BUREAU OF OCEAN ENERGY MANAGEMENT

Programmatic Environmental Impact Statement

Public Meeting

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Doubletree Hotel, Annapolis, Maryland

PANEL MEMBERS:
James Bennett
Meghan Butterworth

Reported by
David Corbin

TRANSCRIPT OF PROCEEDINGS

JAMES BENNETT: Want to welcome you all to this public hearing on the Programmatic EIS for the geological and geophysical activities in the Mid and South Atlantic. Good evening, and my name is Jim Bennett. I'm the chief of the division of environmental assessment for the Bureau of Ocean Energy Management in Herndon, Virginia, headquartered in Washington D.C. Safety first. You can see the exits out of the room over to my left, to your right. The rest rooms. Ladies room is here and men's room is down the hall. It's going to be a little tougher to get to the men's room, because in addition to the open bar, they now have dinner and it's very, very crowded. Fair warning. Okay. Again, we are the Bureau of Ocean Energy Management. We are a bureau within the United States Department of Interior and we're here to take your comments if you have any on the programmatic EIS. And there is a couple of people I want you to be aware of. We are here to get your comments, but if you have questions or issues you want to discuss, we have subject matters assistance, including Meghan

Butterworth up here on the panel. She is a marine biologist with our office. And Brian Jordan, an archeologist with our office. And a couple of people from -- also our public affairs person, Blossom Robertson, who is outside. And a couple people from Continental Shelf Associates, our consultant on this effort. Kim Olsen is deputy project manager. And Robin Sherrik, who is outside at the table. This is the fifth public hearing in a series of eight. We've got two in two Wilmington's tomorrow, in Delaware and in North Carolina. And we finish up at the end of the week in Atlantic City. We have distributed a draft programmatic EIS and we're currently in the 60 day comment period. The notice of availability was in the Federal Register on March 30th. And, again, we're here to record and collect your comments. Public input is a very important part of the National Environmental Policy Act, which is the driver behind our preparation of an environmental impact statement. The purpose of the EIS is to assess and advise the decision makers and the public as to the potential environmental impacts of

various activities, G&G activities, in this case in the Mid and South Atlantic. And as a part of that analysis, we identify potential mitigating measures that could be to reduce or eliminate the impacts. And at the same time we are providing this information to the public and to our own internal decision makers. This is a graphic of the survey applications that we have here. I believe there are a total of eight. And the darker areas are the areas where the surveys overlap, where there's multiple interests in conducting surveys. This is covering the Mid-Atlantic and the South Atlantic planning areas from the beginning of the outer continental shelf, which is three miles offshore, to the extent of the exclusive economic zone. And it also includes the areas that are beyond the exclusive economic zone but part of the extended continental shelf under the law of the sea treaty for possible future activities. G&G activities include geological physical, or drilling, into the sea floor, including coring, shallow test drilling and deep stratigraphic test. This drilling is not exploratory in the

sense it's not part of an exploration plan. That can not occur on the OCS unless a lease is issued, and there is no lease -- no lease sale to occur in the Mid-Atlantic in the current five year program from 2012 to 2017. We also have examined a number of geophysical activities including two and three dimensional seismic, control source, electromagnetic surveys, high resolution geophysical surveys and gravity and magnetic surveys. Impact producing factors. We are looking at routine operations which are part of the activities that we are proposing and where we expect the impacts to occur, as well as accidental events such as oil spills that may result from vessel traffic associated with the G&G survey activities. The environmental resources that we're looking at with particular concern are Benthic communities, fish and fisheries, marine mammals, sea turtles, coastal and marine birds, protected species from the list above and socioeconomic issues, including archeological resources such as shipwrecks from marine protected areas and recreational resources, human resources and land use, and other marine

uses such as conflicts with DOD.

One of the key features of an environmental impact statement is the identification of alternatives to fulfill the purpose and need. And in this case we have examined three alternatives. The first one includes mitigation such as time area closures for the Northern Right Whales and notices to lessees, similar to those that occur for activities in the Gulf of Mexico. We have a second alternative, alternative B, which is more protective, includes all of the measures in alternative A, as well as closure areas for nesting sea turtles, particularly in central Florida, separation between simultaneous seismic surveys, and the use of required passive acoustic monitor. We also include a third alternative, which is the no-action alternative. The no-action alternative is simply that, we wouldn't take action on the permits that were submitted so they would not be allowed to occur. That does not affect some of the seismic work that is done associated with the renewable energy program for the development of wind farms offshore.

