



CALIFORNIA OCEAN PROTECTION COUNCIL

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July 24, 2018

The Honorable Paul Ryan
Speaker of the House of Representatives
1233 Longworth House Office Building
Washington, DC 20515

The Honorable Nancy Pelosi
Democratic Leader
233 Cannon House Office Building
Washington, DC 20515

Subject: Pending Federal Legislation Pertaining to Outer Continental Shelf Oil and Gas Development

Dear Mr. Speaker and Leader Pelosi,

I am writing to express my concerns with two pieces of pending federal legislation pertaining to federal Outer Continental Shelf (OCS) oil and gas exploration and development. Specifically, bills H.R. 4239 (Scalise) and H.R. 3133 (Johnson) would make broad changes to long established federal laws protecting the marine environment from the effects of oil and gas exploration and development.

H.R. 3133 (Johnson)

H.R. 3133, the Streamlining Environmental Approvals (SEA Act), would remove core provisions of the Marine Mammal Protection Act (MMPA) to fast-track seismic surveys and other activities in the ocean to facilitate identification of oil and gas deposits in the sea bed. These activities can significantly harm marine mammals; e.g., whales and dolphins. Essentially, seismic surveying involves a ship firing blasts of pressurized air to create powerful sound pulses that penetrate beneath the seafloor. The sound waves that bounce back are picked up by sensors, painting a picture of potential oil deposits. Below the surface, the explosions sound like bombs going off every 10 to 15 seconds and can be heard as far as 1,500 miles, audio recordings show. Research has shown that undersea sonic blasts can disorient and damage the hearing of whales and dolphins to the degree that they lose their ability to navigate and reproduce. The SEA Act would remove important safeguards in the MMPA, including the requirement that harassment of marine mammals is limited to "small numbers" of specific species or population stocks. It would also do the following:

- Drop the condition that the activities allowed by Incidental Harassment Authorizations (e.g., seismic surveys) have the "least practicable impact";
- Curtail the National Ocean and Atmospheric Administration's (NOAA) authority to require mitigation measures to reduce the impacts of activities that harass marine mammals;
- Speed up permitting by mandating that regulatory agencies, such as the Bureau of Ocean Energy Management (BOEM), process applications within 120 days; if no action is taken within that timeframe, permits would be automatically issued.

H.R. 4239 (Scalise)

H.R. 4239, the Strengthening the Economy with Critical Untapped Resources to Expand American Energy (SECURE Act), is a broader bill that contains the above elements of the SEA Act and would also do the following:

- Eliminate long-standing presidential authority to establish marine National Monuments under the Antiquities Act and ban the ability to protect specific areas of the Outer Continental Shelf (OCS) from oil and gas leasing;
- Removes liability to energy companies for the incidental or accidental “take” of bird species protected under the Migratory Bird Treaty Act; and
- Require the execution of all approved, scheduled offshore oil and gas lease sales, should the Secretary of the Department of Interior call for a revised Five-Year Plan.

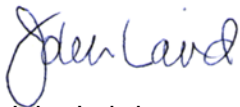
If this bill passes in Congress, oil and gas companies will have the ability to develop and build energy projects with impunity and with little regard to the accidental killing of protected birds. This will almost certainly result in more wild birds, perhaps millions more, dying from accidental causes directly related to energy projects.

Conclusion

In closing, I must emphasize that H.R. 4239 and H.R. 3122 would eviscerate one of the core provisions of the MMPA, the law that for more than 45 years has been the bulwark of marine conservation for many of our most iconic ocean species. Results from poll conducted by Oceana, the Natural Resources Defense Council, and the International Fund for Animal Welfare in 2017, indicated 76 percent of Americans supported protections from marine mammals from threats, including from offshore oil and gas exploration, and 73 percent said they supported the MMPA.

In addition, offshore oil and gas drilling as a long-term strategy to meet our nation's energy needs is simply not sustainable from both an environmental and economic perspective. Consequently, we encourage Congress to pursue a science-based, environmentally and economically sound national energy strategy that fosters the development of renewable energy sources.

Sincerely,



John Laird
Secretary for Natural Resources and
Chair of the Ocean Protection Council

cc: California Congressional Delegation