

require the placement of any pipeline in certain designated pipeline corridors". The purpose of this stipulation is to consolidate required pipelines into defined corridors, thereby minimizing adverse impacts on sensitive seafloor areas as well as the need for blasting.

As identified in the EIR, pipeline construction on softbottom, rather than bedrock areas eliminates the need for blasting, thereby further reducing environmental effects. Proposed lease stipulation no. 2 requires the construction of pipelines to occur on softbottom areas whenever feasible. This strong bias in favor of softbottom area construction will greatly reduce or eliminate the need for blasting.

Should conditions nonetheless require blasting, adverse impacts can still be almost totally mitigated by avoiding blasting when marine mammals or birds are near. The lease requires that a qualified observer, approved by the U.S. Army Corps of Engineers and the California Department of Fish and Game, be employed to allow detonation only when the area is clear of these animals. (See proposed lease Stipulation no. 2.)

MARINE BIOTA: EFFECTS OF NOISE

Impact:

Noise and activity of oil operations could disturb harbor seal haul-out (shoreline) areas and/or marine bird colonies in the project region.

Finding:

(a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects thereof as identified in the final EIR.

Facts Supporting Finding:

The noise and activity associated with all phases of operations could disturb marine mammals. Of particular concern in the project area are the harbor seal haul-out areas and the nesting bird colonies. The federal government is currently conducting a research study of the potential impacts of the noise from offshore oil and gas operations.

These impacts can and will be mitigated substantially by avoiding noisy operations, especially low-flying aircraft or helicopters in these sensitive areas.

Individual, site-specific EIRs are required under the proposed lease for all future exploration and production projects in the lease sale areas. Additionally, site-specific marine biological and marine mammal surveys must be performed before any construction or drilling occurs. These studies will more specifically identify the sensitive areas that could be affected by these noise impacts.

Until this information becomes available, specific mitigation measures designed to reduce or eliminate any adverse noise impacts cannot be precisely determined. Precise mitigation measures such as those identified above will be based on the relationships between the nature and location of the proposed exploratory or production activity and identified sensitive areas.

MARINE BIOTA: COMMERCIAL FISHING

Impact:

During pipeline construction, barge anchors may make huge pits, ditches and mounds on the seafloor which make trawling impossible by commercial fishermen. Pipeline appendages, debris and subsea completion systems also may snag fishing gear, thus causing an adverse impact on trawl fishing.

Finding:

(a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects thereof as identified in the final EIR.

Facts Supporting Findings:

Alterations of the sea floor by placing such structures as pipelines and subsea completion systems may snag fishing gear or make trawl fishing impossible. During construction, the anchors of the barges laying pipeline(s) can make huge seafloor pits, ditches and mounds that interfere with trawling. Subsea production and completion systems may preclude trawling altogether in specific areas. Furthermore, debris and abandoned subsea wellheads can snag and damage gear.

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Several measures have been adopted to mitigate these concerns. First, regulations proposed for adoption by the Commission require an "as built survey" for any pipeline arising from the project to be located and mapped by lessees in detailed form. The Commission will require that this information be prepared by the lessees and filed with the Commission as part of detailed "as built" engineering drawings. Specific location of any such hazards to fishing operations is made possible by reference to the Loran C. coordinate system. This information shall be available to all fishermen and other interested parties working the area.

Proper care in the construction and design of subsea structures will also go far to mitigate these impacts. Subsea structures should be designed to reduce snagging of gear. The Commission, as part of its application procedures, requires the submission of engineering plans which are reviewed and approved by staff prior to project implementation. Necessary modifications are made based on the analyses in EIRs and accepted engineering practices. Proposed stipulation no. 1 further requires that the lessee prepare and continually update maps for commercial fishermen and other interested members of the public showing the exact location of every subsea installation in the project area.

Debris that could be lost during construction could be marked with the owner's name so a fisherman can claim compensation for damaged gear. After the pipelines are laid, the seafloor can be restored to normal conditions. Proposed lease stipulation no. 13 further requires that the lessee prepare maps indicating any ocean floor obstructions either existing in the lease area before commencement of the project or deposited by the lessee during project operations.

Finally, proposed lease stipulation no. 6 mandates a fisheries training program for project personnel. The purpose of this program is to familiarize these individuals with commercial fishing operations in the project area, thus reducing conflicts between the two activities.

SOCIOECONOMIC ENVIRONMENT: MILITARY USES

Impact:

Potential conflict with existing and planned future military activities at Vandenberg Air Force Base. The presence of oil activities in the project area could represent a potential source of significant interference with space and missile launches.

Finding:

(a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects thereof as identified in the final EIR.

Facts Supporting Finding:

The project area constitutes a military area important to national security and defense, as well as the space program. Potentially, military security could be rendered less certain by some types of petroleum activities in the project area, particularly in the northwestern portion. In general terms, these security interests would be enhanced through coordination with oil representatives to assure that certain types of petroleum activities would not occur in portions of the project area during specified times, e.g. when secret launches are scheduled.

The potential conflict between these two distinct activities has been reflected in previous federal OCS leasing programs (Lease Sales Nos. 48 and 53). To mitigate these potential conflicts, the paramount interest of military activities has been reflected in stipulations that have been incorporated in proposed leases for all potentially-affected tracts. (See proposed lease stipulations Nos. 1, 7 and 8)

These stipulations address consideration of subsea (underwater) completions; coordination with the Commander of the Western Space and Missile Center, mandatory suspension of petroleum operations and evacuation of petroleum industry personnel upon notice from the military, and appropriate sheltering of personnel not evacuated; control of electromagnetic emissions; and inclusion of a "hold harmless" clause.

These stipulations will eliminate or substantially reduce potential conflicts between petroleum operations in the project area and adjacent military/space operations.

MARINE TRAFFIC

Impact:

The increased risk of a vessel collision with a drilling vessel, support craft or a fixed platform.

Finding:

(a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects thereof as identified in the final EIR.

