

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF OCEAN ENERGY MANAGEMENT

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AND

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U.S. DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION

NATIONAL MARINE FISHERIES SERVICE

+ + + + +

PUBLIC SCOPING MEETING

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THURSDAY

JUNE 20, 2013

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The meeting was held met in the NOAA Auditorium at 1301 East-West Highway, Silver Spring, Maryland, at 1:00 p.m., Jim Bennett presiding.

PRESENT FROM BOEM AND NOAA:

JIM BENNETT, Chief, Division of  
Environmental Assessment, BOEM

BEN LAWS, NMFS/NOAA

JILL LEWANDOWSKI, Chief, Branch of  
Environmental Consultation, BOEM

ALSO PRESENT:

BRIAN BLOODWORTH, Fisheries Biologist, NOAA

KATE CALLEN

COLIN CUMMINGS, Oceana

BRYAN FAEHNER, NPS

EMILY FEBLES, AZA

STEVEN FISHBURN, International Association  
of Geophysical Contractors

TOPHER HOLMES, NEPA Analyst, MNFS

MATTHEW HUELSENBECK, Oceana

CLINTON KOCH, American Geosciences Institute

KRISTINE LYNCH, Science and Regulatory  
Policy Specialist, Shell

NICOLETTE ME, National Ocean Industries  
Association

ROBERT V. MYERS, National Ocean Industries  
Association

STEVE OLSON, AZA

LAURA SIMONDS, National Ocean Industries  
Association

SCOTT SLAUGHTER, Center for Regulatory  
Effectiveness

HOLLY SMITH, NSF

JIM TOZZI, Center for Regulatory  
Effectiveness

TED TUPPER

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1 P-R-O-C-E-E-D-I-N-G-S

2 1:08 P.M.

3 MR. BENNETT: Welcome, everyone.

4 Again, thank you for your patience. Safety  
5 first. If there's any emergency situation,  
6 we have an emergency exit right here, as  
7 well as the exits, the one that you came in  
8 on the far corner. The rest rooms are out  
9 this door here to the right before you go  
10 out the emergency exit and set off the  
11 alarm.

12 I want to welcome you all. Thank  
13 you all for being here. We're here to  
14 discuss the G&G, geological and geophysical  
15 activities, programmatic environmental  
16 impact statement for the Gulf of Mexico  
17 region. We're here to get your input.

18 This is the last of seven scoping  
19 meetings and just introductions first. My  
20 name is Jim Bennett. I'm the chief of the  
21 Division of Environmental Assessment for the  
22 Bureau of Ocean Energy Management. Also on

1 the panel today is Jill Lewandowski, the  
2 chief of the branch of Environmental  
3 Consultation, and Ben Laws from the National  
4 Marine Fisheries Service.

5 There are also a number of  
6 technical specialists from both of our  
7 agencies here in the room: Jolie Harrison  
8 from NOAA, and if everyone from BOEM can  
9 raise their hands, please, so people know  
10 who you are. If you have any questions of  
11 air quality, marine mammals, etcetera, some  
12 of these folks should be able to help you  
13 out.

14 Like I mentioned, this is the  
15 last of seven scoping meetings, gathering  
16 input on what the content, what the scope of  
17 the environmental impact statement should be  
18 that we are working on.

19 Again, I'm with the Bureau of  
20 Oceanic Management. We are a bureau within  
21 the United States Department of the Interior  
22 and we're responsible for overseeing the

1 safe and responsible development of oceanous  
2 resources.

3 We are working as a co-lead with  
4 National Oceanic and Atmosphere  
5 Administration and National Marine Fisheries  
6 Services on this effort. They're within the  
7 Department of Commerce and they are  
8 responsible for the stewardship of the  
9 nation's living marine resources and their  
10 habitat.

11 We at the Bureau of Oceanic  
12 Management have a mandate for the  
13 expeditious and orderly development subject  
14 to environmental safeguards of these  
15 resources on the outer continental shelf.  
16 And that is what has prompted us to be  
17 pursuing an EIS on permitting activities for  
18 seismic in the Gulf of Mexico.

19 Just real quickly about NEPA,  
20 National Environmental Policy Act, which  
21 directs us in preparing the EIS. This act  
22 requires all agencies such as us and NMFS to

1 consider environmental impacts in the  
2 activities we are pursuing, in this case,  
3 the permitting of seismic activities.

4 We are required under the act to  
5 identify reasonable alternatives to the  
6 proposed actions and we are required to  
7 ensure that the public is duly informed of  
8 the activities that we are pursuing and they  
9 are given the opportunity to provide input  
10 to that decision-making process. And  
11 finally, the NEPA process triggers  
12 coordination between us and other federal  
13 agencies.

14 In developing the environmental  
15 impact statement, some key things to keep in  
16 mind. The EIS identifies the purpose, need,  
17 and as I mentioned, alternatives that might  
18 be pursued in pursuit of the action. We  
19 identify impacting factors and we, in  
20 essence, estimate what the potential impacts  
21 of the action will be. That includes  
22 cumulative impacts.

