

COUNTY OF SANTA BARBARA
LEGISLATIVE ANALYSIS FORM

This form is required for the Legislative Program Committee to consider taking an advocacy position on an issue or legislative item

BILL NUMBER: SB 188	AUTHOR: Jackson
INTRO/AMEND DATE: January 25, 2017, amended May 18, 2017	AUTHOR'S POLITICAL PARTY: D
BILL STATUS: Amended in Assembly, re-referred to Com. on Nat. Res.	

1) BILL SUBJECT:

State lands: Leasing: oil and gas. This bill would prohibit the State Lands Commission and the local trustees of granted public trust lands from entering into any new lease or other conveyance that authorizes the exploration for, or the development and production of, oil and natural gas upon those lands. The bill would prohibit the Commission and the local trustees of granted public trust lands from entering into any lease renewal, extension, or modification that authorizes a lessee to engage in new or additional exploration, development, or production of oil and natural gas.

2) FROM DEPARTMENT:

CEO

3) IS THIS ITEM SPECIFICALLY REFERENCED IN THE LEGISLATIVE PLATFORM?

No

4) WHICH POLICY-RELATED MATTER IS OF CONCERN WITH THIS BILL?

Community sustainability and environmental protection

5) HOW WOULD THIS BILL IMPACT THE COUNTY? (Current practices, responsibility, authority, pros/cons, affected programs and/or services, etc.)

This bill, if it becomes law, would eliminate new oil and gas leases and would likely reduce the number of these leases over time as a result on the prohibition of renewals and extensions on state tidelands and granted public lands.

6) IMPACT ON COUNTY PROGRAM: Major-Positive Minor-Positive None
 Major-Negative Minor-Negative

7) SANTA BARBARA COUNTY IMPACT: Major-Positive Minor-Positive None
 Major-Negative Minor-Negative

8) STATEWIDE IMPACT: Major-Positive Minor-Positive None
 Major-Negative Minor-Negative

Explanation of Impacts:

Minor positive impact as a result of reduced pollution risks. Minor negative impact as a result of reduced job growth.

9) WOULD THIS BILL IMPACT (Legislative Principles):

- | | | | |
|---|-----------------------------------|---|--|
| a. Job growth and Economic Vitality? | <input type="checkbox"/> Positive | <input type="checkbox"/> Neutral | <input checked="" type="checkbox"/> Negative |
| b. Efficient service delivery and operations? | <input type="checkbox"/> Positive | <input checked="" type="checkbox"/> Neutral | <input type="checkbox"/> Negative |
| c. Fiscal stability? | <input type="checkbox"/> Positive | <input checked="" type="checkbox"/> Neutral | <input type="checkbox"/> Negative |
| d. Inter-agency cooperation? | <input type="checkbox"/> Positive | <input checked="" type="checkbox"/> Neutral | <input type="checkbox"/> Negative |



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- e. Local control? Positive Neutral Negative
- f. Health and human services? Positive Neutral Negative
- g. Community sustainability & environmental protection? Positive Neutral Negative

Additional Comments:

10) FISCAL IMPACT ON THE COUNTY:

- Revenue Increase Revenue Decrease Unfunded Mandate
- Cost Increase Cost Decrease Undetermined
- None

Additional Comments:

11) OTHER AGENCIES THAT SHOULD REVIEW THIS BILL:

12) CSAC POSITION ON BILL:

- Support Oppose Support if Amended
- Oppose unless Amended Watch No position taken

13) OTHER LOCAL OR STATEWIDE ORGANIZATIONS THAT HAVE TAKEN A POSITION ON THIS BILL:

(Indicate support or opposition for each)

NA

14) PROPOSED AMENDMENTS: (Attach separate sheet)

15) RECOMMENDATION:

- Support Recommend Support to Board* Support if Amended
- Oppose Recommend Opposition to Board* Oppose unless Amended
- Watch Concerns (Why? Explain in #6) No Position (Why?)

* Indicates that the department believes that the Board of Supervisors should take a formal position on this bill

Additional Comments:

This bill was a "gut and amend" that has not received any committee or floor analysis. Staff recommends a watch position and continuation of the item to the next Legislation Program Committee meeting.

16) LEGISLATIVE ANALYSIS FORM PREPARED BY: Dennis Bozanich

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AMENDED IN ASSEMBLY MAY 18, 2017

SENATE BILL

No. 188

Introduced by Senator Jackson

January 25, 2017

~~An act to amend Section 179.9 of the Government Code, relating to state government. An act to add Section 6501.4 to the Public Resources Code, relating to state lands.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 188, as amended, Jackson. ~~Emergency Management Assistance Compact. State lands: leasing: oil and gas.~~

Existing law vests exclusive jurisdiction over ungranted tidelands and submerged lands owned by the state to the State Lands Commission. Existing law confers the powers of the commission as to leasing or granting of rights or privileges to lands owned by the state upon a local trustee of granted public trust lands to which those lands have been granted.

This bill would prohibit the commission and the local trustees of granted public trust lands from entering into any new lease or other conveyance that authorizes the exploration for, or the development and production of, oil and natural gas upon those lands. The bill would prohibit the commission and the local trustees of granted public trust lands from entering into any lease renewal, extension, or modification that authorizes a lessee to engage in new or additional exploration, development, or production of oil and natural gas.

