



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6

1445 Ross Avenue, Suite 1200

Dallas, TX 75202-2733

August 14, 2012

Mr. Gary D. Goeke
Chief, Regional Assessment Section
Office of Environment (Mail Stop GM 623E)
Bureau of Ocean Energy Management
1201 Elmwood Park Boulevard
New Orleans, LA 70123-2394

Dear Mr. Goeke:

In accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act, the Environmental Protection Agency (EPA) has reviewed the Bureau of Ocean Energy Management's (BOEM) Notice of Intent (NOI) to prepare a Supplemental Environmental Impact Statement (SEIS) for the proposed Outer Continental Shelf, Gulf of Mexico, Oil and Gas Lease Sales, Western Planning Area Lease Sale 233 and Central Planning Area Lease Sale 231.

Based on BOEM's July 9, 2012 NOI, we understand this SEIS is being prepared to consider new circumstances and information arising, among other things, from the *Deepwater Horizon* event. The SEIS analysis will focus on updating the baseline conditions and potential environmental effects of oil and natural gas leasing, exploration, development, and production in the Western Planning Area and the Central Planning Area.

EPA appreciates the opportunity to review and provide comments on the NOI. When you are ready to file the SEIS with EPA, you may now electronically file it by using our *e-NEPA Electronic Filing Pilot* at <http://www.epa.gov/compliance/nepa/submiteis/index.html>. If you have any questions or concerns, please contact John MacFarlane of my staff at macfarlane.john@epa.gov or 214-665-7491 for assistance.

Sincerely,

A handwritten signature in dark ink that reads "Rhonda".

A handwritten signature in dark ink, appearing to be "John MacFarlane".

Rhonda Smith
Chief, Office of Planning
and Coordination

Enclosure

**Scoping Comments for
Bureau of Ocean Energy Management's (BOEM)
Notice of Intent (NOI) for
Supplemental Environmental Impact Statement (SEIS)**

In EPA's prior review of other BOEM OCS Oil and Gas Lease Sale EISs, EPA requested that BOEM include a summary table in the Alternatives chapter that outlines the alternatives (with preferred alternative identified). The summary table should include the potential effects from the proposed action on all resources discussed in the document. We believe that the alternatives summary table should summarize major features and significant environmental impacts of alternatives. The table could facilitate a better understanding of the alternatives, particularly distinctions between alternatives, and could provide a comparative evaluation of alternatives in a manner that sharply defines issues for the decision-maker and the public as required by NEPA.¹

In reviewing other BOEM OCS Oil and Gas Lease Sale EISs, EPA remains somewhat unclear on why mitigation stipulations are not specified for the preferred alternative, but are listed as mitigation strategies for the proposed action. EPA recommends that any stipulations be included in the proposed alternative allowing the public to adequately evaluate the proposed action and the proposed mitigation for that action. Alternatively, BOEM could provide additional information describing the process by which the Assistant Secretary of the Interior for Land and Minerals (ASLM) adopts these mitigation stipulations for proposed lease sales and how and when the public would be able to provide comments on those stipulations added to the lease.

Air Quality

EPA makes the following general recommendations to ensure that the States, public, and other stakeholders have adequate information to assess the air quality impacts of the proposed action:

- Perform air quality impact analyses for all pollutants and standards that are specific to the lease sales and include this information in an appendix for public review. In the alternative, contemporary analyses by sources that have exceeded the exemption thresholds could be relied upon for assessments and expected impacts;
- Verify that the exemption threshold formula, which BOEM relies upon to require air quality modeling, is adequate to ensure compliance with the National Ambient Air Quality Standards (NAAQS); and
- Identify monitoring requirements, potential mitigation measures, and emerging technologies and discuss how these will ensure NAAQS compliance.

¹ 40 CFR 1502.14

Marine Protection, Research and Sanctuaries Act (MPRSA)

In ocean waters, EPA is responsible for regulating disposal of materials transported for the purpose of dumping. EPA designates sites for disposal of clean dredged material under Section 102 of the MPRSA and, in coordination with the U.S. Army Corps of Engineers, monitors the sites and permits and the use of them. Designation of an ocean disposal site requires compliance with the environmental criteria relating to the effects of the proposed dumping (11 specific factors and 5 general criteria) developed by EPA. In addition, the SEIS should make certain that, as in the past, Ocean Dredged Material Disposal Sites (ODMDS) are not discussed in combination with other types of disposal sites (possibly placement areas designated under the Clean Water Act). The ODMDS designated by EPA are for specific dredged materials from specific channels and are not for general purpose or for cumulative activities.

Should a need for sediment disposal arise for OCS activities, we would appreciate the opportunity to work with BOEM to explore sediment disposal options. This will avoid coordination and methodology problems later on in the process. If upland disposal sites are determined not to be feasible, it is critical that EPA be notified immediately, as we may need to consider beginning the process to designate sites and issue permits for ocean disposal under the MPRSA. We recommend that the SEIS use benefit-cost and other analyses to disclose whether initial dredging, maintenance dredging, and subsequent sediment disposal is economically viable. Sediment disposal sections in the SEIS should examine the following environmental variables: the structure and size of sediment; the effect of waves scour on sediment; the frequency, size, and duration of storms; and location characteristics. Moreover, the SEIS or materials referenced by the SEIS should contain information supporting the selection of disposal sites, if any.

Discharge of Dredged or Fill Materials

Section 404 of the CWA requires a permit for activities that involve discharge of dredged or fill materials into waters of the U.S., which includes coastal waters of the territorial seas and wetlands. In the event of aquatic losses due to onshore or nearshore development in support of OCS oil and gas activities, we recommend that the SEIS contain a sufficient level of detailed information on these aquatic ecosystems, such as the locations, types, values, functions, and amounts of aquatic sites in the potential development areas that could be directly and/or indirectly impacted. Section 404(b)(1) Guidelines of the Clean Water Act, (http://water.epa.gov/lawsregs/rulesregs/cwa/upload/CWA_Section404b1_Guidelines_40CFR230_July2010.pdf) can provide assistance to BOEM on the environmental criteria used in evaluating activities regulated under Section 404 of the Clean Water Act.