



## DECOMMISSIONING AND RIGS TO REEFS IN THE GULF OF MEXICO FREQUENTLY ASKED QUESTIONS

Generally, after the useful life of an oil and gas platform, it must be decommissioned (i.e., dismantled and disposed of) according to the terms of the Department of the Interior (DOI) lease by which the platform was authorized. DOI regulations include a disposal option that, under certain circumstances, allows keeping a biologically valuable structure in the marine environment as an artificial reef through a process called “Rigs-to-Reefs.” Artificial reefs not only can enhance aquatic habitat, but also provide an additional option for conserving, managing, and/or developing fishery resources and can provide recreational opportunities.

This document contains answers to frequently asked questions (FAQs) surrounding decommissioning of non-producing oil and gas platforms in the Gulf of Mexico. It contains the following category of questions: (1) *Decommissioning and Platform Removal (Q1-Q5)*; (2) *Rigs-to-Reefs (Q6-Q19)*; (3) *Reefing in the Gulf of Mexico (Q20-23)*; (4) *Essential Fish Habitat and Oil and Gas Structures (Q24-Q28)*; and (5) *Federal Agency Roles (Q29)*.

These FAQs were developed by DOI’s Bureau of Safety and Environmental Enforcement, DOI’s Bureau of Ocean and Energy Management, the National Oceanic and Atmospheric Administration, the U.S. Coast Guard, the U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency.

### DECOMMISSIONING AND PLATFORM REMOVAL

#### **Q1: What is decommissioning of offshore platforms?**

**A1:** Decommissioning is the process of ending offshore oil and gas operations at an offshore platform and returning the ocean and seafloor to its pre-lease condition.

The Outer Continental Shelf Lands Act (OCSLA) and implementing regulations establish decommissioning obligations to which an operator must commit when they sign an offshore lease under the OCSLA, including the requirement to apply for and obtain a permit for subsequent removal of platforms. Outer Continental Shelf (OCS) leases typically require the operator to remove seafloor obstructions, such as offshore platforms, within one year of lease termination, or prior to termination of the lease if either the operator or the Department of the Interior deems the structure unsafe, obsolete, or no longer useful for operations.

The OCSLA regulatory and lease requirements for decommissioning offshore platforms are designed to minimize the environmental and safety risks inherent in leaving unused structures in the ocean, and to reduce the potential for conflicts with other users of the

Federal OCS (i.e., commercial fishing/aquaculture, military activities, transportation industry, other oil and gas/renewable energy operations, etc.).

Decommissioning an offshore platform generally entails:

- Plugging all wells supported by the platform and severing the well casings 15 feet below the mudline;
- Cleaning and removing all production and pipeline risers supported by the platform;
- Removing the platform from its foundation by severing all bottom-founded components at least 15 feet below the mudline;
- Disposing the platform in a scrap yard or fabrication yard, or placing the platform at an artificial reef site; and
- Performing site clearance verification at the platform location to ensure that no debris or potential obstructions to other users of the OCS remain.

OCSLA regulations administered by the Bureau of Safety and Environmental Enforcement (BSEE) require that operators obtain approval of the platform removal methodology prior to removal of the platform through an application process. To satisfy National Environmental Policy Act obligations, the Bureau of Ocean Energy Management (BOEM) prepares a site-specific environmental assessment for each removal application on behalf of BSEE. BSEE ensures the assessment is adequate and imposes any necessary protective mitigation measures as conditions of permit approval.

## **Q2: What is the “idle iron” policy and why does it exist?**

**A2:** In October 2010, BSEE published Notice to Lessee (NTL) 2010-G05, “Decommissioning Guidance for Wells and Platforms” (sometimes referred to as the “Idle Iron” policy) to clarify existing regulations that apply when a well or platform is “no longer useful for operations,” and needs to be plugged (in the case of a well) or removed (in the case of platforms and other structures). NTL 2010-G05 clarifies that BSEE orders wells that were not useful (had not produced for five years) at the time the NTL was published to be plugged by October 2013. Any well that became “idle” or not useful for lease operations subsequent to the NTL’s publication is expected to be plugged no later than 3 years after the well became “idle.” The NTL also clarifies that BSEE will enforce the decommissioning of platforms considered “idle” or no longer useful at the time the NTL was published by October 2015. Any platform that became “idle” or not useful for lease operations subsequent to the NTL’s publication is expected to be decommissioned no later than 5 years after the platform became “idle.”

Platforms affected by the “Idle Iron” NTL are decommissioned in accordance with OCSLA regulations as described in Q1. The final disposition of the material may be a scrap yard, fabrication yard, or an artificial reef site.

