Filed via regulations.gov

Ms. Kelly Hammerle, Program Manager
Bureau of Ocean Energy Management (VAM-LD)
45600 Woodland Road
Sterling, VA 20166-9216

June 16, 2025

Re: Request for Information and Comments on the Preparation of the 11th National Outer Continental Shelf Oil and Gas Leasing Program (Docket no. BOEM-2025-0015)

Dear Ms. Hammerle,

On behalf of the 77 undersigned organizations and our millions of members and online activists, we submit these comments to the Bureau of Ocean Energy Management (BOEM) on its Request for Information and Comments on the Preparation of the 11th National Outer Continental Shelf Oil and Gas Leasing Program ("the RFI"), 90 Fed. Reg. 17,972 (Apr. 30, 2025).

The Outer Continental Shelf Lands Act (OCSLA) directs the Secretary of Interior—who acts through BOEM—to periodically develop, and maintain, an offshore oil and gas leasing program consisting of a five-year schedule of proposed lease sales.[1] In developing or revising the leasing program, OCSLA requires BOEM to consider national energy needs and to balance potential environmental harm with the potential for oil and gas discovery, among other factors.[2] The RFI announces BOEM's intention to prepare a new offshore oil and gas leasing program as a "key aspect" of "unleash[ing] America's affordable and reliable energy" and "encourag[ing] energy exploration and production on Federal lands and waters."[3]

Interior should halt the development of a new offshore leasing program. The current leasing program does not expire until the end of 2029,[4] and Interior is under no legal obligation to finalize a new program until that time.[5] Interior's resources would be better spent advancing renewable energy sources, like offshore wind, and heightening safety and environmental protection measures for existing fossil fuel operations. Transitioning from fossil fuels to renewable energy is critical to combatting the climate crisis, which threatens our environment, national security, and human lives. Responsibly-developed renewables provide cost-efficient energy, produce no direct greenhouse gas emissions, and create jobs, while protecting the ocean environment and wildlife. Moreover, improvements to existing regulations and

[1] 43 U.S.C. § 1344(a).
[2] *Id.* § 1344(a), (a)(3).
[3] 90 Fed. Reg. at 17,973 (quoting Exec. Order No. 14,154, 90 Fed. Reg. 8353 (Jan. 29, 2025)).
[4] BOEM, *2024-2029 National Outer Continental Shelf Oil and Gas Leasing Proposed Final Program* (Sept. 2023), https://www.boem.gov/sites/default/files/documents/oil-gas-energy/leasing/2024-2029_NationalOCSProgram_PFP_Sept_2023_Compliant.pdf.
[5] *See* 43 U.S.C. § 1344(a) (The Secretary shall "maintain" an oil and gas leasing program consisting of a schedule of lease sales covering a five-year period).

enforcement are necessary to reduce the adverse impacts of existing fossil fuel operations and infrastructure. For example, more than 2,700 wells and 500 platforms were past due for decommissioning in the Gulf of Mexico as of June 2023.[6] Idle and abandoned infrastructure leak oil and methane, create safety hazards for vessel crews, and pose an ongoing risk of oil spills. The government—and taxpayers—could be liable for billions of dollars in clean-up costs if companies default on their decommissioning obligations.[7] Developing a new offshore leasing program would waste government resources that could be better dedicated to combatting the climate crisis and protecting the ocean—with immense benefits for American prosperity, safety, and quality of life.

Nevertheless, should BOEM proceed with replacing the existing offshore leasing program, we strongly oppose new or expanded oil and gas activities in all regions of the outer continental shelf (OCS) and urge the agency to offer no new lease sales in the new program. The costs of offshore oil and gas activities far outweigh any potential benefit of new leasing. Offshore drilling threatens the health of our public waters, the future of vulnerable wildlife, and the economic resiliency of human communities. The airgun arrays used in seismic surveys to locate oil and gas deposits disrupt vital behaviors in a wide range of marine species, jeopardizing the survival and reproduction of whales, fish, and other wildlife that depend on sound for life. This booming noise harasses marine mammals and can mask whale calls over hundreds of miles, impeding communication necessary for these highly social animals to find mates and care for their young. Oil spills are an inevitable consequence of drilling, from catastrophic spills like *Deepwater Horizon* to smaller but more frequent spills. Just last month, an idle well spilled for over a week near Garden Bay Island, Louisiana, necessitating the controlled burn of a polluted marsh from which oil cannot otherwise be removed.[8] Offshore oil and gas production impacts human health too. Oil produced offshore must be processed at refineries that emit toxic air pollutants and sicken frontline communities. Producing and consuming fossil fuels drives the climate crisis that is dramatically altering our environment. Moreover, the United States does not need new offshore leasing to meet national energy needs. The country is producing record levels of oil and gas, and renewable sources of energy increasingly meet our needs at competitive prices and without emitting climate-polluting greenhouse gases.

Furthermore, if BOEM proposes new leasing in the draft proposed program, the agency cannot offer sales in areas permanently protected under Section 12(a) of OCSLA, and the agency should not offer leasing in any national marine sanctuaries or marine national monuments. BOEM must carefully consider the impacts of oil and gas leasing on the ocean, coastal, and human environments, including climate change impacts, potential harm to protected wildlife, impacts on coastal and environmental justice communities, and the environmental sensitivity of areas considered for leasing such as the heightened vulnerability of the Arctic. The agency must properly analyze national energy needs in the draft proposed program. In addition, BOEM should prepare a programmatic environmental impact statement under the National Environmental Policy Act (NEPA) to fully analyze the environmental impacts of the draft proposed program, consider a reasonable range of alternatives, and enhance public engagement.

---

[6] Gov't Accountability Office, *Offshore Oil and Gas: Interior Needs to Improve Decommissioning Enforcement and Mitigate Related Risks*, GAO-24-106229 (Jan. 2024), https://www.gao.gov/assets/gao-24-106229.pdf.
[7] *Id.*
[8] U.S. Coast Guard, "Press Release: 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/.

I. BOEM cannot offer lease sales in areas permanently protected under Section 12(a) of OCSLA, including in the Atlantic, Pacific, Eastern Gulf of Mexico, and Beaufort and Chukchi Seas.

