



TINA KOTEK
GOVERNOR

June 6, 2025

Kelly Hammerle
National OCS Oil and Gas Leasing Program Manager
Bureau of Ocean Energy Management (VAM-LD)
45600 Woodland Road
Sterling, VA 20166-9216

RE: Docket ID BOEM–2025-0015

Dear Ms. Hammerle:

Thank you for the opportunity to comment on the development of the U.S. Department of Interior’s 11th National OCS Program for Oil and Gas Leasing on the Outer Continental Shelf (OCS). This letter builds on past communications from the State of Oregon to the Bureau of Ocean Energy Management on the development of previous programs for leasing oil and gas resources on the OCS. Importantly, the State of Oregon recognizes that we are still in the first year of the 10th National OCS Oil and Gas Leasing Program (2024-2029) in which Oregon OCS were not included in the Program – a decision that the State fully endorsed.

Oregon has a long history of commenting on this issue and continues to oppose efforts to lease oil and gas areas in Oregon OCS waters. Information and rationale to support the longstanding policy decision to exclude the waters of Oregon and Washington from the new leasing program is provided in the attached comments. These comments also include priority areas and information that should be included in any Environmental Impact Statement for the Draft Proposed Program.

Efforts to establish an oil and gas leasing program on the OCS lands off Oregon originated in the 1960s through exploratory surveys that revealed very limited resources available in our geographic region. In response to those efforts, Oregon established several policies and laws, such as Statewide Land Use Planning Goal 19 (The Ocean Resources Goal) and the Oregon Ocean Resources Management Plan, which detail the policy preferences of Oregonians. Goal 19 declares that the highest priority for the management of ocean resources is the long-term use and protection of renewable marine resources. Actions that put the ecological, economic, and social values and benefits derived from our ocean resources at risk, like the development of non-renewable oil and gas resources, are in direct conflict with that policy. As a result, all Governors of Oregon dating back to the mid-1970s have provided letters opposing the identification of lease areas on Oregon OCS lands during the OCS Leasing Program renewal process.

254 STATE CAPITOL, SALEM OR 97301-4047 (503) 378-3111 FAX (503) 378-8970

WWW.GOVERNOR.OREGON.GOV

Kelly Hammerle
June 6, 2025
Page 2

Through passage of House Bill 3613 (2010), prohibition of oil and gas leasing within the Territorial Sea of Oregon is codified in law. In doing so, the Governor and Oregon Legislature agreed that "Oregon is unwilling to risk damaging sensitive marine environments or to sacrifice environmental quality to develop offshore oil and gas resources." This policy was confirmed again in 2018 via Gubernatorial Executive Order (EO 18-28) and state law was amended in 2019 (ORS 274.712) to prohibit "activities in furtherance of the exploration, development or production of oil, gas or sulfur within federal waters adjacent to the territorial sea."

I urge your thoughtful review and consideration of the attached detailed comments compiled by my state agencies highlighting Oregon's continued opposition to inclusion of the OCS in a future National OCS Oil and Gas Leasing Program, along with the staff contact information for the subject matter experts in each agency who could respond to any follow-up questions.

Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Tina Kotek", with a stylized, cursive script.

Governor Tina Kotek

Attachments: State Agency Comments

cc: Brenda Ortigoza Bateman, Director, Oregon Department of Land Conservation and Development
Ruairi Day-Stirrat, State Geologist, Executive Director, Oregon Department of Geology and Mineral Industries
Lisa Sumption, Director, Oregon Department of Parks and Recreation
Debbie Colbert, Director, Oregon Department of Fish and Wildlife
Leah Feldon, Director, Oregon Department of Environmental Quality
Janine Benner, Director, Oregon Department of Energy
The Honorable Ron Wyden, Senator
The Honorable Jeff Merkley, Senator
The Honorable Suzanne Bonamici, Congresswoman, Oregon's 1st District
The Honorable Cliff Bentz, Congressman, Oregon's 2nd District
The Honorable Maxine Dexter, Congresswoman, Oregon's 3rd District
The Honorable Valerie Hoyle, Congresswoman, Oregon's 4th District
The Honorable Janelle Bynum, Congresswoman, Oregon's 5th District
The Honorable Andrea Salinas, Congresswoman, Oregon's 6th District

OREGON DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES COMMENTS

The Department of Geology and Mineral Industries (DOGAMI) comments highlight the high level of seismic risk that exists, and the low potential for development of the resources on Oregon's OCS waters. The Oregon OCS is a region that is subject to several significant natural hazards, including subduction zone earthquakes, tsunamis, submarine landslides, and extreme storm waves. The entire OCS is adjacent to the Cascadia Subduction zone, a 600-mile-long fault that extends from Northern California to British Columbia. The Cascadia Subduction Zone produces Magnitude 8-9 earthquakes with return periods of ~240 to ~530 years, with the most recent a Magnitude 9 in 1700. Such earthquakes will produce severe shaking for durations of one to five minutes and will generate large tsunamis that may arrive at some OCS locations within minutes of the onset of the earthquake.

In sloping areas of the OCS, the shaking may trigger undersea landslides and associated turbidity flows of rapidly moving suspended sediment. Any long-term facilities installed on the OCS will need to be designed to withstand these hazards. Lastly, the DOGAMI comments (on geologic hazards) highlight the additional challenge of designing a structure to withstand Oregon's wave climate, which is one of the most severe in the world with wave heights reaching 80 feet or more.

Finally, although the geologic and wave hazard is well established offshore Oregon, there is a dearth of fundamental geologic data about the continental shelf with no contemporary test wells having been drilled on the shelf since the 1960s. Thus, future leasing opportunities in the OCS offshore Oregon is presently based on insufficient information needed to inform risk-based decisions for any commodity. Accordingly, DOGAMI recommends new geologic mapping and resource evaluation (e.g., grab samples, bathymetric imaging, seismic scans, test well sites etc.) prior to any leasing activity offshore Oregon. Additionally, a robust public process that keeps Oregonians and Tribal Governments fully informed should be established prior to any preliminary discussions and lease rounds.

Oil and gas potential of the Oregon (OCS)

The potential for discovery of economically significant oil and gas fields on the Oregon OCS is poorly understood, and the Department of Geology and Mineral Industries (DOGAMI) has not evaluated offshore oil and gas potential since the 1960s. The only previous exploration occurred between 1961 and 1967, when seafloor sampling and geophysical and seismic surveys were carried out and nine wildcat wells were drilled. The wells were drilled to depths of 3,000 to 12,000 feet below the seafloor in water ranging from 324 to 469 ft deep. Total expenditures were estimated at \$73 million (\$ 576 million adjusted for inflation), and no significant oil or gas was reported.

In the intervening decades, scientific geophysical and seismic surveys have substantially increased our knowledge of the geologic structure in the Oregon OCS, but there has not been any further oil and gas exploration. The technology for finding oil and gas deposits and for offshore

drilling have both dramatically improved in the last 50 years. The entire Oregon OCS is within the depth range commonly accessible by current drilling technology.

North of Bandon, the Oregon OCS is comprised entirely of marine sedimentary rocks, which are the most common source rock and host rock for oil and gas deposits globally. South of Bandon the shelf is composed of complexly deformed metamorphic rocks that are unlikely to host oil or gas.

In its 2016 assessment of oil and gas resources of the Pacific OCS, the Bureau of Ocean Energy Management (BOEM) evaluated the potential for undiscovered oil and gas in the Oregon and Washington OCS for three different price levels. More resources can be economically produced as prices increase. The value of the total undiscovered resource for Oregon and Washington is shown in the table below with current prices at ~\$70/bbl for oil, \$3.15/Mcf for gas. For comparison, Oregon’s only producing field is the Mist gas field in Columbia County, which has produced ~80 billion cubic feet since 1980, worth \$252 million at today’s price.

Economic Potential	\$40/bbl & \$2.14/Mcf	\$100/bbl & \$5.34/Mcf	\$160/bbl & \$8.54/Mcf
\$			
Oil	\$6.4 billion	\$27 billion	\$48 billion
Gas	\$1.11 billion	\$5.13 billion	\$10.25 billion
Combined O&G Total	\$7.51 billion	\$32.13 billion	\$58.25 billion

Regulation of Drilling

Within the three-mile limit, DOGAMI has jurisdiction over the drilling and operation of oil and gas wells to ensure that they are constructed in a manner that is safe and protects the environment. DOGAMI’s authority postdates the last offshore drilling in Oregon, and it is likely that statutory or rule changes would be needed in order to adequately regulate such wells. DOGAMI has no experience with offshore drilling.

