

CALIFORNIA COASTAL COMMISSION

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W6b

August 9, 2017

Ms. Kelly Hammerle
National Program Manager, BOEM
45600 Woodland Road, Mailstop VAM-LD
Sterling, VA 20166

RE: Request for Information (“RFI”) and Comments on Preparation of 2019-2024 Outer Continental Shelf (“OCS”) Oil and Gas Leasing Program

Dear Ms. Hammerle:

Thank you for the opportunity to comment on the U.S. Department of the Interior’s RFI and comments on the preparation of a new five-year 2019-2024 OCS Oil and Gas Leasing Program (to replace the 2017-2022 Program). The OCS Lands Act requires the Secretary of the Interior, through the Bureau of Ocean Energy Management (“BOEM”), to prepare and implement a schedule of proposed oil and gas lease sales in federal waters to meet national energy needs for the five-year period following its approval. As we indicated in our July 18, 2014 letter to you commenting on BOEM’s previous five-year program, the California Coastal Commission (“Commission”) steadfastly opposed any new lease sales in the “frontier” areas of the OCS. Undeveloped offshore areas along the California coast would require new platforms, offshore and onshore pipelines and other support infrastructure to produce oil and gas that is likely to have significant adverse effects on coastal resources. Our long history with offshore oil and gas activities has taught us that such development can significantly threaten California’s coastal environment and its extremely important multi-billion dollar coast and ocean economy. Coastal tourism, in particular, depends on clean water and beaches for swimming, surfing, fishing, boating and other coastal uses.

Activities that occur during oil and gas exploration, such as high-intensity geophysical seismic surveys, drilling operations, and increased ship traffic, all pose potential threats to marine life including endangered and protected species, and they may interfere with commercial and recreational fishing. Producing oil and gas in these areas could have significant, long-term, and far-reaching effects on marine and coastal wildlife, commercial fishing, wetlands, ocean and beach users, and coastal tourism. Additional offshore oil production increases the risk of an oil spill occurring and potentially causing devastating state-wide environmental and economic impacts. The expanded use of fracking and other well stimulation treatments may result in chemical discharges that harm marine resources. Producing oil and gas also results in significant emissions of carbon pollution (greenhouse gases) thereby contributing to climate change and rising sea levels, all of which threatens many of the resources integral to the California coast. New onshore infrastructure and facilities to support offshore oil and gas development could have adverse impacts on water quality, agricultural lands and uses, recreation, environmentally sensitive habitat areas, scenic vistas and archeological resources.

The Commission implements California's federally approved coastal management program and is the only California agency with Coastal Zone Management Act regulatory authority over oil and gas leasing, exploration, development and production activities on the OCS. As the Commission has articulated in the past, it is difficult to see how the construction and operation of new hazardous industrial infrastructure offshore and along California's magnificent coast could be approved consistent with California's coastal protection laws.

Further, in 2012, the State of California completed its Marine Protected Area ("MPA") planning process required by the 1999 Marine Life Protection Act and designated a total of 852 square miles of coastal state waters as a network of MPAs. The goals of the new MPAs are to protect marine life and habitats, marine ecosystems, and marine natural heritage. These goals were supplemented by recent (March 12, 2015) expansions adopted by the National Ocean and Atmospheric Administration of the Cordell Bank and Greater Farallones National Marine Sanctuaries. Opening up new areas of the OCS to oil and gas leasing is plainly inconsistent with these efforts of the State of California and the federal government to permanently protect exceptional California marine resources. We are equally disappointed to see, as we have made clear in separate comments to NOAA,¹ the current administration's proposal to consider eliminating or reducing the resource protective measures implemented under those sanctuary expansions, particularly since they were couched in terms of making overtly clear that the intent of the modifications would primarily be to facilitate OCS oil and gas drilling.

The Commission also has concerns about leasing new OCS areas where existing platforms and other infrastructure could be used to produce the oil and gas insofar as producing from new lease areas may extend the operating life of the platform and associated infrastructure and therefore extend the risk of an oil spill and other significant coastal effects.

Finally, we believe that federal energy policy should transition from dependence on fossil fuels to focus more support for and development of renewable energy, greater fuel efficiency and economy standards, conservation, and investments in energy efficient public transit. The health of our oceans, and indeed the entire planet, depends on this transition away from dependency on fossil fuels.

Consistent with the Commission's long history on this matter, we therefore oppose any new OCS lease sales in California.

If you have questions, please contact me or Alison Dettmer, the Commission's Deputy Director for Energy, Ocean Resources and Federal Consistency, at the above address.

