April 29, 2015

VIA Federal eRulemaking Portal

Mr. Gary D. Goeke
Chief, Environmental Assessment Section
Office of Environment (GM 623E)
Bureau of Ocean Energy Management
Gulf of Mexico OCS Region
1201 Elmwood Park Boulevard
New Orleans, LA 70123–2394

Re: Comments on Applications for G&G Permits in the Mid- and South Atlantic OCS

Dear Mr. Goeke:

This letter provides the comments of the International Association of Geophysical Contractors ("IAGC"), the American Petroleum Institute ("API"), and the National Ocean Industries Association ("NOIA") (collectively, the "Associations") in response to the Bureau of Ocean Energy Management's ("BOEM") request for comments on the pending Geological and Geophysical ("G&G") permit applications for the Mid- and South Atlantic Outer Continental Shelf ("OCS"). We appreciate BOEM's consideration of the comments set forth below.

I. THE ASSOCIATIONS

IAGC is the international trade association representing the industry that provides geophysical services (geophysical data acquisition, processing and interpretation, geophysical information ownership and licensing, and associated services and product providers) to the oil and natural gas industry. IAGC member companies play an integral role in the successful exploration and development of offshore hydrocarbon resources through the acquisition and processing of geophysical data. IAGC members have expressed interest in conducting geophysical activities on the Atlantic OCS, and some IAGC members have already filed applications for authorizations relating to such activities.

API is a national trade association representing over 625 member companies involved in all aspects of the oil and natural gas industry. API's members include producers, refiners, suppliers, pipeline operators, and marine transporters, as well as service and supply companies that support all segments of the industry. API and its members are dedicated to meeting environmental requirements, while economically developing and supplying energy resources for consumers.

NOIA is the only national trade association representing all segments of the offshore industry with an interest in the exploration and production of both traditional and renewable energy resources on the U.S. OCS. The NOIA membership comprises more than 325 companies engaged in a variety of business activities, including production, drilling, engineering, marine and air transport, offshore construction, equipment manufacture and supply, telecommunications, finance and insurance, and renewable energy.

II. COMMENTS

A. Contextual Background

BOEM's plan to authorize exploratory activities on the Atlantic OCS is consistent with the Outer Continental Shelf Lands Act, which mandates the "expeditious and orderly development" of the OCS "subject to environmental safeguards." 43 U.S.C. § 1332(3). BOEM currently estimates that the Mid- and South Atlantic OCS holds at least 4.72 billion barrels of oil and 37.51 trillion cubic feet of natural gas.[1] Although these estimates are impressive, it is widely believed that modern seismic imaging using the latest technology will enable BOEM to more accurately evaluate the Atlantic OCS resource base. The industry's advancements in geophysical technology—including specifically and primarily seismic reflection technology, but also complimentary gravity, magnetics, and electromagnetic technology—will provide more realistic estimates of the potential resource. By utilizing these tools and by applying increasingly accurate and effective interpretation practices, industry operators can better locate and dissect prospective areas for exploration. In short, seismic and other geophysical surveys are the only feasible technologies available to accurately image the subsurface before a single well is drilled. Allowing the pending geophysical survey proposals to proceed, subject to appropriate "environmental safeguards," facilitates—indeed, makes possible—the orderly development of the Mid- and South Atlantic OCS.

For the energy industry, modern geophysical imaging reduces risk by increasing the likelihood that exploratory wells will successfully tap hydrocarbons and decreasing the number of wells that need to be drilled in a given area, which reduces the overall footprint for exploration. Because survey activities are temporary and transitory, they are the least

[1] *See* http://www.boem.gov/Assessment-of-Oil-and-Gas-Resources-2014-Update/.

intrusive and most cost-effective means to understanding where recoverable oil and gas resources likely exist in the Mid- and South Atlantic OCS.[2]

In addition, more than four decades of worldwide seismic surveying and scientific research indicate that the risk of direct physical injury to marine life as a result of seismic survey activities is extremely low, and currently there is no scientific evidence demonstrating biologically significant negative impacts to marine life. As BOEM stated in its August 22, 2014 *Science Note*:

> To date, there has been no documented scientific evidence of noise from air guns used in geological and geophysical (G&G) seismic activities adversely affecting marine animal populations or coastal communities. This technology has been used for more than 30 years around the world. It is still used in U.S. waters off of the Gulf of Mexico with no known detrimental impact to marine animal populations or to commercial fishing.

Moreover, IAGC, together with the oil and gas industry, funds independent research to further our understanding of the effects of seismic surveys on marine life. This is helping to reduce uncertainties about the possible effects of seismic surveys. Some of this research, in addition to other frequently cited references regarding the effects of sound on marine life, is reviewed in the annotated bibliography included as Attachment A to this letter.[3]

B. Seismic Survey Activities in the Mid- and South Atlantic OCS Will Have, at Most, a Negligible Impact on Marine Mammals

During the administrative process related to BOEM's issuance of its Final Programmatic Environmental Impact Statement for Proposed G&G Activities on the Mid- and South Atlantic OCS ("PEIS"),[4] the Associations provided comments that, among other things, explained why BOEM's assessment of marine mammal impacts was flawed and why

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[2] Although different surveys for different purposes may cover the same general area, these surveys are spread out in space and in time. If two or more surveys occur in the same place over a period of time, they are generating different information, designed to appeal to specific, unique customer needs not met by other surveys.

[3] Additional technical information regarding different types of seismic surveys is provided in Attachment B.

[4] BOEM, *Final Programmatic Environmental Impact Statement for Proposed G&G Activities on the Mid- and South Atlantic OCS* (Mar. 2014).

some of the mitigation measures proposed by BOEM were unnecessary and impractical. The Associations incorporate those comments by reference, and we have included a copy of IAGC's comment letter to the final PEIS as Attachment C. We also provide the following information, which is intended to supplement the information and positions presented in the PEIS comments.[5]

1. BOEM's site-specific environmental assessments should provide an accurate evaluation of expected marine mammal impacts

As explained in our PEIS comments, BOEM's evaluation of potential marine mammal impacts at the programmatic level is flawed because it is premised upon an unrealistic scenario in which exploration activities are projected to result in thousands of incidental takes of marine mammals, which BOEM has definitively stated will not actually occur. Indeed, in its response to comments in the Record of Decision associated with the PEIS ("ROD"), BOEM states very clearly that "the numbers estimated for incidental take are higher than BOEM expects would actually occur." ROD at 12; *see also id*. ("the take estimates are based on acoustic and impact models that are by design conservative, which results in an over-estimate of take"). The supposed effects of this "worst case" hypothetical scenario are then addressed in the PEIS with mitigation measures, many of which are similarly unrealistic because they mitigate inaccurately presumed effects.

Setting aside our continuing disagreement with BOEM's approach to the evaluation of marine mammal impacts in the PEIS, we respectfully request that BOEM perform a proper NEPA analysis in its site-specific environmental assessments and evaluate the actual environmental impacts that are expected to occur. For the reasons stated in our comments on the PEIS, such an approach would be consistent with both the law and the best available science. *See* IAGC PEIS Comment Letter § II.A (Attachment C).

2. A 40-km buffer between surveys is unnecessary and impractical

The PEIS recommends an expanded 40-km buffer zone between concurrent seismic surveys "to provide a corridor between vessels conducting simultaneous surveys where airgun noise is below Level B thresholds and approaching ambient levels." PEIS at 2-37. In the PEIS, BOEM acknowledges that there is "uncertainty about [the] effectiveness" of a 40-km buffer requirement and, in its ROD, BOEM states that it will "assess the value of this measure in site-specific environmental analyses . . . and decide whether to include it as a

[5] Consistent with BOEM's commitment "to adaptive management and the modification of mitigations if warranted by the facts at the site-specific level" (ROD at 11), we encourage BOEM to reconsider the data and information presented in the Associations' comments on the final PEIS as well as the information presented in this comment letter.

condition of a permit or other authorization." ROD at 10. We reiterate that a 40-km buffer is unnecessary and impractical for the reasons stated in the Associations' comments on the PEIS. *See* IAGC PEIS Comment Letter § II.B.2. We also provide the following additional points, and request that BOEM consider this information, in addition to our PEIS comments, as it conducts its site-specific analyses.

Although seismic operations can be detected at great distances under certain oceanographic conditions and locations, so can sound waves generated by earthquakes and baleen whale calls.[6] The deep sound channel in the Atlantic OCS, often cited for the notion that sound from seismic operations can be detected outside of a survey's established exclusion zone, does not extend onto the continental shelf off the mid-Atlantic region. Furthermore, this notion is only applicable if protected species and marine animals are present in the deep sound channel to receive the higher levels of sound. Few species dive that deep in the areas of the Atlantic Ocean under consideration. In particular, baleen whale species of greatest concern are not known to be present in waters at those depths.

The seismic sound source is engineered to direct its energy downward, rather than laterally, which the National Marine Fisheries Service ("NMFS") has admitted is itself a mitigation measure.[7] For any energy that is transmitted laterally, the signal strength decreases rapidly, well below the thresholds NMFS has established for Level B harassment and at such low frequency that it does not cause injury to marine mammals.[8] Consistent with this information, what evidence there is of potential behavioral disturbance from seismic operations suggests minor and transitory effects, such as temporarily leaving the survey area, and these effects have not been linked to negative or biologically significant impacts on marine mammal populations.

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[6] Nieukirk, S.L., Mellinger D.K., Moore S.E., Klinck K., Dziak R.P., and Goslin J. 2012. Sounds from airguns and fin whales recorded in the mid-Atlantic Ocean, 1999-2009. J. Acoust. Soc. Am. 131(2):1102-1112; Munk W., Worcester P., and Wunsch C. 1995. Ocean Acoustic Tomography. Cambridge U Press, Cambridge, UK.

[7] *See New Jersey v. National Science Foundation*, 3:14-cv-0429 (D. N.J.), Federal Defendants' Brief in Opposition to Plaintiffs' Motion for Declaratory and Injunctive Relief at 25 (July 7, 2014).

[8] Richardson W.J., Greene Jr. C.R., Malme C.I., and Thomson D.H. 1995. Marine Mammals and Noise. Academic Press, NY. *See also* Acoustic Ecology Institute, *Seismic Surveys at Sea: The contributions of airguns to ocean noise.* August 2005 (An air source array with a source level of 200 – 230 dB "drops quickly to under 180 dB (usually within 50- 500 m depending on source level and local conditions), and continues to drop more gradually over the next few kilometers, until leveling off at somewhere near 100 dB.").

Neither BOEM nor NMFS has yet to provide any scientifically supported rationale for the proposed 40-km buffer. Instead, the PEIS concluded the measure "would only potentially slightly reduce acoustic impacts on marine mammals, sea turtles, and other marine biota," but even then, the effectiveness of the measure is uncertain. ROD at 6. Accordingly, we respectfully request that BOEM decline to adopt the 40-km buffer zone in site-specific environmental assessments and, instead, recommend either no buffer zone or, alternatively, a 17.5-km buffer zone, consistent with standard practice and the best available science. *See* IAGC PEIS Comment Letter § II.B.2.

3. New research demonstrates that seismic impulses have insignificant effects on dolphins

The PEIS recommends a mitigation measure calling for the shutdown of operations if a dolphin enters the acoustic exclusion zone, unless the dolphin is determined by the observer to be voluntarily approaching the vessel. PEIS at 2-11. In our comments on the PEIS, we provided substantial information demonstrating that this proposed measure is contrary to the best available science, impractical, and otherwise unsupported. In those comments, we also directed BOEM to current research being conducted with the support of the E&P Sound and Marine Life Joint Industry Program to study the effects of multiple airgun pulses in odontocetes and, specifically, to study whether bottlenose dolphin exposure to airgun impulses results in temporary threshold shift ("TTS").[9] *See* IAGC PEIS Comment Letter § II.B.1. As the public abstract from the study states, "subjects participated in over 180 exposure sessions with no significant TTS observed at any test frequency, for any combinations of range, volume or pressure during behavioral tests."[10] This research will be published very soon in a peer-reviewed scientific journal.[11] We will provide the published paper to BOEM promptly upon its publication, and we request that it be included in the administrative record and considered by BOEM during the permitting process.

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[9] James J. Finneran et al., *Final Report* (2013). TTS in odontocetes in response to multiple airgun impulses. (The Associations understand that a copy of this Final Report was provided by the author to NMFS.)

[10] C.E. Schlundt et al., *Auditory Effects of Multiple Impulses from a Seismic Airgun on Bottlenose Dolphins*, presentation at the Effects of Noise on Aquatic Life Third International Conference, Budapest, Hungary (Aug. 11-16, 2013). The results of this study also are useful to support inclusion of frequency weighting in updated acoustic criteria.

