

STRUCTURE REMOVAL 2018-113, 2018-114 & 2018-115

To: Regional Environmental Officer, GOMR, Office of Environmental Compliance, Bureau of Safety and Environmental Enforcement (MS GM367)

From: Supervisor, Environmental Assessment Unit 2, Office of Environment, GOM OCS Region (MS GM633B)

Subject: National Environmental Policy Act Review of Apache Corporation's Structure Removal Application Numbers 2018-113, 2018-114 & 2018-115

Our National Environmental Policy Act (NEPA) review of the subject action is complete and results in a recommendation that the proposed action be approved with a Finding of No Significant Impact conditioned as indicated below:

The Bureau of Ocean Energy Management (BOEM) has prepared a Site-Specific Environmental Assessment (SEA) (Nos. 2018-113, 2018-114 & 2018-115) complying with the NEPA regulations under the Council on Environmental Quality (40 CFR § 1501.3 and § 1501.5), the United States Department of the Interior, NEPA implementing regulations (43 CFR § 46), and BOEM policy, which require an evaluation of proposed major federal actions, which under BOEM jurisdiction includes structure removal activity on the Outer Continental Shelf (OCS). We make the following recommendation to the Bureau of Safety and Environmental Enforcement (BSEE) in concordance with the Memorandum of Agreement between BOEM and BSEE regarding "*NEPA and Environmental Compliance*," dated October 1, 2018.

The Proposed Action: Apache Corporation (Apache) proposes to perform site-clearance verification operations in Matagorda Island Block 622, Lease OCS 00500 for Complex IDs 10225-2, 10225-3, and 10225-4. Platforms C-Qtr, C-Prd and C-Comp were removed in 2020. Site-clearance verification operations will be performed at a water depth of 87 feet (ft) (27 meters (m)) approximately 11 miles (18 kilometers (km)) from the nearest Texas shoreline. Operations will be conducted from an onshore support base in Port O'Connor, Texas. Site clearance verification is being conducted to comply with 30 CFR 250.1740. Apache proposes to conduct site-clearance trawling over a survey grid designed to cover an area with a radius of 1,320 ft (402 m) from the center of each removed structure's location for site-clearance verification (Apache, 2024).

Factors Considered in this Determination: The impact analysis for the proposed activity focused on the decommissioning activities, the site-clearance activities, and the resources that may be potentially impacted. The impact producing factors (IPF) include: (1) emissions from decommissioning vessels/equipment, (2) vessel discharges and turbidity, (3) seafloor disturbances from mooring and trawling activities, (4) habitat loss (via removal of the facilities from the OCS), and (5) marine trash and debris.

In this SEA, BOEM has considered three alternatives: (1) No Action, (2) Proposed Action as Submitted, and (3) Proposed Action with Additional Conditions of Approval. BOEM has assessed the impacts of the proposed action on the following significant resources:

- 1) Marine mammals,
- 2) Sea turtles,
- 3) Fish resources and essential fish habitat,
- 4) Benthic resources, and
- 5) Archaeological resources.

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Resources on the sea bottom could be disturbed if they were present, such as benthic biological communities and shipwrecks. Because direct contact is potentially the most disruptive potential impact for resources fixed or lying on the sea bottom, it is weighted most heavily out of all other potential impact factors. Impact significance levels are explained in **Chapter 3.1** of SEA 2018-113, 2018-114 & 2018-115. Potential impacts from the proposed activities to marine mammals and sea turtles have been mitigated to non-significance. Potential impacts to fish resources and essential fish habitat, archaeological resources, and benthic resources and other uses from the proposed activities were determined to be insignificant.

Alternatives and Conditions of Approval: In SEA Nos. 2018-113, 2018-114 & 2018-115 BOEM has considered three alternatives: (1) No Action, (2) Proposed Action as Submitted, and (3) Proposed Action with Additional Conditions of Approval. Our evaluation in this SEA recommends Alternative 3 and serves as the basis for approving the proposed action. BOEM concludes that no significant impacts are expected to occur to any affected resource by allowing the proposed action to proceed, provided that the specific conditions of approval identified below are met by the operator.

- **ARCHAEOLOGICAL RESOURCE REPORTING DURING SITE-CLEARANCE:** Per 30 CFR § 250.194(c) and clarified in NTL No. 2005-G07, if during site-clearance operations you discover any object of potential archaeological significance you are required to immediately halt operations. In addition, you must immediately report this discovery to the BSEE Office of Environmental Compliance (OEC) at Env-Compliance-Arc@bsee.gov, contact BSEE Federal Preservation Office at (504) 736-2950, and send a confirmation email to archaeology@boem.gov. Additional guidance will be provided to the operator as to what steps will be needed to protect any potential submerged archaeological resources. Additionally, as specified under 30 CFR § 250.1743:
 - If using trawls to verify site-clearance, you are required to provide the trawling logs for both heavy-duty nets and verification nets with descriptions of each item recovered. Should you only pull site-clearance verification nets, please clearly state this within the body of the Site-Clearance Report. In addition, provide ALL vessel logs related to vessels that were used to recover items during site-clearance operations (e.g., anchor handling vessels, lift boats, dive support vessels, tugboats, etc.). If you did not use any vessels to recover items, please clearly state this within the body of the Site-Clearance Report.
 - With your Site-Clearance Report you are also required to provide a CD or DVD of all digital photographs of the items recovered during the use of the heavy-duty trawl nets, site-clearance verification trawl nets, diver recovery, and any other methods used. Each photograph must be of appropriate scale and size so that individual items can be identified. All photographs of recovered items must also correspond with the items recovered and listed on individual lines within the logs. In addition, when you submit your photographs, you should label each photograph file name so that it represents the individual trawl line from which the items were recovered.
- **SITE-CLEARANCE TRAWLING REPORTING:** If trawling is used to comply with the site-clearance verification requirements under 30 CFR § 250.1740-1743, which mandates that turtle excluder devices (TED) be removed from the trawl nets to facilitate the collection of seabed debris, you must abide by maximum trawl times of 30 minutes, allowing for the removal of any captured sea turtles. If during your trawling activities you capture a sea turtle in your nets, you must:
 1. Contact BSEE's OEC at protectedspecies@bsee.gov and NMFS' Southeast Regional Office (SERO) at takereport.nmfs@noaa.gov immediately,
 2. Resuscitate and release any captured sea turtles as per NMFS' guidelines found online at <https://repository.library.noaa.gov/view/noaa/3773> (see page 3-6; Plate 3-1),
 3. Photograph the turtle and complete a sea turtle stranding form for each sea turtle caught in your nets. The form can be found at: <https://www.sefsc.noaa.gov/species/turtles/strandings.htm> and submitted to NMFS and BSEE (to the email addresses noted above).

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- **COMPLIANCE WITH BIOLOGICAL OPINION TERMS AND CONDITIONS AND REASONABLE AND PRUDENT MEASURES:** This approval is conditioned upon compliance with the Reasonable and Prudent Measures and implementing Terms and Conditions of the Biological Opinion issued by the National Marine Fisheries Service on March 13, 2020, and the amendment issued on April 26, 2021. This includes mitigation, particularly any appendices to Terms and Conditions applicable to the plan, as well as record-keeping and reporting sufficient to allow BOEM and BSEE to comply with reporting and monitoring requirements under the BiOp; and any additional reporting required by BOEM or BSEE developed as a result of BiOp implementation. The NMFS Biological Opinion may be found here: <https://www.fisheries.noaa.gov/resource/document/biological-opinion-federally-regulated-oil-and-gas-program-activities-gulf-mexico>. The Appendices and protocols may be found here: <https://www.fisheries.noaa.gov/resource/document/appendices-biological-opinion-federally-regulated-oil-and-gas-program-gulf-mexico>. The amendment provided updates to Appendices A, C and I which may be found here: <https://repository.library.noaa.gov/view/noaa/29355>.
- **NOTIFICATION OF INTENTION TO TRANSIT RICE'S WHALE AREA CONDITION OF APPROVAL (COA):** Operators or their recognized representative must notify the Bureau of Ocean Energy Management (BOEM) or Bureau of Safety and Environmental Enforcement (BSEE) as appropriate of their intention to transit through the Rice's (formerly Bryde's in 2020 Biological Opinion and subsequent amendment) whale area (from 100- to 400- meter isobaths from 87.5° W to 27.5° N as described in the species' status review plus an additional 10 km around that area) (see figure below) when this transit is associated with either an initial plan/application or as part of a change to an existing plan/application when either vessel route and/or support base changes. If proposing to transit through any portion of the Rice's whale area, the BOEM Permit/Plan holder shall submit their notification to transit and concurrence to fulfil the reporting requirements as stated below to BOEM/BSEE (protectedspecies@boem.gov and protectedspecies@bsee.gov). In the case of a post-approval change in vessel route or change in a support base, your intention to transit through the Rice's whale area should be made by contacting the BOEM or BSEE Point of Contact for the most recent applicable permit or application. Please be advised that changes to the use of a support base may trigger a revised plan (e.g., 30 CFR § 550.283), revised application, or modified permit (for geological and geophysical [G&G] activities). You will be required to follow the requirements defined below as originally outlined (as Bryde's whale) in the 2020 Biological Opinion and April 2021 Amendment to the Incidental Take Statement and Revised Appendices issued by the National Marine Fisheries Service (NMFS). Note these conditions of approval refer to the species as the Rice's whale (*Balaenoptera ricei*). Until 2021, the species was known as Bryde's whale (*Balaenoptera edeni*).
 1. Vessel operators and crews must maintain a vigilant watch for Rice's whales and slow down, stop their vessel, or alter course, as appropriate and regardless of vessel size, to avoid striking any Rice's whale. Visual observers monitoring the 500 m vessel strike avoidance zone for Rice's whales can be either third-party observers or crew members (e.g., captain), but crew members responsible for these duties must be provided sufficient training to distinguish aquatic protected species to broad taxonomic groups, as well as those specific species detailed further below. If the species is indistinguishable, then operators should assume it is a Rice's whale and act accordingly (see below).



