U.S. DEPARTMENT OF INTERIOR
BUREAU OF OCEAN ENERGY MANAGEMENT
AND
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

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# GULF OF MEXICO GEOLOGICAL & GEOPHYSICAL (G&G) ACTIVITIES PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT (EIS)

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## PUBLIC SCOPING MEETING

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TUESDAY
JUNE 11th, 2013

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RAMADA PLAZA BEACH RESORT

1500 MIRACLE STRIP PARKWAY SE
FORT WALTON BEACH, FLORIDA
6:30 P.M.

APPEARANCES:

BOEM STAFF PRESENT:
Gary Goeke
Beth Nord

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P R O C E E D I N G S

(6:30 p.m.)

MR. GOEKE: Good evening, Ladies and Gentlemen. Let's go ahead and go on the record. My name is Gary Goeke. I am the Chief of the Environment Assessment Section with Bureau of Ocean Energy Management over in New Orleans. I'm struggling with a cold, so if you can bear with me I would appreciate it.

Sitting beside me this evening is Ms. Beth Nord. Beth is one of our senior staff over in New Orleans and Beth is one of the coordinators on the geological and geophysical EIS that we're going to be preparing and that we're here to talk about this evening. So if everybody is ready, let's go ahead and get started.

What we have on the screen here is a series of presentations, a series of locations where we're going to be meeting and talking with federal, state, local officials and the general public to try and gather

information for the EIS that we're going to be preparing.

As some of you may or may not know, the Bureau of Ocean Energy Management has been around for a while, but we used to go under another name. We used to be called the Minerals Management Service. But the Bureau of Ocean Energy Management is one of the agencies with a lead role in regulating offshore oil and gas activities and in concert with the National Marine Fisheries Service we are putting together an EIS that will look at the geological and geophysical activities in the Gulf of Mexico for the next -- it's a ten-year period, I believe, the EIS is going to look at. So this is why we're here.

Under the congressional mandate that our agency has been given, our agency is the one that deals with the Outer Continental Shelf. We deal with alternative energies. We deal with oil and gas. We deal with marine minerals and the use in the coastal zones of

marine minerals and things like that. So we have a fairly diverse set of responsibilities at our agencies and one of the things we need to make sure is that we do address all the issues we need to cover.

One way we do this is by writing Environmental Impact Statements under the grandfather law called NEPA, the National Environmental Policy Act. NEPA is a law that was put together many years ago now and tells federal agencies that if they have actions that the potential to have significant impacts, they need to write about it, they need to put the information down. The analysis that's done for the EIS does not need to be encyclopedic. It only needs to address the things that bear the potential for impacts, but it also allows a public process to build into the EIS and is accomplished in several ways.

One is at the very beginning of the process doing what we call a scoping

meetings and that's where we are at this point. We're looking for folks who can talk to us and explain to us and give us their thoughts on the EIS that we're starting to prepare. The EIS on geological and geophysical activities in the Gulf of Mexico is going to be a process that's going to take about two-and-a-half years. We have opportunities at the front end and once the draft EIS gets published, we have opportunities for the general public to comment and to give us their thoughts.

The EIS itself is designed to achieve a number of things. The issues that we cover in the EIS, as I said, are going to have to cover alternative energy for the Gulf of Mexico, the siting of alternative energy projects. It's going to look at marine mineral projects, as well. Marine mineral is where we borrow sand or other minerals from the Outer Continental Shelf, as well as the possible oil and gas. So we have a variety of

things, but one thing that we're doing in this EIS that we need to make sure is clear, we're addressing this at a programmatic stage, which means this EIS will not have plans specific, will not have project specific information in it and no permits will be granted as a result of this particular EIS. All of the things that come in after this will be identified and will be reviewed much more individually for site specific information and to make sure that everything is covered properly. So this EIS, though it's going to be large, is going to encompass a lot of things, will have subsequent environmental documents tied to it.

The EIS process, as you can imagine being with the federal government, is a long and cumbersome process. It starts out at the scoping process, scoping stage, where we try to get everybody to give us their thoughts. We as an agency have our thoughts on what may need to be addressed. We have staffs of 85 to 100 marine scientists in all various

disciplines and they are giving us their advice and their thoughts on how we should do things, but we want to make sure that we hear from everybody. We want to make sure that we hear from the commercial fishermen, from the people who work on the oceans. We want to make sure that we get everybody's thoughts in our process and that's where we are right now. We're at the very beginning of the process called scoping.

The purpose of the scoping meeting, as I said, is to gather input, to get your thoughts and make sure that we are all on the same page and whatever good ideas you have as a result of your background and your history dealing with the oceans, that we can take advantage of that.

