Submitted via Regulations.gov

January 23, 2026

Kelly Hammerle
Program Manager
Bureau of Ocean Energy Management
45600 Woodland Road
Sterling, VA 20166

Re: Comments on the 11th National Outer Continental Shelf Oil and Gas Leasing Draft Proposed Program: 1st Analysis and Proposal

Dear Ms. Hammerle:

Defenders of Wildlife and the Animal Welfare Institute ("AWI") submit these comments on behalf of the 28 undersigned organizations regarding the 11th National Outer Continental Shelf Oil and Gas Leasing Draft Proposed Program ("DPP") prepared by the Bureau of Ocean Energy Management ("BOEM").[1] Our organizations and our millions of members nationwide would be directly harmed by, and thus strongly oppose, any new leasing in the 11th National OCS Program.

The leasing schedule proposed in the DPP, if adopted, would mark a massive expansion of oil and gas leasing on the outer continental shelf ("OCS"), both in the number of lease sales held and the quantity and character of planning areas offered for sale. While we strongly oppose any new oil and gas leasing on the OCS given the harmful effects fossil fuel development has on frontline communities and coastal and marine ecosystems, this letter focuses on the many OCS areas included in BOEM's proposed leasing schedule that either are ineligible for leasing because of special protections from offshore energy development or have historically been excluded from leasing due to their unique natural resources and sensitivity to oil and gas activities. Specifically, we address: the Northern, Central, and Southern California Planning Areas in the Pacific ("California Planning Areas"); the Beaufort and Chukchi Sea Planning Areas in Alaska ("Arctic Planning Areas"); and Program Area B in the Eastern Gulf (collectively, "Protected OCS Areas").

These historically and legally protected areas are not frontiers of development ripe for exploitation but rather are sensitive areas of recognized ecological, cultural, and economic value, all of which could be decimated by the substantial risks of oil and gas development—including catastrophic spills and exacerbated climate impacts—if they are opened up to oil and gas leasing. These areas are also at profound risk from climate change, which unequivocably poses an existential threat to marine wildlife.[2] As such, the wisdom of past protections must be respected, and BOEM must refrain from illegally and imprudently attempting to rewrite restrictions on leasing on the OCS.

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[1] 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); U.S. DEPT' OF INTERIOR, BUREAU OF OCEAN ENERGY MGMT. (BOEM), 11TH NATIONAL OUTER CONTINENTAL SHELF OIL AND GAS LEASING DRAFT PROPOSED PROGRAM: 1ST ANALYSIS AND PROPOSAL (Nov. 2025) [hereinafter DPP], boem.gov/11th-National-Program-1st-Analysis.

[2] *See generally* ALLISON R. CRIMMINS ET AL., FIFTH NATIONAL CLIMATE ASSESSMENT (U.S. Glob. Change Rsch. Program 2023).

I. THE SCOPE OF THE 11TH NATIONAL OCS PROGRAM IS FUNDAMENTALLY FLAWED

BOEM has recognized that some areas of the OCS are ineligible for consideration in the 11th National OCS Program in light of federal protections; however, those recognized restrictions are underinclusive, as they omit several areas that have been protected due to their immense ecological and/or culture value, vulnerability to oil spills, and local opposition to offshore drilling.[3] Notably, BOEM has erroneously omitted several presidential withdrawals made under section 12(a) of the OCS Lands Act ("OCSLA")—many of which were undertaken to protect areas of exceptional ecological significance and fragility—and suggested that others, while recognized for now, may be at risk of future revocation.[4] BOEM has also failed to recognize that protections for national marine sanctuaries go beyond the 2008 presidential withdrawal and individual sanctuary regulations[5] to encompass statutory and regulatory protections under both OCLSA and the National Marine Sanctuaries Act ("NMSA").

BOEM must remedy these omissions in the Proposed Program by explicitly excluding *all* areas withdrawn under OCSLA section 12(a) or designated as a national marine sanctuary, regardless of their date of designation. Failure to do so would be in violation of OCSLA and/or the NMSA.

A. Areas Withdrawn Under OCSLA Section 12(a)

OCSLA Section 12(a) allows the President to withdraw from disposition any of the unleased lands of the OCS.[6] Under this provision, oil and gas leasing has been prohibited on more than 625 million acres of the OCS subject to presidential withdrawals[7]—including President Trump's own withdrawals of the South Atlantic and Program Area B in the Eastern Gulf through 2032.[8] These moratoriums cumulatively reflect a fifty-year bipartisan tradition of protecting coastal communities, natural resources, and wildlife from offshore drilling,[9] and they cannot be revoked absent an act of Congress.

Yet BOEM has indicated that it will ignore many of these restrictions and include withdrawn areas in the 11th National OCS Program anyway.[10] Opening these areas to leasing would not only violate OCSLA, it would also contradict decades of state and local opposition to drilling, including policies

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[3] DPP at 3-4 (listing restricted areas).
[4] *See id.* at 3-4.
[5] *See id.*
[6] 43 U.S.C. § 1341(a) ("The President of the United States may, from time to time, withdraw from disposition any of the unleased lands of the outer Continental Shelf.").
[7] Press Release, The White House, President Biden Protects Atlantic and Pacific Coasts from Offshore Oil and Gas Drilling (Jan. 6, 2025) [hereinafter 2025 Biden Withdrawals Press Release], bidenwhitehouse.archives.gov/briefing-room/statements-releases/2025/01/06/fact-sheet-president-biden-protects-atlantic-and-pacific-coasts-from-offshore-oil-and-gas-drilling/; *see also* Withdrawal of Certain Areas of the United States Outer Continental Shelf From Oil or Natural Gas Leasing, 90 Fed. Reg. 6739 (Jan. 17, 2025); Withdrawal of Certain Areas of the United States Outer Continental Shelf from Oil or Natural Gas Leasing, 90 Fed. Reg. 6743 (Jan. 6, 2025) [hereinafter Biden 2025 Atlantic, Pacific, and Gulf Withdrawal].
[8] Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition, 2020 DAILY COMP. PRES. DOC. 659 (Sept. 8, 2020) [hereinafter 2020 Eastern Gulf, Straits of Florida, and South Atlantic Withdrawal]; Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf From Leasing Disposition, 2020 DAILY COMP. PRES. DOC. 726 (Sept. 25, 2020).
[9] Letter from Defs. of Wildlife & Animal Welfare Inst. to BOEM, at 3–5 (June 16, 2025) [hereinafter RFI Comments], defenders.org/sites/default/files/2025%2D06/FINAL%20AWI%20and%20Defenders%20RFI%20Comment%20Letter%206.16.25.pdf.
[10] Request for Information and Comments on the Preparation of the 11th National Outer Continental Shelf Oil and Gas Leasing Program MAA104000, 90 Fed. Reg. 17972, 17974 (Apr. 30, 2025) [hereinafter RFI].

prohibiting offshore oil and gas exploration, production, and development.[11] In some areas, the risk of harm is particularly stark; for instance, in the Beaufort and Chukchi Seas, it is highly likely that a long-term leasing program in the region will result in a large oil spill.[12] BOEM must exclude any and all presidentially withdrawn areas from consideration in the DPP, including the entirety of the California coast, the Beaufort and Chukchi Sea Planning Areas in the Arctic, and Program Area B in the Eastern Gulf.[13]

1. California Planning Areas (Pacific)

The Pacific coast has long been subject to presidential withdrawals, beginning with the Nixon administration's withdrawal of the Santa Barbara Channel Ecological Preserve more than 55 years ago.[14] This withdrawal—like the many that followed—was designed to "help to protect and preserve the values of this area for scientific study, recreation, and other similar uses for the benefit and enjoyment of this and future generations."[15]

Over the next few decades, statewide opposition to offshore drilling in California led to multiple consecutive congressional moratoria on offshore leasing in northern and central California and certain sensitive southern California areas,[16] which were enacted yearly via appropriations bills.[17] These yearly reenactments of offshore drilling moratoria sent a clear message that Californians opposed drilling off their coasts. However, in the winter of 1985, Congress lifted the moratorium on offshore leasing that had protected the California coast since fiscal year 1982, despite opposition from the Californian delegation.[18] Though the Department of Interior ("Interior") agreed to close 98 percent of the moratorium areas to drilling for another fifteen years, just a few months later Interior caved to industry pressure and reneged on the agreement, instead attempting to open nearly all of

[11] *See* 2025 Biden Withdrawals Press Release, *supra* note 7 ("Nearly 400 municipalities and over 2,300 elected local, state, Tribal, and federal officials across the Atlantic, Pacific, and Gulf coasts have formally opposed the expansion of offshore drilling in these areas in view of its severe environmental, health, and economic threats. Nearly every Governor along the East and West Coasts—Republicans and Democrats alike—has expressed concerns about expanded oil and gas drilling off their coastlines. In Alaska, the new Northern Bering Sea protections are consistent with a long-standing request from more than 70 coastal Tribes based on the need to help sustain a vital and threatened ocean area, and the natural resources it contains that Indigenous communities have stewarded and relied on for subsistence since time immemorial.").

[12] *See infra* Sections II.C.2 & II.D.1; *see also* U.S. DEP'T OF INTERIOR, FACT SHEET: PRESIDENT OBAMA PROTECTS 125 MILLION ACRES OF THE ARCTIC OCEAN 7 (2016) [hereinafter 2016 Arctic Withdrawal Fact Sheet], doi.gov/sites/doi.gov/files/uploads/2016_arctic_withdrawal_fact_sheet_for_release.pdf.

[13] Other unrecognized withdrawals include 158 million acres in the Hope Basin, Norton Basin, Navarin, and St. Matthew-Hall Planning Areas in Alaska. *See Alaska Withdrawal (January 6, 2025)*, U.S. DEP'T OF INTERIOR, doi.gov/media/alaska-withdraw-map. Our organizations support the exclusion of these withdrawn areas.

[14] Establishment of Santa Barbara Channel Ecological Preserve, 34 Fed. Reg. 5655 (Mar. 26, 1969).

[15] *Id.* at 5656.

[16] Breck C. Tostevin, *"Not on My Beach": Local California Initiatives to Prevent Onshore Support Facilities for Offshore Oil Development*, 38 HASTINGS L.J. 957, 1011 n.8 (1987).

[17] *See* Sierra B. Weaver, *Local Management of Natural Resources: Should Local Governments Be Able to Keep Oil Out*?, 26 HARV. ENV'T L. REV. 231, 242–43 (2002).

[18] *Id.* at 243.

California's coast to oil and gas leasing.[19] In response, Californians began using local initiatives to limit offshore energy development.[20]

Californian opposition to offshore drilling soon became strong—and loud—enough to push the president to protect much of the state's coastline.[21] In 1990, President George H.W. Bush took "strong steps to protect our environment" by cancelling all planned oil and gas leases in California and placing more than 99 percent of the California coast off limits to oil and gas leasing and development until after the year 2000.[22] Underlying this withdrawal was a desire "to create a much more carefully targeted OCS program, one that is responsive to local concerns, to environmental concerns, and to the need to develop prudently our nation's domestic energy resources."[23] In 1998, President Clinton extended this withdrawal to stand through 2012.[24]

Most recently, in January 2025, President Biden withdrew all Pacific OCS areas, including the Northern, Central, and Southern California Planning Areas, due to the "irreplaceable marine and coastal environments, including wildlife and wildlife habitat," comprising these areas; "the vulnerability of these ecosystems and coastal communities, where limited or no oil and natural gas development has yet occurred, to oil spills;" and "the national need to curtail, mitigate, build resilience against, and adapt to the devastating and irreversible consequences of climate change for the human environment and for the marine and coastal environments."[25] BOEM has not recognized this withdrawal in its DPP, ostensibly due to President Trump's attempt to revoke the 2025 withdrawal,[26] previous permanent withdrawals,[27] and the ensuing legal battles taking place in district courts across the nation.[28] As discussed in greater detail below, this revocation is in excess of the president's authority under OCSLA and is the subject of ongoing litigation. Exclusion of all Pacific planning areas from the 11th National OCS Program is needed to ensure that BOEM's ultimate plan is not in violation of OCSLA section 12(a) and does not put these vulnerable ecosystems and coastal communities at greater risk of oil spills and other harms caused by oil and gas activities.

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[19] Tostevin, *supra* note 16, at 1011 n.8.
[20] *See* Weaver, *supra* note 17, at 243–46; Dan Haifley, *A Brief History of Save Our Shores, 1986-1993*, U.C. SANTA CRUZ (2012), exhibits.library.ucsc.edu/exhibits/show/mbnmshistory/a-brief-history-of-save-our-sh.
[21] Weaver, *supra* note 17, at 242–43; BUSH BARS NEW OFFSHORE OIL LEASES OFF 99% OF CALIF. COAST AND FLORIDA : CALLS FOR MORE STEPS TO SAVE ENVIRONMENT BEFORE YEAR 2000, L.A. TIMES (June 26, 1990), latimes.com/archives/la-xpm-1990-06-26-mn-827-story.html.
[22] George H.W. Bush, *Statement on Outer Continental Shelf Oil and Gas Development*, AM. PRESIDENCY PROJECT (June 26, 1990), presidency.ucsb.edu/documents/statement-outer-continental-shelf-oil-and-gas-development.
[23] *Id*.
[24] Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition, 34 WEEKLY COMP. PRES. DOC. 1111 (June 12, 1998) [hereinafter Clinton Withdrawal], govinfo.gov/content/pkg/WCPD-1998-06-22/pdf/WCPD-1998-06-22.pdf.
[25] Biden 2025 Atlantic, Pacific, and Gulf Withdrawal, 90 Fed. Reg. 6743.
[26] Exec. Order No. 14154, Unleashing American Energy, 90 Fed. Reg. 8353, 8354 (Jan. 20, 2025).
[27] Exec. Order No. 13795, Implementing an America-First Offshore Energy Strategy, 82 Fed. Reg. 20815, 20816 (Apr. 28, 2017).
[28] *See, e.g.*, *Texas v. Biden*, SABIN CTR. FOR CLIMATE CHANGE LAW: CLIMATE LITIGATION DATABASE, climatecasechart.com/document/texas-v-biden_ecbb; *Northern Alaska Environmental Center v. Trump*, SABIN CTR. FOR CLIMATE CHANGE LAW: CLIMATE LITIGATION DATABASE, climatecasechart.com/collections/northern-alaska-environmental-center-v-trump_bdca9b.

2. Beaufort and Chukchi Sea Planning Areas (Alaska)

The entirety of both the Beaufort Sea and Chukchi Sea Planning Areas has been withdrawn from leasing disposition, due in no small part to the great ecological diversity and sensitivity of the Arctic to oil spills. These withdrawals have occurred in three parts: first, through a 9.8-million-acre withdrawal in 2015, then through a 115-million-acre withdrawal in 2016, and finally through a 2.8-million-acre withdrawal in 2023. Each withdrawal must be respected.

President Obama first indefinitely withdrew 9.8 million acres of the Beaufort and Chukchi Seas in January 2015 to protect areas of "critical importance . . . to subsistence use by Alaska Natives as well as for marine mammals, other wildlife, and wildlife habitat."[29] This withdrawal included the Barrow and Kaktovik whaling areas in the Beaufort Sea, a 25-mile coastal buffer and subsistence areas in the Chukchi Sea, and the biologically rich Hanna Shoal in the Chukchi Sea, which extensive scientific research had shown was of "critical importance" to many marine species including Pacific walruses and bearded seals.[30]

In December 2016, President Obama issued another Arctic withdrawal, covering the remaining portions of the Chukchi Sea Planning Area as well as the vast majority of the remaining portions of the Beaufort Sea Planning Area.[31] The motivating factors behind this withdrawal were:

> (1) the important, irreplaceable values of the Chukchi Sea and portions of the Beaufort Sea for marine mammals, other wildlife, wildlife habitat, scientific research, and Alaska Native subsistence use; (2) the vulnerability of these ecosystems to an oil spill; and (3) the unique logistical, operational, safety, and scientific challenges and risks of oil extraction and spill response in these Arctic waters.[32]

Interior recommended this withdrawal based on the substantial risks oil and gas operations pose to the "unique, vibrant, and vulnerable" ecosystem of the U.S. Arctic.[33] The Beaufort and Chukchi Seas are home to several species listed under the U.S. Endangered Species Act ("ESA"), including polar bears, bowhead whales, fin whales, spectacled eider, and Steller's eider.[34] Many of these species, like the polar bear, use large portions of the Beaufort and Chukchi Seas for feeding, resting, and migration.[35] Alaska Native communities of the North Slope, whose cultural and spiritual values are tied to their Arctic environment, likewise depend heavily upon nature for food and materials.[36]

Interior determined that comprehensive protection of the Arctic—rather than piecemeal restrictions

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[29] Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf Offshore Alaska from Leasing Disposition, 2015 DAILY COMP. PRES. DOC. 59 (Jan. 27, 2015); Ken Dunton, *Hanna Shoal: An Integrative Study of a High Arctic Marine Ecosystem*, ENV'T COASTAL & OFFSHORE 24, 25 (May 2015), digital.ecomagazine.com/may-2015/page-24.

[30] Press Release, U.S. Dep't of Interior, Interior Department Announces Draft Strategy for Offshore Oil and Gas Leasing (Jan. 27, 2015), doi.gov/news/pressreleases/interior-department-announces-draft-strategy-for-offshore-oil-and-gas-leasing.

[31] Memorandum on Withdrawal of Certain Portions of the United States Arctic Outer Continental Shelf from Mineral Leasing, 2016 DAILY COMP. PRES. DOC. 860 (Dec. 20, 2016) [hereinafter 2016 Arctic Withdrawal]; 2016 Arctic Withdrawal Fact Sheet, *supra* note 12, at 1.

[32] 2016 Arctic Withdrawal, 2016 DAILY COMP. PRES. DOC. 860.

[33] 2016 Arctic Withdrawal Fact Sheet, *supra* note 12, at 1–2.

[34] *See infra* Section II.C.2.

[35] *Id.*

[36] 2016 Arctic Withdrawal Fact Sheet, *supra* note 12, at 3.

on leasing particular areas—was warranted because of the region's interconnectedness.[37] Certain places, dubbed Environmentally Important Areas ("EIAs"), were identified as being of "especially important environmental value with ecologically important or sensitive habitats and/or subsistence and cultural value for the local communities."[38] Limiting protections to EIAs, however, would "fail to protect ecosystem function and services critical to the region."[39] Damage from oil and gas activities is not site-specific, meaning ecologically significant resources could be "dramatically impacted" by operations outside EIA boundaries.[40] Oil spills were of particular concern, as the potential for wide ranging damage from oil spills is exacerbated by the uniqueness of and difficulties associated with spill response, mitigation, and restoration in the remote Arctic environment.[41] A combination of lower water temperatures, sea ice coverage, and/or limited daylight in winter months could slow down or eliminate processes that control oil weathering, trap oil and allow it to disperse unhindered, freeze volatile components of oil, and limit response workers' ability to see or safely navigate the area.[42] If a spill were to occur, piecemeal protection of EIAs would not adequately protect important species.[43]

Nor were those ecologically significant resources, which Interior deemed worthy of protection, limited to EIAs.[44] Rather, it was determined that these natural assets existed broadly across the Arctic.[45] Certain areas or features, like EIAs, constituted valuable habitats for Arctic species but did not necessarily cover species' full ranges, particularly in light of existing migration patterns and potential long-term shifts in range due to a changing landscape.[46] Reduced sea ice coverage, for example, is already reducing the available habitat of ice-dependent species, increasing their baseline vulnerability and thus putting them at greater risk of harm from oil and gas operations.[47] So too could an oil spill affect critical migration routes.

In addition to finding that oil spills could have devastating effects on Arctic species, Interior also found that there was a significant risk spills would occur if the Arctic were leased. Over the course of a 77-year development scenario, Interior found that there was a 75 percent chance of one or more large spills of 1,000 barrels or greater, and a "substantially greater" number of smaller spills could also occur.[48] Again, such spills "could have *substantial* impacts on the region, particularly given the ecosystem fragility and limited available resources to respond to a spill."[49]

President Biden indefinitely withdrew the remaining 2.8 million acres of the Beaufort Sea Planning Area in March 2023, ensuring that "this important habitat for whales, seals, polar bears, as well as for subsistence purposes, will be protected in perpetuity from extractive development."[50] Motivating

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[37] *Id*.
[38] *Id*.
[39] *Id*.
[40] *Id*.
[41] *Id*. at 6–7; *see also infra* Section II.D.1.
[42] 2016 Arctic Withdrawal Fact Sheet, *supra* note 12, at 6; *see also infra* Section II.D.1.
[43] 2016 Arctic Withdrawal Fact Sheet, *supra* note 12, at 3.
[44] *Id*.
[45] *Id*.
[46] *Id*.
[47] *See infra* Section II.C.2.
[48] 2016 Arctic Withdrawal Fact Sheet, *supra* note 12, at 7.
[49] *Id*. (emphasis added).
[50] Press Release, U.S. Dep't of Interior, Biden-Harris Administration Announces Sweeping Protections for Up to 16 Million Acres of Land and Water in Alaska (Mar. 12, 2024) [hereinafter 2023 Arctic Withdrawal Press

this withdrawal were

> (1) . . . the irreplaceable marine and coastal environments—including for marine mammals, other wildlife, wildlife habitat, scientific research, and Alaska Native subsistence use—of the Beaufort Sea area of the [OCS]; (2) . . . the vulnerability of the ecosystems and coastal communities to oil spills, particularly where limited or no oil and gas development has yet occurred; and (3) . . . the national need to curtail, mitigate, build resilience against, and adapt to the devastating and irreversible consequences of climate change for the human environment and for the marine and coastal environments.[51]

In addition to conserving vast swaths of the OCS, the withdrawal also provided important protections for the globally significant Teshekpuk Lake, renowned for its intact habitat for wildlife such as grizzly and polar bears, caribou, and hundreds of thousands of migratory birds.[52] These safeguards were put into place to prevent future onshore pipeline infrastructure from being built nearby.

