



NORTH CAROLINA
Environmental Quality

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June 11, 2019

Mr. Gary Poole
WesternGeco
100001 Richmond Avenue
Houston, TX 77042

SUBJECT: North Carolina Division of Coastal Management's Objection to WesternGeco's Proposal to Conduct Geological and Geophysical Surveys off the North Carolina Coast

Dear Mr. Poole:

On March 12, 2019, the North Carolina Division of Coastal Management (DCM) received a consistency certification (Consistency Certification) from WesternGeco regarding your application to the Bureau of Ocean Energy Management (BOEM) to conduct marine Geological and Geophysical (G&G) surveys in the Atlantic Ocean off the North Carolina coast for the purposes of oil and gas resource exploration and development. On April 11, 2019, DCM determined that WesternGeco's Consistency Certification failed to include all necessary data and information. However, the National Oceanic and Atmospheric Administration Office for Coastal Management (NOAA OCM), based on its interpretation of 15 CFR 930.58, immediately informed the State that the submission should be considered complete, and that NOAA OCM considers the three-month review period allowed under federal rules to have commenced on March 12, 2019. In NOAA OCM's view, under 15 CFR 930.60(c), the quality, adequacy, and substance of the necessary data and information provided by the applicant is not a factor in determining whether the submission is "complete." By letter dated April 15, 2019, DCM acknowledged NOAA's opinion as to when the review period had begun and requested additional information DCM believed was necessary to make a determination as to the consistency of WesternGeco's proposal with the enforceable policies of the North Carolina's approved coastal management program. DCM's April 15, 2019 letter also requested that WesternGeco agree to a 30-day stay in order to allow DCM additional time to conduct and conclude the State's review. On May 23, 2019, WesternGeco declined to extend the review period and provided some additional information.



As described in WesternGeco's Consistency Certification, the proposed project intends to "conduct a two-dimensional (2D) seismic survey in the Mid- and South Atlantic Outer Continental Shelf regions." (Consistency Certification, p. 2)

One seismic vessel proposed for this 2D survey. This vessel will tow a seismic source array and a single 10.5 km long streamer. The seismic vessel will be accompanied by two smaller chase vessels and a supply vessel. The purpose of the chase vessels is to keep vigil and ensure the safety of the streamer, by warning and keeping nearby vessels away from the vicinity of the streamer. (Consistency Certification, p. 6)

WesternGeco's proposed seismic survey area extends from approximately 30 kilometers (~19 miles [mi]) offshore of the southeast coast of Maryland south to 80 km (~50 mi) offshore of St. Augustine, Florida...Seismic operations are proposed to cover up to approximately 26,641 km (~16,554 mi) of trackline with an additional 2,734 km (~1,700 mi) of turns and transits...Seismic operations are estimated to occur during 208 days over a period of about one year... (Consistency Certification, p. 2)

Based on DCM's review of the application, airgun arrays will fire approximately every 10 seconds and will be in continuous operation as weather and other logistics allow. Sound will be generated across a wide range of frequencies, from approximately 10 to 2000 Hz. Based on a 2013 BOEM Technical Information Sheet ("Types of Geological and Geophysical Surveys and Equipment"), DCM anticipates that noise levels will generally range from 225 to 260 decibels.