2. If transiting within the Rice's whale area (figure below), operators must notify BOEM and/or BSEE of their plans prior to transit and include what port is used for mobilization and demobilization and explain why the transit is necessary. If an unavoidable emergency transit through this area occurs (i.e., safety of the vessel or crew is in doubt or the safety of life at sea is in question), it must be reported immediately after the emergency is over and must include all required information referenced herein. After completing transit

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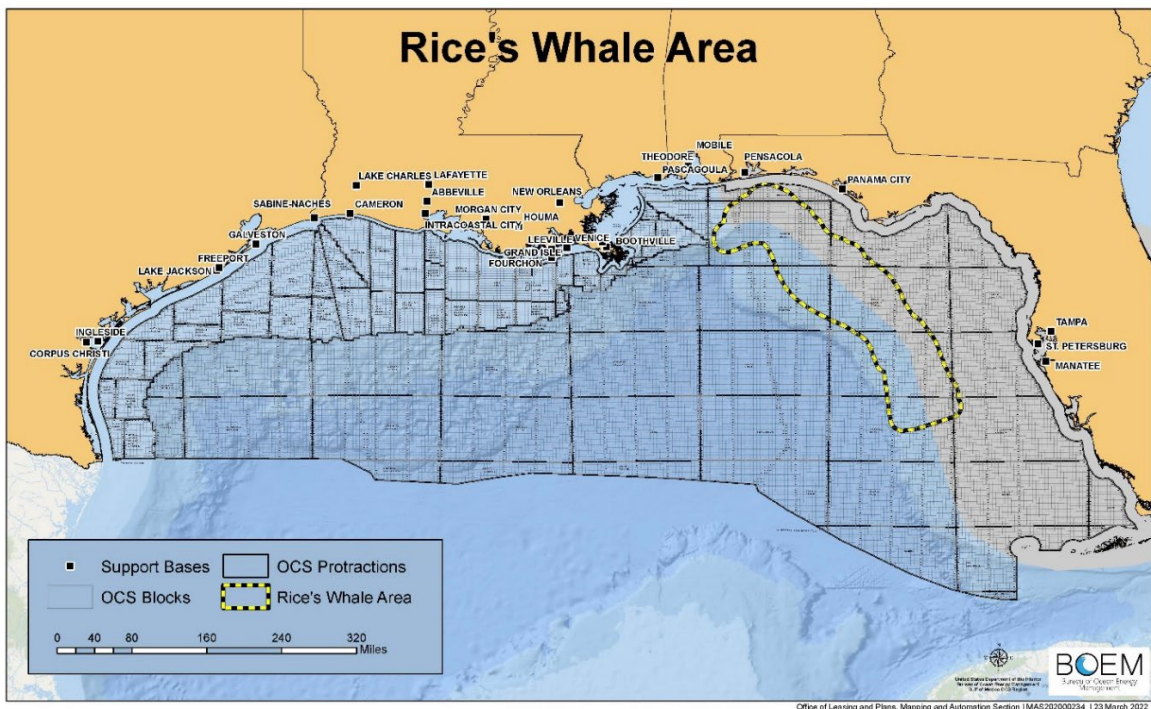
through the Rice's whale area, you must prepare a report of transit describing the time the vessel entered and departed the Rice's whale area, any Rice's whale sightings or interactions (e.g., vessel avoidance) that occurred during transit, and any other marine mammal sightings or interactions. Minimum reporting information is described below:

- i. The plan, permit or other BOEM or BSEE number used to identify the activity;
 - ii. Automatic Identification System (AIS), if available;
 - iii. Time and date vessel entered and exited the Rice's whale area;
 - iv. Time, date, water depth, and location (latitude/longitude) of the first sighting of the animal;
 - v. Name, type, and call sign of the vessel in which the sighting occurred;
 - vi. Species identification (if known) or description of the animal involved;
 - vii. Approximate size of animal (if known);
 - viii. Condition of the animal during the event and any observed injury / behavior (if known);
 - ix. Photographs or video footage of the animal, if available;
 - x. General narrative and timeline describing the events that took place;
 - xi. Time and date vessel departed Rice's whale area;
 - xii. Trackline (e.g., time, location, and speed) of vessel while within Rice's whale area; and
 - xiii. Environmental conditions, including Beaufort Sea State (BSS) and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon.
3. Upon conclusion of transit, operators must submit reports to protectedspecies@boem.gov and protectedspecies@bsee.gov within 24 hours of transit through the Rice's whale area. The title of the email should include "Transit through Rice's Whale Area."
4. All vessels, regardless of size, must observe a 10-knot, year-round speed restriction in the Rice's whale area during daylight hours. The only exception to the 10-knot vessel speed restriction would be when observing the speed restriction would cause the safety of the vessel or crew to be in doubt or the safety of life at sea to be in question.
5. All vessels must maintain a minimum separation distance of 500 m from Rice's whales. If a whale is observed but cannot be confirmed as a species other than a Rice's whale, the vessel operator must assume that it is a Rice's whale and take appropriate action.
6. All vessels 65 feet or greater associated with oil and gas activity (e.g., source vessels, chase vessels, supply vessels) must have a functioning Automatic Identification System (AIS) onboard and operating at all times as required by the U.S. Coast Guard. If the U.S. Coast Guard does not require AIS for the vessel, it is strongly encouraged. At minimum, the reporting (as specified within this COA) must be followed and include trackline (e.g., time, location, and speed) data.
7. No transit is permissible at nighttime or during low visibility conditions (e.g., BSS 4 or greater) except for emergencies (i.e., when the safety of the vessel or crew would otherwise be in doubt or the safety of life at sea is in question).
8. If an operator while operating within the Rice's whale area
 - i. Exceeds the 10-knot vessel speed,
 - ii. Does not maintain a 500 m minimum separation distance from a Rice's whale, and/or
 - iii. Conducts transit during nighttime or during low visibility conditions (e.g., BSS 4 or greater),

the operator must notify BSEE and BOEM by emailing protectedspecies@bsee.gov and protectedspecies@boem.gov within 24 hours. The notification must be reported as a separate and distinct notification to the transit report with the title "Transit Deviation" in the subject line. The notification must provide a detailed explanation as to why the Transit Deviation occurred.

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9. This COA does not remove or alter the need to comply with any other applicable regulatory or legal requirements with respect to vessel operations, including as outlined in the amended Appendix C - Gulf of Mexico Vessel Strike Avoidance and Injured/Dead Aquatic Protected Species Reporting Protocols.



- **MARINE TRASH AND DEBRIS AWARENESS AND ELIMINATION:** The applicant will follow the protocols provided under Appendix B. Gulf of Mexico Marine Trash and Debris Awareness and Elimination Survey Protocols found in the Biological Opinion issued by the National Marine Fisheries Service on March 13, 2020. The protocols can be accessed on NOAA Fisheries internet website at <https://www.fisheries.noaa.gov/resource/document/appendices-biological-opinion-federally-regulated-oil-and-gas-program-gulf-mexico>.
- **VESSEL-STRIKE AVOIDANCE/REPORTING:** The applicant will follow the protocols provided under Appendix C. Gulf of Mexico Vessel Strike Avoidance and Injured/Dead Aquatic Protected Species Reporting Protocols found in the Biological Opinion amendment issued by the National Marine Fisheries Service on April 26, 2021. The guidance can be accessed on the NOAA Fisheries internet site at <https://repository.library.noaa.gov/view/noaa/29355>.
- **SEA TURTLE RESUSCITATION GUIDELINES:** The applicant will follow the guidance provided under Appendix J. Sea Turtle Handling and Resuscitation Guidelines found in the Biological Opinion issued by the National Marine Fisheries Service on March 13, 2020. The guidance can be accessed on the NOAA Fisheries internet site at <https://www.fisheries.noaa.gov/resource/document/appendices-biological-opinion-federally-regulated-oil-and-gas-program-gulf-mexico>.
- **SLACK-LINE PRECAUTIONS CONDITION OF APPROVAL:** If operations require the use of flexible, small diameter (< 2 inch) lines to support operations (with or without divers), operators/contractors must reduce the slack in the lines, except for human safety considerations, to prevent accidental entanglement of protected species (i.e., species protected under the Endangered Species Act [ESA] and/or Marine Mammal Protection Act [MMPA]). This requirement includes tether lines attached to remotely operated equipment. The requirements below must be followed for any activities entailing use of flexible, small diameter lines that will not remain continuously taut, except when complying with these requirements would put the safety of divers, crew, or the vessel at risk:

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- Operators must utilize tensioning tools and/or other appropriate procedures to reduce unnecessary looseness in the lines and/or potential looping;
 - The lines must remain taut, as long as additional safety risks are not created by this action;
 - A line tender must be present at all times during dive operations and must monitor the line(s) the entire time a diver is in the water; and
 - Should the line tender and/or diver become aware of an entanglement of an individual protected species, the reporting requirements described in the *Reporting Requirements* COA must be followed as soon as safety permits.
- **REPORTING REQUIREMENTS CONDITION OF APPROVAL:** Review of your proposed activities identified use of equipment that has the potential for entanglement and/or entrapment of protected species (i.e., species protected under the Endangered Species Act [ESA] and/or Marine Mammal Protection Act [MMPA]) that could be present during operations. In case of entrapment, procedures and measures for reporting are dependent upon the situation at hand. **These requirements replace those specific to dead and injured species reporting in respective sections of Appendix A (insofar as they relate to geophysical surveys) and Appendix C of the 2020 Biological Opinion on the Bureau of Ocean Energy Management's Oil and Gas Program Activities in the Gulf of Mexico.**

Incidents Requiring Immediate Reporting

Certain scenarios or incidents require immediate reporting to Federal agencies; these are described below:

Should any of the following occur at any time, **immediate reporting** of the incident is required after personnel and/or diver safety is ensured:

- Entanglement or entrapment of a protected species (i.e., an animal is entangled in a line or cannot or does not leave a moon pool of its own volition).
 - Injury of a protected species (e.g., the animal appears injured or lethargic).
 - Interaction, or contact with equipment by a protected species.
 - Any observation of a leatherback sea turtle within a moon pool (regardless of whether it appears injured, or an interaction with equipment or entanglement/entrapment is observed).
1. As soon as personnel and/or diver safety is ensured, report the incident to National Marine Fisheries Service (NMFS) by contacting the appropriate expert for 24-hr response. If you do not receive an immediate response, you must keep trying until contact is made. Any failed attempts should be documented. Contact information for reporting is as follows:
 - a. **Marine mammals:** Contact **Southeast Region's Marine Mammal Stranding Hotline at 1-877-433-8299.**
 - b. **Sea turtles:** Contact **Brian Stacy, Veterinary Medical Officer at 352-283-3370.** If unable to reach Brian Stacy, contact Lyndsey Howell at (301) 310 - 3061. This includes the immediate reporting of **any observation of a leatherback sea turtle within a moon pool.**
 - c. Other protected species (e.g., giant manta ray, oceanic whitetip shark, or Gulf sturgeon): Contact the **ESA Section 7 biologist at 301-427-8413 (nmfs.psoreview@noaa.gov)** and report all incidents to takeareport.nmfs@noaa.gov
 - d. Minimum reporting information is described below:
 - i. Time, date, water depth, and location (latitude/longitude) of the first discovery of the animal;
 - ii. Name, type, and call sign of the vessel in which the event occurred;
 - iii. Equipment being utilized at time of observation;
 - iv. Species identification (if known) or description of the animal involved;

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- v. Approximate size of animal;
 - vi. Condition of the animal during the event and any observed injury / behavior;
 - vii. Photographs or video footage of the animal, only if able; and
 - viii. General narrative and timeline describing the events that took place.
2. After the appropriate contact(s) have been made for guidance/assistance as described in 1 above, you may call BSEE at 985-722-7902 (24 hours/day) for questions or additional guidance on recovery assistance needs (if still required) and continued monitoring requirements. You may also contact this number if you do not receive a timely response from the appropriate contact(s) listed in 1. above.
- a. Minimum post-incident reporting includes all information described above (under 1.d.i-viii) in addition to the following:
 - i. NMFS liaison or stranding hotline that was contacted for assistance;
 - ii. For moon pool observations or interactions:
 - Size and location of moon pool within vessel (e.g., hull door or no hull door);
 - Whether activities in the moon pool were halted or changed upon observation of the animal; and
 - Whether the animal remains in the pool at the time of the report, or if not, the time/date the animal was last observed.

