

The Attorneys General of Maryland, California, Delaware, Maine, Massachusetts, New Jersey, New York, Oregon, Rhode Island, and Washington

June 16, 2025

Ms. Kelly Hammerle
Program Manager
Bureau of Ocean Energy Management
45600 Woodland Road
Sterling, MD 20166

Re: Request for Information and Comments on the Preparation of the 11th National Outer Continental Shelf Oil and Gas Leasing Program MAA10400, 90 Fed. Reg. 17972 (April 30, 2025).

Dear Ms. Hammerle,

The Attorneys General of Maryland, California¹, Delaware, Maine, Massachusetts, New Jersey, New York, Oregon, Rhode Island, and Washington offer these comments in response to the Bureau of Ocean Energy Management's April 30, 2025 Request for Information and Comments on the Preparation of the 11th National Outer Continental Shelf Oil and Gas Leasing Program MAA104000, 90 Fed. Reg. 17972. As the chief legal officers of coastal states along the Atlantic and Pacific coasts we urge you to exclude all portions of the Atlantic and Pacific OCS Planning Areas from the forthcoming Draft Proposed Program.

Section 18 of the Outer Continental Shelf Lands Act identifies the factors the Secretary must consider when preparing a National OCS Program.² These include, among other things, "an equitable sharing of developmental benefits and environmental risks among the various regions"; the "relative environmental sensitivity and marine productivity of different areas"; and the "laws, goals, and policies of affected States which have been specifically identified by the Governors of such States as relevant matters for the Secretary's consideration."³ The Secretary is required to balance the possible environmental damage, the potential discovery of oil and gas, and adverse impact on the coastal zone.⁴

Oil and gas development in the Atlantic and Pacific Planning Areas would threaten the unique ecology of our marine and coastal environments, our economies, and our culture. Our states are home to some of the most productive coastal and estuarine resources in the country. Fisheries,

¹ The California Attorney General submits these comments pursuant to his independent power and duty to protect the environment and natural resources of the State. See Cal. Const., art. V, § 13; Cal. Gov. Code, §§ 12511, 12600-12612; *D'Amico. v. Bd. of Medical Examiners*, 11 Cal.3d 1, 14-15 (1974).

² 43 U.S.C. § 1344(a)(2).

³ *Id.*

⁴ *Id.* § 1344(a)(3).

tourism, and shipping are pillars of our state economies and history has shown that an oil spill in OCS waters off any of our coasts would devastate these important industries.

Nor is oil and gas development off our coasts necessary to address “national energy needs”. America is a net exporter of fossil fuels. Demand for oil is decreasing and concerns over the availability of natural gas are belied by national policies allowing ever increasing amounts of LNG to be shipped overseas and the uncertain nature of energy demand projections. Regardless, the limited reserves of economically recoverable resources found off our coasts would do little to address national demand.

Additionally, oil and gas development in the OCS is irreconcilable with state laws requiring reductions in greenhouse gas emissions and restricting oil and gas activity and infrastructure in many of our states’ territorial waters. These laws are essential to protecting our communities from the worst impacts of climate change-induced sea level rise and extreme weather events, phenomena that are already impacting both state-owned and private coastal area.

For all of these reasons, and more, we urge the Bureau to act consistently with the past forty years of practice and exclude both the Atlantic and Pacific OCS Planning Areas from the Draft Proposed Program.

1. Marine and coastal resources are essential parts of our state economies.

Marine and coastal areas support ecosystems that are of vast environmental, economic, and cultural significance to our states. Maryland, for example, is home to the Chesapeake Bay, the nation’s largest estuary. The Bay produces roughly 500 million pounds of seafood each year, generates an estimated \$100 billion in economic value annually, provides important habitat for hundreds of species, and serves a defining role in Maryland’s history and culture. Maryland also has significant coastal resources including Ocean City, Maryland and Assateague Island State Park and National Seashore. These destinations attract millions of tourists each year. And Maryland is home to the Port of Baltimore, one of the most important ports on the Atlantic Coast, which received over 55 million tons of cargo, generated over \$5 billion in wages, and supported over 50,000 jobs in 2023 alone.

Massachusetts has approximately 1,500 miles of coastline and a coastal zone that encompasses 886 square miles. Approximately 5.2 million people or 73% of the Commonwealth’s population reside in coastal counties. The Massachusetts coastal zone is also home to several major ports including the Port of Boston and New Bedford/Fairhaven Harbor. A 2018 economic study indicates the income generated from the Massachusetts maritime economy supports 2.6% of the state’s direct employment and 1.3% of gross domestic product. In 2018, New Bedford/Fairhaven Harbor alone generated \$3.7 billion in direct business revenue from seafood processing and fleet operation businesses. Massachusetts’s coastal ecosystems are also a key driver of outdoor recreation and tourism. In recent years, for example, Cape Cod, Martha’s Vineyard, and

Nantucket have together received over \$3.7 billion per year in direct visitor spending, underscoring the importance of the coast to the Massachusetts tourism industry.

