



United States Department of the Interior

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT
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DEPARTMENT OF THE INTERIOR BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

BUREAU MANUAL CHAPTER

Part and Chapter: 551.1

Title: National Environmental Policy Act (NEPA) Compliance Bureau Manual Chapter

Distribution Designation: Public

1. Purpose and Objectives

The purpose of this directive is to establish nationally-consistent requirements and responsibilities for the Bureau of Safety and Environmental Enforcement (BSEE) in implementing the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality (CEQ) Regulations Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1508), and the Department of the Interior (Department) NEPA Implementing Procedures (43 CFR Part 46).

The goal of establishing this policy is to ensure efficient and effective implementation of BSEE NEPA responsibilities, while maintaining quality and consistency across all BSEE regions. A key responsibility for all participants is to improve the performance of BSEE's permitting operations by advancing safety and environmental outcomes, promoting transparency, and shortening decision making and review timelines associated with BSEE's NEPA process.

2. Policy

It is BSEE's policy to apply NEPA in a consistent, transparent, and appropriate manner across all regions to ensure informed decisions affecting offshore energy activities. BSEE considers environmental quality equal to economic, social, and other factors in decision making.

BSEE will comply with the framework established in the most current version of the Memorandum of Agreement between the Bureau of Ocean Energy Management (BOEM) and BSEE on Environment and NEPA. In circumstances where BSEE is better served by an alternate approach to NEPA compliance, BSEE will clearly communicate to BOEM the reason for using an alternate process and engage BOEM subject matter experts to the fullest extent practicable in the alternate process.

3. Authorities

- a. Outer Continental Shelf Lands Act, as amended, 43 U.S.C. 1331 et seq.
- b. National Environmental Policy Act, 42 U.S.C. 4321 et seq.
- c. Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA, 40 CFR Parts 1500-1508
- d. Department of the Interior Regulations for Implementation of NEPA, 43 CFR Part 46
- e. Department of the Interior Departmental Manual, Part 516 DM, Chapters 1-15

4. References

- a. National Environmental Compliance Policy Bureau Manual Chapter 550.1
- b. 2011 Memorandum of Agreement between BOEM and BSEE on Environment and NEPA
- c. Department of the Interior Regulations, Categorical Exclusions: Extraordinary Circumstances, 43 CFR 46.215
- d. BSEE NEPA Compliance Handbook Bureau Manual Chapter (in development)

5. Materials Superseded

- a. BSEE IPD 2013-09 NEPA Policy

6. Definitions

Unless otherwise noted, the definitions applicable to referenced federal regulations can be found in their respective sections of the Code of Federal Regulations (CFR). Terms used in this policy and the BSEE NEPA Compliance Handbook that are not defined in regulations will follow standard usage in CEQ guidance. The following additional definitions are also relevant to BSEE's implementation of NEPA. Further clarification is provided, if necessary, in the BSEE NEPA Compliance Handbook.

- a. **Adaptive Management:** A system of management practices based on clearly identified outcomes, monitoring to determine if management actions are meeting outcomes, and the facilitation of management changes to ensure that outcomes are met, or reevaluated as necessary.
- b. **Categorical Exclusion Review (CER):** Documents the analysis of whether a proposed activity falls within the scope of an existing categorical exclusion, and whether extraordinary circumstances exist that preclude application of the categorical exclusion. A CER also documents which BSEE or Department categorical exclusion can be applied to the activity.
- c. **Decision Maker:** The Bureau, office, division, or program official who is authorized to make specific decisions.
- d. **Determination of NEPA Adequacy (DNA):** Documents the determination that a proposed activity has been adequately analyzed under an existing NEPA analysis or analyses and the proposed action is not substantially different in a way relevant to environmental concerns from the action previously analyzed and environmental

conditions have not changed in manner that could bear on the environmental impacts previously determined; therefore, no further review is required under NEPA.

