

[Second 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)**

**Senator JEFF VAN DREW**

**District 1 (Atlantic, Cape May and Cumberland)**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**Co-Sponsored by:**

**Assemblymen Johnson, Eustace, Assemblywomen Pinkin, Downey, Assemblymen Houghtaling, Armato, Rumpf, Assemblywomen Gove, Reynolds-Jackson, Murphy, Assemblyman Lagana, Assemblywoman Quijano, Senators Brown, Gopal, Connors, Gordon, Greenstein, Assemblyman Gusciora, Assemblywoman McKnight and Assemblyman Freiman**

**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 Senate Environment and Energy Committee on March 5, 2018, with amendments.

(Sponsorship Updated As Of: 4/13/2018)

1 AN ACT concerning offshore <sup>1</sup>**[drilling for]** oil and natural gas  
2 exploration, development, and production,<sup>1</sup> 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 <sup>1</sup>1. 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.”<sup>1</sup>

11  
12 <sup>1</sup>2. 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:

<sup>1</sup>Assembly AEN committee amendments adopted February 1, 2018.

<sup>2</sup>Senate SEN committee amendments adopted March 5, 2018.

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

3

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

6 (1)<sup>1</sup> offshore <sup>2</sup>**[drilling for]**<sup>2</sup> oil or natural gas <sup>2</sup>exploration,  
7 development, and production<sup>2</sup> shall be prohibited in State waters <sup>1</sup>;  
8 and

9 (2) no tidal or submerged lands in State waters shall be leased for  
10 the purposes of oil or natural gas exploration, development, or  
11 production<sup>1</sup> .

12 <sup>1</sup>**b.**<sup>1</sup> The Department of Environmental Protection shall not <sup>1</sup>;

13 (1)<sup>1</sup> issue any permit or other approval pursuant to the "Coastal  
14 Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.),  
15 R.S.12:5-3, the federal "Coastal Zone Management Act of 1972," 16  
16 U.S.C. s.1451 et seq., or any other State or federal law, rule, or  
17 regulation, for <sup>2</sup>**[the]** any<sup>2</sup> development <sup>2</sup>**[of any facility, or related**  
18 **infrastructure,]**<sup>2</sup> associated with offshore drilling for oil or natural gas,  
19 whether proposed for in State waters or outside of State waters <sup>1</sup>;

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 waters<sup>1</sup> .

24 <sup>2</sup>**c.** As used in this section, "development" means, but is not  
25 necessarily limited to, any pipeline or other infrastructure that  
26 transports oil or natural gas from production facilities located in  
27 federal waters or other coastal state waters in the Atlantic Ocean  
28 through New Jersey State waters, and any land-based support facilities  
29 for offshore oil or natural gas production facilities located in the  
30 Atlantic Ocean.<sup>2</sup>

31

32 <sup>1</sup>**4. a.** The Department of Environmental Protection shall  
33 implement the provisions of section 3 of this act through the  
34 enforceable policies of the State, including, but not limited to, any  
35 rules and regulations adopted pursuant to R.S.12:5-3.

36 b. Within 30 days after the effective date of this act, the  
37 Commissioner of Environmental Protection shall submit this act to  
38 the National Oceanic and Atmospheric Administration under the  
39 provisions of the federal "Coastal Zone Management Act of 1972,"  
40 as amended, 16 U.S.C. s.1451 et seq., for incorporation into the  
41 enforceable policies of the approved State coastal management  
42 program.<sup>1</sup>

43

44 <sup>1</sup>**5.** The Department of Environmental Protection shall review any  
45 proposed oil or natural gas lease, license, permit, or plan for  
46 exploration, development, or production of oil and natural gas in the

1 <sup>2</sup>[Mid-Atlantic or South]<sup>2</sup> Atlantic <sup>2</sup>[regions] region<sup>2</sup> of the  
2 exclusive economic zone of the United States to determine if the  
3 proposal can reasonably be expected to affect State waters, particularly  
4 in terms of proximity to State waters or to the Gulf Stream south of  
5 State waters. Whenever a review pursuant to this section results in an  
6 affirmative finding, the commissioner shall advise the Governor  
7 thereof and take all actions necessary to initiate a consistency review  
8 under the federal "Coastal Zone Management Act of 1972," as  
9 amended, 16 U.S.C. s.1451 et seq.<sup>1</sup>

10

11 <sup>1</sup>[2.] 6.<sup>1</sup> This act shall take effect immediately.