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AB-1274 Public lands: geophysical surveys. (2015-2016)

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Assembly Bill No. 1274

CHAPTER 600

An act to add Section 6212.3 to the Public Resources Code, relating to public lands.

[Approved by Governor October 08, 2015. Filed with Secretary of State October 08, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1274, Mark Stone. Public lands: geophysical surveys.

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.

This bill would authorize the commission to issue permits for geophysical surveys on state lands under its jurisdiction, including granted and ungranted tidelands and submerged lands and the beds of navigable waterways, 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, as specified. The bill would authorize the commission to promote compliance with the permit through specified actions. The bill would prohibit the commission from requiring a permit for a geophysical survey performed in support of dredging to maintain or increase the depth of navigation channels, anchorages, or berthing areas.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

- (a) The state has a responsibility to establish conditions to ensure that geophysical surveys performed on state lands under its jurisdiction, including granted and ungranted tidelands and submerged lands and the beds of navigable waterways, for scientific and research purposes do not cause harm or damage to aquatic life or to the marine and coastal environment.
- (b) Improved and updated regulations governing permit conditions can protect marine life from impacts of geophysical surveys and improve public transparency, particularly as it relates to notifying the public in advance of surveys.

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

6212.3. (a) The commission may authorize, by permit, the conduct of geophysical surveys on state lands under its jurisdiction, including granted and ungranted tidelands and submerged lands and the beds of navigable waterways, subject to terms and conditions as the commission shall specify to ensure public safety and protection of the environment.

(b) No permit shall be required by the commission for any geophysical survey performed in support of dredging to maintain or increase the depth of navigation channels, anchorages, or berthing areas.

(c) The commission shall adopt regulations to aid in the implementation of subdivision (a). The regulations shall include conditions that address and minimize the potential impacts to aquatic life or to the marine and coastal environment that might arise from geophysical surveys performed on state lands under its jurisdiction, including granted and ungranted tidelands and submerged lands and the beds of navigable waterways.

(d) The commission may promote compliance with the permit requirements through appropriate actions, including any of the following:

- (1) Providing educational outreach to increase awareness of permitting regulations and enforcement actions.
- (2) Making a toll-free telephone number available to the public to report permit violators.
- (3) Issuing cease and desist orders to permit violators.