[11] Finneran J.J., Schlundt C.E., Branstetter, B.K., Trickey, J.S., Bowman, V., and Jenkins, K. Effects of multiple impulses from a seismic air gun on bottlenose dolphin hearing and behavior. Submitted to J. Acoust. Soc. Am. (in review).

Additionally, PSO observation reports continue to indicate that there is no statistically significant difference between the frequency of dolphin sightings and acoustic detections during seismic operations, whether the source is active or silent. Enclosed with this letter as Attachment D is an updated version of an attachment to IAGC's PEIS comments, which includes additional data confirming this conclusion.

In sum, the proposed dolphin shutdown mitigation measure would broadly and substantially impact seismic operations without any corresponding environmental benefit and without any scientific support. For the reasons presented in this letter and in our comments on the PEIS, the Associations respectfully request that BOEM make an express finding that this recommended measure is unsupported and unnecessary.[12] In conjunction with this finding, we also request that BOEM clarify that shutdown is not required for dolphins within the exclusion zone in <u>all</u> circumstances, regardless of whether dolphins are exhibiting bow-riding behavior or any other behavior.

4. BOEM should modify the proposed 60-minute "all clear" requirement

The PEIS recommends that monitoring of the exclusion zone shall "begin no less than 60 min prior to start-up" and that restarting of equipment after a shutdown "may only occur following confirmation that the exclusion zone is clear of all marine mammals and sea turtles for 60 min." PEIS at C-29. As explained in our comments on the PEIS, this proposed measure is unprecedented and without factual or scientific support. Specifically, IAGC provided numerous examples confirming that the routine, and proven-to-be-effective, practice is to require 15- and 30-minute "all clear" periods—for marine mammals <u>and for ESA-listed species</u>. *See* IAGC PEIS Comment Letter § II.B.3. In its ROD, BOEM provides no substantive response to this indisputable information. Indeed, since the ROD was issued, additional MMPA incidental take authorizations that include 15- and 30-minute "all clear" periods have been proposed by NMFS.[13]

We sincerely hope that BOEM will reconsider this proposed requirement and work with NMFS to ensure that a reasonable 15- / 30-minute "all clear" requirement is included in the federal authorizations related to seismic activities in the Atlantic Ocean, consistent with

[12] Although BOEM notes that this and other measures were addressed in the draft PEIS, it still must consider comments on these measures as part of its site-specific analyses for the proposed surveys, and it may adjust mitigation requirements based upon those analyses.

[13] *See, e.g.*, 80 Fed. Reg. 9510, 9524 (Feb. 23, 2015) (proposed Cook Inlet incidental take authorization calling for a 15-minute "all clear" period for small odontocetes and pinnipeds and a 30-minute "all clear" period for large odontocetes); 80 Fed. Reg. 20,084, 20,097 (Apr. 14, 2015) (same provision for proposed Beaufort Sea incidental take authorization).

the well-supported current practice. Expanding the standard 15- / 30-minute "all clear" period to 60 minutes will substantially increase the duration and cost of seismic surveys, which, in turn, increases potential risks. *See* IAGC PEIS Comment Letter § II.B.3.[14]

5. There will be no cumulatively significant impact from the proposed surveys

As stated in our PEIS comments, there has been no demonstration of population level effects to marine life from seismic or other geophysical survey activity, individually or cumulatively. BOEM expressly recognizes this fact in its August 22, 2014 *Science Note*, in which it states that "[w]ithin the [Gulf of Mexico Central Planning Area] . . . there is a long-standing and well-developed OCS Program (more than 50 years); there are no data to suggest that activities from the preexisting OCS Program are significantly impacting marine mammal populations." BOEM similarly concluded in its March 9, 2015 *Science Note* that there has been "no documented scientific evidence of noise from air guns used in geological and geophysical (G&G) seismic activities adversely affecting animal populations." Moreover, BOEM has spent more than $50 million on protected species and noise-related research without finding evidence of adverse effects. The geophysical and oil and gas industries, the National Science Foundation, the U.S. Navy, and others have spent a comparable amount on researching impacts of seismic surveys on marine life and have found no evidence of cumulatively significant effects. In short, for the reasons stated in our comments on the PEIS, and as consistent with the well-established record and BOEM's public findings, there will be no cumulatively significant impact from the surveys that have been proposed for the Mid- and South Atlantic OCS.

C. Seismic Survey Activities in the Mid- and South Atlantic OCS Will Have, at Most, a Negligible Impact on Fish Populations and Fish Habitat

As part of the G&G permitting process in the Atlantic OCS, site-specific environmental assessments will include an Essential Fish Habitat ("EFH") assessment to determine whether the specific activity and location would cause a significant adverse effect

[14] The impact of this and other measures addressed by the Associations is magnified when coupled with the proposed expanded exclusion zones. The Associations reiterate their previous comments that exclusion zones should be based on the best available science, including when the science demonstrates that an exclusion zone of less than 500 m is appropriate. If the minimum 500 m exclusion zone requirement is not applied, IAGC would support the incorporation of power-down procedures to mitigate any potential effects, as described in IAGC's PEIS comments. *See* Attachment C, footnote 21; *see also, e.g.*, 80 Fed. Reg. at 9524 (Cook Inlet proposed incidental take regulations); 80 Fed. Reg. at 20,097 (Beaufort Sea proposed IHA); 80 Fed. Reg. 14,913, 14,928 (Mar. 20, 2015) (Cook Inlet Proposed IHA); 79 Fed. Reg. 36,730, 36,735 (June 30, 2014) (Notice of Issuance of Beaufort Sea IHA).

to fisheries and EFH. Because the sound output from a seismic survey is immediate and local, there is no contaminate residue or destruction of habitat, and therefore no significant adverse effect to EFH. For the reasons set forth below, seismic survey activities will also not result in any significant adverse effects to fish populations or to fisheries.

Marine seismic surveys have been conducted since the 1950s and experience demonstrates that fisheries and seismic activities can and do coexist. There has been no observation of direct physical injury or death to free-ranging fish caused by seismic survey activity, and there is no conclusive evidence showing long-term or permanent displacement of fish. Any impacts to fish from seismic surveys are short term, localized, and not expected to lead to significant impacts on a population scale.[15]

Seismic source vessels move along a survey tract in the water creating a line of seismic impulses. As the seismic source vessel is in motion, each signal is short in duration, local, and transient. Since seismic surveys are a moving sound source, any impacts to fish are inherently local and short term, potentially causing a localized reduction in fish abundance within close proximity to the seismic source.[16] There is no conclusive evidence,

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[15] *See* Attachment A; *see also* Science for Environment Policy, Future Brief: Underwater Noise, European Commission, June 2013: http://ec.europa.eu/environment/integration/research/newsalert/pdf/FB7.pdf; "Stocks at a Glance – Status of Stocks" 2011, U.S. Department of Commerce, NOAA: www.nmfs.noaa.gov/stories/2012/05/05_14; Boeger, W.A., Pie, M.R., Ostrensky, A., Cardoso, M.F., 2006. The Effect of Exposure to Seismic Prospecting on Coral Reef Fishes; Brazil. J. Oceanogr. 54, 235-239; 3D marine seismic survey, no measurable effects on species richness or abundance of a coral reef associated fish community. Mar. Pollut. Bull. (2013), http://dx.doi.org/10.1016/j.marpolbul.2013.10.031; Hassel, A., Knutsen, T., Dalen, J., Skaar, K., Lokkeborg, S., Misund, O.A., Osten, O., Fonn, M., Haugland, E.K., 2004. Influence of seismic shooting on the lesser sand eel. ICES J. Mar. Sci. 61, 1165-1173; Pena, H., Handegard, N.O. and Ona, E. 2013. Feeding herring schools do not react to seismic air gun surveys. ICES J. Mar. Sci, http://icesjms.oxfordjournals.org/content/70/6/1174.short?rss=1; Saetre, R. and E. Ona, 1996. Seismic investigations and damages on fish eggs and larvae; an evaluation of possible effects on stock level. Fisken og Havet 1996:1-17, 1-8.

[16] Although some studies have shown that various life stages of fish and invertebrate species can be physically affected by exposure to sound, in all of these cases, the subjects were very close to the seismic source or subjected to exposures that are virtually impossible to occur under natural conditions. For example, frequently cited experimental studies such as Skalski et al. (1992), Lokkeborg et al. (2010), Engas (1996), and Wardle (2001) employed artificially concentrated sound within hundreds of meters of the fish under observation and the fishing vessels. As Lokkeborg et al. (2012) noted in a recent review of the literature, "Seismic air gun emissions distributed over a large area may thus produce lower sound

(continued . . .)

however, showing long-term or permanent displacement of fish. Similar seismic surveys conducted for research in the Atlantic OCS in the past did not result in any detectable effects on commercial or recreational fish catch, based on a review of NMFS's data from months surveys were conducted, which noted that "there was absolutely no evidence of harm to marine species" (including fish).[17] Additionally, in the Gulf of Mexico, where G&G activities have routinely occurred for over 40 years, seafood harvested from the OCS is worth approximately $980 million annually and the fishing industry directly supports in excess of 120,000 jobs, suggesting that G&G activities can occur without negatively impacting commercial fisheries.

Finally, seismic and other geophysical surveys also do not result in closing areas to commercial or recreational fishing. During surveys, the survey crews work diligently to maintain a vessel exclusion zone around the survey vessel and its towed streamer arrays to avoid any interruption of fishing operations, including the setting of fishing gear. As with all combined uses of offshore waters, there must be a certain level of coordination by all parties. At sea, coordination is regulated by the U.S. Coast Guard under the International Regulations for Preventing Collisions at Sea, requiring a Local Notice to Mariners specifying survey dates and locations. BOEM has concluded that "there is only a limited potential for space-use conflicts between G&G activities and commercial fishing operations within the area of interest" and any impacts "would be intermittent, temporary, and short term." PEIS at 4-160, 4-161.

III. CONCLUSION

As explained above, the performance of seismic and other geophysical surveys is critical to the federally mandated "expeditious and orderly development" of the Mid- and South Atlantic OCS. A wealth of data and information demonstrates that these surveys will have no more than a temporary, localized, and negligible impact on marine life. The Associations respectfully encourage BOEM to proceed with approving the pending permit applications and to work with NMFS to ensure that only reasonable, well-supported, and effective mitigation measures are included as conditions of the permits and the related federal authorizations.

(. . . continued)
exposure levels and thus have less impact on commercial fisheries." As another example, Aguilar de Soto (2013) exposed scallop larvae to noise at loud volume for up to 90 hours at a distance of 9 centimeters, which is virtually impossible to occur outside of experimental settings.

[17] *New Jersey v. National Science Foundation*, No. 3:14-cv-0429 (D. N.J.), Federal Defendants' Brief in Opposition to Plaintiffs' Motion for Declaratory and Injunctive Relief at 25-26, citing Exhibit D, Higgins Decl. ¶ 21, Exhibit D, Mountain Decl. ¶ 8 (July 7, 2014).

We appreciate your consideration of our comments. Should you have any questions, please do not hesitate to contact Nikki Martin at (713) 957-8080.

Sincerely,

Nikki Martin
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Vice President, Government and Legal Affairs

Andy Radford
American Petroleum Institute
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ATTACHMENT A

ANTHROPOGENIC SOUND AND IMPACTS TO MARINE LIFE:
An Annotated Bibliography of Selected & Frequently Cited References

IAGC, together with the oil and gas industry, funds independent research to further our understanding of the effects of seismic surveys on marine life. This is helping to remove uncertainties about the possible effects of seismic surveys. Some of this research, in addition to other frequently cited references regarding the effects of sound on marine life, is reviewed in the attached annotated bibliography.

More than four decades of worldwide seismic surveying and scientific research indicate that the risk of direct physical injury to marine life is extremely low, and currently there is no scientific evidence demonstrating biologically significant negative impacts to marine life. As BOEM stated in its August 22, 2014 *Science Note*, "To date, there has been no documented scientific evidence of noise from air guns used in geological and geophysical (G&G) seismic activities adversely affecting marine animal populations or coastal communities. This technology has been used for more than 30 years around the world. It is still used in U.S. waters off of the Gulf of Mexico with no known detrimental impact to marine animal populations or to commercial fishing."

There has been no observation of direct physical injury or death to free-ranging fish caused by seismic survey activity, and there is no conclusive evidence showing long-term or permanent displacement of fish. Any impacts to fish from seismic surveys are short-term, localized and are not expected to lead to significant impacts on a population scale or to commercial and recreational fishing activities.

The seismic sound source is engineered to direct its energy downward, rather than laterally. For any energy that is transmitted laterally, the signal strength decreases rapidly and would not cause injury to marine mammals. Research indicates that in-water sounds received at 110-90 dB SPL are comparable to a whisper or soft speech, even if it travels hundreds or thousands of kilometers in water. In some areas, such as the busy ports of the Atlantic coast, ambient sound in the frequencies produced by seismic sources may be as high as 110-120 dB due to ship noise, thereby masking any additional contribution from distant seismic surveys. What evidence there is of potential behavioral disturbance from seismic operations suggests minor and transitory effects, such as temporarily leaving the survey area, and these effects have not been linked to negative biologically significant impacts on populations.