Reporting of Observations of Protected Species within an Enclosed Moon Pool

If a protected species is observed within an enclosed moon pool and does not demonstrate any signs of distress or injury or an inability to leave the moon pool of its own volition, measures described in this section must be followed (only in cases where they do not jeopardize human safety). Although this particular situation may not require immediate assistance and reporting as described under *Incidents Requiring Immediate Reporting* (see above), a protected species could potentially become disoriented with their surroundings and may not be able to leave the enclosed moon pool of their own volition. In order for operations requiring use of a moon pool to continue, the following reporting measures must be followed:

Within 24 hours of any observation, and daily after that for as long as an individual protected species remains within a moon pool (i.e., in cases where an ESA listed species has entered a moon pool but entrapment or injury has not been observed), the following information must be reported to BSEE (protectedspecies@bsee.gov) and BOEM (protectedspecies@boem.gov):

1. For an initial report, all information described under 1.d.i-viii above should be included.
2. For subsequent daily reports:
 - a. Describe the animal's status to include external body condition (e.g., note any injuries or noticeable features), behaviors (e.g., floating at surface, chasing fish, diving, lethargic, etc.), and movement (e.g., has the animal left the moon pool and returned on multiple occasions?);
 - b. Description of current moon pool activities, if the animal is in the moon pool (e.g., drilling, preparation for demobilization, etc.);
 - c. Description of planned activities in the immediate future related to vessel movement or deployment of equipment;
 - d. Any additional photographs or video footage of the animal, if possible;
 - e. Guidance received and followed from NMFS liaison or stranding hotline that was contacted for assistance;
 - f. Whether activities in the moon pool were halted or changed upon observation of the animal; and
 - g. Whether the animal remains in the pool at the time of the report, or if not, the time/date the animal was last observed.

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Conclusion: BOEM has evaluated the potential environmental impacts of the proposed action. Based on the SEA Nos. 2018-113, 2018-114 & 2018-115, we conclude that the proposed action would have no significant impact on the environment provided that the avoidance measures required by the specific conditions of approval are met by the operator. An Environmental Impact Statement is not required.

Perry Boudreaux
Supervisor, Environmental Assessment Unit 2
Office of Environment
GOM OCS Region
Bureau of Ocean Energy Management

July 2, 2024
Date

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF OCEAN ENERGY MANAGEMENT
GULF OF MEXICO OCS REGION
NEW ORLEANS, LOUISIANA

SITE-SPECIFIC ENVIRONMENTAL ASSESSMENT
OF
STRUCTURE-REMOVAL APPLICATION ES/SR NOS.
2018-113, 2018-114 & 2018-115

FOR

Apache Corporation

IN

Matagorda Island Block 622
Lease OCS 00500
Complex ID 10225-2, 10225-3, and 10225-4

Date Submitted: June 21, 2024
Commencement Date: July 2024

RELATED ENVIRONMENTAL DOCUMENTS

Programmatic Environmental Assessment for Structure-Removal Operations
on the Gulf of Mexico Outer Continental Shelf (OCS EIS/EA MMS 2005-013)

Final Environmental Impact Statement for Gulf of Mexico OCS Oil and Gas Lease Sales: 2017-
2022; Gulf of Mexico Lease Sales 249, 250, 251, 252, 253, 254, 256, 257, 259, and 261
(OCS EIS/EA BOEM 2017-009)

Gulf of Mexico OCS Lease Sale
Final Supplemental Environmental Impact Statement 2018
(OCS EIS/EA BOEM 2017-074)

Gulf of Mexico OCS Oil and Gas Lease Sales 259 and 261
Final Supplemental Environmental Impact Statement 2023
(OCS EIS/EA BOEM 2023-001)

Biological Opinion of the Federally Regulated Oil and Gas Program Activities in the Gulf of
Mexico
(NMFS March 13, 2020)

Amended Incidental Take Statement and Revised Appendices to the Programmatic Biological
Opinion on the Gulf of Mexico Oil and Gas Program
(NMFS April 26, 2021)

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1. PROPOSED ACTION

The purpose of this Site-Specific Environmental Assessment (SEA) is to assess if the specific impacts associated with proposed site-clearance verification activities, outlined in ES/SR 2018-113, 2018-114 & 2018-115 initially submitted by Apache Corporation (Apache) on June 21, 2024, will significantly affect the quality of the human, coastal, and marine environments within the meaning of Section 102(2)(c) of the National Environmental Policy Act (NEPA) and whether an Environmental Impact Statement (EIS) must be prepared. Apache proposes to perform site-clearance verification operations for removed Platforms C-Qtr, C-Prd and C-Comp from Matagorda Island Block 622 in the Western Planning Area safely and with minimal degradation to the environment while adhering to the Outer Continental Shelf Lands Act (OCSLA) regulations, binding lease agreements, and other enforceable Outer Continental Shelf (OCS) related laws.

This SEA tiers from several NEPA documents which evaluated a broad spectrum of potential impacts resulting from decommissioning activities across the Eastern, Central, and Western Planning Areas of the Gulf of Mexico (GOM) OCS:

- Structure-Removal Operations on the Gulf of Mexico Outer Continental Shelf: Final Programmatic Environmental Assessment (PEA) (USDOJ, MMS, 2005),
- Gulf of Mexico OCS Oil and Gas Lease Sales: 2017-2022; Gulf of Mexico Lease Sales 249, 250, 251, 252, 253, 254, 256, 257, 259, and 261; Final Environmental Impact Statement (Multisale EIS) (USDOJ, BOEM, 2017a),
- Gulf of Mexico OCS Lease Sale Final Supplemental Environmental Impact Statement 2018 (2018 SEIS) (USDOJ, BOEM, 2017b),
- Gulf of Mexico OCS Oil and Gas Lease Sales 259 and 261. Final Supplemental Environmental Impact Statement 2023 (2023 SEIS) (USDOJ, BOEM 2023-001),
- Biological Opinion on the Federally Regulated Oil and Gas Program Activities in the Gulf of Mexico (USDOC, NMFS 2020 BiOp) (Issued by National Marine Fisheries Service [NMFS] March 13, 2020), and
- Amended Incidental Take Statement and Revised Appendices to the Programmatic Biological Opinion on the Gulf of Mexico Oil and Gas Program (USDOC, NMFS 2021 Amended ITS) (Issued by NMFS April 26, 2021).

“Tiering” provided for in the NEPA implementing regulations (40 CFR §1501.11) is designed to reduce and simplify the scope of subsequent environmental analyses. Tiering is also subject to additional guidance under the United States Department of the Interior (USDOJ) regulations at 43 CFR § 46.140. Under the USDOJ regulation the site-specific analysis must note the conditions and effects addressed in the programmatic document that remain valid and which conditions and effects require additional review.

Chapter 3 of this SEA will include a brief discussion of the known effects on analyzed resources potentially affected by the proposed action. Where applicable, relevant affected environment discussions and impact analyses from the PEA, Multisale EIS, 2018 SEIS, and 2023 SEIS are summarized and utilized for these site-specific analyses and are incorporated by reference into this SEA. Relevant conditions of approval (COAs) identified in the PEA, Multisale EIS, 2018 SEIS, 2023 SEIS, NMFS 2020 BiOp, and NMFS 2021 Amended ITS have been considered in the evaluation of the proposed action.

1.1. BACKGROUND

The Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE) are mandated to manage the orderly leasing, exploration, and development of OCS oil, gas, and mineral resources while ensuring safe operations and the protection of the human, coastal, and marine environments. One purpose of BOEM’s regulatory program is to ensure adequate environmental reviews are conducted on all decommissioning proposals that would help support health and safety while simultaneously protecting the sensitive marine environment.

During every stage of exploration, development, and production of oil, gas, and mineral (sulfur) operations, structures are set on or into the seafloor to:

- Aid with and/or facilitate well operations and protection,
- Emplace drilling and production platforms and vessel moorings,
- Install pipelines, and
- Deploy subsea equipment.

To satisfy the regulatory requirements and lease agreements for the eventual removal of these structures, decommissioning operations employ a wide range of activities that oversee any topsides removal (decking and structure above the waterline), seafloor severing, component lifting and loading, site-clearance verification work, and final transportation of the structure back to shore for salvage or to an alternate OCS site for reuse or reefing.

The scope of the effects on GOM resources from activities proposed in Apache's ES/SR applications, 2018-113, 2018-114 & 2018-115, were fully discussed and analyzed in the PEA. Neither the specific location, equipment, nor the duration of this proposal will result in impacts different from those discussed in the PEA, the Multisale EIS, 2018 SEIS, 2023 SEIS, and NMFS 2020 BiOp prepared since that time.

1.2. PURPOSE AND NEED FOR THE PROPOSED ACTION

The purpose of the proposed action is to sever and remove all objects from the seafloor safely and with minimal degradation to the environment while adhering to the decommissioning guidelines of the OCSLA regulations, binding lease agreements, and other enforceable OCS-related laws. The proposed action also serves a secondary purpose for BOEM by providing measures to ensure that nothing will be exposed on the seafloor after a decommissioning that could interfere with navigation, commercial fisheries, future oil and gas operations, or other OCS uses (marine minerals) in the area. The proposed action is needed to allow Apache to comply with OCSLA regulations (30 CFR § 250.1703 and § 250.1725) wherein operators are required to remove their facilities and associated seafloor obstructions from their leases within one year of lease termination or after a structure has been deemed obsolete or unusable. These regulations also require the operator to sever bottom-founded objects and their related components at least 15 feet (ft) (4.6 meters (m)) below the mudline (BML) (30 CFR § 250.1728(a)). A discussion of the other legal and regulatory mandates to remove abandoned oil and gas structures from Federal Waters can be found in the PEA.

In response to the proposed action in Apache's applications, BOEM has regulatory responsibility, consistent with the OCSLA and other applicable laws, to recommend to BSEE to approve, approve with modifications or COAs, or deny the applications. BOEM's regulations provide criteria that BOEM will apply in reaching a decision and providing for any applicable COAs.

