

MINUTE ITEM

29. PROVISIONS FOR THE CONDUCT OF OFFSHORE GEOPHYSICAL EXPLORATION AND GEOLOGICAL SURVEY OPERATIONS - W.O. 4559, GEN. DATA.

After consideration of Calendar Item 18 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO INFORM ALL PERMITTEES AUTHORIZED TO CONDUCT GEOLOGICAL AND GEOPHYSICAL SURVEYS ON TIDE AND SUBMERGED LANDS UNDER THE JURISDICTION OF THE STATE LANDS COMMISSION:

1. THAT ALL TERMS, CONDITIONS, AND OPERATING REQUIREMENTS OF THE STANDARD FORMS OF EXPLORATION PERMITS ISSUED REMAIN IN FULL FORCE AND EFFECT SHOREWARD OF THE "OPERATIONS LINE" (AS SAID LINE IS DETAILED ON THE SERIES OF SEVEN MAPS AVAILABLE FOR INSPECTION AT THE OFFICE OF THE STATE LANDS DIVISION).
2. THAT THE PROVISIONS OF 18 FEDERAL REGISTER NO. 186 (SEPTEMBER 17, 1953) AUTHORIZING THE CONDUCT OF GEOPHYSICAL AND GEOLOGICAL EXPLORATIONS UPON CERTAIN CONDITIONS ARE APPLICABLE SEAWARD OF THE "OPERATIONS LINE". THESE CONDITIONS ARE AS FOLLOWS:
  - A. THAT A PERMITTEE HAVE A PERMIT FOR EXPLORATION OPERATIONS COVERING ADJOINING STATE AREAS FROM THE STATE LANDS COMMISSION AND THE STATE FISH AND GAME COMMISSION;
  - B. THAT THE PERMITTEE HAVE OBTAINED APPROPRIATE PERMISSION FOR SUCH EXPLORATIONS FROM THE CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY; AND
  - C. THAT FOR THE PROTECTION AND CONSERVATION OF AQUATIC LIFE, THE PERMITTEE COMPLY WITH THE REQUIREMENTS OF THE STATUTES AND REGULATIONS OF THE STATE OF CALIFORNIA GOVERNING THE METHODS OF AND RESTRICTIONS UPON GEOLOGICAL AND GEOPHYSICAL EXPLORATIONS IN THE SUBMERGED LANDS OF THE STATE.

Attachment  
Calendar Item 18 (2 pages)

CALENDAR ITEM

18.

PROVISIONS FOR THE CONDUCT OF OFFSHORE GEOPHYSICAL EXPLORATION AND GEOLOGICAL SURVEY OPERATIONS - W.O. 4559.

Section 6826 of the Public Resources Code authorizes the Commission to permit geological and geophysical surveys on State lands upon such terms and conditions as the Commission may specify. The Commission must require as a condition to the issuance of any permit under this Section that the permittee make available to the Commission, upon request, all factual and physical exploration results, logs, and records resulting from the operations under the permit.

Geological and geophysical exploration permits issued by the State Lands Commission covering seismic (geophysical) and coring (geologic) operations on tide and submerged lands of the State require the presence of a State observer at all times during the conduct of exploration operations. The State is reimbursed for the cost of such inspection.

18 Federal Register No. 186 (September 17, 1953) authorizes geological and geophysical explorations on Outer Continental Shelf lands adjoining lands of the State of California upon the following conditions:

1. That the applicant has a permit for the designated type of exploration on adjoining State areas from the appropriate supervisory agency of the State (i.e., State Fish and Game Commission and State Lands Commission);
2. That the applicant has obtained appropriate permission for such explorations from the Corps of Engineers, Department of the Army (navigation regulation); and
3. That for the protection and conservation of aquatic life, the applicant complies with the requirements of the statutes and regulations (Fish and Game) of the adjoining State governing the methods of and restrictions upon geological and geophysical explorations in the submerged lands of such adjoining State, which statutes and regulations are adopted as the regulations of the Secretary of the Interior applicable to the Outer Continental Shelf.

A current permittee has requested a restriction in the area of application of State permits for the purpose of decreasing the expense of exploration operations by the amount of the State Lands inspector costs, and to avoid the disclosure requirements of Public Resources Code Section 6826 for explorations conducted on lands not owned or claimed by the State. The Regional Oil and Gas Supervisor of the U. S. Geological Survey (the designated representative of the Secretary of the Interior) and the State Lands staff recommend the establishment of an "operations line" (as defined on maps on Sheets 1 through 7 of Exhibit "B" attached). Seaward of this line exploration operations would be conducted under the conditions specified by the Secretary of the Interior. The terms and conditions specified in the form of permit authorized by the State Lands Commission for exploration on lands owned or claimed by the State would apply only to those exploration operations conducted landward of the "operations line".

CALENDAR ITEM 18. (CONTD.)

Nothing in any proposed agreement for an "operations line" is to be construed to waive or prejudice, in any manner, the rights or claims which either the United States or the State of California has in any area.

The office of the Attorney General is of the opinion that the disclosure requirements of Section 6826 of the Public Resources Code are not applicable to explorations conducted on Outer Continental Shelf lands to which the State claims neither ownership nor jurisdiction.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO INFORM ALL PERMITTEES AUTHORIZED TO CONDUCT GEOLOGICAL AND GEOPHYSICAL SURVEYS ON TIDE AND SUBMERGED LANDS UNDER THE JURISDICTION OF THE STATE LANDS COMMISSION:

1. THAT ALL TERMS, CONDITIONS, AND OPERATING REQUIREMENTS OF THE STANDARD FORMS OF EXPLORATION PERMITS ISSUED REMAIN IN FULL FORCE AND EFFECT SHOREWARD OF THE "OPERATIONS LINE" (AS SAID LINE IS DETAILED ON THE SERIES OF SEVEN MAPS AVAILABLE FOR INSPECTION AT THE OFFICE OF THE STATE LANDS DIVISION).
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  - C. THAT FOR THE PROTECTION AND CONSERVATION OF AQUATIC LIFE, THE PERMITTEE COMPLY WITH THE REQUIREMENTS OF THE STATUTES AND REGULATIONS OF THE STATE OF CALIFORNIA GOVERNING THE METHODS OF AND RESTRICTIONS UPON GEOLOGICAL AND GEOPHYSICAL EXPLORATIONS IN THE SUBMERGED LANDS OF THE STATE.