

July 25, 2016

Submitted via e-mail to [comment@neoceanplanning.org](mailto:comment@neoceanplanning.org)

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National Oceanic and Atmospheric Administration  
National Marine Fisheries Service  
Northeast Regional Office  
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**Re: *Draft Northeast Ocean Plan***

Dear Ms. Nicholson:

Oceana, the largest international ocean conservation organization solely focused on protecting the world's oceans, is actively engaged in shaping U.S. energy policy in the nation's oceans. For example, Oceana has successfully organized grassroots opposition to oil and gas drilling as well as geological and geophysical ("G&G") survey technologies,<sup>1</sup> such as multibeam echo sounders and seismic airgun blasting, which are used for oil and gas exploration in the Atlantic and produce harmful ocean noise. More than 110 East Coast municipalities, over 1,000 elected officials and roughly 1,100 business interests have publically opposed offshore oil and gas drilling and/or seismic airgun blasting, citing threats to marine life, commercial fisheries and coastal economies.<sup>2</sup> To protect our oceans from further fossil fuel-related damage from ocean noise, oil spills, climate change and ocean acidification,<sup>3</sup> all federal, state, tribal and local governments participating in the Northeast Regional Planning Board ("NE

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<sup>1</sup> For purposes of this comment letter, "G&G survey technologies" includes all technologies (used in the past, currently or in the future), including multibeam echo sounders and seismic airguns, that use sound to explore for oil and gas.

<sup>2</sup> Oceana, *Grassroots Opposition to Atlantic Drilling and Seismic Airgun Blasting*, <http://usa.oceana.org/seismic-airgun-testing/grassroots-opposition-atlantic-drilling-and-seismic-airgun-blasting> (last visited July 22, 2016).

<sup>3</sup> Oceana, *Ocean Acidification: The Untold Stories 2* (Nov. 2010), [http://oceana.org/sites/default/files/reports/Ocean\\_Acidification\\_The\\_Untold\\_Stories.pdf](http://oceana.org/sites/default/files/reports/Ocean_Acidification_The_Untold_Stories.pdf).

Our use of fossil fuels, deforestation and land use changes are wreaking havoc on the oceans. Besides causing global climate change, which could cause catastrophic impacts around the world, the release of carbon dioxide from these activities is also leading to ocean acidification.

RPB”)<sup>4</sup> must expedite the transition from fossil fuels to clean, renewable energy sources. Oceana appreciates the opportunity to submit comments regarding the *Draft Northeast Ocean Plan*<sup>5</sup> and encourages the NE RPB:

- to address ocean noise by
  - including an action item in the “Energy and Infrastructure” section of Chapter 3 to deny all permits for oil and gas exploration;
  - including maps depicting levels and types of ocean noise on the Northeast Ocean Data Portal;<sup>6</sup> and
  - incorporating action items in several sections of Chapter 3 to mitigate and, where possible, eliminate human-produced ocean noise that is harmful to marine life, including ocean noise produced during oil and gas exploration; and
- to move away from oil and gas development and exclusively focus on and incentivize offshore renewable energy sources, such as offshore wind.

### *Address Ocean Noise*

Ocean noise, which has doubled every decade since the 1970s,<sup>7</sup> can have significant adverse effects on the marine environment. G&G survey technologies, such as seismic airgun blasting, produce one of the loudest sources of noise in the oceans.<sup>8</sup> To prevent harm to marine life from ocean noise, Oceana encourages the NE RPB to address ocean noise by including an action item in the “Energy and Infrastructure” section of Chapter 3 to deny such all permits for oil and gas exploration. In addition, Oceana urges the NE RPB to include maps depicting levels and types of ocean noise on the Northeast

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<sup>4</sup> The NE RFB consists of six states (Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, Vermont); six federally recognized tribes; nine federal agencies (Joint Chiefs of Staff, U.S. Department of Agriculture, U.S. Department of Commerce, U.S. Department of Defense, U.S. Department of Energy, U.S. Department of Homeland Security, U.S. Department of Interior, U.S. Department of Transportation, U.S. Environmental Protection Agency); the New England Fishery Management Council; and Ex-Officio Members (New York, Canada).

<sup>5</sup> Ocean Planning in the Northeast, *Draft Northeast Ocean Plan* (May 2016), <http://neoplan.org/wp-content/uploads/2016/05/Draft-Northeast-Ocean-Plan-Full.pdf> (hereinafter “*Draft Northeast Ocean Plan*”).