To fully assess WesternGeco's proposed activity, DCM placed a public notice in several newspapers throughout the North Carolina coastal region and solicited input from State agencies that have resource interests in the coastal area. In total, 364 written comments were received, and all but one were in opposition to seismic testing or oil exploration. One letter in opposition to the proposal was submitted by the Southern Environmental Law Center on behalf of 19 other organizations. DCM also conducted a public hearing in Morehead City, North Carolina on May 20, 2019 to gather additional public comments. Speakers were unanimously opposed to WesternGeco's proposed activity citing a broad range of concerns. In both written and verbal comments, significant public concerns were raised about anticipated direct and indirect impacts to North Carolina marine fisheries and marine-related industries. Several of the public comments noted that the waters off North Carolina, where the Labrador Current and Gulf Stream intersect, support some of the most productive fisheries and highest levels of biodiversity in the world, including a broad range of marine mammals and temperate and tropical fish species. Specific public concerns associated with the intense sound pulses from airgun arrays included: impacts to zooplankton and cascading impacts on the food web; negative impacts to North Carolina's fishing industries (commercial, recreational, subsistence, and major fishing tournaments); space-use conflicts; concerns that some offshore fisheries are already in decline and heavily regulated; decreased catch rates in the vicinity of surveys; impacts on fish behavior, navigation, feeding, and health; potential for direct impacts to fisheries within three miles of shore (State ocean waters) due to the long distance sound travels; cumulative impacts from multiple proposed surveys; indirect impacts on coastal tourism; and other broader negative effects on the State's economy linked to fisheries impacts. One commenter documented over 100 research studies since 2015 on the

impacts of seismic testing, most of which revealed at least some negative impacts on marine life, including juvenile fish. An audio recording of the public hearing is available at: <https://deq.nc.gov/about/divisions/coastal-management/coastal-management-permits/federal-consistency/national-oil-and-gas-seismic-surveys> and all written comments received are available upon request. In addition, DCM is aware that at least 40 local governments across North Carolina, as well as the North Carolina Coastal Resources Commission, have adopted resolutions in opposition to oil and gas exploration and development.

On May 24, 2019, DCM received a follow-up letter from WesternGeco providing additional information for review (dated May 23). This letter was received after the public hearing had been held, after the public notices seeking written comments had been published, and on the same day that DCM received formal comments from the N.C. Division of Marine Fisheries (DMF) and the N.C. Wildlife Resources Commission (WRC) (attached). Therefore, none of the public commenters or interagency reviewers were afforded the opportunity to consider the additional information provided by WesternGeco in the May 23 letter, and therefore none of the comments and reviews address WesternGeco's additional information.

***Substantial Data and Information Demonstrate Significant Adverse Impacts
Under North Carolina's Enforceable Coastal Policies***

North Carolina's coastal zone management program consists of, but is not limited to, the Coastal Area Management Act (N.C.G.S. § 113A-100 et seq.), the State's Dredge and Fill Law (N.C.G.S. § 113-229), and Chapter 7 of Title 15A of North Carolina's Administrative Code. As set forth in N.C.G.S. § 113A-102, North Carolina's coastal management program goals include the preservation and enhancement of the recreational and aesthetic values of the coastal area; ensuring the orderly and balanced use and preservation of our coastal resources; protection, preservation, and conservation of natural resources including but not limited to water use, scenic vistas, fish and wildlife; economic development of the coastal area, including but not limited to construction, location, and design of industries; and protection of present common-law and statutory public trust rights in the lands and waters of the coastal area.

Specific North Carolina's enforceable policies that apply to WesternGeco's proposal include the following, which are quoted here for convenience:

- **General Statute 113A-120:** The responsible official or body shall deny an application for a permit upon finding: ...
 - (8) In any case, that the development is inconsistent with the State guidelines or the local land-use plans...
 - (10) In any case, that the proposed development would contribute to cumulative effects that would be inconsistent with the guidelines set forth in subdivisions (1) through (9) of this subsection. Cumulative effects are impacts attributable to the collective effects of a number of projects and include the effects of additional projects similar to the requested permit in areas available for development in the vicinity.
- **15A NCAC 07H .0206(b):** Estuarine waters are the dominant component and bonding element of the entire estuarine and ocean system, integrating aquatic influences from both

the land and the sea. Estuaries are among the most productive natural environments of North Carolina. They support the valuable commercial and sports fisheries of the coastal area which are comprised of estuarine dependent species such as menhaden, flounder, shrimp, crabs, and oysters. These species must spend all or some part of their life cycle within the estuarine waters to mature and reproduce. Of the 10 leading species in the commercial catch, all but one is dependent on the estuary.

