

Center for Regulatory Effectiveness

1601 Connecticut Avenue NW

Suite 500

Washington, DC 20009

Tel: (202) 265-2383 Fax: (202) 939-6969

contact@TheCRE.com www.TheCRE.com

October 30, 2016

Dr. Jill Lewandowski
Chief
Division of Environmental Assessment
Office of Environmental Programs
Bureau of Ocean Energy Management
45600 Woodland Road
VAM-OEP
Sterling, VA 2016

RE: Administrative Record for Models in BOEM's Draft Programmatic Environmental Impact Statement for Gulf of Mexico Geological and Geophysical Surveys ("DPEIS"), Appendix D, <http://www.boem.gov/BOEM-EIS-2016-049-v2/>

Dear Dr. Lewandowski,

You are listed as the contact person for questions about the DPEIS. Consequently, on behalf of the Center for Regulatory Effectiveness ("CRE") I am asking you the following questions regarding the administrative record for the models identified and/or discussed in Appendix D of the DPEIS.

Is the "Literature Cited" in Appendix D, pages D-2005 through D-220, the entire administrative record for BOEM's use and reliance on the Appendix D models? If not, then where is the rest of the administrative record for these models. By way of example and without exclusion, we would appreciate your informing us of the whereabouts of the record:

A Demonstrating validation and verification of the Appendix D models for BOEM's use in the DPEIS;

B Demonstrating reproducibility of the Appendix D Models results;

C Demonstrating that the Appendix Model D results are consistent with field data;

D Providing the raw data used in and other detailed information about the model runs that produced the Appendix D Model results;

E Making publicly available the codes and all other information necessary for the public to try to reproduce the Appendix D Models results;

F Making publicly available all reports and information relating to the Appendix D Model runs and results;

G Demonstrating that BOEM's intended use of the Appendix D Models is superior for BOEM's purposes than using the Line Transect Method for estimating takes, exposures, and/or effects (see, *e.g.*, page 26 and Table 6.1, page 28, at http://www.nmfs.noaa.gov/pr/pdfs/permits/mms_gulfofmexico2004.pdf, for BOEM's use of Line Transect);

H Demonstrating peer review of the Appendix D models, and providing public access to the records of that peer review, in accordance with OMB's Peer Review Bulletin, which is available at <https://www.whitehouse.gov/sites/default/files/omb/assets/omb/memoranda/fy2005/m05-03.pdf>; and

I Demonstrating BOEM's compliance with the pre-dissemination review and other requirements of the Information Quality Act and Guidelines.

BOEM uses and relies on the Appendix D Models extensively throughout the DPEIS.

CRE and the remainder of the public needs the information requested above in order to adequately comment on the DPEIS. The information requested above must be in the public administrative record if BOEM and/or other agencies such as NMFS intend to use or rely on the Appendix D models.

The current comment deadline is November 29, 2016, and BOEM has indicated that it will not extend the comment deadline. Consequently, CRE requests that you or some other appropriate BOEM representative provide the information requested above in time for CRE and the public to consider and respond in their comments on the DPEIS.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jim J. Tozzi". The signature is stylized with a large, sweeping initial "J" and "T".

Jim J. Tozzi
Member, CRE Board of Directors
www.theCRE.com

cc: CRE Interactive Public Docket