Ocean Energy Management, Interior

§ 585.811  When must I follow my Safety Management System?

Your Safety Management System must be fully functional when you

(a) Your agreement to perform any relevant terms and conditions of the Incidental Take Statement that may result from the ESA consultation.
(b) Your agreement to perform any relevant mitigation measures under an MMPA incidental take authorization.

§ 585.802  What must I do if I discover a potential archaeological resource while conducting my approved activities?

(a) If you, your subcontractors, or any agent acting on your behalf discovers a potential archaeological resource while conducting construction activities, or any other activity related to your project, you must:
   (1) Immediately halt all seafloor-disturbing activities within the area of the discovery;
   (2) Notify BOEM of the discovery within 72 hours; and
   (3) Keep the location of the discovery confidential and not take any action that may adversely affect the archaeological resource until we have made an evaluation and instructed you on how to proceed.
(b) We may require you to conduct additional investigations to determine if the resource is eligible for listing in the National Register of Historic Places under 36 CFR 60.4. We will do this if:
   (1) The site has been impacted by your project activities; or
   (2) Impacts to the site or to the area of potential effect cannot be avoided.
(c) If investigations under paragraph (b) of this section indicate that the resource is potentially eligible for listing in the National Register of Historic Places, we will tell you how to protect the resource, or how to mitigate adverse effects to the site.
(d) If we incur costs in protecting the resource, under section 110(g) of the NHPA, we may charge you reasonable costs for carrying out preservation responsibilities under the OCS Lands Act.

§ 585.803  How must I conduct my approved activities to protect essential fish habitats identified and described under the Magnuson-Stevens Fishery Conservation and Management Act?

(a) If, during the conduct of your approved activities, BOEM finds that essential fish habitat or habitat areas of particular concern may be adversely affected by your activities, BOEM must consult with National Marine Fisheries Service.
(b) Any conservation recommendations adopted by BOEM to avoid or minimize adverse affects on Essential Fish Habitat will be incorporated as terms and conditions in the lease and must be adhered to by the applicant. BOEM may require additional surveys to define boundaries and avoidance distances.
(c) If required, BOEM will specify the survey methods and instrumentations for conducting the biological survey and will specify the contents of the biological report.

§§ 585.804–585.809 [Reserved]