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January 9, 2012

Mr. James F. Bennett  
Chief, Branch of Environmental Assessment  
Bureau of Ocean Energy Management  
381 Eldon Street  
Herndon, Virginia 20170

**Re: Comments on Draft Programmatic EIS for Proposed Outer Continental Shelf Oil and Gas Leasing Program for 2012-2017**

Mr. Bennett,

The Surfrider Foundation is a grassroots environmental organization dedicated to the protection and enjoyment of the world's oceans, waves, and beaches for all people. On behalf of our 250,000 supporters, activists, and members, the Surfrider Foundation submits the following comments on the 2012–2017 OCS Oil and Gas Draft Programmatic EIS.

In the aftermath of the BP oil spill in the Gulf of Mexico - the worst environmental disaster in US history – it is imperative that the Department of the Interior takes a precautionary approach to offshore leasing decisions. Such decision-making should incorporate both a careful review of the potential impacts of drilling as well as an analysis of available alternatives to drilling. Our nation's oceans and coasts are vital resources that provide major ecological, economic, and social benefits. As such, the Department must ensure that any decisions to allow drilling off our coasts will not unnecessarily endanger these resources for present or future generations.

**Proposed Lease Sales**

The Surfrider Foundation strongly supports the Department's decision to exclude the **Atlantic** and **Pacific coasts** from the proposed 2012-2017 leasing plan. Both coasts depend significantly on the health of the ocean and coastal environment for their economic well-being. Indeed, a recent report by the National Ocean

Economics Program concluded that coastal tourism and fishing – sectors that rely directly on ocean ecosystems – generate billions of dollars for coastal states such as New Jersey, Florida, California, and Washington (National Ocean Economics Program 2007). Furthermore, many states and communities on the Atlantic and Pacific coasts have expressed strong opposition to oil and gas development off their shores. A notable example is the letter sent by the Governors of California, Oregon, and Washington to the federal government in 2008 as part of the West Coast Governors' Agreement on Ocean Health. Further evidence is provided by the written comments of thousands of citizens and groups who have participated in the PEIS public process thus far. Accordingly, it is appropriate that we continue to protect the Atlantic and Pacific coasts from offshore drilling, including those areas that have not been exposed to the risky practice of oil and gas development.

Regarding **Alaska**, the Surfrider Foundation has significant concerns about plans to potentially issue lease sales in the Beaufort Sea in 2015, the Chukchi Sea in 2016, and Cook Inlet under a special interest lease sale in 2013. The inclusion of these areas in the Draft PEIS is troubling given the likely challenges with spill prevention and response in the harsh and remote marine environment off Alaska, particularly the Arctic Ocean. The industry already has a poor record in providing adequate containment and response to oil spills in places where conditions are more favorable, both with respect to environmental conditions and the presence of supporting infrastructure. Furthermore, major gaps in scientific data for these regions make informed management of oil and gas activities impossible. Therefore, the proposed decision to potentially issue lease sales off Alaska within the next five years is both reckless and not defensible. We ask that Department exercise the utmost prudence in considering these possible lease sales off the coast of Alaska in the 2012-17 timeframe.

With respect to the **Gulf of Mexico**, the Surfrider Foundation generally agrees with BOEM's approach to concentrate the majority of potential U.S. lease sales (10 of 15) in the Western and Central GOM Planning Areas. However, we oppose issuing lease sales in the Eastern GOM Planning Area. BOEM's proposed action to focus primarily on the Western and Central GOM is consistent with the December 1, 2010, direction of the Secretary of the Interior to focus new leasing in areas with current active leases. Some potential benefits of this approach include the opportunity to leverage existing knowledge, capacity, and infrastructure, which may hopefully prevent (or mitigate) future accidents and spills. However, none of this alters the fact that offshore drilling is an inherently risky and environmentally damaging activity, regardless of where it is conducted.

Furthermore, the Deepwater Horizon disaster exposed fundamental flaws in the regulatory oversight of offshore drilling in the U.S. These numerous deficiencies were documented in both the final report of the *National Commission on the Deepwater Horizon Oil Spill and Offshore Drilling* and the 2011 report issued by the National Academy of Engineering (NAE) and the National Research Council (NRC): *Macondo Well – Deepwater Horizon Blowout: Lessons for Improving*

*Offshore Drilling Safety.* Accordingly, any new offshore drilling in U.S. waters must be accompanied by fundamental improvements in the management and safety systems used by the companies engaged in offshore oil and gas development. We believe that the two reports referenced above provide important recommendations for achieving this purpose. Some of these critical management enhancement needs include: improved safety measures; more rigorous spill risk assessments; sufficient oil spill response plans; enhanced inspection capability; expanded education and training of industry personnel; and increased penalties for violating regulations.

