MEMORANDA 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: April 3, 2012

SUBJECT: OIL DISCHARGE PLANNING, PREPAREDNESS, AND RESPONSE

A. PURPOSE

The purpose of this Memorandum of Agreement (MOA) is to clarify the roles and responsibilities of the Bureau of Safety and Environmental Enforcement (BSEE) and the U.S. Coast Guard (USCG) for oil discharge research, planning, preparedness, response, and abatement activities for any artificial island, installation, pipeline, or other device permanently or temporarily attached to the seabed seaward of the coastline[1] (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 subject to this MOA 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, located in state and federal waters seaward of the coastline.

This MOA:

- Replaces MMS (BSEE)/USCG MOA OCS-03 (Oil Discharge Planning, Preparedness, and Response), effective 23 May 2007, and
- Updates the following portions of MMS (BSEE)/USCG MOA OCS-01 (Agency Responsibilities), effective 30 September 2004:
    - Section C. 1. (Communications and Contacts), for purposes of this MOA.
    - Section C. 4. (Oil Spill Preparedness and Response Planning), and
    - Section C. 5. (Oil Spill Response)

Implementation of this MOA will be in accordance with the MMS (BSEE)/USCG Memorandum of Understanding (MOU) (interagency consistency in the regulation of the Outer Continental Shelf (OCS), effective 30 September 2004, Section J (Memorandum of Agreements – Development and Implementation). The participating agencies will review their internal procedures and, where appropriate, revise them to accommodate the provisions of this MOA.

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[1] Pub. Law 99-272 § 8005(c) (May 22, 1953) as amended, codified 43 USC § 1301 (c); see also, "Memorandum of Understanding Establishing Jurisdictional Responsibilities for Offshore Facilities," 59 Fed. Reg. 9494 (Feb. 28, 1994).

B. STATUTORY AUTHORITIES

The USCG enters this agreement under the authority of: 14 USC (U.S. Code) §§ 93(a)(20), 141; 43 USC §§ 1347, 1348(a) - the Outer Continental Shelf Lands Act (OCSLA), as amended, 43 USC §§ 1331 *et seq.*; 33 USC § 2712(a)(5)(A) – the Oil Pollution Act of 1990); 33 USC §1321- the Federal Water Pollution Control Act, also known as Section 311 of the Clean Water Act; and Executive Order 12777. Applicable USCG regulations are found under parts of Titles 33 (Navigation and Navigable Waters and 46 (Shipping) of the CFR, as well as under the National Contingency Plan, 40 CFR Part 300.

The BSEE enters into this agreement in accordance with delegated legal authorities including: the Oil Pollution Act of 1990, 33 USC § 1321- the Federal Water Pollution Control Act, also known as Section 311 of the Clean Water Act; Executive Order 12777; Title 30 (Mineral Resources) of the CFR; Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended and supplemented (30 USC §§ 181-287); the Mineral Leasing Act for Acquired Lands, as amended (30 USC §§ 351-359); the OCSLA, as amended (43 USC §§ 1331 *et seq.*); and the Clean Air Act (42 USC §§ 7401, *et seq.*).

C. JURISDICTION

The BSEE, within the U.S. Department of the Interior (DOI), is responsible for the development, oversight, and enforcement of safety and environmental standards for offshore energy and mineral operations. Under the OPA, BSEE is responsible for federal oversight of oil discharge planning and preparedness activities for regulated facilities located in both state and federal offshore waters. The geographic boundaries for these activities include the area extending seaward of the coastline, and encompass all offshore waters. These responsibilities include review and approval of Oil Spill Response Plans (OSRP), inspections of offshore oil spill response equipment, and unannounced exercises to test plan holder readiness.

The USCG serves as the pre-designated Federal On-Scene Coordinator (FOSC) for oil and hazardous substance pollution incidents that occur, or have the potential to occur, within the coastal zone of the U.S., as defined in 40 CFR 300. The USCG FOSC must respond to, investigate, and ensure effective and immediate removal action for any oil or hazardous substance release regardless of its source (except hazardous substance releases from Department of Defense facilities). The Coast Guard leads oil spill planning efforts for the coastal zone at the Regional Response Team (RRT) and local Area Committee levels with the whole of community to identify, assess and verify threats (spill potential), risk of harm to waters, shoreline and natural resources, and strategies necessary to mitigate the threats, minimize the risk and respond to and recover from an incident or event should it occur.