(b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. (U.S. Coast Guard and U.S. Army Corps of Engineers) Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts Supporting Finding:

Construction and operation of oil drilling equipment in the project area increase the potential for conflict with marine traffic which may travel near the area.

Primary responsibility for addressing this concern rests with the federal government, principally the U.S. Coast Guard. The Coast Guard is responsible for establishing port

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access routes and vessel traffic safety lanes wherever necessary to provide safe access to U. S. ports and safe transit through coastal waters.

In an investigation of vessel access routes to ports in southern California, the U.S. Coast Guard (11th District) developed recommendations for modifications and additions to the existing Santa Barbara Channel Vessel Traffic Separation System (VTSS); the Coast Guard Port Access Route Study concluded that an extension of the existing VTSS is warranted. It is expected that this extension will become effective internationally in about two years. (The Coast Guard findings and recommendations relevant to the project area are included in the DEIR, (page 4-333.)

The Commission supports and encourages these measures. In particular, the planned extension of VTSS in the general vicinity of the project area and application of U.S. Coast Guard and Corps of Engineers regulations for all vessels and offshore oil drilling structures will substantially mitigate the marine traffic hazards in the project area that might otherwise be present as a result of state leasing. The extension of the VTSS will confine marine traffic in identified corridors away from the project area and thus diminish encounters between established marine coastal traffic and structures which may be placed in the project area.

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Safety zones may be established in the vicinity of a structure in State waters whenever the Coast Guard believes it is necessary to exclude all vessels except those engaged in the construction and operation of such a structure. The Coast Guard has also proposed the establishment of permanent safety zones around a number of selected structures on the federal OCS tracts, and it is probable they would do so in the project area, if warranted.

The Coast Guard also requires markings and navigational aids on all structures in State waters.

Through both broadcasts and published notices, the Coast Guard keeps all mariners advised of the location and construction of drilling structures and associated pipelines and cables, as well as the existence of safety zones and the condition of navigable aids.

The U. S. Army Corps of Engineers also is involved with safety of navigation. That agency establishes restricted areas when it is necessary to exclude vessels. They are typically associated with military operating and training areas, as well as those related to man-made obstructions.

The Coast Guard regularly offers advice to other federal, and State agencies regarding possible impacts on vessel traffic, anchoring, etc. While these agencies issue permits for the routing and depth of associated pipelines and cables, such Coast Guard advice has a strong impact on the permitting process. Any such recommendations regarding State lease activities shall be considered as part of the required site-specific approvals for subsequent exploratory or development approvals in the proposed lease area.

Finally, proposed lease stipulation No. 2 also mitigates against marine traffic hazards. Specifically, paragraph 2(c) of the stipulation requires that if the preferred oil transportation method (i.e., pipelines) cannot be utilized, any oil tankers transporting hydrocarbons must comply with the Port and Tanker Safety Act of 1978 (33 U.S.C. §1221 et seq.). Paragraph 2(e) mandates that any such surface transportation incorporate the safest available transport vessels.

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SOCIOECONOMIC ENVIRONMENT: AESTHETICS

Impact:

Offshore industrial elements such as drilling vessels and platforms would significantly alter the current highly scenic and remote/undeveloped character of the project area.

Finding:

(a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects thereof as identified in the final EIR.

Facts Supporting Finding:

Oil and gas development offshore in the Point Arguello-Point Conception area would have a considerable aesthetic impact on what is now an almost pristine area. Aesthetic impacts from development of the proposed leases would act in an incremental, cumulative fashion with other developments in the region. Most significant would be the construction of platforms on existing federal OCS leases adjacent to the State lands area. If platforms are placed on these federal leases, the aesthetic character of the region will change significantly. Against a background of offshore federal OCS platforms, platforms on State lands would

represent additional nearshore industrial elements. They would not, however, constitute a unique visual presence in the area.

Aesthetic impacts could be reduced in two ways: first, platforms offshore should be limited wherever practicable. The Public Resources Code enables the Commission to require unitization of leases provided certain conditions are present. (Public Resources Code §6829.2) Such unitization limits the number of platforms in individual lease parcels to the maximum extent feasible. A final determination in this regard is dependent on adequate information on the geologic structures affected, etc. Information generated by site specific EIRs and geophysical surveys will facilitate such determinations.

Second, subsea completions (i.e., underwater drilling platforms) would reduce the adverse aesthetic impacts involved. Subsea completions provide a means of obtaining oil and gas reserves from facilities located on the ocean floor. Subsea systems would mitigate the aesthetic impact of offshore platforms, although additional drill vessel presence and expense would be required.

However, the utilization of subsea completions involve environmental tradeoffs. As discussed in the EIR, compared to fixed platforms, subsea completions constitute an

increased risk to the marine biota, enhance the threat of serious oil spills and pose additional threats to commercial fisheries.

A reasoned decision as to whether, on balance, subsea completions are warranted necessarily depends on analyses required by Stipulation 1 within the proposed lease forms. Stipulation 1 requires that subsea completions be considered for use in the lease sale area to the same level of detail as fixed platforms. The ultimate decision depends, in significant part, on the information and analyses required as a part of site-specific EIRs for all development activities within the lease area (See Section 10, Royalty Lease and Section 11, Net Profits Lease).

CULTURAL RESOURCES: SUBMARINE ARCHAEOLOGY

Impact:

During offshore construction, penetration or disruption of the seafloor might damage or destroy a submarine cultural resource feature.

Finding:

(a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects thereof as identified in the final EIR.

(b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.

Facts Supporting Finding:

Cultural resources may be discovered in waters off Point Conception and Point Arguello, areas considered sensitive zones for submarine cultural resources, particularly shipwrecks. Oil drilling activities in these areas may well encounter such shipwrecks.

The State of California has performed a historical and cultural resource survey over the entire project area. Included were side-scan sonar and magnetometer surveys providing data likely to indicate the possible presence of underwater cultural resources. This and related survey work produced an inventory of subsurface anomalies likely to indicate the presence of historical or cultural features on the sea floor.

