

MINUTE ITEM

47

09/14/88
Morrison

STATE LANDS COMMISSION

Calendar Item 47, attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item 47.

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CALENDAR ITEM

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HR 920 ! W 9714
S 884 W 30007
Morrison

CALIFORNIA OCEAN SANCTUARY

California Congressmembers Barbara Boxer and Mel Levine, have introduced House Resolution 902 which would establish in federal waters the California Ocean Sanctuary. The proposed sanctuary would include the entire length of California and would extend offshore 200 miles beginning at the seaward boundary of California. United States Senator Alan Cranston has also introduced similar legislation, Senate Bill 884.

HR 920 and S 884 recognize that the California coast possesses unique historical, ecological, economical, educational, recreational and research values which deserve perpetual protection under federal law. Provisions in these bills, therefore:

- prohibit oil, gas, and mineral exploration and development from submerged lands located within the designated sanctuary
- prohibit ocean incineration and ocean dumping within the waters of the designated sanctuary
- prohibit onshore facilities which exist to facilitate ocean incineration or ocean dumping
- prohibit a vessel from traveling within the sanctuary en route to or from ocean incineration or ocean dumping.

The legislation, however, would allow for the continued practice of harvesting of marine life, commercial fishing, and recreational fishing. The bills would also exempt oil, gas and mineral extraction leases which are active on the date of enactment, until the termination date or relinquishment by whatever means, of such a lease.

CALENDAR ITEM NO. 47 (CONT'D)

HR 920 is pending before the House Interior and Insular Affairs Committee and House Merchant Marine and Fisheries Committee. S 884 is pending before the Senate Environment and Public Works Committee.

An oil and gas leasing sanctuary currently exists within the majority of the State's coastal waters. This sanctuary includes the coast of San Diego County, portions of Orange, Los Angeles and Santa Barbara counties and from the Santa Barbara/San Luis Obispo County line to the Oregon border, except for the County of Mendocino and a portion of Humboldt County.

The need for establishing an ocean sanctuary within federal coastal waters arose from pressures to develop oil and gas resources from environmentally sensitive areas in the outer continental shelf and the concomitant failure by the Federal Government to adequately protect these coastal areas in its five-year OCS Oil and Gas Leasing Program and in the Draft Environmental Statement for OCS Lease Sale 91 (Northern California).

The Commission has commented on each of these proposals and has detailed their inadequacies. The Federal Government's unwillingness to correct these deficiencies prompted the Commission to take the following actions: In August 1987, the Commission filed suit against the Department of Interior over its five-year OCS Oil and Gas Leasing Program; in February 1988, after Interior's failure to adequately address the adverse environmental effects of OCS Lease Sale 91 on the Northern California coastline and its inhabitants, Chairman Gray Davis and Commission Member Leo McCarthy testified in opposition to that Lease Sale.

HR 920 and S 884 would respond to the Commission's concerns by establishing in federal waters a sanctuary prohibiting the leasing of oil and gas resources, thereby ensuring the last protection of the California coast.

EXHIBITS: A. United States House Resolution 920
 B. United States Senate Bill 884

IT IS RECOMMENDED THAT THE STATE LANDS COMMISSION SUPPORT HOUSE RESOLUTION 920 AND SENATE BILL 884 INTRODUCED DURING THE 100TH CONGRESS TO ESTABLISH IN FEDERAL WATERS THE CALIFORNIA OCEAN SANCTUARY.

EXHIBIT "A"

I
To Bill
File

100TH CONGRESS
1ST SESSION

H. R. 920

To establish the California Ocean Sanctuary.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1987

Mrs. BOXER (for herself and Mr. LEVINE of California) introduced the following bill; which was referred jointly to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs

A BILL

To establish the California Ocean Sanctuary.

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 "California Ocean Sanctu-
5 ary Act of 1987".

6 SEC. 2. FINDINGS.

7 The Congress finds that—

- 8 (1) the California coast possesses unique histori-
9 cal, ecological, educational, recreational, economic, and
10 research values which are appropriate for protection
11 under Federal law; and

2

1 (2) there is an existing and mounting threat to
2 this sensitive national treasure in the form of fossil fuel
3 exploration and development, mineral extraction, and
4 the burning and dumping of toxic and hazardous
5 wastes, which could result in irreparable damage to
6 this coastal resource.

