

CALENDAR ITEM

67

A Statewide

12/06/16

S Statewide

J. Lucchesi

**CONSIDER A RESOLUTION SUPPORTING THE FEDERAL GOVERNMENT'S BAN
ON NEW OFFSHORE OIL AND GAS DEVELOPMENT IN THE OUTER
CONTINENTAL SHELF OFFSHORE CALIFORNIA**

PROPOSED RESOLUTION:

Commission staff recommend that the Commission adopt the proposed Resolution, attached as Exhibit A, supporting the federal government's ban on new offshore oil and gas development in the Outer Continental Shelf offshore California and opposing any attempts to modify the ban, and direct staff to take appropriate actions on behalf of the Commission to ensure the ban remains in place.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction, and Strategy 1.2 to provide that the current and future management of ungranted sovereign lands and resources and granted lands, including through strategic partnerships with trustee ports and harbor districts, is consistent with evolving Public Trust principles and values, particularly amid challenges relating to climate change, sea-level rise, public access, and complex land use planning and marine freight transportation systems.
2. The adoption of the proposed resolution is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378, subdivision (b)(5).

EXHIBIT:

- A. Resolution supporting the federal government's ban on new offshore oil and gas development in the Outer Continental Shelf offshore California

CALENDAR ITEM NO. **67** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

AUTHORIZATION:

Adopt the Resolution in substantially the form attached as Exhibit A.

EXHIBIT A

RESOLUTION BY THE CALIFORNIA STATE LANDS COMMISSION SUPPORTING THE FEDERAL GOVERNMENT'S PROHIBITION OF NEW OIL AND GAS LEASING IN THE OUTER COUNTINENTAL SHELF OFFSHORE CALIFORNIA

WHEREAS, the California coast, stretching over 1,000 miles from the redwood forests and rocky shores of the north to the palm trees and wide, sandy beaches of the south, is a region of incomparable beauty and natural splendor, blessed with an abundance of rich and diverse resources; and,

WHEREAS, California's coast supports a wide array of plant communities and tens of thousands of invertebrates, amphibians, reptiles, fish, birds, and mammals, including numerous rare, threatened and endangered species; and,

WHEREAS, California's beaches, bays, and ocean are major attractions, helping to make the state the number one travel destination in the United States with over 300 million domestic visitors and 14 million visitors from other countries according to recent annual figures published by the California Travel and Tourism Commission; and,

WHEREAS, the California State Lands Commission has exclusive jurisdiction over all ungranted tide and submerged lands owned by the state, and of the beds of navigable rivers, streams, lakes, bays, estuaries, inlets, and straits; and,

WHEREAS, the Commission serves the people of California by providing stewardship of the lands, waterways, and resources entrusted to its care through preservation, restoration, enhancement, responsible economic development, and the promotion of public access; and,

WHEREAS, the Commission has not issued a new offshore oil and gas lease since the 1969 blowout of a well in federal waters, offshore Santa Barbara County, that spilled 80,000 to 100,000 barrels of crude oil into the Santa Barbara Channel and onto the beaches of Santa Barbara County, fouling the coastline from Goleta to Ventura and representing the largest oil spill in waters off the California shore; and,

WHEREAS, beginning in 1921, and many times since, the California Legislature has enacted laws that withdrew certain offshore areas from oil and gas leasing and in 1988 and 1989 the Commission imposed its own offshore oil and gas leasing moratorium; and,

WHEREAS, in 1994, the California Legislature made findings in Assembly Bill 2444, Chapter 970, Statutes of 1994, that offshore oil and gas production in certain areas of state waters poses an unacceptably high risk of damage and disruption to the marine environment; and,

WHEREAS, in the same bill, the Legislature created the California Coastal Sanctuary Act, which included all of the state’s unleased waters subject to tidal influence and prohibited new oil and gas leases in the sanctuary, unless the President of the United States has found a severe energy supply interruption and has ordered distribution of the Strategic Petroleum Reserve, the Governor finds that the energy resources of the sanctuary will contribute significantly to alleviating that interruption, and the Legislature subsequently amends Chapter 970 to allow that extraction; and,

