

A Bitter Abundance:

The Fight for Local Controls
over
Oil Resource Development
in
Santa Barbara County

by

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"Turning and turning in the widening gyre
The falcon cannot hear the falconer;
Things fall apart, the centre cannot hold;
Mere anarchy is loosed upon the world,
The blood-red tide is loosed, and everywhere
The ceremony of innocence is drowned;
The best lack all conviction, while the worst
Are full of passionate intensity...."

-William Butler Yeats

"The dream is gone, but the baby is real...."

-The Smiths, circa 1984

"If we choose to be plagued by big nightmares,
we are entitled to offset them with equally big
daydreams."

-Anonymous

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Introduction

Santa Barbara County enchants its visitors. Blessed with the attractions of a mild, temperate climate and a spectacularly diverse natural setting, the residents reap the aesthetic rewards of living with the ocean. One cannot help but sense the feeling of uniqueness which underlines the area's attitude; an intangible but significant "something" enriches the area with an added value, an importance.

The people who came to live here, especially during the post-WWII housing boom, were less concerned with living close to economic and business centers than with improving their quality of life. But Los Angeles is a growing megalopolis, and its "leapfrog" suburban expansion has been moving steadily northward. Santa Barbara stands directly in the path of an advancing urban tide: we are now where Thousand Oaks was a dozen years ago and where San Luis Obispo will likely be in another dozen years.⁵ While generally supportive of economic growth, when faced with the possibility of being absorbed into the "Ventura mentality" which holds that all growth is good because it produces jobs, County residents innately realize that growth does not come free and that one of the first prices to be paid is some encroachment on the natural environment.⁶

It is ironic that Santa Barbara's natural abundance should extend beneath the soil, where vast reserves of oil

and natural gas lie, and where County control over mineral rights seems to end. It is with this issue, the question of local control of oil development, that the blessing of abundance turns bitter. Conflicting societal objectives have created a jigsaw puzzle of contradictory Congressional statutes whose implementation must suffer from a lack of authority, and it has become painfully apparent that local action on its own has little chance of obtaining effective redress for the costs of continued economic growth as exacted from the natural environment.⁷

My major concern within this study on the implementation of local protective regulation is not whether our local administrators are acting in a responsible fashion, but instead to examine the historic basis for the identification of both energy and environment as "problems" on the governmental agenda and the peculiar ways in which our cultural attitudes and values have shaped the way we define and image the perceived causes of these intertwined issues. By focusing on the characteristics of protective regulatory policy, I will attempt to apply both knowledge of the problem and knowledge in the political workings of the system designated to solve it.

Foreward

The American Dream has been set in a disarming context of abundance. Scarcely two centuries old, our nation has grown from a scattering of tiny seaboard colonies to the most powerful country in the world. Such an exponential rise was largely made possible by the North American continent's vast, untapped reserves of natural resources: land, water, coal, oil, timber, game, minerals--all were plentiful, all coveted by the "rugged individual" who would make his own fortune.

In the struggle for its' realization, the American Dream has touched on a wide variety of economic, political, and social questions, but by far the most pervasive and absorbing issue has been (and remains) the drive for personal and national economic advancement. At the present time, it must be admitted that as one of the more developed nations of the world, the United States has reached a level of affluence where all reasonable and rational demands for economic goods have been (or can be) satisfied. Consequently, the imagined virtues of any further economic growth may be illusory, as growth does not come free.¹

Our nation's past good fortune has certainly colored the way we perceive and define our problems; the powerful values set within the concept of abundance have conditioned us to take a characteristically short-term view with regards to issues of resource supply,² and it appears that the dream which has carried us so far is showing signs of dissolution. The persistent, unsettling presence of certain divisive issues has begun to erode the ingrained American belief that individual and national economic "improvement" will eliminate related noneconomic problems. We may do well to ask ourselves how long economic growth can be sustained.

In this sense, the broad issue of energy needs for a growing economy has taken on an interesting, affective bias. Energy is not simply a commodity to produce goods or power; it is an expression of our culture in terms of how we choose to exploit it, produce it, and use it,³ and the recent explosive emergence of the environmental movement and the near-simultaneous "energy crisis" illustrate how our modern culture has come face-to-face with the unpleasant laws of economics. We have awakened to the rather unsavory fact that there are limits to growth.

Oil is a finite, diminishing resource. That fact is a reality around which everything else must revolve; but in the study of policy analysis, it becomes readily evident that, for cultural, irrational reasons, the manner in which people choose to define a particular problem often bears little resemblance

to the actual facts. One powerful, albeit irrational focusing phenomenon concerns the "paranoid style" as suggested by Richard Hofstadter. He explains that in some cases, differing interpretations of a problem arise out of a human tendency to oversimplify the complexities of reality. Problems become much easier to fathom if they can be imaged in terms of absolutes--black and white, right and wrong. By eliminating the hazy "grey area" of objectivity, people can effectively invest their energies in a more satisfying, clear-cut image of the "enemy". (War is a perfect example of this behavior.)

Analysis, by contrast, seeks to employ the mind's creative resources to perceive the many dimensions of a problem in a logical, empirical fashion. Unfortunately, the predictable sequence known as "cause-and-effect" does not work in a political setting. Lasswell states that:

"Politics is the sphere of conflict. It is the process by which the irrational, poisonous bases of society are brought out into the open."

As politics begins with conflict and ends in a bargained solution, political solutions are not rationally the best, but must be the most emotionally satisfying.

Our nation's strong conservative tradition reflects this emotional bias. American liberalism has consistently stressed reform only as a means to preserve; politicians realize the importance of maintaining the prevailing "emotional consensus" of values held by their electorate and therefore change is seen as threatening. Incrementalism is bound to prevail over

wholesale problem redefinition.

In the case of the volatile energy/environment issue, the definition of the problem has taken on a wide range of variations due to the unsavory fact that people do not like to sacrifice personal comfort or personal freedom of choice. Economics, as the study of choices, can shed much meaningful light on the confusion of issues and policy choices which constitute the problem of continued economic growth in a context of diminishing returns.

CHAPTER I

The Illusion of Choice

Americans have always admired giant economic organizations while at the same time fearing them.⁸ The rise of big business, while making possible the many comforts and conveniences of our modern consumer culture, also meant that the control of our society would rest in the hands of increasingly fewer people. Property, with its' sacred position within the bounds of our national laws, is immune to the general public's power as translated by the democratic process. This relative immunity within the political sphere contributes heavily to the American public's fickle misgivings about their new economic order.⁹ Almost by default, our conflicting desires for economic freedom and fear of economic power have created a political "vacuum" in regards to the protection of collective goods; our national obsession is beginning to backfire.

When Calvin Coolidge expressed his view on the business of America, he was reflecting our society's fundamental image of government as a business promoter. As a capitalist democracy, this specific function has served the interests of growth in the belief that economic expansion will benefit society as a whole. Unavoidably, our present state of devel-

opment is dependent on continued growth, as a capitalistic economy cannot "stand still."¹⁰ All economists who have studied capitalism--Smith, Marshall, Marx, Keynes--agree on this necessity for expansion.

In the last few decades, the United States economy has experienced expansion on an unprecedented level. Taking hold in the early "50's and continuing into the "60's, the phenomenon of sustained growth became the happy rule rather than a welcomed exception.¹¹ While benefitting from this situation in a material sense, the American public's paradoxical attitude towards big business demonstrates how people both desire the rewards of growth while resenting the power of the institutions which make it possible. Certainly, the emergence of the modern corporation has done much to color public opinion in this regard.

The modern, vertically-integrated corporation became dominant in American business during the late nineteenth century. By steadily building up capital reserves and eliminating the independent "middlemen" from the means of production, some businesses were able to gain control over the entire manufacturing and distributing processes particular to their trade. The key characteristics of this new behavior became that of the more dominant firms restricting supply in order to sell at a desirable price, a process that gives the large firms access to broad powers over society in a political context that foregoes controlling that power through noneconomic institutions.¹²

Big business underwent another significant transformation during the mid-nineteenth century, the so-called "Managerial Revolution." In short, the "revolution" constituted the divorce of management from ownership.¹³ Consequently, the locus of power within America's giant firms has become simultaneously elusive and highly concentrated, as the hierarchical structure's chain-of-command reduces the individual worker's sense of personal responsibility for the effects of his job; one's work is not so much dependent on making decisions as it is following orders from above.