Each of these Arctic withdrawals was based upon sound logic: oil and gas activities pose significant risks to vulnerable Arctic ecosystems and Native Alaskan communities. Comprehensive protection of the entire Beaufort Sea and Chukchi Planning Areas is necessary to preclude utter decimation of the Arctic for the sake of fossil fuel production.

3. Program Area B (Eastern Gulf)

In September 2020, President Trump withdrew the entirety of Program Area B through June 30, 2032,[53] after state and local feedback made it clear that Floridians wanted a moratorium on future leasing off its coasts.[54] Anti-drilling sentiment had been demonstrated by the more than 60 percent of Floridians who supported a 2018 amendment to the state constitution prohibiting oil and gas exploration in state waters.[55] Members of Florida's congressional delegation had likewise opposed any drilling in federal waters off the state's coasts both through public statements and bills introduced in Congress.[56] As a "proud resident of the Sunshine State" himself, President Trump made

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Release], doi.gov/pressreleases/biden-harris-administration-announces-sweeping-protections-16-million-acres-land-and.

[51] Memorandum on Withdrawal of Certain Areas off the United States Arctic Coast of the Outer Continental Shelf from Oil or Gas Leasing, 2023 DAILY COMP. PRES. DOC. 192 (Mar. 13, 2023) [hereinafter 2023 Arctic Withdrawal].

[52] 2023 Arctic Withdrawal Press Release, *supra* note 50.

[53] 2020 Eastern Gulf, Straits of Florida, and South Atlantic Withdrawal, 2020 DAILY COMP. PRES. DOC. 659.

[54] Press Release, U.S. Dep't of Interior, ICYMI: No Offshore Drilling Around Florida and the Southern Atlantic (Sept. 10, 2020) [hereinafter Trump Eastern Gulf Withdrawal Press Release], doi.gov/pressreleases/icymi-no-offshore-drilling-around-florida-and-southern-atlantic (highlighting the Trump I Administration's promise to Floridians that "drilling off their coast was 'not going to happen,' because 'the people of Florida just don't want it'").

[55] Mitch Perry, *Despite Trump Vow Not to Drill in Eastern Gulf, Florida Dems Remain Skeptical*, BAY NEWS 9 (Sept. 1, 2020), baynews9.com/fl/tampa/politics/2020/09/01/despite-trump-vow-not-to-drill-in-eastern-gulf--florida-dems-remain-skeptical.

[56] *See, e.g.*, *id.* (noting opposition from Rep. Kathy Castor (D-FL14)); Timothy Cama, Heather Richards, & Kelsey Brugger, *Trump to Endorse Fla. Drilling Moratorium*, E&E NEWS (Sept. 8, 2020) ("The House, led by Democrats, passed a bill, H.R. 205, last year that would indefinitely ban drilling in the eastern Gulf . . . In May 2019, a handful of Florida lawmakers went to the White House in part to urge Trump to exclude the state from the five-year drilling plan.").

it an administrative priority to follow the will of the majority on offshore drilling.[57]

Today, Floridians across the political spectrum remain strongly opposed to BOEM's proposal to reopen the Eastern Gulf to offshore oil and gas development in light of the economic value of Florida's beaches, which help to generate more than $127.7 billion a year in tourism spending (10 percent of Florida's Gross State Product) and support over 2.1 million tourism-related jobs.[58] It is evident that the potentially "devastating" consequences an offshore oil spill could have on Florida's environment, economy, and coastal communities are not worth the risk.[59] All 30 members of the Florida congressional delegation—Democrats and Republicans alike—have requested that President Trump "uphold [his] existing moratorium and keep Florida's coasts off the table for oil and gas leasing,"[60] as have several local governments and chambers of commerce and an inter-county Defense Support Initiative.[61] As Representative Vern Buchanan (R-FL16), co-chair of the Florida congressional delegation, stated in response to the DPP's suggestion that President Trump may revoke, or decline to extend, his 2020 withdrawal, "It would be a *serious mistake* to walk back that protection now."[62]

BOEM, however, has proposed to hold lease sales in Program Area B in both 2029 and 2030—years before President Trump's withdrawal is set to expire—despite recognizing that the 2020 withdrawal remains in place.[63] If it is not excluded from the 11th National OCS Program altogether, Program Area

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[57] Perry, *supra* note 55; *see also* Trump Eastern Gulf Withdrawal Press Release, *supra* note 54 ("Listening and responding to the views of governors and elected federal representatives has been a focal point of the Trump Administration and is reflected in decisions taken by the Department of Interior.").

[58] Press Release, Rep. Vern Buchanan (R-FL16), Buchanan Blasts BOEM Offshore Drilling Plan, Demands Florida's Coasts Remain Off-Limits (Nov. 20, 2025), buchanan.house.gov/2025/11/buchanan-blasts-boem-offshore-drilling-plan-demands-florida-s-coasts-remain-off-limits; ROCKPORT ANALYTICS & VISIT FLORIDA, THE 2023 ECONOMIC & FISCAL IMPACT OF TOURISM IN FLORIDA 7–8 (2024), flgov.com/eog/sites/default/files/shared/2024/12/Visit%20Florida%20EIS%202023_0.pdf.

[59] Buchanan Press Release, *supra* note 58.

[60] Letter from Fla. Cong. Delegation to President Donald Trump (Dec. 5, 2025), rickscott.senate.gov/services/files/3D6AAAA4-DFDC-419B-9911-12E3CC6252C2 (signed by Sens. Rick Scott (R-FL) and Ashley Moody (R-FL), and Reps. Jimmy Patronis (R-FL01), Neal Dunn (R-FL02), Kat Cammack (R-FL03), Aaron Bean (R-FL04), John Rutherford (R-FL05), Randy Fine (R-FL06), Cory Mills (R-FL07), Mike Haridopolos (R-FL08), Darren Soto (D-FL09), Maxwell Frost (D-FL10), Daniel Webster (R-FL11), Gus Bilirakis (R-FL12), Anna Luna (R-FL13), Kathy Castor (D-FL14), Laurel Lee (R-FL15), Vern Buchanan (R-FL16), Gregory Steube (R-FL17), Scott Franklin (R-FL18), Byron Donalds (R-FL19), Sheila Cherfilus-McCormick (D-FL20), Brian Mast (R-FL21), Lois Frankel (D-FL22), Jared Moskowitz (D-FL23), Frederica Wilson (D-FL24), Debbie Wasserman Schultz (D-FL25), Mario Diaz-Balart (R-FL26), Maria Salazar (R-FL27), and Carlos Gimenez (R-FL28)).

[61] *See, e.g.*, Letter from Kay Rasmussen, Manager, Def. Support Initiatives Comm., to Kelly Hammerle, BOEM (June 9, 2025), usa.oceana.org/wp-content/uploads/sites/4/2025/10/OCS-Oil-Gas-Leasing-Public-Comment_9Jun25-1.pdf (military advocacy organization representing Okaloosa, Santa Rosa, and Walton Counties that is recognized by the State of Florida); Santa Rosa Island Auth., Resol. No. 2025-1 (June 23, 2025), usa.oceana.org/wp-content/uploads/sites/4/2025/10/SRIA-Resolution-June-2025-1.pdf (formally opposing the inclusion of any new offshore oil and gas leasing in the Eastern Gulf off the coast of Florida in the 11th National OCS Program); Letter from Kerry Baker, Exec. Dir., Greater Key West Chamber of Com., to BOEM (June 10, 2025), usa.oceana.org/wp-content/uploads/sites/4/2025/10/KWCC-Oposition-Oil-Drilling-2025-1-1.pdf.

[62] Press Release, Rep. Vern Buchanan (R-FL16), Buchanan Blasts BOEM Offshore Drilling Plan, Demands Florida's Coasts Remain Off-Limits (Nov. 20, 2025) (emphasis added), buchanan.house.gov/2025/11/buchanan-blasts-boem-offshore-drilling-plan-demands-florida-s-coasts-remain-off-limits.

[63] DPP, *supra* note 1, at 6, 3-4.

B must stay off limits to oil and gas leasing at least through June 30, 2032.[64]

4. Permanent Presidential Withdrawals Are Irrevocable

The President does not have unilateral authority to make permanently withdrawn areas available again; only an act of Congress may repeal a Congressional moratorium or a permanent presidential withdrawal under OCSLA Section 12(a). President Trump has twice tried to revoke prior presidents' indefinite withdrawals,[65] and at least one court has found that such revocations are unlawful in light of the text, structure, purposes, and legislative history of OCSLA.[66] These same arguments were raised in our response to BOEM's request for information ("RFI") and comment in June 2025,[67] but BOEM has included several withdrawn areas in its proposed leasing schedule and offered no explanation as to why the agency is not acknowledging all presidential withdrawals.

Areas whose indefinite withdrawal President Trump has claimed to revoke—including the Beaufort and Chukchi Seas in the Arctic, the Pacific coast, and Program Area B in the Eastern Gulf—should be considered unavailable for leasing absent legislation to the contrary, as should all other OCS areas that have been subject to permanent withdrawal.

B. National Marine Sanctuaries

Given the multitude of protections in place for national marine sanctuaries, BOEM is legally obligated to remove all sanctuary areas from consideration in the 11th National OCS Program regardless of their date of designation and should impose a sufficiently protective buffer zone around sanctuaries to minimize disturbances to sanctuary resources.

1. History and Purpose of National Marine Sanctuary Designation

Protecting our oceans from the risks posed by fossil fuel development was one of the principal drivers for enacting the NMSA, the statute authorizing the creation of national marine sanctuaries, more than fifty years ago. After years of legislative debate, Congress enacted the NMSA in response to public outcry over the catastrophic 1969 Santa Barbara oil spill, during which three million gallons of crude oil spewed into the Santa Barbara Channel, "blackening popular beaches and killing thousands of seabirds and countless fish and marine mammals."[68] With national attention on this destructive spill, the aim of creating a system of marine sanctuaries went beyond simply "*preventing* something, such as oil drilling," to also include "*proactive protection* of important areas."[69] Consistent with this purpose, the NMSA directs that national marine sanctuaries be managed with

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[64] Program Area B was included in President Biden's 2025 permanent withdrawal, which BOEM does not recognize. *See id.* at 3-4; *Pacific Gulf Atlantic Withdrawal (January 6, 2025)*, U.S. DEP'T OF INTERIOR, doi.gov/media/pacific-gulf-atlantic-withdraw-map. This withdrawal serves as an independent basis for the exclusion of Program Area B.

[65] Exec. Order No. 13795, Implementing an America-First Offshore Energy Strategy, 82 Fed. Reg. at 20816; Exec. Order No. 14154, Unleashing American Energy, 90 Fed. Reg. at 8354.

[66] *League of Conservation Voters v. Trump*, 363 F. Supp. 3d. 1013 (D. Alaska 2019), *dismissed as moot*, *League of Conservation Voters v. Biden*, 843 F. App'x 937, 939 (9th Cir. 2021); *see also* Exec. Order No. 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, 86 Fed. Reg 7037, 7039 (Jan. 25, 2021) (restoring prior Section 12(a) withdrawals).

[67] RFI Comments, *supra* note 9, at 5.

[68] ELIZABETH MOORE, NAT'L OCEANIC & ATMOSPHERIC ADMIN. (NOAA), TIME AND TIDE: A HISTORY OF THE NATIONAL MARINE SANCTUARY SYSTEM, at 14–17 (2022), nmssanctuaries.blob.core.windows.net/sanctuaries-prod/media/docs/2022-time-and-tide-a-history-of-the-national-marine-sanctuary-system.pdf.

[69] *Id.* at 17.

the "primary objective of resource protection,"[70] rendering harmful activities—like oil and gas exploration, development, and extraction—which threaten those significant ecological, cultural, or historical resources fundamentally incompatible with the purpose of national marine sanctuaries themselves.

Since the passage of the NMSA in 1972, there has been a longstanding, bipartisan tradition[71] of designating national marine sanctuaries to protect and manage marine environments of "special national significance."[72] Eighteen national marine sanctuaries have been designated over the past five decades, spanning more than 629,000 square miles of ocean and Great Lakes waters from the Hawai'ian islands to Cape Cod.[73] In addition to protecting cultural and historical resources, these sanctuaries help to conserve a diverse array of marine environments and wildlife, including many threatened and endangered species.

2. Oil and Gas Activities Are Prohibited Within National Marine Sanctuaries

A variety of statutes and regulations prohibit oil and gas exploration, development, and production within national marine sanctuaries because of the risk of harm to sanctuary resources. As such, all national marine sanctuary areas must be eliminated from consideration in the 11th National OCS Program, regardless of their date of enactment or expansion.

a. Earlier-Designated Sanctuaries on the OCS Have Been Specifically Withdrawn Under OCLSA Section 12(a)

For nearly 30 years, there has been bipartisan recognition that national marine sanctuaries are incompatible with oil and gas leasing. In 1998, President Clinton indefinitely withdrew all OCS areas designated as marine sanctuaries as of that time.[74] This withdrawal was reaffirmed and updated by President George W. Bush in July 2008.[75] As BOEM recognized in the DPP, any national marine sanctuary area designated prior to July 14, 2008, has thus been withdrawn from leasing disposition.[76]

b. Later-Designated Sanctuaries Are Subject to Sanctuary-Specific Regulations

Sanctuaries designated after July 14, 2008, are governed by sanctuary-specific rules and regulations that "may restrict or prohibit certain activities within the sanctuary, such as leasing, exploration,

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[70] 16 U.S.C. § 1431(b)(6); *see also id.* § 1431(a)(4) (stating the policy of Congress to establish national marine sanctuaries 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" designated areas).

[71] *See, e.g.*, *The National Marine Sanctuary Legacy of President George H.W. Bush*, NOAA (Dec. 2018), sanctuaries.noaa.gov/news/dec18/national-marine-sanctuary-legacy-president-george-hw-bush.html; *Presidents and Parks: The Untold Story of the Ocean Legacy of the Nation's Leaders*, NAT'L OCEANIC & ATMOSPHERIC ADMIN. (Nov. 2021), sanctuaries.noaa.gov/50/presidents-and-parks.html.

[72] 16 U.S.C. § 1431(b).

[73] *National Marine Sanctuaries*, NOAA, sanctuaries.noaa.gov/ (last visited Jan. 21, 2026). This number does not include the two sanctuaries, the Key Largo National Marine Sanctuary ("NMS") and the Looe Key NMS, that were subsumed by the Florida Keys NMS in 1990. *See* 15 C.F.R. § 922.160, *et seq.*

[74] Clinton Withdrawal, 34 WEEKLY COMP. PRES. DOC. 1111.

[75] Memorandum on Modification of the Withdrawal of Areas of the United States Outer Continental Shelf from Leasing Disposition, 44 WEEKLY COMP. PRES. DOC. 986 (July 14, 2008).

[76] DPP, *supra* note 1, at 3-4.

and/or production of oil and gas resources."[77] Indeed, prohibitive and restrictive regulations—including bans on new oil and gas leasing—exist for *every* sanctuary in an OCS planning area proposed for leasing in the DPP, as do a host of other statutory and regulatory protections that limit oil and gas activities within and near sanctuaries.

For example, each of California's five national marine sanctuaries expressly prohibits new oil and gas exploration, development, and production throughout the entirety of their designated areas.[78] These prohibitions reflect determinations from the National Oceanic and Atmospheric Administration ("NOAA") and Congress that "[o]il and gas development in the marine environment has historically posed *significant* risks to marine resources, as evidenced by the magnitude of the impacts of some offshore oil spills"[79] and the potential for "long-term adverse impacts from chronic pollution by hydrocarbons and drill muds and other disturbance of sensitive habitat."[80] In Cordell Bank NMS and Monterey Bay NMS, oil and gas exploration, development, and production prohibitions are established directly by statute, reflecting Congress's determination that oil and gas activities are incompatible with the protection of sanctuary resources, in addition to being implemented through their sanctuary-specific regulations.[81]

Consistent with these determinations, California's national marine sanctuaries also prohibit a range of activities incidental to oil and gas exploration, production, and/or development within sanctuaries, including drilling into, dredging, or otherwise altering the submerged lands of a sanctuary, or constructing or placing any structure, material, or other matter on or in the submerged lands of a sanctuary for new oil and gas leases.[82] These restrictions are designed to prevent both direct physical harm to benthic resources and indirect impacts that could injure sanctuary resources. Despite these clear restrictions, BOEM has not clearly committed to excluding the sanctuary areas designated after the 2008 withdrawal: the expanded areas of Cordell Banks National Marine Sanctuary (NMS), Greater Farallones NMS, Monterey Bay NMS, and Flower Garden Banks NMS, and all of Chumash Heritage NMS.

c. NMSA Section 306 Prohibits Harmful Activities Within a Sanctuary

Oil and gas activities are inherently harmful to sanctuary resources, which is why they are forbidden by the statutory text and implementing regulations of the NMSA—a statute designed specifically to protect marine areas of national significance. These multiple prohibitions on leasing within sanctuaries counsel removing all sanctuary areas from consideration in the 11th National OCS Program.

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[77] DPP, *supra* note 1, at 3-4.
[78] 15 C.F.R. §§ 922.72(a)(1) (Channel Islands NMS), 922.232(a)(1) (Chumash Heritage NMS), 922.132 (Monterey Bay NMS), 922.112(a)(1) (Cordell Bank NMS), 922.82(a)(1) (Greater Farallones NMS).
[79] 80 Fed. Reg. at 13101 (emphasis added).
[80] The Channel Islands National Marine Sanctuary, 45 Fed. Reg. 65198, 65200–01 (Oct. 2, 1980) (Final Rule).
[81] H.R.J. Res. 281, 101st Cong., Pub. L. 101-74, §2 (Aug. 9, 1989) (joint resolution prohibiting "the exploration for, or the development or production of, oil, gas, or minerals in any area of the" Cordell Bank NMS); Oceans Act of 1992, Pub. L. 102-587, § 2203, 106 Stat. 5039, 5048 (Nov. 4, 1992) (prohibiting "any leasing, exploration, development, or production of oil or gas" within the Monterey Bay NMS); *see also* 15 C.F.R. §§ 922.132 (Monterey Bay NMS regulatory prohibition), 922.112(a)(1) (Cordell Bank NMS regulatory prohibition).
[82] 15 C.F.R. §§ 922.72(a)(4) (Channel Islands NMS), 922.232(a)(3) (Chumash Heritage NMS), 922.132(a)(4) (Monterey Bay NMS), 922.112(a)(4) (Cordell Bank NMS), 922.82(a)(5) (Greater Farallones NMS).

Under section 306 of the NMSA, it is illegal to "destroy, cause the loss of, or injure any sanctuary resource managed under law or regulations for that sanctuary."[83] NOAA has repeatedly recognized that this provision "imposes a strict liability standard."[84]

Sanctuary resources encompass "any living or nonliving resource of a national marine sanctuary that contributes to the conservation, recreational, ecological, historical, educational, cultural, archeological, scientific, or aesthetic value of the sanctuary."[85] These resources may include, but are not limited to,

> waters of the sanctuary, the seabed or submerged lands of the sanctuary, other submerged features and the surrounding seabed, carbonate rock, corals and other bottom formations, coralline algae and other marine plants and algae, marine invertebrates, brine-seep biota, phytoplankton, zooplankton, fish, birds, sea turtles and other marine reptiles, marine mammals, and maritime heritage, cultural, archaeological, and historical resources.[86]

Injury to such resources occurs when "a chemical, biological or physical attribute, or the viability, of a sanctuary resource" is "change[d] adversely, either in the short or long term."[87]

Prohibited injury to sanctuary resources would almost certainly occur if BOEM were to allow oil and gas exploration and development within national marine sanctuaries, including those areas added after the 2008 withdrawal.