With roughly 3,500 miles of tidal coast, Maine has the fourth-longest shoreline in the United States.⁵ The Maine coast is an economic engine for the state, attracting millions of visitors annually and supporting the state's working waterfronts for important fishing, lobstering, aquaculture, and shipbuilding industries, along with various marine-related businesses that rely on a healthy ocean ecosystem. Maine has one of the country's most valuable fisheries in the country, providing 51,184 jobs, sales of \$3.8 billion, and value-added economic impacts of more than \$1.6 billion.⁶ A critical piece of that industry is Maine's renowned lobster fishery, which contributes an estimated \$1.7 billion to the state's economy annually.⁷ The coastal region is also a critical driver of Maine's tourism industry, which in 2024 attracted 15 million visitors, supported 116,000 jobs, and generated approximately \$9.2 billion of economic activity.⁸ Maine's key coastal assets include its sandy beaches, coastal towns, the Maine Coastal Islands National Wildlife Refuge Complex,⁹ and Acadia National Park, which alone attracts more than four million visitors each year.¹⁰

New York's vital coastal resources, stretching from New York City to Montauk Point, are already impacted by increasingly extreme storms and sea level rise. Catastrophic oil and gas releases from unnecessary BOEM-sanctioned offshore development would further impact the State's economic sectors that depend on the marine environment.

Rhode Island is known as the Ocean State, and despite being the smallest state in the country it has nearly 400 miles of Atlantic coastline and 100 beaches. The State's strategic location, port infrastructure, skilled labor, and training programs support its ocean-based economy. Rhode Island is home to world-renowned seafood, a legacy commercial fishing industry, and well-established aquaculture farms. Rhode Island's tourism sector is strong and growing, bringing in millions of people each year looking to enjoy our coastal communities, beaches, and boating activities. Tourism also sustains a large number of jobs in varied industries and generates significant tax revenue for the State. In 2023, Rhode Island saw a record 28.4 million visitors who spent some \$5.6 billion in state.

⁵ NOAA, Office of Coastal Management, *Shoreline Mileage of the United States*, <https://coast.noaa.gov/data/docs/states/shorelines.pdf>.

⁶ National Marine Fisheries Service, NOAA Technical Memorandum NMFS-FF/SPO-248B, *Fisheries Economics of the United States 2022*, Nov. 2024, <https://media.fisheries.noaa.gov/2024-11/FEUS-2022-SPO248B.pdf>.

⁷ Letter from Senators Angus S. King and Susan M. Collins to Ryan Zinke, Sec'y of Interior (Jan. 8, 2018), <https://www.king.senate.gov/imo/media/doc/King%20Collins%20letter%20to%20Zinke%20on%20North%20Atlantic%20drilling%20-%20201-8-18.pdf>.

⁸ Maine Office of Tourism, *2024 Maine Office of Tourism Highlights*, https://motpartners.com/wp-content/uploads/2025/04/ME_1619047592_GovernorsConf_EconomicImpactHighlights_v11.pdf.

⁹ U.S. Fish and Wildlife Service, *Maine Coastal Islands National Wildlife Refuge Complex*, <https://www.fws.gov/refuge/maine-coastal-islands-complex>.

¹⁰ National Park Service, *Park Fact Sheet - Acadia National Park* <https://www.nps.gov/acad/learn/facts.htm>.

Delaware's relatively short Atlantic Ocean coastline, some twenty-eight miles from Cape Henlopen in the north to the Maryland border at Fenwick Island, boosts the State's economy through tourism and recreation. Most of this shoreline is set aside for public use, including Cape Henlopen State Park, Delaware Seashore State Park, and Fenwick Island State Park. The Indian River Inlet provides ocean access from the inland bays and rivers of Sussex County. Notable resort towns along the coast include Lewes, Rehoboth Beach (known as the "Nation's Summer Capital", based on the vast numbers of vacationers from the D.C. area), Dewey Beach, Bethany Beach, and Fenwick Island. Delaware's ocean beaches provide a haven for bathers, kayakers, and surfers. Its coastal waters shelter a variety of marine mammals and fish species, plus crabs and clams and other shellfish.

