

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF OCEAN ENERGY MANAGEMENT
GULF OF MEXICO REGIONAL OFFICE**

BOEM NTL No. 2016-G01

Effective Date: August 30, 2016

Reissued: June 19, 2020

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

**Vessel Strike Avoidance and Injured/Dead
Protected Species Reporting**

This Notice to Lessees and Operators (NTL) was developed with the National Marine Fisheries Service (NMFS) as part of a biological opinion issued in 2007 for Outer Continental Shelf (OCS) Oil and Gas activities in the Gulf of Mexico (“2007 BiOp”). This NTL, which incorporates the language of the NTL included as an appendix to the 2007 BiOp, remains binding on lessees as incorporated through certain lease stipulations and on operators as incorporated through permit or plan conditions of approval issued prior to March 13, 2020. Therefore, the Bureau of Ocean Energy Management (BOEM) is retaining this NTL on its guidance portal to assist in those lessees’ and operators’ compliance efforts. On March 13, 2020, NMFS issued a new biological opinion for the oil and gas program in the Gulf of Mexico (“2020 BiOp,” available at <https://www.fisheries.noaa.gov/resource/document/biological-opinion-federally-regulated-oil-and-gas-program-activities-gulf-mexico>; appendices available at <https://www.fisheries.noaa.gov/resource/document/appendices-biological-opinion-federally-regulated-oil-and-gas-program-gulf-mexico>). After March 13, 2020, BOEM will implement the terms and conditions and reasonable and prudent measures of the 2020 BiOp, including Appendix C, “Gulf of Mexico Vessel Strike Avoidance and Injured/Dead Aquatic Protected Species Reporting Protocols,” which will be applied in place of this NTL in future lease sale stipulations and conditions of approval for permits, plans, and other authorizations approved by BOEM after March 13, 2020. The text of the NTL issued on August 30, 2016, which has been revised to be consistent herewith, is provided below. BOEM has eliminated the Office of Management and Budget (OMB) control number and expiration date that appeared at the top of this NTL because OMB does not require BOEM to display the expiration date and the control number is included in the Paperwork Reduction Act of 1995 (PRA) Statement below.

BOEM is issuing this NTL pursuant to 30 CFR 550.103, 550.202 and 30 CFR 550.282, to update regulatory citations and addresses, and to provide clarification on how measures identified in this NTL will be implemented to assist the Bureau and operators in complying with the Endangered Species Act (ESA; 16 U.S.C. §§ 1531-1544) and Marine Mammal Protection Act (MMPA; 16 U.S.C. §§1361-1423h). The guidelines on how you should implement monitoring programs to minimize the risk of vessel strikes to protected species and report observations of injured or dead protected species, as well as the specific guidelines you should follow to identify and avoid

injury to marine mammals and sea turtles, have not changed. This NTL supersedes JOINT NTL 2012-G01 on this subject. Where required as part of a lease or authorization, even though this NTL is being issued by BOEM, you will be required to make certain reports to BSEE, as provided below.

Background

BSEE and BOEM consult jointly with the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS) under Section 7 of the ESA to ensure that BOEM or BSEE authorized activities will not jeopardize the continued existence of ESA listed species nor result in adverse modification of designated critical habitat. *See* 16 U.S.C. §1536. The Biological Opinions issued to the Bureaus (through their predecessor agency) include mitigations, terms and conditions and reasonable and prudent measures to ensure activities meet the requirements of Section 7 of the ESA. Incidental take of ESA listed species are authorized pursuant to an Incidental Take Statement in each Biological Opinion so long as the activity conforms to the conditions therein; incidental take of ESA listed marine mammals cannot be authorized until an MMPA authorization is also received.

The provisions of this NTL include mitigation measures, terms and conditions and reasonable and prudent measures identified in the Biological Opinions issued to the Bureaus or their predecessors as a result of ESA consultation. BSEE is tasked as the lead agency for complying with reporting requirements under the current Biological Opinions applicable to both Bureaus. Therefore, while this is a BOEM issued NTL, reports described in this NTL must be submitted to BSEE.

