**1202 San Antonio**

**Austin, Texas 78701**

**June 5, 16**

**Comments from the Lone Star Chapter of the Sierra Club on the Draft EIS for the Gulf of Mexico Oil and Gas Lease Sales, 2017-2012**

The Lone Star Chapter of the Sierra Club appreciates the opportunity to comment on the Draft EIS for the Gulf of Mexico Oil and Gas Lease Sales, 2017-2022. We were happy to participate in the public meeting held in Beaumont on May 9th. As the state chapter of the largest conservation organization in the United States, with over 22,000 members in Texas, including local groups in Corpus Christi, the Valley, The Golden Triangle, and Houston, our members view the Draft EIS as an important step in the decision on whether or not to allow further drilling in the Gulf Region.

First of all, we were appreciative of the decision by the Obama Administration to remove future leasing and drilling for the 2017-2022 for the Atlantic Region, and some areas within the Arctic that were originally considered as part of the overall plan for ocean drilling.

Second, we want to state upfront our concerns with continued drilling in the Gulf, as contemplated in this EIS. Even without future leases, there are existing leases for much of the Gulf that will continue to operate, and BOEM must consider the impact of these existing leases as part of the process of looking at its future potential leasing. BOEM has already leased over 23 million acres of the Gulf to oil companies, and nearly three million acres of the Alaskan Arctic. Many of the leases in the Gulf of Mexico are relatively new leases, meaning that, by BOEM’s own admission, production under these leases will last up to 70 years. BOEM’s analysis wholly fails to consider why the OCS areas already under lease are not sufficient to supply the nation’s energy needs while we transition away from dirty fossil fuels and toward clean, sustainable energy.

Third, BOEM seems to be offering a false choice. The options analyzed under the DEIS seem to be full leasing, leasing in one of the zones or none essentially. There seems to be little consideration of very limited zones for drilling, or increased no-drill zones. Instead, BOEM is relying on its large “Western,” “Central” or “Eastern” zones and little ability to limit areas within those areas. While Option D offers some variability by adding some restrictions on drilling in certain areas, again it is a very limited option with no consideration of other options.

NEPA requires a “detailed statement” of “alternatives to the proposed action,” which is considered “the heart of the environmental impact statement.” But BOEM’s alternatives analysis is seriously lacking. Even if BOEM properly limited its purpose and need statement (which it did not), BOEM unreasonably failed to consider alternatives that would restrict oil and gas development, even if they would have met the “need” of holding lease sales to further the development of OCS oil and gas resources. For example, BOEM failed to consider an alternative that would prohibit drilling in certain biologically sensitive areas, such as critical habitat for imperiled loggerhead sea turtles; an alternative that would restrict the number of wells to be drilled; or an alternative that would end all new offshore oil and gas leasing pending a plan to limit warming to 1.5º or 2ºC.

**Overall Comments**

The Lone Star Chapter Believes That the No New Leasing -- Option E -- is the Option the Administration Should Pursue

Climate change, driven primarily by the combustion of fossil fuels, poses a severe and immediate threat to the health, welfare, ecosystems and economy of the United States and the world. In recognition of these threats, the Paris Agreement—adopted by 197 countries, including the United States—codifies the international, scientific consensus that climate change is an “*urgent and potentially irreversible threat to human societies and the planet* and thus requires the widest possible cooperation by all countries.” The Agreement commits the signatories to hold global average temperature “to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels.” This requires rapid and robust emissions reductions. Halting new oil and gas leases off our coasts would keep up to 62 billion tons of carbon emissions in the ground—the pollution equivalent of more than 16,000 coal-fired power plants.

BOEM’s proposal to lease over 70 million acres of the Gulf of Mexico so that oil and gas companies can drill up to 9.5 billion barrels of oil equivalent over the next 70 years will deepen the climate crisis and reverse course on President Obama’s commitment to combat climate change. We urge you to halt all new oil and gas lease sales in federal waters, and keep these dirty fossil fuels in the ground.