WHEREAS, section 18 of the Outer Continental Shelf Lands Act (43 U.S. Code [U.S.C.] 1331 et seq.) requires the preparation of a nationwide offshore oil and gas leasing program, setting forth a five-year schedule of lease sales designed to “best meet national energy needs for the five-year period following its approval or re-approval.” The Bureau of Ocean Energy Management within the U.S. Department of the Interior is responsible for implementing the requirements of the Outer Continental Shelf Lands Act related to preparing the leasing program; and,

WHEREAS, consistent with the principles of section 18 and the resulting regionally tailored leasing strategy, the current exclusion of the Pacific Outer Continental Shelf from new oil and gas development is consistent with the long-standing interests of Pacific coast states, as framed in the 2006 Agreement on Ocean Health adopted by the governors of California, Washington, and Oregon; and,

WHEREAS, the Commission believes that new oil and gas development in the Pacific Outer Continental Shelf can threaten the environment, delay the nation’s movement toward a greater reliance on renewable energy development, contribute to increased greenhouse gas emissions, and can adversely affect tourism and fisheries; and,

WHEREAS, since 2001, the Commission has adopted ten resolutions opposing federal legislation that would open the California coast to new offshore oil leasing in the Outer Continental Shelf; and,

WHEREAS, there are renewed calls for opening offshore areas for drilling and for lifting moratoriums on energy production in federal areas; and,

WHEREAS, the Bureau of Ocean Energy Management recently released a final 2017-2022 leasing program that continues the moratorium on oil and gas leasing in the undeveloped areas of the Pacific Outer Continental Shelf; and,

WHEREAS, Governor Brown, along with previous California governors, have united with the governors of Oregon and Washington in an effort to commit to developing robust renewable energy sources instead of increasing our dependence on fossil fuel; and,

WHEREAS, viable technologies for generating electricity from tidal, wave, and wind energy in the marine environment have been developed and are currently deployed around the world in increasing amounts, and the Outer Continental Shelf wave and wind resource potentials have been studied and mapped; and,

WHEREAS, the Energy Policy Act of 2005 authorized the Bureau of Ocean Energy Management to issue leases, easements and rights of way to allow for renewable energy development on the Outer Continental Shelf and provided a general framework for the Bureau to follow when authorizing these renewable energy activities by requiring coordination with relevant federal agencies and affected state and local governments, obtaining fair return for leases and grants issued, and ensuring that renewable energy development occurs in a safe and environmentally responsible manner, and,

WHEREAS, in 2009 the federal government finalized regulations governing the Outer Continental Shelf Renewable Energy Program to provide certainty and flexibility for overseeing the emerging offshore renewable energy industry; and,

WHEREAS, the Commission participates in and supports many initiatives to facilitate implementation of offshore renewable energy, including the Bureau of Ocean Energy Management-California Intergovernmental Marine Renewable Energy Task Force to examine opportunities for renewable energy development offshore California, and the CalWave IISM proposal to develop a National Wave Energy Test Center in federal waters offshore California; and,

WHEREAS, the Commission believes that offshore renewable energy implementation contributes to the state's low carbon future and lessens impacts to marine ecosystems compared to traditional energy production, including oil and gas, and that the federal government should facilitate and prioritize the development of renewable energy sources, which may include offshore wind and wave energy in federal waters; now therefore, be it

Resolved by the California State Lands Commission that it strongly and unequivocally supports the federal government's current ban on new drilling in federal waters offshore California, opposes attempts to modify the ban, and directs Commission staff to take any appropriate actions, on behalf of the Commission, to ensure the ban remains in place; and be it further

Resolved, that the Commission supports the prioritization and implementation by the federal government of responsible renewable energy development offshore California under the Bureau of Ocean Energy Management's Outer Continental Shelf Act regulatory framework and the Intergovernmental Marine Renewable Energy Task Force; and be it further

Resolved, that the Commission's Executive Officer transmit copies of this resolution to the President Elect and Vice-President Elect of the United States, to the President and Vice President of the United States, to the Governor of California, to the Majority and Minority Leaders of the United States Senate, to the Speaker and Minority Leader of the United States House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of the United States Department of the Interior, to the Director of the Bureau of Ocean Energy Management , and to each member of the California State Senate and Assembly.

Adopted by the California State Lands Commission on _____.