

**DEPARTMENT OF THE INTERIOR****Minerals Management Service****Geological and Geophysical Exploration (G&G) on the Mid- and South Atlantic Outer Continental Shelf (OCS)**

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Reopening of Comment Period and Notice of Public Scoping Meetings for the Programmatic Environmental Impact Statement (PEIS) for Future Industry G&G Activity on the Mid- and South Atlantic OCS.

**SUMMARY:** Pursuant to the regulations implementing the procedural provisions of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.* (1988)) (NEPA), MMS will reopen the comment period for a period of 45 days from the date of this **Federal Register** notice. Public scoping meetings will be held during this 45-day period to solicit information that will be used to prepare a PEIS to evaluate potential environmental effects of multiple G&G activities on the Atlantic OCS. These activities are associated with Atlantic OCS siting for renewable energy

projects, oil and gas exploration, and marine minerals extraction; these activities could take place over a period of several years. The purpose of the scoping meetings will be to receive comments on the scope of the PEIS, identify significant resources and issues to be analyzed in the PEIS, and identify possible alternatives to the proposed action.

**DATES:** Comments should be submitted no later than May 17, 2010. The MMS estimates completion of the PEIS by mid-2012.

**ADDRESSES:** Comments may be submitted in one of the following two ways:

- In written form enclosed in an envelope labeled "Comments on the PEIS Scope" and mailed (or hand carried) to the Regional Supervisor, Leasing and Environment (MS 5410), Minerals Management Service, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394; or

- Electronically to the MMS e-mail address: [GGEIS@mms.gov](mailto:GGEIS@mms.gov).

For further information regarding the Atlantic OCS G&G PEIS, please visit our Web site at <http://www.gomr.mms.gov/homepg/offshore/atlocs/gandg.html>.

**FOR FURTHER INFORMATION CONTACT:** For information on the public scoping meetings, the submission of comments, or MMS's policies associated with this notice, please contact Mr. Gary Goeke, Section Chief, Environmental Assessment Section, Leasing and Environment (MS 5410), Minerals Management Service, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394, telephone (504) 736-3233.

**SUPPLEMENTARY INFORMATION:** An initial comment period was commenced by the Notice of Intent (NOI) to prepare the PEIS, which was published in the **Federal Register** on January 21, 2009, (74 FR 3636). The comment period on the earlier NOI closed on March 23, 2009. MMS did not move forward on the PEIS at that time. Comments made during this 2009 scoping period will still be considered and need not be resubmitted.

The Atlantic OCS area that will be analyzed within the Mid- and South Atlantic G&G PEIS is illustrated in Figure 1 as the Mid-Atlantic Planning Area and the South Atlantic Planning Area.

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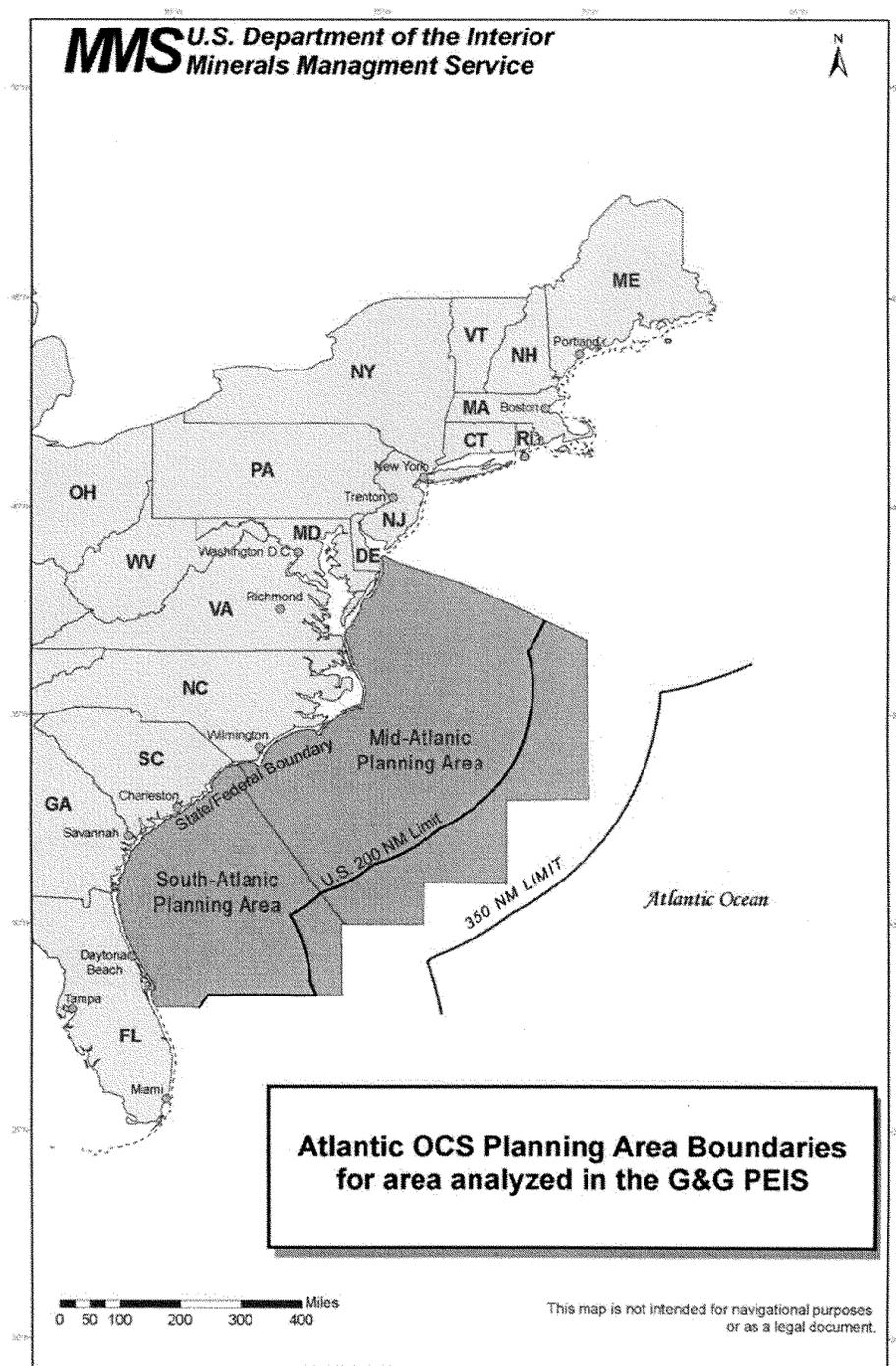


