From: Nies, Matthew (PAO)
To: john_grandy@ios.doi.gov; melissa_schwartz@ios.doi.gov; sarah_palmer@ios.doi.gov; heidi_todacheene@ios.doi.gov
Subject: [EXTERNAL] Connecting About Ruling on Coastal Plain of the Arctic National Wildlife Refuge
Date: Monday, August 7, 2023 1:17:40 PM
Attachments: 1002-AIDEA_DN72_Order_MSJ_20230807.pdf

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Hi All,

I am the spokesperson for the Justice Department's Environment and Natural Resources Division. I would like to connect with the Department of Interior and Bureau of Land Management's press offices about any planned messaging regarding a case on oil and gas leasing on the Coastal Plain of the Arctic National Wildlife Refuge. We received what appears to be a favorable ruling today (see attached).

We aren't planning to do any press but wanted to coordinate. My contact info is below. Thanks for your consideration.

Sincerely,
Matthew Nies
Public Affairs Specialist, Office of Public Affairs
U.S. Department of Justice
C: (b) (6) [redacted]
O: (b) (6) [redacted]
(b) (6) [redacted]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

ALASKA INDUSTRIAL DEVELOPMENT AND EXPORT AUTHORITY, *et al.*, Plaintiffs, and STATE OF ALASKA, Intervenor-Plaintiff, v. JOSEPH R. BIDEN, JR., in his official capacity as President of the United States, *et al.*,[1] Defendants, and NATIVE VILLAGE OF VENETIE TRIBAL GOVERNMENT, *et al.*, Intervenor-Defendants.	Case No. 3:21-cv-00245-SLG

ORDER RE MOTIONS FOR SUMMARY JUDGMENT

Before the Court at Docket 60 is the motion for summary judgment filed by Plaintiffs Alaska Industrial Development and Export Authority ("AIDEA"), North Slope Borough, Arctic Slope Regional Corporation, and Kaktovik Iñupiat

[1] Pursuant to Fed. R. Civ. P. 25(d), the current Alaska State Director for the Bureau of Land Management, Steven Cohn, is automatically substituted in this matter for his predecessor, Defendant Thomas Heinlein.

Corporation; at Docket 59 is Intervenor-Plaintiff State of Alaska's (the "State") motion for summary judgment.[2] Plaintiffs and the State challenge President Joe Biden's Executive Order 13990 ("EO 13990") and actions the U.S. Department of the Interior ("DOI" or "Interior") and the Bureau of Land Management ("BLM") took to implement that order's directive to place a temporary moratorium (the "Moratorium") on the federal government's implementation of an oil and gas leasing program (the "Program") on the Coastal Plain of the Arctic National Wildlife Refuge ("ANWR" or the "Refuge").

The President, DOI, Interior Secretary Deb Haaland, Interior Principal Deputy Assistant Secretary of Land and Minerals Management Laura Daniel-Davis, BLM, BLM Director Tracy Stone-Manning, and BLM Alaska State Director Cohn (collectively, "Federal Defendants")[3] responded in opposition at Docket 63 to Plaintiffs' and the State's motions and request entry of judgment in their favor. Intervenor-Defendants Gwich'in Steering Committee, *et al.*, and the Native Village of Venetie Tribal Government, Arctic Village Council, and Venetie Village Council (collectively, "Intervenor-Defendants") responded in opposition to Plaintiffs' and the State's motions at Docket 64 and Docket 65, respectively.[4] Federal

[2] Throughout this order, the citations to the parties' filings refer to the page numbers from the docket rather than the page numbers of the parties' briefs.

[3] When appropriate throughout this order, the Court refers to all Federal Defendants except for the President as "Agency Defendants."

[4] The Gwich'in Steering Committee submitted its opposition at Docket 64 on behalf of itself and the Alaska Wilderness League; the Alaska Wildlife Alliance; the Canadian Parks & Wilderness Society – Yukon; Defenders of Wildlife; Environment America, Inc.; Friends of Alaska National

Defendants and Intervenor-Defendants are hereinafter collectively referred to as "Defendants." Plaintiffs replied to the oppositions at Docket 67, and the State replied at Docket 66.

The Court heard oral argument on June 20, 2023. For the reasons set forth below, the Court denies Plaintiffs' and the State's motions and enters judgment in favor of Defendants.

BACKGROUND

This case is one of several actions involving Agency Defendants' implementation of the Program on ANWR's Coastal Plain. The Court described the Coastal Plain and its cultural, ecological, and economic significance in a January 2021 order issued in *Gwich'in Steering Committee v. Bernhardt*.[5] The Court assumes familiarity here.

As relevant here, in December 2017, Congress authorized an oil and gas leasing program on the Coastal Plain through Section 20001 of the Tax Cuts and Jobs Act of 2017 (the "Tax Act").[6] Section 20001(b)(1) amends the Alaska National Interest Lands Conservation Act ("ANILCA")[7] by lifting the restriction on

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Wildlife Refuges; the National Wildlife Federation; the National Wildlife Refuge Association; the Northern Alaska Environmental Center; the Sierra Club; The Wilderness Society; and Wilderness Watch. The remaining Intervenor-Defendants filed their joint opposition at Docket 65.

[5] Case No. 3:20-cv-00204-SLG, 2021 WL 46703, at *1–3 (D. Alaska Jan. 5, 2021).

[6] Pub. L. No. 115-97, 131 Stat. 2054 (2017) [hereinafter Tax Act].

[7] Pub. L. No. 96-487, 94 Stat. 2371 (1980) (codified in relevant part at 16 U.S.C. §§ 3101–3233) [hereinafter ANILCA].

oil and gas development on the Coastal Plain that had been included in ANILCA since it was enacted in 1980; it does so by adding an additional purpose for the Refuge: "to provide for an oil and gas program on the Coastal Plain." Section 20001(b)(2)(A) directs the Interior Secretary to "establish and administer a competitive oil and gas program for the leasing, development, production, and transportation of oil and gas in and from the Coastal Plain." Section 20001(c)(1) requires the Interior Secretary to conduct at least two area-wide lease sales under this program of at least 400,000 acres each; the Interior Secretary "shall offer" the first lease sale not later than December 22, 2021, and the second not later than December 22, 2024. Section 20001(c)(2) directs the Interior Secretary to "issue any rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation necessary to carry out this section." Section 20001(c)(3) provides that the Interior Secretary "shall authorize up to 2,000 surface acres of Federal land on the Coastal Plain to be covered by production and support facilities (including airstrips and any area covered by gravel berms or piers for support of pipelines) during the term of the leases under the oil and gas program under this section." The Tax Act further instructs the Interior Secretary, "[e]xcept as otherwise provided in this section," to administer this oil and gas program "in a manner similar to the administration of lease sales under the Naval Petroleum Reserves Production Act of 1976 . . . (including regulations)."[8]

[8] Tax Act § 20001(b)(3). The regulations governing oil and gas leases under the Naval Petroleum Reserves Production Act of 1976 (the "NPRPA"), 42 U.S.C. § 6501 *et seq.*, are set

After Congress passed the Tax Act, BLM initiated the Program's review process pursuant to the National Environmental Policy Act ("NEPA"). In September 2019, BLM released an Environmental Impact Statement (the "EIS") analyzing the environmental impacts of a leasing program on the Coastal Plain.[9] The EIS evaluated three action alternatives and one no-action alternative.[10] BLM identified the alternative that "offers the opportunity to lease the entire program area" and "the fewest acres with no surface occupancy (NSO) stipulations" as its preferred alternative.[11] BLM did not analyze alternatives that allowed fewer than 2,000 acres of surface facilities, reasoning that doing so "would be inconsistent with [the Tax Act] as Congress explicitly established the protective facility acreage limit."[12]

In August 2020, then-Interior Secretary David Bernhardt published a Record of Decision (the "ROD") establishing the Program.[13] The ROD adopted the preferred alternative identified in the EIS with some modifications.[14] Then, on December 7, 2020, BLM published a Notice of 2021 Coastal Plain Alaska Oil and

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forth at 43 C.F.R. Part 3130.

[9] Administrative Record ("AR") 1–3135. Federal Defendants filed the Administrative Record at Docket 48, Docket 53, and Docket 56.

[10] AR 19–20.

[11] AR 19.

[12] AR 76.

[13] AR 3138–3225.

[14] AR 3145.

Gas Lease Sale and Notice of Availability of the Detailed Statement of Sale.[15] The lease sale took place on January 6, 2021.[16] Three bidders participated: AIDEA; Knik Arm Services, LLC; and Regenerate Alaska, Inc.[17] AIDEA secured leases for seven tracts of land, while Knik Arm Services, LLC, and Regenerate Alaska, Inc., each secured a lease for one tract of land.[18]

When President Biden took office two weeks later, he issued EO 13990, which directed DOI to conduct a supplemental environmental review of the Program and, during the pendency of such review, temporarily halt all activities related to the Coastal Plain oil and gas leases.[19] Section 4(a) of EO 13990 provides:

> In light of the alleged legal deficiencies underlying the program, including the inadequacy of the environmental review required by the National Environmental Policy Act, the Secretary of the Interior shall, as appropriate and consistent with applicable law, place a temporary moratorium on all activities of the Federal Government relating to the implementation of the Coastal Plain Oil and Gas Leasing Program, as established by the Record of Decision signed August 17, 2020, in the Arctic National Wildlife Refuge. The Secretary shall review the program and, as appropriate and consistent with applicable law, conduct a new, comprehensive analysis of the potential environmental impacts of the oil and gas program.[20]

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[15] 85 Fed. Reg. 78865–66.

[16] AR 3314–16.

[17] AR 3314–16.

[18] AR 3317–18, 3347, 3689, 3695.

[19] AR 3349–55.

[20] AR 3351.

Following the President's directive, on June 1, 2021, Interior Secretary Haaland issued Secretarial Order 3401 (the "Secretarial Order"), which instructed DOI and BLM officials to conduct the supplemental environmental review and instituted a "temporary halt on all Department activities related to the Program in the Arctic Refuge" while that supplemental review was being conducted.[21] The temporary halt extended to "any action[s] to authorize any aspect of the Program, including, but not limited to, any leasing, exploration, development, production, or transportation," and the "process[ing of] any pending or future applications for such activities."[22] The Secretarial Order expanded upon the justifications for the temporary moratorium articulated in EO 13990:

> My review of the Coastal Plain Oil and Gas Leasing Program (Program) as directed by EO 13990 has identified multiple legal deficiencies in the underlying record supporting the leases, including, but not limited to: (1) insufficient analysis under the National Environmental Policy Act (NEPA), including failure to adequately analyze a reasonable range of alternatives in the environmental impact statement (EIS); and (2) failure in the August 17, 2020, Record of Decision (ROD) to properly interpret Section 20001 of Public Law 115-97 (Tax Act).[23]

Also on June 1, 2021, DOI issued a Suspension of Operations and Production Letter (the "SOP Letter") to each of the lessees, notifying them it was suspending the leases and associated operations pending the supplemental

[21] AR 3362.

[22] AR 3363.

[23] AR 3362.

NEPA review.[24] The SOP Letter expanded upon the reasons offered for the temporary moratorium in the Secretarial Order, and a subsequent amendment offered further explanation.[25]

Agency Defendants plan to release a Draft Supplemental EIS for the Program in the third quarter of 2023.[26] In the meantime, AIDEA, through its contractors, sought authorizations from DOI to begin the initial stages of oil and gas exploration pursuant to its leases, such as conducting archeological investigations and seismic exploration.[27] Citing the Moratorium, Federal Defendants refused to authorize AIDEA or its contractors to proceed with any activities relating to the leases.[28] AIDEA then brought this action on November 4, 2021, challenging both the President's issuance of EO 13990 and DOI's implementation of the Moratorium.[29] The other two lessees have entered into

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[24] AR 3364–65, 3714–17.

[25] AR 3364–65, 3404–05, 3714–17.

[26] Agency Defendants initially represented to the Court that they planned to release the Draft Supplemental EIS in the second quarter of 2023. Docket 63 at 16. However, in a related case, *Gwich'in Steering Committee v. Haaland*, Agency Defendants filed a more recent status report updating that timeframe to the third quarter of 2023. Defs.' Status Report on Issuance of Draft Suppl. Environmental Impact Statement at 2, *Gwich'in Steering Comm. v. Haaland*, Case No. 3:20-cv-00204-SLG, (D. Alaska Apr. 28, 2023), ECF No. 95.

[27] AR 3370–98.

[28] AR 3399–3400.

[29] Docket 1.

agreements with BLM in which BLM cancelled and rescinded their leases and refunded their bid and initial rental payments.[30]

In their complaint, Plaintiffs allege that the Moratorium violates the Administrative Procedure Act (the "APA"), 5 U.S.C. § 551 *et seq.*, because it was put in place without an opportunity for the public to comment on it, is contrary to law, unlawfully withholds or unreasonably delays agency action, and is arbitrary and capricious.[31] They also allege that EO 13990 is an *ultra vires* act that exceeds the President's authority.[32] Plaintiffs seek declaratory relief, a permanent injunction vacating Section 4(a) of EO 13990 and the Moratorium, and an order compelling Agency Defendants to implement the leasing and development program.[33]

For the purposes of this order, the Court considers the "Moratorium" to encapsulate Agency Defendants' efforts to implement the directive in EO 13990 by temporarily suspending implementation of the Program and the leases issued pursuant thereto. The Moratorium therefore includes issuance of Secretarial Order 3401, the SOP Letter, the responses to AIDEA and its contractors' attempts to conduct oil-and-gas-related activities on the lands leased pursuant to the Program,

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[30] AR 3782–92.

[31] Docket 7 at 27–32, ¶¶ 115–48.

[32] Docket 7 at 32–33, ¶¶ 149–51.

[33] Docket 7 at 33–34.

and the withholding of any further actions to implement the Program pending the ongoing NEPA review.[34] The Court considers Agency Defendants' supplemental environmental review aimed at correcting alleged legal deficiencies to be the Moratorium's primary justification, but this review remains ongoing and did not itself serve as the formal vehicle suspending the Program's implementation.[35]

JURISDICTION

There is no dispute that the Court has subject matter jurisdiction over Plaintiffs' and the State's claims regarding Agency Defendants' actions taken to implement the Moratorium pursuant to 28 U.S.C. § 1331, which "confer[s] jurisdiction on federal courts to review agency action, regardless of whether the APA of its own force may serve as a jurisdictional predicate."[36]

The parties dispute whether Plaintiffs and the State have standing to assert an *ultra vires* claim against the President with respect to his issuance of EO 13990.[37] To establish standing, a litigant must demonstrate that (1) it suffered an "injury in fact," (2) the injury is "fairly traceable" to the challenged conduct, and (3)

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[34] AR 3362–65, 3395–96, 3399–3400, 3404–05, 3702–03, 3713–19.

[35] *See* Docket 66 at 15–16 (maintaining that Defendants conflate BLM's supplemental NEPA analysis with the Moratorium itself, noting that Agency Defendants could have conducted the supplemental review without imposing the Moratorium).

[36] *Califano v. Sanders*, 430 U.S. 99, 105 (1977).

[37] *Compare* Docket 60 at 18–19 (alleging that Plaintiffs have standing), *with* Docket 63 at 21–26 (alleging Plaintiffs do not have standing and therefore the Court lacks subject matter jurisdiction over the claim against the President).

it is likely that a favorable decision will redress the injury.[38] To establish an injury in fact, a plaintiff must identify "an invasion of a legally protected interest" that is "concrete," "particularized," and "actual or imminent, not conjectural or hypothetical."[39] Plaintiffs and the State's asserted injuries pass this hurdle. AIDEA Plaintiffs complain that they have been unable to proceed with the activities critical to developing AIDEA's leases, such as archeological and seismic work, meaning that they cannot reap the revenue, employment opportunities, and information gathering that would result from commencing work on the leases.[40] The State similarly points to the revenue it has lost in the form of lease payments and taxes due to the Moratorium.[41]

To demonstrate a "fairly traceable" connection between an injury and an action, a plaintiff need only show "no more than de facto causality."[42] Plaintiffs and the State's alleged injuries are fairly traceable to EO 13990 because that Executive Order directed DOI to suspend the leases and all related activities.[43] DOI expressly acted at the President's direction when issuing Secretarial Order 3401

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[38] *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992) (alterations omitted).

[39] *Spokeo, Inc. v. Robins*, 578 U.S. 330, 339 (2016), *as revised* (May 24, 2016) (citation omitted).

[40] Docket 60 at 18–19.

[41] Docket 59 at 16–17.

[42] *Dep't of Com. v. New York*, 139 S. Ct. 2551, 2566 (2019) (citation omitted).

[43] *See* AR 3351 ("[T]he Secretary of the Interior shall . . . place a temporary moratorium on all activities of the Federal Government relating to the implementation of the Coastal Plain Oil and Gas Leasing Program . . . .").

and implementing the other components of the Moratorium.[44] It is fair to say that without the President's issuance of EO 13990, there likely would not have been a Moratorium, or at least not *this* moratorium implemented at the time and manner in which DOI implemented it.

To evaluate redressability, a court considers the relationship between "the judicial relief requested" and the suffered injury.[45] The Court has the authority to vacate a President's *ultra vires* action and order Agency Defendants to implement the Program in accordance with the law,[46] which is precisely what Plaintiffs and the State are seeking and what would redress their injuries.[47]

Federal Defendants' arguments to the contrary are unavailing. They point to two cases in which a district court rejected challenges to an executive order that allegedly "delayed or derailed the promulgation of desired rules."[48] Each case challenged the same executive order that directed agencies to repeal two regulations for every new regulation issued, offset costs from new regulations by eliminating costs from existing regulations, and comply with an "annual cap" on the

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[44] *See* AR 3362 ("This Order is taken in furtherance of Section 4(a) of Executive Order (EO) 13990 . . . .").

[45] *California v. Texas*, 141 S. Ct. 2104, 2115 (2021) (citation omitted).

[46] *See Clinton v. City of New York*, 524 U.S. 417, 433 n.22 (1998).

[47] Docket 7 at 33–34; Docket 22 at 12–13.

[48] Docket 63 at 24 (first citing *California v. Trump*, 613 F. Supp. 3d 231 (D.D.C. 2020); and then citing *Pub. Citizen, Inc. v. Trump*, 435 F. Supp. 3d 144, 152 (D.D.C. 2019)); *California*, 613 F. Supp. 3d at 236.

total incremental costs allowed from all federal regulations issued in a given year.[49] Each court found that the plaintiffs lacked standing because they could not show that the challenged executive order caused any material delay to the particular rules about which the plaintiffs complained and the agency defendants presented evidence showing that the delay or rescission of the rules was not connected to the executive order.[50]

Here, there is no genuine dispute that EO 13990 is causally connected to the Moratorium. The Executive Order not only expressly orders the Moratorium,[51] but the Secretarial Order and SOP Letter also expressly state the agency action was taken in furtherance of the Executive Order.[52] Thus, vacatur of EO 13990 would redress Plaintiffs' claimed injuries.

Given the above, the Court finds that Plaintiffs and the State meet the requirements for standing to challenge EO 13990. As a result, the Court has subject matter jurisdiction over the *ultra vires* claim pursuant to 28 U.S.C. § 1331, which vests the Court with jurisdiction over "all civil actions arising under the Constitution, laws, or treaties of the United States."

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[49] *See California*, 613 F. Supp. 3d at 236–37 (describing the nature of the claims at issue in both that case and *Public Citizen*).

[50] *Id.* at 244.

[51] AR 3351.

[52] AR 3362, 3364.

LEGAL STANDARD

Plaintiffs maintain that EO 13990 exceeds the President's statutory and constitutional authority.[53] While a President's actions are not reviewable under the APA,[54] a court may review an executive order to determine whether it is constitutional and whether the President acted within his statutory authority.[55]

Plaintiffs and the State also seek review of Agency Defendants' implementation of the Moratorium pursuant to the APA.[56] Section 706 of the APA provides that a "reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary, capricious, an abuse of discretion, . . . otherwise not in accordance with law[,] . . . [or] in excess of statutory jurisdiction, authority, or limitations."[57]

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[53] Docket 60 at 19–20.

[54] *See Dalton v. Specter*, 511 U.S. 462, 470 (1994) ("The actions of the President, in turn, are not reviewable under the APA because . . . the President is not an 'agency.'" (citation omitted)).

[55] *See Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 585 (1952) ("The President's power, if any, to issue [an executive] order must stem either from an act of Congress or from the Constitution itself."); *City & Cnty. of San Francisco v. Trump*, 897 F.3d 1225, 1235 (9th Cir. 2018) (holding President lacked authority to issue executive order directing agencies to withhold funds appropriated by Congress to punish localities that adopted "sanctuary" policies).

[56] Plaintiffs and the State filed motions for summary judgment pursuant to Federal Rule of Civil Procedure 56, which is an appropriate mechanism to seek review of an agency action. Docket 59 at 2; Docket 60 at 7, 17–18; *Occidental Eng'g Co. v. INS*, 753 F.2d 766, 770 (9th Cir. 1985). *But see* Alaska L. Civ. R. 16.3 (providing procedures for briefing administrative agency appeals). Defendants also request judgment in their favor, effectively making their opposition filings cross-motions for summary judgment pursuant to Rules 56 and 7(b). Docket 63 at 8 n.1; Docket 64 at 13–14; Docket 65 at 9.

[57] 5 U.S.C. § 706.

DISCUSSION

Plaintiffs' and the State's challenges to both EO 13990 and Agency Defendants' implementation of the Moratorium allege the lack of statutory authority. Therefore, the Court begins by considering whether any statutory authority exists for the Moratorium. If there is authority for Agency Defendants to implement the Moratorium, then it would stand to reason that the President acted consistent with his presidential powers when issuing EO 13990 since he directed Agency Defendants to act consistent with their authority.[58] After considering the legal authority underpinning the Executive Order and the Moratorium, the Court considers Plaintiffs' and the States' APA claims against Agency Defendants.

I. The Tax Act provides authority for both EO 13990 and Agency Defendants' implementation of the Moratorium, authority which no other source of law undermines.

Plaintiffs and the State maintain that Congress, not the executive branch, has the power to manage federal lands and that the Executive Order and Moratorium violate the mandate of the Tax Act and the amendment to ANILCA to provide for an oil and gas leasing program on the Coastal Plain.[59] Plaintiffs also allege that the Moratorium constitutes "an unlawful withdrawal" of public lands

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[58] AR 3351.

[59] Docket 60 at 20, 24 (first citing U.S. Const. art IV, § 3 cl. 2; and then citing Tax Act § 20001). The State also alleges that "DOI cannot cancel the Coastal Plain leases because to do so would violate the Tax Act." Docket 59 at 25.

because it did not comply with the Federal Land Policy and Management Act of 1976's ("FLPMA") withdrawal requirements.[60]

Federal Defendants respond that the Moratorium does not violate any federal statute and that the President has broad constitutional latitude to formulate policy and implement statutory mandates within the confines of federal law, which they claim the President did here by including within the Executive Order a "savings" clause cabining the Interior Secretary's authority to those actions that are "appropriate and consistent with applicable law."[61] Intervenor-Defendants similarly maintain that DOI's efforts to suspend temporarily the Program leases are "consistent with [DOI's] authority to fix legal problems and manage lands, and no statute imposes other directives or processes with which Interior failed to comply."[62]

A. The Moratorium's Temporary Duration and Limited Scope

As an initial matter underlying the Moratorium's legality, the Court highlights what are perhaps the Moratorium's most critical elements: its temporary duration and limited scope. Plaintiffs and the State characterize the Moratorium as

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[60] Docket 60 at 30–31.

[61] Docket 63 at 21–22.

[62] Docket 64 at 13 (citation omitted); *see also* Docket 65 at 8 ("It is well within the Secretary's discretion to order such a [NEPA] supplementation as well as to protect the public resources at issue by issuing a temporary suspension of leases to maintain the status quo ante while the supplemental EIS process is undertaken." (citation omitted)).

"indefinitely" suspending the ROD prepared in conjunction with the Program.[63] This characterization is inaccurate. EO 13990 expressly directs only a "*temporary* moratorium," and Secretarial Order 3401 orders a "*temporary* halt on all Department activities related to the Program."[64] The SOP Letter also connotes temporality: "*While this SOP is in place*, no lease operations may transpire on the leases, the terms of the leases are *tolled*, and lease rentals are *suspended*."[65] These documents do not suspend the ROD, EIS, or any other component of the Program's NEPA review or other prerequisites. And they contain no statement or suggestion that the Program, including the ROD, is terminated or that AIDEA's leases are cancelled.[66] Agency Defendants have instead evidenced an intent to continue implementing the Program.[67] The supplemental NEPA review is the current stage of that implementation.[68] Agency Defendants intend to release their Draft Supplemental EIS later this year, and they have outlined the steps that will

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[63] *See* Docket 59 at 3 ("In effect, DOI and BLM accomplished the President's desired moratorium by suspending and disregarding the ROD indefinitely."); Docket 60 at 39–40 ("By indefinitely suspending all Coastal Plain leases and indefinitely refusing to process any right-of-way applications, . . . Agency Defendants are unlawfully and unreasonably delaying the completion of these discrete, required actions." (footnote omitted)).

[64] AR 3351 (emphasis added); AR 3362 (emphasis added).

[65] AR 3365 (emphasis added).

[66] The SOP Letter notes that DOI eventually *may* determine to "void[]" the leases, but that is not the case now and the validity of such an action is not before the Court. AR 3365.

[67] *See* AR 3369 (establishing timeframe for issuance of a "record of decision selecting a program alternative").

[68] AR 3368–69; Docket 63 at 16.

follow thereafter as they continue to implement the Program.[69] As such, the Moratorium has a finite, even if inexact, endpoint, and it is limited to a suspension of lease operations. Agency Defendants established these fundamental elements at the outset of the process reinitiating the supplemental environmental review, and there is no indication that they have deviated or plan to deviate significantly from their stated plan.[70]

Contrary to Plaintiffs' and the State's assertions,[71] a temporary pause in implementing a program is not a decision to indefinitely cease its implementation. An agency may terminate a moratorium and authorize activities it previously paused.[72] Additionally, the temporary pause implemented here does not violate any express deadlines in any statute. The Tax Act mandated only that DOI hold one lease sale within four years of its enactment and another within seven years of its enactment.[73] The first lease sale was held nearly one year prior to the statutory deadline; the second lease sale must occur before December 22, 2024—

[69] *Supra* note 29; *see also* AR 3369 (predicting release of new ROD within approximately nine months following release of Draft Supplemental EIS).

[70] *See* AR 3369 (establishing timeframe and purpose of the supplemental EIS process).

[71] *See* Docket 59 at 3 (characterizing Moratorium as "suspending and disregarding the ROD indefinitely"); Docket 60 at 29 (characterizing Moratorium as "indefinite" suspension of leases and "indefinitely freezing all federal actions necessary to effectuate any development, production, or transportation of oil and gas").

[72] *Cf. Citizens for Clean Energy v. U.S. Dep't of the Interior*, 621 F. Supp. 3d 1165, 1169 (D. Mont. 2022) (describing BLM's termination of its previously issued coal leasing moratorium).

[73] Tax Act § 20001(c)(1)(B)(ii).

after the Supplemental EIS is due to be completed.[74] There are no other deadlines in the Tax Act, such as deadlines to issue rights-of-way or easements or to authorize surface development.[75]

These critical points guide the Court's analysis; yet throughout their briefing, Plaintiffs and the State appear to conflate the statutory mandate to conduct two lease sales by dates certain with a requirement to perform certain post-sale actions without any pause or moratorium.[76] But the Tax Act contains only the two deadlines by which Interior must hold the lease sales; no other specific deadlines are set out in the Tax Act for the Program.[77] When Congress imposes an explicit deadline for one agency action in a statute but not for another action, "it seems likely that Congress acted intentionally in omitting the . . . deadline [for a different agency action]."[78] In the absence of other statutorily mandated timeframes, the

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[74] *Id.* § 20001(c)(1)(B)(ii).

[75] *See generally id.* § 20001.

[76] *See, e.g.*, Docket 60 at 25 ("[T]he issuance of leases, rights-of-way, and easements necessary to explore for, develop, produce, or transport oil and gas in the Coastal Plain is not a matter of discretion for the Agency Defendants. Rather, Agency Defendants are bound by statute to issue all such leases, rights-of-way, and easements."); Docket 60 at 28 ("[T]he Tax Act mandates a lease sale by December 2021, followed by the issuance of any rights-of-way or easements . . . . Agency Defendants have attempted to nullify this congressional deadline by issuing leases before December 2021 only to indefinitely suspend them well beyond that date." (citation omitted)); Docket 66 at 6 ("The Secretary also is not issuing rights-of-way or easements necessary to carry out the Program, a fact that the Federal Defendants do not dispute. . . . As such, the ROD has been effectively suspended and rescinded." (citation omitted)).

[77] Tax Act § 20001(c).

[78] *See Gen. Motors Corp. v. United States*, 496 U.S. 530, 538 (1990) (holding that statutory requirement that EPA act on a state plan within four months applied only to original state plan, not to revised state plan).

agency is only required to complete the post-lease-sale components of the Program within a reasonable period of time.[79]

B. The Tax Act

The Court next considers whether the Moratorium and EO 13990 are within the executive branch's authority. Plaintiffs and the State are correct that the executive branch can act only in accordance with its own constitutional powers or the expressed or implied will of Congress.[80] In many cases, federal statutes are the appropriate starting point to determine whether the executive branch possesses the authority to act.[81]

Here, the parties focus much of their briefing on the Tax Act. Although Article IV of the Constitution gives Congress the authority to regulate public lands, Congress, through the Tax Act, expressly delegated the authority to "establish and administer" the Program on the Coastal Plain to the Interior Secretary.[82] This broad grant of authority accords to DOI, under the supervision of the President as

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[79] *See* 5 U.S.C. § 706(1) (directing a reviewing court to "compel agency action unlawfully withheld or unreasonably delayed"); *cf. Indep. Mining Co. v. Babbitt*, 105 F.3d 502, 507 (9th Cir. 1997) (holding that the General Mining Act of 1872 "provided no express timetable or deadline for the issuance of the patents" and, "[a]t most, . . . implie[d] that the issuance must be completed within a reasonable time, or . . . 'expeditiously' under the circumstances").

[80] *City & Cnty. of San Francisco*, 897 F.3d at 1233 (citing *Youngstown*, 343 U.S. at 585, 637–38 (Jackson, J., concurring)).

[81] *See, e.g., Trump v. Hawaii*, 138 S. Ct. 2392, 2408 (2018) (reviewing the Immigration and Nationality Act's plain language to determine whether the President has discretion to place entry restrictions on the nationals of eight foreign countries).

[82] Tax Act § 20001(b)(2)(A).

chief executive,[83] the authority to implement and operate the Program, provided it does so in accordance with all applicable federal laws. By using broad language directing the Interior Secretary to administer the Program with no timetable apart from the two deadlines for the mandated lease sales,[84] Congress left the timetable for the vast majority of the Program's implementation to DOI's discretion.[85] This includes the discretion to temporarily pause the Program while ensuring NEPA compliance.

As Plaintiffs point out, the decision of whether to "establish and administer" the Program is not subject to DOI's or the President's discretion.[86] But this does not mean, as Plaintiffs maintain, that Congress explicitly or implicitly intended to limit the President's authority to direct DOI to pause the Program while conducting a supplemental environmental review. To the contrary, Congress authorized DOI to suspend leases by virtue of the Tax Act's reference to the NPRPA, which expressly allows the Interior Secretary to "direct or assent to the suspension of

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[83] *See Seila L. LLC v. Consumer Fin. Prot. Bureau*, 140 S. Ct. 2183, 2211 (2020) ("In our constitutional system, the executive power belongs to the President, and that power generally includes the ability to supervise and remove the agents who wield executive power in his stead. . . . The Constitution requires that such officials remain dependent on the President . . . .").

[84] The Tax Act's provisions governing the Program take up just over one page of space in the 186-page statute. *See generally* Tax Act § 20001.

[85] *Cf. Dep't of Com. v. New York*, 139 S. Ct. 2551, 2568 (2019) (observing that the Census Act leaves much of its implementation to the Secretary of Commerce's discretion given its broad language).

[86] Docket 60 at 10, 24–25.

operations and production on any lease or unit."[87] The actions taken to implement the Moratorium are precisely within this grant of authority: DOI temporarily suspended the leases issued from the 2021 sale.[88] There simply is no language within the Tax Act that limits the President's authority to order—or DOI's authority to implement—a temporary suspension of the Program leases while the agency undertakes supplemental environmental review. The cases the State cites for the proposition that "[t]he ROD could have remained in effect while BLM prepared supplemental NEPA analysis"[89] do not suggest that Agency Defendants lack authority to suspend the Program's implementation while supplementing its NEPA analysis. Those cases instead suggest only that an agency need not always—but still may have authority to—vacate or suspend an underlying action while engaging in supplemental NEPA analysis.[90]

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[87] 42 U.S.C. § 6506a(k)(2); *see also United States v. Merrell*, 37 F.4th 571, 576 (9th Cir. 2022) ("Congress is . . . presumed to know existing law pertinent to any new legislation it enacts . . . ." (quoting *United States v. LeCoe*, 936 F.2d 398, 403 (9th Cir. 1991))).

[88] *See* AR 3365 ("[T]he Department has concluded it is necessary to suspend the . . . lease(s) . . . . While this [suspension of operations and production] is in place, no lease operations may transpire on the leases, the terms of the leases are tolled, and lease rentals are suspended.").

[89] Docket 66 at 16 (first citing *Diné Citizens Against Ruining Our Env't v. Haaland*, 59 F.4th 1016, 1031 (10th Cir. 2023); and then citing *Defs. of Wildlife v. Bureau of Ocean Energy Mgmt., Regul., & Enf't*, 871 F. Supp. 2d 1312, 1339 (S.D. Ala. 2012)).

[90] *See Diné*, 59 F.4th at 1032 (concluding that the NEPA regulations' "silence" on whether an agency must vacate or suspend an action while supplementing a NEPA review "lends support to BLM's argument that vacatur during supplemental analysis is not mandatory"); *Defs. of Wildlife*, 871 F. Supp. 2d at 1334, 1339 (finding that BOEM did not violate NEPA by issuing leases during pendency of supplemental environmental review).

Plaintiffs nonetheless argue that the NPRPA's suspension provision "pertains to specific leases based on site-specific considerations. It does not provide the Secretary blanket authority to issue a categorical suspension of operations across all leases . . . ."[91] Plaintiffs also allege that the Tax Act's "mandate for oil and gas development" supersedes the NPRPA's suspension provision due to the inclusion in the Tax Act's mandate of the phrase "except as otherwise provided in this section."[92]

Both arguments are unavailing. The NPRPA uses broad language allowing the Interior Secretary to suspend operations "on *any* lease or unit."[93] There is no language within the Tax Act or the NPRPA's suspension provision requiring "site-specific considerations," but even if there were, Agency Defendants may be making "site-specific considerations" as part of the Supplemental EIS process.[94] As for the Tax Act's mandate for oil and gas development, there is nothing in that

[91] Docket 60 at 28 n.8.

[92] Docket 60 at 28 n.8.

[93] 42 U.S.C. § 6506a(k)(2) (emphasis added).

[94] BLM's notice of intent to prepare the Supplemental EIS states that BLM plans to consider whether to "[d]esignate certain areas of the Coastal Plain as open or closed to leasing . . . [and] prohibit surface infrastructure in sensitive areas." AR 3368. BLM's Supplemental EIS also will "evaluate impacts to various surface resources including, but not limited to, caribou, polar bears, birds, vegetation, and surface waters including wetlands." AR 3368–69. By evaluating whether "certain" areas should be open or closed to leasing, considering whether to prohibit impacts to "sensitive" areas, and evaluating impacts to protected species and resources that inherently vary across the Coastal Plain, Agency Defendants may be making "site-specific considerations" as they conduct the supplemental NEPA review that will guide the manner in which they implement the Program and, if and when appropriate, allow operations to proceed on the issued leases.

mandate to suggest that Agency Defendants cannot temporarily pause implementation of the Program to ensure it complies with the law and, upon making that determination, resume the Program's implementation. Notably, Congress included the suspension provision within the NPRPA notwithstanding the NPRPA's mandate to DOI to "conduct an *expeditious* program of competitive leasing of oil and gas."[95] If DOI can suspend lease operations and production notwithstanding the NPRPA's mandate for "expeditious" development, clearly it can do so when implementing the Tax Act, which does *not* expressly call for "expeditious" development but does specifically impose two deadlines for holding lease sales.

Plaintiffs' contention that this interpretation results in "unfettered" discretion or authority for DOI to "indefinitely suspend" the Program again conflates a temporary pause with a permanent pause.[96] DOI's discretion is constrained by the Tax Act's mandate to implement the Program and conduct the two lease sales within the required timeframe and the APA's requirement to act within a reasonable time.[97] As intimated above, Congress could have included additional deadlines requiring Agency Defendants to issue any subsequent approvals by a date certain, but it chose not to do so.[98] Rather, the Tax Act accords to DOI the discretion to

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[95] 42 U.S.C. § 6506a(a) (emphasis added).

[96] Docket 67 at 16–17.

[97] *See supra* note 86.

[98] *Russello v. United States*, 464 U.S. 16, 23 (1983) ("[W]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or

implement the Program in a manner consistent with the Tax Act and consistent with ANILCA's purposes, which include environmental conservation along with the newly added purpose of the oil and gas program, and also consistent with other applicable federal laws, including NEPA.[99]

Plaintiffs also read the Tax Act to foreclose application of the NPRPA's suspension authority to "post-sale" activities such as easement or right-of-way applications.[100] Although these activities take place after the issuance of a lease, they are an essential component of the "administration of lease sales."[101] Moreover, the Tax Act itself accords DOI discretion in issuing easements or rights-of-way, as DOI is directed to issue those easements and rights-of-way that it determines are "necessary to carry out" the Program.[102] This includes the discretion, subject to the APA's requirements governing agency action, to decline to issue easements or rights-of-way at a time when they are *not* necessary to the Program's implementation.

exclusion." (alteration in original) (citations omitted)).

99 *See* ANILCA § 303(2)(B) (listing ANWR's purposes); 163 Cong. Rec. S7539–40 (daily ed. Nov. 30, 2017) (Murkowski Floor Statement).

100 Docket 67 at 16.

101 Tax Act § 20001(b)(3).

102 *Id.* § 20001(c)(2); *cf. City & Cnty. of San Francisco v. U.S. Citizenship & Immigr. Servs.*, 944 F.3d 773, 803 (9th Cir. 2019) (noting the "broad regulatory authority" Congress vests in agencies through the use of statutory language such as "appropriate and necessary" (quoting 42 U.S.C. § 7412(n)(1)(A))).

Next, Plaintiffs rely on a series of cases that they allege provide support for the proposition that the Tax Act does not confer authority to Agency Defendants to institute the Moratorium.[103] These cases, which touch on the "major questions doctrine",[104] are inapplicable. This is not a case involving an agency's assertion of "sweeping authority,"[105] such as a statutory interpretation that would allow an agency to "substantially restructure the American energy market"[106] or "cancel[] roughly $430 billion of federal student loan balances, completely erasing the debts of 20 million borrowers."[107] The Moratorium affects only a total of nine oil and gas leases held by three lessees over a discrete portion of land in northern Alaska, and it is both temporary and limited in nature. And while some out-of-circuit courts have held that "a decision to reconsider a rule does not simultaneously convey authority to indefinitely delay the existing rule pending that reconsideration,"[108] Agency Defendants are not indefinitely delaying a rule because the Moratorium is

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[103] Docket 60 at 29 (first citing Tax Act § 20001(b)(2)(A); then citing *West Virginia v. EPA*, 142 S. Ct. 2587, 2607 (2022); and then citing *Nat. Res. Def. Council v. Nat'l Highway Traffic Safety Admin.*, 894 F.3d 95, 111 (2d Cir. 2018)); Docket 67 at 11–12 (first citing *FEC v. Ted Cruz for Senate*, 142 S. Ct. 1638, 1649 (2022); then citing *West Virginia*, 142 S. Ct. at 2607–08; then citing *Ala. Ass'n of Realtors v. HHS*, 141 S. Ct. 2485, 2486 (2021); then citing *Whitman v. Am. Trucking Ass'ns*, 531 U.S. 457, 468 (2001); and then citing *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 125-26 (2000)).

[104] *See, e.g.*, *West Virginia*, 142 S. Ct. at 2610 ("Under our precedents, this is a major questions case.").

[105] *Ala. Ass'n of Realtors*, 141 S. Ct. at 2486.

[106] *West Virginia*, 142 S. Ct. at 2610.

[107] *Biden v. Nebraska*, 143 S. Ct. 2355, 2362 (2023).

[108] *Nat. Res. Def. Council*, 894 F.3d at 111–12 (citing *Clean Air Council v. Pruitt*, 862 F.3d 1, 9 (D.C. Cir. 2017)).

not of indefinite duration, and the actions being delayed—approving requests to begin conducting oil and gas activities or issuing easements or rights-of-way—are adjudicatory actions, not rules.[109]

C. Other Authorities

The Court next considers whether ANILCA, FLPMA, or any other federal statute or caselaw precludes Agency Defendants from implementing the Moratorium or strips the President of authority to order the same.

1. ANILCA

Plaintiffs maintain that the Moratorium violates ANILCA because of ANILCA's newly added purpose "to provide for an oil and gas program on the Coastal Plain."[110] But as discussed above, a temporary moratorium is not evidence that Agency Defendants have abandoned or plan to stop implementing the Program. And the Tax Act otherwise left ANILCA untouched, including its purposes related to environmental conservation and protection.[111] The Moratorium is intended to allow Agency Defendants to conduct what they describe as a proper review of the Program's environmental impacts, thereby satisfying ANILCA's other purposes without undermining its newly added purpose to conduct an oil and gas program. Since the Moratorium furthers ANILCA's purposes and

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[109] *See* discussion *infra* Section II.A.

[110] Docket 60 at 24 (citing Tax Act § 20001(b)(2)).

[111] ANILCA § 303(2)(B).

ANILCA contains no provisions limiting Agency Defendants' authority to institute a temporary moratorium on the oil and gas program, the Moratorium does not violate ANILCA.

2. FLPMA

Plaintiffs assert that the Moratorium constitutes a "withdrawal" as defined by FLPMA because it precludes oil and gas activities on the Coastal Plain and transfers jurisdiction over the Coastal Plain from BLM to the Interior Secretary.[112] FLPMA defines "withdrawal" as

> withholding an area of Federal land from settlement, sale, location, or entry, under some or all of the general land laws, for the purpose of limiting activities under those laws in order to maintain other public values in the area or reserving the area for a particular public purpose or program; or transferring jurisdiction over an area of Federal land, other than "property" governed by the Federal Property and Administrative Services Act, as amended (40 U.S.C. 472) from one department, bureau or agency to another department, bureau or agency.[113]

When withdrawing public lands pursuant to FLPMA, an agency must follow certain procedures, including public notice requirements, and comply with size and temporal limits.[114] "Removing otherwise eligible and available federal land from oil and gas leasing can constitute a 'withdrawal' . . . ."[115] However, "[t]o withdraw . . .

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[112] Docket 60 at 30.

[113] 43 U.S.C. § 1702(j).

[114] *Yount v. Salazar*, Case No. CV11-8171 PCT-DGC, 2014 WL 4904423, at *18 (D. Ariz. Sept. 30, 2014), *aff'd sub nom. Nat'l Mining Ass'n v. Zinke*, 877 F.3d 845 (9th Cir. 2017).

[115] *W. Energy All. v. Biden*, Case No. 21-CV-13-SWS, 2022 WL 18587039, at *11 (D. Wyo. Sept. 2, 2022).

means to withhold the parcel of land from sale entirely" rather than an action such as "cancel[ling] a specific sale to a specific buyer."[116]

The Moratorium does not run afoul of FLPMA. Agency Defendants are not "withholding" the leased land from "settlement, sale, location, or entry" because they have not acted to indefinitely prevent oil and gas activity on the leased land.[117] The Moratorium does not withhold AIDEA's leased land from oil and gas leasing entirely; nor does it reserve any of the leased land for a particular public purpose or program.

At least one district court has found that a temporary action that delays an oil and gas leasing program to allow for a supplemental NEPA review does not constitute a withdrawal subject to FLPMA.[118] Plaintiffs, meanwhile, have failed to identify any authority indicating that a temporary restriction on the use of leased lands while an agency supplements its NEPA review constitutes a "withdrawal" within the meaning of the FLPMA. Their citation to *Mountain States Legal Foundation v. Hodel* is unavailing.[119] The "withdrawal" at issue in that case was

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[116] *Silver State Land, LLC v. Schneider*, 843 F.3d 982, 991 (D.C. Cir. 2016).

[117] 43 U.S.C. § 1702(j).

[118] *See W. Energy All.*, 2022 WL 18587039, at *4, *12 (finding no withdrawal under or violation of FLPMA when BLM delayed a statutorily mandated lease sale to allow additional consideration of Environmental Assessments in light of federal caselaw (first citing *Columbia Riverkeeper v. U.S. Army Corps of Engrs.*, Case No. 19-6071 RJB, 2020 WL 6874871 (W.D. Wash. Nov. 23, 2020), and then citing *WildEarth Guardians v. Bernhardt*, Case No. 16-1724 (RC), 2020 WL 6701317 (D.D.C. Nov. 13, 2020)).

[119] Docket 67 at 18–19 (citing *Mountain States Legal Found. v. Hodel*, 668 F. Supp. 1466, 1474 (D. Wyo. 1987)).

BLM's suspension of mineral leasing in one national forest and its failure to act on lease applications in another national forest that had been pending for up to 12 years.[120] BLM took these actions at the request of the U.S. Forest Service, which asked BLM to delay further processing of any leases pending completion of a final EIS or until a Forest Plan was completed.[121] In setting aside the suspension, the U.S. District Court for the District of Wyoming interpreted FLPMA to find that BLM's suspension and unreasonable delay of mineral leasing constituted a withdrawal pursuant to FLPMA.[122]

The Ninth Circuit has expressly rejected the District of Wyoming's FLPMA analysis.[123] In *Bob Marshall Alliance v. Hodel*, BLM issued 19 oil and gas leases on the 42,000-acre Deep Creek Further Planning Area in the Lewis and Clark National Forest.[124] BLM did not prepare an EIS prior to issuing the leases; instead, it prepared an Environmental Assessment that "concluded that such leasing would have no significant effect on the quality of the human environment."[125] The district court enjoined the lease issuances, finding that the federal defendants violated NEPA and the Endangered Species Act by failing to prepare an EIS and address

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[120] *Mountain States*, 668 F. Supp. at 1469.

[121] *Id.*

[122] *Id.* at 1474.

[123] *Bob Marshall All. v. Hodel*, 852 F.2d 1223, 1230 (9th Cir. 1988).

[124] *Id.* at 1224–26.

[125] *Id.* at 1226.

the effects of the leasing on protected species.[126] The Ninth Circuit affirmed the district court's ruling as to any leases that allowed surface disturbance without further government approval.[127] As an ancillary issue to the issues on appeal, the Ninth Circuit addressed whether denying or deferring action on the lease applications would have violated FLPMA.[128] The Ninth Circuit rejected as unpersuasive the determination in *Mountain States* that deferring action on oil and gas leases can constitute an unlawful administrative withdrawal. Instead, the Ninth Circuit observed that a refusal to issue mineral leases is "far from removing [the land at issue] from the operation of the mineral leasing law" and is "a legitimate exercise of the discretion granted to the Interior Secretary under [the Mineral Leasing Act]."[129]

Plaintiffs maintain that *Bob Marshall* is distinguishable from the instant case because "it involved BLM's discretionary decision not to issue a specific lease."[130] But the Moratorium involves Agency Defendants' discretionary decision pursuant to the Tax Act, and, by incorporation, the NPRPA, to temporarily pause lease

[126] *Id.* at 1226–27.

[127] *Id.* at 1227.

[128] *Id.* at 1229–30. Through its NEPA review, the Forest Service had considered a "no action" alternative in which it would have denied or deferred action on the Deep Creek lease applications, but one defendant asserted that choosing this alternative "would have constituted an illegal administrative 'withdrawal' of Deep Creek from mineral leasing" pursuant to FLPMA. *Id.* at 1229. It is in that context that the Ninth Circuit addressed the FLPMA.

[129] *Id.* at 1230.

[130] Docket 67 at 19.

operations pertaining to a confined portion of land. Because the Moratorium does not remove the leased land on the Coastal Plain from oil and gas development, it cannot be considered a FLPMA "withdrawal" as the Ninth Circuit has interpreted that term.

Nor has DOI transferred jurisdiction over the Coastal Plain from BLM to the Interior Secretary. Plaintiffs are correct that a "withdrawal" can include "transferring jurisdiction over an area of Federal land . . . from one department, bureau or agency to another department, bureau or agency."[131] Secretarial Order 3401 directs BLM to act; it does not transfer jurisdiction over the Coastal Plain or any other portion of ANWR to the secretarial level at DOI.[132] Indeed, DOI expressly "redelegate[d]" the Interior Secretary's authority to implement the Tax Act to BLM, demonstrating that DOI intended for BLM to maintain its jurisdiction over the Program and land leased pursuant thereto.[133] As such, because Agency Defendants did not withdraw public lands or transfer jurisdiction over public lands between any agencies, there was no requirement for them to follow FLPMA's land withdrawal procedures.[134]

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[131] 43 U.S.C. § 1702(j).

[132] *See* AR 3363 ("The Assistant Secretary for Land and Minerals Management and the Director of the BLM shall, as appropriate and consistent with applicable law, take appropriate action with respect to existing leases in light of the direction provided herein.").

[133] AR 3363.

[134] *See* 43 U.S.C. § 1714 (establishing procedures to be followed when the Interior Secretary "make[s], modif[ies], extend[s], or revoke[s] withdrawals").

3. Caselaw

Plaintiffs' citation to *Louisiana v. Biden*,[135] an out-of-circuit district court decision, is neither controlling nor persuasive. The operative statutes at issue there were not the Tax Act, ANILCA, or FLPMA, but the Outer Continental Shelf Lands Act ("OCSLA") and the Mineral Leasing Act ("MLA").[136] That decision rested on the fact that, when suspending further leasing on the Outer Continental Shelf, the agency had not followed the process set forth in OCSLA for making changes to a previously adopted five-year leasing plan.[137] But the Tax Act contains no such delineated process for the executive branch to follow while administering the Program. Rather, the Tax Act contains a one-sentence directive to DOI to implement the Program.[138] And it instructs DOI to do so in a manner similar to the manner in which it implements the NPRPA oil and gas leasing program, which expressly authorizes DOI to suspend lease operations.[139] Neither the Tax Act nor the NPRPA contain any provisions comparable to OCSLA's provisions that

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[135] 622 F. Supp. 3d 267 (W.D. La. 2022).

[136] *Id.* at 275.

[137] 43 U.S.C. § 1344(e); *Louisiana*, 622 F. Supp. 3d at 288–89. Notably, the *Louisiana* court omits discussion of the President's authority to withdraw unleased lands pursuant to OCSLA, which could be construed as authority for a nationwide leasing moratorium. *See id.* at 288–90 (evaluating *ultra vires* claim concerning the President's authority to pause leasing nationwide without analysis of 43 U.S.C. § 1341(a), which provides that "[t]he President of the United States may, from time to time, withdraw from disposition any of the unleased lands of the outer Continental Shelf").

[138] Tax Act § 20001(b)(2)(A).

[139] *Id.* § 20001(b)(3); *see also* 42 U.S.C. § 6506a(k)(2) ("The Secretary may direct or assent to the suspension of operations and production on any lease or unit.").

establish steps DOI must take in order to effectuate a "revision and reapproval" of OCSLA's statutorily mandated program.[140] Nor have Plaintiffs alleged any violation of NPRPA-like procedures applicable to the Program. And even if the "expeditious" portion of the NPRPA's mandate applies to the Tax Act, Congress allowed for the possibility of a lease suspension in the implementation of what it explicitly directed to be an "expeditious" program in the NPRPA.[141]

With respect to Agency Defendants' authority to temporarily pause leasing activities pursuant to the Tax Act, the Court finds *Western Energy Alliance v. Biden*[142] to be more persuasive than *Louisiana*. In *Western Energy Alliance*, the U.S. District Court for the District of Wyoming upheld BLM's decision to postpone lease sales required pursuant to the MLA to ensure that the Environmental Assessments prepared in conjunction with those sales satisfied then-recent federal court decisions governing the proper analysis of greenhouse gas emissions in the NEPA review process.[143] The MLA contains a clear mandate for BLM to

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[140] *See generally* Tax Act § 20001; 43 U.S.C. § 1344(e).

[141] The State acknowledges Intervenor-Defendants' argument that "administrative agencies are assumed to possess at least some inherent authority to revisit their prior decisions," yet the State maintains that no such authority exists "when Congress has provided a mechanism capable of rectifying mistaken actions." Docket 66 at 8 (quoting *Ivy Sports Medicine, LLC v. Burwell*, 767 F.3d 81, 86 (D.C. Cir. 2014)); Docket 64 at 24 (citing *Ivy Sports*, 767 F.3d at 86). Unlike other statutes, the Tax Act's brief provisions governing the Program do not provide a mechanism for correcting legal errors in the Program's implementation, so *Ivy Sports* suggests that Agency Defendants do have inherent authority to revisit the Program's implementation. This inherent authority, coupled with the NPRPA's explicit grant of authority to suspend lease operations, is an adequate statutory backdrop against which Agency Defendants can temporarily pause the Program.

[142] 2022 WL 18587039.

[143] *Id.* at *8–10 (first citing *Rocky Mountain Wild v. Bernhardt*, Case No. 2:19-cv-00929-DBB-

hold lease sales on at least a quarterly basis with respect to certain lands deemed available for leasing.[144] BLM postponed lease sales scheduled for the first quarter of 2021 shortly after the President issued an executive order directing a nationwide oil and gas leasing moratorium pending additional NEPA review.[145] *Western Energy Alliance* involved the same executive order at issue in *Louisiana*, but the District of Wyoming determined that the lands at issue were not "available" within the meaning of the MLA since BLM had determined that their underlying Environmental Assessments "needed additional review and possible reworking due to recent caselaw."[146] Here, BLM made a similar determination concerning the EIS and ROD underlying the Program while implementing a statute with a significantly less rigid imperative. The Tax Act specifies only the dates by which two lease sales must take place, whereas the MLA requires quarterly lease sales. If BLM has the authority to postpone a statutorily mandated quarterly lease sale in order to conduct additional environmental review, it has the authority to postpone activities on leases when no statutory source commands it to take any actions beyond the lease sales within a set timeframe.

CMR, 2020 WL 7264914 (D. Utah Dec. 10, 2020); then citing *WildEarth Guardians v. Bernhardt*, 502 F. Supp. 3d 237 (D.D.C. 2020); and then citing *Columbia Riverkeeper*, 2020 WL 6874871).

[144] 30 U.S.C. § 226(b)(1)(A).

[145] *W. Energy All.*, 2022 WL 18587039, at *3 (citing Exec. Order No. 14008, 86 Fed. Reg. 7619, 7624–25 (Feb. 1, 2021)).

[146] *Id.* at *9; *Louisiana*, 622 F. Supp. 3d at 288–90.

Intervenor-Defendants' citation to *Boesche v. Udall*[147] provides further support for the Moratorium.[148] There, the Supreme Court interpreted the MLA to grant the Interior Secretary "the power to correct administrative errors . . . by cancellation of leases in proceedings timely instituted by competing applicants for the same land."[149] In *Boesche*, the Supreme Court recognized DOI's "general powers of management over the public lands" and the limited nature of a leasehold interest in such lands: A leasehold interest in public lands "does not give the lessee anything approaching the full ownership of a fee patentee," and so the Interior Secretary "should have the power, in a proper case, to correct his own errors."[150]

Boesche involved a different statute and, as the State points out,[151] a different type of agency error. The Supreme Court also cautioned that its holding was limited and "do[es] not open the door to administrative abuses."[152] But there is no indication in the Tax Act that similar authority to correct administrative errors does not exist here. If DOI can cancel a lease to correct its own errors, it can temporarily suspend a lease for the same purpose.[153] *Boesche* also undermines

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147 373 U.S. 472 (1963).

148 Docket 65 at 17 n.44, 20 n.55.

149 *Boesche*, 373 U.S. at 485.

150 *Id.* at 476, 478.

151 Docket 66 at 11–14.

152 *Boesche*, 373 U.S. at 485.

153 In another attempt to distinguish *Boesche*, the State asserts that a violation of a procedural statute such as NEPA is not the type of substantive error that would authorize DOI to cancel a lease. Docket 66 at 12–13. The State alleges that "courts often do not vacate agency decisions

the State's assertion that the Moratorium's purpose—which the State contends is "to consider cancelling already-issued leases"—is "invalid."[154]

Contrary to another of the State's assertions,[155] the Tax Act does not restrict DOI's broad authority to manage public lands; it simply directs DOI to implement a leasing program, just as the MLA and other federal statutes do. Likewise, ANILCA's purposes, which include environmental conservation,[156] do not restrict DOI's general managerial powers over the Coastal Plain with respect to the imposition of a temporary oil and gas moratorium, especially since DOI completed the first lease sale and currently is supplementing its environmental review and hence is "provid[ing] for an oil and gas program on the Coastal Plain."[157]

Century Exploration New Orleans, LLC v. United States also supports the proposition that an agency has authority to pause oil and gas activities after a

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and, particularly, do not void oil and gas leases because of deficiencies in NEPA analyses." Docket 66 at 12 (citations omitted). But DOI has not cancelled AIDEA's leases. In any event, in the Ninth Circuit, vacatur is "the presumptive remedy for agency action that violates the NEPA as reviewed through the APA." *Env't Def. Ctr. v. Bureau of Ocean Energy Mgmt.*, 36 F.4th 850, 882 (9th Cir. 2022) (citation omitted), *cert. denied sub nom. Am. Petroleum Inst. v. Env't Def. Ctr.*, No. 22-703, 2023 WL 3801206 (U.S. June 5, 2023).

[154] Docket 59 at 20, 23–26; Docket 66 at 9–14; *see also* discussion *infra* Section II.B.3.b (discussing validity of the Moratorium's purpose). Additionally, it cannot be said that the purpose of the Moratorium is to void AIDEA's leases or even, as the State asserts, "to consider whether to reaffirm or void the leases." Docket 59 at 24. This might be a purpose of the supplemental NEPA analysis, but it is not the purpose of the Moratorium itself. *See* AR 3365 ("The BLM will undertake *this additional NEPA analysis* to determine whether the leases should be reaffirmed, voided or subject to additional mitigation measures." (emphasis added)).

[155] Docket 66 at 13–14.

[156] ANILCA § 303(2)(B).

[157] Tax Act § 20001(b)(2)(B)(iii).

lease's issuance.[158] That case involved an oil and gas lessee's challenge to Interior's implementation of two moratoria on deepwater drilling operations in the Gulf of Mexico following the Deepwater Horizon disaster while new and increased substantive requirements were developed for drilling operations.[159] The Court of Federal Claims held that neither of the moratoria breached the plaintiffs' lease.[160] Rather, the court concluded that the two moratoria, which together resulted in an approximately six-month pause in drilling operations and permitting for such activities, were "well within the government's authority under both the terms of the lease and applicable law."[161] Similarly, the court observed that the moratoria's "short delay would not have effected a total breach of the lease, particularly in light of the absence of any express deadlines for the review and approval of" applications for drilling permits.[162]

Certainly, the circumstances leading to the Moratorium in the instant case are completely different from the Deepwater Horizon disaster. Yet the legal framework and analysis outlined in *Century Exploration* are analogous. Neither AIDEA's leases nor any federal statute or regulation prohibit the Moratorium or provide an express deadline by which Agency Defendants must allow oil and gas

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[158] 110 Fed. Cl. 148, 168 (2013), *aff'd*, 745 F.3d 1168 (Fed. Cir. 2014).

[159] *Id.* at 157–59.

[160] *Id.* at 168.

[161] *Id.* at 167–68.

[162] *Id.* at 168.

activities on the Coastal Plain to proceed after a lease sale is conducted. And as discussed below, the leases themselves expressly accord to Agency Defendants the right to alter the "timing of operations" conducted pursuant to the leases. Thus, as in *Century Exploration*, a temporary moratorium on post-sale oil and gas activities on the Coastal Plain is "well within the government's authority."[163]

4. The Lease Provisions

Although not discussed in detail in the parties' briefing,[164] the leases themselves provide support for the Moratorium. The leases contain a general disclaimer subjecting lessees to "reasonable regulations and formal orders hereafter promulgated when not inconsistent with, or unduly burdensome on, lease rights granted or specific provision[s] of this lease."[165] This language covers the instant situation since Secretarial Order 3401 and the SOP Letter are not inconsistent with the lease provisions and provide no additional obligations or burdens on the lessees beyond those associated with delay, which in this context are not "unduly burdensome." Similarly, Section 6 of the lease—which pertains to "minimiz[ing] adverse impacts to the land, air, and water, to cultural, biological, visual, and other resources, and to other land uses or users"—allows the lessor to

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[163] *Id.* at 168.

[164] Plaintiffs discuss the lease provisions in one short paragraph of their motion. Docket 60 at 29. The State's motion contains one sentence asserting that, upon a lease's cancellation, the lessee and third-party beneficiaries may be able to assert claims for breach of contract. Docket 59 at 26.

[165] *E.g.*, AR 3320.

subject the lessee to "reasonable measures deemed necessary . . . to accomplish the intent of this section."[166] These measures include the "timing of operations," thereby expressly reserving to Agency Defendants the right to alter the timing of operations conducted pursuant to the leases in an effort to minimize adverse environmental impact, an endeavor with which the supplemental NEPA review may assist.[167] Though not a statutory provision, the lease has the force of law as a contract between the United States and AIDEA, so these provisions provide further support for the legality of the Moratorium.[168]

In short, Plaintiffs have not identified any provision or source of federal law that precludes a temporary moratorium for the purpose of ensuring that the Program comports with the law. When viewed in conjunction with the broad discretion that the Tax Act accords DOI, it is clear that the President acted in accordance with his powers by ordering Agency Defendants to implement a temporary moratorium while DOI undertook to correct "alleged legal deficiencies" in its environmental analysis.[169] Consequently, Agency Defendants themselves

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[166] *E.g.*, AR 3321.

