



SPONSOR: Sen. Hansen & Sen. Lopez & Rep. Heffernan
Sens. Ennis, Hocker, Sokola, Townsend; Reps.
Baumbach, Keeley, Kowalko, Osinski, Viola

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 207

AN ACT OPPOSING DRILLING OFF DELAWARE'S COAST AND DIRECTING CERTAIN STATE OFFICIALS
AND STATE AGENCIES TO ENFORCE DELAWARE'S RIGHTS RELATING TO OFFSHORE DRILLING UNDER
FEDERAL AND STATE ENVIRONMENTAL LAWS.

1 WHEREAS, Delaware has 28 miles of Atlantic coastline; and

2 WHEREAS, Delaware is home to one of the largest remaining expanses of tidal salt marsh in the mid-Atlantic
3 region; and

4 WHEREAS, Delaware serves as an important refuge and breeding ground for migrating birds and other wildlife,
5 including 86 endangered species; and

6 WHEREAS, many species rely on the health of Delaware's aquatic ecosystem; and

7 WHEREAS, the Delaware coastline provides numerous social and economic benefits to Delawareans; and

8 WHEREAS, the Delaware coastline draws millions of tourists to Delaware each year; and

9 WHEREAS, more than 60,000 jobs are tied to tourism and recreation along Delaware's coastline; and

10 WHEREAS, coastal-related activities contribute \$7 billion annually to Delaware's economy; and

11 WHEREAS, at least one-tenth of the Delaware economy, including jobs, taxes, and production, is directly
12 generated by coastal-related activities; and

13 WHEREAS, permitting leases for offshore drilling endangers the health of Delaware's aquatic ecosystem due to
14 the risk of industry-caused environmental degradation, such as an oil spill or ecosystem disruption; and

15 WHEREAS, a threat to the health of Delaware's aquatic ecosystem is a direct threat to the health of the Delaware
16 economy and the livelihood of Delawareans.

17 NOW, THEREFORE:

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

19 Section 1. The General Assembly and Governor oppose the sale of oil and gas leases in federal waters off of
20 Delaware's coast, as proposed by the Bureau of Ocean Energy Management's 2019 – 2024 National Outer Continental
21 Shelf Oil and Gas Leasing Draft Proposed Program ("Draft Proposed Program").

22 Section 2. The General Assembly and Governor request that the Department of Justice review the Draft
23 Proposed Program, and any other actions taken by the Secretary of the U.S. Department of the Interior targeted at
24 approving an oil and gas leasing program, and take any appropriate legal steps to prevent the sale of oil and gas leases off
25 the coast of the State of Delaware. The Department of Justice shall report to the Governor and General Assembly by
26 January 1, 2019, with respect to any steps it has taken with respect to this Section.

27 Section 3. The General Assembly and Governor direct the Department of Natural Resources and Environmental
28 Control and the Coastal Zone Industrial Control Board to enforce compliance with the Coastal Zone Act, Chapter 72 of
29 Title 7 of the Delaware Code.

30 Section 4. The General Assembly and Governor direct the Department of Natural Resources and Environmental
31 Control to do the following:

32 (1) Review the Delaware Coastal Management Program and other Delaware laws to ensure these
33 laws properly reflect Delaware's environmental policy objectives for purposes of their use in the consistency
34 review process under the Coastal Zone Management Act.

35 (2) Report to the Chair of the Senate Environmental, Natural Resources, and Energy Committee and the
36 Chair of the House Natural Resources Committee any legislative changes that are identified as necessary under
37 paragraph (1) of this Section.

38 Section 5. The General Assembly directs the Secretary of the Senate to transmit copies of this Act to the President
39 and Vice President of the United States, the Secretary of the United States Department of the Interior, the Director of the
40 Bureau of Ocean Energy Management, the members of Delaware's Congressional delegation, the Attorney General, the
41 Secretary of the Department, and the Chair of the Coastal Zone Industrial Control Board.

SYNOPSIS

This Substitute Act does all of the following:

(1) Expresses the General Assembly's and Governor's opposition to the 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Draft Proposed Program ("Draft Proposed Program").

(2) Requests the Department of Justice review the Draft Proposed Program, and any other actions taken by the Secretary of the U.S. Department of the Interior targeted at approving an oil and gas leasing program, and take any appropriate legal steps to prevent the sale of oil and gas leases off the coast of the State of Delaware.

(3) Directs the Department and the Coastal Zone Industrial Control Board to enforce compliance with the Coastal Zone Act.

(4) Directs the Department to review Delaware law to ensure these laws properly reflect Delaware's environmental policy objectives for purposes of their use in the consistency review process under the Coastal Zone Management Act.

(5) Directs the Department to report to the Chair of the Senate Environmental, Natural Resources, and Energy Committee and the Chair of the House Natural Resources Committee any legislative changes that are identified as necessary.

This Substitute Act differs from the original Act in that it replaces Section 2 and 3 of the original Act with a new Section 2 that provides the Department of Justice with more flexibility to prevent the sale of oil and gas leases off Delaware's coast.

Author: Senator Hansen