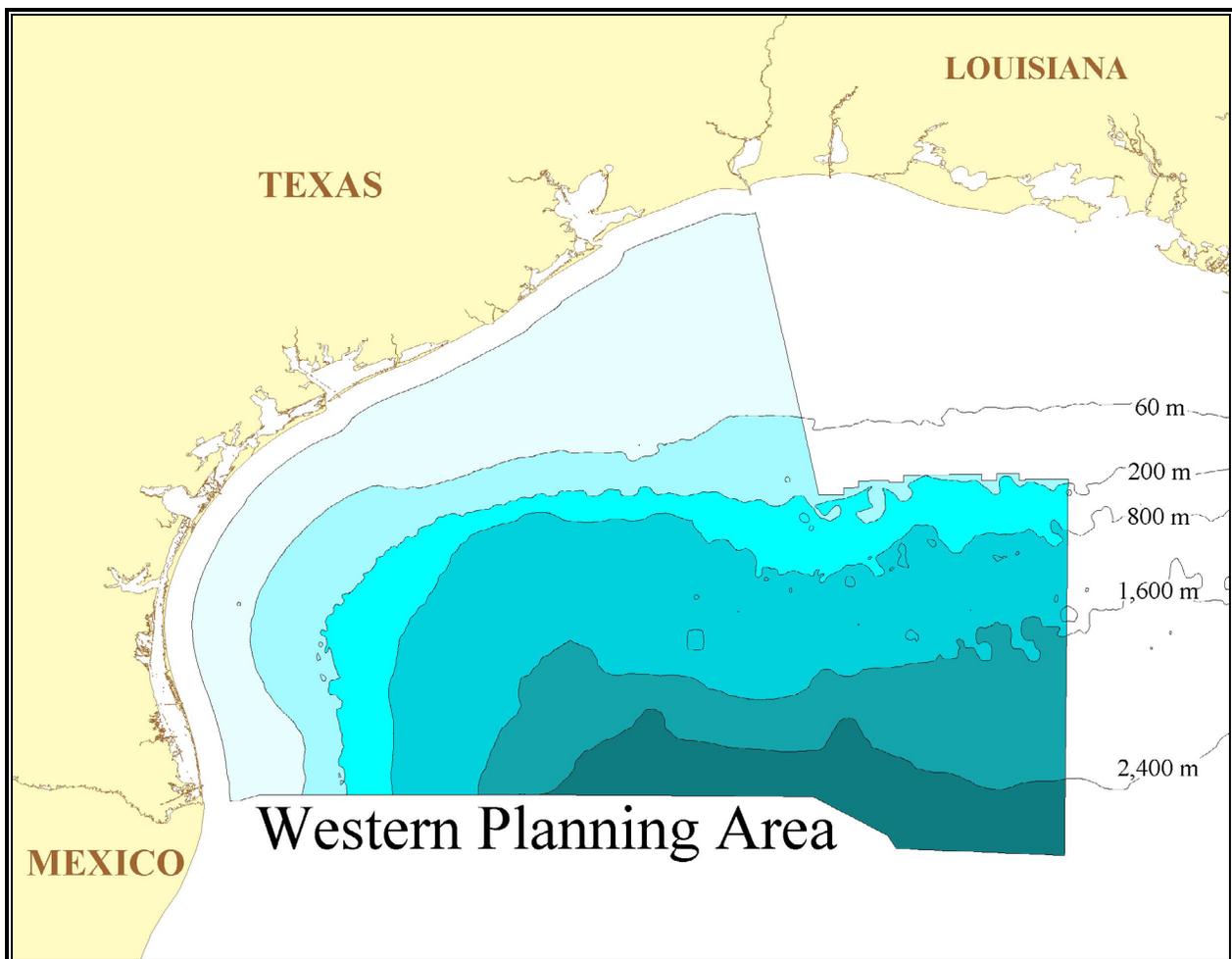




Environmental Assessment

Proposed OCS Lease Sale 196, Western Gulf of Mexico



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FINDING OF NO NEW SIGNIFICANT IMPACT

The U.S. Department of the Interior, Minerals Management Service (MMS) has prepared an environmental assessment (EA) for proposed Lease Sale 196 in the Western Planning Area (WPA) of the Gulf of Mexico (GOM) Outer Continental Shelf (OCS) to determine whether MMS can make a Finding of No New Significant Impact (FONNSI) or should prepare a supplemental environmental impact statement (EIS).

In November 2002, MMS filed with the U.S. Environmental Protection Agency a Final EIS covering CPA Lease Sales 185, 190, 194, 198, and 201; and Western Planning Area Lease Sales 187, 192, 196, and 200 in the GOM (multisale EIS). Because the multisale EIS examined the environmental impacts of a sale similar in size, nature, and potential level of development as Lease Sale 196, the EA tiers off the multisale EIS and incorporates much of the material by reference. It also reexamines the potential environmental effects of the proposed action and alternatives based on any new information regarding potential impacts or issues that were not available at the time the multisale EIS was prepared.

The purpose of the EA is to analyze whether new information indicates that there are likely to be significant new impacts that were not addressed in the multisale EIS. As part of the scoping process for the EA, MMS reviewed new information to determine if any resources should be reevaluated or if the new information would alter conclusions of the multisale EIS. It was determined that three resources (marine mammals, sea turtles, and snowy plover) should be reevaluated because of new information. The new information for these three resources (mitigation measures for protected species and a revised oil-spill probability for the snowy plover) is analyzed in the EA.

The EA also presents a study of the impacts of Hurricane Lili, updates of MMS's preparation of National Environmental Policy Act documents for seismic surveys and structure removal operations, more exact estimates of the abundance of cetaceans in the northern GOM, and additional scoping opportunities since the multisale EIS. This new information further supports or elaborates on analyses or information presented in the multisale EIS, but it does not change any of the analyses in the multisale EIS.

Based on the analyses in the EA, no new significant impacts were identified for proposed Lease Sale 196 that were not already assessed in the multisale EIS, nor is it necessary to change the conclusions of the kinds, levels, or locations of impacts described in that document. Therefore, MMS has determined that a supplemental EIS is not required and is issuing this FONNSI.

Supporting Documents

Proposed OCS Lease Sale 196, Western Gulf of Mexico—Environmental Assessment (USDOl, MMS, 2005) (attached).

Gulf of Mexico OCS Oil and Gas Lease Sales: 2003-2007; Central Planning Area Sales 185, 190, 194, 198, and 201; Western Planning Area Sales 187, 192, 196, and 200—Final Environmental Impact Statement; Volumes I and II (USDOl, MMS, 2002) (available upon request).


Director

MAR 18 2005

Date

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ABBREVIATIONS AND ACRONYMS

5-Year Program	<i>Outer Continental Shelf Oil and Gas Leasing Program 2002-2007</i>	MMS	Minerals Management Service
ADCP	Acoustic Doppler Current Profile	MODU	mobile offshore drilling unit
bbbl	barrel	NEPA	National Environmental Policy Act
BBO	billion barrels of oil	NOAA	National Oceanic and Atmospheric Administration
BML	below mud line	NOI	Notice of Intent to Prepare an EIS
BO	Biological Opinion	NO _x	nitrogen oxide
Btu	British thermal unit	NPDES	National Pollution Discharge Elimination System
Call	Call for Information and Nominations	NTL	Notice to Lessees and Operators
CD	Consistency Determination	OCD	Offshore and Coastal Dispersion
COE	United States Army Corps of Engineers	OCS	Outer Continental Shelf
CPA	Central Planning Area	OSRA	Oil-Spill Risk Analysis
CWPPRA	Coastal Wetlands Planning, Protection, and Restoration Act	PEA	Programmatic Environmental Assessment
CZM	Coastal Zone Management	PEIS	Programmatic EIS
EA	Environmental Assessment	PM ₁₀	particulate matter smaller than 10 microns
EFH	essential fish habitat	ROV	remotely operated vehicle
EIS	Environmental Impact Statement	SBF	synthetic-based drilling fluids
EPA	Eastern Planning Area	Secretary	Secretary of the Interior
ESA	Endangered Species Act of 1973	SO _x	sulphur oxide
FONNSI	Finding of No New Significant Impact	SWAMP	Sperm Whale Acoustic Monitoring Program
FWS	U.S. Fish and Wildlife Service	SWSS	Sperm Whale Seismic Survey
G&G	geological and geophysical	TAOS	Technical Assessment and Operation Support
GOADS	Gulf-wide Offshore Activity Data System	Tcf	trillion cubic feet
GOM	Gulf of Mexico	USCG	United States Coast Guard
ITS	Incidental Take Statement	USDOl	United States Department of the Interior
LCA	Louisiana Coastal Area	USEPA	United States Environmental Protection Agency
MMPA	Marine Mammal Protection Act of 1972	WPA	Western Planning Area

1. OBJECTIVES OF THE ENVIRONMENTAL ASSESSMENT

This environmental assessment (EA) addresses one proposed Federal action: oil and gas Lease Sale 196 in the proposed lease sale area of the Western Planning Area (WPA) of the Gulf of Mexico (GOM) Outer Continental Shelf (OCS) as scheduled in the *Outer Continental Shelf Oil and Gas Leasing Program 2002-2007* (5-Year Program) (USDOJ, MMS, 2002a). This EA incorporates by reference all of the relevant material in the multisale environmental impact statement (EIS) from which it tiers (*Gulf of Mexico OCS Oil and Gas Lease Sales: 2003-2007; Central Planning Area Sales 185, 190, 194, 198, and 201; Western Planning Area Sales 187, 192, 196, and 200; Final Environmental Impact Statement; Volumes I and II* (USDOJ, MMS, 2002b)). The EA has been prepared to aid in the determination of whether or not new available information indicates that the proposed lease sale would result in new significant impacts not addressed in the multisale EIS.

In preparation for this EA, the U.S. Department of the Interior (USDOJ) Minerals Management Service (MMS) reexamined the potential environmental effects of the proposed action and the alternatives based on any new information regarding potential impacts and issues not available at the time MMS prepared the multisale EIS in November 2002. New information was reviewed to determine if any resources should be reevaluated or if the new information would alter conclusions of the multisale EIS. It was determined that three resources (marine mammals, sea turtles, and snowy plover) should be reevaluated because of new information. The new information for these three resources is the mitigation measures for protected species and a revised oil-spill probability for the snowy plover.

Federal regulations allow for an agency to analyze related or similar proposals in one EIS (40 CFR 1502.4). Since WPA Lease Sales 187, 192, 196, and 2000 and their projected activities are very similar, if not almost identical, MMS addressed the four lease sales in a single EIS. The multisale approach focuses the National Environmental Policy Act (NEPA) EIS process on the differences between the proposed lease sales and new information and issues. Although the multisale EIS addressed four proposed WPA lease sale actions, the Secretary of the Interior (Secretary) makes a separate decision for each lease sale.

The multisale EIS can be obtained from 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) or viewed on the MMS website at <http://www.gomr.mms.gov>. A list of libraries that have copies of the multisale EIS and their locations is also available on the MMS Internet website.

2. PURPOSE OF AND NEED FOR THE PROPOSED ACTION

Purpose of the Proposed Action

The purpose of this proposed action (WPA Lease Sale 196) is to offer for lease all unleased blocks in the proposed lease sale area (**Figure 1**) that may contain economically recoverable oil and natural gas resources. The proposed lease sale would provide qualified bidders the opportunity to bid upon and lease acreage in the proposed lease sale area in order to explore, develop, and produce oil and natural gas.

Need for the Proposed Action

The GOM constitutes one of the world's major oil- and gas-producing areas and has proved to be a steady and reliable source of crude oil and natural gas for more than 50 years. Oil from the GOM would help reduce the Nation's need for oil imports and reduce the environmental risks associated with oil tankering. Natural gas is generally considered to be an environmentally preferable alternative to oil in terms of both production and consumption.

3. ALTERNATIVES INCLUDING THE PROPOSED ACTION

3.1. ALTERNATIVE A—PROPOSED ACTION

Alternative A—The Proposed Action: Under proposed WPA Lease Sale 196, MMS would offer for lease all unleased blocks within the WPA for oil and natural gas operations, with the following exceptions: High Island Area East Addition, South Extension, Blocks A-375 and A-398 and portions of other blocks within the Flower Garden Banks National Marine Sanctuary are deferred from leasing. Sigsbee Escarpment Area Blocks 11, 57, 103, 148, 149, 194, 239, 284, and 331-341; portions of Sigsbee Escarpment Area Blocks 12-14, 58-60, 104-106, 150, 151, 195, 196, 240, 241, 285-298, and 342-349; and Keathley Canyon Blocks 978-980 are deferred from the proposed action under the “Treaty Between The Government of the United States of America And The Government Of The United Mexican States on the Delimitation Of The Continental Shelf In the Western Gulf of Mexico Beyond 200 Nautical Miles,” which took effect in January 2001.

Mustang Island Area Blocks 793, 799, and 816 have been considered crucial to Naval Mine Warfare Command operations and were deferred from past lease sales. The MMS has been informed by the Navy that these blocks are still used for testing equipment and for training mine warfare personnel; however, the Navy does not object to these blocks being offered for lease under the condition of no surface occupancy. Therefore, MMS proposes to offer those three blocks for lease in WPA Lease Sale 196 and to add the following to the Operations in the Naval Mine Warfare Area Stipulation. This will apply to Mustang Island Area Blocks 793, 799, and 816.

- (a) For below seabed operations, the lessee agrees that no activity including, but not limited to, structures, drilling rigs, pipelines, and/or anchoring will be located on the seabed or in the water column above within any portion of the lease. All exploration, development, and production activities or operations must take place from outside the lease by the use of directional drilling or other techniques.
- (b) Prior to the submission of Exploration Plans (EP) and Development Operations Coordination Documents (DOCD) regarding any operations on or under the seabed of these blocks, the lessee will consult with the Commander, Mine Warfare Command, in order to determine the compatibility of the lessee’s plans with scheduled military operations. The EP and DOCD shall contain a statement certifying the consultation and indicating whether the Commander, Mine Warfare Command has any objection to activities and schedule of the EP or DOCD.

The addition of these three blocks does not change the range of resource projections and associated activities; therefore, it does not change any conclusions from the multisale EIS.

In the multisale EIS, a proposed action is presented as a set of ranges for resource estimates, projected exploration and development activities, and impact-producing factors. All of the proposed WPA lease sales analyzed in the multisale EIS are expected to be within the scenario ranges presented for a typical WPA lease sale; therefore, a proposed action is representative of each proposed lease sale. The WPA encompasses about 35.9 million ac in water depths ranging from 8 to 3,000 m (**Figure 1**). The estimated amount of resources projected to be developed as a result of proposed WPA Lease Sale 196 is 0.136-0.262 billion barrels of oil (BBO) and 0.810-1.440 trillion cubic feet (Tcf) of natural gas.