- e. **Environmental Compliance Program (ECP):** A national BSEE program that supports the goal of safe and responsible development of OCS energy resources by promoting full compliance with NEPA as it relates to BSEE actions, and by overseeing compliance with environmental standards and mitigation measures on behalf of both BSEE and BOEM. The Environmental Compliance Division (ECD) leads a collaborative effort with the regions to develop policies, procedures, and business rules to implement data-driven oversight of BSEE's ECP. While ECD establishes these environmental policies at BSEE headquarters, the Bureau's compliance and enforcement activities are conducted by personnel located in BSEE's regional offices.
- f. **Environmental Compliance Personnel:** All personnel in BSEE who conduct activities under the ECP, such as environmental engineers, multi-disciplinary scientists, environmental protection specialists, and any other personnel whether reporting to the ECD at headquarters or the respective program offices in the regions.
- g. **Extraordinary Circumstances:** Conditions related to the impacts of a proposed activity, which normally would fall within the scope of a categorical exclusion, which preclude the use of a categorical exclusion and indicate that further NEPA analysis and environmental documentation must be prepared. DOI's list of extraordinary circumstances that preclude use of a categorical exclusion are codified at 43 CFR 46.215
- h. **Regional Environmental Officer (REO):** The BSEE staff person responsible for coordinating NEPA compliance within their respective region, as delegated by the Regional Director/Deputy Director.

7. Responsibilities

All BSEE staff involved in the NEPA process are responsible for maintaining NEPA records they create or use. When available and appropriate, NEPA records will be maintained in the Technical Information Management System (TIMS) database. If TIMS is not appropriate or available, records will be maintained in a central location according to the procedures outlined in the BSEE NEPA Compliance Handbook.

- a. The **Director/Deputy Director** will provide oversight and direction for BSEE NEPA compliance.
- b. The **Environmental Compliance Program (ECP) National Program Manager** will:
 - i. Continue to review BSEE's regulations, policies, programs, and procedures, in order to identify any deficiencies or inconsistencies that prohibit or limit full compliance with the intent, purpose, and provisions of NEPA and, in consultation with the Office of the Solicitor, Regional Directors, and Office Chiefs, take or recommend, as appropriate, corrective actions to bring these authorities and policies into conformance with the intent, purpose, and procedures of NEPA;

- ii. Coordinate with BOEM to align BSEE and BOEM NEPA procedures;
 - iii. When necessary, request that BOEM modify NEPA analysis in production or begin the next level of NEPA analysis.
- c. As delegated by the ECP National Program Manager, the **Environmental Compliance Division (ECD)** will:
- i. Assist decision makers and their staff in applying NEPA;
 - ii. Develop, maintain, and revise Bureau NEPA policy and procedures;
 - iii. Collect best practices to share with all decision makers;
 - iv. Cooperatively address cross-region NEPA issues;
 - v. Serve as the interface on NEPA issues with the Council on Environmental Quality, the Department of the Interior, and other federal agencies; and
 - vi. Coordinate BSEE comments on NEPA documents prepared by other agencies.
- d. The **Office of Offshore Regulatory Programs (OORP)** will coordinate with the ECP National Program Manager to ensure NEPA compliance for OORP activities (e.g. rulemaking).
- e. The **Oil Spill Preparedness Division (OSPD)** will coordinate with the ECP National Program Manager to ensure NEPA compliance for OSPD activities.
- f. The **DOI Office of the Solicitor** is responsible for providing legal advice pertaining to BSEE's compliance with NEPA, CEQ regulations, 43 CFR Part 46, and other applicable guidance.
- g. **Regional Directors/Deputy Directors** are responsible for interpreting and administering the programs, policies, and regulations under their jurisdiction in accordance with the requirements of NEPA.
- h. **Regional Environmental Officers (REOs)** are responsible for ensuring the decision maker has the information necessary to fully understand the environmental consequences of their proposed actions, and as delegated by the Regional Directors/Deputy Directors will:
- i. Execute regional NEPA coordination;
 - ii. Work with headquarters staff and BOEM staff to improve the timeliness, quality, and consistency of NEPA documentation and the NEPA process in general;
 - iii. Comply with responsibilities and the adaptive management protocol outlined in the BOEM/BSEE MOA on Environment and NEPA;
 - iv. Notify the ECP National Program Manager if the BOEM analysis is inadequate for BSEE to assess the reasonably foreseeable environmental impacts of a proposed action and alternatives; and
 - v. Notify the ECP National Program Manager and the Regional Director/decision maker, when appropriate, about conflicts or issues with implementing this policy.

- i. Regional Environmental Compliance Personnel will:**
 - i. Complete and document NEPA reviews, CERs, or DNAs as delegated by the REO; and
 - ii. Comply with the responsibilities and the adaptive management protocol outlined in the BOEM/BSEE MOA on Environment and NEPA.

- j. Regional/District Permit Coordinators/Engineers will complete and document NEPA reviews, CERs, or DNAs as required by their regional or district directives and procedures.**

- k. The NEPA Compliance Handbook will have additional information on the responsibilities of BSEE management and staff pertinent to NEPA, CEQ regulations, and other related authorities.**

8. Signature Page

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5/17/17

Date