

Participating Organizations

Alliance for a Living Ocean
American Littoral Society
Arthur Kill Coalition
Asbury Park Fishing Club
Bayberry Garden Club
Bayshore Regional Watershed Council
Bayshore 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
Concerned Students and Educators of COA
Eastern Monmouth Chamber of Commerce
Fisher's Island Conservancy
Fisheries Defense Fund
Fishermen's Conservation Association, NJ Chapter
Fishermen's Conservation Association, NY Chapter
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 RFD 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 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
Green Party of Monmouth County
Green Party of New Jersey
Highlands Business Partnership
Holly Club of Sea Girt
Hudson River Fishermen's Association
Jersey Shore Captains Association
Jersey Shore Parrot Head Club
Jersey Shore Running Club
Junior League of Monmouth County
Keypoint Environmental Commission
Kiwans Club of Manassquan
Kiwans Club of Shadow Lake Village
Leonardo Party & Pleasure Boat Association
Leonardo Tax Payers Association
Main Street Wildwood
Mantoloking Environmental Commission
Marine Trades Association of NJ
Monmouth Conservation Foundation
Monmouth County Association of Realtors
Monmouth County Audubon Society
Monmouth County Friends of Clearwater
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 Education Association
NJ PIRG Citizen Lobby
Nottingham Hunting & Fishing Club, NJ
NYC Sea Gypsies
NY State Marine Education 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
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
Sierra Club, NJ Shore Chapter
Sisters of Charity, Maris Stella
Sons of Ireland of Monmouth County
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
TACK I, MA
Terra Nova Garden Club
Three Harbors Garden Club
Unitarian Universalist Congregation/Monm. Cnty.
United Boatmen of NY/NJ
Village Garden Club
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
Women's Club of Spring Lake
Women Gardeners of Ridgewood
Zen Society



Ocean Advocacy
Since 1984

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January 13, 2008

Minerals Management Service
Gulf of Mexico OCS Region
Leasing Activities Section,
(Attention: Mr. Carrol Williams)
1201 Elmwood Park Boulevard (Mail Stop 5422)
New Orleans, Louisiana 70123-2394

Minerals Management Service,
Gulf of Mexico OCS Region
(Attention: Mr. Gary Goeke)
1201 Elmwood Park Boulevard
New Orleans, LA 70123-2394.

VIA MAIL AND EMAIL

RE: Comments on the Call for Information and Interest/Nominations for Proposed Sale 220 and Notice of Intent (NOI) to Prepare an Environmental Impact Statement (EIS)

Dear Mr. Williams and Mr. Goeke,

Please accept these comments prepared by *Clean Ocean Action* and submitted on behalf of *American Littoral Society, NY/NJ Baykeeper, Communication Workers of America - Local 1034, Friends of Liberty State Park, Green Party of Monmouth County, Maris Stella Retreat and Conference Center, Miami2Maine, Natural Resources Protective Association, New York Whale and Dolphin Action League, Sierra Club – Long Island Group, Sierra Club – New Jersey Chapter, Sisters of Charity of Saint Elizabeth, Surfrider Foundation, Surfrider Foundation - Eastern Long Island Chapter, Surfrider Foundation - Jersey Shore Chapter, WATERSPIRIT, and Wreck Pond Watershed Association and the undersigned concerned citizens* on both the Call for Information and Interest/Nominations and the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for Proposed Sale 220 offshore Virginia within the Mid-Atlantic Planning Area issued on November 15, 2008.¹

Clean Ocean Action (herein "COA") is a broad-based coalition of 125 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

¹ 73 FR 67201

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 New York/New Jersey Bight.² COA previously submitted comments opposing the inclusion of an area off the Virginia Coast that is currently under congressional moratorium in the draft Proposed 5-Year Outer Continental Shelf (OCS) Oil and Gas Leasing Program for both 2007-2012 (herein the "Proposed Leasing Program") and 2010-2015. COA also participated in the MMS Workshop "Environmental Research Needs in Support of Potential Virginia Offshore Oil and Gas Activities," Dec. 3-4, 2008 in Williamsburg, VA.

Leasing the Proposed Sale 220 offshore Virginia site for oil and gas drilling presents dangerous risks for coastal and ocean waters throughout the Mid-Atlantic Bight and should not proceed. Leasing this site for exploration and drilling flies in the face of 25 years of good governance policies to protect environmentally sensitive areas, counters efforts to reduce climate-changing greenhouse gas emissions, and puts the regional economic and environmental productivity and potential at risk. COA respectfully demands that leasing of the Proposed Sale 220 not occur. The basis for this request follows.

The current MMS has fast-tracked pre-leasing and EIS preparation activities, and thus these activities are at best pre-mature and lack due process. The Mid-Atlantic Bight has been protected by the previous long-standing annual congressional moratorium up until this October 2008. In addition, these 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 2012.³ MMS went to extraordinary means to insert VA into the Lease Sale.

Mid-Atlantic Bight : A Unique Ecosystem

Oil and/or gas exploration or activities are proposed off the coast of Virginia. In the recent MMS EIS scoping meeting, refineries along the Delaware River in New Jersey were identified for potential use to support the Virginia oil/gas leased area. The Mid-Atlantic Bight is an extraordinarily important marine ecosystem extending from Cape Hatteras to Cape Cod, which is why for the past 25 years, Congress and Presidential Moratoria have been imposed. In fact, at least six estuaries, designated as nationally important, are part of the Mid-Atlantic Bight and all have federal programs for restoration and protection. There are also at least fourteen National Wildlife Refuges in the coastal region from North Carolina 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 within the larger Mid-Atlantic Bight. The NY/NJ Bight is defined as the oceanic region from Montauk, NY to Cape May Point, NY and off to the edge of the continental Shelf. The warm waters of the

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

³ Congressional Research Service, OCS Leasing Moratoria, 97-588 ENR.

