

## **Proposal to Amend Marine Minerals Administration (MMA) OCS Decommissioning Regulations to Facilitate Reefing of Pacific OCS Region Oil and Gas Platforms**

There are 23 federal OCS platforms located off the coast of southern California. Currently, nine of the platforms (Gail, Grace, Harvest, Hermosa, Hidalgo, Hogan, Houchin, Habitat, Irene) have terminated production but have not been removed despite the fact cessation of production occurred at most of the platforms occurred nearly 10 years ago. One of the major factors contributing to the delay in decommissioning California platforms is the lack of a functional California artificial reefing program. In contrast to the Gulf of Mexico (GOM), where more than 600 decommissioned platforms have been converted to artificial reefs, the State of California does not have reefing legislation considered workable by industry, nor does it have an approved or State funded artificial reefing program which is a prerequisite under MMA (formerly BSEE and BOEM) OCS oil and gas regulations (30 CFR § 250.1730) for waiving platform removal requirements which allows conversion of the structure to an artificial reef.

In 2010, then Governor Schwarzenegger signed into law the California Marine Resources Legacy Act (CMRLA) which allows, on a case-by-case basis, the partial removal of a federal OCS platform jacket and the conversion of the remnant jacket *in-situ* to an artificial reef managed by the California Department of Fish and Wildlife (CDFW). To date, the operators of the platforms have not expressed any serious interest in reefing OCS platform jackets because they consider CMRLA unworkable in its present form due primarily to its liability provisions, inequitable 80% cost-savings sharing requirement, and the requirement for the first reefing applicant to fund the setup costs for the artificial reefing program (Smith and Byrd, 2025). The CDFW has also not shown any interest in developing a program for incorporating oil and gas platforms into its artificial reefing program.

Studies have shown that *“oil and gas platforms off the coast of California have the highest secondary fish production per unit area of seafloor of any marine habitat that has been studied”* (Claisse et al. 2014). The reefing of a single large deepwater platform jacket offshore California would preserve critical habitat for fish and invertebrate communities and result in tens to hundreds of millions of dollars in cost savings to industry (Smith and Byrd, 2020).

To spur decommissioning of Pacific OCS Region oil and gas platforms that have terminated production, MMA decommissioning regulations should be amended to facilitate the reefing of platform jackets by adding a provision to OCS regulations allowing MMA to waive its structure removal requirement if a U.S. Army Corps of Engineers (ACOE) qualified entity other than a State agency is authorized to take title and ownership of the reefed structure and assume management responsibility for the structure.

### **Current MMA Partial Platform Removal Requirements**

30 CFR § 250.1730 When might MMA approve partial structure removal or toppling in place?

The Regional Supervisor may grant a departure from the requirement to remove a platform or other facility by approving partial structure removal or toppling in place for conversion to an artificial reef if you meet the following conditions:

- a) The structure becomes part of a State artificial reef program, and the responsible State agency acquires a permit from the ACOE and accepts title and liability for the structure; and
- b) You satisfy any U.S. Coast Guard (USCG) navigational requirements for the structure.

### **Problem: MMA OCS Reefing Regulations Are Overly Restrictive**

Part (a) of § 250.1730 requires a reefed structure to become part of a State artificial reefing program, and the responsible State agency to obtain a permit from ACOE to allow a platform structure to be converted to an artificial reef. This provision prohibits reefing of California OCS platforms because the State does not have a functional artificial reefing program and has enacted Rigs-to-Reef legislation that is considered unworkable by industry. To resolve this problem, MMA should amend its regulations to allow parties other than State agencies to obtain reefing permits from the ACOE, if such parties are deemed qualified by the ACOE and agree to accept title and ownership of the reefed structure and manage the artificial reef.

### **Proposed Revisions to MMA Regulations**

30 CFR § 250.1730 is proposed to be amended as follows by adding a new Part (c).

*(c) If a State-administered artificial reefing program is unavailable, infeasible, or a State agency declines to accept title and liability for the platform structure proposed by the applicant to be converted to an artificial reef, the Regional Director may waive the requirement to fully remove the structure if an ACOE qualified 3<sup>rd</sup> party accepts title and liability for the structure and acquires a permit from the ACOE. A qualified 3<sup>rd</sup> party must have ample experience in permitting, reefing, and monitoring in the OCS Region where the platforms are located.*

### **National Fisheries Enhancement Act (NEFA) Permitting Requirements**

The proposed regulatory change is not inconsistent with the permitting language for artificial reefs of NFEA. NFEA does not specify that a State agency must obtain a reefing permit from the ACOE. The act refers to “persons” holding permits issued by ACOE

### **References**

Claisse, J. T., Pondella D.J. et. al. 2014. Oil Platforms Offshore California are Among the Most Productive Marine Fish Habitats Globally, *PNAS*, October 28, 2014, Vol. 111, no. 43; pp. 15642-15647. <https://pubmed.ncbi.nlm.nih.gov/25313050/>

Smith, J. B., Byrd, R. C., 2025. Idle Iron Decommissioning Offshore California and the Need to Amend Reefing Legislation, SPE-224190-MS, Paper Presented at the Society of Petroleum Engineers Western Regional Meeting, Garden Grove, CA. April 1, 2025

Smith, J. B., Byrd, R. C., 2020. Potential Cost Savings from Converting California Outer Continental Shelf Oil and Gas Platforms to Artificial Reefs, OTC-30604-MS, Offshore Technology Conference, May 4-7, 2020, Houston Tx., 13 p.