



**Approvals:**

City Manager [Signature]

Dept. Head [Signature]

Attorney [Signature]

Finance [Signature]

# AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING  
Meeting Date: November 19, 2019

**Department:** Public Works  
**Prepared By:** Tom Bonigut, Public Works Director

**Subject:** *RESOLUTION TO OPPOSE OFFSHORE OIL AND GAS DRILLING, FRACKING AND RELATED TECHNIQUES.*

**Fiscal Impact:** None with this action.

**Summary:** Per City Council's direction, consider adoption of a resolution to formally oppose offshore oil drilling.

**Discussion:** On April 28, 2017, the President signed Executive Order 13795 titled "Implementing an America-First Offshore Energy Strategy," which directed an update of the National Outer Continental Shelf Oil and Gas Leasing Program (refer to Attachment 1). This set in motion a policy toward opening previously protected areas of the Outer Continental Shelf to oil and gas exploration. At its October 15, 2019 meeting, the City Council directed staff to prepare a resolution to formally oppose offshore oil drilling. The attached resolution (Attachment 2) was prepared based on similar actions taken by nearly 100 other California agencies to oppose offshore oil and gas drilling, fracking and related techniques. The proposed resolution is consistent with and supports Centennial General Plan Policy No. NR-4.02 which declares the City's policy to oppose offshore oil drilling and liquified natural gas facilities.

**Recommended**

**Action:** STAFF RECOMMENDS THAT the City Council adopt Resolution No. \_\_\_\_ titled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO PROTECT THE COAST OF CALIFORNIA FROM OFFSHORE OIL AND GAS DRILLING, FRACKING AND RELATED TECHNIQUES."

**Attachments:** 1. Executive Order 13795  
2. Resolution.

**Notification:** None.

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## Presidential Documents

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Executive Order 13795 of April 28, 2017

### Implementing an America-First Offshore Energy Strategy

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Outer Continental Shelf Lands Act, 43 U.S.C. 1331 *et seq.*, and in order to maintain global leadership in energy innovation, exploration, and production, it is hereby ordered as follows:

**Section 1. Findings.** America must put the energy needs of American families and businesses first and continue implementing a plan that ensures energy security and economic vitality for decades to come. The energy and minerals produced from lands and waters under Federal management are important to a vibrant economy and to our national security. Increased domestic energy production on Federal lands and waters strengthens the Nation's security and reduces reliance on imported energy. Moreover, low energy prices, driven by an increased American energy supply, will benefit American families and help reinvigorate American manufacturing and job growth. Finally, because the Department of Defense is one of the largest consumers of energy in the United States, domestic energy production also improves our Nation's military readiness.

**Sec. 2. Policy.** It shall be the policy of the United States to encourage energy exploration and production, including on the Outer Continental Shelf, in order to maintain the Nation's position as a global energy leader and foster energy security and resilience for the benefit of the American people, while ensuring that any such activity is safe and environmentally responsible.

**Sec. 3. Implementing an America-First Offshore Energy Strategy.** To carry out the policy set forth in section 2 of this order, the Secretary of the Interior shall:

(a) as appropriate and consistent with applicable law, including the procedures set forth in section 1344 of title 43, United States Code, in consultation with the Secretary of Defense, give full consideration to revising the schedule of proposed oil and gas lease sales, as described in that section, so that it includes, but is not limited to, annual lease sales, to the maximum extent permitted by law, in each of the following Outer Continental Shelf Planning Areas, as designated by the Bureau of Ocean Energy Management (BOEM) (Planning Areas): Western Gulf of Mexico, Central Gulf of Mexico, Chukchi Sea, Beaufort Sea, Cook Inlet, Mid-Atlantic, and South Atlantic;

(b) ensure that any revisions made pursuant to subsection (a) of this section do not hinder or affect ongoing lease sales currently scheduled as part of the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program, as published on November 18, 2016; and

(c) develop and implement, in coordination with the Secretary of Commerce and to the maximum extent permitted by law, a streamlined permitting approach for privately funded seismic data research and collection aimed at expeditiously determining the offshore energy resource potential of the United States within the Planning Areas.

**Sec. 4. Responsible Planning for Future Offshore Energy Potential.** (a) The Secretary of Commerce shall, unless expressly required otherwise, refrain from designating or expanding any National Marine Sanctuary under the National Marine Sanctuaries Act, 16 U.S.C. 1431 *et seq.*, unless the sanctuary designation or expansion proposal includes a timely, full accounting from the Department of the Interior of any energy or mineral resource potential

within the designated area—including offshore energy from wind, oil, natural gas, methane hydrates, and any other sources that the Secretary of Commerce deems appropriate—and the potential impact the proposed designation or expansion will have on the development of those resources. The Secretary of the Interior shall provide any such accounting within 60 days of receiving a notification of intent to propose any such National Marine Sanctuary designation or expansion from the Secretary of Commerce.

