

MMS Pacific OCS Region
Approved Exploration Plan Review Process (AEPRP)
Summary Flowchart Narrative
August 17, 1994

I. Introduction

This process applies only to MMS review of EP's in the Pacific OCS Region. It does not address procedures that may be required by other agencies for permits related to proposed exploratory drilling in the Pacific OCS Region. The review of an Exploration Plan (EP) using the AEPRP will be conducted by the MMS when an operator intends to drill an exploratory well pursuant to an approved EP that is over 2 years old. This narrative, the flowchart (Figure 1), and the list of agencies (Table 1) provide a summary and highlight key steps of the AEPRP. The goals of the process are:

- To assess changes that may have occurred since MMS approved the EP, such as changes in exploratory project components and schedules, environmental conditions and impacts, mitigation measures, regulations, technology, or other pertinent information.
- To ensure that concerns associated with these changes are resolved before exploratory drilling is approved.
- To allow interested agencies an opportunity to participate in reviewing these changes.

On an annual basis, the MMS will request that Pacific OCS Region operators provide MMS with general updated information on the operators' intended schedules and procedures for exploratory drilling pursuant to an EP(s) over the next 2-year period. The MMS will share this information with the agencies so that MMS, the agencies, and the operator may begin early coordination efforts.

II. The Review Process

The AEPRP is designed to allow interested agencies to participate in the review by providing them opportunities during the process to review and comment on the operator's proposal and on MMS decisions. At all points in the process, MMS will work toward achieving consensus among the reviewing agencies. The process begins when the operator submits draft EP revisions to the MMS for review. MMS will send the EP revisions to the agencies listed in Table 1 as appropriate, depending on the location of the proposed exploratory drilling. In the initial steps of the process, MMS and the agencies will review the operator's EP revisions and meet with the operator to discuss the EP revisions in detail. After this meeting, MMS will decide in consultation with the agencies if the EP revisions are complete or if there are any issues or concerns that require further information and review.

At this point, the process can proceed along one of two basic paths: a "short path" on the left-hand side of the chart and a "long path" on the right-hand side of the chart. In either case, the MMS will conduct an environmental analysis of the EP revisions prior to making a final decision. It should be noted that several opportunities are provided for the process to proceed back and forth between these two paths. This narrative does not indicate how long the review will take for every possible option. However, timeframes are provided for the four most likely options.

- A. Short Path (left-hand side) - The short path is an expedited process that will be followed when the MMS, in consultation with the agencies, decides that the EP revisions as submitted are complete and that no additional information and review are required. MMS will notify the agencies and operator of this decision and provide the agencies an opportunity to agree or disagree. If the agencies agree, MMS will approve the EP revisions. The timeframe for the review process from the beginning to this point is approximately 8 weeks.

If the agencies disagree, MMS will hold a meeting to resolve any outstanding issues or concerns. After the meeting, MMS, in consultation with the agencies, will decide if the issues are resolved or if further information and review are needed. MMS will approve the EP if no additional information and review are needed to resolve the issues. The timeframe for the review process from the beginning to this point is approximately 10 weeks. If, after the meeting, MMS, in consultation with the agencies, decides that more information and review are needed, the process will proceed to the long path on the right-hand side of the chart.

- B. Long Path (right-hand side) - The initial steps of the process are the same for the long path as those for the short path. The review process proceeds along the long path when MMS notifies an operator that more information and review are needed. In this path, MMS and the agencies review the additional information submitted by the operator for up to 60 days. MMS, in consultation with the agencies, will then decide whether the EP revisions could result in a significant change in impacts previously identified or evaluated or need additional permits. If the decision is no, the process proceeds back to the short path, where MMS notifies the agencies and operator. The process then proceeds as previously described. In this case, the timeframe for the process along the long path from the beginning of the review process to the MMS approval is approximately 5 months. This timeframe assumes that it takes the operator one month to provide the additional information.

If the decision on impacts and permits is yes, MMS will initiate the consistency review process by deeming the EP revisions submitted and sending them to the CCC for a consistency review and to the agencies for further review. Within 30 days, MMS, in consultation with the agencies, will make a decision to: 1) approve, 2) require modifications, or 3) disapprove the EP revisions. Within 3 months (with the possibility of

a 3-month extension) of the date the CCC receives the EP revisions after they have been deemed submitted, the CCC will either concur or object to the operator's consistency certification for the EP revisions. The timeframe for the process along the long path from the beginning of the review process to the CCC decision is approximately 5-10 months depending primarily on the time it takes for the consistency review. This timeframe assumes that it takes the operator one month to provide the additional information. If MMS should disapprove the plan, the CCC's consistency review would likely be discontinued.

