

1                    .U.S. DEPARTMENT OF THE INTERIOR  
2                    BUREAU OF OCEAN ENERGY MANAGEMENT  
3                    GULF OF MEXICO OCS REGION  
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TRANSCRIPT OF PUBLIC HEARING

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Date:            April 20, 2012

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Time:            7:00 p.m. - 7:40 p.m.

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Location:       Embassy Suites

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5055 International Boulevard

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Charleston, SC 29418

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Reported by:    Naomi McCracken

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TRANSCRIPT HUSEBY DEPOSITION SERVICES

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FILE NO:       87676

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1 PROCEEDINGS

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3 MR. GOEKE: Good afternoon. My name is  
4 Gary Goeke. I am the chief of the Regional  
5 Assessment Section with the Bureau of Ocean Energy  
6 Management in New Orleans. We are holding a  
7 public hearing this evening to try to collect  
8 information regarding the draft EIS we've  
9 published. What we're going to do is -- we have a  
10 very small group with us tonight. What we're  
11 going to do is keep this very informal. Okay?

12 So we've got some information. We've got  
13 a little presentation that we will do for you to  
14 give you some background on where we are and what  
15 we've accomplished and where we are headed within  
16 the remainder of this process.

17 And the gentleman who created the EIS and  
18 led the EIS, the project manager, is Dr. Tom  
19 Beirstadt. Tom is sitting here and Tom is going  
20 to talk with you-all tonight. Tom?

21 MR. BEIRSTADT: We're here because the  
22 National Environmental Policy Act requires public  
23 meetings in the course of preparing EIS and other  
24 documentation that the government uses for  
25 decision making.

1           Here tonight we're talking about a  
2 Programmatic Environmental Impact Statement that  
3 we've prepared. It's sitting there on the edge of  
4 the table as objective evidence that that's what  
5 it looks like. And it's for a a proposed  
6 geological and geophysical activities on the  
7 Atlantic seaboard.

8           This is a -- you can see, here's a series  
9 of public meetings that we're going to have  
10 similar to this one where we will present what  
11 we've done and we'll have an opportunity for  
12 people to comment on it so that in the process of  
13 revising the document, we can account for inputs  
14 from the public and state and federal agencies and  
15 all who comment.

16           It's prepared and it's been published.  
17 It's been noticed for comment for 60 days. The  
18 notice was put in the Federal Register March 30th  
19 and we have a 60-day comment period we're right in  
20 the middle of.

21           Today we're here to record your comments,  
22 get anything in writing you may have, because  
23 public input is an important part of the process.

24           The Environment Impact Statement itself  
25 says it's the potential environmental impact of

1 G&G activity -- that's geological and  
2 geophysical -- of the outer continental shelf. We  
3 looked at projected levels of interest and  
4 activity that would be out there by industry. We  
5 have evaluated various areas of mitigation  
6 measures that are used to either eliminate or  
7 reduce environmental impacts on the resources that  
8 are there. And this information provides analysis  
9 for our agency in making decision and for other  
10 agencies before authorizations are made for this  
11 kind of work.

12           And this ultimately is the decision  
13 document for agency preparing it. In our case,  
14 the Department of Interior will make a decision  
15 based on the work that we have done here after we  
16 have finalized it later on in the year.

17           The proposed action is to authorize G&G  
18 activities for three program areas that our agency  
19 manages: Oil and gas, renewable energy and marine  
20 minerals.

21           These are the areas of interest here.  
22 The Mid-Atlantic planning area, this large region  
23 off the shore of North Carolina, Virginia,  
24 Maryland and Delaware. And the South Atlantic  
25 planning region, these are what we call areas of

1 interest in the document.

2 This line is the territorial limits of  
3 the United States exclusive economy zone and this  
4 is the extended continental shelf boundary about  
5 350 miles off shore. All of this area was  
6 considered for our evaluation.

7 G&G work, geological, involves coring,  
8 shallow stratigraphic drilling, work did he  
9 traffic graphic tests. Shallow drilling is define  
10 as less than 500 feet below the mud line on the  
11 sea bottom. And these tests can be below 500  
12 feet. They can extend quite deep. They can  
13 discover anything because they are really a method  
14 of doing research. But if anything is discovered,  
15 it can't be produced because there is no lease and  
16 you can't produce oil and gas on federal lands  
17 without a lease.

