MEETING
STATE LANDS COMMISSION
STATE OF CALIFORNIA

ORIGINAL

STATE CAPITOL.
ROOM 447
SACRAMENTO, CALIFORNIA

THURSDAY, MAY 28, 1987
10:00 A.M.

Nadine J. Parks
Shorthand Reporter
MEMBERS PRESENT

Ed Fishbein, representing Leo T. McCarthy, Lieutenant Governor, Chairman

Russ Gould, representing Jesse R. Huff, Director of Finance, Commissioner

Jim Tucker, Acting Chairman, representing Gray Davis, State Controller, Commissioner

STAFF PRESENT

Claire T. Dedrick, Executive Officer
James Trout, Assistant Executive Officer
Robert Hight, Chief Counsel
Jan Stevens, Deputy Attorney General
Lance Kiley
Dwight Sanders
Lorna Burks, Executive Secretary
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PROCEEDINGS

--000--

ACTING CHAIRMAN TUCKER: The State Lands Commission will now come to order.

The first order of business is the confirmation of the minutes, which will be confirmed by unanimous consent.

We have a consent calendar. If there are any items anyone wishes to remove from the consent calendar, they should indicate at this time, otherwise, any members --

EXECUTIVE OFFICER DEDRICK: Item C-1-E is off the consent calendar.

MR. HIGHT: Mr. Chairman?

ACTING CHAIRMAN TUCKER: Yes?

MR. HIGHT: For the record, I will state that you will be acting in a voting capacity for the State Controller, and Ed Fishbein will be sitting in a nonvoting capacity for the Lt. Governor, and Russ Gould will be sitting for the Department of Finance.

ACTING CHAIRMAN TUCKER: And who is sitting in for you?

MR. HIGHT: Jan.

(Laughter.)

ACTING CHAIRMAN TUCKER: If there are no items
to be taken off the consent calendar, any objections from the members, the consent calendar is approved.

The first item on the normal calendar is Item 18, Pacific Gas and Electric Company.

MR. TROUT: This is a reciprocal road easement, in which we would grant PG & E a right-of-way and they, in turn, would grant us a right-of-way across their property. This will facilitate a timber harvest on PG & E land.

ACTING CHAIRMAN TUCKER: Any comments from anyone on this, from the members? Item 18 is approved.

Incidentally, if any individuals in the audience wish to speak on any of these items, fill out a form that we have here; it would be helpful. Otherwise, we're liable to zoom right by you, and you'll realize about three items later that you wanted to say something. We'll still be glad to hear you, of course.

EXECUTIVE OFFICER DEDRICK: Mr. Chairman, you may wish to announce that Items 21 and 23 have been removed from the calendar.

ACTING CHAIRMAN TUCKER: That's Bank of America, applicant, and River Bank Village --

EXECUTIVE OFFICER DEDRICK: Marina.

ACTING CHAIRMAN TUCKER: -- Marina are removed from the calendar.

Item 19, Waldo --
EXECUTIVE OFFICER DEDRICK: Item 19 is an approval of a five-year general permit for an annual seasonal dam on Lagunitas Creek at Pt. Reyes in Marin County. The permit requires -- coincides with a Federal Corps of Engineers' permit. It requires some environmental work be done. And prior to the next season in which the dam is installed -- it's somewhat of an emergency situation in the sense that the dam -- this is a dry year and the dam needs to go in early enough to keep the fresh water in the area of Lagunitas Creek, which assists the North Marin Water District's water situation.

ACTING CHAIRMAN TUCKER: Mr. John Nelson? Do you wish to speak to this item, sir?

MR. NELSON: I only wanted to talk if you had some adverse testimony, then I'd like to rebut that. I don't think you're going to have that. We would recommend staff's approval.

ACTING CHAIRMAN TUCKER: Any questions from the members?

Item 19 is approved.

No. 20?

EXECUTIVE OFFICER DEDRICK: No. 20 is the Department of Corrections and its agreement between the State Lands Commission, as the School Land Bank trustee, which you are sitting as in this capacity, to sell and
subsequently issue a patent to the Western Municipal Water District of Riverside County for an easement -- permanent easement on some school land there in the Norco area.

