

regionwide Lease Sale 256 and is identified as the environmentally preferred alternative. Alternative E was not selected because, if it were, the needed domestic energy sources and the subsequent positive economic impacts from exploration and production, including employment, would not be realized. Not holding a single lease sale would also not significantly change the overall activity levels in the GOM (*i.e.*, on blocks leased in previous lease sales) and the associated environmental impacts in the near term; however, it would avoid the incremental contribution of the proposed regionwide lease sale to the cumulative effects of ongoing activity. Avoidance of this incremental contribution, however, is outweighed by the potential negative economic and socioeconomic impacts of choosing Alternative E.

**Lease Stipulations**—Eleven lease stipulations have been adopted for Lease Sale 256, including a new stipulation not previously included in recent lease sales, related to processing of certain post-lease permits and described below. The 2018 GOM Supplemental EIS describes 10 of these 11 lease stipulations, which are included in the Final Notice of Sale Package.

In the Record of Decision for the *2017–2022 Outer Continental Shelf Oil and Gas Leasing: Proposed Final Program*, the Secretary of the Interior required the protection of biologically sensitive underwater features in all Gulf of Mexico oil and gas lease sales as programmatic mitigation; therefore, we are adopting the Topographic Features Stipulation and Live Bottom Stipulation and applying them to designated lease blocks in proposed Lease Sale 256.

The additional nine lease stipulations considered for proposed regionwide Lease Sale 256 are the Military Areas Stipulation; the Evacuation Stipulation; the Coordination Stipulation; the Blocks South of Baldwin County, Alabama, Stipulation; the Protected Species Stipulation; the United Nations Convention on the Law of the Sea Royalty Payment Stipulation; the Below Seabed Operations Stipulation; the Stipulation on the Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico; and the Timeframe for Decisions on an Application for Permit to Drill (APD) and an Application for Permit to Modify (APM) Stipulation. The Protected Species Stipulation has been updated for this lease sale due to the completion of the Endangered Species Act consultation with the National Marine

Fisheries Service and the issuance of a new Biological Opinion addressing OCS oil and gas-related activities in the Gulf of Mexico, including this lease sale. The Timeframe for Decisions on an Application for Permit to Drill (APD) and an Application for Permit to Modify (APM) Stipulation is administrative in nature and addresses the processing and timing of decisions for APDs and APMs by the Bureau of Safety and Environmental Enforcement (BSEE). It does not alter any underlying requirements for those applications and therefore would not be expected to change any environmental effects reasonably foreseeable as a result of this lease sale and any related post-lease activities. As noted, BOEM is adopting these nine stipulations as lease terms where applicable and they are enforceable as part of the lease. Further, Appendix B of the *Gulf of Mexico OCS Oil and Gas Lease Sales: 2017–2022; Gulf of Mexico Lease Sales 249, 250, 251, 252, 253, 254, 256, 257, 259, and 261—Final Multisale Environmental Impact Statement* provides a list and description of standard post-lease conditions of approval that BOEM or BSEE may require as a result of their plan and permit review processes for the Gulf of Mexico OCS region.

After careful consideration, BOEM selected the preferred alternative (Alternative A) in the 2018 GOM Supplemental EIS, with certain additional blocks excluded due to their status, for proposed Lease Sale 256. BOEM is also adopting 11 lease stipulations and all practicable means of mitigation at the lease sale stage. The preferred alternative meets the purpose of and need for the proposed action, as identified in the 2018 GOM Supplemental EIS, and provides for orderly resource development with protection of human, marine, and coastal environments while also ensuring that the public receives a fair market value for these resources and that free-market competition is maintained.

**Authority:** This Notice of Availability of a Record of Decision is published pursuant to the regulations (40 CFR part 1505) implementing the provisions of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*).

**Michael A. Celata,**

*Regional Director, New Orleans Office, Department of the Interior Regions 1, 2, 4, and 6, Bureau of Ocean Energy Management.*

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**BILLING CODE 4310–MR–P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Ocean Energy Management**

[Docket No. BOEM–2020–0050]

**Gulf of Mexico Outer Continental Shelf Region-Wide Oil and Gas Lease Sale 256**

**AGENCY:** Bureau of Ocean Energy Management, Interior.

**ACTION:** Final notice of sale.

**SUMMARY:** On Wednesday, November 18, 2020, the Bureau of Ocean Energy Management (BOEM) will open and publicly announce bids received for blocks offered in the Gulf of Mexico (GOM) Outer Continental Shelf (OCS) Region-wide Oil and Gas Lease Sale 256 (GOM Region-wide Sale 256), in accordance with the provisions of the Outer Continental Shelf Lands Act as amended, and the implementing regulations issued pursuant thereto. The GOM Region-wide Sale 256 Final Notice of Sale (NOS) package contains information essential to potential bidders and consists of the NOS, information to lessees, and lease stipulations.

**DATES:** BOEM will hold GOM Region-wide Sale 256 at 9:00 a.m. on Wednesday, November 18, 2020. All times referred to in this document are Central standard time, unless otherwise specified.

**Bid submission deadline:** BOEM must receive all sealed bids prior to the Bid Submission Deadline of 10:00 a.m. on Tuesday, November 17, 2020, the day before the lease sale. Bids may be submitted between 8:00 a.m. and 4:00 p.m. on normal working days, until the Bid Submission Deadline. For more information on bid submission, see Section VII, “Bidding Instructions,” of this document.

**ADDRESSES:** Bids will be accepted BY MAIL ONLY, prior to the bid submission deadline, at 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123. Public bid reading for GOM Region-wide Sale 256 will be held at 1201 Elmwood Park Boulevard, New Orleans, Louisiana, but the venue will not be open to the general public, media, or industry during bid opening or reading. Bid opening will be available for public viewing on BOEM’s website at [www.boem.gov/Sale-256/](http://www.boem.gov/Sale-256/) via live-streaming video beginning at 9:00 a.m. on the date of the sale. The results will be posted on BOEM’s website upon completion of bid opening and reading. Interested parties can download the Final NOS package from BOEM’s website at [http://www.boem.gov/Sale-](http://www.boem.gov/Sale-256/)

256/. Copies of the sale maps can be obtained by contacting the BOEM GOM Region: Gulf of Mexico Region Public Information Office, Bureau of Ocean Energy Management, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, (504) 736–2519 or (800) 200–GULF.