This high productivity associated with the estuary results from its unique circulation patterns caused by tidal energy, fresh water flow, and shallow depth; nutrient trapping mechanisms; and protection to the many organisms. The circulation of estuarine waters transports nutrients, propels plankton, spreads seed stages of fish and shellfish, flushes wastes from animal and plant life, cleanses the system of pollutants, controls salinity, shifts sediments, and mixes the water to create a multitude of habitats. Some important features of the estuary include mud and sand flats, eel grass beds, salt marshes, submerged vegetation flats, clam and oyster beds, and important nursery areas.

Secondary benefits include the stimulation of the coastal economy from the spin off operations required to service commercial and sports fisheries, waterfowl hunting, marinas, boatyards, repairs and supplies, processing operations, and tourist related industries. In addition, there is considerable nonmonetary value associated with aesthetics, recreation, and education.

- **15A NCAC 07H .0206(c):** To conserve and manage the important features of estuarine waters so as to safeguard and perpetuate their biological, social, aesthetic, and economic values; to coordinate and establish a management system capable of conserving and utilizing estuarine waters so as to maximize their benefits to man and the estuarine and ocean system.

15A NCAC 07M .0401(a): It is hereby declared that the general welfare and public interest require that reliable sources of energy be made available to the citizens of North Carolina. It is further declared that the development of energy facilities and energy resources within the state and in offshore waters can serve important regional and national interests. However, unwise development of energy facilities or energy resources can conflict with the recognized and equally important public interest that rests in conserving and protecting the valuable land and water resources of the state and nation, particularly coastal lands and waters. Therefore, in order to balance the public benefits of necessary energy development with the need to 1) protect valuable coastal resources and 2) preserve access to and utilization of public trust resources, the planning of future uses affecting both land and public trust resources, the exercise of regulatory authority, and determinations of consistency with the North Carolina Coastal Management Program shall assure that the development of energy facilities and energy resources shall avoid significant adverse impact upon vital coastal resources or uses, public trust areas and public access rights.

- **15A NCAC 07M .0401(b):** Exploration for the development of offshore and Outer Continental Shelf (OCS) energy resources has the potential to affect coastal resources. The Federal Coastal Zone Management Act of 1972, as amended, requires that leasing actions of the federal government be consistent to the maximum extent practicable with the enforceable policies of the federally approved North Carolina Coastal Management

Program, and that exploration, development and production activities associated with such leases comply with those enforceable policies. Enforceable policies applicable to OCS activities include all the provisions of this Subchapter as well as any other applicable federally approved components of the North Carolina Coastal Management Program. All permit applications, plans and assessments related to exploration or development of OCS resources and other relevant energy facilities shall contain sufficient information to allow analysis of the consistency of all proposed activities with these Rules.

- **15A NCAC 07M .0801(a):** The waters of the coastal area are a valuable natural and economic resource of statewide significance. Traditionally these waters have been used for such activities as commercial and recreational fishing, swimming, hunting, recreational boating, and commerce. These activities depend upon the quality of the waters. Due to the importance of these activities to the quality of life and the economic well being of the coastal area, it is important to ensure a level of water quality which will allow these activities to continue and prevent further deterioration of water quality. It is hereby declared that no land or water use shall cause the degradation of water quality so as to impair traditional uses of the coastal waters. To the extent that statutory authority permits, the Coastal Resources Commission will take a lead role in coordinating these activities.

DMF's review of WesternGeco's proposal cites concerns with sound associated with the array of airguns used in the proposed survey activities impeding the ability of fishes to hear biologically relevant sounds. These sounds may interfere with the normal behavior of fish species and reduce their catchability due to displacement from areas of forage, spawning and refuge, and in the water column particularly in areas where they normally concentrate. The displacement of fish can affect overall abundance, thereby affecting economically valuable fisheries and operations throughout the regional survey area. DMF's review also expressed concern with impacts to zooplankton abundance having "cascading impacts" on the food web which have further impacts to the survival of individuals or populations.

