



**MEMORANDUM OF AGREEMENT  
BETWEEN THE  
BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT  
– U.S. DEPARTMENT OF THE INTERIOR  
AND THE  
U.S. COAST GUARD – U.S. DEPARTMENT OF HOMELAND SECURITY**

BSEE/USCG MOA: **OCS-03**

Effective Date: **February 13, 2025**

**SUBJECT: OIL DISCHARGE PLANNING, PREPAREDNESS, RESPONSE, AND RESPONSE RESEARCH**

- 1. PARTIES.** The Parties to this Memorandum of Agreement (MOA or Agreement) are the United States Coast Guard (USCG) and the Department of the Interior’s (DOI) Bureau of Safety and Environmental Enforcement (BSEE) (together, participating agencies).
- 2. AUTHORITY.** Implementation of this MOA will be in accordance with the Memorandum of Understanding (MOU) between the USCG and BSEE “Regarding Continued Partnership to Ensure Safety and Environmental Protection on the United States Outer Continental Shelf,” effective on 13 December 2023. Implementation will also be in accordance with the MOU between USCG, BSEE, and the Bureau of Ocean Energy Management (BOEM) “Regarding Non-Mineral Energy Installations and Vessels on the Outer Continental Shelf,” effective on 1 April 2024. The participating agencies will review their internal procedures and, where appropriate, revise them to accommodate the provisions of this MOA. This MOA replaces BSEE/USCG MOA OCS-03 of 18 January 2017.

The USCG enters this Agreement under the authority of 14 U.S. Code (USC) §§ 504(a)(20) and 701.<sup>1</sup> The USCG has responsibilities under the Oil Pollution Act of 1990 (OPA 90), 33 USC §§ 2701 *et seq.*, including § 2712(a)(5)(A); Section 311 of the Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), 33 USC § 1321; the Maritime Transportation Security Act, 46 USC § 70103; and Executive Order (EO) 12777, as amended. Applicable USCG regulations are found under parts of Titles 33 (Navigation and Navigable Waters) and 46 (Shipping) of the Code of Federal Regulations (CFR). The USCG also exercises authority under the National Contingency Plan (NCP), 40 CFR part 300 and serves as Chair of the Interagency Coordinating Committee on Oil Pollution Research (ICOPR) pursuant to Title VII of OPA 90.

BSEE has responsibilities for developing and enforcing regulations for the promotion of safe oil, gas, and renewable energy operations, protection of the environment, and conservation of the

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<sup>1</sup> Pub. L. 112-213, Title II, § 202, 126 Stat. 1543 (2012); Pub. L. 104-324, Title IV, § 405(a), 110 Stat. 3924.

natural resources of the Outer Continental Shelf (OCS), in accordance with the Outer Continental Shelf Lands Act (OCSLA, 43 USC §§ 1331 *et seq.*), the CWA (33 USC § 1321); and EO 12777. BSEE is authorized to enter into this agreement under the provisions of OCSLA including 43 USC §§ 1344(h) and 1348(a). Applicable BSEE regulations are found under relevant parts of Title 30 (Mineral Resources) CFR, including parts 250 and 254. The NCP, pursuant to 40 CFR 300.170(a) and 300.175(b)(9)(v), provides the framework under which BSEE may implement its capabilities and authorities during response planning and removal operations to provide assistance to the FOOSC. BSEE also has responsibilities and authority for oil pollution research under Title VII of OPA 90. BSEE also has responsibilities for oil pollution research under Title VII of OPA 90.

**3. PURPOSE.** This Agreement defines the relationship between the USCG and BSEE with respect to oil discharge research, planning, preparedness, response, and source control activities for any artificial island, installation, pipeline, or other device permanently or temporarily attached to the seabed seaward of the coast line<sup>2</sup> (hereafter, “facilities” or “offshore facilities”), and certain vessels that may be used for the purpose of responding to discharges or substantial threats of discharges. The facilities and vessels located in state and federal waters seaward of the coast line that are subject to this Agreement may include but are not limited to: mobile offshore drilling units (MODUs); support vessels for subsea containment; and floating production, storage, and offloading (FPSO) (or similar) vessels; and offshore renewable energy facilities.

This Agreement allocates responsibilities for oil discharge planning, preparedness, response, and response-related research consistent with the divisions of responsibilities between BSEE and the USCG established by statute and regulation. The intent of this Agreement is to promote effective and efficient interagency coordination without duplicative, or potentially contradictory, regulatory activities.

**4. REFERENCES.** Implementation of this MOA will be in accordance with the BSEE/USCG MOU, effective 13 December 2023, particularly Section 5.g. “Memorandum of Agreements – (MOAs) and Additional Procedural Documents - Development and Implementation.” or future revisions. The participating agencies will review their internal procedures and, where appropriate, revise them to accommodate the provisions of this MOA.

Standard operating procedures that detail the processes of coordination and cooperation between the participating agencies (Shared SOPs) will be added to this Agreement as appendices. All such Shared SOPs will pertain to oil discharge planning, preparedness, response, and research related to response. The addition, deletion, or modification of such Shared SOPs to this MOA will be considered non-substantive changes.

**5. RESPONSIBILITIES.** BSEE and the USCG agree to the following division of responsibilities with respect to oil discharge planning, preparedness, response, and response research, pursuant to the authorities cited above:

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<sup>2</sup> “Coastline” means “the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters.” 43 USC § 1301(c); *see also*, “Memorandum of Understanding Establishing Jurisdictional Responsibilities for Offshore Facilities,” 59 Fed. Reg. 9494 (Feb. 28, 1994).

