



Bureau of Safety and Environmental Enforcement

National Environmental Policy Act and Environmental Compliance for BSEE/BOEM Permitting Programs

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Office of Environmental Compliance (OEC)

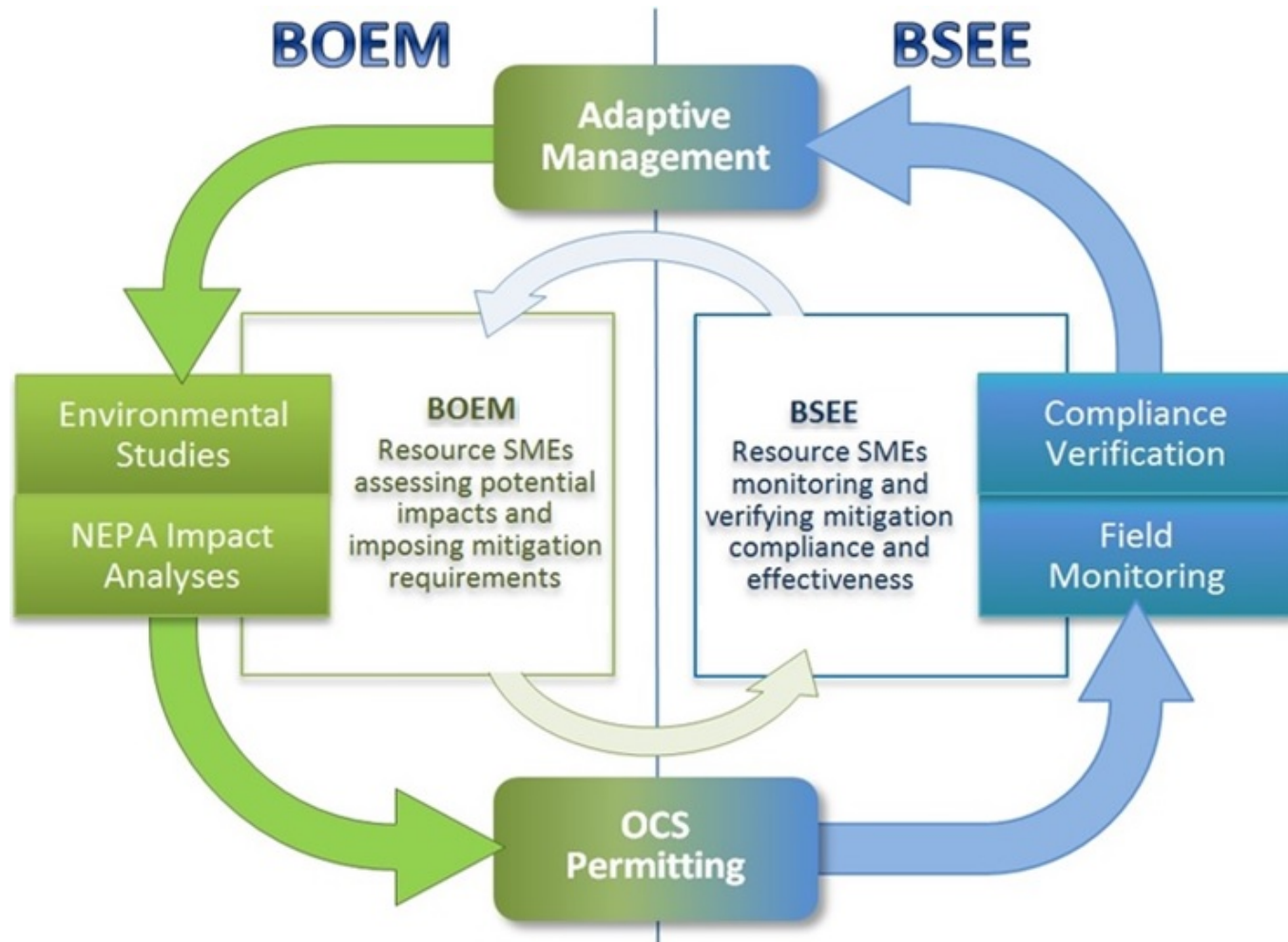
Gulf of Mexico OCS Region (GOMR)

BSEE GOMR Permitting Virtual Workshop Update – May 26, 2021

NEPA and Environmental Compliance for BOEM/BSEE Permitting

Refresher – BOEM-BSEE Interdependencies support both Bureaus

BOEM's and BSEE's Interdependent Partnership allows all regional programs to continually improve and adapt to meet OCS energy needs.