Figure 1. Atlantic OCS Planning Area Boundaries for area analyzed in the G&G PEIS.

Statements, both oral and written, will be received at the venues listed below. All persons wishing to speak will have an opportunity to do so. Time limits may be set on speakers to allow time for all speakers to participate.

The following public scoping meetings are planned for the PEIS:

- *April 20, 2010*—Marriott Houston Intercontinental Hotel, George Bush Intercontinental Airport, 18700 John F. Kennedy Boulevard, Houston, Texas 77032; one meeting beginning at 1 p.m. CST;
- *April 21, 2010*—Jacksonville Marriott, 4760 Salisbury Road, Jacksonville, Florida 32256; two meetings, the first beginning at 1 p.m. EST and the second beginning at 7 p.m. EST;
- *April 23, 2010*—Coastal Georgia Center, 305 Fahm Street, Savannah, Georgia 31401; two meetings, the first beginning at 1 p.m. EST and the second beginning at 7 p.m. EST;
- *April 27, 2010*—Sheraton Newark Airport Hotel, 128 Frontage Road, Newark, New Jersey 07114; two meetings, the first beginning at 1 p.m. EST and the second beginning at 7 p.m. EST;
- *April 27, 2010*—Embassy Suites North Charleston, 5055 International Boulevard, North Charleston, South Carolina 29418; two meetings, the first beginning at 1 p.m. EST and the second beginning at 7 p.m. EST;
- *April 29, 2010*—Hilton Wilmington Riverside, 301 North Water Street, Wilmington, North Carolina 28401; two meetings, the first beginning at 1 p.m. EST and the second beginning at 7 p.m. EST; and
- *April 29, 2010*—Hilton Norfolk Airport, 1500 N. Military Highway, Norfolk, Virginia 23502; two meetings, the first beginning at 1 p.m. EST and the second beginning at 7 p.m. EST.

Through the scoping process, Federal, State, and local government agencies and other interested parties have the opportunity to help MMS determine the significant resources, issues, and alternatives for analysis in the PEIS. Comments received in response to this notice and at the public scoping meetings will assist MMS in developing the content and scope of the PEIS. This early planning and consultation step is important to ensure that all interests and concerns are communicated to MMS as it develops this PEIS and ultimately for future decisions regarding G&G operations under MMS regulatory authority. It is envisioned that this PEIS would cover G&G activity for renewable energy projects, minerals extraction, and oil and gas activities for any Atlantic OCS applications within the area

analyzed within the PEIS that are received within the foreseeable future. Possible alternatives for analysis may represent a range of levels of activities from unrestricted to no seismic and could address the following, although this list is not exhaustive:

#### Levels of Activity

Number, scale/size, location, and duration of seismic activities;

Number, scale/size, location, and duration of associated support activities (vessel, aircraft, shore); and

The degree to which those activities can overlap in space and time.