## **A. BSEE Responsibilities**

BSEE, as a bureau within the DOI, is responsible under OCSLA for the development, oversight, and enforcement of safety and environmental standards for offshore energy and mineral operations on the OCS. In the event of an oil discharge or substantial threat of a discharge from an offshore facility on the OCS, BSEE is responsible for monitoring and directing efforts to control and secure the sources of discharge from systems and subsystems as delineated in BSEE and USCG MOAs pursuant to the 13 December 2023 MOU between BSEE and USCG and the 1 April 2024 MOU among USCG, BSEE, and BOEM. These actions by BSEE are conducted in accordance with OCSLA authorities. Section 300.170 of the NCP provides that federal agencies may use their existing authorities and capabilities during a response to provide assistance to the Federal On-Scene Coordinator (FOSC).

The USCG Incident Management Handbook (IMH) provides that the BSEE Source Control Support Coordinator (SCSC) is a technical specialist and is the principal advisor to the FOSC for source control issues.<sup>3</sup> The SCSC serves on the FOSC's staff during a response and is responsible for providing source control support for operational decisions involving an oil discharge from an offshore facility.

BSEE, pursuant to OPA 90, is responsible for federal oversight of oil discharge planning and preparedness activities for offshore facilities. These responsibilities include review and approval of Oil Spill Response Plans (OSRP), conducting inspections of all oil spill response equipment listed in the OSRPs, and conducting unannounced exercises to test plan holder readiness.

## **B. USCG Responsibilities**

The USCG serves as the predesignated FOSC for oil and hazardous substance pollution incidents in, or that threaten, the coastal zone of the U.S. as defined in 40 CFR § 300.5. The NCP provides that the FOSC “directs response efforts and coordinates all other efforts at the scene of a discharge or release.” In general, the FOSC directs responses to and ensures effective and immediate removal of any oil discharge, hazardous substance release, or a substantial threat of such in the coastal zone.

The USCG, pursuant to OPA 90, also leads oil spill planning efforts for the coastal zone to identify, assess, and verify threats (spill potential), risk of harm to waters, shoreline, and natural resources. The USCG develops strategies necessary to mitigate the threats, minimize the risk, and respond to an incident or event should it occur. These planning efforts are outlined in Section 300.200 of the NCP and include leading the development and maintenance of Regional Contingency Plans (RCP) and coastal zone Area Contingency Plans (ACP).

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<sup>3</sup> U.S. Coast Guard Incident Management Handbook, COMDTPUB P3120.17B, May 2014, pp. 25-26.

### C. Joint Responsibilities

Recognizing that the participating agencies have separate authorities and responsibilities for oil spill preparedness and response, the USCG and BSEE will coordinate execution of these responsibilities as closely as possible.

For purposes of this MOA, the chart below describes the functions of the USCG and BSEE with respect to oil discharges or the substantial threats of such discharges associated with different types of offshore facilities. This table does not alter either agency's statutory or regulatory mandates and authorities, nor does it preclude either the USCG or BSEE from participating in activities related to these functions for purposes of coordinating an effective and immediate response. See Annex 1 for definitions of each type of facility and installations and the listed functions.

| <b>USCG and BSEE Functions Table</b>           |                 |                     |                 |                        |
|--|-----------------|---------------------|-----------------|------------------------|
|  | <i>Planning</i> | <i>Preparedness</i> | <i>Response</i> | <i>Source Control</i>  |
| <i>Fixed Facilities</i>                        | BSEE            | BSEE                | USCG            | BSEE                   |
| <i>Floating Facilities</i>                     | BSEE            | BSEE                | USCG            | BSEE/USCG <sup>1</sup> |
| <i>Co-Located Use</i>                          | BSEE/USCG       | BSEE/USCG           | USCG            | BSEE/USCG              |
| <i>MODUs</i>                                   | BSEE/USCG       | BSEE/USCG           | USCG            | BSEE/USCG              |
| <i>FPSOs/FPSs/FSOs</i>                         | BSEE/USCG       | BSEE/USCG           | USCG            | BSEE/USCG              |
| <i>Pipelines</i>                               | BSEE            | BSEE                | USCG            | BSEE                   |
| <i>Offshore Renewable Energy Installations</i> | BSEE            | BSEE                | USCG            | BSEE                   |
| <i>Other Offshore Facilities</i>               | BSEE            | BSEE                | USCG            | BSEE                   |

<sup>1</sup> **BSEE/USCG:** When both agencies are listed, each agency has some function(s) relative to that facility type within their statutory or regulatory authorities.

### D. Joint Coordination

BSEE and USCG have chartered several interagency working groups that include personnel from both agencies that affirm our commitment to ongoing coordination to improve safety and environmental stewardship in offshore waters of the United States. Specific to this MOA, the Response Work Group (RWG) was established between the Office of Marine Environmental Response Policy, Commandant (CG-MER) and BSEE's Oil Spill Preparedness Division (OSPD), at the national level, with the primary goals of improving national oil discharge planning, preparedness, response, and response research for offshore facilities through improved coordination of BSEE and USCG regulatory authorities, responsibilities, and field activities. The RWG charter identifies the Co-Chairs and permanent members of the workgroup, establishes the meeting schedule, and outlines the key objectives of the work group. Co-Chairs of the RWG support the requirements of BSEE and USCG Principals' staff through the development and collaboration of periodic status reports of the RWG's activities. RWG coordination is furthered at the regional level between USCG

Districts and Sectors with regulated offshore activities and relevant BSEE Regional, District, and OSPD Offices.

## **E. Communications and Contacts**

Participating agency personnel contacts are outlined in Annex 2. The BSEE and USCG national offices are responsible for implementation and maintenance of this MOA and for national policy matters. The BSEE and USCG regional and district offices are responsible for field coordination of oil discharge planning, preparedness, response, and response research activities.

