



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Mark R. Herring  
Attorney General

202 North Ninth Street  
Richmond, Virginia 23219  
804-786-2071  
Fax 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

March 8, 2018

Ms. Kelly Hammerle  
Chief, National Oil and Gas Leasing Program Development and Coordination Branch  
Leasing Division, Office of Strategic Resources  
Bureau of Ocean Energy Management (VAM-LD)  
45600 Woodland Road  
Mailstop VAM-LD  
Sterling, Virginia 20166-9216

RE: Comments on Scoping the Programmatic EIS for the 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Program  
[BOEM-2017-0074; MMAA104000] (83 Fed. Reg. 829 (Jan. 8, 2018))

Dear Ms. Hammerle:

In addition to the comments from numerous Attorneys General in which I have joined, I write to provide further comment on the draft proposed 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Program and the specific risks the plan poses to the Commonwealth of Virginia.

I will begin by reiterating my opposition to any opening of the Atlantic Outer Continental Shelf ("OCS") for gas and oil development. Virginia Governor Ralph Northam similarly opposes opening the OCS for drilling, and has shared his concerns and opposition directly with Secretary of the Interior Ryan Zinke.

The draft proposed 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Program ("Program") creates the potential for significant and long-lasting damage to Virginia's economy and environment. It seems that the entire East Coast understands this. As of this past January, 144 East Coast municipalities, including the Cities of Virginia Beach and Norfolk, and more than 1,200 local, state and federal elected officials including the Governors of New Jersey, Delaware, Maryland, Virginia, and North Carolina, have formally opposed offshore drilling.<sup>1</sup>

---

<sup>1</sup> *Grassroots Opposition to Offshore Drilling and Exploration in the Atlantic Ocean and Eastern Gulf of Mexico*, OCEANA, <http://usa.oceana.org/climate-and-energy/grassroots-opposition-offshore-drilling-and-exploration-atlantic-ocean-and->

Numerous fishing and tourism interests, including local chambers of commerce, tourism and restaurant associations, and an alliance representing more than 41,000 businesses and 500,000 fishing families from Florida to Maine also oppose oil exploration and development in the Atlantic.<sup>2</sup>

In response to objections from the Governor of Florida, Sec. Zinke purported to exempt his state from the Plan because “Florida is unique and its coasts are heavily reliant on tourism as an economic driver.” For the reasons below, I believe Virginia meets and exceeds the standard cited by Sec. Zinke, given our economy’s heavy reliance on tourism and commercial fishing, and the indispensable national security role of Virginia-based military installations.

The Chesapeake Bay and Virginia’s coastal environment are bedrocks of much of our economy and the lifeblood of many Virginians. The Chesapeake Bay, in particular, is an unparalleled economic, environmental, and intrinsic asset for our Commonwealth and our country.

Virginia saltwater commercial fishing adds more than \$145,000,000 annually to our economy, including \$56.6 million from shellfish aquaculture,<sup>3</sup> \$40,862,498 from Blue Crab,<sup>4</sup> \$30,732,390 from Eastern oysters,<sup>5</sup> and \$25,855,861 from Atlantic Menhaden.<sup>6</sup> Tourism provides the City of Virginia Beach \$1.4 billion in annual revenue, which generates \$55 million in tax revenue and provides 13,000 jobs.<sup>7</sup> According to a 2012 report issued by the Virginia Institute of Marine Science, Virginia is home to more than 200,000 recreational boats, providing a gateway to marine recreation in Chesapeake Bay and offshore waters,<sup>8</sup> which generates \$1.1 billion in total expenditures.<sup>9</sup>

Simply put, we cannot afford to expose the Bay and our coastal communities to the significant risk of environmental contamination and degradation associated with offshore drilling.

---

<sup>2</sup> *Id.*

<sup>3</sup> KAREN HUDSON, VIRGINIA SHELLFISH AQUACULTURE SITUATION AND OUTLOOK REPORT: RESULTS OF THE 2016 VIRGINIA SHELLFISH AQUACULTURE CROP REPORTING SURVEY at 3 (2017); *see id. generally* (providing an overview of Virginia’s shellfish aquaculture).

<sup>4</sup> *See NMFS Landings Query*, NOAA, <https://www.st.nmfs.noaa.gov/commercial-fisheries/commercial-landings/annual-landings/index> (enter “Crab” in “Species,” select “2016” for “Year Range,” select “Virginia” for “Geographical Area State/Area” and submit).

<sup>5</sup> *See NMFS Landings Query*, NOAA, <https://www.st.nmfs.noaa.gov/commercial-fisheries/commercial-landings/annual-landings/index> (enter “Oyster” in “Species,” select “2016” for “Year Range,” select “Virginia” for “Geographical Area State/Area” and submit).

<sup>6</sup> *See NMFS Landings Query*, NOAA, <https://www.st.nmfs.noaa.gov/commercial-fisheries/commercial-landings/annual-landings/index> (enter “Menhaden” in “Species,” select “2016” for “Year Range,” select “Virginia” for “Geographical Area State/Area” and submit).

<sup>7</sup> CITY OF VIRGINIA BEACH, ITEM: A RESOLUTION REITERATING OPPOSITION TO OFFSHORE OIL AND GAS EXPLORATION AND SEEKING THE SAME EXEMPTION PROVIDED TO THE STATE OF FLORIDA (2018).

<sup>8</sup> THOMAS J. MURRAY, ASSESSMENT OF THE ECONOMIC IMPACTS OF RECREATIONAL BOATING IN VIRGINIA 1 (Dec. 2012).

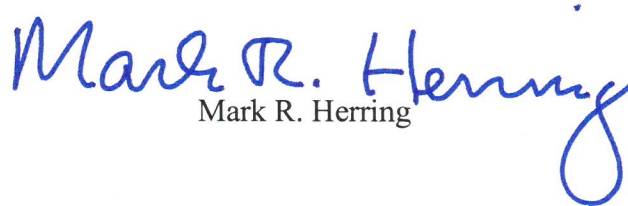
<sup>9</sup> *Id.* at 2.

Additionally, Virginia's coastal communities are home to significant military assets and installations, including Naval Station Norfolk, the world's largest naval base, as well as thousands of servicemembers and their families. These assets are a vital part of our national security and our Commonwealth's economy. I have serious concerns about how the Program could jeopardize military training and operations, including at Naval Station Norfolk, Naval Air Station Norfolk, Naval Air Station Oceana, Naval Amphibious Base Little Creek, Dam Neck Fleet Training Center, and Joint Base Langley-Eustis.

The essence of my concerns is simple: history demonstrates that the consequences of a failure could be significant, severe, and long-lasting.

The potential risks are too great and the potential benefits too small to continue with the development of this Program. I, again, urge BOEM to withdraw from consideration the Atlantic OCS from the 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Program, as this is the only responsible option.

Sincerely,

  
Mark R. Herring