

**UNITED STATES DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE
GULF OF MEXICO OCS REGION**

NTL No. 2001-G08

Effective Date: October 9, 2001

NOTICE TO LESSEES AND OPERATORS OF FEDERAL OIL, GAS,
AND SULPHUR LEASES AND PIPELINE RIGHT-OF-WAY HOLDERS
IN THE OUTER CONTINENTAL SHELF, GULF OF MEXICO OCS REGION

Structure Removal Applications

This Notice to Lessees and Operators (NTL) supersedes NTL 99-G21, "Platform Removal Applications," dated September 13, 1999; and NTL 99-G08, "Removing Underwater Casing Stubs," dated May 10, 1999. It changes current policy regarding the explosive removal of well casings and casing stubs, provides information on Federal requirements for protecting endangered and threatened species and marine mammals, adds and modifies information to be included in structure removal method applications, and makes minor technical amendments.

Background

According to 30 CFR 250.913(a), you must obtain approval from the Minerals Management Service (MMS), Gulf of Mexico OCS Region (GOMR) of the methods you will use to remove all OCS structures in the Gulf of Mexico. These structures include well casings and casing stubs, production platforms, well jackets, single-well caissons, and pipeline accessory platforms. You must obtain this approval before you may proceed with removal operations. For the removal of casings and casing stubs using explosives, this approval is in addition to the approval you must obtain from the appropriate MMS District Office to abandon a well (using Form MMS-124) under 30 CFR 250.701. The appropriate MMS District Office will approve the method for the removal of casings and casing stubs without explosives when they approve the well abandonment.

Structure Removals Using Explosives

The use of explosives to remove OCS structures in the Gulf of Mexico could have an adverse impact on endangered and threatened species and marine mammals. Some marine mammals and all sea turtles are listed under the Endangered Species Act (ESA), and all marine mammals are protected under the Marine Mammal Protection Act (MMPA). Depending on the strength of the blast and its proximity to the animals, the explosions have the potential to severely injure or even kill sea turtles and marine mammals.

In compliance with Section 7 of the ESA, the MMS and the National Marine Fisheries Service (NMFS) have formally consulted on measures to protect endangered sea turtles and marine mammals, and to allow a small number of "takes" of sea turtles incidental to explosive removal operations. These "takes" are authorized only for explosive removal operations that comply with the

criteria specified in the NMFS Biological Opinion (BO) for this consultation (commonly called the “generic consultation”), issued on July 25, 1988. These criteria include:

- (1) Using high velocity explosives, those with detonation rates greater than 7,600 meters per second;
- (2) Using a maximum of eight individual blasts per group of detonations;
- (3) Providing an interval of 0.9 seconds (900 milliseconds) between individual blasts;
- (4) Setting the charges a minimum depth of 15 feet below the sediment surface; and
- (5) Limiting the maximum amount of explosives per detonation to 50 pounds.

In the context of the Incidental Take Statement included in the BO for this “generic consultation,” a “take” means harassment, injury, or death of a sea turtle. A copy of this 1988 NMFS BO is on the MMS Internet website at <http://www.gomr.mms.gov/homepg/regulate/environ/generic-consultation.pdf>.

Monitoring and Reporting

When you remove a structure using explosives under the “generic consultation,” the NMFS requires you to monitor for the presence of sea turtles or marine mammals and to conduct explosive operations in a manner that will minimize the likelihood of harm to sea turtles and marine mammals. The NMFS has established specific measures in the Incidental Take Statement included in the BO and in expired 50 CFR 216.141 et seq. that you must follow to protect sea turtles and marine mammals. These measures are:

- (1) Using qualified, NMFS-approved observers to monitor the site before, during, and after the detonation of charges and conducting diver surveys if observed sea turtles are thought to be resident at the site;
- (2) Conducting aerial surveys before and after each blast episode;
- (3) Delaying detonations until observed sea turtles and/or marine mammals are more than 1,000 yards from the site;
- (4) Limiting blasts to daylight hours (between one hour after sunrise and one hour before sunset);
- (5) Instructing all divers who dive during the course of removal operations to scan the subsurface areas around the removal site for the presence/absence of sea turtles and marine mammals;
- (6) Staggering the blasts to minimize cumulative effects;
- (7) Avoiding the use of scare charges;

- (8) Conducting a post-detonation survey; and
- (9) Submitting a post-removal report.