7 SEC. 3. DESIGNATION.

8 (a) IN GENERAL.—The area described in section 4 is
9 designated as the California Ocean Sanctuary (hereinafter in
10 this Act referred to as the "Sanctuary").

11 (b) RESTRICTIONS.—

12 (1) MINERAL EXPLORATION AND EXTRAC-
13 TION.—(A) Notwithstanding any other provision of
14 law, a Federal agency may not issue a lease, permit,
15 or license for the exploration for or extraction of oil,
16 gas, or other minerals on or from submerged lands
17 located within the Sanctuary.

18 (B)(i) Notwithstanding any other provision of law,
19 a person may not explore for or extract oil, gas, or
20 other minerals on or from submerged lands located
21 within the Sanctuary after the date—

22 (I) of the cancellation, expiration, transfer,
23 relinquishment, or termination of a lease, permit,
24 or license which permits such exploration or
25 extraction;

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(II) of the suspension of such exploration or extraction operations under regulations described in clause (ii); or

(III) on which a lease, permit, or license for such exploration or extraction in any way becomes inactive under regulations described in clause (iii).

(ii) This Act shall not prohibit exploration for or extraction of oil, gas, or other minerals on or from submerged lands—

(I) under the terms of a lease, permit, or license in effect on the date of the enactment of this Act which permits such exploration or extraction; and

(II) before the date referred to in clause (i).

(iii) The regulations referred to in clauses (i)(II) and (ii)(II) are regulations implementing the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.; as in effect on January 1, 1986).

(2) OCEAN INCINERATION AND OCEAN DUMPING.—(A) Notwithstanding any other provision of law, a Federal agency may not issue a lease, permit, or license—

(i) for ocean incineration or ocean dumping within the Sanctuary; or

1 (ii) for an onshore facility which exists to fa-
2 cilitate ocean incineration or ocean dumping
3 within the Sanctuary.

4 (B) Notwithstanding any other provision of law, a
5 vessel may not travel within the Sanctuary while en
6 route to or from ocean incineration or ocean dumping.

7 (c) FISHING NOT PROHIBITED.—This Act shall not
8 prohibit commercial or recreational fishing or other harvest-
9 ing of ocean life in the Sanctuary.

10 SEC. 4. DESCRIPTION OF AREA WITHIN SANCTUARY.

11 The area referred to in section 3(a) is the area of the
12 outer Continental Shelf extending 200 miles seaward from
13 the seaward boundary of California (as approved and con-
14 firmed by section 4 of the Submerged Lands Act (67 Stat.
15 31; 43 U.S.C. 1312)).

16 SEC. 5. OUTER CONTINENTAL SHELF.

17 For purposes of this Act, the term "outer Continental
18 Shelf" has the meaning given such term in section 2(a) of the
19 Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

100TH CONGRESS
1ST SESSION**S. 884**

To prohibit the burning and dumping of toxic and hazardous waste in certain areas off the coast of California, and various other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 31 (legislative day, MARCH 30), 1987

Mr. CRANSTON introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To prohibit the burning and dumping of toxic and hazardous waste in certain areas off the coast of California, and various 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. SHORT TITLE.

4 This Act may be cited as the "California Ocean Sanctu-
5 ary Act of 1987".

6 SEC. 2. FINDINGS.

7 The Congress finds that—

8 (a) the California coast possesses unique historical,
9 ecological, educational, recreational, and research

1 values which are appropriate for protection under Fed-
2 eral law; and

3 (b) there is an existing and mounting threat to
4 this sensitive national treasure in the form of burning
5 and dumping of toxic and hazardous wastes and the
6 exploration for and extraction of fossil fuels, which
7 could result in irreparable damage to this coastal
8 resource.

9 SEC. 3. DESIGNATION.

10 The area in this Act described in section 6 is designated
11 as the California Ocean Sanctuary (hereinafter in this Act
12 referred to as the "Sanctuary").