Oil spills and air pollution from offshore drilling and industrial facilities like refineries that support the industry make people sick and disproportionately harm low-income neighborhoods and communities of color. But BOEM fails to adequately analyze the environmental justice impacts of its proposal. For example, BOEM dismisses the import of the additional air pollution that could result from its Proposal on Gulf communities because there is already significant OCS-related infrastructure in Gulf States. This approach undercuts the entire purpose of a cumulative impacts analysis and efforts to inform and engage environmental justice communities, in violation of NEPA.

**Alternative Analysis: Large Failure in EIS**

BOEM has failed to consider alternative uses of the ocean that would also support the economic development of the Gulf without the adverse impacts of oil and gas leasing. First, the significant role of tourism, fishing and other recreational uses of the ocean are undervalued and the impact that oil and gas drilling has on these other ocean uses are not adequately considered.

BOEM has failed to consider the large potential for alternative energy development in the Gulf, including offshore wind, floating solar, tide and wave technology and associated onshore development. While BOEM had considered a 50-mile offshore wind zone in the Atlantic as part of the programmatic EIS, it has failed to consider the validity of a similar zone along the Gulf to promote the use of alternative energy. While care would be needed to assure protection of migratory mammal and bird species in the development of offshore wind, solar or wave technology, the potential economic development, energy production and job creation is enormous and should not be undermined for a fuel with such significant public health and environmental consequences. We know that in Texas, several wind companies have been looking at offshore wind at least within the state-owned water and they have found valid potential. Yet BOEM is not considering the potential that we could be impacting future renewable development by opening up parts of the Gulf for oil and gas development.

In addition, BOEM has failed to adequately analyze special places in the Gulf that deserve special protection. In addition to the needs of key species like sea turtles, and migratory birds, no leases should even be considered in, near or next to any topographic high marine ecosystems. Some of these topographic highs that should be provided additional buffer protection include East Flower Garden Bank, West Flower Garden Bank, Horseshoe Bank, Stetson Bank, Stetson Ring, Claypile Bank, 32 Fathom Bank, Applebaum Bank, Coffee Lump Bank, 28 Fathom Bank, McGrail Bank, Bright Bank, Rezak Bank, Geyer Bank, Elvers Bank, MacNeil Bank, Sonnier Bank, Bouma Bank, Sidner Bank, Parker Bank, Alderdice Bank, Jakkula Bank, 29 Fathom Bank and Rankin Bank. In particular, the Flower Garden Banks National Marine Sanctuary should have a large buffer areas around any potential lease block. The BP Deep Horizon disaster showed what can happen at and below the surface when large quantities of oil and gas are released. “Russian Roulette” should not be played with the long-term health of these important topographic high marine ecosystems.

While we recognize that there is a separate process going on to consider expansion of the Flower Garden Banks Sanctuary through a separate process, we would strongly insist that no development be considered in the area near a potential expansion. Indeed, we believe a large buffer area must be considered whatever the decision on expansion of the Flower Garden area is. As an example, currently NOAA is considering five alternatives, with Alternative Five encompassing more than 930 square miles. BOEM should not consider any drilling in this large area.

As NOAA states in the justification of the expansion discussion, “Additional exploration in the northwestern Gulf of Mexico has identified [other reefs, banks and associated features that may be ecologically linked to FGBNMS](http://flowergarden.noaa.gov/about/nwgulfbanks.html) and may also be highly vulnerable to certain human caused impacts.  Although many of these areas have [some level of protection through other designations](http://flowergarden.noaa.gov/about/hapc.html), inclusion in the sanctuary would provide a comprehensive management framework to fill in the existing regulatory gaps and provide necessary protection to these critical habitats.”

The EIS does look at potential impacts on important species like turtles and migratory birds. However, the impacts are severely understated, particularly with regards to the impacts of major spills.

This EIS also fails to consider downstream greenhouse gas emissions. Downstream greenhouse gas emissions are precisely the kind of indirect effects that BOEM must consider in analyzing the impacts of its Proposal under NEPA. But BOEM’s Draft EIS wholly fails to quantify the greenhouse gas emissions from burning the oil and gas to be extracted under its Proposal or consider the climate impacts of such emissions. In fact, much of this gas and oil will be refined directly in the Gulf Area. Moreover, because BOEM ignores these impacts, BOEM also fails to discuss how its Proposal can possibly be consistent with the Paris Agreement and efforts to limit warming to 1.5°C or even 2°C to avert the worst impacts of climate change. These failures violate NEPA.

