

**MISSISSIPPI COASTAL PROGRAM
CONSISTENCY DETERMINATION
FOR
GULF OF MEXICO LEASE SALE 259**

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ABBREVIATIONS AND ACRONYMS

2017-2022 GOM Multisale EIS	<i>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 Multisale Environmental Impact Statement</i>
2017-2022 National OCS Program	<i>2017-2022 Outer Continental Shelf Oil and Gas Leasing: Proposed Final Program</i>
2018 GOM Supplemental EIS	<i>Gulf of Mexico OCS Lease Sale: Final Supplemental Environmental Impact Statement 2018</i>
ACP	Area Contingency Plan
AQ GOMR Modeling Study	Air Quality Modeling in the Gulf of Mexico Region Study
BiOp	biological opinion
BOEM	Bureau of Ocean Energy Management
BSEE	Bureau of Safety and Environmental Enforcement
CD	Consistency Determination
CFR	Code of Federal Regulations
CO	carbon monoxide
CPA	Central Planning Area
CWA	Clean Water Act
CZM	Coastal Zone Management
CZMA	Coastal Zone Management Act
DOI	Department of the Interior (U.S.) (also USDOl)
E&P	exploration and production
EFH	essential fish habitat
EIS	environmental impact statement
EPA	Eastern Planning Area
ESA	Endangered Species Act
FR	<i>Federal Register</i>
FWS	Fish and Wildlife Service
GOM	Gulf of Mexico
GOM Lease Sales 259 and 261 Draft Supplemental EIS	<i>Gulf of Mexico OCS Oil and Gas Lease Sales 259 and 261: Draft Supplemental Environmental Impact Statement</i>
GOMESA	Gulf of Mexico Energy Security Act of 2006
MARPOL	International Convention for the Prevention of Pollution from Ships
MCMP	Mississippi Coastal Management Program
N ₂ O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NH ₃	ammonia
NMFS	National Marine Fisheries Service
NOA	Notice of Availability
NOAA	National Oceanic and Atmospheric Administration
NO _x	nitrogen oxide
NTL	Notice to Lessees and Operators

O ₃	ozone
OCS	Outer Continental Shelf
OPA 90	Oil Pollution Act of 1990
OSRP	oil spill response plan
Pb	lead
PM _{2.5}	particulate matter less than or equal to 2.5 μm
PM ₁₀	particulate matter less than or equal to 10 μm
PSD	Prevention of Significant Deterioration
RHA	River and Harbors Act of 1899
SO ₂	sulfur dioxide
sVGP	Small Vessel General Permit
U.S.	United States
USACE	U.S. Army Corps of Engineers
U.S.C.	United States Code
USCG	U.S. Coast Guard
USDOI	U.S. Department of the Interior (also DOI)
USEPA	U.S. Environmental Protection Agency
VGP	Vessel General Permit
VIDA	Vessel Incidental Discharge Act
VOC	volatile organic compound
WPA	Western Planning Area

1 INTRODUCTION

The Bureau of Ocean Energy Management (BOEM) of the U.S. Department of the Interior (DOI or USDO) has prepared this Consistency Determination (CD) and determined that Gulf of Mexico (GOM) oil and gas Lease Sale 259 (GOM Lease Sale 259), which BOEM is required to hold by the end of March 2023 as directed by the Inflation Reduction Act of 2022 (Public Law 117-169, enacted August 16, 2022), will be consistent to the maximum extent practicable with the policies of Mississippi's Coastal Zone Management Program identified as enforceable by Mississippi in the Mississippi Coastal Management Program (MCMP). While reviewing, citing, and making these determinations on policies in the MCMP identified as enforceable, BOEM is neither making a judgment on nor implying that such policies are enforceable or are enforced under the laws of the State. Section 307(c)(1) of the Coastal Zone Management Act (CZMA), as amended (16 U.S.C. §§ 1451-1464), requires that "each Federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State management programs" (16 U.S.C. § 1456(c)(1)(A)).

Background

BOEM performed a National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321-4370h) review and prepared the *Gulf of Mexico OCS Oil and Gas Lease Sales 259 and 261: Draft Supplemental Environmental Impact Statement* (GOM Lease Sales 259 and 261 Draft Supplemental EIS) (USDO, BOEM, 2022a), which reanalyzes a GOM Outer Continental Shelf (OCS) oil and gas lease sale. This Supplemental EIS is expected to be used to inform lease sale processes for GOM oil and gas Lease Sales 259 and 261, which BOEM is required to hold by the end of March and September 2023, respectively, as directed by the Inflation Reduction Act of 2022 (Public Law 117-169, enacted August 16, 2022). While BOEM has no discretion on whether to hold these lease sales, BOEM prepared this Supplemental EIS to follow its normal leasing process to the fullest extent possible. The remaining lease sale areas are comprised of the Western, Central, and a small portion of the Eastern Planning Areas (WPA, CPA, and EPA, respectively) not subject to Presidential withdrawal. These planning areas are located off the States of Texas, Louisiana, Mississippi, Alabama, and Florida.

BOEM issued the *2017-2022 Outer Continental Shelf Oil and Gas Leasing: Proposed Final Program* (USDO, BOEM 2016a), which proposed 10 GOM oil and gas lease sales, with 2 lease sales to be held each year. While the National OCS Program provides a framework and general guide for leasing during the Program's term, the Secretary of the Interior has discretion under the Outer Continental Shelf Lands Act (OCSLA) and other applicable laws to determine whether and when to hold individual lease sales (refer to 43 U.S.C. § 1344(e)). Although the 2017-2022 National OCS Program has expired and the final two lease sales in the GOM, i.e., GOM Lease Sales 259 and 261, were not held, the Inflation Reduction Act of 2022 requires that BOEM hold GOM Lease Sale 259 by March 31, 2023, and GOM Lease Sale 261 by September 30, 2023. In addition, the Inflation Reduction Act of 2022 has language indicating that BOEM must hold an offshore oil and gas lease sale consisting of at least 60 million acres in the year prior to holding an offshore wind lease sale. During the

development of the 2017-2022 National OCS Program, BOEM conducted region-specific reviews by Program Areas (i.e., the portions of the OCS planning areas that remained in consideration for leasing during the 2017-2022 National OCS Program development process); consequently, BOEM prepared the following analyses to support individual lease sale decisions, which were used for the analysis in the GOM Lease Sales 259 and 261 Draft Supplemental EIS:

- *Outer Continental Shelf Oil and Gas Leasing: 2017-2022; Final Programmatic Environmental Impact Statement* (USDOJ, BOEM, 2016b; 2016c);
- *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 Multisale Environmental Impact Statement (2017-2022 GOM Multisale EIS)* (USDOJ, BOEM, 2016d); and
- *Gulf of Mexico OCS Lease Sale: Final Supplemental Environmental Impact Statement 2018* (2018 GOM Supplemental EIS) (USDOJ, BOEM, 2017a).

The GOM Lease Sales 259 and 261 Draft Supplemental EIS tiers from, updates, and incorporates by reference all relevant material in the 2017-2022 National OCS Program EIS, 2017-2022 GOM Multisale EIS, and 2018 GOM Supplemental EIS, which are all available on BOEM's website at <https://www.boem.gov/nepaprocess>. This Supplemental EIS contains analyses of the potential environmental impacts that could result from GOM Lease Sale 259, but the analyses may be supplemented as appropriate prior to GOM Lease Sale 261. On October 7, 2022, BOEM published the Notice of Availability (NOA) of this Supplemental EIS in the *Federal Register* (2022). The NOA initiated a 45-day comment period, which closes on November 21, 2022.

GOM Lease Sale 259

For GOM Lease Sale 259, which is tentatively scheduled for March 29, 2023, BOEM is proposing to offer for lease all available unleased blocks in the WPA, CPA, and EPA not currently under Presidential withdrawal. Under Section 12(a) of the OCS Lands Act, 43 U.S.C. § 1341(a), the President may “withdraw from disposition any of the unleased lands of the Outer Continental Shelf.” On September 8, 2020, the areas of the OCS designated by Section 104(a) of the Gulf of Mexico Energy Security Act of 2006, Public Law 109-432, were withdrawn from disposition by leasing for 10 years, beginning on July 1, 2022, and ending on June 30, 2032 (White House, 2020).

The GOM Lease Sale 259 would offer for lease all available unleased blocks within the WPA, CPA, and EPA portions of the lease sale area for oil and gas operations (**Figure 1**), with the following exceptions:

- whole and partial blocks currently under Presidential withdrawal (White House, 2020);
- blocks that are adjacent to or beyond the United States' Exclusive Economic Zone; and

- whole and partial blocks within the boundaries of the Flower Garden Banks National Marine Sanctuary as of the July 2008 Presidential “Memorandum on Modification of the Withdrawal of Areas of the United States Outer Continental Shelf from Leasing Disposition” (Weekly Compilation of Presidential Documents, 2008).

The final decision on whether and how to proceed with the lease sale and the lease blocks available for leasing will be announced in the Record of Decision and, if the decision is to proceed, a Final Notice of Sale. When a decision to proceed with the lease sale is made, the lease sale area for GOM Lease Sale 259 may be smaller than the proposed area considered herein, but BOEM is not planning for it to be larger than the area considered herein.

The proposed lease sale area encompasses about 94.14 million acres with approximately 84.11 million acres available for lease as of August 2022. Leasing information related to all three planning areas is updated monthly and can be found on BOEM’s website at <http://www.boem.gov/Gulf-of-Mexico-Region-Lease-Map/>. The estimated amount of resources projected to be leased, discovered, developed, and produced as a result of the sale are 0.211-1.118 billion barrels of oil and 0.547-4.424 trillion cubic feet of gas (Table 3-3 of the GOM Lease Sales 259 and 261 Draft Supplemental EIS). BOEM proposes to tentatively hold GOM Lease Sale 259 on March 29, 2023.

Figure 1 depicts the lease sale area proposed for GOM Lease Sale 259 and analyzed under Alternative A in the GOM Lease Sales 259 and 261 Draft Supplemental EIS. This Supplemental EIS analyzed the reasonably foreseeable impacts to the marine, coastal, and human environments that may result from oil and gas exploration and production (E&P) activities associated with GOM Lease Sale 259. This Supplemental EIS also includes an expanded greenhouse gas (GHG) analysis and, in accordance with recent Executive Orders, BOEM also provides an analysis of monetized impacts from these estimated GHG emissions. Chapter 4.1 of the GOM Lease Sales 259 and 261 Draft Supplemental EIS provides an overview of the methodology and results of BOEM’s greenhouse gas analysis, which is described more fully in *Gulf of Mexico OCS Oil and Gas Leasing Greenhouse Gas Emissions and Social Cost Analysis* (USDOJ, BOEM, 2022b), which is incorporated by reference in this Supplemental EIS.

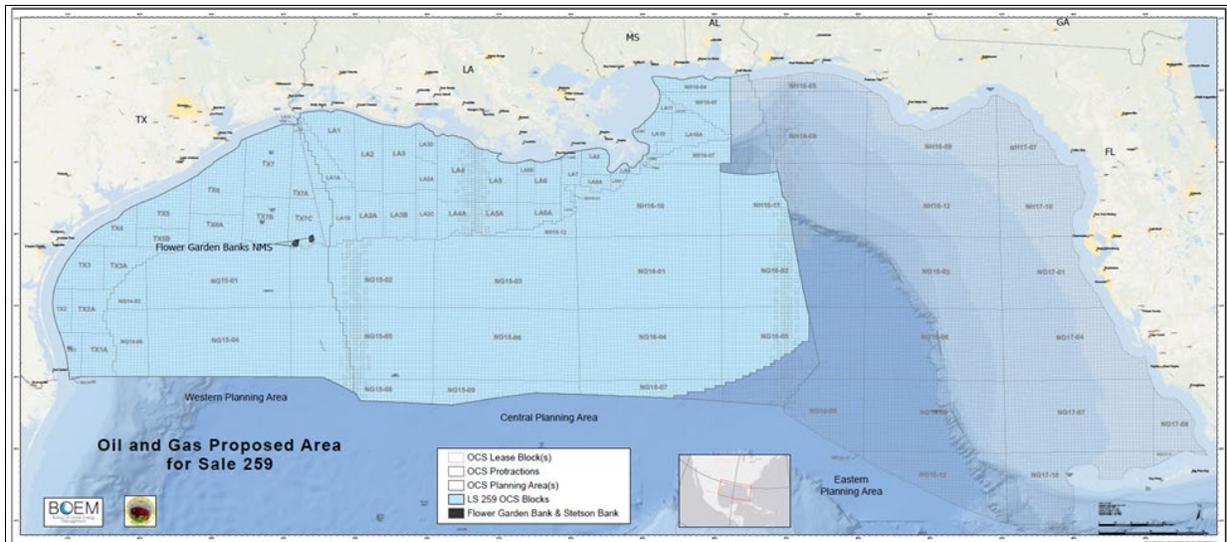


Figure 1. Proposed Lease Sale Area Analyzed for Alternative A, Encompassing the Available Unleased Blocks within All Three Planning Areas (a total of approximately 94.14 million acres with approximately 84.11 million acres available for lease as of August 2022).

