



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
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Mr. Gary D. Goeke  
Chief, Environmental Assessment Section  
Leasing and Environment (MS 5410)  
Bureau of Ocean Energy Management,  
Regulation and Enforcement (BOEMRE)  
Gulf of Mexico (GOM) Region  
1201 Elmwood Park Boulevard  
New Orleans, LA 70133-2394

Dear Mr. Goeke:

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Draft Supplemental Environmental Impact Statement (DSEIS) prepared by U.S. Department of the Interior, Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), Gulf of Mexico (GOM) Outer Continental Shelf (OCS) Region for the Western Planning Area (WPA) Lease Sale 218. EPA Region 6 is participating in the NEPA process as a Cooperating Agency in accordance with the requirements of the CEQ regulations.

Based on our analysis, EPA rates the DSEIS as “EC-2” i.e., EPA has “**Environmental Concerns and Requests Additional Information**” in the Final SEIS (FSEIS)”. The EPA’s Rating System Criteria can be found here: <http://www.epa.gov/oecaerth/nepa/comments/ratings.html>. Detailed comments are enclosed with this letter which more clearly identify our concerns and the informational needs requested for incorporation into the FSEIS.

EPA appreciates the opportunity to review the DSEIS. Please send our office five copies of the FSEIS when it is sent to the Office of Federal Activities, EPA (Mail Code 2252A), Ariel Rios Federal Building, 1200 Pennsylvania Ave, N.W., Washington, D.C. 20004. Our classification will be published on the EPA website, [www.epa.gov](http://www.epa.gov), according to our responsibility under Section 309 of the CAA to inform the public of our views on the proposed Federal action. If you have any questions or concerns, please contact Michael Jansky of my staff at [jansky.michael@epa.gov](mailto:jansky.michael@epa.gov) or 214-665-7451 for assistance.

Sincerely,

Rhonda Smith  
Chief, Office of Planning  
and Coordination

Enclosure



**DETAILED COMMENTS  
ON THE  
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (DSEIS)  
FOR THE  
U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF OCEAN ENERGY MANAGEMENT,  
REGULATION AND ENFORCEMENT (BOEMRE)  
GULF OF MEXICO OUTER CONTINENTAL SHELF REGION  
WESTERN PLANNING AREA LEASE SALE 218**

**BACKGROUND:**

The Draft Supplemental Environmental Impact Statement (DSEIS) has been prepared by U.S. Department of the Interior, Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), Gulf of Mexico (GOM) Outer Continental Shelf (OCS) Region for the Western Planning Area (WPA) Lease Sale 218. This DSEIS has been prepared to address the potential changes to the baseline conditions of the environmental and socioeconomic resources that took place as a result of the Deepwater Horizon (DWH) event that extended from April 20<sup>th</sup> to September 19<sup>th</sup>, 2010. This is not an EIS on the DWH event, although information on this event is analyzed as it applies to the resources in the WPA. Proposed WPA Lease Sale 218 is the Federal action addressed in this DSEIS and is the remaining area wide oil and gas lease sale within the WPA.

**COMMENTS:**

Please note that there is substantial discussion in this DSEIS about the use of dispersants and the impacts of chemically dispersed oil. One of the purposes of the assessment is to review the potential changes to the baseline conditions of the environmental and socioeconomic resources as a result of the Deepwater Horizon oil spill. The DSEIS was prepared using the best information that was publically available at the time the document was written. In view of the fact that the time that has elapsed since the DWH event is rather short, timing for producing the document may be premature for achieving that purpose. In many instances, the environmental impacts of the oil spill upon key resources of concern are presented as either minor, based on a lack of data, or as unknown, due to studies and assessments that are still underway. Consequently, it may be difficult to develop significant new evaluations of the impacts of “low probability, high-impact catastrophic” events, such as the Deepwater Horizon oil spill, to coastal and marine biological resources as a result of this DSEIS.

EPA understands the legal limitations of using preliminary Natural Resource Damage Assessment (NRDA) or other data establishing resource damages from the oil spill. However, we are concerned that there may be an inconsistency between the stated purpose of this analysis and its execution. Without waiting for the ecological resource impact data to become available, without independently verifying the news reports, or without conducting interviews with the scientists studying the oil spill impacts, it may be difficult understanding how this document is fully satisfying public disclosure as envisioned by the CEQ regulations for implementing the NEPA.

