

# Scoping Summary Report for the Gulf of Mexico Regional OCS Oil and Gas Lease Sales Programmatic EIS

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## ABBREVIATIONS AND ACRONYMS

API	American Petroleum Institute
BOEM	Bureau of Ocean Energy Management
BSEE	Bureau of Safety and Environmental Enforcement
CPA	Central Planning Area
DOI	Department of the Interior
EFH	Essential Fish Habitat
EPA	Eastern Planning Area
ESA	Endangered Species Act
GHG	Greenhouse Gas
GOM	Gulf of Mexico
GUIS	Gulf Islands National Seashore
IRA	Inflation Reduction Act
km	kilometer
mi	mile
MMPA	Marine Mammal Protection Act
MSA	Magnuson-Stevens Fishery Conservation and Management Act
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
OCS	Outer Continental Shelf
OCSLA	Outer Continental Shelf Lands Act
Programmatic EIS	Programmatic Environmental Impact Statement
USEPA	U.S. Environmental Protection Agency
WPA	Western Planning Area

## INTRODUCTION

On October 2, 2023, the Department of the Interior (DOI), Bureau of Ocean Energy Management (BOEM) issued a Notice of Intent (NOI) to prepare a programmatic environmental impact statement (Programmatic EIS) to analyze the potential impacts of a representative oil and gas lease sale in available Outer Continental Shelf (OCS) areas of the Western, Central, and Eastern Planning Areas (WPA, CPA, and EPA, respectively) (Proposed Action) and the associated potential site- and activity-specific approvals resulting from a proposed OCS oil and gas lease sale. The NOI also announced the scoping process that BOEM will use to identify significant issues and potential alternatives for consideration in the Gulf of Mexico (GOM) Oil and Gas Programmatic EIS. The comment period closed on November 1, 2023. ICF International has analyzed submissions received in response to the NOI and developed this report of comment excerpts sorted by issue.

Through November 3, 2023, BOEM has received a total of 13 public comment submissions in response to the NOI (Docket BOEM-2023-0046). In addition, four submissions were received during a public meeting, but these submissions were not added to the docket. However, they were included in the analysis in this report for a total of 17 submissions analyzed.<sup>1</sup> Of the total 17 total public submissions, all have been identified as unique and are reflected in today's report.

The comments came from a variety of stakeholders including Federal, State, non-governmental associations, and individual commenters. This report indicates the commenters that made particular arguments, as represented by footnotes following summary statements. The footnotes include the names of individuals and organizations. The footnotes following summary statements provide representative examples of commenters providing particular arguments and are not meant to be exhaustive of each commenter providing a similar argument.

The ICF International process for analyzing public comments builds upon our commercial web-based CommentWorks® software product. As a first step, we downloaded and processed electronic copies of the comments submitted to regulations.gov and received via email so that we could then import these data into CommentWorks. A hierarchical outline was developed to include key issues provided by BOEM staff. The ICF International staff reviewed the comment letters, identifying the substantive excerpts within each submission ("bracketing") and used the issue outline to associate each excerpt to the issue(s) to which it applies ("coding"). The product of the bracketing and coding analysis is a "comment excerpt-by-issue report" – a report generated in CommentWorks that includes the *verbatim text* of substantive comment excerpts sorted by issue. This report reflects BOEM's feedback on the excerpt-by-issue report provided on November 14, 2023. The list of 17 commenters can be found in **Table 1**.

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<sup>1</sup> Earthjustice submitted nine submissions. Eight of the submissions only contain supplemental documentation in support of their comment letter (BOEM-2023-0046-0013) and are therefore not included in the count of unique comments.

Table 1. Index of Comment Submissions Sorted by Submission Number<sup>2</sup>

Submission ID	Organization Name	Commenter Type
PublicMeeting-004	Texas Chapter Sierra Club	Advocacy Group/NGO
PublicMeeting-003	Surfrider Foundation	Advocacy Group/NGO
PublicMeeting-002	Environment America	Advocacy Group/NGO
PublicMeeting-001	Center for Biological Diversity	Advocacy Group/NGO
BOEM-2023-0046-0024	National Park Service (NPS)	Federal Agency
BOEM-2023-0046-0023	NOAA NMFS SERO	Federal Agency
BOEM-2023-0046-0013	Earthjustice	Advocacy Group/NGO
BOEM-2023-0046-0012	Richard Spotts	Individual
BOEM-2023-0046-0011	Ocean Conservancy	Advocacy Group/NGO
BOEM-2023-0046-0010	Chevron USA Inc.	Industry
BOEM-2023-0046-0009	Surfrider Foundation	Advocacy Group/NGO
BOEM-2023-0046-0008	API, NOIA, IPAA, LMOGA, OOC, and Energeo Alliance	Business/Trade Association
BOEM-2023-0046-0007	Occidental Petroleum Corporation	Industry
BOEM-2023-0046-0006	Christopher Lish	Individual
BOEM-2023-0046-0005	MarcyGrace Gozzi	Individual
BOEM-2023-0046-0004	Daisy Jones	Individual
BOEM-2023-0046-0003	Noble Corporation	Industry

## 1 NEPA PROCESS AND PUBLIC INVOLVEMENT

A commenter stated that BOEM should ensure that its National Environmental Policy Act (NEPA) presentation of potential impacts associated with oil and gas leasing is based on “comprehensive legal protections” as well as “peer-reviewed scientific literature.” The commenter further expressed disappointment that the *2024-2029 National Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (2024-2029 National OCS Oil and Gas Program)* (BOEM 2023b) and *2024-2029 National Outer Continental Shelf Oil and Gas Leasing Program: Final Programmatic EIS* (BOEM 2023a) would “afford short shrift to the robust, multi-agency oversight of OCS oil and gas” activities and mitigative efforts.<sup>3</sup>

Two commenters discussed cooperating agency status for the GOM Oil and Gas Programmatic EIS. One commenter requested cooperating agency status due to their expertise and management jurisdiction of the area.<sup>4</sup> Another commenter said that they accept the NOI’s invitation to serve as a cooperating agency on the Programmatic EIS, adding that their involvement would be pursuant to NEPA, the Endangered Species Act (ESA), the Magnuson-Stevens Fishery Conservation

<sup>2</sup> Earthjustice submitted nine submissions. Eight of the submissions contain only supplemental documentation.

<sup>3</sup> API, NOIA, IPAA, LMOGA, OOC, and Energeo Alliance (BOEM-2023-0046-0008).

<sup>4</sup> National Park Service (BOEM-2023-0046-0024).

and Management Act (MSA), the Fish and Wildlife Coordination Act, and the Marine Mammal Protection Act (MMPA).<sup>5</sup>

To bolster transparency, a commenter stated that BOEM and the Bureau of Safety and Environmental Enforcement (BSEE) could post non-privileged information on public websites, disclose information on OCS incidents and near-misses, and use lease stipulations to advance information and data sharing.<sup>6</sup>

Another commenter provided their previously submitted October 2022 comments, alleging that BOEM did not address many of the comments.<sup>7</sup> The commenter stated that BOEM should “hold lease sales on a Region-wide basis,” adhere to the “well-founded rationale” of its 2017-2022 National OCS Oil and Gas Program and avoid mischaracterization of “Region-wide leasing.”<sup>8</sup> A commenter stated that the proposed leasing and corresponding OCS oil- and gas-related activities would occur in zones attributed as essential fish habitat (EFH).<sup>9</sup>

## 2 NEPA ANALYSIS

Comments associated with this issue are included in the subsections below.