About the Consistency Determination for GOM Lease Sale 259

This CD is based on BOEM’s review of the MCMP policies identified by the State as enforceable, the available baseline information, the lease sale proposal, and the analyses contained in GOM Lease Sales 259 and 261 Draft Supplemental EIS. Chapter 1 of this CD describes the areas that were analyzed for GOM Lease Sale 259. Chapter 2 of this CD describes the relevant MCMP policies identified as enforceable by Mississippi and analyzes the consistency of the lease sale and associated activities with those policies. Chapter 3 states BOEM’s conclusion for the CD, which is that GOM Sale Lease 259 is consistent to the maximum extent practicable with the enforceable policies identified by the MCMP.

2 ANALYSIS OF THE MISSISSIPPI COASTAL PROGRAM POLICIES IDENTIFIED AS ENFORCEABLE BY MISSISSIPPI AND THE POTENTIAL EFFECTS RESULTING FROM GOM LEASE SALE 259

This chapter of the CD identifies and summarizes the MCMP policies applicable to GOM Lease Sale 259 and the potential impacts related to lessees’ post-lease activities. BOEM provides a discussion for each of the applicable policies. Each discussion identifies the MCMP policy, evaluates GOM Lease Sale 259 with regard to that MCMP policy, and provides BOEM’s consistency determination. BOEM considered, and incorporates by reference herein, the information presented in the 2017-2022 GOM Multisale EIS, 2018 GOM Supplemental EIS, and GOM Lease Sales 259 and 261 Draft Supplemental EIS according to CZMA regulations of the National Oceanic and Atmospheric Administration (NOAA) regarding the content requirements of a CD (15 CFR § 930.39(a)).

BOEM has determined that GOM Lease Sale 259 will be consistent to the maximum extent practicable with the enforceable policies of the MCMP. While reviewing, citing, and making these

determinations on policies identified by Mississippi as enforceable, BOEM neither makes a judgment on nor implies that such policies are enforceable or are enforced under the laws of the State.

2.1 EVALUATION OF SPECIFIC MISSISSIPPI COASTAL MANAGEMENT PROGRAM POLICIES RELEVANT TO ANALYSES AND INFORMATION

BOEM has reviewed the MCMP policies pertaining to the land and water uses and natural resources in the coastal zone and applied these to the reasonably foreseeable future actions by lessees associated with GOM Lease Sale 259. BOEM has reviewed and made consistency determinations regarding the consistency of GOM Lease Sale 259 with policies that the State of Mississippi has identified in its submission for CZMA Section 306 approval as being enforceable. The lease sale represents an incremental activity added to other past, present, and reasonably foreseeable future actions, both Federal and non-Federal, contributing to cumulative impacts (using the definition for NEPA purposes found at 40 CFR § 1508.7 [2019 ed., since superseded]). The contribution of activities expected to occur from this lease sale during a 50-year analysis period to the full range of cumulative impacts analyzed for the Cumulative Oil and Gas Program scenario over a projected 70-year analysis period (i.e., from 2020-2089, as analyzed in the GOM Lease Sales 259 and 261 Draft Supplemental EIS), and the resources analyzed in detail are those identified as potentially being impacted by the lessees' activities. Many of the impacts to environmental and socioeconomic resources that are identified in the cumulative analyses in the 2017-2022 GOM Multisale EIS, 2018 GOM Supplemental EIS, and GOM Lease Sales 259 and 261 Draft Supplemental EIS (Chapter 4) have occurred over decades, many of them prior to the enactment of many important environmental laws. Of these, the statutes of particular importance are as follows: NEPA (42 U.S.C. §§ 4321-4370(h)); the Clean Water Act (CWA) (33 U.S.C. §§ 1251-1387); CZMA (16 U.S.C. §§ 1451-1466); the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. §§ 3951-3956); the Endangered Species Act (ESA) (16 U.S.C. §§ 1531-1544.); and the Marine Mammal Protection Act (MMPA) (16 U.S.C. §§ 1361-1423(h)).

Table 1 presents the relevant policies of the MCMP and evaluates them relative to potential activities that are reasonably foreseeable to result from GOM Lease Sale 259. Some of the MCMP coastal resources addressed by the policies were not evaluated in this CD because BOEM, in consultation with the State of Mississippi, determined that they would not be implicated by activities that may result from offshore proposed lease sales. Each MCMP policy identifies general factors and the permitting authorities that are used to evaluate whether a proposed Federal, State, or locally approved or managed use is consistent with more specific policies. For each policy category, BOEM analyzed the effects of the lease sale on the coastal uses and resources identified by the policies. BOEM used this analysis as an aid in determining whether lessees' post-lease activities are consistent with the enforceable policies of the MCMP.

BOEM has reached the conclusion described below, which is applicable to all the MCMP policies identified by Mississippi as enforceable with regards to GOM Lease Sale 259. This conclusion applies to the lease sale itself (including ancillary activities conducted on the lease prior to approval of any exploration or development plan). BOEM has also provided a conclusion as to whether lessee

and operator activities that are likely to occur post-lease and involve the State of Mississippi's coastal zone (e.g., support bases and maintenance dredging) may be consistent with the MCMP.

Conclusion

Based on the analyses herein and provided in the 2017-2022 GOM Multisale EIS, 2018 GOM Supplemental EIS, and GOM Lease Sales 259 and 261 Draft Supplemental EIS, GOM Lease Sale 259 will be consistent to the maximum extent practicable with the MCMP policies that the State of Mississippi has identified as enforceable. Further, nothing in the design of GOM Lease Sale 259 will prevent post-lease activities from being consistent with the policies of the MCMP. These activities also will be subject to further review for consistency with the MCMP policies, as provided in 15 CFR part 930. Therefore, nothing in the lease sale itself, nor in the design of the lease sale, would preclude the lease sale from being consistent to the maximum extent practicable with the enforceable policies of the MCMP.

Table 1. State of Mississippi CZM Enforceable Policies and Consistency Determination of Coastal Effects for GOM Lease Sale 259 and Associated Reasonably Foreseeable Future Actions.

Enforceable Policies, Mississippi Code	Policy Scope	Consistency Determination
Coastal Wetlands and Coastal Industrial Development	<p>The State of Mississippi’s policy is “to favor the preservation of the natural state of the coastal wetlands and to prevent the despoliation and destruction of them, except where a specific alteration of specific coastal wetlands would serve higher public interest in compliance with the public trust in which coastal wetlands are held” (Mississippi Code, Section 49-27-3; and MCMP, Chapter 2, Section 4, Goal #2).</p> <p>The State of Mississippi’s policy is “to provide for reasonable industrial expansion in the coastal area and to ensure the efficient utilization of waterfront industrial sites so that suitable sites are conserved for water dependent industry” (Mississippi Code, Section 57-15-6 (1)(a); and MCMP, Chapter 2, Section 4, Goal #1).</p>	<p>Impacts to Wetlands and Coastal Areas by Onshore Infrastructure</p> <p>No new navigation channels and only up to one new gas processing facility are projected to support activities associated with GOM Lease Sale 259 leases over the 50-year analysis period. Projected new onshore facilities attributable to the OCS Oil and Gas Program would likely not be constructed in wetlands and/or coastal areas. State and Federal permitting agencies discourage the placement of new facilities or expansion of existing facilities in wetlands.</p> <p>Any expansion of existing facilities at onshore sites in critical areas such as wetlands in Mississippi would require approval by the State. If the activity impacts wetlands, then the U.S. Army Corps of Engineers’ (USACE) CWA Section 404 permit and Rivers and Harbors Act of 1899 (RHA) Section 10 permit would be required. Additionally, such activities would be subject to consistency review by the State of Mississippi under subpart D of 15 CFR part 930, if Federal permits were required.</p> <p>Impacts to Wetlands and Coastal Areas by Pipeline Emplacement and Landfall</p> <p>It is expected that pipelines from new offshore production facilities that may result from GOM Lease Sale 259 will connect to the existing offshore pipeline infrastructure. Additional considerations include mitigation costs for any new wetland and environmental impacts and various landowner issues at the landfall point. Based on BOEM’s examination of the historical relationships between new pipeline landfalls and a variety of factors including platforms installed, oil and gas production, and the total number of new pipelines, up to one new pipeline landfall may be needed by the end of the 50-year life of GOM Lease Sale 259.</p> <p>Modern pipelaying techniques use selective placement and directional drilling to avoid wetlands and to reduce the reliance on trenching. Wetland impacts are further reduced by implementing required mitigation measures; thus, the projected impact to wetlands from pipeline emplacement is expected to be negligible. Any landfalls in critical areas, such as wetlands in Mississippi, would require approval by the State. If the activity impacts wetlands, then the CWA Section 404 permit and RHA Section 10 permit would be required. Additionally, such activities would be subject to consistency review by the State of Mississippi under subpart D or E of 15 CFR part 930, if OCS plan approvals or Federal permits were required. Additional information related to impacts resulting from pipeline landfalls in coastal areas is presented in</p>

Enforceable Policies, Mississippi Code	Policy Scope	Consistency Determination
		<p>Chapter 4. 3of the 2017-2022 GOM Multisale EIS, 2018 GOM Supplemental EIS, and GOM Lease Sales 259 and 261 Draft Supplemental EIS.</p> <p>The Bureau of Safety and Environmental Enforcement (BSEE) does not approve pipeline right-of-way applications that traverse the OCS to State submerged lands until the corresponding permits from the State and USACE have been reviewed and approved. The State and USACE have jurisdiction over the approval of the nearshore and onshore portions of the pipelines. Enforcement and mitigation of onshore and coastal impacts are the responsibility of the State and USACE. Neither BOEM nor BSEE has jurisdiction over the nearshore and onshore portions of the pipelines.</p> <p>Impacts to Wetlands from Maintenance Dredging</p> <p>Vessel traffic that may result from GOM Lease Sale 259 is expected to contribute minimally to the need for maintenance dredging. Dredging of federally maintained waterways in the Mississippi coastal zone will likely be required regardless of OCS oil- and gas-related vessel traffic resulting from potential lessees' activities from GOM Lease Sale 259. Periodic maintenance dredging is expected in existing navigation channels; these channels generally are dredged by USACE on an annual or biennial cycle. Any channel maintenance activities are subject to consistency review by the State of Mississippi coastal wetlands permit requirements, the CWA Section 404 permit, and the RHA Section 10 permit. Additionally, such activities would be subject to consistency review by the State of Mississippi under subpart D of 15 CFR part 930, if Federal permits were required.</p> <p>Impacts from maintenance dredging activities would be localized and minor, with short-term effects on sedimentation patterns. Mitigation of adverse impacts from dredging should be addressed per requirements set forth by the appropriate Federal and State permitting agencies. Methods of decreasing turbidity impacts would include the use of turbidity screens and other turbidity reduction or confinement equipment.</p> <p>Where appropriate and beneficial, dredged material may be used for wetland restoration and beach construction. Permit requirements further mitigate dredged material placement in approved disposal areas by requiring the dredged material to be placed in such a manner that it neither disrupts hydrology nor changes elevation in the surrounding wetlands. These impacts would primarily occur whether GOM Lease Sale 259 is implemented or not. GOM Lease Sale 259 would account for only a small percentage of these impacts.</p>