BOEM cannot offer lease sales in OCS areas that have been permanently protected under OCSLA Section 12(a), and the draft proposed program cannot include these sales in its schedule. Section 12(a) authorizes the President to "withdraw from disposition any of the unleased lands of the outer Continental Shelf."[9] Presidents dating back to Eisenhower, and including Presidents Nixon, George W. Bush, Clinton, Obama, Trump, and Biden, have used this provision to bar oil and gas leasing of ocean areas of various sizes.[10]

While OCSLA authorizes presidents to withdraw OCS areas from leasing, it does not grant presidents the power to undo such withdrawals.[11] During his first term, President Trump attempted to reverse permanent protections for parts of the Atlantic and Arctic Oceans put in place by President Obama.[12] The federal court for the District of Alaska—in the only opinion speaking directly to this issue—held that the President's action exceeded his statutory authority and vacated the relevant section of the executive order.[13] Nevertheless, on the first day of his second term, President Trump issued an Executive Order purporting once again to revoke permanent leasing withdrawals put in place by Presidents Biden and Obama.[14] Together, the Obama and Biden withdrawals protect the full extent under U.S. jurisdiction of the Atlantic Ocean; the Pacific Ocean offshore California, Oregon, and Washington; the Eastern Gulf of Mexico;[15] and parts of the Arctic Ocean including the entire Beaufort Sea and Chukchi Sea planning areas.[16] President Trump lacks the authority to reverse the Obama and Biden withdrawals, and his Executive Order of January 2025 is unlawful.[17] Offering offshore oil and gas lease sales in the areas

---

[9] 43 U.S.C. § 1341(a).
[10] *See* NRDC & Earthjustice, *Briefer on Presidential Withdrawal Under OCSLA Sec. 12(a)*, at i (2016), https://www.nrdc.org/sites/default/files/briefer-on-ocsla-withdrawal-authority_20161121_0.pdf.
[11] *See* 43 U.S.C. § 1341(a).
[12] Exec. Order No. 13,795 § 5, 82 Fed. Reg. 20,815 (May 3, 2017).
[13] *League of Conservation Voters v. Trump*, 363 F. Supp. 3d 1013, 1030 (D. Alaska 2019), *vacated as moot*, 843 Fed.Appx. 937 (mem) (9th Cir. 2021).
[14] Exec. Order No. 14,148, 90 Fed. Reg. 8237 (Jan. 28, 2025).
[15] Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf From Oil and Natural Gas Leasing (Jan. 6, 2025), *available at* https://www.presidency.ucsb.edu/documents/memorandum-withdrawal-certain-areas-the-united-states-outer-continental-shelf-from-oil-and; Memorandum on Withdrawal of Certain Areas off the Atlantic Coast on the Outer Continental Shelf From Mineral Leasing, (Dec. 20, 2016), https://www.govinfo.gov/content/pkg/DCPD-201600861/pdf/DCPD-201600861.pdf.
[16] Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf From Oil and Natural Gas Leasing (Jan. 6, 2025), *available at* https://www.presidency.ucsb.edu/documents/memorandum-withdrawal-certain-areas-the-united-states-outer-continental-shelf-from-oil-or; Memorandum on Withdrawal of Certain Areas off the United States Arctic Coast of the Outer Continental Shelf From Oil or Gas Leasing (Mar. 13, 2023), *available at* https://www.presidency.ucsb.edu/documents/memorandum-withdrawal-certain-areas-off-the-united-states-arctic-coast-the-outer; Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf Offshore Alaska From Leasing Disposition (Jan. 27, 2015), *available at* https://www.presidency.ucsb.edu/documents/memorandum-withdrawal-certain-areas-the-united-states-outer-continental-shelf-offshore; Exec. Order 13,754, 81 Fed. Reg. 90669 (Dec. 14, 2016).
[17] 43 U.S.C. § 1341(a). Environmental groups, including some comment signatories, challenged President Trump's action. *Northern Alaska Envtl. Ctr*. v. Trump, Case No. 3:25-cv-00038 (D. Alaska, Feb. 19, 2025); *League of Conservation Voters v. Trump*, No. 3:17-cv-00101-SLG (rule 60(b) mot.) (D. Alaska, Feb. 19, 2025).

permanently protected under Section 12(a) would be similarly unlawful—and BOEM cannot include any lease sales in the Atlantic, Pacific, Eastern Gulf of Mexico, Beaufort Sea, or Chukchi Sea in the schedule.

II. BOEM should not offer lease sales in national marine sanctuaries and marine national monuments.

National marine sanctuaries and marine national monuments encompass some of the most ecologically vital and culturally significant ocean areas around the United States. Coral reefs in the Gulf of Mexico's Flower Garden Banks support a diverse array of fish, crustaceans, and other wildlife, while the Atlantic Ocean's Northeast Canyons and Seamounts Marine National Monument hosts magnificent geological formations, endangered whales, and deep-sea corals. Across the country, off the coast of California, the Chumash Heritage National Marine Sanctuary protects diverse ocean habitats and the submerged native homelands of Chumash Peoples. Sanctuaries and monuments also provide important venues for recreation, scientific research, and education. Oil and gas activities would harm the rich ecological and cultural resources and substantial economic benefits[18] that are protected and supported by national marine sanctuaries and marine national monuments.

Consistent with the importance of these areas, President George W. Bush protected all national marine sanctuaries established as of July 14, 2008 from leasing under OCSLA Section 12(a),[19] and BOEM lacks the legal authority to offer such sanctuaries for leasing in the new program. Moreover, offering oil and gas leasing in any national marine sanctuary—including those established after July 14, 2008—would contravene the purposes of the National Marine Sanctuaries Act (NMSA). Congress enacted NMSA to create a mechanism for designating and managing ocean areas of "special national significance" due to their "conservation, recreational, ecological, historical, scientific, educational, cultural, archeological, or esthetic qualities."[20] Under NMSA, the "primary objective" of national marine sanctuary designation and management is "resource protection."[21] In keeping with NMSA's purposes—and with the irreplaceable value that sanctuaries and monuments provide—BOEM should not consider sanctuaries or monuments for leasing in the draft proposed program.

