



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT

WASHINGTON, DC 20240-0001

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Memorandum

To: Walter D. Cruickshank
Acting Director

From: Deanna Meyer-Pietruszka *DM P*
Chief, Office of Policy, Regulation, and Analysis

Subject: Bureau of Ocean Energy Management (BOEM) Manual Chapter 218.2 Program Delegations and BOEM Program Delegations Handbook 218.2-H

The recent publication of the 218 Departmental Manual (DM) 1 (BOEM-General Program Authority) and 2 (BOEM-General Administrative Delegations) in the Electronic Library of Interior Policies (ELIPS), establishes authorities for BOEM's program and program-related functions.. In accordance with the authorities delegated to BOEM, the Office of Policy, Regulation, and Analysis (OPRA) updated and revised the MMS Manual Chapter Offshore Leasing and Operations Special Redelegations, 2009 (Manual Chapter) and the MMS Offshore Program Delegations Handbook 210.1-H. They are ready for your review and approval.

The updated documents reflect appropriate BOEM approval levels for all activities in the current (2009) Manual Chapter and (2009) Handbook, and they reflect the change in the Bureau name and revisions to the organizational and management structure. Additions include: renewable energy program activities (which were previously published in a separate 2009 memo), an expanded list of renewable energy and environmental program activities as requested by BOEM's Office of Renewable Energy Programs and Office of Environmental Programs, a delegated authority for canceling non-producing renewable energy leases, and changes stemming from the AD06 Leasing Rule effective May 31, 2016. These documents reflect input from BOEM Regional Offices and Program Offices, coordination with the Bureau of Safety and Environmental Enforcement (BSEE), and input from the Office of the Solicitor. Coordination of these documents, with BSEE, was conducted in accordance with BOEMM 200.1 on Redelegations and BOEMM 218.2 on BOEM Administrative Delegations of Authority.

The 2017 BOEM Manual Chapter provides the authorities, references, and procedures related to BOEM's program and program-related redelegations. The revised BOEM Handbook provides the authorities, references, and approval levels for program and program-related activities delegated to the BOEM Director. While the Manual Chapter and Handbook provide some cross-references to the 218 DM 1 and 2, the BOEM documents do not list the Secretary's authorities.

OPRA recommends that the Acting Director approve both the updated BOEM Manual Chapter and Handbook. OPRA developed a mechanism to streamline future updates to the Handbook, using a BOEM Form 5100 and process as outlined in the BOEM Delegations of Authority Manual Chapter.

Copies of 218 DM 1 and 2 published by the Department, the new BOEM Form 5100, BOEM Manual Chapter 218.2 Program Delegations and BOEM Program Delegations Handbook 218.2-H, the 2009 MMS Manual Chapter, 2009 MMS Handbook, and the 2009 MMS Renewable Energy delegation memo are attached for background and reference.

Attachments

**DEPARTMENT OF THE INTERIOR
BUREAU OF OCEAN ENERGY MANAGEMENT MANUAL**

TRANSMITTAL SHEET


SUBJECT: Delegation Series
Part 218 Delegations of Authority
Chapter: 2.BOEM Program Delegations

EXPLANATION OF MATERIAL TRANSMITTED:

This Chapter and Handbook update the delegations in the current manual chapters to reflect new authorities and citations and provide instructions for updating the program delegations.

REPORTS REQUIRED: Not Applicable

EFFECTIVE DATE:


Walter D. Cruickshank
Acting Director
Bureau of Ocean Energy Management

FILING INSTRUCTIONS:

REMOVE: MMS Manual Chapter 210.1 Offshore Leasing and Operations
 MMS Offshore Program Delegations Handbook 210.1-H

INSERT: BOEM Manual Chapter 218.2 Program Delegations
 BOEM Program Delegations Handbook 218.2-H

**DEPARTMENT OF THE INTERIOR
BUREAU OF OCEAN ENERGY MANAGEMENT MANUAL**

Effective date:

Series: Delegation
Part: 218 Delegations of Authority
Chapter: 2. BOEM Program Delegations
Originating Office: Office of Policy, Regulation, and Analysis

2.1 Purpose.

This Chapter identifies Bureau of Ocean Energy Management (BOEM) program authorities retained by the Director, identifies specific authorities retained at the departmental level, and re-delegates authorities to other Bureau officials as specified herein and in the accompanying Handbook.

2.2 Scope.

Delegations include mineral, sand and gravel, and renewable energy leasing and operation functions on the Outer Continental Shelf (OCS).

2.3 Objective.

This Chapter establishes the primary level of authority for activities and responsibilities of the BOEM Program.

