

CALIFORNIA FISHERMEN'S RESILIENCY ASSOCIATION

1118 6th St.
Eureka, CA 95501

November 21, 2022

BOEM Oil and Gas Decommissioning PEIS (Preliminary Environmental Impact Study)

The California Fishermen's Resiliency Association (CFRA) is writing in total **support** of **"Alternative #1** — the complete removal of platforms, pipelines, and obstructions, onshore disposal of all materials", as stated in BOEM/BSEE "Draft Pacific Programmatic Environmental Statement for Decommissioning of Oil and Gas Platforms off Southern California".

The California Fishermen's Resiliency Association (CFRA) is a 501 C 6 Mutual Benefit Non-profit receiving funding from the California Ocean Protection Council. The CFRA was formed by California port fishermen's associations to address spatial challenges to fishing ground access caused by wind and wave energy projects, oil, gas, and ocean mining, submarine and subsea cables and other forms of ocean industrialization. The CFRA membership extends from Santa Barbara to the California/Oregon Border. The formation of the CFRA was supported by the California Coastal Commission, the California Energy Commission, the California Department of Fish and Wildlife and the State Lands Commission.

Below are excerpts taken from the CFRA "Minimization and Mitigation Plan for Offshore Non-fishing Development that directly support Alternative #1.

"As of 2020, federal, state and local agencies are advocating for the development of offshore wind power, submarine cables and non-petroleum based energy production on California's coastal fishing grounds. California has the most regulated ocean and fishing industry worldwide. Nearly every square inch of California's coastal ocean is covered by fishing closures, marine protected areas, national marine sanctuaries, naval training areas, munitions dumping grounds, submarine cable lanes, vessel traffic separation schemes, national parks, gear, depth and fish species restrictions and fossil fuel development. For California fishermen, the coastal ocean is 100% utilized— there is no "unused" space. This complete utilization manifests itself by fishermen employing various types of fishing gear targeting a wide range of species of fish as seasons change throughout the year. The displacement of fishermen by

offshore development from one coastal ocean area of fishing grounds doesn't only affect those individuals and boats, but instead exerts a negative impact on all fishermen as fishing businesses try to relocate onto already occupied fishing grounds

*The **displacement of fishing activities** by offshore developers starts on the fishing grounds and continues right into California's coastal harbors and the coastal communities dependent on the fishing industry as a local economic driver. The loss of this sustainable renewable seafood resource harvested on our community fishing grounds is for all intents and purposes, forever. These losses are often referred to as the "deferred cost of doing business". These deferred costs heaped on coastal communities are a direct result of offshore non-fishing development, and in the past have been allowed by permitting agencies to damage fishing families and coastal communities as the "cost of doing business". This practice is no longer valid. Offshore marine development impacts every single fisherman, and the local coastal economy whether directly or indirectly. This document is designed to address the concerns, minimize the impacts to, and mitigate for damages to all fishermen by offshore and harbor developments. The fact that these impacts are real, universal and long lasting is not subject to debate."*

***Transfer of title and subsequent abandonment of energy infrastructure** — Energy, mining, and other extractive industries work via a worldwide model which allows developers to maximize profits and minimize or totally defer maintenance costs. Initially a well funded, and often well known major development corporation will begin exploration, development and extraction of a resource. In this century, oil extraction is the prominent example. Once the infrastructure is built and operating, maintenance is kept to a minimum and costly major overhauls of said infrastructure are avoided. When the profitability of any particular extractive process decreases to a certain point, the initial developer transfers title (sells), the infrastructure, and equipment to less well funded, marginal operators. Often as not, the purchasers of these assets acquire and operate the facility via layers of multiple "shell" corporations to avoid legal liability connected with their operation and eventual abandonment of these marginal extractive facilities and equipment. The Gulf of Mexico and adjacent U.S. States contain thousands of abandoned oil wells, and thousands of miles of oil and gas pipelines. In California, the State is still trying to clean up oil wells in the nearshore Santa Barbara ocean waters which were drilled in the early 1900's. Texaco famously abandoned an early oil platform at Ellwood Beach in Santa Barbara. Offshore telecommunications companies landing fiber optic cables in California waters continually advocate for abandonment of fiber optic cables at the end of these cables' profitable lifespan. No one should expect that international wind power developers will step away from this model of maximizing profit, then selling outdated or marginal equipment to other operators to avoid the responsibility of maintenance, and removal of low profit wind power components from California's Community Fishing Grounds."*

Decommissioning of non-functioning infrastructure efforts by developers always devolves into one thing — abandonment. Developers spin abandonment of written-off pipelines, platforms, wells, submarine and subsea cables as "decommissioning in place" while telling the public that their now useless junk will provide (exotic) habitat for [non-native] sea life. What abandonment actually is, is a calculated breach of contract by developers who initially agreed, as a condition

of permitting, to remove all of their infrastructure at their project's termination. Here is language quoted directly from the recent RTI Infrastructure Inc, "Northern California Cable and Fishing Agreement" for the Eureka "ECHO" subsea cable. This agreement was entered into by five individual trawl fishermen in spite of protest by twelve California Fishermen's Associations representing 350 commercail fishermen. Here's what the developer, RTI Infrastructure, had to say about removing their cable!

"1.11 Covered Cable Removal or Abandonment — The obligations of this agreement shall terminate as to any covered cable at such time cable company representative... either removes the covered cable or abandons the covered cable [in place]... and pays the abandoned cable fee."

Here is the RTI, Infrastructure fee schedule for abandonment in place of their cables:

"Date of payment of abandon cables:

- on or before December 31, 2045 - \$150,000

-Between Jan. 1, 2046 - Dec. 31, 2055 - \$175,000

-On or after Jan.1, 2056 - \$200,000

This payment is to be placed into some "fund" to replace "gear sacrificed by fishermen as a result of being snagged on an abandoned cable". Let's be real — \$200,000 in 2056 dollars is a pittance of the cost to developers to comply with the terms of their permit requiring removal of a single cable after the admission by the same cable operators that their clients transmit data worth millions of dollars per day during the cable's 20-30 year lifespan. \$200,000 won't even pay for a single day's expense for a ship equipped to remove cables! For oil and gas companies, abandonment means millions and millions of dollars in deferred clean up costs shoved onto fishing communities. Those deferred millions of dollars, instead, go to stockholders as dividends. Their junk is not aquaculture facilities, not research stations nor tourist attractions - it's just junk.

Here's the CFRA's comments on decommissioning:

Decommissioning Impacts — *Decommissioning impacts can be as great as operational impacts. Many wind power and fossil fuel operators advocate for "decommissioning in place", a heavily spun terminology for the abandonment of outdated or financially "written off" equipment onto community fishing grounds. Sold to the public as "artificial reefs", this abandoned junk destroys miles of fishing grounds and presents biological challenges to existing habitats by allowing species displacement by non-native organisms more suited to colonizing this abandoned equipment.*

Funded Decommissioning Activity impacts — *Funded and required decommissioning and removal of obsolete or damaged infrastructure, while the correct remedy for restoration of community fishing grounds, presents additional interruption of local fishing operations. Submarine cable operators in Central California are mandated to remove old cables while compensating local fishermen interrupted by removal activities.*

BOEM staff should be commended in advocating for **Alternative #1** as a way for complete removal of all infrastructure from California and the nation's valuable nearshore and outer continental shelf fishing grounds. Oil and gas companies continue to reap record profits from Americans. Let's make them spend some of those profits cleaning up the mess they made making those same profits

Require Alternative 1 - Remove all this junk!

Sincerely,
Ken Bates
California Fishermen's Resiliency Association