

§§ 585.226–585.229 [Reserved]

NONCOMPETITIVE LEASE AWARD PROCESS

§ 585.230 May I request a lease if there is no Call?

You may submit an unsolicited request for a commercial lease or a limited lease under this part. Your unsolicited request must contain the following information:

- (a) The area you are requesting for lease.
- (b) A general description of your objectives and the facilities that you would use to achieve those objectives.
- (c) A general schedule of proposed activities including those leading to commercial operations.
- (d) Available and pertinent data and information concerning renewable energy and environmental conditions in the area of interest, including energy and resource data and information used to evaluate the area of interest. BOEM will withhold trade secrets and commercial or financial information that is privileged or confidential from public disclosure under exemption 4 of the FOIA and as provided in § 585.113.
- (e) If available from the appropriate State or local government authority, a statement that the proposed activity conforms with State and local energy planning requirements, initiatives, or guidance.
- (f) Documentation showing that you meet the qualifications to become a lessee, as specified in § 585.107.
- (g) An acquisition fee, as specified in § 585.502(a).

§ 585.231 How will BOEM process my unsolicited request for a non-competitive lease?

- (a) BOEM will consider unsolicited requests for a lease on a case-by-case basis and may issue a lease non-competitively in accordance with this part. We will not consider an unsolicited request for a lease under this part that is proposed in an area of the OCS that is scheduled for a lease sale under this part.
- (b) BOEM will issue a public notice of a request for interest relating to your proposal and consider comments received to determine if competitive interest exists.

(c) If BOEM determines that competitive interest exists in the lease area:

- (1) BOEM will proceed with the competitive process set forth in §§ 585.210 through 585.225;
- (2) If you submit a bid for the lease area in a competitive lease sale, your acquisition fee will be applied to the deposit for your bonus bid; and
- (3) If you do not submit a bid for the lease area in a competitive lease sale, BOEM will not refund your acquisition fee.

(d) If BOEM determines that there is no competitive interest in a lease:

- (1) A notice that BOEM has made a determination that there is no competitive interest will be published in the FEDERAL REGISTER; and
- (2) You must submit within 60 days of the date of the notice to BOEM:
 - (i) For a commercial lease, a SAP, as described in §§ 585.605 through 585.613; or
 - (ii) For a limited lease, a GAP, as described in §§ 585.640 through 585.648.

(e) BOEM will coordinate and consult with affected Federal agencies, State, and local governments, and affected Indian Tribes in the review of non-competitive lease requests and associated plans.

(f) If we approve or approve with conditions your SAP or GAP, we may offer you a noncompetitive lease.

(g) If you accept the terms and conditions of the lease, then we will issue the lease, and you must comply with all terms and conditions of your lease and all applicable provisions of this part. If we issue you a lease, we will send you a notice with 3 copies of the lease form.

(1) Within 10 business days after you receive the lease copies you must:

- (i) Execute the lease;
- (ii) File financial assurance as required under §§ 585.515 through 585.537; and

(2) Within 45 days after you receive the lease copies, you must pay the first 6 months rent, as required in § 585.503.

(h) BOEM will publish in the FEDERAL REGISTER a notice announcing the issuance of your lease.

(i) If you do not accept the terms and conditions, BOEM will not issue a