



Transcript of Video Interview with Linda Krop, recorded 2009.

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Janet Bridgers Interview with Linda Krop

JB: Hello and welcome to *Heroes of the Coast*. My name is Janet Bridgers, executive director of Earth Alert. And we're here to bring you the stories and issues, organizations involved in saving the California coast for the rest of us. I'm very pleased to have as our guest today, Linda Krop, chief counsel with Environmental Defense Center in Santa Barbara. Linda, thanks for joining us.

Linda Krop: Thank you for having me.

JB: The Environmental Defense Center is celebrating an important anniversary in the last couple of years. What anniversary is that?

LK: Well, actually next year will be our 30th anniversary, so we celebrated our 25th a few years ago. We were founded in 1977, so we're coming up to 30 years.

JB: A major accomplishment.

LK: Right

JB: And I was pleased to be able to find from the information on your website that you have had a very long history in working to save the coast with regard to oil and energy issues.

LK: Yes, in fact, one of our very first cases in the late '70s involved opposing a proposed liquefied natural gas project offshore at Pt. Conception, and our client was the Chumash Nation, up in Santa Barbara County. And here it is, 30 years later, and one of the biggest issues we're working on again is the proposal to bring liquefied natural gas from overseas. So definitely has come full cycle again.

JB: We're going to be coming back to that because that is such a huge issue now facing the coast. But I wanted to talk some more about just what you remember and the stories you've heard about some of the cases that EDC, as we all call you, have gone through with regard to oil and gas issues in the last 30 years.

LK: Sure. I think to really talk about this issue, you have to go back to 1969, because it was a major oil spill offshore Santa Barbara in 1969 that led to an increased awareness of environmental threats and risks and oil/gas development being high on that list, and it was because of all the organizations that formed in response to the 1969 oil spill, as well as all the federal and state laws that came into play that led to the local communities realizing that they needed some help on the legal front to be able to force agencies to do the right thing, to try to stop disastrous activities that would affect the coast. And that actually why the Environmental Defense Center was formed. We were formed to help all the other environmental groups from

the Sierra Club, to Get Oil Out, and Audubon Society and Surfrider, to help them have the tools to try to block more damaging offshore oil and gas development. And over the years, we've worked on issues offshore San Luis Obispo, Santa Barbara and Ventura Counties in terms of addressing proposals by the federal government to lease more tracts for development, all the way to specific oil drilling projects.

JB: And quite a list of those there are. I'm not going to even read the list, but the oil companies...without the regulations that have been implemented, both by the state and the federal government, the oil companies would be pretty loose, I take it.

LK: Oh, the changes in the laws since 1969 have made a huge difference. Probably the most important law originally was the National Environmental Policy Act that required federal agencies to consider environmental impacts before approving a project like an oil and gas development project. But other laws are equally as important, like the Clean Water Act and the Clean Air Act and more recently, we've successfully enforced the Coastal Zone Management Act, which is a federal law that allows coastal states like California to review federal oil and gas leasing and development projects. And a couple of years ago, we won a very important case in the 9th Circuit of the Federal Court of Appeals that blocked the federal Minerals Management Service from extending about 36 oil leases. Under that law, we were able to achieve Coastal Commission review of those leases and the Coastal Commission last summer denied extension of those leases. So using those kinds of legal tools has made a huge difference and that's where EDC comes into play to help these other organizations achieve their goals, which is usually to stop this type of development.

JB: Wow! Tell me more about some of the specifics involved with some of the oil companies? Do you think they actually are on...have a good faith orientation toward the coast? Are they sloppy with what they present? Are they trying to sneak under the wire? From all these cases, it would seem like you must have some widely varying attitudes behind what gets presented in court with oil companies.

LK: That's exactly what I was going to say, but my experiences vary drastically from one oil company to another. There are some companies that...I think any oil company, their bottom line is to extract the resource and produce it and get it to the market, and in any of that, there are going to be consequences locally. And I think even the best-intentioned oil company is still going to be proposing an activity that is still going to have risks to the coast. No matter how hard a company tries to prevent an oil spill, they still happen.

