

CALIFORNIA COASTAL COMMISSION

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November 5, 2008

The Honorable Mike Chrisman
Chair, California Ocean Protection Council
1330 Broadway, Suite 1100
Oakland, CA 94612
Attn: Abe Doherty

RE: Support for the Ocean Science Trust

Dear Secretary *Mike* Chrisman:

I am writing to express the support of the staff of the California Coastal Commission for the proposal for the Ocean Science Trust (OST) to continue providing science advice to the Ocean Protection Council (OPC) and supporting its ongoing role in integrating ocean science into policy and management decision-making in California. The OST serves a critical role in California's efforts to advance the understanding and protection of our natural resources through the use of sound science, and providing assistance to coastal managers and decision makers addressing impacts of human activities and climate change in California's coastal areas, communities and ecosystems.

The proposed project addresses the OPC's goals of ensuring that future actions are based on sound science and bringing the best scientists together to analyze complex marine and coastal management issues. Also, through the OST and its Executive Director, who has served as the Science Advisor to the OPC and the co-chair of the OPC Science Advisory Team (OPC-SAT) since February 2007, this support will ensure that the OST can continue to: a) institutionalize the integration of scientific information and recommendations into OPC decision-making through both the Science Advisor and the OPC-SAT; and b) connect science to policy and management through facilitating the exchange of information on existing and emerging issues.

By supporting this project, the OPC recognizes the need for the independent and credible science advice that the OST provides and will continue to maximize the application of scientific information to state agency efforts. The support of this project will create, maintain, and strengthen valuable links among scientists, the OPC, and state

The Honorable Mike Chrisman
Chair, California Ocean Protection Council
November 5, 2008
Page 2

resource managers and help address existing and emerging scientific issues related to California's ocean and coastal areas.

We look forward to working with the Ocean Protection Council, the staff of the OPC, and the OST and its Executive Director to identify needs for research and scientific information to support and inform California's Coastal Management Program.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Douglas". The signature is stylized and cursive.

PETER DOUGLAS
Executive Director

cc: Sam Schuchat, California Coastal Conservancy
Amber Mace, California Ocean Science Trust

Secretary Mike Chrisman
Chair, California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

November 4, 2008

Dear Secretary Chrisman:

We are writing to express our strong support for the resolution before the Ocean Protection Council (OPC) to fund the California Ocean Science Trust (OST) so that it can continue to provide important scientific information and support to the OPC, the California Resources Agency and other partners.

Scientifically informed decision-making is a crucial component of the mission of the OPC. The OST has done an exceptional job of providing this type of support since February 2007. Efforts over the past two years focused on linking scientists and decision-makers through the development of the OPC's Science Advisory Team, involvement in the proposal review process for the California Sea Grant research program, and participation in various science-based workshops, meetings, and task forces in California. The proposal before you highlights the future goals for the OST, including some areas of specific interest to The Nature Conservancy and our California Marine Program. We find the following aspects of the proposal particularly critical to the future success of both the OPC and the OST:

- **Definitive actions** that address the OPC's goals of ensuring that decisions are based on sound science. These actions include participating in the OPC proposal review process, providing peer reviews when requested for specific projects, and delivering succinct responses to specific scientific inquiries from OPC board members and staff.
- Emphasis on **creating, maintaining, and strengthening valuable links among scientists, the OPC, and state resource managers** through sponsored workshops and forums and participation on relevant state steering committees and advisory groups.
- **Communicating with key partners and donors** to ensure that outside science partners, including NGOs like The Nature Conservancy, are aware of and can contribute to the OPC's research priorities and opportunities for collaboration.

This proposal will ensure that the OST can continue to institutionalize integrated scientific information and recommendations into the OPC decision-making process. The work of the OST is essential to connecting science to policy and management through facilitating information exchange on existing and emerging coastal and marine issues in California.

Please consider our firm support for the California Ocean Science Trust proposal in your deliberations.

Please contact me at (831) 333-2045 if you have any questions.