Natural Hazards in the Oregon OCS

The Oregon OCS is a region that is subject to several significant natural hazards, including subduction zone earthquakes, tsunamis, submarine landslides and extreme storm waves. The entire OCS is adjacent to the Cascadia Subduction zone, a 600-mile-long fault that extends from Northern California to British Columbia. The Cascadia Subduction Zone produces Magnitude 8-9 earthquakes with return periods of ~240 to ~530 years, with the most recent Magnitude 9 in 1700. Such earthquakes will produce severe shaking for durations of 1-5 minutes and will generate large tsunamis that may arrive at some OCS locations within minutes of the onset of the earthquake. The 2023 USGS National Seismic Hazard Maps (2% in 50 years) indicate that the entire Oregon OCS is subject to ground shaking of ~80% to 130% g (acceleration due to gravity), a level classified by USGS as “Severe” to “Violent” (level 8 to 9 on a 10-level modified Mercalli scale). In sloping areas of the OCS, the shaking may trigger

undersea landslides and associated turbidity flows of rapidly moving suspended sediment. Any long-term facilities installed on the OCS will need to be designed to withstand these hazards.

The wave climate off the coast of Oregon is one of the most severe in the world. Wave models based on data from offshore buoys has been used to predict the size of waves that can be expected to occur at a given frequency. The table below shows data for NGDC Buoy #46050, located 21 miles west of Newport. Significant wave height describes the highest 1/3 of the waves in ~20-minute record, while the maximum wave height describes the largest single wave expected.

Any offshore drilling and production facilities will need to be designed and constructed in order to operate safely under these wave conditions.

Recurrence Interval (<i>years</i>)	Extreme Significant Wave Height (<i>ft</i>)	Extreme Maximum Wave Height (<i>ft</i>)
10	39.2	72.5
25	42.2	78.1
50	44.1	81.6
75	45.1	83.4
100	45.6	84.4

DOGAMI Staff Contact:

Jonathan Allan, Ph.D, RG | Coastal Geomorphologist (jonathan.allan@dogami.oregon.gov)

OREGON PARKS AND RECREATION DEPARTMENT COMMENTS

The Oregon Parks and Recreation Department (OPRD) is the state agency charged with management and permitting decisions for activities on Oregon’s 362-mile public Ocean Shore State Recreation Area, as specified in Oregon’s Beach Laws (ORS 390.605390.770). The "State Recreation Area" is described as the area of land or water, or a combination of, that is under the jurisdiction of OPRD and is used by the public for recreational purposes. The “Ocean Shore” means the land lying between the extreme low tide of the Pacific Ocean and the vegetation line (ORS 390.770). Additionally, OPRD owns and operates many oceanfront state parks along the Oregon coast and houses the State Historic Preservation Office (SHPO).

Coastal Recreation

The recreational enjoyment of the Oregon coast is of vital economic and cultural importance to Oregon and its scenic beauty and is a primary contributor to the character of the coastal region

and its communities.^{1, 2} Oregon’s beaches and coastal state parks offer views of the extensive expanses of Oregon’s diverse open ocean seascape populated by headlands, islands and rocks at this land-ocean interface, including the coast-spanning Oregon Islands National Wildlife Refuge. This aesthetic and recreational resource has made the Oregon coast an internationally recognized tourist destination, supporting millions of visits by residents and travelers each year. Oregon’s coastline is also unique in that it has over seventy state parks running along the highway, providing “public access and resource protection in a way that is unrivaled by any other U.S. coastline park system.”³

In 2024, there were an estimated 34 million visits to Coastal Region State Park properties, including day-use visitors and campers.⁴ Visits to the coast have increased over time, and visitors to ocean beaches contributed approximately \$1.7 billion to the communities on the Oregon coast.⁵ According to the 2023 Oregon Resident Outdoor Recreation Survey, almost half (45%) of Oregon residents participated in ocean beach activities in 2022, with an estimated 16 million annual user occasions.⁶ Other recreational activities that depend on Oregon’s diverse and vibrant coastal ecosystems include whale watching (~2.2 million user occasions) and tidepooling (~5.1 million user occasions).

Scenic Resources

Scenic enjoyment is the third most stated primary recreational activity that visitors say they engage in at Oregon’s coastal beaches.⁷ The Oregon Coast highway (Pacific Coast Scenic Byway) has been federally recognized by the National Scenic Byways program, established by Congress and administered by the U.S. Department of Transportation’s Federal Highway Administration. The highway has a series of viewpoints overlooking unique ocean vistas built into it at various points. In addition to being one of the first Scenic Byways in the country, it has also been designated an “All American Road,” which recognizes US 101 as possessing “multiple intrinsic qualities that are nationally significant and have one-of-a-kind features that do not exist

¹ Swedeen, P., D. Batker, H. Radtke, R. Boumans, C. Willer. 2008. An Ecological Economics Approach to Understanding Oregon’s Coastal Economy and Environment. Audubon Society of Portland. Portland, OR.

² Needham, M. D., Cramer, L. A., & Perry, E. E. 2013. *Coastal resident perceptions of marine reserves in Oregon*. Final project report for Oregon Department of Fish and Wildlife (ODFW). Corvallis, OR: Oregon State University, Department of Forest Ecosystems and Society; and the Natural Resources, Tourism, and Recreation Studies Lab.

³ CH2MHill, 1997. Pacific Coast Scenic Byway Corridor Management Plan for U.S. 101 in Oregon. Prepared for Coastal Policy Advisory Committee on Transportation (CPACT) and the Oregon Department of Transportation by CH2MHill and associated firms: Jeanne Lawson Associates, Jones & Jones, The Mandala Agency, Parametrix, Vanasse Hangen Brustlin, W&H Pacific. December 1997. 164 pp.

⁴ Oregon Parks and Recreation Department (OPRD). 2025. Day-use and overnight camping visitation estimates for coastal region state parks based on automated parking lot counters and camping reservation numbers. Generated by OPRD, updated 1/2025.

⁵ Rosenberger, R.S. Oregon State University. 2023. Total Net Economic Value from Resident’s Outdoor Recreation Participation in Oregon. 2025-2029 Oregon Statewide Comprehensive Outdoor Recreation Plan Supporting Documentation.

⁶ Gorrell, L., R. Rosenberger, and W. Morse. 2023 Oregon Resident Outdoor Recreation Survey. 2025-2029 Oregon Statewide Comprehensive Outdoor Recreation Plan Supporting Documentation. Oregon Parks and Recreation Department. 217 pages.

⁷ Shelby, B. and Tokarczyk, J. 2002. Oregon Shore Recreational Use Study. Report prepared for Oregon Parks and Recreation Department.

elsewhere,” including eleven National-Register-listed bridges along its 363 miles. The complete inventory of maps for the 144 scenic ocean viewsheds delineated and incorporated into the Territorial Sea Plan Part Five is available [online](#).

Given the height of structures associated with offshore oil and gas development in other areas, it seems likely that structures would be visible once constructed. Based on the conclusion of a BOEM funded study, “Offshore Wind Turbine Visibility and Visual Impact Threshold Distances” offshore wind facilities, although different from oil and gas related structures, “may be visible at distances of 26 mi (42 km) in daytime and 24 mi (39 km) in nighttime views, and be a major focus of visual attention at distances of up to 10 miles”, a thorough visual impact analysis is justified for all phases of planning for potential and actual development offshore Oregon.⁸

The entire 362-mile picturesque coastline of Oregon is relatively undeveloped, and large oil and gas infrastructure will not blend in and will likely be a major focus of attention. Given the sensitivity of state park visitors and the scenic quality of the coastal landscape and seascape at many locations along the coast, visualizations should be conducted from, at a minimum, key viewpoints identified in Oregon’s Territorial Sea Plan during the planning stages, including during draft program development. These are highly visited state parks that extend up and down the entire coastline and are destinations for their scenic beauty, cultural history, proximity to the ocean and the remote, rugged character of the coastal landscape. There are multiple key viewing areas within coastal parks that are listed in the National Register along with those considered Traditional Cultural Places (TCPs) and Traditional Cultural Landscapes (TCLs) by Oregon’s Tribes.

