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BUREAU OF OCEAN ENERGY MANAGEMENT

Programmatic Environmental Impact Statement

Public Meeting

April 25, 2012; 1:00 p.m.

Doubletree Hotel, Annapolis, Maryland

PANEL MEMBERS:

James Bennett

Meghan Butterworth

Reported by

David Corbin

1                   TRANSCRIPT OF PROCEEDINGS

2                   JAMES BENNETT: Good afternoon. Ask if  
3 we can get started. I want to welcome you all  
4 here to this public hearing on the Programmatic  
5 Draft EIS. My name is Jim Bennett, I'm the  
6 chief of the division of Environmental  
7 Assessment with the Bureau of Ocean Energy  
8 Management at headquarters. Just safety first.  
9 The quickest exits are right out the doors that  
10 you came in. The restroom, women's room is  
11 down to the right and the men's room is a  
12 little bit beyond that. We are the Bureau of  
13 Ocean Energy Management. We are a bureau  
14 within the United States Department of the  
15 Interior. We're responsible for the  
16 development of resources at the outer  
17 continental shelf and environmental protection  
18 thereof. We're here to take your comments on  
19 the programmatic EIS. We appreciate your being  
20 here. I do want to mention several people who  
21 are here because we're here to take your  
22 comments, but if you have questions or issues  
23 that you want to discuss in greater detail, we  
24 have some subject matters experts here. That  
25 includes Meghan Butterworth, up here on the

1 panel, a marine biologist. Brian Jordan, stand  
2 up, say hi, who is an archeologist with our  
3 office. And then we also have Blossom  
4 Robertson. Is she here. She is outside. She  
5 is our public affairs individual. And from our  
6 contractors, Continental Shelf Associates, the  
7 deputy project manager, Kim Olsen. And outside  
8 is Robin Sherrick. Did I forget anybody. Okay.

9 Before we get to your comments, we do want  
10 to take just a minute to go through what the  
11 EIS is and what it says. We have a brief  
12 presentation here. And we have a number of  
13 public meetings scheduled on this draft EIS.  
14 We started in Jacksonville last week and we  
15 will be finishing up on Friday in Atlantic  
16 City, New Jersey. We have distributed the  
17 draft programmatic EIS for a 60 day comment  
18 period. Notice of availability was in the  
19 Federal Register on March 30th, and we're here  
20 to record and collect your comments on the  
21 Draft Programmatic Environmental Impact  
22 Statement. Public input is a very important  
23 part of the process under the National  
24 Environmental Policy Act. Comments directly  
25 and specifically on the EIS are a particular

1 benefit to us so we can ensure that we have the  
2 best available information to provide to  
3 decision makers on whether or not to go forward  
4 with this proposed action.

5 The EIS exams the potential environmental  
6 impact of various G&G, geological and  
7 geophysical, activities in the Mid and South  
8 Atlantic. And we also identify a number of  
9 mitigating measures that we believe may be  
10 useful in pursuing any particular action. And,  
11 again, the purpose is to provide the best  
12 available information to our decision makers.  
13 This graphic shows the interest that has been  
14 expressed by industry through, I believe it's  
15 eight applications, to do seismic surveys.  
16 Darker area is where the overlap is between the  
17 different requests. This is in the  
18 Mid-Atlantic region. There we go.  
19 Mid-Atlantic region and the South Atlantic  
20 region. The outer continental shelf extends  
21 from three miles offshore out to the extent of  
22 the EEZ, which is 200 miles offshore. And we  
23 are also including potential impacts in this  
24 area here, which under the law of the sea would  
25 be the extended outer continental shelf which

1 may be pursued by the United States at some  
2 future date.