Now, the National Environmental Policy Act, as I mentioned, is a grandfathered act. It covers a lot of things. It ensures that the federal agencies do a lot of different types of consultations and the

federal agencies cover a lot of ground when they're doing their Environmental Impact Statement. On the Outer Continental Shelf these are some, not all, these are some of the consultations and some of the requirements that our agency has to meet as we move forward with the environmental impact statement. We have everything from the Coastal Zone Management Act, we have EPA Air Quality, EPA Water Quality, National Marine Fisheries consultations and things like that. So we have a lot of other folks that will be involved in this process. It's not just our agency by itself.

So the question becomes what is seismic? For those of us who don't spend a lot of time dealing with this very specialized niched topic, basically a seismic survey is where you take energy, you put it into the ocean, it bounces back, it reflects, you capture that data and you can use that data to interpret what the sea floor looks like.

Depending on the intensity of the source that you use, depending on a wide variety of factors, you can gather data from different depths below the sea floor. That's what we're writing our environmental impact on.

G&G activities in the Gulf of Mexico are used for a variety of things. They're used for oil and gas exploration and development. They're used for biological resources and submerged cultural resources. One of the G&G techniques is how we find submerged vehicles that are shipwrecks that may be left over from 200 years ago.

The renewable energy in the Gulf of Mexico, we do not have a lot of renewable energy just yet, but there are people out there who think that alternative energy in the Gulf of Mexico may be a good way to move forward. If this happens, then they would use some of these techniques to find locations that have suitable sea floor foundations for them to set up wind farms and things like

that. So there's a lot involved in it other than just oil and gas.

And, of course, the marine minerals, when we have a storm, all of a sudden we have a big demand for sand to renourish beaches, to get things going again and this all falls under some of the processes used by the G&G surveys that are done in the Gulf of Mexico.

We have a lot of information about the different types of surveys and this is a very brief summary of the information, but basically there's 2D and 3D. There's high resolution. There's a wide variety of geophysical types of surveys and we're going to look at all of these.

Now, one of the things that we're finding is that a lot of these different techniques, as you would not be surprised to find out, have various levels of potential impact. So right now we want to go through and do a sorting process to make sure that

we're addressing the ones that have the greatest potential for harm.

In the Gulf of Mexico the area of interest, the area that we're going to look at in this EIS is the entire Gulf of Mexico. We're going to be looking at the entire northern Gulf of Mexico. We're going to be looking at everything in the Western Planning Area, the Central Planning Area and the Eastern Planning Area.

The way we do this -- the way we do this, as I mentioned, is to create what we call a programmatic EIS. The programmatic EIS allows us to put down certain information. We can put down descriptive information. We can put down certain types of information. And then as we move from programmatic to the site specific evaluations later, we don't have to repeat all of the information that was published the first time. So that's part of the purpose of the programmatic EIS is to help give us little shortcuts so that we don't have

to repeat everything that's ever been said previously.

One of the things that we do under NEPA is that we define a purpose and a need. This is the need statement that we're going to be using and this is why we're doing what we're doing. How we create an EIS is that we start with a list. We start with a list of resources. We start with a list of the different -- excuse me. We start with a list of the different animals and the different types of communities and the different issues in the Gulf of Mexico and we go through this list, and we have experts in these various fields, and up against these resources, such as the coastal environments and things like that, we look at the various impact producing factors and we look at all of these individual impact producing factors and weigh them up against the coastal marine environment, the sea birds, the benthic communities, the whales, the dolphins, so that what you have is

you end up with a document that's a fairly comprehensive document for each resource. Let's say marine birds, you may have ten different impacting factors that you've gone through and discussed in great detail.

So the EISs are not simple to read. They're very technical and they're very detailed. So what we will do is we will publish the draft document, put it out for review and hold another set of meetings like we're doing here to try and get your comments and your thoughts.

One of the things that NEPA, the National Environment National Policy Act requires, is that we don't just consider a single action. We have to look at a variety of actions and a set of alternatives as we go through. NEPA requires that we look at the no action alternative, so one of the considerations that we will have is what would happen if we actually had no action.

Then we have the proposed action,

which is to move forward with activities in the Gulf of Mexico similar to how they're being done now.

Then there will be other alternatives that will be developed, as well. These other alternatives are some of the things that we would like to hear from the scoping process, come out of the scoping process with a list of alternatives and a list of different ways that things can be accomplished. That's part of why we're here.

