



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

August 25, 2014

Mr. Paul Scholz, Acting Director
NOAA Office of Ocean and Coastal Resource Management
NOAA National Ocean Service
1305 East West Hwy., Room 11321
Silver Spring, Maryland 20910-3281

Re: Unlisted Activity Review request – BOEM permits for Mid- and South-Atlantic Geological and Geophysical Survey activities

Dear Mr. Scholz:

The SC Department of Health and Environmental Control's Division of Ocean and Coastal Resource Management (SCDHEC) has received notice of the nine applications submitted to the Bureau of Ocean Energy Management (BOEM) to conduct survey activities on the Atlantic Outer Continental Shelf (OCS). As South Carolina's coastal management agency, SCDHEC is responsible for ensuring consistency with our state's federally approved coastal management program.

In accordance with 15 CFR 930.54(c), SCDHEC is requesting NOAA approval to review seven of the nine permit applications for consistency with the enforceable policies contained within the South Carolina Coastal Zone Management Program (SCCZMP) for Geological and Geophysical (G&G) surveys in Federal waters off the coast of South Carolina and asserts that there are reasonably foreseeable coastal effects from the proposed activities to South Carolina's coastal resources and uses.

The permit applications received by BOEM that we request to review are:

CGG Services - E14-005,
GX Technology Corporation- E14-003
Seabird Exploration – E14-002
Spectrum Geo - E14-006
Spectrum Geo - E14-009
TGS – E14-001
WesternGeCo LLC – E14-004

We do not request review of the following permit applications as it is our position there will be no direct coastal effects on State resources given the ARCeX survey operation will be airborne only and the PGS survey will be conducted primarily offshore of North Carolina and Virginia:

ARCeX Limited - E14-008
PGS - E14-007

When making your decision regarding SCDHEC's request to review these applications, we request the following analysis be taken into consideration as it relates to questions and concerns regarding the seven permit applications or information believed to be overlooked in the Programmatic Environmental Impact Statement (PEIS).

Foreseeable Effects on Coastal Resources and Uses of the State

Nesting Sea Turtles

Though the PEIS is a very detailed and comprehensive document, our primary concern relates to the lack of a time-area closure for nesting sea turtles similar to that of the Northern Atlantic Right Whale (NARW) with respect to imminent acoustic sound sources. Section 4 of the PEIS entitled "Description of the Affected Resources and Impacts Analysis," (pages 212-217) and the section relating to "Alternative B – The Proposed Action with Additional Mitigation" (pages 433-480) describes the time-area exclusion for the NARW consisting of 20 nautical miles and limiting activities to the November – April timeframe with actual dates varying on location along the eastern seaboard. In contrast, there is no mention of a time-area closure for nesting sea turtles for South Carolina similar to that of Brevard County, Florida. As documented in the PEIS, nesting sites in Charleston County, S.C., estimated at approximately 2000, are considered a high density area. It seems problematic from a resource management perspective that these sites do not warrant a similar mitigation measure afforded to Brevard County, FL. Cumulative activities that may affect sea turtles include increased anthropogenic noise in the ocean associated with all aspects of survey operations. The PEIS states increased noise levels could impact nesting success and the relative sex ratios of hatchlings and can cause auditory injury. SCDHEC considers potential impacts from active acoustic sound sources to nesting sea turtles along the coast of South Carolina to be a foreseeable coastal effect and request review of each permit to ensure effects are minimized.

The PEIS unfortunately discounts NOAA, National Marine Fisheries Service's (NMFS) proposed and final Critical Habitat designation rule for the loggerhead sea turtle within the Northwest Atlantic Ocean Distinct Population Segment (DPS). Though the designation rule was initially proposed at the time of Draft and Final PEIS development, it was finalized on August 11, 2014 and was therefore omitted in the PEIS. The level of importance placed on the designation and the fact that this information was not considered in the PEIS supports our position of reasonably foreseeable coastal effects and our request for review of these applications. As background, the issues surrounding the lack of critical habitat designations has been understood since the late 1970's and NOAA NMFS was charged in developing the rule for multiple DPSs, one of which is the Northwest Atlantic Ocean DPS. Within the Northwest Atlantic DPS, NMFS has designated thirty six (36) marine areas as critical habitat. Each of these areas consists of multiple or a combination of habitat types, but the most important habitat to consider with regard to the G&G surveys is constricted migratory corridors in Federal waters. NMFS also received special management considerations for foraging habitat in two large areas that contain *Sargassum* habitat, which presumably is located in the same areas as the pending G&G survey activities.

