

**CALIFORNIA STATE
LANDS COMMISSION***Established in 1938*

July 26, 2017

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Executive Order 13795 Review
National Oceanic and Atmospheric Administration (NOAA)
Silver Spring Metro Campus Building 4 (SSMC 4), 11th Floor
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Silver Spring, MD 20910

**Subject: National Oceanic and Atmospheric Administration (NOAA) Docket ID
NOAA-NOS-2017-0066 – Public Comment on Secretary of Commerce
Review of National Marine Sanctuaries and Marine National Monuments
designated or expanded since April 28, 2007, per Executive Order (EO)
13795**

To Department of Commerce/NOAA Reviewers,

Thank you for the opportunity to comment and inform the review of National Marine Sanctuaries and Marine National Monuments designated or expanded since April 28, 2007, pursuant to EO 13795—Implementing an America-First Offshore Energy Strategy, signed on April 28, 2017. The California State Lands Commission (Commission) understands that the Secretary of the U.S. Department of Commerce is conducting this review to inform the preparation of a report to be submitted to the Director of the Office of Management and Budget, the Chairman of the Council on Environmental Quality, and the Assistant to the President for Economic Policy by October 25, 2017. As Executive Officer of the Commission, I write to express the Commission's overwhelming support for California's four National Marine Sanctuaries currently under review and to emphasize the importance of the current sanctuary boundaries and use restrictions in place for the benefit of the people of California and the Nation as a whole.

The Commission serves the people of California by managing and protecting the lands and resources entrusted to its care through balanced management, marine protection and pollution prevention, adaptation to climate change, and ensuring public access to these lands and waters for current and future generations. The Commission manages over 4 million acres of sovereign land, which include the beds of California's navigable rivers, lakes, and streams, as well as tide and submerged lands, from the ordinary high water mark, as measured by the mean high tide line (except where there is fill or artificial accretion), to 3 nautical miles offshore. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways,

are subject to the protections of the common law Public Trust Doctrine. The Commission also manages the State's oil, gas, and mineral resources, including regulating all marine oil terminals in State waters, and maintains the State's Offshore Geophysical Survey Permit Program, which issues permits to qualified entities to conduct geophysical surveys of the ocean bottom in State waters.

In accordance with EO 13795, Sec. 4(b), the Department of Commerce is reviewing the designations and expansions of 11 National Marine Sanctuaries and Marine National Monuments, four of which are located offshore California: Channel Island National Marine Sanctuary (CINMS), Cordell Bank National Marine Sanctuary (CBNMS), Greater Farallones National Marine Sanctuary (GFNMS), and Monterey Bay National Marine Sanctuary (MBNMS). The portions of these four sanctuaries located in State waters are mostly ungranted sovereign land, with a small portion having been granted to local municipalities. However, any proposed energy or mineral exploration and production or associated infrastructure impacting land under the Commission's jurisdiction would require approval by the Commission and would be subject to a lease.

The abundant marine and coastal natural resources of California are renowned and integral to the State's identity. Examples of these iconic resources include rich habitats such as kelp forest, rocky intertidal, sandy bottom, and marine canyons, as well as diverse marine mammal, bird, fish, and invertebrate communities that include sea otters, migratory blue whales, giant seabass, and spiny lobsters. The qualitative and quantitative public trust values inherent to marine and coastal natural resources range from conservation, cultural, recreation, health, and commercial. Robust scientific monitoring in and around California's sanctuaries shows significantly positive results for the conservation and enhancement of special habitats and increased species' abundance, biomass, and diversity. For example, the biomass of species generally targeted by commercial fisheries has increased 52% over the past ten years within the CINMS, and 23% outside of the sanctuary, leading to greater availability of sustainable fish stocks in southern California.¹ Further up the coast, monitoring revealed that hundreds of thousands of seabirds breed annually on the Farallon Islands off of San Francisco Bay. Bird watching ranks highly among the most popular coastal activities that contribute \$1.2 billion to Bay Area economies every year, and therefore the breeding grounds and surrounding waters protected within the GFNMS are critically important for both the ecosystem and recreation.² The observed trends for all of California's National Marine Sanctuaries demonstrate that the current level of protection is producing the intended ecosystem and ecological function benefits, as well as additional spill-over and edge effect benefits for adjacent ecosystems, fisheries, and recreation.

¹ California Ocean Science Trust. 2017. State of the California South Coast: Summary of Findings from Baseline Monitoring of Marine Protected Areas, 2011-2015. California Ocean Science Trust, California Department of Fish and Wildlife, and California Ocean Protection Council, California, USA.

² California Ocean Science Trust. 2015. State of the California North Central Coast: A Summary of the Marine Protected Area Monitoring Program 2010-2015. California Ocean Science Trust and California Department of Fish and Wildlife. California, USA.

The sanctuaries along the California coast were expanded to cover ecologically and economically significant ecosystems and ecological functions that support all Californians. These expansions followed rigorous public processes that were science-based and considered extensive public comment and research by NOAA and its scientific partners. The Commission and NOAA work efficiently and effectively together, with other local, state, and federal partners, to safeguard sovereign State lands and resources included within the current boundaries of the sanctuaries. Our combined stewardship has ensured the high environmental quality and equally high economic productivity of California's coastal waters.

