

Briefing Paper Departmental Clearance

Title of Document: Negotiated Noncompetitive Agreements for the Use of Sand, Gravel and Shell Resources on the Outer Continental Shelf

RIN, if applicable: 1010-AD90

Popular Short Name, if applicable:

Summary (Clearly and very briefly explain what the document does and, if applicable, where the subject of the document is located):

BOEM proposes to create a new part 583 of the Code of Federal Regulations by this rulemaking to address the use of OCS sand, gravel and shell resources for its marine minerals program.

Is timing critical? Yes No

If yes, date the document must publish or other action must occur: **Click drop down arrow to enter a date.**

What is driving the timing?

What happens if the deadline is missed?

Background: *[Briefly provide any background information, in understandable language, that will help a reader quickly understand what the document is trying to do and why, along with additional information that is useful. Assume the reader knows little about the subject matter. Minimize use of acronyms or abbreviations and do not use them at all unless they are clearly defined. Is the document a high-profile, litigated matter?]*

This final rule creates a new part 583 in Title 30 of the Code of Federal Regulations (CFR) to address the use of Outer Continental Shelf (OCS) sand, gravel and shell resources for shore protection, beach restoration, or coastal wetlands restoration projects by Federal, State or local government agencies, or for use in construction projects authorized by or funded in whole or in part by the Federal Government. The final rule describes the negotiated noncompetitive agreement process for qualifying projects and codifies new and existing procedures.

BUREAU PERSPECTIVE: BOEM has been exercising statutory authority regarding OCS sand, gravel and shell resources under the Act pursuant to written guidelines, without the benefit of implementing regulations. Over fifty noncompetitive agreements have been negotiated, providing for the use of more than 100 million cubic yards of OCS sand, gravel and shell resources for shore protection, beach restoration, or coastal wetlands restoration undertaken by a Federal, State or local government agency, and for federally authorized or funded construction projects. BOEM believes that the promulgation of regulations at this time is advisable in order to provide additional clarity and certainty and to help ensure continuity of the Marine Minerals Program.

Issues: *[Controversial? What are the significant issues, who will care, and how strongly will they care?]*

This is a longstanding popular program beneficial to many states and local communities. No controversy is expected. OMB has determined that this rule is not economically significant. An economic regulatory impact analysis is not required. This rule formalizes existing policies and procedures that govern the use of OCS sand, gravel, and/or shell resources. This regulation does not have tribal implications and it does not have substantial and direct effects on federally recognized tribes or any Alaska Native Corporation. BOEM has analyzed this rule under the criteria of the NEPA and determined it does not constitute a major Federal action significantly affecting the quality of the human environment. This rule meets the criteria for a Departmental “categorical exclusion” in that this rule is “. . . of an administrative, financial, legal, technical, or procedural nature”

Communications: We have conducted outreach to stakeholders for this popular program.

Is there an information collection associated with this document? Yes No

If yes, does it have a currently approved OMB Control Number? Yes No

OMB Control Number(s): 1010-0191

Does the document require a new OMB Control Number or a renewal of an existing approval?

If a new number or renewal is required, what is the current status?

If a regulatory action, has it been on a 90-Day List for the current stage? Yes No

If yes, on which 90-Day List did it first appear at the current stage? 3rd Quarter 2016

Did OIRA provide comments or change the significance? Yes No

If yes, summarize comments and resolution.

This approval is to go to the Federal Register for publication. OIRA for review.

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