Commercial and Recreational Fisheries

SCDHEC maintains that commercial and recreational fisheries will have foreseeable coastal effects due to seismic activities occurring in areas of Essential Fish Habitat/Habitat Areas of Particular Concern (EFH-HAPCs) as designated by South Atlantic Fisheries Management Council (SAFMC), specifically related to the Charleston Bump Complex. This area located 80 to 100 miles southeast of Charleston, South Carolina contains unique geological features that serve as spawning areas for many commercially and recreationally important species like fishes of the Snapper-Grouper Complex and wreckfish (*Polyprion americanus*). The PEIS documents that Charleston Bump "areas containing the highest relief are the only documented spawning locations for wreckfish" (PEIS pg 4-15). Although wreckfish are found all along the East Coast, most of the commercial fishery operates over the Charleston Bump (SAFMC).

Wreckfish, Snapper-Grouper Complex and other species associated with the Charleston Bump are heavily managed by the SAFMC which institutes annual catch limits, season closures, commercial quotas, and prohibitions on harvesting and sales to maintain healthy stocks. Commercial and recreational fishermen are already impacted by these federal regulations. Any additional impacts to these fishery resources that may affect spawning, foraging or other behavioral responses as summarized in the PEIS would pose greater economic impacts to fishery industries of this state and therefore qualify as foreseeable coastal effects. The PEIS recognizes that EFH-HAPCs, specifically the Charleston Bump Complex, are areas that should be avoided and would require additional review (PEIS pg 2-7). Similarly, South Carolina requests review of the permit applications to ensure activities conducted in these areas are consistent with the enforceable policies of the state.

Archaeological and Cultural Resources

The PEIS also states effects to archaeological resources, including shipwrecks, could occur though effects would be negligible and will be avoided by requiring site specific information prior to permit approval. However we assert the lack of this information does not support that argument. Data contained in the PEIS states there are 7,900 wrecks located in the Federal portion of the Atlantic OCS that borders the seven coastal states, including South Carolina, and the locations generally correlate to approaches to port or established trade navigation routes. Though sites have been catalogued and sparingly investigated, they have not been individually surveyed. We assert that requiring this information as a permit condition at a later date is insufficient.

Effects from Location and Timing related to current Permit Applications

In reviewing the information provided to this Agency, the permit applications lack detailed information depicting the exact location and timing of surveys. SCDHEC maintains that the permit activities will have foreseeable coastal effects as documented above. However, the extent of these effects cannot fully be determined without specific information on the location and timing of the surveys. Simply listing a start date is not sufficient. A specific schedule would provide opportunities to avoid and minimize coastal effects to commercial and recreational fisheries, endangered species spawning and migration, archaeological resources, and recreational boating and shipping. If SCDHEC and other States are not approved to review the applications, these factors will likely remain unknown.

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In addition, the permit applications are lacking specific geographic designations. Graphics depicting the South Atlantic Region are not sufficient in determining specific location where the surveys will be conducted. Several of the graphics do not rise to the level of a map, which in their simplest form depicts locations of places and activities. In all instances, a revised map at an appropriate scale focusing on offshore areas of South Carolina where survey activities will take place should be submitted to determine the extent of the coastal effects that have been identified. Specifically, SCHEC is concerned about spillover effects or impacts to the state's coastal resources from survey activities that appear to occur in close proximity to state waters and the three mile limit.

Finally, the applications should also have contained a discussion of potential BOEM permit requirements in adherence to that Agency's laws and regulations and any other applicable regulatory requirements and they did not include an analysis of the proposed project's consistency with the specific enforceable provisions contained within the Federal Coastal Zone Management Act accompanied by a signed consistency certification as required by 15 C.F.R. Part 930.57.

In summary, SCDHEC has determined that there are foreseeable effects to South Carolina's coastal resources and uses from the proposed G&G survey activities and request a review of the permit applications referenced above. South Carolina is a maritime state where fisheries, navigation, and working waterfront communities have always been important both economically and culturally. State ports contribute nearly \$45 billion in economic activity each year (SC State Ports Authority, 2011). Marine fisheries provide over a billion dollars in economic value to the state (SCDNR, 2010) Coastal tourism is responsible for approximately half of a \$17 billion tourism industry in South Carolina (Travel Industry Association, 2006). And a recent study has indicated that the impact of outdoor recreation from coastal tourism is approximately \$7.046 billion (Woodward, 2009). It is essential for South Carolina to conduct a comprehensive CZMA consistency review to determine the extent of the foreseeable coastal effects from these proposed activities and ensure these activities are consistent with the state's enforceable coastal policies.

SCDHEC understands from 15 CFR 930.54(c) that the sole basis for approval or disapproval of this request relates to "whether the proposed activity's coastal effects are reasonably foreseeable." SCDHEC believes that the information provided within this request satisfies this criterion and we look forward to your approval of our request. In the meantime, supplemental information will be provided during NOAA OCRM's review timeframe to support our request for review. Please contact me at the addresses below should you have any questions.

Sincerely,



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