1           Based on this analysis, we  
2 identify mitigations that can occur to limit  
3 the environmental impacts. And again, we  
4 are involved in consultation with various  
5 federal and state agencies.

6           The EIS process starts with the  
7 Notice of Intent to Prepare which you've  
8 seen in the Federal Register; a scoping  
9 process which includes public and receipt of  
10 public comment and conducting public  
11 meetings such as this one to provide input  
12 to what should be contained in the EIS. And  
13 then the preparation of the draft EIS,  
14 comments on that draft, and the preparation  
15 of a final EIS before a decision can be  
16 made.

17           Again, we're here to receive  
18 comments on what you feel should be covered  
19 in our environmental impact statement on G&G  
20 activities in the Gulf of Mexico and we are  
21 gathering this input from a wide variety of  
22 sources: industry, environmental groups,



1 tribal entities, and of course, the general  
2 public.

3 I've already mentioned  
4 consultations. Of course, the Marine Mammal  
5 Protection Act and Endangered Species Act  
6 are two of the big ones that we are required  
7 to consult with federal agencies and with  
8 that I'd like to turn the podium over to  
9 Jill Lewandowski to talk a little bit more  
10 specifically about this particular action  
11 and seismic activities.

12 MS. LEWANDOWSKI: Well, I'm going  
13 to take a few moments, go through some  
14 slides to talk about the content of the  
15 activities that we will be looking at under  
16 this EIS. One of the bigger questions, one  
17 of the big things that tend to pop our are  
18 seismic surveys, so we wanted to just start  
19 with that here. This is a very over-  
20 simplistic representation of what a seismic  
21 survey actually is. We do have and if you  
22 did not get them on the way in, you have

1       handouts at the table here and one of those  
2       has a lot more detailed information about  
3       seismic surveys and other geophysical as  
4       well as geological surveys.

5                You also have a project website  
6       that the region also provided on that  
7       document, so it's a good place to go get  
8       additional information.

9                Basically, a seismic survey in  
10       the context of how it's imaged here is you  
11       have a survey, a source vessel, which you  
12       can see there. You have a sound source  
13       which is in the red and then you have  
14       receivers that have a long trail of  
15       receivers there. And basically, the sound  
16       is emitted towards the bottom, it bounces  
17       back up to the receivers and from that  
18       information you can get an image subsurface  
19       sometimes even at great depths of what may  
20       be under there.

21                There are different kinds of  
22       seismic surveys. Some of them are meant to

1 have sources that will allow you to  
2 penetrate very deeply and maybe look for  
3 hydrocarbon potential. Others will be more  
4 subsurface so that you can look for any  
5 archeological sites or you can even look for  
6 any sort of shallow paths or areas. And  
7 there are multiple different kinds of down  
8 sources that are associated with seismic.

9           So why are these G&G activities  
10 being conducted? Well, for a variety of  
11 reasons. Oil and gas is the -- basically to  
12 look at the subsurface and see what is the  
13 potential for hydrocarbons. Also, if you  
14 have an existing lease and you have a  
15 production facility usually you use the  
16 seismic surveys to look at your reservoir,  
17 over time, to see how that has changed.

18           Before you can go to the sea  
19 floor, you use these sorts of surveys again  
20 to look for regular shallow gas pockets or  
21 any sort of benzene communities or  
22 potentially archeological finds. You

1 certainly don't want to be putting anything  
2 or are allowed to put anything on those  
3 sites.

4 And that's the second bullet we  
5 have there why you would use the G&G  
6 activities.

7 Renewable energy also uses them  
8 in order to look for placement. You want to  
9 have a good idea of what that sediment type  
10 is in areas where you might want to have a  
11 wind farm. You also want to know before you  
12 put a turbine in the water that there's not  
13 a shallow hazard or gas pocket or an  
14 archeological find.

15 And regarding minerals, it's also  
16 used to look at the sand reserves offshore  
17 in order to kind of determine what the depth  
18 and breadth of them and how they potentially  
19 could be useful for beach refurbishment and  
20 activities.

21 So it's used across all of these  
22 areas and of course, it depends on what

1       you're using it for as to what kind of down  
2       source you might use and it does -- in some  
3       cases you're going to use something that  
4       would be a more intense sound source. In  
5       other cases, you would use something that  
6       would be a little less intense.

7               So we divided into -- when we're  
8       looking at G&G surveys, and we're saying  
9       geological and geophysical surveys, in the  
10       context right now of what we're looking at  
11       with the EIS is we divide it into three  
12       categories, but there's the 2D, the 3D and  
13       the 4D seismic and that basically differs  
14       according to how close your track lines. 4D  
15       is basically preparing seismic over time,  
16       so preparing the survey from X years ago to  
17       this year to look at maybe how your  
18       reservoir has changed since then.