This is under alternative A the time area closures that would be included in that if that alternative were selected, and including the Mid-Atlantic seasonal management and the Southeast seasonal management areas. And the Right Whale critical habitat in this area.

Alternative B would add a sea turtle seasonal management area down here off of Cape Canaveral, and a closure area as well as additional 20-mile closure zones all along the Mid and South Atlantic coast.

This is a closer view of the time area closure for sea turtles off of Cape Canaveral.

This is a summary of mitigating measures which I already mentioned all of them. Time area closures, protocols, passive acoustic monitoring, separation between simultaneous survey activities, guidance for vessel strike avoidance, guidance for marine debris. And essentially you'll see, like I mentioned already, alternative B is a little more protective than alternative A and for the most part the mitigating measures don't apply in alternative C.

This is a summary of the impacts that are

contained, the impact levels that we determined through the process of analysis and have included in the environmental impact statement. They range from negligible to major. Most of them are either negligible or minor as you can see from the chart. These conclusions are reached in accordance with definitions which are provided in the environmental impact statement by a team of subject matter experts, which is the folks that are here tonight, on an analysis of the best -- based on an analysis of the best available information.

Consultations. We should note that there are a number of other consultations that are required, most notably Endangered Species Act under section seven and Marine Mammals Protection Act, but also protection of archeological resources under section 106 of the National Historic Preservation Act. We try to conduct these consultations concurrent with the development of the NEPA document and the conclusion of the NEPA process. As you can see here from the project schedule, we are in the public comment period right now. At the close of the comment period, which will be at the end

of May, we will revise the final programmatic EIS and then go through the review and approval process to publish the final EIS. The environmental consultations will be occurring at the same time so that we can move to a record of decision anticipated towards the end of the year on what action to take, if any, on the permits that we have applications for.

We are here for your comments. If you don't submit comments tonight verbally, you're certainly welcome to submit them either by snail mail or through our web site, which is listed up there. And the address for the snail mail is there at the bottom. Again, we do have the comment period open until May 30th and we welcome your comments. With that, if there are any points of clarification needed, I would be happy to provide them. Otherwise we will go to the formal comments. And we do have one person who has signed up to provide comments. Are there any questions.

AUDIENCE: Will this presentation be available online, the Power Point?

JAMES BENNETT: The Power Point? We don't have it online. The earliest that we would be

able to do that would be next week. But if you give me your card --

AUDIENCE: I sent you an e-mail.

JAMES BENNETT: That was you?

AUDIENCE: Yeah.

JAMES BENNETT: You'll probably get it late tonight. Okay. All right. With that, I think we can dispense with all of the detailed rules about presentations. We normally limit it to three minutes, but we certainly don't have a lot of competition and time constraints here. So I'll ask Carol Green to come on up to the microphone and we will record your comments. Thank you. Come up to the microphone.

CAROL GREEN: I just -- I guess I should say right off that it worries me having seismic testing --

REPORTER: Could I have you speak a little closer to the mic.

JAMES BENNETT: Could you state your name.

CAROL GREEN: I'm Carol Green and I'm opposed to the oil drilling and seismic testing off the coast. And I've created a Power Point kind of to explain why. The first page is

basically What Is the Price For Life, What Is a Life Worth. Dolphins deceased since the BP Horizon oil spill has been 35,700 lives lost. 35,700, that's a huge number. American, British, and Canadian Ph.D.s have written a paper, and I've got the people who actually did that on the page there. For each body found on the coast, there is 50 that fall to the sea bottom. For dolphins who do survive, thousands are severely ill and they suffer with lung cancer, liver cancer, anemia, and a multitude of other illnesses which scientists attribute to exposure to oil. On each of these pages I have the sources that have stated these facts. So you can find it at the bottom of the page is the sources. The problem in the gulf has been, and with people in general exposed to oil, is that the immune systems are compromised, both in humans and dolphins. Elements in oil, hydrocarbons, PCBs, carcinogens, they are all highly toxic and cancerous. Dolphins the world over suffer and die from compromised immune systems. There has been 3,000 that just died in the past three months in Peru due to compromised immune systems. These chemicals

bio-accumulate up the ocean food web and are especially concentrated in apex predators such as dolphins. Dolphins with compromised immune systems are susceptible to diseases, and I have listed the diseases there, and this is according to Peter Ross of Canada's Institute of Ocean Sciences and a world recognized expert on the impact of toxic chemicals, including oil on marine mammals. Throughout the world dolphins carry brucellosis and other immune system -- and their immune systems easily repeal this virus; in the gulf brucellosis has killed several dolphins because their immune systems are so compromised. Humans and dolphins have similar systems. Like marine and wildlife, human life in the gulf is severely ill. And the sources again are at the bottom. The Nation wrote a very good article. If you want to read that source, it really goes into detail what the people involved are going through now. It's really horrific. I mean thousands are very ill from this. In fact everywhere around the world where there are oil drills the humans, wildlife and marine life that live anywhere near those oil drills are

