

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 839

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 5, 2018

The Senate Environment and Energy Committee favorably reports Assembly Bill No. 839 (1R) with committee amendments.

This bill, as amended, would prohibit offshore oil or natural gas exploration, development, and production in State waters, and prohibit the leasing of tidal or submerged lands in State waters for the purposes of oil or natural gas exploration, development, or production.

Additionally, the bill, as amended, would prohibit the Department of Environmental Protection (DEP) from issuing any permits and approvals for any development associated with offshore drilling in State waters or outside State waters. The bill would also prohibit the DEP from permitting, approving, or otherwise authorizing any oil or natural gas exploration, development, or production in State waters, and from developing, adopting, or endorsing any plans for the exploration, development, or production of oil and natural gas in State waters.

The bill directs the DEP to implement the provisions of the bill through the enforceable policies of the State, including, but not limited to, any rules and regulations adopted pursuant to R.S.12:5-3, commonly referred to as the “Waterfront Development Law.” The bill also directs the DEP Commissioner to submit this bill, within 30 days after enactment, to the National Oceanic and Atmospheric Administration under the provisions of the federal “Coastal Zone Management Act of 1972” for incorporation into the enforceable policies of the approved State coastal management program.

Lastly, the bill, as amended, would require the DEP to review any proposed oil or natural gas lease, license, permit, or plan for exploration, development, or production of oil and natural gas in the Atlantic region of the U.S. exclusive economic zone to determine if the proposal can reasonably be expected to affect State waters, particularly in terms of proximity to State waters or to the Gulf Stream south of State waters. Whenever such a review results in an affirmative finding, the commissioner would be required to advise the Governor thereof and take all actions necessary to initiate a

consistency review under the federal “Coastal Zone Management Act of 1972.”

The committee amendments to the bill would:

(1) specify that oil and natural gas exploration, development, and production are prohibited in State waters;

(2) define the term “development” to include any pipeline or other infrastructure that transports oil or natural gas from production facilities located in federal waters or other coastal state waters in the Atlantic Ocean through New Jersey State waters, and any land-based support facilities for offshore oil or natural gas production facilities located in the Atlantic Ocean;

(3) specify that the DEP shall review any proposed oil or natural gas activities in the Atlantic region of the exclusive economic zone of the United States; and

(4) make a clarifying and technical change.

This bill, as amended and reported by the committee, is identical to Senate Bill No. 258, as also amended and reported by the committee.