
Issue 2: Hydrocarbon Development

Comment

Regulation and Prohibition

Oil and gas development within the Sanctuary should either be prohibited or regulated. Concerns range from impacts of potential toxic wastes released from oil-drilling platforms, reduced tourism due to diminished scenic views, lack of adequate emergency oil response capabilities, to catastrophic blow outs.

Any national defense exemption should be tied to a Presidential declaration of emergency and a Presidential finding that OCS leasing and development within Sanctuary boundaries is necessary to meet emergency needs. This determination should be made by Congress, and not by a Presidential finding alone

Activities in State Waters

The governor of California recently requested and secured the deletion of Monterey Bay and adjacent areas from oil and gas leasing activities. All State waters within this region, including the Bay proper, now fall within a State Oil and Gas Sanctuary in which oil and gas activities are prohibited.

Impacts

The potential impacts of oil and gas activities are not clearly analyzed in the DEIS/MP. The FEIS/MP should examine direct, indirect, and cumulative impacts on all proposed boundary alternatives.

NOAA Response

Prohibition and Regulation

NOAA is prohibiting exploring for, developing, or producing oil or gas in the Sanctuary.

The exceptions provided to the Department of Defense (DOD) for military activities in the Sanctuary regulations do not apply to the exploration, development, or production of oil, gas, or minerals in the Sanctuary. NOAA does not foresee the exploration, development or production of oil, gas or minerals in the Sanctuary under any circumstances. Any changes to the Sanctuary regulations must be made pursuant to the Administrative Procedure Act's (APA) notice-and-comment rulemaking process and the applicable requirements of NEPA and Title III of the Marine Protection, Research, and Sanctuaries Act (MPRSA). The authority of the Executive Branch to modify Sanctuary regulations is separate and distinct from the legislative powers of the Congress.

Activities in State Waters

All the Sanctuary regulations apply to both Federal and state waters within the MBNMS. NOAA's oil and gas prohibition, therefore, complements the current state prohibition by ensuring long-term protection from future changes to state law.

Impacts

The FEIS/MP includes an analysis of Sanctuary impacts on all resources and uses (including oil and gas) for all boundary alternatives.