

**INTERIOR BOARD OF LAND APPEALS
OFFICE OF HEARINGS AND APPEALS
UNITED STATES DEPARTMENT OF THE INTERIOR
801 NORTH QUINCY ST., SUITE 300
ARLINGTON, VA 22203**

INTERNATIONAL ASSOCIATION OF
GEOPHYSICAL
CONTRACTORS (“IAGC”), TGS,
WESTERNGECO LLC,
CGG SERVICES (U.S.) INC.,
SPECTRUM GEO INC.,
MULTIKLIENT INVEST AS,

Appellants,

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR,

Respondent,

and

OCEANA, INC.

Proposed Respondent-Intervenor

IBLA Nos. 2017-1035, *et al.*

DECLARATION OF NANCY PYNE
IN SUPPORT OF OCEANA, INC.’S MOTION TO INTERVENE

I, Nancy Pyne, pursuant to the provisions of 28 U.S.C. § 1746, do hereby declare as follows:

1. I am the Acting Director of the Climate and Energy Campaign for Oceana, Inc. (“Oceana”). In addition, I am the Grassroots Manager for U.S. Campaigns. I recently completed my fourth year at Oceana. I am also a member of Oceana.
2. In my capacity as Acting Director of the Climate and Energy Campaign, I lead a team of scientists, lawyers, communications specialists, and administrative staff to achieve

protection for U.S. marine ecosystems and drive policies aimed at stopping climate change by preventing seismic airgun blasting and offshore drilling and promoting offshore wind energy. In my concurrent role as Grassroots Manager for U.S. Campaigns, I lead a team of grassroots campaign organizers located in various states, including several coastal states along the Atlantic. The Grassroots Team works to build and/or lead coalitions of volunteers, activists, conservation partners and business/fishing interests to achieve a number of Oceana's campaign goals, including defending marine conservation laws, promoting responsible fishing practices, banning the trade of shark fins, and stopping seismic airgun blasting and the expansion of offshore drilling while promoting responsible development of offshore wind energy.

3. Oceana is an international non-profit organization dedicated to protecting and conserving the world's oceans. Oceana is headquartered in Washington, D.C. with offices or staff in the United States in Alaska, California, Oregon, Massachusetts, Florida, New York, North Carolina, and South Carolina, in addition to the District of Columbia. Oceana has worldwide offices or staff in Madrid, Spain; Brussels, Belgium; Copenhagen, Denmark; Geneva, Switzerland; Belmopan, Belize; Santiago, Chile; Manila, Philippines; Brasilia, Brazil; and Toronto, Canada. Oceana's mission is to use science, law and policy advocacy in our efforts to make the world's oceans as rich, healthy, and abundant as they once were.

4. Oceana has more than 740,000 members and supporters worldwide, including over 200,000 members and supporters who live in coastal states along the Atlantic Ocean. Oceana's members in coastal Atlantic states include conservationists, commercial and recreational fishermen, business owners, locally elected officials, scientists, and other ocean enthusiasts. Oceana members rely on Oceana to represent their interests in the conservation and management of marine resources and ecosystems, including in the Atlantic Ocean.

5. Oceana's individual members use and enjoy the Atlantic Ocean and the areas identified for G&G surveys using seismic airguns for various purposes, including both recreational and commercial uses. Recreational uses include swimming, recreational fishing, kayaking, canoeing, paddle surfing, boating, surfing, windsurfing, kite surfing, scuba diving, snorkeling, wildlife viewing (e.g., seabirds, sea turtles, dolphins, whales), and lounging or walking along the beach, among others. Commercial uses include: businesses that provide the aforementioned recreational opportunities to tourists, photography, scientific research, and commercial fishing and restaurants that serve locally caught seafood, among others.

6. All of these recreational and commercial uses depend on a healthy marine environment that is able to support populations of fish, birds, and marine mammals. The Atlantic Ocean off the East Coast of the United States serves as an important location for breeding, feeding, staging, and/or habitat for numerous species, including a number of endangered species, such as the North Atlantic right whale (with only 500 individuals left in the world) and several species of sea turtles.