III. BOEM must carefully consider the environmental impacts associated with offshore oil and gas activities in developing the draft proposed program.

OCSLA requires BOEM to manage the OCS in a manner considering "environmental values" of OCS resources and "the potential impact of oil and gas exploration on . . . the marine, coastal, and human environments."[22] The agency must balance "the potential for environmental damage" with other factors

---

[18] National marine sanctuaries support billion-dollar fishery and tourism industries, ten of thousands of jobs, and food security for millions of people. NOAA Office of National Marine Sanctuaries, "National Marine Sanctuaries and Local Economies," https://sanctuaries.noaa.gov/science/socioeconomic/factsheets/welcome.html (last visited June 5, 2025).

[19] Presidential Memorandum on Modification of the Withdrawal of Areas of the United States Outer Continental Shelf From Leasing Disposition (July 14, 2008), https://www.govinfo.gov/content/pkg/WCPD-2008-07-21/pdf/WCPD-2008-07-21-Pg985.pdf.

[20] 16 U.S.C. 1431(a)(2), (b)(1).

[21] *Id.* 1431(b)(6).

[22] 43 U.S.C. § 1344(a)(1).

when selecting "the timing and location of leasing."[23] BOEM must fully consider the potential environmental impacts of oil and gas activities resulting from the draft proposed program, including key issues relevant to climate change, protected species, environmental justice and coastal communities, and the Arctic.

a. Climate change

BOEM must consider the environmental and social impacts of climate change in the draft proposed program. Scientific evidence has unequivocally established that human-caused climate change is a severe and pervasive threat to all aspects of society. According to the International Panel on Climate Change (IPCC), every increment of global warming exacerbates temperature shifts and climatic instability, heightening threats to human health and food security and increasing the severity of predicted animal and plant extinctions.[24] Yet the worst impacts of climate change can still be avoided. "Deep, rapid, and sustained" greenhouse gas emission reductions would lead to a perceptible slowdown of global warming within about two decades.[25] The climate crisis is largely driven by the burning of fossil fuels, and a significant and rapid phasedown of fossil fuel production and consumption is urgently needed.[26]

Any new offshore lease sales included in the draft proposed program will result in greenhouse gas emissions from producing, transporting, refining, and consuming oil and gas. These emissions contribute to myriad climate-driven impacts on the coastal and marine environment, with profound consequences for human communities including destabilization of fisheries employment and revenue, disruptions to food security, more frequent and severe weather events, increased flooding, and rising insurance prices along with declining housing affordability.[27] BOEM must consider the draft proposed program's contribution to climate change and its mounting threat to the environment. Ultimately, the severity of the climate crisis demands a draft proposed program with no lease sales.

b. Impacts on endangered and threatened wildlife

BOEM must fully consider the impacts of offshore oil and gas activities on vulnerable wildlife across all planning areas. In particular, the critically endangered Rice's whale and Cook Inlet beluga whale each live in regions historically targeted for oil and gas leasing. The Rice's whale, exclusively found in the Gulf of Mexico, is one of the most endangered marine mammal species in the world with fewer than 100 individuals likely to remain.[28] According to the National Marine Fisheries Service (NMFS), "the loss of

---

[23] *Id.* § 1344(a)(3); *see id.* § 1344(a)(2)(B),(G),(H).
[24] IPCC, *Summary for Policymakers*, in *Climate Change 2023: Synthesis Report* 14-17 (2023) (H. Lee and J. Romero, eds.), https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_SPM.pdf.
[25] *Id.* at 12.
[26] *Id.* at 19-21, 28.
[27] U.S. Global Change Research Program, *Fifth National Climate Assessment*, at 9-8 to 9-9, 9-16, 10-11 to 10-12, 10-6, 10-17. (A.R. Crimmins et al., eds., 2023), https://nca2023.globalchange.gov/downloads/NCA5_2023_FullReport.pdf.
[28] *E.g.*, NMFS, "Rice's whale," https://www.fisheries.noaa.gov/species/rices-whale ("With likely fewer than 100 individuals remaining, Rice's whales are one of the most endangered whales in the world. Recovery of the species depends upon the protection of each remaining whale.").

even a single reproductive female could lead this species to extinction"[29] and the "[r]ecovery of the species depends on the protection of each remaining whale."[30] Rice's whale habitat extends from an area in the upper depths of the De Soto Canyon in the eastern Gulf along the continental shelf break between the 100- and 400-meter isobaths (depth contours) through the central and western Gulf.[31] The western and central Gulf planning areas host the vast majority of U.S. offshore exploration and drilling. Across the country, Alaska's Cook Inlet beluga whale is listed as endangered under federal law, with an estimated 331 individuals in the wild today compared with around 1,300 in the 1970s.[32] Cook Inlet belugas are found in Alaska's Cook Inlet year-round,[33] and NMFS has designated multiple critical habitat areas in the Inlet.[34] BOEM has offered Cook Inlet for federal oil and gas leasing as recently as 2022, and while oil and gas activity in federal Cook Inlet waters is currently minimal, Cook Inlet belugas are impacted by exploration and development in state waters.

---

[29] Comments of A.J. Strelcheck, NMFS Reg'l Admin., Southeast Regional Office, to Tershara Matthews, Chief of Emerging Programs, BOEM, at 6 (Feb. 9, 2022) (scoping comments on Draft Environmental Assessment for commercial leasing wind power development on the OCS in the Gulf of Mexico).

[30] NMFS, "Rice's whale," *supra* note 28; *see* S.A. Hayes, et al., eds., *U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments 2020*, NOAA Tech. Memo. NMFS-NE-27, at 162 (2021), https://repository.library.noaa.gov/view/noaa/32072. Under the Marine Mammal Protection Act, annual sustainable loss of marine mammals, known as Potential Biological Removal (PBR), is quantified as the product of the species' minimum population size, one-half of its maximum net productivity rate, and a recovery factor. 16 U.S.C. § 1362(20). According to NMFS' most recent Stock Assessment Report (2020), p. 162, the minimum population size for the species is 34, the maximum productivity rate is 0.04 (the default value for cetaceans), and the recovery factor is 0.1 because the stock is listed as endangered. We therefore calculate PBR for Rice's whale as 0.068, or about one whale lost to human impacts every fifteen years. (In our view, PBR should not be rounded up to 0.1, as is done in the stock assessment reports.)

