Staff Summary for August 12-13, 2026

## 2. General Public Comment for Items Not on the Agenda

**Today's Item** **Information ☒** **Action ☐**

Receive public comment regarding topics within the Commission's authority that are not included on either day of the August 12-13, 2026 meeting agenda.

**Summary of Previous/Future Actions (N/A)**

**Background**

This item is to provide members of the public an opportunity to address the Commission on topics not on the agenda. Staff may include written materials and comments received prior to the meeting as exhibits in the meeting binder (if received by the written comment deadline), or as supplemental materials and comments at the meeting (if received by the supplemental comment deadline).

General public comments are categorized as either: (1) requests for non-regulatory action or (2) informational-only. Under the Bagley-Keene Open Meeting Act, the Commission cannot discuss or take action on any matter not included on the agenda, other than to schedule issues raised by the public for consideration at future meetings. Thus, non-regulatory requests generally follow a two-meeting cycle (receipt and direction). Any non-regulatory request received at today's meeting will be evaluated by staff and considered by the Commission at its next regularly scheduled meeting (currently October 13-16, 2026) under "Non-regulatory requests from previous meetings."

**Significant Public Comments**

1. New, non-regulatory requests are summarized in Exhibit 1; original written requests are provided as exhibits 2 through 4
2. Informational comments are provided as exhibits 5 through 24
3. Over 1,300 comments and form emails related to the proposed White Shark Emergency Gear Restriction regulation changes (representative sample emails in exhibits 2.6 – 2.8)

**Recommendation**

***Commission staff:*** Consider whether to add any future agenda items to address issues that are raised during public comment.

**Exhibits**

1. Summary of new, non-regulatory requests received by July 30, 2026
2. Tony Crosetti requests the Commission review the cumulative impact of charter and party boat fishing activity in San Francisco Bay and adjacent waters, and consider management measures that reduce concentrated fishing pressure while protecting the long-term health of the bay, received June 20, 2026
3. Nathan Reiss, Grassy Bar Oyster Co., Inc., President and Co-owner; Diane Kim, Ph.D., CEO and Co-owner; and Nathan Churches, Ph.D., Secretary and Co-owner

request the renewal of California state water bottom leases M-614-01 (Parcel 1) and M-614-02 that will expire on June 29, 2027, received July 1, 2026

4. Oliver Mikkelsen requests the Commission add to an agenda the status of Fish and Game Code Section 2000.6 regarding Senate Bill 395, known as the Wildlife Traffic Safety Act, for discussion and to provide a public explanation of the program, including any legal or administrative barriers and the steps needed to launch the pilot, received July 19, 2026
5. Phoebe Lenhart, shares three links to articles highlighting western states facing rising environmental challenges, such as Oregon managing the spread of the New World screwworm, and Arizona's San Carlos Lake suffering a near-total fish kill from drought and dam-related water stress, creating public health risks and economic impacts for affected communities, received between June 12 and June 22, 2026
6. Four representative samples of 27 emails and letters from three environmental non-governmental organizations and a Shark Week producer, expressing support for the emergency regulation changes regarding recreational gear restrictions for white sharks, received between June 16 and July 1, 2026
7. A representative sample of 1,221 form emails supporting proposed recreational gear restrictions that would prohibit wire leaders and large hooks used to target white sharks, received between June 23 and July 7, 2026
8. Three representative samples of 90 emails, form emails, and letters opposing recreational gear restrictions for white shark, received between June 18 and July 12, 2026
9. Layne Fajeau, Associate Organizer, Sierra Club California, encourages the Commission to engage in water-flow and diversion decisions affecting endangered species — such as Delta smelt and Chinook salmon — explaining that existing policies allow excessive freshwater diversion, driving a human-caused ecological crisis, received June 18, 2026
10. Tom Hafer, Secretary, Morro Bay Commercial Fisherman's Association, forwards an email sent to the California Energy Commission concerning a recent notice of intent to sue the United States Department of the Interior over its alleged illegal buyout of the Golden State Wind LLC, offshore wind lease under the Outer Continental Shelf Lands Act, with referenced material included, received June 23, 2026
11. Jerry Taggart shares a proposal to officially adopt the chumming flag, created to increase public awareness and reduce unwanted shark encounters, received June 23, 2026
12. Tom Hafer, Secretary, Morro Bay Commercial Fisherman's Association, draws attention to an article outlining the National Oceanic and Atmospheric Administration's new regional priorities to ease regulatory burdens on domestic fishing fleets, increase seafood production, and strengthen U.S. seafood competitiveness in line with a presidential executive order, received July 7, 2026
13. Brooklyn shares insights and drawings from a 10-year-old ferret enthusiast on why ferrets should be legal to own in California, received between July 8 and July 30, 2026
14. Cameron Smith supports Petition 2025-03, requesting the removal of the domestic ferret from California's restricted species list, maintaining that ferrets pose no feral population, environmental or public health risks, received July 11, 2026

15. Gary Horne, asks the Commission to reopen salmon fishing on the Klamath River above the I-5 bridge, stating the restoration work that prompted the closure appears to be completed. They also note that keeping this section closed limits access and pushes anglers into more hazardous waters downstream, received July 23, 2026
16. Victoria Waters supports strengthening protections against rodenticides, noting the harmful effects on birds of prey and other wildlife, and suggests expanded use of non-toxic rodent control tools such as barn owl nest boxes, received July 26, 2026
17. Tina Bennett and Kathy O'Connor, Shasta Konomihu community members, request Commission assistance in addressing concerns about Salmon River Restoration Council (SRRC) projects, citing lack of tribal oversight, inadequate consultation, and environmental and cultural impacts of specific restoration activities, and asks that all SRRC decisions, plans, and projects within ancestral homelands be subjected to approval by Shasta Konomihu descendants and long-term Forks of Salmon residents, received July 26, 2026
18. Alison Rogers circulates a letter sent to the management of Thousand Trails describing several dangerous bear encounters during a Yosemite Lakes camping trip, received July 26, 2026
19. Sean McMillan requests expanding the legal fall-run Chinook salmon fishing area on the Klamath River to its traditional location downstream of the old hatchery and Bogus Creek, noting that the restoration work in this area appears complete and reopening this area would benefit the economy and restore a long-standing angler tradition, received July 27, 2026
20. Mike Beanan, Laguna Bluebelt Coalition, provides a flyer encouraging the public to visit the local marine reserve and a printed publication showcasing the 15th Annual Laguna Bluebelt Photo Contest winners, received July 29, 2026
21. Richard Calkins documents decades of personal observation across multiple California trout fisheries and notes that hatchery practices have unintentionally harmed native trout species. They urge revising stocking strategies to adopt more sustainable approaches to protect declining wild and fertile trout populations, received July 29, 2026
22. Kimberly Kelly forwards a letter to the Department questioning why fishing is allowed directly next to a protected sea lion haul-out area at Channel Islands Harbor in Oxnard, California and urges clearer enforcement and permanent wildlife protection measures to prevent harm, received July 30, 2026
23. Lindsay Hildebrandt describes escalating bear activity in the Tahoe City area and recommends increasing bear tags as a practical response based on current activity and safety concerns, received July 30, 2026
24. An anonymous letter describes attending a screening of *Ocean with David Attenborough* and urges continued science-based management, strong enforcement, and evidence-driven expansion of California's marine protected area network, received July 30, 2026

**Motion (N/A)**

## California Fish and Game Commission
## Receipt List for Non-Regulatory Requests Received by 5:00 PM on July 30, 2026

| Date Received | Name/Organization of Requestor | Subject of Request | Short Description | FGC Receipt Scheduled | FGC Action Scheduled |
|---|---|---|---|---|---|
| 6/20/2026 | Tony Crosetti | Charter Boats: San Francisco Bay | Requests the Commission review the cumulative impact of charter and party boat fishing activity in San Francisco adjacent waters, and consider management measures that reduce concentrated fishing pressure while protecting the long-term health of the Bay. | 8/12-13/2026 | 10/8-9/2026 |
| 7/1/2026 | Nathan Reiss, President & Co-owner, Diane Kim, Ph.D., CEO & Co-owner, Nathan Churches, Ph.D., Secretary & Co-owner, Grassy Bar Oyster Co., Inc. | State Water Bottom Lease Renewal | Requests to renew State Water Bottom Leases M614-01 (Parcel 1) and M614-02 | 8/12-13/2027 | 10/8-9/2027 |
| 7/19/2026 | Oliver Mikkelsen | Fish and Game Code | Requests the Commission agendize the status of Fish and Game Code §2000.6, regarding Senate Bill 395, known as the Wildlife Traffic Safety Act, for discussion and provide a public explanation of the program, including any legal or administrative barriers and the steps needed to launch the pilot. | 8/12-13/2028 | 10/8-9/2028 |

Outlook

**SF Bay Party Boats**

**From** a c
**Date** Sat 06/20/2026 11:44 AM
**To** FGC <FGC@fgc.ca.gov>

To the California Fish and Game Commission,

I am writing as a longtime fisherman and former participant in California's commercial fishing industry to express my concern about the level of charter and party boat fishing pressure occurring in and around San Francisco Bay.

Over the years, California has imposed significant restrictions on commercial fishermen through permit reductions, closures, quotas, and other regulations in the name of conservation. Yet charter and party boat effort has continued to expand in many fisheries. While these operations are often classified as part of the recreational sector, they are still for-profit businesses that can fish the same areas day after day throughout the season.

My concern is not with recreational anglers taking their families fishing on private boats. My concern is with the concentrated and continuous fishing effort created by large charter operations that repeatedly target the same fish stocks and fishing grounds.

As someone who has spent many years fishing San Francisco Bay, I have personally observed a significant decline in sevengill shark fishing compared to past decades. Areas that once consistently produced sevengill sharks now often yield few or none. While multiple factors may contribute to these changes, many longtime fishermen believe the cumulative fishing pressure on Bay resources deserves much closer examination.

I urge the Commission to evaluate:

• Limits on the number of charter and party boat permits.

• Restrictions on the number of operating days per week.

• Area rotation programs for heavily pressured fishing grounds.

• Enhanced monitoring of fishing effort and localized impacts.

• Conservation measures that apply fairly across all sectors.

Many fishermen believe that localized fishing pressure is not receiving sufficient attention in current management discussions. Conservation efforts should consider not only total harvest but also the intensity and frequency with which specific areas are fished.

I respectfully request that the Commission review the cumulative impact of charter and party boat fishing activity in San Francisco Bay and adjacent waters and consider management measures that reduce concentrated fishing pressure while protecting the long-term health of the resource.

The goal should not be to eliminate access to fishing, but to ensure that future generations have the same opportunities and healthy fish populations that previous generations enjoyed. Conservation measures should be applied fairly across all sectors that place significant pressure on the resource.

Thank you for your time and consideration.

Sincerely,

Tony Crosetti

GRASSY BAR
OYSTER CO.

1215 Embarcadero, Morro Bay, CA 93442
www.grassybaroyster.com | gboysterco@gmail.com | 503-688-8449

July 1, 2026

To: California Fish and Game Commission

From: Grassy Bar Oyster Co., Inc.

Dear Sir or Madam: On behalf of Grassy Bar Oyster Company, Inc., we respectfully request the renewal of California State Water Bottom Leases **M614-01 (Parcel 1)** and **M614-02**, both of which are scheduled to expire on **June 29, 2027**.

We would appreciate your guidance on the renewal process to facilitate a timely renewal.

Over the past 15 years, these leases have been instrumental in supporting sustainable shellfish aquaculture operations in Morro Bay, CA. We are grateful for the opportunity to steward these public resources responsibly and remain committed to producing high-quality local seafood while supporting the health of the bay and the local community. We look forward to continuing this work for another productive ten-year lease term.

Thank you for your time and assistance. We look forward to your guidance on the renewal process.

Best regards,

Nathan Reiss
President & Co-Owner

Diane Kim, Ph.D.
CEO & Co-Owner

Nathan Churches, Ph.D.
Secretary & Co-Owner

Grassy Bar Oyster Co., Inc.
gboysterco@gmail.com

Outlook

**Petition Regarding Implementation of Fish and Game Code § 2000.6 (Wildlife Traffic Safety Act)**

**From** Oliver Mikkelsen
**Date** Sun 07/19/2026 01:37 PM
**To** FGC <FGC@fgc.ca.gov>

July 19, 2026

California Fish and Game Commission

RE: Petition Regarding Implementation of Fish and Game Code § 2000.6 (Wildlife Traffic Safety Act)

Dear Commissioners,

I respectfully submit this petition requesting that the California Fish and Game Commission publicly address the status of Fish and Game Code § 2000.6, commonly known as the Wildlife Traffic Safety Act.

The Legislature enacted this statute to authorize a pilot program allowing the lawful salvage of certain big game animals killed in vehicle collisions. Years after enactment, the program has not been implemented, and members of the public continue to receive conflicting information regarding whether the delay is due to funding, regulatory issues, administrative priorities, or other legal considerations.

Accordingly, I respectfully request that the Commission:

1. Place the implementation of Fish and Game Code § 2000.6 on the agenda of a future Commission meeting.

2. Provide a public explanation describing the current status of the program.

3. Identify any legal, fiscal, or administrative barriers preventing implementation.

4. Explain whether the Commission believes additional legislation or appropriations are necessary before implementation may proceed.

5. If implementation remains possible under existing law, provide an estimated timeline for completing the necessary regulations and launching the pilot program.

California residents have a legitimate interest in understanding why a law enacted by the Legislature has not resulted in an operational program. A transparent explanation will benefit hunters, conservationists, motorists, wildlife advocates, and the general public.
Thank you for your consideration. I respectfully request that this petition be included in the Commission's public record and that I be notified of any meetings or actions concerning this matter.

Respectfully,

Oliver Mikkelsen
[redacted]

Outlook

## Oregon acts quickly as flesh-eating parasite spreads beyond Texas

**From** Phoebe Lenhart
**Date** Fri 06/12/2026 05:08 PM
**To** FGC <FGC@fgc.ca.gov>



From Phoebe Lenhart

Oregon acts quickly as flesh-eating parasite spreads beyond Texas
https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fl.smartnews.com%2Fp-7TLbh39u%2FBL2KJE&data=05%7C02%7Cfgc%40fgc.ca.gov%7C6353bfb5085942438d8f08dec8dfed19%7C4b633c25efbf40069f1507442ba7aa0b%7C0%7C0%7C639169061245229164%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C80000%7C%7C%7C&sdata=lMdqXs0e2zFOXWLqiuhw%2B1sqjAt21Db80FRLNcZz8h0%3D&reserved=0

Sent from my iPhone

Outlook

## Arizona officials shut down popular fishing spot after reservoir's fish population collapses

**From** Phoebe Lenhart
**Date** Sat 06/13/2026 08:42 PM
**To** FGC <FGC@fgc.ca.gov>

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Could this happen in CA?

From, Phoebe Lenhart

Arizona officials shut down popular fishing spot after reservoir's fish population collapses
https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fl.smartnews.com%2Fp-7UHdSRk4%2FZTw0jH&data=05%7C02%7Cfgc%40fgc.ca.gov%7C8673008f78174287f5e208dec9c6f839%7C4b633c25efbf40069f1507442ba7aa0b%7C0%7C0%7C639170053626329004%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C80000%7C%7C%7C&sdata=6ShS%2BIl8SEJxt%2BFzMIAaI6utAuiUmM6W3u%2FvYBkrJkI%3D&reserved=0

Sent from my iPhone

Outlook

**A deadly parasite is taking over and killing fish in one river in California and Oregon**

**From** Phoebe Lenhart
**Date** Mon 06/22/2026 11:42 AM
**To** FGC <FGC@fgc.ca.gov>

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

From Phoebe

A deadly parasite is taking over and killing fish in one river in California and Oregon
https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fl.smartnews.com%2Fp-7Y4nRgbK%2FfpuzIg&data=05%7C02%7Cfgc%40fgc.ca.gov%7C119e3015d1a5430f176b08ded08df78b%7C4b633c25efbf40069f1507442ba7aa0b%7C0%7C0%7C639177505350889773%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=YwtUL97jJ2uEZNnaojxfAOLe1IYmiDpqAjTU46HOA4g%3D&reserved=0

Sent from my iPhone

Outlook

**Public Comment IN SUPPORT of Emergency Regulations: White Sharks**


**From** Kinga Philipps
**Date** Tue 06/23/2026 07:01 PM
**To** FGC <FGC@fgc.ca.gov>


To the Commissioners and Department Staff,

I am writing as a California resident, diver, spear fisher and ocean/shark conservationist to express my full and unreserved support for the emergency regulations passed unanimously on June 17, 2026, which ban wire leaders and restrict hook sizes to a maximum of 1.5 inches inside measurement from Pigeon Point south.

While certain recreational angling groups have publicly criticized these restrictions under the guise of "animal welfare" and "constitutional rights," their arguments fundamentally misrepresent the reality of land-based shark fishing, modern tackle engineering, and the original intent of California's legal framework. I urge the Commission to uphold these protective measures permanently and to address critical omissions regarding modern technology.

I would like to submit the following points and scientific evidence for the official record:

**1. Large Hooks and Wire Leaders Are Solely Necessary for Prohibited Apex Predators:**

Opponents argue that restricting hook size to 1.5 inches and banning wire leaders will cause incidental harm to smaller, legally targeted species like leopard sharks (Triakis semifasciata). This argument is technologically and biologically incorrect.
Leopard sharks average 4 to 5 feet in length, possess small mouths, and feed primarily on benthic invertebrates (crabs, clams) and small fish. They do not possess the broad, bone-hinged jaw structures or razor-sharp, serrated teeth that require heavy wire leaders or hooks exceeding 1.5 inches. Anglers sustainably targeting legitimate shore species can, and routinely do, safely catch them using smaller circle hooks (such as sizes 1/0 to 5/0) and heavy monofilament or fluorocarbon leaders.
I am well-versed in this fishing technology as we utilize a variety of hooks and gear in our research work.

The only functional reason a shore-based angler utilizes an industrial wire leader and a massive hook exceeding 1.5 inches is to handle the immense weight, shearing power, and abrasive skin of massive apex predators, most notably juvenile and adult White Sharks (Carcharodon carcharias), which are fully protected under California law (AB 2109). The restriction does not punish everyday surf fishers; it deliberately removes the specialized toolkit required to pull apex predators into the surf line.

Mako sharks are apex, open-ocean predators that do not inhabit shallow beach surf zones; they are targeted almost exclusively from offshore vessels, which are unaffected by this shore-based regulation. Thresher sharks, whose populations are only recently recovering after decades of devastating historical pressure from commercial drift gillnets, are open-water schooling fish feeders. They are not a resident shoreline species. Invoking these species to defend land-based, heavy-tackle shark fishing is a logical fallacy designed to obscure the fact that the only large sharks consistently accessible from the sand are protected juvenile White Sharks and vulnerable nearshore Sevengills.

**2. The Physiological and Lethal Toll of Land-Based "Catch and Release."**

Opponents frame catch-and-release fishing as a harmless, conservation-neutral hobby. Peer-reviewed marine science proves otherwise. Landing a heavy shark from the shore is vastly more detrimental to the animal than boat-based angling due to unique physiological stressors:
Severe Metabolic Acidosis: Sharks are obligate ram ventilators or rely heavily on constant movement to flush water through their gills. The prolonged, exhaustive struggle against heavy drag from the shoreline causes a rapid, catastrophic accumulation of blood lactate and a sharp drop in blood pH. A landmark study on shore-based shark fishing stress (Binstock et al., 2023) documented post-release mortality (PRM) rates as high as 45% to 50% for sensitive species due to metabolic failure and irreversible muscle damage (rhabdomyolysis) occurring hours after the shark is released.

Internal Organ Crushing (Gravity Damage): Unlike bony fish, sharks have a cartilaginous skeleton and lack a rigid rib cage. Their internal organs are supported entirely by the natural buoyancy of deep water. When a large shark is dragged onto the hard sand or rocks of a beach, its immense body weight collapses inward, crushing its liver, heart, and internal vasculature. This causes severe internal hemorrhaging that is completely invisible to the angler taking a photograph, but lethal to the shark post-release.

I am VERY well versed in how taxing such fishing methodology is on shark species, as we often utilize boat fishing practices for the purpose of scientific tagging. When spear tagging is not an option, we land sharks from boats to install satellite and acoustic transmitters. It's a very meticulous process that requires extensive care to ensure the sharks do not suffer post-release mortality. While some species and individuals are more resilient, others are not. It is my job to be in the water when sharks are landed, and I often have to swim the sharks off by pushing them by the tail to revive them, or they could potentially sink to the bottom and die. I find that I have to intervene in at least 30-40 percent of situations, on average. These are the risks and precautions we take for the highly beneficial purpose of gathering scientific data to study and protect shark species. Subjecting these animals to this kind of physiological trauma purely for an Instagram photo or personal entertainment is an unjustifiable ecological risk and arguably a moral conflict.

**3. Public Safety, Attraction, and the Coexistence Boundary:**

A primary driver of land-based shark fishing is social media validation, where anglers capture "trophy" photos with distressed animals on the sand before releasing them. To achieve this, anglers frequently deploy heavy chum lines and large baits directly from public beaches, piers, and jetties.
Chumming and baiting near shore actively draw large, predatory sharks into shallow water zones heavily used by swimmers, surfers, and wading families. This creates an artificial overlap between apex predators and human recreation, severely compromising public safety and risking negative human-shark interactions that ultimately result in public backlash against shark conservation. Managing the "coexistence boundary" requires keeping heavy attractants and heavy shark-fighting gear away from public recreation beaches.

**4. Historical Context: The 1910 Constitutional Amendment Was for Sustenance, Not Trophy Hunting:**

Opponents frequently cite Article I, Section 25 of the California Constitution, claiming it protects their absolute "right to fish" from public lands. This argument ignores the historical context and legal intent of the 1910 amendment.
Voters passed Section 25 in the early 20th century as a direct reaction to wealthy private developers monopolizing coastlines and cutting off public water access. The amendment was written to guarantee subsistence fishing rights, ensuring that working-class citizens, immigrants, and their families had uninterrupted access to public waters to harvest sustainable marine protein for survival.
It was never intended to provide constitutional protection for an industrialized recreational sport, nor did it envision wrestling protected apex predators onto the sand for pure entertainment or digital media exposure. Furthermore, Section 25 explicitly includes the caveat that the Legislature may provide the "conditions under which the different species of fish may be taken." Restricting destructive gear types falls entirely within this constitutional authority.

**5. Suggestion for Future Consideration for Restricting Use of Bait-Dropping Drones:**

The emergency regulation initially considered restrictions on drone-assisted baiting, which were unfortunately removed. This omission undermines the efficacy of the gear restriction.
Recreational fishers do not utilize high-powered, GPS-guided drones to drop small baits into the surf zone for 15-pound leopard sharks. Drones are deployed explicitly to carry massive, bloody baits (such as whole rays or fish heads) hundreds of yards past the breaker line into the migratory corridors of large pelagic sharks and protected White Sharks. Allowing drone-assisted baiting to continue facilitates the intentional targeting of apex predators from public beaches. I strongly urge the Department to reinstate the ban on drone baiting in the permanent rulemaking phase.

In conclusion, the emergency regulations enacted by the Commission are common-sense, scientifically backed measures that close dangerous regulatory loopholes. Forcing an end to the use of heavy wire leaders and oversized hooks from the shoreline protects vulnerable, ecologically vital apex predators from lethal capture stress, aligns with the true historical intent of California's fishing laws, and protects public safety on our shared beaches.