The resources of the Californian sanctuaries, for example, clearly include wildlife and the marine environment,[88] given that each was designated to advance the conservation of biodiversity. And, as NOAA has repeatedly recognized, oil and gas leasing within—or even near—sanctuaries only risks the injury, loss, and destruction of these nationally significant resources. Sanctuary designations and expansions on the OCS issued after the July 2008 withdrawal illustrate this clearly:

- **Monterey Bay NMS** was expanded in November 2008 to include the Davidson Seamount, which is home to a diverse community of deep-water organisms including large forests of fragile long-lived corals, vast sponge fields, and deep-sea fishes, crabs, and shrimp.[89] At the ocean's surface, the Davidson Seamount area provides habitat for a variety of sea birds,

[83] 16 U.S.C. § 1436(1).
[84] *Patrick Roy Harper*, No. NW1902615, 2021 WL 5865676, at *7 (NOAA Nov. 30, 2021) (quoting *James S. Mattson*, 4 O.R.W. 202, 212 (NOAA 1985)); *see also Billy G. Midgett*, 7 O.R.W. 148, 151–52 (NOAA 1993); *Heaton M. Armstrong*, 7 O.R.W. 274, 278 (NOAA 1993) ("Whether or not the Respondent intended to disturb marine mammals is not the issue in this case, as the Act imposes 'strict liability' upon those who cause damage to a marine sanctuary.").
[85] 16 U.S.C. § 1432(8).
[86] 15 C.F.R. § 922.11 (defining "sanctuary resource").
[87] *Id.* (defining "injure" and "injury").
[88] *See, e.g.*, *Harper*, 2021 WL 5865676, at *8 (recognizing that eelgrass is a sanctuary resource of Greater Farallones NMS).
[89] Gulf of the Farallones National Marine Sanctuary Regulations; Monterey Bay National Marine Sanctuary Regulations; and Cordell Bank National Marine Sanctuary Regulations, 73 Fed. Reg. 70488, 70492–94 (Nov. 20, 2008) (Final Rule).

marine mammals, and pelagic fishes.[90] Oil and gas exploitation threaten the quality of these habitats.[91]

- NOAA doubled the size of the **Greater Farallones NMS** in 2015 to better protect "the globally significant coastal upwelling center originating off of Point Arena, which is the source of nutrient-rich upwelled waters that flow into [the sanctuary] . . . via wind-driven currents."[92] This area supports a "rich marine food web" made up of many species of algae, invertebrates, fish, birds, and marine mammals, including endangered blue whales, salmon, harbor seals, and the largest assemblage of breeding seabirds in the contiguous United States.[93] NOAA has taken care to provide "additional protection" to the valuable natural resources of the upwelling zone by banning oil and gas exploration, discharges of harmful matter, and alteration of the submerged lands sanctuary-wide.[94] Oil and gas activities, including pipelines, were explicitly prohibited due to the "significant risks" that oil and gas development have historically posed to marine resources, including the risk of offshore oil spills.[95]
- **Chumash Heritage NMS** was designated in 2024 to protect, among other important qualities, the area's unique environment that hosts significant biodiversity in sea birds, marine mammals, invertebrates, and fishes—including threatened or endangered species like blue whales, snowy plovers, black abalone, and leatherback sea turtles.[96] Prior offshore spills in the designated area have caused "significant environmental harm."[97] Any future oil and gas development not only poses the risk of future harmful spills but would also disturb the seafloor and benthic species.[98]

Any oil and gas exploration, development, or production activities that destroy, cause the loss of, or injure sanctuary resources would violate section 306 of the NMSA and subject the responsible party to liability for damages. Given the well-documented risks of offshore oil and gas activities—including seafloor disturbance, chronic pollution, vessel impacts, acoustic disturbance, and the potential for catastrophic oil spills—such activities pose a substantial likelihood of injuring sanctuary resources. As a result, oil and gas leasing and development are inherently incompatible with the NMSA's resource-protection mandate and are unlawful.

d. Oil and Gas Exploration, Production, and Development Cannot Qualify for Special Use Permits

Section 310 of the NMSA allows for the issuance of special use permits for a national marine sanctuary "only if [the permitted] activity is compatible with the purposes for which the sanctuary is

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[90] *Id.* at 70494.
[91] *Monterey Bay 2015 Condition Report Partial Update - State of Sanctuary Resources: Seamount Environment*, NOAA (2015), sanctuaries.noaa.gov/science/condition/monterey-bay-2015/davidson-seamount.html ("Various existing and potential threats to Davidson Seamount's habitat quality include: . . . oil and gas exploitation.").
[92] Expansion of Gulf of the Farallones and Cordell Bank National Marine Sanctuaries, and Regulatory Changes, 80 Fed. Reg. 13078, 13079 (Mar. 12, 2015) (Final Rule).
[93] *Id.*
[94] *Id.* at 13090.
[95] *Id.* at 13101.
[96] Chumash Heritage National Marine Sanctuary, 89 Fed. Reg. 83554, 83554–55 (Oct. 16, 2024) (Final Rule).
[97] *Id.* at 83565.
[98] *See id.*

designated and with protection of sanctuary resources."[99] Oil and gas leasing clearly would not meet either standard, which is why such activities tend to be expressly prohibited in national marine sanctuaries.[100]

Valid sanctuary purposes must, at minimum, include protecting the special qualities, living marine resources, or resource or human use values that make a sanctuary nationally significant and thus worthy of designation[101]—like the vast sponge fields in Monterey Bay NMS or the globally significant coastal upwelling center in Greater Farallones NMS. Offshore drilling does nothing to advance their conservation and instead only threatens these resources. Individual oil and gas leases risk certain harm from the construction and operation of a well and create the possibility of catastrophic spills, chronic pollution, or the disturbance of important habitat.[102] It is difficult, therefore, to imagine how any valid sanctuary purpose would not be adversely affected by—and thus incompatible with—oil and gas development.

Nor would oil and gas leasing be compatible with the protection of sanctuary resources, which are defined as any resource that contributes to the conservation, recreational, ecological, historical, educational, cultural, archeological, scientific, or aesthetic value of the sanctuary.[103] These may include habitat for imperiled wildlife, biodiversity hotspots, significant historic sites, popular recreational areas, scenic views, or Indigenous use and heritage.[104] An activity that risks catastrophic damage to the surrounding area and does *nothing* to advance resource conservation—such as oil and gas development—is inherently adverse to protecting such resources, especially where those resources are sensitive to oil and gas impacts. The importance of ensuring that marine sanctuaries remain unmarred by offshore drilling and seismic blasting is only heightened by the ecological sensitivity of many sanctuaries.

NOAA's Office of National Marine Sanctuaries ("ONMS") may issue permits for otherwise prohibited activities only where sanctuary regulations expressly authorize permitting for those activities. Where regulations categorically prohibit an activity and expressly exclude it from the Director's permitting authority, NOAA lacks discretion to authorize that activity through permits or other administrative mechanisms. The regulations governing Cordell Bank, Greater Farallones, and Chumash Heritage NMS do precisely this with respect to oil and gas activities.

In Cordell Banks NMS, regulations prohibit oil and gas exploration, development, and production,[105] and the sanctuary's permit procedures authorize permits only for prohibited activities other than oil and gas, thereby affirmatively withholding permitting discretion.[106] Greater Farallones NMS applies the same framework, prohibiting oil and gas activities,[107] and excluding those activities from the scope of the Director's permitting authority.[108] Chumash Heritage NMS likewise prohibits oil and gas

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[99] *See* 16 U.S.C. §§ 1441(c)(1), 1433(a)(3).
[100] *See, e.g.*, 89 Fed. Reg. at 83582 ("[T]he regulations do not allow NOAA to approve any permit or otherwise authorize certain incompatible activities, such as new oil, gas or mineral development, . . . within the sanctuary.").
[101] See 16 U.S.C. § 1433(a)(2).
[102] 45 Fed. Reg. at 65200–01.
[103] 16 U.S.C. § 1432(8).
[104] *Id.*
[105] 15 C.F.R. § 922.112(a)(1).
[106] *See id.* § 922.113(a).
[107] S*ee id.* § 922.82(a)(1).
[108] *See id.* § 922.83(a).

exploration, development, and production,[109] and its permit procedures do not authorize ONMS to permit or authorize oil and gas activities.[110] The sanctuary regulations for Monterey Bay NMS do the same.[111] In short, there is little question that NOAA cannot authorize special use permits for oil and gas leasing any national marine sanctuary areas in California.

3. Oil and Gas Activities Are More Heavily Restricted, and Thus Ill-Advised, Within the Vicinity of Sanctuaries

Simply prohibiting oil and gas leasing within a sanctuary is not enough to protect its resources, as impacts from oil and gas exploration, production, and development outside a sanctuary can quickly and easily spread far beyond individual lease sites, and related activities, like the transport of oil, can also cause widespread harm.

To protect sanctuary resources, BOEM should carve out a restricted "buffer zone" around sanctuaries, akin to the agency's "100-mile coastal buffer off the coast of Florida."[112] Any sanctuary buffer should be sufficiently wide enough to eliminate the risk of foreseeable harm to sanctuary resources from any new oil or gas leases.

a. Discharges that Injure Sanctuary Resources Are Expressly Prohibited by the NMSA and its Implementing Regulations

Individual sanctuary regulations supplement the NMSA section 306 prohibition on injuring sanctuary resources[113] by prohibiting the discharge of oil, gas, and other materials that enter a sanctuary and injure a sanctuary resource or quality, even if the source of the pollution is not located within the sanctuary itself.[114] Individual oil and gas leases risk certain harm from the construction and operation of a well and create the possibility of catastrophic spills, chronic pollution, or the disturbance of important habitat. Removing OCS areas within the vicinity of national marine sanctuaries would not only protect sanctuary resources from these harmful discharges but also help to ensure lessee's compliance with (and thus avoidance of liability for violating) these harmful discharge prohibitions.

b. BOEM May Be Responsible for the Mitigation of Damage from Oil and Gas Activities Regardless of Whether Activities Occur Within or Adjacent to Sanctuary Boundaries

BOEM may be liable for the costly mitigation of damage to sanctuary resources from offshore oil and gas leases if the agency fails to adopt *all* alternative means of limiting risk to sanctuary resources suggested by NOAA, including alternative siting of leases.

Section 304(d) of the NMSA mandates that federal agency actions that are "likely to destroy, cause the loss of, or injure any sanctuary resource," are subject to consultation with NOAA, regardless of whether they are "internal or external to a national marine sanctuary."[115] Actions subject to this

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[109] *See id.* § 922.232(a)(1).
[110] *See id.* §§ 922.232(f), 922.233(a).
[111] *See id.* §§ 922.132(a)(1), (f).
[112] DPP, *supra* note 1, at 5 n.2.
[113] 16 U.S.C. § 1436(1).
[114] 15 C.F.R. §§ 922.72(a)(3)(ii) (Channel Islands NMS), 922.232(a)(2)(iii) (Chumash Heritage NMS), 922.132(a)(2)(iii) (Monterey Bay NMS), 15 CFR 922.112(a)(2)(iii) (Cordell Bank NMS), 922.82(a)(4) (Greater Farallones NMS), 922.122(a)(3)(ii) (Flower Garden Banks NMS).
[115] 16 U.S.C. § 1434(d)(1)(A).

requirement may include private activities authorized by licenses, leases, or permits—like oil and gas leases on the OCS.[116]

If NOAA finds that such harm is indeed likely, then they must recommend "reasonable and prudent alternatives" that "protect sanctuary resources," such as conducting the action elsewhere.[117] Agency heads must then consult with NOAA on the alternatives.[118] If the action agency chooses to forgo adopting those recommendations, they must provide NOAA with a written statement explaining the reasons for that decision.[119] If that failure to adopt NOAA's alternatives results in the destruction of, loss of, or injury to a sanctuary resource, the agency is required to "*promptly* prevent and mitigate further damage and restore or replace the sanctuary resource" in a manner approved by NOAA.[120]

Offering oil and gas leases in or near national marine sanctuaries has a high potential to destroy, cause the loss of, or injure sanctuary resources like fragile habitats and vulnerable wildlife. Individual oil and gas leases not only risk certain harm from the construction and operation of a well but also create the possibility of catastrophic spills, chronic pollution, or the disturbance of important habitat. Impacts to sanctuary resources—and thus NMSA consultation requirements and subsequent potential agency liability for failing to adopt alternatives—can be limited by excluding all national marine sanctuaries from the 11th National OCS Program, as well as by delineating a sufficiently wide buffer zone around sanctuary outer limits.

c. BOEM Cannot Issue Leases, Easements, or Rights-of-Way for Oil and Gas Support Activities in Sanctuaries

While BOEM may issue leases, easements, and rights-of-way for oil and gas support activities under OCSLA section 8(p), it may not do so within national marine sanctuaries.[121] And even where leases, easements, or rights-of-way would not bisect national marine sanctuaries, OCSLA requires operations to be carried out in a manner that provides for the protection of the environment, safety, and consideration of fisheries.[122] Oil and gas leases located too close to a NMS may accordingly face additional regulatory obstacles that inhibit critical support activities, making oil and gas exploration, production, and development more costly, time-consuming, and resource-intensive.

II. THE SECTION 18 OCSLA FACTORS WEIGH HEAVILY AGAINST OIL AND GAS LEASING AND EXPLORATION IN THE PACFIC, EASTERN GULF & ARCTIC AREAS

A. BOEM Must Adequately Consider Each Section 18 Factor

BOEM must adequately consider all eight section 18(a)(2) factors—among them, the laws, goals, and policies of affected states; geographical, geological, and ecological characteristics; competing uses of the sea and seabed; and relative environmental sensitivity and marine productivity—in determining the size, timing, and location of oil and gas leasing activity in its 11th National OCS

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[116] *Id*.
[117] *Id*. § 1434(d)(2).
[118] *Id*. § 1434(d)(3).
[119] *Id*.
[120] *Id*. § 1434(d)(4) (emphasis added).
[121] 43 U.S.C. § 1337(p)(1), (10) ("This subsection does not apply to any area on the outer Continental Shelf within the exterior boundaries of any unit of the National Park System, National Wildlife Refuge System, or *National Marine Sanctuary System*, or any National Monument." (emphasis added)). Transportation excludes shipping. *Id*. at § 1337(p)(1).
[122] *Id*. § 1337(p)(4)(A), (B), (J).

Program.[123] Sufficient consideration of each factor is fundamental to fulfilling OCSLA's mandates, including the section 18(a)(3) requirement that BOEM develop its leasing program "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."[124] Indeed, failure to do so has led to court orders invalidating past programs.[125] Our attached and enclosed RFI comments presented a detailed analysis under section 18 demonstrating why BOEM should not authorize leases in the California Planning Areas, and we build on that discussion for those areas, as well as the Arctic Planning Areas and Program Area B below.

B. Laws, Goals, and Policies of Affected States

In developing the 11th National OCS Program, BOEM must consider the "laws, goals, and policies of affected States which have been specifically identified by the Governors of such States as relevant matters for the Secretary's consideration."[126] The administrative record demonstrates that affected states have repeatedly and unequivocally asserted that such laws, goals, and policies weigh against opening the California, Arctic, and Eastern Gulf Planning Areas to new oil and gas leasing.

Across California, Alaska, and Florida, elected officials, state agencies, and coastal communities have consistently opposed offshore oil and gas development because it conflicts with enforceable state coastal management programs, statutory prohibitions on offshore drilling, and long-standing public trust and wildlife protection mandates. Offshore leasing and associated infrastructure threaten tourism and recreation, commercial and recreational fisheries, subsistence uses, and coastal habitat protections, particularly where spill risk, increased vessel traffic, and industrialization would undermine state coastal protection frameworks and wildlife recovery efforts for sensitive coastal and marine species, including sea turtles, marine mammals, and seabirds.[127]

Together, the state laws, coastal management policies, and protections identified by the states are not merely expressions of preference, but enforceable legal frameworks that BOEM is required to account for under OCSLA section 18. As reflected in the administrative record, they form a consistent basis for state opposition to offshore oil and gas leasing and therefore weigh decisively against new leasing in the Protected OCS Areas that would affect California, Alaska, and Florida's coastal uses and resources.

1. California's Laws, Goals, and Policies

a. Historical Opposition to California Leasing

California has long urged that its coastline be excluded from OCS leasing programs, and BOEM has likewise long acknowledged that the positions of affected states, particularly California, play a central role in offshore leasing decisions. Over time, California's opposition has been conveyed through formal gubernatorial requests, state agency submissions, multi-state coalition letters, and coordinated objections from local governments and Tribes along the California coast. That sustained and unified opposition has helped shape federal offshore leasing policy, contributing to

[123] *See id*. § 1344(a)(2).
[124] *Id*. § 1344(a)(3).
[125] *See, e.g.*, *California v. Watt*, 668 F.2d 1290, 1313–15 (D.C. Cir. 1981) (vacating a five-year program for failure to properly consider Section 18(a)(2) factors in determining the timing and location of leasing activity).
[126] 43 U.S.C. § 1344(a)(2).
[127] *See, e.g.*, CAL. PUB. RES. CODE § 30000 et seq. (California Coastal Act); OR. REV. STAT. § 274.712 (2023); WASH. REV. CODE § 90.58.160; FLA. CONST. art. II, § 7(c).

congressional appropriations moratoria and presidential withdrawals that restricted offshore leasing in the Pacific OCS for extended periods.

Beginning in the 1980s, Congress enacted annual appropriations riders prohibiting the expenditure of funds for offshore oil and gas leasing in large portions of the Pacific OCS, citing spill risk, environmental sensitivity, and strong opposition from coastal states and communities.[128] Presidents likewise exercised their authority under OCSLA section 12(a) to withdraw areas of the Pacific OCS from leasing disposition, relying on similar concerns regarding environmental vulnerability and incompatibility with state coastal protection policies.[129] As a result and notably, no federal oil and gas lease sales have been held in the Pacific Region since 1984; further, the Pacific Region has not been included in any approved OCS Leasing Program since the 1987–1992 Program.

Consistent with this long-standing pattern of federal recognition of Pacific coast concerns and deference to state-led opposition, the development of both the 9th and 10th National OCS Programs further demonstrates BOEM's practice of excluding the West Coast Planning Areas. During development of the 9th National OCS Program, the governors of California, Oregon, and Washington each formally requested exclusion of their offshore waters from oil and gas leasing.[130] BOEM responded by excluding all West Coast Planning Areas from the 2017–2022 DPP, finding that such exclusion was "consistent with the long-standing interests of Pacific coast states," including avoiding conflicts with fisheries, marine mammal habitat, military uses, and state coastal protection laws.[131]

Opposition intensified during the 10th National OCS Program. In response to BOEM's 2017 RFI, the governors of California, Oregon, and Washington again "strongly oppose[d] any new leasing off their coasts."[132] State attorneys general, coastal commissions, and natural resource agencies submitted detailed comments emphasizing spill risk, incompatibility with state coastal management programs, and conflicts with fisheries, tourism, and marine sanctuaries.[133] After receiving overwhelming opposition and more than two million public comments nationwide, BOEM ultimately excluded all Pacific Region lease sales when preparation resumed under the subsequent administration.[134]

b. 11th National OCS Program Record

That same unified West Coast opposition is squarely before BOEM in the record for the 11th National OCS Program. California has reiterated its opposition through a letter from Governor Gavin Newsom

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[128] *See, e.g.*, Department of Interior and Related Agencies Appropriations Act, Pub. L. No. 101-121, § 112, 103 Stat. 701, 720 (1989) (prohibiting the use of appropriated funds for offshore oil and gas leasing in specified Pacific OCS planning areas), govinfo.gov/content/pkg/STATUTE-103/pdf/STATUTE-103-Pg701.pdf; Department of Interior and Related Agencies Appropriations Act, 1996, Pub. L. No. 104-134, § 111, 110 Stat. 1321-200, 1321-205 (1996), congress.gov/104/plaws/publ134/PLAW-104publ134.pdf.

[129] Fact Sheet: President Biden Protects Atlantic and Pacific Coasts from Offshore Oil and Gas Drilling (Jan. 6, 2025) THE WHITE HOUSE, bidenwhitehouse.archives.gov/briefing-room/statements-releases/2025/01/06/fact-sheet-president-biden-protects-atlantic-and-pacific-coasts-from-offshore-oil-and-gas-drilling/.

[130] BOEM, 2017–2022 OUTER CONTINENTAL SHELF OIL AND GAS LEASING DRAFT PROPOSED PROGRAM, at S-3 (2015), boem.gov/oil-gas-energy/leasing/2017-2022-dpp.

[131] *Id.* at S-3, S-10.

[132] *See* BOEM, 2019–2024 NATIONAL OCS OIL AND GAS LEASING DRAFT PROPOSED PROGRAM 9-2 (2018) [hereinafter 2019–2024 OIL & GAS DPP], boem.gov/oil-gas-energy/national-program/np-draft-proposed-program-2019-2024.

[133] BOEM, 2023–2028 NATIONAL OCS OIL AND GAS LEASING PROPOSED PROGRAM 1 (2022) [hereinafter 2023–2028 OIL & GAS PP], boem.gov/oil-gas-energy/national-program/2023-2028-proposed-program.