[31] Although Rice's whale habitat was previously thought to be restricted to the eastern Gulf, the best available science from multiple lines of evidence, including the results of a five-year study conducted by NMFS, demonstrates that Rice's whales occur across their full range year-round. NOAA RESTORE Science Program, "Trophic Interactions and Habitat Requirements of Gulf of Mexico Rice's Whales," restoreactscienceprogram.noaa.gov/projects/rices-whales; NOAA Fisheries, "Trophic Interactions and Habitat Requirements of Gulf of Mexico Rice's Whales," https://www.fisheries.noaa.gov/southeast/endangered-species-conservation/trophic-interactions-and-habitat-requirements-gulf-mexico; M.S. Soldevilla et al., *Rice's whales in the northwestern Gulf of Mexico: call variation and occurrence beyond the known core habitat*, 48 ENDANGERED SPECIES RES. 155-174 (2022); M.S. Soldevilla et al., *Rice's whale occurrence in the western Gulf of Mexico from passive acoustic recordings*, MARINE MAMMAL SCI. 1-8 (2024); Jeremy J. Kiszka et al., *Critically endangered Rice's whale (*Balaenoptera ricei*) selectively feed on high-quality prey in the Gulf of Mexico*, 13 SCI. REPS. 6710, 6710 (2023); Nicholas A. Farmer et al., *Modeling protected species distributions and habitats to inform siting and management of pioneering ocean industries: A case study for Gulf of Mexico aquaculture*, 17 PLoS ONE 1, 7, 12 (2022) (using data from the five-year study to conduct a habitat suitability analysis); L.P. Garrison, M.S. Soldevilla, A. Martinez & K.D. Mullin, *A density surface model describing the habitat of the Critically Endangered Rice's whale* Balaenoptera ricei *in the Gulf of Mexico*, 54 ENDANGERED SPECIES RES. 41-57 (2024).

[32] Marine Mammal Commission, "Cook Inlet Beluga Whale," https://www.mmc.gov/priority-topics/species-of-concern/cook-inlet-beluga-whale/#:~:text=Protection%20Status,a%20reversal%20of%20that%20trend. (last visited May 23, 2025).

[33] *Id.*

[34] Endangered and Threatened Species: Designation of Critical Habitat for Cook Inlet Beluga Whale, 76 Fed. Reg. 20,180 (April 11, 2011).

Offering new lease sales in Rice's whale and Cook Inlet beluga whale habitat would unacceptably increase adverse impacts from underwater noise, vessel traffic, and oil leaks and spills.[35] Catastrophic oil spills pose an existential threat to whales, as demonstrated by the fallout from the BP *Deepwater Horizon* disaster, which killed an estimated 17 percent of the entire Rice's whale population, in addition to causing reproductive loss and adverse health impacts.[36] Seismic surveys for oil and gas exploration contribute significantly to ambient noise levels in Cook Inlet and the Gulf of Mexico—with seismic airguns dominating the soundscape through much of the northern Gulf—causing chronic stress and potential habitat abandonment.[37] Vessel strikes can kill or seriously injure marine mammals.[38] Rice's whales are particularly vulnerable to vessel strike, in part because they spend the majority of their time at night within the draft depths of most commercial and industrial vessels.[39] Based on the immense risks to Rice's whales and Cook Inlet belugas, BOEM should exclude their habitats from any new leasing. The draft proposed program must fully consider the impacts of oil and gas activities on all potentially affected threatened and endangered species.

c. Impacts on coastal and environmental justice communities

BOEM must consider the impacts of new leasing on affected coastal and onshore communities.[40] The vast majority of OCS oil and gas activity has occurred in the Gulf of Mexico with direct impacts on Gulf communities. The *Deepwater Horizon* catastrophe had devastating impacts on Gulf residents, particularly the fishing community and clean-up workers. The region's commercial fishing industry lost an estimated

---

[35] Stephanie A. Norman et al., *Potential Natural and Anthropogenic Impediments to the Conservation and Recovery of Cook Inlet Beluga Whales,* Delphinapterus leucas, 77 MARINE FISHERIES REV. 89, 96-100 (2016); NOAA Fisheries, *Beluga Whale - Cook Inlet DPS (Delphinapterus leucas), 5-Year Review: Summary and Evaluation*, at 7-8 (2022), https://www.fisheries.noaa.gov/resource/document/2022-status-review-cook-inlet-beluga-whale-delphinapterus-leucas-distinct; *see* Marine Mammal Commission, Comments to BOEM re: 2023-2028 National Outer Continental Shelf Oil and Gas Leasing Proposed Program, at 3-4 (Oct. 6, 2022), https://www.mmc.gov/wp-content/uploads/22-10-06-Hammerle-BOEM-2023-2028-National-OCS-Proposed-Program.pdf (recommending that BOEM "defer any future lease sales in Cook Inlet to ensure that oil and gas exploration and production activities do not jeopardize the survival or recovery of the Cook Inlet beluga whale population").

[36] DWH NRDA Trustees (Deepwater Horizon Natural Resource Damage Assessment Trustees), *Deepwater Horizon Oil Spill: Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement*, tbls. 4.9-6, 4.9-7, 4.9-9 (2016). *See also* Patricia E. Rosel et al., *Status review of Bryde's whales (Balaenoptera edeni) in the Gulf of Mexico under the Endangered Species Act*, at 30-31 (Dec. 2016); R. Takeshita, et al., *The Deepwater Horizon Oil Spill Marine Mammal Injury Assessment*, 33 ENDANGERED SPECIES RES. 95 (2017).