Gulf Stream travel up the eastern coast from the Caribbean passing through the NY/NJ 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 NY/NJ Bight by increasing the diversity of oceanographic conditions and species. In fact, *“the [NY/NJ] Bight has one of the highest diversities of marine mammals and sea turtles reported anywhere in the United States.”*⁴ The region supports more than 300 species of 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. Numerous endangered and threatened species live and migrate through this region. The draft EIS developed by MMS as part of the Proposed 5-Year Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 2007-2012 (herein the “Proposed Leasing Program Draft EIS”), ranked the proposed region first in primary production from marine phytoplankton, with almost 140 million metric tons of carbon/year,⁵ thus acknowledging the importance of this region to the base of the oceanic food web.

The same hydrological currents present in the Mid-Atlantic region create a unique and diverse marine environment could also carry pollutants directly to the shorelines north, including the beaches of New York and New Jersey, as well as south to the barrier island beaches of Virginia and North Carolina. The risks from exploring, developing and extracting potential oil and gas are high, significant, and dangerous for New Jersey and New York’s and the larger Mid-Atlantic’s marine ecosystems and their dependant economies.

Ecological Risks:

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. Studies have shown *“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.”*⁶ These potential risks and impacts include, but are not limited to:

- Unintentional releases of oil and gas from production, storage, transportation, or refinery facilities.⁷ Such releases can range from catastrophic blowouts or spills to the release of smaller quantities of materials into the ocean or the coast. The immediate damage and death to marine life as well as long-term ecological impacts

⁴ Significant Habitats and Habitat Complexes of the NY Bight Watershed, U.S. Fish and Wildlife Service, http://training.fws.gov/library/pubs5/web_link/text/int_fish.htm#Marine%20Mammals%20and%20Sea%20Turtles (last visited July 24, 2008).

⁵ “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.

⁶ 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.

⁷ Accidents during the offshore oil and gas development by Stanislav Patin, translation by Elena Cascio based on "Environmental Impact of the Offshore Oil and Gas Industry" <http://www.offshore-environment.com/accidents.html> (last visited September 13, 2008).

- and toxicity of oil-related spills have been well-documented.^{8,9,10,11} Natural gas is highly flammable and several wellhead and pipeline accidents have resulted in fatal explosions.^{12,13,14,15}
- Increased risks of accidents due to NASA and Navy activities in the proposed region.
 - Increased risks of spills and leaks from drilling platforms from high winds and waves during severe storms, such as hurricanes. For example:
 - Hurricanes Katrina and Rita in 2005: Widespread and persistent oil slicks emanating from many platforms in the Gulf of Mexico¹⁶ and significant pipeline damage when loose rigs dragged their anchors across the seabed.¹⁷ Damage just from Hurricane Rita included 115 oil platforms destroyed, 52 significantly damaging and 19 rigs adrift and the U.S. Coast Guard reported more than seven million gallons of petroleum products spilled.¹⁸
 - Hurricanes Ike and Gustav in 2008: destroyed 60 platforms and damaged 124 more.¹⁹
 - Routine releases of toxic metals, oil, gas, and byproducts from exploration and production activities and associated vessels.
 - Routine releases of “produced waters” from offshore activities, which contain very substantial amounts of oil and grease, as well as heavy metals, toxic organics and a variety of highly toxic additives; even if the produced water is processed, large quantities of discharged wastewater will contribute to chronic water quality and sediment contamination issues in areas under lease activity.
 - Routine releases of air pollutants (carbon dioxide, carbon monoxide, nitrogen oxides, sulfur oxides, VOCs, and particulate matter) that contribute to smog, acid rain, and global warming.

⁸ Buzzards Bay Oil Spill in Massachusetts: A cooperative natural resources damage assessment May 2003 National Oceanic and Atmospheric Administration <http://www.darrp.noaa.gov/northeast/buzzard/pdf/bbfactsht.pdf> (last visited September 13, 2008).

⁹ *The Exxon Valdez oil spill*. Rice, Stanley D., Jeffrey W. Short, Mark G. Carls, Adam Moles, and Robert B. Spies. 2006. in: R.B. Spies, T. Cooney, A.M. Springer, T. Weingartner, and G. Kruse (eds.), *Long-term Ecological Change in the Northern Gulf of Alaska*. Elsevier Publications, Amsterdam. p. 413-514

¹⁰ Induction of CYP1A in rainbow trout from bioavailable *Exxon Valdez* oil: fifteen years and still counting. Kathrine R. Springman, Jeffrey W. Short, Mandy Lindeberg, Stanley D. Rice. *Marine Environmental Research*, 2006. 62: S73-S73.

¹¹ The West Falmouth Oil Spill: 100 Kg of Oil Found to Persist Decades Later. Peacock, Emily, Robert Nelson, Andrew Solow, Joseph Warren, Jessica Baker, Christopher Reddy, *Environmental Forensics*, September 2005 Volume 6, Number 3 p. 273-281(9)

¹² Natural Gas Wellhead explodes in China, over 191 people killed, Dec. 2003

¹³ Texas Eastern Transmission Corporation Natural Gas Pipeline Explosion and Fire, [Edison, New Jersey, March 23, 1994](#) (Two apartment buildings leveled and one fatality)

¹⁴ XTO Natural Gas Wellhead explosion, one worker fatality, Forest Hills, Texas, April 23, 2006

¹⁵ Sonat Exploration Company Natural Gas well explosion, 14 worker fatalities, Bryceland, Louisiana, October 24, 1998.

