OCEANA Protecting the World's Oceans

1025 Connecticut Ave., NW Suite 200
Washington, DC 20036
+1.202.833.3900
OCEANA.ORG

Via Federal e-Rulemaking Portal and Hand Delivery

June 16, 2025

Kelly Hammerle
Program Manager
National Oil and Gas Leasing Program Development
Bureau of Ocean Energy Management
45600 Woodland Road, Mailstop VAM-LD
Sterling, VA 20166

Re: Request for Information and Comments on Preparation of the 11th National Outer Continental Shelf Leasing Program; BOEM-2025-0015; 90 Fed. Reg. 17,972 (April 30, 2025).

Dear Ms. Hammerle:

Thank you for the opportunity to comment on the Request for Information and Comments on Preparation of the 11th National Outer Continental Shelf Leasing Program (11th Program). Oceana is disappointed that the Bureau of Ocean Energy Management is once again considering leasing in every one of the Outer Continental Shelf (OCS) planning areas. For the extensive reasons documented in this comment letter, the Bureau should abandon its wasteful efforts to create a new leasing program; or if it does move forward, it should not include any new lease sales in an unnecessary 11th Program.

Oceana is the largest international conservation organization solely focused on protecting the world's oceans, with more than 1 million members and supporters in the United States. For more than 20 years, Oceana has campaigned to win strategic, directed campaigns that achieve measurable outcomes to help make our oceans more biodiverse and abundant. For more than 15 years, Oceana has campaigned to oppose expanded offshore oil and gas exploration and development.

Expanding offshore oil and gas activities threatens coastal and marine environments, as well as the local economies that depend on them. Offshore oil and gas drilling brings harmful activities to the coast, including high-intensity geophysical seismic surveys, increased ship traffic, and the danger of oil spills. These activities threaten marine and coastal wildlife, including endangered and protected species, as well as coastal communities. They also threaten our national security.

Many coastal states are heavily dependent on a healthy ocean for their thriving tourism, recreation, fishing, and seafood industries, and any damage to the ocean could have drastic consequences. The U.S. clean coast economy supports about 3.2 million American jobs and

$369 billion in Gross Domestic Product (GDP).[1] With a clean and healthy ocean, coastal businesses can continue to create jobs and opportunities for generations to come. In contrast, drilling for oil and gas relies on finite resources. When the oil or gas runs out, so do the jobs, leaving behind a legacy of coastal industrialization and pollution.

Our oceans also provide a variety of other key services that support the United States' economy. Our oceans store carbon dioxide, protect coastal areas from storm surges and flooding, filter excess nutrients, provide food, and offer tourism and recreation opportunities. Our valuable ocean-dependent ecosystems would also be at risk in the instance of offshore exploration and development or during a catastrophic spill event.

The Bureau should not waste time, money, or effort in attempts to prematurely develop the 11th program. Instead, the Bureau should fulfill its mission by protecting vital coastal and marine resources. Marine and coastal species as well as humans rely on the health of these resources for survival.

Because of the vital resources at stake and the risks that accompany offshore drilling, the Bureau should not schedule any new lease sales if it decides to move forward with a new program. Additionally, the Bureau must not offer any leases in protected areas, including permanently protected areas, National Marine Sanctuaries, or Marine National Monuments. The Bureau must also drop its consideration of leasing in claimed Extended Continental Shelf areas. In addition, the Bureau must consider all coastal opposition to oil and gas activities. It must also protect endangered species, including the North Atlantic right whale. If the Bureau does move forward, it must first comply with the requirements of the National Environmental Policy Act (NEPA). Doing so will help it consider the many risks that offshore drilling poses to our ocean resources. Finally, before any new program the Bureau must reconsider recent lease terms in order to ensure a fair return to the government and the taxpayer.

In addition to this letter, you are also receiving individual comments from thousands of Oceana members and supporters opposing the inclusion of new lease sales in the 11th Program. The opposition to new offshore drilling is widespread and bipartisan. Oceana has also signed onto other letters to support regional perspectives.

TABLE OF CONTENTS

[1] NOAA Office for Coastal Management, *2024 U.S. Marine Economy Report* (2024), https://coast.noaa.gov/data/digitalcoast/pdf/econ-report.pdf.

I. LEGAL BACKGROUND

The Bureau must consider several important statutes and regulations when preparing a new five-year program. The Outer Continental Shelf Lands Act (OCSLA) requires the Secretary of the Interior to balance the interests and well-being of citizens and states with the national interest while making decisions about OCS lease sales. NEPA requires thorough environmental reviews of major government actions and the significance of those actions. The Bureau has proposed not doing an EIS for the 11th Program, which would be inconsistent with the law for reasons outlined at the end of this letter. The Bureau will also need to comply with other laws at later stages of the leasing process and should consider the requirements of those statutes as it prepares the final program, including the Endangered Species Act, the Marine Mammal Protection Act, and the Coastal Zone Management Act.

A. Outer Continental Shelf Lands Act

OCSLA outlines the procedures for oil and gas leasing, exploration, development, and production in the OCS. The Bureau is required to prepare a five-year oil and gas leasing program and can only hold lease sales that are included in the program.[2] The five-year program must be designed in a way that "best meets the national energy needs for the five-year period following its approval or reapproval."[3] The five-year program must also be based on four principles.

First, OCSLA requires that the leasing program be "conducted in a manner which considers economic, social, and environmental values of the renewable and nonrenewable sources contained in the OCS, and the potential impact of oil and gas exploration on . . . the marine, coastal, and human environments."[4]

Second, OCSLA requires evaluation of eight factors,[5] which have been summarized as requiring The Bureau to "use existing and predictive information to account for the interests of all relevant regions and stakeholders."[6] The eight factors are:

> (A) existing information concerning the geographical, geological, and ecological characteristics of such regions;

[2] 43 U.S.C. § 1344(d)(3).
[3] 43 U.S.C. § 1344(a); 30 C.F.R. § 550.101.
[4] 43 U.S.C. § 1344(a)(1).
[5] 43 U.S.C. § 1344(a)(2)(A)–(H).
[6] *Ctr. for Sustainable Econ. v. Jewell,* 779 F.3d 588, 584 (D.C. Cir. 2015) (citing 43 U.S.C. § 1344(a)(2)).

> (B) an equitable sharing of developmental benefits and environmental risks among the various regions;
>
> (C) the location of such regions with respect to, and the relative needs of, regional and national energy markets;
>
> (D) the location of such regions with respect to other uses of the sea and seabed, including fisheries, navigation, existing or proposed sea lanes, potential sites of deep water ports, and other anticipated uses of the resources and space of the OCS;
>
> (E) the interest of potential oil and gas producers in the development of oil and gas resources as indicated by exploration or nomination;
>
> (F) laws, goals, and policies of affected States which have been specifically identified by the Governors of such States as relevant matters for the Secretary's consideration;[7]
>
> (G) the relative environmental sensitivity and marine productivity of different areas of the OCS; and
>
> (H) relevant environmental and predictive information for different areas of the OCS.[8]

Third, OCSLA requires that the timing and location of leasing be selected in a way that obtains a "proper balance" between the potential for environmental damage, the potential for possible resource discovery, and the potential for adverse impact on the coastal zone.[9] The Bureau does not need to balance these considerations equally and instead has "discretion to weigh the[se] elements so as to 'best meet national energy needs.'"[10] The Bureau informs this balancing with analysis from the eight factors and conducts a net benefits analysis, calculating the economic value of production and subtracting the economic cost of obtaining the production, the environmental and social costs associated with development of the produced resources, and the environmental impacts of energy substitutes.[11]

Fourth, leasing activities must "assure receipt of fair market value for the lands leased and the rights conveyed by the Federal Government."[12]

B. National Environmental Policy Act

Under NEPA, federal agencies must conduct an environmental review of "major Federal actions significantly affecting the quality of the human environment."[13] When a proposed agency

---

[7] Governors and local governments "may submit recommendations to the Secretary regarding the size, timing, or location of a proposed lease sale or with respect to a proposed development and production plan," and the law requires the Bureau to consider these recommendations. 43 U.S.C. § 1345(a), (c)-(d).
[8] 43 U.S.C. § 1344(a)(2).
[9] 43 U.S.C. § 1344(a)(3).
[10] *California v. Watt*, 668 F.2d 1290, 1301 (D.C. Cir. 1981).
[11] BOEM, *2023-2028 National Outer Continental Shelf Oil And Gas Leasing Proposed Program* 2-6 (July 2022), https://www.boem.gov/sites/default/files/documents/oil-gas-energy/national-program/2023-2028_Proposed%20Program_July2022.pdf.
[12] 43 U.S.C. § 1344(a)(4).
[13] 42 U.S.C. § 4332(2)(C).

action "has a reasonably foreseeable significant effect on the quality of the human environment," agencies must develop an Environmental Impact Statement (EIS).[14] In the EIS, the agency must analyze any reasonably foreseeable environmental effects that cannot be avoided, a reasonable range of alternatives to the action, and any irreversible and irretrievable commitments of resources that would be involved.[15]

A Programmatic EIS analyzes "all or some of the environmental effects of a policy, program, plan, or group of related actions."[16] NEPA allows agencies to tier to a Programmatic EIS for related actions within five years unless there are "substantial new circumstances or information about the significance of adverse effects that bear on the analysis."[17] Agencies may also tier to a Programmatic EIS for a related action more than 5 years after the Programmatic EIS "so long as the agency reevaluates the analysis . . . and any underlying assumption to ensure reliance on the analysis remains valid."[18]

II. THE BUREAU SHOULD ABANDON ITS WASTEFUL EFFORTS TO PREMATURELY DEVELOP THE 11TH PROGRAM

The Bureau should not waste time, money, or effort in attempts to develop the 11th Program ahead of schedule. The existing 10th Program was developed carefully through a multi-year process with ample opportunities for public comment. More oil and gas leasing in our oceans does not best meet our national energy needs.

The U.S. is the top oil producing country in the world[19] and a net exporter of petroleum products.[20] Crude oil and natural gas production in the U.S. hit record highs in 2023 and 2024.[21] This record level is unlikely to be exceeded by any other nation in the near future, according to the Energy Information Administration.[22]

Additionally, oil and gas companies are stockpiling leases, a practice that is encouraged by the Bureau's issuance of primary terms that go beyond the terms allowed by OCSLA. As of June 1, 2025, oil companies owned nearly 9.5 million acres of unused leases, or over 80% of the total leased acreage of federal public waters.[23]

In the Cook Inlet OCS, no lease is currently producing.[24] In the Gulf of Mexico (also called the Gulf of America (Gulf)), only 2 million acres out of nearly 11.5 million acres of total

---

[14] 42 U.S.C. § 4336(b)(1).
[15] 42 U.S.C. § 4332(2)(C).
[16] 42 U.S.C. § 4336e(11).
[17] 42 U.S.C. § 4336b(1).
[18] 42 U.S.C. § 4336b(2).
[19] International Energy Agency, *Energy Systems of United States*, https://www.iea.org/countries/united-states (last visited June 4, 2025).
[20] Energy Information Administration, *Oil and petroleum products explained, oil imports and exports* (Jan. 19, 2024), https://www.eia.gov/energyexplained/oil-and-petroleum-products/imports-and-exports.php.
[21] Energy Information Administration, *Monthly Crude Oil and Natural Gas Production* (May 30, 2025), https://www.eia.gov/petroleum/production/#oil-tab.
[22] Energy Information Administration, *Today in Energy* (Mar. 11, 2024), https://www.eia.gov/todayinenergy/detail.php?id=61545.
[23] Bureau of Ocean Energy Management, *Combined Leasing Report* (June 1, 2025), https://www.boem.gov/sites/default/files/documents/Lease%20stats%206-1-25.pdf.
[24] *Id*.

active leases are producing as of June 1, 2025.[25] And the number of unused acres will likely worsen with continued leasing. On average, each of the 10 Gulf-wide lease sales in 2017-2022 Program led to an additional 976,336 acres leased. If the average continued for the lease sales contained in the 2024-2029 Program, the Bureau could end up leasing nearly 3 million additional acres.

Further, increasing offshore oil and gas lease sales today will not produce commercially available oil and gas for nearly a decade. In the Central and Western Gulf, production on new leases is unlikely to commence until 5 to 10 years following a lease award, depending on the water depth.[26] And for any newly available OCS areas, the Draft Proposed Program released in 2018 estimated that production would not occur for a decade or more.[27]

Instead of new oil leasing, the U.S. should turn to renewable energy to fuel our economy. Renewable energy generation is increasing along with the electrification of activities that historically relied on fossil fuels. Given the overabundance of oil and growth in renewable energy generation, the U.S. is energy secure and will continue to be long into the future as we transition to clean energy.

III. THE RISKS OF OFFSHORE OIL AND GAS EXPLORATION AND DRILLING

There is no need for more offshore drilling and there are significant risks at all stages of the offshore oil and gas development process which can wreak havoc on coastal and marine environments and local ocean-based economies. Pollution from drilling operations, exploratory seismic airgun blasting, and increased ship traffic are a few of the threats to marine life, including endangered and protected species. These activities may also interfere with commercial and recreational fishing. In addition, issuing and developing new leases for offshore oil and gas will threaten national security and exacerbate the climate crisis.

A. Oil Spills and Pollution

Toxic oil spills close popular beach destinations and shut down lucrative fisheries, causing devastating losses for local businesses. To protect our economy, we must protect our businesses from future oil spill shutdowns and stop all new leasing for offshore drilling. Despite repeated promises that toxic oil spill disasters are rare, the oil and gas industry proves again and again that offshore drilling is dirty and dangerous. Oil spill disasters are not isolated incidents. Between 2010 and 2022, more than 7,300 oil spills occurred in federal waters, an average of over one spill every day.[28] There are over 8,000 miles of active pipelines in the Gulf and the

---

[25] *Id.*
[26] BOEM, *2024-2029 National Outer Continental Shelf Oil and Gas Leasing Proposed Final Program* 1-12 (September 2023), https://www.boem.gov/oil-gas-energy/leasing/2024-2029-national-ocs-program-pfp.
[27] BOEM, *2019-2024 National Outer Continental Shelf Oil and Gas Leasing Draft Proposed Program* 1 (January 2018), https://www.boem.gov/NP-Draft-Proposed-Program-2019-2024/.
[28] Bureau of Safety and Environmental Enforcement, *Aggregated Data of OCS Oil and Gas Industry Activities (e.g., production and drilling levels), Work Hours, Incidents, Inspections and Compliance: 2010-2022* (July 20, 2023), https://www.bsee.gov/sites/bsee.gov/files/2023-08/Performance%20Metrics%202010-2022%20-%20Data%20Tables.pdf.

government does not require them to undergo subsea inspection.[29] There could be oil spewing below the surface that would not be visible from the surface.

Oil can also kill marine life or cause sublethal impacts including interfering with development, feeding, immune system response, and reproduction.[30] In fish, crude oil can cause "developmental malformations, genetic damage, mortality, decreased size at hatching, and impaired swimming."[31] The National Oceanic and Atmospheric Administration (NOAA) acknowledged that research showed that crude oil exposures "adversely affect heart development in the two species of tuna and an amberjack species by slowing the heartbeat or causing an uncoordinated rhythm, which can ultimately lead to heart failure."[32] When sea turtles encounter oil, it can coat their bodies, limiting their movement and making them more vulnerable to overheating and dehydration. The oil can also irritate sensitive areas like their eyes, lungs, and digestive tract, causing injury or death. Inside the body, oil can interfere with critical functions like breathing, weakening turtles and making basic behaviors such as feeding and escaping predators more challenging. Polycyclic aromatic hydrocarbons (PAHs), toxic compounds in oil, can be absorbed into vital organs such as the liver and lungs. These pollutants can also transfer from mother turtles to their eggs, jeopardizing the growth and survival of hatchlings. [33]

The oil industry has repeatedly failed to demonstrate that it can reliably prevent, stop, or respond to oil spills. Following the 2010 BP *Deepwater Horizon* disaster, oil gushed into the Gulf for 87 days, and it became clear that the company's response plan was essentially nonexistent. Approximately 60,000 gallons spewed from the seafloor each day, resulting in 134 million gallons of oil polluting the Gulf—this remains largest marine oil spill in U.S. history. Toxic sludge washed up on 1,300 miles of shoreline, from Texas to Florida, oiling beaches and wetlands, and killing tens of thousands of birds, sea turtles, and dolphins, among other marine life.[34] Oil residue from the spill can still be found in parts of the Gulf. Scientists have found toxic oil and chemical residues in water, coastal marshes, and deep-sea sediments more than a decade after the incident.[35] The spill led to declines in both commercial and recreational fishing—by 2020, the economic impact of the spill resulted in the loss of more than 25,000 jobs and $2.3

---

[29] Government Accountability Office, *Offshore Oil and Gas: Updated Regulations Needed to Improve Pipeline Oversight and Decommissioning* 5 (March 2021), https://www.gao.gov/assets/gao-21-293.pdf.
[30] NOAA Office of Response & Restoration, *How Deepwater Horizon Spurred Advances in Oil Toxicity Science* (April 14, 2020), https://blog.response.restoration.noaa.gov/how-deepwater-horizon-spurred-advances-oil-toxicity-science.
[31] National Research Council, *Oil in the Sea III: Inputs, Fates, and Effects* 128 (2003) https://nap.nationalacademies.org/catalog/10388/oil-in-the-sea-iii-inputs-fates-and-effects.
[32] NOAA, *Crude Oil Causes Developmental Abnormalities in Large Marine Fish* (March 24, 2014), https://www.noaa.gov/crude-oil-causes-developmental-abnormalities-large-marine-fish.
[33] NOAA Office of Response and Restoration, *How Do Oil Spills Affect Sea Turtles?* (June 16, 2016), https://response.restoration.noaa.gov/about/media/how-do-oil-spills-affect-sea-turtles.html.
[34] National Ocean Service, NOAA, *Coastal Pollution Tutorial: How do oil spills impact wildlife?*, https://oceanservice.noaa.gov/education/tutorial-coastal/oil-spills/os04.html (last visited June 4, 2025).
[35] Edward B. Overton et al., *Fates of petroleum during the deepwater horizon oil spill: A chemistry perspective*, 9 Frontiers in Marine Science 1 (Aug. 2022), https://www.frontiersin.org/journals/marine-science/articles/10.3389/fmars.2022.928576/full.

billion in industry output.[36] As of 2021, some Gulf fish species, such as white marlin, showed little to no recovery.[37]

Before the BP *Deepwater Horizon* disaster, the *Exxon Valdez* oil spill held the record for the largest oil spill in U.S. waters. The tanker *Exxon Valdez* grounded on Bligh Reef in Prince William Sound, Alaska, which ruptured the hull of the vessel and spilled nearly 11 million gallons of crude oil into a "remote, scenic, and biologically productive body of water."[38] There were more than 35,000 dead seabirds recovered from the beaches surrounding the *Exxon Valdez* disaster.[39] To this day, subsurface oil persists,[40] and two killer whale populations and some seabird populations never recovered.[41,42]

In 2015, an onshore pipeline transporting offshore crude oil ruptured and spilled over 142,800 gallons of crude oil onto the beaches and into the ocean along the California coast onto Refugio State Beach.[43] The spill impacted the same beaches that were oiled by the 1969 Santa Barbara oil spill.[44] In 2021, another oil disaster killed birds and fish off California's coast. Fisheries were forced to close in the wake of an offshore pipeline rupture that spread oil across sandy beaches and vibrant wetlands.[45]

Recently, in April 2025, an inactive well near Garden Bay Island, Louisiana, leaked crude oil into the Gulf for over a week, contaminating sea turtle critical habitat, and leading to a controlled burn of a contaminated marsh.[46] We cannot allow private corporations to continue to extract offshore oil and gas and risk the health of our ocean. Simply put, where they drill, they spill.

