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Reserves (FE–47)
U.S. Department of Energy
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Re: Draft Environmental Impact Statement: Site Selection for the Expansion of the Strategic Petroleum Reserve, DOE/EIS-0385

Dear Mr. Silwasky,

The Gulf Restoration Network (GRN) is a diverse coalition of groups and individuals committed to uniting and empowering people to protect and restore the resources of the Gulf Region. The GRN has reviewed the United States Department of Energy's (DOE) draft environmental impact statement (DEIS) assessing a proposed capacity expansion at three of the four existing Strategic Petroleum Reserve (SPR) storage sites and the development of a new storage site at Clovelly, LA; Chacahoula, LA; Richton, MS; Mississippi; Bruinsburg, MS; and/or Stratton Ridge, TX. The GRN has the following concerns and comments:

SCOPE OF REVIEW

The GRN believes that the Draft Programmatic Environmental Impact Statement (DEIS) does not meet the requirements of the National Environmental Policy Act (NEPA). We recognize that Congress, in section 303 of the Energy Policy Act of 2005, required that

> not later than 1 year after the date of enactment of this Act, the Secretary shall complete a proceeding to select, from sites that the Secretary has previously studied, sites necessary to enable the acquisition by the Secretary of the full authorized volume of the Strategic Petroleum Reserve.

Nonetheless, the GRN would argue that circumstances surrounding the DOE's decision have changed substantially, particularly in light of the 2005 hurricane season and the prediction of increasing hurricane severity in the Gulf of Mexico over the next ten years. Although the DEIS

notes that its existing facilities and the proposed sites survived the storm, existing storm barriers (wetlands, barrier islands, etc) in Louisiana, Mississippi, and Texas are being lost, putting coastal facilities at greater risk. It is not, therefore, in the national interest to expand the SPR in the coastal areas of the Gulf states. Instead, the DOE should request that Congress revisit the provisions of the Act to allow consideration of sites outside the coastal area of the Gulf that were not previously considered.

BRINE DUMPING IN THE GULF UNACCEPTABLE

The DOE must fully analyze the potential impacts of, and where possible, avoid alternatives that would require disposal of brine in the Gulf of Mexico. Depending on the season, a salinity change of 4.23 may or may not be a "normal' variability as claimed by the DOE. In either case, during the summer, discharge near the bottom can contribute to low oxygen, which in turn, can affect finfish and other marine species.

The DOE has already identified alternatives to ocean dumping at some sites. For example, expansion of the Bayou Choctaw and West Hackberry sites would involve disposal of the brine in underground injection wells (DEIS at pp. 2-10, 2-11). Similarly, construction of a storage site at Clovelly and/or Bruinsburg would involve disposal of brine via underground injection. Accordingly, it is clear that discharge of brine to the Gulf is not the only disposal option. Yet, despite the potential for harmful impacts to marine species, the DEIS does not consider alternative disposal scenarios for brine at the other sites. The final EIS must fully analyze alternatives to disposal of brine in the Gulf of Mexico at other sites, and if no other alternative exists, should eliminate those sites from consideration.

PREFERRED ALTERNATIVE MUST BE LEAST ENVIRONMENTALLY DESTRUCTIVE ALTERNATIVE

The goal of the Energy Act of 2005 is to expand the SPR to 273 MMB. The final EIS should develop as their preferred alternative one that includes those site decisions that would lead to the least environmentally destructive options.

It is evident from review of the DEIS that expansion of existing SPR sites would require minimal additional infrastructure and minimal impact, over and above that associated with initial construction, on environmental resources. Expansion of these sites could account for 153 MMB of the 273 MMB target (DEIS at p. S-3). Expansion of existing sites, should therefore, be part of the preferred alternative.