¹⁶ Information available at <http://www.skytruth.com>

¹⁷ Information available at <http://www.skytruth.com>

¹⁸ Where offshore drilling goes, beaches suffer, Pittman, C., *Tampa Bay Times*, June 20, 2008 <http://tampabay.com/news/environment/water/article634009.ece>

¹⁹ Press Release # 3933: [MMS Completes Assessment of Destroyed and Damaged Facilities from Hurricanes Gustav and Ike](#) November 26, 2008 (last visited Dec. 16, 2008)

- Disturbance and destruction of the ocean benthic or bottom environment, including the smothering of benthic organisms due to installation of pipeline, platforms, or anchoring of other facilities and associated required anchoring. “Anchor damage could include crushing and breaking of live/hard bottoms and associated communities. Anchoring can destroy a wide swath of habitat if the anchor is dragged or the vessel swings at anchor, causing the anchor chain to drag the seafloor... Accidental anchor impacts, however, could be extensive, with recovery taking longer than 20 years, and they could be permanent, depending on the severity of the impact.”²⁰
- Increased incidence of collisions of tanker and support ships with endangered marine mammals and sea turtles that cause injuries and fatalities that could jeopardize the existence of entire populations, such as the North Atlantic Right Whale.²¹
- Increased noise pollution to marine environment interferes with vital animal behaviors and communication; blasts from seismic air gun arrays used for exploration can injure, damage the hearing of, and in severe incidents be fatal to fish, squid, sea turtles, and marine mammals.
- Increased offshore light pollution that can disorientate migrating birds at night and attract birds in general.^{22,23}
- Increased risk of invasive species due to ballast water exchanges from tankers and Floating Production, Storage and Offloading systems (FPSO’s).
- Onshore environmental and health impacts, including extensive wetlands loss from the construction of onshore facilities and related structures and those related to air/water emissions from refineries.^{24,25}
- Increased greenhouse gas emissions and resulting climatic changes (national and global land and ocean impacts; rising sea level is already a serious problem in Mid-Atlantic region).

The negative impacts listed above, as well as others, could lead to serious damage or destruction of Mid-Atlantic region’s marine and coastal resources, which are of extreme ecological value.

Economic Importance and Risk:

The waters of the Mid-Atlantic region also support essential economic and social values, which could be seriously damaged by offshore oil and gas activities, including commercial fishing, commercial shell-fishing, recreational fishing, recreational boating, water recreation, whale-watching, and shore tourism – notably in the NJ/NY Bight. For example, the summers of 1987 and 1988 provide stark evidence of water quality’s link to state and local economies. During this time, raw sewage, medical waste, and dead and dying dolphins washed ashore in the NJ/NY

²⁰ Brief Overview of Gulf of Mexico OCS Oil and Gas Pipelines: Installation, Potential Impacts, and Mitigation Measures OCS Report MMS 2001-067, Minerals Management Services, Department of the Interior, 2001, p. 14, at <http://www.mms.gov/itd/pubs/2001/2001-067.pdf> (last visited Aug. 26, 2008).

²¹ Kraus, S.B. et al. 2005. North Atlantic Right Whales in Crisis, *Science*, 309:5734:561-562.

²² Broadwater Final Environmental Impact Statement, Federal Energy Regulatory Commission, Docket Nos. CP06-54-000, *et al.*, p. 3-112 (Jan. 11, 2008).

²³ Calypso Final Environmental Impact Statement, Docket No. USCG-2006-26009, p. 4-47 and 4-55 (July 2008).

²⁴ Minerals Management Service, <http://www.homr.mms.gov/homepg/ofshore/atlocs/atlocs.html>, 7/16/03.

²⁵ Epstein, P.R. and J. Selber, eds., *Oil: A Lifecycle Analysis of its Health and Environmental Impacts* <http://chge.med.harvard.edu/publications/documents/oilfullreport.pdf>, (last visited 1/6/09)

coastal region. When all indirect effects of the 1988 event are included, losses were estimated at \$820.7 million to \$3.8 *billion* [in 1987\$].²⁶

The south shore of New York and the Jersey Shore economies are extraordinary. Specific economic values of the marine resources of the NJ/NY Bight are described below.

- **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,²⁷ thus generating \$100 million to the New Jersey economy annually.²⁸ 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.”²⁹
- **Recreational Fishing:** In 2003, the American Sportfishing Association estimated that recreational fishing brought \$724,634,011 in retail sales with a total multiplier effect³⁰ of \$1,363,259,834 to the state of New Jersey.³¹ Recreational fishing accounts for 12,021 jobs in New Jersey, with salaries and wages totaling \$328,359,434.³² The sport generates \$7,750,295 in New Jersey income taxes and \$56,339,961 in federal income taxes.³³ The same report indicates that recreational fishing in New York generated \$1,116,861,525 in retail sales with a total multiplier effect of \$2,011,716,251.³⁴ The sport accounts for 17,083 jobs and \$503,486,172 in salaries and wages in New York.³⁵
- **Surfing:** Residents in Monmouth County, NJ 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, food and beverages).

