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August 17, 2017

Kelly Hammerle,
National Program Manager
Bureau of Ocean Energy Management
45600 Woodland Road
Sterling, VA 20166
via Federal Internet Commenting System

Re: Request for Information: 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Program

Dear Ms. Hammerle:

I am submitting comments on behalf of the Business Alliance for Protecting the Atlantic Coast ("BAPAC") regarding the Request for Information for the 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Program ("the 2019-2024 Program").[1]

About BAPAC

BAPAC works "to ensure the long term health and economic vitality of the Atlantic seaboard through responsible stewardship of the coastal and ocean waters." It has the support of over 41,000 businesses and over 500,000 commercial fishing families that depend upon the Atlantic Ocean to maintain economic viability. These businesses include commercial fishing, recreational fishing rentals/sales, hotels/vacation rentals, restaurants, realtors, and retail. Overall, businesses along the Atlantic in fishing, recreation, and tourism provide nearly 1.4 million jobs and over $95 billion in gross domestic product.[2]

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[1] Business Alliance for Protecting the Atlantic Coast, "Who We Are," available at http://protectingtheatlanticcoast.org/about-us/

[2] Menaquale, Andrew, Offshore Energy by the Numbers (January 2015), available at http://oceana.org/publications/reports/offshore-energy-numbers

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Commercial fishing businesses and business organizations rely on healthy populations of marketable fish, which they catch and sell. BAPAC has the support of over half a million commercial fishing families and fishing businesses and business organizations. Some examples include Maine Coast Fishermen's Association, Murrells Inlet Seafood, Duna Fisheries, LLC, and Maine Clammers Association, to name a few.[3] The commercial fishing businesses in BAPAC catch and sell fish in the Atlantic OCS areas where infrastructure will be installed and oil spills could occur if the 2019-2024 Program includes the Atlantic OCS.

The tourism businesses and organizations in BAPAC rely on an attractive, inviting and healthy Atlantic Ocean and its beaches to draw tourists. The tourism businesses provide goods and services to tourists when they visit, including hotels and other accommodations, restaurants, retail stores, and many others. Some examples of tourism businesses in BAPAC include the Bently Inn, the Inn at Pamlico Sound, Koru Village Resort and Spa, Tautogs Restaurant, Sheila's Carolina Kitchen, Luther Marine Maintenance, Dough Boy's Pizza Restaurants, Aurora Wellness Services, Shuckin Shack Oyster Bar, Naples Beach Hotel and Golf Club, Crystal Blue Productions, and Windswept Massage, to name a few. Additionally many chambers of commerce and associations are part of BAPAC because of their members' interests in the tourism industry, such as Cape May County Chamber of Commerce, Carteret County Chamber of Commerce, Miami Beach Chamber of Commerce, Outer Banks Chamber of Commerce, South Carolina Small Business Chamber of Commerce, New Jersey Tourism Industry Association, Virginia Beach Hotel Association, Virginia Beach Restaurant Association and Marine Industries Association of South Florida.[4] BAPAC tourism businesses operate in or

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[3] Business Alliance for Protecting the Atlantic Coast, "Business Organizations," available at http://protectingtheatlanticcoast.org/business-organizations/

[4] Business Alliance for Protecting the Atlantic Coast, "Business Organizations," available at http://protectingtheatlanticcoast.org/business-organizations/

near the Atlantic OCS waters where infrastructure will be installed and oil spills could occur if the 2019-2024 Program includes the Atlantic OCS.

The recreational businesses and organizations in BAPAC offer services such as fishing tours, boating tours, kayaking tours, surfing lessons, diving tours, and other services to their customers. Some of the BAPAC recreational businesses advertise activities which are reliant upon viewing or catching marine animals, such as catching sport fish or viewing whales and sea turtles. For example, recreational business in BAPAC include Blue Planet Scuba, Cocoa Beach Parasail, Charleston Outdoor Adventures, Delmarva Board Sport Adventures, Dive Services Inc., Paddle Surf New Jersey LLC, Sage Sailing, Inc., Sealand Adventure Sports, Sunrise Surf & Skateboard Shop, Surf City Surf School, Tula Adventure Sports, Hatteras Island Board Sports, Hatteras Island Surf and Sail Shop, Just for the Beach Rentals, Long Beach Surf Shop, Off the Hook Fishing Charters, and Rover Tours, Inc. These businesses provide their services in and/or near the Atlantic OCS waters where infrastructure will be installed and oil spills could occur if the 2019-2024 Program includes the Atlantic OCS.