An example of the types of mitigations, the types of alternatives that we're looking at are listed up here. Some of the mitigations have been used in the Gulf of Mexico for a long time and some of the mitigations are new. We're going through -- we've worked closely with the National Marine Fisheries in the past to develop a set of alternatives, to develop a set of mitigating measures that helps minimize the impacts. So these are some of the mitigations that will be

scrolled into the document as we move forward.

We have a tentative schedule. As you can see, the dates in red indicate public comment periods. These are where we solicit and we ask the general public to give us their thoughts, tell us what you think should be happening, tell us what you think should be included in our document for the sake of completeness. So that's the purpose of the EIS. It explains what we're trying to do.

What we're going to do this evening, when you came in we asked you if you wanted to speak. When you came in we asked you if there is something that you feel like you need to say. We have a short list of speakers. We have a short list of speakers and after these folks have been called, what we will do is we'll open the floor and ask anyone else if they would like to talk. Then what we'll do is we'll adjourn for about 15 minutes. We'll give anyone who is running late, we'll give them a chance to come in, and

we'll reopen the session and I'll ask again if there's anyone who cares to give some presentations.

The first speaker we have tonight is Eric Hamilton.

MR. HAMILTON: Good afternoon. My name is Eric Hamilton and I'm the Associate Director with the Florida Petroleum Council, a division of the American Petroleum Institute. Thank you for the opportunity to speak to you today about the scoping of this Draft Programmatic Environmental Impact Statement, which will support the issuance of permits to conduct geological and geophysical study activities in the Gulf of Mexico.

The oil and natural industry has a long history of working with the Department of Interior to develop this country's natural resources to the benefit of the U.S. economy and all Americans. Our industry stands ready to invest in additional exploration in the Gulf of Mexico. This DPEIS is the needed

first step to begin the process of generating the data that will allow for additional production in the Central and Western Gulf and the potential for discoveries in the Eastern Gulf should that area be made available for leasing and development in the future.

The scope and magnitude of the economic activity in the Gulf of Mexico are huge and largely attributable to energy exploration and development. Currently the Gulf accounts for over 25 percent of all U.S. domestic oil production. The BOEM has determined that over a 40-year period of leasing, drilling, and production resulting from the 2012 to 2017 five-year 0CS leasing plan will create an additional 20,000 to 52,000 jobs between $1.1 and $2.2 billion in additional income annually.

To realize these benefits, geological and geophysical surveys, mainly in the form of seismic surveys, will be necessary. Modern offshore oil and natural

gas exploration requires the use of seismic surveys to feasibly and accurately prospect for oil and natural gas reserves offshore. This technology has been used for decades to assess the location and size of potential oil and natural gas deposits, which often lay several miles beneath the ocean floor. Seismic surveys also make offshore energy production safer and more sufficient by greatly reducing the drilling of dry holes where no oil or gas is found to be present.

The offshore oil and natural gas industry has demonstrated the ability to conduct seismic exploration activities in a manner that protects marine life. Four decades of worldwide seismic surveying activity and scientific research on marine mammals have shown no evidence that sound from seismic activities has resulted in injury to any marine mammals species. Likewise, there is no scientific evidence demonstrating biologically significant adverse impacts on

marine mammal populations. Nevertheless, the industry employs a number of robust mitigation measures to further reduce the negligible risk of harm to marine mammals.

Based on the absence of observed effects and supporting scientific knowledge, the alternatives studied in the PEIS should not consider overly restrictive mitigation measures that will inhibit industry from performing seismic surveys and BOEM from meeting its goals set out in the OCS Lands Act. An agency's only NEPA obligation is to evaluate reasonable alternatives, and a proposed alternative is reasonable only if it will bring about the ends of the federal action measured by whether it achieves the goals the agency sets out to achieve. A federal agency may therefore eliminate alternatives and mitigation measures that do not meet the purposes and needs of the project. In the face of no observable injury or mortality data and no population level

behavioral effect, the DPEIS should resist the imposition of more and more unreasonable mitigation measures, especially the addition of dolphins, which at times intentionally approach seismic vessels to bow ride in a seemingly normal behavior pattern, to the list of animals that require operations to shut down.

In the past, the methodology BOEM has used to estimate numbers of incidental takes has resulted in what we feel are highly exaggerated estimates, especially considering the lack of any observable injuries, mortalities or population level behavioral effects. BOEM has relied on models that have not been validated against field data. This has created unrealistic estimates of incidental takes that could be expected to occur during industry geological and geophysical activities. Compounding this problem are the agency's previous take number estimates, which are only achievable by using

acoustic threshold criteria based on obsolete data that does not meet the NEPA requirement to use the best available science. Industry has highlighted a variety of methodological flaws where the agency's choices in acoustic propagation models, the use of frequency weighting, and acoustic thresholds can result in differences in take estimates that vary by several orders of magnitude.