Such bureaucratic procedure stifles the free flow of information. Organizational rules and regulations replace personal values and ethics; who is responsible for what in such a situation becomes increasingly vague. In such a setting, responsibility is hard to pin down. What makes matters more complicated is the fact that our businesses' heavy capital investments make it very difficult to alter the economic course we have decided to take. Because of the huge fixed costs for a large corporation, it is often technically difficult to cease production just because costs per unit of output outweigh gains. Technically-advanced industries depend on fairly steady and predictable levels of demand to insure low costs per unit of output.¹⁴

Every facet of American life has been touched by this attitude, as a renewed spirit of abundance has driven out any cautious "rainy-day" sentiment; people are consuming and consuming like never before. What we may not wish to realize is

that by insisting on unlimited economic freedom of personal choice, we are steadily eroding the number of choices left open to us for the future.

Oedipus Rex faced a similar problem. A tragic Greek figure, he lived under an illusion of choice, believing that his decisions were each made according to his own free will. But choice, once made, not only decides man's immediate situation, it also determines the range of options open to him in the future.¹⁵ When the foundations of our economic expansion are closely examined, we can discover where the hidden costs for this "free ride" of consumerism are coming from, and the answer is not an easy one.

Our failure to invest both petroleum reserves and the quality of our natural environment with their intrinsic finite values is at the heart of the problem. To truly pay for our growth we must recognize the real costs, not just the perceived ones. As Paul Barkely put it, "the solution has become the problem," for if the freedom to choose the kind of environment in which we want to live is to be preserved, our freedom of choosing to destroy it must be restrained.¹⁶

The attempt to implement conflicting societal objectives through the governmental policy process is unfolding before our very eyes. Our dislike for any commitment to major behavioral change, and indeed its political impracticality, has framed the "solution" in ambiguous terms. This "pass-the-buck" attitude stifles the implementation of protective regulatory policy since the problem is wrongly couched in terms of being external to society itself.

Where did this definition arise? Anthony Downs suggests that the emergence of any new issue into the mass public consciousness is contingent upon the belief that government can "do something" to solve it: the problem is visualized as being beyond the scope of personal responsibility.¹⁷ In the case of environmental deterioration resulting from increased petroleum "production" (I would argue to call it reduction instead of the other strangely misleading term), the public's awareness stems from the emotionally satisfying identification of the "villain"--in this case the huge multi-billion dollar oil industry.

Oil and the natural environment are collective, public goods, belonging (in theory) to all. The benefits incurred by destroying collective goods most often accrue to only a few people, making the rewards to each rather high. It doesn't even matter whether the total costs of this destruction are in excess of their total benefits--what matters is who gets the benefits and who incurs the costs.¹⁸

In our federal system of national, state, and local authority levels, it is possible for a state or group of states to impose a cost on a particular region through the authority of the federal government so that the cost recipient does not have direct control over its imposition.¹⁹ The regional nature of this conflict provides local politicians with ample fuel for their campaigns against the "enemy": politically, the Republicans argue for faster energy production (as if using it up more rapidly will make the real problem go away), while the

Democrats say the crisis is a function of the oil companies' manipulations of the economy--that if you could somehow put Mary Poppins at the head of Exxon the problem would go away.²⁰

Obviously, these partisan views both skirt the real issue, but these irrational appeals play to our sense of injustice and our desire for easy answers. The impacts are real, not in any sense imaginary.

In Santa Barbara County, the costs for national petroleum production come to increased traffic; noise; housing demand; reduced tourism (and its impacts on the business tourism sustains); the fishing industry; scientific research; and air pollution, much of which is beyond the authority of the state or county to control.²¹ But to regard this environmental pollution as a purely external negative factor would be to ignore its direct linkage with material advantages most of us enjoy. Hugh Helco calls this the "democratization of privilege", whereby the elites' environmental deterioration becomes the "common man's" improved standard of living.²²

With this in mind, we can better understand why our society fails to assign higher values to the finite resources of our collective goods. It would appear that the best way to even out the economic equation and finance the use of collective goods would be to tax each user. There are, however, almost insurmountable political problems in trying to get the demand for a public good translated into effective demand; that is, making the line between consumed good and consumer clear.

The structure of our highly individualistic society provides strong incentives for "rational" man to conceal his demands for collective goods in the hope that he can satisfy them without having to pay for it.²³ What this means, in terms of carrying out the desire to protect our natural environment, is that the public opts to turn the problem over to government and foregoes self-regulation through economic control. And government, as regulator, faces the difficulty of attempting to solve the problem of diminishing natural resources without any demands for behavioral change from those who would "have their cake and eat it, too."

We can see that there are great forces resisting change in both the public and private sector. Individual, organizational, and societal obstacles to problem recognition play a major role in the eventual outcome of agreement as to how issues are defined; in general, there emerges an emotionally pleasing perception which incorporates the shared fears, illusions, and cultural biases of the affected population. This subjective definition causes problems of its own as soon as it is used as a basis for governmental policy; the almost inevitable discrepancies between the public's expectations for governmental regulation and the actual (or perceived) outcomes of the government's programs can be illustrated by tracing the "issue-attention" cycles of energy and environmental policy and their implementation within the federal system.

CHAPTER II

Two Sides of the Same Coin: The Emergence of the Energy/Environmental Issues

So often in the course of history, it takes a major disaster or crisis for society to overcome its stubborn resistance to change and effect a significant departure from its ideological status quo. In the case of environmental policy, such a crisis situation was reached in the late 1960's. In one instant, an intense, well-publicized focusing event provided the nation with an undeniable link between the problem of finite energy reserves and the finite nature of a habitable physical environment.²⁴

The Santa Barbara oil spill of 1969 dramatically exposed the dangers of outworn, inappropriate values. Faced with an urgent national need for increased domestic oil production, including oil located within environmentally sensitive areas, the federal government is forced to respond to the public need for oil in the absence of economic controls which would reflect petroleum's inherent value as a finite resource, and in the absence of the environment's representation within the cost/benefit index which guides the economic pricing control system.²⁵ The history of domestic oil production gives us a background to this "double-bind" situation as it points out the seriousness of the nation's need for reliable energy sources.

With the successful completion of WWII came the redirection of newly-developed wartime technology. America returned to her preoccupation with the business of capitalism.

Spawned by heavy government investment, the new industrial expansion created thousands of new jobs, providing a healthy consumer base and economic prosperity. The standard of living for the average person climbed to new heights, and the growing middle-class found that it was at last able to achieve what came to be known as the American Dream; a private house in suburbia with the necessary addition of a private means of transportation--the automobile.²⁶

An expanding industry, coupled with the nation's growing reliance on inefficient, wasteful private transportation created an almost insatiable demand for energy, especially petroleum. By 1960, net petroleum imports exceeded domestic production.²⁷ Foreign fuel was cheaper than domestic, but the increasingly tenacious position of America in world affairs during the Cold War years caused federal authorities to consider the tactical advantages of self-sufficiency. This fear of dependence on "unreliable" foreign oil led to the Eisenhower administration's decision to firmly define federal jurisdiction of the outer continental shelf with the passage of the Outer Continental Shelf Lands Act of 1953.²⁸ The federal government realized that vast stores of petroleum would be needed to increase national security, and the OCSLA eliminated any possible state interference in the production of oil beyond a three-mile limit from shore.

The administration's distrust of foreign fuel supplies was abruptly confirmed in 1973. OPEC, an association of major middle-eastern oil exporting countries, decided to express its displeasure with the United States' support of Israel by imposing an oil embargo.²⁹ Suddenly deprived of its major foreign energy source, the U.S. government embarked on a study of alternate strategies to prevent such a disastrous political/economic coup from happening again.

While the government grappled with the technical aspects of the problem at hand, the public experienced this international incident in a very direct way: tortuously long gas lines, gas rationing, skyrocketing fuel prices, and the frustration of the "red flag"--no fuel. Accustomed to cheap, plentiful gasoline, the people of America were outraged.