In the wake of several destructive hurricanes between 2004 and 2008 that severely damaged active and inactive oil and gas infrastructure in the Gulf of Mexico, BSEE published the “Idle Iron” policy so that inactive facilities and structures would not litter the Gulf of Mexico or threaten increased risks to the marine environment and navigation. Inactive wells and platforms are susceptible to the adverse effects of severe weather.

Inactive platforms may topple during storms and cause significant environmental contamination (such as the release of hydrocarbons to the surrounding waters), damage operating infrastructure, and result in new navigation and safety hazards.

**Q3: Can inactive oil and gas platforms be marked for navigation and left standing in place?**

**A3:** In general, under OCSLA and DOI's implementing regulations, non-producing platforms must be removed because they can create serious safety, environmental, and navigational risks. Abandoned platforms may deteriorate, making them more susceptible to structural failure, or can be toppled by hurricanes, potentially damaging neighboring active infrastructure. Under certain circumstances, a platform may remain in place for the creation of an artificial reef; this is known as reefing-in-place, which differs from abandonment of the platform.

**Q4: How are platforms removed? Are explosives used?**

**A4:** OCSLA regulations require the operator to sever bottom-founded objects and their related components at least 15 feet below the mudline before removal. Platform operators typically use one of two primary options to sever structures attached to the sea bottom- "mechanical severance" or "explosive severance" methods. BSEE regulations do not mandate which method or tool is to be used, as not all cutting options work in every single situation. The operators use their knowledge of the facility, its components, and other parameters in coordination with their contractors to determine which method should be used. Neither method creates debris on the seafloor.

*"Mechanical severance" options* include abrasive-water jets, sand-cutters, diamond-wire saws, carbide-cutters, shears, and guillotine saws. Mechanical methods are used in approximately 35% of all removal operations. Mechanical severance proceeds more slowly than "explosive severance" options, and may involve use of additional personnel (including divers) and/or additional equipment. Historically, the slower speed and use of additional personnel, including divers, has resulted in more injuries and higher costs when compared to explosive severance.

*"Explosive-severance" options* rely on the use of specially-designed bulk or shaped-charges attached to the platform. Charges are made up of explosive material with specific properties (i.e. velocity, density, brisance, specific energy, and weight strength) to produce enough stress upon detonation to completely sever the platform's bottom-founded components. These bottom-founded components are typically steel, pipe-like targets of varying diameters and wall thickness, depending on the platform's configuration and location on the OCS. An explosive charge is generally deployed from above the water surface inside the pipe-like target and set at a depth 15-25 feet below the seabed. Implementing OCSLA regulations allow the use of charges with explosive weights up to 500 lbs. Successful severance is typically effective, however, with charges from 50 – 200 lbs. in explosive weight. As noted, explosive severance options requires fewer people and has historically resulted in fewer human injuries and lower costs compared to mechanical severance.

**Q5: Does the use of explosives harm marine life?**

**A5:** The underwater detonation of explosives does result in a shock-wave and acoustic energy that can kill or harm marine species (i.e., fish, sea turtles, and marine mammals). In addition, underwater detonation may disrupt or damage marine life established on, at, or near the platform structure. Operators, therefore, are required to mitigate risks to protected species and all decommissioning operations must comply with a variety of Federal laws and regulations designed to protect endangered and threatened species as well as marine mammals. Mitigation activities typically include the use of passive acoustic monitoring and extensive surface and aerial monitoring before and after detonations to ensure that marine mammals and sea turtles are and remain clear of impact zones. Over the past 28 years, there have been no recorded adverse impacts to marine mammals and six recorded sea turtle mortalities.

Fish kills from explosive-severance activities do occur in various levels depending on the location and how long the platform has attracted marine life. Localized fish kills for species such as red snapper have been observed as a result of explosive removals. Available information indicates that the overall impact of explosive removals is limited and should not undermine current stock status or recovery strategies of managed species. (See *Estimation of Fisheries Impacts Due to Underwater Explosives Used to Sever and Salvage Oil and Gas Platforms in the U.S. Gulf of Mexico*, <http://www.gomr.boemre.gov/PI/PDFImages/ESPIS/3/3192.pdf>)

**RIGS-TO-REEFS**

**Q6: What is Rigs-to-Reefs?**

**A6:** Rigs-to-Reefs is a process, managed by Federal and State agencies, by which operators choose to donate – rather than scrap – decommissioned oil and gas platforms to coastal States to serve as artificial reefs under the National Artificial Reef Plan. Decommissioned structures are typically toppled in place, partially removed near the surface, or towed to existing reef sites or reef planning areas. The decommissioned platforms, like artificial reefs and natural hard surfaces underwater, attract various encrusting organisms such as barnacles and bivalves which colonize on them and, in turn, attract fish and other marine life as found on natural reefs.

