

CHAPTER 443  
FORMERLY  
SENATE SUBSTITUTE NO. 1  
TO  
SENATE BILL NO. 207  
AS AMENDED BY  
SENATE AMENDMENT NO. 1

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.

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

WHEREAS, Delaware has 28 miles of Atlantic coastline; and

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE:

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

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

Section 2. The General Assembly and Governor request that 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. The Department of Justice shall report to the Governor and General Assembly by January 1, 2019, with respect to any steps it has taken with respect to this Section.

Section 3. The General Assembly and Governor direct the Department of Natural Resources and Environmental Control and the Coastal Zone Industrial Control Board to enforce compliance with the Coastal Zone Act, Chapter 70 of Title 7 of the Delaware Code.

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

(1) Review the Delaware Coastal Management ~~Program~~ Program's policies and enforceable mechanisms as they relate to offshore drilling to ensure they reflect Delaware's current environmental laws and regulations for purposes of their use in the consistency review process under the Federal Coastal Zone Management Act.

(2) 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 under paragraph (1) of this Section.

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

Approved September 20, 2018