

MINUTE ITEM

9/23/65

28. AGREEMENT FOR THE CONDUCT OF OFFSHORE GEOPHYSICAL EXPLORATION AND GEOLOGICAL SURVEY OPERATIONS ON OUTER CONTINENTAL SHELF LANDS - P.R.C. 1570.9.

After consideration of Supplemental Calendar Item 26 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ENTER INTO AN AGREEMENT SUPERSEDING THE OPERATIONS LINE AGREEMENT OF 1962, AS SHOWN ON EXHIBIT "A" ATTACHED HERETO AND HEREBY MADE A PART HEREOF, WITH THE DEPARTMENT OF THE INTERIOR, PROVIDING FOR THE CONDUCT OF GEOPHYSICAL EXPLORATION AND GEOLOGICAL SURVEY OPERATIONS ON OUTER CONTINENTAL SHELF LANDS.

Attachment

Calendar Item 26 (5 pages)

26.

AGREEMENT FOR THE CONDUCT OF OFFSHORE GEOPHYSICAL EXPLORATION AND GEOLOGICAL SURVEY OPERATIONS ON OUTER CONTINENTAL SHELF LANDS - P.R.C. 1570.9.

In accordance with the provisions of Section 6826 of the Public Resources Code, the Commission is authorized to permit geophysical exploration and geological survey operations on State lands upon such terms and conditions as the Commission may specify.

On December 6, 1962 (Minute Item 29, page 8485), the Commission approved provisions for the conduct of geophysical exploration and geological survey operations on the offshore submerged lands, title to which was under dispute with the Federal Government. This agreement referred to as the "Operations Line" Agreement was approved by the designated representative of the Secretary of the Interior.

As a result of the Supreme Court Opinion of May 17, 1965, in the case of the U. S. vs. California, it is desirable to supersede the Operations Line Agreement of 1962, by entering into a new agreement in order to provide for explorations operations pending final disposition of this case.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO ENTER INTO AN AGREEMENT SUPERSEDING THE OPERATIONS LINE AGREEMENT OF 1962, AS SHOWN ON EXHIBIT "A" ATTACHED HERETO, AND HEREBY MADE A PART HEREOF, WITH THE DEPARTMENT OF THE INTERIOR, PROVIDING FOR THE CONDUCT OF GEOPHYSICAL EXPLORATION AND GEOLOGICAL SURVEY OPERATIONS ON OUTER CONTINENTAL SHELF LANDS.

Attachment
Exhibit "A"

EXHIBIT "A"AGREEMENT SUPERSEDING
THE "OPERATIONS LINE" AGREEMENT OF 1962

1. For purposes of this agreement, the term "lands subject to Federal jurisdiction" means offshore areas held to be Outer Continental Shelf Lands by the Supreme Court's opinion of May 17, 1965, in the case of United States v. California, No. 5, Original, other than "lands affected by California's Petition for Rehearing"; and the term "lands affected by California's Petition for Rehearing" means lands lying within three geographical miles seaward of lines drawn from Point Dume to Point Vicente (in front of Santa Monica Bay) and from Point Fermin to Point Lasuen (in front of San Pedro Bay).
2. For geological survey operations (core drilling or sampling) in "lands subject to Federal jurisdiction," upon receipt by the State of an application for approval of such operations, the applicant to be referred to the Regional Oil and Gas Supervisor, no other action to be taken by the State. The approval and full responsibility for the conduct of operations to be with the Oil and Gas Supervisor. In the event of shallow coring where the permittee might move back and forth between "lands subject to Federal jurisdiction" and other lands, the presence on board of a State Lands Division Inspector while coring in "lands subject to Federal jurisdiction" would be at the option of the permittee.
3. For geophysical operations in "lands subject to Federal jurisdiction," compliance with the terms and conditions of a State Lands Commission permit would not be required. The Regional Oil and Gas Supervisor would have the responsibility to secure compliance by the permittee with the conditions set forth in 18 Federal Register No. 186 (September 17, 1953) for the conduct of geophysical and geological exploration operations. In the event the permittee moves back and forth between "lands subject to Federal jurisdiction" and other lands, the presence on board of the State Lands Commission Inspector while conducting seismic operations on "lands subject to Federal jurisdiction" would again be at the option of the permittee.
4. Pending further agreement between California and the United States, or pending the United States Supreme Court's ruling on the State's Petition for Rehearing (filed on August 2, 1965), whichever is earlier, neither the State nor the United States will permit core holes in "lands affected by California's Petition for Rehearing"; provided that in the event the United States wishes to permit coring operations prior to the Court's said ruling, Federal and State representatives will meet promptly to negotiate a mutually satisfactory procedure therefor.
5. In the event that either the State or the United States proposes to permit coring operations in any area whose status may be doubtful under the aforesaid definitions, the governmental entity proposing to grant such a permit will notify the other governmental entity as to the location of such area, and such other governmental entity will furnish a statement of objection or non-objection within fifteen (15) days of receipt of such notice.

6. This agreement and its implementation (including any statements of objection or non-objection) will be entirely without prejudice to any claims which either the State or the United States may make in the case of United States v. California, or any other litigation or other proceedings between the same parties or between either governmental entity and any third party; provided that no permittee of either governmental entity, acting pursuant to and in accordance with a permit issued in accordance with the terms of this agreement and in the absence of any notice of objection to such permittee's operations by the other governmental entity under the terms hereof, shall be subject to civil or criminal proceedings by reason of any alleged trespass arising out of such action pursuant to such permit.

7. This agreement will be subject to cancellation by either the United States or the State, upon thirty (30) days prior notice.