**Q7: What is the National Artificial Reef Plan?**

**A7:** The [National Artificial Reef Plan](#) provides guidance on various aspects of artificial reef use, including types of construction materials, and planning, siting, designing, and managing of artificial reefs for the benefit of aquatic life.

The Department of Commerce, under the auspices of the National Oceanic and Atmospheric Administration (NOAA), developed the National Artificial Reef Plan in order to guide understanding of the many facets of artificial reef development and use, including the roles of Federal, State, and local governments. Required under the National Fishing

Enhancement Act of 1984, NOAA most recently updated the Plan in 2007 (in coordination with Atlantic, Gulf, and Pacific States Marine Fisheries Commissions, as well as interested State and Federal agencies).

The Plan is intended to respond to the information needs of a wide variety of users, including reef regulators, fishery and environmental managers, prospective donors of reef material, government officials, and the general public by facilitating effective artificial reef programs and performance monitoring. The Plan emphasizes the use of the most recent and best information available, establishes standard terminology to improve communication between parties interested in reefs, and assists in developing more uniform permitting procedures and clear guidance on materials acceptable for construction of marine artificial reefs. The U.S. Army Corps of Engineers is responsible for permitting the placement of decommissioned platforms as artificial reefs under section 10 of the Rivers and Harbors Act of 1899. The Plan also encourages the States to develop plans for artificial reefs in State waters and to participate in the planning for reefs in nearby Federal waters.

#### **Q8: Which States have approved Rigs-to-Reefs programs?**

**A8:** As of September 2012, the States of Louisiana, Texas, Mississippi, and California have passed specific legislation to establish programs for building artificial reefs from oil and gas platforms.

To date, the Louisiana Department of Wildlife and Fisheries, the Texas Parks and Wildlife Department, and the Mississippi Department of Marine Resources have administered State artificial reef plans, including ongoing offshore Rigs-to-Reefs programs. The artificial reef coordinators from these States assess the interest of their respective States in acquiring oil or gas structures offered for artificial reef development, work with the structure operator (or agent) in securing any permit required under statutes administered by the U.S. Army Corps of Engineers (including Section 10 of the Rivers and Harbors Act), negotiate an agreement for a structure donation, and accept title and responsibility on behalf of the State for the structure as a permanent State-approved artificial reef. The California Department of Fish and Game has an active artificial reef program and recently enacted Rigs-to-Reefs legislation. As of September 2012, however, no platforms have been reefed off of California.

Please see the next section, “Reefing in the Gulf of Mexico,” for state-by-state facts and figures.

#### **Q9: How do the National Artificial Reef Plan and Rigs-to-Reefs process interact with State Artificial Reef Programs?**

**A9:** States have taken a leadership role in the development of artificial reef programs. Both the Gulf States Marine Fisheries Commission (TX, LA, MS, AL, and FL) and the Atlantic States Marine Fisheries Commission (ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, VA, NC, SC, GA, and FL) have artificial reef subcommittees. These Commissions and their subcommittees play a coordinating role for State efforts to develop and implement artificial reef programs.

Representatives from the Department of the Interior and NOAA serve on each of these committees, providing a mechanism for the Federal Government to engage with States on artificial reef issues, including Federal Rigs-to-Reefs policy issues. In effect, the States have been responsible for implementing the National Artificial Reef Plan, in cooperation with the U.S. Army Corps of Engineers, and collecting information necessary for updating guidance in the Plan, and for strengthening provisions of the National Fishing Enhancement Act of 1984.

**Q10: What is a reefing area?**

**A10:** A reefing area, or reef planning area, is a designated area within which artificial reefs can be located once the appropriate permits have been obtained and the platforms have been appropriately prepared.

**Q11: What is the process for establishing reefing areas?**

**A11:** Proper development and implementation of an artificial reef program requires an understanding of the applicable legal, ecological, social, and economic aspects of developing and maintaining artificial reefs. Thus, each State program's methods to establish reef planning areas tend to differ. In general, most reef planning areas are established through some form of exclusion mapping and inclusion mapping followed by public hearings.

*Exclusion mapping* identifies areas where parties should not attempt to establish artificial reefs for any of a variety of reasons including navigation fairways, mudslide-prone areas, present oil and gas exploration or infrastructure (pipeline corridors), traditional trawl grounds, archaeological sites, restricted military zones, and existing live bottom or marine protected areas.