BOEM has failed to adequately assess both nitrogen oxide and volatile organic compounds and their role in ground-level ozone formation in gulf communities that result from the upstream, proposed drilling and downstream uses of the products that would emerge from the ocean floor.

Nitrogen oxide and volatile organic compound emissions that cause ozone in areas like Houston, Galveston and Beaumont can not and should not be ignored in this draft multi-sale EIS. Specifically, the oil that would come out of the Gulf would most likely be refined in areas like Beaumont, Port Arthur, Harris County, Nueces County, as well as areas along the coast of Louisiana. To ignore these downstream impacts and downstream communities is a major failure of this EIS.

BOEM has underestimated the amount of climate change gases and their environmental impacts on human and natural landscapes. Past, present and future foreseeable actions and their impacts should be analyzed and considered in an EIS. Thus, past emissions that have led to the present level of greenhouse gases from drilling and associated activities should be part of the EIS since they impact our present and future course.

BOEM’s Draft EIS fails to adequately describe baseline conditions related to climate change or consider the impacts of climate change on the ocean environment. While BOEM acknowledges that climate change is occurring, its analysis is cursory and fails to properly disclose the enormity of the problem, or the contribution of expanded offshore oil drilling in the Gulf of Mexico, to the problem. For example, BOEM fails to adequately analyze the impacts of ocean acidification over the course of its Proposal, and its Proposal’s contribution to these significant environmental problems.

BOEM admits that hurricanes and other extreme weather events can damage offshore oil and gas pipelines and infrastructure resulting in spills, but fails to analyze how increased storm severity in the face of climate change will increase the risks of oil spills, accidents and other environmental harms associated with offshore oil and gas drilling in the Gulf of Mexico. The failure to do so violates NEPA.

BOEM says the purpose and need of its analysis is to offer oil and gas lease sales so that oil and gas resources on the OCS can be developed. But the law clearly requires BOEM to analyze the impacts of dirty, dangerous offshore drilling on the Gulf’s ecosystem, coastal communities and our climate *before* deciding whether to allow them, not the other way around. BOEM’s backward approach reflects a fundamental misunderstanding of its legal obligations and an apparent desire to appease the oil industry at the expense of our ocean environment and climate.

BOEM must develop a climate change ecological resilience and resistance plan (CCERRP), assessing the full biological and ecological elements in the Gulf of Mexico and the affects that climate change has had and will have on them. A CCERRP would assist plants, animals and ecosystems to adapt to climate change and would require monitoring of changes and mitigation measure effectiveness.

BOEM has failed to adequately assess the impact of methane leaks from the upstream, proposed drilling and downstream use of these products, and its impact on both climate change and other public health impacts (such as ozone formation). At a minimum, if any drilling is ultimately authorized, BOEM must require robust VOC and methane leak detection and repair programs.

BOEM has repeatedly admitted that it lacks critical information regarding the effects of the Deepwater Horizon oil spill on the Gulf of Mexico. It has also repeatedly admitted that there are data gaps regarding numerous resources in the Gulf, including wetlands, coastal water quality, offshore water quality, air quality, commercial and recreational fishing and environmental justice, and that the impacts of the Deepwater Horizon oil spill on such resources may have changed baseline conditions. BOEM therefore cannot properly define the environmental baseline, and cannot conduct a proper NEPA analysis unless and until these significant data gaps are filled.

BOEM must analyze the impacts of a catastrophic oil spill. BOEM dismisses the impacts of a catastrophic oil spill because oil and gas activities are regulated and changes have been implemented since Deepwater Horizon*.* But this assumption ignores several federal studies published since the disaster finding that sufficient regulatory changes are still lacking. It also ignores the reality that transporting oil and gas is inherently dangerous and spills occur as a matter of course in offshore oil and gas operations from both tankers and pipelines.

The Lone Star Chapter of the Sierra Club appreciates the opportunity to submit this testimony.

Sincerely,

Cyrus Reed

Conservation Director, Lone Star Chapter, Sierra Club