<sup>6</sup> Northeast Ocean Data, *Maps and data for ocean planning in the northeastern United States*, <http://www.northeastoceandata.org/> (last visited July 25, 2016).

<sup>7</sup> Marine Mammal Commission, *Marine Mammals and Noise: A Sound Approach to Research and Management* 11 (2007), <http://www.mmc.gov/wp-content/uploads/fullsoundreport.pdf>.

<sup>8</sup> Brad Badelt, *The Inventor of the Seismic Air Gun Is Trying to Supplant His Controversial Creation*, Hakai Magazine (Dec. 3, 2015), <https://www.hakaimagazine.com/articleshort/inventorseismicairguntrysupplanthiscontroversialcreation>.

Ocean Data Portal with the aim of properly assessing and addressing the sources of ocean noise and its impacts on the marine environment. Last but not least, the NE RPB should incorporate action items in several sections of Chapter 3 of the *Draft Northeast Ocean Plan* to mitigate, and where possible, eliminate human-produced ocean noise that is harmful to marine life.

### *Deny Permits for Oil and Gas Exploration*

Sound is a key element of the marine environment. Marine mammals, fish, sea turtles and other wildlife rely on sound as a component of essential behaviors, such as breeding, feeding, communication, navigation, avoiding predators and other behaviors necessary for survival.<sup>9</sup> Since the advent of the propeller engine 150 years ago, the ocean has become increasingly loud due to man-made noise from a number of sources, including commercial shipping, military sonar and G&G survey technologies.<sup>10</sup> Oil and gas exploration using G&G survey technologies, such as multibeam echo sounders and seismic airguns, emit loud, intense noise to explore deep below the earth's surface for oil and gas. The blasts from a seismic airgun can be so loud that they disturb, injure or kill marine life, harm commercial fisheries, and disrupt coastal economies. Sound from seismic airguns can be heard up to 4,000 km (2,500 miles) away from its source, which is the distance from Washington, DC to Las Vegas, Nevada.<sup>11</sup> G&G surveyors typically tow arrays of high-powered seismic airguns behind ships, firing intense blasts of compressed air roughly every ten to twelve seconds, twenty-four hours per day, for days, weeks, or months on end. As 75 leading marine scientists have attested, oil and gas exploration using such G&G survey technologies significantly degrades the marine environment and can cause a range of impacts on marine species, including broad habitat displacement, disruption of vital behaviors essential to foraging and breeding, loss of biological diversity, and, in some circumstances, injuries and mortalities.<sup>12</sup>

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<sup>9</sup> Oceana Comment Letter re *Draft Ocean Noise Strategy Roadmap* (July 1, 2016).

<sup>10</sup> Marine Mammal Commission, *Marine Mammals and Noise: A Sound Approach to Research and Management* 11 (2007), <http://www.mmc.gov/wp-content/uploads/fullsoundreport.pdf>.

<sup>11</sup> NOAA Office of Science and Technology, *Sound Check: New NOAA Effort Underway to Monitor Underwater Sound*, <http://www.st.nmfs.noaa.gov/feature-news/acoustics> (last updated Aug. 24, 2015); Brad Badelt, *The Inventor of the Seismic Air Gun Is Trying to Supplant His Controversial Creation*, Hakai Magazine (Dec. 3, 2015), <https://www.hakaimagazine.com/articleshort/inventorseismicairguntryingtoplantthiscontroversialcreation>.

<sup>12</sup> Letter from Christopher Clark et al. to President Barack Obama (Mar. 5, 2015), [http://docs.nrdc.org/wildlife/files/wil\\_15030401a.pdf](http://docs.nrdc.org/wildlife/files/wil_15030401a.pdf).