[37] B.J. Estabrook, D.W. Ponirakis, C.W. Clark, and A.N. Rice, *Widespread spatial and temporal extent of anthropogenic noise across the northeastern Gulf of Mexico shelf ecosystem*, 30 ENDANGERED SPECIES RES. 267 (2016); M.R. Rafter et al., *LISTEN GoMex, 2010-2021: Long-term investigations into soundscapes, trends, ecosystems, and noise in the Gulf of Mexico*, MPL Tech. Memo. No. 662 (2022); S.M. Wiggins, J.M. Hall, B.J. Thayre, & J.A. Hildebrand, *Gulf of Mexico low-frequency soundscape impacts by airguns*, 140 J. ACOUSTICAL SOC'Y AMERICA 176-83 (2016); Norman et al., *supra* note 35, at 99-100; see NOAA Fisheries, *Beluga Whale - Cook Inlet (Delphinapterus leucas), 5-Year Review: Summary and Evaluation*, *supra* note 35, at 8.

[38] NMFS, Rice's Whale, *supra* note 28; Norman et al., *supra* note 35, at 99.

[39] M.S. Soldevilla et al., *Spatial Distribution and Dive Behavior of Gulf of Mexico Bryde's Whales: Potential Risk of Vessel Strikes and Fisheries Interactions*, 32 ENDANGERED SPECIES RES. 533, 540, 543 (2017).

[40] 43 U.S.C. § 1344(a)(1) ("Management of the [OCS] shall be conducted in a manner which considers . . . the potential impact of oil and gas exploration on . . . the marine, coastal, and human environments"); *id.* § 1344(a)(2)(B (the leasing program must base the timing and location of exploration and drilling on "an equitable sharing of developmental benefits and environmental risks among the various regions.")

$247 million as a result of post-spill fisheries closures,[41] and by 2020, the spill led to an overall loss of 25,000 jobs and $2.3 billion in commercial and recreational fishing industry output.[42] Many Gulf residents suffered mental health consequences,[43] and those who stepped in to clean up the spill continue to face an increased risk of cancer, respiratory conditions, and heart disease.[44]

The Gulf South has borne the brunt of adverse health impacts from onshore activities related to the offshore oil and gas industry. The Gulf Coast hosts nearly half of U.S. petroleum refining capacity and over half of its natural gas processing plant capacity, mostly concentrated in Louisiana and Texas.[45] Research demonstrates that the impacts of pollution are not evenly distributed within the Gulf South. In Louisiana, industrialized communities that are predominantly Black or impoverished have been demonstrated to experience higher cancer risk from toxic air pollution.[46] In the Houston region—where residents are exposed on average to several tons of hazardous pollutants per year per square mile—research showed that people of color were exposed to multiple hazardous air pollutants at rates at least twice as high as white communities, and the average burden of hazardous air pollution was nine percent to 127 percent greater for people of color, people living in poverty, and limited-English households than their advantaged counterparts.[47] Many Gulf South communities experience increased exposure to cancer-causing chemicals including benzene as a direct result of proximity to oil, gas, and petrochemical infrastructure.[48] Production from lease sales scheduled in the draft proposed program will contribute to

---

[41] A. McCrea-Strub et al., *Potential Impact of the* Deepwater Horizon *oil spill on commercial fisheries in the Gulf of Mexico*, 36 FISHERIES 332 (2011).
[42] Christa Court et al., *Effects of the Deepwater Horizon Oil Spill on Human Communities: Catch and Economic Impacts*, in: Murawski, S., *et al.* DEEP OIL SPILLS. Springer, Cham. (2020), available at https://link.springer.com/chapter/10.1007/978-3-030-11605-7_33.
[43] Larissa Graham et al., *Oil spill science: The Deepwater Horizon oil spill's impact on people's health — Increases in stress and anxiety*, Sea Grant Programs of the Gulf of Mexico (2016), https://masgc.org/oilscience/oil-spill-science-mental-health.pdf.
[44] Sara Sneath & Oliver Laughland, "They cleaned up BP's massive oil spill. Now they're sick – and want justice," The Guardian (Apr. 20, 2023), https://www.theguardian.com/environment/2023/apr/20/bp-oil-spill-deepwater-horizon-health-lawsuits; *see also*, Melissa Partyka et al., Understanding the Human Health and Socioeconomic Impacts from the Deepwater Horizon Oil Spill (2021), https://masgc.org/oilscience/human-impacts-oil-spill-synthesis.pdf (synthesizing studies).
[45] *See Gulf of America Fact Sheet*, EIA (Sept. 4, 2024), https://www.eia.gov/special/gulf_of_america/; *see, e.g.*, EIA, "Number and Capacity of Petroleum Refineries," https://www.eia.gov/dnav/pet/pet_pnp_cap1_dcu_SLA_a.htm (last visited June 5, 2025) (Of the 58 operable petroleum refineries in PAD District 3 as of 2024, 34 were located in Texas and 15 in Louisiana).
[46] Kimberly Terrell & Gianna St. Julian, *Air pollution is linked to higher cancer rates among black or impoverished communities in Louisiana*, 17 ENV'T RSCH. LETTERS 014033 (Jan. 13, 2022); Wesley James et al., *Uneven Magnitude of Disparities in Cancer Risks from Air Toxics*, 9 INT. J. ENV'T. RSCH. PUB. HEALTH 4365 (Dec. 3, 2012); *see* NAACP & Clean Air Task Force, *Fumes Across the Fence-Line* (Nov. 2017), https://naacp.org/resources/fumes-across-fence-line-health-impacts-air-pollution-oil-gas-facilities-african-american.
[47] Sustainable Systems Research, LLC, *Evaluation of Vulnerability and Stationary Source Pollution in Houston*, at 19, 34 (rev'd Sept. 2020), https://www.nrdc.org/sites/default/files/houston-stationary-source-pollution-202009.pdf; *see* Yukyan Lam et al., *Toxic air pollution in the Houston ship channel: Disparities show urgent need for environmental justice*, NRDC & Tex. Env't Justice Advocacy Servs. (Sept. 2021), https://www.nrdc.org/sites/default/files/air-pollution-houston-ship-channel-ib.pdf.
[48] Environmental Integrity Project, "*Nearly Half of U.S. Refineries Releasing Benzene at Levels That Could Pose a Long-Term Health Threat*" (May 12, 2022), https://environmentalintegrity.org/news/nearly-half-of-u-s-refineries-releasing-benzene-at-levels-that- could-pose-a-long-term-health-threat/. *See Energy and Environmental Profile of*

the continued operation and possible expansion of fossil fuel infrastructure and the disproportionate pollution burden on Gulf South communities. BOEM must carefully consider these impacts in its Section 18 analysis.

d. Heightened vulnerability and risk in the Arctic

BOEM should exclude the Beaufort Sea, Chukchi Sea, and High Arctic planning areas from the draft proposed program. Recognizing the unique vulnerability of the Arctic environment, Presidents Obama and Biden permanently protected the Beaufort Sea and Chukchi Sea planning areas from oil and gas leasing under OCSLA Section 12(a).[49] Notwithstanding President Trump's unlawful attempt to rescind these protections, BOEM has no legal authority to offer oil and gas lease sales in the Beaufort or Chukchi Seas.[50] Further, although the State Department has asserted jurisdiction over the High Arctic planning area,[51] the legal status of this claim remains unclear under international law,[52] and this area should not be offered for lease.

