



**TESTIMONY OF ALISON CHASE, SENIOR POLICY ANALYST, NATURAL RESOURCES DEFENSE COUNCIL  
TO THE ASSEMBLY STANDING COMMITTEE ON ENVIRONMENTAL CONSERVATION  
COMMISSION ON TOXIC SUBSTANCES AND HAZARDOUS WASTES  
ASSEMBLY LONG ISLAND SOUND TASK FORCE**

**SUBJECT: IMPACTS OF THE PROPOSED FEDERAL OFFSHORE DRILLING AUTHORIZATION ON NEW YORK**

**LEGISLATIVE AUDITORIUM, WILLIAM H. ROGERS BUILDING, SMITHTOWN, NEW YORK  
FEBRUARY 14, 2018**

My name is Alison Chase and I am a Senior Policy Analyst at the Natural Resources Defense Council, or NRDC. Thank you for the opportunity to speak before you today. I am here to express the strong opposition of NRDC's millions of members and activists to the inclusion of the Atlantic Region in the *2019-2024 National Outer Continental Shelf Oil and Gas Leasing Draft Proposed Program*, also known as the Draft Proposed Program.

We greatly appreciate your work, and that of your fellow Assembly Members and your staff, to host today's public hearing on this important topic. Given the sheer scope of the Draft Proposed Program – which makes more than 98 percent of the public's federal waters available for oil and gas leasing from 2019-2024 – the decision by the Bureau of Ocean Energy Management, or BOEM, to host one public meeting per state seems insufficient.<sup>1</sup> The number of meetings is not commensurate with the scale of this proposal and it does not give the public a meaningful opportunity to respond. We are grateful for your efforts to step forward and ensure that the coastal communities represented here – ones that would be on the front lines of any disaster that occurs from offshore oil and gas leasing – have a chance to register their concerns without traveling to BOEM's Albany meeting.<sup>2</sup>

Hundreds of thousands of New York state jobs and billions of dollars of the state's gross domestic product depend on clean, oil-free water and beaches and abundant fish and wildlife, so it is critical that as many New York citizens as possible have the chance to comment on the Draft Proposed Program.<sup>3</sup> There is significant concern that this "drill everywhere" polluter plan will jeopardize our tourism, recreation, and fishing industries.

Oil and gas leasing anywhere in the Atlantic Region – the North, Mid, or South Atlantic and the Straits of Florida – could prove harmful to New York's bottom line by potentially spoiling beaches and harming tourism. Oil spills don't stop at state boundaries. They can be carried far along the coast by currents to far-flung beaches. Our state's fishermen rely on the federal waters along the coastline and the species they catch move throughout the region; a spill anywhere along the Atlantic Coast could affect their livelihoods. All three Atlantic Region fishery management councils have registered opposition to offshore oil and gas development.<sup>4</sup>

The sorry fact is that a “low-probability, high-impact event” like the BP *Deepwater Horizon* disaster will occur again – and if the Atlantic Region falls victim in much the same manner as the Gulf of Mexico, a spill alongside the East Coast would devastate the Atlantic’s marine life and communities. The 2010 BP oil spill contaminated more than 1,300 miles of coastline, at least 400 square miles of the deep ocean floor, and 57,500 square miles of surface water.<sup>5</sup> An equivalent disaster in the Atlantic could – depending on currents and weather – coat beaches from Savannah to Boston. The BP spill’s ecological toll includes the estimated death of up to 29,600 sea turtles and estimated death or lost reproduction of up to roughly 100,000 birds of at least 93 species – this number does not include all marsh birds and colonial waterbirds or estimates would be higher.<sup>6</sup>

Of the seven known vulnerable coral sites within 15 miles of the BP wellhead, four sustained injury attributable to *Deepwater Horizon* oil.<sup>7</sup> Deep-sea coral communities along the Atlantic’s outer continental shelf edge and in submarine canyons could be similarly harmed. Deep-sea corals, some of which are estimated to be hundreds to thousands of years old, are highly vulnerable to human disturbance and grow only millimeters a year so any harm they sustain can take many lifetimes to recover from.<sup>8</sup> The Mid-Atlantic Fishery Management Council recently established coral area protections from harmful fishing gear; these coral treasures could be harmed in the event of an oil spill.<sup>9</sup>

