

A Citizen's Guide to Offshore Oil and Gas Decommissioning in Federal Waters Off California

INTERAGENCY DECOMMISSIONING WORKING GROUP

2019



The California State Lands Commission, Bureau of Ocean Energy Management (BOEM), and Bureau of Safety and Environmental Enforcement (BSEE) convened the Interagency Decommissioning Working Group (IDWG) in 2016 to foster and facilitate interagency planning and coordination in advance of federal and state offshore oil and gas facility decommissioning projects. The IDWG serves as a forum for sharing information and promoting dialogue and communication among federal, state, and local government agencies having independent statutory or regulatory responsibilities over various aspects of the decommissioning process, or protecting environmental resources that could be affected by decommissioning operations. Agency participation in the IDWG is voluntary and does not preclude any federal, state, or local government regulatory body from reviewing, commenting, or making independent determinations regarding matters and issues discussed by the IDWG, and is not a substitute for any consultations required by law or agreement.

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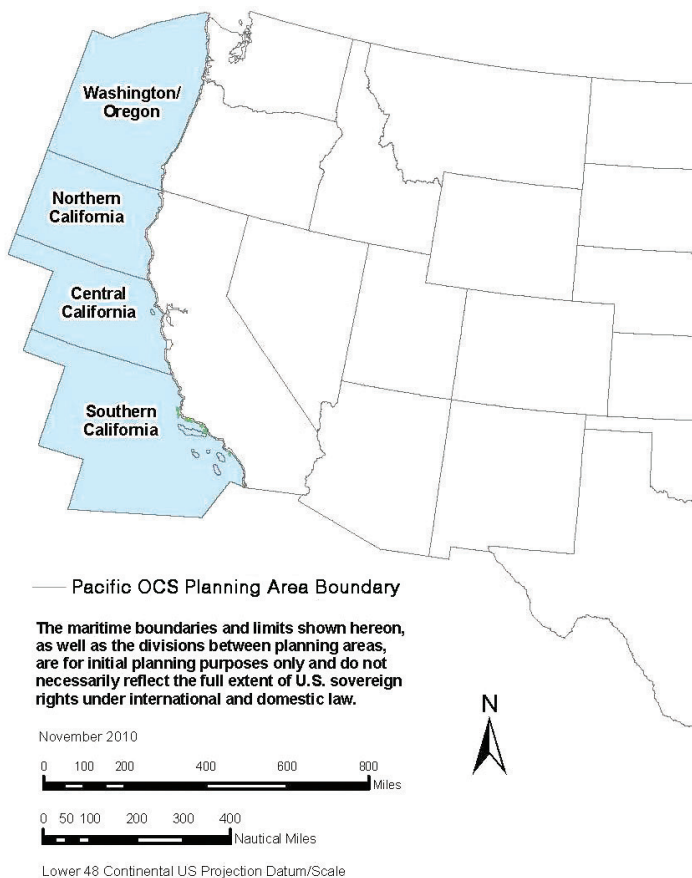
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Overview

This guide is intended to help the public understand the Bureau of Safety and Environmental Enforcement (BSEE) and Bureau of Ocean Energy Management (BOEM) process for overseeing the decommissioning of oil and gas facilities on the Outer Continental Shelf (OCS)¹ in federal waters in the Pacific Region. According to Title



¹ The OCS refers to the 2.3 billion acres of Federal submerged lands, subsoil, and seabed beginning three nautical miles off the coastline (for most states) and extending to the edge of the U.S. Exclusive Economic Zone (EEZ) boundary (within the 200 nautical miles of the coastline).

30 Code of Federal Regulations (CFR), decommissioning is required when the facilities are no longer useful for operations or when a lease expires.²

The guide provides a background on decommissioning; a description of oil and gas facilities in the Pacific; and information about decommissioning scenarios, relevant regulations, and opportunities for public involvement.

The information in the guide applies to the decommissioning process of oil and gas facilities in federal waters. For more information about the decommissioning of oil and gas facilities in state waters (within three miles of the coastline), go to www.slc.ca.gov.

What is Decommissioning?

Decommissioning offshore oil and gas facilities is the process of removing the infrastructure and equipment used in the exploration and production of oil and gas in the marine environment. The offshore infrastructure includes pipelines, wellheads, platforms, artificial islands, and power cables. In some cases, state agencies may require removal of onshore facilities used for processing and other post-extraction activities.

Decommissioning an offshore platform 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.
- Performing site clearance verification at the platform location to ensure that no debris or potential obstructions to other OCS users remain.

Who are BOEM and BSEE? What are their Roles in Decommissioning?

BOEM and BSEE are bureaus within the U.S. Department of the Interior. BOEM is responsible for managing the development of the Nation's offshore energy and mineral resources in an environmentally and economically responsible way. These resources include oil and gas; wind, wave, and current energy; sand, gravel, and other minerals.

² For more details, see 30 CFR 250.180, 250.1703, 250.1725, and 250.1750.

In addition to administering OCS leases, BOEM enforces bonding and other financial security. BOEM administers OCS leases, enforces bonding and other financial security requirements, works with BSEE to ensure compliance with all lease terms and conditions, and approves relinquishment of leases.

BSEE's mission is to promote safety, protect the environment, and conserve resources offshore through vigorous regulatory oversight and enforcement of offshore energy facilities. BSEE fulfills its mission by supporting the safe and environmentally sustainable exploration, development, and production of America's offshore energy resources, while simultaneously fostering a robust energy program on the OCS that contributes to the Nation's energy and economic security. BSEE serves as the lead federal agency under NEPA for decommissioning projects on the OCS. As the lead federal agency, BSEE supervises the coordination across multiple federal agencies involved with the environmental review (i.e., NEPA, explained more on pages 9-11) of a project or process.

