

17. (OIL AND GAS LEASE APPLICATION, SECTION 6871.3, PUBLIC RESOURCES CODE, SANTA BARBARA COUNTY - W. O. 2253.) The following report was presented to the Commission:

"Pursuant to authorization by the Commission on January 19, 1956 (Minute Item 5, pages 2534-37) the notice specified by Section 6871.3 of the Public Resources Code was published relative to consideration of an application for an offer for oil and gas lease of approximately 5,500 acres of tide and submerged lands in Santa Barbara County. The notice was published in Santa Barbara February 24 and March 2, 1956 with the result that the thirty days within which any affected city or county might request in writing to the Commission that a hearing be held with respect to the lease consideration expired April 2, 1956. No requests for hearing were received. The subject area adjoins the 500 acres authorized for lease offer under W. O. 2046, and on which a public hearing was held January 11, 1956. Also, the Director of Natural Resources on March 13, 1956 reported that the Division of Beaches and Parks has no adverse comment to offer on the proposed leasing. In consideration of the completion of a public hearing on the adjoining area, it does not appear that any hearing should be required on motion of the Commission."

Assemblyman Miller stated that he had no comment to make on this item as long as it involved only the finding out of information.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS RESOLVED AS FOLLOWS:

THE EXECUTIVE OFFICER IS DIRECTED TO PROCEED WITH THE PROCESSING FOR LEASE OFFER FOR THE EXTRACTION OF OIL AND GAS FROM APPROXIMATELY 5,500 ACRES OF TIDE AND SUBMERGED LANDS IN THE SUMMERLAND AREA, SANTA BARBARA COUNTY, UNDER CONSIDERATION UNDER W. O. 2253. THE PROCESSING AS DIRECTED IS TO INCLUDE REVIEWS AND REPORTS ON THE PROPOSED LEASE OFFER BY THE COMMISSION'S BOARD OF CONSULTANTS.

18. (OIL AND GAS LEASE APPLICATION, SECTION 6871.3, PUBLIC RESOURCES CODE, ORANGE COUNTY - W. O. 2242.) The following report was presented to the Commission:

"Pursuant to authorization by the Commission on January 19, 1956 (Minute Item 3, pages 2533-34), the requisite notice specified by Section 6871.3 of the Public Resources Code was published relative to consideration of an application of an offering for oil and gas lease of approximately 7,200 acres of tide and submerged lands in Orange County. The notice was published in Huntington Beach March 8 and 15, 1956 with the result that the thirty days within which any affected city or county might request in writing to the Commission that a hearing be held with respect to the lease consideration expired April 15, 1956. No requests for public hearing were received pursuant to the aforesaid notice.

"On March 7, 1956 Mr. Joel E. Ogle, County Counsel, County of Orange, reported:

'Pursuant to your notice of consideration of an oil and gas lease being offered by the Commission referring to your W. O. 2242, I am directed by the Board of Supervisors of this County to advise you that the County of Orange contends ownership of the tidelands proposed to be leased.'

"On March 9, 1956 the Board of Supervisors of Orange County instructed the County Clerk to notify the State Lands Commission that no public hearing is desired relative to consideration of the subject area.

"The entire shoreline adjoining the proposed lease area is utilized as recreational beach; for this reason there may be organizations, or other agencies which may desire to be heard with respect to the effect of the proposed lease operations on upland development.

"IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO PUBLISH A NOTICE OF PUBLIC HEARING ON MOTION OF THE COMMISSION IN CONNECTION WITH THE OFFERING OF A LEASE FOR THE EXTRACTION OF OIL AND GAS FROM APPROXIMATELY 7,200 ACRES OF TIDE AND SUBMERGED LANDS IN ORANGE COUNTY BOUNDED AS FOLLOWS:

ON THE NORTHEAST BY THE ORDINARY HIGH WATER MARK OF THE PACIFIC OCEAN; ON THE SOUTHWEST BY A LINE THREE MILES SEAWARD AND PARALLEL TO THE ORDINARY HIGH WATER MARK; ON THE SOUTHEAST BY A LINE PARALLEL TO THE NORTHWESTERLY LINE OF STATE OIL AND GAS LEASES P.R.C. 163.1 AND P.R.C. 426.1 AND DISTANT NORTHWESTERLY THEREFROM ONE-HALF MILE; AND ON THE NORTHWEST BY A LINE PARALLEL TO THE SOUTHEASTERLY LINE OF STATE OIL AND GAS LEASE P.R.C. 186.1 AND DISTANT SOUTHEASTERLY THEREFROM ONE-HALF MILE.

"IT IS FURTHER RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO CONDUCT THE REQUISITE HEARING, AND THAT HE BE DIRECTED TO REPORT HIS CONCLUSIONS AND RECOMMENDATIONS AS SOON AS PRACTICABLE."

Mr. Kirkwood inquired if within 30 days the Commission would have to proceed to take definite action, and was informed by the Executive Officer that "you have to define specifically whether you are going to lease or lease with conditions". Mr. Kirkwood then asked what the Attorney General's opinion was of the status of the point made by the Orange County Board of Supervisors. Assistant Attorney General Everett W. Mattoon stated that he did not know whether the Commission would wish his office to announce its plans at this time. Mr. Kirkwood asked whether the Commission should wait for further clarification, and was told by Mr. Mattoon that the matter would require adjudication, after which Mr. Kirkwood indicated that the point he wanted to make was that if the Attorney General was going to recommend at a later date that the Commission should not put an area out for bids until the legal points raised have been cleared, he thought it would be better to defer action

until the Attorney General is ready to recommend that the Commission proceed. Mr. Mattoon stated that there are two areas being considered; that the situation involving the area offshore from Alamitos Bay and adjoining Long Beach and Seal Beach differs from, and is to be distinguished from that involving the over-all area which includes all tide and submerged lands bordering upon Orange County; that the former area was acquired by a quitclaim deed from the City of Long Beach specifying certain restricted uses, while the latter constitutes lands owned by the State in its sovereign capacity, as to which the State has made no grant. He said: "Your suggestion of deferring action on the holding of hearings appears logical and reasonable."

In response to the question of Mr. Kirkwood as to whether he thought the Commission should defer action, Mr. Mattoon stated that, without wishing to disagree with the recommendation of the staff, it would appear that taking action at this time might be premature and might introduce extraneous issues at the resultant hearings which could confuse the situation.

The Executive Officer informed the Commission that the item had been previously discussed with the Attorney General's office, and he had been given clearance.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS RESOLVED AS FOLLOWS:

THE COMMISSION DEFERS ACTION IN CONNECTION WITH THE OFFERING OF A LEASE FOR THE EXTRACTION OF OIL AND GAS FROM APPROXIMATELY 7,200 ACRES OF TIDE AND SUBMERGED LANDS IN ORANGE COUNTY UNDER CONSIDERATION (W. O. 2242) UNTIL SUCH TIME AS THE OFFICE OF THE ATTORNEY GENERAL AND THE STAFF OF THE STATE LANDS COMMISSION HAVE HAD AN OPPORTUNITY TO EXPLORE FURTHER THE PROBLEMS INVOLVED.