Adverse Effects of Atlantic OCS Drilling on BAPAC Members

If BOEM were to include the Atlantic OCS in the 2019-2024 Program, it would expose the already vulnerable Atlantic coast to spills and leaks offshore and invasive infrastructure onshore. BAPAC's members rely on the pristine natural beauty and abundant sea life of the Atlantic Coast, and could very well go out of business if a major spill like Deepwater Horizon occurred.[5] While the oil industry offers promises of improved technology and new regulations that will protect against severe oil spills in the Atlantic OCS, technology and regulations cannot prohibit the 20% of oil spills that result from human error according to the Bureau of Safety and Environmental Enforcement. In addition, regulations to increase safety measures on offshore

[5] Although exceptional due to its magnitude, the Deepwater disaster was caused by nothing more than common human error; there is nothing BOEM or any oil and gas company could do to assure that human error would not cause a similar spill in the Atlantic OCS.

rigs following Deepwater Horizon are being rolled back along with budgets for agencies to enforce regulations.[6] Even minor spills and leaks, which are routine in offshore drilling areas, could result in oil washing up on beaches and wildlife being driven away from the Atlantic OCS. At the very least, the influx of unsightly infrastructure will have a significant negative effect on tourism, resulting in decreased revenue for all of BAPAC's members.

OCSLA Section 18 Factors

While the simple knowledge of probable adverse impacts for BAPAC's thousands of members should be enough to convince BOEM to avoid the Atlantic OCS, there is also statutory guidance suggesting the same avoidance. In section eighteen of the Outer Continental Shelf Lands Act, Congress states that OCS oil and gas exploration and drilling should be based on a consideration of eight factors.

> Timing and location of exploration, development, and production of oil and gas among the oil- and gas-bearing physiographic regions of the outer Continental Shelf shall be based on a consideration of--
>
> a. existing information concerning the geographical, geological, and ecological characteristics of such regions;
> b. an equitable sharing of developmental benefits and environmental risks among the various regions;
> c. the location of such regions with respect to, and the relative needs of, regional and national energy markets;
> d. the location of such regions with respect to other uses of the sea and seabed, including fisheries, navigation, existing or proposed sealanes, potential sites of deepwater ports, and other anticipated uses of the resources and space of the outer Continental Shelf;
> e. the interest of potential oil and gas producers in the development of oil and gas resources as indicated by exploration or nomination;
> f. laws, goals, and policies of affected States which have been specifically identified by the Governors of such States as relevant matters for the Secretary's consideration;

[6] New York Times, "As Interior Secretary Swaggers Through Parks, His Staff Rolls Back Regulations", July 25, 2017 *available at* https://www.nytimes.com/2017/07/25/us/politics/interior-secretary-zinke-staff-conservation-regulations.html?mcubz=1.

g. the relative environmental sensitivity and marine productivity of different areas of the outer Continental Shelf; and
h. relevant environmental and predictive information for different areas of the outer Continental Shelf.

43 U.S.C.S. § 1344(A)(2)(A)-(H). Based upon these factors, it is clear that BOEM should not include the Atlantic OCS in the 2019-2024 Program. BOEM itself evaluated the Section 18 factors for the Mid- and South Atlantic Program Area lease sale in March 2016, and found that program area should not be included because the factors weighed against drilling along the Atlantic OCS.[7] As discussed in more detail below, each of the eight factors weigh against offshore drilling in the Atlantic even more so today.

Geographic, Geological, and Ecological Characteristics

The Atlantic OCS is situated adjacent to a densely populated stretch of coastline; it is on this coast that the infrastructure associated with oil and gas would be situated to service the offshore drill rigs. Real estate is already hard to come by in many areas on the Atlantic coast, and the large populations that live there are vehemently opposed to infrastructure moving into their areas.[8] The population of coastal counties along the Atlantic is growing by tens of millions of people each year since 1960.[9] If a spill were to occur, millions of these residents would be put out of work, and the currently thriving geographic areas would be reduced to clean-up sites.[10]

The geographic characteristics of the Atlantic OCS are limiting enough, but the OCS's ecological characteristics clearly suggest that offshore drilling should be avoided in the area.

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[7] *2017-2022 Outer Continental Shelf Oil and Gas Leasing Proposed Program*, BOEM (March 2016).

[8] *Grassroots Opposition to Offshore Drilling and Exploration in the Atlantic Ocean and Eastern Gulf of Mexico*, Oceana.org (2017), http://usa.oceana.org/climate-and-energy/grassroots-opposition-offshore-drilling-and-exploration-atlantic-ocean-and.