More information on our commitment to science can be found at www.soundandmarinelife.org.

ANTHROPOGENIC SOUND AND IMPACTS TO MARINE LIFE:
An Annotated Bibliography of Selected & Frequently Cited References

Aguilar de Soto N, Delorme N, Atkins J, Howard S, Williams J, Johnson M. 2013. Anthropogenic noise causes body malformations and delays development in marine larvae. Scientific Reports 3, 2831. DOI 10: 1038/srep02831. www.nature.com/scientificreports.

Purports to demonstrate that airgun sound affects development of scallop larvae at levels of 160 dB SPL or lower. But the work has many flaws; an unrealistically long sound, played at much shorter than normal intervals for as much as 90 hours continuous. The sound source used in the experiment was not able to accurately replicate the actual seismic sound and was placed only 9 cm from the test subjects, producing large particle displacement effects of 4-6mm/s velocity, comparable to an SPL of 195 dB SPL. The latter value translates to a distance of a few hundred meters from an actual source, not the hundreds of square kilometers postulated by the authors. The best laboratory culture methods typically yield some variation in survival and development, but this study reported perfect scores for all controls at all stages. The work needs to be replicated by an independent and expert experimentalist.

André M, Solé M, Lenoir M, Durfort M, Quero C, Mas A, Lombarte A, van der Schaar M, López-Bejar M, Morell M, Zaugg S, and Houégnignan L. 2011. Low-frequency sounds induce acoustic trauma in cephalopods. Front Ecol Environ 2011; doi: 10.1890/100124. www.frontiersinecology.org. The Ecological Society of America.

Another study where it is difficult to know what to make of the data because of the way the sound was presented and measured. The reported received level is 157 dB re 1 µPa, so one can presume that the measurement is of pressure, but whether this is averaged, spectrum level, total energy under the envelope is unclear. Levels up to 175 dB re 1 µPa are also reported but it is not clear if that is a single frequency peak or whether the received levels fluctuated around 157 dB to as high as 175 dB. Thus the actual exposure history as SEL for the two hours of exposure is unknown. The sound source is in air and its properties are not provided. Given the impedence mismatch of water the source would have had to be extremely loud to get as much as 157-175 dB SPL into the water. Squid do not have swim bladders or air spaces associated with the ears, so the appropriate value to report is actually particle velocity. This is especially true since the containers were so much smaller than the wavelengths of sound in water at those frequencies (4-30 meters). The sound field inside the containers is bound to be complex and should have been measured. What is most probable is that the squid experienced considerable vibratory motion for two hours, leading to the damage observed; damage that could have never occurred in an open water environment where pressure and particle velocity would never be experienced at those levels for that duration.

Bartol, S.M. and Bartol, I.K. 2011. Hearing Capabilities of Loggerhead Sea Turtles (Caretta caretta) throughout Ontogeny: An Integrative Approach involving Behavioral and Electrophysiological Techniques. Final Report, JIP Grant No.22 07-14. Available online at http://www.soundandmarinelife.org/research-categories/physical-and-physiological-effects-and-hearing/hearing-capabilities-of-loggerhead-sea-turtles-throughout-ontogeny.aspx

Bolle LJ, de Jong CAF, Bierman SM, van Beek PJG, van Keeken OA, Wessels PW, van Damme CJG, Winter HV, de Haan D, Dekeling RPA. 2012. Common Sole Larvae Survive High Levels of Pile-Driving Sound in Controlled Exposure Experiments. PLoS One 7(3): e33052. Doi 10:1371/journal.pone.0033052.

This is a well-designed and properly measured sound exposure experiment, although claims that recordings played from a speaker are able to replicate the impulse time amplitude signature should always be treated with skepticism. Exposures up to 206 dB SEL_{cum} did not produce mortality, with single strike SELs of 186 dB and zero to peak pressures of 32 kPa, erroneously reported as 210 dB re 1µPa^2 in the abstract.

Booman, C., Dalen, J., Leivestad, H, Levsen, A., van der Meeren, T. and Toklum, K. 1996. Effects from airgun shooting on eggs, larvae, and fry. Experiments at the Institute of Marine Research and Zoological Laboratorium, University of Bergen. (In Norwegian. English summary and figure legends). Fisken og havet No. 3. 83 pp. as reviewed in:

Dalen, J, Dragsund E, Næss A, and Sand O. 2007. Effects of seismic surveys on fish, fish catches and sea mammals. Report for the Cooperation group – Fishery Industry and Petroleum Industry, Report No. 2007-0512. Available at https://www.norskoljeoggass.no/PageFiles/6574/Effects%20of%20seismic%20surveys%20on%20fish,%20fish%20catches%20and%20sea%20mammals.pdf?epslanguage=no

Observed effects on eggs and larvae only extended 1 to 5 meters from a full seismic array, suggesting that powerful particle motion effects were responsible for damaging the microscopic eggs and larvae. The net effect would be a pencil line damage zone in the wake of the array that would conceivably account for some tiny fraction of 1% of pelagic eggs and larvae distributed in the larger region of interest. Considering that more than 99% of eggs and larvae typically never make it to adulthood, this is an inconsequential effect compared to predation, disease and many other natural density-dependent or density independent causes of mortality.

Castellote, M., Clark, C.W., and Lammers, M.O. 2012. Acoustic and behavioural changes by fin whales (*Balaenoptera physalus*) in response to shipping and airgun noise. Biological Conservation 147: 115–122.

The authors make a slim statistical case that calls were altered by the presence of shipping noise and in one case a seismic survey. Measured and modeled acoustic data in the Straits of Gibraltar, a very unusual acoustic environment, were extrapolated as a more general case to predict effects of seismic on fin and other related whales generally. This speculation should be supported with data. Inferences of whale displacement by sound were from reductions in numbers of vocalizations, not actual observed movement or changes in distribution.

Engås A, Løkkeborg S, Soldal AV, and Ona E. 1996a. Comparative fishing trials for cod and haddock using commercial trawl and longline at two different stock levels. J Northw Atl Fish Sci 19: 83-90. http://journal.nafo.int.

Commercial bottom trawl and longline vessels fished 7 days before, 5 days during, and 5 days after a seismic survey was conducted in the area. Acoustic surveys of fish populations were also conducted, along with a sampling bottom trawl of different dimensions and mesh size than the commercial trawl. Only before and after data were analysed in this paper; "during" data were omitted but are reported in Engås et al (1996b). Because multiple fishing methods were employed on two species of fish, the matrix of data are somewhat complicated: generally, catches declined, smaller fish were caught after the seismic survey, and the ratio of haddock to cod increased after survey. It is difficult to know what to make of the results given the number of uncontrolled and possibly contributing variables that could have confounded the results, including the unusual prolonged proximity of survey vessels to fishing, and the amount of continuous fishing in one place that may have contributed to reduced catches and smaller size fish being caught over time.

Engås A, Løkkeborg S, Ona E, and Soldal AV. 1996b. Effects of seismic shooting on local abundance and catch rates of cod (Gadus morhua) and haddock (Melanogrammus aeglifinus). Can J Fish Aquat Sci 53:2238-2249.

Same study as above but includes data during the survey and more spatial information showing the effects described above tended to be greatest near the seismic survey and less out to the borders of the study area. An independent re-analysis of the data (JRHGeo, unpublished) suggest a different interpretation of declining catches during the before-exposure period suggestive of depletion of stocks within the unusually heavy, concentrated fishing effort within the test area, followed by clearly decreased catches within 1 km of the survey but smooth decline through pre- and during exposure periods, suggesting little to no effect beyond 1 km. In the 5 days following seismic survey there is a rebound of catch at both the < 1 km and 1-3 km ranges, which suggests that there may have indeed been an effect from the seismic sound on catches, but catches recovered immediately afterward, confounded by the ongoing 10-15 days of continuous intensive fishing in the area. The re-analysis suggests that the data may have been confounded by variables other than sound, and that the original clearcut conclusions in Engas et al 1996a,b are perhaps not quite as pronounced as initially stated.

Finneran J.J., Schlundt C.E., Branstetter, B.K., Trickey, J.S., Bowman, V., and Jenkins, K. (2013). Temporary threshold shift (TTS) in odontocetes in response to multiple air gun impulses. Final Report for JIP Project 2.1.1., 51 pp. Available online at http://www.soundandmarinelifejip.org/index.php?doc=docmeta&id=3695

Finneran J.J., Schlundt C.E., Branstetter, B.K., Trickey, J.S., Bowman, V., and Jenkins, K. (in review). Effects of multiple impulses from a seismic air gun on bottlenose dolphin hearing and behavior. Submitted to J. Acoust. Soc. Am.

Gross JA, Irvine KM, Wilmoth S, Wagner TL, Shields PA and Fox JR . 2013. The Effects of Pulse Pressure from Seismic Water Gun Technology on Northern Pike. *Trans Am Fish Soc* 142: 1335-1346. ISSN: 0002-8487 print / 1548-8659 online DOI: 10.1080/00028487.2013.802252.

The study assessed the probability of mortality of pike (freshwater) when exposed to two pulses at 3, 6 and 9 meters distance from either a 343 cu in water gun or a 120 cu in water gun, both pressurized at 2000 psi. Measures of peak and peak to peak pressure were made as well as $SEL_{cum.}$ SEL_{cum} was used as the metric for effects in most of the results and discussion since it seemed to correlate best with levels of injury and mortality. Mortality within 72-168 hours was correlated with SELs in excess of 195 dB. Gas bladder rupture was observed at 199 dB SEL; 100% of fish at 3-6 meters and 87% of fish at 9 meters. Given the history of water guns producing greater injury and mortality than airguns, these results with two pulses from good sized single guns, indicate that fish would need to be within a few meters of a single airgun or full array to achieve comparable effects.

Harrington JJ, McAllister J, and Semmens JM. 2010. Assessing the short term impact of seismic surveys on adult commercial scallops (Pecten fumatus) in Bass Strait: Final Report. Tasmanian Aquaculture and Fisheries Institute, U. of Tasmania

Scallops were sampled from control and exposure sites before and after an extensive 2-D seismic survey. No statistical differences were found between control and exposed populations, neither in survival nor body condition. Exposure levels were not recorded. The paper also reviews several prior studies of seismic effects on scallops in Ireland and other sites, all also with no effect. One cited paper reported that one of three scallops experienced a split in its shell at distance of 2 meters from an airgun.

Higgins SM. 2014. Declaration; State of New Jersey, Dept of Environmental Protection vs National Science Foundation, et al. United States Federal District Court, District of New Jersey. Case 3:14-cv-04249-PGS-LHG, Document 6-7, filed 07/07/14, pageID 1520-1527

Contains a comparison of annual commercial and recreational fishery catches for years and months in which seismic surveys were conducted off the New Jersey coast, relative to the same months in other years, between 1990-2004. No discernable differences were found between periods with seismic survey and without. (Fishery statistical data from NMFS 2014, http://www.st.nmfs.noaa.gov/).

Lavender, A.L., Bartol, S.M., and Bartol, I.K. (2014). Ontogenetic investigation of underwater hearing capabilities in loggerhead sea turtles (*Caretta caretta)* using a dual testing approach. J. Exp. Biol., 2014, 217(14):2580-2589.

Løkkeborg S, Ona E, Vold A, and Salthaug A. 2012. Effects of sounds from seismic air guns on fish behaviour and catch rates. In A.N. Popper and A. Hawkins (eds.), *The Effects of Noise on Aquatic Life*, Advances in Experimental Medicine and Biology 730, DOI 10.1007/978-1-4419-7311-5_95, pp. 415-419. Springer, NY NY.

This paper provides a good review of prior behavioral studies. They also report recent data from what is arguably the most realistic and thorough study to date; monitoring of two fisheries (gillnet and longline) for four species of fish; a halibut, two gadids (pollack and haddock) and a seabass (Sebastes marinus), along with acoustic (HF sonar) surveys of the fish populations. Gillnet catches of halibut and seabass increased during and after survey, possibly due to increased swimming activity, while longline catches of halibut and pollack decreased. Acoustic surveys revealed decreases in pollack abundance, but not other species, consistent with prior study by Engås et al (1996a,b).

McCauley RD, Kent CS, Archer M. 2008. Impacts of seismic survey pass-bys on fish and zooplankton, Scott Reef Lagoon, Western Australia: Full report of Curtin University findings. Center for Marine Science and Technology, Curtin University, Perth WA. 92 pp. CMST Report 2008-32.