### 2.1 PURPOSE AND NEED – INFLATION REDUCTION ACT

A commenter stated that the Inflation Reduction Act (IRA) of 2022 mandates the sale of OCS leases covering 60 million total acres before transitioning to alternative energies.<sup>10</sup> Conversely, another commenter asserted that the IRA does not require new oil and gas leasing. According to the commenter, the “mandate only kicks in if you proceed with new offshore wind leasing at a certain rate.”<sup>11</sup>

### 2.2 PURPOSE AND NEED – CLIMATE CHANGE/EMISSIONS

A commenter stated that continuing a Federal offshore leasing program would help achieve national energy needs and align with a transition to a lower carbon economy. The commenter expressed support for including no fewer than 11 OCS oil and gas lease sales, asserting that it is “critical” for the oil and gas industry to continue exploration and development of domestic OCS energy

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<sup>5</sup> NOAA NMFS SERO (BOEM-2023-0046-0023).

<sup>6</sup> Ocean Conservancy (BOEM-2023-0046-0011).

<sup>7</sup> API, NOIA, IPAA, LMOGA, OOC, and Energeo Alliance (BOEM-2023-0046-0008).

<sup>8</sup> API, NOIA, IPAA, LMOGA, OOC, and Energeo Alliance (BOEM-2023-0046-0008).

<sup>9</sup> NOAA NMFS SERO (BOEM-2023-0046-0023).

<sup>10</sup> M. Gozzi (BOEM-2023-0046-0005).

<sup>11</sup> Surfrider Foundation (PublicMeeting-003-0004).

resources and referencing BOEM's *2021 National Assessment of Undiscovered Oil and Gas Resources on the U.S. Outer Continental Shelf* (BOEM 2021).<sup>12</sup>

### 2.3 NEPA ANALYSIS – GENERAL

A commenter referenced other NEPA reviews undertaken by BOEM with regard to GOM oil and gas leasing and stated that additional NEPA review of GOM leasing “would be superfluous.”<sup>13</sup>

A commenter urged BOEM to use its resources wisely while undertaking the NEPA review and recommended that BOEM “maximize the benefit of the prior analyses.”<sup>14</sup>

Another commenter listed several issues of concern that they suggested be addressed in the GOM Oil and Gas Programmatic EIS, including the following: entanglement risks and vessel strikes to ESA species and those protected under the MMPA; impacts on water quality, specifically runoff of chemicals and toxic pollutants to the marine environment from increased vessel traffic and shoreside activities; impacts to habitats; impacts of increased acoustic pollution that could impact behaviors such as foraging, migrating, resting, reproduction for species protected under the MMPA, ESA-listed species, and fish stocks; other impacts that could cause changes in marine resources; and impediments to conducting scientific surveys and safety risks around offshore oil and gas features for our ongoing data collection operations.<sup>15</sup>

## 3 ALTERNATIVES

A commenter asserted that agencies must consider a range of technically and economically feasible alternatives, providing numerous citations. According to the commenter, BOEM should not “define the purpose and need so narrowly so as to only provide for holding the lease sale.” The commenter stated that BOEM should evaluate a “true” No Action Alternative “(i.e., cancelling the OCS oil and gas lease sale altogether),” adding that BOEM should not assume that the OCS oil and gas lease sale would still occur as part of this action. The commenter reasoned that doing so would undermine NEPA.<sup>16</sup>

Another commenter stated that the No Action Alternative does not meet the NOI's stated purpose and need or BOEM's statutory obligations.<sup>17</sup>

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<sup>12</sup> Chevron USA Inc. (BOEM-2023-0046-0010).

<sup>13</sup> API, NOIA, IPAA, LMOGA, OOC, and Energeo Alliance (BOEM-2023-0046-0008).

<sup>14</sup> Chevron USA Inc. (BOEM-2023-0046-0010).

<sup>15</sup> NOAA NMFS SERO (BOEM-2023-0046-0023)

<sup>16</sup> Earthjustice (BOEM-2023-0046-0013).

<sup>17</sup> API, NOIA, IPAA, LMOGA, OOC, and Energeo Alliance (BOEM-2023-0046-0008).



### 3.1 STATED PREFERENCE FOR ALTERNATIVE A

A commenter stated that BOEM should remove Alternative A in the early stages of the GOM Oil and Gas Programmatic EIS process.<sup>18</sup>

A couple of commenters expressed support for Alternative A.<sup>19</sup> Similarly, a couple of commenters stated that BOEM should cancel all of the OCS oil and gas lease sales in the 2024-2029 National OCS Oil and Gas Program<sup>20</sup> or avoid scheduling new ocean leases.<sup>21</sup> According to a commenter, the proposed 5-Year Program for OCS development in the GOM is at odds with the Biden Administration's commitment to GOM communities. The commenter urged BOEM to cancel future OCS fossil fuel lease sales and mitigate the harm of any OCS oil and gas lease sales.<sup>22</sup> Another commenter urged the cancellation of planned OCS oil and gas lease sales.<sup>23</sup>

Another commenter stated that, although they understand the need to assess a "no action alternative," they stated that the four alternatives to the Proposed Action would result in the cancellation of the "single proposed OCS oil and gas lease sale," and three "action alternatives" (B, C, and D) would not meet the requirements of Outer Continental Shelf Lands Act (OCSLA).<sup>24</sup>

A commenter urged BOEM to consider the No Action Alternative and recommended that any GOM Oil and Gas Programmatic EIS action alternative that considers an OCS oil and gas lease sale in the GOM be contingent upon the completion of BOEM's and BSEE's regulatory and policy changes designed to protect the climate, marine environment, human health, and protect taxpayers. If these regulatory or policy changes are not possible, the commenter stated the GOM Oil and Gas Programmatic EIS should "specify that BOEM will implement equivalent mitigation measures via mandatory lease stipulations for any new oil and gas leases sold in the Gulf of Mexico."<sup>25</sup>

### 3.2 STATED PREFERENCE FOR ALTERNATIVE B-D

#### General Comments on Alternatives B-D

A commenter discussed the four alternatives and expressed support for "the selection of an alternative that would best avoid conflicts with NOAA trust resources." The commenter suggested that BOEM integrate marine spatial planning principles and techniques during development of the GOM Oil and Gas Programmatic EIS and implementation of the 2024-2029 National OCS Oil and Gas

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<sup>18</sup> Occidental Petroleum Corporation (BOEM-2023-0046-0007).

<sup>19</sup> Surfrider Foundation (PublicMeeting-003); Texas Chapter Sierra Club (PublicMeeting-004).

<sup>20</sup> Center for Biological Diversity (PublicMeeting-001).

<sup>21</sup> Environment America (PublicMeeting-002).

<sup>22</sup> Texas Chapter Sierra Club (PublicMeeting-004).

<sup>23</sup> Surfrider Foundation (PublicMeeting-003).

<sup>24</sup> Chevron USA Inc. (BOEM-2023-0046-0010).

<sup>25</sup> Ocean Conservancy (BOEM-2023-0046-0011).

Program so as to maximize public benefits while mitigating environmental resource conflicts and bolstering other ocean-use activities.<sup>26</sup>

### Alternative B

A couple of commenters expressed support for Alternative B.<sup>27</sup> A commenter expressed support for all OCS oil and gas lease sales as scheduled in the 2024-2029 National OCS Oil and Gas Program and supported offering all acreage not leased at the time of the applicable OCS oil and gas lease sale, and not otherwise subject to moratorium as outlined in Alternative B. The commenter reasoned this alternative is the most appropriate.<sup>28</sup>

### Alternative C

A commenter expressed support for including Alternative C in the GOM Oil and Gas Programmatic EIS but stated that the alternative should exclude a 10-kilometer (km; 6-mile [mi]) (or more) buffer from leasing to account for whale movement and Rice's whale habitat. According to the commenter, this 10-km (6-mi) buffer would be commensurate with 5.7 million acres. The commenter stated that BOEM could meet the IRA threshold even with the exclusion of the 5.7 million acres, referencing the *Record of Decision for Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 261* (BOEM 2023c).<sup>29</sup>

Another commenter stated that Alternative C would exclude several areas and asserted that limiting access or removing acreage from the GOM Program Area is unnecessary. The commenter recommended that no new areas of restriction should be added to the Federal offshore leasing program barring appropriate scientific evidence.<sup>30</sup> A commenter stated that Alternative C would exclude certain areas of the CPA, WPA, and EPA, asserting that this would be misguided.<sup>31</sup>

### Alternative D

A commenter expressed support for Alternative D, reasoning that this approach would protect the greatest amount of GOM surface area while only requiring one additional OCS oil and gas lease sale to meet the IRA requirements. Another commenter stated that Alternative D "is best" because it would minimize potential offshore drilling but added that fossil fuel development should be phased out rapidly.<sup>32</sup>

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<sup>26</sup> NOAA NMFS SERO (BOEM-2023-0046-0023).

