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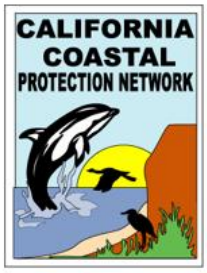
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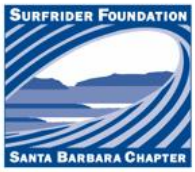
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January 23, 2026

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

Submitted via http://www.regulations.gov/commenton/BOEM-2025-0483-0001

Re: 11th National OCS Oil and Gas Leasing Draft Proposed Program [Docket No. BOEM-2025-0483] - OPPOSE

Dear Ms. Hammerle:

Thank you for the opportunity to comment on the Bureau of Ocean Energy Management's (BOEM) 11th National Outer Continental Shelf Oil and Gas Leasing Draft Proposed Program ("DPP"). These comments are submitted by the Environmental Defense Center (EDC) and the undersigned organizations, in opposition to the expansion of oil and gas leasing nationwide—and particularly the proposal to allow new leasing offshore California.

EDC is a non-profit organization and law firm that defends nature and advances environmental justice on California's Central Coast through advocacy and legal action. The undersigned organizations seek to protect the California coast from the risks and impacts of offshore oil and gas development. Many of our groups are located along the state's central coast and have witnessed the devastating impacts that result from such development, including the infamous 1969 Santa Barbara oil spill and the 2015 Plains oil spill at Refugio State Beach.

As an initial matter, preparation of an 11th National Outer Continental Shelf Leasing Program (the "Leasing Program") is premature, unnecessary, and the Department of Interior has not provided sufficient opportunity for public input. The 10th 5-Year Leasing Program already covers 2024–2029 and includes leasing sales scheduled for 2027 and 2029. There is no need for the Secretary of the Interior ("Secretary") to act pursuant to the Outer Continental Shelf Lands Act (OCSLA) to re-evaluate the nation's energy needs for another five-year period. BOEM has also abandoned its historic practice of inviting affected communities into the conversation by refusing to hold any public meetings after releasing the DPP.

Should BOEM continue with this process, it must comply with all applicable laws. First, it is unlawful to lease Outer Continental Shelf (OCS) areas previously withdrawn by former President Biden pursuant to OCSLA Section 12(a)—which includes the Pacific OCS Region ("Pacific Region" or "Region"). Second, it is unlawful to lease any areas that are within the boundaries of a national marine sanctuary, and leasing *near* sanctuary resources threatens to violate the law. Third, exclusion of the Pacific Region from the Leasing Program is warranted pursuant to the OCSLA Section 18(a)(2) factors. Fourth, the OCSLA balancing test under Section 18(a)(3) likewise indicates that the Pacific Region must be excluded. Fifth, there are specific environmentally sensitive areas that must be excluded from leasing, as detailed herein.

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Finally, BOEM must prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA).

I. Legal Background

A. Outer Continental Shelf Lands Act

Originally enacted in 1953, OCSLA, 43 U.S.C. §§ 1331–1356b, affirms federal control over mineral resources in the OCS. 43 U.S.C. §§ 1332(1), 1333(a)(1)(A). OCSLA directs the Department of Interior (DOI) through BOEM to administer leases to explore for, develop, and produce mineral resources, including oil and gas, in the OCS, 43 U.S.C. §§ 1331(c), 1334(a). This includes the periodic revision and maintenance of a program establishing a schedule of proposed oil and gas lease sales in the OCS for the five-year period following the program's approval. 43 U.S.C. § 1344(a). Under OCSLA, opening up new areas of the OCS for oil and gas exploration and production involves four stages: 1) development of a five-year leasing program, 43 U.S.C. § 1344; 2) lease sales, *id.* § 1337; 3) exploration, *id.* § 1340; and 4) development and production, *id.* § 1351.

During the development of a five-year leasing program, "key national decisions as to the size, timing, and location of OCS leasing" are made. *Ctr. for Sustainable Econ. v. Jewell*, 779 F.3d 588, 595 (D.C. Cir. 2015). The program's schedule of proposed leases is based on what the Secretary "determines will best meet national energy needs for the five-year period." 43 U.S.C. § 1344(a).

OCSLA requires that oil and gas exploration and development in the OCS be "balanced with 'protection of the human, marine, and coastal environments.'" *Nat. Res. Def. Council v. Hodel*, 865 F.2d 288, 292 (D.C. Cir. 1988) (quoting 43 U.S.C. § 1802(1)–(2)). In selecting lease areas, the Secretary must consider eight factors listed in Section 18(a)(2), including the ecological characteristics of the region, a balancing of developmental benefits and environmental risks, and the relative environmental sensitivity and marine productivity of the region, among others. 43 U.S.C. § 1344(a)(2)(A)–(H).

OCLSA further demands consideration of environmental harms by requiring the OCS leasing program to "obtain a proper balance" of three factors. 43 U.S.C. § 1344(a)(3). The Secretary must balance "the potential for environmental damage, the potential for discovery of oil and gas, and the potential for adverse impact on the coastal zone" in selecting the timing and location of leasing. *Id.*

Section 12(a) of the statute provides the President with the authority to "from time to time, withdraw from disposition any of the unleased lands of the outer Continental Shelf." 43 U.S.C. § 1341(a). This provision enables the President to determine that certain areas of the OCS must be excluded from the OCS leasing program.

The Secretary must also "invite and consider suggestions" from other federal agencies and the Governor of any State that may be affected by the program, 43 U.S.C. § 1344(c)(1), and consider any coastal zone management program developed by an affected coastal state. *Id.*

§ 1344(f)(5). OCSLA also gives coastal states the right to participate in decisions concerning the OCS "to the extent consistent with the national interest." *Id.* § 1332(4)(C). As part of the leasing program, the Secretary must "conduct environmental studies and prepare any environmental impact statement" required by NEPA, 42 U.S.C. § 4332(2)(c). 43 U.S.C. § 1344(b)(3).

B. National Marine Sanctuaries Act

The National Marine Sanctuaries Act (NMSA), 16 U.S.C. § 1431 *et seq.*, authorizes the Secretary of Commerce to identify and designate certain areas of the marine environment with special national significance as national marine sanctuaries. 16 U.S.C. § 1431(b)(1). Designation as a national marine sanctuary enables the Secretary to develop a system to conserve and manage the sanctuaries, including regulating activities which may affect them. *Id.* § 1431(b)(2). The NMSA was designed to "maintain the natural biological communities" and to protect "natural habitats, populations, and ecological processes." *Id.* § 1431(b)(3). As such, the NMSA outlines specific prohibited activities including the destruction or injury of any sanctuary resource. *Id.* § 1436(1).[1] The NMSA authorizes the Secretary to promulgate regulations to carry out the statute, 15 C.F.R. Part 922, including sanctuary-specific prohibitions on certain activities. 16 U.S.C. § 1439. The exploration for, development, and production of oil and gas is one commonly prohibited activity in national marine sanctuaries. *See* 15 C.F.R. §§ 922.232(a)(1) (in the Chumash Heritage National Marine Sanctuary), 922.72(a)(1) (in the Channel Islands National Marine Sanctuary), and 922.82(a)(1) (in the Greater Farallones National Marine Sanctuary).

C. National Environmental Policy Act

Congress enacted NEPA in recognition that "each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment." 42 U.S.C. § 4331(c). It is the "responsibility of the Federal Government" generally to aim to "preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice." *Id.* § 4331(b)(4). In turn, "NEPA achieves its sweeping policy goals . . . through a set of action-forcing procedures that require that agencies take a hard look at the environmental consequences of their actions, and provide for broad dissemination of relevant environmental information." *Prutehi Litekyan: Save Ritidian v. United States Dep't of Airforce*, 128 F.4th 1089, 1100 (9th Cir. 2025) (internal quotations omitted).

NEPA requires the preparation of an EIS for "major Federal actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(C). If a proposed federal action either "does not have a reasonably foreseeable significant effect on the quality of the human environment, or if the significance of [the proposed action's effects] is unknown," the federal agency must prepare an environmental assessment (EA). *Id.* § 4336(b)(2). The EA "shall

[1] A "sanctuary resource" is "any living or nonliving resource of a national marine sanctuary that contributes to the conservation, recreational, ecological, historical, educational, cultural, archaeological, scientific, or aesthetic value of the sanctuary." 16 U.S.C. § 1432(8).

be a concise public document . . . set[ting] forth the basis of [the] agency's finding of no significant impact or determination that an environmental impact statement is necessary." *Id*.

If the agency issues "a finding of no significant impact (FONSI), it must supply a convincing statement of reasons to explain why a project's impacts are insignificant . . . to show that the agency took the requisite hard look at the consequences of its action." *Ctr. For Biological Diversity v. Kempthorne*, 588 F.3d 701, 711 (9th Cir. 2009) (internal quotations omitted). Alternatively, if an EA's evidence and analysis demonstrates that the proposed action "has a reasonably foreseeable significant effect on the quality of the human environment," then the agency must prepare an EIS. 46 U.S.C. § 4336(b)(1). Courts have interpreted this standard as requiring an EIS when there are "substantial questions" regarding whether the project may have significant impacts. *Klamath Siskiyou Wildlands Center v. Boody*, 468 F.3d 549, 562 (9th Cir. 2006) ("[A]n EIS 'must be prepared if substantial questions are raised as to whether a project may cause significant degradation of some human environmental factor.'"); *Idaho Sporting Congress v. Thomas*, 137 F.3d 1146, 1150 (9th Cir. 1998). The Ninth Circuit has repeatedly emphasized that the threshold for requiring an EIS is a "low standard." *Klamath Siskiyou Wildlands Center*, 468 F.3d at 562.

II. The Pacific Has Been Withdrawn and Cannot Be Leased.

BOEM does not have the authority to lease OCS areas previously withdrawn by President Biden pursuant to OCSLA Section 12(a), 43 U.S.C. § 1341(a). This includes the Northern California, Central California, and Southern California Planning Areas, and all national marine sanctuaries designated before July 18, 2008, among others.

On January 6, 2025, President Biden issued a Memorandum on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Oil or Natural Gas Leasing, which withdrew specified areas from "disposition from oil or natural gas leasing for a time period *without specific expiration*" and "prevents consideration of withdrawn areas for *any future* oil or natural gas leasing."[2,3] Soon after, President Trump issued an Executive Order that appears to improperly seek to revoke Biden's withdrawal.[4] And—without any explanation—the DPP includes leasing in the Pacific. Including these withdrawn areas within the 11th National OCS Leasing Program exceeds the President's authority under OCSLA and violates the constitutional separation of powers doctrine.

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[2] *Memorandum on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Oil or Natural Gas Leasing* (Jan. 6, 2025) The White House, available at https://bidenwhitehouse.archives.gov/briefing-room/presidential-actions/2025/01/06/memorandum-on-the-withdrawal-of-certain-areas-of-the-united-states-outer-continental-shelf-from-oil-or-natural-gas-leasing/ (emphasis added).

[3] In addition to this comment letter in which EDC details how the DPP would impact the Pacific Region, EDC concurrently submits, along with other environmental organizations, a public comment letter which covers the DPP's impacts on a national scale. The exhibits for all factual source cited in that letter which are also cited in this letter are incorporated by reference to this letter.

[4] Exec. Order No. 14148, 90 Fed. Reg. 8237 (2025), *Initial Rescissions of Harmful Executive Orders and Actions* (Jan. 20, 2025), available at https://www.whitehouse.gov/presidential-actions/2025/01/initial-rescissions-of-harmful-executive-orders-and-actions//.

The President does not have the authority to revoke past withdrawals—only Congress has that authority. Section 12(a) of OCSLA authorizes the President to "withdraw from disposition any of the unleased lands of the outer Continental Shelf," 43 U.S.C. § 1341(a), but it does not grant the President the authority to revoke a previous withdrawal. The language of the statute does not contain any reference to a presidential revocation power and such a power should not be inferred from Congress' silence. If Congress had intended to provide the President with a revocation power in Section 12(a), it could have done so explicitly, as it has in other statutes. For example, the Forest Service Organic Administration Act of 1897 authorizes the President to "vacate altogether" any public forest reservations. 16 U.S.C. § 473. Similarly, the Pickett Act provides the President with discretionary withdrawal or reservations powers which would be "in force until revoked by [the President] or by an Act of Congress." 49 Stat. 660, 661 (1935), *repealed by* 90 Stat. 2792 (1976). OCSLA does not contain such explicit language, indicating Congress deliberately did not provide the President with revocation authority. This reading is consistent with historical interpretations of parallel statutes by the Executive Branch's Attorney Generals.[5]

Further, interpreting Section 12(a) to authorize presidential revocation of past withdrawals is inconsistent with the Property Clause of the U.S. Constitution and the separation of powers doctrine. The Property Clause, U.S. Const. art. IV, Section 3, cl. 2, grants Congress the power to dispose of and regulate all territory or property belonging to the United States. As such, the President cannot regulate United States territory or property without Congress's delegation of this authority. Therefore, the 11th National OCS Leasing Program must not include Biden's withdrawn areas.

III. No Leasing Can Occur Within or Near National Marine Sanctuaries.

The Pacific Region is home to about half of the nation's national marine sanctuaries.[6] Oil and gas exploration, development, and production pursuant to new leases is unlawful within national marine sanctuaries, both because all sanctuaries designated as of July 14, 2008, have been withdrawn from leasing disposition,[7,8] and because regulations specific to each sanctuary prohibit such activities. *See*, *e.g.*, 15 C.F.R. § 922.72(a)(1) (prohibiting new oil and gas exploration, development, and production in the Channel Islands National Marine Sanctuary). While BOEM recognizes some of these restrictions in the DPP, it does not explicitly exclude all sanctuaries. *See* DPP at 3–4. All national marine sanctuaries must be excluded from the 11th National OCS Leasing Program, including the Channel Islands National Marine Sanctuary

[5] In 1878, an Attorney General opinion on Presidential authority to designate public land for military purposes states, "if lands have been once set apart by the President . . . they cannot be restored to the condition of public lands . . . except by an authority of Congress." Camp Wright, 16 U.S. Op. Att'y Gen. 121, 123 (1878).
[6] BOEM, *Areas Under Restriction*, available at: https://www.boem.gov/oil-gas-energy/leasing/areas-under-restriction (last accessed June 12, 2025).
[7] Memorandum on Modification of the Withdrawal of Areas of the United States Outer Continental Shelf from Leasing Disposition, WEEKLY COMP. PRES. DOC. 986 (July 14, 2008).
[8] Within the Pacific OCS region, seven national marine sanctuaries were designated before July 18, 2008. These include: American Samoa (designated in 1986), Hawaiian Islands Humpback Whale (designated in 1999), Monterey Bay (designated in 1992), Channel Islands (designated in 1980), Olympic Coast (designated in 1994), Cordell Bank (designated in 1989), and Greater Farallones (designated in 1981). BOEM, *Areas Under Restriction*, available at: https://www.boem.gov/oil-gas-energy/leasing/areas-under-restriction (last accessed June 12, 2025).

(CINMS) and the Chumash Heritage National Marine Sanctuary (CHNMS).[9,10] Moreover, consistent with the prohibitions and purposes of the NMSA, no leasing should occur *near* designated sanctuaries, and a buffer must be established around sanctuaries to avoid foreseeable impacts to these areas. 16 U.S.C. § 1433.

The CINMS was designated as a national marine sanctuary in 1980, therefore qualifying for OCSLA Section 12(a) withdrawal pursuant to George W. Bush's Presidential Memorandum issued on July 14, 2008.[11] Aside from its withdrawal under OCSLA, the regulations governing activities in the CINMS also explicitly prohibit "exploring for, developing, or producing hydrocarbons." 15 C.F.R. § 922.72(a)(1). The regulations exempt oil and gas leases in effect prior to 1981, yet new leases are expressly prohibited. In addition, the CHNMS regulations expressly prohibit "exploring for, developing, or producing oil, gas, or minerals within the Sanctuary." 15 C.F.R. § 922.232(a)(1). Leases in effect before November 30, 2024, may continue oil and gas production, but production pursuant to new leases is unlawful. *Id.* Therefore, BOEM may not issue new leases in the CINMS or CHNMS as part of the Leasing Program.

