

103D CONGRESS
1ST SESSION

H. R. 2583

To establish a California Ocean Protection Zone, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 1993

Ms. ESHOO (for herself, Mr. HAMBURG, Ms. PELOSI, Ms. WOOLSEY, Ms. SCHENK, Mr. FRANK of Massachusetts, Mr. OWENS, Mr. TOWNS, Mr. STOKES, Mr. FILNER, Mr. STARK, Mr. WAXMAN, Mr. BERMAN, Mr. BEILENSON, Mr. MINETA, Ms. HARMAN, Mr. BROWN of California, Mr. EDWARDS of California, Ms. ROYBAL-ALLARD, Mr. LANTOS, Mr. DIXON, Mr. MATSUI, Mr. TORRES, Mr. HASTINGS, Mr. HINCHEY, Mr. FAZIO, Mr. BECERRA, and Ms. WATERS) introduced the following bill; which was referred jointly to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Natural Resources

A BILL

To establish a California Ocean Protection Zone, 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. SHORT TITLE.**

4 This Act may be cited as the “California Ocean
5 Protection Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) the coast of California possesses unique his-
2 torical, ecological, educational, recreational, eco-
3 nomic, and research values that are appropriate for
4 protection under Federal law;

5 (2) the threat to the coast of California, a na-
6 tional treasure, continues to intensify as a result of
7 fossil fuel exploration and development, mineral ex-
8 traction, and the burning and dumping of toxic and
9 hazardous wastes;

10 (3) the activities referred to in paragraph (2)
11 could result in irreparable damage to the coast of
12 California; and

13 (4) the establishment of an ocean protection
14 zone off the coast of California would enhance rec-
15 reational and commercial fisheries, and the use of
16 renewable resources within the zone.

17 **SEC. 3. DESIGNATION OF CALIFORNIA OCEAN PROTECTION**
18 **ZONE.**

19 There is hereby established a California Ocean Pro-
20 tection Zone. The Zone consists of—

21 (1) waters of the Exclusive Economic Zone off
22 the coast of California that are outside the waters
23 of the State of California; and

24 (2) that portion of the outer Continental Shelf
25 underlying the waters.

1 **SEC. 4. RESTRICTIONS.**

2 (a) MINERAL EXPLORATION, DEVELOPMENT, AND
3 PRODUCTION.—

4 (1) ISSUANCE OF LEASES, PERMITS, AND LI-
5 CENSES.—Notwithstanding any other provision of
6 law, the head of a Federal agency may not issue a
7 lease, permit, or license for exploration for or devel-
8 opment or production of minerals in or from the
9 Zone.

10 (2) EXPLORATION, DEVELOPMENT, AND PRO-
11 Duction.—

12 (A) IN GENERAL.—Notwithstanding any
13 other provision of law, a person may not engage
14 in exploration for or development or production
15 of minerals in or from the Zone after the
16 date—

17 (i) of the cancellation, expiration,
18 transfer, relinquishment, or termination of
19 a lease, permit, or license in effect on the
20 date of enactment of this Act pursuant to
21 which the exploration, development, or pro-
22 duction is carried out;

23 (ii) of the suspension of operations as-
24 sociated with the exploration, development,
25 or production under regulations described
26 in subparagraph (B); or

1 (iii) on which a lease, permit, or li-
2 cense for the exploration, development, or
3 production in any way becomes inactive, as
4 determined by the Secretary of the Interior
5 under regulations described in subpara-
6 graph (B).

7 (B) REGULATIONS.—The regulations re-
8 ferred to in subparagraph (A) are those regula-
9 tions implementing the Outer Continental Shelf
10 Lands Act (43 U.S.C. 1331 et seq.), as in ef-
11 fect on January 1, 1986.

12 (b) OCEAN INCINERATION AND DUMPING.—Notwith-
13 standing any other provision of law, the head of a Federal
14 agency may not issue a lease, permit, or license for—

15 (1) ocean incineration or harmful ocean dump-
16 ing within the Zone; or

17 (2) any onshore facility that facilitates ocean
18 incineration or harmful ocean dumping within the
19 Zone.

20 **SEC. 5. FISHING.**

21 This Act is not intended to regulate, restrict, or pro-
22 hibit commercial or recreational fishing, or other harvest-
23 ing of ocean life in the Zone.

24 **SEC. 6. DEFINITIONS.**

25 As used in this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) DEVELOPMENT.—The term “development”
5 has the meaning provided in section 2(l) of the
6 Outer Continental Shelf Lands Act (43 U.S.C.
7 1331(l)).

8 (3) EXCLUSIVE ECONOMIC ZONE.—The term
9 “Exclusive Economic Zone” means the Exclusive
10 Economic Zone of the United States, as defined by
11 Presidential Proclamation 5030 of March 10, 1983.

12 (4) EXPLORATION.—The term “exploration”
13 has the meaning provided in section 2(k) of the
14 Outer Continental Shelf Lands Act (43 U.S.C.
15 1331(k)).

16 (5) HARMFUL OCEAN DUMPING.—The term
17 “harmful ocean dumping” has such meaning as is
18 provided by the Administrator, in consultation with
19 the heads of other Federal agencies whom the Ad-
20 ministrator determines to be appropriate. The term
21 does not include—

22 (A) a de minimis disposal of vessel waste;

23 (B) the disposal of dredged material
24 that—

1 (i) would meet the requirements for
2 disposal under the criteria that apply
3 under section 103 of the Marine Protec-
4 tion, Research, and Sanctuaries Act of
5 1972 (33 U.S.C. 1413), including regula-
6 tions promulgated under such section; or

7 (ii) is disposed of pursuant to a per-
8 mit issued pursuant to such section;

9 (C) a discharge that is authorized under a
10 National Pollutant Discharge Elimination Sys-
11 tem permit issued pursuant to section 402 of
12 the Federal Water Pollution Control Act (33
13 U.S.C. 1342); and

14 (D) a disposal that is carried out by an ap-
15 propriate Federal agency under title I of the
16 Marine Protection, Research, and Sanctuaries
17 Act of 1972 (33 U.S.C. 1411 et seq.).

18 (6) LEASE.—The term “lease” has the meaning
19 provided in section 2(c) of the Outer Continental
20 Shelf Lands Act (43 U.S.C. 1331(c)).

21 (7) MINERALS.—The term “minerals” has the
22 meaning provided in section 2(q) of that Act (43
23 U.S.C. 1331(q)).

1 (8) OUTER CONTINENTAL SHELF.—The term
2 “Outer Continental Shelf” has the meaning provided
3 in section 2(a) of that Act (43 U.S.C. 1331(a)).

4 (9) PERSON.—The term “person” has the
5 meaning provided in section 2(d) of that Act (43
6 U.S.C. 1331(d)).

7 (10) PRODUCTION.—The term “production”
8 has the meaning provided in section 2(m) of that
9 Act (43 U.S.C. 1331(m)).

10 (11) TERRITORIAL SEA.—The term “territorial
11 sea” means the territorial sea proclaimed in Presi-
12 dential Proclamation 5928, dated December 27,
13 1988.

14 (12) ZONE.—The term “Zone” means the Cali-
15 fornia Ocean Protection Zone established under sec-
16 tion 3.

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