

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF OCEAN ENERGY MANAGEMENT**

(Insert Appropriate BOEM Office)

**PERMIT FOR GEOPHYSICAL PROSPECTING, AUTHORIZATION FOR NONCOMMERCIAL
GEOPHYSICAL EXPLORATION, OR PERMIT FOR SCIENTIFIC RESEARCH
RELATED TO MINERALS OTHER THAN OIL, GAS, AND SULPHUR
ON THE OUTER CONTINENTAL SHELF**

In consideration of the terms and conditions contained herein and the authorization granted hereby, FORM BOEM-0135 is entered into by and between the United States of America (the Government), acting through the Bureau of Ocean Energy Management (BOEM) of the Department of the Interior (the Department), and

(Your Name)

(Number and Street)

(City, State, and Zip Code)

**PERMIT OR AUTHORIZATION
NUMBER:** _____

(Assigned by BOEM)

DATE: _____

FORM BOEM-0135 is entered into pursuant to the authority of the Outer Continental Shelf Lands Act, as amended, (43 U.S.C. 1331 et seq.), hereinafter called the "Act," and Title 30, Code of Federal Regulations (CFR) Part 580 (Prospecting for Minerals Other Than Oil, Gas, and Sulphur on the Outer Continental Shelf (OCS)), as applicable. You must conduct all activities in compliance with the terms and conditions of this permit or authorization, including the "Stipulations," "Environmental Protective Provisions," and the approved "Application," which are attached to and incorporated into this permit or authorization. You must conduct all geophysical prospecting, noncommercial exploration, or scientific research activities in compliance with the Act, the regulations in 30 CFR Part 580, as applicable, and other applicable statutes and regulations whether such statutes or regulations are enacted, promulgated, issued, or amended before or after this permit is issued or authorization granted.

Certain geophysical activities may cause incidental "taking" of animals under the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.) or the Endangered Species Act (16 U.S.C. 1531 et seq.). Any such incidental taking is not authorized by BOEM, and only the National Marine Fisheries Service or U.S. Fish and Wildlife Service may do so.

Paperwork Reduction Act of 1995 (PRA) Statement: This form refers to information collection requirements contained in 30 CFR Part 580 regulations, as applicable. The Office of Management and Budget (OMB) has approved those reporting requirements under OMB Control Number 1010-0072.

Section I. Authorization

The Government authorizes you (as defined in 30 CFR 580.1) to conduct:

- _____ Geophysical prospecting for mineral resources as defined in 30 CFR 580.1.
- _____ Noncommercial geophysical exploration for sand, gravel, or shell resources for potential use in a beach nourishment, coastal restoration, or federally-funded or constructed projects.
- _____ Geophysical scientific research as defined in 30 CFR 580.1. A permit is required for any geophysical investigation that involves the use of solid or liquid explosives, or to develop data and information for proprietary use or sale.

This authorizes you to conduct the above geophysical activity during the period from

_____ to _____ in the following area(s):
_____.

You shall not conduct any geophysical operation (i.e., active sound source(s)) outside of the authorized area specified herein even if no data is collected or obtained from such operations. Geophysical operations related to minerals shall not be conducted “in-transit” to the authorized area and may only proceed once the survey vessel enters the authorized area. Extensions of the time period specified above must be requested in writing. The initial time period plus any time extensions will be limited to a period of not more than 3 years from the original issuance date. Inspection and reporting of geophysical exploration activities, suspension and cancellation of exploration or scientific research activities under permit or authorization, and penalties and appeals will be carried out in accordance with 30 CFR 580.23 through 580.28, 580.32, and 580.33, as applicable. The authority of the Regional Director, or equivalent, may be delegated to the Regional Supervisor for Resource Evaluation, or equivalent, for the purposes of this permit or authorization.

Section II. Type(s) of Operations and Technique(s)

A. You will employ the following type(s) of operations:

and will use the following instruments and/or technique(s) in such operations:

_____.

- B. You will conduct all activities in compliance with the terms and conditions of this permit or authorization, including the “Stipulations,” “Environmental Protective Provisions,” and the approved “Application,” which are attached to and incorporated into this permit or authorization.
- C. You will conduct all prospecting, noncommercial exploration, or scientific research activities in compliance with the Act, the regulations in 30 CFR 580, as applicable, and other applicable statutes and regulations whether such statutes and regulations are enacted, promulgated, issued, or amended before or after this permit or authorization is issued. Some of the provisions of 30 CFR Part 580, as applicable, are restated in this permit or authorization for emphasis. All provisions of 30 CFR Part 280 apply if this form is issued as a permit.