Some 22,000 tons of *Deepwater Horizon* spilled oil washed up on the Gulf shore, severely impacting 721 miles of coastal wetlands, 320 acres of seagrass beds, and 600 miles of beach.<sup>10</sup> The *Deepwater Horizon* spill cost the public almost 17 million user days for outdoor recreation, such as boating, recreational fishing, and beach-going, with total recreational use damages due to the spill estimated at \$693.2 million.<sup>11</sup> The Gulf of Mexico commercial fishing industry was estimated to have lost \$247 million from just the initial post-spill fisheries closures; one study projects that the overall impact of lost or degraded commercial, recreational, and mariculture fisheries could be \$8.7 billion by 2020, with a potential loss of 22,000 jobs over the same time frame.<sup>12</sup>

Even before drilling begins, the search for oil and gas deposits beneath the seafloor is harmful to our state’s marine life and the jobs it supports. The explosive noise from seismic airguns has been proven to cause massive disruption to marine life, from whales to zooplankton, and to kill or injure many fish and shellfish species, including those of commercial importance to the Atlantic Region like squid, lobster, and scallops.<sup>13</sup> Given its enormous environmental footprint, a seismic test taking place off the coast of Virginia would impact some marine species, including endangered whales, as far as New York and New England.<sup>14</sup> In 2015, seventy-five marine scientists warned that the proposed introduction of seismic to the East Coast is likely to have “significant, long-lasting, and widespread impacts on the reproduction and survival” of both fish and marine mammal populations in the region.<sup>15</sup>

In the past 12 months, the National Oceanic and Atmospheric Administration has declared an “unusual mortality event” for three species of Atlantic whales: humpback whales in April, North Atlantic right whales in August, and minke whales in January.<sup>16</sup> With an increase in deaths and strandings for several whale species, setting off explosive noise—24 hours per day for years on end—to explore resources of questionable amount for an industry unwanted by communities throughout the region seems foolhardy

at best, criminal at worst. Incredibly, the oil and gas industry is currently pushing legislation in Congress to gut core provisions of the Marine Mammal Protection Act, a landmark conservation law, in order to fast-track permitting of seismic tests off the East Coast and elsewhere.

In addition to the obvious ecological and economic reasons for excluding the Atlantic Region from any drilling plan, there is overwhelming opposition to drilling from communities along the coast. Upon hearing much of this input from communities, citizens, and businesses, BOEM in 2016 concluded the Atlantic should not be included in the previous 2017-2022 oil and gas leasing program; opposition has only grown since that time.<sup>17</sup> Currently, more than 160 cities and towns along the coast have passed resolutions opposing offshore drilling and/or seismic testing for oil and gas, wanting to keep their communities safe from natural and economic disaster.<sup>18</sup>

Our state has committed to meeting our future energy goals through clean, renewable sources like wind and BOEM is currently reviewing New York's new proposed wind energy areas. We seek to shape an energy portfolio for our state that moves away from carbon pollution toward renewable sources which can help prevent climate change impacts to our coastal communities through sea level rise and more extreme and frequent storms.

In summary, offshore oil and gas drilling is a threat to New York's coastal economy. It's a threat to our oceans. We are working to ensure the entire Atlantic Region is removed from the next stage of this program. Thank you very much for the opportunity to testify before you today.