3         The types of G&G activities that we're  
4 looking at are geological, which involve actual  
5 coring and sampling of the sea floor, as well  
6 as deep stratigraphic tests. Although these  
7 are drilling, they are not -- it is not  
8 exploratory drilling. No one can pursue  
9 detailed exploration or production without  
10 obtaining a lease. At the present time the  
11 five year program does not contain a lease sale  
12 in the Mid or South Atlantic for the next five  
13 year period. Geophysical, and I'm not the  
14 expert on this, but this is two and three  
15 dimensional seismic activities, control source  
16 electromagnetic surveys, side scan,  
17 echosounder, sidescan sonar and boomers. And  
18 gravity and magnetic surveys. We have impact  
19 producing factors both from routine operations  
20 such as active acoustic sound sources, drilling  
21 and coring, and also the possibility of  
22 accidental effects such as oil spills from  
23 vessels conducting these activities. The  
24 environmental resources that we are most  
25 concerned with and focused on at the present

1 time are benthic communities, fish and  
2 fisheries. These are the resources that are  
3 addressed in the environmental impact  
4 statement. Marine mammals, sea turtles,  
5 coastal and marine birds, protected species  
6 under the endangered species act, and a number  
7 of socio economic issues including the  
8 possibility of munitions and shipwrecks.

9 Part of the purpose of the environmental  
10 impact statement is to identify -- probably the  
11 most important purpose is to identify  
12 alternatives that might be pursued other than  
13 the proposed action. We have three  
14 alternatives in the EIS at the present time.  
15 Alternative A is the areas that we talked about  
16 earlier with mitigating measures to include  
17 time area closures for Northern Right Whales  
18 seasonal management areas and provision of  
19 notices to lessees and operators, also known as  
20 NTL's, for current practices that are going on  
21 in the Gulf of Mexico, including marine mammal  
22 observers, vessel strike avoidance, marine  
23 trash and debris awareness. Alternative B  
24 includes all of the mitigation identified in  
25 alternative A as well as the expansion of the

1 time area closures from Northern Right Whales  
2 and a closure area for the nesting sea turtles  
3 off of Florida. Separation -- it also includes  
4 the separation between simultaneous seismic  
5 surveys to avoid the potential impacts  
6 associated with those compound activities. And  
7 also requiring passive acoustic monitoring.  
8 Also included in the EIS is a no action  
9 alternative as required under the National  
10 Environmental Policy Act, which is to take no  
11 action on the permit applications that we have,  
12 but it would leave seismic activities available  
13 for the renewable energy program, which is  
14 quite a bit different than the deep seismic  
15 that we're talking about off in deeper waters.

16 I mentioned the time area closures under  
17 alternative A, including those for the Right  
18 Whale here, the Mid-Atlantic seasonal  
19 management and the Southeast seasonal  
20 management, which are November -- in November  
21 and April. Alternative B also includes a sea  
22 turtle closure area down here, which is a very  
23 rich area for sea turtle activity. And an  
24 additional 20-mile closure zone. And -- well,  
25 two additional 20-mile closure zones at

1 different time periods. This is the area that  
2 would be specific to the sea turtle closure  
3 basically off of Cape Canaveral.

4 So this is a chart that identifies the  
5 different mitigating measures and what are --  
6 which is included under each alternative.  
7 Basically there's a fundamental level of  
8 mitigation for alternative A, that mitigation  
9 is expanded in alternative B, and of course for  
10 the most part in alternative C under no action  
11 it's not applicable.

12 We defined different impact levels to our  
13 environmental resources, and this identify --  
14 from a scale of negligible up to major. This  
15 identifies for the major resource categories  
16 what our determinations have been, and they  
17 range from negligible, which is probably the  
18 most common, through minor to moderate. We  
19 also conduct consultations under the endangered  
20 species act, which we do through and during the  
21 NEPA process. And there are other  
22 consultations as well that occur as a result of  
23 National Historic Preservation Act and the  
24 Marine Mammal Protection Act. Although that's  
25 technically not a consultation.