7. Oceana's members in coastal Atlantic states use, observe, and otherwise enjoy marine species and depend on a healthy marine environment in the Atlantic Ocean. G&G surveying for oil and gas deposits on the U.S. outer continental shelf in the Atlantic Ocean with seismic airguns adversely affects the marine environment, marine species and the interests of Oceana's members.

8. Oceana's Grassroots Team has been instrumental in raising awareness in the coastal Atlantic states about permit applications for seismic airgun blasting and proposed plans for offshore drilling in the Atlantic Ocean. To date, 123 East Coast municipalities, over 1,200

elected officials and an alliance representing over 35,000 businesses and over 500,000 fishing families have opposed seismic airgun blasting and/or offshore drilling.¹

9. Oceana’s Climate and Energy Campaign Team has advocated for the protection for U.S. marine ecosystems and policies aimed at stopping climate change by taking actions to prevent seismic airgun blasting and offshore drilling, including direct involvement in public notice and comment periods related to the permit applications for seismic airgun blasting in the Atlantic. Oceana filed detailed comments on: (1) scoping, draft and final programmatic environmental impact statement for proposed geological and geophysical (“G&G”) exploration on the Mid- and South Atlantic outer continental shelf (“OCS”); (2) the state consistency certifications required by the Coastal Zone Management Act for seismic airgun blasting permit applicants (e.g., Maryland, Delaware, North Carolina, Georgia, and Florida); (3) the seismic airgun blasting permit applications; (4) the applications submitted to the National Marine Fisheries Service (“Fisheries Service”) for marine mammal incidental take authorizations required pursuant to the Marine Mammal Protection Act (“MMPA”), which are required in order for the Bureau of Ocean Energy Management (“BOEM”) to grant permit applications for seismic airgun blasting; and (5) the Fisheries Service’s guidance for assessing the effects of anthropogenic sound on marine mammal hearing.

10. On April 2, 2010, the Mineral Management Service published a Federal Register notice requesting National Environmental Policy Act (“NEPA”) scoping comments on a proposed Programmatic Environmental Impact Statement (“PEIS”) for G&G activities on the

¹ Oceana, Grassroots Opposition to Atlantic Drilling and Seismic Airgun Blasting, <http://usa.oceana.org/climate-and-energy/grassroots-opposition-atlantic-drilling-and-seismic-airgun-blasting> (last visited April 30, 2017).

Mid- and South Atlantic OCS.² Oceana and several other environmental organizations submitted NEPA scoping comments on May 17, 2010.³

11. On March 30, 2012, BOEM published a Federal Register notice announcing the publication of the Draft PEIS for Proposed G&G Exploration on the Mid- and South Atlantic OCS.⁴ On July 2, 2012, Oceana and several other environmental organizations submitted comments noting profound concern about BOEM's proposed intention to permit high-intensity seismic surveys in the Atlantic, not only because of the potentially catastrophic impacts of offshore drilling but also because of the significant environmental harm represented by seismic airgun exploration.⁵

12. On March 7, 2014, BOEM issued a Federal Register notice requesting comments on its Final PEIS for Proposed G&G Exploration on the Mid- and South Atlantic OCS.⁶ On May 7, 2014, Oceana and another environmental organization submitted comments noting several fatal flaws in the Final PEIS and urging BOEM to refrain from proceeding with G&G activities in the Atlantic OCS.⁷

13. Between February and May, 2015, Oceana submitted 12 comment letters regarding consistency review of seismic survey permit applications with state coastal zone management plans as required under the Coastal Zone Management Act.⁸

² 75 Fed. Reg. 16,830 (April 2, 2010).

³ Letter from Oceana, et. al, to Regional Supervisor, Leasing and Environment, Minerals Management Service (May 17, 2010) (on file with Oceana).

