instructions for submitting applications for renewable energy leases, RUEs, ROWs, and Alternate Use RUEs.
 - Headquarters: Sterling, VA
 - Gulf of Mexico Region: New Orleans, LA
 - Pacific Region: Camarillo, CA
 - Alaska Region: Anchorage, AK

HOW TO SUBMIT INFORMATION TO BSEE



- BSEE will implement an internet-based system called the TIMS Web (<https://timsweb.bsee.gov>) to exchange information with BSEE electronically.
 - This system will replace the need to submit renewable-related applications, reports, notices, or other submissions, including your SMS, to BSEE in hard copies per 30 CFR 285.110.
- The TIMS Web system will be available for preview beginning in March 2023, and will allow formal submittals beginning in April 2023.
- Prior to April 2023, you should submit information to BSEE as required by 30 CFR 285 and your terms and conditions of COP approval. There are also exceptions to using TIMS Web that should be adhered to (see next slide).
- For questions on how to submit offshore renewable energy information to BSEE prior to April 2023, please contact BSEE at OSWsubmittals@bsee.gov.

HOW TO SUBMIT INFORMATION TO BSEE



Exceptions to Using TIMS Web

TIMS Web **should not** be used when an immediate oral notification is required per 30 CFR 285.831(a). Immediate oral notifications should be made by calling BSEE's dedicated incident reporting phone number at (703) 787-1050.

A written report following an incident, as required in § 285.831, may be submitted through TIMS Web or through USPS mail to:

Bureau of Safety and Environmental Enforcement
Safety and Incident Investigations Division
45600 Woodland Rd RM 134
Sterling, VA 20166

When a lease or plan term or condition requires immediate notification related to a marine archaeological discovery or protected species, the notification should be sent to the BSEE email address specified in the term or condition.

THANK YOU



BSEE: Cheri Hunter
cheri.hunter@bsee.gov

BOEM: Karen Baker
Karen.baker@boem.gov

www.bsee.gov
www.boem.gov



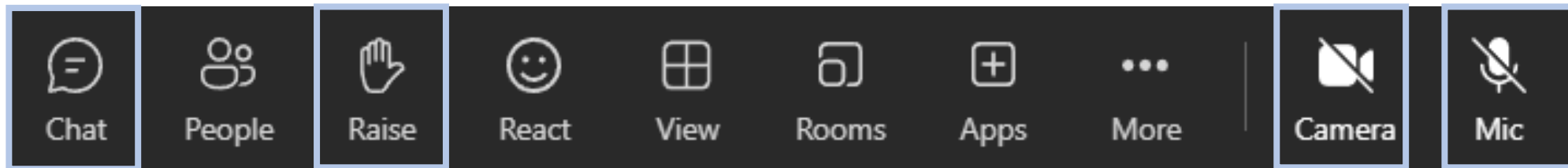
QUESTION & ANSWER PERIOD



TECHNICAL GUIDANCE FOR QUESTION & ANSWER PERIOD



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GROUND RULES FOR QUESTION & ANSWER PERIOD



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- Provide your name and affiliation when you ask your question
- Speak clearly into your microphone

WRAP UP & CLOSING REMARKS



- For any questions, please contact:
 - Christy Lan (Christy.Lan@bsee.gov)
 - Wright Frank (Wright.Frank@boem.gov)
- Additional information can be found on BSEE and BOEM's websites:
 - <https://www.bsee.gov/>
 - <https://www.boem.gov/>



THANK YOU