

E2. ENCLOSURE 2

MEMORANDUM OF AGREEMENT BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF THE INTERIOR ON MUTUAL CONCERNS ON THE OUTER CONTINENTAL SHELF

I. Declaration of Intent. We, the Secretary of Defense and the Secretary of the Interior, hereby agree to establish procedures for joint use of the Outer Continental Shelf (OCS). The Department of Defense (DoD) and Department of the Interior (DoI) fully support the national goal of exploration and development of our nation's offshore oil and gas resources. The DoD recognizes that the OCS leasing program of the Department of the Interior is an integral part of the nation's energy security program to develop domestic oil and gas resources and thus is important to national defense. The Department of the Interior fully supports the requirement for DoD to use the OCS for the national defense/security and to ensure that our armed forces achieve and maintain an optimum state of readiness. We acknowledge that from time to time and from place to place the requirements for mineral exploration/development and defense related activities may conflict. In these cases, we shall reach mutually acceptable solutions to the issues raised by these conflicting requirements, in accordance with the principles and procedures established by this memorandum.

II. Procedures. Our departments agree to follow the steps and the schedule listed below:

A. The Call for Information on a proposed planning area will initiate DoD participation in a particular sale cycle. At the time the Call is issued, separate notification will be made to the DoD Executive Agent for OCS matters and will include appropriate charts, coordinates defining boundaries of the proposed area, and other data deemed pertinent to DoD analysis of the area. The DoD Executive Agent will be provided with a list of blocks and appropriate maps constituting the offering proposal identified at the time of Area Identification.

B. Within one month following Area Identification, DoD will submit a statement, along with supporting rationale, on the proposed offering which defines areas it believes require deferral from the offering or military stipulations for joint use. DoI will respond within one month after the DoD submission with agreement to accommodate DoD position or with alternative proposals and supporting rationale.

C. The Director of the Minerals Management Service (on behalf of DoI) and the DoD Executive Agent (on behalf of DoD) shall meet within the ensuing four months to approve agreements reached under (B) above and to resolve any remaining conflicts prior to the proposed Notice of Offering.

D. Issues still in conflict will be resolved by the undersigned no later than 30 days after publication of the Proposed Notice of Offering.

E. Additionally, the procedures of this memorandum will be used to resolve any conflicts that exist in lease offerings presently in the planning process.

III. Areas on the OCS requiring deferral from lease offerings. Our departments agree that, balanced against the geologic potential of an area, certain defense-related activities on the OCS may be irreconcilable with mineral exploration/development and will, under the procedures established above, be deferred from

the pending lease offering. These activities are defined under this agreement as those which must take place in a particular area of the OCS due to their relation to fixed monitoring or control stations which cannot be moved except at great expense and compromise of their mission; those which relate to sensitive operations of a classified nature; and those which pose a direct danger to mineral exploration/development structures and/or personnel. More particularly, in selected instances, these may include but are not limited to:

A. Research, development, testing and evaluation (RDT&E) ranges involving hazardous weapons, which encompass but are not limited to missiles activated by radar reflectivity or heat or errant missiles whose onboard sensors seek targets of opportunity.

B. Intense operations by air, surface, or subsurface units whose activities are hazardous to non-DoD structures, equipment, personnel and which if forced to take place in close proximity to such structures would also become hazardous to DoD ships and aircraft.

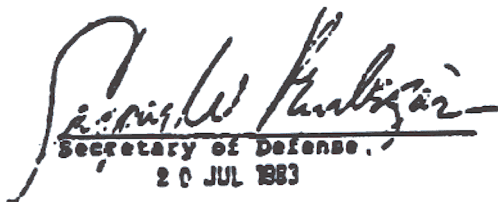
C. Certain classified activities which DoD will disclose to appropriately-cleared DoI personnel.

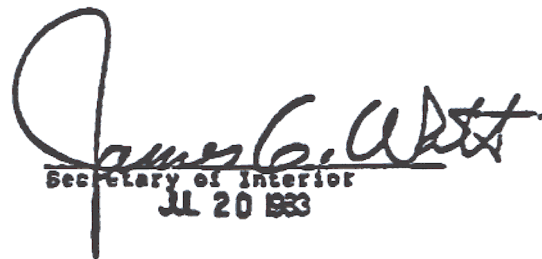
D. Submarine transit lanes

IV. Areas on the OCS requiring lease stipulations and lessee advisories. Our departments agree that in certain specific instances, conflicts on the OCS can be mitigated by attaching general or site-specific stipulations as a part of lease agreements or including lessee advisories. These include but are not limited to standard military stipulations for military warning areas (hold harmless, electromagnetic emission and notice of operations) and special stipulations for shelter and evacuation, time-sharing provisions, and provisions for specialized underwater research activities.

V. Locus of discussions. All policy discussions and final agreements under this memorandum will be conducted in Washington, D.C., and environs, and all comment on their status or resolution will be handled by our two departments. Any public comments of a policy nature in conjunction with this agreement by officers or employees of our departments elsewhere are unauthorized.

VI. Duration of agreements under this memorandum. All deferrals, stipulations, and lessee advisories for a given area of the OCS will remain in effect for subsequent lease offerings in the same area unless altered by our two departments under the procedures outlined in this memorandum.


Secretary of Defense
20 JUL 1983


Secretary of Interior
JUL 20 1983