[9] Coastline Population Trends in the United States: 1960-2008 (May 2010) available at https://www.census.gov/prod/2010pubs/p25-1139.pdf.

[10] *Summary of Information concerning the Ecological and Economic Impacts of the BP Deepwater Horizon Oil Spill Disaster*, NRDC. RG (June 2015), https://www.nrdc.org/file/4218/download?token=M2Bxrq5m. (describing the projected loss of over 22,000 jobs following the spill, as well as contamination in estuarine ecosystems).

The States bordering the Atlantic OCS are home to hundreds of State and National Parks, and the pristine nature that residents rely on to make a living and enjoy a positive quality of life. The possibility of an oil spill, and the invasion of unsightly infrastructure, would put this nature at risk of damage and destruction. The wetlands that border the OCS, in particular, would be distinctly threatened by the building of pipelines and shipment of oil and gas. Consideration of the wetlands' and nearby ecosystems' value and fragility indicate that drilling offshore is simply not an option for the Atlantic OCS.

In addition to the geographic characteristics of the shoreline, the characteristics of the Atlantic OCS itself suggest that offshore drilling in the area could be disastrous. The area is part of the Atlantic Ocean, which is the second largest body of water in the world, and covers roughly twenty percent of the earth's surface.[11] The area is home to dozens of unique species, including marine mammals, sea turtles, and migratory birds, many of which are endangered. For example, the North Atlantic Right Whale has a total population of only around 500 animals. This summer an unexplained and unprecedented surge in deaths has put the species in even more peril: with ten dead animals found washed ashore in an eight-week span.[12]

The wildlife diversity and sensitivity are so crucial that the National Oceanic and Atmospheric Administration ("NOAA"), BOEM, the U.S. Fish and Wildlife Service ("FWS") and the U.S. Navy have developed an Atlantic Marine Assessment Program for Protected Species ("AMAPPS"). AMAPPS is designed "to develop models and associated tools to provide seasonal, spatially-explicit density estimates incorporating habitat characteristics of marine mammals, turtles and seabirds in the western North Atlantic Ocean," an area roughly equivalent

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[11] *How Big is the Atlantic Ocean?* NOAA.G (July 6, 2017), https://oceanservice.noaa.gov/facts/atlantic.html.

[12] *Tenth right whale found dead: 'This population can't sustain another hit,'* The Canadian Press (Aug. 2, 2017), *available at* http://www.timescolonist.com/tenth-right-whale-found-dead-this-population-can-t-sustain-another-hit-1.21542781.

to the Atlantic OCS.[13] The same species assessed in the AMAPPS program depend upon other native species for their survival. Every organism living on the Atlantic OCS is related through the food chain, and the effects of the oil and gas industry can be devastating on every level of the chain. For example, a recently published study shows that seismic airgun surveying, which is only necessary if drilling is anticipated, kills zooplankton, which is the base of the food chain for all marine life.[14] The close relationships between species, as well as the significance of the Atlantic Ocean in general, dictates that the Atlantic OCS should not be exploited for oil and gas.

Equitable sharing of Developmental Benefits and Environmental Risks

Drilling in the Atlantic OCS would put the environment and the communities adjacent to it at an enormous, inequitable risk. If the 2019-2024 plan included the Atlantic OCS, big oil businesses and a small number of out-of-state employees would be reaping the benefits while avoiding the risk of spills and invasive infrastructure back home. Meanwhile, Atlantic OCS residents would be exposed to the risks with no benefit; there is no indication that Atlantic OCS states would receive shares of oil and gas revenue.[15] Residents near the Gulf of Mexico planning region are already experiencing this inequity, and have been bearing the losses of the industry. *Id.* Equity does not dictate that the Atlantic OCS follow suit; rather, the region should be protected as one of the last non-exploited offshore areas.

Indeed, this was a major consideration for excluding the Atlantic from the five-year plan last year, when BOEM considered the complete lack of revenue sharing

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[13] *Atlantic Marine Assessment Program for Protected Species (AMAPPS),* NOAA.G (2017), https://www.nefsc.noaa.gov/psb/AMAPPS/.

[14] McCauley, et al., *Widely used marine seismic survey air gun operations negatively impact zooplankton*, N R . (June 22, 2017), https://www.nature.com/articles/s41559-017-0195 (describing the negative impacts of oil and gas exploration on zooplankton, which form the basis of the food chain for many Atlantic organisms).