<sup>27</sup> Noble Corporation (BOEM-2023-0046-0003); API, NOIA, IPAA, LMOGA, OOC, and Energeo Alliance (BOEM-2023-0046-0008).

<sup>28</sup> Occidental Petroleum Corporation (BOEM-2023-0046-0007).

<sup>29</sup> Earthjustice (BOEM-2023-0046-0013).

<sup>30</sup> Chevron USA Inc. (BOEM-2023-0046-0010).

<sup>31</sup> Occidental Petroleum Corporation (BOEM-2023-0046-0007).

<sup>32</sup> M. Gozzi (BOEM-2023-0046-0005); R. Spotts (BOEM-2023-0046-0012).

A commenter expressed support for including Alternative D in the Programmatic EIS but stated that the alternative should exclude a 10-km (6-mi) (or more) buffer from leasing to account for whale movement and Rice's whale habitat. According to the commenter, this 10-km (6-mi) buffer would be commensurate with 5.7 million acres. The commenter stated that BOEM could meet the IRA threshold even with the exclusion of the 5.7 million acres, referencing the "Record of Decision for Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 261" (BOEM 2023c).<sup>33</sup>

Another commenter stated that Alternative D would exclude several areas and asserted that limiting access or removing acreage from the GOM Program Area is unnecessary. The commenter recommended that no new areas of restriction should be added to the Federal offshore leasing program barring appropriate scientific evidence.<sup>34</sup> A commenter stated that Alternative D would exclude certain areas of the CPA, WPA, and EPA, asserting that this would be "misguided."<sup>35</sup>

### 3.3 NEW ALTERNATIVES SUGGESTED

A commenter stated that the GOM Oil and Gas Programmatic EIS should consider an alternative that includes a climate screen so as to mitigate the climate impacts of an OCS oil and gas lease sale. According to the commenter, BOEM would only approve those leases that are aligned with achieving climate goals. The commenter addressed BOEM's discretion to employ a climate screen under the OCSLA and discussed the establishment of a climate screen by creating a carbon budget, providing additional rationale.<sup>36</sup>

### 3.4 COMMENTS ON AND/OR SUGGESTIONS FOR EXCLUSION AREAS

#### Rice's Whale Habitat and Environmentally Sensitive Areas

A commenter stated that restricting acreage for lease based on reports about the Rice's whale is "unjustified and arbitrary." The commenter referenced the National Marine Fisheries Service's (NMFS) denial of a petition regarding vessel speed limits on account of Rice's whale and provided attachments for industry comments regarding critical habitat for Rice's whale, which includes a technical report titled *Review of the Rice's Whale Proposed Critical Habitat and Related Scientific Literature*.<sup>37</sup> Conversely, another commenter stated that the Programmatic EIS should exclude the Rice's whale habitat areas from oil and gas leasing. The commenter added that such an alternative should include a 10-km (6-mi) or more buffer and provided citations.<sup>38</sup> A commenter agreed that the CPA and WPA habitat areas where the Rice's whale occurs should be excluded, adding that BOEM should also exclude leasing blocks with impact zones in or near the Flower Garden Banks National

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<sup>33</sup> Earthjustice (BOEM-2023-0046-0013).

<sup>34</sup> Chevron USA Inc. (BOEM-2023-0046-0010).

<sup>35</sup> Occidental Petroleum Corporation (BOEM-2023-0046-0007).

<sup>36</sup> Earthjustice (BOEM-2023-0046-0013).

<sup>37</sup> API, NOIA, IPAA, LMOGA, OOC, and Energeco Alliance (BOEM-2023-0046-0008).

<sup>38</sup> Earthjustice (BOEM-2023-0046-0013).

Marine Sanctuary.<sup>39</sup> A commenter further stated that BOEM should exclude environmentally sensitive areas from oil and gas leasing activities as a GOM Oil and Gas Programmatic EIS alternative “to the extent that such exclusions are not already considered in Alternatives C and D.”<sup>40</sup>

## Other

A commenter recommended that marine spatial planning should be conducted in a way such that decisions could be bolstered by the best available science.<sup>41</sup>

A commenter discussed the four proposed alternatives, stating that Alternative B is “concerning since it proposes a region-wide lease sale.” The commenter urged BOEM to consider an alternative that encompasses limited leasing blocks, a climate screen, and lease stipulations.<sup>42</sup>

Another commenter expressed concern that Alternatives C and D would exclude targeted portions of the CPA, WPA, and EPA within the Gulf of Mexico OCS. According to the commenter, although Alternatives C and D propose to exclude areas for the purposes of protecting the environment and avoid conflicts with other ocean use, they stated that the Gulf of Mexico OCS has been accessed by a variety of ocean users without narrowing the areas available for leasing.<sup>43</sup>

A commenter acknowledged BOEM’s inclusion of alternatives for analysis in the GOM Oil and Gas Programmatic EIS that include excluding targeted areas that overlap with the Gulf Islands National Seashore (GUIS) and BOEM’s incorporation of GUIS Information to Lessees in the OCS Oil and Gas Program. The commenter reiterated their past request for BOEM to consider a no-leasing area within 15 nautical miles (17.2 mi) of GUIS due to the potential for oil and gas leasing within 3 nautical miles (3.4 mi) of the shoreline and less distance from submerged lands within its boundaries. According to the commenter, the no-leasing area would be “consistent with BOEM’s lease stipulation for Baldwin County, Alabama and BOEM’s analysis of visual effects.”<sup>44</sup>

## 3.5 MITIGATING MEASURES SUGGESTED

A commenter urged BOEM to cancel unnecessary leases and minimize harm associated with any OCS oil and gas lease sale.<sup>45</sup> A commenter stated that the GOM Oil and Gas Programmatic EIS should clarify that BOEM would “implement equivalent mitigation measures via mandatory lease stipulations” for new GOM oil and gas leases in the absence of broader regulatory or policy changes. According to the commenter, the action alternatives should mandate completion of reforms and

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<sup>39</sup> Surfrider Foundation (BOEM-2023-0046-0009).

<sup>40</sup> Earthjustice (BOEM-2023-0046-0013).

<sup>41</sup> NOAA NMFS SERO (BOEM-2023-0046-0023).

<sup>42</sup> Earthjustice (BOEM-2023-0046-0013).

<sup>43</sup> Occidental Petroleum Corporation (OBEM-2023-0046-0007).

<sup>44</sup> National Park Service (BOEM-2023-0046-0024).