[167] *E.g.*, AR 3321.

[168] *See Peabody Coal Co. v. Navajo Nation*, 373 F.3d 945, 951 (9th Cir. 2004) (recognizing that oil and gas leases "represent a very specialized subset of contracts" governed by an "extensive federal regulatory scheme" (citation omitted)).

[169] AR 3351, 3362. Because the Court finds that EO 13990 orders DOI to take actions that are authorized by statute, the Court need not consider whether the Executive Order's savings clause salvages what Plaintiffs assert is an otherwise *ultra vires* order. Docket 60 at 21–22.

also acted in accordance with their powers by implementing the temporary moratorium.

II. The Moratorium does not violate the APA.

Plaintiffs and the State allege three categories of APA violations, namely that Agency Defendants (1) failed to follow the APA's notice-and-comment requirements, (2) arbitrarily and capriciously reversed their position regarding the Program's NEPA compliance without adequate factual or legal support or a lawful purpose, and (3) unlawfully and unreasonably withheld or delayed action to implement the Program.[170] The parties do not dispute that the APA governs these claims against Agency Defendants.[171] Defendants respond that the Moratorium is not a substantive rule that must follow the APA's notice-and-comment procedures, that Agency Defendants have not unlawfully reversed their position regarding the legality of the NEPA analysis underlying the Program's implementation, and that Plaintiffs cannot bring a viable failure-to-act claim.[172] The Court addresses these arguments in turn.

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[170] Docket 59 at 19–34; Docket 60 at 32–40; Docket 66 at 5–14; Docket 67 at 19–25; *see also* discussion of the State's additional arguments *infra* Section II.B.3.

[171] Docket 59 at 18–59; Docket 60 at 22–24; Docket 63 at 29; Docket 64 at 21–22; Docket 65 at 14–15.

[172] Docket 63 at 26–29, 34–42; Docket 64 at 31–39; Docket 65 at 21–28.

A. Notice-and-Comment Procedures

Plaintiffs contend that Agency Defendants' implementation of the Moratorium "constitutes a substantive rule subject to notice and comment given that it leaves agency staff with no discretion to process or approve applications to perform oil and gas activities on the Coastal Plain."[173] Plaintiffs point to several aspects of the Moratorium that they claim make it a substantive rule: its categorical application to all Coastal Plain leases and activities, the suspension of all leases on the same day Secretarial Order 3401 was issued, the virtually identical SOP Letters issued to each of the lessees, and BLM's informing of each contractor that it would not process their applications for work on the leases until the supplemental NEPA review was complete.[174]

Federal Defendants counter that DOI's implementation of the Moratorium is not a substantive rule subject to the APA's notice-and-comment requirements but rather an adjudication.[175] And even if Secretarial Order 3401 is considered a rule, Federal Defendants allege it is at most an interpretative rule or clarification of agency practice rather than a substantive or legislative rule requiring notice and comment.[176] Federal Defendants add that "neither the Program ROD nor its oil

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[173] Docket 60 at 33; *see also* Docket 59 at 22 ("[T]he agencies did not engage in required notice and comment processes . . . .").

[174] Docket 60 at 34–35.

[175] Docket 63 at 34–37 (quoting *Yesler Terrace Cmty. Council v. Cisneros*, 37 F.3d 442, 448 (9th Cir. 1994)).

[176] Docket 63 at 37–39.

and gas leases were established through rule making, so it makes little sense to suggest that similar (or lesser) action such as modifying the ROD or suspending the leases would require a rule making."[177]

The APA contemplates two primary forms of agency action: rulemaking and adjudication.[178] Rulemaking is the "agency process for formulating, amending, or repealing a rule."[179] The APA defines a rule as "the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency."[180] Adjudication "is virtually any agency action that is not rulemaking."[181] As the Ninth Circuit explained,

> Two principal characteristics distinguish rulemaking from adjudication. First, adjudications resolve disputes among specific individuals in specific cases, whereas rulemaking affects the rights of broad classes of unspecified individuals. Second, because adjudications involve concrete disputes, they have an immediate effect on specific individuals (those involved in the dispute). Rulemaking, in contrast, is prospective, and has a definitive effect on individuals only after the rule subsequently is applied.[182]

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[177] Docket 63 at 36.

[178] 5 U.S.C. § 551(4)–(7). Defendants also suggest that the leases fall under the APA's definition of "licensing," which in their view is further indication that their suspension should not be considered a form of rulemaking. Docket 63 at 36 n.10 (quoting 5 U.S.C. § 551(8), (9)).

[179] 5 U.S.C. § 551(5).

[180] *Id.* § 551(4).

[181] *Yesler*, 37 F.3d at 448 (citing 5 U.S.C. § 551(6)–(7)).

[182] *Id.* (citations omitted).

An agency has the discretion to "announce new principles during adjudication" instead of rulemaking.[183] Two exceptions limit this discretion: "First, agencies may not impose undue hardship by suddenly changing direction, to the detriment of those who have relied on past policy. . . . The second limiting doctrine is that agencies may not use adjudication to circumvent the Administrative Procedure Act's rulemaking procedures."[184] These procedures include a requirement for an agency to issue a notice of proposed rulemaking in the Federal Register before it proposes a rule and allow public comment on the proposed rule.[185]

Applying these principles, the Court finds that the Moratorium is not a rule subject to the APA's notice-and-comment procedures. Although the Moratorium reverses Agency Defendants' prior determination—expressed through the NEPA review and their carrying out of the lease sale—that the Program comported with applicable federal laws, the Moratorium does not operate prospectively to affect the rights of unspecified individuals in the future. Rather, it directly and immediately affected the rights of the identified lessees on the Coastal Plain.[186]

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[183] *Cities of Anaheim, Riverside, Banning, Colton & Azusa v. FERC*, 723 F.2d 656, 659 (9th Cir. 1984) (citations omitted); *see also Reyes v. Garland*, 11 F.4th 985, 991 (9th Cir. 2021) ("An agency may also exercise its congressionally delegated legislative authority through adjudicatory proceedings, where 'new administrative policy [is] announced and implemented through adjudication.'" (alteration in original) (quoting *Montgomery Ward & Co. v. FTC*, 691 F.2d 1322, 1328 (9th Cir. 1982))).

[184] *Anaheim*, 723 F.2d at 659 (citations omitted).

[185] 5 U.S.C. § 553(b)–(d).

[186] *Cf. Reyes*, 11 F.4th at 991 ("But while rules promulgated through . . . formal rulemaking

Further, neither of the two exceptions that limit an agency's authority to use adjudication apply here. First, the Moratorium does not result in undue hardship to the detriment of those who have relied on a previous agency action. Prior to the Moratorium, the only agency action directly impacting Plaintiffs had been the issuance of the leases; no work on the leases had begun when the Moratorium began.[187] The impact of the Moratorium's suspension of AIDEA's leases was not "excessive or unwarranted" given that the Moratorium is temporary in nature and that AIDEA had—but declined—the opportunity to cancel its leases and receive refunds of its lease payments.[188]

Second, Agency Defendants did not use adjudication to circumvent the APA's rulemaking procedures. A circumvention of the APA's rulemaking procedures occurs when, for example, an agency uses adjudication "to amend a recently amended rule" or "to bypass a pending rulemaking proceeding."[189] Agency Defendants did not circumvent any rulemaking procedure. They chose adjudication as the Moratorium's vehicle to temporarily pause implementation of

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generally apply prospectively . . . , adjudicatory rules may have a permissible retroactive effect, even without authorization from Congress, in some circumstances." (citation omitted)).

[187] *See* Docket 7 at 20–21, ¶¶ 76–83 (describing AIDEA's efforts to secure its leases, which were effective beginning January 1, 2021, shortly before issuance of EO 13990 on January 20, 2021).

[188] The other two lessees chose to cancel their leases and receive refunds of their lease payments. AR 3785, ¶ 13; AR 3790, ¶ 13.

[189] *Union Flights, Inc. v. Adm'r, FAA*, 957 F.2d 685, 689 (9th Cir. 1992) (citations omitted).

the Program; they did not amend an existing rule or bypass a pending rulemaking proceeding in so choosing.

In short, Secretarial Order 3401 is not broad or general in scope with the intent to be applied by Agency Defendants to unspecified future leasing. Rather, it is specific and limited to just one EIS for one leasing program. Likewise, BLM's actions to implement Secretarial Order 3401—which, as Plaintiffs put it, "prohibit[] all access for oil and gas activities during the moratorium"[190]—fall squarely within the realm of adjudication rather than rulemaking. These actions took the form of "individual order[s]" issued to the lessees informing each of them of the suspension of their leases[191] and specific responses to AIDEA's contractors' requests to proceed with activities on the leased lands.[192] The Court finds that Agency Defendants operated within their discretionary authority to use adjudication as the means to exercise their statutory authority to address the identified legal deficiencies specific to the Program, which involves a finite, limited number of parties.[193]

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[190] Docket 7 at 28, ¶ 123. These actions include BLM's issuance of the SOP Letter; refusal to process AIDEA's contractors' applications for rights-of-way, easements, or permits; and alleged "reopening" of the lease sale. Docket 7 at 30, ¶ 133.

[191] *See SEC v. Chenery Corp.*, 332 U.S. 194, 202 (1947) (noting agencies may act "by general rule or by individual order"); AR 3364–65, 3714–17.

[192] AR 3395–96, 3399–3400.

[193] *See Montgomery Ward*, 691 F.2d at 1328 ("It is well settled that the decision whether to proceed by adjudication or rule-making 'lies in the first instance within the agency's discretion.'" (alteration omitted) (quoting *NLRB v. Bell Aerospace Co.*, 416 U.S. 267, 294 (1974))). To the extent Secretarial Order 3401 or the SOP Letter interprets statutes such as the Tax Act or redelegates authority within DOI, they could be considered interpretative rules or rules of

Plaintiffs maintain that the Moratorium is a substantive rule because Secretarial Order 3401 constrains DOI staff's discretion to authorize oil and gas activities on the Coastal Plain and is "binding."[194] Plaintiffs cite several cases, including one Ninth Circuit case, *Mada-Luna v. Fitzpatrick*, that they maintain support their position.[195] Agency Defendants respond that *Mada-Luna* is inapposite because it concerned a "general policy constraining implementing official discretion in a multitude of future, distinct cases."[196]

In *Mada-Luna*, the Ninth Circuit held that an internal Immigration and Naturalization Service ("INS") directive issued to agency officials as an operating instruction did not violate the notice-and-comment requirements of the APA.[197] The instruction listed factors that INS district directors should consider in determining whether to defer immigration action with respect to undocumented persons.[198] The court held that the instruction was rulemaking but fell within the "general statements of policy" exception to the notice-and-comment requirements

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agency organization, procedure, or practice. Neither of these types of rulemaking requires adherence to notice-and-comment procedures. 5 U.S.C. § 553(b)(3)(A).

[194] Docket 60 at 32–35.

[195] Docket 60 at 33 (first citing *Mada-Luna v. Fitzpatrick*, 813 F.2d 1006, 1013 (9th Cir. 1987); then citing *Casa De Md. v. U.S. Dep't of Homeland Sec.*, 924 F.3d 684, 702 (4th Cir. 2019); and then citing *Appalachian Power Co. v. EPA*, 208 F.3d 1015, 1021 (D.C. Cir. 2000)).

[196] Docket 63 at 38.

[197] *Mada-Luna*, 813 F.2d at 1009; *see also* 5 U.S.C. § 553(b)(3)(A) (exempting "general statements of policy" from notice-and-comment requirements).

[198] *Mada-Luna*, 813 F.2d at 1008 n.1.

because it did not establish a "binding norm" that prohibited agency officials from considering individual facts in individual cases.[199] *Mada-Luna* is inapposite because Secretarial Order 3401 is not a general statement of policy applicable to all future agency actions on a particular topic; it is instead an agency adjudication limited to one EIS—the Program's EIS.

The other two cases Plaintiffs cite, *Casa De Maryland* and *Appalachian Power Company*, are inapposite for a similar reason: Like *Mada-Luna*, the former differentiated legislative rules subject to notice and comment from general statements of policy,[200] whereas the latter differentiated agency guidance from a legislative rule to be prospectively enforced against unidentified future persons or entities.[201] Neither case supports the proposition that the agency action in this case—directed solely at the identified lessees on the Coastal Plain—is a substantive rule subject to notice and comment.

Because the Moratorium constitutes an adjudication, and the APA's notice-and-comment procedures do not apply to agency adjudications, Agency

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[199] *Id.* at 1016–17.

[200] *See Casa De Md.*, 924 F.3d at 701–02 ("Plaintiffs argue that DACA's rescission required notice and comment under the APA because the Rescission Memo is a legislative rule that mandates how Department officials must act and substantively affects DACA recipients. The government rejects this premise, countering that the Memo is a general statement of policy.").

[201] *See Appalachian Power Co.*, 208 F.3d at 1021 ("If an agency acts as if a document issued at headquarters is controlling in the field, if it treats the document . . . as it treats a legislative rule, if it bases enforcement actions on the policies or interpretations formulated in the document, . . . then the agency's document is . . . 'binding.'" (citation omitted)).

Defendants did not violate the APA's notice-and-comment procedures by implementing the Moratorium.[202]

B. Reversal of Position

Plaintiffs and the State next allege that Agency Defendants "failed to provide a reasoned explanation" for reversing their prior position, expressed in separate litigation before this Court, that the Program had "satisfied all legal requirements."[203] Federal Defendants respond that "[n]o reversal [of position] has yet occurred" because the ROD remains in place pending the Supplemental EIS process currently underway.[204] In the alternative, Federal Defendants assert that they provided a reasoned explanation for supplementing the Program's environmental analysis,[205] an argument Intervenor-Defendants echo.[206]

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[202] As a result, the Court need not consider the degree to which Secretarial Order 3401 constrains the discretion of DOI staff.

[203] Docket 60 at 36; *see also* Docket 59 at 30–31 (alleging that Agency Defendants contradicted their prior findings "without acknowledgment or explanation of the contradiction"). That separate litigation is *Gwich'in Steering Comm. v. Haaland*, Case No. 3:20-cv-00204-SLG (D. Alaska filed Aug. 24, 2020), and *Native Vill. of Venetie Tribal Gov't v. Haaland*, Case No. 3:20-cv-00223-SLG (D. Alaska filed Sept. 9, 2020). The Court stayed those cases pending the supplemental NEPA review currently in progress. Text Order, *Gwich'in Steering Comm.*, Case No. 3:20-cv-00204-SLG (D. Alaska Feb. 12, 2021), ECF No. 75; Order Re Defs.' & Pls.' Unopposed Mot. to Stay Proceedings, *Native Vill. of Venetie*, Case No. 3:20-cv-00223-SLG (D. Alaska Sept. 13, 2021), ECF No. 77.

[204] Docket 63 at 39–40.

[205] Docket 63 at 40–41.

[206] Docket 64 at 31–36; Docket 65 at 25–28.

1. Whether Agency Defendants Changed Positions

The requirement that an agency explain when it changes its position applies somewhat broadly to a "subsequent agency action undoing or revising" a prior agency action.[207] This requirement applies to a change in "agency policy," although no precedent specifies what, precisely, constitutes an "agency policy" in this context.[208] A survey of the caselaw suggests that this requirement applies to any agency practice, interpretation, or position, whether announced through formal means, such as a rescission of a federal regulation published in the Federal Register, or less formal means, such as a change in an interpretation of a statute that arises through an enforcement action or issuance of a ROD.

In *FCC v. Fox Television Stations, Inc.*, the specific change at issue was the Federal Communications Commission's (the "FCC") new interpretation of a federal prohibition on the use of expletives in certain broadcasts.[209] The FCC's changed position surfaced in orders issued to broadcasters whose broadcasts featured allegedly indecent language that violated the newly revised federal prohibition.[210] The Supreme Court held that the FCC's reversal was not arbitrary or capricious because the FCC "forthrightly acknowledged that its recent actions have broken

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[207] *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009).

[208] *See, e.g.*, *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 221–22 (2016) (discussing *Fox* and its precursor cases).

[209] 556 U.S. at 505–10.

[210] *Id.* at 509–13.

new ground" and it had provided "rational" reasons for the new policy rooted in a "context-based approach" intended to reduce the widespread use of offensive language.[211] Other courts have applied the reasoned explanation requirement to myriad settings, including a new statutory interpretation contained in a formal federal rule that was inconsistent with an agency's prior practice,[212] a decision that a species warranted listing as an endangered or threatened species that contradicted a prior listing decision,[213] a finding in a ROD concerning the cost-benefit analysis of a regulation that contradicted the cost-benefit analysis in a prior ROD,[214] and an agency's agreement to transfer land to a Native corporation to build a road after concluding in an earlier ROD that the road's construction would not be in the public interest.[215]

With this caselaw in mind, the Court considers the two specific reversals Plaintiffs allege: (1) the alleged reversal of the ROD and (2) the alleged reversal of Agency Defendants' position regarding the legality of the Program, namely its NEPA review. Beginning with the first alleged reversal, the Court finds that Agency Defendants have not yet "undone" or "revised" the ROD because, to date, they

[211] *Id.* at 517–19.

[212] *Nat'l Cable & Telecomms. Ass'n v. Brand X Internet Servs.*, 545 U.S. 967, 981–82 (2005).

[213] *Ctr. for Biological Diversity v. Zinke*, 900 F.3d 1053, 1060–62 (9th Cir. 2018).

[214] *Organized Vill. of Kake v. U.S. Dep't of Agric.*, 795 F.3d 956, 966–68 (9th Cir. 2015) (en banc).

[215] *Friends of Alaska Nat'l Wildlife Refuges v. Bernhardt*, 381 F. Supp. 3d 1127, 1133, 1139 (D. Alaska 2019).

have not issued a revised ROD or other document that purports to rescind or replace the August 2020 ROD.

As for the second alleged reversal, there is no genuine dispute that Agency Defendants changed their position regarding the legality of the Program's implementation. Agency Defendants promulgated the existing EIS and ROD during the previous presidential administration, defended their legality in litigation before this Court, and relied on the ROD to conduct the Program's first lease sale.[216] Then, following the new administration's issuance of EO 13990, Secretarial Order 3401 identified alleged legal deficiencies in the Program's implementation, such as a failure to adequately analyze a reasonable range of alternatives in the EIS and a failure to properly interpret the Tax Act.[217] The SOP Letter expanded upon these deficiencies and identified other potential deficiencies or concerns warranting additional analysis, such as "compliance with Section 810 of [ANILCA]"[218] and the Ninth Circuit's December 2020 decision in *Center for Biological Diversity v. Bernhardt*.[219]

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[216] *See generally* AR 1–3226 (EIS, ROD, and associated notices of availability); AR 3227–3316 (lease sale materials); Fed. Defs.' Combined Mem. in Opp'n to Pls.' Mots. for Prelim. Inj., *Gwich'in Steering Comm.*, Case No. 3:20-cv-00204-SLG (D. Alaska Dec. 23, 2020), ECF No. 59.

[217] AR 3362.

[218] AR 3364–65.

[219] 982 F.3d 723 (9th Cir. 2020).

The issue is not whether there was a positional change, as there indisputably was, but instead whether the positional change rises to the level of a change that warrants a reasoned explanation. Agency Defendants expressed their initial position regarding the legality of the Program's NEPA review in an EIS and ROD and in litigation defending those documents. Agency Defendants effectuated their positional change through a Secretarial Order, the SOP Letter, and, to some extent, subsequent adjudicatory decisions—e.g., the refusal to process AIDEA's contractors' applications to begin archeological and seismic investigations—but have not done so in a formal instrument such as a ROD. The Court agrees with Plaintiffs and the State that Agency Defendants have changed their position such that the reasoned explanation requirement applies. Defendants have identified no caselaw requiring that the reversal be expressed in "a rule or a formal agency position of general applicability."[220] Here, Agency Defendants paused implementation of a program that they had been in the process of implementing because they changed their view on the program's legality. Such a reversal constitutes a change in agency policy. As a result, the Court moves to the next step of the analysis, which is to determine if Agency Defendants acknowledged and adequately explained their new position.

[220] Docket 63 at 39.

2. Whether Agency Defendants Provided a Reasoned Explanation for the Policy Change

Courts do not provide "heightened review" to an agency action that changes a prior policy.[221] Rather, under *Fox*, a court's review focuses on whether (1) the agency "display[s] awareness that it *is* changing position," (2) "the new policy is permissible under the statute," (3) "there are good reasons for" the new policy, and (4) "the agency *believes* [the new policy] to be better."[222]

Here, the Court finds that each of the *Fox* requirements is met. Agency Defendants acknowledged their change in position from implementing to pausing the Program by stating in Secretarial Order 3401 and the SOP Letter that they were aware of the Program's implementation through the EIS, ROD, and lease sale and were suspending it due to the identification of legal deficiencies in the Program's NEPA review, interpretation of the Tax Act, and compliance with ANILCA.[223] Although Agency Defendants did not expressly state in Secretarial Order 3401 and the SOP Letter that they had previously not identified any legal deficiencies in the Program and had defended that position in litigation, they acknowledged a departure from their previous position by describing the prior

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[221] *California ex rel. Becerra v. Azar*, 950 F.3d 1067, 1096 (9th Cir. 2020) (citing *Fox*, 556 U.S. at 514).

[222] *Fox*, 556 U.S. at 515 (citation omitted) (emphasis in original).

[223] *See* AR 3362 (quoting EO 13990, which references the ROD); AR 3364–65 (acknowledging alleged deficiencies or potential deficiencies with the Program's greenhouse gas analysis, compliance with section 810 of ANILCA, and interpretation of the Tax Act, which were part of the "NEPA documents underlying the competitive lease sale").

NEPA review and explaining the basis for their current position that the prior NEPA review was legally deficient.[224] The caselaw does not require Agency Defendants to be more explicit, as they simply must "display awareness that [they are] changing position,"[225] which they have done.

As for the remaining factors, Agency Defendants cited multiple statutes in Secretarial Order 3401 and the SOP Letter that they maintain support their decision to implement the Moratorium: the Tax Act, NEPA, and possibly also ANILCA.[226] As discussed above, the Moratorium "is permissible under the[se] statute[s]."[227] Further, the Court may presume that Agency Defendants believe that their new position is "better" since they identified legal deficiencies in the Program's implementation that they determined warranted a temporary pause.[228]

Agency Defendants also satisfied the requirement to provide "good reasons" to justify their positional change. It is not a coincidence that Agency Defendants identified legal errors in the Program promptly after a change in presidential administrations. A political motivation for a policy change may not necessarily by

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[224] This is not a case where Agency Defendants failed entirely to discuss the substance of how their new policy diverges from the prior policy. *See Ctr. for Biological Diversity v. Haaland*, 998 F.3d 1061 (9th Cir. 2021) (vacating agency's decision that Pacific walrus no longer qualified as threatened species where decision referred to contradictory prior finding only in a discussion of the decision's procedural history).

[225] *Fox*, 556 U.S. at 515 (emphasis omitted).

[226] AR 3362, 3364–65.

[227] *Fox*, 556 U.S. at 515; *see also* discussion *supra* Section I.

[228] *Vill. of Kake*, 795 F.3d at 967 ("[W]e assume the Department 'believes' the new policy is better because it decided to adopt it." (quoting *Fox*, 556 U.S. at 515)).

itself be a "good reason" for a positional change.[229] And yet, as the Supreme Court explained, "[a]n initial agency interpretation is not instantly carved in stone. On the contrary, the agency . . . must consider varying interpretations and the wisdom of its policy on a continuing basis, for example, in response to changed factual circumstances, *or a change in administrations*."[230] And "a court may not reject an agency's stated reasons . . . simply because the agency might also have had other unstated reasons."[231] Instead, a court should evaluate only the reasons the agency provided when explaining its new policy.[232]

An agency's reasons for a change can be sufficient even if they simply take the form of a "brief" explanation that the agency's "interpretation is 'more consistent' with statutory language" than an earlier interpretation.[233] This is precisely what Agency Defendants have done here. Agency Defendants identified violations of NEPA, and numerous federal courts over the past half-century have

[229] *See Coteau Props. Co. v. U.S. Dep't of the Interior*, 53 F.3d 1466, 1478 (8th Cir. 1995) (rejecting withdrawal of agency decision following change in administration when agency made "no pretense of applying . . . the deferential standard of review mandated by [its] own regulations"); *Amalgamated Transit Union, Int'l v. U.S. Dep't of Lab.*, Case No. 2:20-cv-00953-KJM-DB, 2022 WL 17978627, at *24 (E.D. Cal. Dec. 28, 2022) (invalidating agency decisions "motivated by a desire to reach a specific outcome, and . . . not informed by expertise, evidence or careful analysis").

[230] *Brand X Internet Servs.*, 545 U.S. at 981 (emphasis added) (citations and internal quotation marks omitted).

[231] *Dep't of Com. v. New York*, 139 S. Ct. 2551, 2573 (2019) (citation omitted).

[232] *Michigan v. EPA*, 576 U.S. 743, 758 (2015) (observing the "foundational principle of administrative law" that a court's review is limited to "the grounds that the agency invoked when it took the action." (citation omitted)).

[233] *Long Island Care at Home, Ltd. v. Coke*, 551 U.S. 158, 175 (2007) (citations omitted).

found NEPA violations to be significant enough to warrant the suspension of important federal projects.[234] Agency Defendants also identified a purported misinterpretation of the Tax Act—the primary substantive law authorizing the Program—concerning the number of surface acres that the Interior Secretary must authorize to be covered by oil and gas production and support facilities.[235] Further, Agency Defendants noted, albeit without providing additional explanation, that they identified a possible error concerning the other substantive law governing the Program, ANILCA.[236] For these reasons, Plaintiffs' contention that the Interior Secretary "does not explain how she reached [her] determination" and "makes no attempt to reconcile the Moratorium with Interior's prior position that the environmental review complied 'with all appliable [sic] laws'" is unfounded.[237]

Additionally, the Ninth Circuit has held that conforming an agency's analysis to federal appellate decisions can be a "good reason" to justify a change in position.[238] In *Center for Biological Diversity v. Bernhardt*, the Ninth Circuit held

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[234] *See, e.g.*, *Citizens for Responsible Area Growth v. Adams*, 477 F. Supp. 994, 1006 (D.N.H. 1979); *Nat'l Audubon Soc'y v. Hodel*, 606 F. Supp. 825, 846 (D. Alaska 1984); *City of Tenakee Springs v. Block*, 778 F.2d 1402, 1407–08 (9th Cir. 1985).

[235] AR 3365 (citing Tax Act § 20001(c)(3)).

[236] *See* AR 3364 ("[T]he Department has identified several areas for which additional analysis may either address a potential legal defect or, at a minimum, serve NEPA's purpose to meaningfully inform the decisionmaker as to the environmental consequences of federal action. These include . . . compliance with section 810 of [ANILCA].").

[237] Docket 60 at 36.

[238] *See Alaska Oil & Gas Ass'n v. Pritzker*, 840 F.3d 671, 682 (9th Cir. 2016) (approving National Marine Fisheries Service's explanation for adopting a new approach to climate analysis during the Endangered Species Act review process based in part on conformance to federal appellate

that a NEPA analysis of a planned offshore oil drilling and production facility was deficient because it failed to include greenhouse gas emissions estimates resulting from foreign oil consumption in its analysis of the no-action alternative.[239] Here, the EIS prepared in conjunction with the Program similarly fails to consider greenhouse gas emissions estimates resulting from foreign oil consumption.[240] Although BLM's EIS for the Program attempts to explain why it did not consider the Program's impact on foreign oil consumption and greenhouse gas emissions, the Ninth Circuit rejected those same arguments in *Center for Biological Diversity*.[241]

The Ninth Circuit issued its *Center for Biological Diversity* decision after Agency Defendants completed the EIS, issued the ROD, and provided the public with notice of the lease sale.[242] Although the lease sale took place shortly after

decisions interpreting the Act's "best data available" standard).

239 982 F.3d at 736.

240 *See* AR 84 ("Note that BOEM did not model alternative future carbon policies and foreign energy consumption . . . ."); AR 1019 ("[T]here are currently no reliable methodologies for forecasting foreign energy cross-price elasticities and oil/gas price shock substitution responses to arrive at a global [greenhouse gas] emissions impact from associated domestic changes."); AR 1690 (explaining, in response to a comment, BLM's position that the D.C. Circuit Court of Appeals "has held that agencies are not required to model how their actions will affect global energy markets and how those market changes will, in turn, affect foreign greenhouse gas emissions" (citation omitted)).

241 *Ctr. for Biological Diversity*, 982 F.3d at 737–740; *see also Sovereign Iñupiat for a Living Arctic v. Bureau of Land Mgmt.*, 555 F. Supp. 3d 739, 762–67 (D. Alaska 2021) (vacating BLM's approval of proposed oil and gas development project in part because BLM's greenhouse gas emissions analysis suffered from the same flaws the Ninth Circuit identified in *Center for Biological Diversity*).

242 *See generally* AR 1–3135 (EIS); AR 3138–3225 (ROD); AR 3227–28 (notice of lease sale).

the *Center for Biological Diversity* decision was released, Agency Defendants likely did not have an opportunity to consider the Ninth Circuit's holding when conducting that sale. Because the Ninth Circuit's holding governs the greenhouse gas analysis necessary for an oil and gas program to proceed in accordance with NEPA, it is reasonable for Agency Defendants to pause the Program to reconsider its underlying NEPA analysis in light of the recent holding.[243] It is particularly reasonable to pause the Program at this early stage where "no irreparable and irretrievable commitment of resources has occurred"[244] given the lessees' opportunity to receive refunds of their bid and rental payments and the lack of mobilization to conduct exploration or development activities.[245]

Given the above, the Court finds that Agency Defendants' explanation in Secretarial Order 3401 and the SOP Letter satisfies the requirements for a reasoned explanation articulated in *Fox*. Their explanation is not, as the State puts it, a set of conclusory, "generic statements" concerning the Program's possible legal deficiencies.[246] And where Agency Defendants' explanation contradicts

[243] *Cf. Citizens for Clean Energy v. U.S. Dep't of the Interior*, 621 F. Supp. 3d 1165, 1175 (D. Mont. 2022) (reinstating previously issued coal leasing moratorium until BLM performed a sufficient NEPA analysis).

[244] *Save Our Sound OBX, Inc. v. N.C. Dep't of Transp.*, 324 F. Supp. 3d 597, 624 (E.D.N.C. 2018) (citing *Nat'l Audubon Soc'y v. U.S. Dep't of Navy*, 422 F.3d 174, 206 (4th Cir. 2005)), *aff'd*, 914 F.3d 213 (4th Cir. 2019).

[245] *See* AR 3782–92 (agreements and notices regarding rescission of leases and refund of payments).

[246] Docket 59 at 28.

earlier positions expressed in the ROD, EIS, and prior litigation, they provide reasons that reflect "a rational connection" to their decision to implement the temporary Moratorium.[247]

The cases that Plaintiffs and the State cite in which courts have deemed an agency's explanations to be inadequate are inapposite.[248] Plaintiffs and the State assert that *Village of Kake* involved a similar circumstance to the present case.[249] But *Village of Kake* involved a policy change that rested on changed factual findings.[250] Under the Supreme Court's *Fox* jurisprudence, if an agency's new policy rests upon factual findings that contradict those contained in a prior decision, a "more substantial justification" is required.[251] In *Village of Kake*, the Ninth Circuit affirmed the district court's vacatur of a 2003 ROD and reinstatement of a 2001 ROD because the 2003 ROD "did not simply rebalance old facts to arrive at the

[247] *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 52 (1983) (quoting *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 168 (1962)).

[248] Docket 59 at 30 (first citing *Los Padres ForestWatch v. U.S. Forest Serv.*, 25 F.4th 649, 657 (9th Cir. 2022); and then citing *California v. Bernhardt* [sic], 286 F. Supp. 3d 1054, 1065–68 (N.D. Cal. 2020 [sic])); Docket 59 at 33 (citing *Vill. of Kake*, 795 F.3d at 966); Docket 60 at 38 (first citing *Organized Vill. of Kake v. U.S. Dep't of Agric.*, 776 F. Supp. 2d 960, 974 (D. Alaska 2011); and then citing *Vill. of Kake*, 795 F.3d at 966). It appears that the State incorrectly named one of these cases in its briefing. The case located at 286 F. Supp 3d 1054 is *California v. Bureau of Land Management*, not *California v. Bernhardt*, although there is a 2020 decision from the Northern District of California with that name. *California v. Bernhardt*, 472 F. Supp. 3d 573 (N.D. Cal. 2020).

[249] Docket 59 at 33 (citing *Vill. of Kake*, 795 F.3d at 966, 969); Docket 60 at 38 (citing *Vill. of Kake*, 795 F.3d at 966).

[250] *Vill. of Kake*, 795 F.3d at 968.

[251] *Perez v. Mortg. Bankers Ass'n*, 575 U.S. 92, 106 (2015).

new policy" but instead "made factual findings directly contrary to the 2001 ROD and expressly relied on those findings to justify the policy change."[252] *Village of Kake* is inapposite because Agency Defendants did not base the Moratorium on new factual findings that contradict their prior factual findings. Rather, any contradiction lies in Agency Defendants' position regarding the legality of the Program's NEPA review.

In *Los Padres ForestWatch*, the U.S. Forest Service "fail[ed] to provide evidence of the average or median" diameter of trees that would qualify as "generally small diameter timber" pursuant to federal regulations.[253] The memorandum approving the project "contain[ed] a bare assertion—with no supporting analysis—that . . . 21-inch [diameter-at-breast-height] trees are 'smaller trees' consistent with the Roadless Area Conservation Rule."[254] Not only did the Forest Service fail entirely to explain its conclusion regarding the trees at issue, but its conclusion also contradicted other evidence in the record, such as an Environmental Assessment prepared for a nearby project that concluded that "larger diameter" trees have a diameter at breast height exceeding 10 inches.[255] Here, Agency Defendants did not leave their policy change unexplained, and their

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[252] *Vill. of Kake*, 795 F.3d at 968.

[253] 25 F.4th at 657.

[254] *Id.*

[255] *Id.* at 658.

rationale did not contradict explicit factual findings contained elsewhere in the record.

In *California*, BLM promulgated a rule, referred to by the district court as "the Suspension Rule," that suspended certain provisions of BLM's Waste Prevention Rule, a rule which had sought to "reduce waste of natural gas from venting, flaring, and leaks during oil and natural gas production activities."[256] The court found that the Suspension Rule's reasoning was "untethered to evidence contradicting the reasons for implementing the Waste Prevention Rule" because BLM had initially found that the Waste Prevention Rule imposed "economical, cost-effective, and reasonable measures . . . to minimize gas waste," but in the Suspension Rule found that it had "concerns regarding the statutory authority, cost, complexity, feasibility, and other implications" of the Waste Prevention Rule.[257] Because the Suspension Rule contained factual findings that appeared to "contradict those underlying its prior policy," lacked other factual support, and were "not properly tailored" to address the concerns BLM identified with respect to the prior rule, the court enjoined enforcement of the rule due to BLM's failure to meet the "more detailed justification" standard.[258]

[256] 286 F. Supp. 3d at 1058 (citation omitted).

[257] *Id.* at 1058, 1065.

[258] *Id.* at 1065–67 (quoting *Fox*, 556 U.S. at 515).

Again, *California* is not directly applicable to the case at hand because the reasons Agency Defendants offered for their policy change are not contradictory factual findings about the Program's operation; rather, they are contradictory legal conclusions as to the EIS's compliance with NEPA. For example, the ROD concluded that the Tax Act's provision that the Interior Secretary "shall authorize up to 2,000 surface acres" means that BLM "cannot" consider "[a]n alternative that allowed less than 2,000 acres of surface facilities"; Agency Defendants announced the Moratorium in part because they determined the ROD's interpretation was incorrect, which had a significant impact on the NEPA review since it eliminated from consideration any alternative with lesser surface acreage.[259]

Even though *California* is not directly applicable to the instant case, it still lends support to Agency Defendants' primary justification for the Moratorium—to ensure that the NEPA analysis accounts for subsequently identified legal errors so the Program can proceed in accordance with the law.[260] As the court in *California* observed, a "concern for judicial review may serve to justify a suspension or delay."[261] There, BLM's stated concern for judicial review was insufficient to justify the Suspension Rule because BLM tailored the Suspension Rule "to achieve its

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[259] AR 76, 3365. The Court expresses no opinion in this order as to this legal issue.

[260] AR 3364–65.

[261] 286 F. Supp. 3d at 1068.

goal of relieving operators and the agency of the burden of complying with a rule that may shortly change."[262]

Here, by contrast, BLM's stated concern was that the Program may be based on a "specific legal error" implicated in then-pending court cases.[263] The reasons for the Moratorium expressed in Secretarial Order 3401 and the SOP Letter therefore are tethered to a concern about legality and judicial review and not to some unrelated concern, such as a political motivation or desire to address climate change. Political and climate-inspired motivations may have also been present, but Agency Defendants appropriately tailored the Moratorium to address specifically identified legal concerns that, once addressed, should facilitate Agency Defendants' efforts to implement the Program in accordance with the law.

In sum, the Court finds that Agency Defendants' explanation for the Moratorium satisfies their obligations pursuant to *Fox*.

3. The State's Related Arguments

The State raises two related arguments concerning Agency Defendants' policy change, which the Court addresses in turn.

a. The Moratorium does not rescind the ROD.

The State contends that the Moratorium "functionally rejects, suspends, and even rescinds the ROD . . . without any independent lawful authorization nor with

[262] *Id.* (citation omitted).

[263] AR 3362–63 (noting "legal deficiencies"); AR 3365 (describing potential implications to NEPA analysis after the Ninth Circuit issued *Center for Biological Diversity* in December 2020).

any process that would otherwise be required for such an action."[264] The State characterizes the Moratorium as "simply abandon[ing] an otherwise valid decision."[265] But as noted throughout this order, the Moratorium is a *temporary* pause in Agency Defendants' implementation of the Program. Nothing in Secretarial Order 3401 or the SOP Letter "abandons" the ROD. At some future time, Agency Defendants may choose to "reject[], suspend[], [or] even rescind[] the ROD" based on the results of their ongoing supplemental NEPA analysis, but they have not done so at this time.[266] Instead, the final agency action properly challenged in this suit is Agency Defendants' decision to pause the Program's implementation, not a rejection or rescission of the ROD.

b. The Moratorium's purpose is valid.

The State next alleges that the Moratorium is founded on an invalid purpose.[267] But the State fundamentally misconstrues the Moratorium's purpose. The purpose of the Moratorium is not, as the State contends, to "determine whether to reaffirm or void the Coastal Plain leases."[268] That may be part of the purpose of the supplemental NEPA review, but the issues of whether Agency Defendants have the authority to cancel any leases and under what circumstances

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[264] Docket 59 at 20.

[265] Docket 59 at 20.

[266] Docket 59 at 20.

[267] Docket 59 at 23.

[268] Docket 59 at 24.

are not before this Court.[269] The purpose of the Moratorium—the agency action that is properly challenged and currently before the Court—is to provide time for Agency Defendants to ensure that the Program is implemented in accordance with applicable laws.[270] It is well within DOI's authority to issue leases pursuant to the Program and to pause lease implementation to address legal errors that could lead a federal court to reject the Program and remand it to Agency Defendants, triggering another years-long NEPA process.[271]

The State acknowledges this authority in its reply but asserts that an agency cannot reconsider a decision "when Congress has provided a mechanism capable of rectifying mistaken actions."[272] The State asserts that Congress, through NEPA,

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[269] Regardless, as discussed above, the leases clearly provide authority for Agency Defendants to cancel the leases if, for example, a "lessee fails to comply with any provisions of" the lease. *E.g.*, AR 3312.

[270] *See* AR 3362 ("Based on th[e] identified deficiencies, the Department . . . will conduct a new, comprehensive analysis of the potential environmental impacts of the Program and address the identified legal deficiencies. While that analysis is pending, I direct a temporary halt on all Department activities related to the Program . . . ."); AR 3365 ("[T]he Department has concluded that it is necessary to suspend the above-referenced lease(s) . . . . The BLM will undertake this additional NEPA analysis to determine whether the leases should be reaffirmed, voided or subject to additional mitigation measures.").

[271] *See Ivy Sports Medicine, LLC v. Burwell*, 767 F.3d 81, 86 (D.C. Cir. 2014) ("[A]dministrative agencies are assumed to possess at least some inherent authority to revisit their prior decisions, at least if done in a timely fashion." (citations omitted)); discussion *supra* Section I.C.3 (citing *Boesche v. Udall*, 373 U.S. 472 (1963)). Likewise, "notions of administrative autonomy require that [an] agency be given a chance to discover and correct its own errors." *See McKart v. United States*, 395 U.S. 185, 195 (1969) (discussing reasons underlying the administrative exhaustion doctrine). This includes "giving the agency an opportunity to fix its own mistakes before it is brought to court." *William Loveland Coll. v. Distance Educ. Accreditation Comm'n*, 347 F. Supp. 3d 1, 13 (D.D.C. 2018), *aff'd sub nom. William Loveland Coll. v. Distance Educ. Accrediting Comm'n*, 788 F. App'x 5 (D.C. Cir. 2019).

[272] Docket 66 at 8 (quoting *Ivy Sports*, 767 F.3d at 86).

provided "a detailed process that federal agencies can and do use to modify or replace an existing ROD—a process that involves input by the public and other stakeholders."[273] But this contention again mischaracterizes the Moratorium, which does not modify or replace the Program's formal NEPA review or associated documentation; it instead pauses the Program's implementation so Agency Defendants can conduct additional NEPA analysis and correct the Program's alleged legal deficiencies. To the extent Agency Defendants develop a new EIS or ROD in an effort to rectify the alleged deficiencies, those efforts would require adherence to the applicable procedures established by Congress in NEPA and any applicable implementing regulations.

In light of the above, the Court concludes that the Moratorium's purpose, and Agency Defendants' authority to pursue that purpose, are each valid.

C. Agency Defendants Have Not Unlawfully Delayed or Unreasonably Withheld Agency Action

Plaintiffs' remaining argument is that Agency Defendants "are unlawfully and unreasonably delaying the completion of . . . discrete, required actions" pursuant to the Tax Act.[274] They focus primarily on the statute's directive that the Interior Secretary "shall issue any rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation necessary to carry out

[273] Docket 66 at 8 (first citing 42 U.S.C. § 4332(C); and then citing 40 C.F.R. §§ 1501–06).

[274] Docket 60 at 39–40.

this section."[275] Plaintiffs maintain that the Court "shall compel" these actions pursuant to Section 706(1) of the APA.[276]

Agency Defendants counter that they are not unlawfully withholding action because they satisfied the requirement to hold the Program's first lease sale and are "well within the statutory timeline for the second required sale."[277] With regard to the issuance of easements and rights-of-way, Agency Defendants maintain that a court can only invoke Section 706(1) of the APA when an agency has failed "to perform a ministerial or non-discretionary act," not an action over which the agency is accorded discretion.[278]

The APA provides that a court "shall compel agency action unlawfully withheld or unreasonably delayed," including a failure to act.[279] Judicial review of an agency's failure to act is limited, however, in order "to protect agencies from undue judicial interference with their lawful discretion, and to avoid judicial entanglement in abstract policy disagreements which courts lack both expertise and information to resolve."[280] It follows that a court may not compel agency action

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[275] Tax Act § 20001(c)(2).

[276] Docket 60 at 39 (citing 5 U.S.C. § 706(1)).

[277] Docket 63 at 28; *see also* Docket 64 at 23 ("Interior did not . . . miss deadlines in the Tax Act.").

[278] Docket 63 at 26–27 (quoting *Norton v. S. Utah Wilderness All.*, 542 U.S. 55, 64 (2004) [hereinafter *SUWA*]).

[279] 5 U.S.C. § 706(1); *see also* 5 U.S.C. § 551(13) (defining "agency action" to "include[] the . . . failure to act").

[280] *SUWA*, 542 U.S. at 66.

whenever an agency is withholding or delaying *any* action.[281] Rather, a court's authority to compel agency action "is carefully circumscribed to situations where an agency has ignored a specific legislative command."[282] To prevail on a Section 706(1) claim, a plaintiff must establish "that an agency failed to take a *discrete* agency action that it is *required to take*."[283] A court must leave "the manner of its action . . . to the agency's discretion" since a court "has no power to specify what the action must be."[284]

In the Ninth Circuit, an action is "unlawfully withheld" if "Congress has specifically provided a deadline for performance" and the agency has not met that deadline.[285] When there is no set deadline by which an agency must act, a court evaluates whether the agency's delay is unreasonable by applying the six factors established by the D.C. Circuit in *Telecommunications Research & Action Center v. FCC*[286] and adopted by the Ninth Circuit in *Independence Mining Co. v. Babbitt*:[287]

> (1) the time agencies take to make decisions must be governed by a rule of reason; (2) where Congress has provided a timetable or other

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[281] *Or. Nat. Desert Ass'n v. Bushue*, Case No. 3:19-cv-1550-SI, 2022 WL 17487065, at *2 (D. Or. Dec. 7, 2022).

[282] *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 593 F.3d 923, 932 (9th Cir. 2010).

[283] *SUWA*, 542 U.S. at 64 (emphasis in original).

[284] *Id.* at 65.

[285] *Biodiversity Legal Found. v. Badgley*, 309 F.3d 1166, 1177 n.11 (9th Cir. 2002).

[286] 750 F.2d 70 (D.C. Cir. 1984) [hereinafter *TRAC*].

[287] 105 F.3d 502, 507 (9th Cir. 1997).

> indication of the speed with which it expects the agency to proceed in the enabling statute, that statutory scheme may supply content for this rule of reason; (3) delays that might be reasonable in the sphere of economic regulation are less tolerable when human health and welfare are at stake; (4) the court should consider the effect of expediting delayed action on agency activities of a higher or competing priority; (5) the court should also take into account the nature and extent of the interests prejudiced by delay; and (6) the court need not find any impropriety lurking behind agency lassitude in order to hold that agency action is unreasonably delayed.[288]

The rule of reason is the most important factor in this analysis because, in determining an "appropriate timeline for agency action, the Ninth Circuit has instructed district courts to follow a standard of reasonableness."[289] Although "there is no *per se* rule as to how long is too long" for agency action,[290] the Ninth Circuit has observed that a delay of more than six years may be "nothing less than egregious."[291] Similarly, the Ninth Circuit held that an eight-year delay with no concrete timeline to reach a final ruling was a "roadmap for further delay" that "stretched the 'rule of reason' beyond its limits."[292]

Plaintiffs rely on one Supreme Court case supporting the proposition that when an agency fails to take a discrete step it is required to take, a court must

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[288] *TRAC*, 750 F.2d at 80 (internal quotation marks and citations omitted).

[289] *Audubon Soc'y of Portland v. Jewell*, 104 F. Supp. 3d 1099, 1102 (D. Or. 2015) (citations omitted); *see also Or. Nat. Desert Ass'n*, 2022 WL 17487065, at *17 ("Although not dispositive, the first factor in the *TRAC* analysis is the most important." (citing *In re A Community Voice*, 878 F.3d 779, 786 (9th Cir. 2017))).

[290] *In re Int'l Chem. Workers Union*, 958 F.2d 1144, 1149 (D.C. Cir. 1992).

[291] *In re Nat. Res. Def. Council, Inc.*, 956 F.3d 1134, 1139 (9th Cir. 2020) (citations omitted).

[292] *In re Pesticide Action Network N. Am.*, 798 F.3d 809, 814 (9th Cir. 2015).

invoke the APA to compel that action.[293] However, the operative statutes governing the Program—primarily the Tax Act—do not prescribe any discrete steps that Agency Defendants have yet failed to take. The Tax Act requires DOI to hold "the initial lease sale under the oil and gas program . . . not later than 4 years after the date of enactment of this Act."[294] Agency Defendants conducted the Program's first lease sale on January 6, 2021.[295] Congress enacted the Tax Act on December 22, 2017, so Agency Defendants handily met this deadline.[296] Agency Defendants have not cancelled, rescinded, nullified, or otherwise undone the first lease sale.[297] And the second lease sale deadline of December 22, 2024, has not yet passed.[298]

As for the Tax Act's mandate to the Secretary to "issue any rights-of-way or easements . . . necessary to carry out this section," this provision does not specify a timeframe by which Agency Defendants must act, and the Tax Act provides them

[293] Docket 60 at 39–40 (citing *SUWA*, 542 U.S. at 64). In *SUWA*, the Supreme Court held that statements in a land use plan reflecting BLM's intention to conduct supervision and monitoring activities were "not a legally binding commitment enforceable under § 706(1)," and, as such, the Supreme Court did not decide whether the statements were "sufficiently discrete to be amenable to compulsion under the APA." *SUWA*, 542 U.S. at 72.

[294] Tax Act § 20001(c)(1)(B)(ii)(I).

[295] AR 3227–28 (Notice of Lease Sale).

[296] *See generally* Tax Act.

[297] To the extent Plaintiffs suggest that the Moratorium is a de facto rescission of the lease sale, they have not pointed to any authority indicating that this is the case. Also, for the reasons the Court discussed above in response to the State's argument that the Moratorium functionally rescinded the ROD, there has not been a "functional" rescission of the lease sale. *See* discussion *supra* Section II.B.3.a.

[298] *See* Tax Act § 20001(c)(1)(B)(ii)(II).

discretion through use of the phrase "necessary to carry out this section."[299] Thus, apart from the lease sales themselves, there are no other "discrete agency action[s]" for which Agency Defendants have an explicit deadline.[300]

Plaintiffs' briefing does not address the *TRAC* factors and instead only superficially alleges an unreasonable delay.[301] Regardless, none of the factors weigh heavily in favor of Plaintiffs. First, the most important factor, the "rule of reason," weighs in favor of Agency Defendants given the temporary nature of the Moratorium and their desire to address legal issues that could stymie the Program while balancing ANILCA's conservation goals. Second, Congress has not provided any timetable for implementation of the Program beyond the requirements to conduct two lease sales within set periods of time, neither deadline of which Agency Defendants have violated. Third, the delays have resulted only in possible economic harm, as human health and welfare are not directly impacted by the Moratorium. Fourth, Agency Defendants delayed the Program for the

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[299] *Id.* § 20001(c)(2). Because Agency Defendants identified legal deficiencies in the Program's implementation, no rights-of-way or easements are necessary at this time to "carry out" Section 20001 of the Tax Act. *Cf. W. Energy All. v. Biden*, Case No. 21-CV-13-SWS, 2022 WL 18587039, at *9 (D. Wyo. Sept. 2, 2022) (finding that, because "recent caselaw created a cloud over the sufficiency of many of the" Environmental Assessments underlying a leasing program, none of the lands subject to the program were properly "available for leasing" pursuant to the MLA and its implementing regulations).

[300] *SUWA*, 542 U.S. at 64.

[301] *See generally* Docket 60 at 39–40. The State identifies two cases in which courts have held that agencies violated the APA by delaying agency action, but the State's filing likewise does not separately address APA § 706(1) or discuss the *TRAC* factors. Docket 59 at 22–23. Plaintiffs' and the State's replies do not address these factors either. *See generally* Docket 66; Docket 67.

purpose of ensuring that their NEPA review comports with the law. Indeed, Agency Defendants are attempting to balance the constraints imposed on them through multiple federal statutes: the Tax Act, ANILCA, and NEPA. There is no indication from Congress that any of these statutes should be prioritized over any other, and it cannot be said that a temporary delay in the Program's implementation represents an unreasonable prioritization of NEPA over the Tax Act or ANILCA when Agency Defendants have already begun to implement the Program and have only temporarily paused it to ensure compliance with NEPA. These efforts ultimately should further both the Tax Act and ANILCA's goals as well as NEPA's goals. Fifth, Plaintiffs have articulated some degree of prejudice from the delay, but there is no indication that, when the Moratorium ends, they will not be able to fulfill their objectives at that point. The sixth factor is largely irrelevant in this case, as there is no evidence that Agency Defendants have acted with impropriety.[302] At worst, their actions are rooted in political motivations, which are not by themselves reason to find a delay unreasonable. Accordingly, the Court finds that Agency Defendants' delay in implementing the Program is reasonable and that to date Agency Defendants have not unlawfully withheld any action.[303]

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[302] *See TRAC*, 750 F.2d at 80 (listing six factors relevant to the question of whether an agency's delay is unreasonable).

[303] Because the Court finds that the Moratorium complies with the law, it does not reach the parties' arguments concerning the proper remedy in this case. Docket 60 at 40.

CONCLUSION

In light of the foregoing, the State's and Plaintiffs' motions for summary judgment at Docket 59 and Docket 60, respectively, are DENIED. Defendants' responses in opposition—which the Court interprets as cross-motions for summary judgment—at Docket 63, Docket 64, and Docket 65 are GRANTED. All claims against Federal Defendants are DISMISSED with prejudice. The Clerk of Court is directed to enter a final judgment accordingly.

DATED this 7th day of August, 2023 at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

From:	Knodel, Marissa S
To:	Beaudreau, Tommy P; Kelly, Katherine P; Taylor, Rachael S
Cc:	Daniel-Davis, Laura E; Klein, Elizabeth A
Subject:	Re: FOR REVIEW: PFP documents
Date:	Wednesday, August 23, 2023 9:52:40 AM
Attachments:	Appendix_A_summaries_of_PP_comments_v.8.16.23.docx Appendix_B_Appropriations and Staffing FY24-29_v.8.16.23.docx Appendix_C_Glossary-PDC_v.8.16.23.docx Part_II_Combined PFP_v.8.16.23.docx

Hello everyone,

Attached is the remainder of the PFP chapters and Appendices, reviewed by Bob with no edits.

A friendly reminder that the schedule had your review and surname deadline **today**. Realizing that may not be possible (), I will alert our team.

Peace,

Marissa Knodel (she/her/they)
Senior Advisor, Bureau of Ocean Energy Management
202.538.2415
Marissa.Knodel@boem.gov

Did you notice the font is large? This is done for accessibility purposes. 14pt font size with Arial or Verdana (sans serif) fonts are the most legible.

From: Knodel, Marissa S <Marissa.Knodel@boem.gov>
Sent: Monday, August 21, 2023 9:45 AM
To: Beaudreau, Tommy P <tommy_beaudreau@ios.doi.gov>; Kelly, Katherine P <Kate_Kelly@ios.doi.gov>; Taylor, Rachael S <rachael_taylor@ios.doi.gov>
Cc: Daniel-Davis, Laura E <laura_daniel-davis@ios.doi.gov>; Klein, Elizabeth A <Elizabeth.Klein@boem.gov>
Subject: FOR REVIEW: PFP documents

Privileged and Confidential

Hello everyone,

The time has come for your review and surname of the National OCS Oil and Gas Leasing Program Proposed Final Program documents. **The window for this process for ASLM, Dep Sec, and SOL management is August 16-23.**

Laura and Bob have reviewed the attached Decision Framework and their edits incorporated. The remainder of the PFP decision chapters should be coming to you shortly. Please download and make your edits, comments, and questions in track changes and send them back to me as an e-mail attachment for version control. Exec Sec is aware of this process, and agreed to receiving the final, approved versions of all documents with a note of our surnaming process via e-mail.

I'm here to help address any questions you may have!

Activity	**Start Date**	**End Date**
PFP Part II (analytical portion) document surname: DIR	Early July	August 4
PFP Part I Decision Framework review and Surname: DIR	August 2	August 11
PFP Full document surname: ASLM, Dep Sec, and SOL management	August 16	August 23
Exec Sec analytical document and decision framework surname	August 28	September 6
Document Production (need at least 1 week)	September 7	September 15
PFP Announcement*		**September 20**
PFP and final PEIS publish in FR		September 22
60-day Presidential and Congressional waiting period	October	November
New National OCS Program approval/publish ROD		December 2023
First lease sale (262) and National OCS Program effective date		July 1, 2024

*Public announcement generally occurs two business days prior to FR notice publication due the FR notice availability in the reading room the day prior to official publication.

Peace,

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Did you notice the font is large? This is done for accessibility purposes. 14pt font size with Arial or Verdana (sans serif) fonts are the most legible.

Appendix A:
Summaries of Public Comments on the National OCS Oil & Gas Leasing Proposed Program

Table of Contents

Abbreviations and Acronyms

Acronym	Definition
BOEM	Bureau of Ocean Energy Management
BSEE	Bureau of Safety and Environmental Enforcement
DOI	Department of the Interior
DPEIS	Draft Programmatic Environmental Impact Statement
GDP	gross domestic product
GHG	greenhouse gas
GOM	Gulf of Mexico
IRA	Inflation Reduction Act
LWCF	Land and Water Conservation Fund
NEPA	National Environmental Policy Act
NOAA	National Oceanic and Atmospheric Administration
OCS	Outer Continental Shelf
OCSLA	Outer Continental Shelf Lands Act
PEIS	Programmatic Environmental Impact Statement
USEPA	U.S. Environmental Protection Agency

Appendix A Summaries of Public Comments by Commenter Category

On July 8, 2022, the Department of the Interior (DOI) Bureau of Ocean Energy Management (BOEM) announced the availability of, and requested comments on, the Proposed Program for the 2023–2028 National Outer Continental Shelf (OCS) Oil and Gas Leasing Program (2023–2028 Program), as well as the Draft Programmatic Environmental Impact Statement (DPEIS) for the 2023–2028 Program. Comments were received via www.regulations.gov (Docket BOEM-2022-0031), U.S. Postal Service, and through oral testimony during a virtual public comment meeting held on September 12, 2022. The comment period closed on October 6, 2022.

BOEM received a total of 762,859 public comment submissions in response to the notice. Of the total 762,859 public submissions, 5,290 were identified as unique, 748,715 copies were associated with form letter campaigns, 5,973 were duplicate or not germane, and 2,881 were incomplete submissions.[1] **Table A-1** below provides a count of unique submissions received by commenter type. This section provides a high-level summary of the comments received. General comments are presented first, followed by summaries of comments organized by commenter type.

Table 0-1: Stakeholders Providing Comments on the Proposed Program

Commenter Type	Number of Comments Received
Governors and State Agencies	7
Local Governments	24
Public Interest Groups	171
Federal Agencies	6
Energy Exploration & Production Industry and Associations	32
Non-energy Exploration & Production Industry and Associations	71
State-level Elected Officials	26
Members of Congress	3
Tribes and Tribal Organizations	9
General Public	4,941
Total	**5,290**

Notes: These counts represent all unique submissions and exclude form letter copies. Letters from Members of Congress contain multiple signatories amounting to 155 signatories total. See summaries below for additional details.

Summary of Comments from the General Public

Support for the Proposed Program

Numerous commenters expressed support for the Proposed Program. Several asserted that OCS oil and gas leasing is a vital source of fossil fuel energy for the United States, and that such domestic production supports employment, the economy, government revenue and gross domestic product (GDP), and national/energy security, and keeps energy prices down. Many commenters added that, due to strict environmental standards in the United States, producing oil and gas domestically is safe, reliable, and relatively clean. Several commenters added that foreign oil has a higher carbon intensity per barrel

[1] A total of 2,881 incomplete submissions containing only the text "A comment" were withheld from posting to www.regulations.gov and not accepted by BOEM.

production, reasoning that emissions from OCS drilling in the U.S. create less greenhouse gas (GHG) emissions.

Several commenters asserted that the United States is not ready to completely switch to renewable energy and that a slower transition to cleaner sources with continued oil and gas development is needed. Many added that halting oil and gas development would have negative effects on the economy, jobs, and the livelihoods of millions of Americans, and asserted that now is not a good time to scale back energy production. Citing Energy Information Administration data and reports, several commenters urged BOEM to pursue the Proposed Program to fulfill the United States' need for domestic oil production in the coming decades.

Comments Specifically in Support of Gulf of Mexico (GOM) Development

Numerous commenters expressed support for all 10 proposed lease sales in the GOM. Many echoed general supporting comments about the Proposed Program, including energy needs and demands, the need for national security and economic stability, support for jobs and the economy, the need to avoid dependence on foreign oil sources, the inability to quickly switch to renewables, and more. Several commenters discussed specific areas of the GOM, asserting that Gulf Coast states like Louisiana and Texas and their economies depend heavily on oil and gas development in the GOM. Some commenters provided details about the number of jobs and amount of government revenue supported by GOM oil and gas leasing.

Several commenters asserted that oil and gas development in the GOM is safe, reliable, and has among the lowest GHG emissions intensity in the world. Many commenters added that revenue from lease sales often goes towards coastal protection and funds development of renewable energy projects.

Comments Specifically in Support of Alaska Development

A few commenters expressed support for the lease sale proposed in Cook Inlet, asserting that leases in that area are dwindling and that development can safely be carried out without compromising the fishing industry, tourism, and the local environment.

Comments in Opposition to the Proposed Program

Numerous commenters expressed general opposition to the Proposed Program. Several cited environmental concerns regarding oil spills, including harms to marine life, soil and crops, ecosystems, hydrology and wetlands in coastal areas, water contamination, and damages to predominantly minority and disadvantaged coastal communities. Many commenters added that oil spills are not a question of if, but when, they will happen, citing the Deepwater Horizon spill as one example. Many commenters also discussed adverse impacts on recreation, tourism, fishing and seafood industries, endangered animals, ocean floor stability, workers, and coastal property values from oil spills and oil and gas drilling in general as reasons to oppose the Proposed Program.

Numerous commenters expressed concerns about the deleterious effects of climate change and the magnifying impacts the Proposed Program could have on GHGs, sea level rise, ocean acidification, extreme natural disasters, air quality and health risks, rising temperatures, and flooding.