Enforceable Policies, Mississippi Code	Policy Scope	Consistency Determination
Transportation Activities	The State of Mississippi's policy is to encourage that "structures shall be designed to preserve natural waterflow and circulation regimes and to prevent excessive shoaling" and "transportation facilities shall be designed to accommodate other public utilities, thus avoiding other unnecessary wetland alteration" (MCMP, Chapter 8, Section 2, Part III.F.).	<p>There is no OCS oil- and gas-related activities associated with GOM Lease Sale 259 that are likely to disrupt circulation regimes of water within the coastal zone of Mississippi.</p> <p>Impacts to Other Coastal Uses by Transportation Activities BOEM estimates that between 860 and 10,820 service-vessel trips and 2,440 and 75,000 helicopter trips are expected to occur annually in the entire region-wide analysis area in support of a typical region-wide lease sale (refer to Chapters 3.1.4.4 and 3.1.4.5 of the 2017-2022 GOM Multisale EIS and Chapter 3.1.2.5 of the 2018 GOM Supplemental EIS, which was reanalyzed in Chapter 3.2.4 of the GOM Lease Sales 259 and 261 Draft Supplement EIS). While the potential effects of noise on recreation and tourism are difficult to quantify, several characteristics of the OCS industry serve to minimize these effects. First, service vessels are expected to use established nearshore traffic lanes, and helicopters are expected to comply with aerial clearance restrictions. Through the use of approved travel lanes, noise should be transitory and thus unlikely to noticeably impact other uses, such as tourism. Second, most OCS oil- and gas-related vessel traffic moves between onshore support bases and production areas offshore. The support bases are in industrial ports, which are usually distant from recreational use areas, so additional traffic noises have only minimal impacts to tourism.</p> <p>Impacts to Coastal Barrier Beaches and Associated Dunes by Transportation Activities The number of lessees' service-vessel trips projected annually would represent less than 2% of annual traffic on these OCS oil- and gas-related waterways. Current navigation channels would not change beyond periodic maintenance dredging, and no new navigation channels are required as a result of GOM Lease Sale 259. Support vessels for GOM Lease Sale 259 are projected to primarily utilize service bases located in Texas, Louisiana, and Alabama (refer to Table 3-11 of the 2017-2022 GOM Multisale EIS). Therefore, lessees' vessel traffic would not have substantial effects on coastal beaches and associated dunes in Mississippi.</p> <p>Impacts from Vessel Noise There are potential negative impacts to beach tourism from vessel noise. While the potential effects of noise on tourism are difficult to quantify, several characteristics of the OCS industry serve to minimize these effects. First, most OCS oil- and gas-related vessel traffic moves between onshore support bases and production areas offshore. Support bases are in industrial ports, which usually are distant from recreational use areas. Second, OCS vessel use of approved travel lanes should keep noise transitory and thus unlikely to significantly impact recreation and tourism.</p>

Enforceable Policies, Mississippi Code	Policy Scope	Consistency Determination
		<p>Dredging to Maintain Navigation Refer to the consistency determination response regarding dredging activities and the use of dredged materials for navigation and maintenance in the section “Coastal Wetlands and Coastal Industrial Development” of this CD.</p>
Offshore Operations	The policy of the State of Mississippi is to ensure that oil and gas exploration and production activities avoid adverse impacts to tidal marshes and waterbottoms (MCMP, Chapter 8, Section 2, Part III.K.).	<p>Impacts to Water Quality from Discharged Material Lessees’ routine offshore operations would be focused on the OCS and have little to no impact upon Mississippi coastal waters and lands. Discharges associated with E&P activities would primarily impact the marine waters near the operation; discharges also are subject to permitting requirements and generally are prohibited in coastal waters. Refer to the consistency determination response regarding water quality in the section “Water Pollution Control” of this CD.</p> <p>Impacts to Wetlands and Coastal Areas by Onshore Infrastructure Refer to the consistency determination response regarding impacts to wetlands and coastal areas by onshore infrastructure in the section “Coastal Wetlands and Coastal Industrial Development” of this CD.</p> <p>Impacts to Wetlands and Coastal Areas by Pipeline Emplacement and Landfall Refer to the consistency determination response regarding impacts to wetlands and coastal areas by pipeline emplacement and landfall in the section “Coastal Wetlands and Coastal Industrial Development” of this CD.</p> <p>Impacts to Wetlands from Maintenance Dredging Refer to the consistency determination response regarding impacts to wetlands from maintenance dredging in the section “Coastal Wetlands and Coastal Industrial Development” of this CD.</p> <p>Accidental Events Accidental events, such as blowouts and oil spills, can degrade coastal waters. There is a low risk of a spill occurring from GOM Lease Sale 259 lessees’ activities and of an oil spill contacting the Mississippi coast. Since the lease sale area does not include Mississippi State waters, a platform spill is less likely to reach coastal waters. The BSEE is the lead Federal agency charged with improving safety and ensuring environmental protection related to the offshore energy industry on the United States’ OCS. Effective July 28, 2016 (<i>Federal Register</i>, 2016b), BSEE finalized new regulations to consolidate into one part the equipment and operational requirements that are found in various subparts of BSEE’s regulations pertaining to</p>

Enforceable Policies, Mississippi Code	Policy Scope	Consistency Determination
		<p>offshore oil and gas drilling, completions, workovers, and decommissioning. This rule focuses on blowout preventer and well-control requirements, including incorporation of industry standards and revision of existing regulations and adopts reforms in the areas of well design, well control, casing, cementing, real-time well monitoring, and subsea containment. The rule also addresses and implements multiple recommendations resulting from various investigations of the <i>Deepwater Horizon</i> explosion, oil spill, and response, and it incorporates guidance from several Notices to Lessees and Operators (NTLs) to enhance safety and environmental protection.</p> <p>Following Executive and Secretarial Orders to reduce unnecessary regulatory burdens while ensuring that any activity is safe and environmentally responsible, BSEE issued revisions to the Blowout Preventer Systems and Well Control Rule, as well as a new Oil and Gas Production Safety Systems Rule. The Well Control Rule guides oil and gas drilling operations on the OCS, while the Oil and Gas Production Safety Systems Rule relates to production activities.</p> <p>BOEM has reviewed BSEE’s Environmental Assessments for the Oil and Gas Production Safety Systems Revisions that took effect on December 27, 2018 (<i>Federal Register</i>, 2018), and the Blowout Preventer Systems and Well Control Revisions that took effect on July 15, 2019 (<i>Federal Register</i>, 2019), and agrees with BSEE’s conclusions that the revisions would not significantly alter the impact assessments made in support of BOEM’s 2017-2022 GOM Multisale EIS and 2018 GOM Supplemental EIS.</p> <p>Information regarding reasonably foreseeable oil spills and their effects on specific resources can be found in Chapter 3.2 of the 2017-2022 GOM Multisale EIS and 2018 GOM Supplemental EIS, as well as Chapter 3.3 of the GOM Lease Sales 259 and 261 Draft Supplemental EIS. A catastrophic event is not reasonably foreseeable, and the risk of a catastrophic event remains extremely low, particularly considering new spill prevention initiatives described in Appendix E of the 2017-2022 GOM Multisale EIS and in the <i>Gulf of Mexico OCS Catastrophic Spill Event Analysis</i> technical report (USDOI, BOEM, 2021), which provide additional information on the risk and potential impacts of a catastrophic event. The likelihood of an accidental event of a size, location, and duration necessary to reach submerged vegetation spills remains small.</p> <p>Emergency Response for an Oil Spill</p> <p>Oil spill response planning in the United States is accomplished through a mandated set of interrelated plans. The Area Contingency Plans (ACPs) cover subregional geographic areas and represent the third tier of the National Response Planning System mandated by the Oil Pollution Act of 1990 (33 U.S.C. §§ 2701-2720). The ACPs are written and maintained by Area</p>

Enforceable Policies, Mississippi Code	Policy Scope	Consistency Determination
		<p>Committees assembled from Federal, State, and local government agencies that have pollution response authority; nongovernmental participants may attend meetings and provide input. Response procedures identified within an ACP or its Geographic Response Plan reflects the priorities and procedures agreed to by members of the Area Committees. Offshore response is preferable to shoreline cleanup; however, if an oil slick reaches the coastline, it is expected that the specific shoreline cleanup countermeasures identified within and prioritized in the appropriate ACP for various habitat types would be used.</p> <p>Pursuant to the Oil Pollution Act of 1990 and regulations at 30 CFR part 254, BSEE is tasked with overseeing oil spill response duties and planning requirements for oil and gas operations on the OCS. These duties include, but are not limited to, oversight for spill notification, source control, and review and approval of oil spill response plans (OSRPs) for offshore facilities and inspection of oil spill response equipment cited within the OSRPs. Since the <i>Deepwater Horizon</i> explosion, oil spill, and response, new regulations, NTLs, and additional guidance documents have been issued to enhance and clarify oil spill requirements and to improve industry's ability to prevent, contain, and control a subsea loss of well control. For more information regarding the regulations, NTLs, and guidance documents, refer to Chapters 1.3.2, 3.2.2, and 3.2.8 of the 2017-2022 GOM Multisale EIS and 2018 GOM Supplemental EIS.</p> <p>Reforms since the <i>Deepwater Horizon</i> explosion, oil spill, and response significantly increased safety and environmental protections in order to minimize the risk of a loss of well control and to ensure that operators are prepared to respond to an emergency. For example, new guidance following the <i>Deepwater Horizon</i> explosion, oil spill, and response clarified requirements with respect to calculating and accounting for the possibility of a worst-case discharge, as well as containment needs in deep water. Effective August 10, 2012, BSEE implemented its NTL No. 2012-N06, which provides clarification of and encourages spill-response practices based upon lessons learned from the <i>Deepwater Horizon</i> explosion, oil spill, and response. The BSEE NTL No. 2013-N02, "Significant Change to Oil Spill Response Plan Worst Case Discharge Scenario," provides clarification, guidance, and information for what BSEE considers a significant change in an operator's OSRP's worst-case discharge scenario, requiring that the operator submit a revised OSRP for BSEE's approval. Prior to conducting any operations, BSEE will conduct a concurrence review to ensure that the OSRP demonstrates the operator's ability to respond quickly and effectively whenever oil is discharged from a covered facility, as required by 30 CFR § 254.1 and, in particular, that the OSRP demonstrates the ability to contain and recover the worst-case discharge to the maximum extent practicable as required by 30 CFR § 254.26(d)(1).</p>

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		<p>The State of Mississippi is given an opportunity to review site-specific, oil spill response information submitted with an exploration or development plan as part of its consistency review process of E&P activities detailed in BOEM NTL No. 2015-N01, "Information Requirements for Exploration Plans, Development and Production Plans, and Development Operations Coordination Documents on the OCS for Worst Case Discharge Scenario." In accordance with regulations at 30 CFR part 254 and the guidance offered in BSEE NTL No. 2012-N06, "Guidance to Owners and Operators of Offshore Facilities Seaward of the Coast Line Concerning Regional Oil Spill Response Plans," BSEE reviews and approves OSRPs. Emergency response plans are required for OCS oil- and gas-related activities for offshore and coastal environmental protection.</p> <p>Oil Spill Containment and Cleanup</p> <p>In the event of a spill, particularly one associated with a loss of well control, there is no single method of containment and removal is likely to be 100% effective. There are many situations and environmental techniques that necessitate different remediation approaches. Removal and containment techniques likely would require multiple technologies, including source control, mechanical cleanup, in-situ burning, and chemical dispersants. Even with the deployment of all of these spill-response techniques, it is not expected that all of the oil can be contained and removed offshore.</p> <p>Dispersants must be used in accordance with the Regional Response Team's preapproved <i>Dispersant Use Manual</i> and with any conditions outlined within a site-specific dispersant approval given after a spill. Consequently, dispersant use would be in accordance with restrictions for specific water depths, distances from shore, or monitoring requirements. Currently, the <i>Dispersant Use Manual</i> does not provide for preapproval of subsea dispersant use. Pursuant to a letter dated December 2, 2010, from the U.S. Environmental Protection Agency (USEPA), subsurface dispersants may be approved only on an incident-specific basis when requested by the U.S. Coast Guard (USCG) Federal On-Scene Coordinator. In accordance with the guidance outlined by USEPA within that letter, dispersants may not be applied to major spills that are continuous in nature and uncontrollable for a period greater than 7 days without additional Regional Response Team approval.</p> <p>Each required OSRP includes a dispersant use plan section. This section must include the following:</p> <ul style="list-style-type: none"> • an inventory and location of available dispersants and other chemical or biological products that may be used;