The National Marine Sanctuaries offshore California are not only critical to the protection of the State's marine and coastal habitats, biological resources, and special ecological features, they also support people's connections to the sea, including commercial and recreational fisheries, recreational activities, and maritime heritage and archaeological resources. California's coastline supports numerous coastal- and ocean-dependent economies, and the success of many businesses and hundreds of thousands of jobs directly depends on thriving sanctuaries offshore California, which contributes to the State's over \$40 billion ocean economy. California's booming ocean economy includes several industrial sectors, including coastal tourism and recreation, which in 2013, accounted for 383,941 jobs and contributed \$18.4 billion to the State's economy.³

Each sanctuary has its own unique set of regulations to protect these important ecosystems; however, there are some regulatory prohibitions that are typical across the board for many sanctuaries, including: (1) discharging material or other matter into the sanctuary; (2) disturbance of, construction on, or alteration of the seabed; (3) disturbance of cultural resources; and (4) exploring for, developing, or producing oil, gas, or minerals (with a grandfather clause for preexisting operations). These basic regulations define the significance of sanctuary areas and allow them to function as a refuge for species and habitat impacted negatively by human activities permitted in other parts of the ocean. The public, coastal communities, and marine natural resources all greatly benefit from the increased environmental health and quality values derived from sanctuary protections. If sanctuary areas are reduced, or their regulatory frameworks are dismantled, the benefits coastal communities and the public have accumulated will be diminished.

The purpose of EO 13795, which precipitated the Secretary's review, is to facilitate new offshore oil and gas exploration and development in the Outer Continental Shelf (OCS), including the National Marine Sanctuary expansion areas, on the basis that this step backwards will facilitate economic growth, job creation, and national security. As described below, the potential for oil and gas development within these

³ National Ocean Economics Program. 2016. State of the U.S. Ocean and Coastal Economies, Coastal States Summaries – Update 2016. Middlebury Institute of International Studies and Monterey, Center for the Blue Economy. Available for download at: <http://www.oceaneconomics.org/Download/>. Accessed July 20, 2017.

sanctuary expansions is low, especially given the size of the expansion areas and relative to existing oil and gas reserves in the U.S.

- The GFNMS and CBNMS were expanded in 2015, and the impacts of future oil and gas development were considered in the Final Environmental Impact Statement for the expansions. The overall estimated quantity of oil and gas that would be precluded from development was not considered substantial by NOAA, especially compared to existing total U.S. reserves (oil and gas reserves underlying the expansion areas represents 0.0079 of the total OCS oil reserves and 0.0012 of total gas reserves in the U.S.). Additionally, at the time of expansion, there were no existing oil and gas facilities, active leases, or plans to develop OCS oil and gas reserves in these sanctuaries. Furthermore, there is no indication that there is any interest in considering these reserves for active production.
- The MBNMS was expanded in 2008 to include Davidson Seamount, an area that has remained largely unexplored for oil and gas potential, thus any estimates are likely speculative at best. Additionally, the distance from shore and the area's depth are likely to make any potential extraction prohibitively expensive.
- The CINMS was expanded in 2007 to make the enforcement of rules concerning adjacent California Marine Protected Areas easier to enforce and understand. The expansion was for a very small area, which comprises less than 2 percent of the sanctuary's total area; therefore, the extent of oil and gas reserves potentially affected as a result of the expansion is likely very little.

California has a long history with offshore oil and gas activities and has had to face the devastating realities of such development. For example, in 1969, 100,000 barrels of oil spilled into the Santa Barbara Channel, blanketing dozens of miles of coastline and severely impacting the local tourism and fisheries economies and wildlife populations. In 2015, an onshore pipeline in Santa Barbara County ruptured near the coast, spilling approximately 600 barrels of oil onto the California coastline. A catastrophic oil spill as a result of any new offshore oil and gas development would have the potential to significantly threaten California's coastal environment and its extremely important multi-billion dollar ocean economy.

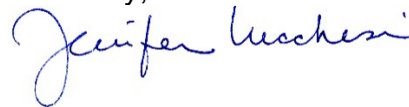
The Commission has adopted numerous resolutions in past years opposing the resumption or expansion of oil and gas development in the Pacific OCS area. The resolutions convey the Commission's view that additional offshore oil and gas leasing and development in the Pacific OCS threatens the environment and the economy, prevents the Nation from reducing its dependency on fossil fuels, contributes to greenhouse gas emissions, and adversely affects tourism and fisheries.

California and the Commission strongly believe that environmental protection and job creation go hand-in-hand, and that as a Nation we ought to champion clean, renewable energy development because it is core and central to achieving energy independence, growing the economy, and enhancing national security. California has spent decades laying a foundation for renewable energy as a significant part of the

green economy and the State's energy portfolio. Existing law establishes targets to increase retail sales of renewable electricity to 50 percent by 2030, and to double the energy efficiency savings in electricity and natural gas end uses by 2030.

In conclusion, the Commission strongly opposes any effort to scale back current sanctuary boundaries or disband restrictions on oil and gas activities for California's four National Marine Sanctuaries under review by EO 13795. The Commission encourages the Nation, in an effort to maintain its position as a global energy leader, to instead look forward toward building a strong, clean energy future that will bolster the U.S. economy, create new jobs opportunities in the U.S., and ultimately foster energy security and resilience for the benefit of the American people.

Sincerely,



JENNIFER LUCCHESI
Executive Officer

cc: Honorable Gavin Newsom, Lieutenant Governor and Chair of the Commission
Honorable Betty Yee, State Controller and Member of the Commission
Michael Cohen, Governor's Director of Finance and Member of the Commission