By contrast, *inclusion mapping* would take into account the use patterns of recreational fishermen and divers along with locations of harbors, public boat launches and available reefing material, such as oil and gas platforms, in order to identify areas best suited for artificial reef development. After suitable planning areas are identified, public hearings are typically held to gather additional information from concerned user-groups to further delineate appropriate artificial reef site planning areas. The final step is to add the reef planning areas to the State artificial reef plan.

**Q12: What methods are used for platform removal and reefing in the Rigs-to-Reefs process?**

**A12:** There are three methods for converting a non-producing platform into an artificial reef: (1) partially remove the platform; (2) topple the platform in place; and (3) tow-and-place the platform into a reefing area. Note that partial removal and toppling in place are methods of "reefing in place."

Partial removal typically relies on non-explosive means to cut the platform at levels of no less than 85 feet below the mean waterline. Compared to toppling in place, partial

removals result in higher reef profiles and less trauma and loss of platform uses by associated reef organisms. Toppling in place, as the name implies, uses non-explosive or explosive severance to cut piles and lay the jacket on its side [see Q4 above]. The tow-and-place platform method entails removing the platform from the seafloor and towing it to a designated reefing area.

**Q13: How is a rig prepared to ensure that the artificial reef does not contribute to the degradation of the marine environment?**

**A13:** The decks of most platforms that are destined for artificial reefs are severed below the water line and the remaining support structure is comprised of structural steel. Therefore, no preparation or cleaning of the remaining superstructure is needed to ensure environmental protection. On rare occasions where decks also are proposed for reefing, the operator must demonstrate that the deck is clean and clear of all contamination and that the material is consistent with the U.S. Environmental Protection Agency and U. S. Maritime Administration’s National Guidance: Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs.

**Q14: What is the Department of the Interior’s Rigs-to-Reefs Policy?**

**A14:** The Department of the Interior’s Rigs-to-Reefs policy encourages the reuse of obsolete oil and gas facilities as artificial reefs and describes the conditions under which DOI would waive OCSLA platform removal requirements. The decision to pursue donation of a decommissioned platform to a coastal State under the Rigs-to-Reefs process is optional and completely at the discretion of the lessee.

The Department’s Rigs-to-Reefs policy is implemented by BSEE and BOEM, which administer different provisions of the OCSLA. These platform removal waiver conditions include:

- The structure must become part of a State artificial reef program that complies with the criteria in the National Artificial Reef Plan;
- The appropriate State agency acquires a Rivers and Harbors Act section 10 permit from the U.S. Army Corps of Engineers and accepts title and liability for the reefed structure once removal and reefing operations are concluded;
- The reefing proposal complies with BSEE Regional Engineering, Stability, and Environmental Reviewing Standards and Reef-Approval Guidelines, as well as consistent with the best management practices and cleanup standards in national guidance prepared by EPA and the Maritime Administration regarding the preparation of vessels intended for use as artificial reefs;
- The operator satisfies U.S. Coast Guard navigational safety requirements; and
- The structure does not pose an unreasonable impediment to future mineral and energy development.

**Q15: Are there benefits to turning obsolete structures into artificial reefs?**

**A15:** Yes, implementation of the Rigs-to-Reefs policy provides benefits for the marine environment when a platform used as an artificial reef has been prepared appropriately and has been placed in a designated artificial reef site. Platforms as artificial reefs can benefit the environment by enhancing fish habitat, for the sponsoring State and community by enhancing recreational opportunities, tourism, and commercial fishing, and for structure owners through cost savings and beneficial reuse of platforms that otherwise would become scrap metal and material.

**Q16: What is the “5-mile rule” and why does it exist?**

**A16:** Included in the 2009 addendum to the DOI’s Rigs-to-Reefs policy was a distance standard of five miles between reef sites. This distance standard is sometimes referred to as the “5-mile rule”. The “5-mile rule” states that new reef sites will not be established within 5 miles of existing reef locations. This standard allows room for future OCS exploration and development activities between reefs and ensures that potential routes remain for future pipelines.

**Q17: What standards guide BSEE’s review of oil and gas structure removal applications that include a Rigs-to-Reefs proposal?**

**A17:** The Department of the Interior’s BSEE reviews each Rigs-to-Reefs proposal to ensure that:

- Reef material (i.e., platform jackets or the substructures of fixed platforms) will be stable and not endanger nearby infrastructure or protected resources;
- Rigs-to-Reefs sites are free from all potentially hazardous or nonstructural material, and that all submerged decks and their components and equipment have been or will be removed from the seafloor;
- Rigs-to-Reefs sites do not hinder future operations allowable under the OCSLA; and
- Rigs-to-Reefs sites do not lead to avoidable conflicts with other users of the OCS.