If BOEM chooses to analyze these areas in the draft proposed program, the agency must carefully consider the "relative environmental sensitivity and marine productivity" and "the potential for environmental damage" in the Arctic.[53] The Arctic planning areas encompass rich ecosystems hosting an incredible diversity of marine life that is unique to the area.[54] The region's ecology is also highly vulnerable.[55] The Arctic is heavily stressed by climate change, with regional temperatures increasing three times faster than the global average and sea-ice extent declining up to 58 percent since 1979.[56] The loss of sea ice reduces vital habitat for seals, polar bears, and walrus.[57] Iñupiat and other Indigenous communities

---

the U.S. Chemical Industry, U.S. Dep't of Energy Office of Industrial Tech., https://energy.gov/sites/prod/files/2013/11/f4/profile_full.pdf; *How a Petrochemical is Produced*, AFPM, https://www.afpm.org/industries/operations/how-petrochemical-produced.

[49] Memorandum on Withdrawal of Certain Areas off the United States Arctic Coast of the Outer Continental Shelf from Oil or Gas Leasing (Mar. 13, 2023), *supra* note 16; Presidential Memorandum -- Withdrawal of Certain Portions of the United States Arctic Outer Continental Shelf from Mineral Leasing (Dec. 20, 2016), https://obamawhitehouse.archives.gov/the-press-office/2016/12/20/presidential-memorandum-withdrawal-certain-portions-united-states-arctic.

[50] Executive Order 14148 (Jan. 20, 2025), 90 Fed. Reg. 8237. *See* discussion *supra* section I.

[51] State Department, "Continental Shelf and Maritime Boundaries; Notice of Limits," 88 Fed. Reg. 88,470 (Dec. 21, 2023).

[52] *E.g.*, Ian M. Stevenson, "3 questions answered about Interior's High Arctic plans," E&E NEWS (May 5, 2025), https://www.eenews.net/articles/3-questions-answered-about-interiors-high-arctic-plans/; Yereth Rosen, "Trump administration plans for oil deep in Arctic Ocean, where US claim has yet to be recognized," ALASKA BEACON (May 5, 2025), https://alaskabeacon.com/2025/05/05/trump-administration-plans-for-oil-deep-in-arctic-ocean-where-us-claim-has-yet-to-be-recognized/.

[53] 43 U.S.C. § 1344(a)(2)(G); *id.* § 1344(a)(3).

[54] Conservation of Arctic Flora & Fauna (CAFF), *State of the Arctic Marine Biodiversity Report*, at 20-21 (2017), *available at* https://www.arcticbiodiversity.is/marine.

[55] CAFF, *Arctic Biodiversity Assessment: Status and trends in Arctic biodiversity* 30 (2013), *available at* https://oaarchive.arctic-council.org/items/b32baf29-d9d7-4c9e-8598-877db37141da ("the numerical dominance of relatively few key species in Arctic food webs, together with highly variable climatic conditions, makes them prone to strong food web interactions (for instance leading to community-wide cycles) and environmentally driven fluctuations with cascading effects through entire ecosystems").

[56] Arctic Monitoring and Assessment Programme (AMAP), *Arctic Climate Change Update 2024: Key Trends and Impacts, Summary for Policymakers*, at 2, 8, https://www.amap.no/documents/download/7310/inline.

[57] CAFF, *State of the Arctic Marine Biodiversity Report, supra* note 54, at 4.

rely on wildlife for subsistence, and their cultures and ways of life are intertwined with the health of Arctic ecosystems.[58]

Drilling in the Arctic carries immense risks. Oil and gas exploration and development introduce disruptive underwater noise harm and increase the risk of vessel strikes for marine mammals, with associated harms to Indigenous communities that rely on marine life for subsistence.[59] The harsh environmental conditions and lack of infrastructure make oil spill response nearly impossible. According to a report commissioned by the Bureau of Safety and Environmental Enforcement (BSEE) assessing oil spill response potential in the Beaufort and Chukchi Seas, mechanical oil recovery methods decrease in effectiveness beginning at just ten percent sea ice coverage.[60] Such methods are "almost impossible" during the winter and "not recommended" over 70 percent of the year.[61] Application of oil dispersants would similarly be "unfavorable" for well over half of the year,[62] not to mention the potential toxicity of dispersants to wildlife.[63] If a well blowout occurred in fall, it would likely continue, unabated, throughout the long winter. Regardless of the season, the nearest Coast Guard port is over a thousand miles away, which could result in days of delay for an icebreaker to reach an oil spill even in the best conditions. Oil spill response expert and retired NOAA official Doug Helton recently underscored these points, testifying in Congress that Arctic environmental conditions "would severely complicate any [oil spill] cleanup response" and highlighting the immense logistical challenges for spill response in this region.[64] Moreover, risks and barriers to cleanup are likely even greater in the remote High Arctic planning area than in the Beaufort and Chukchi Seas. BOEM must analyze the full extent of risks from oil and gas activities in the Arctic environment.

IV. BOEM must properly analyze national energy needs in developing the draft proposed program.

OCSLA requires BOEM to establish a leasing schedule designed to "best meet national energy needs."[65] Recent trends in energy production, the federal government's energy analysis, and market factors clearly demonstrate that the United States does not need new oil and gas leasing to best meet our energy needs.