13 SEC. 4. RESTRICTIONS.

14 (a) Notwithstanding any other provision of Federal law,
15 no Federal agency shall issue a lease, permit, or license—

16 (1) for ocean incineration or dumping of toxic or
17 hazardous waste within the Sanctuary; or

18 (2) for an onshore facility which exists to facilitate
19 ocean incineration or ocean dumping of toxic or haz-
20 ardous waste within the Sanctuary.

21 (b) Notwithstanding any other provision of Federal law,
22 a vessel may not travel within the Sanctuary while en route
23 to or from ocean incineration or ocean dumping of toxic or
24 hazardous waste.

1 (c) Notwithstanding any other provision of Federal law,
2 no Federal agency shall issue any lease, permit, or license for
3 the exploration for an extraction of fossil fuels on or from
4 submerged lands located in the following areas within the
5 Sanctuary:

6 (1) an area within the Department of the Interior
7 Central and Northern California Planning Area which
8 lies north of the line between the row of blocks num-
9 bered N816 and the row of blocks numbered N817 of
10 the Universal Transverse Mercator Grid System;

11 (2) an area of the Department of the Interior
12 Southern California Planning Area bounded by the fol-
13 lowing line on the California (Lambert) Plane Coordi-
14 nate System: from the point of intersection of the inter-
15 national boundary line between the United States and
16 Mexico and the seaward boundary of the California
17 State tidelands west along said international boundary
18 line to the point of intersection with the line between
19 the row of blocks numbered 27 west; thence north to
20 the northeast corner of block 20 north, 28 west; thence
21 northwest to the southwest corner of block 29 north,
22 35 west; thence north along the line between the row
23 of blocks numbered 36 west and the row of blocks
24 numbered 35 west to its intersection with the seaward
25 boundary of the California State tidelands; thence eas-

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1terly along the seaward boundary of the California

2State tidelands to the point of beginning; and

3(3) a portion of the Department of the Interior

4 Southern California Planning Area which lies both: (a)

5 east of the line between the row of blocks numbered

6 52 west, and (b) north of the line between the row of

7 blocks numbered 34 north and the row of blocks num-

8 bered 35 north, on the California (Lambert) Plane

9 Coordinate System;

10 (4) the boundaries of the Channel Island National

11 Marine Sanctuary, as defined by title 15, part 935.3 of

12 the Code of Federal Regulations; and

13 (5) the boundaries of the Santa Barbara Channel

14 Ecological Preserve and Buffer Zone, as defined by the

15 Department of the Interior, Bureau of Land Manage-

16 ment Public Land Order numbered 4587 (vol. 34, page

17 5655 Federal Register March 26, 1969).

18 SEC. 5. PERMITTED ACTIVITIES.

19 (a) This Act shall not prohibit commercial or recreation-

20 al fishing or other harvesting of ocean life in the Sanctuary.

21 (b) This Act shall not prohibit exploration for or extrac-

22 tion of fossil fuels on or from submerged lands within the

23 Sanctuary under the terms of a lease, permit, or license

24 which permits such exploration or extraction.

1 (c)(1) This Act shall not prohibit oil and gas leasing
2 within the Sanctuary, except in those areas identified in sec-
3 tion 4(c) of this Act.

4 (2) Leasing and all postlease activities permitted under
5 this section shall be carried out in accordance with the Outer
6 Continental Shelf Lands Act and other applicable Federal,
7 State, and local law.

8 (3) Leasing and all postlease activities permitted under
9 this section shall be carried out in a manner so as to minimize
10 the environmental, economic, and social impacts of activities
11 related to such leasing.

12 **SEC. 6. DESCRIPTION OF AREA WITHIN SANCTUARY.**

13 (a) The area referred to in section 3 is the area of the
14 Outer Continental Shelf extending two hundred miles sea-
15 ward from the seaward boundary of California (as approved
16 and confirmed by section 4 of the Submerged Lands Act (67
17 Stat. 31; 43 U.S.C. 1312)).

18 (b) for purposes of this Act, the term "Outer Continental
19 Shelf" has the meaning given such term in section 2(a) of the
20 Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

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