As an example, the evaluation of impacts from the Deepwater Horizon oil spill on barrier islands are summarized on page 4-42 as being based primarily on “television news, magazines, and newspaper accounts based on interviews with scientists or personnel with the USCG’s Oil Spill Response Team at the Unified Command Post overseeing cleanup operations.” At the time this document was prepared, “there was little published information on the impacts of the spill.” Although various studies are underway, including the Federal Natural Resource Damage Assessment (NRDS), the document notes that “none of this information is publically available.” Although a potentially useful preliminary oil spill

risk analysis model was run as part of the DSEIS analyses, only preliminary data was available for consideration (page 3-35). Similarly, the impacts of the Deepwater Horizon oil spill on *Sargassum* mats are presented as unknown, while National Oceanic Atmospheric Administration (NOAA) and National Science Foundation-funded studies are currently under way (page 4-106 and 4-111). The document notes that large spills, presumably on the order of the Deepwater Horizon oil spill, could result in severe impacts to a sizable portion of the *Sargassum* community in the northern Gulf of Mexico (page 4-109). The potential for severe impacts on a significant biological resource, coupled with preliminary data from the oil spill, makes the conclusion that no measurable impacts are expected questionable.

To address this concern, we suggest that BOMERE make a commitment in the FSEIS that as any new information comes forth as result of completed ongoing studies or new physical evidence over time, that new information would be provided through a Supplemental Information Report and made available to the public. We recommend that this stipulation be included in the Record of Decision document.

### **Ocean Dredged Material Disposal Sites (ODMDS)**

The discussions on pages 3-59 and 3-71 about ocean dredged material disposal sites (ODMDS) should be corrected. The statement is made that dredged materials disposed offshore are not available for beneficial uses to restore and create habitat. These dredged materials often could be used for beneficial use projects if funds were available. Also, the listings of ocean disposal sites appear erroneously to combine non-ODMDS disposal sites (possibly placement areas designated under the Clean Water Act) with ODMDS areas designated under the Marine Protection, Research, and Sanctuaries Act. The U.S. Army Corps of Engineers New Orleans and/or Mobile Districts would be good sources of information. Clarification on the disposal sites should be incorporated in the FSEIS.

### **Environmental Justice (EJ)**

**General:** The SDEIS provides extensive technical detail about the coastal and deep water oil exploration and extraction process and possible implications involved, as well as the technical advances recently developed to prevent problems. As we have seen with the DWH blowout, disastrous accidents can have far-reaching impacts. In the event that spills, blowouts, vessel collisions, discharges, etc. occur, the entire Texas coastline (as well as much of Mexico's eastern coastline) and its residents would be affected to some degree or other. If a catastrophic spill or a blowout should occur, all coastal residents would feel the impact, but low-income and minority populations would experience the negative results of these events more deeply than middle or upper-class populations because of the limited resiliency of the poor. They would have less resources to recover from a disaster, just as was the case with the DWH in Louisiana and Mississippi. There are no Tribal concerns related to this action. No Paleo-Indian ruins/artifacts have been found in the coastal area or shallow coastal water. According to the DSEIS, a request for consultation with Tribal Nations was made under the National Historic Preservation Act (NHPA). Because there are no Tribes along the coast, no responses were received.

**Demographics:** The entire southern portion of the Texas coast, starting just north of Corpus Christi, has a majority Hispanic population and generally is a low income area (although many pockets of prosperity exist). Jefferson County, on the far eastern edge of Texas, is also heavily minority and low income. Harris County has clusters of low-income, minority communities, such as Galena Park, Manchester Community, Deer Park, etc. along the Houston Ship Channel, which could become a conduit for spilled oil. These communities could be adversely impacted by a major accident near the coast or by a

catastrophic event like the DWH blowout. Many of these residents work in service industries or other low-paying jobs that would be heavily impacted in such an event. Middle class residents are more likely to have adequate insurance or other resources to meet their needs in these unfortunate situations.

**Recommendation:** The FSEIS should include data pertaining to populations and persons with Limited English Proficiency (LEP) along the Gulf Coast who may be affected by a catastrophic spill event. The FSEIS should ensure that language-appropriate communication is supplied to LEP populations during the event and during recovery efforts. Examples of tools that could be utilized include supplying interpreters at public meetings and safety trainings and ensuring that English language documents are translated to other languages. Resources and tools regarding LEP populations can be found at the U.S. Department of Health and Human Services website: <http://www.hhs.gov/ocr/civilrights/resources/specialtopics/lep/> and at the Federal Interagency Website for LEP: <http://www.lep.gov/>.