---

[36] Christina Court et al., *Effects of the Deepwater Horizon Oil Spill on Human Communities: Catch and Economic Impacts*, *in Deep Oil Spills: Facts, Fate, and Effects* 569-580 (Steven A. Murawski et al. ed., 2020).
[37] Steven A. Murawski et al., *Impacts of Deepwater Horizon on Fish and Fisheries: What Have we Learned about Resilience and Vulnerability in a Coupled Human-Natural System?*, 2021(1) International Oil Spill Conference Proceedings (May 2021), https://meridian.allenpress.com/iosc/article/2021/1/689658/473160/Impacts-of-Deepwater-Horizon-on-Fish-and-Fisheries.
[38] NOAA Office of Response and Restoration, *Exxon Valdez Oil Spill*, https://response.restoration.noaa.gov/oil-and-chemical-spills/significant-incidents/exxon-valdez-oil-spill (last visited June 4, 2025).
[39] U.S. Geological Service, *How many seabirds were killed by the Exxon Valdez Oil Spill?* (Jan. 1, 1996), https://www.usgs.gov/publications/how-many-seabirds-were-killed-exxon-valdez-oil-spill.
[40] Zachary Nixon & Jacqueline Michel, *A Review of Distribution and Quantity of Lingering Subsurface Oil from the* Exxon Valdez *Oil Spill*, 147 Deep Sea Research Part II: Topical Studies in Oceanography 20 (2018).
[41] Exxon Valdez Oil Spill Trustee Council, Killer Whales, https://evostc.state.ak.us/status-of-restoration/killer-whales/ (last visited Jun. 13, 2025).
[42] NOAA Damage Assessment, Remediation, and Restoration Program, *Exxon Valdez*, (Sep. 17, 2020), https://darrp.noaa.gov/oil-spills/exxon-valdez.
[43] Javier Panzar, *Santa Barbara County official rejects plan to move crude oil by truck,* LA Times (June 10, 2015), http://www.latimes.com/local/lanow/la-me-ln-oil-trucks-rejected-20150609-story.html.
[44] Craig Welch, *Santa Barbara Beaches Slicked With Oil After Pipeline Breach*, National Geographic (May 20, 2015), https://www.nationalgeographic.com/science/article/150520-santa-barbara-oil-spill-pipeline-ocean-coast-whale-1969.
[45] Southern California Spill Response, *Fisheries Closure*, https://socalspillresponse.com/fisheries-closure/ (last visited June 4, 2025).
[46] U.S. Coast Guard, *Coast Guard scheduled to oversee in-situ burn* (May 13, 2025), https://www.news.uscg.mil/Press-Releases/Article/4184567/coast-guard-scheduled-to-oversee-in-situ-burn

B. National Security

Offshore drilling and climate change threaten our national security. That is why more than 80 former military leaders[47] as well as the Department of Defense, NASA, the U.S. Air Force, and the Florida Defense Support Task Force have expressed concern about expanding offshore drilling. According to the 2021 Department of Defense Climate Risk Analysis, "the risks of climate change to Department of Defense (DoD) strategies, plans, capabilities, missions, and equipment, as well as those of U.S. allies and partners, are growing."[48] More offshore drilling increases climate change threats to our coastal communities and military readiness.

In addition to climate change, oil spills could threaten offshore military training and testing, which may have to stop in the face of a large-scale disaster. For example, the Department of Defense's Readiness and Environmental Protection Integration (REPI) program depends on numerous training grounds, installations, and bases located in U.S. waters. Further, the U.S. Navy conducts extensive training along the entire East Coast within the Atlantic Fleet Training and Testing area, which spans over 2.6 million square miles. Additionally, the Gulf is vital for U.S. military operations, serving as the site of the Eglin Gulf Test Range—a 120,000 square-mile expanse of controlled airspace essential for military readiness.[49] On the West Coast, training facilities such as the San Clemente Island Range Complex serve as primary training areas for the Pacific Fleet, enabling live-fire exercises, tactical training, and research and development for the Navy, Marine Corps, and other military branches.[50] The Naval Amphibious Base Coronado, the only amphibious base on the West Coast, trains U.S. Navy SEALs and supports over 30 tenant commands, utilizing 5,500 yards of Pacific Ocean and bayside shoreline for essential operations.[51] All of these areas depend on conflict-free oceans and airspace to conduct their operations. Protecting the U.S. coasts and oceans from offshore drilling is critically important for U.S. military operations.

C. Ship Strikes and Underwater Sound

New offshore oil and gas leasing development could increase ship traffic, leading to increased ship strikes and ship pollution. Ship strikes are a serious threat for whales, dolphins, and sea turtles. Endangered species such as the Rice's whale cannot withstand the increased risk of ship strikes from expanded offshore drilling. Even one ship strike mortality would exceed the sustainable level of whales that can be removed from the Rice's whale population, putting the species at risk of extinction.[52]

In addition, offshore exploration and development would also increase the level of underwater sound, potentially harming valuable marine species, fisheries, and habitats. Exposure

---

[47] Letter from Col. James Heald, U.S. Air Force (Ret.) et al., to Congress (July 16, 2020), https://usa.oceana.org/wp-content/uploads/sites/4/2020/07/16/july2020_military_egom_moratorium_sign-on_letter_.pdf.
[48] Dep't of Defense, *Department of Defense Climate Risk Analysis* 2 (Oct. 2021).
[49] Eglin Air Force Base, 96th Test Wing, https://www.eglin.af.mil/About-Us/Fact-Sheets/Display/Article/390959/96th-test-wing/ (last visited June 4, 2025).
[50] San Clemente Island, About SCI, https://www.scisland.org/aboutsci/navytraining/navytraining.html (last visited June 4, 2025).
[51] United States Navy Naval Amphibious Base Coronado, https://cnrsw.cnic.navy.mil/Installations/NAVBASE-Coronado/About/Installations/Naval-Amphibious-Base-Coronado/ (last visited June 4, 2025).
[52] NOAA Fisheries, *Rice's Whale (*Balaenoptera ricei*): North Gulf of Mexico Stock* (May 2023), https://www.fisheries.noaa.gov/s3/2023-08/Rices-Whale-Northern-Gulf-of-Mexico-2022.pdf

to low levels of sound for long periods of time or high levels of sound for short periods of time can have physiological effects on fish, including, increased levels of stress, hearing loss, nerve damage, organ rupture, and death.[53,54] For marine mammals, one of the major concerns is ship sounds masking biologically significant sounds. For example, ship sounds can interfere with a whale's communication.[55] Further, ship sounds may cause changes in behavior for marine mammals and fish, which "have both direct energetic costs and potential effects on foraging, navigation, and reproductive activities."[56]

There is especially significant concern about the noise produced by seismic surveys while searching for oil and gas. Seismic airgun arrays create one of the loudest manmade sounds in the ocean.[57] Seismic airgun blasts can disturb, injure, or even kill many different species—from the smallest zooplankton to the largest whales.[58] Several studies have also shown that fishery catch rates decreased in areas exposed to seismic airgun surveys.[59] The noise from seismic surveys can be heard underwater nearly 2,500 miles from the source.[60] Mitigation measures have been developed to try to minimize the impacts of seismic surveys, but these measures have been criticized for often being ineffective and insufficient.[61]

D. Industrialization and Pollution

Communities in the Gulf and Alaska already bear the burden of coastal industrialization from offshore drilling. Nearly half of U.S. petroleum refining capacity is located on the Gulf

---

[53] Mardi C. Hastings & Arthur N. Popper, *Effects of Sound on Fish*. California Dep't of Transportation (2005), https://tethys.pnnl.gov/sites/default/files/publications/Hastings%20and%20Popper%202005.pdf.
[54] Atlantic States Marine Fisheries Commission, *Anthropogenic Noise Impacts on Atlantic Fish and Fisheries: Implications for Managers and Long-Term Productivity* (Fall 2024), https://asmfc.org/wp-content/uploads/2024/12/HMS17_AnthropogenicNoiseImpacts.pdf.
[55] NOAA, *Final Report of the NOAA International Symposium: Potential Application of Vessel-Quieting Technology on Large Commercial Vessels* 3 (2007), https://nmsmontereybay.blob.core.windows.net/montereybay-prod/media/resourcepro/resmanissues/pdf/070301vessel_symposium_report.pdf.
[56] *Id.* at 15.
[57] John A. Hildebrand, *Anthropogenic and natural sources of ambient noise in the ocean*, 395 Marine Ecology Progress Series 5-20 (2009), https://www.int-res.com/articles/theme/m395p005.pdf.
[58] Robert D. McCauley et al., *Widely used marine seismic survey air gun operations negatively impact zooplankton,* Nature Ecology & Evolution 1 (June 2017), https://www.nature.com/articles/s41559-017-0195; Manuel Castellote et al., *Acoustic and behavioural changes by fin whales (*Balaenoptera physalus*) in response to shipping and airgun noise*, 147(1) Biological Conservation 115–122, https://www.researchgate.net/publication/256668791_Acoustic_and_behavioural_changes_by_fin_whales_Balaenoptera_physalus_in_response_to_shipping_and_airgun_noise; Salvatore Cerchi et al., *Seismic Surveys Negatively Affect Humpback Whale Singing Activity off Northern Angola*, PLoS ONE 9 (March 2014), https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0086464#.
[59] Atlantic States Marine Fisheries Commission, *supra* note 54.
[60] Sharon L. Nieukirk et al., *Low-frequency whale and seismic airgun sounds recorded in the mid-Atlantic Ocean.* 115(4) Journal of the Acoustical Society of America 1832, 1832–43 (2004), https://www.researchgate.net/publication/8602555_Low-frequency_whale_and_seismic_airgun_sounds_recorded_in_the_mid-Atlantic_Ocean; Hildebrand, *supra* note 57.
[61] E.C.M. Parsons, et al., *A critique of the UK's JNCC Seismic Survey Guidelines for minimising acoustic disturbance to marine mammals: Best practise?* 58 Marine Pollution Bulletin 643, 643–51 (2009), https://www.sciencedirect.com/science/article/abs/pii/S0025326X09000952?via%3Dihub; Andrew J. Wright and A. Mel Cosentino, *JNCC guidelines for minimising the risk of injury and disturbance to marine mammals from seismic surveys: We can do better*, 100 Marine Pollution Bulletin 231, 231-39 (2015), https://www.sciencedirect.com/science/article/abs/pii/S0025326X15300096.

Coast.[62] Coastal industrialization and pollution from offshore drilling threaten local communities; and communities of color are often disproportionately impacted by pollution from oil and gas facilities.[63] An Inspector General probe in 2023 revealed that the Environmental Protection Agency (EPA) failed to enforce federal limits on benzene—a carcinogen linked to leukemia—allowing multiple refineries and chemical plants near disadvantaged communities in Texas and Louisiana to emit dangerously high levels of the pollutant despite health risks.[64] In addition to hundreds of oil spills each year, standard operating procedures for oil and gas extraction generate radioactive waste, polluted water, and sludge.[65] More than 18 billion barrels of waste fluids from oil and gas extraction are produced annually in the United States.[66]

Additionally, the human health impacts of responding to and cleaning up oil spills are enormous. In the aftermath of the BP *Deepwater Horizon* spill, tens of thousands of people participated in response and cleanup operations, during which many were exposed to crude oil and over 1.8 million gallons of toxic and carcinogenic chemical dispersants used in the cleanup process.[67] A 2025 study reported that U.S. Coast Guard service members involved in these efforts have experienced long-term endocrine and metabolic conditions.[68] The "Gulf Long-term Follow-up Study," a series of studies that followed a cohort of 32,608 for 10 years following the spill, found that cleanup workers and volunteers experienced a variety of adverse health consequences resulting from the cleanup, including elevated rates of cases of respiratory and cardiovascular issues such as asthma[69] and heart attacks.[70]

New oil infrastructure could lead to more waste and pollution from offshore drilling. According to a report published by the Center for Health and the Global Environment at Harvard Medical School, oil refineries present major health hazards for human communities and marine

---

[62] Energy Information Administration, *Gulf of America Fact Sheet* (Sept. 4, 2024), https://www.eia.gov/special/gulf_of_america/.
[63] Lesley Fleishman & Marcus Franklin, *Fumes Across the Fence-Line: The Health Impacts of Air Pollution from Oil & Gas Facilities on African American Communities*, NAACP and Clean Air Task Force (Nov. 2017), https://www.catf.us/wp-content/uploads/2017/11/CATF_Pub_FumesAcrossTheFenceLine.pdf.
[64] EPA Office of the Inspector General, *The EPA Should Enhance Oversight to Ensure that All Refineries Comply with the Benzene Fenceline Monitoring Regulations* (Sept. 6, 2023), https://www.epaoig.gov/sites/default/files/reports/2023-09/_epaoig_20230906-23-p-0030_errata.pdf.
[65] EPA, *Radioactive Waste Material from Oil and Gas Drilling,* https://www.epa.gov/radtown/radioactive-waste-material-oil-and-gas-drilling (last visited June 4, 2025); *Aggregated Data of OCS Oil and Gas Industry Activities*, *supra* note 28.
[66] EPA, *TENORM: Oil and Gas Production Wastes*, https://www.epa.gov/radiation/tenorm-oil-and-gas-production-wastes (last visited June 4, 2025).
[67] Liu Y-Z, Zhang L, Roy-Engel AM, *et al.* (2017), Carcinogenic Effects of Oil Dispersants: a KEGG Pathway-based RNA-seq Study of Human Airway Epithelial Cells. *Gene* 602: 16–23. https://www.sciencedirect.com/science/article/abs/pii/S0013935118305139?via%3Dihub.
[68] Denic-Roberts H, Engel LS, Buchanich JM, *et al.* (2025) Risk of longer-term endocrine and metabolic conditions in the Deepwater Horizon Oil Spill Coast Guard cohort study – five years of follow-up. *Environmental Health* 24: 12. https://ehjournal.biomedcentral.com/articles/10.1186/s12940-025-01164-9
[69] Lawrence KG, Niehoff NM, Keil AP, *et al.* (2022) Associations between airborne crude oil chemicals and symptom-based asthma. *Environment International* 167: 107433. https://www.sciencedirect.com/science/article/pii/S0160412022003609?via%3Dihub
[70] Strelitz J, Keil AP, Richardson DB, *et al.* (2019) Self-reported myocardial infarction and fatal coronary heart disease among oil spill workers and community members 5 years after Deepwater Horizon. *Environmental Research* 168: 70–79. https://www.sciencedirect.com/science/article/abs/pii/S0013935118305139?via%3Dihub.

and terrestrial ecosystems.[71] An average refinery releases on a daily basis up to 11,000 gallons of oil into the air, land, and water, and emits dangerous pollutants such as hydrocarbons, sulfur dioxide, carbon monoxide, and particulate solids.[72] Further, refinery operations produce thermal pollution, which disrupts aquatic ecosystems.[73] The process of removing impurities such as helium, carbon dioxide, hydrocarbons, and toxic hydrogen sulfide from gas can result in the discharge of a range of harmful pollutants, including sulfur dioxide, the precursor to acid rain.[74]

Further, offshore oil exploration and development can degrade the air, water, and land of coastal regions. Drilling rigs routinely discharge produced water, drilling muds, and drill cuttings into the ocean, leading to significant water pollution.[75] The dumping of polluted muds can negatively impact marine life near the ocean floor.[76]

E. Climate Change

While climate change is driven by a variety of factors, burning fossil fuels is the leading cause. The combustion of oil and gas releases carbon pollution that contributes to rising global temperatures and intensifies climate-related impacts such as ocean warming, sea level rise, stronger storms, droughts, wildfires, and ocean acidification—all of which threaten coastal communities. The expansion of offshore drilling will contribute to climate change.

Worldwide, 2023 was the hottest year ever recorded, and also the hottest recorded year for sea surfaces temperatures since 1880, when measurements began.[77] These temperatures have been consistently higher over the past 30 years than at any point since measurements began.[78] Certain offshore regions in the U.S. have experienced more dramatic warming than others. The sea surface temperature in the Gulf is warming twice as fast as global temperatures,[79] and the Gulf of Maine is warming faster than 99% of the world's oceans.[80]

---

[71] Paul R. Epstein & Jesse Selber, eds., *Oil: A Lifecycle Analysis of its Health and Environmental Impacts*, Oil Change International 5 (Mar. 2002), http://oneplanetfellows.pbworks.com/w/file/fetch/11680650/Oil_Impacts_full%20report.pdf.
[72] *Id*. at 27.
[73] *Id.*
[74] Dwight Holing, *Coastal Alert: Ecosystems, Energy, and Offshore Oil Drilling* 45 (1990).
[75] BOEM, *2024-2029 National Outer Continental Shelf Oil and Gas Leasing Program, Final Programmatic Environmental Impact Statement* 53-54 (Sept. 2023), https://www.boem.gov/sites/default/files/documents/oil-gas-energy/leasing/2024-2029NatOCSOilGasLeasing_FinalPEISVol1_0.pdf.
[76] Erik E. Cordes et al., *Environmental Impacts of the Deep-Water Oil and Gas Industry: A Review to Guide Management Strategies* (2016), https://www.researchgate.net/publication/306359593_Environmental_Impacts_of_the_Deep-Water_Oil_and_Gas_Industry_A_Review_to_Guide_Management_Strategies.
[77] EPA, *Climate Change Indicators: U.S. and Global Temperature*, https://www.epa.gov/climate-indicators/climate-change-indicators-us-and-global-temperature (last visited June 5, 2025); EPA, *Climate Change Indicators*: *Sea Surface Temperature*, https://www.epa.gov/climate-indicators/climate-change-indicators-sea-surface-temperature (last visited June 5, 2025).
[78] *Id.*
[79] National Centers for Environmental Information, *The Gulf of Mexico Is Getting Warmer* (Feb. 1, 2023), https://www.ncei.noaa.gov/news/gulf-mexico-getting-warmer.
[80] NASA, *Watery heatwave cooks the Gulf of Maine* (Sept. 12, 2018), https://science.nasa.gov/earth/climate-change/watery-heatwave-cooks-the-gulf-of-maine/

Ocean warming due to the burning of fossil fuels significantly influences global climate patterns.[81] This, in turn, changes the nature of extreme weather events such as hurricanes, wildfires, and droughts. The intensity, frequency, and duration of hurricanes have increased since the early 1980s.[82] NASA projects that hurricane intensity and rainfall rates will increase as the climate continues to warm, and that a greater proportion of storms will reach Category 4 or 5 strength.[83] This means that the likelihood of a billion-dollar disaster from a hurricane is very high.[84] In 2024, multiple devastating hurricanes hit the Southeast, including Hurricane Helene and Hurricane Milton.[85] And we are continuing into what NOAA predicts to be an above-normal hurricane season in 2025.[86]

The impacts of climate change on wildfires and droughts are increasingly evident as well. In 2020, California experienced its largest wildfire season in modern history, with approximately 10,000 wildfires burning over 4 million acres. By 2100, the state is projected to see a 77% increase in average area burned and a 50% increase in fire frequency.[87] Reduced snowpack due to climate change further heightens wildfire risks.[88] Meanwhile, climate change is also leading to more frequent and severe droughts in the West, which threaten fisheries.[89] In the Pacific Northwest, extreme weather events such as droughts and wildfires in cost $4.8 billion in damages in 2021 and 2022 alone.[90]

Increasing global temperatures caused by greenhouse gas emissions have also caused sea level to rise, increasing flooding risks. Global sea level is projected to rise anywhere from 24 inches to 4.3 feet by 2100.[91] According to the Congressional Budget Office, damage from flooding in the United States already costs an average of $46 billion per year, and by 2050 that damage is projected to increase by 25-33% due to climate change.[92]

---

[81] *Sea Surface Temperature*, *supra* note 77.
[82] NASA, *A Force of Nature: Hurricanes in a Changing Climate* (June 1, 2022), https://science.nasa.gov/earth/climate-change/a-force-of-nature-hurricanes-in-a-changing-climate/.
[83] *Id.*
[84] *Id.*
[85] NASA Applied Sciences, *Hurricane Helene 2024*, http://appliedsciences.nasa.gov/what-we-do/disasters/disasters-activations/hurricane-helene-2024 (last visited June 5, 2025); NOAA National Hurricane Center, *Hurricane Milton* (Oct. 9, 2024), https://www.nhc.noaa.gov/archive/2024/al14/al142024.public.020.shtml.
[86] NOAA, *NOAA predicts above-normal 2025 Atlantic hurricane* season (May 22, 2025), https://www.noaa.gov/news-release/noaa-predicts-above-normal-2025-atlantic-hurricane-season.
[87] California Climate Adaptation Strategy, *Summary of Projected Climate Change Impacts on California*, https://climateresilience.ca.gov/overview/impacts.html (last visited June 5, 2025).
[88] Diana R. Gergel et al., *Effects of climate change on snowpack and fire potential in the western USA*. 141 Climatic Change 287 (Feb. 2017), https://link.springer.com/article/10.1007/s10584-017-1899-y.
[89] Oregon Global Warming Commission, *Biennial Report to the Oregon Legislature* (2023), https://www.oregonlegislature.gov/citizen_engagement/Reports/2023%20OGWC%20Biennial%20Report%20to%20the%20Legislature.pdf.
[90] Gergel et al., *supra* note 88.
[91] Benjamin H. Strauss *et al.* (2021), *Economic damages from Hurricane Sandy attributable to sea level rise caused by anthropogenic climate change*, 12 Nature Communications 1, https://www.nature.com/articles/s41467-021-22838-1.
[92] Congressional Budget Office, *Federal Spending for Flood Adaptations* (Sept. 2024), https://www.cbo.gov/publication/60803.

