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PFMC

September 30, 2005

Pacific Fisheries Management Council
7700 NE Ambassador Place, Suite 200
Portland, OR 97220-1384

Agenda Item H.7.c--Amendment 19
November 2, 2005

Ladies & Gentlemen,

The Mendonoma Marine Life Conservancy requests that the Council remove Section 7.3.1.6 and all other references to oil production platforms as a Habitat Areas of Particular Concern from Amendment 19 to the Pacific Coast Groundfish Fishery Management Plan.

The basis for our request is threefold:

- The data sets cited by CARE and other proponents in support of HAPC designation can be interpreted entirely differently with the same scientific level of confidence.
- The total "reef" area represented by California's production platforms is so small in relation to regional availability of hard bottom substrates that any regional impacts are likely to be small and possibly not even detectable empirically.
- PFMC designation of oil platforms as a HAPC interferes with, undermines, and weakens California's effort to enforce the decommissioning provisions of its contractual agreements with platform owners.

Interpretation of data:

Some of the research referenced by California Artificial Reef Enhancement consists of personal communications and proposals unavailable to us. Others (eg: OCS Studies MMS 2001-028 and 2003-032) are not available on the Minerals Management Service website, and MMS has not responded to our written request for these studies to date. However, to the best of our determination, these studies suffer from the same shortcoming as OSC Study MMS 2003-053, *Consequences of Alternative Decommissioning Options to Reef Fish Assemblages and Implications for Decommissioning Policy*. This study compares fish populations at six oil platforms and five natural reefs in Southern California from 1995 through 1997.

The data sets in this study contrast fish populations at platforms and natural reefs in great detail; but the ambiguity of the data is burried inside two paragraphs in the middle of the 105-page study (pages 58 - 59):

Fishing effort is strong on the natural reefs we studied and the influence of this mortality on the age/size structure and density of targeted populations...may be pronounced as well. In contrast, very little, if any, recreational and live-fish fishing has been allowed for many years on the platforms we studied.

Thus, some of the differences we detected in population size structure, density and assemblage structure may simply reflect the effects of both recreational and commercial live-fish fishery, rather than differences between habitat types.

Indeed, if one adds a "fished" vs "unfished" element to the data sets presented in OSC Study MMS 2003-053, the resulting data catagorizations would be identical to the "reef" vs "platform" categorizations published in the study. Thus, the data used to demonstrate population differences between natural reefs and oil platforms can be interpreted with the same scientific level of confidence to show the results of fishing restrictions.

Statistical Insignificance:

In *Ecological Issues Related to Decommissioning of California's Offshore Production Platforms* (November 8, 2000), the University of California's Select Scientific Advisory Committee on Decommissioning noted (pages 35-36), *The total "reef" area represented by California's 27 platforms is extremely small in relation to regional availability of hard bottom substrates, suggesting that for the majority of species any regional impacts (whether positive or negative) of a decommissioning option are likely to be small and possibly not even detectable empirically.*

The Committee concludes its report (page 36), *Thus, in light of the lack of strong evidence of benefit and the relatively small contribution of platforms to reef habitat in the region, evaluation of decommissioning alternatives in our opinion should not be based on the assumption that platforms currently enhance marine resources.*

Interference With California's Oil Contracts:

Owners of the oil production platforms in California's waters are contractually obligated to completely remove each platform when it is decommissioned. This legal obligation was reconfirmed by the California Coastal Commission in 1999.

Subsequently there have been two attempts to pass legislation allowing platform owners to leave a portion of each decommissioned platform in place. In 2000 SB241 was defeated in the Legislature, and in 2001 SB1 was vetoed by Governor Davis.

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We have received oral verification from the CA Fish & Game Commission's Executive Director, Bob Treanor, and the CA Department of Fish & Game's legislative analyst, Julie Oltman, that there has been no change in State policy regarding production platform decommissioning since 2001. So, in granting HAPC status to oil platforms, PFMC is potentially upsetting the balance of negotiations between the State of California and platform owners, and is in fact acting in opposition to California's last stated position on platform decommissioning.