The quadrupling of oil prices and the lack of adequate preparation for a transition to a period of relative energy scarcity left the U.S. government facing a critical juncture. On November 27, 1973, President Nixon signed the Emergency Petroleum Allocation Act which called for governmental regulation of pricing and gave authority for rationing. It also established Project Independence, an idea to free the U.S. from foreign oil by 1980.³⁰ The public, however, was not supportive of the rationing measures. After liberalizing the quotas several times to please consumers, and then abandoning them altogether, Nixon's program had already distorted the allocation of resources and made it very difficult for

for the nation to adjust to the inevitable depletion of oil.³¹ This attitude insured that the concept of a reserve plan in case of another fuel shortage would become more and more appealing, both to the federal government and to the nation's big oil producers, who expected large government subsidies and other forms of financial incentives to comply with the plan.

In January of 1975, President Ford gained Congressional approval to create a domestic strategic petroleum reserve (SPR).³² Under the direction of the newly-created Federal Energy Administration, the SPR was to decrease the nation's vulnerability to world oil market fluctuations by creating a standing surplus of oil which could temporarily offset an "embargo" situation.

Not everyone agreed that this was the answer; the 1976 Carter administration chose to rely instead on a national campaign aimed at energy conservation. A nationwide media campaign encouraged the public to save energy whenever possible, focusing on the responsibility of the individual for treating oil as a finite resource.³³

Energy, when defined as a finite resource, carries an intrinsic value unrelated to price. However, this view lost favor with the public since it implied the need for a broad-based behavioral change within society itself, something we Americans often find difficult to accept. That many Americans chose to believe that the energy crisis was contrived and

"artificial" exemplifies the strength of the public's cultural image of energy as an "inalienable right" rather than an irreplaceable commodity. A Gallup poll taken in 1979 showed that only 44% thought the crisis was serious, and 77% thought the shortage was caused by the oil companies. As leverage with a suspicious public, Carter pushed for the Windfall Profits tax.³⁴ With the end of the Carter administration, however, there came a return to the "free-market" approach to energy value.

The Reagan administration's stance has been to swing the pendulum back by focusing on energy production and supply-side economics. The present government rejects the 1976 doctrine that encouraged conservation; instead, officials now insist that "behavioral changes", such as driving less, lowering the thermostat, etc., actually increase our vulnerability by "using up" the easy ways to conserve energy during emergencies.³⁵ (Energy's inherent value as a finite resource ceases to be of any importance in the context of international distrust and mutual suspicion.)

At the present time, the FEA does not have a specific goal set as the ultimate size of the SPR. Arguments call for a minimum of 50 million barrels to the high of 1 billion.³⁶ The high goal is the most desirable, but difficult to achieve, due to the great financial burden involved in acquiring and storing the surplus. Congress has looked to the private business sector as the potential implementor, for if the

private oil companies could accomodate the oil storage themselves, the FEA's burden would be greatly reduced.

In the National Energy Policy Plan, the pieces of Reagan's energy policy are codified. It spells out the present conservative administration's rejection of the government's role as regulator and intervener; our nation's current policy stands as a classic reaffirmation of the historic role of government as promoter of economic growth.³⁷

To bring about big businesses' cooperation, and insure proper utilization of government funds, prefferential treatment is given to the major oil firms, whose vast capital resources are needed for the sake of efficiency. The granting of offshore leases is under the jurisdiction of the Department of the Interior, whose policies have been criticized for unfairly favoring the larger firms. The Interior Dept. allows both joint bidding and joint ownership, which makes it very difficult for smaller firms to aquire choice sites, as the larger firms can pool their resources and outbid them. Congress courted their favor further by granting favorable subsidies to support domestic oil's price.³⁸ These encouragements guaranteed an enthusiastic response.

The growing centralization and consolidation of oil production which has resulted was not regarded as essentially "bad". In the conservative national mood, it meant that less government participation was needed in the implementation of federal policy. Critics of centralization are quick to point out that the new energy diversification programs being

sponsored by the major oil producers (synfuels, nuclear fusion, etc.) is another example of how America's giant corporations stifle competition and assure the preeminence of oil as our major energy source for the near future.³⁹

We are, it seems, suicidally hooked on an "oil binge". Our historic national drive for economic growth, in league with our cultural illusions of abundance, have tinged our perception of progress to the point where we can hardly define costs from gains. As an economy grows, more time, energy, and money must be spent for information and control, highways, open space, and the reduction of pollution and other environmental costs. At this time, all such expenditures are added to the GNP (Gross National Product) even though they are costs incurred to restore a level of living, rather than to improve it.⁴⁰

"Myopic" best describes our short-term view of serious economic and social problems; they tend to be defined as mere "maladjustments" and so stimulate no in-depth questioning of our long-standing value systems. It took a serious crisis to shock the national mood into a higher level of awareness as to our ultimate responsibilities for the costs of growth.

The setting for this drama was Santa Barbara, California. Largely as a response to the federal government's incentives for increased domestic oil production, several major firms had established extensive exploration and drilling operations in the shallow waters of the Channel. The local population dis-

displayed mixed feelings about this increased industrial activity, fearing for their beautiful environment while, at the same time, desiring the benefits of local economic growth.

During the 1960's, oil development met with continued community resistance. However, the small local citizen's groups opposing oil interests were largely ineffective in achieving any real assurance of limited production. The oil industry displayed a general disregard for their fears, contemptably dismissing them as "products of uninformed and misdirected minds."⁴¹ On January 28, 1969, they would be forced to eat their words.

The workers on Union Oil Company's well A-21, on Platform "A", located 5.1 miles from the Santa Barbara coast, had begun drilling a new well when suddenly, they struck a pocket of high-pressure natural gas which boiled to the surface, engulfing the platform in a noxious cloud. Frantically, in an effort to stop the leak, a "plug" was forced down into the rupture. However, the ocean floor is riddled with natural fissures, through which the gas then escaped. Bubbling to the surface uncontrollably now, the gas carried with it large amounts of oil: estimates range as high as 70,000 barrels worth.⁴² News of the blowout reached the city residents later in the day, but the real impact came when the miles-long oil slick arrived at the shore, coating the beaches and everything else with a gooey layer of tar and oil.

The damage to the community caused by the '69 blowout can be assessed in two ways: by the actual physical damage

and the perceived damage. In terms of physical damage, there was extensive property damage to boats and marine facilities, beach damage from the coating of tar, and the loss of hundreds, perhaps thousands, of seabirds and other marine animals which perished in the oil.⁴³ These were important in and of themselves, but the most lasting impact was left in the minds of the people, both in the affected community and in the minds of the national audience who shared in this experience through the unifying power of the mass media.

Locally, the most obvious result of the emotional outrage was GOO, or Get Oil Out!, Inc. GOO was a militant, community-based organization dedicated to the complete and uncompromising removal of all oil development in the Santa Barbara Channel.⁴⁴ Their unconditional attitude harnessed the public's initial anger and frustration; they certainly made themselves felt. In the words of an oil industry spokesman, the formation of GOO was "...the worst outcome of the oil spill."⁴⁵

On the national level, extensive media coverage of the disaster carried the emotional message of outrage to the rest of the country. There, it merged with other elements in the stream of national consciousness, such as the heightened awareness of the abuses of pesticides which Rachel Carson's Silent Spring exposed. The prevailing mood of "crisis" made people feel that the time for change was "now or never."

In addition, the impetus for policy change was aided by the political situation within Congress. The early 1970's was a time of great congressional reform. The number of committees and sub-committees increased and the size of congressional staffs grew to include new policy analysis experts.⁴⁶

Committees and sub-committees are the focus of power in policy initiation. The availability of workable policy alternatives stemmed from these legislative groups' relationships with a slew of new, highly mobilized environmental interest groups, such as Friends of the Earth and the Environmental Defense Fund. The situation was ripe for prospective policy "entrepreneurs" to advance specialized environmental legislation.

The convergence of a national awareness of an environmental "problem," a supportive political "mood," and the availability of policy alternatives made possible the passage of the revolutionary environmental legislation of the 1970's. These three "streams"; political, problem, and policy, came together under the general understanding that government could "do something" to solve the newly-realized issue of environmental deterioration.