Climate change is also accelerating ocean acidification as seawater absorbs more carbon dioxide from the atmosphere.[93] Estimates suggest that by 2100, the acidity of ocean surface waters may reach values not seen since the middle Miocene, 14-17 million years ago.[94] This chemical shift threatens the ability of shellfish and corals to build their skeletons and harms other fish species. Many of the impacted species are important to coastal economies and food security.[95] Ocean acidification is considered one of the greatest threats to marine organisms throughout the food web and will result in widespread environmental costs.[96]

As climate change continues, the associated economic risks are expected to escalate. According to the most recent *National Climate Assessment*, climate change has affected commercial marine fisheries across all U.S. regions by changing the distribution of key species and disrupting income and jobs tied to the industry. Climate-driven shifts are expected to cause billions of dollars in economic losses by 2100 for 16 species that account for over half of the country's commercial fisheries revenue. Intensifying storms and rising sea levels will pose growing risks to coastal infrastructure and transportation systems, which are essential for the harvesting and distribution of seafood.[97] The climate impacts will vary geographically. In Florida, USGS has projected that coral reef degradation could accrue an average cost of nearly $823 million.[98] In the Gulf of Maine, the American lobster—the highest-valued single-species fishery in the U.S.—will see a population decline of nearly 50% by 2050 due to ocean warming, directly threatening the region's fishing economy and cultural heritage.[99]

According to the International Energy Agency, nations must stop developing new oil and gas fields if global warming is to stay within relatively safe limits.[100] And we can still avoid the worst impacts of climate change; the IPCC reports that quick and sustained reductions in greenhouse gas emissions would perceptibly slow planet warming within approximately two decades.[101] An Oceana analysis found that permanent offshore drilling protections for all unleased federal waters could prevent over 19 billion tons of greenhouse gas emissions—equivalent to taking every car in the United States off the road for the next 15 years.[102] Beyond

---

[93] NOAA, *Ocean acidification*, https://www.noaa.gov/education/resource-collections/ocean-coasts/ocean-acidification (last visited June 5, 2025).
[94] *Id.*
[95] *Id.*
[96] Nan Hu et al., *Responses of marine trophic levels to the combined effects of ocean acidification and warming*, 15 Nature Communications 1 (April 2024), https://www.nature.com/articles/s41467-024-47563-3.
[97] Emily B. Osborne et al., Ocean Ecosystems and Marine Resources (2023), https://nca2023.globalchange.gov/chapter/10/.
[98] USGS, Coral Bleaching Event Can Increase Flood Risk, Economic Losses (Jun 28, 2022), https://www.usgs.gov/programs/cmhrp/news/coral-bleaching-event-can-increase-flood-risk-economic-losses (last visited Jun 11, 2025).
[99] Andrew J. Pershing et al., *Climate impacts on the Gulf of Maine ecosystem: A review of observed and expected changes in 2050 from rising temperatures*, 9 Elementa: Science of the Anthropocene 00076, PIN CITE (Aug 4, 2021).
[100] International Energy Agency, *Net Zero by 2050: A Roadmap for the Global Energy Sector* (May 2021), https://iea.blob.core.windows.net/assets/7ebafc81-74ed-412b-9c60-5cc32c8396e4/NetZeroby2050-ARoadmapfortheGlobalEnergySector-SummaryforPolicyMakers_CORR.pdf.
[101] IPCC, *Climate Change 2023: Synthesis Report – Summary for Policymakers* (2023), https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_SPM.pdf.
[102] Oceana, *Offshore Drilling Fuels the Climate Crisis and Threatens the Economy* (Jan. 2021), https://usa.oceana.org/publications/reports/offshore-drilling-fuels-climate-crisis-and-threatens-economy.

that, those permanent protections could prevent more than $720 billion in damage to people, property, and the environment.[103]

The ongoing and potential catastrophes and costs from climate change are too large compared to the small benefit of expanding offshore drilling in the United States. New lease sales in the OCS are unnecessary and could devastate marine ecosystems and coastal communities.

IV. IF THE BUREAU MOVES FORWARD, IT SHOULD NOT SCHEDULE ANY LEASE SALES

If the Bureau does move forward with the development of the 11th Program, it should not schedule any lease sales. In preparing a five-year program, the Secretary must "consider the economic, social, and environmental values of the renewable and nonrenewable resources contained in the [OCS]."[104] The timing and location of oil and gas exploration, development and production must be based on the Secretary's consideration of many factors, including the ecological characteristics of the OCS region; environmental risks; other uses of the region, including fisheries; the laws, goals and policies of affected States; and the environmental sensitivity and marine productivity of the area."[105] The Secretary must balance the potential for environmental damage, the potential for the discovery of oil and gas, and the potential for adverse impact on the coastal zone.[106]

Our oceans are too valuable—as economic drivers, remote ecosystems, or military readiness test sites—to expose to the risks of expanded oil and gas activities. This section discusses why the Bureau should not consider leases in the Atlantic, Pacific, Gulf, or Alaska.

A. The Bureau Should Exclude the Atlantic Planning Areas

The Bureau should not schedule lease sales in the Atlantic planning areas because oil and gas activities conflict with other industries dependent on a healthy ocean. The Atlantic Ocean supports vibrant fisheries, coastal tourism and recreation, endangered species of marine mammals, and rare deep sea coral formations. The Atlantic region is incredibly productive, but this productivity is endangered by oil and gas activities.

1. Leasing History

The oil and gas industry already attempted production in the Atlantic and was unsuccessful. Ten oil and gas lease sales were held in the Atlantic between 1976 and 1983, and 51 wells were drilled.[107] All wells were abandoned as non-commercial, and there has been no oil and gas activity in the Atlantic since the 1980s, in part due to Congressional and Presidential moratoria.[108] In 2008, President George W. Bush lifted the Presidential moratorium, and

---

[103] *Id.*
[104] 43 U.S.C. § 1344(a)(1).
[105] *Id.* § 1344(a)(2).
[106] *Id.* § 1344(a)(3).
[107] BOEM, *Atlantic Oil and Gas Information*, https://www.boem.gov/oil-gas-energy/oil-and-gas-atlantic (last visited June 4, 2025).
[108] Scott Neuman, *Obama Ends Ban on East Coast Offshore Drilling*, NPR (Mar. 31, 2010), https://www.npr.org/2010/03/31/125378223/obama-ends-ban-on-east-coast-offshore-drilling.

Congress allowed the Congressional ban on offshore oil and gas exploration and exploitation in the Atlantic to expire.[109] Since then, the Atlantic has been included in several draft proposed programs, but these proposals faced a groundswell of opposition from coastal communities as well as other federal agencies, including the Department of Defense.[110] In 2020, President Donald Trump used his authority under Section 12(a) of OCSLA to withdraw from leasing disposition the South Atlantic and Straits of Florida Planning Areas until June 30, 2032.[111]

In 2021, the Bureau conducted an assessment of undiscovered oil and gas resources and found that the Straits of Florida had the lowest resource potential of any planning area in the continental United States, and the South Atlantic planning area was found to have the second lowest potential.[112] The low potential for the discovery of oil and gas in the Atlantic coupled with the very real potential for environmental damage and adverse impacts on the coastal zone make this region an area that should remain off the table.

2. Marine Economy and Fisheries

Along the Atlantic coast, over 1.4 million jobs, 81,000 business, and $124 billion in Gross Domestic Product (GDP) rely on a healthy ocean.[113] The commercial fishing and seafood industry contributes over 550,000 jobs, $17 billion in income, and $76 billion in sales.[114] Some of the key commercial species caught here include American lobster, blue crab, Atlantic menhaden, grouper, and sea scallop. Recreational fishing in the ocean contributes over 42,000 jobs and over $2 billion in income to Atlantic states.[115] This sustainable economy would be at risk if oil, gas, or mineral development were permitted anywhere along the coast.

3. Habitat and Biodiversity

The Atlantic coast is one of the most ecologically diverse and productive regions in the country. It hosts a wide array of habitats including seagrass meadows, oyster reefs, salt marshes, coral reefs, and mangrove forests, each providing critical ecosystem services and supporting coastal economies. For example, salt marshes cover approximately one million acres in the Southeast, providing essential habitat for more than 75% of Southeast fisheries species, acting as nursery grounds for juvenile fish and invertebrates, and offering critical feeding and resting areas for migratory birds.[116] The Straits of Florida are home to some of the largest and most diverse seagrass beds in the U.S., with seven species stretching across 2.2 million acres. These meadows

---

[109] *Id.*; Dan Eggen and Steven Mufson, *Bush Rescinds Father's Offshore Oil Ban*, Washington Post (July 15, 2008), http://www.washingtonpost.com/wp-dyn/content/article/2008/07/14/AR2008071401049_pf.html.
[110] Matthew Daly, *In reversal, Obama admin to block oil drilling in Atlantic* (Mar. 15, 2016), https://www.pbs.org/newshour/politics/in-reversal-obama-admin-to-block-oil-drilling-in-atlantic.
[111] Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition, 2020 DAILY COMP. PRES. DOC. 659 (Sept. 8, 2020).
[112] BOEM, *2021 National Assessment of Undiscovered Oil and Gas Resources of the U.S. Outer Continental Shelf*, OCS Report BOEM 2021-071 (2021), https://www.boem.gov/oil-gas-energy/2021-na.
[113] NOAA Office for Coastal Management, *2024 Marine Economy Report* (2024), https://coast.noaa.gov/data/digitalcoast/pdf/econ-report-regional-state.pdf.
[114] NOAA, *Fisheries Economics of the United States 2022* (November 2024) at 9, https://www.fisheries.noaa.gov/resource/document/fisheries-economics-united-states-reports.
[115] *Id.*
[116] South Atlantic Salt Marsh Initiative, *Marsh Forward - A Regional Plan for the Future of the South Atlantic Coast's Million-Acre Salt Marsh Ecosystem*, https://marshforward.org/media/4bvhppi3/sasmi-plan.pdf (last visited June 4, 2025).

support numerous species, including spotted seatrout, red drum, grouper, tarpon, and spiny lobster, which are economically valuable and ecologically important, as well as the endangered Florida manatee and green sea turtle.[117] These habitats provide ecosystem benefits as well. For example, coral reefs offer over $1.8 billion in coastal protection value to the United States.[118] During Hurricane Sandy in 2012, salt marshes mitigated damages by as much as $625 million in New Jersey.[119]

This region is home to the critically endangered North Atlantic right whale, whose population has dwindled to around 370 individuals. Listed under the Endangered Species Act since 1970, these whales face numerous threats, including ship strikes, entanglement in fishing gear, habitat degradation, and climate change. Since 2017, they have experienced an unusual mortality event, which has involved 41 right whale deaths, with nine occurring in 2024 alone.[120]

Right whales depend on two essential habitats along the U.S. Atlantic coast: a foraging area off New England and a calving ground extending from the Mid-Atlantic to Florida. Climate change has already disrupted their habitat use patterns, forcing them to spend more time in unprotected areas where they are more vulnerable to anthropogenic threats.[121] Offshore drilling would exacerbate these threats by introducing more ship traffic, underwater noise pollution, and oil spill risks.

Noise pollution is particularly harmful to right whales, as they rely on acoustic signals for communication, navigation, foraging, and finding mates.[122] Seismic surveys create intense noise that can interfere with these functions, causing chronic stress and affecting their immune systems and reproductive success.[123] Additionally, seismic blasts can lead to the separation of mother-calf pairs, further threatening the already small population.[124] Similarly, exposure to constant noise from shipping traffic results in chronic stress in right whales.[125] Allowing offshore drilling off of the Atlantic coast would be devastating to an already fragile species.

---

[117] Florida Dep't of Environmental Protection, *Florida Seagrasses*, https://floridadep.gov/rcp/seagrass (last visited June 4, 2025).
[118] Rachel R. Carlson et al., *Coastal business perception of coral value and payment for coral restoration*, 15 Scientific Reports (March 2025), https://www.nature.com/articles/s41598-025-93439-x.
[119] Siddharth Narayan et al., The Value of Coastal Wetlands for Flood Damage Reduction in the Northeastern USA, 7 Scientific Reports 1 (Aug. 2017), https://www.nature.com/articles/s41598-017-09269-z.
[120] NOAA Fisheries, *North Atlantic Right Whale*, https://www.fisheries.noaa.gov/species/north-atlantic-right-whale (last visited June 4, 2025); NOAA Fisheries, *North Atlantic Right Whale Updates*, https://www.fisheries.noaa.gov/national/endangered-species-conservation/north-atlantic-right-whale-updates (last visited June 5, 2025)..
[121] Erin L. Meyer-Gutbrod et al., *Redefining North Atlantic right whale habitat-use patterns under climate change*, 68 *Limnology and Oceanography* S71 (Nov. 2022), https://aslopubs.onlinelibrary.wiley.com/doi/10.1002/lno.12242.
[122] *North Atlantic Right Whale*, *supra* note 120.
[123] Emmaline Marotte et al., *Recommended metrics for quantifying underwater noise impacts on North Atlantic right whales*, Marine Pollution Bulletin 175 (Feb. 2022), https://pubmed.ncbi.nlm.nih.gov/35077924/.
[124] Jennifer B. Tennessen & Susan E. Parks, *Acoustic propagation modeling indicates vocal compensation in noise improves communication range for North Atlantic right whales*, 30 Endangered Species Research 225 (June 2015), https://www.int-res.com/articles/esr2016/30/n030p225.pdf.
[125] Rosalind M. Rolland et al., *Evidence that ship noise increases stress in right whales*, 279 Proceedings Biological Sciences 2363 (Feb. 2012), https://royalsocietypublishing.org/doi/10.1098/rspb.2011.2429.

4. Cultural and Community Value

The Atlantic coastal and marine environment holds significant cultural and community value. The Chesapeake Bay, for example, is an area of deeply rooted cultural heritage, including fishing practices, recreational activities, and natural landscapes that define the area's unique sense of place.[126] Tens of thousands of Native Americans live in the Chesapeake region today.[127] Some of the communities represented in this area include Piscataway, Anacostans, Nanticoke, Powhatan, Chesapeake, and many others. Further, an estimated 100,000 Native American archaeological sites within the Chesapeake Bay watershed face threats from climate-induced sea-level rise, which would be hastened by oil and gas development.[128] These sites are irreplaceable cultural assets and must be protected from the environmental degradation that results from offshore oil and gas drilling and subsequential climate change.

In the South Atlantic, the Gullah Geechee Cultural Heritage Corridor stretches along the coast from North Carolina to Florida. This is home to the Gullah Geechee people, whose cultural heritage is intimately tied to the water and marshland. The Gullah Geechee proverb "De wata bring we and de wata gwine tek we bak" speaks to "the need to be near the water and to smell the marsh." This region is vulnerable, however—approximately 25% of the Gullah/Geechee Heritage Corridor is projected to be flooded or inundated due to climate-induced sea level rise.[129]

There must be meaningful opportunities for participation by local communities, governments, tribes, co-management organizations, and similar organizations to identify the areas in the OCS they deem important, from both subsistence and traditional knowledge perspectives.

B. The Bureau Should Exclude the Pacific Planning Areas

The Bureau should exclude the four Pacific planning areas from a draft proposed program. Expanded offshore oil and gas exploration and development puts the resources of the California Current Large Marine Ecosystem, and the associated ocean economy, at risk. This ecosystem includes hundreds of species of fish and seabirds, more than 30 marine mammal species, and five sea turtle species. Gray whale migration routes and humpback feeding areas span the coast. These waters include critical habitat for Steller sea lions, Southern Resident killer whales, the Pacific leatherback sea turtle, green sturgeon, and Chinook salmon. The California coast is a feeding ground for endangered blue whales, fin whales, and sperm whales.