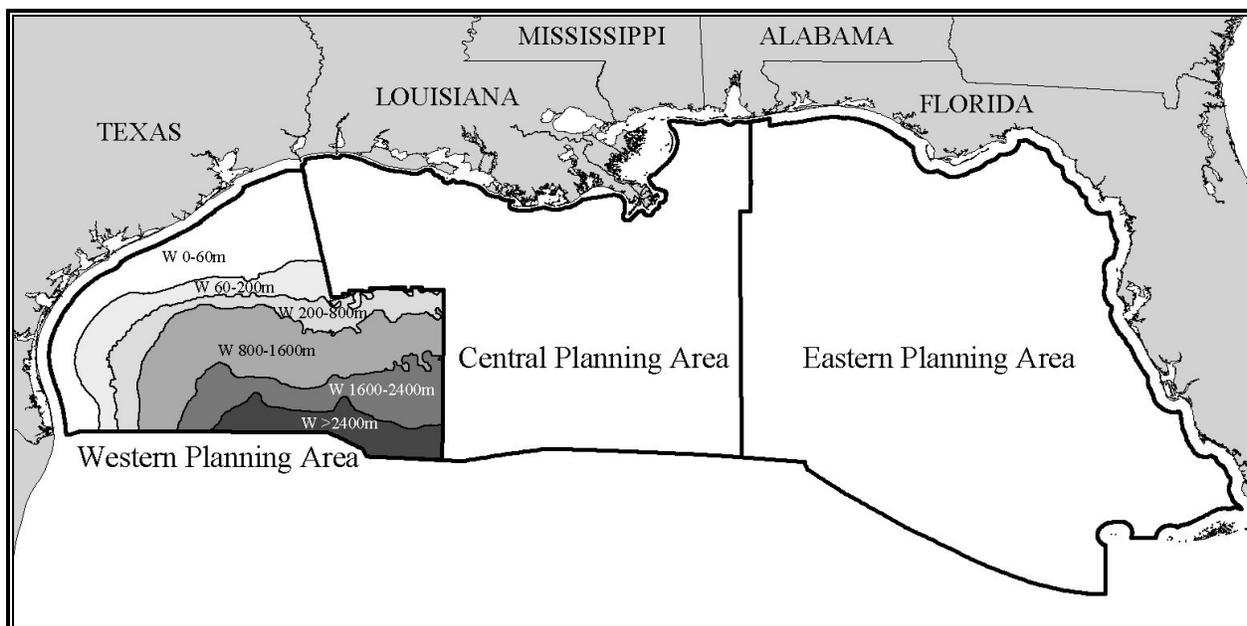


Figure 1. GOM OCS Planning Areas and WPA Offshore Subareas.

3.2. ALTERNATIVES TO THE PROPOSED ACTION

Alternative B—The Proposed Action Excluding the Unleased Blocks Near Biologically Sensitive Topographic Features: This alternative would offer for lease all unleased blocks in the WPA, as described for the proposed action, with the exception of any unleased blocks within the 200 blocks subject to the Topographic Features Stipulation.

Alternative C—No Action: This alternative is equivalent to the cancellation of proposed WPA Lease Sale 196. The opportunity for development of the estimated 0.136-0.262 BBO oil and 0.810-1.440 Tcf of natural gas resources that could have resulted from the proposed action would be precluded or postponed. Any potential environmental impacts resulting from the proposed action would not occur or would be postponed.

3.3. MITIGATION MEASURES

The proposed action and all subsequent activities resulting from it are subject to the existing regulations and proposed lease stipulations designed to reduce environmental risks. Lease stipulations are legally binding restrictions and operating requirements that, if adopted, become part of lease contracts. Five stipulations are proposed to be applied to leases resulting from WPA Lease Sale 196. Four of the stipulations (Topographic Features; Military Areas; Operations in the Naval Mine Warfare Area; and Law of the Sea Convention Royalty Payment) are included in the multisale EIS. **Chapter 2.4.1.3.** of the multisale EIS discusses the effectiveness of these stipulations.

Following the completion of the multisale EIS, the Protected Species Stipulation was developed in consultation with the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Fish and Wildlife Service (FWS). Its requirements, which are described in **Chapter 3.3.1.**, were adopted for WPA Lease Sales 187 and 192 and are proposed for WPA Lease Sale 196. Each of the five lease stipulations proposed for WPA Lease Sale 196 are presented in **Appendix A.**

The MMS has also issued 44 Notices to Lessees and Operators (NTL) since the completion of the multisale EIS in order to

- clarify, describe, or interpret regulation or OCS standards;

- 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.

A list of the new NTL's can be found in **Appendix B**, while the actual NTL's are on the MMS Internet website at www.gomr.mms.gov/homepg/regulate/regs/ntls/ntl_lst.html. The requirements addressed in these NTL's apply to all existing and future oil and natural gas operations on the GOM OCS. Ten of the new NTL's (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; Structure-Removal Operations; Production Activities Information Collection and Reporting for Calculations of Air Emissions in the Western Gulf of Mexico; Damage Caused by Hurricane Ivan (Parts 1-3); and Deepwater Ocean Current Monitoring on Floating Facilities) are discussed in **Chapter 3.3.2**.

3.3.1. Protected Species Stipulation

The Protected Species Stipulation is designed to minimize or avoid potential adverse impacts to federally protected species (e.g., sea turtles, marine mammals, and other listed species). To reduce the potential taking of federally protected species

- (1) The MMS conditions all permits issued to lessees and their operators to require them to collect and remove flotsam resulting from activities related to exploration, development, and production of this lease.
- (2) The MMS conditions all permits issued to lessees and their operators to require them to post signs in prominent places on all vessels and platforms used as a result of activities related to exploration, development, and production of this lease detailing the reasons (legal and ecological) why the release of debris must be eliminated.
- (3) The MMS requires that vessel operators and crews watch for marine mammals and sea turtles, reduce vessel speed to 10 kt or less when assemblages of cetaceans are observed, and maintain a distance of 90 m or greater from whales and a distance of 45 m or greater from small cetaceans and sea turtles.
- (4) The MMS requires that all seismic surveys employ mandatory mitigation measures including the use of a 500-m "exclusion zone" based upon the appropriate water depth, ramp-up and shut-down procedures, visual monitoring, and reporting. Seismic operations must immediately cease when whales are detected within the 500-m exclusion zone. Ramp-up procedures and seismic surveys may be initiated only during daylight unless alternate monitoring methods approved by MMS are used.
- (5) The MMS requires lessees and operators to instruct offshore personnel to immediately report all sightings and locations of injured or dead protected species (marine mammals and sea turtles) to the appropriate stranding network. If oil and gas industry activity is responsible for the injured or dead animals (e.g., because of a vessel strike), the responsible parties should remain available to assist the stranding network. If the injury or death is caused by a vessel collision, the responsible party must notify MMS within 24 hours of the strike.
- (6) The MMS requires oil-spill contingency planning to identify important habitats, including designated critical habitat, used by listed species (e.g., sea turtle nesting beaches, and piping plover critical habitat) and will require the strategic placement of spill cleanup equipment to be used only by personnel trained in less intrusive cleanup techniques on beach and bay shores.

The analyses of potential proposed action impacts to marine mammals, sea turtles, and snowy plover are presented in **Chapter 4.2.** of this EA.

3.3.2. Notices to Lessees and Operators

Vessel Strike Avoidance and Injured/Dead Protected Species Reporting (NTL 2003-G10)

The Vessel Strike Avoidance and Injured/Dead Protected Species Reporting NTL (NTL 2003-G10) provides the following guidelines to minimize the risk of vessel strikes to protected species and report observations of injured or dead protected species.

Protected Species Identification Training

Vessel crews are to use a GOM reference guide to identify marine mammals and sea turtles.

Vessel Strike Avoidance

The following guidelines are included:

- (1) Vessel operators and crews should maintain a vigilant watch for marine mammals and sea turtles and slow down or stop their vessels to avoid striking protected species.
- (2) When a whale is sighted, a distance of 90 m or greater from the whale should be maintained.
- (3) When sea turtles or small cetaceans are sighted, there should be an attempt to maintain a distance of 45 m or greater whenever possible.
- (4) When cetaceans are sighted while a vessel is underway, there should be an attempt to remain parallel to the animals' course. Excessive speed or abrupt changes in direction until the cetaceans have left the area should be avoided.
- (5) Vessel speed should be reduced to 10 kt or less when pods or large assemblages of cetaceans are observed near an underway vessel. Cetaceans at the surface may indicate the presence of submerged animals near the vessel.
- (6) Whales may surface in unpredictable locations or approach slowly moving vessels. When animals are sighted in the vessel's path or in close proximity to a moving vessel, speed should be reduced and the engine shifted to neutral. Engines should not be engaged until the animals are clear of the area.

Injured/Dead Protected Species Reporting

Vessel crews must report sightings of any injured or dead protected species (marine mammals and sea turtles) immediately to the Marine Mammal and Sea Turtle Stranding Hotline or the Marine Mammal Stranding Network. If oil and gas industry activity is responsible for the injury or death of a protected species, MMS must be notified within 24 hours and the responsible parties should remain available to assist the respective salvage and stranding network as needed.

Marine Trash and Debris Awareness and Elimination (NTL 2003-G11)

The Marine Trash and Debris Awareness and Elimination NTL (NTL 2003-G11) provides guidance to reduce the accidental introduction of marine trash and debris into the GOM. This NTL requires the placement of marine debris elimination placards, with specified language, in prominent places on all fixed and floating production facilities that have sleeping or food preparation capabilities, and on all mobile drilling units engaged in oil and gas operations in the GOM OCS. This NTL also requires marine debris awareness training for all offshore employees and contractors actively engaged in offshore operations. This training includes viewing a training video or slide show and receiving an explanation from the company's management that emphasizes their commitment to achieve the objectives of the trash and

debris containment requirement. This NTL describes certification guidelines including the preparation of an annual report to MMS from a company official that describes the marine trash and debris awareness training process and certifies that the training process has been followed for the previous calendar year.

Implementation of Seismic Survey Mitigation Measures and Protected Species Observer Program (NTL 2004-G01)

The MMS superseded NTL 2003-G08, Implementation of Seismic Survey Mitigation Measures and Protected Species Observer Program, with NTL 2004-G01. The new NTL, which expands application of the seismic survey mitigation measures to include additional marine mammal species, became effective March 1, 2004.

The Implementation of Seismic Survey Mitigation Measures and Protected Species Observer Program NTL (NTL 2004-G01) details information on ramp-up procedures, observation methods, and reporting requirements to be followed by the seismic industry during certain geological and geophysical (G&G) survey operations. The conditions prescribed under this NTL aid in reducing the chance of harassment to nearby marine mammals and sea turtles. The report data received from the companies will be used to increase the knowledge base on species habitat.

For all seismic operations in water depths >200 m in the WPA and Central Planning Area (CPA), and all water-depths in the Eastern Planning Area (EPA), this NTL requires the use of soft start or ramp-up and visual observers as required in the previous NTL's. This NTL includes requirements for

- (1) seismic vessels to have at least two visual observers on watch during all daylight hours when geophysical operations are being conducted;
- (2) visual observers to have completed a training course;
- (3) no additional duties to be assigned to visual observers during their watch;
- (4) limiting watch and duty hours for observers;
- (5) elements that must be included in the training course;
- (6) methods to be employed for visual observations;
- (7) "all clear" prior to ramp-up;
- (8) shutdown of seismic airguns when whales are within 500 m of the center of the airgun array;
- (9) restart of survey after shutdown; and
- (10) reporting required information, including types of reports and submission of reports to MMS.

This NTL also contains special provisions for borehole, or vertical seismic profiling, operations and a special mitigation exception for seismic vessels that employ experimental passive acoustic monitoring.

Biologically Sensitive Areas of the Gulf of Mexico (NTL 2004-G05)

The Live Bottom (Pinnacle Trend) Stipulation and Topographic Features Stipulation are now embodied in the more comprehensive NTL 2004-G05, Biologically Sensitive Areas of the Gulf of Mexico. In addition to existing stipulated areas for biological features, a new category of protected area has been established under NTL 2004-G05 termed "Potentially Sensitive Biological Features." These are hard-bottom features not protected by a biological lease stipulation that are of moderate to high relief (about 8 ft or higher), provide surface area for the growth of sessile invertebrates, and can attract large numbers of fish. These features would be located outside any "No Activity Zone" of any of the named topographic features (banks) or the 70 live-bottom (pinnacle trend) stipulated blocks.

Structure-Removal Operations (NTL 2004-G06)

The Structure-Removal Operations NTL (NTL 2004-G06) provides lessees with updated information on Endangered Species Act (ESA) consultations and the monitoring and reporting requirements to be followed by the operators and severance subcontractors during decommissioning operations. This NTL also addresses MMS's position on decommissionings using explosive-severance tools in light of the recent expiration of Marine Mammal Protection Act (MMPA) take-regulations (50 CFR 216.141-147).

As detailed in the NTL, MMS currently permits decommissioning operations conditional on two Biological Opinions (BO) from NOAA Fisheries subsequent to consultations conducted under Section 7 of the ESA. Issued in July 1988, the "generic" consultation BO and its Incidental Take Statement (ITS) identifies the terms and conditions of operation for explosive-severing activities using charges that range from >5 to 50 lb (<http://www.gomr.mms.gov/homepg/regulate/environ/generic-consultation.pdf>). In October 2003, NOAA Fisheries issued a second BO, the "de minimus" BO, that lists minimization measures that apply to explosive-severing charges ≤0-5 lb (<http://www.gomr.mms.gov/homepg/regulate/environ/de-minimus-consultation.pdf>). Both BO's define specific operational criteria that explosive-severing activities must follow. These criteria include

- (1) the use of high-velocity explosives (i.e., detonation rates >7,600 m per second);
- (2) a maximum of eight individual blasts per group of detonations;
- (3) blast staggering at an interval of 0.9 seconds (900 milliseconds);
- (4) charge placement no less than 15 ft below the mudline (BML); and
- (5) maximum charge sizes of either 5 lb (for the "de minimus" consultation) or 50 lb (for the "generic" consultation).

This NTL contains special provisions to lessees applying for permits on decommissioning operations suggesting activities that do not fall within the above-listed criteria. Discussion is also made on the specific penalties prescribed under the ESA and MMPA when an unauthorized take (i.e., harassment, harm, injury, or mortality) of a marine mammal or sea turtle occurs. Ultimately, the conditions described under and referenced within this NTL aid in reducing the chance of harassment or injury to marine mammals and sea turtles in the vicinity of removal activities.

Production Activities Information Collection and Reporting for Calculations of Air Emissions in the Western Gulf of Mexico (NTL 2004-G17)

The United States Environmental Protection Agency (USEPA) has promulgated more stringent National Ambient Air Quality Standards for ozone and particulate matter (PM_{2.5}). The USEPA has also proposed new regional haze regulations to improve visibility. All these regulations require state agencies to perform ozone and regional haze modeling for use in their State Implementation Plans. Emission inventories must be generated in order to conduct this air quality modeling. Under NTL 2004-G17, MMS will be able to provide States with operator activity data for their emission inventories. The MMS has directed lessees and operators of each affected OCS lease in the GOM to collect and report facility, equipment, fuel usage, and other activity information during the period January 1, 2005, to December 31, 2005. Affected leases include all leases in the WPA and CPA, and those in the EPA west of 87.5 degrees longitude.