**FOR FURTHER INFORMATION CONTACT:** The New Orleans Office Lease Sale Coordinators at [BOEMGOMLeaseSales@boem.gov](mailto:BOEMGOMLeaseSales@boem.gov), 504–736–7502 or 504–736–1729.

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**I. Lease Sale Area**

*Blocks Offered for Leasing:* BOEM will offer for bid in this lease sale all of

the available unleased acreage in the GOM, except those blocks listed below in “Blocks Not Offered for Leasing.”

*Blocks Not Offered for Leasing:* The following whole and partial blocks are not offered for lease in this sale. The BOEM Official Protraction Diagrams (OPDs) and Supplemental Official Block Diagrams are available online at <https://www.boem.gov/Maps-and-GIS-Data/>.

- *Whole and Partial Blocks within the Flower Garden Banks National Marine Sanctuary (East and West Flower Garden Banks and the Stetson Bank):*

Area	OCS block
High Island, East Addition, South Extension (Leasing Map TX7C).	Whole Block: A–398. Partial Blocks: A–366, A–367, A–374, A–375, A–383, A–384, A–385, A–388, A–389, A–397, A–399, A–401.
High Island, South Addition (Leasing Map TX7B).	Partial Blocks: A–502, A–513.
Garden Banks (OPD NG 15–02) .....	Partial Blocks: 134, 135.

- *Blocks that are adjacent to or beyond the United States Exclusive*

*Economic Zone in the area known as the northern portion of the Eastern Gap:*

Area	OCS block
Lund South (OPD NG 16–07) .....	Whole Blocks: 128, 129, 169 through 173, 208 through 217, 248 through 261, 293 through 305, and 349.
Henderson (OPD NG 16–05) .....	Whole Blocks: 466, 508 through 510, 551 through 554, 594 through 599, 637 through 643, 679 through 687, 722 through 731, 764 through 775, 807 through 819, 849 through 862, 891 through 905, 933 through 949, and 975 through 992. Partial Blocks: 335, 379, 423, 467, 511, 555, 556, 600, 644, 688, 732, 776, 777, 820, 821, 863, 864, 906, 907, 950, 993, and 994.
Florida Plain (OPD NG 16–08) .....	Whole Blocks: 5 through 24, 46 through 67, 89 through 110, 133 through 154, 177 through 197, 221 through 240, 265 through 283, 309 through 327, and 363 through 370.

- *All whole and portions of blocks deferred by the Gulf of Mexico Energy*

*Security Act of 2006, Public Law 109–432:*

Area	OCS block
Pensacola (OPD NH 16–05) .....	Whole Blocks: 751 through 754, 793 through 798, 837 through 842, 881 through 886, 925 through 930, and 969 through 975.
Destin Dome (OPD NH 16–08) .....	Whole Blocks: 1 through 7, 45 through 51, 89 through 96, 133 through 140, 177 through 184, 221 through 228, 265 through 273, 309 through 317, 353 through 361, 397 through 405, 441 through 450, 485 through 494, 529 through 538, 573 through 582, 617 through 627, 661 through 671, 705 through 715, 749 through 759, 793 through 804, 837 through 848, 881 through 892, 925 through 936, and 969 through 981.
DeSoto Canyon (OPD NH 16–11) .....	Whole Blocks: 1 through 15, 45 through 59, and 92 through 102.
Henderson (OPD NG 16–05) .....	Partial Blocks: 16, 60, 61, 89 through 91, 103 through 105, and 135 through 147. Partial Blocks: 114, 158, 202, 246, 290, 334, 335, 378, 379, 422, and 423.

- *Depth-restricted, segregated block portion(s):*

Block 299, Main Pass Area, South and East Addition (as shown on Louisiana Leasing Map LA10A), containing 1,125 acres, from the surface of the earth down to a subsea depth of 1,900 feet with respect to the following described portions:

- SW<sub>1/4</sub>NE<sub>1/4</sub>; NW<sub>1/4</sub>SE<sub>1/4</sub>NE<sub>1/4</sub>;
- W<sub>1/2</sub>NE<sub>1/4</sub>SE<sub>1/4</sub>NE<sub>1/4</sub>; S<sub>1/2</sub>S<sub>1/2</sub>NW<sub>1/4</sub>NE<sub>1/4</sub>;

- S<sub>1/2</sub>SW<sub>1/4</sub>NE<sub>1/4</sub>NE<sub>1/4</sub>;
- S<sub>1/2</sub>SW<sub>1/4</sub>SE<sub>1/4</sub>NE<sub>1/4</sub>NE<sub>1/4</sub>; N<sub>1/2</sub>SW<sub>1/4</sub>SE<sub>1/4</sub>NE<sub>1/4</sub>;
- NE<sub>1/4</sub>; SW<sub>1/4</sub>SW<sub>1/4</sub>SE<sub>1/4</sub>NE<sub>1/4</sub>NE<sub>1/4</sub>; NW<sub>1/4</sub>SE<sub>1/4</sub>NE<sub>1/4</sub>;
- SE<sub>1/4</sub>NE<sub>1/4</sub>; N<sub>1/2</sub>NW<sub>1/4</sub>SW<sub>1/4</sub>SE<sub>1/4</sub>SE<sub>1/4</sub>NE<sub>1/4</sub>NE<sub>1/4</sub>;
- N<sub>1/2</sub>SE<sub>1/4</sub>SW<sub>1/4</sub>SE<sub>1/4</sub>NE<sub>1/4</sub>NE<sub>1/4</sub>;
- N<sub>1/2</sub>S<sub>1/2</sub>SE<sub>1/4</sub>SW<sub>1/4</sub>SE<sub>1/4</sub>NE<sub>1/4</sub>NE<sub>1/4</sub>;
- S<sub>1/2</sub>NE<sub>1/4</sub>NW<sub>1/4</sub>; S<sub>1/2</sub>S<sub>1/2</sub>N<sub>1/2</sub>NE<sub>1/4</sub>NW<sub>1/4</sub>;
- N<sub>1/2</sub>SE<sub>1/4</sub>NW<sub>1/4</sub>; S<sub>1/2</sub>SE<sub>1/4</sub>NW<sub>1/4</sub>NW<sub>1/4</sub>;
- NE<sub>1/4</sub>SE<sub>1/4</sub> NW<sub>1/4</sub>NW<sub>1/4</sub>;
- E<sub>1/2</sub>NE<sub>1/4</sub>SW<sub>1/4</sub>NW<sub>1/4</sub>; N<sub>1/2</sub>SE<sub>1/4</sub>SE<sub>1/4</sub>NW<sub>1/4</sub>;
- NE<sub>1/4</sub>SW<sub>1/4</sub>SE<sub>1/4</sub>NW<sub>1/4</sub>;
- N<sub>1/2</sub>NW<sub>1/4</sub>SW<sub>1/4</sub>SE<sub>1/4</sub>NW<sub>1/4</sub>;