Even within the circles of the "protectionists", there was disagreement over the implementation of environmental protection. Some accepted the federal function of regulation and saw intervention as a way to allocate public resources and preserve sensitive areas from exploitation. Others

remained suspicious of any large institution as the "protector," Those who believed that the existing political structure was capable of balancing environmental protection and economic productivity were ultimately victorious over skeptics, who blamed capitalism for promoting uncontrolled economic growth.⁴⁷ The fruit of their labor was the passage of NEPA in 1970.

NEPA was signed into law by President Richard Nixon on January 1, 1970. It symbolized a major shift in the way people believed their government should view the environment; for the first time, the American citizen's right to a clean habitat was legally established.

NEPA set out to protect this right through the formation of the federal Environmental Protection Agency (EPA). The EPA required that any major federal, state, local, or private development using federal funds or federally-leased lands (such as the OCS) which "significantly affected the quality of the human environment" would have to submit an Environmental Impact Statement (EIS) to a designated lead agency.⁴⁸

The EIS is, in essence, a piece of policy analysis used as a forum for debate. Even though it is intended to provide a thorough account of all the projected adverse impacts of a proposed project, one cannot help but notice the glaring ambiguity of the most crucial terms: "major action", "seriously", "significant"--these determining factors all leave ample room for differences of interpretation, and the leakage of discretionary authority allowed by these unclear terms would later cause great problems for the local agencies

charged with implementing it.

The major obstacle confronting the implementation of environmental protection along the Santa Barbara coastline involves such ambiguity. Because our political representatives manage conflict, they must practice compromise. In such a setting, it is generally an agreed-upon practice to overemphasize the importance of issues and program impacts, as the plan you ask for will almost never be granted in full.

Geprge Orwell had this to say about "the language of politics":

"Political language is designed to make lies sound truthful, murder respectable, and give an appearance of solidity to pure wind." ⁸⁴⁹

While his interesting opinion may or may not be valid, policy analysis teaches us that the clarity of program goals is of utmost importance for successful implementation. What does this mean in terms of solving the inevitable conflict through our democratic system?

The environmental protection laws of the 1970's were creative and imaginative, it is true, but they also suffered from inconsistency and incoherence. We have seen how the cultural attitudes which shape America's preoccupation with continued economic expansion were able to dictate the definition of the energy "problem": now, we see the results of this intrinsic bias as it works its way through the conflict between an expansive national energy policy and a protective national environmental program.

CHAPTER III

Power from Above

As a response to the federal government's passage of NEPA, the California state legislature enacted the California Environmental Quality Act (CEQA) in 1970. CEQA asserted that the maintenance of the environment was a matter of state concern. Resembling NEPA in policy, it required that state and local agencies using federal funds on building projects which had "significant" impacts to submit an Environmental Impact Report (EIR), to the Governor's Office of Planning.⁵⁰

Following CEQA's enactment, the process of developing workable guidelines for policy implementation began. At first, there was minimal local involvement during this primary formulation period, as most projects fell under federal jurisdiction. From time to time, County administrators would chip in with "ad hoc" advice, but there were no real regulations established for the use of outside experts to better inform the decision-makers.⁵¹

A landmark Supreme Court decision radically changed the context within which CEQA had to operate. In a six-to-one decision, the Court ruled that Friends of Mammoth, a conservationist group, was entitled to a more "adequate" review of a proposed condominium development in Mono County. The review which had been provided by the County of Mono was deemed as "insufficient". Now, all projects, public or private, required

local environmental review.⁵²

The Santa Barbara County Board of Supervisors knew that they were ill-prepared to meet this new workload. While they awaited the arrival of state guidelines, a temporary moratorium was placed on all development, and the Board insisted that all applicants for building permits first turn in an EIR. Unfortunately, no one then employed by the County was really ready to deal with the bureaucratic paperwork involved in the review of an EIR; indeed, there was considerable confusion over just what an "adequate" EIR was, or even who should be responsible for preparing one.⁵³

Until these questions could be answered, the Supervisors knew they would be under intense pressure from the developers. The moratorium was not received well, and the Board had to act quickly to resolve the conflict.⁵⁴

Action came in the establishment of the Environmental Quality Advisory Administration (EQAA). Originally intended as an advisory body to the Board, in the interest of "expediency", the Board elected itself to the position. (The supervisors became advisors to themselves!?!) The Board absorbed the EQAA's duties of assessing the EIR's and Negative Declarations, which were statements declaring that a project had no significant effect--an exemption from review.⁵⁵

It soon appeared that the Board had bitten off more than they could chew. The time-saving policy of accepting developer-prepared EIR's was roundly criticized by GOO and

and other environmental groups, who felt that these reports would be inherently biased in favor of developemnt and did not contribute an adequate investigation of the facts. The large numbers of Negative Declarations which were accepted during this interim phase was also looked upon as an outcome of inadequate time allotments; the Board was simply inundated with more red tape than it could handle and was fudging on its duties.⁵⁶

It was clear that the environmental review process needed a major overhaul. The Board agreed to establish a separate Office of Environmental Quality (OEQ) to handle the provisions of CEQA. Albert F. Reynolds, former executive assistant to the Administrator of San Diego County's Environmental Development Agency, was hired as OEQ's coordinator.⁵⁷

Reynolds felt that CEQA provisions for full public disclosure were sadly lacking in the old system, and he set out to make his office an effective vehicle for the communication of ideas between the county government, the general public, and the developers. By doing so, much of the frustrating misinformation and lack of information associated with bureaucratic business could be eliminated.⁵⁸ Reynolds felt that the sheer complexity of his office's work required the consolidation of ~~of~~ procedural control: he wished to reduce the number of actors involved in the decision-making process.⁵⁹

Reynolds was firmly against the County's acceptance of developer-prepared EIRs and advocated the hiring of expert consultants at the developers' expense. By making the means ~~of policy analysis~~

of policy analysis distantly removed from the objects of its research, Reynolds felt a more informative, objective study would result. The cost of "doing business" should not be exacted from the public, but from the interested parties wishing to gain from developing public resources.

Problems were not long in coming. As Francis Sarguis, President of GOO pointed out, "anything that modifies a libertine situation will be regarded as an unfair restraint."⁶⁰ The OEQ found itself under attack from oil developers, County employees, and the pro-development segment of the County population, especially the North County. As he struggled with the ages-old conflict between governmental regulation and free enterprise, Reynolds was perhaps consoled; he must have been doing his job very well to have come under such criticism. An ineffectual agency would not have aroused such indignation in pro-growth circles, who were certainly not in favor of having to pay for the costs of growth.

In 1977, Supervisors Yager and Wallace proposed that the OEQ be remade into an independent department to better handle the increasingly complex and diverse workload of environmental review. That same year, the OEQ became the Department of Environmental Review, with Reynolds as Director.⁶¹

The creation of the DER did nothing to allay the fears of the developers, who continue to question the impartiality

of protective regulation to the present day. Pro-growth interests charged that the DER was actually a "no-growth" agency, as the costs of preparing EIRs are absorbed by the applicant and drive up the cost of development. William Didline, a Santa Maria contractor, exposed the characteristic pro-growth mindset when he stated that:

"Al Reynolds' philosophy is that social and economic factors are not a concern... They look at air pollution and all that crap but they don't look at the social-economic..." 61

Apparently, this man could not see the connection between air pollution and its' inherent cost to society. Is there no value, social-economic or otherwise, in clean air?

Because industrial development is seen as more "destructive" in general than private land development, the DER's activities in this area were usually more popular with the general public. It is much easier to internalize "the enemy" when it happens to be a huge corporate entity. However, the sheer complexity involved in regulating these giant corporate entities requires a more flexible, imaginative implementation of procedures.

Industrial development to Santa Barbara County means oil. Oil is this area's most important natural resource, and it is a commodity much in demand by domestic industry. While the EPA in 1971 banned petroleum refining in this area, petroleum exploration and "processing" are permitted.⁶³ Rising to the challenge, the DER became the coordinator of the lengthy review process for oil production, but its real power ~~to enforce environmental protection is tied to the perplexing~~

to enforce environmental protection is tied to the perplexing mix of federal, state, and local policies dealing with this sensitive subject area.