ACTING CHAIRMAN TUCKER: Any comments from the public, the members? Item 20 is approved.

Item 22, Sierra Pacific Industries?

EXECUTIVE OFFICER DEDRICK: Item 22 is an authorization to accept a bid for $198,791.10 for a timber sale in Beckworth in Plumas County. That revenue passes to the State Teachers Retirement System.

ACTING CHAIRMAN TUCKER: Don't tell the Governor.

Any comments from the public, members of the Commission? Okay. 22 is approved.

23 is withdrawn. 24, East Bay Regional Park District.

EXECUTIVE OFFICER DEDRICK: This is a request for approval to reduce the public liability insurance requirement to two and a half million from five million on a 49-year lease for a public agency lease in Pinole County (sic) to the East Bay Regional Park District.

ACTING CHAIRMAN TUCKER: Any comments from the public, members of the Commission? 24 is approved.

Item 25, Chevron?
EXECUTIVE OFFICER DEDRICK: This is an amendment of a dredging permit in San Francisco Bay at Chevron's facility at Richmond to change the royalty rate to comply with the recent change in policy by the State Lands Commission.

ACTING CHAIRMAN TUCKER: Any comments from the public, members of the Commission? 25 is approved. 26, Edgington Oil.

EXECUTIVE OFFICER DEDRICK: This is a sell-off of a royalty oil sale in the Long Beach Unit. The winning bidder bid 72.37 cents.

ACTING CHAIRMAN TUCKER: Any comments from the public, members of the Commission? 26 is approved. 27, Caljet?

EXECUTIVE OFFICER DEDRICK: This is a royalty oil sale in Santa Barbara County. Caljet was the high bidder at 51.59 cents over posted price.

ACTING CHAIRMAN TUCKER: Comments? 27 is approved.

28.

EXECUTIVE OFFICER DEDRICK: Another royalty oil sale. Lunday-Thagard is the winning bidder at 68.8 cents at the Fliwood Field in Santa Barbara County.

ACTING CHAIRMAN TUCKER: Any comments? 28 is approved.
29, Chevron.

EXECUTIVE OFFICER DEDRICK: 29, Chevron. It's a deferment of drilling on four leases in Santa Barbara County. This is a quarterly report that the Commission requires Chevron to give as to their activities at that location.

ACTING CHAIRMAN TUCKER: And they've indicated what?

EXECUTIVE OFFICER DEDRICK: They've asked for another deferment of drilling. We are recommending that you grant it.

ACTING CHAIRMAN TUCKER: Are they doing anything on these leases?

EXECUTIVE OFFICER DEDRICK: Well, they've been working on getting permits. And this is quite a complicated situation, because it involves those four leases. It will be part of the area -- the numbers of leases that we'll be looking at in this new study.

In the meantime, to comply with the law and the terms of their lease and the Commission's requirement, they do need your authorization to defer drilling; otherwise, they're required to do something. Okay?

ACTING CHAIRMAN TUCKER: Okay. Any comments?

29 is approved.

30, Pacific Gas and Electric Company.
EXECUTIVE OFFICER DEDRICK: This is for dredging at the Moss Landing Power Plant. And this is where we do not charge for disposal of spoils if they dispose in an approved Corps of Engineers dump, which they will be doing.

ACTING CHAIRMAN TUCKER: Any comments from the public, members? Okay. 30 is approved.

Go to our legal items.

EXECUTIVE OFFICER DEDRICK: Mr. Hight will handle the legal items.

ACTING CHAIRMAN TUCKER: Item 31.

MR. HIGHT: This one, Mr. Chairman, is the approval of a sublease and of an agreement on the operation of the wharf, which is granted to the City of Capitola.

ACTING CHAIRMAN TUCKER: Okay. We have the City Manager and the City Attorney here from Capitola. Do you gentlemen wish to be heard?

UNIDENTIFIED VOICE FROM AUDIENCE: No. We'd just like to support the staff's recommendation.

ACTING CHAIRMAN TUCKER: Any comments from the public other than that? Okay. From the members? All right. 31 is approved.