severely ill with autoimmune diseases, such as systemic lupus, sauroderma, connective tissue disease, and many, many cancers at a much higher rate than in places where no oil drilling occurs. There is not one exception to this. The Amazon, Nigeria, Kazakhstan, Alberta Tar Sands, everywhere there is oil people have cancer. People are getting these autoimmune illnesses. Marine mammals. A dolphin's neo-cortex is more highly convoluted than in a human brain. Convolutions are folds in the brain that increase surface size; the larger the surface size the more intelligent. See the picture and -- on the slide. The dolphin brain is to the left, the human brain is to the right. Dolphins can easily read abstract symbols. You can see the video there if you type it in. Although scientists are currently analyzing and understanding their complex sonar, we have not yet been able to totally understand their language, yet they have the ability to learn our language. Dolphins are self aware. When a mirror is placed in front of them they realize that the reflection is of themselves by six months of age. Human infants

do not have this ability until after they are two years old. Today's scientists have proven that cetacean brain size is equal to that of man and that in some ways whales and dolphins may be even more intelligent. Bottle nose dolphins have convincingly demonstrated that they use a mirror to investigate their own bodies, showing that they have a sense of self. These findings are consistent with further evidence for self-awareness and self-monitoring in dolphins and related cognitive abilities. In particular a highly elaborated cingulate and insular cortex in cetacean brains are consistent with the idea that animals are highly sophisticated and sensitive and emotion and social emotional sophisticated, not achieved by other animals, including humans. All of the above factors provide cause for concern over the vulnerability of whales and dolphins when placed in stressful situations, including capture, drive hunts and the disruption of social networks. Moreover, conservation measures that do not take into account the psychological complexity of these animals will do little to alleviate suffering

on an individual level. Beyond our scientific understanding, our current knowledge of cetacean brains and cognitive abilities demand that we develop a new ethic of respect and coexistence with them. And the study from the people that did the studies on the left in the dark blue. If you can read that. Beyond our scientific understanding -- that's what I just read. And then the most important thing on the next page, this is all basically that same study is what I highlighted in yellow. The selective distribution of VENs, comparable to that of great apes and humans, in many cetacean species is intriguing and consistent with the growing evidence of their sophisticated cognitive abilities and social lifestyles such as complex social structures, higher order alliances, cooperative networks, cultural transmission and tool use. Seismic blasting is a gateway to drilling. Once billions are paid for eight years of blasting, there is no turning back. The seismic study is completely unnecessary when it comes to supporting offshore wind development in Mid-Atlantic states. The necessary G&G studies are already

covered by the programmatic environmental assessment that BOEM has already approved for our Mid-Atlantic wind energy areas, which includes both Maryland and Virginia. The airguns repeatedly comb over vast areas of ocean, areas the size of Rhode Island around one single array. The large arrays used by industry can involve more than 30 airguns simultaneously. To search for oil and gas, the industry uses arrays of airguns which release intense blasts of compressed air into the water every ten seconds for days, weeks and months on end. These rapid discharges of compressed air from airgun arrays send acoustic shockwaves down through the water column that is reflected back from sub-sea rock strata. Seismic surveys conducted during offshore oil and gas exploration are up to 260 decibels loud. This causes brain hemorrhaging, injury, extreme pain, hearing loss and/or death to marine mammals located anywhere near the surveying. Marine mammals are especially at risk, as their hearing can be permanently damaged or even eliminated. This is equivalent to a stick of dynamite going off every ten seconds next to a

human being for months without ending. According to the Administration's own estimate, seismic exploration would injure up to 138,500 marine mammals and disrupt marine mammal feeding, calving, breeding and other vital activities more than 13.5 million times over the course of the proposed eight years of exploration. The noise from seismic surveys has been know to carry up to 100,000 square miles through ocean environments. Airgun noise is loud enough to mask whale calls over thousands of miles, destroying their capacity to communicate and breed. It can drive whales to abandon their habitat and cease forging, which is finding food. In the gulf there is perpetual oil spills. Elements in oil such as PCB's, benzene and hydrocarbons or carcinogenic, they can cause cancers and illness in life, whether it be human or cetacean, comes in contact with it. Collected 2/27/2002, See Foam in the Gulf of Mexico still contains PAH's almost two years after the oil spill. Currently there are literally thousands of abandoned and other wells leaking right now in the Gulf of Mexico, and in a report released

