



Thursday, February 27, 2020

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RE: Consultation on SNCB underwater noise guidance for harbour porpoise SACs

To whom it may concern,

On behalf of our Members, the IAGC would like to thank you for the opportunity to provide comments on the present consultation on SNCB underwater noise guidance for harbor porpoise SACs. The IAGC has been engaged with the process since July 2019, having previously submitted comments to DEFRA, which we append to this letter for reference.

General Comments

The basis of the guidance being the untested model detailed within the paper by Tougaard et al., 2013 is concerning. The premise that activities will lead to permanent habitat loss is not the case for temporary and transitory activities such as seismic surveys. The paper is focused on pile-driving activities, which are stated as occurring within the same place for long periods, potentially having a very different effect on the local environment when compared to geophysical survey activities of different types. Even then, the potential impacts are noted as being minor and unlikely to result in 'significant disturbance'. In considering our response, IAGC has worked with Oil and Gas UK (OGUK), who have also been involved with the consultation process since late 2019. We support many of the comments highlighted within their separately provided response, and in particular wish to highlight some of the points made within the 2013 paper by Tougaard et al.

The analysis by the expert panel in Tougaard et al 2013 concluded that:

- *“That the proposed level of activity may, based on our analyses and specified assumptions, have small but measurable population-level effects on harbour porpoise. However, the magnitude of these potential changes are almost certainly less significant than those related to other human and natural factors and are unlikely to affect the long-term viability of this species in the North Sea.*
- *These are unlikely to threaten the long-term conservation status of this species*

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- *In other words, while animals may be temporarily redistributed in space in ways that may affect their individual vital rates and even trends in local population numbers and trends for short periods, the proposed activities are unlikely to have long-term population impacts across the broad areas of the North Sea*

The authors also acknowledge that “*despite historical levels of noise [seismic surveys and UXO], the cetacean survey data collected over the last two decades showed the SACs to sustain higher persistent densities of harbour porpoise than other areas, suggesting that animals may cope with a certain level of disturbance whilst still favouring those areas*”.

Specific comments

We would like to highlight a number of concerns with the guidance, focusing as requested on the relevance and validity of the evidence base;

Page 2, Paragraph 4, 5th Sentence – we query the focus on frequencies between 10 Hz and 10 kHz as being the range most likely to result in disturbance. The functional hearing range of harbour porpoises stretches from >10kHz to ~160 kHz and the most sensitive range to over 100 kHz. We wish to highlight work undertaken by Kastelein in this respect as being more appropriate than the monitoring guidance referenced at present¹. The consequence of the present range will be to exclude sources likely to cause disturbance and include some that are unlikely to have any effect. The hearing sensitivity of harbor porpoises diminishes greatly below 10 kHz, so sounds of lower frequencies down to 10 Hz are very unlikely to elicit any response.

Page 3, Initial Highlight Box – IAGC fundamentally disagrees with the application of the percentage area approach for temporary and transitory sound sources, and in particular for the 10% seasonal threshold. The percentage thresholds are acknowledged as having stemmed from ASCOBANS conservation objectives for populations relating to the maintenance/recovery of >80% carrying capacity in the long term, based on the threat of bycatch. This is noted as being a precautionary approach, and we query the scientific basis of applying the reciprocal percentage as being representative of true habitat loss.

Page 6, Paragraph 5, 1st Sentence – the Effective Deterrent Radius (EDR) for seismic surveys is noted as being 10km, and as being based on the observations from a single study, which we do not believe to be reasonable. The majority of the output from a seismic source array is at a frequencies well below the harbour porpoise hearing threshold and therefore there is a need to weight hearing threshold accordingly. While reference is made to a potential need for an increased EDR for 3D seismic surveys due to increased array size, we do not anticipate this being required. The study in question did not note broad scale displacement, suggesting that habitat exclusion is not occurring, but rather short-term changes in acoustic behavior.

Page 9, Paragraph 1, 4th Sentence – as previously commented, IAGC feels that the application of the current seismic survey EDR of 10km along the entirety of the portion of a survey line, or series of lines that may be acquired in one day in the form of a buffer is inappropriate. As the seismic source is transient, any potential effect is also transient, and cannot be considered as having affected an area such as the example provided in any given 24 hour period.

¹ E.g. Kastelein et al., 2015. Hearing thresholds of a harbour porpoise (*Phocoena phocoena*) for narrow-bandsweeps. J. Acoust. Soc. Am. 138 (4) 2508-2512

There is no empirical evidence to suggest that any short-term displacement of harbor porpoises would last 24 hours, nor any evidence to support the 10 km EDR, and therefore no justification for this approach.

Implementation

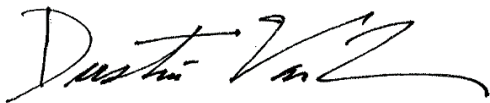
Understanding that this consultation is focused on the evidence base, the IAGC also wishes to highlight again the concerns regarding implementation of the proposed guidance. There are a number of significant practical limitations. Principally among these is the scheduling of 'competing' activities, where it is likely that the commencement of one activity may exclude others at any given time. We believe that it likely represents a competitive problem, both at a local level, and in terms of various anti-trust laws, by which seismic companies engaged in activities on the UKCS remain bound to their nation of incorporation. Activities that may be scheduled, such as seismic surveys, site surveys, construction piling and ordnance removal all have very different planning horizons which will be extremely hard to coordinate. It is understood from previous discussions that BEIS are developing a scheduling tool to aid the process, and IAGC looks forward to understanding more about this process and engaging further.

We have previously raised concerns about the scheduling of activities during non-optimal seasons, which is an ongoing concern. Surveys conducted outside of favorable weather conditions are more costly, often result in greater levels of noise in the environment, and increase the risk of health, safety and environmental incidents. Compounded by additional scheduling windows being imposed, this may risk activities not taking place at all, which would do significant harm to the business confidence in those parts of the UKCS affected.

Summary

We would like to thank OPRED again for the opportunity of providing comments. Noting the concerns not just about the evidence base relating to the methodology proposed, but also on the practical implementation of this guidance, we hope that the SNCBs will reconsider application of the guidance as it stands. We look forward to remaining engaged with the process, and to discussing the guidance or alternatives in the future.

Sincerely,



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