BOEM and BSEE, in consultation with federal, state, and local agencies, oversee the decommissioning process for oil and gas facilities located in federal waters, and ensure that it is completed in a timely fashion without significant adverse environmental impact. It is important to note that the decision to decommission resides with the company operating the facilities. The oil and gas facility operator proposes a decommissioning action and timeline to BSEE. Then, BSEE, BOEM, and other federal and state agencies with regulatory authorities review and approve the proposed decommissioning process and approach.

Why is Decommissioning Important for Coastal Communities?

Decisions made during the decommissioning process can have lasting effects on the surrounding marine and coastal areas. The decommissioning scenario selected (e.g., removal, rigs-to-reefs, or reuse/alternative use, explained more on pages 6-9) may impact the future use of the marine environment in that area. The physical removal of infrastructure and equipment can also create temporary disruptions for marine vessels.

Setting the Context

Where are the Oil and Gas Facilities in the Pacific OCS Region?

There are oil and gas platforms offshore California near Orange, Los Angeles, Ventura, and Santa Barbara Counties. As of 2018, there are no oil and gas platforms offshore Oregon, Washington, or Hawaii.

Several California platforms are in state waters in shallow depths of 35 – 211 feet. There are other platforms in federal waters on the OCS in depths of 150 feet to nearly 1,200 feet. In addition to the platforms, there are offshore islands, located in State and local waters, built to support near-shore oil and gas development. For more detail, please see the map below.

Decommissioning Oil and Gas Facilities Offshore California



Who operates the existing platforms?

As of the summer of 2018, there are five operators with active platforms offshore California. For a more detailed description of platform ownership, see the chart on pages 22-25 of this guide.

IDWG: Interagency Decommissioning Working Group. A federal, state, and local agency collaboration to address permitting issues arising during the decommissioning process.

What are Agencies doing to Prepare for Decommissioning?

In 2016, BOEM, BSEE, and the California State Lands Commission (CSLC) chartered an Interagency

Decommissioning Working Group (IDWG) comprised of federal, state, and local agencies and authorities involved in permitting during the decommissioning process. The purpose of the IDWG is to discuss and share information regarding decommissioning methods, environmental impacts, regulatory authorities, policy initiatives, and public outreach so the agencies are prepared and coordinated when operators submit requests to decommission their facilities.

What are the Decommissioning Scenarios?

BSEE regulations require removal of the structure (including templates and pilings) to at least 15 feet below the mud line. BSEE may grant a departure from this requirement (e.g., partial removal) if certain conditions are met. The most common decommissioning scenarios — removal, rigs-to-reef, and reuse/alternative use — are described in greater detail below.



REMOVAL



RIGS-TO-REEF



REUSE/ALTERNATIVE USE

Who Decides Which Decommissioning Scenario to Pursue?

The operating company proposes the decommissioning scenario to pursue. BOEM, BSEE, and other authorized agencies review the recommended scenario and ensure that whichever scenario is pursued is done in accordance with all pertinent statutes and regulations. BSEE is responsible for ensuring that decommissioning is done promptly without serious impact to the environment and will do so regardless of the decommissioning scenario selected by the operator.

Removal

Complete removal involves transportation of all existing infrastructure and equipment from the project location to an area onshore where the material will be recycled or disposed of. This was the option Chevron used when decommissioning its four platforms in 1996.

Rigs to Reef


Rigs-to-Reefs is a process where 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. This process requires BSEE approval and is managed by federal and state agencies.

Decommissioned structures are typically toppled in place, partially removed near the surface, or towed to existing reef sites or reef planning areas. Like other artificial reefs and natural hard surfaces underwater, decommissioning platforms attract various encrusting organisms such as barnacles and bivalves which colonize on them and produce fish and other marine life as found on natural reefs.

Studies³ conducted in California and elsewhere suggest a positive relationship between fishing, fish, and oil and gas structures in the marine environment. This decommissioning option has been used in the Atlantic and Gulf regions and requires additional consultation and coordination with BOEM, BSEE, the U.S. Army Corps of Engineers (USACE), and the U.S. Coast Guard (USCG), as well as state agencies depending on state statutes.

For BSEE approval, USCG navigational requirements must be met, and the responsible entity must acquire a permit from the USACE and accept title and liabilities for the structure.

3 See www.boem.gov/studies for more information on studies.



The rigs-to-reefs program is voluntary, and was established in 2010 through California legislation. The Department of Fish and Wildlife administers the program and the responsibilities for evaluating an application for partial removal are split among the California State Lands Commission, the Ocean Protection Council, and the State Coastal Conservancy. Key California requirements for partial removal are: 1) the Ocean Protection Council determines that partial removal provides a net benefit to the marine environment; 2) a portion of the cost savings⁴ to the platform owner from partial removal is shared with the state in a percentage dependent on the timing of the transfer; and 3) the California State Lands Commission determines that there are significant cost savings from partial rather than full removal.

Reuse/Alternative Use

The operator may apply to reuse or relocate the facility for conducting oil or gas development at another location, or for additional energy or marine related purposes. The operator would need to submit an application to BSEE for approval. The operator may also need additional approvals from BOEM, USACE, USCG, and any state agencies that have jurisdiction in the project location or regulatory authority over the proposed energy or marine related purpose. Any application to reuse a platform would be subject to BSEE's Platform Approval Program and Platform Verification Program.