1.3. DESCRIPTION OF THE PROPOSED ACTION

Apache Corporation (Apache) proposes to perform site-clearance verification operations in Matagorda Island Block 622, Lease OCS 00500 for Complex IDs 10225-2, 10225-3, and 10225-4. Platforms C-Qtr, C-Prd and C-Comp were removed in 2020. Site-clearance verification operations will be performed at a water depth of 87 feet (ft) (27 meters (m)) approximately 11 miles (18 kilometers (km)) from the nearest Texas shoreline. Operations will be conducted from an onshore support base in Port O'Connor, Texas. Site clearance verification is being conducted to comply with 30 CFR 250.1740. Apache proposes to conduct site-clearance trawling over a survey grid designed to cover an area with a radius of 1,320 ft (402 m) from the center of each removed structure's location for site-clearance verification (Apache, 2024). Apache's decommissioning permit applications include additional information about the proposed activities and are incorporated herein by reference.

2. ALTERNATIVES CONSIDERED

2.1. NO ACTION ALTERNATIVE

Alternative 1— If selected, the operator would not undertake the proposed activities. If the proposed activities are not undertaken, all environmental impacts, including routine and accidental, would not occur and there would be no contribution to cumulative impacts to the environmental and cultural resources described in the PEA, Multisale EIS, 2018 SEIS, 2023 SEIS, NMFS 2020 BiOp, NMFS 2021 Amended ITS, and this SEA.

2.2. PROPOSED ACTION AS SUBMITTED

Alternative 2— If selected, the operator would undertake the proposed activities as requested in their plan. This alternative assumes that the operator will conduct their operations in accordance with their lease stipulations, the OCSLA and all applicable regulations (as per 30 CFR § 550.101(a)), and guidance provided in all appropriate Notice to Lessees (NTLs) (as per 30 CFR § 550.103). However, no additional, site-specific COAs would be required by BOEM.

2.3. PROPOSED ACTION WITH ADDITIONAL CONDITIONS OF APPROVAL

Alternative 3—This is BOEM's *Preferred Alternative* — If selected, the operator would undertake the proposed activity, as requested and conditioned by stipulations, regulations, and guidance (similar to Alternative 2); however, BOEM would require the operator to undertake additional COAs as identified by BOEM in coordination with NMFS and in accordance with the NFMS 2020 BiOp and NMFS 2021 Amended ITS (listed in **Chapter 2.4** below and described in the effects analyses) in order to fully address the potential site and project specific impacts of the proposed action.

2.4. SUMMARY AND COMPARISON OF THE ALTERNATIVES

Alternative 1, the No Action Alternative, would prevent the site clearance verification around the removed structures. Alternative 1 would not result in any impacts to the environmental resources analyzed in **Chapter 3**, but it does not meet the underlying purpose and need.

Alternative 2 would allow for the site clearance verification around the removed structures but would not include any COAs or monitoring measures beyond what was stated in the application. However, BOEM has determined that additional COAs are needed to minimize or negate possible environmental impacts.

Alternative 3 is the Preferred Alternative, based on the analysis of potential impacts to resources described in **Chapter 3**, because it meets the underlying purpose and need and also implements COAs and monitoring requirements (described directly below) that adequately limit or negate potential impacts.

Protective Measures Required under the Preferred Alternative

The need for, and utility of, the following protective measures are discussed in the relevant impact analysis chapters of this SEA. The following protective measures and reporting requirements were identified to ensure adequate environmental protection:

- **ARCHAEOLOGICAL RESOURCE REPORTING DURING SITE-CLEARANCE:** Per 30 CFR § 250.194(c) and clarified in NTL No. 2005-G07, if during site-clearance operations you discover any object of potential archaeological significance you are required to immediately halt operations. In addition, you must immediately report this discovery to the BSEE Office of Environmental Compliance (OEC) at Env-Compliance-Arc@bsee.gov, contact the BSEE Federal Preservation Office at (504) 736-295, and send a confirmation email to archaeology@boem.gov. Additional guidance will be provided to the operator as to what steps will be needed to protect any potential submerged archaeological resources. Additionally, as specified under 30 CFR § 250.1743:

- If using trawls to verify site-clearance, you are required to provide the trawling logs for both heavy-duty nets and verification nets with descriptions of each item recovered. Should you only pull site-clearance verification nets, please clearly state this within the body of the Site-Clearance Report. In addition, provide ALL vessel logs related to vessels that were used to recover items during site-clearance operations (e.g., anchor handling vessels, lift boats, dive support vessels, tugboats, etc.). If you did not use any vessels to recover items, please clearly state this within the body of the Site-Clearance Report.

- With your Site-Clearance Report you are also required to provide a CD or DVD of all digital photographs of the items recovered during the use of the heavy-duty trawl nets, site-clearance verification trawl nets, diver recovery, and any other methods used. Each photograph must be of appropriate scale and size so that individual items can be identified. All photographs of recovered items must also correspond with the items recovered and listed on individual lines within the logs. In addition, when you submit your photographs, you should label each photograph file name so that it represents the individual trawl line from which the items were recovered.

- **SITE-CLEARANCE TRAWLING REPORTING:** If trawling is used to comply with the site-clearance verification requirements under 30 CFR § 250.1740-1743, which mandates that turtle excluder devices (TED) be removed from the trawl nets to facilitate the collection of seabed debris, you must abide by maximum trawl times of 30 minutes, allowing for the removal of any captured sea turtles. If during your trawling activities you capture a sea turtle in your nets, you must:
 1. Contact BSEE's OEC at protectedspecies@bsee.gov and NMFS' Southeast Regional Office (SERO) at takereport.nmfs@noaa.gov immediately,
 2. Resuscitate and release any captured sea turtles as per NMFS' guidelines found online at <https://repository.library.noaa.gov/view/noaa/3773> (see page 3-6; Plate 3-1),
 3. Photograph the turtle and complete a sea turtle stranding form for each sea turtle caught in your nets. The form can be found at: <https://www.sefsc.noaa.gov/species/turtles/strandings.htm> and submitted to NMFS and BSEE (to the email addresses noted above).
- **COMPLIANCE WITH BIOLOGICAL OPINION TERMS AND CONDITIONS AND REASONABLE AND PRUDENT MEASURES:** This approval is conditioned upon compliance with the Reasonable and Prudent Measures and implementing Terms and Conditions of the Biological Opinion issued by the National Marine Fisheries Service on March 13, 2020, and the amendment issued on April 26, 2021. This includes mitigation, particularly any appendices to Terms and Conditions applicable to the plan, as well as record-keeping and reporting sufficient to allow BOEM and BSEE to comply with reporting and monitoring requirements under the BiOp; and any additional reporting required by BOEM or BSEE developed as a result of BiOp implementation. The NMFS Biological Opinion may be found here: <https://www.fisheries.noaa.gov/resource/document/biological-opinion-federally-regulated-oil-and-gas-program-activities-gulf-mexico>. The Appendices and protocols may be found here: <https://www.fisheries.noaa.gov/resource/document/appendices-biological-opinion-federally-regulated-oil-and-gas-program-gulf-mexico>. The amendment provided updates to Appendices A, C and I which may be found here: <https://repository.library.noaa.gov/view/noaa/29355>.
- **NOTIFICATION OF INTENTION TO TRANSIT RICE'S WHALE AREA CONDITION OF APPROVAL (COA):** Operators or their recognized representative must notify the Bureau of Ocean Energy Management (BOEM) or Bureau of Safety and Environmental Enforcement (BSEE) as appropriate of their intention to transit through the Rice's (formerly Bryde's in 2020 Biological Opinion and subsequent amendment) whale area (from 100- to 400- meter isobaths from 87.5° W to 27.5° N as described in the species' status review plus an additional 10 km around that area) (see figure below) when this transit is associated with either an initial plan/application or as part of a change to an existing plan/application when either vessel route and/or support base changes. If proposing to transit through any portion of the Rice's whale area, the BOEM Permit/Plan holder shall submit their notification to transit and concurrence to fulfil the reporting requirements as stated below to BOEM/BSEE (protectedspecies@boem.gov and protectedspecies@bsee.gov). In the case of a post-approval change in vessel route or change in a support base, your intention to transit through the Rice's whale area should be made by

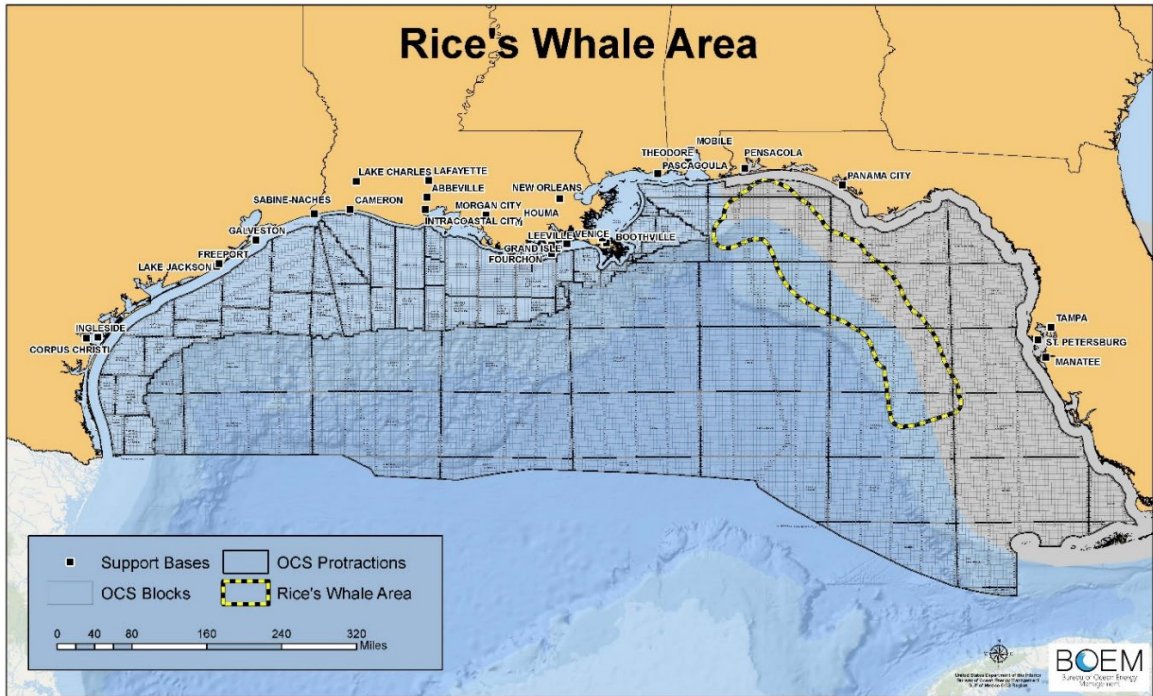
contacting the BOEM or BSEE Point of Contact for the most recent applicable permit or application. Please be advised that changes to the use of a support base may trigger a revised plan (e.g., 30 CFR § 550.283), revised application, or modified permit (for geological and geophysical [G&G] activities). You will be required to follow the requirements defined below as originally outlined (as Bryde's whale) in the 2020 Biological Opinion and April 2021 Amendment to the Incidental Take Statement and Revised Appendices issued by the National Marine Fisheries Service (NMFS). Note these conditions of approval refer to the species as the Rice's whale (*Balaenoptera ricei*). Until 2021, the species was known as Bryde's whale (*Balaenoptera edeni*).