[15] *Trump wants to stop sharing Gulf of Mexico oil royalties with Alabama, Louisiana, Mississippi and Texas*, CNBC. (May 24, 2017), https://www.cnbc.com/2017/05/24/trump-to-stop-sharing-gulf-of-mexico-crude-oil-royalties-with-states.html.

despite the assumption of developmental risks associated with an offshore oil and gas leasing program in the region.[16] Since then, nothing has changed except that the current administration has expressed hostility towards revenue sharing.[17] Thus, the only rational conclusion for BOEM is that this factor continues to be important and continues to weigh against offshore drilling in the Atlantic.

Location with Respect to Regional and National Energy Markets and Needs

Regardless of where drilling is to take place, the national energy market has no clear need for offshore drilling. Last year, BOEM recognized this important consideration weighed against drilling in the Atlantic because we, as a nation, did not need the oil.[18] Today, we need it even less. U.S. crude oil production continues to increase, as does natural gas production. Furthermore, the United States is now a net exporter of oil, and is currently selling off part of its Strategic Petroleum Reserve to other countries.[19] Thus, the petroleum surplus, that was recognized by BOEM as a reason to not drill in the Atlantic last year, is even larger this year.

Renewable energy, on the other hand is a growing, $44 billion market, and twenty-nine of fifty states currently have renewable energy portfolio standards.[20] The Atlantic OCS in particular is well-suited to renewable energy, with vast potential for offshore wind energy, as well as hydrokinetic (wave and current) energy.[21] *See* Figure 1. Therefore, BOEM should avoid using outdated oil and gas infrastructure and techniques and instead make way for new energy sources where they would be best implemented. Both regional and national markets are headed

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[16] *2017-2022 Outer Continental Shelf Oil and Gas Leasing Proposed Program*, BOEM (March 2016), at S-10.

[17] *Trump wants to stop sharing Gulf of Mexico oil royalties with Alabama, Louisiana, Mississippi and Texas*, CNBC. (May 24, 2017), https://www.cnbc.com/2017/05/24/trump-to-stop-sharing-gulf-of-mexico-crude-oil-royalties-with-states.html.

[18] *2017-2022 Outer Continental Shelf Oil and Gas Leasing Proposed Program*, BOEM (March 2016), at S-10.

[19] Bipartisan Budget Act of 2015, 114 Pub. L. No. 74, § 404 (2015).

[20] *State Renewable Portfolio Standards and Goals,* NCSL. RG (Aug. 1, 2017), http://www.ncsl.org/research/energy/renewable-portfolio-standards.aspx.

[21] *Renewable Energy,* BOEM.G (2017), https://www.boem.gov/Renewable-Energy/

toward a new set of goals and needs, and for BOEM to ignore these needs and start drilling in new areas would be deeply irresponsible.

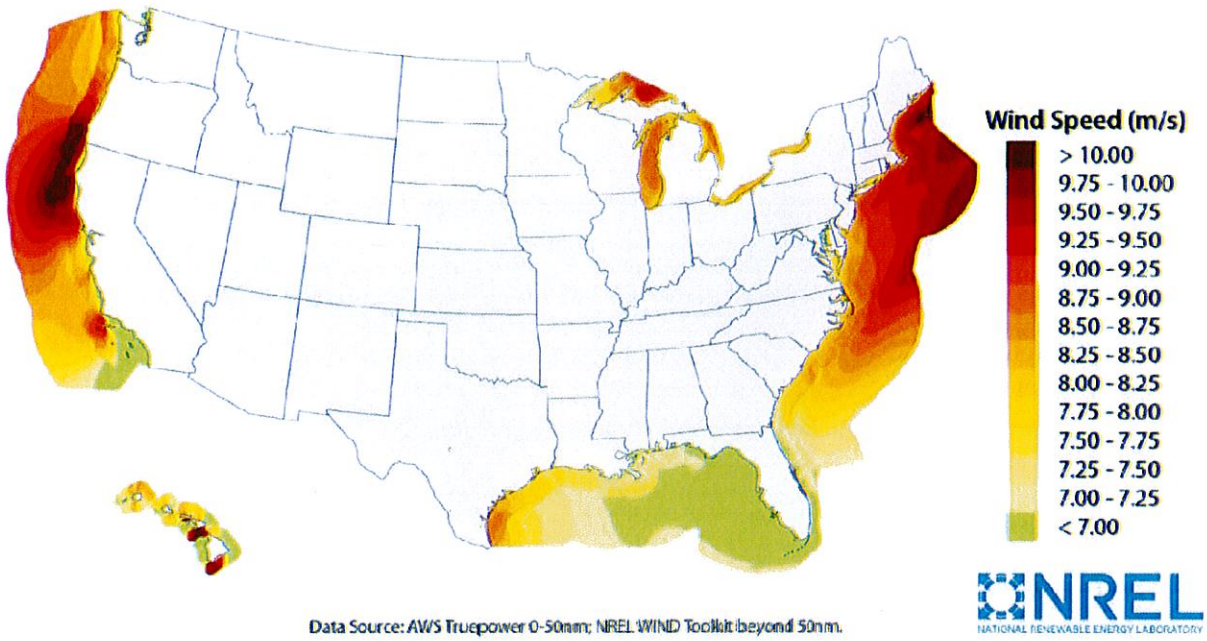

Figure 1. Average wind speed along the United States OCS.

