

## **Marine Minerals Program**

### **Requests for Negotiated Noncompetitive Agreement for the use of Outer Continental Shelf Sand, Gravel and/or Shell Resources**

#### **Who may apply?**

Under [Title 30, Part 583 of the Code of Federal Regulations](#), published on October 3, 2017, any federal, state, or local government agency, citizen or permanent resident of the United States, private or public corporation, or an association of the above, can request that outer continental shelf (OCS) sand, gravel, and/or shell resources be offered for lease. The material must be used for shore protection, beach restoration, or coastal wetlands restoration undertaken by a federal, state, or local government agency, or in a construction project either authorized by, or funded in whole or in part by the Federal Government. BOEM will then offer this material for lease through the development of a negotiated noncompetitive agreement (NNA).

#### **What must be included in a request?**

A request that OCS minerals be offered for lease should be sent to the Chief, Marine Minerals Branch, Bureau of Ocean Energy Management, 45600 Woodland Road, VAM-LD, Sterling, VA, 20166, and should contain the following information:

1. A detailed description of the proposed project and how it qualifies as an eligible project under the Outer Continental Shelf Lands Act (OCSLA);
2. A description of the proposed borrow area(s) and placement area(s) including digital maps depicting the same, with coordinates, navigation features, geologic sampling locations, and any hard or live-bottom benthic habitat present;
3. Any geological data (such as sediment sample locations and grain size data, core logs, photographs, etc.) and geophysical data (such as sub-bottom profile, marine magnetometer and side-scan sonar, and bathymetric data and geo-referenced tracklines, etc.) used in borrow area selection and design;
4. Any other known uses of the OCS or infrastructure in the borrow area;
5. A description of the environmental evaluations and corresponding documents that have been completed or are being prepared that cover all offshore and onshore components of the project;
6. A target date or range of dates when the resources will be needed;
7. A description of the person or government entities undertaking the project;
8. A list of any permits, licenses or authorizations required for the project and their current status;
9. Any known potential inconsistencies with state or local statutes, regulations, or ordinances;
10. The name, title, telephone number, mailing address and email address of any points of contact for any Federal agencies, state, or local governments, and contractor(s) with whom the applicant has contracted or intends to contract;
11. A statement explaining who authorized the project, and whether it is federally authorized
12. A statement explaining how the project is to be funded, indicating whether it is federally funded in whole or in part;
13. A primary and secondary point of contact for any other federal, state, or local government agency identified in the application, including name, title, mailing address, telephone number and email address.

Within 15 days after receipt of a request, BOEM will determine if the application is complete or request additional information.

### **How does BOEM determine if a project qualifies for a lease?**

In determining whether a project qualifies for a lease, BOEM will consider, among other things, the following:

1. The project purpose;
2. Other previously authorized uses of material from the same borrow area;
3. Project funding sources and amounts;
4. The proposed design and feasibility of the project;
5. Any potential environmental and safety risks associated with the project;
6. Other federal interests located near or within the specified borrow area;
7. Comments received from potentially affected state or local governments, if any;
8. The applicant's background and experience working on similar projects or activities;
9. Whether the project operations can be conducted in a manner that protects the environment and promotes orderly development of OCS mineral resources;
10. Whether activities can be conducted in a manner that does not pose a threat of serious harm or damage to, or waste of, any natural resource, any life (including fish and other aquatic life), property, or the marine, coastal, or human environment; and
11. Whether the project is consistent with the requirements of applicable statutes and their implementing regulations, such as the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*), etc.

If BOEM decides not to enter into such an agreement, BOEM will inform the applicant of its reasons for not doing so. An applicant may ask the BOEM Director for reconsideration of this decision.

### **What is the process for negotiating and executing an agreement?**

1. If BOEM has decided to enter into a negotiated noncompetitive agreement with the applicant, BOEM will negotiate the terms and conditions of the agreement with the applicant and prepare a draft agreement for the applicant's review.
2. After considering comments and suggestions from the applicant, BOEM, at its discretion, may finalize the agreement and distribute it to the applicant for signature.
3. Upon receipt of the agreement with the applicant's signature, BOEM will execute the agreement. A copy of the executed agreement will be mailed to the parties.

### **What kinds of information must be included in an agreement?**

Every agreement is negotiated on a case-by-case basis, but at a minimum, must include:

1. An agreement number, as assigned by BOEM;
2. The purpose of, and authorities for, the agreement;
3. Designated and delineated borrow area(s);
4. A project description, including the timeframe within which the project is to be started and completed;
5. The terms and conditions of the agreement, including any reporting requirements, environmental mitigations, and operating parameters;
6. All obligations of the parties; and
7. The signatures of appropriate individuals authorized to bind the applicant and BOEM.

For more details, please see the [Federal Register notice](#), contact the Chief, Marine Minerals Branch, at 703-787-1851, or visit our webpage at: <http://www.boem.gov/MarineMineralsProgram>.