Section III. Reports on Operations

A. Status Reports

1. In the Gulf of Mexico and Atlantic OCS Regions:

As applicable, you must submit status reports every **two months** in a manner approved or prescribed by the Regional Supervisor, Resource Evaluation or Chief, Marine Minerals Division (here after referred to as Supervisor). The report must include a map of appropriate scale showing geophysical lines, OCS protraction areas, OCS blocks, OCS block numbers, and the Submerged Lands Act boundary (if map scale permits). The map should be a cumulative update for each status report and clearly illustrate planned geophysical lines (one color) and the portion of those lines in which data acquisition has been completed to date (a second color). Please indicate the cumulative total geophysical line miles or blocks of geophysical data acquired. The map should be submitted in digital format as a PDF. ESRI files (gdb-feature classes or shapefiles and metadata) should be provided. All maps and data must be submitted in NAD 83.

2. In the Alaska and Pacific OCS Regions:

Unless specified otherwise, you must submit status reports **weekly** in a manner approved or prescribed by the Supervisor. The report must include a map of appropriate scale showing geophysical lines, OCS protraction areas, OCS blocks, OCS block numbers, and the Submerged Lands Act boundary or other important boundaries as specified by BOEM. The map should be a cumulative update for each status report and clearly illustrate planned geophysical lines (one color) and the portion of those lines in which data acquisition has been completed to date (a second color). The report must show the activity of the source vessel and equipment in use (i.e., no source use, ramp-up, and full acquisition mode). Protected Species Observer (PSO) reports must also be included. Please indicate the cumulative total line geophysical miles or square miles of geophysical data acquired. The map should be submitted in digital format as a PDF. ESRI files (gdb-feature classes or shapefiles and metadata) should be provided. All maps and data must be submitted in NAD 83.

B. Submit a Final Report to the Supervisor within 30 days after the completion of operations. The Final Report is a stand-alone document containing all the pertinent information regarding the permit or authorization. The Final Report must contain the following:

1. In the Gulf of Mexico and Atlantic OCS Regions:

- i. The total number of geophysical line miles or OCS blocks of geophysical data acquired, or the “typical” or average sail miles per block for the survey;
- ii. A *brief* daily log of operations. A suggested format for the daily log of operations would include, but is not limited to, a table that provides the name of the survey, a date column, a column for number of line miles or blocks collected each day, and an operations column. Preferably, the date column would reflect the date in which the vessel begins to transit to the authorized area and end on the date in which the vessel either transits away from the authorized area, or when operations pertinent to the authorized activity are completed. The corresponding operations column would contain a *brief* description of the operations for each day listed in the date column noting activities such as the major work stoppages, no data acquired, and other pertinent activities. This may be submitted as a digital Word document, or as an Excel spreadsheet;
- iii. A PDF or GeoPDF map, and ESRI gdb-feature classes or shapefiles (with metadata) indicating the areal extent of any prospecting, noncommercial exploration, or scientific research activities conducted;
- iv. The start and finish dates on which the actual geophysical prospecting, noncommercial exploration, or scientific research activities were performed;
- v. A narrative summary of any: (a) hydrocarbon slicks or environmental hazards observed, (b) adverse effects of the geophysical prospecting, noncommercial exploration, or scientific research activities on

- the environment, aquatic life, archaeological resources, or other uses of the area in which the activities were conducted, and (c) safety incidents. Include (d) a compilation of all PSO or watch reports as applicable;
- vi. The estimated date on which the processed or interpreted data or information will be available for inspection by BOEM;
 - vii. Digital file containing a *single*, final edited navigational data file (with metadata including datum used). If applicable, shot point locations should be provided in both latitude/longitude degrees and in x, y coordinates. The single navigational file should be in either SEG-P1 or UKOOA P190 format for either two-dimensional or three-dimensional geophysical data. As applicable, two-dimensional seismic data should be decimated to the first, last, and every tenth shot point. As applicable, three-dimensional seismic data should be decimated at every line and first and last common depth point (CDP). A single ESRI shapefile and metadata containing navigational data and another shapefile with locations of any geophysical equipment on the seafloor (i.e., ocean bottom nodes, etc.) should also be submitted if applicable;
 - viii. Identification of the projection and datum, including geocentric ellipsoid (NAD 83) used as a reference for the geophysical data or sample locations; and
 - ix. Such other descriptions of the activities conducted as may be specified by the Supervisor.