Location with Respect to Other Uses of the Sea and Seabed

In the Atlantic OCS, the sea and seabed are very much tied up in other uses. In its 2016 rejection of offshore drilling in the Atlantic BOEM recognized competing uses as the most significant and relevant Section 18 factor because those uses are numerous, and vary greatly from other regions where drilling has been undertaken in the past.[22] As BOEM stated, "ocean-dependent tourism, commercial and recreational fishing, and commercial shipping and transportation are established and important economic uses in and along the coast of the Mid- and South Atlantic Program Area that could be potentially impacted by oil and gas activity."[23] BAPAC supporters are involved in these uses, especially in the tourism, seafood, and

[22] *2017-2022 Outer Continental Shelf Oil and Gas Leasing Proposed Program*, BOEM (March 2016), at S-8 to S-10.
[23] *Id.* at S-9.

recreation industries.[24] The proposed testing area overlaps with many fisheries, and the Fishery Management Councils and thousands of commercial fishermen have expressed concern over the oil and gas industry's potential impact upon the fishing industry.[25] The economic values of commercial fishing and ocean-dependent tourism were large last year and continue to grow. Thus, that competing use weighs even heavier against offshore drilling than it did before.[26]

Similarly, last year the opposition of local governments concerned about their economies and citizens' health and quality of life was considered a compelling competing use for consideration by BOEM.[27] The number of local governments in opposition to offshore drilling in the Atlantic has grown exponentially since that time. There were 40 local governments mentioned in BOEM's evaluation last year, and this year 129 municipalities, as of last month, have formally opposed offshore drilling and/or seismic airgun surveying.[28] Thus, this competing use, which was strong enough to overcome offshore drilling last year, is even stronger before BOEM this time around.

The Atlantic OCS is also used for military training, which would be compromised by seismic and drilling equipment in the area.[29] Both the military and NASA have expressed

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[24] *About Us*, protectingtheatlanticcoast.org (2017), http://protectingtheatlanticcoast.org/about-us/.

[25] *Grassroots Opposition to Offshore Drilling and Exploration in the Atlantic Ocean and Eastern Gulf of Mexico*, Oceana.org (2017), http://usa.oceana.org/climate-and-energy/grassroots-opposition-offshore-drilling-and-exploration-atlantic-ocean-and.; Mid-Atlantic Fishery Management Council, *Council Policy on Offshore Oil,* (Dec. 2015), available at http://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/56719b9d25981df7cbc6076a/1450285981164/Policy_OffshoreOil_2015-12-15.pdf.

[26] *2017-2022 Outer Continental Shelf Oil and Gas Leasing Proposed Program*, BOEM (March 2016), at S-9.

[27] *Id.*

[28] *Grassroots Opposition to Offshore Drilling and Exploration in the Atlantic Ocean and Eastern Gulf of Mexico*, OCEANA, usa.oceana.org/climate-and-energy/grassroots-opposition-offshore-drilling-and-exploration-atlantic-ocean-and.

[29] At Sea Training, (2017), http://www.public.navy.mil/usff/environmental/Pages/AtSeaTraining.aspx. Past military use may make for more obstacles, as recent reports have mentioned the possibility of submerged chemical weapons reacting harmfully with seismic blasts or drilling. *Unrestricted Seismic Testing Threaten Dolphin and Beachcombers with Exposure to Chemical Weapons,* (July 18, 2017), http://protectingtheatlanticcoast.org/unrestricted-seismic-testing-threaten-dolphin-and-beachcombers-with-exposure-to-chemical-weapons/.

concern for offshore drilling's impacts on their existing uses.[30] As BOEM recognized last year, "DOD's significant competing use of the ocean highlights the incompatibility between the many and longstanding competing uses in the Atlantic and oil and gas activities in those areas."[31] Our nation's security is a competing use that must be given serious consideration.

