

104TH CONGRESS
1ST SESSION

H. R. 1890

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 1995

Ms. ESHOO (for herself, Mr. FARR, Ms. WOOLSEY, Ms. PELOSI, Mr. MINETA, Mr. MILLER of California, and Ms. LOFGREN) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 1995”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

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 the Outer Con-
23 tinental Shelf Lands Act (43 U.S.C. 1331(q)).

24 (8) OUTER CONTINENTAL SHELF.—The term
25 “Outer Continental Shelf” has the meaning provided

1 in section 2(a) of the Outer Continental Shelf Lands
2 Act (43 U.S.C. 1331(a)).

3 (9) PERSON.—The term “person” has the
4 meaning provided in section 2(d) of the Outer Con-
5 tinental Shelf Lands Act (43 U.S.C. 1331(d)).

6 (10) PRODUCTION.—The term “production”
7 has the meaning provided in section 2(m) of the
8 Outer Continental Shelf Lands Act (43 U.S.C.
9 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 of this Act.

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