18 Geophysical activity would be between  
19 two- and three-dimensional seismic surveys. High  
20 resolution geophysical surveys are more  
21 engineering in nature. If you are going to be  
22 placing or put bottom-finder structure on the  
23 bottom you need no know the energy properties of  
24 the sediment so you can design your facilities  
25 properly.

1           There are various tools that are used for  
2 determining depthemetry, determining whether  
3 there is an obstruction on the sea bottom, whether  
4 there is faulting in the surface or if you have a  
5 gas packet or something. These are shallow  
6 hazards. And also gravity magnetic surveys are a  
7 part of the sweep of activities.

8           In this sort of review, you would examine  
9 routine activities that are a consequence of the  
10 work and also things that are not necessarily a  
11 consequence of the work accidents.

12           For routine activities, we're talking  
13 about airguns, seismic echo-acoustic sound  
14 sources. Electromechanical sound sources are  
15 those that I was referring to in the previous  
16 slide.

17           Aircraft traffic and noise: There are a  
18 lot of boats that need servicing that are working  
19 off shore and have helicopters that are  
20 transferring crews and supplies.

21           Drilling and coring produce cuttings that  
22 are generally deposited on the sea bottom. Also  
23 drilling fluids are used to cut the sediment with  
24 the drill bit.

25           Any disturbance on the bottom: Touching

1 it, it sampling it, drilling, coring, placing  
2 anchors, sensors or other types of cables.

3 On shore base support: People that work  
4 on the ocean have to live on land and boats that  
5 do work on the ocean have to be serviced on shore  
6 or have to have a place to stay. So there is a  
7 host of activities that take place on shore that  
8 indirectly support this work.

9 There is vessel traffic, the noise  
10 in the water caused by the vessels. There are  
11 wastes that are generated by the boats themselves  
12 and the people on them. And the consequence of  
13 any work on the ocean, there is trash and debris  
14 that has to be considered.

15 By way of accidental events, fuel spills  
16 are all we're really talking about here because  
17 the proposed action is for the G&G, geological and  
18 geophysical testing, is not for producing oil.  
19 It's not for transporting oil. There is no pipe  
20 lines involved. There is no tankers involved. So  
21 really the only thing that can go wrong is if the  
22 vessel hits something or another vessel and spills  
23 some fuel.

24 The environment resources that we looked  
25 at: fish and fisheries, both commercial and

1 recreational, essential fish habitat, marine  
2 mammals, sea turtles, coastal and marine birds,  
3 protected species, any these categories,  
4 socioeconomy issues, archeological resource like  
5 shipwrecks. We looked at marine protected areas.  
6 There are two national marine sanctuaries in these  
7 off shore regions of the South Atlantic, Raised  
8 Reef you have and in the Mid-Atlantic you have the  
9 Monitor site.

10 Human resources and land use and other  
11 marine uses include activities the military  
12 conducts on the water. There are large range  
13 complexes that are used by the Navy for undersea  
14 and surface exercises.

15 In an evaluation of this nature, the  
16 heart and soul of the EIS is really the  
17 alternatives that are selected for analysis. In  
18 our case we looked at the National Marine  
19 fisheries, areas that have been identified on the  
20 east coast for the protection of the northern  
21 right whales. They are called seasonal management  
22 areas. And we have combined that with the  
23 practices that have been long exercised in the  
24 Gulf of Mexico for this sort of work. We have  
25 mitigation that are in place for specious

1 observers, for ramping-up of the surveys, for  
2 observing the exclusion zones around airguns while  
3 the survey is taking place and conditions under  
4 which a survey would shut down if they encountered  
5 animals in the course of the work.

6           Alternative B, the philosophy there is to  
7 have additional mitigations and also enhanced  
8 protection for these zones that have been  
9 recognized for the northern right whale, these  
10 seasonal management areas and I'll show you a map  
11 in a minute about what I'm talking about.

