

Gulf of Mexico, according to an updated Department of Interior shutdown plan.” Kaufmann, Ellie. “Interior brings back employees during shutdown to work on oil-drilling land sales.” CNN, January 16, 2018.¹ Moreover, An E&E news article reports that “[t]he work includes conducting environmental review and finalizing seismic testing permits for energy exploration off the Atlantic coast.” Brugger, Kelsey. “Interior updates shutdown plan to push 5-year leasing policy.” E&E News, January 15, 2018.²

Even if counsel for defendants is able to confirm that the current work does not include seismic testing, if employees are working on Gulf drilling, the possibility would appear to exist for BOEM’s work to be expanded into testing permits. Therefore, denial of the motion for stay would allow consideration of the State’s Motion to Intervene to proceed and if granted, put the State in the position to respond immediately should BOEM grant permits for testing off South Carolina’s coast.

For the foregoing reasons, the State respectfully requests that Defendants’ Motion for Stay be denied.

Respectfully submitted,

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¹ https://www.cnn.com/2019/01/15/politics/boem-brings-back-employees-drilling/index.html?utm_content=2019-01-16T02%3A42%3A21&utm_source=twCNN&utm_term=image&utm_medium=social.

² <https://www.eenews.net/eenewspm/2019/01/15/stories/1060114899>

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Bureau of Ocean Energy Management FY 2019 Contingency Plan

January 2019

Bureau of Ocean Energy Management

Contingency Plan: Preferred Option
For Use in the Event of
An Orderly Shutdown of the U.S. Government

The Bureau of Ocean Energy Management manages the environmentally and economically responsible development of offshore energy and mineral resources on the U.S. Outer Continental Shelf. The Bureau's functions include offshore leasing, resource and economic evaluation, review and administration of oil and gas exploration and development plans, renewable energy development, National Environmental Policy Act analysis, and environmental studies. Underlying all of the Bureau's management and regulatory activities is a commitment to rigorous environmental reviews and study, and science-based decision-making.

The main office for the Bureau is in the Main Interior Building in Washington, District of Columbia, with program offices in Sterling, Virginia, and regional offices in New Orleans, Louisiana (Gulf of Mexico Region), Camarillo, California (Pacific Region), and Anchorage, Alaska (Alaska Region). The number of employees currently working for the Bureau is 558.

The Bureau is prepared for the orderly shutdown of the U.S. government in the event Congress fails to pass the necessary appropriations bill for it to operate. The Director and Chief, Office of Budget and Program Coordination will be responsible for implementing and adjusting the plan to respond to the length of the appropriations hiatus and changes in external circumstances. Assuming the shutdown will be 30 calendar days or less, one half day will be required to complete the orderly shutdown.

In the event of a shutdown, the Bureau will have 124 employees available throughout the Bureau to conduct three essential functions. The three functions are: (1) Administrative Services; (2) Emergency Response; (3) and Support for Bureau of Safety and Environmental Enforcement Permitting Operations. Although the Bureau receives offsetting collections, obligations against offsetting collections cannot be made until enactment of the appropriations bill and transfer of collections from the Office of Natural Resources Revenue. As a result, the number of excepted personnel will be limited.

The Director, Deputy Director, each Regional Director, and Emergency Management Coordinator are considered excepted. They will be available to coordinate and oversee emergency operations on an as-needed basis.

The Chief, Office of Budget and Program Coordination and the Budget Officer are considered excepted. They are needed to support excepted activities. The Bureau receives administrative services from the Bureau of Safety and Environmental Enforcement through a reimbursable support agreement. These excepted employees will be available for coordination and communication between the Bureau and the Bureau of Safety and Environmental Enforcement pertaining to essential administrative support functions, such as finance, funds transfer, contracting, personnel, information technology, building and property security, and records management. The Chief, Office of Budget and Program Coordination will also work

with human resources to notify employees who are furloughed and call back personnel as needed during the shutdown and when the government shutdown ends. The performance of these support functions will be on an as-needed basis.

The Bureau will have 84 excepted personnel available on an on-call basis to assist the Bureau of Safety and Environmental Enforcement with permitting operations. The Bureau of Ocean Energy Management will not process or review new exploration and development plans but will process and review certain revised plans if they are related to the ongoing permitting work performed by the Bureau of Safety and Environmental Enforcement. On many occasions, a permit will include a revision to the underlying plan to reflect a change in the design of the well since the plan was submitted (e.g., a different drilling rig or modified location). The Bureau of Ocean Energy Management will look at those revisions as part of the Bureau's support for the permitting process. The performance of these functions will be on an as-needed basis.