I strongly support these emergency restrictions and urge the Department to make them permanent, while also reconsidering a future full ban on chumming and drone-assisted baiting from public shorelines.

Thank you sincerely for your dedication to protecting California's marine ecosystems. If I can be of any future assistance in any way, please do not hesitate to reach out.

Cheers,
--
Kinga Philipps | Executive Producer and Host of Shark Week
Emmy & Telly Winning Journalist | Producer | Writer
Travel & Conservation News Correspondent
National Geographic, Travel Channel, History Channel, Discovery, BBC
The Explorers Club FN'18 | www.sharkallies.com
www.kingaphilipps.com

June 23, 2026

**TO: State of California Dept. of Fish And Wildlife**
**Re: Support for Emergency Regulation – White Shark Fishing from Beaches and Piers**

We fully support the emergency regulation passed the Commission to enact an emergency regulation to strengthen fishing gear restrictions to improve public safety and reduce white shark catches for California beaches and piers.

The restrictions are reasonable, considering that they represent a compromise and shouldn't even be necessary. Great Whites are a protected species, but some water users decide their personal enjoyment and justification overrides any scientific determinations and law.

The fundamental flaw in how sharks are managed is the fact that higher value is attributed to fishing income and fishing interests, whether that is for commercial or sport purposes, than benefits to any other stakeholders. Mostly, because the other stakeholders have never been clearly defined and the consequences they suffer are not quantified. The value of sharks to ecosystems is well understood. Ecosystem services alone will far outweigh the value of fishing of keystone species. The public's stake in having healthy marine life is incalculable. Alternative industries, like whale watching, diving, kayaking, and even the entertainment industries that use sharks as their source for documentary and film productions, is never asked, never truly represented and rarely taken into consideration. Simply because it hasn't been done. And the loudest voices are the ones that want to continue hunting.

Please do not let the arguments of a small group of water users deter you from pursuing measures that support conservation and the interests of the vast majority of people.
**We encourage and fully support making this emergency regulation permanent, and to go further with additional actions, such as prohibiting chumming near shore and other purposeful recommendations made by the science and advocacy community.**

Sincerely,

Stefanie Brendl

GREATER FARALLONES ASSOCIATION

June 24, 2026

California Fish and Game Commission
Attn: Melissa Miller-Henson, Executive Director
P.O. Box 944209
Sacramento, CA 94244-2090

*Sent via email to* fgc@fgc.ca.gov

RE: Support for Amendments to Title 14 CCR Sections 28.06 and 28.65 Regarding Recreational Gear Restrictions for White Shark (SCH No. 2026060900)

Dear Commissioners:

On behalf of the Greater Farallones Association, I am writing in strong support of the California Fish and Game Commission's amendments to Title 14, California Code of Regulations, Sections 28.06 and 28.65 regarding recreational gear restrictions and handling requirements for white sharks.

Greater Farallones Association works to conserve the wildlife and habitats of California's nationally significant Greater Farallones (GFNMS), Cordell Bank, and Monterey Bay (from Marin to Santa Cruz County) national marine sanctuaries through science, education, and restoration. We recognize that effective ocean stewardship requires adaptive management informed by emerging conditions and conservation needs. GFA supports the GFNMS-managed White Shark Stewardship Program, and the CDFW proposed action is consistent with this program and the sanctuary regulations related to attracting and approaching white sharks.

White sharks play a critical role as apex predators in California's marine ecosystems. Their presence helps maintain ecological balance and supports the health and resilience of coastal food webs. As protected species, white sharks warrant careful stewardship and management measures that minimize avoidable mortality and disturbance.

The need for these protections is particularly important given reports of recent white shark deaths associated with recreational fishing activities and increasing observations of juvenile white sharks along California's coast. As ocean conditions continue to shift and white shark distribution changes, proactive management measures are necessary to reduce harmful interactions between people and wildlife and to ensure that protected species remain protected in practice as well as in regulation.

The proposed amendments also provide important public safety benefits. By discouraging the use of gear commonly associated with targeting large sharks in heavily used coastal recreation areas, the regulations help reduce the risk of dangerous interactions involving hooked sharks, anglers, swimmers, surfers, and other ocean users.

Therefore we support the Commission's proposed requirements to immediately release hooked white sharks, prohibit removing white sharks from the water, and restrict the use of fishing gear that can facilitate the intentional targeting of white sharks from shore-based locations. These measures represent a practical, science-based approach to reducing shark mortality while promoting responsible recreational fishing practices.The Commission's proposed amendments demonstrate a commitment to protecting both marine ecosystems and the public.

Thank you for your leadership in advancing these important protections for California's marine wildlife. We respectfully urge the Commission to adopt and implement these amendments.

Sincerely,

Maria Brown

Maria Brown
Board Vice President
Greater Farallones Association

Point Blue Conservation Science
3820 Cypress Drive #11, Petaluma, CA 94954
T 707.781.2555 | F 707.765.1685

June 24, 2026

Office of Administrative Law
California Fish and Game Commission
Att.: staff@oal.ca.gov and fgc@fgc.ca.gov

Re: Emergency Regulations: Recreational Gear Restrictions for White Shark.

Dear Commissioners and Staff,

On behalf of Point Blue Conservation Science, I am writing in support of the proposed emergency regulations amending Sections 28.06 and 28.65 of Title 14 regarding recreational gear restrictions for white sharks.

Point Blue has a long history of studying white sharks and the ecosystems they inhabit in central California. For decades, our scientists have conducted research and monitoring on Southeast Farallon Island, one of the most important white shark aggregation sites in the northeastern Pacific. Through long-term observations of marine predators, prey populations, and ocean conditions, we have documented the ecological importance of white sharks as apex predators and their role in maintaining healthy marine ecosystems.

Point Blue scientists also participated in the scientific discussions and stakeholder processes that informed California's white shark conservation measures, including protections that prohibit the take of white sharks. We therefore recognize both the conservation value and practical importance of regulations that reduce shark mortality and discourage intentional targeting.

We are particularly supportive of efforts to ensure that accidentally hooked white sharks can be released alive. These actions are consistent with current best practices for the handling and release of large sharks and are expected to improve post-release survival while reducing the likelihood of harmful interactions between hooked sharks and other ocean users.

White sharks are an iconic component of California's marine ecosystem and a protected species whose recovery and conservation depend on effective management measures. The proposed emergency regulations represent a prudent step toward reducing avoidable mortality and enhancing public safety during a period when white shark presence in nearshore waters may increase.

Thank you for the opportunity to comment on this proposal and for your continued commitment to science-based management of California's marine resources.

Sincerely,

Outlook

## Emergency Regulations: Recreational Gear Restrictions for White Shark

**From** Jade Cook
**Date** Wed 07/01/2026 12:44 AM
**To** FGC <FGC@fgc.ca.gov>; OAL Reference Attorney@OAL <OALReferenceAttorney@oal.ca.gov>

California Fish & Game Commission,

I strongly support the proposed regulations to prohibit wire leaders and large hooks used to target white sharks, as well as requiring this species to be kept fully submerged if incidentally caught.

For too long, our beloved great whites have been illegally targeted using this gear, caught and dragged from the ocean for photoshoots, under the auspices of targeting other species.

As warm El Niño waters stir, bringing more sharks to California shores, these regulations are more than warranted to protect California swimmers, surfers, and sharks alike.

Thank you

Sent from my iPhone

Outlook

## Dear Commissioners

**From** Alexander Everett
**Date** Tue 06/23/2026 07:11 PM
**To** FGC <FGC@fgc.ca.gov>; OAL Reference Attorney@OAL <OALReferenceAttorney@oal.ca.gov>

Dear Commissioners,

I respectfully oppose the proposed amendments to Section 28.65. While I support protecting white sharks and enforcing existing regulations, a blanket prohibition on metallic leaders and hook-size restrictions would have significant unintended consequences for legitimate fisheries that are not targeting white sharks.

These regulations would negatively impact anglers targeting species such as mako, blue, sevengill, soupfin, and leopard sharks, which are legal to pursue under California law. Wire leaders and appropriately sized hooks are important tools that allow anglers to responsibly target, land, and release these species. Rather than imposing broad gear restrictions on law-abiding anglers, focus on enforcing existing laws against the illegal targeting of protected white sharks.

Metallic leaders are not used only for large sharks. They are also an important conservation tool in legal California shark fisheries. Even sharp-toothed bony fishes and relatively small sharks can quickly sever monofilament or fluorocarbon leaders. Species such as leopard sharks and soupfin sharks can easily bite through conventional leaders, leaving fish swimming away with hooks and long lengths of line attached. Prohibiting the use of metallic leaders will likely result in more hooks being embedded in fish. Ironically, these proposed restrictions may increase harm to sharks and other marine life. When sharks cut through monofilament leaders, they can swim away trailing hooks and line that may remain embedded in the animal. Lost monofilament can persist in the marine environment for years, creating entanglement hazards for marine mammals, sea turtles, seabirds, and fish. Properly selected wire leaders often reduce gear loss and improve the likelihood that fish can be landed, handled responsibly, and released without excessive tackle left behind. I am one of thousands of anglers who contribute to California's coastal economy through recreational fishing tourism.

Regulations that unnecessarily restrict access to these fisheries will have economic consequences for anglers, coastal communities, tackle shops, charter operators, hotels, restaurants, and other small businesses that benefit from visiting fishermen.

Protecting white sharks is an important goal, but it should be accomplished through targeted enforcement of existing regulations rather than broad restrictions that affect responsible anglers, sustainable fisheries, and coastal economies while potentially creating unintended environmental consequences.

Thank you for your time and consideration.

Alexander Everett

Outlook

**Opposition to Emergency Amendment 28.06 & 28.65**

**From** Marissa Sylvester
**Date** Fri 06/26/2026 09:28 AM
**To** FGC <FGC@fgc.ca.gov>

Dear Office of Administrative Law,

I am writing to respectfully oppose the proposed emergency amendments to Title 14 CCR Sections 28.06 and 28.65, which would restrict recreational fishing gear by banning metallic leaders and limiting hook size from shore and out to 1,000 feet off the beach.

Protecting white sharks is something I fully support. But a blanket ban on metallic leaders and a hook-size restriction isn't the right way to get there. A rule like this punishes every angler, including all of us who follow the current regulations and do our best to treat these fish and the ocean with respect. If the real goal is conservation, that's far better served by strictly enforcing the rules already in place and by doing more to educate the public on how to safely handle protected species.

I'd also like to point out that wire leaders often reduce gear loss and make it more likely a fish can be landed, handled, and released cleanly, without tackle left behind in the animal or the water. When a shark cuts through a monofilament or fluorocarbon leader, it swims off trailing hooks and line that can negatively affect the fish and the environment.

I also disagree with this emergency rule making process. It is not fair to the public to only allow us a short window to stress our concerns over email. Enforcing this restriction will affect thousands, some of which depend on this fishery.

Please protect white sharks by enforcing the rules we already have, not by banning gear that is essential to target the species we are actively trying to catch.

Thank you for your time.

Marissa Sylvester
[redacted]

Outlook

**Emergency Regulations: Recreational Gear Restrictions for White Shark**

**From** Greg Haskins
**Date** Sun 07/12/2026 02:12 PM
**To** FGC <FGC@fgc.ca.gov>; OAL Reference Attorney@OAL <OALReferenceAttorney@oal.ca.gov>

Hi,

My name is Greg Haskins.  I am a land based shark fishing(LBSF) guide.  I have been a member of the LBSF community for 26 years and I understand the community more intimately than any scientist, regulator or outsider ever could.  I am writing you today to inform you in no uncertain terms that a top down approach to LBSF regulations in California will unequivocally result in the creation of a target on the backs of California white sharks raising the likelihood of white shark mortality due to LBSF activities.

Please take a moment to remind yourself of the lessons that we learned during prohibition about what happens when you take away something that is highly desired.  California has a highly desirable fishery for the LBSF community.

In recent years, coinciding with the rise of social media influencers, inexperienced anglers have been attracted to LBSF doing what is dubbed in the community as “clout chasing”.  Influencers with very little to no experience will target large sharks with the intention of posting pictures and videos on social media for views, likes and monetary reasons and then copy-cat behavior follows. Due to the nature of social media, these influencers are always looking for an opportunity to do something more extreme or unique to stand out which leads to stupid behavior.

As a long time member of the LBSF community, I can attest to the reality that a much larger percentage of LBSF community members are willing to break rules and regulations, specifically fishing bans, than members of other fishing communities.  In fact, this rebellious nature is something that most community members take great pride in.  If you took an anonymous survey asking LBSF community members if they have ever fish inside an area with a ban, you would be hard pressed to find a community member that has not.  I fished with a client in an area that has an existing ban last week.  This is an incredibly common practice and is viewed as a right of passage; you’re not truly a community member unless you’ve caught sharks where it’s banned. It’s similar to joining the mile high club, breaking the rules is part of the excitement.

A full ban, or regulations such as the inability to use large hooks and wire which essentially constitute a full ban, will simply move LBSF activity to the night. Fishing at night is something the community is already accustomed to for multiple reasons, one of which is that wardens are never on the beach at 3am.

We have faced bans in every state that the sport is popular and when they pop up we rally and make a big fuss but if the ban goes through the reaction is “Whatever, we are going to fish at night anyway. Good luck enforcing it!”

If the intention of the proposed regulations is to reduce white shark mortality, a ban of LBSF will have the opposite effect. It will create a scenario in which catching a “banned CA white” becomes a status symbol among the LBSF community making it a more desirable catch, particularly to the community members that are most likely to kill a white shark, the “clout chasers”.

A 2014 study of the Maldives’ shark sanctuary led by Khadeeja Ali found major problems stemming from both a lack of consultation of the local fishing community and monitoring. The fishermen felt attacked and chose to ignore the regulations and they did not have the proper monitoring in place to enforce the regulations. The paper concluded that “without proper monitoring, the shark ban cannot be a success.”

Ignoring fishing bans is an ingrained part of the LBSF community and something your monitoring and enforcement officers will not be able to successfully mitigate.

David Shiffman, Ph.D., Conservation Shark Biologist and Conservation Policy Expert, said in his book “Why Sharks Matter” that regulations that involve fishers and give them a voice are much more likely to be successful. Additionally, he states that regulations that implement fishing gear modification have been shown to be highly successful.

A regulation that requires fishers to use proper LBSF gear will be highly successful in reducing white shark mortality.

When incorrect fishing gear is used for LBSF, it can result in long fight times that result in fish mortality due to exhaustion and stress. However, it’s well known that using proper gear, specifically large conventional reels that put out a minimum of 50lbs of drag, significantly reduces the rate of fish mortality.

Even though the community rebels against full bans, oddly, when there are regulations about how to properly fish for sharks from land, these regulations get self enforced within the community. Florida has implemented LBSF regulations that include a special shark fishing license, a training course, use of specific gear, fish handling regulations and the prevention of fishing on busy beaches. I frequently see people getting harassed, ridiculed and receiving threats for doing things like fishing during the day on busy beaches.

An approach such as the one used in FL will be highly effective at achieving the goal of protecting white sharks.

A time of use regulation could be included and is an effective way to minimize the possibility of negative interactions between anglers and other beach goers thus reducing the number of complaints from other beach goers about LBSF activity.

I suggest that regulating the reel size should be included.  This is the most common mistake that anglers make that leads to extended fight times.

It is easy to get some junky gear and a used kayak off of marketplace for a few hundred dollars to be able to fish.  Proper gear is quite expensive, even used, and this alone will significantly reduce the number of people participating in LBSF in the state.  Additionally, the LBSF members will self police this to a large degree.  It is very vocally frowned upon when a shark dies due to improper gear and having an actual regulation about the issue will absolutely result in self enforcement.  Although please note that it will also result in fist fights - we are a rowdy crowd and do not care about another misdemeanor.

You have likely already come to know how volatile the LBSF community can be.  As someone who has navigated it for years, please take heed to my words when I say that a ban will result in the fishery becoming more desirable for the most volatile members of the community.  They will not post where they caught the fish on social media but they will absolutely travel from far and wide to add the “banned CA white” notch to their bed post.  Pardon my French but the little dick energy held within this community is higher than anywhere else in our society.

I and most of the LBSF community fully support white shark conservation.  White shark conservation is a hot topic that is often quite emotional for people.  So much so, that even well respected members of the scientific community are sharing misinformation on their platforms regarding the proposed shark regulations because it fits nicely into a narrative in support of the ban. I have seen members of the science community claim that large sharks need the buoyancy of water to support their bodies to avoid injury.. White sharks dive to over 4000 feet.  At that depth the pressure on their bodies is 1,800 pounds per square inch which is significantly more pressure on their body than the pressure that momentarily lying on the shore would generate on their stomachs.  Their bodies are designed to withstand immense pressure.  In reality we do not know if momentarily lying on the shore causes injury to their bodies, just as we do not know if fish can feel pain - a fact that is accepted by the science community.   However, they do not appear to sustain injury when they lay fully out of the water on the platforms of research boats.  If a member of the science community makes such a claim they are not being fully truthful and have thus crossed a professional boundary.  That said, I support not taking large sharks fully out of the water and is a practice that I keep.

If a full ban goes through, the number of white sharks that wash up on CA beaches will increase and lacking the tact and patience to work with the LBSF community to achieve common ground on the goal of protecting white sharks will become a well known conservation blunder.  It will become a teaching point of making sure you understand the behavior of the community that you are regulating.  I am well versed in how unpleasant it can be to interact with the LBSF community, however I can assure you with the utmost certainty that it would be a grave mistake to implement a complete ban of LBSF in Southern California.

I am not currently an active member of the community in CA but there are a few well respected individuals, specifically Spencer Wonder, that have powerful voices within the community. They can be powerful allies in achieving a conservation goal of minimizing white shark mortality caused by LBSF.

I want to take a moment to address shark fishing bans being positioned as public safety issues. The lack of factual support for this idea is simply comical. In addition, it actively works against conservation efforts as it perpetuates the Jaws Effect by labeling sharks as dangerous. As I am sure you are aware, no matter how you quantify danger it is impossible to come to the conclusion that sharks are indeed dangerous. For example if we were to use hospitalizations per year to quantify danger: sharks account for 25; Domestic cats account for 60,000. Are we banning cat ownership? Youth sports account for over 900,000 including over 280,000 traumatic brain injuries - yet we excitedly sign our children up for these activities.

In summary, because of the dynamics of the LBSF community, a LBSF ban poses a grave threat to white sharks because you will not be able to properly monitor and enforce the ban and it will encourage the worst actors in the space to target white sharks. In any regulations that get put in place please do not include anything about the preposterous and anti-conservation notion of swimmer safety.

My words are not a ruse, sometimes in life, you just know something is going to be true. After 26 years of experience with this community, this is one of those moments. Banning LBSF in California will be a white shark conservation disaster.

Please listen to my words.

Sincerely,

Greg Haskins

Outlook

**Public Comment for Agenda Item 19 on 6.18.2026**

**From** Layne Fajeau
**Date** Thu 06/18/2026 10:12 AM
**To** FGC <FGC@fgc.ca.gov>
**Cc** Scott Webb <swebb@rri.org>; Molly Culton <molly.culton@sierraclub.org>

Good morning, President Sklar and Honorable Commissioners,

I had my hand raised this morning via Zoom to comment on Agenda Item 19, but for some reason, I wasn't called upon. I'm going to paste my comment below, but please know that Sierra Club California is completely in support of the Commission stepping up and getting more involved in water flow and diversion decisions made by agencies like SWRCB and DWR. Below is what I was going to comment.

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My name is Layne Fajeau, and I am here on behalf of Sierra Club California, representing over half a million of our members statewide.

For the past several decades, our organization and the Bay-Delta Flows Coalition have advocated on behalf of various endangered species, including the Delta Smelt and Chinook Salmon, which are threatened with extinction due to the decisions of water agencies such as the State Water Resources Control Board and the Department of Water Resources. Scientists are in agreement that the primary factor endangering these endemic Californian species is the rampant diversion of freshwater, which increases salinity and temperature in the Delta estuary and its upstream rivers.

This is a constructed crisis. We have constructed the policies and regulations that allow for water project proponents to pump these critical ecosystems dry, and that put species in an existential crisis. And as the agency charged with protecting California's critical endangered species, we fundamentally believe these are processes that the Commission must get involved in, to advocate on behalf of these species.

I'm here to add the Sierra Club's voice alongside the rest of our coalition this morning. It would be of immense help if the Fish and Game Commission got involved alongside us to protect our endangered riparian ecosystems and species. The Commission has a meaningful opportunity to engage more directly in the current processes at sister agencies, including the State Water Resources Control Board and the Department of Water Resources. We encourage the Commission to formally request consultation and ongoing input on the decisions affecting California's fish and wildlife. Thank you for your time.


**Layne Fajeau (he/him)**
Associate Organizer
San Francisco, CA / Ancestral Miwok and Ohlone Land
Sierra Club California
[redacted]

Outlook

**Re: the CEC lawsuit against Trump Administration regarding OSW refund of their lease purchase funds**

**From** mbcfo member <mbcfo1972@gmail.com>
**Date** Tue 06/23/2026 12:18 PM
**To** California Energy Commission <CEC@public.govdelivery.com>
**Cc** Doug Boren <douglas.boren@boem.gov>; CentralCoast@Coastal <CentralCoast@coastal.ca.gov>; Andrea Chmelik <Andrea.Chmelik@asm.ca.gov>; Dobroski, Nicole@SLC <Nicole.Dobroski@slc.ca.gov>; Eckerle, Jenn@CNRA <Jenn.Eckerle@resources.ca.gov>; Executive Officer of SLC <ExecutiveOfficer.Public@slc.ca.gov>; ExecutiveStaff@Coastal <ExecutiveStaff@coastal.ca.gov>; FGC <FGC@fgc.ca.gov>; Flint, Scott@Energy <Scott.Flint@energy.ca.gov>; bgibson@co.slo.ca.us <bgibson@co.slo.ca.us>; Greg Haas <greg.haas@mail.house.gov>; Nancy Hann <nancy.hann@noaa.gov>; Harland, Eli@Energy <Eli.Harland@energy.ca.gov>; Dr. Caryl Hart <CommissionerCHart@coastal.ca.gov>; Gonzalez, Kathleen@Waterboards <Kathleen.Gonzalez@Waterboards.ca.gov>; Huckelbridge, Kate@Coastal <Kate.Huckelbridge@coastal.ca.gov>; Kalua, Kaitlyn@CNRA <Kaitlyn.Kalua@resources.ca.gov>; Kato, Grace@SLC <Grace.Kato@slc.ca.gov>; Zara Landrum <zlandrum@morrobayca.gov>; JANO.DEKERMENJIAN@sen.ca.gov <JANO.DEKERMENJIAN@SEN.CA.GOV>

Dear California Energy Commission,

Using the Outer Continental Shelf Lands Act to support your case against the Trump Administration is ironic since **California is already in violation of the OCSLA** by not doing the required data collection. Because the State bypassed the data collection required in Section 20 of the OCSLA, protected essential fish habitat, endangered species, and commercial fisheries were put into jeopardy with high resolution geographic mapping utilizing unstudied new technology. Atlas Wind llc and Golden State Wind llc completed site surveys April to November 2024 using high decibel sonar studies capable of penetrating the ocean floor up to 150', over 1000s of acres, 40 feet off the bottom, 24/7 for over 8 months with no Before, After, Control, Impact data collection as required in the OCSLA. Let alone the required establishment of Best Practice Protocols for Site Surveys set forth in the California Coastal Commissions Conditional Consistency Determination and or Senate Bill 286.