Several commenters suggested the Biden Administration is prioritizing industry and corporate profits and violating promises of clean energy, "no more drilling" and "no new leases." Some added that oil and gas companies already hold significant unused acreage in the oceans and are in effect "stockpiling leases." Citing data, a commenter asserted that the Proposed Program would yield a small net benefit because the

Economic Analysis Methodology overestimates the anticipated oil production. Many mentioned climate, environmental justice, and community goals and commitments made by the Administration that they asserted would be violated by the Proposed Program. Some commenters likewise asserted that the Proposed Program violates the Outer Continental Shelf Lands Act (OCS Lands Act) and the responsibilities of BOEM to protect the environment. A commenter said that the OCS Lands Act and National Environmental Policy Act (NEPA) give BOEM the authority to consider downstream effects of consumption of OCS-extracted oil and gas and the associated carbon emissions, for which it claims legal precedents.

Several commenters asserted that the Proposed Program would have "little to no [positive] effect" on gas prices, jobs, and the economy, and many added their concerns that approving the Proposed Program would "lock in [oil and gas] development" for the foreseeable future and increase American dependence on fossil fuels.

Numerous commenters asked for "no new leases" and asserted that the better alternative would be swift investment in, and commitment to, sources of renewable energy such as wind, solar, hydroelectric, and tidal power.

Comments Specifically in Opposition to GOM Development

Numerous commenters, who expressed opposition for leasing in the GOM, did so for many of the same reasons that commenters opposed the Proposed Program in general, including damages from oil spills, including the contamination of underground waters and wells, destruction to coastal communities, effects on tourism, threats to marine life, GHGs, negative effects of climate change, and more. A couple of commenters asserted that drilling in the GOM would interfere with military training and testing activities.

Several commenters discussed endangered species native to the GOM region that would be harmed by oil and gas development, such as sea turtles, manta rays, and multiple species of coral. One commenter expressed concern that the effects of oil and gas leasing on deep sea ecosystems in the GOM were not considered in the Programmatic Environmental Impact Statement (PEIS). Citing research, a commenter expressed concern regarding the effects of oil and gas production on hypoxia in the GOM.

Several commenters discussed coastal and frontline communities along the Gulf Coast that would bear many of the risks and costs of oil and gas development, asserted that many of these communities are comprised of people of color who already experience social, political, and economic disenfranchisement, and stated that these coastal communities often comprise large portions of Gulf Coast States' populations.

Comments Specifically in Opposition to Alaska Development

Some commenters expressed opposition to leasing in the Cook Inlet area. They generally expressed concern over insufficient resources of natural gas in Cook Inlet, added that they will soon cost much more than they do currently, and asserted that the risk of oil spills such as the Exxon Valdez spill threaten fishing, tourism, marine aquaculture, and subsistence economies in the region. Many commenters also expressed concerns about beluga whale populations. Some commenters discussed otters, seals, and other marine animals in Cook Inlet, some of whom are federally listed as endangered, and asserted that continued energy development in Cook Inlet would result in the extinction of these species.

Several commenters warned BOEM that oil and gas development in the Cook Inlet Program Area would impact adjacent Native residents, with one commenter specifying that PEIS Alternative B(a) could harm Indigenous peoples in the Cook Inlet and Kachemak Bay. One commenter advocated for the protection of sacred waters and wildlife from the expansion of drilling in Alaska.

Mixed Comments on the Proposed Program

Several commenters offered general comments without providing a position, including generally discussing issues like global warming, net-zero goals, other forms of pollution, costs of climate change, rising energy prices, general critiques of the Biden Administration, or otherwise not offering a clear supporting or opposing position on the Proposed Program. One commenter suggested a carbon tax from a business standpoint, while another asked that the process for the Proposed Program be put back into the public eye.

Mixed Comments on GOM Development

One commenter submitted a townhall video from GOM residents and organizations representing their views on oil and gas leasing in the Gulf. Another commenter discussed the tradeoffs between local benefits of leasing and the consequences of leasing in different regions with less stringent regulations.

Mixed Comments on Alaska Development

No mixed comments were provided on the Alaska Region.

A.1 Governors and State Agencies

List of Commenters

Attorneys General of MD, CT, DE, ME, MA, NJ, NY, OR, RI, and WA
Delaware Department of Natural Resources and Environmental Control
Florida Department of Environmental Protection
Maryland Department of Natural Resources
Outer Continental Shelf Governors Coalition (2 comment letters received)
State of Alaska
The Energy Council

A.1.1 Proposed Program-wide Commenters

Attorneys General of Maryland, Connecticut, Delaware, Maine, Massachusetts, New Jersey, New York, Oregon, Rhode Island, and Washington, Brian E. Frosh, William Tong, Kathleen Jennings, Aaron M. Frey, Maura Healey, Matthew J. Platkin, Ellen F. Rosenblum, Letitia James, Peter F. Neronha, Bob Ferguson

Document ID: BOEM-2022-0031-6351

The group of state attorneys general supported BOEM’s exclusion of the Atlantic and Pacific Program Areas from the Proposed Program. The commenters also urged BOEM to minimize the scope and impact of new oil and gas leasing in other Program Areas, consistent with its offshore wind leasing plans and the conditions specified by the Inflation Reduction Act (IRA). The commenters said that any assessment of what leasing activity will best meet national energy needs must consider the climate crisis and the need to achieve net-zero emissions by 2050.

Delaware Department of Natural Resources and Environmental Control, Shawn M. Garvin

Document ID: BOEM-2022-0031-6385

The Delaware Department of Natural Resources and Environmental Control supported BOEM’s exclusion of the Mid-Atlantic Planning Area from the Draft Proposed Program.

Maryland Department of Natural Resources
Document ID: BOEM-2022-0031-6341

The Maryland Department of Natural Resources supported BOEM's exclusion of the Mid-Atlantic Planning Area from the Draft Proposed Program.

Outer Continental Shelf Governors Coalition, John Bel Edwards, Tate Reeves, Kay Ivey, Mike Dunleavy, Greg Abbott
Document ID: BOEM-2022-0031-6343

The Outer Continental Shelf Governors Coalition urged BOEM to move forward with all 11 lease sales identified in the Proposed Program. The commenters requested continued collaboration with DOI.

Outer Continental Shelf Governors Coalition, John Bel Edwards, Tate Reeves, Kay Ivey, Mike Dunleavy, Greg Abbott
Document ID: BOEM-2022-0031-6284

The Outer Continental Shelf Governors Coalition asked what consultations required by the OCS Lands Act will entail, when the DOI will publish the Environmental Impact Statement, and when the 2023–2028 Program will be finalized.

A.1.2 Cook Inlet-specific Commenters

State of Alaska
Document ID: BOEM-2022-0031-6328

The State of Alaska supported BOEM's proposal for a lease sale in Cook Inlet and commented that BOEM should include more than one lease sale per year in Cook Inlet, consider lease sales in the non-withdrawn areas of the Beaufort Sea, and analyze the benefits of the resources of the Chukchi and Beaufort seas planning areas. The commenter supported additional development of oil and gas resources to ensure energy security, jobs, and long-term economic growth.

A.1.3 Gulf of Mexico-specific Commenters

Florida Department of Environmental Protection, Michael Shirley
Document ID: BOEM-2022-0031-6504

The Florida Department of Environmental Protection expressed concern about the effects of OCS oil and gas activities on the sensitive biological resources and critical habitats associated with GOM marine and coastal environments. The commenter stated that prior oil spills have resulted in negative impacts on Florida's environmental resources, fisheries, tourism, and economy.

A.2 Local Governments

List of Commenters

Chambers County Commissioner Mark Tice
Chambers County Commissioner Precinct 1 Jimmy Gore
Chambers County Commissioner Precinct 4, Billy Combs
Chambers County JP Randy VanDeventer Precinct 2
City of Casselberry Vice Mayor John Miller
City of Pensacola Council Member Jennifer Brahier
City of Pensacola Council Member Ann Hill
Escambia County Commissioner
Greater Lafourche Port Commission/Port Fourchon
Gulfport City Councilor Ella Holmes Hines
Iberia Parish Government
New Orleans City Council, Helena Moreno
Plaquemines Parish Government
St. Bernard Parish Government
St. Charles Parish
St. Mary Parish Government
St. Tammany Parish Government
Tangipahoa Parish Government
Terrebonne Parish Council
Terrebonne Parish Economic Development Authority
Terrebonne Parish Government
Village of Cimarron
Ward 2, City Council Biloxi, Mississippi
West Baton Rouge Parish

A.2.1 Proposed Program-wide Commenters

Florida, City of Casselberry, John Miller
Document ID: BOEM-2022-0031-6242

The commenter expressed support for the Proposed Program stating that more oil and gas leases would lower energy costs.

New Mexico, Village of Cimarron, Judy LeDoux
Document ID: BOEM-2022-0031-6301

The commenter expressed support for the Proposed Program and the inclusion of the 11 lease sales, arguing that these leases will reduce energy prices and create jobs in the United States, and adding that oil and gas production in the GOM helps fund conservation and outdoor recreation in western states.

A.2.2 Cook Inlet-specific Commenters

No local government commenters provided comment on the Cook Inlet Program Area.

A.2.3 Gulf of Mexico-specific Commenters

Florida, Escambia County Commissioner, Robert Bender
Document ID: BOEM-2022-0031-6575

The commenter expressed opposition to any offshore oil and gas drilling activities in the GOM, arguing that Pensacola Beach and the Gulf Coast cannot withstand another oil spill. The commenter attached a resolution of opposition to offshore drilling in the GOM, and support for the Florida Coastal Protection Act, which would amend the OCS Lands Act to prohibit BOEM from offering oil and gas leasing in a few areas of the GOM.

Florida, City of Pensacola Council Member, Jennifer Brahier
Document ID: BOEM-2022-0031-6516

The commenter expressed opposition to the issuing of new oil and gas leases in the GOM, arguing that issuance of new leases would risk the health and well-being of human and marine life in the Gulf Coast, citing studies on the severe negative effects of the Deepwater Horizon oil spill on marine life, fishermens' and farmers' income, and the local seafood industry.

Florida, City of Pensacola Council Member, Ann Hill
Document ID: BOEM-2022-0031-6586

The commenter expressed opposition to new oil and gas leasing in the GOM, citing a study on long-term health impacts on individuals involved in oil spill cleanup operations. The commenter discussed local clean energy efforts to reduce the demand for fossil fuels, asking DOI to join in leading this effort.

Louisiana, Greater Lafourche Port Commission, Chett Chiasson
Document ID: BOEM-2022-0031-6581

The commenter expressed support for the Proposed Program and issuing new oil and gas leases in the GOM, arguing that oil and gas development helps meet U.S. energy needs and creates jobs and that production in the GOM produces fewer GHGs than in other regions. The commenter further recommended that BOEM and other Federal agencies also consider planning other on- and offshore renewable energy and carbon capture developments.

Louisiana, Iberia Parish Government, M. Larry Richard
Document ID: BOEM-2022-0031-6585

The commenter expressed support for the Proposed Program and issuing new oil and gas leases in the GOM, stating that the industry supports many jobs in Louisiana, contributes significantly to state tax revenues, and helps fund conservation efforts. The commenter argued that failing to issue new leases could endanger these benefits, that expanding leasing in the GOM would reduce U.S. energy costs, and finally that oil and gas production in the GOM produces fewer GHGs than in other regions.

Louisiana, New Orleans City Council, Helena Moreno
Document ID: BOEM-2022-0031-6345

The commenter argued that BOEM should instead be focused on expanding offshore wind energy development in the GOM, because this development would help mitigate the effects of climate change on vulnerable communities and because oil and gas production causes air pollution that is harmful to human health in the GOM.

Louisiana, Plaqemines Parish Government, Kirk Lepine
Document ID: BOEM-2022-0031-6880

The commenter expressed support for the Proposed Program and issuing new oil and gas leases in the GOM, stating that the industry supports many jobs in Louisiana, contributes significantly to state tax revenues, and helps fund conservation efforts. The commenter argued that failing to issue new leases could endanger these benefits, that expanding leasing in the GOM would reduce U.S. energy costs, and finally that oil and gas production in the GOM produces fewer GHGs than in other regions.

Louisiana, St. Bernard Parish Government, Guy McInnis
Document ID: BOEM-2022-0031-6465

The commenter expressed support for the Proposed Program and issuing new oil and gas leases in the GOM, stating that the industry supports many jobs in Louisiana, contributes significantly to state tax revenues, and helps fund conservation efforts. The commenter argued that failing to issue new leases could endanger these benefits, that expanding leasing in the GOM would reduce U.S. energy costs, and finally that oil and gas production in the GOM produces fewer GHGs than in other regions.

Louisiana, St. Charles Parish, Matthew Jewell
Document ID: BOEM-2022-0031-6306

The commenter expressed support for the Proposed Program and issuing new oil and gas leases in the GOM, stating that the industry supports many jobs in Louisiana, contributes significantly to state tax revenues, and helps fund conservation efforts. The commenter argued that failing to issue new leases could endanger these benefits, that expanding leasing in the GOM would reduce U.S. energy costs, and finally that oil and gas production in the GOM produces fewer GHGs than in other regions.

Louisiana, St. Mary's Parish, David Hanagriff
Document ID: BOEM-2022-0031-22915

The commenter expressed support for the Proposed Program including all 11 lease sales. The commenter stated implementation of these leases would bring economic stability to the GOM region and lower energy costs.

Louisiana, St. Tammany Parish Government, Michael Cooper
Document ID: BOEM-2022-0031-6479

The commenter expressed support for the Proposed Program and issuing new oil and gas leases in the GOM, stating that the industry supports many jobs in Louisiana, contributes significantly to state tax revenues, and helps fund conservation efforts. The commenter argued that failing to issue new leases could endanger these benefits, that expanding leasing in the GOM would reduce U.S. energy costs, and finally that oil and gas production in the GOM produces fewer GHGs than in other regions.

Louisiana, Tangipahoa Parish Government, Robby Miller
Document ID: BOEM-2022-0031-6498

The commenter expressed support for the Proposed Program and issuing new oil and gas leases in the GOM, stating that the industry supports many jobs in Louisiana, contributes significantly to state tax revenues, and helps fund conservation efforts. The commenter argued that failing to issue new leases could endanger these benefits, that expanding leasing in the GOM would reduce U.S. energy costs, and finally that oil and gas production in the GOM produces fewer GHGs than in other regions.

Louisiana, Terrebonne Parish Council, Tammy Triggs
Document ID: BOEM-2022-0031-6455

The commenter expressed concern that the Proposed Program would fail to adequately address U.S. energy needs by not scheduling new oil and gas lease sales, claiming that issuing no new leases would endanger U.S. energy security, jobs, and tax revenue, and further argued that energy producers in the GOM are among the least carbon-intensive in the world, supply a significant portion of U.S. oil and gas, and help fund important conservation projects.

Louisiana, Terrebonne Parish Economic Development Authority, Cohen Guidry
Document ID: BOEM-2022-0031-6453

The commenter expressed support for including the maximum number of lease sales in the Proposed Program, while expressing concern that the Program could fail to adequately address U.S. energy needs by not scheduling new oil and gas lease sales. The commenter argued that issuing no new leases would endanger U.S. energy security, jobs, and tax revenue, particularly for essential services in the Gulf region, such as education, health care, emergency services, and infrastructure. The commenter also claimed that energy producers in the GOM are among the least carbon-intensive in the world, that they supply a significant portion of U.S. oil and gas, and that oil and gas revenues in the GOM help fund important conservation and levee protection projects in the region.

Louisiana, Terrebonne Parish Government, Gordon Dove
Document ID: BOEM-2022-0031-6454

The commenter expressed support for including the maximum number of lease sales in the Proposed Program, while expressing concern that the Program could fail to adequately address U.S. energy needs by not scheduling new oil and gas leases. The commenter argued that issuing no new leases would endanger U.S. energy security, jobs, and tax revenue, particularly for essential services in the Gulf region, such as education, health care, emergency services, and infrastructure. The commenter also claimed that energy producers in the GOM are among the least carbon-intensive in the world, that they supply a significant portion of U.S. oil and gas, and that oil and gas revenues in the GOM help fund important conservation and levee protection projects in the region.

Louisiana, West Baton Rouge Parish, Riley Berthelot
Document ID: BOEM-2022-0031-6472

The commenter expressed support for the Proposed Program and issuing new oil and gas leases in the GOM, stating that the industry supports many jobs in Louisiana, contributes significantly to state tax revenues, and helps fund conservation efforts. The commenter argued that failing to issue new leases could endanger these benefits, that expanding leasing in the GOM would reduce U.S. energy costs, and finally that oil and gas production in the GOM produces fewer GHGs than in other regions.

Mississippi, Gulfport City Councilor, Ella Holmes Hines

Document ID: BOEM-2022-0031-6346

The commenter expressed opposition to issuing new oil and gas leases in the GOM, arguing that existing production in the region is sufficient for U.S. energy needs, and recommended expanding offshore wind energy development in the GOM, which would help mitigate the effects of climate change on vulnerable communities and reduce harmful air pollution in the GOM.

Texas, Chambers County Commissioner Precinct 4, Billy Combs
Document ID: BOEM-2022-0031-6458

The commenter expressed support for the Proposed Program and expanding oil and gas production in the GOM, arguing that current operations support a substantial number of jobs and help fund conservation efforts, that expanding production can lower U.S. energy prices, and that oil and gas operations in the GOM produce fewer GHGs than in other regions.

Texas, Chambers County Commissioner Precinct 1, Jimmy Gore
Document ID: BOEM-2022-0031-6592

The commenter expressed support for all 11 lease sales in the Proposed Program, stating that oil and gas operations in the GOM bring thousands of jobs and millions in GDP to the United States. They added that offshore leasing is an important revenue source for conservation projects and funding and that domestic energy production will help keep energy prices from further spikes in the future.

Texas, Chambers County JP, Randy VanDeventer Precinct 2
Document ID: BOEM-2022-0031-6595

The commenter expressed support for all 11 lease sales in the Proposed Program, stating that they would bring economic strength and certainty to the country.

Texas, Chambers County Commissioner Precinct 2, Mark Tice
Document ID: BOEM-2022-0031-6316

The commenter expressed support for oil and gas production in the GOM region stating that domestic production can lower energy prices and that GOM oil and gas production produces less GHG than alternatives.

Ward 2, City Council Biloxi, Mississippi
Document ID: BOEM-2022-0031-6381

The commenter requested that all oil leases that might be offered be 12 miles south of Ship Island and suggested the proposed National OCS Program consider impacts of offshore oil disasters on the coastal economy. Additionally, the commenter expressed support for a transition to renewable energy and requested any offshore wind leases also be 12 miles south of Ship Island.

A.3 Public Interest Groups

List of Commenters

A Community Voice Louisiana
Alaska Marine Conservation Council
Alaska Survival
Alliance for Affordable Energy
American Friends Service Committee
API
Azul
Biloxi MS NAACP
Boat People SOS Biloxi, MS
Boat People SOS Gulf Coast

Business Alliance for Protecting the Pacific Coast
Business and Industry Association of New Hampshire
Center for Biological Diversity (2 comment letters received)
Center for International Environmental Law
Cherokee Concerned Citizens
Citizens Against Fracking
Clean Water Action
Climate Interactive and Citizens Climate Lobby
Climate Reality Dallas-Ft. Worth
Coastal Coordination Program, The Ocean Foundation
Colorado Farm Bureau
Consumer Energy Alliance
Defenders of Wildlife
Earth Ethics, Inc.
Earth Neighborhood Productions
Earthjustice
Earthjustice, et al.
Education, Economics, Environmental, Climate and Health Organization (EEECHO)
Energy and Landscape Conservation at the National Parks Conservation Association
Environment America
Environment Texas
Evergreen Action
FracTracker Alliance
Friends of Casco Bay
Georgia Natural Gas Authority
Gulf Economic Survival Team (GEST)
Gullah/Geechee Sea Island Coalition
Hancock County MS NAACP
Healthy Gulf
Healthy Ocean Coalition
Hispanic Access Foundation
Hispanic Policy Group
Institute for Energy Research
Institute for Policy Integrity at New York University School of Law
Interfaith Oceans
International Marine Mammal Project of Earth Island Institute
James Madison Institute (2 comment letters received)
John Locke Foundation
Lane Plating Community Advisory Group
Louisiana Just Recovery Network
Maine State Grange
Maryland Ornithological Society
Mississippi Rising Coalition

Mississippi State Conference NAACP Environmental and Climate Justice Committee
Montana Stockgrowers Association
Mystic Aquarium
National Parks Conservation Association
Natural Resources Defense Council, Irene Gutierrez, Lauren Kubiak, Julia Forgie, Sarah Chasis, Leyi Chen, Katie Chicojay Moore, Ursa Heidinger, Michael Jasny, Rebecca Loomis, Reecca Ramirez, Brad Sewell
Nebraska State Grange
New York State Grange
North Gulfport Community Land Conservancy
Ocean Conservancy
Oceana
Orange County Partnership
Pennsylvania Chemical Industry Council
Pennsylvania Farm Bureau
R Street Institute
Rethink Energy Florida
San Antonio Bay Estuarine Waterkeeper
Sanibel-Captiva Conservation Foundation (2 comment letters received)
Sea Turtle Conservancy
South Louisiana Economic Council
Southern Alliance for Clean Energy
Southern Environmental Law Center et al.
St. Mary Parish Economic Development Agency
Steps Coalition, Gulfport MS
Stone County MS NAACP
Surfrider Foundation (2 comment letters received)
Surfrider Foundation Chapters and Recreation Dependent Businesses, Julia Dugan
Surfrider Foundation FL Chapter Network
Susitna River Coalition
Taproot Earth
Taproot Earth and the Greater New Orleans Interfaith Climate Coalition
Taproot Earth, The Center for Biological Diversity, et al.
Texas NAACP State Conference
The Climate Reality Project
The People's Justice Council
True Transition
Turtle Island Restoration Network
United Methodist Church's Board of Church and Society
Voces Unidas Rio Grande Valley

A.3.1 Proposed Program-wide Commenters

Alliance for Affordable Energy, Sophie Zaken
Document ID: BOEM-2022-0031-6510

The commenter expressed opposition to the issuing of new oil and gas leases, arguing that offshore oil and gas production contributes significantly to air pollution and carbon emissions and that prohibiting offshore production in Federal waters would prevent substantial amounts of GHG emissions and health and property damage from pollution.

American Friends Service Committee, Peniel Ibe
Document ID: BOEM-2022-0031-6327

The commenter opposed new leases in the GOM and Alaska under the Proposed Program. The commenter expressed concerns regarding the impacts of climate change and effects of oil and gas leasing on frontline and fenceline communities of Black, Brown, and Indigenous people.

API, Andy Radford
Document ID: BOEM-2022-0031-187158

The commenter expressed support for the maximum potential of 11 lease sales, stating decisions on future lease sales will have short- and long-term implications for the Nation's energy and national security, job creation, and government revenue generation. The commenter also stated the OCS Lands Act and IRA affirm Congress' mandate to lease the resources on the OCS. The commenter expressed concern for the untimely issuance of the Proposed Program and encouraged BOEM to act quickly to finalize the Proposed Program and hold lease sales.

A Community Voice Louisiana
Document ID: BOEM-2022-0031-6594

The commenter urged the authorization of no new lease sales in the 2023–2028 Program. The commenter expressed concern about the potential harm to communities that are particularly vulnerable to climate change impacts and live near industrial oil and gas activities. The commenter also argued for the need to transition to renewable energy sources in an equitable manner.

Azul
Document ID: BOEM-2022-0031-6377

The commenter expressed opposition to the issuance of new oil and gas leases. The commenter expressed concern regarding the lack of language access for BOEM oil and gas lease documents, stating that many who live in the proposed leasing areas do not speak English as their primary language. They discussed the impacts of climate change and requested a hold on new leases until studies on impacts on vulnerable communities are finalized, released, and reviewed. The commenter requested that certain vulnerable communities and marine protected areas be excluded from consideration and that stronger worker protections be incorporated.

Biloxi MS NAACP, James Cromwell
Document ID: BOEM-2022-0031-6616

The commenter opposed any new oil and gas leases, asking BOEM to instead focus on creating opportunities for offshore wind in the GOM to create jobs in communities of color. The commenter discussed the effects of climate change, such as stronger and more damaging hurricanes like Hurricanes Ian and Fiona.

Business Alliance for Protecting the Pacific Coast, Grant Bixby
Document ID: BOEM-2022-0031-187158

The commenter expressed general opposition to opening the OCS to oil and gas leasing due to the threat of oil spills and climate change, which can harm businesses. The commenter urged BOEM to approve the alternative with no new lease sales.

Business and Industry Association of New Hampshire
Document ID: BOEM-2022-0031-6257

The commenter expressed support for the proposed leasing program and the inclusion of the 11 proposed lease sales, stating that oil and gas lease sales will reduce energy prices and provide economic certainty to Americans.

Center for Biological Diversity, Kristen Monsell, Kristin Carden, Miyoko Sakashita
Document ID: BOEM-2022-0031-6388

The commenter opposed new leases in the Alaska Cook Inlet Program Area and the GOM Program Area. The commenter said that the Proposed Program does not comply with the OCS Lands Act because it fails to properly analyze national energy needs, takes a region-wide lease sale approach, does not explain how environmental sensitivity and other Section 18(a)(2) factors were balanced, and failed to analyze the full costs associated with its Proposed Program by omitting key factors from its analysis. The commenter said that the environmental sensitivity and marine productivity analysis for waters off Alaska and the GOM was fundamentally flawed. The commenter asserted that BOEM did not examine a reasonable range of alternatives to the Proposed Action.

Center for International Environmental Law, Dante Swinton
Document ID: BOEM-2022-0031-187158

The commenter expressed opposition to the extension of offshore oil and gas leases. The commenter argued that existing leases should first be maximized, and renewable energy should be explored before adding new leases.

Cherokee Concerned Citizens
Document ID: BOEM-2022-0031-6382

The commenter expressed opposition to the Proposed Program and requested no new leases in the GOM regions. The commenter expressed concern about inadequate regulation of industrial oil activities and discussed the adverse impacts on the community, including poor air quality, industrial accidents, and historical negligence. The commenter called for further study of the benefits of renewable and offshore wind energy and consideration of climate change consequences.

Citizens Against Fracking, Laura Haider
Document ID: BOEM-2022-0031-187158

The commenter opposed authorization of new oil and gas leases due to the risks posed by methane emissions, oil spills, and natural disasters.

Clean Water Action, Becky Smith

Document ID: BOEM-2022-0031-6519

The commenter expressed opposition to the issuing of any new oil and gas leases, arguing that offshore drilling leads to coastline deterioration, which reduces natural defenses to extreme weather events, as well as contributes to climate change, which drives extreme weather. The commenter further stated that pollution caused by oil and gas production is severely harmful to human health and disproportionately affects low-income communities of color.

Climate Interactive and Citizens Climate Lobby

Document ID: BOEM-2022-0031-5380

The commenter suggested that BOEM consider the global model En-Roads as a data source on how oil and gas production will affect the ability to achieve net-zero emissions.

Climate Reality Dallas-Ft. Worth

Document ID: BOEM-2022-0031-6609

The commenter expressed opposition and requested no new leasing in the Proposed Program. The commenter expressed concern about adverse health consequences for human and animal populations due to fossil fuel extraction, the risk of oil spills, and stated that the U.S. could meet its energy needs through renewable energy sources.

Coastal Coordination Program, The Ocean Foundation

Document ID: BOEM-2022-0031-6354

The commenter opposed oil and gas leasing, urging BOEM to include no new lease sales in the Proposed Program. The commenter stated that the Proposed Program and DPEIS failed to consider multiple Section 18 factors.

Colorado Farm Bureau, Shawn Martini

Document ID: BOEM-2022-0031-6473

The commenter expressed support for the Proposed Program, arguing that it would increase the supply of energy and decrease prices, stressing that high energy prices have severely impacted the U.S. agricultural sector. The commented added that fuel and electricity make up a significant portion of U.S. farm operating costs.

Consumer Energy Alliance

Document ID: BOEM-2022-0031-6579

The commenter requested the quick approval of all lease areas identified in the Proposed Program. The commenter discussed the role that domestic production could play in energy independence, stabilizing energy prices, and easing an energy transition toward renewables.

Earth Ethics, Inc.

Document ID: BOEM-2022-0031-6580

The commenter expressed opposition to OCS oil and gas leasing, stating that it contradicts the current President’s campaign promises to end offshore drilling in various areas. The commenter discussed previous oil spills and the impacts on coastal communities as well as current levels of U.S. oil consumption and further suggested that issuing no new leases is necessary to the broader goal of fossil fuel divestment.

Earth Neighborhood Productions

Document ID: BOEM-2022-0031-6604

The commenter expressed opposition to any offshore oil or gas exploration, arguing that it is unnecessary and that industrial activities would harm coastal and oceanic environments and life.

Earthjustice

Document ID: BOEM-2022-0031-6438

The commenter requested a 45-day extension of the comment period. The commenter expressed concern about the fragility of the region and potential for offshore oil and gas development to adversely impact the area. The commenter further stated that the Program as currently proposed is unnecessary for domestic energy production.

Earthjustice, et al.

Document ID: BOEM-2022-0031-6334

The commenter opposed the new lease sales under the Proposed Program in the GOM and Cook Inlet because of climate change and the impacts on Gulf Coast communities, citing studies on the effects of the 2010 BP Deepwater Horizon oil spill in the GOM. The commenter discussed environmental justice concerns, the impacts to coastal wetlands, the impacts from noise and vessel traffic associated with oil and gas development, and the Indigenous peoples and rural residents of the Cook Inlet who rely on subsistence hunting and fishing in the area. The commenter urged BOEM to adopt the no lease sale alternative and consider the downstream and midstream GHG emissions under the Section 18 factors. The commenter asserted that additional leasing is not necessary to meet national energy needs.

Education, Economics, Environmental, Climate and Health Organization (EEECHO), Katherine Egland

Document ID: BOEM-2022-0031-6280

The commenter expressed opposition to new oil and gas leasing, arguing that issuing new leases is incompatible with climate goals, adding that coastal communities are at particular risk from extreme weather, sea level rise, and flooding. The commenter also warned of the effects of oil spills on coastal communities, claiming that loss of income caused by the Deepwater Horizon spill led to an increase in depression, alcoholism, substance abuse, and domestic violence.

Energy and Landscape Conservation at the National Parks Conservation Association, Matthew Kirby

Document ID: BOEM-2022-0031-187158

The commenter expressed opposition to oil and gas leasing in the GOM to protect the national parks sites along the coasts and the economic consequences that oil spills could have on the region.

Environment America, Steve Blackledge

Document ID: BOEM-2022-0031-6524

The commenter expressed opposition to issuing new oil and gas leases under the Proposed Program. The commenter argued that the environmental effects of oil spills are too severe to justify new offshore oil and gas development. The commenter further claimed that pipeline construction needed to transport oil often destroys wetlands, which serve as a buffer against storms and sea level rise. The commenter also stated that oil production often leads to groundwater contamination and air pollution, which are harmful to health in local communities. Finally, the commenter argued that new oil and gas leasing will lead to increased carbon emissions, exacerbating climate change.

Environment Texas, Luke Metzger
Document ID: BOEM-2022-0031-187158

The commenter expressed opposition to offshore oil and gas leasing in the GOM, citing impacts on Gulf Coast communities, coastal economics, public health, climate and marine life. The commenter urged BOEM to revise the plan to allow for no new leasing.

Evergreen Action, Mattea Mrkusic
Document ID: BOEM-2022-0031-6366

The commenter opposed offshore oil and gas lease sales in the GOM and Alaska under the next Five-Year Program, urging that BOEM instead pursue the no new lease sale option and instead offer a significant number of offshore wind leases in the OCS. The commenter discussed concerns regarding climate change, increased emissions, and meeting the Administration's climate goals.

FracTracker Alliance
Document ID: BOEM-2022-0031-6344

The commenter opposed oil and gas leasing, asking BOEM to include no new lease sales in the Proposed Program. The commenter argued that additional lease sales do not align with the OCS Lands Act or the Biden Administration's climate change and environmental justice commitments.

Friends of Casco Bay, Ivy Frignoca
Document ID: BOEM-2022-0031-1390

The commenter expressed opposition to any new offshore oil and gas exploration or drilling, arguing that such a prohibition is necessary to combat climate change.

Georgia Natural Gas Authority, Stephen Loftin
Document ID: BOEM-2022-0031-6481

The commenter expressed support for the Proposed Program and for issuing new oil and gas leases, arguing that this would increase domestic energy supply and help lower energy costs for businesses and families.

Gulf Economic Survival Team (GEST)
Document ID: BOEM-2022-0031-6584

The commenter requested the quick finalization of the Proposed Program and the inclusion of the maximum number of lease sales. The commenter expressed concern that the Program as proposed could fall short of meeting energy needs and discussed benefits related to offshore oil and gas development on the U.S. OCS such as job creation, comparatively low carbon intensiveness for GOM production, energy independence, and revenue sharing among Gulf Coast States.

Gullah/Geechee Sea Island Coalition
Document ID: BOEM-2022-0031-6378

The commenter expressed opposition to offshore oil development, citing concerns related to the potential risks of oil spills and GHGs. The commenter called for Congress to permanently protect U.S. waters from offshore oil drilling and end fossil fuel subsidies and further called for a transition to renewable energy sources.

Hancock County MS NAACP, Greg Barabino
Document ID: BOEM-2022-0031-6615

The commenter opposed any new oil and gas lease sales, asking BOEM to instead focus on creating opportunities for offshore wind in the GOM to create jobs in communities of color. The commenter discussed the effects of climate change, such as stronger and more damaging hurricanes like Hurricanes Ian and Fiona.

Healthy Gulf, Cynthia Sarthou
Document ID: BOEM-2022-0031-187158

The commenter urged BOEM not to issue new leases in the GOM because of climate change, pipeline leaks, pollution, and environmental destruction.

Healthy Gulf, Naomi Yoder
Document ID: BOEM-2022-0031-187158

The commenter asked BOEM to choose the no new lease sales alternative because of the threats posed by climate change, pipeline leaks, pollution, and environmental destruction in the GOM.

Healthy Ocean Coalition
Document ID: BOEM-2022-0031-6326

The commenter opposed new lease sales in the GOM and Alaska under the Proposed Program. The commenter discussed the impacts of oil and gas drilling on the climate crisis, frontline communities and communities of color, and coastal communities and economies. The commenter said that moving forward with the proposed lease sales will not reduce energy costs for at least a decade.

Hispanic Access Foundation, Shanna Edberg
Document ID: BOEM-2022-0031-187158

The commenter asked for no new lease sales because pollution caused by drilling disproportionately harms communities of color.

Hispanic Policy Group, Ariel Fernandez
Document ID: BOEM-2022-0031-3703

The commenter supported the new lease sales in the Proposed Program. The commenter discussed the negative impacts of increased energy prices on the Hispanic community.

Institute for Energy Research, Tom Pyle
Document ID: BOEM-2022-0031-6371

The commenter supported increasing the number of lease sales proposed under the Proposed Program. The commenter urged BOEM to expand leasing to be consistent with the OCS Lands Act and keep gasoline prices low. The commenter said that BOEM failed to quantify the climate impacts of offshore oil and gas drilling in terms of the estimated temperature impact of the Program.

Institute for Policy Integrity at New York University School of Law
Document ID: BOEM-2022-0031-6371

The commenter did not express support or opposition to the Program Areas included, however, they did disagree with BOEM's net benefits analysis. The commenter argued that BOEM's net benefits analysis understated the costs of OCS leasing, particularly social and environmental costs. The commenter further argued that evidence shows that the costs of OCS leasing may exceed the benefits. The commenter also criticized BOEM's decision to omit downstream GHGs from its net benefits analysis, arguing that BOEM has authority to consider the downstream impacts of oil and gas consumption under the OCS Lands Act and recent case law.

Interfaith Oceans, Marybeth Lorbiecki
Document ID: BOEM-2022-0031-187158

The commenter expressed opposition to new oil, gas, and mining leases, citing environmental destruction caused by drilling. The commenter asserted that there is a moral and spiritual responsibility to care for the oceans, marine life, and the people who depend on them.

International Marine Mammal Project of Earth Island Institute, Mark Palmer
Document ID: BOEM-2022-0031-6574

The commenter expressed opposition to issuing new oil and gas leases under the Proposed Program, arguing that new offshore oil and gas development would contribute significantly to climate change and create greater risks of oil spills, which harm marine mammals.

The James Madison Institute, Sal Nuzzo
Document ID: BOEM-2022-0031-6619

The commenter supported the maximum number of lease sales. The commenter discussed the importance of energy security and avoiding increased gas prices. The commenter supported lease sales in both the GOM and Cook Inlet planning areas, specifically discussing the positive economic impacts of offshore oil and gas development in the GOM.

The James Madison Institute
Document ID: BOEM-2022-0031-6456

The commenter expressed support for the Proposed Program and for expanding oil and gas leasing in general, arguing that it would decrease energy prices and create jobs in the United States.

John Locke Foundation, Jordan Roberts
Document ID: BOEM-2022-0031-6487

The commenter supported leasing in the GOM Program Area 1 and the proposed lease sale for Cook Inlet in Alaska. The commenter discussed the need for greater energy security and lower gas prices.

Lane Plating Community Advisory Group, Allen McGill
Document ID: BOEM-2022-0031-187158

The commenter opposed new lease sales in the GOM and urged BOEM to weigh its requirement in the OCS Lands Act that requires the Secretary to consider the environmental sensitivity and marine productivity of different areas of the OCS. Also, the commenter asked BOEM to consider how long-term energy decisions will affect environmental justice communities in the Gulf.

Louisiana Just Recovery Network, Toi Jean Carter
Document ID: BOEM-2022-0031-6571

The commenter expressed opposition to issuing new oil and gas leases under the Proposed Program. The commenter argued that expanding offshore drilling would exacerbate climate change, which will lead to more severe hurricanes, and air pollution, which can cause cancer and other illnesses, harms that disproportionately affect communities of color in the GOM region. The commenter further recommended that BOEM prioritize developing offshore wind energy in the GOM instead of offshore oil and gas.

Maine State Grange, Sherry Harriman
Document ID: BOEM-2022-0031-6466

The commenter expressed support for the Proposed Program, arguing that it would increase the supply of energy and decrease prices, stressing that high energy prices have severely impacted the U.S. agricultural sector. The commenter added that fuel and electricity make up a significant portion of U.S. farm operating costs.

Maryland Ornithological Society, Robin Todd
Document ID: BOEM-2022-0031-6514

The commenter recommended that BOEM proceed with the No Action Alternative, arguing that new lease sales in the GOM and Cook Inlet would pose serious threats to bird life in those areas. The commenter argued that these areas encompass or are near numerous Important Bird Areas, which would be severely impacted by oil spills. The commenter further claimed that the oil and gas industry already holds leases which are not being used for production, which the commenter argued demonstrates that there is no need for issuing new leases. Finally, the commenter argued that issuing new leases would lead to increased carbon emissions, accelerating climate change and the further loss of vulnerable and endangered bird species.

Mississippi State Conference NAACP Environmental and Climate Justice Committee, Gordon Jackson
Document ID: BOEM-2022-0031-6613

The commenter opposed any new oil and gas lease sales, asking BOEM to instead focus on creating opportunities in offshore wind in the GOM to create jobs in communities of color. The commenter discussed the effects of climate change, such as stronger and more damaging hurricanes like Hurricanes Ian and Fiona.

Montana Stockgrowers Association
Document ID: BOEM-2022-0031-6587

The commenter expressed their support for the inclusion of the 11 proposed lease sale areas in the Proposed Final Program (PFP). The commenter stated that the Program's oil and gas lease sales will increase energy supply and lower energy costs for consumers and farmers.

Mystic Aquarium, Katie Cubina
Document ID: BOEM-2022-0031-6596

The commenter expressed support for Alternative A, the No Action Alternative, with no new leasing during the Program period. Overall, they said that the five-year leasing plan is the opportunity for the Biden Administration to end new leasing for offshore drilling, move us toward permanently protecting our ocean commons from environmental risks, reverse our dependence on petroleum hydrocarbons, and meet goals for carbon neutrality. The commenter also expressed concern that increasing the infrastructure of new offshore lease areas would cause unequal distribution of risks to vulnerable and disenfranchised communities. Additionally, the commenter expressed concern that oil and gas development would contribute to the potential for extinction of the Cook Inlet beluga whales. Regarding the approach used for the net benefits analysis, the commenter remarked that the description of the approach acknowledges that changes in conditions are likely to be multi-factored but then provides no approach for how to integrate multiple states.

National Parks Conservation Association, Matthew Kirby
Document ID: BOEM-2022-0031-6357

The commenter opposed the proposed lease sales in the GOM and Cook Inlet, urging BOEM to pursue the no lease sale alternative. The commenter discussed the economic value of national parks in coastal areas and the threat posed by climate change and continued emissions from oil and gas development.

Natural Resources Defense Council, Irene Gutierrez, et al.
Document ID: BOEM-2022-0031-6342

The commenter opposed lease sales in the GOM and Cook Inlet. The commenter asserted that BOEM failed to consider and balance key OCS Lands Act factors. The commenter said that BOEM's NEPA analysis was flawed because it did not consider the effects of GHG emissions resulting from OCS development, the impacts of oil spills, and the effects on endangered species. The commenter argued in favor of no new lease sales because it will best meet national energy needs, adding that there are enough reserves already under existing leases. The commenter cited models demonstrating that no new leasing will have little impact on U.S. oil and gas production, criticizing BOEM's "no new leases" production forecast as flawed. The commenter urged BOEM to consider the impacts of oil and gas development on climate change, the environment, public health, and coastal communities and their economies. Citing reports on BP's Deepwater Horizon oil spill, the commenter discussed concerns about the potential for oil spills to harm ecosystems. The commenter expressed concern for the endangered Rice's whale if oil and gas lease sales are pursued in the GOM.

Nebraska State Grange, Kevin Cooksley
Document ID: BOEM-2022-0031-6462

The commenter expressed support for the Proposed Program, arguing that it would increase the supply of energy and decrease prices, stressing that high energy prices have severely impacted the U.S. agricultural sector. The commented added that fuel and electricity make up a significant portion of U.S. farm operating costs.

New York State Grange, Stephen Coye
Document ID: BOEM-2022-0031-6499

The commenter expressed support for the Proposed Program, arguing that it would increase the supply of energy and decrease prices, stressing that high energy prices have severely impacted the U.S. agricultural sector. The commented added that fuel and electricity make up a significant portion of U.S. farm operating costs.

North Gulfport Community Land Conservancy, Howard Page

Document ID: BOEM-2022-0031-6373

The commenter opposed the proposed lease sales and expressed concern regarding the effects of emissions on storm events and the associated damage to coastal communities. The commenter discussed climate change, oil spills, and the need for wind power.

Ocean Conservancy, Andrew Hartsig

Document ID: BOEM-2022-0031-6332

The commenter opposed lease sales in the GOM and in Alaska's Cook Inlet. The commenter suggested that if BOEM opts to include oil and gas lease sales in the 2023–2028 Program, those sales should be kept to the minimum required to sustain build-out of wind facilities and held to the highest possible environmental standards.

Oceana

Document ID: BOEM-2022-0031-6356

The commenter opposed any new oil and gas leasing and urged BOEM to include no new lease sales in the Proposed Program. The commenter argued that the passage of the IRA requires a revised Proposed Program and PEIS for public review and comment. The commenter discussed other uses of the Proposed Program Areas as well as the risks of oil and gas development. The commenter argued that properly balancing the OCS Lands Act factors requires BOEM to exclude the GOM and the Cook Inlet Alaska Regions.

Orange County Partnership, Maureen Halahan

Document ID: BOEM-2022-0031-6450

The commenter expressed support for the Proposed Program and the inclusion of the 11 proposed lease sales, arguing that it would reduce high energy prices, and further claimed that current energy policies are hurting businesses by impacting overhead costs, employee retention, and competitive pricing.

Pennsylvania Chemical Industry Council, Steven Kratz

Document ID: BOEM-2022-0031-6464

The commenter expressed support for including the maximum number of lease sales in the PFP. This commenter argued that high energy prices have significant impacts on manufacturers, increasing costs of feedstock, transportation, and power generation, which can impact consumer costs and supply chains. This commenter further stated that offshore oil and gas production supports many jobs in the United States and that production in the GOM is less carbon-intensive than in other regions.

Pennsylvania Farm Bureau, Grant Gulibon

Document ID: BOEM-2022-0031-6512

The commenter expressed support for the Proposed Program and including the maximum number of lease sales and expressed concern about the possibility of no new leases being issued, arguing that these new offshore oil and gas developments would help reduce energy costs for the agricultural sector, which supports many U.S. jobs.

R Street Institute, Phillip Rossetti

Document ID: BOEM-2022-0031-6364

The commenter discussed studies that suggest that reduced natural gas production in the United States would not necessarily lead to lower emissions in the near term in part because of the increased demand for higher-emitting coal. The commenter added that reduction in offshore oil and gas leasing would have negative economic impacts and cause energy security challenges.

Rethink Energy Florida

Document ID: BOEM-2022-0031-6374

The commenter expressed opposition to any new gas and oil lease sales. The commenter discussed the impacts of previous offshore drilling disasters and negative externalities imposed on local communities and the economy as well as the importance of transitioning away from fossil fuels to renewable energy sources.

San Antonio Bay Estuarine Waterkeeper, Diane Wilson

Document ID: BOEM-2022-0031-6485

The commenter opposed all new lease sales and discussed the effects of oil spills and public health impacts on frontline communities from offshore drilling in the GOM.

Sanibel-Captiva Conservation Foundation, Matt DePaolis

Document ID: BOEM-2022-0031-187158

The commenter expressed opposition to oil and gas drilling in the GOM and Alaska, stating that existing leases preclude the need for new lease sales and arguing that there are risks to endangered species that must be considered.

Sea Turtle Conservancy

Document ID: BOEM-2022-0031-6380

The commenter expressed opposition to any new oil or gas lease sales in U.S. waters and urged a decision of "no action." The commenter expressed concern about the risk that oil spills pose to various species of sea turtles and discussed the importance of sea turtles to the GOM region. Additionally, the commenter requested that BOEM update its PEIS to fully analyze cumulative impacts of proposed new lease sales on the environment, coastal communities, and existing industries from drilling operations and consider alternatives to offshore drilling.

South Louisiana Economic Council, Vic Lafont

Document ID: BOEM-2022-0031-6517

The commenter expressed support for including the maximum number of lease sales in the Proposed Program, while expressing concern that the Program could fail to adequately address U.S. energy needs by not scheduling new oil and gas lease sales. The commenter argued that issuing no new leases would endanger U.S. energy security, jobs, and tax revenue, particularly for essential services in the Gulf region, such as education, health care, emergency services, and infrastructure. The commenter also claimed that energy producers in the GOM are among the least carbon-intensive in the world, that they supply a significant portion of U.S. oil and gas, and that oil and gas revenues in the GOM help fund important conservation and levee protection projects in the region.

Southern Alliance for Clean Energy, Chris Carnevale

Document ID: BOEM-2022-0031-6329

The commenter opposed new lease sales under the Proposed Program. The commenter expressed concern regarding climate change, asserting that oil and gas leasing in the proposed areas would impede net-zero emissions goals. The commenter also discussed the potential for oil spills to impact coastal communities.

Southern Environmental Law Center et al.

Document ID: BOEM-2022-0031-6350

The commenter opposed oil and gas leasing, asking BOEM to include no new lease sales in the Proposed Program. The commenter particularly opposed the GOM Planning Areas and stated that oil and gas development poses a threat to natural resources, coastal economies, and communities. The commenter urged a targeted leasing approach if the planning area remains under consideration.

St. Mary Parish Economic Development Agency, Evan Boudreaux

Document ID: BOEM-2022-0031-6454

The commenter expressed support for including the maximum number of lease sales in the Proposed Program, while expressing concern that the Program could fail to adequately address U.S. energy needs by not scheduling new oil and gas lease sales. The commenter argued that issuing no new leases would endanger U.S. energy security, jobs, and tax revenue, particularly for essential services in the Gulf region, such as education, health care, emergency services, and infrastructure. The commenter also claimed that energy produced in the GOM is among the least carbon-intensive in the world, that it supplies a significant portion of U.S. oil and gas, and that oil and gas revenues in the GOM help fund important conservation and levee protection projects in the region.

Steps Coalition, Gulfport MS, Jonathan Green

Document ID: BOEM-2022-0031-6617

The commenter opposed any new oil and gas lease sales, asking BOEM to instead focus on creating opportunities in offshore wind in the GOM to create jobs in communities of color. The commenter discussed the effects of climate change, such as stronger and more damaging hurricanes like Hurricanes Ian and Fiona.

Stone County, MS NAACP, Robert James

Document ID: BOEM-2022-0031-6618

The commenter opposed any new oil and gas lease sales, asking BOEM to instead focus on creating opportunities in offshore wind in the GOM to create jobs in communities of color. The commenter discussed the effects of climate change, such as stronger and more damaging hurricanes like Hurricanes Ian and Fiona.

Surfrider Foundation

Document ID: BOEM-2022-0031-6355

The commenter opposed oil and gas leasing and urged BOEM to include no new lease sales in the Proposed Program. The commenter stated that expanded offshore oil and gas development would negatively impact marine ecosystems, wildlife, coastal communities, and recreation and tourism industries. The commenter discussed gaps in the Draft PEIS.

Surfrider Foundation, Cody Wright
Document ID: BOEM-2022-0031-6340

The commenter expressed opposition to lease sales in the Cook Inlet and GOM regions. The commenter requested BOEM update its PEIS to fully analyze cumulative impacts on the environment, coastal communities, and existing industries from drilling operations and large oil spills and consider alternatives to offshore drilling.

Surfrider Foundation Chapters and Recreation Dependent Businesses, Julie Dugan
Document ID: BOEM-2022-0031-0017

The commenter expressed opposition to new lease sales included in the Proposed Program, arguing that oil and gas development in the GOM and in Alaska negatively impacts marine ecosystems, coastal communities, and recreation and tourism industries. The commenter claimed specifically that activities such as seismic surveys, drilling, oil transport, and infrastructure installation damage marine wildlife and coastal economies. The commenter further argued that oil and gas development creates risks of catastrophic oil spills and exacerbates climate change. Finally, the commenter recommended that BOEM strongly consider the public opposition raised to the 2018 Draft Program.

Surfrider Foundation, Emma Haydocy
Document ID: BOEM-2022-0031-187158

The commenter stated opposition to lease sales in the GOM and asked for no new lease sales because drilling and oil spills threaten tourism and coastal recreation industries, which are key to Florida's economy.

Surfrider Foundation FL Chapter Network
Document ID: BOEM-2022-0031-6362

The commenter opposed lease sales in the GOM and Alaska under the Proposed Program. The commenter expressed concern regarding the risks of oil spills and extreme weather events exacerbated by climate change. The commenter cited studies on the negative impacts of Federal offshore drilling on Florida's ocean recreation and tourism economy. The commenter requested that BOEM update its Draft PEIS to fully analyze the cumulative impacts on the environment, coastal communities, and existing industries from drilling operations and oil spills, and consider alternatives to offshore drilling.

Taproot Earth
Document ID: BOEM-2022-0031-6375

The commenter requested no new oil and gas leases be issued. The commenter discussed the possible implications of continued offshore drilling—including disaster risks, environmental degradation, harm to public health and the economy—and stated that energy needs could be met without drilling. The commenter further discussed the importance of transitioning to renewable energy sources and improving energy efficiency to reduce demand. Additionally, the commenter stated that many current leases are going unused, discussed conflict between oil and gas development and offshore wind leases, and called for addressing the issue of abandoned and decommissioned oil and gas infrastructure. The commenter also discussed other various uses of the sea and seabed (e.g., fishing, navigation, shipping, tourism, recreation) and how they would be affected by oil and gas lease sales.

Taproot Earth and the Greater New Orleans Interfaith Climate Coalition, Reverend James VanderWeele

Document ID: BOEM-2022-0031-187158

The commenter expressed concern regarding the effects of climate change, oil spills, and greenhouse gas emissions on future generations.

Taproot Earth, The Center for Biological Diversity, et al.

Document ID: BOEM-2022-0031-1149

The commenter expressed opposition to new offshore oil and gas leasing. Citing requirements of NEPA that Federal agencies must involve the public in the rulemaking process, the commenter recommended that BOEM engage more intensively with the public before proceeding with a PFP and offered to host and facilitate public meetings for BOEM. The commenter argued that this is particularly necessary in this case because of the potential effects of climate change on vulnerable communities.

Texas NAACP State Conference, Gene Collins

Document ID: BOEM-2022-0031-6495

The commenter expressed opposition to issuing new oil and gas leases, arguing that the air pollution caused by oil and gas production severely impacts human health and that these impacts fall disproportionately on low-income communities and communities of color. The commenter added that climate change, causing more extreme weather, is making oil spills from offshore drilling more likely. The commenter argued that it is possible to supply U.S. energy needs with renewable energy sources, and that shifting to renewable energy would prevent thousands of premature deaths caused by air pollution annually, eliminate carbon emissions, and create millions of jobs.

True Transition

Document ID: BOEM-2022-0031-6387

The commenter discussed the ability of the Bureau of Safety and Environmental Enforcement (BSEE), the Office of Natural Resources Revenue, and BOEM to regulate lessees and mitigate risks associated with oil and gas development on the OCS and made specific recommendations on a variety of topics related to safety measures and decommissioning. The commenter recommended stricter standards for bidding on OCS oil and gas leases; stricter oversight of decommissioned and idle rigs; the development of an energy security/decarbonization analysis tool; and the establishment of stronger lease stipulations related decommissioning.

United Methodist Church's Board of Church and Society

Document ID: BOEM-2022-0031-187158

The commenter requested no new lease sales be included in the final 2023–2028 Program for offshore oil and gas leasing. The commenter expressed concern for the risks posed by deep sea extraction of fossil fuels including damage to aquatic ecosystems, pollution from leaks and spills, impacts on coastal communities and continued contribution to the global climate crisis.

Voces Unidas Rio Grande Valley, Michelle Serrano

Document ID: BOEM-2022-0031-6507

The commenter expressed opposition to the issuing new oil and gas leases, arguing that offshore oil and gas production contribute significantly to air pollution and carbon emissions and that prohibiting offshore production in Federal waters would prevent substantial amounts of GHG emissions and health and property damage from pollution.

A.3.2 Cook Inlet-specific Commenters

Alaska Marine Conservation Council, Marissa Wilson
Document ID: BOEM-2022-0031-6317

The commenter opposed new lease sales in Lower Cook Inlet and expressed concerns regarding the Alaska Native peoples adjacent to the proposed lease sites and the potential for oil spills. The commenter said that the Draft PEIS fails to fully consider the economic and ecological impacts of a large oil spill scenario.

Alaska Survival
Document ID: BOEM-2022-0031-6601

The commenter requested that Cook Inlet be excluded from leasing consideration and expressed support for the No Action Alternative in the Draft PEIS. The commenter accused the oil and gas industry of stockpiling leases and reasoned that leases that are already approved should be used before new leases are issued. The commenter expressed concern about the impacts of industrial activities on fish and beluga whale populations in the region and the local economy. The commenter also stated that the BSEE Well Control Rule should be finalized before further OCS leasing occurs.

Defenders of Wildlife
Document ID: BOEM-2022-0031-6602

The commenter requested that Cook Inlet be excluded from the Proposed Program. The commenter expressed concern about the impact of industrial activities and resulting noise, air, and water pollution on the beluga whale population in the region. They further expressed concern about climate change and the continued use of fossil fuels to meet energy demand and discussed the opposition and concerns of local communities and Tribal groups to oil production in the Cook Inlet area.

Susitna River Coalition
Document ID: BOEM-2022-0031-6588

The commenter expressed support for a No Action Alternative and stated that the Cook Inlet area should be excluded from sale consideration. The commenter expressed concern about the potential impacts of industrial oil and gas development on fish resources and the local economy as well as community displacement due to extreme weather events. They suggested that leases were being stockpiled and stated that current leases should be developed before more are issued. The commenter also stated that the BSEE Well Control Rule should be finalized before further OCS leasing occurs.

The People's Justice Council, Kyle Crider
Document ID: BOEM-2022-0031-187158

Expressing concerns regarding the effects of climate change on the Gulf, the commenter urged BOEM to halt oil and gas leases to go forward and asserted that renewable energy infrastructure must be built.

The Climate Reality Project, Peter Bella
Document ID: BOEM-2022-0031-187158

The commenter stated objections to new oil and gas leases in the GOM, urging BOEM to instead pursue offshore wind generation.

A.3.3 Gulf of Mexico-specific Commenters

Boat People SOS Biloxi, MS

Document ID: BOEM-2022-0031-6614

The commenter requested that no new oil leases be issued and stated that the impacts of oil and gas leasing and climate change on Gulf Coast fishing communities should be considered and studied thoroughly as leases for offshore oil, gas, and wind energy projects are developed. The commenter discussed the impacts of previous oil spills on the fishing industry and the community more broadly and additionally suggested that offshore wind development should include worker training and business development.

Boat People SOS Gulf Coast

Document ID: BOEM-2022-0031-6383

The commenter requested that the impacts of oil and gas leasing and climate change on Gulf Coast fishing communities be considered and studied thoroughly as leases for offshore oil, gas, and wind energy projects are developed. The commenter discussed the impacts of previous oil spills on the fishing industry and the community more broadly and additionally suggested that offshore wind development should include worker training and business development.

Center for Biological Diversity

Document ID: BOEM-2022-0031-4474

The commenter opposed new lease sales in the GOM and submitted a recording of a town hall event featuring environmental justice communities, environmentalists, fisherfolks, and businesses opposed to new leasing in the five-year plan.

Mississippi Rising Coalition, Lea Campbell

Document ID: BOEM-2022-0031-6565

The commenter expressed opposition to new oil and gas leasing in the GOM, arguing that such developments cause significant ecological and human harm through oil spills and leaks, toxic emissions, decreased property values, and land loss, and that the GOM is particularly unsuited for development because of frequent hurricanes, which make oil spills more likely. The commenter also argued that issuing no new leasing is necessary for the country to meet its decarbonization goals.

NRDC

Document ID: BOEM-2022-0031-6331

The commenter opposed lease sales in the GOM, expressing concern for the lease sales to impact the Rice's whale. The commenter said that oil and gas development in the Gulf threatens the whale's survival and recovery as an endangered species. They provided analysis modeling the effects on oil and gas production from no new leasing in the GOM and compared their model with BOEM's forecast for no new lease sales. The commenter included more than 80 signatories.

Sanibel-Captiva Conservation Foundation

Document ID: BOEM-2022-0031-6352

The commenter opposed new oil and gas leasing in the GOM. The commenter discussed alternative energy sources as well as BOEM's Draft PEIS analysis of alternatives. The commenter did not find the risks of additional oil and gas drilling acceptable given the alternative options.

Turtle Island Restoration Network, Joanie Steinhaus

Document ID: BOEM-2022-0031-6490

The commenter opposed inclusion of the GOM Program Area. The commenter discussed concerns regarding the potential to increase oil spills and methane leaks, exacerbate climate change, and threaten wildlife species.

A.4 Federal Agencies

List of Commenters

Marine Mammal Commission (MMC)
National Aeronautics and Space Administration (NASA)
National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS)
U.S. Department of Commerce
U.S. Department of Defense (DoD)
U.S. Environmental Protection Agency (USEPA)

A.4.1 Proposed Program-wide Commenters

U.S. Environmental Protection Agency

Document ID: BOEM-2022-0031-6349

In accordance with its responsibilities under the Clean Air Act and NEPA, the Environmental Protection Agency (USEPA) provided comments on the Draft PEIS. The commenter stated that BOEM should make several revisions for the final PEIS, including a more robust discussion in the purpose and need statement of the underlying economic analysis, revising the No Action Alternative baseline and baseline assumptions to reflect likely future changes to the national energy mix, incorporating midstream and downstream GHG emissions into the impact analysis, and revising the discussion of potential impacts from oil spills to include a summary of the modeling results of historic large and small platform and pipeline spills.

Marine Mammals Commission, Peter O. Thomas

Document ID: BOEM-2022-0031-6358

The commenter expressed opposition to the Proposed Action on the grounds that offshore oil and gas development is harmful to marine mammals. In particular, the commenter noted that the Cook Inlet Planning Area includes critical habitat for the engaged Cook Inlet beluga whale and the threatened northern sea otter. The commenter stated there is currently no good information on the abundance and distribution of marine mammals in the GOM.

National Aeronautics and Space Administration, Joel Carney

Document ID: BOEM-2022-0031-6313

The commenter said that the removal of lease sales scheduled in the Pacific Region, GOM Program Area 2, Atlantic Region, and Alaska Region (except for Cook Inlet) renders moot the agency's previously expressed concerns on the Draft Proposed Program regarding the safety of rocket launch operations in the United States.

NOAA Fisheries (NOAA NMFS)
Document ID: BOEM-2022-0031-6279

The commenter expressed concern that the proposal and DPEIS only contain very high-level discussions of the Program and potential impacts and suggested that they could benefit from increased detail. The commenter suggested that BOEM incorporate catastrophic oil spill damages and impacts to unique species in their analysis.

U.S Department of Commerce, Gina Raimondo
Document ID: BOEM-2022-0031-6283

The commenter said that it has asked the National Oceanic and Atmospheric Administration (NOAA) to review the Proposed Program and Draft PEIS and provide comments to BOEM.

U.S Department of Defense, Paul D. Cramer
Document ID: BOEM-2022-0031-6281

The commenter requested exclusion of several areas in the GOM that conflict with operational activities and requested coordination on de-confliction in Cook Inlet.

A.4.2 Cook Inlet-specific Commenters

No commenters from Federal agencies provided comment on Cook Inlet.

A.4.3 Gulf of Mexico-specific Commenters

No commenters from Federal agencies provided comment on GOM.