Other Options

An operator may propose an additional decommissioning option not covered in this guide that provides a new innovative approach to addressing decommissioning issues associated with offshore oil and gas platforms.

4 Cost savings is the difference between the estimated cost to the applicant of complete platform removal, as required by state and federal leases, and the estimated cost to the applicant of partial removal.

The Decommissioning Process

How is Decommissioning Financed?

Current platforms in operation obtained permits from federal, state, and local jurisdictions for construction and operation of their infrastructure; and incidental take permits for protected species. Funding the decommissioning process is the operator's duty under the oil and gas lease granted by BOEM and the associated regulations. If an operator is incapable of meeting its financial obligations, agencies may use the financial assurance provided to guarantee lease obligations to cover decommissioning costs.



When is it Time to Decommission?

The decision to decommission or continue operations generally rests with the operating company. BSEE and BOEM stipulate that a lease expires after six months of no production if there is no approved suspension of production, and that decommissioning is to occur one year after a lease expires.

What is the General Process for Decommissioning?

Federal and state agencies must prepare an environmental review document that considers the environmental impacts of decommissioning. For decommissioning projects in federal waters, the National Environmental Policy Act (NEPA) requires an Environmental Assessment to determine whether there are impacts, and an Environmental Impact Statement (EIS) if there are impacts. If the project located on the OCS also contains infrastructure in state and local waters, California requires preparation of an environmental document in accordance with the California Environmental Quality Act (CEQA). In those cases, to maximize efficient environmental review, BSEE and the California lead agency may decide to issue a joint EIS/EIR to satisfy both federal and California requirements.

Chart 1

PLANNING PROCESS FOR DECOMMISSIONING OIL & GAS FACILITIES ON THE FEDERAL OUTER CONTINENTAL SHELF

1. EARLY NOTIFICATION OF INTENT TO DECOMMISSION.

Facility operator required to submit initial platform removal application to BSEE 2+ years before production will cease.

- 1a. BSEE informs BOEM about planned decommissioning.
- 1b. BSEE/BOEM inform Interagency Decommissioning Working Group (IDWG) about planned decommissioning. For more on the IDWG, see page 6.
- 1c. Lead federal and state agencies meet, as needed.



2. PRE-APPLICATION MEETINGS.

Operator meets with IDWG and/or federal, state and local regulatory agencies and stakeholders to discuss plans, issues and information needs.



3. OPERATOR SUBMITS AND REVISES ITS FINAL APPLICATION.

Based on information exchanged during Step 2, Operator submits a final platform removal application to BSEE, California State Lands Commission (CSLC) and other federal, state and local agencies. See pages 16-21 for the list of relevant agencies.

- 3a. Agencies review application for completeness and notify Operator of information needs.
- 3b. Operator revises and resubmits application, as needed.
- 3c. Lead federal and state agencies schedule multi-agency meetings to discuss project and critical issues, as needed.
- 3d. Lead federal, state and local agencies deem final application complete.



PUBLIC INVOLVEMENT OPPORTUNITIES:



Published in the
Federal Register
www.federalregister.gov



Posted on
BOEM's and
BSEE's Website



Public Comment
Period



Public
Meetings

4. ENVIRONMENTAL REVIEW PROCESS.⁴

The platform removal is evaluated according to federal (National Environmental Policy Act [NEPA]) and state (California Environmental Quality Act [CEQA]) laws with an Environmental Impact Statement (EIS) and Environment Impact Report (EIR), respectively. Agencies may decide to prepare a joint EIS/EIR.

4a. State or federal lead agency selects environmental consultant to prepare EIS and EIR, or joint EIS/EIR.

4b. Lead agencies publish Notice of Intent (NOI)/Notice of Preparation (NOP) to issue EIS and EIR (or joint EIS/EIR), and hold public scoping meetings and evaluate comments.



4c. Lead agencies prepare an administrative draft EIS and EIR (or joint EIS/EIR), conduct agency review and revision of the document(s), and prepare draft version(s) for public review.

4d. Lead agencies publish Notice of Availability (NOA)/Notice of Publication (NOP) of the draft EIS and EIR (or joint EIS/EIR), hold public hearings on the draft(s), and respond to comments.



4e. BSEE and Operator conduct consultations and/or issue permits with federal, state, local and/or tribal entities, as needed. See pages 14-21 for more details on the applicable consultations and permits.

4f. Lead agencies publish final EIS and EIR (or joint EIS/EIR) and federal Record of Decision (ROD).



5. STATE LEAD AGENCY DECISIONS.

The CSLC and County Planning Department each hold hearings on the project, certify the final EIS and EIR (or joint EIS/EIR), and issue decisions on the project.



6. BSEE APPROVES THE PROJECT.



5 The plugging and abandonment of wells occur throughout the life of an oil and gas platform and are included in the environmental review for each drilling permit application. Hence, they would not be part of the decommissioning environmental review discussed here.

How is Decommissioning Different in State vs. Federal Waters?

While the general process for decommissioning in state versus federal waters is similar, the process in state waters has the California Natural Resources Agency as the lead agency consulting with state resource agencies for CEQA purposes. Operators with decommissioning projects in state waters must still coordinate with federal entities that have authority in state waters, including the USACE and USCG. All projects require coordination with local air pollution control districts and city planning departments.

What Information is Considered in this Process?

