

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1274

Introduced by Assembly Member Mark Stone

February 27, 2015

An act to ~~amend and renumber Section 6826 of, and to add Section 6212.3 to,~~ to the Public Resources Code, relating to public lands.

LEGISLATIVE COUNSEL'S DIGEST

AB 1274, as amended, Mark Stone. Public lands: geological or geophysical surveys.

(1) Existing law authorizes the State Lands Commission to lease state lands for the production of oil and gas. Existing law also authorizes the commission to issue permits for geological or geophysical surveys on those state lands, but specifies that the permit does not give the permittee any preferential right to an oil or gas lease. ~~Existing law requires, as a condition to the issuance of a permit for the conduct of geological or geophysical surveys on tidelands and submerged lands, 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. Existing law makes the unauthorized disclosure or use of that information a misdemeanor.~~

This bill would expand those provisions to authorize the commission to issue permits for ~~geological or~~ geophysical surveys on state lands, including granted and ungranted tidelands and submerged lands, subject to terms and conditions as the commission shall specify to ensure public safety and protection of the environment, and would require the commission to adopt regulations to aid in the implementation of those provisions. *The bill would prohibit the commission from requiring a*

permit for a geophysical survey performed on public trust lands granted by statute to a local trustee if the geophysical survey is performed in support of dredging occurring on the granted public trust lands.

~~The bill would also specify that geological or geophysical surveys conducted on state land for purposes of exploring or prospecting for oil, gas, or other minerals shall not give the permittee any right to an oil and gas, or mineral lease. The bill would require, as a condition to the issuance of any permit to conduct geological or geophysical surveys on tidelands and submerged lands for purposes of exploring or prospecting for oil, gas, or other minerals, that the permittee make available those results, logs, and records resulting from the operations under the permit. Because the unauthorized disclosure or use of that information would be a misdemeanor, the bill would impose a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~*no*.

The people of the State of California do enact as follows:

1 SECTION 1. *The Legislature finds and declares both of the*
2 *following:*

3 (a) *The state has a responsibility to establish conditions to*
4 *ensure that geophysical surveys performed on state lands for*
5 *scientific and research purposes do not cause harm or damage to*
6 *aquatic life or to the marine and coastal environment.*

7 (b) *Improved and updated regulations governing permit*
8 *conditions can protect marine life from impacts of geophysical*
9 *surveys and improve public transparency, particularly as it relates*
10 *to notifying the public in advance of surveys.*

11 SECTION 1.

12 SEC. 2. Section 6212.3 is added to the Public Resources Code,
13 to read:

14 6212.3. (a) The commission may authorize, by permit, the
15 conduct of ~~geological or~~ geophysical surveys on state lands,
16 including granted and ungranted tidelands and submerged lands,

1 subject to terms and conditions as the commission shall specify to
2 ensure public safety and protection of the environment.

3 *(b) No permit shall be required by the commission for any*
4 *geophysical survey performed on public trust lands granted by*
5 *statute to a local trustee if the geophysical survey is performed in*
6 *support of dredging occurring on the granted public trust lands.*

7 ~~(b)~~

8 (c) The commission shall adopt regulations to aid in the
9 implementation of subdivision (a), and any applicable requirements
10 contained in Division 13 (commencing with Section 21000), with
11 respect to authorization of survey activities.

12 ~~SEC. 2.—Section 6826 of the Public Resources Code is amended~~
13 ~~and renumbered to read:~~

14 ~~6820.—(a) Geological or geophysical surveys conducted on~~
15 ~~state lands for purposes of exploring or prospecting for oil, gas,~~
16 ~~or other minerals shall not give the permittee any preferential right~~
17 ~~to an oil and gas, or mineral lease. The taking of cores and other~~
18 ~~samples may be conducted on and under state lands; provided, that~~
19 ~~the commission shall require that a permit first be obtained~~
20 ~~covering those types of drilling or sampling operations for the~~
21 ~~purpose of obtaining geological samples as the commission may~~
22 ~~determine by regulation, and upon those terms and conditions as~~
23 ~~the commission may specify by regulation, but the permit shall~~
24 ~~not give the permittee any preferential right to an oil and gas, or~~
25 ~~mineral lease.~~

26 ~~(b) The commission shall require, as a condition to the issuance~~
27 ~~of a permit to conduct geological or geophysical surveys on~~
28 ~~tidelands and submerged lands for purposes of exploring or~~
29 ~~prospecting for oil, gas, or other minerals, that the permittee make~~
30 ~~available to the commission, upon request, all factual and physical~~
31 ~~exploration results, logs, and records resulting from the operations~~
32 ~~under the permit. Any factual or physical exploration results, logs,~~
33 ~~or records that the permittee is required to make available to the~~
34 ~~commission shall be for the confidential use of the commission~~
35 ~~and shall not be open to inspection by any person or agency. The~~
36 ~~commission may, however, make the exploration results, logs, and~~
37 ~~records available to those governmental agencies that need the~~
38 ~~information in order to evaluate or regulate those tidelands and~~
39 ~~submerged lands and adjacent lands, if the commission enters into~~
40 ~~a contractual agreement with those governmental agencies~~

1 specifying the purposes for which the exploration results, logs,
2 and records may be used and requiring the exploration results,
3 logs, and records to be maintained in confidence. The contractual
4 agreements shall specify the person who will examine and be
5 responsible for the confidentiality of the information. The
6 information shall not be open to inspection by any other person or
7 agency without the written consent of the permittee.

8 (e) It is a misdemeanor for any member of the commission, any
9 officer or employee of the commission, or any person performing
10 any function or work assigned to him or her by the commission,
11 or any governmental agency or employee utilizing data pursuant
12 to an agreement of confidentiality provided for in subdivision (b),
13 to disclose to any person who is not a member, officer, employee
14 of the commission, or authorized person pursuant to subdivision
15 (b), or to any person who is not performing any function or work
16 assigned to him or her by the commission, any information
17 obtained from the inspection of factual or physical exploration
18 results, logs, or records, or to use the information for purposes
19 other than those authorized by the commission or for the
20 administration of the functions, responsibilities, and duties vested
21 in the commission by law, except upon the written consent of the
22 permittee making the information available to the commission.

23 SEC. 3. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within
30 the meaning of Section 6 of Article XIII B of the California
31 Constitution.