



**ROCKY MOUNTAIN MINERAL LAW  
FOUNDATION**

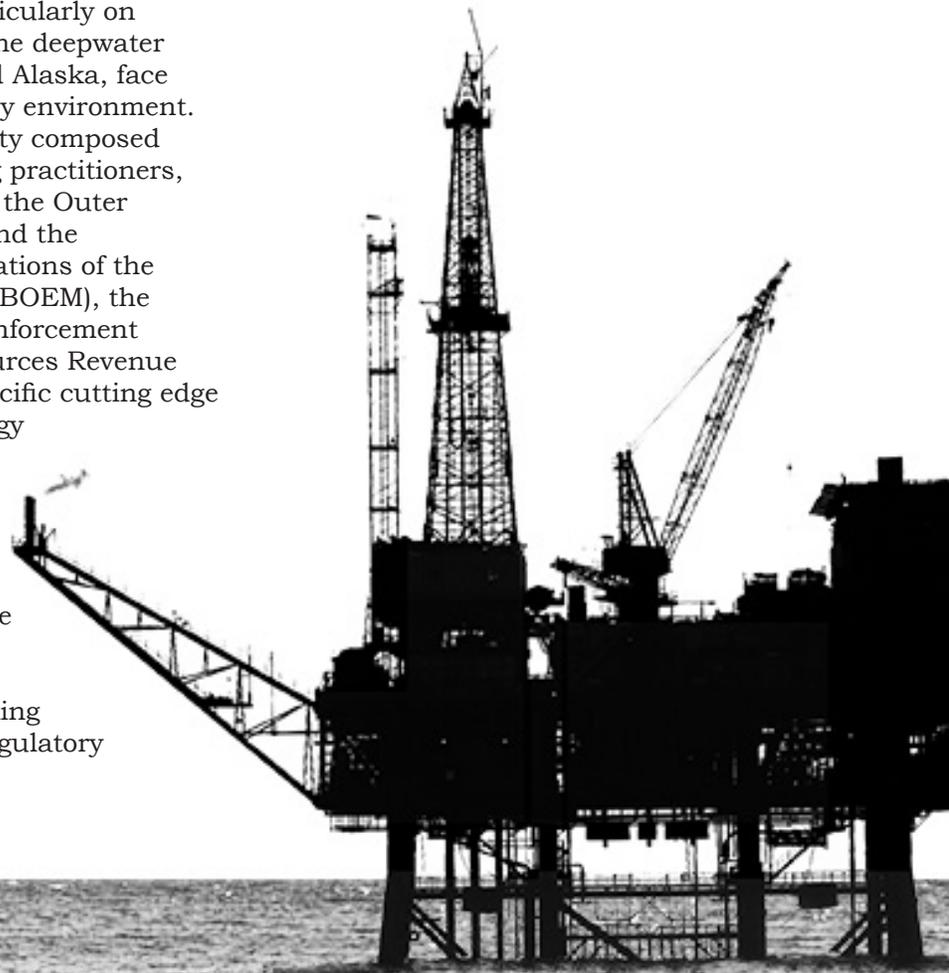
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**Special Institute on**

# **Federal Offshore Regulatory Enforcement**

**Doubletree Hotel Downtown  
Houston, Texas  
January 20-21, 2016**

Federal lessees operating offshore, particularly on the Outer Continental Shelf (OCS), in the deepwater areas of the Gulf of Mexico, and around Alaska, face an intensified federal offshore regulatory environment. This special institute, taught by a faculty composed of key federal policymakers and leading practitioners, will begin with a review of the basics of the Outer Continental Shelf Lands Act (OCSLA) and the enforcement provisions of federal regulations of the Bureau of Ocean Energy Management (BOEM), the Bureau of Safety and Environmental Enforcement (BSEE), and the Office of Natural Resources Revenue (ONRR). The focus will then shift to specific cutting edge topics, including cybersecurity for energy companies, what to expect in the event of a major offshore incident, decommissioning, bonding and financial assurance, contractor liability, species protection, royalties, and civil penalties. This special institute is a “must attend” event for attorneys, landmen, commercial and regulatory compliance personnel, and others working in the ever-changing federal offshore regulatory environment.