²⁶ O’fiara, Douglas D. and Bernard Brown, Marine Pollution Events of 1988 and Their Effect on Travel, Tourism, and Regional Activities in New Jersey, referenced as an Invited Paper presented at the Conference on Floatable Wastes in the Ocean: Social Economic and Public Health Implications. March 21-22, 1989 at SUNY- Stony Brook.

²⁷ The New Jersey Coastal Management Program, Fact Sheet 2, March 2002, p.1.

²⁸ The New Jersey Coastal Management Program, Fact Sheet 3, March 2002, p.1.

²⁹ New York’s Seafood Industry by Ken Gall, New York Seafood Council, New York Sea Grant, Stony Brook, NY. Available at http://www.nyseafood.org/doc.asp?document_key=NYSeafoodIndustry#commercial (last visited July 14, 2005).

³⁰“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>.

³¹ American Sportfishing Association, Fishing Statistics, Economic Impacts of Fishing available at http://www.asafishing.org/asa/statistics/economic_impact/state_allfish_2003.html (last visited July 14, 2005).

³² *Id.*

³³ *Id.*

³⁴ American Sportfishing Association, Fishing Statistics, “Economic Impacts of Fishing” available at http://www.asafishing.org/asa/statistics/economic_impact/state_allfish_2003.html (last visited July 14, 2005).

³⁵ *Id.*

- **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 in New Jersey.³⁶ 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.³⁷
- **Natural Capital:**³⁸ According to the New Jersey Department of Environmental Protection, the ecological goods and services provided by the state’s marine ecosystems equate to \$5.3 billion/year for estuaries and tidal bays and \$389 million/year for other coastal waters [in 2004\$], including the coastal shelf out to the three-mile limit. New Jersey beaches provide the highest value per acre of any other habitat by far, with an ecoservices value of \$330 million/yr.³⁹ New Jersey did not include the economic value of the fish and shellfish present in these ecosystems, nor the important and valuable resources of the OCS, such as the reef and canyon systems, in their analysis. Similar values can be expected for both the northern and southern shores of Long Island, but actual dollar values are not readily available, as New York has not conducted a formal analysis of the ecosystem services of their natural resources.

These NJ/NY revenues and similar marine-related revenues for the larger Mid-Atlantic region rely directly on a healthy and clean marine environment.

Public and Government Opposition

Numerous federal and state elected officials and citizens have firmly and continuously opposed oil and gas development off the Atlantic coast, as is evidenced by the previous moratoriums, and the numerous bills introduced in opposition of offshore oil and gas drilling.

Virginia’s Governor Kaine voiced his opposition to the lease sale in a letter dated Dec. 19, 2008 to MMS Director Mr. Luthi stating that:

“The actions that you propose to start the leasing process could lead to drilling and production of natural gas and oil, and, for that reason, do not comport with Virginia’s offshore energy policies”⁴⁰

³⁶ 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.

³⁷ 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.

³⁸ “Natural Capital” is defined by the NJ Department of Environmental Protection as “the economic value of goods and services provided by various naturally-occurring assets over an extended period, a period that for some assets is essentially perpetual on any meaningful human time scale.”

³⁹ Valuing New Jersey’s Natural Capital: An assessment of the economic value of the state’s natural resources. April 2007 State of New Jersey New Jersey Department of Environmental Protection <http://www.state.nj.us/dep/dsr/naturalcap/>

⁴⁰ Letter from Governor Timothy M. Kaine to Randall B. Luthi, Director, MMS (19 December 2008)

Mid-Atlantic Congressional leaders have expressed concern for the “fragile coastal ecosystems and economies of coastal states” and argued that:

“To put our beaches, fishing, and tourism economy at risk for such minimal resources is shortsighted.”⁴¹

On September 15, 2008, New Jersey Governor Jon Corzine wrote Department of the Interior’s Secretary Dirk Kempthorne to reiterate his strong opposition to the Proposed Leasing Program. As noted in his letter, he explained that

“due to the potential impacts of drilling to the future energy security of our New Jersey’s residents, our coastal heritage, economy and environment, I continue to oppose leasing in the North and Mid-Atlantic Planning Areas and ask that you exclude these areas from the next five year program.”⁴²

Indeed, nearly the entire New Jersey U.S. Congressional delegation opposes Outer Continental Shelf development for oil and gas, in general and especially in the Atlantic where they have sustained the Moratoria for over 25 years. In addition, state officials and many municipalities object to the development of the Outer Continental Shelf for oil and gas.

Costs far outweigh potential short-term, meager benefits. Studies have shown that minuscule amounts of oil or gas are economically available in the Mid-Atlantic region. Using 2030 national consumption rates, MMS estimates that the proposed lease area off Virginia contains only enough recoverable oil to last between 1.8 and 2.9 days,^{43,44} and only enough natural gas to last between 3.4 to 6.8 days.^{45,46} In fact, the U.S. Department of Energy’s Energy Information Administration (EIA) analyzed the impact of opening access to the lower 48 OCS under the prior moratorium, and concluded that “[b]ecause oil prices are determined on the international market, however, any impact on average wellhead prices is expected to be insignificant.” EIA’s analysis also concluded that “a significant portion of the additional resource [opening areas under moratorium] would not be economically attractive to develop at the reference case prices.”⁴⁷ In fact, oil prices are impacted by much more than just supply issues. The EIA reported that from 2004 to 2006 the rental price of offshore oil rigs increased by 225% for nearshore rigs and 340% for deepwater rigs and prices are expected to continue to rise.⁴⁸ An ongoing global shortage of offshore oil drilling ships finds “the world’s existing drill-ships are booked solid for the next five years,”⁴⁹ causing major delays in exploration and oil production

⁴¹ Letter from Congressman James P. Moran *et al.* to Randall B. Luthi, Director, MMS (18 Nov. 2008).

