
136 – Offshore Norge

Recommended guidelines for Coexistence with the fishing sector when conducting seismic surveys

Translated version

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1 PREFACE

These Offshore Norge guidelines have been prepared in cooperation with the Norwegian section of the International Association of Geophysical Contractors (IAGC). During their preparation, Offshore Norge has consulted the Ministry of Fisheries and Coastal Affairs, the Ministry of Petroleum and Energy, the Norwegian Petroleum Directorate, the Directorate of Fisheries, the Norwegian Institute of Marine Research, the Norwegian Fishermen's Association and the Norwegian Coastal Fishermen's Union. The guidelines have been recommended by the Offshore Norge action team for coexistence with the fishing sector and its committee for licensing policy. It has also been approved by the director general of Offshore Norge.

Members of the action team responsible for drawing up the guideline have been:

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These guidelines have been prepared with the broad-based participation of interested parties in the Norwegian petroleum industry, and they are owned by the Norwegian petroleum industry, represented by Offshore Norge. Offshore Norge is responsible for administration of these guidelines.

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2 PURPOSE

The purpose of these guidelines is to contribute to improved coexistence between the petroleum industry and the fishing sector by providing advice for operators when planning and executing seismic data acquisition.

The petroleum sector is Norway's largest industry, and pursues extensive operations in most areas of the Norwegian continental shelf (NCS), Norway also conducts extensive fisheries for a number of species. Such fishing occurs in all parts of the NCS. The Norwegian government and most Norwegians regard good coexistence with the fishing sector as a precondition for petroleum activities in Norway. That applies not least to seismic data acquisition, which is the activity with the greatest potential for conflict with fishing operations. The petroleum industry in Norway regards good coexistence with fishermen as part of its licence to operate. These guidelines contain a number of tips and proposals on how good coexistence can be achieved.

3 REFERENCES

Key documents which contribute to regulating coexistence between the two industries include:

- Offshore Norge guidelines 126: recommended guidelines for the involvement and participation of fishery liaisons in seismic surveys (in collaboration with the IAGC).
<http://www.norskoljeoggass.no/en/Publica/Guidelines/Seismic-and-well-data/126-Recommended-guidelines-for-the-involvement-and-participation-of-fishery-liaisons-in-seismic-surveys/>
- FOR 1997-06-27-653: regulations to the Act relating to petroleum activities (the petroleum regulations).
<http://www.npd.no/en/Regulations/Regulations/Petroleum-activities/>
- FOR 2001-06-18 no 749: the resource management regulations
http://www.npd.no/Global/Engelsk/5-Rules-and-regulations/NPD-regulations/Ressursforskriften_e.pdf
- FOR 2008-12-12 no 1357: regulations to the Act of 29 November 1996 no 72 relating to petroleum activities, chapter 8 on compensation to fishermen. In Norwegian only: <http://www.lovdato.no/cgi-wift/ldles?doc=/sf/sf/sf-20081212-1357.html>
- FOR 1975-12-01 no 05: regulations for preventing collisions at sea (rules of the road at sea). In Norwegian only: <http://www.lovdato.no/cgi-wift/ldles?doc=/sf/sf/sf-20081212-1357.html>
- LOV-2008-06-06-37: Marine Resources Act. In Norwegian only.
<http://www.lovdato.no/all/tl-20080606-037-0.html>

4 RELEVANT BODIES

Norwegian Petroleum Directorate

The NPD reports to the Ministry of Petroleum and Energy. Seismic surveys are subject to reporting to the NPD. Pursuant to the applicable regulations, a survey must be notified to the NPD in advance. The same applies to changes to survey plans and to completion of the work. The NPD ensures that the following bodies are consulted:

- Norwegian Directorate of Fisheries
- Norwegian Institute of Marine Research
- Norwegian armed forces.

The NPD is responsible for responding to the operator's application. This response contains the NPD's assessment as well as possible comments from the Directorate of Fisheries and the Institute of Marine Research.

Directorate of Fisheries

The Directorate of Fisheries reports to the Ministry of Fisheries and Coastal Affairs. It receives reports on seismic surveys via the NPD's notification system for such activities. The directorate assesses expected fishing activity during the planned survey period in the relevant area, the extent to which fisheries could be affected by the survey and whether the seismic survey ship should carry a fishery liaison.

Norwegian Institute of Marine Research

The Institute of Marine Research is a national advisory research institute owned by the Ministry of Fisheries and Coastal Affairs. It pursues research and consultancy related to marine ecosystems and aquaculture. The institute is a consultative body with regard to seismic surveys, and receives reports on these via the NPD's notification system for seismic surveys. It provides a resource biology assessment, covering such aspects as spawning, concentrated migration for spawning and fish stocks, for the planned survey period in the relevant area.