2.4 Authority.

- A. Outer Continental Shelf Lands Act (OCSLA), as amended, 43 U.S.C. 1331 *et seq.*
- B. Departmental Manual (200 DM 1-3, General Provisions).

2.5 References.

- A. 218 DM 1 General Program Authority - Outer Continental Shelf
- B. 218 DM 2 General Program Authority - General Administrative Delegations

2.6 Re-delegation.

- A. Based on the authorities delegated to the Director in 218 DM 1 for managing and administering the BOEM Program, some of these authorities are re-delegated to the approval level listed in the accompanying BOEM Program Delegations Handbook in the BOEM Manual (BOEMM) 218.2-H, unless the authorities are specifically retained by the Director.

- B. If an authority is not specifically addressed in this Chapter or in the Handbook, it resides with the Director under the general redelegation effected in BOEMM Section 2.5 above.

2.7 Limitations.

Certain authorities are retained at a higher approval level within the Department of the Interior, as provided in in 218 DM 1.4.

2.8 Procedures.

A. Revisions to the Chapter and Handbook Text

Any revision to this Chapter or the Handbook will be prepared by BOEM's Office of Policy, Regulation, and Analysis (OPRA) and will be processed according to BOEM's directives review and approval procedures.

B. Periodic Delegation Updates

The delegations in this Chapter and the accompanying Handbook will be updated regularly by OPRA, using the process detailed below.

C. Procedures for Changing BOEM Program Delegations

Any BOEM employee can propose a change in delegation, but that does not guarantee that proposed change will be approved. To gain approval for a new, revised, or emergency delegation¹ that is not in a final rule, use the following process:

1. Identify the decision to be made, the position title for the current level of authority (if any) and the citation. Citations may include a Federal, Departmental, or BOEM regulation, Departmental or BOEM Manual chapter or handbook, or other authority such as an Executive Order.
2. Identify the specific decision involved in the proposed new, revised, or emergency delegation and the proposed position title to make the decision.
3. Discuss this idea with the person(s) who now hold(s) the authority, the person(s) who may be delegated the authority, and other persons who may be affected by the decision. Also coordinate this proposal with your management chain. Document the results of this coordination process and include it in your surnaming package.
4. Write a clear and brief justification as to why BOEM should make the proposed change in delegation, including the pros and cons of the decision,

¹ For the purposes of this Manual Chapter and Handbook an emergency is defined as "a serious, unexpected or often dangerous situation requiring immediate action" (such as imminent danger to life or health).

issues raised during the coordination process, and how those issues were resolved.

5. Fill out BOEM Form 5100 New or Changed Program Delegations (for new, revised, or emergency delegations). This form is found at the intranet site: BOEM Currents/ Forms page. Include the form with your surnaming package.

6. Set up your surnaming routing in BOEM's Data Tracking System (DTS) or work with OPRA to set up the surname routing. Include in the package the justification, the proposed delegation of authority, your record of consultation from step 3, and the form. Evidence of consultation and coordination includes one of the following: a Control Slip from DTS showing review and surnaming of the proposed delegation change by the appropriate surnamers, a signed Clearance Record with appropriate surnamers' signatures, or a Director or Deputy Director's memorandum. The routing should include (at a minimum) the following surnamers: the person who currently holds the authority that is being delegated, the Office of the Solicitor, additional surnamers if needed, the Directives Officer (DO), and the Director.

7. The DO will review the form and surnaming package, and if deemed complete, will initial and number the delegation, sign the completed form and surname the DTS package. The DO will route the package to the Directorate in DTS and will provide the Director with a hard copy of the surnaming package, including the signed form.. A re-delegation is not effective until it is signed by the Director.

8. Once the Director signs the proposed delegation change form and surnames the DTS package, the DO will ensure the new or changed delegation information is posted in the New or Changed Program Delegations Table, which is linked to BOEM's Program Delegations Handbook on boem.gov. OPRA will maintain the surnaming package containing the original signed copies of these forms.

9. At the beginning of each calendar year, OPRA will incorporate all new or changed delegations from the previous year into an annual updated version of BOEM's Program Delegations Handbook. The annual update of BOEM's Program Delegations Handbook does not require surnaming because all of the individual changes have already been approved.

D. Procedures for Adding Program Delegations for a New Rulemaking

New or revised delegations that occur due to publication of a final rulemaking document do not require additional surnaming or the use of Form 5100. They will be listed by the rule-writers in a table listing the name, publication date and citation of the new rule. The rule-writers will submit this table to the DO in OPRA within

14 days after final rule publication. These delegations will be posted to BOEM's Delegations webpage in the New or Changed Delegations Table and will be added to the Program Delegations of Authority Handbook at the beginning of the next calendar year. A new delegation from a new final rule is effective as soon as the rule is published.