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		<ul style="list-style-type: none"> • a summary of the toxicity data for these products; • a description and location of any application equipment; • an estimate of the amount of time to obtain necessary approval for use; • a discussion of the application procedures; • a discussion of any conditions under which these products may be requested; and • an outline of the procedures for approval for product use, which would include a discussion containing the most up-to-date guidance regarding dispersant usage issued from USEPA. <p>For more information, refer to Chapter 3.2.8.2, “Offshore Response, Containment, and Cleanup Technology,” of the 2017-2022 GOM Multisale EIS and 2018 GOM Supplemental EIS</p> <p>Oil Spill Impacts to Wetlands</p> <p>Table 3-19 of the 2017-2022 GOM Multisale EIS and 2018 GOM Supplemental EIS and Table 3-6 of the GOM Lease Sales 259 and 261 Draft Supplemental EIS show that, for a single proposed lease sale, the mean number of spills $\geq 1,000$ barrels was estimated at 0.24-1.27 from both OCS oil- and gas-related platforms and pipelines. The range of spills projected for spill sizes $< 1,000$ barrels is 442-2,357 spills over a 50-year timeframe. Of those, it is estimated that the vast majority (424-2,258) of spills would be ≤ 1 barrel.</p> <p>Offshore oil spills potentially resulting from lessees’ activities would have a low probability of contacting and damaging any wetlands along the Gulf Coast, except in the case of a catastrophic event, which is not expected to occur. Refer to Appendix E of the 2017-2022 GOM Multisale EIS and the <i>Gulf of Mexico OCS Catastrophic Spill Event Analysis</i> technical report (USDOJ, BOEM, 2021) for additional information on the risk and potential impacts of a catastrophic event. Although the probability of occurrence is low, the greatest threat from an oil spill to wetland habitat is from an inland spill linked to a vessel or pipeline rupture. Overall, impacts to wetland habitats from an oil spill associated with GOM Lease Sale 259 leases would be expected to be low and temporary because of weathering of the spilled oil in the environment, regulations, and specific cleanup techniques.</p> <p>Oil Spill Impacts to Coastal Barrier Beaches and Associated Dunes</p> <p>As noted above, the vast majority of reasonably foreseeable spills would be ≤ 1 barrel. Only approximately one large spill ($\geq 1,000$ barrels) is estimated as a result of GOM Lease Sale 259. Due to the proximity of barrier islands and beaches, inshore spills pose a more significant threat when compared with offshore spills. The impacts related to inshore spills can be higher</p>

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		<p>because of the concentration of oil, its lack of weathering, and the absence of dispersant usage. Impacts of a reasonably foreseeable nearshore spill generally would be considered short-term in duration and minor in scope because the size of such a spill is projected to be small (<1,000 barrels).</p> <p>Impacts of Marine Debris The disposal of marine debris is subject to a number of laws and treaties, such as the Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. §§ 1951-1958); the Marine Plastic Pollution Research and Control Act (33 U.S.C. §§ 1901-1915); the CWA (33 U.S.C. §§ 1251-1387); and the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex V (Garbage), which prohibits disposal of all plastics (e.g., fish nets) from vessels. Under MARPOL, vessels of 400 gross tons and above must have garbage management plans and report all at-sea disposals. The Annex V guidelines (1) encourage technological development to minimize losses and maximize recoveries, such as gear identification systems and use of degradable materials; (2) stress the importance of recording and reporting gear losses; and (3) recommend increasing shore-based disposal facilities. The regulation and enforcement of these laws and treaties is conducted by several agencies in addition to DOI, such as USEPA, NOAA, and USCG. For this lease sale and post-lease activities being approved by BOEM or BSEE pursuant to a biological opinion (BiOp) issued by NMFS in March 2020 (2020 NMFS BiOp), activities will be subject to the “Gulf of Mexico Marine Trash and Debris Awareness and Elimination Survey Protocols” found in Appendix B of the 2020 NMFS BiOp. These protocols instruct OCS operators on posting informational placards that outline the legal consequences and potential ecological harms of losing debris overboard. These protocols state that OCS workers should complete annual marine debris prevention training, and operators are instructed to develop a certification process for the completion of this training by their workers. These various laws, regulations, and protocols help minimize the potential damage to Mississippi coastal waters and lands from the loss of marine debris from OCS operations.</p> <p>Impacts from Onshore Waste Disposal Wastes that are not permitted for offshore disposal are brought to shore for disposal or recycling at waste disposal facilities. The majority of OCS exploration and production wastes are disposed of at facilities in Louisiana and Texas. Based on BOEM projections, no new waste disposal facilities are expected to be required to support lessees’ activities (Chapter 3.1.7.2.7 of the 2017-2022 GOM Multisale EIS). There is an abundance of waste disposal capacity in the GOM region for the foreseeable future. Therefore, existing onshore</p>

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		<p>facilities are projected to be sufficient for disposal of wastes generated because of OCS oil- and gas-related activities and GOM Lease Sale 259.</p> <p>In the very unlikely event that offshore activities increase to the extent that a need develops for construction of new onshore waste disposal sites or expansions at existing facilities, any onshore sites in critical areas in Mississippi will be subject to permitting by the State of Mississippi. The States retain authority over the disposal of E&P wastes, previously called nonhazardous oil-field waste. The transport of waste to shore generally requires transfer facilities at the port to haul the waste to the disposal facility by barge, truck, or rail service. Waste treatment and disposal may involve recycling efforts, injection into disposal wells or salt caverns, slurry fracture injection, chemical treatment, phase separation, incineration, or surface land disposal and/or treatment.</p> <p>In addition, if any proposed disposal site would entail wetland alteration, approval by the State of Mississippi would be required through its coastal wetlands permit requirements. If the site involves wetlands, then the CWA Section 404 permit and RHA Section 10 permit process may be required as well. Additionally, such activities would be subject to consistency review by the State of Mississippi under subpart D of 15 CFR part 930, if Federal permits were required.</p>
Special Management Areas	The MCMP provides for the regulation of activities in three categories of Special Management Areas to prevent development actions from adversely affecting the public interest (MCMP, Chapter 8, Section 5).	<p>This lease sale neither directly nor indirectly adversely affects the three categories of special management areas identified by the MCMP for the use of public interest.</p> <p>OCS Onshore Infrastructure Refer to the consistency determination response regarding OCS onshore infrastructure in the section "Coastal Wetlands and Coastal Industrial Development" of this CD.</p> <p>Pipeline Emplacement and Landfall Refer to the consistency determination response regarding pipeline emplacement and landfall in the section "Coastal Wetlands and Coastal Industrial Development" of this CD.</p> <p>Impacts to Barrier Beaches Refer to the consistency determination responses regarding barrier beaches in the sections "Transportation Activities" and "Offshore Operations" of this CD.</p> <p>Impacts to Recreational Resources and Use Refer to the consistency determination response regarding recreational resources and use in the section "Transportation Activities" of this CD.</p>

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		<p>Impacts to Air Quality Refer to the consistency determination response regarding air quality in the section “Air Pollution Control” of this CD.</p> <p>Impacts to Water Quality Refer to the consistency determination response regarding water quality in the section “Water Pollution Control” of this CD.</p> <p>Impacts to Historical and Archaeological Resources Refer to the consistency determination response regarding historical and archaeological resources in the section “Scenic, Historical, and Cultural Resources” of this CD.</p>
Other Provisions Incorporated into the MCMP		
Air Pollution Control	The MCMP provides that the policy of the State of Mississippi is “to conserve the air and waters of the state, and to protect, maintain and improve the quality thereof for public use, for the propagation of wildlife, fish and aquatic life, and for domestic, agricultural, industrial, recreational and other legitimate beneficial uses” (MCMP, Chapter 2, Section 4, Goal #4).	<p>Impacts to Air Quality In the GOM, jurisdiction over the regulation of air emissions on the OCS is divided between BOEM and USEPA. BOEM has jurisdiction over OCS air emissions in the GOM west of 87.5° W. longitude, and USEPA has jurisdiction east of this longitude. Part of the proposed lease sale area for GOM Lease Sale 259 lies east of 87.5° W. longitude and is therefore subject to the air quality jurisdiction of USEPA. Much of the proposed lease sale area lies west of 87.5° W. longitude and is subject to BOEM’s air quality jurisdiction. BOEM’s air emissions regulations are presented in 30 CFR §§ 550.218, 550.249, and 550.302-550.304. The following discussion addresses BOEM’s evaluation of, and procedures for, regulating air emissions in the part of the lease sale area under its jurisdiction. In areas subject to USEPA air quality jurisdiction, USEPA permitting requirements would apply and USEPA would be responsible for any required CZMA compliance. The USEPA’s air quality regulations are presented in 40 CFR parts 52, 55, and 71. The Mississippi Department of Environmental Quality’s Air Division is responsible for controlling, preventing, and abating air pollution to achieve compliance with air emission regulations pursuant to the Mississippi Air and Water Pollution Control Act, applicable regulations promulgated by USEPA, and the Federal Clean Air Act.</p> <p>BOEM’s air quality regulation is implemented as part of the post-lease plan approval process and was updated in 2020 (<i>Federal Register</i>, 2020a). BOEM must compare projected emissions with allowed exemption levels to determine whether the levels are exceeded, and air dispersion modeling must be performed. The modeling analysis is performed to evaluate potential air quality impacts to the State (30 CFR §§ 550.218, 550.249, 550.303, and 550.304). BOEM-specified significance levels are used to determine whether the emissions significantly</p>

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		<p>affect the onshore air quality of the State. If any modeled concentrations of criteria pollutants exceed BOEM's significance levels, the lessee will be required to apply Best Available Control Technology and, if necessary, additional emission controls or emission offsets.</p> <p>In evaluating air quality impact for the 2017-2022 GOM Multisale EIS, BOEM developed estimates of air emissions and conducted air dispersion modeling and analyses. In the analyses for the specific resources of concern, BOEM also addressed the sensitivity of the environmental resources and reasonably foreseeable effects (Chapter 4 of the 2017-2022 GOM Multisale EIS).</p> <p>To assess the impact-producing factors and future cumulative impacts in the GOM, BOEM used the <i>Year 2011 Gulfwide Emissions Inventory Study</i> (Wilson et al., 2014) as input data in the "Air Quality Modeling in the Gulf of Mexico Region" study (AQ GOMR Modeling Study) (Appendices B-D of the 2018 GOM Supplemental EIS), which was performed by Eastern Research Group, Inc. and its team members Ramboll Environ US Corporation and Alpine Geophysics, LLC. A preliminary discussion of modeling configuration and results are included in Chapter 4.1.2 of the 2017-2022 GOM Multisale EIS. The future emissions were based on a mid-price oil case scenario and cover the WPA, CPA, and EPA for all of the 10 proposed GOM lease sales in the 2017-2022 Five Year Program with an estimated 50 years of post-lease activity. The future-year highest nitrogen oxide (NO_x) emissions for all activities in all planning areas coincided with the highest particulate matter (PM_{2.5} and PM₁₀), carbon monoxide (CO), ammonia (NH₃), and lead (Pb) emissions, and these emissions were driven by support vessel activity in or around year 2033. The future-year highest volatile organic compound (VOC) emissions for all activities in all planning areas coincided with the highest sulfur dioxide (SO₂) emissions and were driven by production platform emissions in or around 2036. Therefore, BOEM modeled the ambient air impact of the activity estimates and resulting emissions estimates for calendar year 2033 for vessels and helicopters, and calendar year 2036 activity data and resulting emission estimates for platform sources. BOEM evaluated the potential impact of activities in the proposed lease sale area and to areas within the adjacent states, including potential impacts to Class I areas (e.g., Breton National Wilderness Area), Sensitive Class II areas, and nonattainment areas for different criteria pollutants. The modeled impacts were then compared with the National Ambient Air Quality Standards (NAAQS) and Prevention of Significant Deterioration (PSD) increments, as well as indicators of air quality-related values at those sensitive areas. Sensitivity of the environmental resources and reasonably foreseeable effects are addressed in the analyses for the specific resources of concern (refer to Chapter 4 of the 2017-2022 GOM Multisale EIS, 2018 GOM Supplemental EIS, and GOM Lease Sales 259 and 261 Draft Supplemental EIS). Appendices B-D of the 2018 GOM</p>