(b) The Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of the Interior, and the Secretary of Homeland Security, shall conduct a review of all designations and expansions of National Marine Sanctuaries, and of all designations and expansions of Marine National Monuments under the Antiquities Act of 1906, recently recodified at sections 320301 to 320303 of title 54, United States Code, designated or expanded within the 10-year period prior to the date of this order.

(i) The review under this subsection shall include:

(A) an analysis of the acreage affected and an analysis of the budgetary impacts of the costs of managing each National Marine Sanctuary or Marine National Monument designation or expansion;

(B) an analysis of the adequacy of any required Federal, State, and tribal consultations conducted before the designations or expansions; and

(C) the opportunity costs associated with potential energy and mineral exploration and production from the Outer Continental Shelf, in addition to any impacts on production in the adjacent region.

(ii) Within 180 days of the date of this order, the Secretary of Commerce, in consultation with the Secretary of Defense and the Secretary of the Interior, shall report the results of the review under this subsection to the Director of the Office of Management and Budget, the Chairman of the Council on Environmental Quality, and the Assistant to the President for Economic Policy.

(c) To further streamline existing regulatory authorities, Executive Order 13754 of December 9, 2016 (Northern Bering Sea Climate Resilience), is hereby revoked.

**Sec. 5. *Modification of the Withdrawal of Areas of the Outer Continental Shelf from Leasing Disposition.*** The body text in each of the memoranda of withdrawal from disposition by leasing of the United States Outer Continental Shelf issued on December 20, 2016, January 27, 2015, and July 14, 2008, is modified to read, in its entirety, as follows:

“Under the authority vested in me as President of the United States, including section 12(a) of the Outer Continental Shelf Lands Act, 43 U.S.C. 1341(a), I hereby withdraw from disposition by leasing, for a time period without specific expiration, those areas of the Outer Continental Shelf designated as of July 14, 2008, as Marine Sanctuaries under the Marine Protection, Research, and Sanctuaries Act of 1972, 16 U.S.C. 1431–1434, 33 U.S.C. 1401 *et seq.*”

Nothing in the withdrawal under this section affects any rights under existing leases in the affected areas.

**Sec. 6. *Reconsideration of Notice to Lessees and Financial Assurance Regulatory Review.*** The Secretary of the Interior shall direct the Director of BOEM to take all necessary steps consistent with law to review BOEM’s Notice to Lessees No. 2016–N01 of September 12, 2016 (Notice to Lessees and Operators of Federal Oil and Gas, and Sulfur Leases, and Holders of Pipeline Right-of-Way and Right-of-Use and Easement Grants in the Outer Continental Shelf), and determine whether modifications are necessary, and if so, to what extent, to ensure operator compliance with lease terms while minimizing unnecessary regulatory burdens. The Secretary of the Interior shall also review BOEM’s financial assurance regulatory policy to determine the extent to which additional regulation is necessary.

**Sec. 7. *Reconsideration of Well Control Rule.*** The Secretary of the Interior shall review the Final Rule of the Bureau of Safety and Environmental

Enforcement (BSEE) entitled “Oil and Gas and Sulfur Operations in the Outer Continental Shelf-Blowout Preventer Systems and Well Control,” 81 *Fed. Reg.* 25888 (April 29, 2016), for consistency with the policy set forth in section 2 of this order, and shall publish for notice and comment a proposed rule revising that rule, if appropriate and as consistent with law. The Secretary of the Interior shall also take all appropriate action to lawfully revise any related rules and guidance for consistency with the policy set forth in section 2 of this order. Additionally, the Secretary of the Interior shall review BSEE’s regulatory regime for offshore operators to determine the extent to which additional regulation is necessary.

**Sec. 8. *Reconsideration of Proposed Offshore Air Rule.*** The Secretary of the Interior shall take all steps necessary to review BOEM’s Proposed Rule entitled “Air Quality Control, Reporting, and Compliance,” 81 *Fed. Reg.* 19718 (April 5, 2016), along with any related rules and guidance, and, if appropriate, shall, as soon as practicable and consistent with law, consider whether the proposed rule, and any related rules and guidance, should be revised or withdrawn.

