



Marine Minerals Program Facts

*Bureau of Ocean Energy Management
Strategic Resources Office, Leasing Division, Marine Minerals Program*

PROCEDURES FOR PURSUING A NEGOTIATED AGREEMENT FOR THE USE OF SAND AND GRAVEL RESOURCES ON THE OUTER CONTINENTAL SHELF

- Requesting authority contacts BOEM and provides the following information:
- A description of the proposed project for which the Outer Continental Shelf (OCS) resource is required and the volume of material needed.
 - Maps and coordinates showing the location of the desired resource and intended project.
 - Information as to whether or not the project is federally funded or authorized in whole or in part.
 - A timetable and information on when the resource is needed.
 - A primary point of contact.
- Requests for negotiated agreements should be sent to:
Ms. Renee Orr
Chief, Strategic Resources Office
Bureau of Ocean Energy Management
381 Elden St
MS 4010
Herndon, VA 20170
- The Outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. 1331, et. seq.) provides BOEM the authority to manage minerals on the OCS.

Public Law 103-426 (43 U.S.C. 1337(k)(2)), allows BOEM to negotiate, on a non-competitive basis, the rights to OCS sand, gravel, or shell resources for shore protection, beach or wetlands restoration projects, or for use in construction projects funded in whole or part by or authorized by the Federal Government.

- A negotiated noncompetitive agreement can typically be executed within 12-14 months, subject to existing Marine Mineral Program workload commitments, NEPA sufficiency, and the lack of multiple use conflicts.

The BOEM will determine whether the request qualifies for a negotiated noncompetitive agreement and will respond to the applicant as soon as possible.

- Prior to the authorization of a negotiated noncompetitive agreement for OCS sand and gravel, BOEM must complete an environmental review as required under NEPA.

There are several types of documents that are used in preparing a NEPA determination. Listed below are the most common:

- National Historic Preservation Act
 - Air Quality Conformity Determination
 - Structure Survey
 - Biological Assessment and Essential Fish Habitat Assessment
 - Hydrodynamic and Sediment Transport Analyses
 - Borrow Area and Nearshore Benthic Habitat Surveys
 - Coastal Zone Management Act
- The BOEM utilizes three standard types of negotiated agreements determined on a case by case basis. The three standard types include:
 - a two-party negotiated noncompetitive lease agreement between a non-Federal sponsor (applicant) and BOEM pursuant to section 8(k)(2)(A) of the OCSLA
 - a two-party negotiated MOAs between a Federal sponsor (applicant) and BOEM pursuant to section 8(k)(2)(D) of the OCSLA
 - a three-party negotiated MOA between a non-Federal sponsor (applicant), Federal sponsor, and BOEM pursuant to section 8(k)(2) of the OCSLA
 - Further information can be obtained by contacting Chief, Leasing Division at 703-787-1215, or by visiting our webpage at:
<http://www.boem.gov/MarineMineralsProgram>