

evaluations, which require the permitting agency to consider the effects of mitigation measures in making a determination that the authorized take will have a “negligible impact” on marine mammal species or stocks. 16 U.S.C. § 1371(a)(5)(A), (D). By failing to evaluate the actual anticipated effects of G&G activities in the GOM, and by failing to consider the effects of mitigation measures, BOEM has created a scenario in which the final PEIS will likely (if not corrected) present significant contradictions and inconsistencies with subsequent action-specific regulatory processes. For this additional reason, the serious flaws in the DPEIS must be corrected before a final PEIS is issued.

IV. CONCLUSION

As explained above, the performance of seismic and other geophysical surveys is critical to the federally mandated “expeditious and orderly development” of GOM OCS. A wealth of data and information demonstrates that these surveys will have no more than a temporary, localized, and negligible impact on marine life. Unfortunately, the DPEIS presents analyses that are contrary to this information and otherwise flawed in many respects, including but not limited to, the (1) failure to consider the environmental benefits of the proposed action; (2) reliance on an effects analysis that is unlawfully premised on a worst case scenario and overly conservative, flawed assumptions; (3) failure to consider the effects of mitigation measures; (4) failure to use the best available scientific information; (5) unreliable and inconsistent use of marine mammal population and density data; (6) recommendation of mitigation measures that are infeasible and unsupported; (7) reliance on a woefully inadequate economic impacts analysis, and (8) use of an unsupported and novel cumulative effects assessment (Appendix K).

For the reasons stated above, Alternative A is the only alternative that may be consistent with the best available science, operational feasibility, and applicable law. The Associations strongly object to all of the other Alternatives presented in the DPEIS for all of the reasons stated above and particularly because BOEM reaches the same effects conclusions for Alternative A as it does for all of the other Alternatives (except Alternative G). Before the DPEIS is issued as a final PEIS, all of the flaws detailed in this comment letter and the associated attachments must be addressed and corrected.

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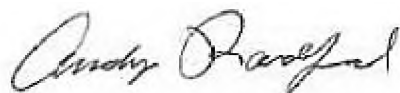
Dr. Jill Lewandowski
November 29, 2016
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We appreciate your consideration of all of the comments set forth in this letter, which are intended to be constructive and to facilitate the improvement of the scientific and legal integrity of the DPEIS. Should you have any questions, please do not hesitate to contact Nikki Martin (713.957.5068) or Andy Radford (202.682.8584).

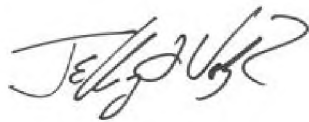
Sincerely,



Nikki Martin
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American Petroleum Institute
Sr. Policy Advisor Offshore



Jeff Vorberger
National Ocean Industries Association
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Greg Southworth
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