1           Okay. Next step. We're in the middle of  
2 the comment period which is going to end at the  
3 end of May. We're going to revise the final  
4 and programmatic EIS, and then issue it,  
5 publish it. And during that time hopefully we  
6 will have completed our environmental  
7 consultations and sometime in November we  
8 anticipate a record of decision as to the  
9 permits that have been submitted. Again, the  
10 comment period closes on May 30th. Comments  
11 collected at this meeting can be oral. We are  
12 asking you to self police your comments to  
13 three minutes apiece so we can be sure that  
14 everybody gets an opportunity. At the end of  
15 the -- at the end of everyone who wishes to  
16 speak, after everyone has had a chance to  
17 speak, we will open it up again so that if you  
18 wish to extend your comments or if someone else  
19 wishes to speak, they will have the  
20 opportunity. You can find a draft programmatic  
21 EIS on the web. And you can also mail in your  
22 comments. The address is there and it's also  
23 on the web to Gary Goeke at our regional office  
24 in New Orleans, who is the primary coordinator  
25 of this effort. With that, I'm going to open

1 it up to comments from the floor. Again, I  
2 would ask that you self police to about three  
3 minutes apiece. I would ask that you direct  
4 your comments to the panel. Do you have a  
5 question.

6 AUDIENCE: What if we have a question  
7 about your presentation.

8 JAMES BENNETT: We can provide a  
9 clarification if something wasn't clear as far  
10 as the facts are concerned. Go ahead.

11 AUDIENCE: The page that, your examples of  
12 impacts.

13 JAMES BENNETT: Yes.

14 AUDIENCE: I was just curious, who is it  
15 who determines -- which party or parties  
16 determine negligible, moderate for each species  
17 mentioned.

18 JAMES BENNETT: We have a team of subject  
19 matter experts in the Bureau of Ocean Energy  
20 Management in conjunction with our expertise  
21 through the consulting firm of Continental  
22 Shelf Associates that has prepared the draft  
23 EIS, and that team is the team that identifies  
24 what the conclusions are. And those terms --  
25 this just summarizes the terms. Those terms

1 are defined in the impact statement to know  
2 what exactly it means. Yes, sir.

3 AUDIENCE: Just a quick question.

4 Alternative c means that you're not permitting  
5 any seismic testing; is that right?

6 JAMES BENNETT: We're not taking any  
7 action on the applications that we have.

8 AUDIENCE: Effectively they are turned  
9 down.

10 JAMES BENNETT: Correct. It does not  
11 apply to some of the seismic activities that  
12 might be associated with renewable energy  
13 projects, but for the most part the  
14 applications that are in would not be pursued.  
15 I say for the most part. None of the  
16 applications that are in would be pursued.  
17 Okay. Yes.

18 AUDIENCE: When -- you said something  
19 about lease not for five years. Does that mean  
20 that there will be no leases for drilling and  
21 no drilling possible for five years?

22 JAMES BENNETT: That's correct.

23 AUDIENCE: That could not change.

24 JAMES BENNETT: That could not change  
25 unless the five year plan for the Mid and South

1 Atlantic was revised, which requires an entire  
2 process under the OCS Lands Act as well as new  
3 environmental analysis.

4 AUDIENCE: Is that a high bar?

5 JAMES BENNETT: That's a high bar. You  
6 can call that a high bar, yes.

7 AUDIENCE: Didn't you say that the five  
8 year plan is in draft plan right now, so it  
9 hasn't been finalized.

10 JAMES BENNETT: Correct.

11 AUDIENCE: Could it be changed as a result  
12 of this.

13 JAMES BENNETT: Could it be changed as a  
14 result of this?

15 AUDIENCE: Or in time to accompany this.

16 JAMES BENNETT: I doubt that it could be  
17 done in time. But theoretically it could.  
18 Really don't see that happening.

19 AUDIENCE: The request by the State of  
20 Virginia to reverse that decision to open up  
21 these within the next five year period is off  
22 the table.

23 JAMES BENNETT: We have that request but I  
24 don't know of any plans to change the current  
25 policy which is not to have a sale in the Mid

1 or South Atlantic during the next five year  
2 period, during the next five year plan. Okay.  
3 With that, we have a list here of several  
4 speakers. First one is Matt Flemming. If you  
5 could state your name for the court reporter  
6 and address your comments to the panel, we  
7 would appreciate that.

