

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20060210

1. ACTION REQUESTED/PURPOSE: Authorize Chairwoman to sign letter of support for S. 2239, the Permanent Protection for Florida Act of 2006 sponsored by Senator Mel Martinez and Senator Bill Nelson. The bill would provide lasting protections from drilling off the Continental Shelf of Florida in the eastern Gulf of Mexico.

2. WHAT ACTION ACCOMPLISHES: Sen. Mel Martinez and Sen. Bill Nelson have requested letters of support for S. 2239.

3. MANAGEMENT RECOMMENDATION: Approve letter of support.

4. Departmental Category:

5. Meeting Date: 2/21/06

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute
- Ordinance
- Admin. Code
- Other

8. Request Initiated: District 4

Commissioner _____ Chairwoman Hall
 Department _____
 Division _____
 By: _____

9. Background:

The Board of County Commissioners and the Tourist Development Council have taken a consistent stand against drilling off the Continental Shelf of Florida with the most recent resolutions passed in November 2005. Sen. Mel Martinez and Sen. Bill Nelson have asked for support of their bi-partisan effort to protect the state's unique environment and tourism dependent economy from the threat of offshore oil drilling through our support of S. 2239.

Attached:

- #1 proposed letter of support
- #2 Nov. '05 related resolutions
- #3 Joint Senate press release
- #4 U.S. Senate Bill 2239

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
N/A	-	-		<i>[Signature]</i>	N/A	HS	HS	HS	<i>[Signature]</i> 2-20-06

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty
 Date: 2/21/06
 Time: 9:10 AM

Forwarded To:
 Pub. Res.
 2/21/06 9:10 AM



BOARD OF COUNTY COMMISSIONERS

(239) 335-2226
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Writer's Direct Dial Number _____

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Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

February 21, 2006

~~President George W. Bush~~

Senator Pete Domenici, Chairman, Senate Energy and Natural Resources Committee
Congressman Richard Pombo, Chairman, House Resources Committee
Florida Congressional Delegation

Dear Elected Official: **(individual letters will be sent to each of the recipients named above)**

Please accept this letter of support for S. 2239, the Permanent Protection for Florida Act sponsored by the bi-partisan Senators from Florida. Please also accept copies of recent resolutions unanimously passed recently by the Lee County Commission in opposition to drilling off of the outer continental shelf of Florida.

~~We are striving to protect our natural resources and water quality at all angles and we feel strongly that drilling at the coast of Florida serves as a multiple threat to our coast.~~

This threat increases the potential harm to our marine ecosystem, the preservation of the beauty of our coast and beaches and the loss of our states' rights to protect our economy and coast line.

Thank you for the opportunity to share our concerns regarding drilling off the coast of Florida. We hope that you respect our efforts to protect Florida's world famous coast line for millions of our residents and visitors far into the future.

Sincerely,

Tammara Hall, Chairwoman, District 4
Board of County Commissioners

cc: Senator Bill Nelson
Senator Mel Martinez

RESOLUTION

**Resolution of the Lee County Commission
in opposition to the expansion of offshore drilling.**

WHEREAS, the Commissioners of Lee County voice their opposition to any new oil and gas leases in the Outer Continental Shelf (OCS) off the coast of the United States and particularly State of Florida; and

WHEREAS, the Commission is strongly supportive of maintaining the current offshore drilling moratorium to protect our marine ecosystems and supports making the Congressional leasing moratorium permanent; and

WHEREAS, the Commission is committed to protecting the ocean environment by keeping it free from potentially harmful offshore oil rigs, especially in light of the recent damaging hurricanes that have swept through the Gulf of Mexico; and

WHEREAS, the Commission is dedicated to preserving the beauty of our coastal treasures by keeping beaches free of unsightly oil rigs;

WHEREAS, the Commission is opposed to any efforts that result in a weakening of states' rights to protect their coastlines and offer federal funds for new oil and gas leases.

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Lee County Commission, are opposed to any new oil and gas leases in the OCS and support a permanent moratorium on offshore drilling.

