Restoring and Protecting Our Nation’s Coasts through Stewardship of OCS Resources

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I. Marine Minerals Program Overview

II. Non-Competitive Negotiated Agreements

III. Resource Evaluation

IV. Environmental Studies Program

V. Summary
“Facilitate access to and manage the Nation’s Outer Continental Shelf (OCS) non-energy marine minerals through environmentally responsible stewardship of resources”
• **Office of Strategic Resources/Leasing Division/Marine Minerals Branch**
  - Jeff Reidenauer, PhD (Biological Oceanography) – Branch Chief
  - Jeff Waldner, PG (MS, Geology/Engineering) – Marine Geologist
  - Lora Turner (MS, Physical Oceanography) – Physical Oceanographer
  - Paul Knorr, PhD (Geology) – Marine Geologist
  - Leighann Brandt, PG (MS, Geology) – Geologist
  - Doreen Vega (Political Science, Ethnic Studies and History) – Program Analyst
  - Margaret Thomas – Program Specialist

• **Office of Environmental Programs/Division of Environmental Assessment**
  - Geoff Wikel (MS, Marine Science) – Branch Chief
  - Jennifer Bucatari, PhD (Biology) – Oceanographer
  - Doug Piatkowski, (MS, Marine Biology) – Physical Scientist
  - Deena Hansen, (MS, Marine Science) - Oceanographer

• **Gulf of Mexico, Marine Minerals Program**
  - Mike Miner, PhD, P.G (Geology) – Environmental Scientist
  - Jessica Mallindine (MS, Marine Biology) – Environmental Scientist
  - Bridgette Duplantis (MS, Molecular Biology) – Environmental Scientist
Programmatic Building Blocks

• Leasing
  – Only Agency responsible for managing development of OCS non-energy marine mineral resources
  – Environmental Responsibility (NEPA)
  – Project Monitoring

• Resource Evaluation
  – Cooperative Agreements
  – Marine Minerals Sand Inventory Initiative (MMPGIS)

• Resource Management
  – Multiple Use Conflicts

• Environmental Studies
  – Science based decision making

• Collaboration, Partnership & Communication
  – BOEM / USACE MOU
  – Regional Coordination
Outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. 1331, et. seq.)

Outer Continental Shelf (OCS) or Federal jurisdiction begins 3 nautical miles (nm) from shore (but 3 leagues or 9 nm offshore Texas and west coast of Florida) and extends 200 nm

- 2.5 million square miles
Authority

Outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. 1331, et. seq.)

Public Law 103-426 (43 U.S.C. 1337(k)(2)) (1994): Amended OCSLA to allow BOEM to negotiate, on a noncompetitive basis, the rights to OCS sand, gravel, or shell resources for:

(1) beach nourishment, shore protection, wetlands restoration projects undertaken by a Federal, State, or local government agency, or
(2) use in construction projects authorized or funded by the Federal Government

A 1999 Amendment: Prohibits BOEM from charging Federal, state, and local governments a fee for OCS sand
Marine Minerals Rule

30 CFR Part 583

- Creates a new part 583 in Title 30 of the Code of Federal Regulations (CFR) to address the use of Outer Continental Shelf (OCS) sand, gravel and shell resources:
  - FOR
    - shore protection
    - beach restoration
    - coastal wetlands restoration projects
  - BY
    - Federal or State agency
    - local government agency
    - or for use in construction projects
      - authorized by the Federal Government,
      - or funded in whole or in part by the Federal Government.

- Published on Regulations.gov for public comment March 2016
- Public comment period ended May 2016
- The final rule will describe the negotiated noncompetitive agreement process for qualifying projects and codifies new and existing procedures.
3 Types of Agreements Are Used to Convey Sand and Gravel Noncompetitively

- **2-Party Memorandum of Agreement (MOA)**
  - An Agreement negotiated between Another Federal Agency and BOEM (e.g., Patrick Air Force Base, FL)

- **3-Party Memorandum of Agreement (MOA)**
  - An Agreement negotiated between a Locality (State, county, city, parish etc.), Another Federal Agency (typically USACE) and BOEM. (e.g., USACE Civil Works.)

- **2-Party Lease**
  - An Agreement negotiated between a Locality (State, county, city, parish etc.) and BOEM. USACE Regulatory involvement (e.g., CWA 404).

Each project is unique, having different parties involved, different environmental and leasing concerns, because of this each Agreement is for a **one-time use.**

Typically for two years. Extensions may be granted.
Recent Leases and Agreements

- **Long Beach Island, NJ**
  - 7 Mcy (recently completed)

- **Dare County, NC**
  - 4.85 Mcy (new)

- **Myrtle Beach, SC**
  - 1 Mcy (new)

- **Caillou Lake Headlands, LA**
  - 13.4 Mcy (construction pending)

- **Caminada Headlands Increment 2, LA**
  - 8.8 Mcy (construction completed)

- **Duval County, FL**
  - 1.39 Mcy (ongoing construction)
MMP Activity by State

Cu Yd Allocated

Number of Leases
USACE contacts BOEM about project, use OCS sand, and Cooperating Agency status