On a local level, the delegation of jurisdiction assumes highest importance. In our federal system, jurisdiction is "granted" from above, so local power is dependent on seizing and utilizing to the fullest extent any and all grants of authority.

One of the most important delegations of authority came with the 1953 OCSLA. State jurisdiction of the ocean was set from the mean tideline to three miles seaward; from the three-mile limit on, the federal Department of the Interior assumed control. County jurisdiction within the state zone is limited to the narrow stretch of beach between the mean tideline and the limits of the county lines.⁴⁴

In 1972, the United States Congress approved the Coastal Zone Management Act, which granted federal funding for the "planning and implementation of water and land use management programs to coastal areas." States were explicitly given the go-ahead to make independent coastal plans.⁴⁵

California acted quickly to advance this grant of authority. In the same year, the voters passes Proposition 20, or the California Coastal Zone Conservation Act.⁴⁶ This landmark piece of legislation stipulated that development within one thousand yards of the mean tideline had to be

reviewed by a Coastal Commission. The combined federal-state-local review process was completed. State government could now determine the fate of its coastline with the implied backing of the federal system. How successful the local sector would be with its attempts to preserve environmental quality would depend upon the kind of support it could count on from above.

It would be much easier for Santa Barbara County to enforce its chosen anti-industrial stance if only the federal government were not affected by conflicting goals. Faced with the dilemma of an urgent national need for increased domestic oil production, including oil found in environmentally sensitive areas, the federal government is forced to "play along" with the existing structure of the review process, all the while encouraging and reassuring private sector industry as to its right to develop the nation's much-needed energy reserves in the name of public service. This "Catch-22" situation led to the reorganization of the DER into a newer and more consolidated department, the DRM. How this came about, and its implications for the future of oil regulation in Santa Barbara County, are the subjects for the next chapter.

CHAPTER IV

Abdication of Authority: The Consequence of Conflicting Legislation

The local agency charged with the implementation of NEPA policy in Santa Barbara County is the Department of Resource Management (DRM). The difficulty it faces stems from the fact that when laws/uses conflict, as in the mandate to "protect and develop", there is no way to solve the resulting conflict through the democratic political system. Thusly, the control of public resources, the uses of the ocean and its mineral resources, is being slowly privatized by the "behind-the scenes" nature of legal and private negotiations allowed by the abdication of democratic authority inherent in conflicting legislation.

The DRM is further deflected from its attempts to carry out the representation of public interest due to the nature of protective regulatory policy itself: those being regulated tend to view themselves in an adversarial relationship and either fight the agency, using legal means, or try to "capture" it through private bargainings.⁶⁷

The most illustrative example of this dilemma involves the ongoing struggle for control between the DRM and Exxon, Inc., the United States' second-largest corporation. A more informative picture of the present controversy emerges with an examination of motives and mindsets.

As explained in the previous chapter, the control over the definition of the "energy problem" rests largely with America's business interests and is, at least in principle, supported by the public. A short-term concern with immediate goals has resulted from our mutual preoccupation with economic expansion.

Exxon certainly possesses adequate resources to back up its' corporate interests; with over \$33 billion in assets (as of 1975) and showing profits in excess of \$2.5 billion a year, Exxon's financial reserves demonstrate how the bulk of our nation's industrial and political power is held by the very few.⁶² With such a large stake in continued oil production, Exxon has arrived at a definition of our energy problem which best suits its own interests.

Donald Cornett, the Environmental Conservation Manager for Exxon's Western Division, explains the nation's energy dilemma in terms of how fast new oil sources can be discovered and exploited. "That petroleum is a vital commodity is not the issue," said Cornett, in a disarmingly convincing statement which nevertheless skirts the fact that oil won't last forever. Said Cornett, "The issue is how we get it, where we get it, and when we get it."⁶³ (This sounds amazingly close to the informal definition of the word "politics"!)

SEE APPENDIX A

Because imports make up one-third of U.S. consumption, or about 15 million barrels per day, Cornett stresses the need to increase domestic production, as "sources of imports are politically unstable and unreliable in times of national emergencies." ⁷⁰

Exxon's adversarial relationship with the DRM comes out clearly in Cornett's attitude towards protective regulation. He stated that, in the Santa Barbara Channel, "...we are still trying to develop fields we found seventeen years ago...but have been continually frustrated by federal, state, and local bureaucratic maneuvering." ⁷¹ His "how dare they!" attitude is representative of private businesses' general dislike of any governmental interference.

In response to this conservative attitude, the Reagan administration promised to get government off the backs of business as well as the states and local communities. But the federal government has withdrawn its power in areas where its authority is genuinely needed. Santa Barbara feels this particularly in oil policy. ⁷² There has been very little elaboration of long-range environmental goals during the 1980's, largely because environmental interests must now fight to retain the achievements of the previous decade.

The DRM has responded to these pressures by altering both its tactics and its internal organization. By tracing the relationship between Exxon and the DRM, we can see how the emerging complexity of the environmental review process

combined with the nation's growing conservative mood to effect significant political changes within the agency's bureaucratic structure.

The arrival of the eighties saw the DER facing a greatly expanded program of oil exploration and production. The national mood had shifted perceptibly from its initial state of alarm and enthusiasm for environmental protection and was, by 1980, suffering from gradual attrition of interest. Ronald Reagan's rise to the Presidency in 1980 and his appointment of pro-growth James Watt as Secretary of the Interior were clear indicators of where the new administration's priorities stood.⁷³ Reagan, the classic Republican, favored a return to supply-side market "controls" to growth rather than government intervention.

The response of environmental groups to the new administration ranged from vague alarm to total dismay. But ironically, Watt's appointment helped to rekindle some of the "lost spirit" for environmental defense: there emerged a direct correlation between the administration's stated policy goals on energy development and the rise in membership of environmental groups, most notably the Sierra Club and the Nature Conservancy.⁷⁴ This "backlash" effect helped to stimulate awareness of the growing threat to local control over the fate of the natural habitat.

In the early '80's, the DER was virtually under siege by a barrage of proposed oil projects. The County

Administration Office conducted a study of other counties' procedures for environmental review and concluded that the Review division and the Planning division should be merged into a single department. This proposal gained Board approval in 1981.⁷⁵

One of the main reasons for this move to streamline and and integrate departmental functions was the State legislature's imposition of restrictive time limits on the duration of the local review process. AB 884 set the limit at one year; if a review is not decided by that time, the proposal is automatically approved.⁷⁶ This constraint did much to stifle the DER's regulatory powers, since protective regulation must proceed in an aggressive fashion towards those being regulated. The existence of a time limit diminishes the brunt of their power.

The reorganization of the DER was also an undeniably political maneuver. Because policy implementation ultimately determines who receives (or is denied) benefits, bureaucracy is inherently political. Decisions about the organization of bureaucratic units are simultaneously decisions about policies and programs.⁷⁷

Local environmental groups came out against the move to reorganize. They claimed that the newly consolidated department was a threat to the county's high standards of air, water, and land protection.⁷⁸ They saw the reorganization as a move

designed ultimately to make it easier for developers to get through the review process, instead of making it harder. The removal of Al Reynolds from his position of leadership was another evil omen; Reynolds had been made "interim director" of the new department, but the search was on for a new leader.⁷⁹

Eventually, the Board settled on four potential candidates: Reynolds, Guzman, Hedburg, and Hetrick. Their final selection was taken to be a gauge of their commitment to environmental protection.

On July 14, 1981, in an unusual split vote, the Board voted 3-2 for Dianne Guzman. Kallman, Holmdahl, and Fletcher, the same three supervisors who approved the creation of the DRM, supported Guzman over Reynolds. The split vote was unusual because such decisions are usually made unanimous so that the new official has a strong mandate of authority.⁸⁰ Supervisor Bill Wallace said the decision was "symptomatic of a pro-growth, anti-environment 'tilt'" he felt the Board had taken since Holmdahl arrived in 1980.⁸¹

This sentiment found a voice in the local environmental protection groups and planning organizations, as well as the academic community of UCSB. On July 22, eleven speakers, including Prof. Marc McGuinnes, denounced Guzman's appointment as a "pointless stupidity". McGuinnes went so far as to describe Kallman, Holmdahl, and Fletcher as a "collective

James Watt."⁸²

These outbursts did little to alter the reality of Guzman's legal position as head of the DRM. Guzman set herself to work out the formidable task ahead of her: to increase the efficiency of the DRM in order to handle the expected onslaught of oil development proposals which would inundate the agency in the next few years.