Additionally, for a platform to be approved as an artificial reef, it must be sited within an approved State reefing area or reef planning area.

**Q18: How many Rigs-to-Reefs proposals has BSEE approved? Denied?**

**A18:** Since 1986, the Department of the Interior has approved over 400 Rigs-to-Reefs proposals and has denied six. The reasons for denying a reefing proposal were mainly due to proximity to OCS infrastructure, especially active oil or gas pipelines. Additionally, BSEE has denied reefing proposals where the proposed reef site was located in a potential mudslide area and where the proposed site was located outside of a reef planning area.



**Q19: What has the Federal Government been doing to examine the potential impacts of the removal or reefing of rigs on a regional scale?**

**A19:** The Federal Government has funded decades of research to examine the impact and relationship between oil and gas platforms, the marine ecosystem, and fisheries. The following topics have been addressed:

- The habitat value of oil and gas platforms;
- The impact to species upon removal;
- Fishing impacts at platforms;
- Fisheries and fouling assemblage assessments have been performed on several platforms;
- Recruitment of larval, juvenile, and adult fishes to oil and gas platforms;
- Energetics of fishes at platforms and deep water environments;
- Evaluation and comparison of productivity at both natural and artificial reefs; and
- Platforms as artificial reefs and site fidelity, home range, and movement of fishes at artificial reefs.

A list of these studies, commissioned by BOEM, can be found at the end of this document.

In addition to these previous studies, BOEM is sponsoring a comprehensive study to evaluate the potential impacts from removing the platforms. Findings from this study are expected to be released in near future.

## **REEFING IN THE GULF OF MEXICO**

**Q20: How many designated reefing areas exist in the Gulf of Mexico?**

**A20:** The Gulf of Mexico OCS currently has 11 designated reefing areas. In addition, BSEE is currently working with the Texas Parks and Wildlife Department to develop two new artificial reef planning areas off the coast of Corpus Christi.

The State of Texas has designated a large reefing area in the High Island OCS area where the reefing option is available for obsolete oil and gas structures subject to the terms and conditions of a U.S. Army Corps of Engineers general permit. There are also 17 additional existing designated Rigs-to-Reefs sites outside of the High Island General Permit reefing area located along the Texas coast.

The State of Louisiana has developed nine artificial reef planning areas on the Federal OCS for Rigs-to-Reefs proposals along its coast. There are also 17 special artificial reef sites established under the State's artificial reef plan that are outside of the planning areas and that have space available for more oil and gas structures to be reefed. The State of Louisiana's Artificial Reef Plan has designated offshore waters deeper than 400ft as a deep water planning area. To date, eight structures have been reefed in deep water.

The Department of the Interior has designated the Federal OCS waters off the State of Mississippi as a reef planning area. To date eight Mississippi reef sites have been developed.

**Q21: How many platforms are in the Gulf of Mexico?**

**A21:** As of September 2012, there are approximately 2,996 platforms in the Gulf of Mexico.

**Q22: How many platforms have been converted into artificial reefs in the Gulf of Mexico?**

**A22:** As of September 2012, approximately 420 platforms, or about 10% of all platforms removed in the Gulf of Mexico, have been converted into artificial reefs. This includes 302 platforms reefed offshore Louisiana, 103 platforms reefed offshore Texas, 8 platforms reefed offshore Mississippi, 4 platforms reefed offshore Alabama, and 3 platforms reefed offshore Florida.

**Q23: How many of the existing platforms in the Gulf of Mexico are expected to be removed from the water in the next year? Moved to designated reef areas? Reefed in place?**

**A23:** As of September 2012, at least 359 of the 2,996 platforms in the Gulf of Mexico are expected to be decommissioned before the end of 2013. This approximation is based on the number of existing platforms on expired leases.

<b>Proposed Disposition for Platforms Expected to Be Decommissioned</b>	<b>OCS Platforms off the Coast of Louisiana</b>	<b>OCS Platforms off the Coast of Texas</b>	<b>Number of Platforms Expected to be Removed in the GOM in the Next Year</b>
Onshore Disposal	126	28	154
Moved to Designated Reef Area	18	15	33
Reef-in-Place	5	1	6
No Platform Removal Application Received by BSEE to Date	124	42	166
<b>TOTAL</b>	<b>273</b>	<b>86</b>	<b>359</b>

**ESSENTIAL FISH HABITAT AND OIL AND GAS STRUCTURES**

**Q24: What is essential fish habitat (EFH)?**

**A24:** The term "essential fish habitat" or EFH is defined under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and refers to waters and substrate

necessary for fish to spawn, breed, feed or grow to maturity. Essential fish habitats are those necessary to maintain fish production consistent with a sustainable fishery and the managed species' contribution to a healthy ecosystem. The MSA provides for conservation and management of Federal fisheries and requires Federal fishery management plans to describe and identify essential fish habitat for managed fish species, to minimize to the extent practicable adverse effects on such habitat caused by fishing, and to identify other actions to encourage the conservation and enhancement of such habitat.