Damage Caused by Hurricane Ivan (NTL 2004-G18); Damage Caused by Hurricane Ivan (Part 2) (NTL 2004-G19); and Damage Caused by Hurricane Ivan (Part 3) (NTL 2004-G20)

The MMS works to reduce potential hurricane associated risks to workers, structures, and the environment. When a hurricane threatens offshore activities, NTL 2004-G14 (Hurricane and Tropical Storm Evacuation and Production Curtailment Statistics), and its earlier versions, require operators to notify MMS of employee evacuations, production curtailment, and resumption. This information is

shared with the United States Coast Guard (USCG) who would respond to any rescue calls or oil spills. In advance of Hurricane Ivan (September 16, 2004), operators reported to MMS that 575 platforms (75% of manned platforms in the GOM) and 69 operating rigs (59% of operating rigs in the GOM) had been evacuated prior to the arrival of the hurricane. The storm track of Hurricane Ivan passed through many MMS leases before making landfall at Gulf Shores, Alabama. Three NTL's were issued to ensure that structures and pipelines remained safe and retained integrity, and pollution was minimized following the hurricane.

The NTL 2004-G18 specified three levels of inspection for platforms and structures. Operators must perform a Level I survey (above-water visual inspection) on those platforms that were exposed to hurricane force winds (74 mph or greater). A Level II survey (general underwater visual inspection by divers or a remotely operated vehicle (ROV)) must be performed if the platform is located within 35 mi of the hurricane's eye center storm track or when the Level I survey indicates that underwater damage may have occurred. When a Level II survey detects significant structural damage, a Level III survey (underwater visual inspection of areas of known or suspected damage) must be performed. For those platforms where the inspection indicated damage, restrictions on activities were listed. This same NTL also specified inspections of above-water risers and underwater tie-ins, risers, catenary risers, and a plan of corrective action for OCS pipelines. The NTL included maps to illustrate the required level of inspection by location relative to the hurricane track.

Because of the extensive pipeline damage discovered, MMS prepared a second NTL (2004-G20) to further detail the necessary pipeline inspections according to water depth. The third NTL (2004-G19) described how inspections and findings should be reported to MMS.

Deepwater Ocean Current Monitoring on Floating Facilities (NTL 2005-G02)

Recently a limited number of high-speed, ocean water current events, at times approaching 2 kt, were observed at depths exceeding 1,500 m in the northern GOM (Hamilton et al., 2003; USDO, MMS 2002 and 2003). Similar high-speed current events have been identified in ongoing MMS current measurement studies in the north-central GOM. In addition, high-speed current events do not appear to be an isolated or exceptionally unusual occurrence in the northern GOM. Mega-furrows on the seafloor have been discovered in the northern GOM, apparently because of the erosional effects of high-speed currents. Further, several deepwater oil and gas operators also have observed very high-speed midwater jets exceeding 150 cm per second over the upper continental slope. Causes of these jet events remain uncertain until further data is collected (Dimarco et al., 2004).

Ocean current speeds used by industry in the design, operation, and function of mobile offshore drilling units (MODU's), floating production platforms, and their ancillary equipment (i.e., drilling and production risers, tendons, and mooring systems) may be underestimated. At some locations in the GOM, 10-year Loop Current events have been exceeded and, in certain instances, deeper ocean currents were not empirically measured or underestimated current speeds were considered in designs. Recent incidents have demonstrated to the MMS GOM Region a need for more site-specific data for use in hindcasting and forecasting ocean currents that may affect structural design, fatigue criteria, or daily operations.

The MMS has issued a new NTL, Deepwater Ocean Current Monitoring on Floating Facilities, relevant to these concerns; it becomes effective March 31, 2005. The new NTL establishes and implements the following program to monitor ocean currents and share the data for all floating MODU's and production facilities operating or installed in waters depths >400 m (1,312 ft). While the core of this program follows, the NTL should be consulted for further details on data collection, processing, recording, and reporting.

Floating MODU's

- (1) Floating MODU's will continuously monitor and gather ocean current data on a real-time basis from near the ocean surface (~30 m (100 ft)) to ~1,000 m (3,280 ft) using an Acoustic Doppler Current Profile (ADCP) current monitoring system or comparable equipment, mounted as near to the ocean surface as practicable.

- (2) In water depths >1,100 m (3,608 ft), an additional current meter, preferably an upward looking ADCP, must be installed near the ocean bottom (~100 m (328 ft) from the seafloor).
- (3) During drilling operations, if currents are measured with speeds >0.75 kt at the maximum range of the ADCP (or comparable equipment) for more than 24 hours, all current data below the maximum range of the ADCP will be monitored and gathered while normal ROV operations or inspections are conducted.

Data collected by floating MODU's under this program must be recorded and reported to an industry-accessible Internet website. Details of requirements for data collection, recording, processing, and reporting are available in the NTL.

Planned Floating Production Facilities

Prior to installing a floating production facility after March 31, 2005, a full water-column mooring must be deployed to collect at least one year of site-specific current data at the planned floating production facility location. These current data must extend from near the ocean surface (~30 m (100 ft)) to near the ocean bottom (~100 m (328 ft) from the seafloor). The moorings should include point current meters spaced no more than 500 m (1,640 ft) apart, an ADCP array, or some combination of point current meters and ADCP's. The NTL describes details of requirements for data collection, processing, recording, and reporting to an industry-accessible Internet website. Data collected during the drilling phase may be used as part of the one year of site-specific current data. A full year of data is not required prior to initiating design; see the NTL for further information. The MMS GOMR does not generally intend that current monitoring impede the installation of new facilities.

Existing Floating Production Facilities

- (1) An ADCP current monitoring system or comparable equipment must be used to continuously monitor and gather ocean current data on a real-time basis from near the surface (~30 m (100 ft)) to ~1,000 m (3,280 ft) for existing floating production facilities. The ADCP (or comparable equipment) must be mounted as near to the ocean surface as possible. Details of requirements for data collection, processing, recording, and reporting to an industry-accessible Internet website are discussed in the NTL.
- (2) For floating production facilities located in water depths >1,100 m (3,608 ft) install an additional current meter, preferably an upward looking ADCP, to continuously monitor and record speed and direction of the near-bottom current (~100 m (328 ft) from the seafloor). Once every 6 months and whenever a near-bottom current event >1 kt is presumed to have occurred, the data must be retrieved and examined. Whenever average currents >1 kt are measured for more than 24 hours by any component, the MMS GOM Region Technical Assessment and Operation Support (TAOS) Section must be immediately notified and a full water-column mooring must be installed that contains point current meters spaced no more than 500 m (1,640 ft) apart, an ADCP array, or some combination of point current meters and ADCP's. Details of requirements for data collection, processing, recording, and reporting to an industry-accessible Internet website are discussed in the NTL.
- (3) Operators of existing floating production facilities must provide to the MMS GOM Region TAOS Section by February 15, 2005, the monitoring equipment type, the date of installation, and the depth range of the monitoring equipment.

Suggested methods for data time averaging and the reporting of any additional current data that is not required are specified in the NTL. The NTL also lists exclusions from the above requirements, operational and general concerns, discussion of the Application for Permit to Drill (APD), and other details related to data collection, processing, recording, and reporting.

4. IMPACT ANALYSIS

4.1. UPDATE OF PROJECTIONS OF POTENTIAL ACTIVITY FROM THE PROPOSED ACTION

4.1.1. Resource Estimates and Timetables

The multisale EIS discusses projections for activities associated with a typical proposed WPA lease sale. The estimated amounts of resources projected to be leased, discovered, developed, and produced as a result of proposed WPA Lease Sale 196 are 0.136-0.262 BBO and 0.810-1.440 Tcf of natural gas. The oil and gas resource projections and associated activities used in the multisale EIS are based on the *2000 Assessment of Conventionally Recoverable Hydrocarbon Resources of the Gulf of Mexico and Atlantic Outer Continental Shelf as of January 1, 1999* (Lore et al., 2001). The MMS is currently in the process of updating the 2000 National Resource Assessment and has recently revised the deep gas resource estimate on the shelf. This revision is based on knowledge gained from recent deep drilling activity in this area, prompting the addition of a new “Deep Shelf Mesozoic” play to the assessment. Although MMS anticipates a significant increase in total undiscovered conventionally recoverable deep gas resources on the shelf as reported, a significant portion of these newly assessed deep gas resources are either currently under lease or are uneconomic at this time. The MMS GOM Region’s Office of Resource Evaluation reviewed the oil and natural gas resource projections and associated activities for WPA Lease Sale 196 and confirmed that they are still valid; they are therefore incorporated by reference.

4.1.2. Hurricane Lili

As discussed in **Chapter 1.5.** of the multisale EIS, criteria, models, and procedures for shutdown operations and the orderly evacuation of personnel prior to a pending hurricane have been in place on the GOM OCS for more than 30 years. Operating experience from extensive drilling activities and the presence of more than 4,000 platforms during the 30-plus years of the GOM OCS Program has proven the effectiveness and safety of securing wells and evacuating a facility in advance of severe weather conditions. This was evident in early October 2002 when Hurricane Lili, a Category 4 hurricane, passed near 800 OCS structures in the GOM. Of 800 structures, 6 were seriously damaged. All six were more than 20 years old. Of the 99 drilling rigs in the GOM at that time, 4 sustained substantial damage. About 25,000 offshore workers were safely evacuated (USDOJ, MMS, 2002c).

Nine pollution events occurred as a result of Hurricane Lili. The only significant incident was a 350-barrel (bbl) oil spill at Ship Shoal Block 119. The other eight pollution events ranged from 0.14 gal to 3 bbl. In August 2003, MMS published a report that recorded the transport and fate of oil spilled at Ship Shoal Block 119 during Hurricane Lili (USDOJ, MMS, 2003a). The report states that the lessee mounted an appropriate response and the response was complicated by hurricane-related onshore conditions. Approximately 145 bbl of oil were recovered and 205 bbl of oil dissipated. No shoreline or wildlife impacts were reported. No birds were fouled. The unrecovered oil was removed from the surface of the water by natural weathering processes including evaporation, dissolution in the water, adsorption to particulate material, and biodegradation. The lessee, Murphy Exploration and Production Company, the U.S. Coast Guard, the Louisiana Oil Spill Coordinator’s Office, oil-spill-response organizations, and MMS have discussed the response (Bedell, 2004).

4.1.3. Geological and Geophysical Activities

Geological and geophysical activities are performed to obtain information on surface and near-surface geology and on subsurface geologic formations. The MMS has completed a programmatic EA (PEA) on G&G activities in the GOM (USDOJ, MMS, 2004a). The activities analyzed in the PEA 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 PEA include seismic survey noise, vessel and aircraft noise, seafloor disturbance, and space-use conflicts with seismic arrays. The notice of availability of the PEA was published in the *Federal Register* on July 30, 2004. The results of the analyses in the PEA are that G&G activities are not expected to result in significant adverse impacts to any of the potentially affected resources. The EA resulted in a Finding of No Significant Impact.

4.1.4. Structure Removal Operations

The MMS is preparing a GOM PEA to assess the potential impacts of decommissioning activities, specifically the severing and removal of seafloor obstructions and facilities (i.e., wellheads, caissons, casing strings, platforms, mooring devices, etc.) and subsequent salvage operations. Preparation of the PEA is an important step in the decision process for future permitting for the removal of offshore structures and for further consultation and coordination with other Federal agencies. Information from the PEA will be used in rulemaking by NOAA Fisheries for incidental take regulations under Subpart I of the MMPA and to initiate a new consultation for explosive-severance activities under Section 7 of the ESA. Topics of primary concern being addressed in the PEA include pre-severance operations, severance technologies, industry needs related to water depth and location, and the potential impacts of decommissioning operations on the marine environment. On April 16, 2003, MMS published a Notice of Preparation in the *Federal Register* requesting information or issues that should be addressed in the PEA. Several comments were received with most centering on the need for increased “rigs-to-reef” options and concerns over NEPA procedure. The MMS has scheduled completion for the first quarter of 2005.

4.2. UPDATE OF INFORMATION ON THE AFFECTED ENVIRONMENT

Chapter 3 and **Appendix 9** of the multisale EIS provide a complete description as of 2002 of the affected environment for the proposed lease sale and are incorporated by reference (USDOJ, MMS, 2002b). For a number of resources (geology, meteorology, air quality, water quality, coastal barrier beaches and associated dunes, wetlands, deepwater benthic communities, topographic features, sea turtles, coastal and marine birds, fish resources, public services, infrastructure, land-use plans, sociocultural issues and environmental justice, commercial fisheries, recreational resources and beach use, archaeological resources, and coastal zone management plans), MMS has identified no new information since completion of the multisale EIS.

The following summarizes the affected environment for resources MMS has determined should be reevaluated because of new information that was unavailable during the preparation of the multisale EIS. This includes information on protective measures for protected species, estimated population numbers of cetaceans in the GOM and a revised oil-spill probability for the snowy plover.

4.2.1. Marine Mammals

Chapter 3.2.4. of the multisale EIS discusses nonendangered/nonthreatened and endangered/threatened species of marine mammals known to occur in the GOM. Five mysticete (or baleen) whales (the northern right, blue, fin, sei, and humpback), one odontocete (or toothed) whale (the sperm whale), and one sirenian (the West Indian manatee) are listed as endangered. Sperm whales are common in the oceanic waters of the northern GOM. Sightings in all seasons and recent tag results indicate that there may be a resident population in the GOM in addition to migratory visitors. Baleen whales are not common. All five of the endangered baleen whales that occur in the GOM are considered rare or extralimital (Würsig et al., 2000). The most frequently observed baleen whale in the GOM is the nonendangered Bryde’s whale; it is considered uncommon in GOM waters. The West Indian manatee (*Trichechus manatus*) inhabits only coastal marine, brackish, and freshwater areas.

For over a decade, MMS has funded and participated in research on marine mammals in the GOM. This research has included the GulfCet I and GulfCet II studies conducted in 1992-1999, the Sperm Whale Acoustic Monitoring Program (SWAMP) in 2000-2001, and the ongoing Sperm Whale Seismic Survey (SWSS) study initiated in 2002. Through these studies, the diverse cetacean community of the GOM has been documented, including the year-round sperm whale population. Many of these cruises included tissue sampling of numerous GOM cetacean species for genetic analysis.