Sincerely,

DAYNA BOCHCO
Chair, California Coastal Commission

¹July 21, 2017 CCC letter to NOAA, Docket NOAA-NOX-2017-0066.

THE CALIFORNIA COASTAL MANAGEMENT AGENCIES

CALIFORNIA COASTAL COMMISSION

CALIFORNIA STATE COASTAL CONSERVANCY

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

W6b

August 9, 2017

Kelly Denit, National Marine Fisheries Service
NOAA, Office of Sustainable Fisheries
1315 East-West Highway
Silver Spring, MD 20910

RE: NOAA Docket ID NOAA-NMFS-2017-0067 – Public Comment on Streamlining
Regulatory Processes and Reducing Regulatory Burden under Department of Commerce

To Department of Commerce/NOAA/NMFS Reviewers:

The California Coastal Commission, San Francisco Bay Conservation and Development Commission and State Coastal Conservancy thank you for considering our input regarding the review of existing regulations and regulatory processes being conducted under a series of recent Executive Orders¹ aimed at eliminating, improving, and streamlining current regulatory processes associated with the Marine Mammal Protection Act, Endangered Species Act, Magnuson-Stevens Act, Federal Power Act, National Marine Sanctuaries Act, and Coastal Zone Management Act.

As the three state agencies that implement the federally approved California Coastal Management Program (CCMP) under the Coastal Zone Management Act (CZMA), we have implemented its regulatory process since it was created. In sum, the current CZMA regulations and regulatory processes have been an enormous success nationwide and have been consistently implemented by states in a manner that has facilitated and expedited federal agency and federally permitted activities.² Moreover, by the agencies' broad inclusion of stakeholders and the public at local, state, and national levels, these reviews have actually reduced or eliminated regulatory delays and costly and time-consuming litigation. When combined with the fact that CZMA reviews occur concurrently with other regulatory processes, and themselves contain very short statutorily-mandated time frames for state review, it is difficult to imagine a more efficient or streamlined regulatory process.

In practice, the vast majority of the over 3,000 CZMA reviews our agencies have conducted in California during the past 40 years have taken less than two months, the reviews have resulted in an overall approval (concurrence) rate of over 90%, and less than ½ of 1% of the cases have resorted to litigation. When considering the very broad scope of federal activities, the competing interests they affect, and the importance of the coastal resources, the results of these reviews are a remarkable achievement accomplished under a well-planned regulatory approach that both considers the national interest and is a voluntary program (i.e., states are not required to participate). Examples of the broad scope of activities with a host of competing interests that

¹ Including but not limited to Executive Orders 13766, 13771, and 13777.

² Federal consistency review is a central statutory requirement of the CZMA, not solely a regulatory process.



have been subject to consistency review include offshore oil and gas drilling, offshore liquefied natural gas facilities, onshore and offshore military operations, offshore aquaculture, shoreline armoring, habitat protection and restoration, dredging and sediment management, remediation of sediment contamination, restoration after major oil spills, infrastructure construction, improving public access to the shoreline, and a host of other activities.

Moreover, the consistency review process inherently strives to increase efficiency as it calls for “the coordination and simplification of procedures in order to ensure expedited governmental decision making for the management of coastal resources.”³ This coordination and simplification is achieved in a number of ways:

- 1) it facilitates early consultation between states and federal agencies to avert disputes arising after substantial commitments have been made;
- 2) it provides flexible procedures to foster intergovernmental cooperation and minimize duplicative efforts and unnecessary delays;
- 3) it promotes a wide range of good governance efficiencies such as federal/state collaborations, pre-application consultations, and joint review processes; and,
- 4) it fosters interstate consistency and coordination efforts that bring multiple states and federal agencies together to improve communication, decision-making, and project outcomes.

Regarding marine aquaculture, our agencies believe that a clear regulatory framework and mechanism for leasing federal submerged lands is necessary to improve and streamline the regulatory process and promote robust interagency coordination and public participation in the decision-making process. Further, these steps would help ensure that any adverse effects on marine resources from offshore aquaculture, including those to water quality and protected wildlife and habitats, are acknowledged and minimized.

In conclusion, while we welcome further dialogue and suggestions to improve efficiencies in the federal consistency review process, we firmly believe the existing regulations and processes already encourage such improvements and do not need to be changed.

Thank you for your consideration of these comments.

Sincerely,

R. ZACHARY WASSERMAN
Chair
San Francisco Bay Conservation
and Development Commission

DOUGLAS BOSCO
Chair
California State
Coastal Conservancy

DAYNA BOCHCO
Chair
California Coastal Commission

³ 16. U.S.C. § 1452(2)(G).