Norwegian Coast Guard

The Coast Guard is part of the Royal Norwegian Navy, and is responsible for monitoring and control of maritime activities in Norwegian waters, including fisheries and seismic surveys.

Norwegian Fishermen's Association

A nationwide interest organisation for fishermen. The association has seven regional branches and two group organisations, which in turn have a number of local branches.

Norwegian Fishing Vessel Owners Association

Interest and employers' association for the Norwegian deep sea fishing fleet. The organisation is affiliated with the Norwegian Fishermen's Association.

Norwegian Coastal Fishermen's Union

National interest organisation for coastal fishermen, with a number of local branches.

Pelagic Shipowners Association

A professional interest organisation for fishing vessel owners.

5 RECOMMENDED MEASURES IN THE EARLY PLANNING PHASE

The operator for the survey should study all relevant conditions affecting the planned work in detail as far in advance as possible, preferably the year before the survey and at the latest early in the same year. Important considerations at this stage include the following.

1. Establish an overview of all stakeholders.
2. Establish an overview of other survey work¹ planned in the same area at the relevant time.

The operator is urged to contact operators in nearby production licences to explore possible coordination benefits, in part to avoid coming into conflict with fishing activities.

3. Establish an overview of fishing activity and possible spawning or concentrated migration for spawning in the relevant area.

Making an early approach to the Directorate of Fisheries and the Institute of Marine Research with a map of the survey area (including turning areas) and the type of seismic data acquisition planned will be useful. The directorate can provide information on possible fishing activity at the relevant time. The Institute of Marine Research can provide information on spawning grounds and periods, and on concentrated migration for spawning.

It could also be appropriate to request a joint meeting with the directorate and the Institute of Marine Research as soon as plans for the survey have been laid. The directorate and the institute can provide information and “early” advice on periods when seismic data acquisition is inadvisable. Taking that into account is important when determining the timing of the survey.

4. Establish contact with the relevant fishing organisations.

Informing the Norwegian Fishermen’s Association about the planned survey is recommended. The association will be able to advise on how the specific operation should be handled in relation to fishing, and whether it would be appropriate to involve regional fishing associations.

It could also be relevant to inform the Norwegian Coastal Fishermen’s Union about activities in areas where the union organises a large number of fishermen.

¹ Work is under way at the moment (the autumn of 2012) to establish an annual contact meeting where seismic survey companies and operators can exchange information on planned activities.

5. Enhance awareness in its own organisation about conditions relating to seismic data acquisition in Norway.

Many oil companies and seismic survey firms have acquired much of their experience from other countries and sea areas. It is important that the whole organisation appreciates the expectations for coexistence with the fishing sector which prevail in Norway, both when seeking advice during planning and through involvement during the actual survey. Offshore Norge can provide advice on such awareness enhancement if required.

It is important that the relevant management also has a clear appreciation of the commercial consequences which could follow from halting a survey because of fishing activities.

6 RECOMMENDED MEASURES WHEN PLANNING THE OPERATION

Particular attention should be paid to the following considerations during the specific planning phase.

1. Take account of the principles in these guidelines when awarding a contract for the survey.
It is important that these principles are reflected both in the invitation to tender and in the contract. In areas with special restrictions or particularly extensive activities, the timetable for the survey must be clearly specified in the invitation to tender so that the contractor can take this into account in its bid. Great attention has been paid in some years to conflicts with trolling for mackerel in the North Sea during August-September. Adequate account must be taken of this fishery.
2. Report seismic surveys to the NPD in accordance with the applicable deadlines. At present, surveys must be notified five weeks before the planned start. Changes in survey periods often affect fishing plans, and are an important reason for coexistence problems. In the event of changes to the planned survey period or area, a change notification must be submitted at the earliest possible stage.
3. Assess the response from the NPD carefully.
Be sure to read all the appendices and comments. Take account of comments from the Directorate of Fisheries and the Institute of Marine Research. If these comments are extensive, consider meeting the relevant bodies for a clarification. By all means seek advice from Offshore Norge or operators with good experience of handling seismic survey/fishing challenges.
4. Establish an overview of contracts and guidelines for notification.
Ensure that information flows properly between all the parties (identified stakeholders internally and externally). The NPD must be notified in the event of conflicts with the fishing industry.
5. Plan for unforeseen incidents
Discuss possible scenarios, including the consequences of delays/halts. Enhance awareness and ensure good attitudes internally. Prepare notification of stakeholders. Include funds for standby time while waiting on fishing activity in the budget, and establish financial authorisation at operative level related to unforeseen incidents.

6. Engage a fishery liaison (expert)

A list of approved fishery liaisons is available on the NPD website. The liaison must be reported to the NPD in accordance with the applicable deadlines (at present five days before starting).

