

How Undisclosed Offshore Fracking Practices Are Inadvertently Reshaping Coastal Zone Regulatory Frameworks



Presented By:
Stefanie Sekich-Quinn
Surfrider Foundation
CA Policy Manager

Fracking Frenzy



- Fracking Boom in Great Plains, New York, and Pennsylvania...
- But In California...?

Fracking in California

- Oil/Gas Industry acknowledged fracking onshore. Kern County, Los Angeles and Central Valley .
- Coastal advocates suspected offshore
- After several FOIAs, and scouring internal documents– confirmation fracking occurred **a dozen times over two decades in Federal water.**
- Fluids discharged into ocean. **Near Marine Protected Areas.**

Fracking in CA...

- Internal emails questioning how the DOI could allow fracking offshore without producing an EIS.
- Internal documents reveal offshore fracking is **not very successful**.
- **State legislators and certain regulators** livid. "We are in the dark. It is very distressing," said state Sen. Hannah-Beth Jackson
- Small group lobbies CA Coastal Commission (CCC) to examine Federal waters— **simultaneously, we discover fracking in State waters**.
- CCC launches full investigation

State of the State

- State vs Federal Waters (3 miles)
- Coastal Zone Management Act (CZMA) gives Commission authority to review Federal operations.



Stateside Status

- State Law prohibits the discharge of produced fluids in state waters
 - Most waste fluids **reinject**ed into originating reservoir
 - “Closed loop” operations at sites with well stimulation treatments.



CALIFORNIA REPUBLIC



Federal Process

- Offshore oil and gas developed via OCS Plans:
 - Department of Interior’s Bureau of Safety and Environmental Enforcement (BSEE) Bureau of Ocean Energy Management (BOEM)
- CCC reviewed “consistency certifications” for 11 of 23 platforms. Some are pre-Coastal Act.
- National Pollution Discharge Elimination System (NPDES) reauthorized every 5 years by EPA.
 - Some operators assumed the ‘discharge covered’ in NEPDES, others sought Categorical Exclusions.

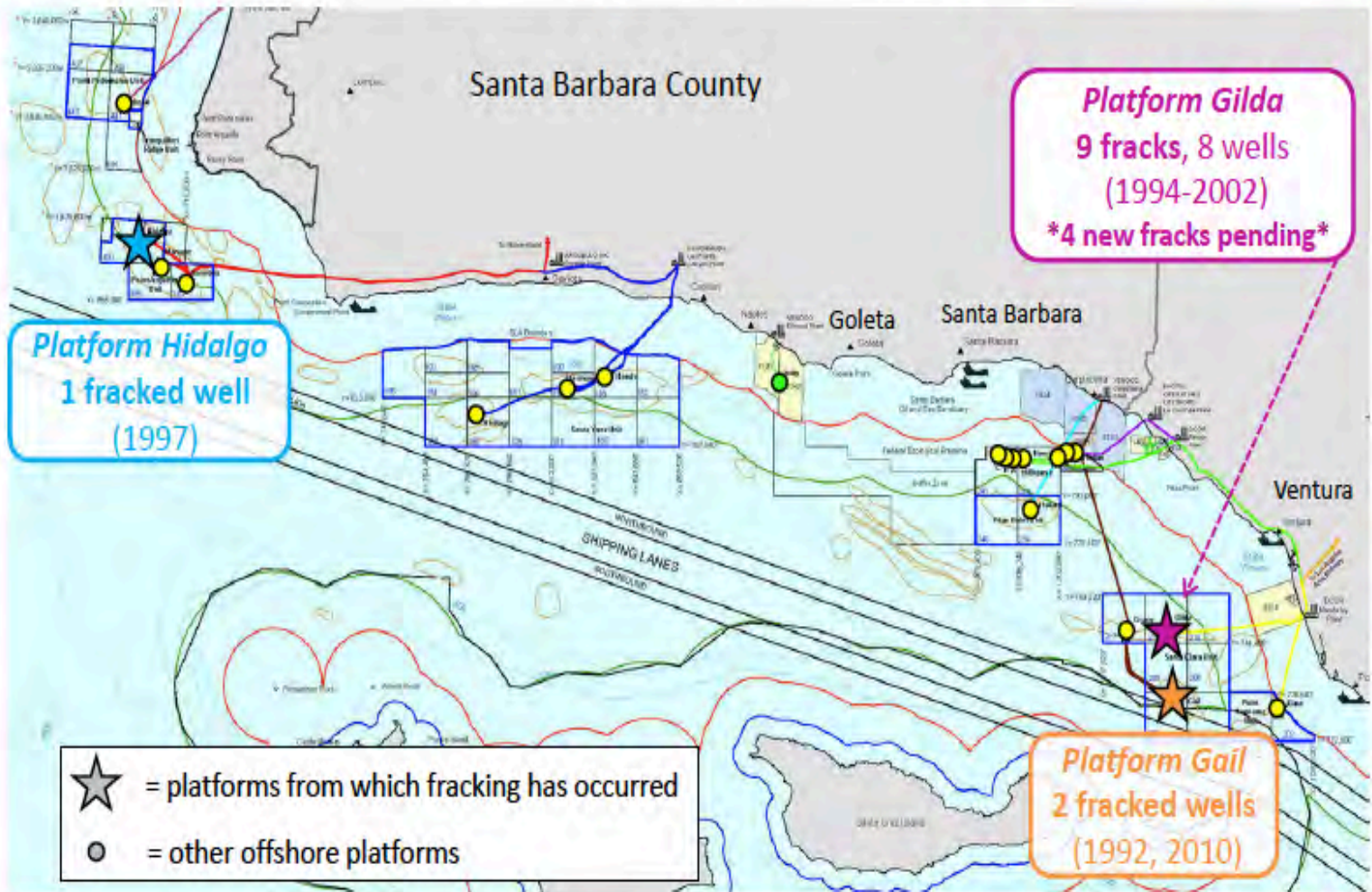
Hydraulic Fracturing in State Waters (since 1994)



