

OCSLA PROSPECTING

Prospecting for Minerals Other than Oil, Gas, and Sulphur on the Outer Continental Shelf



PURPOSE

- OCSLA implementing regulations establish a framework that allows for geological and geophysical (G&G) prospecting activities and G&G scientific research activities “on the OCS in federal waters related to hard minerals on unleased lands or on lands leased to a third party.” **30 C.F.R. § 580.2(a).**
- G&G prospecting permits authorize the “commercial search for mineral resources other than oil, gas, and sulphur.” **30 C.F.R. § 580.1.**
- G&G prospecting activities include, but are not limited to:
 - “geological and geophysical marine and airborne surveys where magnetic, gravity, seismic reflection, seismic refraction, or the gathering through coring or other geological samples are used to detect or imply the presence of hard minerals; and
 - any drilling, whether on or off a geological structure.” **30 C.F.R. § 580.1.**
- Depending on the nature of the research activities, G&G scientific research activities may be carried out only after a BOEM-issued permit is obtained or a notice is filed. **30 C.F.R. § 580.11.**
- G&G scientific research activities include “any investigations related to hard minerals that are conducted on the OCS for academic or scientific research. These investigations would involve gathering and analyzing geological, geochemical, or geophysical data and information that are made available to the public for inspection and reproduction at the earliest practical time. The term does not include commercial G&G exploration or commercial G&G prospecting activities.” **30 C.F.R. § 580.1.**

Neither G&G prospecting nor G&G scientific research activities are prerequisites for the award of OCS leases for minerals other than oil, gas, and sulphur.

2025 DOI/BOEM Policy Updates are outlined in pink. As of April 2026, these policies are not formally codified in the law.

Opportunities for comment are noted in orange text.

2026 Proposed Regulatory Revisions are noted in red text.

G&G Prospecting Activities

STAGE 1

PERMIT APPLICATION

G&G prospecting permit applicants must submit a signed original and three copies of an application form (Form BOEM-0134) to the BOEM Regional Director at least 30 days before the startup date for activities in the permit area. The permit form requires the applicant to provide: “the names of persons; the type, location, purpose, and dates of activity; and environmental and other information.” A nonrefundable service fee of \$2,012 must be paid and a copy of the payment receipt must be included with the permit application.
30 C.F.R. § 580.12(a).

G&G Scientific Research Activities

STAGE 1

PERMIT APPLICATION

BOEM-issued permits are needed for the following activities:

- using solid or liquid explosives;
- drilling a deep stratigraphic test; or
- developing data and information or proprietary use or sale.

30 C.F.R. § 580.11(a).

G&G scientific research permit applicants must submit a signed original and three copies of an application form (Form BOEM-0134) to the BOEM Regional Director at least 30 days before the startup date for activities in the permit area. The permit form requires the applicant to provide: “the names of persons; the type, location, purpose, and dates of activity; and environmental and other information.” A nonrefundable service fee of \$2,012 must be paid and a copy of the payment receipt must be included with the permit application.
30 C.F.R. § 580.12(a).

STAGE 1

FILING A NOTICE (where no permit is required)

Any person seeking to conduct G&G scientific research activities (including federally funded research) that are not specifically listed as activities that require a BOEM-issued permit (see 30 C.F.R. § 580.11(a)) must file a signed and dated notice with the appropriate BOEM Regional Director at least 30 days before the research activities begin. If a 30-day notice cannot be filed, the person(s) seeking to conduct G&G scientific research activities must provide oral notice before commencing work and follow up in writing. Persons conducting G&G scientific research activities must inform BOEM in writing when the work concludes.
30 C.F.R. §§ 580.11(b), 580.12(c).

Among other components, the notice must include:

- the name(s) of the person(s) who will conduct the proposed research;
- the type of research and a brief description of how the research will be conducted; and
- a map, plat, or chart that shows where the research will be conducted.

30 C.F.R. § 580.12(c).

ENVIRONMENTAL REVIEW

BOEM will evaluate the potential of proposed prospecting or scientific research activities for adverse impact on the environment to determine the need for mitigation measures. **30 C.F.R. § 580.29.**

The Director will notify the Governor of each adjacent State with a copy of the application for a permit immediately upon the submission for approval if a CZMA consistency review is required. **30 C.F.R. § 580.31(a).**

In cases where an environmental assessment is to be prepared, the Director will **invite the Governor of each adjacent State to review and provide comments regarding the proposed activities.** The Director's invitation to provide comments will allow the Governor a specified period of time to comment. **30 C.F.R. § 580.31(b).**

The proposed regulations seek to eliminate these provisions.