1. Vessel operators and crews must maintain a vigilant watch for Rice's whales and slow down, stop their vessel, or alter course, as appropriate and regardless of vessel size, to avoid striking any Rice's whale. Visual observers monitoring the 500 m vessel strike avoidance zone for Rice's whales can be either third-party observers or crew members (e.g., captain), but crew members responsible for these duties must be provided sufficient training to distinguish aquatic protected species to broad taxonomic groups, as well as those specific species detailed further below. If the species is indistinguishable, then operators should assume it is a Rice's whale and act accordingly (see below).



2. If transiting within the Rice's whale area (figure below), operators must notify BOEM and/or BSEE of their plans prior to transit and include what port is used for mobilization and demobilization and explain why the transit is necessary. If an unavoidable emergency transit through this area occurs (i.e., safety of the vessel or crew is in doubt or the safety of life at sea is in question), it must be reported immediately after the emergency is over and must include all required information referenced herein. After completing transit through the Rice's whale area, you must prepare a report of transit describing the time the vessel entered and departed the Rice's whale area, any Rice's whale sightings or interactions (e.g., vessel avoidance) that occurred during transit, and any other marine mammal sightings or interactions. Minimum reporting information is described below:
 - i. The plan, permit or other BOEM or BSEE number used to identify the activity;
 - ii. Automatic Identification System (AIS), if available;
 - iii. Time and date vessel entered and exited the Rice's whale area;
 - iv. Time, date, water depth, and location (latitude/longitude) of the first sighting of the animal;
 - v. Name, type, and call sign of the vessel in which the sighting occurred;
 - vi. Species identification (if known) or description of the animal involved;
 - vii. Approximate size of animal (if known);
 - viii. Condition of the animal during the event and any observed injury / behavior (if known);
 - ix. Photographs or video footage of the animal, if available;
 - x. General narrative and timeline describing the events that took place;
 - xi. Time and date vessel departed Rice's whale area;
 - xii. Trackline (e.g., time, location, and speed) of vessel while within Rice's whale area; and
 - xiii. Environmental conditions, including Beaufort Sea State (BSS) and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon.

3. Upon conclusion of transit, operators must submit reports to protectedspecies@boem.gov and protectedspecies@bsee.gov within 24 hours of transit through the Rice's whale area. The title of the email should include "Transit through Rice's Whale Area."
4. All vessels, regardless of size, must observe a 10-knot, year-round speed restriction in the Rice's whale area during daylight hours. The only exception to the 10-knot vessel speed restriction would be when observing the speed restriction would cause the safety of the vessel or crew to be in doubt or the safety of life at sea to be in question.
5. All vessels must maintain a minimum separation distance of 500 m from Rice's whales. If a whale is observed but cannot be confirmed as a species other than a Rice's whale, the vessel operator must assume that it is a Rice's whale and take appropriate action.
6. All vessels 65 feet or greater associated with oil and gas activity (e.g., source vessels, chase vessels, supply vessels) must have a functioning Automatic Identification System (AIS) onboard and operating at all times as required by the U.S. Coast Guard. If the U.S. Coast Guard does not require AIS for the vessel, it is strongly encouraged. At minimum, the reporting (as specified within this COA) must be followed and include trackline (e.g., time, location, and speed) data.
7. No transit is permissible at nighttime or during low visibility conditions (e.g., BSS 4 or greater) except for emergencies (i.e., when the safety of the vessel or crew would otherwise be in doubt or the safety of life at sea is in question).
8. If an operator while operating within the Rice's whale area
 - i. Exceeds the 10-knot vessel speed,
 - ii. Does not maintain a 500 m minimum separation distance from a Rice's whale, and/or
 - iii. Conducts transit during nighttime or during low visibility conditions (e.g., BSS 4 or greater),the operator must notify BSEE and BOEM by emailing protectedspecies@bsee.gov and protectedspecies@boem.gov within 24 hours. The notification must be reported as a separate and distinct notification to the transit report with the title "Transit Deviation" in the subject line. The notification must provide a detailed explanation as to why the Transit Deviation occurred.
9. This COA does not remove or alter the need to comply with any other applicable regulatory or legal requirements with respect to vessel operations, including as outlined in the amended Appendix C - Gulf of Mexico Vessel Strike Avoidance and Injured/Dead Aquatic Protected Species Reporting Protocols.



- **MARINE TRASH AND DEBRIS AWARENESS AND ELIMINATION:** The applicant will follow the protocols provided under Appendix B. Gulf of Mexico Marine Trash and Debris Awareness and Elimination Survey Protocols found in the Biological Opinion issued by the National Marine Fisheries Service on March 13, 2020. The protocols can be accessed on NOAA Fisheries internet website at <https://www.fisheries.noaa.gov/resource/document/appendices-biological-opinion-federally-regulated-oil-and-gas-program-gulf-mexico>.
- **VESSEL-STRIKE AVOIDANCE/REPORTING:** The applicant will follow the protocols provided under Appendix C. Gulf of Mexico Vessel Strike Avoidance and Injured/Dead Aquatic Protected Species Reporting Protocols found in the Biological Opinion amendment issued by the National Marine Fisheries Service on April 26, 2021. The guidance can be accessed on the NOAA Fisheries internet site at <https://repository.library.noaa.gov/view/noaa/29355>.
- **SEA TURTLE RESUSCITATION GUIDELINES:** The applicant will follow the guidance provided under Appendix J. Sea Turtle Handling and Resuscitation Guidelines found in the Biological Opinion issued by the National Marine Fisheries Service on March 13, 2020. The guidance can be accessed on the NOAA Fisheries internet site at <https://www.fisheries.noaa.gov/resource/document/appendices-biological-opinion-federally-regulated-oil-and-gas-program-gulf-mexico>.
- **SLACK-LINE PRECAUTIONS CONDITION OF APPROVAL:** If operations require the use of flexible, small diameter (< 2 inch) lines to support operations (with or without divers), operators/contractors must reduce the slack in the lines, except for human safety considerations, to prevent accidental entanglement of protected species (i.e. species protected under the Endangered Species Act [ESA] and/or Marine Mammal Protection Act [MMPA]). This requirement includes tether lines attached to remotely operated equipment. The requirements below must be followed for any activities entailing use of flexible, small diameter lines that will not remain continuously taut, except when complying with these requirements would put the safety of divers, crew, or the vessel at risk:
 - Operators must utilize tensioning tools and/or other appropriate procedures to reduce unnecessary looseness in the lines and/or potential looping;
 - The lines must remain taut, as long as additional safety risks are not created by this action;

- A line tender must be present at all times during dive operations and must monitor the line(s) the entire time a diver is in the water; and
- Should the line tender and/or diver become aware of an entanglement of an individual protected species, the reporting requirements described in the *Reporting Requirements* COA must be followed as soon as safety permits.
- **REPORTING REQUIREMENTS CONDITION OF APPROVAL:** Review of your proposed activities identified use of equipment that has the potential for entanglement and/or entrapment of protected species (i.e. species protected under the Endangered Species Act [ESA] and/or Marine Mammal Protection Act [MMPA]) that could be present during operations. In case of entrapment, procedures and measures for reporting are dependent upon the situation at hand. **These requirements replace those specific to dead and injured species reporting in respective sections of Appendix A (insofar as they relate to geophysical surveys) and Appendix C of the 2020 Biological Opinion on the Bureau of Ocean Energy Management's Oil and Gas Program Activities in the Gulf of Mexico.**

Incidents Requiring Immediate Reporting

Certain scenarios or incidents require immediate reporting to Federal agencies; these are described below:

Should any of the following occur at any time, **immediate reporting** of the incident is required after personnel and/or diver safety is ensured:

- Entanglement or entrapment of a protected species (i.e., an animal is entangled in a line or cannot or does not leave a moon pool of its own volition).
 - Injury of a protected species (e.g., the animal appears injured or lethargic).
 - Interaction, or contact with equipment by a protected species.
 - Any observation of a leatherback sea turtle within a moon pool (regardless of whether it appears injured, or an interaction with equipment or entanglement/entrapment is observed).
1. As soon as personnel and/or diver safety is ensured, report the incident to National Marine Fisheries Service (NMFS) by contacting the appropriate expert for 24-hr response. If you do not receive an immediate response, you must keep trying until contact is made. Any failed attempts should be documented. Contact information for reporting is as follows:
 - a. **Marine mammals:** Contact **Southeast Region's Marine Mammal Stranding Hotline at 1-877-433-8299.**
 - b. **Sea turtles:** Contact **Brian Stacy, Veterinary Medical Officer at 352-283-3370.** If unable to reach Brian Stacy, contact Lyndsey Howell at (301) 310 - 3061. This includes the immediate reporting of **any observation of a leatherback sea turtle within a moon pool.**
 - c. Other protected species (e.g., giant manta ray, oceanic whitetip shark, or Gulf sturgeon): Contact the **ESA Section 7 biologist at 301-427-8413 (nmfs.psoreview@noaa.gov)** and report all incidents to takereport.nmfs@noaa.gov.
 - d. Minimum reporting information is described below:
 - i. Time, date, water depth, and location (latitude/longitude) of the first discovery of the animal;
 - ii. Name, type, and call sign of the vessel in which the event occurred;
 - iii. Equipment being utilized at time of observation;
 - iv. Species identification (if known) or description of the animal involved;
 - v. Approximate size of animal;
 - vi. Condition of the animal during the event and any observed injury/behavior;
 - vii. Photographs or video footage of the animal, only if able; and
 - viii. General narrative and timeline describing the events that took place.

2. After the appropriate contact(s) have been made for guidance/assistance as described in 1 above, you may call BSEE at 985-722-7902 (24 hours/day) for questions or additional guidance on recovery assistance needs (if still required) and continued monitoring requirements. You may also contact this number if you do not receive a timely response from the appropriate contact(s) listed in 1. above.
 - a. Minimum post-incident reporting includes all information described above (under 1.d.i-viii) in addition to the following:
 - i. NMFS liaison or stranding hotline that was contacted for assistance;
 - ii. For moon pool observations or interactions:
 - Size and location of moon pool within vessel (e.g., hull door or no hull door);
 - Whether activities in the moon pool were halted or changed upon observation of the animal; and
 - Whether the animal remains in the pool at the time of the report, or if not, the time/date the animal was last observed.