"Success" and "efficiency" can be interpreted in many ways. To bureaucrats, the two are interchangeable terms. For, unlike a business venture, there are no quantifiable measures of "profit" to determine performance in a bureaucracy. There are only approximations of fulfilling stated goals. In the absence of clear and explicit goals, there can be no standards by which to measure "success", and any direction can be interpreted as "successful" if it proceeds with the least amount of friction.

One way to reduce friction is to eliminate "wasteful" overlapping intra-departmental jurisdictions or functions. Guzman desires to remodel the environmental review process in order to eliminate inefficiency and duplication, theoretically to give more time back to the decision-making process. Says Guzman: "We're not doing justice to our responsibilities when we don't allow much time for decision-making. Now, compiling an EIR takes up 85 percent of the allotted time."⁸³

There are also complaints from the applicants. The time-consuming and "expensive" practice of requiring new EIR's for

each subsequent piece of a project will most likely be phased out.⁸⁴ In addition, Guzman points out the absence of appeal provisions for applicants who differ on the "facts" of an EIR-- "...there is no relief valve," says Guzman.

What Guzman may be overlooking is the fact that her department has the ultimate responsibility to represent the intrinsic value of our natural environment and to protect it against unnecessary destruction. To do so, the environment must be given the benefit of the doubt. Her statements bring to mind an old adage: "The best way to avoid your responsibilities is to say: 'I've got responsibilities'".

In the quest for organizational efficiency, concern over responsibility to the developers' best interests might be eclipsing the true uses of bureaucratic "red tape". While appearing to be wasteful, overlapping jurisdictions within a department serve the crucial function of keeping the organizational lines of communication open. When there is only one route to the top in a hierarchical system, the nature of superior-subordinate relations stifles the free flow of information which could point to problems within the system.

Another way Guzman seeks to eliminate friction is to engage the direct support of superior agencies. On the national level, the growth of the "intergovernmental lobby" illustrates this desire to merge conflicting layers of government in the interests of harmony.⁸⁵ The possibilities for a

"vertical integration" of local, state, and federal bureaucracy is embodied by the Joint Review Panel. The Panel shares lead agency status for development projects among the three layers of government. The usual configuration involves the federal Mineral Management Service or Interior Department, the state Coastal Commission, and the Energy Division of the DRM.⁸⁶ Since federal, state, and local goals differ, Guzman feels that including them all in a decision "gives local government a way to play a role in things they ordinarily wouldn't"⁸⁷ Implicit in this benefit is also an implied loss of control, but the risk inherent in a local agency going it "on their own" without state or federal backing is the worst fear: they could be overruled and lose all control.

This is not an unfounded fear: local control has been lost before in Santa Barbara County. When Governor Brown felt that the DER was acting in an "unreasonably strict" fashion by thwarting a permit for the LNG Terminal Siding project, he stripped it of its authority and imposed state jurisdiction over the case.⁸⁸

No matter what the unforeseen implications of expressing local feelings are, these prospects for change within the DRM are but symptoms of a larger problem.

Exxon, Inc., has learned through trial-and-error to manipulate the overlapping power structure to its' best advantage. And, it is truly ironic that the complex system of federal

agencies designed to protect various interrelated aspects of the physical environment has brought itself to the point of negating its own purpose for the sake of this elusive notion of "efficiency".

While Guzman struggles with the DRM's internal organization, Exxon is using the tension between the EPA and the Interior Department to get a legal foot through the proverbial crack in the door.

In 1978, the EPA handed Santa Barbara County a mandate to clean up the air, to come into attainment with federal quality standards by January 1987. The County has failed to meet the .12 ppm ozone standard for seven years and stands to face the imposition of sanctions, ranging from the withholding of federal funds to a motor vehicle inspection plan.⁸⁹ The reason for noncompliance? On the OCS, the Department of the Interior sets the standards for air quality--standards lower than what the EPA desires. The Minerals Management Service has the power to require greater controls offshore, but Exxon has successfully avoided this so far, appealing to their function of protecting the national interest (Strategic Petroleum Reserve Plan). And, with most of its heavily-polluting equipment beyond the three-mile limit, Exxon escapes having to adhere to more stringent local regulations.

But air pollution obviously does not recognize the three-mile limit: it defies legal boundaries and drifts

ashore, fouling the air in a different jurisdiction. In 1984, the County was hit with eight major industrial development proposals, including Exxon's plans to develop marine tanker terminal facilities at Las Flores, oil and gas refineries at Gaviota, doubling the number of platforms, and expanding the use of their strategically-located Offshore Processing and Treatment plant (OS&T), which produces the bulk of Exxon's pollution and sits safely just within the federal three-mile limit.⁹⁰

The costs to the County could be staggering, yet the federal government refuses to share the revenues of oil development in any meaningful manner. The County decided to attempt to force the oil industry to offset these costs by paying for permit processing, impact reports, and the other costs incurred in accomodating oil growth.⁹¹

Admittedly, the local public was not about to lose the benefits of increased industrial activity: when it comes to jobs and profits, energy conservation and the environment take a back seat unless the appropriate pricing policies are in place.⁹² In 1985, over 150 Santa Maria developers met for an oil vendors' seminar, and more had to be turned away. They came to get "expert advice" on how to make money off the expected wave of oil production.⁹³ Truly, one man's poison is another man's bread and butter.

Predictably, the North County supervisors came up with plans to "control" oil growth by taxing it. Holmdahl said

each new platform could generate up to \$10 million a year for the business community, while property taxes on the new rigs would yield \$200 million between 1986 and 1991.⁹⁴ These funds, Holmdahl explained, could be spent on "road repairs." (How fitting.)

These proposals miss the point: air pollution, once created, cannot be "bought back". The only solution appeared to be to get Exxon to move its operations within County jurisdiction so that it could be monitored under local control. Exxon balked, realizing that the County would have to apply stricter standards in order to come to attainment with the EPA.

When Exxon's EIRs were submitted to the DRM, a long battle began for local control. At stake were Exxon's threat to take its business offshore, beyond County control; the future of our air quality; the Board's credibility; and conflicting demands of the federal government, all against a background of "high finance."⁹⁵

Exxon's strategy was simple: to take the debate out of the democratic system and into the legal arena, where it had the upper hand in terms of money and expertise. By triggering long, costly legal battles with the DRM, lots of precious County time and energy could be rechanneled where it did the least damage to oil interests.

Their stand was taken on the principle of "observance of

the law"; the issue was who would control those polluting industrial emissions on the OCS. The law says the Minerals Management Service controls it. Onshore, the Air Pollution Control District (APCD) handles it. The APCD desired to be the controlling agency, as the OCS pollution easily becomes County pollution.⁹⁶

Dev Vrat, assistant Director of the DRM, puts the problem in terms of quantifiable evidence:

"The question is, how do you quantify the obvious? Models are being developed, but they're not adequate to stand up in court. What's 'significant'? The federal government doesn't believe (the pollution) is bad enough." ⁹⁷

The burden of proof, instead of resting on the oil industry, rests on the environment's protectors. Vrat says if the County can prove Exxon is causing impacts, then "they will be happy to mitigate them, but not before."⁹⁸ In his own words, "...they're not out to give away the candy store."

So the struggle to protect the public's collective goods is moved into the legal arena. What does this mean in terms of public representation in the decision-making process?

It appears that the people may have a voice in the internal workings of bureaucracy, but not in the bureaucracy's actual functions, for our power there has been bargained away in the private sector.

