

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 839

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 1, 2018

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 839.

As amended by the committee, this bill would prohibit offshore drilling for oil or natural gas 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.

The bill would prohibit the Department of Environmental Protection (DEP) from issuing any permits and approvals for the development of any facility, or related infrastructure, 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 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 Mid-Atlantic or South Atlantic regions 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.”

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amendments to the bill:

(1) add a short title and findings and declarations section to the bill;

(2) expand the bill to prohibit the leasing of tidal or submerged lands in State waters for the purposes of oil or natural gas exploration, development, or production;

(3) prohibit the DEP from permitting, approving, or otherwise authorizing any oil or natural gas exploration, development, or production in State waters;

(4) prohibit the DEP from developing, adopting, or endorsing any plans for the exploration, development, or production of oil and natural gas in State waters;

(5) direct 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 (the “Waterfront Development Law”), and require the DEP Commissioner to submit the 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; and

(6) 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 Mid-Atlantic or South Atlantic regions of the U.S. exclusive economic zone to determine if the proposal can reasonably be expected to affect State waters, and take certain actions when an affirmative finding is made.