*Course materials and audio recordings are available in various formats if you are unable to attend. See inside for details.*

# Federal Offshore Regulatory Enforcement

Wednesday, January 20, 2016

7:00 am – 8:00 am - **Registration — The Doubletree Hotel Downtown**

8:00 am – 8:10 am

## **Introduction and Opening Remarks**

STEVIA M. WALTHER, Executive Director, Rocky Mountain Mineral Law Foundation, Westminster, CO

PHILLIP R. CLARK, President, Rocky Mountain Mineral Law Foundation; Partner, Bryan Cave, Denver, CO

JANA L. GRAUBERGER, Program Co-Chair; Shareholder, Liskow & Lewis, Houston, TX

PETER J. SCHAUMBERG, Program Co-Chair; Principal, Beveridge & Diamond PC, Washington, DC

8:10 am – 9:00 am

## **Enforcement Priorities on the Outer Continental Shelf**

As Assistant Secretary for Land and Minerals Management, Janice Schneider oversees four Interior Department agencies, including the Bureau of Safety and Environmental Enforcement (BSEE) and the Bureau of Ocean Energy Management (BOEM). In this capacity she guides the Department's management and use of the 1.7 billion acre Outer Continental Shelf. Her presentation will provide valuable insight into the Department's regulatory enforcement priorities on the OCS.

JANICE M. SCHNEIDER, Assistant Secretary for Land and Minerals Management, U.S. Department of the Interior, Washington, DC

9:00 am – 9:50 am

## **Lessons from 12 Years at the Helm of the FBI and Cybersecurity as a National Imperative**

A former FBI Director and longtime prosecutor will share lessons learned from his time as director of the FBI during the most tumultuous times in the nation's national security history, including 9/11, and will address the imperative of cybersecurity for energy companies. These lessons are of critical importance to attorneys and others working to comply with the post-9/11 regulatory regime and to protect their clients' digital information.

ROBERT S. MUELLER III, Partner, Wilmer Hale LLP; former Director, Federal Bureau of Investigation, Washington, DC

9:50 am – 10:05 am - **Hosted Refreshment Break**

10:05 am – 10:55 am

## **Federal Offshore Regulatory Enforcement Basics**

Setting the framework for the rest of the program, this presentation will cover the legal basics of federal offshore regulatory enforcement, including the enforcement authority arising under the primary governing statutes, and the enforcement tools available to federal agencies and the Department of Justice.

JONATHAN A. HUNTER, Shareholder, Liskow & Lewis, New Orleans, LA

10:55 am – 11:45 am

## **Compliance with Species Protection on the OCS**

Compliance with species protection statutes and regulations is an important consideration in connection with oil and gas exploration, development, and production on the OCS. This presentation will examine the requirements of the Endangered Species Act and the Marine Mammal Protection Act, seismic issues, and issues specific to Arctic development.

LOIS J. SCHIFFER, General Counsel, National Oceanic and Atmospheric Administration, Washington, DC

11:45 am – 1:00 pm - **Lunch – On Your Own**

1:00 pm – 1:50 pm

## **Financial Assurance: BOEM's Revised NTL and Proposed Rulemaking**

Recent bankruptcies and other events have focused BOEM's attention on updating its general and supplemental bonding requirements, as well as the criteria for obtaining a financial waiver from posting supplemental bonds or providing other financial assurance to cover estimated decommissioning costs. Significant change is anticipated in the form of a revised NTL to be followed by a rulemaking, as BOEM tries to ensure that it is adequately protected against any potential uncovered liabilities in this area. A panel composed of industry and BOEM representatives will discuss the challenges both industry and regulators face in this area.

*Moderator:* L. POE LEGGETTE, Partner, BakerHostetler, Denver, CO  
*Panelists:*

ABIGAIL ROSS HOPPER, Director, U.S. Bureau of Ocean Energy Management, Washington, DC

KEMPER HOWE, Business Development Director – Americas, BP Exploration & Production, Houston, TX

TOM YOUNG, Vice President Business Development and Land, Deep Gulf Energy, Houston, TX

1:50 pm – 2:40 pm

## **Liability of Owners, Contractors, and Non-Operators**

Currently, BSEE and other regulatory authorities are taking a more expansive view of who might be liable for statutory and regulatory violations, and are including owners of facilities and contractors as targets of their enforcement efforts. As an example, the owner of an offshore platform that was not a lessee or other interest holder recently agreed to pay a \$1 million civil penalty to resolve OCSLA and Clean Water Act (CWA) claims brought by BSEE and the Environmental Protection Agency related to unauthorized discharges of oil and chemicals from an oil platform in the Gulf of Mexico. This presentation will review the circumstances and authority under which BSEE is seeking to hold contractors and other non-operators liable for OCS violations.