Sincerely,


Margaret Spring
Director
California Coastal and Marine Program

Cc: Donald Koch, Director, California Department of Fish and Game
Sonke Mastrup, Deputy Director, California Department of Fish and Game
Sam Schuchat, Executive Officer, State Coastal Conservancy, and Secretary, Ocean Protection Council
Drew Bohan, Executive Policy Officer, Ocean Protection Council
Brian Baird, Assistant Secretary for Ocean and Coastal Policy, California Resources Agency
Amber Mace, Executive Director, California Ocean Science Trust



ROMBERG TIBURON CENTER
FOR ENVIRONMENTAL STUDIES

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November 1, 2008

Mike Chrisman, Chair
California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Chairman Chrisman,

I am writing in support for the Ocean Science Trust to continue to serve as the science advisory council for the Ocean Protection Council. Two reasons prompt me to request that the OPC take this action: the present system of the OPC advised by the OST has helped put California as the national leader in addressing coastal issues and in the future these, and other, coastal issues will continue to have a significant impact on Californians. We must maintain the ability to understand the consequences of the difficult options that will have to be addressed as we tackle climate change, sea level rise, increased ocean acidification, reduced ocean resources and the pursuit of energy. Without sound scientific advice it will be difficult to develop a balanced approach.

The creation of the OPC Science Advisory Team (SAT) that works in consort with the OST is an excellent policy decision to ensure that a broad spectrum of scientific expertise is available to the OPC. I strongly urge that this collaboration and advisement strategy be continued and strengthened. I believe that the SAT should have a stronger review role on the expenditure of OPC-controlled funds when those funds are directed toward scientific efforts. Having the OST and SAT share the responsibility for suggestions to the OPC should greatly strengthen the ability of the OPC to determine management and policy practices that will best benefit the citizens of the State.

California has one of the largest and most talented assemblies of scientists and economists who focus on the coastal and estuarine issues, both scientific and management problems. These experts have self-organized into a number of collaborations to ensure that the best practices are brought to bear on the issues. At the national level, the Central and Northern California Ocean Observing System (CeNCOOS) and the Southern California Coastal Ocean Observing System (SCCOOS) are among the National Oceanic and Atmospheric Administration (NOAA) regional associations that were formed to bridge the gap between national policy and local implementation. While the concept has not received a sustainable level of federal funding, CeNCOOS and SCCOOS are recognized as having achieved significant progress with limited funding. These two regional associations are in discussion as to how to best interact and advise the OST.

Within the 23 campus California State University System (CSU), 22 campuses offer some level of marine curriculum and we estimate that there are over 200 CSU faculty whose research relates to coastal issues. The CSU Chancellor and all 23 presidents have committed to the creation of the Council on Ocean Affairs, Science and Technology (COAST) to facilitate research collaboration among the faculty and students and to form focus groups that can assist the State with the issues facing the population.

These assemblies of marine scientists can most effectively provide input to the State's decision makers through a recognized communication structure. The OST and OPC-SAT provide the forum for a strong and reliable communication between the researchers and the policy makers. I applaud the State for creating these pathways and strongly urge that they be kept in place and strengthened. It is clear that the next decade will require significant strategic decisions and the State policy makers will require the ability to obtain sound, unbiased advice.

Please don't hesitate to contact me for further information.

Sincerely

A handwritten signature in black ink, appearing to read "Newell (Toby) Garfield". The signature is fluid and cursive, with the first name "Newell" being more legible than the last name "Garfield".

Newell (Toby) Garfield
Professor of Geosciences (Oceanography) and
Director, The Romberg Tiburon Center for Environmental Studies
San Francisco State University

San Francisco Estuary Institute



7770 Pardee Lane
2nd Floor
Oakland, CA 94621
Office (510) 746-SFEI
Fax (510) 746-7300

Mike Chrisman, Chair
California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: Support for Ocean Science Trust proposal

Dear Secretary Chrisman:

This letter expresses our support for a proposal to continue using the California Ocean Science Trust (OST) to provide science advice to the Ocean Protection Council (OPC) and its ongoing role in integrating ocean science into policy and management decision-making. My organization, the San Francisco Estuary Institute, is a non-profit environmental science organization that focuses extensively on marine contamination and land use policies.