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- <sup>1</sup> Bureau of Ocean Energy Management, *2019–2024 National Outer Continental Shelf Oil and Gas Leasing Draft Proposed Program*, 2018, <https://www.boem.gov/NP-Draft-Proposed-Program-2019-2024/>.
  - <sup>2</sup> Meeting list at <https://www.boem.gov/National-Program-Participate/>.
  - <sup>3</sup> National Ocean Economics Program, "Ocean Economy Data," 2014, <http://www.oceaneconomics.org/Market/ocean/oceanEcon.asp>.
  - <sup>4</sup> Mid-Atlantic Fishery Management Council, Letter from Christopher Moore to Kelly Hammerle, August 7, 2017, [https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5991f921a5790a58dd6c980f/1502738723565/2019to2024Program\\_MAFMC\\_Comments\\_2017-08-07.pdf](https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5991f921a5790a58dd6c980f/1502738723565/2019to2024Program_MAFMC_Comments_2017-08-07.pdf). Whittle, Patrick, "Fishing managers: Oil drilling in Atlantic is a bad idea," *Associated Press*, February 2, 2018, <https://bangordailynews.com/2018/02/02/news/nation/fishing-managers-oil-drilling-in-atlantic-is-a-bad-idea/>. South Atlantic Fishery Management Council, Letter from Michelle Duval to Secretary Zinke re: SAFMC Position on Energy Development and Seismic Testing, April 25, 2017, [https://usa.oceana.org/sites/default/files/662/safmc\\_letter\\_2017-04-25.pdf](https://usa.oceana.org/sites/default/files/662/safmc_letter_2017-04-25.pdf).
  - <sup>5</sup> Deepwater Horizon Natural Resource Damage Assessment Trustees (hereinafter NRDA), *Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement*, 2016, chapter 4, pp. 28, 30, 57, <http://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan>. MacDonald, I.R., et al., "Natural and Unnatural Oil Slicks in the Gulf of Mexico," *Journal of Geophysical Research: Oceans* 120, no. 12 (2015): 8364-8380, <http://onlinelibrary.wiley.com/doi/10.1002/2015JC011062/full>.
  - <sup>6</sup> NRDA, *Final Programmatic Damage Assessment*, chapter 4, pp. 462, 517-8.
  - <sup>7</sup> NRDA, *Final Programmatic Damage Assessment*, chapter 4, pp. 253. White, H.K., et al., "Impact of the Deepwater Horizon oil spill on a deep-water coral community in the Gulf of Mexico," *Proceedings of the National Academy of Sciences*, 109, no. 50 (2012): 20303-20308. Fisher, CR, et al., "Footprint of Deepwater Horizon blowout impact to deep-water coral communities," *Proceedings of the National Academy of Sciences*, 111, no. 32 (2014): 11744-11749.
  - <sup>8</sup> NRDC, *The Atlantic's Deep Sea Treasures: Discoveries from a New Frontier of Ocean Exploration*, November 2014, <https://www.nrdc.org/sites/default/files/atlantic-deep-sea-treasures-IB.pdf>. Risk, M.J., et al., "Lifespans and Growth Patterns of Two Deep-sea Corals: *Primnoa resedaeformis* and *Desmophyllum cristagalli*." *Hydrobiologica* 471 (2002): 125- 131.; Roark, E.B., et al., "Extreme Longevity in Proteinaceous Deep-sea Corals." *PNAS* 106, no. 13 (2009): 5204-5208.