In the event of an oil discharge or substantial threat of an oil discharge from an offshore facility seaward of the coastline, BSEE has primary responsibility for monitoring and directing all efforts related to securing the source of the discharge and reestablishing source control. The Coast Guard has primary responsibility for directing and monitoring all response efforts with regard to removal of a discharge, and mitigation or prevention of a substantial threat of a discharge, of oil into or on the navigable waters, adjoining shorelines, the exclusive economic zone or that may affect U.S. natural resources. The Coast Guard will have primary responsibility for recovering oil discharged, and for mitigating adverse impacts from the discharge. While recognizing each agency has separate authorities and responsibilities for preparedness, the USCG and BSEE will coordinate execution of these responsibilities as closely as possible.

D. USCG AND BSEE FUNCTIONS

For purposes of this MOA, the functions of USCG and BSEE with respect to oil discharge and substantial threats of such discharges associated with different types of facilities in state and federal offshore waters are set forth below. This table does not alter either agency's statutory 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.

USCG and BSEE Functions Table

	Planning[1]	Preparedness[2]	Response[3]	Discharge Abatement[4]
Fixed[a]	BSEE	BSEE	USCG/BSEE(LWC)	BSEE
Floating[b]	BSEE	BSEE	USCG/BSEE(LWC)	BSEE/USCG
Co-located Uses[c]	BSEE/USCG	BSEE/USCG	USCG/BSEE(LWC)	BSEE/USCG
MODUs[d]	BSEE/USCG	BSEE/USCG	USCG/BSEE(LWC)	USCG
FPSOs/FSOs[e]	BSEE/USCG	BSEE/USCG	USCG/BSEE(LWC)	USCG
Shuttle Tankers[f]	USCG	USCG	USCG	USCG
Storage Barges[g]	USCG	USCG	USCG	USCG

Legend

[1] Planning – Authority to approve oil spill response plans, after review for compliance with applicable regulations.

[2] 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.

[3] Response – Includes all action taken to control, contain, and clean up oil discharges.
LWC - Loss of well control.

[4] Discharge Abatement – A subcategory of "Response" that focuses on actions taken to reduce and/or eliminate the continued discharge of oil. Abatement, as used in this MOA, does not refer to pursuit of judicial relief delegated to the Attorney General under Executive Order 12777.

Definitions

[a] Fixed – Fixed Facility; A bottom founded facility permanently or temporarily attached to the seabed or subsoil seaward of the U.S. coastline, 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.

[b] Floating – 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.

[c] Co-located Uses – Simultaneous use of a facility for the purpose for which it was designed as well as another use provided for by regulation.

[d] MODUs – Mobile offshore drilling units; Vessels capable of engaging in drilling operations for exploring or exploiting subsea oil, gas, or other mineral resources.

[e] FPSOs/FSOs – Floating, production, storage, offloading (FPSO)/Floating, storage, offloading (FSO) or other similar facilities.

[f] Shuttle Tankers – Cargo ships designed to carry crude oil in bulk on short trips traveling back and forth between two points.

[g] Storage barge – Any non-self propelled watercraft that is principally used for storage of bulk cargoes and not principally used for waterborne transportation purposes.

E. AGENCY RESPONSIBILITIES

1. COMMUNICATIONS AND CONTACTS

Agency staff responsible for implementation and maintenance of this MOA and attendant National policy matters are:

a. Agency staff responsible for implementation and maintenance of this MOA and attendant National policy matters are:

1. BSEE
   Chief – Oil Spill Response Division
   Bureau of Safety and Environmental Enforcement
   381 Elden Street – HE 3327
   Herndon, Virginia 20170

2. USCG
   Chief – Office of Incident Management and Preparedness (CG-533)
   U.S. Coast Guard Headquarters
   2100 2nd Street, S.W.
   Washington, D.C. 20593

b. Agency staffs that are responsible for field coordination of oil discharge planning, preparedness, response, and abatement activities are:

1. BSEE Oil Spill Response Division
   Gulf of Mexico Region Branch (Covers both Gulf of Mexico and Atlantic areas)
   Supervisor
   1201 Elmwood Park Boulevard
   New Orleans, Louisiana 70123

   BSEE Oil Spill Response Division
   Pacific Region Unit
   Senior Analyst
   770 Paseo Camarillo, 2nd Floor – CE 215
   Camarillo, California 93010

BSEE Oil Spill Response Division
Alaska Region Unit
Senior Analyst
3801 Centerpoint Drive, Suite 500 – AE 500
Anchorage, Alaska 99503-5820

2. USCG
Eighth Coast Guard District
District Response Management
Environmental Specialist and Regional Response Team Coordinator
500 Poydras Street
New Orleans, Louisiana 70130-3396

Eleventh Coast Guard District
Contingency Planning Branch
Oil and HAZMAT Group Supervisor
Coast Guard Island, Building 51-1
Alameda, California 94501-5100

Seventeenth Coast Guard District
District Response Management
Juneau Federal Bldg. Room 661
709 W. 9th St.
Juneau, Alaska 99802-5517

National Strike Force Coordination Center (NSFCC)
NSFCC Operations Department
1461 N. Road St (US 17N)
Elizabeth City, North Carolina 27909-3241

The participating agencies will identify in writing representatives and contact information for the purposes of keeping each other informed of issues, relevant applications, routine policy determinations, and to coordinate joint activities. For the USCG, the Office of Incident Management and Preparedness (CG-533) is responsible for identifying headquarters and district representatives. For BSEE, the Oil Spill Response Division (OSRD) is responsible for identifying appropriate headquarters and regional representatives.

2. Regional response teams (RRT) and Area Committees (AC)

Regional Response Teams (RRT) support FOSCs and are a focal point for interagency contingency planning, providing detailed information on response procedures, priorities, and appropriate countermeasures. Regional Contingency Plans (RCP) are written by RRTs and establish overarching response strategies for their region, such as the use of alternative countermeasures. RRTs are co-chaired by the Environmental Protection Agency (EPA) and USCG.

BSEE will participate in RRTs in Regions that include facilities in their boundaries and, at scheduled RRT meetings will, as appropriate, provide updates on agency activities affecting oil spill research, planning, preparedness, containment, and response, to keep RRT members informed.

Area Committees are a focal point of contingency planning, providing detailed information on response procedures, priorities, and appropriate countermeasures. Area Committee (AC), as provided for by Clean Water Act sections 311(a)(18) and (j)(4), means the entity appointed by the President

consisting of members selected from qualified personnel of federal, state, and local agencies with responsibilities that include preparing an area contingency plan for an area designated by the President. Area Contingency Plans (ACPs) are developed by ACs, which are comprised of personnel from government agencies and industry with pollution responsibilities and capabilities. The committees are chaired by the FOSC from the USCG, who has the lead federal spill response authority for the planning area in the coastal zone. FOSCs that have covered facilities in their area of responsibility shall endeavor to create an offshore subcommittee within their AC.

The BSEE will provide regional staff to serve as Chair for each offshore subcommittee. Staff of the BSEE will, to the maximum extent practicable and subject to the availability of appropriated funds, participate in AC meetings and actively support development and maintenance of portions of the ACP directly related to spills from regulated offshore facilities and ensure increased visibility of Worst Case Discharge (WCD) scenarios for offshore facilities.

Every six months BSEE staff will prepare and submit a report to the USCG, sorted by Captain of the Port (COTP) zone that reflects the WCD volumes for all scenarios in Oil Spill Response Plans (OSRPs). USCG COTPs will rely upon BSEE WCD reports in order to reflect the highest WCD volumes in ACPs and to revise plan response strategies as appropriate.

3. Oil Spill Response Plans

The final rule governing oil spill response plans (OSRPs) and related requirements for facilities located seaward of the coast line, including those located in both state and federal waters, became effective June 23, 1997.[2] The regulation, 30 CFR Part 254, whose authority is derived from OPA 90 and Executive Order 12777, requires that owners and operators of oil handling, storage, and transportation facilities that are located seaward of the coast line submit spill response plans to BSEE for approval and that they be periodically updated. The OSRPs are reviewed to ensure consistency with the National Contingency Plan (NCP) and local ACPs. This regulation does not cover vessels in navigation, but may include vessels permanently or temporarily attached to the seabed of the OCS. Clarification of BSEE OSRP requirements can be found in applicable Notices to Lessees located on BSEE web sites (www.BSEE.gov).