The participating agencies will identify in writing their representatives and contact information for the purposes of keeping each other informed of issues, relevant applications, policy determinations, and to coordinate joint activities. For the USCG, CG-MER, is responsible for identifying national, regional, and district representatives. For BSEE, OSPD is responsible for identifying appropriate national, regional, and district representatives.

**6. SUPPORT OF REGIONAL RESPONSE TEAMS (RRT) AND AREA COMMITTEES (AC).** RRTs support FOSCs and are responsible for maintaining an RCP. The RCP functions as a higher-level interagency coordination plan for a specific Federal Region. In accordance with the NCP, the RCP must identify regional response resources and capabilities, a line of demarcation delineating USCG and U.S. Environmental Protection Agency (EPA) FOSC jurisdictions, and any existing preauthorization agreements for the utilization of chemical and biological countermeasures (including dispersants and burning agents). RRTs are co-chaired by EPA and USCG.

BSEE will participate in RRTs in Regions that have offshore facilities present. At scheduled RRT meetings BSEE will, as appropriate, provide updates on agency activities affecting oil spill planning, preparedness, source control, research, and response.

ACs, under the direction of the predesignated FOSC, are responsible for developing an ACP for a specific area as designated by the President. Mandated by the CWA, ACPs plan for oil and hazardous substance response at the local level. The ACs are comprised of qualified federal, state, and local personnel and are chaired by the predesignated USCG FOSC in the Coastal Zone.

BSEE will participate in AC meetings and actively support development and maintenance of portions of the ACP directly related to spills from offshore facilities and ensure visibility of Worst Case Discharge (WCD) scenarios for offshore facilities. This content may include descriptions of offshore facility infrastructure, WCD information, and trajectory modeling for select offshore scenarios, response equipment information for use in spills from offshore facilities, and information about sensitive resources in the offshore environment, including offshore Environmental Sensitivity Index maps. Where appropriate, BSEE will host content developed for the ACP on its website and provide USCG planners with the necessary hyperlinks to be placed in the ACPs for incorporation by reference.

BSEE will provide the USCG, Captains of the Port (COTP) with updated WCD volumes to reflect the highest WCD volumes in ACPs on a regular basis.

**7. OIL SPILL RESPONSE PLANS.** The final rule governing OSRPs and related requirements for offshore facilities located seaward of the coast line, including those located in both state and federal waters, became effective June 23, 1997.<sup>4</sup> The regulations at 30 CFR part 254 are derived from authorities outlined in OPA 90 and EO 12777. Owners and operators of oil handling, storage, and transportation facilities located seaward of the coast line must submit an OSRP to BSEE for approval. BSEE reviews OSRPs to ensure compliance with the requirements contained within 30 CFR part 254 and consistency with the NCP and local ACPs. Clarification of BSEE's OSRP requirements can be found in applicable Notices to Lessees and Operators located on the BSEE website ([www.BSEE.gov](http://www.BSEE.gov)).

Digital copies of BSEE-approved regional, sub-regional, and site-specific OSRPs are available from the local OSPD Section offices in New Orleans, Louisiana; Camarillo, California; Anchorage, Alaska; and Sterling, Virginia, respectively.

BSEE will notify and provide the USCG with access to digital copies of OSRPs. The subset of OSRPs that will prompt notification to the USCG for awareness and a consistency review include: a) initial plans for operations in waters seaward of the coastline; b) plans that have been revised to reflect a significant increase to the WCD scenario(s) contained in the plans; c) plans that have been revised to reflect a significant decrease in oil spill removal organization response capabilities; and d) plans that have been revised to reflect significant changes in the NCP, RCP, or ACPs. The USCG review of an OSRP will focus on ensuring the OSRP is consistent with relevant ACPs and RCP. The USCG may choose to review information in OSRPs and provide BSEE with comments on those response plans consistent with BSEE established procedures and internal review timelines. BSEE will consider all USCG comments on OSRPs as part of its review process, and will incorporate the USCG suggested revisions to plans, to the extent practicable.

Notwithstanding the foregoing, nothing in this MOA is intended to alter BSEE's legal authority with respect to review and approval of OSRPs for offshore facilities.

**8. NATIONAL PREPAREDNESS FOR RESPONSE EXERCISE PROGRAM (PREP).** The National Preparedness for Response Exercise Program (PREP) was developed to establish an exercise program for spill response preparedness that meets the intent of section 4202(a) of OPA. Completion of the exercises described in the PREP Guidelines is one option for maintaining compliance with OPA 90-mandated federal oil pollution response exercise requirements for USCG, BSEE, EPA, and the Pipeline and Hazardous Materials Safety Administration (PHMSA). These four agencies comprise the PREP Compliance, Coordinating, and Consistency Committee (PREP4C) that is tasked with maintaining situational awareness on PREP program execution, monitoring its effectiveness, ensuring national consistency, and revising the PREP Guidelines on a periodic basis. BSEE and USCG will each designate a representative to serve on PREP4C.

**9. UNANNOUNCED EXERCISES AND DRILLS.** Unannounced exercises are designed to test an operator's understanding of and familiarity with its OSRP, increase the proficiency of its response personnel, and identify any response planning gaps that require correction. Interagency coordination during unannounced exercises will minimize interagency conflict, prevent duplication of response exercise efforts, and optimize exercise training opportunities for agency personnel.

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<sup>4</sup> 33 USC § 1321(j)(4).