⁴ 77 Fed. Reg. 19,321 (Mar. 30, 2012).

⁵ Letter from Oceana, et. al, to Gary D. Goeke, Chief, Regional Assessment Section, Bureau of Ocean Energy Management (July 2, 2012) (on file with Oceana).

⁶ 79 Fed. Reg. 13,074 (Mar. 7, 2014).

⁷ Letter from Oceana and International Fund for Animal Welfare, to Gary D. Goeke, Chief, Environmental Assessment Section, Bureau of Ocean Energy Management (May 7, 2014) (on file with Oceana).

⁸ See e.g. Letter from Oceana, to Braxton Davis, Director, North Carolina Division of Coastal Management (Mar. 2, 2015). Oceana also filed comments to the state of Maryland with respect to Spectrum, TGS, and GX Technology permit requests; to the state of Delaware with respect to Spectrum Geo and GX Technology; to the state of North

14. On March 31, 2015, BOEM requested public comments on pending G&G permit applications for the Mid- and South OCS. On April 10, 2015, Oceana and several other environmental organizations requested an extension on the 30-day comment period for Atlantic G&G permit applications in light of the fact that the comment period was not posted in the Federal Register and necessary information from the applications was not disclosed.⁹ On April 29, 2015, Oceana and several other environmental organizations then submitted detailed comments noting procedural recommendations as well as recommendations related compliance with NEPA and the Outer Continental Shelf Lands Act, including that BOEM should reject all applications because the proposed seismic activities would be unduly harmful to aquatic life and could cause serious harm or damage to the marine, coastal or human environment.¹⁰

15. On July 29, 2015, the Fisheries Service issued a Federal Register notice requesting comments on seismic permit applicants' applications for incidental harassment authorizations ("IHAs") under the MMPA.¹¹ On August 28, 2015, Oceana and several other environmental organizations submitted comments urging the Fisheries Service to take time to conduct the review, consider rejecting the IHAs and instead require Letters of Authorization ("LOAs"), consider the risk of lethal takes of marine mammals and the population level effects from behavioral disturbances, and use the best available science in its analysis.¹² In addition, Oceana joined several other environmental organizations in another comment letter filed on the

Carolina with respect to TGS; to the state of South Carolina with respect to Spectrum Geo, GX Technology, and CGG Services; to the state of Georgia with respect to Spectrum Geo, GX Technology, CGG Services, and TGS; and to the state of Florida with respect to Spectrum Geo, GX Technology, TGS, and CGG's permit applications for seismic surveying. All comment letters are on file with Oceana.

⁹ Letter from Oceana, to Abigail Ross Hopper, Director, Bureau of Ocean Energy Management (Apr. 10, 2015) (on file with Oceana).

¹⁰ Letter from Oceana, to Abigail Ross Hopper, Director, Bureau of Ocean Energy Management (Apr. 29, 2015) (on file with Oceana).

¹¹ 80 Fed. Reg. 45,195 (July 29, 2015).

¹² Letter from Oceana, to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service (Aug. 28, 2015) (on file with Oceana).

same day, urging the Fisheries Service to withdraw the Programmatic Biological Opinion under the Endangered Species Act and reinitiate consultation with BOEM to correct deficiencies in the Programmatic Biological Opinion before issuing any IHAs for seismic activities that may kill, harm, injure, harass or otherwise take any listed species, such as endangered North Atlantic right whales or sea turtles.¹³ And, in yet another comment letter submitted on the same day, Oceana joined several environmental organizations to note deficiencies in the impact and mitigation analysis in the four pending IHAs.¹⁴

16. On July 31, 2015, the Fisheries Service issued a Federal Register notice requesting comments on draft guidance for assessing the effects of anthropogenic sound on marine mammal hearing.¹⁵ On September 14, 2015, Oceana and several environmental organizations submitted comments on the draft guidance and noting the need to delay review of pending IHAs for seismic airgun blasting in the Atlantic until guidance for both Level A takes (injuries to marine mammals) and Level B takes (disruption of patterns of marine mammal behavior) is developed.¹⁶