Updated information from NOAA Fisheries concerning estimated population numbers for cetaceans in the northern GOM is presented in **Table 1** (USDOC, NOAA Fisheries, 2004). Although these data are more specific than the relative occurrence estimates provided in the multisale EIS, the new estimates are in agreement with the relative occurrence estimates presented in the multisale EIS and therefore no new analysis is required as a result of the new estimates. **Chapter 4.3.2.1.** of this EA reevaluates the proposed action’s potential impact on marine mammals with the Protected Species Stipulation and NTL’s described in **Chapter 3.3.**

Table 1

Estimated Abundance of Cetaceans in the Northern GOM Oceanic Waters

Species	Common Name	Estimated Number of Individuals
<i>Balaenoptera edeni</i>	Bryde's whale	25
<i>Physeter macrocephalus</i>	Sperm whale	1,035
<i>Kogia spp.</i>	Dwarf or pygmy sperm whale	584
<i>Ziphius cavirostris</i>	Cuvier's beaked whale	65
Unidentified ziphiid	Unidentified beaked whales	70
<i>Feresa attenuata</i>	Pygmy killer whale	256
<i>Pseudorca crassidens</i>	False killer whale	606
<i>Orcinus orca</i>	Killer whale	90
<i>Globicephala sp.</i>	Pilot whale	1,628
<i>Peponocephala electra</i>	Melonheaded whale	2,238
<i>Grampus griseus</i>	Risso's dolphin	1,668
<i>Tursiops truncatus</i>	Bottlenose dolphin	24,944
<i>Steno bredanensis</i>	Rough-toothed dolphin	1,595
<i>Lagenodelphis hosei</i>	Fraser's dolphin	726
<i>Stenella frontalis</i>	Atlantic spotted dolphin	24,752
<i>Stenella longirostris</i>	Spinner dolphin	6,990
<i>Stenella attenuate</i>	Pantropical spotted dolphin	79,879
<i>Stenella clymene</i>	Clymene dolphin	10,528
<i>Stenella coeruleoalba</i>	Striped dolphin	4,599

Source: USDOC, NOAA Fisheries, 2004.

4.2.2. Sea Turtles

Five species of sea turtles are known to inhabit the waters of the GOM: the green, the loggerhead, the hawksbill, the Kemp's ridley, and the leatherback (Pritchard, 1997). All sea turtle species inhabiting the GOM are listed as either endangered or threatened under the ESA of 1973 (Pritchard, 1997). **Chapter 3.2.5.** of the multisale EIS presents information on the distribution, habitat, feeding, and nesting of sea turtles. **Chapter 4.4.2.2.** of this EA reevaluates the proposed action's potential impact on sea turtles with the Protected Species Stipulation and NTL's described in **Chapter 3.3.**

4.2.3. Snowy Plover

Coastal and marine birds are discussed in **Chapter 3.2.7.** of the multisale EIS. The snowy plover inhabits the areas identified in **Figure 2.** When commenting on the Draft EIS for EPA Lease Sales 189 and 197, published after the multisale EIS, FWS stated that snowy plover are present year round (USDOI, MMS, 2003b) as opposed to the period (February to August) that was used for the multisale EIS and the EPA Draft EIS. **Chapter 4.4.2.4.** of this EA reevaluates the proposed action's potential impact on snowy plover given this new information.

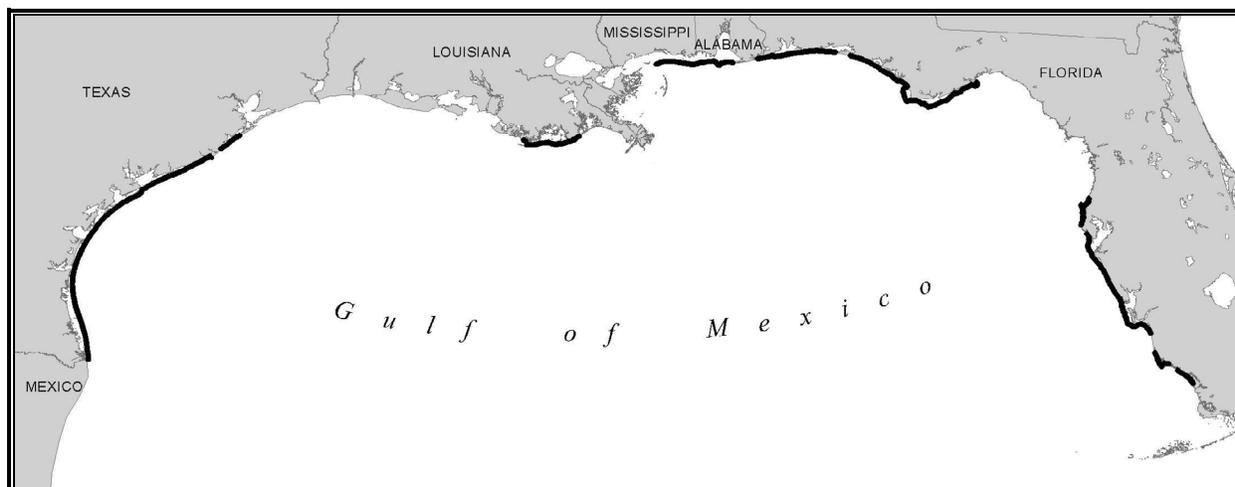


Figure 2. Snowy Plover Habitat.

4.3. IMPACTS FROM ALTERNATIVE A—THE PROPOSED ACTION

4.3.1. Summary of Analysis Incorporated by Reference from the Multisale EIS

The multisale EIS analyzed the effects of a typical WPA lease sale by presenting a set of ranges for resource estimates, projected exploration and development activities, and impact-producing factors for any of the proposed WPA lease sales held over the 5-year period. This EA tiers off the multisale EIS and incorporates that document by reference. All unleased blocks in the WPA will be available for lease under the proposed action (as described in **Chapter 3.1**). The MMS expects only a small percentage of blocks would be leased, and an even smaller percentage would actually produce oil and gas. The following is a summary of impacts to resources taken from the multisale EIS.

4.3.1.1. Impacts on Coastal Resources

No significant impacts to the physical shape and structure of barrier beaches and associated dunes are expected to occur as a result of the proposed action. Should a spill contact a barrier beach, sand removal during cleanup activities is expected to be minimal.

Adverse initial impacts and more importantly secondary impacts of pipeline and navigation canals are considered the most significant proposed-action-related impacts to wetlands. Although initial impacts are considered locally significant and are largely limited to where OCS-related canals and channels pass through wetlands, secondary impacts may have substantial, progressive, and cumulative adverse impacts to the hydrologic basin or subbasin in which they are found. Offshore oil spills resulting from the proposed action are not expected to significantly damage inland wetlands. The greatest threat to wetland habitat is from an inland spill from a vessel accident or pipeline rupture. While a resulting slick may cause minor impacts to wetland habitat, equipment and personnel used to clean up a slick over the impacted area may generate the greatest direct impacts to the area.

Normal OCS activities are expected to have little adverse impact on seagrass communities. Impacts from pipeline installation activities are expected to be very small and short-term. Inshore spills from vessel collisions or pipeline ruptures pose the greatest potential threat to seagrass communities.

Adverse impacts on endangered/threatened and nonendangered/nonthreatened coastal and marine birds are expected to be sublethal. These effects include behavior changes, eating OCS-related contaminants or discarded debris, and displacement of localized groups from optimal habitats. Chronic sublethal stress, however, is often undetectable in birds. As a result of stress, individuals may weaken and be prone to infection or disease, have reduced reproductive success, or have disturbed migration patterns. Oil spills pose the greatest potential direct and indirect impacts to coastal and marine birds. If physical oiling of individuals or local groups of birds occurs, some degree of both acute and chronic physiological stress associated with direct and secondary uptake of oil would be expected. Low levels of

oil could stress birds by interfering with food detection, feeding impulses, predator avoidance, territory definition, homing of migratory species, susceptibility to physiological disorders, disease resistance, growth rates, reproduction, and respiration. Reproductive success can be affected by the toxins in oil. Indirect effects occur by fouling of nesting habitat, and displacement of individuals, breeding pairs, or populations to less favorable habitats. Dispersants used in spill cleanup activity can have toxic effects similar to oil on the reproductive success of coastal and marine birds. The air, vehicle, and foot traffic that takes place during shoreline cleanup activity can disturb nesting populations and degrade or destroy habitat.

Impacts to coastal water quality from the proposed action are expected to be minimal. The primary impacting sources to water quality in coastal waters are point-source and nonpoint-source discharges from OCS support facilities and support-vessel discharges.

Emissions of pollutants into the atmosphere from the activities associated with the proposed action are not projected to have significant impacts on onshore air quality. Emissions from OCS activity are not expected to have concentrations that would change onshore air-quality classifications. The Offshore and Coastal Dispersion (OCS) modeling results show that increases in onshore annual average concentrations of NO_x , SO_x , and PM_{10} are estimated to be less than the maximum increases allowed in the PSD Class I or II areas.

The impact from the proposed action on Gulf Coast recreational beaches is expected to be minimal. The proposed action may result in an incremental increase in noise from helicopter and vessel traffic, nearshore operations that may adversely affect the enjoyment of some Gulf Coast beach uses, and some increases in beached debris; these impacts are expected to have little effect on the number of beach users. Impacts from oil spills are expected to be short-term and localized; a large volume of oil contacting a recreational beach could close the area to recreational use for up to 30 days.

Routine activities associated with the proposed action are not expected to impact coastal historic archaeological resources. It is very unlikely that an oil spill would occur and contact coastal historic archaeological sites from accidental events associated with the proposed action. The major effect from an oil spill impact would be visual contamination of a historic coastal site, such as a historic fort or lighthouse. As historic archaeological sites are protected under law, it is expected that any spill cleanup operations would be conducted in such a way as to cause little or no impacts to historic archaeological resources. These impacts would be temporary and reversible.

The proposed action is not expected to result in impacts to coastal prehistoric archaeological sites; however, should such an impact occur, unique or significant archaeological information could be lost. It is very unlikely that an oil spill would occur and contact coastal, barrier island prehistoric sites as a result of the proposed action. Should a spill contact a prehistoric archaeological site, unique or significant archaeological information could be irreversibly damaged or lost; damage might include loss of radiocarbon-dating potential, direct impact from oil-spill cleanup equipment, and/or looting. Previously unrecorded sites could be impacted by oil-spill cleanup operations on beaches.

Some economic indicators in the GOM Region have changed since the multisale EIS. Both oil and natural gas prices have increased substantially, with natural gas prices more than doubling and oil prices nearly doubling. As of January 4, 2005, Henry Hub Natural Gas closed at \$5.725 per million British thermal unit (Btu) and West Texas Intermediate at \$43.91 per barrel (Oilnergy, 2005). While activity in the ultra-deep waters of the GOM (>5,000 ft) has remained fairly strong, the number of rigs operating in the region and the number of wells drilled have continued a downward trend. Offshore service vessel utilization and day rates have also declined, with supply boats experiencing the most dramatic change. Supply boat average day rates in November 2004 ranged from \$5,025 for boats <200 ft and \$8,087 for boats \geq 200 ft, with utilization rates of 86 and 93 percent, respectively (Greenberg, 2005). In contrast, the July 2001 rates ranged from \$7,718 for boats <200 ft and \$10,950 for boats \geq 200 ft, with utilization rates of 89 and 100 percent, respectively.

Activities resulting from the proposed action are expected to minimally affect the analysis area's land use, infrastructure, or demographic characteristics of the Gulf coastal communities. The proposed action is expected to generate less than a 1 percent increase in employment in the Texas, Louisiana, Mississippi, and Alabama subareas. Nowhere would these impacts be significant because demand will be met primarily with the existing population and available labor force. Accidental events such as oil or chemical spills, blowouts, and vessel collisions would have no effects on land use or demographics. Coastal or nearshore spills could have short-term adverse effects on coastal infrastructure requiring

cleanup of any oil or chemicals spilled. The opportunity costs associated with oil-spill cleanup activities are expected to be temporary and of short duration.

Environmental Justice policy, based on Executive Order 12898, requires Federal agencies to determine whether their proposed actions will result in disproportionately high and adverse environmental effects on minority and low income populations. Because of the presence of an existing extensive and widespread support system for the OCS-related industry and associated labor force, the effects of the proposed action are expected to be widely distributed and little felt. In general, who will be hired and where new infrastructure might be located is impossible to predict. Impacts related to a proposed action are expected to be economic and have a limited but positive effect on low-income and minority populations. Given the existing distribution of the industry and the limited concentrations of minority and low-income peoples, the proposed action is not expected to have a disproportionate effect on these populations. A proposed action is not expected to have disproportionate high/adverse environmental or health effects on minority or low-income people.

New MMS research indicates that minority populations throughout Lafourche Parish, Louisiana could sustain disproportionate effects should a major accident involving onshore activities occur (MMS 2003-038). Five different classes of relevant OCS activities exist in the region including: transportation corridors, oil and natural gas pipelines, petroleum bulk storage facilities, shipyards, and a natural gas processing plant. The majority of OCS-related infrastructure is located in south Lafourche Parish where the Houma Indian population is clustered. Proposed WPA Lease Sale 196 would not significantly alter this preexisting situation where onshore cumulative effects already exist. Therefore, the preexisting situation would not be significantly altered.

4.3.1.2. Impacts on Offshore Environments

Adverse impacts to topographic features from routine activities resulting from the proposed action are not expected because the Topographic Features Stipulations establishes requirements for setbacks from these features. Adverse impacts from accidental seafloor oil releases or blowouts are expected to be rare because drilling and pipeline operations are not permitted in the vicinity of topographic features and because topographic features are small in size and dispersed within the areas that they occur; no community-wide impacts are expected. If contact were to occur between diluted oil and adult sessile biota, including coral colonies in the case of the Flower Garden Banks, the effects would be primarily sublethal and there would be limited incidents of mortality.

No adverse impacts to the ecological function or biological productivity of the widespread, low-density chemosynthetic communities or to the widespread, typical, deep-sea benthic communities are expected to occur as a result of routine activities or accidental events resulting from the proposed action. The potential for adverse impacts to the rarer, widely scattered, high-density, Bush Hill-type chemosynthetic communities are expected to be greatly reduced by the requirement for OCS activities to avoid potential chemosynthetic communities by a minimum of 1,500 ft (NTL 2000-G20). High-density chemosynthetic communities could experience minor impacts from drilling discharges or resuspended sediments located at more than 1,500 ft away.

Impacts to marine water quality occur from discharges of drilling fluids and cuttings during exploration and produced water during production. Impacts to marine water quality are expected to be minimal as long as all regulatory requirements are met. Spills <1,000 bbl are not expected to significantly impact marine water quality. Larger spills, however, could impact marine water quality. Chemical spills, the accidental release of synthetic-based drilling fluids (SBF), and blowouts are expected to have temporary localized impacts on marine water quality. The USEPA National Pollution Discharge Elimination System (NPDES) general permit for Region 6, which covers the WPA and most of the CPA, expired November 3, 2003. The reissued permit became effective on November 6, 2004 (*Federal Register*, 2004). The USEPA NPDES permit for Region 4, which covers the rest of the CPA and all of the EPA, became final January 1, 2005. Sampling and analysis will be conducted during the 3-year permit term to learn more about concentrations of conventional pollutants in produced water and their potential impacts of increased produced-water discharge to the hypoxic zone, located off Louisiana, if volumes should increase.

Based on air quality impact analysis of the proposed action, emissions from offshore facilities are not expected to significantly impact offshore air quality. Accidents involving high concentrations of H₂S could result in deaths as well as environmental damage. Other emissions of pollutants into the

atmosphere from accidental events as a result of the proposed action are not projected to have significant impacts.