New Jersey's total coastal zone encompasses 1,792 miles of coastline, and covers a vast portion of the state, including parts of 17 counties and 239 municipalities.¹¹ Approximately seven million people live year-round in the coastal zone.¹² New Jersey's beaches are a major tourist destination drawing millions of visitors each year and generating billions of dollars for the state's economy. In 2022, approximately \$23.39 billion was spent at the Jersey Shore.¹³ New Jersey's Delaware Bay is home to the largest breeding population of horseshoe crabs in the world.¹⁴ Migratory birds, such as the Red Knot, rely on the coastal area for survival.¹⁵ New Jersey is vulnerable to sea level rise seas along its coasts are rising faster than the global average. Climate change is causing extreme weather in New Jersey including coastal flooding, coastal erosion, inland flooding, extreme heat events, and drought.¹⁶ Coastal storms have also caused the State billions in damages.

Oregon's rugged and environmentally sensitive coastline plays a large part in the State's identity and its economy. Visitors to these coastal areas contribute roughly \$1.7 billion to coastal communities each year. Oregon's fisheries support 11,000 coastal jobs and produce approximately \$1.6 billion per year in annual economic output. Oregon's rocky shorelines also support unique and vulnerable biological communities, including many threatened and endangered bird and marine mammal species that reside, migrate, and forage on the OCS off Oregon. Consistent with the social, economic, and ecological benefits derived from this vital landscape and important habitat, Oregonians have declared that the highest priority for the management of ocean resources is the long-term use and protection of renewable marine resources.

¹¹ *State of New Jersey Climate Change Resilience Strategy* 80 (2021), [nj-climate-resilience-strategy-2021.pdf](https://climate-resilience-strategy-2021.pdf).

¹² *Id.*

¹³ Tourism Economics, *The New Jersey Visitor Economy 2022* 21 (Mar. 2023), https://visitnj.org/sites/default/files/2023-05/2022_Tourism_Economic_Impact_Study.pdf.

¹⁴ *State of New Jersey Climate Change Resilience Strategy* 80 (2021), [nj-climate-resilience-strategy-2021.pdf](https://climate-resilience-strategy-2021.pdf).

¹⁵ *Id.*

¹⁶ N.J. Dep't of Env'tl. Prot., *2020 New Jersey Scientific Report on Climate Change* 9 (June 30, 2020) available at <https://dspace.njstatelib.org/bitstreams/ebcee53e-0050-4896-8f2b-b84f0721f470/download>.

In Washington, fishing, recreation, shipping, and military uses are economically, culturally, and socially vital to coastal communities. These industries support thousands of jobs and bring hundreds of millions of dollars to the local and state economy. These activities rely on healthy, sustainable resources, clean water, and clean beaches – all of which could be harmed or put at risk from exploration and drilling for oil and gas. For example, non-tribal commercial fisheries land well over 100 million pounds of fish at Washington ports each year, supporting 2,830 jobs and \$117 million in labor income in the state. Shellfish aquaculture and recreational fishing and clamming support significant additional employment and generate millions of dollars in labor and tourist related income for coastal communities.

Washington's coast supports abundant wildlife such as deep-water corals and sponges; seabird colonies that are among the largest in the contiguous United States; 29 species of marine mammals, including a population of reintroduced sea otters; and commercially and culturally valuable species such as salmon, crab, shrimp, oysters, and clams. This seascape is critical not only to Washington State, but to the four coastal tribes in Washington that maintain treaties with the United States. Those treaties reserve the tribes' right to hunt and fish in Usual and Accustomed Areas, including large areas of the Pacific Ocean extending 30 to 40 nautical miles off Washington's coast. This has led to a unique co-management relationship among the tribes, the State, and the federal government.

2. Oil and gas development in the Atlantic and Pacific would threaten our state economies and coastal ecosystems.

Our states have significant interests in maintaining the ecological health of our coastal and marine ecosystems. Put simply, the very real threat to our coastal resources from oil and gas activity leads us to oppose any attempt to lease portions of the Atlantic and Pacific OCS for such development. The nation's history of catastrophic accidents from offshore oil and gas activity, whether the *Exxon Valdez*, Santa Barbara, or Deepwater Horizon disasters, demonstrates the magnitude of the risk from oil and gas operations in OCS areas adjacent to our states.

The Deepwater Horizon Spill illustrates the high stakes of oil and gas activity on the OCS. The Deepwater Horizon blowout cost the lives of 11 oil and gas workers and released 134 million gallons of oil into the Gulf of Mexico.¹⁷ At its peak the spill caused the closure of roughly 37% of Gulf waters to commercial and recreational fisheries.¹⁸ Oil contaminated 1,300 miles of shoreline and required extensive cleanup efforts.¹⁹ The full impact on both human health and the

¹⁷ NOAA Fisheries, *Deepwater Horizon 10 Years Later: 10 Questions* (Apr. 13, 2020), <https://www.fisheries.noaa.gov/news/deepwater-horizon-10-years-later-10-questions>.