Endangered Species Act Section 7 Consultation

The MMS must initiate a *new* ESA Section 7 consultation with the NMFS for the following types of explosive structure removal method applications:

- (1) An application proposing an explosive structure removal operation that does not comply with the criteria and terms and conditions of the ESA Section 7 “generic consultation” noted above.
- (2) An application proposing an explosive removal operation in water depths 200 meters (656 feet) or greater. The GOMR has determined that explosive removals in these areas “may affect” sperm whales, an endangered species.

The formal ESA Section 7 consultation process requires that the MMS and the NMFS evaluate the proposed activity and the potential impact(s) on the listed species, on the basis of the best scientific information available. Following review and consideration of the consultation and any measures proposed to mitigate the impacts, the NMFS issues a BO. The NMFS BO includes a determination of whether the action is likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of critical habitat. If the BO results in a jeopardy determination, the NMFS must include reasonable and prudent alternatives to the proposed action, if any. The BO may include mitigation measures that are mandatory. The BO may also include conservation measures which, if implemented, would mitigate impacts to listed species. Implementation of conservation measures are subject to Agency discretion. The consultation process typically takes three to six months to complete.

“Takes” and Penalties

Regulations promulgated by the NMFS under the MMPA that formerly provided for a small number of harassment “takes” of coastal dolphins (Subpart M; 50 CFR 216.141 et seq.) have expired, and you are advised that any “take” of any species of marine mammal is a violation of the MMPA. In the broader context, “take” means to harass, harm, injure or kill any marine mammal. Additionally, any “take” of an endangered marine mammal, such as the sperm whale, is a violation of the ESA.

Penalties for a "take" are authorized by both the MMPA and the ESA. Under the MMPA, violators may be assessed a civil penalty of as much as \$10,000 per violation. Each "take" is a separate violation. Persons who knowingly violate the MMPA may be assessed as much as \$20,000 per violation, or as much as a year in prison, or both (16 U.S.C. 1375). Under the ESA, a person who knowingly violates the provisions of the statute, regulations, or permit may be assessed a civil penalty of as much as \$25,000 per violation or may be prosecuted as a criminal and fined as much as \$50,000, or imprisoned for as long as a year, or both (16 U.S.C. 1540). The ESA also authorizes citizen suits against alleged violators or against the Federal government to enforce ESA requirements.

Contents of Structure Removal Method Applications

The MMS must have sufficient information to consider the nature of each explosive structure removal, determine the potential impacts to the threatened or endangered species, and develop mitigating measures to protect threatened or endangered species and marine mammals. To facilitate the review of your structure removal method application by the GOMR and ensure compliance with ESA requirements, provide the applicable information listed below with each application:

- 1) Responsible Party
 - a) Lease operator or pipeline right-of-way holder.
 - b) Address.
 - c) Contact person and telephone number.
 - d) Shore base.

- 2) Structure Information
 - a) Platform name/MMS complex ID number or well number.
 - b) Location plat (lease, area, block, block coordinates, and pipelines).
 - c) Year installed or drilled.
 - d) Proposed date of removal (month/year).
 - e) Water depth.

- 3) Structure Description
 - a) Diameter and wall thickness of well casings and stubs
 - b) Platforms, well jackets, and single-well caissons
 - i) Configuration (a photograph or a drawing, including both front and side views).
 - ii) Size.
 - iii) Number of legs/wells/pilings.
 - iv) Diameter and wall thickness of legs/casings/pilings at 15 feet below the mudline.
 - v) Are piles grouted? Inside or outside?
 - vi) Brief description of soil composition and condition.

