

**CALIFORNIA COASTAL COMMISSION**

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

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**Th8a**

**CC-0001-26 (DCOR)**

**August 13, 2026**

**CORRESPONDENCE**

**Received Before 5 p.m. on August 7, 2026**

**From:** [nancy Okada](#)  
**To:** [Energy@Coastal](#); [ExecutiveStaff@Coastal](#)  
**Cc:** [Leslie Purcell Coastal](#)  
**Subject:** Public Comment on August 2026 Agenda Item Thursday 8a - Consistency Certification No. CC-0001-26 (DCOR, LLC, Offshore Ventura Co.)  
**Date:** Friday, August 7, 2026 4:58:23 PM

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Please send proof of receipt. Thank you.

The Sierra Club supports the staff decision to deny Consistency Determination No. CC-0001-26 DCOR, LLC, (Offshore Ventura County)

The Sierra Club is concerned about exacerbating seismic activity by conducting fracking in this offshore area. As stated in the staff report:

“The proposed project would carry out a new well stimulation program on previously completed wells and intensify the use of existing infrastructure, including Platform Gilda and its export pipelines, in an area of significant geologic and coastal hazards, including seismic activity, storms and high waves, and tsunamis. In addition, because the project involves the injection of fracking fluids into the sub-surface at pressures strong enough to fracture the formation rock, and reinjection of flowback fluids and produced water into the formation via injection well, the potential for project activities to exacerbate geologic hazards, including through induced seismicity and subsidence or other ground motion, must be evaluated.”

The staff report also notes:

“A 2024 Seismic Risk Evaluation for DCOR’s onshore and offshore pipelines 80 summarizes the seismic hazards in the project vicinity as follows: The Santa Barbara Channel lies within a seismically active region of coastal California, where ongoing transpression associated with the Pacific–North American plate boundary produces active folding, uplift, and faulting. Geologic and geophysical studies indicate that these structures remain active and are capable of generating significant earthquakes. Generically for offshore oil and gas infrastructure, the principal seismic hazards include strong ground shaking, fault displacement, seabed deformation, submarine landslides, and potential tsunami generation. Active folding and fault movement can alter seafloor topography and impose stresses on fixed platforms, subsea pipelines, risers, and shore-crossing facilities. Areas with steep slopes and thick unconsolidated sediments may be susceptible to earthquake-triggered slope failures that could affect buried or exposed pipelines.”

Ruptured pipelines are the major source of oil spills, as experienced in the past.

The staff report details other locations.

“Platform Gilda is located near several faults considered active by the U.S. Geological survey, including the nearby Oak Ridge, Mid-Channel and Montalvo Faults, each approximately two to three miles from the platform to the north, west and east, respectively. The BOEM EIS reports that the Oak Ridge Fault is capable of producing an earthquake of up to magnitude 7.1. Other active faults in the vicinity include the Pitas Point, Ventura, Red Mountain and Santa Ynez Faults, all within four to 20 miles of the platform. None of these mapped faults intersect the Platform Gilda footprint, the subsurface zones proposed for stimulation, or the pipeline corridors serving the platform. The BOEM EIS further notes the existence of an additional fault system, the World’s End Fault, located very near Platform Gilda and approximately 2,500 feet from the closest planned well stimulation zone, that does not appear in the USGS database.”

The staff report also states “...it is not sufficient to demonstrate that the project’s reliance on and intensified use of aged existing infrastructure – including the platform, export pipelines and onshore processing facility – would minimize hazards from seismic ground shaking, coastal storms and erosion, tsunamis and fire, and thus assure stability and structural integrity over the life of the project. The Commission therefore finds the project inconsistent with Sections 30253(a) and (b) of the CCMP.”

The Sierra Club Coastal Committee agrees with staff and supports denial of this Consistency Determination.

Sincerely,

Nancy Okada, co-chair

Leslie Purcell, member

Coastal Committee

Sierra Club California

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Sent from my iPhone

**From:** [Alison Edwards](#)  
**To:** [Energy@Coastal](mailto:Energy@Coastal)  
**Subject:** Public Comment: Strong Opposition to Fracking and New Oil Drilling in California Coastal Waters (Platform Gilda Consistency Certification)  
**Date:** Friday, August 7, 2026 4:11:54 PM

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You don't often get email from [aedwards@stewardshipindex.org](mailto:aedwards@stewardshipindex.org). [Learn why this is important](#)

## To Whom It May Concern,

I am writing to express my vehement opposition to DCOR, LLC's proposal to conduct hydraulic fracturing (fracking) on 16 oil wells at Platform Gilda in the Santa Barbara Channel. Furthermore, I urge the California Coastal Commission and federal regulators to reject any and all new oil development, drilling, or well stimulation in California's coastal waters.

Our oceans, marine ecosystems, and coastal economies face severe and irreversible risks from expanded fossil fuel infrastructure. I oppose this and future offshore drilling projects for the following critical reasons:

- **Severe Oil Spill Risks:** Offshore drilling inherently threatens California's coastline with catastrophic oil spills. The Santa Barbara Channel has historically suffered devastating spills that decimate local economies, tourism, and marine life. Increasing operations at aging platforms like Gilda elevates the risk of mechanical failures and pipeline ruptures.
- **Threats to Marine Life:** The Santa Barbara Channel is a biological hotspot, hosting migrating whales, sea otters, and countless protected marine species. Fracking introduces toxic chemicals into the marine environment, while the associated high-intensity seismic activity and industrial noise disrupt critical wildlife feeding and breeding grounds.
- **Climate Change and Coastal Resilience:** Expanding fossil fuel extraction directly contradicts California's climate goals. We must transition away from oil and gas to protect our coastlines from sea-level rise and ocean acidification, rather than locking in decades of new carbon emissions.
- **Protection of State Coastal Authority:** I strongly support California's right to manage its own coastal resources. Federal attempts to bypass or weaken the California Coastal Management Program's oversight threaten the environmental safety of our entire state.

The California Coastal Commission must uphold its mandate to protect our coast and ocean resources. I urge you to find this project inconsistent with the California Coastal Act and deny the consistency certification for fracking at Platform Gilda.

Thank you for your time, leadership, and dedication to protecting California's coast.

Sincerely,

Alison Edwards  
Davenport CA.



**WISHTOYO**  
CHUMASH FOUNDATION  
FIRST NATIONS ECOLOGICAL CONSERVATION ALLIANCE

August 7, 2026

Meagan Harmon, Chair  
California Coastal Commission  
455 Market Street, Ste 300  
San Francisco, CA 94105

Submitted via [EORFC@coastal.ca.gov](mailto:EORFC@coastal.ca.gov)

**Re: DCOR Offshore Fracking Consistency Certification and BOEM Consistency Determination–Items Th8a, Th8b–OBJECT**

Dear Chair Harmon and Commissioners:

This comment letter is submitted by the Environmental Defense Center (EDC), Center for Biological Diversity (CBD), Santa Barbara Channelkeeper (SBCK), and Wishtoyo Chumash Foundation (collectively “our organizations”) to urge the California Coastal Commission (CCC or “Commission”) to **OBJECT** to both Consistency Certification No. CC-0001-26 (“the CC”), submitted by DCOR, LLC (“DCOR”) and Consistency Determination No. CD-0005-26 (“the CD”), submitted the Bureau of Ocean Energy Management (BOEM), concerning DCOR’s Updated Development and Production Plan (“Updated DPP” or “Project”). The Updated DPP proposes to conduct hydraulic fracturing (“fracking”) from Platform Gilda, located in the Santa Clara Unit, offshore Ventura County. Our organizations are committed to protecting the California coastline from the harmful effects of offshore oil and gas drilling. We are particularly concerned about the heightened risks that offshore fracking poses to the environment, wildlife, local communities, cultural resources, and climate goals.

We agree with Commission staff that the Project is inconsistent with numerous enforceable policies of the California Coastal Management Program (CCMP). First, fracking would extend oil production from Platform Gilda, which has already been operating for much longer than its anticipated life span. Second, intensifying operations at Platform Gilda threatens the California coast by prolonging and increasing the risk of oil spills and spills of toxic fracking fluids. Accordingly, the Commission’s Staff Report re Consistency Certification No. CC-0001-26 (“CC Staff Report”) and Staff Report re Consistency Determination No. CD-0005-26 (“CD Staff Report”) (collectively, “Staff Reports”), correctly conclude “the proposed fracking program

would materially increase the risk of a spill of crude oil and other hazardous substances by extending and intensifying the use of aging infrastructure.”<sup>1</sup> Critically, DCOR does not have effective containment and clean up measures in place in the event of such spills, which gives rise to an inconsistency with Section 30232 of the Coastal Act. As the Staff Reports correctly identify, “DCOR’s facilities have been involved in two of the three most significant offshore spill incidents in the past five years.”<sup>2</sup> The impacts posed by fracking at Platform Gilda, including the risk of yet another accident, are unacceptable.

The risk of oil and hazardous substance spills also threatens the biological productivity of the Santa Barbara Channel region and its many sensitive species, including whales, seabirds, and fish. The discharge of produced water, which may contain fracking fluids, further threatens marine life. Offshore fracking could also impair commercial and recreational fishing, contribute to coastal hazards, and impede public access and recreation. For these reasons, the Project is inconsistent with many other policies of the CCMP, as the Staff Reports correctly conclude.

In addition, the Project threatens cultural resources, and there is insufficient information provided to assess such impacts, but the information we do have suggests additional grounds for finding inconsistencies with policies related to oil spills, marine life, fisheries and recreation. The Project likewise gives rise to policy inconsistencies not identified in the Staff Reports with respect to air quality and Environmentally Sensitive Habitat Areas (ESHA).

We retained an environmental consulting firm, Blue Tomorrow, to assist in our assessment of water quality issues related to the Project, which produced a letter herein referred to as the “Blue Tomorrow Report.” The Blue Tomorrow Report notes the highly toxic and unknown nature of fracking fluids, the harm they pose to the marine environment from accidental spills, and the potential for platform discharges to be contaminated with fracking fluids.<sup>3</sup> Further, Blue Tomorrow concludes, the combined effect of mixing multiple toxic fracking fluids “could increase their impacts on the marine environment.”<sup>4</sup> This report provides further support for the Staff Reports’ recommendation.

Moreover, there is no national need for this Project. We also retained Dr. Paasha Mahdavi, Ph.D., associate professor and director of the Energy Governance and Political Economy (EGAPE) Lab at UC Santa Barbara, to prepare a report analyzing the economic implications of Platform Gilda’s current operations, its operations if fracking occurs as described in the Updated DPP, and the impacts of both outcomes on oil markets and military consumption (“Mahdavi Report”).<sup>5</sup> In his report, Dr. Mahdavi concludes that fracking would not meaningfully affect oil prices and is not necessary to meet national security needs.

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<sup>1</sup> CC Staff Report at 42; CD Staff Report at 44.

<sup>2</sup> *E.g.*, CC Staff Report at 46.

<sup>3</sup> The Blue Tomorrow Report is attached hereto as **Exhibit A**.

<sup>4</sup> *Id.* at 3.

<sup>5</sup> The Mahdavi Report is attached hereto as **Exhibit B**.

The waters off the southern California coast, and the Santa Barbara Channel in particular, are an international ecological treasure. Home to numerous threatened and endangered species, this region is known as the “Galapagos of North America” and contains a national park and national marine sanctuaries that are rich in natural resources. Local recreational and business interests alike, as well as Native American Indigenous communities, use and rely on these vast natural resources. Offshore oil drilling has been devastating to the region since the 1969 Santa Barbara oil spill, and has continued to have profound adverse impacts, as seen with the 2015 Plains oil spill at Refugio State Beach. Unconventional oil drilling practices such as hydraulic fracturing and acidizing (known as well stimulation treatments or “WSTs”) have only intensified environmental concerns with their use of highly-toxic chemicals injected at extreme pressures.

In recognition of the potential adverse impacts of these practices, there is already a federal-court injunction in place under *EDC v. BOEM* which prohibits BOEM from approving offshore well-stimulation treatments (including fracking) until all terms of the injunction are satisfied, and they have not been. In other words, this Project should not even be up for consideration. Neither the CD nor CC even seek consistency review concerning the action that was at issue in that case, and neither address the requirements of the injunction. Nonetheless, we agree with staff’s recommendation to act on the consistency certification and consistency determination currently before the Commission and OBJECT to both.

## **I. Factual Background**

### **A. History of Fracking in the Santa Barbara Channel and Current Injunction**

Beginning in 2012, our organizations began investigating the use of WSTs from platforms offshore California. Through a series of Freedom of Information Act (FOIA) requests to the federal government, we discovered permits that approved WSTs without any environmental review. The use of fracking and acidizing off California’s shores was largely unknown to the general public, local elected officials, and cooperating state agencies until that time. This discovery—and the absence of any environmental analysis assessing the impacts of these practices—led to lawsuits filed in 2014 challenging the routine approval of permits (identifying fifty-one permits at the time) authorizing the use of WSTs pursuant to categorical exclusions or no analysis whatsoever, in violation of National Environmental Policy Act (NEPA).<sup>6</sup> This lawsuit included permits that were issued to DCOR. To our knowledge, no consistency review or environmental review process concerning DCOR’s offshore fracking activities had ever occurred. The parties reached a settlement agreement requiring the federal government to withhold approval of drilling permits authorizing WSTs and to prepare a Programmatic Environmental Assessment (PEA) addressing potential environmental impacts of WSTs in federal waters offshore California.<sup>7</sup>

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<sup>6</sup> See, e.g., *Environmental Defense Center v. Bureau of Safety and Environmental Enforcement*, No. 2:14-cv-09281 (C.D. Cal. Dec. 3, 2014) (*EDC v. BSEE*).

<sup>7</sup> Settlement Agreement, *EDC v. BSEE* (Settlement lodged Jan. 29, 2016, No. 79-1).

After circulating a draft for comment, BOEM released a final PEA and a Finding of No Significant Impact (FONSI), signed May 27, 2016, approving the proposed action, entitled “Allow use of WSTs.”<sup>8</sup> Under this action, the agencies “propose[d] to allow the use of selected well stimulation treatments (WSTs) on the 43 active leases and 23 operating platforms” on the Pacific Outer Continental Shelf (POCS).<sup>9</sup>

In November 2016, our organizations filed lawsuits challenging the PEA and FONSI, alleging violations of NEPA and the Endangered Species Act (ESA). The State of California filed a case alleging violations of NEPA and the Coastal Zone Management Act (CZMA), and the cases were consolidated. DCOR intervened and submitted declarations stressing the importance of WSTs to their offshore oil operations.

In November 2018, the district court issued an order concluding that the federal government had violated the ESA by failing to consult with the Fish and Wildlife Service (FWS) before approving the use of WSTs.<sup>10</sup> The court also found that BOEM had violated the CZMA because the proposed action was a federal agency activity subject to the consistency review process, which it had failed to undertake.<sup>11</sup> In fashioning relief, the district court ordered the federal government “to refrain from approving any plans or permits (DPPs, APDs, or APMs) for the use of WSTs on the POCS unless and until they (1) complete[d] consultation with FWS under the ESA and (2) complete[d] the CZMA process under 16 U.S.C. § 1456(c)(1) for the proposed action described in the Final EA.”<sup>12</sup> The parties filed cross appeals in the Ninth Circuit Court of Appeals.

On June 3, 2022, the Ninth Circuit issued its opinion, holding that BOEM was in violation of NEPA, the ESA, and the CZMA with respect to its approval of the PEA and FONSI, authorizing the use of WSTs offshore California.<sup>13</sup> Specifically, the court concluded that the agency’s approval of WSTs under the PEA and FONSI was a final agency action and ripe for judicial review.<sup>14</sup> With respect to NEPA, the Ninth Circuit determined that the agency’s PEA and FONSI were arbitrary and capricious in several respects. For example, BOEM unlawfully relied on the unfounded assumption that WSTs will only be allowed five times per year in order to justify that impacts will be minimal with respect to, for example, accidents, induced seismicity, air quality, water quality, ecological resources, and fisheries. The appellate court concluded this was a critical error and arbitrary and capricious because the alleged infrequent use, despite

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<sup>8</sup> *Programmatic Environmental Assessment of the Use of Well Stimulation Treatments on the Southern California Outer Continental Shelf* (“PEA”) at ES-3–ES-4.

<sup>9</sup> *Id.*

<sup>10</sup> *Env’t Def. Ctr. v. Bureau of Ocean Energy Mgmt.*, 2018 WL 5919096, at \*18 (C.D. Cal. Nov. 9, 2018), *aff’d in part, rev’d in part and remanded*, 36 F.4th 850 (9th Cir. 2022) (“Because the agencies did not consult with the Services before issuing the Final EA, they violated the ESA.”).

<sup>11</sup> *Id.* at \*26.

<sup>12</sup> *Id.* at \*27; *see also id.* at \*23 (“The Court **GRANTS** Plaintiffs’ request for a declaration that the agencies violated the ESA and further **GRANTS** their request for an injunction. Defendants are prohibited from approving any plans or permits (APDs, APMs, or DPPs) for the use of WSTs on the POCS unless and until they complete consultation with FWS under the ESA.”).

<sup>13</sup> *Env’t Def. Ctr. v. Bureau of Ocean Energy Mgmt.*, 36 F.4th 850 (9th Cir. 2022) (“*EDC v. BOEM*”).

<sup>14</sup> *Id.* at 868-71.

evidence to suggest otherwise, was the “driving force” behind their conclusions.<sup>15</sup> The Ninth Circuit also found that the agency unlawfully relied on a Clean Water Act permit that in fact does not cover the water quality impacts of offshore fracking.<sup>16</sup> The court also ruled that the agencies failed to consider a reasonable range of alternatives, namely, that it was “highly arbitrary for the agencies repeatedly to premise their” analysis on the assumption of infrequent use of WSTs without “considering an alternative that imposed such a five-treatment limit.”<sup>17</sup> The court determined that there were substantial questions regarding potentially significant impacts warranting an EIS, especially where these unconventional practices and impacts that had not been previously studied.<sup>18</sup> As for the ESA, the federal government’s only argument on appeal was that there was no “agency action.” The Ninth Circuit disagreed—concluding that the PEA and FONSI constitute agency action, subject to ESA Section 7’s consultation requirement.<sup>19</sup> Accordingly, the district court’s conclusion that the agency violated the ESA was left intact.

Regarding the CZMA, the appellate court held that the action constitutes a “federal agency activity” subject to consistency review under 16 U.S.C. Section 1456(c)(1)(A), and also that the proposed action fell outside the scope of 16 U.S.C. Section 1456(c)(3)(A) (concerning federal licenses or permits).<sup>20</sup> The Court stressed the “need for programmatic-level consistency review to take place under § (c)(1) of the CZMA for the programmatic-level proposed action by the agencies to authorize offshore well stimulation treatments.”<sup>21</sup> The court further provided, “[i]t is important to keep in mind that in this sphere of the law, both the federal government and California have an important role to play to keep the coastline safe and prosperous.”<sup>22</sup>

The Ninth Circuit affirmed and reversed in part and remanded to the district court. On remand, the district court in July 2023 provided:

The Ninth Circuit in its opinion instructed this Court on remand to “amend its injunction to prohibit the agencies from approving permits for well stimulation treatments until the agencies have issued an EIS and have fully and fairly evaluated all reasonable alternatives.” *Env’t Def. Ctr.*, 36 F.4th at 882, 891. The Court hereby AMENDS its injunction consistent with those instructions. The agencies are ENJOINED from approving well stimulation treatment permits until the agencies issue a complete EIS.<sup>23</sup>

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<sup>15</sup> *Id.* at 874 (“We agree with Plaintiffs that the agencies’ excessive reliance on the asserted low usage of well stimulation treatments distorted the agencies’ consideration of the significance and severity of potential impacts.”).

<sup>16</sup> *Id.* at 874-75.

<sup>17</sup> *Id.* at 878.

<sup>18</sup> *Id.* at 879-82.

<sup>19</sup> *Id.* at 885.

<sup>20</sup> *Id.* at 887-89.

<sup>21</sup> *Id.* at 888.

<sup>22</sup> *Id.* at 889.

<sup>23</sup> *EDC v. BOEM*, Case 2:16-cv-08418-PSG-FFM, Document No. 223, Order Amending the Court’s Injunction (Filed 07/13/23).

Collectively, the federal court injunctions that are still in place today prohibit BOEM from approving WSTs (including fracking, and including under any DPPs) until it completes (1) the CZMA consistency review process for the proposed action, (2) a complete EIS under NEPA, and (3) ESA consultation with FWS.

Accordingly, any effort to proceed with approving fracking in federal waters offshore California, without first complying with these mandates, is in direct violation of the court’s injunction. To date, we are not aware of any effort of BOEM to comply with the consistency review process with respect to its proposed action of allowing WSTs throughout federal waters offshore southern California.<sup>24</sup> Further, any reliance on the EA and FONSI is unlawful because the court ruled that the agency’s analysis and conclusions were arbitrary and capricious.

Moreover, even though the court already recognized the flawed analysis for relying on the unfounded assumption that WSTs would only be used up to five times per year, it bears noting that this proposal *alone* would far exceed that figure, with up to thirty-eight treatments to occur over a five-year period from just a single platform.

## **B. Updated Development and Production Plan and BOEM Process**

BOEM is considering a proposal by DCOR to conduct well stimulation activities, specifically hydraulic fracturing, from Platform Gilda located in the Santa Clara Unit in federal waters off Ventura County.<sup>25</sup> DCOR has submitted the Updated DPP to BOEM that, under Alternative 1, proposes to conduct fracking at sixteen wells, with “four well stimulation target locations in the Upper Repetto and 12 well stimulation target locations in the Lower Repetto.”<sup>26</sup> The action would involve up to thirty-eight treatments over a five-year period, with “up to 6 wells stimulated during one campaign in a single year” and active well stimulation to be performed for “14 days per year.”<sup>27</sup> Gilda is the only remaining oil platform still producing in the Santa Clara Field and its production continues to naturally decline.<sup>28</sup> Currently, Platform Gilda produces approximately 1,100 BPD.<sup>29</sup>

The specific method of fracking to be used is known as “frac packing,” which “combines hydraulic fracturing with gravel packing.”<sup>30</sup> To accomplish this, DCOR would inject fracking fluids at high pressure into existing wells to create fractures in the rock at depths equal to or greater than “4,500 feet below the seafloor surface.”<sup>31</sup> Once the fractures are created, a proppant

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<sup>24</sup> BOEM incorrectly asserts that the CD is being pursued to comply with the injunction in EDC v. BOEM. Moving forward with the Updated DPP is instead prohibited under the injunction, and no consistency review that is consistent with the injunction has yet to occur. See CD at 7.

<sup>25</sup> UPDATE TO DEVELOPMENT AND PRODUCTION PLAN AND ENVIRONMENTAL REPORT, WELL STIMULATION: HYDRAULIC FRACTURING, PLATFORM GILDA OFFSHORE VENTURA COUNTY, Project No. 2502-2681 (January 2026) (“Updated DPP”).

<sup>26</sup> *Id.* at 3-1.

<sup>27</sup> *Id.*; *id.* at 4-36.

<sup>28</sup> *Id.* at 3-2.

<sup>29</sup> CC at 2-2.

<sup>30</sup> Updated DPP at 1-3.

<sup>31</sup> *Id.* at 3-1.

will be carried into the fractures by the fracking fluid, thereby creating a “gravel pack,” holding the fractures open to allow for the extraction of hydrocarbons.<sup>32</sup> Oil will be extracted through the existing wells to Platform Gilda and transported to shore by a seafloor oil pipeline to DCOR’s Mandalay Onshore Facility in Oxnard.<sup>33</sup>

Under the Project, flowback fluid will be “retained on the Platform” and return fluids “will be re-injected into existing injection wells on the Platform.”<sup>34</sup> However, notably, Platform Gilda currently produces in excess of 50,000 barrels of “processed water” per month from oil extraction activities.<sup>35</sup> If fracking is approved, this “processed water” will also include fracking fluids.<sup>36</sup> This water is treated onshore before it is returned to Platform Gilda and discharged into the ocean.<sup>37</sup> DCOR intends to use its existing Oil Spill Response Plan (OSRP) and Safety and Environmental Management System (SEMS) to cover the expanded operations associated with fracking.<sup>38</sup> Under this plan, response operations are designed to expand over time with the bulk of response vessels able to arrive in approximately 14 hours to more than 200 hours.<sup>39</sup>

Platform Gilda has already extracted oil and gas in an amount that has “far exceeded” what was expected to be available.<sup>40</sup> By fracking, DCOR predicts that it can increase its production to a peak of “4,000 BPD at the conclusion of 5 years when all 16 stimulated wells are producing.”<sup>41</sup> Notably, Platform Gilda and its associated infrastructure have been in continuous use for roughly forty-five years, which is more than double the eighteen years envisioned for the facilities when they were authorized and installed in 1981.<sup>42</sup> After reviewing the Updated DPP, BOEM determined that fracking at Platform Gilda is a “new activity that was not previously identified or evaluated in the current DPP and therefore is subject to all the procedures of review of a DPP update.”<sup>43</sup> This includes federal consistency review.<sup>44</sup>

On February 25, 2026, BOEM posted the Updated DPP on its website for the public to review, triggering a sixty-day public comment period on the Updated DPP<sup>45</sup> as required by BOEM’s OCSLA regulations.<sup>46</sup> BOEM states it will consider comments and recommendations from reviewers in its “decision to approve, disapprove, or require modifications to the updated

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<sup>32</sup> *Id.*

<sup>33</sup> CC Staff Report at 2, 10.

<sup>34</sup> Updated DPP at 2-4

<sup>35</sup> CC Staff Report at 17.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> Updated DPP at 1-4.

<sup>39</sup> CC Staff Report at 34

<sup>40</sup> *Id.* at 2.

<sup>41</sup> CC at 2-2.

<sup>42</sup> CC Staff Report at 2, 9.

<sup>43</sup> CC at 3-1.

<sup>44</sup> 16 U.S.C. § 1456(c)(1)(A).

<sup>45</sup> Revised Development and Production Plans – Pacific: Santa Clara Unit, BOEM, <https://www.boem.gov/regions/pacific-ocs-region/oil-gas/revised-development-and-production-plans-pacific> (last viewed April 24, 2026).

<sup>46</sup> See 30 C.F.R. § 550.267(b) (“Comments and recommendations must be received by the Regional Supervisor within 60 calendar days after the DPP . . . including its accompanying information is made available.”).

DPP.”<sup>47</sup> On April 27, 2026, our organizations submitted a comment letter (“Updated DPP Comment Letter”) urging BOEM to disapprove the Updated DPP and highlighting how approval of the Updated DPP (and fracking, specifically) would violate several federal laws.<sup>48</sup>

On March 18, 2026, BOEM released in the Federal Register a “Notice of Intent To Prepare an Environmental Impact Statement on Platform Gilda Well Stimulation Treatment”<sup>49</sup>—announcing a ten-day deadline to receive public comments and giving six days’ notice of a virtual public scoping hearing that occurred on March 24, 2026. The undersigned parties submitted a comment letter (“Scoping Comment Letter”) by the March 30, 2026, deadline, urging BOEM to release a draft EIS as required under federal law.<sup>50</sup> Just two weeks following the public comment deadline, BOEM had already prepared and submitted its DCOR, LLC Well Stimulation Treatment Environmental Impact Statement (“Final EIS”) to BOEM’s Pacific Regional Director Douglas Boren for approval and certification. Regional Director Boren certified the Final EIS on April 13, 2026<sup>51</sup> and BOEM uploaded the Final EIS to its website on April 17, 2026.<sup>52</sup> Five days later, on Apr. 22, 2026, BOEM issued a press release on its website announcing the availability of the Final EIS.<sup>53</sup>

### C. DCOR Consistency Certification and BOEM Consistency Determination

In March 2026, DCOR completed a CC, invoking 16 U.S.C. Section 1456(c)(1)(A).<sup>54</sup> In the CC, DCOR walks through several of the policies relating to oil and gas, air quality, public access, marine environment, development, scenic and visual resources, and archeological and paleontological resources, and concludes that the Project is consistent with the CCMP for each set of policies.<sup>55</sup>

On June 29, 2026, BOEM submitted a CD for the same Project, invoking 16 U.S.C. Section 1456(c)(3)(A).<sup>56</sup> BOEM’s CD addresses many of the same issues as DCOR’s CC and uses much of the same language. Ultimately, BOEM concludes that the proposed activities are consistent to the maximum extent practicable with the enforceable policies of the CCMP.<sup>57</sup>

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<sup>47</sup> *Id.*

<sup>48</sup> The Updated DPP Comment Letter is attached hereto as **Exhibit C**.

<sup>49</sup> 91 Fed. Reg. 13063 (March 18, 2026).

<sup>50</sup> The Scoping Comment Letter is attached hereto as **Exhibit D**.

<sup>51</sup> Bureau of Ocean Energy Management & Bureau of Safety and Environmental Enforcement, Final EIS (April 2026), [https://www.boem.gov/sites/default/files/documents/regions/pacific-ocs-region/environmental-analysis/2026\\_04\\_DCOR\\_WST\\_EIS\\_508C.pdf?VersionId=bNImNyBwpqLYUDhb8VoVk9TmtzMv8ByK](https://www.boem.gov/sites/default/files/documents/regions/pacific-ocs-region/environmental-analysis/2026_04_DCOR_WST_EIS_508C.pdf?VersionId=bNImNyBwpqLYUDhb8VoVk9TmtzMv8ByK) (certified by BOEM Pacific Regional Director Douglas Boren on April 13, 2026).

<sup>52</sup> BOEM, Environmental Impact Statement on Platform Gilda Well Stimulation Treatment, BOEM, <https://www.boem.gov/regions/pacific-ocs-region/environmental-impact-statement-platform-gilda-well-stimulation-treatment>.

<sup>53</sup> BOEM, Press Release, *BOEM Releases Final Environmental Impact Statement for Platform Gilda Well Stimulation Proposal Offshore California* (April 22, 2026) <https://www.boem.gov/newsroom/press-releases/boem-releases-final-environmental-impact-statement-platform-gilda-well>.

<sup>54</sup> CC at 2-1.

<sup>55</sup> *Id.* at 3-1—3-14.

<sup>56</sup> CD at 1.

<sup>57</sup> *Id.* at 22.

## II. Legal Background

The CZMA was enacted to “preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation’s coastal zone.”<sup>58</sup> To accomplish this objective, the CZMA engages in cooperative federalism by allowing coastal states and territories to develop their own coastal management programs tailored to their unique environmental, economic, and social conditions.<sup>59</sup> Once these programs are approved, they become the basis for managing coastal resources within the state and the state gains the authority to review certain federal actions that may affect coastal uses or resources.<sup>60</sup>

To comply with the CZMA, applicants for federal permits or licenses that are required to conduct activity “in or outside of the coastal zone, affecting any land or water use or natural resource of the coastal zone of that state” must provide to the relevant agency from which they are seeking a license or permit, here BOEM, “a certification that the proposed activity complies with the enforceable policies of the state’s approved program and that such activity will be conducted in a manner consistent with the program.”<sup>61</sup> At the same time, the applicant must also provide a copy of that certification to any state whose coastal zone will be impacted by the proposed license or permit.<sup>62</sup>

Similarly, activities that affect the coastal zone and are carried out directly by an agency must also be “consistent to the maximum extent practicable with the enforceable policies of approved State management programs.”<sup>63</sup> The CZMA provides that federal agencies carrying out such federal agency activities “shall provide a consistency determination to the relevant State agency . . . at the earliest practicable time.”<sup>64</sup>

Notably, the provisions of the CZMA that require a submittal of a CC **or** a CD are mutually exclusive. Accordingly, a project should not proceed under both tracts.<sup>65</sup> As the Ninth Circuit made clear in *California v. Norton*:

Section (c)(1) provides for consistency review for federal agency activities. Section (c)(3) provides for consistency review for federal licenses or permits. Sections (c)(1) and (c)(3) are mutually exclusive because section 1456(c)(1)(A) provides that an ‘activity shall be subject to this paragraph unless it is subject to paragraph (2) or (3).’<sup>66</sup>

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<sup>58</sup> 16 U.S.C. § 1452(1).

<sup>59</sup> 16 U.S.C. § 1451(i); 16 U.S.C. § 1453(12).

<sup>60</sup> 16 U.S.C. § 1456.

<sup>61</sup> 16 U.S.C. § 1456(c)(3)(A).

<sup>62</sup> *Id.*

<sup>63</sup> *Id.* § 1456(c)(1)(A).

<sup>64</sup> *Id.* § 1456(c)(1)(C).

<sup>65</sup> Here, an Updated DPP is appropriately considered under 16 U.S.C. Section 1456(c)(3)(A), and does not also qualify as a federal agency activity under 16 U.S.C. Section 1456(c)(1)(A).

<sup>66</sup> *California v. Norton*, 311 F.3d 1162, 1170 (9th Cir. 2002)

Once a state or its designated agency, here the Commission, receives a CC, it must then notify the relevant Federal agency “[a]t the earliest practicable time,” whether it objects to the applicant’s certification.<sup>67</sup> The CZMA’s implementing regulations require that the applicant submit sufficient information so that the state may consider the effects of the proposed action on coastal resources, and allow for a six-month review period.<sup>68</sup> If a state fails to make a determination within six months, it is assumed to have concurred with the applicant’s consistency certification.<sup>69</sup>

In California, the relevant state policies under which consistency review is conducted exist in the State’s certified CCMP.<sup>70</sup> The California Coastal Act (“Coastal Act”), which was “enacted by the Legislature as a comprehensive scheme to govern land use planning for the entire coastal zone of California”<sup>71</sup> is the “foundation” of the CCMP and constitutes the state’s CCMP for purposes of the CZMA.<sup>72</sup> Among other things, California’s CCMP highlights the national importance of the California coast, especially for its historic, cultural, aesthetic, and conservation values.<sup>73</sup> The Coastal Act specifically emphasizes that the protection of the state’s “natural and scenic resources is a paramount concern” and these resources must be protected to prevent further deterioration or destruction.<sup>74</sup>

Chapter 3 of the Coastal Act is the heart of the CCMP and provides the key policies governing the coastal zone.<sup>75</sup> These policies specifically include, *inter alia*, protections for marine resources, biological productivity, water quality, environmentally sensitive habitat areas, archaeological and paleontological resources, commercial and recreational fishing, and scenic and visual qualities.<sup>76</sup>

The standard of review that the CCC must use when reviewing a CC is “full consistency with the relevant enforceable policies of the California Coastal Management Plan.”<sup>77</sup> A certification that does not affirmatively show that the proposed action is fully consistent with each applicable enforceable policy does not satisfy this standard.<sup>78</sup> The CCC reviews CDs for consistency “to the maximum extent practicable.”<sup>79</sup> This phrase means “fully consistent with the

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<sup>67</sup> 16 U.S.C. § 1456(c)(3)(A).

<sup>68</sup> 15 C.F.R. §§ 930.58, 930.60(a).

<sup>69</sup> 16 U.S.C. § 1456(c)(3)(A).

<sup>70</sup> Cal. Pub. Res. Code §§ 30200–30265.5; CCC CC Staff Report at 7.

<sup>71</sup> *Pacific Palisades Bowl Mobile Estates, LLC v. Los Angeles*, 55 Cal. 4th 783, 793 (2012) (internal quotations omitted); see Cal. Pub. Res. Code, § 30000 *et seq.*

<sup>72</sup> *Id.* at 82; Cal. Pub. Res. Code § 30008.

<sup>73</sup> See Final Environmental Impact Statement for the California Coastal Management Plan, Chapter 11 at 83 (1977), available at <https://www.coastal.ca.gov/fedcd/ccmp-ch11.pdf>.

<sup>74</sup> Cal. Pub. Res. Code § 30001(b), (c).

<sup>75</sup> *Id.* §§ 30200–70.

<sup>76</sup> Cal. Pub. Res. Code §§ 30230, 30231, 30234, 30240, 30244, and 30251; see also *id.* § 30260(b)(4) (eliminating oil and gas development from the override provision for coastal-dependent industrial facilities).

<sup>77</sup> CC Staff Report at 7.

<sup>78</sup> *Id.*

<sup>79</sup> CD Staff Report at 6.

enforceable policies of management programs unless full consistency is prohibited by existing law applicable to the Federal agency.”<sup>80</sup> Because BOEM has not shown that this definition is met, the applicable standard for the CD is “full consistency.”

During its review, the CCC must provide an opportunity for public comment,<sup>81</sup> may request supplemental information from the applicant,<sup>82</sup> and can consult with the applicant and the relevant federal agency.<sup>83</sup> At the conclusion of its review, the CCC has three options: (1) it can concur with the CC or CD if it determines that the proposed activity is consistent with the CCMP,<sup>84</sup> (2) it can conditionally concur and include a list of conditions that must be satisfied before the project can go ahead,<sup>85</sup> or (3) it can object.<sup>86</sup> There are two independent grounds for objection: (1) substantive inconsistency between the relevant policies and the proposed action and (2) failure by the applicant to provide sufficient information for the state agency to determine consistency.<sup>87</sup>

Where the objection to a CC is based on substantive inconsistencies, the state agency shall

(1) describe how the proposed activity is inconsistent with the enforceable policies of the CCMP; (2) where appropriate, describe alternatives to the proposed activity that would be consistent with the CCMP; and (3) where appropriate, indicate whether the proposed activity could be conducted in a manner that would be consistent with the enforceable policies of the CCMP.<sup>88</sup>

Similarly, for a CD, the state agency must describe “(1) How the proposed activity will be inconsistent with specific enforceable policies of the management program; and (2) the specific enforceable policies (including citations).”<sup>89</sup> If the agency objects to either a CC or CD due to insufficient information, the objection must “describe the nature of the information requested and the necessity of having such information to determine the consistency of the activity with the management program.”<sup>90</sup>

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<sup>80</sup> 15 C.F.R. § 930.32(a)(1).

<sup>81</sup> 15 C.F.R. §§ 930.2, 930.42, 930.61.

<sup>82</sup> 15 C.F.R. § 930.60(a).

<sup>83</sup> *See id.*

<sup>84</sup> 15 C.F.R. § 930.41; 15 C.F.R. § 930.62; 15 C.F.R. § 930.78.

<sup>85</sup> 15 C.F.R. § 930.4.

<sup>86</sup> 15 C.F.R. § 930.43; 15 C.F.R. §§ 930.63–930.64; 15 C.F.R. § 930.78.

<sup>87</sup> 15 C.F.R. § 930.63(b), (c); 15 C.F.R. § 930.43(a), (b); CC Staff Report at 7.

<sup>88</sup> 15 C.F.R. § 930.63(b); CC Staff Report at 7.

<sup>89</sup> 15 C.F.R. § 930.43(a)(1), (2).

<sup>90</sup> 15 C.F.R. § 930.78(c); 15 C.F.R. § 930.43(b).

### **III. Fracking from Platform Gilda Is Inconsistent with Chapter 3 of the Coastal Act's Policies.**

The Staff Reports correctly conclude that the Project is inconsistent with numerous policies of the Coastal Act relating to spills of oil and other hazardous substances, marine resources, commercial and recreational fishing, hazards, and public access and recreation. In addition, we have identified additional grounds for finding insufficient information and/or policy inconsistencies in relation to cultural resources, air quality, and ESHA, as described below.

#### **A. Offshore Fracking Is Inconsistent with Oil and Hazardous Substances Spills Policies.**

The Commission's Staff Reports correctly conclude that the Project is inconsistent with Section 30232 of the Coastal Act because it fails to provide effective containment and cleanup facilities and procedures for accidental oil and chemical spills.<sup>91</sup> The Project would extend the operating lifespan of Platform Gilda, thereby prolonging the risk of oil spills, and additionally introduces the risk of hazardous chemical spills due to the use and transport of fracking chemicals at Platform Gilda. Yet, DCOR's spill response plan does not demonstrate that such spills could be effectively contained or remediated. The inadequacy of DCOR's proposed measures is underscored by the documented failures and limitations of recent offshore oil spill response efforts along the U.S. coastline.

##### **1. Offshore Fracking Would Prolong the Lifespan of Platform Gilda, Thereby Extending the Risk of Oil Spills and Threatening Spills of Fracking Fluids.**

In both the CC and CD, DCOR and BOEM incorrectly treat the expanded operations under the Updated DPP as a minor modification to ongoing approved oil and gas extraction activities that will increase oil production to levels already approved by the DPP.<sup>92</sup> This mischaracterizes DCOR's activities by ignoring how fracking will extend the overall life of Platform Gilda even further beyond what was originally anticipated when the Platform and its associated infrastructure was established and increase oil production above levels consistent with the natural decline of the oil extraction from the existing wells.

When the original consistency certification for Platform Gilda's installation and operation was approved by the CCC in June of 1980, it was anticipated that the facilities would have an operating life of eighteen years.<sup>93</sup> It has now been forty-five years since Platform Gilda and its associated infrastructure came into operation.<sup>94</sup> Production from the Santa Clara unit has exceeded its initial sale estimates "by nearly 9 million barrels of oil and 33 billion cubic feet of

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<sup>91</sup> *E.g.*, CC Staff Report at 42–43.

<sup>92</sup> CC at 2-1 ("The DPP Update will result in production that is well within the approved limits in the current DPP."); CD at 6 ("the applicant requests approval . . . to increase Platform Gilda's production above current daily oil rate, yet within the level approved in the original DPP.")

<sup>93</sup> CC Staff Report at 9, 21.

<sup>94</sup> *Id.* at 10.

natural gas,” leaving no doubt that the oil production goals for these facilities have been more than met.<sup>95</sup>

As the Updated DPP acknowledges, the fracking proposal is intended to further extend the lifespan of Platform Gilda.<sup>96</sup> This prolonged life would place even greater strain on existing aging infrastructure and create increased risk.<sup>97</sup> Analysis of aging pipelines shows that as pipelines age, the risk of a spill increases dramatically, as much as tenfold after twenty-five years in service.<sup>98</sup> Needless to say, the risk associated with operating fifty year-old facilities is likely substantially greater than what was weighed and considered by the Coastal Commission in 1980.

Further, extending the lifetime of Platform Gilda is inconsistent with the envisioned decline in production and operations that would have occurred during the “natural” lifetime of the project.<sup>99</sup> For years, production from Gilda has steadily declined to the point where the current level of oil extracted is a fraction of what it was during peak operations.<sup>100</sup> Platform Gilda’s sister platform, Platform Grace, has been out of service for years and is undergoing decommissioning.<sup>101</sup> Approving fracking would take Platform Gilda, which is on the verge of naturally becoming economically unsustainable, and potentially increase its production four fold, dramatically departing from what was envisioned by the CCC when these facilities were established.

The extended lifespan of Platform Gilda and its related infrastructure brings with it the prolonged and intensified risks of the myriad impacts of offshore oil drilling—including another disastrous oil spill. In addition, the Project presents the new risks of spills of highly-toxic fracking fluids into the sensitive marine environment.

2. DCOR Has Failed to Provide Effective Containment and Cleanup Measures in the Event of a Spill.

Section 30232 of the Coastal Act applies to the Project given its design to extend oil and gas development at Platform Gilda. Section 30232 states that “[p]rotection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.”<sup>102</sup> The Commission correctly concludes in the Staff Reports that the Project is inconsistent with the second part of this policy

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<sup>95</sup> *Id.*

<sup>96</sup> Updated DPP at 3-2, 2-5 (“[w]ithout the Program, production at Gilda is expected to cease sooner than under the proposed action, as production continues to naturally decline”) (“well stimulation via frac packing is required to achieve economic production rates and well longevity”).

<sup>97</sup> CC Staff Report at 21.

<sup>98</sup> *Id.* at 24.

<sup>99</sup> Updated DPP at 3-2.

<sup>100</sup> CC at 2-1—2-2.

<sup>101</sup> CC Staff Report at 10.

<sup>102</sup> Cal. Pub. Res. Code § 30232.

section because DCOR’s proposal fails to provide “[e]ffective containment and cleanup facilities and procedures . . . for accidental spills that do occur.”<sup>103</sup>

As an initial matter, DCOR incorrectly implies in the CC that the Commission previously deemed Platform Gilda’s oil spill response measures as satisfying Section 30232’s requirements. DCOR quotes the Commission’s 1980 Consistency Certification Summary and Staff Recommendation (“1980 Staff Report”) regarding Union Oil Company’s 1979 Plan of Development and Consistency Certification for constructing Platform Gilda (“1979 POD”), in which Commission staff observed that the 1979 POD’s oil spill measures had been “found to be adequate in previous consistency determinations for exploration and development on the OCS.”<sup>104</sup> Though the 1980 Staff Report did include this observation, DCOR conspicuously omits that the 1980 Staff Report’s actual *conclusion* regarding Section 30232 consistency was a finding of *inconsistency*. Indeed, the Commission staff clearly stated in that report:

The equipment specified by Union in the [1979 POD] cannot assure protection of marine resources under Section 30230 *nor can it prove effective containment and cleanup as required by Section 30232*. Under adverse weather conditions such as high wind and waves, oil spill equipment *is not effective in containing oil spills*.<sup>105</sup>

Nor does DCOR acknowledge that the 1980 Staff Report *only* recommended concurrence with the 1979 POD’s consistency certification after invoking Section 30260 of the Coastal Act (the “override provision”) which allows for concurrence despite policy inconsistency findings.<sup>106</sup> Section 30260, however, no longer applies to oil and gas development and is therefore wholly inapplicable to the Commission’s consideration of DCOR’s CC and BOEM’s CD.<sup>107</sup> The 1980 Staff Report went so far as to clarify that staff’s recommended concurrence with the 1979 POD was “*not an indication of satisfaction* with the degree of protection afforded coastal resources by the oil spill containment and cleanup equipment referenced in Union’s Plan of Development.”<sup>108</sup> Several years after the 1980 Staff Report was drafted, Commission staff clarified that no contemporary state-of-the-art oil spill measures could satisfy Section 30232’s requirements.<sup>109</sup>

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<sup>103</sup> *Id.*

<sup>104</sup> CC at 2-5; 1980 Staff Report at 6;

<sup>105</sup> 1980 Staff Report at 6 (emphasis added).

<sup>106</sup> *Id.* (emphasis added) (explaining that, at the time in 1980, “Section 30260 states that oil and gas development may nonetheless be permitted even when not consistent with other Coastal Act policies if, among other things, adverse environmental effects are mitigated to the maximum extent feasible. . . . The Commission finds that the oil spill containment and cleanup equipment as provided in Union’s Plan of Development . . . provides maximum feasible mitigation at this time and therefore concurs with Union’s consistency certification.”).

<sup>107</sup> Section 30262 of the Coastal Act, which applies to new and expanded oil and gas development, was amended in 2023 to preclude application of Section 30260’s override provision. 2023 Cal. Legis. Serv. Ch. 292 (S.B. 704). As of 2024, Section 30262 of the Coastal Act states that “[n]ew or expanded oil and gas development shall not be considered a coastal-dependent industrial facility for the purposes of Section 30260 . . .”

<sup>108</sup> *Id.* (emphasis added).

<sup>109</sup> California Coastal Commission, Staff Report and Recommendation on Consistency Certification for Union Oil Company of California’s OCS Plan of Exploration (Nov. 12, 1982) at 10 (“[C]urrent state-of-the-art oil spill containment and cleanup does not provide the level of effective protection required by [Section 30232].”)

Though the industry’s oil spill response practices have evolved since the Commission found in 1980 that Platform Gilda’s POD response measures were unsatisfactory, modern state-of-the-art spill response measures implemented by offshore oil operators still have a long way to go to ensure effective containment and cleanup of oil and hazardous waste spills. Recent offshore oil spills (in addition to those cited in the Commission’s Staff Reports) confirm the inadequacy of current oil spill response measures.<sup>110</sup> For example, following the 2010 Deepwater Horizon Oil Spill, various methods of human intervention were implemented to contain and clean up the approximately 210 million gallons of spilled oil.<sup>111</sup> Only forty-one percent of the spilled oil was treated via human intervention, meaning fifty-nine percent of the total spilled oil was never recovered, some of which was subsequently observed in the water column and linked to oil found in ocean sediment.<sup>112</sup> And of the forty-one percent “treated” by human intervention, five percent was removed by *in situ* burning on the water’s surface and sixteen percent was “dispersed” using chemical dispersants—both of which practices create secondary air and water pollution issues in addition to the spill’s own adverse effects.<sup>113</sup> Concerningly, only three percent of the spilled oil was truly recovered (via skimming and booming).<sup>114</sup> In fact, the California Department of Fish and Wildlife Office of Spill Prevention and Response reported to the California Legislature in 2016 that oil spill recovery efforts often only recover less than 20 percent of the total spilled volume of oil.<sup>115</sup> In a report to the California legislature in 2017, the California’s Office of Spill Prevention and Response highlighted that one of the most common and preferred methods of oil recovery, involving the use of booms and skimmers, “typically recovers less than 20 percent of oil spilled onto ocean waters.”<sup>116</sup>

The aftermath of recent offshore oil spills has continued to demonstrate that contemporary post-oil spill monitoring and cleanup measures are, as of yet, wholly inadequate to effectively contain and cleanup spilled oil and hazardous chemicals once released into the ocean. Given these obvious limitations of contemporary spill response measures, DCOR cannot provide effective measures as required by Section 30232.

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<sup>110</sup> E.g., CC Staff Report at 39 (detailing the ineffective responses to the 2015 Refugio oil spill, the 2021 Huntington Beach oil spill, and the 2021 DCOR oil spill off Platform Eva).

<sup>111</sup> <https://www.nrdc.org/stories/offshore-drilling-101#environmental>

<sup>112</sup> Ramseur, Jonathan L., *Deepwater Horizon Oil Spill: The Fate of the Oil*, CONGRESSIONAL RESEARCH SERVICE (Dec. 16, 2010) at 8 (Figure 3) (listed human intervention methods are direct recovery from wellhead (17%), burning (5%), skimming (3%), and chemical dispersal (16%), which altogether comprise a total of 41%; “natural processes” included natural dispersal (13%) and evaporation or dissolution (24%); the remaining “other” accounts for 20%); *id.* at 14, 16 <https://sgp.fas.org/crs/misc/R41531.pdf>.

(Following Deepwater Horizon, independent researchers and NOAA scientists observed “underwater plumes of weathered oil near the spill source,” including a plume near “the well site that was over 35 kilometers long at a depth of approximately 3,300 feet.”)

<sup>113</sup> Ramseur, Jonathan L., *Deepwater Horizon Oil Spill: The Fate of the Oil*, CONGRESSIONAL RESEARCH SERVICE (Dec. 16, 2010), at 5–6, 8 (figure 3), <https://sgp.fas.org/crs/misc/R41531.pdf>.

<sup>114</sup> Ramseur, Jonathan L., *Deepwater Horizon Oil Spill: The Fate of the Oil*, CONGRESSIONAL RESEARCH SERVICE (Dec. 16, 2010), at 5–6, 8 (figure 3), <https://sgp.fas.org/crs/misc/R41531.pdf>.

<sup>115</sup> OSPR, Report on Best Achievable Technology — Mechanical Response (Cal. Legislature, Dec. 2016).

<sup>116</sup> California Department of Fish and Wildlife Office of Spill Prevention and Response, Report on Best Achievable Technology – Applied Response Technologies, pg. 2 (June 2017).

Furthermore, in addition to oil spills, conducting fracking at Platform Gilda introduces the risk of hazardous chemical spills, which DCOR has likewise failed to demonstrate it would be able to effectively contain and clean up. In the Updated DPP, DCOR appears to rely on the same inadequate response measures that it would implement in response to an oil spill to address a hazardous chemical spill. Not only are such measures inadequate to contain or clean up oil, they are not even designed to address the entirely different nature of the spill of fracking fluids. According to Blue Tomorrow, “[t]he proposed oil spill prevention measures are likely insufficient for containing spills of [hydraulic fracturing fluids] or its chemical additives.”<sup>117</sup>

Apart from these measures, DCOR states it would rely on natural seawater dilution to address any chemical spills.<sup>118</sup> Dilution is also inadequate as a response measure and overlooks “the greater potential to impact biological resources due to the high localized densities of marine species found at offshore platforms.”<sup>119</sup> DCOR’s spill response measures for hazardous chemical spills therefore also fail to provide the level of effective containment and cleanup that Section 30232 requires.

Accordingly, the CCC should object to the CC and CD based on this policy inconsistency.

## **B. Offshore Fracking Is Inconsistent with Marine Resources and Coastal Waters Policies.**

The Staff Reports correctly conclude that the Project is inconsistent with Sections 30230 and 30231 of the Coastal Act, which together require the protection of marine resources and the maintenance of coastal water quality.<sup>120</sup> Due to the Project’s prolonged risks of oil spills and introduced risks of fracking chemical spills and discharges, and the impacts that such spills and discharges would have on marine life and water quality, DCOR’s offshore fracking plan will not protect and maintain the area’s fragile marine ecosystem.

As an initial matter, Platform Gilda’s surrounding environment—the Santa Barbara Channel—warrants special protection due to its special biological and economic significance.<sup>121</sup> Section 30230 of the Coastal Act provides, in relevant part, that “[s]pecial protection shall be given to areas and species of special biological or economic significance.” The Santa Barbara Channel, often referred to as the “Galapagos of North America,” is considered to be among the most biologically productive marine ecosystems along the California coast.<sup>122</sup> Indeed, the Santa Barbara Channel waters, the Channel Islands, and the adjacent coastline support extensive kelp forests, rocky reefs, soft sediment habitat, commercial and recreational fisheries, migratory and resident marine mammals, threatened and endangered species, and highly productive marine

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<sup>117</sup> Blue Tomorrow Report at 4; *see also Id.* at 3 (“The chemical additives used in HFF are not oil or grease and are naturally soluble.”).

<sup>118</sup> Updated DPP at 4-39.

<sup>119</sup> Blue Tomorrow Report at 3.

<sup>120</sup> *E.g.*, CC Staff Report at 49.

<sup>121</sup> *See* Cal. Pub. Res. Code § 30230.

<sup>122</sup> Scoping Comment Letter at 35–36.

food webs.<sup>123</sup> As a result, the area has been nationally recognized through the designation of the Channel Islands National Park and the Channel Islands National Marine Sanctuary.<sup>124</sup> Some of the sensitive species in this region include, but are not limited to: marine mammals, like the Guadalupe fur seal, the sei whale, the sperm whale, the North Pacific right whale, the gray whale, and the blue whale; birds, such as the marbled murrelet, the short-tailed albatross, and the Hawaiian petrel; invertebrates, like the black abalone and the white abalone; fish, including the southern California steelhead, the southern DPS green sturgeon, and the scalloped hammerhead shark; and sea turtles—the loggerhead turtle, leatherback turtle, green turtle, and olive ridley turtle.<sup>125</sup> The ocean and coastline near the project area also include critical habitat for many listed species. Due in large part to the area’s ecological richness, the Santa Barbara Channel’s waters, islands, and coastline also support a robust economy based in tourism, recreation, and fishing.<sup>126</sup> The region’s marine and coastal resources thus represent areas of special biological and economic significance that warrant special protection under Section 30230 the Coastal Act.<sup>127</sup>

The Commission’s Staff Reports correctly find DCOR’s Project is inconsistent with Sections 30230 and 30231 of the Coastal Act. Section 30230 specifically states:

Marine resources shall be maintained, enhanced, and, where feasible, restored . . . . Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act provides, in relevant part, that “[t]he biological productivity and the quality of coastal waters, streams, wetlands, [and] estuaries . . . appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, [and] controlling runoff . . . .”

As the Commission’s Staff Reports note, protection of marine productivity and biological resources depends in large part on water quality.<sup>128</sup> Because the Project prolongs the risk of oil spills and introduces the risk of fracking chemical spills and discharges, it threatens to degrade the Santa Barbara Channel’s water quality and therefore would adversely affect the Channel’s coastal and marine biological resources.

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<sup>123</sup> *Id.* at 35–38.

<sup>124</sup> *Id.* at 1.

<sup>125</sup> Appendix D to Updated DPP & ER (Biological Assessment) at 4-6–4-9.

<sup>126</sup> *Id.* at 67–68.

<sup>127</sup> *E.g.*, CC Staff Report at 15.

<sup>128</sup> *E.g.*, CC Staff Report at 44.

The adverse impacts of oil spills to water quality and marine life have been well studied and documented.<sup>129</sup> These confirmed adverse impacts to marine biological resources and water quality render the Project inconsistent with Sections 30230 and 30231 of the Coastal Act.

In addition to the adverse effects an oil spill would have on marine life and water quality, accidental spills and intentional discharge of fracking chemicals pose serious risks to these resources. Though the toxicity of several chemicals DCOR plans to use in its fracking operations has been confirmed, DCOR has failed to assess and disclose the full extent of its fracking chemical threats to marine life. Blue Tomorrow notes in its letter to the Coastal Commission that several of the fluid constituents that DCOR identifies it will use in its fracking activities include biocides with known acute marine toxicity.<sup>130</sup> Alarming, the toxicity of other constituents that DCOR would use has never been evaluated and DCOR has not evaluated the “potential compounding effects from exposure to these constituents if they were mixed.”<sup>131</sup> Neither DCOR nor BOEM have assessed these unknown risks in the Updated DPP or Final EIS. Considering the fracking chemicals’ *known* biotoxicity and otherwise unknown risks, accidental spills and intentional discharge of fracking chemicals both present concerning risks to water quality and marine biological productivity. It is therefore impossible to find that the Project would protect coastal water quality and marine life, rendering the Updated DPP inconsistent with Sections 30230 and 30231 of the Coastal Act.

### **C. Offshore Fracking Is Inconsistent with Commercial and Recreational Fishing Policies.**

Section 30234.5 of the Coastal Act provides that “[t]he economic, commercial, and recreational importance of fishing activities shall be recognized and protected.” In evaluating this condition, DCOR concludes that the Updated DPP is consistent with this policy because the fracking program does not involve physical changes to the environment (e.g., no anchoring, seafloor disturbance, etc.) and “will not interfere with or modify the existing fishing space available to commercial and recreational fishing.”<sup>132</sup> DCOR’s analysis entirely overlooks the impacts that oil and chemical spills would have on both commercial and recreational fishing, which both DCOR and BOEM acknowledge is a possibility and has happened at other DCOR facilities within the last five years.<sup>133</sup>

Specifically, in December 2021, DCOR’s seafloor pipeline running from Platform EVA to DCOR’s Fort Apache onshore facility failed due to undetected internal corrosion.<sup>134</sup> It is likely

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<sup>129</sup> See, e.g., Scoping Comment Letter at 25-27 (summarizing the 2015 Refugio oil spill’s impacts to marine and coastal habitat, animals, and fisheries; *id.* at 68 (detailing how offshore fracking impacts human health through consumption of contaminated seafood).

<sup>130</sup> Blue Tomorrow Report at 1.

<sup>131</sup> *Id.*

<sup>132</sup> CC at 3-11.

<sup>133</sup> CC Staff Report at 46.

<sup>134</sup> California Coastal Commission Staff Report, Request for after-the-fact authorization to to install repair clamps to seal an oil leak on an 8-inch diameter offshore pipeline (Line 0919), including associated mobilization, inspection, and seafloor work; and proposal to submit funds to the Violation Remediation Account to address alleged liabilities

that sea life was impacted not just by the spill, but also during the necessary efforts to fix the leak.<sup>135</sup> Those efforts had a significant impact of fishers after “commercial and recreational fishing was precluded from the proposed onshore work site and adjected waters during the pipeline investigation, excavation, and installation of the repair clamps” which took thirty-four days to complete.<sup>136</sup>

Other larger spills related to oil operations have had more significant impacts on commercial and recreational fishing activities.<sup>137</sup> The Staff Reports identify the 2015 Plains oil spill at Refugio State Beach as comparable to the worst-case spill from Platform Gilda.<sup>138</sup> Following the Plains oil spill, the California Department of Fish and Wildlife “closed approximately 138 square miles of commercial and recreational fishing grounds, encompassing [] lobster, crab, shrimp, halibut, urchin, squid, whelk, and sea cucumber” fisheries.<sup>139</sup> These fisheries remained closed for approximately six weeks, ultimately resulting in a \$184 million settlement to compensate the impacted fishers.<sup>140</sup>

Even after fisheries reopen following a spill, there are lasting environmental and economic impacts.<sup>141</sup> Federal and state agencies require extensive testing before closed fisheries can be reopened, and that process can outlast the visible presence of oil.<sup>142</sup> Even after those agencies approve the reopening of fisheries, the public can remain wary of contamination.<sup>143</sup> Fishing industry individuals who have been affected by oil spills have reported “lingering consumer stigma” toward local seafood long after fisheries were reopened.<sup>144</sup>

As Commission staff correctly identify, the risk to commercial and recreational fishing is especially significant here due to the importance of the fishing economy to Santa Barbara. The Santa Barbara Channel has “among the highest landings of any waters offshore California” and “generates tens of millions of dollars in documented landings each year.”<sup>145</sup> The coastal economy is further bolstered through “charter revenues, equipment sales, fuel, and visitor expenditures.”<sup>146</sup> Further, the fishing industry supplies the shore-based economy, including “processing facilities, wholesale and retail markets, cold storage, vessel repair, fuel docks,” and much more. When fisheries are impacted by an oil spill, a domino effect occurs that impacts a

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under the Coastal Act, p. 2, available at: <https://documents.coastal.ca.gov/reports/2023/3/Th9a/Th9a-3-2023-report.pdf>

<sup>135</sup> See *id.* at 18—21.

<sup>136</sup> CC Staff Report at 24.

<sup>137</sup> *Id.* at 52.

<sup>138</sup> E.g., *Id.* at 53.

<sup>139</sup> *Id.* at 52; Refugio Beach Oil Spill Final Damage Assessment and Restoration Plan/Environmental Assessment (hereinafter, “Natural Resources Damage Assessment”), Refugio Beach Oil Spill Trustees (June 2021).

<sup>140</sup> Natural Resources Damage Assessment at 15—16; ANDREWS ET AL. V. PLAINS ALL AMERICAN PIPELINE, L.P. ET AL., NO. 2:15-CV-04113 (PSG:JEM) (C.D. CAL.).

<sup>141</sup> CC Staff Report at 50.

<sup>142</sup> *Id.*

<sup>143</sup> *Id.*

<sup>144</sup> *Id.* at 52.

<sup>145</sup> *Id.* at 51.

<sup>146</sup> *Id.*

major portion of the local economy which is difficult to quantify and nearly impossible to fully to fully remediate in a settlement.

Further, there are additional risks posed by the fracking fluids under normal operating conditions. The Updated DPP confirms that the fracking fluids have the potential to affect marine organisms, but “due to the lack of toxicity data for many constituents of well stimulation chemicals, the effects within the pelagic mixing zone are not fully understood.”<sup>147</sup> In fact, the constituent chemicals listed in the Updated DPP “include biocides with acute marine toxicity and there is no evaluation of potential compounding effects from exposure to these constituents if there were mixed.”<sup>148</sup> Marine species gather in high localized densities around the base of offshore platforms and may be impacted by fracking chemicals released in produced water that is dumped into the ocean around Platform Gilda before the chemicals are diluted by the ocean.<sup>149</sup> Even once diluted, there is no assurance against harm from these chemicals, and DCOR should not rely on dilution to downplay impacts. Not only could these chemicals be lethal to fish, but the lack of toxicity data leaves open the possibility that humans that consume local fish could also be impacted by them.

Yet, despite these obvious risks, neither DCOR nor BOEM address how a spill or exposure to chemicals may impact fisheries, the coastal economy, or how the proposed fracking program could be consistent with this policy despite these risks.<sup>150</sup> Accordingly, the Commission cannot find that the proposed project is consistent with Section 30234.5 of the Coastal Act.

#### **D. Offshore Fracking Is Inconsistent with Hazards Policies.**

Staff correctly concludes that offshore fracking is inconsistent with Sections 30253 (a) and (b) of the Coastal Act, which require that new developments:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

As the staff reports note, “Platform Gilda and its associated wells and pipelines are located in close proximity to several active faults capable of producing significant earthquakes, and within a highly active regional tectonic setting characterized by dozens of faults within a few tens of miles of the project area.”<sup>151</sup> The BOEM EIS identifies several faults near Platform Gilda.

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<sup>147</sup> Updated DPP at 4-37.

<sup>148</sup> Blue Tomorrow Report at 1.

<sup>149</sup> *Id.* at 2–3.

<sup>150</sup> CC Staff Report at 50.

<sup>151</sup> CC Staff Report at 57.

As seen in the map below, one of the faults appears to run nearby, if not through, the active leases.

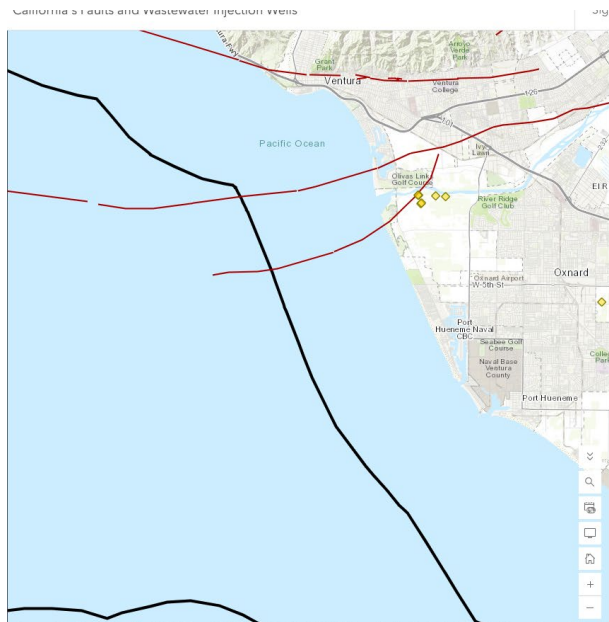


Fig. 1: California Faults (Fracktracker)

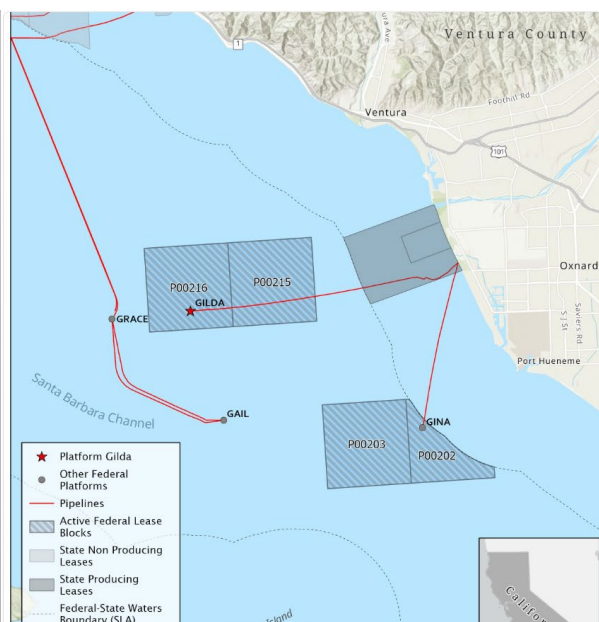


Fig. 2: Platform Gilda and Leases (BOEM)

As acknowledged by staff, fracking from Platform Gilda would increase risks in an already seismically active zone. Staff highlights that DCOR’s Seismic Risk Evaluation in fact recognizes that ground-shaking could affect Platform Gilda and related infrastructure, and that Platform Gilda by design could only tolerate a level of ground shaking that is far less severe than what a major earthquake in the region would be expected to generate.<sup>152</sup>

In addition, fracking itself may induce earthquakes that pose increased risks to the infrastructure and onshore communities. While the Staff Reports note BOEM’s conclusion that the fracking is unlikely to induce earthquakes because of the distance between Platform Gilda and nearby faults, recent studies show that fracking can trigger seismicity on faults miles from the injection site. Distance from mapped faults alone therefore does not eliminate induced-seismicity risk. As discussed herein, additional studies underscore the risk of induced seismicity, which provides an additional basis on which to find a policy inconsistency under Sections 30253(a) and (b) of the Coastal Act.

For example, there is now strong evidence that injection of fracking wastewater increases earthquake rates.<sup>153</sup> The mechanisms linking wastewater injection and earthquakes are understood: injection-induced increases in fluid pressure within aquifers and fault lubrication by

<sup>152</sup> *Id.* at 58.