An extensive research effort involving a real seismic survey over a thoroughly monitored reef lagoon. Caged snapper and damselfish were exposed to seismic passes as close as 45-74 meters with 1% loss of hearing hair cells, later fully recovered. Behavioral reaction was observed at 155-165 dB SPL sound exposure levels but avoidance only occurred out to 200 meters on either side of survey. There was no effect on normal fish sound choruses.

McCauley RD, Fewtrell J and Popper AN. 2003. High intensity anthropogenic sound damages fish ears. J Acoust Soc Am 113(1):638-642 DOI: 10.1121/1.1527962

The authors were able to produce considerable unrecovered damage to the sensory structures of a typical fish ear (Pink snapper) after seven close passes (5-15 meters) by a towed 20 cubic inch seismic air source in the span of four hours. Although no cumulative Sound Exposure Level (SEL) or peak pressure or particle velocity measures were reported, the graphical display of the passes indicates multiple exposures over short periods of time at levels in excess of 180 dB SPL $rms_{0.95}$. The fish were caged and the authors noted that their movements indicated that the fish would have moved away from the sound source if possible, thus preventing the artificially high levels of exposure experienced.

Miller I. and Cripps E. 2013. Three dimensional marine seismic survey has no measurable effect on species richness or abundance of a coral reef associated fish community. Mar Pol Bull. Elsevier Press. http://dx.doi.org/10.1016/j.marpolbul.2013.10.031

No change in abundance or species composition was found in a natural reef community of resident reef fishes (emphasis on damselfishes) and mobile demersal fishes (emphasis on snappers of the Family Lutjanidae). Multiple passes by a full working seismic array were separated by about 6 hours between pass. Minimum stand-off distances from the reef were 400 meters on the outside and 800 meters inside the reef lagoon. Estimated exposures were generally around 187 dB SEL with some exposures as high as 200 dB SEL. Instantaneous peak or average SPL or particle velocity/acceleration were not measured.

Moein, S. E., Musick, J. A., Keinath, J. A., Barnard, D. E., Lenhardt, M. L. & George, R. 1995. Evaluation of seismic sources for repelling sea turtles from hopper dredges. In *Sea Turtle Research Program: Summary Report*. (Ed. Hales, L. Z.) pp 90-93. Technical

Report CERC-95.

National Research Council (NRC). 2005. Marine Mammal Populations and Ocean Noise: Determining When Noise Causes Biologically Significant Effects. National Academy Press, Washington DC. www.nap.edu.

This NRC report lays out a framework for estimating long term, cumulative population consequences from behavioral disturbance by sound, and by extension, any source of behavioral perturbation, individually or cumulatively. While developed for marine mammals, the principles of the Population Consequences of Acoustic Disturbance (PCAD) model are appropriate to any biological population.

Parry GD and Gason A. 2006. The effect of seismic surveys on catch rates of rock lobsters in western Victoria, Australia. Fisheries Research 79 (2006): 272-284.

A statistical comparison of changes in commercial catch rates (Catch Per Unit Effort, CPUE) coincident with seismic survey effort. No correlation was found in a two way analysis of variance, although the authors do note that most survey effort was in deep water away from the shallow water fishery, and that one survey in shallow water was in an area of low lobster abundance.

Peña H, Handegard NO, and Ona E. 2013. Feeding herring schools do not react to seismic air gun surveys. ICES J Marine Science, doi:10.1093/icesjms/fst079. 7 pp. http://icesjms.oxfordjournals.org/

A full 3-D seismic survey array was used to assess responses of herring monitored by an omnidirectional fisheries sonar. The source vessel approached the fish school from a distance of 26 km to a close approach at 2 km without any effect on the swimming and schooling behavior of the fish.

Popper AN, Smith ME, Cott PA, Hanna BW, MacGillivray AO, Austin ME and Mann DA. 2005. Effects of exposure to seismic airgun use on hearing of three fish species. J Acoust Soc Am 117:3958-3971.

Whitefish and juvenile pike did not show any TTS after exposure to five seismic playbacks of about 209 dB SPL_{peak} or 180 dB SEL, and particle displacements of 139 db SVL re 1nm/s (it is not possible to determine which physical property was responsible for any TTS observed in any of the tests). Adult pike under similar exposure conditions showed a TTS of about 20 dB at 400 Hz, which was recovered within 18 hours. Chub, also under similar exposure levels, showed slightly higher levels of TTS, about 25 dB at 200 Hz and 35 dB at 400 Hz, similar for 5 playbacks or 20 playbacks, and fully recovered within 18 hours. Chub are members of a hearing specialist family of freshwater fishes with no marine species.

Santulli A, Modica A, Messina C, Ceffa L, Curatolo A, Rivas G, Fabi G, D'Amelio V. 1999. Biochemical Responses of European Sea Bass (Dicentrarchus labrax L.) to the Stress Induced by Off Shore Experimental Seismic Prospecting. *Marine Pollution Bulletin*, Volume 38, Issue 12, December 1999, Pages 1105-1114.

This study involved exposure of caged fish to very close and very prolonged seismic air source in order to obtain physiological responses typical of stress. The fish returned to baseline levels within 72 hours, with no injury and no apparent lasting effect, despite the unusually high and prolonged sound exposures.

Song, J., D.A. Mann, P.A. Cott, B.W. Hanna, and A.N. Popper. 2008. The inner ears of Northern Canadian freshwater fishes following exposure to seismic air gun sounds**. J. Acoust. Soc. Am.** 124(2):1360-1366.

No damage was found to any of the ears of the test fish from Popper et al (2005), despite findings of Temporary Threshold Shift in two cases where peak pressure exceeded 205-209 dB re 1µPa SPL (peak) or 176-180 dB re 1 μPa^2-s single impulse (shot) SEL.

United States Navy. 2013. Atlantic Fleet Training and Testing Final Environmental Impact Statement / Overseas Environmental Impact Statement. Available online at http://aftteis.com/DocumentsandReferences/AFTTDocuments/FinalEISOEIS.aspx

Wardle CS, Carter TJ, Urquhart GG, Johnstone ADF, Ziolkowski AM, Hampson G, Mackie D (2001) Effects of seismic air guns on marine fish. Cont Shelf Res 21:1005–1027.

A study of free swimming cod, pollack and hake on a reef, using a fixed seismic source. C-start but no movement away from the source was observed at exposure levels up to 195 dB SPL at a distance of 109 meters. The authors speculate on possible reasons for the lack of response, including site fidelity to the unique reef environment at which the study was performed.

ATTACHMENT B

ATTACHMENT B

Currently, three types of surveys are proposed in the Atlantic OCS: 2D seismic surveys, a 3D seismic survey, and an airborne gravity and magnetic survey. These surveys are described in more detail below.

A. Seismic Surveys – Towed Streamers

For the energy industry, modern seismic imaging reduces risk by increasing the likelihood that exploratory wells will successfully tap hydrocarbons and decreasing the number of wells that need to be drilled in a given area, reducing associated safety and environmental risks and the overall footprint for exploration. The use of modern seismic technology is similar to ultrasound technology—a non-invasive mapping technique built upon the simple properties of sound waves. Because survey activities are temporary and transitory, it is the least intrusive and most cost-effective means to understanding where recoverable oil and gas resources likely exist in the Mid- and South Atlantic OCS.

To carry out these surveys, marine vessels use acoustic arrays, most commonly as a set of compressed air chambers, to create seismic pulses. A predominantly low-frequency sound pulse is generated by releasing compressed air into the water as the vessel is moving. The pulses are bounced off the layers of rock beneath the ocean floor. The returning sound waves are detected and recorded by hydrophones that are spaced along a series of cables that are towed behind the survey ship. Seismologists then analyze the information with computers to visualize the features that make up the underground structure of the ocean floor. Geophysical contractors often have proprietary methods of data acquisition that may vary depending on their seismic target and data-processing capabilities, making each contractor's dataset unique. Once the data is processed, geophysicists interpret it and integrate other geoscientific information to make assessments of where oil and gas reservoirs may be accumulated. Based largely on this information, exploration companies will decide where, or if, to conduct further exploration for oil and gas.

2D Seismic Surveys

Two-dimensional surveys are so-called because they only provide a 2D cross-sectional image of the Earth's structure. These surveys are typically used for geologic research, initial exploration of a new region, and to determine data quality in an area before investing in a 3D survey. 2D towed-streamer surveys are acquired with a single vessel usually towing a single air source array and a single streamer cable. The streamer is a polyurethane-jacketed cable containing several hundred to several thousand sensors, most commonly hydrophones. The air source array directs energy downward towards the ocean floor. An integrated navigational system is used to keep track of where the air sources are activated, the positions of the streamer cable, and the depth of the streamer cable. The end of the cable is tracked with global positioning system (GPS) satellites, and tail buoys are attached at the end. Radar reflectors are routinely placed on tail buoys for detection by other vessels, and automatic identification system (AIS) devices are also routinely integrated into the tail buoys.

Ships conducting 2D surveys are typically 30-90 m (100-300 ft) long and tow a single-source array 200-300 m (656-984 ft) behind them approximately 5-10 m (16-33 ft) below the sea surface. The source array often consists of three subarrays, with six to twelve air source elements each, and measures approximately 12.5-18 m (41-60 ft) long and 16-36 m (52-118 ft) wide. Following behind the source array by 100-200 m (328-656 ft) is a single streamer approximately 5 to 12 or more km (3.1-7.5 mi) long. The ship tows this apparatus at a speed of approximately 3 to 5 knots. Approximately every 10-15 seconds (i.e., a distance of 23-35 m [75-115 ft] for a vessel traveling at 4.5 kn [8.3 km/hr]), the air source array is activated. The actual time between activations varies depending on ship speed and the desired spacing.

Typical spacing between ship-track lines for 2D surveys, which is also the spacing between adjacent streamer line positions, is greater than a kilometer. Lines can transect each other and can be parallel, oblique or perpendicular to each other. 2D towed-streamer surveys are normally regional, covering a large area of ocean so that activity is not always limited to a particular area. 2D surveys can provide high resolution imaging with tight line spacing intervals in shallow areas.

2D surveys can cover a larger area with less data density in less detail, resulting in a lower cost per area covered. While surveying, and after a prescribed ramp-up of the output of the array to full-operation intensity, a vessel will travel along a linear track for a period of time until a full line of data is acquired. Upon reaching the end of the track, the ship takes typically 2 - 6 hours to turn around and start along another track, varying depending on the spacing between track lines, the length of track lines, and the objectives of a specific survey. Some 2D surveys might include only a single long line. Others may have numerous lines, with line spacings of 2 km in some cases, and 10 km in other cases. Data acquisition generally takes place day and night and may continue for days, weeks, or months, depending on the size of the survey area. Data acquisition is not, however, continuous. A typical seismic survey experiences approximately 20 to 30 percent of non-operational downtime due to a variety of factors, including technical requirements or mechanical maintenance, standby for weather or other interferences, and performance of mitigation measures (e.g., ramp-up, pre-survey visual observation periods, and shutdowns).

3D Seismic Surveys

3D towed-streamer seismic surveys enable industry to image the subsurface geology with much greater clarity than 2D data because of the much denser data coverage. The quality is such that 3D data can often indicate hydrocarbon-bearing zones from water-bearing zones. Because 3D seismic data has been continuously and rapidly improving since its introduction in the 1970s, areas covered by 3D data shot only a few years ago may be reshot with current, improved technology, offering greater clarity than previous surveys. In addition, areas already covered using 2D techniques may be resurveyed with 3D. Further, 3D surveys may be repeated over producing fields at successive calendar times (at 6-month to several-year intervals) to better characterize and record changes over producing reservoirs. These 4D, or time-lapse 3D, surveys are used predominantly as a reservoir monitoring tool to detect and evaluate reservoir changes over time. Conventional, single-vessel 3D surveys are referred to as narrow azimuth 3D surveys.

The current state-of-the-art ships conducting 3D surveys are purpose-built vessels with much greater towing capability than the vessels conducting 2D surveys. While these vessels are generally 60 - 120 m long, with the largest vessels over 120 m (ft) in length and greater than 65 m (230 ft) wide at the back deck. These seismic ships typically tow two parallel source arrays 200-300 m (656-984 ft) behind them. The two source arrays are identical to each other and are the same as those used in the 2D surveys described previously. Following 100-200 m (328-656 ft) behind the dual source arrays are the streamers.

Most 3D ships can tow eight or more streamers at a time, with the total length of streamers (number of streamers multiplied by the length of each one) exceeding 80 km (50 mi). The theoretical towing maximum today is 24 streamers, each of which can be up to 12 km (7.5 mi) long, for a total of 288 km (179 mi). Towing 8-14 streamers that are each 3-8 km (1.9-5 mi) long is normal practice. Towing 10 streamers that are separated by 75-150 m (246-492 ft) means that a swath 675-1,350 m (2,215-4,429 ft) wide is covered on the sea surface in one pass of the ship along its track line. Other streamer configurations (number of streamers and their separation distance) can produce narrower or wider swaths.