I believe this support is important for three major reasons:

1. The proposed project addresses the OPC's goals of ensuring that future actions are based on sound science and bringing the best scientists together to analyze complex marine and coastal management issues.
2. Through OST and its Executive Director, who has served as the Science Advisor to the OPC and the co-chair of the OPC Science Advisory Team (OPC-SAT) since February 2007, this support will ensure that the OST can continue to: a) institutionalize the integration of scientific information and recommendations into OPC decision-making through both the Science Advisor and the OPC-SAT; and b) connect science to policy and management through facilitating the exchange of information on existing and emerging issues.
3. By supporting this project, the OPC recognizes the need for the independent and credible science advice that the OST provides and will continue to maximize the application of scientific information to state agency efforts. The support of this project will create, maintain, and strengthen valuable links among scientists, the OPC, and state resource managers and help address existing and emerging scientific issues related to California's ocean and coastal areas.

Thank you for your support,


Dr. Michael S. Connor
Executive Director,
San Francisco Estuary Institute

The logo for the Center for Ocean Solutions, featuring the text "CENTER FOR OCEAN SOLUTIONS" in white and light blue on a black rectangular background.

CENTER FOR
OCEAN
SOLUTIONS

October 30, 2008

Secretary for Resources State of California, Mike Chrisman &
Chair, California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Secretary Chrisman,

As Interim Director for the Center for Ocean Solutions at Stanford University, I am writing to express my deepest support for the California Ocean Science Trust (OST) to continue with its efforts to provide ongoing science advice to the OPC.

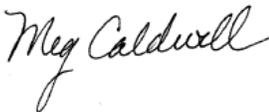
The OST and Center for Ocean Solutions share many of the same core values. We value credible and unbiased science. We support their goals to 1) ensure that the best available science be integrated and institutionalized into California's coastal and ocean decision making; and 2) connect and/or translate science to policy and management through facilitating the exchange of information on existing and emerging issues. The OST is developing thoughtful and effective programs in partnership with the OPC to fulfill these goals. This includes developing the infrastructure, processes, and protocols to run technical reviews, quickly develop working groups on priority issues for the state, and overseeing applied studies to ensure a credible and unbiased result. I believe the OST, with OPC's support, is making significant steps toward meeting this goal.

With continued support from OPC, the OST can continue to ensure that credible science informs future policy and management and brings the best scientists together to bear on timely, and often complex, coastal and ocean issues. In particular, such support will enable the OST to continue to serve as Science Advisor to the OPC and co-chair the OPC Science Advisory Team. Such collaboration will not only institutionalize and enhance OPC's ability to integrate science into state-wide policy and management, but also facilitate the very necessary—and often overlooked—exchange of information between scientists and decision makers on important existing and emerging coastal and ocean issues and areas.

I believe that continued support for the OST/OPC nexus will strengthen existing partnerships and create further opportunities for collaborations among scientists, policy makers, and state agencies that lead to real change.

Thank you for your longstanding support for ocean policy that is based on the best available science.

Best regards,

A handwritten signature in cursive script that reads "Meg Caldwell".

Meg Caldwell

Meg Caldwell

Heritage Harbor
99 Pacific St. | Suite 155A | Monterey, CA 93940
831.333.2077 T | 831.333.2081 F
www.centerforoceansolutions.org

COMPASS

COMMUNICATION PARTNERSHIP FOR SCIENCE AND THE SEA

November 6, 2008

Secretary for Resources State of California, Mike Chrisman &
Chair, California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Secretary Chrisman,

Please accept this letter as COMPASS' (Communication Partnership for Science and the Sea) support for the California Ocean Science Trust (OST) to continue providing critical science support and activities to the Ocean Protection Council.

COMPASS works at the national level to ensure that the latest scientific information about oceans is made available, in an understandable way, to policy-makers, the media and other scientists. Since our inception in 1999, we continue to see disconnect between what is known scientifically about the oceans and the policies and practices used to govern and manage our use and effect on the seas. While there is a wealth of scientific knowledge and expertise on oceans, it is often not appreciated or incorporated into decision-making. This is due to a number of factors including: the culture and pace of scientific and decision-making communities is very different; there is often a "language barrier" between scientists and policy-makers; scientists are not traditionally trained to navigate policy arenas; and science is typically available in a manner that is inaccessible to policy-makers. The OST has worked to bridge these gaps; ensuring their work continues to connect scientific, policy, and management communities to ensure our rapidly growing scientific knowledge about the oceans is appreciated and utilized in real-time policy discussions is essential.