¹⁸ Paul A. Sandifer, et al., *Human Health and Socioeconomic Effects of the Deepwater Horizon Oil Spill in the Gulf of Mexico*, 34 *Oceanography* 1, 181 (Mar. 2021), <https://tos.org/oceanography/article/human-health-and-socioeconomic-effects-of-the-deepwater-horizon-oil-spill-in-the-gulf-of-mexico-1>.

¹⁹ NOAA Fisheries, *Deepwater Horizon 10 Years Later: 10 Questions* (Apr. 13, 2020), <https://www.fisheries.noaa.gov/news/deepwater-horizon-10-years-later-10-questions>.

environment is still not known but numerous studies have observed sublethal impacts to wildlife across multiple generations indicating a lasting impact on the environment.²⁰

The spill was also a catastrophe for the Gulf economy, undermining the region's fishery and tourism sectors. One study estimates that in the ten years following the spill, Gulf fisheries lost roughly 24,000 jobs, \$2.1 billion in direct output, \$650 million in labor income, and \$300 million in state, local, and federal tax revenue, with most of those losses occurring in the first three years after the spill.²¹ The effects on tourism were also devastating. Cancelled recreational trips to Northwest Florida in the immediate aftermath of the spill are estimated to have resulted in a loss of \$2.04 billion in regional industry output and 20,486 job-years.²²

California has also experienced first-hand the catastrophic impacts of oil spills. The 1969 oil spill at Union Oil's Platform A in Santa Barbara caused staggering environmental and economic damage, with 4.2 million gallons of crude oil covering 800 square miles of ocean with tar-black pitch. This spill killed thousands of birds, along with seals and other marine mammals, suspended commercial fishing from February through April 1969, negatively impacted tourism, and caused extensive property damage.²³ Owners of beachfront homes, apartments, and hotels received \$6.5 million in damages from a class action lawsuit, while commercial and recreational boat owners received \$1.3 million for property damage and loss of revenue.²⁴ The cost of clean-up exceeded \$4.5 million.²⁵

More recently, in May 2015 an underground pipeline running parallel to Highway 101 ruptured near Refugio State Beach in Santa Barbara County, spilling over 123,000 gallons of crude oil, much of which ran down a culvert under the freeway and train tracks and entered the ocean. The Refugio Oil Spill impacted fish, invertebrates, birds, and marine mammals in the oiled areas, causing millions of dollars of damages. The spill also shut down 138 square miles of fisheries for six weeks.²⁶ This incident closed multiple beaches down the coast and impacted recreational uses

²⁰ See e.g., Dorr, et al. *Effects of Repeated Sublethal External Exposure to Deepwater Horizon Oil on the Avian Metabolome*, 9 Scientific Reports 371 (2019); Vignier, et al. *Lethal and Sub-Lethal effects of Deepwater Horizon slick oil and dispersant on oyster (Crassostrea virginica) larvae*, 120 Marine Environmental Research 20 (Sept. 2016); Xu, et al. *Larval red drum (Sciaenops ocellatus) sublethal exposure to weathered Deepwater Horizon Crude Oil: Developmental and Transcriptomic Consequences*, Enviro. Sci. Tech. (Aug. 2017).

²¹ Court and Hodges, *Effects of the Deepwater Horizon Oil Spill on Human Communities: Catch and Economic Impacts*, Deep Oil Spills at 576, 579 (2020).

²² Court and Hodges, *Economic Impacts of Cancelled Recreational Trips to Northwest Florida after the Deepwater Horizon Oil Spill*, 9 Regional Science Policy and Practice 3, 143 (2017), <https://www.sciencedirect.com/science/article/pii/S1757780223003050>.

²³ See NOAA Office of Response and Restoration, *45 Years After the Santa Barbara Oil Spill, Looking at a Historic Disaster Through Technology*, Jan. 18, 2014, <https://response.restoration.noaa.gov/about/media/45-years-after-santa-barbara-oil-spill-looking-historic-disaster-through-technology.html>.

²⁴ County of Santa Barbara Planning and Development: Energy Division, *Blowout at Union Oil's Platform A*, <https://web.archive.org/web/20100502233206/http://www.countyofsb.org/energy/information/1969blowout.asp>.

²⁵ NOAA Hazardous Materials Response and Assessment Division, *Oil Spill Case Histories: 1967-1991*, Report No. HMRAD 92-11 (Sept. 1992), https://response.restoration.noaa.gov/sites/default/files/Oil_Spill_Case_Histories.pdf.