BSEE conducts approximately 15 unannounced oil spill response exercises annually for offshore facilities. These exercises may include an Incident Management Team (IMT) functional exercise, a tabletop component, and an equipment deployment drill. OSPD regional staff will maintain close communication and coordination with respective USCG District staff (District Response Advisory Team, and Incident Management and Preparedness Advisor) and provide the appropriate FOSC reasonable advance notification of scheduled unannounced BSEE-led exercises. FOSCs, or designated representatives, should participate in at least one BSEE-initiated unannounced exercise annually, preferably a complex functional exercise that involves the deployment of major response assets, or an exercise involving emerging energy facilities.

The FOSC, or designated representative, will notify the appropriate OSPD Section staff in a reasonable timeframe in advance of USCG-led spill response exercises, drills, or activities involving offshore facilities. BSEE participation in USCG drills and exercises will be at the discretion of the BSEE OSPD Chief.

**10. EQUIPMENT INSPECTION.** BSEE has the authority to inspect all oil discharge response, source control, and subsea containment equipment that is cited in OSRPs and applications for permits to drill. Inspection of source control and (subsea) containment equipment (SCCE) is authorized by OCSLA.<sup>5</sup> Spill response equipment inspections are announced and conducted by BSEE to verify compliance with lessee inspection of response equipment and recordkeeping requirements in 30 CFR part 254. The inspections encompass areas of equipment availability, operational readiness, equipment maintenance, and recordkeeping. Types of equipment inspected may include, but are not limited to, boom, fire boom, skimmers, pumps, hoses, storage tanks, vessels, including certificated vessels used for cap and flow containment operations, temporary storage devices, subsea containment and control equipment, dispersant stockpiles, dispersant application equipment, and other equipment listed in approved plans.

The USCG National Strike Force Coordination Center (NSFCC) conducts Preparedness Assessment Visits (PAVs) that encompass entire COTP Zones or Alternate Classification Cities every three years, except for Western Alaska. The NSFCC conducts PAVs in Western Alaska every other year. The NSFCC will visit every site listed in the Response Resource Inventory (RRI) database where an Oil Spill Removal Organization (OSRO) has a stockpile of equipment meeting two or more of the core categories for mechanical classification.

Each participating agency will provide reasonable advance notification to the other agency of planned equipment inspections and will, to the greatest extent possible, conduct joint inspections of identical oil spill response resources.

In the event equipment inspections cannot be coordinated, each agency will conduct scheduled and unannounced oil spill equipment inspections to ensure compliance with its own requirements. If an inspector observes deficiencies that may fall within the responsibility of the other agency, the inspecting agency will report such observations to the other agency for action. However, if the deficiency may cause serious or irreparable harm to persons, property, or the environment, the inspector may take the necessary preventative action. The preventative action will then be reported promptly to the responsible agency.

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<sup>5</sup> 43 USC §§ 1337(p)(4), 1348(b)(3).

**11. OIL SPILL RESPONSE TRAINING.** BSEE is responsible for ensuring that OSRPs include sufficient evidence that OSROs, oil spill response cooperatives, IMTs, and other spill response personnel are trained in the use of oil discharge response equipment and techniques to respond to an oil spill. Whenever practicable, BSEE and USCG will, jointly or independently, attend and audit the training that OSRO and response personnel receive, and provide feedback for improvement of the ability to respond effectively to a discharge of oil. BSEE will provide an opportunity for the FOSC, or designated representatives, NSFCC, and OCS National Center of Expertise (as applicable) to attend any OSRO or response personnel training audits conducted by BSEE.

**12. INCIDENT MANAGEMENT TEAM TRAINING.** Owners or operators of offshore facilities list dedicated IMTs in their OSRPs that are capable of orchestrating an effective, sustained response to a WCD from their offshore facilities. Members of the IMT must undergo annual training and participate in IMT functional exercises. Whenever practicable, BSEE and USCG personnel will, jointly or independently, attend the training and drills to ensure that the teams are thoroughly familiar with their approved OSRP and will provide input for continual improvement of the team and make members aware of any new agency requirements or clarifications of existing requirements.

**13. INTERAGENCY TRAINING.** The BSEE OSPD oversees Ohmsett – The National Oil Spill Response Research & Renewable Energy Test Facility (in Leonardo, New Jersey). Operations at Ohmsett include the testing of mechanical containment and recovery (booms, skimmers, etc.), chemical treatments (dispersants, surface washing agents, and herders), remote sensors, in-situ burn equipment, and prototypes of new response equipment for conventional and alternate energy technologies. Additionally, Ohmsett is the site of both classroom and hands-on tank instruction on the use of oil discharge response equipment. BSEE also oversees the National Offshore Training and Learning Center (NOTLC) whose mission is to support the bureau's goals by providing upfront and ongoing contemporary learning and development opportunities. BSEE will notify the USCG of upcoming BSEE-sponsored training both at Ohmsett and the NOTLC to make staff aware of and, where possible and subject to the availability of appropriations, provide USCG opportunities to attend training on a space-available basis.

The USCG will notify BSEE of upcoming training opportunities for the Incident Command System (ICS), On-Scene Coordinator Crisis Management, and Spill Response Technical courses. Training will be provided on a space-available basis and subject to the availability of appropriations. The USCG will support the NOTLC by providing subject matter experts to conduct classes on USCG functions, responsibilities, policies, and procedures that affect offshore operations or intersect with BSEE authorities.

**14. OIL DISCHARGE REPORTING.** The CWA and 33 CFR § 153.203 require that the person in charge of a vessel, onshore facility, or offshore facility report all discharges to the National Response Center (NRC), regardless of volume. The NRC serves as the sole national point of contact for reporting all oil, chemical, radiological, biological, and etiological discharges into the environment anywhere in the United States and its territories. The NRC provides notification to the appropriate agencies and state offices. In addition to gathering and distributing spill data for FOSCs and serving as the communications and operations center for the National Response Team (NRT), the NRC provides notifications to BSEE and other Federal agencies as requested by those agencies.