Reporting of Observations of Protected Species within an Enclosed Moon Pool

If a protected species is observed within an enclosed moon pool and does not demonstrate any signs of distress or injury or an inability to leave the moon pool of its own volition, measures described in this section must be followed (only in cases where they do not jeopardize human safety). Although this particular situation may not require immediate assistance and reporting as described under *Incidents Requiring Immediate Reporting* (see above), a protected species could potentially become disoriented with their surroundings and may not be able to leave the enclosed moon pool of their own volition. In order for operations requiring use of a moon pool to continue, the following reporting measures must be followed:

Within 24 hours of any observation, and daily after that for as long as an individual protected species remains within a moon pool (i.e., in cases where an ESA listed species has entered a moon pool but entrapment or injury has not been observed), the following information must be reported to BSEE (protectedspecies@bsee.gov) and BOEM (protectedspecies@boem.gov):

1. For an initial report, all information described under 1.d.i-viii above should be included.
2. For subsequent daily reports:
 - a. Describe the animal's status to include external body condition (e.g., note any injuries or noticeable features), behaviors (e.g., floating at surface, chasing fish, diving, lethargic, etc.), and movement (e.g., has the animal left the moon pool and returned on multiple occasions?);
 - b. Description of current moon pool activities, if the animal is in the moon pool (e.g., drilling, preparation for demobilization, etc.);
 - c. Description of planned activities in the immediate future related to vessel movement or deployment of equipment;
 - d. Any additional photographs or video footage of the animal, if possible;
 - e. Guidance received and followed from NMFS liaison or stranding hotline that was contacted for assistance;
 - f. Whether activities in the moon pool were halted or changed upon observation of the animal; and
 - g. Whether the animal remains in the pool at the time of the report, or if not, the time/date the animal was last observed.

2.5. ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL

Other alternatives considered but not analyzed in detail include:

- “In-situ” abandonment only (no decommissioning permitted),
- Decommissioning with “unlimited” severance options (no limit on explosive charge), and
- Decommissioning with “seasonal” severance options (seasonal removal restrictions).

In-situ abandonments would require modifications to the OCSLA to allow for expired lease obstructions and increased navigation hazards. Abandoned structures would require continual maintenance and present space use conflicts with future leaseholders and other potential users of the GOM OCS. Employing unlimited severance options to remove a structure were not analyzed in detail because the potential impact zone for marine protected species is directly related to explosive charge size. Seasonal removal was not analyzed further because this option relied upon incomplete seasonal data and failed to account for intermittent decommissioning needs. Apache’s proposed action meets the objectives of the purpose and need while being feasible under the regulatory directives of the OCSLA and all other applicable guidance.

3. DESCRIPTION OF THE AFFECTED ENVIRONMENT AND ENVIRONMENTAL IMPACTS

3.1. INTRODUCTION

The discussion below will: (1) describe/summarize the pertinent potentially affected resources; (2) determine whether the proposed action and its impact-producing factors (IPF) will have significant impacts on the human, coastal, or marine environments of the GOM; and (3) identify significant impacts, if any, that may require further NEPA analysis in an EIS. The description of the affected environment and impact analysis are presented together in this section for each resource.

For each potentially affected resource, BOEM staff reviewed and analyzed all currently available peer-reviewed literature and integrated these data and findings into the analyses below. The analyses cite the best available, relevant scientific literature. BOEM performed this analysis to determine whether Apache’s proposed activities will significantly impact the human, coastal, or marine environments of the GOM. For the impact analysis, resource-specific significant criteria were developed for each category of the affected environment and are described in Chapter 4 of the PEA. The criteria for impacts to environmental resources (other than marine protected species) were classified as significant or not significant, while the impacts on marine mammals and sea turtles are generally classified into one of the three following impact levels:

- Significant Adverse Impact (including those that could be mitigated to no significance),
- Adverse but Not Significant Impact, or
- Negligible Impact.

Preliminary screening for this assessment was based on a review of this relevant literature; previous SEAs; the PEA (USDOI, MMS, 2005); the Multisale EIS (USDOI, BOEM, 2017a); the 2018 SEIS (USDOI, BOEM, 2017b); the 2023 SEIS (USDOI, BOEM 2023-001); the NMFS 2020 BiOp (USDOC, NMFS, 2020); the NMFS 2021 Amended ITS (USDOC, NMFS, 2021); and relevant literature pertinent to historic and projected activities. BOEM initially considered the following resources for impact analysis:

- air quality,
- water quality (coastal and marine waters),
- marine mammals (including Endangered Species Act (ESA)-listed species and strategic stocks),
- sea turtles (all are ESA-listed species),
- fish resources, commercial and recreational fishing, and essential fish habitat (EFH),
- benthic resources (live-bottom [Pinnacle Trend] communities, topographic features, and potentially sensitive benthic features),

- archaeological resources,
- pipelines and cables,
- military use, warning, and test areas, and
- navigation and shipping.

In the PEA, the impact analysis focused on a broad group of decommissioning activities and resources with the potential for impacts. The IPFs include: (1) emissions from decommissioning vessels/equipment, (2) vessel discharges and turbidity, (3) seafloor disturbances from mooring and trawling activities, and (4) habitat loss (via removal of the facilities from the OCS). However, for the purposes of this SEA, BOEM has not included analyses of resource areas that were evaluated and considered as having negligible impacts from decommissioning activities under the PEA. The most recent evaluation of the best available peer-reviewed scientific literature continues to support this conclusion for the following resource categories:

- air quality,
- water quality (coastal and marine waters),
- fish resources, commercial and recreational fishing, and EFH,
- benthic resources,
- pipelines and cables,
- military use, warning, and test areas, and
- navigation and shipping.

For this SEA BOEM evaluated the potential impacts from the applicant's proposed activities in the GOM on the following resource categories:

- marine mammals (including threatened/endangered and non-ESA-listed species),
- sea turtles (all are ESA-listed species),
- fish resources and EFH,
- benthic resources, and
- archaeological resources.

3.2. MARINE MAMMALS

The life history, population dynamics, status, distribution, behavior, and habitat use of baleen and toothed whales can be found in Chapter 3.2 of the PEA and Chapter 4.9 of the Multisale EIS and 2018 SEIS and is incorporated by reference. The GOM marine mammal community is diverse and distributed throughout the GOM, with the greatest abundances and diversity of species inhabiting oceanic and OCS waters. Twenty-one species of cetaceans and one species of sirenian regularly occur in the GOM and are identified in NMFS' Gulf of Mexico Stock Assessment Reports (Jefferson et al., 1992; Davis et al., 2000; Hayes et al., 2020). The GOM's Cetacea include the suborders Mysticeti (i.e., baleen whales) and Odontoceti (i.e., toothed whales), and the order Sirenia, which includes the West Indian manatee. While all marine mammals are protected under the Marine Mammal Protection Act (MMPA), the sperm whale and GOM Rice's whale are listed as endangered, and the West Indian manatee is listed as threatened under the ESA.

3.2.1. Impact Analysis

The IPFs for marine mammals from decommissioning and structure removal were discussed in Chapter 4.3 of the PEA (USDOJ, MMS, 2005). Effects of oil and gas activity on marine mammals were also discussed in Chapter 4.9 of the Multisale EIS and 2018 SEIS. This SEA tiers from both of these documented analyses. BOEM concluded in the PEA and Multisale EIS that marine mammal injury is not expected from nonexplosive structure-removal operations, provided existing guidelines and COA requirements are followed.

OCS service vessels associated with the proposed activities also pose a hazard to marine mammals located near the surface that would be at risk of collision with the vessels. To minimize the potential for vessel strikes, operators should implement the protocols provided in Appendix C of the NMFS 2021 Amended ITS which contains vessel strike avoidance and injured/dead protected species reporting for marine mammals and other protected species. The protocols provided in Appendix C can be accessed on NMFS' internet website at <https://repository.library.noaa.gov/view/noaa/29355>. The accidental discharge of marine trash and debris generated during oil and gas activities has the

potential to impact marine mammals. The NMFS 2020 BiOp should decrease the potential of marine mammal interaction with marine trash and debris.

3.2.1.1. Alternatives

Alternative 1: Non-approval of the proposed action would prevent applicants from conducting the proposed activities and the IPFs on marine mammals would not occur. No associated vessel traffic related to the operations eliminates a risk of collisions with marine mammals.

Alternative 2: Approval of the proposed action would allow the applicant to conduct the proposed activity with no additional COAs required by BOEM. An example of potential impacts to marine mammals without applying COAs and monitoring measures include, but are not limited to, vessel collisions.

Alternative 3: Approval of the proposed action with additional COAs allow the applicant to conduct the proposed activity, but with COAs and monitoring measures.

Conclusion: Although there could be impacts to marine mammals from the proposed action, proper adherence to the COAs and monitoring measures would prevent or lessen the impacts of the proposed action on marine mammals. Since nonexplosive cutting tools will be used marine mammal impacts are not expected to occur.

3.3. SEA TURTLES

The life history, population dynamics, status, distribution, behavior, and habitat use of sea turtles can be found in Chapter 3.2 of the PEA and Chapter 4.9 of the Multisale EIS and 2018 SEIS and is incorporated by reference into this SEA. Five ESA-listed sea turtle species are present throughout the northern GOM year-round: Northwest Atlantic Ocean distinct population segment (DPS) loggerhead (*Caretta caretta*), Kemp's ridley (*Lepidochelys kempii*), North Atlantic Ocean DPS green (*Chelonia mydas*), Northwest Atlantic Ocean DPS (proposed) leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*). However, only Kemp's ridley and loggerhead sea turtles commonly nest on beaches in the GOM during the nesting season. All five species are highly migratory with individuals migrating into nearshore waters as well as other areas of the GOM, North Atlantic Ocean, and the Caribbean Sea.

3.3.1. Impact Analyses

The IPFs for sea turtles from the proposed activities were discussed in the PEA (USDOJ, MMS, 2005). The effects from oil and gas activity on the proposed action on sea turtles was also discussed in Chapter 4.9 of the Multisale EIS and 2018 SEIS. This SEA tiers from both of these analyses. Sea turtles can be impacted by the proposed activities by way of degradation of water quality and its associated short-term effects, vessel collision, site-clearance trawling, and entanglement or ingestion of marine trash and debris.

The potential for lethal effects could occur from chance collisions with OCS service vessels associated with the proposed activities and potential capture in site-clearance trawls.

BOEM concluded in the PEA that sea turtle injury is not expected from nonexplosive structure-removal operations, provided that existing guidelines and COA requirements are followed.

OCS service vessels associated with the proposed activities pose a hazard to sea turtles located near the surface that would be at risk of collision with the vessels. To minimize the potential for vessel strikes, operators should implement the protocol provided in Appendix C of the NMFS 2021 Amended ITS which contains vessel strike avoidance and injured/dead protected species reporting for sea turtles and other protected species. The protocol provided in Appendix C can be accessed on NMFS' internet website at <https://repository.library.noaa.gov/view/noaa/29355>.