by Gulf Coast Waterkeepers it was estimated that over 3,000 oil spills have happened in the past 12 months. That isn't even counting onshore oil spills along the Gulf Coast. The oil industry clearly has an oil spill problem. The problems that led to the BP oil disaster have not been fixed. And there is still oil coming from the deepwater Horizon site. Not a couple drops here and there but a very large swath that covers over 2.5 million square yards. Although the oil industry will always -- as far as revenue and jobs. Although the oil industry will always promise states with new revenue and jobs for letting them reap irreversible havoc on our coastlines, wildlife, marine life and health, this is the current revenue and jobs that are lost by giving them keys to our coastline. Fishing. Commercial and recreational fishing off the Atlantic from Maryland south generate $11.8 billion annually and support 222,000 jobs. Airgun blasts used for seismic exploration have been shown to displace commercial species on a vast scale. Over thousands of square kilometers the result has been to dramatically depress catch rates of

species such as cod, haddock and rockfish. Fisherman in some parts of the world where seismic testing is already occurring are seeking industry compensation for their losses. Whale watching. Green lighting seismic also poses threats to the $20 million whale watching industry in the Mid to Southeast Atlantic. Coastal tourism. If the Administration takes the next step by opening the coast to oil and gas drilling, the entire $23 billion coastal tourism and recreational activities are at risk. In Maryland, there are about 20,500 fishing jobs, nearly $770 million in recreational fishing sales, and more than 76 million in commercial fishing revenue. Maryland's tourism and recreation industry generates more than $2.5 billion and nearly 60,000 jobs. Offshore drilling off the Atlantic coast could be devastating for it. U.S. drilling does not lower gas prices. A statistical analysis of 36 years of monthly, inflation-adjusted gasoline prices in U.S. domestic oil production by the Associated Press shows no statistical correlation between how much oil comes out of U.S. wells and the price

at the pump. When you put the inflation-adjusted price of gas on the same chart as U.S. oil production since 1976, the numbers sometimes go in the same direction, sometimes opposite directions. If drilling for more oil meant lower prices, the lines on the chart would consistently go in opposite directions. A basic statistical measure of correlation found no link between the two, and outside statistical experts confirm those calculations and the third bullet basically tells you what -- who those experts were that basically did the study and acknowledge the study was correct. Drill baby drill has nothing to with it, said Judith Dwarkin, chief energy economist at ITG investment research. Two other energy economists said the same thing and experts in the field have been making that observation for decades. That's because oil is a global commodity and U.S. production has only a tiny influence on supply. Additionally any increase from our wells could be answered by a decrease from OPEC so as to control the cost. The U.S.'s largest export last year was gasoline. So drilling here -- more here does

not keep it in our country. In a recent speech Senator Jeff Bingamin also pointed the lack of a relationship between U.S. oil production and gas prices using the chart to the right. Said Senator Jeff Bingamin, "here, the red line is the change in domestic production, year over year. The blue line is gasoline prices. And what's striking about this chart is the lack of relationship between the two lines. Even with U.S. production increasing as it was at some point, oil prices were also increasing and gas prices were also increasing. Sadly, most folks do not realize that drilling for oil in America will not lower gas prices at the pump. So what is the price for a life, what is a life worth. That was my initial question. And my last slide is in my opinion the question is not do we want seismic tests or oil drilling, rather the question is are we willing to murder to obtain that oil. Thank you.

JAMES BENNETT: Thank you. I appreciate everyone's indulgence on the time even though we don't have anyone else scheduled to speak. Thank you for those comments. Having said that, has anyone come that would like to --

would like to address the panel.

AUDIENCE: Any chance we can get a rebuttal from --

JAMES BENNETT: No. We're not here for the purpose of rebutting the testimony. We're here to listen. We appreciate that. Anyone. Does anyone else have comments to provide. If not, we will stand in recess for a while. Unless somebody else comes, we will simply adjourn. I appreciate your coming and I want to remind everyone that comments are available -- I mean comments can be made until May 30th. We, again, can receive comments either by snail mail or over the web. Thank you very much for coming. We will stand in recess. Thank you.

(Meeting concluded at 7:34 p.m.)

STATE OF MARYLAND

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

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

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

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

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

_____
David C. Corbin
Notary Public

My commission expires January 6, 2016