[134] *Id.* at 4-5.

along with submissions from other elected officials and state agencies citing the state's statutory prohibition on new offshore drilling, the legacy of catastrophic spills (including Santa Barbara and Refugio), conflicts with fisheries and tourism, and incompatibility with state climate and coastal protection laws.[135] A letter from the Central Coast Caucus reflects broad legislative opposition spanning multiple coastal regions and districts, underscoring that resistance to offshore drilling in California extends beyond the executive branch and is shared by state legislators representing communities most directly affected.[136] In addition to state executive and agency opposition, the administrative record and public input include recent local government resolutions opposing expanded offshore oil and gas drilling. For example, the City Council of Solana Beach, California, adopted a resolution in December 2025 opposing new offshore oil and gas drilling and supporting legislation to oppose the federal offshore drilling proposal.[137] In response to prior National OCS Programs, at least 65 California cities and counties have taken similar action opposing expanded offshore leasing off the Pacific coast.[138] These municipal actions further demonstrate the strength and breadth of local opposition to offshore oil and gas development. Finally, gubernatorial, state agency, and public opposition is reinforced by a multistate coalition that includes the Attorneys General of California, Oregon, and Washington, urging BOEM to exclude the entire Pacific Region based on environmental sensitivity, spill history, state law prohibitions, and conflicts with fisheries and coastal economies.[139]

Notably, in the DPP, BOEM excluded Oregon and Washington from leasing consideration while continuing to include California, notwithstanding the extensive and well-documented record of state, Tribal, and local opposition in California, as well as comparable conflicts with state law. It is wrong for BOEM to arbitrarily single out California when the Pacific region as a whole is opposed to offshore oil and gas leasing, and when California's marine ecosystems are no less important, sensitive, or diverse. BOEM should exclude California from the 11th National OCS Program, thereby ensuring consistent application of its own policies across the Pacific OCS.

c. California State Marine and Coastal Wildlife Protections

California law embeds anti-drilling and coastal resource protections into its coastal zone management framework and related enforceable policies. California's Coastal Act establishes statewide coastal resource and marine environment policies implemented through Local Coastal Programs and state permitting review.[140] California also prohibits new state leases or conveyances authorizing new construction of oil-and-gas-related infrastructure on tidelands and submerged lands associated with post-2018 Pacific OCS leases.[141]

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[135] *See* Letter from Gov. Gavin Newsom (Cal.) to BOEM (June 16, 2025); *see also* Letter from Cal. Legislative Cent. Coast Caucus to Doug Burgum, Sec'y of Interior (Nov. 24, 2025), a30.asmdc.org/sites/a30.asmdc.org/files/2025-11/CCC-Offshore-Drilling-Letter.pdf (urging exclusion of California from offshore leasing based on spill history, risks to coastal economies, and disproportionate impacts to tourism and fisheries).

[136] *See* Letter from Cal. Legislative Cent. Coast Caucus to Doug Burgum, Sec'y of Interior (Nov. 24, 2025)

[137] City Council of Solana Beach, Cal., Resol. No. 2025-129 (Dec. 10, 2025), andrehobbs.com/blog/Solana-Beach-approves-resolution-against-offshore-drilling

[138] *See generally* Env't Def. Ctr., California Cities and Counties Opposing Expanded Offshore Oil and Gas Drilling (compiling resolutions and formal actions by California local governments opposing offshore drilling), environmentaldefensecenter.org/programs_press_type/parent-room/65-california-cities-counties-oppose-trumps-offshore-drilling-plan/?utm_source=chatgpt.com.

[139] *See* Letter from Att'ys Gen. of Cal., Or., & Wash. et al. to BOEM (June 16, 2025).

[140] CAL. PUB. RES. CODE §§ 30000–30900.

[141] CAL. PUB. RES. CODE § 6245(a).

2. Alaska's Laws, Goals, and Policies

a. Historical Debate Over Offshore Leasing

Offshore oil and gas leasing in the Alaska OCS Region has been the subject of sustained and contested debate, reflected across multiple National OCS Programs and administrative records. Although historically, Alaska governors, some Tribal Communities, and select elected officials have supported oil and gas development in the Arctic, including the Beaufort and Chukchi Seas,[142] offshore leasing in the Beaufort and Chukchi Seas has consistently generated heightened concern due to the unique environmental, subsistence, and logistical challenges of Arctic conditions. As a result, opposition to offshore oil and gas leasing in these Arctic planning areas has been a persistent feature of prior National OCS Programs, expressed by Arctic coastal communities, select Alaska municipal and regional governments, and Tribal governments.

The unique environmental, subsistence, and operational risks of offshore development in Arctic waters have repeatedly shaped both federal action and stakeholder opposition in Alaska. In recognition of the unique sensitivity of the Arctic environment, Presidents Obama and Biden permanently exercised their authority under OCSLA section 12(a) to withdraw the Beaufort and Chukchi Sea Planning Areas, along with the North Aleutian Basin Planning Area and portions of the Norton Basin, Hope Basin, St. Matthew Hall, and Navarin Planning Areas designated as the Northern Bering Sea Climate Resilience Area.[143] These withdrawals reflect historic concerns that offshore Arctic development poses risks distinct from and greater than those associated with offshore leasing in other OCS regions.

This longstanding debate was reflected during development of the 10th National OCS Program. In response to BOEM's RFI and draft analyses, BOEM received extensive comments from Alaska municipal and regional officials, Tribes, and environmental organizations expressing concern and emphasizing the inadequacy of spill prevention and response capabilities under Arctic conditions, risks to subsistence resources, and the heightened environmental and logistical challenges associated with offshore Arctic development.[144] BOEM ultimately declined to schedule any lease sales in the Alaska OCS Region in the 10th Program, recognizing that offshore oil and gas development in Arctic conditions poses greater environmental and subsistence risks than in any other OCS region.[145] In its analysis, BOEM found that the cumulative effects of oil and gas leasing "would be expected to be higher [in Alaska] than in any other OCS region due to ongoing stressors, projections of future climate change, and a greater number of potential impacts[.]"[146]

b. 11th National OCS Program Record

Similar debate is squarely reflected in the administrative record for the 11th National OCS Program. During the RFI phase, BOEM received extensive comments from Alaska local governments, certain

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[142] 2019–2024 OIL & GAS DPP, *supra* note 132, at 9-5.
[143] 2016 Arctic Withdrawal, 2016 DAILY COMP. PRES. DOC. 860; 2023 Arctic Withdrawal, 2023 DAILY COMP. PRES. DOC. 192.
[144] *See* 2019–2024 OIL & GAS DPP, *supra* note 132, at app. A (summary of comments).
[145] BOEM, 2024–2029 NATIONAL OCS OIL AND GAS LEASING PROPOSED FINAL PROGRAM 9-7 (2023) [hereinafter 2024–2029 OIL & GAS PFP], boem.gov/oil-gas-energy/leasing/2024-2029-national-ocs-program-pfp.
[146] BOEM, 2024–2029 NATIONAL OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROGRAM FINAL PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT, at vi (2023) [hereinafter 2024–2029 OIL & GAS PROGRAM FEIS], boem.gov/oil-gas-energy/leasing/2024-2029-national-ocs-oil-gas-leasing-final-peis-vol1 (incorporated by reference into the final leasing program).

members of Congress, regional leadership, and Arctic coastal communities opposing offshore oil and gas leasing in the Alaska OCS Region, particularly in the Beaufort Sea, Chukchi Sea, and High Arctic Planning Areas.[147] In a November 2025 joint statement, Senators Lisa Murkowski and Dan Sullivan expressed support for oil and gas development in Cook Inlet but urged Interior to "consult with and fully understand the perspectives of Alaskans to understand why development in some of our waters—especially the offshore Arctic and the Bering Strait—should not be in the final version of this [11th] five-year plan."[148] This statement underscores the continued and unresolved debate surrounding offshore leasing in Alaska's Arctic waters.

Local government and community comments further emphasized that offshore Arctic leasing threatens subsistence practices and wildlife protection. In their comments, local Alaskan elected officials urged BOEM to exclude the Beaufort Sea, Chukchi Sea, and High Arctic from the leasing program, emphasizing that Arctic coastal communities rely on adjacent marine waters for subsistence, including marine mammals, fish, and waterfowl, and that offshore development would overlap with subsistence use areas and migratory pathways, creating risks from spills, industrial noise, vessel traffic, and habitat disturbance that could displace wildlife beyond the reach of subsistence users and undermine food security and cultural continuity.[149] As the Mayor of the North Slope Borough explained, "[a]t this time, the Borough strongly opposes any new OCS leasing in the three Arctic Ocean Planning Areas (i.e., the Beaufort Sea, Chukchi Sea, and High Arctic), while remaining cautiously supportive of nearshore development in State of Alaska waters."[150] Similarly, in her letter to BOEM, the Mayor of Utqiagvik urged BOEM to exclude the Beaufort Sea, Chukchi Sea, and High Arctic from the leasing program noting that "[o]ffshore development in the Arctic OCS poses grave risks that outweigh any potential benefits and undermines decades of local governance and cultural continuity."[151]

Comments further document that spill prevention and response capabilities remain fundamentally inadequate under Arctic conditions, particularly in the Beaufort Sea, Chukchi Seas and High Arctic Planning Areas due to sea ice, extreme cold, prolonged darkness, unpredictable currents, ice scouring, and remoteness, including the absence of road access, ports, staging areas, and nearby Coast Guard assets.[152] Comments to Congress likewise distinguished between responsibly managed onshore and nearshore development and offshore Arctic development, which they characterized as technologically uncertain and environmentally high-risk.[153] Similar opposition was

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[147] For the first time in the history of the National OCS Program, BOEM included a High Arctic Planning Area in its proposed 11th program, which heightens environmental, subsistence, international law, and operational concerns raised by Alaska stakeholders.

[148] Press Release, Sen. Lisa Murkowski & Sen. Dan Sullivan, Murkowski, Sullivan react to Oil and Gas Program (Nov. 21, 2026), murkowski.senate.gov/press/release/murkowski-sullivan-react-to-proposed-offshore-oil-and-gas-program.

[149] *See, e.g.*, Letter from Mayor of Utqiagvik to BOEM (June 16, 2025); *see also* Letter from Mayor of Atqasuk to BOEM (June 16, 2025) ("urg[ing] BOEM to exclude Beaufort Sea, Chukchi Sea, and High Arctic planning areas…from the leasing program.").

[150] Letter from Mayor of North Slope to BOEM (June 16, 2025).

[151] Letter from Mayor of Utqiagvik to BOEM (June 16, 2025).

[152] *See* Letter from Mayor of Atqasuk to BOEM (June 16, 2025).

[153] *See* Letter from Voice of the Arctic Iñupiat to BOEM (March 26, 2025) ("[O]ur region has historically opposed offshore development in the Beaufort and Chukchi Seas of the Arctic Ocean. North Slope Iñupiaq culture is intimately tied to the Arctic Ocean and relies on marine mammals for sustenance and the preservation and continuation of our cultural traditions. The unpredictability of ice movement due to currents in our area of the Arctic Ocean, decisions surrounding offshore development must be approached.").

raised during the 10th National OCS Program,[154] and these concerns remain unresolved in the administrative record for the 11th National OCS Program.

c. Alaska State Marine and Coastal Wildlife Protections

In Alaska, coastal communities and local and regional governments have emphasized that offshore Arctic leasing risks subsistence resources, wildlife migration pathways, and marine ecosystems under conditions where spill prevention and response are uniquely constrained, concerns that intersect with Alaska's long-standing constitutional and statutory commitments to stewardship of fish and wildlife resources and sustained yield management.[155]

3. Florida's Laws, Goals, and Policies

a. Historical Opposition to Eastern Gulf Leasing

Florida's opposition to offshore oil and gas development is equally well established and rests not only on the state's unique coastline, tourism-driven economy, fisheries, and globally significant wildlife resources but also on military use conflicts.

During development of the 10th National OCS Program, BOEM received formal opposition from various Florida state agencies, including the Department of Environmental Protection, Fish and Wildlife Conservation Commission, Department of Agriculture and Consumer Services, and Florida Defense Task Force, objecting to offshore drilling in federal waters adjacent to the state.[156] Florida's then Governor, Rick Scott, met with then Secretary of Interior, Ryan Zinke, to lodge his opposition to offshore drilling off the coast of Florida.[157] BOEM acknowledged these objections as relevant under OCSLA section 18 and ultimately excluded Florida from proposed lease sales.[158] Florida's opposition has been bipartisan and continuous, contributing to the establishment and repeated extension of a federal moratorium on offshore leasing off Florida's coasts.

b. 11th National OCS Program Record

Florida's longstanding opposition is reaffirmed in the 11th National OCS Program record. On December 4, 2025, Florida's entire congressional delegation submitted a bipartisan letter opposing any expansion of offshore oil and gas development and objecting to BOEM's proposed "South-Central Gulf of America" planning area.[159]

The delegation emphasized that offshore drilling threatens Florida's beaches, tourism economy, fisheries, and wildlife, while recreating the very spill risks that devastated the state following *Deepwater Horizon*.[160] The letter further underscores that Florida's coastal economy depends on the continued protection of its shoreline and marine ecosystems, not short-term oil and gas development. Florida's congressional delegation also raised concerns that offshore oil and gas development would conflict with military operations, noting that the proposed South-Central Gulf of

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[154] *See* 2019–2024 OIL & GAS DPP, *supra* note 132, at app. A.
[155] *See, e.g.*, Alaska Const. art. VIII, §§ 2–4.
[156] 2023–2028 OIL & GAS PP, *supra* note 133, at A 9-10.
[157] *See* Letter from Florida Department of Environmental Protection to BOEM (Feb. 8, 2018).
[158] 2024–2029 OIL & GAS PFP, *supra* note 145, at A-6.
[159] *See* Letter from Sens. Rick Scott & Ashley Moody and Members of the Fla. Cong. Delegation to President Donald J. Trump (Dec. 4, 2025) ("[W]e urge you to uphold your existing moratorium and keep Florida's coasts off the table for oil and gas leasing.").
[160] *Id*.

America planning area overlaps with the Gulf Test Range, a core military testing and training complex essential to national security and mission readiness.

c. Florida State Marine and Coastal Wildlife Protections

Florida's coastal protection policies include a constitutional prohibition on drilling for exploration or extraction of oil or natural gas beneath state waters (with a limited transportation carve-out), reflecting Florida's stated policy to conserve and protect natural resources and scenic beauty, core interests directly implicated by federal leasing decisions that could affect Florida's coastal uses and resources.[161]

C. Geographical, Geological, and Ecological Characteristics

BOEM must consider "existing information concerning the geographical, geological, and ecological characteristics" of each OCS region when developing its five-year program and deciding what OCS areas to lease for oil and gas development.[162] Our RFI comments detailed the innumerable and invaluable environmental resources of the Pacific Planning Areas, and we incorporate those comments herein. We also outline below the additional environmental resources of the Arctic Region and Program Area B in the Eastern Gulf of Mexico. BOEM itself has repeatedly acknowledged in current and previous oil and gas leasing programs the outstanding ecological diversity of these collective regions, which are home to countless marine mammals, fishes, invertebrates, sea turtles, and birds, many of which are endangered or threatened, as well as important benthic habitats.[163] The attached maps showcase many of these unique features.[164]

As explained below, a robust analysis of this factor by BOEM would show that the environmental value of these resources is too great to justify new leasing in the California, Arctic, and Eastern Gulf Planning Areas. We therefore urge the agency to protect these areas from any oil and gas leasing.

1. Geographical, Geological, and Ecological Characteristics of the Pacific

As mentioned above, our RFI comments detailed the significant geographical, geological, and ecological characteristics of the Pacific Region, including the three California Planning Areas.[165] Just two years ago, BOEM found in its final oil and gas leasing program and associated National Environmental Policy Act ("NEPA") analysis that these areas contained enough environmental resources and sensitivity to weigh against considering them for oil and gas leasing.[166] BOEM cannot ignore that the same is true today. Even its cursory environmental analysis in the DPP highlights the "remarkably diverse" benthic habitats, "productive fisheries," "large and diverse marine mammal assemblage, and abundant seabird populations" found in the California Planning Areas.[167] If BOEM were to conduct a proper assessment of the environmental resources in this region, it would find that this factor weighs heavily against opening the California coast to any new oil and gas leasing for the first time in decades.

Despite their exceptional diversity, the Pacific ecosystems are just as imperiled. BOEM recognizes that chronic pollution is an ongoing issue and is intensified by ocean acidification, hypoxia, and

[161] FLA. CONST. art. II, § 7(a), (c).
[162] 43 U.S.C. § 1344(a)(2)(A).
[163] *See*, *e.g.*, 2024–2029 OIL & GAS PROGRAM FEIS, *supra* note 146, at 72–118.
[164] *See* Appendices A–C.
[165] RFI Comments, *supra* note 9, at 19–21.
[166] *See generally* 2024–2029 OIL & GAS PROGRAM FEIS, *supra* note 146.
[167] DPP, *supra* note 1, at 9-19, 9-24.

ocean warming.[168] In the past decade, the Pacific Region has experienced several marine heatwaves that resulted in mass mortalities of seabirds and marine mammals, as well as drastic declines in forage fish for higher trophic levels.[169] As BOEM is aware, these events have led to regime shifts and prevented the recovery of a number of imperiled species, highlighting the vulnerability of these ecosystems to stressors.[170]

We highlight our deep concern for two species found in the California Planning Areas: the ESA-threatened southern sea otter and the ESA-endangered leatherback sea turtle. Historically, southern sea otters ranged from Baja California to southern Oregon, but they were driven nearly to extinction by the maritime fur trade of the 18th and 19th centuries.[171] Today, the subspecies occupies nearshore waters from San Mateo County to Santa Barbara County, California.[172] While the population has been showing an upward trend since the 1930s,[173] this growth has stalled over recent years,[174] and the population's current range covers merely 13 percent of its historical range.[175] Southern sea otters remain more than 80 percent depleted from historical abundance levels.[176] Without continued northward or southward expansion of the southern sea otter range, the subspecies will not recover.[177]

Anthropogenic and natural threats continue to threaten the existence of this small population. Warming temperatures threaten the kelp forest habitat that sea otters rely upon and help maintain. In northern California, a sustained marine heatwave from 2013–2016 caused greater than 90 percent

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[168] *Id.* at 9-25.
[169] *Id.* at 9-19.
[170] *Id.* at 9-26.
[171] Don E. Wilson et al., *Geographic Variation in Sea Otters, Enhydra lutris*, 72 J. MAMMALOGY 22, 22 (1991), doi.org/10.2307/1381977.
[172] U.S. FISH & WILDLIFE SERV. (USFWS), SOUTHERN SEA OTTER STOCK ASSESSMENT REPORT (2021) [hereinafter SOUTHERN SEA OTTER STOCK ASSESSMENT REPORT], fws.gov/media/southern-sea-otter-stock-assessment-report.
[173] BRIAN B. HATFIELD ET AL., CALIFORNIA SEA OTTER (ENHYDRA LUTRIS NEREIS) CENSUS RESULTS, SPRING 2019 (NO. 1118), at 6 fig.2, U.S. GEOLOGICAL SURV. (2019), doi.org/10.3133/ds1118.
[174] *See id.*; SOUTHERN SEA OTTER STOCK ASSESSMENT REPORT, *supra* note 172, at 2; Terri E. Nicholson et al., *Gaps in Kelp Cover May Threaten the Recovery of California Sea Otters*, 41 ECOGRAPHY 1751, 1751–62 (2018), doi.org/10.1111/ecog.03561; Melissa A. Miller et al., *Predators, Disease, and Environmental Change in the Nearshore Ecosystem: Mortality in Southern Sea Otters (Enhydra lutris nereis) from 1998–2012*, 7 FRONTIERS MARINE SCI. 582 (2020), doi.org/10.3389/fmars.2020.00582; Randall W. Davis et al., *Future Directions in Sea Otter Research and Management*, 5 FRONTIERS MARINE SCI. 510 (2019), doi.org/10.3389/fmars.2018.00510; Leah R. Gerber et al., *Mortality Sensitivity in Life-Stage Simulation Analysis: A Case Study of Southern Sea Otters*, 14 ECOLOGICAL APPLICATIONS 1554, 1554–65 (2004), doi.org/10.1890/03-5006 (noting slow population recovery of southern sea otters compared to other recovering populations); Kevin D. Lafferty & M. Tim Tinker, *Sea Otters Are Recolonizing Southern California in Fits and Starts*, 5 ECOSPHERE 1, 1–11 (2014), doi.org/10.1890/ES13-00394.1
[175] Leilani Konrad et al., *Southern Sea Otter Rehabilitation: Lessons and Impacts from the Monterey Bay Aquarium*, J. ZOOLOGICAL & BOTANICAL GARDENS 641, 642 (2022), doi.org/10.3390/jzbg3040047; *see also* Nicholson et al., *supra* note 174; Miller et al., *supra* note 174.
[176] Sarah L. Becker et al., *Environmental Factors May Drive the Post-Release Movements of Surrogate-reared Sea Otters*, 7 FRONTIERS MARINE SCI. 539904 (2020), doi.org/10.3389/fmars.2020.539904.
[177] M. TIM TINKER ET AL., SOUTHERN SEA OTTER (*ENHYDRA LUTRIS NEREIS*) POPULATION BIOLOGY AT BIG SUR AND MONTEREY, CALIFORNIA: INVESTIGATING THE CONSEQUENCES OF RESOURCE ABUNDANCE AND ANTHROPOGENIC STRESSORS FOR SEA OTTER RECOVERY, U.S. GEOLOGICAL SURV. REP. 2019-1022 (2019), doi.org/10.3133/ofr20191022; M. Tim Tinker et al., *Habitat Features Predict Carrying Capacity of a Recovering Marine Carnivore*, 85 J. WILDLIFE MGMT. 303, 303–23 (2021), doi.org/10.1002/jwmg.21985.

declines of bull kelp canopy along 220 miles of coastline.[178] Warming is also exacerbating the impacts of pathogens and harmful organisms, which thrive in elevated water temperatures.[179] Severe precipitation events, which have become more common due to climate change, increase the transmission of land borne pathogens like *Toxoplasma gondii* into marine environments where they can infect sea otters.[180] Ocean acidification also interferes with the development of calcium shells in organisms important for sea otter foraging.[181]

The 2003 Recovery Plan considers a catastrophic oil spill to be *the* existential threat facing southern sea otters.[182] As described below (*see infra* Section II.D.1), sea otters are among the marine mammals most vulnerable to oil spills. Simulations have shown that an oil spill off California's central coast would have a catastrophic impact on southern sea otters.[183] Even a relatively small area of impact could result in the majority of the southern sea otter's range being oiled, which, given its small geographic footprint, could decimate the population.[184] Opening the California coast to new oil and gas leasing for the first time in decades directly contradicts the leading recovery approach for the southern sea otter population, which is "decreasing the likelihood of a major oil spill event within the sea otter's range."[185] BOEM must consider this reality in its section 18 analysis.