In 1986, the County of Santa Barbara came to a tentative settlement with Exxon over its proposed development plan; the

final provisions were hammered out close to the last hour of the last day left of the DRM's one-year time limit. In the agreement, Exxon agreed to scrap the OS&T facility and eliminate two platforms from its plans. They also said they would "voluntarily" limit the emission of NO's to 900-1400 tons per year, down from 2500 tons, "depending on the success of some experimental measures."⁹⁹ By getting rid of the OS&T, Exxon can meet a "net air quality benefit" required by the APCD for its onshore projects, even though the OS&T is offshore! It seems strange that the OS&T can be used to gain benefits as an onshore influence, while it can't be defined as an onshore influence for the County's best interests!

Due to Exxon's threat to stop the negotiations and expand their OS&T without County approval, the Board backed down from insisting that Exxon meet the APCD's conditions, replacing them with language which will make it relatively easy to avoid complying with any controls. Now, the County can only impose further "reasonable and feasible" conditions--scary terms in the courtroom, open to far-flung interpretation.¹⁰⁰

Put simply, Santa Barbara County and the DRM gave up their control, their legal responsibility to regulate, in order to encourage Exxon onshore. John Buttney, Bill Wallace's aid, said there was "a strong feeling that it was better to have them onshore at any cost..."¹⁰¹

Joan Wells, of the County Planning Commission, feels the DRM's planning staff is bypassing the public hearing process by "making policy directly with special interest groups."¹⁰² And when the public is not involved, as in these private negotiations, the bureaucracy must deal exclusively with vested interests.

Robert Knecht deplored the settlement. Said Knecht, "...to carry these agreements all the way to a signed settlement without public scrutiny was a major blow" to the democratic process.¹⁰³ "No one seriously believes the court system is the place to address these complex issues."

Interestingly, the bureaucrats admire Exxon's straightforwardness. Although other oil companies have agreed in principle to stricter controls, such as Chevron, Dev Vrat compares their promises to a "blank check...let's see us try to collect on it." Chevron has not foreclosed its plans for the future to the DRM.¹⁰⁴ Exxon, by contrast, put all their cards on the table and fought for their side in the open: Dianne Guzman admits to a profound respect for her main adversary, Don Cornett, even though they fought "tooth and nail."¹⁰⁵

The possible outcomes of stronger County stance could be debated forever; it will probably never be known if the famous, dreaded "offshore threat" would have been carried out. But the consequences of abdicating vested authority may be very serious indeed.

In response to this subtle loss of authority, a small group of environmentally-minded activists, headed by Concerned About Oil (CAO), began what was to become "the fight for local control...1985". The people could, if they so chose, withdraw the power they had invested in their elected officials and instead set into law more restrictive oil policies.

powerful, well-organized business interests to influence the various levels of bureaucracy. This was the central

The environmentalists' battle was not a war. A war was not opposed to the projected increase in oil production. It was to the contrary of an unplanned and uncontrolled production increase. If Exxon and the other oil companies had their way and built the new capacity for production, they would have a much larger role in the oil industry.

The next day, after the oil companies had been through the process of loading on the beach, the oil companies had up to 350,000 barrels of oil on the beach. The oil companies had a large amount of oil on the beach.

The oil companies had a large amount of oil on the beach. The oil companies had a large amount of oil on the beach. The oil companies had a large amount of oil on the beach.

CHAPTER V

Free to Choose?

Our national environmental policy process is, in short, so fragmented and uncoordinated that it is relatively for powerful, well-organized business interests to influence the various levels of bureaucracy. This was the central fear, the main drive behind both Measure A. of the

The environmentalists behind Measure A were not so much opposed to the projected increase in oil production as they were to the results of an unplanned and unconsolidated production increase. If Exxon and the other oil interests had their own way and built their own separate facilities, the appearance of the coastline was in for a drastic change.

The most frightening feature of Exxon's plans was their reliance on marine tanker transport. If their proposals went through, Santa Barbarahs could expect an average of one tanker loading on the south coast per day, with each tanker carrying up to 350,000 barrels of oil. (The '69 oil spill involved only about one-tenth that amount.)¹⁰⁶ Despite technological advances, the question of another oil spill isn't an if, it's a when. The proposed 800% increase in industrial development on the ocean can only drastically increase the odds.¹⁰⁷

The opposition was quick to rise to the challenge. Sparked by visions of a smoggy, industrialized coastline, and incensed

by the government's apparent lack of consideration for the fate of a unique environment, the forces making up Concerned About Oil were prepared to remodel the entire system of local environmental review. Their methods reflected a basic, deep-seated animosity towards the high level of discretionary authority held and abused by the Supervisors.

The situation did not look good. The battle for the environment on the federal level was, for various reasons, losing its once-powerful edge; the vague intentions of the 1970's acts were pliable enough to warrant an unplanned development of Santa Barbara County. The new Republican administration under Ronald Reagan desired to return the control of the nation's collective resources back to America's private interests. Oil was needed for the good of the nation; whatever losses Santa Barbara would sustain were less significant than the "good" achieved for the entire country.¹⁰⁸

Along with GOO, CAO embarked on a scheme to alter the vague, ambiguous nature of the County's established developmental guidelines as embodied in the General Plan. Not a binding document, the Plan was drawn up in the early '70's in response to concerns about haphazard, uncoordinated growth. However, the Supervisors are not required in any way to follow its recommendations. A high degree of discretionary authority remains even under the influence of the DRM.¹⁰⁹

CAO aimed to remove some of the public's power from its investiture with the Supervisors and place it instead within a codified body of law. A public initiative--Measure A--was

to be the vehicle for this transformation.

Measure A gained a place on the November '85 ballot after obtaining the required number of signatures. If voted in, it would have codified many of the General Plan's provisions for controlled growth, eliminating the Supervisor's discretion on some points, and circumventing the traditional review process. The "Oil Initiative" required that:

1. The new onshore processing facilities be limited to two (2) consolidated facilities, one on the South coast and one on the North.
2. Oil and gas be transported by pipeline.
3. Only one marine terminal be allowed to remain for emergency use only.
4. Air quality standards be strengthened for on-shore processing facilities.
5. Environmentally sensitive areas be protected from any disturbance.¹¹⁰

"In short," said pro-initiative Supervisor Bill Wallace, "the initiative will force the County to live up to its own standards."¹¹¹

Measure A's failure stems from the tendency towards inertia within our political system. Bureaucrats tend to like what they can control, and they tend to oppose what they view as intrusive, limiting feedback.¹¹² John Davies, the organizer for the oil companies' anti-"A" campaign, contends that the \$1 million-dollar smear campaign did not defeat the initiative; it was the key people within the community and bureaucracy. "When key people like Planning Commissioner Joan Wells stand

shoulder-to-shoulder with the oil companies on anything, then it shows there were real problems with the initiative."¹¹³

Dianne Guzman expressed her own personal feelings and included an insight as to how Measure A may have been defeated even before the polls:

"They (CAO) alienated the staff of the Energy Division, and I know they alienated me. It was the worst kind of criticism...it implied that we were inept. The contacts in the community we had...had much to do with Measure A's reputation and status..."¹¹⁴

Dev Vrat added that the fact that "someone could write an initiative and undermine all our work" upset everyone in The DRN.¹¹⁵

Measure A was a highly technical and sophisticated document. It had to be in order to insure against any legal discrepancies, which Exxon's lawyers were very good at finding. Guzman, however, said that its very sophistication made it unappealing to the bureaucracy. "It was too complicated...we were going to have to implement it if it passed." This is understandable from a bureaucratic standpoint: set precedent and incrementalism are the usual means of policy progress.¹¹⁶

On election day, Measure A was beaten decisively. It wasn't even close...62 percent opposed it.¹¹⁷ As an Oil Issue intern with CalPIRG, I was able to observe and participate in the political process during the campaign. In the course of my work, I could see how the traditional political ideologies had manifested themselves in the issue at hand-- Measure A's

questioning of who should make the decisions as opposed to the underlying reality of where the powers of enforcement actually lie. It is my belief that the conservative forces resisting change had a better understanding of the policy process itself, while the liberal forces promoting change had a more idealistic conception of the channels of power.

If Measure A had passed, the burden of enforcement would have rested with the federal system. Power would have to come from above. Consequently, when the conflicting federal interests of environmental protection vs. national security must be compromised, the "higher" goal will prevail. And, as society is basically supportive of the growth of business as an end in itself, our cultural values and personal desires will prevent any wholesale redefinition of our "higher" goals.