The viewshed of parks classified in the highest category of visual resource protection standards in Oregon’s Territorial Sea Plan maintain a standard that allows for “level[s] of change to the characteristic seascape” that are “very low and may not attract attention” within the Territorial Sea. Please refer to the visual resource protection standards established in the Oregon Territorial Sea Plan.⁹

Cultural Resources

The Oregon coast contains a rich archaeological record representing use by native peoples over many thousands of years. Much of the ancient coastal landscape that would have once been available to early peoples is now submerged due to rising postglacial sea levels. This now submerged paleolandscape likely contains preserved cultural materials important to both Oregon and North America prehistory. Although currently inundated, any cultural site located on the continental shelf would be intrinsically connected to terrestrial archaeological resources along the current Oregon coastline.

⁸ Sullivan, R., Kirchler, L., Cothren, J., & Winters, S. 2013. Offshore Wind Turbine Visibility and Visual Impact Threshold Distances. *Environmental Practice*, 15(1), 33-49.

⁹ Ocean Policy Advisory Council (OPAC). 2013. Oregon Territorial Sea Plan, Part Five.

OPRD recommends that early and on-going meaningful consultation with the affected tribes, including the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians, the Coquille Indian Tribe, the Confederated Tribes of Siletz and the Confederated Tribes of Grand Ronde occur to assure that Traditional Cultural Places and Landscapes are identified, and efforts are made to assure that these important cultural resources are protected.

EuroAmerican settlement of the Oregon coastline dates to the 1860s, with the earliest known, extant, above-ground cultural resources dating from the 1870s, represented by three lighthouses. Six other lighthouses date from the 1880s-1890s, with the newest built in 1934. All nine are listed in the National Register of Historic Places. Small auto resorts and vacation houses from the early-twentieth century dot the coastline, along with historic downtowns reflecting postwar growth.

Evaluating and protecting cultural resources located both offshore and along the current coastline is important to OPRD's mission to protect cultural and historic sites for present and future generations. Consultation with the coastal certified local governments (CLGs) and the statewide preservation non-profit, Restore Oregon, is a sound mechanism for engaging the public in this conversation.

While not having any specific project areas to look at, the Oregon State Historic Preservation Office recognizes that Oregon's offshore lands have the potential for possessing significant submerged prehistoric and historic cultural resources. Our office is very interested in protecting any significant sites that may exist off our coastline and on coastal land so that proposed activities will not result in an adverse effect. Potential project impacts that could occur from offshore drilling would include:

1. damage to sites that exist on lands located within offshore lease areas (e.g., earlier coastal prehistoric sites now inundated due to rising ocean levels, historic shipwrecks);
2. damage from installation of drilling platforms and associated infrastructure, any proposed cable routes or pipeline routes that might be needed to transport minerals or energy to and from land to offshore platforms/equipment; and
3. any lands that would be affected on shore that would be accessed to reach existing power grids or necessary staging/transportation areas.

Our comments for each of these areas are noted below.

1. Offshore development in federal waters – For all submerged lands in federal waters affected by future offshore drilling projects, our office will want to receive an electronic copy of any cultural resource report detailing the results of the cultural resource reviews in addition to spatial information regarding the paleo landscape reconstructions and modeling for the probability of submerged prehistoric sites. It would be useful if these results are compared to the larger database that BOEM collected recently that is documented in the ICF International, Southeastern Archaeological Research and Davis Geoarchaeological Research report (2013).

2. For all submerged lands where cables or pipelines would be needed, our office will want to receive spatial information similar to what has been developed in the above noted report. This data layer should include the results of side-scan sonar and sub-bottom profile data as well as information on any known historic shipwrecks. The applicability of this information will assist our office in recommending the placement of any offshore structures, drilling site and associated features into areas of low potential to contain significant prehistoric and historic resources.
3. All lands onshore that could be affected by cables or pipelines extended from future drilling platforms or onshore staging/transportation areas linked to such projects will need to have a cultural resource survey (with subsurface probing should ground disturbing activities be considered necessary). A report detailing the results of this investigation will also need to be submitted electronically to our office through our Go Digital process for review. Please be sure that state above-ground survey guidelines and our field archaeology and report guidelines are followed for such a study. Our website has a copy of current state guidelines: oregon.gov/OPRD/HCD/ARCH/Pages/index.aspx.

Natural Resources

Oregon's beautiful, rugged coastline is environmentally sensitive, with many difficult-to-reach headlands and rocky shorelines that would pose a significant access challenge in the event of an oil spill. The Oregon Islands National Wildlife Refuge runs the length of the coastline, home to fifteen species of nesting seabirds with an estimated population of 1.3 million individuals and four species of marine mammals that haul out on the rocks and raise young in designated National Wilderness habitat.¹⁰ The Oregon Dunes National Recreation Area is a one-of-a-kind natural feature—one of the most expansive temperate coastal sand dunes in the world, and home to threatened Western snowy plover and many other native plants and wildlife. Whether it is rocky intertidal habitat, reefs, rocks, islands or sandy dunes, the biodiverse Oregon coastline is highly susceptible to potential impacts from spills. Oregon's Geographic Response Plans are not designed for the response to spills from offshore development of oil and gas resources. The ocean off Oregon is highly dynamic and response options would be limited for most of the year, even in accessible areas. Further concerns relate to the onshore infrastructure that would be required such as pipes, oil processing sites, storage tanks, et cetera, which could have direct and indirect impacts on the ocean shore.

Safety and Spill Response

As the managers of the Ocean Shore State Recreation Area, potential safety concerns have been identified associated with the proposal to consider oil and gas development in the OCS offshore Oregon. Any potential impact to ocean shore resources, recreational use of the beach and the safety of visitors should be considered in development of the Draft Proposed Program along with

¹⁰ Naughton, M. B., D. S. Pitkin, R. W. Lowe, K. J. So, and C. S. Strong. 2007. Catalog of Oregon Seabird Colonies. U.S. Department of Interior, Fish and Wildlife Service, Biological Technical Publication FWS/BTP-R1009-2007, Washington, D.C.

a thorough consideration of costs incurred for emergency preparation, response, and recovery from accidental oil spills.

Studies should include modeling that helps predict probable landfall locations at various times of the year given the dynamic nature of the Pacific Ocean offshore Oregon. Impact and risk analysis should include potential resource concerns associated with oil spill risk along with landfall of with project-related marine debris (anticipated and unanticipated) and associated removal efforts, particularly for sensitive areas identified in Oregon’s Territorial Sea Plan and Western snowy plover critical habitat and state management areas defined in a Habitat Conservation Plan (HCP) developed with the U.S. Fish and Wildlife Service.

Permitting Requirements

Under ORS 390.640 and ORS 390.715, anyone conducting an ocean shore alteration, or placing any pipeline, cable line, or other conduit over, across or under the state recreation area or submerged lands adjoining the ocean shore, must obtain an “Ocean Shore Alteration Permit” from OPRD which can be found online at: <https://www.oregon.gov/oceanshore>. Factors evaluated in review of Ocean Shore Alteration Permits include consideration of the public need for healthy, safe, esthetic surroundings and conditions; the natural, scenic, recreational, economic and other resources of the area. Permit award is not a given, and each permit’s conditions are based on the specifics of the application.

Thank you for your time and the opportunity to comment. Please feel free to contact the staff, listed below, with any questions.

Staff Contacts for OPRD:

Andrea Hanson, Central Resources Manager (A.V.HANSON@opr.d.oregon.gov)

Laurel Hillmann, Ocean Shore Resource Coordinator (laurel.hillmann@opr.d.oregon.gov)

Tyler Blanchette, Ocean Shore Permit Coordinator (Tyler.BLANCHETTE@opr.d.oregon.gov)

Stacy Scott, Coastal Region State Park Archaeologist (stacy.scott@opr.d.oregon.gov)

OREGON DEPARTMENT OF FISH & WILDLIFE COMMENTS

The Oregon Department of Fish and Wildlife (ODFW) has management authority over fish, wildlife and habitat of the state under its jurisdiction, including marine fish, marine wildlife, and marine habitat. ODFW’s statutory responsibilities for resource management are contained within multiple Oregon Revised Statutes (ORSs) and Oregon Administrative Rules (OARs) applicable to management of fish and wildlife species and habitat as well as fisheries. In addition, ODFW is advisory to state agencies during authorization of development activities and collaborates with federal agency partners on many issues including fisheries management through the Pacific Fisheries Management Council. Between 2020 and 2024 ODFW worked extensively with BOEM on the aggregation of data and the assessment of potential suitability of

siting offshore wind in federal waters off of Oregon and has documented multiple risks to natural resources as well as conflicts with fisheries in the region throughout that period.¹¹ ODFW finds oil and gas development offshore of Oregon to be incompatible with state policy, natural resource management objectives, and existing uses in both state and federal waters for many reasons.

