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Non-Energy Legal Framework

Regulations governing non-energy mineral prospecting, leasing, and production are in 30 CFR Part 280 (prospecting), Part 281 (leasing), and Part 282 (production). The Part 281 regulations were modified in 1994 to allow non-competitive leasing of sand, gravel, and shell material for certain types of public works projects under [Public Law 103-426](#).

The **Outer Continental Shelf Lands Act (OCSLA)** (43 U.S.C. 1331, et. seq.) provides the authority to manage minerals on the OCS. The DOI's jurisdiction for leasing and regulating the recovery of minerals extends to the subsoil and seabed of all submerged lands seaward of State-owned waters to the limits of the OCS (except where this may be modified by international law or convention or affected by the Presidential Proclamation of March 10, 1983, regarding the Exclusive Economic Zone (EEZ)). The OCSLA does not authorize BOEM to issue prospecting permits or leases to private interests in the EEZ of a commonwealth or territory of the United States.

Public Law 103-426 (43 U.S.C. 1337(k)(2)), allows the Bureau to negotiate, on a noncompetitive basis, the rights to OCS sand, gravel, or shell resources for shore protection, beach or wetlands restoration projects, or for use in construction projects funded in whole or part by or authorized by the Federal Government. A 1999 amendment to the law prohibited BOEM from charging federal, state and local government agencies a fee for using OCS sand. For all other uses, such as private use for commercial construction material, a competitive bidding process is required for issuing leases under **Section 8(k) of the OCSLA**.

Prospecting, Research and Commercial Purposes (Competitive Lease Agreements)

- **30 CFR Part 580, 581 and 582:** Prospecting, Leasing and Operation in the outer Continental Shelf for Minerals Other than Oil, Gas, and Sulfur on the Outer Continental Shelf