

Center for Regulatory Effectiveness' ("CRE") Comments on Taking Marine Mammals Incidental to Geophysical Surveys in the Atlantic Ocean, 82 FR 26244 (June 6, 2017), <https://www.gpo.gov/fdsys/pkg/FR-2017-06-06/pdf/2017-11542.pdf> .

Comments filed with Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, electronically at ITP.Laws@noaa.gov, on July 5, 2017.

CRE commends the Federal Government for opening up parts of the Atlantic for oil and gas exploration. We also commend the National Marine Fisheries Service ("NMFS") for proposing to issue Incidental Harassment Authorizations ("IHA") for the seismic exploration that is necessary to locate Atlantic oil and gas deposits. CRE also commends and supports other aspects of these proposed IHAs, including the following

NMFS proposes a 500 meter exclusion zone as a mitigation measure. CRE agrees that this is an appropriate standard.¹ It has been used for decades in the Gulf of Mexico with no evidence of environmental harm from vessels complying with the 500 meter exclusion zone.

CRE also agrees with NMFS' proposed compliance with the MMPA's "small numbers" requirement "through comparison of the estimated number of individuals expected to be taken to an estimation of the relevant species or stock size."²

CRE also agrees with NMFS that the determination of "small numbers" should always take "into consideration the implementation of the proposed monitoring and mitigation measures."³

CRE also agrees with NMFS that Passive Acoustic Monitoring should be required.⁴

¹ 82 FR 26244, 26252 (June 6, 2017), at <https://www.gpo.gov/fdsys/pkg/FR-2017-06-06/pdf/2017-11542.pdf> .

² 82 FR 26244, 26295 (June 6, 2017), at <https://www.gpo.gov/fdsys/pkg/FR-2017-06-06/pdf/2017-11542.pdf> .

³ 82 FR 26244, 26307 (June 6, 2017), at <https://www.gpo.gov/fdsys/pkg/FR-2017-06-06/pdf/2017-11542.pdf> .

CRE does not agree with NMFS' proposed use of its new Acoustic Guidance.⁵ CRE's recently filed comments on other NMFS' IHAs explained why NMFS should not use the Acoustic Guidance.⁶ Those already filed comments are incorporated by reference and will not be repeated here. However, CRE will address the Acoustic Guidance issue in CRE's comments to be filed on or before July 17, 2017, on the Acoustic Guidance's compliance with Executive Order 13795.⁷

We thank you for this opportunity to comment.

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⁴ 82 FR 26244, 26313 (June 6, 2017), at <https://www.gpo.gov/fdsys/pkg/FR-2017-06-06/pdf/2017-11542.pdf> .

⁵ 82 FR 26244, 26253 (June 6, 2017), at <https://www.gpo.gov/fdsys/pkg/FR-2017-06-06/pdf/2017-11542.pdf> (NMFS refers to this as " NMFS's new technical acoustic guidance).

⁶ See CRE's filed comments at <http://www.thecre.com/forum13/?p=4561> ; and at <http://www.thecre.com/forum13/?p=4463> .

⁷ See <http://www.thecre.com/forum13/?p=4634> for a discussion of NMFS' request for these July 17 comments.