With regard to the remaining120 MMB short fall, the question then becomes identification of new sites which would be the least environmentally damaging.[1] Although the 6 sites considered

[1] Although the mathematically the shortfall would be 120 MMB, DOE asserts that 160 MMB is needed to provide capability to store two types of crude oil and support a drawdown rate of 1 million barrels per day. (DEIS at p. S-3). It is unclear from the DEIS why this is necessary, or why 160 MMB was not included in setting the target (i.e. a target of 313 MMB would include the 160 MMB). What is clear, however, is that by making this claim DOE

for a new facility could all - singly or in combination - meet the target, it is clear that some carry significantly greater potential environmental impact than others. Specifically, there are at least 3 sites that have the potential to inflict significant and irreparable (non-mitigable ?sp?) environmental impacts. **These sites should be excluded from consideration and should not be included in any preferred alternative.** These sites are:

(1) The Chacahoula, LA site:

Development of the Chacahoula site would require the clearing of 239 acres of cypress-tupelo swamp, and removal of trees from an additional 90 acres. The DEIS notes that the site falls within a large continuous patch of cypress-tupelo wetlands in the area and also indicates that there is an abundance of this habitat in the region (DEIS, p 3-220). The DEIS ignores environmental realities as reflected by the conclusions of a Science Working Group (SWG) empanelled by Governor Blanco (LA).

It is true that cypress-tupelo swamps were once abundant in coastal Louisiana. These forests were extensively clear-cut early in the last century and extensive parts of Louisiana's Maurepas Basin and other parts of the Deltaic plain where such clear-cutting occurred have witnessed **no significant regeneration of cypress trees.** In fact, some scientists doubt that cypress swamps can regenerate in the face of rising water levels and the continuing deterioration of wetlands being experienced in coastal Louisiana. Successful sprouting of seeds can take place only during prolonged drought conditions when deep swamps have exposed unsaturated soils, conditions which are not likely today in coastal Louisiana.

The Governors' SWG scientists have identified three "condition classes" for the coastal wetland forests:

Class I: Sites with Potential for Natural Regeneration;
Class II: Sites with the Potential for Artificial Regeneration Only (through use of aggressive reforestation techniques); and
Class III: Sites with No Potential for either Natural or Artificial Regeneration

Within the final EIS the DOE must determine the class of Cypress/Tupelo wetlands located on the Chatahoula site. If, as suspected, the Chacahoula site consists of Class III cypress/tupelo swamps. The wetland impacts associated with development of this site will not be mitigable in-kind or in region. If it is found that the forests on the site are a Class II wetlands, the DOE must include within any mitigation plan, an acknowledgement that mitigation will be in-kind requiring aggressive reforestation, to ensure replacement of this dwindling natural resource.

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eliminates from possibility the selection of one of the least environmentally damaging sites (Clovelly, LA) unless combined with another site. (i.e. Clovelly has capacity for 120 MMB but not 160 MMB).

(2) The Richton, MS site:

Selection of this site also poses a significant risk of environmental degradation and irreparable damage to endangered species. Predominantly these impacts are associated with water withdrawal associated with salt dome excavation. As currently planned, water will be withdrawn from the Leaf River (DEIS at p. 2-44). The DEIS authors admit that "the flow rate of the Leaf River is highly variable and there would be significant potential for withdrawing a significant fraction of the total river flow during drought periods (DEIS at p. 2-70). In fact, during low flow, withdrawal from the Leaf River could constitute as much as 11% or more of total flow in the river. Such a withdrawal rate during low flow conditions, as aptly noted by the DEIS, could significantly impact downstream aquatic communities as the decrease in flow would lower water depth, reduce stream channel width, and change currents. The severity of the effect on species would depend on the length and frequency of low-flow rate in the Leaf River during the four to five years of cavern solution mining (DEIS at pp.3-253, 3-254). Water withdrawal could also potentially affect water quality as it would reduce capacity of river to assimilate waste from non-point and permitted dischargers (DEIS at p. 3-254). In addition, several pipeline Right of Ways (ROWs) will cross the lower Pascagoula drainage, potentially affecting habitat for resident endangered species.