#### Mitigation

Exclusion zones based on received levels of sounds;

Exclusion zones based on presence of specific biological factors in combination with received levels of sound; and

Limitations on certain combinations of activities in specific temporal/spatial circumstances. The MMS invites other Federal agencies and State, Tribal, and local governments to consider becoming cooperating agencies in the preparation of the PEIS. Following the guidelines from the Council on Environmental Quality (CEQ), qualified agencies and governments are those with “jurisdiction by law or special expertise.” Potential cooperating agencies should consider their authority and capacity to assume the responsibilities of a cooperating agency and note that an agency’s role in the environmental analysis neither enlarges nor diminishes the final decisionmaking authority of any other agency involved in the NEPA process. Upon request, MMS will provide potential cooperating agencies with a written summary of ground rules for cooperating agencies, including time schedules and critical action dates, milestones, responsibilities, scope and detail of cooperating agencies’ contributions, and the availability of pre-decisional information. The MMS anticipates this summary will form the basis for a Memorandum of Agreement between MMS and each cooperating agency. Agencies should also consider the “Factors for Determining Cooperating Agency Status” in Attachment 1 to CEQ’s January 30, 2002, Memorandum for the Heads of Federal Agencies: Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act. A copy of this document is available at <http://ceq.hss.doe.gov/nepa/regs/cooperating/cooperatingagenciesmemorandum.html> and [\[cooperating/cooperatingagencyememofactors.html\]\(http://ceq.hss.doe.gov/nepa/regs/cooperating/cooperatingagencyememofactors.html\).](http://ceq.hss.doe.gov/nepa/regs/</a></p>
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The MMS, as the lead agency, will not provide financial assistance to cooperating agencies. Even if an organization is not an official cooperating agency, opportunities exist to provide information and comments to MMS during the normal public input phases of the NEPA/PEIS process. If further information about cooperating agencies is needed, please contact Mr. Gary Goeke at (504) 736-3233.

**Authority:** The MMS has the authority under the Outer Continental Shelf Lands Act (OCSLA, as amended; 43 U.S.C. 1331-1356, (2007)) and its implementing regulations at 30 CFR 251 to issue prelease permits for the collection of G&G data. These regulations discuss the types of G&G activities that require a permit, the instructions for filing a permit, and the obligations and rights under a permit. This notice is published pursuant to the regulations (40 CFR 1501.7) implementing the provisions of NEPA.

**Background:** Scoping is the initial step in the NEPA process. The MMS plans to fully comply with all pertinent laws, rules, and regulations and will allow the public an adequate opportunity to participate in the NEPA process, including scoping meetings and public comment periods.

The PEIS will evaluate environmental impacts of G&G activities in the area analyzed by the PEIS on the Mid- and South Atlantic OCS subject to MMS regulatory authority that may be proposed over several years. MMS has decided at this time not to move forward with scoping and a PEIS for the Northern Atlantic and Straits of Florida planning areas. In addition, the PEIS would serve as a reference document to implement the “tiering” objective detailed in NEPA’s implementing regulations (40 CFR 1502.20), allowing that future site-specific environmental assessments (SEA’s) may reference appropriate sections of this PEIS to reduce reiteration of issues and effects, allowing analyses to focus on specific issues and effects related to a particular G&G activity. The proposed G&G activities include, but are not limited to, seismic surveys, sidescan-sonar surveys, electromagnetic surveys, geological and geochemical sampling, and remote sensing. These activities could support siting needs for renewable energy projects, oil and gas operations, and research for sand deposits. The MMS, to date, has received approximately 11 proposed applications for various types of G&G activity on the Atlantic OCS. Information on the details of these proposals and their scope can be found at <http://www.gomr.mms.gov/homepg/offshore/atlocs/gandg.html>. The PEIS

will be completed prior to authorizing any new, large-scale G&G activities on the Atlantic OCS. In the interim, MMS may still consider small-scale, limited permit requests, but only if a NEPA environmental assessment is conducted and finds there is no potential for significant impacts from that specific proposed activity or that the cumulative nature of a collection of smaller, limited surveys would not result in significant impacts under NEPA.

More information on G&G activities can be found on pages 13–15 of MMS's *Leasing Oil and Natural Gas Resources: Outer Continental Shelf* (see <http://www.mms.gov/ld/PDFs/GreenBook-LeasingDocument.pdf>) and MMS's *Geological and Geophysical Exploration for Mineral Resources on the Gulf of Mexico Outer Continental Shelf: Final Programmatic Environmental Assessment* (see <http://www.gomr.mms.gov/PDFs/2004/2004-054.pdf>).

