June 16, 2025

The Honorable Doug Burgum Secretary Department of the Interior 1849 C Street, N.W. Washington, D.C. 20240

#### Dear Secretary Burgum:

We write to express significant concerns over the administration's efforts to replace the 2025-2029 National Outer Continental Shelf (OCS) Oil and Gas Leasing Program. As Members dedicated to protecting our coastal communities and addressing climate change, we strongly oppose all new and expanded oil and gas activities in all regions of the OCS.

New or expanded oil and gas leasing poses risks to the health and livelihoods of our constituents, jeopardizes our tourism, fishing, and recreational economies, and threatens the marine life that inhabits our coastlines. Offshore oil and gas energy development is inherently dangerous. Oil spills are responsible for some of the worst environmental disasters in our country's history; they are all too common in areas where leasing already occurs, have no boundaries, and cause irreversible damage to ocean ecosystems. In addition, thousands of unplugged wells and abandoned drilling equipment also put coastal waters and communities in harm's way. Beyond the inherent risks of drilling, oil and gas exploration pose significant environmental threats. For instance, the use of airgun arrays in seismic surveys—employed to detect oil and gas reserves—interferes with critical behaviors in many marine species, endangering the survival and reproduction of whales, fish, and other animals that rely on sound for communication and navigation. Just last month, a revised biological opinion from NOAA Fisheries found that oil and gas activities in the Gulf of Mexico could drive Rice's whale to extinction - Rice's whale is one of the most endangered whales in the world, with just a few dozen individuals left. The risk of unmitigated disaster is only increasing as this administration and its allies in Congress work to defund agencies responsible for environmental enforcement and gut essential regulations that protect our communities.

The risks of offshore oil and gas development are compounded when taking into consideration the economic and national security risks of climate change. Our communities are already grappling with sea level rise, extreme storms, heatwaves, and wildfires that are caused or exacerbated by greenhouse gas emissions from the burning of fossil fuels. The fossil fuel industry's record-level profits and multi-million dollar raises for CEOs while curtailing development to levels that maintain high oil prices demonstrate their actions are not about securing "energy independence." New, unnecessary lease sales will lock in decades more of pollution and climate impacts from an industry that already holds more than 2,000 offshore leases covering more than 12 million acres of federal water, of which only 469 leases are currently producing oil and gas.<sup>2</sup> The United States is already the number one producer of oil and gas in the world. There is no need for increased leasing, especially when oil and gas companies continue to

<sup>&</sup>lt;sup>1</sup> NOAA Fisheries, <u>Gulf of America Oil and Gas Biological Opinion</u>, May 15, 2025

<sup>&</sup>lt;sup>2</sup> DOI, Interior Announces Eleventh National Outer Continental Shelf Oil and Gas Leasing Program, April 18, 2025

impose environmental and climate consequences, public health risks, and billions of dollars in cleanup costs on the American people.

If, despite this, BOEM proposes new leasing in the draft proposed program, we remind the agency that it cannot offer sales in areas permanently protected under Section 12(a) of OCSLA, including areas off the Atlantic coast, the Pacific off the coast of California, Oregon, and Washington, the Eastern Gulf of Mexico, and portions of the Artic Ocean, including the Beaufort Sea and Chukchi Sea planning areas. In 2017, during his first term, President Trump attempted to reverse President Obama's Arctic and Atlantic withdrawals, but Judge Sharon Gleason for the District Court of Alaska determined that Section 12(a) does not give the president authority to revoke prior withdrawals.<sup>3</sup> President Trump does not have the authority to reverse the Obama and Biden withdrawals, and his Executive Order of January 2025, which attempts to do so, is unlawful.<sup>4</sup> This stands for President Trump's own use of Section 12(a) authority to limit energy development off the Atlantic coast of South Carolina, Georgia, and Florida – no President or agency may lease in these areas until the President's moratorium expires in 2032. Further, there should be no leasing in marine sanctuaries or monuments; these areas have been set aside and should continue to be protected from offshore oil and gas development.

In addition to these restrictions, we remind the agency that BOEM is required by the Outer Continental Shelf Lands Act (OCSLA) to consider the economic, social, and environmental values of the resources on the OCS, and the potential impact of oil and gas on other resources, and the marine, coastal, and human environments.<sup>5</sup> The agency must balance "the potential for environmental damage" with other factors when selecting "the timing and location of leasing." We urge BOEM to fully consider the impacts of oil and gas activities resulting from the draft proposed program, including on climate change, protected species, environmental justice, coastal communities, and the importance and sensitivity of the Arctic region. If BOEM proceeds with a replacement program, we expect the agency to fully engage with the National Environmental Policy Act process to analyze these impacts and consult with the public to the maximum extent.

Protecting our waters from offshore drilling is widely popular, with nearly two-thirds of registered voters expressing support.<sup>7</sup> More than 390 municipalities across the Atlantic, Pacific, and Gulf coasts have formally opposed the expansion of offshore drilling.<sup>8</sup>

We, the undersigned Members of Congress, strongly oppose new leasing in the OCS, and remind you that leasing in the Atlantic, Pacific, Eastern Gulf of Mexico, or the Beaufort or Chukchi Seas would not be in accordance with the law.

#### Sincerely,

<sup>&</sup>lt;sup>3</sup> Reuters, <u>US judge scraps Trump order opening Arctic, Atlantic areas to oil leasing</u>, March 31, 2019

<sup>&</sup>lt;sup>4</sup> Northern Alaska Envtl. Ctr. v. Trump, Case No. 3:25-cv-00038 (D. Alaska, Feb. 19, 2025); League of Conservation Voters v. Trump, No. 3:17-cv-00101-SLG (rule 60(b) mot.) (D. Alaska, Feb. 19, 2025).

<sup>&</sup>lt;sup>5</sup> 43 U.S.C. § 1344(a)(1).

<sup>&</sup>lt;sup>6</sup> Id. § 1344(a)(3); see id. § 1344(a)(2)(B),(G),(H).

<sup>&</sup>lt;sup>7</sup> Ipsos, Oceana Offshore Drilling Survey, July 2024

<sup>&</sup>lt;sup>8</sup> Oceana, Pacific Drilling

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United States Senator

Cory A. Booker United States Senator

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