- SE<sub>1/4</sub>SE<sub>1/4</sub>SE<sub>1/4</sub>NW<sub>1/4</sub>;
- E<sub>1/2</sub>SW<sub>1/4</sub>SE<sub>1/4</sub>SE<sub>1/4</sub>NW<sub>1/4</sub>;
- N<sub>1/2</sub>NW<sub>1/4</sub>NE<sub>1/4</sub>SW<sub>1/4</sub>NW<sub>1/4</sub>;
- N<sub>1/2</sub>S<sub>1/2</sub>NW<sub>1/4</sub>NE<sub>1/4</sub>SW<sub>1/4</sub>NW<sub>1/4</sub>;
- N<sub>1/2</sub>N<sub>1/2</sub>NE<sub>1/4</sub>NE<sub>1/4</sub>NE<sub>1/4</sub>SW<sub>1/4</sub>;
- N<sub>1/2</sub>N<sub>1/2</sub>N<sub>1/2</sub>NW<sub>1/4</sub>NW<sub>1/4</sub>SE<sub>1/4</sub>;
- N<sub>1/2</sub>N<sub>1/2</sub>NW<sub>1/4</sub>NE<sub>1/4</sub>NW<sub>1/4</sub>SE<sub>1/4</sub>;

- *The following whole or partial blocks, whose lease status is currently under appeal:*

Area	OCS block
Keathley Canyon (OPD NG15-05) .....	246, 247, 290, 291, 292, 335, 336.
Vermillion Area (Leasing Map LA3) .....	Partial Block 179.
Atwater Valley (OPD NG16-01) .....	63.
Alaminos Canyon (OPN LN15-04) .....	557, 601.

• *Whole or partial blocks that have received bids in previous sales, where the bidder has sought reconsideration of BOEM’s rejection of the bid are not offered in this sale, unless the reconsideration request is fully resolved at least 30 days prior to publication of the Final NOS.*

The list of blocks available can be found under the Sale 256 link at <https://www.boem.gov/Sale-256> under the Final NOS tab.

**II. Statutes and Regulations**

Each lease is issued pursuant to OCSLA, 43 U.S.C. 1331-1356, as amended, and is subject to OCSLA implementing regulations promulgated pursuant thereto in 30 CFR part 556, and other applicable statutes and

regulations in existence upon the effective date of the lease, as well as those applicable statutes enacted and regulations promulgated thereafter, except to the extent that the after-enacted statutes and regulations explicitly conflict with an express provision of the lease. Each lease is also subject to amendments to statutes and regulations, including but not limited to OCSLA, that do not explicitly conflict with an express provision of the lease. The lessee expressly bears the risk that such new or amended statutes and regulations (*i.e.*, those that do not explicitly conflict with an express provision of the lease) may increase or decrease the lessee’s obligations under the lease.

**III. Lease Terms and Economic Conditions**

*Lease Terms*

OCS Lease Form

BOEM will use Form BOEM-2005 (February 2017) to convey leases resulting from this sale. This lease form can be viewed on BOEM’s website at <http://www.boem.gov/BOEM-2005>. The lease form will be amended to include specific terms, conditions, and stipulations applicable to the individual lease. The terms, conditions, and stipulations applicable to this sale are set forth below.

Primary Term

Primary Terms are summarized in the following table:

Water depth (meters)	Primary term
0 to <400 .....	The primary term is 5 years; the lessee may earn an additional 3 years ( <i>i.e.</i> , for an 8-year extended primary term) if a well is spudded targeting hydrocarbons below 25,000 feet True Vertical Depth Subsea (TVDSS) during the first 5 years of the lease.
400 to <800 .....	The primary term is 5 years; the lessee will earn an additional 3 years ( <i>i.e.</i> , for an 8-year extended primary term) if a well is spudded during the first 5 years of the lease.
800+ .....	10 years.

(1) The primary term for a lease in water depths less than 400 meters issued as a result of this sale is 5 years. If the lessee spuds a well targeting hydrocarbons below 25,000 feet TVDSS within the first 5 years of the lease, then the lessee may earn an additional 3 years, resulting in an 8-year primary term. The lessee will earn the 8-year primary term when the well is drilled to a target below 25,000 feet TVDSS, or the lessee may earn the 8-year primary term in cases where the well targets, but does not reach a depth below 25,000 feet TVDSS due to mechanical or safety reasons, and where the lessee provides sufficient evidence that it did not reach that target for reasons beyond the lessee’s control. To earn the 8-year primary term, the lessee is required to submit a letter to the BOEM GOM Regional Supervisor, Office of Leasing and Plans, as soon as practicable, but no more than 30 days after completion of the drilling operation, providing the well number, spud date, information demonstrating a target below 25,000 feet TVDSS and whether that target was reached, and if applicable, any safety,

mechanical, or other problems encountered that prevented the well from reaching a depth below 25,000 feet TVDSS. This letter must request confirmation that the lessee earned the 8-year primary term. The BOEM GOM Regional Supervisor for Leasing and Plans will confirm in writing, within 30 days of receiving the lessee’s letter, whether the lessee has earned the extended primary term and accordingly update BOEM’s records. The extended primary term is not effective unless and until the lessee receives confirmation from BOEM. A lessee that has earned the 8-year primary term by spudding a well with a hydrocarbon target below 25,000 feet TVDSS during the standard 5-year primary term of the lease will not be granted a suspension for that same period under the regulations at 30 CFR 250.175 because the lease is not at risk of expiring.