In addition, the primary emphasis in the DPEIS when considering any projected disturbance or impact should be its environment context, the acoustic and physical attributes of the specific surrounding environment and affected species. Therefore, we strongly believe that the DPEIS must be best on the best available science, make appropriate use of models to estimate incidental takes, and fully consider the environmental context when making any determination of environmental consequences.

Finally, we feel that the DPEIS

must explicitly address the OCS Lands Act's programmatic goal of ensuring the expedited exploration and development of the Outer Continental Shelf, and that the DPEIS fully address and quantify the potential interference with the achievement of that goal posed by any alternative or mitigation measure being considered. For example, if the DPEIS addresses the potential for extending shut down requirements to mammals other than whales and manatees, or expanding the shutdown zone from the current 500 meters, BOEM needs to quantify the number of hours or shutdown that would result and the implications for the efficacy and timeliness of the seismic survey.

We appreciate the opportunity to provide this public statement and will be submitting additional written comments prior to the comment deadline. Thank you.

MR. GOEKE: Thank you. We appreciate your thoughts.

Our next speaker is Matt Bodnar.

I'll try to get up here. Can I use that microphone?

MR. GOEKE: That one is fine.

MR. BODNAR: My name is Matt Bodnar and I'm here on behalf of the IAGC --

MR. GOEKE: Excuse me. Would you face this direction, please? You're not addressing the crowd, you're addressing us. Thank you.

MR. BODNAR: I'm trying to get away from that feedback. So okay. I am here representing the International Association of Geophysical Contractors, the IAGC. On behalf of the IAGC and the geophysical industry at large, I wish to express our appreciation for this opportunity to make comments into the public record. We will also submit and we have submitted a written copy of these comments.

The IAGC is an international trade association that represents the industry that provides geophysical acquisition, geophysical

processing and other services to the energy industry, including both conventional and renewable energy sectors. IAGC member companies play an integral role in successful exploration and development of offshore oil and gas resources through the acquisition and processing of geophysical data.

Geophysical surveys are key tools used in oil and gas exploration and the siting of renewable energy facilities.

Our surveys are critical to the development of hydrocarbon resources and one of the very first tools used in the exploration process, aiding E&P companies in their analysis and identification of the most prospective areas for the future exploration.

Geophysical data is also critical for the development of renewable energy. High resolution geophysical data, along with geotechnical borings information, aids in siting and designing renewable energy facilities. Geophysical data is also valuable

to governments, state governments and federal government. The BOEM utilizes our data to assess the resource potential of the Outer Continental Shelf and to ensure that the federal government receives the fair market value for the resources. Having modern geophysical data before a lease sale allows industry to make better informed decisions. We believe these better informed decisions create more competition, create higher bids, create more bids and provide a better return to the government.

Of interesting note here, besides the IRS, the second leading producer of revenue to the federal government is indeed activity associated with G&G.

So our modern geophysical imaging, which the technology is quite advanced now from where it was, reduces economic risks certainly around exploration and production, but it also reduces risks that are associated with operations from a safety and an

environmental risk standpoint. It reduces the number of wells that need to be drilled in any given area, and thus reducing the overall exploration and development footprint. Geophysical imaging is so far advanced today that it's actually being used more and more to predict other drilling risks.

The geophysical industry has over 50 years of experience in the Gulf of Mexico Outer Continental Shelf with planning and acquiring and processing geophysical data in an environmentally responsible manner. During that time there has been no scientific evidence that our surveys have resulted in any auditory or physical injury to any marine mammal or have had adverse impact on marine mammal populations. Nevertheless, we do employ a number of robust mitigation measures to further reduce the negligible risk of any harm to marine mammals. It's important to remember that seismic surveys are temporary, they're transitory and they use a low

frequency short duration source signal.

Though additional information is needed in some areas, there's a significant amount of scientific information available, much of it funded by government agencies, that regard the potential effects of E&P activities on the marine environment. This information and data from the scientific literature, not speculation, should be used when assessing potential impacts of G&G activities on the environment.

Based on the observed effects and supporting scientific knowledge, the alternatives studied in the PEIS should not consider overly restrictive mitigation measures such as a requirement to shut down sources if a dolphin enters the exclusion zone. Seasonal and other geographic closure areas, and marked separation distances between surveys are infeasible and impractical and they're not necessary and they do not protect marine mammals.