MR. HIGHT: 32, Mr. Chairman, is a settlement
of litigation involved geothermal rights in the Geysers, whereby the State will receive one-sixteenth general reservation.

ACTING CHAIRMAN TUCKER: Any comments from the public on this? Okay. Item 32 is approved. 33.

MR. HIGHT: 33 is a consent to pooling of the State's one-sixteenth mineral reservation in the preceding item.

ACTING CHAIRMAN TUCKER: Any comments? 33 is approved.

34, City of Petaluma?

MR. HIGHT: It's a compromise title and settlement agreement in Petaluma that will allow the City of Petaluma to build a marina and some commercial buildings.

ACTING CHAIRMAN TUCKER: Any comments? 34 is approved.

35, Browning-Ferris.

MR. HIGHT: Is the authorization to enter settlement agreement in Redwood City, whereby the Commission is acting as Kapaloff Land Bank Trustee to accept $40,000 in lieu of the State's sovereign interest in this parcel.

ACTING CHAIRMAN TUCKER: Any comments? 35 is approved.
36, Chevron?

MR. HIGHT: 36 is a settlement with Chevron of some royalty gas claims. Chevron is paying the State $727,663.

ACTING CHAIRMAN TUCKER: Thank you. Any comments on 36? That's approved.

37.

MR. TROUT: Mr. Chairman, on Item 37, this is mostly a housekeeping measure to allow the Commission staff to move ahead with things such as blueprinting, contracts with the Reclamation Board, certain other of our regular ongoing activities.

The only change that we wish to make is that on Item 1 -- not Item 1 -- the Attorney General item, which is, I think, Item 4. It is shown as $324,000. The Attorney General's budget shows the reimbursement of $700,000, which is their estimated cost for this item.

We ask your approval to change that figure to $700,000, and then approve the entire item. I should note, that because our figure is $324,000, we will have to come to the Department of Finance with a Section 28 letter to raise it to $700,000.

We will not sign a contract for an amount above 324 until the Section 28's approved.

ACTING CHAIRMAN TUCKER: That's fine. And then
in No. 1, the contract, you think there's no objection to raise it to 250 maximum instead of a hundred?

MR. TROUT: Item 1?

ACTING CHAIRMAN TUCKER: Yes.

Okay? All right. Item 37 is approved.

38, Western Geophysical.

EXECUTIVE OFFICER DEDRICK: Item 38 is the consideration of an extension of our nonexclusive Geophysical Survey permits on lands under the jurisdiction of the State Lands Commission.

State law requires that operators must hold a permit from the State Lands Commission to operate in State water. It is discretionary with the State Lands Commission whether such a permit is granted or not.

The existing program is coming to its end at the end of this month, and certain permits will expire at the end of May.

Staff is requesting an extension of time of 90 to 180 days at the discretion of the Commission to give us time to hold some more meetings with interested parties, including the County, the fishermen, and the geophysical operators. And we hope to receive during that period the results of several studies of the effects that are ongoing, primarily by the Mineral Management Service, so that we can incorporate whatever mitigations those
studies suggest into a permit program.

We would like to be able to have that time period in order to gain more information, and meet with people, and be sure that we are satisfying within the concern.

Dwight Sanders has been in charge of this program for some time. And I don't know whether you have other things you'd like to present at this point, Dwight?

MR. SANDERS: Yes, I do.

There are two letters that have been distributed to the Commission and to staff concerning this particular item, one of which is from the Mediation Institute which has been working with the members of the Joint Oil and Fisheries Committee. The other is from Mr. Chase Mellon, who represents some commercial fishermen in the Santa Barbara area.

With the Commission's indulgence, I would like, pursuant to the Joint Oil and Fisheries Committee's request, I'd like to read their letter into the record at this time.

ACTING CHAIRMAN TUCKER: You don't have to read it.

EXECUTIVE OFFICER DEDRICK: Why don't you just summarize it.
MR. SANDERS: Okay. In essence, the members of the Joint Committee recommend that the State Lands Commission readopt the current permit program without any changes, which is incorporated within the staff's recommendation before you.

