

MINUTE ITEM

This Calendar Item No. 34
was approved as Minute Item
No. 34 by the State Lands
Commission by a vote of 3
to 0 at its 1/27/83
meeting.

CALENDAR ITEM

34

1/27/83
W 22649
Small
Gonzalez
Horn
Willard
W 9668.8
W 9077

REPEAL OF REGULATIONS IN TITLE 2, DIV. 3,
CHAPTER 1, ARTICLES 3.5 AND 4
IN THEIR ENTIRETY AND ADOPTION OF
REPLACEMENT ARTICLE 4

Pursuant to the Commission's authorization of January 26, 1981 (Minute Item 38), and in compliance with AB 1111 (Government Code Section 11340, et seq.), staff has conducted a review of the Commission's regulations on Exploration Permits, Oil and Gas Leases, Royalty Oil Sales, and other Minerals. On February 25, 1982, the Commission approved the adoption of replacement Articles 3.5 dealing with disposal of royalty oil and gas, and 4 dealing with leases prospecting for minerals other than oil, gas and geothermal. Prior to filing with the Office of Administrative Law the staff re-examined the necessity for the regulations and determined that the proposed Article 3.5 were not needed. Minor modifications have been made to the text of proposed Article 4.

Notice of the review was published in the Notice Register on September 23, 1981 and mailed to persons who have expressed interest in the regulations. The notice was also published in major regional newspapers.

Public hearings were held in Long Beach and Sacramento on November 9 and 10, 1981. The purpose of these hearings was to provide the public with an opportunity to make statements, contentions or arguments, both oral and written, regarding the repeal and replacement of the existing regulations. A Final Statement of Reasons (Government Code Section 11346.6 and 11346.7) has been prepared for this

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rule-making process. The statement is on file in the Sacramento office of the Commission and is incorporated herein by reference. The statement includes staff responses to any comments together with reasons for rejecting those portions of the comments not resulting in changes to the regulations. Based upon the materials contained in the rule-making file, together with comments generated during the review/hearing process, staff believes that the regulations proposed herein for adoption meet the statutory requirements of "necessity", "authority", "clarity", "consistency", and "reference".

AB 884: N/A.

EXHIBIT: A. Article 4 of 2 Cal. Adm. Code, Div. 3, Chapter 1.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT THERE HAS BEEN COMPLIANCE WITH GOVERNMENT CODE SECTIONS 11346.4 THROUGH 11346.8, INCLUSIVE, (NOTICE, PUBLICATION, PURPOSE, HEARING) FOR THE PURPOSES OF REPEALING AND ADOPTING REPLACEMENT REGULATIONS IN TITLE 2, DIV. 3, CHAPTER 1, ARTICLE 4.
2. DETERMINE THAT THERE ARE NO STATE-MANDATED COSTS OR SAVINGS TO ANY STATE AGENCIES OR LOCAL AGENCIES OR SCHOOL DISTRICTS IN THESE REGULATIONS THAT REQUIRE REIMBURSEMENT UNDER SECTION 2231 OF THE REVENUE AND TAXATION CODE, INASMUCH AS COMPLIANCE WITH THESE REGULATIONS BY GOVERNMENT ENTITIES IS APPLICABLE ONLY UPON THEIR VOLUNTARY USE OF LANDS OR RIGHTS UNDER THE COMMISSION'S JURISDICTION.
3. REPEAL (IN THEIR ENTIRETY) ARTICLES 3.5 AND 4 OF TITLE 2, DIV. 3, CHAPTER 1, OF THE CAL. ADM. CODE AND ADOPT NEW ARTICLE 4 WHICH WILL BE FILED WITH THE OFFICE OF ADMINISTRATIVE LAW, SUBSTANTIALLY AS SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF, WHICH REGULATIONS WILL BECOME EFFECTIVE 30 DAYS AFTER FILING WITH THE SECRETARY OF STATE.
4. APPROVE FOR FILING WITH THE OFFICE OF ADMINISTRATIVE LAW THE FINAL STATEMENT OF REASONS SUBSTANTIALLY IN THE FORM ON FILE IN THE OFFICE OF THE COMMISSION, WHICH STATEMENT IS INCORPORATED HEREIN BY REFERENCE.
5. AUTHORIZE STAFF TO TAKE ALL STEPS NECESSARY TO GIVE EFFECT TO THE ABOVE APPROVALS AND DETERMINATIONS, INCLUDING THE MAKING OF MINOR MODIFICATIONS TO THE TEXT OF THE REGULATIONS SO AS TO COMPLY WITH COMMENTS FROM THE OFFICE OF ADMINISTRATIVE LAW.

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 19 1988	
FBI - SACRAMENTO	
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EXHIBIT A

Repeal Article 4 (Sections 2200-2205) and add new Article 4 (Sections 2200-2203) to read:

2200. Prospecting Permits

(a) Any person desiring a prospecting permit on any land under the jurisdiction of the Commission, shall file with the State Lands Commission, a written application containing:

- (1) Name, address, and status of citizenship of applicant; if applicant is a corporation, the corporate name and name of president, secretary, and officer authorized to execute contracts and leases and receive service of process.
- (2) A description of the State lands involved.
- (3) A statement of the proposed use of the lands.
- (4) A statement of the character and use of adjoining lands.
- (5) A statement of the nature of the mineral deposits proposed to be developed.

Authority: P.R.C. 6108.

Reference: P.R.C. 6891

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2201. Dredging Permits.

Upon receipt of completed application forms and filing and processing fees, the Commission will consider and may authorize the extraction or removal of sediments and other mineral matter, other than hydrocarbons and geothermal, from lands in which the State holds a mineral interest. Applications and inquiries should be directed to the Dredging Coordinator at the principal office of the Commission.

Authority: P.R.C. 6108

Reference: P.R.C. 6303

2202. Noncommercial Hobby Collection of Minerals.

Noncommercial hobby collection of reasonable quantities of minerals by individuals is permitted on lands under the Commission's jurisdiction. Such permission does not authorize the use of mechanically or electrically powered tools and equipment, except portable suction dredges permitted by the Department of Fish and Game, nor does it authorize collection in areas or by means prohibited by other governmental agencies.

Authority: P.R.C. 6108

Reference: P.R.C. 6216.5, 6407

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