17. On April 28, 2016, Oceana and several environmental organizations submitted a letter urging BOEM to deny the pending seismic airgun blasting permit applications because the withdrawal of the Atlantic from the Five-Year Program for 2017-2022 no longer necessitated risking damage to the marine environment and endangered species, including the right whale, especially when new technology under development may reduce the adverse impacts. In

¹³ Letter from Oceana, et. al, to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service (Aug. 28, 2015) (on file with Oceana).

¹⁴ Letter from Oceana, et. al, to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service (Aug. 28, 2015) (on file with Oceana) (commenting on the incompleteness of the IHA applications).

¹⁵ 80 Fed. Reg. 45,642 (July 31, 2015).

¹⁶ Letter from Oceana, to Amy R. Scholik-Sclomer, Protected Resources Acoustic Coordinator, National Marine Fisheries Service (Sept. 14, 2015) (on file with Oceana).

addition, the PEIS should be revised in light of changed circumstances and revised acoustic guidelines from the Fisheries Service.¹⁷

18. On November 18, 2016, Oceana submitted a letter urging the Fisheries Service to deny IHAs for G&G surveys in the Atlantic Ocean because the IHAs do not rely on best available scientific evidence, do not meet the MMPA statutory requirements for “small numbers” or “negligible impact,” and should instead be applications for LOAs in light of the real possibility of injury or mortality of marine mammals.¹⁸

19. In addition to significant engagement in the seismic airgun permitting process, Oceana has invested and will continue to invest substantial resources in ongoing research and public education regarding the importance of the Atlantic Ocean ecosystems, the people dependent on them, and the threats and economic costs that seismic airgun blasting and offshore drilling present compared to offshore wind. Oceana maintains an active website, publishes a newsletter and blog, and issues periodic reports and scientific papers through which Oceana highlights these issues and concerns to its members. Oceana webpages related to seismic airgun blasting and offshore drilling include:

- Oceana’s Climate and Energy Campaign webpage, http://usa.oceana.org/our-campaigns/climate_and_energy/campaign
- Oceana’s Seismic Airgun Blasting webpage: http://usa.oceana.org/our-campaigns/seismic_airgun_testing/campaign
- Grassroots Opposition to Atlantic Drilling and Seismic Airgun Blasting webpage: <http://usa.oceana.org/climate-and-energy/grassroots-opposition-atlantic-drilling-and-seismic-airgun-blasting>

Examples of Oceana’s reports include:

¹⁷ Letter from Oceana, to Abigail Ross Hopper, Director, Bureau of Ocean Energy Management (Apr. 28, 2016) (on file with Oceana).

¹⁸ Letter from Oceana, to Penny Pritzker, Secretary, Department of Commerce (Nov. 18, 2016) (on file with Oceana).

- Time for Action: Six Years After Deepwater Horizon (April 2016), http://usa.oceana.org/sites/default/files/deepwater_horizon_anniversary_report_up_dated_4-28.pdf
- Offshore Energy by the Numbers, An Economic Analysis of Offshore Drilling and Wind Energy in the Atlantic (January 2015), http://usa.oceana.org/sites/default/files/offshore_energy_by_the_numbers_report_final.pdf
- Frozen Future: Shell's Ongoing Gamble in the U.S. Arctic (February 2014), http://usa.oceana.org/sites/default/files/reports/Shells_Frozen_Future_2_25_14.pdf

And, Oceana's blog includes the following articles:

- A Victorious Year Against Offshore Drilling Along East Coast (January 13, 2017), <http://usa.oceana.org/blog/victorious-year-against-offshore-drilling-along-east-coast>
- Threats Rising for Whales and Dolphins with Seismic Airgun Blasting Looming in the Atlantic (August 25, 2016), <http://usa.oceana.org/blog/threats-rising-whales-and-dolphins-seismic-airgun-blasting-looming-atlantic>

20. Oceana has gathered and synthesized scientific datasets of Atlantic ecosystem features. Oceana has used this information to create and publish maps on its website that show the overlap between the proposed seismic airgun blasting areas and the critical habitat for endangered sea turtles and North Atlantic right whales as well as the overlap between essential fish habitat for commercially and recreationally important fish species in the Atlantic Ocean.

