

## RESOLUTION NO. 18-73

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, OPPOSING PRESIDENTIAL EXECUTIVE ORDER 13795, ENTITLED IMPLEMENTING AN AMERICA-FIRST OFFSHORE ENERGY STRATEGY, WHICH ESTABLISHES A POLICY TO ENCOURAGE ENERGY EXPLORATION AND PRODUCTION ON THE OUTER CONTINENTAL SHELF**

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the City of Costa Mesa and its residents and visitors enjoy California's beaches and the Pacific Ocean for recreational, commercial, and educational activities, all of which support our local economy including an estimated amount of nine million dollars in tourism sales tax funding; and

WHEREAS, the City of Costa Mesa's residents value our State's ocean and coastal waters, which provide habitat to a vast array of wildlife, including fish, whales, sea turtles, and birds that depend on a healthy and clean environment; and

WHEREAS, offshore oil and gas drilling and exploration off the Pacific Coast puts these coastal resources, and the communities and industries that depend on them, at risk from oil spills and other damage; and

WHEREAS, a massive oil spill in 1969 off the coast of Santa Barbara fouled coastal waters and caused catastrophic economic and environmental damage; and

WHEREAS, in May 2015, a pipeline ruptured near Refugio State Beach in Santa Barbara County and spilled oil into the Pacific Ocean with oil reaching as far south as Orange County, damaging wildlife, closing beaches, and impacting recreational and commercial activities; and

WHEREAS, the U.S. Department of Interior's 2017-2022 Five-Year Outer Continental Shelf (OCS) Leasing Program adopted as of November 18, 2016 contained no proposed offshore drilling along the Pacific Coast; and

WHEREAS, on April 28, 2017, the President of the United States issued Executive Order 13795, entitled Implementing an America-First Offshore Energy Strategy, which establishes a policy to encourage energy exploration and production on the OCS and restarts the 2017-2022 five-year lease sales program, potentially opening up Arctic waters and millions of coastal acres off U.S. shores to oil and gas drilling; and

WHEREAS, the purpose of the Executive Order is to facilitate offshore oil and gas development in federal waters and its basis is that oil and gas development ushers in economic growth and job creation and bolsters national security; and

WHEREAS, the Executive Order restarts the five-year oil and gas leasing program for OCS areas, and, while it is focused on the Arctic, the five-year program covers the entire OCS planning area, including the Pacific OCS; and

WHEREAS, the existing five-year oil and gas leasing program for 2017 through 2022 excludes lease sales in the Pacific or Atlantic OCS areas, and the Executive Order short circuits that program; and

WHEREAS, pursuant to the Executive Order, the Interior Department's Bureau of Ocean Energy Management (BOEM) is proposing an expanded Five-Year OCS Leasing Program for the years 2019-2024, which would replace the 2017-2022 program; and

WHEREAS, the draft proposed program for 2019-2024 includes 47 new potential leases, including six (6) in California; and

WHEREAS, the City of Costa Mesa is opposed to inclusion of any offshore drilling tracts in any OCS planning area on the Pacific Coast in the pending 2019-2024 draft proposed program and any other future National programs; and

WHEREAS, the U.S. Department of Interior has failed to comply with the National Environmental Policy Act (NEPA), the Coastal Zone Management Act (CZMA), the Outer Continental Shelf Lands Act (OCSLAA), and relevant local land use provisions in considering said Draft Proposed Program (DPP), and further, has failed to conduct and heed the duly-required consultations with affected governors, local governments, tribes, and other stakeholders as required under existing law; and

WHEREAS, contrary to the Executive Order, the State of California and State Commissions continue to pioneer clean, renewable energy, recognizing that instead of prioritizing new oil and gas development, the Nation can thrive by championing renewable energy, which creates, jobs, bolsters the economy, and protects the coastline, resources, and marine wildlife from a catastrophic oil spill; and

WHEREAS, California has spent decades laying a foundation for the green economy and renewable energy, including establishing targets to increase retail sales of renewable electricity to 50 percent by 2030, and doubling the energy efficiency savings in electricity and natural gas end uses by 2030; and

WHEREAS, California leads the nation in reducing carbon pollution and recently enacted legislation requiring statewide greenhouse gas emissions to be 40 percent below the 1990 level by 2030; and

WHEREAS, opening new areas off the Pacific Coast to offshore drilling will deepen the State's dependence on fossil fuels and undermine its efforts to address climate change by reducing greenhouse gas emissions and moving toward renewable energy; and

WHEREAS, Governor Edmund G. Brown Jr.'s Executive Order B-30-15 acknowledges the threat of climate change to the health and well-being of humans and natural resources, highlights California's efforts to achieve significant emission reductions by 2050, and directs State government to implement Safeguarding California, California's climate adaptation plan; and

