

**UNITED STATES DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE
GULF OF MEXICO OCS REGION**

NTL No. 2002-G07

Effective Date: August 22, 2002

**NOTICE TO LESSEES AND OPERATORS OF FEDERAL OIL, GAS, AND SULPHUR
LEASES IN THE OUTER CONTINENTAL SHELF, GULF OF MEXICO OCS REGION**

Implementation of Seismic Survey Mitigation Measures

The Minerals Management Service (MMS) is issuing this Notice to Lessees and Operators (NTL), pursuant to 30 CFR 250.103 to explain how you must implement seismic survey mitigation measures. This NTL implements stipulation 5 (d) of the Final Notice of Sale for OCS Lease Sale 184. It also applies to all seismic operations throughout the Gulf of Mexico OCS in waters greater than 200 m (656 ft) in depth. These measures apply to all on-lease seismic surveys you conduct under 30 CFR 250.201 and all off-lease seismic surveys you conduct under 30 CFR 251.

Background

The use of an airgun or airgun arrays while conducting geophysical operations may have an adverse impact on marine wildlife, including marine mammals. Some marine mammals, such as the sperm whale (*Physeter macrocephalus*), are protected under the Endangered Species Act (ESA), and all marine mammals are protected under the Marine Mammal Protection Act (MMPA).

In July 2002, the MMS completed a formal Section 7 consultation under the ESA with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA Fisheries) on lease sale activities. The NOAA Fisheries issued new mitigation measures in a Biological Opinion (BO) for Gulf of Mexico Outer Continental Shelf Lease Sale 184. The BO specifically requires seismic operators to use ramp-up and visual monitoring procedures. Procedures for ramp-up, visual monitoring, and reporting sperm whale sightings are described in detail in this NTL. You must perform these mitigation measures during all seismic survey operations using airgun arrays and conducted in waters deeper than 200 m (656 ft) throughout the Gulf of Mexico.

Definitions

Terms used in this NTL have the following meanings:

1. Airgun means a device that releases compressed air into the water column, creating an acoustical energy pulse with the purpose of penetrating the seafloor.

2. Ramp-up means the gradual increase in emitted sound levels from an airgun ~~array systematically~~ array by systematically turning on the full complement of an array's airguns over a defined period of time (i.e., at a rate of 6 dB re 1 μ Pa per 5 minute interval).
3. Visual monitoring means the use of trained observers to scan the ocean surface visually for signs of marine mammal presence. These observers must have successfully completed a NOAA Fisheries approved observer-training program. The area to be scanned visually includes, but is not limited to, the exclusion zone. Visual monitoring of an exclusion zone and adjacent waters is intended to establish and, when visual conditions allow, maintain a zone around the sound source and seismic vessel that is clear of marine mammals, thereby reducing or eliminating the potential for injury to sperm whales.
4. Exclusion zone means the area at and below the sea surface within a radius of 500 m surrounding the center of an airgun array and the area within the immediate vicinity of the survey vessel.

Ramp-up Procedures

The intent of ramp-up is to warn animals of pending seismic operations and to allow sufficient time for those animals to leave the immediate vicinity. Under normal conditions, animals sensitive to these activities are expected to move out of the area. For all seismic surveys, use the ramp-up procedures described below to allow sea turtles and sperm whales to depart the exclusion zone before seismic surveying begins.

Measures to conduct ramp-up procedures during all seismic survey operations are as follows:

1. Visually monitor the exclusion zone and adjacent waters for the absence of sperm whales for at least 30 minutes before initiating ramp-up procedures. If no sperm whales are detected, you may initiate ramp-up procedures. You must not initiate ramp-up procedures at night or when you cannot visually monitor the exclusion zone for sperm whales if your minimum source sound level output drops below 160 dB re 1 μ Pa (see measure 5).
2. Initiate ramp-up procedures by firing a single airgun. The preferred airgun to begin with should be the smallest airgun, in terms of energy output (dB) and volume (in^3).
3. Continue ramp-up by activating additional airguns at a rate of 6 dB re 1 μ Pa per 5 minute interval until the airgun array is operating at the desired survey intensity.
4. Immediately shut down all airguns ceasing seismic operations at any time a sperm whale is detected entering or within the exclusion zone. You may recommence seismic operations and ramp-up of airguns only when the exclusion zone has been visually inspected for at least 30 minutes for the absence of sperm whales.
5. You may reduce the energy output of the airgun array to maintain a minimum source sound level output of 160 dB re 1 μ Pa for routine activities, such as making a turn between line transects, or for maintenance needs. This procedure may be followed during periods of impaired visibility (e.g., darkness, fog, high sea states, etc.) and does not require a 30 minute visual clearance of the exclusion zone before the airgun array is again ramped up to full output.

Visual Observers

You must use trained visual observers on all seismic vessels in the Gulf of Mexico OCS who have successfully completed a NOAA Fisheries approved training program. You may use crew members to function as visual observers until trained visual observers can replace them. All seismic vessels must

have trained observers for visual monitoring requirements within two months of the effective date of this NTL. You may email the MMS (protectedspecies@mms.gov) for a list of NOAA Fisheries approved training programs.

Visual observers must monitor waters (with the assistance of binoculars) for sperm whales within and adjacent to the exclusion zone for 30 minutes prior to initiating the airgun ramp-up procedures. Observers must monitor the exclusion zone and adjacent waters during seismic operations, unless atmospheric conditions reduce visibility to zero or during hours of darkness (i.e., night). When sperm whales are observed entering or within the exclusion zone, observers must call for the shut down of the airgun array; seismic operators must shut down the array when instructed by an observer. You may reinitiate ramp-up and seismic survey activities only when the observer has: (a) determined that the sperm whale(s) has departed the exclusion zone, and (b) visually monitored the exclusion zone for at least 30 minutes since the last sperm whale sighting within the exclusion zone.

Marine Mammal Reporting

When sperm whales are sighted prior to or during a seismic survey operation, observers are to document the information listed below. You must report this information to MMS within 8 days of the sighting by email (protectedspecies@mms.gov). In the near future, MMS will establish an internet observer-reporting network that you may use as an alternative reporting procedure. Include the following observations in your report:

1. The date, time, and location (latitude/longitude) of each observation.
2. The number of sperm whales sighted.
3. Whether or not a sperm whale entered the exclusion zone warranting a shut-down.
4. How long the shut-down occurred (i.e., how long the sperm whale was in the exclusion zone).
5. The name and contact information for the person submitting the report.

Please note that these marine mammal reports are in addition to any reports you submit under NTL No. 98-20, dated September 15, 1998, and NTL No. 2002-G01, effective March 15, 2002.

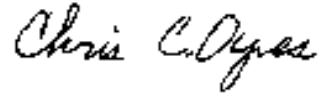
Paperwork Reduction Act of 1995 (PRA) Statement

The PRA (44 U.S.C. Chapter 35) requires us to inform you that we collect the information described in this NTL to ensure that you conduct operations in a manner that will not jeopardize threatened or endangered species or destroy or adversely modify critical habitat that has been designated for those species. We protect all proprietary information submitted according to the Freedom of Information Act and 30 CFR 250.196. An agency may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) Control Number. You are not obligated to respond until the OMB has approved this collection of information. We are requesting OMB approval under emergency processing and approval is pending for the “marine mammal reporting” requirement. We estimate the hour burden for providing that information to be 1 hour per report. Direct comments regarding the burden or any other aspect of this information collection to the Information Collection Clearance Officer, Mail Stop 4230, Minerals Management Service, 1849 C Street, N.W., Washington, DC 20240.

In addition, this NTL refers to information collection requirements under 30 CFR 250, subpart B. OMB has approved all of the information collection requirements in these regulations and assigned OMB control number 1010-0049.

Contact

Please contact Jeff Childs (504) 736-2766 if you have any questions regarding this NTL.

A handwritten signature in black ink that reads "Chris C. Oynes". The signature is written in a cursive style with a large, stylized initial "C".

Chris C. Oynes
Regional Director