19               There are control source,  
20       electromagnetic technologies, high-  
21       resolution seismic is generally used or  
22       geophysical is generally used for things to

1 look at the surface to directly below the  
2 surface. All the rest of these are just  
3 kind of different ways to get at different  
4 aspects of information.

5 From the geological standpoint,  
6 you might actually have a small test well.  
7 You might take a core sample, a sample of  
8 the bottom to look at what the sediment is  
9 composed of. And you also want to look at  
10 emerging technologies in, marine vibroseis  
11 being one of them. If there are  
12 alternatives that can be used that could be  
13 -- I put in quotes here are quieter, that  
14 could be used in certain situations, we do  
15 want to have a full analysis of that and  
16 determine if that is actually plausible and  
17 of course, we would want to know looking at  
18 that what effects those new technologies may  
19 have, all types of marine life.

20 Our area of interest is as you  
21 can see here this is a programmatic document  
22 which means that we are looking at this at a

1 very broad view. From the BOEM perspective  
2 our plan is to take this broad look at  
3 cumulatively at all of these G&G activities  
4 in the Gulf of Mexico and then we would  
5 still take a more site-specific look when we  
6 have an actual permit at the end or permit  
7 request or an on-lease survey request and  
8 take another look and use -- and make sure  
9 that there's no updated information since  
10 that point in time or anything that we may  
11 need to adjust. But the purpose of this  
12 document is to take a sort of broad,  
13 programmatic view.

14 And that leads us to the next  
15 slide where again we want to look at this  
16 view, but we want to also include basically  
17 the shoreline out. So we can look at --  
18 this is a joint document between BOEM and  
19 National Fisheries Services and although  
20 BOEM only has jurisdiction on the federal  
21 outer continental shelf or federal waters,  
22 NMFS has jurisdiction in state waters. So

1 you want to look at all of those waters and  
2 look at them cumulatively so that this  
3 document can be used for both agencies, for  
4 purposes of both agencies.

5 Also, we are going to use this  
6 document as one of many different things to  
7 support rulemaking under the Environmental  
8 Protection Act as well as the Endangered  
9 Species Act consultation and Jim had a slide  
10 there a few minutes ago that showed lots of  
11 other support of consultations and  
12 coordination that we do and so this EIS will  
13 be used to help those efforts, too.

14 And I mentioned a second ago,  
15 this is a dual document, both NMFS and BOEM  
16 are serving as co-leads on this. For BOEM  
17 we have permitting responsibilities under  
18 the Outer Continental Shelf Lands Act. In  
19 some cases, that comes in the form of a  
20 permit if it's off lease. And other cases,  
21 it can be in the form of an approval that's  
22 on lease. And NMFS has authority under the



1 Marine Mammal Protection Act as well as  
2 other components of NMFS that has authority  
3 under the Endangered Species Act as well as  
4 the Magnuson-Stevens Fisheries Conservation  
5 and Management Act and a few others.

6           These are the potential resources  
7 that we are thinking at this point to  
8 analyze. So the scoping period is really  
9 meant for you all to give us input. Is  
10 there is something we're missing? Is there  
11 a particular one of these that you think we  
12 should emphasize at a greater amount? Do  
13 you have information about a particular one  
14 of these that you can provide, you think we  
15 may not have? So you can see it covers sort  
16 of quite of breadth of things from  
17 sociological impacts to biological,  
18 physical. It covers the entire spectrum  
19 then.

20           And then we also in our EIS we  
21 take all of those resources and we think  
22 about all the impacting factors, what could

1 impact these resources? So again, here's  
2 another list where we would be looking for  
3 input either on something that may be  
4 missing or again if you think there's  
5 something that warrants additional attention  
6 or you have information on something that  
7 you want to make sure that we have available  
8 to us.

9                   And then what we'll do is we'll  
10 look at each of those resource areas and  
11 we'll look at each of these impacting  
12 factors and we'll try to determine and do an  
13 analysis using the best available  
14 information on what we think the effect  
15 could be to those resources.

16                   Scoping is a way that helps us  
17 develop alternatives. Generally those EISS  
18 have a no action alternative and then a  
19 proposed action alternative and then a suite  
20 of other alternatives. They can be a range  
21 of whatever we think is something that we  
22 can analyze and that could represent an

1 effective look at, a different way of  
2 looking at this particular action. So we  
3 are also soliciting input on what sorts of  
4 alternatives should we analyze? How should  
5 they be based? And in many cases,  
6 particularly when we're dealing with noise-  
7 producing activities, we do tend to base a  
8 lot of our alternatives on mitigation,  
9 different ways to mitigate that particular  
10 activity.

11 Here's an example again of ideas.  
12 And these are just ideas. If something is  
13 not up here, it doesn't mean it's not an  
14 idea, but we will look to you all to also  
15 point out if there's something missing,  
16 something you have information on, something  
17 you think is really important that you would  
18 want us to focus on.