Oceana is gratified to see the following statement in the *Draft Northeast Ocean Plan*: “Seismic surveys are not expected because [oil and gas] leasing has not been proposed in the Northeast.”<sup>13</sup> Similarly, as no leasing is planned for the Mid- and South Atlantic, there is no need for seismic surveys for oil and gas exploration in *any* region of the Atlantic. Two of the nine federal agencies participating in the NE RPB are the primary agencies currently reviewing applications for oil and gas exploration in Atlantic, namely the Bureau of Ocean Energy Management (“BOEM”) within the U.S. Department of Interior and the National Marine Fisheries Service (“Fisheries Service”) within the U.S. Department of Commerce. In a recent letter to BOEM (with a courtesy copy to the Fisheries Service), Oceana urged the agency to deny exploration permits to prevent undue harm to aquatic life, including the critically endangered North Atlantic right whale.<sup>14</sup> And, in previous comments on the *Draft Ocean Noise Strategy Roadmap* and on the *Draft Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing*, Oceana strongly advised the Fisheries Service to deny all pending Incidental Harassment Authorizations for use of G&G survey technologies in the Atlantic in order to protect marine life, commercial fisheries and coastal economies.<sup>15</sup> Oceana similarly urges the NE RPB to include an action item in the “Energy and Infrastructure” section of Chapter 3 of the *Draft Northeast Ocean Plan* to deny all permit applications for G&G exploration for oil and gas in the Atlantic. With offshore drilling no longer planned for the Atlantic, there is no reason to risk the damage that oil and gas exploration can cause to the marine environment.

#### *Include Ocean Noise Maps on the Northeast Ocean Data Portal*

The *Draft Northeast Ocean Plan* includes the study of ocean noise among six priorities for science and research.<sup>16</sup> While this is a step in the right direction toward addressing ocean noise, Oceana urges the NE RPB to partner with federal agency experts on ocean acoustic monitoring, such as the NOAA Ocean Noise Strategy Cross-Office Team,<sup>17</sup> the NOAA Northeast Fisheries Science Center Passive Acoustic

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<sup>13</sup> *Draft Northeast Ocean Plan* at 104.

<sup>14</sup> Letter from Oceana and 61 NGOs to Abigail Ross Hopper, Director, Bureau of Ocean Energy Management (April 28, 2016); *see also* Letter from Oceana and 36 NGOs to Abigail Ross Hopper, Director, Bureau of Ocean Energy Management (April 29, 2015).

<sup>15</sup> Oceana Comment Letter re *Draft Ocean Noise Strategy Roadmap* (July 1, 2016); Oceana Comment Letter re *Draft Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing* (Sept. 14, 2015).

<sup>16</sup> *Draft Northeast Ocean Plan* at 163.

<sup>17</sup> NOAA Cetacean & Sound Mapping, *Ocean Noise Strategy Partners*, <http://cetsound.noaa.gov/partners> (last visited July 25, 2016).

Group,<sup>18</sup> and the NOAA Pacific Marine Environmental Laboratory (“PMEL”) Acoustics Program,<sup>19</sup> as well as non-governmental acoustic experts, such as the Cornell University Bioacoustics Research Program,<sup>20</sup> Duke University,<sup>21</sup> and the Woods Hole Oceanographic Institution,<sup>22</sup> to include maps depicting levels and types of ocean noise on the Northeast Ocean Data Portal. The inclusion of such ocean noise maps will allow for better understanding, assessment and planning of noise-producing ocean activities, such as shipping, military sonar and the use of G&G survey technologies, and the impacts anthropogenic noise can have on the marine environment. For example, Oceana has developed maps that overlap proposed seismic airgun blasting areas in the Atlantic with essential fish habitat and critical habitat in the same area.<sup>23</sup> The maps demonstrate that the large swath of the Atlantic currently being considered by BOEM and the Fisheries Service for oil and gas exploration directly overlaps with habitat essential for commercial and recreational fish stocks as well as the critical habitat required to conserve threatened or endangered species, such as the loggerhead sea turtle, scalloped hammerhead shark and the North Atlantic right whale.<sup>24</sup>

*Include Action Items to Mitigate and, Where Possible, Eliminate Human-Produced Ocean Noise That Is Harmful to Marine Life*

In addition, the NE RFB should incorporate ocean noise mitigation and, where possible, elimination of human-produced ocean noise that is harmful to marine life as an action item in various sections of Chapter 3 of the *Draft Northeast Ocean Plan*, including in the sections on “Marine Life & Habitat,” “Marine Transportation,” “National Security,” “Commercial & Recreational Fishing,” “Aquaculture” and especially in the section on “Energy & Infrastructure.”<sup>25</sup> As the top three sources of anthropogenic ocean noise are shipping (“Marine Transportation”), military sonar (“National Security”) and G&G

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<sup>18</sup> NOAA Northeast Fisheries Science Center Passive Acoustic Group, *NEFSC Passive Acoustic Group*, <http://www.nefsc.noaa.gov/psb/acoustics/psbAcousticsPeople.html> (last updated June 13, 2016).

<sup>19</sup> NOAA PMEL Acoustics Program, *PMEL Acoustics*, <http://www.pmel.noaa.gov/acoustics/> (last visited July 25, 2016).