The survey ship tows the apparatus at a speed of 3 to 5.5 kn during production. Approximately every 11 - 15 s (i.e., a distance of 25 m [82 ft] for a vessel traveling at 4.5 kn [8.3 km/hr]), one of the dual air source arrays is fired. The other array is fired 11 - 15 s later. To achieve the desired spacing, the time between firings depends on the ship speed. While surveying, a ship travels along a track for 12-20 hours (i.e., a distance of 100-167 km [62 - 104 mi] at 4.5 kn [8.3 km/hr]), depending on the size of the survey area. Upon reaching the end of the track, the ship takes 3 to 5 hours to turn around and start along another track. This procedure takes place day and night, and may continue for days, weeks, or months, depending on the size of the survey area. Data acquisition is not, however, continuous. A typical seismic survey experiences approximately 20-to-30 percent of non-operational downtime due to a variety of factors, including technical or mechanical problems, standby for weather or other interferences, and performance of mitigation measures (e.g., ramp-up, pre-survey visual observation periods, and shutdowns).

B. Non-Seismic Gravity and Magnetic Surveys

Both conventional gravity surveys and gravity gradiometry surveys are conducted today, most often by fixed-wing aircraft, or where necessary, by marine vessel deployment. There is no sound source associated with gravity or magnetic surveys. The dimensions of the gravity instruments and stand are approximately 1 m by 1 m by 1.5 m high (3 ft by 3 ft by 5 ft) and the total weight is approximately 150 kg (330 lb). The survey acquisition grid is similar to ship-based seismic surveys, generally with flight-line spacing of 0.5-3 km (0.3-2 mi). Surveys of 500 sq. km (180 sq. mi) can be completed in a few hours, with the aircraft flying at an altitude of 70-300 m (230-1,000 ft). The objectives of the survey will determine the flight-line spacing (distance between flight lines) and the altitude at which the survey will be conducted.

Measurements of the earth's magnetic field are useful in helping to determine geologic structures and stratigraphy in the subsurface in frontier exploration areas, such as the Atlantic OCS, and as a complement to existing seismic data. There are at least five types of magnetometers, three of which are commonly used in airborne magnetic surveying. In addition to the different types of magnetometers, there are also several different configurations that can be used on the aircraft. These configurations include: (1) a single sensor, typically a tail installation; (2) two horizontally separated magnetometers, usually wingtip pod sensors; (3) two vertically separated sensors, usually tail-mounted; and (4) a total magnetic intensity configuration, typically involving three, but potentially four, magnetic sensors. The sensor pods are cylindrical in shape, and typically 1-2 m (3.3-6.6 ft) long and several centimeters (several inches) in diameter.

The objectives of the survey (such as the amount of area to be covered, the desired detail to be obtained, etc.) and the cost determine three of the most important factors to be specified for any given survey: (1) the altitude at which the survey will be conducted; (2) the flight-line separation; and (3) the flight-line orientation, or direction. Recent surveys done in the Gulf of Mexico have been flown at altitudes of 60-300 m (200-1,000 ft), at speeds of 110 knots (250 km/hr), and with line spacings of 0.5-2 km (0.3-1.3 mi). Similar surveys were recently completed offshore Greenland and offshore Honduras.

ATTACHMENT C

May 7, 2014

Via Federal eRulemaking Portal

Mr. Gary D. Goeke
Chief, Environmental Assessment Section
Office of Environment (GM 623E)
Bureau of Ocean Energy Management
Gulf of Mexico OCS Region
1201 Elmwood Park Boulevard
New Orleans, LA 70123–2394

Re: Comments on Final Programmatic Environmental Impact Statement for Proposed G&G Activities on the Mid- and South Atlantic OCS

Dear Mr. Goeke:

This letter provides the comments of the International Association of Geophysical Contractors ("IAGC") in response to the Bureau of Ocean Energy Management's ("BOEM") Notice and Request for Comments on its Final Programmatic Environmental Impact Statement for Proposed G&G Activities on the Mid- and South Atlantic OCS ("PEIS"). *See* 79 Fed. Reg. 13,074 (Mar. 7, 2014). We appreciate BOEM's consideration of the comments set forth below.

IAGC is the international trade association representing the industry that provides geophysical services (geophysical data acquisition, processing and interpretation, geophysical information ownership and licensing, and associated services and product providers) to the oil and natural gas industry. IAGC member companies play an integral role in the successful exploration and development of offshore hydrocarbon resources through the acquisition and processing of geophysical data. IAGC members have expressed interest in conducting geophysical activities on the Atlantic OCS, and some IAGC members have already filed applications for authorizations relating to such activities.[1]

[1] In a joint letter with the American Petroleum Institute ("API") and the National Ocean Industries Association ("NOIA"), IAGC earlier commented on the draft PEIS ("DPEIS"). *See* Letter from Andy Radford, Sarah Tsoflias, and Luke Johnson to Gary D. Goeke (July 2, 2012) ("DPEIS Comment Letter"). API, NOIA, and IAGC have also submitted a comment letter dated

(continued . . .)

Seismic surveys are the only feasible technology available to accurately image the subsurface before a single well is drilled. BOEM currently estimates that the Mid- and South Atlantic OCS holds at least 3.3 billion barrels of oil and 31.3 trillion cubic feet of natural gas. Although these estimates are impressive, it is widely believed that modern seismic imaging using the latest technology will enable BOEM to more accurately evaluate the Atlantic OCS resource base. The industry's advancements in geophysical technology – including seismic reflection and refraction, gravity, magnetics, and electromagnetic – will provide more realistic estimates of the potential resource. By utilizing these tools and by applying increasingly accurate and effective interpretation practices, IAGC's members can better locate and dissect prospective areas for exploration.

For the energy industry, modern seismic imaging reduces risk by increasing the likelihood that exploratory wells will successfully tap hydrocarbons and decreasing the number of wells that need to be drilled in a given area, reducing associated safety and environmental risks and the overall footprint for exploration. Because survey activities are temporary and transitory, it is the least intrusive and most cost-effective means to understanding where recoverable oil and gas resources likely exist in the Mid- and South Atlantic OCS.

I. OVERVIEW

IAGC supports BOEM's plan to authorize exploratory activities on the Atlantic OCS consistent with the Outer Continental Shelf Lands Act ("OCSLA"), which calls for the "expeditious and orderly development" of the OCS "subject to environmental safeguards." 43 U.S.C. § 1332(3). However, the PEIS undermines OCSLA's mandate, as well as the requirements of other applicable laws, such as the Marine Mammal Protection Act ("MMPA"), in a number of ways. In general, a fundamental flaw with the PEIS is its establishment of an unrealistic scenario in which exploration activities are projected to result in thousands of incidental takes of marine mammals, which BOEM admits will not actually occur. The supposed effects of this "worst case" hypothetical scenario are then addressed in the PEIS with mitigation measures, many of which are similarly unrealistic because they mitigate inaccurately presumed effects. This approach is contrary to both the best available scientific information and applicable law.

Many of the mitigation measures recommended in the PEIS are infeasible, will impose serious burdens on industry, may discourage exploration of the Atlantic, and will result in no benefits to protected species (because they address unrealistic effects). IAGC can and will support mitigation measures that are well supported by the best available science, consistent with existing practices that are proven to be effective and operationally feasible. However, we cannot

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(. . . continued)
May 7, 2014 (the "Joint Trades Letter"), in response to the PEIS, which IAGC incorporates by reference.

support mitigation measures with no basis in fact or science, which are intended to address effects that will not occur, and which will result in less exploration of the OCS, contrary to OCSLA.

Accordingly, we strongly urge BOEM to include in its Record of Decision ("ROD") the modifications suggested in the comments set forth below. With respect to the alternatives presented in the PEIS, Alternative A presents the option that is most supported by the best available science and applicable law. However, IAGC would support BOEM's adoption of Alternative B only so long as all of the modifications suggested below are incorporated into the ROD. All of these suggested modifications are within the scope of the analyses contained in the PEIS. *See Great Old Broads for Wilderness v. Kimbell*, 709 F.3d 836, 854-55 (9th Cir. 2013) (modified alternative in ROD upheld because all relevant impacts analyzed in NEPA document); *see also W. Watersheds Project v. BLM*, 721 F.3d 1264, 1277-78 (10th Cir. 2013) (same).

II. DETAILED COMMENTS

A. The PEIS's Marine Mammal Impact Analyses Are Factually and Legally Flawed

The PEIS's analysis of marine mammal impacts is, by BOEM's admission, an unrealistic assessment of the potential impacts of geophysical surveys on marine mammals that is purposefully constructed to overestimate levels of incidental take. The PEIS explains:

> The acoustic and impact modeling conducted to develop these [incidental take] estimates is by its very nature complex and demands numerous specific details be identified and used during calculations[.] However, it must be emphasized that each of these assumptions are purposely developed to be conservative and accumulate throughout the analysis (e.g., representative sound source is modeled at highest sound levels and always at maximum power and operation, sound levels received by an animal are calculated at highest levels, marine mammal density values used likely exceed actual densities, and models do not include the effect of all mitigations in reducing take estimates). Therefore, the results of the modeling predictions will overestimate take.

PEIS at 1-5 (emphases added); *see also* PEIS at 4-62 ("BOEM emphasizes that these estimates should be seen as highly conservative of potential take without the consideration of most mitigation with the exception of the time-area closure described in Alternative A."). The results of this hypothetical "worst case" scenario analysis are strikingly divergent from the record of actual observed marine mammal impacts related to offshore exploration activities. *See* DPEIS Comment Letter §§ I, II & Appx. 1. For example, the PEIS implausibly concludes that thousands of marine mammals will experience Level A incidental take, and that hundreds of thousands of marine mammals will experience Level B incidental take, as a result of seismic activities. PEIS at Tables 4-9, 4-10, 4-11, 4-12. These take estimates would result in tens of thousands of shutdown events per year, in contrast to the average 55 shutdowns that are required per year in the Gulf of Mexico under existing operations, monitoring, and mitigation.[2] *See* DPEIS Comment Letter, Appx. 1.

We are aware of no federal agency assessment of the effects of seismic activities on marine mammals that results in incidental take estimates that are remotely similar to those stated in the PEIS. Moreover, the history of incidental take authorizations for offshore seismic activities demonstrates that levels of actual incidental take are far smaller than even the most balanced pre-operation estimates of incidental take. *See* DEIS at E-69.[3] The PEIS's flawed

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[2] Aggregating the estimated takes presented in Table 43 of the PEIS yields a total of 26,000 estimated takes.

[3] *See, e.g.*, BOEM, *Final EIS for Gulf of Mexico OCS Oil and Gas Eastern Planning Area Lease Sales 225 and 226*, at 2-22 (2013), http://www.boem.gov/BOEM-2013-200-v1/ ("Within the CPA, which is directly adjacent to the EPA, there is a long-standing and well-developed OCS Program (more than 50 years); there are no data to suggest that activities from the preexisting OCS Program are significantly impacting marine mammal populations."); *id*. at 2-23 (with respect to sea turtles, "no significant cumulative impacts to sea turtles would be expected as a result of the proposed exploration activities when added to the impacts of past, present, or reasonably foreseeable oil and gas development in the area, as well as other ongoing activities in the area"); BOEM, *Final EIS for Gulf of Mexico OCS Oil and Gas Western Planning Area (WPA) Lease Sales 229, 233, 238, 246, and 248 and Central Planning Area (CPA) Lease Sales 227, 231, 235, 241, and 247*, at 4-203 (v.1) (2012), http://www.boem.gov/Environmental-Stewardship/Environmental-Assessment/NEPA/BOEM-2012-019_v1.aspx (WPA); *id*. at 4-710 (v.2), http://www.boem.gov/Environmental-Stewardship/Environmental-Assessment/NEPA/BOEM-2012-019_v2.aspx (CPA) ("Although there will always be some level of incomplete information on the effects from routine activities under a WPA proposed action on marine mammals, there is credible scientific information, applied using acceptable scientific methodologies, to support the conclusion that any realized impacts would be sublethal in nature and not in themselves rise to the level of reasonably foreseeable significant adverse (population-level) effects."); *id*. at 4-235, 4-741 ("[T]here are no data to suggest that routine activities from the preexisting OCS Program are significantly impacting sea turtle populations."); BOEM, *Final Supplemental EIS for Gulf of Mexico OCS Oil and Gas WPA Lease Sales 233 and CPA Lease Sale 231*, at 4-30, 4-130 (2013), http://www.boem.gov/uploadedFiles/BOEM/BOEM_Newsroom/Library/Publications/2013/BOEM%202013-0118.pdf (reiterating conclusions noted above); MMS, *Final Programmatic EA, G&G Exploration on Gulf of Mexico OCS*, at III-9, II-14 (2004), http://www.nmfs.noaa.gov/pr/pdfs/permits/mms_pea2004.pdf ("There have been no documented instances of deaths, physical injuries, or auditory (physiological) effects on marine mammals from seismic surveys."); *id*. at III-23 ("At this point, there is no evidence that adverse

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approach to assessing the impacts of seismic activities on marine mammals results in a number of significant legal and factual errors, as set forth below.