(2) The primary term for a lease in water depths ranging from 400 to less than 800 meters issued as a result of this sale is 5 years. If the lessee spuds a well within the 5-year primary term of the lease, the lessee will earn an additional

3 years, resulting in an 8-year primary term. To earn the 8-year primary term, the lessee is required to submit a letter to the BOEM GOM Regional Supervisor, Office of Leasing and Plans, as soon as practicable, but no more than 30 days after spudding a well, providing the well number and spud date, and requesting confirmation that the lessee earned the 8-year primary term. Within 30 days of receipt of the request, the BOEM GOM Regional Supervisor for Leasing and Plans will provide written confirmation of whether the lessee has earned the extended primary term and accordingly update BOEM’s records. The extended primary term is not effective unless and until the lessee receives confirmation from BOEM.

(3) The primary term for a lease in water depths 800 meters or deeper issued as a result of this sale is 10 years.

*Economic Conditions*

Minimum Bonus Bid Amounts

BOEM will not accept a bonus bid unless it provides for a cash bonus in an amount equal to, or exceeding, the

specified minimum bid, as described below.

- \$25 per acre or fraction thereof for blocks in water depths less than 400 meters; and
- \$100 per acre or fraction thereof for blocks in water depths 400 meters or deeper.

#### Rental Rates

Annual rental rates are summarized in the following table:

**RENTAL RATES PER ACRE OR FRACTION THEREOF**

Water depth (meters)	Years 1–5	Years 6, 7, & 8+
0 to <200 .....	\$7	\$14, \$21, & \$28.
200 to <400 ....	11	\$22, \$33, & \$44.
400+ .....	11	\$16.

#### Escalating Rental Rates for Leases With an 8-Year Primary Term in Water Depths Less Than 400 Meters

Any lessee with a lease in less than 400 meters water depth who earns an 8-year primary term will pay an escalating rental rate as shown above. The rental rates after the fifth year for blocks in less than 400 meters water depth will become fixed and no longer escalate, if another well is spudded targeting hydrocarbons below 25,000 feet TVDSS after the fifth year of the lease, and BOEM concurs that such a well has been spudded. In this case, the rental rate will become fixed at the rental rate in effect during the lease year in which the additional well was spudded.

#### Royalty Rate

- 12.5 percent for leases situated in water depths less than 200 meters; and
- 18.75 percent for leases situated in water depths of 200 meters and deeper.

#### Minimum Royalty Rate

- \$7 per acre or fraction thereof per year for blocks in water depths less than 200 meters; and
- \$11 per acre or fraction thereof per year for blocks in water depths 200 meters or deeper.

#### Royalty Suspension Provisions

The issuance of leases with Royalty Suspension Volumes (RSVs) or other forms of royalty relief is authorized under existing BOEM regulations at 30 CFR part 560. The specific details relating to eligibility and implementation of the various royalty relief programs, including those involving the use of RSVs, are codified in Bureau of Safety and Environmental Enforcement (BSEE) regulations at 30 CFR part 203. In this sale, the only

royalty relief program being offered that involves the provision of RSVs relates to the drilling of ultra-deep wells in water depths of less than 400 meters, as described in the following section.

#### Royalty Suspension Volumes on Gas Production From Ultra-Deep Wells

Pursuant to 30 CFR part 203, certain leases issued as a result of this sale may be eligible for RSV incentives on gas produced from ultra-deep wells. Under this program, wells on leases in less than 400 meters water depth and completed to a drilling depth of 20,000 feet TVDSS or deeper receive an RSV of 35 billion cubic feet on the production of natural gas. This RSV incentive is subject to applicable price thresholds set forth in the regulations at 30 CFR part 203. These regulations implement the requirements of the Energy Policy Act of 2005 (Pub. L. 109–58, 119 Stat. 594 (2005)).

#### IV. Lease Stipulations

Consistent with the Record of Decision for the Final Programmatic Environmental Impact Statement for the 2017–2022 Five Year OCS Oil and Gas Leasing Program, Stipulation No. 5 (Topographic Features) and Stipulation No. 8 (Live Bottom) apply to every lease sale in the GOM Program Area. One or more of the remaining nine stipulations may be applied to leases issued as a result of this sale, on applicable blocks as identified on the map “Gulf of Mexico Region-wide Oil and Gas Lease Sale 256, November 2020, Stipulations and Deferred Blocks” included in the Final NOS package. The full text of the following stipulations is contained in the “Lease Stipulations” section of the Final NOS package.

- (1) Military Areas
- (2) Evacuation
- (3) Coordination
- (4) Protected Species
- (5) Topographic Features
- (6) United Nations Convention on the Law of the Sea Royalty Payment
- (7) Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico
- (8) Live Bottom
- (9) Blocks South of Baldwin County, Alabama
- (10) Restrictions due to Rights-of-Use and Easement for Floating Production Facilities
- (11) Timeframe for Decisions on an Application for Permit to Drill and an Application for Permit to Modify

#### V. Information to Lessees

Information to Lessees (ITLs) provide detailed information on certain issues

pertaining to specific oil and gas lease sales. The full text of the ITLs for this sale is contained in the “Information to Lessees” section of the Final NOS package and covers the following topics:

- (1) Navigation Safety
- (2) Ordnance Disposal Areas
- (3) Existing and Proposed Artificial Reefs/Rigs-to-Reefs
- (4) Lightering Zones
- (5) Indicated Hydrocarbons List
- (6) Military Areas
- (7) Bureau of Safety and Environmental Enforcement Inspection and Enforcement of Certain U.S. Coast Guard Regulations
- (8) Significant Outer Continental Shelf Sediment Resource Areas
- (9) Notice of Arrival on the Outer Continental Shelf
- (10) Bidder/Lessee Notice of Obligations Related to Criminal/Civil Charges and Offenses, Suspension, or Debarment; Disqualification Due to a Conviction under the Clean Air Act or the Clean Water Act
- (11) Protected Species
- (12) Proposed Expansion of the Flower Garden Banks National Marine Sanctuary
- (13) Communication Towers
- (14) Deepwater Port Applications for Offshore Oil and Liquefied Natural Gas Facilities
- (15) Ocean Dredged Material Disposal Sites
- (16) Rights-of-Use and Easement
- (17) Industrial Waste Disposal Areas
- (18) Gulf Islands National Seashore
- (19) Air Quality Permit/Plan Approvals
- (20) Provisions Pertaining to Certain Transactions by Foreign Persons Involving Real Estate in the United States

#### VI. Maps

The maps pertaining to this lease sale can be viewed on BOEM’s website at <http://www.boem.gov/Sale-256/>. The following maps also are included in the Final NOS package:

#### *Lease Terms and Economic Conditions Map*

The lease terms and economic conditions associated with leases of certain blocks are shown on the map entitled “Gulf of Mexico Region-wide Oil and Gas Lease Sale 256, November 2020, Lease Terms and Economic Conditions.”

#### *Stipulations and Deferred Blocks Map*

The lease stipulations and the blocks to which they apply are shown on the map entitled “Gulf of Mexico Region-wide Oil and Gas Lease Sale 256, November 2020, Stipulations and Deferred Blocks Map.”

## VII. Bidding Instructions

Bids may be submitted BY MAIL ONLY at the address below in the "Mailed Bids" section. Bidders should be aware that BOEM has eliminated in-person bidding for Lease Sale 256. Instructions on how to submit a bid, secure payment of the advance bonus bid deposit (if applicable), and the information to be included with the bid are as follows:

### *Bid Form*

For each block bid upon, a separate sealed bid must be submitted in a sealed envelope (as described below) and include the following:

- Total amount of the bid in whole dollars only;
- Sale number;
- Sale date;
- Each bidder's exact name;
- Each bidder's proportionate interest, stated as a percentage, using a maximum of five decimal places (e.g., 33.33333 percent);

- Typed name and title, and signature of each bidder's authorized officer;
- Each bidder's qualification number;
- Map name and number or OPD name and number;

- Block number; and
- Statement acknowledging that the bidder(s) understands that this bid legally binds the bidder(s) to comply with all applicable regulations, including the requirement to post a deposit in the amount of one-fifth of the bonus bid amount for any tract bid upon and make payment of the balance of the bonus bid and first year's rental upon BOEM's acceptance of high bids.

The information required for each bid is specified in the document "Bid Form" that is available in the Final NOS package which can be found at <http://www.boem.gov/Sale-256/>. A blank bid form is provided in the Final NOS package for convenience and can be copied and completed with the necessary information described above.

### *Bid Envelope*

Each bid must be submitted in a separate sealed envelope labeled as follows:

- "Sealed Bid for GOM Region-wide Sale 256, not to be opened until 9 a.m. Wednesday, November 18, 2020;"
- Map name and number or OPD name and number;
- Block number for block bid upon;
- Acreage, if the bid is for a block that is split between the Central and Eastern Planning Areas; and
- The exact name and qualification number of the submitting bidder only.

The Final NOS package includes a sample bid envelope for reference.

### *Mailed Bids*

Please address the envelope containing the sealed bid envelope(s) as follows:

*Attention:* Leasing and Financial Responsibility Section, BOEM New Orleans Office, 1201 Elmwood Park Boulevard MS-266A, New Orleans, Louisiana 70123-2394.

*Contains Sealed Bids for GOM Region-wide Sale 256. Please Deliver to Mrs. Bridgette Duplantis or Mr. Greg Purvis 2nd Floor, Immediately*

**Please Note:** Bidders mailing bid(s) are advised to inform BOEM by email at [boemgomleasesales@boem.gov](mailto:boemgomleasesales@boem.gov) immediately after placing bid(s) in the mail. This provides advance notice to BOEM regarding pending bids prior to the bid submission deadline. However, if BOEM receives bids later than the bid submission deadline, the BOEM GOM Regional Director (RD) will return those bids unopened to bidders. Please see "Section XI. Delay of Sale" regarding BOEM's discretion to extend the Bid Submission Deadline in the case of an unexpected event (e.g., flooding) and how bidders can obtain more information on such extensions.

### *Advance Bonus Bid Deposit Guarantee*

Bidders that are not currently an OCS oil and gas lease record title holder or designated operator, or those that ever have defaulted on a one-fifth bonus bid deposit, by Electronic Funds Transfer (EFT) or otherwise, must guarantee (secure) the payment of the one-fifth bonus bid deposit prior to bid submission using one of the following four methods:

- Provide a third-party guarantee;
- Amend an area-wide development bond via bond rider;
- Provide a letter of credit; or
- Provide a lump sum payment in advance via EFT.

Please provide, at the time of bid submittal, a confirmation or tracking number for the payment, the name of the company submitting the payment as it appears on the payment, and the date the payment was submitted so BOEM can confirm payment with the Office of Natural Resources Revenue (ONRR). Submitting payment to the bidders' financial institution at least five business days prior to bid submittal helps ensure that the Office of Foreign Assets Control and the U.S. Department of the Treasury (U.S. Treasury) have the needed time to screen and process payments so they are posted to ONRR prior to placing the bid. ONRR cannot confirm payment until the monies have been moved into settlement status by the U.S. Treasury. Bids will not be accepted if BOEM cannot confirm payment with ONRR.