In summary, MMLC finds:

- the science upon which Alternative B.8 is based is subject to completely different interpretation,
- the relative area of platforms as a proportion of hard bottom habitat is too small to be of practical significance, and
- the designation of production platforms as a HAPC is in conflict with California's platform decommissioning policy.

We urge you to reconsider HAPC Alternative B.8 and to refrain from including it in any fishery management plan or environmental impact statement.

Thank you for the opportunity to comment.



Rob Cozens, Staff Conservator

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October 6, 2005

Mr. Donald K. Hansen, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384

Re: **Pacific Coast Groundfish Fishery Management Plan, Amendment 19: Designating Offshore Oil Platforms as Habitat Areas of Particular Concern.**

Dear Chairman Hansen and Council Members:

We appreciate the opportunity to comment on proposed Draft Amendment 19 to the Pacific Coast Groundfish Fishery Management Plan, scheduled for consideration at your November meeting. Due to staffing constraints, we are unable to comment on the proposed Fishery Management Plan as a whole, however we are particularly concerned about the proposed designation of thirteen oil platforms offshore California as "Habitat Areas of Particular Concern".

The California Coastal Commission has worked closely for many years with local, State and federal agencies and industry representatives on the potential conversion of platforms to artificial reefs ("rigs to reefs"). The Commission's involvement stems from its regulatory authority under the California Coastal Act and federal Coastal Zone Management Act over the installation and decommissioning and removal of platforms and associated structures located in State and federal waters.

We are familiar with the scientific community's research involving whether these structures constitute "habitat" with diverse and robust habitat values, whether they function to actually increase the regional abundance of fish populations, or whether they are primarily fish attractors. A study conducted in 2000 by an independent committee of University of California scientists¹ finds:

Surveys of platforms in California waters reveal that they harbor rich assemblages of marine organisms, including many fishes and invertebrates that typically occur on natural rocky reef substrates... Despite the fact that platforms can harbor abundant marine life, it is the platform's contribution to regional stocks of species that is the crucial metric for

¹ Holbrook, Sally, et. al. *Ecological Issues Related to Decommissioning of California's Offshore Production Platforms*. Report to the University of California Marine Council by the Select Scientific Advisory Committee on Decommissioning. University of California. November 8, 2000.

evaluating its ecological impact... At present there is not any sound scientific evidence (that the Committee is aware of) to support the idea that platforms enhance (or reduce) regional stocks of marine species. (p. 4)

Furthermore,

...[T]he 27 platforms represent a tiny fraction of the available hard substrate in the Southern California Bight, so their contribution to stocks of most reef organisms is likely to be small relative to the contribution from natural reefs. (p. 3)

In the absence of sound scientific evidence that platforms enhance regional stocks of marine species, Commission staff is strongly opposed to designating offshore oil platforms generally as "habitat." This designation should be reserved for natural reefs only, and for those artificial reefs whose contribution to enhancing marine species has been conclusively demonstrated.

We disagree with the Draft Environmental Impact Statement's assertion that the designation of oil platforms as Habitat Areas of Particular Concern will not convey higher regulatory standards.² Designating these platforms as Habitat Areas of Particular Concern will lead the oil industry, and potentially other resource agencies, to place a high priority on "protecting" all platforms, and provide support to the idea that those platforms should be abandoned in place. We oppose the view that it is good environmental policy to abandon in the ocean industrial refuse after the primary purpose of the structures has been served. Certainly, over time, these platforms have served some habitat purposes. However, to suggest, in the absence of convincing scientific evidence, that such purposes are somehow unique or particularly valuable is not warranted.

We respectfully request that the Council delete the section of Amendment 19 to the Fishery Management Plan that proposes to designate the thirteen offshore platforms as Habitat Areas of Particular Concern.

If you have any questions, please do not hesitate to contact me, or Alison Dettmer, manager of the Commission's Energy and Ocean Resources Unit at (415) 904-5200.

Sincerely,


PETER M. DOUGLAS
Executive Director

² National Marine Fisheries Service. *Pacific Coast Groundfish Fishery Management Plan Essential Fish Habitat Designation and Minimization of Adverse Impacts, Draft Environmental Impact Statement*. National Marine Fisheries Service, Northwest Region. Seattle, WA. February 2005. pp. xi-xii.