<sup>45</sup> Surfrider Foundation (BOEM-2023-0046-0009).

mitigating measures prior to the advancement of a new OCS oil and gas lease sale. The commenter discussed additional measures to mitigate impacts, including strengthening protections for marine mammals and sensitive habitats and requiring operators to “demonstrate effective spill response.”<sup>46</sup>

A commenter stated that BOEM should ensure that leasing conforms with the commitments to reduce greenhouse gas (GHG) emissions and combat climate change, adding that BOEM should consider an alternative that includes mitigating measures.<sup>47</sup> The commenter provided several recommendations for mitigating measures to include as part of the GOM Oil and Gas Programmatic EIS alternatives, including the following:

- “consider ... all mitigation measures described in the Healthy Gulf Comments;”
- “require additional safeguards to prevent blowouts and catastrophic oil discharges;”
- “require lessees to decommission idle wells prior to bidding on new leases;”
- build in additional safeguards for operators; and
- “reduce impacts to Rice’s whale from noise, vessel traffic, and habitat disturbance,” inclusive of a lease stipulation requiring industry vessels to conform with quiet-vessel standards.<sup>48</sup>

## 4 ENVIRONMENTAL ISSUES AND CONCERNS

Comments associated with this issue are included in the subsections below.

### 4.1 CLIMATE CHANGE

A few commenters discussed real-time effects of climate change,<sup>49</sup> adverse environmental consequences of not considering Alternative D,<sup>50</sup> and the need to address the GHG emissions associated with the issuance of new leases.<sup>51</sup> A couple of commenters asserted that permitting more OCS oil and gas lease sales would continue reliance on oil infrastructure when a transition away from fossil fuels is recommended by scientists.<sup>52</sup> According to another commenter, climate scientists have stated that fossil fuels should remain underground to avoid “the worst effects of climate change.”<sup>53</sup> A commenter stated that BOEM should cancel OCS oil and gas lease sales, asserting that oil and gas

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<sup>46</sup> Ocean Conservancy (BOEM-2023-0046-0011).

<sup>47</sup> Earthjustice (BOEM-2023-0046-0013).

<sup>48</sup> Earthjustice (BOEM-2023-0046-0013).

<sup>49</sup> Surfrider Foundation (BOEM-2023-0046-0009).

<sup>50</sup> M. Gozzi (BOEM-2023-0046-0005).

<sup>51</sup> Surfrider Foundation (PublicMeeting-003).

<sup>52</sup> Environment America (PublicMeeting-002); Texas Chapter Sierra Club (PublicMeeting-004).

<sup>53</sup> Surfrider Foundation (BOEM-2023-0046-0009).

leasing does not serve national interests and citing a 1.5° warming threshold.<sup>54</sup> A commenter discussed the climate crisis as well as Executive Orders addressing the climate crisis, urging BOEM to consider the climate impacts associated with additional OCS oil and gas lease sales.<sup>55</sup>

A commenter stated that the analysis of Alternative A should not be minimized, adding that the GOM Oil and Gas Programmatic EIS action alternative regarding a GOM oil and gas lease sale should be dependent on the completion of regulatory and policy changes by BOEM and BSEE. The commenter asserted that the GOM Oil and Gas Programmatic EIS should disclose long-term climate impacts, referencing the Intergovernmental Panel on Climate Change, and fully consider Alternative A benefits. The commenter further discussed climate change and national climate goals, providing citations, and asserted that offshore oil and gas production would not cease or “crash the economy” should Alternative A be pursued. Finally, the commenter stated that BOEM’s analysis of Alternative A should account for energy sector change.<sup>56</sup>

A commenter urged BOEM to consider the environmental impacts and GHG emissions associated with OCS oil and gas lease sales. According to the commenter, an OCS oil and gas lease sale would yield “numerous significant” environmental impacts, exacerbate the climate crisis, increase environmental threats to GOM communities, endanger protected species’ habitat, and risk leaks. The commenter asserted that BOEM should

- quantify the indirect effects of lifecycle emissions that would stem from an OCS oil and gas lease sale;
- evaluate the lifecycle emissions in the context of climate goals and commitments;
- employ an appropriate discount rate to calculate the social cost of emissions; and
- “conduct a meaningful analysis of greenhouse gas emissions and the climate emergency facing the nation.”

The commenter further discussed current and potential consequences of climate change, including extreme weather events and health harms, as well as domestic and global efforts to mitigate climate change, providing numerous citations. The commenter referenced the 2018 Intergovernmental Panel on Climate Change’s report to discuss the need to reduce GHG emissions and limit global warming to 1.5°C, and further discussed actions taken by the Biden Administration to address GHG emissions and fossil fuel production. The commenter urged BOEM to place national energy needs within the context of climate change and “the need to rapidly transition to clean, sustainable energy.” The commenter asserted that climate change could undermine national security interests and stated that the U.S. should “make more rapid cuts” to emissions, along with other

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<sup>54</sup> Center for Biological Diversity (PublicMeeting-001).

<sup>55</sup> Ocean Conservancy (BOEM-2023-0046-0011).

<sup>56</sup> Ocean Conservancy (BOEM-2023-0046-0011).

“wealthy, high-emitting producer nations.” According to the commenter, a study attributed to the Tyndall Center “concluded that an equitable phase-out requires the U.S. to end all oil and gas production by 2031 to preserve a 67 percent chance of limiting temperature rise to 1.5°C.” The commenter asserted that new fossil fuel projects would be at odds with achieving climate goals.<sup>57</sup>

## 4.2 GREENHOUSE GASES

No comments are associated with this issue.

### 4.2.1 Greenhouse Gasses – Baseline Modeling, IRA/Net-Zero

A commenter stated that BOEM should “fully quantify lifecycle emissions from a sale and evaluate those emissions in the context of current climate action goals and commitments,” inclusive of net-zero pathways. The commenter asserted that BOEM should analyze and compare the GHG emissions associated with an OCS oil and gas lease sale to those associated with canceling the OCS oil and gas lease sale. The commenter referenced and discussed the Council on Environmental Quality’s (CEQ) *National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change* (88 FR 1196).<sup>58</sup>

### 4.2.2 Greenhouse Gases – Executive Orders and Inclusion of GHGs and SC-GHG Analysis

A couple of commenters expressed support for considering climate change impacts in the NEPA analysis.<sup>59</sup> However, a few commenters stated that the social cost of greenhouse gases (SC-GHG) is inappropriate for BOEM to use in the GOM Oil and Gas Programmatic EIS.<sup>60</sup> According to a commenter, NEPA does not mandate a cost-benefit analysis. The commenter expressed concern about “BOEM’s unbalanced application of SC-GHG,” referencing foreign energy substitutions, upstream and midstream emissions, and prior 2022 industry comments submitted by the American Petroleum Institute (API) et al.<sup>61</sup> on the Proposed 2024-2029 National OCS Oil and Gas Program and Draft Programmatic EIS.<sup>62</sup>

A commenter asserted that BOEM should quantify emissions from substitutes in full and employ an appropriate discount rate to quantify the emissions’ social costs. Specifically, the commenter stated that the GOM Oil and Gas Programmatic EIS should “consider and disclose the total GHG associated with an OCS oil and gas lease sale” and urged BOEM to use an updated

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<sup>57</sup> Earthjustice (BOEM-2023-0046-0013)

<sup>58</sup> Earthjustice (BOEM-2023-0046-0013).

<sup>59</sup> Occidental Petroleum Corporation (BOEM-2023-0046-0007); API, NOIA, IPAA, LMOGA, OOC, and Energeo Alliance (BOEM-2023-0046-0008).

<sup>60</sup> Occidental Petroleum Corporation (BOEM-2023-0046-0007); API, NOIA, IPAA, LMOGA, OOC, and Energeo Alliance (BOEM-2023-0046-0008).

<sup>61</sup> API (BOEM-2022-0031).