ACTING CHAIRMAN TUCKER: Okay. Before we hear from members of the public on this, I'd just like to comment briefly.

All of the members of the Commission and myself, Miss Ordway, and Susan Wallace, have individually talked with all of the parties concerned in this matter. And I think everybody's attempting to fashion a solution that is sensitive both to the concerns of the county, the fishermen, and the geophysical operators.

The 120 days, it seems to me, is a reasonable compromise that allows the operators some predictability in terms of their business arrangements, and at the same time, it does not allow for just a continuation of business as usual, but gives us the opportunity to try and address the problems that have been raised. And that will be my motion at the time this matter comes up for a vote. That is, to extend this matter 120 days and to assure anyone who's interested that we will be carefully considering any reports or studies that are completed within that time period.
With that in mind, Mr. Faber, do you or any of your people wish to be heard at this time?

MR. FABER: There are several of us here.

Mr. Darden is the President of the International Association of Geophysical Contractors, and he'll take a minute to make a statement.

ACTING CHAIRMAN TUCKER: Sure. Okay.

Mr. Darden?

MR. DARDEN: Thank you. Mr. Chairman, members of the Commission, and staff. I'm Charles Darden, the President of the International Association of Geophysical Contractors.

Our trade association represents the geophysical research companies that carry out virtually all of the petroleum geophysical work in the U.S. and about 95 percent of this work in the world.

Our organization has been a full participant with the Joint Oil and Fisheries Committee for four years now. And we believe that a tremendous amount of progress in mitigating potential conflicts and resolving problems that have taken place through that group.

Mr. Sanders mentioned a letter that the Mediation Institute submitted to the Commission on behalf of this Committee. If I might, I'd like to excerpt a couple of sentences from that letter.
Quoting:

"The members of the Joint Committee recommend that the State Lands Commission readopt the current permit program provisions without any changes. These provisions afford our industry the flexibility of developing voluntary measures for avoiding conflicts that might result from the interaction between geophysical operators and fishing interests.

"In addition, the language which specifies that the issuance of permits can be reconsidered pending resubmission of relevant new data or the completion of ongoing studies, addresses any unforeseeable issues that might emerge in the future."

As you may already know, both of our industries are participants with the State Lands Commission and other State and Federal agencies in several of the ongoing studies.

Mr. Chairman, that's essentially our statement and our position. We have specifically, as Mr. Faber indicated, asked a number of knowledgeable industry people
to be with us today to handle any questions that you might have about the program and the activity.

As we understand it, this hundred-twenty days is needed by the Commission staff to fine tune this program.

While we would be supportive of a six-month extension to the existing permits while the details are being worked out, we're hopeful that the information will be out and dealt with during this period so that we can resume normal operations at the completion of that six-month time frame.

ACTING CHAIRMAN TUCKER: Any questions? One thing I would indicate is that I think that all the parties need to use this 120 days to continue to work together to try and come up with an agreement that meets everyone's needs to the extent that that's possible. I mean we shouldn't view this 120 days simply waiting for these reports to come in and then for us to read them.

It's a good opportunity for the discussions that have gone on to continue, accelerated if necessary, in order to get this issue resolved from everybody's perspective.

MR. DARDEN: That would certainly be our goal.

ACTING CHAIRMAN TUCKER: The other thing I wanted to ask you is -- this is really an unrelated matter.
But since I have you here, I'll ask Mr. Grader, too. You might keep in mind that the Commission is going to be undertaking a study of the cumulative impacts of oil development on our offshore areas. And it seems to me that the expertise that some of your members have might be very helpful to us in conducting that study. So, you might want to keep that in mind, that any help that you and also the fishermen can provide us in terms of conducting the study -- fashioning and conducting it -- would be very helpful.

MR. DARDEN: We'd look forward to that.

ACTING CHAIRMAN TUCKER: Thank you. Anybody else, Mr. Faber, from your --

MR. FABER: Not at this time, unless there are additional questions.

ACTING CHAIRMAN TUCKER: Mr. Grader?