1) Existing state policy: Oregon’s existing policy has established the states priority of healthy environments and sustainable fisheries. Per ORS 274.712(1),¹² the state “*is prohibited from leasing any of the submerged and submersible lands within the territorial sea for: (a) The exploration, development or production of oil, gas or sulfur in the territorial sea; or (b) Activities in furtherance of the exploration, development or production of oil, gas or sulfur within federal waters adjacent to the territorial sea.*” Per Oregon Statewide Planning Goal 19, Oregon has prioritized living marine resources over non-renewable resources like oil and gas extraction from the ocean. Statewide Planning Goal 19 outlines state interest in conserving resources within the Ocean Stewardship Area, which includes waters of the Pacific Ocean between Oregon’s shoreline and the toe of the continental slope. ODFW requests that BOEM take into consideration concerns about impacts from potential offshore oil and gas development on marine resources and uses throughout Oregon’s Ocean Stewardship Area. The primary uses and resources of concern are those that ensure the functional integrity of the marine ecosystem and the continued use of the area for commercial and recreational fishing and other uses. Areas needed to ensure the preservation of important marine resources and uses include:

- Areas important to the biological viability of commercial and recreational fisheries;
- Areas necessary for the survival of threatened and endangered species;
- Areas that are ecologically significant to maintaining ecosystem structure, biological productivity, and biological diversity;
- Areas that are essential to the life history or behaviors of marine organisms;
- Biological communities that are especially vulnerable because of the size, composition, or location in relation to the impacts of the proposed activities;
- Biological communities that are unique or of limited range within the region;
- Areas important to fisheries including those that are important on a seasonal basis, to individual ports or particular fleets, or of particularly high value species;
- Habitat areas that support food or prey species important to sustaining the commercial and recreational fisheries; and
- Beneficial uses such as scientific research

2) Value of Commercial and Recreational Fisheries: BOEM’s analysis should consider areas important to the biological viability of commercial and recreational fisheries. The monetary value derived annually from Oregon’s fishing industry far exceeds the one-time or short-term

¹¹ Carlton J, Jossart JA, Pendleton F, Sumait N, Miller J, Thurston-Keller J, Reeb D, Gilbane L, Pereksta D, Schroeder D, Morris Jr JA. 2024. A wind energy area siting analysis for the Oregon Call Areas. Camarillo (CA): U.S. Department of the Interior, Bureau of Ocean Energy Management. 237 p. Report No.: OCS Study BOEM 2024-015. (Appendix E: Fisheries Data)

¹² Oregon Revised Statute available online at https://www.oregonlegislature.gov/bills_laws/ors/ors274.html

maximum monetary value potentially derived from oil and gas extraction from the Washington/Oregon Planning Area. Estimated values of recoverable oil and gas resources do not take into consideration the significant cost to develop the infrastructure to extract this modest amount of oil and gas resource, nor does it take into consideration the cost to decommission any infrastructure, including platforms, pipelines, and other decommissioning needs, or the cost of spill response, clean up, and restitution for lost resources and revenue to local and state economies.

Oregon’s fisheries alone produce approximately \$1.6 billion per year in annual economic output for our coastal communities.¹³ The economic value of these fisheries is increasing over time, and that value benefits the coast, the State of Oregon, and the nation. Sustainable, profitable fisheries depend on healthy fish and shellfish stocks, as well as adequate access to fishing grounds, both of which may be threatened by oil and gas exploration and extraction activities.

Lessons from previous oil spills have demonstrated that incidents can have outsized impacts on fisheries revenue by dramatically impacting the public’s purchasing behavior and their confidence in the safety and quality of seafood, and for years to come as toxins are known to persist for decades in the environment, as demonstrated from the Exxon Valdez oil spill.¹⁴ Risks to fishing operations include but are not limited to entanglement and destruction of fishing gear by survey operations, disruption of fishing operations by the presence of survey vessels, exploratory well drilling and operations, and effects to the health of fish stocks from oil or other spills from survey or exploratory operations. The risks to individuals, sectors, and communities that would result from losing the tens of billions in long-term fishery revenue in exchange for short-term extraction of a much lower value in oil and gas resources is unacceptable.

In its analysis, BOEM should consider:

- Potential impacts to all fish and invertebrates species caught by commercial or sport fisheries that operate off of Oregon or land fish or invertebrates in Oregon.
- Oregon sport fisheries are valued at \$1 billion per year. This includes 1.5 million for fishing trips per year, along with additional value in supplies, services, lodging, meals, and other costs associated with sport fisheries.¹⁵
- Oregon estuaries support the important shellfish aquaculture industry, valued multiple millions of dollars per year in direct sales.

¹³ The Research Group, LLC. 2024. Oregon Commercial and Marine Recreational Fishing Industry Economic Activity for Years 2020 and 2021, Addendum 2023. Prepared for Oregon Department of Fish and Wildlife, Marine Reserve Program and Marine Resource Program. 118 pages.

¹⁴ Carls, M.G., Babcock M.M., Harris P.M., Irvine, G.V., Cusick, J.A., Rice, S.D. 2001. Persistence of oiling in mussel beds after the Exxon Valdez oil spill, *Marine Environmental Research*, 51(2): 167-90

¹⁵ Dean Runyan and Associates. 2009. Fishing, Hunting, Wildlife Viewing, and Shellfishing in Oregon. 2008. State and County Expenditure Estimates. 72 pages. http://www.dfw.state.or.us/agency/docs/Report_5_6_09--Final%20%282%29.pdf

- Oregon coastal tourism, which relies on Oregon’s unspoiled coastline and access to fishing and wildlife viewing, is increasing and was valued at \$1.9 Billion in 2016.¹⁶ Wildlife viewing activities on Oregon’s coast have alone been valued at over \$150 million annually.¹⁷
- Oregon commercial fisheries harvested \$205 million in ex-vessel value in 2021, resulting in \$640 million in personal income.¹⁸
- Oregon’s commercial and recreational fisheries support coastal communities generating over 11,000 coastal jobs not including those in related industries or resource management.¹⁹
- Thirty-three commercial and recreational fisheries occur in state and or federal waters, from shore to 1,300 meters depth. Most of the 130 fish species and more than 20 shellfish species landed in Oregon are harvested from marine and estuarine waters off of Oregon; some are caught off Washington and northern California.
- Nearly 900 commercial fishing vessels supplied 22,000 deliveries to 13 coastal ports in 2021.²⁰
- Four of Oregon’s largest regional fisheries – albacore, pink shrimp, groundfish, and whiting – are certified sustainable by the Marine Stewardship Council, which is a distinction of increasing importance to seafood consumers.
- The impacts associated with oil spills would directly jeopardize Oregon’s fishing industry, fragile coast, and coastal communities, as well as Oregon’s reputation for exceptional water quality and abundant viewable species, which are at the heart of Oregon’s coastal tourism trade.
- Full inventory of all fisheries resources including associated prey species and habitats is required to adequately assess impacts from oil and gas development and extraction

3) Protected Species: BOEM’s analysis should consider areas necessary for the survival of protected species:

- Several Federal and state ESA-listed species occur along the Oregon coast including: green sea turtle, leatherback sea turtle, loggerhead sea turtle, Pacific Ridley sea turtle, Oregon Coast Coho salmon, Lower Columbia River Chinook Salmon, Lower Columbia River Coho salmon, green sturgeon, Pacific eulachon, marbled murrelet, western snowy

¹⁶ Dean Runyan and Associates. 2017. Oregon Travel Impacts 1992-2016p.

http://www.deanrunyan.com/doc_library/ORImp.pdf

¹⁷ Dean Runyan and Associates. 2009. Fishing, Hunting, Wildlife Viewing, and Shellfishing in Oregon. 2008. State and County Expenditure Estimates. 72 pages. http://www.dfw.state.or.us/agency/docs/Report_5_6_09--Final%20%282%29.pdf

¹⁸ The Research Group, LLC. 2024. Oregon Commercial and Marine Recreational Fishing Industry Economic Activity for Years 2020 and 2021, Addendum 2023. Prepared for Oregon Department of Fish and Wildlife, Marine Reserve Program and Marine Resource Program. 118 pages.