This is a direct quote from the OCSLA:
"Time-series and data trend information of the human, marine, and coastal environments were suppose to be collected within 6 months of the lease sale and subsequent to developing the lease according to the Outer Continental Shelf Lands Act (OCSLA)."

Therefore, Wind developers and State agencies should not have been able to progress with any phase of development, including Site Surveys, until they were in compliance with the Outer Continental Shelf Lands Act (OCSLA) Section 20. Environmental Studies. (Page 36-37).

*SEC. 20. ENVIRONMENTAL STUDIES.—(a)(1) The Secretary shall conduct a study of any area or region included in any oil and gas lease sale or other lease in order to* ***establish information needed for assessment and management of environmental impacts on the human, marine, and coastal environments of the outer Continental Shelf and the coastal areas*** *which may be affected by oil and gas or other mineral development in such area or region.*

*(2) Each study required by paragraph (1) of this subsection shall be commenced* ***not later than six months after the date of enactment*** *of this section with respect to any area or region where a* ***lease sale*** *has been held or announced by publication of a notice of proposed lease sale before such date of enactment, and not later than six months prior to the holding of a lease sale with respect to any area or region where no lease sale has been held or scheduled before such date of enactment. In the case of an agreement under section 8(k)(2), each study required by paragraph (1) of this subsection shall be commenced not later than 6 months prior to commencing negotiations for such agreement or the entering into the memorandum of agreement as the case may be. The Secretary may utilize information collected in any study prior to such date of enactment.*

*(3) In addition to developing environmental information, any study of an area or region, to the extent practicable, shall be designed to predict impacts on the marine biota which may result from chronic low level pollution or large spills associated with outer Continental Shelf production, from the introduction of drill cuttings and drilling muds in the area, and from the laying of pipe to serve the offshore production area, and the impacts of development offshore on the affected and coastal areas.*

*(b) Subsequent to the leasing and developing of any area or region,*

*the Secretary shall conduct such additional studies to establish environmental information as he deems necessary and shall* ***monitor the human, marine, and coastal environments of such area or region in a manner designed to provide time-series and data trend information which can be used for comparison with any previously collected data for the purpose of identifying any significant changes in the quality and productivity of such environments, for establishing trends in the areas studied and monitored, and for designing experiments to identify the causes of such changes.***

*(c) The Secretary shall, by regulation, establish procedures for carrying out his duties under this section, and shall plan and carry out such duties* ***in full cooperation with affected States.*** *To the extent that other Federal agencies have prepared environmental impact statements, are conducting studies, or are monitoring the affected human, marine, or coastal environment, the Secretary may utilize the information derived therefrom in lieu of directly conducting such activities. The Secretary may also utilize information obtained from any State of local government, or from any person, for the purposes of this section. For the purpose of carrying out his responsibilities under this section, the Secretary may by agreement utilize, with or without reimbursement, the services, personnel, or facilities of any Federal, State, or local government agency.*

*(d) The Secretary* ***shall consider available relevant environmental information in making decisions*** *(including those relating to exploration plans, drilling permits, and development and production plans), in developing appropriate regulations and lease conditions, and in issuing operating orders.*

*(e)* ***As soon as practicable after the end of every 3 fiscal years, the Secretary shall submit to the Congress and make available to the general public an assessment of the cumulative effect of activities conducted under this Act on the human, marine, and coastal environments.***

*(f) In executing his responsibilities under this section, the Secretary shall, to the maximum extent practicable, enter into appropriate arrangements to utilize on a reimbursable basis the capabilities of the Department of Commerce. In carrying out such arrangements, the Secretary of Commerce is authorized to enter into contract or grants with any person, organization, or entity with funds appropriated to the Secretary of the Interior pursuant to this Act.*

*VerDate*

Tom Hafer
Secretary MBCFO
(805) 610-2072
mbcfo1972@gmail.com

On Jun 23, 2026, at 10:53 AM, California Energy Commission <CEC@public.govdelivery.com> wrote:

# California Sends Notice of Intent to File Suit Challenging Trump Administration’s Unlawful Offshore Wind Deal

For Immediate Release: June 23, 2026
Contact: mediaoffice@energy.ca.gov
Phone: (916) 654-4989

***WHAT TO KNOW:*** *Today, California sent a Notice of Intent to Sue to the U.S. Department of the Interior regarding its illegal buyout of the Golden State Wind LLC offshore wind lease under the Outer Continental Shelf Lands Act.*

**OAKLAND** – California Attorney General Rob Bonta and California Energy Commission (CEC) Chair David Hochschild today sent a Notice of Intent to Sue targeting an unlawful agreement between the U.S. Department of Interior (DOI) and Golden State Wind LLC (GSW) that puts at risk California’s clean energy gains, thousands of high-quality jobs, and more than $100 million in public investments in the offshore wind industry, including voter-approved climate funds. Under the agreement, DOI illegally reallocates $120 million in federal taxpayer dollars to pay GSW to abandon its offshore wind energy lease in federal waters off of California’s Central Coast and requires GSW to invest an equal amount in out-of-state fossil-fuel projects that will do nothing to support California’s energy economy. If allowed to proceed, the lease buyout threatens to set back California’s burgeoning offshore wind industry by years. Just last week, the Trump Administration used the same maneuver to pay off another California offshore wind leaseholder, Invenergy, to the tune of $765 million.

In the Notice of Intent to Sue sent to DOI and GSW today, California alleges that DOI’s buyout deal with GSW violates the Outer Continental Shelf Lands Act (OCSLA), which is supposed to ensure that California gets a say in the offshore wind leasing program and prevent corrupt backroom deals. The Notice of Intent to Sue provides a 60-day window for DOI and GSW to cure the OCSLA violations before California files suit to put a stop to this unlawful buyout.

“At a time when the country needs more reliable and sustainable power supply, the Trump Administration is busy using taxpayer money to strike backroom buyouts that make clean-energy projects disappear. California won’t stand idly by as the Trump Administration illegally strikes deals to kill offshore wind projects and replace them with more windfalls for his fossil fuel friends; we’re putting the Administration on notice that we intend to sue,” **said Attorney General Bonta**. “California has already made substantial investments in clean wind energy that have advanced California’s clean energy goals, created high-quality jobs, and bolstered our economy. My office will continue to fight back aggressively against the Trump Administration’s illegal attacks on wind energy projects.”

“California strongly condemns yet another reckless Trump Administration misuse of taxpayer dollars that undermines clean energy growth and U.S. energy security,” **said California Energy Commission Chair David Hochschild**. “California will continue to lead the way toward a cleaner, more reliable grid powered by domestic resources. Offshore wind remains an essential component of that work.”

California’s offshore wind strategic plan calls for the State to develop 25 gigawatts of offshore wind power by 2045, enough to power roughly 25 million homes and provide about 13% of the state’s electricity supply, to accelerate California’s clean energy transition, create local manufacturing jobs, and drive economic development.

In 2022, after a highly competitive auction for offshore wind energy leases, GSW paid the U.S. $120 million to purchase an offshore wind lease in the Morro Bay Wind Energy Area off the Central California Coast for a 2-gigawatt offshore wind farm, with additional commitments of more than $30 million for workforce training, supply chain development, and benefits to local communities like fishermen’s associations. But on April 27, 2026, DOI announced it would terminate the lease in a secretive agreement with GSW that purportedly “settles” litigation that GSW never brought, challenging action that DOI never took. DOI claimed that unspecified national security concerns justified the cancellation, even though the federal government had already reviewed and approved the lease area after years of analysis and consultation with the U.S. Department of Defense.

California asserts that the cancellation of the Golden State Wind project will harm the State's clean energy and climate goals and economy. Offshore wind is expected to play a major role in this plan due to its potential to generate vast amounts of electricity from strong, consistent winds off California's coast.

Since federal offshore wind planning began off California's coast a decade ago, the state has invested significant resources in port readiness, transmission planning and stakeholder engagement. California has invested more than $100 million to ready California's ports, transmission systems, and industries to support offshore wind generation, investments which may be lost if the Trump administration succeeds in halting offshore wind development. Cancelling these projects will also threaten good-paying union jobs, reliable infrastructure investment, and sustainable economic growth.

**California's Multi-Pronged Approach: Investigative Subpoenas**

Today's Notice of Intent to Sue is the next step in a multi-pronged action, California is taking to combat the Trump Administration's attacks on our state's offshore wind infrastructure. In May, the CEC served an administrative investigative subpoena to GSW seeking documents and information related to the company's buyout deal with DOI. With the subpoena, CEC is protecting over $100 million in legislative and voter-approved investments in the State's offshore wind industry by investigating the GSW buyout's basis and impact on these public investments.

Following last week's news that DOI entered into a similar buyout deal with Invenergy, CEC issued a similar administrative investigative subpoena to Invenergy on June 23, 2026. That subpoena demands a copy of the settlement agreement—which DOI has not made public—and information concerning its basis, negotiation, and impact.

According to the Department of the Interior, Invenergy has agreed to voluntarily relinquish four offshore wind leases, including the lease for its 2-gigawatt project Morro Bay project, as well as leases off the Maine and New York coasts. In exchange, the Chicago-based energy company would receive a $765 million taxpayer funded payout from the federal government and make an equivalent investment in U.S. natural gas and geothermal projects. Nationwide, this brings the total amount of taxpayer funds spent by the Trump Administration on offshore wind buyouts to nearly $2.6 billion—all to get power companies *not* to produce clean energy.

For nearly a decade, California has worked with federal agencies, developers, tribes, labor groups, ports, fishermen, local governments, and communities to prepare for offshore wind development. State agencies and taxpayers have made significant investments in planning and port readiness because developers said those investments were necessary to deliver these projects. If the federal government is funding buyouts, Californians who invested years of time, money, and effort preparing for these projects should not be left empty-handed while developers are rewarded for walking away. California will carefully review any and all investigative materials and act as appropriate to protect our communities and our clean energy future.

###

***About the California Energy Commission***
*The California Energy Commission is the state's primary energy policy and planning agency, leading the state to a 100 percent clean energy future for all. It has seven core responsibilities: advancing state energy policy, encouraging energy efficiency, certifying power plants, investing in energy innovation, developing renewable energy, transforming transportation, and preparing for energy emergencies.*

Stay Connected with the California Energy Commission
715 P Street
Sacramento, CA 95814

# OUTER CONTINENTAL SHELF LANDS ACT

[The Act of August 7, 1953, Chapter 345, as Amended]

[As Amended Through P.L. 116–283, Enacted January 1, 2021]

¿Currency: This publication is a compilation of the text of Act of August 7, 1953, Chapter 345. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at https://www.govinfo.gov/app/collection/comps/

¿Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).

AN ACT To provide for the jurisdiction of the United States over the submerged lands of the outer Continental Shelf, and to authorize the Secretary of the Interior to lease such lands for certain purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Outer Continental Shelf Lands Act".

¿43 U.S.C. 1301 note

SEC. 2. DEFINITIONS.—When used in this Act—

(a) The term "outer Continental Shelf" means all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in section 2 of the Submerged Lands Act (Public Law 31, Eighty-third Congress, first session), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control;

(b) The term "Secretary" means the Secretary of the Interior, except that with respect to functions under this Act transferred to, or vested in, the Secretary of Energy or the Federal Energy Regulatory Commission by or pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), the term "Secretary" means the Secretary of Energy, or the Federal Energy Regulatory Commission, as the case may be;

(c) The term "lease" means any form of authorization which is issued under section 8 or maintained under section 6 of this Act and which authorizes exploration for, and development and production of, minerals;

(d) The term "person" includes, in addition to a natural person, an association, a State, a political subdivision of a State, or a private, public, or municipal corporation;

(e) The term "coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal States, and includes islands, transition and intertidal areas, salt marshes, wetlands, and beaches, which zone extends seaward to the outer limit of the United States territorial sea and extends inland from the shorelines to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters, and the inward boundaries of which may be identified by the several coastal States, pursuant to the authority of section 305(b)(1) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1454(b)(1));

(f) The term "affected State" means, with respect to any program, plan, lease sale, or other activity, proposed, conducted, or approved pursuant to the provisions of this Act, any State—

(1) the laws of which are declared, pursuant to section 4(a)(2) of this Act, to be the law of the United States for the portion of the outer Continental Shelf on which such activity is, or is proposed to be, conducted;

(2) which is, or is proposed to be, directly connected by transportation facilities to any artificial island or structure referred to in section 4(a)(1) of this Act;

(3) which is receiving, or in accordance with the proposed activity will receive, oil for processing, refining, or transshipment which was extracted from the outer Continental Shelf and transported directly to such State by means of vessels or by a combination of means including vessels;

(4) which is designated by the Secretary as a State in which there is a substantial probability of significant impact on or damage to the coastal, marine, or human environment, or a State in which there will be significant changes in the social, governmental, or economic infrastructure, resulting from the exploration, development, and production of oil and gas anywhere on the Outer Continental Shelf; or

(5) in which the Secretary finds that because of such activity there is, or will be, a significant risk of serious damage, due to factors such as prevailing winds and currents, to the marine or coastal environment in the event of any oilspill, blowout, or release of oil or gas from vessels, pipelines, or other transshipment facilities;

(g) The term "marine environment" means the physical, atmospheric, and biological components, conditions, and factors which interactively determine the productivity, state, condition, and quality of the marine ecosystem, including the waters of the high seas, the contiguous zone, transitional and intertidal areas, salt marshes, and wetlands within the coastal zone and on the outer Continental Shelf;

(h) The term "coastal environment" means the physical atmospheric, and biological components, conditions, and factors which interactively determine the productivity, state, condition, and quality of the terrestrial ecosystem from the shoreline inward to the boundaries of the coastal zone;

(i) The term "human environment" means the physical, social, and economic components, conditions, and factors which interactively determine the state, condition, and quality of living conditions, employment, and health of those affected, directly or indirectly, by activities occurring on the outer Continental Shelf;

(j) The term "Governor" means the Governor of a State, or the person or entity designated by, or pursuant to, State law to exercise the powers granted to such Governor pursuant to this Act;

(k) The term "exploration" means the process of searching for minerals, including (1) geophysical surveys where magnetic, gravity, seismic, or other systems are used to detect or imply the presence of such minerals, and (2) any drilling, whether on or off known geological structures, including the drilling of a well in which a discovery of oil or natural gas in paying quantities is made and the drilling of any additional delineation well after such discovery which is needed to delineate any reservoir and to enable the lessee to determine whether to proceed with development and production;

(l) The term "development" means those activities which take place following discovery of minerals in paying quantities, including geophysical activity, drilling, platform construction, and operation of all onshore support facilities, and which are for the purpose of ultimately producing the minerals discovered;

(m) The term "production" means those activities which take place after the successful completion of any means for the removal of minerals, including such removal, field operations, transfer of minerals to shore, operation monitoring, maintenance, and workover drilling;

(n) The term "antitrust law" means—

(1) the Sherman Act (15 U.S.C. 1 et seq.);

(2) the Clayton Act (15 U.S.C. 12 et seq.);

(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.);

(4) the Wilson Tariff Act (15 U.S.C. 8 et seq.); or

(5) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a);

(o) The term "fair market value" means the value of any mineral (1) computed at a unit price equivalent to the average unit price at which such mineral was sold pursuant to a lease during the period for which any royalty or net profit share is accrued or reserved to the United States pursuant to such lease, or (2) if there were no such sales, or if the Secretary finds that there were an insufficient number of such sales to equitably determine such value, computed at the average unit price at which such mineral was sold pursuant to other leases in the same region of the outer Continental Shelf during such period, or (3) if there were no sales of such mineral from such region during such period, or if the Secretary finds that there are an insufficient number of such sales to equitably determine such value, at an appropriate price determined by the Secretary;

(p) The term "major Federal action" means any action or proposal by the Secretary which is subject to the provisions of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(q) The term "minerals" includes oil, gas, sulphur, geopressured-geothermal and associated resources, and all other minerals which are authorized by an Act of Congress to be produced from "public lands" as defined in section 103 of the Federal Land Policy and Management Act of 1976.

¿43 U.S.C. 1331

SEC. 3. NATIONAL POLICY FOR THE OUTER CONTINENTAL SHELF.—It is hereby declared to be the policy of the United States that—

(1) the subsoil and seabed of the outer Continental Shelf appertain to the United States and are subject to its jurisdiction, control, and power of disposition as provided in this Act;

(2) this Act shall be construed in such a manner that the character of the waters above the outer Continental Shelf as high seas and the right to navigation and fishing therein shall not be affected;

(3) the outer Continental Shelf is a vital national resource reserve held by the Federal Government for the public, which should be made available for expeditious and orderly development, subject to environmental safeguards, in a manner which is consistent with the maintainence of competition and other national needs;

(4) since exploration, development, and production of the minerals of the outer Continental Shelf will have significant impacts on coastal and non-coastal areas of the coastal States, and on other affected States, and, in recognition of the national interest in the effective management of the marine, coastal, and human environments—

(A) such States and their affected local governments may require assistance in protecting their coastal zones and other affected areas from any temporary or permanent adverse effects of such impacts;

(B) the distribution of a portion of the receipts from the leasing of mineral resources of the outer Continental Shelf adjacent to State lands, as provided under section 8(g), will provide affected coastal States and localities with funds which may be used for the mitigation of adverse economic and environmental effects related to the development of such resources; and

(C) such States, and through such States, affected local governments, are entitled to an opportunity to participate, to the extent consistent with the national interest, in the policy and planning decisions made by the Federal Government relating to exploration for, and development and production of, minerals of the outer Continental Shelf.[1]

(5) the rights and responsibilities of all States and, where appropriate, local governments, to preserve and protect their marine, human, and coastal environments through such means as regulation of land, air, and water uses, of safety, and of related development and activity should be considered and recognized; and

(6) operations in the outer Continental Shelf should be conducted in a safe manner by well-trained personnel using

[1] So in law. The period probably should be a semicolon.

technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillage, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health.

¿43 U.S.C. 1332

SEC. 4. LAWS APPLICABLE TO OUTER CONTINENTAL SHELF.—(a)

(1) JURISDICTION OF THE UNITED STATES ON THE OUTER CONTINENTAL SHELF.—

(A) IN GENERAL.—The Constitution and laws and civil and political jurisdiction of the United States are extended, to the same extent as if the outer Continental Shelf were an area of exclusive Federal jurisdiction located within a State, to—

(i) the subsoil and seabed of the outer Continental Shelf;

(ii) all artificial islands on the outer Continental Shelf;

(iii) installations and other devices permanently or temporarily attached to the seabed, which may be erected thereon for the purpose of exploring for, developing, or producing resources, including non-mineral energy resources; or

(iv) any such installation or other device (other than a ship or vessel) for the purpose of transporting or transmitting such resources.

(B) LEASES ISSUED EXCLUSIVELY UNDER THIS ACT.—Mineral or energy leases on the outer Continental Shelf shall be maintained or issued only under the provisions of this Act.

(2)(A) To the extent that they are applicable and not inconsistent with this Act or with other Federal laws and regulations of the Secretary now in effect or hereafter adopted, the civil and criminal laws of each adjacent State, now in effect or hereafter adopted, amended, or repealed are hereby declared to be the law of the United States for that portion of the subsoil and seabed of the outer Continental Shelf, and artificial islands and fixed structures erected thereon, which would be within the area of the State if its boundaries were extended seaward to the outer margin of the outer Continental Shelf, and the President shall determine and publish in the Federal Register such projected lines extending seaward and defining each such area. All of such applicable laws shall be administered and enforced by the appropriate officers and courts of the United States. State taxation laws shall not apply to the outer Continental Shelf.

(B) Within one year after the date of enactment of this subparagraph, the President shall establish procedures for setting any outstanding international boundary dispute respecting the outer Continental Shelf.

(3) The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State

for any purpose over the seabed and subsoil of the Outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom.

(b) With respect to disability or death of an employee resulting from any injury occurring as the result of operations conducted on the outer Continental Shelf for the purpose of exploring for, developing, removing, or transporting by pipeline the natural resources, or involving rights to the natural resources, of the subsoil and seabed of the outer Continental Shelf, compensation shall be payable under the provisions of the Longshoremen's and Harbor Workers' Compensation Act. For the purposes of the extension of the provisions of the Longshoremen's and Harbor Workers' Compensation Act under this section—

(1) the term "employee" does not include a master or member of a crew of any vessel, or an officer or employee of the United States or any agency thereof or of any State or foreign government, or of any political subdivision thereof;

(2) the term "employer" means an employer any of whose employees are employed in such operations; and

(3) the term "United States" when used in a geographical sense includes the outer Continental Shelf and artificial islands and fixed structures thereon.

(c) For the purposes of the National Labor Relations Act, as amended, any unfair labor practice, as defined in such Act, occurring upon any artificial island, installation, or other device referred to in subsection (a) of this section shall be deemed to have occurred within the judicial district of the State, the laws of which apply to such artificial island, installation, or other device pursuant to such subsection, except that until the President determines the areas within which such State laws are applicable, the judicial district shall be that of the State nearest the place of location of such artifical island, installation, or other device.

(d)(1) The Secretary of the Department in which the Coast Guard is operating shall have authority to promulgate and enforce such reasonable regulations with respect to lights and other warning devices, safety equipment, and other matters relating to the promotion of safety of life and property on the artificial islands, installations, and other devices referred to in subsection (a) or on the waters adjacent thereto, as he may deem necessary.

(2) The Secretary of the Department in which the Coast Guard is operating may mark for the protection of navigation any artificial island, installation, or other device referred to in subsection (a) whenever the owner has failed suitably to mark such island, installation, or other device in accordance with regulation issued under this Act, and the owner shall pay the cost of such marking.

(e) The authority of the Secretary of the Army to prevent obstruction to navigation in the navigable waters of the United States is hereby extended to the artificial islands, installations, and other devices referred to in subsection (a).

(f) The specific application by this section of certain provisions of law to the subsoil and seabed of the outer Continental Shelf and the artificial islands, installations, and other devices referred to in subsection (a) or to acts or offenses occurring or committed thereon shall not give rise to any inference that the application to such islands and structures, acts, or offenses of any other provision of law is not intended.