19 And from this scoping period and  
20 from our internal agency discussions, we  
21 will ultimately come up with a list of  
22 alternatives that we will analyze in the

1 draft EIS and then that's what you'll see  
2 when that document comes out and you'll be  
3 able to comment on that, too.

4 Our tentative schedules is shown  
5 here. Right now for the EIS, we're looking  
6 mid-late 2015. We will have some concurrent  
7 processes happening with that, particularly  
8 related with the Marine Mammal Protection  
9 Act and the Endangered Species Act and some  
10 others.

11 In red there are the areas where  
12 we identify to you where there are  
13 additional opportunities to provide input on  
14 the document.

15 Again, all of this is stuff will  
16 remain up on the project website and you can  
17 check that regularly, see what's been  
18 updated and see what's coming up.

19 So with that, I'm going to turn  
20 it back to Jim Bennett and Jim is going to  
21 give an explanation on how to proceed now  
22 with the commenting aspect and again, once

1 the comments have been done, the formal  
2 comments for the record, you have folks from  
3 NMFS and from BOEM. If you want to  
4 informally have discussions or ask  
5 questions, we're also here to do that.

6 Thank you.

7 MR. BENNETT: Thank you, Jill.  
8 And thanks, everyone, for your patience. I  
9 hope you have a better picture now of what  
10 it is we're doing and why. And with that,  
11 we'll open the floor up for comments. I  
12 believe everybody has signed. I have a list  
13 to call.

14 There are microphones set up on  
15 either side. Just the one on your left-hand  
16 side where Jill is right now. The way we  
17 proceed is when you're called, you're given  
18 three minutes to speak. I don't think that  
19 there's so much demand that we won't be able  
20 to give a little liberty on that. But if we  
21 do have more extensive comments after  
22 everyone has had the opportunity to speak,

1 you can come back and speak again.

2 You can also submit written  
3 comments and you can leave them here, up at  
4 the desk, or you can submit them by mail to  
5 our regional office in the Gulf of Mexico.  
6 The address is there on the screen. I'll  
7 leave it up there for you. It's also  
8 published in the Federal Register.

9 And with that, I'd like to say  
10 thank you again for being here and thank you  
11 for providing us input and we'll start with  
12 Steven Fishburn. When you come to speak,  
13 state your name and who you're affiliated  
14 with so our court reporter can get this in  
15 the record. I appreciate it.

16 MR. FISHBURN: Thank you very  
17 much. My name is Steven Fishburn. I appear  
18 today on behalf of the International  
19 Association of Geophysical Contractors, also  
20 known as the IAGC. On behalf of the IAGC  
21 and the geophysical industry, I'd like to  
22 express our appreciation for this

1 opportunity to make the following comments.  
2 I'll also be submitting this in written form  
3 as well regarding the development of the  
4 PEIS for changing activities in the Gulf of  
5 Mexico.

6 The IAGC is an international  
7 trade association representing the industry  
8 that provides the geophysical acquisition  
9 that you've already shortly covered, as well  
10 as processing other services in the energy  
11 industry including both the conventional and  
12 renewable energy sectors.

13 IAGC member companies play an  
14 integral role in the successful exploration  
15 of development of offshore oil, natural gas,  
16 and alternative energy sites through the  
17 acquisition and processing of geophysical  
18 data. Geophysical surveys are key tools  
19 used in these processes in the sitings of  
20 renewable energy facilities. Our surveys  
21 are critical to the development of  
22 hydrocarbon resources and are one of the

1 very first tools used in the exploration  
2 process aiding E&P companies in their  
3 analysis and identification of the most  
4 prospective areas for future oil and gas  
5 exploration.

6 Geophysical data is critical to  
7 the development of renewable energy as well  
8 through the use of high resolution  
9 geophysical surveys, geotechnical borings,  
10 aid in siting and designing renewal energy  
11 facilities.

12 Geophysical data is also valuable  
13 to the Federal Government and even the state  
14 governments as BOEM utilizes this data to  
15 assess the potential resources of the OCS  
16 and to ensure Federal Government receives  
17 fair market value and of course, the U.S.  
18 public, for those resources. Having modern  
19 geophysical data prior to a lease sale  
20 allows industry to make more informed bids,  
21 resulting in more bids, higher bids, and  
22 promoting greater promotion and greater



1 accessibility of the exploration market.

2           Modern geophysical imaging  
3 reduces risk, both economic of exploration  
4 and production, but also associated with  
5 safety and environmental. It reduces the  
6 number of wells that need to be drilled in a  
7 given area, thus reducing the overall  
8 exploration, development, and production  
9 footprint. Also, modern geophysical imaging  
10 of today is being used more and more to  
11 predict drilling risks that can then be  
12 better managed or even eliminated as a  
13 result.