⁴² Letter from Governor Jon Corzine, New Jersey, to Secretary Dirk Kempthorne, U.S. Department of Interior 3 (Sept. 15, 2008)

⁴³ “Annual Energy Outlook 2006”, Table 24. U.S. Department of the Interior, DOI/EIA 0383, Feb. 2006.

⁴⁴ “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.

⁴⁵ “Annual Energy Outlook 2006”, Table 23. U.S. Department of the Interior, DOI/EIA 0383, Feb. 2006.

⁴⁶ “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.

⁴⁷ Annual Energy Outlook 2007, Issues in Focus, U.S. Department of the Interior, DOI/EIA 0383 (2007)

⁴⁸ Annual Energy Outlook 2007, Issues in Focus, U.S. Department of the Interior, DOI/EIA 0383 (2007)

⁴⁹ “Dearth of ships delay drilling of offshore oil,” J. Mouawad and M. Fackler, *NY Times Business Section*, June 19, 2008

operations. In addition to drilling equipment costs, other development costs have doubled in the past five years from factors such as “*more acute competition for energy resources, shortages in steel, engineering and manufacturing capacity.*”⁵⁰ Speculative trading has been impacting oil prices as early as 2006, when a U.S. Senate staff report found that “*the demand for a barrel of oil that results from the purchase of a futures contract by a speculator is just as real as the demand for a barrel that results from the purchase of a futures contract by a refiner or other user of petroleum.*”⁵¹

The public relies on government officials to make sound policies based on scientific fact and risk management. To consider such invasive and ecologically risky (not to mention that it is clearly economically infeasible) activities for such small amounts of potential oil and gas is reckless, at best.

Leasing the Proposed Sale 220 offshore Virginia site conflicts with the Department of Defense and NASA. The U.S. military and National Aeronautics and Space Administration (NASA) have rejected previous proposals for drilling offshore Virginia due to significant risks. The U.S. Navy’s Virginia Capes Operations Area (hereinafter the “VACAPES”) includes offshore areas of Delaware, Maryland, Virginia and North Carolina to 155 nautical miles into the Atlantic Ocean, including 28,672 nm² of special use areas, 27,661 nm² of offshore surface and subsurface operations areas and 18,092 nm² of deep ocean areas (see map⁵²).⁵³ The U.S. Navy currently conducts training and war exercises within VACAPES that utilize several different forms of live ammunition including gunnery exercises, airborne mine countermeasures, general subsurface operations, surface-to-air weapon delivery such as strafing, rockets and bombs, and antisubmarine rocket and torpedo firing.⁵⁴ In addition, Air Force activities in the proposed area include readiness training for tactical fighters and interceptor aircrafts, refueling operations, basic fighter maneuvering, air combat training, and air-to-air intercepts.⁵⁵ As stated in the Proposed Leasing Program Draft EIS, the U.S. Navy finds that military activities in the area “*have the potential to interfere with or interrupt exploration and drilling operations.*”⁵⁶ Naval training exercises and oil and gas activities are mutually exclusive and in direct conflict, as military weapons testing, the potential presence of unexploded ordnances in sediments from past exercises, and subvert underwater activities create a substantial risk to oil and gas exploration and production activities that dramatically increase the likelihood of a major oil spill or other

⁵⁰ “Dearth of ships delay drilling of offshore oil,” J. Mouawad and M. Fackler, *NY Times Business Section*, June 19, 2008

⁵¹ “The role of market speculation in rising oil and gas prices: A need to put the cop back on the beat”, Permanent Subcommittee on Investigations U.S. Senate Committee on Homeland Security and Governmental Affairs, June 2006 <http://www.senate.gov/~levin/newsroom/supporting/2006/PSI.gasandoilspec.062606.pdf>

⁵² High resolution map of VACAPES
<http://www.vacapesrangecomplexeis.com/Documents/VACAPESRangeComplex.pdf>

⁵³ Virginia Capes Range Complex Environmental Impact Statement/Overseas EIS, June 2008
<http://vlex.com/vid/39094396>

⁵⁴ 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.

⁵⁵ 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.

⁵⁶ 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.

catastrophes. This alone should eliminate the entire VACAPES from further consideration by MMS.

VACAPES endures many maneuvers and ordnance activities, which can be harmful to marine life. While these warrant review and concern, it is absolute that these military activities are incompatible with oil and gas development. Indeed, in April 2006⁵⁷ and again in November 2006,⁵⁸ Assistant Secretary to the Navy (Installations and Environment), Donald R. Schregardus, submitted comments as the Defense Department Executive Agent for OCS matters, on the draft Proposed Leasing Program. In his original letter, he clearly stated,

“Because 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.”⁵⁹

This was followed by a second letter in response to the Final Program, which still included the lease area within VACAPES with a new 25-mile buffer around the Virginia coastline.