¿43 U.S.C. 1333

SEC. 5. ADMINISTRATION OF LEASING OF THE OUTER CONTINENTAL SHELF.—(a) The Secretary shall administer the provisions of this Act relating to the leasing of the outer Continental Shelf, and shall prescribe such rules and regulations as may be necessary to carry out such provisions. The Secretary may at any time prescribe and amend such rules and regulations as he determines to be necessary and proper in order to provide for the prevention of waste and conservation of the natural resources of the outer Continental Shelf, and the protection of correlative rights therein, and, not withstanding any other provisions herein, such rules and regulations shall, as of their effective date, apply to all operations conducted under a lease issued or maintained under the provisions of this Act. In the enforcement of safety, environmental, and conservation laws and regulations, the Secretary shall cooperate with the relevant departments and agencies of the Federal Government and of the affected States. In the formulation and promulgation of regulations, the Secretary shall request and give due consideration to the views of the Attorney General with respect to matters which may affect competition. In considering any regulations and in preparing any such views the Attorney General shall consult with the Federal Trade Commission. The regulations prescribed by the Secretary under this subsection shall include, but not be limited to, provisions—

(1) for the suspension or temporary prohibition of any operation or activity, including production, pursuant to any lease or permit (A) at the request of a lessee, in the national interest, to facilitate proper development of a lease or to allow for the construction or negotiation for use of transportation facilities, or (B) if there is a threat of serious, irreparable, or immediate harm or damage to life (including fish and other aquatic life), to property, to any mineral deposits (in areas leased or not leased), or to the marine, coastal, or human environment, and for the extension of any permit or lease affected by suspension or prohibition under clause (A) or (B) by a period equivalent to the period of such suspension or prohibition, except that no permit or lease shall be so extended when such suspension or prohibition is the result of gross negligence or willful violation of such lease or permit, or of regulations issued with respect to such lease or permit;

(2) with respect to cancellation of any lease or permit—

(A) that such cancellation may occur at any time, if the Secretary determines, after a hearing, that—

(i) continued activity pursuant to such lease or permit would probably cause serious harm or damage to life (including fish and other aquatic life), to property, to any mineral (in areas leased or not leased), to the national security or defense, or to the marine, coastal, or human environment;

(ii) the threat of harm or damage will not disappear or decrease to an acceptable extent within a reasonable period of time; and

(iii) the advantages of cancellation outweigh the advantages of continuing such lease or permit in force;

(B) that such cancellation shall not occur unless and until operations under such lease or permit shall have been under suspension, or temporary prohibition, by the Secretary, with due extension of any lease or permit term continuously for a period of five years, or for a lesser period upon request of the lessee; [2]

(C) that such cancellation shall entitle the lessee to receive such compensation as he shows to the Secretary as being equal to the lesser of (i) the fair value of the canceled rights as of the date of cancellation, taking account of both anticipated revenues from the lease and anticipated costs, including costs of compliance with all applicable regulations and operating orders, liability for cleanup costs or damages, or both, in the case of an oilspill, and all other costs reasonably anticipated on the lease, or (ii) the excess, if any, over the lessee's revenues, from the lease (plus interest thereon from the date of receipt to date of reimbursement) of all consideration paid for the lease and all direct expenditures made by the lessee after the date of issuance of such lease and in connection with exploration or development, or both, pursuant to the lease (plus interest on such consideration and such expenditures from date of payment to date of reimbursement), except that (I) with respect to leases issued before the date of enactment of this subparagraph, such compensation shall be equal to the amount specified in clause (i) of this subparagraph; and (II) in the case of joint leases which are canceled due to the failure of one or more partners to exercise due diligence, the innocent parties shall have the right to seek damages for such loss from the responsible party or parties and the right to acquire the interests of the negligent party or parties and be issued the lease in question;

(3) for the assignment or relinquishment of a lease;

(4) for unitization, pooling, and drilling agreements;

(5) for the subsurface storage of oil and gas from any source other than by the Federal Government;

(6) for drilling or easements necessary for exploration, development, and production;

(7) for the prompt and efficient exploration and development of a lease area; and

(8) for compliance with the national ambient air quality standards pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.), to the extent that activities authorized under this Act significantly affect the air quality of any State.

(b) The issuance and continuance in effect of any lease, or of any assignment or other transfer of any lease, under the provisions

[2] Probably should end with "and".

of this Act shall be conditioned upon compliance with regulations issued under this Act.

(c) Whenever the owner of a nonproducing lease fails to comply with any of the provisions of this Act, or of the lease, or of the regulations issued under this Act, such lease may be canceled by the Secretary, subject to the right of judicial review as provided in this Act, if such default continues for the period of thirty days after mailing of notice by registered letter to the lease owner at his record post office address.

(d) Whenever the owner of any producing lease fails to comply with any of the provisions of this Act, of the lease, or of the regulations issued under this Act, such lease may be forfeited and canceled by a appropriate proceeding in any United States district court having jurisdiction under the provisions of this Act.

(e) Rights-of-way through the submerged lands of the outer Continental Shelf, whether or not such lands are included in a lease maintained or issued pursuant to this Act, may be granted by the Secretary for pipeline purposes for the transportation of oil, natural gas, sulphur, or other minerals, or under such regulations and upon such conditions as may be prescribed by the Secretary, or where appropriate the Secretary of Transportation, including (as provided in section 21(b) of this Act) assuring maximum environmental protection by utilization of the best available and safest technologies, including the safest practices for pipeline burial and upon the express condition that oil or gas pipelines shall transport or purchase without discrimination, oil or natural gas produced from submerged lands or outer Continental Shelf lands in the vicinity of the pipelines in such proportionate amounts as the Federal Energy Regulatory Commission, in consultation with the Secretary of Energy, may, after a full hearing with due notice thereof to the interested parties, determine to be reasonable, taking into account, among other things, conservation and the prevention of waste. Failure to comply with the provisions of this section or the regulations and conditions prescribed under this section shall be ground for forfeiture of the grant in an appropriate judicial proceeding instituted by the United States in any United States district court having jurisdiction under the provisions of this Act.

(f)(1) Except as provided in paragraph (2), every permit, license, easement, right-of-way, or other grant of authority for the transportation by pipeline on or across the outer Continental Shelf of oil or gas shall require that the pipeline be operated in accordance with the following competitive principles:

(A) The pipeline must provide open and nondiscriminatory access to both owner and nonowner shippers.

(B) Upon the specific request of one or more owner or nonowner shippers able to provide a guaranteed level of throughput, and on the condition that the shipper or shippers requesting such expansion shall be responsible for bearing their proportionate share of the costs and risks related thereto, the Federal Energy Regulatory Commission may, upon finding, after a full hearing with due notice thereof to the interested parties, that such expansion is within technological limits and economic feasibility, order a subsequent expansion of throughput capacity of any pipeline for which the permit, license, easement, right-of-way, or other grant of authority is approved or issued after the date of enactment of this subparagraph. This subparagraph shall not apply to any such grant of authority approved or issued for the Gulf of Mexico or the Santa Barbara Channel.

(2) The Federal Energy Regulatory Commission may, by order or regulation, exempt from any or all of the requirements of paragraph (1) of this subsection any pipeline or class of pipelines which feeds into a facility where oil and gas are first collected or a facility where oil and gas are first separated, dehydrated, or otherwise processed.

(3) The Secretary of Energy and the Federal Energy Regulatory Commission shall consult with and give due consideration to the views of the Attorney General on specific conditions to be included in any permit, license, easement, right-of-way, or grant of authority in order to ensure that pipelines are operated in accordance with the competitive principles set forth in paragraph (1) of this subsection. In preparing any such views, the Attorney General shall consult with the Federal Trade Commission.

(4) Nothing in this subsection shall be deemed to limit, abridge, or modify any authority of the United States under any other provision of law with respect to pipelines on or across the outer Continental Shelf.

(g)(1) The lessee shall produce any oil or gas, or both, obtained pursuant to an approved development and production plan, at rates consistent with any rule or order issued by the President in accordance with any provision of law.

(2) If no rule or order referred to in paragraph (1) has been issued, the lessee shall produce such oil or gas, or both, at rates consistent with any regulation promulgated by the Secretary of Energy which is to assure the maximum rate of production which may be sustained without loss of ultimate recovery of oil or gas, or both, under sound engineering and economic principles, and which is safe for the duration of the activity covered by the approved plan. The Secretary may permit the lessee to vary such rates if he finds that such variance is necessary.

(h) The head of any Federal department or agency who takes any action which has a direct and significant effect on the outer Continental Shelf or its development shall promptly notify the Secretary of such action and the Secretary shall thereafter notify the Governor of any affected State and the Secretary may thereafter recommend such changes in such action as are considered appropriate.

(i) After the date of enactment of this section, no holder of any oil and gas lease issued or maintained pursuant to this Act shall be permitted to flare natural gas from any well unless the Secretary finds that there is no practicable way to complete production of such gas, or that such flaring is necessary to alleviate a temporary emergency situation or to conduct testing or work-over operations.

(j) COOPERATIVE DEVELOPMENT OF COMMON HYDROCARBON-BEARING AREAS.—

(1) FINDINGS.—

(A) The Congress of the United States finds that the unrestrained competitive production of hydrocarbons from a common hydrocarbon-bearing geological area underlying the Federal and State boundary may result in a number of harmful national effects, including—

(i) the drilling of unnecessary wells, the installation of unnecessary facilities and other imprudent operating practices that result in economic waste, environmental damage, and damage to life and property;

(ii) the physical waste of hydrocarbons and an unnecessary reduction in the amounts of hydrocarbons that can be produced from certain hydrocarbon-bearing areas; and

(iii) the loss of correlative rights which can result in the reduced value of national hydrocarbon resources and disorders in the leasing of Federal and State resources.

(2) PREVENTION OF HARMFUL EFFECTS.—The Secretary shall prevent, through the cooperative development of an area, the harmful effects of unrestrained competitive production of hydrocarbons from a common hydrocarbon-bearing area underlying the Federal and State boundary.

¿43 U.S.C. 1334

SEC. 6. MAINTENANCE OF LEASES ON OUTER CONTINENTAL SHELF.—(a) The provisions of this section shall apply to any mineral lease covering submerged lands of the outer Continental Shelf issued by any State (including any extension, renewal, or replacement thereof heretofore granted pursuant to such lease or under the laws of such State) if—

(1) such lease, or a true copy thereof, is filed with the Secretary by the lessee or his duly authorized agent within ninety days from the effective date of this Act, or within such further period or periods as provided in section 7 hereof or as may be fixed from time to time by the Secretary;

(2) such lease was issued prior to December 21, 1948, and would have been on June 5, 1950, in force and effect in accordance with its terms and provisions and the law of the State issuing it had the State had authority to issue such lease;

(3) there is filed with the Secretary, within the period or periods specified in paragraph (1) of this subsection, (A) a certificate issued by the State official or agency having jurisdiction over such lease stating that it would have been in force and effect as required by the provisions of paragraph (2) of this subsection, or (B) in the absence of such certificate, evidence in the form of affidavits, receipts, canceled checks, or other documents that may be required by the Secretary, sufficient to prove that such lease would have been so in force and effect;

(4) except as otherwise provided in section 7 hereof, all rents, royalties, and other sums payable under such lease between June 5, 1950, and the effective date of this Act, which have not been paid in accordance with the provisions thereof, or to the Secretary or to the Secretary of the Navy, are paid to the Secretary within the period or periods specified in para-

graph (1) of this subsection, and all rents, royalties, and other sums payable under such lease after the effective date of this Act, are paid to the Secretary, who shall deposit such payments in the Treasury in accordance with section 9 of this Act;

(5) the holder of such lease certifies that such lease shall continue to be subject to the overriding royalty obligations existing on the effective date of this Act;

(6) such lease was not obtained by fraud or misrepresentation;

(7) such lease, if issued on or after June 23, 1947, was issued upon the basis of competitive bidding;

(8) such lease provides for a royalty to the lessor on oil and gas of not less than 12½ per centum and on sulphur of not less than 5 per centum in amount or value of the production saved, removed, or sold from the lease, or, in any case in which the lease provides for a lesser royalty, the holder thereof consents in writing, filed with the Secretary, to the increase of the royalty to the minimum herein specified;

(9) the holder thereof pays to the Secretary within the period or periods specified in paragraph (1) of this subsection an amount equivalent to any severance, gross production, or occupation taxes imposed by the State issuing the lease on the production from the lease, less the State's royalty interest in such production, between June 5, 1950, and the effective date of this Act and not heretofore paid to the State, and thereafter pays to the Secretary as an additional royalty on the production from the lease, less the United States' royalty interest in such production, a sum of money equal to the amount of the severance, gross production, or occupation taxes which would have been payable on such production to the State issuing the lease under its laws as they existed on the effective date of this Act;

(10) such lease will terminate within a period of not more than five years from the effective date of this Act in the absence of production or operations for drilling, or, in any case in which the lease provides for a longer period, the holder thereof consents in writing, filed with the Secretary, to the reduction of such period so that it will not exceed the maximum period herein specified; and

(11) the holder of such lease furnishes such surety bond, if any, as the Secretary may require and complies with such other reasonable requirements as the Secretary may deem necessary to protect the interests of the United States.

(b) Any person holding a mineral lease, which as determined by the Secretary meets the requirements of subsection (a) of this section, may continue to maintain such lease, and may conduct operations thereunder, in accordance with (1) its provisions as to the area, the minerals covered, rentals and, subject to the provisions of paragraphs (8), (9) and (10) of subsection (a) of this section, as to royalties and as to the term thereof and of any extensions, renewals, or replacements authorized therein or heretofore authorized by the laws of the State issuing such lease, or, if oil or gas was not being produced in paying quantities from such lease or or before December 11, 1950, or if production in paying quantities has ceased since June 5, 1950, or if the primary term of such lease has expired since December 11, 1950, then for a term from the effective date hereof equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of such State, and (2) such regulations as the Secretary may under section 5 of this Act prescribe within ninety days after making his determination that such lease meets the requirements of subsection (a) of this section: *Provided, however,* That any rights to sulphur under any lease maintained under the provisions of this subsection shall not extend beyond the primary term of such lease or any extension thereof under the provisions of such subsection (b) unless sulphur is being produced in paying quantities or drilling, well reworking, plant construction, or other operations for the production of sulphur, as approved by the Secretary, are being conducted on the area covered by such lease on the date of expiration of such primary term or extension: *Provided further,* That if sulphur is being produced in paying quantities on such date, then such rights shall continue to be maintained in accordance with such lease and the provisions of this Act: *Provided further,* That, if the primary term of a lease being maintained under subsection (b) hereof has expired prior to the effective date of this Act and oil or gas is being produced in paying quantities on such date, then such rights to sulphur as the lessee may have under such lease shall continue for twenty-four months from the effective date of this Act and as long thereafter as sulphur is produced in paying quantities, or drilling, well working, plant construction, or other operations for the production of sulphur, as approved by the Secretary, are being conducted on the area covered by the lease.

(c) The permission granted in subsection (b) of this section shall not be construed to be a waiver of such claims, if any, as the United States may have against the lessor or the lessee or any other person respecting sums payable or paid for or under the lease, or respecting activities conducted under the lease, prior to the effective date of this Act.

(d) Any person complaining of a negative determination by the Secretary of the Interior under this section may have such determination reviewed by the United States District Court for the District of Columbia by filing a petition for review within sixty days after receiving notice of such action by the Secretary.

(e) In the event any lease maintained under this section covers lands beneath navigable waters, as that term is used in the Submerged Lands Act, as well as lands of the outer Continental Shelf, the provisions of this section shall apply to such lease only insofar as it covers lands of the outer Continental Shelf.

¿43 U.S.C. 1335

SEC. 7. CONTROVERSY OVER JURISDICTION.—In the event of a controversy between the United States and a State as to whether or not lands are subject to the provisions of this Act, the Secretary is authorized, notwithstanding the provisions of subsections (a) and (b) of section 6 of this Act, and with the concurrence of the Attorney General of the United States, to negotiate and enter into agreements with the State, its political subdivision or grantee or a lessee thereof, respecting operations under existing mineral leases and payment and impounding of rents, royalties, and other sums payable thereunder, or with the State, its political subdivision or grantee, respecting the issuance or nonissuance of new mineral leases pending the settlement or adjudication of the controversy. The authorization contained in the preceding sentence of this section shall not be construed to be a limitation upon the authority conferred on the Secretary in other sections of this Act. Payments made pursuant to such agreement, or pursuant to any stipulation between the United States and a State, shall be considered as compliance with section 6(a)(4) hereof. Upon the termination of such agreement or stipulation by reason of the final settlement or adjudication of such controversy, if the lands subject to any mineral lease are determined to be in whole or in part lands subject to the provisions of this Act, the lessee, if he has not already done so, shall comply with the requirements of section 6(a), and thereupon the provisions of section 6(b) shall govern such lease. The notice concerning "Oil and Gas Operations in the Submerged Coastal Lands of the Gulf of Mexico" issued by the Secretary on December 11, 1950 (15 F. R. 8835), as amended by the notice dated January 26, 1951 (16 F. R. 953), and as supplemented by the notices dated February 2, 1951 (16 F. R. 1203), March 5, 1951 (16 F. R. 2195), April 23, 1951 (16 F. R. 3623), June 25, 1951 (16 F. R. 6404), August 22, 1951 (16 F. R. 8720), October 24, 1951 (16 F. R. 10998), December 21, 1951 (17 F. R. 43), March 25, 1952 (17 F. R. 2821), June 26, 1952 (17 F. R. 5833), and December 24, 1952 (18 F. R. 48), respectively, is hereby approved and confirmed.

¿43 U.S.C. 1336

SEC. 8. LEASES, EASEMENTS, AND RIGHTS-OF-WAY ON THE OUTER CONTINENTAL SHELF.—(a)(1) The Secretary is authorized to grant to the highest responsible qualified bidder or bidders by competitive bidding, under regulations promulgated in advance, any oil and gas lease on submerged lands of the outer Continental Shelf which are not covered by leases meeting the requirements of subsection (a) of section 6 of this Act. Such regulations may provide for the deposit of cash bids in an interest-bearing account until the Secretary announces his decision on whether to accept the bids, with the interest earned thereon to be paid to the Treasury as to bids that are accepted and to the unsuccessful bidders as to bids that are rejected. The bidding shall be by sealed bid and, at the discretion of the Secretary, on the basis of—

(A) cash bonus bid with a royalty at not less than 12½ per centum fixed by the Secretary in amount or value of the production saved, removed, or sold;

(B) variable royalty bid based on a per centum in amount or value of the production saved, removed, or sold, with either a fixed work commitment based on dollar amount for exploration or a fixed cash bonus as determined by the Secretary, or both;

(C) cash bonus bid, or work commitment bid based on a dollar amount for exploration with a fixed cash bonus, and a diminishing or sliding royalty based on such formulae as the Secretary shall determine as equitable to encourage continued production from the lease area as resources diminish, but not less than 12½ per centum at the beginning of the lease period in amount or value of the production saved, removed, or sold;

(D) cash bonus bid with a fixed share of the net profits of no less than 30 per centum to be derived from the production of oil and gas from the lease area;

(E) fixed cash bonus with the net profit share reserved as the bid variable;

(F) cash bonus bid with a royalty at no less than 12½ per centum fixed by the Secretary in amount or value of the production saved, removed, or sold and a fixed per centum share of net profits of no less than 30 per centum to be derived from the production of oil and gas from the lease area;

(G) work commitment bid based on a dollar amount for exploration with a fixed cash bonus and a fixed royalty in amount or value of the production saved, removed, or sold;

(H) cash bonus bid with royalty at no less than 12 and ½ per centum fixed by the Secretary in amount or value of production saved, removed, or sold, and with suspension of royalties for a period, volume, or value of production determined by the Secretary, which suspensions may vary based on the price of production from the lease; or

(I) subject to the requirements of paragraph (4) of this subsection, any modification of bidding systems authorized in subparagraphs (A) through (G), or any other systems of bid variables, terms, and conditions which the Secretary determines to be useful to accomplish the purposes and policies of this Act, except that no such bidding system or modification shall have more than one bid variable.

(2) The Secretary may, in his discretion, defer any part of the payment of the cash bonus, as authorized in paragraph (1) of this subsection, according to a schedule announced at the time of the announcement of the lease sale, but such payment shall be made in total no later than five years after the date of the lease sale.

(3)(A) The Secretary may, in order to promote increased production on the lease area, through direct, secondary, or tertiary recovery means, reduce or eliminate any royalty or net profit share set forth in the lease for such area.

(B) In the Western and Central Planning Areas of the Gulf of Mexico and the portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude and in the Planning Areas offshore Alaska, the Secretary may, in order to—

(i) promote development or increased production on producing or non-producing leases; or

(ii) encourage production of marginal resources on producing or non-producing leases;

through[3] primary, secondary, or tertiary recovery means, reduce or eliminate any royalty or net profit share set forth in the lease(s). With the lessee's consent, the Secretary may make other modifications to the royalty or net profit share terms of the lease in order to achieve these purposes.

[3] Indentation so in original. Probably should be flush.

(C)(i) Notwithstanding the provisions of this Act other than this subparagraph, with respect to any lease or unit in existence on the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act meeting the requirements of this subparagraph, no royalty payments shall be due on new production, as defined in clause (iv) of this subparagraph, from any lease or unit located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, until such volume of production as determined pursuant to clause (ii) has been produced by the lessee.

(ii) Upon submission of a complete application by the lessee, the Secretary shall determine within 180 days of such application whether new production from such lease or unit would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph. In making such determination, the Secretary shall consider the increased technological and financial risk of deep water development and all costs associated with exploring, developing, and producing from the lease. The lessee shall provide information required for a complete application to the Secretary prior to such determination. The Secretary shall clearly define the information required for a complete application under this section. Such application may be made on the basis of an individual lease or unit. If the Secretary determines that such new production would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph, the provisions of clause (i) shall not apply to such production. If the Secretary determines that such new production would not be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i), the Secretary must determine the volume of production from the lease or unit on which no royalties would be due in order to make such new production economically viable; except that for new production as defined in clause (iv)(I), in no case will that volume be less than 17.5 million barrels of oil equivalent in water depths of 200 to 400 meters, 52.5 million barrels of oil equivalent in 400–800 meters of water, and 87.5 million barrels of oil equivalent in water depths greater than 800 meters. Redetermination of the applicability of clause (i) shall be undertaken by the Secretary when requested by the lessee prior to the commencement of the new production and upon significant change in the factors upon which the original determination was made. The Secretary shall make such redetermination within 120 days of submission of a complete application. The Secretary may extend the time period for making any determination or redetermination under this clause for 30 days, or longer if agreed to by the applicant, if circumstances so warrant. The lessee shall be notified in writing of any determination or redetermination and the reasons for and assumptions used for such determination. Any determination or redetermination under this clause shall be a final agency action. The Secretary's determination or redetermination shall be judicially reviewable under section 10(a) of the Administrative Procedures Act (5 U.S.C. 702), only for actions filed within 30 days of the Secretary's determination or redetermination.

(iii) In the event that the Secretary fails to make the determination or redetermination called for in clause (ii) upon application by the lessee within the time period, together with any extension thereof, provided for by clause (ii), no royalty payments shall be due on new production as follows:

(I) For new production, as defined in clause (iv)(I) of this subparagraph, no royalty shall be due on such production according to the schedule of minimum volumes specified in clause (ii) of this subparagraph.

(II) For new production, as defined in clause (iv)(II) of this subparagraph, no royalty shall be due on such production for one year following the start of such production.

(iv) For purposes of this subparagraph, the term "new production" is—

(I) any production from a lease from which no royalties are due on production, other than test production, prior to the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or

(II) any production resulting from lease development activities pursuant to a Development Operations Coordination Document, or supplement thereto that would expand production significantly beyond the level anticipated in the Development Operations Coordination Document, approved by the Secretary after the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act.

(v) During the production of volumes determined pursuant to clauses (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for light sweet crude oil exceeds $28.00 per barrel, any production of oil will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clause (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $28.00. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

(vi) During the production of volumes determined pursuant to clause (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for natural gas exceeds $3.50 per million British thermal units, any production of natural gas will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clauses (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $3.50. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

(vii) The prices referred to in clauses (v) and (vi) of this subparagraph shall be changed during any calendar year after 1994 by the percentage, if any, by which the implicit price deflator for the gross domestic product changed during the preceding calendar year.

(4)(A) The Secretary of Energy shall submit any bidding system authorized in subparagraph (H) of paragraph (1) to the Senate and House of Representatives. The Secretary may institute such bidding system unless either the Senate or the House of Representatives passes a resolution of disapproval within thirty days after receipt of the bidding system.

