

United States Senate

WASHINGTON, DC 20510

December 11, 2018

The Honorable Wilbur Ross
Secretary
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, D.C. 20230

The Honorable Ryan Zinke
Secretary
U.S. Department of the Interior
1849 C Street NW,
Washington, D.C. 20240

Dear Secretaries Ross and Zinke,

We strongly oppose the administration's decision on November 30 to issue five Incidental Harassment Authorization (IHA) permits for companies planning to conduct seismic geological and geophysical surveys for oil and gas along the Atlantic coast. This decision is a major step toward offshore oil and gas drilling that poses a severe threat to our coastal economies. The use of seismic airguns in such surveys can disturb, harm, and potentially kill marine mammals along with a wide range of marine life that supports coastal economies from Key West, Florida to Eastport, Maine. In addition, stakeholders are being denied the opportunity to conduct risk-based analyses of the impacts of offshore oil and gas exploration and development because the seismic data obtained are proprietary under law.¹ We urge the Department of the Interior to deny the final seismic survey permits for Atlantic geological and geophysical exploration, call on the Department of Commerce to immediately rescind all IHA permits for oil and gas exploration in the Atlantic, and request that the administration cease all actions that will lead to oil and gas drilling off the Atlantic coast.

A large and growing body of scientific research suggests that marine life of all sizes – from microscopic plankton to shellfish to enormous baleen whales – could suffer from seismic testing. Large cetaceans such as bowhead whales and humpback whales have been found to suffer direct deleterious effects from seismic airgun blasting, including on breeding behavior.^{2,3} These negative impacts are particularly concerning for the North Atlantic right whale, a critically endangered species on the brink of extinction after suffering at least 20 known deaths over the

¹ 43 U.S.C. § 1352(c) (2009).

² Susanna B. Blackwell et al. *Effects of Airgun Sounds on Bowhead Whale Calling Rates: Evidence for Two Behavioral Thresholds*. (2015). 10(6) PLoS ONE. doi:10.1371/journal.pone.0125720.

³ Salvatore Cerchio et al. *Seismic Surveys Negatively Affect Humpback Whale Singing Activity off Northern Angola*. (2014). 9(3) PLoS ONE. doi:10.1371/journal.pone.0086464.

last eighteen months coupled with the lack of production of even a single calf in 2018.^{4,5} Other studies have shown that airgun blasting can reduce the abundance of and directly kill zooplankton, which form a critical foundation of the food web for many ecologically and economically important marine species.⁶ Furthermore, recent work has shown that airgun blasting can cause physiological harm and immune and respiratory damage to valuable shellfish, including species of scallops, oysters and lobsters.^{7,8,9}

Finfish are also vulnerable to the impacts of seismic exploration, which can lead to changes in their movement that also harms our domestic fishing industry.^{10,11} It therefore comes as no surprise that the New England, South Atlantic, and Mid-Atlantic Fishery Management Councils, the Southeastern Fisheries Association, Northwest Atlantic Marine Alliance, the International Game Fish Association, the Snook and Gamefish Foundation, the Fisheries Survival Fund, the Billfish Foundation, and other fishing interests have all expressed concern or opposition to seismic surveys for oil and gas in the Atlantic.¹²

Proponents of allowing drilling in the Atlantic make the argument that seismic airgun surveys for oil and gas deposits would allow coastal communities to learn more about what resources might be available. The reality is that, by law, the data obtained from seismic surveys are proprietary and only available to the oil and gas industry. The public, local government officials, and even Members of Congress would not have access to the survey data.

In addition to environmental concerns, seismic surveys represent a first step toward making American coasts vulnerable to the devastating impacts of an oil spill. A recent analysis shows that the Atlantic and Pacific coasts, as well as Florida's Gulf Coast, support over 2.6 million

⁴ NOAA Fisheries. *2017-2018 North Atlantic Right Whale Unusual Mortality Event*. (2018).

<https://www.fisheries.noaa.gov/national/marine-life-distress/2017-2018-north-atlantic-right-whale-unusual-mortality-event> (last visited 11/30/2018).