A.5 Energy Exploration & Production Industry and Associations

List of Commenters

Alaska Oil and Gas Association
American Exploration and Production Council (AXPC)
American Petroleum Institute
American Public Gas Association
Arena Energy, LLC
Arena Offshore, LP
Beacon Offshore Energy (2 comment letters received)
bp America Inc.
Chevron
EnerGeo Alliance
Energy Marketers of America
Energy Workforce & Technology Council
Equinor Gulf of Mexico LLC
Florida Independent Petroleum Producers Association
Gulf Energy Alliance
Hess Corporation
International Association of Drilling Contractors

IPAA
Island Operating Company
Juneau Oil & Gas, LLC
Louisiana Mid-Continent Oil & Gas Association
National Ocean Industries Association
North Dakota Petroleum Council
Offshore Operators Committee
Ohio Oil and Gas Association
PA Grade Crude Oil Coalition
QuarterNorth Energy LLC
Red Willow Offshore, LLC / Southern Ute Indian Tribe
Ridgewood Energy Corporation
Rosefield Pipeline Company, LLC
Shell Offshore Inc.
Talos Energy Inc.
The Gas and Oil Association of WV, Inc.
Transocean, Enterprise Offshore Drilling, Parker Wellbore, and Noble Services Company LLC

A.5.1 Proposed Program-wide Commenters

Alaska Oil and Gas Association, Tamara S. Maddox
Document ID: BOEM-2022-0031-6635

The commenter expressed concern that a no lease sale option could be adopted, stating the OCS Lands Act requires that OCS oil and gas lease sales be held and that a no lease sale approach would fail to meet U.S. energy needs. The commenter added that OCS oil production accounts for a large portion of U.S. energy production and is among the least carbon-intensive sources of oil and gas. The commenter stated that energy demand will increase through 2050, necessitating the expansion of oil production. Additionally, the commenter asserted that OCS oil and gas production is vital to U.S. energy security and that Alaska is dependent on the oil and gas economy.

American Exploration and Production Council (AXPC)
Document ID: BOEM-2022-0031-6396

The commenter expressed concern that a no lease sale option could be adopted, stating that such an approach would fail to meet U.S. energy needs. The commenter added that OCS oil production accounts for a large portion of U.S. energy production and is among the least carbon-intensive sources of oil and gas. The commenter stated that energy demand will increase through 2050, necessitating the expansion of oil production.

American Petroleum Institute, Cole Ramsey
Document ID: BOEM-2022-0031-6277

The commenter expressed concern that a no lease sale option could be adopted, stating the OCS Lands Act and IRA require that OCS oil and gas lease sales be held, and that OCS oil and gas production provides energy security, economic, and employment benefits to the United States. The commenter also requested that BOEM confirm that foregoing OCS oil and gas leasing would not significantly reduce energy demand in the United States and emphasized that lease sales should be offered in a transparent, predictable manner to promote capital investments. The commenter added that GOM production is among the least carbon-intensive sources of oil and gas and that BOEM should further consider the regulatory and environmental safeguards in force to mitigate OCS oil and gas environmental impacts. The commenter also argued that the Proposed Program does not have significant environmental impacts meriting a NEPA analysis, and that BOEM's NEPA analysis cannot consider downstream impacts. Additionally, the commenter argued that BOEM should not rely on social cost of GHG emissions in its analysis. The commenter also recommended that BOEM hold region-wide sales rather than more targeted lease sales.

American Public Gas Association
Document ID: BOEM-2022-0031-4486

The commenter expressed concern about the possibility of no new lease sales, asserting that such a decision would result in a massive decrease in oil and gas production and exacerbate already rising energy prices. It stated that increased oil and gas production is necessary to meet American energy needs, remarked that GOM production is low in carbon intensity, and added that OCS oil and gas production is vital to U.S. energy security.

Beacon Offshore Energy
Document ID: BOEM-2022-0031-6630

The commenter supported expanding oil and gas leasing in the OCS. The commenter stated that OCS oil and gas production is the least environmentally harmful way to meet national energy demand for non-renewable energy through 2050.

EnerGeo Alliance
Document ID: BOEM-2022-0031-6397

The commenter expressed concern that a no lease sale option could be adopted, stating that such an approach would fail to meet U.S. energy needs. The commenter added that OCS oil production accounts for a large portion of U.S. energy production and is among the least carbon-intensive sources of oil and gas. The commenter stated that a no-sale option would negatively impact the geoscience industry in particular.

Energy Marketers of America, Sherri Stone
Document ID: BOEM-2022-0031-6640

The commenter supported OCS oil and gas production generally, stating that domestic production of fossil fuels is necessary to promote energy security while mitigating energy cost surges consumers face.

Energy Workforce & Technology Council, Tim Tarpley
Document ID: BOEM-2022-0031-6641

The commenter expressed concern that a no lease sale option could be adopted, stating that such an approach would fail to meet U.S. energy needs. The commenter added that OCS oil production accounts for a large portion of U.S. energy production and is among the least carbon-intensive sources of oil and gas. The commenter stated that energy demand will increase through 2050, necessitating the expansion of oil production. Additionally, the commenter asserted that OCS oil and gas development will prompt economic growth by stimulating investment and creating jobs.

Florida Independent Petroleum Producers Association, Thomas A. Herbert
Document ID: BOEM-2022-0031-6629

The commenter expressed concern that a no lease sale option could be adopted, stating that such an approach would fail to meet U.S. energy needs and energy security. The commenter added that GOM oil production is subject to some of the most stringent environmental regulations in the world.

International Association of Drilling Contractors, Matt Giacola
Document ID: BOEM-2022-0031-6636

The commenter expressed concern that a no lease sale option could be adopted, stating the OCS Lands Act requires that OCS oil and gas lease sales be held and that uncertainty as to the lease sale process can substantially impact investments in development and contractors who work to support OCS leases. The commenter stated that this uncertainty combined with international demand could lead to oil rig companies moving abroad. The commenter also wrote that excluding the Pacific planning region is arbitrary and fails to provide the benefits of OCS oil and gas development across the country.

IPAA
Document ID: BOEM-2022-0031-122804

The commenter expressed concern about the possibility of no new lease sales, asserting that such a decision would result in a massive decrease in oil and gas production and exacerbate already rising energy prices. They stated that increased oil and gas production is necessary to meet American energy needs, remarked that GOM production is low in carbon intensity, and added that OCS oil and gas production is vital to U.S. energy security.

Island Operating, Gregg H. Falgout
Document ID: BOEM-2022-0031-6491

The commenter called for the Proposed Program to include all 11 proposed sales and noted that U.S. offshore oil production would mitigate U.S. inflation. They discussed the U.S. history of producing domestic energy safely while protecting the environment, the jobs supported by the oil and gas industry in the GOM, and the conservation funds provided by oil and gas revenues. They noted that the U.S. offshore industry has a lower environmental impact than similar industries in many other regions and stressed that energy security promotes national security, particularly at a time of instability in Eastern Europe.

Louisiana Mid-Continent Oil & Gas Association
Document ID: BOEM-2022-0031-6637

The commenter expressed concern that a no lease sale option could be adopted, stating the OCS Lands Act and IRA require that OCS oil and gas lease sales be held and that a no lease sale approach would fail to meet U.S. energy needs. The commenter added that OCS oil production accounts for a large portion of U.S. energy production and provides important economic benefits via employment and tax revenues, especially under the Gulf of Mexico Energy Security Act. Furthermore, the commenter stated that oil and gas revenue is important to funding Louisiana's Coastal Master Plan and that GOM oil production reduces carbon emissions because, in its absence, oil would be imported and impose greater environmental costs.

National Ocean Industries Association, Erik Milito
Document ID: BOEM-2022-0031-6674

The commenter supported OCS oil and gas production to promote what the commenter characterized as necessary fossil fuel production in a setting with more regulatory and environmental oversight. The commenter provided a description of environmental protections and mechanisms implemented since 2010 to mitigate the risks posed by OCS oil production. The commenter also stated that GOM oil production has supported regional communities through job creation, tax revenue, and Land and Water Conservation Fund (LWCF) contributions. The commenter wrote that OCS production also promotes national security by shifting production from foreign states. Additionally, the commenter wrote that oil and gas companies are important contributors to decarbonization because of their investments in carbon capture and storage, geothermal, and hydrogen technologies.

North Dakota Petroleum Council
Document ID: BOEM-2022-0031-6390

The commenter expressed concern about the ability to meet domestic energy needs without the proposed lease sales. Further, the commenter stated that energy demand will increase through 2050 and that domestically produced oil is among the least carbon-intensive. The commenter stated that OCS oil and gas production is vital to U.S. energy security and that lease sales are required by the OCS Lands Act.

Offshore Operators Committee, Evan Zimmerman
Document ID: BOEM-2022-0031-6634

The commenter expressed concern that a no lease sale option could be adopted, stating the OCS Lands Act requires that OCS oil and gas lease sales be held, and that OCS oil and gas production provides energy security and economic benefits to the United States. The commenter added that GOM production is among the least carbon-intensive sources of oil and gas.

Ohio Oil and Gas Association, Stephanie Kromer
Document ID: BOEM-2022-0031-6399

The commenter supported expanding oil and gas leasing in the OCS. The commenter stated that OCS oil and gas production is necessary to mitigate increased fuel costs faced by Americans. Furthermore, the commenter stated that OCS oil production is among the least carbon-intensive ways to produce oil.

PA Grade Crude Oil Coalition, David Clark
Document ID: BOEM-2022-0031-6288

The commenter expressed concern that a no lease sale option could be adopted, stating that such an approach would fail to meet U.S. energy needs, undermine U.S. energy security, and hurt U.S. employment. The commenter added that GOM oil production is subject to some of the most stringent environmental regulations in the world.

QuarterNorth Energy LLC, John H. Smith
Document ID: BOEM-2022-0031-6632

The commenter expressed concern that a no lease sale option could be adopted, stating that such an approach would fail to meet U.S. energy needs or provide for energy security. The commenter added that OCS oil production accounts for a large portion of U.S. energy production and supports employment. The commenter also stated that GOM oil production has supported regional communities through job creation, tax revenue, LWCF contributions, and its own work-study program. The commenter added that

GOM oil production is among the least carbon-intensive sources of oil and gas and subject to some of the most stringent environmental regulations in the world.

Red Willow Offshore, LLC / Southern Ute Indian Tribe, Jason Hooten
Document ID: BOEM-2022-0031-6488

The commenter expressed support for the Proposed Program, citing benefits of OCS leasing related to revenue, energy independence, and meeting the oil and gas demands while transitioning to renewable energy. The commenter urged BOEM to schedule the 11 proposed lease sales, further specify the factors to be used in determining the size and location of areas to be leased and eliminate uncertainty for industry in the PFP.

The Gas and Oil Association of WV, Inc., Charlie Burd
Document ID: BOEM-2022-0031-6633

The commenter expressed concern that a no lease sale option could be adopted, stating that such an approach would fail to meet U.S. energy needs. The commenter added that OCS oil production accounts for a large portion of U.S. energy production and supports employment. The commenter added that GOM oil production is among the least carbon-intensive sources of oil and gas and subject to some of the most stringent environmental regulations in the world.

Transocean, Enterprise Offshore Drilling, Parker Wellbore, and Noble Services Company LLC., Brady Long, Brad James, Sandy Esslemont, and James Sanislow
Document ID: BOEM-2022-0031-6389

The commenters expressed concern that the 11 lease sales discussed in the Proposed Program are too few and that these sales may not occur at all. The commenters stated that OCS oil and gas production contributes significantly to U.S. jobs, taxes, and funding for communities via the LWCF.

A.5.2 Cook Inlet-specific Commenters

No commenters from energy exploration and production industry and associations provided comment on Cook Inlet.

A.5.3 Gulf of Mexico-specific Commenters

Arena Energy, LLC, Michael Minarovic
Document ID: BOEM-2022-0031-6393

The commenter supported holding lease sales in the GOM, emphasizing that lease sales should be offered in a transparent, predictable manner to promote capital investments. The commenter stated that GOM oil production is vital to energy security and that it provides economic benefits to the producing region.

Arena Offshore, LP
Document ID: BOEM-2022-0031-6335

The commenter expressed support for holding all proposed 11 lease sales. The commenter asserted that GOM oil and gas production is less carbon-intensive than alternatives and would provide energy stability to the United States and enhance national security.

Beacon Offshore Energy, Cuffie M. McManus

Document ID: BOEM-2022-0031-6631

The commenter supported holding lease sales in the GOM, reasoning that the region produces the world's least carbon-intensive oil and gas, that the GOM is ideal for carbon storage and sequestration, that expanding GOM oil production will promote U.S. energy independence, and that the oil industry has addressed and reduced environmental risks since the Deepwater Horizon disaster.

bp America Inc., Downey Magallanes

Document ID: BOEM-2022-0031-6395

The commenter supported continued lease sales in the GOM, stating that GOM oil production is still necessary in the transition to a carbon-free energy economy and that GOM oil production has relatively low carbon intensity and is subject to stringent environmental regulations. The commenter added that the IRA imposed a requirement that OCS oil and gas leasing occur before offering wind energy lease sales. The commenter emphasized the importance of a transparent, predictable lease sale process to support business planning and investments in the region.

Chevron, Bruce Neimeyer

Document ID: BOEM-2022-0031-6638

The commenter supported further oil and gas leasing in the GOM, stating that GOM oil and gas production provides a significant revenue stream with economic benefits to Gulf Coast states and has potential to produce vast quantities of as-yet undiscovered oil and gas. The commenter added that GOM oil and gas production has a relatively low carbon intensity and that, given projections, oil and gas production will be necessary to meet U.S. energy demand in the coming decades. The commenter also questioned whether targeted leasing or narrowing of lease sale acreage would comport with the OCS Lands Act and recommended that GOM sales occur on a region-wide basis. The commenter recommended that lease sales be made with competitive fiscal terms. The commenter also provided input on the Draft PEIS, recommending that BOEM reevaluate the No Action Alternative, revise the cost-benefit analysis, consider that GOM development could rely on existing infrastructure, and reconsider its GHG analysis.

Equinor Gulf of Mexico LLC, Chris L. Golden

Document ID: BOEM-2022-0031-6391

The commenter supported oil and gas leasing in the GOM, stating that doing so is vital to transitioning to affordable, secure, and decarbonized energy sources while the U.S. population and energy demand continues to grow, especially because IRA linked OCS wind farm leasing to oil and gas development. The commenter added that GOM production is less carbon-intensive than most other sources of oil and gas.

Gulf Energy Alliance, Kevin Bruce

Document ID: BOEM-2022-0031-6392

The commenter asserted that BOEM must continue to hold lease sales in the GOM on a predictable and consistent basis to promote employment, energy security goals, and provide for relatively low carbon energy. The commenter reasoned that, because of regulatory practices, OCS production results in relatively low methane emissions compared with national energy production generally. The commenter also argued that oil and gas leases in the GOM are not stockpiled, but that it sometimes takes up to a decade or more for exploration and development to bring a lease into production.

Hess Corporation, Tim Cordingley
Document ID: BOEM-2022-0031-6401

The commenter supported holding lease sales in the GOM to promote U.S. energy security and mitigate the impacts of energy costs to consumers. The commenter added that GOM oil production is important to the U.S. economy because of the jobs it provides, and investments stakeholders have made in GOM oil and gas development. The commenter also stated that GOM oil production is among the least carbon-intensive in the world. Additionally, the commenter stated the LWCF and other beneficial programs depend on revenues from GOM oil production.

Juneau Oil & Gas, LLC
Document ID: BOEM-2022-0031-6314

The commenter supported holding lease sales in the GOM, emphasizing that 10 sales should be offered in a transparent, predictable manner. The commenter also stated that the environmental and social costs of alternative sources of energies should be evaluated in a consistent manner and that NEPA reviews should occur at the programmatic level to facilitate smooth lease sales processes. The commenter stated that oil and gas development is capital-intensive and that BOEM should take steps to minimize the risks faced by developers.

Ridgewood Energy Corporation
Document ID: BOEM-2022-0031-6639

The commenter asserted that BOEM must continue to hold lease sales in the GOM and do so on a predictable basis to promote capital investment, employment, tax revenues, energy security goals, and to provide for relatively low carbon energy. The commenter also argued that oil and gas leases in the GOM are not stockpiled, but that it sometimes takes up to a decade or more for exploration and development to bring a lease into production.

Rosefield Pipeline Company, LLC, Christopher A. Capsimalis
Document ID: BOEM-2022-0031-6394

The commenter supported holding lease sales in the GOM, emphasizing that lease sales should be offered in a transparent, predictable manner to promote capital investments. The commenter stated that GOM oil production is vital to energy security and that it provides economic benefits to the producing region.

Shell Offshore Inc., Colette Hirstius
Document ID: BOEM-2022-0031-6398

The commenter supported holding lease sales in the GOM, emphasizing that lease sales should be offered in a transparent, predictable manner. The commenter stated that OCS oil production is vital to the energy economy and that it provides economic benefits to the producing region. The commenter stated that continued oil production will be necessary even in a scenario calling for net-zero emissions by 2050 and reasoned that GOM production is among the least carbon-intensive in the world. The commenter also stated that OCS developers do not stockpile leases. The commenter added that promoting GOM oil and gas leasing would also facilitate GOM offshore wind leasing.

Talos Energy Inc.
Document ID: BOEM-2022-0031-6400

The commenter supported holding lease sales in the GOM to promote U.S. energy security and to mitigate the impacts of energy costs to consumers. The commenter added that GOM oil production is important to the U.S. economy because of the jobs it provides, and investments stakeholders have made in GOM oil and gas development. Additionally, the commenter stated the LWCF and other beneficial programs depend on revenues from GOM oil production. Finally, the commenter stated that the OCS Lands Act requires that leasing continue.

A.6 Non-energy Exploration & Production Industry and Associations

List of Commenters

Alaska Jig Association
American Agri-Women
Anahuac Area Chamber of Commerce
Aquarium Conservation Partnership
Arkansas State Chamber of Commerce
Ashé Cultural Arts Center and Efforts of Grace, Inc.
Associated Builders and Contractors of West Virginia
Associated Pennsylvania Constructors
Bohn Flying LLC
Brick Industry Association
Cameron Parish Port
CGG
CleanEarth4Kids.org
Engineers Labor-Employer Cooperative
Florida State Hispanic Chamber of Commerce
Florida Tax Watch
Florida Transportation Builders' Association
Global Energy Institute - U.S. Chamber of Commerce
Hornbeck Offshore
Indiana Motor Truck Association
Industrial Energy Consumers of America
Innisfree Hotels
International Marine Contractors Association
Island Operating
Jacksonville Axemen Rugby Team
Jewish Youth Climate Movement
Joint sign-on comment from coastal business alliances across the country
Larrett Energy Services
Magseis Fairfield
Manufacture Alabama
Marcellus Shale Coalition
Maxx HDD LLC
Michigan Chemistry Council
Michigan Manufacturer's Association
Mississippi Economic Council

Montana Chamber of Commerce
Montana Farm Bureau Federation
National Association of Manufacturers
NC Chamber of Commerce
New Jersey Business & Industry Association
Nonlinear Seismic Imaging Inc.
Ohio Cast Metals Association
Ohio Chamber of Commerce
Ohio Energy and Convenience Association (2)
Ohio Gas Association
Pennsylvania Energy Infrastructure Alliance
Pennsylvania Food Merchants Association
Rio Grande Foundation
Seattle Aquarium
Ship Island Excursions
South Carolina Trucking Association, Inc.
Tennessee Chamber of Commerce & Industry
Texas Cast Metals Association
The Fertilizer Institute
U.S. Chamber of Commerce - Global Energy Institute
Utah Petroleum Association
Utica Energy Alliance
WB Pipeline
West Virginia Chamber of Commerce
West Virginia Manufacturers Association
Willmar Lakes Area Chamber of Commerce
Wisconsin Manufacturers & Commerce

A.6.1 Proposed Program-wide Commenters

American Agri-Women
Document ID: BOEM-2022-0031-6582

The commenter requested the approval of the 11 proposed lease sales, arguing that new lease sales would provide certainty to the offshore energy industry, benefit U.S. consumers, and improve food and national security.

Anahuac Area Chamber of Commerce, Katelynn Smith
Document ID: BOEM-2022-0031-6348

The commenter expressed support for all the 11 lease sales in the Proposed Program. They stated that high energy prices and high price indexes have made it difficult for American businesses, and that reopening the GOM for lease sales would provide relief and economic certainty for the Nation.

Aquarium Conservation Partnership, Tom Schmid

Document ID: BOEM-2022-0031-6333

The commenter asked that BOEM exclude all new lease sales from the Proposed Program, citing concerns about several resource impacts. The commenter asserted that carbon emissions must drop significantly to mitigate the effects of climate change, but that the Proposed Program would be a significant step backwards. The commenter also expressed concerns about the danger of oil spills from offshore oil and gas drilling, which it stated can have a huge negative impact on marine life and low-income communities.

Arkansas State Chamber of Commerce, Randy Zook

Document ID: BOEM-2022-0031-6290

The commenter expressed support for the Proposed Program and for including the maximum number of lease sales, expressing concern about the possibility that the Program could not include any new sales. The commenter argued that issuing new leases would help bring down costs for consumers, support good-paying jobs, and bolster energy security. The commenter added that oil and gas produced in the United States is done so under stricter environmental standards than elsewhere in the world.

Ashé Cultural Arts Center and Efforts of Grace, Inc.

Document ID: BOEM-2022-0031-6509

The commenter expressed opposition to any new oil and gas lease sales. The commenter stated that locating oil and gas industry projects near marginalized communities constitutes environmental racism and stressed the need to transition away from fossil fuels.

Associated Pennsylvania Constructors

Document ID: BOEM-2022-0031-6572

The commenter requested the prompt finalization of the Program and inclusion of the maximum number of lease sales. The commenter suggested that new oil and gas lease sales were needed to address high energy prices and that domestic production was preferable because of stricter environmental standards and energy independence considerations.

Associated Builders and Contractors of West Virginia

Document ID: BOEM-2022-0031-20313

The commenter expressed support for the Proposed Program and for the maximum number of lease sales. They discussed the number of jobs supported by offshore development, asserted that GOM production is low in carbon intensity, and added that approving all 11 lease sales would help the U.S. meet its domestic energy demand.

Bohn Flying LLC, James Jacobsen

Document ID: BOEM-2022-0031-6320

The commenter expressed support for all 11 lease sales in the Proposed Program and discussed some general benefits of offshore oil and gas lease sales. They asserted that the Proposed Program would help protect society from energy price spikes and provide critical funds for conservation efforts in the GOM.

Brick Industry Association, Joseph Casper
Document ID: BOEM-2022-0031-6303

The commenter expressed support for the Proposed Program and the inclusion of the 11 lease sales. The commenter argued that expanding offshore oil and gas leasing would increase the supply of energy, reducing costs for manufacturers, which have been significantly impacted by high energy prices.

Cameron Parish Port
Document ID: BOEM-2022-0031-6260

The commenter expressed support for all 11 lease sales in the Proposed Program and asserted that domestic fuel production would lower fuel costs and ease supply chain issues, allowing U.S. ports to maintain competitive import/export operations.

CGG, Robert Gauer
Document ID: BOEM-2022-0031-6289

The commenter expressed concern about the possibility of offering no new lease sales until 2028, citing high energy prices and energy needs. The commenter added that oil and gas leasing in the GOM is some of the least carbon-intensive production in the world and expressed support for all 11 lease sales in the Proposed Program.

CleanEarth4Kids.org, Suzanne Hume
Document ID: BOEM-2022-0031-6600

The commenter expressed opposition to the Proposed Program and asked BOEM to end all offshore drilling leases. The commenter asserted that oil and gas extraction is incredibly pollutive, destructive to children, and responsible for global deaths, and expressed concern about climate catastrophes caused by the use of fossil fuels.

Engineers Labor-Employer Cooperative, Mark Longo
Document ID: BOEM-2022-0031-6319

The commenter expressed support for all 11 lease sales in the Proposed Program, noting the negative impact of restrictive leasing policies on energy projects. It discussed the economic impact of high gas prices on member projects, including higher out-of-pocket, shipping, and material costs and the resulting erosion of wage gains. It criticized anti-energy activists and stated union support for preserving U.S. energy independence.

Florida State Hispanic Chamber of Commerce, Julio Fuentes
Document ID: BOEM-2022-0031-3702

The commenter expressed support for a rapid resumption of oil and gas leasing to benefit the U.S. economy, businesses, and families and lower high energy costs, considered a driver of the current record inflation. They discussed the impact of energy resource shortages and supply chain challenges, particularly during recovery from the pandemic.

Florida Tax Watch, Dominic Cabalaro
Document ID: BOEM-2022-0031-6570

The commenter expressed support for the Proposed Program and for including the maximum number of lease sales, expressing concern about the possibility that the Program could not include any new sales. The commenter argued that issuing new leases would help bring down costs for consumers, support good-paying jobs, and bolster energy security. The commenter added that oil and gas produced in the United States is produced under stricter environmental standards than elsewhere in the world.

Florida Transportation Builders' Association
Document ID: BOEM-2022-0031-6555

The commenter expressed support for the Proposed Program and for including the maximum number of lease sales, expressing concern about the possibility that the Program could not include any new sales. The commenter argued that issuing new leases would help bring down costs for consumers, support good-paying jobs, and bolster energy security. The commenter added that oil and gas produced in the United States is produced under stricter environmental standards than elsewhere in the world.

Global Energy Institute – U.S. Chamber of Commerce, Christopher Guith
Document ID: BOEM-2022-0031-6360

The commenter urged BOEM to hold more lease sales than advertised in the Proposed Program, stating that the small number of lease sales proposed would harm their members in the form of higher energy prices. The commenter said that the Proposed Program would unjustifiably curtail OCS oil and gas production in a way that will not meet America's energy needs as required by the OCS Lands Act and could decrease the country's energy security by preventing the diversification of domestic energy sources.

Hornbeck Offshore
Document ID: BOEM-2022-0031-6578

The commenter requested that the issuance of a Program that includes leasing in all 11 proposed sales. The commenter suggested that the Program would help address rising energy costs and have beneficial employment impacts and further argued that domestic offshore production is preferable to the alternatives, which have higher carbon footprints and national security issues.

Indiana Motor Truck Association
Document ID: BOEM-2022-0031-6457

The commenter urged the expansion of oil and gas leasing on Federal lands, arguing that this action would increase domestic energy supply, lower energy prices, and create jobs. The commenter discussed the impact of high fuel prices on the trucking industry and stated that the increased costs are passed onto consumers.

Industrial Energy Consumers of America, Paul Cicio
Document ID: BOEM-2022-0031-6368

The commenter expressed support for oil and gas energy production, stating that domestic energy production is important for strengthening U.S. energy independence. They asserted that renewable energy is not viable for the manufacturing sector in a number of ways. The commenter urged BOEM to develop offshore leasing in Alaska and the GOM and prioritize this Program over other leasing programs.

International Marine Contractors Association
Document ID: BOEM-2022-0031-6636

The commenter expressed concern about the possibility of no new lease sales, asserting that such a decision would result in a massive decrease in oil and gas production and exacerbate already rising energy prices. It stated that increased oil and gas production is necessary to meet American energy needs, remarked that GOM production is low in carbon intensity, and added that OCS oil and gas production is vital to U.S. energy security.

Jewish Youth Climate Movement
Document ID: BOEM-2022-0031-6556

The commenter expressed opposition to the issuance of the proposed oil and gas lease sales. The commenter expressed concern about the impact of offshore drilling on vulnerable communities, worsening climate change, and infringement on religious obligations that stipulate protection of the environment.

Joint sign-on comment from coastal business alliances across the country, Business Alliance for Protecting the Pacific Coast, Surf Industry Members Association, Business Alliance for Protecting the Atlantic Coast, and Florida Gulf Coast Business Coalition
Document ID: BOEM-2022-0031-6525

The commenter requested no new lease sales be included in the PFP, citing the need to address climate change and the risks posed to communities affected by oil spills.

Larrett Energy Services
Document ID: BOEM-2022-0031-6459

The commenter expressed support for the Program and the inclusion of the 11 proposed oil and gas lease sales, especially the 10 lease sales in the GOM region, arguing that the lease sales will facilitate economic stability and lower energy prices. The commenter discussed the benefits of oil and gas operations in the GOM, arguing that lease sales fund national conservation efforts and spur investment in the region.

Magseis Fairfield, Shawn Rice
Document ID: BOEM-2022-0031-6475

The commenter expressed support for the inclusion of all 11 lease sales in the Proposed Program. The commenter expressed concern about the possibility of scheduling no new lease sales between 2023 and 2028 and asserted that rising energy prices and reliance on foreign nations would make such a move a devastating blow to the economy. They added that offshore production accounts for a large percentage of U.S. energy production, asserted that oil and gas production in the GOM is low in carbon intensity, and discussed the importance of the geoscience industry to energy exploration and production.

Manufacture Alabama, George Clark
Document ID: BOEM-2022-0031-3707

The commenter expressed support for all 11 proposed lease sales, noting the particular importance of the GOM lease sales to their region. They noted that oil and gas operations in the area support the local economy and provide conservation funds, while predictable oil lease sales and lowered gas prices would spur investments and protect consumers.

Marcellus Shale Coalition
Document ID: BOEM-2022-0031-6577

The commenter urged the prompt finalization of the Program and the inclusion of the maximum number of possible lease sales. The commenter discussed the importance of energy security and independence, countering rising energy prices, and argued that including the maximum number of lease sales would allow for future flexibility in energy production.

Maxx HDD LLC, Kevin Hutcherson

Document ID: BOEM-2022-0031-6304

The commenter expressed support for the Proposed Program and the inclusion of the 11 lease sales. The commenter argued that offshore oil and gas production currently supports many jobs and contributes significant funding to conservation projects, and further stated that issuing new leases would help bring down energy prices.

Michigan Chemistry Council

Document ID: BOEM-2022-0031-6468

The commenter expressed support for the Program and the inclusion of the 11 proposed lease sales, stating that the lease sales would increase energy supply, send impactful signals to global markets, and lower energy prices for manufacturers and consumers.

Michigan Manufacturer's Association, Caroline Liethen

Document ID: BOEM-2022-0031-6513

The commenter expressed support for the Proposed Program and for including the maximum number of lease sales, expressing concern about the possibility that the Program could not include any new sales. The commenter stated that offshore oil and gas production provides a significant portion of the total U.S. energy supply, supports many jobs, and contributes substantially to tax revenues. Specifically, the commenter claimed that tax revenue and revenue sharing from oil and gas production helps fund education, health care, emergency services, infrastructure, conservation projects, and levee protection, particularly in the GOM region. Finally, the commenter added that oil and gas production in the GOM is less carbon intense than elsewhere in the world.

Montana Chamber of Commerce, Todd O'Hair

Document ID: BOEM-2022-0031-6448

The commenter expressed support for the Proposed Program and the inclusion of the 11 lease sales. The commenter argued that expanding offshore drilling would help lower energy costs for businesses, and further claimed that businesses' overhead costs, employee retention, and competitive pricing are currently being negatively affected by short-sighted energy policies.

Montana Farm Bureau Federation

Document ID: BOEM-2022-0031-6573

The commenter expressed support for the inclusion of the 11 proposed lease sales in the PFP, stating that this will reduce energy prices for farmers and consumers.

National Association of Manufacturers, Rachel Jones

Document ID: BOEM-2022-0031-6361

The commenter expressed concern that the Proposed Program leaves open the possibility for no new lease sales to be held between 2023 and 2028 and urged BOEM to include all 11 lease sales in the PFP. The commenter asserted that domestic energy production can help keep energy prices down and help manufacturers compete in the global marketplace, and that continued production will increase economic and energy security.

NC Chamber of Commerce, Gary Salamido
Document ID: BOEM-2022-0031-6293

The commenter expressed support for the Proposed Program and for including the maximum number of lease sales, expressing concern about the possibility that the Program could not include any new sales. The commenter stated that offshore oil and gas production provides a significant portion of the total U.S. energy supply, supports many jobs, and contributes substantially to tax revenues. Specifically, the commenter claimed that tax revenue and revenue sharing from oil and gas production helps fund education, health care, emergency services, infrastructure, conservation projects, and levee protection, particularly in the GOM region. Finally, the commenter added that oil and gas production in the GOM is less carbon intense than elsewhere in the world.

New Jersey Business & Industry Association
Document ID: BOEM-2022-0031-6508

The commenter urged the approval of the Program and the inclusion of the maximum number of lease sales. The commenter argued that decarbonization should be balanced with maintenance of economic growth and stressed the need for domestic oil and gas production and job growth in the energy sector.

Nonlinear Seismic Imaging Inc., Sofia Khan
Document ID: BOEM-2022-0031-6294

The commenter expressed support for issuing new offshore oil and gas leases, arguing that expanding the domestic U.S. energy supply is necessary for the country's economic and national security, and that more time is needed for the technological and infrastructure development necessary to transition the country's energy system to alternative, renewable energy sources. The commenter further argued that maintaining a strong domestic supply of oil helps maintain the international political position of the United States, protecting it from conflict and putting it in a better position if conflict breaks out.

Ohio Chamber of Commerce, Rick Carfagna
Document ID: BOEM-2022-0031-6325

The commenter expressed support for the Proposed Program and asked for the maximum number of offshore lease sales. They stated that decreased energy supply and increased energy costs caused by global unrest have hurt Ohio residents and businesses and necessitated a greater focus on American energy production. The commenter added a discussion of revenue- and job-based benefits of oil and gas production in Ohio and asked that BOEM finalize a 5-year Program for new lease sales.

Ohio Energy and Convenience Association
Document ID: BOEM-2022-0031-6497

The commenter expressed support for the Program and the inclusion of the 11 proposed lease sales, stating that the oil and gas lease sales will increase energy supply and reduce energy prices for families and businesses.

Ohio Energy and Convenience Association, Alex Boehnke
Document ID: BOEM-2022-0031-6522

The commenter expressed support for the Proposed Program and for including the maximum number of lease sales, expressing concern about the possibility that the Program could not include any new sales. The commenter stated that offshore oil and gas production provides a significant portion of the total U.S. energy supply, supports many jobs, and contributes substantially to tax revenues. Specifically, the commenter claimed that tax revenue and revenue sharing from oil and gas production helps fund education, health care, emergency services, infrastructure, conservation projects, and levee protection, particularly in the GOM region. Finally, the commenter added that oil and gas production in the GOM is less carbon intense than elsewhere in the world.

Ohio Gas Association, Jimmy Stewart
Document ID: BOEM-2022-0031-6621

The commenter asked that the Proposed Program be finalized with the maximum number of lease sales. They cited statements from the White House in March 2022 that committed to international partners and the European Union a certain level of production of oil and natural gas to meet rising demand.

Pennsylvania Energy Infrastructure Alliance
Document ID: BOEM-2022-0031-6460

The commenter expressed support for the Proposed Program and the inclusion of the 11 proposed oil and gas lease sales, stating that the lease sales will increase global energy supply and reduce energy prices for families and businesses. The commenter discussed rising energy prices and argued that that conflict in Ukraine demonstrates the importance of energy security.

Pennsylvania Food Merchants Association
Document ID: BOEM-2022-0031-6560

The commenter expressed support for including the maximum number of offshore lease sales in the Proposed Program, arguing for the need to reduce dependency on external sources of fuel and stating that oil and gas would be necessary for the foreseeable future.

Seattle Aquarium
Document ID: BOEM-2022-0031-6494

The commenter expressed support for a No Action Alternative and the inclusion of no new lease sales or offshore drilling in the plan. The commenter expressed concern about the climate crisis and the potential impacts of oil spills on marine environments and communities, arguing that the proposed new lease sales contradict national climate policy goals.

Ship Island Excursions, Louis Skrmetta
Document ID: BOEM-2022-0031-6372

The commenter did not explicitly express opposition to or support for the Proposed Program but requested that oil leases and drilling rigs be located 12 miles south of Ship Island to avoid navigation and viewshed concerns. They asked that the Program consider impacts of oil disasters and negative economic effects on the recreation and tourism industries. The commenter expressed support for offshore wind generation, but also asked that leases for wind generation be located 12 miles south of Ship Island.

South Carolina Trucking Association, Inc., J. Richards Todd
Document ID: BOEM-2022-0031-6305

The commenter expressed support for the Proposed Program and for issuing new offshore oil and gas leases, arguing that doing so would increase the U.S. supply of energy and bring down fuel costs, which have severely impacted the trucking industry.

Tennessee Chamber of Commerce & Industry, Bradley Jackson

Document ID: BOEM-2022-0031-6554

The commenter expressed support for the Proposed Program and for including the maximum number of lease sales, expressing concern about the possibility that the Program could not include any new sales. The commenter argued that issuing new leases would help bring down costs for consumers, support good-paying jobs, and bolster energy security. The commenter added that oil and gas produced in the United States is done so under stricter environmental standards than elsewhere in the world.

Texas Cast Metals Association

Document ID: BOEM-2022-0031-6451

The commenter expressed support for the Program and the inclusion of the 11 proposed oil and gas lease sales. The commenter discussed the impacts that rising material and energy costs have had on their industry and suggested that the lease sales would increase the affordable energy supply and send impactful signals to global energy markets.

The Fertilizer Institute

Document ID: BOEM-2022-0031-6505

The commenter expressed support for the Program and the inclusion of the 11 proposed lease sales. The commenter stated that an affordable supply of natural gas is necessary to support domestic fertilization production and that the Program will reduce energy prices for producers and consumers.

U.S. Chamber of Commerce – Global Energy Institute

Document ID: BOEM-2022-0031-6365

The commenter called for an end to the ban on oil and gas exploration, asked that cancelled lease sales be restored, and advocated for a Program with the maximum possible number of lease sales. They added that high energy prices are a concern for businesses and people throughout the U.S., and that increased domestic production would bring relief to businesses and households and promote energy security.

Utah Petroleum Association

Document ID: BOEM-2022-0031-6521

The commenter expressed support for the Proposed Program and the inclusion of the 11 proposed lease sales. The commenter argued that oil and gas lease sales will increase energy supply, reduce energy prices, create jobs, and support conservation efforts.

Utica Energy Alliance

Document ID: BOEM-2022-0031-6474

The commenter expressed support for the Proposed Program and the inclusion of the 11 proposed lease sales. The commenter argued that the proposed lease sales would increase energy supply and reduce energy prices for consumers and businesses.

WB Pipeline

Document ID: BOEM-2022-0031-6452

The commenter expressed support for the Proposed Program and the inclusion of the 11 proposed oil and gas lease sales, especially the 10 lease sales in the GOM region, arguing that the lease sales will facilitate economic stability and lower energy prices. The commenter discussed the benefits of oil and gas operations in the GOM, arguing that lease sales fund national conservation efforts and spur investment in the region.

West Virginia Chamber of Commerce, Stephen Roberts
Document ID: BOEM-2022-0031-6559

The commenter expressed support for the Proposed Program and for including the maximum number of lease sales, expressing concern about the possibility that the Program could not include any new sales. The commenter argued that issuing new leases would help bring down costs for consumers, support good-paying jobs, and bolster energy security. The commenter added that oil and gas produced in the United States is produced under stricter environmental standards than elsewhere in the world.

West Virginia Manufacturers Association, Rebecca McPhail
Document ID: BOEM-2022-0031-6244

The commenter expressed support for including all 11 lease sales in the Proposed Program and noted that increasing the supply of affordable and reliable U.S. energy resources would send a message to global markets and ease the current inflation of energy costs and benefit the overall U.S. economy.

Willmar Lakes Area Chamber of Commerce
Document ID: BOEM-2022-0031-6449

The commenter expressed support for the Program and new oil and gas lease sales. The commenter discussed rising energy and fuel prices and suggested that new lease sales would reduce energy prices for consumers and businesses.

Wisconsin Manufacturers & Commerce, Craig Summerfield
Document ID: BOEM-2022-0031-6673

The commenter expressed support for new lease sales in the Proposed Program, noting both the current high prices for transportation fuels and the current high levels of inflation. They asserted that production from new lease sales would lead to lower prices for businesses and consumers.

A.6.2 Cook Inlet-specific Commenters

Alaska Jig Association, Darius Kasprzak
Document ID: BOEM-2022-0031-6626

The commenter expressed their opposition to the proposed lease sale in Lower Cook Inlet. They recalled the devastation of the Exxon Valdez oil spill and advocated for a status quo option, meaning no new oil or gas drilling in Cook Inlet.

A.6.3 Gulf of Mexico-specific Commenters

Innisfree Hotels
Document ID: BOEM-2022-0031-6576

The commenter discussed the impact of the Deepwater Horizon oil spill's impact on tourism in Florida and requested that these impacts be considered with regards to oil and gas development in the GOM region.

Jacksonville Axemen Rugby Team, Andrew Slover
Document ID: BOEM-2022-0031-3704

The commenter requested that oil leasing resume immediately in the GOM Planning Area, noting that such action would send a strong message to global oil markets. The commenter discussed U.S. energy security concerns and urged diversification of the U.S. energy portfolio, commenting on increased fuel prices, benefits to families and small business, and environmental progress.

Mississippi Economic Council, Scott Waller
Document ID: BOEM-2022-0031-4481

The commenter expressed support for the Proposed Program's 10 lease sales in the GOM Planning Area and asked for quick action to alleviate energy burdens. The commenter noted that high energy costs are weighing on business revenues nationwide and particularly impacting small, medium, and minority-owned businesses.

Ohio Cast Metals Association
Document ID: BOEM-2022-0031-6471

The commenter urged that the current Administration do more to lower energy prices by initiating lease sales in the GOM. The commenter discussed the impacts of rising energy prices on its industry and stated that lease sales in the GOM would contribute to lower energy prices for manufacturers and consumers by signaling to global markets.

Rio Grande Foundation
Document ID: BOEM-2022-0031-6557

The commenter urged the prompt finalization of the plan and the inclusion of the 10 proposed lease sales in the GOM region. The commenter suggested that the Program would keep energy prices affordable for consumers and businesses and further argued that oil sourced from the GOM regions is comparably less carbon-intensive, protects consumers from global oil market instability, and funds conservation efforts.

A.7 State-level Elected Officials

List of Commenters

Alabama State Senate - Senator Gerald Allen
Arizona Legislature
Connecticut General Assembly 146th District, David Michel
Connecticut General Assembly's 146th House district, David Michel
Florida House of Representatives - District 16, Jason Fischer
Florida House of Representatives - Representative Clay Yarborough
Louisiana State Senator Michelle Fontenot
Louisiana State Senator Robert Mills
Member of the New York Assembly, District 102, Chris Tague
Member of the New York Assembly, District 118, Robert Smullen
Member of the New York Assembly, District 97, Mike Lawler
Member of the New York Assembly, District 116 Mark Walczyk

Mid-Atlantic Regional Council on the Ocean
Mississippi House of Representatives
New York State Assembly, Philip Palmesano, et al.
Ohio House of Representatives Representative Hillyer
Pennsylvania State Senators, Gene Yaw, Elder Vogel, and Scott Hutchinson
Southern States Energy Board
Texas Caucus on Climate, Environment & Energy
Texas Freedom Caucus - TX State Reps. Middleton, Schaefer, Krause, Cain, Gates, Harrison, Shaheen, Swanson, Toth, Vasut
The Energy Council
The Office of Texas House Speaker Dade Phelan
West Virginia Route 2 I-69 Authority

A.7.1 Proposed Program-wide Commenters

Alabama, State Senate, Senator Gerald Allen

Document ID: BOEM-2022-0031-6501

A state senator expressed support for the Proposed Program and its 11 lease sales. He asserted that oil and gas leasing in the GOM supports hundreds of thousands of jobs and billions in GDP and added that offshore leasing is vital to supporting critical conservation projects along the coast of Alabama. The commenter stated that domestic resources should be developed to keep energy prices—which have been rising since the pause on oil and gas leasing in January 2021—down and to provide economic certainty to the United States.

Connecticut, General Assembly's 146th House district, David Michel

Document ID: BOEM-2022-0031-6043

A state legislator opposed the Proposed Program and asked that the PFP end new leasing for offshore drilling. The commenter expressed concerns that the Proposed Program would add to the effects of climate change, and not do much to mitigate high gas prices. He asserted that a focus on offshore wind could bring jobs and revenue to the state of Connecticut without some of the negative impacts of oil and gas drilling.

Connecticut, General Assembly 146th District, David Michel

Document ID: BOEM-2022-0031-6527

A state legislator opposed the Proposed Program, citing the devastating effects of climate change on the state of Connecticut and asserting that more offshore drilling would accelerate climate-related damages. He added that oil and gas prices have spiked, but that new lease sales would not help lower them, as oil companies already have millions of acres of stockpiled, unused leases. The commenter added that offshore wind could bring millions of dollars and jobs to Connecticut and could be least damaging to the marine environment and asked that President Biden end new lease sales for offshore drilling.

Louisiana, State Senator Robert Mills

Document ID: BOEM-2022-0031-6506

A state senator expressed support for the Proposed Program and its 11 lease sales. He asserted that oil and gas leasing in the GOM supports hundreds of thousands of jobs and billions in GDP and added that offshore leasing is vital to supporting critical conservation projects along the coast of Louisiana. The commenter stated that domestic resources should be developed to keep energy prices—which have been rising since the pause on oil and gas leasing in January 2021—down and to provide economic certainty to the United States.

Member of the New York Assembly, District 102, Chris Tague
Document ID: BOEM-2022-0031-6583

A New York state legislator expressed support for the Proposed Program and stated the Program would help meet domestic energy needs and generate revenue with affordable domestic resources.

Member of the New York Assembly, District 118, Robert Smullen
Document ID: BOEM-2022-0031-151891

A group of New York state legislators expressed support for the Proposed Program, especially in the face of increased focus on renewable energy sources in New York State. They stated that energy prices have increased nationwide after offshore lease sales were paused in January 2021 and asserted that the Proposed Program would help the United States meet its energy needs, especially in the Eastern U.S., and generate revenue and affordable domestic resources.

Member of the New York Assembly, District 97, Mike Lawler
Document ID: BOEM-2022-0031-152001

A New York state legislator expressed support for the Proposed Program and its 11 lease sales. He stated that energy prices have increased nationwide after offshore lease sales were paused in January 2021 and asserted that the Proposed Program would help the United States meet its energy needs, especially in the Eastern U.S., and generate revenue and affordable domestic resources.

Mid-Atlantic Regional Council on the Ocean, Avalon Bristow
Document ID: BOEM-2022-0031-6386

A group of council members expressed their opposition to oil and gas leasing and development, specifically in the North and Mid-Atlantic regions. They asserted that the Proposed Program is continuing to analyze the potential for leasing off the Atlantic coast as a remnant of the 2019–2024 Proposed Program and stated that the DPEIS is lacking information on resource-specific impacts, state and local interests, and conflicts with offshore wind development. The commenters included a discussion of conflicting uses of the Mid-Atlantic, including habitat areas and fishing/recreation use, and expressed their support for BOEM's focus on diverse energy sources and clean energy development.

Mississippi, House of Representatives, Brent Powell
Document ID: BOEM-2022-0031-4454

A state representative expressed support for the Proposed Program and its 11 lease sales. He asserted that oil and gas leasing in the GOM supports hundreds of thousands of jobs and billions in GDP and added that offshore leasing is vital to supporting critical conservation projects along the coast of Mississippi. The commenter stated that domestic resources should be developed to keep energy prices down and provide economic certainty to the United States.

New York, State Assembly, Philip Palmesano, Chris Tague, Robert Smullen
Document ID: BOEM-2022-0031-6492

A group of New York state legislators expressed support for the Proposed Program, especially in the face of increased focus on renewable energy sources in New York State. They stated that energy prices have increased nationwide after offshore lease sales were paused in January 2021 and asserted that the Proposed Program would help the United States meet its energy needs, especially in the Eastern U.S., and generate revenue and affordable domestic resources.

New York State Assembly, Mark Walczyk
Document ID: BOEM-2022-0031-6309

A state legislator expressed support for the Proposed Program. He stated that energy prices have increased, and the Program would foster the production of energy within our own borders. He stated that the Program would help the United States meet its energy needs and would generate increased revenue nationwide.

Ohio, House of Representatives, Representative Brett Hillyer
Document ID: BOEM-2022-0031-6478

A state representative expressed support for the Proposed Program and its 11 lease sales. He asserted that the drastic increase in energy prices was due to the oil and gas leasing moratorium from January 2021, and that these high energy prices will cripple the U.S. economy. The commenter added that the United States has a number of domestic resources that could be developed to provide more economic certainty for the State of Ohio.

Pennsylvania State Senators, Gene Yaw, Elder Vogel, and Scott Hutchinson
Document ID: BOEM-2022-0031-6315

A group of state representatives expressed support for all 11 lease sales in the Proposed Program. They asserted that America needs a safe and reliable energy supply of oil and gas production and that no lease sales would be devastating to the U.S. economy. The commenters discussed the level of oil and natural gas production, jobs, and government revenue supported by a 5-year leasing Program in the GOM and added that limiting U.S. production would hurt global GHG emissions progress.

Texas, Caucus on Climate, Environment & Energy, Patricia Zavala
Document ID: BOEM-2022-0031-6330

A group of state elected officials expressed concerns about the proposed oil and gas leasing Program. They discussed various negative impacts of climate change as a result of fossil fuel development and asserted that carbon emissions need to decrease to mitigate the crisis' worst effects. The commenters added that diversifying Texas' energy portfolio by focusing more on wind and solar energy will continue to decrease energy costs in Texas while reducing fossil fuel consumption.

Texas, Freedom Caucus, Mayes Middleton, Matt Schaefer, Matt Krause, Briscoe Cain, Gary Gates, Brian Harrison, Matt Shaheen, Valoree Swanson, Steve Toth, Cody Vasut
Document ID: BOEM-2022-0031-6339

A group of state elected officials expressed support for the Proposed Program and its 11 proposed lease sales. They asserted that rising energy prices could be avoided by finalizing the Proposed Program and stated that including the 11 lease sales would open hundreds of thousands of jobs in Texas and the United

States. The commenters added that the leases would decrease U.S. reliance on foreign nations for energy sources.

The Energy Council, Tara Shaw
Document ID: BOEM-2022-0031-1146

The Energy Council expressed support for the Proposed Program.

West Virginia, West Virginia Route 2 I-69 Authority, Robert Miller
Document ID: BOEM-2022-0031-6461

A state authority expressed support for all 11 lease sales in the Proposed Program. It added that current high fuel prices make it more difficult for businesses to ship and receive goods and generally limit the market for goods. The commenter asserted that affordable, reliable energy is more important than ever, and that oil and gas production from the GOM plays an important role in the production of energy and in powering the economy.

A.7.2 Cook Inlet-specific Commenters

No comments from state elected officials specifically discussed the Cook Inlet.

A.7.3 Gulf of Mexico-specific Commenters

Arizona, Arizona Legislature, Sine Kerr
Document ID: BOEM-2022-0031-6496

A state legislator encouraged BOEM to move forward with an oil and natural gas leasing Program in the GOM. The commenter expressed concern with BOEM's option of moving forward with no additional sales, stating that it would have a massive negative impact on oil production and energy costs. The commenter asserted that oil and natural gas produced in the GOM has low carbon intensity and is protected by strong environmental regulations.

Florida, House of Representatives, Jason Fischer
Document ID: BOEM-2022-0031-4452

A state representative urged support for the Proposed Program and asked for the resumption of oil and gas lease sales in the western and central GOM. He asserted that lease sales would bring down rising gas prices and increase global energy supply.

Florida, House of Representatives, Representative Clay Yarborough
Document ID: BOEM-2022-0031-6500

A state representative asked that the Biden Administration encourage more oil and gas lease sales in the western and central GOM to lower the cost of energy, increase global energy supply, and create more jobs. He asserted that energy prices have risen since offshore oil and gas lease sales were halted in January 2021 and urged the Biden Administration to end the moratorium.

Louisiana, House of Representatives, Michelle Fontenot
Document ID: BOEM-2022-0031-1148

A state legislature, in a concurrent resolution passed during their 2022 regular session, urged the President to halt any Federal actions resulting in the delay or cancellation of offshore oil and natural gas lease sales and asked that the Administration comply with the resolution of Lease Sale 257 and finalize a 5-year plan for oil and gas leasing. It added that the GOM accounts for 17% of U.S. crude oil and 5% of natural gas and has generated more than a billion dollars from offshore leasing, and that oil and gas leasing in general has supported jobs and GDP growth in Louisiana. The commenter asserted that there is no indication that BOEM is working on another 5-year plan for oil and gas leasing, and, given that Louisiana has lost millions of dollars due to cancelled lease sales in 2021, BOEM and the Biden Administration should focus all efforts on mandated lease sales in the GOM.

Southern States Energy Board, Joel Carter, Jr.
Document ID: BOEM-2022-0031-6518

A group of state legislators expressed their support for the Proposed Program in the form of a Policy Resolution adopted on August 29, 2022. They asserted that the GOM is a critical part of the United States' crude oil and natural gas supply and added that inflation and energy prices are at historic highs and are increasingly harder on energy consumers, in part due to BOEM cancelling three sales in the GOM and Alaska in May 2022. The commenter urged BOEM to complete the 5-year plan for oil and gas leasing, and in the absence of such a plan, urged Congress to pass legislation mandating two region-wide sales to be held annually in the GOM.

Texas, The Office of Texas House Speaker Dade Phelan
Document ID: BOEM-2022-0031-6569

A state representative expressed support for the Proposed Program. He asserted that new oil and gas operations in the GOM would increase economic stability and help keep rising energy prices down through less reliance on foreign energy. The commenter added that oil and gas leasing is an important contributor towards conservation funds along the GOM coast.

A.8 Members of Congress

List of Commenters

21 Members of Congress
130 Members of Congress
4 Members of Congress – Vincent Gonzalez, Sylvia R. Garcia Henry Vueller, and Lizzie Fletcher

A.8.1 Proposed Program-wide Commenters

21 Members of Congress, Bill Cassidy, et al.
Document ID: BOEM-2022-0031-6665

A group of 21 U.S. Senators expressed concern about the potential of no new leases being issued in the PFP, arguing that this could lead to an increase in emissions due to overseas imports. They further stated that they were monitoring efforts of the current Administration to halt lease sales or discourage bidding and argued that the best way to ease burdens related to energy is to increase supply domestically through oil and gas leasing.

130 Members of Congress, Steve Scalise, et al.
Document ID: BOEM-2022-0031-6667

A group of 130 Members of Congress expressed their support for the Proposed Program, as well as their concern with the Biden Administration's shutting down of oil and gas production. They asserted that high energy prices, which are hurting low- and middle-income families the most, are in part due to underinvestment in reliable oil and natural gas production. The commenter added that BOEM delayed the release of a 5-year plan for offshore leasing and urged the PFP to include at a minimum the 11 lease areas in the GOM and Cook Inlet to reduce energy costs for the American people.

A.8.2 Cook Inlet-specific Commenters

No Members of Congress specifically provided comment on the Cook Inlet.

A.8.3 Gulf of Mexico-specific Commenters

Four Members of Congress, Vincent Gonzales, et al.
Document ID: BOEM-2022-0031-6666

Four Members of Congress expressed support for the inclusion in the PFP of the maximum number of 10 GOM lease sales. The commenters stated that oil and gas development would alleviate hardships on families and businesses and bolster national security by reducing dependence on foreign oil and gas. The commenters further stated that the lease sales would generate revenue and jobs, stabilize energy markets, and stabilize the energy grid.

A.9 Tribes and Tribal Organizations

*List of Commenters**

Carrizo Comecrudo Tribe of Texas
Catawba Indian Nation
Indigenous Peoples of the Coastal Bend
Kenaitze Indian Tribe
Society of Native Nations

*A comment received via Red Willow Offshore, LLC, a subsidiary of the Southern Ute Indian Tribe, is captured in the Energy Exploration & Production Industry and Associations section of this appendix (BOEM-2022-0031-6488).

A.9.1 Proposed Program-wide Commenters

Catawba Indian Nation, Wenonah G. Haire
Document ID: BOEM-2022-0031-6287

The commenter stated that its members did not have immediate concerns regarding traditional cultural properties, sacred sites, or archaeological sites within the proposed project areas but requested notification should Native American artifacts or human remains be located during the ground disturbance phase of the project.

Indigenous Peoples of the Coastal Bend, Deondra Sanchez
Document ID: BOEM-2022-0031-187158

The commenter expressed opposition to the authorization of new lease sales in the GOM, expressing concern about the threat that oil and gas development poses to coastal communities through the exacerbation of climate change, oil spills, and pollution. The commenter said that oil and gas drilling will harm sacred animals and waters.

Indigenous Peoples of the Coastal Bend, Dorothy Peña
Document ID: BOEM-2022-0031-187158

The commenter opposed new lease sales that could threaten Tribal communities' waters. The commenter urged a transition to justly sourced renewable energy.

Society of Native Nations, Frankie Orona
Document ID: BOEM-2022-0031-6523

The commenter wrote in opposition to the authorization of new lease sales on the OCS, expressing concern about the threat that oil and gas development pose to Tribal homelands. The commenter discussed public health risks related to environmental degradation and risks posed to Indigenous communities due to the location of oil and gas projects near Indigenous lands. The commenter additionally called for the transition to clean energy and away from dependence on oil and gas.

A.9.2 Cook Inlet Commenters

Kenaitze Indian Tribe, Bernadine Atchison, Ronette Stanton
Document ID: BOEM-2022-0031-6489

The commenters submitted a resolution stating their opposition to oil and gas leasing in the Lower Cook Inlet and calling for the withdrawal of the Cook Inlet Planning Area from future lease plans. The commenters discussed the importance and cultural significance of the Lower Cook Inlet, discussed the impacts of previous oil spills in the region, and expressed concern about the potential for oil and gas development to pollute the area and disrupt the natural resource and tourism economy. The commenters further expressed their support for clean energy development.

A.9.3 Gulf of Mexico-specific Commenters

Carrizo Comecrudo Tribe of Texas
Document ID: BOEM-2022-0031-6523

The commenter expressed opposition to offshore fossil fuel export terminal project development in the GOM. The commenter discussed issues of colonialism, climate change, and disparate impact on marginalized communities, as well as the potential for environmental degradation in the event of an oil spill. The commenter further called for more strict regulation of offshore fossil fuel projects and the establishment of adequate disaster planning.

A.11 Form Letter Campaigns

The following table provides a summary of a representative example of each form letter campaign received by BOEM.

Form Letter Document ID	Organization/ Commenter Name	Total Submissions in Campaign	Summary of Submission Letter
BOEM-2022-0031-6664	350.org	9,455	• Opposed offshore drilling projects. • Stated that new fossil fuels lease sales were incompatible with climate goals and environmental justice.
BOEM-2022-0031-6536	Ronald Adams	1,671	• Suggested that new Federal leasing would lower energy costs.
BOEM-2022-0031-6657	Alaska Marine Conservation Council	94	• Opposed offshore oil and gas leasing in Lower Cook Inlet. • Expressed concern regarding health of fisheries and marine ecosystems in the region.
BOEM-2022-0031-6652	Alaska Wilderness League	7,821	• Opposed offshore lease sales in, and requested the removal of, the Cook Inlet from future oil and gas development. • Expressed concern about impacts to local economy and endangered beluga whales.
BOEM-2022-0031-6658	Anonymous	31,602	• Expressed support for the inclusion of the maximum number of proposed lease sales. • Stated that oil and gas leases would reduce gas costs.
BOEM-2022-0031-6663	Anonymous	51,916	• Supported the inclusion of 11 proposed lease sales. • Stated that lease sales would lower gas prices, support jobs, and enhance energy independence.
BOEM-2022-0031-6662	Anonymous	17,095	• Supported the inclusion of 11 proposed lease sales in PFP. • Suggested that lease sales would support jobs and reduce the costs of energy and other goods.
BOEM-2022-0031-6661	Anonymous	12,810	• Supported the inclusion of 11 proposed lease sales in the PFP. • Suggested that oil lease sales would reduce the prices of gas and other goods.
BOEM-2022-0031-6660	Anonymous	23,350	• Supported inclusion of 11 proposed lease sales in PFP. • Suggested that oil and gas lease sales would support jobs and reduce energy prices.
BOEM-2022-0031-6605	Anonymous	9,143	• Opposed new offshore drilling lease sales. • Expressed concern about the impact of oil and gas drilling on vulnerable communities and climate goals.
BOEM-2022-0031-6607	Anonymous	9,310	• Opposed new leases, suggesting that lease sales undermine the current Administration's carbon emission reduction goals.
BOEM-2022-0031-6610	Anonymous	9,210	• Suggested opposition to the Proposed Program and expressed concern about oil and gas development contributing to environmental degradation.
BOEM-2022-0031-6624	Anonymous	9,187	• Opposed the Proposed Program and stated that new oil and gas lease sales conflict with the current Administration's professed climate and environmental justice commitments.

Form Letter Document ID	Organization/ Commenter Name	Total Submissions in Campaign	Summary of Submission Letter
BOEM-2022-0031-6625	Anonymous	9,326	• Expressed opposition to the Proposed Program and expressed concern about environmental impacts. • Stated that the Proposed Program would have little or no impact on gas prices, jobs, or the economy.
BOEM-2022-0031-6659	Anonymous	44,831	• Supported the inclusion of all 11 proposed oil and gas lease sales. • Stated that domestic oil and gas production would protect national security interests and reduce gas prices.
BOEM-2022-0031-6285	Azul et al.,	60	• Opposed new offshore oil and gas lease sales and recommended the No Action Alternative. • Expressed concern about climate change and drilling impacts on vulnerable communities and the need to transition to clean energy. • Stated that new lease sales are unnecessary to meet future energy needs and that energy prices would not be reduced in the near term.
BOEM-2022-0031-2390	James Barton	13,034	• Expressed support for offshore oil and gas leasing. • Suggested that not approving lease sales would have adverse impacts on the economy.
BOEM-2022-0031-3578	Roland Bates	5,976	• Opposed the issuance of new oil and gas lease sales in the PFP. • Stated that new lease sales would not reduce gas prices in the near term and may hamper efforts to address climate change and harm communities.
BOEM-2022-0031-6235	Laura Benge	156	• Expressed support for inclusion of all 11 lease sales in the PFP. • Stated the importance of affordable and reliable energy to deal with global and economic crises.
BOEM-2022-0031-4653	Mon Bertolucci	1,044	• Stated the need to pursue offshore leasing to maintain global competitiveness, improve the economy, improve national security, and address high energy prices.
BOEM-2022-0031-6545	Elizabeth Brooks	10	• Supported the inclusion of all 10 proposed lease sales in the GOM region. • Argued that sourcing energy from the GOM is necessary to transition to clean energy.
BOEM-2022-0031-6611	Kristi Bulliard	155	• Expressed support for oil and gas lease sales in the GOM region. • Argued that development in the GOM region is preferable to alternatives due to relatively low carbon intensity. • Suggested that domestic energy development would reduce energy prices, enhance national security and energy independence, and support jobs.
BOEM-2022-0031-6538	Alexis Byfuglin	1,789	• Stated that the permitting process should not be used to block exploration and development and that domestic oil and gas production would lower fuel prices.
BOEM-2022-0031-6542	Elias Castro	1,675	• Expressed support for domestic energy production through Federal leasing to lower food and energy costs.
BOEM-2022-0031-154890	The Center for Biological Diversity	21,154	• Opposed offshore oil and gas lease sales.