12           Also, we propose an area be limited for  
13 airgun activity that would be for nesting sea  
14 turtles off shore central Florida. And also have  
15 separation between surveys that are operating  
16 simultaneously.

17           And also, as part of Alternative B, we  
18 consider -- well, we have required passing  
19 acoustic monitoring. That is using hydrophones in  
20 the water to see if there is any telltale activity  
21 underwater by marine mammals. They have various  
22 characteristic sounds, creaking, singing. They  
23 can be detected indirectly under the water. At  
24 the surface you can see them, but if they are not  
25 at the surface, this technique tends to give you

1 some idea of whether they maybe under water and  
2 not observable.

3 Alternative C has no action for NEPA  
4 evaluation that is required under the regulations  
5 for this type of work.

6 For the three program areas, we have oil  
7 and gas renewable energy and marine minerals. For  
8 oil and gas, there hasn't been leases in the  
9 Atlantic for almost 25 or longer -- 25 years are  
10 longer. There hasn't been any geological or any  
11 geophysical work for an equal period. So it's a  
12 question whether you allow this work to continue  
13 to proceed.

14 With the case for renewable energy and  
15 marine minerals, these are activities already  
16 underway in both the Mid-Atlantic and South  
17 Atlantic. So framed the no-action alternative as  
18 looking at the oil and gas part of our program and  
19 saying we're either going to do this or not, but  
20 for renewable energy or marine minerals, we will  
21 have the action be a continuation of work that's  
22 going on, because there is currently permitting  
23 that's take place on an as-needed basis, on a  
24 case-by-case basis. So the no-action alternative  
25 is to let that happen. And really the framing of

1 the argument for oil and gas is the no action  
2 alternative.

3           These are those time/areas closures I was  
4 mentioning that NOLA fishery recognizes. What  
5 those are for are vessel speed restriction areas.  
6 The critical habitat of the northern right whale  
7 is here off shore Jacksonville extends down to  
8 Northern Florida. This seasonal management area  
9 is this little box in orange. The yellow area is  
10 the Mid-Atlantic seasonal management area. And  
11 during these periods of time that are shown here  
12 by corresponding colors, the vessels have to go  
13 slower because the whales are in this area. They  
14 tend to spend the summer months off shore in the  
15 New England states, and during the course of the  
16 year they migrate down the shore, hugging the  
17 shore rather closely -- generally within 20 miles  
18 or so; most surveys have verified that -- to over  
19 winter off shore Jacksonville here where they have  
20 their calves. Then they migrate right back up the  
21 coast. So it's a north-south migration that  
22 occurs every year.

23           For Alternative B, time/area closures, we  
24 sought to enhance them to accurate more of a  
25 restricted activity zone because we have extended

1 this southeastern seasonal management area to the  
2 south, to the edge of the southern boundary of the  
3 South Atlantic area. And also I'm proposing to  
4 have those areas that are in between the currently  
5 recognized Mid-Atlantic regional management areas  
6 to be a part of it, so what you have created the  
7 zone from the very northern part of the  
8 Mid-Atlantic planning area all the way down the  
9 coast line to the southern boundary of the South  
10 Atlantic planning area. That would be a zone that  
11 would be closed off for airgun-type activity  
12 during this season, these seasonal period that  
13 NOLA recognizes for vessel speed restrictions.

14 Off shore the Brevard County area, Cape  
15 Canaveral is a well-known turtle habitat. There  
16 are tens of thousands of nests that are documented  
17 from this area on a yearly basis by people who  
18 observe them, the loggerhead and the leatherback  
19 turtles. So we propose to have this zone extend  
20 out to about 11 miles as a restricted area for  
21 airgun activity during the period of time that  
22 these turtles are coming on the shore laying their  
23 eggs and hatchlings are moving off shore.

24 If you look at EIS -- if you'd just like  
25 to have an over-all picture of what we've done and

1 the conclusions we've made, take a look at Table  
2 2-2. It talks about all of the environmental  
3 resources that we catalogue and all of the  
4 impacting factors that we've identified  
5 corresponding to them. And we have also  
6 noticed -- or we've posted the alternatives on the  
7 top, so what we've created is a matrix that will  
8 show you these various quality descriptors. We  
9 call them impact significance criteria here. They  
10 range from negligible through minor, moderate and  
11 major.