Moreover, under Section 306 of the NMSA it is unlawful to "destroy, cause the loss of, or injure any sanctuary resource managed under law or regulations for that sanctuary." 16 U.S.C. § 1436(1). Drilling in or near sanctuaries threatens to destroy or injure sanctuary resources. For example, past oil spills in the now-designated CHNMS threatened the area with significant harm, CHNMS, 89 Fed. Reg. at 83554–55, and sanctuaries face harm due to the potential for "long-term adverse impacts from chronic pollution by hydrocarbons and drill muds and other disturbance of sensitive habitat." CINMS, 45 Fed. Reg. 65198, 65200–01 (Oct. 2, 1980) (Final Rule). Likewise, regulations specific to sanctuaries prohibit certain harmful discharges that would injure a sanctuary. 15 C.F.R. §§ 922.72(a)(3)(ii) (CINMS), 922.232(a)(2)(iii) (CHNMS). Further, consultation with the National Oceanic and Atmospheric Administration (NOAA) is required for any leasing close enough to a sanctuary that is "likely to destroy, cause the loss of, or injure any sanctuary resource." 16 U.S.C. § 1434(d)(1)(A). Should BOEM refuse to adopt alternatives suggested by NOAA that limit the risk to sanctuaries, and such sanctuaries are harmed as a result, BOEM faces liability and must "prevent and mitigate" additional damage and "restore or replace" sanctuary resources. *Id.* § 1434(d)(4). Accordingly, it is not enough to avoid direct leasing within sanctuaries—buffers must be established around sanctuaries in order to comply with the NMSA's important protections of these areas. Given the large special extent of the CINMS and CHNMS, it would be impossible to drill in the Santa Barbara Channel region without threatening sanctuaries.[12]

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[9] Chumash Heritage NMS, 89 Fed. Reg. 83554 (Oct. 16, 2024).

[10] Leasing is prohibited in all national marine sanctuaries—including the other sanctuaries off California's Coast—the Cordell Bank NMS, Greater Farallones NMS, and Monterey Bay NMS. *See National Marine Sanctuaries: West Coast Region*, NOAA.GOV, https://sanctuaries.noaa.gov/about/westcoast.html (last accessed Jan. 20, 2026).

[11] Memorandum on Modification of the Withdrawal of Areas of the United States Outer Continental Shelf from Leasing Disposition, WEEKLY COMP. PRES. DOC. 986 (July 14, 2008).

[12] Randall D. Clark, *A Biogeographic Assessment of the Channel Islands National Marine Sanctuary: A Review of Boundary Expansion Concepts for NOAA's National Marine Sanctuary Program*, NOAA Technical Memorandum NOS NCCOS 21, at 2 (November 2005), available at: https://repository.library.noaa.gov/view/noaa/2161.

Finally, excluding areas in and near the CINMS and CHNMS from leasing is consistent with the purpose of the NMSA to "maintain the natural biological communities" and to protect "natural habitats, populations, and ecological processes." 16 U.S.C. § 1431(b)(3). Sanctuaries are to be managed with the "primary objective of resource protection*." Id.* § 1431(b)(6). Designation as a national marine sanctuary constitutes an acknowledgement of the marine environment's conservational, recreational, ecological, or cultural significance, among other qualities. *Id.* § 1431(a)(2); *see also id.* § 1431(a)(4) (recognizing the Congressional policy to establish sanctuaries in order to "improve the conservation, understanding, management, and wise and sustainable use of marine resources; enhance public awareness, understanding, and appreciation of the marine environment; and maintain for future generations the habitat, and ecological services, of the natural assemblage of living resources that inhabit" these areas). The exploration for, development of, and production of oil and gas greatly threatens the already recognized value of these marine sanctuaries. *See id.* § 1433.

Accordingly, the areas both in and near sanctuaries must be explicitly left out of the Leasing Program.

IV. The Pacific Region Must Be Excluded Under the OCSLA Section 18(a)(2) Factors.

The development of a five-year offshore oil and gas leasing program is authorized by OCSLA. 43 U.S.C. § 1344. A leasing program identifies which areas of the OCS may be utilized for purposes of exploration and development of oil and gas deposits. In developing a leasing program, OCSLA requires the Secretary to consider "economic, social, and environmental values of the renewable and nonrenewable resources contained in the [OCS]" as well as "the potential impact of oil and gas exploration on other resource values of the [OCS] and the marine, coastal, and human environments." *Id.* § 1344(a)(1).

OCSLA specifically provides that the "[t]iming and location of exploration, development, and production of oil and gas . . . shall be based on a consideration" of eight specified factors listed under Section 18(a)(2). *Id.* § 1344 (a)(2). These factors must be evaluated "based upon the best existing information available." *Ctr. for Biological Diversity v. U.S. Dep't of Interior*, 563 F.3d 466, 488 (D.C. Cir. 2009) ("*CBD v. DOI*") (internal quotation marks omitted). Failure to properly consider the Section 18(a)(2) factors "hinders Interior's ability to obtain a proper balance of the factors under Section 18(a)(3)," which requires vacatur of the program and revision of BOEM's analysis. *Id.* at 488; *see also id.* at 489. Further, when an agency such as BOEM "entirely fail[s] to consider an important aspect of the problem," a reviewing court will "normally" deem the agency's decision "arbitrary and capricious." *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 43 (1983).

Here, the Pacific Region has not been included in any five-year leasing program since the 1987-1992 Program, and no lease sales have occurred in this Region since 1984. And for good reason—new oil and gas leasing in the Region would have devastating effects on other resource values and the environment. Indeed, as discussed below, any reasonable application of the Section 18(a)(2) factors demonstrates that the Pacific Region is an inappropriate location to open for new leasing.

A. The Geographical, Geological, and Ecological Characteristics of the Pacific Region Render It Inappropriate for New Oil & Gas Development.

The Pacific Region includes ecological areas known for their global significance. The central coast of California contains one of the rarest bio-regions in the world due to its location in the confluence of two major ocean currents which result in the highest biodiversity in the mainland United States. In fact, a National Park Service study conducted in 2003 found that the Gaviota Coast area adjacent to the Santa Barbara Channel is "one of the rarest global biomes" and is "one of only five such locations in the world" in terms of its natural resources.[13] The Pacific Region also includes hundreds of species that are not found anywhere else on the planet. The Region has received many special designations seeking to protect such resources.

1. The Pacific Region is home to national parks, national marine sanctuaries, whale heritage areas, and marine protected areas.

In 1980, Congress established the Channel Islands National Park (CINP) and CINMS offshore Santa Barbara County.[14] A 2005 Biogeographic Assessment of the CINMS and surrounding area emphasized the linkages between the CINMS and other areas of Southern California.[15] That study notes the ecological significance of the region given that the overlap of "oceanographic processes in the region foster the transport of materials, such as nutrients and fish and invertebrate larvae, between the marine (islands) and coastal habitats and are primary food sources that support biological communities," which also coincides with abundance of species.[16]

The CHNMS was recently designated in 2024 as the seventeenth national marine sanctuary and includes coastline and waters offshore San Luis Obispo County and northern Santa Barbara County. The CHNMS is the first national marine sanctuary to be submitted by local indigenous peoples and will also be tribally co-managed. As explained in the final Environmental Impact Statement (EIS) for the CHNMS, the purpose of designating the CHNMS "is to increase protection of the ecological, historical, and cultural qualities of the central California coastal marine environment," protecting the cultural heritage of some of the earliest documented human habitation in North America.[17]

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[13] National Park Service, U.S. Department of the Interior. *Gaviota Coast Draft Feasibility Study & Environmental Assessment*, at pp. 48–49 (April 2003).
[14] Channel Islands National Marine Sanctuary, available at: http://channelislands.noaa.gov/; Channel Islands National Park, available at: http://www.nps.gov/chis/index.htm. For a detailed discussion of the biological and geographic attributes of the Santa Barbara Channel region, see NOAA's *A Biogeographic Assessment of the Channel Islands National Marine Sanctuary: A Review of Boundary Expansion Concepts for NOAA's National Marine Sanctuary Program*, NOAA Technical Memorandum NOS NCCOS 21 (November 2005), available at: https://repository.library.noaa.gov/view/noaa/2161.
[15] *A Biogeographic Assessment of the Channel Islands National Marine Sanctuary: A Review of Boundary Expansion Concepts for NOAA's National Marine Sanctuary Program*, NOAA Technical Memorandum NOS NCCOS 21 (November 2005), available at: https://repository.library.noaa.gov/view/noaa/2161.
[16] *Id.*
[17] National Oceanic and Atmospheric Administration's Office of National Marine Sanctuaries, *Chumash Heritage National Marine Sanctuary Final Environmental Impact Statement: Volume I* at p. ix. (2024).

In addition, the CINMS and the State of California designated several marine protected areas (MPAs) around the Channel Islands,[18] followed by the protection of many more MPAs along the mainland coast of California.[19] The MPA network was established as directed by the Marine Life Protection Act (MLPA) of 1999 utilizing six goals to guide the development process. Additionally, as directed by the MLPA, the network is to be evaluated every ten years, with the first decadal review having passed in 2023. The Decadal Management Review (DMR) report reviewed ten years of research and monitoring activities that indicate MPAs are positively contributing to the six goals of the MLPA, as evidenced by results that suggest "California's MPAs support populations of bigger and/or more abundant fish and invertebrates," are "more connected to one another and other parts of the coast than areas outside of MPAs," "contribut[e] to larval connectivity outside of their boundaries," and that "resilience to climate change-driven events is thought to be a core benefit of a connected network of MPAs."[20] The state is currently evaluating petitions to amend the existing MPA network or to create new MPAs along the California coast and islands. In addition, a federal ecological preserve was established by then-President Nixon and currently exists offshore near the City of Santa Barbara.[21]

California is also home to two of the world's twelve designated Whale Heritage Areas: Santa Barbara Channel and Data Point.[22] The Whale Heritage Area program is run by the World Cetacean Alliance and World Animal Protection to recognize destinations around the world that support and demonstrate the importance of cetaceans and their ocean habitats.[23]

2. The Pacific Region is home to numerous species listed under the Endangered Species Act.

The Pacific Region is also home to numerous species that are listed as threatened or endangered under the Endangered Species Act (ESA) and would likely be impacted by new oil and gas development. Such species include, but are not limited to: marine mammals, like the southern sea otter, the Guadalupe fur seal, the sei whale, and the blue whale; birds, such as the western snowy plover, the marbled murrelet, the California least tern, and the short-tailed albatross; invertebrates, like the black abalone and the white abalone; fish, including the southern California steelhead, the scalloped hammerhead shark, and the tidewater goby; and sea turtles—the loggerhead turtle, leatherback turtle, green turtle, and olive ridley turtle. DPP at C-1–C-10. The Pacific Region also includes critical habitat for many listed species, *id.* at 10-24, and is home to marine species that NOAA has proposed to be listed due to their rapidly declining

[18] Channel Islands National Marine Sanctuary, http://channelislands.noaa.gov/marineres/welcome.html.
[19] California Department of Fish and Wildlife, California Marine Protected Areas, MPAs, https://wildlife.ca.gov/conservation/marine/MPAS.
[20] California Department of Fish and Wildlife, California's Marine Protected Area Network Decadal Management Review (2022).
[20] California Department of Fish and Wildlife, California's Marine Protected Area Network Decadal Management Review (2022).
[21] *Outer Continental Shelf Off California: Establishment of Santa Barbara Channel Ecological Preserve*, 34 Fed. Reg. 5,655–56 (Mar. 26, 1969) (Public Land Order 4587). The order was issued by President Nixon's Secretary of the Interior, Walter J. Hickel. *Id*. at 5,651.
[22] Santa Barbara Channel Whale Heritage Area: About Whale Heritage Areas, SBWHALEHERITAGE.ORG, https://www.sbwhaleheritage.org/about-us/whale-heritage-sites/ (last accessed Jan. 20, 2026).
[23] *Id.*

populations in the Pacific, including the Sunflower Sea Star (Pycnopodia helianthoides)[24] and the Tope Shark (Galeorhinus galeus).[25] In addition, many other species inhabit the Region that are not listed under the ESA, such as the California sea lion, Bottlenose dolphin, Western gull, and hundreds of other marine species.[26] Below is a list of at least some of the key species that would be harmed by new leasing in the Pacific Region:

a. Blue Whales

Biologically important areas ("BIAs") for blue whales have been identified along the coast of California. Of the nine BIAs that overlap with the predicted density of blue whales listed in the paper by Calambokidis, et al. (2015), the largest in area is the Gulf of the Farallones and the Monterey Bay to Pescadero BIA.[27] Blue whales travel along the U.S. West Coast, specifically the California Coast, during the summer and fall months for feeding[28] before migrating south to their breeding grounds. Calambokidis and Barlow (2020) estimated blue whale abundance for the U.S. west coast at 1,898 whales, based on updated photographic ID data through 2018 using mark-recapture methods.[29] Becker et al. (2020) estimated blue whale abundance at 670 whales, using habitat-based species distribution models from line-transect data collected from 1991 to 2018.[30] With higher aggregation numbers in identified BIAs, opening the Pacific OCS to new oil and gas operations could have negative impacts on the health of the Pacific stock of the blue whale population.

b. Humpback Whales

In the North Pacific Ocean, humpback whales tend to alternate between winter breeding areas, including those in the western North Pacific Ocean, Hawai'i, Mexico, and Central America. They then move to more coastal feeding areas in spring, summer, and fall that range

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[24] NOAA Fisheries, *NOAA Fisheries Proposes Listing Sunflower Sea Star as Threatened under Endangered Species Act*, (March 15, 2023), https://www.fisheries.noaa.gov/feature-story/noaa-fisheries-proposes-listing-sunflower-sea-star-threatened-under-endangered-species; Endangered and Threatened Wildlife and Plants; Threatened Listing Determination for the Sunflower Sea Star Under the Endangered Species Act; Public Hearings, 88 Fed. Reg. 21600 (April 11, 2023).

[25] NOAA Fisheries, *90-Day Finding on a Petition to List the Tope Shark Under the Endangered Species Act*, (April 28, 2022), https://www.fisheries.noaa.gov/species/tope-shark/conservation-management.

[26] Channel Islands: Marine Animals, National Park Service (June 21, 2022), https://www.nps.gov/chis/learn/nature/marine-animals.htm; Channel Islands: Seabirds & Shorebirds, National Park Service (June 25, 2016), https://www.nps.gov/chis/learn/nature/seabirds.htm.

