



Via Electronic Mail

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Subject: Comments of the American Petroleum Institute, the International Association of Geophysical Contractors, and the National Ocean Industries Association on NOAA Technical Memorandum NMFS-OPR-49, *National Standards for a Protected Species Observer and Data Management Program: A Model Using Geological and Geophysical Surveys*

Mr. Baker,

This letter provides the comments of the American Petroleum Institute (“API”), the International Association of Geophysical Contractors (“IAGC”), and the National Ocean Industries Association (“NOIA”) (collectively, the “Associations”) on the National Oceanic and Atmospheric Administration (“NOAA”) Technical Memorandum NMFS-OPR-49, *National Standards for a Protected Species Observer and Data Management Program: A Model Using Geological and Geophysical Surveys* (“Observer Standards”). We appreciate your consideration of the comments set forth below.

API is a national trade association representing over 600 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 (“MMPA”) regulatory process as an effective means of balancing and rationalizing responsible oil and gas activities with the conservation of marine mammals. We continue to support issuance of incidental take authorizations under the MMPA because, for example, it has been demonstrably effective in the Arctic in protecting marine mammal species without unduly and unnecessarily burdening industry.

IAGC is the international trade association representing the industry that provides geophysical services (geophysical data acquisition, processing and interpretation, geophysical information ownership and licensing, 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.

General Comments

The Associations commend NOAA’s National Marine Fisheries Service (“NMFS”), together with the Bureau of Ocean Energy Management (“BOEM”) and the Bureau of Safety and Environmental Enforcement (“BSEE”), (collectively “the agencies”) for providing recommendations for a Protected Species Observer and Data Management Program (“PSO program”). We understand that a technical memorandum is used for timely documentation and communication of preliminary results, interim reports, or more localized or special purpose information that may not have received formal outside peer reviews or detailed editing and that there is not a formal comment process. It is evident, however, that the agencies intend the recommendations in this technical memorandum to be immediately implemented for G&G surveys in the US OCS, and have incorporated the Observer Standards in the Atlantic OCS Proposed Geological and Geophysical Activities Mid-Atlantic and South Atlantic Planning Areas Final Programmatic Environmental Impact Statement (“Atlantic PEIS”). The Atlantic PEIS “Seismic Airgun Survey Protocol” requires that protected species observers complete a PSO training program “in accordance with the recommendations described in [the Observer Standards].”

In general, we are supportive of a process to standardize PSO eligibility requirements, training courses, data collection and reporting requirements. After carefully reviewing the Observer Standards, however, we have identified a number of concerns and opportunities for improvement, which are briefly summarized below and described in more detail in the following sections of this letter. Although we appreciate the agencies’ attempt to clarify and standardize observer guidelines and requirements, it is imperative that the agencies consider public input on the Observer Standards and make the revisions necessary to ensure that the standards are workable, accurate, and appropriate. The standards should encourage adaptive technology, such as remote visual and acoustic monitoring and infrared technology, reduction of health and safety risks, and also the use of an updated reporting form that would be able to provide substantive data from observations to substantiate the implementation of appropriate mitigation measures.