- Overlap of proposed seismic airgun blasting areas and essential fish habitat and critical habitat in the Atlantic, http://usa.oceana.org/maps-show-risk-marine-life-threatened-unnecessary-seismic-airgun-blasting?_ga=1.117448265.191812998.1462817124

21. In sum, Oceana has a strong organizational interest in protecting the marine ecosystems of the Atlantic Ocean from negative effects associated with seismic airgun blasting and offshore drilling. Oceana members rely on Oceana to represent their interests with regard to

protection for, and advocacy on behalf of, marine resources and the environment, including those that are potentially affected by oil and gas activities.

22. Oil and gas activities, including seismic airgun blasting, if allowed to proceed through a reversal of BOEM's denial of the seismic permits, would adversely affect Oceana's mission for and its members' use and enjoyment of the Atlantic Ocean. Seismic airgun blasting for oil and gas exploration would not only introduce substantial noise into the marine environment but also pollution from seismic testing vessels as well as the risk of possible entanglement of marine species in the seismic airgun arrays, which often cover quite expansive areas of the ocean.

23. Marine mammals rely on sound for feeding, communication, navigation, and other behaviors critical for survival. Seismic airgun blasting has been shown to cause hearing impairment, physiological changes, and behavioral changes in marine mammals.¹⁹ Specific changes include chronic stress response, avoidance, displacement, communication masking, and vocalization changes.²⁰

24. Seismic airgun blasting disrupts foraging and reproduction of whales and increases the risk that calves could be separated from their mothers. The depleted population of North Atlantic right whales, with only approximately 500 individual remaining, cannot withstand reduced reproduction much less the loss of individuals.²¹

25. The Atlantic is critical habitat for several species of threatened and endangered sea turtles. Sea turtles have their most sensitive hearing in the same low frequencies as most

¹⁹ Jonathan Gordon, *A Review of the Effects of Seismic Surveys on Marine Mammals*, 37 Marine Tech. Soc'y J. 16, 16 (2004).

²⁰ *Id.*

²¹ NOAA Technical Memorandum NMFS-NE-238, US Atlantic and Gulf of Mexico Marine Mammal Stock Assessments – 2015: North Atlantic Right Whale 9 (2016), http://www.fisheries.noaa.gov/pr/sars/pdf/atlantic2015_final.pdf.

seismic airgun blasts.²² Sea turtles exhibit alarm and avoidance responses to seismic airgun noise.²³ Sea turtles are also at risk of possible entanglement in surveying equipment.²⁴

26. Seismic airgun blasting also displaces some commercial species of fish resulting in decreased catch rates. It can also induce hearing loss and psychological stress, interfere with adult breeding calls and degrade anti-predator response.²⁵ Seismic airgun blasting can also affect the larval development of commercially valuable invertebrate species like scallops, oysters, crabs, lobster, and shrimp.²⁶

27. Seismic airgun blasting in the Atlantic would not only pose significant harm to marine species, including endangered North Atlantic right whales and sea turtles as well as commercial species of fish, but also Oceana's members, whose recreational and commercial uses of the marine environment would be adversely affected.

28. For example, there is evidence that seismic airgun blasting can dramatically decrease catch rates for commercial fish species by about 50 percent on average over thousands of square miles, with even greater reductions in areas close to the airguns.²⁷ Both the Mid- and South Atlantic Regional Fishery Management Councils have recognized this and added their voices to the opposition to oil and gas activities in the Atlantic.²⁸ In comments to BOEM in

²² Sarah Nelms, et. al, *Seismic Surveys and Marine Turtles: An Underestimated Global Threat?*, 193 *Biological Conservation* 49, 52 (2016).

