Congress of the United States
Washington, DC 20515

March 31, 2016

Mr. Brian Salerno
Director
Bureau of Safety and Environmental Enforcement
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Ms. Abigail Ross Hopper
Director
Bureau of Ocean Energy Management
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Director Salerno and Director Hopper:

We write to express our serious concerns regarding the conclusions reached in the Draft Programmatic Environmental Assessment of the Use of Well Stimulation Treatments on the Southern California Outer Continental Shelf released in February 2016 in support of the proposal to resume the use of well stimulation techniques, including hydraulic fracturing and acid well stimulation. Given the inconclusive results presented in this draft and the incomplete consideration of these practices in a broader context, in particular those regarding the potential impact of these practices on marine life and whether there is an underlying need to extend the life of these aging platforms and wells, we believe it would be prudent to follow up on this initial programmatic environmental assessment with a complete Environmental Impact Statement and Record of Decision as outlined in the January 2016 settlement between the Bureau of Safety and Environmental Enforcement (BSEE) and the Bureau of Ocean Energy Management (BOEM) and the Environmental Defense Center.

We appreciate that BSEE and BOEM agreed to the settlement with the Environmental Defense Center in January 2016. Specifically, we were pleased to see that the settlement included a provision to withhold approval of future Applications for Permits to Drill or Applications for Permits to Modify wells utilizing well stimulation techniques, including fracking and acid well stimulation, in the Pacific Outer Continental Shelf, including off the coast of California, pending the finalization of an examination into the potential environmental implications of these practices. It is clear to us that we must gain a much better understanding of the potential impacts of these activities on our marine environments and coastal systems, and the implications for broader public health, before the resumption of well stimulation activities should even be considered.

While the Draft Environmental Assessment released by BSEE and BOEM in February 2016 is a useful start to examining the potential implications of these activities, it is in no way a complete analysis of the potential risks posed by these activities. The assessment as a whole provides insufficient evidence to support the finding that well stimulation poses negligible risks in offshore waters or the proposal to resume permitting wells using these techniques. Instead, a full

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investigation of the potential implications of these techniques is needed in the form of an Environmental Impact Statement (EIS) as suggested in the January 2016 settlement.

Of particular concern are the several instances in the Draft Environmental Assessment that cite a lack of evidence or understanding of the potential impacts of fracking and the associated chemicals and the inconclusive understanding of the full implications of stimulation techniques. For example, the assessment highlights that "Due, in part, to the lack of toxicity data for many constituents of WST [well stimulation treatment] fluids, potential effects on marine life within the mixing zone are not fully understood" (pg. 4-30). Similarly, the assessment cites a study that concluded there were "critical data gaps in the analysis of potential impacts of offshore discharges of WST waste fluids to sensitive marine species" (pg. 4-35). However, these wells would be located in the heart of an environmentally sensitive area, including the Santa Barbara Channel. Given the abundance of marine life, including many endangered and threatened species such as the blue whale, that reside in or travel through the same area as these wells, this lack of knowledge is particularly concerning and certainly cannot be overlooked when making a final determination as to the safety of these practices.

Furthermore, while the lack of concrete science underpinning the conclusions reached regarding the potential for these activities to impact marine environments deserves further examination, the draft environmental assessment also does not sufficiently question the underlying need for these platforms or to extend the life of these wells. Both the Obama Administration and the State of California have taken significant steps to reduce our country's emission of greenhouse gasses in an attempt to mitigate the impacts of climate change. A significant component of this effort has been to adopt and encourage green alternatives to existing fuel sources. However, as the assessment states in the opening of the Executive Summary, "Use of some WSTs may allow lessees to recover hydrocarbon resources (i.e., oil) that would otherwise not be recovered from the reservoirs in the lease areas that have been and continue to be accessed by existing wells as well as any new wells in the foreseeable future" (pg. ES-1). At a time when our nation is focused on moving beyond these traditional dirty sources of energy, we question whether we should support efforts that counteract this progress by permitting potentially risky activities simply to extend the life and production of these wells.

The residents of our districts along the coast of California have a deep understanding of the potential dangers of offshore drilling and the transport of crude oil. This understanding is born out of first-hand experience, including the failure of an offshore oil platform in 1969 near the coast of Santa Barbara, which caused one of the worst oil spills in American history. Seven other significant oil spills have occurred throughout California's history, including two transportation-related spills in San Francisco Bay and the Refugio oil spill resulting from the failure of the Plains Pipeline near Santa Barbara that occurred last May. For obvious reasons, our constituents have a weariness of these activities and an investment in ensuring the safety of the coastal region and offshore waters, both for environmental and public health reasons. We know that many of our constituents and other concerned stakeholders have submitted comments regarding the draft Environmental Assessment and its conclusions, and we urge both BSEE and BOEM to give full and fair consideration to these comments before finalizing any decisions.

Given the unknowns associated with both the direct impacts of well stimulation techniques on the environment and the potential for these practices to undercut our nation's efforts to address

climate change, the Draft Environmental Assessment is an inadequate mechanism to make these very important decisions. A thorough assessment must be used to prove the safety of these activities before any consideration is made to resume them.

Thank you for beginning this vitally important conversation and examination into the risks associated with offshore well stimulation techniques. We look forward to continuing to work with both BSEE and BOEM to ensure that decisions are made to prioritize the health and safety of coastal and marine environments, the wildlife that reside in them, and our public health. This settlement has provided an opportunity to review this controversial practice, and we strongly encourage both BSEE and BOEM to take full advantage of this occasion.

Sincerely,

LOIS CAPPS
Member of Congress
California 24th District

SAM FARR
Member of Congress
California 20th District

JARED HUFFMAN
Member of Congress
California 2nd District