---

[58] CAFF, *Arctic Biodiversity Assessment: Status and trends in Arctic biodiversity*, *supra* note 55, at 18-19.
[59] Ekaterina Borshchevskaia et al., *Pollution in the Arctic: Oil and Gas Extraction on the Continental Shelf as a Major Contributor*, The Arctic Institute (June 28, 2022), https://www.thearcticinstitute.org/pollution-arctic-oil-gas-extraction-continental-shelf-major-contributor/; CAFF, *State of the Arctic Marine Biodiversity Report, supra* note 54, at 150, 165, 169.
[60] Nuka Planning Group, LLC, *Estimating an Oil Spill Response Gap for the U.S. Arctic Ocean*, at 29 (2014) https://nukaresearch.com/download/projects/estimating-an-oil-spill-response-gap-for-the-us-arctic-ocean-revised.pdf.
[61] *Id.* at 30.
[62] *Id.* at 38-40.
[63] *See, e.g.*, Roberto Rico-Martínez, Terry W. Snell & Tonya L. Shearer, *Synergistic Toxicity of Macondo Crude Oil and Dispersant Corexit 9500A® to the Brachionus Plicatilis Species Complex (Rotifera)*, 173 ENVIRONMENTAL POLLUTION 5 (2013).
[64] *Hearing on H.R. 513, H.R. 931, H.R. 2250, H.R. 2556, H.R. 3168 & H.R. 3176 Before the H. Comm. on Nat. Res. Subcomm. on Energy & Mineral Res.*, 119th Cong. at 3 (May 20, 2025) (statement of Mr. Doug Helton, Former Reg'l Operations Supervisor, Emergency Response Div. (Retired), NOAA, *available at* https://www.congress.gov/119/meeting/house/118250/witnesses/HHRG-119-II06-Wstate-HeltonD-20250520.pdf.
[65] 43 U.S.C. § 1344(a); see id. § 1332(3) (OCS should be developed consistent with "national needs.")

Despite President Trump's unsubstantiated declaration of a national energy emergency,[66] the United States is awash in fossil fuels. We are the world's leading producer of oil and gas,[67] with U.S. crude oil and natural gas production hitting record levels in 2023 and 2024.[68] The United States is flooding international markets with fossil fuels and has been a net exporter of petroleum since 2020,[69] producing much more petroleum than required to meet national energy needs. Meanwhile, U.S. gasoline consumption has declined by five percent since 2018.[70] The federal government's own modelling predicts that gas consumption will continue to fall, declining 17 percent by 2050—even without heightened federal standards for fuel economy and tailpipe greenhouse gas emissions put in place during the Biden administration.[71] Moreover, new offshore lease sales are unlikely to significantly affect gasoline prices in the near future. Gas prices are largely determined by the cost of crude oil, which itself depends on a variety of geopolitical and economic factors, including economic growth and confidence in the economy, major world events, and production levels in other countries such as Saudi Arabia.[72] While increased U.S. crude oil production contributes to this mix of factors and tends to decrease crude oil prices,[73] it takes at least five to ten years—and longer in deeper waters—for oil production to begin on new offshore leases.[74]

BOEM must also consider the potential for renewable energy sources to replace the energy that might otherwise be generated from fossil fuel production resulting from the draft proposed program. Renewables are increasingly meeting U.S. energy needs,[75] and wind and solar provide cost-effective

---

[66] Exec. Order 14,156, 90 Fed. Reg. 8433 (Jan. 29, 2025).
[67] U.S. Energy Information Administration (EIA), "U.S. energy production has increased faster than energy consumption over the past 50 years" (Oct. 29, 2024), https://www.eia.gov/todayinenergy/detail.php?id=63544.
[68] EIA, "Monthly Crude Oil and Natural Gas Production," (accessed May 16, 2025), https://www.eia.gov/petroleum/production/#oil-tab.
[69] EIA, "Oil and petroleum products explained: Oil imports and exports" (last updated Jan. 19, 2024), https://www.eia.gov/energyexplained/oil-and-petroleum-products/imports-and-exports.php.
[70] Lucas David, "Is U.S. Gasoline Consumption Declining?" *Energy Institute Blog, UC Berkeley* (May 12, 2025), https://energyathaas.wordpress.com/2025/05/12/is-u-s-gasoline-consumption-declining/.
[71] EIA, *Annual Energy Outlook 2025*, tbl 2 ("Energy Consumption by Sector and Source"), available at https://www.eia.gov/outlooks/aeo/data/browser/#/?id=2-AEO2025&region=1-0&cases=ref2025~alttrnp&start=2023&end=2050&f=A&linechart=~~~~~~ref2025-d032025a.83-2-AEO2025.1-0~alttrnp-d032125a.83-2-AEO2025.1-0~ref2025-d032025a.84-2-AEO2025.1-0~alttrnp-d032125a.84-2-AEO2025.1-0&map=ref2025-d032025a.3-2-AEO2025.1-0&sourcekey=0 (accessed May 16, 2025). Data for motor gasoline under the category "Delivered energy consumption, All Sectors" in the alternative transportation case reflects a 17.9% decline from 2024 to 2050. The alternative transportation case excludes from analysis certain transportation policies designed to increase fuel economy and decrease greenhouse gas emissions, including NHTSA corporate average fuel economy (CAFE) standards and EPA tailpipe greenhouse gas standards for light-duty vehicles in model year 2027+ and California Air Resources Board's Advanced Clean Truck (ACT) rule. EIA, *Annual Energy Outlook 2025: Case Descriptions* (Apr. 2025), https://www.eia.gov/outlooks/aeo/assumptions/pdf/case_descriptions.pdf.
[72] EIA, "What drives crude oil prices?" (Apr. 10, 2025), at 2-6, 11, https://www.eia.gov/finance/markets/crudeoil/reports_presentations/crude.pdf.
[73] EIA, "Gasoline explained: Factors affecting gasoline prices" (last updated Sept. 4, 2024), https://www.eia.gov/energyexplained/gasoline/factors-affecting-gasoline-prices.php.
[74] BOEM, *2024-2029 National Outer Continental Shelf Oil and Gas Leasing Proposed Final Program*, *supra* note 4, at 1-12, 5-2.
[75] Climate Central, "A Decade of Growth for U.S. Solar and Wind" (Mar. 12, 2025), https://www.climatecentral.org/climate-matters/solar-and-wind-2025 (compiling U.S. Energy Information Administration data).

sources of electricity.[76] Critically, transitioning from fossil fuels to renewables is essential to avoiding the worst impacts of the climate crisis, which threatens the U.S. economy, infrastructure, and environment.[77] The draft proposed program must consider the full picture of "national energy needs" and broader "national needs."[78]

V. BOEM should prepare a programmatic environmental impact statement to analyze the effects of the offshore oil and gas leasing program.