### **Resource Evaluation off the Atlantic Coast**

The Surfrider Foundation has strong concerns about BOEM's intent to "*mov(e) forward expeditiously to facilitate resource evaluation in the Atlantic, including conducting a programmatic EIS relating to seismic surveys*" off the Atlantic coast. Despite BOEM's suggestion that direct evidence is lacking to conclude that seismic activities are harmful to marine life, a growing body of knowledge provides significant evidence to the contrary. By definition, seismic surveys involve the use of high intensity sound blasts in an environment that is extremely efficient at transmitting sound waves. The noise from seismic surveys can damage or kill fish eggs and larvae and impair the hearing and health of fish, making them susceptible to predators. These disturbances can also disrupt important migratory patterns, forcing marine life away from suitable habitats meant for foraging and mating. Seismic surveys have been implicated in impacts to marine mammals, as well, including beaching and stranding incidents. For example, a single seismic survey can cause the critically endangered North Atlantic right whale to stop vocalizing. For these reasons, we ask that BOEM specifically restrict seismic surveys from areas excluded from leasing at the leasing program stage, such as in the Atlantic region.

### **NEPA Requirements**

The Surfrider Foundation is concerned that the Draft PEIS fails to meet the requirements under the National Environmental Policy Act (NEPA). Under NEPA, BOEM is required to provide a "full and fair discussion of significant environmental impacts" in order to "inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment." However, while the Draft PEIS includes extensive information that is relevant for consideration, there are some significant gaps and flaws in the document that will need to be addressed by BOEM in the Final PEIS.

First, the Draft PEIS does not sufficiently describe and analyze the impacts of oil spills. As demonstrated by the Deepwater Horizon disaster, the potential for a catastrophic spill is very real. Yet, the Draft PEIS underestimates the risk of future oil spills in the Gulf of Mexico by relying on outdated methods that fail to adequately consider different spill rates across drilling depths and well types – i.e., the increased risks associated with drilling in deeper water. Furthermore, the Draft PEIS fails to appropriately consider information from the Deepwater

Horizon disaster in analyzing the environmental impacts of future spills. Chapter 6 asserts that there has been “no discernible decrease in [biological] productivity in U.S. offshore areas where oil and gas have been produced for many years”. Yet, early data from the Deepwater Horizon disaster strongly suggests that this is not the case. At the height of the Deepwater Horizon spill, 36% of federal waters in the Gulf of Mexico were closed to commercial and recreational fishing, suggesting there were, in fact, significant biological impacts. We understand that the timeframe for completing the PEIS makes it impossible to incorporate all the lessons learned from the Gulf spill. However, this does not absolve BOEM from considering existing information and analyzing the potential for environmental impact, especially given the numerous assurances of federal leaders and agencies that the same mistakes will not be made twice.

Additionally, the Surfrider Foundation believes that PEIS needs to better consider the role that renewable energy and conservation can play meeting our nation’s future energy needs. In the Draft PEIS, the agency dismisses the need to analyze an alternative where alternate/renewable energy sources would be developed in lieu of oil and gas leasing on the Outer Continental Shelf. Such an alternative is both reasonable to consider, as well as appropriate given the numerous environmental impacts associated with offshore drilling. Furthermore, even under the best-case scenario, the United States’ offshore oil reserves would provide us only eighteen months supply of oil at our current rate of consumption, underscoring the fact that we simply cannot drill our way to energy independence. For this reason, as well as the environmental and economic risks discussed above, our nation must seek a comprehensive and environmentally sustainable energy plan that prioritizes conservation and support for renewable energy technologies. However, the Draft PEIS fails to sufficiently consider the role that renewable energy and improved efficiency can play in meeting our country’s energy needs.

In summary, when preparing the Final 2012–2017 OCS Oil and Gas Programmatic EIS, we ask that BOEM provide a complete analysis of all environmental impacts, including consideration of reasonable alternatives to offshore drilling. Doing so will help to reestablish the balance of environmental protection and oil and gas production as required by law.

The Surfrider Foundation appreciates the opportunity to provide these comments on behalf of our 250,000 supporters, activists, and members. The Surfrider Foundation is a non-profit grassroots organization dedicated to the protection and enjoyment of our world’s oceans, waves and beaches through a powerful activist network. For more information on the Surfrider Foundation, visit [www.surfrider.org](http://www.surfrider.org).

Sincerely,

Pete Stauffer  
Ocean Ecosystem Manager  
Surfrider Foundation