<sup>153</sup> Van Der Elst, Nicholas J. et al., Enhanced Remote Earthquake Triggering at Fluid-Injection Sites in the Midwestern United States, 341 Science 164–67 (2013); Tong, Le and Dongxin Liu, A Review of Environmental Issues Caused by Hydraulic Fracturing of Shale Gas, 7 Discover Applied Sciences 588 (2025).

injected fluids have the potential to destabilize well bores and cause preexisting faults to slip.<sup>154</sup> Wastewater injection from fracking operations has been attributed to earthquakes in California.<sup>155</sup> The onshore area adjacent to the project is also a liquefaction zone so an earthquake poses a higher risk of significant damage.<sup>156</sup>

Importantly, the distance of a fault from a well stimulation does not eliminate the risk of induced seismicity. A study of fracking locations across the US confirmed that the injection of fluids during the process can trigger earthquakes.<sup>157</sup> This study documented an increase in earthquake frequency within a radius of 150 km from 17 major fracking locations. It specifically notes that in earthquake prone zones, “injection-induced seismicity can affect seismicity at a distances up to 10 km or more.”<sup>158</sup> Another study showed that earthquake triggering is not limited to faults immediately adjacent to an injection well, but can create stress that may trigger earthquakes several kilometers away.<sup>159</sup> Researchers have also observed seismicity on a fault that was over a kilometer away from the injection site, and they noted that permeable pathways transmitted the pressure from the injection to the fault.<sup>160</sup>

Many areas that were not previously earthquake prone have seen a rise in earthquakes with the introduction of fracking. For example, the USGS has recognized that wastewater disposal from fracking is a “contributing factor” to the six-fold increase in the number of earthquakes in Oklahoma.<sup>161</sup> Another recent study also found that wastewater injection is responsible for the dramatic rise in the number of earthquakes in Colorado and New Mexico since 2001.<sup>162</sup> Wastewater injection has been scientifically linked to earthquakes of magnitude

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<sup>154</sup> Brodsky, Emily and Lisa J. Lajoie, Anthropogenic Seismicity Rates and Operational Parameters at the Salton Sea Geothermal Field, 341 *Science* (2013); Davies, Richard et al., Induced Seismicity and Hydraulic Fracturing for the Recovery of Hydrocarbons, 45 *Marine and Petroleum Geology* 171 (2013).

<sup>155</sup> Goebel, T. H. W. et al., Wastewater Disposal and Earthquake Swarm Activity at the Southern End of the Central Valley, California, 43 *Geophysical Research Letters* 1092–99 (2016)

<sup>156</sup> California Department of Conservation, Earthquake Zones of Required Investigation (2026), <https://www.conservation.ca.gov/cgs/geohazards/eq-zapp>

<sup>157</sup> Villa, Valeria and Ramesh P. Singh, Hydraulic Fracturing Operation for Oil and Gas Production and Associated Earthquake Activities across the USA, 79 *Environmental Earth Sciences* 271 (2020)

<sup>158</sup> *Id.*

<sup>159</sup> Yang, Yuyun, et al, Stress transfer outpaces injection-induced aseismic slip and triggers seismicity, 13 *Scientific Reports* 16626 (2023).

<sup>160</sup> Igonin, Nadine, et al. Large scale fracture systems are permeable pathways for fault activation during hydraulic fracturing, 126 *Journal of Geophysical Research: Solid Earth*, e2020JB020311 (2021).

<sup>161</sup> Sumy, Danielle F. et al., Observations of Static Coulomb Stress Triggering of the November 2011 *M* 5.7 Oklahoma Earthquake Sequence, 119 *Journal of Geophysical Research: Solid Earth* 1904–23 (2014); U.S. Geological Survey, Record # of OK Tremors Raises Poss of Damaging EQs, 2014.

<sup>162</sup> Rubinstein, J. L. et al., The 2001-Present Induced Earthquake Sequence in the Raton Basin of Northern New Mexico and Southern Colorado, 104 *Bulletin of the Seismological Society of America* 2162–81 (2014).

three and greater in several states: Arkansas,<sup>163</sup> Colorado,<sup>164</sup> Ohio,<sup>165</sup> Oklahoma,<sup>166</sup> Texas,<sup>167</sup> and New Mexico.<sup>168</sup>

But it is not just wastewater injection that can lead to earthquakes. The practice of fracking itself has been found to contribute directly to seismic events.<sup>169</sup> Even if the earthquakes that fracking directly generates are small, fracking could be contributing to increased stress in faults that leaves those faults more susceptible to otherwise naturally triggered earthquakes of a greater magnitude.<sup>170</sup> A recent study found that fracking is directly correlated to the occurrence of earthquakes, by exerting relatively larger stress to preexisting fault structures within a short time period, while wastewater disposal brings preexisting faults to a more stressed state over a relatively longer period of injection.<sup>171</sup> Therefore, the study concluded, it is necessary to jointly consider the contributions of both fracking and wastewater injection to increased seismicity. Accordingly, the Project presents additional reasons to support finding a policy inconsistency with Sections 30253(a) and (b) of the Coastal Act, regarding hazards associated with induced seismicity.

In addition to seismic-related risks of ground shaking, staff notes the absence of adequate analysis regarding coastal hazards such as flooding, erosion, and tsunamis, including risks to Platform Gilda itself as well as the export pipelines and Mandalay Onshore Facility.<sup>172</sup> Finally, staff notes that DCOR has not shown that the Project would minimize fire hazards.<sup>173</sup> For all of these reasons, and those cited in the staff reports, staff has correctly identified policy inconsistencies with Sections 30253(a) and (b) of the Coastal Act, and the Commission should object to the Project on those grounds.

#### **E. Offshore Fracking Is Inconsistent with Public Access and Recreation Policies**

The Commission Staff Reports correctly conclude that by prolonging Platform Gilda's operating life and hence prolonging the risk of an oil spill, the Project is inconsistent with multiple Coastal Act provisions (Sections 30210, 30213, and 30220) requiring maximum public

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<sup>163</sup> Soraghan, Mike, USGS, Okla. Warn of More Drilling-Related Quakes in State, 2013.

<sup>164</sup> *Id.*

<sup>165</sup> Ohio Dept. Nat. Res., Prelim Rpt on Northstar Injection Well, Seismic Events, 2012.

<sup>166</sup> Holland, Austin, Examination of Possibly Induced Seismicity from Hydraulic Fracturing in the Eola Field, Garvin County, Oklahoma, 2011.

<sup>167</sup> Frohlich, Cliff, Two-Year Survey Comparing Earthquake Activity and Injection-Well Locations in the Barnett Shale, Texas, 109 Proceedings of the National Academy of Sciences 13934–38 (2012).

<sup>168</sup> Rubinstein et al. 2014.

<sup>169</sup> Van Der Elst et al. 2013; B.C. Oil & Gas, Industry Bulletin 2015-32, 2015

<sup>170</sup> Van Der Elst et al. 2013

<sup>171</sup> Wang, B. et al, Quantitative Evaluation of the Competing Effects of Wastewater Disposal and Hydraulic Fracturing on Causing Induced Earthquakes: A Case Study of an M3.1 Earthquake Sequence in Western Canada, 128 Journal of Geophysical Research: Solid Earth (2023). <https://doi.org/10.1029/2022JB025048>

<sup>172</sup> *Id.* at 61.

<sup>173</sup> *Id.* at 63.

coastal access and coastal recreational opportunities.<sup>174</sup> In addition to the Staff Reports’ analysis of how oil spills impact public beach access and recreation, accidental spills and intentional discharges of fracking chemicals could also impact coastal public access and recreation.

As the Staff Reports explain, the aftermath of past oil spills shows that oil spills disrupt the public’s ability to access beaches, the ocean, and partake in a variety of recreational activities specific to the coast—and the additional risk of spills of toxic chemicals would do the same. Oil spills have historically disrupted the public’s ability to surf, SCUBA dive, snorkel, and fish recreationally.<sup>175</sup> For example, following an oil spill in October 2021 off Southern California’s coast that dumped 25,000 gallons of crude oil into the Pacific Ocean, the public was unable to surf in the area for four weeks.<sup>176</sup> That same spill also kept the public from recreationally fishing in an area larger than six miles while state environmental health experts conducted studies to determine whether shellfish and fish were safe for human consumption, the studies for which take several weeks at minimum.<sup>177</sup> In addition, contaminated platform discharges that affect marine life will, in turn, impair fishing.

In addition to recreational activities, a hazardous material or oil spill would also impact Tribal practices that require beach and ocean access, such as traditional tomol voyages taken by Chumash community members. After the 2015 Plains oil spill, for example, local Chumash community members were unable to launch tomols from their traditional launch sites for months to an entire year.<sup>178</sup>

By prolonging the risk of oil spills which have been demonstrated to disrupt sea and beach access and coastal and ocean recreation, and introducing the risk of fracking chemical spills, the Project is inconsistent with Sections 30211, 30220, and 30221.

#### **F. There is Insufficient Information to Evaluate Consistency with Cultural Resources Policies.**

DCOR concludes that the Project will not impact archaeological or paleontological resources, reasoning that “no shipwrecks or cultural resources are known to occur *below* Platform Gilda.”<sup>179</sup> However, the scope of cultural resources potentially affected extends well beyond the immediate location of Platform Gilda, because the Project activities affect the broader marine environment and California coastline. Accordingly, there is insufficient information in order to assess consistency with Section 30244, requiring reasonable mitigation

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<sup>174</sup> CC Staff Report at 67 (finding the Updated DPP is inconsistent with Sections 30210, 30213, and 30220 of the Coastal Act).

<sup>175</sup> See Scoping Comment Letter at 69–71.

<sup>176</sup> *Id.* at 69.

<sup>177</sup> *Id.* at 71.

<sup>178</sup> *Id.* at 33–34.

<sup>179</sup> CC at 3-13 (emphasis added).

measures in the face of adverse impacts to “archaeological or paleontological resources as identified by the State Historic Preservation Officer.”<sup>180</sup>

In addition, impacts to cultural resources of this Project also give rise to additional grounds on which to find inconsistencies with other Coastal Act policies concerning oil spills, marine resources, fisheries, and public access, explained above. Staff notes tribal concerns were identified that “that continued operation of the aging offshore infrastructure would increase the risk of a hazardous material spill, with potentially significant consequences for marine life, coastal resources, and Tribal cultural values associated with the marine environment.”<sup>181</sup>

The coastline and waters of Santa Barbara, Ventura, and Los Angeles Counties have been home to tribes that have called the area home for thousands of years and remain central to their lives today.<sup>182</sup> Chumash Tribes have cultural practices and connections to the area that include traditional fishing and gathering practices,<sup>183</sup> customary uses of marine and coastal resources for food and cultural purposes,<sup>184</sup> using tomols in the Santa Barbara Channel,<sup>185</sup> use of traditional and ancestral homelands,<sup>186</sup> recreation,<sup>187</sup> and “stewardship of resources and ecosystems within their ancestral homelands and waters.”<sup>188</sup> “Coastal landscapes and seascapes, including viewsheds,” are also “sacred and integral elements of the . . . local Indigenous communities.”<sup>189</sup>

Marine resources themselves are cultural resources. Chumash and Tongva tribes rely on marine and coastal resources for “dietary, symbolic, and ritual purposes” and continue to maintain these practices.<sup>190</sup> Coastal Chumash Tribes, for example, traditionally harvested, and continue to harvest through traditional fishing and gathering practices, marine resources including “abalone and other shellfish, *Olivella* shells, fish, kelp and other seaweeds, and marine

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<sup>180</sup> Cal. Pub. Res. Code § 30244; 15 C.F.R. § 930.63(c) (“A State agency objection may be based upon a determination that the applicant has failed, following a written State agency request, to supply the information required pursuant to § 930.58 or other information necessary for the State agency to determine consistency.”).

<sup>181</sup> CC Staff Report at 69.

<sup>182</sup> See, e.g., NOAA Office of National Marine Sanctuaries, Channel Islands National Marine Sanctuary: Chumash Heritage, available at: <https://channelislands.noaa.gov/maritime/chumash.html> (last accessed Feb. 19, 2026); National Oceanic and Atmospheric Administration’s Office of National Marine Sanctuaries, *Chumash Heritage National Marine Sanctuary Final Environmental Impact Statement: Volume I* (“Chumash Heritage NMS Final EIS: Vol. I”) at 162 (2024).

<sup>183</sup> Letter from Wishtoyo Foundation to BOEM (Jan. 23, 2026) (comment ID: BOEM-2025-0483-5751; tracking number: mkr-q4gu-4x71) (“Letter from Wishtoyo Foundation to BOEM”) at 4.

<sup>184</sup> Chumash Heritage NMS Final EIS: Vol. I at 162.

<sup>185</sup> Letter from Wishtoyo Foundation to BOEM at 4.

<sup>186</sup> Chumash Heritage NMS Final EIS: Vol. I at 162.

<sup>187</sup> Letter from Wishtoyo Foundation to BOEM at 4.

<sup>188</sup> Chumash Heritage NMS Final EIS: Vol. I at 162.

<sup>189</sup> *Id.* at 162.

<sup>190</sup> Gabriel M. Sanchez, Michael Grone, & Alec Apodaca, Indigenous Stewardship of Coastal Resources in Native California, 11 *Front. Earth Sci.* 1064197 (March 10, 2023), available at <https://www.frontiersin.org/journals/earth-science/articles/10.3389/feart.2023.1064197/full> (“Indigenous people in California have maintained long-term relationships with terrestrial and marine resources that have persisted since time immemorial. Coastal landscapes and marine resources feature prominently in Native Californian cultural lifeways, serving dietary, symbolic, and ritual purposes . . . Indigenous connections to coastal landscapes persisted during three successive waves of European and Euro-American colonialism and continue in the present . . .”).

mammals.”<sup>191</sup> Similarly, the Tongva relied on marine life including seaweed, fish, shellfish, and marine mammals for survival for thousands of years and now engage in protection efforts for these resources.<sup>192</sup> The health of the ocean ecosystem and seafood are part of the cultural values and resources that need mitigation from potential adverse impacts.

Access to the coastline and the waters contribute to cultural resources and values. There are coastal sites impacted by the project that are connected to a Tribe’s history, stories, spiritual beliefs or creation stories or may be locations that are, or once were, used for ceremonies, gatherings, village sites, or burial grounds.<sup>193</sup> The Chumash and Gabrieleno-Tongva People regard many coastal locations as cultural and sacred sites and are actively engaged in protecting them.<sup>194</sup>

The Santa Barbara Channel is an area used for traditional maritime travel and those traditions continue today. The waters surrounding Platform Gilda have been historically used, and are still used today, by Indigenous communities for maritime navigation, cultural practices, and crossing between California’s mainland and the multiple islands off California’s Southern Coast.<sup>195</sup> Chumash communities maintain a tradition of rowing tomols, traditional canoes, through the Santa Barbara Channel to the Channel Islands for cultural, educational, and ceremonial practices.<sup>196</sup> Similarly, Tongva people historically traveled, and still travel today, between Catalina Island and California’s southern coast in ti’ats, or plank canoes.<sup>197</sup> “A major environmental concern for (Indigenous community members) being able to paddle these vessels is the water quality,” since a vessel placed in the ocean gets “covered in oil byproducts” and pollutants when ocean water quality is impaired.<sup>198</sup>

Fracking at Platform Gilda will threaten coastal habitats and resources by extending oil production and increasing the risk of future oil spills.<sup>199</sup> Harms to Tribal resources along the coast are not speculative—the harms caused by an oil spill have been demonstrated by the 2015

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<sup>191</sup> Chumash Heritage NMS Final EIS: Vol. I at 164.

<sup>192</sup> Paige Laduzinsky, *Traditional Boat Building Helps Native Community Hone Ecological Knowledge*, PBSSoCal.Org (November 5, 2019), <https://www.pbssocal.org/shows/tending-nature/traditional-boat-building-helps-native-community-hone-ecological-knowledge>.

<sup>193</sup> *Id.*

<sup>194</sup> *Id.* at 165, 167; *Sacred Sites of the Gabrieleno-Tongva*, Gabrieleno San Gabriel Band of Mission Indians (August 13, 2025) <https://www.gabrieleno-nsn.us/post/sacred-sites-of-the-gabrieleno-tongva>.

<sup>195</sup> See Digital Atlas of California Native Americans (with Trails Map Layer), <https://experience.arcgis.com/experience/88d47f08dc124f80a425534bbb761b72/> (last visited March 18, 2026).

<sup>196</sup> Letter from Wishtoyo Foundation to BOEM at 4; see also Chumash Heritage NMS Final EIS: Vol. I at 164 (Chumash travel “to sea, to the Channel Islands, and along the coast in traditional redwood plank canoes called tomols.”).

<sup>197</sup> Laduzinsky 2019.

<sup>198</sup> Laduzinsky 2019 (quote attributed to Cindi Alvitre, a “Tongva educator, culture bearer, and professor of American Indian studies at California State University, Long Beach” and Heidi Lucero, an abalone artist of the Acjachemen community).

<sup>199</sup> See Sanchez et al. 2023 (“Today, coastal habitats that are essential for Indigenous cultures are becoming increasingly impacted. One of the reasons is the exclusion of people from their traditional homelands and their connection to cultural burning and other Indigenous stewardship practices, such as resource harvesting . . .”).

Refugio oil spill.<sup>200</sup> “Chumash peoples were unable to visit ancient village sites, practice ceremonies, [or] launch tomols from traditional launch sites.”<sup>201</sup> The 2015 spill also heavily disrupted the Chumash People’s traditional fishing and gathering practices and impacted their “subsistence fishing and recreational fishing.”<sup>202</sup> Moreover, even absent a catastrophic spill, the impacts of oil and gas identified above, such as impacts to wildlife from noise and impacts to water quality, also threaten and impede these tribal resources and uses.

Accordingly, these impacts to cultural resources are all relevant to the Project’s inconsistencies with the Coastal Act’s policies regarding oil spills, marine resources, fisheries, and public access, and there is insufficient information to address consistency with Section 30244.

### **G. Offshore Fracking Is Inconsistent with Air Policies.**

The Project does not demonstrate consistency with Coastal Act Section 30253(c), which requires that new development “be consistent with requirements imposed by an air pollution control district.” Fracking at Platform Gilda constitutes a physical change in operation that will increase emissions and, according to the Ventura County Air Pollution Control District, requires additional air permitting review. Because DCOR has not obtained the required approvals or demonstrated compliance with all applicable District requirements, the Commission cannot conclude that the project is consistent with Section 30253(c).

The District has already determined that the Project is a “physical change or change in method of operation that will result in an increase in emissions” and requires review and a permit from the District.<sup>203</sup> The District further stated that it will require compliance with New Source Review Requirements, which include the Best Available Control Technology and emission offsets.<sup>204</sup> It also stated that the proposal may require a revision to Platform Gilda’s Part 70 (Title V) permit.<sup>205</sup> Until those permitting requirements are satisfied, DCOR has not demonstrated consistency with the District’s requirements.

The Project has several sources of emissions, including exhaust from diesel-powered injection pumps and platform service vessels, the venting or flaring of gases and vapors generated during fracking, and emissions associated with onshore facility operations and material transport.

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<sup>200</sup> Oil spills outside the Central and Southern California Planning Area have also shown the devastating effects that such spills have on marine and coastal Tribal resources. The Exxon Valdez oil spill of 1989, for example, completely devastated Alaskan Native Americans’ subsistence economy, their “cultural traditions, and psychosocial well-being.” Duane A. Gill & J. Steven Picou, *The Day the Water Died: The Exxon Valdez Disaster and Indigenous Culture*, Chapter 10 in *American Disasters* 277 (Steven Biel ed., 2001).

<sup>201</sup> Letter from Wishtoyo Foundation to BOEM at 4.

<sup>202</sup> *Id.*

<sup>203</sup> Ventura County Air Pollution Control District, Letter to the Bureau of Ocean Energy Management, Platform Gilda Development and Production Plan Update: Hydraulic Fracturing Ventura County Air Pollution Control District: Comments and Recommendations (April 23, 2026), attached hereto as **Exhibit E**.

<sup>204</sup> *Id.*

<sup>205</sup> *Id.*

The air pollution from the Project is problematic because it would occur in a region that already fails to meet air quality ozone standards.<sup>206</sup> The Project will generate NO<sub>x</sub>, VOCs, particulate matter, carbon monoxide, methane and carbon pollution. BOEM estimates that it will generate approximately 15.8 tons of NO<sub>x</sub>, 0.338 tons of VOCs, 0.417 tons of PM<sub>10</sub>, 0.406 tons of PM<sub>2.5</sub>, 12.1 tons of carbon monoxide, and 0.026 tons of sulfur dioxide. These emissions are particularly concerning because the area is already in non-attainment for both federal and state ozone standard (smog formed from NO<sub>x</sub> and VOC emissions). Further, the area is in non-attainment for PM<sub>10</sub> under California standards. Atmospheric conditions also make that region downwind of the project.

Importantly, contrary to DCOR's CC, the project should indeed trigger New Source Review, which means that DCOR has yet to demonstrate compliance with District air quality requirements. BOEM estimates that the project would emit 5.55 tons of NO<sub>x</sub> per year for certain years, exceeding Ventura County's significance threshold of 5 tons per year for new source review. Accordingly, it cannot be determined if the Project is "consistent with requirements imposed by an air pollution control district."<sup>207</sup> DCOR attempts to exclude marine vessel emissions from its Project because they are currently operating below the fuel threshold from Platform Gilda's 2018 Part 70 Permit (that expired in 2022, but has likely been administratively extended). However, given that fracking prolongs the operation of Platform Gilda and the Part 70 permit is overdue for renewal, DCOR's reliance on this clever math about vessel emissions to demonstrate consistency is misplaced. Moreover, the District has already stated its intent to require New Source Review.<sup>208</sup>

Additionally, it appears that DCOR did not include truck or aircraft emissions in its analysis. Like vessels, heavy-duty trucks—used to transport fracking fluids, chemicals, equipment, and waste—are among the largest sources of air pollution. According to the California Air Resources Board, these trucks generate roughly 30% of all NO<sub>x</sub> and 65% of all particulate matter emitted by mobile sources.<sup>209</sup> Studies further show that in many areas, heavy-duty diesel vehicles are responsible for more than half of total NO<sub>x</sub> and PM emissions, underscoring their outsized role in degrading air quality.<sup>210</sup> Truck traffic is already significantly impacting Port Hueneme, which is the primary support facility for the offshore oil industry in southern California and averaged 264 truck trips per day between 2003 and 2007.<sup>211</sup> Impacts on adjacent residential neighborhoods such as noise, vibration and noxious fumes increase with truck traffic.

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<sup>206</sup> BOEM, DCOR, LLC Well Stimulation Treatment Environmental Impact Statement (April 2026).

<sup>207</sup> Cal. Pub. Res. Code § 30252.

<sup>208</sup> Ventura County Air Pollution Control District, Letter to the Bureau of Ocean Energy Management, Platform Gilda Development and Production Plan Update: Hydraulic Fracturing Ventura County Air Pollution Control District: Comments and Recommendations (April 23, 2026).

<sup>209</sup> California Air Resources Control Board, State Starts Up 'Smog Check' for Diesel Trucks and Buses (June 3, 1998), available at: <https://ww2.arb.ca.gov/news/state-starts-smog-check-diesel-trucks-and-buses>.

<sup>210</sup> Huai, Tao et al., Analysis of Heavy-Duty Diesel Truck Activity and Emissions Data, 40 Atmospheric Environment 2333–44 (2006)

<sup>211</sup> Iteris, Ventura County Freight Corridors Study, 2021; IBI Group, Port Hueneme Oxnard Truck Traffic Study, 2008

Fracking will also increase oil processing and refining increasing pollution for communities that live near those facilities. There will be potential air pollution impacts on both the immediate coastal community near the Rincon processing plant and the fenceline communities in Los Angeles where the oil is ultimately refined.<sup>212</sup> In the seaside neighborhood of La Conchita, residents face increased exposure to reactive organic compounds and nitrogen oxides that can trigger acute respiratory distress and exacerbate chronic lung conditions.<sup>213</sup> However, the scope of the harm extends far beyond the point of extraction; as this crude oil transported by pipeline to the Los Angeles basin, it is processed in industrial hubs like Wilmington, Carson, and West Long Beach. These areas are predominantly low-income communities of color that already bear a disproportionate toxic burden, living in the shadow of the West Coast's largest refineries and the heavy diesel traffic of the ports. These residents are already overburdened and face harm—including some of the highest cancer and asthma rates in the state—from the release of hazardous air toxics like benzene and fine particulate matter.<sup>214</sup> Accordingly, there are also environmental justice impacts on overburdened populations who suffer from degraded air quality, industrial noise, and the long-term health consequences of living in an industrial zone.

In sum, the Commission lacks information to be able to make the necessary finding that the Project is “consistent with requirements imposed by an air pollution control district.”<sup>215</sup>

## **H. Offshore Fracking Is Inconsistent with ESHA Policies.**

The Commission’s Staff Reports fail to analyze whether the Project is consistent with Section 30240’s requirement that “[e]nvironmentally sensitive habitat areas . . . be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.”<sup>216</sup> Though Platform Gilda itself is located miles offshore, its pipelines transport drilled and processed material to and from the Mandalay Onshore Facility (also operated by DCOR) located at Mandalay State Beach in Oxnard. The area surrounding Mandalay Onshore Facility includes ESHAs under the Coastal Act. Since the Project would prolong the operating life of Platform Gilda, its pipelines, and the Mandalay Onshore Facility, DCOR’s fracking plan threatens to disrupt ESHA surrounding the pipelines’ coastal and onshore components and the onshore separation facility. Such disruptions include oil and hazardous material spills along the coast and physical and noise disruption due to repair and maintenance of Platform Gilda’s coastal and onshore infrastructure. DCOR has failed to demonstrate its proposed fracking plan would avoid significant disruption to these ESHAs so the Commission should find the Project is inconsistent with Section 30240.

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<sup>212</sup> Tran, Kathy V. et al., Residential Proximity to Hydraulically Fractured Oil and Gas Wells and Adverse Birth Outcomes in Urban and Rural Communities in California (2006–2015), 5 *Environmental Epidemiology* e172 (2021)

<sup>213</sup> Colborn et al. 2014.

<sup>214</sup> Willis et al. 2018; Rasmussen et al. 2016; Zhang et al. 2023; Shonkoff, Hays, and Finkel. 2014.

<sup>215</sup> 15 C.F.R. § 930.63(c).

<sup>216</sup> Cal. Pub. Res. Code § 30240(a).

In the Consistency Certification and the Consistency Determination DCOR and BOEM overlook the fact that Platform Gilda’s continued oil operations include the Platform’s pipelines and infrastructure situated on Oxnard’s coastline.<sup>217</sup> In fact, Platform Gilda’s oil and gas pipelines make landfall within coastal dune and beach habitats at Mandalay State Beach where they connect to the Mandalay Onshore Facility. This area contains beach and dune scrub ESHAs that would be impacted by offshore and land-based oil spills and chemical spills, oil spill cleanups, and activities associated with the repair, replacement, and maintenance of the pipelines and the Mandalay Onshore Facility’s components and associated infrastructure.<sup>218</sup> The beach and dunes surrounding the pipelines’ landfall location and the Mandalay Onshore Facility also include habitats of special-status wildlife species. Special-status species habitats are ESHA pursuant to the Coastal Act.<sup>219</sup> According to the California Energy Commission (CEC), these dunes support a number of special-status species, including the federally threatened western snowy plover (*Charadrius nivosus nivosus*) and two California Species of Special Concern—the globose dune beetle (*Coleus globosus*) and the silvery legless lizard (*Anniella pulchra*).<sup>220</sup> The CEC has documented additional rare species in the dune habitats near the pipelines’ landfall.<sup>221</sup>

The age of Platform Gilda’s pipelines and the Mandalay Onshore Facility also increase the likelihood that continued Platform Gilda operations will require maintenance, repairs, and replacement of that infrastructure. According to the City of Oxnard’s 1980 EIR for Platform Gilda’s onshore infrastructure, the Mandalay Onshore Facility was to be removed after twenty years and the area restored with native vegetation.<sup>222</sup> Forty-five years have passed without that planned removal and restoration ever occurring. That 1980 EIR found that, “[s]hould portions of the pipeline require replacement during the life of the project, the associated impacts in the area affected would be similar to those discussed for pipeline construction.”<sup>223</sup> Future repair, maintenance, and replacement of the coastal and onshore infrastructure within ESHA would be inconsistent with Coastal Act Section 30240(a) because activities such as excavating and repairing the pipeline would not be compatible with protecting the ESHA from “significant disruption of habitat values” and are not dependent on the ESHA resources.<sup>224</sup>

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<sup>217</sup> DCOR’s CC at 3-14 (“Platform Gilda is not located within an ESHA or ESHA buffer and the DPP update does not involve the land resources these policies address.”);

BOEM’s CD at 20–21 (“[T]he proposed activities: (a) are confined to the offshore lease area where Platform Gilda resides, (b) do not require any bottom disturbance, and (c) do not require any new coastal or land facilities or development activities.”).

<sup>218</sup> See Scoping Comment Letter at 60–66 (detailing ESHA and species around Mandalay State Beach).

<sup>219</sup> Cal. Pub. Res. Code § 30107.5.

<sup>220</sup> California Energy Commission, Biological Resources Supplemental Testimony of Carol Watson and John Hilliard TN# 220168 (July 2017) (“CEC (2017)”).

<sup>221</sup> *Id.*

<sup>222</sup> City of Oxnard, *Environmental Impact Report / Environmental Assessment (“EIR/EA”) Union Oil Company Platform Gilda and Platform Gina Project, Leases OCS P-0202 and P-0216 Offshore Ventura County, California*, Volume I, at 3.2-4 (May, 1980) (“Oxnard (1980)”).

<sup>223</sup> *Id.* at 4.5-5.

<sup>224</sup> Cal. Pub. Res. Code § 30240(a) (“Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.”).

The Project threatens significant disruption of ESHA by prolonging the operations of Platform Gilda’s costal and onshore infrastructure. DCOR’s CC and BOEM’s CD fail to demonstrate otherwise—that the Project would *not* impact coastal ESHAs—so the Commission should find the Project inconsistent with Section 30240 of the Coastal Act.

#### **IV. Offshore Fracking at Platform Gilda Is Not in the Interest of National Security.**

Any reliance on national security to proceed with this Project is misplaced. A federal license or permit “is in the interest of national security” if “a national defense or other national security interest would be significantly impaired were the activity not permitted to go forward as proposed.”<sup>225</sup> BOEM includes language in its CD suggesting that fracking at Platform Gilda is in the national interest because “it supports domestic production and conservation of resources” and because “[o]il and gas from offshore California contributes to meeting domestic demand and enhances national economic security by reducing the need for imports of these resources.”<sup>226</sup> However, this overstates the national benefits of the proposed activity while failing to adequately account for its limited contribution to domestic energy production, the economic risks associated with offshore fracking, and the availability of less risky alternatives. Taken together, these considerations undermine BOEM’s conclusion that the Project serves the national interest.

##### **A. The United States Does Not Need More Crude Oil, Nor Does the Military Rely on It.**

BOEM’s suggestion that fracking at Platform Gilda would meaningfully advance national economic security is built upon the faulty premise that the United States needs more crude oil to bolster national security. In reality, the evidence overwhelmingly shows that the United States has an excess of crude oil. The United States is the world’s largest producer of crude oil,<sup>227</sup> and even more significantly, is also one of the world’s largest oil exporters.<sup>228</sup> It has been a net energy exporter since 2019, when President Trump declared the nation energy independent.<sup>229</sup>

Further, the United States military does not consume crude oil; it consumes refined products, such as jet fuel, which it gets from refineries that source their crude oil from a variety of suppliers, both foreign and domestic.<sup>230</sup> Increasing domestic crude oil supply would do little to increase United States refinery supply because both the refineries and crude oil producers buy

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<sup>225</sup> 15 C.F.R. § 930.122.

<sup>226</sup> BOEM CD at 4.

<sup>227</sup> U.S. Energy Information Admin., Oil and Petroleum Products Explained, available at: <https://www.eia.gov/energyexplained/oil-and-petroleum-products/where-our-oil-comes-from.php>.

<sup>228</sup> U.S. Energy Information Admin., U.S. Exports of Crude Oil, available at: <https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&s=mcxexu1&f=a>; World’s Top Exports, Crude Oil Exports by Country, available at: <https://www.worldstopexports.com/worlds-top-oil-exports-country/>.

<sup>229</sup> U.S. Energy Information Admin., U.S. Energy Facts Explained, available at: <https://www.eia.gov/energyexplained/us-energy-facts/imports-and-exports.php>; Forbes, U.S. Energy Independence Set New Record In 2023 (July 01, 2024), available at: <https://www.forbes.com/sites/rpapier/2024/07/01/us-energy-independence-set-new-record-in-2023/>.

<sup>230</sup> Paasha Mahdavi, Assessment of Current and Projected Production at Platform Gilda (“Mahdavi Report”), at 6 (August 2026).

and sell on the global oil market at the best market rate.<sup>231</sup> And, even if fracking increased domestic refinery production, it would not impact national security because, like with crude oil, the United States has been a net exporter of refined petroleum products since 2011.<sup>232</sup>

### **B. Platform Gilda’s Contribution to Domestic Oil Production Is Negligible.**

DCOR estimates that the Project would increase production at Platform Gilda to approximately 4,000 barrels of oil per day at peak production.<sup>233</sup> Even assuming that estimate is achieved, Platform Gilda’s contribution would represent 0.004% of the global oil production that sets market rates and a slightly larger fraction of domestic energy production.<sup>234</sup> At best, fracking Platform Gilda would reduce long-term prices by roughly one-tenth of a penny.<sup>235</sup>

Moreover, it’s possible that DCOR’s production will be much lower than estimated. When Platform Gilda was originally developed, the Union Oil Company of California (“Union”) projected peak production of 20,000 barrels per day.<sup>236</sup> Although 70 of the platform’s 90 approved wells have since been drilled, actual peak production reached only 7,915 barrels per day.<sup>237</sup> Given Platform Gilda’s comparatively small expected output, BOEM has not demonstrated that the proposed fracking would produce a meaningful benefit to the economy or aid substantially in the national defense.

### **C. The Project Poses Significant Risks to Other Economic Resources.**

While the anticipated increase in oil production is limited, the potential economic consequences of an offshore chemical or oil spill are substantial and that risk may actually decrease national economic security. A release of oil or fracking fluids could adversely affect commercial fisheries, tourism, recreation, coastal businesses, and sensitive marine and shoreline ecosystems.<sup>238</sup>

The consequences of such a spill are not hypothetical. Following the 2015 Plains oil spill, approximately 1,500 acres of shoreline habitat were affected, fisheries and beaches were closed for extended periods, recreational users lost an estimated 140,000 user days, a wide variety of wildlife was killed or impacted, and cleanup and response efforts cost hundreds of millions of dollars.<sup>239</sup> Even after remediation efforts are completed, local industries can remain saddled with continuing harm in the form of diminished “market confidence in the affected region’s seafood” and lingering consumer stigma.<sup>240</sup> The modest benefits anticipated from fracking fail to outweigh the potential economic harm from a spill or other operational incident, especially when renewable energy sources exist that can help meet energy needs and don’t carry the same risk.

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<sup>231</sup> *Id.*

<sup>232</sup> *Id.*

<sup>233</sup> CC at 2-2.

<sup>234</sup> Mahdavi Report at 1.

<sup>235</sup> Mahdavi Report at 5.

<sup>236</sup> CC at 2-1.

<sup>237</sup> *Id.*

<sup>238</sup> CC Staff Report at 50-53.

<sup>239</sup> Natural Resources Damage Assessment at 3.

<sup>240</sup> CC Staff Report at 50, 52.

**V. Conclusion**

We urge the Commission to adopt its staff's well-supported recommendation to OBJECT to Consistency Certification No. CC-0001-26 and Consistency Determination No. CD-0005-26, in order to protect the California coast from the myriad adverse impacts of offshore fracking at Platform Gilda. In light of the policy inconsistencies identified in the Staff Reports and described herein, no other outcome is appropriate.

Sincerely,



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Maggie Hall  
Deputy Chief Counsel  
Lauren Partch  
Staff Attorney and Environmental Justice Program  
Outreach Coordinator  
Environmental Defense Center



Miyoko Sakashita  
Oceans Program Director  
Center for Biological Diversity

**Exhibits:**

- A – Blue Tomorrow Report (August 6, 2026)
- B – Mahdavi Report (August 7, 2026)
- C – Updated DPP Comment Letter (April 27, 2026)
- D – Scoping Comment Letter (March 30, 2026)
- E – Ventura County Air Pollution Control District, Letter to BOEM, Platform Gilda Development and Production Plan Update: Hydraulic Fracturing Ventura County Air Pollution Control District: Comments and Recommendations (April 23, 2026)

# Exhibit A



August 6, 2026

Meagan Harmon, Chair  
California Coastal Commission  
455 Market Street, Ste 300  
San Francisco, CA 94105  
*Submitted via EORFC@coastal.ca.gov*

CC: Maggie Hall  
Deputy Chief Counsel  
Environmental Defense Center  
906 Garden Street  
Santa Barbara, CA 93101

**Re: DCOR Offshore Fracking Consistency Certification and BOEM Consistency Determination – Items Th8a, Th8b—OBJECT**

Dear Chair Harmon and Commissioners:

This review of the DCOR, LLC Well Stimulation Treatment (WST) Environmental Impact Statement (EIS) (BOEM, 2026), Update to Development and Production Plan (DPP) and Environmental Report (Padre, 2026), and Coastal Zone Management Act Consistency Analysis and Findings (Padre, 2026) has been conducted on behalf of the Environmental Defense Center. Blue Tomorrow, LLC is an environmental consulting company that specializes in assessing environmental impacts from various pollution sources, including oil and gas operations. Our letter provides additional analysis that supports the California Coastal Commission (CCC) staff recommendation regarding both Consistency Certification No. CC-0001-26 and Consistency Determination No. CD-0005-26, concerning DCOR, LLC's (DCOR) Updated Development and Production Plan (DPP). This review discusses the following concerns:

- Many constituents in Hydraulic Fracking Fluids (HFF) have unknown toxicity
- Risks associated with HFF from WST and spills have not been sufficiently evaluated
- Impacts to marine organisms from exposure to HFF chemical constituents and discharges have not been fully assessed
- There are concerns that NPDES testing requirements are inadequate for assessing risks from offshore discharges

Based on these considerations, the DPP and CMA Consistency Analysis and Findings are deficient in supporting the determination that no significant impacts are likely to occur from the use of Hydraulic Fracturing of 16 wells on Platform Gilda on the Southern California Outer Continental Shelf (OCS). The uncertainties and impacts discussed below should be more thoroughly evaluated to adequately assess the environmental impacts that may result from the proposed action.

***Many constituents in HFF have unknown toxicity***

The DPP confirms that HFF fluid constituents have the potential to affect marine organisms, but that “due to the lack of toxicity data for many constituents for well stimulation chemicals, the effects within

the pelagic mixing zone are not fully characterized (Padre, 2026).” Instead, the constituents listed in the DPP include biocides with acute marine toxicity and there is no evaluation of potential compounding effects from exposure to these constituents if they were mixed.

The potential composition of produced water proposed to be discharged is not adequately assessed. The DPP states that produced water from Platform Gilda is sent to the facility at Mandalay where it is separated and then returned offshore to discharge into the ocean (Padre, 2026). The EIS notes that “produced water and other routine platform discharges may contain residual hydrocarbons, trace metals, and treatment chemicals (BOEM, 2026).”

During HFF heavy metals, organics, and radioactive material can be mobilized from the formation by chemicals in the injection fluid or by the fracturing of the target formation and mixed with the flowback fluids (Abdullah, et.al. 2016; Nelson, et.al 2014). During hydraulic fracturing, there is also potential for compound transformations to occur that can contribute to unintended environmental impacts (Eslner, M., 2016; Hoelzer, K., 2016). It is unclear from the DPP what the composition of the effluent resulting from WST activities on Platform Gilda will be prior to discharge.

A fundamental problem with assessing the toxicity from HFF and the corresponding effluent is the lack of information on the composition of discharged fluids. During HFFs additional constituents can be mobilized from the formation and their chemistry and toxicity are unknown. The DPP and the Consistency Analysis and Findings do not adequately assess the risk of HFF, due to the lack of disclosure on the effluent chemistry and its toxicity.

#### ***Risks associated with HFF from WST and spills have not been sufficiently evaluated***

There are inconsistencies between the EIS, DPP, and Consistency Analysis and Findings on the closed-loop system that limit risk assessment of the proposed activities. The Consistency Analysis and Findings document states that all HFF will be kept in a closed-loop system but does not provide any specifics for how that will be achieved. During WST the HFF will be co-mingling with produced water in the oil reservoir. The reports do not characterize the potential risks from the HFF that are being disposed of in the injection wells and possible connectivity with production wells. The DPP and Consistency Analysis do not mention if produced water will be tested for these HFF chemicals prior to being discharged. The degradation of HFF in the oil reservoir is unknown. If there are any residual HFF in the discharged produced water, then this would not be a completely closed-loop system, as stated in the DPP.

The DPP and Consistency Analysis and Findings address the risk of spills stating that existing prevention measures used for oil spills will be used, including “deck areas that drain to the Platform’s oily-water system, which remains subject to NPDES sheen prohibitions and oil-and-grease controls prior to any authorized discharge.” The chemical additives used in HFF are not oil or grease and are naturally soluble. The reports do not explain how this system is adequate for preventing the discharge of these chemicals when they are spilled.

#### ***Impacts to marine organisms from exposure to HFF chemical constituents have not been fully assessed***

Due to data gaps for HFF and effluent toxicity, the DPP and EIS assessment on potential impacts to marine organisms is inadequate. Toxicological studies on wastewaters associated with hydraulic fracturing and other unconventional oil and gas extractions in the offshore environment are not readily available (Folkerts et al., 2020). While the DPP and EIS acknowledge that certain stimulation additives

may exhibit toxicity at high concentrations, it claims that dilution in seawater would reduce toxicity to below levels expected to cause acute or chronic toxicity (Padre, 2026; BOEM, 2026). This determination does not address the greater potential to impact biological resources due to the high localized densities of marine species found at offshore platforms. Notably around California offshore platforms, studies have shown higher fish densities and production rates to be an order of magnitude above other natural areas (Claisse et al., 2014).

While there is a lack of understanding of direct impacts to marine organisms from discharges of produced water that were co-mingled with flowback fluids (Zhong et al., 2021), direct impacts to marine species from diluted flowback fluids have been documented (Folkerts et al., 2020). Produced water has been shown to be lethal to larva of the *Watersipora subtorquata* (a sessile filter feeding animal when mature) at concentrations of 10% produced water mixed in seawater and sub-lethal effects at concentrations around 1% (Raimondi & Boxshell 2002).

Several citations used to justify that impacts to marine organisms are likely to be negligible are misrepresented in the DPP and EIS. The DPP and EIS reference the 2016 Programmatic Environmental Assessment of the Use of Well Stimulation Treatments on the Southern California Outer Continental Shelf (Argonne, 2016), which included a study on bioaccumulation and toxicity risks to fish from produced water discharges in the Gulf of Mexico (Continental Shelf Associates, 1997), to justify its determination that, “WSTs are not expected to cause either an acute or a chronic effect on benthic organisms and fish species.” However, this study conducted by Continental Shelf Associates instead states that cadmium, copper, and Polycyclic Aromatic Hydrocarbons (PAH’s) can bioaccumulate at toxic levels in marine organisms at platforms where produced water discharges occur (Continental Shelf Associates, 1997). The EIS also references a study to support its justification where whole-fish composites of Pacific sanddab were sampled and tested for PAH’s, PCB’s and other pollutants from decommissioned OCS Platforms (Gale et al., 2013), thus making the study irrelevant to the proposed action.

The DPP contains no information on the degradability of the HFF chemical additives or how the toxicity may be increased when they are combined with each other and other toxic hydrocarbons and organic compounds. Additive toxic effects of mixing these chemicals could increase their impacts on the marine environment. As a result, the DPP and Consistency Analysis and Findings are unable to adequately assess risks to marine organisms from WST activities on Platform Gilda.

***There are concerns that NPDES testing requirements are inadequate for assessing risks from offshore discharges***

Some of the constituents used in hydraulic fracturing fluids that have toxicity data were reviewed in the DPP with respect to their individual toxic effects for the proposed HFF. As discussed, there is no assessment of the constituents contained in the separated effluent that will be discharged off Platform Gilda and therefore the DPP does not evaluate the toxicity of the whole fluid (the whole effluent toxicity) required through the NPDES permit. There are both cumulative and interaction (or synergistic) effects that should be considered in assessing the toxic effects of a fluid with multiple toxic constituents (Cedergreen, 2014).

The NPDES permit that covers Platform Gilda (NPDES General Permit CAG280000, 2013) specifies requirements for the discharge of Well Treatment, Completion, and Workover Fluids (Discharge 003) and Produced Water (Discharge 002). The permit stipulates that if well treatment, completion, or

workover fluids are co-mingled with produced water then the effluent limitations and monitoring requirements for produced water apply to the co-mingled fluids (Discharge 002).

The DPP proposes to conduct whole effluent toxicity (WET) testing in accordance with the NPDES Discharge 002 requirements. WET testing involves the short-term exposure of three test organisms (red abalone, giant kelp, and topsmelt) to a 24-hour composite effluent sample (multiple samples collected over 24 hours and combined into one sample). WET testing through NPDES is performed quarterly and will likely not capture the toxicity effects of routine discharges, as “the timing of WET tests is not linked to well stimulation events in the NPDES permit (Houseworth & Stringfellow, 2015).” Furthermore, if results from WET tests indicate no observable effects, the testing frequency is reduced from quarterly to annual WET tests (NPDES General Permit CAG280000, 2013).

### **Conclusion**

The following conclusions support the California Coastal Commission determination that offshore hydraulic fracturing at Platform Gilda is inconsistent with policies concerning spills of hazardous materials and protection of marine life. The information presented in the DPP and Consistency Analysis and Findings is insufficient to support the determination that no significant impacts are likely to occur from WST activities on Platform Gilda.

Limited information is presented with respect to HFF constituent toxicity. While individual constituents are noted, their compounding toxicity is not evaluated. There is potential for other constituents from HFF to comeingle with produced water that is proposed to be separated, and the composition of produced water that is proposed to be routinely discharged is not thoroughly evaluated. The proposed oil spill prevention measures are likely insufficient for containing spills of HFF or its chemical additives.

The DPP does not sufficiently evaluate potential impacts to marine species. Biological surveys were not conducted and the studies referenced in the DPP to support the Consistency Analysis and Findings are misleading. Instead, studies do indicate that platforms on the OCS are marine ecological hotspots and that direct impacts to marine organisms have been found from exposure to HFF and produced water discharges. There is uncertainty that mitigation measures contained in the DPP and NPDES are sufficient to monitor impacts to water quality and biological resources. There are concerns with the absence of information on effluent composition along with timing of WET tests required through the NPDES.

There are potential impacts to water quality and marine organisms from the proposed hydraulic fracturing activities based on discharges and potential for spills of hazardous materials. As a result of these considerations, the DPP and CMA Consistency Analysis and Findings are deficient in its evaluation and determination that there will be no significant impacts from WST activities.

Respectfully,



Alex Dragos  
Founder  
Blue Tomorrow, LLC



Eric Hopkins  
Founder  
Blue Tomorrow, LLC

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# Exhibit B

August 7, 2026

Meagan Harmon, Chair  
California Coastal Commission  
455 Market Street, Ste 300  
San Francisco, CA 94105

*Submitted via EORFC@coastal.ca.gov*

**RE:** Paasha Mahdavi, Ph.D.<sup>1</sup> Assessment of Current and Projected Production at Platform Gilda, Agenda Items Th8a and Th8b

Dear Chair Harmon and Commissioners:

I have been retained by the Environmental Defense Center to conduct the below analysis concerning Consistency Certification No. CC-0001-26 and Consistency Determination No. CD-0005-26.

### **Summary Overview**

In January 2026, DCOR, L.L.C. (DCOR) proposed a program for well stimulation treatments, including hydraulic fracturing techniques (fracking), to increase oil and gas production from the Santa Clara Unit at Platform Gilda.<sup>2</sup> In its proposed update to the Development and Production Plan, the company projects that as a result of the proposed fracking program, Platform Gilda will produce roughly 14 million barrels of oil and 13 million cubic feet of natural gas through 2046.<sup>3</sup>

This report assesses the current and projected production of oil<sup>4</sup> at Platform Gilda based on industry standard models for scenarios under the proposed fracking program and estimates of cumulative conventional production without fracking. Based on this analysis, this assessment reaches three conclusions:

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<sup>2</sup> DCOR, L.L.C. / Padre Associates. 2026. Platform Gilda Well Stimulation Program: Update to Development and Production Plan and Environmental Report. (January).

<sup>3</sup> DCOR, L.L.C. / Padre Associates, 2026, page 4-36.

<sup>4</sup> Projected natural gas production is not assessed here.

1. Projected production under the proposed fracking program is 14.1-14.6 million barrels through 2050, compared to industry estimates of 6.1 million barrels that are recoverable under conventional production without fracking.<sup>5</sup> This implies cumulative added production from undertaking the proposed fracking program at 8.0-8.5 million additional barrels of oil. This is to 6% to 10% lower than the 9 million additional barrels of oil over 20 years implied by the project EIS.<sup>6</sup>
2. Based on long-run price elasticities, projected oil production at Platform Gilda is insignificant to meaningfully alter oil prices. Prices are set by global markets based on annual oil consumption of roughly 100 million barrels per day through 2050. Under the proposed fracking program, cumulative levels of oil production through 2050 would account for roughly 0.0009% of projected global oil consumption over the same time frame. At modeled peak production levels of roughly 4,300 barrels per day in 2030, the maximum projected production at Platform Gilda would account for 0.027% of national oil consumption in 2030 and 0.004% of global oil consumption. Based on modeled projections, approval of the fracking proposal at Platform Gilda would at best reduce long-term prices by \$0.001/barrel in 2030 and beyond, or roughly one-tenth of one penny.
3. There is no justification for the proposed fracking program as necessary for national security. Increasing crude oil production offshore California has no impacts on US military consumption: the US military does not directly purchase crude oil, but instead procures refined products such as jet fuel, diesel, and gasoline. In addition, military fuel acquisition is intentionally not wholly reliant on domestically-sourced refined products, as the Defense Logistics Agency Energy (DLA-E) procures a mix of domestically- and globally-sourced fuel given the logistics of forward-operating military activities.

The remainder of this assessment provides an overview of modeling results and the basis for these conclusions, with methodological details included in the Appendix.

### **Current and projected oil production at Platform Gilda under conventional operations**

The US government stated as early as the year 2000 that the “Santa Clara Field is in a mature development stage.”<sup>7</sup> Commercial production from the field began in December 1981, with

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<sup>5</sup> Projected recoverable reserves of 6.1 million barrels are estimated based on data from Rystad Energy. Note that these figures are not reported publicly by DCOR. The high oil case assumes reserves that are commercially recoverable without additional capital expenditures; as a result, this number is lower than the remaining proved oil reserves of 11,368,668 barrels as reported by the Bureau of Ocean Energy Management. (Bureau of Ocean Energy Management Pacific Outer Continental Shelf Region. *Field Reserve Estimate Summary as of December 2025*.)

<sup>6</sup> The no-frack cumulative production is not explicitly reported by DCOR, but is inferred as 5 million barrels, based on the 14 million barrels of total cumulative production (see note 3) and figures reported by the California Coastal Commission Staff Report filed June 29 2026 (Th8b; CD-0005-26), page 19: “As described in the project EIS, the proposed fracking operation is projected to result in the extraction of approximately 9 million barrels of oil and 13 million cubic feet of natural gas over 20 years.”

<sup>7</sup> US Department of Interior Minerals Management Service (MMS) Pacific OCS Region. 2000. *Final California Offshore Oil and Gas Energy Resources Study*. OCS Study MMS 99-0043, page 2-22.

primary production from Platform Gilda. Oil production peaked in October 1983 at 7,915 barrels per day and has declined to 946 barrels per day as of May 2026; including gas production, total production as of May 2026 is 1,202 barrels of oil equivalent per day.<sup>8</sup>

Future oil production without fracking is estimated based on industry reports of remaining recoverable resources and operating expenses without additional capital expenditure. Based on these estimates, the maximum cumulative future production without fracking is 6,073,800 barrels of oil, assuming per-barrel operating expenses of \$10.20/barrel under a high-oil price scenario at \$120/barrel.<sup>9</sup>

### **Projected oil production at Platform Gilda with fracking approval**

Projections for future production with fracking can be made using a stepwise production function based on DCOR's planned fracking scenarios applied to existing academic models of fracking-based decline rates across different future oil price scenarios for Brent crude at \$40, \$80, and \$120 per barrel.<sup>10</sup>

Based on these projections, oil production at Platform Gilda would ramp up in three phases before sharply declining and leveling out after 2050 depending on future oil prices (*Figure 1. Historical production and projected oil production at Platform Gilda under proposed fracking program.*). The first ramp-up occurs in mid 2028 with production rising to roughly 3,200 barrels per day after the first fracking campaign; the second occurs in mid 2030 with a ramp-up to roughly 4,300 barrels per day; and the third occurs in mid 2032 with a ramp-up to roughly 4,000 barrels per day.

Production declines rapidly after the final fracking campaign based on modeled depletion rates for fracked wells across the US and a terminal-period baseline decline rate for mature fields.<sup>11</sup> This decline rate is also consistent with Platform Gilda's decline rate after the 2013 fracking campaign, which reached a peak of 2,302 barrels per day in June 2015 before declining to 50% of that rate by September 2018.<sup>12</sup>

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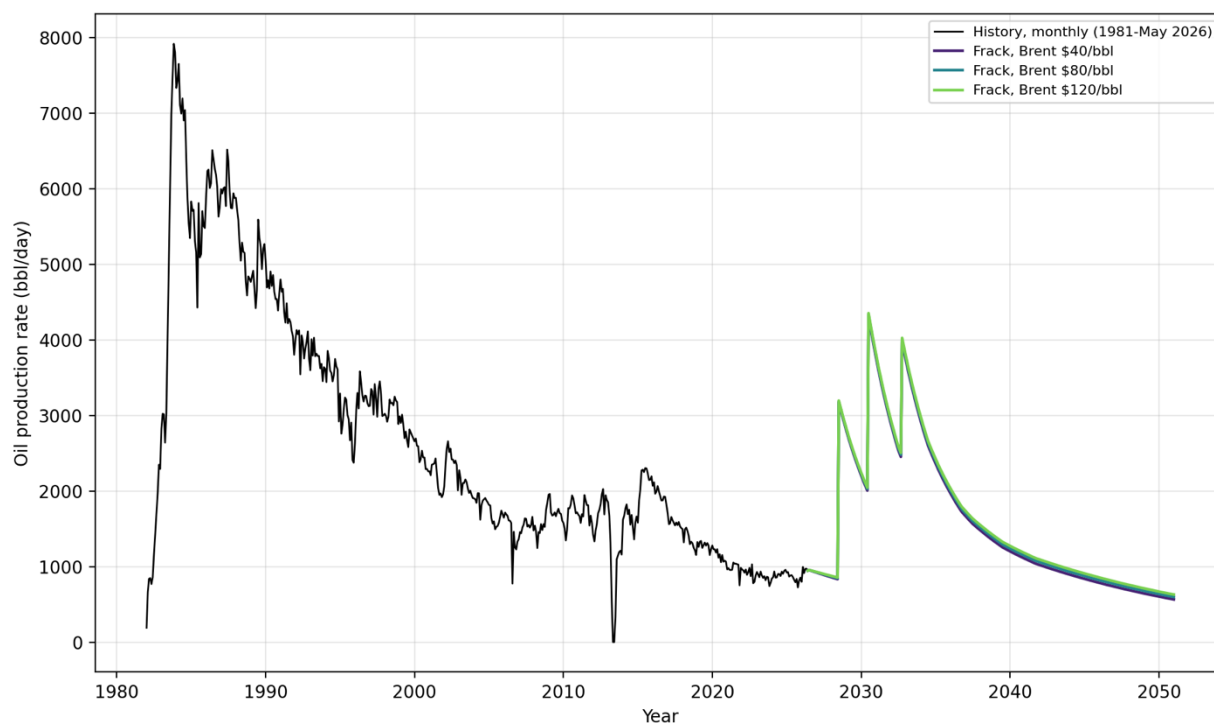
<sup>8</sup> US Bureau of Safety and Environmental Enforcement (BSEE). "Production by Platform Online Query." Accessed July 2026 from <https://www.data.bsee.gov/Production/ProdbyPlatform/Default.aspx>.

<sup>9</sup> See note 5.

<sup>10</sup> Handler, B., Bhalala, V., O'Byrne, L., and Crompton, J. 2025. *A Study of Terminal Decline Rates of Oil & Gas Wells*. Payne Institute for Public Policy, Colorado School of Mines. See Appendix A.6 for modeling details.

<sup>11</sup> Handler et al. 2025; Society of Petroleum Evaluation Engineers. 2021. *Annual Parameters Survey*. See Appendix A.1 and A.5.

<sup>12</sup> BSEE Production by Platform Online Query, 2026. These models incorporate the fracking projections provided by DCOR in its DPP. It is notable that under the previous fracking program in 2013, when remaining reserves were higher, fracked production achieved a maximum of roughly 2,300 barrels per day. DCOR's current projected peak under a new fracking program is roughly double the previous fracking-program peak.



*Figure 1. Historical production and projected oil production at Platform Gilda under proposed fracking program.*<sup>13</sup>

Projections show that after the fracking campaigns are completed, production declines hyperbolically based on the remaining economically recoverable reserves of the Santa Clara Unit. Cumulative projected oil production for the period 2026-2050 ranges between 14,114,299 and 14,639,593 barrels across different price scenarios. This number is in line with DCOR’s projections of “approximately 14 million barrels of oil” produced over the next 20 years.<sup>14</sup>

Compared to cumulative conventional production without fracking, DCOR’s fracking campaigns, if approved, would add between 8.0 and 8.5 million barrels of oil through 2050. This is roughly 5-10% lower than the amount projected by DCOR, given the company’s assumed lower cumulative production without fracking.<sup>15</sup>

<sup>13</sup> See Appendix for modeling details. Fracking projection model specification is reported in Appendix A.5. Model parameter assumptions are reported in Appendix A.7.

<sup>14</sup> DCOR, L.L.C. / Padre Associates, 2026, page 4-36. The projections reported in this report are slightly higher given the outlook through December 2050, compared to the outlook through 2046 in projections made by Padre Associates based on data provided by DCOR.

<sup>15</sup> See note 6.

## **Projected post-fracking production in context of state, national, and global consumption**

Current and anticipated production levels from Platform Gilda are effectively a rounding error compared to what the market is demanding, both in 2026 and for the next 25 years. Current production levels of 953 barrels per day is roughly 0.057% of statewide oil consumption, 0.0046% of national oil consumption, and 0.0009% of global oil consumption.<sup>16</sup> This is roughly the amount of petroleum consumed daily by 22,000 Californians.

Without fracking, the maximum projected cumulative production through 2050 is 6.1 million barrels based on industry estimates of economically recoverable reserves under conventional operations.<sup>17</sup> By comparison, the US Energy Information Administration projects that the United States will consume between 125 billion barrels and 155 billion barrels over the same timeframe.<sup>18</sup> This would put Platform Gilda's projected production without fracking at roughly 0.004% to 0.005% of total US oil consumption over this period.

If fracking is approved, these figures increase modestly given the scale of statewide, national, and global demand over the next 25 years. At modeled peak production levels of roughly 4,300 barrels per day in 2030, the maximum projected production at Platform Gilda would account for 0.027% of national oil consumption in 2030 and 0.004% of global oil consumption.<sup>19</sup> The cumulative increase of 8.0 to 8.5 million barrels through 2050 from fracking versus conventional production represents roughly 0.005% to 0.007% of total US oil consumption over this period.<sup>20</sup>

## **Market impacts of anticipated post-fracking production levels at Platform Gilda**

Based on long-run price elasticities, projected oil production at Platform Gilda under the proposed fracking program is insignificant to meaningfully alter oil prices. Existing energy

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<sup>16</sup> California estimates based on total statewide end-use consumption of petroleum of 1,676,712 barrels of oil per day in 2024, based on data from the US Energy Information Administration: [eia.gov/states/CA/overview](https://www.eia.gov/states/CA/overview). EIA data is converted from trillion BTU to barrels per day using industry conversion factor of 5.8 million BTU per barrel. National estimates based on total petroleum consumption of 20,610,000 barrels of oil per day in 2025, based on data from the US Energy Information Administration:

<https://www.eia.gov/totalenergy/data/browser/?tbl=T03.05#/?f=A&start=1949&end=2025&charted=16>. Global estimates based on global oil consumption of 103,200,000 barrels of oil per day in 2025, based on data from the International Energy Administration: <https://www.iea.org/reports/global-energy-review-2026/oil>

<sup>17</sup> Rystad Energy; see note 5. The year 2050 is used as a comparable end date to the fracking model. However, decline rates under conventional production are not modeled here, such that the shut-in date without fracking is not projected, but could occur well before 2050.

<sup>18</sup> US Energy Information Administration. *Annual Energy Outlook 2026*. Washington DC: Department of Energy. Accessed from [www.eia.gov/outlooks/aeo/excel/Narrative\\_Figures.xlsx](https://www.eia.gov/outlooks/aeo/excel/Narrative_Figures.xlsx), sheet 3A\_TotConsFuel\_narrative (see column M). Estimated based on EIA projections of 29-36 quadrillion BTU of petroleum consumption annually from 2025 to 2050, converted using the conversion rate from footnote 16.

<sup>19</sup> US Energy Information Administration. *Annual Energy Outlook 2026*. Washington DC: Department of Energy. Accessed from [www.eia.gov/outlooks/aeo/excel/Narrative\\_Figures.xlsx](https://www.eia.gov/outlooks/aeo/excel/Narrative_Figures.xlsx), sheet 3A\_TotConsFuel\_narrative (see column M). Estimated based on EIA projections of oil consumption in 2030 under a high oil supply scenario at 33.94 quad BTU or 5.85 billion barrels of oil per year, converted using the conversion rate from footnote 16.

<sup>20</sup> See note 18 for total US oil consumption through 2050.

economic models estimate a long-run supply inelasticity of 0.2 to 0.5, which suggests that for a 1% permanent addition to global oil supplies there is a roughly 1-2% decline in crude oil prices.<sup>21</sup> Applying this to projected production figures from above, projected operating costs, and future prices of \$80/barrel, fracking Platform Gilda would at best reduce long-term prices by \$0.001/barrel, or roughly one-tenth of one penny.<sup>22</sup>

### **Implications of fracking approval at Platform Gilda for national security**

The California Coastal Commission Staff Report for DCOR's proposed application notes that according to 15 C.F.R. § 930.122, a federal license or permit activity is "necessary in the interest of national security" if "a national defense or other national security interest would be significantly impaired were the activity not permitted to go forward as proposed."<sup>23</sup> Considering the projected production levels in the context of US military consumption and the lack of implications of Platform Gilda's production as regards the military procurement process of refined petroleum products, DCOR's fracking proposal does not meet the threshold for being necessary in interest of national security.

Using modeled peak production levels of roughly 4,300 barrels per day in 2030, this would be equivalent to roughly 2% of the 216,986 barrels per day of petroleum purchased by the US military in 2025 through the Defense Logistics Agency Energy (DLA-E).<sup>24</sup>

However, these figures are not comparable: the US military does not purchase crude oil directly, but instead purchases refined products such as jet fuel, aviation, diesel, and automotive gasoline.<sup>25</sup> The military operates no oil refineries, nor any machinery that takes crude oil as an input.<sup>26</sup> Instead, the military (via DLA-E) purchases products from refineries – not from crude oil producers like DCOR – while these refineries ultimately source crude oil as an input from a variety of global and domestic producers.

Regarding sourcing, increasing the supply of domestically produced oil has little to no impact on long-term US refinery supply. This is due to the fungibility of oil markets and the flexibility of refineries to procure oil produced globally in order to supply domestic markets with refined

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<sup>21</sup> Krichene (2002). "World crude oil and natural gas: a demand and supply model." *Energy Economics* 24(6); Cooper (2003). "Price elasticity of demand for crude oil: estimates for 23 countries." *OPEC Review* 27(1); Newell & Prest (2019). "The unconventional oil supply boom." *The Energy Journal* 40(3).

<sup>22</sup> See Appendix A.6 for capex estimates and A.7 for model assumptions on baseline per-barrel operating costs, which are below all Brent price scenarios modeled.

<sup>23</sup> As noted in California Coastal Commission Staff Report filed April 1 2026 (Th8a; CC-0001-26), page 9.

<sup>24</sup> Based on an annual total of 79.2 million barrels of petroleum products purchased by the US military in 2025. See: Defense Logistics Agency Energy. *Fiscal Year 2025 Fact Book*. See page 13.

<sup>25</sup> Defense Logistics Agency Energy. *Fiscal Year 2025 Fact Book*. See page 4.

<sup>26</sup> Defense Logistics Agency Energy. "DLA Products." Accessed from <https://www.dla.mil/What-DLA-Offers/Products/>. See also Rossetti, M. D., & Bright, J. 2018. "Bulk petroleum supply chain simulation modeling." In *2018 Winter Simulation Conference*, pp. 3060-3071. IEEE.

products.<sup>27</sup> US-based refineries rely on global oil markets to source inputs; likewise, crude oil producers in the US sell on a global oil market to the highest bidder at prevailing market rates. Since 2011, US-based refinery capacity has exceeded domestic demand – including military consumption – such that the US is a net exporter of refined petroleum products.<sup>28</sup>

In addition, Congressional analysis of the military fuel supply chain concludes that any constraints on domestic refining capacity would not compromise military fuel supply chains. By contrast, a predominantly domestically-sourced petroleum product supply chain poses logistical challenges given the global nature of military activities:

“The lack of U.S. refining capacity does not necessarily compromise DOD’s fuel supply. A lengthy fuel supply chain that extends from the continental United States to forward operating areas (Iraq or Afghanistan, for example) is not desirable. Logistics demand that closer refineries supply the fuel. [DLA-E] makes up the balance of its purchases through contracts with foreign refineries and suppliers to support U.S. forces and installations outside the continental United States.”<sup>29</sup>

As a result, DLA-E has fuel purchasing agreements with over 40 partner nations to ensure fuel reliability in operations worldwide.<sup>30</sup> As of August 2026, none of the DLA’s contracted agreements are with crude oil producers, nor do any rely on specifically-sourced crude oil production.<sup>31</sup>

The structure of the military fuel supply chain is such that it is not sensitive to changes in domestic crude oil production. Given both the modest increases in projected production with fracking at Platform Gilda and the US military’s direct sourcing of petroleum products rather than crude oil, there would no discernable impairment to national defense if DCOR’s fracking proposal is not approved.

## Conclusions

The approval of fracking activities at Platform Gilda would have minimal impacts on energy markets and no significant implications for national security.

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<sup>27</sup> See, e.g., Krupnick, A., Morgenstern, R., Balke, S., Brown, P.A., Herrera, A.M., and Mohan, S. 2017. “Oil Supply Shocks, US Gross Domestic Product, and the Oil Security Premium.” Resources for the Future report; Bordoff, J. and Houser, T. 2015. “Navigating the US Oil Export Debate.” Columbia Center for Global Energy Policy report.

<sup>28</sup> US Energy Information Agency. Petroleum Supply Annual (PSA) 2025. Accessed August 2026 from <https://www.eia.gov/petroleum/supply/annual/volume1/>

<sup>29</sup> Congressional Research Service. “Department of Defense Fuel Spending, Supply, Acquisition, and Policy.” CRS Report for Congress by Anthony Andrews (September 22, 2009). 7-5700; R40459. Page 14. The original text references DESC, the predecessor to DLA-E.

<sup>30</sup> Congressional Research Service. “Defense Primer: The Defense Logistics Agency.” CRS In Focus IF11233, *Defense Primer: Defense Working Capital Funds*, by Cameron M. Keys and Brendan W. McGarry (December 12 2024). IF 11543.

<sup>31</sup> Based on data reported in the Bulk Contract Information System hosted by the Defense Logistics Agency. Accessed August 2026 from <https://cis.energy.dla.mil/pcscis/CogSelection?type=BULK>.

Model-based analysis of the projected production of crude oil at Platform Gilda under DCOR's proposed fracking campaigns estimates cumulative production of 14.1-14.6 million barrels over the 2026-2050 period and a maximum daily production rate of approximately 4,300 barrels per day of oil in 2030. In context, this production level is 0.027% of projected national oil consumption in 2030 and 0.004% of global oil consumption. Price impacts are limited to at most a \$0.001 decrease in Brent oil prices in 2030 at the peak of projected production under fracking.

The analysis of the US military fuel supply chain presented here suggests no significant impairment of national defense if fracking at Platform Gilda is not approved. Not only are the projected amounts from fracking modest relative to total military consumption, the US military does not directly procure crude oil but rather purchases petroleum products from refiners, which source crude oil based on market factors. By the standards set in 15 C.F.R. § 930.122, the proposal for fracking at Platform Gilda does not meet the threshold for being necessary in the interest of national security.

## Appendix

### *Platform Gilda Oil Production Projection Model (DCOR Well-Stimulation Scenario), June 2026 – December 2050*

#### A.1 Data Sources and Conversions

Monthly platform production is drawn from BSEE production-by-platform data, Dec 1981 - May 2026. Production is converted to barrels as rate times days-in-month and then aggregated to annual totals. Cumulative historical production based on these data: 21.06 MMbbl through 1993, 42.62 MMbbl through 2025, and 42.76 MMbbl through May 2026.

The well-stimulation (frac-pack) model follows the drilling schedule in DCOR's Development and Production Plan Update (January 2026), superimposed on the decline of existing production. The frac-pack model is projected at monthly frequency from June 2026 through December 2050, with January-May 2026 actuals fixing the base rate and counting against the resource constraint.