²⁶ Cal. Dept. of Fish and Wildlife, *OSPR Labs Special Projects: Refugio Beach Oil Spill Fishery Closure*, <https://www.wildlife.ca.gov/OSPR/Science/Laboratories/Chemistry/Special-Projects/Fishery-Closure>.

such as camping, non-commercial fishing, and beach visits, resulting in 140,000 lost recreational user days in Santa Barbara and Ventura counties and \$3.9 million in damages to human use.²⁷ These incidents and the aftermath illustrate the significant environmental and economic risk from the development of offshore oil and gas.

3. National energy needs do not compel leasing in these areas.

Oil and gas development in the Atlantic and Pacific Planning Areas is not needed to meet the nation's future energy needs. The U.S. already produces more oil and gas than any other nation and is projected to increase production in 2025 and 2026 without additional offshore drilling in the Atlantic and Pacific Planning Areas.²⁸ Production is so high that the U.S. has been a net-exporter of petroleum liquids since 2020 and is projected to increase exports in the coming years.²⁹ That increase in production has coincided with a decrease in domestic demand for gasoline that started in 2019 and continues today.³⁰ Importantly, that trend holds for all Petroleum Administration for Defense Districts (PADD) regions except the Gulf Coast, and decreases in gasoline consumption have been particularly pronounced on the East and West Coasts with decreases of 6% and 10% respectively since 2019.³¹ Thus it makes little sense to justify expanded oil and gas operations in the OCS on domestic demand for crude oil.

While natural gas prices are expected to increase sharply in the short term, those projections do not justify additional leasing in the OCS. First, expected increases in natural gas prices are likely caused by significant increases in natural gas exports. Exports, which are projected to increase by 22% in 2025 and an additional 10% in 2026 have an outsized impact on the availability of domestically produced gas for domestic uses which increases both the price of gas and the price of electricity.³²

Second, higher natural gas prices are linked to projections of skyrocketing demand for electricity to fuel artificial intelligence (AI) data centers, but these data centers do not run on gas, they run on electricity and it is up to the states to determine how that electricity will be provided.³³ Electricity can be supplied through any number of non-gas sources and projected demand

²⁷ Refugio Beach Oil Spill Final Damage Assessment and Restoration Plan/Environmental Assessment at 8, <https://www.nfwf.org/sites/default/files/2022-09/refugio-beach-oil-spill-final-damage-assessment-restoration-plan-2-03-2021.pdf#:~:text=In%20addition%20to%20direct%20natural%20resource%20impacts%2C,and%20enjoy%20the%20shore%20and%20offshore%20areas.>

²⁸ U.S. Energy Information Agency, *United States Produces More Crude Oil than Any Country*, Ever (Mar. 11, 2024), <https://www.eia.gov/todayinenergy/detail.php?id=61545>; International Energy Agency, *Natural Gas Supply*, <https://www.iea.org/world/natural-gas>.

²⁹ U.S. Energy Information Agency, *Short Term Energy Outlook June 2025: U.S. Petroleum and Other Liquids Supply, Consumption, and Inventories*, <https://www.eia.gov/outlooks/steo/tables/pdf/4atab.pdf>.

³⁰ Lucas Davis, *Is U.S. Gasoline Consumption Declining?*, Energy Institute Blog, UC Berkeley, May 12, 2025, <https://energyathaas.wordpress.com/2025/05/12/is-u-s-gasoline-consumption-declining/>.

³¹ *Id.*

³² See 2024 LNG Export Study: Energy Economic, and Environmental Assessment of U.S. LNG Exports, 89 Fed. Reg. 104132, 104134 (Dec. 20, 2024).

³³ 16 U.S.C. § 824(b)(1).

increases can also be mitigated by increasing investments in energy efficiency on other parts of the grid. Moreover, the structure of the interconnection process means that only a fraction of announced data centers will actually be built.³⁴

4. Oil and gas development is inconsistent with our state laws and policies.

BOEM is required to ensure that 5-year plans are consistent with the laws, goals, and policies of affected states.³⁵ Each of our states has enacted laws and policies to promote clean energy and reduce dependence on fossil fuels and many of our states have laws and policies directly opposing offshore oil and gas activity. These laws, which are described below, are particularly important to our states which are already suffering the impacts of sea level rise and increased extreme weather events.