The routine activities related to the proposed action are not expected to have long-term adverse effects on the size and productivity of any marine mammal species or population stock endemic to the northern GOM. Routine OCS activities are expected to have impacts that are sublethal. A small number of marine mammals could be harmed or killed by chance collisions with service vessels or by eating indigestible trash and debris from proposed-action-related activities. Lethal “takes” as a result of explosive removal of OCS platform or production facilities are not expected because of established mitigation measures. While no adverse impacts of seismic operations have been documented in the GOM, MMS and NOAA Fisheries have established mitigation measures as a precaution to reduce the potential for injury to protected species. Populations of marine mammals in the northern Gulf are expected to be exposed to residuals of oils spilled as a result of the proposed action during their lifetimes. Chronic or acute exposure may result in the harassment, harm, or mortality to marine mammals occurring in the northern Gulf. In most foreseeable cases, exposure to hydrocarbons persisting in the sea following the dispersal of an oil slick will result in sublethal impacts to marine mammals.

The routine activities resulting from the proposed action are unlikely to have significant adverse effects on the size and recovery of any sea turtle species or population in the GOM. Routine activities are expected to have sublethal impacts. Adverse impacts are localized degradation of water quality from operational discharges near platforms; noise from helicopters, service vessels, platform, and drillship operations; and hatchling disorientation caused by brightly-lit platforms. Sea turtles could be harmed or killed from chance collisions with service vessels and from eating floating debris from proposed-action-related activities. Lethal “takes” because of explosive removals of OCS facilities are expected to be rare because of established mitigation measures (e.g., NOAA Fisheries Observer Program). Accidental blowouts, oil spills, and spill-response activities resulting from the proposed action have the potential to impact small to large numbers of sea turtles in the GOM. Populations of sea turtles in the northern Gulf will be exposed to residuals of oils spilled as a result of the proposed action during their lifetimes. Chronic or acute exposure may result in the harassment, harm, or mortality to sea turtles occurring in the northern Gulf. In most foreseeable cases, exposure to hydrocarbons persisting in the sea following the dispersal of an oil slick will result in sublethal impacts to sea turtles. Death would likely occur to sea turtle hatchlings exposed to, becoming fouled by, or consuming tarballs.

A less than 1-percent decrease in fish resources and/or standing stocks or in essential fish habitat (EFH) would be expected as a result of the proposed action. Coastal and marine environmental degradation resulting from the proposed action is expected to have little effect on fish resources or EFH. Recovery of fish resources and EFH can occur from more than 99 percent, but not all, of the expected coastal and marine environmental degradation. Fish populations, if left undisturbed, would regenerate in one generation, but any loss of wetlands as EFH would be permanent. Impacts are expected to result in less than a 1-percent change in commercial fishing “pounds landed” or in the value of landings. Oil spills estimated to result for the proposed action would cause less than a 1-percent decrease in standing stocks of any population, commercial fishing efforts, landings, or value of those landings. The resultant impact on fish populations and commercial fishing activities within the WPA would be negligible and indistinguishable from variations due to natural causes. Any affected commercial fishing activity would recover within 6 months.

Routine activities associated with the proposed action are not expected to impact offshore historic or prehistoric archaeological resources. The greatest potential impact to an offshore historic archaeological resource would result from direct contact between an offshore activity and a historic shipwreck. Offshore oil and gas activities resulting from the proposed action could contact a shipwreck because of incomplete knowledge on the location of shipwrecks in the Gulf. Although this occurrence is not probable, such an event could result in the disturbance or destruction of important historic archaeological information. Should an offshore prehistoric archaeological site be contacted by proposed-action-related activities, unique or significant archaeological information could be lost. In the event that an archaeological site is located during operations, the operator must take steps to ensure that the site is not disturbed in any way and contact the Regional Director within 48 hours of its discovery. All operations within 1,000 ft of the site must cease until the Regional Director instructs the operator on what steps they must take to assess the site’s potential historic significance and what steps they must take to protect it. Under Section 110(g)

of the National Historic Preservation Act (16 U.S.C. 470h-2[g]), MMS may charge Federal permittees for costs related to historic preservation activities as a condition of the issuance of their permit.

4.3.2. Updated Impact Analysis for the Proposed Action

The following chapters describe the potential impacts as a result of the proposed action for those resources (marine mammals, sea turtles, and snowy plover) where new information became available after MMS prepared the multisale EIS. The analyses for these resources have been reevaluated taking into consideration the new information.

4.3.2.1. Marine Mammals

The Protected Species Stipulation and the three related NTL's (**Chapters 3.3.1-3.3.2.**) were not analyzed in the multisale EIS because they were not in place at the time the EIS was completed. The purpose of the Protected Species Stipulation is to reduce the potential taking of federally protected species, while the three NTL's serve to provide detailed guidance relative to the requirements of the Protected Species Stipulation. These mitigation measures are precautionary and intended to further reduce the potential for any impacts related to the proposed action to occur. The environmental impacts of the proposed action on marine mammals given the Protected Species Stipulation and NTL's remain the same as presented in the multisale EIS.

The multisale EIS stated that small numbers of marine mammals could potentially be killed or injured by chance collision with service vessels and by eating indigestible debris, particularly plastic items, lost from service vessels, drilling rigs, and fixed and floating platforms. Deaths as a result of structure removals are not expected because of existing mitigation measures or those being developed for structures placed in oceanic waters. There is no conclusive evidence whether anthropogenic noise has or has not caused long-term displacements of, or reductions in, marine mammal populations. Contaminants in waste discharges and drilling muds might indirectly affect marine mammals through food-chain biomagnification, although the scope of effects and their magnitude are not known. The routine activities of the proposed action are not expected to have long-term adverse effects on the size and productivity of any marine mammal species or population stock endemic to the northern GOM.

Accidental blowouts, oil spills, and spill-response activities resulting from the proposed action have the potential to impact marine mammals in the GOM. Characteristics of impacts (i.e., acute vs. chronic impacts) depend on the magnitude, frequency, location, and date of accidents; characteristics of spilled oil; spill-response capabilities and timing; and various meteorological and hydrological factors. Populations of marine mammals in the northern GOM will be exposed to residuals of oils spilled as a result of the proposed action during their lifetimes. Chronic or acute exposure may result in the harassment, harm, or mortality to marine mammals occurring in the northern GOM. In most foreseeable cases, exposure to hydrocarbons persisting in the sea following the dispersal of an oil slick will potentially result in sublethal impacts (e.g., decreased health, reproductive fitness, and longevity; and increased vulnerability to disease) to marine mammals.

4.3.2.2. Sea Turtles

The Protected Species Stipulation and the three related NTL's (**Chapters 3.3.1-3.3.2.**) were not analyzed in the multisale EIS because they were not in place at the time the EIS was completed. The purpose of the Protected Species Stipulation is to reduce the potential taking of federally protected species, while the three NTL's serve to provide detailed guidance relative to the requirements of the Protected Species Stipulation. These mitigation measures are precautionary and intended to further reduce the potential for any impacts related to the proposed action to occur. The environmental impacts of the proposed action on sea turtles given the Protected Species Stipulation and NTL's remain the same as presented in the multisale EIS.

The multisale EIS stated that routine activities resulting from the proposed action have the potential to harm individual sea turtles. These animals could be impacted by the degradation of water quality resulting from operational discharges; noise generated by helicopter and vessel traffic, platforms, and drillships; brightly-lit platforms; explosive removals of offshore structures; vessel collisions; and jetsam and flotsam generated by service vessels and OCS facilities. Lethal effects are most likely to be from

chance collisions with OCS service vessels and ingestion of plastic materials. Potential “takes” as a result of explosive removals are expected to be rare because of mitigation measures already established (e.g., NOAA Fisheries Observer Program) and in development. The potential effects of most OCS activities are expected to be sublethal. Contaminants in waste discharges and drilling muds might indirectly affect sea turtles through food-chain biomagnification, although there is uncertainty concerning the possible effects. Chronic sublethal effects (e.g., stress) resulting in persistent physiological or behavioral changes and/or avoidance of impacted areas could cause declines in survival or fecundity, and population; however, such declines are not expected. The routine activities of the proposed action are unlikely to have significant adverse effects on the size and recovery of any sea turtle species or population in the GOM.

4.3.2.3. Snowy Plover

According to FWS, the snowy plover is present at its identified habitats year round as opposed to only February through August. Therefore, the oil-spill probability for the snowy plover was recalculated for this EA. The recalculated probability of an oil spill $\geq 1,000$ bbl occurring and contacting snowy plover habitat within 10 days as a result of the proposed action is 2-5 percent. While this is an increase from the February through August probability (2-4%) as shown on **Figure 4-21** of the multisale EIS, the environmental impacts of the proposed action remain almost the same as presented in the multisale EIS.

The multisale EIS stated that oil spills from the proposed action pose the greatest potential direct and indirect impacts to snowy plover. Birds that are heavily oiled usually die. If physical oiling of individuals or local groups of birds occurs, some degree of both acute and chronic physiological stress associated with direct and secondary uptake of oil would be expected. Small coastal spills, pipeline spills, and spills from accidents in navigated waterways can contact and affect the snowy plover. Lightly oiled birds can sustain tissue and organ damage from oil ingested during feeding and grooming or from oil that is inhaled. Stress and shock enhance the effects of exposure and poisoning. Low levels of oil could stress snowy plover by interfering with food detection, feeding impulses, predator avoidance, territory definition, susceptibility to physiological disorders, disease resistance, growth rates, reproduction, and respiration. Reproductive success can be affected by the toxins in oil. Indirect effects occur by fouling of nesting habitat, and displacement of individuals, breeding pairs, or populations to less favorable habitats. Dispersants used in spill cleanup activity can have toxic effects similar to oil on the reproductive success of snowy plover. The air, vehicle, and foot traffic that takes place during shoreline cleanup activity can disturb nesting populations and degrade or destroy habitat.

4.4. ALTERNATIVE B—THE PROPOSED ACTION EXCLUDING THE BLOCKS NEAR BIOLOGICALLY SENSITIVE TOPOGRAPHIC FEATURES

Alternative B would offer for lease all unleased blocks in the WPA, as described for the proposed action, with the exception of any unleased blocks within the 200 blocks in the WPA that are subject to the Topographic Features Stipulation. All the assumptions including the potential mitigating measures and resource estimates remain the same as in the proposed action. The environmental impacts of this alternative remain the same as presented in the multisale EIS (**Chapter 4.3.2.**).

4.5. ALTERNATIVE C—NO ACTION

Alternative C is equivalent to cancellation of the proposed lease sale. The opportunity for development of the estimated of 0.136-0.262 BBO and 0.810-1.440 Tcf of natural gas that could have resulted from the proposed action would be precluded or postponed, and any potential environmental impacts resulting from the proposed action would not occur or would be postponed.

Canceling the proposed lease sale would eliminate the effects described for Alternative A (the proposed action). However, other sources of energy would substitute for the lost production. Principal substitutes would be additional imports, conservation, additional domestic production, and switching to other fuels. These alternatives, except conservation, would have substantial negative environmental impacts of their own. These substitutes and the effects are discussed in the multisale EIS and *Energy Alternatives and the Environment* (USDO, MMS, 2001), and are incorporated by reference. The

environmental impacts of this alternative remain the same as presented in the multisale EIS (**Chapter 4.3.3**).

4.6. CUMULATIVE ANALYSIS

The cumulative analysis considers the effects of impact-producing factors related to the proposed action, prior and future OCS sales, State oil and gas activities, other governmental and private projects and activities, and pertinent natural processes and events that may occur and adversely affect environmental and socioeconomic resources. Descriptions of these activities and the analysis of the cumulative effects are included in the multisale EIS.

4.6.1. Marine Mammals

The cumulative conclusions for marine mammals remain unchanged from the multisale EIS. Activities considered under the cumulative scenario could affect protected cetaceans and sirenians. These marine mammals could be impacted by the degradation of water quality resulting from operational discharges; vessel traffic; noise generated by platforms, drillships, helicopters, and vessels; seismic surveys; explosive—severance tools used during structure removals; oil spills; oil-spill-response activities; loss of debris from service vessels and OCS structures; commercial fishing; capture and removal; and pathogens. The cumulative impact on marine mammals is expected to result in a number of chronic and sporadic sublethal effects (behavioral effects and nonfatal exposure to or intake of OCS-related contaminants or discarded debris) that may stress and/or weaken individuals of a local group or population and predispose them to infection from natural or anthropogenic sources. Few deaths are expected from oil spills, chance collisions with OCS service vessels, ingestion of plastic material, commercial fishing, and pathogens. Oil spills of any size are estimated to be recurring events that would periodically contact marine mammals. Deaths as a result of explosive-severance activities are not expected to occur because of mitigation measures (e.g., NOAA Fisheries Observer Program). Disturbance (noise from vessel traffic and drilling operations, etc.) and/or exposure to sublethal levels of toxins and anthropogenic contaminants may stress animals, weaken their immune systems, and make them more vulnerable to parasites and diseases that normally would not be fatal. The net result of any disturbance would be dependent upon the size and percentage of the population likely to be affected, ecological importance of the disturbed area, environmental and biological parameters that influence an animal's sensitivity to disturbance and stress, or the accommodation time in response to prolonged disturbance (Geraci and St. Aubin, 1980). Collisions between cetaceans and ships, though expected to be rare events, could cause serious injury or mortality.

The incremental contribution of impacts stemming from the proposed action is expected to be small and primarily sublethal (behavioral effects and nonfatal exposure to or intake of OCS-related contaminants or discarded debris). Effects of the incremental contribution of the proposed action combined with non-OCS activities may be deleterious, as stated in the multisale EIS, to cetaceans occurring in the GOM. Biological significance of any mortality would depend, in part, on the size and reproductive rates of the affected stocks, as well as the number, age, and size of animals affected.

4.6.2. Sea Turtles

The cumulative conclusions for sea turtles remain unchanged from the multisale EIS. Activities considered under the cumulative scenario may harm sea turtles and their habitats. Those activities include structure installation, dredging, water quality and habitat degradation, OCS-related trash and flotsam, vessel traffic, seismic surveys, explosive-severance and site-clearance trawling activities conducted during structure removals, oil spills, oil-spill-response activities, natural catastrophes, pollution, dredge operations, vessel collisions, commercial and recreational fishing, human consumption, beach lighting, and power plant entrainment. Sea turtles could be killed or injured by chance collision with service vessels or eating marine debris, particularly plastic items, lost from OCS structures and service vessels. It is expected that deaths as a result of explosive-severance and site—clearance trawling activities would rarely occur because of mitigation measures (e.g., NOAA Fisheries Observer Program). The presence of, and noise produced by, service vessels and by the construction, operation, and removal of drill rigs may cause physiological stress and make animals more susceptible to disease or predation, as well as disrupt

normal activities. Contaminants in waste discharges and drilling muds might indirectly affect sea turtles through food-chain biomagnification, although there is uncertainty concerning the possible effect. Oil spills and oil-spill-response activities are potential threats that may be expected to cause turtle deaths. Contact with, and consumption of, oil and oil-contaminated prey may seriously impact turtles. Sea turtles have been seriously harmed by oil spills in the past. The majority of OCS activities are estimated to be sublethal (behavioral effects and nonfatal exposure to intake of OCS-related contaminants or debris). Chronic sublethal effects (e.g., stress) resulting in persistent physiological or behavioral changes and/or avoidance of impacted areas could cause declines in survival or productivity, resulting in either acute or gradual population declines. The incremental contribution of the proposed action to cumulative impacts on sea turtles is slight.