⁵ David Abel. *After year of record deaths, right whales produce no new calves, which could be 'catastrophic.'* *Boston Globe*. (February 26, 2018). <https://www.bostonglobe.com/metro/2018/02/25/after-year-record-deaths-right-whales-produce-new-calves-which-could-catastrophic/wzPwtQSk9iRDIIvmaFp5nJ/story.html> (last visited 3/28/2018).

⁶ Robert D. McCauley et al. *Widely Used Marine Seismic Survey Air Gun Operations Negatively Impact Zooplankton*. (2017). 1(7) *Nature Ecology and Evolution*. doi: 10.1038/s41559-017-0195.

⁷ Ryan D. Day et. al. *Exposure to Seismic Air Gun Signals Causes Physiological Harm and Alters Behavior in the Scallop Pecten fumatus*. (2017). 114(40) *Proceedings of the National Academy of Sciences of the United States of America*. <https://doi.org/10.1073/pnas.1700564114>.

⁸ Mohcine Charifi et al. *The Sense of Hearing in the Pacific Oyster, Magallan gigas*. (2017). 12(10) *PLoS ONE*. doi:10.1371/journal.pone.0185353.

⁹ Quinn P. Fitzgibbon et al. *The Impact of Seismic Air Gun Exposure on the Haemolymph Physiology and Nutritional Condition of Spiny Lobster, Jasus edwardsii*. (2017). 125(1-2) *Marine Pollution Bulletin*. doi: 10.1016/j.marpolbul.2017.08.004.

¹⁰ Arill Engås et al. *Effects of seismic shooting on local abundance and catch rates of cod (Gadus morhua) and haddock (Melanogrammus aeglefinus)*. (1996). 53 *Canadian Journal of Fisheries and Aquatic Sciences* 2238-2249.

¹¹ Aril Slotte et al. *Acoustic mapping of pelagic fish distribution and abundance in relation to a seismic shooting area off the Norwegian west coast*. (2004). 67 *Fisheries Research* 143-150.

¹² Oceana, Inc., *Grassroots Opposition to Offshore Drilling and Exploration in the Atlantic Ocean and Eastern Gulf of Mexico*. <http://usa.oceana.org/climate-and-energy/grassroots-opposition-offshore-drilling-and-exploration-atlantic-ocean-and> (last visited 3/20/2018).


American jobs and roughly \$180 billion in GDP annually. The decision to put those jobs at risk to benefit a few major fossil fuel corporations is shortsighted and ill-advised. Currently, more than 320 East and West Coast communities and a bipartisan group of over 2,000 local, state and federal officials, including all but two governors of states bordering the Atlantic and Pacific Oceans, have formally opposed or expressed substantial concerns about expanded offshore oil and gas development.^{13,14}

All along America's coasts, communities rely on healthy ocean ecosystems to support jobs in fishing, recreation and tourism. That is why numerous fishing and tourism interests, local chambers of commerce, tourism, and restaurant associations, and an alliance representing over 42,000 businesses and 500,000 fishing families from Florida to Maine¹⁵ have all publicly opposed oil and gas exploration and development.

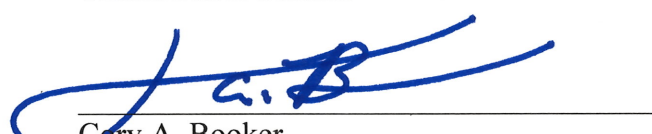
Given the significant environmental and economic risks, we urge the administration to halt actions that will lead to seismic exploration, and ultimately oil and gas drilling, off the Atlantic coast.

Sincerely,



Edward J. Markey
United States Senator

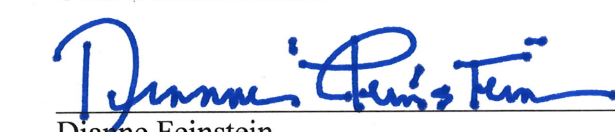

Bill Nelson
United States Senator

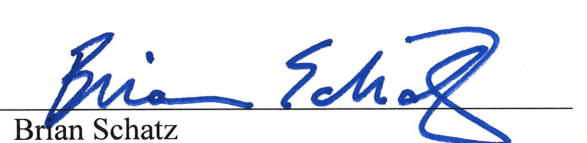

Robert Menendez
United States Senator


Cory A. Booker
United States Senator


Sheldon Whitehouse
United States Senator


Richard Blumenthal
United States Senator


Dianne Feinstein
United States Senator


Brian Schatz
United States Senator

¹³ Oceana, Inc., *Grassroots Opposition to Offshore Drilling and Exploration in the Atlantic Ocean and Eastern Gulf of Mexico*. <http://usa.oceana.org/climate-and-energy/grassroots-opposition-offshore-drilling-and-exploration-atlantic-ocean-and> (last visited 3/20/2018).