Digital copies of BSEE-approved regional, sub-regional, and site-specific OSRPs are maintained at the GOM Region Branch, Pacific Region Unit, and Alaska Region Unit offices in New Orleans, Louisiana; Camarillo, California; and Anchorage, Alaska, respectively.

The BSEE will notify and provide the USCG with access to digital copies of OSRPs consistent with established procedures and will incorporate USCG suggested revisions to plans, to the extent practicable. The subset of OSRPs that will prompt USCG notification and review include: a) initial plans for operations in state and/or federal offshore waters; b) plans that have been revised to reflect an increase to the highest volume WCD scenario contained in the plan, or c) plans that have been revised to reflect a decrease in oil spill removal organization and/or response capabilities for the highest volume worst case scenario. BSEE will apply subset review criteria to OSRPs residing within each USCG Captain of the Port area of responsibility.

The BSEE decision making processes may be critically informed by information provided by the USCG based on expertise gained during its role as the legally designated FOSC and approval authority for national response system oil spill contingency plans. The USCG may choose to review select information in OSRPs and provide BSEE with comments on those response plans consistent

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[2] 62 Fed. Reg. 13,996 (March 25, 1997).

with BSEE established procedures and internal review timelines. BSEE will, as determined appropriate by the BSEE reviewer, communicate any USCG comments to the plan submitter and request modification of the plan prior to approval. The Coast Guard will also ensure that the WCD information contained in the OSRPs is consistent with those in the relevant RCPs and ACPs. Notwithstanding the foregoing, nothing in this MOA is intended to alter BSSE's legal authority with respect to review and approval of OSRPs for offshore facilities.

4. National Preparedness for Response Exercise Program (PREP)

The National Preparedness for Response Exercise Program (PREP) was developed to establish a workable exercise program which meets the intent of OPA 90 (Pub. Law 101-380, § 4202 (January 23, 1990), 33 USC 1321 (j)(7) ("Area Drills")). The PREP was developed to provide a mechanism for compliance with the exercise and training requirements, while being economically feasible for the Government and industry to adopt and sustain. The PREP is administered by the USCG; EPA; Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS) of the DOT; and BSEE.

The BSEE will designate a representative to serve on the PREP National Schedule Coordinating Committee, which is chaired by the USCG, to assist in development of national triennial exercise schedules; review and modify PREP guidelines, as necessary; and participate in periodic public meetings on the PREP. The representative will also assist the other PREP agencies in reviewing and making recommendations on formal requests to receive exercise credit as proven through documentation on responses to an actual spill event.

5. Unannounced Drills

The goals of interagency drill coordination are to facilitate and coordinate participation in exercises to improve understanding of OSRPs, train toward more efficient spill response, and identify and reduce response planning gaps. Additional goals are to avoid conflicts in Agency activities, prevent duplication of response exercise efforts, and optimize exercise training opportunities for agency personnel.

The BSEE conducts approximately 40 unannounced oil spill response drills annually on offshore facilities. Drills may include a table top component as well as equipment deployment. BSEE region staff will provide the appropriate FOSC reasonable advance notification of scheduled unannounced BSEE-led drills. FOSCs should participate in at least one BSEE-initiated unannounced exercise annually, preferably a complex table top exercise that involves deployment of major response assets.

The USCG FOSC will advise the appropriate OSRD region branch/unit staff two months in advance of USCG-led spill response exercises, drills, or activities involving facilities. Participation in USCG drills and exercises by BSEE staff will be at the discretion of the BSEE OSRD Chief.