Concerns raised by DMF also address the use of a vessel exclusion zone to protect airgun arrays and towed steamers from other vessel traffic, which can affect access to fishing/diving grounds and fishing/diving times, particularly for pots/traps, gillnets and longline commercial fishing operations, and disrupt recreational fishing activities and tournaments in the region during survey times. These disruptions could cause a significant impact to fisheries with short seasons or small quotas, as well as large fishing tournaments that have a significant impact on local economies.

DMF described a shortcoming of WesternGeco's reliance on the 2014 BOEM Programmatic Environmental Impact Statement (EIS) in listing the important commercial species for North Carolina as White Shrimp, Southern Flounder, Summer Flounder, Brown Shrimp, Atlantic Croaker and Quahog Clam because there is an underestimation of other important fisheries in North Carolina (Atlantic Blue Crab, Snapper-Grouper complex, coastal migratory pelagics, tuna, bluefish, etc.). The Programmatic EIS also includes Essential Fish Habitat (EFH) designations for federally-managed species, but not EFH for important State-managed species such as Southern Flounder, one of the most economically important fisheries in North Carolina. Southern Flounder spawn within the survey area off southern North Carolina on nearshore reefs and in the Gulf Stream.

WesternGeco stated that seismic operations are estimated to occur 208 days per year, and that while they will avoid operating within the Ten Fathom Ledge Habitat Area of Particular Concern (HAPC) and will avoid a portion of The Point from January through March, they will not avoid other HAPCs or Marine Protected Areas within North Carolina, which includes Big Rock, cape shoals at Cape Lookout, Cape Hatteras and Cape Fear, Cape Lookout Lophelia Banks, Cape Fear Lophelia Bank Deep Water Coral HAPCs, Charleston Bump (extends into Onslow Bay), Coastal Migratory and Dolphin-Wahoo HAPC, and Snowy Wreck MPA. Additionally, based on DMF review, there are no available time periods or seasons during which impacts of seismic testing would not potentially cause harm to certain activities and resources. Below is the list of sensitive time periods occurring in offshore waters:

- Peak activity for recreational fishing and for-hire boats (May to October)
- Offshore diving activities (May to October)
- EFH and HPC protective gear closures (January to July)
- Peak commercial fishing harvest (October to December)
- Offshore reefs and continental shelf are used year-round by eggs and larvae from commercial and recreationally important species
- Recreational fishing tournaments (April to November)
- Spawning season for commercially and recreationally important species in North Carolina's offshore waters (January to December) (see Tables 2 and 3, DMF Comments)

DMF noted that, with spawning activities occurring year-round in the offshore waters of North Carolina, the potential effects from multiple, overlapping seismic survey activities may be detrimental to eggs and larvae dependent on reef and shelf habitats. In summary, DMF expressed concern "that the cumulative effects of the 2D geophysical survey activities will severely impact the biological, social and economic value of North Carolina's commercial and recreational fisheries."

WRC submitted comments that expand beyond DMF purview. WRC expressed concerns regarding potential impacts on fish species that are within the WesternGeco project area (offshore, beyond the State's three nautical mile jurisdiction) but travel into estuarine and inland waters of North Carolina including the Atlantic Sturgeon, Shortnose Sturgeon, Blueback Herring, American Shad, Hickory Shad, Striped Bass, and the American Eel. Additionally, numerous species of sea turtles, including green, kemp's ridley, and loggerheads, also nest on North Carolina's beaches then migrate through the waters of WesternGeco's proposed survey activities.

In its April 11, 2019 letter, DCM asked WesternGeco for additional information related to new publications and studies published after the State's initial reviews of proposed seismic testing in 2015, and after the 2014 BOEM Programmatic EIS was finalized for the region. This request included reference to a recent NOAA study of impacts of a seismic survey conducted offshore of North Carolina (Paxton et al., 2017). WesternGeco's May 23, 2019 response asserted (p. 10) that all new research available after the 2014 BOEM Programmatic EIS and following earlier State reviews "do not present new or substantially different potential impacts than those published in prior years." WesternGeco's letter, included as Attachment B, is the same rebuttal that Ion Geoventures GXT, MCNV Marine North America CGG, Spectrum Geo, Inc., and TGS NOPEC submitted in 2018 in response to a similar request by DCM.

