

[First Reprint]

ASSEMBLY, No. 839

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblyman R. BRUCE LAND

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblyman NICHOLAS CHIARAVALLOTI

District 31 (Hudson)

Co-Sponsored by:

**Assemblymen Johnson, Eustace, Assemblywomen Pinkin, Downey,
Assemblymen Houghtaling, Armato, Rumpf, Assemblywomen Gove,
Reynolds-Jackson, Murphy, Assemblyman Lagana and Assemblywoman
Quijano**

SYNOPSIS

Prohibits offshore oil and gas exploration, development, and production in State waters, and issuance of DEP permits and approvals for activities associated with offshore oil and gas activities.

CURRENT VERSION OF TEXT

As reported by the Assembly Environment and Solid Waste Committee on February 1, 2018, with amendments.

(Sponsorship Updated As Of: 2/16/2018)

1 AN ACT concerning offshore ¹**[drilling for]** oil and natural gas
 2 exploration, development, and production,¹ and supplementing
 3 Title 13 of the Revised Statutes.

4
 5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 6 *of New Jersey:*

7
 8 ¹1. This act shall be known and may be cited as the “Shore
 9 Tourism and Ocean Protection from Offshore Oil and Gas Act” or
 10 “STOP Offshore Oil and Gas Act.”¹

11
 12 ¹2. The Legislature finds and declares that:

13 a. The Jersey Shore is a vital component of New Jersey’s annual
 14 \$38 billion tourism industry; its 127-mile shoreline provides endless
 15 opportunities for recreation; and its tidal waters are home to
 16 countless animal and plant species and support a billion dollar
 17 commercial and recreational fishing industry;

18 b. The State holds in trust for the people of the State those lands
 19 flowed by tidal waters to the mean high water mark so that its
 20 residents can use and enjoy the State's tidal waters and adjacent
 21 shorelines for recreational uses, including, but not limited to,
 22 bathing, swimming, fishing, and other shore-related activities;

23 c. The State has primary jurisdiction over the management of
 24 coastal and ocean natural resources within three nautical miles of its
 25 coastline, and from three nautical miles seaward to the boundary of
 26 the 200-mile exclusive economic zone, the federal government has
 27 primary jurisdiction. Since protection, conservation, and
 28 development of the natural resources in the exclusive economic
 29 zone directly affect New Jersey’s economy and environment, the
 30 State has an inherent interest in how these resources are managed;

31 d. In 2010, a single rig located in the exclusive economic zone,
 32 BP’s Deepwater Horizon, released an estimated 170 million gallons
 33 of oil into ocean waters, severely impacting more than 600 miles of
 34 shoreline, resulting in numerous beach closings, harming countless
 35 numbers of marine mammals, fish, shellfish, marine birds, and other
 36 wildlife, and causing an estimated loss of more than a billion dollars
 37 to the commercial fishing industry and an estimated loss of more
 38 than \$22 billion dollars to the tourism industry in Gulf States; and

39 e. Therefore, oil and natural gas exploration, development, and
 40 production both in New Jersey waters and in the exclusive
 41 economic zone proximate to New Jersey waters or the Gulf Stream
 42 to the south of New Jersey waters, poses a serious and unacceptable
 43 risk to the coastal resources of the State, the water quality of State

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AEN committee amendments adopted February 1, 2018.

1 waters, and the continued viability of the State's shore tourism and
2 commercial fishing industries.¹

3
4 ¹**[1.] 3. a.**¹ Notwithstanding the provisions of any other law,
5 rule, or regulation to the contrary ¹**[,]** :

6 (1)¹ offshore drilling for oil or natural gas shall be prohibited in
7 State waters ¹; and

8 (2) no tidal or submerged lands in State waters shall be leased for
9 the purposes of oil or natural gas exploration, development, or
10 production¹ .

11 ¹**b.**¹ The Department of Environmental Protection shall not ¹:

12 (1)¹ issue any permit or other approval pursuant to the "Coastal
13 Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.),
14 R.S.12:5-3, the federal "Coastal Zone Management Act of 1972,"
15 16 U.S.C. s.1451 et seq., or any other State or federal law, rule, or
16 regulation, for the development of any facility, or related
17 infrastructure, associated with offshore drilling for oil or natural
18 gas, whether proposed for in State waters or outside of State
19 waters¹;

20 (2) permit, approve, or otherwise authorize any oil or natural gas
21 exploration, development, or production in State waters; or

22 (3) develop, adopt, or endorse any plans for the exploration,
23 development, or production of oil and natural gas in State waters¹ .

24
25 ¹**4. a.** The Department of Environmental Protection shall
26 implement the provisions of section 3 of this act through the
27 enforceable policies of the State, including, but not limited to, any
28 rules and regulations adopted pursuant to R.S.12:5-3.

29 **b.** Within 30 days after the effective date of this act, the
30 Commissioner of Environmental Protection shall submit this act to
31 the National Oceanic and Atmospheric Administration under the
32 provisions of the federal "Coastal Zone Management Act of 1972,"
33 as amended, 16 U.S.C. s.1451 et seq., for incorporation into the
34 enforceable policies of the approved State coastal management
35 program.¹

36
37 ¹**5.** The Department of Environmental Protection shall review
38 any proposed oil or natural gas lease, license, permit, or plan for
39 exploration, development, or production of oil and natural gas in the
40 Mid-Atlantic or South Atlantic regions of the exclusive economic
41 zone of the United States to determine if the proposal can
42 reasonably be expected to affect State waters, particularly in terms
43 of proximity to State waters or to the Gulf Stream south of State
44 waters. Whenever a review pursuant to this section results in an
45 affirmative finding, the commissioner shall advise the Governor
46 thereof and take all actions necessary to initiate a consistency

1 review under the federal “Coastal Zone Management Act of 1972,”
2 as amended, 16 U.S.C. s.1451 et seq.¹

3

4 ¹**[2.]** 6.¹ This act shall take effect immediately.