As a condition of each lease, the Commission will require site-specific cultural resource surveys to be performed in potentially affected areas. (2 California Administrative Code, Section 2 2128 (c)). Construction activities, such as anchor setting, dragging or laying of pipelines will be sited to avoid known side-scan sonar and magnetometer anomalies. Provision will be made for each potentially affected site to be investigated by qualified archeological specialists.

These measures will largely eliminate the project's potential adverse effects on submarine cultural resources.

Prior to exploratory or productive drilling construction, a site-specific survey for cultural resources must be performed. These surveys are required as a component of site specific EIRs mandated under the terms of the leases which will be in effect for the project area (see Section 10, Proposed Royalty Lease; Section 11, Proposed Net Profits Lease).

Where cultural resources are discovered during these surveys, two courses of action are available. The first option is avoidance of potential impacts to any cultural resources identified as existing in the area. Avoidance can include requiring that project siting development take place away from the identified resource, thus avoiding impacts during construction, maintenance and operation of facilities. The second option is a program of further investigation of discovered cultural resources, including, but not limited to, further remote sensing and visual inspection by qualified diver-archaeologists or other appropriate specialists.

Although numerous cultural resources have been identified in the project area and on the adjacent coastal terrace, the lack of a comprehensive archival records search and a surface survey precludes conclusive identification of all cultural resources in the area. Nevertheless, data gathered in preparation of Appendices D and E of the final EIR can be used as a general indicator of relative densities and distributions of cultural resources. As a result, areas known to contain potentially sensitive cultural resources can be designated for special consideration in initial planning for facilities approval, placement and construction activities.

Other agencies besides the Commission have authority over submarine cultural resources. Under Section 5097 et seq. of the Public Resources Code, the Department of Parks and Recreation is authorized to survey State lands for evidence of historic, paleontological or archeological resources. The Department is authorized to make recommendations to the Commission concerning appropriate ways of preserving such cultural resources. Any such recommendations will be incorporated into the Commission's decision-making process on specific site development plans. (For a detailed discussion of other laws and agencies bearing on submarine archeological resources, see the Draft EIR at pp. 4-386 through 4-399.)

A final decision on the appropriate means of protecting submarine cultural resources must await the final results of mandated site-specific surveys documenting the existence and nature of such resources and mitigation measures identified and recommended in the site-specific EIRs. Site-specific recommendations of other interested agencies such as the Department of Parks and Recreation and the State Office of Historic Preservation must also be obtained. The measures outlined above, however, demonstrate that appropriate means of preserving submarine cultural resources are and will be incorporated into the project.

CULTURAL RESOURCES:ARCHAEOLOGY

Impact:

Onshore construction incident to the project may affect presently unknown archaeological site(s).

Finding:

a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects thereof as identified in the final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.

Facts Supporting Findings:

A variety of federal, state and local laws and directives mandate consideration of cultural resources (including archeological sites) during project planning. These are reflected in the permitting responsibilities of the

involved agencies. These regulatory constraints direct not only the identification, evaluation and appropriate disposition of potentially affected historic and archaeological resources, but also the protection of Native Americans' traditional beliefs and practices. These directives are detailed in page 4-386 of the EIR.

In general, consideration of cultural resources as part of the project planning is required under historic preservation legislation, including the Federal National Historic Preservation Act of 1966 and the California Archaeological, Paleontological and Historic Sites Act (Public Resources Code 5097 et seq.). This legislation addresses specific rights of ethnic groups, especially Native Americans.

Although numerous cultural resources have been identified in the project area and on the adjacent coastal terrace, the lack of a comprehensive archival records search and a surface survey precludes conclusive identification of all cultural resources in the area. Nevertheless, data gathered in preparation of Appendices D and E to the final EIR serve as a general indicator of the relative densities and distributions of cultural resources. Any project which could impact archeological resources, as identified in the final EIR

and the supporting material, will be subjected to a site-specific EIR as required in the proposed lease forms (Section 10, Royalty Lease; Section 11, Net Profits Lease). As such, the impacts of the proposed project will be analyzed and appropriate, specific mitigation developed and incorporated into project implementation. Such EIRs present the analysis and implementation of recommendations of responsible and interested agencies such as the State Department of Parks and Recreation, the State Office of Historic Preservation, the Native American Heritage Commission and locally affected Native American interests.

Appendix D includes preliminary indications of probable low sensitivity areas among the known resource locations. Preliminary selection of corridors and facility sites will be performed on the basis of these data to avoid these locations. Direct impacts can be minimized by planning for the use of previously disturbed areas rather than developing new areas. Potential impacts from installation of pipelines will be minimized by placing pipelines within existing corridors whenever feasible. (See Stipulation 2.)

In summary, archaeological resources will be protected under a variety of mitigation measures.

Preconstruction surveys and planning program for specific construction areas will be required. Exact configuration of construction activities and pipeline alignments will be performed with the assistance of a qualified archaeologist who is well acquainted with the area. The Commission will require construction away from archaeological sites or in previously disturbed corridors to the maximum extent possible.

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CULTURAL RESOURCES: NATIVE AMERICAN VALUES

Impact:

During onshore archaeological testing or construction, an Indian burial site might be unearthed. Artifacts unearthed during construction activities could subsequently be destroyed or pilfered from the site. Native Americans are intensely concerned about potential desecration of any burial site that might be discovered, and about the potential loss of artifacts of their culture.

Finding:

(a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects thereof as identified in the final EIR.

(b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.

Facts Supporting Finding:

As discussed in considerable length in the EIR, Native Americans have expressed concern about the effects of

the proposed project on their cultural resources and heritage. These concerns include the following:

(1) Native American participation in all phases of cultural resource management.

(2) Protection of human burials.

(3) Protection of plant, animal and other natural resources.

(4) Protection of sacred sites.

(5) Avoidance of unnecessary impacts to archaeological sites.

(A detailed analysis of these concerns is set forth in Section 4.10 of the EIR, commencing at page 4-369.)

The proposed lease forms for the project area require site-specific EIRs. Should any future development project involve onshore components, their impacts will be analyzed and approved specific mitigation developed and incorporated into the project.