[27] John Calambokidis et al., *4. Biologically Important Areas for selected cetaceans within U.S. waters – West coast region*, 41(1) Aquatic Mammals 39, 41-43 (2015), available at https://cascadiaresearch.org/files/Calambokidisetal2015BIAs.pdf

[28] Angela R. Szesciorka et al., *Timing is everything: Drivers of interannual variability in blue whale migration*, 10 Sci Rep 7710, at 1 (2020), https://doi.org/10.1038/s41598-020-64855-y

[29] John Calambokidis & Jay Barlow, *Updated abundance estimates for blue and humpback whales along the U.S. west coast using data through 2018*, NOAA technical memorandum NMFS-SWFSC-634 , at 14 (September 2020), https://repository.library.noaa.gov/view/noaa/27104

[30] Elizabeth A. Becker et al., *Habitat-based density estimates for cetaceans in the California Current Ecosystem based on 1991- 2018 survey data*, NOAA Technical Memorandum NMFS-SWFSC-638, at 27 (2020), https://repository.library.noaa.gov/view/noaa/27826

from California, north into Alaskan waters, and west to waters off Russia.[31] Humpbacks primarily occur near the edge of the continental slope and deep submarine canyons, where upwelling concentrates zooplankton near the surface for feeding.[32] Of the seven BIAs that overlap with the predicted density of blue whales listed in the paper by Calambokidis, *et al*., the one along Morro Bay to Point Sal shows this area to be a congregation spot for feeding by this population.[33]

Substantial coastal development is occurring in many regions throughout the range of the California coast and noise associated with construction (e.g., pile driving, blasting or explosives) has the potential to affect humpbacks by generating sound levels that may disturb humpback whales or adversely affect their hearing.[34] Low-frequency sound comprises a large proportion of this increase, stemming from a variety of sources, including shipping, oil and gas exploration, and military activities. Detrimental effects associated with anthropogenic sound include hearing loss, masking, and temporary threshold shifts in hearing, which could result in impacts to social communication, fluctuations in stress hormones, and behavior changes, such as departure from prime foraging areas or alteration in migratory routes or timing.[35] Opening up the Pacific Region to new oil and gas operations could therefore have negative impacts on the health of the humpback whale population.

c. Gray Whales

Despite there being two recognized populations of gray whales in the Pacific (eastern and western populations), it is suggested that both populations' feeding areas and migration routes are along the U.S. West Coast.[36] Gray whales migrate along the West Coast during the southbound trip to Baja California and Mexico in the winter for breeding, and during the northbound trip to arctic waters for feeding in the summer.[37] Of the loosely defined phases of these migrations through California waters, gray whales utilize state and federal waters from

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[31] John Calambokidis et al., *Movements and population structure of humpback whales in the North Pacific*, 17 Marine Mammal Science 769, 778-84 (2001) http://dx.doi.org/10.1111/j.1748-7692.2001.tb01298.x
[32] National Marine Fisheries Service, *Endangered Species Act Section 7(a)(2) Biological and Conference Opinion: Development and Production of Oil and Gas Reserves and Beginning Stages of Decommissioning within the Southern California Planning Area of the Pacific Outer Continental Shelf Region*, NMFS Consultation Number: 2023-02183, at 27 (2024), https://www.fisheries.noaa.gov/s3//2024-02/boem-bsee-oil-and-gas-2-27-24-dl.pdf
[33] John Calambokidis et al., *4. Biologically Important Areas for selected cetaceans within U.S. waters – West coast region*, 41(1) Aquatic Mammals 39, 41-42 (2015), available at https://cascadiaresearch.org/files/Calambokidisetal2015BIAs.pdf
[34] NOAA Fisheries, *Endangered Species Act Section 7(a)(2) Biological and Conference Opinion: Development and Production of Oil and Gas Reserves and Beginning Stages of Decommissioning within the Southern California Planning Area of the Pacific Outer Continental Shelf Region*, NMFS Consultation Number: 2023-02183, at 30-31 (2024), https://www.fisheries.noaa.gov/s3//2024-02/boem-bsee-oil-and-gas-2-27-24-dl.pdf.
[35] *Id.*
[36] John Calambokidis et al., *4. Biologically Important Areas for selected cetaceans within U.S. waters – West coast region*, 41(1) Aquatic Mammals 39, 43-46 (2015), available at https://cascadiaresearch.org/files/Calambokidisetal2015BIAs.pdf
[37] *Id.*

Morro Bay to San Diego.[38] Additional leasing in the Pacific would particularly threaten the Eastern North Pacific (ENP) gray whale population, whose habitat extends throughout all OCS leasing areas in the Pacific Region.

ENP gray whales are facing ongoing and increasing threats from vessel strikes, fisheries bycatch, ocean contaminants, anthropogenic noise, whale watching, and ocean warming. According to NOAA Fisheries, an unusual mortality event (UME) that occurred "from December 17, 2018 through November 9, 2023" was caused by ecosystem changes to the whale's feeding areas. [39] During the UME, gray whale strandings spiked, with 690 gray whale strandings documented on the Pacific coast, including 347 strandings in the United States.[40] Even after that UME closed, seventy gray whales were found stranded in Mexico between December 19, 2024 and March 31, 2025,[41] and according to NMFS, an additional forty-seven gray whales were stranded in the United States (twenty-seven in California, thirteen in Washington, and seven in Oregon) between January 1 and June 12, 2025.[42] These are similar to the number of gray whales that were found stranded in Mexico in 2020 at the beginning of the UME,[43] which has prompted scientists to ask if gray whales are "at a tipping point in their history."[44] Furthermore, only fourteen cow-calf pairs, a record low, were documented on the calving grounds in 2025, and Mexican researchers have documented an increase in the number of whales with a poor body condition in 2025 compared to previous years.[45] Given this population's pronounced vulnerability, increased stressors from potential oil and gas activity are a significant concern.

d. Fin Whales

Fin whales are listed as endangered under the ESA and have a global distribution. Surveys suggest fin whales are present year-round in southern California waters, with movements between central California and Baja California with returns to the Southern

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[38] *See* David J. Rugh, Kim E.W. Shelden & Alisa Schulman-Janiger, *Timing of the gray whale southbound migration (Eschrichtius robustus)*, 3(1) Journal of Cetacean Research and Management 31, 35-36 (2001), https://doi.org/10.47536/jcrm.v3i1.897

[39] NOAA Fisheries, *Marine Life in Distress: 2019-2023 Eastern North Pacific Gray Whale UME (CLOSED)* (January 31, 2025), https://www.fisheries.noaa.gov/national/marine-life-distress/2019-2023-eastern-north-pacific-gray-whale-ume-closed (last accessed Jan. 22, 2026).

[40] *Id.*

[41] Sergio Martínez et al., *Annual Research Report for the 2025 Gray Whale (Eschrichtius robustus) Winter Season in Laguna San Ignacio and the Bahía Magdalena Lagoon Complex, Baja California Sur, Mexico*. Gray Whale Research in Mexico, at 20 (2025), https://graywhaleresearchmexico.org/sites/default/files/documents/2025-gwrm-final-report-english-web-9-june-2025_0.pdf.

[42] Bellamy Pailthorp, *Gray Whales Along the Pacific West Coast Appear to be in Trouble*, KNKX PUB. RADIO (2025), knkx.org/environment/2025-06-12/gray-whales-along-the-pacific-west-coast-appear-to-be-in-trouble. By comparison, 31 whales stranded in 2024, and 44 stranded in 2023 (the last year of the UME). *Id.*

[43] *2019-2023 Eastern North Pacific Gray Whale UME (CLOSED)*, NOAA Fisheries (last visited January 13, 2026), fisheries.noaa.gov/national/marine-life-distress/2019-2023-eastern-north-pacific-gray-whale-ume-closed.

[44] Sergio Martínez et al., *Annual Research Report for the 2025 Gray Whale (Eschrichtius robustus) Winter Season in Laguna San Ignacio and the Bahía Magdalena Lagoon Complex, Baja California Sur, Mexico*. Gray Whale Research in Mexico, at 3 (2025), https://graywhaleresearchmexico.org/sites/default/files/documents/2025-gwrm-final-report-english-web-9-june-2025_0.pdf.

[45] *Id.* at 13.

California Bight.[46] In the Calambokidis et al. (2015) study, visual boat-based sightings were used to create the distribution map and there were notable concentrations in waters west of Santa Lucia Bank.[47] Falcone and Schorr (2013) collected photographic evidence of individually-identified whales in the California Current for all four seasons; this included one satellite tracked individual that moved from south Baja California up north to the Monterey area between February and June.[48]

Photo identification efforts in Southern California indicate that within-region movements are more common than inter-regional movements. This suggests regional subpopulations may exist for fin whales as are seen for blue whales.[49] The North Pacific population summers from the Chukchi Sea to California, and winters from California southward. Fin whales can occur year-round off California, Oregon, and Washington.[50] Širovic et al. (2017) propose the possibility of a southern California resident population through acoustic data along with their seasonal movements, although this is not yet clear.[51] Additional telemetry studies would be necessary to fully flesh out the population stocks along with genetics and acoustics.[52]

The threats to fin whales due to underwater noise, pollutants, marine debris, and habitat degradation, are difficult to quantify, although recent studies are finding concerning levels of persistent organic pollutants[53] and microplastics, including plastic additives,[54] in the blubber of fin whales, and there is a growing concern that the increasing levels of anthropogenic noise in

[46] Erin A. Falcone & Gregory S. Schorr, *Distribution and demographics of marine mammals in SOCAL through photo-identification, genetics, and satellite telemetry: a summary of surveys conducted 1 July 2012 – 30 June 2013*, Naval Postgraduate School Technical Report NPS-OC-14-002CR, at 5 (2013) https://hdl.handle.net/10945/39523
[47] John Calambokidis et al., *4. Biologically Important Areas for selected cetaceans within U.S. waters – West coast region*, 41(1) Aquatic Mammals 39, 52-53 (2015), available at https://cascadiaresearch.org/files/Calambokidisetal2015BIAs.pdf
[48] Erin A. Falcone & Gregory S. Schorr, *Distribution and demographics of marine mammals in SOCAL through photo-identification, genetics, and satellite telemetry: A summary of surveys conducted 1 July 2012 – 30 June 2013*, Naval Postgraduate School Technical Report NPS-OC-14-002CR, 22-24 (2013) https://hdl.handle.net/10945/39523
[49] John Calambokidis et al., *4. Biologically Important Areas for selected cetaceans within U.S. waters – West coast region*, 41(1) Aquatic Mammals 39, 52 (2015), available at https://cascadiaresearch.org/files/Calambokidisetal2015BIAs.pdf
[50] James V. Carretta et al., *U.S. Pacific Marine Mammal Stock Assessments: 2022. Department of Commerce*, NOAA-TM-NMFSSWFSC-684, at 212 (2023) https://www.fisheries.noaa.gov/s3/2024-12/Pacific_SARs_Final_2023.pdf.
[51] Ana Širovic et al., *Fin whale song variability in southern California and the Gulf of California*. 7 Scientific Reports 10126, at 4-8 (2017) https://doi.org/10.1038/s41598-017-09979-4
[52] Karen K. Martien et al., *Progress report on genetic assignment of humpback whales from the California-Oregon feeding aggregation to the mainland Mexico and Central America wintering grounds,* NOAA Technical Memorandum NMFS-SWFSC-635, at 16-17 (2020) https://repository.library.noaa.gov/view/noaa/27220
[53] Marianna Pinzone et al., *POPs in free-ranging pilot whales, sperm whales and fin whales from the Mediterranean Sea: influence of biological and ecological factors*, 142 EnvironmentalResearch 185, 187-192 (2015) https://doi.org/10.1016/j.envres.2015.06.021
[54] *See, generally,* Maria Cristina Fossi et al., *Are baleen whales exposed to the threat of microplastics? A case study of the Mediterranean fin whale (Balaenoptera physalus)*, 64 Marine Pollution Bulletin 2374 (2012) https://doi.org/10.1016/j.marpolbul.2012.08.013

the ocean may be a habitat concern for fin whales that use low frequency sound to communicate.[55]

e. Sea Otters

Due to the now banned fur trade of otters, the current southern sea otters are descendants from a small population that survived in Big Sur. The current southern sea otter range is from just south of Point Conception to slightly north of Santa Cruz.[56] The southern sea otter population has grown by a rate of about five percent, significantly less than its northern counterparts.[57] Possible reasons for this slower growth rate are unclear; however, it is believed to be partly caused by exposure to human-related contaminants and pathogens.[58] A sea otter survey conducted by the California Department of Fish and Game, United States Geologic Service-Biological Resource Division, and the Monterey Bay Aquarium places some of the highest counts of otters between Point Sur and Morro Bay.[59] Given this population's pronounced size reduction, increased stressors from potential oil and gas activity are a significant concern.

. f Black Abalone

Black abalone was an important cultural resource for coastal Indigenous peoples spanning the last 10,000 years.[60] However, due to intense commercial overfishing during the early to mid-1970s, black abalone is now listed as endangered under the ESA. In response, NOAA designated some areas as critical habitat to help combat one of the five extinction risk factors identified by NMFS. The risks to black abalone include low abundance, low growth and productivity, compromised spatial structure and population connectivity, low genetic diversity, and continued manifestation and spread of withering syndrome.[61] Critical habitat encompasses rocky intertidal and subtidal habitat (to a depth of six meters) within five segments of the California Current: (1) Del Mar Landing Ecological Reserve (Sonoma County) to Point Bonita

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[55] National Marine Fisheries Service, *Endangered Species Act Section 7(a)(2) Biological and Conference Opinion: Development and Production of Oil and Gas Reserves and Beginning Stages of Decommissioning within the Southern California Planning Area of the Pacific Outer Continental Shelf Region*, NMFS Consultation Number: 2023-02183, at 24-26 (2024), https://www.fisheries.noaa.gov/s3//2024-02/boem-bsee-oil-and-gas-2-27-24-dl.pdf.
[56] Marine Mammal Commission, *Annual Report to Congress*, at 117 (2012), https://www.mmc.gov/wp-content/uploads/annualreport_2012.pdf
[57] *Id.* at 118.
[58] Melissa Miller et al., submitted to California Regional Water Quality Control Board, *Persistent organic pollutant concentrations in southern sea otters (Enhydra lutris nereis): Patterns with respect to environmental risk factors and major causes of mortality,* at 1-2 (2007), https://amarine.com/wp-content/uploads/2018/01/Final-Prop13-Report.pdf
[59] Randall D. Clark, *A Biogeographic Assessment of the Channel Islands National Marine Sanctuary: A Review of Boundary Expansion Concepts for NOAA's National Marine Sanctuary Program*, NOAA technical memorandum NOS NCCOS 21, at 193-94 (2005), https://repository.library.noaa.gov/view/noaa/2161
[60] Hannah Haas et al., *Black abalone (Haliotis cracherodii) population structure shifts through deep time: Management implications for southern California's northern Channel Islands*, 9(8) Ecology and evolution 4720, 4720-22 (2019), https://doi.org/10.1002/ece3.5075
[61] NOAA Fisheries, *Endangered Species Act Section 7(a)(2) Biological and Conference Opinion: Development and Production of Oil and Gas Reserves and Beginning Stages of Decommissioning within the Southern California Planning Area of the Pacific Outer Continental Shelf Region*, NMFS Consultation Number: 2023-02183, at 44 (2024), https://www.fisheries.noaa.gov/s3//2024-02/boem-bsee-oil-and-gas-2-27-24-dl.pdf.

