

P.L. 2018, CHAPTER 7, *approved April 20, 2018*
Assembly, No. 839 (*Second Reprint*)

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

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.

²Senate SEN committee amendments adopted March 5, 2018.

1 to the commercial fishing industry and an estimated loss of more
 2 than \$22 billion dollars to the tourism industry in Gulf States; and

3 e. Therefore, oil and natural gas exploration, development, and
 4 production both in New Jersey waters and in the exclusive
 5 economic zone proximate to New Jersey waters or the Gulf Stream
 6 to the south of New Jersey waters, poses a serious and unacceptable
 7 risk to the coastal resources of the State, the water quality of State
 8 waters, and the continued viability of the State's shore tourism and
 9 commercial fishing industries.¹

10
 11 ¹**[1.]** 3. a.¹ Notwithstanding the provisions of any other law,
 12 rule, or regulation to the contrary ¹**[.,.]** :

13 (1)¹ offshore ²**[drilling for]**² oil or natural gas ²exploration,
 14 development, and production² shall be prohibited in State waters ¹;
 15 and

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

19 ¹b.¹ The Department of Environmental Protection shall not ¹;

20 (1)¹ issue any permit or other approval pursuant to the "Coastal
 21 Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.),
 22 R.S.12:5-3, the federal "Coastal Zone Management Act of 1972," 16
 23 U.S.C. s.1451 et seq., or any other State or federal law, rule, or
 24 regulation, for ²**[the]** any² development ²**[of any facility, or related**
 25 **infrastructure,]**² associated with offshore drilling for oil or natural gas,
 26 whether proposed for in State waters or outside of State waters ¹;

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

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

31 ²c. As used in this section, "development" means, but is not
 32 necessarily limited to, any pipeline or other infrastructure that
 33 transports oil or natural gas from production facilities located in
 34 federal waters or other coastal state waters in the Atlantic Ocean
 35 through New Jersey State waters, and any land-based support facilities
 36 for offshore oil or natural gas production facilities located in the
 37 Atlantic Ocean.²

38
 39 ¹4. a. The Department of Environmental Protection shall
 40 implement the provisions of section 3 of this act through the
 41 enforceable policies of the State, including, but not limited to, any
 42 rules and regulations adopted pursuant to R.S.12:5-3.

43 b. Within 30 days after the effective date of this act, the
 44 Commissioner of Environmental Protection shall submit this act to
 45 the National Oceanic and Atmospheric Administration under the
 46 provisions of the federal "Coastal Zone Management Act of 1972,"

1 as amended, 16 U.S.C. s.1451 et seq., for incorporation into the
2 enforceable policies of the approved State coastal management
3 program.¹
4

5 ¹5. The Department of Environmental Protection shall review any
6 proposed oil or natural gas lease, license, permit, or plan for
7 exploration, development, or production of oil and natural gas in the
8 ²[Mid-Atlantic or South]² Atlantic ²[regions] region² of the
9 exclusive economic zone of the United States to determine if the
10 proposal can reasonably be expected to affect State waters, particularly
11 in terms of proximity to State waters or to the Gulf Stream south of
12 State waters. Whenever a review pursuant to this section results in an
13 affirmative finding, the commissioner shall advise the Governor
14 thereof and take all actions necessary to initiate a consistency review
15 under the federal “Coastal Zone Management Act of 1972,” as
16 amended, 16 U.S.C. s.1451 et seq.¹
17

18 ¹[2.] 6.¹ This act shall take effect immediately.
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21 _____
22
23 Prohibits offshore oil and gas exploration, development, and
24 production in State waters, and issuance of DEP permits and
25 approvals for activities associated with offshore oil and gas
26 activities.