

106TH CONGRESS  
1ST SESSION

# S. 1654

To protect the coast of Florida.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 1999

Mr. MACK (for himself and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To protect the coast of Florida.

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 “Florida Coast Protec-  
5 tion Act of 1999”.

6 **SEC. 2. ENVIRONMENTAL IMPACT STATEMENT REQUIRE-**  
7 **MENTS.**

8 Section 307(c)(3) of the Coastal Zone Management  
9 Act of 1972 (16 U.S.C. 1456(c)(3)) is amended by adding  
10 at the end the following:

1           “(C) NECESSARY DATA AND INFORMA-  
2           TION.—For purposes of subparagraph (B), a  
3           State shall not be considered to receive all nec-  
4           essary data and information with respect to a  
5           plan for exploration, development, or production  
6           before the date on which the State receives a  
7           copy of an environmental impact statement  
8           under section 102(2)(C) of the National Envi-  
9           ronmental Policy Act of 1969 (42 U.S.C.  
10          4332(2)(C)) that applies to that exploration,  
11          development, or production.”.

12 **SEC. 3. UNIFORM DOCUMENTATION REQUIREMENTS.**

13          Section 25 of the Outer Continental Shelf Lands Act  
14 (43 U.S.C. 1351(a) is amended—

15           (1) in paragraph (a)(1), by striking “other than  
16          the Gulf of Mexico,” each place it appears; and

17           (2) by striking subsection (l).

18 **SEC. 4. OIL AND GAS DEVELOPMENT AND PRODUCTION.**

19          Section 25(e) of the Outer Continental Shelf Lands  
20 Act of 1972 (43 U.S.C. 1351(e)) is amended—

21           (1) by striking “(e)(1) At least” and inserting  
22          the following:

23          “(e) MAJOR FEDERAL ACTION.—

24           “(1) OUTSIDE THE GULF OF MEXICO.—

25           “(A) IN GENERAL.—At least”;

1           (2) by striking “(2) The Secretary” and insert-  
2           ing the following:

3                   “(B) PRELIMINARY AND FINAL PLANS.—

4           The Secretary”; and

5           (3) by adding at the end the following:

6                   “(2) IN THE GULF OF MEXICO.—

7                   “(A) IN GENERAL.—The approval of a de-  
8           velopment and production plan in a covered  
9           area (as defined in section 8(p)(1)) shall be  
10          considered to be a major Federal action for the  
11          purposes of the National Environmental Policy  
12          Act of 1969 (42 U.S.C. 4321 et seq.).

13                   “(B) TIME FOR REVIEW FOLLOWING RE-  
14          CEIPT OF ENVIRONMENTAL IMPACT STATE-  
15          MENT.—In the case of a development and pro-  
16          duction plan in a covered area, the Secretary  
17          shall ensure that each affected State for which  
18          a development and production plan affects any  
19          land use or water use in the coastal zone of the  
20          State with a coastal zone management program  
21          approved under section 306 of the Coastal Zone  
22          Management Act of 1972 (16 U.S.C. 1455), re-  
23          ceives the final environmental impact statement  
24          not less than 180 days before determining con-  
25          currence or objection to the coastal zone con-

1           sistency certification that is required to accom-  
 2           pany the environmental impact statement under  
 3           section 307(c)(3)(B) of the Coastal Zone Man-  
 4           agement Act of 1972 (16 U.S.C.  
 5           1456(c)(3)(B)).”.

6 **SEC. 5. LEASING ACTIVITY OFF THE COAST OF FLORIDA.**

7           Section 8 of the Outer Continental Shelf Lands Act  
 8 (43 U.S.C. 1337) is amended—

9           (1) in subsection (a)(1), by striking “The Sec-  
 10          retary” and inserting “Except as provided in sub-  
 11          section (p), the Secretary”; and

12          (2) by adding at the end the following:

13          “(p) LEASING ACTIVITY OFF THE COAST OF FLOR-  
 14          IDA.—

15                 “(1) DEFINITIONS.—In this subsection:

16                         “(A) COVERED AREA.—The term ‘covered  
 17                         area’ means—

18                                 “(i) the Eastern Gulf of Mexico Plan-  
 19                                 ning Area (as established by the Secretary)  
 20                                 which is adjacent to the State of Florida  
 21                                 as defined by 43 U.S.C. 1333(a)(2)(A);

22                                 “(ii) the Straits of Florida Planning  
 23                                 Area (as established by the Secretary); and

24                                 “(iii) the South Atlantic Planning  
 25                                 Area (as established by the Secretary)

1           which is adjacent to the State of Florida  
2           as defined by 43 U.S.C. 1333(a)(2)(A);  
3       within 100 miles off the coast of Florida.

4           “(B) PRELEASING ACTIVITY.—

5               “(i) IN GENERAL.—The term  
6           ‘preleasing activity’ means an activity re-  
7           lating to a lease that is conducted before  
8           a lease sale is held.

9               “(ii) INCLUSIONS.—The term  
10          ‘preleasing activity’ includes—

11               “(I) the scheduling of a lease  
12           sale;

13               “(II) the issuance of a request  
14           for industry interest;

15               “(III) the issuance of a call for  
16           information or a nomination;

17               “(IV) the identification of an  
18           area for prospective leasing;

19               “(V) the publication of a draft or  
20           final environmental impact statement  
21           or a notice of sale; and

22               “(VI) the performance of any  
23           form of rotary drilling in a prospective  
24           lease area.

1                   “(iii)     EXCLUSIONS.—The     term  
2                   ‘preleasing activity’ does not include an en-  
3                   vironmental, geologic, geophysical, eco-  
4                   nomic, engineering, or other scientific anal-  
5                   ysis, study, or evaluation.

6                   “(2) PROHIBITION OF PRELEASING ACTIVITIES  
7                   AND LEASE SALES.—The Secretary shall not con-  
8                   duct any preleasing activity or hold a lease sale  
9                   under this Act in a covered area.”.

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