1. The PEIS unlawfully analyzes a worst case scenario

Prior to 1986, NEPA regulations required a lead agency to prepare a "worst case analysis" of impacts for which there is incomplete or unavailable information. *See* 51 Fed. Reg. 15,618 (Apr. 25, 1986).[4] However, this requirement was expressly rescinded decades ago because it was found to be "an unproductive and ineffective method of achieving [NEPA's] goals; one which can breed endless hypothesis and speculation." *Id.*; *see Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 354-56 (1989) (U.S. Supreme Court confirming that worst case analysis is no longer applicable). In place of the worst case analysis requirement, the federal Council on Environmental Quality ("CEQ") promulgated "a wiser and more manageable approach to the evaluation of reasonably foreseeable significant adverse impacts in the face of incomplete or unavailable information in an EIS." 51 Fed. Reg. at 15,620. The new (and current) approach, codified in 40 C.F.R. § 1502.22, requires federal lead agencies to disclose such impacts and perform a "carefully conducted" evaluation based upon "credible scientific evidence." *Id.*; 40 C.F.R. § 1502.22(b)(1). In developing this requirement, CEQ explained that "credible" means "capable of being believed" and stated that "[i]nformation which is unworthy of belief should not be included in an EIS." 51 Fed. Reg. at 15,622-23 (responses to comments) (emphasis added).

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behavioral impacts at the local population level are occurring in the GOM."); LGL Ltd., *Environmental Assessment of a Low-Energy Marine Geophysical Survey by the US Geological Survey in the Northwestern Gulf of Mexico*, at 30 (Apr.-May 2013), http://www.nmfs.noaa.gov/pr/pdfs/permits/usgs_gom_ea.pdf ("[T]here has been no specific documentation of TTS let alone permanent hearing damage, i.e., PTS, in free-ranging marine mammals exposed to sequences of airgun pulses during realistic field conditions."); 75 Fed. Reg. 49,759, 49,795 (Aug. 13, 2010) (issuance of IHA for Chukchi Sea seismic activities ("[T]o date, there is no evidence that serious injury, death, or stranding by marine mammals can occur from exposure to airgun pulses, even in the case of large airgun arrays.")); MMS, *Draft Programmatic EIS for OCS Oil & Gas Leasing Program, 2007-2012*, at V-64 (Apr. 2007) (citing 2005 NRC Report), http://www.boem.gov/Oil-and-Gas-Energy-Program/Leasing/Five-Year-Program/5and6-ConsultationPreparers-pdf.aspx (MMS agreed with the National Academy of Sciences' National Research Council that "there are no documented or known population-level effects due to sound," and "there have been no known instances of injury, mortality, or population level effects on marine mammals from seismic exposure ").

[4] In the PEIS, BOEM determines that there is incomplete or unavailable information for a full assessment of the impacts of the proposed activities on marine mammals. *See* PEIS at 4-6, 4-47.

By performing an analysis of marine mammal impacts that is "purposely developed to be conservative," based on the "highest" sound levels and erroneously high marine mammal densities, and intended to "overestimate take," BOEM has performed precisely the same type of "worst case analysis" that was rejected by both CEQ and the U.S. Supreme Court many years ago. By its terms, and as expressly stated in the PEIS, the analysis of marine mammal impacts is purposely designed to be inaccurate and to evaluate the worst possible consequences that could hypothetically result from unmitigated seismic surveying. Indeed, it is hard to imagine an analysis that presents a scenario worse than the hundreds of thousands of incidental takings that are erroneously predicted by the PEIS. The PEIS's analysis of marine mammal effects is plainly not credible, it evaluates effects that, by BOEM's admission, will not occur, and, therefore, it is "unworthy of belief." The PEIS's assessment of marine mammal impacts unlawfully applies a "worst case" analysis and does not comply with NEPA or currently applicable CEQ regulations (40 C.F.R. § 1502.22).

2. The PEIS does not present an accurate scientific analysis

An EIS must rely upon "high quality" information and "accurate scientific analysis." 40 C.F.R. § 1500.1(b); *Conservation Nw. v. Rey*, 674 F. Supp. 2d 1232, 1249 (W.D. Wash. 2009); *Envtl. Def. v. U.S. Army Corps of Eng'rs*, 515 F. Supp. 2d 69, 78 (D.D.C. 2007) ("Accurate scientific analysis [is] essential to implementing NEPA."). It also must have "professional integrity, including scientific integrity" and may not rely on "incorrect assumptions or data" or "highly speculative harms" that "distort[] the decisionmaking process." *See Theodore Roosevelt Conservation P'ship v. Salazar*, 616 F.3d 497, 511 (D.C. Cir. 2010); 40 C.F.R. § 1502.24; 73 Fed. Reg. 61,292, 61,299 (Oct. 15, 2008) (CEQ regulations require "high quality" information and "scientific integrity"); *Native Ecosystems Council v. U.S. Forest Serv.*, 418 F.3d 953, 964 (9th Cir. 2005); *City of Shoreacres v. Waterworth*, 420 F.3d 440, 453 (5th Cir. 2005) (internal citations omitted).[5] To be sure, courts have invalided EISs that did not meet these standards, that were based on "stale scientific evidence . . . and false assumptions," or that failed to disclose the "potential weakness" of relied-upon modeling. *See, e.g., Seattle Audubon Soc'y v. Espy*, 998 F.2d 699, 704 (9th Cir. 1998); *Or. Natural Res. Council Fund v. Goodman*, 505 F.3d 884, 897 (9th Cir. 2007) (citations omitted).

Respectfully, the PEIS fails to satisfy any of these important NEPA principles. An analysis that, by the agency's admission, overestimates take and relies upon incorrect assumptions, is, by definition, "inaccurate." Moreover, the PEIS's analysis of marine mammal impacts is, at best, "highly speculative" because it is based on scenarios and assumptions that will not occur.

[5] *See also CBD v. BLM*, 937 F. Supp. 2d 1140, 1155 (N.D. Cal. 2013) (principle that reasonably foreseeable environmental effects may not include "highly speculative harms" is equally applicable to direct and indirect effects).

3. The conclusions of the PEIS fail to consider, and are contrary to, the MMPA

The PEIS's assessment of marine mammal impacts is directly contrary to the MMPA. BOEM has defined the proposed action to include only those activities that have first received incidental take authorizations under the MMPA. *See* PEIS at 1-14, 1-25. As a prerequisite to incidental take authorization, the MMPA requires the permitting agency to find that the authorized take will have a "negligible impact" on marine mammals. 16 U.S.C. § 1371(a)(5)(A), (D). Accordingly, by definition, the proposed action analyzed in the PEIS should include only those seismic activities causing incidental take at levels that NMFS has expressly determined result in a "negligible impact" to marine mammal stocks. However, in sharp contrast, the PEIS concludes that the impacts of airguns on marine mammals under the proposed action are "moderate." PEIS at Table 2-4. By concluding that "moderate" impacts will result from seismic operations, BOEM has incorrectly analyzed the proposed action that is defined in the PEIS. Moreover, this discrepancy highlights the significant flaws that result from the PEIS's erroneous analysis of marine mammal impacts.[6] BOEM must analyze the effects of the action it has proposed, which includes offshore seismic operations that will receive incidental take authorizations under the MMPA and, by definition, will have no more than a negligible impact on marine mammal stocks. Based on 40 years of experience and recent scientific research and observational data, BOEM should find in the ROD that the impacts of seismic exploration are indeed <u>negligible</u>.

B. Certain Mitigation Measures Recommended in the PEIS Are Unsupported and Unreasonable

The record demonstrates that the scope of mitigation measures applied to offshore operations in the Gulf of Mexico is already more than adequate to protect marine mammals and sea turtles in a manner consistent with federal laws.[7] Despite this record, the PEIS recommends

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[6] The PEIS's "moderate" impact finding is also factually inconsistent. "Moderate" impacts are defined in the PEIS as "detectable, short-term, extensive, and severe; or … detectable, short-term or long-lasting, localized, and severe; or … detectable, long-lasting, extensive or localized, but less than severe." PEIS at x. Accordingly, a "moderate" seismic impact must be either "long-lasting" or "severe." However, insofar as we are aware, no seismic activities that have received MMPA incidental take authorizations have caused impacts amounting to anything more than temporary changes in behavior, without any known injury, mortality, or other adverse consequence to any marine mammal species or stocks. *See supra* note 3.

[7] *See supra* note 3; *see also* Mary Jo Barkaszi et al., *Seismic Survey Mitigation Measures and Marine Mammal Observer Reports* (2012); A. Jochens et al., *Sperm Whale Seismic Study in the Gulf of Mexico: Synthesis Report*, at 12 (2008) ("There appeared to be no horizontal avoidance to controlled exposure of seismic airgun sounds by sperm whales in the main SWSS study area."); 78 Fed. Reg. 11,821, 11,827, 11,830 (Feb. 20, 2013) ("[I]t is unlikely that the

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certain mitigation measures that have never been required for offshore exploratory operations, and that are more stringent (and less supported) than the measures that have already been successfully implemented. The unprecedented measures recommended in the PEIS are a direct result of BOEM's flawed impact assessments. For example, as described above, the PEIS creates a hypothetical worst case scenario for marine mammal impacts, determines that the projected adverse effects in that scenario will be substantial, and then recommends mitigation measures to address those supposed effects. However, because the adverse effects identified in the PEIS are inaccurate and unrealistic, the mitigation measures intended to address those effects are similarly flawed and without any factual or scientific support.

The mitigation measures that particularly concern IAGC are addressed in detail below. Without question, these measures, if implemented, will have substantial adverse effects on offshore geophysical operations. These measures will result in increased survey duration, which, in turn, can increase the potential exposure of marine mammals to seismic-related effects.[8] We strongly urge BOEM to reconsider these mitigation measures as it prepares the ROD.[9]

1. Dolphin shutdowns

The PEIS recommends a mitigation measure calling for the shutdown of operations if a dolphin enters the acoustic exclusion zone <u>unless</u> the dolphin is determined <u>by the observer</u> to be

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proposed project [a USGS seismic project] would result in any cases of temporary or permanent hearing impairment, or any significant non-auditory physical or physiological effects"; "The history of coexistence between seismic surveys and baleen whales suggests that brief exposures to sound pulses from any single seismic survey are unlikely to result in prolonged effects."); 79 Fed. Reg. 14,779, 14789 (Mar. 17, 2014) ("There has been no specific documentation of temporary threshold shift let alone permanent hearing damage[] (i.e., permanent threshold shift, in free ranging marine mammals exposed to sequences of airgun pulses during realistic field conditions."); 79 Fed. Reg. 12,160, 12,166 (Mar. 4, 2014) ("To date, there is no evidence that serious injury, death, or stranding by marine mammals can occur from exposure to air gun pulses, even in the case of large air gun arrays.").

[8] The mitigation measures also increase the amount of time the vessel spends surveying because shutdowns and delays necessarily result in overall increased surveying time to preserve data quality and integrity.

[9] The effects analysis contained in NMFS's associated biological opinion suffers from the same flaws as the PEIS's effects analysis. In addition, the terms and conditions stated in the biological opinion (which mitigate the inaccurate effects conclusions) lack a rational basis for the reasons stated in this letter with respect to the PEIS's corresponding mitigation measures. IAGC requests that BOEM work with NMFS to similarly reconsider and modify the biological opinion's terms and conditions.

voluntarily approaching the vessel. PEIS at 2-11.[10] This proposed measure is contrary to the best available science, impractical, arbitrary, and unsupported for at least the following reasons.

First, dolphins are mid- to high-frequency specialists and, therefore, insensitive to the low frequency impulse sounds emitted by seismic operations. The E&P Sound and Marine Life Joint Industry Program has supported research to study the effects of multiple airgun pulses in odontocetes and, specifically, to study whether bottlenose dolphin exposure to airgun impulses results in temporary threshold shift ("TTS").[11] As the public abstract from the study explains, "subjects participated in over 180 exposure sessions with no significant TTS observed at any test frequency, for any combinations of range, volume or pressure during behavioral tests." [12] Even at ranges as close as 3.9 m and with the air gun operating at 150 in^3 and 2000 psi, resulting in cumulative Sound Exposure Levels of 189-195 dB re $1\mu Pa^2 s$, the impulses did not result in detectable TTS in any dolphin tested. As a result of the relative low-frequency content of airgun impulses compared to the relative high-frequency hearing ability of dolphins, no injuries or significant behavioral responses were observed in this study.[13] Industry observations corroborate this scientific evidence. For example, dolphins are frequently observed by personnel on seismic vessels to approach the vessels during operations to bow-ride and chase towed equipment – a direct indication of insensitivity to seismic sound generation. PSO observation reports indicate that there is no statistically significant difference between the frequency of dolphin sightings and

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[10] "Voluntary approach" is defined as "a clear and purposeful approach toward the vessel by delphinid(s) with a speed and vector that indicates that the delphinid(s) is approaching the vessel and remains near the vessel or towed equipment." PEIS at 2-11.

