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January 11, 2018

Secretary Ryan Zinke
Department of Interior
1849 C Street, N.W.
Washington, D.C. 20240

Via email and U.S. Mail

Re: 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Program

Dear Secretary Zinke,

This letter is to formally object, on behalf of the citizens of the State of Delaware, to the inclusion of areas off the coast of Delaware in the Department of Interior's Draft Proposed Program, and to place the Department of Interior on notice of Delaware's intention to seek legal redress if Delaware is not afforded the same rational analysis that resulted in areas off the Florida coast being exempted from the Draft Proposed Program.

Delaware Governor John Carney has notified the Department of the Interior on August 14, 2017 and again in a letter today of the potential harms to Delaware that would result from oil and gas exploration and drilling off the Delaware coast, and the harms articulated in that letter appear to be precisely the same type of harms that caused you to decide that your Department had erred in including areas off the Florida coast in the Draft Proposed Program. As detailed in that August 14 letter, Delaware has over 60,000 jobs that directly or indirectly support the fishing, tourism, and recreation sectors. A recent study concluded that a full 10% of the state's total employment, taxes, and production value arise from coastal related activities.

You were quoted in today's Washington Post saying "I will no doubt talk to every Governor," and we thank you in advance for your willingness to meet with Governor Carney so that he can reiterate the concerns he already expressed to you in writing. It is our understanding that he is formally requesting such a meeting today. You also indicated in the same article, however, that "We have to get it right, look at the geology, look at the science." Respectfully, these are actions

that the Department of the Interior was required to take on an initial basis before promulgating a Draft Proposed Program – particularly when the Department had already invited and received formal comments prior to promulgating that draft program. The law does not permit the Department to formally promulgate a Draft Proposed Program based on arbitrary, or worse purely political, considerations, and then adjust it on an ad hoc and rolling basis as persons with personal access to its leadership raise objections.

All of the Department's actions and public statements to date suggest that the Draft Proposed Program was promulgated and is now being considered in a manner that violates federal law and constitutional due process rights. We respectfully suggest that the Draft Proposed Program immediately be withdrawn in its entirety, and that after Governor Carney and other affected Governors are permitted to explain why the same criteria that caused you to exempt the Florida coast applies to other coastal areas, either a new draft program be promulgated or the plan that existed prior to last week be permitted to take effect. Delaware will need to consider taking legal steps to protect its residents if the Department declines to proceed in the manner required by law.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew P. Denn". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Matthew P. Denn
Attorney General
State of Delaware