2. In the Alaska and Pacific OCS Regions:

- i. The total number of geophysical line miles or square miles for geophysical surveys;
- ii. A PDF map, and ESRI gdb-feature classes or shapefiles (with metadata), indicating the areal extent of any prospecting, noncommercial exploration, or scientific research activities conducted;
- iii. The start and finish dates on which the actual geophysical prospecting, noncommercial exploration, or scientific research activities were performed;
- iv. A narrative summary of any: (a) hydrocarbon slicks or environmental hazards observed, (b) adverse effects of the geophysical prospecting, noncommercial exploration or scientific research activities on the environment, aquatic life, archaeological resources, or other uses of the area in which the activities were conducted, (c) safety incidents, and (d) a compilation of all PSO or watch reports;
- v. The estimated date on which the processed or interpreted data or information will be available for inspection by BOEM;
- vi. Digital file containing a *single*, final edited navigation data file in latitude/longitude degrees, with metadata including datum used. The navigation for geophysical lines should include line name and location for the first, last, and every tenth shot point, as applicable. For 3D geophysical surveys, please submit a navigation file for the acquired track lines that includes the location of the first and last shot point, as applicable, and/or the corner locations for the area acquired. Contact the Supervisor for the specific navigation required for this activity. The digital file is to be formatted in standard SEG-P1, UKOOA P1-90 or other current, standard industry format, coded in ASCII. A printed data listing and a format statement are to be included;
- vii. Identification of the projection and geocentric ellipsoid (NAD 83) used as a reference for the geophysical data or sample locations;
- viii. Such other descriptions of the activities conducted as may be specified by the Supervisor; and
- ix. Digital copy of all weekly reports, including all PSO or watch reports.

Section IV. Submission, Inspection, and Selection of Geophysical Data and Information

- A. You must notify the Supervisor, in writing, when you have completed the initial processing and interpretation of any geophysical data and information collected under permit that involves developing data and information for proprietary use or sale, or under permit or authorization for public distribution and use. If the Supervisor asks if you have further processed or interpreted any geophysical data and information collected under a permit or authorization, you must respond within 30 days. If further processing of the data and information is conducted, you are responsible for keeping the most current interpretative results and products available in the

event the Supervisor requests the current status of data processing. At any time, the Supervisor may request that you submit for inspection and possible retention all or part of the geophysical data, processed geophysical information, and interpreted geophysical information.

- B.** The Supervisor will have the right to inspect and select the geophysical data, processed geophysical information, or interpreted geophysical information. This inspection will be performed on your premises unless the Supervisor requests that you submit the data or information to the Supervisor for inspection. Such submission must be within 30 days following the receipt of the Supervisor's request unless the Supervisor authorizes a later delivery date. If the inspection is done on your premises, you must submit the geophysical data or information selected within 30 days following receipt of the Supervisor's request, unless the Supervisor authorizes a longer period of time for delivery. The data or information requested for inspection or selected by the Supervisor must be submitted regardless of whether you and the Government have or have not concluded an agreement for reimbursement. If the Supervisor decides to retain all or a portion of the geophysical data or information, the Supervisor will notify you, in writing, of this decision.
- C.** In the event that a third party obtains geophysical data, processed geophysical information, or interpreted geophysical information from you, or from another third party, by sale, trade, license agreement, or other means:

 - 1.** The third party recipient of the data and information assumes the obligations under this section except for notification of initial processing and interpretation of the data and information and is subject to the penalty provisions of 30 CFR 580.32-580.33, as applicable, and 30 CFR Part 550, Subpart N (OCS Civil Penalties) as administered by the Bureau of Safety and Environmental Enforcement (BSEE);
 - 2.** You or any third party that sells, trades, licenses, or otherwise provides the data and information to a third party must advise the recipient, in writing, that accepting these obligations is a condition precedent of the sale, trade, license, or other agreement;
 - 3.** Except for license agreements, you or any third party that sells, trades, or otherwise provides data and information to a third party must advise the Supervisor in writing within 30 days of the sale, trade, or other agreement, including the identity of the recipient of the data and information; and
 - 4.** With regard to license agreements, you or any third party that licenses data and information to a third party, within 30 days of a request by the Supervisor, must advise the Supervisor, in writing, of the license agreement, including the identity of the recipient of the data and information.
- D.** Each submission of geophysical data, processed geophysical information, and interpreted geophysical information must contain, unless otherwise specified by the Supervisor, the following:

