

## STAFF REPORT

# 84

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02/04/19

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### **CONSIDER SUPPORTING FEDERAL LEGISLATION INTRODUCED IN THE 116<sup>th</sup> CONGRESS, H.R. 310 BY CONGRESSMAN JARED HUFFMAN (D-CA-2) TO PERMANENTLY PROHIBIT OFFSHORE DRILLING ON THE OUTER CONTINENTAL SHELF OFF THE COAST OF CALIFORNIA, OREGON, AND WASHINGTON, AND H.R. 279 BY CONGRESSMAN SALUD CARBAJAL (D-CA-24) TO PERMANENTLY PROHIBIT OIL AND GAS LEASING OFF THE COAST OF CALIFORNIA**

#### **SUMMARY:**

On January 8, 2019, Representative Jared Huffman introduced H.R. 310 to permanently prohibit offshore drilling on the outer Continental Shelf off the coast of California, Oregon, and Washington. On the same day, Representative Salud Carbajal introduced H.R. 279 to permanently prohibit oil and gas leasing in areas of the outer Continental Shelf off the coast of California. Both bills were referred to the House Committee on Natural Resources. H.R. 310, the West Coast Ocean Protection Act, would amend the Outer Continental Shelf Lands Act to prohibit new oil or natural gas leases in California, Oregon, and Washington's outer continental shelves. H.R. 279, the California Clean Coast Act of 2019, would prohibit oil and gas leasing in the Outer Continental Shelf located off the coast of California.

#### **BACKGROUND AND DISCUSSION:**

In January 2018, the Department of the Interior released a Draft Program Plan for the 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Program. The Draft Plan, which proposes seven lease sales in the Pacific Region (two each for Northern California, Central California, and Southern California, and one for Washington/Oregon), represents the largest number of lease sales ever proposed for the Program's 5-year schedule. Shortly after that, the Commission [sent letters](#) to the federal government opposing the proposal and urging that the Department withdraw California from the 2019-2024 National Leasing Program.

The Commission manages oil, gas, and mineral resources in state waters under its jurisdiction extending along the coastline from the mean high tide line to 3 nautical miles offshore. The California Coastal Sanctuary Act, enacted in 1994, bans new oil and gas leasing in state waters. California has not issued a lease for offshore oil or gas development since 1968. For decades, the Commission has consistently opposed expanding the Outer Continental Shelf leasing program into the Pacific Region. Last year, two identical bills were signed into law in

## STAFF REPORT NO. 84 (CONT'D)

response to the federal government's proposal to open the Pacific Outer Continental Shelf region to oil and gas development. These bills, AB 1775 (Muratuschi) Chapter 310, Statutes of 2018 and SB 834 (Jackson), Chapter 309, Statutes of 2018, prohibit the Commission and local trustees from issuing a new lease or conveyance authorizing new construction of oil- and gas-related infrastructure on tidelands and submerged lands within state waters associated with Pacific Outer Continental Shelf leases issued after January 1, 2018.

The catastrophic harm from an offshore oil spill is well established and universally acknowledged. 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 a well in an oil and gas lease in the Pacific Outer Continental Shelf, 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 Gulf of Mexico Deepwater Horizon spill in 2010 highlighted the full force of an oil spill and the devastating effect on people, the ocean, affected communities, and the economies sustaining the impacts.

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 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 local economies across the country. A thematic characteristic of California's economic drivers that contribute to the U.S. economy is that they are concentrated along the coastline.

California has many coastal economies that are highly reliant on tourism as an economic driver. In 2017, California's shoreline-adjacent coastal economy produced \$2.35 trillion of gross domestic product (GDP) or about 85 percent of the State's total GDP and 12 percent of the nation's total GDP. In 2015, California's direct ocean economy, which includes marine transportation, tourism and recreation, living marine resources, marine construction, ship and boat building, and mineral extraction, produced \$44.8 billion of GDP and employed over 542,000 people. Tourism and recreation accounted for about 46 percent of the direct ocean economy in California (\$22.3 billion). From 2010 to 2017, California's coastal economy GDP increased over 23 percent, compared with the national economic GDP growth of about 14 percent for the same period, outpacing the national average by a ratio of 2 to 1. If there were an oil spill, the impact to the nation's economy would be catastrophic. Even minor spills can cost

STAFF REPORT NO. 84 (CONT'D)

several hundred million dollars and affect communities and the marine environment for years.

New oil and gas developing in coastal waters near California would likely lead to increased oil refinery activity onshore, which will negatively affect air quality around refineries and increase the environmental burden on low-income and disadvantaged communities. The increased pollution and negative impacts on air quality are at odds with the equitable sharing of developmental benefits and environmental risks criteria in the [Department of Interior's list of decision-making factors](#). It is also at odds with California's statewide efforts to curb toxic air pollution and improve air quality, particularly in disadvantaged communities that reside near refineries.

