

103^D CONGRESS
2^D SESSION

H. R. 4613

To protect the ecologically fragile coastal resources of south Florida by prohibiting offshore oil and gas activities and by cancelling Federal leases in the area of the Outer Continental Shelf adjacent to the south Florida coast.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 1994

Mr. JOHNSTON of Florida (for himself and Mr. GOSS) introduced the following bill; which was referred jointly to the Committees on Natural Resources and Merchant Marine and Fisheries

A BILL

To protect the ecologically fragile coastal resources of south Florida by prohibiting offshore oil and gas activities and by cancelling Federal leases in the area of the Outer Continental Shelf adjacent to the south Florida coast.

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. PROHIBITION.**

4 The Secretary shall not conduct any preleasing activi-
5 ties, hold any lease sale, or approve or permit any explo-
6 ration, production, or drilling activities under the Outer

1 Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) in
2 the area described in section 2.

3 **SEC. 2. AREA COVERED.**

4 The area referred to in section 1 is all areas of the
5 Outer Continental Shelf in the Eastern Gulf of Mexico
6 Planning Area that are south of 26 degrees north latitude
7 and east of 86 degrees west longitude.

8 **SEC. 3. CANCELLATION OF LEASES.**

9 (a) CONGRESSIONAL DETERMINATIONS.—The Con-
10 gress determines that—

11 (1) the area described in section 2 comprises
12 marine subtidal and nearshore habitats that are
13 unique within the United States continental margin,
14 and that provide refuge to numerous coastal and
15 marine birds, rare and endangered species, extensive
16 live bottom communities, coral reefs, mangroves, and
17 productive sea grasses;

18 (2) in 1983 and 1984, Congress and the De-
19 partment of the Interior provided for a 3-year mora-
20 torium on drilling in that area to permit the acqui-
21 sition of additional environmental information;

22 (3) notwithstanding the actions described in
23 paragraph (2), which put the bidding companies on
24 notice that there were environmental concerns, a

1 total of 73 tracts were leased in the area in 1984
2 and 1985;

3 (4) in 1988, and in every year since then, the
4 Congress has renewed the annual moratorium on
5 new leasing and drilling in the area concerned;

6 (5) in June 1990, President Bush announced
7 that he was placing a 10-year moratorium on leas-
8 ing, development, and production in south Florida
9 and directing the Secretary of the Interior to begin
10 a process that may lead to the buyback and cancella-
11 tion of existing leases in that area;

12 (6) exploration, production, or drilling activity
13 on any of the 73 tracts described in paragraph (3)
14 would cause serious harm or damage to the marine,
15 coastal, and human environment in the area and
16 such harm or damage is not subject to an acceptable
17 level of mitigation; and

18 (7) oil and gas exploration, production, and
19 drilling activity is incompatible with the ecologically
20 fragile resources found in the south Florida Outer
21 Continental Shelf, and the advantages of canceling
22 outweigh the advantages of continuing such leases
23 and would promote the public interest in the protec-
24 tion of the south Florida coastal area.

1 (b) CANCELLATION.—Based on the determinations
2 made under subsection (a), all leases under the Outer
3 Continental Shelf Lands Act in the area described in sec-
4 tion 2 are hereby canceled.

5 **SEC. 4. COMPENSATION.**

6 (a) DETERMINATION.—The Attorney General shall
7 determine whether the holder of a lease canceled by sec-
8 tion 3(b) is entitled under law to compensation from the
9 United States as a result of such cancellation.

10 (b) NEGOTIATION.—If the Attorney General deter-
11 mines under subsection (a) that a lease holder is entitled
12 to compensation, the Secretary shall enter into negotia-
13 tions with such lease holder to establish a written agree-
14 ment providing for fair and equitable settlement of all
15 claims of such lease holder against the United States for
16 compensation for cancellations under section 3(b).

17 (c) AMOUNT AND FORM OF COMPENSATION.—Com-
18 pensation agreed to under subsection (b)—

19 (1) may be determined through application of
20 the rules set forth in section 5(a)(2)(C) of the Outer
21 Continental Shelf Lands Act (43 U.S.C.
22 1334(a)(2)(C));

23 (2) may be made in the form of currency, for-
24 giveness of the lessee's obligation to pay rents, royal-
25 ties, or bonus payments which would otherwise be

1 paid to the Federal Government on another lease is-
2 sued pursuant to the Outer Continental Shelf Lands
3 Act, or a combination of currency with such forgive-
4 ness; and

5 (3) shall not exceed the amount that would be
6 provided for under the rules described in paragraph
7 (1).

8 (d) NO STATE REQUIREMENT.—The State of Florida
9 shall not be required to provide any compensation for the
10 cancellation of a lease under section 3(b).

11 **SEC. 5. DEFINITIONS.**

12 For the purposes of this Act—

13 (1) terms defined in the Outer Continental
14 Shelf Lands Act have the meaning given such terms
15 in that Act;

16 (2) references to the Eastern Gulf of Mexico
17 Planning Area shall be to the area so designated in
18 the Department of the Interior Outer Continental
19 Shelf Natural Gas and Oil Resource Management
20 Comprehensive Program 1992–1997 Proposed Final,
21 dated April 1992; and

22 (3) the term “preleasing activities” means ac-
23 tivities conducted before a lease sale is held, and in-
24 cludes the scheduling of a lease sale, requests for in-
25 dustry interest, calls for information and nomina-

1 tions, area identifications, publication of draft or
2 final environmental impact statements, notices of
3 sale, and any form of rotary drilling; but such term
4 does not include environmental, geologic, geo-
5 physical, economic, engineering, or other scientific
6 analyses, studies, and evaluations.

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