Under the guidelines provided in Appendix F of the PEA (USDOJ, MMS, 2005) and site-clearance verification requirements under 30 CFR § 250.1740-1743, site-clearance trawling employing trawl nets which do not utilize turtle excluder devices can be a method to ensure the seafloor of the lease is returned to its prelease state. The trawls have the potential to capture and drown sea turtles in the vicinity of the trawl site. To reduce the risk of capture and possible drowning of sea turtles, reasonable mitigating measures are applied. These measures include: 1) use trawl nets with a minimum stretched mesh size of 4 inches at the cod end and 2 inches elsewhere. Trawl nets shall have a maximum stretched mesh size of 6 inches; 2) abide by maximum trawl times of 30 min, allowing for the removal of any captured sea turtles, and 3) in the event that a trawling contractor captures a sea turtle, the

contractor must immediately contact BSEE's OEC at protectedspecies@bsee.gov and NMFS' SERO takereport.nmfs@noaa.gov. Additional measures would include the resuscitation and release of any captured sea turtles as per the guidelines under Appendix J of the NMFS 2020 BiOp which can be accessed on NMFS's internet website at https://repository.library.noaa.gov/view/noaa/23738/noaa_23738_DS2.pdf. Photographic documentation and a complete sea turtle stranding form for each sea turtle caught in the trawl nets would also be required. The sea turtle stranding form can be found at <https://www.sefsc.noaa.gov/species/turtles/strandings.htm> and submitted to NMFS and BSEE (same addresses as above).

The accidental discharge of marine trash and debris generated during oil and gas activities has the potential to impact sea turtles through ingestion or entanglement. Application of the protocols outlined in Appendix B of the NMFS 2020 BiOp should decrease the potential of sea turtle interaction with marine trash and debris.

Most removal activities utilizing mechanical severance methods are not expected to have lethal or sublethal effects on sea turtles. The impacts of the proposed action are expected to be negligible most of the time, with occasional impacts being temporary avoidance behaviors. No significant adverse effects on the population size and recovery of any sea turtle species in the GOM are expected as consultations are ongoing.

3.3.1.1. Alternatives

Alternative 1: Non-approval of the proposed action would prevent applicants from conducting the proposed activities. The IPFs to sea turtles would not occur. The chance for collisions with OCS service vessels associated with decommissioning activities, or potential capture in site-clearance trawls, would be eliminated.

Alternative 2: Approval of the proposed action would allow the applicant to conduct the proposed activity with no additional COAs and monitoring measures required by BOEM. Examples of potential impacts to sea turtles would be degradation of water quality and its associated short-term effects, vessel collisions and site-clearance trawling. The potential for lethal effects could occur from the chance collisions with OCS service vessels associated with decommissioning activities, and potential capture in site-clearance trawls.

Alternative 3: Approval of the proposed action with additional COAs allows the applicant to conduct the proposed activity, but with COAs and monitoring measures identified in Appendix F of the PEA (USDO, MMS, 2005), Appendix C of the NMFS 2021 Amended ITS (USDOC, NMFS, 2021), and Appendix B and Appendix J of the NMFS 2020 BiOp. These documents specify COA requirements in the ESA and MMPA guidance that requires trained observers to watch for protected species of sea turtles and marine mammals in the vicinity of the structures to be removed. Mitigative measures will be implemented by BSEE, in coordination with NMFS and in accordance with the NMFS ESA consultation requirements and the MMPA take-regulations.

Conclusion: Although there could be impacts to sea turtles from the proposed action, proper adherence to the COAs and monitoring measures as outlined above would preclude or lessen the impacts of the proposed action on sea turtles. Most decommissioning activities are expected to have sublethal effects on sea turtles. The impacts of the decommissioning activities projected under the proposed action are expected to be negligible. No significant adverse effects on the population size and recovery of any sea turtle species in the GOM are expected.

3.4. FISH RESOURCES

The distribution of fish resources and fish habitat can be found in Chapters 4.7 (Fish Resources), 4.6 (Live Bottom Habitats), and 4.5 (*Sargassum* and Associated Communities) of the Multisale EIS and 2018 SEIS and Chapter 3.2 of the PEA, and the information is incorporated by reference into this SEA.

The NMFS 2020 BiOp identified the following Federally listed endangered fish species in the GOM: the Gulf sturgeon, the oceanic whitetip shark, and the giant manta ray. The Gulf sturgeon (*Acipenser oxyrinchus*) was listed as threatened October 30, 1991 (56 CFR §49653, September 30, 1991). The oceanic whitetip shark (*Carcharhinus longimanus*) was listed as threatened January 30, 2018, under the ESA (83 FR 4153). The giant manta ray (*Manta birostris*) was listed as threatened January 22, 2018, under the ESA (83 FR 2916) A detailed description of the Gulf sturgeon and critical habitat, and oceanic white tip shark and giant manta ray may be found in Sections 6.2.11 to 6.2.14 of the NMFS 2020 BiOp.

Threatened or Endangered Species

Three GOM fish species, the Gulf sturgeon, oceanic white-tip shark, and the giant manta ray, are protected under the ESA. All three species are listed as threatened. In this region, the Gulf sturgeon is predominantly distributed in the rivers and nearshore waters of the northeastern GOM, from Lake Pontchartrain in Louisiana to the Suwannee River in Florida. The EFH for the oceanic whitetip shark in the project area includes localized areas in the central GOM and Florida Keys. Although no EFH or critical habitat has been designated, the giant manta rays are widespread in the GOM. Giant manta rays occupy tropical, subtropical, and temperate oceanic waters and productive coastlines and are commonly found offshore in oceanic waters but are sometimes found feeding in shallow waters (less than 10 m) during the day (Miller, 2016).

Non-ESA-Listed Species

The distribution of fishes varies widely, and species may be associated with different habitats at various life stages. This analysis highlights behaviors and habitat preferences, but it does not attempt to provide a comprehensive list of all potentially impacted fauna. For purposes of this analysis, habitat preferences can be divided into three broad categories: estuarine, coastal, and oceanic. Exposure to specific IPFs generated by OCS oil- and gas-related routine activities and accidental events can vary among these categories. Coastal and oceanic resources are further broken into benthic and pelagic zones to address differences in potential exposure to IPFs within a given habitat category.

3.4.1. Impact Analyses

Nonexplosive severance methods used during structure removal activities could result in adverse impacts to fish resources due to anthropogenic sound generation (i.e., increased background noise levels), bottom-disturbing activities resulting in the resuspension of sediments, and habitat modification.

For the purpose of this analysis, bottom-disturbing activities are distinguished from habitat modification by the relatively short period of time over which disturbances occur. Anchoring, drilling, trenching, pipe-laying, and structure emplacement are examples of OCS oil and gas related activities that disturb the seafloor. Additionally, the installation or removal of platforms and subsea systems are examples of habitat modification. Although installed facilities are temporary, the operational life is long term and may impact the distribution of species in an area (Carr and Hixon, 1997; Gallaway et al., 2009; Shipp and Bortone, 2009). The effects of artificial habitat loss through decommissioning activities are discussed in Chapter 4.7 in the Multisale EIS and 2018 SEIS (USDIO, BOEM, 2017a and b).

3.4.1.1. Alternatives

Alternative 1: Non-approval of the proposed action would prevent applicants from conducting the proposed activities. Impacts to fish or essential fish habitat because of a proposed activity would not occur, but habitat modification that resulted from previous installation activities would persist.

Alternative 2: Approval of the proposed action would allow the applicant to conduct the proposed activities with no additional COAs and monitoring measures required by BOEM. As described in the analyses above, impacts on fish from the proposed action, such as alteration of local habitat if reefing in place or removal is planned, are expected to be localized and not lead to significant impacts. Short-term disruption of biologically important behaviors or hearing impairment may still occur but would be negligible.

Alternative 3: Approval of the proposed action with additional COAs would allow the applicant to undertake the proposed activities. Impacts on fish from the proposed action are expected to be localized and not lead to significant impacts.

Conclusion: Although the proposed action would be expected to impact fish resources, the impacts of the proposed action are expected to be locally minor, but negligible overall.

3.5. BENTHIC BIOLOGICAL RESOURCES

A description of live bottom features (topographic and pinnacle) and other potentially sensitive biologic features can be found in Chapters 4.4, 4.6, and 4.9 of the Multisale EIS and 2018 SEIS and in Chapter 4.3 of the PEA. These descriptions are incorporated by reference into this SEA. The vast majority of the GOM has a soft, muddy bottom in which burrowing infauna are the most abundant invertebrates, so-called soft-bottom communities. A small area of GOM seabed contains hard/live bottom, particularly those having measurable vertical relief, which can serve as important habitat for a wide variety of marine organisms. Encrusting algae and sessile invertebrates such as corals, sponges, sea fans, sea whips, hydroids, anemones, ascidians, and bryozoans may attach to and cover hard substrates, thereby creating “live bottoms,” a term first coined by Cummins et al. (1962).

3.5.1. Impact Analyses

The IPFs for benthic resources from decommissioning and structure removal were discussed in Chapter 3.2 of the PEA (USDOJ, MMS, 2005). The effects of oil and gas activity on benthic resources, especially potentially sensitive live/hard bottom communities, were discussed in Chapters 4.4, 4.6, and 4.9 of the Multisale EIS and 2018 SEIS. This SEA tiers from both of these analyses. The term bottom-disturbing activity includes any activity that results in the disturbance of the seafloor during the exploration, production, or decommissioning phase of OCS operations. The IPFs associated with the proposed action are bottom-disturbing activities that could result in physical damage to hard-bottom features and include: direct physical contact from anchoring, damage or death to any organisms within the vicinity of the sediment plume, progressive-transport (i.e., jacket-hopping), trawling activities associated with site-clearance, increased turbidity, and covering or smothering of sensitive habitats with suspended sediments from other associated activities (e.g., water-jetting the sediment from structure piles). Long-term turbidity is not expected from platform removal operations.

The Live Bottom (Pinnacle Trend) Stipulation and the Topographic Features Stipulation would minimize impacts in the vicinity of pinnacle trends and topographic features, both of which sustain sensitive offshore habitats. Both of these stipulations are incorporated into NTL No. 2009-G39 *Biologically Sensitive Underwater Features and Areas*.

3.5.1.1. Alternatives

Alternative 1: Non-approval of the proposed action would prevent applicants from conducting the proposed activities. There would be no bottom impacts from vessel anchoring that would result in increased turbidity and covering or smothering of sensitive habitats with suspended sediments.