The area of the Leaf River that will be the site of this activity is designated habitat for several species listed as threatened or endangered under the Endangered Species Act or that are candidates for listing. For example, the pearl darter (a federal candidate species) has been documented throughout the Leaf River to the lower Pascagoula drainage. The black pine snake (another federal candidate species) and the gopher tortoise (a federally listed species) are found within close proximity of both the proposed storage site and all ROW's. In fact, the segment containing the RWI is designated as critical habitat for the federally threatened gulf sturgeon (DEIS, p. 3-247). Both, the USFWS and Mississippi Natural Heritage Program have expressed serious concern about the effect that selection of the Richton site will have on water flow and the Gulf sturgeon, due to the importance of the Leaf River near Hattiesburg to spawning and juvenile sturgeon (DEIS at p 3-255).

(3) The Stratton Ridge, TX site

Choice of this site would require two ROW's crossing the Brazoria National Wildlife Refuge (NWR) (DEIS, at p. 2-74). Approximately three miles of the co-located RWI pipelines, brine disposal pipeline, and power line ROW would cross the southwestern edge of the Brazoria NWR complex. In addition, 4.7 miles of the pipeline along the existing Bryan Mound pipeline ROW would cross the refuge along its northern border.

The Brazoria NWR was established to provide habitat for migratory waterfowl and other birds (DEIS at pp. 3-262-263). ROW crossings of the NWR would reduce the areas value as habitat and thus undermine the purposes of the NWR.

The authors of the DEIS admit that some"wildlife would be killed or displaced to surrounding areas during construction at the Stratton Ridge." Due to the fact that forested

wetland habitat is uncommon in the area, some wildlife species may be unable to find suitable habitat, including migrating neo-tropical birds that use palustrine forested wetlands as stopover habitat. Reduction in the quantity of forested habitat available to these birds would add to the stress of annual migration (DEIS at p. 3-266). In short, selection of this site would result in potential irretrievable injury to increasingly rare forested wetland habitats in the area and the bird species dependent upon those habitats, and will potentially undermine the purposes of an established NWR.

In the opinion of the GRN, the site with the least environmental impacts is the Clovelly, LA site. The proposed Clovelly SPR site is located at the existing site of the Louisiana Offshore Oil Port (LOOP) dome storage facility. Except for the new RWI structure, the facility would, with the exception of a new RWI and 0.1 mile access road, rely on existing LOOP infrastructure, thereby reducing construction impacts. Although brine disposal in the Gulf is contemplated, there few, if any, additional environmental impacts from the selection of this alternative that are not already associated with the LOOP facility (DEIS, pp. 2-35-2-39). Although some dredging and filling of wetlands is contemplated, the impacts to jurisdictional wetlands associated with this site are much less than are those at other sites being considered. The GRN would argue, therefore, that if a new site in the coastal area of the Gulf states must be selected from those already considered by the DOE, Clovelly should be the chosen as the preferred (least environmentally destructive) alternative.

We recognize that Clovelly only has the capacity for 120 MMB, and that DOE asserts that 160 MMB is required. However, under the Energy Act of 2005 the fully authorized volume for the SPR is 263 MMB, not 313 MMB. The Clovelly site if chosen would provide capacity for the fully "authorized" volume and thus should not be excluded from consideration on the basis that it does not have sufficient capacity. In the event that DOE persists in its assertion that it must have 160 MMB, some combination of the Clovelly site and the Bruinsburg, MS site should be considered. Although the Bruinsburg site involves unacceptable environmental impacts, it is evident that those impacts are not as egregious as are those associated with the three sites discussed above and thus must be considered the lesser of the evils presented by the restrictions placed on site selection by the Energy Act of 2005.

INCORPORATION OF COMMENTS

The GRN notes that comments are being submitted by persons having expertise on issues of specific concern to the GRN. We therefore adopt as our comments and incorporate herein by reference any and all comments submitted by the Gulf of Mexico Regional Fishery Management Council, the Gulf States Marine Fish Commission, the U.S. Fish and Wildlife Service, and the U. S. Environmental Protection Agency,

Respectfully submitted,

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Executive Director