Agencies review the most up-to-date information regarding ecology, engineering, and socioeconomics for decommissioning oil and gas platforms in the Pacific. If there are information gaps, the regulatory agencies may request that studies be conducted or additional information be provided.

Over the past two decades, BOEM and BSEE have conducted numerous studies around decommissioning in the Pacific OCS region and have hosted public workshops. Workshop and study topics included policies, economics, ecology, and recent experiences. BOEM's Environmental Studies Program, in partnership with various academic institutions and agencies, has conducted platform ecology studies on fish, other biota, and cultural resources including shell mounds.

BSEE's Technology Assessment Program and BOEM's Environmental Studies Program have also conducted studies regarding decommissioning technology and cost studies. To view all the BOEM and BSEE reports and studies regarding decommissioning in the Pacific OCS region and get information about future planned studies, visit: <https://www.boem.gov/Selected-BOEM-BSEE-Funded-Research/>.

Public input is considered in the decommissioning process. Find more information in the following section.

How Can Citizens Become Involved?

Citizens can become involved through the NEPA and/or CEQA review process. BSEE requests public comment as part of the environmental review process when preparing the environmental analysis. The California state agency follows a similar process for CEQA.

BSEE solicits public input for several reasons, including to:

- Identify key issues to examine in the decommissioning process.
- Determine whether additional studies are necessary to inform BOEM's environmental reviews.
- Determine whether to approve a project, and, if so, which mitigation measures to include as conditions of plan approval.

How can I receive information?

Stakeholders can receive updates about BOEM's decommissioning activities several ways:

- Subscribe to BOEM's email list for Stakeholder Announcements: <http://goo.gl/6knce4>.
- Read BOEM's Federal Register notices: <http://www.boem.gov/Submitting-Comments/>.
- Contact BOEM's External Affairs Liaison: <http://www.boem.gov/uploadedFiles/External%20Affairs%20Liaison.pdf>.
- Read BOEM's Notes to Stakeholders: <https://www.boem.gov/Note-to-Stakeholders/>.
- Attend NEPA public meetings.
- Information on BSEE's decommissioning activities can be found at www.bsee.gov.



How can I provide input?

Stakeholders can provide input and comments throughout the process by:

- Attending NEPA public meetings.
- Attending public information meetings, outreach meetings and public Q&A sessions.
- Reviewing “Public Engagement Opportunities” on BOEM's website: <https://www.boem.gov/Public-Engagement-Opportunities/>.

For more information, visit:

<https://www.boem.gov/Oil-and-Gas-Energy-Program/>.

Statutes and Agencies Involved in Decommissioning

Federal Statutes:

The Outer Continental Shelf Lands Act (OCSLA) defines the OCS as all submerged lands lying seaward of state coastal waters (3 miles offshore) that are under U.S. jurisdiction and grants the Secretary of the Interior the authority to grant mineral leases. OCSLA grants DOI agencies (BOEM and BSEE) the authority to enforce regulatory requirements for performance, operations, and abandonment activities of oil and gas operations on the OCS. For more information, visit: <https://www.boem.gov/Outer-Continental-Shelf-Lands-Act/>.

The National Environmental Policy Act (NEPA) requires federal agencies to integrate environmental values into its decision-making processes by considering the environmental impacts of proposed actions and reasonable alternatives to those actions. For more information, visit: https://www.whitehouse.gov/sites/whitehouse.gov/files/ceq/NEPA_full_text.pdf.

The Coastal Zone Management Act, administered by the National Oceanic and Atmospheric Administration (NOAA), provides for the management of the nation's coastal resources, including the great lakes, through state and local Coastal Management Plans. For more information, visit: <https://coast.noaa.gov/czm/act/>.

The Rivers and Harbors Act requires approval from the U.S. Army Corps of Engineers (USACE) to construct any bridge, dam, dike, or causeway over or in navigable waterways of the U.S. For more information, visit: <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title33/pdf/USCODE-2011-title33-chap9-subchapl.pdf>.

The Clean Water Act (CWA) grants authority to the Environmental Protection Agency (EPA), USACE, and the California State Water Resources Control Board (SWRCB) to regulate discharge of pollutants, dredging materials, and materials that may affect state waters, respectively. For more information, visit: <https://www.gpo.gov/fdsys/pkg/USCODE-2010-title33/pdf/USCODE-2010-title33-chap26.pdf>.



The Clean Air Act regulates air pollution on a national level and grants regulatory authority to local air pollution districts. For more information, visit: <https://www.gpo.gov/fdsys/pkg/USCODE-2008-title42/pdf/USCODE-2008-title42-chap85.pdf>.

The Ports and Waterways Safety Act authorizes the USCG to establish vessel traffic service/separation schemes for ports, harbors, and other waters subject to congested vessel traffic. For more information, visit: <http://uscode.house.gov/view.xhtml?path=/prelim@title33/chapter25&edition=prelim>.

The Oil Pollution Act of 1990 amended the Clean Water Act to allow USCG to respond and manage discharges of oil in navigable waters. For more information, visit: <https://legcounsel.house.gov/Comps/Oil%20Pollution%20Act%20of%201990.pdf>.

The Endangered Species Act (ESA) is administered by the United States Fish and Wildlife Service (USFWS) for terrestrial animals and National Marine Fisheries Service (NMFS) for marine animals, and authorizes USFWS and NMFS to classify, protect, and issue take permits for endangered species. For more information, visit: <http://www.nmfs.noaa.gov/pr/laws/esa/text.htm>.