Enhance awareness in the operator's own organisation and at the contractor about the responsibility and role of the fishery liaison. This person will be the primary contact with fishermen during the operation. See the Offshore Norge/IAGC guideline on the involvement and participation of fishery liaisons on board the survey vessel during seismic surveys on the NCS. (Appendix 1 presents an extract from this guideline.)

Inform the fishery liaison in detail about conditions relating to the specific survey, notifications to the NPD, and communication with the Directorate of Fisheries and possible fishermen's associations.

It is recommended that everyone involved in the operation, including the fishery liaison and support vessel personnel, attend the mobilisation meeting. It is important to clarify the operator's attitude on coexistence with fishing activities.

7. Special measures

When seismic acquisition takes place in areas where fishing vessels operate in a cluster, typically for catching pelagic species such as mackerel or herring, consideration should be given to securing the assistance of independent fishery specialists in that part of the organisation responsible for the survey – by all means in cooperation with other operators in the area where relevant. The object is to obtain advice during the operation, while the specialist can maintain direct contact with fishermen in the area and with the fishery liaison on the survey vessel.

In such cases, the operator should establish a particularly close dialogue with representatives for the fishing industry, by all means in cooperation with other operators in the area.

7 RECOMMENDED MEASURES DURING SEISMIC DATA ACQUISITION

Efforts must be made to ensure that seismic data acquisition and fishing activities can be pursued with a minimum of impact on each other. Good seafaring skills must be exercised, and the two sides must show appropriate concern for each other. Important considerations during a survey include the following.

1. Send the required notifications to the NPD in accordance with the applicable deadlines.
2. Make positive use of the fishery liaison.

Contact with fishermen out in the field must occur as far as possible through the fishery liaison. Possible support ships must remain passive in relation to fishing vessels, pursuant to section 5 of the resource management regulations. Consequently, they must not be the first point of contact with fishing boats within the relevant area and must not contact such vessels unless this has been agreed with the fishery liaison. See also section 6, sub-section 7 above.

3. Seismic vessels must maintain an acceptable distance from boats engaged in active fishing.

See section 5 in the resource management regulations on vessels which carry out seismic surveys on the Norwegian continental shelf and rule 18 in the international rules of the road at sea. Relations between fishing and other activities are also covered in section 24 of the Marine Resources Act.

To avoid manoeuvres which could have consequences for data acquisition, good communication must be established with fishing vessels in the area. Flexibility and good seafaring skills are important.

Fishing vessels must also be expected to show appropriate consideration for data acquisition in their fishing activities. Such contacts go well in virtually all cases. Should a close encounter occur between a seismic survey ship and a fishing boat, rules 18 a and c of the international rules of the road at sea apply.²

² Extract from section 18 of the international rules of the road at sea:

Except where Rules 9, 10 and 13 otherwise require:

- (a) A power-driven vessel underway shall keep out of the way of:
 - (iii) a vessel engaged in fishing
- (c) A vessel engaged in fishing when underway shall, so far as possible, keep out of the way of:
 - (ii) a vessel restricted in her ability to manoeuvre.

4. Should special circumstances related to fishing activities nevertheless arise:

- inform the NPD as quickly as possible, and also consider notifying the Coast Guard and the Directorate of Fisheries in consultation with the NPD
- ensure that the management and the communications organisation in the company are kept continuously informed
- maintain good communication with the fishermen's organisations
- ensure that use is made of the fishery liaison's expertise
- seek advice from Offshore Norge or an oil company/seismic survey contractor with good expertise about resolving problems between seismic surveying and fishing.

APPENDIX 1

Extract from Offshore Norge guideline 126: recommended guidelines for the involvement and participation of fishery liaisons in seismic surveys on board seismic vessels in Norwegian waters.

Daily operations

The fishery liaison shall be involved in preparing the daily acquisition plan. A good dialogue between the seismic operation and the fisheries is essential in the efforts to ensure the least possible impact of the seismic operation on ongoing fishing activity in the area.

English is normally the working language on board.

If the fishery liaison is replaced one or more times during a voyage, provisions shall be made to ensure a proper handover when a new fishery liaison comes on board.

Cooperation agreement with the Norwegian Coast Guard

Please note that an agreement has been entered into between the Coast Guard, the Directorate of Fisheries and the Norwegian Petroleum Directorate in order to strengthen cooperation. The agreement governs:

- the role of the Coast Guard as primary contact for the fishery liaison.
- notification procedures in connection with potential or actual incidents.
- information or advice to the fishery liaison.

Project plan:

The fishery liaison shall be included in the project plan, including name, contact information, company, etc.

The project plan shall describe the expected fishing activity and methods, and this part of the plan shall be submitted to the fishery liaison for review at the earliest possible stage.

Efforts should be made to ensure that the fishery liaison or his/her company contributes information regarding expected fishing activity in the relevant area so that this can be taken into consideration in the project plan.