Evaluation of project-specific constraints and potential impacts, as required by mandatory site-specific EIRs (Section 10, Royalty Lease; Section 11, Net Profits Lease), will require further ethnographic fieldwork with existing Native American organizations concerned with cultural resource preservation.

Further, a variety of federal, State and local laws and directives mandate consideration of cultural resources during project planning in accordance with the permitting responsibilities of the involved agencies. These regulatory constraints direct not only the identification, evaluation and appropriate disposition of potentially affected historic and archaeological resources, but also the protection of Native Americans' traditional beliefs and practices.

A thorough summary of these measures is included in Section 4.10.5 of the EIR.

Existing local governmental provisions afford additional protections as to Native American concerns regarding impacts of onshore development.

The Santa Barbara County Local Coastal Program, required under the Coastal Act, permits oil and gas development in accordance with Public Resources Code Sections 30260 and 30262. The County Land Use Plans designate only two small areas near Point Conception for coastal-dependent industry; they are the sites of existing oil and gas facilities near Government Point and Little Cojo. These two designated areas encompass approximately 10 acres each, areas only somewhat larger than the facilities present there now. Consequently, all petroleum developments proposed concerning the project must be centralized with these existing sites. Any coastal development outside these sites would require changes in the Land Use Plan as well as Coastal Development Permits. The nearest designated industrial site outside the project area is the 100 acre Getty Oil Company marine terminal at Gaviota, about 24 km (15 miles) east of Point Conception.

Other specific measures of concern to Native Americans regarding their cultural resources have been analyzed in those sections of the EIR on aesthetics, submarine cultural resources-archeology, and cultural resources-archeology. Findings and underlying facts concerning these matters have been previously discussed in the staff report and are incorporated herein by reference.

These measures, taken together, constitute substantial mitigation of impacts to Native American cultural resources adopted by the Commission and recommended to or adopted by other interested agencies.

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IMPACTS RELATED TO POTENTIAL OIL SPILLS

The potential exists for an accidental spill of petroleum to occur within the project area and cause significant impacts to: (1) water quality; (2) air quality; (3) marine biota; (4) recreational and commercial fishing activities; (5) marine biota - special biological features in the general area; (6) rare, threatened, endangered species; and (7) the socioeconomic environment, particularly recreational uses. These impacts are addressed in further detail below.

OIL SPILL IMPACTS

Water Quality:

(a) The nature and extent of the impact on water quality from any given spill would depend on the type and volume of material released as well as weather and sea conditions at the time of the spill. While the presence of petroleum products from an oil spill in the water column will be temporary due to the evaporation of the more toxic volatile fractions of hydrocarbons, longer lasting effects could come from oil trapped in sediments and slowly released by weathering after the initial impact. (See section 4.4.4, page 4-73, section 4.4.4.1, pages 4-74 - 75, and section 4.7.11, page 4-207 of the final EIR

regarding biological impacts from water quality effects of spills.)

Finding:

(a) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effects thereof as identified in the final EIR.

Facts Supporting Finding:

Potential measures to mitigate these impacts are of two types: (1) preventive; and (2) reactive to any possible accident which could result in the discharge of petroleum into the marine environment.

Preventative:

1. Transportation:

The lease(s) which will govern the conduct of lessee activities contains a stipulation which requires the use of pipelines for the transport of all oil and gas produced from lease developments if certain prescribed conditions are met. The incremental increase in the probability of an oil spill resulting from project area petroleum development has been calculated, based on the 30% probability resource level and the 5% probability resource level discussed in the EIR, at from 1.6

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to 3.9 percent, respectively, if pipelines are used and 3.6 to 5 percent if tanker transportation is used. Accordingly, the likelihood of an oil spill is substantially reduced (by approximately half) through the adoption of this mitigation measure alone.

2. Operations:

The California Public Resources Code and the Commission's implementing regulations govern and control oil and gas activities on State lands. Specifically, Commission regulations "...pertaining to oil and gas drilling operations on State oil and gas leases located on State tide and submerged lands under the jurisdiction of the State Lands Commission, and are applicable to operations conducted from mobile rigs, fixed offshore structures and upland locations serving these leases." (2 Cal. Admin. Code section 2125(a)) The specific references to the Administrative Code are as follows: (1) Article 3.2 - Oil and Gas Drilling Operations; (2) Article 3.3 - Oil and Gas Production Regulations; and (3) Article 3.4 - Oil and Gas Drilling and Production Operations: Pollution Control. (These provisions are incorporated herein by reference.)

The regulations as a body significantly reduce the likelihood of any pollution incident, i.e. an oil spill. In addition to engineering requirements (blowout preventers, etc.), training and supervision competency, inspection and

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equipment testing, etc., the regulations require the submission and approval by Commission staff of "Critical Operations and Curtailment Plans" which " . . . provide additional precautionary measures to minimize the likelihood of an oil spill incident occurring from offshore drilling and production well work during: (1) adverse weather and sea conditions when oil spill containment and recovery equipment, material and techniques are not effective and marine transportation is severely hampered; and (2) the time that oil spill containment and recovery equipment, material, manpower, and transportation thereof are not readily available to the site of operation." (2 Cal. Admin. Code section 2141) The Commission staff will consult with a variety of concerned interest groups including local government, environmentalists, fishing interests and the oil industry in reviewing and certifying these plans for the project area.

Reactive:

1. Operations:

Commission regulations further require the submission and approval by the staff of the Commission of an oil spill contingency plan prior to any drilling or production activities. (2 Cal. Admin. Code Sections 2139, 2140.)

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These regulations provide that specific pollution control and removal equipment are required to be onsite, both at mobile drilling and fixed production facilities and at onshore locations. The regulations state in pertinent part that, "Equipment for the control and removal of larger oil spills shall be maintained at an offshore or onshore location near the area of lease operations where deployment and response to the spill would provide the most feasible protection of coastal resources. All equipment shall be inspected regularly and shall be maintained in good condition for immediate use." (2 Cal. Admin. Code section 2140(d); these regulations are incorporated herein by reference.)

