

**KATE BROWN
GOVERNOR**



August 15, 2017

To: Ms. Kelly Hammerle
National Program Manager
Bureau of Ocean Energy Management
45600 Woodland Road, Mailstop VAM-LD
Sterling, VA 20166

Re: Response for Bureau of Ocean Energy Management Notice of the Request for Comments and Information on the 2019 – 2024 National Outer Continental Shelf Oil and Gas Leasing Program (MAA 104000)

Dear Ms. Hammerle,

Thank you for providing the State of Oregon an opportunity to comment on the development of the U.S. Department of Interior's Proposed five-year National Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 2019 – 2024. Oregon has supported the congressional moratorium on oil and gas leasing on the OCS of the West Coast since 1990. We have a long history of opposition to the effort to lease oil and gas areas in Oregon OCS waters. In fact, Governor Kate Brown issued joint statements in April and August of this year with the Governors of California and Washington in response to both the executive order and the BOEM RFI, which demonstrates strong opposition to any leasing for oil and gas on the west coast.

Efforts to establish an oil and gas leasing program on the OCS lands of Oregon originated in the 1970s and early 1980s through exploratory surveys that revealed very limited resources available in our geographic region. In response to those efforts, the State of Oregon established policies and laws, such as Statewide Land Use Planning Goal 19 and the Oregon Ocean Resources Management Plan, which identified the policy preference of Oregonians to instead prioritize the long-term use and protection of renewable resources. Development actions that put at risk our ecological, economic, and social values and benefits derived from our ocean resources are in direct conflict with that policy. Every Governor of Oregon that has been in office during the OCS Leasing Program renewal process has provided letters clearly opposing the identification of

lease areas on Oregon OCS lands. This is a consistent and time-honored policy of the State of Oregon to declare opposition to this activity off of our shore.

With the passage of a HB 3613 in 2010, prohibition of oil and gas leasing has been codified in law within the Territorial Sea of Oregon. In doing so, the Oregon Legislature agreed that “Oregon is unwilling to risk damaging sensitive marine environments or to sacrifice environmental quality to develop offshore oil and gas resources.”

In short, our state has committed to developing renewable energy resources and alternative fuels instead of increasing our dependence upon fossil fuels. The State of Oregon is supporting research and development into energy conservation and new marine renewable energy technologies through its support of the Northwest National Marine Renewable Energy Center’s efforts to establish the South Energy Test Site facility near Newport, OR. This project will help generate new economic development in the state while working to harness the renewable energy of the oceans, all without risking oil and gas contamination of our important marine resources.

Relationship to Oregon’s Coastal Zone Management Program

The federal register notice specifically asked Coastal Zone Management (CZM) Programs to identify the relationship between OCS leasing plans and the approved CZM Program. Oregon’s Coastal Management Program (OCMP) coordinates management of state waters through implementation of the Territorial Sea Plan, the Oregon Ocean Resources Management Plan, and Goal 19 (the Ocean Resources Goal) and many other natural resource management policies that guide several Oregon state agencies. The foundational principle in those policies is Goal 19’s primary policy statement, “To conserve marine resources and ecological function for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.” Goal 19 provides specific implementation requirements that help define what is meant by protecting “renewable marine resources” including living marine organisms, ecosystem functions and important marine habitats, as well as important commercial and recreational fisheries. Further, it states that the Oregon CZM Program, through its program approvals and other actions shall protect and encourage the beneficial uses of ocean resources such as navigation, food production, recreation, aesthetic enjoyment, and uses of the seafloor consistent with the above stated goal.

The State of Oregon has also identified an Ocean Stewardship Area, which extends to the toe of the slope of Oregon’s continental shelf, in which it has interest in the human and natural processes that can affect uses and resources in the Territorial Sea. Within that area, the State will use all applicable laws and regulations to promote its interest in management and the conservation of ocean resources, encourage scientific research that will assist in making management decisions, and seek co-management arrangements with federal agencies when

appropriate to ensure management practices are consistent with the established state ocean policies.

If any oil and gas leases are included in the National Oil and Gas Leasing Program on Oregon's OCS lands, the OCMP will use the federal consistency provisions within the Coastal Zone Management Act to ensure that the leasing actions will not have any reasonably foreseeable impacts on coastal resources and uses that are protected under state policy. The OCMP will also seek to hold the decision making process to high standards, which use the necessary scientific and environmental studies to evaluate the potential impacts versus the expected benefits of such actions.

Oregon's overall energy policy framework is to lead the state towards sustainable and clean energy resources while keeping reliability and costs stable. The State is opposed to the inclusion of any Oregon OCS lands in the 2019 – 2024 National Oil and Gas Leasing Program. We are, however, interested in working with you to develop clean energy solutions to our national energy needs that do not involve the unacceptable local, regional, and global impacts of offshore drilling.