12 For all of the activities we've looked at  
13 and for all of the impacting factors, there was no  
14 assessment of a major impact for any of this work.  
15 Everything was something less. It could have been  
16 moderate; it could have been minor. And all of  
17 these terms are qualitative, but they are defined in  
18 chapter 4 of the document.

19 While we're doing the environmental  
20 impact statement, we have to have consultations  
21 that are required by other laws that are  
22 implemented by other agencies. Section 7 of the  
23 Endanger Species Act is a consultation we have to  
24 do. And the Marine Mammal Protection Act has  
25 consultations that we do with NOLA fisheries

1 because all marine mammals are recognized as  
2 protected. Endangered species are specifically  
3 identified by a process under the Endangered  
4 Species Act. They are a sub-set of all the marine  
5 mammals.

6 So the next steps we have for our project  
7 is that now we're in the midst of a comment period  
8 for the next 60 days. We're about in the middle  
9 of it when we get comments from you people like  
10 you and state agencies will revise the EIS with a  
11 package of recommendations for the Interior  
12 Management for what sort of decisions they might  
13 like to make and why they might like to make  
14 them.

15 The environmental consultations will be  
16 underway and there will be a decision document  
17 published in the Federal Register once the  
18 Secretary of the Interior make a decision about  
19 the work that's being proposed here. I mentioned  
20 that the comment period began March 30th. Now it  
21 will close on May 30th.

22 We can take your comments here now. We  
23 can take anything in writing that you may have to  
24 offer. You can mail comments to a dedicated email  
25 address: [GGBEIS@boem.gov](mailto:GGBEIS@boem.gov).

1           The documents posted on our website, if  
2 you picked up the materials on the tables outside,  
3 you'll see the hyperlinks to where you can just  
4 pick on the copy of the document, take a look at  
5 it that way, if you would like. If you wish to  
6 comment to us using the U.S. Postal Service, you  
7 just send it to the address that's indicated.  
8 That's also shown in our public information and  
9 materials that are outside.

10           I guess in closing what I would say is we  
11 spent the last year doing this evaluation, pretty  
12 complex science. It involves fairly state of the  
13 practice to model noise in water. What we would  
14 ask -- what our agency asks of folks who review  
15 the document, is take a look at it and try to  
16 digest the information as best you can. Make your  
17 own conclusions and send in your comments so that  
18 when we revise the draft, we can produce a better  
19 final EIS. That, in turn, is used by management  
20 to make as good a decision as they can make.

21           With that, what do we have? We have  
22 folks that have signed up to speak. There is no  
23 reading or time limit. If you would like to give  
24 a comment because it's such a small group.

25           Katy Zimmerman, would you like to make a

1 comment?

2 MS. ZIMMERMAN: My name is Katy  
3 Zimmerman. I'm a project manager with a local  
4 environmental non-profit group called the Coastal  
5 Conservation League and we have 5,000 members  
6 across the state.

7 Our comprehensive comments are going to  
8 be submitted in writing by our energy climate  
9 director, Hamilton Davis, so he should getting  
10 those to you soon.

11 But just in summary of what our  
12 concern are, we do think that is it appropriate to  
13 also consider during this scoping process whether  
14 to ultimately allowing oil and gas development in  
15 these areas will present an unacceptable risk to  
16 the environment towards the industry and quality  
17 of lives for Mid- and South Atlantic states.

18 If oil and gas development is found to be  
19 an inappropriate activity in these areas, then  
20 there can be no justification for allowing  
21 exploration activities that would inevitably have  
22 a variety of negative impacts on various marine  
23 species in their respective habitat.

24 Our other major concerns is that the data  
25 gathered from these exploratory activities will be

1 proprietary and only available to you-all on the  
2 Bureau during the pre-leasing process so that the  
3 states or the public would not have a meaningful  
4 opportunity to weigh the costs and benefits  
5 associated with off shore gas and oil developments  
6 in the Mid-Atlantic and South Atlantic regions.

