



EXECUTIVE ORDER NO. 18-28

DIRECTING STATE AGENCIES TO PROTECT OREGON'S COASTAL ECONOMY BY PREVENTING ACTIVITIES ASSOCIATED WITH OFFSHORE OIL AND GAS DRILLING

WHEREAS, the Oregon Coast is a special place for all Oregonians, in part because all 363 miles of the state's coastline have been publicly accessible for more than a century; and

WHEREAS, the Oregon Coast is of tremendous economic and recreational significance to our state, supporting approximately 22,000 jobs in its \$2 billion coastal tourism and recreational industry, and more than 5,500 jobs in its \$320 million commercial and recreational marine fishery; and

WHEREAS, the Oregon Coast provides an essential ecological zone for diverse species of plants and animals, many of which have adapted to its unique marine ecosystems; and

WHEREAS, the land, waters, and resources of the Oregon Coast have cultural significance to sovereign, federally recognized Native American Tribes; and

WHEREAS, offshore oil and gas drilling directly threatens coastal economies, marine fisheries, the environment, public health and safety, and cultural resources; and

WHEREAS, in 2010 the Oregon Legislature passed House Bill 3613, which prohibits oil and gas leasing in Oregon's Territorial Sea—extending three miles from Oregon's coastline—until 2020, but does not block offshore drilling farther out in the federal waters on the Outer Continental Shelf (OCS); and

WHEREAS, President Trump signed an Executive Order in April 2017 that encourages offshore oil and gas exploration and production in federal waters on the OCS, including federal waters off the Oregon Coast; and

WHEREAS, Oregon sought an exemption from the Trump Administration's proposal for offshore drilling—similar to the exemption Florida received—but, to date, has not received such an exemption; and

WHEREAS, nearshore and onshore facilities, pipelines, and infrastructure—built on a state's coast, tidelands, and submerged lands—are essential to oil and gas exploration and production in federal waters on the OCS; and



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WHEREAS, offshore drilling and onshore infrastructure projects on the Oregon Coast cannot proceed under state and federal law without review and permitting by several state agencies, including but not limited to:

- Authorization of pipelines and other infrastructure on submerged and submersible lands by the Oregon Department of State Lands, ORS 274.705 *et seq.*, and permitting of such infrastructure on the ocean shore by the Oregon Parks and Recreation Department, ORS 390.605 *et seq.*, all of which must be consistent with existing laws that protect the Oregon Coast;
- Federal consistency review of OCS projects by the Oregon Coastal Management Program under the federal Coastal Zone Management Act, 16 U.S.C. § 1456, which ensures those activities are consistent with existing enforceable coastal management policies, including Statewide Planning Goal 19 (which provides that all actions affecting the ocean must “conserve marine resources and ecological functions”);
- Water quality certification by the Oregon Department of Environmental Quality under Section 401 of the federal Clean Water Act, 33 U.S.C. § 1341, which ensures compliance with water quality standards; and

WHEREAS, several provisions in state and federal law authorize state agencies to object to federal leasing on the OCS, and to deny or condition required permits and certifications for offshore drilling and onshore infrastructure, when necessary to protect public health, public safety, the environment, and coastal resources and economies;

NOW, THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

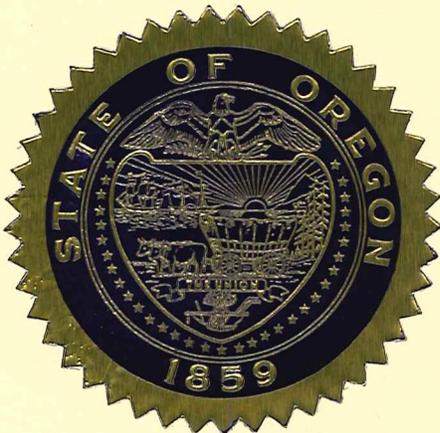
1. Definition. For purposes of this Executive Order, “state agency” is defined as any agency within the Executive Department as defined in ORS 174.112, other than the Oregon Secretary of State, Oregon State Treasury, Oregon Department of Justice, and Oregon Bureau of Labor and Industries.
2. Statement of Policy. It is the policy of the State of Oregon to oppose the exploration and production of oil or gas off the Oregon Coast, including on the OCS, and to prevent the development of any infrastructure associated with offshore oil or gas drilling, in order to protect coastal economies, marine fisheries, the environment, public health and safety, and cultural resources.



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3. Directive. From the date of this Executive Order, all state agencies must exercise any and all authority and discretion vested in them by law, in a manner consistent with the policy set forth in paragraph 2.
4. This Executive Order is intended to be consistent with the State's powers and obligations under federal and state law; accordingly, this Executive Order shall be interpreted as to not violate any requirement of federal or state law. Should federal or state law change so as to give rise to a conflict with any provision of this Executive Order, such provision shall be of no further effect, notwithstanding paragraph 5.
5. This Executive Order will remain in effect unless and until it is superseded by statute or another Executive Order.

Done at Salem, Oregon, this ^{24th} day of October, 2018.



Kate Brown

Kate Brown
GOVERNOR

ATTEST:

Dennis Richardson

Dennis Richardson
SECRETARY OF STATE