The Marine Mammal Protection Act is administered by NMFS, protects all marine mammals within U.S. waters, and authorizes NMFS to issue take authorizations and permits. For more information, visit: www.nmfs.noaa.gov/pr/laws/mmpa/.

The Magnuson-Stevens Fisheries – Conservation and Management Act extends federal authority to waters 200 nautical miles from shore, and establishes eight regional fishery management councils that NMFS implements. For more information, visit: http://www.nmfs.noaa.gov/sfa/magact/MSA_Amended_2007%20.pdf.

The Migratory Bird Treaty Act protects listed bird species' eggs, nests, or other parts except with a permit issued by USFWS. For more information, visit: <https://www.fws.gov/le/USStatutes/MBTA.pdf>.

The Natural Gas Pipeline Safety Act outlines restrictions and requirements for natural gas pipeline development and abandonment, and creates the Office of Pipeline Safety (OPS) within the Department of Transportation (DOT) to regulate and enforce the requirements. For more information, visit: <https://www.gpo.gov/fdsys/pkg/STATUTE-82/pdf/STATUTE-82-Pg720.pdf>.

The Hazardous Liquid Pipeline Safety Act amended the Natural Gas Pipeline Safety Act to include hazardous liquid pipelines under the OPS authority. For more information, visit: <https://www.gpo.gov/fdsys/pkg/STATUTE-93/pdf/STATUTE-93-Pg989.pdf>.

The Hazardous Materials Transportation Act provides the Department of Transportation (DOT) the authority to regulate the transportation of hazardous materials. For more information, visit: <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title49/html/USCODE-2011-title49-subtitleIII-chap51.htm>.

Federal Agencies:

Bureau of Ocean Energy Management (BOEM): Administers OCS leases, enforces bonding and other financial security requirements of lease operators, ensures compliance with all lease terms and conditions, and approves relinquishment of leases.

Authority: OCS Lands Act, (30 CFR § 550); NEPA, (42 U.S.C. 4332, 40 CFR 1500)

Bureau of Safety and Environmental Enforcement (BSEE): Approves OCS decommissioning applications for platforms and pipelines, well plugging, and abandonment operations; and enforces safety and environmental regulations. For decommissioning projects in federal waters, BSEE is lead federal agency under NEPA.

Authority: OCS Lands Act (30 CFR § 250); Notice to Lessees No. 2009-P04; NEPA (42 U.S.C. 4332, 40 CFR 1500)

U.S. Army Corps of Engineers (USACE): During the decommissioning process, USACE issues permits for discharges of dredged or fill material in federal waters and for construction of any structure in or over the navigable waters of the U.S. For decommissioning projects in state waters, USACE serves as lead federal agency under NEPA.

Authority: Rivers and Harbors Act, Section 10, (33 U.S.C. 403); Clean Water Act (CWA), Section 404, (33 U.S.C. 1344)

U. S. Coast Guard (USCG): Ensures navigation safety, proper use of aids to navigation, and manages responses to any unauthorized discharges including oil spills. During the decommissioning process, operators will consult USCG regarding the impact of the decommissioning plan on navigation in the area.

Authority: Ports and Waterways Safety Act, (33 CFR Part 66); Oil Pollution Act of 1990, (33 CFR)

U.S. Environmental Protection Agency (EPA): Issues National Pollution Discharge Elimination System (NPDES) permits for discharges of pollutants from point sources to surface waters.

Authority: CWA, (33 U.S.C. 1342d)

National Marine Fisheries Service (NMFS): Protects threatened and endangered species, marine mammals, and essential fish habitat. During the decommissioning process, NMFS conducts section 7 of the Endangered Species Act (ESA), the Marine Mammals Protection Act (MMPA), and essential fish habitat (EFH) consultations with the lead federal agency during NEPA/CEQA review. Pursuant to MMPA issues Incidental Harassment Authorizations (IHA) and Letters of Authorization (LOA) for activities that could affect marine mammals.

Authority: ESA, section 7 consultation (16 U.S.C. 1531; 50 CFR § 402); MMPA (16 U.S.C. 1361; 50 CFR § 216); Magnuson-Stevens Fisheries – Conservation and Management Act, (16 U.S.C. 1801; 50 CFR 600)

U.S. Fish and Wildlife Service (USFWS): Protects threatened and endangered species (e.g., sea otters and certain bird species), pursuant to the ESA. During the decommissioning process, USFWS conducts section 7 consultation with the lead federal agency during NEPA/CEQA review.

Authority: ESA, section 7 consultation (16 U.S.C. 1531; 50 CFR § 17); Migratory Bird Treaty Act (16 U.S.C. 703)

U.S. Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA): Ensures pipeline safety and oversees abandonment of pipelines. BSEE has shared jurisdiction with DOT for regulating oil and gas pipelines on the OCS, pursuant to BSEE/DOT interagency memorandum of understanding.

Authority: Natural Gas Pipeline Safety Act, Hazardous Liquid Pipeline Safety Act, Hazardous Materials Transportation Act

U.S. Department of Defense (DOD): Decommissioning activities may not interfere with or adversely impact military activities or other authorized activities or uses on the OCS. BSEE and BOEM, in coordination with DOD, may impose restrictions or conditions on decommissioning operations. Operators planning to conduct decommissioning activities should closely coordinate with DOD, BSEE, and BOEM.

Authority: OCS Lands Act, (30 CFR § 250)

State Statutes:

The California Public Resources Code establishes requirements and regulations for oil and gas platforms, islands, pipelines, power cables, and other associated facilities within California state waters administered by the California SLC. The CA Government Code Section 51010 – 51019.1 establishes the Office of the State Fire Marshal (OSFM) as the state entity to enforce the Hazardous Liquid Pipeline Safety Act. For more information, visit: <http://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=PRC&tocTitle=+Public+Resources+Code+++PRC>.