The North Carolina Department of Environmental Quality (DEQ) assembled a panel of scientific subject matter experts on the impacts of seismic testing and asked the panel to review the informal rebuttal submitted by Ion Geoventures GXT, MCNV Marine North America CGG, Spectrum Geo, Inc. and TGS NOPEC. This panel included Dr. Doug Nowacek, University Professor of Conservation Technology, Duke University; Dr. Ann Pabst, Professor, Biology and Marine Biology, University of North Carolina Wilmington; Roger Shew, Department of Earth and Ocean Science, University of North Carolina Wilmington; and, Dr. Lawrence Cahoon, Professor, Department of Biology and Marine Biology, University of North Carolina Wilmington.

Among other concerns raised about the scientific rebuttals described in Attachment B of WesternGeco's submission, the panel expressed significant concerns regarding impacts to the critical ecological function of zooplankton as the base of the food web, which supports the rich diversity of fish fauna of importance to both commercial and recreational fisheries of North Carolina. The panel was particularly concerned that the proposed seismic activities planned in North Carolina waters are much larger in their geographic scope and air gun intensity than the experiment presented in McCauley et al. (2017). That experiment used a single air gun, apparently one with lower power than those currently used by the industry. Current G&G seismic survey practice is to use a towed array of multiple air guns, firing at intervals of 10 to 15 seconds. Thus, the sound energy field to which zooplankton would be exposed in actual seismic exploration studies might be significantly greater than that used by McCauley et al. (2017). While a single study using one air gun cannot fully characterize the effects of seismic testing on all zooplankton, the possibility that a single airgun impacted zooplankton diversity and mortality at distances up to two orders of magnitude farther from the sound source than has been previously documented present significant concerns. The rebuttal included in WesternGeco's response to DCM's request for additional information cites Richardson et al. (2017), which acknowledged that the McCauley et al. (2017) paper "overturns current thinking that impacts on zooplankton are minimal" and recommended a large-scale study be undertaken to further evaluate these findings.

The panel also raised concerns about the number of repetitive surveys planned throughout North Carolina State Waters out to the Exclusive Economic Zone (EEZ), and although the area of coverage varies by company, all include large geographic areas, with all companies potentially conducting surveys over an 18-month period. The panel highlighted a study by Paxton et al. (2017), which took place in the same waters off of North Carolina where the proposed surveys would occur, and "provides evidence that during exposure to seismic noise, the prevailing pattern of heavy fish use of reefs during the evening was suppressed. The finding is notable because it goes well beyond detection of a startle response from individual fish, instead suggesting a multi-species response to airgun noise," including a 78 percent decline in Snapper-Grouper species complex at the study site.

***WesternGeco's Contentions Regarding Various Purported
Limitations on the State's Review Are Incorrect***

In its May 23, 2109 letter (p. 11), WesternGeco incorrectly asserts that "the enforceable policies of North Carolina's Coastal Management Plan do not require evaluation of cumulative impacts with other actions." However, the N.C. Coastal Area Management Act is included as an enforceable policy of the North Carolina Coastal Zone Management Program. N.C.G.S. § 113A-

120(a)(10) requires that “the responsible official or body shall deny an application for a permit upon finding... [i]n any case, that the proposed development would contribute to cumulative effects that would be inconsistent with the guidelines set forth in subdivisions (1) through (9) of this subsection. Cumulative effects are impacts attributable to the collective effects of a number of projects and include the effects of additional projects similar to the requested permit in areas available for development in the vicinity.” Accordingly, WesternGeco should have, but did not, include information addressing cumulative effects in its application.

