



## Pacific Fishery Management Council

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Marc Gorelnik, Chair | Charles A. Tracy, Executive Director

October 14, 2021

Mr. Richard Yarde  
Office of Environment  
BOEM Pacific Region  
760 Paseo Camarillo, Suite 102  
Camarillo, CA 93010

Submitted via the Federal Register

*RE: Notice of Intent for a Draft Programmatic Environmental Impact Statement for Oil and Gas Decommissioning Activities on the Pacific Outer Continental Shelf*

Dear Mr. Yarde,

The Pacific Fishery Management Council (Council) submits the following comments in response to the Bureau of Safety and Environmental Enforcement's (BSEE) Notice of Intent for a Draft Programmatic Environmental Impact Statement (PEIS) for Oil and Gas Decommissioning Activities on the Pacific Outer Continental Shelf. The Bureau of Ocean Energy Management (BOEM) is assisting BSEE in the preparation of this environmental analysis.

The Council is charged with sustainably managing West Coast fisheries and the habitats upon which they depend. The Council is one of eight Regional Fishery Management Councils established by the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (MSA), and recommends management actions for Federal fisheries off Washington, Oregon, and California. The Council is required to achieve optimum yield for public trust marine fishery resources. Optimizing the yield of our nation's fisheries requires safeguarding these resources, their habitats, and the fishing communities that rely on their harvest. The scope of the PEIS should include a requirement for site-specific analyses of potential impacts to both habitat and fisheries.

### **Essential Fish Habitat**

The Council is particularly focused on actions that may have negative consequences for the essential fish habitat (EFH) of Council-managed species. EFH is defined in the MSA as "those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity" (16 U.S.C. §1802(10)). The oil and gas pipelines, platforms, and other facilities offshore of Southern California are within designated EFH for federally-managed Pacific Coast groundfish, coastal pelagic species, Pacific salmon, and highly migratory species. The MSA requires the identification, conservation, and enhancement of EFH for species managed under the Council's fishery management plans. The MSA authorizes the Council to comment on any Federal or state

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activity that may affect the EFH of a fishery resource under its authority, and requires such comments for anadromous fishery resources.

Special habitat types and geological features of high biological significance, sensitivity, or rarity found within EFH are designated as “habitat areas of particular concern” (HAPCs). Rocky reefs, estuaries, canopy kelp, seagrass, and several unique geological structures such as seamounts and canyons are designated as HAPCs for Council-managed Pacific Coast groundfish species because of their high resource value. Furthermore, HAPCs for Pacific salmon species include canopy kelp and submerged aquatic vegetation, which could be impacted by decommissioning activities.

### **Impacts of Decommissioning Activities on EFH and the Environment**

The Council is concerned about the direct, indirect, and cumulative impacts of decommissioning activities on habitat, commercial and recreational fisheries, and fishery-dependent coastal communities. Potential impacts to habitats and species (including protected species under the Endangered Species Act and the Marine Mammal Protection Act) from decommissioning activities include, but are not limited to:

- Physical alteration of habitat features
- Effects on organisms on or in the vicinity of oil rig facilities
- Introduction, establishment, or proliferation of aquatic invasive species
- Effects of noise and vibration on marine life
- Effects of at-sea removal of biofouling
- Oil and hazardous material spills
- Release of marine debris
- Release of contaminants (e.g., polychlorinated biphenyls and polycyclic aromatic hydrocarbons) in seafloor sediments surrounding the platforms
- Effects on water quality as it affects marine fauna and flora
- Effects from increases in or changes to vessel traffic patterns
- Release of hazardous materials from shell mounds

The Draft PEIS should disclose and analyze impacts of all reasonable decommissioning alternatives on marine species and habitats, and the significance of those impacts. Analyses should specifically address commercial and recreational fisheries species. The Draft PEIS should also include reasonable alternatives that would avoid, minimize, or mitigate adverse impacts and that would enhance the quality of the natural and human environment. The analysis should assess the effects on living fauna (e.g., marine growth/biofouling) inhabiting the platforms and associated facilities, as well as species in the vicinity that will be affected by deconstruction activities. The variation of water depth, currents, surrounding habitats, species assemblages, and in-water structure at each oil rig facility slated for decommissioning suggests the need for a separate site-specific analysis on the biological and habitat resources at each facility. The Council supports BOEM’s intent for a site-specific analysis and individual National Environmental Policy Act determination for proposed decommissioning projects.