(Marin County); (2) south of San Francisco Bay to Natural Bridges State Beach (Santa Cruz County); (3) Pacific Grove (Monterey County) to Cayucos (San Luis Obispo County); (4) Montana de Oro State Park (San Luis Obispo County) to just south of Government Point (Santa Barbara County); and (5) Palos Verdes Peninsula extending from the Palos Verdes/Torrance border to Los Angeles Harbor.[62] Coastal offshore areas include the Farallon Islands, Año Nuevo Island, San Miguel Island, Santa Rosa Island, Santa Cruz Island, Anacapa Island, Santa Barbara Island, and Santa Catalina Island.[63]

Black abalone are most commonly observed in the middle and lower intertidal zones, in habitats with complex surfaces and deep crevices that provide shelter for juvenile recruitment and adult survival.[64] "They are able to withstand extreme variations in temperature, salinity, moisture, and wave action, and are usually strongly aggregated, with some individuals stacking two or three on top of each other."[65] Abalone are broadcast spawners, meaning individuals release their gametes into the water column and rely on external fertilization.[66] Thus, abalone must be in close enough proximity to one another to successfully reproduce. Elevated water temperatures resulting from local discharges, warm water events, and climate change could exacerbate disease effects on black abalone. Given this population's extended vulnerability and significant cultural value, increased stressors from potential oil and gas activity are a significant concern.

g. Coastal Pelagic Species

Coastal pelagic species include four finfish (Pacific sardine, Pacific (chub) Mackerel, northern anchovy, and jack mackerel) and the market squid.[67] The east-west boundary of essential fish habitat ("EFH") for coastal pelagic species is defined as "all marine and estuarine waters from the shoreline along the coasts of California, Oregon, and Washington offshore to the limits of the exclusive economic zone ("EEZ")."[68] The southern boundary extends into Mexico and the northern boundary is more dynamic due to seasonal changes. Sardine and Pacific mackerel tend to migrate as the season changes, feeding in the north during the summer months and moving to the south for spawning.[69] During spawning events and if concentrations are high,

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[62] *Id.*
[63] *Id.*
[64] Glenn VanBlaricom et al., *Status Review Report for Black Abalone (Haliotis cracherodii Leach, 1814)*, National Marine Fisheries Service, at 17-19 (2009), https://repository.library.noaa.gov/view/noaa/16216/noaa_16216_DS1.pdf
[65] NOAA Fisheries, *Endangered Species Act Section 7(a)(2) Biological and Conference Opinion: Development and Production of Oil and Gas Reserves and Beginning Stages of Decommissioning within the Southern California Planning Area of the Pacific Outer Continental Shelf Region*, NMFS Consultation Number: 2023-02183, at 45 (2024), https://www.fisheries.noaa.gov/s3//2024-02/boem-bsee-oil-and-gas-2-27-24-dl.pdf.
[66] *Id.*
[67] *Appendix D: Description and identification of Essential Fish Habitat for the Coastal Pelagic Species Fishery Management Plan*, Pacific Fishery Management Council, at D-1 (1998), https://www.pcouncil.org/documents/2022/01/appendix-d-description-and-identification-of-efh-for-the-coastal-pelagic-species-fmp.pdf/
[68] *Id.* at D-2.
[69] *Id.* at D-29–D-30.

eggs and larvae may be concentrated 50-150 km offshore to the north of Point Conception.[70] Given the expanse of EFH and the various anthropogenic impacts to the marine environment, increased stressors from potential oil and gas activity are a significant concern.

h. Groundfish

Groundfish EFH considers over ninety species with varying collections of information on life history characteristics. The identification of EFH for groundfish by the Pacific Fishery Management Council utilizes boundaries set by the international Northern Pacific Fisheries Commission and is refined by three identified characterizations:

> [1] Depths less than or equal to 3,500 m (1,914 fm) to mean higher high water level (MHHW) or the upriver extent of saltwater intrusion, defined as upstream and landward to where ocean-derived salts measure less than 0.5 ppt during the period of average annual low flow. [2] Seamounts in depths greater than 3,500 m as mapped in the EFH assessment geographic information system (GIS). [3] Areas designated as HAPCs not already identified by the above criteria.[71]

Due to these geological characteristics, many underwater formations are considered areas of interest.[72] These areas have been evaluated as important for the continued propagation of groundfish, and new oil and gas operations will threaten the numerous EFHs.

i. Southern California Steelhead

Southern California steelhead (*Oncorhynchus mykiss*) naturally occur as a resident freshwater form (the rainbow trout) or as a sea-run (anadromous) form (southern California steelhead).[73] The southern California steelhead life cycle involves three main stages: 1) adult spawning and the development of eggs and juveniles in streams and rivers, 2) migration of juveniles from natal streams to the ocean, sometimes with substantial residence in estuaries, while undergoing physiological and morphological changes for life in the marine environment (smoltification), and 3) the growth of oceanic steelhead into mature adults, which then return to their natal or other accessible streams or rivers for spawning.[74] Anadromous and resident forms of *O. mykiss* can interbreed and each form, under appropriate conditions, can produce progeny of the other form.[75] The reasons why some southern California steelhead migrate to the ocean and others remain resident in streams are complex, with anadromous versus resident life cycles determined by genetic differences interacting with juvenile growth rates, sizes, and fat stores,

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[70] *Id.* at D-30.
[71] Pacific Fishery Management Council, *Pacific Coast Groundfish Fishery Management Plan: For the California, Oregon, And Washington Groundfish Fishery*, at 102 (2025) https://www.pcouncil.org/documents/2022/08/pacific-coast-groundfish-fishery-management-plan.pdf/
[72] NOAA Office of National Marine Sanctuaries, *Chumash Heritage National Marine Sanctuary Draft Environmental Impact Statement: Volume I,* at 99 (2023), https://nmssanctuaries.blob.core.windows.net/sanctuaries-prod/media/chumash/2024-chnms-feis-vol-1.pdf
[73] NMFS, *Southern California Steelhead Recovery Plan* ("NMFS Report 2012"), at 2-1 to 2-4 (2012).
[74] *Id*. at 2-1–2-2.
[75] *Id*. at 2-1–2-4.

which are, in turn, driven by environmental influence like temperature, food supplies, and intraspecific competition.[76]

Tragically, widespread development has greatly reduced southern California steelhead runs; while such runs used to host tens of thousands of fish, current runs amount to only a few individuals, and probably less than 500 sea-run individuals throughout the species' entire range.[77] As a result, the anadromous component of southern California steelhead was listed as endangered under the ESA in 1997.[78]

j. Tidewater Goby

According to the U.S. Fish and Wildlife Service, "[t]idewater gobies (*Eucyclogobius newberryi*) are small fish found in California coastal brackish water lagoons, estuaries, and marshes along the California coast."[79] They "rarely exceed two inches in length and are short-lived."[80] Tidewater gobies live in coastal lagoons and estuaries that "are naturally dynamic, with temperature and salinity levels varying daily, seasonally, or annually." Though "[a]dults can tolerate these extreme conditions," tidewater goby "eggs and larvae need more stable conditions to survive and develop." [81] The species "can breed multiple times within their roughly one-year lifespan" and "few other fish species survive the extreme conditions of lagoons."[82]

Tidewater gobies once inhabited 150 California lagoons and estuaries. In the 1980s, tidewater gobies were found by researchers to be disappearing from many locations.[83] The tidewater goby was listed as endangered under the Endangered Species Act in 1994. Tidewater gobies face many threats, such as habitat loss, "introduced predators, and drought due to climate change."[84] Oil spills also pose a threat to tidewater gobies.[85] The Recovery Plan for the Tidewater Goby sets forth "recovery actions" for the species, including Action 1.2.5 to prevent further water quality contamination, including contamination resulting from "oil spills."[86]

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[76] Neala W. Kendall et al., *Anadromy and Residency in Steelhead and Rainbow Trout (Oncorhynchus mykiss): A Review of the Processes and Patterns*, 73 CAN. J. OF FISHERIES AND AQUATIC SCI. 319, 324 (2015).
[77] NMFS Report 2012 at xiii, 2-12.
[78] *Id*.; *see also* 62 Fed. Reg. 43937 (August 18, 1997), available at https://www.govinfo.gov/content/pkg/FR-1997-08-18/pdf/97-21661.pdf.
[79] US Fish and Wildlife Service, Tidewater Goby Webpage, available at https://www.fws.gov/species/tidewater-goby-eucyclogobius-newberryi (last viewed January 15, 2026).
[80] *Id*.
[81] *Id*.
[82] *Id*.
[83] *Id*.
[84] *Id*.
[85] US Fish and Wildlife Service, *Recovery Plan for the Tidewater Goby* at 50 and C-4 (referencing oil spill contamination in Humboldt Bay) (December 7, 2005), available at https://ecos.fws.gov/docs/recovery_plan/051207.pdf.
[86] *Id*. at 50

k. California Red-legged Frog

According to U.S. Fish and Wildlife Service, "[t]he California red-legged frog is the largest native frog in the western United States."[87] It was "once found in 46 counties stretching from southern Mendocino County, California, inland to Shasta County, California and south to Baja California, Mexico."[88] It is the iconic "Celebrated Calaveras Jumping Frog County used in frog jumping competitions and made famous by Mark Twain.[89] It spends most of its life in or near water sources, such as streams or stock ponds, which are used for breeding, and "moves into neighboring upland areas to feed and shelter when stream flow levels are high."[90] "In the summer, they seek relief from the heat by hiding under rocks or boulders, leaf litter, small stream channels or animal burrows."[91] According to the National Park Service, "[i]t is reddish in color on the underside of the legs and belly, and communicates with a series of short soft grunts. It is found in ponds, pools and streams and wet meadows."[92]

Factors that have primarily impacted the California red legged frog include "[h]abitat loss and alteration, as well as non-native species."[93] "In the Central Valley of California, more than 90% of historic wetlands have been diked, drained or filled, primarily for agricultural development and secondarily for urban development.[94]

As a result, the species was listed as threatened in 1996.[95] The U.S. Fish and Wildlife Service describes the frog's current range as follows:

> Today, the frog is known to occur in 35 counties in California extending along the California Coast Range from southern Mendocino County to Santa Barbara County, through the northern Transverse Ranges from Santa Barbara County to Los Angeles County, and in isolated populations in the Sierra Nevada foothills, Riverside County, and San Diego County. The California red-legged frog is no longer found in the Central Valley of California, but is still [found] in the San Francisco Bay Area and along the Central Coast of California.[96]

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[87] *U.S. Fish and Wildlife Service, California Reg-Legged Frog* ("USFWS (2026)"), available at https://www.fws.gov/species/california-red-legged-frog-rana-draytonii (last viewed January 15, 2026).
[88] *Id*.
[89] National Park Service, *California Red-legged Frog Webpage* ("NPS (2026)"), available at https://www.nps.gov/yose/learn/nature/caredfrog.htm (last viewed on January 15, 2026).
[90] *U.S. Fish and Wildlife Service, California Reg-Legged Frog* ("USFWS (2026)"), available at https://www.fws.gov/species/california-red-legged-frog-rana-draytonii (last viewed January 15, 2026).
[91] *Id*.
[92] NPS (2026).
[93] *U.S. Fish and Wildlife Service, California Reg-Legged Frog* ("USFWS (2026)"), available at https://www.fws.gov/species/california-red-legged-frog-rana-draytonii (last viewed January 15, 2026).
[94] *Id*.
[95] *Id*.; *see also* 61 Fed. Reg. 25813 (May 23, 1996), available at https://www.govinfo.gov/content/pkg/FR-1996-05-23/pdf/96-12901.pdf.
[96] USFWS (2026).

A 2020 oil spill in the Cuyama River oiled at least two California red-legged frogs.[97]

l. Birds

The Central Coast between the Monterey Bay National Marine Sanctuary (MBNMS) and the CINMS is largely undeveloped, thereby providing important habitat types (e.g., wetlands, coastal scrub, dunes) to a multitude of threatened and endangered species (e.g., Western snowy plover, Gaviota tar plant). This section of the central coast and nearshore waters are included in the California State Lands Commission's Significant Lands Inventory. This area was included in the Inventory in part because of the presence of California brown pelican, California least tern, and large numbers of shorebirds.[98] The California Current overlaps with several marine Important Bird Areas identified by Audubon.[99] The California Current likewise overlaps with the Pacific Flyway migration route.[100] New oil and gas leasing will have the potential to impact seabirds especially in the event of an oil spill. Oil spills can impact sea birds from primary oiling leading to hypothermia and death.[101] Secondary impacts occur during release of oil and clean-up activities which results in decreased population size, lower reproductive rates, reduced habitat occupancy, reduced food supply, altered foraging behavior, emigration, and direct/indirect mortality.[102]

m. Western Snowy Plover

The western snowy plover (*Charadrius nivosus nivosus*) is a small, long-legged, short-necked shorebird. Its coloring is pale tan with white underparts and dark patches on the sides of the neck and around to the top of the chest. Juveniles are similar to nonbreeding adults but have scaly pale edging on their back feathers.[103] According to U.S. Fish and Wildlife Service:

> The Pacific coast breeding population of the western snowy plover extends from the State of Washington to Baja California, Mexico, with the majority of breeding birds found in California. These plovers winter primarily in coastal California and

[97] Oiled Wildlife Care Network, *Oil Spill Activation – Cuyama River Incident Webpage*, available at https://owcn.vetmed.ucdavis.edu/oil-spill (last viewed January 15, 2026).
[98] California State Lands Commission, *Inventory of Unconveyed State School Lands and Tide and Submerged Lands Possessing Significant Environmental Values*, 56-69 (1975), https://www.slc.ca.gov/wp-content/uploads/2018/11/1975-InvUnconveyedLands.pdf
[99] California IBA Map (Marine IBAs in California), AUDUBON.MAPS.ARCGIS.COM, available at https://audubon.maps.arcgis.com/apps/webappviewer/index.html?id=4e13561a76304c0687ec273a32bea3a2 (last accessed January 13, 2026).
[100] *See* Joanne M. Morten et al., Global Marine Flyways Identified for Long-Distance Migrating Seabirds From Tracking Data. Global Ecology and Biogeography, 34(2) Global Ecology and Biogeography e70004, at 8-10 (2025), https://doi.org/10.1111/geb.70004.
[101] G.S. Fraser et al., *Estimating the numbers of aquatic birds affected by oil spills: pre-planning, response, and post-incident considerations*, 30(2) Environmental Reviews 323, at 335 (2022).
[102] *Id.* at 332-34.
[103] US Fish and Wildlife Service, *Western Snowy Plover Webpage*, available at https://www.fws.gov/species/western-snowy-plover-charadrius-nivosus-nivosus (last viewed January 15, 2026).

> Mexico. The coastal population of the western snowy plover is threatened throughout its range by loss and disturbance of nesting sites.[104]

The western snowy plover was listed as a federally threatened species in 1993.[105] Western snowy plovers are threatened by oil spills.[106] The 2015 Refugio Oil Spill contaminated plovers with tar, and the birds were observed foraging in and around tar on the beach.[107] Numerous plovers were oiled at the Coal Oil Point Reserve during the 2015 Refugio Oil Spill.[108] According to Reserve Manager Dr. Cristina Sandoval in 2015, "[a] snowy plover chick was recently killed after it became stuck in a thick tar ball that had washed ashore."[109]

n. California Least Tern

The California least tern (*Sterna antillarum browni*) is the smallest of the tern species, measuring under 10 inches in length and having a wing length of about 4 inches.[110] U.S. Fish and Wildlife Service describes the subspecies as having "a short, forked tail, and a long, slightly decurved, tapered bill."[111] Female and male California least terns "are characterized by a black cap, gray wings with black wingtips, white underbody, orange legs and a black-tipped yellow bill."[112] They forage over nearshore waters as well as estuaries and river mouths.[113] They prey on slender-bodied fish, including anchovies and topsmelt.[114]

Least tern habitat was significantly reduced by the late 1960s, mainly due to coastal development and human recreational beach use.[115] The population has consequently fallen from "uncountable thousands" to just several hundred by the time the species was listed as federally endangered in 1970.[116]

California least terns breed "along the Pacific coast from San Pablo Bay, California, in the north, to San Jose del Cabo, in the state of Baja California Sur, Mexico, to the south."[117] Breeding areas include the South San Diego Bay Unit of San Diego Bay National Wildlife

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[104] 58 Fed. Reg. 42, 50 CFR Part 17, RIN 1018-AB 73 *Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Pacific Coast Population of the Western Snowy Plover*, at 12864 (March 5, 1993).
[105] *Id*.
[106] Shelly Leachman, UCSB, The Current, *Protecting the Plover* (May 27, 2015), available at https://news.ucsb.edu/2015/015466/protecting-plover.
[107] University of California Natural Reserve System, *Refugio Oil Spill Fouls NRS Reserve* (May 27, 2015), available at https://ucnrs.org/refugio-oil-spill-fouls-nrs-reserve/.
[108] *Id*.
[109] Tyler Haden, *Barge Spills Crude Off Coal Oil Point*, THE SANTA BARBARA INDEPENDENT (October 29, 2010), available at https://www.independent.com/2010/10/29/barge-spills-crude-off-coal-oil-point/
[110] US Fish and Wildlife Service, *California Least Tern Webpage*, available at https://www.fws.gov/species/california-least-tern-sterna-antillarum-browni (Last viewed January 15, 2026).
[111] *Id*.
[112] *Id*.
[113] *Id*.
[114] *Id*.
[115] *Id*.
[116] *Id*.
[117] *Id*.