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- <sup>9</sup> National Oceanic and Atmospheric Administration, “NOAA Fisheries Announces New Mid-Atlantic Deep Sea Coral Protection Area,” December 14, 2016, [https://www.greateratlantic.fisheries.noaa.gov/mediacenter/2016/december/14\\_mid-atlantic\\_coral\\_protection\\_area.html](https://www.greateratlantic.fisheries.noaa.gov/mediacenter/2016/december/14_mid-atlantic_coral_protection_area.html).
- <sup>10</sup> Boufadel, M.C., et al., “Simulation of the Landfall of the Deepwater Horizon Oil on the Shorelines of the Gulf of Mexico,” *Environmental Science & Technology* 48, no. 16 (2014): 9496–9505. <http://pubs.acs.org/doi/abs/10.1021/es5012862>. NRDA, *Final Programmatic Damage Assessment*, chapter 4, pp. 314, 396, 420.
- <sup>11</sup> NRDA, *Final Programmatic Damage Assessment*, chapter 5, p. 82.
- <sup>12</sup> McCrea-Strub, A., et al., “Potential impact of the Deepwater Horizon Oil Spill on Commercial Fisheries in the Gulf of Mexico,” *Fisheries* 36, no. 7 (2011): 332-336. <http://www.tandfonline.com/doi/abs/10.1080/03632415.2011.589334>. Sumaila, U.R., et al., “Impact of the Deepwater Horizon Well Blowout on the Economics of U.S. Gulf Fisheries,” *Canadian Journal of Fisheries and Aquatic Sciences* 69, no. 3 (2012): 499-510. <http://www.nrcresearchpress.com/doi/abs/10.1139/f2011-171#.WjQDP9-nFPY>.
- <sup>13</sup> Aguilar de Soto, N., et al., “Anthropogenic Noise Causes Body Malformations and Delays Development in Marine Larvae,” *Scientific Reports* 3 (October 2013), <http://www.nature.com/articles/srep02831>. Day, R.D., et al., “Assessing the Impact of Marine Seismic Surveys on Southeast Australian Scallop and Lobster Fisheries,” *FRDC Report 2012/008*, University of Tasmania, Hobart, 2016, <http://ecite.utas.edu.au/122358>. Fewtrell, J.L., and R.D. McCauley, “Impact of Air Gun Noise on the Behavior of Marine Fish and Squid,” *Marine Pollution Bulletin* 64, no. 5 (2012): 984-993, <http://www.sciencedirect.com/science/article/pii/S0025326X12000872>. McCauley, R., et al., “Widely Used Marine Seismic Survey Air Gun Operations Negatively Impact Zooplankton,” *Nature Ecology & Evolution* 1 (June 22, 2017): 1-8, <http://www.ecomarres.com/downloads/seismic.pdf>. McCauley, R.D., J. Fewtrell, and J. Popper, “High Intensity Anthropogenic Sound Damages Fish Ears,” *Journal of the Acoustical Society of America* 113, no. 1 (January 2003): 638-642, [http://www.reviewboard.ca/upload/project\\_document/1182875770\\_133.PDF](http://www.reviewboard.ca/upload/project_document/1182875770_133.PDF). Solé, M., et al., “Ultrastructural Damage of *Loligo vulgaris* and *Illex coindetii* Statocysts After Low Frequency Sound Exposure,” *PLoS ONE* 8, no. 10 (October 2013): 1–12, <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0078825>. Solé, M., et al., “Sensitivity to Sound of Cephalopod Hatchlings,” presentation at Oceanoise2017 Conference, Vilanova i la Geltrú, Barcelona, May 8-12, 2017, [http://oceanoise2017.com/wp-content/uploads/2017/05/OCEANOISE2017\\_AbstractBooklet\\_online.compressed.pdf](http://oceanoise2017.com/wp-content/uploads/2017/05/OCEANOISE2017_AbstractBooklet_online.compressed.pdf). Weilgart, L., “A Review of the Impacts of Seismic Airgun Surveys on Marine Life,” submitted to the Convention on Biological Diversity Expert Workshop on Underwater Noise and Its Impacts on Marine and Coastal Biodiversity, February 25-27, 2014, London, <https://www.cbd.int/doc/meetings/mar/mcbem-2014-01/other/mcbem-2014-01-submission-seismic-airgun-en.pdf>. Weilgart, L., “The Impacts of Anthropogenic Ocean Noise on Cetaceans and Implications for Management,” *Canadian Journal of Zoology* 85, no. 11 (2007): 1091-1116, <http://www.nrcresearchpress.com/doi/abs/10.1139/Z07-101#.WaBqVU3rumQ>.
- <sup>14</sup> See, for example, Castellote, M., et al., “Acoustic and behavioural changes by fin whales (*Balaenoptera physalus*) in response to shipping and airgun noise,” *Biological Conservation* 147 (2012): 115-122, <https://www.sciencedirect.com/science/article/pii/S0006320711004848>. Nieukirk, S.L., et al., “Sounds from airguns and fin whales recorded in the mid-Atlantic Ocean, 1999-2009,” *Journal of the Acoustical Society of America* 131 (2012): 1102-1112, <http://asa.scitation.org/doi/abs/10.1121/1.3672648>.
- <sup>15</sup> Statement from C. Clark, Cornell University, and 74 other marine scientists to the President of the United States (Mar. 5, 2015) (concerning the impacts of proposed seismic surveys on the mid-Atlantic and South Atlantic region).
- <sup>16</sup> NOAA Fisheries, “Marine Mammal Unusual Mortality Events,” <http://www.nmfs.noaa.gov/pr/health/mmume/events.html>. NOAA Fisheries, “NOAA declares deaths of minke whales on Atlantic coast an unusual mortality event,” NOAA press brief, <http://www.noaa.gov/media-advisory/noaa-declares-deaths-of-minke-whales-on-atlantic-coast-unusual-mortality-event>.
- <sup>17</sup> BOEM, *2017-2022 Outer Continental Shelf Oil and Gas Leasing Proposed Program*, 2016, Summary of the Proposed Program Decision, pp. 8-11, <https://www.boem.gov/2017-2022-Proposed-Program-Decision/>.
- <sup>18</sup> Oceana, “Grassroots Opposition to Offshore Drilling and Exploration in the Atlantic Ocean and Eastern Gulf of Mexico,” February 12, 2018, <http://usa.oceana.org/climate-and-energy/grassroots-opposition-offshore-drilling-and-exploration-atlantic-ocean-and>.