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## **A Regulatory Agency Perspective on Anthropogenic Noise and Marine Mammals**

### **Minerals Management Service, U.S. Department of the Interior**

MMS administers about 7,500 active leases on 40 million acres of the Outer Continental Shelf (OCS). The OCS makes a significant contribution to the national energy supply, providing about 23 percent of the natural gas and 30 percent of the oil produced in the United States. The MMS, Offshore Minerals Management Program carries out its mission through a variety of efforts: estimating national OCS energy resources, assessing environmental impacts, funding research to assess and manage impacts of activities and to monitor for changes in the quality and productivity of the marine environment, leasing OCS acreage, analyzing and permitting industry's proposed actions, inspecting operations, enforcing statutory and regulatory requirements, identifying and making available OCS sand and gravel deposits for beach nourishment and wetlands replenishment, and providing scientific and technical assistance to other nations.

The MMS protected species program involves complying with the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA), analyzing impacts; designing mitigation and monitoring guidelines; providing information necessary for promulgating regulations; and identifying, funding, and participating in research necessary for the protection and enhancement of protected species and their habitats.

Recently, MMS has focused two programmatic environmental analyses (under the National Environmental Policy Act) on noise producing activities (seismic surveys and explosive removals of offshore structures). The programmatic environmental assessments (EA's) document potential environmental impacts, identify potential mitigation measures, evaluate proposals, and evaluate mitigation measures not identified in the proposals. The activities analyzed in the Programmatic EA on Geological and Geophysical Exploration for Mineral Resources on the Gulf of Mexico Outer Continental Shelf include seismic surveys, deep-tow side-scan surveys, electromagnetic surveys, geological and geochemical sampling, and remote-sensing surveys. The impact-producing factors considered in the EA include seismic survey noise, vessel and aircraft noise, seafloor disturbance, and space-use conflicts with seismic arrays. Each year there are about 20 MMS-permitted 3D seismic surveys conducted in the Gulf of Mexico.

The conclusion of the EA was that geological and geophysical activities are not expected to result in significant adverse impacts to any of the potentially affected resources. Potentially adverse, but not significant, impacts were identified for marine mammals, except the manatee, for which negligible impacts were identified. As a result, MMS has issued a Finding of No Significant Impact for these activities. The EA will be included as part of an information package used by MMS in the near future to petition the National Oceanic and Atmospheric Administration to issue regulations to allow small "takes" incidental to seismic surveys in the Gulf of Mexico, under the Marine Mammal Protection Act. To obtain a copy of the EA, (MMS

2004-054) you may contact the Minerals Management Service, Gulf of Mexico OCS Region, Attention: Public Information Office (MS 5034), 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana 70123-2394 (1-800-200-GULF). You may also view the EA on the MMS website at [www.gomr.mms.gov/homepg/regulate/environ/nepa/2004-054.pdf](http://www.gomr.mms.gov/homepg/regulate/environ/nepa/2004-054.pdf).

Studies that support preparation of the Programmatic EA for structure removal operations in the Gulf of Mexico include: Long-Term Oil and Gas Structure Removal Forecasting in the Gulf of Mexico: A Decision and Resource-Based Approach; Explosive Removal of Offshore Structures, Information Synthesis Report; Oil Platform Removal Using Engineered Explosive Charges: In Situ Comparison of Engineered and Bulk Charges; and Shock Wave/Sound Propagation Modeling Results for Calculating Marine Protected Species Impact Zones During Explosive Removal of Offshore Structures. These MMS environmental studies can be accessed at [www.gomr.mms.gov/homepg/regulate/environ/studiesprogram.html](http://www.gomr.mms.gov/homepg/regulate/environ/studiesprogram.html).

The MMS implements mitigation measures to avoid or reduce the potential impacts of noise through a variety of mechanisms which include MMS regulations (30 CFR Part 250 - Oil and Gas and Sulphur Operations in the OCS) that implement provisions of the Outer Continental Shelf Lands Act (OCSLA) (U.S. Code Title 43, Chapter 29 Subchapter III ), lease stipulations, and notices to lessees (which clarify requirements addressed in our regulations). In section 1332(3) of the OCSLA, Congress declared that it be the policy of the United States that –

“ . . . the Outer Continental Shelf is a vital national resource reserve held by the Federal Government for the public, which should be made available for expeditious and orderly development, subject to environmental safeguards, in a manner which is consistent with the maintenance of competition and other national needs . . . ”

All leasing and operations on the Federal offshore are governed by laws and regulations that ensure safe operations and preservation of the environment, while balancing the Nation's needs for energy development. The MMS enforces compliance with these regulations and periodically updates rules to reflect advancements in technology and new information. Regulations governing OCS exploration, development, and production activities are found at 30 CFR Parts 250 and 256 and are searchable on the Government Printing Office website at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).

Notices to Lessees and Operators (NTL's) are formal documents that provide clarification, description, or interpretation of a regulation or OCS standard; provide guidelines on the implementation of a special lease stipulation or regional requirement; provide a better understanding of the scope and meaning of a regulation by explaining MMS interpretation of a requirement; or transmit administrative information. These NTL's are on the MMS website at [www.gomr.mms.gov/homepg/regulate/regs/ntls/ntl\\_1st.html](http://www.gomr.mms.gov/homepg/regulate/regs/ntls/ntl_1st.html). The NTL's related to protected species include: Vessel Strike Avoidance and Injured/Dead Protected Species Reporting; Marine Trash and Debris Awareness and Elimination; Implementation of Seismic Survey Mitigation Measures and Protected Species Observer Program; Biologically Sensitive Areas of the Gulf of Mexico; and Structure-Removal Operations.