In its policies implementing E.O. 14285, the DOI has provided that, for "prospecting, [BOEM] will apply existing streamlined environmental reviews whenever appropriate." The [2025 DOI NEPA Handbook](#) has established categorical exclusions for G&G exploration activities that do not involve the drilling of deep stratigraphic test holes or use solid or liquid explosives (subject to "extraordinary circumstances," found at 43 C.F.R. § 46.215).

STAGE 2

BOEM's determination on the permit application.

Permit disapproved. The BOEM Regional Director "will explain the reasons for the disapproval and what [the applicant] must do to obtain approval." **30 C.F.R. § 580.12(b).**

Permit approved

When a permit is issued, the Director will notify affected parties, including any special interest organizations, that have expressed an interest. **30 C.F.R. § 580.31(c).**

The regulations are silent on both: 1) how an expression of interest may be made to BOEM; and 2) opportunities for public comment. **The proposed regulations seek to eliminate this provision.**

DOI's new policies state that terms for prospecting permits will be increased from three to five years. OCSLA and its current regulations are silent on prospecting permit term lengths.

STAGE 3

Permittees (or person(s) who have filed a notice) may begin G&G prospecting or scientific research activities.

PROHIBITED CONDUCT

Among other prohibitions, permittees or notice holders may not:

- cause harm or damage to life (including fish and other aquatic life), property, or the marine, coastal, or human environment;
- cause pollution;
- claim any oil, gas, sulphur, or other minerals discovered while conducting operations under a permit or notice.

30 C.F.R. § 580.20(b), (d), (h).

CONDITIONAL REPORTING

Among other requirements, permittees and notice holders must report to the Regional Director if they:

- detect hydrocarbon, any other mineral occurrences, or environmental hazards that imminently threaten life and property; or
- adversely affect the environment or aquatic life where they are prospecting or conducting scientific research activities.

30 C.F.R. § 580.21(a)-(b).

MODIFICATIONS

To modify operations, a written request must be submitted to the Regional Director for oral or written approval. Oral requests are permitted when circumstances preclude a written request.

30 C.F.R. § 580.22.

INSPECTIONS

Permittees and notice holders must allow BOEM representatives to inspect G&G prospecting or any scientific research activities. These inspections will determine whether operations are adversely affecting the environment, aquatic life, archaeological resources, or other uses of the area.

30 C.F.R. § 580.23.

STAGE 4

Reporting & Submission of Information



REGULAR REPORTING

Regular status reports and a daily log of operations must be submitted on a schedule specified in a permit. Final reports that, among other things, describe the work completed and summary of hard minerals, hydrocarbons, or sulphur encountered must be submitted 30 days after acquisitions activities are completed.

30 C.F.R. 580.24.

SUBMISSION OF GEOLOGICAL DATA & INFORMATION

Permittees and notice holders must notify the Regional Director, in writing, when the initial analysis, processing, or interpretation of any geological data and information is completed. Initial analysis and processing are the stages of analysis or processing where the data and information first become available for in-house interpretation by the permittee or become available commercially to third parties via sale, trade, license agreement, or other means.

The Regional Director may ask if the permittee or notice holder has further analyzed, processed, or interpreted any geological data and information. When asked, the permittee or notice holder must respond to BOEM in writing within 30 days.

The Regional Director may ask the permittee, notice holder, or a third party to submit the analyzed, processed, or interpreted geologic data and information for BOEM to inspect or permanently retain. The permittee or notice holder must submit the data and information within 30 days after such a request.

30 C.F.R. § 580.40.

SUBMISSION OF GEOPHYSICAL DATA & INFORMATION

Permittees and notice holders must notify the Regional Director, in writing, when the initial analysis, processing, or interpretation of any geophysical data and information is completed. Initial analysis and processing are the stages of analysis or processing where the data and information first become available for in-house interpretation by the permittee or become available commercially to third parties via sale, trade, license agreement, or other means.

The Regional Director may ask if the permittee or notice holder has further analyzed, processed, or interpreted any geological data and information. When asked, the permittee or notice holder must respond to BOEM in writing within 30 days.

