COUNCIL ON ENVIRONMENTAL QUALITY

Review of MMS NEPA Policies, Practices, and Procedures for OCS Oil and Gas Exploration and Development

AGENCY: Council on Environmental Quality.

ACTION: Notice of Review and Request for Public Comment.

SUMMARY: On May 17, 2010, the Council on Environmental Quality (CEQ) informed the Department of the Interior (DOI) that CEQ was conducting a 30 day review National Environmental Policy Act (NEPA) policies, practices, and procedures for the Minerals Management Service (MMS) decisions for Outer Continental Shelf (OCS) oil and gas exploration and development. This review of MMS NEPA policies, practices and procedures is being conducted as a result of the oil spill from the Deepwater Horizon well and drilling rig in the Gulf of Mexico. The purpose of this review is to ascertain how MMS applies NEPA in its management of Outer Continental Shelf oil and gas exploration and development and make recommendations for revisions. The scope of the review is intended to be holistic, i.e. from leasing decisions to drilling and production.

In line with CEQ’s effort to engage the public in the NEPA process and the President’s Open Government Initiative, notice is therefore also a solicitation for public comment on the review process undertaken by CEQ as well as on current MMS NEPA policies, practices, and procedures regarding Outer Continental Shelf oil and gas exploration and development. Public participation in this review effort will benefit this specific review process, the MMS NEPA implementation, CEQ’s overall effectiveness in overseeing NEPA, and the environmental and social consequences of government activity.

DATES: Comments should be submitted as soon as possible on the CEQ review, recognizing that the review is to be completed June 17, 2010.

ADDRESSES: All relevant information related to MMS NEPA procedures and the review process is available at http://www.whitehouse.gov/ceq/initiatives/nepa. Comments on the procedures and review should be submitted electronically at the above URL or to hgreczniej@ceq.eop.gov or in writing to Associate Director for NEPA Oversight, Council on Environmental Quality, 722 Jackson Place NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Horst Groczezni, Associate Director for NEPA Oversight, Council on Environmental Quality, at (202) 395–5750.

SUPPLEMENTARY INFORMATION:

NEPA and Offshore Drilling

Enacted in 1970, NEPA mandates that Federal agencies consider the environmental impacts of their proposed actions during all stages of decision making, from planning to implementation. NEPA is a fundamental decision-making tool used to harmonize our economic, environmental, and social aspirations and is a cornerstone of our Nation’s efforts to protect the environment. NEPA applies to every stage of Federal decision making related to offshore oil and gas exploration and development. When an agency proposes an action, it must determine if the action has the potential to affect the quality of the human environment. Agencies then apply one of three levels of NEPA analysis. They may: Prepare an Environmental Impact Statement (EIS) when the agency projects the proposed action has the potential for significant environmental impacts; apply a Categorical Exclusion (CE) when the agency has previously established a CE based on its determination that proposed action falls within the categories of actions described in the CE which the agency has found do not typically result in individually or cumulatively significant environmental effects or impacts; or the agency prepares an Environmental Assessment (EA) to determine whether it can make a Finding of No Significant Impact or proceed to prepare an EIS.

Under the Outer Continental Shelf Lands Act, MMS has implemented a process for oil and gas development consisting of the following stages: (1) Preparing a nationwide 5-year oil and gas development program, (2) planning for and holding a specific lease sale, (3) approving a company’s exploration plan, and (4) approving a company’s development and production plan. MMS is required to apply NEPA during each of these stages, beginning with the initial planning of outer continental shelf leasing and ending with a decision on a specific well. The sequence of NEPA analyses is informed by the CEQ Regulations Implementing the Procedural Requirements of the National Environmental Policy Act, 40 CFR parts 1500–1508 available at http://ceq.hhs.gov/ceq_regulations.html. Specifically, 40 CFR 1502.20, discusses “tiering,” a strategy used to avoid repetitive discussions of