Form Letter Document ID	Organization/ Commenter Name	Total Submissions in Campaign	Summary of Submission Letter
			• Expressed concern about climate change impacts and fossil fuel dependency.
BOEM-2022-0031-6651	The Center for Biological Diversity, et al.	113	• Opposed issuance of new oil and gas lease sales. • Stated that no new leasing is consistent with the OCS Lands Act and mentioned climate change impacts and goals, risks of oil spills, and environmental degradation in their reasoning.
BOEM-2022-0031-6316	Chambers County Commissioner Mark Tice	11	• Expressed support for oil and gas production in the GOM region. • Stated that domestic production can lower energy prices and that GOM oil and gas production produces less GHG than alternatives.
BOEM-2022-0031-6537	Daniel Chiofalo	1,714	• Suggested that new Federal leasing would lower energy costs.
BOEM-2022-0031-6242	City of Casselberry Vice Mayor John Miller	22	• Supported Proposed Program. • Stated that more oil and gas lease sales would lower energy costs.
BOEM-2022-0031-6644	The Climate Reality Project	6,852	• Expressed opposition to new oil and gas lease sales. • Argued that new offshore oil and gas development would contribute to climate change, harm public health, and pollute the air.
BOEM-2022-0031-6568	Margaret Conlon	42	• Opposed new oil and gas leasing. • Expressed concern that new lease sales are contrary to current Administration's professed climate goals.
BOEM-2022-0031-6654	Cook Inletkeeper	979	• Opposed offshore oil and gas lease sales in the Cook Inlet. • Expressed concern about climate change and impacts of drilling activities in the region.
BOEM-2022-0031-6655	Cook Inletkeeper, Satchel Pondolfino	29	• Opposed to proposed lease sales in Cook Inlet. • Expressed concern about risks posed to commercial fishing and local businesses.
BOEM-2022-0031-6563	Margaret Donnelly	42	• Opposed new offshore oil and gas leasing. • Expressed concern about future fossil fuel development delaying transition to clean energy.
BOEM-2022-0031-6650	Environment America	26,921	• Urged no new lease sales. • Expressed concern about risks posed by offshore drilling to sea animals and ocean ecosystems.
BOEM-2022-0031-6643	Environment America	27	• Opposed new oil and gas lease sales and requested BOEM end offshore drilling leasing in the GOM and all U.S. oceans • Expressed concern about environmental damage and risk of oil spills.
BOEM-2022-0031-6564	Florida Offshore Drilling Coalition et al.	34	• Opposed new oil and gas lease sales. • Argued that development in the GOM would harm marine ecosystems, vulnerable coastal communities, and local industries. • Expressed concern about environmental impacts and effects of climate change.
BOEM-2022-0031-6647	Friends of the Earth	29,214	• Urged no new oil and gas lease sales in the PFP.

Form Letter Document ID	Organization/ Commenter Name	Total Submissions in Campaign	Summary of Submission Letter
			• Stated that public sentiment does not favor offshore drilling. • Expressed concerns about the effects of offshore oil and gas development and climate change on vulnerable species, marine ecosystems, and coastal communities.
BOEM-2022-0031-6646	Friends of the Earth U.S.	192	• Call for no new lease sales in the Proposed Program. • Expressed concern about harm to their communities, environmental degradation, and contributing to climate change. • Discussed the impacts of previous oil spills, the potential harms to Indigenous communities, and the public health effects of industrial activities on communities near where they are located.
BOEM-2022-0031-6622	Adalberto Gamboa	6,144	• Supported the inclusion of all 11 proposed lease sales in the PFP.
BOEM-2022-0031-6543	Gaylon George	1,650	• Argued for the need to reduce energy costs through Federal leasing.
BOEM-2022-0031-6546	Mitch Guinn	1,155	• Expressed support for offshore oil and gas lease sales. • Stated the necessity of using domestic gas and oil to transition to clean energy and argued that lease sales would support jobs, generate revenue, and have lower relative carbon emissions compared to alternatives.
BOEM-2022-0031-1769	Dawn Hadsell	362	• Opposed new oil and gas lease sales. • Expressed concern about the effects of oil extraction on surrounding communities. • Stated that oil and gas extraction are unnecessary to meet domestic energy needs and that renewables should be used instead.
BOEM-2022-0031-6612	Alma Hamblen	742	• Expressed support for 11 proposed oil and gas lease sales. • Stated that new lease sales would aid in energy independence, increase domestic oil supply, reduce energy prices, and help supply chain.
BOEM-2022-0031-6565	Sarah Hancock	49	• Opposed new oil and gas leasing. • Expressed concern about fossil fuel development delaying transition to clean energy.
BOEM-2022-0031-1768	Sarah Harrison	2,798	• Opposed new offshore drilling lease sales. • Argued for the need to transition to clean energy and stated that drilling leases would not reduce current gas prices.
BOEM-2022-0031-6535	Alexa Hartman	1,609	• Suggested that new Federal leasing would lower energy costs.
BOEM-2022-0031-6653	Healthy Gulf	2,448	• Opposed new lease sales. • Expressed concern about climate change impacts and discussed past oil spills in Alaska and the GOM region.
BOEM-2022-0031-6656	Healthy Ocean Coalition	129	• Opposed new lease sales in the Proposed Program. • Expressed concern that the lease sales would lead to stockpiling of ocean space, accelerating climate change, and energy price gouging.

Form Letter Document ID	Organization/ Commenter Name	Total Submissions in Campaign	Summary of Submission Letter
BOEM-2022-0031-3091	Kurt Heimbrock	46,132	• Expressed concern about the possibility of a plan that includes no new lease sales. • Suggested the need for new lease sales to address high energy prices, inflation, support jobs, and enhance energy independence.
BOEM-2022-0031-6553	Holser Farms	72	• Supported the inclusion of all 11 proposed lease sales. • Stated that oil and gas leasing would increase energy supply, reduce energy prices, and create jobs.
BOEM-2022-0031-6532	Edward Inman	42,194	• Expressed support for oil and gas leasing in the GOM region. • Suggested that not approving lease sales would increase energy prices. • Stated that offshore GOM oil and gas production is superior to alternatives given high U.S. environmental standards.
BOEM-2022-0031-0344	Denise Keeton	2,196	• Opposed new oil and gas lease sales. • Expressed concern about impacts of climate change and offshore drilling on coastal communities and argued for the need to transition to renewable, clean energy. • Stated that ending offshore lease sales would protect coastal economies.
BOEM-2022-0031-6540	Allan Lane	1,625	• Argued for increase in domestic energy production and expressed concern about energy security.
BOEM-2022-0031-6548	J Lemley	25,046	• Opposed any new oil and gas lease sales in the PFP. • Argued for the importance of mitigating the impacts of climate change and meeting climate goals. • Expressed concern for communities that may be impacted by offshore drilling.
BOEM-2022-0031-6012	Alva J. Lund	384	• Expressed support for the inclusion of the maximum number of proposed lease sales. • Expressed concern about there being no new lease sales and suggested that lease sales would support jobs, reduce consumers’ costs, and enhance energy security. • Argued that oil and gas production in the U.S. is less environmentally harmful than alternatives.
BOEM-2022-0031-6528	Tim Maurer	438	• Opposed new oil and gas lease sales. • Stated the need to address climate change and transition to clean energy and expressed concern about continued investments in fossil fuels.
BOEM-2022-0031-6562	Mississippi State Senate Energy Committee - Angela Hill, Joel Carter Jr.	15	• Expressed support for the Proposed Program and all 11 lease sales. • Asserted that oil and gas lease sales in the GOM region would support jobs and conservation efforts. • Stated that domestic resources should be developed to keep energy prices down and provide economic certainty.
BOEM-2022-0031-6606	Vi More	7,374	• Expressed support for new oil and gas leasing in the GOM region.

Form Letter Document ID	Organization/ Commenter Name	Total Submissions in Campaign	Summary of Submission Letter
			• Suggested that lease sales would help lower future energy costs, meet domestic energy needs, and enhance energy independence.
BOEM-2022-0031-6286	Multiple Scientists	102	• Expressed concern about offshore drilling's contribution to the climate crisis and its negative impact on marine ecosystems (e.g., through potential oil spills, chronic pollution, and generation of noise pollution that impacts vital marine mammal behavior). • Noted that our health and planet depend on a rapid transition to clean, renewable energy, and stated that the U.S. should not be investing in new fossil fuel extraction. • Requested the release of a PFP with no scheduled offshore oil and gas drilling lease sales.
BOEM-2022-0031-6608	National Youth for the Climate Emergency	64	• Opposed new lease sales. • Expressed concern about impacts of emissions, global warming, and the need to transition to clean energy.
BOEM-2022-0031-176402	Natural Resources Defense Council	107,355	• Opposed the proposed offshore oil and gas lease sales. • Discussed impacts to marine wildlife and coastal communities from past offshore drilling activities and oil spills. • Expressed concern about climate change and stated that proposed lease sales would not reduce gas prices.
BOEM-2022-0031-6531	Denise Neal	61,122	• Expressed support for leasing and energy development. • Stated that energy prices are too high.
BOEM-2022-0031-6324	New Hampshire House of Representatives - Representative Kevin Craig	63	• Expressed support for the Proposed Program and the 11 lease sales. • Asserted that pausing oil and gas leasing in 2021 led to increased gas prices and increased reliance on foreign energy sources and that the new lease sales would help meet domestic energy needs.
BOEM-2022-0031-6558	New Hampshire House of Representatives - Representative Melissa Litchfield	21	• Expressed support for the Proposed Program and the 11 lease sales. • Asserted that pausing oil and gas leasing in 2021 led to increased gas prices and increased reliance on foreign energy sources and that the new lease sales would help meet domestic energy needs.
BOEM-2022-0031-6318	New Mexico State Senate – Senator Gregory A. Baca	40	• Expressed support for the Proposed Program and the 11 lease sales. • Asserted that pausing oil and gas leasing in 2021 led to increased gas prices. • Suggested that new lease sales in the GOM region would benefit conservation efforts.
BOEM-2022-0031-6645	Ocean Conservancy	13,249	• Requested that the Cook Inlet region be excluded from the Proposed Program. • Discussed the potential adverse impacts to the region, effects of climate change, and the need to transition to clean energy.
BOEM-2022-0031-187160	Oil Change International	5,093	• Opposed new oil and gas lease sales. • Expressed concern about impacts of fossil fuel development on coastal communities.

Form Letter Document ID	Organization/ Commenter Name	Total Submissions in Campaign	Summary of Submission Letter
			• Argued that offshore oil was unnecessary to meet energy needs.
BOEM-2022-0031-6541	Angela O'Shaughnessy	1,726	• Expressed support for domestic energy production. • Suggested that new Federal leasing would provide relief from high energy prices.
BOEM-2022-0031-6539	Paul Fulton	1,721	• Stated that the Federal Government should support domestic energy exploration through leasing and not use the permitting process to obstruct development. • Stated the need for lower energy prices.
BOEM-2022-0031-6649	People vs. Fossil Fuels	10,282	• Requested that no new oil and gas leases be issued and that Federal fossil fuel leases be banned. • Discussed the importance of curtailing GHG emissions, the potential consequences of climate change, and how communities might be impacted by climate change.
BOEM-2022-0031-6530	Trenton Platt	3,048	• Opposed the authorization of any new oil and gas lease sales. • Expressed concern about drilling risks posed to marine communities and ecosystems. • Stated the need to transition away from fossil fuels and address climate change.
BOEM-2022-0031-0116	The Rachel Carson Council, Robert K. Musil	12	• Expressed opposition to new oil and gas lease sales. • Argued that new offshore production would exacerbate rising temperatures, extreme weather, resource shortages, biodiversity loss, and ecological disasters. • Suggested that risks posed to vulnerable coastal communities are contrary to OCS Lands Act requirements that developmental benefits and environmental risk must be equitably shared.
BOEM-2022-0031-6627	Connie Raper	3,654	• Urged the end of offshore oil and gas leasing. • Expressed concern about impacts of climate change on communities and parks and the need to transition to clean energy.
BOEM-2022-0031-6620	Adlina Riggins	1,373	• Expressed support for inclusion of all 11 proposed lease sales. • Suggested that new lease sales would enhance energy independence and address high energy prices.
BOEM-2022-0031-6529	Linda Rothenhoefer	26,019	• Supported the inclusion of 11 proposed lease sales. • Suggested that lease sales would reduce foreign energy dependency, generate revenue, and reduce energy prices.
BOEM-2022-0031-6544	Kevin Soter	1,845	• Supported the inclusion of all 10 proposed lease sales in the GOM region. • Stated that oil and gas production in the GOM region has lower GHG intensity compared to alternatives, strengthens energy domestic energy security, supports jobs, and supports the transition to clean energy.
BOEM-2022-0031-6526	Stacey Spears	1,458	• Supported oil and gas leasing in the GOM and urged the approval of the maximum number of lease sales in the region. • Argued for the need to use domestic oil and gas to reduce energy costs and transition to clean energy.

Form Letter Document ID	Organization/ Commenter Name	Total Submissions in Campaign	Summary of Submission Letter
BOEM-2022-0031-6534	Donna Steier	1,665	• Expressed support for oil and gas lease sales. • Suggested that new leasing would reduce energy prices.
BOEM-2022-0031-6322	Homer Stewart	12	• Expressed support for the inclusion of the 11 proposed oil and gas lease sales. • Stated that the lease sales will increase global energy supply and reduce energy prices. • Discussed the importance of energy independence.
BOEM-2022-0031-6547	William Strader	1,650	• Opposed expansion of leasing in the GOM region. • Stated that Gulf Coast communities should not be put at risk due to offshore drilling and that offshore drilling is incompatible with Congressional efforts to cut carbon emissions and promote clean energy.
BOEM-2022-0031-6648	Surfrider Foundation	4,178	• Opposed new oil and gas lease sales. • Expressed concern about harm to ocean and coastal environments and communities caused by oil spills. • Argued for the need to transition to renewable energy sources.
BOEM-2022-0031-187159	Surfrider post card campaign	226	• Opposed offshore drilling.
BOEM-2022-0031-6323	Sylvanoak LLC	27	• Expressed support for all 11 proposed lease sales. • Asserted that oil and gas operations in the GOM support jobs and are vital to conservation projects. • Expressed concern about rising energy prices and stated that the Proposed Program would provide economic certainty by keeping price spikes down.
BOEM-2022-0031-6675	Taproot Earth and signatories, Kendall Dix	507	• Opposed new offshore drilling lease sales in the Gulf South. • Expressed concern about impact of fossil fuel development on vulnerable communities and the need to invest in renewable energy security and independence.
BOEM-2022-0031-4520	Terrebonne Port Commission	14	• Expressed support for all 11 proposed lease sales. • Discussed benefits of offshore oil and gas development, including support for jobs, the economy, tax revenue, and environmental funding. • Argued that GOM oil production is lower in carbon intensity compared to alternatives.
BOEM-2022-0031-6321	Voith U.S. Inc	7	• Expressed support for the 11 proposed lease sales. • Asserted that price energy price increases have negatively impacted U.S. industries and employment.
BOEM-2022-0031-6552	Washington Trucking Association	13	• Expressed support for the Program. • Stated that oil and gas lease sales will increase energy supply, reduce energy costs, and create jobs.
BOEM-2022-0031-6533	Nathan Weathers	60	• Expressed support for the inclusion of all 11 proposed lease sales in the PFP. • Discussed the impact of high energy costs on farmers and suggested that new lease sales will increase energy supply and reduce prices.
BOEM-2022-0031-6269	Dorothy Welch	1,326	• Expressed support for the inclusion of the 11 proposed lease sales in the PFP.

Form Letter Document ID	Organization/ Commenter Name	Total Submissions in Campaign	Summary of Submission Letter
			• Stated that not approving lease sales would harm the economy and job creation, and increase U.S. reliance on foreign countries.
BOEM-2022-0031-6642	West Virginia Manufacturers Association, Rebecca McPhail	20	• Expressed support for the Program and all 11 lease sales. • Stated that offshore oil and gas development supports jobs, the economy, and energy needs. • Argued that GOM production has relatively low carbon intensity compared to alternatives.
BOEM-2022-0031-6550	West Virginia State Senate, Senator Mike Azinger	38	• Expressed support for the Proposed Program and the 11 lease sales. • Stated that the lease sales would increase energy supply, reduce energy prices, and create jobs. • Asserted that energy price increases are due to the 2021 leasing moratorium.
BOEM-2022-0031-6561	Beth Winter	15	• Opposed any new oil and gas lease sales in the PFP. • Suggested that new lease sales are incompatible with mitigating the impacts of climate change. • Stated that issuing new leases will allow oil and gas companies to continue to stockpile leases.
BOEM-2022-0031-6676	Kay Wood et al.	86	• Suggested the end of offshore oil and gas lease sales. • Stated the need to protect marine environments and address climate change.

Appendix B: Appropriations and Staffing Estimates

Section 18(b) of the Outer Continental Shelf (OCS) Lands Act requires that the leasing program include estimates of the appropriations and staff needed to obtain information for preparing the National OCS Program, to analyze and interpret data and information, to conduct environmental studies and prepare environmental impact statements (EISs), and to supervise operations pursuant to the leases that will be issued. **Table B-1** presents the appropriations and staffing estimates associated with the implementation of the Final Proposal (see **Part I**).

Table B-1: Appropriations and Staffing Estimates (by Fiscal Year)

	FY 2024		FY 2025		FY 2026		FY 2027		FY 2028		FY 2029	
Activities	**Funds**	**Staff**	**Funds**	**Staff**	**Funds**	**Staff**	**Funds**	**Staff**	**Funds**	**Staff**	**Funds**	**Staff**
1	$4,091,189	84	$16,734,598	84	$17,112,800	84	$17,499,550	84	$17,895,039	84	$13,724,600	84
2	$3,409,324	70	$13,945,499	70	$14,260,667	70	$14,582,958	70	$14,912,533	70	$11,437,167	70
3	$5,454,918	112	$22,312,798	112	$22,817,067	112	$23,332,733	112	$23,860,053	112	$18,299,467	112
4	$584,456	12	$2,390,657	12	$2,444,686	12	$2,499,936	12	$2,556,434	12	$1,960,657	12
Total	**$13,539,887**	**278**	**$55,383,552**	**278**	**$56,635,220**	**278**	**$57,915,176**	**278**	**$59,224,059**	**278**	**$45,421,892**	**278**

Note: Funding estimates are roughly approximated and are in thousands of dollars; staffing estimates are in full-time equivalent positions.

Activities Key:

1. Resource Information [Section 18(b)(1)]
2. Exploration Data and Other Information [Section 18(b)(2)]
3. Environmental Studies and EIS Preparation [Section 18(b)(3)]
4. Supervise Operations [Section 18(b)(4)]

Appendix C: Glossary

2-D Seismic — A seismic survey where a line of geophones captures enough information to generate a two-dimensional (height and length) image of the Earth's subsurface directly below the line. (See definitions of "Seismic" and "Seismic Survey.")

3-D Seismic — A seismic survey where a three-dimensional image of the subsurface is developed by combining numerous energy sources and multiple lines of geophones. The image consists of height, length, and side-to-side information that provides better resolution to the subsurface than a 2-D survey. (See definitions of "Seismic" and "Seismic Survey.")

area identification (Area ID) — The Area ID is an administrative pre-lease step that describes the geographical area of the proposed actions (proposed lease sale areas) and identifies the alternatives, mitigating measures, and issues to be analyzed in the corresponding NEPA document.

barrel — The standard unit of measurement of liquids in the petroleum industry, which is 42 U.S. standard gallons.

barrel of oil equivalent (BOE) — The amount of energy resource (in this document, natural gas) that is equal to one barrel of oil on an energy basis. The conversion assumes that one barrel of oil produces the same amount of energy when burned as 5,620 cubic feet of natural gas.

basin — A depression in the earth's surface where sediments are deposited, usually characterized by sediment accumulation over a long interval; a broad area of the earth beneath which layers of rock are inclined, usually from the sides downward toward the center.

block — A numbered area on an OCS leasing map or official protraction diagram. Blocks are portions of OCS leasing maps and official protraction diagrams (OPDs) that are themselves portions of planning areas. Blocks vary in size but cannot be larger than 5,760 acres (about 9 square miles or 2,304 hectares). Each block has a specific identifying number, area, and latitude and longitude coordinates that can be pinpointed on a leasing map or OPD.

bonus bid — The cash consideration paid to the U.S. by the successful bidder for a mineral lease. The payment is made in addition to the rent and royalty obligations specified in the lease.

Bureau of Ocean Energy Management — On October 1, 2011, the Bureau of Ocean Energy Management (BOEM) was created. BOEM is responsible for managing development of the Nation's offshore energy and mineral resources in an environmentally and economically responsible way. Functions include: Leasing, Plan Administration, Environmental Studies, National Environmental Policy Act (NEPA) Analysis, Resource Evaluation, Economic Analysis, and the Renewable Energy Program.

Bureau of Safety and Environmental Enforcement — On October 1, 2011, the Bureau of Safety and Environmental Enforcement (BSEE) was created. BSEE is responsible for enforcing safety and environmental regulations related to offshore energy and oil, gas, and other mineral resources. Functions include: all field operations, including Permitting and Inspections; Research for Offshore Regulatory Programs; Oil Spill Response and Training; and Environmental Compliance functions.

catastrophic discharge event — A low-probability, unexpected, and unauthorized large discharge of oil into the environment that could cause long-term and widespread effects on marine and coastal environments.

categorical exclusion — A category of actions which do not individually or cumulatively have a significant effect on the human environment, and which have been found to have no such effect in procedures adopted by a Federal agency in implementation of Council of Environmental Quality regulations (§1507.3) and for which, therefore, neither an environmental assessment nor an environmental impact statement pursuant to NEPA is normally required (40 CFR 1508.4).

conceptual play — Geologic play in which hydrocarbons have not been discovered and the petroleum system has not been proven to exist.

continental shelf — Part of the seabed that consists of a broad, gently sloping, shallow feature extending from the shore to the continental slope.

conventional reservoir — A hydrocarbon accumulation in which reservoir and fluid characteristics typically allow oil or natural gas to flow readily into a well. This distinguishes the resources from unconventional reservoirs where there is little to no significant force driving the migration of resources to a wellbore.

conventional resources — Oil and gas resources in conventional reservoirs where buoyant forces keep resources in place beneath a caprock.

conventional recovery methods — Producing oil and gas resources using traditional extraction methods, such as natural pressure or pumping, or by using secondary methods such as gas or water injection.

crude oil — Petroleum in its natural state as it emerges from a well, or after it passes through a gas-oil separator, but before refining or distillation.

Department of the Interior (Department, USDOI) — The Department of the Interior is a Cabinet-level agency that manages America's vast natural and cultural resources.

designated operator — an operator recognized by BOEM as the official contact and responsible party for the lease activities or operations on behalf of all lessees and operating rights owners.

determination of NEPA adequacy — BOEM uses a Determination of NEPA Adequacy (DNA) memo in the decision file to document that existing NEPA analyses are adequate for evaluating a new proposed action.

development — Activities following exploration, including the installation of facilities and the drilling and completion of wells for production purposes.

development and production plan — A plan describing the specific work to be performed on an offshore lease after a successful discovery, including all development and production activities that the lessee proposes to undertake during the period covered by the plan and all actions to be undertaken up to and including the commencement of sustained production. The plan also includes descriptions of facilities and operations to be used, well locations, current geological and geophysical information, environmental safeguards, safety standards and features, schedules, and other relevant information. All lease operators are required to formulate and obtain approval of such plans by BOEM before development and production activities can begin; requirements for submittal of the plan are identified in 30 CFR 550.241. A Development and Production Plan is also called a Development Operations Coordination Document.

draft proposed program (DPP) — Section 18 of the OCS Lands Act requires the Secretary of the Interior to prepare and maintain a schedule of proposed OCS oil and gas lease sales determined to "best meet national energy needs for the 5-year period following its approval or reapproval." The Draft Proposed Program (also known as the Draft Proposal) is the first of three proposals to be issued before a new National OCS Program may be approved. Preparation and approval of a National OCS Program is based on a consideration of principles and factors specified by Section 18 to determine the size, timing, and location of lease sales.

endangered species — Any species that is in danger of extinction throughout all or a significant portion of its range and has been officially listed by the appropriate Federal agency (either the National Oceanic and Atmospheric Administration [NOAA] or U.S. Fish and Wildlife Service) under the Endangered Species Act.

enhanced recovery techniques — Techniques that increase the amount of oil that can be recovered from a reservoir, usually by injecting a substance into an existing well to increase pressure and reduce the viscosity of the fluids.

environmental assessment — A concise public document prepared pursuant to NEPA and the Council on Environmental Quality and Departmental implementing regulations. In the document, a Federal agency proposing (or reviewing) an action provides evidence and analysis for determining whether it must prepare an environmental impact statement or whether it finds there is no significant impact (i.e., Finding of No Significant Impact).

environmental impact statement (EIS) — A public document prepared pursuant to NEPA and Council on Environmental Quality and Departmental implementing regulations for a major Federal action significantly affecting the environment. EISs provide a full and fair discussion of significant environmental impacts to inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts. The document is used by Federal officials, in conjunction with other relevant material, to plan actions and make decisions.

environmental sensitivity — A measure of a region's ecological components' vulnerability to, and resilience after, potential adverse impacts of offshore oil and gas exploration and development activities in the context of existing conditions.

established play — Geologic plays in which hydrocarbons have been discovered and a petroleum system has been proven to exist.

exclusive economic zone (EEZ) — The maritime region adjacent to the territorial sea, extending up to 200 nautical miles (nm) from the baseline of the territorial sea, in which the U.S. has exclusive rights and jurisdiction over living and nonliving natural resources.

exploration — The process of searching for minerals prior to development. Exploration activities include: (1) geophysical surveys, (2) any drilling to locate an oil or gas reservoir, and (3) the drilling of additional wells after a discovery to delineate a reservoir.

exploration plan — A plan submitted by a lessee that identifies all the potential hydrocarbon accumulations and wells that the lessee proposes to drill to evaluate the accumulations within the lease or unit area covered by the plan. All lease operators are required to obtain approval of such a plan by a BOEM Regional Supervisor before exploration activities may commence.

field — Area consisting of a single reservoir or multiple reservoirs all grouped on, or related to, the same general geologic structural feature and/or stratigraphic trapping condition. There could be two or more reservoirs in a field that are separated vertically by impervious strata, laterally by geologic barriers, or both.

formation — A bed or deposit sufficiently homogeneous to be distinctive as a unit. Each different formation is given a name, frequently because of the study of the formation outcrop at the surface and sometimes based on fossils found in the formation.

geological data — Information derived from rocks of the seabed to provide information on the geological character of rock strata.

geological surveys — Geological surveying on the Outer Continental Shelf consists of bottom sampling, shallow coring, and deep stratigraphic tests. These surveys provide data that are useful in determining the general geology of an area and whether the right types of rocks exist for petroleum formation and accumulation.

geophysical data — Facts, statistics, or samples that have not been analyzed or processed, pertaining to gravity, magnetic, seismic, or other surveys/systems.

geophysical surveys — Geophysical surveys on the OCS provide data about the seafloor and the subsurface. Comprised of 2-D and 3-D seismic surveys, as well as multi-component, high-resolution, wide-azimuth, and other advanced types of seismic surveys, the surveys obtain data for hydrocarbon exploration and production, identify possible seafloor or shallow depth geologic hazards, and locate potential archaeological resources and hard bottom habitats that should be avoided.

hurdle price — The price below which delaying exploration for the largest potential undiscovered field in the sale area is more valuable from a quantified option value perspective than immediate exploration.

hydrocarbon — Any of a large class of organic compounds containing primarily carbon and hydrogen; comprising paraffins, olefins, members of the acetylene series, alicyclic hydrocarbons, and aromatic hydrocarbons; and occurring, in many cases, in petroleum, natural gas, coal, and bitumens.

lease — A legal document executed between the U.S. as lessor, and a company or individual (as lessee) that conveys the right to explore for, develop and produce, subject to plan approval, within the leased area, minerals on the OCS for a specified period. The term also means the geographic area (i.e., lease block) covered by that authorization, whichever the context requires.

lease period — See lease term.

lease sale — A BOEM proceeding by which certain OCS tracts are offered for lease by competitive sealed bidding and during which bids are received, announced, and recorded.

lease term — Duration of an OCS lease. Oil and gas leases are issued for a primary term of between 5 and 10 years. After that, the lease term continues if there is production in paying quantities or if the lease is suspended.

lessee — An entity, person, or persons to whom a lease is awarded; the holder of a lease.

liquefied natural gas (LNG) — Natural gas is converted to LNG by cooling it to a temperature of -256°F, at which point it becomes a liquid.

minerals — Minerals include oil, gas, sulfur, geopressured-geothermal and associated resources, and all other minerals which are authorized by an Act of Congress to be produced from "public lands" as defined in Section 1702 of the Federal Land Policy and Management Act of 1976.

leasing moratorium —Statutory restriction on areas BOEM can offer for OCS oil and gas leasing (e.g., the Gulf of Mexico Energy Security Act (GOMESA) moratorium on leasing in the Eastern GOM that expired on June 30, 2022).

natural gas — A mixture of hydrocarbon compounds and small quantities of various non-hydrocarbons existing in gaseous phase at the surface or in solution with crude oil in natural underground reservoirs at reservoir conditions.

nearshore waters — Offshore waters that extend from the shoreline out to the limit of the territorial sea (12 nm).

net economic value (NEV) — The value to society that is derived from the resources in the ground. The NEV equals the discounted gross revenues from the produced oil and natural gas minus the private costs required to realize the economic value of the resources.

net social value — The discounted gross revenues from the produced oil and natural gas minus the private, environmental, and social costs required to realize the economic value of the resources.

net-zero — resulting in neither a surplus nor a deficit of something specified, for example when gains and losses are added together and offset each other completely (e.g., net-zero carbon emissions).

oil and gas resource — Concentrations in the earth's crust of naturally occurring liquid or gaseous hydrocarbons that can conceivably be discovered and recovered. Normal use encompasses both discovered and undiscovered resources.

oil spill response plan — A plan submitted to BSEE by the lease or unit operator prior to using a facility handling oil that details provisions for fully defined specific actions to be taken following discovery and notification of an oil spill occurrence (30 CFR part 254).

operator — The person or company engaged in the business of drilling for, producing, or processing oil and gas.

outer continental shelf (OCS) — All submerged lands, subsoil, and seabed lying between the seaward extent of the jurisdictions of coastal states (which in most cases begins 3 nautical miles (nm) from the coastline) and the seaward extent of the jurisdiction of the United States (U.S.), which typically extends to 200 nm, or in some cases more, from the coastline. The jurisdiction of Texas and that of Florida, off its Gulf Coast, end 9 nm from the coastal baseline and Louisiana's jurisdiction ends at 3 imperial miles from the baseline, reflecting boundaries at the time these states became states of the U.S.

petroleum — An oily, flammable, bituminous liquid that occurs in many places in the upper strata of the earth, either in seepages or in reservoirs; essentially a complex mixture of hydrocarbons of different types with small amounts of other substances; any of various substances (as natural gas or shale oil) similar in composition to petroleum.

petroleum system — All of the geologic elements and processes which create a suitable environment to generate, accumulate, and preserve oil and gas. Elements such as source rock, reservoir rock, and the trapping mechanism, along with fluids migration methods are necessary for the creation of a suitable hydrocarbon reservoir.

planning area — An administrative subdivision of the OCS used as the initial area(s) compared in the National OCS Program analyses.

play (geologic play) — A group of known and/or postulated pools that share common geologic, geographic, and temporal properties, such as history of hydrocarbon generation, migration, reservoir development, and entrapment.

pool — A discovered or postulated accumulation of hydrocarbons.

production — Activities that take place after the successful completion of a well, including removal of minerals, field operations, transfer of minerals to shore, operation monitoring, maintenance, and workover drilling.

production status — State of an active lease that has produced oil, gas, or both.

primary production — The production of biomass from inorganic carbon and water through photosynthesis or chemosynthesis. The primary productivity of a marine community is its capacity to produce energy for its component species, which thus sets limits on the overall biological production in marine ecosystems.

proposed program — The Second Proposal and an analysis of the Draft Proposal (also known as the Draft Proposed Program or DPP), the second in a series of three leasing schedules to be issued before a new National OCS Program may be approved.

proposed final program (PFP) — The final leasing schedule and an analysis of the Second Proposal, which may be adopted as the new National OCS Program after it has been before Congress and the President for 60 days.

record of decision (ROD) — The final step in the NEPA process where an EIS is prepared. The ROD identifies the selected alternative, presents the basis for the decision, identifies alternatives considered, specifies the environmentally preferable alternative, and identifies appropriate mitigation measures.

recoverable resources — Portion of the identified oil or gas resources that can be economically extracted under current technological constraints.

rent — Periodic payments made by the holder of a lease, prior to production in paying quantities, for the right to use the leased area resources for exploration, development, and production as established in the lease.

request for information and comments (RFI) — The first step in the development of a National OCS Program. BOEM publishes a *Federal Register* notice to request information and comments from states and local governments, Tribal governments, Native American and Alaska Native organizations, Federal agencies, environmental and fish and wildlife organizations, the oil and gas industry, non-energy industries, other interested organizations and entities, and the public for use in the preparation of the National OCS Program. BOEM seeks a wide array of information including information associated with the economic, social, and environmental values of all OCS resources, as well as the potential impact of oil and gas exploration and development on resource values of the OCS and the marine, coastal, and human environments.

reservoir — Subsurface, porous, permeable rock body in which oil or gas or both may have accumulated.

royalty — Payment, in value (money) or in kind (in oil and gas), of a stated proportionate interest in production from leased mineral deposits by the lessees to the lessor.

secondary production — The amount of new biomass produced by consumer (heterotrophic) organisms over time. Its definition may be limited to only include the consumption of primary producers by herbivorous (plant-eating) organisms but is more commonly defined to include all biomass generation by heterotrophs.

seismic — Pertaining to, characteristic of, or produced by, earthquakes or Earth vibrations; having to do with elastic waves in the Earth.

seismic survey — A method of geophysical prospecting using the generation, reflection, refraction, detection, and analysis of elastic waves in the Earth. Seismic surveys use sound waves that are sent through the ocean floor to map the subsurface.

stipulation — Specific measures imposed upon a lessee by a provision not included in the standard lease form, but which are binding provisions of an executed lease. Stipulations could apply to some or all tracts in a sale. For example, a stipulation might limit drilling to a certain period of the year or certain areas.

tract — An area of the seabed that could be offered for lease. It is a designation assigned, for administrative and statutory purposes, to a block or combination of blocks that are identified on an official protraction diagram prepared by BOEM.

trap — A geologic feature that permits the accumulation and prevents the escape of accumulated fluids (hydrocarbons) from the reservoir.

unconventional recovery methods — Enhanced technological and engineering techniques used to produce oil and gas resources, such as horizontal drilling and hydraulic fracturing.

unconventional resources — Oil and gas resources trapped in formations that have lower permeability and/or porosity than rocks that have typically produced oil and gas resources in the past.

undiscovered economically recoverable resources (UERR) — The portion of the undiscovered technically recoverable resources that are economically recoverable under specified economic and technological conditions, including prevailing prices and costs.

undiscovered technically recoverable resources (UTRR) — Oil and gas that could be produced from the subsurface using conventional extraction techniques without considering economic viability.

unit status — The combination or consolidation of leases or portions of leases, that BSEE determines to be the logical unit area, for joint exploration and/or development of reservoirs or potential common hydrocarbon accumulations under the terms of a Unit Agreement as regulated under 30 CFR 250 Subpart M.

well — A hole drilled or bored into the earth, usually cased with metal pipe, to produce gas or oil, a hole for the injection under pressure of water or gas into a subsurface rock formation.

2024–2029

NATIONAL OUTER CONTINENTAL SHELF

OIL AND GAS LEASING

Proposed Final Program

September 2023

Suggested Citation: Bureau of Ocean Energy Management. 2023. 2024–2029 National Outer Continental Shelf Oil and Gas Leasing Proposed Final Program. BOEM 2023-0XX. September 2023.

Part I: PROPOSED FINAL PROGRAM: Final Proposal on the Size, Timing, and Location of OCS Lease Sales

Part II: Analysis of the Secretary's Second Proposal

Overview

Management of the oil and gas resources of the Outer Continental Shelf (OCS) is governed by the OCS Lands Act (43 U.S. Code [U.S.C.] §1331 et seq.). The OCS Lands Act sets forth procedures to administer leasing, exploration, development, and production of those resources. Section 18 of the OCS Lands Act (43 U.S.C. 1344) calls for the preparation of a nationwide OCS oil and gas leasing program that sets forth a 5-year schedule of potential lease sales designed to best meet the Nation's energy needs for the 5 years following approval of a new National OCS Oil and Gas Leasing Program (generally referred to as the National OCS Program). The Bureau of Ocean Energy Management (BOEM), within the U.S. Department of the Interior (USDOI), is responsible for implementing the requirements of the OCS Lands Act related to preparing the leasing program.

BOEM has nearly completed the process of preparing a new National OCS Program for 2024–2029 to follow the 2017–2022 National OCS Program. Throughout this document, the 2024–2029 National OCS Oil and Gas Leasing Program title is sometimes shortened to "2024–2029 Program" and past National OCS Programs referred to as a variation of this short-hand (e.g., 2017–2022 Program). This 2024–2029 Program will be the tenth National OCS Program to be approved. This document consists of the following parts:

Part I: Final Proposal on the Size, Timing, and Location of OCS Lease Sales

This part of the document presents the Secretary's Final Proposal, the third of three stages of the National OCS Program development process. The Final Proposal results from the Secretary's consideration of the analysis contained in Part II of this document, as well as the Final Programmatic Environmental Impact Statement (Final Programmatic EIS), which is being published concurrently with this document. Part I contains the potential lease sale schedule and program areas to be included in this National OCS Program. This part also summarizes the rationale behind the Final Proposal.

Part II: Analysis of the Secretary's Second Proposal

Chapters 1 through 4 describe the framework for developing a new National OCS Program. These chapters discuss the substantive and procedural requirements to prepare a National OCS Program under Section 18 of the OCS Lands Act and describe BOEM's approach to meeting those requirements. This includes a discussion of the Section 18 requirements and factors relating to OCS oil and natural gas resources and the environmental, economic, and social considerations that Section 18 requires be considered when deciding where and when to schedule lease sales. Also included in **Chapter 2** is a summary of the judicial guidance from court decisions regarding the National OCS Program.

Chapters 5 through **10** present the Section 18 analyses of the Second Proposal. The Secretary uses the Section 18 analyses to inform the Final Proposal.[1] **Chapter 11** presents the approach to public outreach and a snapshot of the comments received on the Proposed Program.

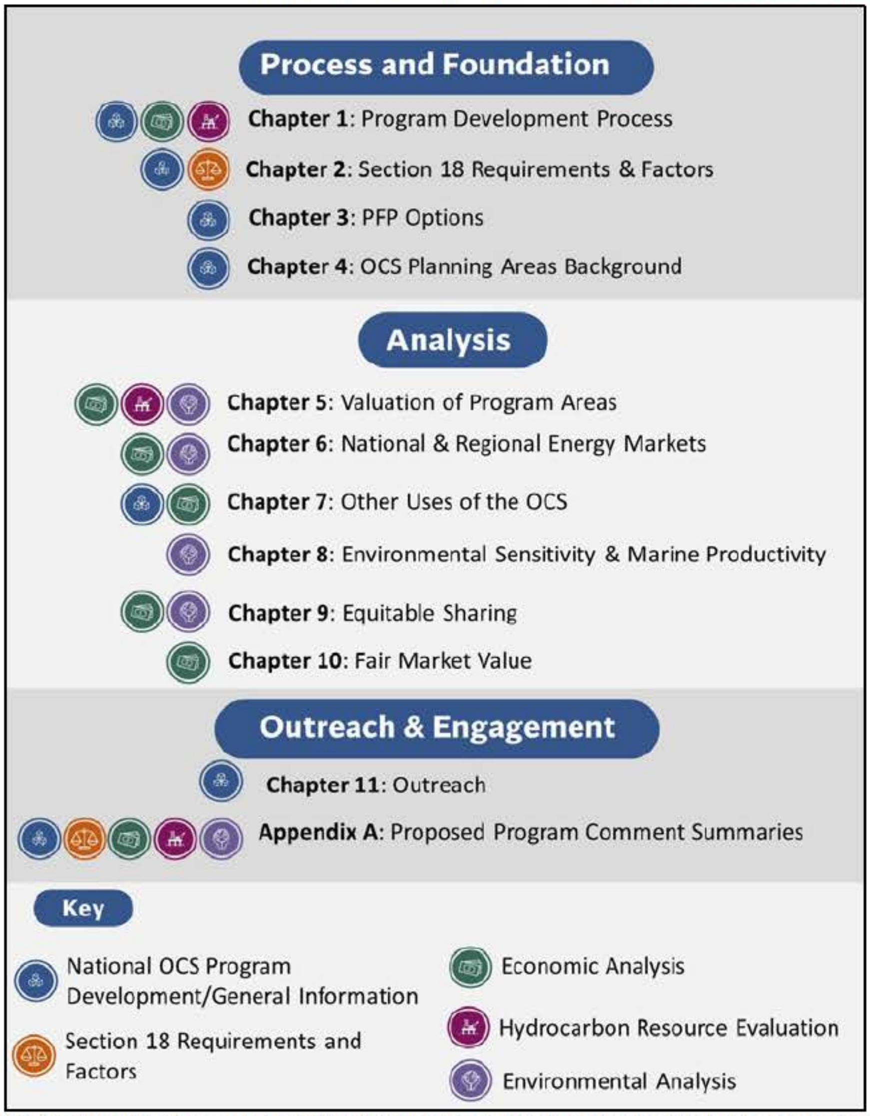
Appendix A: Summaries of Public Comments summarizes the comments BOEM received and considered in response to the Proposed Program issued on July 6, 2022 (83 FR 829), which requested comments from all interested parties. **Appendix B** is the estimate of staff and appropriations needed to implement the Final Proposal. **Appendix C** contains a glossary of terms used in this document. **Appendix D** contains the reference list.

Figure 1 shows the document organization for **Part II** and highlights that **Part II** consists of three main categories: process and foundation, analysis, and outreach and engagement.

[1] The Draft Proposed Program, published in January 2018, contained the analysis of all 26 OCS planning areas and the Draft Proposal resulting from that analysis. The Proposed Program, published in July 2022, contained the analysis of the Draft Proposal and the resulting Second Proposal. This PFP contains the analysis of the Second Proposal and the resulting Final Proposal.

Figure 1. Part II Document Organization

Commented [KH1]: Reviewer's note: This is a placeholder figure that will be replaced by a substantively similar version with improved formatting/look and feel, etc.



Note: Not shown on this graphic are Appendix B: Appropriations and Staffing Estimates, Appendix C: Glossary, and Appendix D: References.

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Abbreviations and Acronyms

§	Section
2-D	two-dimensional
3-D	three-dimensional
2021 National Assessment	*2021 Assessment of Undiscovered Oil and Gas Resources of the Nation's Outer Continental Shelf*
2019–2024 Program	2019–2024 National OCS Oil and Gas Leasing Program
2024–2029 Program	2024–2029 National OCS Oil and Gas Leasing Program
AEO	Annual Energy Outlook
Agreement	*Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico*
ANCSA	Alaska Native Claims Settlement Act
ANWR	Arctic National Wildlife Refuge
Area ID	Area Identification
BBO	billion barrels of oil
BBOE	billion barrels of oil equivalent
BLM	Bureau of Land Management
BOE	barrel of oil equivalent
BOEM	Bureau of Ocean Energy Management
bpd	barrels per day
BSEE	Bureau of Safety and Environmental Enforcement
BTU	British thermal unit
Call	Call for Information and Nominations
California I	*California v. Watt*, 688 F.2d 1290 (D.C. Cir. 1981)
California II	*California v. Watt*, 712 F.2d 584 (D.C. Cir. 1983)
CBD	Center for Biological Diversity et. al. v. Department of the Interior
CCS	carbon capture and storage
CES	clean electricity standards
CFR	Code of Federal Regulations
CMP	Comprehensive Master Plan
CO_2	carbon dioxide
COVID-19	2019 novel coronavirus
CSE	*Center for Sustainable Economy v. Jewell*, 779 F.3d 588 (D.C. Cir. 2015)
CZM	Coastal Zone Management
D.C.	District of Columbia
°	degree
DNA	Determination of NEPA Adequacy

DOD	Department of Defense
DPP	Draft Proposed Program
Draft Proposal	Initial decision on the proposed schedule of lease sales based on the DPP analysis
E&D	exploration and development
E.O.	Executive Order
EA	environmental assessment
EAM	Economic Analysis Methodology
Economic Inventory Report	*Economic Inventory of Environmental and Social Resources Potentially Impacted by a Catastrophic Discharge Event within OCS Regions*
EEZ	Exclusive Economic Zone
EIA	Energy Information Administration
EIS	environmental impact statement
EJ	environmental justice
ESA	Endangered Species Act of 1973
ESC	environmental and social costs
ESI	environmental sensitivity index
ESP	Environmental Studies Program
FEMA	Federal Emergency Management Agency
Final Proposal	Final decision on the proposed schedule of lease sales based on the PFP analysis
FMV	fair market value
FONSI	finding of no significant impact
FY	fiscal year
G&G	geological and geophysical
GAO	Government Accountability Office
GAOA	Great American Outdoors Act
GDP	gross domestic product
GHG	greenhouse gas
GIS	geographic information system
GOM	Gulf of Mexico
GOMESA	Gulf of Mexico Energy Security Act of 2006
GRASP	Geologic Resource Assessment Program
GW	gigawatt
H_2	hydrogen
HPF	Historic Preservation Fund
IEA	International Energy Agency
IPCC	International Panel on Climate Change
IPF	impact-producing factor

IRA	Inflation Reduction Act
IWG	Interagency Working Group
km^2	square kilometers
LME	Large Marine Ecosystem
LNG	liquified natural gas
LOOP	Louisiana Offshore Oil Port
LWCF	Land and Water Conservation Fund
MARAD	U.S. Maritime Administration
MarketSim	Market Simulation Model
MC	Mississippi Canyon
mcf	thousand cubic feet
MMP	Marine Minerals Program
MWA	military warning area
National OCS Program	National OCS Oil and Gas Leasing Program
NASA	National Aeronautics and Space Administration
NASCA	North American Submarine Cable Association
NEPA	National Environmental Policy Act of 1969
NEV	net economic value
nm	nautical miles
NMFS	National Marine Fisheries Service
NMS	National Marine Sanctuary
NNL	no new leasing
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NOS	Notice of Sale
NP	National Park
NPP	net primary productivity
NPS	National Park Service
NRDC	Natural Resources Defense Council
NS	national seashore
NSV	net social value
NWR	national wildlife refuge
OCS	Outer Continental Shelf
OECM	Offshore Environmental Cost Model
OPAREA	Operational Area
OPD	official protraction diagrams
OPEC	Organization of the Petroleum Exporting Countries
OSU	Oregon State University
P.L.	Public Law
PADD	Petroleum Administration for Defense District

Programmatic EIS	Programmatic Environmental Impact Statement
PFP	Proposed Final Program
RFI	Request for Information and Comments
ROD	Record of Decision
Second Proposal	Second decision on the proposed schedule of lease sales based on the Proposed Program analysis
Secretary	Secretary of the Interior
SPR	Strategic Petroleum Reserve
TAPS	Trans-Alaska Pipeline System
Tcf	trillion cubic feet
t C km^{-2} yr^{-1}	metric tons of carbon per square kilometer per year
TIMS	Technical Information Management System
UERR	undiscovered economically recoverable resources
U.S.	United States
U.S.C.	United States Code
USCG	United States Coast Guard
USDOI	United States Department of the Interior
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UTRR	undiscovered technically recoverable resources
VGPM	Vertically Generalized Production Model
WEA	wind energy area
WEB3	When Exploration Begins model, version 3

Chapter 1 OCS Oil and Gas Leasing Development Process

1.1 Introduction

Section 18 of the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. § 1344) requires the Secretary of the Interior (Secretary) to prepare and maintain a schedule of proposed OCS oil and gas lease sales, referred to as the National OCS Oil and Gas Leasing Program (National OCS Program), that "best meet national energy needs for the five-year period following its approval or reapproval." The proposed National OCS Program must be prepared and maintained in a manner consistent with the procedures and criteria specified in Section 18 of the OCS Lands Act. Those criteria, and the way in which they have been considered in preparing this 2024–2029 National Proposed Final Program (PFP) (also referred to as the 2024–2029 Program), are summarized in Chapter 2.

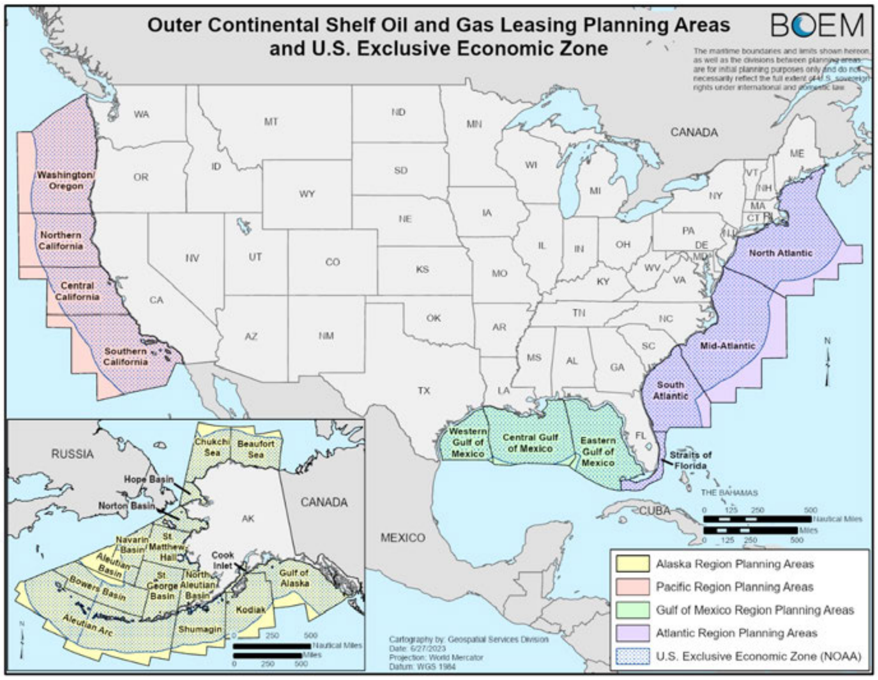
The OCS is defined in the OCS Lands Act (43 U.S.C. §1331) and consists of all submerged lands, subsoil, and seabed lying seaward and outside of the lands beneath navigable waters. In most cases, the OCS extends from 3 nautical miles (nm) from the coastline to the seaward extent of the jurisdiction of the United States (U.S.), which is at least 200 nm, and beyond in some cases, from the coastline (see Figure 1-1: OCS Oil and Gas Leasing Planning Areas and U.S. Exclusive Economic Zone

).[2]

Section 18 of the OCS Lands Act requires that the proposed schedule of lease sales be based upon a comparative analysis of the oil and gas-bearing regions of the OCS. For administrative and planning purposes, the Bureau of Ocean Energy Management (BOEM) has established four OCS Regions composed of 26 planning areas. The four OCS Regions are Alaska, Pacific, Gulf of Mexico (GOM), and Atlantic. Administratively, the Pacific Region includes the State of Hawaii, but for the purpose of developing this National OCS Program, the Pacific Region is only composed of the four planning areas off the U.S. West Coast.

[2] State jurisdictions for Texas and Florida's Gulf Coast extend 9 nm from the coastal baseline. Louisiana's jurisdiction extends to 3 imperial miles, reflecting boundaries at the time these states joined the U.S. In 1983, President Reagan proclaimed the sovereign rights and jurisdiction of the U.S. over submerged lands and seas adjacent to the U.S. within the Exclusive Economic Zone (EEZ), as it was understood to be under international law. The United Nations Convention on the Law of the Sea (UNCLOS) subsequently addressed the continental shelf in Article 76, providing that it extends to at least 200 nm and beyond in some cases. The U.S. is not a party to UNCLOS but recognizes the rules in Article 76 as customary international law, which the U.S. follows.

Figure 1-1: OCS Oil and Gas Leasing Planning Areas and U.S. Exclusive Economic Zone



1.2 National Energy Needs

Meeting national energy needs is a stated purpose of the OCS Lands Act Amendments of 1978 (Public Law [P.L.] 95-372). The 1978 Amendments added Section 18 of the OCS Lands Act, requiring the Secretary to formulate a National OCS Program to "best meet national energy needs for the five-year period following its approval or reapproval" (Section 18(a), 43 U.S.C § 1344(a)).[3] Since passage of the OCS Lands Act Amendments, the U.S. energy outlook has changed, prices have dramatically varied, and technology has advanced.

The Biden-Harris Administration outlined several goals for a clean energy economy and set national emissions targets. A key priority of the Administration is to achieve carbon-free electricity by 2035 and net-zero emissions for the U.S. economy by 2050. The Administration

[3] Section 18 also requires the Secretary to consider "the location of such regions [oil- and gas-bearing physiographic regions] with respect to, and the relative needs of, regional and national energy markets" (Section 18(a)(2)(c), 43 U.S.C. §1344(a)(2)(c)). Chapter 6 contains the energy markets analysis conducted to help the Secretary meet that requirement.

also set a target to achieve a 50–52% reduction from 2005 levels in economy-wide net GHG pollution by 2030.

In making decisions on the National OCS Program, the Secretary considers how future OCS crude oil and natural gas leasing factors into national energy needs and energy-related goals. This section considers the broad interpretation of domestic energy needs recognized in the language of the OCS Lands Act and applicable case law, such as *Center for Sustainable Economy v. Jewell*, 779 F.3d 588, 607 (D.C. Cir. 2015) (*CSE*). As such, BOEM's assessment of "the nation's energy needs" for purposes of Section 18 extends beyond "meeting current demand for domestic consumption." This section considers energy needs under both the current national energy landscape and the possibility of an energy market that is significantly transformed by transitioning to a clean energy economy.

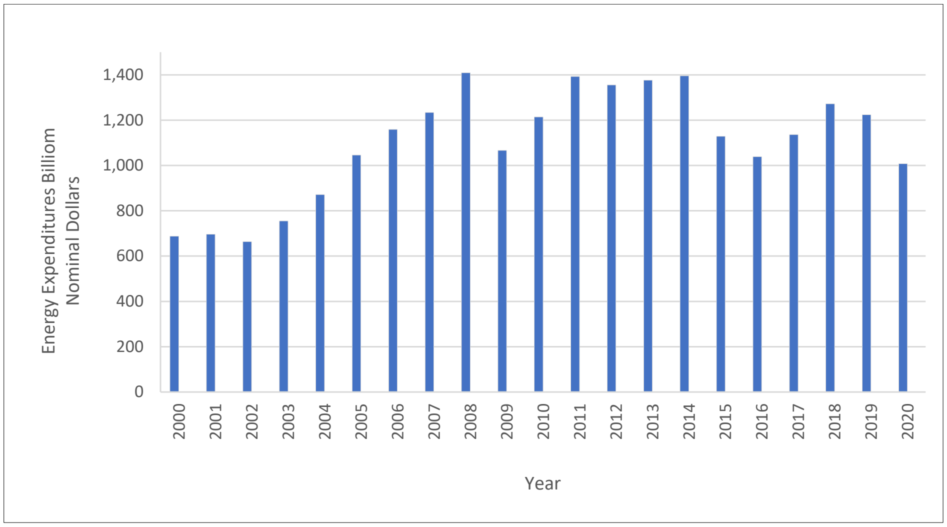
1.2.1 Crude Oil and Natural Gas: Contribution to and Consumption within the U.S. Economy

Americans have spent more than $1 trillion a year on energy since 2005 (EIA 2023g) as illustrated in Figure 1-2. In 2020, approximately 63% of those expenditures was attributable to natural gas and petroleum expenditures (EIA 2021g). Although the United States consumes more than just crude oil and natural gas to fulfill its energy demand, these fuels contribute to powering the U.S. economy and are expected to continue to do so in the future—as can be seen through the lens of the Energy Information Agency's (EIA) 2023 Annual Energy Outlook (AEO) reference case.

This section considers projections based on the EIA's 2023 AEO reference case,[4] where projections rest solely on laws and regulations that are currently in place and actively enforced. Using policy-neutral projections allows decisionmakers to assess the potential impact of a specific decision against the policy baseline, which incorporates currently enforced policy, technological and legal conditions, trends, and constraints into the future. Importantly, the EIA modeled numerous provisions of the Inflation Reduction Act (IRA) into the 2023 AEO, including, (1) the extension and modification of clean energy tax credits, (2) tax credits for zero-emission vehicles, (3) new production tax credit for existing nuclear power plants, and (4) a separate clean fuel production tax credit (EIA 2023f). However, given its complexity and uncertainty over select implementation details, not every IRA provision could be modeled in the 2023 AEO release.[5]

[4] The definition for the reference case can be found in the 2023 AEO narrative at the website.
[5] Specific information regarding the IRA provisions modeled in the EIA's 2023 AEO can be found in Table 1 of the EIA's 2023 AEO Appendix.

Figure 1-2: U.S. Energy Expenditures

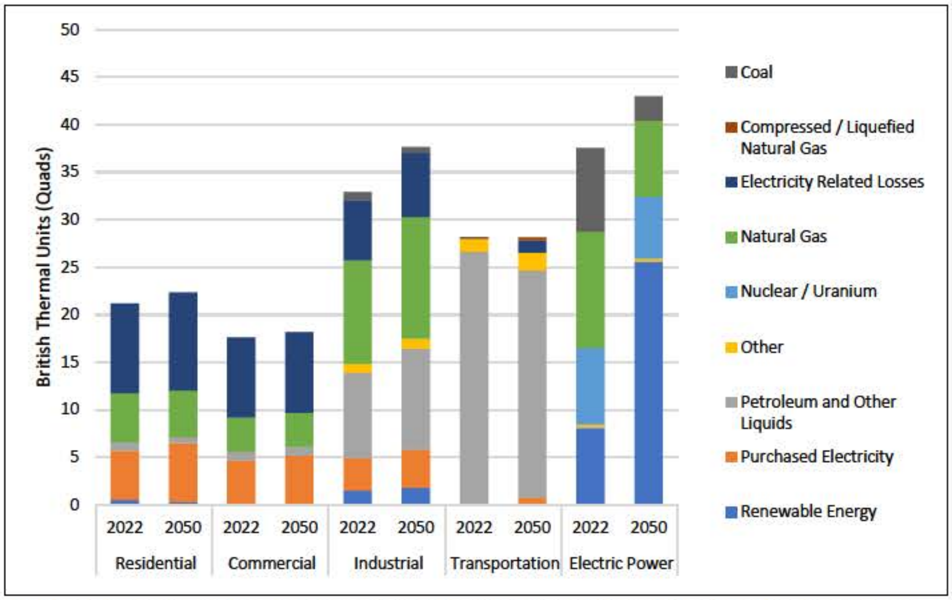


Source: (EIA 2023g)

While AEO projections for 2050 are meant to capture "ranges and trends" and "robust insights rather than precise numbers" (EIA 2023c), the projections could change depending on various factors, including alternative energy market pathways adopted for addressing climate change. In addition to the reference case, the 2023 AEO models 12 side cases that cover different assumptions. These assumptions include high and low ranges for: crude oil and natural gas supply, crude oil price, economic growth, zero-carbon technology cost, and a few combination cases. One goal of side-case comparisons to the reference case is to demonstrate a "cone of uncertainty" within the forecasts (EIA 2023c). This analysis focuses on the reference case but includes some insights from the side cases.

Figure 1-3 shows energy consumption by sector and source in the U.S. for 2022 and the 2023 AEO's forecast of energy consumption by sector and source in 2050 from the reference case. Of note is the predominance of petroleum and other liquids in the transportation sector. Recent changes in energy markets have affected consumption of different fuels, but petroleum remains the dominant fuel for transportation. While advancements in electric vehicle technology, alternative fuels, and fuel efficiency improvements will likely reduce petroleum's share of transportation energy demand, petroleum is still needed to meet a large majority of future total transportation energy demand under AEO's baseline scenario.