If providing a third-party guarantee, amending an area-wide development

bond via bond rider, or providing a letter of credit to secure your one-fifth bonus bid deposit, bidders are urged to file the same documents with BOEM, well in advance of submitting the bid, to allow processing time and for bidders to take any necessary curative actions prior to bid submission. For more information on EFT procedures, see Section X of this document entitled, "The Lease Sale."

### *Affirmative Action*

Prior to bidding, each bidder should file the Equal Opportunity Affirmative Action Representation Form BOEM-2032 (February 2020, available on BOEM's website at <http://www.boem.gov/BOEM-2032/>) and Equal Opportunity Compliance Report Certification Form BOEM-2033 (February 2020, available on BOEM's website at <http://www.boem.gov/BOEM-2033/>) with the BOEM GOM Adjudication Section. This certification is required by 41 CFR part 60 and Executive Order (E.O.) 11246, issued September 24, 1965, as amended by E.O. 11375, issued October 13, 1967, and by Executive Order 13672, issued July 21, 2014. Both forms must be on file for the bidder(s) in the GOM Adjudication Section prior to the execution of any lease contract.

### *Geophysical Data and Information Statement (GDIS)*

The GDIS is composed of three parts:

- (1) A "Statement" page that includes the company representatives' information and lists of blocks bid on that used proprietary data and those blocks bid upon that did not use proprietary data;
- (2) A "Table" listing the required data about each proprietary survey used (see below); and
- (3) "Maps," which contain the live trace maps for each proprietary survey that is identified in the GDIS statement and table.

Every bidder submitting a bid on a block in GOM Region-wide Sale 256 or participating as a joint bidder in such a bid, must submit at the time of bid submission all three parts of the GDIS. A bidder must submit the GDIS *even if a joint bidder or bidders on a specific block also have submitted a GDIS*. Any speculative data that has been reprocessed externally or "in-house" is considered proprietary due to the proprietary processing and is no longer considered to be speculative.

The bidder or bidders must submit the GDIS in a separate and sealed envelope, and must identify all proprietary data; reprocessed speculative data, and/or any Controlled

Source Electromagnetic surveys, Amplitude Versus Offset (AVO) data, Gravity data, or Magnetic data; or other information used as part of the decision to bid or participate in a bid on the block. The bidder and joint bidder must also include a live trace map (e.g., .pdf and ArcGIS shapefile) for each proprietary survey identified in the GDIS illustrating the actual areal extent of the proprietary geophysical data in the survey (see the "Example of Preferred Format" that is included in the Final NOS package for additional information). The shape file must not include cultural resources information; only the live trace map of the survey itself.

The GDIS statement must include the name, phone number, and full address for a contact person and an alternate, who are both knowledgeable about the geophysical information and data listed and who are available for 30 days after the sale date. The GDIS statement also must include a list of all blocks bid upon that did not use proprietary or reprocessed pre- or post-stack geophysical data and information as part of the decision to bid or to participate as a joint bidder in the bid. *Bidders must submit the GDIS statement even if no proprietary geophysical data and information were used in bid preparation for the block.*

An example of the preferred format of the table is included in the Final NOS package, and a blank digital version of the preferred table can be accessed on the GOM Region-wide Sale 256 webpage at <http://www.boem.gov/Sale-256>. The GDIS table should have columns that clearly state the following:

- The sale number;
- The bidder company's name;
- The joint bidder's company's name (if applicable);
- The company providing Proprietary Data to BOEM;
- The block area and block number bid upon;
- The owner of the original data set (i.e., who initially acquired the data);
- The industry's original name of the survey (e.g., E Octopus);
- The BOEM permit number for the survey;
- Whether the data set is a fast-track version;
- Whether the data is speculative or proprietary;
- The data type (e.g., 2-D, 3-D, or 4-D; pre-stack or post-stack; time or depth);
- The migration algorithm (e.g., Kirchhoff migration, wave equation migration, reverse migration, reverse time migration) of the data and areal extent of bidder survey (i.e., number of

line miles for 2-D or number of blocks for 3-D);

- The live proprietary survey coverage (2-D miles 3-D blocks);
- The computer storage size, to the nearest gigabyte, of each seismic data and velocity volume used to evaluate the lease block;
- Who reprocessed the data;
- Date the final reprocessing was completed (month and year);
- If data were previously sent to BOEM, list the sale number and date of the sale for which it was used;
- Whether proprietary or speculative AVO/AVA (PROP/SPEC) was used;
- Date AVO or AVA was sent to BOEM if sent prior to the sale;
- Whether AVO/AVA is time or depth (PSTM or PSDM);
- Which angled stacks were used (e.g., NEAR, MID, FAR, ULTRAFAR);
- Whether the company used Gathers to evaluate the block in question; and
- Whether the company used Vector Offset Output (VOO) or Vector Image Partitions (VIP) to evaluate the block in question.

BOEM will use the computer storage size information to estimate the reproduction costs for each data set, if applicable. BOEM will determine the availability of reimbursement of production costs consistent with 30 CFR 551.13.

BOEM reserves the right to inquire about alternate data sets, to perform quality checks, and to compare the listed and alternative data sets to determine which data set most closely meets the needs of the fair market value determination process. See the "Example of Preferred Format" that is included in the Final NOS package.

The GDIS maps are live trace maps (e.g., .pdf and ArcGIS shapefiles) that bidders should submit for each proprietary survey identified in the GDIS table. The maps should illustrate the actual areal extent of the proprietary geophysical data in the survey (see the "Example of Preferred Format" that is included in the Final NOS package for additional information). As previously stated, the shapefile must not include cultural resources information, only the live trace map of the survey itself.

Pursuant to 30 CFR 551.12 and 30 CFR 556.501, as a condition of the sale, the BOEM GOM Regional Director requests that all bidders and joint bidders submit the proprietary data identified on their GDIS within 30 days after the lease sale (unless notified after the lease sale that BOEM has withdrawn the request). This request only pertains to proprietary data that is not commercially available. Commercially available data should not be submitted

to BOEM unless specifically requested by BOEM. No reimbursement will be provided for unsolicited data sent to BOEM. The BOEM GOM RD will notify bidders and joint bidders of any withdrawal of the request, for all or some of the proprietary data identified on the GDIS, within 15 days of the lease sale. Where the BOEM GOM RD has notified bidders and joint bidders that the request for such proprietary data has been withdrawn, reimbursement will not be provided. Pursuant to 30 CFR part 551 and 30 CFR 556.501, as a condition of this sale, all bidders that are required to submit data must ensure that the data are received by BOEM no later than the 30th day following the lease sale, or the next business day if the submission deadline falls on a weekend or Federal holiday.