We just had a major oil spill off our coast in 1997 when a pipeline that was bringing oil from Platform Irene off the Pt. Arguello coast sprung a leak. Now the automatic leak detection system in the pipeline worked. The technology worked. The pipeline was shut down. The spill only would have lasted a few seconds, but an operator on the platform said, "oh my gosh, the pipeline shut down. I better restart it." And he restarted it and it ended up spilling for several hours before anyone detected it. Even though the company tried to use good technology, you never know once operations are in play what's going to happen. And almost all oil spills tend to be exacerbated, if not caused, by operator error.

So that's why, no matter how well intentioned an oil and gas company is, that's why we still have concerns about their projects.

And there's other extremes where they definitely do try to cut corners. That's what happened with the 1969 oil spill. Unocal convinced the federal government to allow them not to install casings all the way down the level that they were going to drill, and what happened is there was a blowout below where they installed the casings. Now had they installed, the full casings, the blowout probably wouldn't have happened.

We had another situation, another oil spill, in 1994. Again it involved oil coming from offshore to onshore near Ellwood, in Santa Barbara County. Mobil was the operator of that facility and the oil spill occurred actually onshore under the Sand Piper Golf Course. And when it was discovered, neither Mobil nor Sand Piper wanted anyone to know, because Sand Piper didn't want people to think they couldn't come golf, and Mobil didn't want people to know they had an oil spill. People are very sensitive to that in our area. And it was actually a couple members of the public that came upon the spill cleanup and called us. And we notified the agencies, who did not know, and we notified the media, and then the agencies were able to respond and make sure the clean up was handled appropriately.

So you definitely have a mix. Clearly, they don't want their reputation besmirched, and yet, there's constant issues with air pollution and oil spills and water pollution from these types of activities and they just can't avoid them.

JB: Well, I'm really glad that you're there and that you're able to help watchdog these activities. That is an understatement. And as we go forward, what I want to spend the next few minutes talking about is this huge gas-related threat that we're seeing from liquefied natural gas. What is EDC's involvement in the current...in the proposals to bring liquefied natural gas. And I'm going to point out to our viewers [referring to a huge stack of bound papers on the table] this is just one volume of the EIR and you have how long to read this light reading?

LK: Well, the EIR, there's actually two volumes, about 2200 pages, and we were given 45 days to review this document, to have our experts look at this, have other environmental groups look at this, and to submit our comments. So it's a pretty tight timeframe.

JB: On a practical level, how do you do that?

LK: Well, fortunately, we had a team ready to go. So we had taken probably about six months to prepare for this in terms of getting our experts lined up, getting other environmental groups lined up, so once this hit the streets, we were in good shape. Otherwise, it would have been nearly impossible to respond in a timely manner. But even so, this is basically...we're being given the same or less amount of time as the public has to review an EIR for maybe a 30-unit residential development. It's amazing. Well, we would like more time, obviously, but the federal government is pushing oil and gas development so rapidly that Congress is enacting laws that don't give the public much time to participate. And that's what's happening in this case. The law says, "you get 45 days." The agencies cannot extend that then, unless there's some major flaw and they have to go back and revisit the issue, and actually this is the second environmental

document. We had 45 days to review the first document back in 2004, and based on our comments, the agencies realized they had to go back to the drawing board, and so we do have a second chance. But each time around, Congress set 45 days and it's 45 days.

JB: Excuse me for interrupting with just the comment about this volume. Now how exactly are you involved in this case? It is a case?

LK: Yes. We consider our projects to be cases as soon as we represent an organization, so we may be appearing at the City Council, we may be reviewing an EIR, but once we take that responsibility on, it's a case and we give it our full attention. In this case, our client is the California Coastal Protection Network, which is a statewide coastal protection organization, and their executive director lives in Santa Barbara, so she definitely has a strong interest in things happening in our region.

We also are part of a statewide, or actually, California and Baja coalition of organizations that are addressing all of the Pacific projects such as this that would bring natural gas to California. And that's been a great opportunity to network with other organizations, and help each other. For example, in our environmental impact report, it says that all of the other LNG projects are infeasible, that they have so many problems. So we were able to give this document to those groups, "here, this will help you fight your projects, and maybe they'll be able to do the same with us."

But our main focus is on this one project and our analysis...

JB: Which is the?