State Climate and Clean Energy Laws

Maryland has passed significant legislation to combat the worst effects of climate change including the Clean Energy Jobs Act³⁶ and the Climate Solutions Now Act.³⁷ These laws require a 60% reduction in state greenhouse gas emissions from 2006 levels by 2031 and the state to achieve net-zero emissions by 2045

Oregon has also taken significant actions to reduce dependence on fossil fuels and thereby limit the worst effects of climate change. This includes legislation that requires Oregon's investor-owned electric utilities to reduce greenhouse gas emissions to 80 percent below baseline levels by 2030 and to zero by 2040.³⁸ The Oregon Climate Protection Program goes beyond utilities, establishing a declining cap on greenhouse emissions from covered fuel suppliers of fuel used for transportation, home heating, and other purposes (but not including fuel supplied for electricity generation).³⁹ And the Clean Fuels Program requires a 37% reduction in carbon content of transportation fuels by 2035, from 2015 levels.⁴⁰

The Massachusetts Global Warming Solutions Act⁴¹ and the Next-Generation Roadmap for Massachusetts Climate Policy⁴² require that the Commonwealth limit emissions to achieve at

³⁴ Brian Martucci, *A Fraction of Proposed Data Centers Will Get Built. Utilities are Wising Up*, UtilityDive, May 15, 2025 <https://www.utilitydive.com/news/a-fraction-of-proposed-data-centers-will-get-built-utilities-are-wising-up/748214/#:~:text=from%20your%20inbox,-,A%20fraction%20of%20proposed%20data%20centers%20will%20get%20built.,of%20the%20problem%20remain,s%20elusive..> See also Letter from Electric Customer Alliance to Federal Energy Regulatory Commission, May 30, 2025 available at <https://static1.squarespace.com/static/61cb4ad27eb866577fe066fe/t/683dad0998acf67ccdbb63e2/1748872457167/Join+Customer+Letter+to+FERC+re+Load+Forecasting+5.30.25.pdf>.

³⁵ 43 U.S.C. § 1344(a)(2)(F).

³⁶ 2019 Md. Laws. ch. 757.

³⁷ 2022 Md. Laws ch. 38.

³⁸ OR. REV. STAT. § 469A.410(1)(a)-(c) (2021)

³⁹ OR. ADMIN. R. 340-273-0020(8) (2024).

⁴⁰ OR. ADMIN. R. 340-253-8010, Table 1 (2025).

⁴¹ Mass. Gen. Laws ch. 21.

⁴² 2021 Mass. Acts ch. 8.

least net zero greenhouse gas emissions statewide and economywide by 2050, and in no event higher than a level 85% below 1990 emissions baseline. Pursuant to those laws, Massachusetts adopted the Clean Energy and Climate Plan for 2025 and 2030 which sets interim limits requiring emissions at least 50% below 1990 by 2030, and at least 75% below by 2040.

Maine has established statutory goals of reducing greenhouse gas emissions 45% below 1990 levels by January 1, 2020, 80% below 1990 levels by January 1, 2050, and achieving carbon neutrality by January 1, 2045.⁴³ Maine has also adopted renewable portfolio standards requiring 80% of retail energy sales to come from renewable sources by 2030 and 100% of all retail energy sales from renewables by 2050.⁴⁴

New York's 2019 Climate Leadership and Community Protection Act (Climate Act), Environmental Conservation Law Article 75, provides the framework for New York's transition to a clean energy economy. The Climate Act establishes statutory targets for greenhouse-gas reductions from 1990 levels based upon transition to renewable energy resources: 40% by 2030 and 85% by 2050, with a goal of net zero emissions by 2050. In addition, the Climate Act intends that New York's electric grid will be powered by 70% renewable energy by 2030, with a 100% emissions-free electricity sector by 2040. New York agencies such as the Public Service Commission (NYSPSC), the Department of Environmental Conservation, and the New York State Energy Research and Development Authority (NYSERDA), have incorporated the Climate Act's energy policy directives into state energy planning and implementation in order to achieve the efficient, low-carbon future envisioned by the law. New York's greenhouse gas reduction strategies are comprehensive and span its economy, including focusing on clean transportation.

The New Jersey Global Warming Response Act, includes the 80x50 goal of reducing emissions of climate pollutants to 80% below 2006 levels by 2050.⁴⁵ New Jersey also enacted the Clean Energy Act, which takes several critical steps to improve and expand New Jersey's renewable energy programs, including establishing a renewable portfolio standard requiring that 35% of the energy sold in the state come from qualifying energy sources by 2025 and 50% by 2030.⁴⁶

Rhode Island is committed to combatting climate change and its harmful impacts. To that end, the state's legislature has passed several pieces of legislation. Among these are the 2021 Act on Climate⁴⁷ and the Renewable Energy Standard.⁴⁸ The 2021 Act on Climate requires the state to reduce greenhouse gas emissions to 45% below 1990 levels by 2030, and to reach net-zero statewide emissions by 2050.⁴⁹ The Renewable Energy Standard requires retail electricity sales

⁴³ See Me. Rev. Stat. Ann. tit. 38 § 576-A.