The National Environmental Policy Act (NEPA) provides a transparent and comprehensive framework for examining the environmental impacts of government actions. Under NEPA, agencies must prepare an environmental impact statement (EIS) for any major federal action that may significantly affect the human environment.[79] An EIS must examine "a reasonable range of alternatives" to the proposed action,[80] motivating agencies to consider project designs that maximize environmental protection without sacrificing other goals. NEPA requires agencies to publish draft EIS's and provide an opportunity for stakeholders and the public to comment.[81] Public comments can improve government decisions and project design by providing agencies with relevant scientific information and identifying potential conflicts with other uses of an area or resource.

BOEM and its predecessor agency have prepared an EIS for every prior offshore leasing program going back to the first OCSLA program published in 1980.[82] Yet for the current offshore leasing program, BOEM has decided to prepare a non-NEPA "environmental analysis document."[83] This unnecessary deviation from NEPA's time-tested framework will omit an alternatives analysis, potentially leading to poorer environmental outcomes. Whereas NEPA provides a familiar procedure for public input, it is unclear whether BOEM will invite comment on the environmental analysis document. NEPA offers valuable opportunities for public engagement beyond those already provided in OCSLA. During preparation of the previous leasing program—in which BOEM solicited comments on the proposed leasing program and draft PEIS jointly—BOEM received 184 unique comments on the PEIS alone.[84] BOEM should take advantage of NEPA's benefits and prepare a PEIS for the offshore leasing program.

---

[76] *See*, Lazard, *Levelized Cost of Energy* 9 (June 2024), https://www.lazard.com/media/xemfey0k/lazards-lcoeplus-june-2024-_vf.pdf.
[77] *See* section III(a), *supra*.
[78] 43 U.S.C. § 1344(a); *id.* § 1332(3).
[79] 42 U.S.C. § 4332(C).
[80] *Id.* § 4332(C)(iii).
[81] *Id.* § 4332(C)(v).
[82] 90 Fed. Reg. 17,976; *see* Interior Dept. *5-Year OCS Program* at 149, 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 (referencing the EIS prepared for the leasing program).
[83] 90 Fed. Reg. 17,976.
[84] BOEM, *2024-2029 National Outer Continental Shelf Oil and Gas Leasing Program: Final Programmatic Environmental Impact Statement* at K-1 (2023), https://www.boem.gov/sites/default/files/documents/oil-gas-energy/leasing/2024-2029NatOCSOilGasLeasing_FinalPEISVol2_0.pdf.

VI. Conclusion

BOEM must fulfill its obligation under OCSLA and carefully consider environmental impacts and national needs in the draft proposed program. Offshore oil and gas activities are inherently harmful to wildlife, human health, and our ocean; meanwhile, national energy needs will be best met by rigorously exploring renewable sources of energy instead of doubling down on fossil fuels. We therefore urge BOEM to include no new lease sales in the draft proposed program. If BOEM nevertheless includes new leasing in the draft proposed program, the agency cannot offer new lease sales in areas permanently protected under OCSLA Section 12(a) and should not offer lease sales in national marine sanctuaries, marine national monuments, Rice's whale habitat, Cook Inlet beluga whale habitat, or the High Arctic.

Sincerely,

350Brooklyn
Alaska Wilderness League
Albany UU
All Our Energy
Alliance for a Living Ocean
Animal Welfare Institute
Beaches Go Green
Buy Local, Grow Local
California Environmental Voters
CCAPP
CCRW−BYO
Center for Biological Diversity
Center for the Blue Economy
Changing Tides Family Services
Climate Action Alliance of the Valley
Climate Hawks Vote
Climate Reality Project
Cooler Communities, Living the Change Berkshires
CORE Hub Humboldt Area Foundation
Creation Justice Ministries
CupZero
DC Surfrider Foundation Chapter
Defenders of Wildlife
Delaware Audubon
EarthEcho International
Earthjustice
Endangered Habitats League
Environmental Action Committee of West Marin
Environmental Protection Information Center
FOUR PAWS USA
FutureSwell

Green Sanctuary Team - Albany Unitarian Universalists
Healthy Gulf
Healthy Ocean Coalition
Hispanic Access Foundation
Humboldt Waterkeeper
Inland Ocean Coalition
International Marine Mammal Project of Earth Island Institute
Keep Massachusetts Beautiful
Lynnhaven River NOW (LRNow)
Marine Conservation Institute
Monterey Bay Aquarium
Mothers Out Front
Nassau Hiking & Outdoor Club
National Ocean Protection Coalition
NC Coastal Federation
Next 100 Coalition
North American Climate, Conservation and Environment (NACCE)
North Carolina Coastal Federation
NRDC (Natural Resources Defense Council)
Ocean Conservation Research
Ocean Defense Initiative
Ocean River Institute, Inc
Oceana
One Hundred Miles
Orange County Coastkeeper
Recycle Hawaii
Resource Renewal Institute
ReThink Energy Florida
Save Our Shores
Sea Turtle Conservancy
Sisters of St. Dominic of Blauvelt, New York
South Shore Audubon Society
Southern Environmental Law Center
Stop the Algonquin Pipeline Expansion
Surfrider Foundation
The Ocean Foundation
The Ocean Project
The People's Justice Council
The Town of Lee Greener Gateway Committee
Turtle Island Restoration Network
Virginia Conservation Network
Voices of Wildlife In NH
Waterside Inn
Western Mich University
Wetlands Watch
Wild Cumberland