14           The geophysical industry has 50  
15 years of experience in the United States  
16 Gulf of Mexico OCS in planning, acquiring,  
17 and processing geophysical data in an  
18 environmentally-responsible manner. During  
19 that time there has been no scientific  
20 evidence that our surveys have resulted in  
21 auditory or physical injury to any marine  
22 mammal or that adversely impact marine

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

5 It is important to remember that  
6 seismic surveys are temporary and transitory  
7 and use low frequency and short duration  
8 source signals.

9 Although additional information  
10 is needed in some areas, there is a  
11 significant amount of scientific information  
12 available, many of it funded by government  
13 agencies, regarding the potential effects of  
14 E&P activities on the marine environment.  
15 This information and data from the  
16 scientific literature, and not speculation,  
17 should be used when assessing potential  
18 impacts of G&G activities on the  
19 environment.

20 The alternatives considered in  
21 the PEIS should be based only on science  
22 and/or observed effects and therefore not

1 include overly restrictive mitigation  
2 measures such as shutdowns for dolphins in  
3 the exclusion zone, seasonal closures and  
4 large arbitrary and impractical separation  
5 distances between surveys. These are  
6 cautionary mitigation measures that are not  
7 necessary to protect marine mammals.

8 In the past, BOEM has relied on  
9 models and methodology that estimate the  
10 number of marine mammal incidental takes  
11 resulting from highly exaggerated activity  
12 estimates, especially considering the lack  
13 of observable injuries, mortalities or  
14 population level behavioral effects.

15 Compounding this problem, the  
16 agency's previous take number estimates are  
17 only achievable by using acoustic threshold  
18 criteria based on obsolete data that does  
19 not meet NEPA's requirement to use the best  
20 available science. We strongly believe that  
21 the DPEIS must be based on the best  
22 available science, make use of the

1 appropriate models and methodologies to  
2 estimate incidental takes and fully consider  
3 the environmental context when making any  
4 determination of environmental consequences.

5 The IAGC values the stakeholder  
6 process and we are committed to  
7 participating in a dialogue with all  
8 stakeholders to explain what we do, why we  
9 do it, and the measures we take to protect  
10 the environment.

11 For any of you who are interested  
12 after this, today, I have several  
13 educational items from our industry that  
14 further explain in greater detail some of  
15 the things that Jill presented earlier. And  
16 it will show you how our geophysical  
17 industry implements these mitigation  
18 measures to minimize our impact on the  
19 environment.

20 IAGC wishes to again express our  
21 appreciation for this opportunity to voice  
22 our support and commitment to work with BOEM

1 and all other stakeholders in the  
2 development of this PEIS. Thank you very  
3 much.

4 MR. BENNETT: Thank you, Mr.  
5 Fishburn. Appreciate it. Scott Slaughter.

6 MR. SLAUGHTER: Good afternoon.  
7 My name is Scott Slaughter and I am  
8 commenting on behalf of the Center for  
9 Regulatory Effectiveness. CRE will file  
10 written comments on a number of issues  
11 relating to seismic in the Gulf of Mexico.  
12 However, we will limit our oral comments  
13 today to one issue, sperm whale. The  
14 agency's review of seismic in the Gulf of  
15 Mexico will have to consider sperm whales  
16 because they live in the Gulf and because  
17 they are listed under the Endangered Species  
18 Act.

19 In addition, NMFS has decided to  
20 consider Gulf sperm whales for listing as a  
21 distinct population segment or DPS under the  
22 Endangered Species Act. CRE has already

1 filed comments with NMFS which explained  
2 that the current record does not support a  
3 DPS listing for sperm whales. Consequently,  
4 any DPS listing on the current record would  
5 be arbitrary and would violate the agency's  
6 Information Quality Act guidelines.

7 NMFS' final recovery plan for the  
8 sperm whale provides a detailed discussion  
9 of the actions that NMFS is taking to  
10 develop a larger record on Gulf sperm  
11 whales. These actions will not be completed  
12 until Fiscal Year 2016 at the earliest.  
13 During its multi-year study of Gulf sperm  
14 whales, NMFS should consider whether sperm  
15 whales should continue to be listed as  
16 endangered under the Endangered Species Act.  
17 While delisting is not currently on NMFS'  
18 agenda for the Gulf, it should be.

19 The International Union for  
20 Conservation of Nature explained with regard  
21 to the sperm whale and I'm quoting: "The  
22 cause of the population reduction in this

1 species (commercial whaling) is reversible,  
2 understood, and is not currently in  
3 operation. A peer-reviewed publication  
4 (Whitehead 2002) provides a model-based  
5 estimate of global trend that can be used to  
6 evaluate the population. The results  
7 suggest little chance that the population  
8 would meet the criteria for Endangered or  
9 for Least Concern."

10 In sum, the current record does  
11 not support either a DPS listing or an  
12 Endangered Species Act listing for Gulf  
13 sperm whales and they seem to be doing fine.  
14 Delisting under the Endangered Species Act  
15 might be an appropriate action, and the  
16 agency should consider delisting as part of  
17 its sperm whale studies over the next  
18 several years.