7 So it ultimately leaves the state and  
8 public in a precarious position of opposing their  
9 support in off shore oil and gas development  
10 without the updated information and data necessary  
11 to evaluate the impacts of these activities. So  
12 we recommend the following actions be considered  
13 as alternatives to the current proposal.

14 One, a comprehensive public planning  
15 process for the Atlantic OCS should be undertaken  
16 as an alternative to current proposed actions.  
17 Because of the increasing pressures on our  
18 resources, it's only appropriate that BOEM move  
19 forward with any planning process that capable of  
20 evaluating all kinds of future uses of the  
21 Atlantic OCS establishing data set capable of  
22 guiding public discussion as plans are created for  
23 future activities and uses of the Atlantic OCS  
24 should be prioritized by BOEM and place of current  
25 proposal to enable oil and gas development without

1 sufficient opportunity to the public evaluation of  
2 the data gathered during the course of potentially  
3 damaging exploratory activities.

4           Prior to the allowing exploration  
5 activities for oil and gas on the Mid- and South  
6 Atlantic OCS, the Bureau should determine whether  
7 oil and gas development is actually appropriate  
8 for these areas in light of the relative  
9 sensitivity of this coastal ecosystem. The  
10 potential for negative impacts to state tourism  
11 and fishing can be an inevitable negative impacts  
12 on quality of life related to on shore  
13 infrastructure necessary to support the industrial  
14 activities associated with oil and gas  
15 development.

16           Finally, if it is decided that  
17 exploratory activities will be allowed on the Mid-  
18 and South Atlantic OCS all data, should be made  
19 available to the state and the public as leasing  
20 plans are developed by the Bureau for off shore  
21 gas and development. Making the data public would  
22 allow meaningful dialogue related to the cost and  
23 benefits associated with the development of  
24 estimated oil and gas resources.

25           Thank you.

1 MR. BEIRSTADT: You're the only one  
2 that's signed up to speak. Is there anyone else  
3 would like to make a comment for us.

4 MR. PISCATILLA: If I may, I would like  
5 to make my --

6 MR. BEIRSTADT: Will you state your name  
7 and spell it please for the Court Reporter?

8 MR. PISCATILLA: Sure. It's Tony  
9 Piscatilla.

10 P-i-s-c-a-t-i-l-l-a. And I'm trying to  
11 gather information and you're talking about the  
12 outer continental shelf. The outer shelf extends  
13 to what, 200-mile limit?

14 MR. BEIRSTADT: Yes.

15 MR. PISCATILLA: Where does it start?  
16 Where is the innermost? Is that a 35-mile girth?

17 MR. BEIRSTADT: That's at the three  
18 nautical mile boundary off shore.

19 MR. PISCATILLA: At three nautical miles?

20 MR. BEIRSTADT: Yes.

21 MR. PISCATILLA: That's a lot closer than  
22 I thought it was.

23 MR. BEIRSTADT: In shore it's state  
24 waters. Beyond that is federal waters.

25 MR. PISCATILLA: All right. That was

1 what I wanted to know.

2 The other question I have in my head  
3 is -- I'm looking at your South Atlantic region,  
4 and we know that there is oil and gas deposits  
5 around the peninsula of Florida and you stopped  
6 just below Jacksonville with your South Atlantic  
7 things. What is below that? What kind of studies  
8 are happening below that?

9 MR. BEIRSTADT: Well, the entire  
10 continental shelf is subdivided into these  
11 protraction areas -- these large planning area.  
12 Below that is the Bahamas area. The biology of  
13 some of these are influenced by the cemetery,  
14 width of the continental shelf, off shore  
15 Florida. It goes really deep, really quickly.  
16 And so it's a very narrow shelf.

17 MR. PISCATILLA: Thank you. I was just  
18 trying to get my head around it.

19 MR. BEIRSTADT: Yes, ma'am. Could you  
20 spell your name?

21 MS. WHITE: My name is Linda White, like  
22 the color.

23 I'm just have another question. Tony  
24 asked one of my questions. The other one I was  
25 wondering how you determined where the sea turtles

1 were at. Because I believe they go all the way up  
2 the coast, not just in that little area that you  
3 have marked near Florida or in Florida.