JOHN ALBION	<u>Aye</u>
RAY JUDAH	<u>Aye</u>
ROBERT JANES	<u>Aye</u>
DOUGLAS ST. CERNY	<u>Aye</u>
TAMMY HALL	<u>Aye</u>

DONE AND ADOPTED BY THE BOARD this 1st day of November, 2005.

ATTEST:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF PORT COMMISSIONERS
LEE COUNTY, FLORIDA

By: *Joan Pierce*
Deputy Clerk

By: *[Signature]*
Chairman

APPROVED AS TO FORM
LEE COUNTY ATTORNEY'S OFFICE

By: *Arden R. Fisher*
County Attorney



RESOLUTION

OPPOSITION TO THE EXPANSION OF OFFSHORE DRILLING IN THE GULF OF MEXICO

WHEREAS, The Tourist Development Council voices its opposition to any new oil and gas leases in the Outer Continental Shelf (OCS) off the coast of the United States and particularly the State of Florida; and,

Whereas, Council is strongly supportive of maintaining the current offshore drilling moratorium to protect our marine ecosystems and supports making the Congressional leasing moratorium permanent; and

Whereas, Council is committed to protecting the ocean environment by keeping it free from potentially harmful offshore oil rigs, especially in light of the recent damaging hurricanes that have swept through the Gulf of Mexico; and,

Whereas, Council is dedicated to preserving the beauty of our coastal treasures by keeping beaches free of unsightly oil rigs; and

Whereas, Council is opposed to any efforts that result in a weakening of the State's rights to protect its coastlines and offer federal funds for new oil and gas leases.

**NOW THEREFORE, BE IT RESOLVED BY THE LEE
COUNTY TOURIST DEVELOPMENT COUNCIL; THAT:**

The Tourist Development Council is opposed to any new oil and gas leases in the OCS and support a permanent moratorium on offshore drilling.

Adopted by the Tourist Development Council of Lee County, this
fifteenth day of November 2005.

Lee County Tourist Development Council



John Albion
Lee County Board of County Commissioner and
Tourist Development Council

LEE COUNTY
Tourist
Development
Council



United States Senate

WASHINGTON, DC 20510-0905

MEL MARTINEZ

BILL NELSON

MEDIA RELEASE

Feb. 1, 2006

Contact:

Kerry Feehery
(202) 228-5112; or,
Dan McLaughlin
(202) 224-1679

PLAN BY FLORIDA'S SENATORS AIMS TO PROVIDE STATE WITH PERMANENT PROTECTION FROM OIL, GAS RIGS

WASHINGTON, D.C. - Florida's two U.S. senators on Wednesday unveiled "historic" legislation to permanently protect the state's unique environment and tourism-dependent economy from the threat of offshore drilling.

The legislation, known as The Permanent Protection for Florida Act, provides lasting protections from drilling in the eastern Gulf of Mexico not only for the state's economy and ecosystem, but also for the nation's military training ranges in the eastern Gulf.

The bill, by Senators Mel Martinez and Bill Nelson, also takes into account the unreliability and increasing price of foreign energy supplies by allowing limited new exploration -- far off the state's coast -- some 260 miles from Tampa Bay.

As the two senators crafted their bill over the past few weeks, it drew support from representatives of some of the country's leading consumer and environmental groups, including the Florida Public Interest Research Group, or PIRG.

Both senators said the measure is needed now, especially because Florida can no longer rely on temporary moratoriums. Current presidential and congressional moratoriums prohibiting drilling expire in 2012. And an administrative agreement forbidding drilling in so-called Lease Sale 181 -- an odd-shaped tract 213 miles off Tampa Bay -- expires next year.

And a development that further threatens the state came last month when the Department of Interior published a plan to shift state underwater sea boundaries and place much of Lease Sale 181 under the control of pro-drilling Louisiana.

Martinez and Nelson, who last year united to defeat two legislative attempts to allow drilling closer to Florida, urged the Senate to expedite passage of their proposal.