¹⁹ The Research Group, LLC. 2024. Oregon Commercial and Marine Recreational Fishing Industry Economic Activity for Years 2020 and 2021, Addendum 2023. Prepared for Oregon Department of Fish and Wildlife, Marine Reserve Program and Marine Resource Program. 118 pages.

²⁰ The Research Group, LLC. 2024. Oregon Commercial and Marine Recreational Fishing Industry Economic Activity for Years 2020 and 2021, Addendum 2023. Prepared for Oregon Department of Fish and Wildlife, Marine Reserve Program and Marine Resource Program. 118 pages.

plover, short-tailed albatross, California brown pelican, California least tern, blue whale, fin whale, gray whale, humpback whale, killer whale, north Pacific right whale, and sea otter.²¹ Species already at risk would be further compromised by activities and pollution related to oil and gas exploration, including indirect effects on their prey base and habitats.

- Potential impacts to species of greatest conservation need listed in Oregon's Conservation and Nearshore Strategies and species.
- Numerous marine mammal species reside, migrate and forage throughout the OCS off Oregon and all are federally protected by the Marine Mammal Protection Act. Biologically Important Areas have been identified off Oregon for areas and times within which particular species rely on these areas for feeding, migrating, or reproductive success.²² Marine mammals are directly affected by oil spills as they use the water surface to breathe and are also sensitive to underwater noise from oil and gas extraction infrastructure development and operations. Several offshore rocks and coastal beaches are rookeries or haul-out locations for Steller sea lion, California sea lion, northern elephant seal, and Pacific Harbor Seal. Oil spills or seepages can result in oil accumulation at or near these rookery and haul-out locations, causing toxicity.

4) Ecosystem Function and Ecological Resources: BOEM's analysis should consider areas that are ecologically significant to maintaining ecosystem structure, biological productivity, and biological diversity, including:

- Impacts to the fish, invertebrate, and algal prey resources that the fishery stock species depend upon.
- Biological communities that are especially vulnerable because of the size, composition, or location in relation to the impacts of the proposed activities.
- Biological communities that are unique or of limited range within the region.
- Impacts to habitats especially vulnerable to oil spills including, but not limited to, kelp beds, rocky intertidal areas, sandy beaches, subtidal rocky reefs, estuarine intertidal flats, eelgrass beds, algal beds, and coastal wetlands.
- Kelp beds and seagrasses provide shelter and foraging habitat for juvenile and adult fishes, seabirds, pinnipeds, and cetaceans. Kelp beds are particularly effective at trapping and retaining oil on the surface and in the water column for extended periods, causing increased exposure times and toxicity impacts to the species associated with kelp.
- Impacts to ecosystem processes that support marine species and resources.
- Bottom-feeding and filter-feeding species such as halibut, sole, flounder, crabs, urchins, shrimp, clams, mussels, scallops, oysters, corals and sponges, and zooplankton can directly succumb to oil toxicity or retain toxins in their tissues over years which can transfer to their progeny.

²¹ Oregon Department of Fish and Wildlife. Revised March 2024. Threatened and Endangered Species List. https://www.dfw.state.or.us/wildlife/diversity/species/threatened_endangered_candidate_list.asp

²² Calambokidis J, Kratochvil MA, Palacios DM, Lagerquist BA, Schorr GS, Hanson MB, Baird RW, Forney KA, Becker EA, Rockwood RC and Hazen EL (2024) Biologically Important Areas II for cetaceans within U.S. and adjacent waters - West Coast Region. *Front. Mar. Sci.* 11:1283231. doi: 10.3389/fmars.2024.1283231

- Rocky reefs support diverse and abundant fish and invertebrate communities. Reefs are particularly vulnerable to degradation, trapping and retaining heavy oils.
- Habitat-forming invertebrates on rocky and sandy bottoms such as corals, sponges, tube worms, anemones provide shelter and forage habitat for fish and other invertebrate communities. These are at risk for toxicity, suffocation, and burial.
- Oregon’s estuaries provide food, shelter, and nursery habitat for a number of coastal animals, including salmon, Dungeness crabs, groundfish, lingcod, shrimp, seals, sea lions, seabirds, shorebirds, wading birds, bald eagles, and others. Offshore oil spills and seepages can be advected into estuaries where there is the greatest capacity for oil retention and ecological impacts. Estuaries support dense populations of shellfish for commercial and recreational harvest. Estuarine eelgrass beds are particularly important nursery habitat to juvenile salmon. Eelgrass beds and all seagrasses retain oil at a greater capacity than areas without eelgrass.
- Fish of all species can be directly killed by chemical toxicity and water quality degradation or severely impaired leading to death by predation or starvation. Fish eggs are especially vulnerable to toxicity.
- Potential impacts to all bird and marine mammal species that occupy or depend on Oregon’s ocean and estuary environments, and nearby coastal areas. Over a million seabirds of multiple species nest on over 1,800 offshore rocks and islands and along hundreds of miles of coastal headlands and cliffs. Thousands of pelagic birds migrate, rest and forage across the OCS.^{23,24} Seabirds are among the most vulnerable species to oil spills as any amount of oil affects their waterproofing capacity and is ingested with preening.
- Rocky shores make up 40 percent of Oregon’s shoreline. Oregon’s rocky intertidal habitats are the most diverse, unique, and populated marine communities on the coast. Several rocky shore areas are designated as Marine Gardens, Research Reserves and Habitat Refuges for their exceptional ecological value in the nearshore ecosystem, and as long-term research and educational sites. Rocky habitats and associated species are extremely susceptible and sensitive to short- and long-term damage from oil toxicity and smothering from oil spills of any magnitude.
- Methane seeps on the Cascadia Margin and Juan de Fuca subduction zone produce habitat-forming structure and nutrients that are believed to take thousands of years to form and support diverse flora and fauna, including deep sea corals and sponges.^{25 26 27}

²³ Nearshore Ecological Data Atlas. 2011. Oregon Department of Land Conservation and Development, Oregon Ocean Information. [Spatial Data Library](#)

²⁴ Suryan, R.M., K.J. So, E.M. Phillips, J.E. Zamon, R.W. Lowe, S.W. Stephensen. 2012. Seabird colony and at-sea distribution along the Oregon coast: Implications for offshore energy facility placement and information gap analysis. Report to the Northwest National Marine Renewable Energy Center, Oregon State University.

²⁵ Seabrook, S., F.C. De Leo, T.Baumberger, N.Raineault, A.R.Thurber. 2017. Heterogeneity of methane seep biomes in the Northeast Pacific. Deep Sea Research Part II: Topical Studies in Oceanography.

²⁶ Merle SG, Embley RW, Johnson HP, Lau T-K, Phrampus BJ, Raineault NA and Gee LJ. 2021. Distribution of Methane Plumes on Cascadia Margin and Implications for the Landward Limit of Methane Hydrate Stability. Front. Earth Sci. 9:531714. doi: 10.3389/feart.2021.531714

²⁷ Rudebusch JA, Prouty NG, Conrad JE, Watt JT, Kluesner JW, Hill JC, Miller NC, Watson SJ and Hillman JIT. 2023. Diving deeper into seep distribution along the Cascadia convergent margin,

The Pacific Fishery Management Council (PFMC) designated methane seeps as essential fish habitat for groundfish in 2019 recognizing the need to understand the role of seeps in habitat processes and productivity for PFMC-managed species.²⁸ Sites with the highest diversity occur near deepwater rocky reefs off Oregon. Drilling near these sites could have effects on methane seep formation. Sinking crude oil would likely have detrimental effects on this unique biome.