While supporting new research and discovery is critical, it is equally important to support mechanisms to connect this information and knowledge. We support OST's mission to do this by 1) ensuring that the best available science be integrated and institutionalized into California's coastal and ocean decision making; and 2) connecting and/or translating science to policy and management through facilitating the exchange of information on existing and emerging issues.

Given COMPASS works to bridge this gap at a national level, we see the challenges other states and regions have in making science available, relevant and understood by policy-makers. We often point to California's structure of the Ocean Protection Council, and your relationship with the OST, as a model. We hope you will continue to value and support the work the OST. As you aware, due to the OPC's leadership, California is leading the nation in progressive ocean policy development and implementation. The OST will continue to play a critical part in California's journey to sustainably manage California's important ocean resources. Please accept COMPASS' support of OST's role and work, and do not hesitate to contact me with any questions.

Thank you for your continued vision and leadership on ocean issues, including your commitment to the inclusion of sound science.

Best regards,



Brooke Simler Smith
COMPASS, Executive Director

55 C Municipal Wharf
Santa Cruz, CA 95060



831.425.1363 Telephone
831.425.5604 Facsimile
www.oceanconservancy.org

Delivered via electronic mail to:
COPCpublic@resources.ca.gov

November 19, 2008

Mike Chrisman, Chair
Members of the California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

RE: Support for California Ocean Science Trust: Building Scientific Capacity
File No. 08-123-01; 08-147-01

Dear Secretary Chrisman and Members of the Ocean Protection Council:

Please accept the following letter of support from Ocean Conservancy for the California Ocean Science Trust: Building Scientific Capacity project.

California's Ocean Science Trust provides a critical function to the State of California by ensuring high quality science advice to the Ocean Protection Council on a wide range of ocean management and policy issues. California faces many difficult marine conservation challenges; effective solutions to complex issues such as ecosystem management and the ocean impacts of climate change require sound scientific guidance. The Ocean Science Trust is likely to play an increasingly important role in California policy over the years to come. We support authorization of up to \$765,000 to the Ocean Science Trust.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Kaitilin Gaffney". The signature is written in a cursive, slightly slanted style.

Kaitilin Gaffney
Pacific Ecosystem Protection Program Director

November 17, 2008

Mike Chrisman
Secretary for Resources
Chair of the California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, California 95814

RE: Opposition to state funding of oil platform decommissioning study.

Dear Secretary Chrisman,

I am writing to inform you of my opposition to the expenditure of \$210,000 to California Ocean Science Trust to conduct an oil platform decommissioning study. While it is important to ascertain the ecological implications of decommissioning alternatives, I am against state expenditures that could benefit a specific industry.

As you are all aware, both federal and state leases obligate oil and gas companies to completely remove the offshore oil production facilities. It is easy to understand why oil and gas companies would prefer to avoid this process as complete removal of an offshore facility would cost millions of dollars.

If oil and gas companies want to conduct studies on decommissioning alternatives they should have to bear the entire cost of those studies with the state selecting the contractor. While serving as a member of the California Coastal Commission I heard estimates of as much as \$2 billion dollars to remove the oil platforms. Because of their existing obligations under their lease agreements and because they have already benefited enormously from the extraction of publicly owned natural resources, the burden of proof and the costs should be laid firmly on oil companies shoulders.

Oil companies have earned billions of dollars over the last few decades from their leases in California's coastal waters. Given the amount of these revenues, I can't see any reason why they should not pay the Ocean Science Trust the full amount for the study examining decommissioning alternatives.

Thank you for your consideration on this matter,

Pedro Nava, Assemblymember 35th District

Cc: Linda Adams, Secretary for Environmental Protection
John Chiang, State Controller, Chair of the State Lands Commission
Susan Golding, Public Member
Geraldine Knatz, Public Member
Darrell Steinberg, State Senator
Executive Policy Officer Drew Bohan

PN:bt
O1g



November 10, 2008

Mike Chrisman, Chair
California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: California Ocean Protection Council Meeting, November 2008

Dear Mr. Chrisman:

The California Artificial Reef Enhancement (CARE) Program supports the proposed “Study to Provide Information Related to Oil and Gas Platform Decommissioning Alternatives in California” as a part of a larger public process developed by the California Resources Agency to examine alternatives for oil and gas platform decommissioning. We believe that the examination of decommissioning alternatives will identify options that have the potential to significantly reduce the adverse impacts of offshore decommissioning projects.