LK: This one project is called the Cabrillo Port Liquefied Natural Gas Project. The project would bring natural gas in a liquefied or condensed form from overseas, probably Australia or Indonesia. The gas would come over on supertankers that are about the size of three football fields and it would anchor up about 14 miles offshore Oxnard and Malibu areas. And then the liquefied natural gas would be heated up, back into a gaseous form, then sunk into a pipeline and brought to shore. So they would also have to build a pipeline to shore and then the onshore pipelines that would bring the gas mainly into the Southern California Gas distribution system. So it's a...it has many components to it. The main issues that we've raised is, first of all, do we even need this? There are so many impacts with a project like this, and so many risks that we think it's really important that the state first determine if we even need to import liquefied natural gas.

JB: Has the state done that?

LK: The state has refused to do that. We have asked the governor, we've asked the Public Utilities Commission, we've asked the California Energy Commission. They have all refused to do it. There is a bill pending in the state legislature that would require that assessment. And that bill will hopefully pass this year, but this brings me back to what I started the interview with was 30 years ago, our first case was dealing with a project very similar to this. And at that time, we

were told we had a huge natural gas crisis in California. If we didn't bring in natural gas from overseas, what were we going to do? The lights were going to go out, etc.

JB: The exact same rationale...

LK: And we don't need it now. We've hired energy experts, some that used to work within these state agencies, one was the chair of the Public Utilities Commission during the so-called energy crisis in 2001, and everybody keeps telling us we do not need to do this. This is basically another market manipulation by the oil and gas industry. The oil and gas industry has asked our state to cancel domestic natural gas contracts that we already had. We were asked to cancel those in 2004. And they did reduce them, and then the state oil and gas companies then say, "oh my gosh, California doesn't have enough natural gas. We're going to bring you this liquefied natural gas from overseas and help you out." And someone needs to get to the bottom of this, because it's very corrupt. It's very misleading. And the impacts range from air pollution impacts that are going to come onshore from this project, water pollution impacts, impacts to whales and other marine wildlife, climate change impacts. This is a fossil fuel that is going to be transported overseas. Tremendous climate change impacts that this document is not looking at. Visual impacts for the community. They finally have admitted that. And safety impacts. Our safety experts said that they had grossly understated the safety zone, the risk zone from this project. And now they admit that, that they underestimated by a factor of three- to four-times.

So with that many risks and impacts, it's really important that the state slow down the process and decide if we even need a project like this, and we believe the answer will be "no," if they do that assessment.

JB: And how does the state, at this point, have the ability to do that, if the federal government is really creating pressure? What are the mechanisms within our state government that will help slow this down, if not prevent it?

LK: Well, the most direct and immediate role of the state is that under the law, the governments offshore of liquefied natural gas terminals, the governor of the adjacent state has the right to approve or veto the project. And this fall, our governor will be asked to either approve or veto this project. That's the same governor that has refused to even look at whether we need this project. He's already come out on a personal basis and said we do and he's refused to do the assessment. And it's very frustrating because he's the same governor (Schwarzenegger) that approved our California Energy Action Plan for the state that says "first, we should look at improving energy efficiency and conservation; second, we should look at increasing renewable sources of energy for the state; fossil fuels is way at the bottom." And so we believe that under our state's Energy Action Plan, which the governor has approved, he should veto this project.

JB: Is that a law?

LK: It's policy. It's not really enforceable, but it's supposed to be a representation of his approach to energy in the state and he's not following it.

JB: So our best hope would be to embarrass him, based on that policy, as opposed to legal...there isn't a legal lever there, is there?

LK: Probably not there. Fortunately, we do have other legal levers. But the other state agencies that have a say, probably the next most important is the California Coastal Commission will have an opportunity to review this project. And just as the commission objected to the oil and gas leases, we're definitely be going to be asking them to object to this project. And if the Coastal Commission objects to the project, federal approval cannot go forward unless the Secretary of Commerce overrides the Coastal Commission. So that will definitely become a hot political issue later this year as well.

JB: What about mitigations they have listed in...do they have any mitigation in this?