4.6.3. Snowy Plover

The cumulative conclusions for the snowy plover remain unchanged from the multisale EIS. It is expected that cumulative effects would be detrimental to the snowy plover; however, the majority of effects from the major impact-producing factors on the snowy plover are sublethal (behavioral effects and nonfatal exposure to or intake of OCS-related contaminants or discarded debris) and would usually cause temporary disturbances and displacement of localized groups inshore. The net effect of habitat loss from oil spills, new construction, and maintenance and use of pipeline corridors and navigation waterways would reduce the overall carrying capacity of disturbed area(s) in general. The incremental contribution of the proposed action to the cumulative impact is negligible because the effects of the most probable impacts, such as lease sale-related operational discharges and helicopters and service-vessel noise and traffic, are estimated to be sublethal with some displacement of local individuals or groups. It is expected that there would be little interaction between OCS-related oil spills and the snowy plover.

5. CONSULTATION AND COORDINATION

5.1. SCOPING FOR THE ENVIRONMENTAL ASSESSMENT FOR THE WESTERN PLANNING AREA'S PROPOSED LEASE SALE 196

The MMS performs ongoing external and internal scoping in order to determine the breadth and depth necessary for environmental analysis.

External Scoping: The scoping process for this EA was formally initiated on January 19, 2005, with the *Federal Register* notice announcing the preparation of an EA. In the notice, MMS requested that interested parties submit comments regarding any new information or issues that should be addressed in the EA. The comment period closed on February 17, 2005. Responses were received from Louisiana's Department of Natural Resources and John Farhar of Atascadero, California. These comments were considered in the preparation of this EA.

Scoping and coordination efforts continue throughout the lease sale process and have been conducted since the publication of the multisale EIS:

- On January 8 and 9, 2003, public hearings were held on the Draft EIS for EPA Lease Sales 189 and 197 (USDOJ, MMS, 2003b) in New Orleans, Louisiana, and Mobile, Alabama.
- The MMS held the GOM Region's annual Information Transfer Meeting in January 14-16, 2003. Sessions pertained to MMS's GOM OCS oil and gas program, as well as regional environmental, social, and economic concerns, and current OCS industry activities and technologies.
- The MMS co-hosted the International Offshore Pipeline Workshop on February 26-28, 2003, which brought together worldwide experience in operating and regulating offshore oil and gas activities in order to identify/disseminate pipeline issues and knowledge for continued safe and pollution free operations.

- On June 1-3, 2003, MMS participated in the Oceanology International Americas conference in New Orleans, Louisiana. The conference incorporated the following disciplines: marine science, technology, operational oceanography, policy, and education.
- On June 4, 2003, MMS published a Notice of Preparation of an EA on proposed CPA Lease Sale 190. In the notice, MMS requested interested parties to submit comments regarding any new information or issues that should be addressed in the EA. No comments were received.
- In June 2003, MMS requested the Gulf States' review MMS's GOM Region Studies Development Plan for FY 2004-2006. On July 16, 2003, comments were received from the Louisiana Department of Natural Resources.
- To ensure conformance with State Coastal Zone Management (CZM) program policies and local land-use plans, MMS prepares appropriate consistency documents for each proposed OCS lease sale. On October 28, 2003, MMS sent the Consistency Determination (CD) for CPA Lease Sale 190 to the Governors of Louisiana, Mississippi, and Alabama, and to the head of each State's CZM group. The States confirmed MMS's Consistency Statement for CPA Lease Sale 190. On September 4, 2003, MMS met with Louisiana's CZM group; September 9, 2003, with Mississippi; and September 10, 2003, with Alabama.
- In October 2003, MMS published the EA for CPA Lease Sale 190 (USDOJ, MMS, 2003c). No comments were received of the EA.
- On November 18-20, 2003, MMS participated in the Thirteenth Annual Clean Gulf Conference along with consultants, responders, and Federal and State agencies. The MMS made the following presentations: "The Oil Spill Response Equipment," "Oil Spill Exercises and Drills," "Updates of the MMS Worst Case Discharge for Blowouts and Pipelines," and "Ongoing Exploration Along the US/Mexican International Boundary."
- On November 19, 2003, MMS published a Notice of Preparation of an EA on proposed WPA Lease Sale 192. In the notice, MMS requested interested parties to submit comments regarding any new information or issues that should be addressed in the EA. No comments were received.
- A workshop on social and economic topics related to the oil and gas industry was hosted by the MMS GOM Region on February 3-5, 2004, in New Orleans, Louisiana. Discussions were structured around the following topics: Industry Trends and Dynamics; Community-Level Impacts of Oil and Gas in the Gulf of Mexico Region; and Cultural Impacts of Oil and Gas Activity in the Gulf of Mexico. Information derived from the workshop will be used to shape future research projects. The proceedings will be published on the MMS Internet website in the near future.
- In March 2004, MMS published the EA for WPA Lease Sale 192 (USDOJ, MMS, 2004c). No comments were received on the EA.
- On March 3, 2004, the Louisiana Sand Management Working Group, composed of Federal, State, and local authorities, academia, and industry, met to provide advice to MMS relative to the long-term use of Federal sand offshore Louisiana. Louisiana's coastal landloss problem continues at a rate of more than 25-30 mi² per year, severely affecting the storm buffering capacity and the protection that nearshore barrier islands provide to human populations, oil and gas infrastructure, inland bays, estuaries, and wetlands. A major concern expressed by Louisiana is the potential conflict created by emplacement of oil and gas infrastructure in areas of rich sand deposits. The MMS is currently evaluating the issue. The MMS evaluates each proposal for space-use conflicts, recommends mitigations for affected resources and

- to alleviate conflicts with existing OCS infrastructure such as pipelines and platforms. **Chapter 4.1.3.2.2.** of the multisale EIS discusses MMS's Sand Resources Programs.
- On June 4, 2004, MMS published a Notice of Preparation of an EA on proposed CPA Lease Sale 194. In the notice, MMS requested interested parties to submit comments regarding any new information or issues that should be addressed in the EA. No comments were received.
 - On June 4, 2004, MMS published a Notice of Preparation of an EA on proposed EPA Lease Sale 197. In the notice, MMS requested interested parties to submit comments regarding any new information or issues that should be addressed in the EA. No comments were received.
 - On July 9, 2004, the Corps of Engineers (COE) released a Draft Programmatic EIS (PEIS) for the Louisiana Coastal Area (LCA) Ecosystem Restoration Plan with a 45-day comment period. The LCA Plan is designed to be a coordinated approach to alleviate and arrest the chronic and severe loss of wetlands along coastal Louisiana. The draft PEIS envisions a range of "restoration opportunities" over the next 10 years that fall into two categories: those that divert Mississippi River water and sediment to naturally replenish threatened areas and habitats, and those that reconstruct or enhance geomorphic barriers that dampen storm waves and tidal surge, such as barrier islands and levee systems. The COE's preferred alternative, or Tentatively Selected Plan, is an ambitious synergistic combination of projects undertaking both river diversions and geomorphic restorations estimated to cost \$1.9 billion over 10 years. The MMS is commenting on the draft PEIS, focusing primarily on conflicts and interfaces with MMS's OCS Program.
 - On July 26, 2004, MMS met with the Florida Department of Environmental Protection in Tallahassee, Florida, to discuss the EA for EPA Lease Sale 197 and tiering the CD for the EPA Lease Sale 197 CD to the previous EPA Lease Sale 189 CD.
 - On October 13, 2004, MMS held the Gulf-wide Offshore Activity Data System (GOADS) 2005 Workshop at the GOM Region. The workshop discussed and explained air emissions information collection and reporting procedures that are required from all lessees and operators in the Western GOM. The agenda included explaining the equipment activity data the operators must collect and report for calendar year 2005, the schedule for submittal of this information, the information reporting software (GOADS-2005), and a hands-on computer session to ask specific questions about this software. Under NTL 2004-G17, the activity data collected by lessees and operators will be sent to a MMS' contractor for calculation of a 2005 gulf-wide emissions inventory. This inventory will be used for input into air pollution dispersion models for assessments of air quality.
 - On December 1, 2004, MMS participated in the Gulf Coastal Zone Management Act (CZMA) Federal Consistency Workshop in New Orleans, Louisiana. Organized by NOAA's Office of Ocean and Coastal Resource Management (OCRM), the workshop centered on the Federal consistency reviews and requirements relating to each of the Gulf States' (i.e., Alabama, Florida, Louisiana, Mississippi, and Texas) coastal zone management plans (CZMP's) and significant Federal and State agency issues.
 - The MMS held the GOM Region's semi-annual Information Transfer Meeting on January 11-13, 2005. Sessions pertained to MMS's GOM OCS oil and gas program, as well as regional environmental, social, and economic concerns, and current OCS industry activities and technologies.

Internal Scoping: Internal scoping is an ongoing activity for all environmental projects and NEPA documents. Part of internal scoping involves reviewing resource estimates and oil-spill modeling results used in the preparation of the multisale EIS to determine if they are still valid. The MMS GOM Region's Office of Resource Evaluation reviewed the oil and gas resource projections and associated activities for WPA Lease Sale 196 and confirmed that they remain within the range of those projected by MMS for a "typical WPA lease sale." The MMS Headquarters' Oil-Spill Risk Analysis (OSRA) group confirmed that results from the OSRA model summarized in the multisale EIS and presented in a separate MMS report (USDOJ, MMS, 2002d) are still valid for the proposed lease sale.

Internal scoping also requires MMS subject matter experts/analysts and NEPA coordinators to continuously update their knowledge base and incorporate three primary informational components into their analyses:

- (1) recent studies/reports;
- (2) monitoring results; and
- (3) related cumulative-impact data.

The MMS's analysts and coordinators take an active role in the preparation, execution, and peer review of studies and reports developed under MMS's Environmental Studies Program. In addition, some analysts provide expertise and are involved in additional studies and analyses conducted by other Federal/State agencies and universities concerning GOM issues and interests. The information obtained from these studies, as well as other relevant, non-MMS research, was considered by each subject matter expert in their assessment for this EA. **Appendix C** of the multisale EIS lists the GOM Region studies published from 1999-2002, while **Appendix C** of this EA lists those GOM studies published since the completion of the multisale EIS. Technical summaries for these studies are available on the MMS Internet website (http://www.gomr.mms.gov/homepg/regulate/environ/techsumm/rec_pubs.html).

In addition to hindcasting projections and estimates, MMS compliance monitoring tracks the status of mitigation and other conditions applied to approved-OCS activities. The monitoring information received from field inspections, office auditing, and/or mandatory reporting is reviewed by MMS analysts. Knowledge gained through environmental compliance monitoring forms a basis for mitigation revision and future mitigation development, and was ultimately incorporated by analysts into this EA.

Cumulative analyses are prepared by MMS subject matter experts that consider activities that could occur and may adversely affect GOM resources, including proposed WPA Lease Sale 196, prior and future OCS lease sales, State oil and gas activities, and other governmental and private projects and activities. The MMS analysts are often responsible for reviewing GOM activities not associated with oil and gas operations. All information gained from cumulative analyses was considered by MMS analysts in their assessments for this EA.

5.2. CONSULTATION AND COORDINATION CALENDAR

A complete description of all consultation and coordination activities and meetings is included in **Chapter 5** of the multisale EIS. A brief summary of these events follows:

Multisale EIS Process

September 12, 2001

The Call for Information/Notice of Intent (Call/NOI) for the proposed 2003-2007 CPA and WPA lease sales was published in the *Federal Register*. The required 30-day comment period closed on October 12, 2001. Additional public notices were distributed via newspaper notices, mailed notices, and the Internet. The MMS received four comment letters in response to the Call. Ten written scoping letters were received in response to the NOI.

- October 25-22, 2001* The MMS held scoping meetings in Galveston and Houston, Texas; New Orleans, Louisiana; and Mobile, Alabama, to receive comments on the Draft EIS for the proposed 2003-2007 CPA and WPA lease sales. A summary of comments presented at the scoping meetings is provided in **Chapter 5.3.** of the multisale EIS.
- April 15, 2002 and April 17, 2002* The MMS, by memorandum to FWS (April 15, 2002) and NOAA Fisheries (April 17, 2002), requested formal Section 7 consultation for CPA Lease Sales 185, 190, 194, 198, and 201, and WPA Lease Sales 187, 192, 196, and 200. The consultation included all aspects of oil and gas exploration, development, production, and abandonment activities. The FWS concluded that the proposed actions are not likely to jeopardize the continued existence of listed species under FWS jurisdiction (whooping crane, Gulf sturgeon, brown pelican, Alabama beach mouse, Perdido Key beach mouse, loggerhead sea turtle, piping plover, and Kemp's ridley sea turtle) and are not likely to destroy or adversely modify their designated critical habitat, if any. For each species with designated critical habitat, the adverse effects that may occur to critical habitat would be temporary in nature and of low probability. The NOAA Fisheries concluded that implementation of the proposed actions will adversely affect, but not likely jeopardize, the continued existence of the sperm whale; leatherback, green, hawksbill, Kemp's ridley, and loggerhead sea turtles; and the Gulf sturgeon.
- April 30—May 2, 2002* The MMS held public hearings in Houston, Texas; New Orleans, Louisiana; and Mobile, Alabama, to receive comments on the multisale EIS for CPA Lease Sales 185, 190, 194, 198, and 201, and WPA Lease Sales 187, 192, 196, and 200. One person attended the Houston hearing, but no comments were presented. Seven people attended the New Orleans hearing. Three individuals presented comments, which are summarized in **Chapter 5.5.** of the multisale EIS. There were no attendees at the Mobile hearing.
- November 2002* The MMS completed and filed the Final EIS for CPA Lease Sales 185, 190, 194, 198, and 201, and WPA Lease Sales 187, 192, 196, and 200 (multisale EIS) with USEPA. The MMS revised the document using information presented at the hearings and as a result of comments received on the Draft EIS (See **Chapter 5.7.** of the multisale EIS for a complete discussion of comments and responses.).

WPA Lease Sale 196 EA Process

- January 19, 2005* The MMS published a Notice of Preparation of an EA on proposed Lease Sale 196. In the notice, MMS requested interested parties to submit comments regarding any new information or issues that should be addressed in the EA. Two comments were received.