Alternative 2: Approval of the proposed action would allow the applicant to conduct the proposed activities with no additional COAs and monitoring measures required by BOEM. This alternative includes adherence to BOEM NTL No. 2009-G39, which the operator agreed to as part of their lease stipulations. The operator proposes decommissioning activities at a site or sites that may be located near potentially sensitive benthic communities or hard bottom habitat, which, without additional COAs, may lead to potential impacts to those sites. This alternative may not adequately limit or negate potential impacts to benthic resources.

Alternative 3: Approval of the proposed action would allow the applicant to undertake the proposed activities with additional COAs as identified by BOEM. Alternative 3 differs from Alternative 2 because COAs in addition to BOEM NTL No. 2009-G39 may be applied if necessary to avoid impacts to potentially sensitive benthic resources.

Conclusion: Although potentially sensitive benthic resources could be impacted by the proposed action, proper adherence to the operator’s lease stipulations would preclude or minimize significant impacts to these resources from the associated bottom-disturbing activities. The impacts of the proposed action are not expected to be significant.

3.6. ARCHAEOLOGICAL RESOURCES

Archaeological resources are any material remains of human life or activities that are at least 50 years of age and that are of archaeological interest (30 CFR § 551.1). A description of archaeological resources (prehistoric and historic) can be found in Chapter 4.13 of the Multisale EIS and 2018 SEIS and Chapter 3.3 of the PEA and is incorporated by reference into this SEA. As obligated under OCSLA regulations (30 CFR § 551.6 (a) (5)), applicants are not allowed to disturb archaeological resources while conducting their proposed activities.

Pre-contact period submerged archaeological sites are sites formed on the terrestrial landscape inundated by global sea-level rise during the late Pleistocene and Holocene. Geographic features that have a high probability for associated prehistoric sites in the northwestern and north central GOM (from Texas to Alabama) include barrier islands and back barrier embayments, river channels and associated floodplains and terraces, and salt dome features. Pre-contact resources may be located in areas in which the most conservative documented and best available local and regional sea-level curves indicate the area was once sub-aerially exposed.

Historic archaeological resources on the OCS include submerged shipwrecks and the Ship Shoal light house. Investigations identified over 4,000 potential shipwreck locations in the GOM, nearly 1,500 of which occur on the OCS (Garrison et al., 1989). Historic shipwrecks have, to date, been primarily discovered through oil industry sonar surveys in water depths up to 9,000 ft (2,743 m). In both 2005 and 2011, BOEM revised its guidelines for conducting archaeological surveys and expanded the list of blocks requiring a survey and assessment. The list of blocks is available on BOEM's website under NTL No. 2005-G07 and NTL No. 2011-JOINT-G01. Since 2005, over 30 possible historic shipwrecks have been reported in the expanded area. At present, some form of archaeological survey or investigation is required for all new bottom disturbing activities.

3.6.1. Impact Analyses

The IPFs on archaeological resources from proposed activities were discussed in Chapter 4.4 of the PEA (USDOJ, MMS, 2005). The effects of oil and gas activity on archaeological resources were discussed in Chapter 4.13 of the Multisale EIS and 2018 SEIS and are incorporated by reference. The IPFs associated with the proposed action that could affect archaeological resources include direct physical contact from anchoring, progressive-transport (i.e., jacket-hopping), and trawling activities associated with site-clearance.

3.6.1.1. Alternatives

Alternative 1: Non-approval of the proposed action would prevent applicants from conducting the decommissioning activities. There would be no bottom impacts from vessel anchoring progressive-transport (i.e., jacket-hopping) and trawling activities associated with site-clearance that could result in potential loss of any known or unknown historic archaeological resource.

Alternative 2: Approval of the proposed action would allow the applicant to conduct the proposed action with no additional COAs and monitoring measures required by BOEM. Examples of potential impacts to archaeological resources and the following analysis include, but are not limited to, damage to potential archaeological resources from the proposed activity. More details on the potential for impact absence that results from imposing the COAs are described in Chapter 4.4 of the PEA. The operator proposes decommissioning activities at sites that may be located near potential archaeological resources which, without additional COAs, may lead to potential impacts to those sites. This alternative would not adequately limit or negate potential impacts to archaeological resources.

Alternative 3: Approval of the proposed action would allow the applicant to undertake the proposed activities with additional COAs that BOEM would require the locations for new bottom-disturbing activities to be reviewed for any archaeological resources before action is taken. Alternative 3 limits or negates potential impacts on archaeological resources by avoiding known archaeological resources.

Conclusion: Although there could be impacts to known archaeological sites from the proposed action, proper adherence to the COAs and existing requirements negates or minimizes the potential for significant impacts to these resources. The impacts of the proposed action are not expected to be significant.

3.7. CUMULATIVE IMPACTS

Cumulative impacts from the proposed action were discussed in the PEA (USDOJ, MMS, 2005) for resources not directly considered in this SEA and for protected and non-protected species of marine mammals (Chapter 4.5.3), sea turtles (Chapter 4.5.4), protected and non-protected species of fish and essential fish habitat (Chapter 4.5.5), archaeological resources (Chapter 4.5.7), and benthic resources (Chapter 4.5.6). Based on the cumulative impact scenarios and assessments presented in the PEA and Multisale EIS and 2018 SEIS and the potential effectiveness of assigned protocols from the NMFS 2020 BiOp, NMFS 2021 Amended ITS, and lease stipulations, BOEM expects that potential cumulative impacts from decommissioning activities (i.e. vessel discharges, nonexplosive-severance products, habitat removal/salvage, vessel anchoring, progressive-transport, site-clearance trawling, and sediment redistribution) would not be significant.

4. CONSULTATION AND COORDINATION

The Endangered Species Act of 1973 (16 U.S.C. § 1531 *et seq.*), as amended, establishes a national policy designed to protect and conserve threatened and endangered species and the ecosystems upon which they depend. Section 7(a)(2) of the ESA requires each Federal agency to ensure that any action that they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the adverse modification of designated critical habitat. On April 20, 2018, the U.S. Fish and Wildlife Service (FWS) issued its 10-year programmatic Biological Opinion (FWS 2018 BO) for BOEM and BSEE's oil and gas activities in the GOM. The FWS 2018 BO does not include any terms and conditions for the protection of endangered species that the Bureaus, lessees, or operators must implement. The FWS 2018 BO also noted that any future consultations may be informal, dependent upon the likelihood of take.

On March 13, 2020, the NMFS issued a Biological Opinion (NMFS 2020 BiOp) and related terms and conditions for oil and gas activities in the GOM for the protection of these species, including holding lease sales. The NMFS 2020 BiOp addresses any future lease sales and any approvals issued by BOEM and BSEE, under both existing and future OCS oil and gas leases in the GOM, over a 10-year period. Applicable terms and conditions and reasonable and prudent measures from the NMFS 2020 BiOp will be applied at the lease sale stage; other specific COAs will also be applied to post-lease approvals. The NMFS 2020 BiOp may be found here: <https://www.fisheries.noaa.gov/resource/document/biological-opinion-federally-regulated-oil-and-gas-program-activities-gulf-mexico>. The Appendices and protocols may be found here: https://repository.library.noaa.gov/view/noaa/23738/noaa_23738_DS2.pdf.

In November 2020, BOEM and BSEE in the spirit of adaptive management and in agreement with NMFS, submitted revised procedures for the NMFS 2020 BiOp, in that, some activities previously requiring step-down review by NMFS to not be continued and apply programmatic standardized mitigation measures to protect resources. BOEM petitioned NMFS for rulemaking under the MMPA, to assist industry in obtaining incidental take coverage for marine mammals due to oil and gas and geological and geophysical surveys in the GOM. NMFS issued a final rule as a result of the petition on January 19, 2021 (86 FR 5322) with an effective date of April 19, 2021. On April 26, 2021, the NMFS 2020 BiOp was amended to incorporate adaptive management for step-down review, MMPA Rulemaking, and revised Appendices A, C, and I. The amended ITS and revised appendices may be found at: <https://www.fisheries.noaa.gov/resource/document/amended-incidental-take-statement-and-revised-appendices>.

BOEM completed consultation with NMFS regarding the Magnuson-Stevens Fisheries Conservation and Management Act on July 10, 2017, by the receipt of a comment letter from NMFS. The NMFS letter acknowledged their receipt of the Essential Fish Habitat (EFH) Assessment and the supporting 2017-2022 MultiSale Lease NEPA document, provided a determination that the Programmatic Consultation was an appropriate mechanism to evaluate EFH impacts and confirmed the adoption of the BOEM/BSEE mitigation measures outlined in the June 8, 2016, BOEM EFH Assessment to ensure adverse impacts are avoided, minimized, and offset. This consultation remains in effect for 2017-2022 activities or earlier, but not if modifications are made to the BOEM/BSEE programs that would result in changes to potential adverse effects on EFH which would trigger additional consultation.

In accordance with the National Historic Preservation Act (54 U.S.C. § 300101 *et seq.*), Federal agencies are required to consider the effects of their undertakings on historic properties. The

implementing regulations for Section 106 of the National Historic Preservation Act, issued by the Advisory Council on Historic Preservation (36 CFR § 800), specify the required review process. In accordance with 36 CFR § 800.8(c), BOEM intends to use the NEPA substitution process and documentation for preparing an EIS/Record of Decision or an Environmental Assessment/Finding of No Significant Impact to comply with Section 106 of the National Historic Preservation Act in lieu of 36 CFR § 800.3-800.6.

In February 2016, the U.S. Government Accountability Office (GAO) prepared a report entitled “Oil and Gas Management: Interior’s Bureau of Safety and Environmental Enforcement Restructuring Has Not Addressed Long-Standing Oversight Deficiencies” (GAO 2016). This report examined the extent to which BSEE’s restructuring at the time had an effect on its capabilities for (1) investigations, (2) environmental compliance, and (3) enforcement. The GAO reviewed laws, regulations, and policies related to BSEE’s restructuring and oversight activities. In the report, the GAO had nine recommendations, including that BSEE (1) complete and update its investigative policies and procedures, (2) conduct and document a risk analysis of the regional-based reporting structure, and (3) develop procedures for enforcement actions. BSEE began addressing the recommendations in 2016 and according to GAO, as of 2021, all recommendations related to BSEE’s restructuring and offshore oil and gas oversight have been closed and implemented (GAO 2021). The GAO removed the segment from its High Risk Series in 2021. After independently reviewing the GAO reports and the updates on the GAO website closing out the recommendations on oversight and restructuring, BOEM has determined that the GAO report and the recommendations that have now been implemented by BSEE do not change the reasonably foreseeable environmental impacts that may result from an oil and gas lease sale and that were evaluated in the 2017-2022 GOM Multisale EIS or 2018 GOM Supplemental EIS. BOEM has also determined the GAO report or implementation of the recommendations does not affect BOEM’s conclusions regarding impacts reasonably foreseeable from the proposed activities (i.e., will not result in significant impacts) as related to this site-specific review.

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