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		<p>Supplemental EIS contain a comprehensive description of (1) the air quality modeling protocol, (2) the set of assumptions for and estimates of future activities related to a proposed region-wide lease sale, (3) the rationale for the scenario assumptions and estimates, and (4) the type, frequency, and quantity of emissions from offshore sources associated with a proposed region-wide lease sale.</p> <p>The most recent air pollutant emissions inventory for OCS oil and gas sources in the GOM is for the calendar year 2017 (Wilson et al., 2019a). In addition to the NAAQS criteria pollutants, this new inventory includes criteria precursor pollutants (PM precursor ammonia [NH₃] and ozone precursor volatile organic compounds [VOCs]); major greenhouse gases (carbon dioxide [CO₂], methane [CH₄], and nitrous oxide [N₂O]); and select hazardous air pollutants (HAPs). A comparison of the emission estimates between the BOEM calendar year 2014 inventory and the calendar year 2017 inventory indicate that the overall total emissions estimates for all sources included in the inventory decreased, except for a very slight increase in the N₂O emissions estimates due to the addition of boilers as an emission source on commercial marine vessels. The overall total criteria pollutant and greenhouse gas emission estimates for non-platform OCS oil and gas production sources decreased in 2017. The 2017 report also presents a detailed emissions trends analysis of inventories for calendar years 2005 through 2017. Deepwater platforms account for an increasing portion of the emissions despite only minor changes in the number of these platforms. As expected, the findings indicate that, overall, the emissions estimates are largely affected by three factors: activity and production levels; changes in inventory methodologies; and improvements in the emission factors used to estimate emissions.</p> <p>An update to the air quality modeling study to conduct photochemical and dispersion modeling for the GOM region to assess the OCS oil and gas development pre- and post-lease impacts to the states was published on September 3, 2019 (Wilson et al., 2019b). After completion of the initial modeling study, BOEM directed the Contractor to prepare a revised modeling analysis. Using lessons learned from the previous modeling work and feedback received from BOEM, USEPA, industry, and the general public, the Contractor incorporated several technical improvements in the revised modeling. The results from the revised modeling clarified BOEM's understanding of air impacts from OCS oil and gas development by using the best available modeling techniques, but the results do not show any new impacts not previously considered and therefore do not change any of the conclusions of the 2017-2022 GOM Multisale EIS and 2018 GOM Supplemental EIS. Most recently, BOEM asked the National Academies of Sciences, Engineering, and Medicine to provide an independent review of Wilson et al. (2019b). The National Academies carried out an in-depth review of the study (National</p>

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		<p>Academies of Sciences, Engineering, and Medicine, 2019) and made recommendations that BOEM is considering for future air quality modeling analyses.</p> <p>The air quality impacts from activities associated with GOM Lease Sale 259 will depend on the distance of the operations from the State seaward boundary, the rate and duration of the emissions, and the prevailing atmospheric conditions. Based on the AQ GOMR Modeling Study for nitrogen oxides, sulfur oxides, particulate matter (PM_{2.5} and PM₁₀), CO, and ozone (O₃), BOEM has identified minor contributions to the onshore ambient levels of these NAAQS criteria pollutants in Mississippi and the adjacent coastal waters from offshore OCS oil- and gas-related activities. However, it is unlikely that activity resulting from GOM Lease Sale 259 would significantly impact ambient levels of NAAQS criteria pollutants in Mississippi. Mississippi meets the air quality standards under the Clean Air Act; however, in March 2008, USEPA designated De Soto County as a nonattainment area.</p> <p>As described above, post-lease activities could result in the emission of air pollutants, but they will be consistent with the air quality provisions of the Mississippi Department of Environmental Quality. Post-lease activities could result in the emission of air pollutants, but they will be subject to additional review, including CZMA compliance.</p>
Water Pollution Control	The MCMP provides that the policy of the State of Mississippi is “to conserve the air and waters of the state, and to protect, maintain and improve the quality thereof for public use, for the propagation of wildlife, fish and aquatic life, and for domestic, agricultural, industrial, recreational and other legitimate beneficial uses” (MCMP, Chapter 2, Section 4, Goal #4).	<p>Impacts to Water Quality</p> <p>The coastal waters of Mississippi have the potential to be impacted by point and nonpoint-source discharges from support vessels and shore facilities supporting subsequent activities from GOM Lease Sale 259. The primary operational wastes generated during offshore oil and gas exploration and development include drilling and completion fluids, drill cuttings, various waters such as bilge, ballast, and cooling, deck drainage, sanitary wastes, and domestic wastes. During production, the primary operational wastes also include produced water, produced sands, well treatment fluids, well completion fluids, and workover fluids. The USEPA’s National Pollutant Discharge Elimination System (NPDES) permitting process regulates all of these waste streams. Due to the distance of the proposed operations from coastal waters and the permit requirements for these activities, the only proposed point-source discharges likely to have a direct impact to Mississippi coastal waters would be from sources such as pipe outfalls related to infrastructure and service-vessel discharges. An example of nonpoint-source water pollution would be drained water from infrastructure, such as roads and parking lots built for infrastructure supporting lease activities. Nonpoint-source pollutants such as hydrocarbons, trace metal pollutants, and suspended sediments may contribute to coastal water quality impacts.</p>

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		<p>Potential indirect effects (cumulative and secondary) (refer to 15 CFR § 930.11(g)), mostly from vessel traffic, may impact coastal water quality, but such impacts would be minimal given existing regulatory and permitting requirements. The USEPA, the agency responsible for coastal water quality, or the Mississippi Department of Environmental Quality, the authorized State agency, regulates point-source discharges. Facilities are issued general or individual permits that limit discharges specific to the facility type and the waterbody receiving the discharge. Other wastes generated at these facilities are handled by local municipal and solid waste facilities, which also are regulated by USEPA and the Mississippi Department of Environmental Quality. Indirect impacts from sources of nonpoint-source pollution would be expected to be minimal due to existing regulations, and they also would be difficult to discern from other sources.</p> <p>The possible maintenance dredging of navigation channels and pipeline installations to support post-lease activities could result in the temporary increase in sediment loading, localized to the areas downcurrent from the operations. Navigation channels undergo maintenance dredging that is essential for sustaining proper water depths to move vessels safely through the waterways to ports, services, and terminal facilities. In Mississippi, the existing system of navigation channels is projected to be adequate to allow proper accommodation for lessees' vessel traffic. However, with an increase in the number of deepwater leases in the GOM and the associated use of vessels with deeper drafts and longer ranges, it is possible that several OCS oil- and gas-related port channels in Mississippi may be deepened or widened during the projected 50-year lease analysis period. This lease sale may contribute to the need for such future channel modifications. Any channel maintenance activities are subject to the State of Mississippi's coastal use permit requirements, the CWA Section 404 permit, and the RHA Section 10 permit. Channel maintenance activities also would be subject to consistency review by the MCMP, under subpart D or E of 15 CFR part 930, if OCS plan approvals or Federal permits were required. For more information related to the potential impacts to the coastal zone from dredging, refer to the consistency determination response regarding dredging in the section "Coastal Wetlands and Coastal Industrial Development" of this CD.</p> <p>Accidental events such as blowouts and oil spills can degrade coastal waters. These spills can come from sources such as platforms, pipelines, mobile offshore drilling units, and support vessels. Although the proposed lease sale area does not include Mississippi State waters, spills from pipelines transporting oil from offshore and oil spilled outside of the area could traverse into State waters. In addition, spillage of diesel fuel from support vessels during transit also could occur. Small spills (<1,000 barrels) are not expected to substantially impact water quality in coastal or offshore waters because the oil dissipates quickly through dispersion and</p>

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		<p>weathering while still at sea. A reasonably foreseeable larger spill ($\geq 1,000$ barrels), however, could impact water quality in coastal and offshore waters. In addition, activities to address oil spills may cause secondary impacts to water quality, such as the introduction of additional hydrocarbons into the dissolved phase through the use of dispersants and the sinking of hydrocarbon residuals from burning. Refer to Chapter 4.2 of the 2017-2022 GOM Multisale EIS, 2018 GOM Supplemental EIS, and GOM Lease Sales 259 and 261 Draft Supplemental EIS for more information regarding oil spill impacts to water quality.</p> <p>BOEM used historical spill rates (ABS Consulting, Inc., 2016) and the Oil Spill Risk Analysis model to estimate the number of spills and occurrence/contact probabilities that may be reasonably foreseeable as a result of GOM Lease Sale 259. The mean number and size of spills estimated to occur in OCS offshore waters from an accident related to rig/platform and pipeline activities supporting GOM Lease Sale 259 over a 50-year time period are found in the 2017-2022 GOM Multisale EIS and 2018 GOM Supplemental EIS (Table 3-18), as well as Chapter 3.3.1 of the GOM Lease Sales 259 and 261 Draft Supplemental EIS. The analysis found that the number of spills $\geq 1,000$ barrels estimated to occur is less than one.</p> <p>All new energy facilities located wholly or partially within the coastal area, including those located in Federal waters off Mississippi, and which require a Federal license or permit or a State agency permit, require consistency review, as applicable under 15 CFR part 930. The MCMP rules prohibit the discharge of produced waters, drilling muds and/or cuttings, and/or other discharges resulting from energy exploration or production activities to the coastal waters of Mississippi.</p> <p>The types of facilities addressed under this policy that could be used for potential lessees' activities include any onshore support operation that the State would require to use on-site sewage disposal systems. Of the onshore support facilities located in Mississippi, the facilities requiring their own sewage treatment are unknown. However, it is unlikely that the incremental increase in OCS oil- and gas-related activities would contribute to nonpoint-source pollution from onshore facilities in Mississippi and impacts to water quality would be anticipated to be minor.</p> <p>In coastal waters, bilge and ballast water may contain effluents and oil. Within coastal waters, bilge and ballast water may be discharged with an oil content of 15 parts per million or less (33 CFR § 151.10). Ballast water discharged from ships is one of the pathways for the introduction and spread of aquatic nuisance species. To address this issue, USCG's Ballast</p>

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		<p>Water Discharge Standard Final Rule establishes a standard for the allowable concentration of living organisms in ballast water discharged from ships in U.S. waters.</p> <p>Incidental vessel discharges are currently regulated by USEPA. The U.S Congress passed the Frank LoBiondo Coast Guard Authorization Act of 2018, which incorporates vessel permits under Title IX–The Vessel Incidental Discharge Act (VIDA) and which was signed into law on December 4, 2018. The VIDA establishes a new framework for the regulation of vessel incidental discharges under Section 312(p) of the CWA. The VIDA requires USEPA to develop performance standards for those discharges within 2 years of enactment and requires USCG to develop implementation, compliance, and enforcement regulations within 2 years of USEPA’s promulgation of standards.</p> <p>Under VIDA, all provisions of the Vessel General Permit (VGP) remain in force and effect until USCG’s regulations are finalized. Therefore, commercial (nonmilitary, nonrecreational) vessels greater than 79 feet (24 meters) in length must continue to comply with the requirements of the VGP, including submission of a Notice of Intent or retention of a Permit Authorization and Record of Inspection form and submission of annual reports. The VIDA legislation also repeals the Small Vessel General Permit (sVGP) so that any nonmilitary, nonrecreational vessels less than 79 feet (24 meters) in length that discharge ballast water, including commercial fishing vessels, and that were covered by the sVGP must now comply with the requirements of the VGP (USEPA, 2019).</p> <p>The USEPA first issued the VGP in 2008 and subsequently reissued it in 2013. The VGP provides for National Pollutant Discharge Elimination System permit coverage for incidental discharges into waters of the United States from commercial vessels greater than 79 feet (24 meters) in length and for ballast water from commercial vessels of all sizes. The USEPA estimates that approximately 61,000 domestically flagged commercial vessels and approximately 8,000 foreign flagged vessels require VGP permit coverage for such incidental discharges.</p> <p>The VGP regulates 26 specific discharge categories and contains numeric ballast water discharge limits for most vessels. The permit generally aligns with requirements contained within the 2012 USCG ballast water rulemaking. Additionally, the VGP contains requirements to ensure that ballast water treatment systems are functioning correctly and contain more stringent effluent limits for oil-to-sea interfaces and exhaust gas scrubber washwater (USEPA, 2019).</p>