The Draft PEIS should describe the risk of oil and other hazardous material spills, the potential adverse effects on sensitive species and habitats in the event of a spill, and the spill prevention and

response measures that will be taken to effectively mitigate potential impacts of each proposed alternative. The Draft PEIS should evaluate the risk of accidental spills or discharges from construction vessels and/or from materials released during disassembly of the platform deck as well as machinery and storage tanks that contained oil and other hazardous materials.

The Council supports BOEM's intent to include partial removal in its analysis of alternatives. In addition to the potential effects identified above, the analysis of any alternative should specifically examine the effects on Council-managed species and EFH (which includes the prey of managed species.) For all alternatives considered, the PEIS should describe all potential options related to removal of shell mounds that have accumulated on the seafloor in association with the platforms, including the potential impacts from both leaving in place and removal of shell mounds.

### **Effects on Fishing and Fishing Communities**

The Draft PEIS should analyze the potential adverse impacts to commercial and recreational fishing and fishing communities that may result from decommissioning activities, such as loss or disruption of fishing grounds or expanded navigational safety or construction zones. The Draft PEIS should evaluate marine traffic in the decommissioning areas and the potential effects that changes in marine traffic patterns may have on fishing activities. It should discuss the size of navigational safety zones that would be established during decommissioning activities, the length of time such zones would be in place, the types of fisheries that would be affected by them, and how such effects would be addressed or mitigated.

Depending on the above factors, decommissioning activities could result in a reduction in total fishing effort and lost productivity (with a potentially significant economic and social impact), or displacement of fishing effort to areas outside any closed areas. Displaced fishers would likely concentrate their efforts immediately outside closed areas, resulting in increased pressure on fish and habitat in those areas.

In addition to direct costs and loss of revenue to the fishing industry associated with displacement of effort, costs and revenue losses may also be incurred by the seafood supply chain. These disruptions could lead to job losses in West Coast fishing communities, weaken fishery-supporting businesses and infrastructure, and provide a competitive advantage to foreign seafood products, which are often harvested with far less precautionary management and a greater environmental footprint.

### **Cumulative Impacts of Decommissioning and Other Ocean Activities**

The Draft PEIS should evaluate the potential cumulative impacts of decommissioning in addition to other ongoing and foreseeable activities in the project area. Such activities should include training and testing activities on the Mugu Sea Range, missile and rocket launches at Vandenberg Space Force Base, the potential installation and operation of wind turbines near Point Conception, ongoing platform operations, and the installation and operation of open ocean aquaculture facilities. Lastly, BSEE and BOEM should evaluate the cumulative impacts of successive and overlapping actions to remove all platforms.

### **Future Engagement and Consultation with the Council**

The Council values timely and effective communication and consultation regarding decommissioning activities. We encourage BSEE and BOEM to work with us as these projects move forward, recognizing that the Council and advisory body agendas are set well in advance of each Council meeting, and that the Council's meeting schedule does not always align with public comment periods of other Federal agencies' public processes. The Council, National Marine Fisheries Service, state fishery management agencies, and fishery stakeholders must be informed and engaged in this process. We ask that you take this into account when setting public comment periods in the future, and we appreciate the extension of the comment period for this notice. Thank you for your consideration of our comments, and feel free to contact us should issues arise outside your public comment window.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Gorelnik". The signature is fluid and cursive, with the first name "Marc" being more prominent than the last name "Gorelnik".

Marc Gorelnik  
Pacific Council Chair

JDG:kma

Cc: Council Members  
Habitat Committee  
Marine Planning Committee  
Ms. Nocy Sumait  
Mr. Douglas Boren