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Chief, Marine Mammal and Sea Turtle Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910-3226

Re: Comments on Draft Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammals - **NOAA-NMFS-2013-0177**

To Whom It May Concern:

This letter provides the comments of the American Petroleum Institute (“API”), the International Association of Geophysical Contractors (“IAGC”), the National Ocean Industries Association (“NOIA”), and the Alaska Oil and Gas Association (“AOGA”) (collectively, the “Associations”) in response to the National Marine Fisheries Service’s (“NMFS”) Notice and Request for Comments on its Draft Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammals (“Draft Guidance”). *See* 78 Fed. Reg. 78,822 (Dec. 27, 2013). We appreciate NMFS’s consideration of the comments set forth below.

I. INTRODUCTION

A. The Associations

API is a national trade association representing over 500 member companies involved in all aspects of the oil and natural gas industry. API’s members include producers, refiners, suppliers, pipeline operators, and marine transporters, as well as service and supply companies that support all segments of the industry. API and its members are dedicated to meeting environmental requirements, while economically developing and supplying energy resources for consumers. API is a longstanding supporter of the Marine Mammal Protection Act’s (“MMPA”) regulatory process as an effective means of balancing and rationalizing responsible oil and gas activities with the conservation of marine mammals.

IAGC is the international trade association representing the industry that provides geophysical services (geophysical data acquisition, processing and interpretation, geophysical information ownership and licensing, and associated services and product providers) to the oil and natural gas industry. IAGC member companies play an integral role in the successful

exploration and development of offshore hydrocarbon resources through the acquisition and processing of geophysical data.

NOIA is the only national trade association representing all segments of the offshore industry with an interest in the exploration and production of both traditional and renewable energy resources on the U.S. Outer Continental Shelf (“OCS”). The NOIA membership comprises more than 275 companies engaged in a variety of business activities, including production, drilling, engineering, marine and air transport, offshore construction, equipment manufacture and supply, telecommunications, finance and insurance, and renewable energy.

AOGA is a non-profit trade association located in Anchorage, Alaska. AOGA’s 15 member companies account for the majority of oil and gas exploration, development, production, transportation, refining, and marketing activities in Alaska. AOGA’s members are the principal oil and gas industry stakeholders that operate within the range of marine mammals in Alaskan waters and in the adjacent waters of the OCS. AOGA and its members are longstanding supporters of wildlife conservation, management, and research in the Arctic, and also support the continued issuance of incidental take authorizations in the Arctic. AOGA has for many years successfully petitioned for, and defended in court, incidental take regulations applicable to offshore oil and gas activities.

B. General Comments

The Associations want to acknowledge the significant effort involved in examining the scientific literature available on the topic of marine sound and its potential impacts on marine mammals. We recognize that this topic is complex and informed by an evolving base of scientific knowledge, and we appreciate the challenges associated with translating the available information into clear criteria. In this light, we support the goal of updating and developing acoustic criteria that are informed by, and consistent with, the best available science. We also support a continued effort in furtherance of this goal that is transparent and does not result in unnecessary or unsupported new processes for the regulated community. We have carefully reviewed and analyzed the Draft Guidance and have a number of specific comments, as detailed in the following sections of this letter, in which we identify opportunities for improvement, request clarity on technical issues, and address legal concerns. Our general comments are summarized as follows.

1. In certain respects, the Draft Guidance either does not consider all of the best available science or presents other scientific, technical, implementation, or operational concerns. These concerns are addressed in detail in Sections III.A and III.B below and in the Appendix that accompanies this letter. Given the scope of our comments, and the need for more information and analyses to facilitate a sufficiently informed process, we request that NMFS issue a second version of the Draft Guidance jointly with a draft implementation guide for public review and comment.