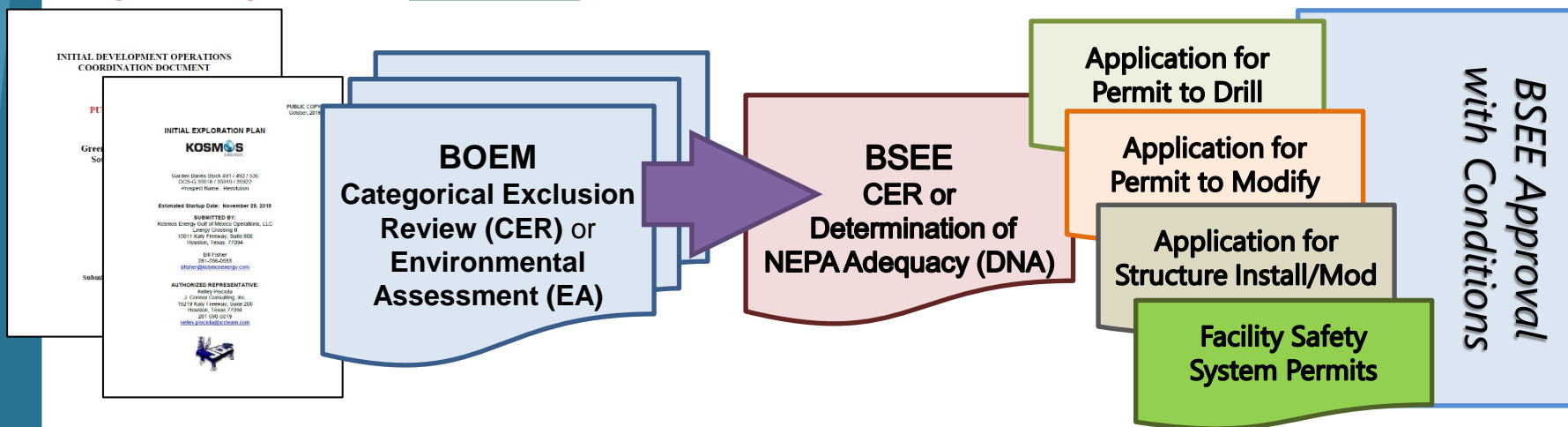


NEPA and Environmental Compliance for BOEM/BSEE Permitting

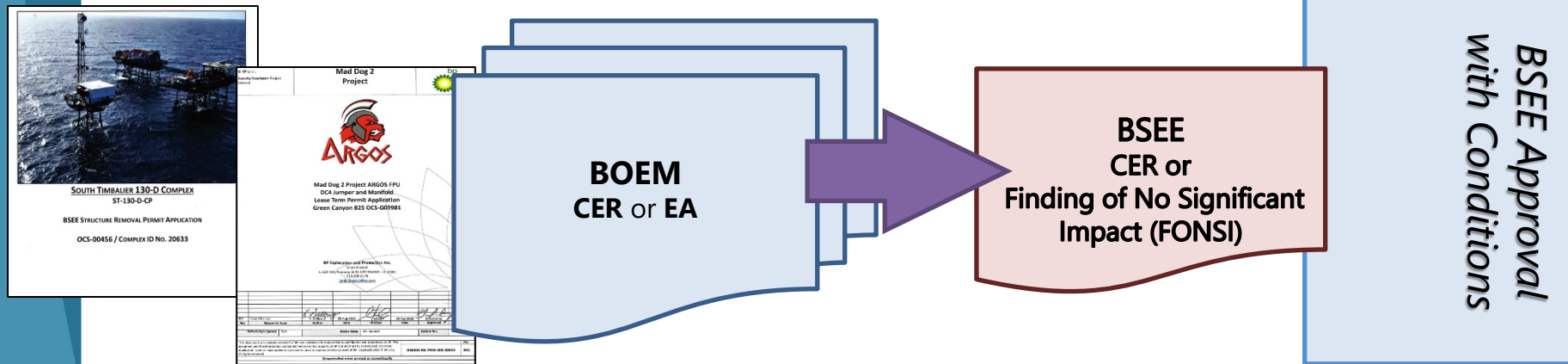
NEPA-Compliance for BSEE Permitting Programs

BSEE NEPA Compliance is tied to BOEM's NEPA Analyses for:

- Exploration Plan (EP)/Development Operations Coordination Document (DOCD)** that is Adopted for an associated permit application with BSEE