LK: Well, some of the mitigation is still speculative, because they still haven't looked at some of the impacts from the project. And so they haven't even gotten to the types of mitigation. Other types of mitigation they're just refusing to look at. For example, there's another proposal that has come up by another Australian company called Woodside. Their proposal is to avoid having to construct an offshore terminal, and to still bring liquefied natural gas on tankers from overseas, but then heat up the natural gas on that same tanker and then distribute the gas to shore by pipeline. And it would be a safer technology because you don't have to offload this very, very volatile, flammable, explosive gas from one super tanker to another in high sea conditions, or swells, so it would eliminate that potential risk. So that would be one mitigation measure. We asked them to look at that technology and in this document, they say, "we're not even going to consider that as a mitigation measure or an alternative."

JB: But does the presence of another project, and that's only one of two other projects that are out there, does that...can that have an impact on the process?

LK: We're hoping...Clearly for the agencies that prepared this document, it did not have an impact, but maybe when we get to the decision makers, or the governor, and if not there, in court. That's our job.

JB: The third project I just wanted to mention is the Crystal Energy project, which was the first that we knew of in this area, and now seems to be kind of back down as the...because it's a smaller company, I suppose. What do you think about what's happening with Crystal Energy? Any thoughts on that?

LK: Well, Crystal was the first project, and their proposal was again to bring a supertanker and to anchor it up against Platform Grace, an existing oil and gas platform that's not producing oil, and to basically build a gasification unit on that platform, instead of on another tanker, like this project. Crystal's original partner was Woodside, and Woodside is the company that is now looking at a project that would not require a separate terminal or separate oil platform. I'm not sure what's happening. I've heard that Veneco that operates Platform Grace might be considering doing some oil production there, because the price of oil has gone up, and so they can't do both.

This platform was also proposed to construct a fish farm. So there's lots of attention at that platform and I don't think Veneco has decided what they want to do with the platform, but between the Cabrillo Port project, there's another proposal in the Long Beach Port, the new Woodside project, there's two projects in Baja, both of which would bring liquefied natural gas to California. Now there are four proposals in Oregon, again which could bring natural gas to California. Canada and Alaska want to bring us natural gas. So, I think, again, that it goes back to the issue of do we even need this, and why isn't the state looking at that.

JB: It's a big question and I know you'll do a good job of pressing this, but where...what is the leverage here for the public. What is your recommendation? What should they be doing?

LK: Well, I think going back to what we talked about, putting pressure on the governor is really important because we can stop the project right there. And so far, the Cities of Oxnard and Malibu have unanimously opposed this project. The Oxnard Elementary School District Board has unanimously opposed this project. And I think if we can line up more local agencies, if we can get local PTAs, service organizations, as well as environmental organizations, if we can get the chambers....If we can get widespread local opposition, I think the governor will look bad because he'll be saying, "I don't care what everybody in the Santa Barbara/Ventura/L.A. Counties think about this, I'm going forward even though everybody opposes it." So we need bipartisan opposition. And so far, we've had a lot of opposition, but we need to pick up some more of those key agencies...other cities, other counties, other school boards would be very helpful.

JB: Going forward, not just in the immediate future, but in the, say, 10- to 20-year time frame, do you feel like more oil and gas by pressure of the federal government and with depleting oil supplies in other parts of the world and in our country that this is sort of inevitable, and how do we beef up our activism to make sure that has the lowest impact?

LK: That's an excellent question, and I think the threats will be there going into future decades and generations. And I think we have to make the decision now to not go down that path. I just went to a conference on climate change and it is alarming. And for that reason alone, we need to pick a different path now, or it's going to be too late. And we so drastically reduce our dependence on oil and gas as fossil fuels by really modestly focusing on energy conservation and efficiency and then, of course, definitely picking the path of renewables. But I see energy conservation and efficiency as the "bridge" fuel to renewables. Other people say that liquefied natural gas is. I say, "no. That's the future. You saw *Syriana*. You know, this is not a bridge, this is the future if we choose to choose it. And what we need to choose instead is renewables. And California is a great state for wind, and solar, and biomass, and geothermal. We need to make that commitment. It's on paper. Now we just need to make it happen.

JB: Linda, thank you very much for coming to join us and viewers, remember it can be as simple as weather stripping. We don't have to have polluting installations off our coast that ruin water quality not only for us, but for every other species out there. The choice is up to you. Thank you for joining us.

[end of interview]