

**Testimony of
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House Natural Resources Subcommittee on Energy and Mineral Resources

**Legislative Hearing on
H.R. 5745, Marine Fisheries Habitat Protection Act**

January 13, 2026

Chairman Stauber, Ranking Member Ansari, and members of the Subcommittee, thank you for the opportunity to testify today on H.R. 5745, the Marine Fisheries Habitat Protection Act. My name is Bryan Domangue, and I serve as the Gulf of America Regional Director, at the Bureau of Safety and Environmental Enforcement (BSEE) within the Department of the Interior.

BSEE's mission is to promote safety, protect the environment, and conserve resources offshore through regulatory oversight and enforcement of offshore energy activities on the Outer Continental Shelf (OCS). In carrying out this mission, BSEE administers safety and environmental compliance for offshore oil and gas operations, including the decommissioning of related wells, pipelines, and platforms.

Background

In 1984, the National Fishing Enhancement Act was enacted to address increased interest and participation in fishing at offshore oil and gas platforms and widespread support for effective artificial reef development by coastal states. The Act recognizes the social and economic values in developing artificial reefs, establishes national standards for artificial reef development, provides for creation of a National Artificial Reef Plan, and provides for establishment of a reef permitting system.

Since 1985, BSEE has supported and encouraged the reuse of obsolete oil and gas platforms as artificial reef material and may grant a departure from removal requirements under 30 CFR § 250.1725(a) and applicable lease obligations when:

- The platform becomes part of a State Reef Program that complies with the National Artificial Reef Plan;
- The State agency acquires a permit from the U.S. Army Corps of Engineers and accepts title and liability for the platform once decommissioning operations, including its conversion to a reef, are concluded;

- The lessee, owner, or grant holder satisfies any U.S. Coast Guard navigational requirements for the platform; and
- The decommissioning methodology, including reefing procedures, complies with BSEE engineering and environmental standards.

Rigs-to-Reef Overview

BSEE oversees industry's (also known as the operator) installation of oil and gas platforms on the OCS to support critical, offshore energy operations. When leases expire or platforms are no longer useful for operations, industry is obligated to remove all platforms and clear the seabed of obstructions in compliance with their lease agreement(s) and the OCS Lands Act (OCSLA).

Offshore platforms that have been in place for decades can support complex marine ecosystems, providing hard substrate and vertical relief that are otherwise scarce in many offshore environments. In the mid-1980s, representatives from the Louisiana Department of Wildlife and Fisheries (LADWF) and the Department of the Interior coordinated with the Federal and State legislatures to seek changes to laws and regulations that would allow platform jackets to remain on the OCS and continue to provide marine habitat under what is currently called the Rigs-to-Reef (R2R) program. As part of the R2R program, BSEE can grant operators a departure from the requirement to completely remove the platform, following the request of such in the decommissioning application to BSEE and submission of a reefing proposal to a state's Artificial Reef Program.

BSEE performs comprehensive reviews of platform decommissioning proposals and coordinates with the state and operator to validate that all requirements are met. Only when an operator's decommissioning proposal meets BSEE engineering and environmental standards, and a state acquires a U.S. Army Corps of Engineers reef-building permit, is the operator granted approval to convert a platform into an artificial reef.

The three methods generally used for "reefing" a retired platform are:

- **Partial Removal:** The top portion of the platform jacket is severed at a permitted navigational depth, typically 85-feet deep, and either placed at the seafloor next to the base of the remaining structure or brought to shore for scrap.
- **Tow-and-Place:** The platform jacket is detached from the seafloor and towed to the selected reef area for deployment.
- **Topple-in-Place:** The platform jacket is detached from the seafloor and then toppled onto its side.

Upon completion of decommissioning and reefing of the structure, the operator submits a report and other documentation to BSEE of their offshore activities. BSEE reviews the report for

compliance with the approved decommissioning methodology and other requirements such as the states' acceptance of title and liability for the reefed structure.

H.R. 5745, Marine Fisheries Habitat Protection Act

The National Fishing Enhancement Act of 1984 established the foundational framework for artificial reef development, including environmental standards, permitting, and state jurisdictions within boundaries. H.R. 5745 would amend this framework by introducing a detailed process for converting “inactive” offshore oil and gas platforms and pipelines into artificial reefs, adding timelines, liability transfer mechanisms, and federal prohibitions on removal orders during reefing eligibility assessments. The bill outlines eligibility criteria, intergovernmental consultation requirements, and processes to evaluate ecological and economic considerations.

The bill aims to provide clarity and predictability for artificial reefing decisions, with a particular emphasis on reefing platforms and pipelines in-place. The bill also aims to provide a consistent federal framework that would help ensure that reefing-in-place proposals are evaluated on a case-by-case basis and implemented where they are appropriate and consistent with safety and environmental protection requirements.

Analysis

BSEE supports the intent of the bill and would like to work with the sponsor on technical modifications to account for key coordination implications and opportunities. BSEE plays a critical role in facilitating and guiding technical discussions among federal agencies and regulators, states, and operators to resolve regulatory and operational complexities associated with artificial reefing under the National Fishing Enhancement Act and as set out in H.R. 5745. Technical assistance would aim to clarify authorities, liability and cost-sharing, timelines and enforcement, and in balancing habitat enhancement objectives with multiple uses on the OCS to ensure safe, efficient, and environmentally responsible reefing practices.

BSEE looks forward to working with the sponsor on the technical considerations of the bill, which would provide clarity and consistency for regulators, operators, and coastal states considering alternative decommissioning options. BSEE prioritizes establishing clear authorities and processes to ensure environmentally beneficial reefing opportunities can be considered where appropriate, while continuing to maintain strong safety and environmental safeguards.