



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE  
ENVIRONMENTAL PROTECTION BUREAU

August 17, 2017

Mr. Kelly Hammerle  
National Program Manager  
Bureau of Ocean Energy Management  
Department of Interior  
45600 Woodland Road  
Mailstop VAM-LD  
Sterling, VA 20166

**Re: Request for Information and Comments on New National OCS Program for 2019-2024 [BOEM-2017-0050]**

Dear Mr. Hammerle:

On behalf of the Office of New York State Attorney General Eric T. Schneiderman, I submit these comments on the Request for Information and Comments on the Preparation of the 2019-2024 National Outer Continental Shelf (OCS) Leasing Program published by the Bureau of Ocean Energy Management (BOEM) on July 3, 2017. [82, FR 30886, July 3, 2017].

While we have many serious concerns about the economic, social, and environmental impacts from expanded oil and gas development on the OCS, our comments focus on the legal obligation of BOEM to address the potential climate change implications of such development in the preparation of any National OCS Leasing Program. These comments are intended to supplement any comments submitted by the Governor or Executive Agencies of the State of New York in response to this Request.

The National OCS Program for years 2017-2022 was finalized on January 17, 2017, and became effective in succeeding the 2012-2017 Program on July 1, 2017. BOEM is now soliciting information on the preparation of a new program for 2019-2024 consistent with President Trump's America-First Offshore Energy Strategy to, upon completion, replace the 2017-2022 Program. [E.O. 13794; 82 FR 20815, May 3, 2017.]

Pursuant to Section 18(a) of the Outer Continental Shelf Lands Act (OCSLA), the Department is required to manage the outer Continental Shelf “in a manner which considers economic, social and environmental values of renewable and nonrenewable resources” and “the potential impact of oil and gas exploration on...the marine, coastal and human environments.” Further, it requires the Secretary of the Interior to consider the “laws, goals and policies of affected States” in developing and conducting a National OCS Leasing Program, and to select “the timing and location of leasing, to the maximum extent practicable, so as to obtain a proper balance between environmental damage, the potential for the discovery of oil and gas, and the potential for adverse impact to the coastal zone.” The Request states that the Department will provide “a cost-benefit analysis, as appropriate, to supplement qualitative consideration of these factors.”

The Office of the New York State Attorney General believes that these OCSLA requirements dictate that BOEM’s preparation of any new National OCS Leasing Program must – as the current 2017-2022 Program did – include a full consideration of whether expanded oil and gas leasing on the OCS would interfere with the United States’ ability to mitigate the substantial adverse societal impacts of climate change.

As you may be aware, the Third National Climate Assessment (2014) identified that the majority of global warming that has occurred over the past 50 years can only be explained by the effects of human activities, especially emissions from the burning of fossil fuels (coal, oil and natural gas), and from deforestation. The burning of fossil fuels causes emissions of heat-trapping “greenhouse gases,” such as carbon dioxide and methane, that are affecting our climate. Carbon dioxide emissions from human activities also cause ocean acidification, which harms ecosystems and marine biodiversity, in turn impacting food security and the economy.<sup>1</sup>

New York is already experiencing adverse effects from climate change. Our rate of sea level rise is much higher than the national average and could result in up to 6 feet of additional rise by 2100 if greenhouse gas emissions are not abated. The approximately 12 inches of sea level rise New York City has already experienced since 1900 may have expanded Hurricane Sandy’s flood area by about 25 square miles, flooding the homes of an additional 80,000 people in New York and New Jersey alone.<sup>2</sup> A recent analysis of the frequency and intensity of damaging extreme rainfall events in New York found such events are increasing, consistent with scientists’ predictions.<sup>3</sup> Additional anticipated harms in New York include increased ozone

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<sup>1</sup> International Geosphere-Biosphere Programme et al., *Ocean Acidification Summary for Policymakers*, Third Symposium on the Ocean in a High-CO<sub>2</sub> World (2013), available at <http://www.igbp.net/publications/summariesforpolicymakers/summariesforpolicymakers/oceanacidificationsummaryforpolicymakers2013.5.30566fc6142425d6c9111f4.html>.

<sup>2</sup> New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms. Ann. N.Y. Acad. Sci. ISSN 0077-8923, available at <http://onlinelibrary.wiley.com/doi/10.1111/nyas.12593/full>

<sup>3</sup> *Current & Future Trends in Extreme Rainfall Across New York State, A Report from the Environmental Protection Bureau of New York State Attorney General Eric T. Schneiderman*

pollution in the New York City area, resulting in worsening asthma rates, and the loss of cold water fisheries like native brook trout in the Adirondack Park.