MR. GRADER: Yes, Mr. Chairman, members of the Commission, my name is Zeke Grader, and I'm the Executive Director for the Pacific Coast Federation of Fishermen's Associations. We represent 22 different commercial fishermen's organizations here within the State of California.

We're here this morning to ask your support of your staff recommendation for the 90 to 180 day extension. I think it is important for us both to look at some of
the studies that we hope will be coming in as well as
to develop some possible windows that will be helpful to
us to avoid conflicts between geophysical operations and
fishing operations. So, again, we're in support of
your staff's recommendation.

ACTING CHAIRMAN TUCKER: Okay. Mr. Grader, I'd
like to make the same statement to you about using this
time period in order for you and the operators -- your
group and the operators to continue your discussions.
One of the things that I found in the meetings that I've
had so far is that there do seem to be some factual
disputes. And it seems to me some of those factual
disputes can be resolved. I mean either certain things
are happening or they're not happening.

And it's very difficult for me to sit in an
office and have two people describe the same phenomenon
in very different ways and know how to resolve that.

You know, I'm not out there. I have no reason
to disbelieve either person, but obviously they're
perceiving the same event in a very different way. So,
to the extent that we can -- all our people get together
and talk about those factual disputes so that we can try
to understand them better and hopefully reduce to a
minimum the number of those, I think we will make a lot
of progress.

MR. GRADER: We'll certainly commit to that.
And I think we have made some progress already.--

ACTING CHAIRMAN TUCKER: I think you have.

MR. GRADE: -- in eliminating some factual disputes, and I think there'll be some further progress made. I don't know if it will eliminate each and every one of them, but we'll certainly narrow this down.

ACTING CHAIRMAN TUCKER: Good. Thank you very much.

Somebody else like to be heard on this item?

EXECUTIVE OFFICER DEDRICK: Mr. Douros, County of Santa Barbara, has some comments.

ACTING CHAIRMAN TUCKER: Okay.

MR. DOUROS: Thank you, Mr. Chairman, members of the Commission.

I'm Bill Douros from the Energy Division of the Santa Barbara County Resource Management Department.

I thank you for the opportunity to comment on the geophysical permit program. Due to the late noticing of this hearing and late receipt of the staff calendar item, this testimony is presented on behalf of Santa Barbara County's Resource Management Department rather than the Board of Supervisors.

Our Department objects to the extension of the existing permit program for a number of reasons. First, the project originally proposed by the staff involved
reissuance -- extension of the existing geophysical permit program for three years.

Your Commission staff proposed environmental review including public circulation and subsequent certification of a draft negative declaration to which the county provided comments on January 20th, 1987 and April 15th, 1987.

To this date, the county's, the Coastal Commission staff, and others' comments have not received response, and the draft negative declaration is apparently no longer being proposed for certification.

Yet, in the most recent State Lands calendar item, staff's proposing that the existing permit be extended anyway. This extension is inappropriate because of the environmental document -- because the environmental document proposed for the project has not been completed, and substantial public comments have not been addressed.

The project description has now been modified. The three-year extension has been changed at the last minute to an extension of 90 or 180 days. This does not preclude the necessity for review of public or interested agencies (sic).

An extension of the program for any length of time is a new project requiring environmental review and public comment prior to your approval.
Procedural issues aside, any extension of existing permits without environmental review is inappropriate, because substantial new information has arisen regarding the extent of effects from geophysical activities. Two multimillion dollar studies germane to this very issue have been conducted with the cooperation and involvement of the geophysical industry and their results are due for imminent release.

Early indications from a study performed by the Minerals Management Service are that geophysical activities have a significant effect on dispersing fish schools, frightening adult fish, and reducing a fisherman's catch, all consistent with the results of a similar Norwegian study.

A second study, in which the State Lands Commission participates, examines the effect of geophysical activities on fish and crustacean eggs and larvae and appears likely to show significant effects as well.

Because of the preliminary results of these studies and substantial public controversy, and based on CEQA guidelines, Section 15064(h), which states that an environmental impact report must be prepared, quote, "if there is serious public controversy over the environmental effects of a project . . ." or "if there is disagreement between experts over the significance of an effect . . ."
unquote, it will be impossible for the Commission to make finding 2 in the calendar item.