(B) Subparagraphs (C) through (J) of this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but they are applicable only with respect to the procedures to be followed in that House in the case of resolutions described by this paragraph, and they supersede other rules only to the extent that they are inconsistent therewith; and

(ii) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(C) A resolution disapproving a bidding system submitted pursuant to this paragraph shall immediately be referred to a committee (and all resolutions with respect to the same request shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representative, as the case may be.

(D) If the committee to which has been referred any resolution disapproving the bidding system of the Secretary has not reported the resolution at the end of ten calendar days after its referral, it shall be in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the same bidding system which has been referred to the committee.

(E) A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same recommendation), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(F) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same bidding system.

(G) When the committee has reported, or has been discharged from further consideration of, a resolution as provided in this paragraph, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(H) Debate on the resolution is limited to not more than two hours, to be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(I) Motions to postpone, made with respect to the discharge from the committee, or the consideration of a resolution with respect to a bidding system, and motions to proceed to the consideration of other business, shall be decided without debate.

(J) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a bidding system shall be decided without debate.

(5)(A) During the five-year period commencing on the date of enactment of this subsection, the Secretary may, in order to obtain statistical information to determine which bidding alternatives will best accomplish the purposes and policies of this Act, require, as to no more than 10 per centum of the tracts offered each year, each bidder to submit bids for any area of the outer Continental Shelf in accordance with more than one of the bidding systems set forth in paragraph (1) of this subsection. For such statistical purposes, leases may be awarded using a bidding alternative selected at random for the acquisition of valid statistical data if such bidding alternative is otherwise consistent with the provisions of this Act.

(B) The bidding systems authorized by paragraph (1) of this subsection, other than the system authorized by subparagraph (A), shall be applied to not less than 20 per centum and not more than 60 per centum of the total area offered for leasing each year during the five-year period beginning on the date of enactment of this subsection, unless the Secretary determines that the requirements set forth in this subparagraph are inconsistent with the purposes and policies of this Act.

(6) At least ninety days prior to notice of any lease sale under subparagraph (D), (E), (F), or, if appropriate, (H) of paragraph (1), the Secretary shall by regulation establish rules to govern the calculation of net profits. In the event of any dispute between the United States and a lessee concerning the calculation of the net profits under the regulation issued pursuant to this paragraph, the burden of proof shall be on the lessee.

(7) After an oil and gas lease is granted pursuant to any of the work commitment options of paragraph (1) of this subsection—

(A) the lessee, at its option, shall deliver to the Secretary upon issuance of the lease either (i) a cash deposit for the full amount of the exploration work commitment, or (ii) a performance bond in form and substance and with a surety satisfactory to the Secretary, in the principal amount of such exploration work commitment assuring the Secretary that such commitment shall be faithfully discharged in accordance with this section, regulations, and the lease; and for purposes of this subparagraph, the principal amount of such cash deposit or bond may, in accordance with regulations, be periodically reduced upon proof, satisfactory to the Secretary, that a portion of the exploration work commitment has been satisfied;

(B) 50 per centum of all exploration expenditures on, or directly related to, the lease, including, but not limited to (i) geological investigations and related activities, (ii) geophysical investigations including seismic, geomagnetic, and gravity surveys, data processing and interpretation, and (iii) exploratory drilling, core drilling, redrilling, and well completion or abandonment, including the drilling of wells sufficient to determine the size and area extent of any newly discovered field, and including the cost of mobilization and demobilization of drilling equipment, shall be included in satisfaction of the commitment, except that the lessee's general overhead cost shall not be so included against the work commitment, but its cost (including employee benefits) of employees directly assigned to such exploration work shall be so included; and

(C) if at the end of the primary term of the lease, including any extension thereof, the full dollar amount of the exploration work commitment has not been satisfied, the balance shall then be paid in cash to the Secretary.

(8) Not later than thirty days before any lease sale, the Secretary shall submit to the Congress and publish in the Federal Register a notice—

(A) identifying any bidding system which will be utilized for such lease sale and the reasons for the utilization of such bidding system; and

(B) designating the lease tracts selected which are to be offered in such sale under the bidding system authorized by subparagraph (A) of paragraph (1) and the lease tracts selected which are to be offered under any one or more of the bidding systems authorized by subparagraphs (B) through (H) of paragraph (1), and the reasons such lease tracts are to be offered under a particular bidding system.

(b) An oil and gas lease issued pursuant to this section shall—

(1) be for a tract consisting of a compact area not exceeding five thousand seven hundred and sixty acres, as the Secretary may determine, unless the Secretary finds that a larger area is necessary to comprise a reasonable economic production unit;

(2) be for an initial period of—

(A) five years; or

(B) not to exceed ten years where the Secretary finds that such longer period is necessary to encourage exploration and development in areas because of unusually deep water or other unusually adverse conditions,

and as long after such initial period as oil or gas is produced from the area in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon;

(3) require the payment of amount or value as determined by one of the bidding systems set forth in subsection (a) of this section;

(4) entitle the lessee to explore, develop, and produce the oil and gas contained within the lease area, conditioned upon due diligence requirements and the approval of the development and production plan required by this Act;

(5) provide for suspension or cancellation of the lease during the initial lease term or thereafter pursuant to section 5 of this Act;

(6) contain such rental and other provisions as the Secretary may prescribe at the time of offering the area for lease; and

(7) provide a requirement that the lessee offer 20 per centum of the crude oil, condensate, and natural gas liquids produced on such lease, at the market value and point of delivery applicable to Federal royalty oil, to small or independent refiners as defined in the Emergency Petroleum Allocation Act of 1973.

(c)(1) Following each notice of a proposed lease sale and before the acceptance of bids and the issuance of leases based on such bids, the Secretary shall allow the Attorney General, in consultation with the Federal Trade Commission, thirty days to review the results of such lease sale, except that the Attorney General, after consultation with the Federal Trade Commission, may agree to a shorter review period.

(2) The Attorney General may, in consultation with the Federal Trade Commission, conduct such antitrust review on the likely effects the issuance of such leases would have on competition as the Attorney General, after consultation with the Federal Trade Commission, deems appropriate and shall advise the Secretary with respect to such review. The Secretary shall provide such information as the Attorney General, after consultation with the Federal Trade Commission, may require in order to conduct any antitrust review pursuant to this paragraph and to make recommendations pursuant to paragraph (3) of this subsection.

(3) The Attorney General, after consultation with the Federal Trade Commission, may make such recommendations to the Secretary, including the nonacceptance of any bid, as may be appropriate to prevent any situation inconsistent with the antitrust laws. If the Secretary determines, or if the Attorney General advises the Secretary, after consultation with the Federal Trade Commission and prior to the issuance of any lease, that such lease may create or maintain a situation inconsistent with the antitrust laws, the Secretary may—

(A) refuse (i) to accept an otherwise qualified bid for such lease, or (ii) to issue such lease, notwithstanding subsection (a) of this section; or

(B) issue such lease, and notify the lessee and the Attorney General of the reason for such decision.

(4)(A) Nothing in this subsection shall restrict the power under any other Act or the common law of the Attorney General, the Federal Trade Commission, or any other Federal department or agency to secure information, conduct reviews, make recommendations, or seek appropriate relief.

(B) Neither the issuance of a lease nor anything in this subsection shall modify or abridge any private right of action under the antitrust laws.

(d) No bid for a lease may be submitted if the Secretary finds, after notice and hearing, that the bidder is not meeting due diligence requirements on other leases.

(e) No lease issued under this Act may be sold, exchanged, assigned, or otherwise transferred except with the approval of the Secretary. Prior to any such approval, the Secretary shall consult with and give due consideration to the views of the Attorney General.

(f) Nothing in this Act shall be deemed to convey to any person, association, corporation, or other business organization immunity from civil or criminal liability, or to create defenses to actions, under any antitrust law.

(g)(1) At the time of soliciting nominations for the leasing of lands containing tracts wholly or partially within three nautical miles of the seaward boundary of any coastal State, and subsequently as new information is obtained or developed by the Secretary, the Secretary, in addition to the information required by section 26 of this Act, shall provide the Governor of such State—

(A) an identification and schedule of the areas and regions proposed to be offered for leasing;

(B) at the request of the Governor of such State, all information from all sources concerning the geographical, geological, and ecological characteristics of such tracts;

(C) an estimate of the oil and gas reserves in the areas proposed for leasing; and

(D) at the request of the Governor of such State, an identification of any field, geological structure, or trap located wholly or partially within three nautical miles of the seaward boundary of such coastal State, including all information relating to the entire field, geological structure, or trap.

The provisions of the first sentence of subsection (c) and the provisions of subsections (e)–(h) of section 26 of this Act shall be applicable to the release by the Secretary of any information to any coastal State under this paragraph. In addition, the provisions of subsections (c) and (e)–(h) of section 26 of this Act shall apply in their entirety to the release by the Secretary to any coastal State of any information relating to Federal lands beyond three nautical miles of the seaward boundary of such coastal State.

(2) Notwithstanding any other provision of this Act, the Secretary shall deposit into a separate account in the Treasury of the United States all bonuses, rents, and royalties, and other revenues (derived from any bidding system authorized under subsection (a)(1), excluding Federal income and windfall profits taxes, and derived from any lease issued after September 18, 1978 of any Federal tract which lies wholly (or, in the case of Alaska, partially until seven years from the date of settlement of any boundary dispute that is the subject of an agreement under section 7 of this Act entered into prior to January 1, 1986 or until April 15, 1993 with respect to any other tract) within three nautical miles of the sea-

ward boundary of any coastal State, or, (except as provided above for Alaska) in the case where a Federal tract lies partially within three nautical miles of the seaward boundary, a percentage of bonuses, rents, royalties, and other revenues (derived from any bidding system authorized under subsection (a)(1), excluding Federal income and windfall profits taxes, and derived from any lease issued after September 18, 1978 of such tract equal to the percentage of surface acreage of the tract that lies within such three nautical miles. Except as provided in paragraph (5) of this subsection, not later than the last business day of the month following the month in which those revenues are deposited in the Treasury, the Secretary shall transmit to such coastal State 27 percent of those revenues, together with all accrued interest thereon. The remaining balance of such revenues shall be transmitted simultaneously to the miscellaneous receipts account of the Treasury of the United States.

(3) Whenever the Secretary or the Governor of a coastal State determines that a common potentially hydrocarbon-bearing area may underlie the Federal and State boundary, the Secretary or the Governor shall notify the other party in writing of his determination and the Secretary shall provide to the Governor notice of the current and projected status of the tract or tracts containing the common potentially hydrocarbon-bearing area. If the Secretary has leased or intends to lease such tract or tracts, the Secretary and the Governor of the coastal State may enter into an agreement to divide the revenues from production of any common potentially hydrocarbon-bearing area, by unitization or other royalty sharing agreement, pursuant to existing law. If the Secretary and the Governor do not enter into an agreement, the Secretary may nevertheless proceed with the leasing of the tract or tracts. Any revenue received by the United States under such an agreement shall be subject to the requirements of paragraph (2).

(4) The deposits in the Treasury account described in this section shall be invested by the Secretary of the Treasury in securities backed by the full faith and credit of the United States having maturities suitable to the needs of the account and yielding the highest reasonably available interest rates as determined by the Secretary of the Treasury.

(5)(A) When there is a boundary dispute between the United States and a State which is subject to an agreement under section 7 of this Act, the Secretary shall credit to the account established pursuant to such agreement all bonuses, rents, and royalties, and other revenues (derived from any bidding system authorized under subsection (a)(1)), excluding Federal income and windfall profits taxes, and derived from any lease issued after September 18, 1978 of any Federal tract which lies wholly or partially within three nautical miles of the seaward boundary asserted by the State, if that money has not otherwise been deposited in such account. Proceeds of an escrow account established pursuant to an agreement under section 7 shall be distributed as follows:

(i) Twenty-seven percent of all bonuses, rents, and royalties, and other revenues (derived from any bidding system authorized under subsection (a)(1)), excluding Federal income and windfall profits taxes, and derived from any lease issued after

September 18, 1978, of any tract which lies wholly within three nautical miles of the seaward boundary asserted by the Federal Government in the boundary dispute, together with all accrued interest thereon, shall be paid to the State either—

(I) within thirty days of December 1, 1987, or

(II) by the last business day of the month following the month in which those revenues are deposited in the Treasury, whichever date is later.

(ii) Upon the settlement of a boundary dispute which is subject to a section 7 agreement between the United States and a State, the Secretary shall pay to such State any additional moneys due such State from amounts deposited in or credited to the escrow account. If there is insufficient money deposited in the escrow account, the Secretary shall transmit, from any revenues derived from any lease of Federal lands under this Act, the remaining balance due such State in accordance with the formula set forth in section 8004(b)(1)(B) of the Outer Continental Shelf Lands Act Amendments of 1985.

(B) This paragraph applies to all Federal oil and gas lease sales, under this Act, including joint lease sales, occurring after September 18, 1978.

(6) This section shall be deemed to take effect on October 1, 1985, for purposes of determining the amounts to be deposited in the separate account and the States' shares described in paragraph (2).

(7) When the Secretary leases any tract which lies wholly or partially within three miles of the seaward boundary of two or more States, the revenues from such tract shall be distributed as otherwise provided by this section, except that the State's share of such revenues that would otherwise result under this section shall be divided equally among such States.

(h) Nothing contained in this section shall be construed to alter, limit, or modify any claim of any State to any jurisdiction over, or any right, title or interest in, any submerged lands.

(i) In order to meet the urgent need for further exploration and development of the sulphur deposits in the submerged lands of the outer Continental Shelf, the Secretary is authorized to grant to the qualified persons offering the highest cash bonuses on a basis of competitive bidding sulphur leases on submerged lands of the outer Continental Shelf, which are not covered by leases which include sulphur and meet the requirements of subsection (a) of section 6 of this Act, and which sulphur leases shall be offered for bid by sealed bids and granted on separate leases from oil and gas leases, and for a separate consideration, and without priority or preference accorded to oil and gas lessees on the same area.

(j) A sulphur lease issued by the Secretary pursuant to this section shall (1) cover an area of such size and dimensions as the Secretary may determine, (2) be for a period of not more than ten years and so long thereafter as sulphur may be produced from the area in paying quantities or drilling, well reworking, plant construction, or other operations for the production of sulphur, as approved by the Secretary, are conducted thereon, (3) require the payment to the United States of such royalty as may be specified in the lease but not less than 5 per centum of the gross production of value of the sulphur at the wellhead, and (4) contained such rental provisions and such other terms and provisions as the Secretary may by regulation prescribe at the time of offering the area for lease.

(k)(1) The Secretary is authorized to grant to the qualified persons offering the highest cash bonuses on a basis of competitive bidding leases of any mineral other than oil, gas, and sulphur in any area of the outer Continental Shelf not then under lease for such mineral upon such royalty, rental, and other terms and conditions as the Secretary may prescribe at the time of offering the area for lease.

(2)(A) Notwithstanding paragraph (1), the Secretary may negotiate with any person an agreement for the use of Outer Continental Shelf sand, gravel and shell resources—

(i) for use in a program of, or project for, shore protection, beach restoration, or coastal wetlands restoration undertaken by a Federal, State, or local government agency; or

(ii) for use in a construction project, other than a project described in clause (i), that is funded in whole or in part by or authorized by the Federal Government.

(B) In carrying out a negotiation under this paragraph, the Secretary may assess a fee based on an assessment of the value of the resources and the public interest served by promoting development of the resources. No fee shall be assessed directly or indirectly under this subparagraph against a Federal, State, or local government agency.

(C) The Secretary may, through this paragraph and in consultation with the Secretary of Commerce, seek to facilitate projects in the coastal zone, as such term is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453), that promote the policy set forth in section 303 of that Act (16 U.S.C. 1452).

(D) Any Federal agency which proposes to make use of sand, gravel and shell resources subject to the provisions of this Act shall enter into a Memorandum of Agreement with the Secretary concerning the potential use of those resources. The Secretary shall notify the Committee on Merchant Marine and Fisheries and the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on any proposed project for the use of those resources prior to the use of those resources.

(l) Notices of sale of leases, and the terms of bidding authorized by this section shall be published at least thirty days before the date of sale in accordance with rules and regulations promulgated by the Secretary.

(m) All moneys paid to the Secretary for or under leases granted pursuant to this section shall be deposited in the Treasury in accordance with section 9 of this Act.

(n) The issuance of any lease by the Secretary pursuant to this Act, or the making of any interim arrangements by the Secretary pursuant to section 7 of this Act shall not prejudice the ultimate settlement or adjudication of the question as to whether or not the area involved is in the outer Continental Shelf.

(o) The Secretary may cancel any lease obtained by fraud or misrepresentation.

(p) LEASES, EASEMENTS, OR RIGHTS-OF-WAY FOR ENERGY AND RELATED PURPOSES.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating and other relevant departments and agencies of the Federal Government, may grant a lease, easement, or right-of-way on the outer Continental Shelf for activities not otherwise authorized in this Act, the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.), the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.), or other applicable law, if those activities—

(A) support exploration, development, production, or storage of oil or natural gas, except that a lease, easement, or right-of-way shall not be granted in an area in which oil and gas preleasing, leasing, and related activities are prohibited by a moratorium;

(B) support transportation of oil or natural gas, excluding shipping activities;

(C) produce or support production, transportation, or transmission of energy from sources other than oil and gas; or

(D) use, for energy-related purposes or for other authorized marine-related purposes, facilities currently or previously used for activities authorized under this Act, except that any oil and gas energy-related uses shall not be authorized in areas in which oil and gas preleasing, leasing, and related activities are prohibited by a moratorium.

(2) PAYMENTS AND REVENUES.—(A) The Secretary shall establish royalties, fees, rentals, bonuses, or other payments to ensure a fair return to the United States for any lease, easement, or right-of-way granted under this subsection.

(B) The Secretary shall provide for the payment of 27 percent of the revenues received by the Federal Government as a result of payments under this section from projects that are located wholly or partially within the area extending three nautical miles seaward of State submerged lands. Payments shall be made based on a formula established by the Secretary by rulemaking no later than 180 days after the date of enactment of this section that provides for equitable distribution, based on proximity to the project, among coastal states that have a coastline that is located within 15 miles of the geographic center of the project.

(3) COMPETITIVE OR NONCOMPETITIVE BASIS.—Except with respect to projects that meet the criteria established under section 388(d) of the Energy Policy Act of 2005, the Secretary shall issue a lease, easement, or right-of-way under paragraph (1) on a competitive basis unless the Secretary determines after public notice of a proposed lease, easement, or right-of-way that there is no competitive interest.

(4) REQUIREMENTS.—The Secretary shall ensure that any activity under this subsection is carried out in a manner that provides for—

(A) safety;

(B) protection of the environment;

(C) prevention of waste;

(D) conservation of the natural resources of the outer Continental Shelf;

(E) coordination with relevant Federal agencies;

(F) protection of national security interests of the United States;

(G) protection of correlative rights in the outer Continental Shelf;

(H) a fair return to the United States for any lease, easement, or right-of-way under this subsection;

(I) prevention of interference with reasonable uses (as determined by the Secretary) of the exclusive economic zone, the high seas, and the territorial seas;

(J) consideration of—

(i) the location of, and any schedule relating to, a lease, easement, or right-of-way for an area of the outer Continental Shelf; and

(ii) any other use of the sea or seabed, including use for a fishery, a sealane, a potential site of a deepwater port, or navigation;

(K) public notice and comment on any proposal submitted for a lease, easement, or right-of-way under this subsection; and

(L) oversight, inspection, research, monitoring, and enforcement relating to a lease, easement, or right-of-way under this subsection.

(5) LEASE DURATION, SUSPENSION, AND CANCELLATION.—The Secretary shall provide for the duration, issuance, transfer, renewal, suspension, and cancellation of a lease, easement, or right-of-way under this subsection.

(6) SECURITY.—The Secretary shall require the holder of a lease, easement, or right-of-way granted under this subsection to—

(A) furnish a surety bond or other form of security, as prescribed by the Secretary;

(B) comply with such other requirements as the Secretary considers necessary to protect the interests of the public and the United States; and

(C) provide for the restoration of the lease, easement, or right-of-way.

(7) COORDINATION AND CONSULTATION WITH AFFECTED STATE AND LOCAL GOVERNMENTS.—The Secretary shall provide for coordination and consultation with the Governor of any State or the executive of any local government that may be affected by a lease, easement, or right-of-way under this subsection.

(8) REGULATIONS.—Not later than 270 days after the date of enactment of the Energy Policy Act of 2005, the Secretary, in consultation with the Secretary of Defense, the Secretary of the Department in which the Coast Guard is operating, the Secretary of Commerce, heads of other relevant departments and agencies of the Federal Government, and the Governor of

any affected State, shall issue any necessary regulations to carry out this subsection.

(9) EFFECT OF SUBSECTION.—Nothing in this subsection displaces, supersedes, limits, or modifies the jurisdiction, responsibility, or authority of any Federal or State agency under any other Federal law.

(10) APPLICABILITY.—This subsection does not apply to any area on the outer Continental Shelf within the exterior boundaries of any unit of the National Park System, National Wildlife Refuge System, or National Marine Sanctuary System, or any National Monument.

¿43 U.S.C. 1337

SEC. 9. DISPOSITION OF REVENUES.—All rentals, royalties, and other sums paid to the Secretary or the Secretary of the Navy under any lease on the outer Continental Shelf for the period from June 5, 1950, to date, and thereafter shall be deposited in the Treasury of the United States and credited to miscellaneous receipts.

¿43 U.S.C. 1338

¿SEC. 10. Repealed by section 8(b) of P.L. 104–185, 110 Stat. 1717.

SEC. 11. GEOLOGICAL AND GEOPHYSICAL EXPLORATIONS.—(a)(1) Any agency of the United States and any person authorized by the Secretary may conduct geological and geophysical explorations in the outer Continental Shelf, which do not interfere with or endanger actual operations under any lease maintained or granted pursuant to this Act, and which are not unduly harmful to aquatic life in such area.

(2) The provisions of paragraph (1) of this subsection shall not apply to any person conducting explorations pursuant to an approved exploration plan on any area under lease to such person pursuant to the provisions of this Act.

(b) Except as provided in subsection (f) of this section, beginning ninety days after the date of enactment of this subsection, no exploration pursuant to any oil and gas lease issued or maintained under this Act may be undertaken by the holder of such lease, except in accordance with the provisions of this section.

(c)(1) Except as otherwise provided in the Act, prior to commencing exploration pursuant to any oil and gas lease issued or maintained under this Act, the holder thereof shall submit an exploration plan to the Secretary for approval. Such plan may apply to more than one lease held by a lessee in any one region of the outer Continental Shelf, or by a group of lessees acting under a unitization, pooling, or drilling agreement, and shall be approved by the Secretary if he finds that such plan is consistent with the provisions of this Act, regulations prescribed under this Act, including regulations prescribed by the Secretary pursuant to paragraph (8) of section 5(a) of this Act, and the provisions of such lease. The Secretary shall require such modifications of such plan as are necessary to achieve such consistency. The Secretary shall approve such plan, as submitted or modified, within thirty days of its submission, except that the Secretary shall disapprove such plan if he determines that (A) any proposed activity under such plan would result in any condition described in section 5(a)(2)(A)(i) of this Act, and (B) such proposed activity cannot be modified to avoid such condition. If the Secretary disapproves a plan under the preceding sentence, he may, subject to section 5(a)(2)(B) of this Act, cancel such lease and the lessee shall be entitled to compensation in accordance with the regulations prescribed under section 5(a)(2)(C) (i) or (ii) of this Act.