1. Leasing History

The Department of the Interior held eleven lease sales between 1963 and 1984 in the Pacific Region, issuing 470 total leases.[130] Today, there are only 30 active leases remaining in

---

[126] Maryland Sea Grant, *Bay Culture*, https://www.mdsg.umd.edu/bay-culture (last visited June 4, 2025).
[127] Chesapeake Bay Foundation, The Original Inhabitants of Our Land (Oct 12, 2020), https://www.cbf.org/blogs/save-the-bay/2020/10/the-original-inhabitants-of-our-land.html (last visited Jun 11, 2025).
[128] Chesapeake Bay Program, *Indigenous Peoples of the Chesapeake*, https://www.chesapeakebay.net/discover/history/indigenous-peoples-of-the-chesapeake (last visited June 4, 2025).
[129] *Marsh Forward*, *supra* note 116.
[130] Letter from Chistopher Potter, Program Manager to California Ocean Protection Council (Jan. 31, 2018), https://opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180131/hold/Item4_Resolution_on_Offshore_Oil_and_Gas_Leasing_FINAL.pdf.

the Pacific OCS, all in the Southern California Planning Area.[131] All of the remaining platforms are near their end of life, with the youngest platform being older than 30 years old.[132] For good cause, these areas have not been included in any final five-year program for nearly 40 years.[133]

2. Marine Economy and Fisheries

The West Coast ocean economy supports nearly 674,000 jobs and generates $69.6 billion to the gross domestic product (GDP).[134] The West Coast's commercial fishing industry is a vital component of the region's economy. West Coast commercial fisheries support over 290,000 full- and part-time jobs, generating $43.8 billion in sales and $9.9 billion in yearly income for fishers. The recreational fishing industry supports over 7,500 jobs and $419 million in income for fishers.[135]

3. Habitat and Biodiversity

The Pacific Ocean ecosystem off the West Coast hosts a globally important concentration of large migratory marine wildlife. It is a highway for migrating whales and birds, as well as a destination for a wide suite of sharks, whales, dolphins, seabirds, sea turtles, and important game fish that come to feed in the rich productive Pacific Ocean waters. Protected areas include designated critical habitats for humpback whales, Southern Resident killer whales, Pacific leatherback sea turtles, southern green sturgeon, and black abalone, with black abalone critical habitat extending around parts of the Channel Islands.[136] Sensitive seafloor habitats, such as coral and sponge gardens, thrive along the continental shelf, slope, and deep-sea areas,[137] while pelagic zones are vital for primary production and species like krill, forage fish, salmon, sea lions, and squid.[138]

Coastal habitats are particularly vulnerable to the risks of an oil spill, threatening seals, sea lions, sea otters, salmon and abalone, and ecosystems such as seagrass beds, kelp forests, and rocky reefs.[139] Sensitive wetlands, including estuaries and marshes, are also at high risk of oil

---

[131] BOEM, *Managing Oil and Gas Leases – Pacific*, https://www.boem.gov/regions/pacific-ocs-region/oil-gas/managing-oil-and-gas-leases-pacific (last visited June 4, 2025).
[132] Heather Richards, *Why Interior could get stuck with the tab for cleaning up oil platforms*. E&E News (Apr. 12, 2024), https://www.eenews.net/articles/why-interior-could-get-stuck-with-the-tab-for-cleaning-up-oil-platforms/.
[133] The areas were included as part of the 1987-1992 Five Year-Program, but the California leases were cancelled by President George H.W. Bush. Oil & Gas Journal, *Bush Orders Cancellation of Eight Controversial Offshore Lease Sales* (July 2, 1990), https://www.ogj.com/drilling-production/drilling-operations/article/17214615/bush-orders-cancellation-of-eight-controversial-offshore-lease-sales.
[134] *2024 Marine Economy Report*, *supra* note 113.
[135] *Fisheries Economics of the United States 2022*, *supra* note 114114, at 9.
[136] NOAA Fisheries, *Critical Habitat*, https://www.fisheries.noaa.gov/national/endangered-species-conservation/critical-habitat (last visited June 4, 2025).
[137] National Marine Fisheries Service - Office of Habitat Conservation, *The State of Deep-Sea Coral and Sponge Ecosystems of the United States* 113-114 (2017), https://repository.library.noaa.gov/view/noaa/17609/noaa_17609_DS1.pdf
[138] NOAA Fisheries, *California Current Integrated Ecosystem Assessment,* https://www.integratedecosystemassessment.noaa.gov/regions/california-current/california-current-ecosystem-component-coastal-pelagic-species (last visited June 11, 2025).
[139] NOAA Office of Response and Restoration, Using Science to Restore Polluted Coastal Environments on the West Coast (Dec 5, 2024), https://blog.response.restoration.noaa.gov/using-science-restore-polluted-coastal-environments-west-coast (last visited Jun 11, 2025).

spills, which can smother and poison marsh plants and animals, leading to long-term damage that may take decades to recover.[140] Additionally, climate change will likely result in saltmarsh loss from coastal squeeze due to sea level rise and increased storminess.[141]

The West Coast region is also home to 10 ESA-listed marine mammals, four ESA-listed sea turtles, five ESA-listed seabirds, and 28 marine fish taxa listed as threatened or endangered.[142] Opening these areas to offshore oil and gas activities would degrade marine environments and harm already vulnerable species and habitats.

4. Cultural and Community Value

The coastal and ocean waters off the West Coast hold immense cultural significance for many groups, including federally recognized Tribes, recreational and commercial fishermen, and recreational users such as scuba divers, surfers, and swimmers. These waters provide food, transportation, recreational opportunities, and sacred cultural and spiritual connections. Further, over 100 West Coast communities have passed resolutions in opposition to offshore drilling.[143] The Bureau has identified 2,383 coastal cultural resources at risk from future offshore development, including 683 archaeological sites, 1,719 built environment resources, and 78 culturally significant properties. Protecting these waters is essential to preserving their cultural, historical, and ecological value.[144]

The balance of factors the Secretary must weigh does not support expanded oil and gas exploration and development off the West Coast. Oceana urges the Bureau to exclude the Pacific planning areas from any draft proposed program.

C. The Bureau Should Exclude the Alaska Planning Areas

The Bureau should not offer any lease sales in the Alaska planning areas. Offshore oil and gas exploration activities have been controversial and unsuccessful, and there is a demonstrated lack of industry interest. Further, due to the remoteness, lack of infrastructure, severe weather, sea ice, and more, an oil spill would be nearly impossible to clean up, devastating delicate ecosystems and harming important commercial, recreational, and subsistence fisheries.

1. Leasing History

Since at least the 1970s, companies have thought that oil and gas might be produced from under the U.S. Arctic Ocean, and the federal government has advanced that interest. Oil companies spent billions of dollars in the 1980s and 90s purchasing leases and drilling

---

[140] Jacqueline Michel et al., *Oil Spills in Marshes: Planning and Response Considerations* (Mar. 2022), https://response.restoration.noaa.gov/sites/default/files/Oil_Spills_in_Marshes.pdf.
[141] Neil Saintilan et al., *Constraints on the adjustment of tidal marshes to accelerating sea level rise* 377 *Science* 523 (July 2022), https://www.science.org/doi/10.1126/science.abo7872.
[142] California Dep't of Fish and Wildlife, *California Marine Protected Areas (MPAs)*, https://wildlife.ca.gov/conservation/marine/MPAS (last visited June 4, 2025).
[143] Craig J. McGowan et al., *Respiratory, Dermal, and Eye Irritation Symptoms Associated with Corexit™ EC9527A/EC9500A following the* Deepwater Horizon *Oil Spill: Findings from the GuLF STUDY*. 125(9) Environmental Health Perspectives 1 (Sept. 2017), https://ehp.niehs.nih.gov/doi/10.1289/EHP1677.
[144] Oceana, *Opposition to New Offshore Drilling in the Pacific Ocean*, https://usa.oceana.org/pacific-drilling/ (last visited June 4, 2025).

exploration wells.[145] These efforts were both controversial and unsuccessful, and the companies largely walked away from their investments. Nearly 90% of the Arctic Ocean leases sold in the 1980s and 90s were relinquished by the companies that purchased them. Almost all of the remaining leases were allowed to expire at the end of their initial ten-year terms.[146] By 2002, no leases were owned in the Chukchi Sea and almost none in the Beaufort.

That process then repeated itself. The former Minerals Management Service (MMS) held three lease sales in the Beaufort Sea between 2003 and 2007. Those sales—Lease Sales 186, 195, and 202—resulted in the award of 240 leases covering more than 1.3 million acres. In the Chukchi Sea, MMS held Lease Sale 193 in 2008. That sale resulted in the purchase of 487 leases covering more than 2.7 million acres.

Companies, led by Shell, pursued exploration. Those efforts led to controversy and risk—highlighted by Shell's failed 2012 season and the grounding of the drilling rig *Kulluk*—and, ultimately, have proven unsuccessful. Now, the companies that owned those leases have largely walked away from their investments. All of the leases in the Chukchi Sea have been relinquished.[147] Most of these relinquishments took place in the wake of Shell's unsuccessful exploration in 2015 and the Bureau of Safety and Environmental Enforcement's (BSEE) subsequent decision not to grant requests for Suspensions of Operations.[148] In the Beaufort Sea, nearly all the leases sold in sales 186, 195, and 202 have been relinquished or allowed to expire. At the end of the day, Shell, BP, ConocoPhillips, Statoil, Repsol, Total, Iona Energy, Armstrong, and Encana have all walked away from Arctic Ocean leases.

Moreover, in 2015, the Bureau canceled Beaufort Sea Lease Sale 242 "due to current market conditions (e.g., low oil prices) and minimal competitive interest from industry."[149] And, in considering prior programs that excluded the Arctic, the Bureau appropriately considered industry interest. For example, the Proposed Program prepared by the agency for the 2017-2022 Program included a "Summary of Energy Exploration and Production Industry Comments from the DPP." The summary references trade associations, companies that have not purchased leases or conducted exploration activities in the U.S. Arctic Ocean for decades, and many of the companies that have walked away from their leases.[150] The fact that companies are turning away from their investments and have shown little interest in actually purchasing additional leases

---

[145] *See* Michael LeVine, Peter Van Tuyn & Layla Hughes, *Oil and Gas in America's Arctic Ocean: Past Problems Counsel Precaution*, 37 SEATTLE UNIV. L. REV. 1271, 1314–21 (2015); *see also* BOEM, *Lease Sales Historical Data*, http://www.boem.gov/Historical-Alaska-Region-Lease-Sales/ (last updated April 1, 2025); BOEM, *Oil and Gas - Alaska*, http://www.boem.gov/About-BOEM/BOEM-Regions/Alaska-Region/Historical-Data/Index.aspx (last visited June 5, 2025).

[146] The few exceptions are the leases at the Northstar and Liberty prospects. *See* LeVine et al., *supra* note 145, at 1421.

[147] *See* BOEM, *Alaska OCS Region, Detailed Listing of Active Leases*, http://www.boem.gov/Alaska-Detailed-Listing-of-Active-Leases/ (last updated Feb. 2025).

[148] *See* Letter from Kevin J. Pendergast, BSEE, to Susan Childs, Shell (Oct. 16, 2015), https://www.doi.gov/sites/doi.gov/files/uploads/ShellSOOLtr.pdf.

[149] Cancellation of Oil and Gas Lease Sale 242 in the Beaufort Sea Planning Area on the Outer Continental Shelf (OCS), 80 Fed. Reg. 74,797, 74,797 (November 30, 2015).

[150] BOEM, *2017–2022 Outer Continental Shelf (OCS) Oil and Gas Leasing Proposed Program* 9-3 (March 2016), https://www.boem.gov/sites/default/files/oil-and-gas-energy-program/Leasing/Five-Year-Program/2017-2022/2017-2022-Proposed-Program-Decision.pdf.

should counsel strongly against scheduling new sales and in favor of removing the Chukchi and Beaufort Sea planning areas from a new program, if one is prepared.

A similar story has played out in the Cook Inlet. Despite being included in the last four leasing programs, the Bureau has only held three lease sales in the area since 2004, one of which resulted in no bids.[151] The Bureau cancelled four other sales due to lack of industry interest.[152] In September 2024, Hilcorp Alaska, the only company to bid on lease blocks in the Cook Inlet this century, relinquished seven of its fifteen leases in the area.[153] Despite lack of industry interest and strong opposition from Alaskans leading to the cancellation of Lease Sale 258, the Inflation Reduction Act directed the Bureau to revive the sale. When the Bureau held the sale in 2022, the agency only received one bid, from Hilcorp.[154]

2. Marine Economy and Fisheries

Alaska's ocean economy supports over 2,500 businesses, approximately 38,000 employees, and $8.9 billion in GDP.[155] Alaska is known for being home to some of the most productive commercial fisheries in the United States. In 2022, Alaska's commercial fishing and seafood industry was valued at $5.1 billion in sales. These fisheries supported nearly $2.3 billion in yearly income for commercial fishers. [156] The recreational fisheries also thrive, supporting $368 million in annual income. [157]

3. Habitat and Biodiversity

Alaska's marine environment is home to vibrant ecosystems and unique wildlife. The planning areas encompass high-value habitats, migration routes, breeding and foraging grounds, important seafloor habitats, and zones of high primary productivity.

Many marine mammals depend on these habitats. The entire Chukchi Sea coastline serves as an essential corridor for species such as bowhead whales, Pacific walrus, ice seals, and gray whales. Gray whales undertake the longest known migration of any mammal on Earth, traveling from northern Mexico to the Chukchi and Bering seas to feed in the nutrient-rich coastal waters. The region also supports large concentrations of beluga whales during their molting and calving periods—a species that is especially sensitive to human disturbance. Polar bears hunt and den along the coasts, particularly females who rely on coastal and sea ice areas for denning.

Alaska is also home to a network of globally significant Important Bird Areas (IBAs). The Chukchi Sea Nearshore IBA, for example, hosts up to 15% of the world's population of glaucous gulls. Kasegalus Lagoon IBA boasts the highest bird diversity and abundance of any

---

[151] BOEM, *Sale 258 Status Update*, archived at https://web.archive.org/web/20220901042555/https://www.boem.gov/oil-gas-energy/leasing/sale-258-status-update (last visited June 5, 2025).
[152] *Id.*
[153] BOEM, *Cook Inlet Oil and Gas Lease Sale 244*, https://www.boem.gov/about-boem/cook-inlet-oil-and-gas-lease-sale-244 (last visited June 5, 2025).
[154] BOEM, *Lease Sale 258*, https://www.boem.gov/oil-gas-energy/leasing/lease-sale-258 (last visited May 16, 2025).
[155] *2024 Marine Economy Report*, *supra* note 113.
[156] *Fisheries Economics of the United States 2022*, *supra* note 114, at 9.
[157] *Id.*

lagoon system in Arctic Alaska. Meanwhile, the cliffs of the Lisburn peninsula support nesting colonies of nearly a quarter of a million breeding birds. In recognition of their ecological importance, the National Marine Fisheries Service has designated key areas off Alaska as Essential Fish Habitat (EFH) for species such as pacific cod, sablefish, snow crab, and yellowfin sole. Additionally, Cook Inlet supports all five species of Pacific salmon.

Alaska's arctic environment is also highly vulnerable, particularly due to climate change. Temperatures in the region are rising at a rate about three times faster than the global average, and sea ice has declined by as much as 58% since 1979.[158] This dramatic loss of ice is diminishing essential habitat for important species such as polar bears and ice seals.

To make matters worse, companies are not prepared to operate safely in the remote and challenging Arctic environment. The Arctic Ocean contains unique and important ecosystems, which are put at risk by oil and gas activities. There is no proven way to respond to a major spill in icy conditions, and such a spill could devastate unique and important ocean resources. Even routine exploration and development will cause noise, air, and water pollution. The potential magnitude and cumulative effects of these impacts are not well understood. These risks are exacerbated by the distance from response capacity and the lack of infrastructure in the Arctic region. According to the National Research Council, "[t]he lack of infrastructure in the Arctic would be a significant liability in the event of a large oil spill," building the requisite spill response capacity "will require significant investment in physical infrastructure and human capabilities," and "[t]here is presently no funding mechanism to provide for development, deployment, and maintenance of temporary and permanent infrastructure."[159]

According to a BSEE report evaluating oil spill response in the Beaufort and Chukchi Seas, mechanical recovery becomes less effective with as little as 10% sea ice coverage. During winter months, these methods are considered "almost impossible" and are generally not advised for use during more than 70% of the year.[160] If a spill were to occur in this ecosystem, it would be devastating.

4. Cultural and Community Value

As identified by studies on behalf of the Bureau and other organizations, Alaska is home to subsistence hunting areas for communities along and near the shores of the Beaufort and Chukchi Seas. Subsistence use exclusions should be determined in consultation with the communities and hunters.

There must be meaningful opportunities for participation by local communities, governments, tribes, co-management organizations, Alaska Native Claims Settlement Act (ANCSA) corporations, and similar Alaska Native organizations to identify the areas in the OCS they deem important, from both subsistence and traditional knowledge perspectives. The federal government is required to consult fully with Alaska Native tribes on a government-to-government basis. Any governance framework needs to incorporate consultation well in advance

---

[158] Arctic Monitoring and Assessment Programme (AMAP), *Arctic Climate Change Update 2024: Key Trends and Impacts, Summary for Policy-Makers* (2024), https://www.amap.no/documents/download/7310/inline.
[159] National Research Council, Responding to Oil Spills in the U.S. Arctic Marine Environment 9 (National Academies Press 2014).
[160] Nuka Research & Planning Group, LLC, *Estimating an Oil Spill Response Gap for the U.S. Arctic Ocean (Revised)* (June 10, 2016), https://nukaresearch.com/download/projects/estimating-an-oil-spill-response-gap-for-the-us-arctic-ocean-revised.pdf.

of management and include a strategy for sharing information and providing feedback about indigenous residents' concerns.

For all of these reasons, Oceana urges the Bureau to exclude the Alaska Planning Areas from a draft proposed program, if one is prepared.

D. The Bureau Should Exclude the Gulf Planning Areas

The Bureau should not offer any lease sales in the Gulf. Oil and gas activities conflict with the military uses of the Eastern Gulf, and communities and ecosystems in the rest of the Gulf have already been irreparably harmed by the oil industry and the BP *Deepwater Horizon* disaster.

1. Leasing History

No leasing has occurred east of the military mission line in the Eastern Gulf since 1988. Congress imposed moratoria on drilling the area through annual appropriations bills from 1989 through 2008 and through the Gulf of Mexico Energy Security Act from 2006 through 2022.[161] In 2020, President Trump used his authority under Section 12(a) of OCSLA to extend that moratorium from 2022 to 2032.[162]

Members of Congress on both sides of the aisle have introduced multiple pieces of legislation to extend the Eastern Gulf of Mexico moratorium.[163] The Department of Defense has already expressed how vital the moratorium is to defense operations and military readiness operations in the Gulf. The Bureau should not entertain the idea of offering any leases in the Eastern Gulf because of the conflict with defense operations in the area and the sensitivity of the region.

The vast majority of leases held by the Bureau and its predecessor agencies have been in the Western and Central Gulf, and in 2024, over 99% of all oil produced in federal offshore waters came from the Gulf.[164]

2. Marine Economy and Fisheries

The Gulf region supports a robust fishing industry that is vital to the region's economy, and which must be protected from offshore oil and gas activities. Across the entire Gulf, about 585,000 jobs and $133 billion in GDP rely on a healthy Gulf.[165] The Gulf supports commercially valuable fisheries. In 2022, the Gulf's commercial fishing and seafood industry supported nearly 150,000 jobs, nearly $5 billion in income for fishers, and approximately $20 billion in sales.[166] Recreational fishing is especially important to the Gulf economy. In 2022, recreational fishing supported nearly 45,000 jobs and approximately $2 billion in income.[167] Species like striped

---

[161] Gulf of Mexico Energy Security Act, Pub. Law No. 109-432, § 103, 12 Stat. at 3002.
[162] Memorandum on Withdrawal, *supra* note 111.
[163] *See*, *e.g.*, Florida Coastal Protection Act, H.R. 2673, 119th Cong. (2025) (which would prohibit any issuance of lease or authorization for drilling activities in the Eastern Gulf of Mexico).
[164] U.S. Dep't of the Interior, Natural Resources Revenue Data, *Production by year*, https://revenuedata.doi.gov/downloads/production/ (last visited June 4, 2025).
[165] *2024 Marine Economy Report*, *supra* note 113113.
[166] *Fisheries Economics of the United States 2022*, *supra* note 114, at 9.
[167] *Fisheries Economics of the United States 2022*, *supra* note 114, at 15.

bass, red snapper, and summer flounder are central to these recreational fisheries, supporting the statewide economy and coastal communities.[168]

3. Habitat and Biodiversity

The Gulf is a biodiverse home to endangered whales, sea turtles, birds, and many commercially and recreationally important fish species. The Gulf provides crucial habitat for endangered and threatened species. Rice's whales are among the most endangered whales in the world, and oil industry activities are a primary threat to their precarious survival, with the *Deepwater Horizon* disaster decreasing their population by about 22%.[169] Leatherback sea turtles rely on habitat off the coasts of Alabama, Mississippi, and Louisiana which overlaps with areas with a high density of oil and gas platforms.[170]

This region is also home to important habitat. Mangroves, seagrass meadows, oyster reefs, and salt marshes provide breeding and feeding grounds for commercial and recreational fisheries species, as The Big Bend area, extending from Apalachicola Bay to Cedar Key, Florida, represents the greatest salt marsh coverage in the state of Florida. This area supports various animals including striped mullet, blue crab, periwinkle snails, Eastern oysters, diamondback terrapins, and threatened species such as the roseate spoonbill and the Florida salt marsh vole.[171] Estuaries such as Big Bend support at least 70% of Florida's recreational and commercial fisheries—without them, fisheries would decline or disappear.[172] Offshore drilling poses significant risks to these sensitive ecosystems, as oil spills can smother and poison marsh plants and animals, leading to long-term damage that may take decades to recover from.[173]

4. Cultural and Community Value

The Gulf's coastal waters hold deep cultural and historical significance for Indigenous and local communities. The region is an important heritage area for indigenous groups, including the Miccosukee, Seminole, Houma, Pensacola, Chatot, Apalachees, Calusa, and Taino tribes.[174] Damage to sensitive archaeological sites in these areas means loss of culture, heritage, and historic record. Oil spills and environmental degradation from offshore drilling would threaten these valuable cultural resources.