The Bureau will have 40 personnel available on an on-call basis to perform the exempt functions of preparing National Outer Continental Shelf (OCS) Program decision documents, including the associated Programmatic Environmental Impact Statement (PEIS), and completing Environmental Assessments and related work to process Atlantic Geophysical and Geological (G&G) permits. If the lapse in appropriations extends past January 15, additional personnel will be designated as exempt to complete work to publish Proposed Notice for Gulf of Mexico Sale 253 and Final Notice of Sale and Record of Decision for Gulf of Mexico Sale 252. These employees will be designated as exempt for only the amount of time needed to complete this work. They will be funded through carryover.

Bureau of Ocean Energy Management
Contingency Plan in the Event of Federal Government Shutdown

Part 1: Designation of Excepted Activities

Excepted Activity	Function	Justification for Excepted Designation	Legal Basis
Administrative Services	Administrative Support	To facilitate coordination with administrative service provider for finance, contracting, personnel, computer operations, building and property security, documents/records/files security, and other essential administrative support activities. To coordinate internal fund transfers and associated financial reporting requirements.	Support for activities during a lapse in appropriations
Emergency Response	Offshore Energy and Minerals Management	To respond to incidents, document conditions, and secure the site.	Protection for life and property
Support for Bureau of Safety and Environmental Enforcement Permitting Operations	Offshore Energy and Minerals Management	To ensure the Bureau of Safety and Environmental Enforcement has required support needed from the Bureau to continue support for safety related decisions.	Protection for life and property

Part 2: Designation of Exempt Activities

Exempt Activity	Function	Justification for Exempt Designation	Legal Basis
Atlantic G&G Environmental Assessment and permit work	Offshore Energy and Minerals Management	Due to the issuance of National Marine Fisheries Incidental Harassment Authorizations, BOEM has limited discretion in the timing of the decision for these permits. A significant delay to the permit decision could prevent the term of the permit from being effective.	Funded through carryover
National OCS Program decision documents	Offshore Energy and Minerals Management	In order to comply with the Administration's America First energy strategy to develop a new OCS Oil and Gas leasing program, work must continue toward issuing the Proposed Program per the Outer Continental Shelf Leasing Act requirements.	Funded through carryover
Preliminary Environmental Impact Statement	Offshore Energy and Minerals Management	To perform National Environmental Policy Act (NEPA) work associated with the National OCS Program.	Funded through carryover
Proposed Notice for Gulf of Mexico Sale 253 and Final Notice of Sale and Record of Decision for Gulf of Mexico Sale 252	Offshore Energy and Minerals Management	The timing of the decision is critical to hold Sales 252 and 253 on schedule. Failure to hold these sales would have a negative impact to the Treasury and negatively impact investment in the U.S. Offshore Gulf of Mexico.	Funded through carryover

Basis for the plan:

1. The three functions are those activities needed to achieve the functions that will continue for safety, security, and communication within the Bureau.
2. Number of full time employees in BOEM: 558
3. Number of exempt employees whose compensation is financed by a resource other than annual appropriations (carryover): 40
4. Number of excepted employees: 84
 - a) Excepted employees who are engaged in military, law enforcement, or direct provision of health care activities: None
 - b) Employees who are considered excepted but are not otherwise exempt: 84
5. Number of employees on furlough in the event of a shutdown: 558 (*Note: This number may decrease based upon the workload of on call excepted and exempt employees. On-call excepted and exempt employees will be in furlough status unless called in to work.*)

Part 3: Designation of Excepted Personnel for Administrative Services and Emergency Response

Title and Function	Justification for Excepted Designation
(Acting) Director	Headquarters; To respond to emergency situations and coordinate with political leadership
(Acting) Deputy Director	Headquarters; To respond to emergency situations and coordinate with political leadership
(Acting) Chief, Budget & Program Coordination	Headquarters; To manage funds and coordinate communications regarding shutdown, excepted/exempt/nonexempt status, furlough status, and notice to return to work. To coordinate support activities with administrative service provider.
(Acting) Budget Officer	Headquarters; To coordinate internal fund transfers and associated financial reporting requirements.
Emergency Management Coordinator/Administrative Support	Headquarters; To support emergency response activities and serve as principal point of contact pertaining to overall continuity of operations between Regions and Headquarters. To support Bureau staff not under furlough.
Regional Director, Alaska	Alaska Region; To respond to emergency situations.
Regional Director, Gulf of Mexico	Gulf of Mexico Region; To respond to emergency situations.
Regional Director, Pacific	Pacific Region; To respond to emergency situations.