19 Thank you for the opportunity to  
20 comment today.

21 MR. FISHBURN: Thank you, Mr.  
22 Slaughter.

1                   Matthew Huelsenbeck.

2                   MR. HUELSENBECK: Thank you for  
3 holding the public comments. My name is  
4 Matt Huelsenbeck. I'm a marine scientist at  
5 Oceana. Oceana is the largest international  
6 nonprofit working solely on ocean  
7 conservation. Our climate energy team  
8 focuses on transitioning the U.S. economy to  
9 clean energy sources like off-shore wind and  
10 stopping the expansion of dangerous offshore  
11 oil and gas drilling.

12                   We are concerned that the  
13 proposed seismic survey, particularly the  
14 use of air guns to search for oil and gas  
15 will harm marine resources and it could  
16 expand the practice of offshore oil and gas  
17 drilling into new areas of the Gulf of  
18 Mexico. The noise from air guns is  
19 essentially the loudest man-made sounds in  
20 the ocean next to dynamite. The blasts from  
21 an air gun add over 250 decibels or 100,000  
22 times more intense than a jet engine and



1 their continuous use every 10 seconds  
2 sometimes for days and weeks at a time  
3 causes massive acoustic footprints.

4 Marine life impacts can range  
5 from temporary and permanent hearing loss to  
6 abandonment of habitat and disruption of  
7 vital behaviors like mating and feeding.  
8 Seismic surveys could expand deep water and  
9 ultra deep water drilling, the same risky  
10 practice that led to the Deepwater Horizon  
11 oil spill which killed 11 rig workers,  
12 spilled over 2 million gallons of oil,  
13 fouled the coastlines, endangered public  
14 health and killed thousands of birds,  
15 dolphins, and fish.

16 Unfortunately, accidents and  
17 spills are still common on offshore drilling  
18 rigs in the Gulf of Mexico. Oceana does not  
19 believe that the new safety regulations or  
20 fines are robust enough to prevent the next  
21 major drilling disaster.

22 To quote the former director of

1 BOEM, Michael Bromwich, "the fines are  
2 patently inadequate to deterring  
3 violations." It should be a top priority  
4 for BOEM to protect marine resources and the  
5 communities that are still suffering from  
6 this massive spill and not repeat the same  
7 mistakes that led to the largest accident  
8 oil spill in history.

9 The use of air guns for offshore  
10 drilling impacts large areas of oceans and  
11 will cause thousands of injuries and  
12 distances in protecting marine mammals,  
13 including endangered species such as sperm  
14 whales which have populations that may still  
15 be struggling from the Deepwater Horizon oil  
16 spill.

17 The Natural Resources Damage  
18 Assessment, NRDA, has made crucial  
19 scientific information inaccessible to BOEM  
20 and the public about how the Deepwater  
21 Horizon oil spill is impacting marine  
22 mammals and other marine life. Without this

1 vital information, the draft EIS will  
2 contain significant gaps as to how the  
3 ecological baseline with the Gulf of Mexico  
4 has changed following a spill.

5 We are in the midst of an  
6 unprecedented, unusual mortality event for  
7 marine mammals in the Gulf, northern Gulf of  
8 Mexico. Nine-hundred five citations have  
9 been stranded since the initial Deepwater  
10 Horizon spill response began. This included  
11 many premature and stillborn bottlenose  
12 dolphins. This number is likely a fraction  
13 of the total amount of marine mammals killed  
14 and historical cetacean rates in the region  
15 are as low as one to two percent of the  
16 total that die in the ocean.

17 Marine mammal stock assessments  
18 in the Gulf of Mexico are outdated and the  
19 most recently updated assessment is from  
20 2004. Therefore the impacts of cetacean  
21 populations from proposed seismic surveys  
22 will be nearly impossible to assess. One

1 third of all stock assessments in the Gulf  
2 of Mexico lack human cause mortality  
3 estimates and potential biological removal.  
4 Over half of the stocks are non-conducted  
5 stock assessments since before 2009, before  
6 the Deepwater Horizon oil spill. So BOEM  
7 must fill the gaps in information about  
8 marine mammal stocks and how their  
9 populations were impacted by the Deepwater  
10 Horizon.

11 The mitigation measures commonly  
12 employed by BOEM during seismic surveys are  
13 inadequate to avoid repeated disturbance of  
14 marine life at great distances. The most  
15 common mitigation measures as you mentioned,  
16 ramp up procedures, small time area  
17 closures, and onboard observers can only  
18 limit impacts within very short ranges.  
19 These mitigation measures have been referred  
20 to as woefully inadequate.