Through previous consultations with the Bureaus, NMFS and FWS have determined that collisions with OCS support/service vessels could injure or kill protected species (e.g., sperm whales, manatees and sea turtles) in the Gulf of Mexico OCS while engaged in supporting oil and gas industry activities. They recommend the following measures to reduce the risk associated with vessel strikes or disturbance of protected species. These measures apply to all cetaceans (whales and dolphins), manatees and sea turtles.

Protected Species Identification

Vessel personnel should use a Gulf of Mexico reference guide that includes and helps identify marine mammals (21 species of whales and dolphins; 1 species of manatee) and sea turtles (5 species) that may be encountered in the Gulf of Mexico OCS.

Vessel Strike Avoidance

Vessel personnel should do the following in order to avoid causing injury or death to marine mammals and sea turtles:

1. Maintain a vigilant watch for marine mammals and sea turtles and slow down or stop their vessel to avoid striking protected species.
2. When whales are sighted, maintain a distance of 100 yards (91 meters) or greater from the whale. If the whale is believed to be a North Atlantic right whale, vessel

personnel should maintain a minimum distance of 500 yards (460 meters) from the animal (50 CFR 224.103).

3. When sea turtles or small cetaceans are sighted, attempt to maintain a distance of 50 yards (45 meters) or greater whenever possible.
4. When cetaceans are sighted while a vessel is underway, attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until the cetacean has left the area.
5. Reduce vessel speed to 10 knots or less when mother/calf pairs, pods, or large assemblages of cetaceans are observed near an underway vessel when safety permits. A single cetacean at the surface may indicate the presence of submerged animals in the vicinity of the vessel; therefore, precautionary measures should always be exercised.
6. Whales may surface in unpredictable locations or approach slowly moving vessels. When vessel personnel sight animals in the vessel's path or in close proximity to a moving vessel, reduce speed and shift the engine to neutral. Do not engage the engines until the animals are clear of the area.

Injured/Dead Protected Species Reporting

Vessel personnel must report sightings of any injured or dead protected species (marine mammals and sea turtles) immediately, regardless of whether the injury or death is caused by your vessel. Report marine mammals to the NMFS Southeast Marine Mammal Stranding Hotline at 1-877-433-8299 (<http://www.nmfs.noaa.gov/pr/health/report.htm#southeast>) and sea turtles to the State Coordinators for the Sea Turtle Stranding and Salvage Network (STSSN) at http://www.sefsc.noaa.gov/species/turtles/stranding_coordinators.htm (phone numbers vary by state). Any injured or dead protected species should also be reported to takereport.nmfsser@noaa.gov. In addition, if the injury or death was caused by a collision with your vessel, you must notify BSEE within 24 hours of the strike by email to protectedspecies@bsee.gov. The report should include the date and location (latitude/longitude) of the strike, the name of the vessel involved, and the species identification or a description of the animal, if possible. If oil and gas industry activity is responsible for the injury or death, the responsible parties should remain available to assist the respective salvage and stranding network as needed.

Issuance of Notices to Lessees

BOEM issues NTLs as guidance documents in accordance with 30 CFR 550.103 to clarify and provide more detail about certain BOEM regulatory requirements and to outline the information to be provided in various submittals. Under that authority, this NTL sets forth a policy on, and an interpretation of, regulatory requirements to provide a clear and consistent approach for complying with those requirements.

Paperwork Reduction Act of 1995 (PRA) Statement

The PRA (44 U.S.C. Chapter 35) requires us to inform you that we collect the information described in this NTL to ensure that you conduct operations in a manner that will not jeopardize threatened or endangered species. In addition, this NTL refers to information collection

requirements under 30 CFR 550 Subpart B. We protect all proprietary information submitted according to the Freedom of Information Act (5 U.S.C. 552), 30 CFR 550.197, and 30 CFR 250.197. An agency may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) Control Number. The OMB has approved the information collection requirements in this NTL and associated regulations and assigned OMB Control Number 1010-0151. Direct any comments regarding any aspect of this collection of information to the Information Collection Clearance Officer, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, VA 20166.

Contact

Any questions to BOEM regarding this NTL should be submitted in writing to:
protectedspecies@boem.gov.

Submissions of sightings and other reporting to BSEE under this NTL should be made to:
protectedspecies@bsee.gov.

Michael A. Celata
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Bureau of Ocean Energy Management
Department of Interior Regions 1, 2, 4 and 6