Part 4: Designation of Excepted Personnel for Bureau of Safety and Environmental Enforcement Permitting Operations

Title and Function	Justification for Excepted Designation
(1) Petroleum Engineer	Pacific Region; To perform worst case discharge analysis work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Supervisory Physical Scientist	Pacific Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.
(2) Biologist	Pacific Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Anthropologist	Pacific Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Oceanographer	Pacific Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Physical Scientist	Pacific Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Marine Biologist	Pacific Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Biological Scientist	Pacific Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Leasing Specialist	Pacific Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.
(2) Petroleum Engineer	Alaska Region; To perform worst case discharge analysis work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Geologist	Alaska Region; To perform plans work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Supervisory Geologist	Alaska Region; To perform plans work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Geophysicist	Alaska Region; To perform plans work associated with Bureau of Safety and Environmental Enforcement permitting.

(1) Social Scientist	Alaska Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Marine Biologist	Alaska Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Physical Scientist	Alaska Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Leasing Specialist	Alaska Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) NEPA Coordinator	Alaska Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Supervisory Petroleum Engineer (OLP)	Gulf of Mexico Region; To perform plans work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Petroleum Engineer (OLP)	Gulf of Mexico Region; To perform plans work associated with Bureau of Safety and Environmental Enforcement permitting.
(2) Regulatory Specialist (OLP)	Gulf of Mexico Region; To perform plans work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Supervisory Mineral Leasing Specialist (OLP)	Gulf of Mexico Region; To perform plans work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Program Analyst (OLP)	Gulf of Mexico Region; To perform plans work associated with Bureau of Safety and Environmental Enforcement permitting.
(2) Supervisory Environmental Protection Specialist (OE)	Gulf of Mexico Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.
(4) Physical Scientist (OE)	Gulf of Mexico Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.
(3) Environmental Scientist (OE)	Gulf of Mexico Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Environmental Protection Specialist (OE)	Gulf of Mexico Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Oceanographer (OE)	Gulf of Mexico Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.

(1) Supervisory Physical Scientist (OE)	Gulf of Mexico Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.
(2) Archeologist ~Marine (OE)	Gulf of Mexico Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Supervisory Biologist (OE)	Gulf of Mexico Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Biologist (OE)	Gulf of Mexico Region; To perform National Environmental Policy Act work associated with Bureau of Safety and Environmental Enforcement permitting.
(5) Supervisory Geologist (RE)	Gulf of Mexico Region; To perform worst case discharge, conservation of resources, and geohazard work associated with Bureau of Safety and Environmental Enforcement permitting.
(3) Geophysicist (RE)	Gulf of Mexico Region; To perform worst case discharge, conservation of resources, and geohazard work associated with Bureau of Safety and Environmental Enforcement permitting.
(10) Geologist (RE)	Gulf of Mexico Region; To perform worst case discharge, conservation of resources, and geohazard work associated with Bureau of Safety and Environmental Enforcement permitting.
(10) Petroleum Engineer (RE)	Gulf of Mexico Region; To perform worst case discharge, conservation of resources, and geohazard work associated with Bureau of Safety and Environmental Enforcement permitting.
(3) Supervisory Geophysicist (RE)	Gulf of Mexico Region; To perform worst case discharge, conservation of resources, and geohazard work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Technical Information Specialist (RE)	Gulf of Mexico Region; To perform worst case discharge, conservation of resources, and geohazard work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Supervisory Engineer (RE)	Gulf of Mexico Region; To perform worst case discharge, conservation of resources, and geohazard work associated with Bureau of Safety and Environmental Enforcement permitting.
(1) Financial Analyst (RMOG)	Gulf of Mexico Region; To perform financial assurance evaluations for new activity at the Application for Permit to Drill stage prior to the permit approval.