CARE also supports the funding authorization of the proposed study as an appropriate expenditure for the California Ocean Protection Council (OPC). Contributions from Chevron Corporation, The Ocean Conservancy, and United Anglers of Southern California have reduced the OPC share and have demonstrated the interest and commitment of several key stakeholders.

Although CARE believes that environmental benefit is the primary consideration in evaluating decommissioning options, we do acknowledge that there are significant secondary benefits for some options. For example, Rigs to Reefs Programs generate funds for the States through industry donations.

These donations are especially significant in light of today’s budget realities and the current funding needs of the OPC. This was recognized by the Marine Life Protection Act Blue Ribbon Task Force in its December 2005 Report. The proposed study being considered by the OPC is important in implementing the recommendations of this report.

Sincerely,

George Steinbach
Executive Director

Dede Alpert

From: Dede Alpert
Sent: Monday, November 10, 2008 12:28 PM
To: gsteinbach@sbcglobal.net
Subject: my letter

Mike Chrisman
Chair, Ocean Protection Council
Resources Agency
Sacramento CA.

Re: Support for Platform Decommission Study

Dear Mr. Chrisman:



I am writing to express my support for approval by the Ocean Protection Council of the \$220,000 funding request to support the research on offshore platform decommission issues. As you know, I championed this issue when I was a member of the legislature, and was always disappointed that we could not come to agreement on a policy that would benefit California. I am hopeful that this study will accomplish that purpose.

I was pleased to see that contributions for this effort from Chevron Corporation, United Anglers and Ocean Conservancy would be available to match the money from the Ocean Protection Council. It is important that a diverse group of stakeholders recognize and support this effort.

The proposed study will implement the 2005 recommendations by the MLPA Blue Ribbon Task Force to "convene a broadly based group of environmental stakeholders, the industry and appropriate scientists to explore the feasibility of the "Rigs to Reefs" concept. I was disappointed that this recommendation had not been implemented but am hopeful that with the support of the Council, it will finally be appropriately examined.

In light of the many challenges facing California's coast and ocean environment, I believe this a timely action by the Ocean Protection Council. Thank you for the opportunity to comment on this proposed action.

Sincerely,



Dede Alpert
State Senator, Retired

116 Montgomery St.
Suite 810
San Francisco CA 94105



415.979.0900 Telephone
415.979.0901 Facsimilie
www.oceanconservancy.org

November 6, 2008

Mike Chrisman
Chair, Ocean Protection Council
Resources Agency
Sacramento CA.

Re: Support for Platform Decommission Study

Dear Mr. Chrisman:

On behalf of the Ocean Conservancy, I am writing to express our support for approval by the Ocean Protection Council of the \$220,000 funding request to support the research on offshore platform decommission issues.

This funding will match contributions for this effort from Chevron Corporation, United Anglers and Ocean Conservancy. The study will comprehensively examine the range of options available for decommissioning oil platforms off the California coast from complete removal of all structures to leaving the platforms in place for alternative uses.

The study will produce scientific data on major impacts and operation considerations for decommissioning offshore oil and gas platforms so decision-makers can be provided with the best possible information of the relative impacts of different scenarios. The proposed study will implement the 2005 recommendations by the MLPA Blue Ribbon Task Force to "convene a broadly based group of environmental stakeholders, the industry and appropriate scientists to explore the feasibility of the "Rigs to Reefs" concept.

In light of the many challenges facing California's coast and ocean environment, we believe this a timely and appropriate action by the Ocean Protection Council. Thank you for the opportunity to comment on this proposed action.

Respectfully,

Warner Chabot

Warner Chabot
Vice President, Campaign Strategies



MFG. CO., INC. 17351 MURPHY AVENUE - IRVINE, CALIFORNIA 92614-5993

AMERICAN FISHING TACKLE COMPANY

(949) 660-8757 • FAX (949) 660-7067

Mike Crisman
California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA. 95814

11-12-08

Re: Calif. Ocean Protective Council Meeting, November 2008

Dear Mr. Chrisman:

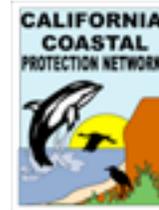
Some 10 years ago my father Milt Shedd and I began working on the possibility of the decommissioned oil rigs being used to provide habitat for marine life here in California. On behalf of my company, the American Fishing Tackle Company, and on behalf of the California sportfishing community, I support the proposed study to provide information related to oil and gas platform decommissioning alternatives in California.