**Q25: How is essential fish habitat designated?**

**A25:** Regional Fishery Management Councils (Councils) are responsible for proposing essential fish habitat designations to NOAA for approval. NOAA reviews and determines if proposed essential fish habitat designations meet regulatory criteria for approval.

Councils are composed of Federal and State marine resource agency representatives, as well as private citizens who are knowledgeable about fishery conservation and management and who are nominated by State governors and approved by the Secretary of Commerce. NOAA supports regional fishery management, including efforts to describe and identify essential habitat for every life stage of each federally managed species using the best available scientific information. The Councils and NOAA have designated a variety of aquatic habitats – including wetlands, coral reefs, hard bottom communities, seagrasses, and the pelagic environment – as EFH.

**Q26: Why are oil and gas structures being considered for designation as essential fish habitat?**

**A26:** The recreational fishing and diving communities asked the Gulf of Mexico Fishery Management Council to consider designating oil and gas platforms as EFH. These communities value the structures for the recreational fishing and diving opportunities the structures provide that would be lost if the structures are removed from the water.

In response to this request, the Gulf of Mexico Fishery Management Council discussed the matter at their August 2012 meeting. Based on this discussion, the Gulf of Mexico Fishery Management Council decided to appoint an ad hoc Advisory Panel comprised of members of the oil and gas industry, members of state artificial reef programs, and recreational and commercial fishing interests to review the issue in the near future.

**Q27: What criteria must be met in order for a Council to designate artificial structures as EFH?**

**A27:** By definition, EFH must be necessary to fish for spawning, breeding, feeding, or growth to maturity. Essential fish habitats are those necessary to maintain a sustainable fishery and the managed species' contribution to a healthy ecosystem.

In order for NOAA to approve a Council's proposal to designate oil and gas structures as EFH, a Council would need to demonstrate a linkage between the habitat functions and one

or more major life history stages of one or more species managed under the MSA. Currently, there are no oil and gas structures in any U.S. waters designated as EFH.

**Q28: What are the implications of an EFH designation?**

**A28:** If a Council designates and NOAA approves the designation of an oil and gas structure (or other artificial structures) as EFH, NOAA and the Council are required to consider actions to minimize the adverse impacts of fishing activities on such EFH. Additionally, a Federal agency would be required to consult with NOAA if that Federal agency proposes to authorize, fund, or undertake an activity that may adversely affect the designated EFH. If a Federal agency proposes to remove an oil and gas structure which had been designated as EFH, NOAA would be required to provide recommendations to the Federal action agency (in this case, DOI) to conserve the EFH, minimize the adverse impacts of the proposed removal, and/or compensate for any adverse impacts of the removal. NOAA's EFH conservation recommendations are advisory in nature and do not displace the jurisdiction, responsibilities, and regulatory oversight roles of BOEM, BSEE or the USACE which apply to these structures.

## AGENCY ROLES

**Q29: What are the roles of the U.S. Department of the Interior, the U.S. Department of Commerce, the U.S. Army Corps of Engineers, the U.S. Coast Guard, and the U.S. Environmental Protection Agency in Rigs-to-Reefs?**

**A29:** *The U.S. Department of the Interior (DOI)* has broad authority under the Outer Continental Shelf Lands Act to protect natural resources of the OCS. With the reorganization of the Department of the Interior's Mineral Management Service, the role of DOI in Rigs-to-Reefs was split, as follows:

Within DOI, the *Bureau of Safety and Environmental Enforcement (BSEE)* is responsible for regulatory, safety, environmental and conservation compliance for the development of the nation's offshore oil and gas and renewable energy resources. BSEE ensures the regulatory requirements for decommissioning of oil and gas platforms are met. These regulations allow the appropriate conversion of decommissioned platforms to artificial reefs when such platforms are permitted for that purpose by the U.S. Army Corps of Engineers.

The *Bureau of Ocean Energy Management (BOEM)*, also within DOI manages the exploration and development of the nation's offshore resources. BOEM's role in Rigs-to-Reefs is to conduct the environmental review required under the National Environmental Policy Act and the National Historic Preservation Act for the removal of obsolete structures in support of the removal permit issued by BSEE. BOEM analyzes the environmental and cultural effects of BSEE's action in issuing the permit through the mechanism of a Site-Specific Environmental Assessment and may impose actions to mitigate those effects, both at the removal site and the reefing location if that is proposed outside the approved reefing areas.