Our groups are also deeply concerned about Western Pacific leatherback sea turtles, which migrate nearly 7,000-miles across the Pacific Ocean every year to forage on jellyfish aggregations along the California coast. The region's strong upwellings create the most valuable foraging habitat for leatherbacks in the entire North Pacific.[186] Leatherbacks are listed as endangered under the ESA, and

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[178] Laura Rogers-Bennett & Cynthia Catton, *Marine Heat Wave and Multiple Stressors Tip Bull Kelp Forest to Sea Urchin Barrens*, 9 SC. REPORTS 15050 (2019), doi.org/10.1038/s41598-019-51114-y.

[179] Letícia M. Cavole et al., *Biological Impacts of the 2013–2015 Warm-Water Anomaly in the Northeast Pacific: Winners, Losers, and the Future*, 29 OCEANOGRAPHY 273, 273–85 (2016), doi.org/10.5670/oceanog.2016.32.

[180] Elizabeth VanWormer et al., *Coastal Development and Precipitation Drive Pathogen Flow from Land to Sea: Evidence from a Toxoplasma gondii and Felid Host System*, 6 SCI. REPS. 29252 (2016), doi.org/10.1038/srep29252.

[181] Kristy J. Kroeker et al., *The Role of Temperature in Determining Species' Vulnerability to Ocean Acidification: A Case Study Using Mytilus galloprovincialis*, 9 PLOS ONE e100353 (2014), doi.org/10.1371/journal.pone.0100353.

[182] USFWS, FINAL REVISED RECOVERY PLAN FOR THE SOUTHERN SEA OTTER (*ENHYDRA LUTRIS NEREIS*) (2003) [hereinafter SOUTHERN SEA OTTER RECOVERY PLAN], govinfo.gov/content/pkg/GOVPUB-I49-PURL-LPS78466/pdf/GOVPUB-I49-PURL-LPS78466.pdf.

[183] Emily Ann Golson, Predicting Oil Spill Impacts on Southern Sea Otters (*Enhydra lutris nereis*): Application of a Mechanistic Movement Model (Summer 2014) (Master's Thesis, San José State Univ.), scholarworks.sjsu.edu/etd_theses/4464/.

[184] *See infra* Figure 1 (showing the proximity of major oil spills in Southern California to sea otter habitat). Furthermore, avoiding oil and gas leasing in California's five National Marine Sanctuaries, as required by law and discussed above, would further concentrate the activity within the southern sea otter's range.

[185] SOUTHERN SEA OTTER RECOVERY PLAN, *supra* note 182, at vi.

[186] Scott R. Benson et al., *Abundance, Distribution, and Habitat of Leatherback Turtles (Dermochelys coriacea) Off California, 1990–2003*, 105 FISHERY BULL. 337, 337–47 (2007), spo.nmfs.noaa.gov/sites/default/files/pdf-content/2007/1053/benson.pdf; Heather S. Harris et al., *Comparative Health Assessment of Western Pacific Leatherback Turtles (Dermochelys coriacea) Foraging Off the Coast of California, 2005–2007*, 47 J. WILDLIFE DISEASES 321, 321–37 (2011), doi.org/10.7589/0090-3558-47.2.321; Tanya R. Graham et al., *The Acoustic Identification and Enumeration of Scyphozoan Jellyfish, Prey for Leatherback Sea Turtles (Dermochelys coriacea), Off Central California*, 67 ICES J. MARINE SCI. 1739, 1739–48 (2010), doi.org/10.1093/icesjms/fsq112.

critical habitat is designated off California, Oregon, and Washington in key foraging sites for the population.[187] The Western Pacific population is particularly imperiled, having declined by more than 80 percent over the last few decades.[188] Although this population is not officially recognized as a distinct population segment ("DPS") under the ESA because of its endangered status across all potential DPSs, the National Marine Fisheries Service ("NMFS") has concluded that it fits the criteria for a DPS, meaning that the Western Pacific population "is biologically significant to the species" as a whole, and an extirpation would result in a significant range loss for leatherbacks.[189] Our RFI comments detailed the myriad ways sea turtles can be harmed by oil spills and other impacts from oil and gas development. Therefore, protecting foraging leatherback sea turtles off California waters from these risks is of critical importance for the survival and recovery of the species.

2. Geographical, Geological, and Ecological Characteristics of the Arctic

Our groups are extremely concerned about the prospect of oil and gas drilling in the Arctic Region. BOEM has repeatedly recognized the ecological value and vulnerability of this region by removing it from leasing consideration in past OCS programs.[190] As discussed above, acknowledging the unique sensitivity of the Arctic environment, Presidents Obama and Biden permanently protected the Beaufort and Chukchi Sea Planning Areas from oil and gas leasing under OCSLA section 12(a).[191] These findings have not changed, and it is inappropriate for BOEM to now reverse course and pursue risky oil and gas leasing in these regions. The DPP's cursory analysis dramatically understates the true significance of the geographical, geological, and ecological characteristics of the Arctic region. The agency must instead fully consider this factor against all other Section 18 factors. If it does, it will conclude that the ecological value of the Arctic is not worth the risk of oil and gas drilling, as it has done in past programs.

The Arctic Region encompasses a rich ecosystem that is unlike any other marine ecosystem on the planet, hosting an incredible diversity of unique marine life.[192] According to Conservation of Arctic Flora and Fauna, the broader Arctic marine ecosystem supports over 5,000 animal species, from charismatic and endemic walruses and polar bears to lesser known amphipods and other invertebrates.[193] Some of the largest seabird colonies in the world are found in the Arctic.[194] The region's ecology is also extremely vulnerable, as most species are highly seasonal and specialized.[195] For example, the timing and duration of sea ice determines when, where, and for how long species

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[187] Endangered and Threatened Species: Final Rule to Revise the Critical Habitat Designation for the Endangered Leatherback Sea Turtle, 77 Fed. Reg. 4170 (Jan. 26, 2012).

[188] Scott R. Benson et al., *A Long-term Decline in the Abundance of Endangered Leatherback Turtles, Dermochelys Coriacea, at a Foraging Ground in the California Current Ecosystem*, 24 GLOB. ECOLOGY & CONSERVATION e01371 (2020), doi.org/10.1016/j.gecco.2020.e01371.

[189] Endangered and Threatened Wildlife; 12-Month Finding on a Petition to Identify the Northwest Atlantic Leatherback Turtle as a Distinct Population Segment and List it as Threatened Under the Endangered Species Act, 85 Fed. Reg. 48332 (Aug. 10, 2020).

[190] *See*, *e.g.*, BOEM, 2017–2022 OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROPOSED FINAL PROGRAM, at S-7 (2016), boem.gov/oil-gas-energy/leasing/2017-2022-ocs-oil-and-gas-leasing-pfp (calling the Arctic OCS Region "unique" and "sensitive").

[191] 2023 Arctic Withdrawal, 2023 DAILY COMP. PRES. DOC. 192; 2016 Arctic Withdrawal, 2016 DAILY COMP. PRES. DOC. 860.

[192] CONSERVATION OF ARCTIC FLORA & FAUNA (CAFF), STATE OF THE ARCTIC MARINE BIODIVERSITY REPORT 20–21 (2017), arcticbiodiversity.is/marine.

[193] *Id.* at 21.

[194] *Id.*

[195] *Id.*

can feed, reproduce, and migrate,[196] a fact that the DPP itself recognizes.[197] In particular, certain areas within the Chukchi and Beaufort Planning Areas contribute disproportionately to Arctic biodiversity and health.[198]

The coastal waters adjacent to the Arctic Region are characterized by highly productive estuaries, deltas, lagoons, and barrier islands that provide essential resting, feeding, and breeding sites for fish, birds, and marine mammals across multiple seasons. These areas contain globally significant habitat for migratory birds, bowhead whales, seals, and polar bears, earning multiple state designations as environmentally significant areas due to their ecological importance.

The DPP correctly acknowledges the marked sensitivity of the Arctic Region and the stressors it is already experiencing, such as declining sea ice coverage and thickness, which are altering the sea ice season and resulting in more frequent storms and coastal erosion.[199] By 2050, the Arctic Ocean is projected to be essentially ice-free during some parts of the year.[200] Landfast ice along the coast of the Beaufort and Chukchi Seas has been forming later and receding earlier by approximately one week per decade since the 1970s.[201] Warming water temperatures and loss of sea ice are fundamentally changing the behavior, condition, survival, and interactions of Arctic marine mammals.[202] Ocean acidification is also an ongoing issue in this region, as the Arctic is acidifying faster than other parts of the global ocean.[203] These changes are driving shifts in the abundance and composition of Arctic species, further demonstrating the fragility of the region.[204]

There are eight threatened and endangered species that occur in the Arctic Region, including two birds (spectacled and Steller's eiders), two pinnipeds (bearded and ringed seals), three whales (bowhead, humpback, and fin whales), and polar bears. Critical habitat is designated in the Arctic Region for bearded and ringed seals, polar bears, and spectacled eiders.[205]

Of particular concern is the threatened polar bear, an icon of the Arctic Region and a bellwether for climate change and environmental stressors throughout the ecosystem. The Southern Beaufort Sea and Chukchi/Bering Seas populations, whose ranges overlap in the Arctic Region Planning Areas, are either declining or unknown due to data deficiencies, and polar bears in these populations remain profoundly at risk from sea ice loss because of climate change. As sea ice thins and retreats farther

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[196] *Id*.
[197] DPP, *supra* note 1, at 9-4 ("Sea ice is a critical element of the Arctic climate system.").
[198] Issue Brief, A Look at Important Marine Areas in the U.S. Beaufort and Chukchi Seas: Ecologically Rich Places to Protect in the Arctic Ocean, PEW CHARITABLE TRUSTS (June 1, 2016), pew.org/en/research-and-analysis/issue-briefs/2016/05/a-look-at-important-marine-areas-in-the-us-beaufort-and-chukchi-seas.
[199] DPP, *supra* note 1, at 9-4.
[200] Sarah R. Cooley et al., *Oceans and Coastal Ecosystems and Their Services*, *in* CLIMATE CHANGE 2022: IMPACTS, ADAPTATION AND VULNERABILITY. CONTRIBUTION OF WORKING GROUP II TO THE SIXTH ASSESSMENT REPORT OF THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE 379–550 (H.-O. Pörtner et al. eds., 2022).
[201] Andrew R. Mahoney et al., *Landfast Sea Ice Extent in the Chukchi and Beaufort Seas: The Annual Cycle and Decadal Variability*, 103 COLD REGIONS SCI. & TECH. 41, 41–56 (2014), doi.org/10.1016/j.coldregions.2014.03.003.
[202] Kit M. Kovacs et al., *Impacts of Changing Sea-Ice Conditions on Arctic Marine Mammals*, 41 MARINE BIODIVERSITY 181, 181–94 (2011), doi.org/10.1007/s12526-010-0061-0; Paul Wassmann et al., *Footprints of Climate Change in the Arctic Marine Ecosystem*, 17 GLOB. CHANGE BIOLOGY 1235, 1235–49 (2011), doi.org/10.1111/j.1365-2486.2010.02311.x.
[203] DPP, *supra* note 1, at 9-7.
[204] *Id.* at 9-9.
[205] *See* Appendix B.

north, polar bears suffer from both habitat loss and habitat fragmentation as more of their ice habitat in the Beaufort Sea becomes open water in the summer.[206] With high or moderate greenhouse gas emissions, polar bear survival will be severely impacted, with minimal persistence of subpopulations by 2100.[207]

Polar bears' recovery is further hindered by oil and gas development, as they are highly sensitive to oil and gas activity and particularly vulnerable to oil spills and other related pollution events (*see infra* Section II.D.1). Alarmingly, all of the Chukchi and Beaufort Planning Areas are encompassed by polar bear critical habitat.[208] When designating this critical habitat, USFWS plainly stated that certain impacts from oil and gas development "could render areas containing the identified physical and biological features unsuitable for use by polar bears, effectively negating the conservation value of these features."[209] The cumulative effects of both onshore and offshore oil and gas development on the polar bear would be significant, especially given the Trump Administration's renewed push to open terrestrial polar bear habitat in both the Arctic National Wildlife Refuge and the National Petroleum Reserve-Alaska to oil and gas leasing.[210] Any oil and gas development in the Arctic Region or elsewhere is therefore entirely incompatible with the polar bear's future, which hinges on a clean Arctic and the stabilization of greenhouse gas emissions by the middle of this century.

The waters of the Arctic Region provide essential habitats for many other marine mammals, supporting their feeding, breeding, resting, and migration. These productive waters, shaped by the dynamics of sea ice and associated plankton blooms, support a wide range of species. There are 15 marine mammal species that inhabit the Arctic Region, including five pinnipeds (Pacific walrus and bearded, ringed, spotted, and ribbon seals), four toothed whales (harbor porpoises and narwhals, beluga, and killer whales), five baleen whales (bowhead, gray, fin, minke, and humpback whales), and polar bears.[211] As discussed above, seven of these species are listed under the ESA, with critical habitat designated for polar bears and bearded and ringed seals.

In spring and early summer, the 50-mile Chukchi Corridor supports the migration of countless belugas, bowhead whales, walruses, and seals that migrate north from the Bering Strait to the Chukchi and Beaufort seas.[212] This area serves as an important feeding and reproductive area for gray whales in summer and fall. Hanna Shoals in the Chukchi Sea is an important foraging ground for gray

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[206] Anthony M. Pagano et al., *Effects of Sea Ice Decline and Summer Land Use on Polar Bear Home Range Size in the Beaufort Sea*, 12 ECOSPHERE e03768 (2021), doi.org/10.1002/ecs2.3768; Patrick C. Taylor et al., *Arctic Changes and Their Effects on Alaska and the Rest of the United States*, *in* CLIMATE SCIENCE SPECIAL REPORT: FOURTH NATIONAL CLIMATE ASSESSMENT: VOL. I 303–332 (U.S. Glob. Change Rsch. Program, Donald J. Wuebbles et al. eds. 2017).

[207] Péter K. Molnár et al., *Fasting Season Length Sets Temporal Limits for Global Polar Bear Persistence*, 10 NATURE CLIMATE CHANGE 732, 732–38 (2020), doi.org/10.1038/s41558-020-0818-9.

[208] *Id*.

[209] Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Polar Bear (Ursus maritimus) in the United States, 75 Fed. Reg. 76086, 76116 (Dec. 7, 2010).

[210] Adam Federman, *Trump Preparing to Reopen Alaska Wildlife Refuge for Oil Drilling*, POLITICO (Oct. 17, 2025), politico.com/news/2025/10/17/trump-preparing-to-reopen-alaska-wildlife-refuge-for-oil-drilling-00612938. In addition to BLM's 2025 leasing program to effectuate the lease sales required by the 2017 Tax Act in the Arctic Refuge, Public Law 119-21 includes additional requirements for another four lease sales not later than 2035, with a minimum of 400,000 acres offered per sale. The same bill requires BLM to hold at least five lease sales in the National Petroleum Reserve-Alaska (NPRA) over the same decade, with a minimum of 4 million acres offered per sale.

[211] Numbers compiled by internal analysis at AWI.

[212] PEW CHARITABLE TRUSTS, *supra* note 198.

whales, as well as for walruses, seals, and bowhead whales.[213] The Beaufort Shelf Break also supports high concentrations of beluga whales during their migration to the Canadian Beaufort Sea.[214]

Of particular concern is the Eastern North Pacific ("ENP") gray whale population, which we highlighted in our RFI comments due to the population's use of the coasts off California, Oregon, and Washington,[215] and whose summer feeding habitat spans the Chukchi and Beaufort Seas. Recent estimates show that the ENP population has plummeted by about 50 percent since 2016, putting the population at its lowest level since the early 1970s when gray whales were listed under the ESA. Calf production is also at its lowest level ever reported, and strandings have once again increased in Mexico and along the U.S. West Coast. According to scientists, this precipitous decline is primarily a consequence of ocean warming in the Arctic, which is causing an ecological paradigm shift and diminishing gray whale food supplies.[216] Given this population's pronounced vulnerability, BOEM must consider the potential for increased stressors from oil and gas activity in both the Pacific and Alaska regions, which would further threaten this population.

Finally, a significant amount of coastal land has been protected by the federal government adjacent to the Arctic Region, namely the Arctic and Alaska Maritime NWRs, which together protect approximately 230 miles of coastline with important wildlife habitat.[217] These areas provide critical protections for sensitive wildlife and educational and recreational opportunities for the public, which would be significantly harmed by oil and gas development and the risk of oil spills in the Arctic environment.

3. Geographical, Geological, and Ecological Characteristics of the Eastern Gulf

Our groups are deeply concerned about BOEM's proposal to conduct oil and gas leasing in the Eastern Gulf Planning Area. Although BOEM is only considering including part of the Planning Area, Program Area B, the environmental resources of the entire Eastern Gulf are at risk, as oil spills and other adverse impacts will not be confined to Program Area B.

The Eastern Gulf Planning Area is ecologically unique and diverse, containing distinctive geographic and geological features, including the Destin Dome, DeSoto Canyon, Lloyd Ridge, and Florida Middle Grounds reef.[218] The entire Gulf sits within a bowl, which is partitioned by rivers that flow into a semi-enclosed subtropical sea.[219] In addition to river inputs, water flows into the Eastern Gulf through permeable sediments and sedimentary rock associated with karst limestone platforms of the Florida platform via seepage and spring flow. These seepages—as well as the Loop Current, which sheds some of the largest mesoscale eddies in the world into the Gulf and exits through the Florida Straits to become the Gulf Stream—contribute to the transport of nutrients, salts, and water of different temperatures, creating inimitable marine habitats.[220] BOEM itself recognizes that the Eastern Gulf,

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[213] *Id*.
[214] *Id*.
[215] RFI Comments, *supra* note 9, at 20–21.
[216] Joshua D. Stewart et al., *What Gray Whales Are Telling Us About Ecosystem Change in the Pacific Arctic*, 82 ICES J. MARINE SCI. fsaf196 (2025), doi.org/10.1093/icesjms/fsaf196.
[217] Numbers compiled by internal analysis at Defenders of Wildlife and AWI.
[218] BOEM, *Eastern Planning Area Drilling Windows*, boem.gov/sites/default/files/regulations/Notices-To-Lessees/2014/Eastern-Gulf-of-Mexico-Drilling-Windows.pdf (last visited Jan. 12, 2026).
[219] Larry D. McKinney et al., *The Gulf of Mexico: An Overview*, 43 OCEANOGRAPHY 30, 35 (2021), doi.org/10.5670/oceanog.2021.115.
[220] *Id*. at 35–36.

particularly Florida's offshore waters, are home to major commercial fisheries (second only to Louisiana in income generated and value added from commercial markets) and a multiple-billion-dollar-per-annum recreational fishery, due to the features of the region.[221]

The area's productivity is equaled only by its biodiversity.[222] The area hosts a diverse set of ecosystems, including vast open water, coral reefs, mangroves, barrier islands, wetlands, oyster beds, and deepwater seeps.[223] The Florida Keys Reef Tract, which begins in Dry Tortugas National Park and ends in Biscayne National Park, contains six sectors, four of which are entirely or partially located in the Eastern Gulf Planning Area.[224] This tract is the most extensive living coral reef system in North America.[225] Nearshore environments in the Eastern Gulf Planning Area include hard bottoms which support dozens of species of sea fans, stony coral, invertebrates, and fishes, in addition to sandflats, tidal flats, mudflats, seagrass beds and beaches. One of the largest contiguous seagrass beds in the United States, known as the Big Bend seagrass bed, borders the Eastern Gulf Planning Area between the mouth of the Suwanee River and the mouth of the Apalachicola River along Florida's Gulf coast.[226] These beds stabilize the sea bottom, help to maintain water clarity,[227] and provide nurseries, food, and shelter for manatees, turtles, and numerous fish and shellfish species.[228]

Like the Arctic and Pacific, the Eastern Gulf is facing mounting pressures from human impacts. For example, ocean warming is altering species distributions and enabling the introduction of harmful invasive species, a fact that the DPP itself recognizes.[229] Ocean acidification also threatens the ability of corals, shellfish, and other calcifying organisms to build and maintain their skeletons and shells.[230]

There are 38 threatened and endangered marine and coastal species in the Eastern Gulf Planning Area, including six fishes/elasmobranchs (giant manta ray, Gulf sturgeon, Nassau grouper, smalltooth sawfish, and oceanic whitetip and scalloped hammerhead sharks), six marine mammals (West Indian manatee and blue, fin, sei, sperm, and Rice's whales), six reptiles (American crocodile and green, leatherback, loggerhead, hawksbill, and Kemp's ridley sea turtles), seven birds (*Rufa* red knot, roseate tern, wood stork, black-capped petrel, piping plover, whooping crane, and Cape Sable seaside sparrow), seven coral species (boulder star, elkhorn, lobed star, mountainous star, pillar, rough cactus, and staghorn corals), five terrestrial mammals (Florida salt marsh vole and Alabama, Choctawhatchee, Perdido Key, and St. Andrews beach mice), and the queen conch. Critical habitat is designated within the Eastern Gulf Planning Area for the Gulf sturgeon, smalltooth sawfish, loggerhead sea turtle, and six corals (boulder star, elkhorn, lobed star, mountainous star, rough

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[221] DPP, *supra* note 1, at 8-31 to 8-32.
[222] McKinney et al. (2021), *supra* note 219.
[223] 2019–2024 OIL & GAS DPP, *supra* note 132, at 7-21.
[224] *Map of the Florida Keys Reef Tract*, U.S. GEOLOGICAL SURV. usgs.gov/media/images/map-florida-keys-reef-tract (last visited Jan. 12, 2026).
[225] *Florida Keys National Marine Sanctuary: Habitats*, NOAA, floridakeys.noaa.gov/blueprint/habitats.html (last visited Jan. 12, 2026).
[226] LAURA A. YARBRO & PAUL R. CARLSON, JR., SEAGRASS INTEGRATED MAPPING AND MONITORING PROGRAM MAPPING AND MONITORING REPORT NO. 2, at 1, FLA. FWC FISH & WILDLIFE RSCH. INST. (2016) doi.org/10.13140/RG.2.2.12366.05445.
[227] NOAA, *Florida Keys National Marine Sanctuary: Habitats*, *supra* note 225.
[228] Robert J. Orth et al., *A Global Crisis for Seagrass Ecosystems*, 56 BIOSCIENCE 987, 987–996 (2006), doi.org/10.1641/0006-3568(2006)56[987:AGCFSE]2.0.CO;2.
[229] DPP, *supra* note 1, at 9-37.
[230] *Id.*

cactus, and staghorn). Critical habitat is proposed for other species, including the green sea turtle, West Indian manatee (Florida subspecies), and Rice's whale.[231]

Of particular concern is the threatened loggerhead turtle, which is the most abundant sea turtle in the Gulf. The Peninsular Florida Recovery Unit is the largest loggerhead nesting assemblage in the Northwest Atlantic, and over 90 percent of loggerhead sea turtle nesting in the United States occurs in Florida,[232] including beaches with over 1,000 nests per county in Lee, Charlotte, Sarasota, and Manatee Counties in Southwest Florida.[233] Multiple life stages of loggerheads utilize the waters around Florida; notably, the Florida Bay provides year-round foraging areas for significant numbers of male and female adult loggerheads.[234] Critical habitat is designated for the Northwest Atlantic DPS of loggerhead turtles,[235] including areas that directly border the Eastern Gulf Planning Area. The final rule specifically defined oil and gas activity as a serious threat to loggerhead critical habitat, through oil spills, oil cleanup activities, vessel disturbance, construction and removal of platforms, light pollution, and noise pollution.[236] Loggerheads were adversely affected by exposure to *Deepwater Horizon* oil spill and response activities at the population-level scale.[237] The DPP's leasing plan therefore puts this population, which has fluctuated widely and failed to recover,[238] in a highly vulnerable position.

