



United States Department of the Interior
BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT
WASHINGTON, DC 20240-0001



August 6, 2026

Greetings Tribal Leader:

On behalf of the Bureau of Safety and Environmental Enforcement (BSEE) and the Bureau of Ocean Energy Management (BOEM), we would like to provide information about a proposed rule and invite your input as you deem appropriate, including through government-to-government consultation. The proposed rule is titled *Oil and Gas and Sulfur Operations on the Outer Continental Shelf - Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf* (Regulatory Identification Number 1082-AA05). The Department of the Interior (DOI or Department), acting through BSEE and BOEM, is proposing revisions to regulations for exploratory drilling and related operations on the Arctic Outer Continental Shelf (OCS).

Background

The Outer Continental Shelf Lands Act, 43 U.S.C. §§ 1331 *et seq.*, was first enacted in 1953 and substantially amended in 1978. In amending the Outer Continental Shelf Lands Act (OCSLA), Congress established a national policy of making the OCS “available for expeditious and orderly development, subject to environmental safeguards, in a manner which is consistent with the maintenance of competition and other national needs.” (43 U.S.C. § 1332(3)). OCSLA authorizes the Secretary to lease the OCS for mineral development and to regulate oil and gas exploration, development, and production operations on the OCS, which includes areas seaward of the states’ jurisdiction off Alaska in the Beaufort and Chukchi Seas, the Bering Sea, and Cook Inlet.

BSEE is responsible for safety and environmental enforcement functions, including, but not limited to, the authority to permit activities, inspect, investigate, summon witnesses and produce evidence; levy penalties; cancel or suspend activities; and oversee safety, and oil spill response and removal preparedness. BSEE’s mission is to promote safety, protect the environment, and conserve resources offshore through vigorous regulatory oversight and enforcement.

BOEM is responsible for managing the development of the Nation’s offshore conventional and renewable energy resources. BOEM’s mission is to manage the development of the OCS energy and minerals resources in an environmentally and economically responsible way.

BSEE and BOEM are committed to fulfilling our legal obligations, carrying out our trust relationship with federally recognized Tribes, and inviting Tribes to consult on a government-to-government basis regarding BSEE and BOEM actions on the Arctic OCS that may have Tribal implications.

On July 15, 2016, BSEE and BOEM promulgated the 2016 Arctic Exploratory Drilling Rule¹ revising and adding new requirements to the regulations applicable to exploratory drilling

¹ Oil and Gas and Sulfur Operations on the Outer Continental Shelf-Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf, available at <https://www.federalregister.gov/documents/2016/07/15/2016-15699/oil-and-gas-and-sulfur-operations-on-the-outer-continental-shelf-requirements-for-exploratory>

operations conducted during the Arctic OCS open-water drilling season by drilling vessels and “jack-up rigs” (collectively known as mobile offshore drilling units or MODUs) in the Beaufort Sea and Chukchi Sea Planning Areas. It became effective September 13, 2016.

In April 2017, the President issued Executive Order (E.O.) 13795, Implementing an America-First Offshore Energy Strategy, which directed the Secretary of the Interior to review the 2016 Arctic Exploratory Drilling Rule and, “if appropriate, [to,] as soon as practicable and consistent with law, publish for notice and comment a proposed rule suspending, revising, or rescinding this rule.”

In December 2020, BSEE and BOEM responded to this directive by issuing the 2020 Proposed Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf.² However, in June 2021, the proposed rule was withdrawn by the Department.³

In January 2025, the President signed multiple E.O.s, including E.O. 14153, Unleashing Alaska's Extraordinary Resource Potential, and E.O. 14154, Unleashing American Energy. E.O. 14153 established new policy for Federal agencies to fully avail themselves of Alaska's vast lands and resources for the benefit of the Nation and the American citizens who call Alaska home. E.O. 14154 outlines a broad federal energy policy aimed at expanding domestic energy production and reducing regulatory constraints.

Summary of the Proposed Rule

In response to the 2025 E.O.s, the Department, acting through BSEE and BOEM, is planning to revise the 2016 Arctic Exploratory Drilling Rule to reduce unnecessary burdens on stakeholders while ensuring that energy exploration on the Arctic OCS is safe and environmentally responsible.

BSEE and BOEM plan to build upon the efforts made in the 2020 Proposed Revisions and consider proposing the same types of changes that were included in that rulemaking. The Bureaus will also consider addressing other topics specific to the Alaska OCS, which include:

- Definition of Arctic OCS;
- Arctic OCS Blowout Preventor Real-time Monitoring Requirements;
- Suspension of Production Operations; and
- Crane Operations on Artificial Islands.

Proposed Rule Timeline

Proposed rule 1082-AA05, *Oil and Gas and Sulfur Operations on the Outer Continental Shelf-Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf* was published in the Federal Register on August 6, 2026. The 60-day public comment period will close on October 5, 2026. The Federal Register Notice is available electronically⁴ and is also enclosed for your reference and review. The Initial Regulatory Impact Analysis, which provides economic analysis and supporting documentation for the proposed rule, is also enclosed.