Three flat real Brent price scenarios are run: \$40, \$80, and \$120 per barrel at real 2025 USD. The resource constraint uses a recovery-factor structure on original oil in place (OOIP  $\approx$  300 MMbbl; Section A.3). The pre-stimulation ultimate recovery factor (18.0% of OOIP) is calibrated so that full economic recovery equals cumulative production through 2025 plus the remaining proved oil reserves reported for the Santa Clara field as of December 2025 (11,368,668 barrels) in BOEM's Pacific OCS Region Field Reserve Estimate Summary; Platform Gilda is the field's only active producing facility. Well stimulation is assumed to raise the ultimate recovery factor by 3.0 percentage points, to 21.0%.

#### A.2 Field decline rate

With annual production rate  $Rate_t$  (annual barrels/365), the year-over-year decline rate is averaged over production since 1994 ( $t = 1995, \dots, 2025$ ):

$$\frac{1}{31} \sum [(Rate_t - Rate_{t-1}) / Rate_t] = \bar{D} = -0.0654 \quad (A1)$$

The implied annual multiplier is  $1/(1 - \bar{D})$ , so the effective annual decline rate is:

$$\delta_A = 1 - \frac{1}{1 - \bar{D}} = 0.0614 \quad (A2)$$

#### A.3 Resource constraint and price scenarios

The economic fraction of remaining resource recoverable at price  $P$  follows an assumed linear schedule:  $f = 0.809$  at a Brent price of \$34.4/bbl, rising to full recovery ( $f = 1$ ) at \$120/bbl, which is the maximum-price convention used in this assessment:

$$f(P) = \min[1, 0.809 + 0.191 \cdot \frac{P - 34.4}{120 - 34.4}] \quad (A3)$$

OOIP is estimated as original recoverable oil (52–70 MMbbl across BOEM assessment vintages) divided by a 15–25% recovery factor typical of analogous unconsolidated California offshore Repetto reservoirs, giving ~280–470 MMbbl; the central value of 300 MMbbl is used. The economically recoverable

resource (ERR) from field start at the with-stimulation ultimate recovery factor ( $RF_{ult} = 21.0\%$ ), and the remaining economic resource at the June 2026 projection start, are specified as follows:

$$ERR_{total}(P) = C_{2025} + f(P) \cdot (RF_{ult} \cdot OOIP - C_{2025}) \quad (A4)$$

$$R(P) = ERR_{total}(P) - C_{May\ 2026} \quad (A5)$$

This gives  $R = 16.60, 18.41$ , and  $20.23$  MMbbl at oil price scenarios of \$40/barrel, \$80/barrel, and \$120/barrel, respectively. Cumulative production from field start is capped at  $ERR_{total}(P)$ ; production shuts in permanently if the cap is reached (depletion = 1). The cap does not bind in any price scenario by 2050: projected recovery reaches 19.0–19.1% of OOIP against the 21.0% with-stimulation ultimate.

Break-even operating cost (\$10.20/bbl) enters net-revenue accounting,  $(P - OpEx) \times barrels$ , but never triggers shut-in since all scenario prices exceed it.

#### A.4 Existing-well (unstimulated) base production

Existing (unstimulated) production declines exponentially from  $q_0 = 959.6$  bbl/day. For this decline-rate scaling,  $R(P)$  is evaluated at the pre-stimulation ultimate recovery factor (18.0%), giving  $R = 9.20, 10.21$ , and  $11.22$  MMbbl at \$40, \$80, and \$120 per barrel; the annual rate is scaled inversely to  $R(P)$  and anchored to the median Brent price rate at \$80/barrel:

$$\delta(P) = \delta_A \cdot \frac{R(\$80)}{R(P)} \quad (A6a)$$

$$B(k) = q_0 \cdot g_P^k, \quad g_P = (1 - \delta(P))^{1/12} \quad (A6b)$$

where  $k$  indexes projection months ( $k = 1$  is June 2026). Resulting annual declines under different price scenarios are 6.82% (\$40/barrel), 6.14% (\$80/barrel), and 5.58% (\$120/barrel).

#### A.5 Well-stimulation (fracking) scenario

Sixteen existing wells are stimulated per the DPP Update schedule (Table 2.7-1): three campaigns of 6, 6, and 4 wells (within the permit cap of six wells per year), totaling 38 frac-pack stages and 19 secondary gravel packs. Cohorts step online at the modeled mid-campaign month:

| DPP campaign      | Wells ( $n_c$ ) | Frac stages | Cohort online (model) | Month ( $k_c$ ) | CapEx (M\$) |
|-------------------|-----------------|-------------|-----------------------|-----------------|-------------|
| Jan–Oct 2028      | 6               | 14          | June 2028             | 25              | 13.5        |
| Mar–Dec 2030      | 6               | 14          | June 2030             | 49              | 13.5        |
| May 2032–Jan 2033 | 4               | 10          | Sept 2032             | 76              | 9.6         |

Each cohort adds  $n_c \times IP$  bbl/day at its online month, then declines by a segmented exponential with factor  $\phi(a)$  at cohort age  $a = k - k_c$  months, using monthly factors  $g_j = (1 - D_j)^{1/12}$ :

$$\varphi(a) = g_1^a, \quad 0 < a \leq 48 \quad (\text{A7a})$$

$$\varphi(a) = g_1^{48} \cdot g_2^{a-48}, \quad 48 < a \leq 108 \quad (\text{A7b})$$

$$\varphi(a) = g_1^{48} \cdot g_2^{60} \cdot g_3^{a-108}, \quad a > 108 \quad (\text{A7c})$$

| Segment            | Cohort age $a$ (months) | Annual decline rate $D$ | Source                                            |
|--------------------|-------------------------|-------------------------|---------------------------------------------------|
| Period 1 (yrs 1–4) | $0 < a \leq 48$         | $D_1 = 27.0\%$          | Handler et al. (2025)                             |
| Period 2 (yrs 5–9) | $48 < a \leq 108$       | $D_2 = 14.2\%$          | Handler et al. (2025)                             |
| Terminal (yrs 10+) | $a > 108$               | $D_3 = 6.14\%$          | Field decline rate (eq. A1);<br>SPEE (2021): 4–7% |

Total platform production is the declining base plus all active cohorts:

$$q(k) = B(k) + IP \cdot \sum n_c \cdot \varphi(k - k_c) \quad (\text{A8})$$

The per-well uplift IP is calibrated so that total production equals the stated peak production per the DCOR-stated maximum (~4,000 bbl/day) at the month the final cohort comes online ( $k_{16} = 76$ , September 2032, all 16 wells producing), in the \$80/barrel price scenario:

$$IP = \frac{4000 - B(76)}{\sum n_c \cdot \varphi(76 - k_c)} = 390.6 \text{ bbl/day} \quad (\text{A9})$$

Note that because 12 stimulated wells are online in mid-2030, the model's global maximum (~4,300 bbl/day at the June 2030 campaign) modestly exceeds the September 2032 calibration point.

## A.6 Stimulation capital costs

DCOR has not publicly disclosed capital expenditures (CapEx) for the proposed fracking program. These are therefore estimated based on DPP quantities with unit costs benchmarked to Gulf of Mexico shelf frac-pack completions and offshore-adjusted per-stage service costs:

$$CapEx = [16 \cdot (1.0) + 38 \cdot (0.30) + 3 \cdot (1.5)] \cdot (1.15) = 36.7 \text{ M\$} \quad (\text{A10})$$

This suggests \$1.0M per well for downhole completion work (workover time, perforating, sand screens, packers), \$0.30M per frac-pack stage (pumping services, proppant, fluids, pro-rated gravel packs), \$1.5M fixed per campaign (mobilization, vessels, standby), plus 15% contingency of \$2.29M per well, \$0.97M per stage. CapEx is incorporated in the models above at each stated campaign month (\$13.5M, \$13.5M, \$9.6M) and reported both gross and net against undiscounted net revenue. Note that net revenue excludes fixed platform operating costs, royalties, taxes, and discounting.

## A.7 Model parameter values and sources

| Parameter                                              | Value                       | Basis                                                                                                                      |
|--------------------------------------------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------|
| Base rate $q_0$                                        | 959.6 bbl/d                 | Observed Jan–May 2026 average based on BSEE production data.                                                               |
| Cum. production $C_{1993} / C_{2025}$                  | 21.06 / 42.62 MMbbl         | BSEE production data                                                                                                       |
| OOIP, Santa Clara field                                | 300 MMbbl (range 280–470)   | Derived: original recoverable / RF 15–25%                                                                                  |
| Proved remaining reserves (2025), Santa Clara Field    | 11.368668 MMbbl             | BOEM remaining reserves Dec 2025                                                                                           |
| Ultimate RF, pre-stimulation                           | 18.0% of OOIP               | Calibrated: $(C_{2025} + \text{Reserves}_{2025}) / \text{OOIP}$                                                            |
| Ultimate RF with stimulation                           | 21.0% (+3.0 points)         | Assumption; scale-consistent with production-model uplift                                                                  |
| f(P) anchor points                                     | 0.809 @ \$34.4; 1.0 @ \$120 | Assumed schedule (Rystad max-price convention)                                                                             |
| Platform peak (all 16 wells on)                        | 4,000 bbl/d (Sept 2032)     | DCOR DPP Update forecast                                                                                                   |
| Calibrated per-well uplift IP                          | 390.6 bbl/d                 | Eq. (A7), \$80 scenario                                                                                                    |
| Operating expenditure (OpEx)                           | \$10.20/bbl                 | Rystad; net-revenue break-even only                                                                                        |
| Estimated fracking program capital expenditure (CapEx) | \$36.7M program total       | Eq. (A10); DPP quantities + benchmarks                                                                                     |
| Brent scenarios (flat, real 2025\$)                    | \$40, \$80, \$120/bbl       | Anticipated range of prices based on long-term averages from EIA Annual Energy Outlook 2025, max price outlook from Rystad |

## Appendix References

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# Exhibit C



**WISHTOYO**  
CHUMASH FOUNDATION  
FIRST NATIONS ECOLOGICAL CONSERVATION ALLIANCE

April 27, 2026

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BOEM, Pacific OCS Region  
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Submitted via [SantaClaraDPPComments@BOEM.gov](mailto:SantaClaraDPPComments@BOEM.gov)

**Re: Comments re BOEM's Decision to Approve, Disapprove, or Require Modifications to DCOR LLC's Updated Development and Production Plan**

Dear Ms. Zaleski:

This comment letter is submitted by the Environmental Defense Center (EDC), Center for Biological Diversity (CBD), Santa Barbara Channelkeeper, and Wishtoyo Chumash Foundation (collectively “our organizations”) regarding the Bureau of Ocean Energy Management’s (BOEM) consideration of DCOR, LLC’s (DCOR) Updated Development and Production Plan (“Updated DPP”).<sup>1</sup> The Updated DPP involves conducting hydraulic fracturing at wells off Platform Gilda, located in the Santa Clara Unit, offshore Ventura County, California. Our organizations are committed to protecting the California coastline from the harmful effects of offshore oil and gas drilling. We are particularly concerned about the heightened risks that offshore fracking poses to wildlife, public health, cultural resources, coastal economies, and climate goals.

We strongly urge BOEM to disapprove the Updated DPP in its entirety—the only decision that safeguards the health and wellbeing of coastal communities and protects the environment. Critically, BOEM is already subject to the federal-court injunction in *EDC v.*

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<sup>1</sup> BOEM’s Outer Continental Shelf Lands Act (OCSLA) regulations provide that “[t]he Regional Supervisor will make all comments and recommendations available to the public upon request.” 30 C.F.R. § 550.268(c). We hereby request that BOEM make all comments and recommendations it receives regarding BOEM’s consideration of the Updated DPP available to the public by posting all received comments and recommendations to BOEM’s website and notifying our organizations how to access the comments and recommendations as soon as they are posted.

*BOEM* which prohibits the agency from approving offshore well-stimulation treatments until all terms of the injunction are satisfied, and they have not been.

The waters off the southern California coast, and the Santa Barbara Channel in particular, are an international ecological treasure. Home to numerous threatened and endangered species, this region is known as the “Galapagos of North America.” There are two National Marine Sanctuaries—the Channel Islands National Marine Sanctuary (CINMS), and the recently-designated Chumash Heritage National Marine Sanctuary (CHNMS)—that are rich in natural resources. Native American Indigenous communities use and rely on these vast natural, cultural, and archaeological resources. Offshore oil drilling has been devastating to the region since the 1969 Santa Barbara oil spill, and has continued to have profound adverse impacts, as seen with the 2015 Plains oil spill at Refugio State Beach. More recent unconventional oil drilling practices such as hydraulic fracturing and acidizing (known as well stimulation treatments or “WSTs”) have only intensified environmental concerns.

BOEM must disapprove the Updated DPP under the plain language of OCSLA because it meets several of the conditions under which a DPP *cannot* be approved. First, DCOR has not demonstrated that it can comply with OCSLA, its implementing regulations, or other federal laws. Second, the Updated DPP is inconsistent with the Coastal Zone Management Act's (CZMA) objectives. Third, the Updated DPP will cause prolonged serious harm to the marine, coastal, and human environments that outweighs any potential advantages of approving the Updated DPP. Finally, pursuant to OCSLA, BOEM cannot approve the Updated DPP prior to circulating a draft Environmental Impact Statement (EIS) for public review and comment, and completing a final EIS that fully complies with the National Environmental Policy Act (NEPA).

In addition to the requirements of the current injunction and OCSLA, BOEM must fully comply with all applicable laws, including NEPA, the Endangered Species Act (ESA), CZMA, National Historic Preservation Act (NHPA), and National Marine Sanctuaries Act (NMSA).

## **I. A Federal Court Injunction Prohibits BOEM from Approving Offshore Fracking.**

Beginning in 2012, our organizations began investigating the use of WSTs from platforms offshore California. Through a series of Freedom of Information Act (FOIA) requests to the federal government, we discovered permits that approved WSTs without any environmental review. The use of fracking and acidizing off California's shores was largely unknown to the general public, local elected officials, and cooperating state agencies until that time. This discovery—and the absence of any environmental analysis assessing the impacts of these practices—led to lawsuits filed in 2014 challenging the routine approval of permits (identifying fifty-one permits at the time) authorizing the use of WSTs pursuant to categorical exclusions or no analysis whatsoever, in violation of NEPA.<sup>2</sup> The parties reached a settlement agreement requiring the federal government to withhold approval of drilling permits authorizing

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<sup>2</sup> See, e.g., *Environmental Defense Center v. Bureau of Safety and Environmental Enforcement*, No. 2:14-cv-09281 (C.D. Cal. Dec. 3, 2014) (*EDC v. BSEE*).

WSTs and to prepare a Programmatic Environmental Assessment (PEA) addressing potential environmental impacts of WSTs in federal waters offshore California.<sup>3</sup>

After circulating a draft for comment, BOEM released a final PEA and a Finding of No Significant Impact (FONSI), signed May 27, 2016, approving the proposed action, entitled “Allow use of WSTs.”<sup>4</sup> Under this action, the agencies “propose[d] to allow the use of selected well stimulation treatments (WSTs) on the 43 active leases and 23 operating platforms” on the Pacific Outer Continental Shelf (POCS).<sup>5</sup>

In November 2016, our organizations filed lawsuits challenging the PEA and FONSI, alleging violations of NEPA and the ESA. The State of California filed a case alleging violations of NEPA and the CZMA, and the cases were consolidated. ExxonMobil, the American Petroleum Institute (API), and DCOR intervened and submitted declarations stressing the importance of WSTs to their offshore oil operations.

In November 2018, the district court issued an order concluding that the federal government had violated the ESA by failing to consult with the Fish and Wildlife Service (FWS) before approving the use of WSTs.<sup>6</sup> The court also found that BOEM had violated the CZMA because the proposed action was a federal agency activity subject to the consistency review process, which it had failed to undertake.<sup>7</sup> In fashioning relief, the district court ordered the federal government “to refrain from approving any plans or permits (DPPs, APDs, or APMs) for the use of WSTs on the POCS unless and until they (1) complete[d] consultation with FWS under the ESA and (2) complete[d] the CZMA process under 16 U.S.C. § 1456(c)(1) for the proposed action described in the Final EA.”<sup>8</sup> With respect to the NEPA claims, the district court held that the PEA and FONSI constituted a major federal action triggering the agencies’ duties under NEPA, but that the federal government had complied with NEPA in its preparation of the PEA.<sup>9</sup> The parties filed cross appeals in the Ninth Circuit Court of Appeals.

On June 3, 2022, the Ninth Circuit issued its opinion, holding that BOEM was in violation of NEPA, the ESA, and the CZMA with respect to its approval of the PEA and FONSI, authorizing the use of WSTs offshore California.<sup>10</sup> Specifically, the court concluded that the agency’s approval of WSTs under the PEA and FONSI was a final agency action and ripe for

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<sup>3</sup> Settlement Agreement, *EDC v. BSEE* (Settlement lodged Jan. 29, 2016, No. 79-1).

<sup>4</sup> *Programmatic Environmental Assessment of the Use of Well Stimulation Treatments on the Southern California Outer Continental Shelf* (“PEA”) at ES-3–ES-4.

<sup>5</sup> *Id.*

<sup>6</sup> *Env’t Def. Ctr. v. Bureau of Ocean Energy Mgmt.*, 2018 WL 5919096, at \*18 (C.D. Cal. Nov. 9, 2018), *aff’d in part, rev’d in part and remanded*, 36 F.4th 850 (9th Cir. 2022) (“Because the agencies did not consult with the Services before issuing the Final EA, they violated the ESA.”).

<sup>7</sup> *Id.* at \*26.

<sup>8</sup> *Id.* at \*27; *see also id.* at \*23 (“The Court **GRANTS** Plaintiffs’ request for a declaration that the agencies violated the ESA and further **GRANTS** their request for an injunction. Defendants are prohibited from approving any plans or permits (APDs, APMs, or DPPs) for the use of WSTs on the POCS unless and until they complete consultation with FWS under the ESA.”).

<sup>9</sup> *Id.* at \*7-16.

<sup>10</sup> *Env’t Def. Ctr. v. Bureau of Ocean Energy Mgmt.*, 36 F.4th 850 (9th Cir. 2022) (“*EDC v. BOEM*”).

judicial review.<sup>11</sup> With respect to NEPA, the Ninth Circuit determined that the agency's PEA and FONSI were arbitrary and capricious in several respects. For example, BOEM unlawfully relied on the unfounded assumption that WSTs will only be allowed five times per year in order to justify that impacts will be minimal with respect to, for example, accidents, induced seismicity, air quality, water quality, ecological resources, and fisheries. The appellate court concluded this was a critical error and arbitrary and capricious because the alleged infrequent use, despite evidence to suggest otherwise, was the "driving force" behind their conclusions.<sup>12</sup> The Ninth Circuit also found that the agency unlawfully relied on a Clean Water Act permit that in fact does not cover the water quality impacts of offshore fracking.<sup>13</sup> The court also ruled that the agencies failed to consider a reasonable range of alternatives, namely, that it was "highly arbitrary for the agencies repeatedly to premise their" analysis on the assumption of infrequent use of WSTs without "considering an alternative that imposed such a five-treatment limit."<sup>14</sup> The court determined that there were substantial questions regarding potentially significant impacts warranting an EIS, especially where these unconventional practices and impacts that had not been previously studied.<sup>15</sup>

As for the ESA, the federal government's only argument on appeal was that there was no "agency action." The Ninth Circuit disagreed—concluding that the PEA and FONSI constitute agency action, subject to ESA Section 7's consultation requirement.<sup>16</sup> Accordingly, the district court's conclusion that the agency violated the ESA was left intact. Regarding the CZMA, the appellate court held that the action constitutes a "federal agency activity" subject to consistency review.<sup>17</sup> The Ninth Circuit affirmed and reversed in part and remanded to the district court. On remand, the district court in July 2023 provided:

The Ninth Circuit in its opinion instructed this Court on remand to "amend its injunction to prohibit the agencies from approving permits for well stimulation treatments until the agencies have issued an EIS and have fully and fairly evaluated all reasonable alternatives." *Env't Def. Ctr.*, 36 F.4th at 882, 891. The Court hereby AMENDS its injunction consistent with those instructions. The agencies are ENJOINED from approving well stimulation treatment permits until the agencies issue a complete EIS.<sup>18</sup>

Collectively, the federal court injunctions that are still in place today (first issued in 2018 and expanded in 2023) prohibit BOEM from approving WSTs (including fracking, and including under any DPPs) until it completes (1) the CZMA consistency review process for the proposed action, (2) a complete EIS under NEPA, and (3) ESA consultation with FWS.

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<sup>11</sup> *Id.* at 868-71.

<sup>12</sup> *Id.* at 874 ("We agree with Plaintiffs that the agencies' excessive reliance on the asserted low usage of well stimulation treatments distorted the agencies' consideration of the significance and severity of potential impacts.").

<sup>13</sup> *Id.* at 874-75.

<sup>14</sup> *Id.* at 878.

<sup>15</sup> *Id.* at 879-82.

<sup>16</sup> *Id.* at 885.

<sup>17</sup> *Id.* at 888-89.

<sup>18</sup> *EDC v. BOEM*, Case 2:16-cv-08418-PSG-FFM, Document No. 223, Order Amending the Court's Injunction (Filed 07/13/23).

Accordingly, any effort to proceed with approving fracking in federal waters offshore California, without first complying with these mandates, is in direct violation of the court's injunction. Further, any reliance on the EA and FONSI is unlawful because the court ruled that the agency's analysis and conclusions were arbitrary and capricious. Accordingly, it is inappropriate for BOEM to include these invalid sources on the agency's website.

Moreover, even though the court already recognized the flawed analysis for relying on the unfounded assumption that WSTs would only be used up to five times per year, it bears noting that this proposal *alone* would far exceed that figure, with up to thirty-eight treatments to occur over a five-year period from just a single platform.

## **II. Platform Gilda Updated Development and Production Plan**

BOEM is considering a proposal by DCOR to conduct well stimulation activities, specifically hydraulic fracturing, from Platform Gilda located in the Santa Clara Unit in federal waters off Ventura County.<sup>19</sup> DCOR has submitted the Updated DPP to BOEM that, under Alternative 1, proposes to conduct fracking at sixteen wells, with “four well stimulation target locations in the Upper Repetto and 12 well stimulation target locations in the Lower Repetto.”<sup>20</sup> The action would involve up to thirty-eight treatments over a five-year period, with “up to 6 wells stimulated during one campaign in a single year” and active well stimulation to be performed for “14 days per year.”<sup>21</sup>

The proposed WST method “involves frac packing, which combines hydraulic fracturing with gravel packing.”<sup>22</sup> According to the Updated DPP, during this process, “the fracking fluid is injected to fracture the formation, while sand control screens are installed across the perforated interval. Proppant is placed both in the fracture and in the annulus between the casing and screen to form a stable gravel pack.”<sup>23</sup> Under the proposed action, fracking flowback fluid will be “retained on the Platform” and return fluids “will be re-injected into existing injection wells on the Platform” and “[f]racturing depths would be greater than 4,500 feet below the seafloor surface.”<sup>24</sup> The Updated DPP provides two alternatives to the proposed action: “no action” and “development of new production wells.”<sup>25</sup>

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<sup>19</sup> UPDATE TO DEVELOPMENT AND PRODUCTION PLAN AND ENVIRONMENTAL REPORT, WELL STIMULATION: HYDRAULIC FRACTURING, PLATFORM GILDA OFFSHORE VENTURA COUNTY, Project No. 2502-2681 (January 2026) (“Updated DPP”).

<sup>20</sup> *Id.* at 3-1.

<sup>21</sup> *Id.*; *id.* at 4-36.

<sup>22</sup> *Id.* at 1-3.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* at 3-1.

<sup>25</sup> *Id.* at 3-2.

On February 25, 2026, BOEM posted the Updated DPP on its website for the public to review, triggering a sixty-day public comment period on the Updated DPP<sup>26</sup> as required by BOEM's OCSLA regulations.<sup>27</sup> BOEM states it will consider comments and recommendations from reviewers in its “decision to approve, disapprove, or require modifications to the updated DPP.”<sup>28</sup>

On March 18, 2026, BOEM released in the Federal Register a “Notice of Intent To Prepare an Environmental Impact Statement on Platform Gilda Well Stimulation Treatment”<sup>29</sup>—announcing a ten-day deadline to receive public comments and giving six days’ notice of a virtual public scoping hearing that occurred on March 24, 2026. The undersigned parties submitted a comment letter (“Scoping Comment Letter”) by the March 30, 2026, deadline, urging BOEM to release a draft EIS as required under federal law.<sup>30</sup> Just two weeks following the public comment deadline, BOEM had already prepared and submitted its DCOR, LLC Well Stimulation Treatment Environmental Impact Statement (“Final EIS”) to BOEM’s Pacific Regional Director Douglas Boren for approval and certification. Regional Director Boren certified the Final EIS on April 13, 2026<sup>31</sup> and BOEM uploaded the Final EIS to its website on April 17, 2026.<sup>32</sup> Five days later, on Apr. 22, 2026, BOEM issued a press release on its website announcing the availability of the Final EIS.<sup>33</sup>

### **III. BOEM Must Disapprove the Updated DPP Pursuant to OCSLA.**

BOEM must disapprove the Updated DPP outright. The plain language of OCSLA and its regulations prescribe conditions under which a DPP cannot be approved, and three of those are clearly met here. First, DCOR has not demonstrated that it can comply with OCSLA, its implementing regulations, or other federal laws, including the CZMA, ESA, NHPA, or the NMSA—nor could it. Second, the Updated DPP is inconsistent with the CZMA’s objectives. Third, because of “exceptional resource values in the marine or coastal environment” the Updated DPP will cause prolonged serious harm to the marine, coastal, or human environments that outweighs any potential advantages of approving the Updated DPP. Finally, pursuant to

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<sup>26</sup> Revised Development and Production Plans – Pacific: Santa Clara Unit, BOEM, <https://www.boem.gov/regions/pacific-ocs-region/oil-gas/revised-development-and-production-plans-pacific> (last viewed April 24, 2026).

<sup>27</sup> See 30 C.F.R. § 550.267(b) (“Comments and recommendations must be received by the Regional Supervisor within 60 calendar days after the DPP . . . including its accompanying information is made available.”).

<sup>28</sup> *Id.*

<sup>29</sup> 91 Fed. Reg. 13063 (March 18, 2026).

<sup>30</sup> “Scoping Comment Letter” is attached hereto as **Attachment A**.

<sup>31</sup> Bureau of Ocean Energy Management & Bureau of Safety and Environmental Enforcement, Final EIS (April 2026), [https://www.boem.gov/sites/default/files/documents/regions/pacific-ocs-region/environmental-analysis/2026\\_04\\_DCOR\\_WST\\_EIS\\_508C.pdf?VersionId=bNImNyBwpqLYUDhb8VoVk9TmtzMv8ByK](https://www.boem.gov/sites/default/files/documents/regions/pacific-ocs-region/environmental-analysis/2026_04_DCOR_WST_EIS_508C.pdf?VersionId=bNImNyBwpqLYUDhb8VoVk9TmtzMv8ByK) (certified by BOEM Pacific Regional Director Douglas Boren on April 13, 2026).

<sup>32</sup> BOEM, Environmental Impact Statement on Platform Gilda Well Stimulation Treatment, BOEM, <https://www.boem.gov/regions/pacific-ocs-region/environmental-impact-statement-platform-gilda-well-stimulation-treatment>.

<sup>33</sup> BOEM, Press Release, *BOEM Releases Final Environmental Impact Statement for Platform Gilda Well Stimulation Proposal Offshore California* (April 22, 2026) <https://www.boem.gov/newsroom/press-releases/boem-releases-final-environmental-impact-statement-platform-gilda-well>.

OCSLA, BOEM cannot approve the Updated DPP prior to circulating a draft EIS for public review and comment, and a final EIS that fully complies with NEPA.

### **A. OCSLA Legal Framework**

OCSLA governs the leasing, exploration, and development of oil and gas deposits in the Outer Continental Shelf (OCS).<sup>34</sup> In 1978, Congress amended OCSLA to provide, in part, for the development of resources on the OCS “subject to environmental safeguards.”<sup>35</sup> BOEM’s management of the OCS “shall be conducted in a manner which considers economic, social, and environmental values of the renewable and nonrenewable resources contained in the [OCS],” as well as “the potential impact of oil and gas exploration on other resource values of the outer Continental Shelf and the marine, coastal, and human environments.”<sup>36</sup>

OCSLA prescribes four stages to allow for the development of offshore oil and gas deposits: “(1) formulation of a five year leasing plan by the Department of the Interior; (2) lease sales; (3) exploration by the lessees; [and] (4) development and production.”<sup>37</sup> Environmental review under NEPA is required at each stage.<sup>38</sup> Although BOEM may “tier” a later analysis to earlier reviews to eliminate repetitive discussions and focus on the actual issues ripe for decision, it is still required to consider impacts during the fourth permitting stage.<sup>39</sup> In fact, OCSLA is clear that BOEM has a duty to consider environmental information for all approvals relating to DPPs:

The Secretary shall consider available relevant environmental information in making decisions (including those relating to exploration plans, drilling permits, and development and production plans), in developing appropriate regulations and lease conditions, and in issuing operating orders.<sup>40</sup>

During the development and production stage, a lessee must submit a DPP to the Secretary of the Interior, who must “approve, disapprove, or require modifications” to the submitted DPP.<sup>41</sup>

After a DPP is approved, a lessee wishing to conduct activities that were not proposed and analyzed in the initial DPP may need to supplement or revise their DPP. A DPP must be revised when a lessee proposes to change certain activities in a previously approved DPP that will not require additional licenses or permits.<sup>42</sup> A revised DPP is required, for example, when a lessee proposes to (i) “[c]hange the type of production or significantly increase the volume of production or storage capacity;” (ii) “[i]ncrease the emissions of an criteria air pollutant, VOC,

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<sup>34</sup> 43 U.S.C. §§ 1331-1356b.

<sup>35</sup> *Id.* § 1332(3).

<sup>36</sup> *Id.* § 1344(a)(1).

<sup>37</sup> *Secretary of the Interior v. California*, 464 U.S. 312, 337 (1984) (superseded by statute on other grounds).

<sup>38</sup> *See, e.g.*, 43 U.S.C. § 1351(h)(1) (NEPA review for DPPs).

<sup>39</sup> *See* 30 C.F.R. §§ 550.261 (environmental impact analysis for DPPs).

<sup>40</sup> 43 U.S.C. § 1346(d).

<sup>41</sup> 43 U.S.C. § 1351(h)(1).

<sup>42</sup> *See* 30 C.F.R. § 550.283.

or TSP to an amount that exceeds the amount specified in [the] approved . . . DPP;”  
(iii) “[s]ignificantly increase the amount of solid or liquid wastes to be handled or discharged;”  
or (iv) “[c]hange any other activity specified by the Regional Supervisor.”<sup>43</sup> A DPP must be supplemented when a lessee proposes “to conduct activities on [its] lease(s) or unit that require approval of a license or permit which is not described in [the approved] . . . DPP.”<sup>44</sup>

A revised or supplemental DPP must contain “information related to or affected by the proposed changes, including information on changes in expected environmental impacts.”<sup>45</sup> When BOEM reviews a supplemental DPP or a revised DPP that BOEM “determines [is] likely to result in a significant change in the impacts previously identified and evaluated,” BOEM follows the same OCSLA regulatory procedures that control BOEM’s review of a DPP in the first instance (i.e., those outlined in 30 C.F.R. §§ 550.266 through 550.273).<sup>46</sup> These procedures include compliance with NEPA and the CZMA, reviewing the plan for compliance with existing federal law, ensuring the proposed activities will not cause serious harm to the environment, and deciding whether to approve, disapprove, or require modifications to the plan.

After a DPP is deemed submitted, BOEM must “review the development and production activities in [the lessee’s] proposed DPP . . . to ensure that they conform to . . . performance standards established by 30 C.F.R. § 550.202,”<sup>47</sup> which require that the DPP:

demonstrate[s] that [the lessee] ha[s] planned and [is] prepared to conduct the proposed activities in a manner that: (a) [c]onforms to [OCSLA], applicable implementing regulations, lease provisions and stipulations, and other Federal laws; (b) [i]s safe; (c) [c]onforms to sound conservation practices and protects the rights of the lessor; (d) [d]oes not unreasonably interfere with other uses of the OCS, including those involved with National security or defense; and (e) [d]oes not cause undue or serious harm or damage to the human, marine, or coastal environment.<sup>48</sup>

BOEM must “evaluate the environmental impacts of the activities described in [the] proposed DPP . . . and prepare environmental documentation under [NEPA].”<sup>49</sup> Whenever BOEM prepares an EIS for a DPP as part of its NEPA analysis, BOEM must “make copies of the draft EIS available to . . . the public.”<sup>50</sup> BOEM must also submit the DPP to the CZMA agency of each affected state, which begins the CZMA consistency review period under the CZMA.<sup>51</sup>

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<sup>43</sup> 30 C.F.R. § 550.283(a).

<sup>44</sup> 30 C.F.R. § 550.283(b).

<sup>45</sup> 30 C.F.R. § 550.285(b).

<sup>46</sup> 30 C.F.R. § 550.285.

<sup>47</sup> 30 C.F.R. § 550.267(c).

<sup>48</sup> 30 C.F.R. § 550.202 (required criteria for a DPP); 30 C.F.R. § 550.267(c) (“The Regional Supervisor will review the development and production activities in your proposed DPP or DOCD to ensure that they conform to the performance standards in § 550.202.”).

<sup>49</sup> 30 C.F.R. § 550.269.

<sup>50</sup> 30 C.F.R. § 550.269(c).

<sup>51</sup> 30 C.F.R. § 550.267(a)(1) (“Within 2 working days after the Regional Supervisor deems your DPP . . . submitted under § 550.266, the Regional Supervisor will . . . send a public information copy of the DPP . . . to . . . [t]he CZMA agency of each affected State. The CZMA consistency review period under section 307(c)(3)(B)(ii) of the CZMA

Pursuant to BOEM's OCSLA regulations, BOEM must approve, disapprove, or require modifications to the DPP within a specified timeframe.<sup>52</sup> BOEM's own regulations provide that the DPP can only be approved if it "complies with all applicable requirements."<sup>53</sup> Regarding revised DPPs specifically, the OCSLA statute provides that a revision to a DPP may only be approved "to the extent such revision is consistent with the protection of the human, marine, and coastal environments."<sup>54</sup>

BOEM must require a lessee to modify its DPP if the plan "fails to make adequate provisions for safety, environmental protection, or conservation of natural resources or otherwise does not comply with the lease, [OCSLA], the regulations prescribed under [OCSLA], or other Federal laws."<sup>55</sup> If BOEM requires modifications, it will describe to the lessee "the modifications [the lessee] must make to [the] proposed DPP . . . to ensure it complies with all applicable requirements."<sup>56</sup>

Under OCSLA, there are four reasons that, if any apply, require BOEM to disapprove a DPP.<sup>57</sup> These reasons include, but are not limited to, the following: (1) BOEM determines the lessee has not demonstrated it can comply with OCSLA, its implementing regulations, or other applicable federal laws; (2) the plan is not found to be consistent with the CZMA's objectives; or (3) BOEM determines that:

because of exceptional geological conditions in the lease areas, exceptional resource values in the marine or coastal environment, or other exceptional circumstances, that (i) implementation of the plan would probably cause serious harm or damage to life (including fish and other aquatic life), to property, to any mineral deposits (in areas leased or not leased), to the national security or defense, or to the marine, coastal or human environments, (ii) the threat of harm or damage will not disappear or decrease to an acceptable extent within a reasonable period of

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(16 U.S.C.1456(c)(3)(B)(ii)) and 15 CFR 930.78 begins when the States CZMA agency receives a copy of your deemed-submitted DPP or DOCD, consistency certification, and required necessary data/information (see 15 CFR 930.77(a)(1)).").

<sup>52</sup> 30 C.F.R. § 550.270(a) (The Regional Supervisor will make a decision within 60 calendar days after the latest of the day that: (i) The comment period provided in § 550.267(a)(1), (a)(2), and (b) closes; (ii) The final EIS for a DPP is released or adopted; or (iii) The last amendment to your proposed DOCD is received by the Regional Supervisor."); *id.* at § 550.270(b).

<sup>53</sup> 30 C.F.R. § 550.270(b)(1).

<sup>54</sup> 43 U.S.C. § 1351(i) ("The Secretary may approve any revision of an approved plan proposed by the lessee if he determines that such revision will lead to greater recovery of oil and natural gas, improve the efficiency, safety, and environmental protection of the recovery operation, is the only means available to avoid substantial economic hardship to the lessee, or is otherwise not inconsistent with the provisions of this subchapter, to the extent such revision is consistent with protection of the human, marine, and coastal environments. Any revision of an approved plan which the Secretary determines is significant shall be reviewed in accordance with subsections (d) through (f) of this section.").

<sup>55</sup> 30 C.F.R. § 550.270(b)(2).

<sup>56</sup> 30 C.F.R. § 550.270(b)(2).

<sup>57</sup> 43 U.S.C. § 1351(h)(1); 30 C.F.R. § 550.271; 30 C.F.R. § 550.270(b)(2) (including by reference all reasons articulated in 30 C.F.R. § 550.271).

time, and (iii) the advantages of disapproving the plan outweigh the advantages of development and production.<sup>58</sup>

## **B. The Updated DPP Does Not Meet OCSLA's Requirements.**

As an initial matter, it is unclear whether BOEM and DCOR intend to characterize the Updated DPP as a revised DPP or a supplemental DPP—however, it in fact qualifies as *supplemental* because DCOR proposed to conduct fracking from Platform Gilda, which requires “approval of a license or permit which is not described in [the] approved . . . DPP.”<sup>59</sup> There is no question that DCOR must also obtain additional permit(s) to conduct fracking, in the form of Applications for Permits to Drill (APDs) or Applications for Permits to Modify (APMs).<sup>60</sup> DCOR does not affirm anywhere in the Updated DPP that it must obtain additional licenses or permits for the proposed WST activities (*see, generally*, Updated DPP), and DCOR has not already obtained any permits or licenses required under OCSLA to conduct the proposed WST activities. BOEM itself correctly characterizes the Updated DPP as a “supplemental DPP” in its Federal Register Notice regarding its Notice of Intent to prepare an EIS for the Updated DPP.<sup>61</sup> Thus, BOEM must review the Updated DPP pursuant to the standards prescribed under 30 C.F.R. § 550.285(c).<sup>62</sup>

However, the Updated DPP itself cites to and analyzes only the subsections of BOEM's regulatory provisions that govern *revised* DPPs.<sup>63</sup> Even if the Updated DPP is determined to instead be a revised DPP, the same review procedures and standards still apply because the WST activities proposed therein are “likely to result in a significant change in the impacts previously identified and evaluated.”<sup>64</sup> Indeed, as our comments describe in detail, the environmental impacts of DCOR's proposed WST activities would be significant, and under no circumstances has DCOR yet identified and evaluated these environmental impacts.

BOEM must disapprove the Updated DPP for multiple reasons. First, the Updated DPP does not comply with OCSLA, OCSLA's implementing regulations, the ESA, NHPA, or the NMSA. Second, the Updated DPP is inconsistent with the CZMA's objectives. Third, the proposed activities in the Updated DPP will cause prolonged serious environmental harm that outweighs any potential advantages. Finally, BOEM cannot approve the Updated DPP until it circulates a draft EIS for public review and comment and publishes a final EIS that fully complies with NEPA.

<sup>58</sup> 43 U.S.C. § 1351(h)(1); *accord* 30 C.F.R. § 550.271(d).

<sup>59</sup> 30 C.F.R. § 550.283(b).

<sup>60</sup> *See* 43 U.S.C. § 1351; 30 C.F.R. §§ 250.410–250.418.

<sup>61</sup> Federal Register, “Notice of Intent [t]o Prepare an Environmental Impact Statement on Platform Gilda Well Stimulation Treatment,” 91 FR 13063, <https://www.federalregister.gov/documents/2026/03/18/2026-05319/notice-of-intent-to-prepare-an-environmental-impact-statement-on-platform-gilda-well-stimulation>.

<sup>62</sup> 30 C.F.R. § 550.285(c) provides that “[a]ll supplemental . . . DPPs . . . and those revised . . . DPPs . . . that the Regional Supervisor determines are likely to result in a significant change in the impacts previously identified and evaluated, are subject to all of the procedures under . . . §§ 550.266 through 550.273 for DPPs.”

<sup>63</sup> Updated DPP at 1-5-1-6 (listing and analyzing only the requirements for preparing a revised DPP, as outlined in 30 C.F.R. § 550.283(a), while omitting the requirements for preparing a supplemental DPP, as outlined in § 550.283(b)).

<sup>64</sup> 30 C.F.R. § 550.285(c).

1. DCOR Has Not Demonstrated It Can Comply with OCSLA and Other Federal Laws.

BOEM's Regional Supervisor must disapprove the Updated DPP because DCOR has "failed to demonstrate that [it] can comply with the requirements of the Outer Continental Shelf Lands Act, as amended (Act), implementing regulations, or other applicable Federal laws."<sup>65</sup>

DCOR has failed to demonstrate it can comply with OCSLA, which provides that BOEM's management of the OCS "shall be conducted in a manner which considers economic, social, and environmental values of the renewable and nonrenewable resources contained in the [OCS]," as well as "the potential impact of oil and gas exploration on other resource values of the outer Continental Shelf and the marine, coastal, and human environments."<sup>66</sup> As discussed below and in our Scoping Comment Letter, the Updated DPP does not fully consider how the proposed WST activities will impact the OCS's economic, social, environmental values, including the marine, coastal, and human environments. The Updated DPP must therefore be disapproved.

Neither has DCOR demonstrated it can comply with OCSLA-implementing regulations. For example, DCOR has not complied with 30 C.F.R. § 550.202, which requires a DPP to "demonstrate that [the lessee] ha[s] planned and [is] prepared to conduct the proposed activities in a manner that . . . [d]oes not cause undue or serious harm or damage to the human, marine, or coastal environment."<sup>67</sup> DCOR's Updated DPP does not demonstrate that DCOR can conduct the proposed WST activities in a manner that will avoid "undue or serious harm or damage to the human, marine, or coastal environment."<sup>68</sup> Indeed, as discussed below and at length in our Scoping Comment Letter, the proposed WST activities will have serious environmental impacts as a result of both fracking and extending oil production off Platform Gilda.

DCOR has also failed to demonstrate it can comply with other applicable Federal laws, which include, but are not limited to, the ESA, CZMA, NHPA, and NMSA. The Updated DPP's violations of these laws are discussed in sections V.A. through V.D.

DCOR's own track record reveals an inability to comply with OCSLA's decommissioning requirements. BSEE regulations require oil and gas companies to plug wells and remove platforms and pipelines within one year of lease termination.<sup>69</sup> Unused infrastructure on active leases ("idle iron") must be decommissioned when it is "no longer useful for operations" – generally within eight to ten years of the date of last use.<sup>70</sup> At present, DCOR is

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<sup>65</sup> 30 C.F.R. § 550.271(a); *see* 43 U.S.C. § 1351(h)(1)(A).

<sup>66</sup> 43 U.S.C. § 1344(a)(1).

<sup>67</sup> 30 C.F.R. § 550.202(e) ("Your . . . DPP . . . must demonstrate that you have planned and are prepared to conduct the proposed activities in a manner that: . . . (e) Does not cause undue or serious harm or damage to the human, marine, or coastal environment.").

<sup>68</sup> *Id.*

<sup>69</sup> 30 C.F.R. §§ 250.1710, 250.1725(a); 250.1010(h).

<sup>70</sup> *Id.* § 250.1703; BSEE, Idle Iron Decommissioning Guidance for Wells and Platforms NTL (No. 2018-G03) 2–4 (Dec. 11, 2018) ("BSEE Idle Iron Policy").

responsible for ninety-three percent of all idle wells on the Pacific OCS. According to BSEE data, DCOR owns sixty-nine “temporarily abandoned” or idle wells on the Pacific OCS, out of a total of seventy-four, and forty-four of DCOR’s wells have been idle for eight years or longer.<sup>71</sup> DCOR’s failure to timely plug and fully decommission these wells reveals a pattern of violating OCSLA and its implementing regulations; as such, BOEM must not approve DCOR’s Updated DPP unless and until DCOR demonstrates that it “can comply” with OCSLA’s decommissioning requirements.<sup>72</sup>

## 2. The Updated DPP Is Inconsistent with the CZMA’s Objectives.

BOEM must disapprove the Updated DPP because California has not issued a final decision on any coastal zone consistency certification and the Updated DPP is inconsistent with the CZMA’s objectives.<sup>73</sup> The CZMA was enacted to “preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation’s coastal zone.”<sup>74</sup> The CZMA was also enacted to encourage states, through the development and implementation of coastal management programs, to protect “natural resources, including wetlands, floodplains, estuaries, beaches, dunes, barrier islands, coral reefs, and fish and wildlife and their habitat, within the coastal zone,” and “improve, safeguard, and restore the quality of coastal waters, and to protect natural resources and existing uses of those waters.”<sup>75</sup>

As discussed below and in our Scoping Comment Letter, the Updated DPP’s proposed activities present significant environmental threats and are thus incompatible with the CZMA’s policies of safeguarding and protecting natural resources, fish and wildlife and their habitat, and coastal waters within the coastal zone. Accordingly, BOEM must disapprove the Updated DPP.

## 3. Fracking Will Cause Prolonged Serious Environmental Harm That Would Overshadow Any Advantages of Offshore Fracking.

Under OCSLA, a DPP must be disapproved if BOEM determines that:

because of exceptional geological conditions in the lease areas, *exceptional resource values in the marine or coastal environment*, or other exceptional circumstances, that (i) implementation of the plan would probably cause serious harm or damage to life (*including fish and other aquatic life*), to property, to any mineral deposits (in areas leased or not leased), to the national security or defense, *or to the marine, coastal or human environments*, (ii) the threat of harm or damage

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<sup>71</sup> BSEE Borehole Data, extracted from BSEE’s Borehole Database on 4/23/26,

<https://www.data.bsee.gov/Well/Borehole/Default.aspx>. Spreadsheet attached hereto as **Attachment B**.

<sup>72</sup> 43 U.S.C. § 1351(h)(1)(a); 30 C.F.R. § 550.271(a), 250.1703.

<sup>73</sup> See 30 C.F.R. § 550.271(b) (“The Regional Supervisor will disapprove your proposed DPP . . . if . . . : (b) No consistency concurrence. (1) An affected State has not yet issued a final decision on your coastal zone consistency certification . . . ; or (2) An affected state objects to your coastal zone consistency certification, and the Secretary of Commerce, under section 307(c)(3)(B)(iii) of the CZMA (16 U.S.C. 1456(c)(3)(B)(iii)), has not found that each activity described in the DPP . . . is consistent with the objectives of the CZMA. . . .”).

<sup>74</sup> 16 U.S.C. § 1452(1).

<sup>75</sup> 16 U.S.C. § 1452(2)(A), (C).

will not disappear or decrease to an acceptable extent within a reasonable period of time, and (iii) the advantages of disapproving the plan outweigh the advantages of development and production.<sup>76</sup>

As discussed in this letter and at length in our Scoping Comment Letter, the WST activities DCOR proposes in the Updated DPP would have significant environmental impacts, both due to the fracking activities themselves and due to extending the life of Platform Gilda's operations. The surrounding area's aquatic wildlife, air quality, water quality, terrestrial wildlife, and other environmental resources would likely be seriously harmed by fracking and continued oil production at Platform Gilda, and these impacts could continue long after the proposed WST activities end. Disapproving the Updated DPP is the only decision that would safeguard the health and wellbeing of California's coastal communities and protect the environment, which far outweighs any advantages of increased oil production at Platform Gilda.

4. Failure to Circulate a Draft EIS and Prepare an Adequate EIS for the Updated DPP Violates OCSLA.

BOEM's failure to publish a draft EIS not only violates NEPA, as detailed below, but also BOEM's own OCSLA-implementing regulations that apply to BOEM's review of the Updated DPP. BOEM cannot rely on the Department of Interior's ("Department") Emergency Procedures to evade a thorough NEPA review (see section IV.A., below) or its obligations established by the Bureau's own OCSLA regulatory procedures that control BOEM's review of a DPP in the first instance (i.e., those outlined in 30 C.F.R. §§ 550.266 through 550.273).<sup>77</sup> One of BOEM's OCSLA-implementing regulations, 30 C.F.R. § 550.269, specifically provides that BOEM must "evaluate the environmental impacts of the activities described in [a] proposed DPP . . . and prepare environmental documentation under [NEPA]."<sup>78</sup> That regulation further provides that when BOEM prepares an EIS for a DPP, it must "make copies of the draft EIS available to . . . the public."<sup>79</sup> By failing to publish a draft EIS before issuing its Final EIS for the Updated DPP, BOEM has violated its legal obligation to make the draft EIS available to the public. BOEM must therefore rescind its Final EIS and release a draft EIS for the public to review and comment on.

BOEM's failure to prepare an EIS that satisfies NEPA likewise violates OCSLA. Indeed, OCSLA and BOEM's OCSLA-implementing regulations each require BOEM to prepare an EIS pursuant to NEPA.<sup>80</sup> As detailed below, BOEM's Final EIS falls short of NEPA standards and therefore also constitutes a violation of OCSLA.

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<sup>76</sup> 43 U.S.C. § 1351(h)(1) (emphasis added); *accord* 30 C.F.R. § 550.271(d).

<sup>77</sup> 30 C.F.R. § 550.285; *See also* 43 U.S.C. § 1351(h)(1).

<sup>78</sup> 30 C.F.R. § 550.269.

<sup>79</sup> 30 C.F.R. § 550.269(c).

<sup>80</sup> *See* 43 U.S.C. § 1351(h)(1) (noting a final environmental impact statement is prepared pursuant to NEPA before BOEM approves, disapproves, or requires modifications to a plan); 30 C.F.R. § 550.269 (BOEM must "evaluate the environmental impacts of the activities described in [the] proposed DPP . . . and prepare environmental documentation under [NEPA].").

#### **IV. BOEM Must Comply with NEPA.**

BOEM's issuance of the Final EIS did not cure its violations of NEPA. Before BOEM can approve the Updated DPP it must fully comply with NEPA. First, the agency's reliance on the Emergency Procedures approach is unlawful. Second, BOEM was required to circulate a draft EIS for public review and comment, and it did not. Finally, the EIS is arbitrary and capricious and fails to constitute a "hard look" at the impacts of fracking from Platform Gilda.

##### **A. BOEM Cannot Rely on Interior's Emergency Procedures to Evade a Thorough NEPA Review.**

BOEM cannot rely upon Executive Order 14,156 (in which President Trump declared a purported "energy emergency") and the Department's Alternative Arrangements for NEPA (the Emergency Procedures) to approve this project. The premise that a national energy emergency exists, and that the NEPA analysis for the Platform Gilda Updated DPP must be completed in twenty-eight days, is arbitrary and capricious.

##### **1. There Is No National Emergency.**

First, there is no national energy emergency, and the Emergency Procedures are a transparent pretext to exempt fossil fuel development from environmental laws rather than a response to an actual energy emergency. There is no urgent need to immediately increase oil and gas production from the OCS. Oil production is at an all-time high and the United States is a net exporter of petroleum.

The Executive Order raises longstanding energy policy issues like energy prices and security but fails to identify any sudden or unforeseen new circumstances that might require deviation from existing laws and regulations. Instead, the Executive Order borrows talking points that the oil and gas industry has offered for years when seeking to increase drilling and production. These are nothing new. And because these issues involve long-term national energy policy, they cannot be resolved through short term steps expediting approvals of leases, development and production plans, and drilling permits.<sup>81</sup>

The details of the Executive Order also illustrate the pretextual nature of the alleged "emergency." The Executive Order defines "energy" to exclude wind, solar, and many other renewable sources.<sup>82</sup> If there were a genuine energy emergency, the United States would be

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<sup>81</sup> For example, the Executive Order points to concerns such as "high energy prices" caused by "inadequate energy supply." Executive Order 14,156 § 1 (January 20, 2025). This ignores the fact that oil production in the United States has hit record levels, and in March 2024 the U.S. Energy Information Agency reported that the "United States produces more crude oil than any country, ever." EIA, *Today in Energy* (March 11, 2024), United States produces more crude oil than any country, ever - U.S. Energy Information Administration (EIA). In addition, the United States already produces more petroleum than it uses, and has been a net exporter of petroleum since 2020, undercutting the argument that national security requires an "affordable and reliable domestic supply of energy." EIA, *U.S. crude oil exports reached a new record in 2024* (April 10, 2025), U.S. crude oil exports reached a new record in 2024 - U.S. Energy Information Administration (EIA).

<sup>82</sup> Executive Order 14,156 § 8(a).

expected to take an “all of the above” approach to increasing energy supplies. The Executive Order itself recognizes the importance of a “diversified” energy supply,<sup>83</sup> and all the concerns listed in the Executive Order can be addressed by increasing renewable energy production along with a focus on energy conservation and efficiency.

In addition, the “opt in” structure of the Emergency Procedures—they apply only where the “project applicant . . . want[s] the review of their project to be covered by the alternative arrangements”—undercuts the Department of Interior’s claim to be responding to an emergency.<sup>84</sup> If the United States genuinely requires an immediate increase in energy production, expediting that production cannot be left to the business decisions of individual energy companies. The stated goals of the Executive Order are not contingent on whether each operator chooses to seek expedited approvals.

2. The Executive Order Does Not Activate Any Emergency Powers Under NEPA.

President Trump’s Executive Order relied on the National Emergencies Act, 50 U.S.C. § 1601 *et seq.* (the NEA), for authority to declare a national energy emergency.<sup>85</sup> The NEA authorizes the President to declare a national emergency, which allows him to exercise “any special or extraordinary power” that is authorized by an Act of Congress “during the period of a national emergency.”<sup>86</sup>

The NEA does not give the President free rein to disregard the law, however. Rather, an emergency declaration only applies to statutes “conferring powers and authorities to be exercised during a national emergency.”<sup>87</sup> As Congress explained: the “National Emergencies Act is not intended to enlarge or add to Executive power. Rather the statute is an effort by the Congress to establish clear procedures and safeguards for the exercise by the President of emergency powers conferred upon him by other statutes.”<sup>88</sup>

The NEA also imposes requirements for reporting to Congress and procedures for terminating emergencies.<sup>89</sup> In particular, the NEA requires the President to “specif[y] the provisions of law under which he proposes that he, or other officers will act” in exercising emergency powers.<sup>90</sup> This specification must be made in the emergency declaration, or in “subsequent Executive orders published in the Federal Register and transmitted to the Congress.”<sup>91</sup>

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<sup>83</sup> *Id.* § 1.

<sup>84</sup> Dep’t of Interior, Alternative Arrangements for NEPA Compliance (April 23, 2025), available at [https://www.doi.gov/sites/default/files/documents/2025-04/alternative-arrangements-nepa-during-national-energy-emergency-2025-04-23-signed\\_1.pdf](https://www.doi.gov/sites/default/files/documents/2025-04/alternative-arrangements-nepa-during-national-energy-emergency-2025-04-23-signed_1.pdf).

<sup>85</sup> Executive Order 14,156.

<sup>86</sup> 50 U.S.C. § 1621(a).

<sup>87</sup> *Id.* § 1621(b).

<sup>88</sup> Sen. Rep. 94-1168 at \*3 (Aug. 26, 1976).

<sup>89</sup> 50 U.S.C. §§ 1621-1631.

<sup>90</sup> *Id.* § 1631.

<sup>91</sup> *Id.*

Unlike some other statutes, NEPA does not give the President any “special or extraordinary power” to waive its requirements during national emergencies.<sup>92</sup> Moreover, President Trump’s Executive Order makes no mention of NEPA—much less “specif[ies] the provisions” of that statute under which he wants to act during the emergency.<sup>93</sup>

As a result, the fact that President Trump has declared a purported “emergency” does not give the Department any additional power to disregard the ordinary requirements of NEPA. The Department must look elsewhere for authority to issue the Emergency Procedures.

### 3. NEPA Regulations Do Not Support Use of the Emergency Procedures.

The Department relies on one of its NEPA regulations, 43 C.F.R. § 46.150, for authority to issue the Emergency Procedures. The Emergency Procedures purport to allow BOEM to forgo the normal NEPA process for non-renewable energy projects, such as publishing a draft EIS and soliciting comment on it. Instead, BOEM provided a limited comment period of only ten days during scoping, and prepared the EIS within twenty-eight days of publishing the notice of intent.<sup>94</sup> While section 46.150 allows emergency actions to be taken under certain circumstances, it does not authorize the Emergency Procedures, nor their application to the authorization of offshore fracking.

The Department’s NEPA regulation, 43 C.F.R. § 46.150, applies where an emergency “makes it necessary to take actions to address imminent threats to life, property, or important natural, cultural, or historic resources before preparing an environmental document.”

First, the Administration’s goal of increasing energy production does not represent an emergency for purposes of NEPA. In issuing the regulation, the Department explained that an “emergency” means “a sudden, urgent, usually unexpected occurrence or occasion requiring immediate action,” or “an unforeseen combination of circumstances or the resulting state that calls for immediate action.”<sup>95</sup> Courts have upheld findings of “emergency circumstances” under NEPA where they serve to “avert imminent crises outside the agency’s control.”<sup>96</sup> The administration’s policy goal of increasing domestic energy production does not qualify as an emergency for NEPA purposes. The concerns described by the Executive Order all involve long-standing policy and market issues that have existed, and which the federal government has engaged with, for years. They do not involve a “sudden, urgent” or “unexpected” event, or “requir[e] immediate action” prior to complying with NEPA.<sup>97</sup>

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<sup>92</sup> *Id.* § 1621(a); *see* 42 U.S.C. § 4321 *et seq.* (NEPA).

<sup>93</sup> 50 U.S.C. § 1631.

<sup>94</sup> The Emergency Procedures also require BOEM to demonstrate how the proposed action addresses the “national energy emergency.” BOEM must analyze the extent to which approval of Platform Gilda’s DPP will actually increase oil production and how that will affect energy prices, which the Executive Order characterized as an “active threat to the American people.”

<sup>95</sup> 73 Fed. Reg. 61292, 61301 (Oct. 15, 2008) (applying dictionary definition of “emergency”).

<sup>96</sup> *NRDC v. Winter*, 518 F.3d 658, 683 (9th Cir. 2008) (cleaned up), *reversed on other grounds*, 555 U.S. 7 (2008).

<sup>97</sup> 73 Fed. Reg. at 61301.

But even if the energy policy concerns raised in the Executive Order could qualify as an emergency for NEPA purposes, the regulations do not permit “alternative arrangements” for NEPA compliance in approving the Platform Gilda Updated DPP. “Alternative arrangements” are highly circumscribed, applying only to “the proposed actions necessary to control the immediate actions in response and related to the emergency that are urgently needed to address imminent threats to life, property, or important natural, cultural, or historic events.”<sup>98</sup>

Here, in preparing an EIS, BOEM cannot point to those actions necessary to address imminent threats because there is no such imminent threat. Approving offshore fracking in response to an “energy emergency” is much different than containing a wildfire, responding to a toxic spill, or getting supplies to troops during an active military conflict. Offshore fracking has been on hold for almost ten years – since 2018 – because BOEM has failed to conduct an EIS on the practice on the Pacific OCS.<sup>99</sup> BOEM offers no explanation regarding what has changed and why approval of this dangerous practice is suddenly necessary.

In short, BOEM's use of the Emergency Procedures is not “urgently needed to address imminent threats to life, property, or important natural, cultural, or historic resources,”<sup>100</sup> and BOEM's use of those Emergency Procedures in reliance on a nonexistent “energy emergency” is inconsistent with both NEPA and the Department's NEPA implementing regulations. BOEM has failed to provide a rational explanation of how it can invoke alternate procedures for this project when the regulatory conditions for invoking those procedures are not met and BOEM's actions are arbitrary and capricious in violation of the APA.<sup>101</sup>

## **B. BOEM Must Withdraw Its Final EIS and Circulate a Draft EIS for Public Review.**

Public participation in the NEPA process, “in cooperation” with the government, has been central to the execution of NEPA since its inception.<sup>102</sup> By its very text, NEPA requires public participation in the processes it creates.<sup>103</sup> Section 4336a provides that “[e]ach notice of intent to prepare an [EIS] under section 4332 of this title shall include a request for public comment on alternatives or impacts and on relevant information, studies, or analyses with respect to the proposed agency action.”<sup>104</sup> Moreover, Section 4332(2)(C) states that federal agencies must provide “[c]opies of such [EIS] and the comments and views of the appropriate Federal, State, and local agencies ... to the public as provided by section 552 of Title 5, and shall accompany the proposal through the existing agency review processes.”<sup>105</sup>

The Supreme Court has long recognized the importance of public participation in NEPA, finding that one of the primary purposes of the statute is to ensure that “relevant information will

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<sup>98</sup> *Id.* § 46.150(a).

<sup>99</sup> *See infra* Section I.

<sup>100</sup> 43 C.F.R. § 46.150(a).

<sup>101</sup> 5 U.S.C. § 702(2)(A).

<sup>102</sup> 42 U.S.C. § 4331(a).

<sup>103</sup> *See* 42 U.S.C. §§ 4331(a), 4332(2)(C)(v), 4336a(c).

<sup>104</sup> *Id.* § 4336a(c).

<sup>105</sup> *Id.* § 4332(2)(C)(v).

be made available to the larger audience that may also play a role in both the decisionmaking process and the implementation of that decision.”<sup>106</sup> Allowing the public to participate addresses NEPA’s “manifest concern with preventing uninformed action,” because it is through the “broad dissemination of information” that “the public” can “react to the effects of a proposed action at a meaningful time.”<sup>107</sup> As the Supreme Court has explained, “[p]ublication of an EIS, both in draft and final form . . . serves a larger informational role.”<sup>108</sup> It gives the public “assurance that the agency has indeed considered environmental concerns in its decisionmaking process” and, “more significantly, provides a springboard for public comment.”<sup>109</sup>

Moreover, Congress has accepted that the longstanding Council on Environmental Quality (CEQ) regulations reflected the appropriate interpretation of NEPA’s public participation requirements. For example, Congress has directly legislated against the backdrop of CEQ’s public participation regulations. Through the Fixing America’s Surface Transportation Act (“FAST Act”),<sup>110</sup> Congress streamlined the review process for certain federal infrastructure projects and expressly required agencies to establish public comment periods of forty-five to sixty days for all draft EISs, and public comment periods not exceeding forty-five days for all other environmental review and comment periods.<sup>111</sup> But even though streamlining was the goal, these provisions still reaffirmed public comment periods were required under NEPA: a statutory minimum indicates that public comment periods are not optional. By legislating in this way, Congress has confirmed the necessity of public participation in the NEPA process.

Consequently, to comply with NEPA, an agency “must notice its draft environmental impact statement for public comment and respond to comments before it can finalize the statement and move forward with the underlying action.”<sup>112</sup>

BOEM must rescind the Final EIS it issued a mere two weeks after receiving public scoping comments and instead release a draft EIS, allow an adequate opportunity for public comment, and properly consider and address any comments received in advance of finalizing its decision on whether to approve hydraulic fracturing.

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<sup>106</sup> *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989); see *Seven Cnty. Infrastructure Coal. v. Eagle Cnty., Colorado*, 605 U.S. 168, 177 (2025) (“NEPA requires federal agencies to prepare an environmental impact statement . . . identifying significant environmental effects of the projects, as well as feasible alternatives” and “ensures that the agency and the public are aware of the environmental consequences of proposed projects”); *State of Cal. v. Block*, 690 F.2d 753, 770 (9th Cir. 1982) (“NEPA’s public comment procedures are at the heart of the NEPA review process. NEPA requires responsible opposing viewpoints to be included in the final EIS.”) (citing 42 U.S.C. § 4332(2)(C)).

<sup>107</sup> *Marsh v. Or. Nat. Res. Council*, 490 U.S. 360, 371 (1989).

<sup>108</sup> *Robertson*, 490 U.S. at 349.

<sup>109</sup> *Id.* (emphasis added) (citations omitted); see also *Dep’t of Transp. v. Pub. Citizen*, 541 U.S. 752, 768 (2004) (EIS designed to “provide a springboard for public comment” (citation modified)).

<sup>110</sup> Pub. L. No. 114-94, 129 Stat. 1312 (Dec. 4, 2015).

<sup>111</sup> 42 U.S.C. § 4370m-4(d)(1)–(2).

<sup>112</sup> *Earth Island Inst. v. Muldoon*, 82 F.4th 624, 632 (9th Cir. 2023); see also *Grazing Fields Farm v. Goldschmidt*, 626 F.2d 1068, 1073–74 (1st Cir.1980) (holding that unless a document has been publicly circulated and available for public comment, it does not satisfy NEPA’s EIS requirements); *I-291 Why? Ass’n v. Burns*, 517 F.2d 1077, 1081 (2d Cir. 1975) (post-EIS studies “could not cure these particular inadequacies because they were not circulated for review and comment in accordance with procedures established to comply with NEPA”).

**C. BOEM Must Prepare a Complete EIS and Take a Hard Look at the Impacts of Offshore Fracking Pursuant to NEPA.**

NEPA is the “basic national charter for protection of the environment,” and “places upon an agency the obligation to consider every significant aspect of the environmental impact of a proposed action.”<sup>113</sup> It was enacted to “promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; [and] to enrich the understanding of the ecological systems and natural resources important to the Nation,”<sup>114</sup> and is “intended to ensure ‘fully informed and well-considered’ decisionmaking.”<sup>115</sup> Congress further recognized that “each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment,”<sup>116</sup> and assigned to the federal government the responsibility to “preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice.”<sup>117</sup>

NEPA achieves these sweeping policy goals “through a set of action-forcing procedures that require that agencies take a hard look at the environmental consequences of their actions, and provide for broad dissemination of relevant environmental information.”<sup>118</sup> To that end, NEPA requires agencies to prepare a detailed statement analyzing the environmental effects of any “major Federal action[] significantly affecting the quality of the human environment.”<sup>119</sup> An Updated DPP involving hydraulic fracturing from an oil platform in federal waters qualifies as such a major Federal action.

In its EIS, BOEM must include an adequate purpose and need statement and analyze reasonably foreseeable environmental effects, a reasonable range of alternatives to the action, and any irreversible and irretrievable commitments of resources that would be involved.<sup>120</sup> BOEM must evaluate *all* ecological, aesthetic, historic, cultural, economic, social, “local custom and culture or health effects” that may be caused by approving hydraulic fracturing at Platform Gilda.<sup>121</sup> This includes not only the effects of preliminary activities associated with the approval, but also the longer-term effects of hydraulic fracturing that are reasonably foreseeable.<sup>122</sup>

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<sup>113</sup> *Baltimore Gas & Elec. Co. v. Nat. Res. Def. Council*, 462 U.S. 87, 97 (1983) (quoting *Vt. Yankee Nuclear Power Corp. v. Nat. Res. Def. Council*, 435 U.S. 519, 553 (1978)).

<sup>114</sup> 42 U.S.C. § 4321.

<sup>115</sup> *WildEarth Guardians v. Jewell*, 738 F.3d 298, 302 (D.C. Cir. 2013) (citing *New York v. NRC*, 681 F.3d 471, 476 (D.C. Cir. 2012)).

<sup>116</sup> 42 U.S.C. § 4331(c).

<sup>117</sup> 42 U.S.C. § 4331(b)(4).

<sup>118</sup> *Prutehi Litekyan: Save Ritidian v. United States Dep’t of Airforce*, 128 F.4th 1089, 1100 (9th Cir. 2025) (internal quotations omitted).

<sup>119</sup> 42 U.S.C. § 4332(2)(C).

<sup>120</sup> 42 U.S.C. § 4332(2)(C)(i)-(v).

<sup>121</sup> DOI NEPA Handbook 24 (§ 6.1(j) defining “effects or impacts”). Even if BOEM evaluates only the effects of preliminary activities in a NEPA document—which would violate NEPA for being too narrow in scope—it must sufficiently understand the environmental baseline of all resources that may be affected.

<sup>122</sup> See, e.g., *Native Vill. of Point Hope v. Jewell*, 740 F.3d 489, 503 (9th Cir. 2014).

Reviewing courts look at whether the federal agency took a “hard look” at the effects of the action.<sup>123</sup> Under NEPA’s hard look requirement, the agency must ensure that “the adverse environmental effects of the proposed action are adequately identified and evaluated.”<sup>124</sup> Additionally, the EIS and the environmental analyses within must be clear and supported by reliable evidence.<sup>125</sup>

BOEM must consider “a reasonable range of alternatives to the proposed agency action,” including the “no action alternative.”<sup>126</sup> Failure to do so would prevent a reasoned assessment of environmental impacts in the OCS, thereby prohibiting BOEM from making an informed decision and denying affected communities crucial information. BOEM also must provide a detailed explanation of “any irreversible and irretrievable commitments of Federal resources which would be involved in the proposed action should it be implemented,”<sup>127</sup> including “[a]ny means identified to mitigate adverse environmental effects of the proposed action.”<sup>128</sup>

The Final EIS that BOEM has published is fundamentally flawed. Our organizations identified numerous requirements of an EIS for the Updated DPP in our Scoping Comment Letter. BOEM has failed to address all these issues in issuing the Final EIS. The following provides a few of the reasons that the Final EIS is unlawful, arbitrary and capricious, and cannot be relied upon to approve the Updated DPP.

