

104TH CONGRESS
1ST SESSION

S. 894

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

IN THE SENATE OF THE UNITED STATES

JUNE 8 (legislative day, JUNE 5), 1995

Mrs. BOXER (for herself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Energy 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 Pro-
5 tection Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the coast of California possesses unique his-
9 torical, ecological, educational, recreational, eco-

1 nomic, and research values that are appropriate for
2 protection under Federal law;

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

8 (3) the activities described in paragraph (2)
9 could result in irreparable damage to the coast of
10 California; and

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

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

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

20 (2) DEVELOPMENT.—The term “development”
21 has the meaning stated in section 2 of the Outer
22 Continental Shelf Lands Act (43 U.S.C. 1331).

23 (3) EXCLUSIVE ECONOMIC ZONE.—The term
24 “Exclusive Economic Zone” means the Exclusive

1 Economic Zone of the United States, as defined by
2 Presidential Proclamation 5030 of March 10, 1983.

3 (4) EXPLORATION.—The term “exploration”
4 has the meaning stated in section 2 of the Outer
5 Continental Shelf Lands Act (43 U.S.C. 1331).

6 (5) HARMFUL OCEAN DUMPING.—The term
7 “harmful ocean dumping”—

8 (A) shall have the meaning provided by the
9 Administrator, in consultation with the heads of
10 other Federal agencies whom the Administrator
11 determines to be appropriate; but

12 (B) shall not include—

13 (i) a de minimus disposal of vessel
14 waste;

15 (ii) the disposal of dredged material
16 that—

17 (I) would meet the requirements
18 for disposal under the criteria estab-
19 lished under section 103 of the Ma-
20 rine Protection, Research, and Sanc-
21 tuaries Act of 1972 (33 U.S.C. 1413),
22 including regulations promulgated
23 under that section; or

1 (II) is disposed of pursuant to a
2 permit issued pursuant to that sec-
3 tion;

4 (iii) a discharge that is authorized
5 under a National Pollutant Discharge
6 Elimination System (NPDES) permit is-
7 sued under section 402 of the Federal
8 Water Pollution Control Act (33 U.S.C.
9 1342); or

10 (iv) a disposal that is carried out by
11 an appropriate Federal agency under title
12 I of the Marine Protection, Research, and
13 Sanctuaries Act of 1972 (33 U.S.C. 1411
14 et seq.).

15 (6) MINERALS.—The term “minerals” has the
16 meaning stated in section 2 of the Outer Continental
17 Shelf Lands Act (43 U.S.C. 1331).

18 (7) OUTER CONTINENTAL SHELF.—The term
19 “outer Continental Shelf” has the meaning stated in
20 section 2 of the Outer Continental Shelf Lands Act
21 (43 U.S.C. 1331).

22 (8) PERSON.—The term “person” has the
23 meaning stated in section 2 of the Outer Continental
24 Shelf Lands Act (43 U.S.C. 1331).

1 (9) PRODUCTION.—The term “production” has
2 the meaning stated in section 2 of such Act (43
3 U.S.C. 1331).

4 (10) TERRITORIAL SEA.—The term “territorial
5 sea” means the belt of sea measured from the base-
6 line of the United States, determined in accordance
7 with international law, as set forth in Presidential
8 Proclamation 5928, dated December 27, 1988.

9 (11) ZONE.—The term “Zone” means the Cali-
10 fornia Ocean Protection Zone established under sec-
11 tion 4.

12 **SEC. 4. DESIGNATION OF CALIFORNIA OCEAN PROTECTION**

13 **ZONE.**

14 There is established a California Ocean Protection
15 Zone, consisting of—

16 (1) waters of the Exclusive Economic Zone that
17 are contiguous to the waters of the territorial sea
18 that are contiguous to the State of California;

19 (2) waters of the territorial sea that are contig-
20 uous to the State of California; and

21 (3) the portion of the outer Continental Shelf
22 underlying those waters.

23 **SEC. 5. RESTRICTIONS.**

24 (a) MINERAL EXPLORATION, DEVELOPMENT, AND
25 PRODUCTION.—

1 (1) DEFINITION.—In this subsection, the term
2 “lease” has the meaning stated in section 2 of the
3 Outer Continental Shelf Lands Act (43 U.S.C.
4 1331).

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

11 (3) EXPLORATION, DEVELOPMENT, AND PRO-
12 DUCTION.—Notwithstanding any other law, a person
13 may not engage in the exploration for, or the devel-
14 opment or production of, oil, gas, or other minerals
15 in or from the Zone after the date of the cancella-
16 tion, expiration, relinquishment, or termination of a
17 lease, permit, or license in effect on June ____,
18 1995, that permits exploration, development, or pro-
19 duction.

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

23 (1) ocean incineration or harmful ocean dump-
24 ing within the Zone; or

1 (2) any onshore facility that facilitates ocean
2 incineration or harmful ocean dumping within the
3 Zone.

4 **SEC. 6. FISHING.**

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

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