"This bill sends a message that's loud and clear -- Florida's waters are off limits," Martinez said. "Florida's leaders have worked too long and too hard on building up these protections just to have them disappear during a brief moment of high energy prices. We have a lot at stake and it's time to solidify our protections into law."

"Florida's economy and environment, and our country's military preparedness, are at stake," Nelson said. "Our unspoiled beaches and abundant fisheries make Florida one of the world's tourism jewels. And the people of Florida want it to stay that way."

Specifically, the bipartisan bill would create a permanent no-drilling zone at least 260 miles offshore in much of the eastern Gulf. And off Pensacola and Florida's East Coast, the no drilling zone would extend out to 150 miles offshore. It also would remove existing leases close to Florida's coastline by granting royalty forgiveness on active leases in the western and central Gulf.

Nelson, a member of the Armed Services Committee, and Martinez, a member of the Energy Committee, also noted that the 260-mile buffer against drilling in the eastern Gulf would enhance our nation's military readiness. The Air Force and Navy use this restricted area to perform essential testing and training activities.

Among those already supporting the bill is one of the leaders of the National Outer Continental Shelf Coalition, Richard Charter, who called it "a historic piece of legislation" that would "permanently preserve Florida's landscape and the quality of life for millions of people. It also would provide long-term protections for vibrant coastal-dependent economies elsewhere on the U.S. East and West coasts."

And Mark Ferrulo, director of Florida PIRG, said, "This legislation would greatly expand Florida's protections against offshore drilling. The state's world famous coastline would be protected for millions of Floridians and visitors far into the future."

#

109TH CONGRESS
2D SESSION

S. 2239

~~To prohibit offshore drilling on the outer Continental Shelf off the State
of Florida, and for other purposes.~~

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2006

Mr. MARTINEZ (for himself and Mr. NELSON of Florida) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To prohibit offshore drilling on the outer Continental Shelf
off the State of Florida, 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 "Permanent Protection
5 for Florida Act of 2006".

6 **SEC. 2. PROHIBITION ON OIL AND GAS PRODUCTION IN**
7 **FLORIDA EXCLUSION ZONE.**

8 The Outer Continental Shelf Lands Act is amended
9 by inserting after section 8 (43 U.S.C. 1337) the fol-
10 lowing:

1 **“SEC. 8A. PROHIBITION ON OIL AND GAS PRODUCTION IN**
2 **FLORIDA EXCLUSION ZONE.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) FLORIDA EXCLUSION ZONE.—The term
5 ~~‘Florida exclusion zone’ means the area located—~~

6 “(A) east of the red line (as depicted on
7 the Minerals Management Service map entitled
8 ‘Florida Map 1’, dated January 23, 2006);

9 “(B) 25 miles west of the Military Mission
10 Line (as depicted on the Minerals Management
11 Service map entitled ‘Florida Map 1’, dated
12 January 23, 2006);

13 “(C) 150 miles off the Florida Panhandle,
14 including the area commonly known as the
15 ‘Stovepipe’ in the 181 Area in the Gulf of Mex-
16 ico;

17 “(D) the Straits of Florida planning area;
18 and

19 “(E) 150 miles off the Florida east coast
20 that extends from the Straits of the Florida
21 planning area to the Florida-Georgia border.

22 “(2) MILITARY MISSION LINE.—The term ‘Mili-
23 tary Mission Line’ means—

24 “(A) the 86°41’ north-south line of lon-
25 gitude; or

1 “(B) a line not more than 25 miles west
2 of the line described in subparagraph (1), as
3 determined by the Secretary of Defense during
4 the 5-year period beginning on the date of en-
5 actment of this section.

6 “(3) NON-PRODUCING LEASE.—The term ‘non-
7 producing lease’ means a lease for the production of
8 oil, natural gas, or any other mineral in the Florida
9 exclusion zone that is in existence and in good
10 standing on the date of enactment of this section.