Additionally, owners or operators of offshore facilities are required to report oil discharges of one barrel or more, or discharges of an unknown size but thought to be one barrel or more, to the BSEE OCS Regional Supervisor (RS).

**15. OIL DISCHARGE RESPONSE.** The USCG provides predesignated FOSCs for the coastal zone, in accordance with the NCP. Each USCG District identified in this MOA will provide up-to-date FOSC listings to the corresponding BSEE OSPD Section contacts.

The FOSC has the authority to coordinate and direct Federal, state, and private response efforts to pollution discharges and releases that occur within the coastal zone. In accordance with 40 CFR § 300.317, the FOSC ensures that all response efforts meet the National Response priorities of safety of human life, stabilization of the situation, and a timely and effective coordinated response that minimizes adverse impacts to the environment.

BSEE may provide an SCSC and other engineering, technical, scientific, public affairs expertise to assist the FOSC during responses to oil discharges from offshore facilities. Assistance may include remote help such as identification of responsible parties (RPs) using BSEE regional databases and mapping programs, or on-site help at Joint Field Offices or the Incident Command Post (ICP). In cooperation with the FOSC, BSEE will deploy Regional or District engineering, scientific, or technical staff to support the response at the ICP and participate in joint overflights to assist assessing damage to offshore facilities. Additionally, BSEE can also provide OSPD staff with technical expertise in response equipment and offshore spill planning to assist the FOSC within the Planning or Operations Sections and the Joint Information Center at the ICP for an offshore incident.

The USCG will deploy personnel to integrate into the BSEE IMT whenever it is activated during emergencies involving offshore facilities (e.g., hurricanes). The goal of this integration of BSEE and USCG personnel is to prevent duplication of efforts, optimize the use of resources, ensure consistency in data collection and reporting, and to expedite search and rescue and oil discharge response operations.

For all offshore facility oil discharges reasonably assessed to exceed 50 barrels, whenever requested by BSEE, the FOSC will provide BSEE with documentation generated during the response, for the purpose of validating the response activities in accordance with the appropriate ACP, RCP, and BSEE-approved OSRP.

**16. ABANDONED OR ORPHANED FACILITIES.** As the status and condition of facilities change, BSEE and USCG may coordinate and collaborate to address actual and substantial threats of discharges of oil when there is no active owner or operator. BSEE and USCG will regularly coordinate on planning, preparedness, and response matters for facilities on the OCS or in state waters that are abandoned or orphaned. The following definitions of abandoned and orphaned facilities on the OCS are used for the purpose of this MOA where applicable.

“Abandoned facilities” are facilities situated on the OCS following termination, expiration, or relinquishment of the underlying lease, Right-of-Way (ROW), or Right-of-Use and Easement (RUE) without having been decommissioned to BSEE regulatory standards.

“Orphaned facilities” (e.g., wells, structures, or pipelines) are infrastructure left on the OCS following termination, expiration, or relinquishment of the underlying lease, ROW, or RUE without having been decommissioned to BSEE regulatory standards and for which there may be no remaining liable party(ies) to perform decommissioning.

**17. SOURCE CONTROL AND PRODUCTION RESUMPTION.** BSEE, while executing its authorities under the OCSLA, will assist the FOSC by overseeing and, when applicable, directing measures to stop or minimize sources of pollution from regulated offshore facilities to abate and eliminate any discharge of oil, and to prevent unwarranted shutdown of unaffected production and pipeline systems. BSEE will provide an SCSC to the unified command to ensure source control activities involving an offshore facility are effectively coordinated with all other response activities directed by the FOSC. The SCSC, in accordance with the duties outlined in the USCG IMH will serve as the principal advisor to the FOSC for all source control activities involving an offshore facility regulated by BSEE.

In situations where an oil discharge from an offshore facility poses or may present a substantial threat to public health or welfare of the United States, the FOSC is authorized to take immediate action to remove the discharge or to mitigate or prevent the substantial threat of such a discharge. The FOSC will notify the BSEE RS as soon as possible after taking or directing source control actions.

Following facility and system repairs approved by BSEE, or the determination that the shut-in facility is not the source of a reported oil discharge, BSEE will exercise its authority to return a regulated facility to operation, as appropriate.<sup>6</sup> All reasonable precautions will be taken by BSEE to ensure verification of system integrity and other safety considerations prior to resumption of operations.

**18. OIL SPILL AFTER ACTION REVIEWS.** BSEE conducts an Incident Preparedness Analysis (IPA) for any oil discharge from an offshore facility regulated by BSEE that is greater than one barrel. The IPA is designed to evaluate the response to the spill as it relates to the general response plan requirements found in 30 CFR part 254. The USCG may conduct several different forms of after-action reviews regarding the response to an oil spill, to include an After Action Report (AAR), or for more significant oil discharges, an Incident Specific Preparedness Review (ISPR) and/or an On-scene Coordinator’s (OSC) Report.

For BSEE IPAs and USCG AARs, BSEE OSPD and the USCG will coordinate with each other to share information and lessons learned. When deemed appropriate by either agency, both agencies will participate in joint “hot wash” sessions to enhance the development of IPAs and/or AARs. Lessons learned and recommended mitigation actions regarding OSRPs, ACPs, or RCPs as a result of discharges from offshore facilities will be closely coordinated between both agencies.