Office of Leasing and Plans (OLP)
Resource Evaluation (RE)

Office of Environment (OE)
Risk Management Operations Group (RMOG)

Part 5: Designation of Exempt Employees Funded through Carryover

Title and Function	Justification for Exempt Designation
(1) (Acting) Director	Headquarters; To provide review and approval of National Program and lease sale documents.
(1) Regional Director, Gulf of Mexico Region	Gulf of Mexico Region; To oversee, review, surname, and approve exempt functions.
(3) Supervisory Environmental Protection Specialist	Gulf of Mexico Region; To provide National Environmental Policy Act analysis for the Atlantic G&G Environmental Assessment and permit work.
(2) Environmental Scientist	Gulf of Mexico Region; To provide National Environmental Policy Act analysis for the Atlantic G&G Environmental Assessment and permit work.
(2) Physical Scientist	Gulf of Mexico Region; To provide National Environmental Policy Act analysis for the Atlantic G&G Environmental Assessment and permit work.
(1) Biologist	Gulf of Mexico Region; To provide National Environmental Policy Act analysis for the Atlantic G&G Environmental Assessment and permit work.
(1) Technical Editor	Gulf of Mexico Region; To provide support for the Atlantic G&G Environmental Assessment and permit work.
(1) Supervisory Geologist	Gulf of Mexico Region; To provide technical permit support for the Atlantic G&G Environmental Assessment and permit work.
(1) Supervisory Mineral Leasing Specialist	Gulf of Mexico Region; To ensure completion of Sale 252/253 documents.
(1) Supervisory Environmental Protection Specialist	Gulf of Mexico Region; To ensure completion of Sale 252/253 documents.
(1) Environmental Scientist	Gulf of Mexico Region; To ensure completion of Sale 252/253 documents.
(1) Program Analyst	Gulf of Mexico Region; To ensure completion of Sale 252/253 documents.
(1) Chief, Office of Strategic Resources Programs	Office of Strategic Resources Programs; Provide executive direction and facilitation for the Proposed National Program decision document.
(1) Deputy Chief, Office of Strategic Resources Programs	Office of Strategic Resources Programs; In absence of Chief, Office of Strategic Resources Programs, provide executive direction/facilitation for the Proposed National Program decision document and review/surname relevant Sale 252 and 253 documents as needed.

(1) Chief, Resource Evaluation Division (RED)	Office of Strategic Resources Programs; Provide Resource Evaluation analysis for Proposed National Program decision document.
(1) Geologist (RED)	Office of Strategic Resources Programs; Provide Resource Evaluation analysis for Proposed National Program decision document.
(1) Economist (RED)	Office of Strategic Resources Programs; Provide Resource Evaluation analysis for Proposed National Program decision document.
(1) Chief, Economics Division	Office of Strategic Resources Programs; Provide Economic analysis for Proposed National Program decision document.
(1) Chief, Leasing Division (LD)	Office of Strategic Resources Programs; Provide leadership/guidance for Proposed National Program decision document and GOM Sale 253 Proposed Notice.
(1) Chief, Program Development and Coordination Branch (LD)	Office of Strategic Resources Programs; Provide leadership/guidance for Proposed National Program decision document.
(1) Deputy Chief, Program Development and Coordination Branch (LD)	Office of Strategic Resources Programs; Provide leadership/guidance for Proposed National Program decision document and GOM Sale 253 Proposed Notice.
(3) Program Analyst, Program Development and Coordination Branch (LD)	Office of Strategic Resources Programs; Draft appropriate sections of Proposed Program Decision Document.
(1) Chief, Sales Coordination Branch (LD)	Office of Strategic Resources Programs; Assure coordination/oversee publication of Sale 252 Final Notice and Sale 253 Proposed Notice.
(1) Program Analyst, Sales Coordination Branch (LD)	Office of Strategic Resources Programs; Assure coordination/oversee publication of Sale 252 Final Notice and Sale 253 Proposed Notice.
(1) Chief Environmental Officer	Office of Environmental Programs; To oversee, review, surname, and approve exempt functions.
(1) Supervisory Environmental Protection Specialist	Office of Environmental Programs; To oversee, review, surname, and approve exempt functions.
(1) Environmental Program Manager	Office of Environmental Programs; To oversee, review, surname, and approve exempt functions.
(2) NEPA Coordinator	Office of Environmental Programs; To perform National Environmental Policy Act work associated with the National OCS Program draft PEIS.
(2) Environmental Scientist	Office of Environmental Programs; To analyze data and develop text to include in National Environmental Policy Act work associated with the National OCS Program draft PEIS.
(1) Geographic Information System (GIS) Analyst	Office of Environmental Programs; To produce charts and maps associated with the National OCS Program draft PEIS.

(1) Technical Editor	Office of Environmental Programs; To edit text developed for the National OCS Program draft PEIS.
(1) Visual Information Specialist	Office of Environmental Programs; To develop graphics for the National OCS Program draft PEIS.