1. The Purpose and Need Statement Is Inadequate.

BOEM’s Final EIS states that “the purpose of the Proposed Action is to consider [DCOR’s] update to the [Updated DPP] to include WST of 16 wells on Platform Gilda.”<sup>129</sup> BOEM writes that the action is needed “to increase and extend production of OCS oil and gas materials as feedstocks for domestic use in a variety of industries and for end-use petroleum products (e.g., refined gasoline and other fuels), as established by BOEM’s mandate under OCSLA (43 U.S.C. 1331 et seq.) to further the orderly development of OCS oil and gas resources, subject to environmental safeguards.”<sup>130</sup>

Notably, this statement of purpose and need is significantly different from the statement in the Updated DPP, but has its own considerable flaws.<sup>131</sup> This statement of purpose and need is

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<sup>123</sup> *Fund for Animals v. Norton*, 281 F. Supp 2d 209, 224 (D.D.C. 2003); see *Sierra Club v. U.S. Dep’t of Energy*, 867 F.3d 189, 196 (D.C. Cir. 2017).

<sup>124</sup> *Standing Rock Sioux Tribe v. U.S. Army Corps of Eng’rs*, 255 F. Supp. 3d 101, 123 (D.D.C. 2017) (quoting *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989)).

<sup>125</sup> See 42 U.S.C. § 4332(2)(E).

<sup>126</sup> 42 U.S.C. § 4332(2)(C)(iii).

<sup>127</sup> *Id.* § 4332(2)(C)(v).

<sup>128</sup> DOI NEPA Handbook 15 (§ 2.3(a)(5), (6)).

<sup>129</sup> Final EIS at 1-2.

<sup>130</sup> Final EIS at 1-2.

<sup>131</sup> The Updated DPP states that implementing fracking is necessary to “maintain Platform Gilda’s offshore production levels to support the national interest in reducing dependence on foreign energy sources, efficiently increasing domestic production and conserving resources in accordance with Executive Orders (EO) 14154 and EO 14156.” Padre Associates, *Update to Development and Production Plan and Environmental Report – Well Stimulation: Hydraulic Fracturing* 1-1 (Jan. 2026). Like with the statement of purpose and intent in the NOI, this

too narrow, incorrectly describes the project's purpose, and suggests that it is necessary to increase the production of oil and gas materials when the United States has an abundance of such resources.

*a. The Statement of Purpose in the EIS Is Too Narrow.*

The first of several flaws in the Final EIS's statement of purpose is that it is too specific, thus foreclosing consideration of meaningful alternatives. Purpose and need statements allow agencies, the public, and courts to "judge whether the agency has fully analyzed the possible impacts of the action and reviewed a reasonable range of alternatives to that action."<sup>132</sup> An action's purpose cannot be so narrow as to require the action itself. Indeed, under NEPA, a purpose and need statement must not be so narrowly drawn that it constrains the consideration of a reasonable range of alternatives.<sup>133</sup>

In the Final EIS, the Proposed Action is the well stimulation of sixteen wells at Platform Gilda.<sup>134</sup> BOEM states, however, that the *purpose* of the Proposed Action is to consider the "WST of 16 wells on Platform Gilda."<sup>135</sup> BOEM thereby effectively frames the Proposed Action's purpose as the consideration of the Proposed Action itself. By framing the statement of purpose in this narrow manner, BOEM immediately eliminates even the consideration of alternative strategies.

*b. The Project's Stated Purpose Is Illogical.*

The statement of purpose and need in an EIS guides the agency in identifying and evaluating alternatives, including the proposed action, to achieve the underlying goals of the agency's action. As a practical matter, the statement of purpose and need must reflect the project's actual purpose; otherwise, it becomes meaningless, and the value of the environmental review is significantly diminished.

The statement of purpose provided in the EIS does not reflect the project's actual purpose and puts the cart before the horse. The statement is devoid of any clear legitimate purpose; rather, it appears that offshore fracking itself *is* the purpose. Accordingly, the statement doesn't accomplish its primary objective of providing a reason for why the Proposed Action or the other alternatives are being considered. The statement also highlights a broader underlying problem with this EIS, which is that the decision to implement the Proposed Action appears to have been made before the EIS was prepared or considered. Accordingly, the statement of purpose is inadequate.

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statement is flawed because it is narrowly drawn to exclude reasonable, environmentally friendly alternatives, ignores BOEM's environmental obligations under OCSLA, and incorrectly implies that fracking at Platform Gilda will meaningfully help achieve national energy independence.

<sup>132</sup> *Soda Mountain Wilderness Council v. Norton*, 424 F. Supp. 2d 1241, 1261 (E.D. Cal. 2006); *see also Nat'l Parks Conserv. Ass'n v. Bureau of Land Mgmt.*, 606 F. 3d 1058, 1070 (9th Cir. 2010).

<sup>133</sup> *Nat'l Parks Conserv. Ass'n*, 606 F. 3d at 1070.

<sup>134</sup> Final EIS at 1-6

<sup>135</sup> Final EIS at 1-2.

*c. It Is Not Necessary to Increase the Production of Oil and Gas from the Outer Continental Shelf.*

BOEM's purpose and need statement incorrectly suggests that it is necessary to increase and extend the production of OCS petroleum and gas beyond its existing levels as a part of the orderly development of OCS oil and gas resources.<sup>136</sup> Recent trends in energy production, the federal government's own energy analysis, and market factors clearly demonstrate that the United States does not need increased oil and gas development to meet energy needs. Increasing "production of OCS oil and gas materials"<sup>137</sup> is neither needed nor preferred over renewable energy sources.<sup>138</sup> Renewables are increasingly meeting U.S. needs,<sup>139</sup> and wind and solar provide cost-effective sources of electricity.<sup>140</sup> These renewables offset the need for oil and gas to be used for energy and allow those resources to be redirected for use in other industries.

Despite President Trump's unsubstantiated declaration of a national energy emergency,<sup>141</sup> the United States already produces immense quantities of fossil fuels. We are the world's leading producer of oil and gas.<sup>142</sup> The United States has been a net exporter of petroleum since 2020,<sup>143</sup> producing more petroleum than required to meet national energy needs. Meanwhile, U.S. gasoline consumption has declined by five percent since 2018.<sup>144</sup> Critically, transitioning from fossil fuels to renewables is essential to avoiding the worst impacts of the climate crisis, which threatens the U.S. economy, infrastructure, and environment. Indeed, climate change is already putting existing fossil fuel infrastructure at risk with increased storms and rising sea levels, with serious implications for neighboring communities at risk of toxic exposures.<sup>145</sup>

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<sup>136</sup> See Final EIS at 1-2.

<sup>137</sup> Final EIS at 1-2; see also Final EIS at 4-53 (noting the "purpose of this action . . . is to increase OCS oil and gas materials for domestic use.")

<sup>138</sup> UN Environment Programme, *Is Natural Gas Really the Bridge Fuel the World Needs?* (Jan. 12, 2023), <https://www.unep.org/news-and-stories/story/natural-gas-really-bridge-fuel-world-needs>.

<sup>139</sup> Climate Central, *A Decade of Growth for U.S. Solar and Wind* (Mar. 12, 2025), <https://www.climatecentral.org/climate-matters/solar-and-wind-2025> (compiling U.S. Energy Information Administration data).

<sup>140</sup> See Lazard, *Levelized Cost of Energy* 8 (June 2025), <https://www.lazard.com/media/5tlbhyla/lazards-lcoeplus-june-2025-vf.pdf>.

<sup>141</sup> Exec. Order No. 14156, 90 Fed. Reg. 8433 (Jan. 29, 2025).

<sup>142</sup> U.S. Energy Information Administration (EIA), *U.S. Energy Production Has Increased Faster than Energy Consumption Over the Past 50 Years* (Oct. 29, 2024), <https://www.eia.gov/todayinenergy/detail.php?id=63544>.

<sup>143</sup> EIA, *Oil and Petroleum Products Explained: Oil Imports and Exports* (last updated Jan. 19, 2024), <https://www.eia.gov/energyexplained/oil-and-petroleum-products/imports-and-exports.php>.

<sup>144</sup> Lucas David, *Is U.S. Gasoline Consumption Declining?*, ENERGY INSTITUTE BLOG (May 12, 2025), <https://energyathaas.wordpress.com/2025/05/12/is-u-s-gasoline-consumption-declining/>; see EIA, *Transportation Fuel Demand Remains Below Pre-Pandemic Levels* (Aug. 27, 2025), <https://www.eia.gov/todayinenergy/detail.php?id=66005>.

<sup>145</sup> Lara J. Cushing et al., *Sea Level Rise and Flooding of Hazardous Sites in Marginalized Communities Across the United States*, 16 NATURE COMMUNICATIONS (2025), <https://www.nature.com/articles/s41467-025-65168-2>; Jinxin Dong et al., *Climate Change Impacts on Coastal and Offshore Petroleum Infrastructure and the Associated Oil Spill Risk: A Review*, 10 J. OF MARINE SCI 849 (2022), <https://www.mdpi.com/2077-1312/10/7/849>.

## 2. BOEM Must Analyze a Reasonable Range of Alternatives.

There are key elements of the alternatives analysis that have been omitted and prevent decision-makers and the public from being appropriately informed.

The discussion in the EIS of the no action alternative mentions that it would avoid the risks associated with the proposed action, but it doesn't explain the environmental benefits that would come with the decline and eventual cessation of production.<sup>146</sup> For example, environmental benefits, including eliminating the possibility of an oil spill and oil development-related impacts to wildlife after production ceases are not discussed.

The EIS presents another alternative which would entail the development of new production wells (Alternative 3). Like with the no action alternative, Alternative 3 is initially presented in a cursory fashion in the alternatives section and later expanded upon in the environmental consequences section. Rather than conducting its own analysis, BOEM's EIS states the impacts would be "similar" to those described in a 2018 Programmatic EA.<sup>147</sup> The EIS fails to provide details about the proposed locations of additional wells specific to *this* project and the associated environmental impacts.<sup>148</sup> Such information is necessary to enable decision-makers and the public to meaningfully compare this alternative with the proposed action. Providing a link to a document that discusses a similar issue is insufficient.

Further, BOEM failed to consider alternatives that could have reduced the risk of environmental consequences. For example, BOEM didn't consider an alternative of less frequent use and duration of offshore fracking treatments, prohibition or limits on produced water discharges, restrictions that would help protect imperiled species, and alternatives involving renewable energy production to offset existing energy needs and allow oil and gas in the market to be directed to other industries.

## 3. The "Affected Area" Described in the EIS Is Ambiguous and Arbitrary.

In the EIS, BOEM uses the term "Affected Environment," which it adopts from the Updated DPP, to refer to the geographical area that could be affected by the Updated DPP's proposed activities.<sup>149</sup> "Affected Environment," however, is not defined, nor are its geographical boundaries provided, anywhere in the EIS or the Updated DPP.<sup>150</sup>

BOEM nevertheless limits its consideration and analysis of potential environmental impacts in the EIS by only discussing how the proposed activities may impact the "Affected Environment," just as DCOR does in the Updated DPP. For example, BOEM only analyzes whether the Updated DPP's proposed activities might impact certain species if it first determines

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<sup>146</sup> EIS at 4-53.

<sup>147</sup> *Id.* at 4-54.

<sup>148</sup> *Id.*

<sup>149</sup> See, e.g., Final EIS at 4-23 ("Marine Mammal Populations with Potential to Occur within the Affected Environment - Mysticetes"), 4-24 ("Marine Mammal Populations with Potential to Occur within the Affected Environment - Pinnipeds"); Updated DPP at 4-1–4-43.

<sup>150</sup> See generally Final EIS; see generally Updated DPP.

that those species occur within the “Affected Environment.”<sup>151</sup> Without the EIS disclosing the geographical area that is the “Affected Environment” and providing an adequate reason for using that area to analyze impacts, it is impossible for the public to follow or assess BOEM’s reasoning or ultimate conclusions. This lack of clarity throughout the EIS renders the EIS and BOEM’s environmental analysis unclear and unsupported by reliable evidence. To the extent that BOEM’s conclusions regarding environmental impacts are determined by this “Affected Environment,” they are likewise unsupported and arbitrary.

Further, this flaw permeates the analysis. In some instances, BOEM indicates certain resources and species are not in the Affected Environment, even though they clearly are close enough to Platform Gilda to be affected in reasonably foreseeable manners. For example, the EIS states there are no marine protected areas (MPAs) or federal sanctuaries in the area that are vulnerable to impacts<sup>152</sup> when in fact there are—including the CINMS. BOEM must clarify the geographic scope of its Affected Area with respect to the various impacts of offshore fracking.

#### 4. BOEM Must Analyze the Many Impacts of Offshore Fracking.

Offshore fracking causes environmental damage by producing water and air pollution, increasing the risk of earthquakes and oil spills, and prolonging the life of aging infrastructure and our use of dirty fossil fuels. And yet, the waters offshore California, including around Platform Gilda, are some of the most ecologically productive in the world. The Final EIS fails to meaningfully analyze the risks of offshore fracking in this sensitive region—BOEM must go back to the drawing board and circulate a draft EIS that includes sufficient analysis of the many potential impacts of offshore fracking, with respect to, for example, water quality, the use of toxic chemicals, human health, air quality, cultural and Tribal resources, and wildlife and their habitats.

BOEM needs to thoroughly examine the environmental and public health risks associated with offshore fracking before authorizing any operations at Platform Gilda. Here, DCOR plans to use 1,300 bbls (or 54,600 gallons) of well treatment chemicals per frack and up to 100,000 bbls (4.2 million gallons) over a five-year period. Fracking chemicals are toxic to marine life and people, and they need to be disclosed, quantified, and analyzed. The proposed project acknowledges it will discharge additional wastewater into California’s marine environment, and there are multiple chemical exposure pathways—spills during handling, residual contaminants in produced water, and cumulative discharge volumes—that pose significant threats to marine ecosystems. Even with the proposed so-called closed system, BOEM must disclose the risks to the environment from spills and remaining produced water discharges.

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<sup>151</sup> See, e.g., Final EIS at 4-23 (“Marine Mammal Populations with Potential to Occur within the Affected Environment – Mysticetes”), 4-24 (“Marine Mammal Populations with Potential to Occur within the Affected Environment – Pinnipeds”); see also Updated DPP at 4-22–4-24.

<sup>152</sup> Final EIS at 4-22.

Fracking chemicals pose a significant danger to human health. In addition to posing a significant health and safety risk to humans, fracking chemicals can kill or harm a wide variety of marine life.<sup>153</sup>

Because allowing offshore fracking from Platform Gilda will extend offshore drilling activities and the lifespan of aging infrastructure, BOEM must examine and disclose these impacts in the EIS, including increased greenhouse gas emissions and the higher potential for a devastating oil spill.<sup>154,155</sup> DCOR intends to use offshore fracking in order to recover oil that would be unrecoverable using conventional methods. As acknowledged in the Updated DPP, “[w]ithout the Program, production at Gilda is expected to cease sooner than under the proposed action, as production continues to naturally decline.”<sup>156</sup> It is thus reasonably foreseeable that offshore fracking at Platform Gilda will extend its lifetime and delay decommissioning.

BOEM must quantify and analyze the increase in air pollution from the proposed action. Fracking causes air pollution from the operations that create the pressure needed to crack the rock below the seabed. Fracking also increases onshore truck traffic, oil production and ship traffic, all of which lead to increases in air pollution.

BOEM must also quantify and analyze how the well stimulation activities proposed on the Updated DPP will impact cultural and Tribal resources—which are abundant in the Santa Barbara Channel Region.

As DCOR observes in the Updated DPP and the Biological Assessment (Appendix D to the Updated DPP), the Santa Barbara Channel and adjacent coastline are home to numerous species that are listed as threatened or endangered under the ESA.<sup>157</sup> Such species include, but are not limited to: marine mammals, like the Guadalupe fur seal, the sei whale, the sperm whale, the North Pacific right whale, the gray whale, and the blue whale; birds, such as the marbled murrelet, the short-tailed albatross, and the Hawaiian petrel; invertebrates, like the black abalone and the white abalone; fish, including the southern California steelhead, the southern DPS green sturgeon, and the scalloped hammerhead shark; and sea turtles—the loggerhead turtle, leatherback turtle, green turtle, and olive ridley turtle.<sup>158</sup> The ocean and coastline near the project area also include critical habitat for many listed species. In addition, the Santa Barbara Channel is home to marine species that the National Oceanic and Atmospheric Administration (NOAA) has proposed to be listed due to their rapidly declining populations in the Pacific, including the

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<sup>153</sup> See generally Scoping Comment Letter (Attachment A).

<sup>154</sup> 40 C.F.R. § 1508.1(i) (defining effects of the action to all reasonably foreseeable direct, indirect, and cumulative effects).

<sup>155</sup> The Scoping Comment Letter (Attachment A) discusses potential environmental impacts BOEM must consider in the EIS.

<sup>156</sup> Updated DPP at 3-2.

<sup>157</sup> See, e.g., Updated DPP & ER at 4-17, 4-19, 4-28; Appendix D to Updated DPP & ER (Biological Assessment) at 4-6–4-9.

<sup>158</sup> Appendix D to Updated DPP & ER (Biological Assessment) at 4-6–4-9.

Sunflower Sea Star (*Pycnopodia helianthoides*).<sup>159</sup> Hundreds of other marine and coastal species inhabit the region that are not listed under the ESA, including shorebirds and seabirds like the Black Oystercatcher and California Brown Pelican, and mammals such as the California sea lion, Harbor seal, and Bottlenose dolphin, which are protected by the Marine Mammal Protection Act.<sup>160</sup> BOEM's EIS must adequately analyze how the Updated DPP's proposed activities would affect all federally listed species that could be impacted by well stimulation at Platform Gilda.

##### 5. The EIS Does Not Provide a Cumulative Impacts Analysis.

BOEM's EIS fails to consider the cumulative impacts of the proposed hydraulic fracturing from Platform Gilda in combination with other actions on the resources, ecosystems, and communities in the affected area.<sup>161</sup> Some of the actions that are likely to contribute to cumulative impacts in combination with the proposed hydraulic fracturing from Platform Gilda include: (1) the existing oil and gas extraction activities occurring in the Pacific OCS; (2) historic sources of pollution from oil and gas activities; (3) any reasonably foreseeable future oil and gas extraction activities in the Pacific OCS.

In passing NEPA, Congress directed federal agencies to capture all “undesirable and unintended consequences” that flow from a project,<sup>162</sup> and to consider problems that are more global and “long-range” in scope.<sup>163</sup> To that end, agencies act as “trustee of the environment for succeeding generations,”<sup>164</sup> and so should explore the “relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.”<sup>165</sup> Consideration of cumulative impacts is necessary to ensure that an agency is acting on complete information to fulfill these mandates. The Supreme Court has long confirmed the need for agencies to consider and evaluate cumulative impacts.<sup>166</sup>

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<sup>159</sup> NOAA Fisheries, *NOAA Fisheries Proposes Listing Sunflower Sea Star as Threatened under Endangered Species Act*, (March 15, 2023), <https://www.fisheries.noaa.gov/feature-story/noaa-fisheries-proposes-listing-sunflower-sea-star-threatened-under-endangered-species>;

Endangered and Threatened Wildlife and Plants; Threatened Listing Determination for the Sunflower Sea Star Under the Endangered Species Act; Public Hearings, 88 Fed. Reg. 21600 (April 11, 2023).

<sup>160</sup> Channel Islands: Marine Animals, National Park Service (June 21, 2022),

<https://www.nps.gov/chis/learn/nature/marine-animals.htm>; Channel Islands: Seabirds & Shorebirds, National Park Service (June 25, 2016), <https://www.nps.gov/chis/learn/nature/seabirds.htm>; see Marine Mammal Protection Act,

16 U.S.C. §§ 1361–1423h.

<sup>161</sup> *Dep't of Transp. v. Pub. Citizen*, 541 U.S. 752, 769 (2004) (quoting 40 C.F.R. § 1508.7).

<sup>162</sup> 42 U.S.C. § 4331(b)(3).

<sup>163</sup> 42 U.S.C. § 4332(I).

<sup>164</sup> 42 U.S.C. § 4331(b)(1).

<sup>165</sup> 42 U.S.C. § 4332(C)(iv).

<sup>166</sup> See, e.g., *Kleppe v. Sierra Club*, 427 U.S. 390, 410 (1976) (holding that “when several proposals for coal-related actions that will have cumulative or synergistic environmental impact upon a region are pending before an agency, their environmental consequences must be considered together.”); *Baltimore Gas & Elec. Co. v. Nat. Res. Def. Council, Inc.*, 462 U.S. 87, 106-07 (1983) (“[W]e agree with the Court of Appeals that NEPA requires an EIS to disclose the significant health, socioeconomic and cumulative consequences of the environmental impact of a proposed action.”).

Even with recent decisions and changes to the NEPA regulations, cumulative impacts must still be considered. In the February 2026 amendments to its own implementing regulations, the Department of the Interior acknowledged the continuing need to consider such impacts:

In reorienting the focus of its procedures, DOI does not change or purport to change the scope of effects that DOI bureaus are required by statute to consider. Both before and after the updates to DOI's NEPA procedures, DOI bureaus were and are required to consider effects that are both reasonably foreseeable and have a reasonably close causal relationship to their proposed actions, each including a reasonable range of action alternatives, consistent with the statute, as clarified by the Supreme Court in *Public Citizen* and *Seven County Infrastructure Coalition*. . . . The focus, even of the 'cumulative impact analysis' should always have been on change wrought by the effects of the proposed action, and *Seven County Infrastructure Coalition* merely refines that focus."<sup>167</sup>

Consequently, BOEM's failure to include cumulative impacts in its EIS for this project means it cannot reach a reasonably informed decision.

One important issue that the EIS failed to address in a cumulative impacts analysis involves the toxic debris mounds located offshore California within the Santa Barbara Channel. In 1994, the California State Lands Commission (CSLC) approved an abandonment plan by Chevron U.S.A. Inc. to decommission four of its offshore oil platforms (Hazel, Heidi, Hilda, and Hope, known as the "4H Platforms") in the Santa Barbara Channel. Chevron removed the platforms by 1997 but left four massive "shell mounds" on the seafloor. The shell mounds are accumulations of contaminated drill cuttings and drilling muds overlaid by sediment and biological material.<sup>168</sup> Recently, Chevron applied to CSLC to terminate its leases from CSLC but without removing the four shell mounds. CSLC determined in its 2025 Analysis of Impacts to Public Trust Resources and Values that a nearby seismic event/ground shaking has the potential to threaten the integrity of the mounds, including potential slumping, sloughing, settlement, and rupture, and result in a release of toxic materials.<sup>169</sup> CSLC concluded in its analysis that a contaminant release from the mound(s) could, in turn, cause adverse impacts to marine water quality and biota.

BOEM's EIS also doesn't assess cumulative impacts in light of potential new lease sales proposed offshore California under any new Five-Year Leasing Program,<sup>170</sup> and the operation of Sable Offshore Corporation's corroded pipeline system servicing the Santa Ynez Unit platforms off the Gaviota Coast.<sup>171</sup>

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<sup>167</sup> 91 Fed. Reg. 8738, 8753-54 (Feb. 24, 2026).

<sup>168</sup> California State Lands Commission, *Shell Mounds Environmental Review* (2001).

<sup>169</sup> Dudek, *Review of Lease Obligations and Assessment of Impacts to Public Trust Resources and Values State Oil and Gas Leases PRC 1824 and PRC 3150 Terminations and 4H Shell Mounds Disposition* (Jan. 2025).

<sup>170</sup> BOEM, *National OCS Oil and Gas Leasing Program, Development of the 11th National Program* <https://www.boem.gov/oil-gas-energy/national-program/national-ocs-oil-and-gas-leasing-program>.

<sup>171</sup> Sable Offshore, *Sable Resumes Oil Flow as Ordered by the Federal DPA with Expected Gross Oil Rate of 50,000 Bbls/d and Expects First Sales by April 1, 2026*, (Mar. 16, 2026), <https://sableoffshore.com/news/news->

## 6. BOEM Must Discuss and Analyze Mitigation Measures.

NEPA requires an EIS to include a detailed discussion of possible mitigation measures for the proposed action.<sup>172</sup> The Supreme Court has explained that this requirement comes not only from the CEQ regulations, but also from the language of NEPA.<sup>173</sup> “Implicit in NEPA’s demand that an agency prepare a detailed statement on ‘any adverse environmental effects which cannot be avoided should the proposal be implemented’ is an understanding that the EIS will discuss the extent to which adverse effects can be avoided.”<sup>174</sup> Failing to conduct a “reasonably complete” discussion of possible mitigation measures “would undermine the ‘action-forcing’ function of NEPA” and would prevent BOEM and other interested parties from “properly evaluat[ing] the severity of the adverse effects.”<sup>175</sup> A reasonably complete discussion must extend beyond a “perfunctory description” or “mere listing” of mitigation measures and include supporting analytical data.<sup>176</sup>

Hydraulic fracturing off the California coast will likely impact various species and habitats because of the associated risk of an oil spill, water quality impacts, unintended fracture propagation, sound pollution, and induced seismic activity. Despite this, BOEM’s EIS failed to meaningfully discuss methods to mitigate these harms and consequently prevents BOEM from taking a “hard look” at the environmental consequences posed by fracking.<sup>177</sup>

The Updated DPP recognizes that Program activities have the potential to impact species within the Program area.<sup>178</sup> As a result, it identifies seven mitigation measures that have been incorporated into the Program design and will be implemented in the project, along with a perfunctory description of each measure’s purpose.<sup>179</sup> These same mitigation measures have been copied over into the EIS.<sup>180</sup> This is not a comprehensive list of all reasonably available mitigation measures for the project and does not constitute a reasonably complete discussion. The descriptions of the mitigation measures are almost all limited to one and two sentences each, and some are not even complete sentences or use terms that are not defined, which makes it difficult to understand how the mitigation measures would function or what they are intended to achieve.

BOEM’s EIS does not consider methods to minimize project impacts to wildlife, such as monitoring requirements, seasonal limitations, imposing various buffer zone mandates on project

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<https://www.boem.gov/Details/2026/Sable-Resumes-Oil-Flow-as-Ordered-by-the-Federal-DPA-with-Expected-Gross-Oil-Rate-of-50000-Bblsd-and-Expects-First-Sales-by-April-1-2026/default.aspx>.

<sup>172</sup> See, *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 351-52 (1989); *S. Fork Band Council of W. Shoshone of Nevada v. U.S. Dep’t of Interior*, 588 F.3d 718, 727 (9th Cir. 2009).

<sup>173</sup> *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 351 (1989).

<sup>174</sup> *Id.* at 351-52.

<sup>175</sup> *Id.* at 352.

<sup>176</sup> *Okanogan Highlands All. v. Williams*, 236 F.3d 468, 473 (9th Cir. 2000) (citation omitted).

<sup>177</sup> See *id.*

<sup>178</sup> Updated DPP at 5-1.

<sup>179</sup> *Id.*

<sup>180</sup> EIS at 2-14, 2-15.

activities, and implementing protocols for responding to wildlife entanglements. During the life of the program, vessels should have protected species observers (PSOs) on board and maintain a 500-meter Vessel Strike Avoidance Zone for ESA-listed whales and other unidentified marine mammals. Fracking activities should also be limited during periods of increased wildlife presence and activity, such as during seasonal whale migrations. In addition, BOEM should require vessels to make a full stop, if safety permits, any time a large whale species is within 200 meters of an underway vessel, or the vessel encounters a feeding aggregation of large whales. After stopping, vessels should remain stationary until large whales have moved at least 200 meters away from the vessel, after which point the separation distance should again be maintained.

The EIS did not include our mitigation recommendations that PSOs monitor for, and that vessels maintain appropriate distance from, other marine mammals and sea turtles of at least 100 meters. We recommend that all vessels responsible for crew transport should use thermal detection systems to supplement visual monitoring of marine mammals.<sup>181</sup> Vessels transiting to the platform should maintain a functioning Automatic Identification System (AIS) and operate this system at all times.

BOEM's EIS did not consider the following protocols for responding to wildlife entanglements: (1) Project personnel should report ensnared marine debris to the NMFS, FWS, the U.S. Coast Guard, and the California Department of Fish and Game (CDFW) within twenty-four hours of detection. They should also remove the marine debris as soon as possible; (2) Project personnel should report entanglement or injury of marine mammals, sea turtles, sharks, and seabirds to the same agencies, according to the relevant reporting protocols<sup>182</sup>, and remove the marine debris as soon as possible; and (3) Operations and maintenance vessels should be outfitted with equipment capable of locating and removing entanglement hazards.

Accordingly, BOEM's EIS did not consider all reasonably available mitigation options or provide a more thorough discussion of how those measures would work and what they are intended to mitigate. As a result, interested parties are unlikely to understand the project's potential effects.

## **V. BOEM Must Comply with Other Applicable Laws.**

In addition to fully complying with the injunction, OCSLA and NEPA, BOEM must not approve the Updated DPP until BOEM has complied with all other laws implicated by the Updated DPP. The below discussion is non-exhaustive, but highlights some of the important requirements with respect to the ESA, CZMA, NHPA and NMSA.

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<sup>181</sup> See Heather R. Smith et al., *A field comparison of marine mammal detection via visual, acoustic, and infrared (IR) imaging methods offshore Atlantic Canada*, Marine Pollution Bulletin, 154 (2020) (discussing thermal imaging and other detection systems).

<sup>182</sup> See NOAA, *Large Whale Entanglement Response Program*, <https://www.fisheries.noaa.gov/national/marine-life-distress/large-whale-entanglement-response>; see NOAA, *Sea Turtle Disentanglement Network*, <https://www.fisheries.noaa.gov/new-england-mid-atlantic/marine-life-distress/sea-turtle-disentanglement-network>.

### A. BOEM Must Comply with the ESA.

As the federal court made clear in *EDC v. BOEM*, BOEM cannot proceed with approving any DPPs, APDs or APMs until and unless it completes consultation with FWS under the ESA.<sup>183</sup> Accordingly, proceeding with the Updated DPP violates that injunction.

Under Section 7 of the ESA, federal agencies must “insure” that any action it authorizes “is not likely to jeopardize the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of [the species’ critical] habitat.”<sup>184</sup> Because approval the Santa Clara Unit DPP allowing offshore fracking from Platform Gilda “may affect” a number of ESA-listed species by increasing the risk of oil spills, impairing water quality, and increasing vessel traffic and noise pollution, among other impacts, BOEM must consult with the NMFS and the FWS over those effects.<sup>185</sup>

Congress enacted the ESA, in part, “to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved . . . [and] to provide a program for the conservation of such endangered species and threatened species . . . .”<sup>186</sup> Actions subject to Section 7 consultation are broadly defined to include “all activities or programs of any kind authorized, funded, or carried out, in whole or in part” by federal agencies and include granting permits and licenses, as well as actions that may directly or indirectly cause modifications to the land, water, or air.<sup>187</sup> An agency is required to review its actions “at the earliest possible time” to determine whether the action may affect listed species or critical habitat.<sup>188</sup>

If BOEM determines that a proposed action may affect any listed species or critical habitat, the agency must engage in formal consultation with the Services, unless the biological assessment or informal consultation concludes that the action is not likely to adversely affect any listed species or critical habitat and the Services concur with that finding.<sup>189</sup> The “may affect” standard broadly includes “[a]ny possible effect, whether beneficial, benign, adverse, or of an undetermined character.”<sup>190</sup>

Platform Gilda is located in one of the most significant and diverse seascapes in the world that supports a vast array of habitats and coastal and marine species. A number of ESA-listed species inhabit this area and may be affected by offshore fracking. These include invertebrates and reptiles such as white and black abalone and leatherback sea turtles, fish

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<sup>183</sup> *Env’t Def. Ctr. v. Bureau of Ocean Energy Mgmt.*, 2018 WL 5919096, at \*27 (C.D. Cal. Nov. 9, 2018); *see also id.* at \*23 (“The Court **GRANTS** Plaintiffs’ request for a declaration that the agencies violated the ESA and further **GRANTS** their request for an injunction. Defendants are prohibited from approving any plans or permits (APDs, APMs, or DPPs) for the use of WSTs on the POCS unless and until they complete consultation with FWS under the ESA.”).

<sup>184</sup> 16 U.S.C. § 1536(a)(2).

<sup>185</sup> 50 C.F.R. § 402.14(a).

<sup>186</sup> 16 U.S.C. § 1531(b).

<sup>187</sup> 50 C.F.R. § 402.02.

<sup>188</sup> *Id.* § 402.14(a).

<sup>189</sup> 50 C.F.R. § 402.14(a), (b).

<sup>190</sup> 51 Fed. Reg. 19,926 (June 3, 1986).

including Southern California steelhead, scalloped hammerhead sharks, tidewater goby, and green sturgeon, and marine mammals including blue whales, humpback whales, sei whales, fin whales, Guadalupe fur seals, and southern sea otters. ESA-listed birds in the region that might be affected by this proposal include ESA-listed western snowy plovers, marbled murrelets, and California least terns.<sup>191</sup>

The previous Section 7 consultations for offshore oil and gas operations on the Pacific OCS do not cover the scope of activities for this project and are insufficient to meet the requirements of the ESA. For example, in BSEE's concurrence with FWS's Biological Assessment, the activities cover "up to five well stimulation treatments per year in the Southern California Planning Area," and therefore the consultation only considers impacts, including water discharges containing fracking fluid chemicals and produced water, from five well stimulation treatments per year. In contrast, DCOR is planning on "up to 38 treatment stages distributed across 16 wells" over a 5 year period.<sup>192</sup> The NOI states that "up to 6 wells could be stimulated per year," with some wells requiring 2 treatment stages, and others requiring 2.5 treatment stages on average.<sup>193</sup> In other words, DCOR is proposing as many as fifteen well stimulation treatment per year, a three-fold increase over the number examined in prior ESA consultations. BOEM cannot rely on those outdated consultations to satisfy its obligations under the ESA.

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<sup>191</sup> The endangered and threatened species at issue, their listing status, and the dates when they were listed under the ESA are as follows: blue whale -- endangered, 35 Fed. Reg. 18,319 (Dec. 2, 1970); fin whale -- endangered, *id.*; sei whale -- endangered, *id.*; North Pacific right whale -- endangered, *id.*, 73 Fed. Reg. 12,024 (Mar. 6, 2008); humpback whale -- originally listed as endangered in 1970, 35 Fed. Reg. 18,319 (Dec. 2, 1970), global population recently reclassified and Central America DPS listed as endangered and Mexico DPS listed as threatened, 81 Fed. Reg. 62,260 (Sept. 8, 2016); sperm whale -- endangered, 35 Fed. Reg. 18,319 (Dec. 2, 1970); Western North Pacific gray whale -- endangered, *id.*; Guadalupe fur seal -- threatened, 50 Fed. Reg. 51,252 (Dec. 16, 1985); Southern sea otter -- threatened, 42 Fed. Reg. 2,965 (Jan. 14, 1977); loggerhead turtle, North Pacific DPS -- endangered, 76 Fed. Reg. 58,868 (Sept. 22, 2011); leatherback turtle -- endangered, 35 Fed. Reg. 8,491 (June 2, 1970); green turtle, East Pacific DPS -- threatened, 81 Fed. Reg. 20,058 (Apr. 6, 2016); olive ridley turtle -- threatened, 43 Fed. Reg. 32,800 (July 28, 1978); black abalone -- endangered, 74 Fed. Reg. 1,937 (Jan. 14, 2009); white abalone -- endangered in Pacific Coast range, 66 Fed. Reg. 29,046 (May 29, 2001); sunflower sea star -- proposed threatened, 88 Fed. Reg. 16,212 (March 16, 2023); Southern California steelhead -- endangered, 71 Fed. Reg. 834 (Jan. 5, 2006); scalloped hammerhead shark, Eastern Pacific DPS -- endangered, 79 Fed. Reg. 38,214 (July 3, 2014); green sturgeon, Southern DPS -- threatened, 71 Fed. Reg. 17,757 (Apr. 7, 2005); tidewater goby -- endangered, 59 Fed. Reg. 5,494 (Feb. 4, 1994); Hawaiian petrel -- endangered, 32 Fed. Reg. 4,001 (Mar. 11, 1967); California Ridgway's rail -- endangered, 35 Fed. Reg. 16,047 (Oct. 13, 1970); Short-tailed albatross -- endangered, 65 Fed. Reg. 46,643 (July 31, 2000); California least tern -- endangered, 35 Fed. Reg. 8,491 (June 2, 1970); Light-footed Ridgway's rail -- endangered, 35 Fed. Reg. 16,047 (Oct. 13, 1970); western snowy plover, Pacific DPS -- threatened, 58 Fed. Reg. 12,864 (Mar. 5, 1993); marbled murrelet -- threatened, 57 Fed. Reg. 45,328 (Oct. 1, 1992). The critical habitats at issue in this case, and the dates they were designated by the federal government are as follows: black abalone critical habitat, 76 Fed. Reg. 66,805 (Oct. 27, 2011); leatherback sea turtle critical habitat, 77 Fed. Reg. 4,170 (Jan. 26, 2012); western snowy plover, Pacific DPS critical habitat, 77 Fed. Reg. 36,728 (June 19, 2012); tidewater goby critical habitat, 78 Fed. Reg. 8,746 (Feb. 6, 2013); Southern California steelhead critical habitat, 70 Fed. Reg. 52,488 (Sept. 2, 2005).

<sup>192</sup> 91 Fed. Reg. 13063, 13064 (March 18, 2026); Update to Platform Gilda DPP, 4-36 (2026).

<sup>193</sup> *Id.*

## **B. BOEM Must Comply with the CZMA.**

The federal court in *EDC v. BOEM* also enjoined BOEM from proceeding with the approval of any DPPs, APDs or APMs until and unless BOEM complies with CZMA consistency review with respect to the proposed action at issue in that case.<sup>194</sup> Proceeding with the Updated DPP also violates that aspect of the court's injunction.

Should BOEM proceed with the Updated DPP, any efforts to approve fracking under the Updated DPP must comply with the CZMA's consistency review requirements. The CZMA was enacted to "preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone."<sup>195</sup> Accordingly, applicants for federal permits that are required to conduct activity "in or outside of the coastal zone, affecting any land or water use or natural resource of the coastal zone of that state" must provide to the relevant agency, here BOEM, "a certification that the proposed activity complies with the enforceable policies of the state's approved program and that such activity will be conducted in a manner consistent with the program."<sup>196</sup> The CZMA provides that "[a]t the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification."<sup>197</sup>

In California, the relevant state policies exist in the California Coastal Management Program (CCMP). The CCMP notes the national importance of the California coast, especially for its historic, cultural, aesthetic, and conservation values.<sup>198</sup> The California Coastal Act ("Coastal Act") is the "foundation" of the CCMP and constitutes the state's CCMP for purposes of the CZMA.<sup>199</sup> The Coastal Act "was enacted by the Legislature as a comprehensive scheme to govern land use planning for the entire coastal zone of California."<sup>200</sup> Under the Coastal Act, the protection of the state's "natural and scenic resources is a paramount concern" and these resources must be protected to prevent further deterioration or destruction.<sup>201</sup> The Chapter 3 policies of the Coastal Act include, *inter alia*, protections for marine resources, biological productivity, water quality, environmentally sensitive habitat areas, archaeological and paleontological resources, commercial and recreational fishing, and scenic and visual qualities.<sup>202</sup>

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<sup>194</sup> *Env't Def. Ctr. v. Bureau of Ocean Energy Mgmt.*, 2018 WL 5919096, at \*27 (C.D. Cal. Nov. 9, 2018); *see also id.* at \*23 ("The Court **GRANTS** Plaintiffs' request for a declaration that the agencies violated the ESA and further **GRANTS** their request for an injunction. Defendants are prohibited from approving any plans or permits (APDs, APMs, or DPPs) for the use of WSTs on the POCS unless and until they complete consultation with FWS under the ESA.").

<sup>195</sup> 16 U.S.C. § 1452(1).

<sup>196</sup> 16 U.S.C. § 1456(c)(3)(A).

<sup>197</sup> 16 U.S.C. § 1456(c)(3)(A).

<sup>198</sup> *See* Final Environmental Impact Statement for the California Coastal Management Plan, Chapter 11 at 83 (1977), available at <https://www.coastal.ca.gov/fedcd/ccmp-ch11.pdf>.

<sup>199</sup> *Id.* at 82; Cal. Pub. Res. Code § 30008.

<sup>200</sup> *Pacific Palisades Bowl Mobile Estates, LLC v. Los Angeles*, 55 Cal. 4th 783, 793 (2012) (internal quotations omitted); *see* Cal. Pub. Res. Code, § 30000 *et seq.*

<sup>201</sup> Cal. Pub. Res. Code § 30001(b), (c).

<sup>202</sup> *Id.* §§ 30230, 30231, 30234, 30240, 30244, and 30251; *see also id.* § 30260(b)(4) (eliminating oil and gas development from the override provision for coastal-dependent industrial facilities).

The Updated DPP constitutes a “required Federal license or permit to conduct an activity, in or outside of the coastal zone, affecting any land or water use or natural resource of the coastal zone of that state.”<sup>203</sup> Accordingly, DCOR is required to provide a consistency certification to BOEM, regarding whether the Updated DPP complies with the CCMP and will be conducted consistently with it.<sup>204</sup> BOEM must also ensure compliance with the federal regulations concerning the consistency review process for OCS development activities.<sup>205</sup>

The CZMA document provided to the CCC (the “Consistency Analysis”) contains numerous deficiencies, and overlooks likely policy inconsistencies.<sup>206</sup> Indeed, offshore fracking cannot be conducted in a manner that is consistent with the CCMP. For example, the Consistency Analysis fails to consider mapped environmentally sensitive habitat areas (ESHA) around Platform Gilda’s onshore infrastructure and fails to consider how prolonging the life of Platform Gilda and associated onshore infrastructure may necessitate maintenance, repairs, and replacement of project-related infrastructure in or adjacent to ESHA.

The Platform Gilda oil and gas pipelines make landfall within coastal dune and beach habitats near the Onshore Treater Facility and the Southern California Edison McGrath Generating Station. This area contains beach and dune scrub ESHAs that would be impacted by offshore and land-based oil spills, oil spill cleanups, and activities associated with repairing, replacing, or maintaining the pipeline landfall, Onshore Treater Facility and components, and associated infrastructure. The beach and dunes surrounding the Platform Gilda pipeline landfall location and Onshore Treater Facility also include habitats of special-status wildlife species. Special-status species habitats are ESHA pursuant to the Coastal Act.<sup>207</sup> According to the California Energy Commission (CEC), these dunes support a number of special-status species, including federally threatened western snowy plovers (*Charadrius nivosus nivosus*) and California Species of Special Concern globose dune beetle (*Coleus globosus*) and silvery legless lizard (*Anniella pulchra*).<sup>208</sup> Other rare species documented in the dune habitats near the landfall are listed in CEC’s Biological Resources Supplemental Testimony of Carol Watson and John Hilliard TN# 220168.<sup>209</sup>

The Consistency Analysis improperly excludes land-based ESHAs by claiming that, “Platform Gilda is not located within an ESHA or ESHA buffer and the DPP update does not involve the land resources these policies address.”<sup>210</sup> However, the CZMA Analysis fails to consider how the proposed action would extend the life of Platform Gilda, thereby extending the life of the aging onshore infrastructure which would require repair, replacement, and

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<sup>203</sup> 16 U.S.C. § 1456(c)(3)(A).

<sup>204</sup> *Id.*

<sup>205</sup> 15 C.F.R. §§ 930.70–930.85.

<sup>206</sup> Padre Associates, Prepared for DCOR, COASTAL ZONE MANAGEMENT ACT CONSISTENCY ANALYSIS & FINDINGS, PLATFORM GILDA WELL STIMULATION PROGRAM OFFSHORE VENTURA COUNTY, CA. Project No. 2502-2681 (“Consistency Analysis”) (January 2026).

<sup>207</sup> California Coastal Act Section 30107.5.

<sup>208</sup> California Energy Commission, Biological Resources Supplemental Testimony of Carol Watson and John Hilliard TN# 220168 (July 2017) (“CEC (2017)”).

<sup>209</sup> *Id.*

<sup>210</sup> Consistency Analysis at 2-14.

maintenance. In fact, a 1980 analysis prepared for these facilities notes: “Should portions of the pipeline require replacement during the life of the project, the associated impacts in the area affected would be similar to those discussed for pipeline construction.”<sup>211</sup> The expected life of the project was only twenty years when the Environmental Impact Report was drafted forty-six years ago.<sup>212</sup>

Repair and maintenance of the onshore infrastructure within ESHA would be inconsistent with Coastal Act Section 30240(a) because activities such as excavating and repairing the pipeline would not be compatible with protecting the ESHA from “significant disruption of habitat values” and are not dependent on the ESHA resources.<sup>213</sup> These activities would also be inconsistent with Section 30240(b), which provides that development in areas adjacent to ESHA, parks and recreation areas (such as Mandalay County Park) must be sited to “prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.”<sup>214</sup> Further, the proposed action would also increase the likelihood of oil spills and spill cleanup activities within the ESHA, including dunes, beaches, and wetlands along the coastline east of Platform Gilda. The CZMA Analysis fails to identify any impact to these ESHAs or related inconsistencies with Coastal Act Section 30240.

Offshore fracking also raises potential inconsistencies with many of the other Chapter 3 policies of the Coastal Act, such as: protections for marine resources, biological productivity, water quality, archaeological and paleontological resources, commercial and recreational fishing, and scenic and visual qualities.<sup>215</sup>

### **C. BOEM Must Comply with the NHPA.**

Section 106 of NHPA requires federal agencies to identify and assess the effects of their undertakings on historic properties and to consult with affected Tribal Nations, state historic preservation offices, and other stakeholders before approving projects that may harm cultural resources.<sup>216</sup> This consultation duty is substantive and procedural: agencies must make a reasonable, good-faith effort to identify cultural resources, evaluate potential impacts, and engage in meaningful, government-to-government dialogue with Tribes throughout the decision-making process. The statute and its implementing regulations mandate early, transparent, and continuous consultation.

BOEM's truncated process and timeframe are unlawful and frustrate the purpose of the NHPA. BOEM may not use emergency procedures or shortcut meaningful tribal engagement on

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<sup>211</sup> City of Oxnard, *Environmental Impact Report / Environmental Assessment (“EIR/EA”) Union Oil Company Platform Gilda and Platform Gina Project, Leases OCS P-0202 and P-0216 Offshore Ventura County, California*, Volume I, at 4.5-5 (May, 1980) (“City of Oxnard (1980)”).

<sup>212</sup> *Id.* at 4.5-6.

<sup>213</sup> Cal. Pub. Res. Code § 30240(a) (“Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.”).

<sup>214</sup> Cal. Pub. Res. Code § 30240(b).

<sup>215</sup> *See id.* §§ 30230, 30231, 30234, 30240, 30244, and 30251; *see also id.* § 30260(b)(4) (eliminating oil and gas development from the override provision for coastal-dependent industrial facilities).

<sup>216</sup> *See* 54 U.S.C. § 306108; 36 C.F.R. §§ 800.3–800.13.

cultural resources that may be affected by the proposed action. The emergency regulations provide for an expedited process when responding to “a disaster or emergency declared by the President, a tribal government, or the Governor of a State *or another immediate threat to life or property.*”<sup>217</sup> The emergency regulations are inapplicable to the so-called energy emergency declaration, because the declared “emergency” does not involve any immediate threat to life or property. The only provision in the NHPA that clearly contemplates waiver of section 106 for emergencies, is section 110, which requires the “Secretary” to promulgate regulations under which requirements “*except* section [106]” may be waived in the event of a “major natural disaster or an imminent threat to national security.”<sup>218</sup>

Moreover, NHPA’s emergency procedures cannot be invoked to justify shortcutting consultation when an “emergency” persists over an extended period, because the structure and history of the regulations show they are intended only for true, immediate threats requiring rapid action. The regulations expressly apply only for thirty days after a declared emergency, and extensions may only be used in rare circumstances because “the longer an implementation time is extended, the lesser justification for emergency, abbreviated procedures.”<sup>219</sup> This regulatory design reflects the premise that if federal agencies have enough time to plan, coordinate, or carry out actions over weeks or months, they likewise have adequate time to conduct the normal Section 106 consultation process rather than rely on emergency exceptions.

#### **D. BOEM Must Comply with the NMSA.**

The NMSA, 16 U.S.C. § 1431 *et seq.*, authorizes the Secretary of Commerce to identify and designate certain areas of the marine environment with special national significance as national marine sanctuaries.<sup>220</sup> Designation as a national marine sanctuary enables the Secretary to develop a system to conserve and manage the sanctuaries, including regulating activities which may affect them.<sup>221</sup> The NMSA was designed to “maintain the natural biological communities” and to protect “natural habitats, populations, and ecological processes.”<sup>222</sup> As such, under Section 306 of the NMSA it is unlawful to “destroy, cause the loss of, or injure any sanctuary resource managed under law or regulations for that sanctuary.”<sup>223</sup> A “sanctuary resource” is “any living or nonliving resource of a national marine sanctuary that contributes to the conservation, recreational, ecological, historical, educational, cultural, archaeological, scientific, or aesthetic value of the sanctuary.”<sup>224</sup>

The waters near Platform Gilda are home to the CINMS. One of the key motivations behind the sanctuary designation was to protect the Channel Islands from oil spills associated with oil and gas extraction.<sup>225</sup> The CINMS was designated for the primary purpose of protecting

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<sup>217</sup> 36 C.F.R. § 800.12(a) (emphasis added).

<sup>218</sup> 54 U.S.C. § 306112 (emphasis added).

<sup>219</sup> 65 Fed. Reg., 77698, 77710 (Dec. 12, 2000).

<sup>220</sup> 16 U.S.C. § 1431(b)(1).

<sup>221</sup> *Id.* § 1431(b)(2).

<sup>222</sup> *Id.* § 1431(b)(3).

<sup>223</sup> *Id.* § 1436(1).

<sup>224</sup> *Id.* § 1432(8).

<sup>225</sup> The Channel Islands National Marine Sanctuary, 45 Fed. Reg. 65198, 65199 (Oct. 2, 1980).

and preserving “marine birds and mammals, their habitats and other natural resources from those activities which pose significant threats” including “discharges incidental to allowed hydrocarbon operations.”<sup>226</sup> The sanctuary designation specifically prohibited hydrocarbon exploration and exploitation under future leases and emphasized that operators “must maintain adequate oil spill contingency equipment on site” for hydrocarbon operations under existing leases to minimize impacts from oil and gas extraction.<sup>227</sup>

Offshore fracking near sanctuaries threatens to destroy or injure sanctuary resources. For example, past oil spills in the now-designated CHNMS threatened the area with significant harm,<sup>228</sup> and sanctuaries face harm due to the potential for “long-term adverse impacts from chronic pollution by hydrocarbons and drill muds and other disturbance of sensitive habitat.”<sup>229</sup> Likewise, regulations specific to sanctuaries prohibit certain harmful discharges that would injure a sanctuary.<sup>230</sup> Further, consultation with the Secretary is required for activities such as the Updated DPP that are “likely to destroy, cause the loss of, or injure any sanctuary resource.”<sup>231</sup> Should BOEM refuse to adopt alternatives suggested by NOAA that limit the risk to sanctuaries, and such sanctuaries are harmed as a result, BOEM faces liability and must “prevent and mitigate” additional damage and “restore or replace” sanctuary resources.<sup>232</sup> Given the large spatial extent of the CINMS, it is reasonably foreseeable that fracking off Platform Gilda would threaten the sanctuary and its resources.<sup>233</sup>

## **VI. Conclusion**

Offshore fracking from Platform Gilda should be a non-starter. It would violate a federal-court injunction, threaten the environment and local communities, and contribute to the climate crisis. Approval of the Updated DPP would directly violate OCSLA. Should BOEM proceed with considering the Updated DPP, it must fully comply with NEPA and circulate a draft EIS and issue an EIS that meaningfully evaluates the many impacts of offshore fracking, and comply with other applicable laws designed to protect imperiled wildlife, Tribal communities, and the unique characteristics of the California coastline.

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<sup>226</sup> *Id.*

<sup>227</sup> *Id.*

<sup>228</sup> 89 Fed. Reg. at 83554–55.

<sup>229</sup> CINMS, 45 Fed. Reg. 65198, 65200–01 (Oct. 2, 1980) (Final Rule).

<sup>230</sup> 15 C.F.R. §§ 922.72(a)(3)(ii) (CINMS), 922.232(a)(2)(iii) (CHNMS).

<sup>231</sup> 16 U.S.C. § 1434(d)(1)(A).

<sup>232</sup> *Id.* § 1434(d)(4).

<sup>233</sup> Randall D. Clark, *A Biogeographic Assessment of the Channel Islands National Marine Sanctuary: A Review of Boundary Expansion Concepts for NOAA's National Marine Sanctuary Program*, NOAA Technical Memorandum NOS NCCOS 21, at 2 (November 2005), available at: <https://repository.library.noaa.gov/view/noaa/2161>.

April 27, 2026

Comments on BOEM's Decision to Approve, Disapprove, or Require Modifications to DCOR's Updated DPP  
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Sincerely,



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Maggie Hall  
Deputy Chief Counsel  
Lauren Partch  
Staff Attorney and Environmental Justice Program  
Outreach Coordinator  
Environmental Defense Center



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Emily Jeffers  
Center for Biological Diversity

Attachments:

- A: Scoping Comment Letter with Attachments
- B: BSEE Borehole Data Spreadsheet

## **Attachment A**

Comments on BOEM's Notice of Intent to Prepare an Environmental Impact Statement for  
Offshore Fracking from Platform Gilda (Docket No. BOEM-2025-0714)

*Submitted by the Environmental Defense Center, Center for Biological Diversity, Santa  
Barbara Channelkeeper, and Wishtoyo Chumash Foundation*

March 30, 2026

## **Attachment B**

BSEE Borehole Spreadsheet

Retrieved from BSEE Database, <https://www.data.bsee.gov/Well/Borehole/Default.aspx>.  
on April 23, 2027

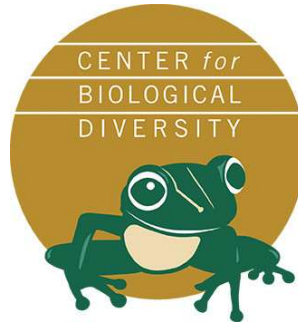
| API Well Number | Well Name | Well Name Suffix | Bottom Lease Number | Bottom Area | Bottom Block | Region  | Company Name                   | Spud Date  | BH Total MD (feet) | True Vertical Depth (feet) | TVD Subsea (feet) | RKB | KOP   | Total Depth Date |
|-----------------|-----------|------------------|---------------------|-------------|--------------|---------|--------------------------------|------------|--------------------|----------------------------|-------------------|-----|-------|------------------|
| 043112006801    | A022      | ST01BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                   | 8/2/1998   | 282                | 282                        | 203               | 79  | 2215  | 8/10/1998        |
| 043112009402    | A043      | ST02BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                   | 10/11/1998 | 276                | 276                        | 195               | 81  | 2250  | 10/19/1998       |
| 043112059500    | A016      | ST00BP00         | P00234              | LA          | 6709         | Pacific | DCOR, L.L.C.                   | 11/27/1985 | 6735               | 5764                       | 5671              | 93  |       | 12/20/1985       |
| 043112037701    | A052      | ST01BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                   | 2/12/2005  | 280                | 280                        | 199               | 81  | 3129  | 2/16/2005        |
| 043112051700    | A005      | ST00BP00         | P00346              | LA          | 6708         | Pacific | DCOR, L.L.C.                   | 12/18/1982 | 14520              | 11664                      | 11572             | 92  |       | 1/25/1983        |
| 043112049901    | A002      | ST01BP00         | P00234              | LA          | 6759         | Pacific | DCOR, L.L.C.                   | 11/25/2001 | 12530              | 11421                      | 11328             | 93  | 7002  | 12/13/2001       |
| 043112005501    | A026      | ST01BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                   | 5/27/2005  | 282                | 282                        | 201               | 81  | 3017  | 6/2/2005         |
| 043112037801    | A053      | ST01BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                   | 4/28/2006  | 6227               | 5358                       | 5278              | 80  | 2718  | 5/11/2006        |
| 043112013402    | A049      | ST01BP01         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                   | 8/31/1998  | 280                | 280                        | 199               | 81  | 2492  | 9/5/1998         |
| 043122015901    | C055      | ST01BP00         | P00301              | LB          | 6488         | Pacific | Beta Operating Company, LLC    | 1/16/2026  | *****              | *****                      | *****             | 105 | ***** | 1/27/2026        |
| 043112009002    | A040      | ST02BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                   | 10/12/2005 | 280                | 280                        | 200               | 80  | 1913  | 10/23/2005       |
| 043112004001    | AG027     | ST01BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                   | 1/29/1978  | 285                | 285                        | 204               | 81  | 1055  | 2/11/1978        |
| 043112005301    | A051      | ST01BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                   | 7/20/1978  | 291                | 291                        | 210               | 81  | 1126  | 8/3/1978         |
| 043112004800    | A023      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                   | 10/26/1968 | 306                | 306                        | 226               | 80  |       | 10/31/1968       |
| 043112069000    | A021      | ST00BP02         | P00234              | LA          | 6709         | Pacific | DCOR, L.L.C.                   | 2/1/1991   | 7470               | 7087                       | 6994              | 93  | 12221 | 2/4/1991         |
| 043112055600    | A009      | ST00BP00         | P00234              | LA          | 6759         | Pacific | DCOR, L.L.C.                   | 8/30/1983  | 8785               | 8111                       | 8018              | 93  |       | 10/1/1983        |
| 043112061800    | A017      | ST00BP00         | P00234              | LA          | 6709         | Pacific | DCOR, L.L.C.                   | 2/8/1986   | 4300               | 2905                       | 2812              | 93  |       | 2/23/1986        |
| 043112060801    | A018      | ST01BP01         | P00234              | LA          | 6709         | Pacific | DCOR, L.L.C.                   | 2/6/1990   | 9020               | 7813                       | 7720              | 93  | 10310 | 2/14/1990        |
| 043112056000    | A007      | ST00BP00         | P00234              | LA          | 6759         | Pacific | DCOR, L.L.C.                   | 11/19/1983 | 10135              | 9446                       | 9353              | 93  |       | 5/15/1984        |
| 043112068600    | A019      | ST00BP01         | P00234              | LA          | 6709         | Pacific | DCOR, L.L.C.                   | 5/25/1990  | 6488               | 5885                       | 5791              | 94  | 7269  | 5/31/1990        |
| 043112059600    | A015      | ST00BP00         | P00234              | LA          | 6759         | Pacific | DCOR, L.L.C.                   | 10/2/1984  | 18776              | 18008                      | 17915             | 93  |       | 2/20/1985        |
| 043112051000    | A004      | ST00BP00         | P00234              | LA          | 6759         | Pacific | DCOR, L.L.C.                   | 9/2/1982   | 9500               | 9085                       | 8993              | 92  |       | 10/2/1982        |
| 043112048700    | A001      | ST00BP00         | P00234              | LA          | 6709         | Pacific | DCOR, L.L.C.                   | 1/16/1982  | 11360              | 11358                      | 11265             | 93  |       | 3/1/1982         |
| 043112068800    | A020      | ST00BP01         | P00234              | LA          | 6759         | Pacific | DCOR, L.L.C.                   | 8/19/1990  | 6500               | 6500                       | 6407              | 93  | 10758 | 9/27/1990        |
| 043112061200    | A011      | ST00BP00         | P00234              | LA          | 6759         | Pacific | DCOR, L.L.C.                   | 8/17/1985  | 11920              | 9776                       | 9683              | 93  |       | 9/30/1985        |
| 043112057900    | A013      | ST00BP00         | P00234              | LA          | 6709         | Pacific | DCOR, L.L.C.                   | 3/9/1984   | 5720               | 5099                       | 5006              | 93  |       | 3/26/1984        |
| 043112064600    | A013      | ST00BP00         | P00315              | SM          | 6575         | Pacific | Freeport-McMoRan Oil & Gas LLC | 12/24/1987 | 11500              | 8420                       | 8260              | 160 |       | 1/20/1988        |
| 043112017900    | B010      | ST00BP00         | P00241              | LA          | 6658         | Pacific | DCOR, L.L.C.                   | 3/23/1970  | 3552               | 3431                       | 3341              | 90  |       | 4/2/1970         |
| 043112007300    | A028      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                   | 5/10/1969  | 4871               | 4749                       | 4669              | 80  |       | 5/19/1969        |
| 043112004501    | A047      | ST01BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                   | 2/26/1978  | 4815               | 4776                       | 4695              | 81  | 1077  | 3/11/1978        |
| 043112008700    | A041      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                   | 5/24/1969  | 5895               | 5368                       | 5288              | 80  |       | 6/3/1969         |
| 043112007100    | A030      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                   | 12/18/1968 | 6281               | 5386                       | 5306              | 80  |       | 12/28/1968       |
| 043112006901    | A045      | ST01BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                   | 3/31/1978  | 4880               | 4851                       | 4770              | 81  | 1024  | 4/7/1978         |
| 043112004400    | A021      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                   | 9/21/1968  | 5909               | 5555                       | 5475              | 80  |       | 9/28/1968        |
| 043112005900    | A032      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                   | 11/22/1968 | 5021               | 4743                       | 4663              | 80  |       | 11/29/1968       |
| 043112001800    | A003      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                   | 6/6/1968   | 7172               | 7002                       | 6922              | 80  |       | 7/3/1968         |
| 043112042800    | B045      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                   | 8/28/1980  | 5385               | 5315                       | 5229              | 86  |       | 9/28/1980        |

| API Well Number | Well Name | Well Name Suffix | Bottom Lease Number | Bottom Area | Bottom Block | Region  | Company Name                | Spud Date  | BH Total MD (feet) | True Vertical Depth (feet) | TVD Subsea (feet) | RKB | KOP  | Total Depth Date |
|-----------------|-----------|------------------|---------------------|-------------|--------------|---------|-----------------------------|------------|--------------------|----------------------------|-------------------|-----|------|------------------|
| 043112013900    | B028      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 9/14/1969  | 4909               | 4508                       | 4420              | 88  |      | 9/21/1969        |
| 043112005400    | A019      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 11/7/1968  | 5158               | 4894                       | 4814              | 80  |      | 11/13/1968       |
| 043112008901    | B040      | ST01BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 11/15/1979 | 3954               | 3771                       | 3687              | 84  |      | 12/5/1979        |
| 043112013600    | B021      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 8/31/1969  | 5864               | 5628                       | 5540              | 88  |      | 9/9/1969         |
| 043112008200    | B004      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 4/7/1969   | 5655               | 5480                       | 5391              | 89  |      | 4/24/1969        |
| 043112008500    | BA005     | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 5/17/1969  | 4742               | 4496                       | 4407              | 89  |      | 5/24/1969        |
| 043112013801    | B029      | ST00BP01         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 10/20/1980 | 5805               | 5309                       | 5223              | 86  | 4986 | 11/6/1980        |
| 043112009800    | B013      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 7/4/1969   | 5346               | 5341                       | 5252              | 89  |      | 7/11/1969        |
| 043112008000    | BA002     | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 2/6/1969   | 5925               | 5728                       | 5640              | 88  |      | 4/20/1969        |
| 043112009900    | B027      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 7/6/1969   | 4800               | 4509                       | 4421              | 88  |      | 7/13/1969        |
| 043112008401    | B047      | ST01BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 2/20/1980  | 3993               | 3770                       | 3686              | 84  | 1032 | 3/10/1980        |
| 043112010103    | A044      | ST03BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 9/27/1998  | 4138               | 3290                       | 3209              | 81  | 3606 | 9/29/1998        |
| 043112068101    | S071      | ST01BP00         | P00216              | LA          | 6862         | Pacific | DCOR, L.L.C.                | 5/5/2014   | 5804               | 3508                       | 3401              | 107 | 2556 | 5/13/2014        |
| 043112042300    | B043      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 6/25/1980  | 5640               | 5335                       | 5251              | 84  |      | 7/23/1980        |
| 043112014401    | B038      | ST01BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 1/9/1980   | 5777               | 5381                       | 5297              | 84  | 1198 | 2/3/1980         |
| 043112057601    | S077      | ST03BP00         | P00216              | LA          | 6862         | Pacific | DCOR, L.L.C.                | 1/2/1996   | 8470               | 5535                       | 5428              | 107 | 7890 | 1/22/1996        |
| 043112011800    | A036      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 10/8/1969  | 285                | 285                        | 205               | 80  |      | 10/19/1969       |
| 043112001902    | A006      | ST01BP01         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 7/9/2005   | 5080               | 4731                       | 4650              | 81  | 2222 | 7/15/2005        |
| 043112077200    | A055      | ST00BP00         | P00240              | LA          | 6659         | Pacific | DCOR, L.L.C.                | 5/24/2000  | 4110               | 3336                       | 3248              | 88  |      | 6/15/2000        |
| 043112061400    | S059      | ST00BP01         | P00216              | LA          | 6862         | Pacific | DCOR, L.L.C.                | 9/25/1985  | 9370               | 8056                       | 7949              | 107 | 3928 | 11/1/1985        |
| 043112068000    | S069      | ST00BP00         | P00216              | LA          | 6862         | Pacific | DCOR, L.L.C.                | 12/3/1989  | 1689               | 1621                       | 1514              | 107 |      | 12/12/1989       |
| 043122008401    | B019      | ST01BP00         | P00296              | LB          | 6437         | Pacific | DCOR, L.L.C.                | 5/27/1985  | 5100               | 5095                       | 4988              | 107 | 1765 | 6/3/1985         |
| 043112060600    | 002       | ST00BP00         | P00320              | SM          | 6625         | Pacific | Noble Energy, Inc.          | 2/15/1985  | 8472               | 8471                       | 8398              | 73  |      | 3/23/1985        |
| 043122011000    | B016      | ST00BP00         | P00296              | LB          | 6437         | Pacific | DCOR, L.L.C.                | 3/18/1985  | 5331               | 4786                       | 4679              | 107 |      | 3/29/1985        |
| 043112053600    | A010      | ST00BP02         | P00346              | LA          | 6758         | Pacific | DCOR, L.L.C.                | 5/8/1983   | 14290              | 11592                      | 11499             | 93  | 5381 | 6/10/1983        |
| 043112052900    | A006      | ST00BP00         | P00234              | LA          | 6759         | Pacific | DCOR, L.L.C.                | 2/4/1983   | 12320              | 10680                      | 10587             | 93  |      | 3/8/1983         |
| 043122006600    | A046      | ST00BP00         | P00300              | LB          | 6437         | Pacific | Beta Operating Company, LLC | 6/30/1982  | 7790               | 3897                       | 3797              | 100 |      | 7/12/1982        |
| 043112045500    | B024      | ST00BP00         | P00240              | LA          | 6659         | Pacific | DCOR, L.L.C.                | 7/14/1981  | 4125               | 3769                       | 3671              | 98  |      | 7/22/1981        |
| 043122003100    | A010      | ST00BP00         | P00300              | LB          | 6488         | Pacific | Beta Operating Company, LLC | 11/15/1980 | 6630               | 4395                       | 4295              | 100 |      | 11/29/1980       |
| 043112013700    | B023      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 8/31/1969  | 4794               | 4504                       | 4415              | 89  |      | 9/7/1969         |
| 043112007200    | A024      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 1/4/1969   | 4963               | 4899                       | 4819              | 80  |      | 1/10/1969        |
| 043112002500    | A008      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 7/14/1968  | 4905               | 4826                       | 4746              | 80  |      | 7/18/1968        |
| 043112002600    | A012      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 7/16/1968  | 5800               | 5800                       | 5720              | 80  |      | 7/25/1968        |
| 043112014600    | B031      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 10/6/1969  | 4987               | 4499                       | 4410              | 89  |      | 10/14/1969       |
| 043112012300    | A039      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 8/10/1969  | 701                | 701                        | 621               | 80  |      | 8/10/1969        |
| 043112007600    | B002      | ST00BP00         | P00166              | LA          | 6660         | Pacific | DCOR, L.L.C.                | 2/3/1969   | 416                | 416                        | 328               | 88  |      | 2/3/1969         |
| 043112000900    | 002       | ST00BP00         | P00241              | LA          | 6658         | Pacific | DCOR, L.L.C.                | 3/1/1968   | 3775               | 3770                       | 3745              | 25  |      | 3/12/1968        |