<sup>62</sup> API, NOIA, IPAA, LMOGA, OOC, and Energeo Alliance (BOEM-2023-0046-0008).

discount rate. According to the commenter, the use of a 3 percent discount rate “wrongly conveyed certainty and precision.” The commenter discussed the updated discount rates addressed by the U.S. Environmental Protection Agency (USEPA) and urged BOEM to apply the draft or finalized valuations of the USEPA to the GOM Oil and Gas Programmatic EIS. Finally, the commenter said that BOEM “should consider replacing MarketSim with the National Energy Modeling System (NEMS).”<sup>63</sup>

### 4.2.3 Greenhouse Gases – Other

A commenter expressed concern about the risk for environmental degradation and stated that GHG emissions should be addressed, reasoning that such emissions contribute to climate change.<sup>64</sup> Another commenter expressed disappointment that “BOEM allowed the sale of Lease 257,” citing the GHG emissions associated with drill, production, and combustion.<sup>65</sup>

## 4.3 WELL STIMULATION

No comments are associated with this issue.

## 4.4 RENEWABLE ENERGY AND ALTERNATIVE USES OF THE OCS

A commenter referenced their recent report, titled “Renewables on the Rise,” to address the progress made with solar wind efficiency batteries.<sup>66</sup> Another commenter stated that alternative power sources could help reduce costs associated with the development of carbon capture usage and storage technologies.<sup>67</sup>

A commenter asserted that BOEM should transition away from fossil fuels and towards renewable sources of energy, adding that the transition should be “rapid, just, and equitable.” The commenter stated that the GOM Oil and Gas Programmatic EIS should include analysis of climate change and other impacts from OCS oil and gas lease sales. The commenter also stated that action alternatives considered by BOEM should be conditioned on “meaningful policy changes, mitigation measures and other actions designed to ensure potential lessees address environmental justice impacts” and meet environmental standards. The commenter provided additional recommendations, stating that

- BOEM should ensure that agency decisionmaking processes account for “all climate, ocean acidification, ecosystem, community and other impacts from oil and gas activities;”

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<sup>63</sup> Earthjustice (BOEM-2023-0046-0013).

<sup>64</sup> M. Gozzi (BOEM-2023-0046-0005).

<sup>65</sup> Surfrider Foundation (BOEM-2023-0046-0009).

<sup>66</sup> Environment America (PublicMeeting-002).

<sup>67</sup> Noble Corporation (BOEM-2023-0046-0003).



- BOEM should address the “disproportionate impacts to disadvantaged communities and communities of color” associated with the oil and gas industry; and
- BOEM should recognize Tribal sovereignty and collaborate with Indigenous partners.<sup>68</sup>

#### **4.5 AIR QUALITY**

A couple of commenters stated that the GOM Oil and Gas Programmatic EIS<sup>69</sup> and Lease Sale 257<sup>70</sup> pose risks to air quality, among other impacts. A commenter urged consideration not only of the impacts of leasing in offshore waters, but also of refining, adding that refinery malfunctions can result in air pollution.<sup>71</sup> Another commenter asserted that the oil and gas industry has a hand in air quality concerns and discussed diesel vessel emissions. The commenter urged BOEM to analyze how global, national, and local air quality is impacted by OCS oil- and gas-related activities.<sup>72</sup>

#### **4.6 WATER QUALITY**

Commenters expressed concern that the project would adversely impact water quality in the GOM<sup>73</sup> through, for example, increasing water pollution in low-income communities located near the onshore refineries and petrochemical plants<sup>74</sup> or increasing runoff of chemicals and toxic pollutants in the marine environment via increased vessel traffic and shoreside activities.<sup>75</sup>

#### **4.7 COASTAL COMMUNITIES AND HABITATS**

No comments are associated with this issue.

#### **4.8 BENTHIC COMMUNITIES AND HABITATS**

A commenter warned that ecological impacts of the Proposed Action could be severe if stakeholder-recommended alterations are not implemented. The commenter discussed impacts on coral species in the GOM, including pillar coral, rough cactus coral, lobed star coral, and mountainous star coral, which are protected under the ESA. Referencing Section 9 of the ESA, the commenter

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<sup>68</sup> Ocean Conservancy (BOEM-2023-0046-0011).

<sup>69</sup> M. Gozzi (BOEM-2023-0046-0005).

<sup>70</sup> Surfrider Foundation (BOEM-2023-0046-0009).

<sup>71</sup> Texas Chapter Sierra Club (PublicMeeting-004).

<sup>72</sup> Earthjustice (BOEM-2023-0046-0013).

<sup>73</sup> M. Gozzi (BOEM-2023-0046-0005); Surfrider Foundation (BOEM-2023-0046-0009); NOAA NMFS SERO (BOEM-2023-0046-0023).

<sup>74</sup> Surfrider Foundation (BOEM-2023-0046-0009).

<sup>75</sup> NOAA NMFS SERO (BOEM-2023-0046-0023).

stated that it is unlawful to “take any such species within the United States or the territorial sea of the United States.”<sup>76</sup>

A commenter stated the GOM Oil and Gas Programmatic EIS should assess potential direct and indirect impacts to coral critical habitat for each of the alternatives, noting that Alternative B excludes only the West and East Flower Garden Banks, which is NMFS-designated critical habitat for boulder, mountainous, and lobed star corals. The commenter added that the NMFS designation includes the West Flower Garden, East Flower Garden, Rankin, 28-Fathom, Bright, Geyer, and McGrail Banks.<sup>77</sup>

#### 4.9 PELAGIC COMMUNITIES AND HABITATS

No comments are associated with this issue.

#### 4.10 FISH AND INVERTEBRATE RESOURCES

A commenter stated that the GOM Oil and Gas Programmatic EIS should address the following:

- Impacts to habitat for MSA-managed fish stocks and ESA-listed fish and marine mammals from installation and exploration activities.
- Impacts to GOM fisheries and fishing communities, including impacts to fish and invertebrate stocks, access to fishing grounds, gear entanglement, conflicts with increased non-fisheries vessel traffic, displacement of fishery efforts, safety-at-sea, and shoreside infrastructure necessary for fishery operation and resilience.
- The commenter referenced region-specific information on threatened or endangered species under NMFS’ jurisdiction and designated critical habitat for each state and territory that may be of use in the development of the GOM Oil and Gas Programmatic EIS (<https://www.fisheries.noaa.gov/southeast/consultations/threatened-and-endangered-species-and-critical-habitats>). The commenter noted that there are newly listed resources, which NMFS has not addressed in previously provided comments. Further, the commenter stated that impacts on the threatened giant manta ray and oceanic whitetip shark should be addressed in the GOM Oil and Gas Programmatic EIS.<sup>78</sup>

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<sup>76</sup> M. Gozzi (BOEM-2023-0046-0005).

<sup>77</sup> NOAA NMFS SERO (BOEM-2023-0046-0023).

<sup>78</sup> NOAA NMFS SERO (BOEM-2023-0046-0023).

## 4.11 BIRDS

No comments are associated with this issue.

## 4.12 MARINE MAMMALS

Multiple commenters emphasized the importance of protecting the critically endangered Rice's whale (located on the GOM) from the oil and gas extraction process<sup>79</sup> and stated the following:

- The creature is very close to extinction as there are fewer than 50 individuals still alive.<sup>80</sup>
- Increased noise pollution and increased vessel traffic (e.g., vessel strikes) would threaten the survival of the species.<sup>81</sup>
- To ensure the highest protections for the Rice's whale, BOEM should exclude CPA and WPA habitat where the species is now known to persistently occur.<sup>82</sup>
- Targeted surveys, expanded tagging, and comprehensive monitoring through a network of passive acoustic arrays and "environmental DNA" to further understand Rice's whale distribution, abundance, and seasonality in the WPA and CPA would be of critical benefit in refining the potential for interactions with offshore oil and gas activities.<sup>83</sup>
- Oil spills could cause a serious threat to survival of the Rice's whale, as seen by the damage from the BP *Deepwater Horizon* oil spill.<sup>84</sup>
- Rice's Whale Life History
  - There is limited information on the life history of the Rice's whale, specifically regarding the reproduction and growth of the species.<sup>85</sup>

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<sup>79</sup> M. Gozzi (BOEM-2023-0046-0005); API, NOIA, IPAA, LMOGA, OOC, and Energeo Alliance (BOEM-2023-0046-0008); Surfrider Foundation (BOEM-2023-0046-0009); NOAA NMFS SERO (BOEM-2023-0046-0023); Earthjustice (BOEM-2023-0046-0013); Center for Biological Diversity (PublicMeeting-001); Environment America (PublicMeeting-002).