If the EP revisions undergo a CCC consistency review, MMS may not approve any Application for Permit to Drill (APD) until the CCC has concurred or has conclusively been presumed to concur with the operator's consistency certification, or the Secretary of Commerce has made the finding authorized by Section 307(c)(3)(B)(iii) of the Coastal Zone Management Act (refer to the MMS regulations at 30 CFR 250.33(p)).

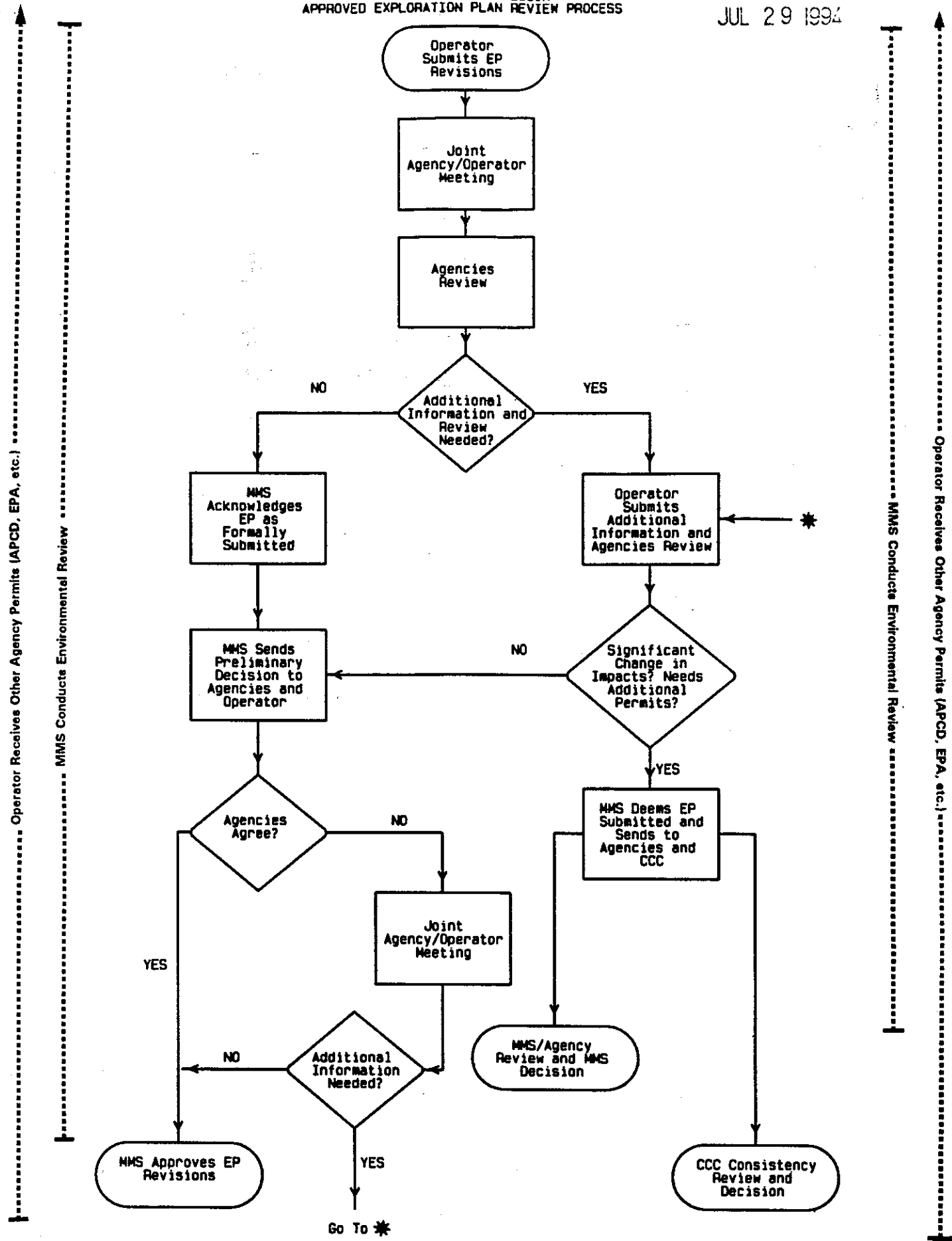


Figure 1. Summary flowchart of the Approved Exploration Plan Review Process. Refer to narrative for a discussion of review timeframes.