



United States Department of the Interior  
Office of Hearings and Appeals  
Interior Board of Land Appeals  
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April 21, 2017

IBLA 2017-135, <i>et al.</i>	)	E14-001, <i>et al.</i>
	)	
TGS, <i>ET AL.</i>	)	Offshore Oil & Gas Exploration
	)	Permit Denied
	)	
	)	Standing Established

ORDER

TGS and the International Association of Geophysical Contractors (IBLA 2017-135), WesternGeco LLC and IAGC (IBLA 2017-136), CGG Services (U.S.) Inc. and IAGC (IBLA 2017-137), Spectrum Geo Inc. and IAGC (IBLA 2017-138), and MultiKlient Invest AS and IAGC (IBLA 2017-139) appealed from January 6, 2017, decisions issued by the Bureau of Ocean Energy Management (BOEM). In those decisions, BOEM denied the appellants' respective permit applications to conduct airgun seismic surveys for oil and gas reserves on the Atlantic Outer Continental Shelf (OCS).

Any appellant seeking Board review of a decision must establish standing by showing that it is a "party to a case" and that it is "adversely affected" by the decision it seeks to appeal.<sup>1</sup> Because it was not apparent that IAGC had standing to challenge BOEM's decisions, we ordered IAGC to show cause why the organization should not be dismissed from the appeals.<sup>2</sup>

IAGC timely responded to the order to show cause and provided the declaration of Nikki C. Martin, the President of IAGC, in support of its response. IAGC's response and accompanying declaration establish that IAGC is a party to these cases. A party to a case includes an organization that participated in the process leading to the decision under appeal.<sup>3</sup> IAGC participated in the process leading to

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<sup>1</sup> 30 C.F.R. § 590.2; 43 C.F.R. § 4.410(a).

<sup>2</sup> See Order dated Mar. 31, 2017.

<sup>3</sup> 43 C.F.R. § 4.410(b).

BOEM's decisions by providing comments on environmental documents and permit applications relevant to BOEM's decisions.<sup>4</sup>

IAGC also demonstrated that it is adversely affected by BOEM's decisions. A party to a case is adversely affected by a decision when the party has a legally cognizable interest and the decision on appeal has caused or is substantially likely to cause injury to that interest.<sup>5</sup> An organization may establish standing by demonstrating that one or more of its members has a legally cognizable interest in the subject matter of the appeal, coinciding with the organization's purposes, that is substantially likely to be injured by the decision.<sup>6</sup> IAGC's response and declaration establish that each corporate appellant in these appeals is a member of IAGC, and BOEM's decisions denied each corporate appellant's application to conduct seismic surveys in the Atlantic OCS.<sup>7</sup> IAGC has therefore established that it is adversely affected by BOEM's decisions.

Based on IAGC's response to our order to show cause, we conclude that IAGC has standing to appeal BOEM's decisions.



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Silvia M. Riechel  
Administrative Judge

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<sup>4</sup> Response to Order to Show Cause at 2; Declaration of Nikki C. Martin at 2-4.

<sup>5</sup> 43 C.F.R. § 4.410(d).

<sup>6</sup> *Blue Mountains Biodiversity Project*, 188 IBLA 143, 148 (2016).

<sup>7</sup> Response to Order to Show Cause at 3-4; Declaration of Nikki C. Martin at 4-5.

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