[11] James J. Finneran et al., *Final Report* (2013). TTS in odontocetes in response to multiple airgun impulses. (IAGC understands that a copy of this Final Report has been furnished by the author to NMFS).

[12] C.E. Schlundt et al., *Auditory Effects of Multiple Impulses from a Seismic Airgun on Bottlenose Dolphins*, presentation at the Effects of Noise on Aquatic Life Third International Conference, Budapest, Hungary (Aug. 11-16, 2013) (emphasis added). The results of this study also are useful to support inclusion of frequency weighting in updated acoustic criteria.

[13] In a 2011 Programmatic EIS, the National Science Foundation recognized that "[t]here has been no specific documentation that TTS occurs for marine mammals exposed to sequences of air-gun pulses during operational seismic surveys." Programmatic EIS/OEIS for NSF-Funded & USGS Marine Seismic Research, at 3-133 (June 2011), http://www.nsf.gov/geo/oce/envcomp/usgs-nsf-marine-seismic-research/nsf-usgs-final-eis-oeis_3june2011.pdf (recognizing 180 dB re 1 uPa (rms) criterion for cetaceans "is actually probably quite precautionary, i.e., lower than necessary to avoid TTS at least for delphinids, belugas and similar species").

acoustic detections during seismic operations when the source is active or silent. *See* Attachment A.[14]

Second, even if there were scientific justification for the proposed dolphin shutdown mitigation measure (which there is not), implementation of the measure is impractical. We are aware of no mitigation measures applicable to offshore exploration activities in which an observer is required to subjectively determine the intent of a marine mammal. Determining marine mammal intent from great distances is very difficult for experienced marine mammal biologists in staged scientific experiments, let alone for observers who will be attempting to determine dolphin intent over vast distances in the ocean environment. Based on observation reports, PSOs will be unable to confidently assess animal behavior or "intentions" because they cannot accurately determine species within the expanded exclusion zone.[15] The result is that observers will likely, out of caution, call for shutdowns in almost all instances where dolphins are observed within the exclusion zone.

Third, in areas of high-density dolphin populations, such as the Atlantic Ocean and the Gulf of Mexico, shutdown requirements for a species that enjoys bow-riding and approaching vessels could effectively bring all seismic activity to a halt. Implementation of this proposed measure will substantially increase the number of shutdowns and delays in ramp-ups, which will result in much longer surveys and significantly increased costs with no environmental benefit. *See* Barkaszi, *supra*, note 7, at 1 (75% of delays in ramp-ups due to presence of protected species in exclusion zone during 30 minutes prior to ramp-up were due to dolphins).

Fourth, the proposed measure is without precedent. Under Joint NTL No. 2012-G02 (and previously NTL No. 2007-G02), BOEM required seismic operators in the Gulf of Mexico to shut down for any whale observed in the exclusion zone. BOEM defined "whales" as all marine mammals except dolphins and manatees. In the June 2013 settlement of litigation challenging BOEM's permitting of seismic activity in the Gulf of Mexico, the U.S. District Court for the Eastern District of Louisiana extended the shutdown requirements to manatees. In short, no

[14] *See also* A. MacGillivray et al., *Marine Mammal Audibility of Selected Shallow-Water Survey Sources*, J. Acoustical Soc'y of Am. 135(1) (Jan. 2014).

[15] *See* Attachment A. It is well known that different species will exhibit different behaviors. For example, Risso's dolphins generally avoid vessels and rarely bow-ride, rough-toothed dolphins generally avoid vessels but do bow-ride, and common dolphins are avid bow-riders. *See* K. Wynn & M. Schwartz, *Guide to Marine Mammals and Turtles of the U.S. Atlantic and Gulf of Mexico* (2009).

dolphin shutdown provision, as recommended in the PEIS, has ever been required by any federal agency.[16]

Finally, there is no legal basis for the proposed dolphin shutdown measure. Under the MMPA, mitigation measures attached to incidental take authorizations must address the reduction of incidental take. *See* 16 U.S.C. §§ 1371(a)(5)(A), (a)(5)(D); 50 C.F.R. § 216.104(a)(13). However, as set forth above, there is no scientific evidence demonstrating that active acoustic seismic surveys result in any incidental takes of dolphins. Accordingly, there is no statutory basis for recommending the dolphin shutdown mitigation measure.

In sum, the proposed dolphin shutdown mitigation measure would broadly and substantially impact seismic operations without any corresponding environmental benefit and without any scientific support. IAGC respectfully requests that BOEM, in its ROD, expressly find that this recommended measure is unsupported and unnecessary, and exclude the measure from the ROD's recommended mitigation measures. The ROD should also affirmatively clarify that shutdown is not required for dolphins within the exclusion zone in all circumstances, regardless of whether dolphins are exhibiting bow-riding behavior or any other behavior.

2. 40 km buffer zone between concurrent surveys[17]

In Alternative B, BOEM recommends an expanded 40 km buffer zone between concurrent seismic surveys. The rationale for this expanded buffer is "to provide a corridor between vessels conducting simultaneous surveys where airgun noise is below Level B thresholds and approaching ambient levels." PEIS at 2-37. The agency's stated scientific basis for this proposed measure is, at best, ambiguous: "New information suggests that, in some circumstances, airgun noise can be detected at great distances from the sound source, such as across ocean basins (Nieukirk et al., 2012), yet it is unknown if detection of sound at these distances has any effect on marine mammals or other marine species." PEIS at 2-38. No other scientific evidence, no published studies, and no other rationale are provided for this proposed measure, which is given a half-page explanation in Appendix C. In addition, this proposed

[16] For example, in the Gulf of Mexico, the average shutdown lasts for 58 minutes, *see, e.g.*, Barkaszi, *supra*, note 7, which the PEIS would extend by at least 30 minutes by increasing the visual monitoring period following a shutdown from 30 to 60 minutes. Multiplying a rough 1.5-hour average shutdown by 26,000 shutdowns would yield roughly 39,000 hours of shutdowns or approximately 1625 days. Because the typical seismic survey operation costs roughly $1.5 million per day, the total potential costs arising from the PEIS's assumptions equal a staggering $2.5 billion.

[17] This measure, as well as the 60-minute "all clear" period addressed below, were not addressed anywhere in the DPEIS. This is the first opportunity the regulatory community has had to comment on these measures.

measure is not mentioned at all in the biological opinion.

In contrast, the best available scientific information supports a buffer zone, if any, of 17.5 km, which is the standard separation distance maintained by seismic operators. The modeling performed by JASCO (*see* PEIS at Appx. D) demonstrates that the typical exposure radius for the 160 dB threshold is 10 km. The largest observed exposure radius was 15 km, but this occurred in less than 10% of the modeled cases. The lowest observed exposure radius was 5 km. Current technology has enabled many operators to decrease typical exposure radii to 7 to 9 km.

A buffer zone that more than doubles the highest possible exposure radii is clearly <u>not</u> reasonable or scientifically supportable – i.e., it is arbitrary. Moreover, the PEIS's reference to airgun noise detections at "great distances" does not support the proposed buffer zone because those detections occur (if at all) at very low levels that are well below the thresholds NMFS has established for Level B harassment.

The recommendations and analyses in an EIS must be "accurate," not speculative, and grounded in "high quality" scientific information. *See supra* Section II.A.2. The recommended 40 km buffer zone fails all of these standards. There is literally no scientific information that supports this measure, and, as explained above, the best available information contradicts it. To our knowledge, no buffer zones even approaching this magnitude have ever been required as a condition of offshore seismic authorizations.[18] To make matters worse, BOEM admits in the PEIS that implementation of the 40 km buffer would result in no additional benefits to protected species. PEIS at xxiv (40 km buffer "would not be expected to change any impact ratings"). Consequently, BOEM must decline to adopt the 40 km buffer zone mitigation measure in the ROD and, instead, recommend either no buffer zone, as recommended in Alternative A, or, alternatively, a 17.5 km buffer zone, consistent with standard practice.

3. 60-minute "all clear" period

The PEIS recommends that monitoring of the exclusion zone shall "begin no less than 60 min prior to start-up" and that restarting of equipment after a shutdown "may only occur following confirmation that the exclusion zone is clear of all marine mammals and sea turtles for 60 min." PEIS at C-29. However, again, BOEM has provided no factual or scientific support for this measure, nor is any meaningful supporting information provided in the biological opinion. To our knowledge, a 60-minute "all clear" period has never been required as a condition of any offshore seismic authorization in the United States. In fact, the routine and <u>proven-to-be-effective</u> practice is to require a 30-minute "all clear" period – for marine mammals

[18] *See, e.g.*, 78 Fed. Reg. 35,364, 35,423 (June 12, 2014) (vessel spacing of 24 km required to avoid any effects of multiple surveys on migrating or foraging walruses).

generally and for ESA-listed species.[19] There is no available information suggesting that the standard practice has not been effective and, to the contrary, all available information demonstrates that the standard practice has been very successful in protecting marine mammals.

Expanding the standard 30-minute "all clear" period to 60 minutes will substantially increase the duration and cost of seismic surveys, which, in turn, increases safety and environmental risks. Extrapolated over all surveys that will be performed over a five-year period, the increased time and expenses resulting from this mitigation measure alone will be dramatic. Increased survey time will also increase the amount of time that protected species are exposed to the potential effects associated with the presence of vessels. The PEIS contains no analysis of the increased operational or environmental effects associated with the 60-minute "all clear" period, compared to the standard 30-minute period (and sometimes 15-minute period) that has successfully been implemented in all offshore seismic operations to date.[20] Accordingly, in the ROD, BOEM should decline to adopt the 60-minute period as unsupported and unprecedented and, instead, adopt the standard 30-minute period.

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[19] *See Issuance of IHA to Apache Alaska Corp. for Seismic Survey in Cook Inlet*, 79 Fed. Reg. 13,626, 13,636-37 (Mar. 11, 2014) (requiring 30-minute observation period before startup and after sightings of killer and ESA-listed beluga whales and large odontocetes, but only 15-minute period after sightings of pinnipeds and small odontocetes); *Issuance of IHA to Apache Alaska Corp. for Seismic Survey in Cook Inlet*, 78 Fed. Reg. 12,720, 12,732-33 (Feb. 25, 2013) (providing same requirements, and specifying that the shorter 15-minute clearance period applies to harbor porpoises); *Issuance of IHA to TGS-Nopec for Seismic Survey in Chukchi Sea*, 78 Fed. Reg. 51,147, 51,154, 51,160 (Aug. 20, 2013) (same); *Issuance of IHA to Shell and WesternGeco for Seismic Surveys in the Beaufort and Chukchi Seas*, 73 Fed. Reg. 66,106, 66,135-36 (Nov. 6, 2008) (requiring 30-minute observation period before ramp-up and 15- or 30-minute delay of ramp-up for sightings of small odontocetes and pinnipeds, or baleen whales and large odontocetes, including ESA-listed species, respectively); *Issuance of ITR for Oil and Gas Activity in Chukchi Sea*, 78 Fed. Reg. 35,364, 35,424, 35,425 (June 12, 2013) (requiring monitoring period of 30 minutes for walruses and ESA-listed polar bears before startup and after sighting); *Issuance of ITR for Oil and Gas Activity in Beaufort Sea*, 76 Fed. Reg. 47,010, 47,052 (Aug. 3, 2011) (same).

[20] Pre-ramp-up and post-shutdown, the vessel is still moving and likely would move 8-9 km at 3-5 knots in a 60-minute period, bypassing any established exclusion zone several times. *See* 79 Fed. Reg. at 14,797 (NMFS stating that ramp-up is unnecessary "[b]ecause the vessel has transited away from the vicinity of the original sighting during the 8-minute period, implementing ramp-up procedures for the full array after an extended power-down (i.e. transiting for an additional 35 minutes from the location of initial sighting) would not meaningfully increase the effectiveness of observing marine mammals approaching or entering the exclusion zone for the full source level and would not further minimize the potential for take").