- Pipeline/Structure Removal Permit Application - Directly**

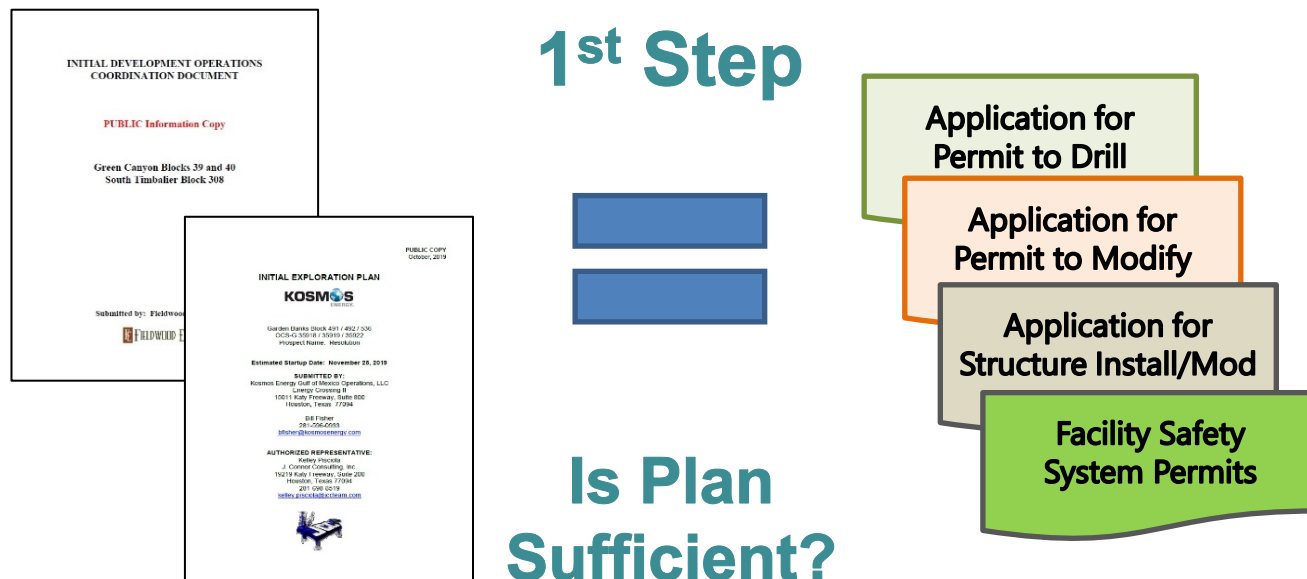


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30CFR§550.281: What must I do to conduct activities under the approved EP, DPP, or DOCD?

- Approvals and permits.** Before you conduct activities under your approved EP, DPP, or DOCD you must obtain the following approvals and or permits, as applicable, from the District Manager or BSEE Regional Supervisor:
- Conformance.** The activities proposed in these applications and permits must conform to the activities described in detail in your approved EP, DPP, or DOCD.

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Permit Applications Linked to a BOEM-Approved EP or DOCD

- Critical Regulatory Items to Consider for Your Permit Applications:
 1. Ensure “**You**”/“**Your**” are actually you/your (i.e., its **your** plan).
 2. Ensure that the activities proposed in your permit application are actually described in the associated plan; *i.e., if EP only covers drilling out to 2018 – the EP isn’t sufficient for an APD in 2020.*
 3. Ensure all Revised Plan Submittal Requirements are in compliance:
 - Same Vessel/MODU outlined in plan (§550.283(a)(1));
 - Same location of well/facility in plan (§550.283(a)(2));
 - No change in production outlined in plan (§550.283(a)(3)); and
 - Proposed permit emissions are projected in plan (§550.283(a)(4)).
 4. Ensure that a Supplemental Plan is not required (i.e., if a new well or facility is proposed (§550.283(b)).

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- b) **Conformance.** The activities proposed in these applications and permits must conform to the activities described in detail in **your** approved EP, DPP, or DOCD.

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- With Regards to “OCSLA Regulatory Compliance” CoAs:
 1. CoA applied in instances where an associated plan does not exist or is not sufficient – conditionally allowing operations to proceed while working to come back into compliance with 30CFR§550.281.
 2. Regulatory disconnect is most-prevalent with regards to Facility Safety System (FSS) Permit Applications – especially on older, inherited/acquired platforms – to a lesser extent with regards to Applications for Permit to Modify (APMs) tied to older wells and preliminary work for subsequent side-tracking/completion needs. Consider notifying BSEE (OEC) in eWell or “Cover Letter” if:
 - FSS Permit is needed for facility decommissioning – or –
 - APM is needed for P&A/complete well decommissioning.
 3. Great efforts have been made by the operators and their regulatory leads, and OEC has been flexible in timing, following coordination discussion of tracking down information needs.
 4. Consider the potential CoA compliance concerns and possible enforcement.