21 The sound from air guns can  
22 travel hundreds to thousands of miles under

1 water and it is detected across entire ocean  
2 basins. BOEM should go beyond these  
3 mitigation measures and ban surveys from  
4 certain areas, especially areas where no  
5 drilling lease sales are scheduled. An  
6 important alternative, this should be  
7 included in the draft EIS should be an  
8 exclusion of all seismic air gun surveys in  
9 the eastern Gulf of Mexico planning area.  
10 And all areas that lack a schedule resale  
11 under the Obama administration's five-year  
12 plan for outer continental shelf drilling or  
13 that lie within the congressional moratorium  
14 for drilling.

15 This alternative would allow  
16 policy makers and residents in Florida more  
17 fully engaged in this EIS process and decide  
18 whether they want to expand seismic surveys  
19 for potential future drilling. If the  
20 alternative is not included, BOEM should  
21 separate the western central and eastern  
22 Gulf of Mexico planning areas into different

1 EIS processes.

2 BOEM should also include an  
3 alternative that requires the least harmful  
4 technologies for survey efforts with a  
5 concrete pathway to phase out air guns in  
6 three to five years. Marine vibroseis, as  
7 you mentioned, is an alternative technology  
8 that is being commercially tested in 2013  
9 and research for marine vibroseis has been  
10 going on for decades. Marine vibroseis is  
11 not a panacea, but it will reduce peak  
12 sounds by 30 decibels and will eliminate  
13 high-frequency sounds above 100 Hertz which  
14 will likely have benefits for cetaceans in  
15 reducing the number of predicted injuries  
16 and disturbances.

17 BOEM should use this EIS process  
18 to establish a regulatory pathway that moves  
19 the Gulf of Mexico and all U.S. waters away  
20 from harmful air guns to safer alternative  
21 technologies for seismic surveying. BOEM  
22 should also include an alternative that

1 requires passive acoustic monitoring, PAM,  
2 to detect sounds made by marine mammals  
3 prior to and during surveys to supplement  
4 visual observations. PAM is a mature  
5 technology that's already being applied  
6 during offshore activities to avoid marine  
7 life impacts. Newer PAM models cover a  
8 broad range of species and are more  
9 reliable, automatic, and accessible for  
10 users.

11 One field test showed that PAM  
12 scored 127 marine mammal detections compared  
13 to visual observations that counted 18  
14 marine mammals during the same time period  
15 over the same area. Eighty-six percent of  
16 the observations were heard, but never seen.  
17 This shows that the ineffectiveness of  
18 visual observations are a necessity to  
19 require PAM technology during surveys.  
20 Under this alternative, BOEM should require  
21 that surveys should also not be allowed at  
22 night or in poor visibility without PAM

1 technology employed as visual observers are  
2 unsuccessful during these times.

3 In summary, we believe BOEM and  
4 NOAA should not move forward with permitting  
5 five to ten more years of seismic air gun  
6 surveys for oil and gas or expand to  
7 offshore drilling to new areas in the Gulf  
8 of Mexico which is still recovering from the  
9 Deepwater Horizon oil spill. We support the  
10 permitting and development of offshore wind,  
11 another renewable energy in order to  
12 transition the U.S. away from dirty fossil  
13 fuels.

14 If this EIS process does move  
15 forward, we believe there's still  
16 significant gaps about marine mammal stock  
17 assessments and how the ecological baseline  
18 of the Gulf of Mexico has changed since the  
19 Deepwater Horizon. The alternatives I  
20 mentioned are exclusion of the eastern Gulf  
21 of Mexico planning area or requirements  
22 used, less harmful technologies for seismic



1 surveying including a phaseout of air guns  
2 in three to five years, passive acoustic  
3 monitoring before and during surveys, and  
4 lastly, no nighttime surveys or surveys  
5 conducted in poor visibility.

6 I want to thank you for your time  
7 and on behalf of Oceana and me, we  
8 appreciate the opportunity to provide input.  
9 Thanks.

10 MR. BENNETT: Thank you, Mr.  
11 Huelsenbeck.

12 Robert Myers.

13 MR. MYERS: Good afternoon. My  
14 name is Robert Myers and I'm the director of  
15 Public Affairs with the National Ocean  
16 Industries Association or NOIA. Thank you  
17 for the opportunity to speak today about the  
18 scoping of this draft programmatic  
19 environmental impact statement which will  
20 support the issuance of permits to conduct  
21 geological and geophysical steady activities  
22 in the Gulf of Mexico.

1                   NOIA is the only national  
2                   association which advocates solely on behalf  
3                   of the ocean offshore energy industry. We  
4                   represent about 300 member companies who are  
5                   dedicated to the safe development of  
6                   traditional and renewable offshore energy  
7                   for the continued growth and security of the  
8                   United States.

9                   Geological and geophysical  
10                  activities are integral to the development  
11                  of both traditional and renewable offshore  
12                  energy sources. Our industry stands ready  
13                  to invest in additional exploration of the  
14                  Gulf of Mexico. This DPEIS is a needed  
15                  first step to begin the process of  
16                  generating the data that will allow for  
17                  additional production in the central and  
18                  western Gulf and the potential for future  
19                  discoveries in the eastern Gulf should that  
20                  area be made available for leasing and  
21                  development in the future.

