STATE OF NEW YORK

9819

IN ASSEMBLY

February 13, 2018

Introduced by M. of A. ENGLEBRIGHT, PELLEGRINO, D'URSO, THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting state authorizations related to certain offshore oil and natural gas production

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraphs a and b of subdivision 1 of section 23-1101 of the environmental conservation law, as added by chapter 722 of the laws of 1977, are amended to read as follows:

a. The exploration, development and production of gas in state-owned lands, except state park lands**, the marine and coastal district as defined in section 13-0103 of this chapter,** and the lands under the waters of Lake Ontario or along its shoreline; and

b. The exploration, development and production of oil in state-owned lands, except state park lands**, the marine and coastal district as defined in section 13-0103 of this chapter,** and the lands under the waters of Lake Erie and Lake Ontario or along their shorelines.

§ 2. The environmental conservation law is amended by adding a new section 23-1105 to read as follows:

§ 23-1105. Prohibition on state authorizations related to certain offshore oil and natural gas production.

1. Neither the department nor the office of general services shall enter into any new lease or other conveyance, lease renewal, extension or modification, that authorizes the exploration for, or the development and production of, oil or natural gas upon lands owned by the state in the marine and coastal district as defined in section 13-0103 of this chapter, that would result in the increase of oil or natural gas production from federal waters.

2. The department is authorized to establish such rules and regulations as it shall deem necessary to implement this section.

3. For the purposes of this section, the following terms have the following meanings:

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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a. "Development" means those activities taking place following the discovery of oil and natural gas, including geophysical activity, drilling, platform construction, pipeline construction, and operation of all onshore support facilities that are performed for the purposes of ultimately producing the resources discovered.

b. "Exploration" means the process of searching for oil and natural gas, including any drilling whether on or off known geological structures, including the drilling of a well in which a discovery of oil or natural gas is made and the drilling of any additional delineation well after the discovery that is needed to delineate any reservoir and a lessee to determine whether to proceed with development and production.

c. "Federal waters" means those waters and submerged lands lying seaward to the state waters of New York that appertain to the United States and are subject to federal jurisdiction and control.

d. "New or additional exploration, development, or production of oil or natural gas" includes any activity undertaken to increase the capacity of any pipeline or other infrastructure used to convey oil or natural gas from federal waters.

e. "Production" means those activities that take place after the successful completion of any means for the removal of oil and natural gas, including that removal, field operations, transfer or resources to shore, operation, monitoring, maintenance, and workover drilling. "Producing" means undertaking those activities.

§ 3. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, on invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgement shall have been rendered. It is hereby declared to be in the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 4. This act shall take effect immediately.