Further, the Gulf Coast is known for its hundreds of miles of beautiful sandy beaches, parks, and fishing communities. Florida's Gulf Coast alone attracts nearly 19 million tourists each year, and Alabama's beaches attract around 8 million.[175] These resources provide

---

[168] *Fisheries Economics of the United States 2022*, *supra* note 114, at 15.
[169] NOAA Fisheries, *Rice's Whale*, https://www.fisheries.noaa.gov/species/rices-whale (last visited June 5, 2025).
[170] Daniel R. Evans et al., *Identification of the Gulf of Mexico as an important high-use habitat for leatherback turtles from Central America*, Ecosphere (Aug. 11, 2021), https://esajournals.onlinelibrary.wiley.com/doi/10.1002/ecs2.3722.
[171] Sea Grant Florida, *World Wetlands Day: Salt Marshes in Florida's Big Bend Region* (Feb. 2, 2024), https://www.flseagrant.org/world-wetlands-day-salt-marshes-in-floridas-big-bend-region/.
[172] Florida Dep't of Environmental Protection, *Salt Marshes*, https://floridadep.gov/rcp/saltmarshes (last visited June 5, 2025).
[173] Michel et al., *supra* note 140.
[174] *See* Native Land Digital, https://native-land.ca/ (last visited June 5, 2025).
[175] Florida Dep't of Environmental Protection, *Beaches*, https://floridadep.gov/rcp/beaches (last visited June 5, 2025); City of Gulf Shores, *Visitor Profile*, https://www.gulfshoresal.gov/669/Visitor-Profile (last visited June 5, 2025).

opportunities for outdoor recreation, such as swimming, diving, fishing, hiking, and wildlife observation. These ecosystems are vulnerable to oil and gas activities and the resulting climate and environmental impacts, such as sea level rise, storm surge, flooding, pollution, poor water quality, and oil spills. Protecting these resources from oil and gas activities is essential to preserving the Gulf's unique environment.

5. Deepwater Horizon Disaster

In 2010, the BP exploratory rig *Deepwater Horizon* exploded, killing 11 workers, injuring 17, and setting off the largest oil spill in U.S. history. Oil gushed from the seafloor for 87 days, ultimately spewing hundreds of millions of gallons of oil into the Gulf.[176] Oil washed up on 1,300 miles of shoreline, from Texas to Florida, oiling beaches and wetlands and killing tens of thousands of birds, sea turtles, dolphins, and fish.[177] The economic impacts began almost immediately. Tourism to the Gulf Coast declined, and businesses dependent on coastal tourism lost revenue and were forced to lay off workers. The prospect of oiled beaches depressed real estate values.[178] Demand for Gulf seafood plummeted, and white and brown shrimp, oyster, and menhaden fisheries closed.[179] By 2020, the economic impact of the spill — which led to a decline in both commercial and recreational fishing — led to the loss of more than 25,000 jobs and $2.3 billion in industry output.[180] As of 2021, some Gulf fish species, such as white marlin, showed little to no recovery.[181]

The human health impacts were enormous. Tens of thousands of people were involved in response and cleanup efforts, and many were exposed to crude oil and more than 1.8 million gallons of toxic and carcinogenic chemical dispersants that were used to clean up the spill.[182] A 2025 study found that U.S. Coast Guard service members involved in the cleanup have experienced long-term endocrine and metabolic conditions.[183] The "Gulf Long-term Follow-up Study," a series of studies that followed a cohort of 32,608 for 10 years following the spill, found that cleanup workers and volunteers experienced a variety of adverse health consequences

---

[176] National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, *Deep Water: The Gulf Oil Disaster and The Future of Offshore Drilling* (Jan. 2011), https://www.govinfo.gov/content/pkg/GPO-OILCOMMISSION/pdf/GPO-OILCOMMISSION.pdf.
[177] NOAA Office of Response and Restoration, *Assessing the Impacts from* Deepwater Horizon (April 4, 2017), https://response.restoration.noaa.gov/about/media/assessing-impacts-deepwater-horizon.html.
[178] Clear Capital, *Impact of BP Oil Spill Reaches Beyond Gulf Coast* (Aug. 20, 2010), https://www.clearcapital.com/impact-of-bp-oil-spill-reaches-beyond-gulf-coast/.
[179] BOEM, *An Analysis of the Impacts of the* Deepwater Horizon *Oil Spill on the Gulf of Mexico Seafood Industry*, OCS Study BOEM 2016-020 (Mar. 2016), https://espis.boem.gov/final%20reports/5518.PDF
[180] Court et al., *supra* note 36.
[181] Murawski et al., *supra* note 37.
[182] Yao-Zhong Liu et al., *Carcinogenic Effects of Oil Dispersants: a KEGG Pathway-based RNA-seq Study of Human Airway Epithelial Cells*. 602 *Gene* 16 (Nov. 2016), https://pubmed.ncbi.nlm.nih.gov/27866042/.
[183] Hristina Denic-Roberts et al., *Risk of longer-term endocrine and metabolic conditions in the Deepwater Horizon Oil Spill Coast Guard cohort study – five years of follow-up*, 24 *Environmental Health* 12 (March 2025), https://ehjournal.biomedcentral.com/articles/10.1186/s12940-025-01164-9.

resulting from the cleanup, including increased cases of respiratory and cardiovascular impacts such as asthma[184] and heart attacks.[185]

As discussed in Section V, the BP *Deepwater Horizon* disaster wreaked havoc on the Gulf ecosystem, which is still dealing with these devastating environmental impacts. The Bureau should not expand the known risks associated with oil and gas activities to the Eastern Gulf by offering lease sales in the planning area.

V. THE BUREAU SHOULD NOT INCLUDE ANY PROTECTED AREAS IN THE PROPOSED 11TH PROGRAM

Finally, the Bureau should not make any protected area available for leasing in 11th Program. Presidential withdrawals are not reversible, so the Bureau does not have authority to hold lease sales in any previously withdrawn areas. National Marine Sanctuaries and Marine National Monuments provide a wide range of benefits to the American people, and these benefits are not worth risking for oil and gas development.

A. Presidential Withdrawals are Not Reversible

The Bureau must remove all areas from consideration that have been previously withdrawn pursuant to Section 12(a) of OCSLA. Section 12(a) of OCSLA authorizes the president to withdraw any unleased areas from leasing disposition.[186] Presidents of both parties, dating back to President Eisenhower, have used this authority to prohibit oil and gas leasing in various areas of the ocean.

Withdrawals under Section 12(a) are not reversible. When President Trump attempted to reverse President Obama's withdrawals offshore Alaska, the District Court of Alaska held that President Trump's actions exceeded his authority under Section 12(a) and found that only Congress could revoke prior withdrawals.[187]

As depicted in the map below, much of the OCS has been withdrawn by previous presidents from availability for leasing, including all of the Atlantic and Pacific Planning Areas, most of the Eastern Gulf of Mexico, much of Alaska (including nearly all of the Arctic), and National Marine Sanctuaries. Making these areas available for leasing would violate Section 12(a) of OCSLA, so the Bureau should remove them from consideration.

---

[184] Kaitlyn G. Lawrence et al., *Associations between airborne crude oil chemicals and symptom-based asthma*, 167 Environment International 1 (Sept. 2022), https://www.sciencedirect.com/science/article/pii/S0160412022003609?via%3Dihub.

[185] Jean Strelitz et al., *Self-reported myocardial infarction and fatal coronary heart disease among oil spill workers and community members 5 years after* Deepwater Horizon, 168 Envtl. Res. 70, https://www.sciencedirect.com/science/article/abs/pii/S0013935118305139?via%3Dihub.

[186] 43 U.S.C. § 1341(a).

[187] *League of Conservation Voters v. Trump*, 363 F. Supp. 3d 1013, 1029-30 (D. Alaska 2019), *vacated and remanded sub nom. League of Conservation Voters v. Biden*, 843 F. App'x 937 (9th Cir. 2021). The judgment was vacated by the Ninth Circuit as moot after President Biden reversed President Trump's order.

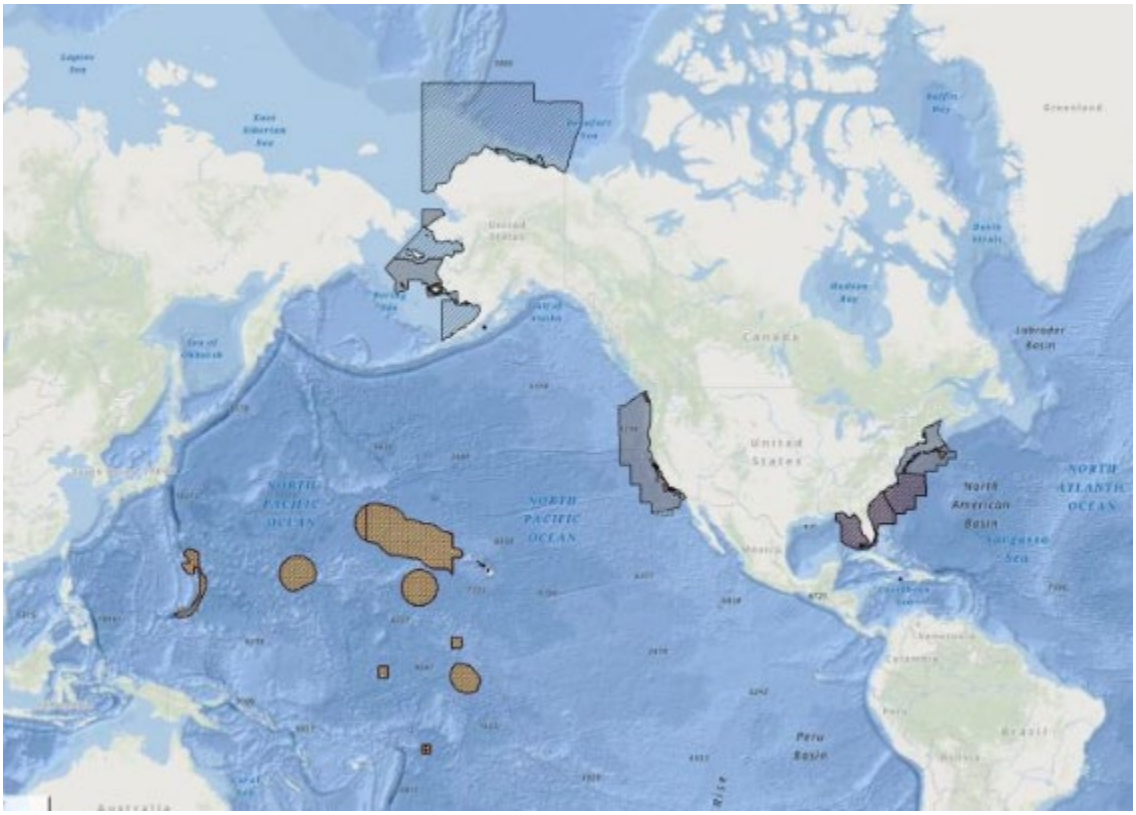

Figure 1. Map of Areas Restricted for Oil and Gas Leasing

B. Oil and Gas Activities Are Contrary to Natural Resource Protection Laws Like the National Marine Sanctuaries Act and the Antiquities Act

As discussed extensively in Oceana's comment letters on prior programs, our nation's resource protection laws have left no place for offshore oil and gas activities in National Marine Sanctuaries or Marine National Monuments.[188] The National Marine Sanctuaries Act exists to protect special places in the ocean from the effects of harmful human activity. Congress established the Act in recognition that "certain areas of the marine environment possess conservation, recreational, ecological, historical, scientific, educational, cultural, archeological, or esthetic qualities which give them special national, and in some cases international, significance."[189]

Protection of these special areas and their resources is the explicitly stated "primary objective" of the Act.[190] Consistent with that protective focus, the Act limits how marine sanctuaries can be used. Sanctuary designations must set forth specific activities that "will be

[188] *See* Letter from Lora Snyder, Oceana, to Secretary Ryan Zinke, Dep't of Interior (July 8, 2017) (on file with Oceana); Letter from Lora Snyder and Nancy Pyne, Oceana, to Secretary Wilbur Ross, Dep't of Commerce (July 26, 2017) (on file with Oceana).
[189] 16 U.S.C. § 1431(a)(2)
[190] *Id.* § 1431(b)(6).

subject to regulation by the Secretary to protect" sanctuary resources.[191] And while the Act allows issuance of "special use permits" for "conduct of specific activities" in sanctuaries, such permits can be issued "only if that activity is compatible with the purposes for which the sanctuary is designated and with protection of sanctuary resources."[192]

Drilling in marine sanctuaries does not comply with the protective purpose of the National Marine Sanctuary Act, or its restrictions on potentially harmful activities, because of the huge risk oil and gas extraction poses to sanctuary resources. NOAA has long recognized the risk oil and gas activities pose to sanctuary resources, which is why NOAA historically has excluded National Marine Sanctuaries from consideration for offshore leasing.[193] And in 1998 and again in 2008, Presidents Clinton and George W. Bush, respectively, withdrew *all* extant marine sanctuaries on the OCS from oil and gas leasing.[194]

Similarly, offshore oil and gas activities run counter to the purpose of the Antiquities Act. Congress enacted the Antiquities Act in 1906[195] to give the President the authority to proclaim antiquities, historical objects, and places of natural and scientific value as national monuments.[196] The President must reserve "the smallest area compatible with the proper care and management of the objects to be protected."[197] Marine national monuments preserve "some of the last remaining relatively pristine ocean ecosystems" for future generations.[198]

Many monument proclamations set restrictions on allowable activities that conflict with the Act's protective purpose.[199] Prior Presidents prohibited oil and gas as well as mineral extraction in monuments, either expressly or by withdrawing the land from leasing.[200] For example, President Obama prohibited all oil, gas, and mineral exploration and development within the Northeast Canyons and Seamounts Marine National Monument.[201]

The President does not have the authority to reverse restrictions on allowable activities in a monument. Nor does the President have the authority to alter a monument's management terms to allow oil, gas, and mineral extraction. A President might be able to make minor adjustments in

---

[191] *Id.* § 1434(a)(4).
[192] *Id*. § 1441(a), (c)(1).
[193] *See* NOAA National Marine Sanctuaries, *Cordell Bank and Gulf of the Farallones National Marine Sanctuaries Expansion: Final Environmental Impact Statement* 5-30–5-31 (2014) ("Oil and gas development in the marine environment has historically posed significant risks to marine resources, as evidenced by the magnitude of impacts of some offshore oil spills. Therefore, NOAA has usually excluded traditional energy exploration and production in our nation's national marine sanctuaries.")
[194] Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition, 34 Weekly Comp. Pres. Doc. 1111 (June 12, 1998); Memorandum on Modification of the Withdrawal of Areas of the United States Outer Continental Shelf From Leasing Disposition, 44 Weekly Comp. Pres. Doc. 986 (July 14, 2008); *see* BOEM, *Areas Under Restriction*, *II: National Marine Sanctuaries*, https://www.boem.gov/oil-gas-energy/leasing/areas-under-restriction (last visited June 4, 2025).
[195] Antiquities Act of 1906, Pub. L. No. 59-209, 34 Stat. 225 (1906).
[196] Congr. Research Service R41330, *National Monuments and the Antiquities Act* 1-2 (Feb. 11, 2025).
[197] 54 U.S.C. § 320301.
[198] NOAA Fisheries, *Marine National Monuments*, https://www.fisheries.noaa.gov/habitat-conservation/marine-national-monuments (last visited June 5, 2025).
[199] Congr. Research Service R41330 at 9-10.
[200] *Id*. at 9.
[201] Presidential Proclamation -- Northeast Canyons and Seamounts Marine National Monument, 2016 Daily Comp. Pres. Doc. 596 (Sept. 15, 2016).

the rules, but the Act does not allow major changes functionally equivalent to abolishing the monument.[202]

A monument with no protection is hardly a monument at all. Removing restrictions on oil, gas, and mineral exploitation in a marine monument would strip ocean ecosystems of the protections afforded by the monument's designation. For example, allowing these activities in the Northeast Canyons and Seamounts monument could imperil seafloor habitats, vital ecological hotspots, economically important fisheries, unique canyon species, and opportunities for American scientific research.[203]

C. National Marine Sanctuaries and Marine National Monuments Are Far More Valuable "As Is" Than as Oil Rig Sites

The National Marine Sanctuary System generates approximately $8 billion annually through commercial fishing, research and education, and recreation and tourism-related activities.[204] Hundreds of thousands of people visit sanctuaries every year to take part in activities such as wildlife viewing, paddle sports, scuba diving, boating, and fishing.[205]

On the west coast, annual spending on recreational fishing in the California sanctuaries totals $155.6 million, supporting 1,400 jobs. In Olympic Coast National Marine Sanctury, annual spending on recreational activities totals $128.2 million each year, supporting 1,200 jobs. Commercial fishing is important off the Olympic coast, and Dungeness crab and shrimp spot prawn fishing contributed $325 million in revenue to the area from 2008-2018. Chumash Heritage is the newest National Marine Sanctuary and encompasses an area off the coast of central California that is highly important for commercial and recreational fishing, and supports highly valuable species such as Dungeness crab, market squid, sablefish, and shortspine thornyhead.[206]

On the Atlantic coast, Stellwagen Bank National Marine Sanctuary offshore Massachusetts is one of the premiere whale watching destinations in the world. Whale watching significantly contributes to the local economy, attracting hundreds of thousands of annual visitors, and contributing $76.1 million in labor income, $107.2 million in value added, and approximately $182.1 million in output to the local economy. Florida Keys National Marine Sanctuary is responsible for contributing $4.4 billion and 43,000 jobs across the state of Florida, including almost $1.5 billion in labor income.[207]

The National Marine Sanctury System has a long history of robust science and research expeditions that inform natural resource management and have led to new discoveries of natural processes, shipwrecks, artifacts, marine life, and habitats. For example, the Monterey Bay National Marine Sanctuary is a major site for scientific research that informs natural resource

---

[202] Alexandra Wyatt, Cong. Research Serv., R44687, Antiquities Act: Scope of Authority for Modification of National Monuments 5 (2016).
[203] U.S. Dep't of the Interior, *Fact Sheet: Unique Atlantic Canyons Protected from Oil and Gas Activity* 4, https://www.doi.gov/sites/doi.gov/files/uploads/atlantic_canyons_fact_sheet_for_release.pdf (last visited June 5, 2025).
[204] NOAA, *Sanctuaries* (May 21, 2025), https://www.noaa.gov/sanctuaries.
[205] *Id.*
[206] NOAA, *National Marine Sanctuaries and Local Economies*, https://sanctuaries.noaa.gov/science/socioeconomic/factsheets/welcome.html (last visited June 5, 2025).
[207] *Id.*

management. The Sanctuaries also offer educational experiences that connect people to natural, historical and cultural resources. Cordell Bank and Flower Garden Banks National Marine Sanctuaries provide opportunities for research and education-focused diving as well as opportunities for the public to "visit" Cordell Bank through land-based exhibits, virtual reality, and the use of telepresence technologies during deep-sea research expeditions.

In addition to the direct contributions the National Marine Sanctuaries and Marine National Monuments provide to coastal economies through fishing and tourism, they also provide a multitude of indirect benefits and support a wide variety of intrinsic values. For example, through the stakeholder engagement process, they may be able to reduce user conflicts.[208] In addition, marine protected areas can also achieve important human welfare goals through improvements in food security and empowerment of local communities.[209] Marine resources found in our nation's marine sanctuaries support food security for millions of people via commercial and subsistence fishing. National Marine Sanctuaries also encourage responsible tourism and recreation, and help visitors develop a sense of stewardship and place-based conservation.[210] These areas are far more valuable than the potential value generated from oil and gas development.