<sup>20</sup> Cornell University, *Bioacoustics Research Program*, <http://www.birds.cornell.edu/page.aspx?pid=2713> (last visited July 25, 2016).

<sup>21</sup> Duke University, *MCE@D Acoustics & Engineering*, <http://superpod.ml.duke.edu/nowacek/> (last visited July 25, 2016).

<sup>22</sup> Woods Hole Oceanographic Institute, *Acoustics*, <http://www.whoi.edu/main/topic/acoustics> (last visited July 25, 2016).

<sup>23</sup> Oceana Press Release, *New Oceana Maps Show At-Risk Atlantic Marine Life Threatened by Unnecessary Seismic Airgun Blasting* (Mar. 29, 2016), <http://oceana.org/press-center/press-releases/new-oceana-maps-show-risk-atlantic-marine-life-threatened-unnecessary>.

<sup>24</sup> Oceana, *Maps Show At-Risk Marine Life Threatened by Unnecessary Seismic Airgun Blasting*, <http://usa.oceana.org/maps-show-risk-marine-life-threatened-unnecessary-seismic-airgun-blasting> (last visited July 25, 2016); Oceana Map.

<sup>25</sup> *Draft Northeast Ocean Plan* at Chapter 3.

survey technologies (“Energy & Infrastructure”), and such ocean noise can have adverse impacts on marine life and habitat, commercial and recreational fishing as well as aquaculture, it is important to take a holistic approach toward ocean noise in the *Draft Northeast Ocean Plan* by including action items to mitigate or eliminate human-produced ocean noise that is harmful to marine life in each of these sections of Chapter 3.

***Move Away from Oil and Gas Development and Exclusively Focus On and Incentivize Offshore Renewable Energy Sources, such as Offshore Wind***

In the section on “Energy & Infrastructure” in Chapter 3 of the *Draft Northeast Action Plan*, Oceana is pleased to see mention of offshore renewable energy.<sup>26</sup> The NE RPB should move away from oil and gas development and exclusively focus its attention on offshore renewable energy sources, such as offshore wind.

Offshore oil and gas development in the nation’s oceans is simply not worth the risks. For example, offshore oil and gas development in the Atlantic could put at risk nearly 1.4 million jobs and over \$95 billion in Gross Domestic Product.<sup>27</sup> Offshore drilling operations are sources of insidious leaks, catastrophic spills and dangerous blowouts. Oil obtained from drilling must be transported via pipelines, tanker vessels and trains to refineries and from there to points of distribution of use. Each step along the way can result in pollutants entering the ocean. The *Exxon Valdez* tanker vessel spill in 1989 released nearly 11 million gallons of oil near the Alaskan coastline, and 25 years later, oil is *still* found under Alaskan beaches.<sup>28</sup> The *Deepwater Horizon* blowout and oil spill in April 2010 released more than 200 million gallons of oil and devastated the Gulf of Mexico’s marine life, communities and economies.<sup>29</sup> Six years later, the lesson from this oil spill is clear: offshore oil and gas drilling is not safe for the environment, the economy or human health.<sup>30</sup>

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<sup>26</sup> *Draft Northeast Ocean Plan* at 104, 107, 109-11.

<sup>27</sup> Oceana, *Offshore Energy by the Numbers* 3 (Jan. 2015), [http://usa.oceana.org/sites/default/files/offshore\\_energy\\_by\\_the\\_numbers\\_report\\_final.pdf](http://usa.oceana.org/sites/default/files/offshore_energy_by_the_numbers_report_final.pdf) (hereinafter “*Offshore Energy by the Numbers*”).

<sup>28</sup> Oceana, *Time for Action: Six Years After Deepwater Horizon* 5 (April 2016),

[http://usa.oceana.org/sites/default/files/deepwater\\_horizon\\_anniversary\\_report\\_updated\\_4-28.pdf](http://usa.oceana.org/sites/default/files/deepwater_horizon_anniversary_report_updated_4-28.pdf) (hereinafter “*Time for Action: Six Years After Deepwater Horizon*”).

<sup>29</sup> *Id.* at 2-4.

<sup>30</sup> *Id.* at 2-3.