¹⁴ Oceana, Inc. *Opposition to New Offshore Drilling in the Pacific Ocean*. <http://usa.oceana.org/pacific-drilling> (last visited Mar. 20, 2018).

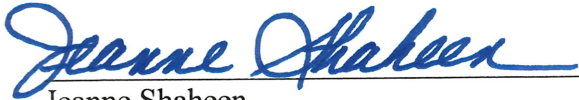
¹⁵ Business Alliance for Protecting the Atlantic Coast. <https://protectingtheatlanticcoast.org/> (last visited November 30, 2018).



Margaret Wood Hassan
United States Senator



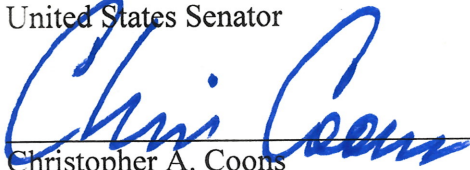
Thomas R. Carper
United States Senator



Jeanne Shaheen
United States Senator



Elizabeth Warren
United States Senator



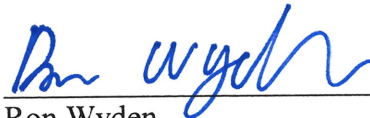
Christopher A. Coons
United States Senator



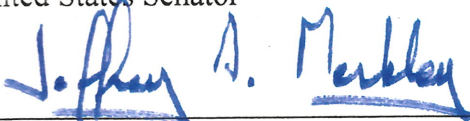
Benjamin L. Cardin
United States Senator



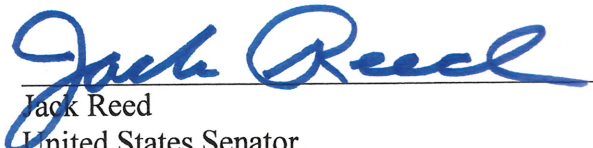
Kirsten Gillibrand
United States Senator



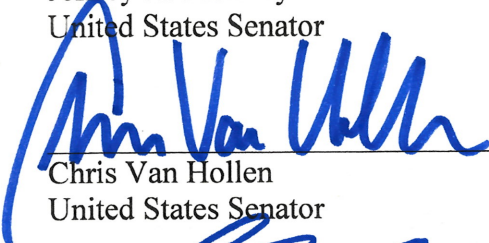
Ron Wyden
United States Senator



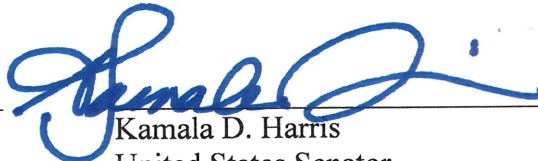
Jeffrey A. Merkley
United States Senator



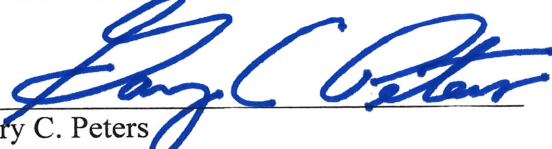
Jack Reed
United States Senator



Chris Van Hollen
United States Senator



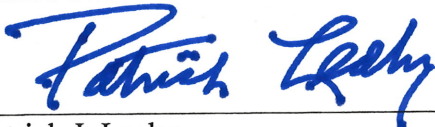
Kamala D. Harris
United States Senator



Gary C. Peters
United States Senator



Bernard Sanders
United States Senator



Patrick J. Leahy
United States Senator

Cc:

Dr. Walter Cruikshank, Director, Bureau of Ocean Energy Management, Department of the Interior

Mr. Chris Oliver, Assistant Administrator for NOAA Fisheries, Department of Commerce