



CALIFORNIA OCEAN PROTECTION COUNCIL

John Laird, Secretary for Natural Resources, Council Chair
Matt Rodriguez, Secretary for Environmental Protection
Gavin Newsom, Lieutenant Governor, State Lands Commission Chair
Robert Hertzberg, State Senator
Mark Stone, State Assemblymember
Michael Brown, Public Member

Item 4

ACTION ITEM

TO: California Ocean Protection Council
FROM: Christopher Potter, Program Manager
DATE: January 31, 2018
RE: Resolution opposing oil and gas leasing on the California Outer Continental Shelf, as proposed in the Bureau of Ocean Energy Management's 2019–2024 Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program

REQUESTED ACTION:

Staff recommends that the Ocean Protection Council adopt the following resolution pursuant to Sections 35500 *et seq.* of the Public Resources Code:

“The California Ocean Protection Council hereby resolves that the Chairman of the Council shall write a letter on behalf of the Council to the Secretary of the Department of Interior expressing opposition to oil and gas exploration and leasing in the Pacific region, and requesting that California be removed from further consideration.”

EXHIBITS

Exhibit A: Proposed Resolution of the California Ocean Protection Council on Offshore Oil and Gas Development, January 31, 2018

BACKGROUND:

On April 28, 2017, Mr. Trump issued an Executive Order called “Implementing an America-First Offshore Energy Strategy,” which establishes a policy to encourage energy exploration and production on the Outer Continental Shelf (OCS). On January 8, 2018, the U.S. Bureau of Ocean Energy Management (BOEM) published in the Federal Register a “Notice of Availability of the 2019–2024 Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program (DPP) and Notice of Intent to Prepare a Programmatic Environmental Impact Statement.” For the first time since 1984, a DPP proposes two oil and gas lease sales in the Southern California Program Area in 2020 and 2022, two sales in the Northern California Program Area in 2021 and 2023, and two sales in the Central California Program Area in 2021 and 2023.

Pursuant to the Outer Continental Shelf (OCS) Lands Act, every five years BOEM undertakes a multi-step process to prepare a new Five-Year Oil and Gas Leasing Program (Five-Year Program) for all submerged lands on the OCS. The drafting of a DPP is one of the first steps in this process. Subsequent steps include a Proposed Program and a programmatic environmental impact statement and culminate with a Five-Year

Program approved by the Secretary of the Department of Interior. In summary, a Five-Year Program proposes a five-year schedule for OCS oil and gas lease sales and identifies the expected intensity and location of these sales. The Department of Interior and BOEM are convening a public meeting in Sacramento on February 8th to receive input on the 2019-2024 DPP.

A Brief History of California OCS Leasing

Between 1963 and 1984, eleven OCS oil and gas lease sales occurred in the BOEM Pacific OCS Region, which includes California, Oregon and Washington. A total of 470 leases were issued in these eleven sales. Currently, there are 43 producing leases and 23 oil and gas platforms on the California OCS. Because of congressional moratoria and, later, presidential action, the Pacific OCS has not been included in any approved Five-Year Program since the 1987–1992 Program. Consequently, proposed 2019-2024 Five-Year Plan is the first time in over 30 years that the Department of Interior and BOEM will be giving serious consideration to renewed oil and gas leasing on the California OCS.

California has consistently and strongly opposed oil and gas exploration and leasing off its shores. On July 30, 2014 Governor Brown, Governor John Kitzhaber of Oregon, and Governor Jay Inslee of Washington sent a joint letter to then-Secretary of Interior Sally Jewell providing their collective comments on the “Preparation of the Five-Year OCS Oil and Gas Leasing Program for 2017-2022”. This letter expressed their concerns about the devastating impact that a sizeable oil spill would have on the population, recreation, natural resources, and ocean and coastal dependent economies of the West Coast. They also stated their support for a comprehensive and science-based national energy policy that aligns with the actions that the three states were taking to invest in energy efficiency, alternative renewable energy sources, and pricing carbon.