Like the related plans summarized above, the Commission will consult with interested parties in reviewing and certifying all oil spill contingency plans in the project area. (See additional information regarding oil spill containment and clean-up capabilities at pages 58 to 77 of the staff report (Exhibit "B"); this material is incorporated herein by reference)

Proposed lease documents require compliance with the regulations cited above and provide for the cancellation of any lease in the event of noncompliance with these laws. The proposed leases also specifically require the lessee to ". . . abide by all measures designed to mitigate the environmental impacts of its operations under this lease set forth in site-

specific environmental studies, including EIRs completed prior to the consideration and approval of exploratory and development activities." (Proposed lease at Section 10, Royalty Lease; Section 11, Net Profits Lease.)

Three separate proposed stipulations also serve as important means of mitigating impacts relating to potential oil spills. Stipulation No. 11 mandates extensive, state-of-the art oil spill response capability, including 1) sophisticated containment equipment capable of prompt deployment in the project area; and 2) lessee-funded oil spill response training for the State Interagency Oil Spill Committee.

Proposed stipulation No. 12 requires special year long biological inventories of the lease area, under the direction of the California Department of Fish and Game, to determine the chronic effect of oil and oil dispersants on marine biota. The information generated by these data will promote more effective and environmentally sound oil spill containment procedures.

Finally, stipulation No. 15 requires that all-season studies of ocean currents be performed in the project area in cooperation with other efforts of this nature. These studies will ensure better understanding of likely movements of any oil spills in the area, thus enhancing prompt and effective response capability.

These three stipulations, together with the other mitigation measures outlined above, substantially reduce the likelihood of oil spills occurring in the first place or causing substantial environmental damage if they do take place.

OIL SPILL IMPACTS

Air Quality:

The effect of a spill on air quality is the sudden release of a large volume of evaporated hydrocarbons. Depending on the prevailing atmospheric conditions, a large spill could contribute significant concentrations or quantities of photoreactive hydrocarbons. These emissions could in turn react during the day with sunlight and Oxides of Nitrogen (NO_x), if present, to form Ozone (O₃). No long term impact on air quality would be expected. (See section 4.6.11.3, pages 4-169-170 of the final EIR for a detailed discussion of these impacts.)

Finding:

(a) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effects thereof as identified in the final EIR.

Facts Supporting Finding:

The facts supporting this finding of mitigation are the same as those stated above concerning oil spill impacts on water quality. They are therefore incorporated herein by reference.

OIL SPILL IMPACTS

Marine Biota:

Biota - Biological impacts of oil spills include lethal and sublethal effects and indirect effects resulting from habitat alteration and destruction or contamination of a population's food supply. Direct lethal effects may be chemical, such as poisoning by contact or ingestion, or physical, by coating or smothering with oil. Sublethal effects (those which do not kill an individual, but which render it less able to compete with individuals of the same species and of other species) would also be likely to occur.

Most studies of oil spills have shown that rocky intertidal biological communities particularly tend to suffer a harmful impact. Should a spill occur in the project area,

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It would have an extremely high probability of affecting some of the rocky intertidal areas between Point Conception and Point Arguello. Although the rocky intertidal areas are the most serious concern, adverse effects from oil spills have also been documented on the marine life of sandy beaches.

An oil spill in the project area would be expected to affect the seafloor if large quantities sank to the bottom within a restricted area. Cumulative impacts of oil spills from this project and other local leases could affect benthic populations by changing the consistency of the sediments and adding to hydrocarbon loads in the environment which might then have sublethal effects on benthic organisms.

Phytoplankton and zooplankton could suffer lethal or sublethal effects. Sublethal effects could include decreased photosynthesis, decreased growth, abnormal feeding and abnormal behavioral patterns. (See sections 4.7.14.2 - 5 and pages 4-247 - 252 of the final EIR regarding these impacts.)

Finding:

(a) Changes or alterations have been required in or incorporated into the project that mitigate or avoid the significant environmental effects thereof as identified in the final EIR.

Facts Supporting Finding:

The facts supporting this finding of mitigation are the same as those stated above concerning oil spill impacts on water quality. They are therefore incorporated herein by reference.

OIL SPILL IMPACTS

Recreational and Commercial Fishing Activities:

Surface fish (bonito, jack mackerel, northern anchovy, California grunion) would be most affected by a spill, as well as egg and larval stages of fish in general. Commercial and recreational fishermen may also avoid any area affected. This in turn may result in adverse economic impacts, particularly to commercial fishing interests. (See sections 4.7.8, page 4-200 and 4.7.14.6, page 4-254 of the final EIR regarding these impacts.)

Finding:

(a) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effects thereof as identified in the final EIR.

Facts Supporting Finding:

The facts supporting this finding of mitigation are the same as those stated above concerning oil spill impacts on water quality. They are therefore incorporated herein by reference.

OIL SPILL IMPACTS:

Special Biological Features:

The nearshore area between Point Conception and Point Arguello could be considered a special interest biological feature because it is a biogeographic transition zone and relatively undisturbed. Areas of special interest include harbor seal haul-out areas, seabird nesting areas and large concentrations of intertidal abalone. Areas outside the project area that could potentially be affected include the Northern Channel Islands, the mouth of the Santa Ynez River, the mouth of San Antonio Creek, kelp beds between Point Conception and Rincon Point, Naples Reef, etc. (see section 4.7.9, page 4-201 of the final EIR.)

Finding:

(a) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the

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significant environmental effects thereof as identified in the final EIR.

Facts Supporting Finding:

The facts supporting this finding of mitigation are the same as those stated above concerning oil spill impacts on water quality. They are therefore incorporated herein by reference.

Oil Spill Impacts:

Rare, Threatened, Endangered Species:

The California least tern nests to the north of the project area at the mouths of the San Antonio Creek and the Santa Maria River. California brown pelicans forage along the shoreline throughout the project region. Of the seven endangered mammals occurring in southern California, the California gray whale passes through the project area during their annual migrations from November through March. The southern sea otter, whose colonies exist 50 miles north of the project area may also be affected by activities within the area.