22                  Offshore energy is a jobs creator

1 and a revenue generator. Currently, the  
2 Gulf accounts for over 25 percent of all  
3 U.S. domestic oil production. The Bureau of  
4 Ocean Energy Management has determined that  
5 over a 40-year period the leasing, drilling,  
6 and production resulting from the 2012 to  
7 2017, five-year OCS leasing plan will create  
8 an additional 20,000 to 52,000 jobs and  
9 between \$1.1 and \$2.2 billion in additional  
10 income annually.

11 To realize these benefits,  
12 geological and geophysical surveys, mainly  
13 in the form of seismic surveying, will be  
14 necessary. Modern offshore, oil and natural  
15 gas exploration requires the use of seismic  
16 surveys to feasibly and accurately prospect  
17 for oil and natural gas reserves offshore.  
18 The technology has been used for decades to  
19 assess the location and size of potential  
20 oil and natural gas deposits which often lay  
21 several miles beneath the ocean floor.  
22 Seismic surveys also make offshore energy

1 production safer and more efficient by  
2 greatly reducing the drilling of dry holes  
3 where no oil or gas is found to be present.

4 Seismic surveys allow industry  
5 and government to make an informed science-  
6 based decisions regarding our oceans.

7 Safety is always our top priority. We feel  
8 BOEM's methodology has highly exaggerated  
9 the estimated number of incidental takes.  
10 There is simply no corroborating, observable  
11 injuries, mortalities or effects on  
12 population to support the conclusions.

13 Industry has repeatedly  
14 highlighted flaws in the agency's  
15 methodology and acoustic propagation models  
16 use a frequency weighting and acoustic  
17 thresholds that result in take estimates  
18 that vary by several orders of magnitude.  
19 BOEM is simply not using the best available  
20 science. As a result, the potential impacts  
21 are being overstated.

22 Based on the absence of observed

1 effects and supporting scientific knowledge  
2 the alternative study in the DPEIS should  
3 not consider overly restrictive mitigation  
4 measures that will inhibit industry from  
5 performing seismic surveys and BOEM from  
6 meeting its goals set out in OCS Lands Act.

7 In the face of no observable  
8 injury or mortality data, no population  
9 level behavioral effect, the DPEIS should  
10 resist the imposition of more and more  
11 unreasonable mitigation measures that  
12 require operations to be shut down. Adding  
13 dolphins to the list that would shut down  
14 operations would present such an  
15 unreasonable measure as dolphins will at  
16 times intentionally approach seismic vessels  
17 to bow-ride in a seemingly normal behavior  
18 pattern.

19 In summary, we feel the DPEIS  
20 must explicitly address the OCS Lands Act  
21 programmatic goal of ensuring the expedited  
22 exploration and development of the outer

1 continental shelf. And that DPEIS fully  
2 addresses and quantify the potential  
3 interference with the achievement of that  
4 goal posed by any alternative or mitigation  
5 measure being considered. For example, if  
6 the DPEIS addresses the potential for  
7 extending shutdown requirements to mammals  
8 other than whales and manatees, or expanding  
9 the shutdown zone from the current 500  
10 meters, BOEM needs to qualify the number of  
11 hours or shutdown that would result and the  
12 implications for the efficacy and timeliness  
13 of this seismic survey.

14 I'd like to reiterate that the  
15 oil and natural gas industry has a long  
16 history of working with DOI to develop this  
17 country's natural resources to the benefit  
18 of the U.S. economy and all Americans. Once  
19 again, seismic surveys allow industry and  
20 government to make an informed, science-  
21 based decisions regarding our oceans. NOIA  
22 appreciates the opportunity to provide this

1 public statement on behalf of our member  
2 companies. And we will be submitting  
3 additional written comments prior to the  
4 comment deadline.

5 Thank you for your time.

6 MR. BENNETT: Thank you, Mr.  
7 Myers. That actually is all of the speakers  
8 that have been registered. Is there anyone  
9 here who has not spoken yet who would like  
10 the opportunity to address the panel?

11 (No response.)

12 Is there anybody here who has  
13 spoken who would like to speak again.

14 (No response.)

15 If not, I want to remind  
16 everybody that until July 9th the record  
17 will be open for comments on the scope of  
18 this EIS and I want to thank everyone for  
19 coming here and I appreciate the input you  
20 have provided for us and we will be  
21 addressing the comments that you have  
22 provided in the draft EIS that we will

1       prepare soon.

2                       And if there are no other  
3       comments to be made, the public meeting is  
4       concluded and adjourned. Thank you very  
5       much.

6                       (Whereupon, at 1:49 p.m., the  
7       public meeting was concluded.)

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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: NOAA

Date: 06-20-13

Place: Silver Spring, MD

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



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Court Reporter

**NEAL R. GROSS**

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