(2) The Secretary shall not grant any license or permit for any activity described in detail in an exploration plan and affecting any land use or water use in the coastal zone of a State with a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455), unless the State concurs or is conclusively presumed to concur with the consistency certification accompanying such plan pursuant to section 307(c)(3)(B) (i) or (ii) of such Act, or the Secretary of Commerce makes the finding authorized by section 307(c)(3)(B)(iii) of such Act.

(3) An exploration plan submitted under this subsection shall include, in the degree of detail which the Secretary may by regulation require—

(A) a schedule of anticipated exploration activities to be undertaken;

(B) a description of equipment to be used for such activities;

(C) the general location of each well to be drilled; and

(D) such other information deemed pertinent by the Secretary.

(4) The Secretary may, by regulation, require that such plan be accompanied by a general statement of development and production intentions which shall be for planning purposes only and which shall not be binding on any party.

(d) The Secretary may, by regulation, require any lessee operating under an approved exploration plan to obtain a permit prior to drilling any well in accordance with such plan.

(e)(1) If a significant revision of an exploration plan approved under this subsection is submitted to the Secretary, the process to be used for the approval of such revision shall be the same as set forth in subsection (c) of this section.

(2) All exploration activities pursuant to any lease shall be conducted in accordance with an approved exploration plan or an approved revision of such plan.

(f)(1) Exploration activities pursuant to any lease for which a drilling permit has been issued or for which an exploration plan has been approved, prior to ninety days after the date of enactment of this subsection, shall be considered in compliance with this section, except that the Secretary may, in accordance with section 5(a)(1)(B) of this Act, order a suspension or temporary prohibition of any exploration activities and require a revised exploration plan.

(2) The Secretary may require the holder of a lease described in paragraph (1) of this subsection to supply a general statement in accordance with subsection (c)(4) of this section, or to submit other information.

(3) Nothing in this subsection shall be construed to amend the terms of any permit or plan to which this subsection applies.

(g) Any permit for geological explorations authorized by this section shall be issued only if the Secretary determines, in accordance with regulations issued by the Secretary that—

(1) the applicant for such permit is qualified;

(2) the exploration will not interfere with or endanger operations under any lease issued or maintained pursuant to this Act; and

(3) such exploration will not be unduly harmful to aquatic life in the area, result in pollution, create hazardous or unsafe conditions, unreasonably interfere with other uses of the area, or disturb any site, structure, or object of historical or archeological significance.

(h) The Secretary shall not issue a lease or permit for, or otherwise allow, exploration, development, or production activities within fifteen miles of the boundaries of the Point Reyes Wilderness as depicted on a map entitled "Wilderness Plan, Point Reyes National Seashore", numbered 612–90,000–B and dated September 1976, unless the State of California issues a lease or permit for, or otherwise allows, exploration, development, or production activities on lands beneath navigable waters (as such term is defined in section 2 of the Submerged Lands Act) of such State which are adjacent to such Wilderness.

¿43 U.S.C. 1340

SEC. 12. RESERVATIONS.—(a) The President of the United States may, from time to time, withdraw from disposition any of the unleased lands of the outer Continental Shelf.

(b) In time of war, or when the President shall so prescribe, the United States shall have the right of first refusal to purchase at the market price all or any portion of any mineral produced from the outer Continental Shelf.

(c) All leases issued under this Act, and leases, the maintenance and operation of which are authorized under this Act, shall contain or be construed to contain a provision whereby authority is vested in the Secretary, upon a recommendation of the Secretary of Defense, during a state of war or national emergency declared by the Congress or the President of the United States after the effective date of this Act, to suspend operations under any lease; and all such leases shall contain or be construed to contain provisions for the payment of just compensation to the lessee whose operations are thus suspended.

(d) The United States reserves and retains the right to designate by and through the Secretary of Defense, with the approval of the President, as areas restricted from exploration and operation that part of the outer Continental Shelf needed for national defense; and so long as such designation remains in effect no exploration or operations may be conducted on any part of the surface of such area except with the concurrence of the Secretary of Defense; and if operations or production under any lease theretofore issued on lands within any such restricted area shall be suspended, any payment of rentals, minimum royalty, and royalty prescribed by such lease likewise shall be suspended during such period of suspension of operation and production, and the term of such lease shall be extended by adding thereto any such suspension period, and the United States shall be liable to the lessee for such compensation as is required to be paid under the Constitution of the United States.

(e) All uranium, thorium, and all other materials determined pursuant to paragraph (1) of subsection (b) of section 5 of the Atomic Energy Act of 1946, as amended, to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the subsoil or seabed of the outer Continental Shelf are hereby reserved for the use of the United States.

(f) The United States reserves and retains the ownership of and the right to extract all helium, under such rules and regulations as shall be prescribed by the Secretary, contained in gas produced from any portion of the outer Continental Shelf which may be subject to any lease maintained or granted pursuant to this Act, but the helium shall be extracted from such gas so as to cause no substantial delay in the delivery of gas produced to the purchaser of such gas.

¿43 U.S.C. 1341

SEC. 13. NAVAL PETROLEUM RESERVE EXECUTIVE ORDER REPEALED.—Executive Order Numbered 10426, dated January 16, 1953, entitled "Setting Aside Submerged Lands of the Continental Shelf as a Naval Petroleum Reserve", is hereby revoked.

¿43 U.S.C. 524 note

SEC. 14. PRIOR CLAIMS NOT AFFECTED.—Nothing herein contained shall affect such rights, if any, as may have been acquired under any law of the United States by any person in lands subject to this Act and such rights, if any, shall be governed by the law in effect at the time they may have been acquired: *Provided, however,* That nothing herein contained is intended or shall be construed as a finding, interpretation, or construction by the Congress that the law under which such rights may be claimed in fact applies to the lands subject to this Act or authorizes or compels the granting of such rights in such lands, and that the determination of the applicability or effect of such law shall be unaffected by anything herein contained.

¿43 U.S.C. 1342

¿SEC. 15. Repealed by section 901(l)(1) of Public Law 105–362, 112 Stat. 3290.

SEC. 16. APPROPRIATIONS.—There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

¿43 U.S.C. 1331 note

SEC. 17. SEPARABILITY.—If any provision of this Act, or any section, subsection, sentence, clause, phrase or individual word, or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase or individual word to other persons and circumstances shall not be affected thereby.

¿43 U.S.C. 1331 note

SEC. 18. OUTER CONTINENTAL SHELF LEASING PROGRAM.—(a) The Secretary, pursuant to procedures set forth in subsections (c) and (d) of this section, shall prepare and periodically revise, and maintain an oil and gas leasing program to implement the policies of this Act. The leasing program shall consist of a schedule of proposed lease sales indicating, as precisely as possible, the size, timing, and location of leasing activity which he determines will best meet national energy needs for the five-year period following its approval or reapproval. Such leasing program shall be prepared and maintained in a manner consistent with the following principles:

(1) Management of the outer Continental Shelf shall be conducted in a manner which considers economic, social, and environmental values of the renewable and nonrenewable resources contained in the outer Continental Shelf, and the potential impact of oil and gas exploration on other resource values of the outer Continental Shelf and the marine, coastal, and human environments.

(2) Timing and location of exploration, development, and production of oil and gas among the oil- and gas-bearing physiographic regions of the outer Continental Shelf shall be based on a consideration of—

(A) existing information concerning the geographical, geological, and ecological characteristics of such regions;

(B) an equitable sharing of developmental benefits and environmental risks among the various regions;

(C) the location of such regions with respect to, and the relative needs of, regional and national energy markets;

(D) the location of such regions with respect to other uses of the sea and seabed, including fisheries, navigation, existing or proposed sealanes, potential sites of deepwater ports, and other anticipated uses of the resources and space of the outer Continental Shelf;

(E) the interest of potential oil and gas producers in the development of oil and gas resources as indicated by exploration or nomination;

(F) laws, goals, and policies of affected States which have been specifically identified by the Governors of such States as relevant matters for the Secretary's consideration;

(G) the relative environmental sensitivity and marine productivity of different areas of the outer Continental Shelf; and

(H) relevant environmental and predictive information for different areas of the outer Continental Shelf.

(3) The Secretary shall select the timing and location of leasing, to the maximum extent practicable, so as to obtain a proper balance between the potential for environmental damage, the potential for the discovery of oil and gas, and the potential for adverse impact on the coastal zone.

(4) Leasing activities shall be conducted to assure receipt of fair market value for the lands leased and the rights conveyed by the Federal Government.

(b) The leasing program shall include estimates of the appropriations and staff required to—

(1) obtain resource information and any other information needed to prepare the leasing program required by this section;

(2) analyze and interpret the exploratory data and any other information which may be compiled under the authority of this Act;

(3) conduct environmental studies and prepare any environmental impact statement required in accordance with this Act and with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(4) supervise operations conducted pursuant to each lease in the manner necessary to assure due diligence in the exploration and development of the lease area and compliance with the requirement of applicable laws and regulations, and with the terms of the lease.

(c)(1) During the preparation of any proposed leasing program under this section, the Secretary shall invite and consider suggestions for such program from any interested Federal agency, including the Attorney General, in consultation with the Federal Trade Commission, and from the Governor of any State which may become an affected State under such proposed program. The Secretary may also invite or consider any suggestions from the executive of any affected local government in such an affected State, which have been previously submitted to the Governor of such State, and from any other person.

(2) After such preparation and at least sixty days prior to publication of a proposed leasing program in the Federal Register pursuant to paragraph (3) of this subsection, the Secretary shall submit a copy of such proposed program to the Governor of each affected State for review and comment. The Governor may solicit comments from those executives of local governments in his State which he, in his discretion, determines will be affected by the proposed program. If any comment by such Governor is received by the Secretary at least fifteen days prior to submission to the Congress pursuant to such paragraph (3) and includes a request for any modification of such proposed program, the Secretary shall reply in writing, granting or denying such request in whole or in part, or granting such request in such modified form as the Secretary considers appropriate, and stating his reasons therefor. All such correspondence between the Secretary and Governor of any affected State, together with any additional information and data relating thereto, shall accompany such proposed program when it is submitted to the Congress.

(3) Within nine months after the date of enactment of this section, the Secretary shall submit a proposed leasing program to the Congress, the Attorney General, and the Governors of affected States, and shall publish such proposed program in the Federal Register. Each Governor shall, upon request, submit a copy of the proposed leasing program to the executive of any local government affected by the proposed program.

(d)(1) Within ninety days after the date of publication of a proposed leasing program, the Attorney General may, after consultation with the Federal Trade Commission, submit comments on the anticipated effects of such proposed program upon competition. Any State, local government, or other person may submit comments and recommendations as to any aspect of such proposed program.

(2) At least sixty days prior to approving a proposed leasing program, the Secretary shall submit it to the President and the Congress, together with any comments received. Such submission shall indicate why any specific recommendation of the Attorney General or a State or local government was not accepted.

(3) After the leasing program has been approved by the Secretary, or after eighteen months following the date of enactment of this section, whichever first occurs, no lease shall be issued unless it is for an area included in the approved leasing program and unless it contains provisions consistent with the approved leasing program, except that leasing shall be permitted to continue until such program is approved and for so long thereafter as such program is under judicial or administrative review pursuant to the provisions of this Act.

(e) The Secretary shall review the leasing program approved under this section at least once each year. He may revise and reapprove such program, at any time, and such revision and reapproval, except in the case of a revision which is not significant, shall be in the same manner as originally developed.

(f) The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of nominations for any area to be offered for lease or to be excluded from leasing;

(2) public notice of and participation in development of the leasing program;

(3) review by State and local governments which may be impacted by the proposed leasing;

(4) periodic consultation with State and local governments, oil and gas lessees and permittees, and representatives of other individuals or organizations engaged in activity in or on the outer Continental Shelf, including those involved in fish and shellfish recovery, and recreational activities; and

(5) consideration of the coastal zone management program being developed or administered by an affected coastal State pursuant to section 305 or section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1454, 1455).

Such procedures shall be applicable to any significant revision or reapproval of the leasing program.

(g) The Secretary may obtain from public sources, or purchase from private sources, any survey, data, report, or other information (including interpretations of such data, survey, report, or other information) which may be necessary to assist him in preparing any environmental impact statement and in making other evaluations required by this Act. Data of a classified nature provided to the Secretary under the provisions of this subsection shall remain confidential for such period of time as agreed to by the head of the department or agency from whom the information is requested. The Secretary shall maintain the confidentiality of all privileged or proprietary data or information for such period of time as is provided for in this Act, established by regulation, or agreed to by the parties.

(h) The heads of all Federal departments and agencies shall provide the Secretary with any nonprivileged or nonproprietary information he requests to assist him in preparing the leasing program and may provide the Secretary with any privileged or proprietary information he requests to assist him in preparing the leasing program. Privileged or proprietary information provided to the Secretary under the provisions of this subsection shall remain confidential for such period of time as agreed to by the head of the department or agency from whom the information is requested. In addition, the Secretary shall utilize the existing capabilities and resources of such Federal departments and agencies by appropriate agreement.

¿43 U.S.C. 1344

SEC. 19. COORDINATION AND CONSULTATION WITH AFFECTED STATES AND LOCAL GOVERNMENTS.—(a) Any Governor of any affected State or the executive of any affected local government in such State may submit recommendations to the Secretary regarding the size, timing, or location of a proposed lease sale or with respect to a proposed development and production plan. Prior to submitting recommendations to the Secretary, the executive of any affected local government in any affected State must forward his recommendations to the Governor of such State.

(b) Such recommendations shall be submitted within sixty days after notice of such proposed lease sale or after receipt of such development and production plan.

(c) The Secretary shall accept recommendations of the Governor and may accept recommendations of the executive of any affected local government if he determines, after having provided the opportunity for consultation, that they provide for a reasonable balance between the national interest and the well-being of the citizens of the affected State. For purposes of this subsection, a determination of the national interest shall be based on the desirability of obtaining oil and gas supplies in a balanced manner and on the findings, purposes, and policies of this Act. The Secretary shall communicate to the Governor, in writing, the reasons for his determination to accept or reject such Governor's recommendations, or to implement any alternative means identified in consultation with the Governor to provide for a reasonable balance between the national interest and the well-being of the citizens of the affected State.

(d) The Secretary's determination that recommendations provide, or do not provide, for a reasonable balance between the national interest and the well-being of the citizens of the affected State shall be final and shall not, alone, be a basis for invalidation of a proposed lease sale or a proposed development and production plan in any suit or judicial review pursuant to section 23 of this Act, unless found to be arbitrary or capricious.

(e) The Secretary is authorized to enter into cooperative agreements with affected States for purposes which are consistent with this Act and other applicable Federal law. Such agreements may include, but need not be limited to, the sharing of information (in accordance with the provisions of section 26 of this Act), the joint utilization of available expertise, the facilitating of permitting procedures, joint planning and review, and the formation of joint surveillance and monitoring arrangements to carry out applicable Federal and State laws, regulations, and stipulations relevant to outer Continental Shelf operations both onshore and offshore.

¿43 U.S.C. 1345

SEC. 20. ENVIRONMENTAL STUDIES.—(a)(1) The Secretary shall conduct a study of any area or region included in any oil and gas lease sale or other lease in order to establish information needed for assessment and management of environmental impacts on the human, marine, and coastal environments of the outer Continental Shelf and the coastal areas which may be affected by oil and gas or other mineral development in such area or region.

(2) Each study required by paragraph (1) of this subsection shall be commenced not later than six months after the date of enactment of this section with respect to any area or region where a lease sale has been held or announced by publication of a notice of proposed lease sale before such date of enactment, and not later than six months prior to the holding of a lease sale with respect to any area or region where no lease sale has been held or scheduled before such date of enactment. In the case of an agreement under section 8(k)(2), each study required by paragraph (1) of this subsection shall be commenced not later than 6 months prior to commencing negotiations for such agreement or the entering into the memorandum of agreement as the case may be. The Secretary may utilize information collected in any study prior to such date of enactment.

(3) In addition to developing environmental information, any study of an area or region, to the extent practicable, shall be designed to predict impacts on the marine biota which may result from chronic low level pollution or large spills associated with outer Continental Shelf production, from the introduction of drill cuttings and drilling muds in the area, and from the laying of pipe to serve the offshore production area, and the impacts of development offshore on the affected and coastal areas.

(b) Subsequent to the leasing and developing of any area or region, the Secretary shall conduct such additional studies to establish environmental information as he deems necessary and shall monitor the human, marine, and coastal environments of such area or region in a manner designed to provide time-series and data trend information which can be used for comparison with any previously collected data for the purpose of identifying any significant changes in the quality and productivity of such environments, for establishing trends in the areas studied and monitored, and for designing experiments to identify the causes of such changes.

(c) The Secretary shall, by regulation, establish procedures for carrying out his duties under this section, and shall plan and carry out such duties in full cooperation with affected States. To the extent that other Federal agencies have prepared environmental impact statements, are conducting studies, or are monitoring the affected human, marine, or coastal environment, the Secretary may utilize the information derived therefrom in lieu of directly conducting such activities. The Secretary may also utilize information obtained from any State of local government, or from any person, for the purposes of this section. For the purpose of carrying out his responsibilities under this section, the Secretary may by agreement utilize, with or without reimbursement, the services, personnel, or facilities of any Federal, State, or local government agency.

(d) The Secretary shall consider available relevant environmental information in making decisions (including those relating to exploration plans, drilling permits, and development and production plans), in developing appropriate regulations and lease conditions, and in issuing operating orders.

(e) As soon as practicable after the end of every 3 fiscal years, the Secretary shall submit to the Congress and make available to the general public an assessment of the cumulative effect of activities conducted under this Act on the human, marine, and coastal environments.

(f) In executing his responsibilities under this section, the Secretary shall, to the maximum extent practicable, enter into appropriate arrangements to utilize on a reimbursable basis the capabilities of the Department of Commerce. In carrying out such arrangements, the Secretary of Commerce is authorized to enter into contract or grants with any person, organization, or entity with funds appropriated to the Secretary of the Interior pursuant to this Act.

¿43 U.S.C. 1346

SEC. 21. SAFETY REGULATIONS.—(a) Upon the date of enactment of this section, the Secretary and the Secretary of the Department in which the Coast Guard is operating shall, in consultation with each other and, as appropriate, with the heads of other Federal departments and agencies, promptly commence a joint study of the adequacy of existing safety and health regulations and of the technology, equipment, and techniques available for the exploration, development, and production of the minerals of the outer Continental Shelf. The results of such study shall be submitted to the President who shall submit a plan to the Congress of his proposals to promote safety and health in the exploration, development, and production of the minerals of the outer Continental Shelf.

(b) In exercising their respective responsibilities for the artificial islands, installations, and other devices referred to in section 4(a)(1) of this Act, the Secretary, and the Secretary of the Department in which the Coast Guard is operating, shall require, on all new drilling and production operations and, wherever practicable, on existing operations, the use of the best available and safest technologies which the Secretary determines to be economically feasible, wherever failure of equipment would have a significant effect on safety, health, or the environment, except where the Secretary determines that the incremental benefits are clearly insufficient to justify the incremental costs of utilizing such technologies.

(c) The Secretary of the Department in which the Coast Guard is operating shall promulgate regulations or standards applying to unregulated hazardous working conditions related to activities on the Outer Continental Shelf when he determines such regulations or standards are necessary. The Secretary of the Department in which the Coast Guard is operating may from time to time modify any regulations, interim or final, dealing with hazardous working conditions on the Outer Continental Shelf.

(d) Nothing in this Act shall affect the authority provided by law to the Secretary of Labor for the protection of occupational safety and health, the authority provided by law to the Administrator of the Environmental Protection Agency for the protection of the environment, or the authority provided by law to the Secretary of Transportation with respect to pipeline safety.

(e) The Secretary of Commerce, in cooperation with the Secretary of the Department in which the Coast Guard is operating, and the Director of the National Institute of Occupational Safety and Health, shall conduct studies of underwater diving techniques and equipment suitable for protection of human safety and improvement of diver performance. Such studies shall include, but need not be limited to, decompression and excursion table development and improvement and all aspects of diver physiological restraints and protective gear for exposure to hostile environments.

(f)(1) In administering the provisions of this section, the Secretary shall consult and coordinate with the heads of other appropriate Federal departments and agencies for purposes of assuring that, to the maximum extent practicable, inconsistent or duplicative requirements are not imposed.

(2) The Secretary shall make available to any interested person a compilation of all safety and other regulations which are prepared and promulgated by any Federal department or agency and applicable to activities on the Outer Continental Shelf. Such compilation shall be revised and updated annually.

¿43 U.S.C. 1347

SEC. 22. ENFORCEMENT.—(a) The Secretary, the Secretary of the Department in which the Coast Guard is operating, and the Secretary of the Army shall enforce safety and environmental regulations promulgated pursuant to this Act. Each such Federal department may by agreement utilize, with or without reimbursement, the services, personnel, or facilities of other Federal departments and agencies for the enforcement of their respective regulations.

(b) It shall be the duty of any holder of a lease or permit under this Act to—

(1) maintain all places of employment within the lease area or within the area covered by such permit in compliance with occupational safety and health standards and, in addition, free from recognized hazards to employees of the lease holder or permit holder or of any contractor or subcontractor operating within such lease area or within the area covered by such permit on the outer Continental Shelf;

(2) maintain all operations within such lease area or within the area covered by such permit in compliance with regulations intended to protect persons, property, and the environment on the outer Continental Shelf; and

(3) allow prompt access, at the site of any operation subject to safety regulations, to any inspector, and to provide such documents and records which are pertinent to occupational or

public health, safety, or environmental protection, as may be requested.

(c) The Secretary and the Secretary of the Department in which the Coast Guard is operating shall individually, or jointly if they so agree, promulgate regulations to provide for—

(1) scheduled onsite inspection, at least once a year, of each facility on the outer Continental Shelf which is subject to any environmental or safety regulation promulgated pursuant to this Act, which inspection shall include all safety equipment designed to prevent or ameliorate blowouts, fires, spillages, or other major accidents; and

(2) periodic onsite inspection without advance notice to the operator of such facility to assure compliance with such environmental or safety regulations.

(d)(1) The Secretary or the Secretary of the Department in which the Coast Guard is operating shall make an investigation and public report on each major fire and each major oil spillage occurring as a result of operations conducted pursuant to this Act, and may, in his discretion, make an investigation and report of lesser oil spillages. For purposes of this subsection, a major oil spillage is any spillage in one instance of more than two hundred barrels of oil during a period of thirty days. All holders of leases or permits issued or maintained under this Act shall cooperate with the appropriate Secretary in the course of any such investigation.

(2) The Secretary or the Secretary of the Department in which the Coast Guard is operating shall make an investigation and public report on any death or serious injury occurring as a result of operations conducted pursuant to this Act, and may, in his discretion, make an investigation and report of any injury. For purposes of this subsection, a serious injury is one resulting in substantial impairment of any bodily unit or function. All holders of leases or permits issued or maintained under this Act shall cooperate with the appropriate Secretary in the course of any such investigation.

(e) The Secretary, or, in the case of occupational safety and health, the Secretary of the Department in which the Coast Guard is operating, may review any allegation from any person of the existence of a violation of a safety regulation issued under this Act.