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APPENDIX A. PROPOSED LEASE STIPULATIONS

One or more of five lease stipulations will be applied to leases resulting from this lease sale (WPA Lease Sale 196) on blocks shown on the map “Stipulations and Deferred Blocks, Sale 196, Proposed,” included in the Proposed Notice of Sale 196 Package (PNOS 196 Package). In addition, the “List of Blocks Available for Leasing” contained in the Final Notice of Sale 196 Package (FNOS 196 Package) identifies for each block listed the lease stipulations applicable to that block. These lease stipulations are:

- Stipulation No. 1 — Topographic Features
- Stipulation No. 2 — Military Areas
- Stipulation No. 3 — Operations in the Naval Mine Warfare Area
- Stipulation No. 4 — Law of the Sea Convention Royalty Payment
- Stipulation No. 5 — Protected Species

STIPULATION NO. 1 — TOPOGRAPHIC FEATURES

This stipulation will be included only in leases on blocks within the areas so indicated in the Biological Stipulation Map Package for the Western Gulf of Mexico which is available from the MMS Gulf of Mexico Region’s Public Information Unit. Please see the PNOS 196 Package for the address and telephone numbers.

The stipulation provides for protection of the following banks:

Bank Name	No Activity Zone Defined by Isobath (meters)
Shelf Edge Banks	
West Flower Garden Bank	100 (defined by 1/4 1/4 1/4 system)
East Flower Garden Bank	100 (defined by 1/4 1/4 1/4 system)
MacNeil Bank	82
29 Fathom Bank	64
Rankin Bank	85
Geyer Bank	85
Elvers Bank	85
Bright Bank[1]	85
McGrail Bank[1]	85
Rezak Bank[1]	85
Sidner Bank[1]	85
Parker Bank[1]	85
Stetson Bank	52
Appelbaum Bank	85
Low Relief Banks[2]	
Mysterious Bank	74,76,78,80,84
Coffee Lump	Various
Blackfish Ridge	70
Big Dunn Bar	65
Small Dunn Bar	65
32 Fathom Bank	52

Bank Name	No Activity Zone Defined by Isobath (meters)
Claypile Bank[3]	50
South Texas Banks[4]	
Dream Bank	78,82
Southern Bank	80
Hospital Bank	70
North Hospital Bank	68
Aransas Bank	70
South Baker Bank	70
Baker Bank	70

[1] Central Gulf of Mexico bank with a portion of its “1-Mile Zone” and/ or “3-Mile Zone” in the Western Gulf of Mexico.

[2] Low Relief Banks--Only paragraph (a) applies.

[3] Claypile Bank--Paragraphs (a) and (b) apply. In paragraph (b), monitoring of the effluent to determine the effect on the biota of Claypile Bank shall be required rather than shunting.

[4] South Texas Banks--Only paragraphs (a) and (b) apply.

- (a) No activity including structures, drilling rigs, pipelines, or anchoring will be allowed within the listed isobath (“No Activity Zone” as shown in the aforementioned Biological Stipulation Map Package) of the banks as listed above.
- (b) Operations within the area shown as “1,000-Meter Zone” in the aforementioned Biological Stipulation Map Package shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom.
- (c) Operations within the area shown as “1-Mile Zone” in the aforementioned Biological Stipulation Map Package shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom. (Where there is a “1-Mile Zone” designated, the “1,000-Meter Zone” in paragraph (b) is not designated.) This restriction on operations also applies to areas surrounding the Flower Garden Banks National Marine Sanctuary, namely the “4-Mile Zone” surrounding the East Flower Garden Bank and the West Flower Garden Bank.
- (d) Operations within the area shown as “3-Mile Zone” in the aforementioned Biological Stipulation Map Package shall be restricted by shunting all drill cuttings and drilling fluids from development operations to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom.

STIPULATION NO. 2 — MILITARY AREAS

This stipulation will be included in leases located within the Warning Areas as shown on the map “Stipulations and Deferred Blocks, Sale 196, Proposed” included in the PNOS 196 Package.

- (a) Hold and Save Harmless

Whether compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the OCS, to any persons or to any property of any person or persons who are agents, employees, or invitees of

the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the OCS, if such injury or damage to such person or property occurs by reason of the activities of any agency of the United States Government, its contractors or subcontractors, or any of its officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the command headquarters listed at the end of this stipulation.

Notwithstanding any limitation of the lessee's liability in Section 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of its officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, or to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of its officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

(b) Electromagnetic Emissions

The lessee agrees to control its own electromagnetic emissions and those of its agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the command headquarters listed in the following table to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing, or operational activities, conducted within individual designated warning areas. Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area; provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

(c) Operational

The lessee, when operating or causing to be operated on its behalf, boat, ship, or aircraft traffic into the individual designated warning areas, shall enter into an agreement with the commander of the individual command headquarters listed in the following list, upon utilizing an individual designated warning area prior to commencing such traffic. Such an agreement will provide for positive control of boats, ships, and aircraft operating into the warning areas at all times.

W-59 Naval Air Station—JRB 159 Fighter Wing
 400 Russell Avenue
 Building 285
 New Orleans, Louisiana 70143-0027
 Telephone: (504) 391-8696/8687; (504) 391-8671 (fax)

W-147 147 OG/DOV
 14657 Sneider Street

Houston, Texas 77034-5586
Telephone: (281) 929-2141/2391

W-228 Chief, Naval Air Training
Attn: Code N332 (ATC & Space Mgt)
Naval Air Station
Corpus Christi, Texas 78419-5100,
Telephone: (361) 961-2550/3229

W-602 VQ-4
7791 Mercury Rd.
Tinker AFB, Oklahoma 73145-8704
Telephone: (402) 294-2334

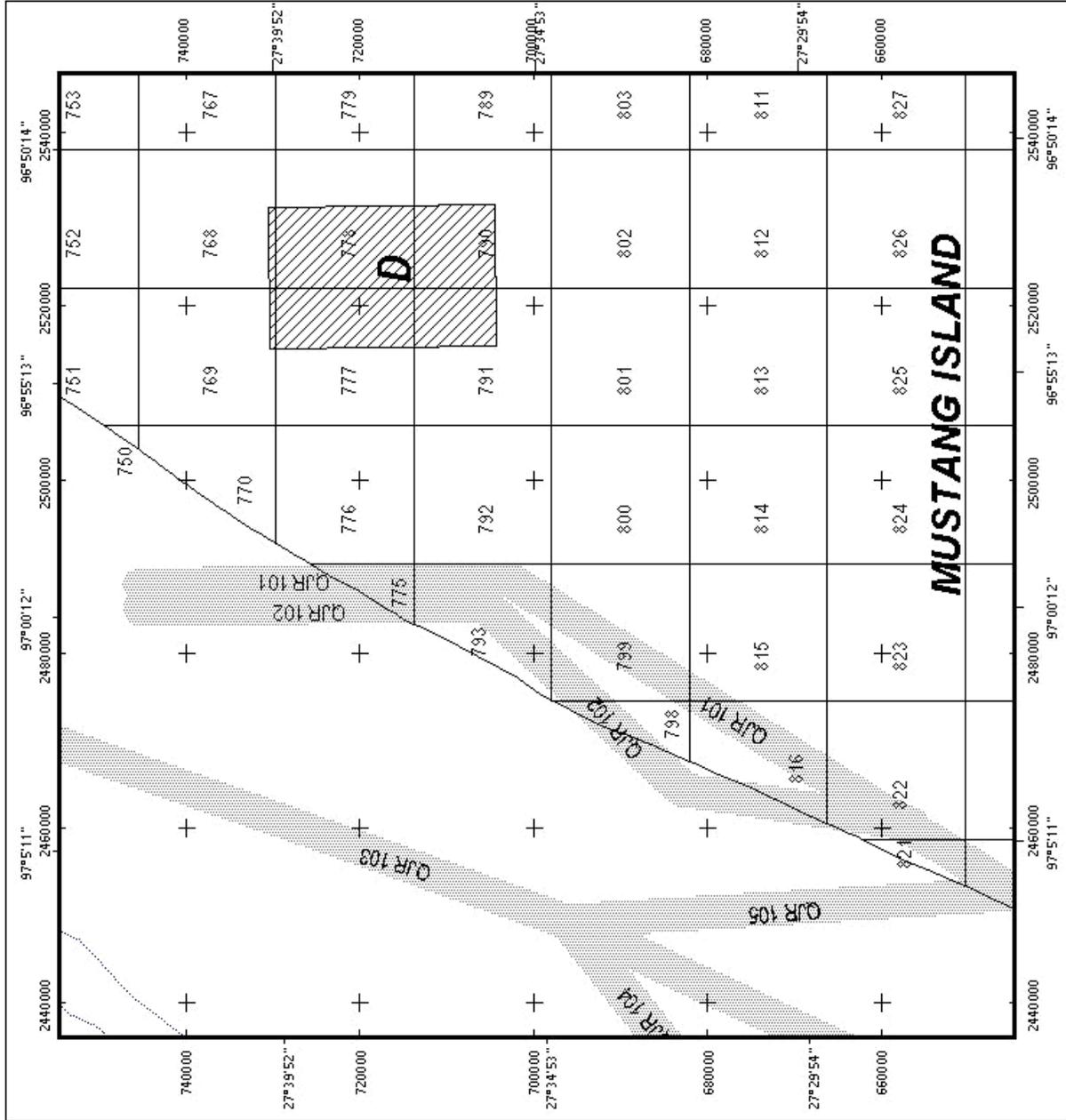
STIPULATION NO. 3 — OPERATIONS IN THE NAVAL MINE WARFARE AREA

This stipulation will apply to Mustang Island Area Blocks 768, 769, 775, 777, 778, 790, 791, 793, 798, 799, 815, 816, 821, and 822; and Mustang Island Area East Addition Blocks 732, 733, and 734.

1. The provisions of this paragraph shall apply to all of Mustang Island Area East Addition Blocks 732, 733, and 734; and to those portions of Mustang Island Area Blocks 768, 769, 777, 778, 790 and 791 which are in Naval Mine Warfare Command Operational Area D as shown on the attached map and specified on the attached coordinates list.
 - (a) Exploration: The placement, location, and planned periods of operation of surface structures on this lease (or portion as specified above) during the exploration stage are subject to approval by the Regional Director (RD), MMS Gulf of Mexico Region, after the review of the operator's Exploration Plan (EP). Prior to the submission of the EP, the lessee will consult with the Commander, Mine Warfare Command, in order to determine the EP's compatibility with scheduled military operations. The EP shall contain a statement certifying the consultation and indicating whether the Commander, Mine Warfare Command has any objection to activities and schedule of the EP. No permanent structures nor debris of any kind shall be allowed in the area covered by this lease during exploration operations.
 - (b) Development: Any above-seafloor development operations within the area covered by this lease (or portion as specified above) must be compatible with scheduled military operations as determined by the Commander, Mine Warfare Command. The lessee will consult with and coordinate plans for above-seafloor development activities (including abandonment) with the Commander, Mine Warfare Command. The Development Operations Coordination Document (DOCD) must contain the locations of any permanent structures, fixed platforms, pipelines, or anchors planned to be constructed or placed in the area covered by this lease (or portion as specified above) as part of such development operations. The DOCD must also contain the written comments of the Commander, Mine Warfare Command on the proposed activities. If the Commander, Mine Warfare Command determines that activities are incompatible, the RD will consult with him to resolve the matter. If no resolution can be reached, then development operations must be conducted from outside the Naval Mine Warfare Command Operational Area.
2. The provisions of this paragraph shall apply to those portions of Mustang Island Area Blocks 775, 798, 815, 821, and 822 which are in the Naval Mine Warfare Command operational transit lanes QJR 101, QJR 102, and QJR 105 as shown on the attached map and specified on the attached coordinates list.

- (a) Exploration and Development: No operations, exploratory or development activities shall take place, nor will structures of any kind will be placed, in Naval Mine Warfare Command operational transit lanes QJR 101, QJR 102, and QJR 105.
3. The provisions of this paragraph shall apply to all of Mustang Island Area Blocks 793, 799, and 816.
- (a) Exploration and Development: The lessee agrees that no activity including, but not limited to, construction and use of structures, operation of drilling rigs, laying of pipelines, and/or anchoring will occur or be located on the seabed or in the water column above or within any portion of this lease. All exploration, development, and production activities or operations must take place from outside the lease by the use of directional drilling or other techniques.
- (b) Prior to the submission of Exploration Plans (EP) and Development Operations Coordination Documents (DOCD) for this lease, Lessee will consult with the Commander, Mine Warfare Command, in order to determine the compatibility of Lessee's plans with scheduled military operations. The EP and DOCD shall contain a statement certifying the consultation and indicating whether the Commander, Mine Warfare Command has any objection to activities and schedule of the EP or DOCD.
4. For more information, consultation, and coordination, the lessee must contact:

Commander, Mine Warfare Command
325 Fifth Street, S.E.
Corpus Christi, Texas 78419-5032
Phone: (361) 961-4869/4870



**MAP FOR
NAVAL MINE
WARFARE AREA
STIPULATION**

NOTE: This stipulation applies to all or portions of Mustang Island Area Blocks 768, 769, 775, 777, 778, 790, 791, 793, 798, 799, 815, 816, 821, and 822.

Although not shown here, this stipulation also applies to all of Mustang Island Area East Addition Blocks 732, 733, and 734.



LEGEND

-  Blocks
-  Operational Area D
-  Operational Transit Lanes

Coordinates for Stipulation No. 3--Operations in the Naval Mine Warfare Area

Coordinates of Operational Areas for
Naval Training off Corpus Christi, Texas

SITE - CORNER	WGS - 84 LATITUDE	WGS - 84 LONGITUDE	WGS - 84 X(M)	WGS - 84 Y(M)	LAMBERT X (FT)	LAMBERT Y (FT)
D - NW	27°40' 00"	96°54' 30"	706313.566	3062027.331	2515275.590	730113.200
D - SW	27°35' 42"	96°54' 30"	706448.081	3054085.836	2515604.230	704061.290
D - NE	27°40' 00"	96°51' 30"	711246.664	3062111.991	2531458.820	730320.550
D - SE	27°35' 42"	96°51' 30"	711384.401	3054170.348	2531797.780	704268.780

Coordinates of Operational Transit Lanes for
Naval Training off Corpus Christi, Texas

TRANSIT LANE	WAYPOINT	LATITUDE	LONGITUDE
QJR 101	A	27° 42.50' N	096° 59.50' W
	B	27° 35.50' N	096° 59.50' W
	C	27° 26.00' N	097° 06.25' W
QJR 102	A	27° 42.50' N	097° 00.00' W
	B	27° 36.00' N	097° 00.00' W
	C	27° 32.25' N	097° 04.00' W
	D	27° 28.00' N	097° 04.75' W
QJR 105	A	27° 34.50' N	097° 06.75' W
	B	27° 25.50' N	097° 06.25' W

Note: All transit lanes are 1,500 yards wide.

STIPULATION NO. 4 — LAW OF THE SEA CONVENTION ROYALTY PAYMENT

This stipulation will be included in leases beyond the United States (U.S.) Exclusive Economic Zone (EEZ) in the area formerly known as the Western Gap, as shown on the map "Stipulations and Deferred Blocks, Sale 196, Proposed" included in the PNOS 196 Package.

If the U.S. becomes a party to the 1982 Law of the Sea Convention (Convention) prior to or during the life of a lease issued by the U.S. on a block or portion of a block located beyond the U.S. EEZ and subject to such conditions that the Senate may impose through its constitutional role of advice and consent, then the following royalty payment lease provisions will apply to the lease so issued, consistent with Article 82 of the Convention:

1. The Convention requires payments annually by coastal States party to the Convention with respect to all production at a site after the first five years of production at that site. Any such payments will be made by the U.S. government and not the lessee.