USACE conducts NEPA scoping

USACE circulates Draft EA/EIS

USACE sends BOEM request letter for OCS sand

BOEM conducts BOEM-specific agency consultation

BOEM drafts and approves FONSI/ROD

BOEM, USACE, and local sponsor negotiate NNA terms

USACE/local sponsor review and sign NNA

BOEM develops NNA

FONSI/ROD signed, consultations complete

BOEM executes NNA
BOEM reviews request to determine if project qualifies for NNA

Locality provides environmental information and documentation for NEPA, ESA, EFH, etc

BOEM conducts agency-specific consultation and provides locality with technical expertise

BOEM issues EA/EIS

BOEM FONSI/ROD signed, consultations complete

BOEM executes NNA

Locality reviews and signs NNA

BOEM and locality negotiate NNA terms

BOEM drafts NNA

Cooperating Agency Agreement Letter – Establish BOEM/USACE Roles and Responsibilities
Interrupting Environmental Requirements

E.O. 12898: Environmental Justice

Magnuson Stevens Fishery Conservation and Management Act

Federal Water Pollution Control Act

Clean Air Act

Coastal Zone Management Act

Marine Mammal Protection Act

National Historic Preservation Act

Endangered Species Act

NEPA
• Applicant submits a **written request to BOEM** to obtain an NNA, preferably during the Draft EA or EIS stage

• **Letter should contain the following items:**
  – name, location, coordinates of the proposed OCS borrow area
  – placement location(s), potential pumpout and pipeline corridors
  – name of the local project sponsor and project manager
  – project funding and authorization
  – volume of sand/gravel requested to be *excavated* (not just placed)
  – status of Federal, state, and local permits and approvals required
  – project schedule and anticipated timeline to dredge the OCS material.

• **BOEM will analyze the information contained in the letter to determine if the project qualifies** for OCS resources under OCSLA
Timeline to Execute NNA

Can typically be executed within **12 to 18 months** of the initial request, subject to:

- Completion of a NEPA review (EA or EIS) and decision document (Finding of No Significant Impact (FONSI) or Record of Decision (ROD))
- Presence of major environmental or multiple-use conflicts
- Regulatory issues
- Completion of the necessary environmental consultations
- Project deadlines
- MMP workload commitments

Project scheduling and deadlines are cooperatively developed by BOEM and the Applicant.
Development of NNA

- **Lease Stipulations** - based on mitigation requirements (i.e., NEPA, ESA, EFH, etc.) and negotiated with project proponents

- **Internal “Surname” Package** - MMB Chief, Leasing Chief, Office of Environmental Programs, DOI Solicitors, Office of Strategic Resources

- **Transmittal to Project Proponent(s)**

- **Lease Execution** - Four (4) copies are transmitted back to BOEM for execution
• Notifications
• Dredge Positioning Reporting
• Dredge Operating Requirements
• Production and Volume Information
• Notice to Other Users
• Marine Pollution Control and Contingency Plan
• Discovery of Ordnance Procedures
• Pre- and Post-Dredge Bathymetric Surveys
• Protection of Archaeological Resources
• Monitoring and Reporting Requirements
• **Cooperative agreements** - Between BOEM and state agencies, local governments, and universities to ID potential sand sources

• G&G surveys on the OCS require a **Prospecting Authorization from BOEM (Form 0134)** if performed by an entity other than another Federal agency or Federal contractor

• **Disaster Relief Appropriations Act**: $13.6 million
  – Negotiated **Cooperative Agreements** with 13 Atlantic Coastal States
    • State Geological Surveys & Associated State Academic Institutions
    • State Agencies
  – **Atlantic Sand Assessment Project** – identification of new potential sand resources Atlantic OCS

• **National Sand Inventory Goal**: We need to know where the resources are to properly manage them
NC Cooperative Agreement

Lead Agency: East Carolina University / UNC Coastal Studies Institute

Principal Investigator: John P. Walsh, Ph.D. Dept. of Geological Sciences, East Carolina University & UNC Coastal Studies Institute

Mendeley Reference Database: Made available through the NC Coastal Atlas (https://www.nccoastalatlas.org/)
Atlantic Sand Assessment Project

ASAP Survey Areas
(Seasketch): [http://www.seasketch.org/#projecthomepage/5272840f6ec5f42d210016e4/about](http://www.seasketch.org/#projecthomepage/5272840f6ec5f42d210016e4/about)

• Provides information needed to predict, assess, and manage impacts from offshore dredging

• Over $15 million spent on MMP-related environmental studies

• Mitigation and minimization measures derived from research findings

• Identify critical data gaps for guiding future research needs

http://marinecadastre.gov/espis
BOEM Environmental Studies Program (ESP) is dynamic and flexible to the changing information requirements. New information needs routinely arise outside the annual planning process and in response proposed studies are often added/deleted. This schema is a simplified version of the program process and does not entirely capture its complexity and variability.
The Marine Minerals Program:

• Is a **science-based program** with a diverse portfolio of studies to support the responsible management of America's offshore non-energy resources.

• Has **robust partnerships** with other federal agencies, states and communities

• Is **forward-looking** using a strategic science road map to inform short and long term decisions in support of the nations coastal resiliency needs.
Website: http://www.boem.gov/Marine-Minerals-Program/

Fact sheets: http://www.boem.gov/BOEM-Fact-Sheets/

- MARINE MINERALS FACT SHEET
- HURRICANE SANDY FACT SHEET
- ATLANTIC SAND ASSESSMENT FACT SHEET
- SEA TECHNOLOGY MAGAZINE ARTICLE

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