<sup>80</sup> Earthjustice (BOEM-2023-0046-0013); Center for Biological Diversity (PublicMeeting-001); Environment America (PublicMeeting-002).

<sup>81</sup> M. Gozzi (BOEM-2023-0046-0005); Surfrider Foundation (BOEM-2023-0046-0009); Earthjustice (BOEM-2023-0046-0013); Center for Biological Diversity (PublicMeeting-001); Environment America (PublicMeeting-002).

<sup>82</sup> Surfrider Foundation (BOEM-2023-0046-0009).

<sup>83</sup> NOAA NMFS SERO (BOEM-2023-0046-0023).

<sup>84</sup> Earthjustice (BOEM-2023-0046-0013); Center for Biological Diversity (Public Meeting-001).

<sup>85</sup> API, NOIA, IPAA, LMOGA, OOC, and Energeo Alliance (BOEM-2023-0046-0008).

- The specific diet of the Rice’s whale is poorly characterized as few studies have observed Rice’s whale foraging habits.<sup>86</sup>
- Limited information is available regarding the foraging behaviors of Rice’s whales in the GOM.<sup>87</sup>
- Rice’s Whale Occurrence and Distribution
  - While the latest habitat-based, marine mammal density models approach is generally accepted for marine mammals, there are significant limitations to the ability of these types of models to predict the presence of species outside of where survey effort or observations were made.<sup>88</sup>
- Proposed Critical Habitat
  - It is incorrect to state that Rice’s whales actually occupy the entire GOM. At present, there are no data to suggest that all portions of the GOM are actually occupied by the Rice’s whale. Further, according to the commenter, there are no available data to support that Rice’s whales occur in shallower or deeper waters of the GOM away from the continental shelf break.<sup>89</sup>

A commenter expressed concern regarding entanglement risks (primary and secondary) and vessel strikes to species listed under the ESA or protected under the MMPA.<sup>90</sup>

#### **4.13 SEA TURTLES**

A commenter stated that in the GOM Oil and Gas Programmatic EIS, BOEM must consider how increased vessel traffic would increase the chances of vessel strikes on marine wildlife, such as sea turtles.<sup>91</sup>

#### **4.14 COMMERCIAL FISHERIES**

A commenter generally expressed concern that Lease Sale 257 would negatively impact the GOM commercial fishing industry.<sup>92</sup>

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<sup>86</sup> API, NOIA, IPAA, LMOGA, OOC, and Energeo Alliance (BOEM-2023-0046-0008).

<sup>87</sup> API, NOIA, IPAA, LMOGA, OOC, and Energeo Alliance (BOEM-2023-0046-0008).

<sup>88</sup> API, NOIA, IPAA, LMOGA, OOC, and Energeo Alliance (BOEM-2023-0046-0008).

<sup>89</sup> API, NOIA, IPAA, LMOGA, OOC, and Energeo Alliance (BOEM-2023-0046-0008).

<sup>90</sup> NOAA NMFS SERO (BOEM-2023-0046-0023).

<sup>91</sup> Earthjustice (BOEM-2023-0046-0013).

<sup>92</sup> Surfrider Foundation (BOEM-2023-0046-0009).

#### **4.15 RECREATIONAL FISHERIES**

No comments are associated with this issue.

#### **4.16 RECREATIONAL RESOURCES**

A commenter generally expressed concern that Lease Sale 257 would negatively impact the GOM recreation and tourism industries.<sup>93</sup>

#### **4.17 HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES**

No comments are associated with this issue.

#### **4.18 LAND USE AND COASTAL INFRASTRUCTURE**

No comments are associated with this issue.

#### **4.19 ECONOMIC FACTORS**

A commenter said that the economic consequences of potential pollution from the project are already negative in terms of commercial fishing impacts but are even worse when considering the prevention of the profitable aquaculture industry from establishing itself in a polluted GOM.<sup>94</sup>

#### **4.20 SOCIAL FACTORS (INCLUDING ENVIRONMENTAL JUSTICE)**

A commenter remarked that the harms associated with this project would take many forms, including the release of toxic emissions from oil and gas drilling equipment. According to the commenter, these dangerous chemicals would have a direct impact on the air quality and health of residents in Gulf Coast communities, increasing the risk of disease spread and severity.<sup>95</sup>

A commenter stated that the GOM Oil and Gas Programmatic EIS should take a hard look at potential environmental justice impacts, and before moving ahead with any new OCS oil and gas lease sale, BOEM should finalize environmental justice best practices and methodologies.<sup>96</sup> Similarly, another commenter remarked that the GOM Oil and Gas Programmatic EIS should include an analysis of the socioeconomic impacts of the oil and gas leasing program and recommended consulting NMFS' Social Indicators for Coastal Communities Resources website (NMFS 2021).<sup>97</sup> A commenter said that, in light of BOEM's continued expansion of OCS oil- and gas-related activities in the GOM, despite the known threats to communities in the region, BOEM must fully analyze the impacts on GOM

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<sup>93</sup> Surfrider Foundation (BOEM-2023-0046-0009).

<sup>94</sup> M. Gozzi (BOEM-2023-0046-0005).

<sup>95</sup> M. Gozzi (BOEM-2023-0046-0005).

<sup>96</sup> Ocean Conservancy (BOEM-2023-0046-0011).

<sup>97</sup> NOAA NMFS SERO (BOEM-2023-0046-0023).

communities and must account for the decades-long treatment of the GOM region as a sacrifice zone while “other areas of the United States receive a relatively large portion of the economic benefits.”<sup>98</sup>

A commenter generally said that the scoping process should include consideration of public health and environmental justice impacts.<sup>99</sup>

#### **4.21 SUGGESTIONS FOR OTHER RESOURCES FOR ANALYSIS**

A commenter remarked that BOEM must analyze the impacts of noise pollution, account for the differences between geographic locations, and consider the impacts that noise could have on excluded areas given the great distances that sound can travel underwater.<sup>100</sup> Another commenter stated that the scoping process should cover the full life cycle of fossil fuel production and consumption.<sup>101</sup>

#### **4.22 SUGGESTIONS FOR OTHER PROGRAMMATIC ISSUES TO ANALYZE**

No comments are associated with this issue.

#### **4.23 SUGGESTIONS FOR CONSULTATION**

A commenter stated that they would “continue to develop additional conservation measures based on the best scientific information available when considering effects of programmatic actions during consultation on a case-by-case basis.”<sup>102</sup>

Further, the commenter stated that prior to 2022, BOEM’s 5-Year NEPA planning document was linked with the review and renewal of a programmatic EFH consultation for OCS oil- and gas-related activities in the GOM. Rather than linking it to the NEPA process, the commenter’s regional offices agreed to a stand-alone programmatic EFH consultation, which is in effect with BOEM and the BSEE. Upon receipt of BOEM’s NOI, the commenter’s regional program offices responsible for the EFH consultation discussed the adequacy of the existing consultation and agreed that no revisions or modifications are needed at this time.<sup>103</sup>

### **5 CUMULATIVE ANALYSIS**

Commenters urged BOEM to fully consider of the cumulative impacts caused by OCS oil- and gas-related in the GOM and include such analysis in the GOM Oil and Gas Programmatic EIS.<sup>104</sup> A

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<sup>98</sup> Earthjustice (BOEM-2023-0046-0013).