In March 2016, BOEM removed the Mid- and South Atlantic from oil and gas development on the Outer Continental Shelf (“OCS”) from 2017 to 2022.<sup>31</sup> Oceana applauds the Obama Administration and BOEM for listening to widespread opposition along the East Coast and making this historic move to protect the Mid- and South Atlantic from offshore drilling. The *Draft Northeast Ocean Plan* aptly notes: “[T]he North Atlantic planning area, which includes the OCS offshore New England, New York, and New Jersey, has not been offered for leasing in over two decades and is not being offered in the next cycle from 2017 to 2022.”<sup>32</sup> When, as discussed above, the risks of offshore oil and gas drilling outweigh the benefits and, as outlined below, better alternatives in the form of renewable energy are readily available, *no* region of the Atlantic should *ever* be offered for oil and gas exploration or development.

Offshore renewable energy, such as offshore wind, is a much better alternative to offshore oil and gas drilling. Offshore wind has the potential to generate more jobs, produce more power, and lead to a higher degree of energy independence than offshore drilling for oil and gas.<sup>33</sup> Offshore wind would produce twice the number of jobs and twice the amount of energy as offshore drilling in the Atlantic.<sup>34</sup> Over the next 20 years, offshore wind could create about 91,000 more jobs than offshore drilling.<sup>35</sup> And, in just 13 years, offshore wind could generate more energy than could be provided by all of the economically recoverable offshore oil and gas resources.<sup>36</sup> As coastal states account for more than three-quarters of the U.S. electricity consumption, offshore wind is located near population centers where electricity demand is highest.<sup>37</sup> In addition, offshore winds blow strongest during the day and at other times of peak demand, providing a critical clean energy power source to the grid when it is needed most.<sup>38</sup> In the North Atlantic alone, approximately 35.3 gigawatts of offshore wind power could be developed and could generate at least 41 percent of the region’s current electricity generation, displace

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<sup>31</sup> BOEM, *2017-2022 Outer Continental Shelf Oil and Gas Leasing Proposed Program S-8 – S-11* (March 2016), <http://www.boem.gov/2017-2022-Proposed-Program-Decision/>.

<sup>32</sup> *Draft Northeast Ocean Plan* at 104.

<sup>33</sup> *Offshore Energy by the Numbers* at 3.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> Oceana, *Untapped Wealth: Offshore Wind Can Deliver Cleaner, More Affordable Energy and More Jobs Than Offshore Oil* (Sept. 2010), [http://usa.oceana.org/sites/default/files/reports/Offshore\\_Wind\\_Report\\_-\\_Final\\_1.pdf](http://usa.oceana.org/sites/default/files/reports/Offshore_Wind_Report_-_Final_1.pdf) (hereinafter “*Untapped Wealth: Offshore Wind Can Deliver Cleaner, More Affordable Energy and More Jobs Than Offshore Oil*”).

<sup>38</sup> *Offshore Energy by the Numbers* at 3.

about 54.2 million metric tons of carbon dioxide and power approximately 12.1 million average homes annually.<sup>39</sup> While offshore wind must be properly sited, taking into account commercial and recreational fishing as well as other ocean uses, it is, by far, a better alternative to offshore oil and gas drilling. The NE RFB should include actions in the “Energy & Infrastructure” section of Chapter 3 of the *Draft Northeast Action Plan* to ensure the rapid development of offshore wind resources in order to create jobs and bolster the economy. To facilitate the growth of wind energy, these action items should include redirecting federal subsidies for fossil fuels to renewable energies. In addition, tax credits for investment in wind technology should be extended, and policy mechanisms that increase the long-term demand for and supply of renewable energies should be developed and used.

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Oceana encourages the NE RPB to address ocean noise by including an action item in the “Energy and Infrastructure” section of Chapter 3 to deny all permits for oil and gas exploration in the Atlantic; including maps depicting levels and types of ocean noise on the Northeast Ocean Data Portal; and incorporating action items in several sections of Chapter 3 to mitigate and, where possible, eliminate human-produced ocean noise that is harmful to marine life, including ocean noise produced during oil and gas exploration. In addition, Oceana urges the NE RPB to move away from oil and gas development and exclusively focus on and incentivize offshore renewable energy sources, such as offshore wind. Oceana appreciates the opportunity to provide input and thanks you and the members of the NE RPB for your time. Oceana will continue to be engaged in this process moving forward.

Sincerely,

\_\_\_\_\_/s/\_\_\_\_\_  
Claire Douglass  
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<sup>39</sup> *Untapped Wealth: Offshore Wind Can Deliver Cleaner, More Affordable Energy and More Jobs Than Offshore Oil* at 27.