8 MATT FLEMMING: Good afternoon. My name  
9 is Matt Flemming and I'm the director of  
10 Maryland's Chesapeake Coastal Service of the  
11 State Department of Natural Resources. On  
12 behalf of Secretary John Griffin, let me thank  
13 you for the opportunity today to communicate  
14 Maryland's position regarding the proposed  
15 offshore oil and gas events. Like to draw your  
16 attention to a letter submitted to Secretary  
17 Salazar, signed by Governor O'Malley on May 22,  
18 2017 opposing oil and gas drilling in the  
19 Mid-Atlantic region, which we will be  
20 submitting as part of the comments today. We  
21 will also be submitting additional written  
22 comments, maybe some technical comments, by the  
23 federal deadline of May 30. Furthermore, the  
24 O'Malley administration believes seismic  
25 testing should not be done until after

1 completion of the regional ocean planning  
2 process called for in the National Ocean Plan  
3 pursuant to Presidential Executive Order 13547.  
4 We also -- we believe that the position to  
5 oppose the G&G surveys at this time does not  
6 embed BOEM for approving the surveys needed to  
7 determine sea floor conditions for renewable  
8 energy installations and marine mammal  
9 deposits. This is based on our belief that  
10 BOEM has the authority to approve these  
11 activities pursuant to existing regulations and  
12 processes.

13 JAMES BENNETT: Thank you. Stephen  
14 Bruckner.

15 STEPHEN BRUCKNER: Good afternoon. My  
16 name is Stephen Bruckner. I live in McLean,  
17 Virginia. I came here today to speak in  
18 opposition to granting a permit for the seismic  
19 testing of the Atlantic OCS in support of  
20 potential offshore drilling for oil and gas  
21 resources. Though important, I will ignore for  
22 these remarks the unsatisfactory track record  
23 of oil and gas industries on accidents and  
24 spills, including BP's deepwater horizon oil  
25 spill in the Gulf of Mexico, the Chevron oil

1 spill off the coast of Brazil and the gas leak  
2 in the North Sea off the coast of Scotland.  
3 Together these failures demonstrate the  
4 industry continues to operative above its level  
5 of competence and is undeserving of a permit to  
6 drill for oil and gas in the Atlantic OCS.  
7 Instead I would focus on the extraordinary  
8 impact that the proposed seismic testing would  
9 have upon marine mammals, including the  
10 endangered species of whale and upon commercial  
11 fisheries. The proposed seismic testing blast  
12 large arrays of airguns into the ocean with  
13 high intensity sound every ten to 12 seconds  
14 for months at a time as they survey hundreds of  
15 thousands of miles in the Atlantic OCS. This  
16 sound energy travels outwards and can be heard  
17 throughout vast areas of the ocean. This  
18 interferes with the undersea sound  
19 communications relied on by marine mammals and  
20 many fish species that are central for their  
21 core behaviors, including mating, foraging,  
22 avoiding predators, navigating and  
23 communicating. Some whale species  
24 significantly reduce their foraging and some  
25 porpoise species demonstrate strong avoidance

1 responses 50 miles from an airgun array. These  
2 effects are experienced over an area as large  
3 as New York and Pennsylvania combined. To  
4 appreciate the enormity of this insult, imagine  
5 if you will the impact of a solar burst of  
6 energy that made all communications between  
7 humans ineffective for a period of months for  
8 all residents of these two states. Granting a  
9 permit for these activities likely violates the  
10 Marine Mammal Protection Act of 1972 which  
11 prohibits the harassment of marine mammals  
12 where harassment is defined as causing a  
13 disruption of behavior patterns, including  
14 migration, breathing, nursing, breeding,  
15 feeding or sheltering. Technical industry  
16 literature claims that the development of more  
17 environmentally sensitive technologies than  
18 acoustic airguns are well into development and  
19 could be made commercially available within a  
20 few years. Given the deficiencies of the  
21 current technology, and given the harm it  
22 causes, which likely violates federal law, the  
23 Department of Interior should not grant such a  
24 permit and instead require the industry to  
25 significantly remove its exploration technology

1 before reconsidering their application for a  
2 permit. Thank you.