(f) In any investigation conducted pursuant to this section, the Secretary or the Secretary of the Department in which the Coast Guard is operating shall have power to summon witnesses and to require the production of books, papers, documents, and any other evidence. Attendance of witnesses or the production of books, papers, documents, or any other evidence shall be compelled by a similar process, as in the district courts of the United States. Such Secretary, or his designee, shall administer all necessary oaths to any witnesses summoned before such investigation.

¿43 U.S.C. 1348

SEC. 23. CITIZEN SUITS, COURT JURISDICTION, AND JUDICIAL REVIEW.—(a)(1) Except as provided in this section, any person having a valid legal interest which is or may be adversely affected may commence a civil action on his own behalf to compel compliance with this Act against any person, including the United States, and any other government instrumentality or agency (to the extent permitted by the eleventh amendment to the Constitution) for any alleged violation of any provision of this Act or any regulation promulgated under this Act, or of the terms of any permit or lease issued by the Secretary under this Act.

(2) Except as provided in paragraph (3) of this subsection, no action may be commenced under subsection (a)(1) of this section—

(A) prior to sixty days after the plaintiff has given notice of the alleged violation, in writing under oath, to the Secretary and any other appropriate Federal official, to the State in which the violation allegedly occurred or is occurring, and to any alleged violator; or

(B) if the Attorney General has commenced and is diligently prosecuting a civil action in a court of the United States or a State with respect to such matter, but in any such action in a court of the United States any person having a legal interest which is or may be adversely affected may intervene as a matter of right.

(3) An action may be brought under this subsection immediately after notification of the alleged violation in any case in which the alleged violation constitutes an imminent threat to the public health or safety or would immediately affect a legal interest of the plaintiff.

(4) In any action commenced pursuant to this section, the Attorney General, upon the request of the Secretary or any other appropriate Federal official, may intervene as a matter of right.

(5) A court, in issuing any final order in any action brought pursuant to subsection (a)(1) or subsection (c) of this section, may award costs of litigation, including reasonable attorney and expert witness fees, to any party, whenever such court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in a sufficient amount to compensate for any loss or damage suffered, in accordance with the Federal Rules of Civil Procedure.

(6) Except as provided in subsection (c) of this section, all suits challenging actions or decisions allegedly in violation of, or seeking enforcement of, the provisions of this Act, or any regulation promulgated under this Act, or the terms of any permit or lease issued by the Secretary under this Act, shall be undertaken in accordance with the procedures described in this subsection. Nothing in this section shall restrict any right which any person or class of persons may have under any other Act or common law to seek appropriate relief.

(b)(1) Except as provided in subsection (c) of this section, the district courts of the United States shall have jurisdiction of cases and controversies arising out of, or in connection with (A) any operation conducted on the outer Continental Shelf which involves exploration, development, or production of the minerals, of the subsoil and seabed of the outer Continental Shelf, or which involves rights to such minerals, or (B) the cancellation, suspension, or termination of a lease or permit under this Act. Proceedings with respect to any such case or controversy may be instituted in the judicial district in which any defendant resides or may be found, or in the judicial district of the State nearest the place the cause of action arose.

(2) Any resident of the United States who is injured in any manner through the failure of any operator to comply with any rule, regulation, order, or permit issued pursuant to this Act may bring an action for damages (including reasonable attorney and expert witness fees) only in the judicial district having jurisdiction under paragraph (1) of this subsection.

(c)(1) Any action of the Secretary to approve a leasing program pursuant to section 18 of this Act shall be subject to judicial review only in the United States Court of Appeal for the District of Columbia.

(2) Any action of the Secretary to approve, require modification of, or disapprove any exploration plan or any development and production plan under this Act shall be subject to judicial review only in a United States court of appeals for a circuit in which an affected State is located.

(3) The judicial review specified in paragraphs (1) and (2) of this subsection shall be available only to a person who (A) participated in the administrative proceedings related to the actions specified in such paragraphs, (B) is adversely affected or aggrieved by such action, (C) files a petition for review of the Secretary's action within sixty days after the date of such action, and (D) promptly transmits copies of the petition to the Secretary and to the Attorney General.

(4) Any action of the Secretary specified in paragraph (1) or (2) shall only be subject to review pursuant to the provisions of this subsection, and shall be specifically excluded from citizen suits which are permitted pursuant to subsection (a) of this section.

(5) The Secretary shall file in the appropriate court the record of any public hearings required by this Act and any additional information upon which the Secretary based his decision, as required by section 2112 of title 28, United States Code. Specific objections to the action of the Secretary shall be considered by the court only if the issues upon which such objections are based have been submitted to the Secretary during the administrative proceedings related to the actions involved.

(6) The court of appeals conducting a proceeding pursuant to this subsection shall consider the matter under review solely on the record made before the Secretary. The findings of the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any order or decision or may remand the proceedings to the Secretary for such further action as it may direct.

(7) Upon the filing of the record with the court, pursuant to paragraph (5), the jurisdiction of the court shall be exclusive and its judgment shall be final, except that such judgment shall be subject to review by the Supreme Court of the United States upon writ of certiorari.

¿43 U.S.C. 1349

SEC. 24. REMEDIES AND PENALTIES.—(a) At the request of the Secretary, the Secretary of the Army, or the Secretary of the Department in which the Coast Guard is operating, the Attorney General or a United States attorney shall institute a civil action in the district court of the United States for the district in which the affected operation is located for a temporary restraining order, injunction, or other appropriate remedy to enforce any provision of this Act, any regulation or order issued under this Act, or any term of a lease, license, or permit issued pursuant to this Act.

(b)(1) Except as provided in paragraph (2), if any person fails to comply with any provision of this Act, or any term of a lease, or permit issued pursuant to this Act, or any regulation or order issued under this Act, after notice of such failure and expiration of any reasonable period allowed for corrective action, such person shall be liable for a civil penalty of not more than $20,000 for each day of the continuance of such failure. The Secretary may assess, collect, and compromise any such penalty. No penalty shall be assessed until the person charged with a violation has been given an opportunity for a hearing. The Secretary shall, by regulation at least every 3 years, adjust the penalty specified in this paragraph to reflect any increases in the Consumer Price Index (all items, United States city average) as prepared by the Department of Labor.

(2) If a failure described in paragraph (1) constitutes or constituted a threat of serious, irreparable, or immediate harm or damage to life (including fish and other aquatic life), property, any mineral deposit, or the marine, coastal, or human environment, a civil penalty may be assessed without regard to the requirement of expiration of a period allowed for corrective action.

(c) Any person who knowingly and willfully (1) violates any provision of this Act, any term of a lease, license, or permit issued pursuant to this Act, or any regulations or order issued under the authority of this Act designed to protect health, safety, or the environment or conserve natural resources, (2) makes any false statement, representation, or certification in any application, record, report, or other document filed or required to be maintained under this Act, (3) falsifies, tampers with, or renders inaccurate any monitoring device or method of record required to be maintained under this Act, or (4) reveals any data or information required to be kept confidential by this Act shall, upon conviction, be punished by a fine of not more than $100,000, or by imprisonment for not more than ten years, or both. Each day that a violation under clause (1) of this subsection continues, or each day that any monitoring devise or data recorder remains inoperative or inaccurate because of any activity described in clause (3) of this subsection, shall constitute a separate violation.

(d) Whenever a corporation or other entity is subject to prosecution under subsection (c) of this section, any officer or agent of such corporation or entity who knowingly and willfully authorized, ordered, or carried out the proscribed activity shall be subject to the same fines or imprisonment, or both, as provided for under subsection (c) of this section.

(e) The remedies and penalties prescribed in this Act shall be concurrent and cumulative and the exercise of one shall not preclude the exercise of the others. Further, the remedies and penalties prescribed in this Act shall be in addition to any other remedies and penalties afforded by any other law or regulation.

¿43 U.S.C. 1350

SEC. 25. OIL AND GAS DEVELOPMENT AND PRODUCTION.—(a)(1) Prior to development and production pursuant to an oil and gas lease issued after the date of enactment of this section in any area of the outer Continental Shelf, other than the Gulf of Mexico, or issued or maintained prior to such date of enactment in any area of the outer Continental Shelf, other than the Gulf of Mexico, with respect to which no oil or gas has been discovered in paying quantities prior to such date of enactment, the lessee shall submit a development and production plan (hereinafter in this section referred to as a "plan") to the Secretary, for approval pursuant to this section.

(2) A plan shall be accompanied by a statement describing all facilities and operations, other than those on the outer Continental Shelf, proposed by the lessee and known by him (whether or not owned or operated by such lessee) which will be constructed or utilized in the development and production of oil or gas from the lease area, including the location and site of such facilities and operations, the land, labor, material, and energy requirements associated with such facilities and operations, and all environmental and safety safeguards to be implemented.

(3) Except for any privileged or proprietary information (as such term is defined in regulations issued by the Secretary), the Secretary, within ten days after receipt of a plan and statement, shall (A) submit such plan and statement to the Governor of any affected State, and, upon request, to the executive of any affected local government, and (B) make such plan and statement available to any appropriate interstate regional entity and the public.

(b) After the date of enactment of this section, no oil and gas lease may be issued pursuant to this Act in any region of the outer Continental Shelf, other than the Gulf of Mexico, unless such lease requires that development and production activities be carried out in accordance with a plan which complies with the requirements of this section.

(c) A plan may apply to more than one oil and gas lease, and shall set forth, in the degree of detail established by regulations issued by the Secretary—

(1) the specific work to be performed;

(2) a description of all facilities and operations located on the outer Continental Self which are proposed by the lessee of known by him (whether or not owned or operated by such lessee) to be directly related to proposed development, including the location and size of such facilities and operations, and the land, labor, material, and energy requirements associated with such facilities and operations;

(3) the environmental safeguards to be implemented on the outer Continental Shelf and how much safeguards are to be implemented;

(4) all safety standards to be met and how such standards are to be met;

(5) an expected rate of development and production and a time schedule for performance; and

(6) such other relevant information as the Secretary may by regulation require.

(d) The Secretary shall not grant any license or permit for any activity described in detail in a plan affecting any land use or water use in the coastal zone of a State with a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455), unless the State concurs or is conclusively presumed to concur with the consistency certification accompanying such plan pursuant to section 307(c)(3)(B) (i) or (ii) of such Act, or the Secretary of Commerce makes the finding authorized by section 307(c)(3)(B)(iii) of such Act.

(e)(1) At least once the Secretary shall declare the approval of a development and production plan in any area or region (as defined by the Secretary) of the outer Continental Shelf, other than the Gulf of Mexico, to be a major Federal action.

(2) The Secretary may require lessees of tracts for which development and production plans have not been approved, to submit preliminary or final plans for their leases, prior to or immediately after a determination by the Secretary that the procedures under the National Environmental Policy Act of 1969 shall commence.

(f) If approval of a development and production plan is found to be a major Federal action, the Secretary shall transmit the draft environmental impact statement to the Governor of any affected State, and upon request, to the executive of any local government, and shall make such draft available to any appropriate interstate regional entity and the public.

(g) If approval of a development and production plan is not found to be a major Federal action, the Governor of any affected State and the executive of any affected local government shall have sixty days from the date of receipt of the plan from the Secretary to submit comments and recommendations. Prior to submitting recommendations to the Secretary, the executive of any affected local government must forward his recommendations to the Governor of his State. Such comments and recommendations shall be made available to the public upon request. In addition, any interested person may submit comments and recommendations.

(h)(1) After reviewing the record of any public hearing held with respect to the approval of a plan pursuant to the National Environmental Policy Act of 1969 or the comments and recommendations submitted under subsection (g) of this section, the Secretary shall, within sixty days after the release of the final environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969 in accordance with subsection (e) of this section, or sixty days after the period provided for comment under subsection (g) of this section, approve, disapprove, or require modifications of the plan. The Secretary shall require modification of a plan if he determines that the lessee has failed to make adequate provision in such plan for safe operations on the lease area or for protection of the human, marine, or coastal environment, including compliance with the regulations prescribed by the Secretary pursuant to paragraph (8) of section 5(a) of this Act. Any modification required by the Secretary which involves activities for which a Federal license or permit is required and which affects any land use or water use in the coastal zone of a State with a coastal zone management program approved pursuant to section 306 of the Coastal

Zone Management Act of 1972 (16 U.S.C. 1455) must receive concurrence by such State with respect to the consistency certification accompanying such plan pursuant to section 307(c)(3)(B) (i) or (ii) of such Act unless the Secretary of Commerce makes the finding authorized by section 307(c)(3)(B)(iii) of such Act. The Secretary shall disapprove a plan—

(A) if the lessee fails to demonstrate that he can comply with the requirements of this Act or other applicable Federal law, including the regulations prescribed by the Secretary pursuant to paragraph (8) of section 5(a) of this Act;

(B) if any of the activities described in detail in the plan for which a Federal license or permit is required and which affects any land use or water use in the coastal zone of a State with a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455) do not receive concurrence by such State with respect to the consistency certification accompanying such plan pursuant to section 307(c)(3)(B) (i) or (ii) of such Act and the Secretary of Commerce does not make the finding authorized by section 307(c)(3)(B)(iii) of such Act;

(C) if operations threaten national security or national defense; or

(D) if the Secretary determines, because of exceptional geological conditions in the lease areas, exceptional resource values in the marine or coastal environment, or other exceptional circumstances, that (i) implementation of the plan would probably cause serious harm or damage to life (including fish and other aquatic life), to property, to any mineral deposits (in areas leased or not leased), to the national security or defense, or to the marine, coastal or human environments, (ii) the threat of harm or damage will not disappear or decrease to an acceptable extent within a reasonable period of time, and (iii) the advantages of disapproving the plan outweigh the advantages of development and production.

(2)(A) If a plan is disapproved—

(i) under subparagraph (A) of paragraph (1); or

(ii) under subparagraph (B) of paragraph (1) with respect to a lease issued after approval of a coastal zone management program pursuant to the Coastal Zone Management Act of 1972 (16 U.S.C. 1455),

the lessee shall not be entitled to compensation because of such disapproval.

(B) If a plan is disapproved—

(i) under subparagraph (C) or (D) of paragraph (1); or

(ii) under subparagraph (B) of paragraph (1) with respect to a lease issued before approval of a coastal zone management program pursuant to the Coastal Zone Management Act of 1972, and such approval occurs after the lessee has submitted a plan to the Secretary,

the term of the lease shall be duly extended, and at any time within five years after such disapproval, the lessee may reapply for approval of the same or a modified plan, and the Secretary shall approve, disapprove, or require modifications of such plan in accordance with this subsection.

(C) Upon expiration of the five-year period described in subparagraph (B) of this paragraph, or, in the Secretary's discretion, at an earlier time upon request of a lessee, if the Secretary has not approved a plan, the Secretary shall cancel the lease and the lessee shall be entitled to receive compensation in accordance with section 5(a)(2)(C) of this Act. The Secretary may, at any time within the five-year period described in subparagraph (B) of this paragraph, require the lessee to submit a development and production plan for approval, disapproval, or modification. If the lessee fails to submit a required plan expeditiously and in good faith, the Secretary shall find that the lessee has not been duly diligent in pursuing his obligations under the lease, and shall immediately initiate procedures to cancel such lease, without compenation, under the provisions of section 5(c) of this Act.

(3) The Secretary shall, from time to time, review each plan approved under this section. Such review shall be based upon changes in available information and other onshore or offshore conditions affecting or impacted by development and production pursuant to such plan. If the review indicates that the plan should be revised to meet the requirements of this subsection, the Secretary shall require such revision.

(i) The Secretary may approve any revision of an approved plan proposed by the lessee if he determines that such revision will lead to greater recovery of oil and natural gas, improve the efficiency, safety and environmental protection of the recovery operation, is the only means available to avoid substantial economic hardship to the lessee, or is otherwise not inconsistent with the provisions of this Act, to the extent such revision is consistent with protection of the human, marine, and coastal environments. Any revision of an approved plan which the Secretary determines is significant shall be reviewed in accordance with subsections (d) through (f) of this section.

(j) Whenever the owner of any lease fails to submit a plan in accordance with regulations issued under this section, or fails to comply with an approved plan, the lease may be canceled in accordance with sections 5 (c) and (d). Termination of a lease because of failure to comply with an approved plan, including required modifications or revisions, shall not entitle a lessee to any compensation.

(k) If any development and production plan submitted to the Secretary pursuant to this section provides for the production and transportation of natural gas, the lessee shall contemporaneously submit to the Federal Energy Regulatory Commission that portion of such plan which relates to production of natural gas and the facilities for transportation of natural gas. The Secretary and the Federal Energy Regulatory Commission shall agree as to which of them shall prepare an environmental impact statement pursuant to the National Environmental Policy Act of 1969 applicable to such portion of such plan, or conduct studies as to the effect on the environment of implementing it. Thereafter, the findings and recommendations by the agency preparing such environmental impact statement or conducting such studies pursuant to such agreement shall be adopted by the other agency, and such other agency shall not independently prepare another environmental impact statement or duplicate such studies with respect to such portion of such plan, but the Federal Energy Regulatory Commission, in connection with its review of an application for a certificate of public convenience and necessity applicable to such transportation facilities pursuant to section 7 of the Natural Gas Act (15 U.S.C. 717), may prepare such environmental studies or statement relevant to certification of such transportation facilities as have not been covered by an environmental impact statement or studies prepared by the Secretary. The Secretary, in consultation with the Federal Energy Regulatory Commission, shall promulgate rules to implement this subsection, but the Federal Energy Regulatory Commission shall retain sole authority with respect to rules and procedures applicable to the filing of any application with the Commission and to all aspects of the Commission's review of, and action on, any such application.

(l) The Secretary may require the provisions of this section to apply to an oil and gas lease issued or maintained under this Act, which is located in that area of the Gulf of Mexico which is adjacent to the State of Florida, as determined pursuant to section 4(a)(2) of this Act.

¿43 U.S.C. 1351

SEC. 26. OUTER CONTINENTAL SHELF OIL AND GAS INFORMATION PROGRAM.—(a)(1)(A) Any lessee or permittee conducting any exploration for, or development or production of, oil or gas pursuant to this Act shall provide the Secretary access to all data and information (including processed, analyzed, and interpreted information) obtained from such activity and shall provide copies of such data and information as the Secretary may request. Such data and information shall be provided in accordance with regulations which the Secretary shall prescribed.

(B) If an interpretation provided pursuant to subparagraph (A) of this paragraph is made in good faith by the lessee or permittee, such lessee or permittee shall not be held responsible for any consequence of the use of or reliance upon such interpretation.

(C) Whenever any data and information is provided to the Secretary, pursuant to subparagraph (A) of this paragraph—

(i) by a lessee, in the form and manner of processing which is utilized by such lessee in the normal conduct of his business, the Secretary shall pay the reasonable cost of reproducing such data and information;

(ii) by a lessee, in such other form and manner of processing as the Secretary may request, the Secretary shall pay the reasonable cost of processing and reproducing such data and information;

(iii) by a permittee, in the form and manner of processing which is utilized by such permittee in the normal conduct of his business, the Secretary shall pay such permittee the reasonable cost of reproducing such data and information for the Secretary and shall pay at the lowest rate available to any purchaser for processing such data and information the costs attributable to such processing; and

(iv) by the permittee, in such other form and manner of processing as the Secretary may request, the Secretary shall pay such permittee the reasonable cost of processing and reproducing such data and information for the Secretary,

pursuant to such regulations as he may prescribe.

(2) Each Federal department and agency shall provide the Secretary with any data obtained by such Federal department or agency pursuant to section 11 of this Act, and any other information which may be necessary or useful to assist him in carrying out the provisions of this Act.

(b)(1) Data and information provided to the Secretary pursuant to subsection (a) of this section shall be processed, analyzed, and interpreted by the Secretary for purposes of carrying out his duties under this Act.

(2) As soon as practicable after information provided to the Secretary pursuant to subsection (a) of this section is processed, analyzed, and interpreted, the Secretary shall make available to the affected States, and upon request, to any affected local government, a summary of data designed to assist them in planning for the onshore impacts of possible oil and gas development and production. Such summary shall include estimates of (A) the oil and gas reserves in areas leased or to be leased, (B) the size and timing of development if and when oil or gas, or both, is found, (C) the location of pipelines, and (D) the general location and nature of onshore facilities.

(c) The Secretary shall prescribe regulations to (1) assure that the confidentiality of privileged or proprietary information received by the Secretary under this section will be maintained, and (2) set forth the time periods and conditions which shall be applicable to the release of such information. Such regulations shall include a provision that no such information will be transmitted to any affected State unless the lessee, or the permittee and all persons to whom such permittee has sold such information under promise of confidentiality, agree to such transmittal.

(d)(1) The Secretary shall transmit to any affected State—

(A) an index, and upon request copies of, all relevant actual or proposed programs, plans, reports, environmental impact statements, tract nominations (including negative nominations) and other lease sale information, any similar type of relevant information, and all modifications and revisions thereof and comments thereon, prepared or obtained by the Secretary pursuant to this Act, but no information transmitted by the Secretary under this subsection shall identify any particular tract with the name or names of any particular party so as not to compromise the competitive position of any party or parties participating in the nominations;

(B)(i) the summary of data prepared by the Secretary pursuant to subsection (b)(2) of this section, and (ii) any other processed, analyzed, or interpreted data prepared by the Secretary pursuant to subsection (b)(1) of this section, unless the Secretary determines that transmittal of such data prepared pursuant to such subsection (b)(1) would unduly damage the competitive position of the lessee or permittee who provided the Secretary with the information which the Secretary had processed, analyzed, or interpreted; and

(C) any relevant information received by the Secretary pursuant to subsection (a) of this section, subject to any applicable requirements as to confidentiality which are set forth in regulations prescribed under subsection (c) of this section.

(2) Notwithstanding the provisions of any regulation required pursuant to the second sentence of subsection (c) of this section, the Governor of any affected State may designate an appropriate State official to inspect, at a regional location which the Secretary shall designate, any privileged information received by the Secretary regarding any activity adjacent to such State, except that no such inspection shall take place prior to the sale of a lease covering the area in which such activity was conducted. Knowledge obtained by such State during such inspection shall be subject to applicable requirements as to confidentiality which are set forth in regulations prescribed under subsection (c) of this section.

(e) Prior to transmitting any privileged information to any State, or granting such State access to such information, the Secretary shall enter into a written agreement with the Governor of such State in which such State agrees, as a condition precedent to receiving or being granted access to such information, to waive the defenses set forth in subsection (f)(2) of this section, and to hold the United States harmless from any violations of the regulations prescribed pursuant to subsection (c) that the State or its employees may commit.

(f)(1) Whenever any employee of the Federal Government or of any State reveals information in violation of the regulations prescribed pursuant to subsection (c) of this section, the lessee or permittee who supplied such information to the Secretary or to any other Federal official, and any person to whom such lessee or permittee has sold such information under promise of confidentiality, may commence a civil action for damages in the appropriate district court of the United States against the Federal Government or such State, as the case may be.

(2) In any action commenced against the Federal Government or a State pursuant to paragraph (1) of this subsection, the Federal Government or such State, as the case may be, may not raise as a defense (A) any claim of sovereign immunity, or (B) any claim that the employee who revealed the privileged information which is the basis of such suit was acting outside the scope of his employment in revealing such information.

(g) Any provision of State or local law which provides for public access to any privileged information received or obtained by any person pursuant to this Act is expressly preempted by the provisions of this section, to the extent that it applies to such information.