“However, the special interest sale proposed for the Mid-Atlantic region in 2011 is not acceptable to the Department because of its incompatibility with the military training and testing conducted in this area.”⁶⁰]

National Aeronautics and Space Administration (hereinafter “NASA”) also operates a research range off of Virginia’s Eastern Shore, where their activities include sub-surface, surface and air exercises.⁶¹ In August, 2008, a NASA rocket launched from Wallops Island, Virginia went off course and was shot down by the Navy.^{62,63} The rocket fell to VACAPES ocean waters in flames. NASA expressed their frustration with MMS’s failure to recognize the obvious *“safety and liability issues to oil activities and personnel from launch activities from our Wallops Flight Facility in Virginia,”⁶⁴* in their original comments opposing the proposed oil and gas leasing

⁵⁷ 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

⁵⁸ U.S. Department of the Navy, Letter to Minerals Management Service regarding the Proposed 5-year Outer Continental Shelf Oil and Gas Leasing Program for 2007-2012. Nov. 27, 2006.

⁵⁹ 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

⁶⁰ U.S. Department of the Navy, Letter to Minerals Management Service regarding the Proposed 5-year Outer Continental Shelf Oil and Gas Leasing Program for 2007-2012. Nov. 27, 2006.

⁶¹ 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.

⁶² Press release, NASA and ATK Investigate Failed Launch of Hypersonic Experiments, August 22, 2008 http://www.nasa.gov/home/hqnews/2008/aug/HQ_08_213_Hybolt_failure.html

⁶³ Presentation by VA State Delegate J. Bouchard. Climate Change and the Future of Virginia Beach at The Future of Energy Alternative Forum, Virginia Beach Conference Center, Dec. 4, 2008.

⁶⁴ National Aeronautics and Space Administration (NASA), 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-[C0001743](#)

activities within VACAPES⁶⁵, and reiterated them in a second letter, written in response to the continued inclusion of this lease area in the Final Program.

“NASA believes the Mineral Management Service has not adequately recognized the potential conflicts with OCS oil and gas activities within the Mid-Atlantic and Virginia proposed area, and the Department of Defense and NASA activities within the same area.”⁶⁶

Moreover, vast amounts of UXOs litter the seafloor throughout the region. Seismic and drilling activities would be taking place in a “mine field.”

It is unacceptable that despite the explicit danger to people and the environment, and the clear and repeated opposition from both the Department of the Defense and NASA, MMS has actually increased the proposed leasing area to include all of VACAPES.

The MMS should not proceed with drafting an EIS, and should wait until, or if, the new administration issues its support for the proposed lease sale. A comprehensive and adequate EIS appears to be unrealistic given the tight timeframe (draft to be released in 2010) and the lack of currently available and uncertain future funding to conduct the necessary research. For example, much of the available offshore biological data is from the 1970’s and 1980’s and is outdated. Since this time, there have been climatic shifts resulting in some marine populations migrating northward. Most of the biological data is also not from the lease area. Therefore, extensive data must be collected for the specific lease area and larger regions when appropriate to fill the identified data gaps. Without these critical baseline studies, the MMS cannot make credible assessments of environmental impacts.

If the proposed lease sale and EIS does proceed, COA requests that public hearings be held in New Jersey and other affected states in the Mid-Atlantic. Also, a longer period should be allotted for preparation of the draft EIS to allow more time for additional studies to be conducted, if additional funding is indeed found. Many data gaps were identified in the MMS workshop for the lease site that need to be addressed prior to leasing.

The scope and locations of potential activity associated with Sale 220 needs clarification. Currently, it is uncertain what activities could occur in the leased area, what near shore or onshore development would be needed and where these activities, facilities, or pipelines would be located. We do understand that additional EIS’s will be required for specific projects. The EIS for the lease sale should include what is possible and what is probable to occur in the region. At the MMS Environmental Research Needs Workshop, it sounded as though 1-2 platforms with multiple wellheads and pipelines or tanker transportation to onshore refineries were likely. Existing onshore facilities were identified in Delaware, Pennsylvania and New Jersey along the

⁶⁵ National Aeronautics and Space Administration (NASA), 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-[C0001743](#)

⁶⁶ National Aeronautics and Space Administration (NASA), Letter to Minerals Management Service regarding the draft Proposed 5-year Outer Continental Shelf Oil and Gas Leasing Program for 2007-2012. November 27, 2006. MMS Comment ID # 5YR-HQ-0006-[C0002036](#)

Delaware River, and potential new facilities were referred to in Virginia. Additional possibilities presented at the meeting included more platforms, a floating storage facility, and a LNG terminal (would offshore refinery capabilities be needed or included as well?).

Notwithstanding our clear and justified opposition to oil and gas development, COA supports many of studies that were recommended at the MMS EIS scoping workshop held Dec. 3-4 in Williamsburg, VA. Cumulative impacts of all offshore energy projects, including alternative energy, in the Mid-Atlantic Bight are needed for both environmental and socioeconomic short and long-term impacts. Comprehensive planning for the Mid-Atlantic region is critical to ensure protection of the public's interest, national security concerns, and the environment. Cumulative impacts associated with Department of Defense and NASA activities in the area also need to be included in the EIS. As recommended at this meeting, the scope of the proposed EIS must extend from North Carolina to Cape Cod, MA.

As mentioned previously, much of the biological data is outdated and not site specific. New comprehensive, multi-year (over all seasons) studies are needed to obtain more information on populations, distributions, and health status of the benthos, phytoplankton, zooplankton, fish and shellfish, seabirds, marine mammals, and endangered and threatened species.

Canyons within the lease area have unique biological communities as well as geological and physical (strong bottom currents) hazards and, therefore, should be prohibited to drilling.