The California Environmental Quality Act requires state and local government agencies to inform decision makers and the public about potentially significant environmental effects of a proposed project, ways to minimize those environmental effects, and to indicate alternatives to the project. For more information, visit: http://resources.ca.gov/ceqa/docs/2016_CEQA_Statutes_and_Guidelines.pdf.

The California Coastal Act is the primary law that governs the decisions of the California Coastal Commission and outlines standards and regulations for development within the coastal zone. For more information, visit: <https://www.coastal.ca.gov/coastact.pdf>.

California Marine Resources Legacy Act, enacted by AB 2503 (Perez, Ch. 687, Statutes of 2010), authorizes partial removal of offshore oil structures (i.e. “rigs-to-reefs”) as an alternative to full removal if the Ocean Protection Council determines there will be a net benefit to the marine environment and other requirements are met. The Statute also created the California Endowment for Marine Preservation. For more information, visit: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100AB2503 id=200920100AB2503.

The California Endangered Species Act provides a framework to list and protect native species of fish, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction under the administration of CDFW. For more information, visit: https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=FGC&division=3.&title=&part=&chapter=1.5.&article=1.

The Lake and Streambed Alteration Agreement requires an entity to notify CDFW prior to commencing any activity that may substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or deposit debris, waste, or other materials that could pass into any river, stream, or lake. For more information, visit: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=94393>.



The Marine Life Management Act establishes a management framework for all marine life under the administration of CDFW for sustainable use and exploitation in California waters. For more information, visit: https://www.dfg.ca.gov/marine/pdfs/binders_nc/b3_79.pdf.

The Marine Life Protection Act redesigns California’s system of marine protected areas (MPAs) under the administration of CDFW, to act as a network to increase effectiveness for protecting the state’s marine life and habitats, ecosystems, and natural heritage. For more information, visit: <https://www.dfg.ca.gov/marine/pdfs/revisedmp0108a.pdf>.

The 1969 Porter-Cologne State Water Quality Act establishes water quality standards and regulations in California under the administration of the SWRCB. For more information, visit: https://www.waterboards.ca.gov/laws_regulations/docs/portercologne.pdf.

State Agencies:

California State Lands Commission (SLC): Oversees and manages decommissioning of oil and gas platforms, islands, pipelines, power cables, and other associated facilities in state waters; enforces safety and environmental regulations during the decommissioning process, including the preparation of the EIR for aspects of projects in state waters; and, in coordination with the California Division of Oil, Gas, & Geothermal Resources (DOGGR), reviews well plugging and abandonment operations. SLC typically is lead state agency under CEQA for decommissioning oil and gas facilities in state waters.
Authority: California Public Resources Code, section 6500; California Environmental Quality Act (Pub. Res. Code § 21000)

California Division of Oil, Gas, and Geothermal Resources (DOGGR): Regulates the abandonment of tanks, facilities, pipelines, and oil and gas wells under the jurisdiction of DOGGR. Permits well plugging and abandonment operations on State tidelands and onshore. In coordination with SLC, regulates oil and gas well abandonment operations on state tidelands.
Authority: California Code of Regulations (Title 14, Division 2, Chapters 2, 3 and 4)

California Coastal Commission (CCC): Issues coastal development permits for decommissioning activities in the coastal zone (state waters and within designated onshore coastal zone areas). During decommissioning projects in federal waters, the CCC issues consistency determinations for decommissioning activities outside the coastal zone that could impact resources within the coastal zone.
Authority: California Coastal Act, (Pub. Res. Code § 30000); Coastal Zone Management Act § 307

California Ocean Protection Council (OPC): Makes a determination on the net benefit to the marine environment resulting from a conversion of an oil and gas platform to an artificial reef.
Authority: Chapter 5.5 of Division 6 of the California Fish and Game Code

California Department of Fish and Wildlife (CDFW):

Issues consistency determinations for decommissioning activities in State waters. Permits onshore decommissioning activities that could affect onshore resources including streams and wetlands. Manages and regulates the California Artificial Reef Program, which involves the rigs-to-reef decommissioning option. Issues Scientific Collecting Permits for research activities. Trustee agency under CEQA. Manages California's marine protected area (MPA) network and conducts fisheries management.

Authority: California Endangered Species Act; CEQA; Lake or Stream Bed Alteration Agreement, section 1601; Scientific Collecting Permits; Marine Life Management Act; Marine Life Protection Act.



California State Water Resources Control Board (SWRCB): Regulates discharges that may affect water quality in State waters and onshore.

Authority: CWA § 401; 1969 Porter-Cologne State Water Quality Act

Office of the State Fire Marshal (OSFM): Part of the California Department of Forestry and Fire Protection (CALFIRE) that has exclusive safety, regulatory, and enforcement authority over intrastate hazardous liquid pipelines. Regulates hazardous liquid pipelines emanating from offshore oil and gas facilities.

Authority: California Government Code, Chapter 5.5

Local Agencies:

Counties have regulatory authority over onshore oil and gas facilities and offshore submerged land that have been granted to the County by the State of California. For facilities located in the “coastal zone,” counties having approved coastal zone programs issue coastal development permits for decommissioning projects. The counties’ planning departments are typically involved throughout the process.