Figure 1-3: Energy Consumption by Sector & Source, 2022 and 2050



Note: The "other" category represents biofuels heat and co-products for the industrial sector; hydrogen, natural gas used to liquefy gas for export, and pipeline and distribution fuel natural gas for the transportation sector; and electricity imports and non-biogenic municipal waste for the electric power sector.
Source: (EIA 2023d)

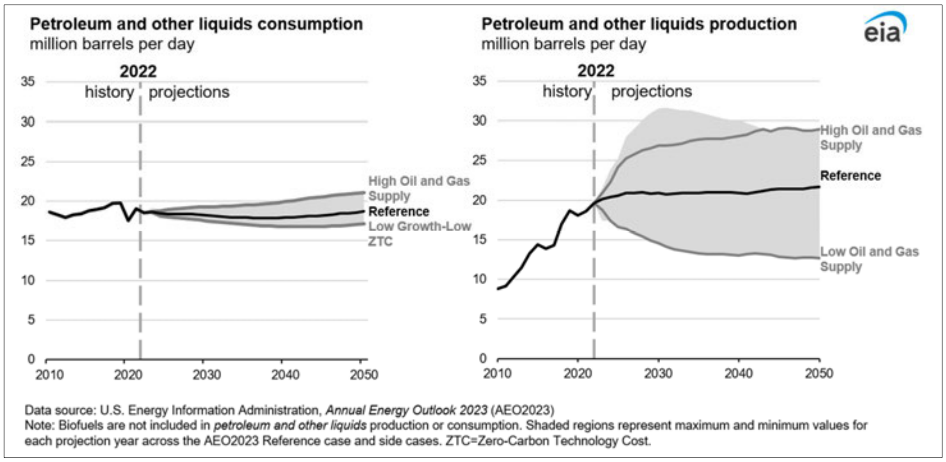
In 2022, petroleum and other liquids accounted for approximately 95% of transportation fuel. The 2050 AEO reference case projection shows that petroleum and other liquids will power 90% of the transportation energy market with the overall domestic consumption of petroleum and other liquids falling 3.6% between 2022 and 2050. The predominance of petroleum and other liquids for transportation is consistent across all the AEO side cases as well.

Despite the decline in petroleum and other liquids in the transportation sector, the increase in the use of petroleum and other liquids in the industrial sector nearly offsets the transportation sector reductions in AEO's reference case in 2050.

Shifts in fuel consumption sources are most apparent in the electricity sector, where increases in renewables offset declines in coal and natural gas. Domestically, the share of electricity generation from renewable sources is projected to more than double from 21.5% in 2022 to 59.5% in 2050. The 2023 AEO reference case also projects an increase in electricity demand through 2050 of roughly 15% (EIA 2023c).

As described, the AEO highlights the projections' uncertainty and the various assumptions that could impact the results. Figure 1-4 shows EIA's forecasted uncertainty cone around future petroleum and other liquids consumption and production. For demand, assumptions including low economic growth and low costs of zero-cost carbon technologies result in the largest decline in petroleum and other liquids use through 2050.

Figure 1-4: Petroleum and Other Liquids—Consumption and Production



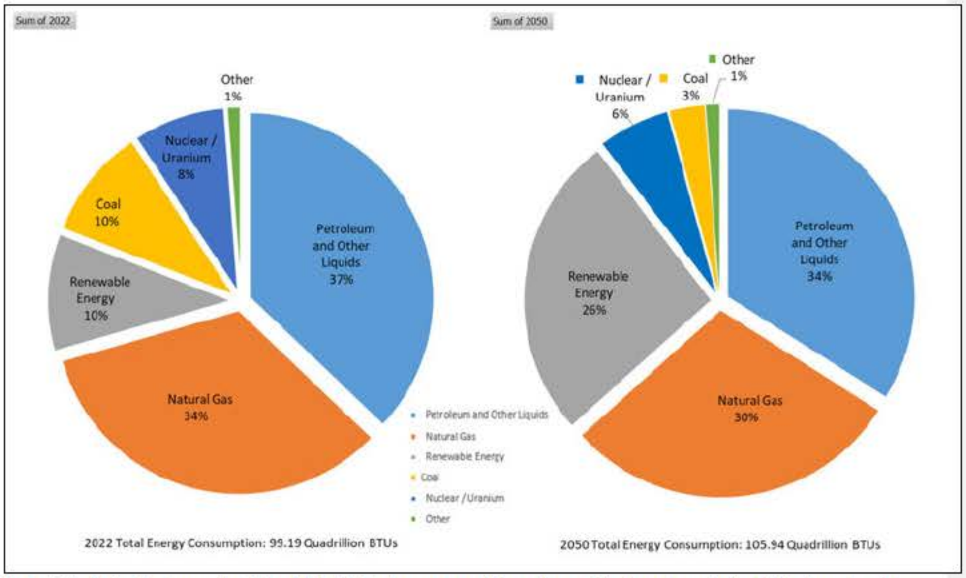
Source: (EIA 2023c). Reprinted with permission.

Figure 1-5 shows EIA's projections of total energy consumption by source between 2022 and 2050. Although the petroleum and natural gas share of overall energy consumption shrinks from 2022 to 2050, both still represent a substantial share of consumption. The renewable energy share of energy consumption greatly increases by 2050, while the shares of nuclear and coal significantly shrink. Section 6.2.1 provides more information on crude oil and natural gas consumption.

As a result of the energy consumption and energy mix changes, the 2023 AEO projects lower carbon dioxide (CO_2) emissions by 2050 in its reference case (see Figure 1-6). The increase in renewable energy technologies, increased electrification, and more efficient equipment lead to emissions reductions; however, this reduction is offset by the EIA's forecast of longer-term growth in transportation and industrial activity (EIA 2023b).

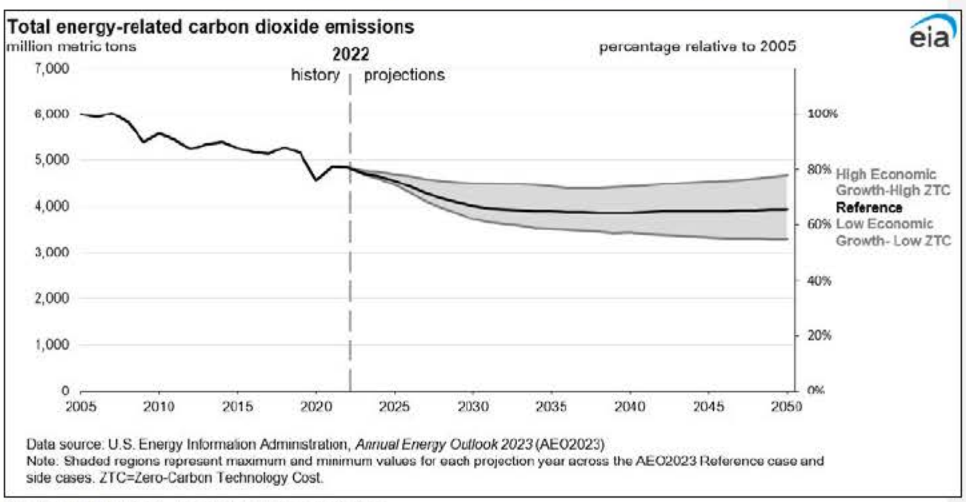
For the various side cases, the AEO projects that energy-related CO_2 emissions could range from 25% to 38% below 2005 levels by 2030. The AEO shows that long-term assumptions for economic growth and the cost of zero-carbon generation technology are the most significant drivers in emissions reductions.

Figure 1-5: Energy Consumption by Source, 2022 and 2050



Note: The "other" category includes biofuels, hydrogen, non-biogenic municipal waste, and electricity imports. Btu represents British Thermal unit.
Source: (EIA 2023d)

Figure 1-6: Total Energy-Related Carbon Dioxide Emissions



Source: (EIA 2023c). Reprinted with permission.

1.2.2 Energy Policy Considerations for Net-Zero Pathways

EIA's 2023 AEO data indicate that, absent major policy changes, energy consumption will increase slightly from today, with substantial crude oil and natural gas consumption continuing through 2050. However, the AEO also notes that policies can and often do change, which would result in different future energy patterns. In viewing policy change within a net-zero framework, the EAM paper (BOEM 2023b) provides additional information on net-zero pathways including Princeton University's Net-Zero America study (Larson et al. 2021).

While there are many factors that play a role in addressing climate impacts and numerous pathways to meet net-zero emissions goals, the Princeton study outlines five domestic pathways that share multiple features but differ in several important respects. The key differences are the assumptions made about the degree of electrification, supply constraints for various energy sources, and use of carbon sequestration.

One example of the differences is the role for nuclear power under some, but not all, of the Princeton pathways. However, the most critical common feature shared by the Princeton study's five pathways is the varying role and importance of clean electricity. Other common features between the pathways include the following:

- Coal use is essentially eliminated by 2030 in all pathways with no new capacity added.
- Biomass[6] expands rapidly after 2030 and is widely used by 2050.
- Electricity and hydrogen (H_2) use increase across all pathways,[7] with H_2 from biomass[8] being a key and relatively low-carbon fuel using carbon capture technology.
- The deployment of agricultural and/or forestry land sink enhancement measures.[9]

All net-zero pathways face challenges in achieving domestic net-zero emissions by 2050. Of particular importance, and independent of any National OCS Program decision, is the immediate need to mobilize capital and ensure political and public commitment to effectively (1) deploy mature technologies quickly, (2) build key infrastructure, and (3) improve and establish less mature technologies. For example, three of the five Princeton pathways require an aggressive conversion to electric vehicles by 2050. This contrasts with EIA's reference case, where the U.S. only has 15% of light duty transportation electrified by 2050.

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[6] As defined by the EIA, biomass is "organic non-fossil material of biological origin constituting a renewable energy source."
[7] H_2 under these pathways can be made by reforming natural gas (without or with CO_2 capture), gasifying biomass (with CO_2 capture), or electrolyzing water. Each pathway takes a different approach or combination of approaches.
[8] Biomass plays a particularly critical role because it removes CO_2 from the atmosphere as it grows and can be converted to H_2 while capturing and permanently sequestering its carbon.
[9] "Land sinks" are areas where carbon is removed from the air and permanently stored in soil or trees to offset positive GHG emissions from elsewhere in the economy. This helps to reduce the cost of emissions reductions.

1.2.3 Other Components of National Energy Needs

The OCS Lands Act mandates that the Secretary determine how to best meet "national energy needs." Additionally, the court elaborated in the *CSE* decision that such a determination can look beyond those considerations that "meet current demand for domestic consumption" *CSE*, 779 F.3d at 607. Specifically, the Secretary may, when proposing and finalizing the National OCS Program, account for the fact that there are both direct and indirect benefits to issuing leases during the next National OCS Program, which could affect national energy needs. The direct benefits of OCS leasing include ensuring an adequate energy supply and the corresponding effects on crude oil, refined products, and natural gas prices.

Another associated benefit of the National OCS Program is the continued ability for BOEM to issue offshore wind leases. Section 50265(b)(2) of the IRA prohibits BOEM, for a 10-year period beginning upon IRA enactment, from issuing offshore wind leases unless within the previous 12 months at least 60 million OCS acres are offered for oil and gas leasing and, if any acceptable bids have been received, the oil and gas leases be issued. Offshore wind leases will help meet the clean energy needs of the Nation. Additional indirect benefits, which are discussed in further detail below, include improved balance of payments, energy security, technology advancement, the comparatively low GHG-intensity of OCS production compared to onshore and most foreign production, domestic employment, and the additional public revenues generated by leasing.

1.2.3.1 Balance of Payments and Trade

The country's transition away from being a net importer of energy continues to improve the balance of trade and provide positive contributions to gross domestic product (GDP). In contrast to the $945.3 billion trade deficit (BEA 2022) for all U.S. goods and services in 2022, petroleum consisting of crude oil, refined petroleum products, and natural gas liquids, had a trade surplus of $14.1 billion (BEA 2023). That surplus represents a dramatic shift in the energy trade balance for petroleum products, which showed a deficit of approximately $189 billion in 2014, one year before the crude oil export ban was lifted (USCB 2021).

A positive trade balance in crude oil, refined petroleum products, and LNG also contributes to increased GDP because the value of exports counts toward domestic product while the value of imports is excluded from GDP. As a significant source of crude petroleum (and to a lesser extent natural gas), OCS production contributes to this positive balance of trade in crude oil, refined petroleum products, and LNG. Long-term projections by the EIA following current laws and policies show the U.S. as a net energy exporter through 2050 (EIA 2023g).

1.2.3.2 Energy Security

Domestic energy production, including OCS production, has the potential to enhance U.S. national security by reducing U.S. dependence on imported crude oil. Maximizing domestic crude oil and natural gas production can contribute to both U.S. and worldwide energy security by providing adequate supply that can help limit the impact of foreign supply shocks and reduce future price volatility (Krauss 2018).

Crude oil and LNG are global commodities sold in a competitive world market; a reduction in supply (or an increase in demand) in one part of the world causes shifts in global prices. The continuing possibility of high and volatile prices raises important energy policy issues about supply options and their economic as well as environmental effects. As the U.S. progresses in transitioning to a new energy economy to meet climate goals, it will rely less on crude oil and natural gas and be less susceptible to global crude oil and natural gas supply shocks. However, during the transition to new energy sources, the U.S. will continue to rely on crude oil and natural gas supply to ensure continued energy security.

1.2.3.3 Technology

New technologies employed by the crude oil and natural gas industry are, in large part, responsible for making the U.S. the world's top producer of crude oil and natural gas. Many of these technological advances include offshore technology developed in the GOM that have greatly expanded offshore resources accessible for production, especially in deeper water depths. In addition, the OCS crude oil and natural gas industry has reduced deepwater (200 meters or greater) project costs through greater equipment standardization.

Higher quality geological and geophysical (G&G) data—achieved through state-of-the-art acquisition methods and processing—has aided in the identification of prospects and effective well placement, which improves the probability for commercial discoveries. Consequently, companies are able to drill fewer wells per discovery in the best prospects (Raval 2018). Advanced composite materials and materials engineering have improved OCS structures and moorings to better withstand the operating environment. These and other technologies developed for crude oil and natural gas operations have contributed (and continue to contribute) to U.S. leadership in the crude oil and natural gas industries, while supporting U.S. economic growth and helping to meet domestic and global energy needs.

1.2.3.4 Low GHG Intensity of OCS Production

Technological advancements and a strong regulatory framework have contributed to reducing the carbon profile of the OCS. Based on current research, data suggest that deepwater GOM production has among the lowest carbon intensities of crude oil projects. The deepwater GOM's low GHG intensity is due to several factors including restrictions on venting and flaring of OCS natural gas, the medium API gravity crude oil that is prevalent in the area, and the efficiencies available with larger development facilities.

Using independent data sources and building upon BOEM's *Year 2017 Emissions Inventory Study* (BOEM 2019), BOEM incorporated additional independent data sources to compare upstream GHG intensities of OCS crude oil and natural gas production with the production of non-OCS crude oil and natural gas. The available data suggests that deepwater GOM production has low GHG-intensity profiles relative to oil produced elsewhere (Cooney et al. 2016). The data sources also indicate that heavy crude oil production (such as in Canada or Venezuela) has the highest GHG intensity by far, followed by conventional onshore crude oil production.

A subsequent estimate of GHG intensities for worldwide crude oil and natural gas production was prepared by Rystad Energy, an energy research company. A comparative analysis of BOEM's *Year 2017 Emissions Inventory Study* and Rystad Energy's data found that, in 2017, 83% of GOM deepwater production was below Rystad Energy's estimated total U.S. average upstream GHG intensity of 12 kilograms per barrel of oil equivalent (kg/boe). Additionally, 94% of GOM deepwater production was less than Rystad Energy's estimated global average upstream GHG intensity of 18 kg/boe (Rystad Energy 2020). BOEM analysis calculated that the GHG intensity for crude oil produced in the deepwater GOM, where BOEM expects almost all future OCS production to occur, was approximately 11.5 kg/boe in 2017. In addition, production from the GOM was estimated to have the lowest GHG intensity within the domestic crude oil consumption mix (Cooney et al. 2016).

In general, the highest GHG-intensity projects are those that produce heavy crude oil, flare or vent substantial amounts of natural gas, are late in their production lifecycle, or use inefficient technologies. Crude oil projects tend to have higher GHG intensities than natural gas projects, although this seems to be primarily driven by the extent of natural gas flaring and venting (Masnadi et al. 2018).

1.2.3.5 Employment and Public Revenues

The domestic energy industry is an important component of the U.S. economy through its contribution to GDP, employment, and public revenues. Production of domestic crude oil provides employment at higher-than-average wages to industry employees, but also supports domestic jobs in other industries that supply goods and services for exploration, development, production, and domestic transportation of crude oil and natural gas.

While the crude oil, natural gas, and supporting services industries create higher-paying jobs, the amount of those jobs supported annually has declined since reaching a recent high in 2014.[10] This decline is due in part to lower crude oil and natural gas prices and industry adaptations to cut costs and streamline activities. The impact of the OCS crude oil and natural gas industry on GDP and employment is discussed in Chapter 9 in the context of the geographical distribution of developmental benefits and environmental risk, which also describes the revenues available to the local, state, and Federal governments. In general, OCS leasing and production provide the following public revenues:

[10] This is evidenced in employment trends reported by the Bureau of Labor Statistics' Series IDs: CEU1021100001, for All Employees, Oil and Gas Extraction, and CEU1021311201, Support Activities for Oil and Gas Activities.

- bonus bids, rentals, and royalties to the U.S. Treasury
- funding for the Historic Preservation Fund
- funding for the Land and Water Conservation Fund (LWCF)
- OCS Lands Act Section 8(g) and Gulf of Mexico Energy Security Act (GOMESA) revenue sharing payments to states[11]
- Great American Outdoors Act (GAOA) funding up to $1.3 billion per year from Fiscal Year (FY) 2021 through FY 2025
- indirect revenues to state and local governments through worker and industry tax payments.

1.2.4 OCS Role in Meeting National Energy Needs

Although leasing decisions made in this National OCS Program are not guaranteed to result in new production for several years, the development and production would eventually contribute to meeting national energy needs. This increased national energy supply would also provide other national benefits in terms of the balance of payments and trade, energy security, technology advancement, lower carbon-intensity crude oil and natural gas production, public revenues, and employment. Absent future lease sales, OCS production is expected to continue to occur from existing leases. Section 5.2.8 discusses the potential for crude oil and natural gas development from existing leases. Without future lease sales or additional opportunities for project expansions, tie-back fields, or new developments, OCS production would ultimately decline.

BOEM's responsibility to develop a National OCS Program requires consideration of the size, timing, and location of lease sales over a 5-year period, with the understanding that leasing could have impacts for decades. While activities associated with new leases will generate years of economic opportunities, crude oil and natural gas production from new leases will likely not commence until approximately 5 years (for shallow water production) to 10 years (for deep water production) following a lease award.

The Secretary may also re-evaluate national energy needs when deciding whether to hold any individual lease sales included in the approved National OCS Program. These additional decision points allow the Secretary to consider new information about U.S. energy needs, progress toward net-zero emissions, or other factors when choosing whether to hold individual lease sales.

[11] Section 8(g) of the OCS Lands Act provides for the Federal government to share with any coastal state adjacent to OCS oil and gas activity 27% of revenues earned from OCS leases within 3 nm seaward of the state's submerged lands boundary. The shared revenues are referred to as "8(g) revenues." In 2006, Congress passed the Gulf of Mexico Energy Security Act, which mandates that the states of Texas, Louisiana, Mississippi, and Alabama receive a portion of revenues from new oil and natural gas development in Federal waters adjacent to these states.

1.3 Oil and Gas Leasing, Exploration, Development, and Production Process on the OCS

BOEM has oversight responsibility for OCS oil and gas leasing and development (see Figure 1-7), starting with the development of the National OCS Program. Section 18 requires the Secretary to prepare an oil and gas leasing program that consists of a 5-year schedule of proposed lease sales that the Secretary determines best meets national energy needs (see Section 1.3.1).

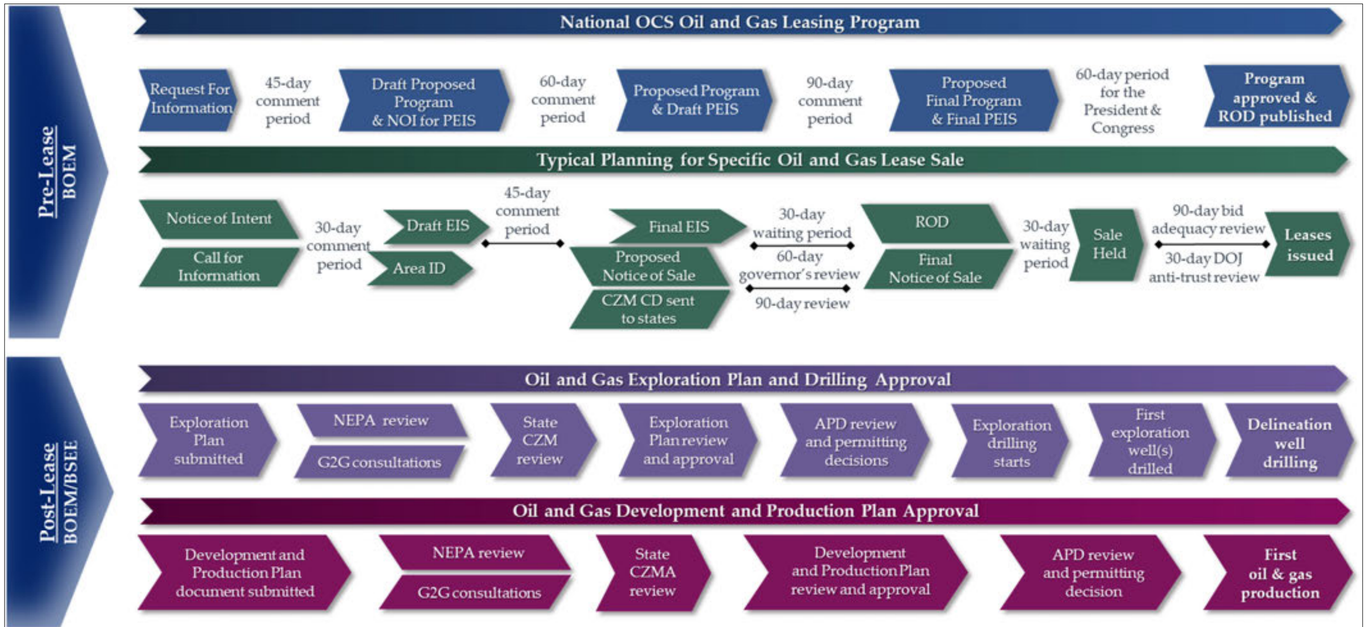
For any specific lease sale to be held, it must be included in an approved National OCS Program. A lease sale cannot be added later to an existing National OCS Program without an act of Congress. Whether a lease sale is held depends on sale-specific analysis (see Section 1.3.2). Following a lease sale, BOEM performs a review and either accepts or rejects bids within 90 days.

Once granted, an oil and gas lease conveys the exclusive right to explore, develop, and produce oil and/or gas for a specific initial period (for a minimum of 5 and maximum of 10 years) from a specific OCS block. All exploration, development, and production plans are carefully reviewed by BOEM (see Section 1.3.3). Following plan approval, BSEE exercises primary oversight of specific permitting and operational activities (e.g., drilling and production) on OCS leases.

1.3.1 National OCS Program Development Process

Multiple Section 18 steps are required to prepare a new National OCS Program. The National OCS Program development process begins with the publication of the Request for Information (RFI) followed by three analytical stages: (1) the Draft Proposal, resulting from the analysis of all 26 OCS planning areas and published as part of the Draft Proposed Program (DPP); (2) the Second Proposal, resulting from the analysis of the Draft Proposal and published as part of the Proposed Program; and (3) the Final Proposal resulting from the analysis of the Second Proposal and published as part of this PFP. Approval of a new National OCS Program may occur no earlier than 60 days after publication of the PFP. Figure 1-7 shows the analytical flow process. This PFP includes the Final Proposal and the third of three analyses resulting in a proposed schedule of lease sales for the 2024–2029 timeframe.

Figure 1-7: National OCS Oil & Gas Leasing Program and Development Process

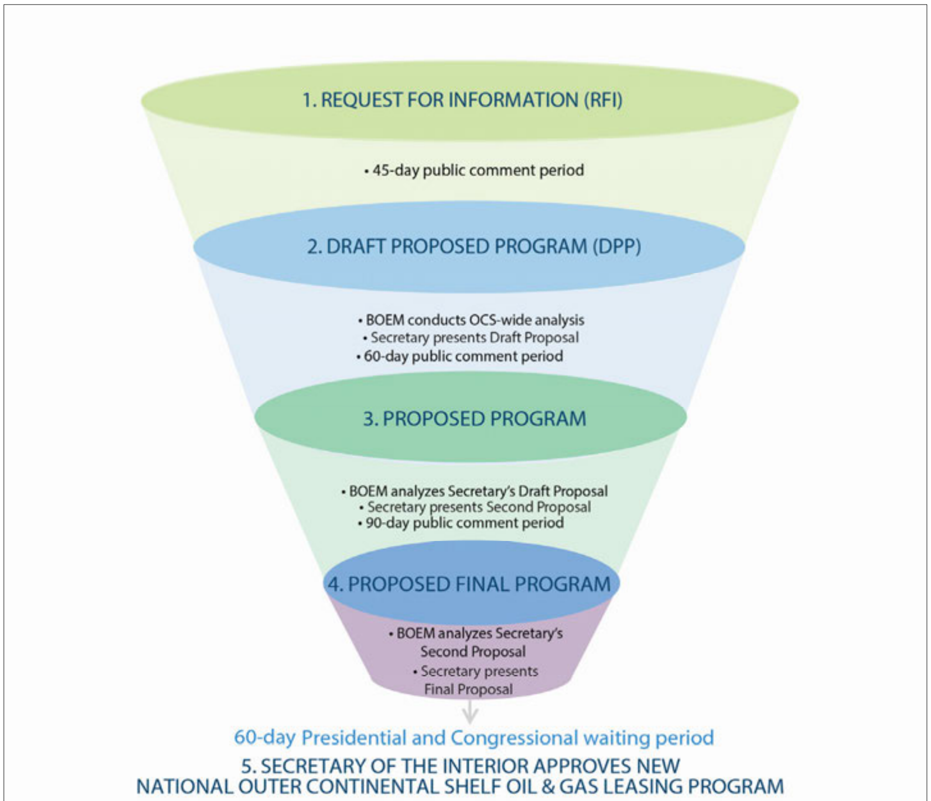


Key: APD = Application for Permit to Drill; BOEM = Bureau of Ocean Energy Management; BSEE = Bureau of Safety and Environmental Enforcement; CD = Consistency Determination; CZM = Coastal Zone Management; DOJ = Department of Justice; EIS = environmental impact statement; G2G = government-to-government; NEPA = National Environmental Policy Act; NOI = Notice of Intent; OCS = Outer Continental Shelf; PEIS = programmatic environmental impact statement; ROD = Record of Decision

Notes: Publishing the Draft and Final EISs must occur after the Area ID and prior to the issuance of the ROD/Final Notice of Sale. The ROD and Final Notice of Sale publish simultaneously. Usually, the Proposed Notice of Sale and CDs are finalized after the Draft EIS is issued but at least 90 days prior to Final Notice of Sale/ROD signature.

As shown in Figure 1-8, the National OCS Program development process starts with the broadest RFI and consideration of all 26 OCS planning areas and can be narrowed throughout the National OCS Program development and associated lease sale processes. Once a defined area is included during the National OCS Program development process, it becomes known as a program area. Program areas are therefore the portions of the original OCS planning areas that remain under leasing consideration during the National OCS Program development process. For example, the Cook Inlet Program Area in the2017–2022 Proposed Program included only the northern portion of the larger Cook Inlet Planning Area that was originally considered for leasing in the 2017–2022 DPP. The initial Draft Proposal in this instance included 25 of 26 planning areas across all OCS Regions, which have since been narrowed to all or portions of four planning areas (three in the GOM and one offshore Alaska).

Figure 1-8: National OCS Program Analytical Flow Process



Section 18(a)(2) of the OCS Lands Act lists eight factors that the Secretary must consider when determining the size, timing, and location of oil and gas leases among the different OCS areas (see Chapter 2). The analysis contained in the DPP examined and compared all 26 OCS planning areas regarding the Section 18(a)(2) factors for consideration, as well as the balancing mandated by Section 18(a)(3). The National OCS Program development process is typically a winnowing process, and only those program areas and Subarea Options that the Secretary decides are appropriate to carry forward for further analysis are included in the next analytical document. The Second Proposal narrowed the scope of this National OCS Program to the area of the GOM not under withdrawal (i.e., the Western GOM Planning Area, most of the Central GOM Planning Area, and a small portion of the Eastern GOM Planning Area); and to the northern portion of the Cook Inlet Planning Area.

BOEM has decided to prepare a Programmatic EIS in accordance with the National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321 *et seq*.) and its implementing regulations as a vehicle for conducting and disclosing the environmental analyses for the National OCS Program. BOEM's decision to prepare the Programmatic EIS is discretionary because the U.S. Court of Appeals for the District of Columbia has ruled that the approval of a National OCS Program does not constitute an irreversible and irretrievable commitment of resources, and that, in the context of BOEM's multiple stage leasing program, the obligation to fully comply with NEPA does not mature until the lease sale stage (*Center for Biological Diversity v. Department of the Interior*, 563 F.3d 466 (D.C. Cir. 2009); *Center for Sustainable Economy v. Jewell*, 779 F.3d 588 (D.C. Cir. 2015)). Figure 1-7 shows the key steps in preparing a new National OCS Program under Section 18 of the OCS Lands Act and the Programmatic EIS under Section 102(2)(C) of NEPA.

The program areas included in the Secretary's Second Proposal are further analyzed in this PFP document and in the *2024–2029 National OCS Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement* (BOEM 2023a). Chapter 3 provides additional detail on what is included in the PFP analyses. The NEPA analysis includes an evaluation of the potential environmental and related socioeconomic impacts associated with the proposed lease sale schedule, and how those impacts could vary depending on the areas or regions that are included in the National OCS Program. The NEPA process is introduced in the discussion of Factor (H), relevant environmental and predictive information for different areas of the OCS, in Section 2.2; a more detailed description is also contained in the Programmatic EIS.

The Programmatic EIS identifies sensitive subareas that could warrant exclusion from this National OCS Program due to potential environmental impacts from oil and gas lease exploration and development. The Programmatic EIS addresses the effects of lease sales under the new National OCS Program, which includes those lease sale effects that could be experienced beyond BOEM program area boundaries, such as potential impacts on migratory animals.

The Programmatic EIS considers potential geographic exclusions and restrictions on lessee activities for this National OCS Program. The final decision on the National OCS Program can adopt any analyzed exclusions within program areas otherwise included that are sufficiently identifiable at the Programmatic stage. In addition, the Secretary may determine to not offer sensitive subareas at subsequent stages, such as at the lease sale stage.

Table 1-1 shows the NEPA documentation associated with the various stages of National OCS Program and lease sale development.

Table 1-1: NEPA Assessments Typically Conducted for the OCS Oil & Gas Leasing Program

Program Level	Program Stage	NEPA Documentation	Geographic Scope	Focus and Scope
Planning	National OCS Program	Programmatic EIS (NEPA is discretionary at this stage)	National	Inform choice of program areas and number of sales for the schedule of lease sales in the National OCS Program. Consider National OCS Program-level environmental impacts and identify mitigation measures.
Lease Sale	Lease Sale	NEPA Review (EIS, EA, or DNA)	Program Area	Assess potential environmental impacts and mitigation measures (EIS or EA) to inform choice of parcels to be offered, or determine that these are adequately covered in a previously prepared NEPA document (DNA)
Project	Exploration	DNA, CER, EA, or EIS	Portion of lease block(s)	Assess effects of proposed activities to inform decision to approve, disapprove, or approve with mitigation measures
	Production	DNA, CER, EA, or EIS	Portion of lease block(s)	
	Decommissioning	DNA, CER, EA, or EIS	Specific facility within a lease block	

Note: The level of NEPA analysis at the project level is determined by the complexity of the project, risk factors associated with the project, project location relative to other uses or environmentally important areas, technologies proposed for use, and other factors.
Key: CER categorical exclusion review; DNA Determination of NEPA Adequacy; EA environmental assessment; EIS environmental impact statement.

Additionally, BOEM informs federally recognized Tribal governments that a National OCS Program is being prepared, to include the steps in the National OCS Program development process and where to find additional information on meetings and opportunities to provide comments (see Section 11.1). BOEM recognizes the unique relationship between the U.S. and Tribes and invites requests for government-to-government consultation. This consultation can occur at the National OCS Program stage as well as during the subsequent stages of the process (e.g., lease sales, plan reviews). Consultation and coordination with other Federal agencies, and state and Tribal governments, as required under specific environmental statutes, occur at subsequent stages of the leasing process.

1.3.1.1 Request for Information and Comments

In developing this National OCS Program, BOEM analyzed, among other items, regional and national energy needs; leasing interest as expressed by potential oil and gas producers; applicable laws, goals, and policies mentioned in the comments of affected states; comments and concerns of local governments and Tribes; public input; competing uses of the OCS; relative environmental sensitivity and marine productivity among OCS Regions; and the equitable sharing of benefits and risks among OCS Regions.

On July 3, 2017, BOEM published in the *Federal Register* the RFI regarding the preparation of a 2019–2024 Program (82 FR 30886). Simultaneously with the release of the RFI, BOEM also sent letters to all governors and the heads of interested Federal agencies requesting their input during a 30-day comment period. Pursuant to OCS Lands Act Section 18, BOEM requested that governors and oil and gas companies provide updated information regarding state laws and policies or industry interest, respectively.

1.3.1.2 Draft Proposed Program and Notice of Intent to Prepare a Programmatic Environmental Impact Statement

After considering the analyses associated with the Section 18 factors and principles for all 26 planning areas, former Secretary Zinke issued the Draft Proposal, which was the initial proposal for this new National OCS Program. BOEM announced the availability of, and requested comments on, the DPP in the *Federal Register* on January 8, 2018 (83 FR 829).

That *Federal Register* notice also announced the Notice of Intent (NOI) to prepare a discretionary Programmatic EIS, which signaled the initiation of scoping for the NEPA document. The DPP was distributed to interested and affected parties for a 60-day comment period and transmitted to all 50 governors and relevant Federal agencies. Chapter 11 provides a more detailed discussion on public involvement and outreach for the National OCS Program and Programmatic EIS.

1.3.1.3 Proposed Program and Draft Programmatic EIS

The Proposed Program analysis focused on former Secretary Zinke's Draft Proposal, as well as other Program Options identified when making the Draft Proposal. These analyses provide information relevant for consideration of required Section 18 factors (see Chapter 2) and comments received by BOEM on the DPP and NOI. OCS areas identified for potential leasing in the Draft Proposal were also analyzed in the Draft Programmatic EIS. The Proposed Program and Draft Programmatic EIS analyses informed the Secretary's Second Proposal.

On July 8, 2022, BOEM announced in the *Federal Register (*87 FR 40859) the publication of the Proposed Program and Draft Programmatic EIS. This included an associated request for comments and feedback on the Proposed Program and Draft Programmatic EIS from other interested and affected parties during a 90-day comment period. In addition, the Proposed Program was submitted to governors and relevant Federal agencies. BOEM sent written responses to the Proposed Program comments from governors and other state officials commenting on behalf of governors, in conjunction with transmittal of the Proposed Program and Draft Programmatic EIS.

1.3.1.4 Proposed Final Program and Final Programmatic EIS

The third and last analytical stage of the National OCS Program development process, the preparation of the PFP, is based on analysis of the Second Proposal and comments BOEM received on the Proposed Program and Draft Programmatic EIS. Additionally, a Final Programmatic EIS that informs the Secretary's Final Proposal has been prepared and released in conjunction with this PFP document. The OCS areas identified for potential leasing in the Final Proposal are described in **Part I** of this PFP document.

BOEM has announced publication of the PFP in the *Federal Register* and will submit it to the President and Congress. BOEM provides the President and Congress with the Final Programmatic EIS along with the PFP because the Programmatic EIS contains information and analyses that address Section 18 factors. Copies of all comments received throughout the National OCS Program development process have been submitted to the President and Congress, as required. BOEM also sent written responses to all comments received throughout the National OCS Program development process from governors and other state officials commenting on behalf of governors, in conjunction with transmittal of the PFP and Final Programmatic EIS per Section 18(c)(2) of the OCS Lands Act.

1.3.1.5 National OCS Program Approval and Record of Decision

In accordance with Section 18(c)(2), the Secretary will not approve the PFP until at least 60 days after sending it to the President and Congress. At the time of approval, the Secretary's decision is described in the combined decision memo and record of decision (ROD) that is made publicly available; this marks the final step in the Section 18 and NEPA processes. In general, the ROD identifies the schedule of potential lease sales to occur during the 2024–2029 period (i.e., the Department's selected alternative under NEPA), presents the basis for the decision, and identifies methods to avoid, minimize, or otherwise mitigate environmental impacts. The ROD could also adopt any programmatic mitigation measures or restrictions on leasing activities that the Secretary considers necessary for environmental protection and that are sufficiently identifiable at the programmatic stage.

1.3.2 Lease Sale Process

Approval of a National OCS Program does not constitute final approval of the lease sales scheduled in that National OCS Program. Each potential lease sale scheduled in a National OCS Program is subject to separate established pre-lease sale decision processes, including environmental review and analysis.

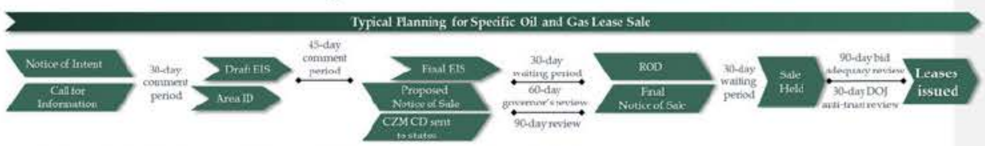
During the lease sale process, the Secretary may further define the area available for leasing. For example, the Secretary could choose an area-wide approach, in which all available unleased acreage in a program area is offered for lease, or a targeted leasing approach, which is designed to result in a more focused lease area configuration.

A targeted approach could, for example, only offer lease sales in areas with high hydrocarbon resource potential while appropriately weighing environmental protection.

Other potential considerations could include biologically sensitive subareas, and areas of potential conflict with other users of the marine environment, or other uses thereof, such as subsistence hunting and fishing activity. This is consistent with the policy of the OCS Lands Act to make OCS oil and gas resources available for development while considering safeguards for the human, marine, and coastal environments.

As shown in Figure 1-9, interested and affected parties have multiple opportunities to participate and comment prior to any decision to hold a specific lease sale. The lease sale process has traditionally taken about 2 years to complete and contains multiple steps and decision points along the way.

Figure 1-9: OCS Lease Sale Process



Key: CD = Consistency Determination; CZM = Coastal Zone Management; DOJ = Department of Justice; EIS = environmental impact statement; ROD = Record of Decision

Notes: Publishing the Draft and Final EISs must occur after the Area ID and prior to the issuance of the ROD/Final Notice of Sale. The ROD and Final Notice of Sale publish simultaneously. Usually, the Proposed Notice of Sale and CDs are finalized after the Draft EIS is issued but at least 90 days prior to Final Notice of Sale/ROD signature.

While a lease sale may not occur until an approved National OCS Program is in place, in some cases, lease sales occurring early in a National OCS Program schedule require steps be taken in the pre-lease sale process prior to final National OCS Program approval. This is not a pre-judgment by the Secretary concerning any area that may be made available for leasing, only an initiation of the statutory and analytical steps required to hold a lease sale on time should it remain in an approved National OCS Program.[12] The full process for a typical lease sale is described below in more detail.

1. **Call for Information and Nominations (30 Code of Federal Regulations [CFR] 556.301)—**In the first step of the lease sale process, BOEM issues a Call for Information and Nominations (Call) in the *Federal Register* on an area proposed for leasing. Potential bidders are invited to submit nominations or indications of interest in specific OCS blocks within the Call Area. The Call also solicits comments about geological conditions; archaeological sites; potential multiple uses of the area including navigation, recreation, and fisheries; socioeconomic, biological, and other environmental information; and asks the public for information on areas of special concern that should be analyzed.
2. **Area Identification (30 CFR 556.302)—**Area Identification (Area ID) is the second major step in BOEM's oil and gas lease sale process. During Area ID, BOEM uses information and comments received in response to a Call, and in consultation with appropriate Federal agencies, develops a recommendation to the Secretary for the area(s) to be subject to further leasing consideration and environmental analyses. The Area ID decision is announced in the *Federal Register*.
3. **Review under NEPA—**BOEM performs a NEPA review for each lease sale. This typically includes an EIS that considers the impacts associated with oil and gas activities for a given region or program area. The NEPA for subsequent lease sales in the same region or program area may rely on that EIS as appropriate, after BOEM confirms through a DNA or EA that EIS supplementation is not required.
4. **Government-to-Government Consultations—**Under E.O. 13175 and the *Department of the Interior Policy on Consultation with Indian Tribes*, BOEM is obligated to engage in government-to-government consultations with Tribes on any Departmental action with Tribal implications. This includes federally recognized Tribes with current and historic interests in coastal areas of Alaska, the Pacific, the GOM, and the Atlantic. In Alaska, BOEM additionally consults with Alaska Native Claims Settlement Act (ANCSA) Corporations. These consultations are conducted on additional approvals (e.g., plans and permits) as appropriate throughout the life of an OCS oil and gas lease.
5. **Environmental Consultations—**Consultations under various environmental statutes occur, such as the Endangered Species Act (ESA) of 1973 (16 U.S.C. §§ 1531 *et seq.*) and Section 305(b) of the Magnuson--Stevens Fishery Conservation and Management Act (16 U.S.C. §§ 1801 *et seq.*). Pursuant to these environmental statutes, BOEM is required to consult with agencies such as the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS). BOEM also consults, as appropriate, under Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108).

[12] Solicitor's M Opinion 36954, *Whether the Department May Issue a Call for Information & Nominations for Outer Continental Shelf Lease Sale 91*, 93 I.D. 125 (1986).

6. **Proposed Notice of Sale (NOS) (30 CFR 556.304)—**The proposed NOS describes the timing, size, and location of a proposed oil and gas lease sale. It also provides potential bidders with information on proposed economic terms and conditions and any proposed mitigation measures (i.e., lease stipulations), which are typically designed to reduce potential conflicts with other ocean uses and to protect the environment. BOEM publishes a notice of availability of the proposed NOS in the *Federal Register*.
7. **Coordination with Governors of Affected States (30 CFR 556.304-307)—**Section 19 of the OCS Lands Act (43 U.S.C. § 1345) requires BOEM to solicit input on the size, timing, and location of lease sales from governors of affected states. BOEM sends the proposed NOS to governors of affected states requesting their recommendations on the proposed size, timing, and location of the lease sale. The governors have 60 days to submit their recommendations to BOEM. Prior to holding the lease sale, BOEM sends each governor written reasons for USDOI's determination to accept or reject that governor's recommendation.
8. **Consistency Determination (30 CFR 556.305(b))—**All Federal activities affecting the coastal zone, including OCS oil and gas lease sales, must be consistent to the maximum extent practicable with the enforceable policies of an affected state's coastal zone management (CZM) program (see 16 U.S.C. § 1456(c)(1) and (2)). BOEM provides coastal states with a consistency determination on whether the proposed lease sale is consistent, to the maximum extent practicable, with the enforceable policies of federally approved state Coastal Management Plans. That is not done, however, for Alaska sales since the State of Alaska no longer has a federally approved Coastal Management Plan. For more information on BOEM's CZM work, see https://www.boem.gov/Coastal-Zone-Management-Act/).
9. **Issuance of a ROD (EIS-level), Finding of No New Significant Impact (FONSI; EA-level) or DNA—**Upon completion of the NEPA review for each individual lease sale, a determination is made as to the significance, or lack thereof, of potential environmental impacts. Depending on the type of NEPA review undertaken for a lease sale, the NEPA review process is completed through the issuance of a ROD, a FONSI, or a DNA.
10. **Final NOS (30 CFR 556.308(a))—**BOEM will publish a final NOS at least 30 days before a lease sale is held. The final NOS includes information on how to submit bids; the date, time, and location of the bid opening and reading; the OCS blocks being offered; and terms and conditions of the lease sale, including lease stipulations.
11. **Holding the Lease Sale (30 CFR 556.516)—**BOEM opens the sealed bids at the place, date, and hour specified in the final NOS for the sole purpose of publicly announcing and recording the bids. BOEM does not accept or reject any bids at that time.
12. **Lease Issuance (30 CFR 556.520-522)—**Before a lease can be issued, high bids are subject to evaluation regarding the receipt of fair market value (FMV) and analysis confirming that the award of any tract to the highest bidders in the sale would not

create or maintain a situation inconsistent with anti-trust laws. BOEM will issue a lease following completion of its FMV analysis and the anti-trust review conducted by the Department of Justice in consultation with the Federal Trade Commission.

1.3.3 Exploration and Development Process

Areas with mature oil and gas development, such as the GOM, generally have more recent and therefore more sophisticated seismic data available (e.g., three-dimensional [3-D] seismic surveys) to assess oil and gas resources. Frontier areas of the OCS generally only have older, less sophisticated seismic data (e.g., two-dimensional [2D] seismic surveys) available. If leasing and related activities increase in frontier areas, new seismic data will be collected, and more detailed information will become available. On the U.S. OCS, seismic data are typically acquired both prior to lease issuance (through the issuance of a permit) and after a lease is in effect.

After BOEM issues a lease, a lessee typically accelerates the process to explore for oil and gas accumulations. In some cases, potential oil and gas resources could already be identified through analysis of existing data and information. Prior to exploration activities on the lease, an exploration plan is submitted to BOEM for environmental review and consideration for approval (see Figure 1-10).

Figure 1-10: OCS Exploration Plan and Drilling Review Process

Key: APD = Application for Permit to Drill;; CZM = Coastal Zone Management; G2G = government-to-government; NEPA = National Environmental Policy Act

High-resolution geophysical surveys on a lease are performed prior to exploration plan submittal to identify natural and man-made hazards, areas of potentially sensitive benthic habitat such as hard bottom habitat and coral reefs, and significant cultural resources such as historic shipwrecks or inundated occupation sites on or below the seabed. The next phase of exploration involves drilling an exploration well that targets the interpreted oil or gas trap in the subsurface to determine if an oil or gas resource exists. If oil or gas is discovered in quantities appearing to be economically favorable, one or more follow-up delineation wells could be drilled to help define the amount of the resource or the extent of the reservoir.

Delineation and production wells are sometimes both termed development wells. If a lessee wishes to drill a development well, a development and production plan must be submitted to BOEM so that BOEM can perform environmental review and consider plan approval (see Figure 1-11).

Figure 1-11: OCS Development and Production Plan Review Process

Key: APD = Application for Permit to Drill; CZM = Coastal Zone Management; G2G = government-to-government; NEPA = National Environmental Policy Act

Assuming that hydrocarbon resources are discovered and successfully delineated, a production facility could be installed at the site. The number of wells to be served by a single facility varies according to the type of production facility used, the prospect site, and the drilling and production strategy deployed. Oil and gas resources are brought to market via a system of pipelines and processing facilities or through production into a floating system.

Exploration plans and development and production plans are subject to focused, site-specific environmental analyses under NEPA and other environmental statutes, as well as the requirement for an operator to certify consistency of the proposed activities with the enforceable policies of a state's CZM program, as appropriate.

For more information about the exploration and development process, see BOEM's web pages on the status of oil and gas plans for the Alaska Region (https://www.boem.gov/akplans), GOM Region (https://www.boem.gov/Status-of-Gulf-of-Mexico-Plans/), and Pacific Region (https://www.boem.gov/Pacific-Lease-Management/). For more information about BOEM's oil and gas resource evaluation program, see the web page: https://www.boem.gov/Resource-Evaluation-Program/.

Chapter 2 Section 18 Requirements & Factors

2.1 BOEM's Approach to Analyzing Program Areas

Section 18(a) of the OCS Lands Act contains four subsections that set forth principles and factors to guide the National OCS Program development process. This chapter provides the foundation for BOEM's analysis and subsequent proposed options (Program Options) for a potential lease sale schedule. The Secretary may select from these Program Options "indicating, as precisely as possible, the size, timing, and location of leasing activity which [the Secretary] determines will best meet national energy needs for the five-year period following [Program] approval..." (43 U.S.C. §1344(a)). This chapter also presents a brief overview of those Section 18 requirements as well as guidance provided in court decisions on prior National OCS Programs (see Section 2.7).

Proposed Program Options

Lease Sale Option: Lease sale for each program area contained in the Second Proposal

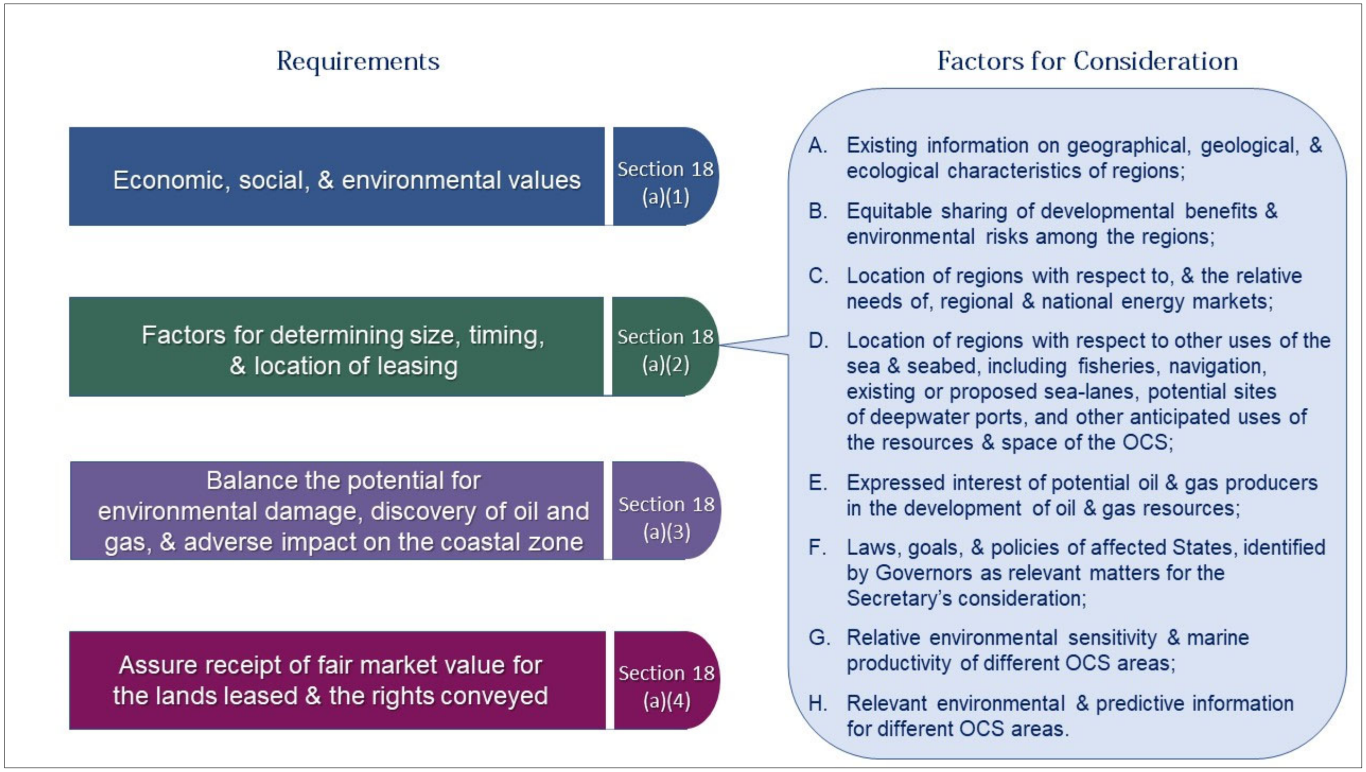
Subarea Option: Option that subtracts acreage available for subsequent lease sales and represents a potential exclusion within a program area

No Sale Option: No lease

Analysis of the Second Proposal (Lease Sale Option), No Sale Options, as well as Subarea Options (collectively called the PFP Options) identified by the Secretary for further analysis under the principles and factors in Section 18 of the OCS Lands Act are key elements that inform the Secretary's Final Proposal. These principles and factors include the eight factors listed in Section 18(a)(2) of the OCS Lands Act (see Section 2.2 and Figure 2-1). The PFP Options are also considered throughout the Final Programmatic EIS. See Chapter 3 for a full description of the PFP Options.

The analyses underlying this National OCS Program use the best available information at the time. Previous studies and analyses are augmented by the latest documents, reports, and studies available, along with pertinent information provided in public comments on the Proposed Program. Additionally, BOEM reviews and reinterprets existing oil and gas resource data as necessary.

Figure 2-1: OCS Lands Act Section 18 Factors



2.2 Section 18(a): Energy Needs

As stated in Section 18(a) of the OCS Lands Act, the purpose of the National OCS Program is to help meet the future energy needs of the U.S. for the five-year period following its approval or reapproval. Section 1.2 presents an analysis of anticipated energy needs in the context of meeting anticipated energy needs of consumers of all types.

2.3 Section 18(a)(2): Factors for Determining Size, Timing, and Location of Leasing

As stated above, Section 18(a) of the OCS Lands Act states that a 5-year leasing program must be prepared and maintained by the Secretary consistent with principles set forth in the section. Section 18(a)(2) lists eight factors that the Secretary must consider when determining the size, timing, and location of oil and gas leasing activity among the different areas of the OCS. While some of these factors lend themselves to quantification to facilitate the comparison among program areas, others cannot readily be quantified and so are qualitatively considered. Each of the eight factors provided in Section 18(a)(2)(A) through (H) is introduced below:

A) Geographical, Geological, and Ecological Characteristics

The main sources of information on geographical, geological, and ecological characteristics of the program areas considered in preparing this PFP analysis are the 2024–2029 Final Programmatic EIS as well as information contained in other recently completed environmental documents and information related to the following:

- leasing and operational activities
- BOEM oil and gas resource assessments and associated regional geologic and reserves reports
- Indigenous traditional knowledge
- scientific study results (including those reported in BOEM's Environmental Studies Program Information System [ESPIS])
- information submitted or cited by commenters.

Discussion of such information can be found across this document (e.g., geological characteristics in Chapter 5 and geographical and ecological characteristics in Chapter 8), as well as Chapter 4 in the Final Programmatic EIS.

B) Equitable Sharing of Developmental Benefits and Environmental Risks

Chapter 9 presents the analysis for the equitable sharing of developmental benefits and environmental risks associated with oil and gas leasing activities. The chapter provides a discussion of the developmental benefits and risks accruing in regions near existing and potential OCS oil and gas production and the benefits that are widely distributed throughout the U.S.

The onshore areas adjacent to the regions possessing substantial oil and gas resources tend to receive a high proportion of the benefits from, and be subject to, the associated environmental risks of developing those resources. Developmental benefits analyzed include increased wages, additional jobs, increased tax collection, Federal revenues, revenue sharing (with states, localities, and grant programs) where applicable, company profits, and proximity of supply to consumers of energy.

This PFP, along with the Final Programmatic EIS, identifies and discloses potential impacts associated with the PFP Options. Environmental risks include the potential for activities stemming from the PFP to adversely affect the following:

- the quality of the human environment (e.g., water quality, air quality, accidental or catastrophic discharge events)
- resources with cultural and recreational value (e.g., coastal tourism, commercial fisheries, subsistence harvest)
- cultural and archaeological resources
- access to subsistence resources
- species and habitats that are protected by Federal environmental laws and regulations
- other species and habitats, including those that are commercially valuable
- overall marine productivity that could affect or diminish ecosystem services (see Section 8.2).

By discussing the impacts affecting both regional and national interests, Chapter 9 provides the Secretary with information on the sharing of developmental benefits and environmental risk. The chapter also includes a discussion of the developmental benefits and environmental risks associated with substitution of other energy sources that would be anticipated if the No Sale Option were chosen in any of the program areas.

C) Location with Respect to Regional and National Energy Markets and Needs

The analyses in Chapter 6 focus on recent developments in energy markets, regional energy markets as related to the location of OCS planning areas, and trends in regional production and consumption.[13]

Chapter 3 of the Final Programmatic EIS describes the human environment on a national level, in addition to each OCS Region and nearby onshore areas, as appropriate. Existing oil and natural

[13] Section 1.2 also addresses energy needs but with respect to the overriding purpose of the National OCS Program "to best meet national energy needs …." As noted above, the focus of Chapter 6 is on providing information to allow the Secretary to meet the requirements of Section 18(a)(2)(C).

gas infrastructure and its relationship to new leasing is also discussed. Recent OCS oil and gas lease sale EISs and other NEPA documents provide relevant information related to the regional distribution and processing of OCS oil and natural gas.[14]

D) Location with Respect to Other Uses of the Sea and Seabed

Chapter 7 discusses multiple uses of the OCS and includes information received from Federal, state, and local government agencies; Tribal governments; environmental and other organizations; and regional fishery management bodies. This information, also found in **Appendix A**, is further supplemented by data and information provided by BOEM's Marine Minerals and Renewable Energy programs in Chapter 7.

E) Interest of Potential Oil and Gas Producers

Section 11.3 describes industry interest as indicated in response to the Proposed Program. Appendix A summarizes the comments received from oil and natural gas companies and associations in the exploration and production sector of the energy industry.

F) Laws, Goals, and Policies of Affected States Identified by Governors

Section 11.5 summarizes relevant laws, goals, and policies—including policies of federally approved CZM programs—that state governments identified when responding to BOEM's request for comments. As required by Section 18(c)(1), BOEM sent letters to the governors of all 50 states requesting their suggestions and asking them to identify any relevant state laws, goals, and policies for the Secretary's consideration. **Appendix A** summarizes the comments received on the Proposed Program, including those from governors and state government agencies.

G) Relative Environmental Sensitivity and Marine Productivity

Chapter 8 contains an analysis of the environmental sensitivity and marine productivity for the program areas. As in previous National OCS Programs, BOEM defines the term "sensitivity" as sensitivity to potential impacts from oil and gas exploration and development as measured by indicators of vulnerability and/or resilience to impact. Additional information on the plants, animals, habitats, and human activities that could affect the sensitivity of an area is provided in the Programmatic EIS.

This PFP document provides estimates of OCS marine productivity. Productivity is defined in terms of biomass production per unit of time. In the marine environment, primary production through photosynthesis determines the total amount of biomass available to higher trophic levels. However, the relationship between primary and secondary, or higher-level, production is not straightforward or uniform across marine ecosystems (Pomeroy 1991). Higher-level

[14] See https://www.boem.gov/environment/environmental-documents to access BOEM's environmental review documents.

productivity is difficult to estimate, especially across a geographically large and ecologically diverse area such as the OCS (Balcom et al. 2011).

Measurements of biomass for the BOEM ecoregion areas were produced using satellite-based measurements of chlorophyll-*a*, available light, and photosynthetic efficiency (Balcom et al. 2011). These measurements allow BOEM to directly compare different areas. For the analysis of environmental sensitivity in this PFP, the OCS was divided into nine BOEM ecoregions using an ecosystem-based approach.

H) Environmental and Predictive Information

The 2024–2029 Programmatic EIS describes the environmental setting and potential impacts of leasing activities on physical, biological, and human resources in each program area. Information is presented on potential environmental impacts from the PFP Options as well as additional alternatives.

The Programmatic EIS analysis is used to inform OCS Lands Act considerations, including those addressing social, environmental, and human concerns. The Programmatic EIS and appendices are available at www.boem.gov/National-OCS-Program.

The environmental impact analysis in the Programmatic EIS is used when considering the environmentally focused Section 18 factors in the OCS Lands Act, particularly the following:

- Section 18(a)(1): consideration of economic, social, and environmental values of renewable and non-renewable OCS resources and the impact of oil and gas exploration on other resource values of the OCS and the marine, coastal, and human environments
- Section 18(a)(2)(A): existing information concerning the geographical, geological, and ecological characteristics of such regions
- Section 18(a)(2)(H): relevant environmental and predictive information for different areas of the OCS.

This PFP references the Final Programmatic EIS, as appropriate, particularly with respect to the three Section 18 factors above, so readers can easily find pertinent, detailed environmental information and impact analyses that address each of these environmentally relevant Section 18 factors.

The PFP also addresses the Section 18(a)(2)(B) environmentally focused factor of the equitable sharing of developmental benefits and environmental risks among the various regions (see Chapter 9). Section 18(2)(G) outlines the relative environmental sensitivity and marine productivity of different areas of the OCS and is further discussed in Section 8.2.

The Final Programmatic EIS and PFP together present a comprehensive picture of environmental, cultural, economic, and resource considerations to aid the Secretary in performing the balance required by Section 18(a)(3) and to inform the Secretary's proposal on the 2024–2029 lease sale schedule regarding the size, timing, and location of leasing activities.

2.4 Section 18(a)(3): Balancing the Potential for Environmental Damage, Discovery of Oil and Gas, and Adverse Impact on the Coastal Zone

After considering all the Section 18(a)(2) factors, Section 18(a)(3) requires the Secretary, when making decisions on the size, timing, and location of OCS leasing, to strike a balance among the potential for environmental damage, the discovery of oil and gas, and adverse impacts on the coastal zone. The Secretary's balancing effort is informed by an analysis of all the Section 18(a)(2) factors.

This PFP document presents a comparative analysis of the PFP Options considered by the Secretary and includes an estimation of societal net benefits for each program area, derived by calculating the value of production anticipated from the PFP Options minus the economic cost of obtaining that production and the environmental and social costs (ESCs) of developing the produced resources. The analysis also considers costs and benefits of the energy substitutes that would probably be obtained in the absence of lease sales in any or all of the program areas. BOEM refers to the results of this analysis as the incremental net benefits (see Section 5.3). A description of the various types of value can be found in Section 2.6.

The program areas are also considered in the comparative analysis according to quantified information relating to environmental sensitivity and marine productivity (see Section 8.2) and relating to the interests of potential oil and natural gas producers (see Section 11.3). Other Section 18(a)(2) factors, including geographical, geological, and ecological characteristics, and laws, goals, and policies of affected states, do not lend themselves to quantification and are therefore treated qualitatively.

The comparative analysis also examines additional qualitative information pertaining to the findings and purposes of the OCS Lands Act, the comments and recommendations of interested and affected parties, and other information relevant to striking a balance under Section 18(a)(3). The OCS Lands Act does not specify how the factors in Section 18(a)(2) should be weighed to achieve the balancing required by Section 18(a)(3), leaving it to the Secretary's discretion to reach a reasonable determination under the existing circumstances.