 - 1.** An accurate and complete record of each geophysical survey conducted under the permit or authorization, including digital navigational data and final location maps of all surveys;
 - 2.** All geophysical data and metadata presented in a format and of a quality suitable for processing;
 - 3.** Processed geophysical information derived from geophysical data with extraneous signals and interference removed, presented in a format and of a quality suitable for interpretive evaluation, reflecting state-of-the-art processing techniques; and
 - 4.** Other geophysical data, processed geophysical information, and interpreted geophysical information obtained from, but not limited to, shallow and deep subbottom profiles, bathymetry, side-scan sonar, gravity, magnetic, and electrical surveys, and special studies such as refraction, shear wave, and velocity surveys. Copy of the processing reports outlining all processing steps and sequences used to prepare the final processed data. This may include position, lay-back, tidal, motion, and other processing or post-processing correction information.

Section V. Reimbursement

- A.** After the delivery of geophysical data, processed geophysical information, and interpreted geophysical information requested by the Supervisor in accordance with subsection IV of this permit or authorization, and upon receipt of a request for reimbursement and a determination by BOEM that the requested reimbursement is proper, BOEM will reimburse you or a third party for the reasonable costs of reproducing the submitted data and information at your, or a third party's, lowest rate or at the lowest commercial rate established in the area, whichever is less.
- B.** If the processing was in a form and manner other than that used in the normal conduct of your business at BOEM's request, BOEM will reimburse you or a third party for the reasonable costs of processing or reprocessing such data. Requests for reimbursement must identify processing costs separate from acquisition costs.
- C.** You or a third party will not be reimbursed for the costs of acquiring or interpreting geophysical information.
- D.** Data and information required under section IV.D.1. of this permit or authorization are not considered to be geophysical data or processed geophysical information and must be provided by you at no cost to the Government.

Section VI. Disclosure of Data and Information to the Public

- A.** BOEM will make data and information submitted by you available in accordance with the requirements and subject to the limitations of the Freedom of Information Act (5 U.S.C. 552) and the implementing regulations (43 CFR Part 2), the requirements of the Act, and regulations in 30 CFR Part 580, as applicable, and those cross-referenced in 30 CFR Part 550 Subpart A and Subpart N (Oil and Gas and Sulphur Operations in the OCS) and 30 CFR Part 552 (OCS Oil and Gas Information Program).
- B.** Except as specified in this section, or Section VIII, or in relevant provisions in 30 CFR Part 580, as applicable, no data or information collected under permit or authorization and determined by BOEM to be exempt from public disclosure under A of this section will be provided to any affected State or be made available to the executive of any affected local government or to the public, unless you or a third party and all persons to whom you sold, traded, or licensed the data or information under promise of confidentiality agree to such an action.

Data and information collected under an authorization that may enable noncompetitive use of OCS sand, gravel, and shell resources in beach nourishment, coastal restoration, or federally-funded or authorized construction projects may be made publicly available at BOEM's discretion. This type of noncommercial exploration must be undertaken by a state or local government agency and or their contractor representatives.

- C.** Geophysical data and processed or interpreted geophysical information submitted under a prospecting permit, and retained by BOEM, will be disclosed as follows:
 - 1.** Except for deep stratigraphic tests, BOEM will make available to the public geophysical data 50 years after the date on which the data are submitted.
 - 2.** Except for deep stratigraphic tests, BOEM will make available to the public processed geophysical information and interpreted geophysical information 25 years after the date on which the information is submitted. It is the policy of BOEM that the "date of submission" of geophysical data or information obtained under prospecting permits will be the date that the BOEM contracting officer or his/her representative signs the contract/delivery order or purchase order to reimburse you for reproduction and, if appropriate, processing of the geophysical information. In the absence of a contract, delivery order, or purchase order, the date of receipt by BOEM is the date of submission.