5) Environmental Sensitivity and Risk to Changing Ocean Conditions: The marine ecosystem off Oregon and the health and resilience of fish and wildlife populations are already directly affected by a rapidly changing climate. The risks to fish and wildlife resources from potential oil and gas extraction are numerous, ranging from disturbance to destruction, and would further strain the resiliency of marine populations and the marine ecosystem. Risks include but are not limited to disturbance during exploration, disturbance during infrastructure development, disturbance during extraction/transportation process, damage and loss of essential habitat, contamination from potential chronic and catastrophic oil spills, and others. Oil spills or large seepages can penetrate every marine and estuarine habitat even if the source of the spill is miles away, killing or poisoning marine organisms in the water column of the ocean and estuaries, on the water surface, on the seafloor and estuary bottom, in rocky and sandy intertidal zones, and along coastal and estuarine shorelines. Oregon's marine ecosystem is at high risk from impacting factors including but not limited to effects due to seismic and other exploratory survey equipment, occupation of ocean space which could act as an impediment to migratory animals, impacts from construction and operation of oil and gas rigs and related infrastructure (e.g. drilling, noise, lighting, oil spills, other chemical or material spills, and other environmental accidents) and from decommissioning of oil and gas rigs and related infrastructure. Cumulative effects of oil and gas development in association with human-caused or natural phenomena impacting living marine natural resources and habitats including but not limited to dredging and dredged material disposal, marine renewable energy development, coastal and estuary development, coastal, estuary and ocean human use, hypoxia, ocean acidification, harmful algal blooms, and loss of ecosystem resilience due to the above impacting factors. Oregon's fragile marine ecosystem is at high risk; oil and gas development present significant additional risk.

Global oceans have absorbed approximately 550 billion tons of anthropogenic carbon dioxide (CO₂) emissions released into the atmosphere from the fossil fuel industry and other industries.²⁹ The California Current Ecosystem (CCE) of the west coast is particularly vulnerable to ocean acidification (OA) with Oregon at the epicenter of climatological change.³⁰

United States. Front. Earth Sci. 11:1205211. doi: 10.3389/feart.2023.1205211

²⁸ Pacific Fishery Management Council (PFMC). 2020. Pacific Coast Groundfish Fishery Management Plan. Pacific Fishery Management Council, Portland, Oregon.

²⁹ Bednaršek N., R.A. Feely, N. Tolimieri, A.J. Hermann S.A. Siedlecki, G.G. Waldbusser, P. McElhany, S.R. Alin, T. Klinger, B. Moore-Maley & H.O. Pörtner. 2017. Exposure history determines pteropod vulnerability to ocean acidification along the US West Coast. Scientific Reports.

³⁰ Chan, F., J. A. Barth, C. A. Blanchette, R. H. Byrne, F. Chavez, O. Cheriton, R. A. Feely, G. Friederich, B. Gaylord, T. Gouhier, S. Hacker, T. Hill, G. Hofmann, M. A. McManus, B. A. Menge, K. J. Nielsen, A. Russell, E. Sanford, J. Sevajian & L. Washburn. 2017. Persistent spatial structuring of coastal ocean acidification in the California Current System, Scientific Reports.

Oregon is experiencing and observing changing ocean conditions including but not limited to: ocean chemistry with observed acidification), sea level rise, increasing storm intensity and surge, increasing ocean temperature, increasing frequency and intensity of harmful algal blooms. These conditions are all correlated with and/or caused by accumulation of carbon dioxide in the atmosphere and the resulting changes in atmospheric and oceanic conditions.

Marine resources that are most vulnerable to oil spills are also the most valuable in providing resilience to changing ocean conditions. Specifically, healthy rock reef, rocky intertidal, and estuary habitats and communities are rich with kelp, algae, and seagrasses. These primary producers not only provide habitat and forage for the base of the food chain, but they also buffer against changing ocean conditions such as storm surge, which is increasing with intensifying storm trends, and with sea level rise. In addition, they buffer against acidification of ocean waters by locally reducing acidification through chemical buffering processes. Any threat to these species or communities, such as from increased probability of oil spills from the proposed BOEM leasing program, also directly threaten Oregon's ability to build resilience in the face of climate change impacts such as ocean acidification and sea level rise.

Ocean chemistry is changing in the coastal and shelf waters off Oregon, where ocean acidification is more intense than other coastal regions worldwide.³¹ Ocean acidification and hypoxia (OAH) conditions extend across the entire continental shelf.³² Hypoxic conditions and harmful algal blooms (HAB) occur almost annually and can cover the entire shelf. OAH and HAB have increased in intensity, frequency, duration, and spatial extent impacting marine fauna, marine fisheries and coastal economies. Excess CO₂ in the system is corrosive and fatal to calciferous organisms such as oysters and pteropods, a marine snail and important prey species for multiple species in the marine food web, including salmon, herring, anchovy, cod, and others. Severe hypoxic events are responsible for high mortality of Dungeness crab and severely impacted catch rates of all fisheries in those years. In 2015, a large warm water mass occupied the eastern Pacific Ocean for many months resulting in the largest HAB ever recorded. Several species of marine mammals, birds, Dungeness crab and bivalves were infected with a neurotoxin, deadly if consumed by another animal, including humans. This event impacted all fisheries and coastal economies along the entire west coast.

The marine ecosystem is in a fragile state of balance. Marine fauna that are unable to adapt to a rapidly changing ocean are less resilient to further strains that exacerbate threats to ecosystem stability and health. Building resilience into the marine ecosystem is achieved, in part, by protecting against additional risk. The oil and gas leasing program presents significant additional risk, with questionable economic benefit.

³¹ Klinger T, Chornesky EA, Whiteman EA, Chan F, Largier JL, Wakefield WW. Using integrated, ecosystem-level management to address intensifying ocean acidification and hypoxia in the California Current large marine ecosystem. *Elem Sci Anth*. 2017; 5:16

³² Chan, F., J. A. Barth, C. A. Blanchette, R. H. Byrne, F. Chavez, O. Cheriton, R. A. Feely, G. Friederich, B. Gaylord, T. Gouhier, S. Hacker, T. Hill, G. Hofmann, M. A. McManus, B. A. Menge, K. J. Nielsen, A. Russell, E. Sanford, J. Sevajjian & L. Washburn. 2017. Persistent spatial structuring of coastal ocean acidification in the California Current System, Scientific Reports.

6) Research: Existing beneficial uses of the ocean off of Oregon include scientific research that is essential to the performance of fisheries management and conservation decision making. Ongoing efforts include:

- Oregon designates and manages marine reserves and marine protected areas that provide protected, long-term monitoring sites for changes in the nearshore ocean ecosystem. Oil spills would severely impact natural resources in these protected areas and damage their utility as long-term scientific research and monitoring sites.
- ODFW performs at-sea research on fishery stock species and fishery-limiting (e.g. overfished) species to support state and federal fisheries management. Oil and gas exploration, installation, or contamination could impact fisheries assessments in a number of ways including direct interference with at-sea surveys, changes in species behavior and spatial distribution, and fishing patterns.
- University and federal scientists have long-term oceanographic survey sites consisting of moored instruments that could be disrupted by oil and gas activities and contaminants.

7) Economic Effects: BOEM should consider all the social and economic impacts to the individuals, sectors, and communities that engage in Oregon’s marine-related natural resource economy that would result from oil and gas environmental impacts. This should include the economic costs to state and local governments for performing environmental review and permitting, building new infrastructure related to oil and gas exploration and development, and for managing oil spill planning, response, clean up, and recovery.

Conclusion

Section 18(a)(3) of the OCSLA requires the Secretary to strike a balance between the potential for environmental damage, the discovery of oil and gas, and adverse impacts on the coastal zone. The Secretary’s balancing effort must be informed by analysis of the Section 18(a)(2) factors and a comparative analysis of all 27 planning areas. For the DPP, an element of the comparative analysis is an estimation of societal net benefits for each planning area, derived by calculating the value of undiscovered economically recoverable oil and natural gas resources minus the cost to industry and the environmental and social costs of developing those resources. Based on this existing policy as well as the risk of losing the economic value of Oregon’s sport and commercial fisheries far surpassing the potential gain from short-term oil and gas extraction, ODFW does not support including marine waters off Oregon in the 11th National Outer Continental Shelf Oil and Gas Leasing Program. Furthermore, ODFW believes that oil and gas exploration in the Washington/Oregon Planning Area is inconsistent with Section 18 of the Outer Continental Shelf (OCS) Lands Act, which requires that OCS leasing find balance between the potential for the discovery of oil and gas, the potential for environmental damage, and the potential for adverse impact on the coastal zone. ODFW has concluded that such a balance is unattainable. ODFW respectfully requests that BOEM include a no-action alternative for “no oil and gas leasing program off of Oregon/Washington,” as part of the subsequent process. In keeping with the existing oil and gas leasing program, exclude all of the Oregon/Washington OCS planning area.