2.5 Section 18(a)(4): Assurance of Fair Market Value

Section 18(a)(4) of the OCS Lands Act requires receipt of FMV from OCS oil and gas leases. BOEM's two-phase, post-sale bid evaluation process used since 1983 assures the FMV requirement is met for the issuance of individual leases. Under its bid adequacy procedures, BOEM reviews all high bids received and evaluates all blocks to ensure the receipt of FMV for

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each lease issued. In addition to the assurance of FMV in the National OCS Program development and implementation process, BOEM continues to assess market and resource conditions as each lease sale approaches and designs the lease sale fiscal terms to achieve FMV. Additional information on, and analysis of, FMV is contained in Chapter 10, which also considers the uncertainties surrounding OCS oil and gas leasing, and how these uncertainties could impact the value of OCS acreage.

2.6 Section 18(a)(1): Economic, Social, and Environmental Values

Section 18(a)(1) of the OCS Lands Act requires that the Secretary manage the OCS "in a manner which considers economic, social, and environmental values of the renewable and non-renewable resources contained in the outer Continental Shelf…." The PFP analyses presented in this document are conducted to ensure that economic, social, and environmental values associated with exploration, development, and production of OCS resources are considered as important aspects of the National OCS Program's development.

The OCS Lands Act also requires the Secretary to consider potential impacts of oil and gas activities on other resource values of the OCS and on the marine, coastal, and human environments. The analyses in the PFP and Programmatic EIS assist the Secretary with meeting these requirements (including the balancing requirement described in Section 2.3, Section 18(a)(3): Balancing the Potential for Environmental Damage, Discovery of Oil and Gas, and Adverse Impact on the Coastal Zone).

The Programmatic EIS analysis is described in Section 2.2 under Section 18 factor (H). The Programmatic EIS describes the environmental setting and potential impacts on environmental and socioeconomic resources from the Second Proposal's schedule of lease sales and alternatives to that schedule. **Appendix A** contains summaries of comments received in response to the Second Proposal, including issues or concerns that were identified by commenters.

2.6.1 Economic Value

Economic value will be realized from decades of oil and natural gas exploration, development, and production that results from leases awarded during the implementation of the next National OCS Program. Several metrics are used to calculate economic value, such as the net economic value (NEV) of the extracted oil and natural gas resources, which includes government receipts of cash bonuses, rentals, royalties, and taxes, and the economic contribution consideration of estimates of employment from oil and natural gas activity.[15]

[15] Consistent with standard practices in cost-benefit analysis, the analysis in Chapter 5 treats employment, wages, and income as costs necessary to obtain the oil and natural gas that provide economic value. However, in general, these results of OCS development are widely viewed as benefits to society given the income and economic activity they generate. They are treated as such in Chapter 9.

BOEM also considers the adverse economic impacts associated with oil and gas production, such as those from air pollution and potential oil spills. Economic values are discussed primarily in the Net Benefits Analysis (Section 5.3), National and Regional Energy Markets (Chapter 6), Equitable Sharing Considerations (Chapter 9), and Consideration of the Value of OCS Leases and Assurance of Fair Market Value (Chapter 10). BOEM provides additional methodological details and analysis in a separate economic methodology document, *Economic Analysis Methodology for the 2024–2029 National Outer Continental Shelf Oil and Gas Leasing Program*.

2.6.2 Social Value

Social value is realized when OCS resources are combined with inputs or processes to generate improvements in the lives of people or benefits to society. Social values include cultural and community values, but also broad considerations of a wide array of factors, many of which could be considered economic or environmental effects. Components of social value are reflected in the substantive requirements analyses prepared in support of this PFP. BOEM considers cultural and community values within Chapters 2 and 4 of the Programmatic EIS. Section 5.3 monetizes the impacts on several social values in the net benefits analysis, including the monetized impacts on recreational fishing, beaches (recreation) and the aesthetic disruption along the coast from offshore oil and gas development. Section 5.3.2.3 also presents the social costs from GHG emissions. These costs represent the monetized impacts on society from climate change associated with GHG emissions from incremental OCS leasing. Finally, Chapter 5 of the EAM discusses OCS leasing's non-monetized benefits and costs to social value. When OCS resources are used to maximize social value, the National OCS Program is being efficiently managed. Social value can be negatively impacted (i.e., a social welfare loss) when OCS resources are not developed in accordance with the principles of conservation[16] or when oil and gas activities result in adverse consequences to society, such as a highly damaging event like a large oil spill. At the same time, energy substitutes for forgone OCS oil and gas production can also cause social welfare losses, resulting from such things as spills of imported oil or air pollution from increased onshore production.

Oil spill studies in the GOM have found that impacts are experienced differently across communities, and access to resources varies depending on the socioeconomic, political, and legal status of individuals. The severity of oil spill impacts is compounded by recurring natural and economic disasters in the region (e.g., hurricanes, flooding, and economic recessions) (Austin et al. 2014a, Austin et al. 2014b, Austin et al. 2022). Within this larger context, the effects on vulnerable communities are more difficult to overcome than those in other communities with greater economic and social resources.

[16] In this context, conservation refers to the responsible development of oil and gas resources by preventing waste and maximizing recovery of economically producible reservoirs (MMS 2007).

2.6.3 Environmental Value

Environmental value is the worth society places on the intrinsic natural capital in the OCS's renewable and non-renewable resources. Natural capital provides goods and services from nature, including marine productivity, quality of aesthetic resources, human-ecological connectivity, and air and water quality.

The analyses presented in Chapter 8 discuss environmental sensitivity and marine productivity, and the important effect of relevant environmental impacts on environmental value. Section 18(a)(2)(G) calls for the consideration of the relative environmental sensitivity and marine productivity of the OCS. BOEM sponsored the development of a new method to perform the corresponding assessment for the 2017–2022 Program, the results of which were first presented in the 2017–2022 DPP. Feedback from internal and external reviews of this new approach was incorporated into the analysis for the 2017–2022 PFP, as well as the analysis presented in Chapter 8 of this document (see Section 2.2 (G) and Chapter 8 for methodological explanations).

2.7 Judicial Guidance

This National OCS Program will be the tenth National OCS Program prepared by the Department. Section 23(c)(1) of the OCS Lands Act provides that any action of the Secretary to approve a leasing program pursuant to Section 18 of the Act shall be subject to judicial review only in the United States Court of Appeals for the District of Columbia. The 1980–1985, 1982–1987, 1987–1992, 2007–2012, and 2012–2017 Programs prepared and approved under Section 18 were challenged in court. No lawsuits were filed with respect to the approved 1992–1997, 1997–2002, 2002–2007, or 2017–2022 Programs.

This National OCS Program is being prepared consistent with applicable court rulings. A brief description of such decisions and how they have guided preparation of the National OCS Programs over time follows.

> *California v. Watt*, 688 F.2d 1290 (D.C. Cir. 1981) (*Watt I*) — In this case, the State of California challenged the 1980–1985 Program, which was the first to follow the passage of the OCS Lands Act Amendments of 1978 that added the Section 18 requirement for a leasing program. The court stated that the Secretary must consider all eight factors and not defer consideration of required factors to later stages because more information might be available. It accepted the use of a cost-benefit type analysis and recognized that certain analyses could be qualitative. The court found that the three balancing factors in Section 18(a)(3) were not inherently equal, and the Secretary had discretion in weighing them as long as the decision was not arbitrary. The case was remanded to consider those of the eight factors not previously considered, better quantify environmental costs, and

present a coherent explanation of how NEV is determined and the possible value of deferring leasing. However, because a new National OCS Program for 1982–1987 was already in preparation, the 1980–1985 Program was not revised.

California v. Watt, 712 F.2d 584 (D.C. Cir. 1983) (*Watt II*) — In this case, the court held that the 1982–1987 Program met the requirements found lacking in the 1980–1985 Program. The court upheld the methodology and assumptions used for the net social value (NSV) analysis. The court reiterated the "pyramidic" nature of the entire leasing process and upheld the first use of area-wide leasing because exact tracts (blocks) do not need to be identified at the National OCS Program stage. It found that receipt of FMV does not mean "maximization of revenues" and validated the post-sale bid evaluation methodology. The court also stated that once the determination has been made to not consider an area for leasing, that area does not need to be analyzed further.

Natural Resources Defense Council (NRDC), et al. v. Hodel, 865 F.2d 288 (D.C. Cir. 1988) — In this case, the court remanded the 1987–1992 Program for a more thorough analysis of the cumulative impacts resulting from simultaneous development in different planning areas. The court validated the use of administratively established planning areas as the basis for comparing "oil- and gas-bearing physiographic regions," a term used, but not defined, in the OCS Lands Act. As in the previous cases, the court upheld the cost-benefit methodology and assumptions used. The court stated that while the Secretary was required to receive and consider nominations for the exclusion of areas, there was no requirement to exclude nominated areas. Should a decision be made to exclude an area, the court agreed with the Secretary that such exclusion decisions must be reasoned, and their basis identified, but there is no "formula" for such decisions, meaning a full Section 18 analysis is not a prerequisite. The court cited *Watt I* (at 1321–22) to explain that the Secretary's duty as to the exclusion decisions is "simply to identify his legal or factual basis and to explain why he acted as he did." Once an area is excluded from availability for leasing, "[t]he Secretary need not perform a Section 18 analysis" on that area (*Watt II* at 608).

Center for Biological Diversity, et al. v. Department of the Interior, 563 F.3d 466 (D.C. Cir. 2009) — In this case, the court remanded the 2007–2012 Program for failure to consider the relative environmental sensitivity and marine productivity of "different areas of the outer Continental Shelf," not just the shoreline, and required the Secretary to rebalance under Section 18(a)(3) using the revised analysis along with the other seven factors. The court determined that the OCS Lands Act does not require the agency to consider the impacts from consuming OCS oil and gas as part of its Program decision. Further, the Court determined that the NEPA claims at issue were not ripe because an agency's NEPA obligations mature only once it reaches a critical stage of a decision, which will result in irreversible and irretrievable commitments of resources that will affect the environment. The court reasoned that in the case of the National OCS Program, the point of irreversible and irretrievable commitment of resources and the concomitant obligation to comply with NEPA does not occur until the lease sale stage.

Center for Sustainable Economy v. Jewell, 779 F.3d 588 (D.C. Cir. 2015) — The court found CSE's NEPA challenges to the 2012–2017 Program unripe because the Department makes no irreversible and irretrievable commitment of resources at the National OCS Program stage such that NEPA would be triggered. The Court also upheld the Department's chosen methods of cost-benefit analysis as reasonable and consistent with the statute. For example, the Court upheld: (1) the Secretary's decision to assess costs of energy substitutes where they would occur, and to attribute a proportionate share of those costs to each planning area, (2) the Secretary's decision not to track which proportion of OCS energy was consumed by the American public, and (3) the Secretary's qualitative assessment of the informational value in delaying leasing because there was not yet a sufficiently well-established methodology for quantifying it.

Chapter 3 Proposed Final Program Options for Analysis

This PFP presents the analysis of the Second Proposal, which includes a schedule of up to a maximum of 11 potential lease sales in two OCS Regions: up to 10 lease sales in the GOM and up to 1 sale offshore Alaska (see Table 3-1 and Figure 3-1). Table 4-3 lists and describes all areas that are currently unavailable for OCS oil and gas leasing.

The Proposed Final Program Options (PFP Options) described within this chapter collectively consist of Lease Sale Options, Subarea Options, and No Sale Options. Additionally, these PFP Options are analyzed in the Final Programmatic EIS.[17] The Secretary may choose any of the PFP Options or any combination of options to form the Final Proposal.

3.1 Lease Sale Options

The **Lease Sale Options** are the potential lease sales for each of the program areas contained in the Second Proposal. The Lease Sale Options consist of up to 10 lease sales in the GOM Program Area and up to one lease sale in the Cook Inlet Program Area.

The GOM Program Area contains the Western GOM Planning Area, Central GOM Planning Area, and a portion of the Eastern GOM Planning Area not subject to withdrawal (see Figure 3-1). In the Proposed Program, both GOM Program Area 1 and GOM Program Area 2 were analyzed.[18] Because only GOM Program Area 1 remains under consideration for leasing, this PFP refers to that area simply as the GOM Program Area. The Cook Inlet Program Area is confined to the upper portion of the Cook Inlet Planning Area (see inset in Figure 3-1).

3.2 Subarea Options

A Subarea Option is an option that omits acreage or constitutes a potential exclusion within a program area. A Subarea Option could also represent leasing methods to avoid or minimize impacts on areas of important environmental, subsistence, or multiple use value. In some instances, these are areas where potential conflict could occur between oil and gas development and ecologically important or sensitive habitats; maintenance of social, cultural, and economic resources is at risk; and/or military operations and training occur.

[17] In *NRDC v. Hodel*, 865 F.2d 288, 300 (D.C. Cir. 1988), the D.C. Circuit described the OCS Lands Act's standard of review as "deferential;" one that "require[s] that the record show that the Secretary's factual determinations are based upon substantial evidence, that the Secretary's policy judgments are based upon rational consideration of identified, relevant factors, and that the Secretary's construction of the statute is permissible."

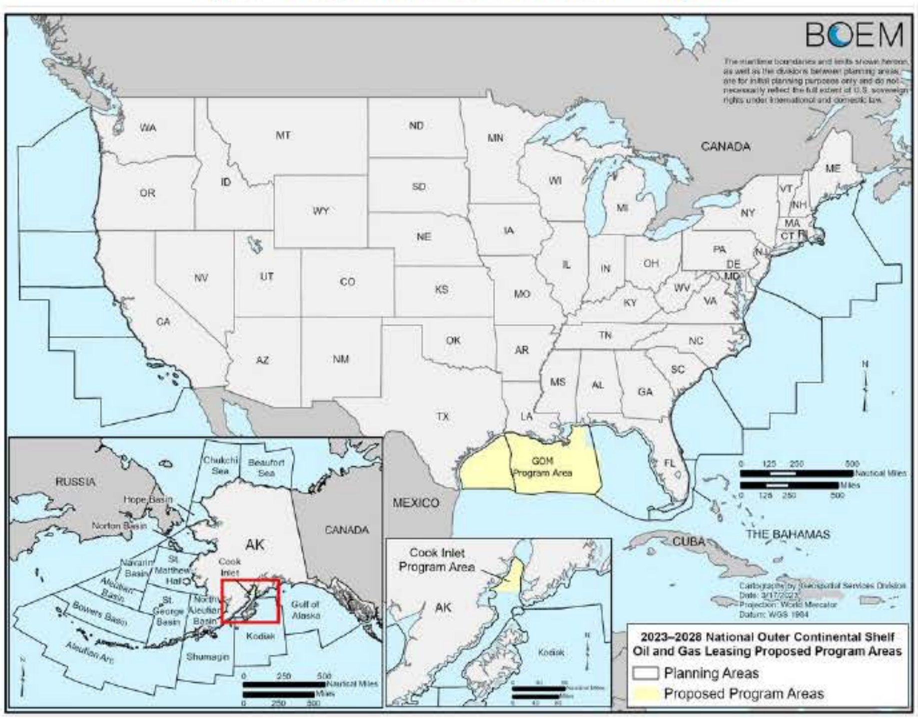
[18] See Figure 3-2 in the Proposed Program for a depiction of the GOM program areas.

Table 3-1: Second Proposal—Lease Sale Schedule

Count	Sale Number	Sale Year*	OCS Region and Program Area
1	262	2024	Gulf of Mexico: GOM Program Area
2	263	2025	Gulf of Mexico: GOM Program Area
3	264	2025	Gulf of Mexico: GOM Program Area
4	265	2026	Gulf of Mexico: GOM Program Area
5	266	2026	Gulf of Mexico: GOM Program Area
6	267	2026	Alaska: Cook Inlet Program Area
7	268	2027	Gulf of Mexico: GOM Program Area
8	269	2027	Gulf of Mexico: GOM Program Area
9	270	2028	Gulf of Mexico: GOM Program Area
10	271	2028	Gulf of Mexico: GOM Program Area
11	272	2029	Gulf of Mexico: GOM Program Area

Notes: The Second Proposal outlined a lease sale schedule consisting of 10 lease sales in the GOM Program Area starting in 2023. Due to the timing of National OCS Program approval and associated leasing steps, th first lease sale in the new National OCS Program would not occur until at least 2024.

Figure 3-1: Program Areas Included in the Second Proposal



There are no Subarea Options identified for the Cook Inlet Program Area. There is only one specific **Subarea Option** included in the Second Proposal for the GOM Program Area, a 15-mile no leasing zone near Baldwin County, Alabama. A second, more general, Subarea Option to be analyzed for the GOM Program Area is the use of a targeted leasing strategy.

3.2.1 Targeted Leasing

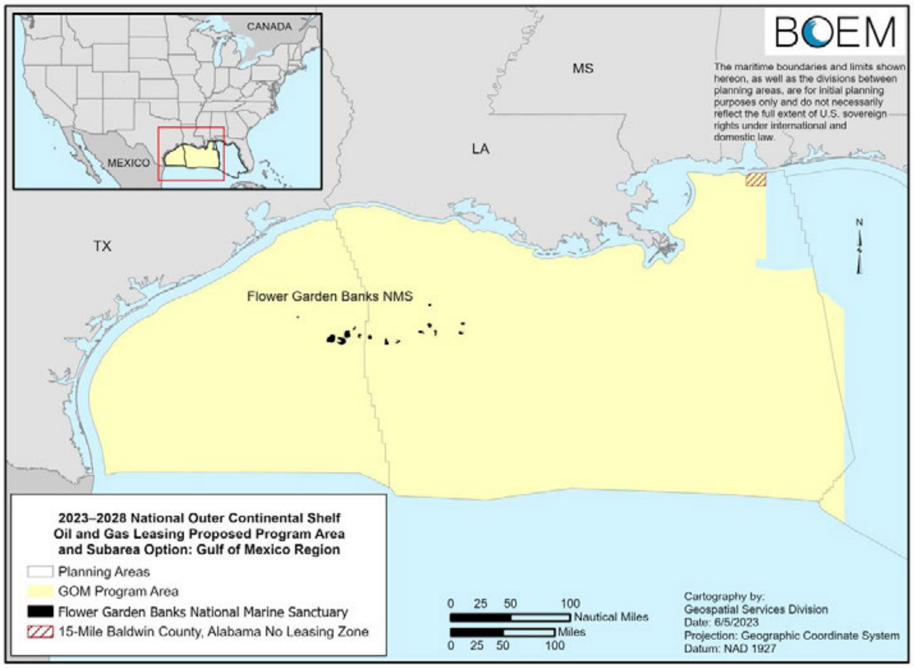
This Subarea Option continues the targeted leasing strategy first set forth in the 2012–2017 Program, which means that any subset of the program area could be included in a particular lease sale. Targeted leasing strategies will be fully analyzed and refined at the lease sale stage when more regional and site-specific information is available. Lease sales could be tailored to offer areas that have hydrocarbon resource potential while appropriately weighing environmental protection, subsistence use needs, multiple use challenges, and other considerations.

BOEM will continue to obtain and evaluate additional information regarding environmental issues, subsistence use needs, infrastructure capabilities, and results from any exploration activity associated with existing leases. Consequently, updated scientific information and feedback from stakeholders, partners, and the public will be sought so BOEM can proactively determine, in advance of any potential lease sale, the specific areas offering the greatest resource potential while minimizing potential conflicts associated with the environment, subsistence activities, and other uses of the OCS. In addition, the IRA requires that BOEM offer at least 60 million acres for oil and gas leasing on the OCS in the previous year before it can issue new OCS wind energy development leases. This requirement is effective until at least August 16, 2032.

3.2.2 15-Mile Baldwin County No Leasing Zone

The 15-Mile Baldwin County No Leasing Zone Subarea Option offshore Alabama is analyzed as a potential exclusion area that, if adopted, would not be available for leasing under this National OCS Program (see Figure 3-2). This Subarea Option was requested by Alabama Governor Kay Ivey in response to the 2018 Draft Proposal. The purpose of this Subarea Option is to reduce visual impacts of OCS oil and gas activities in the GOM from the shore at Baldwin County, Alabama. Due to the small geographic size of this area, few to no meaningful analytical differences are noted throughout this document or the Programmatic EIS. If the Secretary chooses to further analyze this Subarea Option at the lease sale stage rather than making a decision at this National OCS Program stage, detailed analysis will further focus discussions regarding this option, as appropriate.

Figure 3-2: Subarea Option: 15-Mile Baldwin County No Leasing Zone in GOM Program Area



3.3 No Sale Option

A No Sale Option is analyzed for each of the program areas (Cook Inlet and GOM) remaining in the Second Proposal and presents the analysis of the anticipated effects of holding no lease sales in a specific program area.

3.4 Analysis of the PFP Options in the Final Programmatic EIS

The Final Programmatic EIS provides information on the geographical, geological, and ecological characteristics of the program areas in the Second Proposal, including the Subarea Options and additional possible environmentally focused exclusion areas. Section 4.1 of the Final Programmatic EIS contains the analysis for the program areas included in the Second Proposal, and Section 4.5 presents the analysis for the Subarea Options and other potential exclusion areas. A No Action Alternative (Alternative A) analysis has been conducted for each program area. The alternatives analysis is in Section 4.2 of the Final Programmatic EIS. The alternatives have not changed from the Draft Programmatic EIS, and BOEM still analyzes all 25 planning areas as stated in the Draft Proposal; therefore, additional OCS Regions and program areas are included in the EIS analysis beyond those areas included in the Second Proposal, which are the primary focus of this PFP document.

Chapter 4 Background, Leasing History, and Status of OCS Planning Areas

This chapter contains the background and history of each planning area. As part of the National OCS Program development process, BOEM begins with the broadest consideration of areas available for leasing, which are, in general, narrowed throughout the National OCS Program development and associated lease sale processes. The initial Draft Proposal in this instance included 25 of 26 planning areas across all OCS Regions, which have since been narrowed to all or portions of four planning areas (three in the GOM and one offshore Alaska).

Although most of this PFP analysis focuses on only those program areas still under consideration for future BOEM oil- and gas-related activities, for completeness, this chapter describes the foundational history and leasing background for all OCS Regions. This chapter also discusses the PFP Options deemed suitable by the Secretary in the Second Proposal for further analysis for potential oil and gas leasing with respect to size, timing, and location.

Table 4-1 contains the acreage of OCS Regions and the number of planning areas in each region. The environmental setting of an area where oil and gas leasing activities could occur is defined by its geological, geographical, and ecological characteristics.

Table 4-1: OCS Regions Acreages

Region	Acres (Millions)	Number of Planning Areas	PFP Program Area
Alaska	1,035	15	1 (Cook Inlet)
Pacific	248	4	0
Gulf of Mexico	160	3	1 (Gulf of Mexico)
Atlantic	269	4	0

The planning areas were initially established for administrative convenience to implement the OCS Lands Act Amendments of 1978. They have been reconfigured several times over the years, most recently to correspond to the administrative lines announced in the *Federal Register* in January 2006 (71 FR 127) and included in the DPP for the 2007–2012 National OCS Program. Unless otherwise noted, references to a planning area in this document correspond to that 2006 configuration. See Section 4.2 for information on areas under restriction.

4.1 Summary of Historical Leasing Statistics

Figure 4-1 shows the trends in lease sale offerings for each approved National OCS Program. Table 4-2 shows general leasing history statistics for each OCS Region.

Figure 4-1: Number of Proposed Lease Sales Included in Approved National OCS Programs by Planning Area

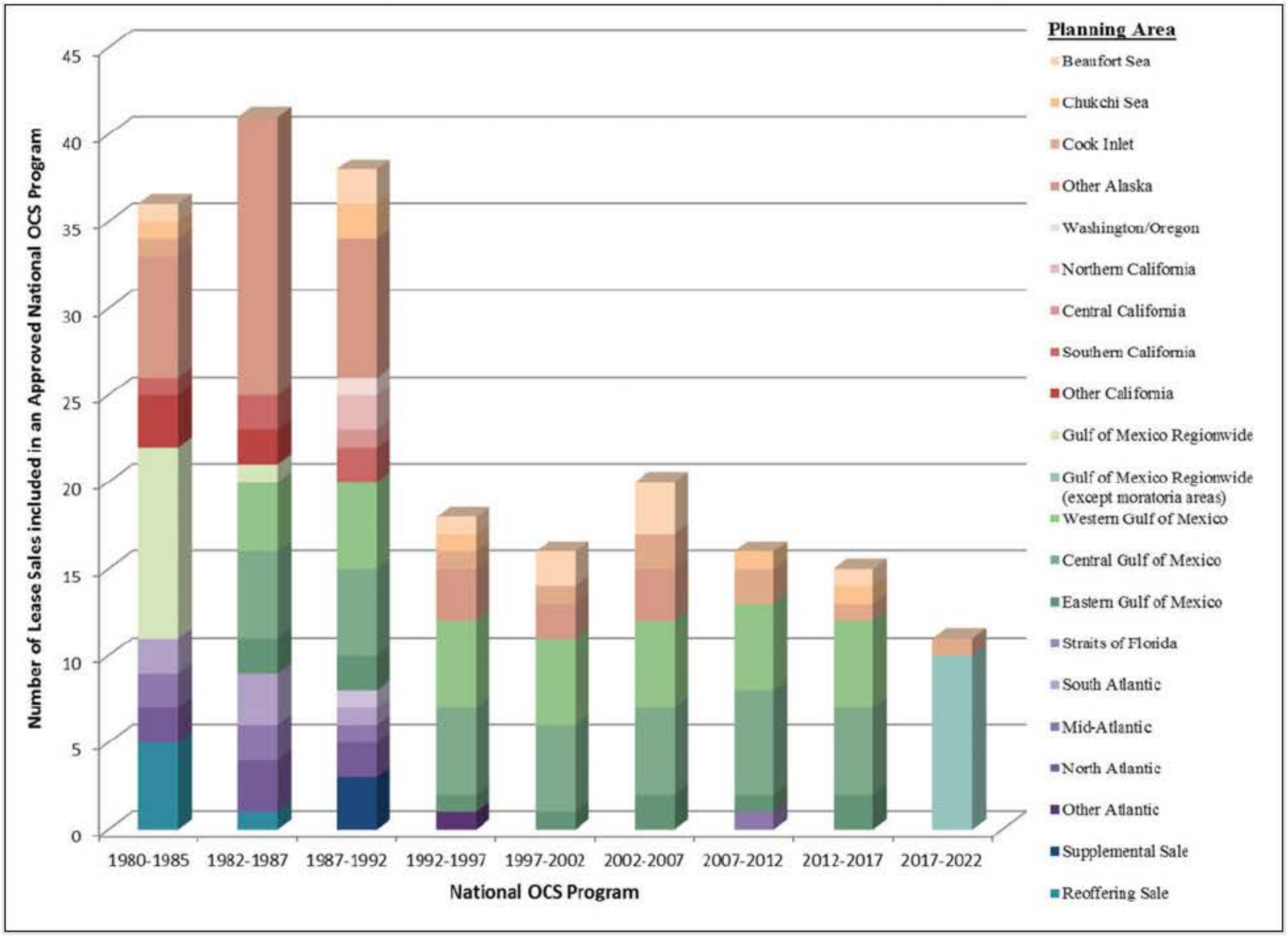


Table 4-2: General Leasing History Statistics per OCS Region (as of April 2023)

Region	Existing Leases	First Lease Sale	Most Recent Lease Sale
Alaska	Total: 20 Beaufort Sea: 6 Cook Inlet: 14	1976 (Gulf of Alaska)	2022 (Cook Inlet)
Pacific	Total: 30 (Southern California)	1963 (Northern, Central, and Southern California)	1984 (Southern California)
Gulf of Mexico	Total: 2,095 Western GOM: 304 Central GOM: 1,778 Eastern GOM: 13	1954	2023 (GOM)*
Atlantic	0	1959 (Straits of Florida)	1983 (Mid-Atlantic, South Atlantic)

Key: * = Does not include areas withdrawn from leasing consideration under Section 12(a) of the OCS Lands Act (43 U.S.C. §1341(a)).

4.2 Areas Currently Restricted from OCS Oil and Gas Leasing

Restrictions on OCS leasing can originate outside the National OCS Program development process. Areas may be withdrawn by the President under Section 12(a) of the OCS Lands Act, 43 U.S.C. § 1341(a), and are referred to as Presidential withdrawals (also called executive withdrawals). Additionally, areas can be withdrawn or otherwise made unavailable for leasing by the President under the Antiquities Act, or by Congress by statute (e.g., the now-expired GOMESA moratorium).

Table 4-3 lists the areas under restriction from OCS oil and gas leasing and the status of the restriction. Additional information on areas under restriction and maps can be found at https://www.boem.gov/oil-gas-energy/leasing/areas-under-restriction.

Table 4-3: Areas Currently Restricted from OCS Oil & Gas Leasing

OCS Region	Area/Feature	Withdrawal Date	Status
Various	National Marine Sanctuaries (within the boundaries designated as of July 14, 2008)	July 14, 2008	Unavailable for OCS oil and gas leasing, pursuant to Section 12 of the OCS Lands Act, 43 U.S.C. § 1341(a)
Alaska	North Aleutian Basin Planning Area	December 16, 2014	Unavailable for OCS oil and gas leasing, pursuant to Section 12 of the OCS Lands Act, 43 U.S.C. § 1341(a)
Alaska	Chukchi Sea Planning Area	December 20, 2016 (reinstated January 20, 2021)	Unavailable for OCS oil and gas leasing, pursuant to Section 12 of the OCS Lands Act, 43 U.S.C. § 1341(a)
Alaska	Majority of Beaufort Sea Planning Area and the Northern Bering Sea Climate Resilience Area	December 20, 2016 (reinstated January 20, 2021)	Unavailable for OCS oil and gas leasing, pursuant to Section 12 of the OCS Lands Act, 43 U.S.C. § 1341(a)
Alaska	Nearshore area of Beaufort Sea Planning Area not previously withdrawn	March 13, 2023	Unavailable for OCS oil and gas leasing, pursuant to Section 12 of the OCS Lands Act, 43 U.S.C. § 1341(a)
Atlantic	Northeast Canyons and Seamounts Marine National Monument	September 15, 2016	Unavailable for OCS oil and gas leasing, pursuant to designation under the Antiquities Act (54 U.S.C. § 320301)
Atlantic	Atlantic Canyons (portions of Mid- and North Atlantic planning areas)	December 20, 2016 (reaffirmed January 20, 2021)	Unavailable for OCS oil and gas leasing, pursuant to Section 12 of the OCS Lands Act, 43 U.S.C. § 1341(a)
Atlantic	Portion of the Mid-Atlantic Planning Area	September 25, 2020	Unavailable for oil and gas OCS leasing, from July 1, 2022, to June 30, 2032, pursuant to Section 12 of the OCS Lands Act, 43 U.S.C. § 1341(a)
GOM and Atlantic	Majority of the Eastern GOM and a portion of the Central GOM, Straits of Florida, South Atlantic planning areas	September 8, 2020	Unavailable for oil and gas OCS leasing, from July 1, 2022, to June 30, 2032, pursuant to Section 12 of the OCS Lands Act, 43 U.S.C. § 1341(a)

Key: GOM = Gulf of Mexico

4.2.1 National Marine Sanctuaries

The National Marine Sanctuaries Act (16 U.S.C. § 1431 et seq.) was enacted in 1972 and is the legislative mandate that governs the National Oceanic and Atmospheric Administration's (NOAA) Office of National Marine Sanctuaries and the National Marine Sanctuary (NMS) System. Under the Act, the Secretary of Commerce is authorized to designate and manage areas of the marine environment as NMSs. Such designation is based on attributes of special national significance, including conservation, recreation, ecological, historical, scientific, cultural, archaeological, educational, or aesthetic qualities.

Whole OCS lease blocks and portions of these blocks that lie within the boundaries of the NMSs designated prior to July 14, 2008, are withdrawn from disposition for leasing. Additionally, rules and regulations governing the designation and management of a specific NMS may restrict or prohibit certain activities within the sanctuary, such as leasing, exploration, and production of oil and gas resources. Additional information can be found in BOEM's OCS regulatory framework document at https://www.boem.gov/OCS-Regulatory-Framework/. There are no NMSs in the Alaska Region. The Pacific Region includes the Olympic Coast, Greater Farallones, Cordell Bank, Monterey Bay, and Channel Islands NMSs. The GOM Region includes the Flower Garden Banks and Florida Keys NMSs. The Atlantic Region includes the Stellwagen Bank, Gray's Reef, and Monitor NMSs.

4.2.2 North Aleutian Basin Planning Area

There was one lease sale in the North Aleutian Basin in 1986 with 23 leases issued in 1988 after litigation resolution concerning the lease sale. However, those leases were relinquished in the subsequent 1995 settlement. There has been no exploratory activity and there are no existing leases in this area. One lease sale was scheduled for this area in the 2007–2012 Program. However, pursuant to Section 12(a) of the OCS Lands Act, the area was withdrawn from leasing consideration through June 30, 2017, by President Obama on March 31, 2010. While a lease sale was included in the original 2007–2012 National OCS Program, it was not included in the revised version (published in December 2010) that followed the remand by the District of Columbia Circuit Court of Appeals (see Section 2.7 for further information).

Pursuant to Section 12(a) of the OCS Lands Act, 43 U.S.C. 1341(a), in March 2014, President Obama withdrew the Bristol Bay area of the North Aleutian Basin, and then on December 16, 2014, he revoked the March decision and withdrew the entire North Aleutian Basin Planning Area, including Bristol Bay, from future leasing consideration for a period without specific expiration (see Figure 1-1).

4.2.3 Chukchi Sea and Beaufort Sea Planning Areas

Pursuant to Section 12(a) of the OCS Lands Act, 43 U.S.C. § 1341(a), on December 20, 2016, President Obama withdrew the entire Chukchi Sea Planning Area and the majority of the Beaufort Sea Planning Area in the Alaskan Arctic from future oil and gas leasing consideration for a period without specific expiration (Figure 4-2). On April 28, 2017, President Trump issued E.O. 13795, in an attempt to rescind this withdrawal in Alaska and retain only those withdrawals for the North Aleutian Basin and NMSs that were designated as of July 14, 2008.

On May 3, 2017, several environmental groups filed suit in the U.S. District Court for Alaska (*League of Conservation Voters et al. v. Trump*) claiming that the OCS Lands Act does not authorize the President to reverse a prior withdrawal made under Section 12 of the Act. On March 29, 2019, the Alaska District Court issued a decision on this case, vacating Section 5 of E.O. 13795, and effectively leaving in place the 2016 withdrawals of OCS areas by President Obama. Under President Trump, the U.S. appealed that decision to the Ninth Circuit Court of Appeals.

On January 20, 2021, President Biden issued E.O. 13990, reinstating the December 20, 2016, withdrawals, thereby restoring the original withdrawal of the entire Chukchi Sea Planning Area and the majority of the Beaufort Sea Planning Area. On April 13, 2021, the Ninth Circuit Court of Appeals declared the appeal moot and remanded the case to the District Court for dismissal. The District Court dismissed the case on April 16, 2021.

On March 13, 2023, President Biden issued a memorandum withdrawing the nearshore area in the Beaufort Sea Planning Area pursuant to Section 12(a) of the OCS Lands Act, 43 U.S.C. § 1341(a), that had not been previously withdrawn.

4.2.4 Northern Bering Sea Climate Resiliency Area

Pursuant to Section 12(a) of the OCS Lands Act, on December 20, 2016, President Obama created the Northern Bering Sea Climate Resiliency Area, withdrawing from oil and gas leasing consideration the area encompassing the Norton Basin Planning Area and the OCS lease blocks within the St. Matthew-Hall Planning Area lying within 25 nm of St. Lawrence Island (see Figure 4-3). On April 28, 2017, President Trump issued E.O. 13795, reducing existing Presidential withdrawals in Alaska to include only those for the North Aleutian Basin and NMSs that were designated as of July 14, 2008. This area was likewise subject to the May 3, 2017, litigation, and subsequent decision to vacate the portion of the order removing the withdrawal.

On January 20, 2021, President Biden issued E.O. 13990, reinstating the December 20, 2016, withdrawals, thereby restoring the original withdrawal of the Northern Bering Sea Climate Resiliency Area.

4.2.5 Northeast Canyons and Seamounts Marine National Monument

The Northeast Canyons and Seamounts Marine National Monument was established by Presidential Proclamation on September 15, 2016, pursuant to the Antiquities Act (54 U.S.C. § 320301). Exploring for, developing, or producing oil and gas or minerals, or undertaking any other energy exploration or development activities within the monument, is prohibited.

4.2.6 Atlantic Canyons

Pursuant to Section 12(a) of the OCS Lands Act, on December 20, 2016, President Obama withdrew, for a period without specific expiration, the areas of the OCS associated with 26 major canyons and canyon complexes offshore the Atlantic Coast lying within the North Atlantic and Mid-Atlantic planning areas.

E.O. 13795, issued by President Trump on April 28, 2017, attempted to rescind the withdrawal of the canyons. This area was likewise subject to the May 3, 2017, litigation and subsequent decision to vacate the portion of the order removing the withdrawal.

On January 20, 2021, President Biden issued E.O. 13990, reinstating the December 20, 2016, withdrawals, thereby restoring the original withdrawal of the Atlantic Canyons.

4.2.7 Majority of the Eastern GOM and a Portion of the Central GOM; Straits of Florida; South Atlantic

On December 20, 2006, President George W. Bush signed GOMESA into law. GOMESA established a moratorium on leasing, pre-leasing, or any related activity for designated areas until June 30, 2022. However, on September 8, 2020, President Trump, using his authority under Section 12(a) of the OCS Lands Act, withdrew this area from leasing consideration for an additional 10 years, until June 30, 2032. There are existing leases in both the currently available and unavailable portions of the Eastern GOM. Those in the unavailable portion pre-date GOMESA. The GOMESA (and now withdrawal) areas are shown at https://www.boem.gov/GOMESA-Map/ and are described as follows:

- the area within 125 miles of the State of Florida in the Eastern GOM Planning Area
- the 181 Area in the Central GOM Planning Area that is within 100 miles of the State of Florida
- the area east of the Military Mission Line (86º41′ W. longitude).

4.2.8 Straits of Florida Planning Area

Pursuant to Section 12(a) of the OCS Lands Act, on September 8, 2020, President Trump withdrew this area from consideration for any leasing for purposes of exploration, development, or production during the 10-year period beginning on July 1, 2022, and ending on June 30, 2032.

4.2.9 South Atlantic Planning Area

The area was subject to Presidential withdrawal pursuant to Section 12(a) of the OCS Lands Act from 1998 to July 2008 and to Congressional leasing moratoria included in annual appropriations bills from FY 1999 through FY 2008. On September 8, 2020, President Trump withdrew this area from consideration for any leasing for purposes of exploration, development, or production during the 10-year period beginning on July 1, 2022, ending on June 30, 2032.

4.2.10 Portion of the Mid-Atlantic

The area was subject to Presidential withdrawal pursuant to Section 12(a) of the OCS Lands Act from June 1998 to July 2008 and to Congressional leasing moratoria included in annual appropriations bills from FY 1999 through FY 2008. Pursuant to Section 12(a) of the OCS Lands Act, on September 25, 2020, President Trump withdrew a large portion of the planning area from consideration for any leasing for purposes of exploration, development, or production during the 10-year period beginning on July 1, 2022, and ending on June 30, 2032. A map depicting this area is available at https://www.boem.gov/oil-gas-energy/leasing/areas-under-restriction.

4.3 Areas Formerly Restricted from OCS Oil and Gas Leasing

Several OCS planning areas were formerly restricted from OCS oil and gas leasing activities but are currently not subject to either Congressional or Presidential restrictions on new leasing.

4.3.1 Washington/Oregon Planning Area

The area was under Congressional leasing moratoria included in annual appropriations bills from FY 1991 through FY 2008, and under Presidential withdrawal from June 1990 to July 2008.

4.3.2 Northern California Planning Area

The area was under Congressional leasing moratoria included in annual appropriations bills from FY 1982 through FY 2008, and under Presidential withdrawal from 1990 to July 2008.

4.3.3 Central California Planning Area

The area was under Congressional leasing moratoria included in annual appropriations bills from FY 1991 through FY 2008, and under Presidential withdrawal from 1990 to July 2008.

4.3.4 Southern California Planning Area

Much of the area was under Congressional leasing moratoria included in annual appropriations bills for new lease sales from FY 1985 through FY 2008, and under Presidential withdrawal from 1990 until July 2008.

4.3.5 Mid-Atlantic Planning Area

The area was subject to Presidential withdrawal pursuant to Section 12(a) of the OCS Lands Act from June 1998 to July 2008, and to Congressional leasing moratoria included in annual appropriations bills from FY 1999 through FY 2008.

4.3.6 North Atlantic Planning Area

This planning area was under Congressional leasing moratoria included in annual appropriations bills from FY 1984 through 2008, and under Presidential withdrawal pursuant to Section 12(a) of the OCS Lands Act from 1990 through July 18, 2008. Additional detail on the current withdrawals (Northeast Canyons and Seamounts Marine National Monument, and the Atlantic Canyons area) within this planning area are provided in Section 4.2.5 and Section 4.2.6.

The northern section of this planning area is adjacent to the offshore waters of the Canadian province of Nova Scotia, where there are existing exploratory oil and gas permits. However, some of those abutting the U.S.-Canada boundary are within the Georges Bank Prohibited Zone, as declared by Canada and Nova Scotia governments, where no activity can occur in Canadian waters through the end of 2032.

4.4 Alaska Region Planning Areas

The Alaska Region is the largest OCS Region, covering more than 1 billion acres, with water depths ranging from less than 10 feet to more than 25,000 feet. The Alaska OCS is composed of 15 planning areas surrounding the state (see Figure 1-1). Lease sales have been held in eight different planning areas over the years, the most recent of which was held in December 2022 in the Cook Inlet Planning Area (Lease Sale 258).

> Since 1976, the Alaska Region has issued almost 2,400 leases resulting in more than 12 million acres leased and generating $9.2 billion of revenue for the U.S. government. As of August 2023, there are a total of 20 active ~~leases, with six in the Beaufort~~ Sea and 14 in the Cook Inlet planning areas.

Commented [KH3]: Reviewer's note: Leasing statistics and other evolving information, including maps, will be updated prior to publication. Highlighting will remain until then.

As of April 2023, there were a total of 20 existing Federal leases in Alaskan planning areas, with 6 in the Beaufort Sea Planning Area and 14 in the Cook Inlet Planning Area. Federal production is occurring in a joint Federal/state unit known as Northstar in the Beaufort Sea Planning Area. Four of the planning areas—Aleutian Arc, Aleutian Basin, Bowers Basin, and

St. Matthew-Hall—have been determined to have negligible oil and gas resource potential. Only one Alaska program area, the Cook Inlet, is analyzed in this PFP document.

Figure 4-2 through Figure 4-5 show the leasing history in each area. Outside of the Beaufort Sea and Cook Inlet, there is little, if any, existing oil and gas infrastructure and activity offshore Alaska. See Chapter 5 for information on the oil and gas resource potential in Alaska. Figure 11-3 shows the general position on OCS oil and gas production stated by the Governor of Alaska in comments on the Proposed Program. Figure 4-6 shows the number of wells drilled per year in the Alaska Region.

Figure 4-2: Beaufort and Chukchi Seas Planning Areas Leasing History

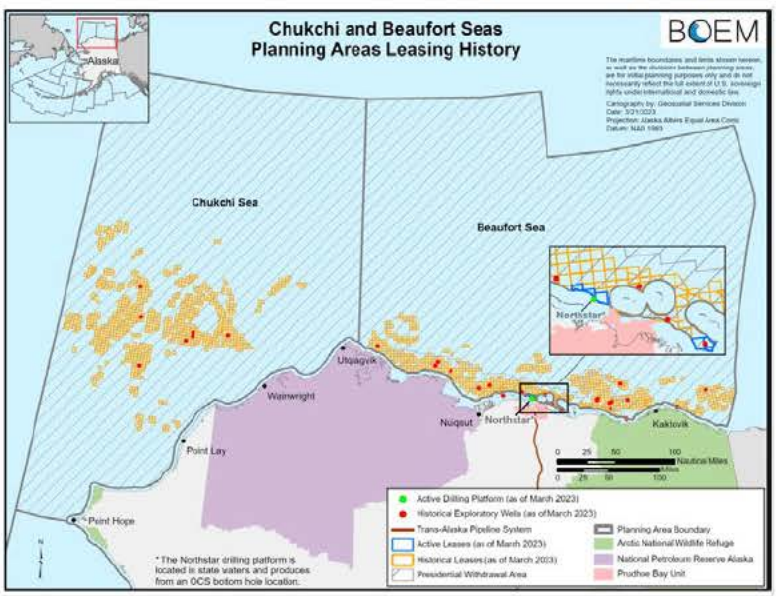


Figure 4-3: Western Alaska Planning Areas Leasing History

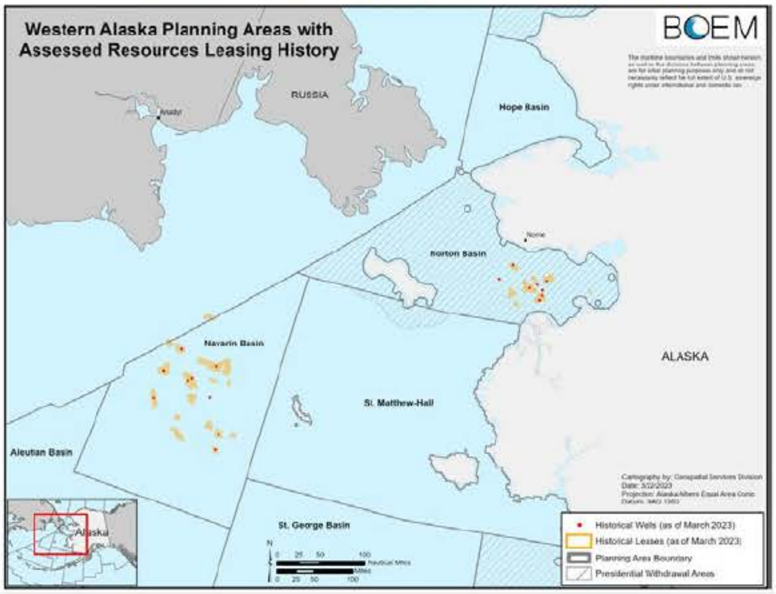


Figure 4-4: Southwestern Alaska Planning Areas Leasing History

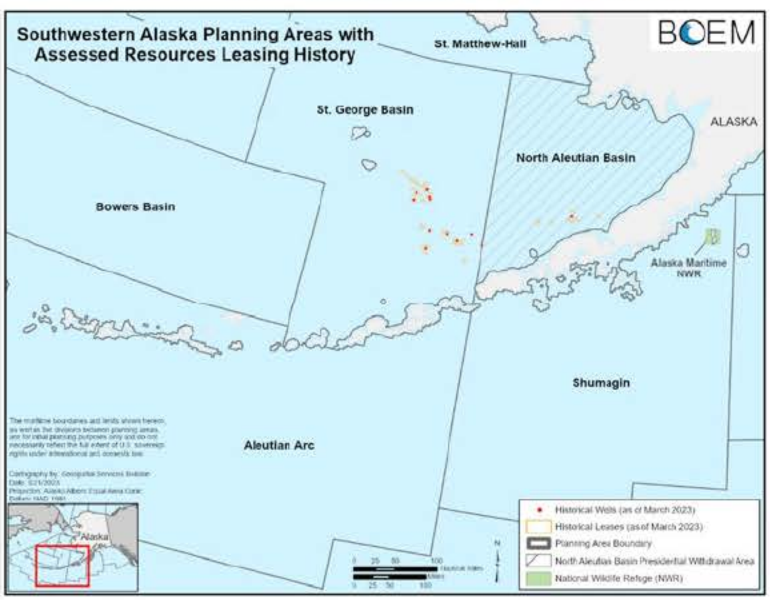


Figure 4-5: Southeastern Alaska Planning Areas Leasing History

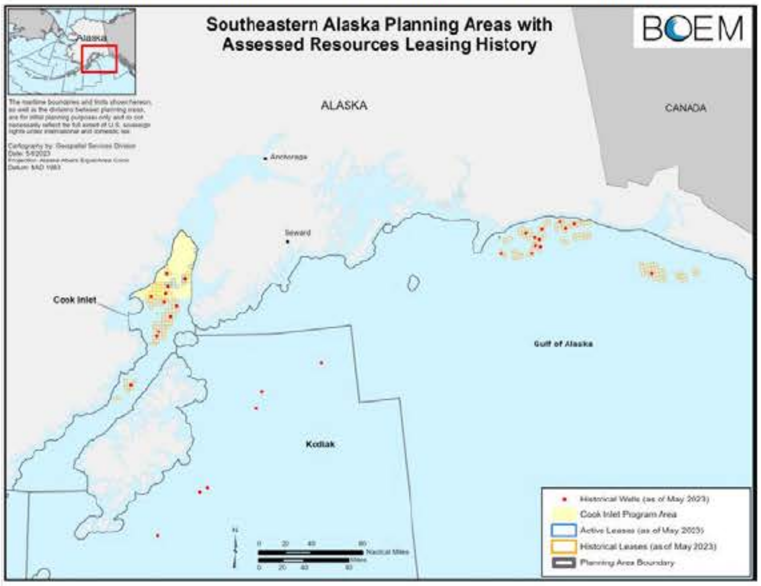
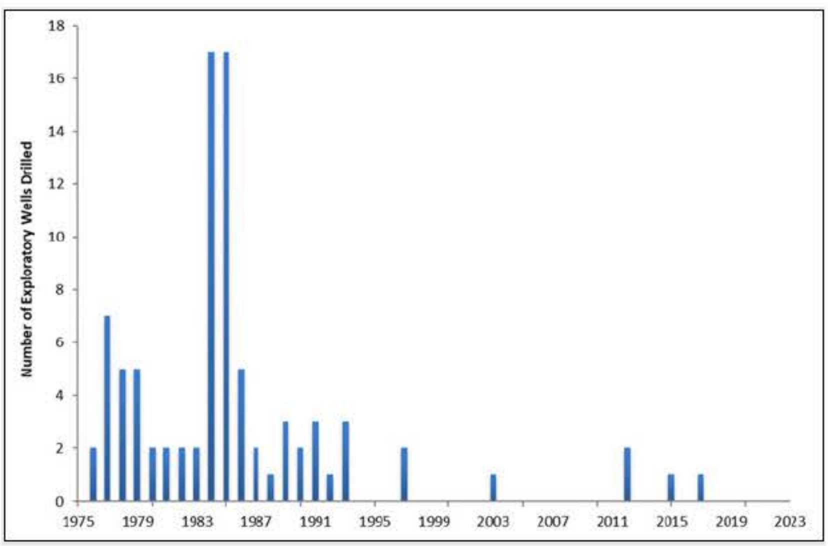


Figure 4-6: Number of OCS Exploratory Wells Drilled per Year in the Alaska Region, 1975–2023



4.4.1 Beaufort Sea Planning Area

Ten lease sales have been held in this area since 1979. One lease sale was scheduled in the 2012–2017 Program but was subsequently cancelled on October 16, 2015, due to existing market conditions. One lease sale was planned in the 2017–2022 Proposed Program but was subsequently removed in the 2017–2022 PFP decision.

In October 2018, BOEM approved an oil and gas development and production plan in the Beaufort Sea associated with the Liberty Project. The Ninth Circuit's ruling in Center for Biological Diversity v. Bernhardt, 982 F.3d 723 (2020) vacated the approval and remanded the action to BOEM. On December 26, 2019, BSEE issued a suspension for the three leases constituting the Liberty Unit. This suspended status was renewed in 2021 for a period of up to 3 years. On May 9, 2022, the operator for Liberty informed BOEM that it would provide an amendment to the development and production plan after it updates the oil spill response plan.

As of June 2023, there were six existing OCS leases in the Beaufort Sea Planning Area. Thi ty-one exploratory and seven development wells have been drilled.[19] The most recently drilled wells were drilled in 2015 and 2017. In preparation for the proposed 2019 Beaufort Sea Lease Sale, as included in the DPP lease sale schedule, BOEM published a Call on March 30, 2018, and an NOI on November 16, 2018.[20] The State of Alaska annually holds area-wide lease sales in the adjacent state waters, and there is active production from state acreage adjacent to existing OCS leases. The most recent Beaufort Sea lease sale in state waters was in November 2022, where 11 bids were received on 9 tracts.

4.4.2 Chukchi Sea Planning Area

Three lease sales have been held in this area since 1988. Five exploratory wells were drilled prior to 1992 on leases issued in earlier lease sales; all have since been plugged and abandoned. An uneconomic gas discovery was made in 1990 in the Burger prospect and the well was plugged and abandoned. One exploration well was drilled in 2012 but was also plugged and abandoned without being drilled to total depth. In 2015, one exploration well was drilled to total depth and has been plugged and abandoned. Lease Sale 193, the most recent in this area, was held in February 2008 and was the largest lease sale in the history of Alaska OCS leasing, generating more than $2.6 billion in bonus revenues. However, all 487 leases issued in Lease Sale 193 were relinquished by the leaseholders due to lackluster drilling results and substantial litigation.

There are no existing leases in the Chukchi Sea Planning Area. One lease sale was scheduled in the 2012–2017 Program, but subsequently cancelled on October 16, 2015, due to lack of industry

[19] The 31 wells include a top-hole well drilled in 2012, which is not considered a well drilled to completion.
[20] The first lease sale scheduled in the 2019–2024 Draft Proposal was the 2019 Beaufort Sea lease sale. However, due to adjustments in timing to the National OCS Program, that sale did not occur.

interest and existing market conditions. One lease sale was scheduled in the 2017–2022 Proposed Program but was removed in the 2017–2022 PFP decision.

4.4.3 Hope Basin Planning Area

No lease sales have been held in the Hope Basin Planning Area. The area was included in the 1997–2002 Program as a simultaneous U.S./Russia OCS lease sale, but that sale was cancelled. Subsequently, this area was included in the 2002–2007 Program as a special interest lease sale, meaning that multiple Calls would be issued to determine if there was interest in a sale, in conjunction with the Chukchi Sea Planning Area. However, no interest was expressed for the Hope Basin in response to three Calls issued during the 2002–2007 Program timeframe, so the sale was cancelled.

4.4.4 Norton Basin Planning Area

One lease sale was held in 1983 in Norton Basin. Six exploratory wells have been drilled with no commercial discoveries. There are no existing leases. The area was included in the 2002–2007 Program as a special interest lease sale. Four Calls were issued with no expressions of interest, so no sale was held.

4.4.5 Navarin Basin Planning Area

One lease sale was held in 1983 in the Navarin Basin. Eight exploratory wells were drilled with no commercial discoveries. There are no existing leases and the area has not been included in an approved lease sale schedule since the 1987–1992 Program.

4.4.6 St. George Basin Planning Area

One lease sale was held in 1983 in the St. George Basin Planning Area (Figure 4-4). Ten exploratory wells were drilled, with no commercial discoveries. There are no existing leases in this area. One lease sale was scheduled in the 1992–1997 Program, but it was cancelled. The area has not been included in a proposed lease sale schedule since that National OCS Program.

4.4.7 Cook Inlet Planning Area

There have been six lease sales in this area since 1977 (Figure 4-5). Prior to the most recent sale, there were 14 existing leases in the planning area, all of which were issued in Lease Sale 244 held June 21, 2017. As of April 2023, a completed exploration plan has not been submitted for these leased areas. Secretary Haaland decided to not hold Lease Sale 258, scheduled as part of the 2017–2022 National OCS Program, due to lack of industry interest in the area. However, as directed by the IRA, BOEM held Cook Inlet Lease Sale 258 on December 30, 2022. One bid was received on one block. The bid, in the amount of $63,983, was submitted by Hilcorp Alaska, LLC;

the lease was issued in March 2023 and is now active. Thirteen exploratory wells have been drilled on leases issued through earlier sales with no commercial discoveries to date.

The upper Cook Inlet is a mature basin in which extensive exploration and development in state submerged lands have occurred during the past 40 years. The State of Alaska schedules annual area-wide lease sales in state submerged lands, the most recent of which was held in December 2022, with six bids received on six tracts. Existing infrastructure in the upper portion of Cook Inlet includes 17 platforms in state waters, associated oil and gas pipelines, and onshore drill pads, processing facilities, and support facilities.

4.4.8 Gulf of Alaska Planning Area

Three lease sales were held from 1976 to 1981 in the Gulf of Alaska. Twelve exploratory wells were drilled, but no commercial discoveries were found. The lease sale scheduled in the 1997–2002 Program was cancelled, primarily due to low oil and gas prices and low industry interest. There are no existing leases in this planning area.

4.4.9 Other Alaska Planning Areas with No Historical Lease Sales

The following planning areas have had no lease sales and no wells have been drilled:

- Aleutian Arc
- Aleutian Basin
- Bowers Basin
- Hope Basin
- Kodiak
- Shumagin
- St. Matthew-Hall.

4.5 Pacific Region Planning Areas

The Pacific OCS planning areas encompass more than 248 million acres and include the Pacific offshore area extending north to the Canadian border and south to the Mexican border (see Figure 1-1).[21] Pacific OCS planning areas begin 3 miles offshore and extend seaward to approximately 200 nm, with water depths

> Since 1963 in the Pacific Region, there have been 476 OCS blocks leased covering more than 2.5 million acres and generating $4.2 billion in high bids. As of August 2023, there are 30 active leases in the Southern California Planning Area, covering more than 150,000 acres.

[21] Administratively, the Pacific Region includes the State of Hawaii. However, for the National OCS Program analysis purposes, the Pacific Region only includes the four planning areas adjacent to the U.S. West Coast.

ranging from approximately 30 feet to more than 17,500 feet.

For purposes of the National OCS Program, the Pacific Region is comprised of four planning areas: Washington/Oregon, Northern California, Central California, and Southern California. Lease sales have been held in all four planning areas; the most recent of which was held in the Southern California Planning Area in 1984 (see Figure 4-7 and Figure 4-8). As of April 2023, there are 30 existing leases and 23 platforms, with six platforms in the process of being decommissioned, all of which are in the Southern California Planning Area. See Chapter 5 for information on the Pacific Region oil and gas resource potential.

4.5.1 Washington/Oregon Planning Area

One lease sale was held in 1964 in the Washington/Oregon Planning Area. Twelve exploratory wells were drilled, with no commercial discoveries. The Olympic Coast NMS overlies parts of the areal extent of three geologic plays containing assessed hydrocarbon resources within the Washington/Oregon Planning Area.

4.5.2 Northern California Planning Area

One lease sale was held in 1963 in Northern California. Seven exploratory wells were drilled, with no commercial discoveries. An NMS overlies parts of the areal extent of nine geologic plays containing assessed hydrocarbon resources within the Northern California Planning Area.

4.5.3 Central California Planning Area

One lease sale was held in 1963 in Central California. Twelve exploratory wells were drilled, with no commercial discoveries. Most of the OCS closest to the coast is designated as NMSs and the boundaries of the NMSs as they existed on July 14, 2008, are under Presidential withdrawal for a period without specific expiration. The NMSs overlie parts of the areal extent of nine geologic plays containing assessed hydrocarbon resources within the Central California Planning Area (see Figure 4-8).

Figure 4-7: Washington/Oregon and Northern California Planning Areas Leasing History

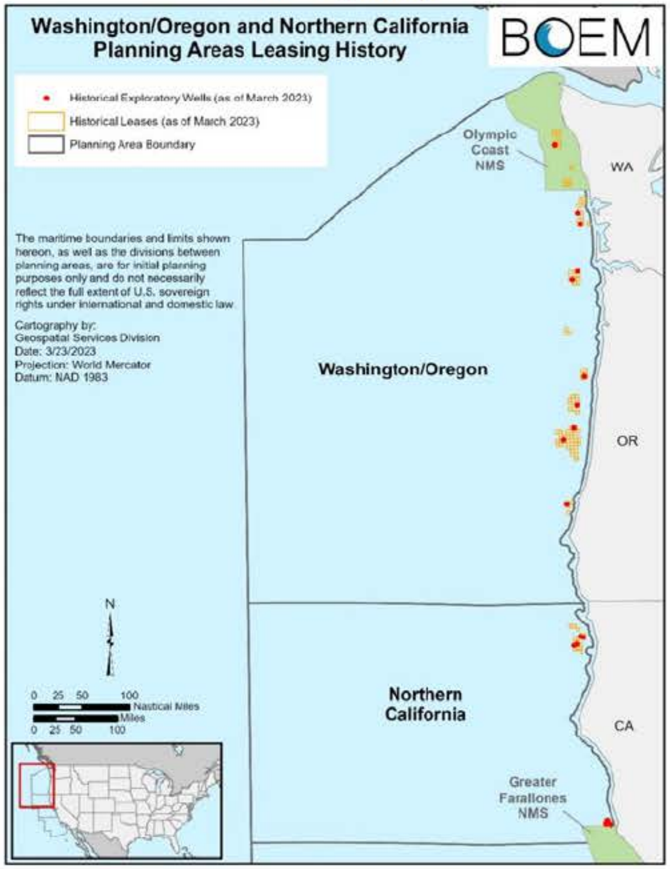
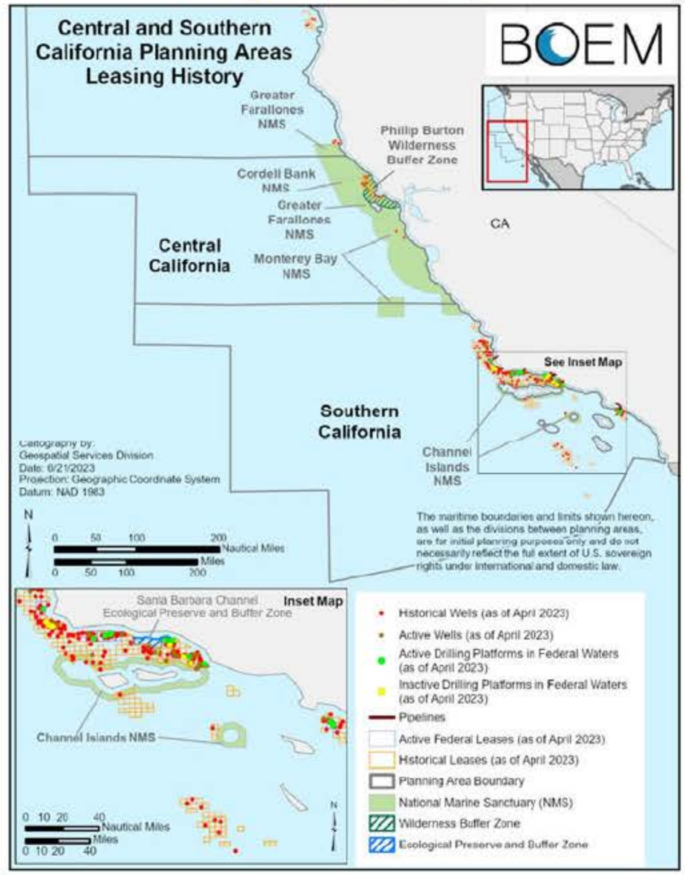


Figure 4-8: Central and Southern California Planning Areas Leasing History



4.5.1 Southern California Planning Area

Ten lease sales were held from 1963 through 1984 in Southern California. More than 1,500 exploratory and development wells have been drilled. As of July 2023, there are 30 active oil and gas leases, 14 of which are producing.[22] On October 12, 2022, BSEE announced the availability of the *Draft Programmatic Environmental Impact Statement for Oil and Gas Decommissioning Activities on Pacific Outer Continental Shelf (Decommissioning Draft Programmatic EIS)*. Release of the Decommissioning Draft Programmatic EIS initiated a 45-day public comment period to solicit further input from industry and the public relating to the decommissioning of facilities, pipelines, and other equipment or obstructions in accordance with governing regulations and lease conditions.