| API Well Number | Status Date | Type Code | Status Code | Casing Cut Code | Water Depth (feet) | Underwater Comp Stub | Surface Lease Number | Surface Latitude* | Surface Longitude* | Bottom Latitude* | Bottom Longitude* |
|-----------------|-------------|-----------|-------------|-----------------|--------------------|----------------------|----------------------|-------------------|--------------------|------------------|-------------------|
| 043112006801    | 3/24/2026   | D         | TA          | N               | 160                | N                    | P00166               | 34.34             | -119.54            | 34.33789208      | -119.53950339     |
| 043112009402    | 3/22/2026   | D         | TA          | N               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.3392625       | -119.5366032      |
| 043112059500    | 3/18/2026   | D         | TA          | N               | 290                | N                    | P00234               | 34.29             | -119.59            | 34.2913019       | -119.5955661      |
| 043112037701    | 3/18/2026   | D         | TA          | N               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.33934722      | -119.53727627     |
| 043112051700    | 3/11/2026   | D         | TA          | N               | 290                | N                    | P00346               | 34.29             | -119.59            | 34.2864388       | -119.6129265      |
| 043112049901    | 3/6/2026    | D         | TA          | N               | 290                | N                    | P00234               | 34.29             | -119.59            | 34.2819779       | -119.57914129     |
| 043112005501    | 3/6/2026    | D         | TA          | N               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.33684765      | -119.5499481      |
| 043112037801    | 2/26/2026   | D         | TA          | N               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.3375936       | -119.54617286     |
| 043112013402    | 2/10/2026   | D         | TA          | N               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.33933745      | -119.53681245     |
| 043122015901    | 2/4/2026    | D         | TA          | N               | 700                | N                    | P00301               | 33.56             | -118.12            | *****            | *****             |
| 043112009002    | 1/29/2026   | D         | TA          | N               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.33714201      | -119.54954525     |
| 043112004001    | 1/14/2026   | D         | TA          | N               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.33712782      | -119.54686739     |
| 043112005301    | 1/3/2026    | D         | TA          | N               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.33679186      | -119.54719139     |
| 043112004800    | 11/24/2025  | D         | TA          | N               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.3372191       | -119.54273714     |
| 043112069000    | 6/15/2025   | D         | TA          | N               | 290                | N                    | P00234               | 34.29             | -119.59            | 34.2870611       | -119.6056187      |
| 043112055600    | 6/12/2025   | D         | TA          | N               | 290                | N                    | P00234               | 34.29             | -119.59            | 34.2837897       | -119.6016808      |
| 043112061800    | 6/9/2025    | D         | TA          | N               | 290                | N                    | P00234               | 34.29             | -119.59            | 34.2919422       | -119.5965172      |
| 043112060801    | 6/8/2025    | D         | TA          | N               | 304                | N                    | P00234               | 34.29             | -119.59            | 34.2854073       | -119.6021202      |
| 043112056000    | 6/4/2025    | D         | TA          | N               | 290                | N                    | P00234               | 34.29             | -119.59            | 34.2804978       | -119.5988149      |
| 043112068600    | 6/1/2025    | D         | TA          | N               | 289                | N                    | P00234               | 34.29             | -119.59            | 34.2867151       | -119.601596       |
| 043112059600    | 5/30/2025   | D         | TA          | N               | 290                | N                    | P00234               | 34.29             | -119.59            | 34.2807483       | -119.6020212      |
| 043112051000    | 5/28/2025   | D         | TA          | N               | 290                | N                    | P00234               | 34.29             | -119.59            | 34.27779         | -119.5846839      |
| 043112048700    | 5/19/2025   | D         | TA          | N               | 290                | N                    | P00234               | 34.29             | -119.59            | 34.286885        | -119.5892077      |
| 043112068800    | 5/15/2025   | D         | TA          | N               | 290                | N                    | P00234               | 34.29             | -119.59            | 34.284048        | -119.5976006      |
| 043112061200    | 5/11/2025   | D         | TA          | N               | 290                | N                    | P00234               | 34.29             | -119.59            | 34.28063894      | -119.56400859     |
| 043112057900    | 4/12/2025   | D         | TA          | N               | 290                | N                    | P00234               | 34.29             | -119.59            | 34.2907762       | -119.5974705      |
| 043112064600    | 6/26/2021   | D         | TA          | N               | 675                | N                    | P00315               | 34.47             | -120.68            | 34.45280535      | -120.66816377     |
| 043112017900    | 8/14/2018   | D         | TA          | N               | 190                | N                    | P00241               | 34.33             | -119.62            | 34.3319212       | -119.6241812      |
| 043112007300    | 3/18/2018   | D         | TA          | M               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.33694156      | -119.54462075     |
| 043112004501    | 3/15/2018   | D         | TA          | N               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.33736571      | -119.54383047     |
| 043112008700    | 11/20/2017  | D         | TA          | M               | 154                | S                    | P00166               | 34.34             | -119.54            | 34.33640432      | -119.54895537     |
| 043112007100    | 10/22/2017  | D         | TA          | N               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.33520938      | -119.55049023     |
| 043112006901    | 9/17/2017   | D         | TA          | N               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.33676339      | -119.54254884     |
| 043112004400    | 9/12/2017   | D         | TA          | N               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.33813666      | -119.54725552     |
| 043112005900    | 8/24/2017   | D         | TA          | M               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.33566402      | -119.5461909      |
| 043112001800    | 7/26/2017   | D         | TA          | N               | 154                | S                    | P00166               | 34.34             | -119.54            | 34.3391317       | -119.5392429      |
| 043112042800    | 5/26/2017   | D         | TA          | M               | 163                | N                    | P00166               | 34.33             | -119.55            | 34.33515194      | -119.55196935     |

| API Well Number | Status Date | Type Code | Status Code | Casing Cut Code | Water Depth (feet) | Underwater Comp Stub | Surface Lease Number | Surface Latitude* | Surface Longitude* | Bottom Latitude* | Bottom Longitude* |
|-----------------|-------------|-----------|-------------|-----------------|--------------------|----------------------|----------------------|-------------------|--------------------|------------------|-------------------|
| 043112013900    | 5/22/2017   | D         | TA          | M               | 163                | N                    | P00166               | 34.34             | -119.55            | 34.33816663      | -119.55607193     |
| 043112005400    | 2/28/2017   | D         | TA          | M               | 154                | P                    | P00166               | 34.34             | -119.54            | 34.33706168      | -119.53880281     |
| 043112008901    | 1/4/2017    | D         | TA          | M               | 163                | N                    | P00166               | 34.33             | -119.55            | 34.33453002      | -119.55574326     |
| 043112013600    | 12/4/2016   | D         | TA          | N               | 163                | N                    | P00166               | 34.34             | -119.55            | 34.33720978      | -119.55071679     |
| 043112008200    | 11/27/2016  | D         | TA          | M               | 163                | N                    | P00166               | 34.33             | -119.55            | 34.33431002      | -119.55628917     |
| 043112008500    | 11/5/2016   | D         | TA          | N               | 163                | N                    | P00166               | 34.33             | -119.55            | 34.33357004      | -119.55618539     |
| 043112013801    | 10/23/2016  | D         | TA          | N               | 163                | N                    | P00166               | 34.33             | -119.55            | 34.33621129      | -119.54806792     |
| 043112009800    | 10/7/2016   | D         | TA          | N               | 163                | N                    | P00166               | 34.33             | -119.55            | 34.33498272      | -119.55329524     |
| 043112008000    | 9/29/2016   | D         | TA          | M               | 163                | N                    | P00166               | 34.34             | -119.55            | 34.33543882      | -119.55623959     |
| 043112009900    | 8/31/2016   | D         | TA          | M               | 163                | N                    | P00166               | 34.34             | -119.55            | 34.33725654      | -119.5558025      |
| 043112008401    | 8/20/2016   | D         | TA          | N               | 163                | P                    | P00166               | 34.33             | -119.55            | 34.33389399      | -119.55577605     |
| 043112010103    | 7/27/2016   | D         | TA          | N               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.33912827      | -119.53732656     |
| 043112068101    | 5/23/2014   | D         | TA          | N               | 205                | N                    | P00216               | 34.18             | -119.42            | 34.18456696      | -119.43242311     |
| 043112042300    | 1/19/2009   | D         | TA          | N               | 163                | N                    | P00166               | 34.34             | -119.55            | 34.33580893      | -119.55009707     |
| 043112014401    | 12/23/2008  | D         | TA          | N               | 163                | N                    | P00166               | 34.33             | -119.55            | 34.3365873       | -119.54944915     |
| 043112057601    | 5/1/2007    | D         | TA          | N               | 205                | N                    | P00216               | 34.18             | -119.42            | 34.18148136      | -119.43835443     |
| 043112011800    | 4/10/2006   | D         | TA          | N               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.33868645      | -119.54779149     |
| 043112001902    | 7/15/2005   | D         | TA          | N               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.33810154      | -119.5390469      |
| 043112077200    | 6/18/2000   | D         | TA          | N               | 190                | N                    | P00240               | 34.33             | -119.60            | 34.32889249      | -119.60273075     |
| 043112061400    | 2/16/1994   | D         | TA          | N               | 205                | N                    | P00216               | 34.18             | -119.42            | 34.18085884      | -119.4340183      |
| 043112068000    | 12/12/1989  | D         | TA          | N               | 205                | N                    | P00216               | 34.18             | -119.42            | 34.18229685      | -119.42070753     |
| 043122008401    | 6/28/1985   | D         | TA          | N               | 161                | N                    | P00296               | 33.60             | -118.14            | 33.59583771      | -118.14160449     |
| 043112060600    | 5/26/1985   | E         | TA          | N               | 1190               | N                    | P00320               | 34.41             | -120.65            | 34.40772313      | -120.65233051     |
| 043122011000    | 3/31/1985   | D         | TA          | N               | 161                | N                    | P00296               | 33.60             | -118.14            | 33.5997887       | -118.14585019     |
| 043112053600    | 8/21/1984   | D         | TA          | N               | 290                | N                    | P00346               | 34.29             | -119.59            | 34.2789597       | -119.610139       |
| 043112052900    | 3/8/1983    | D         | TA          | N               | 290                | N                    | P00234               | 34.29             | -119.59            | 34.2740198       | -119.59624        |
| 043122006600    | 7/16/1982   | D         | TA          | N               | 265                | N                    | P00300               | 33.58             | -118.13            | 33.58834288      | -118.14872055     |
| 043112045500    | 7/24/1981   | D         | TA          | N               | 173                | N                    | P00240               | 34.33             | -119.56            | 34.33501846      | -119.5648444      |
| 043122003100    | 12/2/1980   | D         | TA          | N               | 265                | N                    | P00300               | 33.58             | -118.13            | 33.56943471      | -118.12938345     |
| 043112013700    | 9/11/1979   | D         | TA          | N               | 163                | N                    | P00166               | 34.33             | -119.55            | 34.33462705      | -119.54954111     |
| 043112007200    | 1/26/1979   | D         | TA          | N               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.3364492       | -119.5416137      |
| 043112002500    | 7/19/1978   | D         | TA          | N               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.3360829       | -119.5437923      |
| 043112002600    | 5/31/1978   | D         | TA          | N               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.33757273      | -119.54798672     |
| 043112014600    | 10/16/1969  | D         | TA          | N               | 163                | N                    | P00166               | 34.33             | -119.55            | 34.33099264      | -119.55598453     |
| 043112012300    | 8/12/1969   | D         | TA          | N               | 154                | N                    | P00166               | 34.34             | -119.54            | 34.33780746      | -119.54254479     |
| 043112007600    | 2/6/1969    | D         | TA          | N               | 163                | N                    | P00166               | 34.34             | -119.55            | 34.33506357      | -119.55319644     |
| 043112000900    | 3/23/1968   | E         | TA          | N               | 190                | N                    | P00241               | 34.33             | -119.63            | 34.33330611      | -119.62709784     |

# Exhibit D



March 30, 2026

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*Submitted via regulations.gov*

**Re: Comments on BOEM's Notice of Intent to Prepare an Environmental Impact Statement for Offshore Fracking from Platform Gilda (Docket No. BOEM-2025-0714)**

Dear Ms. Zaleski:

This comment letter is submitted by the Environmental Defense Center (EDC), Center for Biological Diversity (CBD), Santa Barbara Channelkeeper, and Wishtoyo Chumash Foundation (collectively “our organizations”) regarding the Bureau of Ocean Energy Management’s (BOEM) Notice of Intent to Prepare an Environmental Impact Statement (EIS) for Offshore Fracking from Platform Gilda, located in the Santa Clara Unit in federal waters offshore Ventura County, California. Our organizations are committed to protecting the California coastline from the harmful effects of offshore oil and gas drilling. We are particularly concerned about the heightened risks that offshore fracking poses to wildlife, public health, cultural resources, coastal economies, and climate goals.

We strongly urge BOEM to prohibit offshore fracking altogether and select the no action alternative—the only preliminary alternative that safeguards the health and wellbeing of coastal communities and protects the environment. Critically, BOEM is already subject to the federal-court injunction in *EDC v. BOEM* which prohibits the agency from approving offshore well-stimulation treatments until all of the terms of the injunction are satisfied, and they have not been.

The waters off the southern California coast, and the Santa Barbara Channel in particular, are an international ecological treasure. Home to numerous threatened and endangered species, this region is known as the “Galapagos of North America.” There are two National Marine Sanctuaries—the Channel Islands National Marine Sanctuary, and the recently-designated Chumash Heritage National Marine Sanctuary—that are rich in natural resources. Native

American Indigenous communities use and rely on these vast natural, cultural, and archaeological resources. Offshore oil drilling has been devastating to the region since the 1969 Santa Barbara oil spill, and has continued to have profound adverse impacts, as seen with the 2015 Plains oil spill at Refugio State Beach. More recent unconventional oil drilling practices such as hydraulic fracturing and acidizing (known as well stimulation treatments or “WSTs”) have only intensified environmental concerns.

If BOEM decides to move forward with this offshore fracking proposal despite the current injunction and the myriad reasons it should not, it must fully comply with the National Environmental Policy Act (NEPA). BOEM must abandon its reliance on the unlawful “Alternative Arrangements” approach to shortcutting the NEPA process, and release a draft EIS for public comment. The EIS must include a reasonable range of alternatives, and take a hard look at the impacts of offshore fracking discussed below, including impacts on water quality, extending the life of Platform Gilda, oil spills, air quality, Tribal and cultural resources, fish and wildlife, seismicity, onshore resources, public health, and recreational and economic uses of the marine environment. The EIS must also include an analysis of the cumulative impacts from offshore fracking and other industrial activities, as well as a discussion and analysis of relevant mitigation measures.

In addition to rigorously complying with NEPA, BOEM must ensure it complies with other environmental laws, including the Endangered Species Act (ESA), Coastal Zone Management Act (CZMA), National Historic Preservation Act (NHPA) and National Marine Sanctuaries Act (NMSA).

## **I. A Federal-Court Injunction Prohibits BOEM From Approving Offshore Fracking.**

Beginning in 2012, our organizations began investigating the use of WSTs from the platforms offshore California. Through a series of Freedom of Information Act (FOIA) requests to the Federal Government, we discovered permits that approved WSTs without any environmental review. The use of fracking and acidizing off California's shores was largely unknown to the general public, local elected officials, and cooperating state agencies until that time. This discovery—and the absence of any environmental analysis assessing the impacts of these practices—led to lawsuits filed in 2014 challenging the routine approval of permits (identifying fifty-one permits at the time) authorizing the use of WSTs pursuant to categorical exclusions or no analysis whatsoever, in violation of NEPA.<sup>1</sup> The parties reached a settlement agreement requiring the Federal Government to withhold approval of drilling permits authorizing WSTs and to prepare a Programmatic Environmental Assessment (PEA) addressing potential environmental impacts of WSTs in federal waters offshore California.<sup>2</sup>

After circulating a draft for comment, BOEM released a final PEA and a Finding of No Significant Impact (FONSI), signed May 27, 2016, approving the proposed action, entitled

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<sup>1</sup> See, e.g., *Environmental Defense Center v. Bureau of Safety and Environmental Enforcement*, No. 2:14-cv-09281 (C.D. Cal. Dec. 3, 2014) (*EDC v. BSEE*).

<sup>2</sup> Settlement Agreement, *EDC v. BSEE* (Settlement lodged Jan. 29, 2016, No. 79-1).

“Allow use of WSTs.”<sup>3</sup> Under this action, the agencies “propose[d] to allow the use of selected well stimulation treatments (WSTs) on the 43 active leases and 23 operating platforms” on the POCS.<sup>4</sup>

In November 2016, our organizations filed lawsuits challenging the PEA and FONSI, alleging violations of NEPA and the ESA. The State of California filed a case alleging violations of NEPA and the CZMA, and the cases were consolidated. ExxonMobil, the American Petroleum Institute (API), and DCOR intervened and submitted declarations stressing the importance of WSTs to their offshore oil operations.

In November 2018, the district court issued an order concluding that the federal government violated the ESA by failing to consult with the Fish and Wildlife Service (FWS) before approving the use of WSTs.<sup>5</sup> The court also found that BOEM violated the CZMA because the proposed action was a federal agency activity subject to the consistency review process, which it had failed to undertake.<sup>6</sup> In fashioning relief, the court ordered the federal government “to refrain from approving any plans or permits (DPPs, APDs, or APMs) for the use of WSTs on the POCS unless and until they (1) complete consultation with FWS under the ESA and (2) complete the CZMA process under 16 U.S.C. § 1456(c)(1) for the proposed action described in the Final EA.”<sup>7</sup> With respect to the NEPA claims, the district court held that the PEA and FONSI constituted major federal action triggering the agencies’ duties under NEPA, but that the federal government complied with NEPA in its preparation of the PEA.<sup>8</sup> The parties filed cross appeals in the Ninth Circuit Court of Appeals.

On June 3, 2022, the Ninth Circuit issued its opinion, holding that BOEM was in violation of NEPA, the ESA, and CZMA with respect to its approval of the PEA and FONSI, authorizing the use of WSTs offshore California.<sup>9</sup> Specifically, the Court concluded that the agency’s approval of WSTs under the PEA and FONSI was a final agency action and ripe for judicial review.<sup>10</sup> With respect to NEPA, the Court determined that the agency’s PEA and FONSI were arbitrary and capricious in several respects. For example, BOEM unlawfully relied on the unfounded assumption that WSTs will only be allowed five times per year in order to justify that impacts will be minimal with respect to, for example, accidents, induced seismicity, air quality, water quality, ecological resources, and fisheries. The Court concluded this was a critical error

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<sup>3</sup> *Programmatic Environmental Assessment of the Use of Well Stimulation Treatments on the Southern California Outer Continental Shelf* (“PEA”) at ES-3-ES-4.

<sup>4</sup> *Id.*

<sup>5</sup> *Env’t Def. Ctr. v. Bureau of Ocean Energy Mgmt.*, 2018 WL 5919096, at \*18 (C.D. Cal. Nov. 9, 2018), *aff’d in part, rev’d in part and remanded*, 36 F.4th 850 (9th Cir. 2022) (“Because the agencies did not consult with the Services before issuing the Final EA, they violated the ESA.”).

<sup>6</sup> *Id.* at \*26.

<sup>7</sup> *Id.* at \*27; *see also id.* at \*23 (“The Court **GRANTS** Plaintiffs’ request for a declaration that the agencies violated the ESA and further **GRANTS** their request for an injunction. Defendants are prohibited from approving any plans or permits (APDs, APMs, or DPPs) for the use of WSTs on the POCS unless and until they complete consultation with FWS under the ESA.”).

<sup>8</sup> *Id.* at \*7-16.

<sup>9</sup> *Env’t Def. Ctr. v. Bureau of Ocean Energy Mgmt.*, 36 F.4th 850 (9th Cir. 2022) (“*EDC v. BOEM*”).

<sup>10</sup> *Id.* at 868-71.

and arbitrary and capricious because the alleged infrequent use, despite evidence to suggest otherwise, was the “driving force” behind their conclusions.<sup>11</sup> The Court also found that the agency unlawfully relied on a Clean Water Act permit that in fact does not cover the water quality impacts of offshore fracking.<sup>12</sup> The Court also ruled that the agencies failed to consider a reasonable range of alternatives, namely, that it was “highly arbitrary for the agencies repeatedly to premise their” analysis on the assumption of infrequent use of WSTs without “considering an alternative that imposed such a five-treatment limit.”<sup>13</sup> The Court determined that there were substantial questions regarding potentially significant impacts warranting an EIS, especially where these unconventional practices and impacts that had not been previously studied.<sup>14</sup>

As for the ESA, the Federal Government’s only argument on appeal was that there was no “agency action.” The Court disagreed—concluding that the PEA and FONSI constitute agency action, subject to ESA Section 7’s consultation requirement.<sup>15</sup> Accordingly, the district court’s conclusion that the agency violated the ESA was left intact. Regarding the CZMA, the Court held that the action constitutes a “federal agency activity” subject to consistency review.<sup>16</sup> The Ninth Circuit affirmed and reversed in part and remanded to the district court. On remand, the district court in July 2023 provided:

The Ninth Circuit in its opinion instructed this Court on remand to “amend its injunction to prohibit the agencies from approving permits for well stimulation treatments until the agencies have issued an EIS and have fully and fairly evaluated all reasonable alternatives.” *Env’t Def. Ctr.*, 36 F.4th at 882, 891. The Court hereby AMENDS its injunction consistent with those instructions. The agencies are ENJOINED from approving well stimulation treatment permits until the agencies issue a complete EIS.<sup>17</sup>

Collectively, the federal-court injunctions that are still in place today (first issued in 2018 and expanded in 2023) prohibit BOEM from approving WSTs (including fracking, and including under any DPPs) until it completes 1) the CZMA consistency review process for the proposed action, 2) a complete EIS under NEPA, and 3) ESA consultation with FWS.

Accordingly, any effort to proceed with approving fracking in federal waters offshore California, without first complying with these mandates, is in direct violation of the court’s injunction. Further, any reliance on the EA and FONSI is unlawful because the court ruled that

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<sup>11</sup> *Id.* at 874; *see also id.* (“We agree with Plaintiffs that the agencies’ excessive reliance on the asserted low usage of well stimulation treatments distorted the agencies’ consideration of the significance and severity of potential impacts.”).

<sup>12</sup> *Id.* at 874-75.

<sup>13</sup> *Id.* at 878.

<sup>14</sup> *Id.* at 879-82.

<sup>15</sup> *Id.* at 885.

<sup>16</sup> *Id.* at 888-89.

<sup>17</sup> *EDC v. BOEM*, Case 2:16-cv-08418-PSG-FFM, Document No. 223, Order Amending the Court’s Injunction (Filed 07/13/23).

the agency's analysis and conclusions were arbitrary and capricious. Accordingly, it is inappropriate for BOEM to include these invalid sources on the agency's website.

Moreover, even though the court already recognized the flawed analysis for relying on the unfounded assumption that WSTs would only be used up to five times per year, it bears noting that this proposal *alone* would far exceed that figure, with up to thirty-eight treatments to occur over a five-year period from just a single platform.

## **II. Platform Gilda Updated Development and Production Plan and Notice of Intent**

BOEM is considering a proposal by the oil company DCOR, LLC. (DCOR) to conduct well stimulation activities, specifically hydraulic fracturing, from Platform Gilda located in the Santa Clara Unit in federal waters off Ventura County.<sup>18</sup> DCOR has submitted an updated Development and Production Plan ("Updated DPP") to BOEM that, under Alternative 1, proposes to conduct fracking at sixteen wells, with "four well stimulation target locations in the Upper Repetto and 12 well stimulation target locations in the Lower Repetto."<sup>19</sup> The action would involve up to thirty-eight treatments over a five-year period, with "up to 6 wells stimulated during one campaign in a single year" and active well stimulation to be performed for "14 days per year."<sup>20</sup>

The proposed method of WST "involves frac packing, which combines hydraulic fracturing with gravel packing."<sup>21</sup> According to the Updated DPP, during this process, "the fracking fluid is injected to fracture the formation, while sand control screens are installed across the perforated interval. Proppant is placed both in the fracture and in the annulus between the casing and screen to form a stable gravel pack."<sup>22</sup> Under the proposed action, fracking flowback fluid will be "retained on the Platform" and return fluids "will be re-injected into existing injection wells on the Platform" and "[f]racturing depths would be greater than 4,500 feet below the seafloor surface."<sup>23</sup> The Updated DPP provides two alternatives to the proposed action: "no action" and "development of new production wells."<sup>24</sup>

On March 18, 2026, BOEM released in the Federal Register a "Notice of Intent To Prepare an Environmental Impact Statement on Platform Gilda Well Stimulation Treatment"<sup>25</sup>—announcing a ten-day deadline to receive public comments, and giving six-days' notice of a virtual public scoping hearing that occurred on March 24, 2026.

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<sup>18</sup> UPDATE TO DEVELOPMENT AND PRODUCTION PLAN AND ENVIRONMENTAL REPORT, WELL STIMULATION: HYDRAULIC FRACTURING, PLATFORM GILDA OFFSHORE VENTURA COUNTY, Project No. 2502-2681 (January 2026) ("Updated DPP").

<sup>19</sup> *Id.* at 3-1.

<sup>20</sup> *Id.*; *id.* at 4-36.

<sup>21</sup> *Id.* at 1-3.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* at 3-1.

<sup>24</sup> *Id.* at 3-2.

<sup>25</sup> 91 Fed. Reg. 13063 (March 18, 2026).

### **III. BOEM Cannot Rely on Interior's Emergency Procedures to Evade a Thorough NEPA Review.**

BOEM cannot rely upon Executive Order 14,156 (in which President Trump declared a purported "energy emergency") and the Interior Department's Alternative Arrangements for NEPA (the Emergency Procedures) to approve this project. The premise that a national energy emergency exists, and that the NEPA analysis for the Platform Gilda DPP must be completed in 28 days, is arbitrary and capricious.

#### **A. There Is No National Emergency.**

First, there is no national energy emergency, and the Emergency Procedures are a transparent pretext to exempt fossil fuel development from environmental laws rather than a response to an actual energy emergency. There is no urgent need to immediately increase oil and gas production from the OCS. Oil production is at an all-time high and the United States is a net exporter of petroleum.

The Executive Order raises longstanding energy policy issues like energy prices and security, but fails to identify any sudden or unforeseen new circumstances that might require deviation from existing laws and regulations. Instead, the Executive Order borrows talking points that the oil and gas industry has offered for years when seeking to increase drilling and production. These are nothing new. And because these issues involve long-term national energy policy, they cannot be resolved through short term steps expediting approvals of leases, development and production plans, and drilling permits.<sup>26</sup>

The details of the Executive Order also illustrate the pretextual nature of the alleged "emergency." The Executive Order defines "energy" to exclude wind, solar, and many other renewable sources.<sup>27</sup> If there were a genuine energy emergency, the United States would be expected to take an "all of the above" approach to increasing energy supplies. The Executive Order itself recognizes the importance of a "diversified" energy supply,<sup>28</sup> and all the concerns listed in the Executive Order can be addressed by increasing renewable energy production along with a focus on energy conservation and efficiency.

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<sup>26</sup> For example, the Executive Order points to concerns such as "high energy prices" caused by "inadequate energy supply." Executive Order 14,156 § 1 (January 20, 2025). This ignores the fact that oil production in the United States has hit record levels, and in March 2024 the U.S. Energy Information Agency reported that the "United States produces more crude oil than any country, ever." EIA, *Today in Energy* (March 11, 2024), United States produces more crude oil than any country, ever - U.S. Energy Information Administration (EIA). In addition, the United States already produces more petroleum than it uses, and has been a net exporter of petroleum since 2020, undercutting the argument that national security requires an "affordable and reliable domestic supply of energy." EIA, *U.S. crude oil exports reached a new record in 2024* (April 10, 2025), U.S. crude oil exports reached a new record in 2024 - U.S. Energy Information Administration (EIA).

<sup>27</sup> Executive Order 14,156 § 8(a).

<sup>28</sup> *Id.* § 1.

In addition, the “opt in” structure of the Emergency Procedures—they apply only where the “project applicant . . . want[s] the review of their project to be covered by the alternative arrangements”—undercuts the Department’s claim to be responding to an emergency.<sup>29</sup> If the United States genuinely requires an immediate increase in energy production, expediting that production cannot be left to the business decisions of individual energy companies. The stated goals of the Executive Order are not contingent on whether each operator chooses to seek expedited approvals.

## **B. The Executive Order Does Not Activate Any Emergency Powers Under NEPA.**

President Trump’s Executive Order relied on the National Emergencies Act, 50 U.S.C. § 1601 *et seq.* (the NEA), for authority to declare a national energy emergency.<sup>30</sup> The NEA authorizes the President to declare a national emergency, which allows him to exercise “any special or extraordinary power” that is authorized by an Act of Congress “during the period of a national emergency.”<sup>31</sup>

The NEA does not give the President free rein to disregard the law, however. Rather, an emergency declaration only applies to statutes “conferring powers and authorities to be exercised during a national emergency.”<sup>32</sup> As Congress explained: the “National Emergencies Act is not intended to enlarge or add to Executive power. Rather the statute is an effort by the Congress to establish clear procedures and safeguards for the exercise by the President of emergency powers conferred upon him by other statutes.”<sup>33</sup>

The NEA also imposes requirements for reporting to Congress and procedures for terminating emergencies.<sup>34</sup> In particular, the NEA requires the President to “specif[y] the provisions of law under which he proposes that he, or other officers will act” in exercising emergency powers.<sup>35</sup> This specification must be made in the emergency declaration, or in “subsequent Executive orders published in the Federal Register and transmitted to the Congress.”<sup>36</sup>

Unlike some other statutes, NEPA does not give the President any “special or extraordinary power” to waive its requirements during national emergencies.<sup>37</sup> Moreover,

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<sup>29</sup> Dep’t of Interior, Alternative Arrangements for NEPA Compliance (April 23, 2025), available at [https://www.doi.gov/sites/default/files/documents/2025-04/alternative-arrangements-nepa-during-national-energy-emergency-2025-04-23-signed\\_1.pdf](https://www.doi.gov/sites/default/files/documents/2025-04/alternative-arrangements-nepa-during-national-energy-emergency-2025-04-23-signed_1.pdf).

<sup>30</sup> Executive Order 14,156.

<sup>31</sup> 50 U.S.C. § 1621(a).

<sup>32</sup> *Id.* § 1621(b).

<sup>33</sup> Sen. Rep. 94-1168 at \*3 (Aug. 26, 1976).

<sup>34</sup> 50 U.S.C. §§ 1621-1631.

<sup>35</sup> *Id.* § 1631.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.* § 1621(a); *see* 42 U.S.C. § 4321 *et seq.* (NEPA).

President Trump's Executive Order makes no mention of NEPA—much less “specif[ies] the provisions” of that statute under which he wants to act during the emergency.<sup>38</sup>

As a result, the fact that President Trump has declared a purported “emergency” does not give the Department any additional power to disregard the ordinary requirements of NEPA. The Department must look elsewhere for authority to issue the Emergency Procedures.

### **C. NEPA Regulations Do Not Support Use of the Emergency Procedures.**

The Department relies on one of its NEPA regulations, 43 C.F.R. § 46.150, for authority to issue the Emergency Procedures. The Emergency Procedures purport to allow BOEM to forego the normal NEPA process for non-renewable energy projects, such as publishing a draft EIS and soliciting comment on it. Instead, BOEM provides a limited comment period of only 10 days during scoping, and prepares the EIS within 28 days of publishing the notice of intent.<sup>39</sup> While section 46.150 allows emergency actions to be taken under certain circumstances, it does not authorize the Emergency Procedures, nor their application to the authorization of offshore fracking.

The Department's NEPA regulation, 43 C.F.R. § 46.150, applies where an emergency “makes it necessary to take actions to address imminent threats to life, property, or important natural, cultural, or historic resources before preparing an environmental document.”

First, the Administration's goal of increasing energy production does not represent an emergency for purposes of NEPA. In issuing the regulation, Interior explained that an “emergency” means “a sudden, urgent, usually unexpected occurrence or occasion requiring immediate action,” or “an unforeseen combination of circumstances or the resulting state that calls for immediate action.”<sup>40</sup> Courts have upheld findings of “emergency circumstances” under NEPA where they serve to “avert imminent crises outside the agency's control.”<sup>41</sup> The administration's policy goal of increasing domestic energy production does not qualify as an emergency for NEPA purposes. The concerns described by the Executive Order all involve long-standing policy and market issues that have existed, and which the federal government has engaged with, for years. They do not involve a “sudden, urgent” or “unexpected” event, or “requir[e] immediate action” prior to complying with NEPA.<sup>42</sup>

But even if the energy policy concerns raised in the Executive Order could qualify as an emergency for NEPA purposes, the regulations do not permit “alternative arrangements” for NEPA compliance in approving the Platform Gilda DPP. “Alternative arrangements” are highly

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<sup>38</sup> 50 U.S.C. § 1631.

<sup>39</sup> The Emergency Procedures also require BOEM to demonstrate how the proposed action addresses the “national energy emergency.” BOEM must analyze the extent to which approval of Platform Gilda's DPP will actually increase oil production and how that will affect energy prices, which the Executive Order characterized as an “active threat to the American people.”

<sup>40</sup> 73 Fed. Reg. 61292, 61301 (Oct. 15, 2008) (applying dictionary definition of “emergency”).

<sup>41</sup> *NRDC v. Winter*, 518 F.3d 658, 683 (9th Cir. 2008) (cleaned up), *reversed on other grounds*, 555 U.S. 7 (2008).

<sup>42</sup> 73 Fed. Reg. at 61301.

circumscribed, applying only to “the proposed actions necessary to control the immediate actions in response and related to the emergency that are urgently needed address imminent threats to life, property, or important natural, cultural, or historic events.”<sup>43</sup>

Here, in preparing an EIS, BOEM cannot point to those actions necessary to address imminent threats because there is no such imminent threat. Approving offshore fracking in response to an “energy emergency” is much different than containing a wildfire, responding to a toxic spill, or getting supplies to troops during an active military conflict. Offshore fracking has been on hold for almost 10 years – since 2018 – because BOEM has failed to conduct an EIS on the practice on the Pacific OCS.<sup>44</sup> BOEM offers no explanation regarding what has changed and why approval of this dangerous practice is suddenly necessary.

In short, BOEM's use of the Emergency Procedures is not “urgently needed to address imminent threats to life, property, or important natural, cultural, or historic resources,”<sup>45</sup> and BOEM's use of those Emergency Procedures in reliance on a nonexistent “energy emergency” is inconsistent with both NEPA and Interior's NEPA implementing regulations. BOEM has failed to provide a rational explanation of how it can invoke alternate procedures for this project when the regulatory conditions for invoking those procedures are not met and BOEM's actions are arbitrary and capricious in violation of the APA.<sup>46</sup>

#### **IV. BOEM Must Circulate a Draft EIS for Public Review.**

Public participation in the NEPA process, “in cooperation” with the government, has been central to the execution of NEPA since its inception.<sup>47</sup> By its very text, NEPA requires public participation in the processes it creates.<sup>48</sup> Section 4336a provides that “[e]ach notice of intent to prepare an [EIS] under section 4332 of this title shall include a request for public comment on alternatives or impacts and on relevant information, studies, or analyses with respect to the proposed agency action.”<sup>49</sup> Moreover, Section 4332(2)(C) states that federal agencies must provide “[c]opies of such [EIS] and the comments and views of the appropriate Federal, State, and local agencies ... to the public as provided by section 552 of Title 5, and shall accompany the proposal through the existing agency review processes.”<sup>50</sup>

The Supreme Court has long recognized the importance of public participation in NEPA, finding that one of the primary purposes of the statute is to ensure that “relevant information will be made available to the larger audience that may also play a role in both the decisionmaking

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<sup>43</sup> *Id.* § 46.150(a).

<sup>44</sup> *See infra* Section I.

<sup>45</sup> 43 C.F.R. § 46.150(a).

<sup>46</sup> 5 U.S.C. § 702(2)(A).

<sup>47</sup> 42 U.S.C. § 4331(a).

<sup>48</sup> *See* 42 U.S.C. §§ 4331(a), 4332(2)(C)(v), 4336a(c).

<sup>49</sup> *Id.* § 4336a(c).

<sup>50</sup> *Id.* § 4332(2)(C)(v).

process and the implementation of that decision.”<sup>51</sup> Allowing the public to participate addresses NEPA’s “manifest concern with preventing uninformed action,” because it is through the “broad dissemination of information” that “the public” can “react to the effects of a proposed action at a meaningful time.”<sup>52</sup> As the Supreme Court has explained, “[p]ublication of an EIS, both in draft and final form . . . serves a larger informational role.”<sup>53</sup> It gives the public “assurance that the agency has indeed considered environmental concerns in its decisionmaking process” and “more significantly, provides a springboard for public comment.”<sup>54</sup>

Moreover, Congress has accepted that the longstanding CEQ regulations reflected the appropriate interpretation of NEPA’s public participation requirements. For example, Congress has directly legislated against the backdrop of CEQ’s public participation regulations. Through the Fixing America’s Surface Transportation Act (“FAST Act”),<sup>55</sup> Congress streamlined the review process for certain federal infrastructure projects and expressly required agencies to establish public comment periods of 45 to 60 days for all draft EISs, and public comment periods not exceeding 45 days for all other environmental review and comment periods.<sup>56</sup> But even though streamlining was the goal, these provisions still reaffirmed public comment periods were required under NEPA: a statutory minimum indicates that public comment periods are not optional. By legislating in this way, Congress confirmed the necessity of public participation in the NEPA process.

Consequently, to comply with NEPA, an agency “must notice its draft environmental impact statement for public comment and respond to comments before it can finalize the statement and move forward with the underlying action.”<sup>57</sup>

BOEM must release a draft EIS, allow an adequate opportunity for public comment, and properly consider and address any comments received in advance of finalizing its decision on whether to approve hydraulic fracturing.

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<sup>51</sup> *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989); see *Seven Cnty. Infrastructure Coal. v. Eagle Cnty., Colorado*, 605 U.S. 168, 177 (2025) (“NEPA requires federal agencies to prepare an environmental impact statement . . . identifying significant environmental effects of the projects, as well as feasible alternatives” and “ensures that the agency and the public are aware of the environmental consequences of proposed projects”); *State of Cal. v. Block*, 690 F.2d 753, 770 (9th Cir. 1982) (“NEPA’s public comment procedures are at the heart of the NEPA review process. NEPA requires responsible opposing viewpoints to be included in the final EIS.”) (citing 42 U.S.C. § 4332(2)(C)).

<sup>52</sup> *Marsh v. Or. Nat. Res. Council*, 490 U.S. 360, 371 (1989).

<sup>53</sup> *Robertson*, 490 U.S. at 349.

<sup>54</sup> *Id.* (emphasis added) (citations omitted); see also *Dep’t of Transp. v. Pub. Citizen*, 541 U.S. 752, 768 (2004) (EIS designed to “provide a springboard for public comment” (citation modified)).

<sup>55</sup> Pub. L. No. 114-94, 129 Stat. 1312 (Dec. 4, 2015).

<sup>56</sup> 42 U.S.C. § 4370m-4(d)(1)–(2).

<sup>57</sup> *Earth Island Inst. v. Muldoon*, 82 F.4th 624, 632 (9th Cir. 2023); see also *Grazing Fields Farm v. Goldschmidt*, 626 F.2d 1068, 1073–74 (1st Cir.1980) (holding that unless a document has been publicly circulated and available for public comment, it does not satisfy NEPA’s EIS requirements); *I-291 Why? Ass’n v. Burns*, 517 F.2d 1077, 1081 (2d Cir. 1975) (post-EIS studies “could not cure these particular inadequacies because they were not circulated for review and comment in accordance with procedures established to comply with NEPA”).

**V. BOEM Must Prepare a Complete EIS and Take a Hard Look at the Impacts of Offshore Fracking Pursuant to NEPA.**

NEPA is the “basic national charter for protection of the environment,” and “places upon an agency the obligation to consider every significant aspect of the environmental impact of a proposed action.”<sup>58</sup> It was enacted to “promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; [and] to enrich the understanding of the ecological systems and natural resources important to the Nation,”<sup>59</sup> and is “intended to ensure ‘fully informed and well-considered’ decisionmaking.”<sup>60</sup> Congress further recognized that “each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment,”<sup>61</sup> and assigned to the Federal Government the responsibility to “preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice.”<sup>62</sup>

NEPA achieves these sweeping policy goals “through a set of action-forcing procedures that require that agencies take a hard look at the environmental consequences of their actions, and provide for broad dissemination of relevant environmental information.”<sup>63</sup> To that end, NEPA requires agencies to prepare a detailed statement analyzing the environmental effects of any “major Federal action[] significantly affecting the quality of the human environment.”<sup>64</sup> An Updated DPP involving hydraulic fracturing from an oil platform in federal waters qualifies as such a major Federal action.

In its EIS, BOEM must analyze reasonably foreseeable environmental effects, a reasonable range of alternatives to the action, and any irreversible and irretrievable commitments of resources that would be involved.<sup>65</sup> BOEM must evaluate *all* ecological, aesthetic, historic, cultural, economic, social, “local custom and culture or health effects” that may be caused by approving hydraulic fracturing at Platform Gilda.<sup>66</sup> This includes not only the effects of preliminary activities associated with the approval, but also the longer-term effects of hydraulic fracturing that are reasonably foreseeable.<sup>67</sup>

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<sup>58</sup> *Baltimore Gas & Elec. Co. v. Nat. Res. Def. Council*, 462 U.S. 87, 97 (1983) (quoting *Vt. Yankee Nuclear Power Corp. v. Nat. Res. Def. Council*, 435 U.S. 519, 553 (1978)).

<sup>59</sup> 42 U.S.C. § 4321.

<sup>60</sup> *WildEarth Guardians v. Jewell*, 738 F.3d 298, 302 (D.C. Cir. 2013) (citing *New York v. NRC*, 681 F.3d 471, 476 (D.C. Cir. 2012)).

<sup>61</sup> 42 U.S.C. § 4331(c).

<sup>62</sup> 42 U.S.C. § 4331(b)(4).

<sup>63</sup> *Prutehi Litekyan: Save Ritidian v. United States Dep’t of Airforce*, 128 F.4th 1089, 1100 (9th Cir. 2025) (internal quotations omitted).

<sup>64</sup> 42 U.S.C. § 4332(2)(C).

<sup>65</sup> 42 U.S.C. § 4332(2)(C)(i)-(v).

<sup>66</sup> DOI NEPA Handbook 24 (§ 6.1(j) defining “effects or impacts”). Even if BOEM evaluates only the effects of preliminary activities in a NEPA document—which would violate NEPA for being too narrow in scope—it must sufficiently understand the environmental baseline of all resources that may be affected.

<sup>67</sup> See, e.g., *Native Vill. of Point Hope v. Jewell*, 740 F.3d 489, 503 (9th Cir. 2014).

Reviewing courts look at whether the federal agency took a “hard look” at the effects of the action.<sup>68</sup> Under NEPA’s hard look requirement, the agency must ensure that “the adverse environmental effects of the proposed action are adequately identified and evaluated.”<sup>69</sup> Additionally, the EIS and the environmental analyses within must be clear and supported by reliable evidence.<sup>70</sup>

BOEM must consider “a reasonable range of alternatives to the proposed agency action,” including the “no action alternative.”<sup>71</sup> Failure to do so would prevent a reasoned assessment of environmental impacts in the OCS, thereby prohibiting BOEM from making an informed decision and denying affected communities crucial information. BOEM also must provide a detailed explanation of “any irreversible and irretrievable commitments of Federal resources which would be involved in the proposed action should it be implemented,”<sup>72</sup> including “[a]ny means identified to mitigate adverse environmental effects of the proposed action.”<sup>73</sup>

To the extent the Updated DPP and NOI forecast the analysis that will be included in the EIS, that approach is fundamentally flawed. Instead, BOEM must use an adequate purpose and need, provide a reasonable range of alternatives, include a thorough discussion of the many impacts of offshore fracking, analyze cumulative impacts, and address mitigation measures.

#### **A. BOEM Must Use an Adequate Purpose and Need Statement.**

BOEM’s NOI states that the purpose of the Proposed Action is “to enhance the recovery of petroleum and gas from an existing oil platform on the POCS, beyond that which could be recovered without the use of WSTs.”<sup>74</sup> BOEM writes that this action is necessary “to further the conservation and orderly development of OCS oil and gas resources in accordance with the Outer Continental Shelf Lands Act of 1953 (OCSLA), as amended (43 United States Code [U.S.C.] 1331 *et seq.*) through the efficient recovery of oil and gas reserves from the POCS.”<sup>75</sup>

Notably, this statement of purpose and need is significantly different from the statement in the Updated DPP, but has similar flaws.<sup>76</sup> When BOEM prepares an EIS for this project,

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<sup>68</sup> *Fund for Animals v. Norton*, 281 F. Supp 2d 209, 224 (D.D.C. 2003); *see Sierra Club v. U.S. Dep’t of Energy*, 867 F.3d 189, 196 (D.C. Cir. 2017).

<sup>69</sup> *Standing Rock Sioux Tribe v. U.S. Army Corps of Eng’rs*, 255 F. Supp. 3d 101, 123 (D.D.C. 2017) (quoting *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989)).

<sup>70</sup> *See* 42 U.S.C. § 4332(2)(E).

<sup>71</sup> 42 U.S.C. § 4332(2)(C)(iii).

<sup>72</sup> *Id.* § 4332(2)(C)(v).

<sup>73</sup> DOI NEPA Handbook 15 (§ 2.3(a)(5), (6)).

<sup>74</sup> Notice of Intent to Prepare an Environmental Impact Statement on Platform Gilda Well Stimulation Treatment, 91 Fed. Reg. 13063, 13064 (Mar. 18, 2026).

<sup>75</sup> *Id.*

<sup>76</sup> The Updated DPP states that implementing fracking is necessary to “maintain Platform Gilda’s offshore production levels to support the national interest in reducing dependence on foreign energy sources, efficiently increasing domestic production and conserving resources in accordance with Executive Orders (EO) 14154 and EO 14156.” Padre Associates, *Update to Development and Production Plan and Environmental Report – Well Stimulation: Hydraulic Fracturing* 1-1 (Jan. 2026). Like with the statement of purpose and intent in the NOI, this

BOEM must revise this statement of purpose and need because it is too narrowly drawn, doesn't adequately provide for BOEM's environmental obligations, and suggests that enhancing energy production from Platform Gilda through hydraulic fracturing is necessary for the "conservation" and orderly development of OCS oil and gas reserves.

1. The Preliminary Statement of Purpose and Need is Overly Narrow.

The existing statement of purpose and need is too narrow because it limits the available alternatives to hydraulic fracturing before they can even be considered. Purpose and need statements allow agencies, the public, and courts to "judge whether the agency has fully analyzed the possible impacts of the action and reviewed a reasonable range of alternatives to that action."<sup>77</sup> Under NEPA, a purpose and need statement must not be so narrowly drawn that it constrains the consideration of a reasonable range of alternatives.<sup>78</sup> BOEM's statement of purpose and need presents hydraulic fracturing as the only solution available to enhance petroleum and gas development from the Platform Gilda, which immediately eliminates even the consideration of alternative strategies.

Further, while the statement of purpose and need specifically references pursuing development in accordance with OCSLA, it fails to acknowledge the agency's environmental obligations under the Act. The statement is defined in a manner that appears to be aimed at achieving a predetermined outcome—increasing oil and gas development, whatever the cost to communities, wildlife, or the environment. This likewise forecloses reasonable alternatives, such as including more environmentally protective courses of action.

2. BOEM Must Incorporate Environmental Protection into its Statement.

While the statement of purpose and need refers vaguely to "conservation," this fails to capture BOEM's obligations under OCSLA. In creating OCSLA, Congress recognized that the OCS "is a vital national resource reserve held by the Federal Government for the public" which should be made available for development "subject to environmental safeguards."<sup>79</sup> The Act facilitates the balancing of the development and production of resources in the OCS with the public interest in environmental protection and conservation, and trusts federal agencies and the states with maintaining this balance.<sup>80</sup>

This responsibility exists as part of BOEM's role in reviewing, and potentially approving, development and production plans.<sup>81</sup> Before approving the revision of an approved plan, BOEM

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statement is flawed because it is narrowly drawn to exclude reasonable, environmentally friendly alternatives, ignores BOEM's environmental obligations under OCSLA, and incorrectly implies that fracking at Platform Gilda will meaningfully help achieve national energy independence.

<sup>77</sup> *Soda Mountain Wilderness Council v. Norton*, 424 F. Supp. 2d 1241, 1261 (E.D. Cal. 2006); *see also Nat'l Parks Conserv. Ass'n v. Bureau of Land Mgmt.*, 606 F. 3d 1058, 1070 (9th Cir. 2010).

<sup>78</sup> *Nat'l Parks Conserv. Ass'n*, 606 F. 3d at 1070.

<sup>79</sup> 43 U.S.C. § 1332(3)

<sup>80</sup> *See* 43 U.S.C. § 1332(3)-(5).

<sup>81</sup> 43 U.S.C. § 1351(h)(1).

must ensure that “such revision is consistent with the protection of the human, marine, and coastal environments.”<sup>82</sup> In fact, BOEM’s regulations specifically provide BOEM with the option to reject a DPP if implementing it “would cause serious harm or damage to life (including fish and aquatic life) . . . or the marine, coastal, or human environment.”<sup>83</sup>

The statement of purpose and need provided in the NOI doesn’t account for the agency’s obligation to consider the environmental impacts of the project and balance them against the interest of development and production. Instead, BOEM creates a mandate to continually increase development by seemingly focusing on the words “expeditious and orderly development,” while ignoring OCSLA’s repeated emphasis on environmental protection.<sup>84</sup> BOEM must ensure that it does not draft, or interpret, its statement of purpose and need so restrictively as to foreclose reasonable alternatives that would advance the protection of the coastal and marine environment. Therefore, BOEM must revise the statement of purpose and need when it prepares the EIS for this project so that it more accurately reflects development and conservation goals in balance and allows for the consideration of alternatives that are more consistent with this mandate.

### 3. It Is Not Necessary to Enhance the Recovery of Oil from Platform Gilda.

BOEM’s purpose and need statement incorrectly suggests that it is necessary to enhance the recovery of petroleum and gas from Platform Gilda beyond its existing levels as a part of the conservation and orderly development of the OCS. Recent trends in energy production, the federal government’s own energy analysis, and market factors clearly demonstrate that the United States does not need increased oil and gas development to meet energy needs. In support of its purpose and need statement, BOEM highlights that “[n]atural gas is generally considered an environmentally preferable alternative to other fossil fuels.”<sup>85</sup> However, it is *not* preferable over renewable energy sources.<sup>86</sup> Renewables are increasingly meeting U.S. needs,<sup>87</sup> and wind and solar provide cost-effective sources of electricity.<sup>88</sup>

Despite President Trump’s unsubstantiated declaration of a national energy emergency,<sup>89</sup> the United States already produces immense quantities of fossil fuels. We are the world’s leading

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<sup>82</sup> 43 U.S.C. § 1351(i).

<sup>83</sup> 30 C.F.R. § 550.271(d)(1).

<sup>84</sup> 43 U.S.C. § 1332(3).

<sup>85</sup> Notice of Intent to Prepare an Environmental Impact Statement on Platform Gilda Well Stimulation Treatment, 91 Fed. Reg. 13063, 13064 (Mar. 18, 2026).

<sup>86</sup> UN Environment Programme, *Is Natural Gas Really the Bridge Fuel the World Needs?* (Jan. 12, 2023), <https://www.unep.org/news-and-stories/story/natural-gas-really-bridge-fuel-world-needs>.

<sup>87</sup> Climate Central, *A Decade of Growth for U.S. Solar and Wind* (Mar. 12, 2025), <https://www.climatecentral.org/climate-matters/solar-and-wind-2025> (compiling U.S. Energy Information Administration data).

<sup>88</sup> See Lazard, *Levelized Cost of Energy* 8 (June 2025), <https://www.lazard.com/media/5tlbhyla/lazards-lcoeplus-june-2025-vf.pdf>.

<sup>89</sup> Exec. Order No. 14156, 90 Fed. Reg. 8433 (Jan. 29, 2025).

producer of oil and gas.<sup>90</sup> The United States has been a net exporter of petroleum since 2020,<sup>91</sup> producing more petroleum than required to meet national energy needs. Meanwhile, U.S. gasoline consumption has declined by five percent since 2018.<sup>92</sup> Critically, transitioning from fossil fuels to renewables is essential to avoiding the worst impacts of the climate crisis, which threatens the U.S. economy, infrastructure, and environment. Indeed, climate change is already putting existing fossil fuel infrastructure at risk with increased storms and rising sea levels, with serious implications for neighboring communities at risk of toxic exposures.<sup>93</sup>

## **B. BOEM Must Analyze a Reasonable Range of Alternatives.**

NEPA requires that agencies preparing an EIS include a “detailed statement” that analyzes “a reasonable range of alternatives to the proposed agency action.”<sup>94</sup> This requirement “lies at the heart of any NEPA analysis.”<sup>95</sup> “[N]o major federal project should be undertaken without intense consideration of other more ecologically sound courses of action, including shelving the entire project, or of accomplishing the same result by entirely different means.”<sup>96</sup> The “existence of a viable but unexamined alternative renders” an EIS inadequate.<sup>97</sup> BOEM must also include a thorough assessment of a no action alternative.<sup>98</sup> Agencies must engage in an “[i]nformed and meaningful” analysis of the no action alternative “to provide a baseline against which every action alternative is evaluated.”<sup>99</sup> An alternatives analysis limited to the choices of frack or don’t frack, as presented in BOEM’s NOI,<sup>100</sup> fails to capture the full range of reasonable alternatives.

The discussion of the no action alternative consists of only three sentences and fails to provide sufficient information to inform interested parties of the baseline against which other

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<sup>90</sup> U.S. Energy Information Administration (EIA), *U.S. Energy Production Has Increased Faster than Energy Consumption Over the Past 50 Years* (Oct. 29, 2024), <https://www.eia.gov/todayinenergy/detail.php?id=63544>.

<sup>91</sup> EIA, *Oil and Petroleum Products Explained: Oil Imports and Exports* (last updated Jan. 19, 2024), <https://www.eia.gov/energyexplained/oil-and-petroleum-products/imports-and-exports.php>.

<sup>92</sup> Lucas David, *Is U.S. Gasoline Consumption Declining?*, ENERGY INSTITUTE BLOG (May 12, 2025), <https://energyathaas.wordpress.com/2025/05/12/is-u-s-gasoline-consumption-declining/>; see EIA, *Transportation Fuel Demand Remains Below Pre-Pandemic Levels* (Aug. 27, 2025), <https://www.eia.gov/todayinenergy/detail.php?id=66005>.

<sup>93</sup> Lara J. Cushing et al., *Sea Level Rise and Flooding of Hazardous Sites in Marginalized Communities Across the United States*, 16 NATURE COMMUNICATIONS (2025), <https://www.nature.com/articles/s41467-025-65168-2>; Jinxin Dong et al., *Climate Change Impacts on Coastal and Offshore Petroleum Infrastructure and the Associated Oil Spill Risk: A Review*, 10 J. OF MARINE SCI 849 (2022), <https://www.mdpi.com/2077-1312/10/7/849>.

<sup>94</sup> 42 U.S.C. § 4332(2)(C)(iii); see *id.* § 4332(2)(F) (agencies must “study, develop, and describe technically and economically feasible alternatives”).

<sup>95</sup> *California ex rel. Lockyer v. U.S. Dep’t of Agric.*, 459 F. Supp. 2d 874, 905 (N.D. Cal. 2006).

<sup>96</sup> *Env’t Def. Fund v. Corps of Eng’rs*, 492 F.2d 1123, 1135 (5th Cir. 1974).

<sup>97</sup> *W. Watersheds Project v. Abbey*, 719 F.3d 1035, 1050 (9th Cir. 2013) (quoting *Westlands Water Dist. v. U.S. Dep’t of Interior*, 376 F.3d. 853, 868 (9th Cir. 2004)).

<sup>98</sup> See *Conservation Nw. v. Sherman*, 715 F.3d 1181, 1188 (9th Cir. 2013).

<sup>99</sup> *Ctr. for Biological Diversity v. Bernhardt*, 982 F.3d 723, 734–35 (9th Cir. 2020) (quoting *Bob Marshall All. v. Hodel*, 852 F.2d 1223, 1228 (9th Cir. 1988)).

<sup>100</sup> Notice of Intent to Prepare an Environmental Impact Statement on Platform Gilda Well Stimulation Treatment, 91 Fed. Reg. 13063, 13064 (Mar. 18, 2026).

alternatives must be evaluated.<sup>101</sup> Likewise, the Updated DPP also fails to explain the no action alternative in any detail.<sup>102</sup> When BOEM prepares its EIS, it must examine how baseline activities would proceed as oil extraction declines, explain the environmental consequences of taking no action, and assess how this option would affect the purpose and need of the action. Without such analysis, the environmental review for this project would be deficient.

The NOI also fails to acknowledge an alternative presented in the Updated DPP for this project. In addition to the proposed action and the no-action alternative, the Updated DPP identifies the potential development of new production wells to enhance oil and gas recovery from Platform Gilda as “Alternative 3.” However, BOEM appears to have excluded this alternative from its NOI, as it neither evaluates it as a viable option nor explains why it may be technically infeasible.

The Updated DPP's discussion of Alternative 3 is cursory, and BOEM must expand its analysis to demonstrate that it gave meaningful consideration to this option before selecting a preferred approach. To adequately evaluate this alternative, BOEM should provide specific details, including the proposed locations of additional wells and the associated environmental impacts. Such information is necessary to enable decision-makers and the public to meaningfully compare this alternative with the proposed action. An analysis that offers conclusions without supporting evidence is insufficient.

Further, BOEM should consider alternatives that reduce the risk of environmental consequences. For example, BOEM should consider an alternative of less frequent use and duration of offshore fracking treatments, prohibition or limits on produced water discharges, restrictions that would help protect imperiled species, and alternatives involving renewable energy production.

### **C. BOEM Must Analyze the Many Impacts of Offshore Fracking.**

Offshore fracking causes environmental damage beyond that of conventional offshore oil and gas development by producing water and air pollution, increasing the risk of earthquakes and oil spills, and prolonging the life of aging infrastructure and our use of dirty fossil fuels.

#### **1. BOEM Must Quantify and Evaluate the Harmful Effects of Platform Gilda's Water Pollution.**

BOEM needs to thoroughly examine the environmental and public health risks associated with offshore fracking before authorizing any operations at Platform Gilda. Fracking chemicals are toxic to marine life and people, and they need to be disclosed, quantified, and analyzed. The proposed project acknowledges it will discharge additional wastewater into California's marine environment, and there are multiple chemical exposure pathways—spills during handling,

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<sup>101</sup> *Id.* at 13064-65.

<sup>102</sup> Updated DPP at 3-2.

residual contaminants in produced water, and cumulative discharge volumes—that pose significant threats to marine ecosystems.

The proposed action includes a loophole that will allow contaminated wastewater to be discharged into the ocean. The notice states that flowback fluids will not be discharged, yet it also describes a process of retaining flowback fluid on the platform for separation of stimulation fluids, solid waste, and liquid waste with the latter being disposed into the ocean. Even if this process prevents some of the toxic chemicals from being discharged into the ocean, the proposed action still increases water contamination.

*a. Fracking Chemicals and Produced Water Are Dangerous.*

Offshore fracking generates toxic wastewater. Here, DCOR plans to use 1,300 bbls (or 54,600 gallons) of well treatment chemicals per frack and up to 100,000 bbls (4.2 million gallons) over a 5-year period. Fracking chemicals injected underground return through the well to the surface in wastewater, first as “flowback” fluids and later in vast amounts of “produced water.” Produced water contains fracking chemicals along with toxic heavy metals (e.g., lead) radioactive chemicals (e.g., uranium), BTEX chemicals (benzene, toluene, ethylbenzene, xylene), and polycyclic aromatic hydrocarbons (PAHs).<sup>103</sup> These compounds under high pressures and temperatures transform into more toxic compounds than the original additives.<sup>104</sup> PAHs, phenols, and degradation products bioaccumulate and cause both acute and chronic toxicity.<sup>105</sup> Heavy metals mobilized from formations include arsenic, lead, mercury, zinc, copper, and iron.<sup>106</sup> The exact chemical makeup varies significantly from one well to another and requires analysis.<sup>107</sup>

BOEM must not only consider the best available information about the dangers of water contamination from offshore fracking, but to meaningfully evaluate the effects of the proposed action it must obtain additional information. There is a poor understanding of fracking wastewater composition from offshore oil activities.<sup>108</sup> An independent research institution

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<sup>103</sup> Chittick, Emily A. & Tanja Srebotnjak, An analysis of chemicals and other constituents found in produced water from hydraulically fractured wells in California and the challenges for wastewater management, 204 *Journal of Environmental Management* 502 (2017), <https://doi.org/10.1016/j.jenvman.2017.09.002>

<sup>104</sup> Folkerts, Erik J., Greg G. Goss, and Tamzin A. Blewett, Investigating the Potential Toxicity of Hydraulic Fracturing Flowback and Produced Water Spills to Aquatic Animals in Freshwater Environments: A North American Perspective, ed. Pim De Voogt, 254 *Reviews of Environmental Contamination and Toxicology, Reviews of Environmental Contamination and Toxicology*, 1–56 (2020)

<sup>105</sup> De Jourdan, Benjamin P. et al., Toxicity of Six Representative Polycyclic Aromatic Compounds in Five Marine Test Species, 986 *Science of The Total Environment* 179574 (2025); Sørensen, Lisbet et al., No One Acts Alone—Unravelling the Compositional Influences of Organic Compounds in Offshore Produced Water on Zebrafish Embryotoxicity, 44 *Environmental Toxicology and Chemistry* 2004–16 (2025)

<sup>106</sup> Nsiah, Francis et al., Impact Assessment of High-Risk Analytes in Produced Water from Oil and Gas Industry, 191 *Marine Pollution Bulletin* 114921 (2023)

<sup>107</sup> Folkerts, Goss, and Blewett. 2020; He, Yuhe, Shannon L. Flynn, et al., Chemical and Toxicological Characterizations of Hydraulic Fracturing Flowback and Produced Water, 114 *Water Research* 78–87 (2017)

<sup>108</sup> Zhong, Cheng et al., Hydraulic Fracturing Return Fluids from Offshore Hydrocarbon Extraction Present New Risks to Marine Ecosystems, 55 *Environmental Science & Technology* 4199–4201 (2021)

identified key concerns with the lack of data available about the chemicals, the combined effects of those chemicals, environmental monitoring, and long-term studies used in offshore fracking.<sup>109</sup> As of 2016, EPA had:

identified 1606 chemicals associated with hydraulic fracturing, including 1084 chemicals used in hydraulic fracturing fluid and 509 chemicals detected in produced water. ... With new chemicals constantly being added, it is virtually impossible to track them all, or even to just stay up-to-date. The identity of many of these chemicals was unknown, with formulas and physical property information tightly held by the manufacturers as proprietary trade secrets. The hydraulic fracturing fluid chemical additives that were identified had virtually no information available on toxicity or other potentially hazardous properties of the compounds. The fact that these various chemicals with unknown properties may be entering the environment is a concern.<sup>110</sup>

Another article published in 2020 describes “[p]ublicly available toxicological studies on wastewaters associated with unconventional oil and gas (UOG) activities in offshore regions [as] nonexistent.”<sup>111</sup>

Despite (and often because of) these gaps in information, there remains ample cause for concern. What is known about harms of fracking must be considered by BOEM.

i. Contamination Exposure Pathways from Offshore Fracking at Platform Gilda.

Even with the proposed so-called closed system, BOEM must disclose the risks to the environment from spills and remaining produced water discharges.

One of the key risks associated with hydraulic fracturing is the potential for spills during handling and transfer of fracking fluids and flowback, including accidents from pipeline leaks, truck transportation, and injection well integrity issues.<sup>112</sup> Spills are common. A 2017 study tracking spills across four states found that half of all wastewater accidents happened during storage or transport. Between 2% and 16% of wells had a spill annually, with one incident

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<sup>109</sup> California Council on Science and Technology (CCST), An Independent Scientific Assessment of Well Stimulation in California, Volume II Potential Environmental Impacts of Hydraulic Fracturing and Acid Stimulation (2015), <https://ccst.us/wp-content/uploads/160708-sb4-vol-II-front-1.pdf>

<sup>110</sup> Soeder, Daniel J., *Fracking and the Environment: A Scientific Assessment of the Environmental Risks from Hydraulic Fracturing and Fossil Fuels* (Cham: Springer International Publishing, 2021)

<sup>111</sup> Folkerts, Erik J. et al., Exposure to Hydraulic Fracturing Flowback Water Impairs *Mahi-Mahi* ( *Coryphaena Hippurus* ) Cardiomyocyte Contractile Function and Swimming Performance, 54 *Environmental Science & Technology* 13579–89 (2020)

<sup>112</sup> *Id.*

releasing over 3,750 cubic meters of toxic waste.<sup>113</sup> Another study documented more than 2,500 wastewater spills over a seven-year period, with over 100 contaminating lakes and streams.<sup>114</sup>

Even if initial flowback is captured and well stimulation fluids removed, produced water continues to flow throughout the well's operational life, containing residual fracking chemicals. This means that even with "treatment," produced water and separated liquid wastewater discharged from Platform Gilda will contain a complex mixture of contaminants. The line between flowback and produced water is blurry.

## ii. Danger of Fracking Chemicals

Fracking chemicals pose a significant danger to human health. A 2023 science review of hundreds of studies concluded that "[p]ublic health problems associated with fracking include prenatal harm, respiratory impacts, cancer, heart disease, mental health problems, and premature death."<sup>115</sup> A peer-reviewed study that examined fracking fluid products determined that more than 75% of the chemicals could affect the skin, eyes, and other sensory organs, and the respiratory and gastrointestinal systems; approximately 40 to 50% could affect the brain/nervous system, immune system, cardiovascular system, and the kidneys; 37% could affect the endocrine system; and 25% could cause cancer and mutations.<sup>116</sup>

In addition to posing a significant health and safety risk to humans, fracking chemicals can kill or harm a wide variety of marine life. Scientific research has indicated that 40% of the chemicals used in fracking can harm aquatic animals and other wildlife.<sup>117</sup> And an analysis of the chemicals used during pre-moratorium offshore fracking events in California found that many of the chemicals could kill or harm a broad variety of marine organisms, including sea otters, fish, and invertebrates.<sup>118</sup> Indeed, scientists list some of the chemicals frequently used in offshore fracking as among the most toxic in the world with respect to aquatic life.<sup>119</sup> Studies show that chemicals added during fracking play a major role in how harmful the wastewater produced from them is to aquatic life.<sup>120</sup>

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<sup>113</sup> *Id.*

<sup>114</sup> *Id.*

<sup>115</sup> Concerned Health Professionals of NY, *Compendium of Scientific, Medical, and Media Findings Demonstrating Risks and Harms of Fracking and Associated Gas and Oil Infrastructure*. (2023)

<sup>116</sup> Colborn, Theo, *Natural Gas Ops from a Public Health Perspective*, 17 *Human and Ecological Risk Assessment* (2011); Elliott, Elise G et al., *A Systematic Evaluation of Chemicals in Hydraulic-Fracturing Fluids and Wastewater for Reproductive and Developmental Toxicity*, 27 *Journal of Exposure Science & Environmental Epidemiology* 90–99 (2017)

<sup>117</sup> California Council on Science and Technology (CCST), *Advanced Well Stimulation Technologies in California: An Independent Review of Scientific and Technical Information* (August 28, 2014); Kassotis, Christopher D. et al., *Endocrine-Disrupting Activity of Hydraulic Fracturing Chemicals and Adverse Health Outcomes After Prenatal Exposure in Male Mice*, 156 *Endocrinology* 4458–73 (2015)

<sup>118</sup> CCST 2014; CCST 2015

<sup>119</sup> *Id.*

<sup>120</sup> Aghababaei, Mina et al., *Toxicity of Hydraulic Fracturing Wastewater from Black Shale Natural-Gas Wells Influenced by Well Maturity and Chemical Additives*, 23 *Environmental Science: Processes & Impacts* 621–32 (2021)

iii. Produced Water Discharges Harm Marine Ecosystems.