²³ Robert D. McCauley, et. al, *Marine Seismic Surveys: Analysis and Propagation of Airgun signals; and Effects of Air Gun Exposure on Humpback Whales, Sea Turtles, Fishes and Squid* ii (2000); Caroline Weir, *Observations of marine turtles in relation to seismic airgun sound off Angola*. 116 *Marine Turtle Newsletter* 17 (2007).

²⁴ Caroline Weir, *Observations of marine turtles in relation to seismic airgun sound off Angola*. 116 *Marine Turtle Newsletter* 17 (2007).

²⁵ Robert McCauley, et. al, *High Intensity Anthropogenic Sound Damages Fish Ears*, 130 *J. Acoustical Soc'y Am.* 638, 638 (2003).

²⁶ Natacha Aguilar de Soto, et. al, *Anthropogenic Noise Cause Body Malformations and Delays Development in Marine Larvae*, 3 *Sci. Rep.* 1, 1 (2013).

²⁷ A. Engås et al., *Effects of Seismic Shooting on Local Abundance and Catch Rates of Cod (Gadus Morhua) and Haddock (Melanogrammus Aeglefinus)*, 53 *Canadian J. Fisheries & Aquatic Sciences* 2238–49 (1996).

²⁸ Mid-Atlantic Fishery Management Council, Letter to Gary D. Goeke (BOEM) (May 2, 2014), http://usa.oceana.org/sites/default/files/mid_atlantic_fishery_management_council.pdf; South Atlantic Fishery

2014, the Mid-Atlantic Regional Fishery Management Council noted, “[a]t the very least, dispersal of fish aggregations by seismic surveys is likely to disrupt fishing activities (due to fish dispersal) which could have negative economic consequences for commercial and recreational fisheries.”²⁹ And, the South Atlantic Regional Fishery Management Council stated: “Multi-million dollar recreational and commercial fisheries in our region may potentially be affected by seismic testing.”³⁰ In addition, the Southeastern Fisheries Association stated:

On behalf of the seafood industry represented by our 63 year old fisheries association, we implore you to prevent the seismic testing slated for the east coast of Florida. There is no upside for injuring Right whales and dolphins or putting our white beaches and tourism in jeopardy.³¹

As these comments indicate, Oceana’s members along the Atlantic coast who engage in commercial or recreational fishing would be adversely affected by seismic airgun blasting if it were allowed to proceed.

29. The proposed seismic airgun blasting will result in serious negative impacts to marine resources that form the foundation of economic vitality for communities all along the Atlantic coast. Oceana members in coastal communities often rely on tourism for their livelihood, much of which is based on providing tourists with opportunities to engage in recreational uses, such as swimming, recreational fishing, kayaking, canoeing, paddle surfing, boating, surfing, windsurfing, kite surfing, scuba diving, snorkeling, and wildlife viewing (e.g., seabirds, sea turtles, dolphins, whales). All of these recreational uses would be adversely affected by seismic airgun blasting in the vicinity due to degradation of the marine environment.

Management Council, Letter to Gary D. Goeke (BOEM) (April 30, 2015), https://www.southernenvironment.org/uploads/words_docs/SAFMCSismicCommApril151.pdf.

²⁹ Mid-Atlantic Fishery Management Council, Letter to Gary D. Goeke (BOEM) (May 2, 2014), http://usa.oceana.org/sites/default/files/mid_atlantic_fishery_management_council.pdf.

³⁰ South Atlantic Fishery Management Council, Letter to Gary D. Goeke (BOEM) (April 30, 2015), https://www.southernenvironment.org/uploads/words_docs/SAFMCSismicCommApril151.pdf.

