

# Staff Report 89

## **PROPOSED ACTION:**

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Consider supporting the West Coast Ocean Protection Act introduced in the 118<sup>th</sup> United States Congress by Senator Dianne Feinstein and Representative Jared Huffman, legislation that would permanently ban new offshore oil and gas leasing on the Outer Continental Shelf (OCS) off the coast of California, Oregon, and Washington.

## **BACKGROUND AND PROPOSED LEGISLATION:**

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The Commission has exclusive jurisdiction over all ungranted tide and submerged lands owned by the state, and the beds of navigable rivers, streams, lakes, bays, estuaries, inlets, and straits. The Commission has exclusive jurisdiction over leasing on tide and submerged lands for pipeline and utility rights-of-way that serve the OCS and has jurisdiction over marine oil terminals that serve OCS operations. The Commission's mission is to provide the people of California with effective stewardship of the lands, waterways, and resources entrusted to its care based on the principles of equity, sustainability, and resiliency, through preservation, restoration, enhancement, responsible economic development, and the promotion of public access. In past years, the Commission has exercised its stewardship by supporting previous federal legislation that would ban new offshore oil and gas leasing in federal waters off the coast of California, Oregon, and Washington.

The West Coast Ocean Protection Act by Senators Feinstein and Huffman, introduced in January 2023, would ban new offshore oil and gas leasing on the Outer Continental Shelf off the coast of California, Oregon, and Washington. More than three dozen Senators and Representatives are co-sponsoring the legislation. Staff recommends that the Commission adopt a support position on the West Coast Ocean Protection Act to reinforce its commitment to transitioning to a clean energy future and to re-express and memorialize its opposition to new offshore oil and gas development in federal waters.

The California Coastal Sanctuary Act bans new oil and gas leasing in State waters. California has not issued a lease for offshore oil or gas development since 1968. Further oil and gas development on the OCS is unnecessary and is incompatible

with the State's energy policies, transitioning energy markets, and vision for the future. The Commission has adopted numerous resolutions in past years opposing the resumption or expansion of oil and gas development in the Pacific OCS area and affirming the need to discontinue oil and gas operations in California's offshore areas. More recently, it has taken strong stances on moving the state toward the just and responsible transition from fossil fuel dependence and to a fossil-fuel free future.

The Commission is a participant on the Intergovernmental Renewable Energy Task Force. In this role, Commission staff has been working with the U.S. Bureau of Ocean Energy Management, the California Energy Commission, and other agencies and tribal governments to facilitate offshore wind development in California. Last year, AB 525 (Chiu, Chapter 231, Statutes of 2021) was enacted, which requires the California Energy Commission, in coordination with the U.S. Bureau of Ocean Energy Management, the Commission, and other agencies, to develop a strategic plan for offshore wind development in federal waters. This strategic plan is required to be completed by June 30, 2023. The Commission, owing to its strong relationships with local municipalities and port and harbor operators, is leading the effort to develop an investment and infrastructure plan for port readiness, which is a required part of the AB 525 strategic plan. The port readiness plan will include environmental, technical, social, and workforce considerations to ensure investments in California's network of ports and harbors are strategically deployed and to ensure the State's ambitious offshore wind deployment targets can be met. This effort is an integral part of California's transition to a clean energy, non-fossil-fuel dependent future.

Additional offshore oil and gas leasing and development threatens the environment and the economy, prevents the nation from reducing its dependency on fossil fuels, contributes to greenhouse gas emissions, and adversely affects tourism and fisheries. The catastrophic harm from an offshore oil spill is well established and universally acknowledged. Even with the newest technology and best safety precautions, the risk is unacceptably high. In the 1969 oil spill in Santa Barbara County, staggering environmental and economic damage ensued. Nearby communities were devastated economically and environmentally. This catastrophe, from an oil and gas lease in the Pacific OCS, resulted in the death of nearly 4,000 birds, and many marine mammals, including sea lions and elephant seals; suspension of commercial fishing; and a decline in tourism. The Deepwater Horizon spill in 2010 exposed the full force of an oil spill and the devastating effect on people, the ocean, and the coastal communities and their economies that sustained the impacts from the spill.

As a State, California has perhaps the highest risk from an oil spill and the most to lose. What distinguishes California is that it is the fifth largest economy in the world, and according to Bloomberg<sup>1</sup>, is poised to overtake Germany as the world's fourth largest economy. California is home to two of the largest ports in the nation, the Ports of Long Beach and Los Angeles, which are a commercial gateway for the entire United States. California's coastline supports commerce, tourism, recreation, fishing, navigation, marine transportation, public access, and abundant marine life. California's marine transportation and commerce and coastal tourism and recreation support economies across the country. A thematic characteristic of California's economic drivers that contribute to the United States economy is that they are concentrated along the coastline. The risk and impacts of an oil spill to California's coastal environment and economy are incredibly significant and should be eliminated to ensure environmental health and, from that, continued economic health.

While no new offshore oil and gas leasing has been allowed in the Pacific OCS since 1984, the concerns about new leasing will not diminish until a permanent ban is enacted. In 2018, the federal government released a five-year offshore leasing plan that proposed opening the entire West Coast to new oil and gas development despite widespread opposition in Pacific coast states and the environmental devastation that could ensue. A permanent ban is necessary to ensure that future administrations cannot usher in new oil and gas development. The West Coast Ocean Protection Act would prevent new leasing and permanently protect the Pacific OCS waters from new oil and gas development. A support position by the Commission is consistent with its past actions and with its current work to transition to a clean energy future.

## **OTHER PERTINENT INFORMATION:**

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1. The West Coast Ocean Protection Act is supported by the Natural Resources Defense Council (NRDC), Oceana, the Sierra Club, Environment America, Environment Washington, Environment Oregon, Environment California, Surfrider Foundation, League of Conservation Voters, Surf Industry Members Association, WILD COAST, Business Alliance for Protecting the Pacific Coast, Paddle For Peace and the National Audubon Society.

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<sup>1</sup> [California Poised to Overtake Germany as World's No. 4 Economy - Bloomberg](#)

## **RECOMMENDED ACTION:**

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It is recommended that the Commission:

Support the West Coast Ocean Protection Act introduced in the 118<sup>th</sup> United States Congress by Senator Dianne Feinstein and Representative Jared Huffman, legislation that would permanently ban new offshore oil and gas leasing on the Outer Continental Shelf off the coast of California, Oregon, and Washington.