Even if spike flowback is reinjected into the well, many of the same chemical hazards remain present in the system. And even absent well treatment fluids, produced water discharged offshore can be severely toxic to marine organisms and contain dispersed crude oil, PAHs, alkylphenols, metals, and other pollution.<sup>121</sup> Produced water studies have shown a wide variety of adverse ecotoxicity effects.<sup>122</sup>

Produced water contains a complex mix of toxic chemicals, heavy metals, and high salt levels that can cause long-term damage to marine life and soil quality.<sup>123</sup> Field studies showed that all tested effluents from offshore platforms in Europe showed toxicity to marine organisms.<sup>124</sup> These pollutants can interfere with the reproduction and growth of fish, deplete oxygen levels in the water, and accumulate in underwater sediments, potentially poisoning the entire food chain in coastal area.<sup>125</sup> Polycyclic aromatic compounds commonly found in offshore produced water are toxic to marine organisms at very low concentrations.<sup>126</sup> As oil wells age, they produce more water and less oil. Some wells in the North Sea now pump up 76% water. In 2022 alone, one region of the Danish North Sea discharged 30 million tons of produced water.<sup>127</sup> Fish living near outfalls of produced water show detectable chemical exposure several kilometers away and bottom-dwelling fish DNA damage, a potential sign of cancer.<sup>128</sup> Overtime, some wells produce more salt that can contribute to harming aquatic ecosystems.<sup>129</sup>

Here, the revised development and production plan for Platform Gilda acknowledges that wastewater discharges from the platform will increase from this proposed action. This water pollution must be quantified and analyzed.

b. *Offshore Fracking Pollution Harms Marine Life.*

Industry data confirms that offshore fracking discharges are toxic. In an industry study, nearly half of the tested fracking-related wastewater samples were acutely toxic to marine organisms, with the most sensitive organisms dying at relatively low concentrations; toxicity also

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<sup>121</sup> Sørensen et al. 2025; Beyer, Jonny et al., Environmental Effects of Offshore Produced Water Discharges: A Review Focused on the Norwegian Continental Shelf, 162 Marine Environmental Research 105155 (2020)

<sup>122</sup> Nielsen, Ann F. et al., Critical Review of the OSPAR Risk-Based Approach for Offshore-Produced Water Discharges, 19 Integrated Environmental Assessment and Management 1172–87 (2023)

<sup>123</sup> César, Sandro Duarte, Debbie De Jager, and Mahomet Njoya, Environmental Trade-Offs in Energy Production: A Review of the Produced Water Life Cycle and Environmental Footprint, 203 Marine Pollution Bulletin 116480 (2024); Nsiah et al. 2023

<sup>124</sup> De Vries, Pepijn, Robbert G. Jak, and Tone K. Frost, Comparison of Substance-Based and Whole-Effluent Toxicity of Produced Water Discharges from Norwegian Offshore Oil and Gas Installations, 41 Environmental Toxicology and Chemistry 2285–2304 (2022)

<sup>125</sup> César, De Jager, and Njoya. 2024

<sup>126</sup> De Jourdan et al. 2025

<sup>127</sup> Ottaviani, Matteo et al., Quantification and Ecotoxicological Contribution of Volatile Compounds in Produced Water Effluents, 367 Chemosphere 143659 (2024)

<sup>128</sup> Beyer et al. 2020

<sup>129</sup> Stewart, Connor B. et al., Spatial and Temporal Variation in Toxicity and Inorganic Composition of Hydraulic Fracturing Flowback and Produced Water, 460 Journal of Hazardous Materials 132490 (2023)

spiked at certain times<sup>130</sup>—short, toxic pulses that are easy to miss if testing doesn't catch the right window. Whole effluent toxicity testing between 2023 to 2025, showed that about 14% of reported offshore fracking-wastewater discharges in the Gulf of Mexico failed toxicity tests.<sup>131</sup> Operators remain unable to come into compliance with toxicity standards to date.

A significant variety of chemicals and mixtures of chemicals are found in fracking wastewater.<sup>132</sup> Our analysis of substances in wastewater for 29 reports of fracking shows that the chemicals are toxic to aquatic life and may have damaging impacts on the environment.

| Chemical Ingredient Name              | CAS No.    | Harmful Effects                                                                                                                                         |
|---------------------------------------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1,2,4-trimethylbenzene                | 95-63-6    | Toxic to aquatic life with long lasting effects                                                                                                         |
| 2-bromo-2-nitro-1,3-propanediol       | 52-51-7    | Very toxic to aquatic life; harms reproduction                                                                                                          |
| 2-butoxyethanol                       | 111-76-2   | Causes mutation; harms reproduction; causes tumors                                                                                                      |
| 2-mercaptoethanol                     | 60-24-2    | Very toxic to aquatic life with long-lasting effects; harms reproduction; causes organ damage                                                           |
| 2-monobromo-3-nitrilopropionamide     | 1113-55-9  | Very toxic to aquatic life with long lasting effects                                                                                                    |
| 2,2 dibromo-3-nitrilopropionamide     | 10222-01-2 | Very toxic to aquatic life with long lasting effects                                                                                                    |
| Ammonium chloride                     | 12125-02-9 | Retarded growth in small mouth bass; long-term, high dose exposure affected the blood of coho salmon.                                                   |
| Chlorous acid, sodium salt            | 7758-19-2  | Very toxic to aquatic life with long lasting effects; causes organ damage; harms reproduction; causes tumors                                            |
| Cinnamaldehyde                        | 104-55-2   | Fish exposed to cinnamaldehyde in combination with ethanol experienced cardiovascular and pigmentation defects and delayed hatching.                    |
| Crystalline silica, quartz (X-clide)  | 14808-60-7 | Reductions in species richness and biodiversity in benthic communities; human carcinogen                                                                |
| Ethanol                               | 64-17-5    | Carcinogenic to animals; harms reproduction; mutagenic; causes hyperactivity in zebrafish                                                               |
| Ethoxylated nonylphenol               | 9016-45-9  | Extremely toxic to aquatic organisms as an endocrine disruptor and inhibitor of development, behavior, growth and survival                              |
| Formaldehyde                          | 50-00-0    | Carcinogenic; mutagenic                                                                                                                                 |
| Glutaraldehyde                        | 111-30-8   | Very toxic to aquatic life with long-lasting effects; reproductive effects                                                                              |
| Hydrochloric acid (Hydrogen chloride) | 7647-01-0  | Causes developmental abnormalities in fetuses; the effect of hydrochloric acid on the organisms depends on the buffer capacity of the aquatic ecosystem |
| Methanol (Methyl Alcohol)             | 67-56-1    | Causes organ damage; harms reproduction; negative effects on swimming behavior in aquatic organisms; possibly causes tumors                             |
| Naphthalene                           | 91-20-3    | Very toxic to aquatic life with long lasting effects; confirmed animal carcinogen & reasonably anticipated to be a human carcinogen; harms reproduction |
| Nonylphenol                           | 9016-45-9  | Toxic to aquatic life with long lasting effects                                                                                                         |

<sup>130</sup> Carden, Kristin, Letter to EPA, 2022; AECOM, Final Report Joint Industry Project Study of Well Treatment, Completion, and Workover Effluents, 2021.

<sup>131</sup> EPA Region 6, Proposed Modification of NPDES General Permit for New and Existing Sources and New Dischargers in the Offshore Subcategory of the Oil and Gas Extraction Category for the Western Portion of the Outer Continental Shelf of the Gulf of America (GMG290000), 91 Fed. Reg. 3492 (Jan. 27, 2026) (fact sheet).

<sup>132</sup> De Vries, Jak, and Frost. 2022

|                                                                       |             |                                                                                                              |
|-----------------------------------------------------------------------|-------------|--------------------------------------------------------------------------------------------------------------|
| Phenol                                                                | 108-95-2    | Very toxic to fish; suspected mutagen; prolonged exposure causes organ damage; harms reproduction            |
| Polyalkylene glycol (DB-964)                                          | 9003-11-6   | Harmful to aquatic life with long lasting effects                                                            |
| Poly(oxy-1,2-ethanediyl), a-isotridecyl-w-hydroxy-                    | 9043-30-5   | Harmful to aquatic life with long lasting effects                                                            |
| Poly(oxy-1,2-ethanediyl, alpha-(4-nonylphenyl)-omega-hydroxy-branched | 127087-87-0 | Toxic to aquatic life with long lasting effects; endocrine disruptor                                         |
| Polyoxyalkylene glycol butyl ether                                    | 9004-77-7   | Confirmed animal carcinogen and possible human carcinogen; harms reproduction                                |
| Potassium chloride                                                    | 7447-40-7   | Study of native Gulf of Mexico species revealed toxicity to sensitive life stages of fish and invertebrates  |
| Propanol                                                              | 71-23-8     | Reproductive harms and fetotoxicity; carcinogenic in animals                                                 |
| Quaternary ammonium compounds, benzyl-C12-16-alkyldimethyl, chlorides | 68424-85-1  | Very toxic to aquatic life with long lasting effects                                                         |
| Sodium chlorite                                                       | 7758-19-2   | Very toxic to aquatic life with long-lasting effects; causes organ damage; harms reproduction; causes tumors |
| Tetrakis(hydroxymethyl)phosphonium sulfate                            | 55566-30-8  | Very toxic to aquatic life with long-lasting effects; causes genetic defects; harms reproduction             |
| Tributyltetradecylphosphonium chloride                                | 81741-28-8  | Very toxic to aquatic life with long-lasting effects                                                         |
| Trisodium nitrilotriacetate                                           | 5064-31-3   | Harms reproduction; causes tumors; known animal and possible human carcinogen                                |

Figure 1: Known toxic chemical compounds discharged as reported by the AECOM 2021, Federal and industry disclosures for well stimulation in state waters as reported by FracFocus. Chemical effects are from the Material Safety Data Sheets (MSDS).<sup>133</sup>

Discharges from offshore fracking are linked to a wide range of harms for fish, including physiological stress, lower survival rates, and severe physical abnormalities during growth.<sup>134</sup> For example, rainbow trout exposed to this wastewater suffer from damaged gills and significant liver stress as their bodies struggle to process toxic chemicals.<sup>135</sup> These fish also experience hormone interference that can cause males to produce proteins normally only found in females laying eggs.<sup>136</sup> Other important species like the mahi-mahi show a decreased ability to swim and impaired heart function when exposed to fracking waste.<sup>137</sup> In the Atlantic haddock, the constant energy needed to sustain function to withstand fracking pollutants suggests they are living under

<sup>133</sup> Center for Biological Diversity 2021.

<sup>134</sup> Blewett, Tamzin A. et al., The Effect of Hydraulic Flowback and Produced Water on Gill Morphology, Oxidative Stress and Antioxidant Response in Rainbow Trout (*Oncorhynchus Mykiss*), 7 Scientific Reports 46582 (2017); He, Yuhe, Erik J. Folkerts, et al., Effects on Biotransformation, Oxidative Stress, and Endocrine Disruption in Rainbow Trout ( *Oncorhynchus Mykiss* ) Exposed to Hydraulic Fracturing Flowback and Produced Water, 51 Environmental Science & Technology 940–47 (2017); McLimans, Christopher J. et al., Potential Biomarkers of Endocrine and Habitat Disruption Identified via RNA-Seq in *Salvelinus Fontinalis* with Proximity to Fracking Operations in Pennsylvania Headwater Stream Ecosystems, 31 Ecotoxicology 1044–55 (2022); Zhong et al. 2021

<sup>135</sup> Blewett et al. 2017

<sup>136</sup> He, Folkerts, et al. 2017

<sup>137</sup> Zhong et al. 2021

permanent physiological stress.<sup>138</sup> Field observations of fish near fracking operations show chronic stress and endocrine disruption.<sup>139</sup> Even later on, the chemicals can harm fish and disrupt development as particles settle out of fracking wastewater.<sup>140</sup>

The damage is even worse for the next generation. Young fish developing in the egg are extremely sensitive; exposure to the oily parts of fracking waste can cause spinal deformities, fluid buildup around the heart, and hatching delays.<sup>141</sup> Research on North Sea oil fields confirmed that these developmental problems—especially heart defects—can occur even when the water is heavily diluted.<sup>142</sup>

Small sea creatures that form the base of the food chain are also hit hard by fracking wastewater. Tiny water fleas, *Daphnia*, lose their ability to reproduce effectively, and many are unable to bounce back even after a very brief 48-hour exposure to low levels of pollution.<sup>143</sup> Some bottom-dwelling organisms show reproductive harm at very low concentrations, meaning even residual contamination or minor spills can have lasting impacts on the creatures that live in the seafloor mud.<sup>144</sup>

The proposal to capture “most” initial flowback at Platform Gilda does not address the continuous discharge of produced water that will occur throughout the well's operational life, nor does it eliminate the risks of spills during storage and transport of these toxic wastewaters. The variability in wastewater composition between wells and over time, the presence of unidentified chemicals and trade secret formulations, and the documented inability of some species to recover from acute exposures, all indicate that BOEM must conduct comprehensive environmental review—including obtaining data about the toxicity on California marine species—before taking actions that will enable offshore fracking.

Moreover, BOEM cannot rely on the existing EPA Pacific OCS General NPDES permit to satisfy its NEPA obligations because EPA itself raised significant concerns about the adequacy of information underlying that permit for evaluating fracking discharges. EPA explicitly noted that key data—such as actual dilution factors, the fate of highly acidic flowback fluids, and chemical inventories from offshore fracking—are incomplete, and recommended additional

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<sup>138</sup> Nakken, Charlotte L. et al., Exposure of Polycyclic Aromatic Hydrocarbons (PAHs) and Crude Oil to Atlantic Haddock ( *Melanogrammus Aeglefinus* ): A Unique Snapshot of the Mercapturic Acid Pathway, 58 Environmental Science & Technology 14855–63 (2024)

<sup>139</sup> McLimans et al. 2022

<sup>140</sup> Lu, Yichun et al., Suspended Solids-Associated Toxicity of Hydraulic Fracturing Flowback and Produced Water on Early Life Stages of Zebrafish (Danio Rerio), 287 Environmental Pollution 117614 (2021)

<sup>141</sup> He, Yuhe et al., Developmental Toxicity of the Organic Fraction from Hydraulic Fracturing Flowback and Produced Waters to Early Life Stages of Zebrafish ( *Danio Rerio* ), 52 Environmental Science & Technology 3820–30 (2018)

<sup>142</sup> Sørensen et al. 2025

<sup>143</sup> Boyd, Aaron et al., Persisting Effects in *Daphnia Magna* Following an Acute Exposure to Flowback and Produced Waters from the Montney Formation, 57 Environmental Science & Technology 2380–92 (2023)

<sup>144</sup> Mehler, W. Tyler et al., Understanding the Effects of Hydraulic Fracturing Flowback and Produced Water (FPW) to the Aquatic Invertebrate, Lumbriculus Variegatus under Various Exposure Regimes, 259 Environmental Pollution 113889 (2020)

quantitative analyses and incorporation of new monitoring data.<sup>145</sup> EPA also highlighted that direct evidence of ecological impacts from stimulation-fluid discharges is lacking, and that toxicity evaluations require additional data.<sup>146</sup> These gaps underscore that BOEM must provide a comprehensive analysis of the water quality effects and cannot rely on the existing general NPDES permit to protect against adverse water quality impacts.

2. BOEM Must Evaluate the Impacts of Prolonging the Lifespan of Platform Gilda.

Because allowing offshore fracking from Platform Gilda will extend offshore drilling activities and the lifespan of aging infrastructure, BOEM must examine and disclose these impacts in the EIS, including increased greenhouse gas emissions and the higher potential for a devastating oil spill.<sup>147</sup>

DCOR intends to use offshore fracking in order to recover oil that would be unrecoverable using conventional methods. As acknowledged in the Updated DPP, “[w]ithout the Program, production at Gilda is expected to cease sooner than under the proposed action, as production continues to naturally decline.”<sup>148</sup> It is thus reasonably foreseeable that offshore fracking at Platform Gilda will extend its lifetime and delay decommissioning. As a result, BOEM must examine the increase of the lifetime carbon footprint that will result from this project.

BOEM must also consider the impacts of prolonged oil and gas drilling activities on increasing the risk of failure of pipelines, well control, or other equipment. The risk of failure is of particular concern for federal waters off California, where oil companies have already been drilling for roughly 30 to 50 years. According to scientists, aging poses risks of corrosion, erosion and fatigue stress to subsea pipelines.<sup>149</sup> Subsea pipeline corrosion appears to accelerate over time,<sup>150</sup> and can act synergistically with fatigue stress to increase the rate of crack propagation.<sup>151</sup> Marine environments are especially known to produce significant corrosion on steel surfaces, and when a steel structure is at or beyond its elastic limit, the rate of corrosion increases 10 to 15 percent.<sup>152</sup>

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<sup>145</sup> EPA, Programmatic Environmental Assessment of the Use of Well Stimulation Treatments on the Outer Continental Shelf, Southern California Planning Area, 2016

<sup>146</sup> *Id.*

<sup>147</sup> 40 C.F.R. § 1508.1(i) (defining effects of the action to all reasonably foreseeable direct, indirect, and cumulative effects)

<sup>148</sup> Updated DPP at 3-2.

<sup>149</sup> Petroleum Safety Authority Norway. 2006. Material Risk – Ageing offshore installations. Prepared by Det Norske Veritas on request from Petroleum Safety Authority Norway.

<sup>150</sup> Mohd, M.H. and J.K. Paik, Investigation of the corrosion progress characteristics offshore oil well tubes, 67 Corrosion Science 130-141 (2013).

<sup>151</sup> PSA Norway 2006.

<sup>152</sup> Mohd and J.K. Paik 2013; A. Igor, R.E. Melchers, Pitting corrosion in pipeline steel weld zones, 53:12 Corros. Sci. 4026–4032 (2011); R.E. Melchers, M. Ahammed, R. Jeffrey, G. Simundic, Statistical characterization of surfaces of corroded, 23 Mar. Struct. 274–287 (2010).

A study by California scientists found that older wells can become pathways for fluid migration, and that the high injection pressures used in fracking can “increase this risk significantly.”<sup>153</sup> And a study on offshore pipelines found that after 20 years the annual probability of pipeline failure increases rapidly, with values in the range of 0.1 to 1.0, which equates to a probability of failure of 10 to 100% per year.<sup>154</sup> Another study covering 1996 to 2010 found that accident incident rates, including spills, increased significantly with the age of infrastructure.<sup>155</sup>

The Santa Clara Unit's original 1976 DPP estimated production would last 30 years.<sup>156</sup> Platform Gilda has already surpassed its intended lifespan, and extending it further will lead to higher risk of oil spills from pipeline ruptures and blowouts. Indeed, other California offshore oil and gas operations have caused massive oil spills in recent decades involving equipment that had similarly outlived its useful lifespan.<sup>157</sup> As in *Environmental Defense Center v. BOEM* and *California v. Norton*, BOEM's decision to authorize the use of offshore fracking at Platform Gilda “extend[s] the life of oil . . . production off of California's coast, with all of the far reaching effects and perils that go along with offshore oil production,”<sup>158</sup> and BOEM's EIS must address these effects and perils.

### 3. BOEM Must Evaluate the Increased Risk of Oil Spills.

As the Ninth Circuit observed in *EDC v. BOEM*, “the high pressures used in these treatments [WSTs] can increase the risk of oil spills, especially because well stimulation treatments are often used on old wells. Enhanced well life and increased production thus come with a potential environmental price.”<sup>159</sup> Given that the well stimulation activities proposed by DCOR would increase the risk of oil spills, it is imperative that BOEM fully analyze these impacts.

Just over ten years ago, an oil spill on the Gaviota Coast caused widespread devastation to the area's coastal and marine ecosystem. On May 19, 2015, an onshore oil pipeline along the Santa Barbara County coastline ruptured, releasing more than 120,000 gallons of heavy crude oil

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<sup>153</sup> Long, J.C.S., et al., An Independent Scientific Assessment of Well Stimulation in California: Summary Report. An Examination of Hydraulic Fracturing and Acid Stimulations in the Oil and Gas Industry. (2015)

<sup>154</sup> Bea, R., C. Smith, B. Smith, J. Rosenmoeller, T. Beuker, and B. Brown. 2002. Real-time Reliability Assessment & Management of Marine Pipelines. 21st International Conference on Offshore Mechanics & Arctic Engineering. ASME.

<sup>155</sup> Muehlenbachs, et al. The impact of water depth on safety and environmental performance in offshore oil and gas production, 55 Energy Policy 699-705 (2013).

<sup>156</sup> Standard Oil Company, Santa Clara Unit Plan of Development 1-1 (1976). Available at <https://www.boem.gov/sites/default/files/about-boem/BOEM-Regions/Pacific-Region/DPPs/8B2---1976-10-Platform-Gilda-Development---Production-Plan.pdf>

<sup>157</sup> The State Lands Commission acknowledged that spills happen and determined that the risk of a spill more than doubles as a pipeline ages from 20 to 40 years in its report on the Plains All American Pipeline. California State Lands Commission & Bureau of Land Management, Draft Environmental Impact Report/ Environmental Impact Statement for the Celeron/All American and Getty Pipeline Projects (Aug. 1984) at 4-166.

<sup>158</sup> *California v. Norton*, 311 F.3d 1162, 1173 (9th Cir. 2002).

<sup>159</sup> *EDC v. BOEM*, 36 F.4th at 865.

into the surrounding environment including Refugio State Beach Park.<sup>160</sup> Some estimates have put the volume of oil spilled into the ocean at over 400,000 gallons (10,750 bbl) of oil.<sup>161</sup> The spill devastated approximately 1,500 acres of shoreline habitat.<sup>162</sup> Thousands of acres of shoreline and subtidal habitat were destroyed, and hundreds of animals—including marine mammals—were injured or killed.<sup>163</sup> The spill also forced the closure of fisheries and beaches, which jeopardized local businesses and caused an estimated 140,000 lost recreational user days between Santa Barbara and Ventura Counties.<sup>164</sup>

Oil spills are an inherent risk of oil and gas activities. Any oil spill resulting from enhanced oil and gas development due to fracking would impact coastal marine life that could last decades, including weakened resiliency of resident organisms to future oil spills.<sup>165</sup> As past oil spills in the Pacific Region have already demonstrated—and on multiple occasions—discharges of oil in the Pacific have devastating effects on the ocean and coastal ecosystems and their species. BOEM should study the probability and possible effects of the various levels of oil spill threatened by offshore fracking. Ultimately, it should decline to put the Pacific region at risk from oil spills.

The presence of aging infrastructure associated with Platform Gilda also increases the risk of oil spills. Offshore infrastructure readily corrodes due to constant exposure to saltwater and the elements, which can cause equipment failure and pollution.<sup>166</sup> Old wells are particularly susceptible to oil spills or other accidents, and BSEE has warned that “[w]ells that have not been properly maintained create a higher risk of uncontrolled flow of reservoir fluids (potentially leading to pollution, fires, and explosions, among other dangers) based on the increased probability of failure of primary critical barriers such as safety valves, tubing, and plugs, due to a lack of proper maintenance.”<sup>167</sup> A study examining offshore wells in the Gulf found that thirty percent of wells experienced well casing damage in the first five years after drilling, and damage increased over time to fifty percent after twenty years.<sup>168</sup> Another study covering 1996 to 2010 found that the likelihood of a reported incident, including a spill, increases with the age of the infrastructure and with the depth of water.<sup>169</sup>

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<sup>160</sup> California Department of Fish and Wildlife et al., *Refugio Beach Oil Spill: Final Damage Assessment and Restoration Plan/Environmental Assessment*, 4 (June 2021), <https://www.nfwf.org/sites/default/files/2022-09/refugio-beach-oil-spill-final-damage-assessment-restoration-plan-2-03-2021.pdf> (“NRDA”).

<sup>161</sup> Expert Report of Igor Mezic, Ph.D., *Andrews v. Plains All American Pipeline, LP*, October 21, 2019, pp. 16–17.

<sup>162</sup> California Department of Fish and Wildlife et al., *Refugio Beach Oil Spill: Final Damage Assessment and Restoration Plan/Environmental Assessment*, 3 (June 2021).

<sup>163</sup> *Id.* at 3–7.

<sup>164</sup> *Id.* at 3, 8.

<sup>165</sup> See, e.g., J. W. Fleeger et al., *What Promotes the Recovery of Salt Marsh Infauna After Oil Spills?*, 42 *Estuaries and Coasts* 204–05 (August 7, 2018).

<sup>166</sup> Jake Nelson et al., *Evaluating Offshore Infrastructure Integrity* (DOE/NETL-2021/2643) 4–6 (2021).

<sup>167</sup> Declaration of Anthony Pizza, BSEE Production Operations Section Chief at ¶ 15, *In re: MLCJR LLC*, No. 4:23-BK-90324 (Bankr. S.D. Tex. Aug. 21, 2023).

<sup>168</sup> Avner Vengosh et al., *A critical review of the risks to water resources from unconventional shale gas development and hydraulic fracturing in the United States*, 48 *ENVIRONMENTAL SCIENCE & TECHNOLOGY* 8334, 8337 (2014).

<sup>169</sup> Lucija Muehlenbachs et al., *The impact of water depth on safety and environmental performance in offshore oil and gas production*, 55 *ENERGY POLICY* 699, 704 (2013).

A series of spills from idle infrastructure in the Gulf of Mexico in recent years has illustrated the hazards posed by older wells. For example, in 2014, a pipeline on an inactive platform off Bolivar Point, Texas, leaked oil, causing a three- to four-mile-long sheen.<sup>170</sup> In 2020, an inactive wellhead sprung a steady leak of oil, which the state of Louisiana was required to clean because the operator was in bankruptcy.<sup>171</sup> In 2023, an inactive oil platform off Jefferson County, Texas leaked an oil sheen into the ocean, which officials believe could have come from the connected well or an adjacent pipeline.<sup>172</sup> In 2024, the National Environmental Satellite, Data, and Information Service reported a sheen potentially coming from an unmanned oil platform off the Texas coast.<sup>173</sup> Two additional sheens were previously reported at the same approximate site.<sup>174</sup> And in April 2025, a long-inactive well blew out in Louisiana state waters, spewing oil into sensitive marine ecosystems.<sup>175</sup> Nearly 172,000 gallons of oily water mixture were recovered from this spill.<sup>176</sup> BOEM should apply the lessons learned from oil and gas drilling in the Gulf of Mexico and spare the California coasts these inevitable spills.

BOEM's assessment must also analyze the specific localized impacts of oil spills based on the level of vulnerability and biological importance of nearby coastal and marine environments. We are still uncovering the full extent of oil spill impacts. BOEM must rely on the vast science showing the devastating environmental, health, and economic impacts of oil spills and must analyze the impacts of past and potential oil spills, including the possibility of a catastrophic oil spill.

#### 4. BOEM Must Evaluate Impacts to Air Quality.

BOEM must quantify and analyze the increase in air pollution from the proposed action. Fracking causes air pollution from the operations that create the pressure needed to crack the rock below the seabed. Fracking also increases onshore truck traffic, oil production and ship traffic, all of which lead to increases in air pollution. Notably, Santa Barbara County Air Pollution Control District has identified important unanswered questions regarding air emissions from well stimulation, including the need for a clear, reasonable worst-case emissions scenario and a more complete description of emission controls.<sup>177</sup> Ventura County has existing air quality

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<sup>170</sup> NOAA Incident News, *Leaking 1 inch Pipeline; High Island Block 98L, TX* (Feb. 21, 2014), <https://incidentnews.noaa.gov/incident/8727>.

<sup>171</sup> NOAA Incident News, *Yuma Energy Main Pass Block 4 Wellhead; Breton Sound, LA, USA* (Dec. 21, 2020), <https://incidentnews.noaa.gov/incident/10212>.

<sup>172</sup> NOAA Incident News, *Sheen Discharging Near Abandoned Platform in High Island Block 24, Jefferson County, TX* (June 9, 2023), <https://incidentnews.noaa.gov/incident/10619>.

<sup>173</sup> NOAA Incident News, *Platform Sheen; offshore Bolivar Peninsula, TX*, (July 17, 2024), <https://incidentnews.noaa.gov/incident/10816>.

<sup>174</sup> *Id.*

<sup>175</sup> David J. Mitchell, *Decades-old well that spewed oil into Louisiana marsh will be permanently shut*, The Times-Picayune/The New Orleans Advocate Online (May 26, 2025).

<sup>176</sup> *Id.*

<sup>177</sup> Pearson, Molly, APCD Comments on Draft Programmatic Environmental Assessment of the Use of Well Stimulation Treatments on the Southern California Outer Continental Shelf, 2016

problems, and BOEM must evaluate air pollution and mitigation measures for the increase in air pollution from the status quo. These outstanding concerns must be fully analyzed in the EIS.

Air pollution from fracking is well documented,<sup>178</sup> and pollutants released during offshore fracking pose serious health risks, including carcinogenicity and endocrine disruption.<sup>179</sup> During fracking, VOCs (volatile organic compounds) in fracking fluids escape into the air.<sup>180</sup> VOCs emitted during offshore drilling include the “BTEX compounds” — benzene, toluene, ethyl benzene and xylene — which are classified as Hazardous Air Pollutants. Many of these VOCs are associated with serious short-term and long-term effects to the respiratory, nervous or circulatory systems.<sup>181</sup> Additionally, VOCs create ground-level ozone, or smog, which can contribute to asthma, premature death, strokes, heart attacks, and low birth weight.<sup>182</sup> Living near fracking operations is associated with increased asthma attacks and asthma-related hospitalizations, and additional deaths linked to fine particulate pollution.<sup>183</sup> A 2022 study using data from more than 15 million Medicare recipients found that older people living near or downwind of fracking operations in all major U.S. fracking regions were at higher risk of early death compared with elderly individuals who don't live near fracking operations.<sup>184</sup> Exposure to ambient benzene has been documented in people living within a 10-mile radius of fracked wells in Colorado,<sup>185</sup> raising health concerns for the coastal community in Ventura that could be exposed to harmful air pollution.<sup>186</sup>

Offshore drilling has been found to account for the majority of air pollution in other areas with offshore drilling. A 2004 inventory of air pollution in the Gulf of Mexico found that Outer

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<sup>178</sup> Colborn, Theo et al., An Exploratory Study of Air Quality Near Natural Gas Operations, 20 Human and Ecological Risk Assessment: An International Journal 86–105 (2014)

<sup>179</sup> Colborn 2012; McKenzie, L. et al. 2014. Birth outcomes and maternal residential proximity to natural gas development in rural Colorado. Environmental Health Perspectives, doi:10.1289/ehp.1306722

<sup>180</sup> McPherson, Kristi N. et al., Air Pollution from Unconventional Oil and Gas Development in the Eagle Ford Shale, 338 Atmospheric Environment 120812 (2024)

<sup>181</sup> Colborn. 2011

<sup>182</sup> Jerrett, Michael et al., Long-Term Ozone Exposure and Mortality, 360 New England Journal of Medicine 1085–95 (2009); Tran, K. V. et al., Residential proximity to hydraulically fractured oil and gas wells and adverse birth outcomes in urban and rural communities in California (2006-2015), 5 Environmental Epidemiology e172 (2021), <https://doi.org/10.1097%2FEE9.0000000000000172>.

<sup>183</sup> Rasmussen, Sara G. et al., Association Between Unconventional Natural Gas Development in the Marcellus Shale and Asthma Exacerbations, 176 JAMA Internal Medicine 1334 (2016); Zhang, Ruohao et al., Air Quality Impacts of Shale Gas Development in Pennsylvania, 10 Journal of the Association of Environmental and Resource Economists 447–86 (2023); Willis, Mary D. et al., Unconventional Natural Gas Development and Pediatric Asthma Hospitalizations in Pennsylvania, 166 Environmental Research 402–8 (2018)

<sup>184</sup> Li, Longxiang et al., Exposure to Unconventional Oil and Gas Development and All-Cause Mortality in Medicare Beneficiaries, 7 Nature Energy 177–85 (2022).

<sup>185</sup> Reutman, Susan R et al., Evidence of Reproductive Endocrine Effects in Women with Occupational Fuel and Solvent Exposures., 110 Environmental Health Perspectives 805–11 (2002); McKenzie, Lisa M. et al., Birth Outcomes and Maternal Residential Proximity to Natural Gas Development in Rural Colorado, 122 Environmental Health Perspectives 412–17 (2014)

<sup>186</sup> Shonkoff, Seth B.C. et al., Public Health Dimensions of Upstream Oil and Gas Development in California: Scientific Analysis and Synthesis to Inform Science-Policy Decision Making (2024), [https://www.conservation.ca.gov/calgem/Documents/Public%20Health%20Panel%20Final%20Report\\_20240621.pdf](https://www.conservation.ca.gov/calgem/Documents/Public%20Health%20Panel%20Final%20Report_20240621.pdf)

Continental Shelf oil and gas activities accounted for 72 percent of volatile organic compounds, 69 percent of particulate matter emissions, and 66 percent of sulfur dioxide.<sup>187</sup> Santa Ynez Unit, before it was shut down by the 2015 oil spill, was the County's largest source of air pollution.<sup>188</sup> Ventura County is already designated by EPA as a serious non-attainment area for the federal eight-hour ozone standard and is also classified as non-attainment for ozone (smog) and particulate matter standards.<sup>189</sup> BOEM needs to do an analysis of the increases in air pollution and the effects on Ventura County air quality and human health harms.

Relatedly, offshore fracking can result in both vented and fugitive emissions — a very large proportion of which is methane, a dangerous greenhouse gas that is 86 times more powerful in warming the atmosphere than carbon dioxide over a 20-year period and 34 times more powerful over a 100-year period.<sup>190</sup> Vented and fugitive emissions are significant, accounting for roughly 13 percent of all carbon dioxide equivalent emitted by oil and gas operations in California, according to state survey data.<sup>191</sup> Fracking operations release hazardous air pollutants like fine particles, hydrogen sulfide gas, nitrogen oxides, and other chemical precursors of ground-level ozone (smog).<sup>192</sup> This can lead to dangerous human exposures.

Offshore fracking can also result in airborne crystalline silica dust creating exposure and health impacts for workers. Silica quartz, commonly used in offshore frack jobs, can create dangerous health problems, including cancer and silicosis.<sup>193</sup>

On top of toxins released during fracking, vehicles used to support offshore oil and gas operations such as helicopters, boats, and trucks emit their own pollution, most noticeably in the form of PM2.5 from diesel engines.<sup>194</sup> BOEM must quantify and analyze the air-quality impacts from the increased truck, helicopter, and vessel traffic associated with fracking at Platform Gilda because these emissions are a foreseeable direct impact. The proposed action will cause an estimated increase of 88 vessel trips. Vessels are major contributors to particulate matter emissions.<sup>195</sup> Likewise, heavy-duty trucks—used to transport fracking fluids, chemicals,

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<sup>187</sup> Wilson, D.L., Gulfwide Emission Inventory Study for the Regional Haze and Ozone Modeling Effort: Final Report, 2004; Thé, Cris et al., Outer Continental Shelf Air Quality System (OCS AQS): Year 2021 Emissions Inventory Quality Assurance/Quality Control (QA/QC) Study, 2021

<sup>188</sup> EPA, US GHG Inventory, 2023

<sup>189</sup> Ventura County Air Pollution Control District 2026, at [https://www.vcapcd.org/emissions-inventory/#:~:text=The%20Environmental%20Protection%20Agency%20\(EPA,and%20changes%20in%20the%20economy.](https://www.vcapcd.org/emissions-inventory/#:~:text=The%20Environmental%20Protection%20Agency%20(EPA,and%20changes%20in%20the%20economy.)

<sup>190</sup> Intergovernmental Panel On Climate Change (Ipcc), Climate Change 2021 – The Physical Science Basis: Working Group I Contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, 1st ed. (Cambridge University Press, 2023)

<sup>191</sup> California EPA, 2007 Oil and Gas Industry Survey Results Final Report (Revised), 2007

<sup>192</sup> Shonkoff, Seth B.C., Jake Hays, and Madelon L. Finkel, Environmental Public Health Dimensions of Shale and Tight Gas Development, 122 Environmental Health Perspectives 787–95 (2014)

<sup>193</sup> Wisconsin, Report to the Natural Resources Board: Silica Study, 2011; Raizner, J., Offshore Fracking Injuries, Oil and Gas Monitor, 2013

<sup>194</sup> Bay Area Air Quality Management District, Understanding Particulate Matter, 2012

<sup>195</sup> Mueller, Daniel et al., Ships, Ports and Particulate Air Pollution - an Analysis of Recent Studies, 6 Journal of Occupational Medicine and Toxicology 31 (2011)

equipment, and waste—are among the largest sources of air pollution. According to the California Air Resources Board, these trucks generate roughly 30% of all NO<sub>x</sub> and 65% of all particulate matter emitted by mobile sources. Studies further show that in many areas, heavy-duty diesel vehicles are responsible for more than half of total NO<sub>x</sub> and PM emissions, underscoring their outsized role in degrading air quality.<sup>196</sup> Truck traffic is already significantly impacting Port Hueneme, which is the primary support facility for the offshore oil industry in southern California and averaged 264 truck trips per day between 2003 and 2007.<sup>197</sup> Impacts on adjacent residential neighborhoods such as noise, vibration and noxious fumes increase with truck traffic.

Fracking will also increase oil processing and refining increasing pollution for communities that live near those facilities. BOEM must conduct a comprehensive environmental analysis that accounts for the air pollution impacts on both the immediate coastal community near the Rincon processing plant and the fenceline communities in Los Angeles where the oil is ultimately refined.<sup>198</sup> In the seaside neighborhood of La Conchita, residents face increased exposure to reactive organic compounds and nitrogen oxides that can trigger acute respiratory distress and exacerbate chronic lung conditions.<sup>199</sup> However, the scope of the harm extends far beyond the point of extraction; as this crude oil transported by pipeline to the Los Angeles basin, it is processed in industrial hubs like Wilmington, Carson, and West Long Beach. These areas are predominantly low-income communities of color that already bear a disproportionate toxic burden, living in the shadow of the West Coast's largest refineries and the heavy diesel traffic of the ports. BOEM's analysis needs to evaluate the specific health risks these residents face—including some of the highest cancer and asthma rates in the state—from the release of hazardous air toxics like benzene and fine particulate matter.<sup>200</sup> BOEM must evaluate the direct links of offshore production at the Santa Clara Unit to the refining process onshore, and the agency must not overlook the environmental justice impacts on overburdened populations who suffer from degraded air quality, industrial noise, and the long-term health consequences of living in an industrial zone.

## 5. BOEM Must Evaluate Impacts to Tribal and Cultural Resources.

BOEM must also quantify and analyze how the well stimulation activities proposed on the Updated DPP will impact cultural and Tribal resources. The coastline of Santa Barbara, Ventura, and Los Angeles Counties has been home to Native American Tribes and Indigenous groups that have called the area home for thousands of years.<sup>201</sup> These communities have

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<sup>196</sup> Huai, Tao et al., Analysis of Heavy-Duty Diesel Truck Activity and Emissions Data, 40 Atmospheric Environment 2333–44 (2006)

<sup>197</sup> Iteris, Ventura County Freight Corridors Study, 2021; IBI Group, Port Hueneme Oxnard Truck Traffic Study, 2008

<sup>198</sup> Tran, Kathy V. et al., Residential Proximity to Hydraulically Fractured Oil and Gas Wells and Adverse Birth Outcomes in Urban and Rural Communities in California (2006–2015), 5 Environmental Epidemiology e172 (2021)

<sup>199</sup> Colborn et al. 2014

<sup>200</sup> Willis et al. 2018; Rasmussen et al. 2016; Zhang et al. 2023; Shonkoff, Hays, and Finkel. 2014

<sup>201</sup> See, e.g., NOAA Office of National Marine Sanctuaries, Channel Islands National Marine Sanctuary: Chumash Heritage, available at: <https://channelislands.noaa.gov/maritime/chumash.html> (last accessed Feb. 19, 2026); National Oceanic and Atmospheric Administration's Office of National Marine Sanctuaries, *Chumash Heritage*

historically relied, and continue to rely, on numerous natural, cultural, and archaeological resources found along the nearby coast and in the Pacific Ocean. For example, Chumash Tribes with historic territories in Santa Barbara County and Ventura County have historic and ongoing cultural practices and connections to the area that include traditional fishing and gathering practices,<sup>202</sup> customary uses of marine and coastal resources for food and cultural purposes,<sup>203</sup> using tomols in the Santa Barbara Channel,<sup>204</sup> use of traditional and ancestral homelands,<sup>205</sup> recreation,<sup>206</sup> and “stewardship of resources and ecosystems within their ancestral homelands and waters.”<sup>207</sup> “Coastal landscapes and seascapes, including viewsheds,” are also “sacred and integral elements of the . . . local Indigenous communities.”<sup>208</sup> The health of the ocean and coastal environment is therefore extremely important to local coastal Native American communities.

- a. Native American Indigenous communities have historically inhabited coastal areas near Platform Gilda's offshore and onshore operations.*

For thousands of years, Native American Tribes and Indigenous communities from the Chumash and Gabrielino-Tongva cultural regions have lived along the coastline that is adjacent to Platform Gilda's offshore and onshore operations. The Chumash ancestral territory “encompasses approximately 7,000 square miles” from what is known today as Malibu to northward of Ragged Point, “including the four northern Channel Islands, and inland to the western edge of the San Joaquin Valley,”<sup>209,210</sup> There are over 160 recorded villages throughout the Chumash ancestral territory.<sup>211</sup> The Gabrielino-Tongva historic territory spans over 4,000 square miles across the Greater Los Angeles Basin.<sup>212</sup> Their ancestral lands stretched from “the Santa Susanna Mountains to the North, Aliso Creek to the South, the San Bernardino Mountains to the East, and the Pacific Ocean to the West, including the four channel islands of Santa Catalina, San Clemente, Santa Barbara, and San Nicolas.”<sup>213</sup>

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*National Marine Sanctuary Final Environmental Impact Statement: Volume I* (“Chumash Heritage NMS Final EIS: Vol. I”) at 162 (2024).

<sup>202</sup> Letter from Wishtoyo Foundation to BOEM (Jan. 23, 2026) (comment ID: BOEM-2025-0483-5751; tracking number: mkr-q4gu-4x71) (“Letter from Wishtoyo Foundation to BOEM”) at 4.

<sup>203</sup> Chumash Heritage NMS Final EIS: Vol. I at 162.

<sup>204</sup> Letter from Wishtoyo Foundation to BOEM at 4.

<sup>205</sup> Chumash Heritage NMS Final EIS: Vol. I at 162.

<sup>206</sup> Letter from Wishtoyo Foundation to BOEM at 4.

<sup>207</sup> Chumash Heritage NMS Final EIS: Vol. I at 162.

<sup>208</sup> *Id.* at 162.

<sup>209</sup> *Id.* at 164.

<sup>211</sup> Indigenized Geography, Village Names in Chumash Territories, (original source: Chester King, The Names and Locations of Historic Chumash Villages, 2(2) The Journal of California Anthropology 171, 173–75, available at <https://escholarship.org/content/qt8833s5k5/qt8833s5k5.pdf>).

<sup>212</sup> Gabrielino/Tongva Nation of the Greater Los Angeles Basin, Cal. Native Am. Heritage Comm'n, <http://nahc.ca.gov/cp/tribal-atlas-pages/gabrielino-tongva-nation/#:~:text=The%20Gabrielino-Tongva%20Tribe%2C%20also%20known%20as%20the,San%20Clemente%2C%20Santa%20Barbara%2C%20and%20San%20Nicolas> (last visited March 24, 2026).

<sup>213</sup> *Id.*

*b. Marine and Coastal Species*

Indigenous communities along the coastline of Santa Barbara, Ventura, and Los Angeles Counties have traditionally relied on marine and coastal resources for “dietary, symbolic, and ritual purposes” and continue to maintain these practices.<sup>214</sup> Coastal Chumash Tribes, for example, traditionally harvested, and continue to harvest through traditional fishing and gathering practices, marine resources including “abalone and other shellfish, *Olivella* shells, fish, kelp and other seaweeds, and marine mammals.”<sup>215</sup> Similarly, the Tongva relied on marine life including seaweed, fish, shellfish, and marine mammals for survival for thousands of years and now engage in protection efforts for these resources.<sup>216</sup>

*c. Cultural and Sacred Sites*

The regional coastline is also home to countless Indigenous cultural and sacred sites that are regarded as “living parts of [a Tribe’s] Native American cultural heritage.” Such sites may be connected to a Tribe’s history, stories, spiritual beliefs or creation stories or may be locations that are, or once were, used for ceremonies, gatherings, village sites, or burial grounds.<sup>217</sup> The Chumash and Gabrieleno-Tongva People regard many coastal locations as cultural and sacred sites and are actively engaged in protecting them.<sup>218</sup>

For the Gabrieleno-Tongva Peoples, one of the most important sacred places is Puvunga, located in what is now known as Long Beach. Puvunga is regarded as the “place of emergence,’ where the world and life began” and “the birthplace of their spiritual leader, Chingichnish.”<sup>219</sup> The Gabrieleno-Tongva also regard the Southern Channel Islands, including Santa Catalina, San Nicolas, and San Clemente Islands to be sacred sites given their cultural and historical connection to the islands.<sup>220</sup> Sacred sites for the Gabrieleno-Tongva also include Kuruvungna Springs in Santa Monica, which “provided fresh water for the Tongva people for thousands of years,” and the Los Angeles River, the Hondo River, the San Gabriel River, and the Santa Ana

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<sup>214</sup> Gabriel M. Sanchez, Michael Grone, & Alec Apodaca, Indigenous Stewardship of Coastal Resources in Native California, 11 *Front. Earth Sci.* 1064197 (March 10, 2023), available at <https://www.frontiersin.org/journals/earth-science/articles/10.3389/feart.2023.1064197/full> (“Indigenous people in California have maintained long-term relationships with terrestrial and marine resources that have persisted since time immemorial. Coastal landscapes and marine resources feature prominently in Native Californian cultural lifeways, serving dietary, symbolic, and ritual purposes . . . Indigenous connections to coastal landscapes persisted during three successive waves of European and Euro-American colonialism and continue in the present . . .”).

<sup>215</sup> Chumash Heritage NMS Final EIS: Vol. I at 164.

<sup>216</sup> Paige Laduzinsky, *Traditional Boat Building Helps Native Community Hone Ecological Knowledge*, PBSSoCal.Org (November 5, 2019), <https://www.pbssocal.org/shows/tending-nature/traditional-boat-building-helps-native-community-hone-ecological-knowledge>.

<sup>217</sup> *Id.*

<sup>218</sup> *Id.* at 165, 167.

<sup>219</sup> *Sacred Sites of the Gabrieleno-Tongva*, Gabrieleno San Gabriel Band of Mission Indians (August 13, 2025), <https://www.gabrieleno-nsn.us/post/sacred-sites-of-the-gabrieleno-tongva>.

<sup>220</sup> *Id.*

River, each of which were “central to where (their) villages were built” and regarded as the “lifelines of their territory.

*d. Tribal Maritime Traditions off California's Coast*

The waters surrounding Platform Gilda have been historically used, and are still used today, by Indigenous communities for maritime navigation, cultural practices, and crossing between California's mainland and the multiple islands off California's Southern Coast.<sup>221</sup> “A major environmental concern for (Indigenous community members) being able to paddle these vessels is the water quality,” since a vessel placed in the ocean gets “covered in oil byproducts” and pollutants when ocean water quality is impaired.<sup>222</sup>

Tongva people historically traveled, and still travel today, between Catalina Island and California's southern coast in ti'ats, or plank canoes.<sup>223</sup> Ti'ats are crafted from redwood log planks “bound with woven cordage made of plant fibers, including dogbane, nettle, sea grass, milkweed, or willow” and coated with asphaltum and pine pitch as a sealant.<sup>224</sup>

Chumash clans who “still exist and thrive”<sup>225</sup> in California continue their “vibrant tradition of tomol (traditional redwood plank canoes) rowing,”<sup>226, 227</sup> including “rowing in the Santa Barbara Channel, crossing to the Channel Islands,” and rowing “all along the Santa Barbara and Ventura Coast.”<sup>228, 229</sup> The Santa Barbara Channel coastline is ideal for tomol use, given that it is “a south-facing coast with a channel sheltered by the offshore islands.”<sup>230</sup> The relatively calm waters in the Channel (as compared to the waters north of Point Conception) have historically “allowed Chumash to develop and make use of the [tomol] . . . for fishing and trade with other Chumash groups.”<sup>231</sup>

Today, the Chumash undertake tomol voyages for cultural and ceremonial purposes. “Chumash People celebrate their ancestral ocean voyages in tomol canoes to honor their

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<sup>221</sup> See Digital Atlas of California Native Americans (with Trails Map Layer), <https://experience.arcgis.com/experience/88d47f08dc124f80a425534bbb761b72/> (last visited March 18, 2026).

<sup>222</sup> Laduzinsky 2019 (quote attributed to Cindi Alvitre, a “Tongva educator, culture bearer, and professor of American Indian studies at California State University, Long Beach” and Heidi Lucero, an abalone artist of the Acjachemen community).

<sup>223</sup> Laduzinsky 2019.

<sup>224</sup> Laduzinsky 2019.

<sup>225</sup> Chumash Heritage NMS Final EIS: Vol. I at 164.

<sup>226</sup> Letter from Wishtoyo Foundation to BOEM at 4; *see also* Chumash Heritage NMS Final EIS: Vol. I at 164 (Chumash travel “to sea, to the Channel Islands, and along the coast in traditional redwood plank canoes called tomols.”).

<sup>227</sup> Chumash Heritage NMS Final EIS: Vol. I at 164.

<sup>228</sup> *Id.*

<sup>229</sup> Letter from Wishtoyo Foundation to BOEM at 4; *see also* Chumash Heritage NMS Final EIS: Vol. I at 164 (Chumash travel “to sea, to the Channel Islands, and along the coast in traditional redwood plank canoes called tomols.”).

<sup>230</sup> Chumash Heritage NMS Final EIS: Vol. I at 167.

<sup>231</sup> *Id.*

ancestors . . . and continue to honor ceremonial sites within their historic areas.”<sup>232</sup> Tomol voyages “from the mainland to Santa Cruz Island[] and associated ceremonies” are among the cultural activities that are still practiced today” by Chumash People.<sup>233</sup> A future oil spill in the Santa Barbara Chanel would severely impact the ability of Chumash community members to continue their traditional tomol voyages, as was demonstrated by the 2015 oil spill at Refugio State Beach, which forced local Chumash community members to stop launching tomols from traditional launch sites for months to an entire year.<sup>234</sup>

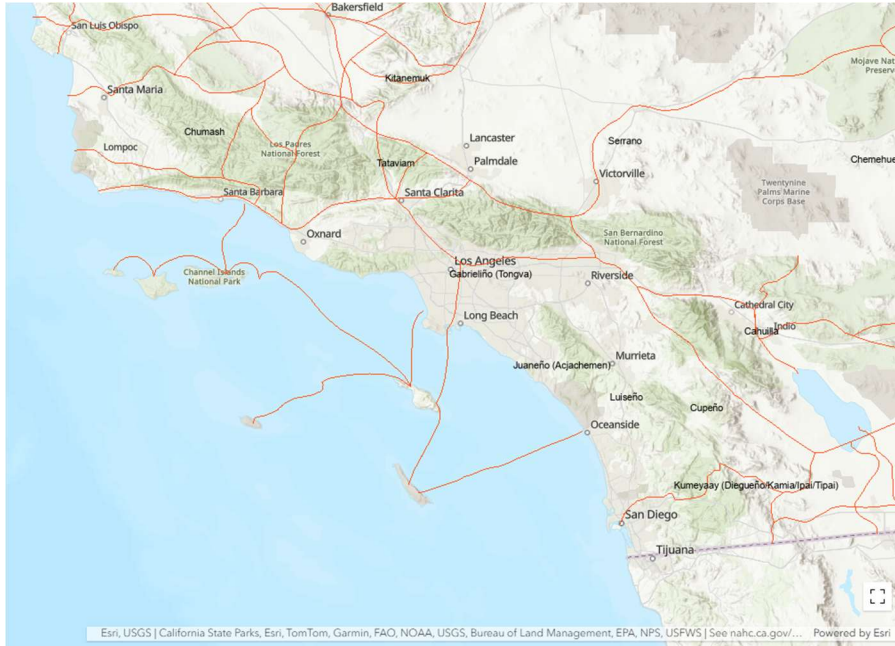


Figure 2. Southern California Map of Indigenous Ocean and Land Routes<sup>235</sup>

e. *Hydraulic fracturing of Platform Gilda wells will negatively impact Tribal resources.*

Hydraulic fracturing at Platform Gilda will threaten coastal habitats and resources that are essential for local Indigenous cultures.<sup>236</sup> For example, by prolonging oil and gas drilling at Platform Gilda’s wells, well stimulation will exacerbate the risk of future oil spills which would have devastating impacts on habitats and Tribal resources. Whether a future oil spill will impact Tribal resources along the coast is not speculative—the harms caused by an oil spill have been

<sup>232</sup> *Id.* at 164.

<sup>233</sup> *Id.*

<sup>234</sup> Letter from Wishtoyo Foundation to BOEM at 4.

<sup>235</sup> Digital Atlas of California Native Americans (with Trails Map Layer), <https://experience.arcgis.com/experience/88d47f08dc124f80a425534bbb761b72/> (last visited March 18, 2026).

<sup>236</sup> See Sanchez et al. 2023 (“Today, coastal habitats that are essential for Indigenous cultures are becoming increasingly impacted. One of the reasons is the exclusion of people from their traditional homelands and their connection to cultural burning and other Indigenous stewardship practices, such as resource harvesting . . .”).

demonstrated.<sup>237</sup> For example, after the 2015 oil spill at Refugio State Beach on the Gaviota Coast, for months to an entire year, “Chumash peoples were unable to visit ancient village sites, practice ceremonies, [or] launch tomols from traditional launch sites.”<sup>238</sup> The 2015 spill also heavily disrupted the Chumash People’s traditional fishing and gathering practices and impacted their “subsistence fishing and recreational fishing.”<sup>239</sup> Moreover, even absent a catastrophic spill, the impacts of oil and gas identified above, such as impacts to wildlife from noise and impacts to water quality, also threaten and impede these tribal resources and uses.

## 6. BOEM Must Analyze Impacts to Species.

The well stimulation activities proposed in the Updated DPP will have devastating effects on the already climate-stressed ecosystems of the regional OCS and coast. Indeed, the activities associated with fracking, such as prolonged offshore oil and gas development, will further industrialize the vibrant and fragile marine and coastal habitats and push a whole host of endangered species even closer to extinction. BOEM itself has recognized likely impacts of offshore oil drilling to several endangered species.<sup>240</sup> Furthermore, the operation, maintenance, and repairs of Platform Gilda’s attendant onshore infrastructure will continue impacting sensitive coastal and terrestrial species. In the EIS, BOEM should analyze not only the anticipated environmental damage of hydraulic fracturing in gross; it also should analyze the specific effects as to specific species, who will each be injured in ways unique to their biology, behavior, and habitat. This requires analyzing how numerous aspects of offshore fracking, including its attendant offshore and onshore infrastructure, will likely harm sensitive wildlife, including from operational discharges to the ocean, traffic of support vessels, disruptions to behavior from noise, and the risk of another catastrophic oil spill.

The marine and coastal habitats within the area that could be affected by hydraulic fracturing at Platform Gilda are among the most productive and diverse in the world.<sup>241</sup> The waters around Platform Gilda are part of a Large Marine Ecosystem, a term that captures the extensive and integrated marine habitat that underpins the abundant marine life offshore California.<sup>242</sup> The California Current Large Marine Ecosystem (CCLME or “California Current”) is one of five of a class of Large Marine Ecosystems that are characterized by cold, nutrient-rich

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<sup>237</sup> Oil spills outside the Central and Southern California Planning Area have also shown the devastating effects that such spills have on marine and coastal Tribal resources. The Exxon Valdez oil spill of 1989, for example, completely devastated Alaskan Native Americans’ subsistence economy, their “cultural traditions, and psychosocial well-being.” Duane A. Gill & J. Steven Picou, *The Day the Water Died: The Exxon Valdez Disaster and Indigenous Culture*, Chapter 10 in *American Disasters* 277 (Steven Biel ed., 2001).

<sup>238</sup> Letter from Wishtoyo Foundation to BOEM at 4.

<sup>239</sup> *Id.*

<sup>240</sup> BOEM, Offshore Oil and Gas Development and Production Activities in the Southern California Planning Area, *Biological Assessment USFWS Regulated Endangered and Threatened Species* (“FWS BA”) (2019) at 16, available at <https://downloads.regulations.gov/FWS-R8-ES-2023-0132-0011/content.pdf>.

<sup>241</sup> See BOEM, 11th National Outer Continental Shelf Oil and Gas Leasing Draft Proposed Program (“Draft Proposed Program”) at 10-21 to 10-24.

<sup>242</sup> Jennifer A. Brown et.al., *Developing Science-Based Indicator Portfolios for National Marine Sanctuary Condition Reports*, National marine sanctuaries conservation series ONMS-19-07, 1, Fig. 1 (2019).

coastal upwelling that generate areas of high primary productivity.<sup>243</sup> The California Current itself is more than 2,000 miles long and contains more than 400 estuaries and bays.<sup>244</sup> The California Current “drives one of the most productive upwelling ecosystems in the world” and “supports many productive fisheries, a large and diverse marine mammal assemblage, and abundant seabird populations.”<sup>245</sup> Moreover, where the Platform Gilda oil pipeline makes landfall on California’s coastline, coastal dune, foredune, and beach habitats provide environmentally sensitive habitat for many estuarine and terrestrial species.

As DCOR observes in the Updated DPP and the Biological Assessment (Appendix D to the Updated DPP), the Santa Barbara Channel and adjacent coastline are home to numerous species that are listed as threatened or endangered under the ESA.<sup>246</sup> Such species include, but are not limited to: marine mammals, like the Guadalupe fur seal, the sei whale, the sperm whale, the North Pacific right whale, the gray whale, and the blue whale; birds, such as the marbled murrelet, the short-tailed albatross, and the Hawaiian petrel; invertebrates, like the black abalone and the white abalone; fish, including the southern California steelhead, the southern DPS green sturgeon, and the scalloped hammerhead shark; and sea turtles—the loggerhead turtle, leatherback turtle, green turtle, and olive ridley turtle.<sup>247</sup> The ocean and coastline near the project area also include critical habitat for many listed species. In addition, the Santa Barbara Channel is home to marine species that NOAA has proposed to be listed due to their rapidly declining populations in the Pacific, including the Sunflower Sea Star (*Pycnopodia helianthoides*)<sup>248</sup> and the Tope Shark (*Galeorhinus galeus*).<sup>249</sup> Hundreds of other marine and coastal species inhabit the region that are not listed under the ESA, including shorebirds and seabirds like the Black Oystercatcher and California Brown Pelican, and mammals such as the California sea lion, Harbor seal, and Bottlenose dolphin, which are protected by the Marine Mammal Protection Act.<sup>250</sup>

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<sup>243</sup> M.C. Aquarone & S. Adams, *Chapter XIV-44 California Current: LME #3, Large Marine Ecosystems of the World*, at 1, available at <https://iwlearn.net/resolveuid/d83a5000-72c5-4348-a98f-07ed599dcacd#:~:text=Adams.climate%20and%20strong%20coastal%20upwelling>.

<sup>244</sup> *Id.*

<sup>245</sup> BOEM, Draft Proposed Program at 10-22, 9-19.

<sup>246</sup> See, e.g., Updated DPP & ER at 4-17, 4-19, 4-28; Appendix D to Updated DPP & ER (Biological Assessment) at 4-6–4-9.

<sup>247</sup> Appendix D to Updated DPP & ER (Biological Assessment) at 4-6–4-9.

<sup>248</sup> NOAA Fisheries, *NOAA Fisheries Proposes Listing Sunflower Sea Star as Threatened under Endangered Species Act*, (March 15, 2023), <https://www.fisheries.noaa.gov/feature-story/noaa-fisheries-proposes-listing-sunflower-sea-star-threatened-under-endangered-species>;

Endangered and Threatened Wildlife and Plants; Threatened Listing Determination for the Sunflower Sea Star Under the Endangered Species Act; Public Hearings, 88 Fed. Reg. 21600 (April 11, 2023).

<sup>249</sup> NOAA Fisheries, *90-Day Finding on a Petition to List the Tope Shark Under the Endangered Species Act*, (April 28, 2022), <https://www.fisheries.noaa.gov/action/90-day-finding-petition-list-tope-shark-under-endangered-species-act>; Endangered and Threatened Wildlife; 90-Day Finding on a Petition To List the Tope Shark as Threatened or Endangered Under the Endangered Species Act; Public Hearings, 87 Fed. Reg. 25209 (April 28, 2022); CBD & Defend Them All Foundation, Petition to List the Tope Shark (*Galeorhinus galeus*) as Endangered or Threatened Under the Endangered Species Act (Feb. 15, 2022), [https://media.fisheries.noaa.gov/2022-02/Petition\\_Tope%20Shark%20ESA%20Listing%2015%20February%202022%20FINAL\\_508.pdf](https://media.fisheries.noaa.gov/2022-02/Petition_Tope%20Shark%20ESA%20Listing%2015%20February%202022%20FINAL_508.pdf).

<sup>250</sup> Channel Islands: Marine Animals, National Park Service (June 21, 2022), <https://www.nps.gov/chis/learn/nature/marine-animals.htm>; Channel Islands: Seabirds & Shorebirds, National Park

The Updated DPP fails to recognize all federally listed species that are found in the marine and coastal environments near Platform Gilda's associated infrastructure that could be impacted by the proposed well stimulation treatments. These additional species include, but are not limited to, the tidewater goby, the western snowy plover, the California least tern, and the southern sea otter. BOEM's EIS must analyze how the Updated DPP's proposed activities would affect all federally listed species that could be impacted by well stimulation at Platform Gilda; not just those mentioned in the Updated DPP.

Below is a non-exhaustive list of some of the key species that could be harmed by hydraulic fracturing at Platform Gilda. BOEM's EIS must identify all federally listed species that could be affected by the plan, describe their baseline environmental conditions, and analyze the overlap between their geographic ranges, the geographic ranges of their prey, and the Updated DPP activities. The EIS must also analyze the reasonably foreseeable effects of the Updated DPP on each species, given its characteristics, range, and the cumulative impacts of other stressors on the species.

*a. Marine Mammals*

Marine mammals, some of whom have only begun to recover from historically low population numbers, are one of the many types of species that will be egregiously impacted by offshore fracking at Platform Gilda. Both whales (cetaceans) and other marine mammals face commensurate levels of jeopardy from offshore oil and gas extraction enabled by hydraulic fracturing.

Cetaceans are particularly sensitive to the operations attendant to fracking and can experience lethal levels of resulting stress. They also face numerous risks from increased vessel traffic, including the risk of ship strikes, which are often fatal. Noise from oil and gas operations, including vessel noise, the dynamic positioning engines used on platforms, and subsea construction noise, can mask cetacean speech and alter cetacean behavior in often-detrimental ways. And oil spills are often catastrophic to cetacean populations. These threats are especially acute for the endangered whale populations which depend on the California continental shelf edge.

In the EIS, BOEM must analyze the effects of offshore fracking on cetaceans on a species-specific level. These whales occupy unique and distinct geographic areas and ecological niches across different seasons, and they would face the challenges and stress of fracking activities in different ways. At a minimum, BOEM must consider how the noise, light, water, and air pollution brought by hydraulic fracturing activities magnifies other stressors already taxing these animals, including climatic and chemical changes in the ocean, other source pollutants, and the ever-present risk of vessel strike.

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Service (June 25, 2016), <https://www.nps.gov/chis/learn/nature/seabirds.htm>; see Marine Mammal Protection Act, 16 U.S.C. §§ 1361–1423h.

BOEM must also consider in the EIS the effects that a catastrophic oil spill would have on cetaceans found in and near the Santa Barbara Channel. The lethal impacts of oil spills on whales were documented in the Final Programmatic Damage Assessment and Restoration Plan published by the *Deepwater Horizon* Trustees, in which the National Marine Fisheries Service (NMFS) estimated that Rice's whales suffered 17% (95%CI=7-24%) expected excess mortality, 22% (95%CI=10-31%) excess failed pregnancies, and 18% (95%CI=7-28%) adverse health effects.<sup>251</sup> An individual whale that was sampled during a post-spill biopsy study showed levels of nickel and chromium—two genotoxic metals found in Macondo oil—consistent with those seen in Gulf sperm whales, some of which were sampled closer to the spill site; these levels were two to five times higher than the global mean for sperm whales.<sup>252</sup> Baleen whale calves appear particularly vulnerable to contaminant effects given efficient transplacental and lactational transfer from their mothers.<sup>253</sup> BOEM cannot close its eyes to the possibility of another catastrophic oil spill posed by prolonged oil and gas development at Platform Gilda, and it must analyze the effects of a such a spill on a species-specific level to capture the full range of devastation that would result.

### ***Gray Whales***

Grey whales are baleen whales which, despite being hunted to near-extinction by commercial whalers, have mounted a strong recovery and are now the most commonly observed whale on the Pacific Coast.<sup>254</sup> Despite there being two recognized populations of gray whales in the Pacific (eastern and western populations), it is suggested that both populations' feeding areas and migration routes are along the U.S. West Coast.<sup>255</sup> Gray whales migrate along the West Coast during the south bound trip to Baja California and Mexico in the winter for breeding, and the northbound trip to arctic waters for feeding in the summer.<sup>256</sup> Of the loosely defined phases of this migration through California waters, gray whales utilize state and federal waters from Morro

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<sup>251</sup> DWH NRDA Trustees (*Deepwater Horizon* Natural Resource Damage Assessment Trustees), *Deepwater Horizon Oil Spill: Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement*, tbls. 4.9-6, 4.9-7, 4.9-9 (2016); see also R. Takeshita, L. Sullivan, C. Smith, T. Collier, A. Hall, T. Brosnan, T. Rowles, and L. Schwacke, L., *The Deepwater Horizon Oil Spill Marine Mammal Injury Assessment*, 33 *Endangered Species Res.* 95 (2017).

<sup>252</sup> J.P. Wise, Jr., J.T.F. Wise, C.F. Wise, S.S. Wise, C. Gianios, Jr., H. Xie, W. D. Thompson, C. Perkins, C. Falank, and J.P. Wise, Sr., *Concentrations of the Genotoxic Metals, Chromium and Nickel, in Whales, Tar Balls, Oil Slicks, and Released Oil From the Gulf of Mexico in the Immediate Aftermath of the Deepwater Horizon Oil Crisis: Is Genotoxic Metal Exposure Part of the Deepwater Horizon Legacy?*, 48 *Env't Sci. & Tech.* 2997 (2014).

<sup>253</sup> C. Metcalfe, B. Koenig, T. Metcalfe, G. Paterson, and R. Sears, *Intra- and Inter-species Differences in Persistent Organic Contaminants in the Blubber of Blue Whales and Humpback Whales from the Gulf of St. Lawrence, Canada*, 57 *Marine Env't Res.* 245 (2004).

<sup>254</sup> NOAA, *Grey Whales in the Eastern North Pacific*, <https://www.fisheries.noaa.gov/west-coast/science-data/gray-whales-eastern-north-pacific> (last visited on Mar. 16, 2026).

<sup>255</sup> John Calambokidis et al., *Biologically Important Areas II for selected cetaceans within U.S. and adjacent waters – West Coast Region*, 11 *FRONTIERS MARINE SCI.* 1283231, 13–22 (2024), <https://doi.org/10.3389/fmars.2024.1283231>.

<sup>256</sup> *Id.*

Bay to San Diego.<sup>257</sup> Of particular concern is the Eastern North Pacific (“ENP”) gray whale population, whose habitat extends across the entire West Coast of the United States.

ENP gray whales are facing ongoing and increasing threats from vessel strikes, fisheries bycatch, ocean contaminants, anthropogenic noise, whale watching, and ocean warming. Data collected in an unusual mortality event (“UME”) in 2023 indicates that gray whale strandings increased and calf production had declined precipitously. According to scientists, seventy gray whales were found stranded in Mexico between December 19, 2024, and March 31, 2025,<sup>258</sup> and according to NMFS, an additional forty-seven gray whales have stranded in the United States this year (twenty-seven in California, thirteen in Washington, and seven in Oregon) as of June 12, 2025 (with additional mortalities likely to be documented through the end of June, 2025).<sup>259</sup> This level of mortality is similar to the number of gray whales found stranded in Mexico in 2020 (at the beginning of the UME),<sup>260</sup> and has prompted scientists to ask if gray whales are “at a tipping point in their history.”<sup>261</sup> Furthermore, only fourteen cow-calf pairs, a record low, were documented on the calving grounds in 2025, and Mexican researchers have documented an increase in the number of whales with a poor body condition in 2025 compared to previous years.<sup>262</sup> Given this population's pronounced vulnerability, increased stressors from proposed fracking at Platform Gilda are a significant concern.

### ***Humpback Whales***

Humpback whales are highly migratory baleen whales that have been rebuilding their numbers since being decimated by the commercial whaling industry.<sup>263</sup> In the Pacific Ocean, humpback whales tend to alternate between winter breeding areas, including those in the western North Pacific Ocean, Hawai‘i, Mexico, and Central America. They then move to more coastal feeding areas in spring, summer, and fall that range from California, north into Alaskan waters,

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<sup>257</sup> See David J. Rugh, Kim E.W. Shelden & Alisa Schulman-Janiger, *Timing of the gray whale southbound migration (Eschrichtius robustus)*, 3(1) Journal of Cetacean Research and Management 31, 35–36 (2001), <https://doi.org/10.47536/jcrm.v3i1.897>.

<sup>258</sup> Sergio Martínez et al., *Annual Research Report for the 2025 Gray Whale (Eschrichtius robustus) Winter Season in Laguna San Ignacio and the Bahía Magdalena Lagoon Complex, Baja California Sur, Mexico*. Gray Whale Research in Mexico, at 20 (2025), [https://graywhaleresearchmexico.org/sites/default/files/documents/2025-gwrm-final-report-english-web-9-june-2025\\_0.pdf](https://graywhaleresearchmexico.org/sites/default/files/documents/2025-gwrm-final-report-english-web-9-june-2025_0.pdf).

