



August 12, 2015

Steve Kinsey  
Chairman, California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

**RE: Support for staff determination that the THUMS Long Beach Company Fracking proposal constitutes, “development” under the Coastal Act**

Dear Chairman Kinsey:

The California Legislature enacted the California Coastal Act in 1976 in order to “protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment.” Therefore the California Coastal Commission (CCC) and its Director are charged with protecting California’s Coast. Fossil fuel extraction is inherently dangerous and has no place in fragile ecosystems. Fracking and other extreme oil and gas extraction techniques are even more dangerous and only increase the potential of environmental damage and poses a threat of serious harm to marine life, the coastal environment and communities living on and near the coast.

Sierra Club California strongly supports the position of Coastal Commission staff that well fracking and other well stimulation treatments (as defined by SB 4) proposed by the THUMS Long Beach Company constitutes “development” under the Coastal Act. As a result, such activity requires a coastal development permit issued by the CCC before said activity can take place.

The requirement to obtain a development permit issued by the CCC seeks to ensure that any proposed development activity in the coastal zone will be consistent with the overall purposes of the Coastal Act.

While the Commission has delegated most permitting authority over coastal development to local governments through certified local coastal programs (LCP’s), the Coastal Act specifically requires any development located on tidelands, submerged lands, public trust lands, or any development which constitutes a major public works project or major energy facility to obtain a coastal development permit. In the case of oil and gas development, including fracking and other well stimulation activities local governments and therefore LCP’s are not equipped to effectively analyze, interpret, permit, oversee, and assure compliance in a manner that will effectively protect the coastal environment. Therefore the Coastal Commission, as it is charged with doing, must exert its authority in this matter. City of Long Beach officials have suggested that a development permit issued by the CCC for the proposed fracking operations at the THUMS/Astronaut Islands may not be required. Sierra Club California asserts that this perspective is not consistent with the Coastal Act, and undermines the authority of the CCC to fulfill its mandate of protecting the coastal environment.

Should the need arise, under the Coastal Act, the Director can issue a formal cease and desist order when a person or agency has failed to respond in a satisfactory manner to an oral notice given in person or by telephone, followed by a written confirmation, or a written notice given by certified mail or hand delivered to the landowner or the person performing the activity. Sierra Club California requests that the Director take whatever action is necessary to ensure that THUMS Long Beach Company does not engage in any fracking and/or other extreme oil/gas extraction techniques in violation of the Coastal Act.

Sincerely:

A handwritten signature in black ink that reads "Michael P. Thornton". The signature is written in a cursive, flowing style.

Michael P. Thornton  
California Coastal Campaign Organizer

CC: Dr. Charles Lester, Executive Director, Allison Dettmer, Deputy Director