Under the Clean Air Act (CAA) of 1990, County Air Quality Control Districts (AQCDs) regulate emission outputs associated with decommissioning activities by issuing Permits to Operate/Authority to Construct (PTO/ATC) and portable engine permits.

Coastal cities may have permitting authority over onshore infrastructure located within their jurisdiction that are decommissioned along with offshore oil and gas facilities or are impacted by the decommissioning of those facilities. Such cities include Los Angeles, Long Beach, Carpinteria, Goleta, Santa Maria, Santa Barbara, Oxnard, Ventura, and Huntington Beach.

Chart 2

DECOMMISSIONING OIL AND GAS FACILITIES IN CALIFORNIA

ALL PROCESSES USE THE FOLLOWING:



United States Fish & Wildlife Service (USFWS):

1) Endangered Species Act (ESA) Section 7 Consultation or Concurrence; and 2) Migratory Bird Treaty Act compliance.



National Marine Fisheries Service (NMFS):

1) Endangered Species Act Section 7 Consultation or Concurrence; 2) Essential Fish Habitat Consultation; and 3) Marine Mammal Protection Act compliance.



Environmental Protection Agency (EPA): Possible National Pollutant Discharge Elimination System (NPDES) Ocean Dumping Permit, Section 103 Marine Protection, Research and Sanctuaries Act (MPRSA), Clean Air Act (CAA).



United States Army Corps of Engineers (USACE): NEPA, Section 404 Clean Water Act (CWA), Section 10 Rivers and Harbors Appropriation Act (RHA), Section 103 MPRSA.






United States Coast Guard (USCG):

Notification.



California Department of Fish & Wildlife (CDFW): Scientific Collecting Permit, Incidental Take Permit. CEQA Review and NEPA review, Authorization for use of explosives if needed.

IDWG AGENCY *(Permit, Approval or Action Required)*

FACILITY	OPERATOR	DEPTH (ft.)	YEAR	FED/ STATE	OFFSHORE COUNTY	ONSHORE FACILITY	ONSHORE COUNTY
A (Platform) 	DCOR	188	1968	Federal Waters	Ventura County	Rincon Plant	Ventura County (land use authority); SB for Air Pollution control
B (Platform) 	DCOR	190	1968	Federal Waters	Ventura County	Rincon Plant	Ventura County (land use authority); SB for Air Pollution control
C (Platform) 	DCOR	192	1977	Federal Waters	Ventura County	Rincon Plant	Ventura County (land use authority); SB for Air Pollution control
Edith (Platform)	DCOR	161	1983	Federal Waters	LA County	San Pedro/ Fort Apache	OC


(1) **EPA:** Ocean Dumping requires advanced planning to designate site and associated Environmental Impact Statement (EIS).

Note: Various air pollution districts and local municipalities require various permits or notifications. These can include but are not limited to Santa Barbara County Parks Department, Ventura County Parks Department, Los Angeles County Parks Department, South Coast Air Quality Management District, Santa Barbara County Air Pollution Control District.

IDWG AGENCY *(Permit, Approval or Action Required)*

FACILITY	OPERATOR	DEPTH (ft.)	YEAR	FED/ STATE	OFFSHORE COUNTY	ONSHORE FACILITY	ONSHORE COUNTY
Ellen <i>(Platform)</i> 	Beta	265	1980	Federal Waters	LA County	Beta Pump Station	LA County
Elly <i>(Platform)</i> 	Beta	255	1980	Federal Waters	LA County	Beta Pump Station	LA County
Eureka <i>(Platform)</i> 	Beta	700	1984	Federal Waters	LA County	Beta Pump Station	LA County
Gail <i>(Platform)</i> 	N/A – Chevron (liabilities), BeaconWest (Decom agent)	739	1987	Federal Waters	Ventura County	Carpinteria Plant	SB County
Gilda <i>(Platform)</i> 	DCOR	205	1981	Federal Waters	Ventura County	Mandalay Beach	Ventura County
Gina <i>(Platform)</i> 	DCOR	95	1980	Federal Waters	Ventura County	Mandalay Beach	Ventura County
Grace <i>(Platform)</i> 	N/A – Chevron (liabilities), BeaconWest (Decom agent)	318	1979	Federal Waters	Ventura County	Carpinteria Plant	SB County
Habitat <i>(Platform)</i> 	DCOR	290	1981	Federal Waters	Ventura County	Carpinteria Plant	Ventura County (land use authority); SB for Air Pollution control
Harmony <i>(Platform)</i> 	Exxon-Mobil	1198	1989	Federal Waters	SB County	Las Flores Cyn	SB County