The marine mammals of the Eastern Gulf consist of 32 species: 16 species of whales (including the occasional North Atlantic right whale that travels around the Florida peninsula), 11 species of dolphins, and one manatee species.[239] Marine mammals in the Eastern Gulf are threatened by fisheries bycatch and entanglement, vessel strikes, noise pollution, chemical pollution, marine debris, prey depletion, and oil spills. The majority of cetacean species in the Northern Gulf were impacted by the *Deepwater Horizon* oil spill, where they experienced exposure to high

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[231] There are also 15 state-listed threatened and endangered species in the Eastern Gulf region: two fishes (key silverside and saltmarsh topminnow), 12 birds (American oystercatcher, black skimmer, least tern, little Marian's marsh wren, reddish egret, roseate spoonbill, snowy plover, white-crowned pigeon, blue and tricolored herons, and Scott's and Wakulla seaside sparrows), and one mammal (Sanibel Island rice rat). *See* FLA. ADMIN. CODE. ANN. r. 68A-27.003.

[232] NAT'L MARINE FISHERIES SERV. (NMFS), BIOLOGICAL AND CONFERENCE OPINION ON BUREAU OF OCEAN ENERGY MANAGEMENT AND BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT'S OIL AND GAS PROGRAM ACTIVITIES IN THE GULF OF AMERICA 210 (2025) [hereinafter 2025 GULF O&G BIOP], fisheries.noaa.gov/s3/2025-05/BOEM-BSEE-Gulf-of-America-Oil-and-Gas-Program-BiOp-5.20.25.pdf.

[233] FL. FWC FISH & WILDLIFE RSCH. INST., *Statewide Nesting Beach Survey Program: Loggerhead Nesting Data, 2020-2024* (May 12, 2025), myfwc.com/media/zynbnzs3/loggerheadnestingdata5years.pdf.

[234] NMFS, LOGGERHEAD SEA TURTLE (*CARETTA CARETTA*) 2009 STATUS REVIEW UNDER THE U.S. ENDANGERED SPECIES ACT 11 (2009), repository.library.noaa.gov/view/noaa/16204.

[235] Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Northwest Atlantic Ocean Distinct Population Segment of the Loggerhead Sea Turtle, 79 Fed. Reg. 39756 (July 10, 2014).

[236] *Id*. at 39778, 39876, and 39884.

[237] 2025 GULF O&G BIOP, *supra* note 232, at 173.

[238] Simona A. Ceriani et al., Conservation Implications of Sea Turtle Nesting Trends: Elusive Recovery of a Globally Important Loggerhead Population, 10 ECOSPHERE e02936 (2019), doi.org/10.1002/ecs2.2936.

[239] These species include: blue, fin, sei, humpback, minke, Rice's, sperm, pygmy sperm, dwarf sperm, killer, false killer, pygmy killer, melon-headed, short-finned pilot, long-fined pilot, and North Atlantic right whales; four beaked whales; 11 dolphins; and West Indian manatee (Florida subspecies). Bernd Würsig, *Marine Mammals of the Gulf of Mexico*, *in* HABITATS AND BIOTA OF THE GULF OF MEXICO: BEFORE THE DEEPWATER HORIZON OIL SPILL 1489–1587 (C. Herb Ward ed., 2017), doi.org/10.1007/978-1-4939-3456-0_5.

concentrations of surface and sub-surface crude oil, volatile gases inhaled at the surface, and response activities including increased vessel operations, dispersant applications, and oil burns.[240]

Of particular concern is the endangered Rice's whale, a member of the Bryde's whale complex and the only resident baleen whale in the northern Gulf. Much of what we know about the species is relatively new to science. Gulf Bryde's whales were listed as endangered on April 15, 2019, and renamed as a single, distinct species on August 23, 2021.[241] The northeastern coast of the Gulf of Mexico, near Florida, has long been recognized as an essential part of the species' habitat, which also extends through the central and western Gulf. During vessel surveys conducted from 2003 to 2019, Rice's whales were primarily observed in the northeastern Gulf near the 220-meter isobath.[242] Population modeling indicates that the species relies on areas of upwellings of cold, high-salinity water along the edge of the continental slope—conditions associated with high densities of its preferred, high-energy prey.[243] Rice's whale habitat is vulnerable to a myriad of threats, including changes in temperature or river flows, marine heatwaves, pathogens, algal blooms, hurricanes, and ocean acidification.[244]

Rice's whales are estimated to be the most impacted stock of marine mammals exposed to the 2010 *Deepwater Horizon* oil spill.[245] Our RFI comments outlined the extensive damage the Rice's whale population suffered from the spill. Potential additional oil and gas activity in Rice's whale habitat is a substantial concern due to the population's low genetic diversity and very small population size, which was most recently estimated at 51 animals.[246] NMFS noted that if new leases are offered in the Eastern Gulf, Rice's whales could be exposed to increased threats associated with energy exploration and development, particularly due to sound, vessel collisions, and oil spills and responses.

Finally, a significant number of coastal lands and marine waters have been designated by the federal government in and around the Eastern Gulf Areas, including: one national seashore, one national marine sanctuary, two national estuarine research reserves, and 18 national wildlife refuges, including the only refuge established for the protection of manatees and another boasting the largest

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[240] DEEPWATER HORIZON MARINE MAMMAL INJURY QUANTIFICATION TEAM (DWH MMIQT), MODELS AND ANALYSES FOR THE QUANTIFICATION OF INJURY TO GULF OF MEXICO CETACEANS FROM THE DEEPWATER HORIZON OIL SPILL 46 (2015), fws.gov/doiddata/dwh-ar-documents/876/DWH-AR0105866.pdf.

[241] 2025 GULF O&G BIOP, *supra* note 232, at 160.

[242] BOEM, GULF OF MEXICO MARINE ASSESSMENT PROGRAM FOR PROTECTED SPECIES (GOMMAPPS): MARINE MAMMALS—VOL. 1, at 53 (2023), repository.library.noaa.gov/view/noaa/55950. Other studies confirm the whale's year-round occurrence in the Western Gulf. *E.g.*, Melissa S. Soldevilla et al., *Rice's Whale Occurrence in the Western Gulf of Mexico from Passive Acoustic Recordings*, MARINE MAMMAL SCI. 1, 1–8 (2024), doi.org/10.1111/mms.13109.

[243] Lance P. Garrison et al., *A Density Surface Model Describing the Habitat of the Critically Endangered Rice's Whale Balaenoptera ricei in the Gulf of Mexico*, 54 ENDANGERED SPECIES RSCH. 41, 41–58 (2024); Jeremy J. Kiszka et al., *Critically Endangered Rice's Whales (Balaenoptera ricei) Selectively Feed on High-Quality Prey in the Gulf of Mexico*, 13 SCI. REPS. 6710 (2023).

[244] ROBERT R. TWILLEY ET AL., CONFRONTING CLIMATE CHANGE IN THE GULF COAST REGION: PROSPECTS FOR SUSTAINING OUR ECOLOGICAL HERITAGE (Union of Concerned Scientists & Ecological Society of America, 2001), ucs.org/sites/default/files/2019-09/gulfcoastdownload.pdf; *Op cit.*, IPCC 2019.

[245] DWH MMIQT (2015), *supra* note 240, at 54–57.

[246] SEAN A. HAYES ET AL., U.S. ATLANTIC AND GULF OF MEXICO MARINE MAMMAL STOCK ASSESSMENTS 2022, at 115, NOAA TECH. MEMO. NMFS-NE-304 (2023), media.fisheries.noaa.gov/2023-08/Final-Atlantic-and-Gulf-of-Mexico-SAR.pdf.

mangrove forest in North America.[247] In addition, more than 129 areas have been designated as marine protected areas by coastal municipalities immediately adjacent to the Eastern Gulf Planning Area.

The unique and sensitive geological and ecological features of the Eastern Gulf Planning Area, including intact reef systems, sea grass beds, and critical habitat for many threatened and endangered species in the water and on the adjacent coasts, support the removal of these Planning Areas from the proposed leasing program.

D. Equitable Sharing of Developmental Benefits and Environmental Risks

OCSLA further requires BOEM to consider the "equitable sharing of developmental benefits and environmental risks among the various regions" when designing its five-year leasing program.[248] BOEM has long recognized that the equitable sharing analysis is an important and mandatory element of the OCSLA decision-making framework "in that the geographic areas bearing the greatest risks also receive higher shares of the benefits."[249] For the California, Arctic, and Eastern Gulf Planning Areas, the environmental risks of drilling, including the threat of chronic oil leaks and catastrophic discharge events, far outweigh any alleged developmental benefits. As discussed above and depicted in the attached maps,[250] the natural resources in Protected OCS Areas are immense and simply too precious to drill. And as discussed below and in our previous comments, oil and gas drilling could be catastrophic for these special ecosystems.[251] For these reasons, we strongly urge against including these protected areas of the OCS in the leasing program.

1. Risk of Catastrophic Oil Spills and Chronic Oil Leaks

Offshore drilling poses innumerable environmental risks to the sensitive and diverse ecosystems within Protected OCS Areas. Among the most devastating are the risks of oil spills—both acute and chronic. Our RFI comments detailed the devastating impacts of the 2010 *Deepwater Horizon* spill and the other catastrophic oil spills in U.S. history.[252] The aftermaths of these disasters clearly demonstrate that there is no such thing as safe offshore oil drilling, nor is there any way to fully clean up a significant spill.

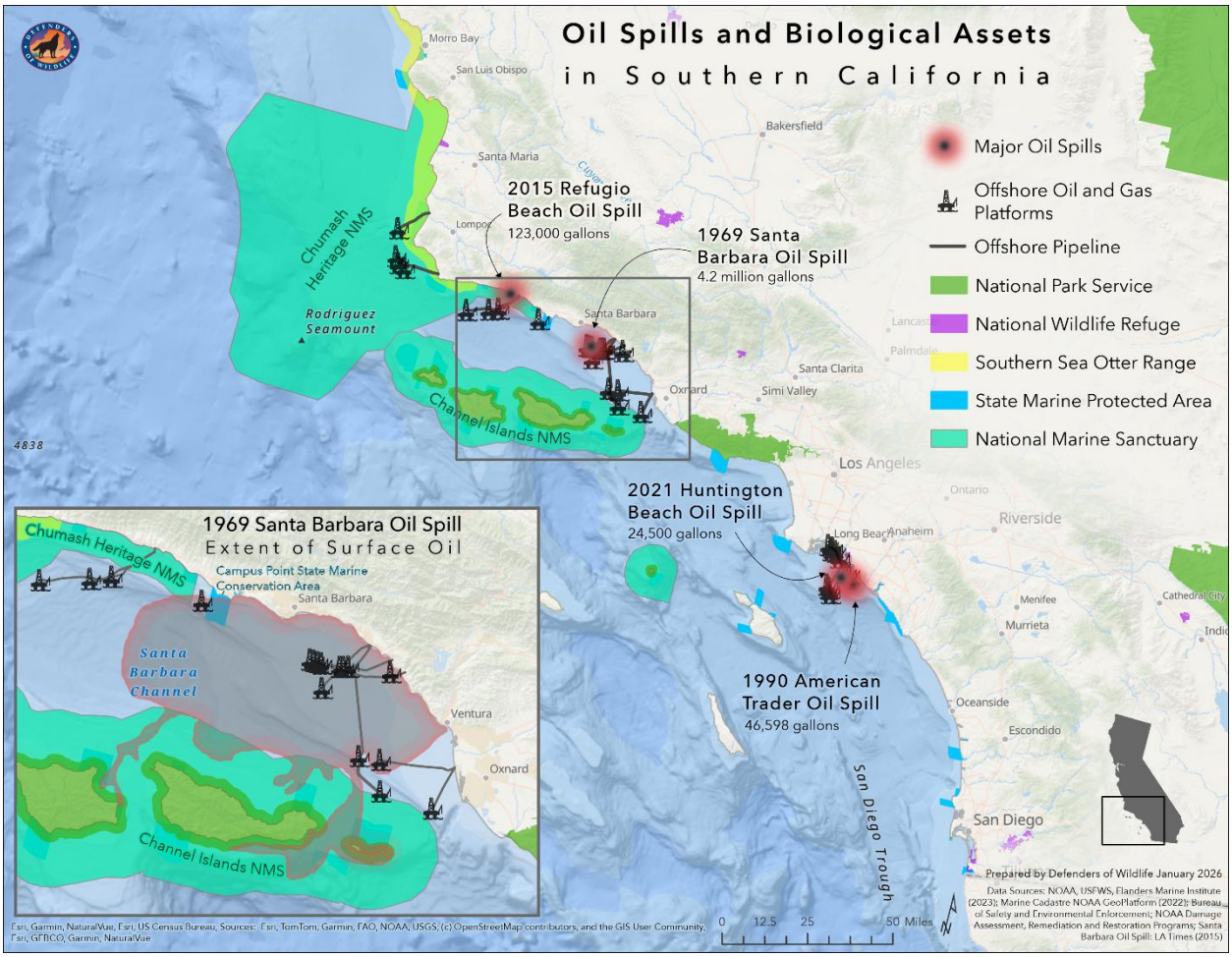
Large and small oil spills in California have already had a devastating impact on its wildlife, beaches, national marine sanctuaries, and other marine protected areas (Figure 1). In fact, the Channel Islands NMS was designated in 1980 due to concerns following the 1969 Santa Barbara oil spill, including "the potential for long-term adverse impacts from chronic pollution by hydrocarbons and drill muds and other disturbance of sensitive habitat."[253]

While California's waters have been off-limits to new oil and gas drilling since the mid-1980s, the preexisting existing offshore oil industry (Figure 1) continues to threaten not only Channel Islands, but also Chumash Heritage NMS, which was established in 2024 in part due to the threat of existing

[247] Numbers compiled by internal analysis at Defenders of Wildlife.
[248] 43 U.S.C. § 1344(a)(2)(B).
[249] DPP, *supra* note 1, at 11-1.
[250] *See* Appendices A–D.
[251] RFI Comments, *supra* note 9, at 21–26.
[252] *Id*.
[253] 45 Fed. Reg. at 65200–01.

offshore oil and gas activity.[254] Any new leasing exposes Protected OCS Areas to oil spills, even if leases are not within sanctuary boundaries themselves. Ocean currents can carry oil and other pollutants over sanctuary borders to the detriment of the imperiled wildlife and sensitive ecosystems protected within.

Figure 1. Southern California Oil Spills and Threatened Biological Assets.[255]



Of concern in California, sea otters are "among the most vulnerable marine mammals" to oil spills because they rely on dense fur—not blubber—for insulation and spend much of their time at the sea surface nearshore, where oil and its most toxic components accumulate.[256] Unlike for most marine mammals, "the physical effects of external oil contamination to sea otters may be as damaging as the toxicological effects."[257] Even small amounts of oil disrupt their fur's insulating ability, putting them at risk of hypothermia, forcing them to eat significantly more food and groom excessively,

[254] 89 Fed. Reg. at 83555 (listing "harm to these natural, cultural and historical resources from: new offshore energy development" among those factors creating a need for additional protections and thus warranting sanctuary designation).

[255] A larger version of this map is provided as Appendix D.

[256] Roger C. Helm et al., *Overview of Effects of Oil Spills on Marine Mammals*, *in* HANDBOOK OF OIL SPILL SCIENCE AND TECHNOLOGY 456 (Merv Fingas ed., 2014).

