

2024 USET/USET SPF IMPACT WEEK CULTURE AND HERITAGE COMMITTEE

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BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

What we do

- Ensure safe and environmentally responsible offshore energy exploration and production.
 - Outer Continental Shelf Lands Act 1953.

How we do it

- Safety Management & Enforcement.
 - Safety and Incident Investigations.
- Standards.
- Environmental Compliance and Enforcement.
- Oil Spill Preparedness.
- 850+ employees in 10 locations.

It takes more than regulations

- Performance-based oversight.
- Federal, Tribal, Industry, and public engagement.
- Continuous improvement systems.
- Research.

BSEE'S RENEWABLE ENERGY PROGRAM



When BOEM and BSEE were formally established in 2011, as part of the reorganization of the Mineral Management Service, safety and environmental oversight of renewable energy was assigned to BOEM, until such time that an increase in activity justified the transfer of those functions from BOEM to BSEE. However, BSEE did assist BOEM with its renewable energy activities.

In December 2020, the Principal Deputy Assistant Secretary for Lands and Minerals Management, determined that the increased level of offshore wind development activity had reached a threshold sufficient to transfer 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.

On January 31, 2023, the BOEM/BSEE “Split Rule” formally transferred 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.

Substantive changes to BOEM and BSEE’s renewable energy regulations, the “Modernization Rule” were proposed on January 30, 2023. The Modernization Rule is a joint BOEM/BSEE rule and is expected to be finalized by May 2024.

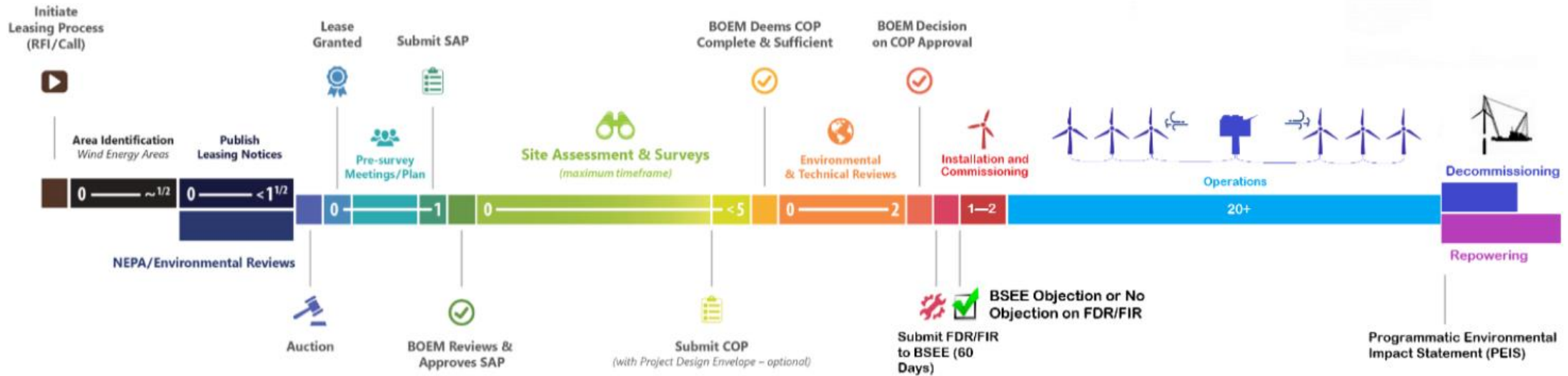
BSEE is preparing a Safety Rule to further improve safety and oversight of its renewable energy regulations at 30 CFR 285. The Notice of Proposed Rulemaking should be published for Tribal consultations and public comment later this summer.

BOEM/BSEE KEY OFFSHORE WIND AUTHORITIES



BOEM	BSEE
Issuing and managing leases NEPA analyses	Operational safety and environmental protection
Site Assessment Plan Construction and Operations Plan General Activities Plan	Safety Management System Facility Design Report Fabrication and Installation Report Oil Spill Response Plan Emergency Response Plan
Financial Assurances	Decommissioning
Enforcing BOEM regulations	Enforcing BSEE regulations