WesternGeco’s May 23, 2019 letter (p. 1) also questions the applicability of 15A NCAC 07H .0200 (The Estuarine and Ocean Systems) by asserting that “[t]his policy pertains to estuarine water, coastal waters, public trust areas and public trust shorelines (15A NCAC 07H .0201). Estuarine waters are those inland of the boundary of North Carolina and the bays, sounds, rivers, and tributaries between coastal fishing waters and inland fishing waters (15A NCAC 07H .0206). Coastal fishing waters are found within the area bound by a line running parallel to the shoreline three miles offshore in the Atlantic Ocean.” The letter asserts that “the proposed project, with a nearest point of approximately 19 miles from the U.S. east coast, is not within the area considered in 15A NCAC 07H .0200” (p. 2) and that 15A NCAC 07H .0200 “only addresses inland and coastal waters and lands at least 16 miles away from the closest point of approach to land of the proposed survey” (p. 13). In the Consistency Certification (p. 7), WesternGeco asserted that “impacts on recreational and commercial fisheries are expected to be minimal” in part because of “the project’s focus on distances from shore beyond 30 km (~19 miles).”

Concerns have been expressed regarding the distance seismic survey pulses can travel in shallow water, where sound could travel hundreds of kilometers and the reverberation between seismic blasts can add substantially to background noise levels, thereby directly impacting the State’s ocean waters, public trust waters, and State fishery resources. While State-owned submerged lands and public trust waters are defined in rule and delineated out to three nautical miles offshore, many of the important commercial and recreational fish species targeted in North Carolina spend at least a portion of their life cycle or migrate between the estuarine system, State ocean waters, and beyond three miles offshore in the Atlantic Ocean. For this reason, many of these species are legally identified as interjurisdictional fish managed by both the State individually and different regional fishery management councils and commissions. Interjurisdictional fish species of commercial and recreational concern to North Carolina include American eel, Atlantic croaker, Atlantic menhaden, Atlantic striped bass, Atlantic sturgeon, black drum, black sea bass, bluefish, red drum, scup, shad, river herring, sharks, Spanish mackerel, summer flounder, spiny dogfish, spot, spotted seatrout, king mackerel, tautog, weakfish, dophin/wahoo, monkfish, and species making up the snapper-grouper complex. All fish species occurring within State jurisdictional waters for a portion or duration of their life cycle are considered to be State coastal resources.

Finally, WesternGeco questions the applicability of 15A NCAC 07M .0400 rules, asserting that “the enforceable policies are provided in 15A NCAC 07M .0403” (p. 2) and are only related to the siting of energy facilities. DCM disagrees, and finds that WesternGeco’s proposed seismic testing activities fall within the meaning of “the development of...energy resources” in 07M .0401(a) and within the meaning of energy “exploration” in 07M .0401(b).

In Granting DCM's Unlisted Activities Request to Review Proposed Seismic Surveys, NOAA OCM Acknowledged That the Proposed Activity Outside the Three Mile Limit May Affect Important Social and Economic Interests Associated With North Carolina Marine Fisheries

In North Carolina's August 2, 2014 "unlisted activities" request to review this and other proposed seismic surveys through the federal consistency provision of the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.), the State described the importance of marine fisheries and the anticipated impacts of seismic surveys to demonstrate that these activities could have reasonably foreseeable coastal effects on the State's resources. North Carolina's coastal area supports marine industries vital to the State's coastal economy, including the commercial and recreational fishing industries. With approximately 2,973 active commercial fishermen and 575 seafood dealers in 2016, the commercial fishing industry supported an estimated 7,410 jobs, \$166 million in income, and \$388 million in business sales in the State (NCDMF 2017). In 2016, approximately 1.8 million recreational anglers took over 5.4 million fishing trips in North Carolina's coastal waters (NCDMF 2017). This coastal recreational fishing activity supported an estimated 15,069 jobs, \$621 million in income, and \$1.57 billion in business sales in the State (NCDMF 2017). DMF trip ticket data show that in 2016, the months of October, November, and December account for the highest landings value of seafood, \$13.4 million dollars, from State and federal ocean waters. When commercial and recreational fishing activities are combined, the coastal fishing industry in North Carolina is estimated to support approximately 22,500 jobs, \$787 million in income, and \$1.96 billion in business sales annually, with much of this economic activity occurring in counties that have limited alternatives for employment or revenue.

