

103D CONGRESS  
1ST SESSION

# S. 727

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

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## IN THE SENATE OF THE UNITED STATES

APRIL 1 (legislative day, MARCH 3), 1993

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

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## 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 1993”.

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 referred to 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        As used 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 same meaning as is provided in section 2(*l*)  
22        of the Outer Continental Shelf Lands Act (43  
23        U.S.C. 1331(*l*)).

24            (3) EXCLUSIVE ECONOMIC ZONE.—The term  
25        “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 same meaning as is provided in section 2(k)  
5 of the Outer Continental Shelf Lands Act (43  
6 U.S.C. 1331(k)).

7 (5) HARMFUL OCEAN DUMPING.—The term  
8 “harmful ocean dumping” shall have the meaning  
9 provided by the Administrator, in consultation with  
10 the heads of other Federal agencies whom the Ad-  
11 ministrator determines to be appropriate. The term  
12 shall not include—

13 (A) a de minimus disposal of vessel waste;

14 (B) the disposal of dredged material

15 that—

16 (i) would meet the requirements for  
17 disposal under the criteria established  
18 under section 103 of the Marine Protec-  
19 tion, Research, and Sanctuaries Act of  
20 1972 (33 U.S.C. 1413), including regula-  
21 tions promulgated under such section; or

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

24 (C) a discharge that is authorized under a  
25 National Pollutant Discharge Elimination Sys-

1           tem (NPDES) permit issued pursuant to sec-  
2           tion 402 of the Federal Water Pollution Control  
3           Act (33 U.S.C. 1342); and

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

8           (6) MINERALS.—The term “minerals” has the  
9           same meaning as is provided in section 2(q) of the  
10          Outer Continental Shelf Lands Act (43 U.S.C.  
11          1331(q)).

12          (7) OUTER CONTINENTAL SHELF.—The term  
13          “outer Continental Shelf” has the same meaning as  
14          is provided under section 2(a) of such Act (43  
15          U.S.C. 1331(a)).

16          (8) PERSON.—The term “person” has the same  
17          meaning as is provided in section 2(d) of such Act  
18          (43 U.S.C. 1331(d)).

19          (9) PRODUCTION.—The term “production” has  
20          the same meaning as is provided in section 2(m) of  
21          such Act (43 U.S.C. 1331(m)).

22          (10) TERRITORIAL SEA.—The term “territorial  
23          sea” means the belt of sea measured from the base-  
24          line of the United States, determined in accordance

1 with international law, as set forth in Presidential  
2 Proclamation 5928, dated December 27, 1988.

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

6 **SEC. 4. DESIGNATION OF CALIFORNIA OCEAN PROTECTION**  
7 **ZONE.**

8 There is hereby established a California Ocean Pro-  
9 tection Zone. The Zone shall consist of—

10 (1) waters of the Exclusive Economic Zone that  
11 are contiguous to those waters of the territorial sea  
12 that are contiguous to the State of California; and

13 (2) that portion of the outer Continental Shelf  
14 underlying the waters.

15 **SEC. 5. RESTRICTIONS.**

16 (a) MINERAL EXPLORATION, DEVELOPMENT, AND  
17 PRODUCTION.—

18 (1) ISSUANCE OF LEASES, PERMITS, AND LI-  
19 CENSES.—Notwithstanding any other provision of  
20 law, the head of a Federal agency may not issue a  
21 lease, permit, or license for the exploration for or de-  
22 velopment or production of oil, gas, or other min-  
23 erals in or from the Zone.

24 (2) EXPLORATION, DEVELOPMENT, AND PRO-  
25 Duction.—

1 (A) IN GENERAL.—Notwithstanding any  
2 other provision of law, a person may not engage  
3 in the exploration for or development or produc-  
4 tion of oil, gas, or other minerals in or from the  
5 Zone after the date—

6 (i) of the cancellation, expiration,  
7 transfer, relinquishment, or termination of  
8 a lease, permit, or license in effect on the  
9 date of enactment of this Act that permits  
10 the exploration, development, or produc-  
11 tion;

12 (ii) of the suspension of operations as-  
13 sociated with the exploration, development,  
14 or production under regulations described  
15 in subparagraph (B); or

16 (iii) on which a lease, permit, or li-  
17 cense for the exploration, development, or  
18 production in any way becomes inactive, as  
19 determined by the Secretary of the Interior  
20 under regulations described in subpara-  
21 graph (B).

22 (B) REGULATIONS.—The regulations re-  
23 ferred to in subparagraph (A) are those regula-  
24 tions implementing the Outer Continental Shelf

1           Lands Act (43 U.S.C. 1331 et seq.), as in ef-  
2           fect on January 1, 1986.

3           (3) LEASE DEFINED.—The term “lease” has  
4           the meaning provided in section 2(c) of the Outer  
5           Continental Shelf Lands Act (43 U.S.C. 1331(c)).

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

9           (1) ocean incineration or harmful ocean dump-  
10          ing within the Zone; or

11          (2) any onshore facility that facilitates ocean  
12          incineration or harmful ocean dumping within the  
13          Zone.

14   **SEC. 6. FISHING.**

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

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