

MEMBER COUNTRY PROFILE – UNITED STATES

Country:	United States
Organisations:	Bureau of Ocean Energy Management (BOEM), Bureau of Safety and Environmental Enforcement (BSEE), in the U.S. Department of the Interior (DOI)
Regime Scope:	The DOI Secretary is designated by law to manage and regulate the leasing, exploration, and production of mineral resources on the Federal Outer Continental Shelf (OCS). These responsibilities are carried out by the BOEM and BSEE, who together have responsibility for the orderly development of minerals on the OCS, while ensuring safe and environmentally responsible offshore operations. BOEM also manages the use of Federal offshore sand for beach nourishment and coastal protection projects. In 2005, BOEM was authorized to lease and regulate renewable energy projects on the Federal OCS.
Administering Agency/Arrangements:	Federal government. Secretarial Order 3299 assigned BOEM conventional and renewable energy-related management functions, including, but not limited to, activities involving leasing, plans, environmental studies, NEPA analyses, economic and reserves analyses, and geologic risk analyses. BSEE's authority includes, but is not limited to, permitting, environmental compliance, conservation compliance, engineering standards and regulations, oil spill response planning, inspections, enforcement, and investigations.
Legislation Type:	The OCS Lands Act (OCSLA) is the primary statute governing offshore oil and gas, and marine mineral activities. The Energy Policy Act of 2005 amended OCSLA to add new authority for renewable energy projects in Federal waters. Regulations governing OCS oil and gas, mineral, and alternative energy activities can be found in Title 30 of the Code of Federal Regulations.
Extent of Government Approval:	Lease issuance, exploration and development/production plan approvals, drilling permits, environmental analyses, studies and enforcement, production safety system permits, structural permits, pipeline rights-of-way, and decommissioning plans. Permits for geological and geophysical operations on un-leased lands.
Nature of Duties Imposed:	Development of a Five-Year Program for offshore oil and gas leasing, Preparation of National Environmental Policy Act (NEPA) and other environmental analyses for offshore projects, development of applied environmental studies to address information needs, Resource Assessments of underlying hydrocarbons, development of environmental stipulations and mitigations and enforcement of those lease terms and federal environmental regulations.
Physical Objects in the Regime:	<ul style="list-style-type: none"> • Over 5,900 active leases covering over 31 million acres in the Gulf of Mexico (as of March 2013) • About 670 active leases covering over 3 million acres offshore Alaska. 49 active leases covering about 245,000 acres offshore Pacific. • 2 commercial wind energy facility leases. • Restored about 200 miles of coastline with beach re-nourishment.
Assurance Mechanisms:	<ul style="list-style-type: none"> • Five Year Program for offshore oil and gas

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	<ul style="list-style-type: none"> • “Smart from the Start” program for offshore renewables • National Resource Assessment of hydrocarbons • NEPA and other environmental analyses • Environmental Studies Program to develop applied science • Inspectors have authority to issue Incidents of non-compliance which may be a warning or a facility shut-in. Civil penalties may be issued when violations pose actual harm or threat of harm to personnel or the environment. • Drills (spill response, BOPE, H2S, evacuation, etc.) are required and may be initiated by BSEE without notice.
Financial Basis:	Annual appropriations approved by the U.S. Congress; over 50% is offset by a portion of OCS rental collections, cost recovery fees, and inspection fees.
Environmental Regulation Responsibilities:	The National Environment Policy Act (NEPA) is the foundation of environmental policymaking in the United States. The intent of the NEPA process is to help public officials make informed decisions based on an understanding of environmental consequences of agency actions. The NEPA established the Council on Environmental Quality (CEQ) to advise agencies on the environmental decision making process and to oversee and coordinate the development of Federal environmental policy. The CEQ issued regulations (40 CFR 1500-1508) in 1978 implementing NEPA. BOEM prepares NEPA analyses at various stages including leasing, construction, exploration, development and decommissioning. BOEM also coordinates with other Federal bureaus and agencies, such as the National Oceanic and Atmospheric Administration, Environmental Protection Agency, and the Fish and Wildlife Service in reviewing environmental implications of planned OCS activities under approximately 30 additional environmental laws and Executive Orders (e.g., Endangered Species Act, National Historic Preservation Act, Clean Air Act, Environmental Justice).
Oil Spill Response	BSEE is responsible for planning (i.e. reviewing preparations) for potential oil spills related to oil and gas operations on the Federal Outer Continental Shelf. Operators are required to submit Oil Spill Response Plans for approval by the Bureau. These plans must address worst case discharge and response capabilities including equipment and response time. BSEE conducts annual inspections of equipment and conducts drills to test industry response. Through a unified command structure, BSEE shares responsibility with the United States Coast Guard (USCG) in incident response. The USCG acts as the Federal On Scene Coordinator and leads the operational spill response and BSEE focus is on source control
Transparency:	BOEM and BSEE’s functions and responsibilities are described on the websites www.BOEM.gov and www.BSEE.gov . All of the environmental studies and technical research that has been conducted are posted, as well as many of the NEPA and other environmental analyses. Statistics and BSEE investigation reports are posted or linked within the website, as are all Notices to Lessees which provide

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	clarification of regulations.
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