<sup>99</sup> Surfrider Foundation (PublicMeeting-003).

<sup>100</sup> Earthjustice (BOEM-2023-0046-0013).

<sup>101</sup> Surfrider Foundation (PublicMeeting-003).

<sup>102</sup> NOAA NMFS SERO (BOEM-2023-0046-0023).

<sup>103</sup> NOAA NMFS SERO (BOEM-2023-0046-0023).

<sup>104</sup> Surfrider Foundation (BOEM-2023-0046-0009); Earthjustice (BOEM-2023-0046-0013).

commenter remarked that a cumulative evaluation of impacts must include a comprehensive analysis of how approval of these projects would intensify climate change and harm the ocean environment. The commenter said that, taken together, these projects' impacts on marine species and the climate would be staggering. Absent a comprehensive review of these projects' cumulative impacts, BOEM would be unable to meaningfully assess the risks its decisions may have on global climate and the GOM.<sup>105</sup>

## 6 OIL SPILLS

A commenter said that BOEM must consider the risks and direct, indirect, and cumulative impacts of oil spills. Further, BOEM's assessment must analyze the differing impacts of oil spills between geographic locations, including considering each location's travel distance and route to transport oil to shore, the level of vulnerability and biological importance of nearby coastal and marine environments, the depth and seafloor composition, and whether the lease area is particularly exposed to hurricanes.<sup>106</sup>

The commenter stated that BOEM should disclose the proportion of wells, pipelines, and platforms that would be decommissioned, abandoned, or orphaned as a result of an OCS oil and gas lease sale, reasoning that such infrastructure can impact the GOM environment; and provide citations. The commenter further stated that BOEM should "account for the likelihood that energy market trends, including those spurred by the IRA's climate polices, are likely to lead to stranded assets on the OCS."<sup>107</sup>

Another commenter remarked that after the *Deepwater Horizon* oil spill BOEM should have stopped new leasing, especially in deeper waters, where spills are even more likely to occur and could devastate or even permanently destroy ecosystems.<sup>108</sup>

## 7 MITIGATION

A commenter called for the strongest possible protections in the GOM Oil and Gas Programmatic EIS, including considerations for climate and ecological impacts from leasing in the GOM and cancelling upcoming OCS oil and gas lease sales.<sup>109</sup>

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<sup>105</sup> Earthjustice (BOEM-2023-0046-0013).

<sup>106</sup> Earthjustice (BOEM-2023-0046-0013).

<sup>107</sup> Earthjustice (BOEM-2023-0046-0013).

<sup>108</sup> Center for Biological Diversity (PublicMeeting-001).

<sup>109</sup> C. Lish (BOEM-2023-0046-0004)

Another commenter stated BOEM should “refrain from gratuitous and unexpected restrictions in the guise of mitigation measures,” pointing to recent attempts to limit Lease Sale 261 acreage through restrictions premised on Rice’s whale concerns that were rejected in Federal court.<sup>110</sup>

## 8 REGULATIONS AND SAFETY

A commenter listed actions for BOEM to implement.

- Revise and update outdated regulations before beginning any new OCS oil and gas lease sale process. BOEM should update its regulations to underscore the primacy of ocean health and ensure that any additional extraction of mineral resources does not create significant risks to marine and coastal environments, either directly or via climate change impacts.
- All action alternatives should require the agency to establish fitness to bid and fitness to operate standards that prevent weak or poor-performing operators from bidding on or otherwise acquiring OCS oil and gas leases.
- Require offshore operators to have methane monitoring, measurement, and reduction technologies that meet or exceed global best practices.
- Establish more stringent standards for decommissioning before any new OCS oil and gas lease sales go forward.<sup>111</sup>

## 9 SCENARIO

No comments are associated with this issue.

## 10 INFLATION REDUCTION ACT OF 2022

A commenter stated that BOEM must abide by the law of Section 50265 of the IRA. Accordingly, BOEM’s Gulf of Mexico oil and gas Programmatic EIS must analyze how the various alternatives would affect offshore wind development over the short- and long-term. In conducting this analysis, BOEM should consider the duration of impacts. According to the commenter, Section 50265 expires in roughly 9 years, at which time BOEM could resume issuance of offshore wind leases without holding additional OCS oil and gas lease sales. In contrast, any of the action alternatives could lead to new offshore oil and gas leases, and subsequent operations might lead to development and production activities that would generate adverse climate impacts for decades into the future.<sup>112</sup>

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<sup>110</sup> API, NOIA, IPAA, LMOGA, OOC, and Energeo Alliance (BOEM-2023-0046-0008).

<sup>111</sup> Ocean Conservancy (BOEM-2023-0046-0011).

<sup>112</sup> Ocean Conservancy (BOEM-2023-0046-0011).



## 11 PERMITTING NUMBERS AND TRENDS

No comments are associated with this issue.

## 12 GENERAL COMMENTS ON THE GULF OF MEXICO OIL AND GAS PROGRAMMATIC EIS

Comments associated with this issue are included in the subsections below.

### 12.1 COMMENTS IN SUPPORT OF THE GOM OIL AND GAS PROGRAMMATIC EIS

A commenter expressed support for BOEM's efforts to conduct an environmental review of the OCS Oil and Gas Program in the GOM, including the release of the Draft Programmatic EIS and canceling the three OCS oil and gas lease sales recently announced in the 2024-2029 National OCS Oil and Gas Proposed Final Program.<sup>113</sup>

### 12.2 COMMENTS IN OPPOSITION TO THE GOM OIL AND GAS PROGRAMMATIC EIS

No comments are associated with this issue.

### 12.3 MIXED/OTHER COMMENTS ON THE GOM OIL AND GAS PROGRAMMATIC EIS

No comments are associated with this issue.

## 13 OTHER COMMENTS RELATED TO THE GOM OIL AND GAS PROGRAMMATIC EIS

A commenter stated that, in addition to their comments, they support and have participated in the development of comments being submitted by the API, of which the commenter is a member, and, to the extent not inconsistent, incorporated them by reference.<sup>114</sup>

## 14 OUT OF SCOPE

Comments associated with this issue are included in the subsections below.

### 14.1 ENERGY POLICY AND PROGRAMS UNRELATED TO THE GOM OIL AND GAS PROGRAMMATIC EIS

No comments are associated with this issue.

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<sup>113</sup> C. Lish (BOEM-2023-0046-0006).

<sup>114</sup> Chevron USA Inc. (BOEM-2023-0046-0010).

## 14.2 COMMENTS RELATED TO THE 2024-2029 NATIONAL OCS OIL AND GAS PROGRAM AND 2024-2029 NATIONAL PROGRAM OCS OIL AND GAS PROGRAMMATIC EIS

Multiple commenters discussed or referenced aspects of the 2024-2029 National OCS Oil and Gas Program and 2024-2029 National Program OCS Oil and Gas Programmatic EIS.<sup>115</sup>

A commenter stated that they were a cooperating agency for BOEM's previous Programmatic EIS that addressed the development of the 2024-2029 National OCS Oil and Gas Program.<sup>116</sup>

One commenter provided their comment letter on the 2024-2029 National OCS Oil and Gas Program and 2024-2029 National OCS Oil and Gas Program Draft Programmatic EIS comment period as an attachment.<sup>117</sup> The topics discussed in this letter include the following:

- Suggestion that providing competitive leasing fiscal terms to encourage global industry to explore for and produce U.S. resources in the lower carbon intensity GOM basin;
- Comments on the 2024-2029 National OCS Oil and Gas Program Draft Programmatic EIS and supports for BOEM's assertion that the OCS oil and gas lease sales under the preferred alternative presented in the 2023-2028 National OCS Oil and Gas Proposed Program (Alternative B) "have the greatest resource potential and net benefits with the least potential significant impacts and costs to society to meet national energy needs under existing laws and policies...;"
- Concurrence with BOEM that review under NEPA is not required at this stage of the OCSLA and supports BOEM's effort to inform the public and transparent approach to decisionmaking; and
- Asserted that Alternative A would neither satisfy the OCSLA requirements nor meet national energy needs and expressed concern that "the DPEIS treats the impacts of the no-action alternative differently than the impacts from the leasing alternatives."<sup>118</sup>
- Commenter stated that industry is already required to comply with measures that protect marine species.<sup>119</sup>
- Discussion on existing marine species protections.