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		<p>On October 26, 2020, the USEPA, in coordination with the USCG, published for public comment a proposed rule under VIDA (<i>Federal Register</i>, 2020b). The proposed rule would establish national standards of performance for marine pollution control devices for discharges incidental to the normal operation of primarily non-military and non-recreational vessels 79 feet (24 meters) or greater in length into the waters of the United States or the waters of the contiguous zone. The specific discharge standards of performance would establish requirements for 20 separate discharges incidental to the normal operation of a vessel. These discharge-specific requirements are based on best available technology economically achievable, best conventional pollutant control technology, and best practicable technology currently available, including the use of best management practices, to prevent or reduce the discharge of pollutants into the waters of the United States or the waters of the contiguous zone. The proposed standards, if finalized and implemented through corresponding USCG regulations addressing implementation, compliance, and enforcement, would reduce the discharge of pollutants from vessels and streamline the current patchwork of Federal, State, and local vessel discharge requirements.</p> <p>Impacts to Marine Mammals</p> <p>Some routine activities (i.e., vessel traffic, structure removals, and seismic activities) related to GOM Lease Sale 259 could negatively impact marine mammals; however, when mitigated as required by BOEM and the National Marine Fisheries Service (NMFS), these activities are not expected to have long-term impacts to the size and productivity of any marine mammal population.</p> <p>Accidental events (i.e., blowouts, oil spills, and oil spill response activities) associated with GOM Lease Sale 259 have the potential to cause adverse, but not population-level, impacts to marine mammals in the GOM. Given that reasonably foreseeable accidental spills as a result of GOM Lease Sale 259 are expected to be small in size (<1,000 barrels), have localized impacts, and be temporary in duration, impacts to marine mammals are not expected to reach a population-level effect.</p> <p>The cumulative analysis (i.e., marine debris, contaminant spills and spill-response activities, vessel traffic, noise, seismic surveys, and explosive structure removals) considers past, ongoing, and reasonably foreseeable human and natural activities that may occur and adversely affect marine mammals in the same area that may be affected by leases resulting from GOM Lease Sale 259. Considering GOM Lease Sale 259 and its impacts, which include limited OCS oil- and gas-related activities in the EPA, the incremental effect of leases resulting from GOM Lease Sale 259 on marine mammals is not expected to be population level when</p>

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		<p>compared with activities unrelated to the OCS Oil and Gas Program that contribute to cumulative impacts.</p> <p>The ESA-listed marine mammals are part of the ESA consultations held in conjunction with or contemporaneously with the 2017-2022 GOM Multisale EIS and 2018 GOM Supplemental EIS, which include analyses of GOM Lease Sale 259 in Chapter 4.9.1 of the 2017-2022 GOM Multisale EIS and 2018 GOM Supplemental EIS. The 2020 NMFS BiOp, amendment to Incidental Take Statement dated April 2021, and appendices and protocols can be found on NOAA's website (USDOC, NOAA, 2020a and 2020b). Refer to the consistency determination response regarding marine mammals as an endangered species in the section "Endangered Species" of this CD.</p> <p>Impacts to Sea Turtles</p> <p>The routine activities and reasonably foreseeable effects (e.g., operational discharges; noise generated by helicopter and vessel traffic, platforms, drillships, and seismic exploration; potential vessel interactions; explosive severance of structures; and marine debris) associated with GOM Lease Sale 259 could adversely affect sea turtles. Because of mitigations applied to GOM Lease Sale 259, activities are not expected to have long-term adverse effects on the size and productivity of any sea turtle populations in the GOM.</p> <p>The accidental activities (i.e., blowouts, oil spills, and oil spill response activities) associated with GOM Lease Sale 259 could adversely impact sea turtles depending on the magnitude and frequency of any accidents, the ability to respond to accidents, the location and season of accidents, and various oceanographic factors. Given that reasonably foreseeable accidental spills as a result of GOM Lease Sale 259 are expected to be small in size (<1,000 barrels), have localized impacts, and be temporary in duration, impacts to sea turtles are not expected to reach a population-level effect.</p> <p>The cumulative analysis (i.e., marine debris, contaminant spills and spill-response activities, vessel traffic, noise, seismic surveys, and explosive structure removals) considers past, ongoing, and reasonably foreseeable human and natural activities that may occur and adversely affect sea turtles in the same area that may be affected by leases resulting from GOM Lease Sale 259. In light of GOM Lease Sale 259 and its impacts, which include limited OCS oil- and gas-related activities in the EPA, the incremental effect of GOM Lease Sale 259 leases on sea turtles is not expected to reach population level when compared with activities unrelated to the OCS Oil and Gas Program that contribute to cumulative impacts.</p>

Enforceable Policies, Mississippi Code	Policy Scope	Consistency Determination
		<p>Sea turtles in the GOM are listed under the ESA and are part of the ESA consultations held in conjunction with or contemporaneously with the 2017-2022 GOM Multisale EIS and 2018 GOM Supplemental EIS, which include analyses of GOM Lease Sale 259 that can be found in Chapter 4.9.2 of the 2017-2022 GOM Multisale EIS and 2018 GOM Supplemental EIS. The 2020 NMFS BiOp, amendment to Incidental Take Statement dated April 2021, and appendices and protocols can be found on NOAA's website (USDOC, NOAA, 2020a and 2020b). Refer to the consistency determination response regarding sea turtles as an endangered species in the section "Endangered Species" of this CD.</p> <p>Impacts to Birds</p> <p>Overall, reasonably foreseeable impacts to birds from routine activities are expected to be adverse but not significant. Impacts resulting from lessees' routine activities could occur. Potential impacts include behavioral effects; exposure to or intake of OCS oil- and gas-related contaminants; disturbance-related impacts; chronic effects from air emissions; mortality and energetic costs associated with structure presence and associated lighting; and displacement of birds from habitats that are destroyed, altered, or fragmented, thus making these areas unavailable. Also, secondary impacts from pipeline and navigation canals to coastal habitats will occur over the long term and may temporarily displace birds to other habitats, if available. Existing protective measures, which consider extrapolated mortality analyses and expected reduction of reproductive success from each routine activity, suggest likely impacts would be negligible to minor.</p> <p>Accidental impacts could result from oil spills, spill cleanup, and discarded trash and debris. Impacts from reasonably foreseeable oil spills and the effects related to oil spill cleanup as a result of GOM Lease Sale 259 are expected to be adverse but not significant. Oil spills, irrespective of size, can result in some mortality as well as sublethal, short-term, and long-term effects; potential impacts include harm to food resources. Data from actual spills strongly suggest that impacts to a bird species' food supply typically are delayed after initial impacts from direct oiling. Of all the factors related to GOM Lease Sale 259 that affect birds, oil spills (and impacts from disturbances associated with cleanup) have the highest potential for impacts. Depending on the timing and location of the spill, even a small spill (<1,000 barrels) can result in considerable bird mortality. Small amounts of oil can affect birds, and mortality from oil spills often is related to numerous symptoms of toxicity. Sublethal, long-term effects of oil on birds have been documented previously, including changes to sexual signaling. Oil spill impacts to birds from lessees' activities are expected to be adverse, but not significant, given the number and relatively small size of spills (<1,000 barrels) expected over the 50-year analysis period. Accidental events would be expected to be moderate because of the impacts of a large oil spill</p>

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		<p>(≥1,000 bbl). Impacts of oil spill cleanup also are expected to be adverse, but not significant. Although not reasonably foreseeable, a catastrophic spill, depending on the timing, location, and size of the spill, could result in significant impacts to coastal and marine birds. Refer to the <i>Gulf of Mexico OCS Catastrophic Spill Event Analysis</i> technical report (USDOJ, BOEM, 2021) and Chapter 4.8 of the 2017-2022 GOM Multisale EIS, 2018 GOM Supplemental EIS, and GOM Lease Sales 259 and 261 Draft Supplemental EIS for more detailed analyses regarding coastal and marine birds and catastrophic spills. However, as noted, a catastrophic spill is not reasonably foreseeable for GOM Lease Sale 259.</p> <p>The cumulative impacts discussed in the 2017-2022 GOM Multisale EIS, 2018 GOM Supplemental EIS, and GOM Lease Sales 259 and 261 Draft Supplemental EIS include some of the following: air pollution; collision with anthropogenic structures; habitat loss or alteration from commercial and residential development; military activities; pollution of aquatic habitat; emerging non-native infectious diseases; predation by domestic cats; trash and debris; climate change (including sea-level rise); and ocean acidification. Due to the effects of emerging non-native infectious diseases (e.g., West Nile virus) on certain birds, major cumulative population-level impacts unrelated to OCS oil- and gas-related activities may be expected. Thus, the cumulative impacts for birds could be major for certain species when considering all potential stressors.</p> <p>Federally listed endangered or threatened birds are part of the U.S. Fish and Wildlife Service (FWS) ESA consultation held in conjunction with or contemporaneously with the preparation of Chapter 4.8 of the 2017-2022 GOM Multisale EIS and 2018 GOM Supplemental EIS, which both include analyses of GOM Lease Sale 259. The FWS issued a 10-year programmatic Biological Opinion (BiOp) for BOEM and BSEE's OCS oil- and gas-related activities in the GOM with no terms and conditions. Refer to the consistency determination response regarding ESA-listed endangered or threatened coastal and marine birds in the section "Endangered Species" of this CD.</p> <p>Impacts to Endangered Species</p> <p>The ESA, 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.</p>

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		<p>On April 20, 2018, FWS issued its 10-year BiOp for BOEM and BSEE's OCS oil- and gas-related activities in the GOM (including holding lease sales), which does not include any terms and conditions for the protection of endangered species that the Bureaus, lessees, or operators must implement. The FWS BiOp stated that any future consultations may be informal dependent upon the likelihood of take.</p> <p>On March 13, 2020, NMFS issued a BiOp and related terms and conditions and reasonable and prudent measures for future approvals of OCS oil- and gas-related activities (including lease sales) in the Gulf of Mexico for the protection of species listed as endangered or threatened under the ESA and under NMFS' jurisdiction. The NMFS' programmatic BiOp addresses any future lease sales and any future 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 NMFS' BiOp would be included in a proposed lease sale through lease stipulations; other specific Conditions of Approval (COA) would also be applied to post-lease approvals (e.g., permits and plans). The NMFS BiOp can be found online at https://www.fisheries.noaa.gov/resource/document/biological-opinion-federally-regulated-oil-and-gas-program-activities-gulf-mexico. The appendices and protocols can be found online at https://www.fisheries.noaa.gov/resource/document/appendices-biological-opinion-federally-regulated-oil-and-gas-program-gulf-mexico. The NMFS BiOp made a jeopardy determination concerning GOM Bryde's whales (now Rice's whale) due to the potential for vessel strikes for service vessels transiting the GOM Bryde's whale area (now Rice's whale), which is largely in the area of the Gulf of Mexico currently subject to Congressional moratorium. BOEM reviewed this analysis and found that the activities and effects from a proposed lease sale are not reasonably foreseeable as a result of a proposed action since service vessels expected to service leases issued as a result of a proposed lease sale are likely to use ports closer to the WPA and CPA, and are unlikely to transit across greater distances through the moratorium area to get to the leases. Nevertheless, BOEM notified NMFS in April 2021 that it was formally accepting the reasonable and prudent alternative for the GOM Bryde's whale (now Rice's whale) and, on May 7, 2021, NMFS accepted BOEM's approach and stated it would not need to further amend its BiOp to reflect that change. The NMFS had previously updated the 2020 BiOp and appendices in April 2021 to reflect other changes (the amended appendices can be found online at https://repository.library.noaa.gov/view/noaa/29355). In accordance with 50 CFR §§ 402.2 and 402.14(g)(8) and the 1998 consultation handbook, BOEM and BSEE are implementing the reasonable and prudent alternative to comply with Section 7(a) of the ESA and ensure that there is no jeopardy for the Rice's whale. BOEM and BSEE will also verify whether, for the few service-vessel routes on post-lease approvals that might travel through the</p>

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		<p>Rice's whale area, any additional post-lease mitigations are required. Therefore, a decision to hold a proposed lease sale is not expected to reduce appreciably the likelihood of both survival and recovery of the Rice's whales, and in the unlikely event that post-lease activities are proposed that could impact the Rice's whale, both BSEE and BOEM have the discretion to require additional mitigations at that time. The impacts to ESA-listed species from an oil and gas lease sale are addressed in Chapter 4.9 of the GOM Lease Sales 259 and 261 Draft Supplemental EIS, as well as in the 2017-2022 GOM Multisale EIS and 2018 GOM Supplemental EIS.</p> <p>BOEM petitioned NMFS for rulemaking under the MMPA to assist industry in obtaining incidental take coverage for marine mammals due to oil and gas deep-penetration seismic geological and geophysical surveys in the Gulf of Mexico. On January 19, 2021, NMFS published in the <i>Federal Register</i> (2021) its final "Incidental Take Regulation on Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico" as a result of the petition; the rule took effect on April 19, 2021. In April 2021, NMFS amended the Incidental Take Statement associated with the 2020 BiOp (which also served as the intra-service consultation for the rule). The amendment updated Appendices A and C to align with the regulation and updated the COAs developed since the release of the programmatic BiOp. The Appendices and COAs may be imposed on lessees and operators through compliance reviews associated with the Programmatic BiOp when lessees or operators submit requests for plans or permits, or through Letters of Authorization issued under the rule. Any additional mitigations applied by industry through the rule would only be expected to further reduce impacts already addressed in the 2017-2022 GOM Multisale EIS, 2018 GOM Supplemental EIS, and GOM Lease Sales 259 and 261 Draft Supplemental EIS. As the final incidental take regulation took effect on April 19, 2021, survey operators are now able to apply for Letters of Authorization.</p> <p>Based on the most recent and best available information at the time, BOEM and BSEE will continue to closely evaluate and assess risks to listed species and designated critical habitat in upcoming environmental compliance documentation under NEPA and other statutes. Refer to Chapter 5.2 of the GOM Lease Sales 259 and 261 Draft Supplemental EIS for more information.</p> <p>Impacts to Fisheries Refer to the consistency determination response regarding impacts to fisheries in the section "Fisheries Management" of this CD.</p>

