

106TH CONGRESS  
1ST SESSION

# H. R. 33

Imposing certain restrictions and requirements on the leasing under the Outer Continental Shelf Lands Act of lands offshore Florida, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Mr. GOSS (for himself, Mr. MILLER of Florida, Mr. MCCOLLUM, Mr. CANADY of Florida, Mr. FOLEY, Mr. SHAW, Mr. WEXLER, Mr. SHAYS, Mr. BILIRAKIS, Mr. DAVIS of Florida, Ms. ROS-LEHTINEN, and Mrs. THURMAN) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

Imposing certain restrictions and requirements on the leasing under the Outer Continental Shelf Lands Act of lands offshore Florida, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FINDINGS.**

4       The Congress finds that—

5               (1) preleasing, leasing, exploration, and develop-  
6       ment and production of oil and gas from the outer  
7       Continental Shelf without adequate scientific and en-  
8       vironmental information does not provide the level of

1 protection needed for the conservation of the natural  
2 resources of the Nation's coastal areas;

3 (2) the Secretary of the Interior, assigned the  
4 primary responsibility for the proper stewardship of  
5 the Nation's public lands and outer Continental  
6 Shelf, is required to provide adequate environmental  
7 analysis under the Outer Continental Shelf Lands  
8 Act (43 U.S.C. 1331 et seq.), the National Environ-  
9 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.),  
10 and other Federal laws, before such lands are leased  
11 to develop oil and gas resources; and

12 (3) to protect the marine, coastal, and human  
13 environments of coastal States, the citizens of such  
14 States are entitled to have an adequate body of sci-  
15 entific and environmental information, with a mini-  
16 mal level of uncertainty, before such leasing and de-  
17 velopment are carried out.

18 **SEC. 2. AREAS COVERED.**

19 The areas to which this Act applies are—

20 (1) that part of the Eastern Gulf of Mexico  
21 Planning Area that is east of the lateral seaward  
22 boundary between the States of Florida and Ala-  
23 bama;

24 (2) the Straits of Florida Planning Area; and

1           (3) that part of the South Atlantic Planning  
2       Area that is south of the lateral seaward boundary  
3       between the States of Florida and Georgia.

4   **SEC. 3. RESTRICTIONS AND REQUIREMENTS.**

5       (a) GENERAL RULE.—The Secretary shall not con-  
6   duct any preleasing activities, hold any lease sale, or ap-  
7   prove or permit any exploration, production, or drilling ac-  
8   tivities under the Outer Continental Shelf Lands Act (43  
9   U.S.C. 1331 et seq.) in any area described in section 2  
10   unless—

11           (1) all assessments, studies, and research re-  
12       quired for such area under section 4 have been com-  
13       pleted;

14           (2) all such assessments, studies, and research  
15       have been peer reviewed, by qualified scientists not  
16       employed by the Federal Government, as provided  
17       for and supervised by the Joint Task Force; and

18           (3) the Secretary has transmitted to the Con-  
19       gress and to the Governor of Florida a report, which  
20       has been reviewed by the Joint Task Force, certify-  
21       ing that the available physical oceanographic, eco-  
22       logical, and socioeconomic information, and other en-  
23       vironmental, endangered and threatened species, and  
24       marine mammal information, is adequate to enable  
25       the Secretary to carry out his responsibilities in such

1 area under the Outer Continental Shelf Lands Act  
2 and other Federal laws, with a minimal level of un-  
3 certainty, with respect to all preleasing activities,  
4 leasing, and exploration, production, and drilling ac-  
5 tivities.

6 (b) SPECIFIC PROHIBITION.—Notwithstanding sub-  
7 section (a), the Secretary shall not conduct any preleasing  
8 activity, hold any lease sale, or approve or permit any ex-  
9 ploration, production, or drilling activities under the Outer  
10 Continental Shelf Lands Act in that part of the Eastern  
11 Gulf of Mexico Planning Area that is south of 26 degrees  
12 north latitude and east of 86 degrees west longitude.