[257] *Id.*

leading to severe energetic depletion and health stress.[258] Oil exposure also severely reduces fur buoyancy by destroying the air layer that provides sea otters with insulation and flotation.[259] Even after cleanup efforts (*e.g.*, washing otter fur with dish soap) are implemented, it is difficult for otter fur to regain its original buoyancy.[260] According to the southern sea otter's five-year status review, "it is likely that in the case of a large spill most oiled sea otters would die despite rescue efforts."[261] Long-term studies of oiled sea otters have also shown lasting, life-threatening organ damage, including high rates of lung disease and liver necrosis.[262]

An Arctic oil spill would be particularly difficult to control and clean up quickly and effectively due to the extreme Arctic conditions, limited resources available locally, and the difficulty of accessing these very remote areas, particularly during winter.[263] Extreme storms and extensive ice flows have the potential to not only damage platforms, pipelines, and oil tankers, but also make oil spill response and cleanup exceptionally difficult and devastating to the special and vulnerable Arctic ecosystems.[264] A delayed response time, like that seen following the 1989 Exxon Valdez oil spill, can lead to more severe environmental consequences, hinder search and rescue missions, and have long-term indirect effects by inducing changes in food webs.[265]

Of concern in the Arctic, polar bears are known to be especially sensitive to oil exposure, which fouls their fur and significantly hinders their ability to thermoregulate.[266] Polar bears are also known to regularly groom themselves, leading to the ingestion of significant quantities of oil during grooming after an oil spill.[267] Polar bears have also been observed ingesting oil products through foraging on oiled wildlife after an oil spill, as they are curious, likely to investigate oil-contaminated wildlife, and show no aversion—or even a potential attraction—to deadly hydrocarbon products.[268] Oil exposure has been known to have lethal effects on polar bears, and the ability to capture and effectively treat wild polar bears exposed to oil remains untested.[269] Oiled polar bears, like other marine mammals,

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[258] *Id*.
[259] Kate Riordan et al., *A Novel Comparison of Southern Sea Otter (Enhydra lutris nereis) Fur Buoyancy Across Ontogeny*, 227 J. EXPERIMENTAL BIOLOGY jeb247134 (2024), doi.org/10.1242/jeb.247134.
[260] *Id*.
[261] USFWS, SOUTHERN SEA OTTER (*ENHYDRA LUTRIS NEREIS*) 5-YEAR REVIEW: SUMMARY AND EVALUATION 30 (2015), ecosphere%2Ddocuments%2Dproduction%2Dpublic.s3.amazonaws.com/sams/public_docs/species_nonpublish/2327.pdf.
[262] Helm et al., *supra* note 256, at 457.
[263] 75 Fed. Reg. at 76094; *see Exxon Valdez Spill Profile*, ENV'T PROT. AGENCY (Nov. 12, 2025), epa.gov/emergency-response/exxon-valdez-spill-profile; Press Release, Arctic Ocean Oil Reviews Soft-Pedaled Exxon Valdez, Pub. Emps. for Env't Resp. (Feb. 13, 2008), peer.org/arctic-ocean-oil-reviews-soft-pedaled-exxon-valdez/.
[264] Maaike Knol & Peter Arbo, *Oil Spill Response in the Arctic: Norwegian Experiences and Future Perspectives*, 50 MARINE POL'Y 171, 171–77 (2014), doi.org/10.1016/j.marpol.2014.06.003; Simon Boxall, *Will We Ever Be Prepared for the Inevitable Arctic Oil Spills?*, WORLD WILDLIFE FOUND. (2023), arcticwwf.org/the-circle/stories/will-we-ever-be-prepared-for-the-inevitable-arctic-oil-spills/.
[265] *See Activities in the Arctic*, NOAA (Dec. 21, 2023), response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/activities-arctic.html; Inari Helle et al., *Impacts of Oil Spills on Arctic Marine Ecosystems: A Quantitative and Probabilistic Risk Assessment Perspective*, 54 ENV'T SCI. & TECH. 2112, 2112–21 (2020), doi.org/10.1021/acs.est.9b07086.
[266] Ryan R. Wilson et al., *Potential Impacts of an Autumn Oil Spill on Polar Bears Summering on Land in Northern Alaska*, 292 BIOLOGICAL CONSERVATION 110558 (2024), doi.org/10.1016/j.biocon.2024.110558.
[267] Helm et al., *supra* note 256, at 457.
[268] *Id*.
[269] Wilson et al. (2024), *supra* note 266.

can also experience hair loss, anemia, starvation, inflammation, increased metabolic rates, fevers, skin reactions, and stress from oil exposure.[270]

Arctic oil spill modeling has consistently demonstrated the potential for population-scale polar bear impacts from oil spills,[271] with one study finding a worst-case scenario oil spill to affect 40 percent of polar bears in the Chukchi Sea, with oil highly likely under multiple scenarios to hit Wrangel and Herald Islands, important areas of denning and summer terrestrial habitat for polar bears.[272]

The potential for disastrous oil spills in the Gulf is enhanced by the region's strong hurricanes and tropical storms, which are becoming more intense due to climate change. History in the Gulf shows that offshore drilling and hurricanes do not mix. For example, in 2004 Hurricane Ivan damaged a cluster of subsea oil wells, resulting in a leak that went unchecked for more than 18 years, the longest running oil spill in history.[273] The very next year, when Hurricanes Katrina and Rita struck Louisiana a month apart, they damaged 115 oil platforms and 558 pipelines, spilling nearly 11 million gallons of crude oil into the Gulf, more than the 1989 Exxon Valdez oil spill in Alaska.[274]

Even in the absence of large and catastrophic spills, offshore oil and gas development consistently results in smaller, chronic spills that appear to be the cost of doing business. The 11th National OCS Program is expected to dramatically increase the number of oil spills in Protected OCS Areas. Additional leasing in the California Planning Areas alone is expected to cause 886 oil spills and release a total of 2.5 million gallons of oil into sensitive coastal areas.[275] This is nearly six times the number of oil spills expected in California during the 10th National OCS Program.[276]

In Alaska, chronic exposure to low levels of pollutants and contaminants poses a particular threat to polar bears. In 2021, the 26 natural gas tankers operating in the Arctic Ocean emitted more air pollution than 600 fishing vessels combined.[277] As top predators, polar bears bioaccumulate and biomagnify contaminants (*e.g.*, mercury, pesticide residues, persistent organic pollutants, and polycyclic compounds) that cannot be metabolized and excreted. These are then stored long-term in the bears' fatty tissues, liver, brains, blood, and milk.[278] These pollutants interfere with reproduction, metabolism, and nervous and immune systems.[279]

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[270] Helm et al., *supra* note 256, at 457.
[271] *E.g.*, *id.*; Ryan R. Wilson et al., *Potential Impacts of Offshore Oil Spills on Polar Bears in the Chukchi Sea*, 235 ENV'T POLLUTION 652, 652–59 (2018), doi.org/10.1016/j.envpol.2017.12.057; Wilson et al. (2024), *supra* note 266.
[272] Wilson et al. (2018), *supra* note 271.
[273] Alison Cagle, *Victory—Finally—Against the Longest Oil Spill in U.S. History*, EARTHJUSTICE (July 15, 2022), earthjustice.org/article/victory-finally-against-the-longest-oil-spill-in-u-s-history; *see also* MELISSA L. WHALING, S. ENV'T L. CTR., TOO MUCH TO LOSE: OFFSHORE DRILLING & HURRICANES IN THE SOUTHEAST 5 (2018), southernenvironment.org/uploads/publications/SELC_Hurricane_Report_F.pdf.
[274] Whaling (2018), *supra* note 273, at 6.
[275] Press Release, Ctr. for Biological Diversity, Analysis: Trump Offshore Plan Could Generate 4,000+ Oil Spills (Jan. 6, 2026), biologicaldiversity.org/w/news/press-releases/analysis-trump-offshore-drilling-plan-could-generate-4000-oil-spills-2026-01-06/.
[276] 2024–2029 OIL & GAS PROGRAM FEIS, *supra* note 146, at app. G, tbl. G-1.
[277] Nancy Bazilchuk, *The Worst Polluters in the Arctic Are Not What You Think*, NORWEGIAN SCITECH NEWS (June 5, 2022), norwegianscitechnews.com/2022/05/the-worst-polluters-in-the-arctic-are-not-what-you-think/.
[278] Mélanie Dominique et al., *Comparative Review of the Distribution and Burden of Contaminants in the Body of Polar Bears*, 27 ENV'T SCI. & POLLUTION RSCH. 32456–66 (2020), doi.org/10.1007/s11356-020-09193-2.
[279] ARCTIC MONITORING AND ASSESSMENT PROGRAMME, ARCTIC POLLUTION ISSUES: A STATE OF THE ARCTIC ENVIRONMENT REPORT (2001), amap.no/documents/download/72/inline.

When thinking about an equitable balance of risks and benefits of leasing in Protected OCS Areas, it is not just the most catastrophic oil spills that BOEM must consider, but also the pervasive history of countless smaller scale oil spills, pollution releases, and chronic discharge events, and their cumulative effects. The risk of catastrophic and chronic oil spills is too great a threat for Protected OCS Areas and the marine wildlife that depend upon a clean ocean. Since any benefit that offshore development might confer on local economies or regional and national energy markets would be minimal, and injury to the marine ecosystems could be significant, we urge BOEM to exclude the California, Arctic, and Eastern Gulf Planning Areas from the offshore leasing program.

2. Risk to Other Uses of the Sea and Seabed

OCSLA also requires BOEM to consider the location of each region "with respect to other uses of the sea and seabed, including . . . anticipated uses of the resources and space of the [OCS]."[280] Notably, wildlife-related tourism and recreation are common uses of Protected OCS Areas. Visitors regularly travel to the coasts of California, Alaska, and Florida to experience the unique and charismatic wildlife. Oil and gas drilling would conflict with these activities and the local economies they support, both of which rely on clean oceans and beaches. For example, wildlife viewing in Alaskan villages bordering the Beaufort and Chukchi seas, especially for polar bears, has increased significantly in recent years.[281] While these activities also contribute to wildlife education, research, and conservation, oil and gas industry operators do not allow wildlife viewing, or any other tourist activity, within their areas of operation.[282]

Tourism and recreation account for 47 percent of California's thriving $51 billion coastal and ocean economy.[283] Wildlife-related tourism involving marine mammals, and cetaceans in particular, are important drivers of wildlife education, conservation dollars, and economic growth for coastal communities. In the Channel Islands NMS off the coast of Southern California, whale watching supports over 100 jobs and generates $6.1 million in labor income and $14.6 million in sales per year.[284] Sea otters similarly attract recreational visitors to Elkhorn Slough in Central California, generating over $3 million in local revenues annually.[285] Oil and gas development would interfere with these activities and the local economies they support, both of which rely on clean oceans and beaches.

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[280] 43 U.S.C. § 1344(a)(2)(D).

[281] *See* USFWS, DRAFT ENVIRONMENTAL ASSESSMENT FOR A PROPOSED INCIDENTAL HARASSMENT AUTHORIZATION FOR THE SOUTHERN BEAUFORT SEA STOCK OF POLAR BEARS DURING WELL REMEDIATION ACTIVITIES, NORTH SLOPE OF ALASKA 17 (2024); PERMIT APPLICATION, USFWS POLAR BEAR PROGRAM MARINE MAMMALS MANAGEMENT 10 (Jan. 2025); *Tiny Alaska Village Experiences Boom in Polar Bear Tourism*, ASSOCIATED PRESS (Sep. 4, 2018), wjla.com/news/nation-world/tiny-alaska-village-experiences-boom-in-polar-bear-tourism; *Tiny US Town That's Suddenly on the Radar*, NEWS.COM.AU (July 6, 2019), escape.com.au/destinations/north-america/usa/tiny-us-town-thats-suddenly-on-the-radar/image-gallery/bb7e621ad78fd49db423a38130bc7d57.

[282] USFWS, DRAFT ENVIRONMENTAL ASSESSMENT FOR A PROPOSED INCIDENTAL HARASSMENT AUTHORIZATION FOR THE SOUTHERN BEAUFORT SEA STOCK OF POLAR BEARS DURING WELL REMEDIATION ACTIVITIES, NORTH SLOPE OF ALASKA 17 (2024).

[283] Letter from Cal. Legislative Cent. Coast Caucus to Doug Burgum, Sec'y of Interior (Nov. 24, 2025).

[284] RYAN SHEA ET AL., WHALE WATCHING IN CHANNEL ISLANDS NATIONAL MARINE SANCTUARY: UNDERSTANDING PASSENGERS AND THEIR ECONOMIC CONTRIBUTIONS 31, NOAA, ONMS-21-08 (Aug. 2021), doi.org/10.25923/c60t-3d82.

[285] Jessica A. Fujii et al., *The Economic Value of Sea Otters and Recreational Tourism in a California Estuary*, 10 J. OCEAN & COASTAL ECON. 1, 7 (2023), doi.org/10.15351/2373-8456.1160.

Florida's tourism industry and economy likewise depend on healthy coastal marine ecosystems. Manatee-related tourism generates over $8 million annually, contributing to local economies, creating jobs, and raising awareness about conservation.[286] In the Florida Keys National Marine Sanctuary, ocean recreation and tourism supports over 19,500 jobs and generates $2 billion in total economic output for the region.[287] These benefits are highly incompatible with the demonstrated risks posed by offshore oil and gas drilling; thus, BOEM should exclude protected areas of the OCS from the 11th National OCS Program.

3. Other Environmental Risks of Drilling in Protected OCS Areas

BOEM must consider "relevant environmental and predictive information for different areas of the [OCS]" when assessing the environmental risk offshore drilling.[288] The DPP states this environmental analysis "considers the potential effects of activities that may occur under lease sales" and "beyond BOEM program area boundaries."[289] The environmental stressors associated with offshore oil and gas development are numerous and significant, including, but not limited to, noise pollution, marine debris, vessel traffic, benthic disturbance, seismic activity, degraded air and water quality, light pollution, and construction of infrastructure.[290] Climate change, lack of industry oversight, and other independent factors can exacerbate these impacts, putting marine and coastal ecosystems further at risk. These environmental risks and the costs to society outweigh any potential benefits derived from developing new oil and gas resources in Protected OCS Areas; as such, BOEM should exclude these areas from the 11th National OCS Program.

Sea turtles, sea birds, and marine mammals have been documented experiencing increased collisions with vessels, ingestion of marine debris, communication masking, barriers to reproduction, and decreased foraging behaviors from oil and gas activity. Bright lights and flares at night can disorient marine birds, bringing them off course and causing them to strike platforms, fly into flares, or become exhausted from avoiding them.[291] Human presence and industrial activity risk can disturb polar bear maternal denning and nursing behavior.[292] Habitat degradation from offshore infrastructure development and seabed disturbance can alter sensitive benthic ecosystems, having cascading effects on marine wildlife. Similarly, the accompanying introduction of onshore support

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[286] Elizabeth Pienaar, Univ. Fla. IFAS Extension, *Measuring the Economic Value of the Environment and Natural Resources: WEC340/UW385, 12/2013*, at 3 EDIS 2014, doi.org/10.32473/edis-uw385-2013; Barry D. Solomon, Cristi M. Corey-Luse & Kathleen E. Halvorsen, *The Florida Manatee and Eco-tourism: Toward a Safe Minimum Standard*, 50 ECOLOGICAL ECON. 101, 101 (2004), doi.org/10.1016/j.ecolecon.2004.03.025 (finding "the benefits of manatee protection in Citrus County greatly exceeded the development benefits foregone by approximately $8.2 – $9 million, primarily related to eco-tourism").

[287] Kathryn Gazal, Ross Andrew & Robert Burns, *Economic Contributions of Visitor Spending in Ocean Recreation in the Florida Keys National Marine Sanctuary*, 14 WATER 198, 198 (2022), doi.org/10.3390/w14020198.

[288] 43 U.S.C. § 1344(a)(2)(H).

[289] DPP, *supra* note 1, at 1-7.

[290] 2024–2029 OIL & GAS PROGRAM FEIS, *supra* note 163, at 163.

[291] Gail S. Fraser, *Impacts of Offshore Oil and Gas Development on Marine Wildlife Resources*, *in* PEAK OIL, ECONOMIC GROWTH, AND WILDLIFE CONSERVATION 191–217 (J. Edward Gates, David L. Trauger & Brian Czech eds., 2014); Robert A. Ronconi, Karel A. Allard & Philip D. Taylor, *Bird Interactions with Offshore Oil and Gas Platforms: Review of Impacts and Monitoring Techniques*, 147 J. ENV'T MGMT. 34, 34–45 (2015), doi.org/10.1016/j.jenvman.2014.07.031.

[292] Mari A. Smultea et al., *Polar Bear (Ursus maritimus) Behavior Near Icebreaker Operations in the Chukchi Sea, 1991*, 69 ARCTIC 177, 177–84 (2016), jstor.org/stable/43871419.

infrastructure such as refineries, pipelines, and general infrastructure to the region would entail its own environmental damage and risks of chronic pollution events to coastal wetlands and beaches.

Offshore drilling impacts are "primarily concentrated in areas close to oil and gas activities."[293] For Protected OCS Areas that require substantial new or updated infrastructure, the potential impacts of drilling are disproportionally high, and the purported developmental benefits are low.[294] California generally lacks key onshore and offshore oil and gas infrastructure in its Northern and Central Planning Areas,[295] and eight of the twenty-three platforms in the Southern Planning Area are being decommissioned.[296] Marine infrastructure is similarly lacking for most of the Arctic subregion, and there is currently no pipeline to transport natural gas out of the North Slope.[297] While the Eastern Gulf could rely on existing infrastructure in the Central and Western Gulf, BOEM's OCS study found that 75–85 percent of the direct economic benefits from drilling would be realized by non-local states.[298]

Furthermore, the environmental impacts of oil and gas leasing, while largely local or regional, expand beyond the leasing areas and adjacent communities. These far-reaching environmental impacts similarly outweigh the risk of drilling in Protected OCS Areas. The widespread impacts of seismic activity and elevated anthropogenic noise in the marine environment are particularly concerning. Our RFI comments detailed the numerous threats that seismic activity poses to fishes, marine mammals, and other wildlife that depend on sound for breeding, feeding, navigating, communicating, and avoiding predators.[299] Seismic exploration conducted pursuant to new leasing in Protected OCS Areas would dramatically degrade the acoustic environment on a wide geographic scale,[300] threatening all marine life from the smallest zooplankton to the largest megafauna. Oil and gas operations would further exacerbate existing noise pollution and the impacts of potential seismic activities, resulting in increased harm to marine mammals, fish, and endangered species like the critically endangered Rice's whale, which is on the brink of extinction.[301]

Meanwhile, the developmental benefits would be few, especially to local communities.[302] As explained in Section II.E below, circumstances around the current oil and gas market render any new development in the California, Arctic, and Eastern Gulf Planning Areas economically infeasible,

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[293] DPP, *supra* note 1, at 11-8.

[294] *See* 2019–2024 OIL & GAS DPP, *supra* note 132, at 8-3 ("[I]n areas without a developed oil and gas industry, an emerging oil and gas industry could result in low, immediate local economic effects for nearby communities.").

[295] DPP, *supra* note 1, at 3-15.

[296] *See* JASON C. PRICE ET AL., NARRATIVE DESCRIPTIONS OF POTENTIAL ECONOMIC IMPACT PATTERNS FOR OIL AND GAS PROJECTS IN FRONTIER OUTER CONTINENTAL SHELF PLANNING AREAS 97–99 (2025), BOEM, OCS STUDY BOEM 2025-004 (2025); DPP at 3-15.

[297] DPP, *supra* note 1, at 7-17, 8-13.

[298] PRICE ET AL., *supra* note 296, at 79.

[299] RFI Comments, *supra* note 9, at 35–38.

[300] *E.g.*, Christopher W. Clark & George C. Gagnon, *Considering the Temporal and Spatial Scales of Noise Exposures from Seismic Surveys on Baleen Whales* 9 (Int'l Whaling Comm'n Working Paper No. IWC/SC/58 E, 2006); Kelly Macleod, Mark P. Simmonds & Elizabeth Murray, *Abundance of Fin (Balaenoptera physalus) and Sei Whales (B. borealis) Amid Oil Exploration and Development Off Northwest Scotland*, 8 J. CETACEAN RSCH. & MGMT. 247, 247–54 (2006), doi.org/10.47536/jcrm.v8i3.720.

[301] *See, e.g.*, Hayes et al., *supra* note 246, at 114–19 (discussing the perilous state of the Rice's whale population).

[302] For example, only three percent of employment impacts from drilling in the Beaufort Sea and four percent of employment impacts from drilling in the Chukchi Sea are expected to be realized locally. Price, *supra* note 296, at 156, 178.

further tipping the balance in favor of excluding these regions from consideration. For these reasons, we urge BOEM to exclude Protected OCS Areas from the 11th National OCS Program.

E. Regional and National Energy Market Needs

OCSLA requires BOEM to establish an oil and gas leasing schedule that "will best meet national energy needs" and consider the timing and location of proposed lease sales with respect to "the relative needs of[] regional and national energy markets."[303] BOEM has indicated that it believes our national energy needs demand increased oil and gas leasing on the OCS, citing the national policy declared in Executive Order 14,154, "Unleashing American Energy."[304] This simply is not true. The United States does not need to lease protected areas of the OCS to "enhance energy independence and bolster domestic crude oil and natural gas supplies."[305] The United States is already the world's top producer of oil and gas, hitting record production levels in the past year and producing more petroleum than it uses.[306] The DPP fails to make the case that expansion of drilling into the California, Arctic, and Eastern Gulf planning areas is needed "to best meet national energy needs," particularly in the context of: (1) current and projected oil and gas prices, and (2) the Administration's track record of policy choices that have contributed to a record rise in electricity prices, which cannot and will not be alleviated by expanded oil and gas drilling on the OCS.[307]

1. Current and Projected Oil and Gas Prices Do Not Support Unproven, Expensive, and Environmentally Risky Exploration and Development in Protected OCS Areas

Inflation-adjusted prices for West Texas Intermediate Crude reached a recent-history peak of $107.76 per barrel in June 2022 and have been on a generally declining trend ever since. When Donald Trump took office in January 2025 and declared an "energy emergency," the price was $72.53; in January 2026, it stands at $55.22.[308] Brent crude spot prices have also declined over from $79/barrel in January to $63 in December, according to the Energy Information Administration's ("EIA") Brief (Jan. 5, 2026) titled, "Crude oil prices fell in 2025 amid oversupply."[309] Global petroleum

[303] 43 U.S.C. § 1344(a).
[304] RFI, 90 Fed. Reg. at 17973 ("The E.O. states that it is 'in the national interest to unleash America's affordable and reliable energy and natural resources' and that it 'is the policy of the United States . . . to encourage energy exploration and production on Federal lands and waters, including on the [OCS], in order to meet the needs of our citizens and solidify the United States as a global energy leader long into the future.'" (quoting Exec. Order No. 14154, Unleashing American Energy, 90 Fed. Reg. at 8353)).
[305] DPP, *supra* note 1, at 7-1.
[306] *See, e.g.*, *Crude Oil Prices Fell in 2025 Amid Oversupply*, U.S. ENERGY INFO. ADMIN. (EIA) (Jan. 5, 2026), eia.gov/todayinenergy/detail.php?id=66944; Press Release, EIA, EIA Adjusts Forecast for U.S. Oil Production as Producers Set a Record in July 2025 (Oct. 7, 2025), eia.gov/pressroom/releases/press577.php; *EIA Lifts 2025 US Oil Output Forecast to a Record High as Supplies Swell*, ENERGYNOW (Dec. 11, 2025), energynow.com/2025/12/eia-lifts-2025-us-oil-output-forecast-to-a-record-high-as-supplies-swell/.
[307] We urge BOEM to exclude the 15 planning areas with negligible resources or negligible developmental value, as they cannot possibly best meet national energy needs. *See* DPP, *supra* note 1, at 5-14 (listing the planning areas that BOEM did not analyze further due to negligible resource or developmental value); *id.* at 12-5 ("[I]t could make sense to exclude an area if no new additional information is anticipated during the development of a National OCS Program that would render it promising for exploration. Excluding very marginal areas also reduces administrative and study costs.").
[308] *Crude Oil Prices (1946-2026)*, MACROTRENDS, macrotrends.net/1369/crude-oil-price-history-chart (last visited Jan. 16, 2026).
[309] EIA, *Crude Oil Prices Fell in 2025 Amid Oversupply*, *supra* note 306.

production exceeded consumption in every quarter of 2025. EIA's 2026 "Short-Term Energy Outlook" forecasts this trend to continue in 2026:

> **Global oil prices.** We expect global oil inventories to continue to rise through 2026, putting downward pressure on oil prices in the coming months. We forecast the Brent crude oil price will fall to an average of $55 per barrel (b) in the first quarter of 2026 (1Q26) and remain near that price for the rest of next year."[310]

These market factors are expected to render new drilling economically infeasible, especially in protected areas of the OCS that lack necessary infrastructure and contain speculative resources. Oil producers operating in the Permian region, a large onshore oil and gas reserve, reported in March 2025 that, on average, West Texas Intermediate oil prices must be at least $65 per barrel for them to profitably drill a new well.[311] Breakeven prices would likely be even higher for offshore leases, which are more expensive to drill.[312] As a result, energy companies have indicated that the substantial declines in the price per barrel of oil may lead to curtailed production.[313] Not only are prices too low to justify new drilling, but any additional product will only add to the oversupply of oil, which pushes prices even further down, cuts into profits, and makes new drilling even less attractive.[314] Additional leases will do little to change the realities of the current economic situation.