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		<p>Impacts to Recreational Resources and Use Refer to the consistency determination response regarding recreational resources and use in the section “Transportation Activities” of this CD.</p>
Use of Coastal Water Resources	<p>The policy of the State of Mississippi is “to put to beneficial use to the fullest extent of which they are capable the water resources of the state, and to prevent the waste, unreasonable use, or unreasonable method of use of water” (MCMP, Chapter 2, Section 1, Goal #5).</p>	<p>Impact of OCS Oil- and Gas-Related Activities on Water Supply and Use Existing onshore infrastructure is expected to continue to be sufficient to handle any development associated with GOM Lease Sale 259. We anticipate that GOM Lease Sale 259 will not result in the construction of new onshore facilities. Refer to Chapter 3.1.7 of the 2017-2022 GOM Multisale EIS, Chapter 3.1.2.2. of the 2018 GOM Supplemental EIS, and Chapter 3.2.4 of the GOM Lease Sales 259 and 261 Draft Supplemental EIS. As for platforms, the freshwater used offshore is either supplied by onboard water makers utilizing a filter system, or by transporting the freshwater from an onshore location.</p>
Scenic, Historical, and Cultural Resources	<p>The policy of the State of Mississippi is “to preserve the state's historical and archaeological resources, to prevent their destruction, and to enhance these resources wherever possible” (MCMP, Chapter 2, Section 1, Goal #6).</p> <p>Further, the policy of the State is “to encourage the preservation of natural scenic qualities in the coastal area” (Mississippi Code, Section 57-15-6 (1)(d); MCMP, Chapter 2, Section 1, Goal #7).</p>	<p>Methods of Protecting Scenic, Historical, and Cultural Resources The OCS oil- and gas-related impacts to archaeological resources in coastal areas would most likely be the result of direct contact with pipelines or pipeline installation equipment, or during channel dredging. For more information on the potential impacts of pipeline installation and mitigation measures, refer to Chapter 4.13 of the 2017-2022 GOM Multisale EIS, 2018 GOM Supplemental EIS, and GOM Lease Sales 259 and 261 Draft Supplemental EIS. Any additional onshore construction, operation, or maintenance activities in or near Mississippi’s scenic or historical areas are subject to consideration and approval by the State of Mississippi through its coastal use permit requirements, and through the CWA Section 404 permit and RHA Section 10 permit, as applicable. Additionally, such activities would be subject to consistency review by the State of Mississippi under subpart D or E of 15 CFR part 930, if OCS plan approvals or Federal permits were required. For more information regarding the impacts of onshore development and lessees’ activities on scenic, historical, and cultural resources, refer to Chapter 4.13 of the 2017-2022 GOM Multisale EIS, 2018 GOM Supplemental EIS, and GOM Lease Sales 259 and 261 Draft Supplemental EIS.</p> <p>The protection of scenic, historical, and cultural resources in coastal areas will be ensured by the State of Mississippi through this coastal protection policy and by local government units through direct land use controls. The Mississippi Office of Historic Preservation implements the MCMP policies related to conserving historic coastal resources through the Mississippi Antiquities Law (Mississippi Code, 39-7-1 <i>et seq.</i>). Onshore historic and precontact resources, if affected by federally approved lessees’ post-lease activities, may be subject to additional</p>

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		<p>reviews and/or protections under Federal laws such as the National Historic Preservation Act, Antiquities Act, Archaeological Resources Protection Act, Archaeological and Historic Preservation Act, and Native American Graves Protection and Repatriation Act. Precontact refers to Native American archaeological sites or artifacts that date prior to the arrival of Europeans in North America beginning in the late 15th century A.D. This includes sites associated with the first humans to occupy areas of the Gulf Coast that are now submerged on the OCS. Historic resources are those that date to after European arrival in North America; on the Gulf of Mexico OCS, these include historic shipwrecks, aircraft, and a single historic lighthouse, the Ship Shoal Light.</p> <p>The OCS historic shipwrecks and precontact sites are protected by the implementation of operating regulations for archaeological surveys and reports. Archaeological surveys and clearances of sites, where they can be required by the Regional Director pursuant to BOEM regulation 30 CFR § 550.194(a)(2), are expected to be effective in identifying and protecting the archaeological resources within the areas surveyed and analyzed prior to bottom-disturbing activities. The State Office of Historic Preservation and the Advisory Council for Historic Preservation also will be given an opportunity to comment if an archaeological resource is identified on the OCS and cannot be avoided by lease activities.</p> <p>Potential Impacts to Scenic, Historical, and Cultural Resources from Marine Debris Debris may be displaced from platforms during storms or from vessels. Unless dropped debris causes a significant bottom disturbance, the physical impact of the debris to archaeological resources is likely to be negligible. Debris falling within the 1,320-foot (400-meter) clearance radius of platforms and the 600-foot (183-meter) clearance radius for well protectors and caissons are cleared upon decommissioning if trawling is used, as stated in under 30 CFR § 250.1741. Also, refer to the consistency determination response related to the impacts of marine debris in the section "Offshore Operations" of this CD.</p> <p>Oil Spill Probability and Impacts to Scenic, Historical, and Cultural Resources A reasonably foreseeable oil spill is unlikely to impact Mississippi's scenic, historical, and cultural resources given that released oil tends to rise quickly to the surface and that the average size of any spill would be small. A catastrophic oil spill, though not reasonably foreseeable, has the potential to impact Mississippi's scenic, historical, and cultural resources, including coastal beaches and dunes, precontact and historic archaeological resources, and natural biologically valuable areas. The GOM Lease Sales 259 and 261 Draft Supplemental EIS analyzed the reasonably foreseeable impacts that potential spills resulting from GOM Lease Sale 259 may have on archaeological resources (refer to Chapter 4.13 of the GOM</p>

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		<p>Lease Sales 259 and 261 Draft Supplemental EIS). In 2019, research was published on the potential impacts to coastal archaeological sites from oil spills, including the reduced effectiveness of certain artifact dating techniques due to hydrocarbon contamination (Rees et al., 2019). This research was a BOEM-funded study on the impacts of oil spills on archaeological resources along the Gulf Coast using Louisiana as an analog to others along the coastline.</p> <p>For additional information on the possible effects of potential lessees' activities on archaeological resources, refer to Chapter 4.13 of the 2017-2022 GOM Multisale EIS, 2018 GOM Supplemental EIS, and GOM Lease Sales 259 and 261 Draft Supplemental EIS.</p>
Fisheries Management	The policy of the State of Mississippi is "to protect, propagate and conserve the state's seafood and aquatic life in connection with the revitalization of the seafood industry of the State of Mississippi" (MCMP, Chapter 2, Section 4, Goal #3).	<p>Impacts to Fisheries</p> <p>Fisheries could be impacted through the loss of wetlands, which serve as nursery and foraging habitat essential to fish survival during juvenile stages of life. There is some contribution from OCS oil- and gas-related activities to wetland loss. Wetland conversion to open water would result in a permanent loss of nursery and foraging habitat for many commercial fish stocks.</p> <p>Seismic surveys are used in both shallow and deepwater areas of the GOM, although they primarily occur in deep water. Seismic surveys are limited in time and space, and the observed fish response is complex, likely depending upon many factors (e.g., species, previous exposure(s), habitat, and signal type, intensity, and duration). A recent study published by Meekan et al. (2021) assessed the impacts of a seismic survey on the assemblages of several commercially targeted demersal fish species, including a species in the same family as red snapper, using a large-scale experiment off the coast of Western Australia. Results indicated that no short-term (days) or long-term (months) impacts on the composition, abundance, size structure, behavior, and movement were measured a result of exposure. The multiple lines of evidence presented in this study suggest that seismic surveys have little impact on demersal fishes in tropical shelf environments similar to those in the northern GOM. As such, impacts to commercial and recreational fisheries are expected to be minimal.</p> <p>The proposed OCS oil- and gas-related activities have the potential to affect fish resources in the GOM, but these activities are federally regulated or mitigated, and the effects are generally small in scale when compared with other potential factors. There are many anthropogenic factors regulated by Federal and State agencies, and there are natural factors (e.g., tropical storms, low oxygen events, population, or recruitment fluctuations) that cannot be regulated. The natural variability in GOM fish populations due to factors, such as spawning success and juvenile survival, must also be considered. Overall, commercially and recreationally valuable fish and shellfish populations have remained viable in the GOM, but they require active</p>

Enforceable Policies, Mississippi Code	Policy Scope	Consistency Determination
		<p>management by the States, Gulf of Mexico Fishery Management Council, and NMFS to maintain or achieve sustainability.</p> <p>There could be minor and short-term space-use conflicts with fisheries. Lessees' activities could lead to low-level environmental degradation of fish habitat due to a slight decrease in water quality in localized areas, which could negatively impact fishing activity. However, these minor negative effects likely would be offset by the beneficial effect of oil and gas platforms serving as artificial reefs on the OCS. The degree to which decommissioned platforms are considered candidates for reuse in a State artificial reef program is dependent upon operator-requested waivers to regulatory removal requirements (i.e., BSEE's Rigs-to-Reefs policy). Recreational fishing benefits may be extended beyond the life of a platform if, when decommissioned, the structure is redeployed as artificial substrate within a State artificial reef program. The current paradigm posits that artificial reefs act as both fish-attracting and production-enhancing devices, depending upon the species and several other factors (Carr and Hixon, 1997; Gallaway et al., 2009; Shipp and Bortone, 2009; Dance et al., 2011). However, a determination of specific and cumulative impacts resulting from the construction of artificial reefs within permitted areas is very difficult and, to date, remains inconclusive.</p> <p>Refer to "Impacts to Fishing and Fish Habitat from Oil Spills" below in this section.</p> <p>Impacts to Essential Fish Habitat</p> <p>Pursuant to Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act, Federal agencies are required to consult with NMFS on any action that may result in adverse effects to essential fish habitat (EFH). Certain OCS oil- and gas-related activities authorized by BOEM may result in adverse effects to EFH, which therefore would require EFH consultation with NMFS.</p> <p>On June 8, 2016, BOEM sent NMFS an EFH Assessment for the period of 2017-2022, which initiated EFH consultation between BOEM and NMFS. The EFH consultation is now complete, with ongoing coordination between the agencies planned during the 2017-2022 period. Site-specific consultation may be conducted with NMFS for proposed activities outside the scope of the programmatic consultation. Refer to Chapter 5.8 of the 2017-2022 GOM Multisale EIS and 2018 GOM Supplemental EIS.</p> <p>BOEM's typical lease sale stipulations, regulations, and NTLs already incorporate many of the suggested EFH conservation recommendations developed by NMFS. In addition, BOEM may require mitigating measures as a condition of approval of a plan or permit (e.g., exploration,</p>