Understanding Mid-Atlantic ocean circulation is critical for assessing potential impacts and transport process of potential contaminants. The modeling and study of ocean circulation of the Mid-Atlantic that the MMS has proposed should also include analysis of climatic trends and cycles, such as the North Atlantic Oscillation, that affect ocean circulation. Oil/gas contamination from lease related activities could be transported to beaches and coastal waters from North Carolina to Cape Cod as well as into designated nationally-important estuaries, including the Chesapeake Bay, Delaware River, and Mid-Atlantic coastal bays. The physical dynamics of the entire water column is important to include in Mid-Atlantic ocean circulation studies. As stated in a previous MMS draft EIS,

“Regional and temporal variations in physical oceanographic processes, that determine the degree of initial dilution and waste suspension, dispersion and drift in the benthic boundary layer, have a large influence on the potential zone of influence of discharged drilling wastes. The spread of contaminants originating from drilling discharges by natural activities (storm events) can be quite extensive.”⁶⁷

Physical, geological, and military hazards must be identified. Deep water bottom currents and potential Rossby waves in the lease site need to be assessed and analyzed, as these can severely affect drilling activities and stability of offshore structures. Surface wave heights and potential impacts on structures also need to be determined. The risks of geological hazards such

⁶⁷ MMS, 2008. Beaufort and Chukchi Seas Planning Areas Oil and Grease Lease Sales 209, 212, 217, and 221. Draft Environmental Impact Statement, November 2008 Vol. 2 p. 4-44
http://www.mms.gov/alaska/ref/EIS%20EA/ArcticMultiSale_209/2008_0055_deis/vol2.pdf

as subsidence, slope failure, methane venting and shallow gas pockets must be assessed and minimized to prevent accidents to rigs or platforms.^{68,69,70} Many unexploded ordinances are shown in the leasing area on NOAA navigational charts and military training operations are ongoing in the region. Does the MMS planned archaeology study off the Atlantic also include surveying and assessment of military training regions and historic disposal areas? It is critical that all potential hazards are identified and avoided.

The risks and probabilities of large-, medium-, and small-scale blowouts, accidents, and spills associated with exploration, drilling, and transport of gas and oil from this site need to be determined. To what degree do Dept. of Defense and NASA activities in the region increase these risks? What are the anticipated short- and long-term effects of these risks?

The risks and probabilities of tropical storms/hurricanes of different class sizes for the region need to be determined. Are storms and hurricanes predicted to increase in either intensity or frequency in this region due to climatic changes? Increased hurricane-related wave heights at Mid-Atlantic buoys already have occurred since the mid-1970's.⁷¹

The impacts of using existing or building new onshore facilities, including habitat loss, need to be assessed. What facilities (building, pipelines, marinas, docks) and related requirements (dredging) are needed? What support services are required? Where are these facilities expected to be located?

The benthic impacts of pipeline and platform installations and anchoring during construction, operations, and decommissioning need to be determined.

The potential pollution impacts of routine exploration and drilling operations need to be determined. What contaminants can be expected in drilling waters other than hydrocarbons (heavy metals, mercury, radon, etc)? How are drilling fluids treated prior to discharge? What specific EPA water quality standards apply and how are these enforced?

It was stated in the MMS meeting that drilling muds would be recovered from the site and transported back to shore. What percentage of drilling muds is expected to be recovered? What are expected and actual contamination levels of remaining muds and drill cuttings that remain on site? Are drilling muds cleaned-up and reused, or where/how are they ultimately disposed? Are there specific clean-up standards that must be met for drilling muds at the drill site and impacted surrounding areas? How much of the benthic environment is predicted to be smothered by discharged drilling muds and cuttings? How will discharges affect the marine ecosystem?

⁶⁸ Newman et al. 2007. Active methane venting observed at giant pockmarks along the U.S. mid-Atlantic shelf break. *Earth and Planetary Science Letters* 26:1-2:341-352.

⁶⁹ Hill et al. 2004. Large-scale elongated gas blowouts along the U.S. Atlantic margin. *Journal of Geophysical Research* 109.

⁷⁰ Driscoll et al. 2000. Potential for large-scale submarine slope failure and tsunami generation along the U.S. mid-Atlantic coast. *Geology* 28:5:407-410

⁷¹ Komar and Allen (in press). Increasing wave heights along the U.S. Atlantic Coast due to Intensification of Hurricanes. *Journal of Coastal Research* http://www.jcronline.org/archive/1551-5036/preprint/2008/pdf/10.2112_07-0894.pdf

It is essential that a comprehensive assessment of baseline ambient biological, chemical, and physical conditions be documented for the drill site, lease area, and other potentially affected regions. This assessment must also include contaminant levels in biota, sediments, and water. Commercially harvested fish and shellfish, i.e., scallops, tilefish, red crabs, goosefish, must also be tested. It is also important that the seasonal distribution, composition, contaminant level of zooplankton (particularly copepods, fish eggs, fish larvae, and crab larvae) be well-studied for the lease site, as data gaps were apparent in farther offshore regions and these organisms are the highly sensitive to oil/gas-related pollution.^{72,73}

The current bioavailability of hydrocarbons in the area is important for comparison with post-activity studies or in the event of spills. Do available hydrocarbons in the region change in type (pyrogenic, petrogenic, sediment diagenesis, etc), amount, and toxicity as a result of offshore activities? Semi-permeable membrane devices have been developed and have been shown to be useful and practical for assessing the effects of hydrocarbons in the environment.^{74,75}

Despite our objections, should leasing take place and exploration, drilling, extraction, and decommissioning occur, comprehensive monitoring must be conducted at least annually for impact assessments.