Refuge and Oceano Dunes State Vehicular Recreation Area in San Luis Obispo County.[118] California least terns also occur in Alameda, Los Angeles, Ventura, Monterey, Marin, Orange, and Santa Barbara Counties.[119] According to U.S. Fish and Wildlife Service, they nest on twenty-three sites, "some of which are natural and others are man-made and include beaches close to river mouths, estuaries, and coastal embayments."[120] Breeding season lasts from mid-April to mid-September, with nesting "in colonies of typically of 15 to 300 pairs."[121] Least tern sites "require active management activities, including protection from disturbance and predators, and or, vegetation management to retain habitat suitability."[122]

Oil spills pose a threat to the California least tern.[123] The Refugio Oil Spill in 2015 resulted in damage to the breeding habitat of the California least tern.[124] One study examined the use of artificial pools stocked with fish to serve as alternative feeding areas to attract least terns and enable them to feed without becoming oiled in the ocean, bay, estuary, or river mouth where they may feed.[125]

These species and their habitats are part of what makes this Region unique and worthy of the multiple protections it has been awarded by federal and state agencies. Offshore oil and gas development would harm these and other species that depend on the California Current for its unique physical and biological characteristics. New oil and gas development threatens to cause oil spills and will have noise and water quality impacts that harm ocean wildlife. Therefore, the Pacific Region must be excluded from the Leasing Program.

B. There Are Considerable Environmental Risks to Leasing in the Pacific Region and No Developmental Benefits.

There is no question that new leasing in the Pacific Region would present all of the "far reaching effects and perils that go along with offshore oil production." *California v. Norton*, 311 F.3d 1162, 1173 (9th Cir. 2002) ("*Norton*"). However, apart from the catastrophic environmental risks that expanded oil and gas development would pose to the Region, any local developmental benefits that could potentially arise from new leasing in the Pacific would be negated by the enormous harm that oil and gas development would cause to California's thriving economy. There are thus myriad environmental risks and no developmental benefits to leasing in the Pacific Region.

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[118] US Fish and Wildlife Service, *2025 5-Year Review for the California Least Tern: Summary and Evaluation*, at 10-23 13 (August 2025).
[119] US Fish and Wildlife Service, California least tern, (*Sternula antillarum brown*), ECOS, https://ecos.fws.gov/ecp/species/8104.
[120] US Fish and Wildlife Service, *California Least Tern Webpage*, available at https://www.fws.gov/species/california-least-tern-sterna-antillarum-browni.
[121] *Id*.
[122] *Id*.
[123] US Fish and Wildlife Service, *2025 5-Year Review for the California Least Tern: Summary and Evaluation*, at 62 (August 2025).
[124] *Id.*
[125] *See, generally,* Keane Biological Consulting, Inc., prepared for California Department of Fish and Game, *Final Report: Experiment to Protect Least Terns during an Oil Spill at the Port of Los Angeles Pier 400 Least Tern Nesting Area, 2006 Least Tern Nesting Season* (December 30, 2006).

In general, coastal and marine wildlife, including threatened and endangered species, face many threats associated with offshore oil and gas development. For example, in March 2017, BOEM prepared a Biological Assessment (BA) intended to cover "routine oil and gas development activities that are currently underway or are reasonably foreseeable in the Southern California Planning Area."[126] In that BA, BOEM concluded that such activities, namely the risk of oil spills, are likely to adversely affect the California least tern, southern sea otter, and Western Snowy Plover and their critical habitat.[127] Numerous aspects of oil and gas production likely harm sensitive wildlife, including from operational discharges to the ocean, traffic of support vessels, disruptions to behavior from noise, and the risk of another catastrophic oil spill.

1. Extended oil and gas leasing in the Pacific Region increases the risk of an oil spill.

The Pacific Region has already experienced the devastating effects of major oil spills stemming from offshore oil and gas production. On January 28, 1969, a major blow-out occurred on Platform A in the Santa Barbara Channel, and oil spilled into the ocean for days. *See Norton*, 311 F.3d at 1165–67 (describing factual background prior to spill). This was the largest spill in history at that time—referred to as "the spill that was heard around the world"—with estimates of spilled oil ranging up to 780,000 barrels.[128] "As President Nixon aptly observed, the Santa Barbara spill changed the nation's attitudes towards the environment. Some would trace the current framework of environmental protections in substantial measure directly to the Santa Barbara oil spill." *Norton*, 311 F.3d at 1167.

More recently, on May 19, 2015, an oil pipeline ruptured at Refugio State Beach Park, releasing more than 120,000 gallons of heavy crude oil into the surrounding environment.[129] Some estimates have put the spill volume at roughly 400,000 gallons of oil.[130] The spill devastated approximately 150 miles of the California coast.[131] Thousands of acres of shoreline and subtidal habitat were destroyed, and hundreds of animals—including birds and marine mammals—were injured or killed.[132] The spill also forced the closure of fisheries and beaches, which jeopardized local businesses and caused an estimated 140,000 lost recreational user days between Santa Barbara and Ventura Counties.[133]

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[126] BOEM, Offshore Oil and Gas Development and Production Activities in the Southern California Planning Area, BA U.S. FWS Regulated Endangered and Threatened Species ("FWS BA") at 1.
[127] FWS BA at 53–55.
[128] Robert Sollen, *An Ocean of Oil: A Century of Political Struggle Over Petroleum Off the Coast of California* at p. 62, THE DENALI PRESS (1998).
[129] California Department of Fish and Wildlife et al., *Refugio Beach Oil Spill Final Damage Assessment and Restoration Plan/Environmental Assessment*, p. 4 (June 2021), available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=193144&inline.
[130] Expert Report of Igor Mezic, Ph.D., *Andrews v. Plains All American Pipeline, LP*, October 21, 2019, pp. 16-17.
[131] California Department of Fish and Wildlife et al., *Refugio Beach Oil Spill Final Damage Assessment and Restoration Plan/Environmental Assessment*, p. 26 (June 2021), available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=193144&inline.
[132] *Id.* at 3.
[133] *Id*.

Additional leasing in the Pacific Region increases the risk of an oil spill, which could impact coastal marine life for decades, including by weakening the resiliency of resident and migratory organisms to future oil spills.[134] As past oil spills in the Pacific Region have already demonstrated—and on multiple occasions—discharges of oil in the Pacific have devastating effects on the ocean and coastal ecosystems and their species. Oil can impact marine life through various pathways:

> [D]irect contact; inhalation of oil or related volatile distillates; ingestion of oil (directly, or indirectly through the consumption of oiled prey species); and impairment of feeding by fouling of baleen (in mysticetes) or ingestion of floating tar by turtles . . . . Studies have shown that direct contact of oil with sensitive tissues such as eyes and other mucous membranes produce irritation and inflammation. Cetacean skin may also experience irritation when exposed to oil or petroleum products such as fuels in high concentrations or long exposure.[135]

Additionally, oil spills can adversely impact marine and coastal habitats by smothering benthic habitats, poisoning coastal organisms, and disrupting ecological functions.[136] Studies have further shown that the oil dissipates more slowly in sediment than in water and can persist for several years in sediments despite cleanup efforts.[137] Accordingly, BOEM should not put the Pacific Region at risk from oil spills.

2. Additional oil and gas leases in the Pacific Region would have harmful noise impacts on the Region's wildlife.

BOEM must also consider how noise from new oil and gas development in the Pacific may impact marine life. If offshore oil drilling were expanded in California waters, seismic blasting and additional background noise would harm the California Current and likely displace wildlife from it.[138] Noise impacts would continue through the site assessment, construction, operation, and decommissioning phases, with varying degrees of severity.

The DPP notes that noise is a primary cause of mortality for whales and that noise impacts marine mammals generally, but lacks a meaningful discussion of such impacts. *See* DPP at 9-22, 9-58. The DPP must also consider noise impacts on the other types of species in the

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[134] J. W. Fleeger et al., *What Promotes the Recovery of Salt Marsh Infauna After Oil Spills?*, 42 Estuaries and Coasts 204 (August 7, 2018).
[135] U.S. Minerals Management Service, *Deepwater Gulf of Mexico Environmental and Socioeconomic Data Search and Literature Synthesis Volume I: Narrative Report,* OCS Study MMS 2000-049 (2000).
[136] Lovindeer, R., Mynott, S., Porobic, J. et al., *Ecosystem-level Impacts of Oil Spills: A Review of Available Data with Confidence Metrics for Application to Ecosystem Models,* 28 Environ Model Assess 939 (June 6, 2023), https://doi.org/10.1007/s10666-023-09905-1; Zhang, X., et al., *Evaluation of the vulnerability of Huanghe estuary coastal wetlands to marine oil spill stress*, 11 Frontiers in Marine Science (2024), https://doi.org/10.3389/fmars.2024.1481868; Barron M. G. et al., *Long-term ecological impacts from oil spills: comparison of Exxon Valdez, Hebei Spirit, and Deepwater Horizon,* 54 Environ. Sci. Technol. 6456 (2020), https://doi.org/10.1021/acs.est.9b05020.
[137] Wang, Z., et.al., *Factors influencing the fate of oil spilled on shorelines: a review*, 19(2) Environmental Chemistry Letters 1611 (2021).
[138] Solé, Marta, et al., *Marine invertebrates and noise*, 10 Frontiers in Marine Science 1129057 (2023).

Region. *See id.* at 9-22. In 2012, BOEM conducted a workshop to consider the impacts of man-made noise on fish, fisheries, and invertebrates, which revealed a significant gap in understanding.[139] Since then, studies have found marine invertebrates are sensitive to anthropogenic noise, indicating that anthropogenic noise may influence ocean biodiversity.[140] The DPP needs to consider the implications of such studies regarding how additional offshore oil and gas development will affect marine life generally and analyze noise impacts to all life stages of invertebrates. For example, in the larval stage for crustaceans, bivalve, and gastropods, anthropogenic sound exposure has been shown to cause delayed hatching and development, impaired embryotic development, significantly increased larvae abnormality, and increased mortality.[141] It is imperative that BOEM consider available information regarding how noise may impact all types of marine species, including marine invertebrates.

Noise impacts on marine wildlife would occur at all stages of any additional oil and gas development. The OCS-related helicopter and service-vessel traffic will produce a broad array of sounds at frequencies and intensities that may be detected by marine mammals, sea turtles, and invertebrates.[142] The intensity and duration of these sounds could directly and adversely affect marine life by physically injuring their hearing, producing behavioral or physiological disturbances leading to displacement and avoidance, and/or masking their ability to utilize sounds produced for echolocation or communication.[143] Impacts from deep-water oil and gas development activities begin during seismic surveys and last through decommissioning.[144] These impacts include not only an increase in underwater sound but an increase in light emissions and vessel activity.[145] Due to this continuation of noise impacts throughout the entire oil and gas development process, it is critical that BOEM consider relevant available information on noise impacts.

3. Expanded oil and gas leasing in the Pacific Region would degrade ocean water quality.

Toxins that are released during the oil and gas drilling process will directly impact ocean water quality and marine species, and climate change will intensify such effects, as well as the impact of oil spills. Wastewater from oil and gas production creates wastewater, called "produced water," that is "composed of formation water, re-injection water/steam and treatment chemicals utilized during drilling, fracturing, stimulation, production and oil–water/oil-sand

[139] Normandeau Associates, Inc., *Effects of Noise on Fish, Fisheries, and Invertebrates in the U.S. Atlantic and Arctic from Energy Industry Sound-Generating Activities*. A Workshop Report for the U.S. Dept. of the Interior, Bureau of Ocean Energy Management (2012).
[140] Solé, Marta, et al., *Marine invertebrates and noise*, 10 Frontiers in Marine Science 1129057 (2023).
[141] *Id.*
[142] U.S. Minerals Management Service, *Deepwater Gulf of Mexico Environmental and Socioeconomic Data Search and Literature Synthesis Volume I: Narrative Report,* OCS Study MMS 2000-049 (2000).
[143] =*Id.*
[144] Cordes, E. E., et.al., *Environmental impacts of the deep-water oil and gas industry: a review to guide management strategies, 4* Frontiers in Environmental Science, 58 (September 16, 2016).
[145] *Id.*

separation processes."[146] Produced water generally contains various hazardous pollutants such as petroleum hydrocarbons, polycyclic aromatic hydrocarbons, heavy metals, toxic anions, radionuclides and other treatment chemicals.[147] Though most generated operational discharges are expected to dissipate in the water column, prolonged exposure to the hazardous pollutants in these discharged fluids may have sublethal effects on marine mammals or sea turtles.[148] Such discharges could also indirectly impact marine species through reduction of prey or ingestion of affected prey species.[149]

In addition, water quality impacts could be exacerbated by climate change. Scientists' current understanding of the ocean and how humans interact with it has changed extensively over the decades. Changes to California's ocean are occurring rapidly and unpredictably outside of the expectations of scientists,[150,151] amplifying the impacts of current ocean stressors. A warming climate directly impacts our oceans in many ways, including a continual increase in the ocean's interior temperature.[152] Increased greenhouse gases, particularly carbon dioxide (CO_2), also directly impact ocean chemistry as the ocean absorbs a substantial about of carbon.[153] The combined changes to the water chemistry and ambient temperature can strongly affect dissolution rates of various compounds.[154]

4. Expanded leasing in the Region presents environmental risks associated with well stimulation treatments.

In addition to the many risks associated with conventional offshore oil drilling, unconventional practices such as hydraulic fracturing and acidizing (known as well stimulation treatments or "WSTs") have intensified environmental concerns and pose unique and unknown risks to the sensitive marine environment. These practices occurred throughout the Santa Barbara Channel until litigation challenging their use resulted in an injunction on such practices. *See Env't Def. Ctr. v. Bureau of Ocean Energy Mgmt.*, 36 F.4th 850, 865 (9th Cir. 2022) ("*EDC v. BOEM*"). At the time of the first lawsuit on this issue, plaintiffs had challenged the approval of fifty-one Applications for Permits to Drill (APDs) and Applications for Permits to Modify

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[146] Ganiyu, S. O., et al. *Advanced oxidation processes for the degradation of dissolved organics in produced water: A review of process performance, degradation kinetics and pathway*, 429 Chemical Engineering Journal, 132492 (February 1, 2022).
[147] *Id.*
[148] U.S. Minerals Management Service, *Deepwater Gulf of Mexico Environmental and Socioeconomic Data Search and Literature Synthesis Volume I: Narrative Report,* OCS Study MMS 2000-049 (2000).
[149] *Id.*
[150] Emily Osborne, et al., *Decadal variability in twentieth-century ocean acidification in the California Current Ecosystem,* 13 Nature Geoscience 43-49 (2020), doi:10.1038/s41561-019-0499-z
[151] Warren Cornwall, *Ocean Heat Waves Like the Pacific's Deadly 'Blob' Could Become the New Normal*, Science.Org (Jan 31, 2019), https://www.science.org/content/article/ocean-heat-waves-pacific-s-deadly-blob-could-become-new-normal (last accessed 12/22/2025).
[152] Cheng, L., et.al., *How fast are the oceans warming?*, 363 Science 6423, 128-129 (2019), https://doi.org/10.1126/science.aav7619.
[153] Garcia-Soto, et al., *An overview of ocean climate change indicators: Sea surface temperature, ocean heat content, ocean pH, dissolved oxygen concentration, arctic sea ice extent, thickness and volume, sea level and strength of the AMOC (Atlantic Meridional Overturning Circulation),* 8 Frontiers in Marine Science 642372 (2021).
[154] Rodolfo-Metalpa, R., et. al., *Coral and Mollusc Resistance to Ocean Acidification Adversely Affected by Warming*, Nature Climate Change 1:308–312 (2011). doi: 10.1038/nclimate1200.

