

The Associations' comments are intended to be constructive and further the goal of improving the PSO Program for G&G surveys consistent with the best available science and technology, clearly written, transparently implemented, and fully informed by the public.

Role of the US Fish and Wildlife Service

With jurisdiction over several marine mammals, the US Fish and Wildlife Service (USFWS) is an important stakeholder to the PSO process; however, it does not appear that USFWS was a part of the Protected Species Working Group or that USFWS provided any input into the development of the Observer Standards. While the Observer Standards provide recommendations of report requirements for PSO sightings of polar bear and walrus (*see p.31*), the Observer Standards specifically exclude these species and all other species under USFWS jurisdiction from the purview of the standards (*see p.v*). A comprehensive national PSO program necessitates the review and input of the USFWS in addition to NMFS.

Establishment of a PSO Standardized Training Program

The Associations generally support the establishment of a standardized training program for PSOs and are interested in working with the agencies to ensure that appropriate standards are set for the "approved" vendors. We are concerned, however, that some of the recommendations for the program are based on unsupported assertions that current PSO training and reporting is inconsistent. The agencies should provide context to these assertions so that stakeholders can better understand the improvement the recommendations seek to achieve.

The Observer Standards recommend that any standardized training program should not only provide training in mitigation and monitoring requirements, but also provide health and safety considerations. The Associations agree. All PSOs should be trained to ensure complete compliance with all applicable safety procedures. A standardized training program should cover knowledge of the heightened risks working offshore on a vessel in remote locations with no or limited shore side infrastructure, and should teach personnel how to minimize risks. Training should also include information on safe travel, logistics, onboard medical infrastructure, and security including International Ship and Port Facility Security (ISPS) information.

As the Observer Standards acknowledge, many geophysical companies will also have specific requirements related to health and safety risks associated with their operations. The PSO is required to adhere to those requirements as well as any PSO provider or agency requirements. The Observer Standards should note, and any PSO training program should advise, that industry standards often exceed those of the federal agencies. Most oil and gas companies and geophysical companies require contractors to provide evidence of safety programs and requirements that meet those defined through company management systems. This should be acknowledged in any discussion of health and safety, and the agencies should also clarify whether the program intends to include medical and helicopter underwater egress training (HUET) typically required of PSOs by the industry.

The Observer Standards recommend that as part of "health and safety training," a vessel owner should "allow a PSO to briefly walk through the vessel to ensure no hazardous conditions exist

according to a safety checklist, and to visually examine any safety item, upon request.” PSOs are not, however, safety professionals qualified to conduct safety walkthroughs or inspections on every vessel to which they are assigned. The agencies should provide additional information on what information will be included on the safety checklist to clarify what the PSO would be looking for during this initial walkthrough to prevent misunderstandings and unnecessary effort.

The Associations suggest that a standardized training program for PSOs should include a course in effective communications. It is vital that PSOs establish direct communications with the instrument room on a seismic vessel to prevent problems and delays in the event of sightings that trigger shutdown requirements and to ensure the visual observation timeframes are adhered to before ramp up and after shutdown. All parties must work effectively together to ensure compliance: PSO, Seismic Technicians, Vessel Captain, and crew.

In addition, as the use of Passive Acoustic Monitoring (“PAM”) to identify marine mammals increases in geophysical operations, the PSO Program should also include a course specific to PAM operations. PAM is a highly specialized skill and it is not appropriate to expect PSOs to possess those skills. If PAM is included in the program, training should also include rigging, mobilization and demobilization of equipment.

Finally, while the Observer Standards provide opportunity for PSO candidates who do not successfully pass an approved training course to reapply, there should be a limit on the number of times a potential PSO candidate can reapply for training.

Recommendations for BOEM/BSEE

The Observer Standards provide a list of recommendations for BOEM and BSEE to satisfy the objectives of the national standards. The Associations respectfully request that as BOEM and BSEE act on these recommendations, they solicit input from industry stakeholders and consider the following comments.

The Observer Standards recommend that BOEM and BSEE “develop permits or agreements detailing expectations and data collection and reporting of third-party PSO provider companies, including performance standards, conflicts of interest, and standards of conduct.” The Associations respectfully request the agencies provide additional information and opportunity for stakeholder input regarding any proposed permitting program for PSO provider companies, including the requirements, process times, reporting requirements, and any penalties for alleged permit violations. Without well-defined boundaries, an open-ended PSO provider permitting program will provide little utility.

In addition, the Observer Standards recommend that BOEM and BSEE “develop a mechanism, procedure, or regulation to ensure that selected PSO providers are being compensated prior to deployment of approved observers.” The Observer Standards do not, however, provide sufficient explanation of the need for PSO provider compensation prior to deployment of observers. More information would need to be provided to support the development of any requirement for prior compensation.