Pelicans may be affected by oil spills through contamination of their plumage, since they dive for food and drift on the water surface. Such contamination could contribute to direct mortality or result in reduced hatches of eggs oiled from the fouled plumage of the adult. Similarly, least terns have the potential for being contaminated by oil from a spill as they dive for food.

Sea otters are known to be particularly susceptible to oil and may die if they become fouled with oil and gas. Contamination of 30 percent or more of the body surface will probably result in death.

There is little information available on effects of oil on gray whales.

(See sections 4.7.14.7, page 4-255 and section 4.7.14.8, page 4-257 of the final EIR.)

Finding:

(a) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effects thereof as identified in the final EIR.

Facts Supporting Finding:

The facts supporting this finding of mitigation are the same as those stated above concerning oil spill impacts on water quality. They are therefore incorporated herein by reference.

OIL SPILL IMPACTS:

Socioeconomic Environment - Recreation:

The occurrence of an oil spill could result in short-term reductions or dislocations in human use of beaches or other coastal areas. Such reductions or dislocations in beach uses, while temporary, could further result in economic impacts to the local communities involved.

Finding:

(a) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effects thereof as identified in the final EIR.

Facts Supporting Finding:

The facts supporting this finding of mitigation are

the same as those stated above concerning oil spill impacts on water quality. They are therefore incorporated herein by reference.

GEOLOGICAL CONDITIONS

Impact:

Various geologic conditions in the proposed lease area will affect the project. Seismic hazards including earthquake-related ground motions or fault rupture are the most significant constraints. Other geologic hazards necessitating consideration in any oil platform design and operation are hydrocarbon seeps, shallow gas, entrainment of hydrocarbons in seafloor sediments, submarine slumping, landslides, liquefaction, tsunami, overpressured reservoirs and subsidence.

Finding:

(a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects thereof as identified in the final EIR.

Facts Supporting Finding:

The nature and extent of geological hazards related

to the project, together with particular measures necessary to resolve them, necessarily depend upon the particular type, location and operation of drilling equipment. With this in mind, the Commission has incorporated specific lease stipulations (proposed Lease Stipulations No. 3 & 4) requiring lessees to demonstrate the safety of their operations where geologic hazards exist. If this cannot be demonstrated to the satisfaction of the Commission, lessees will be required to operate from locations outside areas of geological instability.

In this connection, the stipulation further requires lessees to conduct site-specific geologic hazard surveys before any exploration or development activities, and to demonstrate to the Commission the operational feasibility and safety of all proposed activities.

Site-specific environmental impact reports are also required by the lease for both exploration and development activities.

These requirements mitigate potential geologic hazards associated with the project. Information gleaned from the site-specific EIRs and geologic surveys will form the basis for additional, particularized mitigation measures as necessary.

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EXHIBIT D

On numerous occasions, e.g., the Notice of Preparation, extended review period for the Draft EIR, etc., the Department of Parks and Recreation was consulted and its comments solicited as to the relationship of the proposed project to "possible interference with the recreational use of lands littoral" to the project area. To date no comments have been received from the department in this regard.

Finding: The Commission finds that the project, as proposed, will not unreasonably interfere with the maintenance or use of the littoral lands for recreational purposes or protection of shore properties.

Facts Supporting Findings: As discussed in detail in Exhibit C, the proposed mitigation measures are designed to minimize the effects of the project on shoreline areas and insure compatibility with the existing recreational areas (i.e., Jamala State Park) adjoining proposed tract No. four. These measures have been discussed in detail in connection with CEQA (Exhibit C see especially findings and analysis regarding aesthetics and oil spill impacts) and Public Resources Code Section 6873.2 (Exhibit E). These items are incorporated herein by reference.

EXHIBIT "E"

CONFORMANCE WITH PUBLIC RESOURCES CODE SECTION 6873.2

As required by Public Resources Code Section 6873.2, the staff held two noticed hearings in Santa Barbara (on April 30, and May 15, 1982) following the notice and requirements specified in the statute. A plan for the control of subsidence and pollution, as summarized in the Draft Environmental Impact Report, and proposed mitigation measures, were developed and presented for public comment.

At these hearings, the staff also received evidence and public comments under Section 6873.2 on whether the issuance of a lease or leases would result in the impairment or interference with the shoreline recreational or residential access adjacent to the project area. Specific concerns included whether the proposed lease or leases would:

(a) Be detrimental to the health, safety, comfort, convenience, or welfare of persons residing in, owning real property, or working in the neighborhood of such areas;

(b) Interfere with the developed riverbank or shoreline, residential or recreational areas to an extent that would render such areas unfit for recreational or residential uses or unfit for park resources;

(c) Destroy, impair, or interfere with the aesthetic and scenic value of such recreational, residential, or park areas; or

(d) Create any fire hazard or hazards or smoke, smog, or dust nuisance or pollution of waters surrounding or adjoining such areas.

The Commission's analysis of these concerns has taken place in conjunction with the general environmental review of the proposed project. The EIR prepared by the Commission considers a wide range of environmental impacts concerning the proposed project. These include: subsidence, aesthetics, recreational uses, public safety, and the other items specified in section 6873.2. The EIR and related materials identify numerous mitigation measures in response to these identified environmental impacts. These impacts, proposed mitigation measures, and findings under the California Environmental Quality Act are summarized in Exhibit "C", applicable to the considerations required by Section 6873.2 and are therefore incorporated by reference.

The following findings are proposed in conformance with Public Resources Code section 6873.2;

Finding: The project, as proposed will not be detrimental to the health, safety, comfort, convenience, or welfare of

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persons residing in, owning real property, or working in the neighborhood of the project area.

Facts Supporting Finding:

There are no developed residential areas or lands immediately adjacent to the proposed lease tract. Therefore, there will be no detriment to the health, safety, comfort, convenience, or welfare of persons residing in the neighborhood of the project. As specified in the EIR, the coastal lands bordering the project area are currently undeveloped in principal part, with isolated military, agricultural and industrial uses being present.