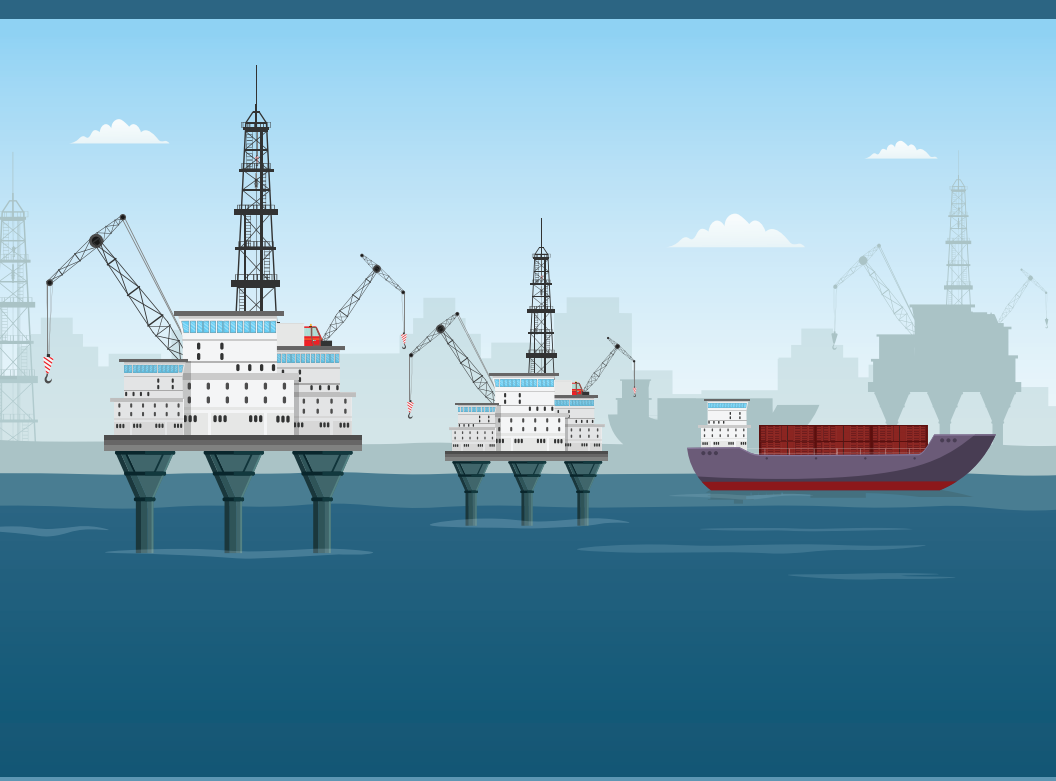
DECOMMISSIONING OIL AND GAS FACILITIES IN CALIFORNIA, *Continued*

IDWG AGENCY <i>(Permit, Approval or Action Required)</i>							
FACILITY	OPERATOR	DEPTH (ft.)	YEAR	FED/ STATE	OFFSHORE COUNTY	ONSHORE FACILITY	ONSHORE COUNTY
Harvest <i>(Platform)</i> 	Freeport-McMoRan	675	1985	Federal Waters	SB County	Gaviota	SB County
Henry <i>(Platform)</i> 	DCOR	173	1979	Federal Waters	Ventura County	Rincon Plant	Ventura County (land use authority); SB for Air Pollution control
Heritage <i>(Platform)</i> 	Exxon-Mobil	1075	1989	Federal Waters	SB County	Las Flores Cyn	SB County
Hermosa <i>(Platform)</i> 	Freeport-McMoRan	603	1985	Federal Waters	SB County	Gaviota	SB County
Hidalgo <i>(Platform)</i> 	Freeport-McMoRan	430	1986	Federal Waters	SB County	Gaviota	SB County
Hillhouse <i>(Platform)</i> 	DCOR	190	1969	Federal Waters	Ventura County	Rincon Plant	Ventura County (land use authority); SB for Air Pollution control
Hogan <i>(Platform)</i>	Pacific Operators Offshore	154	1967	Federal Waters	Ventura County	La Conchita	Ventura County (land use authority); SB for Air Pollution control
Hondo <i>(Platform)</i> 	Exxon-Mobil	842	1976	Federal Waters	SB County	Las Flores Cyn	SB County

IDWG AGENCY *(Permit, Approval or Action Required)*

FACILITY	OPERATOR	DEPTH (ft.)	YEAR	FED/ STATE	OFFSHORE COUNTY	ONSHORE FACILITY	ONSHORE COUNTY
Houchin <i>(Platform)</i> 	Pacific Operators Offshore	163	1968	Federal Waters	Ventura County	La Conchita	Ventura County (land use authority); SB for Air Pollution control
Irene - (Platform) 	Freeport-McMoRan	242	1985	Federal Waters	SB County	Lompoc Plant	SB County
Emmy <i>(Platform)</i> 	So. Cal Holdings LLC	47	1963	State Waters	OC	Huntington Beach Strip	OC
Esther <i>(Platform)</i> 	DCOR	35	Island 1964 Destroyed 1983 Rebuilt as platform 1990	State Waters	OC	Seal Beach Pipeline Vault	OC
Eva (Platform)	DCOR	41	1964	State Waters	OC	Huntington Beach Algonquin Onshore Facility	OC
Holly (Platform) 	CSLC (Venoco LLC, prior to 4/17/17)	211	1966	State Waters	SB County	Elwood Plant	SB County

FACILITY	OPERATOR	DEPTH (ft.)	YEAR	FED/ STATE	OFFSHORE COUNTY	ONSHORE FACILITY
Freeman <i>(Island)</i>	Operator: City of Long Beach Contractor: CRC	30-40	1965	State Waters	LA County	Long Beach Onshore Wells and Facilities
Grisson <i>(Island)</i>	Operator: City of Long Beach Contractor: CRC	30-40	1965	State Waters	LA County	Long Beach Onshore Wells and Facilities
White <i>(Island)</i>	Operator: City of Long Beach Contractor: CRC	30-40	1965	State Waters	LA County	Long Beach Onshore Wells and Facilities
Chaffee <i>(Island)</i>	Operator: City of Long Beach Contractor: CRC	30-40	1965	State Waters	LA County	Long Beach Onshore Wells and Facilities
Rincon <i>(Island)</i>	CSLC (RILP prior to 12/6/17)	45	1958	State Waters	Ventura County	Rincon Plant Ventura County



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