6. Equipment Inspections

The BSEE jurisdiction includes the inspection of all oil discharge response and subsea containment equipment that is cited in BSEE-approved OSRPs and applications for permits to drill, which will be used in the event of an oil discharge from a BSEE-regulated facility. Inspection is authorized by OCSLA[3] and equipment inspections are unannounced and conducted by BSEE in order to verify compliance with 30 CFR 254.43 (a) and (b) (lessee inspection of response equipment and recordkeeping). The inspections encompass areas of equipment availability, operational readiness, equipment maintenance, and recordkeeping. Types of equipment inspected may include but are not

[3] 43 USC §§ 1337(p)(4), 1348(b)(3).

limited to, boom, fire boom, skimmers, pumps, hoses, storage tanks, vessels, barges, 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 that entail the inspection of oil spill response equipment within a defined area where a PREP exercise will be held. Inspections occur approximately three months prior to the planned exercise, with inspection planning taking place approximately six months prior to the exercise.

Each agency will provide reasonable advance notification of planned equipment inspections to attempt, to the greatest extent possible, to 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 removal equipment inspections to ensure compliance with its own requirements. If an inspector notices deficiencies that fall within the responsibility of the other agency, the deficiency will be reported 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 to the responsible agency.

The NSFCC maintains the Response Resource Inventory database. The BSEE, to the extent practicable, will assist the USCG with verifying that off-shore response and containment equipment is accurately captured within the database for equipment listed in OSRPs and subject to inspection.

7. Oil Spill Response Training

BSEE is responsible for ensuring that OSRPs include sufficient evidence that staffs of oil spill removal organizations (OSROs), spill response operating teams, and oil spill response cooperatives 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 operational readiness.

8. Spill Management Team Training

Owners or operators of offshore facilities have dedicated spill management teams (SMTs) as described in their OSRP, organizations that are capable of orchestrating an effective, sustained response to a WCD from their facilities. Members of the SMT must undergo annual training and participate in table-top 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 to provide input for continual improvement of the team and make members aware of any new agency requirements or clarifications of existing requirements.

9. Oil Discharge Reporting

The FWPCA 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 provides notification to the appropriate agencies and State offices. The USCG will develop and maintain computer programs that, based upon the needs of BSEE, provide daily digital downloads of data related to offshore spills to BSEE, at no charge.

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).

10. Oil Discharge Response

The USCG provides pre-designated FOSCs in accordance with the NCP for the coastal zone. Each USCG District identified in this MOA will provide up-to-date FOSC listings to the corresponding regional OSRD contacts.

The USCG FOSC has the authority to direct Federal, State, and private actions. A primary duty of the FOSC during oil discharge events is to ensure that the response is swift and safe, and that impacts to the environment are minimized. To do this the FOSC serves as a coordinator of responsible party (RP), government, and private actions and interests and is encouraged to work closely with the RP and BSEE in developing appropriate response strategies.

The BSEE, upon request from the FOSC or as dictated by exigencies of the type of discharge incident, will provide engineering, technical, and scientific expertise to support responses to reportable oil discharges from offshore facilities. Assistance may include remote help such as identification of RPs using BSEE regional databases and mapping programs, or on-site help at Joint Field Offices or Unified Command Posts. In cooperation with the FOSC, BSEE may deploy Regional and/or District engineering, scientific, or technical staff to support the response and participate in USCG over flights to assist assessing damage to offshore facilities.

The USCG will deploy personnel to integrate into the BSEE Incident Management Team whenever it is activated during emergencies (e.g. hurricanes in the Gulf of Mexico) involving offshore energy infrastructure. 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 oil discharges greater than 50 barrels, whenever requested by BSEE, the FOSC will provide BSEE with documentation generated during a response from an offshore facility, for the purpose of validating the response activities per the appropriate ACP, RCP, and BSEE-approved OSRP. The FOSC may also invite the BSEE to participate in critiques of a response and may make recommendations for revisions to the OSRP or other response plans.

11. Discharge Abatement and Production Resumption

The RS or designated individual will direct measures to abate (stop and/or minimize) sources of pollution from regulated offshore facilities to ensure minimal release of oil and to prevent unwarranted shutdown of unaffected production and pipeline systems. However, if an oil discharge poses a serious threat to public health, welfare, or the environment, in accordance with Public Law 101-380 (OPA) Sec. 4201, the FOSC may take action for effective and immediate removal of a discharge and to ensure mitigation or prevention of a substantial threat of a discharge of oil. The FOSC should notify the BSEE RS as soon as possible thereafter.

