

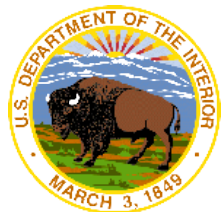


# Decommissioning / Rigs-To-Reefs Interagency Stakeholder Forum

## BOEM Environmental Assessments and Studies

November 16, 2012, Houston, TX  
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# BOEM Environmental Assessment

- BOEM prepares site-specific EA (SEA) for removal permit on behalf of BSEE
- Subject matter experts review the application
- Mitigation to reduce potential impact on protected resources are proposed under SEA
  - Marine Protected Species
  - Archaeological Resources
  - Benthic Habitats





# BOEM Studies

- Seasonal and Spatial Variation in the Biomass and Size Frequency Distribution of Fish Associated with Oil and Gas Platforms in the nGOM (1998-2000)
- Rigs and Reefs: A Comparison of the Fish Communities at Two Artificial Reefs, a Production Platform and a Natural Reef in nGOM (1999-2003)
- Proof Concept for Platform Recruited Reef Fish, Phase I: Do Platforms Provide Habitat for Subadult Red Snapper? (2001-2005)
- Fidelity of Red Snapper to Petroleum Platforms and Artificial Reefs in the nGOM (2002-2004)
- Ongoing studies: fish and corals associated with platforms and a literature synthesis

Environmental Studies Program Information System:

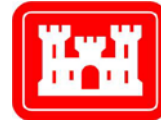
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# Decommissioning

- Companies Obligated to Remove Infrastructure
  - Within one year after lease expires
  - When the company determines there is no future use
  - Included in Lease terms
  - Regulated by 30 CFR 250, Subpart Q: Decommissioning Activities



# Idle Iron

- Alternative Internal Control Review
  - Conducted after devastating hurricane seasons (2004, 2005, and 2008)
  - 111 structures destroyed or significantly damaged from Hurricanes Katrina and Rita
    - 50% were on terminated leases
- Notice to Lessees (Sept. 2010)
  - Clarified “no longer useful for operations”
    - Removal required 5 years after determination
    - NTL did not change requirements
      - Majority of infrastructure: Abandoned Wells



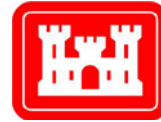
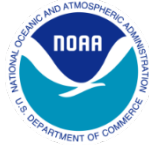
# “Rigs to Reefs”

- Departure from Regulatory Requirements
  - BSEE can grant a departure from removal requirements providing reefing criteria are met
    - Benefits the environment / economy
  - “Rigs to Reefs” policy allows for reefing of certain oil and gas platforms in state-designated reefing areas
    - Some platforms can be reefed in place
  - Since 2005, on average, 12% of platforms decommissioned annually have been reefed



# “Rigs to Reefs”

- Reefing Criteria:
  - The structure becomes part of a State artificial reef program that complies with the criteria in the National Artificial Reef Plan;
  - The responsible State agency acquires a permit from the U.S. Army Corps of Engineers and accepts title and liability for the reefed structure once removal/reefing operations are concluded;
  - The operator satisfies any U.S. Coast Guard navigational requirements for the structure (85 feet below waterline); and
  - The reefing proposal complies with Gulf of Mexico Region engineering, stability, and environmental (EPA) reviewing standards and reef-approval guidelines.



# USACE Regulatory Jurisdiction

- Section 10 of the Rivers and Harbors Act applies on the OCS – Protect navigation and national security
- Section 10 permit would be necessary for placement of the rig in waters
- Section 404 of the Clean Water Act only applies if the rig is to be placed in state waters, **AND** if there is fill material associated with activity





# Permit Evaluation Process

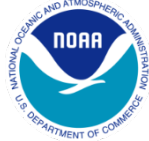
- 15-30 day Public Notice
- Comments received
- Comments considered
- Permit decision (issue, deny, issue with conditions)
- Generally, 120-day process
- NOTE: USACE needs to reference existing permit (i.e. any permit authorization associated with the installation of the operating rig, itself)



# **USCG – Considerations**

## **33 CFR 64.31: Determination of Hazard to Navigation**

- Location in relation to the navigable channel and other navigational traffic patterns;
- Navigational difficulty in the vicinity;
- Depth of water, fluctuation of the water level, and other hydrologic characteristics;
- Draft, type, and density of vessel traffic or other marine activity in the vicinity;



# **USCG – Considerations**

## **33 CFR 64.31: Determination of Hazard to Navigation**

- Physical characteristics of the obstruction;
- Possible movement of the obstruction;
- Location of the obstruction in relation to other obstructions or aids to navigation;
- Prevailing and historical weather conditions



# Artificial Reef Marking Requirements

- Evaluated on a case by case basis
- Engage CG District 8 early and often
  - Phone or email
- Private Aid Application Process
  - Guided by 33 CFR Part 64, Part 66 and Part 67



# Contact

## D8 Waterways Mgmt Branch

- **Commander Tim Wendt (Branch Chief)**
  - 504 671-2106
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<http://www.uscg.mil/d8/waterways/PATON.Home.asp>



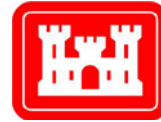
# NOAA Roles: Primary Living Marine Resources Management Authorities

- **Magnuson-Stevens Act (MSA):**
  - Provide recommendations to Federal agencies on actions that may adversely affect essential fish habitat.
- **Endangered Species Act (ESA):**
  - Consultation required on Federal actions that may affect listed species.
- **Marine Mammal Protection Act (MMPA):**
  - Can authorize the incidental taking of small numbers of marine mammals within a specified geographical region.



# NOAA Roles: Decommissioning Oil and Gas Platforms & Rigs-to-Reefs

- Decommissioning of oil and gas platforms may require consultations under any or all of NOAA's management authorities
- Additionally, NOAA is lead in providing guidance for development of artificial reefs via the National Artificial Reef Plan, which was developed under the authority of the National Fishing Enhancement Act of 1984



# NOAA Roles: Essential Fish Habitat (EFH)

*“...those waters and substrate **necessary** to fish for spawning, breeding, feeding or growth to maturity.”*

- To be designated, a habitat area must meet this criteria.
- The recreational fishing and diving communities asked the Gulf of Mexico Fishery Management Council to consider designating oil and gas platforms as EFH.
- Evaluation of any platform or component thereof is a complex issue, involving questions of habitat function served, resident species composition, potential invasive species, and risk posed by any potential contaminants.





# Rigs as Reefs

## EPA Roles and Responsibilities

### Intentional Placement of Material to Serve as Artificial Reefs

- “*Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs*,” developed by EPA and Maritime Administration, provides narrative clean-up goals for vessels used as artificial reefs
  - Properly prepared and strategically sited artificial reefs in permitted artificial reef construction areas can benefit the marine environment
  - Some cleanup goals may be applicable to preparation of rigs used as artificial reefs
  - Implementation of the guidance for preparing rigs as reefs may be useful when striving to meet applicable water quality standards and appropriate environmental protection goals
- **Clean Water Act Section 404** – Applies to placement of fill material or structures, such as those used to create artificial reefs, up to three miles out from the baseline
  - Permitting is primarily administered by the U.S. Army Corps of Engineers
  - All discharges of fill material or structures must comply with Section 404(b)(1) Guidelines, developed by EPA in conjunction with the Corps