On average from 2012 to 2016, a total of 3,081,479 recreational trips occurred in ocean waters off North Carolina each year. Over 2 million of those trips were from nearshore ocean waters (less than three nautical miles), and 9 percent were from waters greater than three miles from shore. Average annual recreational landings from the ocean were almost 9 million pounds for the years 2012 to 2016. Approximately 37 percent of recreational ocean landings were from for-hire boats fishing in waters greater than three miles offshore. During peak times, species in the coastal migratory pelagics and snapper-grouper complex are the most targeted by ocean anglers, as evidenced by the many recreational and charter boat trips, as well as tournaments targeting these species. These species include white marlin, blue marlin, sailfish, yellowfin tuna, dolphin, wahoo, Spanish mackerel, bluefish, king mackerel, black sea bass, greater amberjack, and red porgy.

Based on the State's demonstration, on November 18, 2014, NOAA OCM approved DCM's request to review proposed seismic surveys, including WesternGeco's, for consistency with the enforceable policies of the State's Coastal Management program. In its review, NOAA OCM determined that the proposed activities could have reasonably foreseeable effects on the coastal use or resources of North Carolina's coastal zone specifically as it pertained to potential impacts on commercial and recreational fisheries, including potential user conflicts and catch reductions, and consequential economic impacts. WesternGeco's response denying any effect based on the location of the proposed activity beyond the three mile limit is inadequate in addressing the reasonably foreseeable effects on the State's resource.

Conclusion

DCM has reviewed WesternGeco's consistency submission dated March 12, 2019 and the additional information dated May 23, 2019, and, in accordance with 15 CFR 930.63(b), objects to the proposal because it is inconsistent with the relevant enforceable policies of North Carolina's approved coastal management program. Our review included substantial input from outside subject matter experts, North Carolina State agencies with fisheries jurisdiction and expertise, and the general public. In summary, concerns raised by the public, other State agencies, and DEQ's expert panel, in addition to the potential effects described in newly published research, indicate that the proposed seismic surveys would have significant adverse impacts on fish and marine food webs, sensitive fish habitats, commercial, recreational, and subsistence fisheries, and the coastal economy. For these reasons, DCM finds that the proposed project is inconsistent with all of the enforceable policies listed herein. These enforceable policies mandate the conservation and management of the resources contained within the State's ocean and estuarine systems, including fish, fish habitats, and the commercial and recreational fishing industries.

Pursuant to 15 CFR part 930, subpart H, and within 30 days from receipt of this letter, WesternGeco may request that the Secretary of Commerce override this objection. In order to grant an override request, the Secretary must find that the activity is consistent with the objectives or purposes of the CZMA, or is necessary in the interest of national security. A copy of your override request and supporting information must be sent to DCM and the federal permitting or licensing agency. The Secretary may collect fees from you for administering and processing your request.

Sincerely,



Braxton Davis
Director, N.C. Division of Coastal Management

cc: Michael Regan, Secretary, N.C. Department of Environmental Quality
Daniel Govoni, Federal Consistency Coordinator, N.C. Division of Coastal Management
Dr. Walter Cruickshank, Acting Director, U.S. Bureau of Ocean Energy Management
Brian Cameron, Environmental Scientist, U.S. Bureau of Ocean Energy Management
Jeff Payne, Director, NOAA Office for Coastal Management
David W. Kaiser, Senior Policy Analyst, Office for Coastal Management, NOAA
Kerry Kehoe, Federal Consistency Specialist, Office for Coastal Management, NOAA