The proposed study being considered by OPC will provide important information to enable the best options to be identified for offshore decommissioning projects. Funding already committed by the private sector, including the sportfishing community, demonstrate the interest in this effort by important stakeholders.

Thank you for your consideration in funding this important activity.

Sincerely,

Bill Shedd
President



November 17, 2008

Mike Chrisman, Chair and Members
California Ocean Protection Council
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

VIA EMAIL: COPCpublic@resources.ca.gov

Re: OPC Meeting, November 21, 2008, Item 12

Re: We strongly urge OPC not to use state funds for a proposed oil industry offshore rig decommissioning study, instead allow the petroleum industry to live up to their existing contractual obligations to remove rigs and restore seabed sites, or else let the oil industry fund their own study themselves.

Dear Members of the Ocean Protection Council:

On behalf of our members, we are requesting that the Ocean Protection Council (OPC) not allocate California State Tidelands oil revenues or other OPC funds for the proposed study to promote industry avoidance of responsible disused offshore oil rig decommissioning off the coast of California. This study appears aimed at enabling a specific industry to circumvent required compliance with their longstanding contractual agreements for full removal of such installations. Our commercial fisheries and the health of our marine ecosystems are at risk in this decision.

As you know, California State Tidelands revenues come to the state for the primary purpose of mitigating the damage done to our marine and coastal environment by the exploitation of nonrenewable state offshore oil and gas resources. To arbitrarily release oil companies who profit from such hydrocarbon resource extraction from their willingly-incurred legal obligation to remove their spent drilling installations at the end of their facilities' useful production cycle while restoring the seabed to as-near-original pre-lease condition as possible, is counterintuitive and counterproductive.

For the Ocean Protection Council to approve the use of state revenues as payment for even a portion of the cost of a study that will likely be used by the beneficiary industry to justify their non-compliance with their original federal and state lease contracts is not in the public interest and would not be in keeping with the mission of the OPC.

At a time when the State of California is facing increasingly severe budgetary constraints, it is particularly inappropriate for the Ocean Protection Council to subsidize, with public money, an industry that continues to accumulate all-time record profits. The petroleum industry instead may wish to unilaterally fund a study on its own that can help them in their quest to evade existing decades-old legal requirements for complete removal and legitimate decommissioning of disused offshore rigs with full site restoration.

An "arms-length" Memorandum of Understanding (MOU) could be readily executed between the state and the oil industry to ensure that objective peer-reviewed science prevails in the findings of a study funded by the oil companies themselves. Prior precedents for such private-public partnerships, underwritten exclusively by the industry being regulated, do exist. But to apply scarce public funds for such a purpose would be highly questionable at this time, particularly since the very same industry only this year spent tens-of-millions of dollars pressuring the Bush Administration to rescind executive Outer Continental Shelf (OCS) leasing deferrals and helped oil state Members of Congress in bringing an end to twenty-seven years of bipartisan legislative moratorium protection for California's most sensitive coastal waters.

The particular oil company being considered for such generous state subsidies by the Ocean Protection Council has also recently been specifically implicated in a widely publicized Department of Interior Inspector General's federal investigation of highly inappropriate activities apparently used to illegally influence Minerals Management Service employees engaged in the conduct of that agency's "Royalties in Kind" program, a scandal associated with great cost to the American taxpayer.

The dangerous California precedent that would be set by allowing disused offshore rigs to be left behind in our coastal waters would haunt this state well into the future, as the oil industry is suddenly now unimpeded in their efforts to drill only three miles from shore off of La Jolla, on the Orange County coast, within Santa Monica Bay, and on the Sonoma-Mendocino coast. We can logically expect discarded drilling equipment to also be left behind in these formerly pristine locations one day in the future, if this unfortunate precedent is established with regard to at-sea dumping of the current spent offshore rigs. Moreover, relieving the industry of its obligation to properly decommission oil rigs will

likely encourage even more extensive drilling, due to the reduced cost of operations to industry.