Furthermore, the International Energy Agency's "World Energy Outlook 2025" under its "Stated Policies Scenario," projects that global increases in electric vehicle adoption, with an associated drop in demand for fossil fuels for transportation, will lead to peak total oil demand in 2030, with declines thereafter.[315] As all but four of the world's countries (the United States, Iran, Libya and Yemen)[316] are committed to the goals of the 2015 Paris Climate Agreement, the Stated Policies Scenario remains the best gauge of future greenhouse gas emissions reductions pledges and thus future demand.

BOEM needs to account for these economic realities in its determination of whether expanding leasing into new areas of the OCS, including California, the Eastern Gulf, and the Beaufort and Chukchi Seas, is an economically viable way of meeting America's energy needs. Of the three price case scenarios in the determination of unleased undiscovered economically recoverable resources,

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[310] *See* EIA, SHORT-TERM ENERGY OUTLOOK: DECEMBER 2025 (2025) [hereinafter DECEMBER 2025 STEO], eia.gov/outlooks/steo/archives/dec25.pdf.

[311] *Dallas Fed Energy Survey: Special Questions*, FED. RSRV. BANK OF DALL. (Mar. 26, 2025), dallasfed.org/research/surveys/des/2025/2501#tab-questions.

[312] *Oil and Petroleum Products Explained: Offshore Oil and Natural Gas (In-Depth)*, EIA (Apr. 16, 2024), eia.gov/energyexplained/oil-and-petroleum-products/offshore-oil-and-gas-in-depth.php ("Offshore oil and natural gas production is much more expensive than onshore (land-based) production.").

[313] *See, e.g.*, FED. RSRV. BANK OF DALL., *supra* note 311 ("At $50-per-barrel oil, we will see U.S. oil production start to decline immediately and likely significantly . . . The rhetoric from the current administration is not helpful. If the oil price continues to drop, [oil companies] will shut in production.").

[314] Tristan Baurick, *Trump Wants More Drilling, but the Oil Market Is Already Saturated*, GRIST MAG. (Jan. 31, 2025), grist.org/energy/trump-wants-more-drilling-but-the-oil-market-is-already-saturated/ ("The market is saturated with oil, making companies reluctant to spend more money drilling because the added product will likely push prices down, cutting into profits.").

[315] INT'L ENERGY AGENCY, WORLD ENERGY OUTLOOK 2025 ch.4 (2025), iea.blob.core.windows.net/assets/dfe5daf4-dbc1-4533-abeb-fafb1faee0f9/WorldEnergyOutlook2025.pdf.

[316] Chloé Farand, *Climate Crisis: US Exit from Paris Agreement Deals Blow to International Cooperation*, INT'L BAR ASS'N (Mar. 11, 2025), ibanet.org/Climate-crisis-US-exit-from-Paris-Agreement-deals-blow-to-international-cooperation.

only the low ($40/bbl) price is within the range of realities for oil prices.[317] It is unclear why BOEM chose to illustrate in more detail the $100/bbl price case, which is unrealistic under current forecasting.[318] Similarly, in its hurdle price calculation, BOEM assumes a similarly unrealistic $90/bbl.[319] BOEM should use appropriate price cases to evaluate the economic feasibility and benefits of offshore drilling. This is particularly important for the proposed planning areas that have had little or no drilling in the past. Oil resources in the California, Arctic, and Eastern Gulf Planning Areas are speculative and would require expensive new infrastructure.

Even if U.S. demand for oil and the price per barrel were to spike unexpectedly, U.S. oil production is not constrained by available leasing. At least 77.5 percent of all OCS acreage under active offshore oil and gas leases is not currently being used to produce oil and gas, again because the price of oil is too low to justify new drilling.[320] Any additional production is likely to first come from the Permian Basin shale in Texas and New Mexico rather than offshore reserves, which cost significantly more to drill.[321] It is therefore unlikely that additional leases in protected areas of the OCS will "best" meet national energy needs.[322]

Expanding natural gas leasing to protected areas of the OCS likewise is not the best way to meet U.S. electricity demand or improve grid stability. National electricity consumption is increasing slightly, with the EIA reporting that electricity consumption grew by 2.4 percent in 2025 and will continue growing by 1.7 percent in 2026 largely due to demand from new semiconductor and battery manufacturing factories and from data centers.[323] However, expanding natural gas exploration, development, and production on the OCS is not the solution to meeting this rising demand. Solar power is expected to supply most of the increase in demand for electricity generation, adding 26 gigawatts ("GW") of new capacity in 2025 and 22 GW in 2026.[324]

Indeed, our nation already possesses a sufficient domestic supply of natural gas. Despite a colder winter, the EIA forecasts that U.S. natural gas stocks will end the season nine percent above the five-year average. Moreover, the United States is already the largest liquified natural gas exporter in the world,[325] and the EIA predicts that gas exports increased by 17 percent in 2025 and another 9 percent in 2026.[326] National energy needs therefore do not support an expansion of oil and gas leasing on the OCS—and especially not in Protected OCS Areas. Should the nation need additional energy for grid reliability or energy independence, those resources are readily available via the existing supply of cleaner renewable energy sources.

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[317] *See* DPP, *supra* note 1, at 5-13 to 5-19.
[318] *Id.* at 5-17 fig.5-9 & 5-18 fig.5-10.
[319] *Id.* at B-2-4.
[320] Baurick, *supra* note 314; EIA, *Oil and Petroleum Products Explained: Offshore Oil and Natural Gas (In-Depth)*, *supra* note 312.
[321] Baurick, *supra* note 314.
[322] 43 U.S.C. § 1344(a).
[323] DECEMBER 2025 STEO, *supra* note 310, at 8–9.
[324] Tim Hess & Kristen Tsai, *EIA Extends Five Key Energy Forecasts Through December 2026*, EIA (Jan. 15, 2025), eia.gov/todayinenergy/detail.php?id=64264.
[325] *The United States Remained the World's Largest Liquefied Natural Gas Exporter in 2024*, EIA (Mar. 24, 2025), eia.gov/todayinenergy/detail.php?id=64844.
[326] DECEMBER 2025 STEO, *supra* note 310, at 7.

2. The Administration's Track Record of Policy Choices Have Contributed to a Record Rise in Electricity Prices that Cannot be Alleviated by Expanded Offshore Oil and Gas Drilling

In contrast to the declining trend of oil prices, residential electricity prices have increased by 4.9 percent in 2025 and are forecast to rise another 4.2 percent in 2026.[327] While natural gas is an important part of America's electricity generation mix, "federal offshore drilling accounted for approximately 2% of natural gas" produced by the United States in 2024.[328] That is not sufficient to make a dent in electricity prices, particularly given the Administration's other policy choices to constrain supply by hampering renewable developments, and to increase demand through cancellation of efficiency measures and expansion of energy intensive demand loads, namely, an expansion of data centers to power artificial intelligence and cryptocurrency transactions.

The White House's Executive Order on "Unleashing American Energy" was specifically worded to exclude wind and solar generation,[329] the cleanest sources of energy and increasingly also the cheapest.[330] Interior has worked to increase hurdles for renewable energy development[331] and even to cancel projects already in the works. A particularly egregious example was Interior's December 2025 decision to indefinitely halt work on five offshore wind facilities due to purported issues with radar interference, a topic which in fact had already been fully analyzed by the Department of Defense.[332] The five wind projects halted, one of which was already 70 percent operational, were collectively capable of powering 2.7 million homes.[333] As one clean energy advocate put it, "On the first day of this Administration, the President announced an energy emergency. Over the last year, they worked to create one with electricity prices rising faster under President Trump than any President in recent history."[334]

Energy efficiency standards are another area where the Administration is moving the country toward higher electricity prices. The DPP correctly notes that "[t]he United States can enhance our national and economic security by increasing the supply of domestic energy or by reducing domestic energy consumption."[335] The Trump administration is committing a grievous error by focusing only on the former part of that equation, while moving in the wrong direction on the latter. The DPP admits as

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[327] *Id.* at fig.29.
[328] DPP, *supra* note 1, at 7-1.
[329] *See generally* Exec. Order No. 14154, Unleashing American Energy, 90 Fed. Reg. at 8353 (omitting solar or wind energy as domestic energy resources).
[330] Press Release, Lazard Releases 2025 Levelized Cost of Energy+ Report (June 16, 2025), lazard.com/news-announcements/lazard-releases-2025-levelized-cost-of-energyplus-report-pr/.
[331] Press Release, Doug Burgum, Sec'y of Interior, Secretary Burgum Announces Order to Rein in Environmentally Damaging Wind and Solar Projects (Aug. 1, 2025), doi.gov/pressreleases/secretary-burgum-announces-order-rein-environmentally-damaging-wind-and-solar.
[332] Matthew Daly, *Trump Administration Suspends 5 Wind Projects Off the East Coast, Cites National Security Concerns*, AP NEWS (Dec. 22, 2025), apnews.com/article/trump-offshore-wind-energy-climate-c0ac1e447c93126327f1922327921aa0.
[333] Benjamin Storrow & Kelsey Tamborrino, *Trump Leaves Wind Industry Reeling — At a Perilous Moment for His Party*, E&E NEWS (Dec. 23, 2025), eenews.net/articles/trump-leaves-wind-industry-reeling-at-a-perilous-moment-for-his-party/.
[334] Press Release, Am. Clean Power, ACP Statement on Offshore Wind Stop Work Orders (Dec. 22, 2025), cleanpower.org/news/acp-statement-on-offshore-wind-stop-work-orders/.
[335] DPP, *supra* note 1, at 4-6.

much, stating that "the initiatives outlined in recent E.O.s" represent a "policy shift [that] could lead to increased U.S. energy consumption over time."[336]

According to a March 2025 Fact Sheet from the Department of Energy's Office of Energy Efficiency and Renewable Energy, the standards set by the Appliance and Equipment Standards program, which covers more than 70 appliances and other products, saved Americans nearly $105 billion in utility costs in 2024 alone.[337] Furthermore, "standards implemented from 2021–2024 will together reduce utility bills by over $1 trillion over 30 years and save the average family at least $100 a year through lower utility bills."[338] Those standards were forecast to reduce U.S. energy usage by over ten percent through 2035 and to "cumulatively reduce greenhouse gas emissions by approximately 2 billion metric tons."[339]

The Trump administration has disavowed these commonsense measures to save Americans energy and money. For instance, on May 12, 2025, the Department of Energy proposed the repeal of twelve energy efficiency standards for household and commercial appliances.[340] Repealing just those twelve standards, and thus allowing the continued sale of high-energy-using versions of those products, is forecast to raise Americans' energy costs by $54.5 billion over the next 30 years, compared to if the standards were left in place.[341]

The White House has also prioritized expansion of artificial intelligence[342] and cryptocurrency,[343] both of which require large amounts of electricity for computing power. Despite being used by only 14 percent of Americans,[344] cryptocurrency operations accounted for 4TWh of increased demand in the Electric Reliability Council of Texas ("ERCOT") region alone last year.[345] In short, energy conservation and renewable energy are far better ways to meet market needs and ensure that Americans have reliable and affordable energy than development of new areas of the OCS.

3. BOEM Should Consider the Energy Trends and Ambitions of Affected States

As discussed above, regional and national energy demand can be met more safely and more quickly with current resources and a combination of new onshore and offshore renewable energy. This

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[336] *Id.* at 4-3.
[337] U.S. DEP'T OF ENERGY, *Appliance Standards Fact Sheet* (March 2025), energy.gov/sites/default/files/2025-03/Appliance%20Standards%20Fact%20Sheet-02.pdf.
[338] *Id.*
[339] *Id.*
[340] Press Release, U.S. Dep't of Energy, Energy Department Slashes 47 Burdensome and Costly Regulations, Delivering First Milestone in America's Biggest Deregulatory Effort (May 12, 2025), energy.gov/articles/energy-department-slashes-47-burdensome-and-costly-regulations-delivering-first-milestone.
[341] Joanna Mauer, *Proposed Rollbacks of Efficiency Standards Would Cost Consumers $43 Billion*, APPLIANCE STANDARDS AWARENESS PROJECT (May 2025), appliance-standards.org/sites/default/files/Rollbacks-would-cost-consumers-43-billion.pdf.
[342] Exec. Order No. 14179, Removing Barriers to American Leadership in Artificial Intelligence, 90 Fed. Reg. 8741 (Jan. 23, 2025).
[343] Exec. Order No. 233, Establishment of the Strategic Bitcoin Reserve and United States Digital Asset Stockpile, 90 Fed. Reg. 11789 (Mar. 6, 2025).
[344] Jeffrey M. Jones & Lydia Saad, *Cryptocurrency Still Has Limited Main Street Appeal*, GALLUP (July 22, 2025), news.gallup.com/poll/692777/cryptocurrency-limited-main-street-appeal.aspx.
[345] Benjamin Storrow, *AI Energy Demand by the Numbers — and How it Might Affect the Planet*, E&E NEWS (Dec. 24, 2025), eenews.net/articles/ai-energy-demand-by-the-numbers-and-how-it-might-affect-the-planet/.

resource mix is more compatible with the energy trends, goals, and policies of the states bordering Protected OCS Areas.

In 2006, California passed state legislation setting a greenhouse gas emissions target of 1990 levels by 2020,[346] and it reached this target in 2014. The state expanded its emissions reduction targets in 2022, with the passage of AB 1279, the California Climate Crisis Act.[347] That bill calls for the state to "achieve net zero greenhouse gas emissions as soon as possible," with a firm target of emissions 85 percent below 1990 levels by 2045.[348] As of 2023, the state generates 67 percent of its electricity from non-fossil sources (19.9 percent solar, 13.5 percent wind,12.2 percent large hydro, 11.5 percent nuclear, 5.5 percent geothermal, 2.1 percent biomass, 1.8 percent small hydro).[349] California also leads the nation in adoption of zero-emissions vehicles, with a cumulative total of nearly 2.5 million electric, plug-in hybrid, and fuel cell vehicle sales in the state through 2025.[350]

Alaska also has set a nonbinding goal of obtaining 50 percent of its electricity generation from non-fossil fuel sources by 2025,[351] and while the state is not on track to reach that goal, it has reached 30 percent renewable energy as of 2024. With many communities that are not connected to the grid, abundant wind resources, and long summer day length,[352] Alaska could actually benefit from a concerted effort to expand local-scale renewable energy generation, rather than an increase in oil and gas development in sensitive areas.

While Florida lacks even non-binding targets to reduce greenhouse gas emissions,[353] the "Sunshine State" has one of the country's fastest growing solar industries: small-scale solar installations increased eightfold from 2019 to 2024, and Florida trails only Texas and California in installed solar capacity, which generates nearly ten percent of the State's electricity.[354]

III. BOEM SHOULD CONDUCT A NEPA REVIEW OF THE 11TH NATIONAL OCS PROGRAM

For the 11th National OCS Program, BOEM is preparing "an [OCSLA]-focused environmental analysis in place of a NEPA analysis" to provide "the relevant environmental and predictive information for different areas of the OCS," including programmatic-level environmental impacts and potential geographic exclusions for environmental or cultural protection.[355] BOEM has committed to providing "a description of resources and a thorough analysis of potential impacts related to oil and gas

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[346] *AB 32 Global Warming Solutions Act of 2006*, CAL. AIR RES. BD. (2018), arb.ca.gov/resources/fact-sheets/ab-32-global-warming-solutions-act-2006#:~:text=AB%2032%20requires%20California%20to,cost-effective%20GHG%20emission%20reductions.

[347] CAL. HEALTH & SAFETY CODE § 38562.2.

[348] *Id*.

[349] *California Climate Dashboard*, CAL. ENV'T PROT. AGENCY, calepa.ca.gov/climate-dashboard/ (last visited Jan 16, 2026).

[350] *New ZEV Sales in California*, CAL. ENERGY COMM'N (May 2025), energy.ca.gov/data-reports/energy-almanac/zero-emission-vehicle-and-infrastructure-statistics-collection/new-zev.

[351] ALASKA STAT. § 44.99.115 (declaring a state energy policy), novoco.com/public-media/documents/ak_hb_306.pdf.

[352] *State Analysis - Alaska*, EIA (May 2025), eia.gov/states/ak/analysis.

[353] *Florida*, STATE CLIMATE POL'Y DASHBOARD, climatepolicydashboard.org/states/Florida (last visited Jan. 16, 2026).

[354] *State Analysis - Florida*, EIA (Mar. 2025), eia.gov/states/fl/analysis.

[355] DPP, *supra* note 1, at 1-7 to 1-8.

activities on the physical, biological, and human environments," both within and beyond program area boundaries.[356]

BOEM erred in finding that NEPA review is not required for the 11th National OCS Program.[357] NEPA requires that federal agencies prepare an environmental impact statement ("EIS") for any major federal action significantly affecting the human environment.[358] A five-year plan—especially one that greatly expands offshore drilling—would certainly rise to this level of environmental significance.

In addition to being mandatory, preparing an EIS for the 11th National OCS Program is also wise. Preparation of a programmatic EIS ("PEIS") would ensure both that BOEM fully considers environmental effects and alterative courses of action and that the public is given an opportunity to understand and weigh in on those impacts and alternatives. The appropriateness of preparing a PEIS is only underscored by the fact that PEISs have been prepared for each OCS leasing program since the first five-year program was published in 1980.[359]

Moreover, even if BOEM argues that NEPA requirements do not attach at the programmatic stage, OCSLA still requires BOEM to undertake a thorough and reasoned analysis of the environmental effects of a five-year program. While OCSLA section 18's requirement to balance competing environmental, economic, and human interests "does not insist upon analytical perfection at every turn, . . . it does demand reasoned decision making."[360] Reasoned decision-making should include taking a hard look at potential impacts of a leasing program, considering reasonable alternatives, and sharing those analyses, as well as the basis of any ultimate leasing decisions, with the public—as would be done if the DPP were to undergo NEPA review. An environmental impacts analysis should include, at minimum, the effects of wildlife habitat disruption and degradation, oil spills, chronic pollution, noise pollution, marine debris, vessel traffic, benthic disturbance, degraded air and water quality, light pollution, and construction of infrastructure.[361]

IV. CONCLUSION

Our organizations remain staunchly opposed to any new offshore leasing in light of the risks it poses to marine and coastal wildlife, natural resources, coastal economies, and local communities. For the reasons discussed above, BOEM should not proceed with considering any Protected OCS Areas—namely, the Northern, Central, and Southern California Planning Areas; the Beaufort and Chukchi Sea Planning Areas in Alaska; and Program Area B in the Eastern Gulf—for inclusion in the 11th National OCS Program. Each of these places is subject to a moratorium on offshore oil and gas leasing, and was removed from the 10th National OCS Program, due to their immense ecological value, the risks and difficulty of responding to oil spills in these unique environments, and widespread bipartisan opposition to their inclusion. That opposition has only grown in the intervening years—and potential threats to marine and coastal wildlife, natural resources, economies, and local communities remain.

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[356] *Id*. at 1-7, 9-60.
[357] RFI, 90 Fed. Reg. at 17976.
[358] 42 U.S.C. § 4332(C); *see also id*. § 4336(a) (describing agency actions for which the preparation of an environmental document is not required under NEPA).
[359] RFI, 90 Fed. Reg. at 17976; *see also* U.S. DEP'T OF INTERIOR, 5-YEAR OCS PROGRAM 149, 217 (1980), boem.gov/sites/default/files/uploadedFiles/BOEM/Oil_and_Gas_Energy_Program/Leasing/Five_Year_Program/PFP%2080-82.pdf (referencing the EIS prepared for the leasing program).
[360] *Healthy Gulf v. U.S. Dep't of Interior*, 152 F.4th 180, 186 (D.C. Cir. 2025).
[361] 2024–2029 OIL & GAS PROGRAM FEIS, *supra* note 146, at 163.

Thank you for your consideration of these comments.

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