In the past BOEM has relied on models and methodology that estimates the number of marine mammal incidental takes in highly exaggerated estimates, especially considering the lack of any observed injuries, mortalities or population level behavior effects.

Compounding this problem, the agency's previous take number estimates are only achievable by using acoustic threshold criteria based on obsolete data that does not even meet the NEPA requirements to use the best science available. We strongly believe that the DPEIS must be based on the best available science, make appropriate use of models and methodologies to estimate incidental takes, and further consider the environmental context when making any determination of environmental consequences.

The IAGC values the stakeholder process and we're committed to participating in a dialogue with all stakeholders to explain

what we do, why we do it, and the measures we take to protect the environment.

I have with me today, if anyone is interested, several examples. I have a CD about the geophysical surveying method and several papers that talk about acoustic noise in the water, propagation, and things like that. If anyone here is interested, please see me and I'll be happy to hand a copy to you.

In conclusion, the IAGC wishes to express our thanks for this opportunity to speak and we would like to voice our support and commitment to work with the BOEM and all the stakeholders to develop a smart PEIS for the Gulf of Mexico. Thank you.

MR. GOEKE: Thank you, Mr. Bodnar. We appreciate it.

Susan Forsythe.

MS. FORYSYTHE: I'm Susan Forsythe and I have been volunteering with about eight organizations for 3500 hours since the Deep

Water Horizon incident in the Gulf three years ago. First of all, I do want to thank all of you for being here. That would be, of course, the agency you're with, BOEM, and then with the DOI, as well as NOAA. Sorry I left you out in the beginning.

One of the things I'm concerned with, though, is the fact that we're not addressing what we have found out three years ago, it's actually been two years ago, when the President commissioned the BP DWH Oil Spill and Offshore Drilling Report. He put together that commission. So I think the first thing we would need to do is to address everything that was brought up in that document because it talked about the dangers in drilling and I would like to give you a few points from that.

MR. GOEKE: Excuse me. The EIS that we're writing is not about drilling. It's about seismic activities.

MS. FORSCYTHE: Right, but I think

part of it has to do with the science that's in it and I think it's just important that we -- you know, the science is number one. And I think, you know, they talk about the environment affecting and impacting that.

Just briefly, though, I do want to mention that we are ill prepared for a lot of this. And I don't know how we're going to get the funding to be able to go to the degree of safety that we need. I know this is just a portion of what you're doing, but I guess that's probably the point I'm trying to make. I won't go through the whole report, because I did kind of review that, if you don't need to hear it.

But Surfrider Foundation was involved in some of the seismic activity that was going on in California and so we have been documenting that. I'm very happy to work with all your agencies so that we can make sure that we're keeping everyone safe in our environment. I appreciate your time.

MR. GOEKE: Thank you. We appreciate you getting up and talking.

Is there anyone else who wanted to speak?

UNIDENTIFIED SPEAKER: I just wanted to say, usually if you put the microphone further away from the speaker you lose the feedback.

MR. GOEKE: Thank you. Is there anyone else who wanted to speak this afternoon? Seeing none, we're going to adjourn for 15 minutes and then we'll restart 15 minutes from now. Thank you.

(Break taken, after which the proceedings continued.)

MR. GOEKE: Okay. Let's go ahead and go back on the record, please. Before we -- I did not see anyone new come in, but before we close this out, I wanted to make sure that we go through this one more time. There are a number of ways that you can comment on the proposed EIS that we've been

discussing. Throughout the presentation we've had an E-mail address down in the bottom left-hand corner. You can send an E-mail to that address. You can send E-mails to our physical address at 1201 Elmwood. You can go to Regulations dot gov. There are a lot of different ways that you could do this, including call us and say, hey, I lost the flyer that you gave us at the handout meeting, how do I submit comments? So if you think of something after you leave here, feel free to give us a call. Comments must be received before or on July 9, 2013.

We have put a lot of effort in creating a Website that will give you a lot of background information on geological and geophysical processes in the Gulf of Mexico, so it is worth your time to go there, to spend a little while reading, spend a little time researching and that may lead to some questions that you can call us and ask us and talk with us about.

Having said that, is there anyone who did not speak before who wants to get up and enter their thoughts and comments on the record? No.

Okay. Is there anyone who has spoken before who wants to speak and say something else? No.

All right. I'm adjourning this discussion. Thank you very much. We appreciate all of you coming out and be careful going home. Thank you.

(Whereupon, the meeting adjourned at 7:22 p.m.)

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Scoping Meeting

Before: US DOI

Date: 06-11-13

Place: Fort Walton Beach, FL

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

Neal R. Gross

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Court Reporter