Upon evaluation of these other uses, BOEM must recognize that the existing uses are what drives the Atlantic coastal economy, and what determines the livelihoods of thousands of people. The billions of dollars in revenue derived from these uses vastly exceeds the highest possible revenue from oil and gas drilling;[32] in addition to economic reasons, the uses should also be preserved for their historical and social value. Clearly, BOEM should avoid allowing drilling in the Atlantic OCS in order to maintain the industry away from other, more valuable uses of the sea and seabed.

Interest of Potential Producers as Indicated by Exploration/ Nomination

While there may be some speculative interest in the Atlantic OCS, there is a distinct lack of recent exploration for the region. The last major exploration effort for the Atlantic OCS was decades ago, in 1984.[33] Exploration of the area is rare for many reasons, including strong opposition to seismic testing by residents.[34] Additionally, the Atlantic OCS is not predicted to hold a significant amount of oil; it makes more economic

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[30] *DoD Mission Compatibility Planning Assessment: BOEM 2017-2022 Outer Continental Shelf (OCS) Oil and Gas Leasing Draft Proposed Program*, (Oct. 30, 2015), http://usa.oceana.org/sites/default/files/662/2017-2022-dod-ocs-report.pdf; *NASA Comments on BOEM 2017-2022 Five-Year Plan Request for Information*, O N . RG (Aug. 2014), http://usa.oceana.org/sites/default/files/662/nasa_comments_2017-2022_5_year_ocs_plan_8.14.pdf.

[31] *2017-2022 Outer Continental Shelf Oil and Gas Leasing Proposed Program*, BOEM (March 2016), at S-10.

[32] Munson, et al., *Offshore Drilling v. Tourism: Projected Revenue for South Carolina* (Sept. 7, 2015), available at http://docs.wixstatic.com/ugd/474930_528ee405b5d5401f8053be1819de29b5.pdf (describing the disparity between tourism revenue and projected oil and gas revenue on a state level).

[33] *Atlantic Federal OCS Wells*, BOEM.G (2017), https://www.boem.gov/Historic-Atlantic-OCS-Drilling-Activity/.

[34] *Interior Department Announces Next Step in Offshore Oil and Gas Leasing Planning Process for 2017-2022*, DOI.G (Mar. 15, 2016), https://www.doi.gov/pressreleases/interior-department-announces-next-step-offshore-oil-and-gas-leasing-planning-process.

sense for producers to seek oil in more lucrative markets, such as the Gulf of Mexico region.[35] As mentioned above, the glut of domestic crude oil and natural gas production has driven down the prices of oil to the point that it would not even be good for the industry to drill at this time. In fact, Royal Dutch Shell has cited a peaking of oil demand for its recent conclusion that oil prices would remain "lower forever."[36] BOEM should take a cue from this lack of interest, and focus on existing sources of oil and gas. Avoiding the Atlantic OCS would prevent economic uncertainty, and would boost other markets with more industry interest.

Laws, Goals, and Policies of Affected States

To an even greater extent than in 2016, the Atlantic states are nearly unanimous in their opposition to offshore drilling; the practice has been formally opposed by 129 Atlantic municipalities and 1,200 elected officials, including fourteen Senators and 100 United States Representatives.[37] Additionally, numerous governors on the Atlantic coast-including Governors Terry McAuliffe (VA), Roy Cooper (NC) and Henry McMaster (SC) of the mid-Atlantic-have indicated opposition to the practice.[38] As previously discussed, many of the Atlantic states have renewable energy policy goals. To ignore the states' opposition and policies would be a terrible

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[35] *See Assessment of Undiscovered Technically Recoverable Oil and Gas Resources of the Nation's Outer Continental Shelf, 2016,* BOEM.G (2017), https://www.boem.gov/2016-National-Assessment-Map/ (discussed in more detail in the "*Environmental and Predictive Information" section*).

[36] Wall Street Journal, "Shell Girds for 'Lower Forever' Oil" (July 28, 2017) *available at* http://online.wsj.com/public/resources/documents/print/WSJ_-B001-20170728.pdf.

[37] *Grassroots Opposition to Offshore Drilling and Exploration in the Atlantic Ocean and Eastern Gulf of Mexico*, Oceana.org (2017), http://usa.oceana.org/climate-and-energy/grassroots-opposition-offshore-drilling-and-exploration-atlantic-ocean-and.