3 JAMES BENNETT: Thank you.

4 STEPHEN BRUCKNER: Should I leave a copy.

5 JAMES BENNETT: Give it the court reporter  
6 so we can assure. There we go. Thank you.  
7 Okay. Holly Hopkins.

8 HOLLY HOPKINS: Good afternoon. My name  
9 is Holly Hopkins and I'm senior policy advisor  
10 of the American Petroleum Institute. Thank you  
11 for the opportunity to speak today about this  
12 programmatic EIS which is part of the issuance  
13 of permits to conduct geological and  
14 geophysical study activities on the Atlantic  
15 OCS. The oil and natural gas industry has a  
16 long history of working with the Department of  
17 Interior to develop this country's natural  
18 resources to the benefit of the U.S. economy  
19 and all Americans. Our industry stands ready  
20 to invest in exploration off the Atlantic OCS,  
21 and the PIPIS is a needed first step to begin  
22 the process of generating the data that will  
23 allow for more robust estimates of the  
24 potential for oil and natural gas development  
25 in this area. Generating new data is very

1 important for the Atlantic OCS given that the  
2 current estimates are based on decades old data  
3 and have not benefited from the technological  
4 advances in seismic surveying and computer  
5 modeling in use by the industry today.  
6 Although it is difficult to -- although it is  
7 difficult to accurately estimate the amount of  
8 resources without the benefit of drilling,  
9 current estimates are likely to be  
10 conservative, given that the industry has shown  
11 that active exploration and development often  
12 leads to increased resource estimates.  
13 However, the belief that moving forward with  
14 this decision can quickly lead to filling  
15 information gaps on potential Atlantic OCS oil  
16 and gas resources is misguided. This gesture  
17 falls short in initiating forward thinking,  
18 comprehensive energy policy. In fact the data  
19 collection activities envisioned by the  
20 administration will not likely happen unless  
21 companies are convinced that the prospects for  
22 leasing in the Atlantic OCS in the near future  
23 are real. As we all know, current OCS policy  
24 does not allow for a lease sale in the Atlantic  
25 until 2017 at the earliest. It is important to

1 remember that the Government does not generate  
2 this data, seismic companies do. And they  
3 generally do this on a speculative basis hoping  
4 to sell the data to operators who are looking  
5 to purchase leases in an area. With no lease  
6 sale scheduled in the Atlantic and thus no  
7 potential customers, seismic companies will  
8 have little incentive to gather new data. Not  
9 including the North Atlantic Planning Area in  
10 this PEIS is yet another shortsighted policy  
11 decision. There is a great deal of interest in  
12 surveying and eventually developing this area.  
13 Oil and natural gas companies need geologic and  
14 geophysical data that they can use to compare  
15 with geological features in other offshore  
16 areas where there is current oil and natural  
17 gas production. Without this new data it is --  
18 a significant data gap will remain.

19 We can create more jobs and generate more  
20 revenue if allowed to responsibly develop and  
21 produce here in the United States more of the  
22 oil and natural gas we need. More development,  
23 especially on public lands and federally  
24 controlled waters, requires industry and  
25 Government share a vision of the potential

1 benefits and act as partners to fully realize  
2 them. The oil and natural gas industry already  
3 supports 9.2 million U.S. jobs and 7.7 percent  
4 of the U.S. economy, delivers more than  
5 86 million a day in revenue to our Government.  
6 And since 2000 has invested more than  
7 2 trillion-dollars in U.S. capital projects to  
8 advance all forms of energy, including  
9 alternatives. A Wood Mackenzie study found --  
10 excuse me. A Wood Mackenzie study shows that  
11 developing the offshore areas that have been  
12 subject to Congressional moratorium until  
13 recently, as well as resources in Alaska's  
14 Arctic National Wildlife Refuge, and a small  
15 portion of currently unavailable federal lands  
16 in the Rockies would lift U.S. crude oil  
17 production by as much as 2.8 million barrels  
18 per day in 2025, equivalent to 30 percent of  
19 the nation's current imports. It would  
20 increase natural gas production by  
21 6.5 billion cubic feet per day in 2025, create  
22 530,000 new jobs, and add 206 billion in  
23 cumulative government revenue by 2025,  
24 196 billion from the OCS alone.