The question is, what happens now? Some oil companies appear to be more concerned about good public relations. There is an effort underway to convince a distrustful public that there really is a personal side to multi-billion dollar conglomerations; certain television ads, like the Chevron "People do care" spots, aim to prove that "...there's a human heart beating inside the industrialist's rapacious chest, along with a conscience, if not some rudimentary soul." 118

In the end, it must be remembered that there really is very little the County can do to enforce stricter environmental codes without sending the oil industry to beat on the

doors of a sympathetic federal agency, crying "Unfair!" The environmental review process in Santa Barbara County has evolved out of a long and difficult struggle with this problem, and in the face of our society's inability to come to terms with the realities of finite resources, I believe our system has done a respectable job of integrating our culture's contradictory desires.

We need to begin harmonizing these conflicting interests and goals IN CONGRESS. If we could forget the rhetoric on either side, if we could ignore for awhile whether problems or solutions are labeled "Republican" or "Democrat", perhaps we could work out a viable compromise. Our addiction to petroleum is blinding us to its dangers, while our national faith in technology deafens our ears to pleas for restraint. No one can predict whether technology will appear to save us from eventual resource depletion: the rational approach is a conservative one.

Douglas Dowd puts the situation in a nutshell:

"Besides warfare, one cannot imagine a more effective system for destroying life than that within which we now function...it grows from the same social matrix as the destruction of the environment; the difference is that destruction by war is deliberate whereas that commin from our economic system is a 'by-product'. The social attitudes guiding each is the same--growth for growth's sake."119

While oil development is only one of the factors likely to change Santa Barbara, it is the most difficult to contain. The Board of Supervisors and the DRC have faced the "bitter abundance" with a clear understanding of their claims to power.

FOOTNOTES

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(1.8 M B/D CA CONSUMPTION)
(1.6 ALASKA)
(1.1 FOREIGN IMPORTS)

APPENDIX A (1)

PRESENT AND FUTURE ROLE OF OFFSHORE DEVELOPMENT TO THE PETROLEUM INDUSTRY

BY: D.E. CORNETT

AEP/NAEP CONFERENCE 1986

APRIL 25, 1986

• ENV. MGMT CAN WE
AFFORD IT?

• CAR STORY

THANK YOU. I APPRECIATE THE INVITATION TO COME AND DISCUSS A TOPIC AS IMPORTANT AS THE ROLE OF OFFSHORE DEVELOPMENT. *Also, ~~not~~ intended to be among this group of purists.*

We are all interested in other facets of the environment -- but today we're concentrating on oil!

THAT PETROLEUM IS A VITAL COMMODITY TO OUR SOCIETY IS NOT THE ISSUE!

- 0 AFTER ALL, OIL WILL BE OUR MAIN SOURCE OF ENERGY UNTIL WELL PAST THE YEAR 2000.
- 0 OVER ONE THIRD OF THE U.S. ECONOMY IS BASED ON OIL AND GAS AND THEIR BY-PRODUCTS.
- 0 ALTHOUGH CALIFORNIA IS A MAJOR OIL PRODUCING STATE, IT IS A NET IMPORTER, GETTING ONE-THIRD OF ITS OIL FROM ALASKA AND ABOUT 6% FROM OVERSEAS.
- 0 IN FACT, CALIFORNIANS USE MORE GASOLINE PER PERSON THAN ANY OTHER PEOPLE IN THE WORLD. ONE OUT OF EVERY NINE GALLONS OF GASOLINE CONSUMED IN THE U.S. IS BURNED IN CALIFORNIA.

[1.8 M B/D CA. CONSUMPTION]

[.6 ALASKA]

[.1 FOREIGN IMPORTS]

0 WELL, WHERE IS THE OIL?

- IMPORTS ARE PRIMARILY FROM THE MIDDLE EAST WITH SOME FROM INDONESIA, MEXICO AND THE NORTH SEA.

- DOMESTIC OIL COMES MORE AND MORE FROM THE OCEAN.

• THE GULF OF MEXICO IS THE BIG PRODUCER.

• PRUDHOE BAY IN ALASKA IS A BIG ONSHORE PRODUCER FOR THE CALIFORNIA MARKET; HOWEVER, THAT FIELD IS BEGINNING TO DECLINE.

• BUT OFFSHORE CALIFORNIA IS WHERE THE EXPERTS CURRENTLY PREDICT THE HIGHEST LIKELIHOOD OF SUCCESS IN FINDING NEW FIELDS.

0 SO, WHAT WE ARE REALLY DISCUSSING IS WHEN SHOULD THE CALIFORNIA OFFSHORE OIL BE EXPLORED FOR AND PRODUCED?

- WHEN I BEGAN WORK FOR EXXON 22 YEARS AGO, THE U.S. HAD ENOUGH OIL TO RUN THE WHOLE COUNTRY FOR 12-15 YEARS. TODAY THE NUMBER IS ABOUT 10 YEARS. WE HAVE NOT SUCCEEDED IN FINDING ENOUGH OIL TO REPLACE WHAT WE HAVE USED.

ANOTHER WAY TO LOOK AT THIS IS THAT WE HAVE YET TO FIND MOST OF THE OIL WE WILL BE USING IN THE YEAR 2000!

- IN THE SANTA BARBARA CHANNEL WE ARE STILL TRYING TO DEVELOP FIELDS WE FOUND 17 YEARS AGO. WE HAVE BEEN CONTINUALLY FRUSTRATED BY FEDERAL, STATE AND LOCAL POLITICAL AND BUREAUCRATIC MANEUVERING.

THE ISSUE IS HOW WE GET THE OIL, WHERE WE GET IT AND WHEN WE GET IT.

0 WE GET IT IN TWO WAYS:

- IMPORTS

- DOMESTIC PRODUCTION

0 IMPORTS MAKE UP ONE-THIRD OF U.S. CONSUMPTION WHICH IS APPROXIMATELY 15 MBD.

- AT PRESENT, FREE WORLD OIL AVAILABLE FOR IMPORTING IS PLENTIFUL BUT RESERVES ARE DWINDLING. ("GLUT" IS TEMPORARY.)

- SOURCES OF IMPORTS ARE POLITICALLY UNSTABLE AND PROBABLY UNRELIABLE IN TIMES OF NATIONAL EMERGENCIES.

- IN THE PAST DECADE, IMPORTS COST U.S. 1 TRILLION DOLLARS.

- LAST YEAR WE SPENT ABOUT 1 BILLION/WEEK FOR IMPORTS.

0 DOMESTIC PRODUCTION COMES ABOUT FROM A HEALTHY OIL EXPLORATION INDUSTRY AND A CONTINUAL, VIGOROUS SEARCH FOR OIL.

THIS MEANS DRILLING.

- NOT DRILLING JUST ANYWHERE - BUT WHERE GEOLOGISTS PREDICT THERE IS OIL!

AT THIS RATE OF DEVELOPMENT, IT IS OBVIOUS THAT WE NEED TO FIND THE OIL FOR THE YEAR 2000 AS SOON AS WE POSSIBLY CAN.

A VERY SMALL PERCENTAGE OF THE OCS HAS BEEN EXPLORED. SEVERAL BILLION BARRELS OF OIL AND TRILLIONS OF CUBIC FEET OF GAS ARE ESTIMATED TO AWAIT DISCOVERY OFF CALIFORNIA.

IT IS IN EVERYONE'S INTEREST THAT WE GO ABOUT FINDING THOSE FIELDS AS FAST AS WE CAN.

The Oil Initiative

WHAT THE INITIATIVE DOES

The Oil Initiative

422 NORTH MILPAS #6

(805) 963-1596

WHAT THE INITIATIVE WILL DO:

- *Limit new onshore processing to two consolidated facilities in the County, one on the South Coast and one in North County
- *Require that oil and gas be transported out of the County by pipeline
- *Provide for use of one consolidated marine terminal, with other terminals being phased out and removed
- *Strengthen air quality controls for onshore facilities servicing oil and gas development
- *Protect environmentally sensitive areas

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