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<sup>115</sup> API, NOIA, IPAA, LMOGA, OOC, and Energeo Alliance (BOEM-2023-0046-0008); Chevron USA Inc. (BOEM-2023-0046-0010); National Park Service (BOEM-2023-0046-0024).

<sup>116</sup> National Park Service (BOEM-2023-0046-0024).

<sup>117</sup> Chevron USA Inc. (BOEM-2023-0046-0010).

<sup>118</sup> Chevron USA Inc. (BOEM-2023-0046-0010).

<sup>119</sup> Chevron USA Inc. (BOEM-2023-0046-0010).

- Considering the amount of undiscovered natural gas in the OCS, the commenter stated it is critical that the oil and natural gas industry be allowed to continue exploring for and developing domestic OCS energy resources.
- Questioned whether aspects of the 2023-2028 National OCS Oil and Gas Proposed Program are consistent with the requirements of the OCSLA. Specifically, the OCSLA requires that the Secretary of the Interior prepare and maintain an OCS leasing program. According to a commenter, the “Proposed Program’s vague references to potential future narrowing of lease sales also raises questions about whether those aspects of the Proposed Program are consistent with the requirements of the OCSLA.”
- The commenter expressed support for BOEM’s current analysis that there are
  - potential net benefits of a National OCS Oil and Gas Program with a GOM oil and gas lease sale in 2023,
  - two regionwide oil and gas lease sales per year in the GOM Program Area 1, and
  - one oil and gas lease sale in the northern portion of the Cook Inlet Program Area for 2023-2028.
- The commenter expressed concerns regarding the methodology of the cost-benefit analysis and suggested that BOEM’s use of the cost-benefit analysis in the National OCS Oil and Gas Program Draft Programmatic EIS is inconsistent with the informational purpose of the National OCS Oil and Gas Program Draft Programmatic EIS. The commenter urged BOEM to consider whether revisions can be made to the cost-benefit discussion to provide full explanation of costs and benefits of all alternatives or to omit the cost-benefit discussion to avoid presenting unbalanced information.
- The commenter expressed support for preparing a “concise assessment” of the environmental impacts associated with alternatives so as to inform the public and facilitate transparency. However, the commenter urged BOEM to consider whether the “streamlined discussion” would provide a “balanced” overview, cautioning against overstating the “impression of greater certainty.”<sup>120</sup>
- According to the commenter, the “inconsistent presentation” of impacts does not allow for an informed assessment of the alternatives. The commenter urged BOEM to evaluate the presentation of the no-action alternative in the National OCS Oil and Gas Program Final Programmatic EIS such that the public and decisionmakers could appropriately compare the alternatives.

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<sup>120</sup> Chevron USA Inc. (BOEM-2023-0046-0010).

- The commenter stated that the international energy market and its environmental implications should be accounted for in “any assessment of the climate effects of OCS lease sales.” The commenter further stated that “avoiding reliance on imported oil and gas” is important according to both a national security and climate change perspective. The commenter expressed support for climate policy that seeks to efficiently achieve emissions reductions while minimizing costs to economies. Finally, the commenter referenced API’s comment letter and encouraged BOEM to apply assumptions regarding energy production levels, energy demand, and renewable energy production associated with climate change policy equally in the evaluation of each alternative. According to the commenter, the National OCS Oil and Gas Program Draft Programmatic EIS contains inconsistencies.<sup>121</sup>
- The commenter expressed support for the establishment of the Interagency Working Group on Social Cost of Greenhouse Gases. The commenter further stated that “DPEIS misuses SC-GHG” due to its inclusion of a 3 percent discount rate, adding that the National OCS Oil and Gas Program Draft Programmatic EIS lacks a “robust discussion of the uncertainties inherent in the SC-GHG figures.” According to the commenter, should the National OCS Oil and Gas Program Final Programmatic EIS retain GHG estimates, BOEM ought to ensure that they present “the most reasonable and accurate picture.” The commenter asserted that the National OCS Oil and Gas Program Draft Programmatic EIS “treats the high activity scenario as the default assumption.” Finally, the commenter expressed support for the “maximum potential lease sale schedule of the 11 total sales,” reasoning that this aligns with the goal of reducing GHG emissions.
- Referencing the OCSLA, the commenter recommended that BOEM “offer region-wide GOM sales.” The commenter further suggested that BOEM offer competitive fiscal terms with GOM leases and urged the ongoing utilization of the bonus bidding system with variable bonus consideration.<sup>122</sup>
- The commenter discussed concerns about water quality discussions in the National OCS Oil and Gas Program Draft Programmatic EIS, stating it fails to acknowledge regulatory programs.
- The commenter pointed to incorrect data on nesting habitat, stating that Section 2.8.4 includes an assertion that “...the coastline of the Eastern GOM Planning Area represents 90% of the nesting habitat for the Northwest Atlantic subpopulation of loggerhead turtles (Ceriani and Meylan 2017).” According to the commenter, this

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<sup>121</sup> Chevron USA Inc. (BOEM-2023-0046-0010).

<sup>122</sup> Chevron USA Inc. (BOEM-2023-0046-0010).

assertion misinterprets the source document and overestimates the percentage of loggerhead turtles nesting in the EPA.

- The commenter stated that oil and gas development of the available areas in the EPA would likely be supported from existing infrastructure (port areas, waste disposal, etc.) and should not require new infrastructure to be built in Florida. “Potential impacts from these areas should be assessed as if they are part of the Central Planning Area to reflect the likelihood that no new infrastructure is likely to be required in areas like Tampa Bay, Panama City Beach, and Pensacola, to support oil and gas activities in these westwardly areas of the Eastern GOM Planning Area.”
- The commenter stated that the GOM is the most important offshore area for energy development in the United States and that it has tremendous potential to provide a significant volume of resources with low carbon intensity production.
- The commenter stated that the Federal offshore oil and gas leasing program should not include any new areas of restriction in the absence of “supporting scientific data.” The commenter suggested that BOEM and the Administration offer OCS oil and gas lease sales in the next National OCS Oil and Gas Program. Finally, the commenter concluded that restricting or removing acreage from Program Area 1 due to concerns that Federal oil and leasing programs “would present a conflict” is unnecessary.<sup>123</sup>

### 14.3 OUT OF SCOPE: OTHER

A commenter asked whether they would be affected if they had oil rights on Dauphin Island.<sup>124</sup>

### 14.4 OUT OF SCOPE: LEASING SUGGESTIONS

A commenter recommended that no action alternatives include changes to bid requirements. Further, the commenter recommended that, for any new oil and gas leases in the GOM, BOEM increase minimum bonus bids to increase competition for desirable tracts and decrease bidding on low-potential tracts.<sup>125</sup>

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<sup>123</sup> Chevron USA Inc. (BOEM-2023-0046-0010).

<sup>124</sup> D. Jones (BOEM-2023-0046-0004).

<sup>125</sup> Ocean Conservancy (BOEM-2023-0046-0011).

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