Staff Contact for ODFW:

Justin Ainsworth, Marine Resources Program Manager (Justin.C.Ainsworth@odfw.oregon.gov)

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY COMMENTS

The comments provided by the Oregon Department of Environmental Quality (DEQ) are focused on the limited resources available for oil spill response. DEQ has no regulatory authority for offshore oil facilities outside State waters. DEQ is responsible for protection of human health and the environment for oil spills that could threaten Oregon’s coastal zone under ORS 468b. DEQ is responsible by statute for the development of plans to respond to oil spills in coastal waters of Oregon, in partnership with the United States Coast Guard. DEQ as the designated State On-Scene Coordinator for oil and hazardous materials spills is also responsible for leading the cleanup of Oregon’s beaches and estuaries within Unified Command if stood up.

Current resources address spill events of a much smaller magnitude than would be possible from a developed oil well. Oregon is not prepared, staffed, or resourced to be able to respond to a spill of the potential magnitude presented by development of offshore exploration and development. In addition, DEQ is in the process of updating the coastal spill protection plans (Geographic Response Plans), which highlight the difficulty of containing a spill given the exposed nature of our coasts and the energetic environment that response efforts will be required to work in. DEQ also points out that the risks associated with oil and gas exploration and production activities off Oregon would be much higher than in other regions due to the unconsolidated sediments and shelf deposits on the OCS, given that it is an unstable platform in an active tectonic region.

In the event of a spill, the Pacific Ocean and nearshore currents are likely to disperse any spill along a large section of the coast, making cleanup and prevention with existing resources a significant challenge. DEQ’s comments reinforce the perspective that the mitigation and response funds associated with any proposed development should be sufficient to pay for the improvement in Oregon’s ability to respond to a spill – these funds should be included in the costs for any development when the Section 18 balancing analysis is conducted. Additionally, DEQ comments that due to the gap in Oregon’s oil spill response capabilities, any future plans for exploration or development will need to consider the costs associated with bringing in new response equipment and staffing required to respond to catastrophic discharge events.

The oil spill protection plans (Geographic Response Plans) developed for the Oregon Coast were not designed for the response to spills of the potential magnitude presented by the development of offshore oil resources. The plans for the Oregon Coast are based on limited resource data available at the time of creation, and do not represent the current state of response technology or equipment availability in the Pacific Northwest.

DEQ is the primary state agency responsible for prevention and cleanup of hazardous material spills in Oregon. DEQ does not have the Incident Command resources to conduct large-scale, long-term response to significant spills of oil. Because of staff and resource limitations, DEQ relies on the resources and leadership of the United States Coast Guard and Environmental Protection Agency to conduct response to significant oil and hazardous material spills that threaten the environment.

Oregon is not prepared, staffed, or resourced to respond to a spill in the coastal zone of the potential magnitude presented by development of offshore oil exploration and development, and because Oregon does not regulate facilities outside Oregon's waters, would have no means of developing or expanding oil spill program resources to match the increases in risk posed by offshore drilling.

Under the National Contingency Plan, Area Committees are established to develop Geographic Response Plans and facilitate planning needed to conduct a coordinated response. The member agencies of the Northwest Area Committee (state and federal) have struggled over the past 10 to 15 years to provide staffing to conduct the work needed to adapt the Area Plan to emerging risks from new types and sources of oils and new transportation routes to refineries and markets.

Oregon, in contrast to other West Coast States, has struggled to provide staff resources to dedicate to planning and response, having less than 10% of the oil spill planning and response staff that Washington maintains, and 5% of the staff that California maintains to support their oil spill prevention, planning and response programs.

Currently, scientists are predicting that there is about a 40 percent chance that a megathrust earthquake of 9.0+ magnitude in the Cascadia subduction zone along the Oregon and Washington coast will occur in the next 50 years. An earthquake along the coastal zone of Oregon or Washington would likely result in significant spill from oil and gas exploration/development at a time when the state or region has no capacity to respond. Survivors in coastal communities would be faced with oil washing ashore creating life safety challenges and serious long-term recovery and restoration challenges.

Comments on BOEM's Draft Proposed Program and Environmental Analysis

Previous versions of BOEM's Proposed Program have identified the potential for accidental oil spills, but have stated that "Industry practices and government regulations minimize the frequency of these spills, and industry and government entities are prepared to respond or prevent spills from reaching the coast should a spill occur." This was previously identified as not being accurate for the Pacific Northwest, and especially Oregon, because:

- a. There are few response strategies that are available to protect Oregon's nearshore waters, estuaries and shorelines from oil spills due to the high energy environmental conditions present throughout much of the year in the Pacific Northwest.
- b. In the event of a spill, impacts to Oregon's shoreline are likely and would extend along the coast through ocean and nearshore currents. Although the previous Draft Proposed Plan pointed out that the control of spills can be accomplished using booms and

skimming off shore, these techniques are less effective in open waters, and Oregon does not maintain the quantities and types of equipment needed to accomplish control of oil in the offshore environment, even if weather did not prevent their use.

- c. The only effective tool to combat significant quantities of oils released in heavy seas offshore is the aerial or boat application of dispersants. However, the effects and consequences of using dispersants at sea are only beginning to be understood. The largest, well-studied use of dispersants was in response to the Deepwater Horizon (DWH) Spill, and though nearly 15 years have passed, much of the science of the use and effects of large-scale dispersants application has only recently become available. The use of dispersants in cold water marine environments is less well studied, but some data indicates that dispersants used in DWH do not readily break down in colder ocean applications,³³ and the effects on habitats in colder regions is unknown. It is likely that the use of dispersants for large discharges of oil from oil and gas exploration or development would have devastating impacts on crucial fisheries and critical offshore habitat. Some studies suggest that the impacts from the use of dispersants may be more harmful to certain types of species than the spilled oil itself.³⁴
- d. The techniques available to cleanup sensitive rocky and sandy intertidal habitats are very limited, have limited effectiveness, and have inherent environmental tradeoffs when implemented: any significant spillage from offshore oil production will have dramatic long-term consequences for Oregon, even if cleanup of shorelines is conducted.
- e. Experience in the Pacific Northwest with smaller spill incidents, such as Exxon Valdez, New Carissa, Cosco Busan, and others, have stretched the limits of responder and response organization capabilities to accomplish shoreline assessment and the cleanup of shorelines impacted by comparatively smaller releases of oils.

Previous versions of the Draft Proposed Program on Catastrophic Discharge Events (CDE), have stated “Statistically unexpected, a CDE is an event that results in a very large discharge of oil (typically greater than one million barrels) into the environment and could cause long-term and widespread effects on marine and coastal environments.” and then further stated “A catastrophic spill is not expected, and would be considered well outside the normal range of probability, despite the inherent risks of oil exploration, development, or production-related activities expected from the 2019-2024 Program.”

- a. Given the oceanographic and meteorological conditions present off the coast of Washington and Oregon, the conduct of exploration, development and production of oil and gas would pose challenges that would increase the potential for CDEs.
- b. The unconsolidated continental shelf deposits, and the periodic shaking associated with subduction zone earthquakes, has caused numerous turbidite deposits and other soft sediment deformation, even on relatively modest sloping deposits due to the saturated nature of the sediments. This relatively unstable platform is the setting of

³³ Biodegradability of Corexit 9500 and Dispersed South Louisiana Crude Oil at 5 and 25 °C. Campo, Venosa, and Suidan; *Environ. Sci. Technol.*, **2013**, 47 (4), pp 1960–1967

³⁴ Dispersant used to clean Deepwater Horizon spill more toxic to corals than the oil, study suggests. Cordes: Phys.Org Online Journal, 2015, <https://phys.org/news/2015-04-dispersantdeepwater-horizon-toxic-corals.html>

- the proposed offshore development program, which further increases the likelihood of a significant discharge of oil through exploration and production activities.
- c. Although statistically improbable, the magnitude of risk associated with such an event establishes the need to conduct response planning and response equipment staging commensurate with that risk. Such equipment staging and planning for CDEs has not been conducted in the Pacific Northwest.