Request for Information Response:

Oregon's ocean ecosystem is rich in marine life, and our renewable resources support significant portions of the coastal economy. We have considerable expertise and information to share that describes the marine resources and locations that are of highest priority to Oregon.

Oregon's ocean is a dynamic, hazardous marine environment within which oil spills cannot be contained. The OCMP has implemented an agreement with NOAA called a Geographic Location Description (attached) for automatic approval to review marine renewable energy (MRE) development proposals for federal consistency with state policies. There are some parallels with the overall construction activities associated with MRE development and oil and gas resource development, however the risks are significantly greater with oil and gas development due to the potential spills of highly toxic and hazardous materials.

The Oregon Ocean Stewardship Area Geographic Location Description (GLD) comprises the portion of the outer continental shelf slope out to the 500 fathom bathymetric depth contour. This area is a rich, environmentally sensitive marine ecosystem with an abundance of natural resources and beneficial uses. Natural resources such as fish and marine mammals regularly migrate between state and federal waters, and many human uses, including commercial and recreational fishing, shipping and passenger transportation, and scientific research similarly occur in both the state and federal waters within the area. The management of Oregon's coastal zone, as part of this extensive marine ecosystem, needs to consider uses and activities taking place in adjacent federal waters. This area is referred to in the Oregon Ocean Resources Management Act, and is described in Oregon's Ocean Resources Management Plan and in

Statewide Planning Goal 19 for Ocean Resources as the Oregon Ocean Stewardship Area. This integrated ecosystem perspective is reflected in the description of the foreseeable effects to uses or resources of Oregon's coastal zone below.

A comprehensive characterization of ocean resources and uses has been documented in the Oregon Ocean Resources Management Plan (1991) and, with spatial detail, in the Oregon Territorial Sea Plan (2013 as amended). An inventory of marine uses and resources has been incorporated into the Territorial Sea Plan (TSP), delineating the distribution and concentration of a wide variety of biological resources and habitat areas, as well as the spatial footprint of specific marine resource uses. The data and information that is available in the TSP marine resource and use inventory extends beyond the state's territorial sea into the outer continental shelf, and would be relevant in an assessment to determine whether any of the particular marine resources and uses may be impacted by a specific new use of an area.

The primary uses and resources of concern to the OCMP are those that ensure the functional integrity of the marine ecosystem and the continued use of the area for commercial and recreational fishing and other uses. Areas needed to ensure the preservation and use of important marine resources and uses include:

- Areas important to the biological viability of commercial and recreational fisheries;
- Areas necessary for the survival of threatened and endangered species;
- Areas that are ecologically significant to maintaining ecosystem structure, biological productivity and biological diversity;
- Areas that are essential to the life history or behaviors of marine organisms;
- Biological communities that are especially vulnerable because of the size, composition or location in relation to the impacts of the proposed activities;
- Biological communities that are unique or of limited range within the region
- Areas important to fisheries including those that are important on a seasonal basis, to individual ports or particular fleets, or of particularly high value species.
- Habitat areas that support food or prey species important to sustaining the commercial and recreational fisheries.
- Beneficial uses such as navigation, recreation, scientific research, cable corridors, and aesthetic enjoyment including ocean shore view-sheds.

Maps of many of the items mentioned above are available in the GLD document, as well as online through the Oregon Coastal Atlas website. In addition to resources compiled through state marine spatial planning processes, we would also point to efforts in geographic characterization of the resources and user communities conducted by researchers working under contract with the BOEM Environmental Studies Program and extensive datasets developed by NOAA for their recent 5-year review of essential fish habitat for Pacific Coast groundfish.

Despite the considerable quantity of available data, there remain significant gaps in our understanding of the ocean ecosystem off of Oregon. Examples include the paucity of data on fish, bird, and mammal use of waters off of Oregon during the winter months, incomplete benthic habitat surveys, and predictive capabilities for stressors such as ocean acidification and hypoxia. Should a lease program be considered, additional work would be required to fill these and other data gaps.

We are happy to work with your staff on the acquisition of the resource inventory information provided in our GLD, or Territorial Sea Plan Resource Inventory data catalog, so that they are considered as resources important to Oregon in your development of the National Oil and Gas Leasing Program.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruchi". The signature is fluid and cursive, with a large initial "R" and a trailing flourish.

Ruchi Sadhir
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Office of Oregon Governor Kate Brown
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Cc:

Jim Rue, Director, Oregon Department of Land Conservation and Development

Andy Lanier, Marine Affairs Coordinator, Oregon Department of Land Conservation and
Development

Curt Melcher, Director, Oregon Department of Fish and Wildlife

Caren Braby, Marine Resources Program Manager, Oregon Department of Fish and Wildlife