

106TH CONGRESS  
1ST SESSION

# S. 1654

To protect the coast of Florida.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 1999

Mr. MACK (for himself and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To protect the coast of Florida.

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. SHORT TITLE.**

4       This Act may be cited as the “Florida Coast Protec-  
5       tion Act of 1999”.

6       **SEC. 2. ENVIRONMENTAL IMPACT STATEMENT REQUIRE-**  
7       **MENTS.**

8       Section 307(c)(3) of the Coastal Zone Management  
9       Act of 1972 (16 U.S.C. 1456(c)(3)) is amended by adding  
10      at the end the following:

1           “(C) NECESSARY DATA AND INFORMA-  
 2           TION.—For purposes of subparagraph (B), a  
 3           State shall not be considered to receive all nec-  
 4           essary data and information with respect to a  
 5           plan for exploration, development, or production  
 6           before the date on which the State receives a  
 7           copy of an environmental impact statement  
 8           under section 102(2)(C) of the National Envi-  
 9           ronmental Policy Act of 1969 (42 U.S.C.  
 10          4332(2)(C)) that applies to that exploration,  
 11          development, or production.”.

12 **SEC. 3. UNIFORM DOCUMENTATION REQUIREMENTS.**

13          Section 25 of the Outer Continental Shelf Lands Act  
 14          (43 U.S.C. 1351(a) is amended—

- 15               (1) in paragraph (a)(1), by striking “other than  
 16          the Gulf of Mexico,” each place it appears; and  
 17               (2) by striking subsection (l).

18 **SEC. 4. OIL AND GAS DEVELOPMENT AND PRODUCTION.**

19          Section 25(e) of the Outer Continental Shelf Lands  
 20          Act of 1972 (43 U.S.C. 1351(e)) is amended—

- 21               (1) by striking “(e)(1) At least” and inserting  
 22          the following:

23          “(e) MAJOR FEDERAL ACTION.—

24               “(1) OUTSIDE THE GULF OF MEXICO.—

25               “(A) IN GENERAL.—At least”;

1 (2) by striking “(2) The Secretary” and insert-  
2 ing the following:

3 “(B) PRELIMINARY AND FINAL PLANS.—

4 The Secretary”; and

5 (3) by adding at the end the following:

6 “(2) IN THE GULF OF MEXICO.—

7 “(A) IN GENERAL.—The approval of a de-  
8 velopment and production plan in a covered  
9 area (as defined in section 8(p)(1)) shall be  
10 considered to be a major Federal action for the  
11 purposes of the National Environmental Policy  
12 Act of 1969 (42 U.S.C. 4321 et seq.).

13 “(B) TIME FOR REVIEW FOLLOWING RE-  
14 CEIPT OF ENVIRONMENTAL IMPACT STATE-  
15 MENT.—In the case of a development and pro-  
16 duction plan in a covered area, the Secretary  
17 shall ensure that each affected State for which  
18 a development and production plan affects any  
19 land use or water use in the coastal zone of the  
20 State with a coastal zone management program  
21 approved under section 306 of the Coastal Zone  
22 Management Act of 1972 (16 U.S.C. 1455), re-  
23 ceives the final environmental impact statement  
24 not less than 180 days before determining con-  
25 currence or objection to the coastal zone con-

1           sistency certification that is required to accom-  
 2           pany the environmental impact statement under  
 3           section 307(c)(3)(B) of the Coastal Zone Man-  
 4           agement Act of 1972 (16 U.S.C.  
 5           1456(c)(3)(B)).”.

6 **SEC. 5. LEASING ACTIVITY OFF THE COAST OF FLORIDA.**

7           Section 8 of the Outer Continental Shelf Lands Act  
 8           (43 U.S.C. 1337) is amended—

9           (1) in subsection (a)(1), by striking “The Sec-  
 10          retary” and inserting “Except as provided in sub-  
 11          section (p), the Secretary”; and

12          (2) by adding at the end the following:

13          “(p) LEASING ACTIVITY OFF THE COAST OF FLOR-  
 14          IDA.—

15               “(1) DEFINITIONS.—In this subsection:

16                   “(A) COVERED AREA.—The term ‘covered  
 17                   area’ means—

18                           “(i) the Eastern Gulf of Mexico Plan-  
 19                           ning Area (as established by the Secretary)  
 20                           which is adjacent to the State of Florida  
 21                           as defined by 43 U.S.C. 1333(a)(2)(A);

22                           “(ii) the Straits of Florida Planning  
 23                           Area (as established by the Secretary); and

24                           “(iii) the South Atlantic Planning  
 25                           Area (as established by the Secretary)

1           which is adjacent to the State of Florida  
2           as defined by 43 U.S.C. 1333(a)(2)(A);  
3       within 100 miles off the coast of Florida.

4           “(B) PRELEASING ACTIVITY.—

5               “(i)     IN     GENERAL.—The     term  
6           ‘preleasing activity’ means an activity re-  
7           lating to a lease that is conducted before  
8           a lease sale is held.

9               “(ii)    INCLUSIONS.—The     term  
10          ‘preleasing activity’ includes—

11               “(I) the scheduling of a lease  
12           sale;

13               “(II) the issuance of a request  
14           for industry interest;

15               “(III) the issuance of a call for  
16           information or a nomination;

17               “(IV) the identification of an  
18           area for prospective leasing;

19               “(V) the publication of a draft or  
20           final environmental impact statement  
21           or a notice of sale; and

22               “(VI) the performance of any  
23           form of rotary drilling in a prospective  
24           lease area.

1                   “(iii)     EXCLUSIONS.—The     term  
2                   ‘preleasing activity’ does not include an en-  
3                   vironmental, geologic, geophysical, eco-  
4                   nomic, engineering, or other scientific anal-  
5                   ysis, study, or evaluation.

6                   “(2) PROHIBITION OF PRELEASING ACTIVITIES  
7                   AND LEASE SALES.—The Secretary shall not con-  
8                   duct any preleasing activity or hold a lease sale  
9                   under this Act in a covered area.”.

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