Source: California Dept. of Conservation, 2000.

Hydraulic Fracturing in Federal Waters

- 23 offshore platforms
- 12 confirmed instances of fracking
- 4 approved but pending plans to frack
- Confirmed use of acid stimulation



NGO Recommendations

LIFT THE FOG ON OCEAN FRACKING

How State and Federal Agencies Can Make the Oil Industry Come Clean on Well Stimulation*

*Acidization, Fracking and Frack-Packs

Recommendations to the California Coastal Commission Hearing on February 12, 2014, from:

**Environmental Defense Center, California Coastal Protection Network,
Surfrider Foundation, Ocean Foundation, WILDFOAST, and Citizens for Responsible
Oil and Gas**



NGO Recommendations



- ✓ Oil companies conducting **new** fracking in state waters must obtain a Coastal Development Permit (**CDP**).
- ✓ The Commission will enter into a **Memorandum of Agreement (MOA) with the California Department of Conservation to delineate the agencies'** authorities, responsibilities, and notification and reporting requirements.
- ✓ The Commission will work with: EPA and the Department of Interior's Bureau of Safety and Environmental Enforcement (BSEE) to determine where fracking has been approved in older permits, some issued pre-Coastal Act, for drilling in federal waters.

NGO Recommendations



- ✓ The Commission requested federal regulators **provide notification when new offshore oil-drilling includes fracking**, so CCC can exercise its own regulatory authority under state and federal law.
- ✓ The Commission will advise U.S. **EPA to modify its general permit** for offshore oil and gas activities to require additional Commission review.
- ✓ The Commission will request to participate in upcoming fracking science and policy processes required **by Senate Bill 4, which to establish a statewide regulatory framework for fracking.**
- ✓ The Commission will convene a **public workshop** after the release of the SB 4 Science Study to examine the study's results and identify its next steps.

Public Engagement

- Social media
- Blogs and Huffington Post
- Hold Community Forums around CCC hearings to explain process
- Engaging Chapter Network.

Hands Across the Sand!



San Francisco



Laguna



Central Coast



North Coast