Further, forgiveness of the longstanding requirement to remove discarded equipment from California's state waters would establish a similarly risky model with regard to recent Federal Energy Regulatory Commission (FERC) pre-emption of the historic jurisdiction of the California State Lands Commission for the purpose of permitting and regulation of hydrokinetic wave energy projects throughout our state waters. Controversial offshore netpen finfish aquaculture installations are another damaging use of our coastal environment likely to become an additional source of leftover equipment if our state waters are unwittingly allowed to become a junkyard for discarded industrial waste.

We respectfully submit that it is not the mission of the Ocean Protection Council to provide funds to help justify littering our seafloor ecosystems and commercial fishing grounds by enabling the creation of an emerging obstacle course of exclusionary zones precipitated by debris fields left behind by an industry that has become increasingly negligent of its responsibilities to society. If the oil and gas industry can no longer be expected to willingly remove their discarded drilling equipment at the end of the economic life of the oil or gas field, that dangerous precedent should be taken into account in all future decisions about whether, where, and when new leases might be vigorously opposed by California agencies and the public.

In California, the public and their policymakers clearly remember the solemn commitments made by the Interior Department, the California Resources Agency, the California State Lands Commission, and virtually all of the present offshore hydrocarbon lessees, when the present offshore rigs off of California were first being put in place.

By enabling the oil and gas industry to simply evade shouldering its willingly-incurred responsibilities to deal with its own leftover waste stream at the end of their very profitable extraction of nonrenewable resources, the proposed funding by the OPC of a study designed to justify avoidance of rig decommissioning requirements serves only as one more freebie for Big Oil among a panoply of existing perverse incentives already in place for the petroleum industry at the federal level. As this industry now moves to advance offshore drilling all along the California coast, the consequences of routine disposal of drilling debris in our coastal waters in no way represents wise stewardship of our state's nearshore marine ecosystems and the economic activity that depends upon a clean coast.

The burden of proof in this case lies *entirely* upon the petroleum industry to prove beyond any reasonable doubt that peer-reviewed objective science can conclusively demonstrate that all steps leading to at-sea disposal of spent drilling rig jackets on the seafloor will "improve the environment", or at a minimum, to at least prove with a high degree of certainty that such at-sea disposal will not harm the environment.

At this time, the Ocean Protection Council has an opportunity to instead shepherd this money for appropriate purposes and to rededicate its own very limited level of state funding to constructive projects offering clear public benefits. Legitimate projects, such as the Central Coast ROV Monitoring Project in support of the MLPA process, or the important work of the Ocean Science Trust, are more deserving of this money. Since one of the adopted criteria for expenditure of OPC funds is the need for broad public support, we would respectfully suggest that evidence of such public consensus is lacking with respect to the State of California helping to fund a rig decommissioning study to benefit the oil industry.

Thank you for this opportunity to comment on this proposal.

Sincerely,

Zeke Grader
Executive Director
Pacific Coast Federation of Fishermen's Associations

Gary A. Patton
General Counsel
Planning and Conservation League

Paul Mason
Deputy Director
Sierra Club California

Susan Jordan
Director
California Coastal Protection Network

Richard Charter
Government Relations Consultant
Defenders of Wildlife

Linda Krop
Chief Counsel
Environmental Defense Center

Gordon R. Hensley
San Luis Obispo COASTKEEPER®
Environment in the Public Interest

Tom Ford
Executive Director
Santa Monica Baykeeper

Steve Shimek
Executive Director
Monterey Coastkeeper

Kira Redmond
Executive Director
Santa Barbara Channelkeeper



The Otter Project

www.otterproject.org

475 Washington Street, Suite A
Monterey, CA 93940
831/646-8837
831/646-8843

Mike Chrisman, Chair
California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Sent electronically to: COPCpublic@resources.ca.gov

November 14, 2008

To: Members of the Ocean Protection Council

Re: A statement of opposition to proposed California State Tidelands oil revenue funding for a study on alternatives to decommissioning oil rigs in response to Staff Recommendations November 20-21, 2008

