

## Participating Organizations

Alliance for a Living Ocean  
American Littoral Society  
Arthur Kill Coalition  
Asbury Park Fishing Club  
Bayberry Garden Club  
Bayside Regional Watershed Council  
Bayside Saltwater Flyrodders  
Belford Seafood Co-op  
Belmar Fishing Club  
Beneath The Sea  
Bergen Save the Watershed Action Network  
Berkeley Shores Homeowners Civic Association  
Cape May Environmental Commission  
Central Jersey Anglers  
Citizens Conservation Council of Ocean County  
Clean Air Campaign, NY  
Coalition Against Toxics  
Coalition for Peace & Justice/Unplug Salem  
Coast Alliance  
Coastal Jersey Parrot Head Club  
Communication Workers of America, Local 1034  
Concerned Businesses of COA  
Concerned Citizens of Bensonhurst  
Concerned Citizens of COA  
Concerned Citizens of Montauk  
Eastern Monmouth Chamber of Commerce  
Fisher's Island Conservancy  
Fisheries Defense Fund  
Fishermen's Dock Cooperative, Pt. Pleasant  
Friends of Island Beach State Park  
Friends of Liberty State Park, NJ  
Friends of the Boardwalk, NY  
Garden Club of Englewood  
Garden Club of Fair Haven  
Garden Club of Long Beach Island  
Garden Club of Middletown  
Garden Club of Morristown  
Garden Club of Navesink  
Garden Club of New Jersey  
Garden Club of New Vernon  
Garden Club of Oceanport  
Garden Club of Princeton  
Garden Club of Ridgewood  
Garden Club of Rumson  
Garden Club of Short Hills  
Garden Club of Shrewsbury  
Garden Club of Spring Lake  
Garden Club of Washington Valley  
Great Egg Harbor Watershed Association  
Highlands Business Partnership  
Highlands Chamber of Commerce  
Hudson River Fishermen's Association/NJ  
Jersey Coast Shark Anglers  
Jersey Shore Captains Association  
Jersey Shore Running Club  
Junior League of Monmouth County  
Keyport Environmental Commission  
Kiwans Club of Manassquan  
Kiwans Club of Shadow Lake Village  
Leonardo Party & Pleasure Boat Association  
Leonardo Tax Payers Association  
Main Street Wildwood  
Marine Trades Association of NJ  
Monmouth Conservation Foundation  
Monmouth County Association of Realtors  
Monmouth County Audubon Society  
Monmouth County Friends of Clearwater  
Montauk Fisherman's Emergency Fund  
National Coalition for Marine Conservation  
Natural Resources Protective Association, NY  
NJ Beach Buggy Association  
NJ Commercial Fishermen's Association  
NJ Environmental Federation  
NJ Environmental Lobby  
NJ Main Ship Owners Group  
NJ Marine Educators Association  
NJ PIRG Citizen Lobby  
Nottingham Hunting & Fishing Club, NJ  
NYC Sea Gypsies  
NY Marine Educators Association  
NY/NJ Baykeeper  
Ocean Wreck Divers, NJ  
PaddleOut.org  
Piscataway Saltwater Sportsmen Club  
Raritan Riverkeeper  
Religious On Water  
Riverside Drive Association  
Rotary Club of Long Branch  
Rotary District #7510 - Interact  
Saint George's by the River Church, NJ  
Saltwater Anglers of Bergen County  
Sandy Hook Bay Anglers  
Save Barnegat Bay  
Save the Bay, NJ  
SEAS Monmouth  
Seaweeders Garden Club  
Shark Research Institute  
Shark River Cleanup Coalition  
Shark River Surf Anglers  
Shore Adventure Club  
Shore Surf Club  
Sierra Club, Shore Chapter  
Soroptimist Club of Cape May County  
South Jersey Dive Club  
South Monmouth Board of Realtors  
Staten Island Friends of Clearwater  
Staten Island Tuna Club  
Strathmere Fishing & Environmental Club  
Surfers' Environmental Alliance  
Surfrider Foundation, Jersey Shore Chapter  
TACKLE, MA  
Terra Nova Garden Club  
Unitarian Universalist Congregation /Monm. Cnty.  
United Boatmen of NY/NJ  
United Bowhunters of NJ  
Volunteer Friends of Boaters, NJ  
WATERSPIRIT  
Women's Club of Brick Township  
Women's Club of Keyport  
Women's Club of Long Branch  
Women's Club of Merchantville  
Zen Society, NJ