In addition, the *U.S. Fish and Wildlife Service* administers the Federal Aid in Sport Fish Restoration Program, which provides funding to the States to undertake sport fish restoration and boating access projects. Money for this program is collected from excise taxes on fishing tackle and motorboat fuels. The program provides reimbursement to State fish and wildlife agencies for 75% of the cost of eligible projects, subject to the overall annual funding apportionment to each state, which is determined by a formula in the Act. Costs to State fish and wildlife agencies for artificial reef projects designed to provide or improve recreational fish habitat are eligible for reimbursement under the program.

The *U.S. Army Corps of Engineers (USACE)* permits certain structures or work in or affecting navigable waters of the United States pursuant to section 10 of the Rivers and Harbors Act of 1899 to prevent obstruction to navigation by artificial islands, installations, and other devices. Also under section 404 of the Clean Water Act, USACE regulates certain activities, such as the placement of dredged or fill material (which includes the placement of an artificial reef), in the waters of the United States. USACE permitting applies to placement of decommissioned platforms under State Rigs-to-Reefs programs on the OCS.

The *U.S. Environmental Protection Agency (EPA)* reviews proposed reefing projects to ensure that only acceptable material is used as artificial reef material and that the placement of these materials on the ocean floor will not violate Federal laws or regulations that protect the marine environment. EPA is consulted for applications for USACE permits for placement of artificial reefs, and confirms authorization of sites to receive certain materials for the purpose of enhancing the aquatic environment.

The *U.S. Department of Commerce's National Oceanic and Atmospheric Administration (NOAA)* implements the National Artificial Reef Plan, working with State and Federal agencies to promote responsible and effective artificial reef use based on the best scientific information available. NOAA serves in a consultative role for activities such as providing comments on the creation, siting, and permitting of artificial reefs as well as standards for the transfer, cleaning, and preparation of certain reef materials.

Under the Magnuson-Stevens Fishery Conservation and Management Act, NOAA approval of the Regional Fishery Management Council essential fish habitat designation is required, and NOAA provides advisory conservation recommendations to federal agencies on actions that may adversely affect essential fish habitat, including individual lease sales, the removal of oil and gas platforms, and the creation of artificial reefs.

Under the Endangered Species Act, NOAA consults under section 7 on Federal actions that may affect listed species. A programmatic consultation for Outer Continental Shelf Federal waters was completed in August 2006. The Marine Mammal Protection Act directs NOAA to allow, upon request, the incidental taking of small numbers of marine mammals within a specified geographical region if certain findings related to negligible impacts and subsistence use are made. NOAA promulgated regulations governing the taking of marine mammals incidental to explosive removal of offshore structures on June 19, 2008. These five year regulations remain in effect through July 19, 2013. The most recent MMPA Letter of Authorization under these regulations is effective from March 16 2012 through March 15, 2013.

The *U.S. Coast Guard's* responsibility in the proper removal of decommissioned platforms addresses the safety, security, and efficiency of marine navigation. Coast Guard regulations provide that any solid structure must have a minimum clearance of 85 feet and be marked with navigational buoys.

**FOR MORE INFORMATION, PLEASE VISIT THE FOLLOWING WEBSITES:**

**U.S. Department of the Interior, Bureau of Safety and Environmental Enforcement**  
Decommissioning Offshore Platforms, [www.bsee.gov/Regulations-and-Guidance/Decommissioning/index1.aspx](http://www.bsee.gov/Regulations-and-Guidance/Decommissioning/index1.aspx)

**U.S. Department of the Interior, Bureau of Ocean and Energy Management**  
[www.boem.gov](http://www.boem.gov)

**U.S. Department of Commerce, National Oceanic and Atmospheric Administration**  
Artificial Reef Plan, [www.nmfs.noaa.gov/sfa/PartnershipsCommunications/NARPwCover3.pdf](http://www.nmfs.noaa.gov/sfa/PartnershipsCommunications/NARPwCover3.pdf)  
Essential Fish Habitat Information, [www.habitat.noaa.gov/protection/efh/index.html](http://www.habitat.noaa.gov/protection/efh/index.html)  
Endangered Species Act and Marine Mammal Protection Act Information, [www.nmfs.noaa.gov/pr/laws/](http://www.nmfs.noaa.gov/pr/laws/)