VI. THE BUREAU SHOULD NOT CONSIDER ANY LEASING IN EXTENDED CONTINENTAL SHELF AREAS

The Bureau's incorporation of claimed Extended Continental Shelf in several planning areas and the creation of the "High Arctic" planning area violates international law. Even if the Bureau did have the authority to include these areas in the planning areas, leasing in these areas would be inappropriate.

Under the United Nations Convention on the Law of the Sea, party states may submit a claim to the Commission on the Limits of the Continental Shelf for jurisdiction over an extended continental shelf under the criteria set out in Article 76.[211] Only after the Commission makes recommendations on the establishment of an extended continental shelf do the extended limits become binding.[212]

We appreciate the detailed work that went into delineating the United States' Extended Continental Shelf proposal, but that work alone is not enough to comply with international law. As suggested by the Department of State in the report on the Extended Continental Shelf, the United States should file a submission with the Commission on the Limits of the Continental

---

[208] Jorge A. Angulo-Valdés and Bruce G. Hatcher, *A New Typology of Benefits Derived From Marine Protected Areas*, 34 Marine Policy 635 (2010), https://www.sciencedirect.com/science/article/abs/pii/S0308597X09001882.
[209] Michael Mascia et al., *Impacts of Marine Protected Areas on Fishing Communities,* 24 CONSERVATION BIOLOGY 1424 (2010), https://www.researchgate.net/publication/44634972_Impacts_of_Marine_Protected_Areas_on_Fishing_Communities
[210] Rachel Plunkett, NOAA, *How National Marine Sanctuaries Fuel Local Economies* (Jan. 2025), https://sanctuaries.noaa.gov/news/2025/sanctuaries-fuel-local-economies.html.
[211] U.N. Convention on the Law of the Sea, *opened for signature* Dec. 10, 1982, 1833 U.N.T.S. 397 (entered into force Nov. 16, 1994).
[212] *Id.*

Shelf, either after accession to the Convention or as a non-party.[213] To the extent the Department of State is arguing that the report alone is enough to claim an Extended Continental Shelf under customary international law, the argument is plainly inconsistent with the text of the Convention. Countries cannot simply claim that some clauses of a single Article of a treaty are customary international law while ignoring key parts of that same Article.

Even if leasing in the Extended Continental Shelf did not violate international law, it is not a good idea. These areas are in very deep water, where drilling is more dangerous. One study found that, for each 100 feet of added depth to an average offshore drilling platform, the probability of a company-reported incident (blowout, injury, or spill) increased by 8.5%.[214] Oil spill response is also more difficult in these areas. In the case of the Arctic, ocean conditions and lack of existing infrastructure would make cleanup efforts nearly impossible.[215] The difficulty of cleaning up potential oil spills is one of the many reasons the Arctic areas were withdrawn from leasing consideration.[216] To make matters worse, the areas in the claimed Extended Continental Shelf have relatively low resource potential, so there is no benefit that would outweigh the extreme risks.[217] In fact, the High Arctic was not even evaluated in Bureau's most recent assessment of undiscovered resources because its petroleum potential is minimal.[218]

For these reasons, the Bureau must abandon its efforts to conduct any activities in the claimed Extended Continental Shelf.

VII. THE BUREAU MUST CONSIDER LOCAL OPPOSITION TO OFFSHORE OIL AND GAS EXPLORATION AND DEVELOPMENT

As the Bureau reviews the comments during this initial 45-day comment period on the Request for Information, it must also consider decades of widespread and bipartisan opposition to any expansion of offshore drilling in the United States.

There has been consistent bipartisan opposition to drilling in the OCS. In the 118th Congress, 25 Senators[219] and 90 Representatives[220] signed on to bills calling for prohibitions on offshore oil and gas leasing in different portions of the OCS. These bills included the COAST

---

[213] U.S. Department of State, *The Outer Limits of the Extended Continental Shelf of the United States of America* 6 (2023), available at https://www.state.gov/wp-content/uploads/2025/02/ECS_Executive_Summary.pdf.
[214] Lucija Muehlenbachs et al., *The impact of water depth on safety and environmental performance in offshore oil and gas production*, 55 Energy Policy 699–705, 699 (Apr 1, 2013).
[215] Scott Waldman & ClimateWire, *The U.S. Is Not Ready to Clean Up an Arctic Oil Spill*, SCIENTIFIC AM. (July 19, 2017), https://www.scientificamerican.com/article/the-u-s-is-not-ready-to-clean-up-an-arctic-oil-spill/#:~:text=The%20United%20States%20is%20not,being%20transformed%20by%20climate%20change..
[216] U.S. Department of the Interior, *FACT SHEET: President Obama Protects 125 Million Acres of Arctic Ocean* (Dec. 20, 2016), https://www.doi.gov/sites/doi.gov/files/uploads/2016_arctic_withdrawal_fact_sheet_for_release.pdf.
[217] BOEM, *2021 Assessment of Undiscovered Oil and Gas Resources of the Nation's Outer Continental Shelf* (2021), https://www.boem.gov/oil-gas-energy/resource-evaluation/2021-assessment-undiscovered-oil-and-gas-resources-nations-outer.
[218] *Id.*
[219] Two of the Senators are no longer in office and two only supported a temporary moratorium.
[220] Three of the Representatives are no longer in office and sixteen only supported a temporary moratorium.

Anti-Drilling Act,[221] the Defend our Coast Act,[222] the No Drilling in the North Atlantic Act of 2023,[223] the New England Coastal Protection Act,[224] the American Shores Protection Act Further, [225] and the PROTECT Florida Act. [226] Further, every Senator from California, Oregon, and Washington signed on to West Coast Ocean Protection Act of 2023, which would prohibit leasing off the coasts of California, Oregon, or Washington.[227] Additionally 37 members of the House of Representatives signed onto the companion legislation in the House of Representatives, including 30 representatives from those West Coast states and both Hawaiian representatives.[228] Previously, in the areas offshore North Carolina, Congress temporarily prohibited drilling thorough the Outer Banks Protection Act which passed as part of the Oil Pollution Act of 1990. The Oil Pollution Act passed unanimously in the Senate and with only five votes against it in the House of Representatives.[229]

Governors and local governments "may submit recommendations to the Secretary regarding the size, timing, or location of a proposed lease sale or with respect to a proposed development and production plan."[117] The law requires the Bureau to consider these recommendations.[118] When leasing was last suggested in a proposed Five-Year Oil and Gas Leasing Program, nearly 400 municipalities and over 2,300 elected local, state, and federal officials formally opposed offshore oil and gas drilling and seismic airgun blasting.[230] Governors along the East and West coasts – Republicans and Democrats alike – have expressed concerns with and/or opposition to expanded oil and gas exploration, development, and production off their coasts, including the Governors of Maine, Massachusetts, Rhode Island, Connecticut, Delaware, Maryland, North Carolina, New Hampshire, New York, New Jersey, South Carolina, Georgia, and Florida. [231] In 2014, the governors of California, Oregon, and Washington sent a joint letter opposing inclusion of the areas off their states in the 2017-2022 Outer Continental Shelf Oil and Gas Leasing Program.[232] In 2016, then-Governor Brown requested that President Obama use his Section 12(a) authority to permanently withdraw federal waters off the

---

[221] This bill would prohibit leasing on the entire Atlantic Coast and in the Straits of Florida. 35 Representatives and 17 Senators are on the bill, including three Republicans. COAST Anti-Drilling Act, S. 617, 118th Congress (2023); COAST Anti-Drilling Act, H.R. 1320, 118th Congress (2023).
[222] This bill would prohibit leasing in the Mid-Atlantic planning area. Eight representatives are on the bill, all Democrats. Defend our Coast Act, H.R. 1327, 118th Congress (2023).
[223] This bill would prohibit leasing in the North Atlantic planning area. It was introduced by a Republican in the House but has no cosponsors. No Drilling in the North Atlantic Act of 2023, H.R. 956, 118th Congress (2023).
[224] The bill would prohibit all leasing offshore Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. The Senate bill in the 118th Congress had 10 Senators on it, including one Republican. New England Coastal Protection Act, S. 4852, 118th Congress (2024). The bill was last introduced in the House in the 116th Congress and had 21 Representatives, all Democrats. New England Coastal Protection Act, H.R. 287, 116th Congress (2019).
[225] American Shores Protection Act of 2023, S. 49, 118th Congress (2023); American Shores Protection Act of 2023, H.R. 583, 118th Congress (2023).
[226] PROTECT Florida Act, H.R. 6212, 118th Congress (2023).
[227] West Coast Ocean Protection Act of 2023, S. 22, 118th Congress (2023).
[228] West Coast Ocean Protection Act of 2023, H.R. 470, 118th Congress (2023).
[229] Oil Pollution Act of 1990, Pub. L. No. 101-380, tit. VI, § 6003.
[230] Oceana, *Grassroots Opposition to Offshore Drilling and Exploration in the Atlantic Ocean and off Florida's Gulf Coast*, https://usa.oceana.org/climate-and-energy-grassroots-opposition-offshore-drilling-and-exploration-atlantic-ocean-and-3/ (last visited June 5, 2025).
[231] *Id*.
[232] Letter from Governors Edmund G. Brown, John A. Kitzhaber, and Jay Inslee to Secretary Sally Jewel (July 30, 2014), https://downloads.regulations.gov/BOEM-2014-0059-0617/attachment_1.pdf.

coast of California from leasing disposition for oil and gas.[233] This opposition reflects constituent opposition, as well as local resolutions opposed to offshore drilling activities.

Along the Atlantic Coast, numerous fishing and tourism interests, including local chambers of commerce, tourism and restaurant associations, and an alliance[234] representing over 59,000 businesses and 500,000 fishing families from Florida to Maine, also strongly oppose oil exploration and/or development off the East Coast.[235] More than 390 municipalities across the country have formally opposed the expansion of offshore oil and gas drilling activities, including over 90 along the Pacific coast.[236] A 2024 poll released by Oceana found that two-thirds of American voters (64%) support their elected officials protecting U.S. coastlines from new offshore drilling, with similar support among registered voters in coastal states (66%). The poll also found this support grew among youth voters 18 to 29 years of age (70%).[237]

The Fishery Management Councils have a strong history of opposing offshore oil and gas development. The New England and Mid-Atlantic Fishery Management Councils have raised concerns about the adverse environmental impacts associated with drilling, including habitat destruction, pollution from spills, and disruption from seismic testing. The councils share the same sentiment in their respective policies on offshore drilling, each stating "the environmental risks associated with offshore oil development and operations are not consistent with the Council's vision for healthy and productive marine ecosystems supporting thriving, sustainable marine fisheries."[238,239] Similarly, the South Atlantic Fishery Management Council (SAFMC) has expressed opposition to offshore drilling, citing the potential impacts on Essential Fish Habitat (EFH) and designated Habitat Areas of Particular Concern (HAPC). The SAFMC policy for the protection and restoration of essential fish habitats from energy exploration and development states, "certain offshore, nearshore, and riverine habitats are particularly important to the long-term viability of commercial and recreational fisheries under SAFMC management, and potentially threatened by oil, gas, wind, and other energy exploration, development, operational activities, decommissioning activities, and structure removal."[240] Finally, in 2018, the Pacific Fishery Management Council requested that the West Coast be removed from consideration in the 2019-2024 Draft Program plan for lease development on the OCS, stating

---

[233] Letter from Governor Edmund G. Brown, Jr. to President Barack Obama (Dec. 13, 2016), https://www.ca.gov/archive/gov39/wp-content/uploads/2017/08/POTUS_Letter_12.13.16.pdf.
[234] BAPAC: Business Alliance for Protecting the Atlantic Coast, https://protectingtheatlanticcoast.org/ (last visited June 5, 2025).
[235] *Grassroots Opposition*, *supra* note 230.
[236] *Opposition to New Offshore Drilling in the Pacific Ocean*, *supra* note 144.
[237] Ipsos, *Oceana Offshore Drilling Survey* (July 11, 2024), https://www.ipsos.com/en-us/oceana-offshore-drilling-survey.
[238] New England Fishery Management Council, *NEFMC Habitat Policies for Offshore Energy, Aquaculture, Submarine Cables*, https://www.nefmc.org/library/nefmc-habitat-policies-for-offshore-energy-aquaculture-submarine-cables (last visited June 5, 2025).
[239] Mid-Atlantic Fishery Management Council, *Offshore Energy*, https://www.mafmc.org/actions/offshore-energy (last visited June 5, 2025).
[240] South Atlantic Fishery Management Council, *Policy for the protection and restoration of essential fish habitats from energy exploration and development* (Mar. 22, 2024), safmc.net/documents/heap_a2a_policy-statement-on-energy_202404-pdf/.

that "the limited benefits that may accrue from additional OCS oil and gas leases do not justify the risk to our vital fishery resources and the habitats upon which they depend."[241]

Additionally, recreational fishing groups like the Billfish Foundation and The International Game Fish Association have voiced grave concerns with the potential impacts seismic airgun surveys and subsequent drilling could have on marine resources. Marine scientists consistently warn against the use of seismic airguns for oil exploration, citing the long-lasting footprint of seismic surveys and negative impacts which extend to marine life all the way up the food chain – from plankton to whales.[242]

The Department of Defense, the U.S. Air Force (USAF), the Florida Defense Support Task Force, and the National Aeronautics and Space Administration (NASA), have also expressed concerns that offshore oil and gas development would threaten their ability to perform mission-critical activities. Expanding offshore drilling into the Atlantic and the Gulf would significantly risk military readiness and national security. Operations such as Strike Group transit and training, tactical training, drone launch/recovery hazard areas, Naval Air Systems Command, Naval Sea Systems Command live fire, anti-submarine warfare exercises, live air-to-surface ordinance operations, and more have resulted in the Department of Defense restricting 123,803 square nautical miles of Atlantic OCS from oil and gas activity.[243] Further, the U.S. Navy conducts extensive training along the entire East Coast within the Atlantic Fleet Training and Testing area, which spans over 2.6 million square miles.[244] The Department of Defense's Readiness and Environmental Protection Integration program relies on a number of training grounds, installations, and bases along the entire U.S. OCS.[245]

Department of Defense activities are pervasive in the Eastern Gulf. In a letter to former Representative Gaetz of Florida, the Office of the Under Secretary of Defense wrote that "the Department of Defense (DoD) cannot overstate the vital importance of maintaining [the Eastern Gulf of Mexico offshore oil and gas] moratorium" and that the moratorium "is essential for developing and sustaining our nation's future combat capabilities."[246] The Florida Defense Support Task Force states that "drilling east of the Military Mission Line (MML) would mean loss of ranges and possible relocation of aircraft/bases to other unrestricted range areas."[247] Defense is Florida's fourth largest industry, and in northwest Florida, 65% of the regional

---

[241] Letter from Pacific Fishery Management Council to Secretary Zinke (Mar. 9, 2018), *available at* https://usa.oceana.org/wp-content/uploads/sites/4/662/2018_03_09_-_pacific_fishery_management_council.pdf.
[242] Letter from 75 Marine Scientists to President Barack Obama (March 5, 2015), https://usa.oceana.org/wp-content/uploads/sites/4/75_marine_scientist_letter-_seismic.pdf.
[243] Dep't of Defense, *DoD Mission Compatibility Planning Assessment: BOEM 2017-2022 Outer Continental Shelf (OCS) Oil and Gas Leasing Draft Proposed Program* 2 (Oct. 30, 2015), *available at* https://usa.oceana.org/wp-content/uploads/sites/4/662/2017-2022-dod-ocs-report.pdf.
[244] U.S. Navy, NEPA Projects, *Atlantic Fleet Training and Testing (AFTT) Environmental Planning Website*, https://www.nepa.navy.mil/aftteis/ (last visited June 5, 2025).
[245] Dep't of Defense, Readiness and Environmental Protection Integration Program, *About the DOD REPI Program*, https://www.repi.mil/ (last visited June 5, 2025).
[246] Letter from A.M. Kurta, Office of the Under Secretary of Defense, to Rep. Gaetz (Apr. 26, 2017), *available at* https://usa.oceana.org/wp-content/uploads/sites/4/662/2017042_house_letter_to_secdef_re_gulf_drilling_moratorium_response.pdf.
[247] Florida Defense Support Task Force, *Oil Drilling and Military Mission Compatibility* (Jan. 31, 2017), *available at* https://usa.oceana.org/wp-content/uploads/sites/4/662/fdstf-white-paper-oil-drilling-and-military-mission-compatability.pdf.

economy is "considerably dependent on unconstrained access to Eastern Gulf of Mexico airspace and sea space."[248]

Further, the Department of Defense's 2015 Mission Compatibility Planning Assessment of the Bureau's 2017-2022 Outer Continental Shelf Oil and Gas Leasing Draft Proposed Program outlined how oil drilling in the Atlantic is incompatible with Defense program activities.[249] In 2018, the Hampton Roads Military and Federal Facilities Alliance strongly opposed offshore drilling off the coast of Virginia due to concerns about its impact on military operations and training.

Finally, NASA asserts that the presence of temporary or fixed structures at or below the sea surface would have significant detrimental effects on their ability to conduct aerospace test activities. NASA expressed concerns in 2014 about the impact of drilling on the operations of the Wallops Flight Facility in Virginia, citing risks to the safety and functionality of space missions.[250] In fact, even the temporary presence of support ships or aircraft can result in mandatory range safety criteria not being met, leading to missed launch opportunities such as resupply missions to the International Space Station.[251]

The coastal communities and industries along the U.S. coast are uniquely reliant upon healthy oceans for their livelihoods and their very way of life. Lease sales in these areas threaten the actualization of both federal and state agencies' security objectives. The elected officials who represent these constituencies recognize the serious risks posed by offshore oil and gas activities. The Bureau should conduct extensive and widely publicized public hearings in all coastal communities potentially affected by development of a new Five-Year Program. The Bureau should also engage with federal and state- recognized tribes in this process. The Bureau should consider this long-standing, outspoken, and diverse local opposition to new offshore drilling and exploration when preparing the National OCS Oil and Gas Leasing Program.

VIII. THE BUREAU MUST PROTECT ENDANGERED AND THREATENED SPECIES AND CONSIDER THE IMPACTS OF OIL SPILLS ON MARINE LIFE

The Bureau must fully consider the impacts of oil and gas activities on the endangered species in each planning basin, which will help inform compliance with the Endangered Species Act at later stages. Specifically, the Bureau must consider the impacts of an oil spill on marine life, and what a spill would mean for already vulnerable species like the North Atlantic right whale and sea turtles.

A. Our Oceans Are Home to Many Endangered and Threatened Species, and the Bureau Must Fully Consider the Impacts on them

The Atlantic provides habitat for many species that are listed as endangered, threatened, or a Species of Concern under the Endangered Species Act and/or listed as depleted under the Marine Mammal Protection Act. Endangered species of whales include the sei whale, sperm

---

[248] *Id.*
[249] Dep't of Defense, *supra* note 243.
[250] NASA, *NASA Comments on BOEM 2017-2022 Five-Year Plan Request for Information* (Aug. 2014), *available at* https://usa.oceana.org/wp-content/uploads/sites/4/662/nasa_comments_2017-2022_5_year_ocs_plan_8.14.pdf.
[251] *Id.*

whale, fin whale, blue whale, and the critically endangered North Atlantic right whale. The Atlantic is also home to endangered and threatened sea turtles, including Kemp's ridley, leatherback, hawksbill, green, and loggerhead sea turtles. Proposed oil and gas activities overlap with the critical habitat of North Atlantic Right whales, as well as loggerhead and green sea turtles in the Atlantic.[252]

As noted above in Section IV.A.3, the North Atlantic right whale is one of the most critically endangered whale species, and is in the midst of an unusual mortality event. The Bureau is considering allowing oil and gas activities in the only known calving ground for the right whale, an area off the southeast coast from Cape Fear, NC, to Cape Canaveral, Florida.[253] The Bureau is also considering allowing oil and gas activities in the whale's foraging area, off the coast of New England.[254] After experiencing an unprecedented loss in the population, right whales are not likely to be able to withstand the added stress of oil and gas activities.

