

## CHAPTER 7

**AN ACT** concerning offshore oil and natural gas exploration, development, and production, and supplementing Title 13 of the Revised Statutes.

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

C.13:19-47 Short title.

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

C.13:19-48 Findings, declarations relative to offshore oil and natural gas exploration, development, and production.

2. The Legislature finds and declares that:

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

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

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

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

e. Therefore, oil and natural gas exploration, development, and production both in New Jersey waters and in the exclusive economic zone proximate to New Jersey waters or the Gulf Stream to the south of New Jersey waters, poses a serious and unacceptable risk to the coastal resources of the State, the water quality of State waters, and the continued viability of the State’s shore tourism and commercial fishing industries.

C.13:19-49 Certain offshore development, production prohibited.

3. a. Notwithstanding the provisions of any other law, rule, or regulation to the contrary:

(1) offshore oil or natural gas exploration, development, and production shall be prohibited in State waters; and

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

b. The Department of Environmental Protection shall not:

(1) issue any permit or other approval pursuant to the "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), R.S.12:5-3, the federal "Coastal Zone Management Act of 1972," 16 U.S.C. s.1451 et seq., or any other State or federal law, rule, or regulation, for any

development associated with offshore drilling for oil or natural gas, whether proposed for in State waters or outside of State waters;

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

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

c. As used in this section, “development” means, but is not necessarily limited to, 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.

C.13:19-50 Implementation of policies.

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

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

C.13:19-51 Review of proposed activity.

5. The Department of Environmental Protection shall 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 exclusive economic zone of the United States 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 a review pursuant to this section results in an affirmative finding, the commissioner shall advise the Governor thereof and take all actions necessary to initiate a consistency review under the federal “Coastal Zone Management Act of 1972,” as amended, 16 U.S.C. s.1451 et seq.

6. This act shall take effect immediately.

Approved April 20, 2018.