<sup>259</sup> Bellamy Pailthorp, *Gray Whales Along the Pacific West Coast Appear to be in Trouble*, KNKX PUB. RADIO (2025), [knkx.org/environment/2025-06-12/gray-whales-along-the-pacific-west-coast-appear-to-be-in-trouble](https://knkx.org/environment/2025-06-12/gray-whales-along-the-pacific-west-coast-appear-to-be-in-trouble). By comparison, thirty-one whales stranded in 2024, and forty-four stranded in 2023 (the last year of the UME). *Id.*

<sup>260</sup> 2019–2023 Eastern North Pacific Gray Whale UME (CLOSED), NOAA Fisheries (last visited January 13, 2026), [fisheries.noaa.gov/national/marine-life-distress/2019-2023-eastern-north-pacific-gray-whale-ume-closed](https://fisheries.noaa.gov/national/marine-life-distress/2019-2023-eastern-north-pacific-gray-whale-ume-closed).

<sup>261</sup> Sergio Martínez et al., *Annual Research Report for the 2025 Gray Whale (Eschrichtius robustus) Winter Season in Laguna San Ignacio and the Bahía Magdalena Lagoon Complex, Baja California Sur, Mexico*. Gray Whale Research in Mexico, at 3 (2025), [https://graywhaleresearchmexico.org/sites/default/files/documents/2025-gwrm-final-report-english-web-9-june-2025\\_0.pdf](https://graywhaleresearchmexico.org/sites/default/files/documents/2025-gwrm-final-report-english-web-9-june-2025_0.pdf).

<sup>262</sup> *Id.* at 13–16.

<sup>263</sup> John Calambokidis et al., *4. Biologically Important Areas for selected cetaceans within U.S. waters – West coast region*, 41(1) Aquatic Mammals 39, 40–42 (2015), <https://cascadiaresearch.org/files/Calambokidisetal2015BIAs.pdf>.

and west to waters off Russia.<sup>264</sup> Humpbacks primarily occur near the edge of the continental slope and deep submarine canyons, where upwelling concentrates zooplankton near the surface for feeding.<sup>265</sup>

As with gray whales, increased stressors to humpback whales due to fracking are also of great concern. The noise associated with offshore development (e.g., pile driving, blasting, and explosives) can affect humpbacks by generating sound levels that disturb whale activity and adversely affect their hearing.<sup>266</sup> Low-frequency sound comprises a large proportion of this increase, stemming from a variety of sources, including shipping, oil and gas exploration, and military activities. Detrimental effects associated with anthropogenic sound include hearing loss, masking, and temporary threshold shifts in hearing, which impact social communication, stress hormone levels, and behavior such as departing from prime foraging areas or altering migratory routes or timing.<sup>267</sup> BOEM must analyze in the EIS the full extent to which the Updated DPP could have negative impacts on the health of the humpback whales found in the area.

### ***Blue Whales***

The blue whale, a type of baleen whale and the largest animal species, was decimated by twentieth century commercial whaling and its road to recovery has been difficult.<sup>268</sup> Blue whale vocalizations suggest the presence of at least two distinct populations in the Pacific.<sup>269</sup> Their feeding grounds span the California coast but are aggregated in nine biologically important areas (BIAs), six of them within or near the Southern California Bight.<sup>270</sup>

BIAs for blue whales have been identified along California's coast of California. Of the nine BIAs that overlap with the predicted density of blue whales, the largest in area is the Gulf of the Farallones and the Monterey Bay to Pescadero BIA.<sup>271</sup> Blue whales travel along the U.S. West Coast, specifically the California Coast, during the summer and fall months for feeding<sup>272</sup> before migrating south to their breeding grounds. Calambokidis and Barlow (2020) estimated blue whale abundance for the U.S. west coast at 1,898 whales, based on updated photographic ID

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<sup>264</sup> John Calambokidis et al., *Movements and population structure of humpback whales in the North Pacific*, 17 MARINE MAMMAL SCIENCE 769, 778–84 (2001) <http://dx.doi.org/10.1111/j.1748-7692.2001.tb01298.x>.

<sup>265</sup> NMFS, ESA Section 7(a)(2) Biological and Conference Opinion: Development and Production of Oil and Gas Reserves and Beginning Stages of Decommissioning within the Southern California Planning Area of the Pacific Outer Continental Shelf Region, NMFS Consultation Number: 2023-02183, at 27 (2024), <https://www.fisheries.noaa.gov/s3/2024-02/boem-bsee-oil-and-gas-2-27-24-dl.pdf>.

<sup>266</sup> *Id.* at 30–31.

<sup>267</sup> *Id.*

<sup>268</sup> John Calambokidis et al., *4. Biologically Important Areas for selected cetaceans within U.S. waters – West coast region*, 41(1) Aquatic Mammals 39, 40–42 (2015), <https://cascadiaresearch.org/files/Calambokidisetal2015BIAs.pdf>.

<sup>269</sup> *Id.*

<sup>270</sup> *Id.*

<sup>271</sup> John Calambokidis et al., *Biologically Important Areas II for selected cetaceans within U.S. and adjacent waters – West Coast Region*, 11 FRONTIERS MARINE SCI. 1283231, 6–8 (2024), <https://doi.org/10.3389/fmars.2024.1283231>.

<sup>272</sup> Angela R. Szesciorka et al., *Timing is everything: Drivers of interannual variability in blue whale migration*, 10 SCI REP 7710, at 1 (2020), <https://doi.org/10.1038/s41598-020-64855-y>.

data through 2018 using mark-recapture methods.<sup>273</sup> Becker et al. (2020) estimated blue whale abundance at 670 whales, using habitat-based species distribution models from line-transect data collected from 1991 to 2018.<sup>274</sup> With higher aggregation numbers in identified BIAs, opening the Pacific OCS to new oil and gas operations could have negative impacts on the health of the Pacific stock of the blue whale population.

### ***Fin Whales***

Fin whales are listed as endangered under the ESA and have a global distribution. Fin whales occur year-round off California's coast<sup>275</sup> and are likely present year-round in Central and Southern California waters, with movements into Central California and Baja California and returning to the Southern California Bight.<sup>276,277</sup> Falcone and Schorr (2013) collected photographic evidence of individually-identified whales in the California Current for all four seasons, including the tracking via satellite of one individual moving northward from south Baja California to the Monterey between February and June.<sup>278</sup>

Photo identification efforts in Southern California indicate that within-region movements are more common than inter-regional movements. This suggests that fin whales, like blue whales, have regional subpopulations.<sup>279</sup> The North Pacific fin whale population summers from the Chukchi Sea to California, and winters from California southward. In a 2017 study, Širovic et al. proposed the possibility of a southern California resident population through acoustic data

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<sup>273</sup> John Calambokidis & Jay Barlow, *Updated abundance estimates for blue and humpback whales along the U.S. west coast using data through 2018*, NOAA technical memorandum NMFS-SWFSC-634, at 14 (September 2020), <https://repository.library.noaa.gov/view/noaa/27104>.

<sup>274</sup> Elizabeth A. Becker et al., *Habitat-based density estimates for cetaceans in the California Current Ecosystem based on 1991- 2018 survey data*, NOAA Technical Memorandum NMFS-SWFSC-638, at 27 (2020), <https://repository.library.noaa.gov/view/noaa/27826>.

<sup>275</sup> James V. Carretta et al., *U.S. Pacific Marine Mammal Stock Assessments: 2022*. Department of Commerce, NOAA-TM-NMFS-SWFSC-684, at 212 (2023) [https://www.fisheries.noaa.gov/s3/2024-12/Pacific\\_SARs\\_Final\\_2023.pdf](https://www.fisheries.noaa.gov/s3/2024-12/Pacific_SARs_Final_2023.pdf).

<sup>276</sup> Erin A. Falcone & Gregory S. Schorr, *Distribution and demographics of marine mammals in SOCAL through photo-identification, genetics, and satellite telemetry: a summary of surveys conducted 1 July 2012–30 June 2013*, Naval Postgraduate School Technical Report NPS-OC-14-002CR, at 5, 12–13 (2013) <https://hdl.handle.net/10945/39523>.

<sup>277</sup> In a 2015 study conducted by Calambokidis et al., visual boat-based sightings used to create the distribution map documented notable concentrations in waters west of Santa Lucia Bank off the Central California coast. John Calambokidis et al., 4. *Biologically Important Areas for selected cetaceans within U.S. waters – West coast region*, 41(1) *Aquatic Mammals* 39, 52–53 (2015), <https://cascadiaresearch.org/files/Calambokidisetal2015BIAs.pdf>.

<sup>278</sup> Erin A. Falcone & Gregory S. Schorr, *Distribution and demographics of marine mammals in SOCAL through photo-identification, genetics, and satellite telemetry: A summary of surveys conducted 1 July 2012–30 June 2013*, Naval Postgraduate School Technical Report NPS-OC-14-002CR, 22–24 (2013) <https://hdl.handle.net/10945/39523>.

<sup>279</sup> John Calambokidis et al., 4. *Biologically Important Areas for selected cetaceans within U.S. waters – West coast region*, 41(1) *Aquatic Mammals* 39, 52 (2015), <https://cascadiaresearch.org/files/Calambokidisetal2015BIAs.pdf>.

along with their seasonal movements.<sup>280</sup> Additional telemetry studies would be necessary to fully flesh out the population stocks along with genetics and acoustics.<sup>281</sup>

Fin whales are currently facing dire threats from offshore development activities, including those associated with fracking. Their survival is threatened by underwater noise, pollutants, marine debris, and habitat degradation—which, though difficult to quantify, is demonstrated by recent studies that have found concerning levels of persistent organic pollutants<sup>282</sup> and microplastics, including plastic additives,<sup>283</sup> in the blubber of fin whales. There is also growing concern that the increasing levels of anthropogenic noise in the ocean may be a habitat concern for fin whales that use low frequency sound to communicate.<sup>284</sup>

### ***Sea Otters***

Due to the now banned fur trade of otters, the current southern sea otters are descendants from a small population that survived in Big Sur. The current southern sea otter range is from south of Point Conception, in the Santa Barbara Channel, to slightly north of Santa Cruz.<sup>285</sup> The species is listed as threatened under the ESA. The southern sea otter population has grown by a rate of about five percent significantly less than its northern counterparts.<sup>286</sup> Possible reasons for this slower growth rate are unclear, however, it is believed to be partly caused by exposure to human-related contaminants and pathogens.<sup>287</sup> A sea otter survey conducted by the California Department of Fish and Game, United States Geologic Service-Biological Resource Division, and the Monterey Bay Aquarium places some of the highest counts of otters between Point Sur and Morro Bay.<sup>288</sup> Given this population's pronounced size reduction, increased stressors from potential oil and gas activity are a significant concern.

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<sup>280</sup> Ana Širovic et al., *Fin whale song variability in southern California and the Gulf of California*, 7 Scientific Reports 10126, at 4–8 (2017) <https://doi.org/10.1038/s41598-017-09979-4>.

<sup>281</sup> Karen K. Martien et al., *Progress report on genetic assignment of humpback whales from the California-Oregon feeding aggregation to the mainland Mexico and Central America wintering grounds*, NOAA Technical Memorandum NMFS-SWFSC-635, at 16–17 (2020) <https://repository.library.noaa.gov/view/noaa/27220>.

<sup>282</sup> Marianna Pinzone et al., *POPs in free-ranging pilot whales, sperm whales and fin whales from the Mediterranean Sea: influence of biological and ecological factors*, 142 ENVIRONMENTAL RESEARCH 185, 187–192 (2015) <https://doi.org/10.1016/j.envres.2015.06.021>.

<sup>283</sup> See, generally, Maria Cristina Fossi et al., *Are baleen whales exposed to the threat of microplastics? A case study of the Mediterranean fin whale (Balaenoptera physalus)*, 64 Marine Pollution Bulletin 2374 (2012) <https://doi.org/10.1016/j.marpolbul.2012.08.013>.

<sup>284</sup> NMFS, *ESA 7(a)(2) Biological and Conference Opinion: Development and Production of Oil and Gas Reserves and Beginning Stages of Decommissioning within the Southern California Planning Area of the Pacific Outer Continental Shelf Region*, NMFS Consultation Number: 2023-02183, at 24–26 (2024), <https://www.fisheries.noaa.gov/s3/2024-02/boem-bsee-oil-and-gas-2-27-24-dl.pdf>.

<sup>285</sup> Marine Mammal Commission, *Annual Report to Congress*, at 117 (2012), available at [https://www.mmc.gov/wp-content/uploads/annualreport\\_2012.pdf](https://www.mmc.gov/wp-content/uploads/annualreport_2012.pdf).

<sup>286</sup> *Id.* at 118.

<sup>287</sup> Melissa Miller et al., submitted to California Regional Water Quality Control Board, *Persistent organic pollutant concentrations in southern sea otters (Enhydra lutris nereis): Patterns with respect to environmental risk factors and major causes of mortality*, at 1–2 (2007), available at <https://amarine.com/wp-content/uploads/2018/01/Final-Prop13-Report.pdf>.

<sup>288</sup> Randall D. Clark, *A Biogeographic Assessment of the Channel Islands National Marine Sanctuary: A Review of Boundary Expansion Concepts for NOAA's National Marine Sanctuary Program*, NOAA technical memorandum NOS NCCOS 21, at 193–94 (2005), <https://repository.library.noaa.gov/view/noaa/2161>.

BOEM must analyze how the proposed fracking activities will impact sea otters. Sea otters are “among the most vulnerable marine mammals” to oil spills because they rely on dense fur—not blubber—for insulation and spend much of their time at the sea surface nearshore, where oil and its most toxic components accumulate.<sup>289</sup> Critically, “the physical effects of external oil contamination to sea otters may be as damaging as the toxicological effects.”<sup>290</sup> Even small amounts of oil disrupt their fur’s insulating ability, putting them at risk of hypothermia, forcing them to eat significantly more food and groom excessively, leading to severe energetic depletion and health stress.<sup>291</sup> According to the southern sea otter’s five-year status review, “it is likely that in the case of a large spill most oiled sea otters would die despite rescue efforts.”<sup>292</sup> Long-term studies of oiled sea otters have also shown lasting, life-threatening organ damage, including high rates of lung disease and liver necrosis.<sup>293</sup>

*b. Invertebrates*

***Black Abalone***

Black abalone was an important cultural resource for coastal Indigenous peoples spanning the last 10,000 years.<sup>294</sup> However, due to intense commercial overfishing during the early to mid-1970s, black abalone is now considered an endangered species under the ESA. In response, NOAA designated some areas as critical habitat to help combat one of the five extinction risk factors identified by NMFS. The risks to black abalone include low abundance, low growth and productivity, compromised spatial structure and population connectivity, low genetic diversity, and continued manifestation and spread of withering syndrome.<sup>295</sup> Critical habitat encompasses rocky intertidal and subtidal habitat (to a depth of six meters) within five segments of the CCLME: (1) Del Mar Landing Ecological Reserve (Sonoma County) to Point Bonita (Marin County); (2) south of San Francisco Bay to Natural Bridges State Beach (Santa Cruz County); (3) Pacific Grove (Monterey County) to Cayucos (San Luis Obispo County); (4) Montana de Oro State Park (San Luis Obispo County) to just south of Government Point (Santa Barbara County); and (5) Palos Verdes Peninsula extending from the Palos Verdes/Torrance

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<sup>289</sup> Roger C. Helm et al., *Overview of Effects of Oil Spills on Marine Mammals*, in HANDBOOK OF OIL SPILL SCIENCE AND TECHNOLOGY 456 (Merv Fingas ed., 2014), <https://doi.org/10.1002/9781118989982.ch1>.

<sup>290</sup> *Id.*

<sup>291</sup> *Id.*

<sup>292</sup> USFWS, Southern Sea Otter (*Enhydra lutris nereis*) 5-Year Review: Summary and Evaluation 30 (2015), [https://ecosphere%2Ddocuments%2Dproduction%2Dpublic.s3.amazonaws.com/sams/public\\_docs/species\\_nonpubli sh/2327.pdf](https://ecosphere%2Ddocuments%2Dproduction%2Dpublic.s3.amazonaws.com/sams/public_docs/species_nonpubli sh/2327.pdf).

<sup>293</sup> Roger C. Helm et al., *Overview of Effects of Oil Spills on Marine Mammals*, in HANDBOOK OF OIL SPILL SCIENCE AND TECHNOLOGY 457 (Merv Fingas ed., 2014), <https://doi.org/10.1002/9781118989982.ch1>.

<sup>294</sup> Hannah Haas et al., *Black abalone (Haliotis cracherodii) population structure shifts through deep time: Management implications for southern California's northern Channel Islands*, 9(8) Ecology and evolution 4720, 4720–22 (2019), <https://doi.org/10.1002/ece3.5075>.

<sup>295</sup> NMFS, *ESA Section 7(a)(2) Biological and Conference Opinion: Development and Production of Oil and Gas Reserves and Beginning Stages of Decommissioning within the Southern California Planning Area of the Pacific Outer Continental Shelf Region*, NMFS Consultation Number: 2023-02183, at 44 (2024), <https://www.fisheries.noaa.gov/s3/2024-02/boem-bsee-oil-and-gas-2-27-24-dl.pdf>.

border to Los Angeles Harbor.<sup>296</sup> Coastal offshore areas include the Farallon Islands, Año Nuevo Island, San Miguel Island, Santa Rosa Island, Santa Cruz Island, Anacapa Island, Santa Barbara Island, and Santa Catalina Island.<sup>297</sup>

Black abalone are most commonly observed in the middle and lower intertidal, in habitats with complex surfaces and deep crevices that provide shelter for juvenile recruitment and adult survival.<sup>298</sup> “They are able to withstand extreme variations in temperature, salinity, moisture, and wave action, and are usually strongly aggregated, with some individuals stacking two or three on top of each other.”<sup>299</sup> Abalone are broadcast spawners, meaning individuals release their gametes into the water column and rely on external fertilization.<sup>300</sup> Thus, abalone must be in close enough proximity to one another to successfully reproduce. Elevated water temperatures resulting from local discharges, warm water events, and climate change could exacerbate disease effects on black abalone. Given this population’s extended vulnerability and significant cultural value, increased stressors from potential fracking activities are a significant concern.

*c. Coastal Pelagic Species*

Coastal pelagic species include four finfish (Pacific sardine, Pacific (chub) Mackerel, northern anchovy, and jack mackerel) and the market squid.<sup>301</sup> The east-west boundary of essential fish habitat (EFH) for coastal pelagic species is defined as “all marine and estuarine waters from the shoreline along the coasts of California, Oregon, and Washington offshore to the limits of the exclusive economic zone (EEZ).”<sup>302</sup> The southern boundary extends into Mexico and the northern boundary is more dynamic due to seasonal changes. Sardine and Pacific mackerel tend to migrate as the season changes, feeding in the north during the summer months and moving to the south for spawning.<sup>303</sup> During spawning events and if concentrations are high, eggs and larvae may be concentrated 50 to 150 kilometers offshore to the north of Point Conception.<sup>304</sup> Given the expanse of EFH and the various anthropogenic impacts to the marine environment, increased stressors from potential oil and gas activity are a significant concern.

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<sup>296</sup> *Id.*

<sup>297</sup> *Id.*

<sup>298</sup> Glenn VanBlaricom et al., *Status Review Report for Black Abalone (Haliotis cracherodii Leach, 1814)*, National Marine Fisheries Service, at 17–19 (2009), [https://repository.library.noaa.gov/view/noaa/16216/noaa\\_16216\\_DS1.pdf](https://repository.library.noaa.gov/view/noaa/16216/noaa_16216_DS1.pdf).

<sup>299</sup> NMFS, *ESA Section 7(a)(2) Biological and Conference Opinion: Development and Production of Oil and Gas Reserves and Beginning Stages of Decommissioning within the Southern California Planning Area of the Pacific Outer Continental Shelf Region*, NMFS Consultation Number: 2023-02183, at 45 (2024), <https://www.fisheries.noaa.gov/s3/2024-02/boem-bsee-oil-and-gas-2-27-24-dl.pdf>.

<sup>300</sup> *Id.*

<sup>301</sup> *Appendix D: Description and identification of Essential Fish Habitat for the Coastal Pelagic Species Fishery Management Plan*, Pacific Fishery Management Council, at D-1 (1998), <https://www.pcouncil.org/documents/2022/01/appendix-d-description-and-identification-of-efh-for-the-coastal-pelagic-species-fmp.pdf/>.

<sup>302</sup> *Id.* at D-2.

<sup>303</sup> *Id.* at D-29 to D-30.

<sup>304</sup> *Id.* at D-30.

### **Groundfish**

Groundfish EFH considers over ninety species with varying collections of information on life history characteristics. The identification of EFH for groundfish by the Pacific Fishery Management Council utilizes boundaries set by the international Northern Pacific Fisheries Commission and is refined by three identified characterizations:

[1] Depths less than or equal to 3,500 m (1,914 fm) to mean higher high water level (MHHW) or the upriver extent of saltwater intrusion, defined as upstream and landward to where ocean-derived salts measure less than 0.5 ppt during the period of average annual low flow. [2] Seamounts in depths greater than 3,500 m as mapped in the EFH assessment geographic information system (GIS). [3] Areas designated as HAPCs not already identified by the above criteria.<sup>305</sup>

Many of the underwater formations are seen as important for the continued propagation of groundfish, and new oil and gas operations will threaten the numerous EFHs.<sup>306</sup>

#### *d. Estuarine Species*

### **Tidewater Goby**

The tidewater goby (*Eucyclogobius newberryi*), a federally-listed endangered species,<sup>307</sup> is a small benthic fish measuring two to three inches in length that is found in California coastal brackish water lagoons, estuaries, and marshes.<sup>308</sup> Tidewater gobies prefer sandy bottom habitat in which they nest and breed but can be found in muddy, rocky, and silty substrates and salinities ranging from zero to forty-two parts per thousand and temperatures ranging from forty-six to seventy-seven degrees Fahrenheit.<sup>309</sup> According to the US Fish and Wildlife Service, they “feed mainly on small animals, usually mysid shrimp, gamarid amphipods, ostracods, and aquatic insects, especially chironomid midge larvae.”<sup>310</sup> Tidewater gobies are unique in their ability to thrive in the extreme conditions of tidewater lagoons, where temperature and salinity levels vary on daily, seasonal, and annual levels.<sup>311</sup> However, despite the impressive adaptability of adults, eggs and larvae require stable environmental conditions to develop and survive.<sup>312</sup>

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<sup>305</sup> Pacific Fishery Management Council, *Pacific Coast Groundfish Fishery Management Plan: For the California, Oregon, And Washington Groundfish Fishery*, at 102 (2025) <https://www.pcouncil.org/documents/2022/08/pacific-coast-groundfish-fishery-management-plan.pdf/>.

<sup>306</sup> NOAA Office of National Marine Sanctuaries, *Chumash Heritage National Marine Sanctuary Draft Environmental Impact Statement: Volume I*, at 99 (2023), <https://nmssanctuaries.blob.core.windows.net/sanctuaries-prod/media/chumash/2024-chnms-feis-vol-1.pdf>.

<sup>307</sup> USFWS, Tidewater Goby Webpage, available at <https://www.fws.gov/species/tidewater-goby-eucyclogobius-newberryi> (last viewed January 15, 2026).

<sup>308</sup> United States Fish and Wildlife Service, *Recovery Plan for the Tidewater Goby* at 1 and Figure 2 at 5 (December 7, 2005).

<sup>309</sup> *Id.* at 1.

<sup>310</sup> *Id.*

<sup>311</sup> USFWS, Tidewater Goby Webpage, available at <https://www.fws.gov/species/tidewater-goby-eucyclogobius-newberryi> (last viewed January 15, 2026).

<sup>312</sup> *Id.*

The number of tidewater gobies and the number of lagoons inhabited by the species have dwindled due to habitat loss and degradation.<sup>313</sup> Stream diversions, loss of habitat to coastal development, including roads and railways, habitat channelization, and groundwater over-drafting are all factors contributing to the tidewater goby's endangered status.<sup>314</sup> Water pollution, change in sediment inputs to lagoons, and summer breaching or lagoon-maintaining sand berms also threaten the species.<sup>315</sup> As a result, US Fish and Wildlife Service listed tidewater goby as a federally endangered species on March 7, 1994.<sup>316</sup>



Figure 3. Current range map for tidewater goby in the project vicinity. US Fish and Wildlife Service, Environmental Conservation Online System.<sup>317</sup>

The Updated DPP fails to recognize tidewater gobies as a federally listed species that may be impacted by the proposed action<sup>318</sup> even though the tidewater goby occurs in estuaries and lagoons in the proposed action's area of impact, including the Mission Creek estuary, Carpinteria Creek estuary, Carpinteria Salt Marsh, Ventura River estuary, Santa Clara River estuary, Zuma Creek estuary, Malibu Lagoon, and Topanga Creek Lagoon. (*see* Figure 3). BOEM must therefore analyze the proposed plan's impacts to the tidewater goby in the EIS.

<sup>313</sup> *Id.* at 16–24.

<sup>314</sup> *Id.* at 16.

<sup>315</sup> *Id.*

<sup>316</sup> *Id.* at 1.

<sup>317</sup> Screenshot of Range Map, USFWS, Environmental Conservation Online System, <https://ecos.fws.gov/ecp/species/57> (last visited March 27, 2026).

<sup>318</sup> *See, e.g.*, Updated DPP at 4-14–4-24 (discussing marine plankton, marine invertebrates, marine turtles, marine mammals, and marine birds but failing to recognize any estuarine species); *see, generally*, Appendix D to the Updated DPP (Biological Assessment) (omitting federally listed estuarine species).

The proposed action could adversely affect tidewater gobies by extending the life of Platform Gilda and increasing oil production, thereby increasing the risk of oil spills reaching tidewater goby lagoon habitats. Impacts include oiling of tidewater gobies, contamination of their habitat, and loss of food sources. Indirect effects from oil spill cleanup activities would also adversely affect tidewater gobies in lagoons and estuaries east of Platform Gilda. Tidewater gobies are particularly vulnerable to the effects of oil spills and cleanup activities because they are weak swimmers with limited ability to move to other habitats to escape the effects of spills and cleanups. Cleanups involve construction of berms and dams to prevent the spread of oil in lagoons and river mouths.<sup>319</sup> Berms and dams block tidewater gobies and may trap them in areas with oil or areas unsuitable for their survival, such as areas with changing salinity. The EIS must address these effects of oil spills on tidewater gobies.

### ***Southern California Steelhead***

Southern California steelhead (*Oncorhynchus mykiss*) naturally occur as a resident freshwater form (the rainbow trout) or as a sea-run (anadromous) form (southern California steelhead).<sup>320</sup> The southern California steelhead life cycle involves three main stages: (1) adult spawning and the development of eggs and juveniles in streams and rivers, (2) migration of juveniles from natal streams to the ocean, sometimes with substantial residence in estuaries, while undergoing physiological and morphological changes for life in the marine environment (smoltification), and (3) the growth of oceanic steelhead into mature adults, which then return to their natal or other accessible streams or rivers for spawning.<sup>321</sup> Anadromous and resident forms of *O. mykiss* can interbreed and each form, under appropriate conditions, can produce progeny of the other form.<sup>322</sup> The reasons why some southern California steelhead migrate to the ocean and others remain resident in streams are complex, with anadromous versus resident life cycles determined by genetic differences interacting with juvenile growth rates, sizes, and fat stores, which are, in turn, driven by environmental influence like temperature, food supplies, and intraspecific competition.<sup>323</sup>

Appendix D to the Updated DPP (Biological Assessment) notes that the southern California steelhead is a federally endangered species but incorrectly finds that the proposed action would have “no effect” on steelhead.<sup>324</sup> This incorrect finding is based on inaccurate assumptions and flawed reasoning.

First, the Biological Assessment inaccurately assumes that southern California steelhead “marine dispersal and rearing habitats consist of nearshore vegetative cover for shelter and prey

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<sup>319</sup> California Department of Fish and Wildlife Office of Spill Prevention and Response, *Guidance Document for Use in Preparation of Contingency Plans, Response Strategies for Protection of Ecological Resources at Risk and Environmentally Sensitive Sites, Title 14, CCR Section 817.04(I)* at 6; See also Christian Science Monitor, *Gulf oil spill: Louisiana's berm plan bold but full of uncertainty* (June 7, 2010).

<sup>320</sup> NMFS, *Southern California Steelhead Recovery Plan* (“NMFS Report 2012”), at 2-1 to 2-4 (2012).

<sup>321</sup> *Id.* at 2-1 to 2-2.

<sup>322</sup> *Id.* at 2-1 to 2-4.

<sup>323</sup> Neala W. Kendall et al., *Anadromy and Residency in Steelhead and Rainbow Trout (Oncorhynchus mykiss): A Review of the Processes and Patterns*, 73 CAN. J. OF FISHERIES AND AQUATIC SCI. 319, 324 (2015).

<sup>324</sup> Appendix D to Updated DPP & ER (“Biological Assessment”) at 4-7.

base near natal rivers/streams.”<sup>325</sup> Steelhead are not limited to nearshore areas and in fact occur in the open Santa Barbara Channel. NOAA Fisheries has specifically found that southern steelhead occur in “[m]arine areas with sufficient water quality to support growth, development and mobility; food and nutrient resources such as marine invertebrates and forage fish; and nearshore marine habitats with adequate depth, cover and marine vegetation to provide shelter.”<sup>326</sup> Southern California steelhead typically remain in the ocean for one to four years before returning to spawn in streams and rivers, such as the nearby Santa Clara and Ventura Rivers.<sup>327</sup> The Biological Assessment’s assumption that steelhead stay within nearshore waters undermines DCOR’s analysis of impacts to steelhead. The EIS must not repeat this error and must disclose the proposed action’s effects on steelhead in the Santa Barbara Channel.

Second, the Updated DPP and Biological Assessment incorrectly assume that there is “[n]o suitable spawning habitat present in the Action area”<sup>328</sup> and use this to find the project will have “no effect” on the species. In fact, steelhead utilize the Santa Clara River estuary, the Ventura River estuary, Carpinteria Creek lagoon, and the Mission Creek lagoon as important rearing and transitional habitat which could be adversely affected by the proposed action. Furthermore, the EIS must not limit impacts to impacts on “spawning habitat” and must include impacts to rearing habitat. Lagoons and estuaries are critical for steelhead rearing and acclimating to changing salinity in their migration to and from rivers. These essential rearing and acclimating habitats would be impacted by oil spills and spill cleanup activities, including construction of dams to prevent oil from moving up into river mouths during high tides.

Third, the Updated DPP and Biological Assessment incorrectly reason that the proposed action will have “no effect” on steelhead because the “[n]earest spawning river is the Ventura River which sees <10 individuals return yearly (TNC, 2024).”<sup>329</sup> Fewer than 500 steelhead survive today.<sup>330</sup> In this context, ten individual steelhead is not an insignificant number.

Finally, the Updated DPP Appendix A Species List finds there will be “no effect” on steelhead because the project area includes “no” marine critical habitat for steelhead. This statement entirely disregards the fact that nearby estuaries and lagoons are critical habitat for steelhead (*see* Figure 4, below), and that offshore and onshore oil spills from Platform Gilda and its associated infrastructure can reach these lagoons and estuaries. The Biological Assessment states that this steelhead critical habitat is outside the “Action Area,”<sup>331</sup> but fails to acknowledge that an oil spill can travel over ten miles and can travel up to 150 miles.<sup>332</sup> This places steelhead

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<sup>325</sup> Appendix D to Updated DPP (Biological Assessment) at 4-7.

<sup>326</sup> NOAA Fisheries, Southern California Steelhead Recovery Plan at 1-5 (January 2012) (“NOAA (2012)”).

<sup>327</sup> *Id.* at 2-2.

<sup>328</sup> Appendix D to Updated DPP (Biological Assessment) at 4-7.

<sup>329</sup> *Id.*

<sup>330</sup> NOAA Fisheries, Southern California Steelhead Recovery Plan at 2-12 (January 2012) (“NOAA (2012)”).

<sup>331</sup> Appendix D to Updated DPP & ER (Biological Assessment) at 4-7.

<sup>332</sup> *See, e.g.,* California Department of Fish and Wildlife et al., *Refugio Beach Oil Spill: Final Damage Assessment and Restoration Plan/Environmental Assessment*, 16 (June 2021), <https://www.nfwf.org/sites/default/files/2022-09/refugio-beach-oil-spill-final-damage-assessment-restoration-plan-2-03-2021.pdf> (“NRDA”)

critical habitat within the area of potential impact. The Santa Clara River estuary is approximately 10,000 feet from the Gilda pipeline landfall and Onshore Treater Facility and 50,000 feet from Platform Gilda. (Figure 5, below). Steelhead can swim over twenty miles (105,600 feet) in one day when returning to spawn in rivers.<sup>333</sup> This makes 10,000 to 50,000 feet relatively close for this wide-ranging species.

Well stimulation would extend the life of Platform Gilda,<sup>334</sup> which increases the number and severity of potential oil spills. Oil spills threaten estuaries (lagoons) which are critical to steelhead growth and survival.<sup>335</sup> In the Southern California Steelhead Recovery Plan, NOAA Fisheries states:

One type of steelhead nursery habitat is the freshwater lagoons that form in the estuaries of many stream systems during the dry season. In some of these seasonal lagoons, juvenile steelhead can grow very quickly and enter the ocean at larger sizes, where they survive relatively well and thus contribute disproportionately to returning runs of spawners (Bond, 2006).<sup>336</sup>

In the EIS, BOEM must consider the following scientific and agency observations and address them in a robust analysis of impacts to steelhead:

- Steelhead do not always stay near the shore and can enter the open Santa Barbara Channel near Platform Gilda. Steelhead in the ocean would be exposed to oil spills resulting from extending the life of Platform Gilda operations.
- Steelhead in the ocean could be impacted by discharge of used stimulation fluids and wastewater disposed through existing injection wells which escape via conduits into the ocean, exacerbated by earthquakes.
- Estuaries and lagoons are designated as critical habitat and are essential for steelhead rearing and ocean survival. Lagoons and estuaries would be impacted by oil spills and spill cleanup activities which are reasonably foreseeable consequences of the proposed action.
- The Project's area of impact includes marine and estuarine steelhead habitat.

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<sup>333</sup> See Aquarium of the Pacific, *Southern California Coastal Steelhead* Webpage, [https://www.aquariumofpacific.org/onlinelearningcenter/species/southern\\_california\\_steelhead#:~:text=Research%20studies%20have%20shown%20that,Adaptation](https://www.aquariumofpacific.org/onlinelearningcenter/species/southern_california_steelhead#:~:text=Research%20studies%20have%20shown%20that,Adaptation) (March 20, 2026).

<sup>334</sup> Updated DPP at 3-2.

<sup>335</sup> NOAA Fisheries, *Southern California's Endangered Steelhead and Abalone are Forgotten Treasures* (May 10 2019) (stating, "Steelhead use Southern California rivers and estuaries for their homes"); *See also* NOAA (2012) at 1-5.

<sup>336</sup> NOAA (2012) at 14-9.

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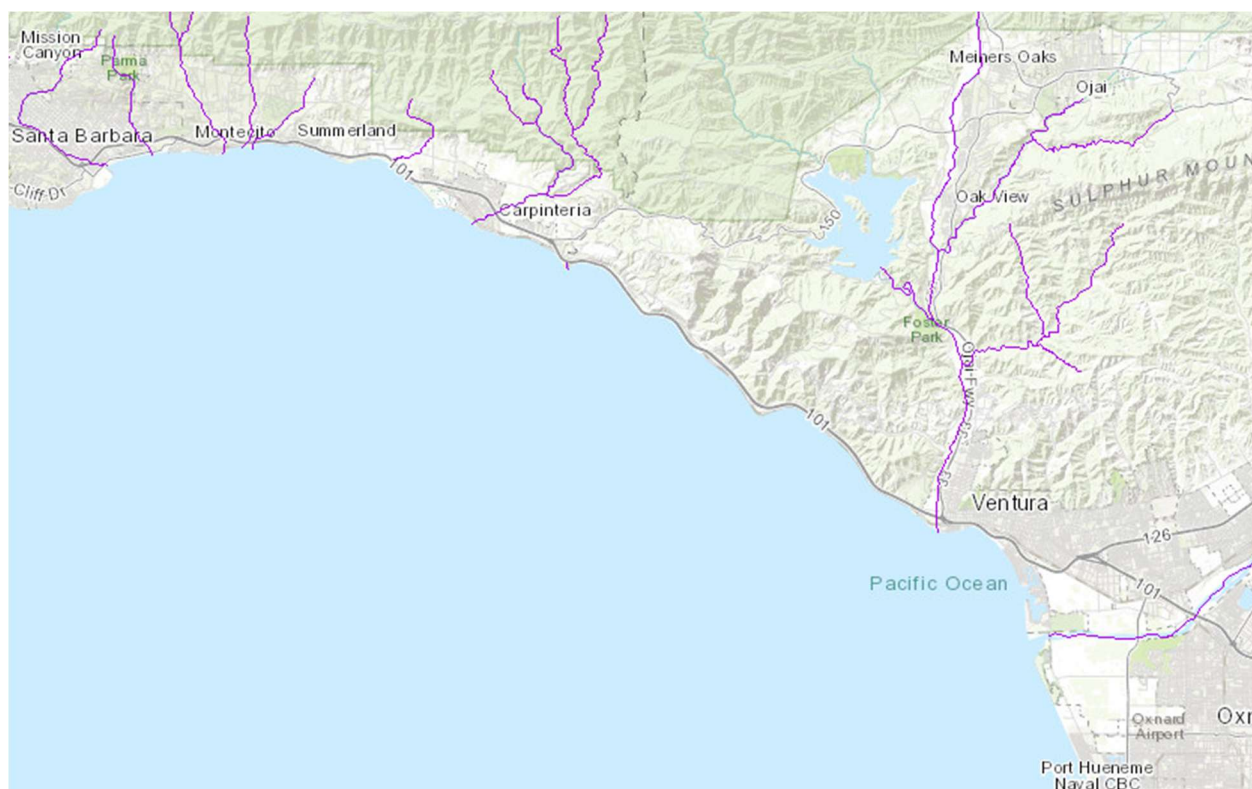


Figure 4. Southern California Steelhead Critical Habitat Map. Data Basin. March 20, 2026.<sup>337</sup>



Figure 5. Proximity of Platform Gilda to Santa Clara River Estuary.<sup>338</sup>

<sup>337</sup> Screenshot of Data Basin Map showing datasets for Critical Habitat for Steelhead in the Southern California ESU, <https://databasin.org/maps/new/#datasets=f5879236662d4d23b771cb87653acdc7> (last visited March 27, 2026).

<sup>338</sup> Google Earth. Data SIO. NOAA. U.S. Navy. NGA. GEBCO. Data USGS. Data CSUMB SFML. CA OPC.

### ***California Red-legged Frog***

The California red-legged frog (*Rana draytonii*) (CRLF) is a federally threatened species<sup>339</sup> and “is the largest native frog in the western United States.”<sup>340</sup> It is the iconic “Celebrated Calaveras County Jumping Frog” used in frog jumping competitions and made famous by Mark Twain<sup>341</sup> and was “once found in forty-six counties stretching from southern Mendocino County, California, inland to Shasta County, California and south to Baja California, Mexico.”<sup>342</sup> It spends most of its life in or near water sources, such as creeks, rivers, ponds, estuaries, and lagoons, and “moves into neighboring upland areas to feed and shelter when stream flow levels are high.”<sup>343</sup> “In the summer, they seek relief from the heat by hiding under rocks or boulders, leaf litter, small stream channels or animal burrows.”<sup>344</sup> According to the National Park Service, “[i]t is reddish in color on the underside of the legs and belly, and communicates with a series of short soft grunts. It is found in ponds, pools and streams and wet meadows.”<sup>345</sup>

According to the USFWS, “[h]abitat loss and alteration” are among “the primary factors that have negatively impacted the California red-legged frog throughout its range.”<sup>346</sup> For example, “[i]n the Central Valley of California, more than 90% of historic wetlands have been diked, drained or filled, primarily for agricultural development and secondarily for urban development.”<sup>347</sup>

Today, the CRLF is still found “through the northern Transverse Ranges from Santa Barbara County to Los Angeles County.”<sup>348</sup> Indeed, US Fish and Wildlife Service’s Environmental Conservation Online System range map shows that CRLF range overlaps the Malibu Lagoon east Platform Gilda.<sup>349</sup> (Figure 6, below).

The Updated DPP fails to recognize that the proposed fracking activities may affect CRLF. However, given the proximity of CRLF to Platform Gilda and its associated onshore and offshore pipelines, BOEM’s EIS must disclose potential effects to CRLF, particularly those that would result from any oil spills.

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<sup>339</sup> *Id.*; see also 61 Fed. Reg. 25813 (May 23, 1996), available at <https://www.govinfo.gov/content/pkg/FR-1996-05-23/pdf/96-12901.pdf>.

<sup>340</sup> USFWS, *California Red-Legged Frog* (“USFWS (2026)”), available at <https://www.fws.gov/species/california-red-legged-frog-rana-draytonii> (last viewed January 15, 2026).

<sup>341</sup> National Park Service, *California Red-legged Frog Webpage* (“NPS (2026)”), available at <https://www.nps.gov/yose/learn/nature/caredfrog.htm> (last viewed on January 15, 2026).

<sup>342</sup> *Id.*

<sup>343</sup> USFWS (2026).

<sup>344</sup> *Id.*

<sup>345</sup> NPS (2026).

<sup>346</sup> USFWS (2026).

<sup>347</sup> USFWS (2026).

<sup>348</sup> USFWS (2026).

<sup>349</sup> US Fish and Wildlife Service Environmental Conservation Online System, *CRLF range map* available at <https://ecos.fws.gov/ecp/species/2891> (March 25, 2026).



Figure 6. US Fish and Wildlife Service Environmental Conservation Online System, CRLF range map.<sup>350</sup>

e. Birds

Hydraulic fracturing at Platform Gilda will also harm seabirds and shorebirds found in the Santa Barbara Channel and adjacent marine and coastal areas. The surrounding coastal areas provide important habitat types (e.g., wetlands and coastal scrub) to a multitude of bird species, including the California brown pelican, California least tern, and large numbers of shorebirds.<sup>351</sup> The California Current overlaps with several marine Important Bird Areas identified by Audubon.<sup>352</sup> The CCLME is also along the Pacific Flyway migration route.<sup>353</sup> Hydraulic Fracturing and the renewed oil and gas extraction it promotes may affect seabirds and shorebirds in many detrimental ways. For example, oil spills can impact birds during primary oiling leading to hypothermia and death.<sup>354</sup> Secondary impacts from oil spills and associated clean-up activities include decreased population size, lower reproductive rates, reduced habitat occupancy, reduced food supply, altered foraging behavior, emigration, and direct/indirect mortality.<sup>355</sup> Seabird

<sup>350</sup> USFWS, Environmental Conservation Online System: California red-legged frog, <https://ecos.fws.gov/ecp/species/2891> (March 25, 2026).

<sup>351</sup> California State Lands Commission, *Inventory of Unconveyed State School Lands and Tide and Submerged Lands Possessing Significant Environmental Values*, 56–69 (1975), <https://www.slc.ca.gov/wp-content/uploads/2018/11/1975-InvUnconveyedLands.pdf>.

<sup>352</sup> California IBA Map (Marine IBAs in California), AUDUBON.MAPS.ARCGIS.COM, available at <https://audubon.maps.arcgis.com/apps/webappviewer/index.html?id=4e13561a76304c0687ec273a32bea3a2> (last visited January 13, 2026).

<sup>353</sup> See Joanne M. Morten et al., *Global Marine Flyways Identified for Long-Distance Migrating Seabirds From Tracking Data*, *Global Ecology and Biogeography*, 34(2) *Global Ecology and Biogeography* e70004, at 8–10 (2025), <https://doi.org/10.1111/geb.70004>.

<sup>354</sup> G.S. Fraser et al., *Estimating the numbers of aquatic birds affected by oil spills: pre-planning, response, and post-incident considerations*, 30(2) *Environmental Reviews* 323, 335 (2022).

<sup>355</sup> *Id.* at 332–34.

behavior and capabilities are also adversely affected by light pollution,<sup>356</sup> which accompanies with fracking operations to illuminate acres of previously dark ocean ecosystems. BOEM's EIS must study thoroughly analyze all of these possible impacts of fracking to avian species.

### ***Western Snowy Plover***

The western snowy plover (*Charadrius nivosus nivosus*), which was listed as a federally threatened species in 1993,<sup>357</sup> is a small, long-legged, short-necked shorebird. Its coloring is pale tan with white underparts and dark patches on the sides of the neck and around to the chest.<sup>358</sup> It “breeds primarily on coastal beaches from southern Washington to Baja California, Mexico.”<sup>359</sup> Sand-spits, dune-backed beaches, beaches at creek and river mouths, and salt pans at lagoons and estuaries are the main areas used for nesting.<sup>360</sup> The “Oxnard low-land (CA-96 to CA099) is one of eight geographic areas supporting seventy-five percent of nesting western snowy plovers.<sup>361</sup> According to USFWS, “[t]he coastal population of the western snowy plover is threatened throughout its range by loss and disturbance of nesting sites.<sup>362</sup> A recovery plan for the Pacific population was adopted on August 13, 2007<sup>363</sup> and a final rule designating revised critical habitat was issued on June 19, 2012.

The EIS must disclose how the proposed actions may adversely affect the western snowy plover. The Updated DPP and Biological Assessment fail to acknowledge this species despite its occurrence on beaches east of Platform Gilda in the vicinity of the Platform Gilda pipeline landfall and Onshore Treater Facility.<sup>364</sup> (Figure 7, below). The western snowy plover would be impacted by the proposed action because the action would extend the life of Platform Gilda and its associated onshore infrastructure. Extending the life of the platform and onshore infrastructure would eventually necessitate repair, replacement, and maintenance of the pipeline and onshore infrastructure serving the platform. These actions would likely entail excavation and vegetation removal and would impact the western snowy plover.

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<sup>356</sup> Medina-Franco, Rodrigo A., et al., *Lost in the Glow, Understanding the Impacts of Light Pollution on Storm Petrels*, Avian Conservation and Ecology, (2025)

<sup>357</sup> 58 Fed. Reg. 12864, Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Pacific Coast Population of the Western Snowy Plover (March 5, 1993).

<sup>358</sup> USFWS, *Western Snowy Plover Webpage*, available at <https://www.fws.gov/species/western-snowy-plover-charadrius-nivosus-nivosus> (last viewed January 15, 2026).

<sup>359</sup> US Fish and Wildlife, *Recovery Plan for the Pacific Population of the Western Snowy Plover*, at 7 available at [https://ecos.fws.gov/docs/recovery\\_plan/070924.pdf](https://ecos.fws.gov/docs/recovery_plan/070924.pdf) (August 13, 2007) (“USFWS (2007)”).

<sup>360</sup> *Id.*

<sup>361</sup> *Id.* at 10.

<sup>362</sup> 58 Fed. Reg. 12864, Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Pacific Coast Population of the Western Snowy Plover (March 5, 1993).

<sup>363</sup> USFWS (2007).

<sup>364</sup> US Fish and Wildlife ECOS Western Snowy Plover Website (last visited March 20, 2026).



Figure 7. Western snowy plover range map. USFWS ECOS Western Snowy Plover Website.<sup>365</sup>

Western snowy plovers are seriously threatened by oil spills.<sup>366</sup> When the 2015 Refugio Oil Spill occurred, for example, plovers were coated with tar and were observed foraging in and around tar on the beach.<sup>367</sup> Numerous plovers were also oiled at the Coal Oil Point Reserve.<sup>368</sup> According to Reserve Manager Dr. Cristina Sandoval in 2015, “[a] snowy plover chick was recently killed after it became stuck in a thick tar ball that had washed ashore.”<sup>369</sup> In addition to the oil spill directly impacting plovers, it reduced nesting success<sup>370</sup> and raised concerns about “how the disturbance of oil spill cleanup would affect the breeding population.”<sup>371</sup> Oil spill cleanup activities harmed snowy plovers and had to be modified under the direction of reserve managers, for example by leaving unoiled kelp on the beach to provide a food source for adults and chicks and by moving cleanup crews away from nests where adults were being disturbed.<sup>372</sup>

The Recovery Plan for the Pacific Coast Population of the Western Snowy Plover discusses the effects of oil spills on this species at length and details many prior oil spill instances on the West Coast which killed and displaced snowy plovers.<sup>373</sup> An excerpt from the Recovery Plan confirms that oil spills harm the species in multiple ways:

Western snowy plovers forage along the shoreline and in sea wrack (seaweed and other natural wave-cast organic debris) at the high-tide line and are thus at risk of direct exposure to oil during spills. The loss of thermal insulation is considered to be the primary cause of mortality in

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<sup>365</sup> Screenshot of Current Range for Western Snowy Plover, Environmental Conservation Online System, USFWS, [Species Profile for western snowy plover \(Charadrius nivosus nivosus\)](#) (last visited March 27, 2026).

<sup>366</sup> Shelly Leachman, UCSB, The Current, *Protecting the Plover* (May 27, 2015), available at <https://news.ucsb.edu/2015/015466/protecting-plover>.

<sup>367</sup> University of California Natural Reserve System, *Refugio Oil Spill Fouls NRS Reserve* (May 27, 2015), available at <https://ucnrs.org/refugio-oil-spill-fouls-nrs-reserve/>.

<sup>368</sup> *Id.*

<sup>369</sup> Tyler Haden, *Barge Spills Crude Off Coal Oil Point*, THE SANTA BARBARA INDEPENDENT (October 29, 2010), available at <https://www.independent.com/2010/10/29/barge-spills-crude-off-coal-oil-point/>.

<sup>370</sup> *Id.*

<sup>371</sup> Dr. Cristina Sandoval and Jessica Neilsen, *2015 Final Report on Western Snowy Plovers* at 16 (October 6, 2017).

<sup>372</sup> *Id.* at 16-17.

<sup>373</sup> *Id.* at 72-75.

oiled birds (National Research Council 1985, Leighton 1991). Oiled feathers lose their ability to keep body heat in and cold water out, causing reduced insulation, increased metabolic rate, and hypothermia. Ingestion of oil may lead to physiological changes in birds, including pathological effects on the alimentary tract, blood, adrenal glands, kidneys, liver, and other organs (Fry and Lowenstine 1985, Khan and Ryan 1991, Burger and Fry 1993). Exposure of adult birds to oil also may impair reproduction, including reductions in egg laying and hatchability (Ainley et al. 1981, Fry et al. 1986) and reductions in survival and growth of chicks (Trivelpiece et al. 1984). Oil transferred to eggs from plumage or feet of incubating birds can kill embryos (Albers 1977, Albers and Szaro 1978, King and Lefever 1979). Oiled shorebirds may spend more time preening and less time feeding than unoiled birds, such that their body condition and ability to migrate to breeding grounds and reproduce may be impaired (Evans and Keijl 1993, Burger 1997).

Oil spills may result in contamination or depletion of western snowy plover food sources. Elevated concentrations of total petroleum hydrocarbons have been found in the sand crab (*Emerita analoga*), a potential western snowy plover food item, following a southern California oil spill (J.E. Dugan, unpublished data). Oil or other chemicals washed onto mudflats or sand beaches may result in reduction in the availability of invertebrate prey (Kindinger 1981). Elimination of shorebird food resources on intertidal flats of the Saudi Arabian Gulf coast as a result of the large oil spills associated with the 1991 Gulf War led to drastic reductions in the number of shorebirds supported by this habitat (Evans et al. 1993). Disturbance and other adverse impacts to western snowy plovers also may occur during oil clean-up activities if response teams are not careful when driving heavy equipment and vehicles or traversing on foot through western snowy plover habitat.<sup>374</sup>

In addition to documenting the effects of catastrophic oil spills on plovers, the Recovery Plan notes that “small-volume, chronic oil pollution is [another] ongoing source of avian mortality in coastal regions.”<sup>375</sup> Such pollution is attributed in part to “bilge water pumping, sunken vessels, urban runoff, and small or unreported spills from vessels, tankers, pipelines, and offshore oil platforms.” Oil spill cleanup operations also harm snowy plovers by disturbing their nesting and foraging activities.<sup>376</sup>

The proposed well stimulation activities, by prolonging the life of Platform Gilda and the aging onshore infrastructure, would prolong and increase the likelihood of oil spills. The EIS must therefore consider the effects of the proposed action on western snowy plovers and their habitats along the affected coastlines in Ventura County and the region, including how oil spills would impact western snowy plover nesting, breeding, and feeding. The EIS must disclose the effects of oil spills and spill cleanup activities, including removal of beach wrack on western snowy plovers.

### ***California Least Tern***

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<sup>374</sup> *Id.*

<sup>375</sup> *Id.*

<sup>376</sup> *Id.*

The California least tern is the smallest tern species, measuring under ten inches in length and having a wing length of about four inches.<sup>377</sup> The USFWS describes the subspecies as having “a short, forked tail, and a long, slightly decurved, tapered bill.”<sup>378</sup> Female and male California least terns “are characterized by a black cap, gray wings with black wingtips, white underbody, orange legs and a black-tipped yellow bill.”<sup>379</sup> They forage over nearshore waters as well as estuaries and river mouths.<sup>380</sup> They prey on slender-bodied fish, including anchovies and topsmelt.<sup>381</sup>

California least terns breed “along the Pacific coast from San Pablo Bay, California, in the north, to San Jose del Cabo, in the state of Baja California Sur, Mexico, to the south.”<sup>382</sup> Breeding areas include the South San Diego Bay Unit of San Diego Bay National Wildlife Refuge and Oceano Dunes State Vehicular Recreation Area in San Luis Obispo County.<sup>383</sup> California least terns also occur in Alameda, Los Angeles, Ventura, Monterey, Marin, Orange, and Santa Barbara Counties.<sup>384</sup> According to the USFWS, they nest on twenty-three sites, “some of which are natural and others are man-made and include beaches close to river mouths, estuaries, and coastal embayments.”<sup>385</sup> Breeding season lasts from mid-April to mid-September, with terns nesting “in colonies of typically 15 to 300 pairs.”<sup>386</sup>

Least tern sites “require active management activities, including protection from disturbance and predators, and or, vegetation management to retain habitat suitability.”<sup>387</sup> Least tern habitat was significantly reduced by the 1960s, mainly due to coastal development and human recreational beach use.<sup>388</sup> The population has consequently fallen from “uncountable thousands” to just several hundred by the time the species was listed as federally endangered in 1970.<sup>389</sup> The USFWS has previously determined that oil spills also pose a threat to the California least tern.<sup>390</sup>

*f. Sea Turtles*

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<sup>377</sup> USFWS, *California Least Tern Webpage*, available at <https://www.fws.gov/species/california-least-tern-ster-na-antillarum-browni> (last viewed January 15, 2026).

<sup>378</sup> *Id.*

<sup>379</sup> *Id.*

<sup>380</sup> *Id.*

<sup>381</sup> *Id.*

<sup>382</sup> *Id.*

<sup>383</sup> USFWS, *2025 5-Year Review for the California Least Tern: Summary and Evaluation*, at 10–23 (August 2025).

<sup>384</sup> USFWS, *California least tern*, (*Sterna antillarum browni*), ECOS, <https://ecos.fws.gov/ecp/species/8104>.

<sup>385</sup> USFWS, *California Least Tern Webpage*, available at <https://www.fws.gov/species/california-least-tern-ster-na-antillarum-browni>.

<sup>386</sup> *Id.*

<sup>387</sup> *Id.*

<sup>388</sup> *Id.*

<sup>389</sup> *Id.*

<sup>390</sup> USFWS, *2025 5-Year Review for the California Least Tern: Summary and Evaluation*, 62 (August 2025).

Finally, hydraulic fracturing poses an existential threat to endangered species of sea turtles that are found in the Pacific Ocean off California's coast. California hosts several endangered species of sea turtles, including the green, loggerhead, olive ridley, leatherback, and hawksbill sea turtles.<sup>391</sup>

Oil and gas development in the Gulf of Mexico has proven that offshore oil and gas extraction jeopardizes the survival of sea turtles. The effects of the Deepwater Horizon spill on sea turtles in that region can hardly be overstated, as that spill killed an estimated 160,000 small juvenile turtles, many of them endangered, and thousands more mature turtles caught in shallow waters.<sup>392</sup>

In the EIS, BOEM should analyze the effects of a potential oil spill, as well as the effects of ambient water, air, noise, and light pollution, on the sea turtles off California's coast, including the green, loggerhead, olive ridley, leatherback, and hawksbill sea turtles, all of which are listed as endangered under the ESA.<sup>393</sup>

### ***Green Sea Turtle***

Green sea turtles inhabit the Southern California Bight and can enter the San Gabriel River when temperatures drop offshore.<sup>394</sup> NOAA has proposed critical habitat for the green sea turtle in nearshore waters off the coast of Southern California, between San Diego Bay and Santa Monica Bay.<sup>395</sup>

### ***Leatherback Sea Turtle***

Leatherback sea turtles are highly migratory, and their geographic distribution changes in response to prey availability.<sup>396</sup> Some West Pacific leatherback turtles travel long distances to forage on the coastal waters of Central California, feeding on a target diet of jellyfish, gelatinous prey, and an incidental diet of sea urchins, squid, crustaceans, fish and vegetation. Recent estimates put the number of leatherback nesting females at only 1,277 individuals, and aerial surveys in the 1990s and early 2000s indicated an average annual presence of about 128 individuals off the coast California.<sup>397</sup> Leatherback sea turtles are suffering mortality rates from fishing and other human impacts in excess of sustainable levels and even 1.55 excess fatalities per year could cause further population declines.<sup>398</sup>

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<sup>391</sup> NOAA, Sea Turtle Research in the Pacific, <https://www.fisheries.noaa.gov/pacific-islands/science-data/sea-turtle-research-pacific>.

<sup>392</sup> DWH NRDA Trustees (*Deepwater Horizon* Natural Resource Damage Assessment Trustees), *Deepwater Horizon Oil Spill: Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement*, 4-678 (2016), <https://www.gulfspillrestoration.noaa.gov/media/document/chapter-4injurytonaturalresources508pdf>.

<sup>393</sup> NOAA, Sea Turtle Research in the Pacific, <https://www.fisheries.noaa.gov/pacific-islands/science-data/sea-turtle-research-pacific>.

<sup>394</sup> Department of the Interior, California Offshore Wind Draft Programmatic EIS, 3.3.7-3 (Nov. 2024).

<sup>395</sup> *Id.* 3.3.7-5.

<sup>396</sup> *Id.*

<sup>397</sup> *Id.*

<sup>398</sup> *Id.*

### ***Loggerhead Sea Turtle***

The North Pacific Loggerhead DPS migrates across the Pacific, from nesting beaches in Japan and Australia to feed off the coast of the Americas, from California to Peru.<sup>399</sup> Recent years have seen an increase in strandings off the California coast, likely a response to rising water temperatures.<sup>400</sup>

### **7. BOEM Must Analyze Impacts to Seismicity.**

Studies have drawn a strong connection between the recent rise in fracking wastewater injection and increased earthquake rates.<sup>401</sup> The mechanisms linking wastewater injection and earthquakes are understood: injection-induced increases in fluid pressure within aquifers and fault lubrication by injected fluids have the potential to destabilize well bores and cause preexisting faults to slip.<sup>402</sup> Such mechanisms serve to explain atypical seismic activity, such as the extensively documented earthquakes in the central and eastern United States.

A study of fracking locations across the US confirmed that the injection of fluids during the process can trigger earthquakes.<sup>403</sup> For example, the USGS has recognized that wastewater disposal from fracking is a “contributing factor” to the six-fold increase in the number of earthquakes in Oklahoma.<sup>404</sup> Another recent study also found that wastewater injection is responsible for the dramatic rise in the number of earthquakes in Colorado and New Mexico since 2001.<sup>405</sup> Wastewater injection has been scientifically linked to earthquakes of magnitude three and greater in several states: Arkansas,<sup>406</sup> Colorado,<sup>407</sup> Ohio,<sup>408</sup> Oklahoma,<sup>409</sup> Texas,<sup>410</sup> and

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<sup>399</sup> *Id.* 3.3.7-6

<sup>400</sup> *Id.*

<sup>401</sup> Van Der Elst, Nicholas J. et al., Enhanced Remote Earthquake Triggering at Fluid-Injection Sites in the Midwestern United States, 341 *Science* 164–67 (2013); Tong, Le and Dongxin Liu, A Review of Environmental Issues Caused by Hydraulic Fracturing of Shale Gas, 7 *Discover Applied Sciences* 588 (2025)

<sup>402</sup> Brodsky, Emily and Lisa J. Lajoie, Anthropogenic Seismicity Rates and Operational Parameters at the Salton Sea Geothermal Field, 341 *Science* (2013); Davies, Richard et al., Induced Seismicity and Hydraulic Fracturing for the Recovery of Hydrocarbons, 45 *Marine and Petroleum Geology* 171 (2013).

<sup>403</sup> Villa, Valeria and Ramesh P. Singh, Hydraulic Fracturing Operation for Oil and Gas Production and Associated Earthquake Activities across the USA, 79 *Environmental Earth Sciences* 271 (2020)

<sup>404</sup> Sumy, Danielle F. et al., Observations of Static Coulomb Stress Triggering of the November 2011 *M* 5.7 Oklahoma Earthquake Sequence, 119 *Journal of Geophysical Research: Solid Earth* 1904–23 (2014); U.S. Geological Survey, Record # of OK Tremors Raises Poss of Damaging EQs, 2014

<sup>405</sup> Rubinstein, J. L. et al., The 2001-Present Induced Earthquake Sequence in the Raton Basin of Northern New Mexico and Southern Colorado, 104 *Bulletin of the Seismological Society of America* 2162–81 (2014)

<sup>406</sup> Soraghan, Mike, USGS, Okla. Warn of More Drilling-Related Quakes in State, 2013

<sup>407</sup> *Id.*

<sup>408</sup> Ohio Dept. Nat. Res., Prelim Rpt on Northstar Injection Well, Seismic Events, 2012

<sup>409</sup> Holland, Austin, Examination of Possibly Induced Seismicity from Hydraulic Fracturing in the Eola Field, Garvin County, Oklahoma, 2011

<sup>410</sup> Frohlich, Cliff, Two-Year Survey Comparing Earthquake Activity and Injection-Well Locations in the Barnett Shale, Texas, 109 *Proceedings of the National Academy of Sciences* 13934–38 (2012)

New Mexico.<sup>411</sup> And a recent study attributed wastewater injection from fracking operations to earthquakes in California.<sup>412</sup>

But it is not just wastewater injection that can lead to earthquakes. The practice of fracking itself has been found to contribute directly to seismic events.<sup>413</sup> Even if the earthquakes that fracking directly generates are small, fracking could be contributing to increased stress in faults that leaves those faults more susceptible to otherwise naturally triggered earthquakes of a greater magnitude.<sup>414</sup> A recent study found that fracking is directly correlated to the occurrence of earthquakes, by exerting relatively larger stress to preexisting fault structures within a short time period, while wastewater disposal brings preexisting faults to a more stressed state over a relatively longer period of injection.<sup>415</sup> Therefore, the study concluded, it is necessary to jointly consider the contributions of both fracking and wastewater injection to increased seismicity.

BOEM must examine the risks of induced seismicity that may result from offshore fracking and wastewater injection at Platform Gilda.

8. BOEM Must Analyze Impacts on Onshore Facilities and Coastal Resources.

BOEM must consider how hydraulic fracturing at Platform Gilda will affect terrestrial and estuarine species by prolonging operations of the platform and its associated onshore infrastructure. Numerous sensitive terrestrial and estuarine habitats and species occur near the Platform Gilda pipeline landfall, Onshore Treater Facility, and affected coastline. The proposed well stimulation activities will impact numerous species found in these habitats, in part by extending the life of aging onshore facilities. As the onshore pipelines and the Onshore Treater Facility age, impacts to biological resources associated with repair, replacement, maintenance, and oil spills also increase. BOEM must disclose all these impacts in the EIS.

a. *The EIS Must Disclose the Effects of Repair, Maintenance, and Replacement of Platform Gilda's Onshore Infrastructure on Special-status Terrestrial and Estuarine Species and Habitats.*

The proposed action would extend the life of Platform Gilda and increase the need for repair and maintenance of project-related facilities along the Oxnard coastline where the Platform Gilda pipeline makes landfall. The Platform Gilda oil pipeline makes landfall within coastal dune, foredune, and beach habitats, near the Southern California Edison McGrath Generating Station and Platform Gilda Onshore Treater Facility. The beach and dunes in this area

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<sup>411</sup> Rubinstein et al. 2014

<sup>412</sup> Goebel, T. H. W. et al., Wastewater Disposal and Earthquake Swarm Activity at the Southern End of the Central Valley, California, 43 Geophysical Research Letters 1092–99 (2016)

<sup>413</sup> Van Der Elst et al. 2013; B.C. Oil & Gas, Industry Bulletin 2015-32, 2015

<sup>414</sup> Van Der Elst et al. 2013

<sup>415</sup> Wang, B. et al, Quantitative Evaluation of the Competing Effects of Wastewater Disposal and Hydraulic Fracturing on Causing Induced Earthquakes: A Case Study of an M3.1 Earthquake Sequence in Western Canada, 128 Journal of Geophysical Research: Solid Earth (2023). <https://doi.org/10.1029/2022JB025048>

are environmentally sensitive areas that would be impacted by repairing, maintaining, and/or replacing the onshore pipelines, Treater Facility, and associated infrastructure during the extended project life. The EIS must analyze the effects of onshore infrastructure repairs, maintenance, and replacement to biological resources in terrestrial habitats, including beaches, dune scrub, and foredunes.

Updated DPP Figure 1.4-1 (Figure 8, below) depicts the point where the pipeline comes ashore in coastal dune scrub, foredunes, and beach habitats which are mapped as Environmentally Sensitive Habitat Areas (ESHA) in the City of Oxnard Local Coastal Plan (LCP).<sup>416,417</sup> (See Figures 3, 4, and 5, below). The Oxnard LCP states, “A chain of dunes parallel the beach from the Santa Clara River mouth south to Fifth Street.”<sup>418</sup> The LCP states that the “26-acre area of dunes at the intersection of Fifth Street and Harbor Boulevard is an excellent example of this increasingly rare habitat.”<sup>419</sup> Figure 5 shows the 26-acre area of dune ESHA and includes the Platform Gilda pipeline landfall location and “unimproved Mandalay County Park.”<sup>420</sup>

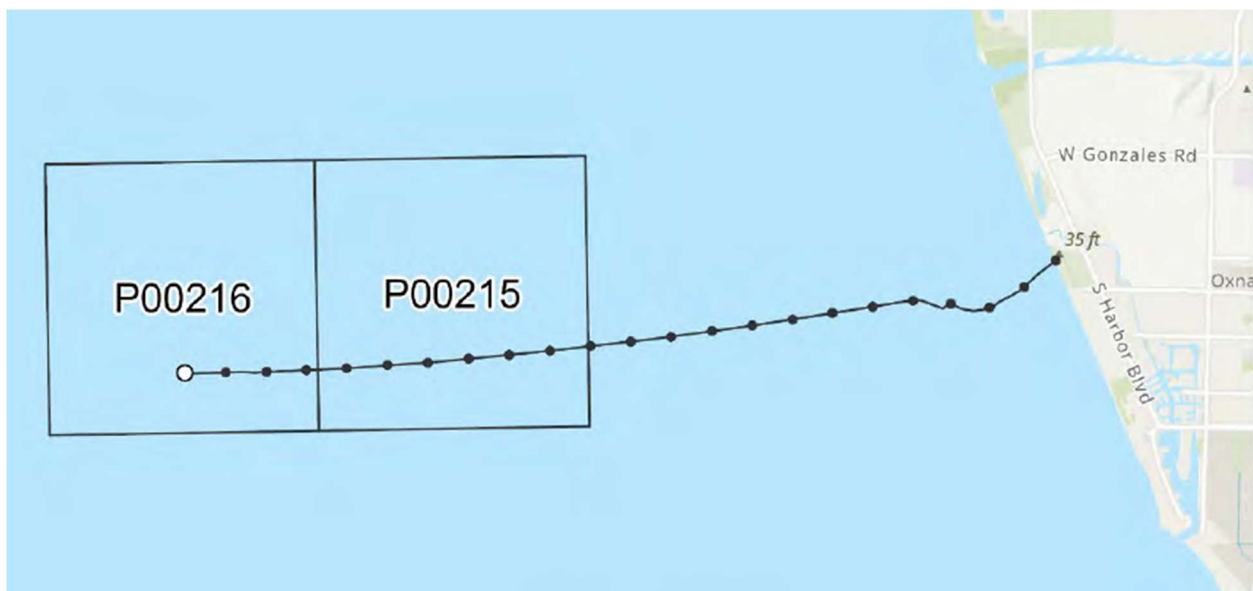


Figure 8. Platform Gilda Pipeline Shore Landing Location. Updated DPP Figure 1.4-1.

According to the City of Oxnard’s 1980 Environmental Impact Report /Environmental Assessment (EIR/EA) for Platform Gilda, oil and gas are piped from Gilda to the Onshore

<sup>416</sup> City of Oxnard Local Coastal Plan at III-8 available at <https://www.oxnard.gov/wp-content/uploads/Coastal-Land-Use-Plan.pdf> (1982) (“City of Oxnard (1982)”); See also City of Oxnard LCP ESHA Map (Figure 12) available at <https://www.oxnard.gov/wp-content/uploads/ESHA-Map-City-of-Oxnard.pdf>.