4. Exclusion zones greater than 500 meters

The PEIS explains that exclusion zones "shall be calculated independently and shall be based on the configuration of the array and the ambient acoustic environment, but shall not have a radius of less than 500 m…." PEIS at 2-10. BOEM's suggested approach for exclusion zones will require substantial modeling effort and will result in exclusion zones that are many times greater than those that have typically been implemented (with success) in the Gulf of Mexico. *See supra* note 3. The expanded exclusion zones are especially concerning because they will ultimately be dictated by the hearing group with the largest modeled radii once new group-specific acoustic criteria are implemented. High-frequency cetaceans, particularly delphinids, will therefore determine the size of the exclusion zone in most instances. Since BOEM is applying shutdown requirements to delphinids, and, as described above, because the exception to those requirements will rarely be applied in practice, this will result in numerous shutdowns due to the observation of delphinids within the large exclusion zone.

Moreover, these shutdowns will serve no environmental benefit because, as explained above, the best available science and information demonstrates that delphinids are unaffected by the lower frequency sounds produced by seismic operations. Exclusion zones should be based on the best available science and modeling and, if that modeling demonstrates that exclusions zones of less than 500 meters are warranted, then there is no basis for arbitrarily requiring a minimum exclusion zone of 500 m. If the minimum 500 m exclusion zone requirement is not applied, IAGC would support the incorporation of power-down procedures to mitigate any potential effects. Power-down procedures acceptable to IAGC are a <u>modified</u> version of the procedures described at 79 Fed. Reg. 14,780, 14,797 (Mar. 17, 2014) ("Langseth IHA").[21]

5. Turtle shutdowns

The PEIS applies exclusion zone shutdown criteria equally to marine mammals and sea turtles. However, the PEIS does not meaningfully address the fact that sea turtles are much more difficult to observe than marine mammals. Sea turtles can be reasonably observed at distances of 100 m to 300 m from a vessel, but it is very unlikely that sea turtles can be reliably observed at greater distances. *See* Attachment A (most turtle observations within 100 m). In addition, if a sea turtle is observed within the exclusion zone (triggering a shutdown of airguns), assuming the vessel is moving at 3 to 5 knots, the observed turtle will be outside of the exclusion zone within approximately 15 minutes because sea turtles swim very slowly compared to marine mammals.

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[21] Specifically, IAGC would support power-down procedures similar to those in the Langseth IHA <u>provided that</u>: (1) power-down would be implemented only if a marine mammal is observed <u>in or entering</u> (<u>not</u> "likely" to enter) the exclusion zone; (2) power-down procedures may involve a reduction in the <u>volume and/or pressure of the array</u>; and (3) if a marine mammal is observed within the 500 m exclusion zone, then the reduced array would be shut down and shutdown procedures would apply.

In such circumstances, a 60-minute "all clear" requirement would plainly be unnecessary (setting aside the fact that it is unnecessary in all circumstances).

Because turtles are difficult to observe at distances greater than 300 m, application of the exclusion zone shutdown to sea turtles is infeasible and will very likely result in unwarranted shutdowns because observers, acting out of precaution, will call for shutdowns when anything resembling a sea turtle is observed. There is also no existing scientific basis for the proposed turtle shutdown requirement, and none is provided in the PEIS. *See supra* note 3. The ROD should therefore recommend a reduced exclusion zone for sea turtles that is feasible and practical. Such a reduction is also consistent with the best available science, which indicates that sea turtles are not as sensitive to sound as marine mammal species. *See* PEIS, Appx. I. IAGC recommends a 300 m exclusion zone for all sea turtle species.

6. Expanded NARW time-area closure and DMAs[22]

As part of Alternative B, BOEM recommends an expansion of the time-area closure applicable to North Atlantic Right Whales ("NARW") to a continuous 37 km-wide zone extending from Delaware Bay to the southern limit of the programmatic area. PEIS at C-32. It appears that BOEM intends this closure to be applied to <u>any</u> sound produced by seismic vessels such that no portion of a vessel's ensonification zone may enter the closed area. The result is that the proposed NARW time-area closure will be much larger than what is described in the PEIS. Because NARWs are primarily threatened by ship strikes and fishing entanglement – not seismic sound – BOEM should clarify in its ROD that the NARW time-area closure applies to the <u>presence of vessels, not a vessel's ensonified zone.</u> BOEM should also clarify in its ROD that vessels may transit through the closure area when seismic equipment is not active.

In addition, the PEIS includes time-area closure measures in areas designated as Dynamic Management Areas ("DMAs") under NMFS's ship-strike reduction regulations. *See* PEIS at C-16. These measures are very problematic, and unwarranted, for at least the following reasons:

- DMAs were created to address ship strike situations, which involve vessels traveling at high rates of speed (12-20 knots). Indeed, NMFS has indicated that vessel speeds of less than 10 knots are sufficiently protective. *See* 78 Fed. Reg. 73,726 (Dec. 9, 2013). BOEM's proposed application of DMAs to seismic operations is therefore contrary to both the original purpose of DMAs (to address ship strikes, not potential acoustic impacts) and NMFS's recent finding. Moreover, the proposed application to seismic vessels is particularly arbitrary because BOEM intends to broadly apply it to the vessel's 160 dB ensonified zone.

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[22] The DMA-related measures were also not included for public review in the DPEIS.

- Nowhere has either BOEM or NMFS evaluated the operational practicability or effectiveness of applying DMAs to seismic operations.

- Unlike NMFS's approach to DMAs, BOEM appears to propose to make seismic industry compliance with DMAs mandatory. There is no basis for such a measure, especially given that NMFS has taken no such step for the vessels that DMAs were intended to address.

- DMAs are unpredictable and the identification of DMAs on short notice will compromise the implementation of seismic survey operations that have been carefully planned over a substantial period of time, with no corresponding benefit.

7. Vessel strike avoidance

The PEIS's recommended vessel strike avoidance measures for ESA-listed whales present serious operational and safety problems, and must be modified. Specifically, the PEIS recommends that if a vessel comes within 100 m of an ESA-listed whale species, it "must reduce speed and shift the engine to neutral, and must not engage the engines until the whale(s) has moved outside of the vessel's path and the minimum separation distance has been established." PEIS at C-9. Respectfully, this measure fails to consider that seismic vessels are significantly different than typical vessels due to the substantial amount of highly specialized equipment that is towed behind a seismic vessel. Operationally, a seismic vessel must maintain forward motion to sustain the equipment spread or the whole system will collapse. The consequence of immediately shifting the engine into neutral could be significant equipment damage in the tens of millions of dollars, and weeks of vessel downtime. As a practical matter, a seismic vessel moving at 3 to 5 knots is very unlikely to strike an ESA-listed marine mammal. In the event of a sighting of an ESA-listed whale within 100 m of the vessel, the vessel could slow (to no less than 3 knots) and turn gently away from the animal, which would both avoid a collision and lessen the risk of damage to seismic equipment. In its ROD, BOEM must decline to adopt the vessel strike avoidance mitigation measure.

8. Passive acoustic monitoring

Under Alternative B, BOEM would require the use of Passive Acoustic Monitoring ("PAM") as part of the Seismic Airgun Survey Protocol. IAGC encourages consideration of PAM during periods of low visibility in its 2011 best practices guidelines. PAM is one of several monitoring techniques that compliments (rather than replaces) traditional visual monitoring. However, commercially available PAM systems can be highly variable, the equipment is unreliable, and PAM's utility as a secondary monitoring source during daylight observations has not been proven. Overall performance and capabilities of PAM are highly dependent on factors such as technical specification of equipment, operational setting, availability of experienced and trained personnel, and the species of marine mammals present in a given area. Mandatory use of PAM will increase survey cost, require the placement of more personnel on vessels (i.e., four dedicated PAM observers onboard), and increase entanglement risk due to more gear being towed in the water.

IAGC therefore urges BOEM to either make the use of PAM optional, as recommended in Alternative A, or require PAM only for operations at night and in periods of low visibility.[23] This is reasonable given BOEM's admission that "it is difficult to quantify any difference in impact level [of Alternative B] relative to Alternative A." PEIS at 2-40; *see also* PEIS at xxiv ("The degree of improvement [due to making PAM mandatory] has not been estimated but would not be expected to change any impact ratings."). IAGC encourages BOEM to use risk-based mitigation and monitoring measures based on the best available information and promote development of technologies that can best accomplish effective detection and monitoring of marine mammals.

9. National standards for protected species observers

The PEIS and biological opinion purport to adopt the recommendations described in NOAA Technical Memorandum NMFS-OPR-49, *National Standards for a Protected Species Observer and Data Management Program: A Model Using Geological and Geophysical Surveys* (Nov. 2013) ("Observer Standards"). However, this document was never released for public review and comment and was not referenced in the PEIS. Although we appreciate the agencies' attempt to clarify and standardize observer guidelines and requirements, the Observer Standards are flawed in a number of respects. It is imperative that the agencies consider public input on the Observer Standards and make the revisions necessary to ensure that the standards are workable, accurate, and appropriate. The standards should encourage adaptive technology, remote monitoring, reduction of health, safety, and environmental risks, and use of an updated reporting form that provides substantive data from observations to inform the need (if any) for additional or revised mitigation measures. The letter by IAGC, API, and NOIA, dated May 2, 2014, addressing the Observer Standards (attached) more specifically addresses our concerns with the Observer Standards and offers constructive solutions. We appreciate BOEM's consideration of our concerns.

C. The Adaptive Management Provisions Must Be Clarified and Improved

Although the PEIS states that BOEM will consider future data regarding the efficacy of mitigation measures and will adjust requirements for individual surveys, the PEIS appears to establish minimum standards that can only become more stringent through adaptive management. *See* PEIS at 2-39 (adaptive management at the site-specific level "would analyze the best available information and apply additional mitigation, depending on the site-specific proposed action" (emphasis added)); *see also* PEIS at 1-27 to 1-28 (examples largely focus on

[23] NMFS's biological opinion (page 308) only requires PAM for ramp-up at night or in periods of low visibility.

"additional" measures). As just one example, BOEM has established 500 m as a minimum exclusion zone and indicates that it will not set exclusion zones less than 500 m even if a smaller zone is supported by data and modeling.

The ROD must clarify that BOEM will implement "adaptive management" in the true sense of the term – i.e., site-specific requirements may be adjusted to be either less restrictive or more restrictive based on the project-specific information, the species present in the project area, the assessment of relevant risks, and the best available information.

III. CONCLUSION

IAGC appreciates this opportunity to comment on the PEIS. Although we support BOEM's plan to authorize exploratory activities on the Atlantic OCS, there are several aspects of the PEIS that are not supported by science or by law, or are otherwise infeasible. Of the alternatives presented in the PEIS, Alternative A presents the option that is most supported by the best available science and applicable law. However, IAGC would support BOEM's adoption of Alternative B only so long as all of the modifications suggested in these comments are incorporated into the ROD. We appreciate your consideration of our comments and sincerely hope that BOEM will prepare a ROD that addresses the concerns set forth above. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Karen St. John
Group Vice President - Environment

International Association of Geophysical Contractors

cc: Mr. Walter Cruickshank (Walter.Cruickshank@boem.gov)
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ATTACHMENT D

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PSO Data 2013 - March 2015: Dolphin Sightings ***Provided by CGG based on MMO reports submitted to BOEM during this period representing approximately 33% of total vessel activity days in the GOM since 2013.[1] Data prior to 2013 is not included in this analysis because PAM was not used consistently until this point.***		
Species Identification		
% of Unidentified Dolphin	85%	In many reports, PSOs contribute sea state, distance, or the sun's glare as a key factor for not being able to identify species. The significant number of acoustic detections without confirmed species identification is also a main contributor.
% of Identified Dolphin	15%	
PAM		
% of PAM Detections	78%	PAM detections accounted for a majority of the total dolphin sightings and detection reports. However, only 1% of the acoustic detections successfully identified a specific dolphin species. Visual corroboration was necessary to identity the species about 25% of the time.
Source Activity Comparison		
% of sightings and/or acoustic detections – source active	55%	The frequency of sightings and acoustic detections are almost proportional when the source is active or silent.
% of sightings and/or acoustic detections –source silent	45%	
Animal Behavior		
% of sightings when bow-riding was observed (active or silent)	6%	The data indicates an estimated 2% variance in observed bow-riding when the source was active versus when the source was silent. Fewer PSO observations when the source is silent could account for some variance. The values are close enough to conclude the frequency of animal engagement with the vessel is not specific to source status.
Average Distance of Animal at Initial Sighting	570m	Initial sightings and detections are made most often at a distance between 500m and 800m.

PSO Data 2013 - March 2015: Turtle Sightings ***Provided by CGG based on MMO reports submitted to BOEM during this period representing approximately 33% of total vessel activity days in the GOM since 2013.[2] Data is taken from 2013 to be consistent with Dolphin sighting period.***		
Total Sightings	410	410 sea turtles were observed overall.
Average Distance of Animal at Initial Sighting	53m	Analysis of turtle sightings indicates observations are typically within 100m. It is often difficult to ascertain if an object in the water is a turtle or floating debris at further ranges.

[1] Estimated calculation based on level of activity from January 2013 to March 2015 from IHS SeismicBase Vessel Search Database.

[2] *Id.*