13 (c) ADDITIONAL PROHIBITION.—Notwithstanding  
14 subsection (a), the Secretary shall not conduct any  
15 preleasing activity or hold any lease sale in any area de-  
16 scribed in section 2 until after the expiration of the period  
17 covered by the next oil and gas leasing program issued  
18 under section 18 of the Outer Continental Shelf Lands  
19 Act (43 U.S.C. 1344) after the leasing program in effect  
20 under such section as of the date of enactment of this Act.

21 **SEC. 4. ASSESSMENTS, STUDIES, AND RESEARCH.**

22 The assessments, studies, and research referred to in  
23 section 3(a) (1) and (2) are as follows:

1           (1) EASTERN GULF OF MEXICO PLANNING  
2 AREA.—With respect to the area described in section  
3 2(1):

4           (A) The Assessment of the Historical, So-  
5 cial, and Economic Impacts of Outer Continen-  
6 tal Shelf Development on Gulf Coast Commu-  
7 nities, to be conducted by the Minerals Manage-  
8 ment Service.

9           (B) The Northeastern Gulf of Mexico Ma-  
10 rine Ecosystem Study, to be conducted by the  
11 National Biological Survey.

12           (C) Any additional physical oceanographic  
13 studies identified and recommended by the  
14 Northeast Gulf of Mexico Physical Oceanog-  
15 raphy Workshop conducted by the Minerals  
16 Management Service in conjunction with Flor-  
17 ida State University.

18           (D) Any additional studies or research in  
19 such area needed to acquire information where  
20 one of the National Research Council's reports  
21 found available information inadequate.

22           (E) Any additional physical oceanographic,  
23 ecological, or socioeconomic or other environ-  
24 mental studies or endangered and threatened  
25 species and marine mammal surveys requested

1 by the Governor of Florida or the Joint Task  
2 Force to minimize the uncertainty about the ef-  
3 fects of all preleasing activities, leasing, and ex-  
4 ploration, production, and drilling activities on  
5 the marine environment, the coastal environ-  
6 ment, and the human environment of the State  
7 of Florida, including any such request for the  
8 expansion of assessments, studies, or research  
9 described in subparagraphs (A) through (D).

10 (2) STRAITS OF FLORIDA PLANNING AREA.—

11 With respect to the area described in section 2(2):

12 (A) The Assessment of the Historical, So-  
13 cial, and Economic Impacts of Outer Continen-  
14 tal Shelf Development on Gulf Coast Commu-  
15 nities, to be conducted by the Minerals Manage-  
16 ment Service.

17 (B) Any additional physical oceanographic,  
18 ecological, or socioeconomic or other environ-  
19 mental studies or endangered and threatened  
20 species and marine mammal surveys requested  
21 by the Governor of Florida or the Joint Task  
22 Force to minimize the uncertainty about the ef-  
23 fects of all preleasing activities, leasing, and ex-  
24 ploration, production, and drilling activities on  
25 the marine environment, the coastal environ-

1           ment, and the human environment of the State  
2           of Florida.

3           (3) SOUTH ATLANTIC PLANNING AREA.—With  
4           respect to the area described in section 2(3), any  
5           physical oceanographic, ecological, or socioeconomic  
6           or other environmental studies or endangered and  
7           threatened species and marine mammal surveys re-  
8           quested by the Governor of Florida or the Joint  
9           Task Force to minimize the uncertainty about the  
10          effects of all preleasing activities, leasing, and explo-  
11          ration, production, and drilling activities on the ma-  
12          rine environment, the coastal environment, and the  
13          human environment of the State of Florida.

14   **SEC. 5. JOINT TASK FORCE.**

15          (a) ESTABLISHMENT.—The Secretary of the Interior  
16          shall establish a Joint Federal-State Outer Continental  
17          Shelf Task Force for the purpose of carrying out the re-  
18          sponsibilities assigned such Joint Task Force under this  
19          Act.