The focus of an ISPR is to examine the implementation and effectiveness of the preparedness for and response to an incident as it relates to the NCP, ACP, and OSRPs. An ISPR will normally be chartered by the USCG Commandant, and the charter will provide direction for the ISPR team

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<sup>6</sup> While BSEE has the authority to return a regulated facility to operations, the FOSC ultimately directs response operations for oil discharges and threats thereof. Therefore, this determination is made in close coordination and under the advisement of technical advisors, such as the SCSC.

membership, scope of the review, and reporting deadlines. For any ISPR examining an oil discharge emanating from an offshore facility regulated by BSEE, BSEE OSPD, and CG-MER will coordinate to develop the draft charter for the ISPR.

The purpose of an OSC Report is to document the response that occurred to an oil discharge, including the situation as it developed, the actions taken, the resources committed, and the challenges encountered. An OSC Report is prepared by the USCG when requested by the NRT or RRT. The request will also identify any specific topics that are required to be addressed in the report. For any OSC Report that involves an offshore facility regulated by BSEE, the USCG and BSEE will coordinate closely to share and validate information, as appropriate.

**19. POLLUTION EVENTS DATABASES.** The USCG maintains the Marine Information for Safety and Law Enforcement (MISLE) database that documents information on all known oil discharges that impact the coastal zone. This database, serves as the primary system for tracking resource hours, maintaining vessel and facility regulatory and incident histories, and conducting vessel and facility inspections.

BSEE maintains records on offshore incidents, oil discharges, and enforcement actions on two unclassified databases collectively called TIMS (Technical Information Management System) and NCIS (National Consolidated Information System), which are made available to the public on the BSEE website.

To the greatest extent possible, BSEE and the USCG will coordinate data collection efforts related to platform evacuations, oil discharge volume estimates, facility damage, and production recovery. Both agencies will share digital information regarding offshore operators and oil discharges to ensure safe and environmentally responsible offshore operations and dissemination of data for public consumption.

**20. ENFORCEMENT.** Any oil discharge of a harmful quantity, or a hazardous substance release that meets or exceeds a reportable quantity may result in an enforcement action as authorized under the CWA. The USCG considers many factors in the determination of an appropriate enforcement/compliance action, such as the oil discharge history and the volume of discharge. To assist the USCG in determining an appropriate enforcement/compliance action, upon request, BSEE will provide the USCG with available information on the relevant facility and RP.

If the USCG completes an enforcement/compliance action against an owner or operator engaged in operations on a BSEE-regulated facility for an oil discharge or substantial threat of discharge, the USCG will notify BSEE of the type of action taken. The USCG will also provide information about the violation and any additional information relevant to BSEE when analyzing aggregate operational and safety records of the RP during periodic operator assessments.

If BSEE determines that it is appropriate to pursue an enforcement/compliance action against an owner or operator engaged in operations on offshore facilities under OCSLA, the USCG will provide BSEE with available information on the affected facility and RP, and as otherwise consistent with BSEE/USCG MOA OCS-02, Civil Penalties. BSEE will notify the USCG when it identifies a case where an owner or operator fails to properly notify the NRC of an oil discharge, so that the USCG may take an enforcement or compliance action. Matters where input from the USCG is warranted include those when an owner or operator engaged in offshore operations has engaged in acts or omissions that cause a discharge or substantial threat of a

discharge, or where such person failed to take reasonable precautions to prevent oil discharges, failed to notify the NRC of an oil discharge, or deviated from BSEE-approved OSRPs during response to a discharge event.

**21. RESEARCH AND DEVELOPMENT (R&D).** BSEE conducts research on oil spill planning, preparedness, and response through the Response Research Branch of the OSPD. The USCG conducts research on oil spill planning and preparedness through the USCG Research, Development, Technology, and Evaluation Program. The USCG and BSEE will coordinate research activities in partnership or through the ICCOPR. BSEE and USCG will collaborate, to the maximum extent practicable, in identifying research priorities, co-funding projects, and sharing information and best practices.

The USCG chairs ICCOPR, in accordance with 33 USC § 2761 and employs the Executive Director. BSEE OSPD supports ICCOPR as a participant in subcommittees, work group activities, routine meetings, and as a contributing member to the Research and Technology Plan development, reports to Congress, and other ICCOPR publications. OSPD also manages Ohmsett, National Oil Spill Response Research & Renewable Energy Test Facility, which satisfies the Title VII requirement for ICCOPR to ensure the long-term use and operation of the facility.

BSEE OSPD established a Research Advisory Board (RAB) to advise the OSPD Chief on the merits of BSEE funded research proposals. CG-MER provides a representative to serve on the RAB to offer input and perspective of the FOSC. Additionally, the USCG and BSEE will also collaborate on oil pollution technologies innovation and evaluations as mandated in the 2020 revisions to OPA 90 accordance with 33 USC § 2761(e)(2) and (3). This is accomplished through Testing of Oil Spill Technologies (TOST) initiatives developed and executed collaboratively with USCG.

OPA 90 provides the USCG with authority to accept in-kind contributions of crude oil and crude oil product samples for use by the Federal Government for product testing, research, and development, and for other purposes as stated in 33 USC § 2761. USCG may share donated crude oil and crude oil product samples with BSEE for product testing, research and development, and other purposes. BSEE will use the crude oil or crude oil products for testing and research conducted to carry out the purposes of OPA 90.

**22. DEVELOPMENT OF PLANNING STANDARDS.** BSEE and the USCG will work together to ensure the use of consistent terminology and methodologies in the development of response strategies and planning standards.