JOHN COSSA, Associate, Beveridge & Diamond PC, Washington, DC

2:40 pm – 3:00 pm - **Hosted Refreshment Break**

3:00 pm – 3:50 pm

## **INCs, Civil Penalties, and the Appeal Process**

With enforcement on the upswing, it is more critical now than ever before to understand the regulatory authority for issuance of Incidents of Noncompliance (INCs) and civil penalties. This presentation will provide guidance on how to focus efforts to improve safety and compliance records. It will include a discussion of the most common INCs (and the focus of BOEM and BSEE's current efforts in this regard), as well as the timing and procedures for appealing INCs and assessments of civil penalties.

STEPHEN W. WIEGAND, Shareholder, Liskow & Lewis, New Orleans, LA

3:50 pm – 4:40 pm

## **Decommissioning Federal Leases and Rights-of-Way (ROWs)**

The Idle Iron Notice to Lessees (NTL) that requires unused wells and facilities on active leases to be plugged and abandoned or otherwise decommissioned, and a heightened sense of urgency to meet regulatory requirements for decommissioning on expired leases and ROWs, have generated a tremendous amount of decommissioning activity on the OCS. This presentation will explore important regulatory issues concerning decommissioning, including the timing of decommissioning, responsibility for decommissioning, and coordination (or lack thereof) between different rights holders.

JAMES M. AUSLANDER, Principal, Beveridge & Diamond PC, Washington, DC

4:40 pm – 5:30 pm

**Environmental Legal Challenges to Offshore Activities**

Non-Governmental Organizations (NGOs) are challenging federal offshore leasing and development activities on the OCS, in both the Gulf of Mexico and Alaska, at an ever-increasing pace. Learn about recent and current legal challenges, including the current litigation pending over Freedom of Information Act requests

in California and NGO challenges to leasing and development activities in Alaska.

STEVEN J. ROSENBAUM, Partner, Covington & Burling LLP, Washington, DC

5:30 pm – 6:30 pm

- **Hosted Reception for Registrants, Speakers, and Guests**

**DAY 2: Thursday, January 21, 2016**

8:30 am – 9:20 am

**The Deepwater Horizon Crisis—Living Through It and the Regulatory Aftermath**

Ken Salazar, former Secretary of the Interior, will address the role played by the Secretary in managing the Deepwater Horizon Crisis, including leading the offshore energy regulatory overhaul and imposing the Gulf of Mexico moratorium.

KEN SALAZAR, Partner, Wilmer Hale LLP, Denver, CO and Washington, DC; former U.S. Senator, Secretary of the Interior, and Colorado Attorney General

9:20 am – 10:10 am

**Nuts and Bolts of Federal OCS Leasing and Development**

Learn the vocabulary and how to navigate the maze of federal regulations applicable to leasing and development. The speaker will address the nuts and bolts of how to qualify to hold federal OCS leases and other rights, bidding and obtaining a lease, meeting the requirements associated with development of leases, how to assign a lease, responsibility among co-owners for lease obligations, and more.

COLLETTE R. GORDON, Shareholder, Liskow & Lewis, Houston, TX

10:10 am – 10:30 am - **Hosted Refreshment Break**

10:30 am – 11:20 am

**What to Expect in the Event of an Oil Spill or Other Significant Offshore Incident or Catastrophe**

Be prepared for the unexpected. A panel of experts will discuss the types of issues that arise in managing the immediate and subsequent enforcement actions that may accompany a significant offshore event such as an oil spill, platform fire, or construction, operation, or installation incident. The discussion will include OCSLA and BSEE and BOEM federal regulations, debarment, involvement of the Coast Guard and other agencies, and other potential statutory and regulatory violations of law, including the Clean Water Act and the Oil Pollution Act.

