

Offshore oil: Gov. Jerry Brown asks Obama for permanent ban on new drilling off California

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Imploring President Barack Obama to leave a landmark environmental legacy, Gov. Jerry Brown on Tuesday asked the president to permanently ban all new offshore oil and gas drilling in federal waters off California's coast before he leaves office next month.

"California is blessed with hundreds of miles of spectacular coastline; home to scenic state parks, beautiful beaches, abundant wildlife and thriving communities," Brown wrote in a letter to Obama. "Clearly, large new oil and gas reserves would be inconsistent with our overriding imperative to reduce reliance on fossil fuels and combat the devastating impacts of climate change."

Tuesday marked the first time that Brown has asked Obama for such a sweeping ban. In recent weeks, environmental groups and Democratic members of Congress, including California's two U.S. senators, Dianne Feinstein and Barbara Boxer, also have urged the president to protect the state's coast by taking advantage of a 63-year-old federal law that has never been used so broadly.

The movement has gained increasing urgency among opponents of offshore drilling given President-elect Donald Trump's recent decisions to nominate oil industry officials and Republicans sympathetic with the oil industry to key positions after he takes office Jan. 20.

On Tuesday, Trump chose Exxon Mobil CEO Rex Tillerson as his nominee for secretary of state, amid reports he has settled on former Texas Gov. Rick Perry, an enthusiastic supporter of more drilling, to be his energy secretary. Previously, Trump nominated Scott Pruitt, the attorney general of Oklahoma, to run the U.S. Environmental Protection Agency. Pruitt also has supported more oil and gas production and is skeptical of the scientific consensus that the climate is warming in part because of the burning of fossil fuels such as coal, oil and natural gas.

"We've never seen a cabinet so full of oil industry shills," said veteran coastal activist Richard Charter of Bodega Bay, a senior fellow with the Ocean Foundation. "These people are going to drill anything that's not nailed down. There are no checks and balances left. Taking the California coast off the table right now would be a very smart move."

California is the nation's third-largest oil producing state, behind Texas and North Dakota. There are 32 offshore platforms and artificial islands where oil is produced, all located in Southern California off the coasts of Santa Barbara, Ventura, Los Angeles and Orange counties. They date back to the 1950s, and no new ones have been constructed in more than 30 years.

Last month, Obama released a plan for offshore oil drilling in federal waters that bans until 2022 any new drilling off the coasts of California, Oregon and Washington. What Brown and other oil drilling opponents want now is a permanent ban on new drilling in all federal waters — those beyond three miles from the California coast.

Obama has the authority to do that under Section 12(a) of the Outer Continental Shelf Lands Act, a 1953 law that gives the U.S. interior secretary the authority to lease offshore areas to oil and gas companies for exploration.

That obscure section of the law has been used in more limited ways by other presidents. In 1960, President Dwight Eisenhower used it to permanently ban drilling off 75 square miles in the Florida Keys. After a massive oil spill in 1969 off Santa Barbara, President Richard Nixon used the law to ban drilling off a small section of Santa Barbara's coastline. And in 2014, Obama used it to withdraw sections of Bristol Bay, Alaska, permanently from offshore drilling.

It is unclear, legal experts say, whether Trump could undo a withdrawal of oil and gas leasing off California if Obama sought to make it permanent. Similar to the 1906 Antiquities Act, which gives presidents the authority to establish national monuments on federal land without a vote of Congress, there is no provision in the Outer Continental Shelf Lands Act that sets out the process for a president to undo a permanent ban.

A decision by Obama to use the law to ban all new drilling along the California coast would be a seismic event in environmental politics. Any attempt by Trump to overturn it would almost certainly result in years of court battles.

On Tuesday, the White House declined comment.

"We don't have any announcements to make at this time," said Noreen Nielsen, a spokeswoman for the White House Counsel on Environmental Quality.

Catherine Reheis-Boyd, president of the Western States Petroleum Association, characterized the governor's position as shortsighted.

"Gov. Brown's attempt to shut down offshore drilling is unrealistic and ignores the energy needs of our state," she said. "All the oil produced in California is used in California, but we still rely heavily on imports to meet our energy needs. If offshore production is banned it will force us to import more oil from foreign sources. That oil is produced under less stringent environmental regulations, and its transportation to California will create an increase in greenhouse gases and other pollutants."

During the 1980s, President Ronald Reagan and his interior secretary, James Watt, pushed to open areas off Big Sur, the San Mateo County coast and the Sonoma County coast to new oil drilling. The proposals were met with howls of protest from environmentalists, the fishing industry and tourism leaders.

Congressional leaders led by former Monterey Democratic Rep. Leon Panetta blocked the drilling. Eventually, President George H. W. Bush, seeking to win California as part of his 2012 re-election campaign against Bill Clinton, established the Monterey Bay National Marine Sanctuary, which prohibited oil drilling from Hearst Castle to the Marin Headlands.

Last year, Obama enlarged another sanctuary, the Gulf of the Farallones. So oil drilling is now banned from Hearst Castle to Point Arena in Mendocino County. But oil companies in past years have expressed interest in drilling off Humboldt County, Santa Monica, La Jolla and other places not included in marine sanctuaries.

On Tuesday, Charter, the coastal activist, said that several Democratic leaders from California have discussed a permanent ban with Obama.

“It would be a stunning legacy move for the president to do this as he leaves,” Charter said. “I think he understands that.”