⁴⁴ Me. Rev. Stat. Ann. tit. 35-A § 3210.

⁴⁵ 2007 N.J. Laws c.112, N.J. Stat. Ann. § 26:2C-37.

⁴⁶ 2018 N.J. Laws c.17, N.J. Stat. Ann. §§ 48:3-87.8, et seq.

⁴⁷ R.I. Gen. Laws § 42-6.2-1 *et seq.*

⁴⁸ R.I. Gen. Laws § 39-26-1 *et seq.*

⁴⁹ See R.I. Gen. Laws § 42-6.2-9.

in the State to include increasing renewable energy each year, ultimately reaching 100% renewable energy by 2033.⁵⁰

California has taken significant legislative and policy actions to promote clean energy and combat the effects of climate change. These efforts include California Assembly Bill 32, the Greenhouse Gas Emission Reduction Act, which required the state to reduce its overall greenhouse gas emissions to 1990 levels by 2020 and 40% below 1990 levels by 2030, and California Senate Bill 100, requiring the state to procure 100% of electricity from renewable energy and zero-carbon sources by 2045. In addition, statewide programs include a cap-and-trade program, renewables portfolio standard, greenhouse gas reduction fund, and programs to address greenhouse gas emissions from motor vehicles.

The Delaware Climate Change Solutions Act of 2023 is rooted in finding by the General Assembly that climate change attributable to greenhouse gas emissions threatened the health and wealth of Delawareans through sea-level rise, including inundation of farm and pasture land, intensified coastal storms, heat, drought, wildfires, and flooding.⁵¹ The Act established a greenhouse gas reduction strategy that mandates a 50% reduction in greenhouse gas emissions by 2030, as compared to the 2005 baseline emissions. The goal by 2050 is net zero greenhouse gas emissions. The Act further requires a statewide Climate Action Plan, as a framework to guide all agencies in achieving the aforementioned targets. And Delaware's Renewable Portfolio Standard requires that retail sales of electricity include a minimum percentage of "eligible energy resources" and solar photovoltaics as follows, culminating in 2035 with at least 40% of the former and at least 10% of the latter.⁵²

State Laws Regarding Offshore Oil and Gas

Many of our states have also passed laws to protect our territorial coastal waters from oil spills, either explicitly enshrining our direct opposition to offshore oil and gas development or imposing strict liability for spills stemming from such conduct:

- Oregon: Oregon has passed legislation specifically prohibiting oil and gas leasing within the Territorial Sea of Oregon. In doing so, the Oregon Legislature declared that "Oregon is unwilling to risk damaging sensitive marine environments or to sacrifice environmental quality to develop offshore oil and gas resources."⁵³ This policy was confirmed again in 2018 via Gubernatorial Executive Order (EO 18-28) and, in 2019, the Oregon Legislature passed additional legislation prohibiting "[a]ctivities in furtherance of the exploration, development or production of oil, gas or sulfur within federal waters adjacent to the territorial sea."⁵⁴

⁵⁰ See R.I. Gen. Laws § 39-26-4.

⁵¹ Del. Code. Ann. tit. 7, § 1001 *et seq.*

⁵² Del. Code. Ann. tit. 26, § 354(a).

⁵³ OR. REV. STAT. § 196.410(3).

⁵⁴ OR. REV. STAT. § 274.712.

- Washington: The Ocean Resources Management Act⁵⁵ and the Shorelines Management Act⁵⁶ prohibit oil and gas exploration, production, and drilling in the state’s marine waters. Washington’s federally-approved Coastal Zone Management Program (CZMP) sets out state policies, including prioritizing ocean uses that do not adversely impact renewable resources over those that have adverse impacts to renewable resources; conserving fossil fuels; and protecting existing ocean uses and ocean resources from likely, long-term significant adverse effects. Further, Washington’s Marine Spatial Plan⁵⁷ creates a framework for developing marine plans for Washington’s waters, including the potential for marine renewable energy.
- California: California has consistently opposed offshore oil and gas production. California has not issued a new lease for offshore oil or gas development since 1968, and the last sale conducted by Interior for federal tracts offshore California was in 1984. The California Coastal Sanctuary Act of 1994, codified at California Public Resources Code section 6240 et seq., prohibits the state from entering into “any new lease for the extraction of oil or gas from the California Coastal Sanctuary,” subject to limited exceptions during a “severe energy supply interruption” or to prevent the depletion of state reserves from federal lands.⁵⁸ California has consistently opposed federal oil and gas leasing, including opposition from inclusion in the 2012-2017, 2017-2022, and 2019-2024 programs.
- Maine: The Maine Legislature has recognized that offshore oil and gas development activities “place the State’s coastal communities at economic and ecological risk from oil spills, and from the pollution caused by routine drilling operations and onshore industrialization, and threaten the quality of life and livelihoods of Maine citizens and economically significant industries, including tourism, recreation and commercial and recreational fishing, and small businesses that rely on a clean and healthy ocean and clean and healthy beaches.”⁵⁹ As such, Maine law prohibits any oil or natural gas exploration, development or production in, on or under the territorial waters of the State of Maine, which includes the submerged or intertidal lands owned by the State.⁶⁰ The applicable statute defines “development” to include “geophysical activities, drilling, platform construction, pipeline construction and the operation of all onshore support facilities specifically constructed or designed to support those activities.”⁶¹ The prohibition includes the removal or extraction of oil or gas resources, related field operations, the transportation of those resources over the territorial waters of the State to onshore

