

# United States Senate

WASHINGTON, DC 20510

June 30, 2017

The Honorable Larry Hogan  
The State House  
100 State Circle  
Annapolis, MD 21401

Dear Governor Hogan:

On June 6, 2017, the National Oceanic and Atmospheric Administration (NOAA) noticed five proposed Incidental Harassment Authorizations (IHA) associated with surveying for oil and gas reserves off the coast of Maryland. It has come to our attention that some of the permits for seismic airgun blasting under review by the Bureau of Ocean Energy Management (BOEM) and National Marine Fisheries Service (NMFS) have not yet undergone the statutorily mandated Coastal Zone Management Act (CZMA) consultation. As the United States Senators from Maryland, we are writing to strongly urge you to request an opportunity to review these applications, as allowed by law.<sup>1</sup>

Under CZMA, BOEM must provide a consistency determination to the relevant State agency responsible for the State's coastal zone management program at least 90 days before final approval of federal activity.<sup>2</sup> In this case, BOEM, in coordination with NMFS, must provide sufficient information to the Maryland Department of the Environment that the permitted activity is consistent with Maryland's coastal zone management program before approving the seismic permits since the proposed areas for seismic airgun blasting includes all of Maryland's coastline.

As you are our State's governor, we urge you to become involved in this process not only because Maryland has a duty to assert its legal state rights under the CZMA, but also because the proposed geological and geophysical (G&G) activities would have significant impacts on our coastal resources, including commercial fisheries and marine mammals. Numerous studies show the detrimental impacts seismic airgun blasting has on marine life, including fish stocks and marine mammals. For example, a 2017 study conducted off North Carolina's coast by the University of North Carolina Chapel Hill, Duke University, and NOAA found that, during seismic surveying, the abundance of reef-fish declined by 78 percent.<sup>3</sup> Disruption of healthy ocean ecosystems in the region will affect the fishing businesses, restaurants, and visitors that

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<sup>1</sup> 16 U.S.C. § 1456(c)(1)(C); 15 C.F.R. § 930.41(a)

<sup>2</sup> 16 U.S.C. § 1456(c)(1)(C); 15 C.F.R. § 930.36(b)(1)

<sup>3</sup> Avery B. Paxton, J. Christopher Taylor, Douglas P. Nowacek, Julian Dale, Elijah Cole, Christine M. Voss, Charles H. Peterson, Seismic survey noise disrupted fish use of a temperate reef, *Marine Policy*, Volume 78, April 2017, Pages 68-73, ISSN 0308-597X, <https://doi.org/10.1016/j.marpol.2016.12.017>.

flock to our coastal communities. According to federal government's own estimates, seismic testing in the Atlantic could injure 138,000 whales and dolphins and disturb millions more.<sup>4</sup>

Harm to coastal resources could negatively impact our fisheries and tourism industries, which depend on healthy ocean ecosystems. Tourism, fishing, and recreation generate over \$95 billion in gross domestic product and support nearly 1.4 million jobs annually. As a coastal state with one of the world's largest estuaries in the Chesapeake Bay, Maryland's economic health especially relies on a healthy ocean. Each year, roughly 90,000 jobs and more than \$5.4 billion in GDP comes from our ocean economy.

There is strong public opposition to both this seismic surveying and offshore drilling in the Atlantic Ocean. An alliance representing over 41,000 businesses and 500,000 fishing families, more than 120 East Coast municipalities, and over 1,200 elected officials have publically opposed seismic airgun blasting and/or offshore drilling in the Atlantic. The South and Mid-Atlantic Fishery Management Councils, the National Aeronautics and Space Administration (NASA), and the Department of Defense have also expressed concern about the compatibility of their activities with ongoing oil and gas operations.

The proposed seismic surveying is an unlisted activity in Maryland's approved coastal management program. Therefore, the CZMA indicates that States have 30 days from the time of notice (ending July 6, 2017) to request a CZMA consultation regarding a consistency determination with Maryland's Coastal Management Plan. We strongly urge you to direct Maryland Department of Natural Resources to formally request a CZMA consultation from the National Marine Fisheries Service due to the likely negative impacts the proposed geological and geophysical activity would have on Maryland's marine species and coastal economies. We stand ready to assist you in any way during this process.

Sincerely,



Benjamin L. Cardin  
US Senator



Chris Van Hollen  
US Senator

cc: Brian E. Frosh, Attorney General of Maryland  
Mark Belton, Secretary Maryland Department of Natural Resources

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<sup>4</sup> Bureau of Ocean Energy Management (BOEM). (2012). Atlantic OCS Proposed Geological and Geophysical Activities Mid and South Atlantic Planning Areas Draft Programmatic Environmental Impact Statement (DPEIS), Vol II Figures, Tables and Appendices. Table 4-10. pg. 101. Annual Level A Takes Estimates from Seismic Airgun Sources Using 180-dB Criteria for Marine Mammal Species during the Project Period (2012-2020). (Note: 138,000 injuries reflect the sum of Level A takes from 2012-2020.)