11 “(b) EXCLUSION ZONE.—

12 “(1) IN GENERAL.—Notwithstanding any other
13 provision of law, the Secretary shall not issue a lease
14 for the exploration, development, or production of
15 oil, natural gas, or any other mineral in the Florida
16 exclusion zone.

17 “(2) GREAT LAKES.—It is the sense of Con-
18 gress that States are encouraged not to issue a per-
19 mit or lease for new oil and natural gas slant, direc-
20 tional, or offshore drilling in or under any of the
21 Great Lakes (as described in section 386 of the En-
22 ergy Policy Act of 2005 (42 U.S.C. 15941)).

23 “(3) APPLICATION.—This subsection applies
24 to—

25 “(A) a non-producing lease; and

1 “(B) a non-producing lease that would oth-
2 erwise be entered into on or after the date of
3 enactment of this section.

4 “(c) WITHDRAWAL.—The Florida exclusion zone is
5 withdrawn from—

6 “(1) any outer Continental Shelf protraction
7 diagram prepared by the Minerals Management
8 Service; and

9 “(2) consideration for inclusion in any 5-year
10 outer Continental Shelf leasing program of the De-
11 partment of the Interior.

12 “(d) RELINQUISHMENT OF CERTAIN LEASES.—

13 “(1) IN GENERAL.—Subject to paragraphs (2),
14 (3), and (4), any non-producing or similar lease that
15 is suspended on the date of enactment of this section
16 in the Eastern planning area of the Gulf of Mexico
17 (other than Lease Sale 181, as identified in the final
18 outer Continental Shelf 5-Year Oil and Gas Leasing
19 Program for 2002–2007) that is active, non-pro-
20 ducing, or in suspension as of the date of enactment
21 of this section is relinquished and abandoned in ex-
22 change for royalty forgiveness for revenue streams
23 owed by oil and gas lessees producing on that date
24 in the Central and Western planning areas of the
25 Gulf of Mexico.

1 “(2) RESTORATION OF LEASED SEA FLOOR.—A
2 lessee of a relinquished and abandoned lease shall—

3 “(A) remove all existing boreholes,
4 wellheads, and ancillary equipment located on
5 the leased sea floor; and

6 “(B) restore the sea floor as nearly as
7 practicable to pre-lease condition.

8 “(3) INELIGIBLE LESSEE.—A lessee of a relin-
9 quished and abandoned lease is ineligible for royalty
10 forgiveness if the lease involves—

11 “(A) an outer Continental Shelf tract in
12 the Central or Western planning area of the
13 Gulf of Mexico subject to royalty deferrals or
14 royalty forgiveness pursuant to—

15 “(i) the notice of proposed rulemaking
16 entitled ‘Relief or Reduction in Royalty
17 Rates—Deep Gas Provisions’ (68 Fed.
18 Reg. 14868); or

19 “(ii) any other Federal law (including
20 regulations);

21 “(B) an outer Continental Shelf tract lo-
22 cated within the boundaries of the Flower Gar-
23 den Banks National Marine Sanctuary; or

24 “(C) any outer Continental Shelf tract lo-
25 cated outside the boundaries of the Florida ex-

1 clusion zone and within the Eastern planning
2 area of the Gulf of Mexico.

3 “(4) WAIVER OF RENTS AND ROYALTIES.—

4 “(A) IN GENERAL.—The Secretary shall
5 allow an eligible lessee covered by paragraph
6 (1) to withhold from payment any royalty or
7 rent due to the United States under this Act.

8 “(B) JUDICIAL REVIEW.—Any disagree-
9 ment between an eligible lessee and the Sec-
10 retary regarding the amount of royalty or rent
11 forgiveness described in subparagraph (A) shall
12 be subject to judicial review.

13 “(c) ADMINISTRATION.—

14 “(1) OTHER SECTIONS OF ACT.—Beginning on
15 the date of enactment of this section, other sections
16 of this Act shall not apply to—

17 “(A) any area in which leasing is prohib-
18 ited under subsection (b);

19 “(B) any area that is withdrawn under
20 subsection (c); or

21 “(C) any area subject to a lease that is re-
22 linquished under subsection (d).

