



# FACT SHEET OCSLA 101



## WHAT IS OCSLA?

The **Outer Continental Shelf Lands Act (OCSLA)** is the principal U.S. federal statute governing mineral resource development on the **U.S. Outer Continental Shelf (OCS)**, which consists of submerged lands beyond submerged state and territorial lands that are within the U.S. jurisdiction, including lands within the U.S. exclusive economic zone adjacent to Territories.<sup>1</sup> One of OCSLA's policies is to develop the OCS "**subject to environmental safeguards.**"<sup>2</sup>

OCSLA authorizes the **Department of Interior (DOI)** to manage offshore mineral resources, including minerals other than oil, gas, and sulphur (collectively, OCS minerals). DOI has delegated authority to the **Bureau of Ocean Energy Management (BOEM)** and the **Bureau of Safety and Environmental Enforcement (BSEE)** to manage the leasing of OCS minerals, mining operations in the OCS, permitting, and environmental enforcement, among other responsibilities.

### The Proposed Marine Minerals Administration

As of April 2026, the Trump Administration has proposed to re-merge BOEM and BSEE into one, new administration: the **Marine Minerals Administration.**<sup>3</sup> As of this factsheet, DOI has represented that "[a]ll current regulatory responsibilities and protections will remain in place throughout the transition," noting that "there will be no disruption to permitting, environmental reviews, or enforcement activities."<sup>4</sup>

## PROSPECTING PERMITS



Persons seeking to conduct activities related to the commercial search for OCS minerals (prospecting activities) on the OCS in federal waters on unleased lands or on lands leased to a third party must first obtain "prospecting permits" from BOEM.<sup>5</sup>



Prospecting activities include, but are not limited to, geological and geophysical surveys and related drilling used to detect hard minerals, including magnetic, gravity, seismic, coring, or other geological methods.<sup>6</sup>



Prospecting activities **must** be conducted in a **safe and environmentally sound manner**. Such activities **may not unduly harm aquatic life or cause significant damage to natural resources or the marine, coastal, or human environment.**<sup>7</sup>



Historically, prospecting permits were issued for a term of three years, but recent DOI policy states that permit terms will be extended to five years.<sup>8</sup>



Prospecting permittees must, among other responsibilities, **avoid environmental harm and pollution**, not claim discovered minerals, **report on environmental hazards and adverse effects**, **allow BOEM to inspect prospecting activities**, and **submit required activity reports and geological data.**<sup>9</sup>



BOEM will make prospecting data and information available to the public, subject to the restrictions of the Freedom of Information Act (FOIA), the Interior's FOIA-implementing regulations, OCSLA, and OCSLA-implementing regulations.<sup>10</sup>

## SCIENTIFIC RESEARCH PERMITS



Persons seeking to conduct scientific research activities on the OCS on unleased lands or lands leased to a third party must first either obtain a permit before conducting activities or file a notice to BOEM.<sup>11</sup>



Scientific research permits are required for activities that involve using solid or liquid explosives, drilling a deep stratigraphic test, or developing data and information for proprietary use or sale.<sup>12</sup>



Persons seeking to conduct any scientific research activities that do not involve any of the three categories of actions listed above must file a written notice with the relevant BOEM Regional Director at least 30 days before commencing work. Oral notification and written follow-up must be provided if the person seeking to conduct scientific research activities cannot file a written, 30-day notice before commencing work.<sup>13</sup>



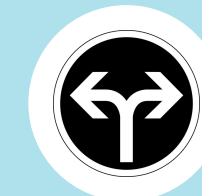
Scientific research activities **must be conducted in a safe and environmentally sound manner and may not unduly harm aquatic life or cause significant damage to natural resources or the marine, coastal, or human environment.**<sup>14</sup>



Permit terms for scientific research activities can vary but should not exceed five years.<sup>15</sup>



Once BOEM approves a permit or receives a qualifying notice, the researcher may proceed, but must comply with the same core obligations that apply to prospecting permittees: **avoid environmental harm and pollution**, refrain from claiming discovered minerals, **report hazards and adverse effects**, **allow BOEM inspection**, and **submit reports and geological data.**<sup>16</sup>



Persons seeking to conduct scientific research activities via the notice route have the option to either submit a plan to BOEM detailing how they will make the data and information collected available to the public or agree to a nonexclusive use agreement for scientific research with BOEM.<sup>17</sup>



**BOEM will make scientific data and information collected and analyzed pursuant to a scientific research permit available to the public**, subject to the restrictions of FOIA, the Interior's FOIA-implementing regulations, OCSLA, and OCSLA-implementing regulations.