The Regional Director may ask the permittee, notice holder, or a third party to submit the analyzed, processed, or interpreted geophysical data and information for BOEM to inspect or permanently retain.

The permittee or notice holder must submit the data and information within 30 days after such a request.

At any time before final selection, the Regional Director may review and return any or all geophysical data and information. The RD will notify the permittee in writing of any data the RD decides to retain.

30 C.F.R. § 580.50.

STAGE 5

DISCLOSURE OF PROSPECTING DATA AND INFORMATION

The BOEM Regional Director must follow FOIA, DOI FOIA rules, OCSLA, and BOEM's OCS regulations in deciding what prospecting data can be disclosed to the public. The Regional Director must withhold information exempted under FOIA unless limited regulatory or consent conditions are met. The regulations:

- establish fixed confidentiality periods (e.g., 10 years for geological data, 25–50 years for geophysical data and information, and special rules for data and information related to a deep stratigraphic test);
- require contractual confidentiality commitments from contractors who handle the data;
- and allow sharing of proprietary data with coastal states only under written confidentiality agreements that preserve federal ownership and waive certain immunity defenses for breaches.

30 C.F.R. §§ 580.70–580.73.



OCSLA PROSPECTING GLOSSARY



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| BOEM | Bureau of Ocean Energy Management | Situated within DOI; Administers offshore energy and mineral leasing on the OCS, pursuant to OCSLA. |
| CZMA | Coastal Zone Management Act | This act, administered by NOAA, provides for the management of the nation's coastal resources, including the Great Lakes. |
| DOI | U.S. Department of Interior | Manages public lands and minerals, national parks, and wildlife refuges and upholds Federal trust responsibilities to Native American tribes and Alaska Native entities. |
| E.O. 14285 | "Unleashing America's Offshore Critical Minerals and Resources" | Executive Order that directs the federal government to accelerate and streamline the exploration, mining, and processing of offshore seabed minerals. |
| FOIA | Freedom of Information Act | Provides the public the right to request access to records from any federal agency. Federal agencies are required to disclose any information requested under the FOIA unless it falls under one of nine exemptions which protect interests such as personal privacy, national security, and law enforcement. |
| NEPA | National Environmental Policy Act of 1970 | Requires a detailed environmental review before any major Federal action, including the sale of leases on the OCS and the setup of facilities. |
| OCS | U.S. Outer Continental Shelf | All submerged lands beyond submerged state and territorial lands that are within the U.S. jurisdiction, including lands within the US. exclusive economic zone adjacent to territories; "a vital national resource reserve held by the Federal Government for the public." |
| OCSLA | Outer Continental Shelf Lands Act | Enacted by Congress in 1953, the Act governs the leasing and development of the U.S. offshore mineral and energy resources. |

OCSLA PROSPECTING SOURCES



Executive Orders

- [Exec. Order No. 14,156](#), Declaring a National Energy Emergency, 90 Fed. Reg. 8,433 (Jan. 29, 2025).
- [Exec. Order No. 14,285](#), Unleashing America's Offshore Critical Minerals and Resources, 90 Fed. Reg. 17,735 (Apr. 29, 2025).

Statutes

- [Outer Continental Shelf Lands Act](#), 43 U.S.C. §§ 1331–1356c (2026).
- [Coastal Zone Management Act](#), 16 U.S.C. §§ 1451–1468 (2026).
- [Freedom of Information Act](#), 5 U.S.C. § 522 (2026).

DOI & BOEM Regulations

- [Prospecting for Minerals other than Oil, Gas, and Sulphur on the Outer Continental Shelf](#), 30 C.F.R. pt. 580 (2026).
- [Dep't of Interior, Freedom of Information Act; Records and Testimony](#), 43 C.F.R. pt. 2 (2026).

BOEM Proposed Regulations

- [Administrative Revisions to Regulations Related to Outer Continental Shelf Minerals Other Than Oil, Gas, and Sulphur](#), 91 Fed. Reg. 8,803 (proposed Feb. 24, 2026) (to be codified at 30 C.F.R. pts. 580, 581, and 582).

DOI Policy & Procedures

- U.S. Dep't of Interior, [Department of the Interior Implements Emergency Permitting Procedures to Strengthen Domestic Energy Supply](#) (Apr. 23, 2025).
- U.S. Dep't of Interior, [Interior Streamlines Offshore Mineral Policies to Strengthen U.S. Supply Chains and Security](#) (June 6, 2025).