

MINUTE ITEM

17. (AMENDMENTS TO TITLE 2, CALIFORNIA ADMINISTRATIVE CODE - W. O. 2705.)

After presentation of Calendar Item 23 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE ACTING EXECUTIVE OFFICER IS AUTHORIZED TO INITIATE PROCEDURES UNDER THE PROVISIONS OF SECTIONS 11420-11427 OF THE GOVERNMENT CODE FOR CONSIDERATION OF THE ADDITION TO SECTION 2100 OF THE RULES AND REGULATIONS OF THE STATE LANDS COMMISSION OF THE FOLLOWING LANGUAGE:

GEOPHYSICAL SURVEY PERMITS ARE REQUIRED FOR THE CONDUCT OF GEO-PHYSICAL SURVEYS ON ALL STATE LANDS BY ANY SEISMIC METHOD EMPLOYING EXPLOSIVES.

GEOLOGICAL SURVEY PERMITS ARE REQUIRED FOR THE CONDUCT OF GEOLOGICAL SURVEYS ON AND UNDER TIDE AND SUBMERGED LANDS OF THIS STATE WHERE GEOLOGICAL SAMPLES ARE OBTAINED THROUGH ANY DRILLING OPERATIONS.

ALSO, APPROVAL IS GIVEN FOR AN INITIAL REVIEW OF THE SUGGESTED RULE ADDITIONS BY ALL INTERESTED PARTIES, TO BE PRESENTED IN WRITING ONLY, WITH ALL PRESENTATIONS TO BE CONSIDERED BY THE COMMISSION AT A FUTURE MEETING WHEN OPPORTUNITY WILL BE GIVEN FOR PRESENTATION OF FURTHER STATEMENTS, ARGUMENTS, OR CONTENTIONS OF INTERESTED PERSONS ORALLY, AS SPECIFIED BY THE APPROPRIATE SECTIONS OF THE GOVERNMENT CODE.

Attachment
Calendar Item 23 (2 pages)

CALENDAR ITEM

SUPPLEMENTAL

23.

(AMENDMENTS TO TITLE 2, CALIFORNIA ADMINISTRATIVE CODE - W.O. 2705.)

On August 8, 1957 (Minute Item 4, pages 3366-3371), the Commission authorized the initiation of procedures for consideration of amendments to the Rules and Regulations of the State Lands Commission to conform to the provisions of Section 6826, Public Resources Code, as amended by Chapter 1087 of the Statutes of 1957. The form of regulation amendment proposed for adoption is considered under Calendar Item 18, pages 1 to 4, of this calendar.

Submarine geophysical exploration by the seismograph method and submarine geological samples obtained from drilling operations in the ocean floor are the only exploration techniques which have been authorized under permit issued by the Commission. These are also the only specific techniques considered by the Legislature during the adoption of the Cunningham-Shell Tidelands Act of 1955, and of the amendments to Chapter 1087, Statutes of 1957.

This Division has now received applications requesting permits to authorize the obtaining of shallow ocean-floor samples through the operation of an instrument known as a "dart" and for a form of sonic geophysical exploration known as the "sono-probe". The proposed operations are two of a host of geophysical and geological techniques which could be operated for survey and exploration purposes on and over tide and submerged lands. In addition, there are geophysical instruments which can be operated from aircraft flying over the tide and submerged lands. The impracticability of supervising and controlling such operations under permits from the State Lands Commission resulted in an inquiry to the office of the Attorney General as to whether the Commission has the authority under the Public Resources Code to specify limited types of geological and geophysical survey techniques for which permit will be required, or whether, under Section 6826 of the Public Resources Code, any type of geological or geophysical survey conducted may be carried on validly only under a specific permit from the Commission. It is the opinion of the office of the Attorney General that exploration permits by the Commission may be limited as to the types of techniques to be employed. Stated otherwise, not every type of geological or geophysical survey conducted on State lands requires a Commission permit. Therefore, it is suggested that the Commission initiate consideration of the modification of Section 2100 of the Rules and Regulations to provide that exploration permits will be required only for geophysical exploration by the seismograph method and for geological exploration through drilling operations.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ACTING EXECUTIVE OFFICER TO INITIATE PROCEDURES UNDER THE PROVISIONS OF SECTIONS 11420-11427 OF THE GOVERNMENT CODE FOR CONSIDERATION OF THE ADDITION TO SECTION 2100 OF THE RULES AND REGULATIONS OF THE STATE LANDS COMMISSION OF THE FOLLOWING LANGUAGE:

SUPPLEMENTAL 23. (CONT'D.)

GEOPHYSICAL SURVEY PERMITS ARE REQUIRED FOR THE CONDUCT OF GEO-PHYSICAL SURVEYS ON ALL STATE LANDS BY ANY SEISMIC METHOD EMPLOYING EXPLOSIVES.

GEOLOGICAL SURVEY PERMITS ARE REQUIRED FOR THE CONDUCT OF GEOLOGICAL SURVEYS ON AND UNDER TIDE AND SUBMERGED LANDS OF THIS STATE WHERE GEOLOGICAL SAMPLES ARE OBTAINED THROUGH ANY DRILLING OPERATIONS.

IT IS ALSO RECOMMENDED THAT APPROVAL BE GIVEN FOR AN INITIAL REVIEW OF THE SUGGESTED RULE ADDITIONS BY ALL INTERESTED PARTIES, TO BE PRESENTED IN WRITING ONLY, WITH ALL PRESENTATIONS TO BE CONSIDERED BY THE COMMISSION AT A FUTURE MEETING WHEN OPPORTUNITY WILL BE GIVEN FOR PRESENTATION OF FURTHER STATEMENTS, ARGUMENTS, OR CONTENTIONS OF INTERESTED PERSONS ORALLY, AS SPECIFIED BY THE APPROPRIATE SECTIONS OF THE GOVERNMENT CODE.