20          (b) MEMBERSHIP.—The Joint Task Force estab-  
21          lished under subsection (a) shall consist of—

22                  (1) one representative each from the Environ-  
23                  mental Protection Agency, the Minerals Manage-  
24                  ment Service, the National Oceanic and Atmospheric

1 Administration, and the United States Fish and  
2 Wildlife Service;

3 (2) four representatives from the State of Flor-  
4 ida appointed by the Secretary of the Interior from  
5 a list provided by the Governor of such State; and

6 (3) three members appointed by the Secretary  
7 of Commerce from a list of individuals nominated by  
8 the National Academy of Sciences who are profes-  
9 sional scientists in the fields of physical oceanog-  
10 raphy, marine ecology, and social science.

11 (c) COMPENSATION.—(1) Members of the Joint Task  
12 Force appointed under subsection (b)(3), while performing  
13 official duties under this Act shall receive compensation  
14 for travel and transportation expenses under section 5703  
15 of title 5, United States Code.

16 (2) Members of the Joint Task Force appointed  
17 under subsection (b)(3) may be compensated at a rate to  
18 be fixed by the Secretary of Commerce, but not in excess  
19 of the maximum rate of pay allowable under section  
20 5376(b)(1) of title 5, United States Code, for each day  
21 such member spends performing the duties of the Joint  
22 Task Force.

23 **SEC. 6. ENVIRONMENTAL IMPACT STATEMENTS.**

24 Approval of the first exploration plan submitted after  
25 the date of enactment of this Act under section 11 of the



1 Outer Continental Shelf Lands Act (43 U.S.C. 1340) in  
2 each of the 3 areas described in section 2 (1), (2), and  
3 (3) shall be subject to the requirement of a detailed state-  
4 ment submitted under section 102(2)(C) of the National  
5 Environmental Policy Act of 1969 (42 U.S.C.  
6 4332(2)(C)).

7 **SEC. 7. EFFECT ON OTHER LAWS.**

8 Nothing in this Act shall affect any prohibition in any  
9 other law against any activities on the outer Continental  
10 Shelf.

11 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated to the Sec-  
13 retary \$3,000,000 for each of the fiscal years 1999, 2000,  
14 2001, 2002, 2003, and 2004 for carrying out this Act.

15 **SEC. 9. DEFINITIONS.**

16 For the purposes of this Act—

17 (1) terms defined in the Outer Continental  
18 Shelf Lands Act have the meaning given such terms  
19 in that Act;

20 (2) references to specific outer Continental  
21 Shelf planning areas shall be to areas so designated  
22 in the Department of the Interior Outer Continental  
23 Shelf Five Year Oil and Gas Leasing Program,  
24 1997–2002;

1           (3) the term “adequate” means sufficiently  
2           complete to enable necessary decisions to be made  
3           under the Outer Continental Shelf Lands Act, and  
4           of sufficient scientific quality to be repeatable, reli-  
5           able, and valid in measurements and analysis with  
6           appropriate methods and subject;

7           (4) the term “Joint Task Force” means the  
8           Joint Federal-State Outer Continental Shelf Task  
9           Force established under section 5;

10          (5) the term “National Research Council’s re-  
11          ports” means—

12                (A) the report entitled “The Adequacy of  
13                Environmental Information for Outer Continen-  
14                tal Shelf Oil and Gas Decisions: Florida and  
15                California” issued in 1989 by the Council’s  
16                Committee to Review the Outer Continental  
17                Shelf Environmental Studies Program and sup-  
18                ported by the President’s Outer Continental  
19                Shelf Leasing and Development Task Force  
20                through Department of the Interior Contract  
21                No. 1435000130495; and

22                (B) parts I, II, and III of the “Assessment  
23                of the U.S. Outer Continental Shelf Environ-  
24                mental Studies Program” issued in 1990 and  
25                1992 by the committee referred to in subpara-

1 graph (A), with support from Department of  
2 the Interior Contract No. 14-12-001-30342;  
3 and

4 (6) the term “preleasing activities” means ac-  
5 tivities conducted before a lease sale is held, and in-  
6 cludes the scheduling of a lease, requests for indus-  
7 try interest, calls for information and nominations,  
8 area identifications, publication of draft or final en-  
9 vironmental impact statements, notices of sale, and  
10 any form of rotary drilling; but such term does not  
11 include environmental, geologic, geophysical, eco-  
12 nomic, engineering, or other scientific analyses, stud-  
13 ies, and evaluations.

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