**U.S. Coast Guard**  
[www.uscg.mil](http://www.uscg.mil)

**U.S. Army Corps of Engineers**  
[www.usace.army.mil](http://www.usace.army.mil)

**U.S. Environmental Protection Agency**  
Artificial Habitat, <http://www.epa.gov/ged/coralreef/models/ArtificialHabitat.html>  
Creating Artificial Reefs, [http://water.epa.gov/type/oceb/artificialreefs\\_index.cfm](http://water.epa.gov/type/oceb/artificialreefs_index.cfm)

## BUREAU OF OCEAN ENERGY MANAGEMENT STUDIES RELATED TO OFFSHORE ENERGY PLATFORMS

### Ongoing Studies:

- Assessing Trophic Linkages Between Platforms and Pelagic Fishes Using Ultrasonic Telemetry and Active Acoustics  
[www.gomr.boemre.gov/homepg/regulate/environ/ongoing\\_studies/gm/GM-92-42-105.html](http://www.gomr.boemre.gov/homepg/regulate/environ/ongoing_studies/gm/GM-92-42-105.html)
- Deep-Water Coral Distribution and Abundance on Active Offshore Oil and Gas Platforms and Decommissioned "Rigs-to-Reefs" Platforms  
[www.gomr.boemre.gov/homepg/regulate/environ/ongoing\\_studies/gm/GM-92-42-126.html](http://www.gomr.boemre.gov/homepg/regulate/environ/ongoing_studies/gm/GM-92-42-126.html)
- Determining the Geographic Distribution, Maximum Depth, and Genetic Affinities of Corals on Offshore Platforms, Northern Gulf of Mexico  
[www.gomr.boemre.gov/homepg/regulate/environ/ongoing\\_studies/gm/GM-92-42-117.html](http://www.gomr.boemre.gov/homepg/regulate/environ/ongoing_studies/gm/GM-92-42-117.html)
- Platform Recruited Reef Fish, Phase II: Do Platforms Provide Habitat that Increases the Survival of Reef Fishes?  
[www.gomr.boemre.gov/homepg/regulate/environ/ongoing\\_studies/gm/GM-92-42-128.html](http://www.gomr.boemre.gov/homepg/regulate/environ/ongoing_studies/gm/GM-92-42-128.html)
- Short-term Movement, Home Range, and Behavior of Red Snapper Around Petroleum Platforms in the Northern Gulf of Mexico as Determined by High Resolution Acoustic Telemetry  
[www.gomr.boemre.gov/homepg/regulate/environ/ongoing\\_studies/gm/GM-92-42-104.html](http://www.gomr.boemre.gov/homepg/regulate/environ/ongoing_studies/gm/GM-92-42-104.html)

### Completed Studies:

- [Proof of Concept for Platform Recruited Reef Fish, Phase 1: Do Platforms Provide Habitat for Subadult Red Snapper?](#)
- [Evaluation of Oil and Gas Platforms on the Louisiana Continental Shelf for Organisms with Biotechnology Potential](#)
- [Platform Debris Fields Associated with the Blue Dolphin \(Buccaneer\) Gas and Oil Field Artificial Reef Sites offshore Freeport, Texas: Extent, Composition, and Biological Utilization](#)
- [Fidelity of Red Snapper \(\*Lutjanus campechanus\*\) to Petroleum Platforms and Artificial Reefs in the Northern Gulf of Mexico](#)
- [Effect of Depth, Location, and Habitat Type, on Relative Abundance and Species Composition of Fishes Associated with Petroleum Platforms and Sonnier Bank in the Northern Gulf of Mexico](#)
- [Characterization of Algal-Invertebrate Mats at Offshore Platforms and the Assessment of Methods for Artificial Substrate Studies](#)
- [Rigs and Reefs: a Comparison of the Fish Communities at Two Artificial Reefs, a Production Platform, and a Natural Reef in the Northern Gulf of Mexico](#)
- [Importance of Zooplankton in the Diets of Blue Runner \(\*Caranx crysos\*\) Near Offshore Petroleum Platforms in the Northern Gulf of Mexico](#)
- [Offshore Petroleum Platforms: Functional Significance for Larval Fish Across Longitudinal and Latitudinal Gradients](#)
- [Across-Shelf Larval, Postlarval, and Juvenile Fish Community Associated with Offshore Oil and Gas Platforms and a Coastal Rock Jetty West of the Mississippi River Delta](#)
- [Seasonal and Spatial Variation in the Biomass and Size Frequency Distribution of Fish Associated with Oil and Gas Platforms in the Northern Gulf of Mexico](#)
- [Estimation of Fisheries Impacts Due to Underwater Explosions Used to Sever and Salvage Petroleum Platforms](#)