

National Environmental Policy Act (NEPA) Review of Industry Submittals for OCS Operations

Post-Macondo NEPA Compliance

*Bureau of Ocean Energy
Management, Regulation and
Enforcement (BOEMRE)*

Gulf of Mexico OCS Region (GOMR)

NEPA Compliance is a Primarily a BOEMRE Responsibility

- BOEMRE has to comply with NEPA requirements when approving submittals for OCS operations under the Agency's Regulatory Purview;
- The NEPA Coordination and Document Preparation for Activity-Specific Analyses are conducted internally, using GOMR staff:
 - Third-Party/Contract NEPA Documents are Time-Consuming;
 - Contract/COR Set-Up;
 - Staff review of analyses nearly same workload as internal work
 - Public Perception Issues
 - Decision Documents and Final Decisionmaking Internal to GOMR

NEPA Analyses Prepared in the Gulf of Mexico Region

- Categorical Exclusion Reviews (CERs)
 - Plans (EPs/DOCDs)
 - Pipeline Permit Applications
- Site-Specific Environmental Assessments (SEAs)
 - Plans (EPs/DOCDs)
 - Pipeline Permit Applications
 - Structure-Removal Permit Applications
 - Geological and Geophysical (G&G) Permit Applications
 - Applications for Permit to Modify (APMs) proposing Explosive-Severance of Well Stubs

Why a SEA is Needed; Directed and/or Linked to Extraordinary Circumstances

- Directed
 - Based upon Policy Decisions/Controversial Issues
 - August 16, 2010; Categorical-Exclusion Restriction Memo
 - SEAs required for Plans proposing drilling using a Subsea BOP or BOP on a Floating Facility/MODU (i.e., Deepwater SEAs)
- Extraordinary Circumstances (ECs)
 - When situations may exist in an activity that could impact:
 - Endangered/Threatened Species (G&G Surveys and Removal Operations);
 - Sensitive Biological Features (Bio Banks);
 - Prehistoric/Historic Resources; etc.
 - ECs are codified into Departmental Regulations and are generally determined through the CER Process.

What is Needed to Prepare a SEA; Minimum Plan Requirements

- Regulations and Guidance Provided in “Plans” NTL
 - Subpart B; 30 CFR §250.200 to §250.273
 - NTL No. 2008-G04; *Information Requirements for Exploration Plans and Development Operations Coordination Documents*
- Additional Guidance for “Deepwater” Plans
 - *Approval Requirements for Activities That Involve the Use of a Subsea Blowout Preventer (BOP) or a Surface BOP On a Floating Facility*
 - <http://www.boemre.gov/ooc/PDFs/DeepwaterDrillingComplianceInfo.pdf>
 - APPENDIX A; Requirements for EPs and DOCDs
 - Information previously ‘triggered’ out of EPs/DOCDs before the August 16th CE Restriction Memo.

How the SEA is Organized; Review and Document Format/Preparation

- **Resource Reviewing**

- Early review assignment/coordination tied to Plan Information
- Document preparation started
- Public Commenting begins on “Deemed Submitted” Plans (*Regulations.gov*);

- **SEA Format**

- Tiering to Programmatic Analyses and ‘Approved’ Format
- Description of the Proposed Action; Impact Analyses; Accidental Oil Spill Discussion; Catastrophic-Spill Analysis;

- **Final Document Preparation/Completion**

- Assigned Impact Reviews Completed;
- Document Finalized/Reviewed/Decision-Document Signed

How to Assist with the NEPA Review; Suggestions for Submitters

- **For Initial/Supplemental Plan Submittals;**
 - Provide everything required by the Regulations, NTL, and Guidance Document Initially and/or with each Amendment;
 - Use only best available information and avoid contradictory information within the plan and/or with other ‘in-house’ plan submittals;
 - *Information Requests/Clarifications waste valuable time and tie-up the analysts conducting the reviews/preparing the document – the more complete/accurate the plan, the more efficient/sound the analysis*
- **For Revised Plan Submittals;**
 - Provide everything required by the Regulations, NTL, and Guidance Document Initially and/or with each Amendment;
 - Provide a ‘**Complete**’ **Copy of the Plan** instead of referring back to multiple components within previously-approved plans;
 - *A “Complete” Plan will help ensure compliance with any recent regulatory and/or NTL needs and saves the analysts from having to forage/hunt for necessary information embedded in old plans*

How to Assist with the NEPA Review; Suggestions for BOEMRE

- **What Do You Suggest BOEMRE Do to Improve Plan Review and NEPA Analyses?**
 - Additional Guidance?
 - Revised NTL(s)?
- **Any other Comments?**