- 4) Purpose
 - a) Lease expiration date.
 - b) Reason for removing the structure.

- 5) Removal Method
 - a) Brief description of the method you will use.
 - b) If you will use an anchored barge, a barge anchor plat or maximum radius of anchors. (The GOMR will use this information to ensure avoidance of areas of biological or archaeological concern.)

- 6) Explosives Information.
 - a) If you will use explosives:
 - i) Kind of explosives.
 - ii) Number and sizes of charges.
 - (1) Single shot or multiple shots?
 - (2) If multiple shots, sequence and timing of detonations.

- iii) Bulk or shaped charge?
 - (1) Depth of detonation below mudline.
 - (2) Inside or outside pilings/casings.
 - iv) The reason you are proposing to use explosives and not some other method.
- b) If your proposed explosive removal operation complies with the criteria specified in the 1988 NMFS Biological Opinion for the “generic consultation”:
- i) A description of any recent observations of sea turtles or marine mammals at the structure site. Include the species (if known) or size, appearance, distinguishing features or characteristics, numbers, frequency of observations, and bearing and distance from the structure.
 - ii) The results, if available, of any recent biological surveys conducted in the vicinity of the structure.
 - iii) A description of the pre- and post-detonation surveys (e.g., divers, remotely operated vehicles, acoustic devices) you will conduct to detect the presence of turtles and marine mammals.
 - (iv) If you will use transducers to measure the pressure and impulse of the detonations, a brief description of the transducers and how you will make these measurements.
- c) If your proposed explosive removal operation does *not* comply with the criteria specified in the NMFS 1988 Biological Opinion for the “generic consultation,” *or* it will be in water depths greater than 200 meters (656 feet):
- i) A description of any sightings of sea turtles or marine mammals in the vicinity of the structure during the past month that includes:
 - (1) The species, if known, or size, appearance, or other distinguishing characteristics of the animals you observed.
 - (2) The number of animals that were observed.
 - (3) The frequency of the observations.
 - (4) The approximate locations of where these animals were observed (bearing and distance from structure, etc.)
 - (5) Whether any sea turtles appear to reside in the vicinity of this structure.
 - ii) A description of the methods you will use to detect the presence or absence of sea turtles or marine mammals in the area and any methods you will use to remove them from the area when detected.
 - iii) A description of the methods you will use to monitor for a “take” of sea turtles or marine mammals following the explosive operations.
 - iv) A description of the methods you will use, if any, to monitor the physical aspects of the explosive operations (pressure, impulse, etc.)

Administrative

Submit three (3) copies of a structure removal method application proposing the use of explosives, including those to remove well casings and casing stubs, and two (2) copies of an application to remove a platform, well jacket, or single-well caisson without using explosives to:

Minerals Management Service, GOMR
Regional Supervisor, Field Operations

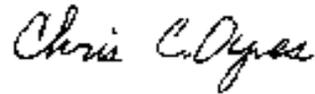
Office of Structural and Technical Support (MS 5210)
1201 Elmwood Park Boulevard
New Orleans, Louisiana 70123

Paperwork Reduction Act Statement

The information collection provisions referred to in this NTL are intended to provide clarification, description, or interpretation of requirements contained in regulations and statutes. The Office of Management and Budget (OMB) has approved the referenced information collection requirements and assigned the following pertinent OMB control numbers: 1010-0058 for 30 CFR 250, subpart I, regulations; 1010-0045 for form MMS-124; and 0648-0230 and 0648-0151 for NMFS reporting requirements relative to incidental takes. This NTL does not impose additional information collection requirements subject to the PRA.

Contact

If you have any questions on this NTL, you may contact Mr. Arvind Shah at (504) 736-2894.



Chris C. Oynes
Regional Director