(APMs) authorizing WSTs. *See Env't Def. Ctr. v. Bureau of Safety and Env'l Enforcement*, *et al.*, No. 2:14-cv-09281-PSG (C.D. Cal.).

The use of WSTs creates new risks and impacts. The technologies utilized in drilling and production are significantly different today. *See Ctr. for Biological Diversity v. Bureau of Land Mgmt.*, 937 F. Supp. 2d 1140, 1157 (N.D. Cal. 2013) (concluding that recent fracking practices present new and significant impacts, requiring further environmental analysis). Fracking involves pumping a mixture of water, sand, and chemicals down a well at extremely high pressures to break apart a hydrocarbon-bearing geologic formation and increase oil or gas production. Acidizing uses the application of one or more acids, typically hydrofluoric and hydrochloric acids, to the well or underground geologic formation, and may also be done at high pressures. In addition, offshore oil operators commonly use a technology that they characterize as "routine acidizing" or "acid washes." These treatments rely on similar types and concentration of acids that acidizing does, and pose similar impacts, but rely upon less volume of acid solution. The use of WSTs also extends the operating life of aging platforms. As the Ninth Circuit noted in its ruling enjoining the use of WSTs:

> Well stimulation treatments pose a variety of risks. Not all of the chemicals used in well stimulation treatments have been studied, but the known chemicals include carcinogens, mutagens, toxins, and endocrine disruptors. These chemicals can harm aquatic animals and other wildlife in the areas where well stimulation treatments are used. Well stimulation treatments also emit pollutants, including carcinogens and endocrine disruptors, into the air. And the high pressures used in these treatments can increase the risk of oil spills, especially because well stimulation treatments are often used on old wells. Enhanced well life and increased production thus come with a potential environmental price.

EDC v. BOEM, 36 F.4th at 865. Specifically, the risks associated with these practices include impacts to water quality due to discharges of toxic chemicals found in well stimulation fluids, air quality impacts including greenhouse gas emissions, impacts to many threatened and endangered species, including the blue whale, fin whale, humpback whale, and the southern sea otter, and risks to other fish, birds, and aquatic organisms including invertebrate species that comprise the base of the food chain. The use of WSTs also presents the potential for spills related to accidental release of chemicals during transport to and from oil and gas platforms, from chemicals stored on platforms, and from the disposal of such chemicals through underground injection or direct discharge to the marine environment. Moreover, there are geologic hazards associated with purposely fracturing the geologic formation and injecting additional fluids in seismically active areas. Finally, there are significant risks regarding whether well casings have been designed to safely accommodate the increased pressures associated with offshore well stimulation activities, and whether offshore platforms and wells have been designed for the extended life associated with well stimulation activities.

Moreover, platforms in the Pacific Region do not operate in isolation, but rely upon extensive infrastructure to transport, process, store, and refine the oil and gas and bring it to market. These activities, as well as operations at the platforms themselves, are known to result in accidents caused by human error, weather events, mechanical and other equipment failures, and

other incidents that can result in spills of oil and other hazardous substances to the surrounding marine and terrestrial environment.

5. New leasing in the Pacific Region will exacerbate environmental risks posed by climate change.

In addition to the direct environmental risks, increased fossil fuel production and consumption will result in untenable climate change impacts. The Intergovernmental Panel on Climate Change (IPCC), Union of Concerned Scientists, and the California Climate Change Center have published several studies that identify how climate change will affect the environment.[155] These impacts include increased water temperatures, rise in sea level, reduction of the Sierra snowpack, increased severity and frequency of storms, increased droughts, famine, changes in ecosystems, increased heat waves, increases in pests and diseases, flooding, retreating glaciers, ozone formation, and the potential for wildfires.[156] As noted by the IPCC, there is overwhelming scientific consensus that not only is climate change occurring, but human activities are a significant contributing factor.[157] In fact, some scientists attribute the largest changes in climate to human-made greenhouse gases,[158] and several note that "most of the observed warming over the last 50 years is likely to have been due to the increase in greenhouse gas concentrations."[159] According to Dr. James Hansen, "[t]he two most important greenhouse

[155] IPCC, 2023: Sections In: *Climate Change 2023: Synthesis Report. Contribution of Working Groups I, II, and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* [Core Writing Team, H. Lee and J, Romero], IPCC, 33-115. *See* also IPCC Fifth Assessment Report: Climate Change 2013; IPCC Fourth Assessment Report: Climate Change 2007; IPCC Third Assessment Report: Climate Change 2001; IPCC Second Assessment Report: Climate Change 1995; IPCC First Assessment Report 1990.
Union of Concerned Scientists. 2006. California Global Warming Impacts and Solutions, available at http://www.ucsusa.org/clean_california/ca-global-warming-impacts.html. California Climate Change Center reports include: Baldocchi and Wong, 2006; Battles et al., 2006; Cavagnaro et al., 2006; Cayan et al., 2006a; Cayan et al., 2006b; Cayan et al., 2006c; Drechsler et al., 2006; Franco and Sanstad, 2006; Fried et al., 2006; Gutierrez et al., 2006; Joyce et al., 2006; Lenihan et al., 2006; Luers et al., 2006; Luers and Moser, 2006; Medellin et al., 2006; Miller and Schlegel, 2006; Moritz and Stephens, 2006; Vicuña, 2006; Vicuña et al., 2006; Westerling and Bryant, 2006.

[156] Emanuel, K., *Increasing Destructiveness of Tropical Cyclones Over the Past 30 Years* (Nature, vol 436, August 4, 2005), P.J. Webster, et al., *Changes in Tropical Cyclone Number, Duration, and Intensity in a Warming Environment* (Science, vol. 309, September 16, 2005), NASA Earth Observatory, *Record Low for June Arctic Sea Ice* (June 2005 at earthobservatory.nasa.gov/Newsroom/NewImages/images.php3?img_id=16978), A.J. Cook et al., *Retreating Glacier Fronts on the Antarctic Peninsula Over the Past Half-Century* (Science, vol. 308, April 22, 2005), R.B. Alley et al., *Ice-Sheet and Sea-Level Changes* (Science, vol. 310, October 21, 2005), E.D. Domack, et al., *Stability of the Larsen B Ice Shelf on the Antarctic Peninsula During the Holocene Epoch* (Nature, vol. 436, August 4, 2005), F.S. Chapin III, et al., *Role of Land Surface Changes in Arctic Summer Warming* (Science, vol. 310, October 28, 2005), M. Hopkin, *Amazon Hit by Worst Drought for 40 Years: Warming Atlantic Linked to Both US Hurricanes and Rainforest Drought* (Nature, October 11, 2005), I.T. Stewart, et al., *Changes Toward Earlier Streamflow Timing Across Western North America* (Journal of Climate, vol. 18, April 2005).

[157] Thomas R. Karl & Kevin E. Trenberth, *Modern Global Climate Change*, 302 SCIENCE (Dec. 5, 2003); K. Hasselmann, et al., *The Challenge of Long-Term Climate Change,* 302 SCIENCE 5652, 1923-25 (Dec. 12, 2003).

[158] Hansen, J., *Defusing the Global Warming Time Bomb,* Scientific American, March 2004; Levin, K. and Pershing, J., *Climate Science 2005: Major New Discoveries* (World Resources Institute, March 2006), citing Barnett, T., et al., *Penetration of Human-Induced Warming into the World's Oceans,* Science, vol. 309, July 8, 2005.

[159] McCarthy, J.J., *et al*, Eds., *Climate Change 2001: Impacts, Adaptation, and Vulnerability,* Cambridge Univ. Press, Cambridge, at 21, 2001 [not attached, but incorporated by reference]; see also Oreskes, N. *The Scientific Consensus on Climate Change,* Science, Vol. 36, December 3, 2004, and Karl, *supra*.

gases . . . are carbon dioxide and methane."[160] Increases in carbon dioxide and methane are attributable to the increased rate of fossil fuel (i.e., coal, oil, gas) use.[161] NASA recently reported a carbon dioxide level of 430 parts per million.[162]

The concern about climate change has increased recently due to the realization that there is a "lag time" between the changes in the environment and the warming effect. Scientists now agree that "the climate system will continue to change for many decades (centuries for sea level) even in the absence of future changes in atmospheric composition."[163] Some warn that we may be approaching the "point of no return."[164] Others note that global temperatures can "change substantially in only a decade or two" and that we could be on the path to another rapid change in climate temperatures and resulting effects.[165] Accordingly, the pressure on modern society to cease contributing to climate change through greenhouse gas emissions is even greater than previously thought.

6. Additional oil and gas development in the Region carries public health risks for California's communities.

New leasing in the Pacific Region threatens the health of California residents by negatively impacting air quality and food safety. BOEM acknowledges in the DPP that multiple areas along the Pacific, including "large sections of the Southern California coast and the San Francisco Bay," are out of attainment for ozone and particulate matter (PM). DPP at 9-19. An increase in emissions due to additional oil and gas development could exacerbate air quality in California, including those regions already experiencing poor air quality conditions.

New leasing in the Region could also impact food safety. New oil and gas leasing will only increase vessel traffic, industrial operations, and offshore oil and gas operations, which activities BOEM acknowledges release a variety of pollutants that degrade the Pacific Ocean's water quality. *Id.* at 9-20. An increase of these pollutants, which include legacy organochlorine pesticides, pharmaceuticals, industrial chemicals, PFAS (like dichlorodiphenyltrichloroethane) and polychlorinated biphenyls (PCBs), *id.*, would impact human health as the result of coastal communities eating Pacific-sourced seafood which contains these toxins. *See id*. Further, as the climate warms through the overproduction of greenhouse gases like carbon dioxide, the ocean will continue to experience acidification, hypoxia, and warming. These cumulative stressors will

[160] Hansen, J. *supra* at 347.
[161] *Id*.
[162] NASA, *Carbon Dioxide*, available at https://climate.nasa.gov/vital-signs/carbon-dioxide/?intent=121#:~:text=LATEST%20MEASUREMENT:,download%20data (last updated Apr. 2025).
[163] Wigley, T.M.L., *The Climate Change Commitment*, Science, vol. 37, March 18, 2005; Meehl, G.A., et al, *How Much More Global Warming and Sea Level Rise?"* Science, vol. 307, March 18, 2005; Karl, T.R. *supra;* Hasselmann, K., *supra,* Levin, K., *supra*.
[164] Alley, R.B., *Abrupt Climate Change*, Scientific American, November 2004.
[165] Broecker, W.S., *Chaotic Climate: Global temperatures have been known to change substantially in only a decade or two. Could another jump be in the offing?* Scientific American, November 1995.

lead to a greater accumulation of mercury and other toxins in seafood and increase the chance for food-borne pathogens to enter the food supply.[166]

7. New leasing in the Region risks impacting the commercial fishing industry.

Expanded oil and gas development in the Pacific increases the risk of an oil spill which would have devastating impacts on California's commercial fishing businesses. Many coastal communities' economic and social wellbeing depends on commercial fishing. California's commercial fisheries are already experiencing declines due to warming waters and ocean acidification, and new offshore drilling on the West Coast would introduce additional stressors that could dramatically exacerbate these threats to commercial fishing-dependent communities.[167]

Impacts on fisheries and the environment, as identified throughout the DPP, can negatively impact the human environment. *See* DPP at 11-8. There are five main impacts to fisheries resources and fishers from oil and gas development: (1) declines in the quality (e.g., contaminant load) of landed, targeted fish species, (2) increased mortality for targeted species, (3) loss of access to target species (via displacement), (4) change in catchability, and (5) direct impacts to fishers' health.[168] Impacts (1) and (5) require further analysis by BOEM due to their direct public health impacts.

In addition, oil spills significantly impact fisheries. 138 square miles of fishing grounds were closed following the 2015 Refugio oil spill.[169] Expanding oil and gas development in California would have far-reaching and deleterious impacts on fishers' lives, their communities, and the social and economic well-being of these coastal regions.

8. Additional leasing in the Pacific would greatly harm California's economy.

Any developmental benefits that could arise from new leasing in the Pacific Region are drastically outweighed by the harm that new oil and gas development would have on California's thriving coastal economy and renewable energy projects. This net negative for local developmental benefits, coupled with the significant environmental risks, overwhelmingly weighs against including the Pacific Region in the 11th National OCS Leasing Program.

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[166] Ziska, L., et.al., *Ch. 7: Food Safety, Nutrition, and Distribution, in The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment.* (U.S. Global Change Research Program, Washington, DC, 189–216, 2016), http:// dx.doi.org/10.7930/J0ZP4417.

[167] The Ocean Acidification and Hypoxia (OAH) Task Force Report states, "OAH will have severe environmental, ecological and economic consequences for the West Coast, and requires a concerted regional management focus. OAH is a problem that is expected to grow in intensity with far greater impacts to come, particularly along the West Coast, where regional ocean circulation patterns dramatically heighten the potentially devastating effects of OAH." F. Chan, et.al., *The West Coast Ocean Acidification and Hypoxia Science Panel: Major Findings, Recommendations, and Actions,* California Ocean Science Trust, Oakland, California, USA, 5 (April 2016)

[168] N. Andrews, et.al., *Oil, fisheries and coastal communities: A review of impacts on the environment, livelihoods, space and governance*, 75 Energy Research & Social Science 102009 (2021).

[169] NRDA at p. 101.

California's coastal economy is heavily dependent on tourism, recreation, and fishing. In 2021, California's marine economy accounted for $51.3 billion, forty-seventy percent of which was from tourism and recreation. Only five percent of California's marine economy in 2021 was attributed to offshore mineral resources,[170] and the "oil and gas exploration and production" sector of California's ocean GDP has been in consistent decline—falling from $5.13 billion in 2005, to $4.66 billion in 2014, to $2.57 billion in 2021.[171] Employment data for the tourism and recreation sector also contrast starkly with those of the oil and gas sector, affirming the economic and social value of the tourism and recreation economies. In 2021, the tourism and recreation sector provided sixty-seven percent of all ocean jobs while only one percent of ocean jobs came from offshore mineral resources.[172] Further, the state's thriving tourism and recreation and renewable energy industries provide economic and social benefits that far surpass any economic benefits that increased offshore oil and gas development can offer; for example, over fifty percent of California's population likely visits the coast for recreation each year, and the most popular coastal uses are nonconsumptive uses, including beach going, swimming, scenic drives, and photography.[173] An oil spill could prevent tourists and California's population from partaking in such activities and have a catastrophic effect on California's coastal economy.

Contrary to the argument that increased oil and gas production will bring jobs to California and lower California fuel costs, it would increase the risk of an oil spill which would have a catastrophic effect on California's tourism, recreation, and fishing industry, and therefore to local jobs. The economic impact of an oil spill on California's coastal economy would likewise have a catastrophic effect on the nation.

C. There Is No Regional or National Energy Market Need for This Program.

New OCS leasing in the Region is unnecessary to meet national energy needs.[174] In terms of regional energy markets and need, California is making great strides to become fossil-free in the near future. The State adopted Renewable Portfolio Standards of sixty percent renewable energy by 2030. Cal. Pub. Util. Code § 399.11. More recent legislation set a 100% renewable energy target by 2045. Cal. Pub. Util. Code § 454.53(a) (codified pursuant to S.B. 100, 2017-2018 Reg. Sess. (Cal. 2018)). Several other states are also transitioning from fossil fuels to clean renewable energy. At a national level, we can achieve eighty percent of our energy needs from energy efficiency, renewable energy, and electric grid enhancements, by 2050, and at a reduced

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[170] NOAA, *2024 Marine Economy Report: California*, https://coast.noaa.gov/data/digitalcoast/pdf/marine-economy-california.pdf.
[171] Eastern Research Group, Inc., under contract for the NOAA Office for Coastal Management, *The National Significance of California's Ocean Economy* (2015), https://coast.noaa.gov/data/digitalcoast/pdf/california-ocean-economy.pdf.
[172] NOAA, *2024 Marine Economy Report: California*, https://coast.noaa.gov/data/digitalcoast/pdf/marine-economy-california.pdf.
[173] *Id.*
[174] 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. *See* Section II of NRDC et al.'s Comment Letter to BOEM re the 11th National OCS Oil and Gas Leasing Draft Proposed Program (January 23, 2026).

cost.[175] In addition, the U.S. is an exporter of oil, so it is disingenuous to state that new oil and gas development off California's coast is necessary to meet national energy demand.[176]

Moreover, additional oil and gas leasing is already made possible pursuant to the 2024-2029 Leasing Program, with leasing sales scheduled for 2027 and 2029. As of June 1, 2025, there are 2,147 active leases in the United States, yet only 432 of them are currently producing oil or gas.[177] As such, when there are thousands of tracts with effective leases not presently producing there is no need to open new areas to leasing.