The Pacific is home to many endangered and threatened species, including marine mammals like the vaquita, fin whales, blue whales, gray whales, humpback whales, killer whales, North Pacific right whales, sei whales, sperm whales, Steller sea lions, and the Guadalupe fur seals.[255] Green sea turtles, leatherback sea turtles, loggerhead sea turtles, and olive ridley sea turtles are all found in the Pacific Ocean.[256] NOAA has established critical habitat in these waters for Steller sea lions, Southern Resident killer whales, the Pacific leatherback sea turtle, green sturgeon, and Chinook salmon.[257] The California coast is a feeding ground for endangered blue whales, fin whales, and sperm whales.

The Arctic is also home to endangered species of whales and seals. The Beaufort and Chukchi Seas are home to the Bowhead whale, which is listed as Endangered throughout its range under the ESA.[258] The Beringia Distinct Population Segment (DPS) of Bearded seals is ESA Threatened and found in the Beaufort and Chukchi Seas as well.[259] The Cook Inlet beluga whale, found year-round in Alaska's Cook Inlet, is federally listed as endangered. Today, the population is estimated at just 331 individuals, a sharp decline from approximately 1,300 in the 1970s.[260] To support their recovery, the National Marine Fisheries Service (NMFS) has designated several critical habitat areas within the inlet. Other threated marine mammal species in Alaska waters include the blue whale, the false killer whale, the fin whale, the gray whale, the humpback whale, the Guadalupe fur seal, the killer whale, the North Pacific right whale, the ringed seal, the Steller sea lion, the spotted seal, the sperm whale, and the sei whale. Some threated or endangered fish species include the steelhead trout and the green sturgeon.[261] NOAA

---

[252] NOAA Fisheries, *National ESA Critical Habitat Mapper,* https://www.fisheries.noaa.gov/resource/map/national-esa-critical-habitat-mapper (last visited June 5, 2025).
[253] Oceana, *Proposed Seismic Airgun Blasting Overlaps North Atlantic Right Whale Critical Habitat,* http://usa.oceana.org/sites/default/files/4046/right_whale_ch_final_0.png (last visited June 5, 2025).
[254] *North Atlantic Right Whale*, *supra* note 120.
[255] NOAA Fisheries, *Species Directory – ESA Threatened and Endangered*, https://www.fisheries.noaa.gov/species-directory/threatened-endangered (last visited June 5, 2025).
[256] *Id.*
[257] *National ESA Critical Habitat Mapper*, *supra* note 252.
[258] NOAA Fisheries, *Bowhead Whale*, https://www.fisheries.noaa.gov/species/bowhead-whale (last visited June 5, 2025).
[259] NOAA Fisheries, *Bearded Seal*, https://www.fisheries.noaa.gov/species/bearded-seal (last visited June 5, 2025).
[260] Marine Mammal Commission, *Cook Inlet Beluga Whale*, https://www.mmc.gov/priority-topics/species-of-concern/cook-inlet-beluga-whale/ (last visited June 5, 2025).
[261] *Species Directory*, *supra* note 256.

has established critical habitat in these waters for the North Pacific right whale, the bearded seal, the Steller sea lion, the ringed seal, the humpback whale, and the beluga whale.[262]

The Gulf also provides habitat for many species that are listed as endangered, threatened, or a Species of Concern under the ESA and/or listed as depleted under the MMPA. Green, Kemp's Ridley, Leatherback, Loggerhead, and Hawksbill sea turtles all call the Gulf home.[263] Other endangered and threatened species include the Gulf sturgeon, Oceanic whitetip shark, Giant manta ray, Sperm Whale, and Rice's whale. The only known habitat of the Rice's whale is in the Gulf , and its population likely consists of fewer than 100 individuals—this makes it one of the rarest whales in the world.[264] Seven species of threatened corals also live in the Gulf: Elkhorn coral, Staghorn coral, Boulder star coral, Mountainous star coral, lobed star coral, rough cactus coral, and pillar coral. [265]

B. The Bureau Must Consider the Impact of Oil Spills on Marine Life

The Atlantic, Pacific, Arctic, and Gulf provide habitat for a diverse array of marine life, including fish, birds, whales, turtles, and invertebrates. Research from the Gulf shows the significant and long-lasting impacts that an oil spill can have on marine ecosystems. If offshore drilling takes place in the proposed OCS areas, these marine ecosystems, many of which provide habitat for species that are endangered or threatened under the Endangered Species Act and/or depleted under the Marine Mammal Protection Act and for commercially and recreationally important fish and shellfish could be harmed if there were an oil spill. Simply put, an oil spill like the BP *Deepwater Horizon* disaster would be devastating for marine life.

Deepwater Horizon had huge impacts on Gulf habitat and foundational species. Recent research has revealed that the deep-sea footprint of the oil spill covered an area of 1,105 square miles, almost nine times greater than previously reported. This is nearly 50 times the size of Manhattan.[266] Deep-sea corals, for example, are slow-growing and highly vulnerable. The oil spill led to damaged and deceased corals under plumes emanating from the Macondo well, impacting deep-water ecosystems.[267] The oil plume caused bleaching and tissue loss in deep-water coral reefs over an area three times larger than Manhattan.[268] Many of the impacted deep-sea corals will not be able to recover for decades, and others will likely never recover. [269]

---

[262] *Id*.
[263] NOAA Fisheries, *Threatened and Endangered Species List—Gulf of America*, https://www.fisheries.noaa.gov/southeast/consultations/threatened-and-endangered-species-list-gulf-america (last visited June 5, 2025).
[264] *Rice's Whale*, *supra* note 169.
[265] *Threatened and Endangered Species List—Gulf of America*, *supra* note 264.
[266] Jeffrey G. Baguley et al., *Harpacticoid copepods expand the scope and provide family-level indicators of the Deepwater Horizon oil spill deep-sea impacts*, 202 Marine Pollution Bulletin 1, https://www.sciencedirect.com/science/article/pii/S0025326X24003205?via%3Dihub.
[267] Helen K. White et al., (2012) *Impact of the Deepwater Horizon oil spill on a deep-water coral community in the Gulf of Mexico,* 109 Proceedings of the National Academy of Sciences 20303, 20305. https://www.pnas.org/doi/10.1073/pnas.1118029109.
[268] Paul A. Montagna et al., *Deep-Sea Benthic Footprint of the Deepwater Horizon Blowout*, 8 PLOS ONE e70540, e70540 (2013). https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0070540
[269] Fanny Girard & Charles R. Fisher, *Long-term impact of the Deepwater Horizon oil spill on deep-sea corals detected after seven years of monitoring*, 225 *Biological Conservation* 117, https://www.sciencedirect.com/science/article/pii/S0006320717320116?via%3Dihub.

Many marine animals were impacted by the spill. During *Deepwater Horizon,* sea turtles were affected both directly (negative impacts from oil exposure) and indirectly (interruption of nesting from beach clean ups).[270] Oiling, capture, and transport of sea turtles as a response of the oil spill likely caused stress, exertion, physical exhaustion and dehydration, which, in turn, caused negative physiological effects.[271] Even if not heavily oiled, it is estimated that 30 percent of sea turtles in the area impacted by the spill would have still been killed by ingestion of oil.[272]

Deepwater Horizon also negatively impacted species of large pelagic fish, some of which are commercially valuable. Oil exposure caused heart failure in juvenile bluefin and yellowfin tunas, reduced swimming ability in juvenile mahi-mahi fish, and caused gill tissue damage in killifish.[273] Approximately five percent of the Atlantic Bluefin tuna predicted spawning habitat was covered in oil.[274] This likely had significant effects on the species, which was already struggling due to ocean warming and bycatch mortality in the Gulf spawning grounds.[275] The BP *Deepwater Horizon* oil spill likely caused loss of early life stages for tunas, amberjack, swordfish, billfish, and other large predator populations that spawned in habitats with surfaces oiled by the spill.[276]

Oil spills impact invertebrate species, including by decreasing population size or affecting larval development. The BP *Deepwater Horizon* oil spill decreased the size of marsh periwinkle populations in marshes that were heavily oiled for more than five years.[277] Research also shows that the oil spill decreased the size of fiddler crab populations in marshes that were oiled, probably impacting other ecosystem characteristics like marsh productivity and soil, as

---

[270] Ann Marie Lauritsen et al., *Impact of the Deepwater Horizon oil spill on loggerhead turtle Caretta nest densities in northwest Florida*, 33 Endangered Species Res. 83, 83 (2017). https://www.int-res.com/abstracts/esr/v33/esr00794.

[271] N. I. Stacy et al., *Clinicopathological findings in sea turtles assessed during the Deepwater Horizon oil spill response,* 33 Endangered Species Res. 25, 25 (2017), *available at* https://www.marinemammalcenter.org/storage/app/media/Misc/PDF/Research%20Publications/2017/stacey-et-al-2017-clinpath.pdf.

[272] C.L. Mitchelmore *et al.*, Toxicological estimation of mortality of oceanic sea turtles oiled during the *Deepwater Horizon* oil spill, 33 Endangered Species Res.39, 39 (2017). https://www.int-res.com/fileadmin/articles/suppl/n033p039_supp.pdf.

[273] Edward Mager et al., *Acute Embryonic or Juvenile Exposure to Deepwater Horizon Crude Oil Impairs the Swimming Performance of Mahi-Mahi (Coryphaena hippurus)* 48 Envtl. Sci. & Tech. 7053 (2014), https://pubs.acs.org/doi/abs/10.1021/es501628k; Fabien Brette et al., *Crude oil impairs cardiac excitation-contraction coupling in fish*, 343 Science 772-776 (2014), https://www.science.org/doi/10.1126/science.1242747.

[274] Elliot L. Hazen, et al., *Quantifying overlap between the Deepwater Horizon oil spill and predicted bluefin tuna spawning habitat in the Gulf of Mexico*, 6 Scientific Reports 1, 1 (2016), https://www.nature.com/articles/srep33824.

[275] *Id.*

[276] John P. Incardona et al., *Deepwater Horizon crude oil impacts the developing hearts of large predatory pelagic fish*, Proceedings of the National Academy of Sciences E1515 (2014), https://www.pnas.org/doi/10.1073/pnas.1320950111.

[277] Scott Zengel, *Five years of Deepwater Horizon oil spill effects on marsh periwinkles Littoraria irrorata*, Marine Ecology Progress Series 1 (2016), https://www.researchgate.net/publication/305337914_Five_years_of_Deepwater_Horizon_oil_spill_effects_on_marsh_periwinkles_Littoraria_irrorata.

well as related predators.[278] Dispersants from the oil spill were present during the oyster spawning season, and interfered with oyster larval development and population growth.[279]

Long-term research has shown that marine mammals in particular have been impacted worse than previously reported. In the decade following *Deepwater Horizon*, some toothed whale population densities significantly declined, such as small dolphins (up to 43%), and sperm whales (up to 31%).[280] The population densities of beaked whales have been some of the hardest hit. In the decade after the spill, Cuvier's beaked whale and Gervais' beaked whale declined by 75% and 83%, respectively.[281] The population of Rice's whale declined by up to 22% following the BP *Deepwater Horizon* spill.[282]

Wherever offshore drilling occurs, there are frequent oil spills.[283] Offshore oil and gas drilling pollutes the environment at every phase of the process, including exploration, production, and transportation. The Bureau must fully consider what an oil spill would mean for endangered and threatened species in Atlantic, Pacific, Arctic, and Gulf. Based on the studies done after the BP *Deepwater Horizon* disaster, the Bureau should not move forward with oil and gas activities that potentially harm endangered or threatened species in these regions.

IX. THE BUREAU MUST COMPLY WITH NEPA AT THE FIVE-YEAR PROGRAM STAGE

Decisions about oil and gas exploration, leasing, and development can lead to widespread negative impacts for coastal communities, economies, and wildlife like protected species, so it is essential that any new program go through a full public NEPA environmental review process, which must include consideration of alternatives. The Bureau has stated it plans to deviate from the long-standing practice of preparing a programmatic EIS at the five-year program stage. Since the first five-year program in 1980,[284] the Bureau and its predecessor agencies have always prepared a programmatic EIS. To comply with NEPA, inform reasoned decision-making under OCSLA, and avoid wasting limited agency resources, the Bureau must also prepare an EIS if it moves forward with preparing the 11th program.

---

[278] Scott Zengel et al., *Deepwater Horizon Oil Spill Impacts on Salt Marsh Fiddler Crabs (Uca spp.)*, 39 Estuaries and Coasts 1154, 1154 (2016), https://link.springer.com/article/10.1007/s12237-016-0072-6.
[279] J. Vignier, et al., *Impacts of Deepwater Horizon oil and associated dispersant on early development of the eastern oyster Crassostrea virginica*, 100 MARINE POLLUTION BULLETIN 426, 426 (2017), https://www.sciencedirect.com/science/article/abs/pii/S0025326X15005159.
[280] Frasier KE, Kadifa MA, Solsona Berga A, *et al.* (2024) A decade of declines in toothed whale densities following the Deepwater Horizon oil spill. *Communications Earth & Environment* Nature Publishing Group.5: 1–11. https://www.nature.com/articles/s43247-024-01920-8.
[281] *Id.*
[282] *Rice's Whale*, *supra* note 169.
[283] Bureau of Safety and Environmental Enforcement, *Offshore Incident Statistics*, https://www.bsee.gov/stats-facts/offshore-incident-statistics (last visited June 5, 2025).
[284] Department of the Interior, *5-Year OCS Program* 217 Mar. 6, 1980), (https://www.boem.gov/sites/default/files/uploadedFiles/BOEM/Oil_and_Gas_Energy_Program/Leasing/Five_Year_Program/PFP%2080-82.pdf (discussing the completion of a final EIS for the National OCS Program).

A. NEPA Requires the Bureau to Prepare an Environmental Document

NEPA mandates that for "every recommendation or report on proposals for… major Federal actions significantly affecting the quality of the human environment," agencies must issue a detailed statement analyzing the proposal's environmental effects.[285] In 2023, Congress amended NEPA to clarify its requirements.[286]

The revised statute directs federal agencies to prepare an "environmental document" for proposed agency actions unless they fall under one of four categories:

(1) "the proposed agency action is not a final agency action";

(2) the action is excluded pursuant to a NEPA categorical exclusion;

(3) "the preparation of such document would clearly fundamentally conflict with the requirements of another provision of law.";

(4) "the proposed agency action is a nondiscretionary action with respect to which such agency does not have authority to take environmental factors into consideration in determining whether to take the proposed action."[287]

None of these exemptions apply to the Bureau's five-year program. A five-year program is a final agency action. The Bureau does not assert the program is excluded pursuant to a categorical exclusion. Nor does it cite any provision of law whose requirements fundamentally conflict with the preparation of an environmental document for the five-year program. In fact, OCSLA explicitly requires the Bureau "to take environmental factors into consideration" in developing the program.[288]

An action may also be excluded from NEPA requirements if it falls within one of the seven exclusions to the definition of "major federal action,"[289] but none of those exclusions are relevant to the five-year program process. As discussed below, the five-year program significantly affects the environment because it inevitably leads to more leasing, particularly in the Gulf. The Bureau has no choice but to prepare a NEPA environmental document at this stage to comply with NEPA.

Nevertheless, the Bureau admits it will not comply with NEPA. Instead of an environmental document required by NEPA, the Bureau will instead produce "an environmental analysis document" for the five-year program, which the Bureau explicitly states "will not be a NEPA document."[290] This is not a permissible alternative.

---

[285] 42 U.S.C. § 4332(C).

[286] Fiscal Responsibility Act of 2023, Pub. L. No. 118-5, 137 Stat., https://www.congress.gov/118/plaws/publ5/PLAW-118publ5.pdf.

[287] 42 U.S.C. §§ 4336(a).

[288] *See* 43 U.S. Code § 1344(a) (directing the Bureau to consider environmental factors in preparing the National OCS Program).

[289] 42 U.S.C. § 4336e(10)(B).

[290] Request for Information and Comments on the Preparation of the 11th National Outer Continental Shelf Oil and Gas Leasing Program, 90 Fed. Reg. 17972, 17976 (Apr. 30, 2025).

B. Specifically, the Bureau Must Prepare an EIS

The 2023 amendments to NEPA clarified what level of review (i.e., an environmental impact statement (EIS) or an environmental assessment) is required for different actions. For proposed agency actions with "a reasonably foreseeable significant effect on the quality of the human environment," this detailed statement must be an EIS.[291]

The Bureau wrongly asserts that it does not need to prepare a programmatic EIS, citing two D.C. Circuit decisions which "found that NEPA was unripe at the National OCS Program Stage."[292] However, to the extent that those decisions conflict with the clear requirements and exceptions set out by the NEPA amendments of 2023, their holdings are superseded. The Bureau must instead follow NEPA's text.

Because the Bureau's adoption of a program will indisputably lead to more leasing and more seismic testing, the development of a National OCS Program is a recommendation for "major Federal action" with "a reasonably foreseeable significant effect on the quality of the human environment." Indeed, NEPA guidance from the Bureau's predecessor agency classified the "approval of a 5-year offshore oil and gas leasing program" as a "major action[] normally requiring an EIS."[293]

The Bureau and its predecessor agencies held at least 11 of the sales proposed in every five-year program, leasing between 4.1 million to 22.9 million acres under each program.[294] Since the 1992-1997 program, they have held at least two-thirds of proposed lease sales.[295] In the 2017-2022 program, the Bureau held all the proposed sales.[296]

This phenomenon is even starker in the Gulf, which hosts most lease sales. Over the past six five-year programs, the Bureau and its predecessor agency held 62 out of 65 proposed lease sales in the Western, Central, and Eastern Gulf.[297] Over the previous three programs, they cancelled just one proposed sale in the Gulf. In 2010, the Bureau's predecessor agency cancelled Lease Sale 215 in the Western Gulf shortly after the disastrous Deepwater Horizon oil spill, citing the need to develop greater environmental protection measures and lower the risk of future catastrophe.[298]

Even if the D.C. Circuit's standard is still valid in light of the 2023 NEPA amendments, these facts show that the Bureau must prepare an EIS because there is an "irreversible and irretrievable commitment of resources." When the Bureau finalizes a National OCS Program, it *does* reach "the critical stage of a decision which will result in 'irreversible and irretrievable

---

[291] 42 U.S.C. § 4336(b)(1).
[292] BOEM, Request for Information, 90 Fed. Reg. at 17976 (citing *Center for Biological Diversity v. Department of the Interior*, 563 F.3d 466 (D.C. Cir. 2009); *Center for Sustainable Economy v. Jewell*, 779 F.3d 588 (D.C. Cir. 2015)).
[293] Department of the Interior, *Departmental Manual: Managing the NEPA Process--Minerals Management Service* 2 (May 27, 2004), https://www.doi.gov/sites/doi.gov/files/elips/documents/516-dm-15.pdf.
[294] Amy M. Edwards & Marc Humphries, Congr. Research Service No. R44504*, Five-Year Offshore Oil and Gas Leasing Program: History and Background* 10 (Jan. 9, 2024), https://www.congress.gov/crs-product/R44504.
[295] *Id*.
[296] *Id*.
[297] BOEM, *Lease Sales*, https://www.boem.gov/oil-gas-energy/lease-sales (last visited June 4, 2025).
[298] Bureau of Ocean Energy Management, Regulation, and Enforcement, *Cancellation of Oil and Gas Lease Sale 215 in the Western Planning Area (WPA) on the Outer Continental Shelf (OCS) in the Gulf of Mexico (GOM)*, 75 Fed. Reg. 44276 (July 19, 2010).

commitment of resources' to an action that will affect the environment"[299] because a vast majority of the lease sales it schedules are held.