<sup>417</sup> California Coastal Act Section 30107.5 defines ESHA as “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.”

<sup>418</sup> City of Oxnard (1982) at III-8.

<sup>419</sup> *Id.*

<sup>420</sup> *Id.*; See also City of Oxnard, *ESHA Map*. This Park is labeled Mandalay State Beach on Google Earth images.

Treater Facility and wastewater is piped back to the platform for injection.<sup>421</sup> (*See also* Figure 1). Power cables run from shore to Platform Gilda in the same corridor. The City of Oxnard described that the facility would

separate the produced fluids from Platforms Gina and Gilda into crude oil, natural gas, and produced water streams. The separated crude oil and natural gas would be transported to customers via onshore pipeline systems. After treatment, the separated produced water would be returned to the platforms via the offshore pipeline systems for injection into the producing formations.<sup>422</sup>

i. Onshore Oil, Gas, and Wastewater Pipelines

According to the EIR/EA, treated crude oil is piped north from the Onshore Treater Facility to the Torrey Pipeline connector point at the Union Oil Marine Terminal in the Ventura Marina.<sup>423</sup> From there, oil is pumped through the Torrey Pipeline south to Los Angeles.

Onshore pipelines serving Platform Gilda total 3.7 miles and pass through sensitive habitats.<sup>424</sup> Onshore oil pipelines measure 3.1 miles and onshore gas pipelines are 0.4 miles long.<sup>425</sup> Construction of 3.7 miles of onshore pipelines resulted in direct impacts to dune scrub and foredune habitats.<sup>426</sup> Pipeline construction removed 1.1 acres of dune scrub habitat and 0.3 acres of foredune habitat.<sup>427</sup> Special-status species, such as legless lizards, occur in these habitats and the EIR/EA disclosed that pipeline construction impacted animals, including lizards.<sup>428</sup>

The onshore oil, gas, and wastewater pipelines may be approaching forty-five years old. Allowing well stimulation at Platform Gilda will extend the life of these facilities, which increases the need for repairs, maintenance, and/or replacement, and will increase the risk of oil and wastewater spills from the pipelines. The EIR/EA found that, “[s]hould portions of the pipeline require replacement during the life of the project, the associated impacts in the area affected would be similar to those discussed for pipeline construction.”<sup>429</sup> Therefore, BOEM must analyze in the EIS the effects of prolonging the oil and gas production at Platform Gilda and the likely need to repair, maintain, and replace onshore pipelines. These effects include impacts on the foredune, dune scrub, beach, and other habitats, and impacts to special-status species along the 3.7 miles of onshore pipelines, including portions located in, adjacent to, south, and southeast of Mandalay County Park (State Beach).

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<sup>421</sup> City of Oxnard, *Environmental Impact Report / Environmental Assessment (“EIR/EA”) Union Oil Company Platform Gilda and Platform Gina Project, Leases OCS P-0202 and P-0216 Offshore Ventura County, California*, Volume I, at 3.2-4 (May, 1980) (“Oxnard (1980)”).

<sup>422</sup> *Id.*

<sup>423</sup> *Id.* Figure 3.1-5.

<sup>424</sup> *Id.* Table 4.5-1 at 4.5-2.

<sup>425</sup> *Id.*

<sup>426</sup> *Id.*

<sup>427</sup> *Id.* at 4.5-2 and Table 4.5-1 at 4.5-4.

<sup>428</sup> *Id.* at 4.5-1 – 4.5-3.

<sup>429</sup> *Id.* at 4.5-5.

ii. Onshore Treater Facility

The Onshore Treater Facility is also located in sensitive dune habitats that support the same special-status species. (See Figures 10, 11, and 12, below). The Onshore Treater Facility's construction required the removal of 1.1 acres of dune scrub vegetation and 0.3 acres of foredune habitat.<sup>430</sup> The facility covers approximately 1.95 acres, excluding the access road. The EIR/EA found that "grading and removal of vegetation from the treating facility site would result in the loss of 1.8 acres (0.7 ha) of dune scrub habitat."<sup>431</sup> The EIR/EA also found that the project would disturb a total of eighteen acres of terrestrial habitat, including foredune, dune scrub, ruderal, and urban areas.<sup>432</sup>

Additionally, the EIR/EA found that individual animals, "primarily rodents and lizards[.]" would be displaced or eliminated by construction.<sup>433</sup> It also found that other animals might be "discouraged from using nearby habitats due to noise and human activity" as long as the facility operated.<sup>434</sup> Although the specific terrestrial animal species are not listed in the EIR/EA, the California Energy Commission (CEC) has since confirmed that special-status wildlife species, such as federally-threatened western snowy plover (*Charadrius nivosus nivosus*), the California Species of Special Concern silvery legless lizard (*Anniella pulchra*), and the globose dune beetle (*Coleus globosus*), occur around the facility.<sup>435</sup> The CEC has also confirmed that the federally endangered Ventura Marsh Milk-Vetch (*Astragalus pycnostachyus* var. *lanosissimus*), the California rare plant Woolly seablight (*Suaeda taxifolia*) (California Rare Plant Rank 4.2 G/S4), and the California rare plant Dunedelion (*Malacothrix incana*) (CPRR 4.3 G4/S4) occur in the facility's vicinity.<sup>436</sup> The facility's construction likely displaced and/or killed these species and its ongoing operation likely continues to indirectly impact these species due to noise and human activities.

According to the EIR/EA, the Onshore Treater Facility was to be removed after twenty years and the area restored with native vegetation.<sup>437</sup> Forty-five years have passed without that planned removal and restoration ever occurring. The facility remains nestled within and adjacent to beach, dune scrub, and foredune communities that support rare species. If BOEM allows well stimulation activities at Platform Gilda, this will prolong the production of oil and gas from Platform Gilda and may even increase throughput compared to existing production rates. The proposed plan will therefore further extend the Onshore Treater Facility's operations beyond its current forty-five-year-run, causing the facility's impacts to continue far longer than the City of Oxnard ever contemplated in its 1980 EIR/EA. In addition to the impacts resulting from the Onshore Treater Facility's continued operation, extending the facility's use also increases the

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<sup>430</sup> *Id.* at 4.5-2.

<sup>431</sup> *Id.* at 4.5-6.

<sup>432</sup> *Id.* at Table 4.5-1.

<sup>433</sup> *Id.* at 4.5-3 and 4.5-6.

<sup>434</sup> *Id.* at 4.5-6.

<sup>435</sup> California Energy Commission, Biological Resources Supplemental Testimony of Carol Watson and John Hilliard TN# 220168 (July 2017) ("CEC (2017)").

<sup>436</sup> *Id.*

<sup>437</sup> *Id.*

likely need to repair, maintain, and replace the facility and/or its components. Repair, maintenance, and replacement of the Onshore Treater Facility or its components could directly or indirectly impact the adjacent beach, foredune, and dune scrub communities which are considered ESHA and protected under the Oxnard LCP.<sup>438</sup> Repair, maintenance, and replacement could also impact special-status wildlife, including but not limited to western snowy plover, legless lizard, and globose dune beetle. The EIS must analyze the direct and indirect impacts of extending the life of the facility on the dune scrub vegetation community, foredune, beach, and wildlife habitat, and special-status wildlife species.

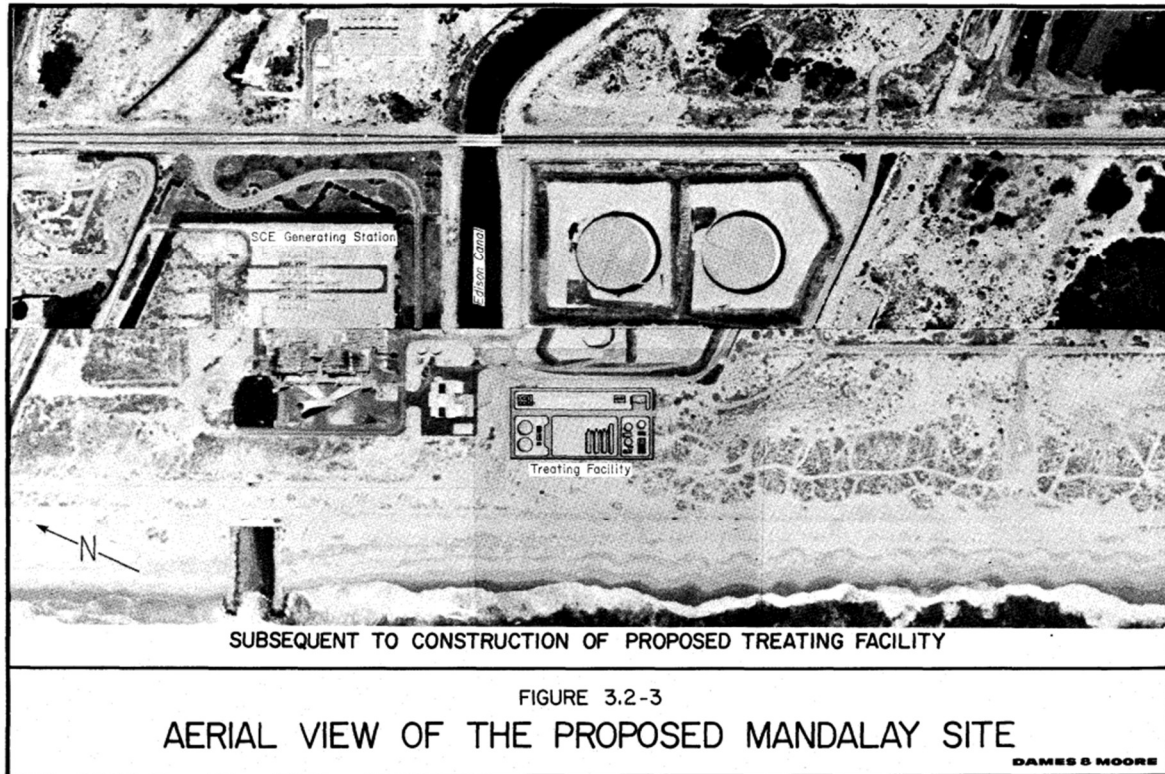


Figure 9. Artist rendering of proposed Onshore Treating Facility from 1980 EIR/EA.<sup>439</sup>

<sup>438</sup> *Id.*

<sup>439</sup> City of Oxnard, *Environmental Impact Report / Environmental Assessment ("EIR/EA") Union Oil Company Platform Gilda and Platform Gina Project, Leases OCS P-0202 and P-0216 Offshore Ventura County, California*, Volume I, (May, 1980) ("Oxnard (1980)"), Figure 3.2-3.

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Figure 10. Existing Onshore Treating Facility located in sensitive dune habitat.<sup>440</sup>

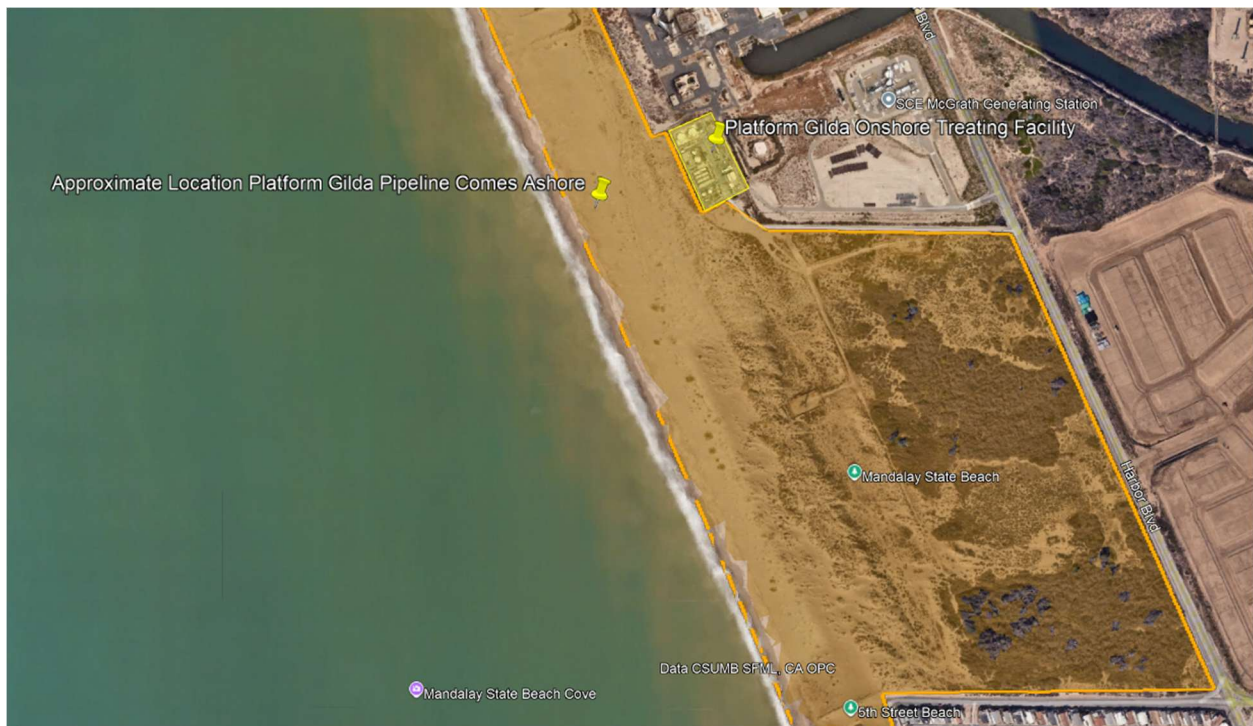


Figure 11. Approximate location of Platform Gilda Pipeline Landfall within Mandalay County Park / State Beach encompassing coastal dune ESHA (scattered vegetation), foredune ESHA

<sup>440</sup> Google Earth (Screenshot captured August 26, 2025).

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(scattered vegetation), beach ESHA (mostly unvegetated), and riparian ESHA (solid dark vegetation).<sup>441</sup>



Data provided by the City of Oxnard, 2014, Aspen, 2007, Stillwater Sciences URS, 2007, and USFWS, 2015.  
Imagery provided by Google, ESRI and its licensors © 2017.

City of Oxnard Environmentally Sensitive Habitat Areas

Figure 3a  
City of Oxnard

<sup>441</sup> Google Earth. Image copyright 2025 Maxar Technologies.

*Figure 12. City of Oxnard Environmentally Sensitive Habitat Area Map showing the location of Platform Gilda pipeline landfall within mapped coastal dune scrub, foredune, and beach ESHA and Mandalay County Park (State Park).<sup>442</sup>*

*b. The EIS Must Disclose the Effects of Oil Spills and Spill Cleanup Activities on Terrestrial and Marine Biological Resources.*

The EIS must also analyze how extending the life of Platform Gilda and its onshore infrastructure increases the likelihood of oil spills, and how this increased likelihood translates to greater ecological impacts. In addition to impacting marine species, oil spills would impact special-status species and habitats along the Oxnard shoreline and coastal environment. The impacts of oil spills on terrestrial wildlife include acute toxicological poisoning, oiling of birds and other wildlife causing exposure and resulting in hypothermia, oil ingestion, inhalation of oil and suffocation, drowning, mass mortality, reproductive failure, and long-term development of cancer.<sup>443</sup> Oiling also interferes with animals' ability to fly, swim, or evade predators, leading to starvation and predation.<sup>444</sup> BOEM must describe in the EIS each potentially affected marine and terrestrial species and how oil spills impact them, including the mode of exposure and the suite of results caused by exposure. The EIS must also disclose how oil spill cleanups adversely affect wildlife and habitats.

9. The EIS Must Analyze Impacts on the Commercial Fishing Industry.

Fracking at Platform Gilda would also have devastating impacts on the local commercial fishing businesses, including by increasing the risk of oil spills. "Commercial fishing is woven into the fabric of California's coastal communities, supporting thousands of fishing families and delivering local, wild-caught seafood to millions of Californians each year."<sup>445</sup> California's commercial fisheries are already experiencing declines due to warming waters and ocean acidification, and fracking would introduce additional stressors that could dramatically exacerbate these threats to commercial fishing-dependent communities.<sup>446</sup>

Impacts on fisheries and the environment can negatively impact the human environment.<sup>447</sup> There are five main impacts to fisheries resources and fishers from oil and gas

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<sup>442</sup> City of Oxnard, *City of Oxnard Environmentally Sensitive Habitat Area*, <https://www.oxnard.gov/wp-content/uploads/ESHA-Map-City-of-Oxnard.pdf> (last visited March 23, 2026).

<sup>443</sup> National Academies of Sciences, *Oil in the Sea IV: Quick Guide for Practitioners and Researchers* available at <https://www.nationalacademies.org/read/27155/chapter/7> (2023).

<sup>444</sup> *Id.*

<sup>445</sup> California Ocean Protection Council, 2026 California Coast and Ocean Report, <https://opc.ca.gov/wp-content/uploads/2026/03/California-Coast-and-Ocean-Report-2026.pdf>

<sup>446</sup> The Ocean Acidification and Hypoxia (OAH) Task Force Report states, "OAH will have severe environmental, ecological and economic consequences for the West Coast, and requires a concerted regional management focus. OAH is a problem that is expected to grow in intensity with far greater impacts to come, particularly along the West Coast, where regional ocean circulation patterns dramatically heighten the potentially devastating effects of OAH." F. Chan, et.al., *The West Coast Ocean Acidification and Hypoxia Science Panel: Major Findings, Recommendations, and Actions*, California Ocean Science Trust, Oakland, California, USA, 5 (April 2016)

<sup>447</sup> See Draft Proposed Program at 11-8.

development: (1) declines in the quality (e.g., contaminant load) of landed, targeted fish species, (2) increased mortality for targeted species, (3) loss of access to target species (via displacement), (4) change in catchability, and (5) direct impacts to fishers' health.<sup>448</sup> Impacts (1) and (5) require further analysis by BOEM due to their direct public health impacts.

In addition, oil spills significantly impact fisheries. For example, 138 square miles of fishing grounds were closed following the 2015 Refugio oil spill.<sup>449</sup> Allowing the proposed well stimulation activities at Platform Gilda would have far-reaching and deleterious impacts on fishers' lives, their communities, and the social and economic well-being of nearby coastal areas.

#### 10. The EIS Must Analyze Impacts to the Local Marine and Coastal Economy.

BOEM must disclose and analyze the extent of the economic impacts that could result from fracking. California's coastal economy is heavily dependent on tourism, recreation, and fishing, much of which is based along and offshore California's Central and Southern Coasts within the vicinity of Platform Gilda and its associated infrastructure. In 2021, California's marine economy accounted for \$51.3 billion, forty-seventy percent of which was from tourism and recreation. Only five percent of California's marine economy in 2021 was attributed to offshore mineral resources,<sup>450</sup> and the "oil and gas exploration and production" sector of California's ocean GDP has been in consistent decline—falling from \$5.13 billion in 2005, to \$4.66 billion in 2014, to \$2.57 billion in 2021.<sup>451</sup> Employment data for the tourism and recreation sector also contrast starkly with those of the oil and gas sector, affirming the economic and social value of the tourism and recreation economies. In 2021, the tourism and recreation sector provided sixty-seven percent of all ocean jobs while only one percent of ocean jobs came from offshore mineral resources.<sup>452</sup> Further, the state's thriving tourism and recreation and renewable energy industries provide economic and social benefits that far surpass any economic benefits that increased offshore oil and gas development can offer; for example, over fifty percent of California's population likely visits the coast for recreation each year, and the most popular coastal uses are nonconsumptive uses, including beach going, swimming, scenic drives, and photography.<sup>453</sup> An oil spill attributed to fracking could prevent tourists and California's population from partaking in such activities and have a catastrophic effect on California's coastal economy.

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<sup>448</sup> N. Andrews, et.al., *Oil, fisheries and coastal communities: A review of impacts on the environment, livelihoods, space and governance*, 75 Energy Research & Social Science 102009 (2021).

<sup>449</sup> NRDA at p. 101.

<sup>450</sup> NOAA, *2024 Marine Economy Report: California*, <https://coast.noaa.gov/data/digitalcoast/pdf/marine-economy-california.pdf>.

<sup>451</sup> Eastern Research Group, Inc., under contract for the NOAA Office for Coastal Management, *The National Significance of California's Ocean Economy* (2015), <https://coast.noaa.gov/data/digitalcoast/pdf/california-ocean-economy.pdf>.

<sup>452</sup> NOAA, *2024 Marine Economy Report: California*, <https://coast.noaa.gov/data/digitalcoast/pdf/marine-economy-california.pdf>.

<sup>453</sup> *Id.*

Offshore fracking would increase the risk of an oil spill which would have a catastrophic effect on California's tourism, recreation, and fishing industry, and therefore to local jobs. The economic impact of an oil spill on California's coastal economy would likewise have a catastrophic effect on the nation. BOEM must analyze all of these economic impacts that would result from allowing hydraulic fracturing at Platform Gilda.

11. The EIS Must Analyze Impacts to Food Safety.

BOEM must also analyze how fracking at Platform Gilda would threaten the health of California residents by negatively impacting food safety. Because fracking would prolong operations at Platform Gilda and its associated infrastructure, the proposed hydraulic fracturing will also increase vessel traffic, industrial operations, and offshore oil and gas operations, which release a variety of pollutants that degrade the Pacific Ocean's water quality; in addition to the water quality impacts associated specifically with fracking as described above.<sup>454</sup> An increase of these pollutants, which include legacy organochlorine pesticides, pharmaceuticals, industrial chemicals, PFAS (like dichlorodiphenyltrichloroethane) and polychlorinated biphenyls (PCBs),<sup>455</sup> would impact human health as the result of coastal communities eating Pacific-sourced seafood which contains these toxins.<sup>456</sup>

Further, as the climate warms through the overproduction of greenhouse gases like carbon dioxide, the ocean will continue to experience acidification, hypoxia, and warming. These cumulative stressors will lead to a greater accumulation of mercury and other toxins in seafood and increase the chance for food-borne pathogens to enter the food supply.<sup>457</sup> The EIS must account for the impacts that fracking would have on food supply, thereby impacting public health.

12. The EIS Must Analyze Impacts on Recreation.

California's coastline is used by millions of residents and visitors for a broad range of recreational activities, including beach going, surfing, diving, boating, sailing, wildlife viewing, and many others. While many of these activities occur mostly in state waters or the adjacent shoreline, they are directly impacted by industrial activity in federal waters. This is particularly true in the case of fracking and offshore oil and gas development, which causes harm to marine and coastal ecosystems and associated wildlife populations.

Hydraulic fracturing at Platform Gilda would prolong offshore oil and gas production which requires associated industrial activities in adjacent state waters and along California's coast. Such activity would likely include increased vessel traffic, pollution from routine operations, oil spills from rigs and pipelines, and onshore transport and refinement. These

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<sup>454</sup> BOEM's Draft Proposed Program at 9-20.

<sup>455</sup> *Id.*

<sup>456</sup> *See id.*

<sup>457</sup> Ziska, L., et.al., *Ch. 7: Food Safety, Nutrition, and Distribution, in The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment*. (U.S. Global Change Research Program, Washington, DC, 189–216, 2016), [http:// dx.doi.org/10.7930/J0ZP4417](http://dx.doi.org/10.7930/J0ZP4417).

industrial uses interfere with ocean and coastal recreational uses in numerous ways and threaten the substantial economic and social benefits associated with them.

California's recreational fishing industry supports nearly 5,800 jobs and \$333 million in income.<sup>458</sup> Geospatial data sets on ocean and coastal recreational uses can be found on several platforms including the West Coast Ocean Data Portal<sup>459</sup> and NOAA's National Centers for Coastal Ocean Science.<sup>460</sup> In the EIS, BOEM must analyze how fracking at Platform Gilda would impact the breadth of ocean and coastal recreational uses—outlined in further detail below-- in the regions.

*a. Surfing*

Ventura County's travel and tourism economy is driven in part by its reputation as a surfing destination. Past spill events in the area have shown that surfing is one of the many forms of beach and marine recreation directly impacted by oil spills.<sup>461</sup> Because fracking at Platform Gilda would increase the risk of oil spills, fracking could have impacts to local surfing. The October 2021 oil spill off Southern California's coast that dumped 25,000 gallons of crude oil into the Pacific Ocean kept surfers out of the water for four weeks.<sup>462</sup> That October 2021 oil spill was caused by a leak about 5 miles offshore in a pipeline that transfers crude from offshore oil platforms to the coast.<sup>463</sup> Without continued oil and gas production at Platform Gilda, there would be no drilling and no spills harming surfers.

*b. SCUBA, Free Diving, and Snorkeling*

California ranks number one in the number of newly certified SCUBA divers each year.<sup>464</sup> Recreational scuba diving and snorkeling contribute about \$11 billion to the US gross domestic product.<sup>465</sup> In the Channel Islands National Marine Sanctuary alone, it is estimated that

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<sup>458</sup> See NOAA, *Fisheries Economics of the United States 2022* (April 2024), <https://spo.nmfs.noaa.gov/sites/default/files/TMSPO248.pdf>

<sup>459</sup> See West Coast Ocean Data Portal, <https://portal.westcoastcoceans.org>

<sup>460</sup> See National Centers for Coastal Ocean Science, <https://coastalscience.noaa.gov/>

<sup>461</sup> See NRDA, 16 (After the 2015 Refugio Oil Spill, it was estimated that “over 140,000 lost recreational user days” were lost in Santa Barbara and Ventura Counties” and Los Angeles County had “six days of beach closures.” “Affected recreational activities included camping, sunbathing, beach combing, exercising, swimming, wildlife viewing, fishing, diving, boating and surfing.”)

<sup>462</sup> See Amy Taxin, Associated Press, *California officials say surfing, swimming OK but fishing is out after oil spill*, PBS, Oct. 29, 2021, <https://www.pbs.org/newshour/nation/california-officials-say-surfing-swimming-ok-but-fishing-is-out-after-oil-spill>

<sup>463</sup> *Oil Spill Sidelines Surfers, Hurts Shops in California*, CBS News, Oct. 21, 2021, <https://www.cbsnews.com/sacramento/news/oil-spill-sidelines-surfers-hurts-shops-in-california/>

<sup>464</sup> DEMA, *2024 Diving Fast Facts*, at 6, <https://www.dema.org/store/download.aspx?id=7811b097-8882-4707-a160-f999b49614b6>.

<sup>465</sup> *Id.*

expenditures range from \$76/day for divers using private vessels to \$225/day for those using commercial vessels (per diver).<sup>466</sup> Approximately 1.38 million dives are made in California annually, and annual direct expenditures from SCUBA diving in California range from \$161 million to \$323 million.<sup>467</sup> Californians and visitors account for about 3.82 million snorkeling days annually with an estimated annual expenditure of between \$170 million and \$382 million.<sup>468</sup> The non-market value of snorkeling in California ranges from \$25 million to \$81 million annually.<sup>469</sup> The Non-market use value of SCUBA diving in California ranges \$21 million to \$128 million.<sup>470</sup>

Recreational lobster diving in California is popular during the fall and winter, with the 2025-2026 California spiny lobster season running from September 26, 2025 to March 18, 2026.<sup>471</sup> Recreational lobster divers must have a California sport fishing license and a Spiny Lobster Report Card.<sup>472</sup> Each person is limited to 7 lobsters with a minimum carapace length of 3 1.4 inches.<sup>473</sup> For the 2024-2025 season, the California Department of Fish and Wildlife sold 36,906 lobster cards, with an estimated 83,016 trips.<sup>474</sup> The most popular locations to catch lobster were Catalina Island, San Diego Bay, Point Vicente up to King Harbor, Long Beach/Middle Breakwater, and Santa Cruz Island.<sup>475</sup>

Fracking and prolonged oil and gas development at Platform Gilda brings the likelihood of oil spills that will impact diving and snorkeling. For example, the 2015 Refugio Oil Spill significantly affected diving within the area.<sup>476</sup> More recently, the 2021 Orange County oil spill closed waters to fishing and shellfishing just as the lobster season was opening.<sup>477</sup> The coastline was closed for lobster diving for nearly two months following the spill.<sup>478</sup> SCUBA divers were also impacted by the oil spill. As SCUBA Diving magazine warned its readers, "Oil is a dangerous neurotoxin that can cause headaches, nausea, vomiting, and skin and eye irritation."<sup>479</sup> The spill closed Orange County beaches including Huntington Beach, Laguna Beach, and Crystal Cove Beach, while Newport Beach issued an advisory to avoid contact with oil-impacted waters and shores.<sup>480</sup> Beach Cities Scuba cancelled classes that would normally involve shore

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<sup>466</sup> *Id.*

<sup>467</sup> *Id.*

<sup>468</sup> *Id.*

<sup>469</sup> *Id.*

<sup>470</sup> *Id.*

<sup>471</sup> Santa Barbara Aquatics, *California Lobster Season 2025-2026: What you need to know before you dive in.*

<sup>472</sup> *Id.*

<sup>473</sup> *Id.*

<sup>474</sup> *Recreational Lobster Fishing*, California Dep't of Fish and Wildlife, <https://wildlife.ca.gov/Conservation/Marine/Invertebrates/Lobster>.

<sup>475</sup> *Id.*

<sup>476</sup> NRDA at 16.

<sup>477</sup> *Anglers, lobster divers reeling with joy over lifting of fisheries ban*, Orange County Register (Nov. 30, 2021), <https://www.ocregister.com/2021/11/30/anglers-lobster-divers-reeling-with-joy-over-lifting-of-fisheries-ban/>

<sup>478</sup> *Id.*

<sup>479</sup> *How the Orange County Oil Spill Impacts Scuba Divers*, SCUBA Diving (Oct. 4, 2021), <https://www.scubadiving.com/how-orange-county-oil-spill-impacts-scuba-divers>

<sup>480</sup> *Id.*

dives at Shaw's Cove.<sup>481</sup> The places closed for Scuba diving were also closed for snorkeling. Any oil spill at Platform Gilda or its associated infrastructure would devastate the snorkeling recreation at the nearby Channel Islands and impact the businesses that serve recreational snorkelers.

*c. Triathlons*

There are multiple recurring ocean-based triathlons held in Central and Southern California annually. These include Goleta Beach Triathlon, Nite Moves Summer Sunset Series in Santa Barbara, and Cal Tri Ventura. In addition to races, triathlon clubs up and down the California coast hold regular, organized ocean swims. Oil and gas leasing off California's coast brings the likelihood of oil spills that will impact triathlons. An oil spill that impacts the ocean near a race course could cause the swim for that race to be cancelled, negatively impacting all participants. An oil spill in any of the areas of the ocean where triathletes regularly practice their open water swimming would also negatively impact triathlon recreation.

*d. Recreational Fishing*

Recreational ocean fishing is an extremely popular pastime in Southern California, including in the Santa Barbara Channel and along the adjacent coastline. An oil spill at Platform Gilda or its associated infrastructure would severely impact recreational fishing in these areas. In response to an October 2021 oil spill off the shores of Orange County during which an undersea pipeline leaked at least about 25,000 gallons (94,635 liters) of crude oil into the Pacific Ocean, California prohibited fishing in an area that ranges about 6 to 12 miles (9.7 to 19.3 kilometers).<sup>482</sup> State environmental health experts had to conduct studies to determine whether shellfish and fish were safe for human consumption, and those studies take weeks or longer.<sup>483</sup> In the aftermath of the spill, out-of-towners cancelled or rescheduled fishing trips.<sup>484</sup> After an oil spill off Santa Barbara in 2015, "the California Department of Fish and Wildlife (CDW) initiated a fishery closure in the vicinity of the spill" that was quickly "expanded along the shore and offshore out to 6 miles, encompassing a total area of 138 square miles, based on aerial observations and National Oceanic and Atmospheric Administration (NOAA) oil spill trajectory models of where the oil was likely to move."<sup>485</sup> The fishery closure lasted over a month<sup>486</sup> and the process of testing and sampling shellfish and fish off the coast and sending them to a lab for analysis took about six weeks.<sup>487</sup>

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<sup>481</sup> *Id.*

<sup>482</sup> See *California officials say surfing, swimming OK but fishing is out after oil spill*, PBS (Oct. 29, 2021), <https://www.pbs.org/newshour/nation/california-officials-say-surfing-swimming-ok-but-fishing-is-out-after-oil-spill>

<sup>483</sup> *Id.*

<sup>484</sup> *Id.*

<sup>485</sup> NRDA at 15.

<sup>486</sup> *Id.*

<sup>487</sup> *Id.*

### C. BOEM Must Prepare a Cumulative Impacts Analysis.

BOEM must consider the cumulative impacts of the proposed hydraulic fracturing from Platform Gilda in combination with other actions on the resources, ecosystems, and communities in the local area.<sup>488</sup> Some of the actions that are likely to contribute to cumulative impacts in combination with the proposed hydraulic fracturing from Platform Gilda include: (1) the existing oil and gas extraction activities occurring in the Pacific OCS; (2) historic sources of pollution from oil and gas activities; (3) any reasonably foreseeable future oil and gas extraction activities in the Pacific OCS.

In passing NEPA, Congress directed federal agencies to capture all “undesirable and unintended consequences” that flow from a project,<sup>489</sup> and to consider problems that are more global and “long-range” in scope.<sup>490</sup> To that end, agencies act as “trustee of the environment for succeeding generations,”<sup>491</sup> and so should explore the “relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity.”<sup>492</sup> Consideration of cumulative impacts is necessary to ensure that an agency is acting on complete information to fulfill these mandates. The Supreme Court has long confirmed the need for agencies to consider and evaluate cumulative impacts.<sup>493</sup>

Even with recent decisions and changes to the NEPA regulations, cumulative impacts must still be considered. In the February 2026 amendments to its own implementing regulations, the Department of the Interior acknowledged the continuing need to consider such impacts:

In reorienting the focus of its procedures, DOI does not change or purport to change the scope of effects that DOI bureaus are required by statute to consider. Both before and after the updates to DOI’s NEPA procedures, DOI bureaus were and are required to consider effects that are both reasonably foreseeable and have a reasonably close causal relationship to their proposed actions, each including a reasonable range of action alternatives, consistent with the statute, as clarified by the Supreme Court in *Public Citizen* and *Seven County Infrastructure Coalition*. . . . The focus, even of the ‘cumulative impact analysis’ should always have been on change wrought by the effects of the proposed action, and *Seven County Infrastructure Coalition* merely refines that focus.”<sup>494</sup>

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<sup>488</sup> *Dep’t of Transp. v. Pub. Citizen*, 541 U.S. 752, 769 (2004) (quoting 40 C.F.R. § 1508.7).

<sup>489</sup> 42 U.S.C. § 4331(b)(3).

<sup>490</sup> 42 U.S.C. § 4332(I).

<sup>491</sup> 42 U.S.C. § 4331(b)(1).

<sup>492</sup> 42 U.S.C. § 4332(C)(iv).

<sup>493</sup> See, e.g., *Kleppe v. Sierra Club*, 427 U.S. 390, 410 (1976) (holding that “when several proposals for coal-related actions that will have cumulative or synergistic environmental impact upon a region are pending before an agency, their environmental consequences must be considered together.”); *Baltimore Gas & Elec. Co. v. Nat. Res. Def. Council, Inc.*, 462 U.S. 87, 106-07 (1983) (“[W]e agree with the Court of Appeals that NEPA requires an EIS to disclose the significant health, socioeconomic and cumulative consequences of the environmental impact of a proposed action.”).

<sup>494</sup> 91 Fed. Reg. 8738, 8753-54 (Feb. 24, 2026).

Consequently, BOEM must properly consider cumulative impacts in its EIS for this project.

One such issue that must be addressed in a cumulative impacts analysis involves the toxic debris mounds located offshore California within the Santa Barbara Channel. In 1994, the California State Lands Commission (CSLC) approved an abandonment plan by Chevron U.S.A. Inc. to decommission four of its offshore oil platforms (Hazel, Heidi, Hilda, and Hope, known as the “4H Platforms”) in the Santa Barbara Channel. Chevron removed the platforms by 1997 but left four massive “shell mounds” on the seafloor. The shell mounds are accumulations of contaminated drill cuttings and drilling muds overlaid by sediment and biological material. Recently, Chevron applied to CSLC to terminate its leases from CSLC but without removing the four shell mounds. CSLC determined in its 2025 Analysis of Impacts to Public Trust Resources and Values that a nearby seismic event/ground shaking has the potential to threaten the integrity of the mounds, including potential slumping, sloughing, settlement, and rupture, and result in a release of toxic materials.<sup>495</sup> CSLC concluded in its analysis that a contaminant release from the mound(s) could, in turn, cause adverse impacts to marine water quality and biota.

BOEM should also assess cumulative impacts in light of potential new lease sales proposed offshore California under any new Five-Year Leasing Program,<sup>496</sup> and the operation of Sable Offshore Corporation's corroded pipeline system servicing the Santa Ynez Unit platforms off the Gaviota Coast.<sup>497</sup>

#### **D. BOEM Must Discuss and Analyze Mitigation Measures.**

NEPA requires EISs to include a detailed discussion of possible mitigation measures for the proposed action.<sup>498</sup> The Supreme Court has explained that this requirement comes not only from the CEQ regulations, but also from the language of NEPA.<sup>499</sup> “Implicit in NEPA's demand that an agency prepare a detailed statement on ‘any adverse environmental effects which cannot be avoided should the proposal be implemented’ is an understanding that the EIS will discuss the extent to which adverse effects can be avoided.”<sup>500</sup> Failing to conduct a “reasonably complete” discussion of possible mitigation measures “would undermine the ‘action-forcing’ function of NEPA” and would prevent BOEM and other interested parties from “properly evaluat[ing] the severity of the adverse effects.”<sup>501</sup> A reasonably complete discussion must extend beyond a

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<sup>495</sup> Dudek, *Review of Lease Obligations and Assessment of Impacts to Public Trust Resources and Values State Oil and Gas Leases PRC 1824 and PRC 3150 Terminations and 4H Shell Mounds Disposition* (Jan. 2025).

<sup>496</sup> BOEM, *National OCS Oil and Gas Leasing Program, Development of the 11th National Program* <https://www.boem.gov/oil-gas-energy/national-program/national-ocs-oil-and-gas-leasing-program>.

<sup>497</sup> Sable Offshore, *Sable Resumes Oil Flow as Ordered by the Federal DPA with Expected Gross Oil Rate of 50,000 Bbls/d and Expects First Sales by April 1, 2026*, (Mar. 16, 2026), <https://sableoffshore.com/news/news-details/2026/Sable-Resumes-Oil-Flow-as-Ordered-by-the-Federal-DPA-with-Expected-Gross-Oil-Rate-of-50000-Bbls-d-and-Expects-First-Sales-by-April-1-2026/default.aspx>.

<sup>498</sup> See, *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 351-52 (1989); *S. Fork Band Council of W. Shoshone of Nevada v. U.S. Dep't of Interior*, 588 F.3d 718, 727 (9th Cir. 2009).

<sup>499</sup> *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 351 (1989).

<sup>500</sup> *Id.* at 351-52.

<sup>501</sup> *Id.* at 352.

“perfunctory description” or “mere listing” of mitigation measures and include supporting analytical data.<sup>502</sup>

Hydraulic fracturing off the California coast will likely impact various species and habitats because of the associated risk of an oil spill, water quality impacts, unintended fracture propagation, sound pollution, and induced seismic activity. BOEM must consider methods to mitigate these harms as part of its “hard look” at the environmental consequences posed by fracking.<sup>503</sup>

The Updated DPP recognizes that Program activities have the potential to impact species within the Program area.<sup>504</sup> As a result, it identifies seven mitigation measures that have been incorporated into the Program design and will be implemented in the project, along with a perfunctory description of each measure’s purpose.<sup>505</sup> This is not a comprehensive list of all reasonably available mitigation measures for the project and does not constitute a reasonably complete discussion. The descriptions of the mitigation measures are limited to one and two sentences each, and some are not complete sentences, which makes it difficult to understand how the mitigation measures would function or what they are intended to achieve.

Additional mitigation measures that BOEM should consider to minimize project impacts to wildlife include monitoring requirements, imposing various buffer zone mandates on project activities, and implementing protocols for responding to wildlife entanglements. During the life of the program, vessels should have protected species observers (PSOs) on survey vessels and maintain a 500-meter Vessel Strike Avoidance Zone for ESA-listed whales and other unidentified marine mammals. In addition, BOEM should require vessels to make a full stop, if safety permits, any time a large whale species is within 200 meters of an underway vessel, or the vessel encounters a feeding aggregation of large whales. After stopping, vessels should remain stationary until large whales have moved at least 200 meters away from the vessel, after which point the separation distance should again be maintained.

We also recommend that PSOs monitor for and that vessels maintain appropriate distance from other marine mammals and sea turtles of at least 100 meters. Additionally, all vessels responsible for crew transport should use thermal detection systems to supplement visual monitoring of marine mammals.<sup>506</sup> Vessels transiting to the platform should maintain a functioning Automatic Identification System (AIS) and operate this system at all times.

BOEM should consider the following protocols for responding to wildlife entanglements: (1) Project personnel should report ensnared marine debris to the NMFS, FWS, the U.S. Coast Guard, and the California Department of Fish and Game (CDFW) within twenty-four hours of

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<sup>502</sup> *Okanogan Highlands All. v. Williams*, 236 F.3d 468, 473 (9th Cir. 2000) (citation omitted).

<sup>503</sup> *See id.*

<sup>504</sup> Updated DPP at 5-1.

<sup>505</sup> *Id.*

<sup>506</sup> *See* Heather R. Smith et al., *A field comparison of marine mammal detection via visual, acoustic, and infrared (IR) imaging methods offshore Atlantic Canada*, Marine Pollution Bulletin, 154 (2020) (discussing thermal imaging and other detection systems).

detection. They should also remove the marine debris as soon as possible; (2) Project personnel should report entanglement or injury of marine mammals, sea turtles, sharks, and seabirds to the same agencies, according to the relevant reporting protocols<sup>507</sup>, and remove the marine debris as soon as possible; and (3) Operations and maintenance vessels should be outfitted with equipment capable of locating and removing entanglement hazards.

When BOEM prepares an EIS for this project, it should consider all reasonably available mitigation options and provide a more thorough discussion of how those measures would work and what they are intended to mitigate, so that interested parties can better understand the project's potential effects.

## **VI. BOEM Must Comply with Other Applicable Laws.**

In addition to fully complying with NEPA and issuing a complete EIS, BOEM must adhere to all other laws that the Updated DPP proposal implicates. The below discussion is non-exhaustive, but highlights some of the important requirements with respect to the ESA, CZMA, NHPA and NMSA.

### **A. BOEM Must Comply with the ESA.**

Under Section 7 of the ESA, federal agencies must “insure” that any action it authorizes “is not likely to jeopardize the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of [the species’ critical] habitat.”<sup>508</sup> Because approval the Santa Clara Unit DPP allowing offshore fracking from Platform Gilda “may affect” a number of ESA-listed species by increasing the risk of oil spills, impairing water quality, and increasing vessel traffic and noise pollution, among other impacts, BOEM must consult with the NMFS and the FWS over those effects.<sup>509</sup>

Congress enacted the ESA, in part, “to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved . . . [and] to provide a program for the conservation of such endangered species and threatened species . . . .”<sup>510</sup> Actions subject to Section 7 consultation are broadly defined to include “all activities or programs of any kind authorized, funded, or carried out, in whole or in part” by federal agencies and include granting permits and licenses, as well as actions that may directly or indirectly cause modifications to the land, water, or air.<sup>511</sup> An agency is required to review its actions “at the earliest possible time” to determine whether the action may affect listed species or critical habitat.<sup>512</sup>

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<sup>507</sup> See NOAA, *Large Whale Entanglement Response Program*, <https://www.fisheries.noaa.gov/national/marine-life-distress/large-whale-entanglement-response>; see NOAA, *Sea Turtle Disentanglement Network*, <https://www.fisheries.noaa.gov/new-england-mid-atlantic/marine-life-distress/sea-turtle-disentanglement-network>.

<sup>508</sup> 16 U.S.C. § 1536(a)(2).

<sup>509</sup> 50 C.F.R. § 402.14(a).

<sup>510</sup> 16 U.S.C. § 1531(b).

<sup>511</sup> 50 C.F.R. § 402.02.

<sup>512</sup> *Id.* § 402.14(a).

If BOEM determines that a proposed action may affect any listed species or critical habitat, the agency must engage in formal consultation with the Services, unless the biological assessment or informal consultation concludes that the action is not likely to adversely affect any listed species or critical habitat and the Services concur with that finding.<sup>513</sup> The “may affect” standard broadly includes “[a]ny possible effect, whether beneficial, benign, adverse, or of an undetermined character.”<sup>514</sup>

Platform Gilda is located in one of the most significant and diverse seascapes in the world that supports a vast array of habitats and coastal and marine species. A number of ESA-listed species inhabit this area and may be affected by offshore fracking. These include invertebrates and reptiles such as white and black abalone and leatherback sea turtles, fish including Southern California steelhead, scalloped hammerhead sharks, tidewater goby, and green sturgeon, and marine mammals including blue whales, humpback whales, sei whales, fin whales, Guadalupe fur seals, and southern sea otters. ESA-listed birds in the region that might be affected by this proposal include ESA-listed western snowy plovers, marbled murrelets, and California least terns.<sup>515</sup>

The previous Section 7 consultations for offshore oil and gas operations on the Pacific OCS do not cover the scope of activities for this project and are insufficient to meet the requirements of the ESA. For example, in BSEE's concurrence with FWS's Biological Assessment, the activities cover “up to five well stimulation treatments per year in the Southern

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<sup>513</sup> 50 C.F.R. § 402.14(a), (b).

<sup>514</sup> 51 Fed. Reg. 19,926 (June 3, 1986).

<sup>515</sup> The endangered and threatened species at issue, their listing status, and the dates when they were listed under the ESA are as follows: blue whale -- endangered, 35 Fed. Reg. 18,319 (Dec. 2, 1970); fin whale -- endangered, id.; sei whale -- endangered, id.; North Pacific right whale -- endangered, id., 73 Fed. Reg. 12,024 (Mar. 6, 2008); humpback whale -- originally listed as endangered in 1970, 35 Fed. Reg. 18,319 (Dec. 2, 1970), global population recently reclassified and Central America DPS listed as endangered and Mexico DPS listed as threatened, 81 Fed. Reg. 62,260 (Sept. 8, 2016); sperm whale -- endangered, 35 Fed. Reg. 18,319 (Dec. 2, 1970); Western North Pacific gray whale -- endangered, id.; Guadalupe fur seal -- threatened, 50 Fed. Reg. 51,252 (Dec. 16, 1985); Southern sea otter -- threatened, 42 Fed. Reg. 2,965 (Jan. 14, 1977); loggerhead turtle, North Pacific DPS -- endangered, 76 Fed. Reg. 58,868 (Sept. 22, 2011); leatherback turtle -- endangered, 35 Fed. Reg. 8,491 (June 2, 1970); green turtle, East Pacific DPS -- threatened, 81 Fed. Reg. 20,058 (Apr. 6, 2016); olive ridley turtle -- threatened, 43 Fed. Reg. 32,800 (July 28, 1978); black abalone -- endangered, 74 Fed. Reg. 1,937 (Jan. 14, 2009); white abalone -- endangered in Pacific Coast range, 66 Fed. Reg. 29,046 (May 29, 2001); sunflower sea star -- proposed threatened, 88 Fed. Reg. 16,212 (March 16, 2023); Southern California steelhead -- endangered, 71 Fed. Reg. 834 (Jan. 5, 2006); scalloped hammerhead shark, Eastern Pacific DPS -- endangered, 79 Fed. Reg. 38,214 (July 3, 2014); green sturgeon, Southern DPS -- threatened, 71 Fed. Reg. 17,757 (Apr. 7, 2005); tidewater goby -- endangered, 59 Fed. Reg. 5,494 (Feb. 4, 1994); Hawaiian petrel -- endangered, 32 Fed. Reg. 4,001 (Mar. 11, 1967); California Ridgway's rail -- endangered, 35 Fed. Reg. 16,047 (Oct. 13, 1970); Short-tailed albatross -- endangered, 65 Fed. Reg. 46,643 (July 31, 2000); California least tern -- endangered, 35 Fed. Reg. 8,491 (June 2, 1970); Light-footed Ridgway's rail -- endangered, 35 Fed. Reg. 16,047 (Oct. 13, 1970); western snowy plover, Pacific DPS -- threatened, 58 Fed. Reg. 12,864 (Mar. 5, 1993); marbled murrelet -- threatened, 57 Fed. Reg. 45,328 (Oct. 1, 1992). The critical habitats at issue in this case, and the dates they were designated by the federal government are as follows: black abalone critical habitat, 76 Fed. Reg. 66,805 (Oct. 27, 2011); leatherback sea turtle critical habitat, 77 Fed. Reg. 4,170 (Jan. 26, 2012); western snowy plover, Pacific DPS critical habitat, 77 Fed. Reg. 36,728 (June 19, 2012); tidewater goby critical habitat, 78 Fed. Reg. 8,746 (Feb. 6, 2013); Southern California steelhead critical habitat, 70 Fed. Reg. 52,488 (Sept. 2, 2005).

California Planning Area,” and therefore the consultation only considers impacts, including water discharges containing fracking fluid chemicals and produced water, from five well stimulation treatments per year. In contrast, DCOR is planning on “up to 38 treatment stages distributed across 16 wells” over a 5 year period.<sup>516</sup> The NOI states that “up to 6 wells could be stimulated per year,” with some wells requiring 2 treatment stages, and others requiring 2.5 treatment stages on average.<sup>517</sup> In other words, DCOR is proposing as many as 15 well stimulation treatment per year, a 3-fold increase over the number examined in prior ESA consultations. BOEM cannot rely on those outdated consultations to satisfy its obligations under the ESA.

## **B. BOEM Must Comply with the CZMA.**

As the federal court made clear in *EDC v. BOEM*, BOEM cannot proceed with approving any DPPs, APDs or APMs until and unless it complies with CZMA consistency review with respect to the proposed action at issue in that case. Accordingly, proceeding with the Updated DPP violates that injunction.

Should BOEM instead proceed with the Updated DPP, any efforts to approve fracking under the Updated DPP must comply with the CZMA's consistency review requirements. The CZMA was enacted to “preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone.”<sup>518</sup> Accordingly, applicants for federal permits that are required to conduct activity “in or outside of the coastal zone, affecting any land or water use or natural resource of the coastal zone of that state” must provide to the relevant agency, here BOEM, “a certification that the proposed activity complies with the enforceable policies of the state's approved program and that such activity will be conducted in a manner consistent with the program.”<sup>519</sup> The CZMA provides that “[a]t the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification.”<sup>520</sup>

In California, the relevant state policies exist in the California Coastal Management Program (CCMP). The CCMP notes the national importance of the California coast, especially for its historic, cultural, aesthetic, and conservation values.<sup>521</sup> The California Coastal Act (“Coastal Act”) is the “foundation” of the CCMP and constitutes the state's CCMP for purposes of the CZMA.<sup>522</sup> The Coastal Act “was enacted by the Legislature as a comprehensive scheme to govern land use planning for the entire coastal zone of California.”<sup>523</sup> Under the Coastal Act, the

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<sup>516</sup> 91 Fed. Reg. 13063, 13064 (March 18, 2026); Update to Platform Gilda DPP, 4-36 (2026).

<sup>517</sup> *Id.*

<sup>518</sup> 16 U.S.C. § 1452(1).

<sup>519</sup> 16 U.S.C. § 1456(c)(3)(A).

<sup>520</sup> 16 U.S.C. § 1456(c)(3)(A).

<sup>521</sup> See Final Environmental Impact Statement for the California Coastal Management Plan, Chapter 11 at 83 (1977), available at <https://www.coastal.ca.gov/fedcd/ccmp-ch11.pdf>.

<sup>522</sup> *Id.* at 82; Cal. Pub. Res. Code § 30008.

<sup>523</sup> *Pacific Palisades Bowl Mobile Estates, LLC v. Los Angeles*, 55 Cal. 4th 783, 793 (2012) (internal quotations omitted); see Cal. Pub. Res. Code, § 30000 *et seq.*

protection of the state's "natural and scenic resources is a paramount concern" and these resources must be protected to prevent further deterioration or destruction.<sup>524</sup> The Chapter 3 policies of the Coastal Act include, *inter alia*, protections for marine resources, biological productivity, water quality, environmentally sensitive habitat areas, archaeological and paleontological resources, commercial and recreational fishing, and scenic and visual qualities.<sup>525</sup>

The Updated DPP constitutes a "required Federal license or permit to conduct an activity, in or outside of the coastal zone, affecting any land or water use or natural resource of the coastal zone of that state."<sup>526</sup> Accordingly, DCOR is required to provide a consistency certification to BOEM, regarding whether the Updated DPP complies with the CCMP and will be conducted consistently with it.<sup>527</sup> BOEM must also ensure compliance with the federal regulations concerning the consistency review process for OCS development activities.<sup>528</sup>

The CZMA document provided to the CCC (the "Consistency Analysis") contains numerous deficiencies, and overlooks likely policy inconsistencies.<sup>529</sup> Indeed, offshore fracking cannot be conducted in a manner that is consistent with the CCMP. For example, the Consistency Analysis fails to consider mapped ESHA around Platform Gilda's onshore infrastructure and fails to consider how prolonging the life of Platform Gilda and associated onshore infrastructure may necessitate maintenance, repairs, and replacement of project-related infrastructure in or adjacent to ESHA.

The Platform Gilda oil and gas pipelines make landfall within coastal dune and beach habitats, near the Onshore Treater Facility and the Southern California Edison McGrath Generating Station. This area contains beach and dune scrub ESHAs that would be impacted by offshore and land-based oil spills, oil spill cleanups, and activities associated with repairing, replacing, or maintaining the pipeline landfall, Onshore Treater Facility and components, and associated infrastructure. The beach and dunes surrounding the Platform Gilda pipeline landfall location and Onshore Treater Facility also include habitats of special-status wildlife species. Special-status species habitats are ESHA pursuant to the Coastal Act.<sup>530</sup> According to the California Energy Commission (CEC), these dunes support a number of special-status species, including federally threatened western snowy plovers (*Charadrius nivosus nivosus*) and California Species of Special Concern globose dune beetle (*Coleus globosus*) and silvery legless lizard (*Anniella pulchra*).<sup>531</sup> Other rare species documented in the dune habitats near the landfall

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<sup>524</sup> Cal. Pub. Res. Code § 30001(b), (c).

<sup>525</sup> *Id.* §§ 30230, 30231, 30234, 30240, 30244, and 30251; *see also id.* § 30260(b)(4) (eliminating oil and gas development from the override provision for coastal-dependent industrial facilities).

<sup>526</sup> 16 U.S.C. § 1456(c)(3)(A).

<sup>527</sup> 16 U.S.C. § 1456(c)(3)(A).

<sup>528</sup> 15 C.F.R. §§ 930.70-930.85.

<sup>529</sup> Padre Associates, Prepared for DCOR, COASTAL ZONE MANAGEMENT ACT CONSISTENCY ANALYSIS & FINDINGS, PLATFORM GILDA WELL STIMULATION PROGRAM OFFSHORE VENTURA COUNTY, CA. Project No. 2502-2681 ("Consistency Analysis") (January 2026).

<sup>530</sup> California Coastal Act Section 30107.5.

<sup>531</sup> California Energy Commission, Biological Resources Supplemental Testimony of Carol Watson and John Hilliard TN# 220168 (July 2017) ("CEC (2017)").

are listed in CEC's Biological Resources Supplemental Testimony of Carol Watson and John Hilliard TN# 220168.<sup>532</sup>

The CZMA Analysis improperly excludes land-based ESHAs by claiming that, "Platform Gilda is not located within an ESHA or ESHA buffer and the DPP update does not involve the land resources these policies address."<sup>533</sup> However, the CZMA Analysis fails to consider how the proposed action would extend the life of Platform Gilda, thereby extending the life of the aging onshore infrastructure which would require repair, replacement, and maintenance. In fact, a 1980 analysis prepared for these facilities notes: "Should portions of the pipeline require replacement during the life of the project, the associated impacts in the area affected would be similar to those discussed for pipeline construction."<sup>534</sup> The expected life of the project was only twenty years when the EIR was drafted forty-six years ago.<sup>535</sup>

Repair and maintenance of the onshore infrastructure within ESHA would be inconsistent with Coastal Act Section 30240(a) because activities such as excavating and repairing the pipeline would not be compatible with protecting the ESHA from "significant disruption of habitat values" and may not be dependent on the ESHA resources.<sup>536</sup> These activities would also be inconsistent with Section 30240(b), which provides that development in areas adjacent to ESHA, parks and recreation areas (such as Mandalay County Park) must be sited to "prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas."<sup>537</sup> Further, the proposed action would also increase the likelihood of oil spills and spill cleanup activities within the ESHA, including dunes, beaches, and wetlands along the coastline east of Platform Gilda. The CZMA Analysis fails to identify any impact to these ESHAs or related inconsistencies with Coastal Act Section 30240.

Offshore fracking also raises potential inconsistencies with many of the other Chapter 3 policies of the Coastal Act, such as: protections for marine resources, biological productivity, water quality, archaeological and paleontological resources, commercial and recreational fishing, and scenic and visual qualities.<sup>538</sup>

### **C. BOEM Must Comply with the National Historic Preservation Act.**

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to identify and assess the effects of their undertakings on historic properties and to consult with

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<sup>532</sup> *Id.*

<sup>533</sup> Consistency Analysis at 2-14.

<sup>534</sup> City of Oxnard, *Environmental Impact Report / Environmental Assessment ("EIR/EA") Union Oil Company Platform Gilda and Platform Gina Project, Leases OCS P-0202 and P-0216 Offshore Ventura County, California*, Volume I, at 4.5-5 (May, 1980) ("City of Oxnard (1980)").

<sup>535</sup> *Id.* at 4.5-6.

<sup>536</sup> Cal. Pub. Res. Code § 30240 (a) ("Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.").

<sup>537</sup> Cal. Pub. Res. Code § 30240 (b).

<sup>538</sup> *See id.* §§ 30230, 30231, 30234, 30240, 30244, and 30251; *see also id.* § 30260(b)(4) (eliminating oil and gas development from the override provision for coastal-dependent industrial facilities).

affected Tribal Nations, state historic preservation offices, and other stakeholders before approving projects that may harm cultural resources. This consultation duty is substantive and procedural: agencies must make a reasonable, good-faith effort to identify cultural resources, evaluate potential impacts, and engage in meaningful, government-to-government dialogue with Tribes throughout the decision-making process. The statute and its implementing regulations mandate early, transparent, and continuous consultation.

BOEM's truncated process and timeframe are unlawful and frustrate the purpose of the NHPA. BOEM may not use emergency procedures or shortcut meaningful tribal engagement on cultural resources that may be affected by the proposed action. The emergency regulations provide for an expedited process when responding to "a disaster or emergency declared by the President, a tribal government, or the Governor of a State *or another immediate threat to life or property*."<sup>539</sup> The emergency regulations are inapplicable to the so-called energy emergency declaration, because the declared "emergency" does not involve any immediate threat to life or property. The only provision in the NHPA that clearly contemplates waiver of section 106 for emergencies, is section 110, which requires the "Secretary" to promulgate regulations under which requirements "*except* section [106]" may be waived in the event of a "major natural disaster or an imminent threat to national security."<sup>540</sup>

Moreover, NHPA's emergency procedures cannot be invoked to justify shortcutting consultation when an "emergency" persists over an extended period, because the structure and history of the regulations show they are intended only for true, immediate threats requiring rapid action. The regulations expressly apply only for 30 days after a declared emergency, and extensions may only be used in rare circumstances because "the longer an implementation time is extended, the lesser justification for emergency, abbreviated procedures."<sup>541</sup> This regulatory design reflects the premise that if federal agencies have enough time to plan, coordinate, or carry out actions over weeks or months, they likewise have adequate time to conduct the normal Section 106 consultation process rather than rely on emergency exceptions.

#### **D. BOEM Must Comply with the National Marine Sanctuaries Act.**

The National Marine Sanctuaries Act (NMSA), 16 U.S.C. § 1431 *et seq.*, authorizes the Secretary of Commerce to identify and designate certain areas of the marine environment with special national significance as national marine sanctuaries.<sup>542</sup> Designation as a national marine sanctuary enables the Secretary to develop a system to conserve and manage the sanctuaries, including regulating activities which may affect them.<sup>543</sup> The NMSA was designed to "maintain the natural biological communities" and to protect "natural habitats, populations, and ecological processes."<sup>544</sup> As such, under Section 306 of the NMSA it is unlawful to "destroy, cause the loss

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<sup>539</sup> 36 C.F.R. § 800.12(a) (emphasis added).

<sup>540</sup> 54 U.S.C. § 306112 (emphasis added).

<sup>541</sup> 65 Fed. Reg., 77698, 77710 (Dec. 12, 2000).

<sup>542</sup> 16 U.S.C. § 1431(b)(1).

<sup>543</sup> *Id.* § 1431(b)(2).

<sup>544</sup> *Id.* § 1431(b)(3).

of, or injure any sanctuary resource managed under law or regulations for that sanctuary.”<sup>545</sup> A “sanctuary resource” is “any living or nonliving resource of a national marine sanctuary that contributes to the conservation, recreational, ecological, historical, educational, cultural, archaeological, scientific, or aesthetic value of the sanctuary.”<sup>546</sup>

The waters near Platform Gilda are home to the Channel Islands National Marine Sanctuary (CINMS). One of the key motivations behind the sanctuary designation was to protect the Channel Islands from oil spills associated with oil and gas extraction.<sup>547</sup> The CINMS was designated for the primary purpose of protecting and preserving “marine birds and mammals, their habitats and other natural resources from those activities which pose significant threats” including “discharges incidental to allowed hydrocarbon operations.”<sup>548</sup> The sanctuary designation specifically prohibited hydrocarbon exploration and exploitation under future leases and emphasized that operators “must maintain adequate oil spill contingency equipment on site” for hydrocarbon operations under existing leases to minimize impacts from oil and gas extraction.<sup>549</sup>

Offshore fracking near sanctuaries threatens to destroy or injure sanctuary resources. For example, past oil spills in the now-designated CHNMS threatened the area with significant harm,<sup>550</sup> and sanctuaries face harm due to the potential for “long-term adverse impacts from chronic pollution by hydrocarbons and drill muds and other disturbance of sensitive habitat.”<sup>551</sup> Likewise, regulations specific to sanctuaries prohibit certain harmful discharges that would injure a sanctuary.<sup>552</sup> Further, consultation with the Secretary is required for activities such as the Updated DPP that are “likely to destroy, cause the loss of, or injure any sanctuary resource.”<sup>553</sup> Should BOEM refuse to adopt alternatives suggested by NOAA that limit the risk to sanctuaries, and such sanctuaries are harmed as a result, BOEM faces liability and must “prevent and mitigate” additional damage and “restore or replace” sanctuary resources.<sup>554</sup> Given the large special extent of the CINMS, it is reasonably foreseeable that fracking at Platform Gilda would threaten the sanctuary and its resources.<sup>555</sup>

## VII. Conclusion

Offshore fracking from Platform Gilda should be a non-starter. It would violate a federal-court injunction, threaten the environment and local communities, and contribute to the climate

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<sup>545</sup> 16 U.S.C. § 1436(1).

<sup>546</sup> 16 U.S.C. § 1432(8).

<sup>547</sup> The Channel Islands National Marine Sanctuary, 45 Fed. Reg. 65198, 65199 (Oct. 2, 1980).

<sup>548</sup> *Id.*

<sup>549</sup> *Id.*

<sup>550</sup> 89 Fed. Reg. at 83554–55.

<sup>551</sup> CINMS, 45 Fed. Reg. 65198, 65200–01 (Oct. 2, 1980) (Final Rule).

<sup>552</sup> 15 C.F.R. §§ 922.72(a)(3)(ii) (CINMS), 922.232(a)(2)(iii) (CHNMS).

<sup>553</sup> 16 U.S.C. § 1434(d)(1)(A).

<sup>554</sup> *Id.* § 1434(d)(4).

<sup>555</sup> Randall D. Clark, *A Biogeographic Assessment of the Channel Islands National Marine Sanctuary: A Review of Boundary Expansion Concepts for NOAA's National Marine Sanctuary Program*, NOAA Technical Memorandum NOS NCCOS 21, at 2 (November 2005), available at: <https://repository.library.noaa.gov/view/noaa/2161>.

March 30, 2026

Comments on BOEM's Notice of Intent to Prepare an Environmental Impact Statement for Offshore Fracking from Platform Gilda (Docket No. BOEM-2025-0714)

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crisis. Should BOEM proceed with considering the Updated DPP, it must fully comply with NEPA and prepare a complete EIS that meaningfully evaluates the many impacts of offshore fracking, and comply with other applicable laws designed to protect imperiled wildlife, Tribal communities, and the unique characteristics of the California coastline.

Sincerely,



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Maggie Hall  
Deputy Chief Counsel  
Attorney for Environmental Defense Center and  
Santa Barbara Channelkeeper



Lyle S. Smith  
Center for Biological Diversity  
Attorney for Center for Biological Diversity and  
Wishtoyo Foundation

# Exhibit E



April 23, 2026

Ms. Necy Sumait  
Regional Supervisor Office of Strategy Resources  
Bureau of Ocean Energy Management  
Pacific OCS Region  
760 Paseo Camarillo, Suite 102  
Camarillo, CA 93010

Subject: Platform Gilda Development and Production Plan Update: Hydraulic Fracturing  
Ventura County Air Pollution Control District: Comments and Recommendations

Dear Ms. Sumait,

The Ventura County Air Pollution Control District (VCAPCD or District) is providing its “comments and recommendations” for the subject Platform Gilda hydraulic fracturing proposal that was deemed “submitted” by the Bureau of Ocean Energy Management (BOEM) on February 24, 2026.

The District’s role is limited to evaluating compliance with applicable federal and local VCAPCD air quality regulations, including permitting requirements under 40 CFR Part 55 and District rules. Platform Gilda operates under VCAPCD Permit to Operate No. 01492 pursuant to VCAPCD Rule 10, “Permits Required,” VCAPCD Rule 33, “Part 70 Permits,” and 40 CFR Part 55, “Outer Continental Shelf Regulations.” This permit regulates equipment such as flares, process heaters, oil production and processing tanks, and engines. The permit also places emission limitations on vessels servicing Platform Gilda including the usage of crew boats, supply boats, and designated specialty vessels for oil well drilling, maintenance, and well stimulation.

VCAPCD has reviewed the subject document and provides the following comments and recommendations:

1. Pursuant to 40 CFR Part 55.4, “Requirements to Submit a Notice of Intent,” the Platform Gilda hydraulic fracturing proposal is considered to be a physical change or change in method of operation that will result in an increase in emissions. As such, 40 CFR Part 55.4 requires the submittal of a Notice of Intent to VCAPCD that includes all of the information and elements specified in 40 CFR Part 55.4(b). The Notice of Intent shall be submitted not more than 18 months prior to submitting an application for the preconstruction permit required by VCAPCD Rule 10, “Permits Required.”
2. The Platform Gilda hydraulic fracturing activities will require an Authority to Construct and/or a Permit to Operate application pursuant to VCAPCD Rule 10, “Permits Required.” Any physical change or change in method of operation shall not commence until all required permits are obtained from VCAPCD. The permit application shall include all the

information required by the Notice of Intent above and any additional information and/or application forms required by VCAPCD Rule 12-Applications for permits.

The applicant must quantify all emissions associated with the proposed activities, including criteria pollutants and their precursors, from all sources such as portable equipment, support vessels, and associated operations. The equipment to be permitted for the hydraulic fracturing proposal, including portable diesel engines used for pumping and blending hydraulic fracturing fluids are subject to all VCAPCD rules. This includes, but is not limited to, the Best Available Control Technology (BACT) and emission offset requirements of VCAPCD Rule 26.2, "New Source Review – Requirements." Note that any diesel engines registered with the California Air Resources Board Portable Equipment Registration Program (PERP) must obtain a VCAPCD permit as PERP registrations are not valid on offshore oil platforms off the coast of Ventura County.

3. Modifications to Platform Gilda associated with the proposed project may require revision to the existing Part 70 (Title V) Permit pursuant to VCAPCD Rule 33. This includes an evaluation of whether the proposed changes constitute a significant modification under applicable federal and District regulations.

Thank you for the opportunity to comment on this proposed hydraulic fracturing project. Contact Ali Ghasemi, Air Pollution Control Officer, at [aghasemi@vcapcd.org](mailto:aghasemi@vcapcd.org) (805-303-4016) or Charanya Varadarajan, VCAPCD Engineering Division Manager, at [charanya@vcapcd.org](mailto:charanya@vcapcd.org) (805-303-3981) if you have any questions or wish to discuss these comments and recommendations in further detail.

Sincerely,



Ali R. Ghasemi  
Air Pollution Control Officer

Cc:

Chima Ojukwu, Supervisor, Lease Management Section, Office of Strategic Resources, BOEM  
Charanya Varadarajan, Division Manager, Engineering, [charanya@vcapcd.org](mailto:charanya@vcapcd.org)  
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