D. The Pacific Region Is Inappropriate for New Oil & Gas Leasing Due to Its Location with Respect to Other Uses of the Sea and Seabed.

The Pacific Region is home to a myriad of other sensitive coastal and marine uses that are incompatible with new oil and gas production, including tribal uses, offshore wind (OSW), fishing, and marine protected areas. Such existing uses require their own spatial allotment that would be encroached upon by new oil and gas development. New oil production in the California Current would also drastically threaten the region's thriving ocean and coastal economies rooted in tourism, recreation, and fishing, all of which are wholly dependent on healthy marine ecosystems.

There are over 170 California Native American Tribes with intrinsic ties to land and water. There are therefore many culturally significant areas and resources to Tribes throughout the Pacific Region that are at times similar and others unique. For example, Chumash tomol paddlers use the beaches and waters of the Carpinteria area to practice for their annual crossing to Limuw, also known as Santa Cruz Island.[178] The Region is also culturally and archaeologically significant due to its historic native American populations. *EDC v. BOEM*, 36 F.4th at 880 (noting that the Region contains "[s]ubmerged remains of the Chumash people" and that "Congress expressly designated the Channel Islands National Park to protect important cultural resources, including 'archaeological evidence of substantial populations of Native Americans.' 16 U.S.C. § 410ff(6)."). Another example of culturally significant resources to the Chumash include species found in Carpinteria waters.[179] We strongly encourage respectful

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[175] Vignesh Gowrishankar & Amanda Levin, *America's Clean Energy Frontier: The Pathway to a Safer Climate Future*, NRDC, at 5 (Sept. 2017), https://www.nrdc.org/sites/default/files/americas-clean-energy-frontier-report.pdf.
[176] Bloomberg News, "The U.S. is Exporting Oil and Gas at a Record Pace," December 12, 2017. Available at https://www.bloomberg.com/news/articles/2017-12-12/u-s-fuels-the-world-as-shale-boom-powers-record-oil-exports.
[177] Combined Leasing Report (As of June 1, 2025), available at https://www.boem.gov/sites/default/files/documents/Lease%20stats%206-1-25.pdf.
[178] National Park Service, available at https://www.nps.gov/chis/learn/historyculture/tomolcrossing.htm.
[179] Santa Ynez Band of Chumash Indians, *Impacts of Climate Change on the Santa Ynez Band of Chumash Indians* in OEHHA 2022 Indicators of Climate Change in California, at VII-150 (2022), https://oehha.ca.gov/sites/default/files/media/epic/downloads/06santaynez.pdf;
Michael Vincent McGinnis, Roberta Reyes Cordero & Matt Stadler, White Paper for the Wishtoyo Foundation, *Tribal Marine Protected Areas: Protecting Maritime Ways and Cultural Practices*, at 3 (2004), https://static1.squarespace.com/static/5459dd35e4b0eb18b9b5599b/t/56bb76be859fd0422da8978d/1455126215937/TribalMPAsWhitePaper.pdf.

government-to-government consultation and meaningful engagement with all Tribes, allowing for time to adequately absorb and respond to the DPP.

In addition, this Region supports renewable marine energy technologies, including OSW development, which can provide energy benefits if responsibly sited with local support. In 2022, BOEM auctioned commercial OSW energy lease sales for the Humboldt and Morro Bay Leases (five in total).[180] The designated areas located adjacent to Morro Bay and Humboldt Bay comprise over 373,000 acres (about 583 square miles).[181] California set its own clean energy goals in AB 525 (August 2022), which directed the California Energy Commission (CEC) to adopt planning goals of two to five gigawatts (GW) of OSW energy by 2030 and twenty-five GW by 2045.[182] The current lease holders are in various stages of the survey process to evaluate their lease areas before submitting construction and operations plans. In addition to OSW development, other types of marine energy technologies, such as wave, tidal, and ocean current systems, could contribute to the West Coast's energy needs. Such technologies can offer the following benefits to the nation's energy and security needs: (1) "powering coastal microgrids for disaster recovery," (2) "supporting offshore data center operations with subsea cooling and edge computing," and (3) "engaging other offshore and coastal industrial processes."[183]

As described above (Section IV.B.7), the Pacific Region also supports highly productive fisheries that provide benefits to our local communities and economies, including fishing, tourism, and recreation. And as noted in Section IV.A. above, the Region is home to multiple national parks, marine sanctuaries, and monuments, as well as federal and state MPAs. These special areas are large economic drivers for coastal states that offer visitor opportunities for non-consumptive activities, such as sailing, whale watching, kayaking, diving, surfing, and sightseeing, and support businesses such as hotels, restaurants, recreation and tourism, and transportation, to name a few.

The Santa Barbara Channel Region supports all the above-listed uses and provides large economic benefits to our coastal communities. As the CINMS Advisory Council noted in a comment letter to BOEM, this Region has important economic impacts. The Advisory Council referenced a NOAA study that determined, from 2010 to 2012, the average economic impact from marine recreational fishing in the CINMS was "more than $31.4 million in output, $18.7 million in value added, $11.0 million in income and more than 200 jobs."[184] Another NOAA economic study of commercial fishing determined "landings from CINMS generated

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[180] BOEM, *California Offshore Wind Draft Programmatic Environmental Impact Statement, Volume I: Chapters 1-4* at ES-1 (November 2024), https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/2024_1021_CA_PEIS_Vol_I_508c_0.pdf.
[181] *Id.*
[182] A.B. 525, 2021-2022 Reg. Sess. (Cal. 2021).
[183] Dan Hellin, PacWave, Comment Letter re Docket BOEM-2025-0015, available at: https://www.regulations.gov/comment/BOEM-2025-0015-25325 (last accessed December 16, 2025).
[184] Leeworthy, V.R. and D. Schwarzmann, *Economic impact of the recreational fisheries in local county economies in the Channel Islands National Marine Sanctuary 2010, 2011, 2012* (2015) NOAA's Office of National Marine Sanctuaries Conservation Science Division, available at: http://sanctuaries.noaa.gov/science/socioeconomic/channelislands/pdfs/cinms-rec-report.pdf.

$27,275,539 in harvest revenue, $45,396,225 in output, $30,894,393 in value added, $27,836,552 in total income and 659 full and part-time jobs across five counties."[185]

E. Offshore Leasing in the Pacific Region Is Prohibited by California Laws, Goals, and Policies Identified by the Governor as Relevant.

The input of coastal states, such as California, must be given specific consideration when deciding which areas will be included in a national OCS leasing program. In the beginning of preparing a five-year leasing program, BOEM must send letters to governors of affected states requesting that they identify specific laws, goals, and policies that BOEM should consider while preparing the program. 30 C.F.R. § 556.202. In addition, during the preparation of the proposed program, the Secretary must "invite and consider suggestions . . . from the Governor of any State which may [be] affected" by the proposed program, 43 U.S.C. § 1344(c)(1), and consider any coastal zone management program developed by an affected coastal state. *Id.* § 1344(f)(5). OCSLA also gives coastal states the right to participate in decisions concerning the OCS "to the extent consistent with the national interest." *Id.* § 1332(4)(C). Here, several important state laws, policies, and goals prohibit and conflict with any new leasing in the Pacific Region.

California Public Resources Code Section 6245 expressly prohibits the California State Lands Commission (SLC) from entering into any new lease which authorizes the construction of oil- and gas-related infrastructure in state waters within the Pacific OCS area. Cal. Pub. Res. Code § 6245(a). In reviewing applications for existing lease renewals, extensions, amendments, or modifications, the law requires the Commission to consider whether the lease renewal, extension, amendment, or modification (1) is necessary to protect the marine environment or human health and safety, (2) is beneficial to the state for more than lease revenue, and (3) will impact the volume of oil and gas transported. *Id.* § 6245(c)(1)–(3). Accordingly, this law limits the availability of infrastructure to transport oil and gas produced in the Pacific OCS Region, thereby placing it at odds with BOEM's expansion of oil and gas production in the Region.

OCSLA's regulations specifically require BOEM to ask states "to identify the relationship between any oil and gas activity and the State under sections 305 and 306 of the CZMA, 16 U.S.C. 1454 and 1455." 30 C.F.R. § 556.202(c). Pursuant to the CZMA, California has a federally approved coastal management program that is implemented by the California Coastal Commission (CCC). The CZMA requires federal government and federally permitted activities to comply with state coastal zone management programs approved under the CZMA. As such, the CCC has "regulatory authority over oil and gas leasing, exploration, development and production activities on the OCS."[186] In 2017, during a previous leasing process, the CCC concluded that oil and gas development off California's coast would not be consistent with California's coastal protection laws, which include the Coastal Act and the California Coastal Sanctuary Act.[187] The CCC also identified the 852 square miles of coastal state waters it had

[185] *Id.*
[186] Letter from Dayna Bochco, Chair, California Coastal Commission, to Kelly Hammerle, National Program Manager, Bureau of Ocean Energy Management, at 2 (Aug. 9, 2017), https://documents.coastal.ca.gov/reports/2017/8/w6b/w6b-8-2017-corresp.pdf.
[187] *Id*.

recently designated as a network of MPAs pursuant to the 1999 Marine Life Protection Act.[188] Opening up new OCS areas to oil and gas leasing is inconsistent with the protection of these exceptional resources—which are even more numerous today.

Recent opposition from California's Governor to BOEM's proposal to issue new leases off the state's coast[189] reflects the State's long history of protecting its coastal environment and economy from the risks and impacts of offshore oil and gas development. In 1994, the state legislature passed the California Coastal Sanctuary Act, which prohibits the state from entering into any new leases within state tidelands designated as part of the California Coastal Sanctuary. Cal. Pub. Res. Code § 6240 *et seq.* Since that time, the state has terminated several preexisting oil leases.

In 1999, the State of California and several environmental groups challenged the federal government's decision to "suspend" (i.e., renew) thirty-six federal oil and gas leases that had been sold between 1968 and 1984. The Ninth Circuit Court of Appeals held that the Minerals Management Service was required to submit the leases to the CCC for consistency review pursuant to the CZMA. *Norton*, 311 F.3d 1162, 1173. The court noted "substantial evidence in the record" that the lease suspensions would have "adverse effects" on endangered and threatened species, including the southern sea otter, and their habitats, as well as on "ecologically significant or critical areas," including the Monterey Bay and Channel Islands National Marine Sanctuaries. *Id.* at 1176. The court also found evidence of "highly controversial environmental effects" due to the risks and impacts of an offshore oil spill. *Id.* at 1176–77.

New fossil fuel production would also conflict with the State of California's Renewable Portfolio Standards of sixty percent renewable energy by 2030, Cal. Pub. Util. Code § 399.11, and legislation setting a 100% renewable energy target by 2045. Cal. Pub. Util. Code § 454.53(a). Local communities throughout the State have adopted even more stringent requirements; for example, the City of Santa Barbara passed a climate action plan setting a target of 100% carbon neutrality by 2035.[190] Any additional oil and gas production activities will add new greenhouse gas emissions and undermine California's ability to meet its legal mandates.

Additional leasing in the Pacific Region would also undermine California's efforts to protect coastal and ocean wildlife. In December 2025, the California Ocean Protection Council (OPC) approved its 2026-2030 Strategic Plan reflecting the Council's investments and priorities.[191] The Plan serves as a roadmap for safeguarding California's coastal and ocean

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[188] *Id.*

[189] On November 11, 2026, when California Governor Gavin Newsom was asked about the Department of Interior's plan to issue new oil and gas leases off California's coast, Governor Newsom responded that the plan was "dead on arrival" and assured that California would "absolutely" challenge the plan in court once it was finalized. Maxine Joselow & Lisa Friedman, *Trump Is Said to Propose Opening California Coast to Oil Drilling*, NYTIMES.COM (Nov. 13, 2025), https://www.nytimes.com/2025/11/11/climate/offshore-drilling-california-trump-newsom.html.

[190] City of Santa Barbara Climate Action Plan (2024), available at https://sustainability.santabarbaraca.gov/sites/default/files/2024-03/CAP%20-%20Together%20to%20Zero%20Draft.pdf.

[191] California Ocean Protection Council, *Strategic Plan 2026-2030: Safeguarding Our Coast and Ocean for All Californians* (2025), https://opc.ca.gov/wp-content/uploads/2025/11/2026-2030-OPC-Strategic-Plan-508.pdf.

habitats and wildlife and building community resilience to climate change. In the Plan, California affirmed its goal of conserving thirty percent of coastal waters and funding multiple projects to address threats to biodiversity in estuaries.[192] California also set goals to restore at least 2,000 acres of kelp forest, 7,000 acres of coastal wetlands, 100 acres of native oyster beds, and 200 acres of eelgrass meadows by 2030.[193] The addition of new oil and gas leases in the Pacific Region would directly undermine these state efforts. The construction, operation, and decommissioning phases of any additional oil or gas lease would directly and/or indirectly impact all of these ocean and coastal habitats. Therefore, the Pacific Region must be excluded from the program based on its ecological resources.

F. The Pacific Region Is Rich in Marine Productivity and Is Environmentally Sensitive.

As explained above, this Region is one of the most important bioregions on the planet. Additionally, this area is incredibly sensitive to stressors.

This is illustrated well by the establishment of national marine sanctuaries. In enacting the NMSA, Congress provided authority for the Secretary of Commerce to protect areas of special national significance in the marine environment by designating them as national marine sanctuaries. 16 U.S.C. § 1431 *et seq*. The primary objective of these sanctuaries is to protect the resources of the marine environment, while also enhancing public awareness, sustainable use, and research, among other goals. *Id.* § 1431(3)–(5). The CHNMS encompasses Essential Fish Habitat (EFH) like the East Santa Lucia Bank EFH Conservation Area (43,105,280 acres) and Big Sur Coast/Port San Luis EFH (1,875,028,480 acres).[194] These areas have been evaluated as important for the continued propagation of groundfish, a target species for both commercial and recreational fisheries. The unique oceanic current system of Point Arguello/Conception that benefits invertebrates also draws in many of the region's seabirds, waterbirds, and shorebirds, which use the area for breeding, over-wintering, and longer-term residencies.[195]

Congress established the CINMS and CINP in 1980 due to the Santa Barbara Channel region's incredible natural attributes. In designating the CINMS, oil development was cited as one of the primary threats to the important ecology of the area.[196] A CINMS Biogeographic Assessment of the area from Point Sal to Point Dume,[197] along with the National Park Service study of the Gaviota Coast,[198] confirms the incredible importance of this region. BOEM should consider information from these two federal documents, as well as the CINMS Management Plan

[192] *Id.* at 23.
[193] *Id.* at 25.
[194] National Oceanic and Atmospheric Administration, Office of National Marine Sanctuaries, *Chumash Heritage National Marine Sanctuary Draft Environmental Impact Statement* at p. 99 (2023).
[195] Briggs, K.T., W.B. Tyler, D.B. Lewis, and D.R. Carlson, *Bird communities at sea off California: 1975 to 1983* (1999) Studies in Avian Biology 11.
[196] *Final Environmental Impact Statement on the Proposed Channel Islands Marine Sanctuary* (May 1980).
[197] NOAA Technical Memorandum NOS NCCOS 21. *A Biogeographic Assessment of the Channel Islands National Marine Sanctuary* (November 2005).
[198] National Park Service, *Gaviota Cost Feasibility Study* (2003).

and related EIS, Channel Islands marine reserves 5-year report,[199] and scientific information related to the MLPA process.