4 MR. BEIRSTADT: That is true. There are  
5 sea turtles that come on shore and nest  
6 everywhere; however, this particular area is a  
7 specially one. It's very densely populated and  
8 that's why we've recognized it for a exclusion  
9 zone from the activity. Although, yes, they do  
10 nest all along the shore, sure; but here the  
11 concentrations are very high.

12 MS. WHITE: And then Tony was also  
13 asking, are the tests going to actually be as  
14 close as three miles? I mean, is this giving the  
15 latitude to start the testing area that close to  
16 shore, or will there be a couple hundred miles  
17 where it's not going to necessarily affect all  
18 these things that's going to happen along our  
19 coast?

20 MR. BEIRSTADT: We permit activities on  
21 the federal lands, which is everything seaward of  
22 the three nautical mile boundary. The degree to  
23 which our permitting may affect waters that are  
24 closer seabeds, if there a connected activity.  
25 For example, We park off shore has a cable that

1 goes to shore. Part of our permitting for that  
2 off shore facility involves cooperating with  
3 agencies that have permanently authority in state  
4 waters to get a cable that would take electricity  
5 all the way to shore. That's just an example of  
6 what we are calling in the document we're calling  
7 a connected activity.

8 MS. WHITE: I have had just like the go  
9 on record that I disagree with everything you do.  
10 I -- forgot your name -- that you've mention,  
11 because I'm from California and I have seen the  
12 affects of oil drilling on beaches and I really  
13 think that people don't think about that when they  
14 go to drill because they don't see is tar that  
15 comes up and gets on your feet when you are just  
16 trying to get in the ocean.

17 So I hope that will have something very  
18 public we can both come back to and tell our  
19 stories so that other people might be more aware  
20 and just not getting cheaper oil for ourselves.  
21 So, please, do make something more public so other  
22 people have a, chance not just talk about the  
23 tests that are going to start, but what is the  
24 result of the outcome of those test. Thank you.

25 MR. BEIRSTADT: Thank you. Anyone else?

1 Yes, sir.

2 MR. TAYLOR: Eddie Taylor. Just a couple  
3 of comments. I'm a former member of the South  
4 Carolina Renewable Energy Infrastructure  
5 Development Oversight Committee. We have built a  
6 little bit in this area, but for me, it's a  
7 national security issue. And I don't see that  
8 doing the surveys and so forth is going to be  
9 disruptive to the turtles. I just don't see a  
10 problem. And I think it's very important for us  
11 to move forward in this energy area in all  
12 directions.

13 And so basically I would say I'm in favor  
14 of this trying to offset a few of those who are  
15 opposed to it. If you can drill on land, great.  
16 If you can drill in the water, that's great. I'm  
17 for it. Drill baby drill. Thank you.

18 MR. BEIRSTADT: Thank you. If there is  
19 no other speakers, we can conclude our meeting.  
20 Okay. Thank you very much for coming.

21

22 (The public meeting was  
23 concluded at 7:33 p.m.)

24

25

1 CERTIFICATE OF REPORTER

2

3 STATE OF SOUTH CAROLINA )

4 DORCHESTER COUNTY )

5

I, Naomi E. McCracken, a Computerized Stenotype Reporter and Notary Public within and for the State of South Carolina, duly commissioned and qualified, do hereby certify that these proceedings were taken by me, reduced to stenotype, afterwards prepared and produced by means of Computer-Aided Transcription to the best of my ability and that the foregoing is a true and accurate transcription of the proceedings so taken as aforesaid.

10 I do further certify that these proceedings were taken at the time and place in the foregoing caption specified, and was completed without adjournment.

11 I do further certify that I am not a relative, employee of or attorney for party or counsel, or otherwise interested in the event of this action.

12 I do further certify that I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

13 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Summerville, South Carolina on this 2nd day of May, 2012.

16

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18

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Naomi E. McCracken,  
Computerized Stenotype Reporter  
And Notary Public in and for  
The State of South Carolina.

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My Commission Expires October 4th, 2020

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24

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**BUREAU OF OCEAN ENERGY MANAGEMENT**  
**Transcript of Public Hearing on 04/20/2012**

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