



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

Oil and Gas Leasing Plan Timeline

- On April 28, 2017, President Trump issued Executive Order 13795, outlining an America First Offshore Energy Strategy. As a key piece of this strategy, the U.S. Bureau of Ocean Energy Management (BOEM) initiated a new National Outer Continental Shelf Oil and Gas Leasing Program (National OCS Program) development process to replace the 2017-2022 Program. The new National OCS Program will cover the years 2019-2024.
- In August 2017, the NC Division of Coastal Management conducted three public hearings in Wilmington, Morehead City and Manteo to gather comments on BOEM's request for information and comments on the preparation of the 2019-24 National Outer Continental Shelf Oil and Gas Leasing Program. In total, 465 people attended the hearings in Wilmington, Morehead City and Manteo. Of the 104 people who spoke at the hearings, 96 spoke against oil and gas exploration off North Carolina's coast.
- On August 17, 2017, Governor Cooper and N.C. DEQ's Secretary Regan submitted comments in opposition to North Carolina's inclusion in the 2019-24 National Outer Continental Shelf Oil and Gas Leasing Program. The letters stated that offshore drilling threatens North Carolina's coastal economy and its environment, yet offers little economic benefit.
- On Jan. 4, 2018, the Interior Department announced plans to open North Carolina and other East Coast states to offshore oil and gas exploration.
- NC DEQ's Secretary Regan sent out a statement in response stating: "Offshore drilling and the seismic testing that would precede it pose environmental and economic risks to North Carolina's coastal communities that we cannot afford. Protection of our beaches, sounds and marine life is vital to ensuring a robust coastal economy."
- On March 9, 2018, Governor Cooper submitted comments to BOEM conveying opposition to the Draft Proposed Program.
- BOEM may soon publish a Proposed Program and Draft PEIS, triggering a 90-day comment period. If North Carolina is included in this five-year plan, this will be last opportunity to comment before the Proposed Plan is sent to the President and Congress for final approval.
- After BOEM's pre-leasing activity and possible lease sales, they will conduct another review process for post-leasing activities that will include oil and gas exploration and oil and gas development approvals. A graphic illustrating the Oil and Gas Leasing

Process can be found here <https://www.boem.gov/BOEM-OCS-Oil-Gas-Leasing-Process/>. For more information on BOEM’s five-year oil and gas leasing program, go to <https://www.boem.gov/Five-Year-Program/>.

Seismic Surveys

- On July 21, 2017, the Governor and the N.C. Department of Environmental Quality (DEQ) submitted comments on National Oceanic and Atmospheric Administration’s (NOAA) Incidental Harassment Authorization to harass marine mammals.
- In December 2017, North Carolina asked four companies to submit additional information about proposed seismic testing because the original proposals did not consider the latest scientific studies on potentially harmful impacts to marine life.
- In accordance with the federal Coastal Zone Management Act and associated regulations, our state coastal agency requested “supplemental consistency determinations” from each of the four companies that had received conditional concurrences in 2015 to conduct seismic testing in federal waters off North Carolina’s coast.
- North Carolina’s formal legal request was based on new information – recently published scientific studies on the impacts of seismic testing on fish behaviors, zooplankton (including fish larvae), shellfish, and crustaceans among other concerns – that the proposed surveys will affect NC’s marine resources “substantially different than originally described.” (15 CFR 930.66)
- On March 13, 2018, DEQ’s Division of Coastal Management sent a letter to BOEM asking them to refrain from issuing permits to seismic companies.
- On November 30, 2018, the National Oceanic and Atmospheric Administration issued incidental harassment authorizations (IHAs) to five separate applicants to incidentally harass marine mammals during geophysical survey activities in the Atlantic Ocean. To see the authorizations, go to <https://www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-atlantic>.
- NC DEQ’s Secretary Regan sent out a statement in response stating: “With the stress our coastal communities are enduring from the recent hurricanes and other effects of climate change, it is disappointing that the Trump administration would further jeopardize our coastal resources by approving dangerous seismic testing that could lead to offshore drilling. North Carolina has requested a state of emergency declaration for our fisheries, and approval of exploration activities is not a step in the right direction. We should be working to protect marine life, not encourage seismic airguns to disturb a fragile habitat.”

- On December 11, 2018, two lawsuits were filed against NOAA challenging the IHAs, including one group of national NGO's (represented by SELC) and one group of South Carolina municipalities and NC Coastal Fed (rep by South Carolina Environmental Law Project). The basis of their challenges included violations of the Marine Mammal Protection Act, the Endangered Species Act, the Administrative Procedures Act, and the Outer Continental Shelf Lands Act.
- On December 20, 2018, North Carolina, through Attorney General Stein, joined a group of most of the other Atlantic States seeking to intervene in the consolidated cases and were later let in.
- On January 7, 2019, South Carolina moved to intervene, and was allowed to in February following the government shutdown. Two industry groups were also allowed to intervene on the side of NOAA and the IHAs in February. The parties are working out a scheduling order and the case is expected to move quickly through the legal process.
- BOEM has not yet issued its permits for this seismic testing, but these could be issued at any time. BOEM could also issue its Offshore Energy Leasing Proposed Program at any time. It is not yet known if NC will continue to be part of the Proposed Program. If it is, proposed lease areas could be identified this summer/fall with possible lease sales to follow as soon as the fall/winter.

For more information, and for copies of all the correspondence mentioned above, go to deq.nc.gov/oil-and-gas-leasing-plan.