Both the National Climate Assessment and Intergovernmental Panel on Climate Change conclude that the magnitude of additional global warming will depend primarily on the amount of additional greenhouse gases emitted into the atmosphere.<sup>4,5</sup> The continued emissions of greenhouse gases, primarily carbon dioxide, will lock in further warming for future generations and long-lasting changes in the climate system, increasing the likelihood of severe, pervasive and irreversible impacts to people and ecosystems. However, substantial and sustained reductions in greenhouse gas emissions, together with adaptation, can limit climate change risks.

In light of these scientific findings, climate change's substantial and increasing societal impacts in New York, and the requirements of the OCSLA, we believe that the Secretary must fully identify, evaluate, and address whether the societal costs of leasing and developing additional, publicly-owned oil and gas resources on the outer Continental Shelf is in the public interest.

As you are likely aware, BOEM prepared a Programmatic Environmental Impact Statement for the 2017-2022 National OCS Leasing Program that analyzed the Potential Lifecycle Greenhouse Gas Emissions using the Social Cost of Carbon associated with its proposal and alternatives to its proposal, including a "no-action" alternative. At a minimum, BOEM should perform an equivalent analysis on any new OCS leasing proposal developed in this proceeding. Such an analysis should quantify any projected monetary benefits that might accrue to the public from expanded OCS oil and gas leasing and development, and compare those benefits against the societal costs from the associated emissions of heat-trapping gases.

In addition, BOEM should consider in its environmental review whether any expanded oil and gas leasing on the OCS would interfere with, or alternatively, could complement the development of offshore Carbon Capture and Storage (CCS). A 2012 BOEM study identified several geologic storage sites on the OCS suitable for the long-term sequestration of vast

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(Sept. 2014) (based on data from the 2014 National Climate Assessment and the National Oceanographic and Atmospheric Administration's Northeast Regional Climate Center), *available at* [http://www.ag.ny.gov/pdfs/Extreme\\_Precipitation\\_Report%209%202%2014.pdf](http://www.ag.ny.gov/pdfs/Extreme_Precipitation_Report%209%202%2014.pdf).

<sup>4</sup> Walsh, J., D. Wuebbles, K. Hayhoe, J. Kossin, K. Kunkel, G. Stephens, P. Thorne, R. Vose, M. Wehner, J. Willis, D. Anderson, S. Doney, R. Feely, P. Hennon, V. Kharin, T. Knutson, F. Landerer, T. Lenton, J. Kennedy, and R. Somerville, 2014: Ch. 2: Our Changing Climate. *Climate Change Impacts in the United States: The Third National Climate Assessment*, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 19-67. doi:10.7930/J0KW5CXT.

<sup>5</sup> Intergovernmental Panel on Climate Change (IPCC), *Fifth Assessment Synthesis Report* (Nov. 2014), *available at* [http://www.ipcc.ch/pdf/assessment-report/ar5/syr/SYR\\_AR5\\_SPM.pdf](http://www.ipcc.ch/pdf/assessment-report/ar5/syr/SYR_AR5_SPM.pdf).

amounts of carbon dioxide.<sup>6</sup> Many of these OCS geologic storage sites are co-located in the vicinity of heavily populated coastal areas with high power demands, could be economically developed in conjunction with Enhanced Oil Recovery, and given their public ownership status, may be easier to site, permit, finance and operate than some onshore carbon geologic storage sites. BOEM found that developing these geologic storage sites on the outer Continental Shelf could have an undiscounted cumulative net benefit to the U.S. economy of \$16.9 billion between 2015 and 2050.

It is foreseeable that federal and state policies related to climate change may encourage development of CCS as one of several carbon mitigation strategies. In its 2012 study, BOEM articulated its authority to grant property rights and collect revenues on the OCS for the purpose of developing geologic sites for CCS, as such sites would assist to mitigate carbon emissions from U.S. fossil energy resources. BOEM should consider in its environmental review the cumulative benefits and costs of requiring that any carbon dioxide liberated from OCS oil and gas resources leased under this proceeding be sequestered.

Thank you for the opportunity to provide comment on the matter of importance to the people of New York.

Sincerely,



Lemuel Srolovic  
Chief, Environmental Protection Bureau

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<sup>6</sup> Vidas, H., B. Hugman, A. Chikkatur, B. Venkatesh. 2012. Analysis of the Costs and Benefits of CO2 Sequestration on the U.S. Outer Continental Shelf. U.S. Department of the Interior, Bureau of Ocean Energy Management. Herndon, Virginia. OCS Study BOEM 2012- 100.