# Clean Ocean Action



Ocean Advocacy  
Since 1984

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November 27, 2006

**VIA ELECTRONIC MAIL at <http://www.mms.gov/5-year/2007-2012main.htm>**

James F. Bennett  
5-Year Draft EIS Comments  
381 Elden St., MS 4042  
Herndon, VA 20170

**RE: Comments on Draft Environmental Impact Statement (EIS) for the Proposed 5-Year Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 2007-2012**

Dear Mr. Bennett:

As we discussed today, please accept this electronic version of these comments of Clean Ocean Action and NY/NJ Baykeeper (hereafter, "Commenters") on the above-referenced Proposed 5-Year Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 2007-2012 ) issued August 25, 2006<sup>1</sup>. This electronic version supersedes electronic comments submitted on November 22, 2006, and mirror our comments sent via U.S. mail and postmarked on November 22<sup>nd</sup>. These comments should be viewed in light of comments submitted by Commenters on the Proposed 5-Year Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 2007-2012.

Clean Ocean Action (hereinafter "COA") is a broad-based coalition of 150 conservation, environmental, fishing, boating, diving, student, surfing, women's, business, service, and community groups. Our goal is to improve the degraded water quality of the marine waters off the New Jersey/New York coast. It is COA's mission to investigate, review, and question proposals that may affect ocean water quality in the NY/NJ Bight.<sup>2</sup>

New York New Jersey Baykeeper is a conservation organization, with a mission to protect, preserve and restore the ecological integrity of the Hudson-Raritan Estuary.

Commenters write to submit comments on the above referenced public notice, issued August 25, 2006.<sup>3</sup> The MMS Proposed 5-Year Outer Continental Shelf (OCS) Oil and

<sup>1</sup> 71 Fed. Reg. 7064

<sup>2</sup> Visit <http://www.cleanoceanaction.org> for more information.

<sup>3</sup> 71 Fed. Reg. 7064

Gas Leasing Program for 2007-2012 (hereinafter “Proposed Leasing Program”) includes the Mid-Atlantic Planning Area, which is off the Virginia Coast. Inclusion of this area flies in the face of 25 years of good governance policies to protect environmentally sensitive areas, violates current moratoria, and puts the regional economic and environmental productivity and potential at risk. In short, the Commenters strongly oppose the Department’s inclusion of the Mid-Atlantic Region in the listed proposed program areas. We respectfully demand that the Department remove the Mid-Atlantic region from the Proposed Leasing Program. The basis for this request follows.

### **Violation of Long-Standing Moratoria**

The waters of the Mid-Atlantic coast have been proactively defended and protected by an annual congressional prohibition on new offshore oil and gas leasing for over 25 years. These same waters have also been protected since 1990 by a separate Executive Order put in place by former President George W. Bush, Sr., and subsequently extended by President Clinton to the year 2012.<sup>4</sup> Although the Proposed Leasing Program explicitly states that “[t]here will be no leasing of such areas unless the President chooses to modify the withdrawal and Congress discontinues the annual statutory moratoria,” including the Mid-Atlantic as a proposed program area establishes an unacceptable, and possibly illegal, path. The congressional moratorium in place for the Mid-Atlantic prohibits the use of appropriated funds for “leasing, pre-leasing, and related activities.” At the November 13, 2006 public meeting on the Proposed Leasing Program held by Mineral Management Service (MMS) in Atlantic City, NJ, the current phase of the process was identified as a “Pre-Leasing Activity”. Therefore, the use of federal resources to develop and market the Proposed Leasing Program and the corresponding draft Environmental Impact Statement (EIS) are clearly within this definition of prohibited activities. **Consequently, this proposal is in violation of the moratoria.**