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		<p>drilling, development, production, and pipeline approvals and permits) to protect EFH. Because of these stipulations and other requirements, as well as the vast area of EFH in the GOM, lessees' activities would be expected to result in only minor impacts to EFH, and those impacts would be in localized areas.</p> <p>Impacts to Fisheries from Structure Decommissioning The removal of a platform from a particular site has the potential to damage or disperse the fish assemblages that often develop around OCS structures. Therefore, removals have the potential to affect fishing activity in a particular area. Gitschlag et al. (2001) conducted an analysis of the impacts to fish populations from the use of explosives during decommissioning activities. It is expected that structure removals would have a negligible effect on fish resources because these activities kill only those fish that are near the removal site. Therefore, impacts would be limited in geographic scope and not rise to any population-level impacts across the GOM generally. This assertion was recently supported by Gallaway et al. (2020) whose research indicated that the impacts of platform removals in the northern GOM are relatively minor (1% to 8% of the estimated stock abundance) for the red snapper, gray triggerfish (<i>Balistes capriscus</i>), vermilion snapper (<i>Rhomboplites aurorubens</i>), and cobia (<i>Rachycentron canadum</i>) at the current removal rate. In contrast, losses to greater amberjack (<i>Seriola dumerili</i>) could potentially represent 45 percent of the known stock. However, the authors speculate that the most recent stock assessment estimates of absolute abundance for greater amberjack in the GOM is inaccurate and needs further examination.</p> <p>As an alternative to removing an oil platform, BSEE's Rigs-to-Reefs policy provides a means by which lessees can request a waiver to removal requirements, provided an agreement exists for the structure to be accepted into an approved state artificial reef program. These programs allow for portions of oil platforms to remain in the water as artificial reefs after the productive life of a platform has ended.</p> <p>Impacts to Biologically Sensitive Areas BOEM protects biologically sensitive areas off the Mississippi coast, including shelf features (e.g., The Pinnacle Trend and other potentially sensitive biological features) and deepwater benthic habitats and communities (e.g., chemosynthetic and deepwater coral communities), typically through lease stipulations and case-by-case reviews of plans to ensure that activities do not impact them, as described in BOEM NTL Nos. 2009-G39 and 2009-G40, and in Chapters 4.6 and 4.4 of the 2017-2022 GOM Multisale EIS and 2018 GOM Supplemental EIS, and in the GOM Lease Sales 259 and 261 Draft Supplemental EIS under Alternative D. The removal of Topographic Features Stipulation blocks and Pinnacles and Low-Relief Features</p>

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		<p>Stipulation blocks from leasing would minimize impacts to these features by distancing OCS oil- and gas-related, bottom-disturbing activity from them. Distancing oil and gas operations from biologically sensitive areas prevents impacts from routine activities, including mechanical disturbance (e.g., structure, pipeline, and anchor emplacement), and drilling and operational discharges. The BSEE implements a similar distancing policy for pipeline emplacement and decommissioning activities (e.g., anchoring, vessel staging, and site-clearance verification).</p> <p>Impacts from routine activities, including bottom disturbance (e.g., structure, pipeline, and anchor emplacement) and discharges (e.g., construction and operational discharges subject to permits), are limited to the immediate zone surrounding the well or pipeline right-of-way. Bottom disturbance from anchor placement occurs within a few thousand meters of the well or pipeline, and BOEM ensures that seafloor disturbance is distanced from biologically sensitive areas through case-by-case, post-lease reviews of applications. Construction and operational discharges are regulated, and the post-lease reviews ensure such activity is distanced from biologically sensitive areas. Impact studies have documented that deepwater drill cuttings are generally limited in areal extent to approximately 1,000 meters (3,282 feet) from the source, with the greatest impact occurring 100-200 meters (328-656 feet) from a well, and that produced waters have the highest concentration within the direct mixing zone of the outfall, which would be distanced from biologically sensitive areas (Montagna and Harper, 1996; Kennicutt et al., 1996; Hart et al., 1989; Kennicutt, 1995; Continental Shelf Associates, 2004; Holdway, 2002; Burns et al., 1999; Gittings et al., 1992). Therefore, impacts from routine OCS oil- and gas-related activities are not expected to occur near the biologically sensitive areas off the Mississippi coast.</p> <p>Distancing operations from biologically sensitive areas also helps to protect the features from accidental events (e.g., surface and subsea oil spills). Those accidental events that are reasonably foreseeable from GOM Lease Sale 259 would tend to be small and of short duration. Refer to Chapter 3.2 of the 2017-2022 GOM Multisale EIS, 2018, and the GOM Lease Sales 259 and 261 Draft Supplemental EIS for greater detail on the spill sizes and types that may reasonably be expected as a result of GOM Lease Sale 259.</p> <p>If a spill were to occur, most released oil that is not chemically dispersed would typically be expected to float on the water's surface, quickly rise to the surface if released in the subsea, and/or disperse in the surrounding water. Surface oil would not generally be expected to physically mix to the depth of biologically sensitive areas. If chemical dispersants were approved for use during an accident, any chemically dispersed oil would likely be distributed throughout the water column where bacterial consumption would be expected. The result of</p>

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		<p>the biological consumption could be a thin flocculation layer that could settle on the biologically sensitive areas; however, any such impacts would decrease with distance from the release.</p> <p>Sources not related to oil- and gas-related activities that can affect biologically sensitive areas are more prevalent (i.e., natural factors and commercial fishing) because the OCS oil- and gas-related activities are mitigated by BOEM and BSEE. The OCS oil and gas factors are anticipated to represent only a small portion of overall potential impacts to biologically sensitive areas; therefore, the incremental contribution of a proposed action to the overall cumulative impacts is expected to be negligible.</p> <p>Impacts to Fishing and Fish Habitat from Oil Spills</p> <p>Because of the proximity of inshore spills to coastal habitats, these spills pose a greater potential threat than offshore spills. However, an inshore spill would be expected to be small, resulting in short-term, localized impacts. Benthic EFHs would have decreased effects from oil spills because of their depth and distance from OCS structures (due to stipulations, NTLs, and conditions of approval). For more information, refer to Chapters 4.3 (Coastal Habitats) and 4.6 (Live Bottom Habitats) of the 2017-2022 GOM Multisale EIS and 2018 GOM Supplemental EIS.</p> <p>A small oil spill (<1,000 barrels) should have limited impacts to commercial and recreational fishing activity due to the short-term duration of fishing closures and the availability of substitute fishing sites. If a spill occurs in commercial and recreational fishing areas, fishermen are anticipated to avoid the area of a well blowout or an oil spill. Fisheries closures may result from a large spill event (≥1,000 barrels), though such a spill is unlikely. Such closures could have short-term negative effects on fisheries catch and/or marketability, but decreased fishing pressure on annually harvested species may mitigate other potentially adverse effects resulting from an oil spill. However, the likelihood of such a large oil spill (≥1,000 barrels) is low. Most fish and shellfish species spend at least part of their life cycle in inshore waters, and this area, according to Oil Spill Risk Analysis calculations, is unlikely to be affected by a spill in the proposed lease sale area. Few adult offshore species would be affected, primarily because they are mobile and may avoid adverse conditions (Beyer et al., 2016). However, if exposed, the majority of adult fishes have mechanisms that allow them to efficiently metabolize hydrocarbons and excrete parent compounds and metabolites (Lee et al., 1972; Snyder et al., 2019). In contrast, eggs and larvae are generally more sensitive than adults and would be at an increased risk of exposure to oil present in surface waters and any subsequent physiological effects (National Research Council, 2005; Incardona et al., 2014; Pulster et al., 2020). Refer to</p>

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		<p>Chapter 4.10 of the 2017-2022 GOM Multisale EIS and 2018 GOM Supplemental EIS for a more detailed analysis and summary of fishery-related impacts due to accidental events.</p> <p>The majority of the northern GOM has been designated EFH for migratory fish species, some of which also use portions of the Atlantic Ocean during their migrations. Therefore, with the vast area used by the migratory species, the specific area where routine events occur, and the low probability and short-term nature of most accidental events, activities associated with GOM Lease Sale 259 would not be expected to alter the migratory patterns of these species nor result in population-level impacts.</p> <p>Impacts to Fisheries from Marine Debris and Trash</p> <p>Refer to the consistency determination response of impacts of marine debris in the section “Offshore Operations” of this CD. The various laws, regulations, and protocols described in that section help minimize the potential damage to fisheries from marine debris from OCS operations.</p> <p>In addition, potential gear losses from OCS obstructions and marine debris are compensated adequately by the Fishermen’s Contingency Fund, a fund authorized in the OCS Lands Act that compensates commercial fishermen for damages resulting from losses of fishing gear. BSEE regulations require identification of the location of subsea objects and the marking of equipment (30 CFR § 250.300(c)) to help establish liability for losses of fishing gear associated with offshore oil and gas operations, which assist in reducing the impacts to fisheries from marine debris and trash.</p>
Consideration of National Interest in Siting of Energy Facilities	<p>The MCMP provides that the policy of the State of Mississippi is “to consider the national interest involved in planning for and in the siting of facilities in the coastal area” (Mississippi Code, Section 57-15-6 (1)(C); MCMP, Chapter 4, Section 1, Goal #8).</p> <p>MCMP, Chapter 7, Section 1, and MCMP,</p>	<p>Federal offshore oil and gas leasing serves the national interest since energy production resulting from OCS development, among other things, helps reduce the Nation’s reliance on foreign imports and provides a significant revenue source to the U.S. Treasury and certain coastal states, including Mississippi (refer to GOMESA, Section 105). The MCMP, through this policy, recognizes the national interest in the development of coastal energy facilities, which may result from OCS offshore E&P. Under the CZMA, coastal-dependent uses, including energy facilities and associated service vessels, are given preference over other land uses within the coastal zone (refer to 16 U.S.C. § 1452). Through Mississippi’s coastal management policies and planning processes implemented in its coastal use permit program, the State can address energy facility siting and use within the coastal zone to protect coastal resources and preserve national energy interests.</p>

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	Chapter 9, Section 7, indicate that this policy is to apply to, although it is not limited to, the siting of energy facilities, including offshore oil and gas facilities.	<p>Impacts from Siting Energy Facilities in Mississippi's Coastal Area</p> <p>Existing onshore infrastructure is expected to be largely sufficient to handle any development associated with GOM Lease Sale 259, though the leases could contribute to the need for up to one (0 to 1) new pipeline landfall and up to one (0 to 1) new gas processing facility over the 50-year analysis period. Infrastructure projections reflect long-term industry trends and are not subject to rapid fluctuations. Chapters 3.1 and 4.14.1 of 2017-2022 GOM Multisale EIS provide a detailed discussion of the existing OCS oil- and gas-related coastal infrastructure.</p> <p>No new oil refineries are expected to be constructed as a result of GOM Lease Sale 259 leases. For many years, financial, environmental, and legal considerations have made it unlikely that new refineries would be built in the United States. There has been a trend toward constructing simple refineries instead of complex refineries. In the United States, the last new complex refinery started operating in 1977 in Garyville, Louisiana. In the GOM analysis area, a new simple refinery was constructed in 2014 in Galena Park, Texas (USDOE, Energy Information Administration, 2015).</p>

2.2 OTHER POLICIES AND PROVISIONS

BOEM has examined other provisions of the MCMP to determine whether they pertain to this sale. No additional provisions exist that involve exploration, development, and production facilities and/or activities that may result from GOM Lease Sale 259. All future facilities and/or OCS oil- and gas-related activities that may affect land and water uses or natural resources within the Mississippi coastal zone, although not expected, will be subject to State consistency certification review under 15 CFR part 930 subpart D or E and/or State-issued coastal use permits.

3 CONSISTENCY DETERMINATION

The previous chapters and Table 1 provide the necessary information and analyses to determine whether GOM Lease Sale 259 is consistent to the maximum extent practicable with the policies of the MCMP that Mississippi has identified as enforceable and determined in previous OCS lease sales as appropriate to analyze. This CD evaluates the consistency of GOM Lease Sale 259 with the MCMP policies and reasonably foreseeable future coastal effects from lease sale-related OCS oil- and gas-related activities likely to result after the lease sale. The CD also identifies reasonably foreseeable future facilities and activities that may occur on, or as a result of, leases sold in the GOM Lease Sale 259, based on reasonable estimates of E&P activities analyzed in the 2017-2022 GOM Multisale EIS, 2018 GOM Supplemental EIS, and GOM Lease Sales 259 and 261 Draft Supplemental EIS, and related future consistency reviews for such federally approved or permitted activities.

Leasing on the OCS does not convey rights to a lessee regarding the location of facilities or authorize any specific exploration, development, or production activities, other than ancillary activities as described in 30 CFR § 550.207. Those exploration, development, or production activities will be subject to Federal regulatory and State consistency certification reviews and/or State regulatory reviews, when the site-specific proposed activity's effects, whether direct or indirect, can be determined, and at which time the cumulative effects of other actions can be reviewed.

Based on the analyses in this CD and in the 2017-2022 GOM Multisale EIS, 2018 GOM Supplemental EIS, and GOM Lease Sales 259 and 261 Draft Supplemental EIS, BOEM has determined that GOM Lease Sale 259 will be consistent to the maximum extent practicable with the policies of the MCMP that the State of Mississippi has identified as enforceable. Nothing in the lease sale itself, nor in the design of the lease sale, would preclude post-lease activities from being consistent with the MCMP policies.

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