OVERVIEW OF BOEM'S AND BSEE'S ROLES FOR OFFSHORE WIND



BOEM Role and Responsibility

BSEE Role and Responsibility

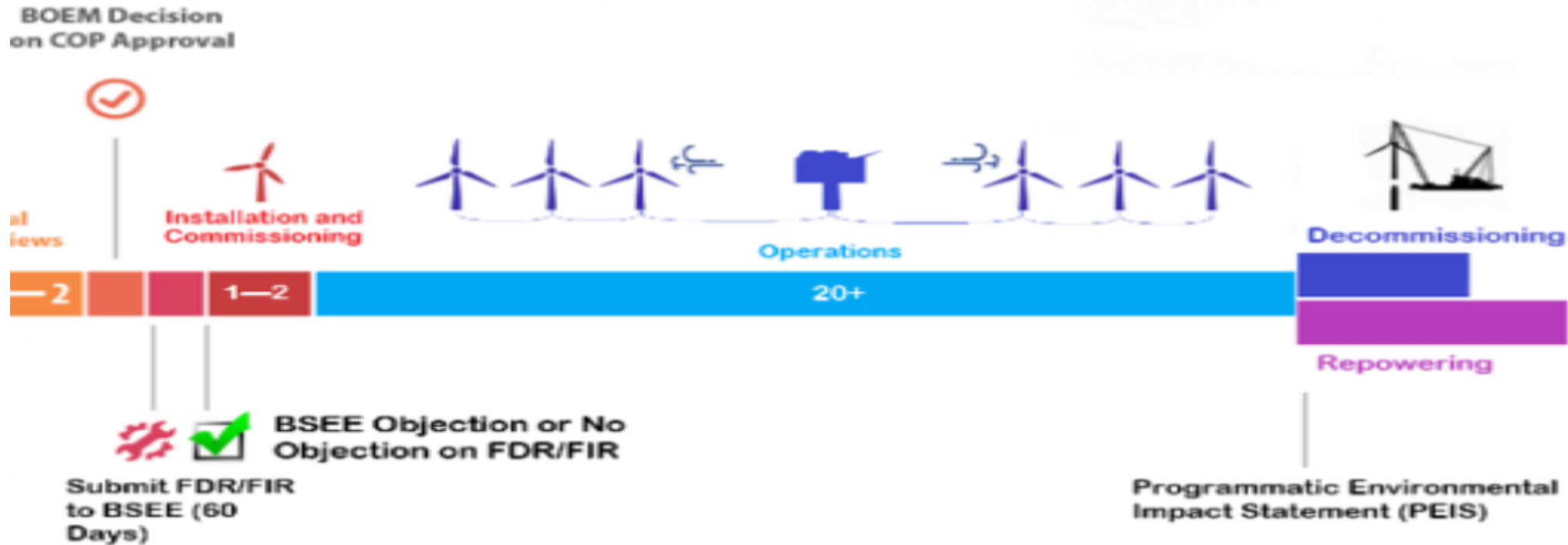
BSEE ROLE IN ESTABLISHING TERMS AND CONDITIONS



- BSEE serves as primary oversight agency for facilities on the Outer Continental Shelf (OCS).
- BSEE works with BOEM to establish Terms and Conditions (T&C's) implementing safety and environmental enforcement requirements.
- BOEM and BSEE ensure reports and information required by the T&C's is shared with other federal agencies with jurisdiction, including BOEM, USCG and NOAA.

Importance: COP Terms and Conditions provide the regulatory requirements (regulatory hook) for BSEE to enforce against for the life of each project.

BSEE'S ROLE, FOLLOWING COP APPROVAL



BSEE Role and Responsibility

BROAD OVERSIGHT REGULATIONS



- 285.105 General Duty Regs.
 - Design your projects and conduct all activities in a manner that ensures safety and will not cause undue harm or damage to natural resources.
 - Comply with the terms, conditions, and provisions of all reports and notices submitted to BSEE, and of all plans, revisions, and other approvals.
- 285.801-803 Environmental Regs. must comply with all measures required under 585.701-703
 - Marine mammals, threatened and endangered species, & designated critical habitat.
 - Potential archeological resources.
 - Essential fish habitats under Magnuson-Stevens.
- 285.810 Safety Management System (SMS)
 - (a) How operator will ensure the safety of personnel or anyone on or near facilities.
 - (b) Remote monitoring, control, and shut down capabilities.
 - (c) Emergency response procedures.
 - (d) Fire suppression equipment, if needed.
 - (e) How and when safety management system will be tested.
 - (f) How operator ensures personnel who operate facilities are properly trained.
- 285.820 Inspections and Assessments
 - Compliance with COP terms and conditions
 - Compliance with SMS
 - Consistency with FDR/FIR



30 CFR 285.400-437 ENFORCEMENT OPTIONS

- Issue Notices of Non-Compliance (Violation).
 - Various Enforcement Levels.
- Civil penalties (fines on a per day basis).
- Issue a cessation order: Cease all activities on the lease.
- Order lease suspension: Generally, would be used to comply with judicial decrees.
- Recommend lease cancellation to Secretary of the Department of Interior: Revocation of the lease.



CONTACT INFORMATION

Atlantic, Renewable Energy Incident reporting:

Immediate oral notifications for offshore renewable energy activities in the Atlantic should be made by calling BSEE's dedicated incident reporting phone number at **(703) 787-1050**.

Or email: oswincidentreporting@bsee.gov

General matters: tribalengagement@bsee.gov