[38] Delaware (*Governor Carney's Statement on President Trump's Order to Review Offshore Drilling Restrictions,* D L R .G V (Apr. 28, 2017), http://news.delaware.gov/2017/04/28/governor-carneys-statement-on-president-trumps-order-to-review-offshore-drilling-restrictions/); Maryland (*Hogan says he opposes offshore drilling as state raises concerns about seismic testing,* B L I R S N. (July 7, 2017), http://www.baltimoresun.com/news/maryland/environment/bs-md-hogan-offshore-drilling-20170707-story.html); South Carolina (*McMaster cool to offshore drilling*, theState.com (Apr. 12, 2017), http://www.thestate.com/news/local/article144171324.html); and North Carolina (*'Not off our coast,' Cooper tells feds about offshore drilling,* WRAL. (July 20, 2017), http://www.wral.com/-not-off-our-coast-cooper-tells-feds-about-offshore-drilling/16831839/.)

mistake for BOEM to make, and inconsistent with both Section Eighteen and the doctrine of states' rights. Thus, BOEM should not contradict the governors, state legislators, ten state attorneys general, over 117 bipartisan members of Congress, and 41,000 businesses and hundreds of thousands of citizens of Atlantic states opposed to offshore drilling in the Atlantic OCS.

Environmental Sensitivity and Marine Productivity

The Atlantic OCS offers a pristine environment for marine life to flourish and for sustaining a vibrant commercial and recreational fishing industry as well as eco-tourism. In the Atlantic OCS, there are dozens of species of whales, porpoises, sea turtles, and fish, many of which are listed as endangered under the Endangered Species Act.[39] All of these species coexist in shared ecosystems, and depend on one another for survival.[40] Marine life flourishes in particular along the Gulf Stream, a current that moves warm water north at speeds of up to four miles per hour.[41] The Stream improves turbulence and salt content, which leads to abundance in marine populations. *Id.* The Atlantic OCS region is also unique in that it contains a wide and shallow continental shelf, which is conducive to the growth of marine organisms, particularly those used for seafood.[42] All of the parts of the Atlantic OCS, from the food chain to the Gulf Stream to the continental shelf, connect to form a large, independent ecosystem. Due to the interconnected nature of this ecosystem, each species' productivity and survival would be threatened by drilling on the Atlantic OCS, beginning in the seismic exploration stage and lasting up until an inevitable spill.

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[39] *Endangered and Threatened Marine Species under NMFS' Jurisdiction*, BOEM.gov (May 10, 2017), http://www.nmfs.noaa.gov/pr/species/esa/listed.htm.

[40] McCauley, et al., *Widely used marine seismic survey air gun operations negatively impact zooplankton*, N R . (June 22, 2017), https://www.nature.com/articles/s41559-017-0195 (describing the negative impacts of oil and gas exploration on zooplankton, which form the basis of the food chain for many Atlantic organisms).

[41] *Gulf Stream,* Britannica.com (2017), https://www.britannica.com/place/Gulf-Stream.

[42] *The Continental Shelf,* BOEM.G (2017), https://www.boem.gov/The-Continental-Shelf/

In addition to the Atlantic OCS ecosystems that would be directly impacted by drilling, the shoreline bordering the region will be indirectly affected as well. In addition to invasive infrastructure, the inevitable spills and leaks that make their way to the shore could have devastating effects on wildlife. The estuarine wetland ecosystems bordering the Atlantic OCS are particularly sensitive to the oil and gas industry's byproducts and accidents.[43] The sensitive nature of the areas adjacent to the Atlantic OCS and within the Atlantic OCS indicates that offshore drilling would be a disaster for the flora and fauna; therefore, BOEM should avoid drilling in the area.

Environmental and Predictive Information

In terms of predictive information, the Atlantic OCS is lacking. According to BOEM's website, there is no information available for the Atlantic OCS when it comes to Worst Case Discharge Determination ("WCD").[44] Predictions for the amount of oil and gas actually present are significantly lower than those in other regions; the average productivity for oil and gas resources in the Atlantic is only .02% of the total for the entire United States.[45] *See* Fig. 2.

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[43] Irving A. Mendelssohn, et al., *Oil Impacts on Coastal Wetlands: Implications for the Mississippi River Delta Ecosystem after the* Deepwater Horizon *Oil Spill* (June 1, 2012).

[44] *Worst Case Discharge Determination (WCD) - Atlantic OCS Region,* BOEM.G (2017), https://www.boem.gov/Oil-and-Gas-Energy-Program/Resource-Evaluation/Worst-Case-Discharge/WCD-Atlantic.aspx.

[45] *Assessment of Undiscovered Technically Recoverable Oil and Gas Resources of the Nation's Outer Continental Shelf, 2016,* BOEM.G (2017), https://www.boem.gov/2016-National-Assessment-Map/.