Noise and light pollution impacts need to be determined. As previously mentioned, noise pollution is a serious threat to many endangered and threatened marine animals and even fish populations. Noise pollution can interfere with vital animal communication functions, stress, cause loss of hearing, injure, and in severe cases be fatal to sealife.⁷⁶ Alteration of migration patterns or spawning due to noise or light could have serious consequences. More scientific information is needed on endangered and threatened populations and their distribution to identify times when seismic exploration activities would have the least damaging effect on marine life. Takings and damages from these noise intensive activities (seismic testing, platform anchoring etc) need to be estimated. Measures also need to be taken to reduce impacts of routine activities that emit noise and light pollution.

Acute noise pollution associated with seismic surveying and anchor pile driving. While seismic air gun blast are brief, the accumulate impact of surveying must be considered as well as its extent. Air gun noise has been recorded over 3000 km from it origin.⁷⁷ Acute noise and multiple sonar use has lead to whale strandings and mass beachings.^{78,79} Studies have shown that the

⁷² Barata et al. 2005. Predicting single and mixture toxicity of petrogenic polycyclic aromatic hydrocarbons to the copepod *Oithona DAVISAE*. *Env. Toxicity and Chemistry* 24:11:2992-2999.

⁷³ Carls et al. 2008. Fish embryos are damaged by dissolved PAHs, not oil particles *Aquatic Toxicity* 88:121-127.

⁷⁴ Springman et al. 2007. Evaluation of bioavailable hydrocarbon sources and their induction potential in Prince William Sound Alaska, *Marine Environmental Research* 66:218-220.

⁷⁵ Vrana, B., et al. 2007. Modelling and field application of the Chemcatcher passive sampler calibration data for the monitoring of hydrophobic organic pollutants in water. *Environ. Pollut.* 145:895-904.

⁷⁶ Ocean Studies Board. *Ocean Noise and Marine Mammals*, National Academy Press, Washington, D.C.

⁷⁷ Nieuwkerk, S. et al. 2004. Low frequency whale and seismic airgun sounds recorded in the mid-Atlantic Ocean. *Journal of Acoustical Soc. of America*. 115:4:1832-1843.

⁷⁸ Robin Nixon, *Oil Drilling: Risks and Rewards*, LiveScience, June 25, 2008, <http://www.livescience.com/environment/080625-oil-drilling.html> (last visited Jan. 6, 2009);

⁷⁹ Ocean Studies Board. *Ocean Noise and Marine Mammals*, National Academy Press, Washington, D.C.

frequency of seismic surveying can be much higher than the ranges required for seismic surveys and these risks need to be determined.⁸⁰ Air gun blasts can damage fish hearing organs that can affect fish populations to the degree that it can decrease commercial fishing catches.⁸¹

Chronic noise pollution is already a serious problem in the Mid-Atlantic Bight and the global ocean; the long-term effects of chronic noise have yet to be determined and may be more substantial than acute stressors.⁸² In addition, the noise absorption capacity of seawater has decreased and is predicted to continue to decrease in response to the decline in the ocean's pH.⁸³

A baseline study of current anthropogenic noise levels in the region is needed, as well as monitoring during exploration, construction, drilling, and other offshore activities to assess noise pollution impacts. Assessment of cumulative noise pollution impacts with Department of Defense, NASA, and other offshore energy activities is also necessary.

Air quality impacts and their associated water quality impacts need to be assessed for activities (platform operations, vessel transport, pipeline installation, refineries) related to the lease and gas/oil extraction. Platforms and ships emit a suite of pollutants that contribute to smog, acid rain, and global warming. Based on wind patterns, will air quality impacts affect any land areas or coastal water users? How is water quality affected by air emissions (increased nutrients and pollutants, acidification, etc)? How much greenhouse gas emissions (type and amount) would be theoretically produced by extraction and consumption of the estimated volumes of gas and oil in this region?

Finally, a comprehensive environmental and socioeconomic cost/benefit impact analysis is needed for the Mid-Atlantic region from North Carolina to Cape Cod, MA.

In conclusion:

Based on above described concerns and rationale, **COA urges MMS to rescind the Proposed Lease Sale 220 offshore Virginia**. This region was fast-tracked for leasing and thus due process was ignored. The new congress and administration is reassessing the national energy policy, thus this effort is premature at best. Leasing this sale area offshore Virginia, not only threatens Virginia's coast, but also impacts many states that are economically and environmentally dependant upon a clean coast and ocean waters. Again, if the proposed lease sale and EIS does proceed, COA requests that public hearings be held in New Jersey and other affected states in the Mid-Atlantic.

Please send any correspondence to Clean Ocean Action, PO Box 505, Sandy Hook, NJ 07732, or email at science@cleanoceanaction.org. We will distribute to listed parties.

⁸⁰ Madsen 2006. Quantitative measures on air-gun pulse recorded on sperm whales (*Physeter macrocephalus*) using acoustic tags during controlled exposure experiments. *Journal of Acoustical Soc. of America*. 120:4:2366-2379.

⁸¹ R.D. McCauley, J. Fewtrell, & A.N. Popper, High Intensity Anthropogenic Sound Damages Fish Ears, *J. ACOUST. SOC. AM.* 113 (2003), available at <http://www.awionline.org/oceans/Noise/IONC/Docs/McCauley.pdf>;

⁸² Tyack, P.L. 2008. Implications for marine mammals of large-scale changes in the marine acoustic environment. *Journal of Mammalogy* 89(3): 549-558

⁸³ Hester, K.C, et al. 2008. Unanticipated consequences of ocean acidification: A noisier ocean at lower pH. *Geophysical Research Letters* 35, L19601

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