# LEASING UNDER OCSLA

DOI is authorized under OCSLA to administer a leasing program for OCS minerals. DOI may lease OCS minerals either after receiving an unsolicited request from a private party or on BOEM's own initiative.

↳ An unsolicited request must specify “the area to be offered for lease, the OCS minerals of primary interest, and the available OCS mineral resource and **environmental information pertaining to the area of interest** to be offered for lease which supports the request.”<sup>18</sup>

BOEM must respond within 45 days of receipt of an unsolicited request. Proposed regulations seek to reduce this time frame to 28 days.<sup>19</sup>

Under the current regulations as of this fact sheet and for both routes to initiate the OCS minerals leasing process, BOEM may:

- ◆ publish a “Request for Information (RFI),” seeking indications of interest in the leasing of OCS minerals;<sup>20</sup> and
- ◆ invite the governors of states and territories adjacent to the area(s) under consideration to be leased for OCS minerals to participate in a joint state/federal task force, which can make recommendations to the DOI Secretary and other adjacent state governors.<sup>21</sup>

## No RFIs or Joint Task Forces Under June 2025 DOI Policies

The June 2025 DOI policies state that BOEM will elect not to issue RFIs or establish joint state/federal task forces in order to “speed up the leasing process.”<sup>22</sup>

After considering available OCS mineral resources, environmental data and information, the recommendation(s) of any joint state/federal task force, and any comments received from interested parties, the DOI Secretary will select tracts for potential lease offering (i.e., “OCS mining area identification”).<sup>23</sup>

## NEPA Reviews under June 2025 DOI Policies

The June 2025 DOI policies state that BOEM will “start preparing environmental assessments [under the National Environmental Policy Act] during the lease sale phase, reserving more detailed environmental impact statements for later planning stages if necessary,” so as to “reduce delays and shorten public comment periods.”<sup>24</sup>

BOEM will then determine the lease sale procedures to be prescribed and develop a proposed leasing notice that establishes a proposed primary term of the leases; lease stipulations, including **measures to mitigate adverse impacts on the environment**; and other terms and conditions (including rental and royalty terms) as prescribed.<sup>25</sup>

↳ Proposed leasing notice will be sent to governors of adjacent states and territories and published in the Federal Register at least 60 days before the publication of the leasing notice.

At least 30 days prior to the date when OCS minerals will be offered for lease, the Director will publish the leasing notice in the Federal Register.<sup>26</sup>

Bidders may then submit bids by competitive, cash bonuses (i.e., the bidder's up-front, cash payment to secure the mineral lease).<sup>27</sup>

Once a lessee has been selected, the lessee must obtain BOEM approval on certain plans before conducting operations depending on the nature of the operations and existing data available.<sup>28</sup>

↳ Lessees may engage in “preliminary activities” (e.g., “bathymetric, geological, geophysical, mapping, and other surveys necessary to develop a comprehensive Delineation, Testing, or Mining Plan”) before submitting the required plans.<sup>29</sup>

DOI can **cancel leases after a hearing if continued activity would likely cause serious, non-temporary harm to life, property, minerals, national security or defense, or the marine, coastal, or human environment**, and the benefits of cancellation outweigh the benefits of keeping the lease in place.<sup>30</sup>

## Fast-Tracking under 2025 DOI Policies

The June 2025 DOI policies state that “[o]nce a lease is issued, BOEM and BSEE will continue to streamline the process by considering offshore critical mineral projects for expedited permitting under the Department's emergency procedures [developed pursuant to E.O. 14156] and other applicable laws. Approvals for mapping, testing, and site development will be fast-tracked by minimizing unnecessary paperwork and compliance steps. When requested by the lessee, BOEM will also consolidate exploration, testing, and mining plans into a single review, reducing duplication and speeding up decision-making.”<sup>31</sup>

Depending on the nature of the activities, lessees must develop and receive approval for **delineation, testing, and mining plans** before commencing operations.