*Moderator and Panelist:*

KEVIN A. EWING, Partner, Bracewell & Giuliani LLP, Washington, DC

*Panelists:*

ROBERTA LEWIS, Senior Legal Counsel, Shell Oil Company, Houston, TX

DENEE DILUIGI, Counsel, Noble Energy, Inc., Denver, CO

11:20 am – 12:50 pm - **Lunch – On Your Own**

12:50 pm – 1:40 pm

**ONRR Royalty Update**

Federal royalty compliance is always critical, but perhaps more so now than ever before with ONRR's heightened focus on enforcement activities and civil penalties for noncompliance. This update on ONRR royalty issues will include the rulemaking on new natural gas valuation standards, new rules for civil penalties in the royalty arena, unbundling, and other recent developments.

JUDITH M. MATLOCK, Partner, Davis Graham & Stubbs LLP, Denver, CO

PETER J. SCHAUMBERG, Principal, Beveridge & Diamond PC, Washington, DC

1:40 pm – 2:30 pm

**Overview of OCS Deepwater Production Handling Agreements**

Because of the advance of subsea technology in the OCS Deepwater, a company is able to utilize existing infrastructure owned by another company to make a prospect economic. Additionally, an owner of existing infrastructure is able to monetize unused capacity on its facility by processing third party production. This presentation will explore the use of Production Handling Agreements in the OCS Deepwater, and the key issues involving such agreements.

ANDREW M. ADAMS, Member, Gieger Laborde & Laperouse LLC, Houston, TX

2:30 pm – 2:50 pm

- **Hosted Refreshment Break**

2:50 pm – 3:40 pm

**Safety and Environmental Management Systems (SEMS) Compliance: What to Expect and How to Prepare for a SEMS Audit**

BSEE's stated goal with respect to SEMS is the comprehensive development and implementation by industry of a management system that identifies and mitigates risk in all operations on an OCS facility. Over the past five years, companies have been faced with the challenge of ensuring compliance with the SEMS I and SEMS II regulations, and with mandatory, independent, third-party audits of SEMS programs required as of June 2015. This presentation will focus on lessons learned from the first round of audits that will assist companies in getting ready for their next SEMS audit and responding to audit findings. It will also address how BSEE is using the audit information it obtains, as well as other SEMS issues, including contractor responsibilities and what to expect next in connection with SEMS.

ANTON DU PREEZ, Vice President, Business Development, SEMPCheck, Houston, TX

3:40 pm – 4:40 pm

**Legal Ethics: An Inside Look at Federal Agency Ethics Investigations—What Attorneys and Other OCS Professionals Need to Know About DOI's Investigations and Review Unit**

Michael R. Bromwich, then Director of the Bureau of Ocean Energy Management, Regulation and Enforcement, established the Investigations and Review Unit (IRU) in 2010. The IRU is a team of professionals with law enforcement backgrounds or technical expertise whose mission is to promptly and credibly respond to allegations or evidence of misconduct and unethical behavior by Bureau employees; pursue allegations of misconduct by companies involved in offshore energy projects; and ensure the Bureau's ability to respond swiftly to emerging issues and crises, including significant incidents such as spills and accidents. IRU also shares allegations of misconduct with the Department of the Interior's Office of Inspector General, and they jointly determine which office conducts any investigation of those allegations. This presentation will provide insight as to what issues are of interest to the IRU, how it determines what to investigate, how it proceeds during an investigation, and its role vis-a-vis that of others within BSEE and the Department of the Interior. Reference will be made, where applicable, to the ABA Model Rules.

MICHAEL D. FARBER, Senior Advisor to the Director, Bureau of Safety and Environmental Enforcement, Washington, DC

4:40 pm

- **Course Adjournment**



*Can't attend? You can still order the course materials.*

# ORDER FORM



**Rocky Mountain Mineral Law Foundation**  
 9191 Sheridan Blvd., Suite 203  
 Westminster, CO 80031 USA  
 (303) 321-8100 / Fax (303) 321-7657

Office Use:
Shipped _____
Picked Up _____
Inv # _____

Name \_\_\_\_\_  
 Employer \_\_\_\_\_  
 Street Address (no P.O. boxes) \_\_\_\_\_  
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 City \_\_\_\_\_ State/Prov \_\_\_\_\_ Zip/Postal Code \_\_\_\_\_  
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 Telephone (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_  
 Email \_\_\_\_\_ Date \_\_\_\_\_  
 Purchase Order No. \_\_\_\_\_ Tax Exempt No., If Applicable \_\_\_\_\_