WHEREAS, shifting away from fossil fuel dependency and increasing the State's renewable energy portfolio is a key strategy to fight climate change and reduce greenhouse gas emissions; and

WHEREAS, action to combat climate change works in concert with economic growth, and, as California has shown, renewable energy creates more jobs per megawatt of power installed, per unit of energy produced, and per dollar of investment compared to energy production from fossil fuels; and

WHEREAS, California is a founding member of the International Ocean Acidification Alliance to Combat Ocean Acidification, which brings governmental and affiliate members together to identify, coordinate, and expand meaningful and timely actions to combat ocean acidification and limit other climate change-driven changes to the world's oceans, and the Alliance highlights the urgency of reducing greenhouse emissions and other causes of ocean acidification as well as implementing actions to adapt to and raise awareness of climate change-driven changes to the ocean; and

WHEREAS, California has made significant social and financial investments to create the Nation's first science-based network of marine protected areas to protect marine life and habitats for current and future generations, and covering 16 percent of State waters, California's network safeguards ecosystems and economic activities that rely on a healthy ocean—including tourism and commercial fishing—and supports the State's thriving \$44 billion ocean economy; and

WHEREAS, the Implementing an America-First Offshore Energy Strategy Executive Order requires the Secretary of Commerce to review a 2016 National Oceanic and Atmospheric Administration guidance document that assesses the effects of anthropogenic sound on marine mammal hearing for consistency with the Order's policy of encouraging oil and gas development, and rescind or revise this guidance if appropriate; and

WHEREAS, sound, and marine mammals, know no political boundaries—activities occurring beyond California's three-mile boundary in federal waters can influence and impact protected marine mammal species that use State waters to feed, breed, and migrate, and this Order may undermine federal and state protections and expose marine mammals to injurious noise levels that could have population-level impacts; and

WHEREAS, the City of Costa Mesa rejects the President's premise that encouraging energy exploration and production on the OCS is necessary to maintain the Nation's position as a global energy leader and foster energy security and resilience for the benefit of the American people; and

WHEREAS, new federal offshore oil and gas leases have not been granted off the coast of California since 1984; and

WHEREAS, hydraulic fracturing and other unconventional oil extraction techniques such as acid fracturing, matrix acidizing, gravel packing and cyclic steam injection, collectively referred to here as "fracking and other well stimulation," provide another means to expand offshore oil and gas extraction off California's coast; and

WHEREAS, fracking and other well stimulation increase pollution and the risk of oil spills and earthquakes; and

WHEREAS, the offshore oil industry is permitted to dump more than 9 billion gallons of wastewater into the Pacific every year including wastewater from fracking that may be laced with toxic chemicals that can harm human health and wildlife; and

WHEREAS, the State of California prohibits new oil and gas leasing in State waters due to the unacceptably high risk of damage and disruption to the marine environment; and

WHEREAS, on September 8, 2018, the Governor of California signed into law Assembly Bill 1775 and Senate Bill 834, which prohibit the State Lands Commission or local trustees from granting leases for new pipelines and infrastructure and from entering into new lease agreements, or renewing, expanding, or modifying existing agreements that would result in increased oil or natural gas production from federal waters; and

WHEREAS, the Governor of California, the Attorney General, the State Legislature, the State Lands Commission, the California Coastal Commission, and the California Fish and Game Commission, along with over 50 cities and counties, have taken a stand against new federal offshore oil and gas leases in the Pacific Ocean.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Costa Mesa that the City of Costa Mesa:

1. Opposes new leases for oil and gas activities off the coast of California.
2. Opposes Executive Order 13795 – Implementing an America-First Offshore Energy Strategy, which establishes a policy to encourage energy exploration and production on the Outer Continental Shelf.
3. Opposes new federal oil and gas leasing in U.S. waters, including the coast of California.
4. Supports prohibiting new federal oil and gas leasing off the Pacific Coast.
5. Supports a ban on new offshore oil and gas drilling, fracking, and related techniques in federal and state waters off of the coast of California.


**PASSED AND ADOPTED this 16<sup>th</sup> day of October, 2018.**

  
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Sandra L. Genis, Mayor

ATTEST:

  
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Brenda Green, City Clerk

APPROVED AS TO FORM:

  
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Thomas Duarte, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 18-73 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 16<sup>th</sup> day of October, 2018, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: Foley, Stephens, Genis

NOES: COUNCIL MEMBERS: Righeimer

ABSENT: COUNCIL MEMBERS: Mansoor

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 17<sup>th</sup> day of October, 2018.

  
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Brenda Green, City Clerk