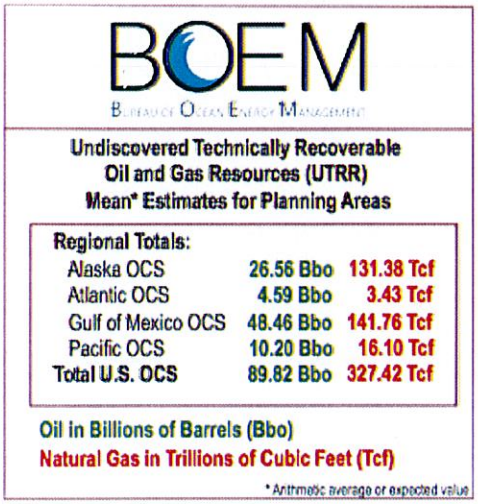

Figure 2. Average estimates for predicted oil and gas resources by region.

As previously discussed, existing environmental information for the region indicates a great amount of fragility. The fragile nature of the Atlantic OCS environment is compounded by natural hazards, notably hurricanes, while are more likely to occur in the Atlantic OCS than in the frequently-drilled Gulf of Mexico.[46] When this fragility is considered in combination with the Atlantic OCS' negligible estimated oil and gas productivity, it is only logical to conclude that the environmental risk outweighs even the most generous predictions of oil production in that region. Therefore, BOEM should not consider the Atlantic OCS for offshore drilling in the 2019-2024 Program.

Additional Statutory Guidance

In addition to the eight listed factors, Section Eighteen states that management of the OCS "shall be conducted in a manner which considers economic, social, and environmental values of the renewable and nonrenewable resources contained in the outer Continental Shelf,

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[46] *Why Do Hurricanes Hit the East Coast of the United States but Never the West Coast?,* (2017), https://www.scientificamerican.com/article/why-do-hurricanes-hit-the-east-coast-of-the-u-s-but-never-the-west-coast/; *Ten Years of Hurricanes and Tropical Storms in One Graphic*, (Aug. 29, 2015), http://news.nationalgeographic.com/2015/08/140829-ten-years-of-hurricanes-tropical-storms-graphic/

and the potential impact of oil and gas exploration on other resource values of the outer Continental Shelf and the marine, coastal, and human environments." 43 U.S.C.S. § 1344(A)(1). As demonstrated in the discussion of the listed factors, any consideration of these values and potential impacts would lead a rational decision-maker to avoid the Atlantic OCS in the 2019-2024 plan.

Section Eighteen also specifies that "[t]he Secretary shall select the timing and location of leasing, to the maximum extent practicable, so as to obtain a proper balance between the potential for environmental damage, the potential for the discovery of oil and gas, and the potential for adverse impact on the coastal zone." 43 U.S.C.S. § 1344(A)(3). As in any drilling operation, there is a significant potential for environmental damage; one needs to look no further than reports of previous spills to see the devastating effects that the oil and gas industry can have on the environment. The potential for adverse impact on the coastal zone goes hand-in-hand with the potential for environmental damage. When it comes to the discovery of oil and gas, the potential is much harder to predict; seismic testing has not been approved for the Atlantic OCS, and there is no hard evidence proving that oil and gas exist in parts of the OCS at all outside of estimates.[47] When this lack of predictability is coupled with the near certainty of environmental damage and adverse impact on the coastal zone, it only seems logical that the Secretary should seek non-Atlantic OCS locations with a more "proper balance."

Conclusion

It is clear that none of the reasons for the 2016 removal of the Mid- and South Atlantic OCD from the 2017-2022 plan have changed. On the contrary, those reasons for removal have grown in importance. BAPAC hopes that the following comment of Interior Secretary Ryan Zinke will be the guide for the this decision: "There's no set goal. But if there's areas that are acceptable, that have resources, and local communities are for it and states are for it we could

[47] *Assessment of Undiscovered Technically Recoverable Oil and Gas Resources of the Nation's Outer Continental Shelf, 2016,* https://www.boem.gov/2016-National-Assessment-Map/.

include it in next five-year plan."[48] There are no acceptable areas on the Atlantic OCS regarding environmental and economic risk, oil resources are minimal at best, 100% of local Atlantic Coast communities stand in opposition and every state from Delaware to South Carolina opposes drilling off their coasts.

For any or all of the foregoing reasons, BAPAC requests that the Atlantic OCS be taken out of consideration for the 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Program. I request notification of any decision regarding these applications via email to amelia@scelp.org. Additionally, we request inclusion of these comments in the administrative record before BOEM.

Sincerely,

Amelia A. Thompson

[48] The New York Times, "Trump Orders Easing Safety Rules Implemented After Gulf Oil Spill" (Apr. 27, 2017).