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On January 19, the House Subcommittee on Energy and Mineral Resources held an oversight hearing to identify and examine regulatory obstacles to offshore geological and geophysical resource surveying on the U.S. Outer Continental Shelf (OCS). Congress is seeking compromises within the regulatory framework that would allow the U.S. to understand our offshore resource potential and ensure national energy security, while also minimizing the negative effects of anthropogenic noise in the marine environment.

The hearing was held in response to a December 2017 Government Accountability Office (GAO) report requested by House Natural Resources Committee Chairman Rob Bishop (R-UT-1). Entitled “Offshore Seismic Surveys: Additional Guidance Needed to Help Ensure Timely Reviews,” the report details the permitting process for seismic research and identifies instances of inefficiency and inconsistency in meeting federal internal control standards. Entities seeking to conduct seismic surveys to identify oil, gas, and other mineral resources in the OCS must obtain a permit from Interior’s Bureau of Ocean Energy Management (BOEM) – the federal agency responsible for the oversight of most offshore oil and gas leasing and exploration activities. Given the possibility that seismic surveys may disturb or injure marine mammals, entities may also need to request an incidental take authorization from the National Marine Fisheries Service (NMFS) or the U.S. Fish and Wildlife Service (FWS), although this is not necessarily required. During the hearing, GAO Acting Director Jon Ludwigson testified about the report findings, which recommended that BOEM, NMFS, and FWS should analyze their time frames for reviewing applications and develop guidance that clarifies how and when staff should record that an application has been determined adequate and complete.

Ryan Steen, a partner in the law firm of Stoel Rives, highlighted the need for modernizing the Marine Mammal Protection Act (MMPA), which prohibits the “taking” of marine mammals in U.S. waters unless authorized by NMFS or FWS, depending on the species which might be affected. According to Mr. Steen, MMPA authorizations are often the primary cause of administrative delay in the offshore seismic survey permitting process. Also on the witness panel, BOEM’s Acting Director Walter Cruickshank explained that seismic surveys “support BOEM’s mission to ensure the responsible development of conventional and renewable offshore energy and marine mineral resources while protecting the environment.” Dr. Cruickshank mentioned some of the different uses of seismic data, such as identifying critical minerals and sand and gravel resources, while clarifying that this involves a different type of seismic activity than what is used for oil and gas exploration, which requires much deeper penetration to look at the geology thousands of feet below the seabed. South Carolina State Senator Tom Davis cited the potential negative impacts of seismic testing to the environment and to the local economy of coastal regions.

In response to questions from Representative Alan Lowenthal (D-CA-47) about Secretary of the Interior Ryan Zinke’s recent OCS leasing plans and subsequent decision to exclude Florida’s offshore areas from exploration, Dr. Cruickshank assured the subcommittee that BOEM will proceed with a complete analysis of all the areas in the Draft Proposed Program for OCS leasing in 2019-2024, including those areas off the coast of Florida that Secretary Zinke informally announced on January 9 would be taken off the table. Representative Don Beyer (D-VA-8) then introduced for the record a letter to Secretary Zinke signed by more than 150 members of Congress that requests the removal of all the lease sales scheduled for the Atlantic, Arctic, and Pacific Oceans, and the Eastern Gulf of Mexico planning areas. Following suit, Representative Jared Huffman (D-CA-2) brought up that he also led a letter with 36 members of the California delegation asking for California’s shoreline to be exempt from the 2019-2024 National OCS Leasing Program.

Sources: Bureau of Land Management; Government Accountability Office; National Oceanic and Atmospheric Administration; U.S. House Committee on Natural Resources