That finding requires the Commission to, quote, "Determine that there is no substantial evidence that the program under which issuance of the permit is proposed, as revised and approved, will have a significant effect on the environment," unquote.

Should the Commission extend the existing permits allowing geophysical surveys to occur and make proposed Finding 2, they may be subjecting the State to serious legal challenge and possible litigation.

For these reasons, Santa Barbara County has requested that an EIR be prepared for this project. If the Commission chooses, nevertheless, to continue the geophysical permit program at this time without additional environmental review, we believe there are a number of feasible mitigation measures which would reduce this potential for significant adverse effects of the program.

Mitigations, some of which we have had success with on development projects, have been presented previously to the State Lands staff by the county and by other agencies, and are summarized in an attachment to this testimony. Some of these include:

One, required consultation with all commercial fisheries in each region. From this, establish time
periods when geophysical activity -- activity will not be
allowed in order to avoid peak fishing seasons.

Two, a requirement of substantial buffer zone, perhaps
five kilometers, from all vessels actually engaged in
fishing.

Three, prohibition of geophysical activities
during the peak whale migration seasons in each of the
four regions. Require a three to four kilometer buffer
should marine mammals be present.

And, four, reduce the modification, suspension,
revocation time period from 30 days to 24 hours.

Without adopting these and the other mitigation
measures in Attachment A, the finding necessary to adopt
the negative declaration necessary to extend the existing
permit, as proposed by staff, cannot be made.

Without these measures, we believe the entire
geophysical permit program, including issued permits, should
be halted until the results of both the MMS and eggs and
larvae committee studies are released.

At that time, an EIR should be prepared, unless
a negative declaration can identify mitigation measures
which would eliminate all significant adverse effects of
the program.

After certification of the environmental
document, the Commission would be in a position to develop
and approve an environmentally sensitive geophysical permit program which balances the needs of competing resources entrusted to you.

Thank you.

ACTING CHAIRMAN TUCKER: Thank you. Any questions?

MR. HIGHT: Mr. Chairman, I guess that it is the position of staff that the procedure under which the Commission is proceeding, using the previous negative declaration, is a valid procedure. And I guess that's the only thing I'd like to comment on in regard to the County's testimony.

ACTING CHAIRMAN TUCKER: Well, it seems to me that what's even more relevant is that the position of the Commission is that there's sufficient facts based on the 120 day continuance that would justify the finding of no substantial effect.

I did want to ask -- aren't there conditions now, Mr. Sanders, on the permits?

MR. SANDERS: Yes, Mr. Chairman, there are conditions on the permit. I can give you some examples from the mitigation that the county has proposed. For instance, No. 1 required consultation with all commercial fisheries in each region, et cetera. That is ongoing through the Joint Oil and Fisheries Committee.
addition, the permit requires geophysical operators to consider peak periods, peak fishing periods when scheduling geophysical activities.

Again, it's an example. No. 3, prohibition of geophysical activities during peak whale migration seasons for each of the four regions; require a buffer zone, et cetera, we have worked with the Federal agency involved or given the responsibility of protecting the marine mammals, the National Marine Fisheries Service, which has recommended that no geophysical operations begin if marine mammals -- particularly whales -- are sighted within 2.5 kilometers. That is a condition of the permit. It is a condition that was worked out with the agency having sole responsibility for the protection of these mammals.

So, there are conditions within the permit.

And those conditions may or may not need to be revised based upon the information that comes to us.

ACTING CHAIRMAN TUCKER: And that's the purpose of the 120 days, one of the purposes is for you to consider comments such as this?

MR. SANDERS: That's correct, Mr. Chairman.

And to receive results that have been alluded to here but have not been released to the public.

ACTING CHAIRMAN TUCKER: Any other comments from
the public? Mr. Faber?

MR. FABER: My name is Robert Faber. I'm here on behalf of the International Association of Geophysical Contractors. I'd just like to make a couple of brief statements about the testimony by the county.