BOEM is assisting BSEE in preparing the environmental analysis for the Decommissioning Draft Programmatic EIS and will maintain information about the Programmatic EIS on the project website, but has no role in approving the decommissioning activities. Twenty-three California OCS oil and gas platforms, all installed between the late 1960s and 1990, are subject to eventual decommissioning.

Commented [AS4]: Publication of Final PEIS expected May/June 2023 per the Pacific's webpage. This text will be updated as needed prior to publication of this document.

Commented [KH5R4]: Sent to Parker to check on Aug 15.

There are producing leases in state waters, although no new state leases have been issued since 1969.

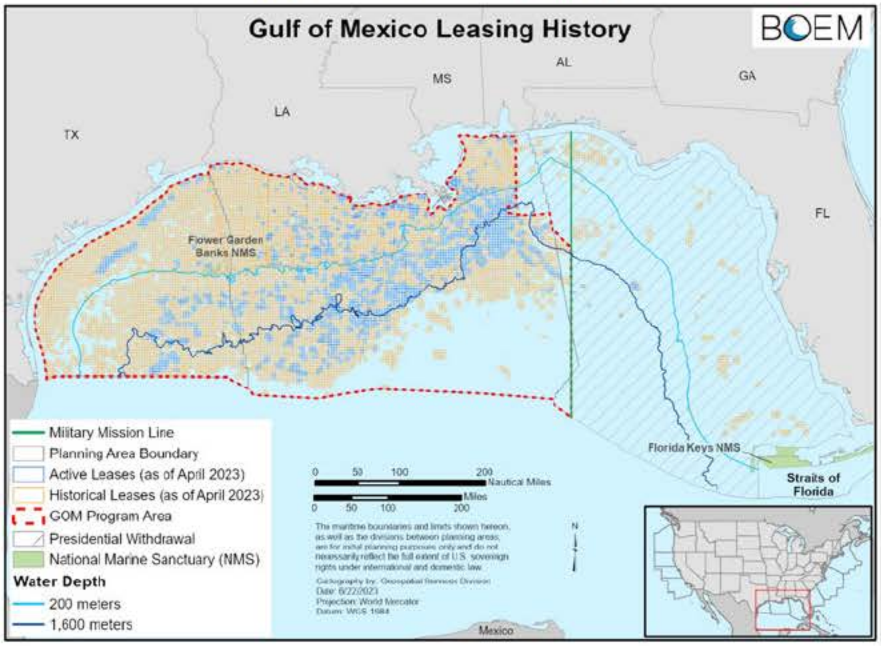
4.6 Gulf of Mexico Region Planning Areas

Since 1954 in the GOM Region, there have been almost 28,000 tracts leased, covering more than 146 million acres and generating $67 billion in high bids. As of April 2023, there are a total of 2,095 active leases in the GOM Region.

The GOM Region is on the southern margin of the U.S. and contains approximately 160 million acres in three planning areas: the Western, Central, and Eastern GOM planning areas (see Figure 4-9). Water depths range from less than 30 feet to greater than 11,000 feet. The Western and Central GOM planning areas are the most mature and active of all 26 OCS planning areas, with extensive existing infrastructure and production having been underway for more than 60 years. The Western and Central GOM planning areas, consisting of the OCS offshore Alabama, Mississippi, Louisiana, and Texas, remain the primary offshore source of oil and gas for the U.S., generating about 99% of all OCS oil and gas production. This high level of production and activity is supported by an oil and gas industry that includes hundreds of large and small companies, and an expansive onshore network of coastal infrastructure.

[22] A producing lease is an active lease that has produced product (i.e., oil or gas, or both). A non-producing lease is an active lease that has not produced product. However, there can be a difference in the definition for producing and non-producing leases between BOEM and ONRR (i.e., time lag, fiscal versus calendar year, etc.) because of different purposes in collecting data (i.e., operations versus revenue collection).

Figure 4-9: GOM Region Leasing History



Annual planning area-wide lease sales in these two areas had been typical for the past 30 years. The 2017–2022 Program instituted semi-annual, region-wide lease sales in the Western, Central, and Eastern GOM planning areas. As of April 2023, there was a total of 2,095 existing Federal leases in all three planning areas. For information on offshore renewable energy and marine minerals activity in the GOM, refer to Chapter 7.

The geology of the GOM basin and the complexity and abundance of its salt structures provides the setting that makes the GOM one of the richest oil and natural gas regions in the world. The greatest undiscovered resource potential in the OCS is forecast to exist in the deep and ultra-deep waters of the GOM.

There have been more than 100 lease sales in the GOM Region since 1954. There is commercial production in the Western and Central GOM planning areas, but as of April 2023, no commercial production has occurred from leases anywhere in the Eastern GOM Planning Area. See Chapter 5 for geologic play maps and a discussion of estimated oil and gas resources by planning area.

Internationally, the U.S. and Mexico signed the *Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico* (Agreement) in February 2012. It entered into force in July 2014. The Agreement sets out a framework for cooperating on joint exploration and exploitation of geological hydrocarbon structures and reservoirs that extend across the maritime boundary of the U.S. and Mexico, and the entirety of which are beyond 9 nautical miles from the coastline.

Accordingly, the U.S. and Mexico notify each other of planned activities within 3 statute miles of the delimitation line. Mexico made constitutional amendments in December 2013, followed by legislation in August 2014, which opened oil and natural gas markets to foreign investments, including from entities that are active in the GOM. The first leases in the area covered by this Agreement on the U.S. side were issued from Western GOM Lease Sale 238, held in August 2014. The opening of Mexican waters could provide for long-term expansion of U.S.-Mexico energy trade and opportunities for U.S. companies, but also could result in a short- or longer-term shift in investment focus to the Mexican waters from the OCS.

4.6.1 Western Gulf of Mexico Planning Area

As of April 2023, there were approximately 304 existing leases in the Western GOM Planning Area. More than 7,800 wells have been drilled. Region-wide Lease Sale 257 was held on November 17, 2021, but was vacated by the U.S District Court for the District of Columbia.[23] However, as directed by the IRA, BOEM accepted 307 high bids for Lease Sale 257 and issued leases on September 14, 2022. The final two GOM region-wide lease sales scheduled in the 2017–2022 National OCS Program, Lease Sales 259 and 261, did not advance prior to the expiration of the 2017-2022 Program due to delays from factors including conflicting court rulings that impacted work on these proposed lease sales. However, as directed by the IRA, BOEM held Lease Sale 259 on March 29, 2023, which generated $263,801,783 in high bids for 313 tracts covering 1.6 million acres in the GOM. The IRA also directed BOEM to hold Lease Sale 261 by September 30, 2023. BOEM has proposed holding Lease Sale 261 on September 27, 2023. The State of Texas administers an oil and gas program in state submerged lands adjacent to this area.

4.6.2 Central Gulf of Mexico Planning Area

As of April 2023, there were approximately 1,778 existing leases in the Central GOM Planning Area. More than 44,000 wells have been drilled. As described above, Lease Sale 259 was the most recent lease sale in this area. Lease Sale 261 will be held, as directed by the IRA, by September 30, 2023. The states of Louisiana and Alabama administer oil and gas programs in state submerged lands adjacent to this area. There are currently no Mississippi state submerged lands leases.

[23] On January 27, 2022, the U.S. District Court for the District of Columbia vacated Sale 257 because the Court found a deficiency in the NEPA documentation for the sale. *Friends of the Earth v. Haaland*, 583 F.Supp.3d 113, 162 (D.D.C. 2022). On April 28, 2023, the U.S. Circuit Court for the District of Columbia Circuit vacated the decision of the District Court as moot given passage of the IRA requiring the Department to issue the Sale 257 leases. *Friends of the Earth v. Haaland*, Op. No. 22-5036 (D.C. Cir. Apr. 28, 2023).

4.6.3 Eastern Gulf of Mexico Planning Area

As of June 2022, there were 13 existing leases in this area. Twenty-two lease sales have been held in this planning area as it has been configured over the years and more than 100 wells drilled, with significant discoveries of natural gas. However, there has been no commercial production in the planning area. Lease Sale 224 in March 2008, a sale mandated by GOMESA, resulted in leases awarded for 36 OCS blocks with bonuses totaling $64.7 million.

As described above, Lease Sale 259 was the most recent lease sale in the portion of the area not subject to Presidential withdrawal. Lease Sale 261 will be held, as directed by the IRA, by September 30, 2023.

4.7 Atlantic Region Planning Areas

Since 1959 in the Atlantic Region, there have been 433 tracts and almost 2.5 million acres leased for oil and gas development, generating more than $2.8 billion in high bids. As of August 2023, there are no active leases in the Atlantic Region.

The Atlantic OCS encompasses nearly 270 million acres and includes the Atlantic offshore area extending north to Canada, and south to the offshore territorial waters of Cuba. The area begins 3 miles off the Atlantic Coast and extends to the EEZ and beyond, where the continental shelf extends beyond the EEZ. Water depths in the Atlantic OCS range from approximately 12 feet to more than 18,000 feet.

The Atlantic Region comprises four planning areas (North Atlantic, Mid-Atlantic, South Atlantic, and the Straits of Florida) that have undergone numerous boundary changes over the years. There have been 10 Federal oil and gas lease sales throughout this region, the most recent of which was held in 1983 (see Figure 4-10 and Figure 4-11). A total of 433 leases were issued in the Atlantic, but there have been no active oil and gas leases since the mid-1990s. Although 51 wells were drilled, there has been no hydrocarbon production from the Atlantic OCS.

4.7.1 Straits of Florida Planning Area

From 1960–1961, three exploratory wells were drilled, with no commercial discoveries. As of May 2 , there are no existing oil and gas leases and the area has not been included in a National OCS Program since the 1987–1992 Program.

There are historic wells and existing exploratory licenses offshore Cuba and the Commonwealth of the Bahamas in the waters adjacent to this planning area. While drilling activity has been nearly non-existent for the past 35 years, in 2020, a prospective well was spudded offshore the Bahamas' northern territorial waters. Although highly anticipated, the well failed to show commercially viable volumes of hydrocarbon resources.

Figure 4-10: South Atlantic and Straits of Florida Planning Areas Leasing History

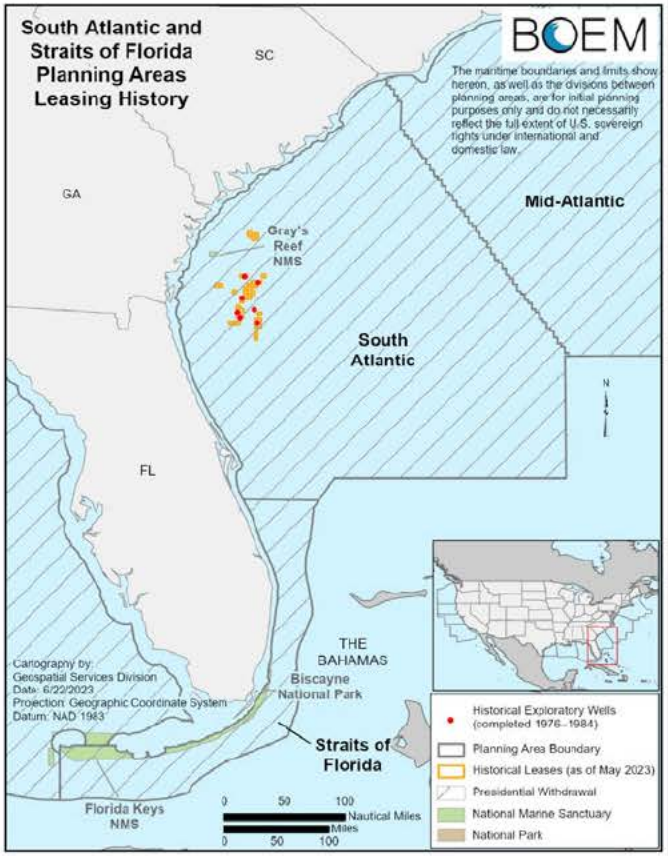
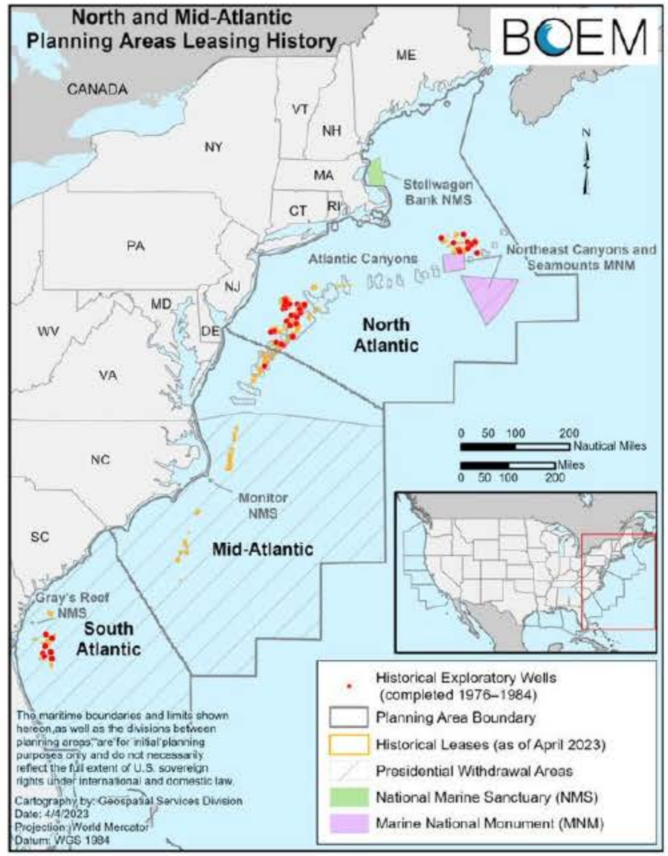


Figure 4-11: North and Mid-Atlantic Planning Areas Leasing History



Licensing rounds in the Caribbean region have been relatively scarce. Most recently (June 2019), Cuba announced a Licensing Round for Offshore Blocks in the Cuban EEZ of the GOM. This licensing round called on oil companies interested in exploration and exploitation activities in the Cuban EEZ to present offers for one or more blocks under Production Sharing Agreements. Cuba offered 24 blocks in its 2020 License Round, but the round failed to garner interest, and no licenses were issued. The timing of additional leasing and drilling activity in the area remains uncertain.

4.7.1 South Atlantic Planning Area

Between 1979 and 1980, seven exploratory wells were drilled in the current planning area with no commercial discoveries. As of May 2023, there are no existing oil and gas leases.

This planning area was analyzed in the Atlantic G&G Programmatic EIS and the Draft Programmatic EIS for the 2017–2022 Program. A potential lease sale for a portion of this planning area was included in the 2017–2022 DPP decision, but subsequently removed in the 2017–2022 Proposed Program decision.

4.7.2 Mid-Atlantic Planning Area

In 1984, one exploratory well was drilled in the current planning area, with no commercial discoveries. There are no existing oil and gas leases. A special interest lease sale for an area offshore Virginia was scheduled for 2011 in the 2007–2012 Program; however, the lease sale was cancelled by Secretary Salazar in May 2010. This planning area was analyzed in the Atlantic G&G Programmatic EIS and the Draft Programmatic EIS for the 2017–2022 Program.

A potential lease sale for a portion of this planning area was included in the 2017–2022 DPP decision, but subsequently removed in the 2017–2022 Proposed Program decision.

4.7.3 North Atlantic Planning Area

Between 1976 and 1984, 43 exploratory wells were drilled in the currently configured planning area with no commercial discoveries. There are no existing oil and gas leases.

Chapter 5 Valuation of Program Areas

This chapter provides information on the valuation of program areas and considers economic, environmental, and social value, as required by Section 18(a)(1). Taking into account the lease sale schedule included in the Secretary's Second Proposal, the analysis provides valuable information for the Secretary to consider when balancing the factors under Section 18(a)(3) of the OCS Lands Act.

This chapter first provides information on how BOEM estimates hydrocarbon resources and then provides information on BOEM's E&D scenarios. These scenarios provide a range of oil and gas production and associated activities that could conceivably occur if leasing were to take place. BOEM then uses these scenarios in Section 5.3 to estimate the net benefits associated with the potential activities. The E&D scenarios and net benefits analysis assume that industry will explore for, and develop, economically recoverable oil and gas resources if they are made available, but explicitly are not predictions, forecasts, or BOEM's view of what will happen.

5.1 Estimating Hydrocarbon Resources

Oil and gas resource assessments are critical components of energy policy analysis and provide important information about the relative potential of U.S. offshore areas as sources of oil and natural gas. Resource assessments provide the Secretary with information on the geological characteristics of OCS Regions, as required by Section 18(a)(2)(A) of the OCS Lands Act. For the DPP analysis, BOEM considered the amount of undiscovered economically recoverable oil and gas resources (UERR) available on unleased blocks in each of the OCS planning areas as part of the valuation and ranking process.

For the Proposed Program analysis, BOEM focused on the volume of oil and gas resources anticipated to be leased, discovered, and produced under the Draft Proposal. The PFP analysis focuses on the volume of oil and gas resources anticipated to be leased, discovered, and produced under the Second Proposal, which includes both the Cook Inlet Program Area in Alaska and the GOM Program Area. BOEM's approach to resource assessment is designed to account for the uncertainty in estimating the volume of undiscovered resources and the timing of anticipated production.

In general, uncertainty in undiscovered oil and natural gas estimates is greatest for frontier areas that have had little or no past exploratory effort (e.g., the Cook Inlet Planning Area). For areas that have been extensively explored and are in a mature development stage (e.g., the Central GOM Planning Area), many of the geological and developmental risks have been reduced and the degree of uncertainty reflected in the range of possible outcomes has been narrowed.

In conducting resource assessments, BOEM quantifies uncertainty by using ranges of values for input data that are sampled through multiple iterations of assessment model trials. Additionally, BOEM applies risk (i.e., the probability that oil and gas will not be found) to geologic plays and assessment units that do not have a proven petroleum system.

BOEM subsequently reports estimates of undiscovered technically recoverable resources (UTRR) as "risked." The information from exploratory wells in frontier areas can provide the empirical evidence necessary to determine the presence of hydrocarbons within the assessment units or geologic plays. If hydrocarbon resources are encountered, these geologic play risks would be eliminated, resulting in an increase in UTRR estimates reported by BOEM. For example, based on the *2021 National Assessment of Undiscovered Oil and Gas Resources of the Nation's Outer Continental Shelf* (BOEM 2021b) referred to as the "2021 National Assessment," the elimination of all petroleum system risk from conceptual plays on the Atlantic OCS could increase BOEM's reported UTRR in that region.

Where possible, BOEM considers recent geophysical, geological, and technological information to estimate the potential presence and amount of technically recoverable oil and gas resources on the OCS. BOEM also considers economic parameters, such as exploration and development costs and oil and gas prices, to estimate the economically recoverable resources on the OCS. Current BOEM oil and gas resource estimates are published in the 2021 National Assessment (BOEM 2021b).

The life cycle of OCS oil and gas activities often includes a multi-year process consisting of several phases. The initiation and duration of activities varies by water depth and by OCS Region, with a more rapid pace expected in mature areas like the shallow water GOM where significant oil and gas information and infrastructure already exist. Figure 5-1 depicts a schematic timeline of development activities for frontier and deepwater areas, where first production is often not achieved until 10 years or more after lease award. Once production begins, it can continue for several decades.

Figure 5-1: Oil and Gas Development Timeline for Frontier and Deepwater Areas

5.2 Introduction to Hydrocarbon Resources

Each of the OCS Regions includes geologic characteristics and petroleum system elements that provide an opportunity for the existence of oil and gas resources. These petroleum system elements are not ubiquitous across the entire OCS. Thus, the assessment of hydrocarbon resources requires geologic plays delineation, which allows for the incorporation of petroleum system elements that reflect local geologic conditions. A geologic play is a group of geologically related potential or known hydrocarbon accumulations that have a commonality of hydrocarbon generation, accumulation, and entrapment in a reservoir. BOEM defines two types of geologic plays in its resource assessment, as follows:

- established play: geologic play in which hydrocarbons have been discovered and a petroleum system has been proven to exist.
- conceptual play: geologic play in which hydrocarbons have not been discovered and the petroleum system has not been proven to exist.

Geologic plays consist of oil and gas pools, where a pool is defined as a discovered or undiscovered accumulation of hydrocarbons. In many instances, a prospect (if undiscovered) or a field (if discovered) will comprise one or more pools. A prospect or field is an area consisting of a single reservoir or multiple reservoirs all grouped on, or related to, a shared geologic structural feature or stratigraphic trap.

Figure 5-2 and Figure 5-3 show the established and conceptual geologic plays assessed in the 2021 National Assessment for the Cook Inlet and GOM, respectively. Most plays are defined based on reservoir rock stratigraphy and are delineated by the extent of the reservoir rocks; however, a few plays are defined based on structural characteristics of prospective traps. Geologic plays often spatially overlap because they exist at different depths below the seafloor and, in many cases, are stacked on top of each other in the subsurface. Therefore, the figures showing geologic play outlines do not represent the full 3-D extent of an individual geologic play. In both the Cook Inlet and GOM program areas, the entirety of the OCS contains one or more geologic plays.

5.2.1 Resource Commodities Assessed

BOEM assesses crude oil, natural gas liquids (condensate), and natural gas that exist in conventional reservoirs and are producible with conventional recovery techniques. Crude oil and condensate are reported jointly as billion barrels of oil (BBO); natural gas is reported in aggregate as trillion cubic feet (Tcf) of gas.

Oil-equivalent gas is a volume of gas expressed in terms of its energy equivalence to oil (i.e., 5,620 cubic feet of gas per barrel of oil). The combined volume of oil and oil-equivalent gas resources is referred to as barrel of oil equivalent (BOE) and is reported in units of BBO-equivalent.

Figure 5-2: Extent of Geologic Plays in the Cook Inlet Program Area

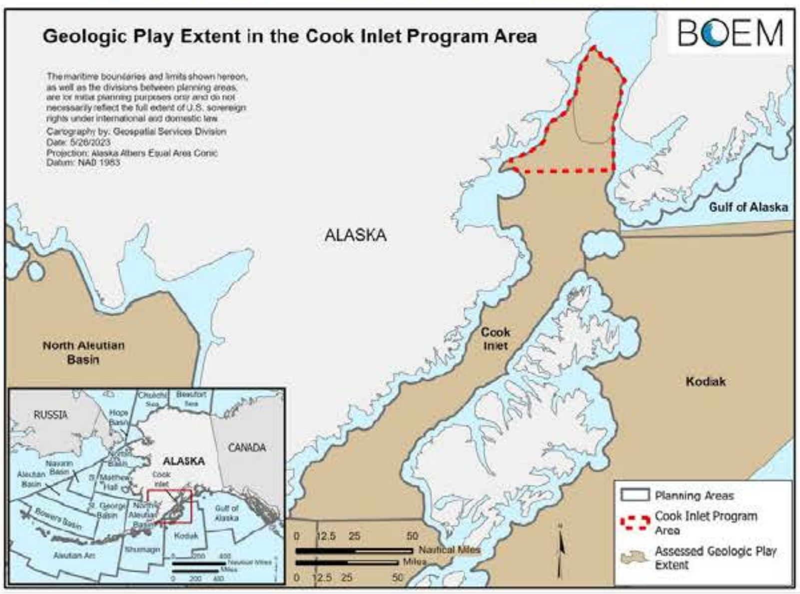
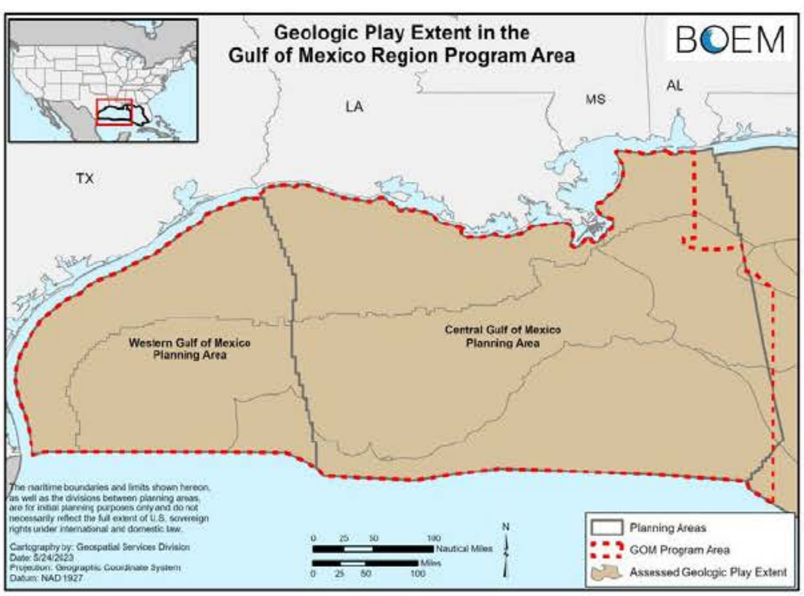


Figure 5-3: Extent of Geologic Plays in the Gulf of Mexico Region Program Area



The technically and economically recoverable resources reported by BOEM do not include potentially large quantities of hydrocarbon resources that could be recovered by enhanced recovery techniques. For example, the injection of CO_2 into an oil reservoir can increase recoverability significantly, but the technique is not currently in use on the U.S. OCS, and the economics have not been evaluated. Furthermore, these assessments do not consider gas in geopressured brines, methane hydrates, or oil and natural gas that could be present in insufficient quantities or quality (i.e., low-permeability, “tight” reservoirs) to be economically produced by conventional recovery techniques.

5.2.2 Sources of Data and Information

Estimating undiscovered oil and gas resources on the OCS is a complex process and requires the incorporation of a variety of geological, geophysical, economic, and engineering data along with the application of professional judgment. The petroleum geologic play characteristics (i.e., volumes and qualities of source rocks, reservoir rocks, and traps) are defined using play-specific information from wells, seismic reflection profiles, and analogous information from geologically similar reservoirs in other parts of the world. In areas where oil and gas production is from mature plays (such as established plays in the GOM), data and information typically are derived from producing reservoirs and fields within the play. In these cases, volumetric estimates of discovered oil and gas pools within the play are used to develop probability distributions for the size and number of undiscovered pools and fields in assessment areas.

Due to sparse data directly associated with many of BOEM’s conceptual plays, analog-based parameters are developed using professional judgment to cover the range of uncertainties associated with these plays. The analog development process includes extensive research into the geological, geophysical, geochemical, and lithological characteristics of productive oil and gas discoveries in analogous plays. Specific information analyzed within analog plays includes the style of oil and gas traps, reservoir depositional environment and lithology, reservoir age, and analysis of existing drilling and well bore information. Conceptual play models are developed using regional G&G data and global analogs.

5.2.3 Geophysical Data Collection (Seismic Surveys)

There are many types of geophysical data collected for oil and gas exploration, but the primary type collected is seismic reflection data. Seismic surveying is a method of imaging below the seafloor using sound waves. The sound source is generated using acoustic energy from air guns that release sound waves. These bursts of compressed air are reflected from rock layers below the seafloor and recorded. Geophysicists use these data to identify areas most suitable for the accumulation of hydrocarbons. Geophysical surveys are conducted subject to appropriate conditions of approval and use mitigation and monitoring measures to limit impacts on marine mammals and protected species.

Geophysical data provide important information for oil and gas resource assessments. Two-dimensional (2-D) seismic surveys often are designed to cover thousands of square miles or entire geologic basins to assess large areas for hydrocarbon potential. In contrast, 3-D surveys can focus on a few to several hundred OCS blocks and provide higher resolution to evaluate hydrocarbon potential in structurally complex areas that could be poorly imaged on 2-D seismic surveys. In general, the acquisition and processing of marine seismic data is a complex process that often requires significant time and investment measured in years and millions of dollars.

BOEM maintains an inventory of industry seismic data that includes more than 377,000 OCS blocks of 3-D coverage and 3.4 million line-miles of 2-D coverage (BOEM 2022a). The distribution of seismic data over OCS Regions is generally coincident with the maturity of existing oil and gas development in the regions. For example, more than 99% of the 3-D seismic data and approximately 70% of the 2-D seismic data on the OCS have been acquired in the GOM. BOEM publishes an annual *Geological and Geophysical Data Inventory* (BOEM 2022a), which provides information on the various types of data collected on the OCS and describes those data in the BOEM inventory.

The National OCS Program does not authorize collection of G&G data on the OCS, and its approval is not a prerequisite to collect G&G data. Existing regulations (30 CFR Part 551) govern the process for approval of G&G exploration for oil, gas, and sulphur resources on unleased OCS lands or OCS lands leased to third parties, including the issuance of permits to acquire 2-D and 3-D seismic data. Seismic data acquisition by lessees or operators on their existing oil and gas leases may be authorized as part of their lease rights (i.e., as ancillary activities) or as part of an exploration plan (e.g., for airgun surveys in the GOM).

5.2.4 Uncertainty in Resource Assessment

All methods of assessing potential quantities of technically and economically recoverable resources are efforts in quantifying a value that will not be reliably known until the resource is nearly depleted. Thus, there is considerable uncertainty intrinsic to any estimate, and resource estimates should be used as general indicators and not predictors of absolute volumes. There is uncertainty regarding, among other things, the presence and quality of petroleum source rocks, reservoir rocks, seal rocks, and traps; the timing of hydrocarbon generation, migration, and entrapment; and the location, number, and size of accumulations. The value and uncertainty regarding these petroleum geologic factors are often qualitatively expressed. However, to develop volumetric resource estimates, the value and uncertainty regarding these factors must be estimated quantitatively. Each of these factors, and the volumetric resource estimate derived from them, is expressed as a range of values, with each value having a corresponding probability.

5.2.5 Resource Assessment Methodology and Output

The general methodology that BOEM uses to assess undiscovered OCS oil and natural gas resources is a multi-step process using existing empirical data, professional judgment of geologic play teams, and probability distributions in conjunction with the BOEM Geologic Resource Assessment Program (GRASP) model. GRASP is a geologic play-based model that compiles oil and gas play data to generate a range of values of undiscovered resources for each geologic play.

The execution of the GRASP model is comprised of the following steps to assess OCS oil and gas resources:

1. Compile play data
2. Generate a cumulative probability distribution of pool sizes from probabilistic distributions of reservoir parameters
3. Generate a number of pools probability distribution
4. Determine the probabilities for individual oil, natural gas, and mixed pool types
5. Establish individual pool size estimates and compare to the ranked sizes of discovered pools
6. Generate potential resources of the play (i.e., estimate volume of hydrocarbons)

Volumetric estimates of UTRR and UERR are based on the geologic and petroleum engineering information developed through petroleum geological analysis and quantified through play analysis. These estimates are developed in two stages. First, UTRR are assessed for each play, where UTRR are defined as oil and gas that could be produced using conventional extraction techniques without any consideration of economic viability. Secondly, following assessment of the UTRR, economic and petroleum engineering factors are determined for each assessment area to estimate the portion of the UTRR that is economically recoverable over a broad range of commodity prices. UERR are defined as the portion of the UTRR that is economically recoverable under specified economic and technologic conditions, including prevailing prices and costs. The economic portion of the assessment incorporates a wide range of oil and gas price points[24] and uses a relationship between the cost of exploration and development and commodity prices. Estimates of UERR are derived for each designated oil-gas price pair using the following methodology:

- subjecting the distributions to multiple computer iterations simulating the development of the hydrocarbon accumulations associated with the areas
- performing a discounted cash-flow analysis to determine the area's economically recoverable resources using specified economic parameters.

BOEM publishes a formal, national-scale assessment of undiscovered oil and gas resources every five years. A complete description of the BOEM methodology and a summary of the results is available in BOEM's most recent assessment, *2021 National Assessment of Undiscovered Oil and Gas Resources of the Nation's Outer Continental Shelf* (BOEM 2021b).

[24] Because oil and gas typically are produced together, BOEM estimates UERR at specific combinations of oil and gas prices, or "price pairs."

5.2.6 Second Proposal and Anticipated Production

BOEM prepares the **exploration and development (E&D) scenarios** to provide a framework to describe and analyze a range of potential E&D activities that could take place without assigning a given likelihood to a particular outcome.

E&D scenarios do not constitute predictions or forecasts and do not reflect BOEM's views of what will happen, but rather are scenarios that encompass all the types of activity that could conceivably occur.

The PFP analysis is similar to the Proposed Program analysis in that it is based on the volume of oil and gas that is anticipated to be leased, discovered, and produced under a specific leasing proposal. The anticipated oil and gas production in the PFP analysis for any one program area is typically significantly less than the UTRR for the corresponding area.

The schedule of lease sales in the Second Proposal (zero to one sale in the Cook Inlet Program Area and zero to ten sales in the GOM Program Area) is used to estimate anticipated oil and gas production in this document. In addition to estimates of anticipated production, BOEM develops E&D scenarios, which reflect the quantification of the timing and scale of the anticipated exploration, development, and production activities.

BOEM estimates anticipated production for each program area using estimates of undiscovered resources and historical field production data to predict what is expected to be produced from the leases sold in this National OCS Program. BOEM does not assume that every lease produces hydrocarbons. Instead, the method used is consistent with the reality that only a subset of all leases will be drilled, and only a subset of those will have resources that are discovered and ultimately produced, due to the geologic and economic risk of not finding commercial oil and gas accumulations on a given lease. The BOEM E&D scenarios are based on a variety of factors, including estimates of recoverable resources in unleased blocks and historical oil and gas activities. For both mature and frontier areas, these E&D scenarios of future development and activity are generated for analytical purposes only.

The availability of historical data for developing E&D scenarios varies greatly between mature and frontier areas. The GOM, for example, is a mature region where oil and gas leasing and development have been occurring for more than 60 years. Therefore, most E&D scenarios for the GOM program areas are the result of assessing historical patterns of activity that are established for the GOM Region.

In contrast to the abundant oil and gas development on the GOM OCS, there has been no development activity in most other OCS planning areas (see Chapter 4). In the Cook Inlet Program Area, there are fifteen active leases and a number of existing exploratory wells, but no established oil or gas production. Therefore, the anticipated production in the Cook Inlet is largely based the

BOEM 2021 National Assessment (BOEM 2021b) and the engineering assumptions in the E&D scenario activity are calibrated to local analog fields.

Oil and natural gas prices are often volatile and accurately predicting the magnitude and timing of the change in prices throughout the potential production life of leases acquired under the new program is not possible.[25] Therefore, the E&D scenario analysis is conducted using three representative activity levels and corresponding sets of resource estimates but are not tied directly to any specific oil or gas prices.

Table 5-1 shows the anticipated production generated from the E&D scenarios in the Cook Inlet Program Area and the GOM Program Area. The anticipated production estimates are shown for the three different activity levels to account for uncertainties in market conditions, price volatility, consumer demand, and variable cost conditions. For the PFP analysis, the anticipated production represents what is anticipated to be leased, developed, and produced as a result of leasing in each program area during the implementation of the new National OCS Program.

Table 5-1: Anticipated Production by Program Area

Program Area Scenario	Production Category	Low Activity Level	Mid-Activity Level	High Activity Level
Cook Inlet	Oil (billion barrels)	0.00	0.19	0.19
	Gas (Tcf)	0.23	0.07	0.30
	BOE (billion barrels)	0.04	0.21	0.25
GOM 5-Sale Scenario	Oil (billion barrels)	0.57	2.41	3.72
	Gas (Tcf)	0.86	3.12	4.93
	BOE (billion barrels)	0.72	2.97	4.60
GOM 10-Sale Scenario	Oil (billion barrels)	0.57	3.22	7.45
	Gas (Tcf)	0.86	4.16	9.87
	BOE (billion barrels)	0.72	3.96	9.20

In the Second Proposal, the Secretary identified "...a range of potential OCS oil and gas lease sales from zero lease sales anywhere on the OCS to up to ten potential sales in the Gulf of Mexico (GOM) Region Program Area 1 (i.e., up to two annual sales) and one potential lease sale in the northern portion of the Cook Inlet Program Area" (BOEM 2022c). To characterize the oil and gas resources and activity that could occur within this range of potential lease sales in the GOM Program Area, BOEM analyzed both a 5-sale and 10-sale scenario (Table 5-1). While the zero-sale case would include no new oil or gas production or activity associated with the new program, the production and activity associated with existing leases is described in Section 5.2.8 and analyzed in Section 5.3. The anticipated production estimates are important for identifying areas with respect to the magnitude of resource development potential (higher versus lower resource development potential).

[25] The April 2023 EIA Short-Term Energy Outlook (EIA 2023b) includes a wide confidence interval range for natural gas prices for one-year out; oil and gas production from any potential leases in the 2024–2029 Program could extend for a period of close to 50 years.

In addition, these estimates form the basis of the calculation for the net benefit analysis (as described in Section 5.3). The resulting net benefits analysis is used as a tool to assist the Secretary in balancing the considerations required by Section 18(a)(3) of the OCS Lands Act.

5.2.7 Second Proposal Exploration and Development Scenarios

For this analysis, BOEM constructs E&D scenarios for each of the two program areas included in the Second Proposal. The E&D scenarios describe the development and production activities required to explore for, extract, and transport to market the resources estimated within a program area. The E&D activities incorporate historical trends and regional differences. To estimate the social value of program area resources, it is necessary to calculate both the economic value and the social costs of finding and developing hydrocarbon resources. BOEM uses these scenarios for the comprehensive analyses that describe the range of direct and indirect social, economic, and environmental impacts that could result from lease sales proposed in the National OCS Program.

BOEM considers several factors when developing the E&D scenarios, and in particular, the estimates of anticipated production. Fluctuations in market conditions, changes in consumer demand, volatility in oil and gas prices, and variability in activity levels and activity costs lead to a great deal of uncertainty in analyzing future oil and gas activity. To manage this uncertainty, BOEM develops E&D scenarios for three activity levels—a low, a mid-, and a high level. There are no modeled dependencies between the scenarios in the two program areas; that is, an assumption of any one activity level in a program area has no modeled relation to an activity level in the other program area.

Typically, lower activity levels would be associated with lower oil and gas prices, and higher activity levels would be associated with higher oil and gas prices. However, oil and gas prices are just one of many factors that ultimately influence the future activity in each program area. The activity levels are influenced by various economic parameters, including oil and gas price trends, oil and gas activity costs, oil and gas supply and demand, and equipment availability. Creating these different activity levels enables BOEM to analyze the different benchmarks of potential industry activities likely to occur from offering lease sales. A detailed description of the E&D scenarios can be found in the Final Economic Analysis Methodology (EAM) paper (BOEM 2023b).

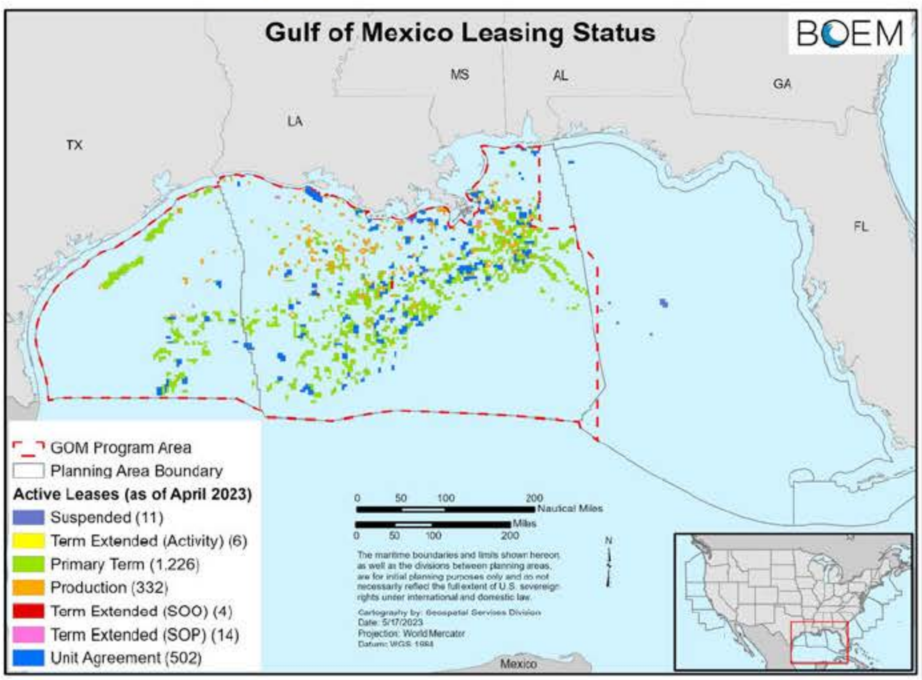
5.2.8 No New Leasing Exploration and Development Scenarios

In addition to the anticipated production analysis resulting from the Second Proposal's sale schedule (Section 5.2.6), BOEM also developed anticipated production estimates for a case where no lease sales are held and no new leases are awarded in the 2024–2029 Program or any future program. The no new leasing (NNL) scenario incorporates the existing state of OCS oil and gas production in the GOM and the impact on future operator decisions, activity, and production in a geologic basin where no future leasing will occur.

In the absence of new OCS oil and gas lease sales, future contributions to oil and gas production will only come from discovered and undiscovered resources on existing OCS leases, some of which may already be producing oil and gas. Approximately 60% of the almost 2,100 active leases in the GOM Program Area are in their primary term (Figure 5-4) and have varying levels of exploration and subsurface resource characterization, including geophysical data analysis and drilling activities. Production from existing OCS leases currently constitutes 15% of domestic oil production and 2% of domestic natural gas production (BSEE 2022b, EIA 2022a, e, c).

BOEM has identified both discovered and undiscovered oil and gas resources on some of these tracts and expects that some fraction of these resources will be produced in the future, regardless of future sales. The primary term leases will generally be relinquished or expire in the next 10 years if the leases do not change to production status (leases that are producing oil or gas in commercial quantities), unit status (leases in an approved unit agreement that may be producing or non-producing), or some other suspension of the lease term occurs (leases that are extended beyond their primary term).

Figure 5-4: Leases by Status in the Gulf of Mexico



Key: SOO = suspension of operations; SOP = suspension of production.
Note: The regulatory authority to grant suspension is listed in 30 CFR 250.168 to 30 CFR 250.177.

[[Preparer's Note: This map will be updated prior to publication.]]

Commented [KH6]: Map to be updated in early Sept.

The BOEM NNL scenarios consider future oil and gas production from existing leases, including proved reserves, contingent resources (discovered resources that are not already developed), and undiscovered resources. The NNL scenarios use BOEM-internal information from discovered field characterization and undiscovered prospect analysis to generate estimates of anticipated production. Similar to the new program scenarios, NNL scenarios are prepared using a low, mid-, and high activity case assumption to account for uncertainty in both timing and magnitude of future production.

To develop the NNL E&D scenario, BOEM made broad expected-case assumptions of how existing inventories of oil and gas resources and reserves would be produced. Oil and gas reserves are those quantities of petroleum anticipated to be commercially recoverable by application of development projects to known accumulations from a given date forward under defined conditions. Reserves must further satisfy the following four criteria: they must be discovered, recoverable, commercial, and remaining.

For the NNL scenarios, BOEM assumes that all reserves will still be produced using existing or modeled decline-curve projections. BOEM generates in-house estimates for all reserves on the OCS using proprietary data and provides periodic reporting updates (for example, BOEM (2021e)). For both contingent resources[26] and undiscovered resources,[27] the BOEM NNL scenario projects some level of reduction in exploration, development, and production activity from what could take place in a leasing environment where predictable future opportunities to acquire additional acreage are available.

In an NNL scenario, some currently undeveloped discoveries could look less profitable to operators as new leasing and exploration would not be available to provide satellite and tie-back opportunities for a large-investment production hub. Conversely, smaller deepwater discoveries become financially challenging to develop in the absence of a large hub production facility. Delays in project sanctioning or development could lead to lease relinquishment, termination, or expiration.

BOEM further assumes that operators could re-evaluate capital investments in exploratory efforts and scrutinize more carefully a final investment decision on new developments in a geologic basin where adding future production from new leases is no longer a possibility. Large deepwater projects often rely on out-year discoveries to fill capacity as the initial field volumes begin to decline, as is seen by the prevalence of new leasing and investments around existing discoveries and infrastructure. For example, the Mississippi Canyon (MC) 807 field in the GOM was discovered in 1989 and the initial production facility was installed in 1996 with a capacity of 100,000 barrels of oil

[26] Contingent resources are those quantities of petroleum estimated, as of a given date, to be potentially recoverable from known accumulations by application of development projects but which are not currently considered to be commercially recoverable due to one or more contingencies.
[27] Undiscovered resources are resources postulated, based on geologic knowledge and theory, to exist outside of known fields or accumulations. Included also are resources from undiscovered pools within known fields to the extent that they occur within separate plays.

per day (bpd) (BOEM 2021c). The MC 807 field now includes a total of 15 OCS leases, including at least one that was awarded 25 years after the initial discovery (BOEM 2023c). An additional production facility that added 100,000 bpd capacity to the field was installed in 2013 (BOEM 2021c).

The anticipated production for the low, mid-, and high activity NNL scenario is shown in (Table 5-2). The anticipated production will come from existing leases only and represents a cumulative volume that could be produced over a period exceeding 30 years.

Table 5-2: Anticipated Production from the Cumulative NNL Scenario

Program Area	Production Category	Low Activity Level	Mid-Activity Level	High Activity Level
GOM	Oil (Billion Barrels)	5.81	9.56	12.31
	Gas (Tcf)	6.71	11.33	15.56
	BOE (Billion Barrels)	7.01	11.58	15.08

5.3 Net Benefits Analysis

The net benefits analysis examines the domestic benefits to society from the potential oil and natural gas production that could result from the proposed lease sales and the domestic ESCs associated with anticipated exploration, development, and production activities. The net benefits analysis includes modeling results designed to inform decision making about the size, timing, and location of future OCS lease sales under consideration by providing a quantitative evaluation of economic, social, and environmental factors as required in Section 18(a)(1). Net benefits estimates are provided as a tool to assist the Secretary in balancing the considerations required by the OCS Lands Act in Section 18(a)(3).[28] The net benefits analysis is one of many factors that the Secretary considers when deciding whether to include an area for sale in the Final Proposal.

This analysis considers the benefits and costs that could occur from the lease sales being considered under this National OCS Program and does not include any benefits or costs associated with previously leased resources. Production from current leases continues to bring benefits and costs, but that production is not part of the Secretary's decision and therefore is not included in the net benefits analysis.

As part of the National OCS Program development process, BOEM receives multiple rounds of public comment. BOEM specifically requested comments on certain aspects of its net benefits analysis. Partially in response to comments received, BOEM has updated this PFP net benefits

[28] As the court stated concerning Section 18(a)(3) in *Watt I*, "[i]t is reasonable to conclude that within the section's 'proper balance' there is some notion of 'costs' and 'benefits,' recognizing that 'costs' in this context must be a term of uncertain content to the extent it is meant to stand for environmental and social costs." The court upheld this methodology in *Watt II* and in *NRDC*, endorsing in the latter case the Secretary's interpretation of this section to instruct a cost-benefit analysis that begins with a calculation of each planning area's NSV. NSV is calculated using the NEV (the market value of expected resources less the cost of production and transportation) minus "social costs" (environmental and social costs). The analysis described in this chapter builds on this concept of the NSV analysis and presents an expanded accounting of costs and benefits to society from oil and natural gas production.

analysis as appropriate with updated information and has expanded the analysis where applicable. One notable addition to this chapter is the inclusion of mid- and down- stream GHG emissions associated with OCS leasing under the Second Proposal (the Lease Sale Option) and the No Sale Option. This expands the GHG analysis in the Proposed Program, which only included upstream emissions, to allow for a full accounting of potential GHG-related impacts in comparison to BOEM's estimates of the net benefits for each program area.

BOEM also revised its analysis of the impacts of a net-zero GHG emissions economy on the net benefits analysis. BOEM includes a more quantitative analysis than that in the Proposed Program concerning what might happen as the U.S. transitions to a net-zero emissions economy. The full analysis is included in Chapter 4 of the EAM paper (BOEM 2023b).

5.3.1 Methodology

This section provides a brief description and overview of BOEM's net benefits methodology. A detailed discussion of the models and methodology is provided in Chapters 1, 2, and 3 of the EAM paper.

The Second Proposal, a National OCS Program with anywhere from 0 to 11 sales (0 to 1 in the Cook Inlet Program Area and 0 to 10 in the GOM Program Area), is modeled using three sets of potential lease sale scenarios. For the GOM Program Area, two scenarios are modeled: one with 10 sales and another with 5 sales. A third scenario involves the one potential sale in the Cook Inlet Program Area.

The net benefits analysis is conducted using the levels of anticipated production discussed in Section 5.2.6. The activity level estimates are designed to provide program area-specific information to the Secretary on the value of OCS resources under three very different market conditions. The ultimate level of leasing and resulting activities and production are dependent on many factors including market and political events, new technologies, weather, geopolitical unrest, economic changes, policy changes, industry interest, and others. Instead of attempting to forecast specific activity levels or production, this PFP includes an analysis of the net benefits at three different activity levels. The activity levels do not represent strict upper or lower bounds of potential activity but serve the purpose of providing some general range of outcomes to allow for quantitative analysis.

The net benefits modeling conducted for this PFP assumes that leasing begins in 2024, but a different start year would not meaningfully impact the analysis and conclusions. All values in the net benefits analysis are discounted using a social discount rate of 3%, consistent with guidance from the U.S. Office of Management and Budget Circular A-4 on the social rate of time preference.[29]

5.3.1.1 Energy Market Substitution: Lease Sale Option vs No Sale Option

The decision of whether to include a specific area in a National OCS Program does not result in one-for-one change to U.S. energy demand. Instead, the decision to have leasing in an area affects prices, which is factored through energy markets until prices and supply reach equilibrium. For example, adding new OCS oil and gas production would not be met with an equivalent increase in oil and gas demand; rather, this new OCS production would cause a slight decline in prices, which would be met with some increased consumption, but also a reduction in other (likely onshore or imported) oil and gas production resulting from the now-lower prices.

Similarly, a reduction in leasing and production activity in the GOM would not be met with an equivalent reduction in oil consumption. Instead, absent additional lease sales, the resulting decline in production would lead to a slight rise in prices and a corresponding decline in quantity demanded. However, most of the demand that would otherwise be met by the forgone OCS oil and natural gas would be met by increased supplies of substitute sources of energy. Therefore, the net benefits analysis is adjusted to account for the net benefits of these substitute sources. BOEM first conducts the net benefits analysis on the costs and benefits that could stem from a National OCS Program if exploration and production occurred (described in Section 5.2.6) referred to as the Lease Sale Option, but then also calculates these similar impact categories on the energy substitutes, or the No Sale Option.

BOEM uses its MarketSim model to estimate the substitutions for OCS oil and gas production that would occur in the No Sale Option in each of the program areas. *MarketSim* calculates the additional imports, onshore production, fuel switching, and reduced consumption of energy that would occur, substituting for the forgone production in each program area, as well as the associated change in net domestic consumer surplus, should the No Sale Option be selected.

Recent updates to *MarketSim*, as described in *Consumer Surplus and Energy Substitutes for OCS Oil and Gas Production: The 2023 Revised Market Simulation Model* (Industrial Economics Inc. 2023c), have been made in response to public comments and ongoing efforts to improve the model. *MarketSim's* estimations of energy market responses to new OCS supply are used as inputs for each of the four components of the net benefits analysis. These responses are conveyed via the substitution rates calculated by *MarketSim*.

[29] BOEM recognizes there are ongoing efforts to update the discount rate downward, both for Circular A-4 and to calculate the social cost of GHG emissions specifically. However, BOEM will continue to use the official discount rate of 3% until such time as those efforts are finalized by the U.S. Office of Management and Budget and the Interagency Working Group on the Social Cost of Greenhouse Gases.

BOEM updated *MarketSim* with a current baseline adapted from a special run of the EIA's National Energy Modeling System and their 2023 AEO. The results presented in Section 5.3.2 assume energy consumption patterns as projected by EIA and include impacts from modeled IRA provisions.[30] As noted in Chapter 1, meeting U.S. climate goals will require significant changes to national and worldwide economies beyond those projected by the 2023 AEO. A sensitivity analysis on the impacts of net-zero emissions pathways is summarized in Section 5.3.2.5, with further detailed discussion in Chapter 4 of the EAM.

The total amount of estimated substitution is directly related to the volume of anticipated oil and natural gas production that would be forgone under the No Sale Option. Table 5-3 shows how the forgone OCS oil and natural gas production would be replaced by other energy sources in the mid-activity level for the GOM and Cook Inlet program areas. Chapter 4 of the EAM paper (BOEM 2023b) describes how the ratio of anticipated OCS oil to natural gas production for each program area impacts the energy market substitutions.

Table 5-3. No Sale Option: Estimated Substitutions of Other Energy Sources (Mid-Activity Level)

Energy Substitution Category	GOM Program Area*	Cook Inlet Program Area
Onshore Production	23%	18%
Onshore Oil	12%	13%
Onshore Natural Gas	11%	5%
Imports	58%	66%
Oil Imports	57%	65%
Natural Gas Imports	1%	**
Production from Existing State/Federal Offshore Leases	**	**
Coal	**	**
Electricity from sources other than Coal, Oil, & Natural Gas	1%	1%
Other Energy Sources***	7%	8%
Reduced Demand (i.e., Consumption)	10%	7%

Notes: The percentages in this table represent the percent of forgone BOE of production that is replaced by a specific energy source (or in the case of reduced demand/consumption, not replaced) if the No Sale Option is selected. These substitution rates are for the combined anticipated production of oil and natural gas in each area. Numbers for a specific area could differ slightly given the relative amount and timing of anticipated oil or natural gas production in the activity scenario. See the EAM paper for the substitution rates specific to oil and natural gas.

Key: * These substitution rates are illustrative for the GOM Program Area for both the 5-sale and 10-sale scenarios. While there are slight differences in substitution rates between the two scenarios, they are no more than 0.01% in any category.

** These substitution rates are less than 0.5%.

*** The 'Other Energy Sources' substitution category includes biofuels, other natural gas, and other oil. Other oil is by far the largest component and is comprised of refinery processing gain, product stock withdrawal, natural gas plant liquids, and liquids from coal. Roughly 80% of the other oil category are natural gas plant liquids.

[30] Given the complexities of the IRA, not all provisions were modeled in the AEO given uncertainty over the structure of implementation details. EIA has additional information on the IRA provisions in the AEO Appendix.

BOEM's *MarketSim* model provides estimates under current demand and consumption patterns and in the absence of new OCS production. Under the No Sale scenario, approximately 10% and 7% of the forgone OCS production for the GOM and Cook Inlet program areas, respectively, would not be replaced by other energy sources but instead would represent reduced demand.

For the GOM Program Area, approximately 32% of the forgone production would be met by domestic substitutes (23% with increased onshore oil and natural gas production, less than 1% with fuel switching to coal, 7% other sources [e.g., oil, natural gas, and biofuels not captured elsewhere], 1% electricity, and less than 1% from increased activity on existing offshore leases). Approximately 58% of the forgone production would be met with additional oil and natural gas imports.[31]

5.3.1.2 Net Benefits Components

For each program area and scenario being analyzed, BOEM's net benefits analysis is conducted for four individual components, depicted in Figure 5-5, each with its own intermediate calculations. These components are individually described in Section 5.3.2. Note that in the net benefits analysis, the NEV, ESCs, and social cost of GHG emissions are calculated for upstream activity. Consideration of mid- and down- stream SC-GHGs are included separately in Section 5.3.3.

Figure 5-5. Net Benefits Analysis Calculation for Lease Sale Option and No Sale Option

BOEM's net benefits analysis first monetizes impacts associated with a Lease Sale Option scenario and calculates the associated net benefits. BOEM then considers the impacts associated with the energy substitutes that would replace the new OCS production under the No Sale Option and calculates the corresponding No Sale Option net benefits. Note that the change in consumer surplus net of producer transfers is attributed fully to the leasing scenario and thus does not have estimates under the No Sale Option. BOEM then estimates the incremental net benefits by subtracting the No Sale Option net benefits from the Lease Sale Option net benefits as summarized in Figure 5-6. The incremental net benefits represent the costs and benefits of the Lease Sale Option adjusted for the costs and benefits from substitute energy sources under the No Sale Option.

[31] Independent rounding can result in numbers not summing to 100%.

Figure 5-6. Traditional Incremental Net Benefits Analysis Calculations

5.3.2 Net Benefits Results

This section describes the results for each of the four components of net benefits for the Lease Sale Option and the No Sale Option.

5.3.2.1 Net Economic Value

The first component of the analysis is the NEV and is the value to society derived from developing hydrocarbon resources on the OCS. Consistent with standard practices in benefit-cost analyses, the NEV equals the discounted gross revenues from the produced oil and natural gas minus the private costs required to realize the economic value of the resources.

The NEV estimates gross revenue by multiplying the anticipated oil and natural gas production by their respective prices. Given the uncertainty and volatility in prices, the analysis of the Second Proposal evaluates the production and activity in each of the three activity levels with the corresponding price levels as shown in Table 5-4. These price levels are not meant to imply or represent price expectations, forecasts, or even upper and lower bounds of possible prices. The price levels are simply meant to provide a representative range of possible oil prices, which could occur over the life of this National OCS Program, to allow for the quantitative analysis of net benefits. The revenue is discounted back to present value using a 3% discount rate.

Table 5-4. Assumed Prices for each Activity Level

Low Activity Level	Mid-Activity Level	High Activity Level
$40/barrel of oil $2.14/mcf of gas	$100/barrel of oil $5.34/mcf of gas	$160/barrel of oil $8.54/mcf of gas

Key: mcf thousand cubic feet

The costs subtracted from that gross revenue include the discounted costs of exploring for, developing, producing, and transporting oil and natural gas to the market. A portion of the NEV goes to the U.S. Government as lessor and steward for the public in the form of bonus bids, rents, royalties, and taxes. The lessees, as private firms, retain the remainder of NEV as economic profits that could be distributed to shareholders around the country.[32]

The NEV analysis treats the private expenditures on exploration, development, production, and transportation as costs. In a broader macroeconomic context, this spending is sometimes treated as a benefit. For example, use of labor and capital to search for and extract oil and natural gas resources contributes to the national income. Also, this spending generates regional economic impacts and multiplier effects arising from the creation of jobs, investment in infrastructure, and other activities, which are discussed in more detail in Chapter 8.

Lease Sale Option: Net Economic Value Results

Table 5-5 shows the estimate of NEV of the anticipated production in each program area. The GOM Program Area has a positive NEV for each activity level. The Cook Inlet Program Area has a negative NEV in the low activity level, due to the fact that the only production anticipated in the Cook Inlet Program Area Low Activity Scenario is from a natural gas reservoir. For the NEV modeling, BOEM uses a single national price for natural gas. However, Alaskan natural gas can receive locally higher prices that could make this discovery economic.

Table 5-5. Lease Sale Option: Net Economic Value ($ Billions)

Program Area Scenario	Low Activity Level	Mid-Activity Level	High Activity Level
Cook Inlet	(0.69)	2.29	5.33
GOM (5-sale scenario)	0.10	50.84	163.33
GOM (10-sale scenario)	0.10	69.88	324.08

No Sale Option: Net Economic Value Results

Rather than attempt to calculate the NEV from the increased production associated with onshore natural gas, oil, and other domestic production that would occur in the absence of OCS lease sales, BOEM instead employs a simplifying assumption that the NEV of these domestic energy substitutes is equivalent to that of OCS production on a per-BOE basis.[33] All domestic substitutes would provide NEV under the No Sale Option, and only the Lease Sale Option NEV over and above this amount represents an incremental benefit to the Nation. This estimate of No Sale Option NEV is based on *MarketSim* substitution rates presented in Table 5-3. See the EAM paper for more detail on the NEV calculation. The No Sale Option NEV for each program area is shown in Table 5-6.

[32] The Final Economic Analysis Methodology paper discusses the adjustment factor applied to the NEV to account for (remove) profits going to foreign shareholders (BOEM 2023b). This adjustment to NEV means that what remains, and what is considered in this PFP analysis, is an estimate of the domestic value only.

[33] BOEM realizes this is likely an overestimate of the NEV of these sources because they are replacements for OCS production and only extracted because of non-price decisionmaking (i.e., the decision not to offer OCS acreage is a policy decision not directly tied to profitability), and thus would be less valuable than production that would occur instead if not for the non-market constraints.