### **Mid-Atlantic: A Unique Ecosystem**

Oil and/or gas exploration or activities are proposed off the coast of Virginia. This region is an extraordinarily important ecosystem, which is why for the past 25 years, Congress and Presidential Moratoria have been imposed. In fact, there are eleven National Wildlife Refuges in the coastal region from Virginia to New York protecting thousands of acres of coastal wetland and tidal marshes that are considered critical feeding habitat for millions of migratory birds that travel the Atlantic Flyway. The coastline of Virginia itself is lined with barrier islands designated by the U.S. Fish and Wildlife as an International Shorebird Reserve and by the United Nations as a World Biosphere Reserve. The close proximity of the proposed oil and gas operations threatens the coastal habitat and waters of the entire region.

Moreover the proposed area is less than 75 miles from the southern tip of New Jersey, which begins the New York/New Jersey Bight, an ecologically rich and unique marine system. The New York/New Jersey Bight (Bight) is defined as the oceanic region from Montauk, NY to Cape May Point, NJ and off to the edge of the continental Shelf. The warm waters of the Gulf Stream travel up the eastern coast from the Caribbean passing through the Bight to meet the cold waters of the north Atlantic off Canada. This remarkable ocean river brings biologically rich southern waters thus contributing to the marine environment of the Bight by increasing the diversity of oceanographic conditions and species. The region supports more than 300 species of

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<sup>4</sup> Congressional Research Service, OCS Leasing Moratoria, 97-588 ENR.

fish, nearly 350 species of birds, 7 species of sea turtles, and many marine mammals, such as 10 species of whales and several species of seals and porpoises. The draft EIS developed by MMS as part of the Proposed Leasing Program, ranked the proposed region first in primary production from marine phytoplankton, with almost 140 million metric tons of carbon/year<sup>5</sup>, thus acknowledging the importance of this region to the base of the oceanic food web. However, it is also true that while the hydrological currents present in the Mid-Atlantic region create a unique and diverse marine environment, these same currents would carry pollutants directly to the shorelines north of the leasing area, including the beaches of New York and New Jersey.

The risks from exploring, developing and extracting potential oil and gas are high, significant, and dangerous for New Jersey and New York's marine ecosystems and their dependant economies.

### **The Draft EIS Fails to Properly Evaluate Essential Ecological Issues**

Exploring and drilling for oil and gas resources is a complex process, which requires miles of pipelines, numerous tankers plying coastal waters, and many refineries. Oil and gas activities not only impact federal and state waters where platforms are located, but the land along the coast as well. In addition, "the biological consequences of such development, whether offshore, in the coastal zone, or on-land, can be acute or chronic, resulting from pollution or physical alteration of habitat."<sup>6</sup> Some of these potential impacts that were identified in the draft EIS and could threaten the ecological and economic vitality of the region. Moreover, the draft EIS underestimates or ignores essential ecological issues. These concerns are addressed below.

- Increased incidence of collisions between endangered marine organisms and tanker or support ships.
  - The draft EIS admits that oil and gas related activities in the region would increase the risk of collisions with the highly endangered right whales resulting in population-level effects. With only 300 individuals remaining, one death could be the difference between survival of the species and extinction. This alone should eliminate the region from consideration.
  - There are several other endangered marine mammals and sea turtles that migrate up and down the east coast annually, requiring them to pass through the program area twice a year. The draft EIS underplays the significance of fatal collisions on the population of endangered species. The loss of individuals from a population that is so decimated as to be federally listed as endangered must be given substantially greater protection considering the elevated risk of extinction.
  - In addition to increased risk of collision, endangered marine mammals and sea turtles will also be subjected to increased marine debris resulting from the "discharge or disposal of solid debris into offshore waters from OCS

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<sup>5</sup> "Outer Continental Shelf Oil and Gas Leasing Program 2007-2012, Draft Environmental Impact Statement," July 2006, Page 87, U.S. Department of the Interior, Minerals Management Service.