2. For the purpose of this stipulation regarding payments by the lessee to the U.S., a site is defined as an individual lease whether or not the lease is located in a unit.
3. For the purpose of this stipulation, the first production year begins on the first day of commercial production (excluding test production). Once a production year begins it shall run for a period of 365 days whether or not the lease produces continuously in commercial quantities. Subsequent production years shall begin on the anniversary date of first production.
4. If total lease production during the first five years following first production exceeds the total royalty suspension volume(s) provided in the lease terms, or through application and approval of relief from royalties, the following provisions of this stipulation will not apply. If after the first five years of production but prior to termination of this lease, production exceeds the total royalty suspension volume(s) provided in the lease terms, or through application and approval of relief from royalties, the following provisions of this stipulation will no longer apply effective the day after the suspension volumes have been produced.
5. If, in any production year after the first five years of lease production, due to lease royalty suspension provisions or through application and approval of relief from royalties, no lease production royalty is due or payable by the lessee to the U.S., then the lessee will be required to pay, as stipulated in paragraph 9 below, Convention-related royalty in the following amount so that the required Convention payments may be made by the U. S. government as provided under the Convention:
 - a. In the sixth year of production, one percent of the value of the sixth year's lease production saved, removed, or sold from the leased area;
 - b. After the sixth year of production, the Convention-related royalty payment rate shall increase by one percent for each subsequent year until the twelfth year and shall remain at seven percent thereafter until lease termination.
6. If the U.S. becomes a party to the Convention after the fifth year of production from the lease, and a lessee is required, as provided herein, to pay Convention-related royalty, the amount of the royalty due will be based on the above payment schedule as determined from first production. For example, U.S. accession to the Convention in the tenth year of lease production would result in a Convention-related royalty payment of five percent of the value of the tenth year's lease production, saved, removed, or sold from the lease. The following year, a payment of six percent would be due, and so forth as stated above, up to a maximum of seven percent per year.
7. If, in any production year after the first five years of lease production, due to lease royalty suspension provisions or through application and approval of relief from royalties, lease production royalty is paid but is less than the payment provided for by the Convention, then the lessee will be required to pay to the U.S. government the Convention-related royalty in the amount of the shortfall.
8. In determining the value of production from the lease if a payment of Convention-related royalty is to be made, the provisions of the lease and applicable regulations shall apply.
9. The Convention-related royalty payment(s) required under paragraphs 5 through 7 of this stipulation, if any, shall not be paid monthly but shall be due and payable to MMS on or before 30 days after the expiration of the relevant production lease year.
10. The lessee will receive royalty credit in the amount of the Convention-related royalty payment required under paragraphs 5 through 7 of this stipulation, which will apply to royalties due under the lease for which the Convention-related royalty accrued in subsequent periods as non-Convention related royalty payments become due.

11. Any lease production for which the lessee pays no royalty other than a Convention-related requirement, due to lease royalty suspension provisions or through application and approval of relief from royalties, will count against the lease's applicable royalty suspension or relief volume.
12. The lessee will not be allowed to apply or recoup any unused Convention-related credit(s) associated with a lease that has been relinquished or terminated.

STIPULATION NO. 5 — PROTECTED SPECIES

This stipulation will apply to all leases resulting from this sale (WPA Lease Sale 196).

To reduce the potential taking of Federally protected species (e.g., sea turtles, marine mammals, Gulf sturgeon, and other listed species):

- (a) The MMS will condition all permits issued to lessees and their operators to require them to collect and remove flotsam resulting from activities related to exploration, development, and production of this lease.
- (b) The MMS will condition all permits issued to lessees and their operators to require them to post signs in prominent places on all vessels and platforms used as a result of activities related to exploration, development, and production of this lease detailing the reasons (legal and ecological) why release of debris must be eliminated.
- (c) The MMS will require that vessel operators and crews watch for marine mammals and sea turtles, reduce vessel speed to 10 knots or less when assemblages of cetaceans are observed and maintain a distance of 90 meters or greater from whales, and a distance of 45 meters or greater from small cetaceans and sea turtles.
- (d) The MMS will require that all seismic surveys employ mandatory mitigation measures including the use of a 500-meter “exclusion zone” based upon the appropriate water depth, ramp-up and shut-down procedures, visual monitoring and reporting. Seismic operations must immediately cease when certain marine mammals are detected within the 500-meter exclusion zone. Ramp-up procedures and seismic surveys may be initiated only during daylight unless alternate monitoring methods approved by MMS are used.
- (e) The MMS will require lessees and operators to instruct offshore personnel to immediately report all sightings and locations of injured or dead protected species (marine mammals and sea turtles) to the appropriate stranding network. If oil and gas industry activity is responsible for the injured or dead animals (e.g. because of a vessel strike), the responsible parties should remain available to assist the stranding network. If the injury or death was caused by a collision with your vessel, you must notify MMS within 24 hours of the strike.
- (f) The MMS will require oil spill contingency planning to identify important habitats, including designated critical habitat, used by listed species (e.g. sea turtle nesting beaches, piping plover critical habitat), and require the strategic placement of spill cleanup equipment to be used only by personnel trained in less-intrusive cleanup techniques on beach and bay shores.

Lessees and operators will be instructed how to implement these mitigation measures in Notices To Lessees.

APPENDIX B. NOTICES TO LESSEES AND OPERATORS (NOVEMBER 2002—PRESENT)

NTL Number	Effective Date	Title
2002-G12	November 4, 2002	<i>Revised North American Datum 83 Implementation Plan for the Gulf of Mexico</i>
2002-N13	November 1, 2002	<i>Drilling and Well Permit and Reporting Forms</i>
2002-G15	December 20, 2002	<i>Coastal Zone Management Program Requirements for OCS ROW Pipeline Applications</i>
2003-G03	January 23, 2003	<i>Remotely Operated Vehicle Surveys in Deepwater</i>
2003-G05	February 15, 2003	<i>Procedures for Submission, Inspection and Selection of Geophysical Data and Information Collected Under a Permit and Processed or Reprocessed by a Permittee or a Third Party</i>
2003-G02	March 3, 2003	<i>Ultimate Recovery Abandonment and Bypassing of Zones</i>
2003-N03	March 7, 2003	<i>Performance Measures for OCS Operators and Form MMS-131</i>
2003-N04	May 9, 2003	<i>Extension of Lease Terms by Production in Paying Quantities</i>
2003-N06	June 17, 2003	<i>Supplemental Bond Procedures</i>
2003-G10	June 19, 2003	<i>Vessel Strike Avoidance and Injured/Dead Protected Species Reporting</i>
2003-G11	June 19, 2003	<i>Marine Trash and Debris Awareness and Elimination</i>
2003-G15	August 13, 2003	<i>Contact with District Offices and the Pipeline Section Outside Regular Work Hours</i>
2003-G16	August 15, 2003	<i>Assessment of Existing OCS Platforms</i>
2003-G17	August 27, 2003	<i>Guidance for Submitting Exploration Plans and Development Operations Coordination Documents</i>
2003-G19	September 1, 2003	<i>Drilling Windows, Eastern Gulf of Mexico</i>
2003-G20	January 1, 2004	<i>Gas Volume Statement Requirements</i>
2004-N01	January 12, 2004	<i>Revised Assessment Matrix</i>
2004-G02	January 27, 2004	<i>Military Warning and Water Test Areas</i>

NTL Number	Effective Date	Title
2004-G03	February 6, 2004	<i>Notification and Confirmation of Deep Gas Royalty Relief</i>
2004-G01	March 1, 2004	<i>Implementation of Seismic Survey Mitigation Measures and Protected Species Observer Program</i>
2004-G04	March 7, 2004	<i>Standard Reporting Period for the Well Activity Report</i>
2004-G05	April 1, 2004	<i>Biologically Sensitive Areas of the Gulf of Mexico</i>
2004-G06	April 5, 2004	<i>Structure Removal Operations</i>
2004-G07	April 20, 2004	<i>Well Records Submittal</i>
2004-G08	April 21, 2004	<i>Flaring and Venting Approval Guidelines</i>
2004-G11	May 3, 2004	<i>Clarification of Deep Gas Royalty Relief Regulation Regarding Natural Gas Liquids and Pipeline (Retrograde) Condensate</i>
2004-G09	May 17, 2004	<i>Policies for Shutting-In Producing Wells During Rig Moves</i>
2004-G10	June 1, 2004	<i>Implementation of the eWell Permitting and Reporting System</i>
2004-G07 Addendum 1	June 1, 2004	<i>Change of MMS Contractor Receiving Digital Well Log Drilling Records and Additional Well Log Curves to Submit</i>
2004-N03	July 26, 2004	<i>Directional and Inclination Survey Data Submission Requirements</i>
2004-G12	June 21, 2004	<i>Clarification of Deep Gas Royalty Suspension Provision in Lease Instrument Relating to Sidetrack Completions</i>
2004-G13	June 22, 2004	<i>Replacing Deep Gas Royalty Relief Provisions in Lease Instrument With Regulatory Deep Gas Royalty Relief Provisions</i>
2004-G14	June 23, 2004	<i>Hurricane and Tropical Storm Evacuation and Production Curtailment Statistics</i>
2004-N04	June 25, 2004	<i>Data and Information to be Made Available to the Public</i>
2004-G15	August 10, 2004	<i>Application of the Deep Gas Royalty Relief Rule to Leases Issued from 2001 through 2003</i>
2004-G16	August 19, 2004	<i>Suspensions of Operations (SOO's) for Drilling Ultra-Deep Wells Under Salt Sheets</i>

NTL Number	Effective Date	Title
2004-G17	September 10, 2004	<i>Production Activities Information Collection and Reporting for Calculations of Air Emissions in the Western Gulf of Mexico</i>
2004-G18	October 4, 2004	<i>Damage Caused by Hurricane Ivan</i>
2004-G19	October 18, 2004	<i>Damage Caused by Hurricane Ivan (Part 2)</i>
2004-G20	November 15, 2004	<i>Damage Caused by Hurricane Ivan (Part 3)</i>
2004-G22	December 1, 2004	<i>Drilling Windows, Eastern Gulf of Mexico</i>
2005-G01	January 6, 2005	<i>Monitoring Bypassed Safety Devices</i>
2005-G02	March 31, 2005	<i>Deepwater Ocean Current Monitoring on Floating Facilities</i>
2005-N01	January 7, 2005	<i>2005 Industry Awards Program and Luncheon</i>

APPENDIX C. PUBLICATIONS OF THE ENVIRONMENTAL STUDIES PROGRAM, GULF OF MEXICO OCS REGION (NOVEMBER 2002—PRESENT)

Study Number	Title
2002-055	<i>Northeastern Gulf of Mexico Chemical Oceanography and Hydrography Study, Synthesis Report</i>
2002-063	<i>Deepwater Program: Northern Gulf of Mexico Continental Slope Habitats and Benthic Ecology; Year 2: Interim Report</i>
2002-064	<i>Lagrangian Study of Circulation, Transport, and Vertical Exchange in the Gulf of Mexico</i>
2002-072	<i>Effect of the Oil and Gas Industry on Commuting and Migration Patterns in Louisiana: 1960-1990</i>
2002-073	<i>Emissions Inventories of OCS Production and Development Activities in the Gulf of Mexico, Final Report</i>
2002-077	<i>Offshore Petroleum Platforms: Functional Significance for Larval Fish Across Longitudinal and Latitudinal Gradients</i>
2002-078	<i>Deepwater Program: Bluewater Fishing and OCS Activity, Interactions Between the Fishing and Petroleum Industries in Deepwaters of the Gulf of Mexico, Final Report</i>
2003-004	<i>Dynamics of the Oil and Gas Industry in the Gulf of Mexico: 1980-2000, Final Report</i>
2003-005	<i>Proceedings: Twenty-first Annual Gulf of Mexico Information Transfer Meeting, January 2002</i>
2003-009	<i>Rigs and Reefs: A Comparison of the Fish Communities at Two Artificial Reefs, a Production Platform, and a Natural Reef in the Northern Gulf of Mexico; Final Report</i>
2003-018	<i>Modeling the Economic Impacts of Offshore Oil and Gas Activities in the Gulf of Mexico: Methods and Applications</i>
2003-022	<i>Labor Demand in the Offshore Oil and Gas Industry in the 1990's: The Louisiana Case</i>
2003-029	<i>Importance of Zooplankton in the Diets of Blue Runner (<i>Caranx crysos</i>) Near Offshore Petroleum Platforms in the Northern Gulf of Mexico</i>
2003-030	<i>Workshop on Deepwater Environmental Studies Strategy: A Five-Year Follow-Up and Planning for the Future; May 29-31, 2002</i>
2003-031	<i>Long-Term Monitoring at the East and West Flower Garden Banks National Marine Sanctuary, 1998-2001; Final Report</i>

Study Number	Title
2003-038	<i>Environmental Justice Considerations in Lafourche Parish, Louisiana</i>
2003-040	<i>Marine and Coastal Fishes Subject to Impingement by Cooling-Water Intake Systems in the Northern Gulf of Mexico: An Annotated Bibliography</i>
2003-041	<i>Changing Patterns of Ownership and Control in the Petroleum Industry: Implications on the Market for Oil and Gas Leases in the Gulf of Mexico OCS Region, 1983-1999</i>
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2004-070	<i>User's Guide for the 2005 Gulfwide Offshore Activities Data System (GOADS-2005): Final Report</i>
2004-071	<i>Data Quality Control and Emissions Inventories of OCS Oil and Gas Production Activities in the Breton Area of the Gulf of Mexico</i>
2004-072	<i>Gulfwide Emission Inventory for the Regional Haze and Ozone Modeling Effort</i>



The Department of the Interior Mission

As the Nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering sound use of our land and water resources; protecting our fish, wildlife, and biological diversity; preserving the environmental and cultural values of our national parks and historical places; and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people by encouraging stewardship and citizen participation in their care. The Department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.



The Minerals Management Service Mission

As a bureau of the Department of the Interior, the Minerals Management Service's (MMS) primary responsibilities are to manage the mineral resources located on the Nation's Outer Continental Shelf (OCS), collect revenue from the Federal OCS and onshore Federal and Indian lands, and distribute those revenues.

Moreover, in working to meet its responsibilities, the **Offshore Minerals Management Program** administers the OCS competitive leasing program and oversees the safe and environmentally sound exploration and production of our Nation's offshore natural gas, oil and other mineral resources. The MMS **Minerals Revenue Management** meets its responsibilities by ensuring the efficient, timely and accurate collection and disbursement of revenue from mineral leasing and production due to Indian tribes and allottees, States and the U.S. Treasury.

The MMS strives to fulfill its responsibilities through the general guiding principles of: (1) being responsive to the public's concerns and interests by maintaining a dialogue with all potentially affected parties and (2) carrying out its programs with an emphasis on working to enhance the quality of life for all Americans by lending MMS assistance and expertise to economic development and environmental protection.