~~Existing law ratifies, approves, and sets forth the provisions of the Emergency Management Assistance Compact, an interstate agreement that provides for mutual assistance between states responding to~~

emergencies and disasters. The compact becomes inoperative on March 1, 2018, and as of January 1, 2019, is repealed.

~~This bill instead would make the compact inoperative on March 1, 2023, and repeal it on January 1, 2024.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6501.4 is added to the Public Resources
2 Code, to read:

3 6501.4. (a) For purposes of this section, the following
4 definitions apply:

5 (1) "Commission" means the State Lands Commission or a
6 local trustee of granted public trust lands, as defined pursuant to
7 Section 6306.

8 (2) "Development" means those activities taking place following
9 the discovery of oil and natural gas, including geophysical activity,
10 drilling, platform construction, pipeline construction, and
11 operation of all onshore support facilities that are performed for
12 the purpose of ultimately producing the resources discovered.

13 (3) "Exploration" means the process of searching for oil and
14 natural gas, including any drilling, whether on or off known
15 geological structures, including the drilling of a well in which a
16 discovery of oil or natural gas is made and the drilling of any
17 additional delineation well after the discovery that is needed to
18 delineate any reservoir and to enable a lessee to determine whether
19 to proceed with the development and production.

20 (4) (A) "New or additional exploration, development, or
21 production of oil or natural gas" includes any activity undertaken
22 to increase the capacity of any pipeline or other infrastructure
23 used to convey oil or natural gas.

24 (B) "New or additional exploration, development, or production
25 of oil or natural gas" does not include any activity undertaken to
26 repair, replace, or maintain any pipeline or other infrastructure
27 used to convey oil or natural gas or any other activity necessary
28 to ensure the safe operation of infrastructure used in the
29 exploration, development, or production of oil or natural gas.

30 (5) "Production" means those activities that take place after
31 the successful completion of any means for the removal of oil and

1 natural gas, including that removal, field operations, transfer of
2 resources to shore, operation monitoring, maintenance, and
3 work-over drilling. “Producing” means undertaking those
4 activities.

5 (b) The commission shall not enter into any new lease or other
6 conveyance that authorizes the exploration for, or the development
7 and production of, oil or natural gas upon lands owned by the
8 state and under the jurisdiction of the commission that are located
9 seaward of the ordinary high water mark for tidal waterways and
10 the ordinary low water mark for navigable nontidal waterways.

11 (c) The commission shall not enter into any lease renewal,
12 extension, or modification that authorizes a lessee to engage in
13 new or additional exploration, development, or production of oil
14 or natural gas upon lands owned by the state and under the
15 jurisdiction of the commission that are located seaward of the
16 ordinary high water mark for tidal waterways and the ordinary
17 low water mark for navigable nontidal waterways.

18 ~~SECTION 1. Section 179.9 of the Government Code is~~
19 ~~amended to read:~~

20 ~~179.9. This article shall become inoperative on March 1, 2023,~~
21 ~~and, as of January 1, 2024, is repealed.~~

Senate Bill 188

Offshore Oil and Gas Development

Senator Jackson

SUMMARY

This bill prohibits the State Lands Commission from approving any new leases, or any lease renewals, extensions, or modifications, that authorize new or additional oil and gas development or infrastructure in state waters.

BACKGROUND

California has long sought to protect its stunning coasts and oceans from the risks inherent with offshore drilling, beginning with the state's first withdrawal of coastal lands from oil and gas leasing in 1921. Over the years, California has recognized the unacceptably high risk that offshore oil and gas production poses to our environment, our economy, and our coastal communities. In 1994, the Legislature passed the California Coastal Sanctuary Act, which prohibited new oil and gas leases in the state's coastal waters. And just last December, members of the Senate joined Governor Brown in requesting then-President Obama to permanently withdraw California's coast from oil and gas leasing.

On April 28, 2017, President Trump issued an Executive Order calling for additional offshore drilling that directly contradicts California's leadership away from fossil fuels toward clean, renewable energy sources. That Executive Order establishes as policy, and directs federal agencies to encourage, the exploration and production of offshore oil and gas, including on the Outer Continental Shelf.

Additional offshore oil and gas development in California poses a serious risk of oil spills, and would degrade the quality of our air and water and adversely impact our marine resources, including threatened and endangered species such as blue and humpback whales. Offshore oil development leads to the industrialization of the shoreline, visually degrading coastal areas, creating land use conflicts, and posing potentially life-threatening public safety risks.

Expanded offshore oil and gas production also directly threatens the health of California's ocean-based economy, which produces approximately \$44.5 billion in GDP each year, and employs almost half a million people in the state. According to the National Oceanic and Atmospheric Administration, California's coastal regions generated \$662 billion in wages and \$1.7 trillion in GDP in 2012. In fact, the coastal counties of California alone generate a GDP that is only exceeded by 11 countries. We cannot risk harming one of the world's largest economic engines by reversing course on 30 years of bipartisan agreement that has kept California's coast off limits to oil and gas exploration.

SOLUTION - SB 188

SB 188 protects the California coast from offshore oil and gas development by prohibiting the State Lands Commission from approving any new leases for oil and gas development – including the placement of pipelines – in state waters. This bill also prohibits the State Lands Commission from approving any lease renewal, extension, or modification that authorizes new or additional oil and gas development, and prohibits existing oil and gas lessees from constructing any new infrastructure – including pipelines, piers, and wharves – to increase capacity for the production of oil and gas.

SUPPORT

STATUS

Pending referral in the Assembly

CONTACT

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