

**Project Information Sheet**

June 2013

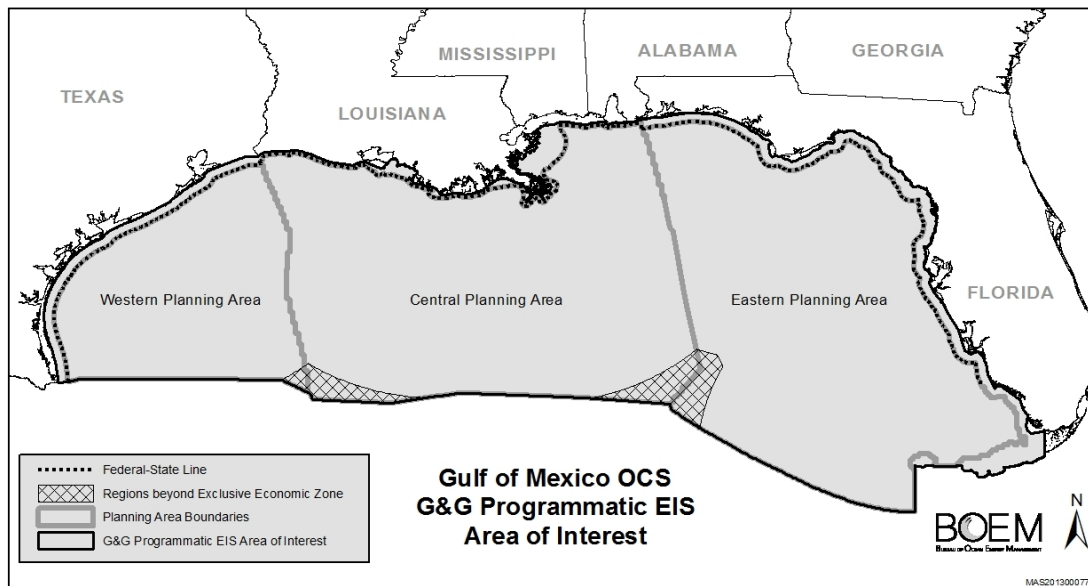


**Gulf of Mexico Geological and Geophysical Activities  
Programmatic Environmental Impact Statement**

**Programmatic Environmental Impact Statement**

The Bureau of Ocean Energy Management (BOEM)<sup>1</sup> and National Marine Fisheries Service (NMFS) have issued a Notice of Intent (NOI) to prepare a Programmatic Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321-4347) to evaluate the potential environmental impacts of geological and geophysical (G&G) activities for oil and gas exploration and development, renewable energy, and marine minerals on the Gulf of Mexico Outer Continental Shelf (OCS) and in adjacent State waters.

The Gulf of Mexico G&G Activities Programmatic EIS will examine G&G activities within both Federal and State waters from the coastline out to the Exclusive Economic Zone within all three Gulf of Mexico Planning Areas.



<sup>1</sup> The Bureau of Ocean Energy Management (BOEM) was formerly known as the Minerals Management Service (MMS), which was created in 1982 to improve the management of Federal leasing revenues and which was designated as the Federal agency responsible for development activities on the OCS. Prior to the formation of MMS, the regulation of the Nation's offshore waters or Outer Continental Shelf (OCS) was performed by the U.S. Department of the Interior's Bureau of Land Management's OCS Offices and the Geological Survey's Conservation Offices. There were two operational programs within MMS: Offshore Energy and Minerals Management; and Minerals Revenue Management. In May 2010, Secretary of the Interior Ken Salazar issued Secretarial Order No. 3299 separating MMS's responsibilities into three distinct organizations to carry out the functions once performed by MMS. The MMS was renamed the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) in mid-June 2010, as Director Bromwich was sworn-in, to more accurately describe the scope of the organization's oversight. In October 2010, the revenue collection arm of BOEMRE (formerly MMS) became the Office of Natural Resources Revenue (ONRR). On October 1, 2011, under Secretary of the Interior Ken Salazar and BOEMRE Director Bromwich, BOEMRE was divided into two independent entities: (1) the resource development and energy management functions of BOEMRE, now known as BOEM; and (2) the safety and enforcement functions of BOEMRE, now known as the Bureau of Safety and Environmental Enforcement (BSEE).

As Co-Lead Agencies, BOEM and NMFS intend for this Programmatic EIS to provide the necessary information and assessment under NEPA to support informed decisionmaking regarding G&G activities on the OCS for the following:

- future Outer Continental Shelf Lands Act (OCSLA) G&G permits and on-lease ancillary activities; and
- Marine Mammal Protection Act (MMPA) authorizations.