However, even if such developed residential areas presently existed adjacent to the recommended lease areas, there would be no serious detrimental effects on the health, safety, comfort, convenience, or welfare of persons residing in, working, or owning real property in such developed areas. Petroleum development of current offshore leases is occurring in areas bordering developed onshore areas. Moreover, the EIR discusses the potential environmental impacts of the proposed leasing project, and identified proposed mitigation measures for such impacts. The mitigation measures proposed in conjunction with project approval (lease conditions, stipulations, etc.) substantially reduce or eliminate the adverse environmental effects that might otherwise result from the project. (See,

e.g., discussion and findings in Exhibit "C" regarding aesthetics and oil spill contingency measures). The above discussions and findings regarding these mitigation measures are incorporated herein in their entirety.

Finding: The project as proposed will not interfere with the developed riverbank or shoreline, residential or recreational areas to an extent that would render such areas unfit for recreational or residential uses or unfit for park purposes.

Facts Supporting Finding:

The only identified, developed shoreline recreational facilities adjacent to the project area is located at Jalama Beach Park. That park borders proposed lease tract number four. There are no developed recreational areas adjacent to the other seven recommended lease tracts. There are no known developed residential areas adjacent to any of the eight proposed lease areas. As noted in the County of Santa Barbara's comments to the draft EIR, the Local Coastal Plan has designated the Pt. Conception area for agricultural use.

The leasing of the project area for petroleum exploration and production will not interfere with the developed shoreline recreation area to an extent that would render it unfit for recreational or park purposes. The mitigation measures incorporated into the project are designed to ensure that it is wholly compatible with recreational and

park activities. The latter may continue concurrently with any oil and gas development of the project area. Moreover, the mitigation measures proposed in conjunction with the project substantially reduce or eliminate any adverse effects that might otherwise result from the project. (See, e.g., discussion and findings in Exhibit "C" concerning aesthetics and oil spill impacts). These discussions and findings regarding proposed mitigation measures are incorporated by reference.

Finding: The project as proposed will not destroy, impair, or interfere to a significant degree with the aesthetic and scenic value of such recreational, residential, or park areas.

Facts Supporting Finding:

The EIR did identify impacts on aesthetic and scenic values that can occur from the development in the project area. The only established recreational or park area affected thereby is Jamala State Park, off proposed tract No. 4; no established residential areas exist.

The proposed measures adopted to mitigate the potential aesthetic effects of the project are discussed both immediately above and in the applicable portions of the findings and analysis prepared in conformance with CEQA. These materials are incorporated by reference.

Additionally, the EIR noted that these aesthetic impacts will occur due to pending development on federal OCS

parcels nearby and adjacent to the project areas, and specifically, proposed tract number four. Any extractive activity on State lease(s) will represent an incidental increase over the background activity on the federal OCS parcels. (See pages 66 to 68, in Exhibit "C" for findings in this regard.

Finding: The project as proposed will not create any fire hazard or hazards or smoke, smog, or dust nuisance, or pollution of waters surrounding or adjoining such areas.

Facts Supporting Finding:

The EIR identifies potential impacts of water pollution and air pollution, including smoke, smog and dust. The EIR also identified numerous measures proposed to reduce or eliminate these potential water and air impacts. The proposed findings and underlying analysis regarding potential air and water pollution are summarized in detail in Exhibit "C". They are directly applicable and are therefore incorporated by reference.

Potential fire hazards incidental to the project are analyzed in the EIR. Comprehensive measures to mitigate and eliminate fire and related hazards are found in the Commission's regulations regarding petroleum activities on tide and submerged lands. (2 California Administrative Code Section 2125 et seq.

see esp., Section 2132(g)(4)). These regulations are directly applicable to operations conducted by lessees.

Finding: The proposed project will not interfere with developed riverbank or shoreline recreational or residential areas adjacent to the project area.

Facts Supporting Finding:

As noted above, the coastal region bordering the project area is quite remote and virtually undeveloped. No residential areas exist adjacent to any of the eight proposed lease tracts. The only developed recreational area is a state park on the edge of proposed tract number four. None exist adjacent to tracts one through three and five through eight.

The additional facts supporting this finding are contained in (1) the analysis provided regarding the four findings immediately preceding; and (2) the findings and discussion provided in Exhibit "C" in conformance with CEQA. These materials are therefore incorporated herein by reference.

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EXHIBIT "F"

SPECIAL OPERATING REQUIREMENTS

1. SUBSEA COMPLETIONS:

In preparing a development plan, the Lessee shall give the same consideration to the use of subsea completions as it does to fixed platforms. When approving a development plan, the State Lands Commission (State) may require the use of subsea completions in those cases where it determines that economics, technical feasibility, environmental impacts, compatibility with commercial fishing operations and the religious beliefs of Native Americans, considered together rather than separately, indicate that subsea completions would be preferable to fixed platforms. When subsea completions are used, the Lessee shall promptly prepare and continually update maps showing the exact location of every subsea installation and shall make such maps available to commercial fisherman and other members of the public.

2. PIPELINE FEASIBILITY:

(a) Pipelines will be required by the State Lands Commission (State) for the transportation of produced oil, gas and other hydrocarbons if pipeline rights-of-way can be obtained and the State, acting upon information supplied by affected parties and responsible governmental agencies, determines that the laying of pipelines is economically and technologically

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feasible and environmentally preferable to other methods of transportation. The State reserves the right to require the placement of any pipeline in certain designated pipeline corridors. Wherever feasible, such corridors shall be located in soft rather than hard bottom areas of the tide and submerged lands. In the event, however, that any blasting is required during the installation of any pipeline, a qualified observer, approved by the U.S. Army Corps of Engineers and the California Department of Fish and Game, shall be retained and shall determine that the area is free of marine birds or mammals, prior to allowing detonation.

(b) Following the completion of a pipeline, no hydrocarbons produced from the leased lands shall be transported by surface vessel from offshore production sites, except in cases of emergency as determined by the State.