² Oil and Gas and Sulfur Operations on the Outer Continental Shelf-Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf, available at <https://www.federalregister.gov/documents/2020/12/09/2020-25818/oil-and-gas-and-sulfur-operations-on-the-outer-continental-shelf-revisions-to-the-requirements-for>

³ Oil and Gas and Sulfur Operations in the Outer Continental Shelf- Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf Withdrawal, available at <https://www.federalregister.gov/documents/2021/06/29/2021-13803/oil-and-gas-and-sulfur-operations-in-the-outer-continental-shelf-revisions-to-the-requirements-for>

⁴ See Federal Register Notice at: <https://www.federalregister.gov/documents/2026/08/06/2026-15953/oil-and-gas-and-sulfur-operations-on-the-outer-continental-shelf-revisions-to-the-requirements-for>

The Draft Environmental Assessment (EA) that was prepared under the National Environmental Policy Act (NEPA) for the proposed 2020 Arctic Rule is enclosed with this letter. The 2020 Draft EA is being used as a starting point for the 2026 Arctic rulemaking environmental analysis. A new draft EA will not be published with the proposed rulemaking; rather a final EA will be published with the Final Rule. Additionally, BSEE and BOEM prepared an enclosure that includes a breakdown summary of the proposed 2026 Arctic Rule changes, a preliminary determination on whether the proposed regulation change will be analyzed in the 2026 EA, and notes identifying any changes from the proposed 2020 Arctic Rule. This enclosure is also attached.

The bureaus will consider new information, as outlined in the enclosure, received for the proposed rule that may inform the analysis of its potential environmental impacts. Please direct all comments on the environmental analysis to BSEE's National Tribal Engagement Program at tribalengagement@bsee.gov. The bureaus will separately consider comments received on the proposed rule.

Departmental Changes

On July 10, 2026, the Department of the Interior reunified the Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE) into the Marine Minerals Administration (MMA), which will oversee the responsible development of the nation's offshore energy and marine mineral resources with an integrated focus on safety, environmental protection, and efficient oversight. This was administered under the authority of the Secretary's Order 3451⁵ Establishment of the Marine Minerals Administration.

This reunification enhances safety, streamlines governance of the Nation's offshore energy and mineral resources, creates administrative efficiencies, and strengthens oversight of Outer Continental Shelf activities for the benefit of the American people. By combining all functions, personnel, assets, obligations, authorities, and responsibilities of the former Bureaus, MMA is strategically positioned to advance the Administration's offshore energy and critical minerals priorities. Importantly, all existing regulations and standards formerly applicable to BOEM and BSEE remain in full force and effect under MMA's authority.

BOEM and BSEE, and now MMA, are committed to fulfilling our legal obligations, carrying out our trust relationship with federally recognized Tribal Nations, Alaska Native Claims Settlement Act (ANCSA) Corporations, and the Native Hawaiian Community. This transition will be implemented in phases, with no disruption to existing regulatory responsibilities, permitting processes, or engagement with Tribal Nations.

Input and Consultation Invitation

BSEE and BOEM respect your Tribe's sovereignty and recognize that you will choose when and how to convey any input on the proposed Arctic rule that you wish to provide. We encourage you to share your input during the 60-day comment period, thus enabling BSEE and BOEM to fully consider it as we develop the final rule. Below we describe several methods to provide your comments as you deem appropriate.

⁵ See the Secretary of the Interior's Order on Establishment of the Marine Minerals Administration here: <https://www.doi.gov/document-library/secretary-order/so-3451-establishment-marine-minerals-administration>

Written comments:

- Navigate to <https://www.regulations.gov/> and search for Docket ID “BSEE-2026-0133.” Follow the instructions to submit public comments and view supporting and related materials. BSEE may post publicly all written comments received.
- Electronic delivery to regs@bsee.gov
- Paper copy delivery to Department of the Interior, BSEE and BOEM: Attention: Regulations and Standards Branch, 45600 Woodland Road, VAE-ORP, Sterling, Virginia 20166. Please reference RIN 1082-AA05, “Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf,” in your comments, and include your name and return address.

Government-to-government consultation:

BSEE and BOEM complies with Executive Order 13175 “Consultation and Coordination With Indian Tribal Governments” by following the Department of the Interior Policy on Consultation with Indian Tribes (512 Departmental Manual 4)⁶ and Procedures for Consultation with Indian Tribes (512 Departmental Manual 5).⁷ BSEE and BOEM evaluated this proposed rule and determined that it may have substantial direct effects on federally recognized Indian Tribes based on the interest and responses to prior correspondence, and therefore we continue to invite government-to-government consultation with all interested Tribes. If you wish to enter government-to-government consultation on the proposed pipeline rule, please contact me at (202) 208-7251 or bronia.ashford@bsee.gov. You may also reach BSEE’s National Tribal Engagement Program at tribalengagement@bsee.gov. We respectfully request that you submit any consultation requests by October 5, 2026.

If you have any questions or need additional information, please contact me or BSEE’s National Tribal Engagement Program at the above phone number or email addresses.

We will publish this letter on BSEE’s National Tribal Engagement Program website at <https://www.bsee.gov/about-bsee/tribal-engagement-consultation>.

Thank you for your time and attention.

Sincerely,

Bronia E. Ashford
Tribal Liaison Officer

⁶ See the Department of the Interior Policy on Consultation with Indian Tribes at: <https://www.doi.gov/document-library/departmental-manual/512-dm-4-department-interior-policy-consultation-indian-0>

⁷ See the Procedures for Consultation with Indian Tribes at: <https://www.doi.gov/document-library/departmental-manual/512-dm-5-procedures-consultation-indian-tribes>

Enclosures:

1. BSEE Proposed Rule – Oil and Gas and Sulfur Operations on the Outer Continental Shelf - Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf, 1082-AA05
2. BSEE Proposed Rule (AA05 – Oil and Gas and Sulfur Operations on the Outer Continental Shelf - Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf) 2020 Draft Environmental Assessment
3. BSEE Proposed Rule (AA05 – Oil and Gas and Sulfur Operations on the Outer Continental Shelf - Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf) Summary of Proposed Changes
4. Initial Regulatory Impact Analysis, RIN 1082-AA05