*Course materials and audio for Federal Offshore Regulatory Enforcement will be available within 4 weeks after the program*

All registrants will receive a link to the online course materials. A hard copy manual is available to registrants for \$65. See the registration form.		<b>Unit Price</b>		
<b>Title/Description</b>	<b>Qty.</b>	<b>Non-Member</b>	<b>RMMLF Member</b>	<b>Total</b>
<b>FEDERAL OFFSHORE REGULATORY ENFORCEMENT</b>				
Looseleaf Manual only ( <b>OCS2M</b> )		\$195	\$155	\$
Digital Manual only ( <b>OCS2D</b> ) <i>(no handling charge)</i>		\$195	\$155	\$
Audio recording ( <b>OCS2A</b> )	Specify audio format: <input type="checkbox"/> Downloadable <i>(no handling charge)</i> <input type="checkbox"/> Audio CD	\$325	\$260	\$
Package (Looseleaf Manual & Audio) – save 10% ( <b>OCS2MAP</b> )		\$455	\$360	\$
Package (Digital Manual & Audio) – save 10% ( <b>OCS2DAP</b> )		\$455	\$360	\$
Colorado Residents Add Sales Tax (see Colorado Sales Tax Chart)				
Handling Charge <i>(waived for digital materials only)</i>				+ \$11.00 per order
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<input type="checkbox"/> <b>Federal Express Overnight</b>				
Bill my FedEx # _____				
<b>TOTAL</b>				<b>\$</b>

<b>Colorado Sales Tax Chart</b>	<b>Shipping Information</b>
City-Westminster, County-Jeffco, RTD and State .....8.35%	<b>Downloadable Items:</b> No handling charge.
RTD and State .....4%	<b>All other orders</b> must add \$11 per order for handling charges.
State of Colorado .....2.9%	<b>Domestic:</b> Sent at no additional charge by FedEx Ground.
	<b>Canadian:</b> Must add \$30 per item.
	<b>International:</b> Must add \$65 per item.
	<b>FedEx Overnight:</b> Please provide your FedEx number.

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Check drawn on a U.S. bank in U.S. Dollars (Payable to **Rocky Mountain Mineral Law Foundation**)  
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 Exp. Date (month/year) \_\_\_\_\_ Signature \_\_\_\_\_  
 Electronic Transfer: Contact the Foundation at [info@rmmlf.org](mailto:info@rmmlf.org)

# PROGRAM COMMITTEE

JANA L. GRAUBERGER, Program Co-Chair;  
Shareholder, Liskow & Lewis, Houston, TX

PETER J. SCHAUMBERG, Program Co-Chair; Principal,  
Beveridge & Diamond PC, Washington, DC

KELLY BROOKS, Attorney, Houston, TX

STACY R. LINDEN, Vice President & General Counsel,  
American Petroleum Institute, Washington, DC

J.T. NESSER, Senior Attorney, Shell Oil Company,  
New Orleans, LA

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## Federal Offshore Regulatory Enforcement



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[www.rmmlf.org](http://www.rmmlf.org)

OR

Mail, fax, or email registration  
form and payment to:

Rocky Mountain  
Mineral Law Foundation  
9191 Sheridan Blvd., Ste. 203  
Westminster, CO 80031 USA

Tel: (303) 321-8100  
Fax: (303) 321-7657

Questions/Registrations:  
[info@rmmlf.org](mailto:info@rmmlf.org)