25 We appreciate the opportunity to comment

1 on this PIS in the Atlantic, and the oil and  
2 natural gas industry stands ready to invest in  
3 state exploration and development of the OCS  
4 should administrative policies change to take  
5 full advantage of the opportunities that are  
6 present. Thank you.

7 JAMES BENNETT: Thank you. Doug Ouse.

8 DOUG OSS: I'm Doug Ouse from Towson,  
9 Maryland. And I'm here to speak out against  
10 the Department of Interior's Bureau of Ocean  
11 Management's plan to conduct seismic surveys on  
12 oil and gas exploration, or exploration. The  
13 potential that the -- damage that these surveys  
14 could cause to marine life could amount to --  
15 could hurt industries in fishing that generate  
16 nearly \$12 billion annually and support over  
17 220,000 jobs. And it would also put at risk  
18 tourism and recreational industries that  
19 generate \$23 billion. Therefore I think it  
20 would be wise to not do these surveys. Thank  
21 you.

22 JAMES BENNETT: Thank you. Carla Porter.

23 CARLA PORTER: My name is Carla Porter.  
24 I'm from Sunderland, Maryland. Thank you for  
25 letting me speak. I just wanted to express

1 that I am strongly opposed to offshore  
2 geological and geophysical exploration  
3 activities because of the dangers it poses on  
4 marine life. Avoiding activities that will  
5 harm or kill any more marine mammals is  
6 significantly more important to me than  
7 succumbing to today's frenzied pressures to  
8 reduce gasoline prices by a mere three cents,  
9 which can take 20 years or more to achieve.  
10 Therefore I support alternative C. Thank you.

11 JAMES BENNETT: Thank you. Okay. That's  
12 all I have on the list. Did anybody here sign  
13 up and have not had their name called. If not,  
14 is there anyone here who would like to speak  
15 who hasn't had an opportunity to thus far. If  
16 not, does anyone want to expand their remarks.  
17 Okay. Not hearing anything, I think we're  
18 ready to close. I just want to remind everyone  
19 that the comment period remains open until the  
20 end of May. Your comments can be submitted  
21 online, by snail mail. Those are the two basic  
22 options. We would appreciate your comments,  
23 it's helpful in the process. And with that we  
24 will stand adjourned. Thank you.

25 (Meeting concluded at 1:31 p.m.)

1 STATE OF MARYLAND

2 I, David Corbin, a Notary Public in and  
3 for the State of Maryland, do hereby certify  
4 that the within named, BOEM PUBLIC MEETING,  
5 personally appeared before me at the time and  
6 place herein set according to law.

7 I further certify that the meeting was  
8 recorded stenographically by me and then  
9 transcribed from my stenographic notes to the  
10 within printed matter by means of  
11 computer-assisted transcription in a true and  
12 accurate manner.

13 I further certify that the stipulations  
14 contained herein were entered into by counsel  
15 in my presence.

16 I further certify that I am not of counsel  
17 to any of the parties, not an employee of  
18 counsel, nor related to any of the parties, nor  
19 in any way interested in the outcome of this  
20 action.

21 AS WITNESS my hand and Notarial Seal this  
22 3rd day of May, 2012, at Centerville, Maryland.

23

24

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\_\_\_\_\_  
David C. Corbin  
Notary Public

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28 My commission expires January 6, 2016

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**Programmatic Environmental Impact Statement  
Public Meeting on 04/25/2012**

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