The data must be submitted to BOEM at the following address: Bureau of Ocean Energy Management, Resource Studies, GM 881A, 1201 Elmwood Park Blvd., New Orleans, Louisiana 70123-2304.

BOEM recommends that bidders mark the submission's external envelope as "Deliver Immediately to DASPU." BOEM also recommends that the data be submitted in an internal envelope, or otherwise marked, with the following designation: "Geophysical Data and Information Statement for Oil and Gas Lease Sale 256", Company Name, GOM Company Qualification Number, and "Proprietary Data."

In the event a person supplies any type of data to BOEM, that person must meet the following requirements to qualify for reimbursement:

(1) Must be registered with the System for Award Management (SAM), formerly known as the Central Contractor Registration (CCR). CCR usernames will not work in SAM. A new SAM user account is needed to register or update an entity's records. The website for registering is [gsa.gov/iaesystems](http://gsa.gov/iaesystems).

(2) Must be enrolled in the U.S. Treasury's Invoice Processing Platform (IPP) for electronic invoicing. The person must enroll in the IPP at <https://www.ipp.gov/>. Access then will be granted to use the IPP for submitting requests for payment. When submitting a request for payment, the assigned Purchase Order Number must be included.

(3) Must have a current On-line Representations and Certifications Application at [gsa.gov/iaesystems](http://gsa.gov/iaesystems).

**Please Note:** A digital as well as a hardcopy should be sent in for the GDIS Statement, Table and Maps. The GDIS Statement should be sent in as a digital PDF. The GDIS Information Table must be submitted digitally as an Excel spreadsheet.

The Proprietary Maps should be sent in as PDF files and the live trace outline of each proprietary survey should also be submitted as a shapefile. Please flatten all layered PDF files, since layered PDFs can have many objects. Layered PDFs can cause problems opening or printing the file correctly. Bidders may submit the digital files on a CD, DVD, or any USB external drive (formatted for Windows). If bidders have any questions, please contact Ms. Dee Smith at (504) 736-2706, or Ms. Terece Campbell at (504) 736-3231.

Bidders should refer to Section X of this document, "The Lease Sale: Acceptance, Rejection, or Return of Bids," regarding a bidder's failure to comply with the requirements of the Final NOS, including any failure to submit information as required in the Final NOS or Final NOS package.

#### *Telephone Numbers/Addresses of Bidders*

BOEM requests that bidders provide this information in the suggested format prior to or at the time of bid submission. The suggested format is included in the Final NOS package. The form must not be enclosed inside the sealed bid envelope.

#### *Additional Documentation*

BOEM may require bidders to submit other documents in accordance with 30 CFR 556.107, 30 CFR 556.401, 30 CFR 556.501, and 30 CFR 556.513.

### **VIII. Bidding Rules and Restrictions**

#### *Restricted Joint Bidders*

On September 24, 2020, BOEM published the most recent List of Restricted Joint Bidders in the **Federal Register** at 85 FR 60266. Potential bidders are advised to refer to the **Federal Register**, prior to bidding, for the most current List of Restricted Joint Bidders in place at the time of the lease sale. Please refer to the joint bidding provisions at 30 CFR 556.511-515.

#### *Authorized Signatures*

All signatories executing documents on behalf of bidder(s) must execute the same in conformance with the BOEM qualification records. Bidders are advised that BOEM considers the signed bid to be a legally binding obligation on the part of the bidder(s) to comply with all applicable regulations, including that requiring payment of one-fifth of the bonus bid on all high bids. A statement to this effect is included on each bid form (see the document "Bid Form" that is included in the Final NOS package).

#### *Unlawful Combination or Intimidation*

BOEM warns bidders against violation of 18 U.S.C. 1860, which prohibits unlawful combination or intimidation of bidders.

#### *Bid Withdrawal*

Bids may be withdrawn only by written request delivered to BOEM prior to the bid submission deadline. The withdrawal request must be on company letterhead and must contain the bidder's name, its BOEM qualification number, the map name/number, and the block number(s) of the bid(s) to be withdrawn. The withdrawal request must be executed by one or more of the representatives named in the BOEM qualification records. The name and title of the authorized signatory must be typed under the signature block on the withdrawal request. The BOEM GOM RD, or the RD's designee, will indicate approval by signing and dating the withdrawal request.

#### *Bid Rounding*

Minimum bonus bid calculations, including rounding, for all blocks is shown in the document "List of Blocks Available for Leasing" included in the Final NOS package. The bonus bid amount must be stated in whole dollars. If the acreage of a block contains a decimal figure, then prior to calculating the minimum bonus bid, BOEM will round up to the next whole acre. The appropriate minimum rate per acre will be applied to the whole (rounded up) acreage. The bonus bid amount must be greater than or equal to the minimum bonus bid so calculated and stated in the Final NOS package.

### **IX. Forms**

The Final NOS package includes instructions, samples, and/or the preferred format for the items listed below. BOEM strongly encourages bidders to use the recommended formats. If bidders use another format, they are responsible for including all the information specified for each item in the Final NOS package.

- (1) Bid Form
- (2) Sample Completed Bid
- (3) Sample Bid Envelope
- (4) Sample Bid Mailing Envelope
- (5) Telephone Numbers/Addresses of Bidders Form
- (6) GDIS Form
- (7) GDIS Envelope Form

### **X. The Lease Sale**

#### *Bid Opening and Reading*

Sealed bids received in response to the Final NOS will be opened at the place, date, and hour specified under the **DATES** and **ADDRESSES** sections of the Final NOS. The venue will not be open to the public. Instead, the bid opening will be available for the public to view on BOEM's website at [www.boem.gov](http://www.boem.gov)

via live streaming. The opening of the bids is for the sole purpose of publicly announcing and recording the bids received; no bids will be accepted or rejected at that time.