<sup>6</sup> Bolze, Dorene, and Mercedes Lee. 1989. *Offshore Oil and Gas Development: The Ecological Effects Beyond the Offshore Platform*, Proceedings from Sixth Symposium on Coastal and Ocean Management/ASCE, July 11-14, 1989, Charleston, SC.

structures and vessels<sup>7</sup>”, as stated in the draft EIS, impacts related to the “ingestion of or entanglement with discarded waste could lead to intestinal blocking, reduced mobility, and other lethal and sublethal effects.<sup>8</sup>”

- Oil and gas spills from production or transportation facilities.  
The draft EIS recognizes the potential for 1 large Tanker spill and 12 smaller spills, as a result of production and transport in the program area. These spills are projected to occur with uniform frequency over the life of the leasing program.
  - This would suggest that organisms would be subjected to repeated exposure over the life of the project. The EIS must consider the cumulative effects of multiple exposures to organisms as a result of numerous spills. Repeated exposure to contaminants could result in more serious effects at the individual and population-level.
  - As stated above, the coastline within and around the Mid-Atlantic Planning area includes vast regions of coastal estuaries and tidal wetlands including the Chesapeake and Delaware Bays. The draft EIS acknowledges that “if a large oil spill were to occur adjacent to the coastline and enter an estuary, in particular the Chesapeake Bay, the effects on water quality could be immediate and severe.<sup>9</sup>” These impacts would extend beyond water quality, as these habitats support the early life stages of most commercially and recreationally important fish species, as well as migrating birds, and endangered sea turtles.
  - The impact of numerous and recurring oil spills to tourism and fishing in the area are understated. Both industries provide substantial economic benefits to all the coastal states in and around the mid-Atlantic region (see below for more detail). The draft EIS states losses from a large oil spill could result in large losses and reduce or eliminate fishing for several years<sup>10</sup>, require 2-12 years for recovery of fisheries habitat<sup>11</sup> and severely degrade coastal habitats for years<sup>12</sup>. The resulting impact on fisherman, fleet operators and coastal businesses that would be forced to shut down for even one season would be devastating to the livelihood of individuals and the economies of the affected regions. These impacts are not adequately evaluated in this draft EIS.
- Oil and gas structures act to aggregate marine organisms thus increasing the likelihood that routine releases of toxic metals, oil, gas, and byproducts (i.e., “drilling muds” and “cuttings”) will have population-level effects. Moreover, the cumulative exposures from the numerous inputs resulting from the proposed activities must be

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<sup>7</sup> “Outer Continental Shelf Oil and Gas Leasing Program 2007-2012, Draft Environmental Impact Statement,” July 2006, Page IV-265, U.S. Department of the Interior, Minerals Management Service.

<sup>8</sup> Id

<sup>9</sup> “Outer Continental Shelf Oil and Gas Leasing Program 2007-2012, Draft Environmental Impact Statement,” July 2006, Page IV-255, U.S. Department of the Interior, Minerals Management Service.

<sup>10</sup> “Outer Continental Shelf Oil and Gas Leasing Program 2007-2012, Draft Environmental Impact Statement,” July 2006, Page IV-314, U.S. Department of the Interior, Minerals Management Service.

<sup>11</sup> “Outer Continental Shelf Oil and Gas Leasing Program 2007-2012, Draft Environmental Impact Statement,” July 2006, Page IV-278, U.S. Department of the Interior, Minerals Management Service.

<sup>12</sup> “Outer Continental Shelf Oil and Gas Leasing Program 2007-2012, Draft Environmental Impact Statement,” July 2006, Page IV-291, U.S. Department of the Interior, Minerals Management Service.

evaluated together. The draft EIS calculates the volume of these inputs during offshore activities include the projected release of:

- 13,660 barrels per well (212,220 barrels total from 27 proposed wells) from drilling muds,
- 4310 barrels per well (156,600 barrels total) from drill cuttings,
- 518 barrels per well (13,986 barrels total) of “Produced Water”,
- “Formation Water”,
- domestic and sanitary waste,
- deck drainage,
- ballast and bilge waters, and
- atmospheric deposition of fuels by helicopters and barges.