The Pacific Region has experienced significant loss of ecologically important species in the past several years. For example, the Region's kelp forests have experienced a decline due to stressors such as rising sea temperatures and overharvesting/overgrazing by local predators.[200] Kelp plays a vital role in the California Current's ecosystem and many species of commercial, recreational, conservation, and ecological importance, such as the spiny lobster, red abalone, red urchin, and southern sea otter, depend on kelp. The unbalanced ecosystem has led to the population decline of many ecologically and economically important species, such as red abalone, which caused recreational fisheries to close.[201] California's coastline is also vulnerable to invasive algae, the full effects of which are still unknown.[202]

Climate change directly affects marine productivity in the Pacific Region and affects the ocean temperatures, wildlife abundance and distribution, and ocean chemistry, all of which affect the Region's environmental sensitivity. BOEM must therefore take impacts of climate change into account as part of its consideration under Section 18(a)(2)(G).

The Secretary must consider all of this information in order to "make a good faith determination of the relative environmental sensitivity . . . of the various regions based upon the best 'existing information' available." *CBD v. DOI,* 563 F.3d at 488 (internal quotation marks omitted).

G. Any Relevant Environmental and Predictive Information Would Demonstrate that the Pacific Region Must Be Excluded.

As demonstrated above, the Pacific Region is incredibly environmentally rich and also sensitive. Given the diversity of this Region and recent events that have caused the populations of many important species to decline, the consideration of impacts, species, and habitats with adequate predictive information would demonstrate that new oil and gas leasing in the Region will have devastating impacts.

In sum, a reasonable application of the Section 18(a)(2) factors would demonstrate that no new leasing is appropriate in the Pacific Region.

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[199] California Department of Fish and Game, Partnership for Interdisciplinary Studies of Coastal Oceans, Channel Islands National Marine Sanctuary, and Channel Islands National Park, *Channel Islands Marine Protected Areas: First 5 Years of Monitoring: 2003-2008* (2008), available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=31325&inline=true.
[200] *See* California Department of Fish and Wildlife, *"Perfect Storm" Decimates Northern California Kelp Forests* (March 30, 2016), available at https://cdfwmarine.wordpress.com/2016/03/30/perfect-storm-decimates-kelp/.
[201] *See* Fishing California, *California Recreational Abalone Fishery to Be Closed in 2018* (Dec. 8, 2017), available at https://fishincalifornia.com/2017/12/08/california-recreational-abalone-fishery-closed-2018/ .
[202] *See* University of California Santa Cruz, Articles, Publications, and News Broadcasts regarding invasive algae dated Oct. 7, 2022, available at https://www.eeb.ucsc.edu/pacificrockyintertidal/data-products/invasive-species/index.html.

V. OCSLA's Balancing Test Requires that No New Leasing Occur in the Pacific Region Due to Its Significant Environmental and Coastal Zone Potential Impacts.

In addition, Section 1344(a)(3) requires the Secretary to select the timing and location of leases "to the maximum extent practicable, so as to obtain a proper balance between the potential for environmental damage, the potential for the discovery of oil and gas, and the potential for adverse impact on the coastal zone." 43 U.S.C. § 1344(a)(3). Because this "balancing test" is a "condensation of the factors specified in Section 18(a)(2)" an omission or error in the analysis of any one of the factors will also affect the balancing requirement and impact the validity of the leasing program. *CBD v. DOI*, 563 F. 3d at 488.

As detailed in the previous section, new offshore oil and gas development would result in significant environmental, social, and economic impacts. In addition to the impacts caused by routine exploration, development, and production activities, new development poses increased risks of leaks, explosions, and oil spills. The 2015 Refugio Oil Spill in Santa Barbara County is just one of many examples that illustrates the significant impacts oil development has on our coastlines.

Moreover, the Ninth Circuit has recognized that offshore oil development negatively impacts California's coastal zone. *Norton*, 311 F.3d 1162, 1173. In *Norton,* the court specifically noted that "lease suspensions represent a significant decision to extend the life of oil exploration and production off of California's coast, with all of the far-reaching effects and perils that go along with offshore oil production." *Id*. This led the court to affirm that the lease suspensions needed to be submitted to the CCC for consistency review. *Id.* The CCC subsequently objected to the lease suspensions on the grounds, *inter alia*, that "[g]ranting the lease suspensions could *prima facie* significantly increase the risk of oil spills, and consequent environmental impacts."[203] The CCC found that development of the leases would result in potential impacts to marine resources and water quality, commercial fishing, visual resources, and geological stability.[204] Such impacts demonstrate that sensitive regions, such as the Pacific Region, must be excluded from new leasing.

Similarly, in 2022, the court upheld the important requirement to undergo consistency review with the CCC with respect to BOEM's approval of the use of unconventional drilling techniques, or WSTs. *See EDC v. BOEM*, 36 F.4th at 887–90.

Given these impacts to the environment and coastal zone specifically, the balancing test tips sharply in favor of excluding the Pacific Region from any new leasing.

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[203] *See*, *e.g.*, California Coastal Commission, *Staff Report and Recommendations on Consistency Determinations*, hearing date August 11, 2005 (emphasis in original).
[204] *Id*.

VI. BOEM Should Exclude Certain Areas from the Leasing Program.

As the Notice of Availability of the DPP indicates, BOEM will consider nominations for specific "environmentally sensitive" areas to be excluded from the OCS program.[205] We ask that BOEM exclude from the 11th National OCS Leasing Program the entire Pacific OCS Region, all national marine sanctuaries and the areas surrounding them, as well as other protected areas such as the Federal Ecological Preserve offshore Santa Barbara, and Marine Protected Areas. As discussed above, OCSLA Section 12(a) does not provide the President with the power to revoke the past withdrawal of areas from OCS oil and gas leasing. Therefore, the entire Pacific OCS Region, withdrawn by former President Biden, must be excluded from the Leasing Program. Additionally, national marine sanctuaries and an appropriate buffer around them should be excluded because of their ecological, cultural, and recreational value. New oil and gas leasing is also prohibited in the CINMS and CHNMS. Other protected areas, including the Ecological Preserves and Marine Protected Areas, should be excluded from the Leasing Program because their use in oil and gas production threatens the health of these marine areas already recognized for their significance and value.

VII. BOEM Must Prepare an EIS Under NEPA.

Under NEPA, an EIS must be prepared for "major Federal actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(C); *see id.* § 4336(b)(1) ("An agency shall issue an environmental impact statement with respect to a proposed agency action requiring an environmental document that has a reasonably foreseeable significant effect on the quality of the human environment."). The EIS must describe, among other things, the "reasonably foreseeable environmental effects of the proposed agency action," "any reasonably foreseeable adverse environmental effects which cannot be avoided should the proposal be implemented," and "a reasonable range of alternatives to the proposed agency action." *Id*. § 4332(C). Such analysis ensures that environmental impacts and alternative courses of action are fully explored and disclosed to the public prior to expending significant resources developing and approving any government program. OCLSA recognizes that the Secretary must also "conduct environmental studies" required by NEPA. 43 U.S.C. § 1344(b)(3).

BOEM has stated in the DPP that, instead of preparing a programmatic EIS under NEPA as it previously has for five-year leasing programs, BOEM will "prepar[e] an environmental analysis outside of the NEPA framework to provide relevant environmental and predictive information for different areas of the OCS." DPP at 1-7. BOEM's refusal to prepare a programmatic EIS under NEPA at this program development stage is unlawful because the Leasing Program is a major federal action that threatens the human environment with significant environmental impacts.

[205] BOEM, Notice of Availability of the 11th National Outer Continental Shelf Oil and Gas Leasing Draft Proposed Program: 1st Analysis and Proposal MAA104000, 90 Fed. Reg. 52996 (Nov. 24, 2025).

A. The Leasing Program Is a Major Federal Action.

BOEM must prepare an EIS for its Leasing Program because it is a major federal action that will have "a reasonably foreseeable significant effect on the quality of the human environment." 42 U.S.C. § 4336(b)(1). Under NEPA, the term "major Federal action" was redefined pursuant to the Fiscal Responsibility Act of 2023 to mean "an action that the agency carrying out such action determines is subject to substantial Federal control and responsibility." 42 U.S.C. § 4336e(10)(A).[206] The Leasing Program is subject to the Department of Interior's (DOI) substantial control and DOI is responsible for the program's development, adoption, and implementation. BOEM is therefore incorrect that it need not conduct NEPA environmental review at this stage of the Leasing Program.

BOEM incorrectly asserts in the DPP that NEPA environmental review is discretionary at the planning stage and "the obligation to fully comply with NEPA does not mature until the lease sale stage." DPP at 1-7, 1-8. For support, BOEM cites two cases from the United States Court of Appeals for the D.C. Circuit, issued in 2009 and 2015. *Id.* at 1-7 (citing to *CBD v. DOI*, 563 F.3d 466 (D.C. Cir. 2009) and *Center for Sustainable Economy v. Jewell*, 779 F.3d 588 (D.C. Cir. 2015)). These cases do not apply because the definition of a "major Federal action" under NEPA was subsequently amended, as noted above, to include actions such as the DPP that are subject to substantial Federal control and responsibility, which is clearly met here.

Recent publications have affirmed that a five-year leasing program is a "major Federal action" that will "significantly affect[] the quality of the human environment" and requires preparation of an EIS. 42 U.S.C. § 4332(C). A 2024 Congressional Research Report on five-year offshore oil and gas leasing programs stated that, "with BOEM's five-year programs[,] the significance of the program's impact on the environment is assumed . . . [t]herefore, BOEM prepares a programmatic EIS (PEIS) concurrently with preparation of the five-year program."[207] That CRS Report explained that a programmatic EIS is needed at the leasing program development stage to analyze "the environmental impact of the federal program in question from a broad regional perspective," and that "more detailed and geographically focused analyses . . . are also conducted at the planning, leasing, and exploration and development stages."[208]

The 2023 NEPA Amendments provide four statutory exceptions to the requirement to prepare a NEPA document—none of which apply here. The statute provides that preparation of an "environmental document" is not required if:

> (1) the proposed agency action is not a final agency action . . . ;
> (2) the proposed agency action is excluded pursuant to [NEPA categorical exclusions] or another provision of law;

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[206] Fiscal Responsibility Act of 2023, Pub. L. No. 118-5, 137 Stat., https://www.congress.gov/118/plaws/publ5/PLAW-118publ5.pdf. .
[207] Five-Year Offshore Oil and Gas Leasing Program: History and Background (2025), available at https://www.congress.gov/crs-product/R44504#:~:text=The%20leasing%20decisions%20in%20BOEM's,for%20the%20five%2Dyear%20programs.
[208] *Id.* at fn. 41.

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

42 U.S.C. § 4336(a). The Leasing Program does not fall under any of these four categories. First, an OCS five-year leasing program is a final agency action. *Bennett v. Spear*, 520 U.S. 154, 177–78 (1997) (setting forth the test for final agency action as one that 1) "mark[s] the consummation of the agency's decisionmaking process," and (2) is "one by which rights or obligations have been determined, or from which legal consequences flow."). Second, no categorical exclusions designated by BOEM or any other agency apply here. Third, BOEM has not shown that preparing an environmental document would conflict with the requirements of any other law. Finally, the Leasing Program is not "a nondiscretionary action with respect to which [BOEM] does not have authority to take environmental factors into consideration in determining whether to take the proposed action." 42 U.S.C. § 4336(a)(4). Indeed, OCSLA explicitly requires BOEM "to take environmental factors into consideration" in developing the program. *See* 43 U.S.C. § 1344(a) (directing the Bureau to consider environmental factors in preparing the National OCS Program). As none of the exceptions to undergoing NEPA review apply, BOEM must prepare an EIS for the Leasing Program.

B. The Leasing Program Threatens to Have Significant Impacts.

There is no question that the Leasing Program meets the test for significance.[209] As detailed above, offshore oil drilling presents a host of adverse impacts to water quality, marine life, cultural resources, air quality, climate change, and many other aspects of the human environment. Critically, the effects of oil spills cannot be underestimated. These potential impacts readily trigger the requirement for an EIS—that there are substantial questions regarding whether the Leasing Program may have significant impacts. *See Ocean Advocates v. U.S. Army Corps of Eng'rs*, 402 F.3d 846, 864–65 (9th Cir. 2005); *see* also *Klamath Siskiyou Wildlands Center*, 468 F.3d at 562 ("[A]n EIS 'must be prepared if substantial questions are raised as to whether a project may cause significant degradation of some human environmental factor.'"); *Idaho Sporting Congress*, 137 F.3d at 1150.

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[209] Although regulations promulgated by the CEQ implementing NEPA (40 C.F.R. §§ 1500–1508) were repealed and removed from the Code of Federal Regulations effective April 11, 2025, the Leasing Program presents significant impact based on the plain language meaning of that term, as well as case law predating the regulations. *See Merriam-Webster.com Dictionary*, Merriam-Webster, https://www.merriam-webster.com/dictionary/significant. Accessed 19 May. 2025 (Webster's defines "significant" as "having meaning," "having or likely to have influence or effect," or "of a noticeably or measurably large amount."); *see also City of Davis v. Coleman*, 521 F.2d 661, 673–74 (9th Cir. 1975) (citing to 42 U.S.C. § 4332(C) (a federal action "significantly affect[s] the quality of the human environment" if "a plaintiff 'allege(s) facts which, if true, show that the proposed project would materially degrade any aspect of environmental quality . . . [this standard] does not require the courts to determine whether a challenged project will in fact have significant effects.").

Preparation of an EIS is especially important here because the NEPA alternatives analysis "ensure[s] that the agency has before it and takes into account all possible approaches to" addressing an action's objectives and helps agencies identify and assess reasonable alternatives that will avoid or minimize "potential environmental impacts." *W. Watersheds Project v. Bernhardt*, 543 F. Supp. 3d 958, 980 (D. Idaho 2021). In the DPP, BOEM's environmental analysis lacks any of the alternatives analysis which would have been required under NEPA. *See generally,* DPP. Without such alternatives analysis, BOEM's "environmental analysis document" is thus an inadequate substitute for assisting BOEM to develop the Leasing Program. Preparation of an EIS is critical to ensure that an agency takes a "hard look" at potential environmental consequences *before* taking action. *Kleppe v. Sierra Club*, 427 U.S. 390, 410, n. 21 (1976).

VIII. Conclusion

Accordingly, we urge BOEM not to proceed with the process of developing the Leasing Program. Should it continue to do so, it must ensure compliance with all applicable laws as explained herein, and specifically, it must exclude the Pacific Region from any new leasing.

Sincerely,

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Get Oil Out!, Michael Lyons, President

Heal the Ocean, Karina Johnston, Executive Director

International Marine Mammal Project of Earth Island Institute, Mark J. Palmer, Associate Director

Mothers for Peace, Jill ZamEk, Board Member

Natural Resources Defense Council, Irene Gutierrez, Senior Attorney

Oceana, Joseph Gordon, Campaign Director

Public Lands Conservancy, Don Neubacher; Board Member

Santa Barbara Audubon Society, Katherine Emery, PhD, Executive Director

Santa Barbara Channelkeeper, Ted Morton, Executive Director

Santa Barbara County Action Network (SBCAN), Ken Hough and Jeanne Sparks, Co-Executive Directors

Santa Barbara Museum of Natural History, Luke Swetland, President & CEO

Santa Barbara Museum of Natural History Sea Center, Luke Swetland, President & CEO

San Francisco Bay Physicians for Social Responsibility, Robert M. Gould, MD, President

Santa Cruz Climate Action Network, Pauline Seales, Organizer

Save Our Shores, Katie Thompson, Executive Director

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