**Sec. 9. *Expedited Consideration of Incidental Harassment Authorizations, Incidental-Take, and Seismic Survey Permits.*** The Secretary of the Interior and the Secretary of Commerce shall, to the maximum extent permitted by law, expedite all stages of consideration of Incidental Take Authorization requests, including Incidental Harassment Authorizations and Letters of Authorization, and Seismic Survey permit applications under the Outer Continental Shelf Lands Act, 43 U.S.C. 1331 *et seq.*, and the Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq.*

**Sec. 10. *Review of National Oceanic and Atmospheric Administration (NOAA) Technical Memorandum NMFS-OPR-55.*** The Secretary of Commerce shall review NOAA’s Technical Memorandum NMFS-OPR-55 of July 2016 (Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing) for consistency with the policy set forth in section 2 of this order and, after consultation with the appropriate Federal agencies, take all steps permitted by law to rescind or revise that guidance, if appropriate.

**Sec. 11. *Review of Offshore Arctic Drilling Rule.*** The Secretary of the Interior shall immediately take all steps necessary to review the Final Rule entitled “Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf,” 81 *Fed. Reg.* 46478 (July 15, 2016), and, if appropriate, shall, as soon as practicable and consistent with law, publish for notice and comment a proposed rule suspending, revising, or rescinding this rule.

**Sec. 12. *Definition.*** As used in this order, “Outer Continental Shelf Planning Areas, as designated by the Bureau of Ocean Energy Management” means those areas delineated in the diagrams on pages S-5 and S-8 of the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Draft Proposed Program, as published by the BOEM in January 2015, with the exception of any buffer zones included in such planning documents.

**Sec. 13. *General Provisions.*** (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be the name of Donald Trump, written in a stylized, cursive script.

THE WHITE HOUSE,  
*April 28, 2017.*

[FR Doc. 2017-09087  
Filed 5-2-17; 11:15 am]  
Billing code 3295-F7-P

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN CLEMENTE, CALIFORNIA, TO PROTECT THE COAST  
OF CALIFORNIA FROM OFFSHORE OIL AND GAS  
DRILLING, FRACKING AND RELATED TECHNIQUES

WHEREAS, the City of San Clemente and its visitors enjoy California's beaches and the Pacific Ocean for recreational, commercial, and educational activities, all of which support our local economy; and

WHEREAS, the City of San Clemente'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 seismic exploration off the Pacific coast put these coastal resources, and the communities and industries that depend on them, at risk from oil spills, intense ocean noise, and other damage; and

WHEREAS, expanding offshore oil and gas drilling, seismic exploration, fracking and other well stimulation techniques threatens coastal stakeholders, marine wildlife, human health and climate; 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 2015 a pipeline servicing offshore oil platforms burst and fouled the same coastal areas, damaging wildlife and impacting recreational and commercial activities; and

WHEREAS, beginning in 1921, the California State Legislature enacted laws that withdrew certain offshore areas from oil and gas leasing, and by 1989 the State's offshore oil and gas leasing moratorium was in place; and

WHEREAS, new federal offshore oil and gas leases have not been granted off the coast of California since 1984; 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, titled "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 millions of coastal acres off U.S. shores to oil and gas drilling; 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;

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

WHEREAS, the City of San Clemente Centennial General Plan dated February 2014 includes Policy No. NR-4.02 declaring the City's policy to oppose offshore oil drilling and Liquefied Natural Gas facilities, and prohibit on-shore support facilities for such extraction uses.

NOW, THEREFORE, The City Council of the City of San Clemente does hereby resolve as follows:

Section 1. The City of San Clemente supports a ban on new offshore oil and gas drilling, fracking, and related techniques in federal and state waters off the coast of California.

Section 2. The City of San Clemente opposes any new federal oil and gas leasing in all U.S. waters, including the coast of California.

Section 3. The City of San Clemente opposes new leases for oil and gas facilities off the coast of California.

Section 4. The City Clerk is hereby directed to transmit a copy of this Resolution to Secretary of the Interior David Bernhardt, Bureau of Ocean Energy Management Acting Director Walter Cruickshank, Governor Gavin Newsom, U.S. Senators Dianne Feinstein and Kamala Harris; U.S. Representative Mike Levin, State Senator Pat Bates, State Assemblymember Bill Brough and any other interested parties

Section 5. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this 19th day of November, 2019.

ATTEST:

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City Clerk of the City of  
San Clemente, California

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Mayor of the City of San  
Clemente, California

STATE OF CALIFORNIA     )  
 COUNTY OF ORANGE        ) §  
 CITY OF SAN CLEMENTE    )

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. \_\_\_\_\_ was adopted at a regular meeting of the City Council of the City of San Clemente held on the 19<sup>th</sup> day of November, 2019, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this \_\_\_\_\_ day of November, 2019.

\_\_\_\_\_  
 CITY CLERK of the City of  
 San Clemente, California

Approved as to form:

\_\_\_\_\_  
 City Attorney