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Updates Regarding the 2020 Biological Opinion (BiOp)

- Amended Incidental Take Statement (ITS):
 - BOEM Office of Environment and BSEE OEC submitted Letters of Agreement (LOAs) for the following modifications to the 2020 BiOp.
 - November 2020 LOA: "Step-Down Review" Cessation for Plans and Permit Apps proposing actions with Entanglement or Entrapment risks, certain BOEM G&G Permit Applications, and Deepwater Operations Plans (DWOPs).
 - April 2021 LOA: Request for Decreased Post-Detonation Aerial Monitoring during Explosive-Severance Activities to help with logistics and reduce operational problems with aircraft refueling.
 - BOEM and BSEE received an Amended ITS that incorporated the modifications requested in the LOAs on April 26. OE/OEC are now reviewing replacement mitigation language for revised CoAs.
- Adoption of Reasonable and Prudent Alternative (RPA) for Bryde's Whale Conditions:
 - BOEM and BSEE "officially" accepted the RPA on April 19, 2021, which was previously 'unacknowledged.'

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Updates Regarding the 2020 Biological Opinion (BiOp) – So...

- Amended ITS Implications for Plans/Permits:
 - Step-Down Reviews (SDRs) will not be requested of NMFS for DWOPs or EPs/DOCs/Permit Applications proposing:
 - Entanglement Risks – “Slack-lines” or Diving Operations
 - Entrapment Risks – Vessels/Facilities with Moonpools
 - Certain Remote-Sensing/Sonar Equipment.
 - In place of the SDRs, BOEM and BSEE will be applying revised CoAs (nearly identical to those received from NMFS).
 - BOEM is still asking, in most cases, for the same data to help in their tracking and follow up with NMFS (to justify not requesting the SDR).
- Adoption of RPA for Bryde's Whale Conditions:
 - The associated mitigation/CoAs will be nearly identical to those associated with the Bryde's Whale area.
 - Continue to stress the need for early and upfront discussions with BOEM and BSEE if there are any possible needs for vessel transit or work in the BWA.

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Additional Items to Consider for Your Permit Applications:

1. Ensure that both BOEM and BSEE are tied into coordination for any permit applications linked to an EP/DOCD – still under BOEM review:
 - BOEM and BSEE will try to work together to see if any ‘expedited’ review requests may be required.
 - “Verbals” may-not be possible for pre-sets or pre-approval mobilization needs if tied to the NEPA review on the associated/unapproved EP/DOCD.
 - “Verbals” will-not be possible for impact-hammer work tied to the NEPA review on the associated/unapproved EP/DOCD (or BSEE-Requested SDR).
2. Please continue to contact/coordinate with OEC early on regarding any Removal Applications proposing Rigs-to-Reefs (R2R). The OEC R2R Coordinator has been able to assist with State/USACE needs.
3. Some ‘minor’ pipeline work under a decommissioning, repair, or even modification request may be possible without additional BOEM NEPA reviewing – recommend early discussion with OEC/Pipeline Section:
 - BSEE OEC will assess if NEPA analyses associated with the activity, drill center, facility, etc. may have covered all the impact-producing factors (IPFs) that might occur during the proposed operations.
 - Please provide all the necessary data and if possible, any information you have on the associated EP/DOCD or prior permit work (i.e., plan control code/number, segment number, TIMSWeb Submittal ID, etc.)

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Office-/Field-Compliance Verification - Updates

Items to Consider Regarding Office-/Field Compliance:

1. Decommissioning: Leaving bottom-founded components following decommissionings – especially incomplete conductor severance:
 - Site-Clearance Verification (SCV) requirements and the outlined regulatory start-date;
 - Marking/Buoys the location to help prevent impacts to commercial fishing group;
 - Problems identified in (Possibly-Incomplete) Removal Reports (as per 30CFR§250.1729(a)); and
 - Problems identified in (Possibly-Incomplete) SCV Reports (as per 30CFR§250.1743(b)).
2. Impact-Hammer Operations/Monitoring/Reporting: Continue tracking Post-Approval/Post-Activity requirements for impact-hammer use.
 - There are two (2) efforts behind ensuring that Protected Species Observer (PSO) coverage is available for requisite monitoring:
 - Operator-Trained PSOs (using certified, trained, screened, and qualified field personnel) and
 - Contract PSOs.
 - Continue to prompt both Operator-Trained and Contract PSOs to complete the requisite report development and submittal to BOEM and BSEE OEC (protectedspecies@bsee.gov).

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Any Questions For OEC on NEPA/Compliance Needs?



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offshore through vigorous
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