In addition, the preparation of this Programmatic EIS will help to ensure compliance with other applicable laws and statutes that include, but are not limited to, to the following:

- Endangered Species Act;
- Magnuson-Stevens Fishery Conservation and Management Act;
- Coastal Zone Management Act; and
- National Historic Preservation Act.

While State waters are not within the jurisdictional authority of BOEM, NMFS as the Co-Lead Agency for this Programmatic EIS has jurisdiction and permitting authority in Federal and State waters. The Area of Interest (AOI) encompasses adjacent State waters for three reasons:

- (1) NMFS requires an assessment of the potential impacts to resources under its jurisdiction;
- (2) G&G activities under all three program areas (oil and gas, renewable energy, and marine minerals) could include surveys that cross between Federal and State waters; and
- (3) the potential adverse impacts associated with G&G activities introduced into the environment during G&G surveys could affect resources in State waters.

The U.S. Army Corps of Engineers has jurisdiction over such activities in State and Federal waters under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. The U.S. Army Corps of Engineers has established a Nationwide Permit (NWP) (NWP 6 Survey Activities) to regulate G&G activities in State waters. Depending on location, State-issued permits may be required.

The proposed action is for BOEM and NMFS to continue the issuance of permits and/or authorizations under their respective authorities for G&G activities in the U.S. portion of the Gulf of Mexico. The proposed action specifically includes the following:

- (1) continuance of BOEM's permitting process and mandates for G&G operations in the Gulf of Mexico subject to regulatory authority as described in 30 CFR 551, 580, and 585; Subsections 8(k) and 8(p) of the OCSLA; and Section 388(a) of the Energy Policy Act of 2005;
- (2) continuance of G&G activities conducted under a lease as described in 30 CFR 550; and
- (3) issuance of regulations and associated Incidental Take Authorizations under Sections 101(a)(5)(A-D) of the Marine Mammal Protection Act (MMPA) by NMFS for activities included under this proposed action.

### **Programmatic EIS – Current Schedule\***

Notice of Intent	May 2013
Comment Period	May-July 2013
Scoping Meetings	June 2013
Draft Programmatic EIS Published	Mid 2014
Comment Period and Public Meetings	Mid 2014
Final Programmatic EIS Published	Early/Mid 2015
Record of Decision	Mid/Late 2015

\*Comment opportunities are in red.

### **Project History**

In 2002, MMS (now known as BOEM) first submitted a petition for MMPA rulemaking to NMFS requesting authorization for the incidental take of sperm whales, as a result of G&G surveys. The NMFS requested that the MMPA petition be sought as a 5-year rule from the Government on behalf of industry versus individual industry requests. In 2003, NMFS published notice of receipt of the petition requesting public comment and review (68 FR 16263).

In 2004, MMS (now known as BOEM) provided NMFS with the Gulf of Mexico G&G Programmatic EA to support the rulemaking and Endangered Species Act consultation. BOEM also submitted a revision to the MMPA petition to include all species of marine mammals per a request from NMFS. Based on NMFS's review of public comments received on the petition (68 FR 16263), the 2004 revised MMPA petition, and the 2004 Gulf of Mexico G&G Programmatic EA and Finding of No Significant Impact, NMFS determined that an EIS was warranted and published an NOI in 2004 (69 FR 67535). This decision was based on a combination of the following factors:

- (1) public concern over impacts of oil and gas exploration activities on the marine environment, which includes marine mammals;
- (2) proposed use of computer modeling as one of two methods for calculating incidental take levels for marine mammals and sea turtles for a geographic area where multiple seismic sources may be operating simultaneously;
- (3) incorporation of a scientifically-based risk assessment for marine mammals;
- (4) possible use of energy criteria rather than the current pressure criteria to calculate marine mammal take levels, especially to calculate potential multiple exposures; and
- (5) incorporation of new acoustic guidelines for assessing impacts of sound on marine mammals (69 FR 67535, November 18, 2004).

Since the publication of the NOI in 2004, NMFS has worked on the development of the EIS with the agency now known as BOEM serving as a Cooperating Agency. In 2008, NMFS requested that BOEM be a Co-Lead Agency. In 2011, BOEM submitted a revised MMPA petition (76 FR 34656), which contained updated information.

In 2010 following the events of the *Deepwater Horizon* explosion, oil spill, and clean up, the Natural Resources Defense Council and other environmental nongovernmental organizations filed suit against the U.S. Department of the Interior alleging BOEM (then BOEMRE) violated NEPA when issuing authorizations for seismic surveys in the Gulf of Mexico. In 2011, representatives of the oil and gas industry, as well as representatives of the geophysical contracting industry, joined the lawsuit as Intervenor-Defendants. Conditions agreed to by the parties and outlined in the final settlement agreement will be assessed in this Programmatic EIS.