In late 2016, citing Section 12(a) of the Outer Continental Shelf Lands Act, President Obama declared the bulk of U.S.-owned waters in the Arctic Ocean and certain areas on the Atlantic OCS as indefinitely off limits to oil and gas leasing. Governor Brown sent a letter to President Obama in December 2016 requesting that the California OCS also be considered for a permanent oil and gas leasing moratorium. Unfortunately, this request was not granted.

Governor Brown, Governor Kate Brown of Oregon, and Governor Jay Inslee of Washington sent a similar letter on August 17, 2017, strongly urging the Secretary of Interior to exclude the West Coast from any proposed oil and gas lease sales in the 2019-2024 Five-Year Plan. On January 4, 2018, the three governors issued a joint statement committing themselves to doing whatever was necessary to stop renewed oil and gas leasing on the West Coast.

The New Draft Proposed Five-Year Program

The existing Five-Year OCS Oil and Gas Leasing Program (Five-Year Program), signed by President Obama in November 2016, covers the period of July 1, 2017 to mid-2022. The Trump administration is truncating the effective period of this Five-Year Program by two years by preparing a 2019-2024 Five-Year Program. This action is in direct response to President Trump’s April 28, 2017 Executive Order 13795, “Implementing an

America-First Offshore Energy Strategy” which, among other things, directs Interior Secretary Ryan Zinke to conduct a review of the locations made available for drilling in the 2017-2022 Five-Year Program and to give full consideration to revising the schedule of proposed oil and gas lease sales. If approved, the proposed program would, as discussed above, open the outer continental shelf off California’s coast to energy development for the first time since 1984. This would be a major change in federal policy and is strongly opposed by the vast majority of the people of the State.

The Threat of Another Oil Spill

The 1969 Santa Barbara oil spill, which originated in the federal OCS, had a devastating effect on marine life in the Santa Barbara Channel and fouled miles of California’s shoreline and beaches. Although, new technology reduces the risk of a catastrophic oil spills, it does not eliminate them, as was made clear by the 2010 Deep Water Horizon spill in the Gulf of Mexico. A spill of comparable scale anywhere along the California coast would have a substantial negative effect on the State’s 1,100-mile coastline, marine environment, and \$2.6 trillion economy¹. Particularly vulnerable are the 124 state Marine Protected Areas and the four National Marine Sanctuaries (Cordell Bank, Greater Farallones, Monterey Bay and Channel Islands) all of which significantly contribute to the State’s vibrant and productive ocean and coastal economy while bolstering the sustainability of ocean ecosystems.

RECOMENDATIONS:

Staff recommends that the OPC adopt a resolution (Exhibit A) in support of the Chair of OPC sending a letter to the Secretary of the Interior - on behalf of the Council - expressing opposition to oil and gas exploration and leasing in the Pacific region, and requesting that California be removed from further consideration by the Bureau of Ocean Energy Management for renewed leasing in the 2019-2024 Five-Year Plan.

CONSISTENCY WITH THE CALIFORNIA OCEAN PROTECTION ACT:

The proposed action is consistent with the California Ocean Protection Act (Division 26.5 of the Public Resources Code). Section 35615(a)(1) specifically directs the Council to coordinate activities of state agencies to improve the effectiveness of state efforts to protect ocean resources, establish policies to coordinate the collection of scientific data related to the ocean, and recommend changes in state or federal law. It is also consistent with Section 35515(f) which directs the Council to identify scientific research and planning that is useful for the protection and conservation of coastal waters and ocean ecosystems, and coordinate and assist state agencies in addressing those needs.

CONSISTENCY WITH THE OPC'S STRATEGIC PLAN:

Passage of the resolution is consistent with Goal D (Coastal and Ocean Impacts from Land) of the OPC’s Strategic Plan: “Ensure that existing and emerging uses of California’s coast and ocean are planned and managed in a manner that balances their social and economic benefits with the long-term protection and

¹ United States Department of Commerce, Bureau of Economic Analysis, California:
<https://www.bea.gov/regional/bearfacts/pdf.cfm?fips=06000&areatype=STATE&geotype=3>

sustainability of the state’s marine and coastal resources.” In addition, the proposed resolution is consistent with expressed position of the current and past chairmen of the OPC on offshore oil and gas development.