#### *Bonus Bid Deposit for Apparent High Bids*

Each bidder submitting an apparent high bid must submit a bonus bid deposit to ONRR equal to one-fifth of the bonus bid amount for each such bid. A copy of the notification of the high bidder's one-fifth bonus bid amount can be obtained on the BOEM website at <http://www.boem.gov/Sale-256> under the heading "Notification of EFT 1/5 Bonus Liability" after 1:00 p.m. on the day of the sale. All payments must be electronically deposited into an interest-bearing account in the U.S. Treasury by 1:00 p.m. Eastern Time the day following the bid reading (no exceptions). Account information is provided in the "Instructions for Making Electronic Funds Transfer Bonus Payments" found on the BOEM website identified above.

Submitting payment to your financial institution as soon as possible the day of bid reading, but no later than 7:00 p.m. Eastern Time the day of bid reading, will help ensure that deposits have time to process through the U.S. Treasury and post to ONRR. ONRR cannot confirm payment until the monies have been moved into settlement status by the U.S. Treasury.

BOEM requires bidders to use EFT procedures for payment of one-fifth bonus bid deposits for GOM Region-wide Sale 256, following the detailed instructions contained on the ONRR Payment Information web page at <https://www.onrr.gov/ReportPay/payments.htm>. Acceptance of a deposit does not constitute, and will not be construed as, acceptance of any bid on behalf of the United States.

#### *Withdrawal of Blocks*

The United States reserves the right to withdraw any block from this lease sale prior to issuance of a written acceptance of a bid for the block.

#### *Acceptance, Rejection, or Return of Bids*

The United States reserves the right to reject any and all bids. No bid will be accepted, and no lease for any block will be awarded to any bidder, unless:

(1) The bidder has complied with all applicable regulations and requirements of the Final NOS, including those set forth in the documents contained in the Final NOS package;

(2) The bid is the highest valid bid; and

(3) The amount of the bid has been determined to be adequate by the authorized officer.

Any bid submitted that does not conform to the requirements of the Final NOS and Final NOS package, OCSLA, or other applicable statute or regulation will be rejected and returned to the bidder. The United States Department of Justice and the Federal Trade Commission will review the results of the lease sale for antitrust issues prior to the acceptance of bids and issuance of leases.

*Bid Adequacy Review Procedures for GOM Region-Wide Sale 256*

To ensure that the U.S. Government receives fair market value for the conveyance of leases from this sale, BOEM will evaluate high bids in accordance with its bid adequacy procedures, which are available on BOEM's website at <http://www.boem.gov/Oil-and-Gas-Energy-Program/Leasing/Regional-Leasing/Gulf-of-Mexico-Region/Bid-Adequacy-Procedures.aspx>.

*Lease Award*

BOEM requires each bidder awarded a lease to complete the following:

(1) Execute all copies of the lease (Form BOEM-2005 [February 2017], as amended);

(2) Pay by EFT the balance of the bonus bid amount and the first year's rental for each lease issued in accordance with the requirements of 30 CFR 218.155 and 556.520(a); and

(3) Satisfy the bonding requirements of 30 CFR part 556, subpart I, as amended.

ONRR requests that only one transaction be used for payment of the balance of the bonus bid amount and the first year's rental. Once ONRR receives such payment, the bidder awarded the lease may not request a refund of the balance of the bonus bid amount or first year's rental payment.

**XI. Delay of Sale**

The BOEM GOM RD has the discretion to change any date, time, and/or location specified in the Final NOS package in the case of an event that the BOEM GOM RD deems could interfere with a fair and orderly lease sale process. Such events could include, but are not limited to, natural disasters (e.g., earthquakes, hurricanes, floods), wars, riots, acts of terrorism, fires, strikes, civil disorder, or other events of a similar nature. In case of such events, bidders should call (504) 736-0557, or access the BOEM website at <http://www.boem.gov>,

for information regarding any changes.

**Walter D. Cruickshank,**  
*Acting Director, Bureau of Ocean Energy Management.*

[FR Doc. 2020-23077 Filed 10-16-20; 8:45 am]

**BILLING CODE 4310-MR-P**

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337-TA-1222]

**Certain Video Processing Devices, Components Thereof, and Digital Smart Televisions Containing the Same; Institution of Investigation**

**AGENCY:** International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 10, 2020, under section 337 of the Tariff Act of 1930, as amended, on behalf of DivX, LLC of San Diego, California. The complaint was supplemented on September 15 and 22, 2020. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain video processing devices, components thereof, and digital smart televisions containing the same by reason of infringement of one or more claims of U.S. Patent No. 8,832,297 ("the '297 patent"); U.S. Patent No. 10,212,486 ("the '486 Patent"); U.S. Patent No. 10,412,141 ("the '141 patent"); and U.S. Patent No. 10,484,749 ("the '749 patent"). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

**ADDRESSES:** The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the

Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Katherine Hiner, Office of Docket Services, U.S. International Trade Commission, telephone (202) 205-1802.

**SUPPLEMENTARY INFORMATION:**

**Authority:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

**Scope of Investigation:** Having considered the complaint, the U.S. International Trade Commission, on October 13, 2020, 2020, *ordered that—*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1-11, 14-29, and 32-39 of the '297 patent; claims 1-5, 7-10, 13-19, and 21-25 of the '486 patent; claims 1-3, 5-11, 20-22, and 26-30 of the '141 patent; claims 1-18 of the '749 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is: "video processing devices, consisting of printed circuit board assemblies for use in video processing in digital smart televisions and associated software and/or firmware, components thereof, consisting of integrated circuits containing video processors and associated software and/or firmware, and digital smart televisions containing the same, consisting of digital smart televisions containing such video processing devices and/or components";

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: DivX, LLC, 4350 La Jolla Village Drive, Suite 950, San Diego, CA 92122.