

Quiet talk of drilling offshore

"Stealth strategy" worries opponents

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The powerful House Resources Committee, headed by a California Republican lawmaker, is quietly circulating what environmentalists call a "stealth strategy" to overturn nearly a quarter-century of bans against new offshore oil and gas drilling along much of the U.S. coastline.

The obscure draft legislation, called SEACOR, or the State Enhanced Authority for Coastal and Offshore Resources Act of 2005, would expand state control over energy development in offshore waters -- and at the same time eliminate the blanket West and East Coast moratoriums given by Congress since 1982.

California and a dozen other states have depended on the hands-off policy to protect sensitive coastal waters against catastrophes such as the Santa Barbara pipeline blowout of 1969, which blackened beaches and killed countless numbers of birds and other sea life.

The measure, under the wing of the committee chairman, Rep. Richard Pombo, R-Tracy, has not been formally introduced in Congress, but it has been quietly making the rounds of industry groups for a year and a half. Trade groups such as the American Gas Association, the Industrial Energy Consumers of America and the American Iron and Steel Institute, which says it gave input to the House Energy Committee on preparing SEACOR, have been lobbying for its inclusion in a pending omnibus energy bill.

Last week, representatives of the House committee and the American Gas Association took the SEACOR proposal to the Coastal States Organization and the National Governors Association, calling it draft legislation that may be raised in connection with the energy bill, which goes before Congress next month.

Environmentalists fear it could get slapped onto the energy bill in last-minute joint House-Senate conference meetings and become law without public scrutiny.

"It wouldn't be the first time that a piece of legislation that has never been subjected to public debate in Congress or anywhere else has been tacked onto the energy bill," said Richard Charter, marine conservation advocate with Environmental Defense and longtime foe of offshore oil drilling. "We see SEACOR as part of a stealth strategy to undo all protections of U.S. coastlines for offshore drilling."

Even if a state chooses to prohibit drilling off its own shore, that safeguard wouldn't protect the coast from accidents elsewhere, he said.

"If you consider that the Exxon Valdez oil spill traveled hundreds of miles over a period of months," Charter said, "it's ridiculous to think that routine drilling discharges and accidental spills wouldn't affect all adjoining states."

Brian Kennedy, Pombo's spokesman, said SEACOR won't make it into the energy bill this year. It's not yet a proposal but "one of a number of policy concepts that originated in the House Resources Committee," he said.

"It's not ready for prime time."

SEACOR would remove existing moratoriums, increase the states' share of revenue royalties within federal waters, and provide the states with veto power over some energy development in offshore zones if they're willing to give up some of the royalties.

In anticipation of the introduction of the energy legislation, 11 bipartisan senators from coastal states, including California Democrats Dianne Feinstein and Barbara Boxer, sent a letter last month to Rep. Pete Domenici, R- N.M., chairman of the Senate Energy and Natural Resources Committee. In the letter, they did not address the issue of SEACOR but said they were expressing "strong objection to any proposed provisions that would open currently restricted areas" to offshore oil and gas exploration.

The senators referred to language in a measure authored by Rep. Barbara Cubin, R-Wyo., which would give the Interior secretary sole authority over approving energy development 200 miles off the U.S. coastline. Without a vote of approval from any congressional committee, the so-called Cubin amendment was previously put in the energy bill, where it remains for consideration again this year.

SEACOR is already starting to produce fissures in the coastal chain of anti-drilling moratoriums.

Two weeks ago, the Virginia House of Delegates passed a bill directing its state liaison office to work with the Virginia congressional delegation to enact "the proposed federal SEACOR, or similar legislation." Democratic Gov. Mark Warner has until April 6 to veto the measure or allow it to take effect.

East Coast environmental groups expect SEACOR to emerge next in North Carolina with other states to follow.

Pombo's spokesman, Kennedy, said the measure has "gotten a lot of traction."

It "has garnered a lot of attention because it is a paradigm change in energy policy," he said. "SEACOR would take away authority from the federal government and empower the states.

"Rep. Pombo certainly thinks the idea has merit and could potentially work in the future. From a political standpoint, it would have to come up from the states."

The Resources Committee has yet to release the measure to members of the public who request it.

Pombo came into Congress as part of a conservative wing bent on changing federal regulatory policy. Last month, he came under heavy criticism for proposing to open the closely protected Farallon Islands seabird habitat to boaters and amateur radio operators.

But Pombo supports the moratoriums in many coastal states, said Kennedy, although he believes they could be eliminated under SEACOR because the states would have the authority to veto energy projects in zones off their coasts.

Former President George H.W. Bush issued the first executive order placing a moratorium on new leases offshore California, Oregon, Washington, Maine, Massachusetts, New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina and Florida. President Bill Clinton extended it to 2012.

Congress also has continued a moratorium every year since 1982 by putting language in appropriations bills that prohibits spending money on conducting leasing activities. Bristol Bay in Alaska was added after the Prince William Sound spill in 1989. In January, President Bush's budget reiterated the moratorium.

Bipartisan congressional representatives, except in Texas, Louisiana, Alabama and Mississippi, generally support the bans. Polls along the West and East coasts show that residents strongly favor sacrificing

increased royalties from natural gas and oil drilling to prevent spills and industrial energy development that could harm recreation, tourism, and fish and wildlife.

Michael Town, director of the Sierra Club's Virginia Chapter, called the selling of SEACOR a double-pronged approach -- working the measure in cash-strapped states as well as in Congress.

The measure caught the public off guard, Town said. "We didn't even know the bill was there until it passed the (Virginia) Senate. The measure didn't go to the Agriculture and Natural Resources Committee or Commerce Committee but a committee we never track -- General Laws. It's obvious it was more politics than policy," Town said.

"The purpose of this bill in Virginia isn't to just put platforms off our coast," said Town. "The purpose is to dismantle the moratoriums that have protected our coastlines nationwide for more than 20 years. It's a national energy policy being played out at the state levels, and the public doesn't have a say."

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