Following facility and system repairs, as approved by BSEE, or the determination that the shut-in facility is not the source of a reported oil discharge, BSEE will authorize the return of a regulated facility to operation. All necessary precautions will be taken by BSEE to ensure verification of system integrity prior to resumption of production operations.

12. Pollution Events Data Bases

The USCG maintains a database that includes information on all oil discharges that impact the coastal zone. This database, called MISLE (Marine Information for Safety and Law Enforcement), serves as

the primary system for tracking resource hours, maintaining vessel and facility regulatory and incident histories, and conducting vessel and facility inspections.

The BSEE maintains a detailed database on offshore incidents, oil discharges, and enforcement actions. Unclassified data from the database, referred to as TIMS (Technical Information Management System), is made available to the public on the BSEE web site.

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, and will share digital information on offshore operators and oil discharges in order to improve offshore safety performance, and dissemination of data for public consumption.

13. 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 FWPCA. 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, the BSEE will provide the USCG with available information on the affected facility and/or RP.

Should the USCG complete an enforcement/compliance action against a person engaged in operations on a BSEE-regulated facility for an oil discharge or substantial threat of discharge, the USCG shall notify BSEE and the OSRD of the type of action taken. The USCG will also provide the cause for such action, and any additional information that BSEE should be aware of when analyzing aggregate operational and safety records of the RP during periodic operator assessments.

Should the BSEE pursue an enforcement/compliance action against a person engaged in operations on offshore facilities, the USCG will provide BSEE with available information on the affected facility and/or RP, and as otherwise consistent with BSEE/USCG MOA OCS-02 (Civil Penalties). Matters where input from the USCG is warranted include those when a person 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, or deviated from BSEE-approved OSRPs during response to a discharge event.

14. INTER-AGENCY TRAINING

The BSEE OSRD oversees Ohmsett – The National Oil Spill Response and Renewable Energy Test Facility in Leonardo, New Jersey. Operations at the facility include the testing of existing mechanical equipment such as booms and skimmers, prototypes of new response equipment, oil dispersants, and in-situ burn equipment and protocol. Additionally, Ohmsett is the site of both classroom and hands-on tank instruction on the use of oil discharge response equipment. The 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. The 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.

15. Research and Development (R&D)

BSEE conducts research on oil spill planning, preparedness, and response through the Response Research Unit of the OSRD. The USCG conducts research on oil spill planning and preparedness through the USCG Research and Development Center. The USCG and BSEE will coordinate research activities in partnership or through the Inter-agency Coordinating Committee on Oil Pollution Research. BSEE and USCG will collaborate, to the maximum extent practicable, in identifying research priorities, co-funding projects, and sharing information and best practices.

E. General Provisions

Nothing in this MOA alters, amends, or affects in any way, the statutory or regulatory authority of the BSEE or the USCG. This MOA cannot be used to obligate or commit funds, or as the basis for the transfer of funds. All provisions in this MOA are subject to the availability of personnel and funds. This MOA is not intended to, nor does it, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by any person or party against the U.S., its agencies, its officers, or any other person. This MOA neither expands nor is in derogation of those powers and authorities vested in the participating agencies by applicable law. It is the intent of the parties that the MOA remain in force even if a portion of it is determined to be unlawful, provided the remaining portion can be read coherently and understood.

F. Reporting Documentation

No follow-up reports or documentation of actions are required as a result of this MOA.

G. Amendments to the MOA

This MOA may be amended by mutual agreement of the participating agencies as described in Section P, of the MMS (BSEE)/USCG MOU dated 30 September 2004.

H. Effective Date

The terms of this agreement become effective upon signature by both parties.

I. Termination

The MOA may be terminated by either agency upon a 30-day advance written notification.

Signed on 3 April 2012, U.S. Department of the Interior, Main Interior Building, Washington, D.C.

Margaret N. Schneider
Deputy Director
Bureau of Safety and Environmental Enforcement
U.S. Department of the Interior

Cari B. Thomas
Rear Admiral, U. S. Coast Guard
Director of Response Policy
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bc: BSEE Gen. File

Official File
OSRD Chron. File
Chief, OSRD
SOL/DMR
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