For ACs with offshore facilities, BSEE OSPD will work closely with other AC members, including the USCG and OSROs, to develop offshore response strategies. These strategies will include the development of a concept of operations for employing each of the countermeasures deemed appropriate by the governing RCP and ACP, exclusion zones for source control activities, and the appropriate use of oil spill sensing and tracking technologies in support of overall situational awareness and onsite removal and mitigation activities.

While the USCG and BSEE have different response plan requirements, many of the OSROs that provide the response equipment and services for all these plans are the same. As such, it is in the best interests of both agencies to coordinate in the development and use of consistent

terminology and methodologies in their response planning guidance, equipment databases, regulatory standards, and ACPs. With respect to the methodologies and metrics for measuring response equipment capabilities, both agencies will coordinate, whenever possible, in the development and use of consistent response planning standards, tools, and testing methods, such as the Estimated Dispersant System Potential/Dispersant Mission Planner 2 calculator, and the Estimated Recovery System Potential calculator.

The USCG develops and maintains the USCG IMH that provides guidance on the use of the National Incident Management System (NIMS) ICS for response operations in the coastal zone. The IMH includes guidance on the roles and responsibilities of the SCSC, as well as other key source control positions and management structures during an incident. As most incidents involving an SCSC will involve an offshore oil and gas facility where BSEE is acting as the SCSC, the USCG and BSEE will coordinate closely on the development, maintenance, and future revisions of the ICS guidance within the IMH for source control activities, as appropriate.

### **23. LIMITATIONS.**

**A.** Nothing in this Agreement alters, limits, or expands the statutory or regulatory authority of the USCG or BSEE.

**B.** Nothing in this Agreement limits informal consultations not described in this Agreement.

**C.** This Agreement is to be executed in full compliance with all applicable laws.

**D.** This MOA is one of a series of MOAs developed under the BSEE/USCG MOU “Regarding Continued Partnership to Ensure Safety and Environmental Protection on the U.S. OCS,” effective on 13 December 2023. Nothing herein is intended to affect the implementation or administration of other MOAs in the series.

**E.** Nothing in this Agreement may be construed to obligate the USCG, BSEE, or the United States to any current or future expenditure of resources in advance or in excess of the availability of appropriations from Congress. Nor does this Agreement obligate the USCG, BSEE, or the United States to spend funds on any particular project or purpose, even if the funds are available.

**F.** This Agreement does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

**24. FREEDOM OF INFORMATION ACT.** In the event the participating agencies receive Freedom of Information Act (5 USC § 552) requests for records related to the subject of this Agreement, the agency receiving the request will: (a) consult with the other agency before releasing any responsive records to the requester when the other agency has a substantial interest in the responsive records; and (b) refer the responsive records request to the other for processing when the responsive records originated with the other Party.

**25. POINTS OF CONTACT.** This agreement will be administered by BSEE's Oil Spill Preparedness Division (OSPD) and the USCG Office of Marine Environmental Response Policy Commandant (CG-MER).

Annex 2 lists points of contact for implementation of this agreement. The list of points of contact may be updated as needed by mutual written agreement. Any updates to Annex 2 will not constitute material changes to this agreement and will be incorporated herein for all purposes. Version date should be included on any updated Annex 2.

**26. EFFECTIVE DATE.** This agreement is effective upon acceptance by both agencies as indicated by the signatures below.

**27. MODIFICATION, REVIEW, EXPIRATION, AND CANCELLATION.**

**A. Modification:** Either of the participating agencies to this Agreement may propose modifications by submitting them in writing to the other agency. No modification will be adopted except with the consent of both participating agencies. The participating agencies will indicate their consent to or disagreement with any proposed modification within 60 calendar days of receipt of the proposed modifications. Upon the request of either participating agency, representatives of both participating agencies will meet for the purpose of considering modifications to this agreement.

**B. Review:** The participating agencies agree to review this Agreement every five years. One year before the date of this required review, the participating agencies will meet to discuss the need for revisions. If any revisions are deemed necessary, then the participating agencies will follow their respective standard processes for drafting and negotiating a revised agreement. If no revisions are deemed necessary, then Annex 3: Update History will be revised to reflect the date that the Agreement was reviewed and that no changes were made. Revisions to the Annex 3: Update History are considered non-substantive edits.

**C. Expiration:** This MOA will terminate 10 years from its effective date. However, both participating agencies may decide by mutual agreement to extend this MOA for another 10 years following that determination.

**D. Cancellation:** This Agreement may be cancelled by either participating agency upon 60-day written notice to the other participating agency.



**Approved By:**

 Digitally signed by ERIC MILLER  
Date: 2025.02.13 20:19:20 -05'00'

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Mr. Eric J. Miller  
Deputy Assistant Director, OSPD  
Bureau of Safety & Environmental Enforcement  
U.S. Department of the Interior

 Digitally signed by WIRTH.TRACY.L.1240645838  
Date: 2025.02.13 15:33:05 -05'00'

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Trey L. Wirth  
Captain  
Chief, CG-MER  
U.S. Coast Guard

## ANNEX 1

### TERMS AND DEFINITIONS<sup>7</sup>

#### Functions

- Planning – Federal oversight and authority to approve response plans, prepared and submitted by industry, for oil and hazardous substance discharges from offshore facilities and vessels regulated under OPA 90. Federal review ensures the plan holders' capability of responding to a worst-case discharge, and to a substantial threat of such a discharge, of oil or a hazardous substance. These response plans are required to be consistent with applicable Area Contingency Plans.
- Preparedness – Federal oversight and initiation of unannounced oil spill drills, oil discharge response and subsea containment equipment inspection, and spill management team and oil spill removal organization training monitoring.
- Response – Includes all actions taken to control, contain, remove, and dispose of oil discharges as well as associated enforcement activities.
- Source Control – Actions taken by an agency with regulatory authority over specific offshore facilities, offshore pipelines, or vessels, to reduce or eliminate the continued discharge of oil. This includes addressing an uncontrolled flow of geologic formation or other fluids, whether as a result of an underground or surface blowout, a flow through a diverter, or an uncontrolled flow resulting from a failure of surface or subsurface equipment or procedures.