The studies that were primarily referred to that are upcoming, which I think are a major impetus for this extension period, are studies which all of the parties have been participating in over the last couple of years. But the studies themselves are not yet released. And my understanding is that those studies are being conducted within a confidential context until the information becomes available to the public. And the information has not, in fact, been made available to the public. So, for instance, our association wouldn't have had an opportunity to review that information to justify the various mitigation measures which the county has suggested here this morning.

Consequently, it makes a good deal more sense to us to wait until that information is out and all the parties have had an opportunity to look at it.

The action of the Commission this morning to base its extension on the prior circulated negative declaration -- we concur with staff -- is an accurate and appropriate method, because the scientific evidence that
has come out since that is largely consistent with the amount of information that we had up to that point in time. And I think it would be premature to say whether these new studies, which are still under final stages, have any particular result as we said.

COMMISSIONER GOULD: Just a question in relation to that. Do you expect them to be released within the 120 days?

MR. FABER: My understanding is they have -- they've been working on them, and what is referred to as the MMS dispersal study, is supposed to be out within the next couple of weeks.

The one that deals with the eggs and larvae question will be done sometime after that. I can just ask one person in the audience -- Dee (phonetic)?

VOICE IN AUDIENCE: Yes.

MR. FABER: Do you expect that within the 120 days?

VOICE IN AUDIENCE: Yes, our comments -- (Thereupon the reporter requested the speaker to speak louder, but was not successful in doing so.)

VOICE IN AUDIENCE: Yes. (Partial transcription of comments) Hopefully, we will have a completed draft and a final within a month or so.
MR. FABER: Okay. So, it looks like both of those studies should be out within the time period.

ACTING CHAIRMAN TUCKER: Would you identify the --

MR. FABER: Yes. That is Dee Chamberlain.

So, we think that there is not the difference of opinion on the record that the county alluded to and that, in fact, the action by the staff would be appropriate.

ACTING CHAIRMAN TUCKER: Any other comments of the public?

MR. LOUROS: Bill Douros from the county. I just want to make two clarifications.

The mitigation measures that we do cite in Attachment A are measures which the county has imposed. Some of them are measures that the county has imposed on development projects, and they aren't from any document to date. And some of the other ones come from ones that we have generated in terms of solutions to these problems based on the Coastal Commission, which I believe their comments are in the record.

The other clarification is in the first mitigation measure, we're looking for much more than a consideration of the peak fishing seasons, rather a window of time where they would be allowed -- a requirement
of the Commission rather than -- more than just a
consideration.

So, I agree the requirement to consider the
seasons, but we're looking for a step beyond that, which is
a requirement. Thank you.

ACTING CHAIRMAN TUCKER: Anybody else like to
be heard on this matter?

Any comments from the Commission?

I just wanted to close by indicating that --
for myself, the action of the Commission today does not
represent a commitment to go either way in 120 days.
That is, it seems to me that in 120 days, we have the
options of extension for three years under the same
conditions, an extension for some other time with other
conditions, or ending the program entirely.

And the reason I say that is that I want to
try and put the fear of God into everybody to please
utilize the time period to try and work out these problems.
Because, again, it's very difficult for us to sit here and
know what's going on at the bottom of the ocean hundreds of
miles away.

All of you have the knowledge, the expertise,
and hopefully the good faith to resolve this. So, please
use this time period. Okay.

Is there a motion on the item?
COMMISSIONER GOURD: I move that we extend it for 120 days.

ACTING CHAIRMAN TUCKER: Any comment?

Okay. The item is adopted as amended.

Any other comments from members of the public or other items to be brought up by the staff?

EXECUTIVE OFFICER DEDRICK: No other items, Mr. Chairman.

ACTING CHAIRMAN TUCKER: Okay. Thank you very much. The meeting is adjourned.

(Thereupon the meeting was adjourned at 10:45 a.m.)

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CERTIFICATE OF SHORTHAND REPORTER

I, Nadine J. Parks, a shorthand reporter of the State of California, do hereby certify that I am a disinterested person herein; that the foregoing meeting of the State Lands Commission was reported in shorthand by me and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said meeting, nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have set my hand this 13th day of June, 1987.

Nadine J. Parks  
Shorthand Reporter