Guidance to BOEM in development of an Environmental Analysis

Because of the ongoing gaps in marine oil spill planning in Oregon, and the lack of spill response resources to combat oil spills of the magnitude presented by the potential development of offshore oil and gas resources, any Environmental Analysis must include the ability to factor in the threat presented by limitations in the current state of preparation, and the costs associated with bringing those capabilities to needed levels to support offshore drilling.

Because of the gap in marine oil spill response resources in the Pacific Northwest, the Environmental Analysis process must account for the threat posed and additional risks to PNW shorelines that will result from having to bring resources in from other parts of the US and Canada. The gap in response equipment and resources availability will result in substantial loss of opportunity to respond, unless these resources are staged in Oregon and Washington. The Environmental Analysis process must take into account the fact that these resources, typically available in areas of the country that have long ago developed oil and gas production offshore, are not available in Oregon.

Oregon's coastal zone and nearshore waters represent a unique ecosystem that supports many highly valued fisheries and habitats. The DPP values the habitat for all offshore waters of the United States, but fails to recognize the high quality and relatively pristine waters off Oregon and Washington. This evaluation should be conducted again to make sure the methodology for habitat valuation accurately recognizes the place, function and critical nature of Oregon and Washington's offshore waters before undertaking an Environmental Analysis.

Staff Contacts for DEQ:

Wes Risher, Emergency Response Program Manager (wes.risher@deq.oregon.gov)

Don Pettit, Senior Emergency Response Planner, (don.pettit@deq.oregon.gov)

OREGON DEPARTMENT OF ENERGY COMMENTS

The Oregon Department of Energy (ODOE) is statutorily charged with the responsibility to collect, evaluate, and disseminate information about energy use in Oregon, including the responsibility to prepare a comprehensive energy report under ORS 469.059. Under ORS 469.010 and 469.030, ODOE is charged to work with other public agencies and private entities on energy program activities to promote energy conservation, energy efficiency, and

permanently sustainable energy resources. In dealing with the federal government to aid that responsibility, ODOE "may intervene in any proceeding undertaken by an agency for the purpose of expressing its views as to the effect of an agency action upon state energy resources and state energy policy" (ORS 469.110(2)).

ODOE finds the proposed program to be misaligned with Oregon state energy policy objectives and state climate goals. The agency's Siting Division, which has jurisdiction over energy resource development in state waters and lands, has statutory requirements that would be incompatible with offshore petroleum drilling. The ODOE comments specifically ask for greenhouse gas (GHG) emissions associated with the recovery and transport of oil and gas to be included in the EIS, along with as much detail as possible on the methods for transport and proposed development activities.

The vision of the Oregon Department of Energy (ODOE) is to lead Oregon to a safe, equitable clean, and sustainable future. Our mission includes advancing solutions to shape an equitable clean energy transition, protecting the environment and public health, and responsibly balancing energy needs and impacts for current and future generations. ODOE has a number of statutory responsibilities that intersect with the Bureau of Ocean Energy Management (BOEM) goals for developing a new National OCS Oil and Gas Leasing Program.

Comments on BOEM's proposed program

Section 18 of the Outer Continental Shelf Lands Act requires that the United States Department of Interior consider the "laws, goals, and policies of affected states" when revising the oil and gas leasing program.²¹ The BOEM proposal for oil and gas leasing on the outer continental shelf is inconsistent with the current and proposed direction of Oregon's laws, goals, and policies with regard to the state's energy consumption and economy. Oregon has a long history of embracing energy efficiency as well as renewable energy sources for electricity production, transportation, and for stationary fuel use. Additionally, Oregon has state greenhouse gas (GHG) reduction goals, with a 2050 target of a 75 percent reduction in GHG emissions below 1990 levels. Overall, Oregon's energy policy is to "promote the efficient use of energy resources and to develop permanently sustainable energy resources," (ORS 469.010) and to reduce the state's GHG emissions (ORS 468A.205).

General Mission

Under Oregon Revised Statutes (ORS) 469.030, ODOE is statutorily charged with the responsibility to collect, evaluate, and disseminate information about energy use in Oregon, including the responsibility to prepare a comprehensive energy report under ORS 469.059. In 2023, ODOE was directed by the Oregon Legislature to develop a statewide energy strategy in House Bill 3630. ODOE used an economywide energy system model to inform which strategic pathways would enable the state to achieve its energy objectives and climate goals at the least cost. Under ORS 469.010 and 469.030, ODOE is charged to work with other public agencies and private entities on energy program activities to promote energy conservation, energy efficiency, and permanently sustainable energy resources. In dealings with the federal government to aid that responsibility, ODOE "may intervene in any proceeding undertaken by an

agency for the purpose of expressing its views as to the effect of an agency action, upon state energy resources and state energy policy" (ORS 469.110(2)).

Oregon Energy Policy

The development of oil and gas resources on the outer continental shelf is incompatible with state energy and climate policies. The proposed program is misaligned with Oregon energy policies to develop permanently sustainable energy resources and protect future Oregonians from the major negative environmental, social, and financial effects of non-renewable energy consumption. Recently published economywide energy systems modeling developed through the Oregon Energy Strategy indicate Oregon can transition to clean energy future by supporting broad energy efficiency adoption, electrifying end uses like vehicles and heat pumps, decarbonizing Oregon's electricity generation, leveraging distribution system resources and management, and strategically using low-carbon fuels for industry and vehicles that cannot be cost-effectively electrified. Further, these changes will retain Oregon energy dollars in-state, can reduce consumer energy costs in many circumstances, and have major benefits in health outcomes for Oregonians.

The proposed program would not provide net benefits to Oregonians. The state has strong state policies driving clean energy development and use, including statewide goals to reduce greenhouse gas emissions, a clean electricity target for the state's investor-owned utilities and energy service suppliers, programs that require and encourage the use of low carbon fuels, and transportation electrification targets. Modeling efforts led by ODOE indicate that achieving the state's goals will provide significant economic, environmental, and health benefits for Oregonians. Conversely, the market for fossil fuels is expected to dwindle as Oregon transitions to clean energy resources.

Facility Siting

ORS 469.450 established Oregon's Energy Facility Siting Council (EFSC) – a state entity made up of seven members who are appointed by the Governor and confirmed by the Oregon State Senate. ODOE provides staff support to the Council. Under ORS 469.310, EFSC is charged with ensuring that the siting, construction, and operation of state jurisdictional energy facilities are accomplished in a manner consistent with the protection of the public health and safety and in compliance with the state's energy policy and air, water, solid waste, land use, and other environmental protection policies of Oregon. If an offshore drilling facility were to transport any fossil energy resources to shore via a pipeline with some or all of its footprint in Oregon, the pipeline could potentially fall under EFSC jurisdiction via ORS 469.300(11)(a)(E), depending on the specific parameters of the project, such as size, location, and length. Additionally, if an offshore drilling facility were to require a source of electricity from onshore in Oregon to the rig, this could fall under the jurisdiction of EFSC under ORS 469.300(11)(a)(C). Oregon's energy facility siting review process is a technology neutral, standards-based process in which an applicant has the burden of proof to show they meet all applicable standards before they can receive an approval. All applicants are reviewed against the same set of applicable standards and criteria, regardless of energy facility type.

Scoping Guidance for BOEM’s EIS Development

Given the potential for EFSC jurisdiction, ODOE requests that BOEM be as specific as possible when identifying and analyzing proposals and alternatives on the number of potential production platforms that could be installed and the type of support infrastructure these installations might need, especially related to onshore power. Additionally, ODOE requests as much detail as possible on the proposed methods that might be used to transport the oil and gas that are produced.

As the support agency for the Oregon Climate Action Commission and co-author of the Commission’s reports, ODOE also requests that any associated EIS includes estimates of the GHG emissions associated with the recovery, transport, and use of oil and gas from offshore drilling facilities in Oregon.

Staff Contact for ODOE:

Jason Sierman, Sr. Energy Policy Analyst (jason.sierman@energy.oregon.gov)