23 “(2) INVENTORY.—The areas described in sub-
24 paragraphs (A), (B), and (C) of paragraph (1), as
25 well as the areas currently under moratorium in the

1 outer Continental Shelf and the areas protected by
2 the document entitled ‘Memorandum on Withdrawal
3 of Certain Areas of the United States Outer Conti-
4 nental Shelf from Leasing Disposition’ (34 Weekly
5 Comp. Pres. Doc. 1111, dated June 12, 1998), shall
6 not be subject to an inventory conducted under sec-
7 tion 357 of the Energy Policy Act of 2005 (42
8 U.S.C. 15912).

9 “(3) NATIONAL MARINE SANCTUARY.—Nothing
10 in this section precludes the Secretary of Commerce,
11 acting through the Director of the National Marine
12 Sanctuary Program, from considering any portion of
13 the Florida exclusion zone for designation as a ma-
14 rine sanctuary under the Marine Protection, Re-
15 search, and Sanctuaries Act of 1972 (33 U.S.C.
16 1401 et seq.) (commonly known as the ‘Ocean
17 Dumping Act’).

18 “(4) MAINTENANCE AND REPAIR OF EXISTING
19 PIPELINES.—Nothing in this section precludes—

20 “(A) the inspection, monitoring, or repair
21 of pre-existing subsea oil and natural gas pipe-
22 lines under Federal law (including regulations)
23 pertaining to pipeline safety and environmental
24 protection; or

1 “(B) the replacement in situ of preexisting
2 subsea oil or natural gas pipelines under that
3 Federal law.

4 “(5) COMMERCIAL AND SPORT FISHING.—Noth-
5 ing in this section affects any regulation or manage-
6 ment of commercial or sport fishing, or routine oper-
7 ation or transit of fishing or recreational vessels,
8 within the Florida exclusion zone.

9 “(6) MILITARY ACTIVITIES.—Nothing in this
10 section limits any military ship, submarine, aircraft,
11 or amphibious vessel activity conducted as part of—

12 “(A) military exercises;

13 “(B) routine transit;

14 “(C) military preparedness; or

15 “(D) rescue operations.

16 “(f) CONDITIONS FOR LEASING IN OTHER AREAS.—

17 “(1) IN GENERAL.—With respect to Federal
18 leasing on the outer Continental Shelf in the areas
19 described in paragraph (2)—

20 “(A) each individual lease sale shall be
21 subject to the review process under the Na-
22 tional Environmental Policy Act of 1969 (42
23 U.S.C. 4321 et seq.), including the completion
24 of an environmental impact statement for the
25 lease sale; and

1 “(B) all pre-lease and leasing activities
2 shall proceed only if best available and safest
3 technologies, as described in 21(b), are required
4 for all phases of operations.

5 ~~“(2) DESCRIPTION OF AREAS.—The areas re-~~
6 ferred to in paragraph (1) are areas on the outer
7 Continental Shelf that—

8 “(A) are not specifically covered by this
9 Act; and

10 “(B)(i) are not located within the pro-
11 tected waters of the Florida Exclusion Zone;

12 “(ii) are not protected by the document en-
13 titled ‘Memorandum on Withdrawal of Certain
14 Areas of the United States Outer Continental
15 Shelf from Leasing Disposition’ (34 Weekly
16 Comp. Pres. Doc. 1111, dated June 12, 1998);
17 or

18 “(iii) are not located within any other fed-
19 erally protected area.”.

20 **SEC. 3. EXTENSION OF DEFERRAL.**

21 Notwithstanding the document entitled “Memo-
22 randum on Withdrawal of Certain Areas of the United
23 States Outer Continental Shelf from Leasing Disposition
24 (34 Weekly Comp. Pres. Doc. 1111, dated June 12,
25 1998)”, the expiration date for the withdrawal of areas

1 of the outer Continental Shelf described in the first para-
2 graph of that Memorandum shall be extended until June
3 30, 2020.

○