



Calif. agency deepens probe into authority over offshore fracking

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SAN FRANCISCO -- The agency in charge of protecting California's coastline is scrutinizing whether it has the authority to police the use of hydraulic fracturing for offshore deposits of oil and natural gas.

The California Coastal Commission oversees use of land and water along the 1,100-mile coast but until now hasn't weighed in on the unconventional drilling that's happening offshore. Revelations that fracking is happening there could change that.

Agency staff -- who are studying the issue -- at a hearing Wednesday postponed a planned report to the commission in order to produce a more in-depth report in February 2014.

They're studying the prospects of regulating offshore use of hydraulic fracturing, or fracking, as well as how other state and federal authorities are dealing with it.

Unconventional offshore drilling and the various policies surrounding it are complex, requiring more time for analysis, an agency official said.

"It's gotten so complicated and significant that we feel it's more appropriate to give a formal report to the commission," said Sarah Christie, the commission's spokeswoman and

legislative liaison. "It's not as easy as saying, 'From now on, we're going to issue permits for well stimulation,'" she added. "There's a lot of parsing out that needs to be done."

Christie said the report would be a preliminary look at the regulatory landscape around fracking. "Certainly the public has asked for us to regulate fracking directly, and we are looking into the legal ramifications of that," she said. "But it is premature to say we are considering regulating fracking. What we are doing is preparing a report for the commission that lays out the state of offshore fracking, our past practices, the responsibilities, constraints and jurisdictions of other state and federal agencies, and discusses what our existing regulatory authority and constraints are and how that relates to this type of activity."

The Coastal Commission began considering its authority over fracking in August, after a story by the Associated Press found that companies had fracked off California's coast at least a dozen times since the late 1990s. California has a long-standing moratorium on new offshore oil and gas leases, but oil companies can still use old drilling platforms that predate the ban.

In offshore California waters controlled by the federal government, there are 23 platforms with outer continental shelf plans granting approval for exploration (EnergyWire, Aug. 16). Thirteen of those were authorized by the Coastal Com-

mission. But the agency doesn't specifically issue permits for fracking. It's similar to the controversy happening over onshore fracking, which the state Department of Conservation's Division of Oil, Gas and Geothermal Resources is in charge of regulating under a new law, S.B. 4, that goes into effect in 2015 (Energy-Wire, Nov. 18).

The commission has invited the Department of Conservation's chief deputy director, Jason Marshall, to participate in the February meeting, Christie said.

Outside of the hearing yesterday at a hotel here, a dozen protesters stood in wetsuits and hazardous materials suits with a surfboard and a drum of "toxic chemicals" as props. "Hey hey!" they shouted. "Ho ho! Frack our oceans? We say no!"

The protesters were representing more than 150 California environmental groups, which sent a letter to the commission yesterday urging them to halt offshore fracking, arguing that it raises the risk of oil and chemical spills and increases vessel traffic.

One of the protest organizers said she was looking forward to the February report.

"I'm encouraged that they're taking it seriously," said Emily Jeffers, a staff attorney with the Center for Biological Diversity. She said that she hoped the agency would "really flex their muscles under the Coastal Act."

"S.B. 4 is a really weak law," she said. "It certainly doesn't divest the Coastal Commission from exercising their authority."