The Gulf of Mexico G&G Activities Programmatic EIS will establish a framework for subsequent NEPA analyses for site-specific actions while identifying and analyzing appropriate mitigation measures to be used during future G&G activities on the OCS in support of the oil and gas, renewable energy, and marine mineral resource programs. The impacts of future site-specific actions will be addressed in subsequent NEPA evaluations, per the Council on Environmental Quality's regulations (40 CFR 1502.20), by a tiering process from this programmatic evaluation.

The scope of the Gulf of Mexico G&G Activities Programmatic EIS includes a NEPA analysis of specific types of G&G activity that can take place pre- and post-lease on the Gulf of Mexico OCS and the potential impacts stemming from those activities. The scope of the Gulf of Mexico G&G Activities Programmatic EIS does not include a NEPA analysis to evaluate a specific proposal for oil and gas, renewable energy, or marine mineral leasing; does not authorize any OCS lease sales; and does not approve plans for OCS oil and gas, renewable energy, or marine mineral exploration and/or development. As mentioned above, the impacts of future site-specific actions will be addressed in subsequent NEPA evaluations.

### **Uses of Geological and Geophysical Survey Data**

The G&G surveys provide information on the potential location, extent, and properties of hydrocarbons and other minerals resources, as well as information on shallow geologic hazards and seafloor geotechnical properties. Industry uses this information to explore, develop, produce, and transport hydrocarbons and nonenergy minerals safely and economically, and for the siting of facilities on the OCS. These G&G activities provide operators with the needed information to make business decisions about acquiring leases and the G&G activities that can take place on-lease. The G&G data are also used for assessing the suitability of seafloor sediments for renewable energy facilities and to evaluate the quantity and quality of marine minerals, primarily sand and gravel, for beach nourishment, wetland restoration, and other federally authorized projects. BOEM needs this information to fulfill its statutory responsibilities under the OCSLA to ensure safe operations, protect environmental and archaeological resources, ensure fair market value for leases, make royalty relief determinations, and conserve oil and gas and other mineral resources on the OCS.

## Regulatory Background

The OCSLA mandates that BOEM ensure that the G&G survey acquisition data and information collected by industry and Government are obtained in a technically safe and environmentally sound manner. BOEM's regulations governing seismic survey activities include 30 CFR 551, 580, and 585; Subsections 8(k) and 8(p) of the OCSLA; and Section 388(a) of the Energy Policy Act of 2005. The regulations, in part, state that geological and geophysical activities cannot

- interfere with or endanger operations under any lease or right-of-way easement, right-of-use, scientific notice, or permit issued or maintained pursuant to the OCSLA;
- cause harm or damage to aquatic life, property, or the marine, coastal, or human environments;
- cause harm or damage to any mineral resource (in areas leased or not leased);
- cause pollution;
- create hazardous or unsafe conditions;
- unreasonably interfere with or harm other uses of the area; or
- disturb archaeological resources.

When BOEM reviews a request to acquire seismic survey information and determines that resources of concern (e.g., archaeological, sensitive benthic resources, and protected species) could be adversely affected, the operators/lessees are required to proceed in one of the following three ways:

- employ specific operational procedures to protect the resources of concern;
- adjust the location of the proposed activity(ies) to a distance necessary to prevent disturbance of the resource(s) of concern; or
- perform additional investigations to establish that the potential resources of concern do not exist at the proposed site or will not be adversely affected by the proposed activity.

The most current versions of these regulations can be found at <http://www.boem.gov/Regulations/Code-of-Federal-Regulations.aspx>.

The NMFS is responsible for the stewardship of the Nation's living marine resources and their habitat. The NMFS statutory responsibilities under the MMPA ensures that the taking ("to harass, hunt, capture, kill or collect, or attempt to harass, hunt, capture, kill or collect") of marine mammals without a permit or exemption is prohibited. Under the MMPA, NMFS is responsible for issuing authorizations for the taking (by harassment) of marine mammals incidental to the permittees conducting G&G activities in Federal and State waters. The NMFS will use this NEPA document to help support the MMPA rulemaking decision of Incidental Take Authorizations to operators and lessees. Through these authorizations, NMFS must also identify the following:

- permissible methods of taking pursuant to the activity and the specified geographical region of taking;
- the means of effecting an unmitigable adverse impact on the species or stock and its habitat and on the availability of the species or stock for "subsistence" uses; and
- requirements for monitoring and reporting, including requirements for the independent peer review of proposed monitoring plans where the proposed activity may affect the availability of a species or stock for taking for subsistence uses.

## Contact Information

For further information on the Gulf of Mexico G&G Activities Programmatic EIS, please visit BOEM's website at <http://www.boem.gov/GOM-G-G-PEIS/>.

If you have questions, please contact Mr. Gary D. Goeke at (504) 736-3233 or by email at [gomggeis@boem.gov](mailto:gomggeis@boem.gov).