#### Facility Types

- Co-Located Use Facility – An offshore facility (e.g., production platform) simultaneously used for the purpose for which it was designed as well as another use (e.g., liquified natural gas off-loading system or renewable energy system).
- Fixed Facility – A bottom founded facility permanently attached to the seabed or subsoil of the OCS, including platforms, guyed towers, articulated gravity platforms, or other structures. This definition includes gravel and ice islands and caisson-retained islands used in OCS activities for drilling, production, or both.
- Floating Facility – A buoyant facility securely and substantially moored so that it cannot be moved without a special effort. This term includes tension leg platforms, spars, semi-submersibles, and shipshape hulls.
- FPSOs/FPSs/FSOs – Floating production, storage, and offloading (FPSO)/Floating Production Systems (FPSs)/Floating storage and offloading (FSO) or other similar facilities.
- MODUs – Mobile Offshore Drilling Units: vessels capable of engaging in drilling operations for exploring or exploiting subsea oil, gas, or other mineral resources.
- Offshore Renewable Energy Installations – An offshore facility that produces, or supports the production, transportation, or transmission of energy from non-mineral energy sources (other than oil and gas) located on the OCS (43 USC § 1337(p)(1)(C)).
- Other Offshore Facilities – Facilities that are not used for exploration, production, or transportation of oil, but are defined under OPA 90 as offshore facilities because they contain oil or petroleum products, excluding Offshore Renewable Energy Installations.
- Pipelines – The piping, risers, and appurtenances installed seaward of the coast line for transporting oil, gas, sulphur, and produced waters. This includes both lease term and right-of-way pipelines regulated by BSEE and the PHMSA.

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<sup>7</sup> These terms and definitions apply to this Agreement only. The definitions in applicable statutes and regulations will govern if these definitions are inconsistent with statutes or regulations.

## ANNEX 2

### COMMUNICATIONS AND CONTACTS

#### Agency National Offices

1. BSEE  
Mr. Eric J. Miller  
Deputy Assistant Director for Oil Spill Preparedness  
Oil Spill Preparedness Division (OSPD)  
Bureau of Safety and Environmental Enforcement  
45600 Woodland Road, VAE-OSPD  
Sterling, Virginia 20166  
(703) 787-1569
  
2. USCG  
CAPT Trey L. Wirth  
Chief – Office of Marine Environmental Response Policy (CG-MER)  
U.S. Coast Guard Headquarters  
2703 Martin Luther King Jr Ave SE Stop 7516  
Washington, DC 20593-7516  
(202) 372-2234

#### Regional Offices and District Offices

1. BSEE
  - a. BSEE Oil Spill Preparedness Division  
Alaska Section  
Senior Preparedness Analyst  
3801 Centerpoint Drive, Suite 500 – AE 500  
Anchorage, Alaska 99503-5820
  
  - b. BSEE Oil Spill Preparedness Division  
Atlantic Section  
Senior Preparedness Analyst  
45600 Woodland Rd.  
Sterling, Virginia 20166
  
  - c. BSEE Oil Spill Preparedness Division  
Gulf of America Section  
Section Supervisor  
1201 Elmwood Park Boulevard – GE 250G  
New Orleans, Louisiana 70123
  
  - d. BSEE Oil Spill Preparedness Division  
Pacific Section  
Senior Preparedness Analyst  
770 Paseo Camarillo, 2<sup>nd</sup> Floor – CE 215  
Camarillo, California 93010

2. USCG
  - a. First Coast Guard District  
Incident Management and Preparedness Advisor  
408 Atlantic Avenue  
Boston, Massachusetts 02110
  - b. Fifth Coast Guard District  
Incident Management and Preparedness Advisor  
431 Crawford Street  
Portsmouth, Virginia 23704
  - c. Seventh Coast Guard District  
Incident Management and Preparedness Advisor  
909 Brickell Plaza #510  
Miami, Florida 33131
  - d. Eighth Coast Guard District  
Incident Management and Preparedness Advisor  
500 Poydras Street  
New Orleans, Louisiana 70130-3396
  - e. Eleventh Coast Guard District  
Incident Management and Preparedness Advisor  
Coast Guard Island, Building 51-1  
Alameda, California 94501-5100
  - f. Thirteenth Coast Guard District  
Incident Management and Preparedness Advisor  
Jackson Federal Building  
915 2nd Avenue  
Seattle, Washington 98174
  - g. Fourteenth Coast Guard District  
Incident Management and Preparedness Advisor  
300 Ala Moana Blvd, Room 9-204  
Honolulu, Hawaii 96850-4982
  - h. Seventeenth Coast Guard District  
Incident Management and Preparedness Advisor  
Juneau Federal Bldg. Room 661  
709 W. 9th St.  
Juneau, Alaska 99802-5517

3. Other Relevant Offices
  - a. National Strike Force Coordination Center (NSFCC)  
NSFCC Operations Department  
1461 N. Road St (US 17N)  
Elizabeth City, North Carolina 27909-3241
  - b. USCG Research & Development Center (RDC)  
1 Chelsea St.  
New London, Connecticut 06320-5506

### **ANNEX 3**

#### **UPDATE HISTORY**

This Agreement was initially approved on April 3, 2012.

This Agreement was first revised on January 18, 2017.