⁵⁵ Was. Rev. Code § 43.143.010.

⁵⁶ Was. Rev. Code § 90.58.160.

⁵⁷ Required by Was. Rev. Code § 43.372.

⁵⁸ Cal. Pub. Res. Code, §§ 6243, 6244.

⁵⁹ L.D. 955, Summary (129th Legis. 2019).

⁶⁰ Me. Rev. Stat. Ann. tit. 38, § 570-BB; Me. Rev. Stat. Ann. tit. 12, § 1862(14).

⁶¹ Me. Rev. Stat. Ann. tit. 38, § 570-AA(1).

facilities, workover drilling, and the operation, monitoring and maintenance of the removal or extraction process.⁶²

- New York: New York law prohibits leasing of state marine and costal land for exploration, development or production of oil and natural gas, including for the increase of oil or natural gas production from federal waters.⁶³ This includes geophysical activity, pipeline construction and expansion, and operation of onshore facilities.⁶⁴
- Delaware’s Coastal Zone Act, originally enacted in 1971, absolutely prohibits offshore drilling for oil or natural gas within the Coastal Zone, which includes all of Delaware’s territorial waters in the Atlantic Ocean. Further, “no permit may be issued for or in connection with the development or operation of any facility or infrastructure associated with offshore drilling for oil or natural gas, whether proposed for within or outside of Delaware’s territorial waters.”⁶⁵ The Act also prohibits offshore gas, liquid, or solid bulk product transfer facilities not in operation on June 28, 1971.⁶⁶
- New Jersey: In the Shore Tourism and Ocean Protection from Offshore Oil and Gas Act, the New Jersey Legislature recognized that “oil and natural gas exploration, development, and production . . . poses a serious and unacceptable risk to the coastal resources of the State, the water quality of State waters, and the continued viability of the State’s shore tourism and commercial fishing industries.”⁶⁷ This legislation prohibits offshore oil or natural gas exploration, development, and production in New Jersey waters and prohibits the issuance of permits for infrastructure related to offshore drilling.
- The Massachusetts Ocean Sanctuaries Act prohibits drilling for oil and gas in areas designated by the Commonwealth as Ocean Sanctuaries.⁶⁸ This designation covers the large majority of Massachusetts’ state waters.⁶⁹ The law requires that all ocean sanctuaries “[s]hall be protected from any exploitation, development, or activity that would significantly alter or otherwise endanger the ecology or the appearance of the ocean, the seabed, or subsoil...”⁷⁰
- Maryland: In 2018 the state legislature passed, and Governor Hogan signed into law, the Offshore Drilling Liability Act for the purpose of “establishing that an offshore drilling activity is an ultrahazardous and abnormally dangerous activity” and creating a strict liability standard for spills of oil or gas.⁷¹

⁶²Me. Rev. Stat. Ann. tit. 38, § 570-AA(6).

⁶³ N.Y. Env’t Conserv. Law § 23-1105.

⁶⁴ *Id.*

⁶⁵ Del. Code. Ann. tit. 7, § 7003(b).

⁶⁶ *Id.* § 7003(a).

⁶⁷ N.J. Stat. Ann. § 13:19-48.

⁶⁸ Mass. Gen. Laws ch. 132A, § 15.

⁶⁹ *Id.* § 13.

⁷⁰ *Id.* § 14.

⁷¹ Md. Code. Cts. & Jud. Proc. 3-2101 to 3-2104.

5. Conclusion

Our states oppose the inclusion of any planning areas in the Atlantic and Pacific Oceans in the forthcoming Draft Proposed Program. Existing uses of these marine and coastal areas are essential parts of our state economies, national energy needs do not require drilling in these environmentally important areas, and drilling would be inconsistent with laws passed by our states opposing offshore oil and gas activity and promoting reductions in greenhouse gas emissions. For those reasons, and more, these areas should be excluded from the forthcoming Draft Proposed Program.

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