**Comments:** In lieu of participation in the scoping meetings listed above, all interested parties, including Federal, State, and local government agencies and the general public, may submit written comments on the scope of the PEIS, significant issues that should be addressed, alternatives that should be considered, and the types of G&G activities and geographical areas of interest on the Mid- and South Atlantic OCS. Comments made during the initial 2009 scoping period will still be considered and need not be resubmitted.

Dated: March 30, 2010.

**S. Elizabeth Birnbaum,**

*Director, Minerals Management Service.*

[FR Doc. 2010-7581 Filed 4-1-10; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### Preliminary Revised 5-Year Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 2007–2012

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of availability and request for comments.

**SUMMARY:** The Minerals Management Service (MMS) requests comments on the Preliminary Revised 5-Year OCS Oil and Gas Leasing Program for 2007–2012. This is the Preliminary Revised Program (PRP), required by the order of the U.S. Court of Appeals for the District of Columbia in *Center for Biological Diversity v. U.S. Dept. of Interior*, DC

Cir. No. 07–1247, 07–1344, for lease sales covering the 2007–2012 time frame.

**DATES:** Please submit comments and information to the MMS no later than May 3, 2010.

#### Public Comment Procedure

The MMS will accept comments in one of three formats: By our Internet commenting system, e-mail, or regular mail. Please submit your comments using only one of these formats, and include full names and addresses. Comments submitted by other means may not be considered. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. See further information about commenting below.

The MMS encourages commenters to focus on the expanded relative environmental sensitivity analysis and the Secretary's revisions to the leasing schedule that reflect his balancing of the potential for discovery of petroleum with the potential for harm to the environment or coastal zone. The balance of the PRP document consists of analyses that were already subject to public comment prior to July 2007.

**ADDRESSES:** You may submit comments on the PRP by any of the following methods.

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. In the entry titled "Enter Keyword or ID," enter docket ID MMS-2009-OMM-0016 then click search. Under the tab "View By Docket Folder", you can submit public comments and view supporting and related materials available for this Notice. The MMS will post all comments.

- *E-mail:* [PRPcomments@mms.gov](mailto:PRPcomments@mms.gov).
- Mail or hand-carry comments on the PRP to the Department of the Interior; Attention: Leasing Division (LD); 381 Elden Street, MS-4010; Herndon, Virginia 20170-4817. Please reference "Remand of the 2007–2012 OCS Oil and Gas Leasing Program" in your comments and include your name and address.

**FOR FURTHER INFORMATION CONTACT:** Renee Orr, 5-Year Program Manager, at (703) 787-1215.

**SUPPLEMENTARY INFORMATION:** On June 29, 2007, the previous Secretary

approved the Proposed Final OCS Oil and Gas Leasing Program for 2007–2012 (PFP) that became effective on July 1, 2007.

On July 2, 2007, the Center for Biological Diversity filed suit against the Department of the Interior (DOI) alleging agency failures under various laws in relation to the OCS 2007–2012 leasing program. On August 28, 2007, the Native Village of Point Hope, Alaska Wilderness League, and Pacific Environment filed a similar suit. The cases were consolidated.

On April 17, 2009, the U.S. Court of Appeals for the District of Columbia Circuit vacated and remanded DOI's OCS 2007–2012 leasing program. The Court found that DOI's determination of when and where to offer areas for leasing of oil and gas resources was based on a flawed analysis that failed to assess fully the relative environmental sensitivity and marine productivity of the OCS because it looked only at the effects of spills on the shoreline. The Court specified that on remand the Secretary must first conduct a more complete comparative analysis of the environmental sensitivity of different areas of the OCS, as required under section 18(a)(2)(g) of the OCSLA, and must at least attempt to identify those areas most and least sensitive to OCS activity. The Court directed the Secretary to rebalance the program under the factors set forth in section 18(a)(3) of the OCSLA once this new analysis is complete.

Pursuant to the Government's petition for amendment and/or clarification of the Court's order, on July 28, 2009, the Court issued an order staying its mandate until DOI completed its analysis and rebalancing under the OCSLA. The Court also clarified that the relief granted in its April 17th decision applied only to the Beaufort, Chukchi, and Bering Seas off Alaska. The Bering Sea includes the North Aleutian Basin OCS Planning Area, the only planning area in the Bering Sea with lease sales scheduled in the 2007–2012 PFP.

At the direction of the Secretary, MMS re-analyzed all 26 OCS planning areas to better determine the relative environmental sensitivity of several ecological components to multiple impacts of offshore oil and gas development. The original environmental sensitivity analysis relied on only two studies conducted by Continental Shelf Associates in 1990 and 1991, and one dataset, the National Oceanic and Atmospheric Administration's Environmental Sensitivity Index (ESI) (<http://response.restoration.noaa.gov>). The expanded analysis continues to rely on