Dear Members of the Ocean Protection Council,

On behalf of the Otter Project, a 501(c)3 listed non-profit organization dedicated to promoting the rapid recovery of the California sea otter, I am writing to comment on the California Ocean Protection Council Staff's recommendation that the amount of \$210,000 of California State Tidelands oil revenues be granted to conduct a study on alternatives to oil platform decommissioning. **The Otter Project opposes the authorization of State funds for this purpose.**

While we do not oppose the undertaking of a study on alternatives to oil rig decommissioning, we believe that the cost of this study should be borne by the companies who are lobbying to leave the rigs as artificial habitat. As noted in the OPC staff recommendation, under the terms of the current leases, the lessees are under obligation to bear the full cost of decommissioning the rigs that they have operated. The lessees willfully entered into these obligations. To use money from funds that are earmarked to mitigate damages from oil drilling in order to enable a policy that benefits the parties who created such damages in the first place is an irresponsible use of monies that could be put to much more productive purposes.

The Otter Project maintains that requiring the oil companies to fulfill their legal obligations is a reasonable expectation. If a study is to be commissioned to prove that their doing so would result in more harm than good for the marine ecosystem, the onus is on the oil companies. State funding of

such a study is nothing less than a subsidy to an industry that has already made significant private gains on California's natural, non-renewable resources.

The Otter Project believes that the benefits of removing the rigs outweigh the as of yet unproven benefits of keeping them in place. In addition to the established legal obligation to remove the rigs, we have yet to be convinced that leaving the rigs in place serves to benefit the marine ecosystems rather than the few private interests that will save millions by avoiding the cost of decommissioning. Estimates of cost savings to oil companies if the rigs are left in place range from \$400 million to \$600 million per rig. In view of these figures it is necessary to question the impetus behind the push to leave rigs in the ocean. The total cost of the proposed study is estimated to be \$575,000. Compared to the potential savings to the oil companies who stand to gain from this, the proposed \$575,000 is a drop in the bucket, and should be assumed in full by the oil companies, notwithstanding the willingly given funds from the Ocean Conservancy and the United Anglers.

Furthermore, it is the Otter Project's position that leaving oil rigs in place sets an injurious precedent for the ways in which companies are required to dispose of their waste. If rigs are permitted to remain in the ocean on the basis that fish group around them, what is to stop other entities from demanding the right to leave other equipment in the ocean as "habitat"? The bottom line is, creating artificial habitat in this manner can open the door to leaving junk, sinking ships, and building ill conceived reefs as 'mitigation' for natural habitat destruction, an outcome we wish to avoid. The proof that leaving rigs in place is an environmental benefit must be firmly established by independent peer-reviewed research, which should be funded not by the state, but by the oil industry. Public funding to alleviate this burden of proof is again nothing short of a gross subsidy to industry, inappropriately using funds earmarked to mitigate the damages caused by these very industries.

Lastly, we believe that just because an oil rig is no longer in operation does not necessarily mean there is no risk of oil seepage. Decommissioning an oil rig is preferable to leaving it in with a 'wait and see' approach to its future impacts.

That said, were the State to relieve the oil companies of their responsibility to remove the rigs, all cost savings should be rebated to projects that protect and conserve the California marine environment. In order to make any sense, the program would have to benefit—not cost—the state.

At this time when oil companies are once again making a bid to extract the non-renewable resources that are the natural heritage of all Californians for startlingly high record profits and even more startlingly record impacts to our climate and environmental well being, it is astonishing that the Council would consider subsidizing a bid by the oil companies to prove that they ought to be able to avoid their legal responsibilities. We have a hard time believing that there are no better uses for this funding, even given the limited amount of time in which they must be allocated. Given the budget constraints that the state of California faces and the plethora of projects that could unequivocally benefit all stakeholders in the marine environment, the Otter Project suggests that the Council reconsider the allocation of these funds.

We strongly urge the Council to reconsider the proposed allocation of funds and to direct them towards more appropriate projects to benefit the marine environment and stakeholders representing a broader segment of the population of California.

Thank you for considering our commentary.

Sincerely,

A handwritten signature in blue ink, appearing to read "Allison Ford". The signature is fluid and cursive, with the first name "Allison" written in a larger, more prominent script than the last name "Ford".

Allison Ford
Program Manager
The Otter Project