In *Wyoming Outdoor Council v. U.S. Forest Service*, the D.C. Circuit emphasized it would be illogical to compel an agency to "commit its resources to the preparation of an EIS which might ultimately prove unnecessary."[300] But for a five-year program, such an EIS *is* necessary. The history of National OCS Programs reveals that once the Bureau finalizes a program, it will then approve most, if not all, proposed leases. In the preparation of the 11th Program, the Bureau is undertaking a statutory duty that will result in significant environmental impacts, so the Bureau must prepare an EIS.[301]

C. By Analyzing Alternatives to the Proposed Action in a Programmatic EIS, the Bureau Will Better Develop the National OCS Program

A programmatic EIS is essential for the Bureau to fully analyze the environmental effects of offshore oil and gas lease sales, allowing the agency to make better informed decisions about the National OCS Program. The Bureau has indicated it will prepare a non-NEPA "environmental analysis document" with "some" content "substantively similar" to a programmatic EIS.[302] But this document will omit the most crucial element of an EIS- the analysis of alternatives to the proposed action.

In an EIS, an agency must consider "a reasonable range of alternatives to the proposed agency action, including an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternative."[303] As early as 1972, a court characterized the alternatives analysis as the "linchpin" of an EIS.[304]

CEQ guidance underscores that that programmatic EISs "have value by setting out the broad view of environment impacts and benefits for a proposed decision."[305] They facilitate "clearer and more transparent decision making."[306] As the Bureau noted in the 2012-2017 programmatic EIS, "considering the full planning area provides for the broadest and most extensive analysis in order to support the balancing of different considerations- including social, economic, and environmental issues."[307] A programmatic EIS evaluates "the potential environmental impacts of alternatives for OCS oil and gas leasing under the Program, and

---

[299] *Ctr. for Biological Diversity*, 563 F.3d at 480 (quoting *Wyoming Outdoor Council.*, 165 F.3d at 49 (D.C. Cir. 1999) (outlining when BOEM's legal obligation to complete an EIS matures).
[300] *Wyoming Outdoor Council,* 165 F.3d at 50.
[301] *Compare with Mobil Oil Corp. v. FTC,* 562 F.2d 170, 173 (2d Cir.1977) ("NEPA does not intend that [an agency] may be indefinitely delayed in undertaking its statutory duties by controversy over an EIS concerning events which may never occur").
[302] BOEM, Request for Information, 90 Fed. Reg. at 17976
[303] 42 U.S.C. § 4332(C)(iii).
[304] *Monroe County Conservation Council, Inv. v. Volpe*, 472 F.2d 693, 697 (2d Cir. 1972).
[305] Council on Environmental Quality (CEQ), *Memorandum for Heads of Departments and Agencies: Effective Use of Programmatic NEPA Reviews* 6 (Dec. 18, 2014), https://ceq.doe.gov/docs/ceq-regulations-and-guidance/Effective_Use_of_Programmatic_NEPA_Reviews_Final_Dec2014_searchable.pdf.
[306] *Id*. at 7.
[307] BOEM, *Outer Continental Shelf Oil and Gas Leasing Program: 2012-2017, Final Programmatic Environmental Impact Statement* 1-6 (July 2012), https://www.boem.gov/sites/default/files/documents/oil-gas-energy/2012-2017-Final-PEIS.pdf.

presents those impacts in a comparative manner that provides a clear basis for making a reasoned choice" among them.[308]

In latest programmatic EIS, the Bureau considered four action alternatives in detail, including the proposed action and a no-action alternative.[309] The draft EIS received over 762,859 comments from stakeholders, including state and local governments, non-governmental organizations, and private individuals.[310] These comments also informed the Bureau's choice between the alternatives in the finalized program.[311]

By failing to prepare an EIS at the five-year program stage, the Bureau would inhibit reasoned decision-making. By not evaluating a reasonable range of alternatives in offshore oil and gas leasing, the agency would prevent a holistic assessment of environmental impacts in the OCS. It would also deny affected communities an opportunity to voice their preferences among those choices. This could lead the Bureau to develop a five-year program that does not adequately balance social, economic, and environmental considerations.

D. By Preparing a Programmatic PEIS, the Bureau Will Prevent Unnecessary Waste of Agency Resources

The 2023 amendments to NEPA contemplated how programmatic EISs can promote efficiency. An agency "may rely on the analysis included in the programmatic [EIS] in a subsequent environmental document for related actions… without additional review of the analysis in the programmatic [EIS]."[312] As the CEQ guidance emphasizes, this avoids "repetitive broad analysis in subsequent tiered NEPA reviews."[313]

In previous EISs for the five-year program, the Bureau has acknowledged these benefits. It noted that "the final PEIS may, through tiering, greatly assist subsequent lease sale-specific analyses by allowing incorporation of relevant portions of the final [programmatic EIS] into those later analyses and NEPA documents."[314] In 2016 and 2023, the Bureau chose to prepare a programmatic EIS, despite taking the (erroneous) position that this duty was discretionary.[315]

The D.C. Circuit decisions cited by the Bureau suggest a programmatic EIS "would require an agency to divert too many of its resources at too early a stage in the decision-making process."[316] But as detailed above, the Bureau itself has rejected this concern. By analyzing the high-level impacts from offshore oil and gas leasing in a programmatic EIS, it can "consider any new information and address site-specific actions and environmental conditions in more detail"

---

[308] *Id*.
[309] BOEM, *2024-2029 National Outer Continental Shelf Oil and Gas Leasing Program, Final Programmatic Environmental Impact Statement* 13 (Sept. 2023), https://www.boem.gov/sites/default/files/documents/oil-gas-energy/leasing/2024-2029NatOCSOilGasLeasing_FinalPEISVol1_0.pdf.
[310] *Id*. at 283.
[311] *Id*. at 10-11.
[312] 42 U.S.C. § 4336b.
[313] CEQ, *Effective Use of Programmatic NEPA Reviews* at 10.
[314] BOEM, *OCS Program 2012-2017, Final Programmatic Environmental Impact Statement* at 1-5.
[315] BOEM, *Outer Continental Shelf Oil and Gas Leasing Program: 2017-2012, Final Programmatic Environmental Impact Statement* 1-1, 1-2 (Nov. 2016), https://www.boem.gov/sites/default/files/documents/oil-gas-energy/2012-2017-Final-PEIS.pdf; BOEM, *2024-2029 National OCS Program Final Programmatic Environmental Impact Statement* at i-ii, n. 2.
[316] *Ctr. for Biological Diversity v. U.S. Dep't of Interior*, 563 F.3d 466, 480-81 (D.C. Cir. 2009).

in NEPA documents at future stages.[317] Consequently, the preparation of an EIS at the five-year program stage conserves the Bureau's resources.

In refusing to prepare a programmatic EIS, the Bureau is choosing inefficiency. To best optimize its resources and to comply with NEPA, it must reverse this decision.

X. THE BUREAU NEEDS TO IMPROVE ITS LEASING POLICIES BEFORE ANY NEW PROGRAM

As oil companies rake in record profits, the Bureau continues to allow them to operate for pennies on the dollar through weak lease terms and regulations. Many of the lease terms used by the Bureau in recent years do not comply with the requirements of OCSLA. Some, like minimum bids in shallow waters, have not kept pace with the economy and result in a violation of OCSLA's requirement that leasing activities ensure a fair return to the government and taxpayers. Others, like primary terms and the size of the lease areas, also violate the relevant statutory requirements of OCSLA. All this while the Bureau is announcing that it will roll back the incremental progress it has made on issues like financial assurances for decommissioning, leaving the government and the taxpayer to pick up the tab for industry's messes. The Bureau must fix these issues if it moves forward with the 11th Program.

A. The Bureau Should Increase its Minimum Bonus Bids and Annual Rental Rates

The Bureau is required by OCSLA to ensure that leasing activities be conducted "to assure receipt of fair market value for the lands leased and the rights conveyed."[318] As oil companies declare tens of billions of dollars a year in profit, minimum bonus bids and annual rental rates clearly fail to meet the fair market value requirement. In deep water, the Bureau has increased minimum bonus bids from $25 in the 1990s to $100 per acre in the latest lease sale.[319] For shallow waters, the latest lease sale kept minimum bonus bids at $25 per acre, unchanged since the 1990s.[320] Annual rental rates have gone up since the 1990s, from $5 per acre in all water depths to $10 per acre for the first five years in waters less than 200 meters and $16 per acre in all other water depths.[321]

In shallow waters where the minimum bonus bids have gone unchanged since the 1990s, the government is no longer receiving fair market value. In these shallow waters, leases are being sold for under $200,000 and the annual rental is close to $50,000. These low rates also encourage industry to stockpile leases. The Bureau should consider increasing these rates to ensure that industry is paying fair market value and disincentivize the stockpiling of leases.

In deeper waters, the Bureau has done a better job of increasing rates to reflect the fair market value, but the Bureau should consider increasing these rates even further. Oil and gas companies are profiting from a public resource to the tune of billions of dollars. Meanwhile, they

---

[317] BOEM, *2024-2029 National OCS Program Final Programmatic Environmental Impact Statement* at 4.
[318] 43 U.S.C. § 1344(a)(4).
[319] Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 261, 88 Fed. Reg. 80,750, 80,754 (November 20, 2023).
[320] *Id.*
[321] *Id.*

risk devastating oil spills, and their actions exacerbate climate change. To make up for these costs, the Bureau should continue to increase minimum bonus bids and annual rental rates for all leases.

B. The Bureau is Violating OCSLA by Issuing Leases with Primary Terms Longer than Five Years

The Bureau must also stop its practice of giving lease terms of more than five years. In Lease Sale 261, the Bureau gave lessees primary terms of five years for leases in water depths of less than 800 meters and 10 years for leases in water depths greater than 800 meters.[322] For leases in less than 400 meters, the primary term can be extended three years if a well is spudded that targets oil and gas below 25,000 feet True Vertical Depth Subsea. The primary term for a lease in waters between 400 and 800 meters can also be extended three years if any well is spudded.[323] This practice is contrary to the text of OCSLA.

OCSLA requires that primary terms for oil and gas leases be for five years or up to ten years when the Bureau determines additional time is necessary "to encourage exploration and development in areas *because of unusually deep water or other unusually adverse conditions*."[324] After that primary term, the lease will expire unless the lease is producing oil or gas in paying quantities or performing drilling or well reworking operations.[325] This provision was added as part of the 1978 amendments to OCSLA.[326] In 1985, only about 6 percent of offshore oil production in the Gulf was from deepwater wells (400 meters or greater).[327] In 2014, however, the production from deepwater wells in the Gulf rose to 80 percent.[328] And deepwater production is getting deeper. In 2017, 52 percent of U.S. oil production came from ultra-deep waters, with depths of 1,500 meters or greater, while there was no ultra-deep water production in the 1990s.[329] These "ultra-deep water" leases are no longer "unusually deep water." Unusual is defined by Merriam-Webster as "uncommon, rare."[330] When more than half of production is coming from ultra-deep water wells, those wells are no longer unusually deep under the common sense meaning of the phrase, so the Bureau is violating OCSLA by continuing to give these leases more than the statutory baseline of five years.

C. The Bureau is not Identifying Lease Areas as Precisely as Possible

The Bureau's approach of conducting region-wide lease sales in the Gulf violates OCSLA's language and the D.C. Circuit's precedent. The Bureau is required under OCSLA to determine the size, timing, and location of proposed lease sales "as precisely as possible."[331] In

---

[322] 88 Fed. Reg. at 80,754.
[323] *Id.*
[324] 43 U.S.C. § 1337(b)(2)(B) (emphasis added).
[325] 43 U.S.C. § 1337(b).
[326] Outer Continental Shelf Lands Act Amendments of 1978, Pub. L. No. 95-372, 92 Stat. 629 (1978).
[327] U.S. Government Accountability Office, GAO-17-642, Offshore Oil And Gas Resources: Information on Infrastructure Decommissioning and Federal Financial Risk 9-10 (2017).
[328] *Id.*
[329] Steven A. Murawski et al., *Deepwater Oil and Gas Production in the Gulf of Mexico and Related Global Trends*, *in* Scenarios and Responses to Future Deep Oil Spills 16 (2020).
[330] *Unusual*, Merriam-Webster, https://www.merriam-webster.com/dictionary/unusual (last visited September 20, 2022).
[331] 43 U.S.C. § 1344(a).

Watt I, the D.C. Circuit rejected the approach taken by the Department of Interior to include a lease sale for all of California, rejecting the assertion that the government needed a broad proposal to have the flexibility to best meet the national energy needs.[332] In the case, the plaintiffs argued that California's coast was large and had distinct areas, therefore requiring the government to be more specific as to where it was going to lease.[333] As a result of the court's decision, the government amended the California sales to be separate sales in Southern, Central, and Northern California.[334]

The inclusion of region-wide lease sales began in the 2017-2022 program. In the 2017-2022 Proposed Final Program, the Bureau included minimal explanation of this change, saying that it took this approach to "provide greater flexibility to industry."[335] The Bureau explained that this flexibility was necessary to respond to energy reforms in Mexico that could change how exploration and development decisions are made in the Gulf.[336] This explanation is insufficient for complying with the requirement to propose lease sales as precisely as possible. And in the 2024-2029 program, the Bureau offered no justification for continuing this approach despite comments calling out its illegality. It defies logic that the Bureau for decades was able to more precisely delimit lease areas and now can no longer do that. If anything, the Bureau has the data to narrow leasing areas even further than offering full planning area sales in the Central and Western Gulf.

The Gulf has 1,650 miles of coastline.[337] When excluding the eastern Gulf, that leaves about 900 miles of coastline, which is longer than California's coast.[338] Yet the Bureau has been lumping two planning areas into a single region and proposing to offer region-wide lease sales. This approach violates the D.C. Circuit's precedent, and the Bureau has done so without any sufficient explanation.

Further, the region-wide lease sale approach prevents the Bureau from obtaining fair market value on lease sales. Since adopting a region-wide approach to leasing in the Gulf, the average number of bids per block bid has gone down and the highest bids are lowering. This follows a similar trend to when the Department of the Interior began having area-wide sales instead of targeted leasing. As the Project on Government Oversight pointed out in a 2018 report, the average price per acre declined by 95.7% after 1983, from $9,068 to $391 when adjusted for inflation.[339] Broader lease sales have resulted in less competition, despite the Bureau using a "competitive bidding process," with more than 75% of blocks that received bids receiving only a single bid.[340] And bids have gotten even less competitive since the Bureau adopted region-wide

---

[332] *Watt I*, at 1304
[333] *Id.* at 1303.
[334] *California v. Watt*, 712 F.2d 584, 593 (D.C. Circ. 1983)
[335] Bureau of Ocean Energy Management, 2017-2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program 4-9 (Nov. 2016), https://www.boem.gov/sites/default/files/oil-and-gas-energy-program/Leasing/Five-Year-Program/2017-2022/2017-2022-OCS-Oil-and-Gas-Leasing-PFP.pdf.
[336] *Id.*
[337] Proposed Program 2022-2027, at 4-3.
[338] Janice Cheryl Beaver, *U.S. International Borders: Brief Facts*, Congressional Research Service 3-4, https://sgp.fas.org/crs/misc/RS21729.pdf.
[339] David S. Hilzenrath & Nicholas Pacifico, *Drilling Down: Big Oil's Bidding*, Project on Government Accountability (Feb. 22, 2018), https://www.pogo.org/investigation/2018/02/drilling-down-big-oils-bidding.
[340] *Id.*

leasing in 2017, with more than 90% of blocks receiving a bid only receiving a single bid.[341] The Bureau's region-wide lease sale approach is clearly not working to ensure fair market value, so the agency must abandon the approach.

D. The Bureau Must Hold Industry Accountable for Clearing its Infrastructure

This Request for Information and its associated consideration of expanded drilling comes while the Bureau is considering rolling back financial assurance requirements for decommissioning. In 2024, the Bureau released a long overdue rule that made progress toward holding industry accountable for its decommissioning obligations.[342] While the rule fell short of holding all of the oil and gas industry accountable, it dealt with many of the issues raised by the Government Accountability Office. Unfortunately, on May 2, 2025, the Department of the Interior put out a press release announcing a return to the 2020 proposed rule, which would have increased risk to the government and taxpayers.[343]

Instead of going backwards, the Bureau should consider strengthening financial assurance requirements, including one which is included as a lease term. In order to be awarded a lease, a bidder must satisfy the Bureau's bonding requirements.[344] The Bureau's predecessor agency decided the current base bond amounts in 1993,[345] and that amount was implemented in 1997.[346] Drilling has gotten increasingly deeper, resulting in increased decommissioning costs, but the Bureau has not updated its base bond requirements. This is unacceptable. The Bureau continues to waive supplemental financial assurances for a large set of companies operating on the OCS, so it must at least update its base bond requirements to account for the increase in the average cost of decommissioning leases and eliminate or significantly increase the area-wide base bonds.

In the 1993 rule, the Bureau's predecessor agency stated that the amounts set were primarily created to address decommissioning in shallow water of 0 to 200 feet with bond coverage on remaining leases being addressed on a case-by-case basis through supplemental bonds.[347]

At the time, the agency estimated that the cost of removing all structures and clearing entire lease sites in the Gulf of Mexico ranged from $3.2 million for leases of 0 to 50 feet water depth to $21 to 90+ million for leases of over 401 feet water depth.[348] The Bureau no longer provides similar estimates for average costs of clearing entire leases, but from reviewing estimates for individual leases, it appears the costs typically exceed the estimates from 1993. The

---

[341] Between Lease Sales 249 and 257, 1232 blocks were bid on, of which 1132 received only one bid.
[342] Risk Management and Financial Assurance for OCS Lease and Grant Obligations, 89 Fed. Reg. 31,544 (April 24, 2024).
[343] Department of the Interior, *Interior Department to Update Offshore Financial Assurance Rule to Support Future Energy Development* (May 2, 2025), https://www.doi.gov/pressreleases/interior-department-update-offshore-financial-assurance-rule-support-future-energy.
[344] 88 Fed. Reg. at 69,669.
[345] Surety Bond Coverage for Leasing of Sulphur or Oil and Gas in the Outer Continental Shelf (OCS), 58 Fed. Reg. 45,255, 45,256 (Aug. 27, 1993).
[346] Surety Bonds for Outer Continental Shelf Leases, 62 Fed. Reg. 27,948 (May 22, 1997).
[347] 58 Fed. Reg. at 45,255.
[348] 58 Fed. Reg. at 45,256.

Agerton et al. study found that the average mean cost per wellbore was $24 million dollars.[349] Leases sometimes have multiple wellbores in addition to other infrastructure that needs to be decommissioned.

Given the changing conditions of offshore drilling, the Bureau must update its base bond amounts to account for the increased cost of decommissioning. And it should abandon its plans to roll back current regulations.

CONCLUSION

Oceana urges the Bureau to abandon its wasteful efforts to develop a new five-year program. If the Bureau moves forward, it should offer no sales in the 11th program. It is unacceptable to consider leasing in protected areas, including previously withdrawn areas, areas within National Marine Sanctuaries, or marine monuments. There is widespread and strong bipartisan opposition to seismic blasting and expanded drilling along the U.S. coast, including from municipalities, elected officials, fishing families, as well as NASA and the Department of Defense. The United States should take meaningful steps toward a clean energy future and away from further investments in offshore oil and gas, which place the nation's coastal economies and marine ecosystems at serious risk. The harm from oil and gas exploration and development, oil spills, and climate change outweigh any potential benefits. Oceana appreciates your time and careful consideration of our recommendations. We will continue to be engaged in this process moving forward.

Sincerely,

Joseph Gordon

Campaign Director

Oceana

[349] Mark Agerton et al., *Financial liabilities and environmental implications of unplugged wells for the Gulf of Mexico and coastal waters*, NATURE ENERGY (May 8, 2023), https://doi.org/10.1038/s41560-023-01248-1.