

CALENDAR ITEM

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Meier
Gregory

CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING
WITH THE TEXAS GENERAL LAND OFFICE REGARDING
COMMUNICATION AND COORDINATION IN
MARINE OIL POLLUTION PREVENTION EFFORTS

PROPOSAL

The Commission Staff has negotiated a Memorandum of Understanding (MOU) with the Texas General Land Office (TGLO). The purpose of the MOU is to facilitate the exchange of information and the coordination of research efforts regarding marine oil pollution prevention. A copy of the MOU is attached as Exhibit "A." This proposal, if adopted, would direct the Executive Officer to execute an MOU substantially in the form of the attached and to take whatever action is appropriate for its implementation.

BACKGROUND

Under the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, the Commission is charged with responsibility for establishment of regulatory and inspection programs directed toward oil spill prevention at marine terminals and offshore oil exploration and production facilities in the State of California. Under Title II, Texas Natural Resources Code, Chapter 40, TGLO is charged with responsibility for establishment of regulatory and inspection programs directed toward oil spill prevention in the State of Texas.

Insofar as both the TGLO and the Commission have similar pollution prevention duties, this MOU would enable both agencies to work together. The memorandum provides generally for the exchange of information regarding development of regulatory and research programs. Efforts would be made to void duplication in research efforts and, where practicable, to promote regulatory consistency in order to avoid undue burdens on operators which

work in both states. The memorandum also provides generally that the two agencies will work with other states to establish an interstate oil pollution prevention association.

Nothing in the memorandum would alter in any way the respective statutory or regulatory authority of the Commission or TGLO or constitute a delegation of authority by either party to the other. The MOU may be terminated by either party at any time upon notice to the other.

STATUTORY REFERENCES:

- A. California P.R.C. sections 8750 through 8760.
- B. Title II, Texas Natural Resources Code, Chapter 40 (Sections 40.001 et. seq.)

AB 884:

N/A

OTHER PERTINENT INFORMATION:

- 1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065, 21080, and 14 Cal. Code Regs. 15378.

EXHIBIT:

- A. Copy of the Memorandum of Understanding

IT IS RECOMMENDED THAT THE COMMISSION:

- 1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
- 2. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE TEXAS GENERAL LAND OFFICE SUBSTANTIALLY IN THE FORM OF THE COPY WHICH IS ATTACHED AS EXHIBIT "A."

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3. AUTHORIZE STAFF TO TAKE WHATEVER ACTIONS ARE APPROPRIATE AND NECESSARY TO IMPLEMENT THE PROVISIONS OF THE MEMORANDUM OF UNDERSTANDING.

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EXHIBIT "A"

MEMORANDUM OF UNDERSTANDING
FOR COOPERATION AND COORDINATION IN OIL SPILL PREVENTION
BETWEEN
THE TEXAS GENERAL LAND OFFICE
AND
THE CALIFORNIA STATE LANDS COMMISSION

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is by and between the TEXAS GENERAL LAND OFFICE ("TGLO"), an agency of the State of Texas, and the CALIFORNIA STATE LANDS COMMISSION ("SLC"), an agency of the State of California.

WHEREAS:

TGLO is the agency given primary responsibility for the establishment, implementation and enforcement of regulatory and other programs to ensure the prevention of marine oil pollution in the State of Texas;

SLC is the agency given primary responsibility for the establishment and implementation of regulatory and other programs to ensure the prevention of marine oil pollution in the State of California in connection with the operation of oil terminals and offshore oil exploration and production facilities; and

In order to foster the development of pollution prevention measures and technologies, to ensure efficient and effective research and development and to avoid duplication of efforts, TGLO and SLC seek to establish a means of interstate cooperation and communication in furtherance of their mutual goals of oil spill prevention;

NOW, THEREFORE, TGLO and SLC agree to the following:

1. The agencies will share information regarding the development of regulatory programs directed toward marine oil pollution prevention. Toward this end, TGLO and SLC will regularly share the following:
 - a. Any information regarding regulatory programs, guidelines, policies, or recommended practices established by or known to each agency which are considered useful in the development of oil pollution prevention programs;
 - b. Any information regarding the implementation and effectiveness of regulatory programs, policies, guidelines or recommended practices adopted by TGLO and SLC; and

- c. Any proposed regulations, policies or guidelines considered by TGLO or SLC, and any regulations, policies or guidelines adopted by either agency.
2. The agencies will share information regarding research and development of oil pollution prevention technologies and practices. Toward this end, TGLO and SLC understand the following:
 - a. Subject to any confidentiality agreements to which either agency may be a party, each agency will share with the other any information regarding research proposals considered for funding, the progress of any research undertaken, and the results of any such projects.
 - b. To the extent practicable and subject to any agreements either agency may have with other parties, TGLO and SLC will coordinate research undertaken or financed in order to avoid duplication and to promote efficient enhancement of both agencies' pollution prevention programs.
 - c. TGLO and SLC will further discuss potential joint research programs and may, upon mutual agreement, engage in and finance such joint programs.
 - d. TGLO and SLC will each use reasonable efforts to ensure that those engaged in research for the agency, either as employees or contractors, will be available to the other agency to provide information regarding projects underway or previously completed.
3. TGLO and SLC will seek to establish an interstate oil pollution prevention association, comprised of representative from those state agencies charged with responsibilities for prevention of oil pollution into the nation's waterways. The goals and objectives of such organization will be as follows:
 - a. To share information and proposals regarding the development and effects of regulatory programs;
 - b. To coordinate research and development and to share information regarding research projects that may be underway or completed;
 - c. To promote regulatory consistency;
 - d. To ensure that all members are apprised of new information regarding pollution prevention technologies and management practices;
 - e. To ensure that all members are apprised of planned oil pollution prevention events and activities; and

- f. To develop programs for disseminating information regarding those oil transportation operators which may engage in unsafe pollution prevention practices.
5. This memorandum shall remain in effect until terminated by either party hereto upon written notice thereof to the other.

TEXAS GENERAL LAND OFFICE

By: _____ Date _____
GARRY MAURO
Commissioner

CALIFORNIA STATE LANDS COMMISSION

By: _____ Date _____
CHARLES WARREN
Executive Officer