³¹ The Southeastern Fisheries Association, Letter to President Obama (December 3, 2014), http://usa.oceana.org/sites/default/files/southeastern_fishery_association.pdf.

30. Furthermore, seismic airgun blasting, if allowed to proceed, would set the stage for offshore drilling off the Atlantic coast. Offshore drilling could destroy coastal communities, state and local economies, and critical marine habitats, while further contributing to climate change and increasing adaptation costs due to projected sea level rise. Nearly 1.4 million jobs and over \$95 billion in gross domestic product rely on healthy ocean ecosystems along the Atlantic coast, mainly through fishing, tourism and recreation.³² With the BP oil spill cost coming in at approximately \$62 billion,³³ the gains from offshore drilling simply cannot and will not outweigh the costs and adverse effects on marine species, the marine environment and coastal communities (many of whom are Oceana's members and supporters).

31. I also have a strong personal interest in the protection of the Atlantic Ocean. I grew up swimming in the Atlantic Ocean (e.g., Long Island beaches, the Rockaways and the Jersey Shore). The Atlantic Ocean was an important part of every family vacation I took growing up, since going to the beach was a fun, accessible way for my family to take a trip together. Now that I live in Washington, D.C., I enjoy swimming, snorkeling, viewing wildlife, and boating as well as lounging on the beach in coastal communities along the Atlantic in Delaware, Maryland and Virginia. Excursions to the Atlantic Ocean are the best part of my summers, and I look forward to going back every year. I also enjoy eating fresh, local and sustainably caught seafood when I am in restaurants along the Atlantic coast. Seismic airgun blasting and the likely offshore drilling that would follow would put this all at risk and adversely affect my chances of enjoying these activities in the future.

³² U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office for Coastal Management, Living Resources. Economics: National Ocean Watch (ENOW) (2014), <http://www.coast.noaa.gov/enowexplorer/>.

³³ Steve Mufson, BP's Big Bill for the World's Largest Oil Spill Reaches \$61.6 Billion, Wash. Post, July 14, 2016, https://www.washingtonpost.com/business/economy/bps-big-bill-for-the-worlds-largest-oil-spill-now-reaches-616-billion/2016/07/14/7248cdaa-49f0-11e6-acbc-4d4870a079da_story.html?utm_term=.c991c0ff36d9.

32. Oceana's members, Oceana's Climate and Energy Campaign Team, Oceana's Grassroots Team and I were ecstatic when the BOEM removed the Atlantic Ocean from the Five-Year Program for offshore oil and gas leasing in March 2016. We were also thrilled to learn in January of this year that BOEM denied the permit applications for seismic airgun testing in the Atlantic.

33. In great contrast, this past Friday, April 28, 2017, my colleagues and I were very disturbed to see that the new Administration failed to heed the call from Oceana's members and supporters as well as Oceana staff by announcing its intention to re-open the Atlantic Ocean to seismic airgun blasting and offshore drilling.

34. On behalf of over 200,000 Oceana members and supporters along the Atlantic coast and on my own behalf, I urge the Interior Board of Land Appeals to uphold BOEM's denial of permit applications for seismic airgun testing in the Atlantic Ocean. BOEM's decision to deny seismic airgun testing in the Atlantic should not be enjoined, delayed, set aside or in any way reversed or revised. BOEM's decision to deny seismic airgun testing was responsive to the opposition voiced by Oceana and its members. BOEM's denial of the seismic airgun permits is also responsive to the demands of over 120 coastal communities along the Atlantic coast, over 1,200 elected officials, over 35,000 businesses and more than 500,000 fishing families. The adverse effects of seismic airgun testing and offshore drilling to Atlantic coastal communities, their economies and the marine environment vastly outweigh any gains from offshore fossil fuel exploration and development in the Atlantic Ocean. Please uphold BOEM's denial of the permit applications for seismic airgun testing in the Atlantic Ocean.

I declare under penalty of perjury that the foregoing is true and correct.

05/01/2017

Date

Nancy Pyne