All listed inputs contain very substantial amounts of oil and grease, as well as heavy metals, toxic organics and a variety of highly toxic additives, and are chronic, on-going sources of contamination to the marine environment within the lease area that threatens to reduce or eliminate sensitive species from the areas around the drilling activity.

- The draft EIS must consider the implications that in-water structures associated with oil and gas exploration and production act as aggregation and attraction devices for all kinds of marine organisms including zooplankton, fish, and birds. Some of the implications of attracting large aggregations of individual organisms include:
  - substantially increasing the risk of bio-accumulation of toxic metals and other contaminants in plankton and federally managed fisheries species as a result of ongoing releases listed above and
  - impacts on a larger portion of the population than would be expected based on the general distribution of pelagic species.
- The draft EIS also fails to address the cumulative impacts of above stated contaminant releases on marine organisms.
- The draft EIS fails to adequately analyze the impact of both routine and unplanned releases of oil and other contaminants, on organisms that utilize the surface micro-layer in the program area.
  - MMS ranked the mid-Atlantic region first in primary productivity. The phytoplankton that drive productivity utilize the surface micro-layer, as do the millions of fish eggs and larvae that sustain the important commercial and recreational fishing industry in the region.
  - This fact was further emphasized in another section of the draft EIS that stated “Most of the fish that support major fisheries in the Mid-Atlantic Bight have planktonic rather than benthic eggs and larvae.<sup>13</sup>” The section goes on to state “A small spill on the shelf could contact passively moving eggs and larvae of such species and cause mortality to individuals.<sup>14</sup>”
    - Early life stages of fish are highly susceptible to PAHs and other contaminants associated with oil and gas activities and oil and gas releases concentrate contaminants in the surface micro-layer where they can persist for extended periods of time.

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<sup>13</sup> “Outer Continental Shelf Oil and Gas Leasing Program 2007-2012, Draft Environmental Impact Statement,” July 2006, Page IV-277, U.S. Department of the Interior, Minerals Management Service.

<sup>14</sup> *Id*



- **Commercial Fishing:** In New Jersey, “[a]nnual commercial landings of finfish and shellfish are over 182 million pounds with an approximate dockside value of \$100 million,” according to the New Jersey Department of Environmental Protection (NJDEP), Coastal Management Program,<sup>18</sup> thus generating \$100 million to the New Jersey economy annually.<sup>19</sup> For 1999, the New York Sea Grant study estimated that New York’s commercial fishing industry contributed a total of \$149.6 million to the state’s economy and directly employed approximately 10,500 New Yorkers.”<sup>20</sup>

- **Recreational Fishing:** In 2003, the American Sportfishing Association estimated that recreational fishing brought \$724,634,011 in retail sales with a total multiplier effect<sup>21</sup> of \$1,363,259,834 to the state of New Jersey.<sup>22</sup> Recreational fishing accounts for 12,021 jobs in New Jersey, with salaries and wages totaling \$328,359,434.<sup>23</sup> The sport generates \$7,750,295 in New Jersey income taxes and \$56,339,961 in federal income taxes.<sup>24</sup> The same report indicates that recreational fishing in New York generated \$1,116,861,525 in retail sales with a total multiplier effect of \$2,011,716,251.<sup>25</sup> The sport accounts for 17,083 jobs and \$503,486,172 in salaries and wages in New York.<sup>26</sup>

- **Surfing:** Residents in Monmouth County, NJ alone contributed at least \$10 million to the economy from surfing and associated businesses (includes purchasing equipment, wax, bathing suits, wet suits, parking fees, beach badges, breakfast, and lunch). This monetary value only represents one of numerous coastal counties in the entire region.

