

# Exhibit A

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

SOUTH CAROLINA COASTAL	)	Civ. No. 2:18-cv-3326-RMG
CONSERVATION LEAGUE, et al.,	)	
	)	(Consolidated with 2:18-cv-3327-RMG)
Plaintiffs,	)	
	)	<b>DECLARATION OF DONNA WIETING IN</b>
v.	)	<b>SUPPORT OF FEDERAL DEFENDANTS’</b>
	)	<b>RESPONSE TO ENVIRONMENTAL</b>
NATIONAL MARINE FISHERIES	)	<b>PLAINTIFFS’ “RESPONSE TO FEDERAL</b>
SERVICE, et al.,	)	<b>DEFENDANTS’ STATUS REPORT” (DKT.</b>
	)	<b>NO. 448)</b>
Defendants.	)	
	)	

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I, Donna Wieting, declare as follows:

1. My name is Donna Wieting. I am the director of the Office of Protected Resources (OPR), National Marine Fisheries Service, National Oceanic and Atmospheric Administration (NOAA). I have served as director since 2013. As part of my official duties I oversee the conservation, protection, and recovery of species under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). This includes overseeing implementation of section 101(a)(5)(D) of the MMPA, which governs the issuance of the Incidental Harassment Authorizations (IHAs), including the IHAs that are the subject of this litigation.
2. I make this declaration based on my personal knowledge and information made available to me in the performance of my official duties.
3. In my capacity as director of OPR, on November 30, 2018, I signed and issued IHAs to five companies (Spectrum Geo Inc., TGS-NOPEC Geophysical Company, ION GeoVentures,

WesternGeco, LLC, and CGG) that applied for IHAs to take marine mammals incidental to seismic surveys in the Atlantic Ocean.

4. In my September 21, 2020 declaration, I stated that “WesternGeco LLC, terminated its IHA by letter dated September 4, 2020. Pursuant to their terms, the remaining four IHAs will expire on or before November 30, 2020.” Dkt. No. 447-1 at ¶ 5. The IHAs issued to Spectrum Geo, Inc., TGS NOPEC Geophysical Company, and ION GeoVentures will expire on November 29, 2020, and the IHA issued to CGG will expire on November 30, 2020. *Id.* NMFS has no authority to extend the terms of those IHAs upon their expiration. Further, NMFS has no basis for reissuing or renewing these IHAs. Should the applicants desire to carry out the activities that were the subject of the expired IHAs, they would need to submit new applications which would initiate a new review and authorization process in accordance with the regulations implementing the MMPA with respect to issuing IHAs (50 C.F.R. § 216.104), the National Environmental Policy Act, and the Endangered Species Act.

5. Among other steps, NMFS would have to review any application in accordance with its implementing regulations, publish a notice of proposed IHA in the Federal Register; make any proposed IHA available for public comment; and publish notice of issuance of any final IHA in the Federal Register.

6. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed in Takoma Park, MD, on September 29, 2020.

**WIETING.DONN** Digitally signed by  
**A.S.1365710607** WIETING.DONNA.S.1365710607  
Date: 2020.09.29 13:14:31 -04'00'

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Donna Wieting  
Director  
Office of Protected Resources  
National Marine Fisheries Service