- ◆ **Delineation Plans:** Required for all exploration activities and must describe the proposed activities necessary to locate leased OCS minerals, characterize the quantity and quality of the minerals, and generate other information needed for the development of a comprehensive Testing or Mining Plan.<sup>32</sup>
- ◆ **Testing Plans:** Required for all testing activities and must describe, among other elements, the nature and purpose of the proposed testing program, a comprehensive description of the activities to be performed, and a comprehensive description of the method and manner in which testing activities will be conducted and the expected results.<sup>33</sup>
- ◆ **Mining Plans:** Required for all OCS mineral development and production activities. Mining plans must include comprehensive detailed descriptions; illustrations; explanations of the proposed OCS mineral development, production, and processing activities; and accurately present the lessee's proposed plan of operation.<sup>34</sup>

For proposed Delineation, Testing, and Mining Plans, the BOEM Director must provide an opportunity for interested parties to comment, notify adjacent governors and allow their comment, and conduct appropriate NEPA review.<sup>35</sup>

Prior to approval of any plan, BOEM **must assure that the lessee is prepared to “protect the environment” in conducting their activities.**<sup>36</sup>

Within 30 days of completion of either a NEPA document or the end of the comment period, BOEM must approve, disapprove, or require the lessee to modify the Delineation plan.<sup>37</sup>

Within 60 days of completion of either an EIS or the end of the comment period, BOEM must approve, disapprove, or require the lessee to modify Testing and Mining plans.<sup>38</sup>

# FOOTNOTES

- [1] 43 U.S.C. §§ 1331(a), 1332(3) (the OCS does not include any area conveyed by Congress to a territorial government for administration).
- [2] 43 U.S.C. § 1332(3).
- [3] U.S. Dep't of Interior, *Department of the Interior Begins Transition to Marine Minerals Administration* (Apr. 3, 2026).
- [4] U.S. Dep't of Interior, *Transition to the Marine Minerals Administration* (last visited Apr. 3., 2026).
- [5] 30 C.F.R. pt. 580.
- [6] 30 C.F.R. § 580.1.
- [7] 30 C.F.R. § 580.2(b).
- [8] U.S. Dep't of Interior, *Interior Streamlines Offshore Mineral Policies to Strengthen U.S. Supply Chains and Security* (June 6, 2025).
- [9] 30 C.F.R. pt. 580.
- [10] 30 C.F.R. §§ 580.70–580.73.
- [11] 30 C.F.R. §§ 580.11, 580.12.
- [12] 30 C.F.R. § 580.11(a).
- [13] 30 C.F.R. § 580.11(b).
- [14] 30 C.F.R. § 580.2(b).
- [15] See e.g., U.S. Dep't of Interior, *BOEM Form 0135* (Apr. 2025)
- [16] 30 C.F.R. pt. 580.
- [17] 30 C.F.R. § 580.12(c)(8).
- [18] 30 C.F.R. § 581.11(a).
- [19] 30 C.F.R. § 581.11(b); *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).
- [20] 30 C.F.R. § 581.12.
- [21] 30 C.F.R. § 581.13.
- [22] *Interior Streamlines Offshore Mineral Policies to Strengthen U.S. Supply Chains and Security*, *supra* note 8.
- [23] 30 C.F.R. § 581.14.
- [24] *Interior Streamlines Offshore Mineral Policies to Strengthen U.S. Supply Chains and Security*, *supra* note 8.
- [25] 30 C.F.R. § 581.16.
- [26] 30 C.F.R. § 581.17.
- [27] 30 C.F.R. § 581.18(a).
- [28] 30 C.F.R. pt. 582.
- [29] 30 C.F.R. § 582.21(a), (d).
- [30] 30 C.F.R. § 581.47.
- [31] *Interior Streamlines Offshore Mineral Policies to Strengthen U.S. Supply Chains and Security*, *supra* note 8.
- [32] 30 C.F.R. § 582.22.
- [33] 30 C.F.R. § 582.23.
- [34] 30 C.F.R. § 582.24.
- [35] 30 C.F.R. pt. 582.
- [36] 30 C.F.R. § 582.21(a).
- [37] 30 C.F.R. § 582.12(b)(2).
- [38] 30 C.F.R. § 582.12(c)(2), (d)(2).