- **Tourism:** According to the New Jersey Department of Commerce, travel and tourism in New Jersey contributes \$32 billion in economic activities each year and generates 416,000 jobs (the second largest private sector employer). The four coastal counties – Atlantic, Cape May, Ocean, and Monmouth – account for more than 72% or \$21.6 billion in annual economic activity

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<sup>18</sup> The New Jersey Coastal Management Program, “Fact Sheet 2, March 2002,” p.1.

<sup>19</sup> The New Jersey Coastal Management Program, “Fact Sheet 3, March 2002,” p.1.

<sup>20</sup> New York Seafood Council, “New York’s Seafood Industry” by Ken Gall, New York Sea Grant, Stony Brook, NY. Available at [http://www.nyseafood.org/doc.asp?document\\_key=NYSeafoodIndustry#commercial](http://www.nyseafood.org/doc.asp?document_key=NYSeafoodIndustry#commercial) (last visited July 14, 2005).

<sup>21</sup> “Multiplier” is defined as “An effect in economics in which an increase in spending produces an increase in national income and consumption greater than the initial amount spent. For example, if a corporation builds a factory, it will employ construction workers and their suppliers as well as those who work in the factory. Indirectly, the new factory will stimulate employment in laundries, restaurants, and service industries in the factory’s vicinity,” *The New Dictionary of Cultural Literacy*, Third Edition, Houghton Mifflin Company, 2002. Available at *Answers.com* 26 Oct. 2005. <http://www.answers.com/topic/multiplier-effect>.

<sup>22</sup> American Sportfishing Association, Fishing Statistics, “Economic Impacts of Fishing” available at [http://www.asafishing.org/asa/statistics/economic\\_impact/state\\_allfish\\_2003.html](http://www.asafishing.org/asa/statistics/economic_impact/state_allfish_2003.html) (last visited July 14, 2005).

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> American Sportfishing Association, Fishing Statistics, “Economic Impacts of Fishing” available at [http://www.asafishing.org/asa/statistics/economic\\_impact/state\\_allfish\\_2003.html](http://www.asafishing.org/asa/statistics/economic_impact/state_allfish_2003.html) (last visited July 14, 2005).

<sup>26</sup> *Id.*

in New Jersey.<sup>27</sup> In 1995 (the most recent numbers accessible), coastal tourism in New York contributed \$2.9 billion to the overall economy, comprising 62.5% of the state economy.<sup>28</sup>

By contrast, studies have shown that there is very little economically recoverable oil or gas available in the Mid-Atlantic region. Using 2030 national consumption rates (the year production is expected to begin), MMS estimates that the proposed lease area off Virginia contains only enough recoverable oil to last between 1.8 and 2.9 days,<sup>29,30</sup> and only enough natural gas to last between 3.4 to 6.8 days<sup>31,32</sup>. The ecological and economic impacts of oil and gas exploration and production identified by MMS in the draft EIS and listed above are numerous and significant. The recovery of such small amounts of oil and gas is not an economically or ecologically viable option, and more importantly, would put at risk the active economic and ecologic productivity and potentialities of the natural resources in the region.

### **MMS Virginia Plan Conflicts with Department of Defense and Ignores Risks**

The entire Mid-Atlantic Planning Area lies within the U.S. Navy's Virginia Capes Operations Area (hereinafter "VACAPES"). The U.S. Navy currently conducts training and war exercises within the Mid-Atlantic Planning Area that utilize several different forms of live ammunition including gunnery exercises, airborne mine countermeasures, general subsurface operations, autonomous underwater vehicle from submarines, surface-to-air weapon delivery such as strafing, rockets and bombs, and antisubmarine rocket and torpedo firing<sup>33</sup>. In addition, Air Force activities in the proposed area include readiness training for tactical fighters and interceptor aircrafts, refueling operations, basic fighter 100 maneuvering, air combat training, and air-to-air intercepts<sup>34</sup> and both the National Aeronautics and Space Administration (hereinafter "NASA") and the Virginia Commercial Space Flight Authority launch rockets and spacecraft off of Virginia's Eastern Shore in support of commercial, federal civil and Department of Defense programs<sup>35,36</sup>. All of these different activities involve sub-surface, surface and air exercises that would interfere with planned OCS activity. As stated in the draft EIS, the U.S. Navy finds that oil and gas activities in the area "have the potential to interfere with or interrupt

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<sup>27</sup> NJ Commerce, Economic Growth and Tourism Commission, "Frequently Asked Questions: Tourism in New Jersey," prepared for consideration by the Blue Ribbon Panel on Offshore Wind, April 2005.