**For membership  
information, contact  
the Foundation**

Please type or print legibly

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Attendee Email \_\_\_\_\_

*(required for confirmations, advance registration list, and program updates)*

**Please check all that apply:**  Attorney  Landman  CPA  Management  
 Consultant  Other (please specify): \_\_\_\_\_

**CLE credit** requested for the following states: \_\_\_\_\_

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	<b>1 Select your registration category</b>		<b>2 Select your course materials format</b>	
	<b>Registrations Received thru 1/5/16 after 1/5/16</b>		<b>PAPERLESS</b> (Electronic materials only)	<b>HARD COPY</b> (Receive manual at conference)
Non-Member	<input type="checkbox"/> \$785	<input type="checkbox"/> \$885	<input type="checkbox"/> \$0	<input type="checkbox"/> \$65
RMMLF Member	<input type="checkbox"/> \$675	<input type="checkbox"/> \$775		
RMMLF Member Law School	<input type="checkbox"/> \$295	<input type="checkbox"/> \$395		
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Government Agency / Non-Profit* Organization ( <i>submit PO# if req'd</i> )	<input type="checkbox"/> \$525	<input type="checkbox"/> \$625		
Student—Full-Time, proof of status required	<input type="checkbox"/> \$35	<input type="checkbox"/> \$75	<i>Conference Materials will be provided electronically to all attendees about 2 weeks before the course.</i>	

*\*IRS tax-exempt status*

**TOTAL:** \$ \_\_\_\_\_

**REGISTRATION FORM**

Office Use Only  
OCS2 \_\_\_\_\_  
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REFDT \_\_\_\_\_  
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- Check drawn on a U.S. bank in U.S. Dollars (Payable to RMMLF)
- VISA  MasterCard  American Express
- Credit Card # \_\_\_\_\_ Exp. Date \_\_\_\_\_
- Name on Card \_\_\_\_\_
- Signature \_\_\_\_\_
- Electronic Funds Transfer: Contact the Foundation at [info@rmmlf.org](mailto:info@rmmlf.org)

# FEDERAL OFFSHORE REGULATORY ENFORCEMENT

## Rocky Mountain Mineral Law Foundation

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(303) 321-8100 / Fax (303) 321-7657

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## GENERAL INFORMATION

**Room Reservations:** The Doubletree Hotel Downtown, 400 Dallas St., Houston, TX 77002, has blocked discounted rooms for this course until January 5 at \$169 (single/double) per night. Ask for special rates for Rocky Mountain Mineral Law Foundation registrants. For reservations, contact the Doubletree at:

- Direct 713-351-5757
- Online <http://tinyurl.com/rockym105>

A limited number of government rate rooms are also available – email [info@rmmlf.org](mailto:info@rmmlf.org) for details. Trouble making room reservations? Contact us at [info@rmmlf.org](mailto:info@rmmlf.org)

**Car Rental:** Hertz is offering special discounts by referencing Meeting CV#03NJ0011 and Rocky Mountain Mineral Law Foundation. Make reservations at <http://tinyurl.com/hertz2016> or call 800-654- 2240 (U.S.); 800-263-0600 (Canada); or 405-749-4434 (Int'l).

**Registration Fees:** Include course materials, refreshments, and hosted functions as listed in this brochure. These fees do not include hotel costs or transportation. Registrations will be accepted only when accompanied by a check, money order, government purchase order or training form, credit card information, or wiring information. No registrations can be processed without payment.

**Registration Cancellations:** Refunds, less a \$50 administrative fee, will be given for cancellations received by 3:00pm on Tuesday, January 5, 2016. No refunds will be given thereafter, although substitution of attendees may be made by contacting the Foundation. Cancellations must be made in writing or email to [info@rmmlf.org](mailto:info@rmmlf.org). Registrants not entitled to a refund will receive a link to the written materials. For questions on refunds, complaints, and/or program cancellations, please contact our office at 303-321-8100.

**CLE Credit:** Foundation conferences are typically accredited by all mandatory CLE states and Canadian provinces, the AAPL, NADOA and NALTA, and other professional organizations. Attorneys from certain states may be required to pay an additional fee. This course consists of approximately 13.5 hours of continuing education, including 1 hour of ethics. You must let us know at least 30 days in advance of the conference the states or organizations for which you will need credit (see registration form). The Foundation is a State Bar of California MCLE-approved provider.

**CPE Credit:** Rocky Mountain Mineral Law Foundation is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors through its website: [www.learningmarket.org](http://www.learningmarket.org). There are no prerequisites and no advance preparation is required to attend this course. The delivery method is Group-Live, and up to 16 CPE credits are available, including 1 ethics credit. The program level is "overview."

**Recording:** Audio and video recording, streaming, or other types of live or stored dissemination are not permitted without express authorization from the Foundation.

**Special Needs:** If you have special needs addressed by the ADA, please notify us at least two weeks before the program.