3. BOEM will make available to the public all geophysical data and information and geophysical interpretations related to a deep stratigraphic test, at the earlier of the following times: (a) 25 years after the completion of the test, or (b) for a lease sale held after the deep stratigraphic test is completed, 60 calendar days after the Department executes the first lease for a block, any part of which is within 50 geographic miles (92.6 kilometers) of the site of the completed test.
- D. All maps and navigation data, including but not limited to geophysical survey tracklines and seismic shot-point locations, submitted as a requirement of 30 CFR 580.12 or 580.51, as applicable, will be considered “PROPRIETARY” for geophysical prospecting activities. The schedule for release of geophysical data and information is provided in 30 CFR 580.71. Such information will not be made available to the public without your consent before the specified period from the date of submission of data or information, unless the Director, BOEM, determines that earlier release is necessary for the proper development of the area.
- E. All other information submitted as a requirement of 30 CFR 580.24, as applicable, and determined by BOEM to be exempt from public disclosure will be considered “PROPRIETARY” for geophysical prospecting activities. The schedule for release of geophysical data and information is provided in 30 CFR 580.71. Such data and information will not be made available to the public without your consent for a period of up to 25 years from the date of submission of data or information, unless the Director, BOEM, determines that earlier release is necessary for the proper development of the area permitted. The executed geophysical prospecting permit will be considered “PROPRIETARY” except the public information copy, which will be available to the public upon request.
- F. The identities of third-party recipients of data and information collected under a geophysical prospecting permit will be kept confidential. The identities will not be released unless you and the third parties agree to the disclosure.

Section VII. Disclosure to Independent Contractors

BOEM reserves the right to disclose any data or information acquired from you to an independent contractor or agent for the purpose of reproducing, processing, reprocessing, or interpreting such data or information. When practicable, BOEM will advise you who provided the data or information of intent to disclose the data or information to an independent contractor or agent. BOEM’s notice of intent will afford you a period of not less than 5 working days within which to comment on the intended action. When BOEM so advises you of the intent to disclose data or information to an independent contractor or agent, all other owners of such data or information will be deemed to have been notified of BOEM’s intent. Prior to any such disclosure, the contractor or agent will be required to execute a written commitment not to sell, trade, license, or disclose any data or information to anyone without the express consent of BOEM.

Section VIII. Sharing of Information with Adjacent States

- A.** BOEM will make proprietary data, information, and samples submitted to BOEM available to adjacent State(s) upon request by the Governor(s) in accordance with the following:
 - 1. The person who submitted the data and information will be notified and will have at least 5 working days to comment on the action;
 - 2. When the Regional Director advises the person who submitted the data and information, all other owners of the data or information will be considered to have been so notified; and
 - 3. Before disclosure, the Governor must sign a written commitment not to sell, trade, license, or disclose data or information to anyone without the Regional Director's consent.
- B.** Disclosure will occur only after the Governor and the Secretary have entered into an agreement providing that:
 - 1. The confidentiality of the information shall be maintained;
 - 2. In any action commenced against the Federal Government or the State for the failure to protect the confidentiality of proprietary information, the Federal Government or the States, as the case may be, may not raise as a defense any claim of sovereign immunity or any claim that the employee who revealed the proprietary information, which is the basis of the suit, was acting outside the scope of the person's employment in revealing the information;
 - 3. The State agrees to hold the United States harmless for any violation by the State or its employees or contractors of the agreement to protect the confidentiality of proprietary data and information and samples; and
 - 4. The materials containing the proprietary data, information, and samples will remain the property of the United States.
- C.** The data, information, and samples available to the State(s) pursuant to an agreement will be related to leased lands.
- D.** The materials containing the proprietary data, information, and samples must be returned to BOEM when they are no longer needed by the State or when requested by the Director, BOEM.
- E.** Information received and knowledge gained by a State official under paragraph (D) of this section are subject to applicable confidentiality requirements of:
 - 1. The Act; and
 - 2. The regulations at 30 CFR Parts 580, 581, 582, 583.

Section IX. Modifications

The Department will have the right at any time to modify or amend any provisions of this permit or authorization, except that the Department will not have such right with respect to the provisions of Sections VI, VII, and VIII hereof, unless required by an Act of Congress.

IN WITNESS WHEREOF the parties have executed this FORM BOEM-0135 and it will be effective as of the date of signature by the Supervisor.

YOU:

THE UNITED STATES OF AMERICA:

(Your Signature)

(Supervisor Signature)

(Print Name)

(Print Name)

(Title)

(Date)

(Date)