<sup>28</sup> Coast Alliance, "State of the Coasts: A State-by-State Analysis of the Vital Link between Healthy Coasts and a Healthy Economy," p.109, June 1995.

<sup>29</sup> "Annual Energy Outlook 2006", Table 24. U.S. Department of the Interior, DOI/EIA 0383, Feb. 2006.

<sup>30</sup> "Outer Continental Shelf Oil and Gas Leasing Program 2007-2012, Draft Environmental Impact Statement," July 2006, Table IV-3, U.S. Department of the Interior, Minerals Management Service.

<sup>31</sup> "Annual Energy Outlook 2006", Table 23. U.S. Department of the Interior, DOI/EIA 0383, Feb. 2006.

<sup>32</sup> "Outer Continental Shelf Oil and Gas Leasing Program 2007-2012, Draft Environmental Impact Statement," July 2006, Table IV-3, U.S. Department of the Interior, Minerals Management Service.

<sup>33</sup> "Proposed Program Outer Continental Shelf Oil and Gas Leasing Program 2007-2012" August 2006, Page 99, U.S. Department of the Interior, Minerals Management Service.

<sup>34</sup> *Id*

<sup>35</sup> "Proposed Program Outer Continental Shelf Oil and Gas Leasing Program 2007-2012" August 2006, Page 99, U.S. Department of the Interior, Minerals Management Service.

<sup>36</sup> Virginia Commercial Space Flight Authority Comment Letter on the "Draft Proposed 5-Year Plan for Outer Continental Shelf Oil and Gas Leasing Program (2007-2012)" Submitted March 31, 2006.



exploration and drilling operations<sup>37</sup>”. In their comment letter to MMS on the draft Program Plan, the U.S. Navy further elaborates the real danger of these conflicting operations by stating that “hazards in this area to operating crews and oil company equipment and structures would be so great, the U.S. Navy opposes oil and gas exploration and development in the program location<sup>38</sup>” Naval training exercises and oil and gas activities are mutually exclusive and in direct conflict, as the use of live ordnances and subvert underwater activity creates a substantial risk to oil and gas exploration and production activities that dramatically increase the likelihood of a major oil spill or other catastrophe. This alone should eliminate the Mid-Atlantic Planning Area from further consideration by MMS.


**Conclusion:**

For these reasons, the draft EIS is insufficient as it underestimates the substantial risks and impacts from the Proposed Leasing Program. Therefore, the Commenters strongly request that MMS exclude the Mid-Atlantic from the proposed program areas as the Mid-Atlantic is currently under congressional moratoria and presidential withdrawal and, most importantly, is an area that is economically and environmentally dependant upon a clean coast and ocean waters.

Sincerely,



Cindy Zipf  
Executive Director



Jennifer Samson, Ph.D.  
Principal Scientist

Andy Willner  
Executive Director  
NY/NJ Baykeeper

cc: NJ US Congressional Delegation  
open letter

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<sup>37</sup> “Outer Continental Shelf Oil and Gas Leasing Program 2007-2012, Draft Environmental Impact Statement,” July 2006, Page IV-2, U.S. Department of the Interior, Minerals Management Service.

<sup>38</sup> U.S. Department of the Navy, Letter to Minerals Management Service regarding the draft Proposed 5-year Outer Continental Shelf Oil and Gas Leasing Program for 2007-2012. April 10, 2006. MMS Comment ID # 5YR-HQ-0006-C00D1864