(c) Where the criteria in subparagraph (a) above are not met and surface transportation must be employed, all vessels used for transporting produced hydrocarbons shall conform with all standards established for such vessels under the Port and Tanker Safety Act of 1978 (33 U.S.C. sections 1221 et seq.).

(d) The State shall not approve any development or production plan which proposes the use of tankers or barges to transport produced hydrocarbons unless the Lessee, in cooperation with the State, has performed a study which demonstrates to the satisfaction of the State that a pipeline cannot meet the criteria in subparagraph (a) above.

(e) If the State determines that a pipeline cannot meet the criteria in subparagraph (a) above, the Lessee shall use the safest available transport vessels. The use of oil barges will be permitted only if the Lessee demonstrates to the satisfaction of the State that barging is environmentally preferable to tankering.

3. and 4. POTENTIAL GEOHAZARDS:

Drilling operations shall not be conducted and seafloor wellheads and fixed structures for the production, transportation or storage of oil, gas or other hydrocarbons shall not be placed within geologically unstable portions of the leased lands such as potentially unstable sediments, areas of mass movement, submarine canyons or channels, shallow gas zones and areas near active faulting or surface ruptures unless the Lessee has demonstrated to the satisfaction of the State Lands Commission (State) that such operations can be conducted and such wellheads and such structures can be designed and placed so as to withstand the maximum probable effects of the identified geohazards. Site-specific surveys shall be conducted prior to exploration and development operations to determine the potential for unstable bottom conditions and other geologic hazards. Extension of these surveys outside the leased lands may be required where necessary to evaluate the magnitude and significance of the hazard. All potentially unstable areas, including fault zones, must be mapped before any seafloor

wellheads or fixed structures are installed. The State may require site-specific soil testing before exploration and development operations are allowed.

5. MANDATORY BIOLOGICAL AND MARINE MAMMAL SURVEYS:

(a) Prior to the commencement of any drilling operations and prior to the commencement of construction or placement of any structure, including pipelines, on the leased lands, the Lessee shall conduct site-specific biological and marine mammal surveys as specified by the State Lands Commission (State) after consulting with the Department of Fish and Game, the United States Fish and Wildlife Service, the Minerals Management Service and the National Marine Fisheries Service. The site-specific biological and marine mammal surveys shall determine whether the site contains areas of special biological significance that may be adversely affected, either directly or indirectly, by drilling operations or the placement of structures on the leased lands. The surveys shall also determine whether adjacent areas of special biological significance may be similarly affected. Areas of special biological significance include, but are not limited to: (1) existing or potential critical habitats for rare, threatened or endangered species, including but not limited to the California sea otter and the California gray whale; (2) areas used by rare, threatened or endangered species for breeding or migration; (3) areas containing very unusual or rare ecosystems or ecotones;

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(4) areas with large numbers or high diversity of species; and
(5) areas containing species of limited regional distribution due to natural range or significantly reduced populations.

(b) The biological surveys shall include a characterization of (1) the area within a one (1) kilometer radius of the development site (or within three hundred (300) meters of pipelines) and (2) areas potentially affected by the development by on-site observations of a marine biologist using a submersible device for deep water or scuba equipment for shallow water. A remote camera survey (video and/or film) may suffice in soft bottom areas. Observations shall be accompanied by photodocumentation and the taking of samples. Box core samples shall be taken on soft bottoms. Rocks, portions of rocks or organisms living on rocks shall be taken from hard bottoms. Sampling and observations shall be most intense within three hundred (300) meters of the development site and within one hundred (100) meters of pipelines. Sample species collected shall be identified to the lowest possible taxonomic level.

(c) The marine mammal surveys shall be performed by a qualified marine mammalogist and shall consist of systematic observations which accurately describe mammal occurrences in and uses of the project area, including an on-site census and behavioral observations of reeding, breeding and migration. The surveys shall also indicate the relationship of project area observations to known data on sea otter and other marine mammal population, size, dynamics, structure and movements in adjacent,

present or potential habitats.

(d) If the results of site-specific biological and marine mammal surveys show the existence of a special biological resource that may be adversely affected by lease operations, the Lessee shall (1) pursue feasible alternatives which will not have a significant adverse effect upon the resource identified or employ mitigation measures or, (2) establish through submissions to the State of such documents as an oil spill contingency plan and critical operation and curtailment plan, that operations will not have a significant adverse effect upon the resource identified. The State will review all data submitted and after consultation with the Department of Fish and Game, the United States Fish and Wildlife Service and the National Marine Fisheries Service and preparation of a project specific environmental impact report, will determine in writing whether a special biological resource exists and whether it may be significantly affected by lease operations. No lease operations may be commenced until the State has approved the project and has given the Lessee written directions on how to proceed and the Lessee has obtained all necessary governmental approvals and permits. Any mitigation measures provided in the State's written directive shall be based on laws and regulations of the State governing offshore oil and gas activities on State lands and shall be made in consultation with the Department of Fish and Game, the United States Fish and Wildlife Service and the National Marine Fisheries Service.

(e) If any area of biologically significant resources should be endangered during the conduct of any lease operations, the Lessee shall immediately report such occurrence to the State and take every reasonable effort to protect the resource.

6. FISHERIES TRAINING PROGRAM:

The Lessee shall include in its exploration and development plans a proposed fisheries training program. The training program shall be subject to approval by the State Lands Commission (State) after consultation with the Department of Fish and Game and the National Marine Fisheries Service. The training program shall be for the personnel involved in operating vessels used in carrying out lease operations and platform and shore-based supervisors. The purpose of the training program shall be to familiarize persons working on the leased lands of the value of the commercial fishing industry, methods of offshore fishing operations and potential hazards, conflicts and impacts resulting from offshore oil and gas activities. The training program shall be formulated and implemented by qualified instructors.

7. SUSPENSION OF OPERATIONS AND EVACUATION OF AND SHELTER FOR PERSONNEL:

(a) Before the Lessee operates or causes to be operated on its behalf boat or aircraft traffic into individual,