H.R. 310 and H.R. 279 are intended to shield the Outer Continental Shelf coastline in the Pacific Region from offshore oil drilling and to signal opposition to the federal government's proposal to open this offshore area to new offshore oil drilling.

**OTHER PERTINENT INFORMATION:**

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 1.3 to promote, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.

**STAFF RECOMMENDATION:**

Staff recommends that the Commission support H.R. 310 and H.R. 279 introduced in the 116<sup>th</sup> Congress on January 8, 2019.

**EXHIBIT:**

- A. Copy of H.R. 310 and H.R. 279

**RECOMMENDED ACTION:**

Staff recommends that the Commission support H.R. 310 and H.R. 279 and delegate authority to the Executive Officer or her designee to send a letter memorializing the Commission's support.

116TH CONGRESS  
1ST SESSION

# H. R. 279

To permanently prohibit oil and gas leasing off the coast of the State of California, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2019

Mr. CARBAJAL (for himself, Ms. BROWNLEY of California, Ms. LOFGREN, Mrs. NAPOLITANO, Mr. SCHIFF, Mr. GARAMENDI, Mr. HUFFMAN, Mr. CÁRDENAS, Mrs. DAVIS of California, Ms. BARRAGÁN, Mr. SWALWELL of California, Mr. MCNERNEY, Mr. KHANNA, Ms. SPEIER, Mr. LOWENTHAL, Mr. AGUILAR, Mr. SHERMAN, Ms. LEE of California, Ms. ROYBAL-ALLARD, Ms. HILL of California, Mr. TAKANO, Mr. LEVIN of California, Mr. CISNEROS, Mr. DESAULNIER, Mr. ROUDA, Mr. PANETTA, Mr. GOMEZ, Mr. THOMPSON of California, Mr. CORREA, Ms. ESHOO, Ms. SÁNCHEZ, Ms. MATSUI, Mr. RUIZ, Mr. BERA, Mr. COX of California, Mr. PETERS, Mrs. TORRES of California, Ms. PORTER, Ms. JUDY CHU of California, Mr. VARGAS, Mr. TED LIEU of California, and Ms. BASS) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To permanently prohibit oil and gas leasing off the coast of the State of California, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “California Clean Coast  
5 Act of 2019”.

1 **SEC. 2. PROHIBITION OF OIL AND GAS LEASING IN AREAS**  
2 **OF THE OUTER CONTINENTAL SHELF LO-**  
3 **CATED OFF THE COAST OF CALIFORNIA.**

4 Section 8 of the Outer Continental Shelf Lands Act  
5 (43 U.S.C. 1337) is amended by adding at the end the  
6 following:

7 “(q) PROHIBITION OF OIL AND GAS LEASING IN  
8 AREAS OF THE OUTER CONTINENTAL SHELF LOCATED  
9 OFF THE COAST OF CALIFORNIA.—

10 “(1) IN GENERAL.—Notwithstanding any other  
11 provision of this Act or any other law and except as  
12 provided in paragraph (2), beginning on the date of  
13 enactment of this subsection, the conduct of oil and  
14 gas preleasing, leasing, and related activities is pro-  
15 hibited in areas of the outer Continental Shelf lo-  
16 cated off the coast of the State of California.

17 “(2) EFFECT.—Nothing in this subsection af-  
18 fects any rights under leases issued under this Act  
19 before the date of enactment of this subsection.”.

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116TH CONGRESS  
1ST SESSION

# H. R. 310

To amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf off the coast of California, Oregon, and Washington.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2019

Mr. HUFFMAN (for himself, Mr. SWALWELL of California, Mr. TAKANO, Mr. DESAULNIER, Mr. LEVIN of California, Ms. ROYBAL-ALLARD, Mr. DEFazio, Ms. DELBENE, Mr. SCHRADER, Mr. KHANNA, Ms. BARRAGÁN, Mr. KILMER, Mr. ROUDA, Mr. GARAMENDI, Mr. SMITH of Washington, Mr. LOWENTHAL, Ms. ESHOO, and Ms. BONAMICI) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf off the coast of California, Oregon, and Washington.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “West Coast Ocean Pro-  
5 tection Act of 2019”.

1 **SEC. 2. PROHIBITION OF OIL AND GAS LEASING ON THE**  
2 **OUTER CONTINENTAL SHELF OFF THE COAST**  
3 **OF CALIFORNIA, OREGON, AND WASHINGTON.**

4 Section 8 of the Outer Continental Shelf Lands Act  
5 (43 U.S.C. 1337) is amended by adding at the end the  
6 following:

7 “(q) PROHIBITION OF OIL AND GAS LEASING IN  
8 CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—  
9 Notwithstanding any other provision of this section or any  
10 other law, the Secretary of the Interior shall not issue a  
11 lease for the exploration, development, or production of  
12 oil or natural gas in any area of the outer Continental  
13 Shelf off the coast of the State of California, Oregon, or  
14 Washington.”.

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