(h) If the Secretary finds that any State cannot or does not comply with the regulations issued under subsection (c) of this section, he shall thereafter withhold transmittal and deny inspection of privileged information to such State until he finds that such State can and will comply with such regulations.

¿43 U.S.C. 1352

SEC. 27. FEDERAL PURCHASE AND DISPOSITION OF OIL AND GAS.—(a)(1) Except as may be necessary to comply with the provisions of sections 6 and 7 of this Act, all royalties or net profit shares, or both accruing to the United States under any oil and gas lease issued or maintained in accordance with this Act, shall, on demand of the Secretary, be paid in oil or gas.

(2) The United States shall have the right to purchase not to exceed $16\frac{2}{3}$ per centum by volume of the oil and gas produced pursuant to a lease issued or maintained in accordance with this Act, at the regulated price, or, if no regulated price applies, at the fair market value at the well head of the oil and gas saved, removed, or sold, except that any oil or gas obtained by the United States as royalty or net profit share shall be credited against the amount that may be purchased under this subsection.

(3) Title to any royalty, net profit share, or purchased oil or gas may be transferred, upon request, by the Secretary to the Secretary of Defense, to the Administrator of the General Services Administration, or to the Secretary of Energy, for disposal within the Federal Government.

(b)(1) The Secretary, except as provided in this subsection, may offer to the public and sell by competitive bidding for not more than its regulated price, or, if no regulated price applies, not less than its fair market value, any part of the oil (A) obtained by the United States pursuant to any lease as royalty or net profit share, or (B) purchased by the United States pursuant to subsection (a)(2) of this section.

(2) Whenever, after consultation with the Secretary of Energy, the Secretary determines that small refiners do not have access to adequate supplies of oil at equitable prices, the Secretary may dispose of any oil which is taken as a royalty or net profit share accruing or reserved to the United States pursuant to any lease issued or maintained under this Act, or purchased by the United States pursuant to subsection (a)(2) of this section, by conducting a lottery for the sale of such oil, or may equitably allocate such oil among the competitors for the purchase of such oil, at the regulated price, or if no regulated price applies, at its fair market value. The Secretary shall limit participation in any allocation or lottery sale to assure such access and shall publish notice of such allocation or sale, and the terms thereof, at least thirty days in advance. Such notice shall include qualifications for participation, the amount of oil to be sold, and any limitation in the amount of oil which any participant may be entitled to purchase.

(3) The Secretary may only sell or otherwise dispose of oil described in paragraph (1) of this subsection in accordance with any provision of law, or regulations issued in accordance with such provisions, which provide for the Secretary of Energy to allocate, transfer, exchange, or sell oil in amounts or at prices determined by such provision of law or regulations.

(c)(1) Except as provided in paragraph (2) of this subsection, the Secretary, pursuant to such terms as he determines, may offer to the public and sell by competitive bidding for not more than its regulated price, or, if no regulated price applies, not less than its fair market value any part of the gas (A) obtained by the United States pursuant to a lease as royalty or net profit share, or (B) purchased by the United States pursuant to subsection (a)(2) of this section.

(2) Whenever, after consultation with and advice from the Secretary of Energy, the Federal Energy Regulatory Commission determines that an emergency shortage of natural gas is threatening to cause severe economic or social dislocation in any region of the United States and that such region can be serviced in a practical, feasible, and efficient manner by royalty, net profit share, or purchased gas obtained pursuant to the provisions of this section, the Secretary of the Interior may allocate or conduct a lottery for the sale of such gas, and shall limit participation in any allocation or lottery sale of such gas to any person servicing such region, but he shall not sell any such gas for more than its regulated price, or, if no regulated price applies, less than its fair market value. Prior to selling or allocating any gas pursuant to this subsection, the Secretary shall consult with the Federal Energy Regulatory Commission.

(d) The lessee shall take any Federal oil or gas for which no acceptable bids are received, as determined by the Secretary, and which is not transferred pursuant to subsection (a)(3) of this section, and shall pay to the United States a cash amount equal to the regulated price, or, if no regulated price applies, the fair market value of the oil or gas so obtained.

(e) As used in this section—

(1) the term "regulated price" means the highest price—

(A) at which oil may be sold pursuant to the Emergency Petroleum Allocation Act of 1973 and any rule or order issued under such Act;

(B) at which natural gas Act, any other Act, regulations governing natural gas pricing, or any rule or order issued under any such Act or any such regulations; or

(C) at which either Federal oil or gas may be sold under any other provision of law or rule or order thereunder which sets a price (or manner for determining a price) for oil or gas; and

(2) the term "small refiner" has the meaning given such term by Small Business Administration Standards 128.3–8 (d) and (g), as in effect on the date of enactment of this section or as thereafter revised or amended.

(f) Nothing in this section shall prohit the right of the United States to purchase any oil or gas produced on the outer Continental Shelf as provided by section 12(b) of this Act.

¿43 U.S.C. 1353

SEC. 28. LIMITATION ON EXPORT.—(a) Except as provided in subsection (d) of this section, any oil or gas produced from the outer Continental Shelf shall be subject to the requirements and provisions of the Export Administration Act of 1969 (50 App. U.S.C. 2401 et seq.).

(b) Before any oil or gas subject to this section may be exported under the requirements and provisions of the Export Administration Act of 1969, the President shall make and publish an express finding that such exports will not increase reliance on imported oil or gas, are in the national interest, and are in accord with the provisions of the Export Administration Act of 1969.

(c) The President shall submit reports to the Congress containing findings made under this section, and after the date of receipt of such report Congress shall have a period of sixty calendar days, thirty days of which Congress must have been in session, to consider whether exports under the terms of this section are in the national interest. If the Congress within such time period passes a concurrent resolution of disapproval stating disagreement with the President's finding concerning the national interest, further exports made pursuant to such Presidential findings shall cease.

(d) The provisions of this section shall not apply to any oil or gas which is either exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of a foreign state, or which is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States, or which is exchanged or exported pursuant to an existing international agreement.

¿43 U.S.C. 1354

SEC. 29. RESTRICTIONS ON EMPLOYMENT.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharged duties or responsibilities under this Act, and who was at any time during the twelve months preceding the termination of his employment with the Department compensated under the Executive Schedule or compensated at or above the annual rate of basic pay for grade GS–16 of the General Schedule shall—

(1) within two years after his employment with the Department has ceased—

(A) knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before;

(B) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to; or

(C) knowingly aid or assist in representing any other person (except the United States) in any formal or informal appearance before,

any department, agency, or court of the United States, or any officer or employee thereof, in connection with any judicial or other proceeding, application, request for a ruling or other determination, regulation, order, lease, permit, rulemaking, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest which was actually pending under his official responsibility as an officer or employee within a period of one year prior to the termination of such responsibility or in which he participated personally and substantially as an officer or employee; or

(2) within one year after his employment with the Department has ceased—

(A) knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before; or

(B) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to,

the Department of the Interior, or any officer or employee thereof, in connection with any judicial, rulemaking, regulation, order, lease, permit, regulation, or other particular matter which is pending before the Department of the Interior or in which the Department has a direct and substantial interest.

¿43 U.S.C. 1355

SEC. 30. DOCUMENTATION, REGISTRY, AND MANNING REQUIREMENTS.—(a) Within six months after the date of enactment of this section, the Secretary of the Department in which the Coast Guard is operating shall issue regulations which require that any vessel, rig, platform, or other vehicle or structure—

(1) which is used at any time after the one-year period beginning on the effective date of such regulations for activities pursuant to this Act and which is built or rebuilt at any time after such one-year period, when required to be documented by the laws of the United States, be documented under the laws of the United States;

(2) which is used for activities pursuant to this Act, comply, except as provided in subsection (b), with such minimum standards of design, construction, alteration, and repair as the Secretary or the Secretary of the Department in which the Coast Guard is operating establishes; and

(3) which is used at any time after the one-year period beginning on the effective date of such regulations for activities pursuant to this Act, be manned or crewed, except as provided in subsection (c), by citizens of the United States or aliens lawfully admitted to the United States for permanent residence.

(b) The regulations issued under subsection (a)(2) of this section shall not apply to any vessel, rig, platform, or other vehicle or structure built prior to the date of enactment of this section, until such time after such date as such vehicle or structure is rebuilt.

(c) The regulations issued under subsection (a)(3) of this section shall not apply—

(1) to any vessel, rig, platform, or other vehicle or structure if—

(A) specific contractual provisions or national registry manning requirements in effect on the date of enactment of this section provide to the contrary;

(B) there are not a sufficient number of citizens of the United States, or aliens lawfully admitted to the United States for permanent residence, qualified and available for such work; or

(C) the President makes a specific finding, with respect to the particular vessel, rig, platform, or other vehicle or structure, that application would not be consistent with the national interest; and

(2) to any vessel, rig, platform, or other vehicle or structure, over 50 percent of which is owned by citizens of a foreign nation or with respect to which the citizens of a foreign nation have the right effectively to control, except to the extent and

to the degree that the President determines that the government of such foreign nation or any of its political subdivisions has implemented, by statute, regulation, policy, or practice, a national manning requirement for equipment engaged in the exploration, development, or production of oil and gas in its offshore areas.

¿43 U.S.C. 1356

**SEC. 31. COASTAL IMPACT ASSISTANCE PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) COASTAL POLITICAL SUBDIVISION.—The term "coastal political subdivision" means a political subdivision of a coastal State any part of which political subdivision is—

(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the coastal State as of the date of enactment of the Energy Policy Act of 2005; and

(B) not more than 200 nautical miles from the geographic center of any leased tract.

(2) COASTAL POPULATION.—The term "coastal population" means the population, as determined by the most recent official data of the Census Bureau, of each political subdivision any part of which lies within the designated coastal boundary of a State (as defined in a State's coastal zone management program under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)).

(3) COASTAL STATE.—The term "coastal State" has the meaning given the term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(4) COASTLINE.—The term "coastline" has the meaning given the term "coast line" in section 2 of the Submerged Lands Act (43 U.S.C. 1301).

(5) DISTANCE.—The term "distance" means the minimum great circle distance, measured in statute miles.

(6) LEASED TRACT.—The term "leased tract" means a tract that is subject to a lease under section 6 or 8 for the purpose of drilling for, developing, and producing oil or natural gas resources.

(7) LEASING MORATORIA.—The term "leasing moratoria" means the prohibitions on preleasing, leasing, and related activities on any geographic area of the outer Continental Shelf as contained in sections 107 through 109 of division E of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3063).

(8) POLITICAL SUBDIVISION.—The term "political subdivision" means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs.

(9) PRODUCING STATE.—

(A) IN GENERAL.—The term "producing State" means a coastal State that has a coastal seaward boundary within 200 nautical miles of the geographic center of a leased tract within any area of the outer Continental Shelf.

(B) EXCLUSION.—The term "producing State" does not include a producing State, a majority of the coastline of which is subject to leasing moratoria, unless production was occurring on January 1, 2005, from a lease within 10 nautical miles of the coastline of that State.

(10) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

(A) IN GENERAL.—The term "qualified Outer Continental Shelf revenues" means all amounts received by the United States from each leased tract or portion of a leased tract—

(i) lying—

(I) seaward of the zone covered by section 8(g); or

(II) within that zone, but to which section 8(g) does not apply; and

(ii) the geographic center of which lies within a distance of 200 nautical miles from any part of the coastline of any coastal State.

(B) INCLUSIONS.—The term "qualified Outer Continental Shelf revenues" includes bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued under this Act.

(C) EXCLUSION.—The term "qualified Outer Continental Shelf revenues" does not include any revenues from a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 2005, unless the lease was in production on January 1, 2005.

(b) PAYMENTS TO PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

(1) IN GENERAL.—The Secretary shall, without further appropriation, disburse to producing States and coastal political subdivisions in accordance with this section $250,000,000 for each of fiscal years 2007 through 2010.

(2) DISBURSEMENT.—In each fiscal year, the Secretary shall disburse to each producing State for which the Secretary has approved a plan under subsection (c), and to coastal political subdivisions under paragraph (4), such funds as are allocated to the producing State or coastal political subdivision, respectively, under this section for the fiscal year.

(3) ALLOCATION AMONG PRODUCING STATES.—

(A) IN GENERAL.—Except as provided in subparagraph (C) and subject to subparagraph (D), the amounts available under paragraph (1) shall be allocated to each producing State based on the ratio that—

(i) the amount of qualified outer Continental Shelf revenues generated off the coastline of the producing State; bears to

(ii) the amount of qualified outer Continental Shelf revenues generated off the coastline of all producing States.

(B) AMOUNT OF OUTER CONTINENTAL SHELF REVENUES.—For purposes of subparagraph (A)—

(i) the amount of qualified outer Continental Shelf revenues for each of fiscal years 2007 and 2008 shall be determined using qualified outer Continental Shelf revenues received for fiscal year 2006; and

(ii) the amount of qualified outer Continental Shelf revenues for each of fiscal years 2009 and 2010 shall be determined using qualified outer Continental Shelf revenues received for fiscal year 2008.

(C) MULTIPLE PRODUCING STATES.—In a case in which more than one producing State is located within 200 nautical miles of any portion of a leased tract, the amount allocated to each producing State for the leased tract shall be inversely proportional to the distance between—

(i) the nearest point on the coastline of the producing State; and

(ii) the geographic center of the leased tract.

(D) MINIMUM ALLOCATION.—The amount allocated to a producing State under subparagraph (A) shall be at least 1 percent of the amounts available under paragraph (1).

(4) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

(A) IN GENERAL.—The Secretary shall pay 35 percent of the allocable share of each producing State, as determined under paragraph (3) to the coastal political subdivisions in the producing State.

(B) FORMULA.—Of the amount paid by the Secretary to coastal political subdivisions under subparagraph (A)—

(i) 25 percent shall be allocated to each coastal political subdivision in the proportion that—

(I) the coastal population of the coastal political subdivision; bears to

(II) the coastal population of all coastal political subdivisions in the producing State;

(ii) 25 percent shall be allocated to each coastal political subdivision in the proportion that—

(I) the number of miles of coastline of the coastal political subdivision; bears to

(II) the number of miles of coastline of all coastal political subdivisions in the producing State; and

(iii) 50 percent shall be allocated in amounts that are inversely proportional to the respective distances between the points in each coastal political subdivision that are closest to the geographic center of each leased tract, as determined by the Secretary.

(C) EXCEPTION FOR THE STATE OF LOUISIANA.—For the purposes of subparagraph (B)(ii), the coastline for coastal political subdivisions in the State of Louisiana without a coastline shall be considered to be ⅓ the average length of the coastline of all coastal political subdivisions with a coastline in the State of Louisiana.

(D) EXCEPTION FOR THE STATE OF ALASKA.—For the purposes of carrying out subparagraph (B)(iii) in the State of Alaska, the amounts allocated shall be divided equally among the two coastal political subdivisions that are closest to the geographic center of a leased tract.

(E) EXCLUSION OF CERTAIN LEASED TRACTS.—For purposes of subparagraph (B)(iii), a leased tract or portion of a leased tract shall be excluded if the tract or portion of a leased tract is located in a geographic area subject to a leasing moratorium on January 1, 2005, unless the lease was in production on that date.

(5) NO APPROVED PLAN.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in subparagraph (C), in a case in which any amount allocated to a producing State or coastal political subdivision under paragraph (4) or (5) is not disbursed because the producing State does not have in effect a plan that has been approved by the Secretary under subsection (c), the Secretary shall allocate the undisbursed amount equally among all other producing States.

(B) RETENTION OF ALLOCATION.—The Secretary shall hold in escrow an undisbursed amount described in subparagraph (A) until such date as the final appeal regarding the disapproval of a plan submitted under subsection (c) is decided.

(C) WAIVER.—The Secretary may waive subparagraph (A) with respect to an allocated share of a producing State and hold the allocable share in escrow if the Secretary determines that the producing State is making a good faith effort to develop and submit, or update, a plan in accordance with subsection (c).

(c) COASTAL IMPACT ASSISTANCE PLAN.—

(1) SUBMISSION OF STATE PLANS.—

(A) IN GENERAL.—Not later than July 1, 2008, the Governor of a producing State shall submit to the Secretary a coastal impact assistance plan.

(B) PUBLIC PARTICIPATION.—In carrying out subparagraph (A), the Governor shall solicit local input and provide for public participation in the development of the plan.

(2) APPROVAL.—

(A) IN GENERAL.—The Secretary shall approve a plan of a producing State submitted under paragraph (1) before disbursing any amount to the producing State, or to a coastal political subdivision located in the producing State, under this section.

(B) COMPONENTS.—The Secretary shall approve a plan submitted under paragraph (1) if—

(i) the Secretary determines that the plan is consistent with the uses described in subsection (d); and

(ii) the plan contains—

(I) the name of the State agency that will have the authority to represent and act on behalf of the producing State in dealing with the Secretary for purposes of this section;

(II) a program for the implementation of the plan that describes how the amounts provided under this section to the producing State will be used;

(III) for each coastal political subdivision that receives an amount under this section—

(aa) the name of a contact person; and

(bb) a description of how the coastal political subdivision will use amounts provided under this section;

(IV) a certification by the Governor that ample opportunity has been provided for public participation in the development and revision of the plan; and

(V) a description of measures that will be taken to determine the availability of assistance from other relevant Federal resources and programs.

(3) AMENDMENT.—Any amendment to a plan submitted under paragraph (1) shall be—

(A) developed in accordance with this subsection; and

(B) submitted to the Secretary for approval or disapproval under paragraph (4).

(4) PROCEDURE.—Not later than 90 days after the date on which a plan or amendment to a plan is submitted under paragraph (1) or (3), the Secretary shall approve or disapprove the plan or amendment.

(d) AUTHORIZED USES.—

(1) IN GENERAL.—A producing State or coastal political subdivision shall use all amounts received under this section, including any amount deposited in a trust fund that is administered by the State or coastal political subdivision and dedicated to uses consistent with this section, in accordance with all applicable Federal and State laws, only for one or more of the following purposes:

(A) Projects and activities for the conservation, protection, or restoration of coastal areas, including wetland.

(B) Mitigation of damage to fish, wildlife, or natural resources.

(C) Planning assistance and the administrative costs of complying with this section.

(D) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

(E) Mitigation of the impact of outer Continental Shelf activities through funding of onshore infrastructure projects and public service needs.

(2) COMPLIANCE WITH AUTHORIZED USES.—If the Secretary determines that any expenditure made by a producing State or coastal political subdivision is not consistent with this subsection, the Secretary shall not disburse any additional amount under this section to the producing State or the coastal political subdivision until such time as all amounts obligated for unauthorized uses have been repaid or reobligated for authorized uses.

(3) LIMITATION.—Not more than 23 percent of amounts received by a producing State or coastal political subdivision for

any 1 fiscal year shall be used for the purposes described in subparagraphs (C) and (E) of paragraph (1).

(e) EMERGENCY FUNDING.—

(1) IN GENERAL.—In response to a spill of national significance under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), at the request of a producing State or coastal political subdivision and notwithstanding the requirements of part 12 of title 43, Code of Federal Regulations (or a successor regulation), the Secretary may immediately disburse funds allocated under this section for 1 or more individual projects that are—

(A) consistent with subsection (d); and

(B) specifically designed to respond to the spill of national significance.

(2) APPROVAL BY SECRETARY.—The Secretary may, in the sole discretion of the Secretary, approve, on a project by project basis, the immediate disbursal of the funds under paragraph (1).

(3) STATE REQUIREMENTS.—

(A) ADDITIONAL INFORMATION.—If the Secretary approves a project for funding under this subsection that is included in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary any additional information that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

(B) AMENDMENT TO PLAN.—If the Secretary approves a project for funding under this subsection that is not included in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary for approval an amendment to the plan that includes any projects funded under paragraph (1), as well as any information about such projects that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

(C) LIMITATION.—If a producing State or coastal political subdivision does not submit the additional information or amendments to the plan required by this paragraph, or if, based on the information submitted by the Secretary determines that the project is not in compliance with subsection (d), by the deadlines specified in this paragraph, the Secretary shall not disburse any additional funds to the producing State or the coastal political subdivisions until the date on which the additional information or amendment to the plan has been approved by the Secretary.

¿43 U.S.C. 1356a

**SEC. 32. TRANSBOUNDARY HYDROCARBON AGREEMENTS.**

(a) AUTHORIZATION.—After the date of enactment of the Bipartisan Budget Act of 2013, the Secretary may implement the terms of any transboundary hydrocarbon agreement for the management of transboundary hydrocarbon reservoirs entered into by the President and approved by Congress. In implementing such an agreement, the Secretary shall protect the interests of the United States to promote domestic job creation and ensure the expeditious and orderly development and conservation of domestic mineral resources in accordance with all applicable United States laws governing the exploration, development, and production of hydrocarbon resources on the Outer Continental Shelf.

(b) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—No later than 180 days after all parties to a transboundary hydrocarbon agreement have agreed to its terms, a transboundary hydrocarbon agreement that does not constitute a treaty in the judgment of the President shall be submitted by the Secretary to—

(A) the Speaker of the House of Representatives;

(B) the Majority Leader of the Senate;

(C) the Chair of the Committee on Natural Resources of the House of Representatives; and

(D) the Chair of the Committee on Energy and Natural Resources of the Senate.

(2) CONTENTS OF SUBMISSION.—The submission shall include—

(A) any amendments to this Act or other Federal law necessary to implement the agreement;

(B) an analysis of the economic impacts such agreement and any amendments necessitated by the agreement will have on domestic exploration, development, and production of hydrocarbon resources on the Outer Continental Shelf; and

(C) a detailed description of any regulations expected to be issued by the Secretary to implement the agreement.

(c) IMPLEMENTATION OF SPECIFIC TRANSBOUNDARY AGREEMENT WITH MEXICO.—The Secretary may take actions as necessary to implement the terms of the Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico, signed at Los Cabos, February 20, 2012, including—

(1) approving unitization agreements and related arrangements for the exploration, development, or production of oil and natural gas from transboundary reservoirs or geological structures;

(2) making available, in the limited manner necessary under the agreement and subject to the protections of confidentiality provided by the agreement, information relating to the exploration, development, and production of oil and natural gas from a transboundary reservoir or geological structure that may be considered confidential, privileged, or proprietary information under law;

(3) taking actions consistent with an expert determination under the agreement; and

(4) ensuring only appropriate inspection staff at the Bureau of Safety and Environmental Enforcement or other Federal agency personnel designated by the Bureau, the operator, or the lessee have authority to stop work on any installation or other device or vessel permanently or temporarily attached

to the seabed of the United States that may be erected thereon for the purpose of resource exploration, development or production activities as approved by the Secretary.

(d) SAVINGS PROVISIONS.—Nothing in this section shall be construed—

(1) to authorize the Secretary to participate in any negotiations, conferences, or consultations with Cuba regarding exploration, development, or production of hydrocarbon resources in the Gulf of Mexico along the United States maritime border with Cuba or the area known by the Department of the Interior as the "Eastern Gap"; or

(2) as affecting the sovereign rights and the jurisdiction that the United States has under international law over the Outer Continental Shelf that appertains to it.

¿43 U.S.C. 1356b

Outlook

## Emergency regulations recreational gear for chumming

**From** Jerry Taggart
**Date** Tue 06/23/2026 03:34 PM
**To** FGC <FGC@fgc.ca.gov>; OAL Reference Attorney@OAL <OALReferenceAttorney@oal.ca.gov>

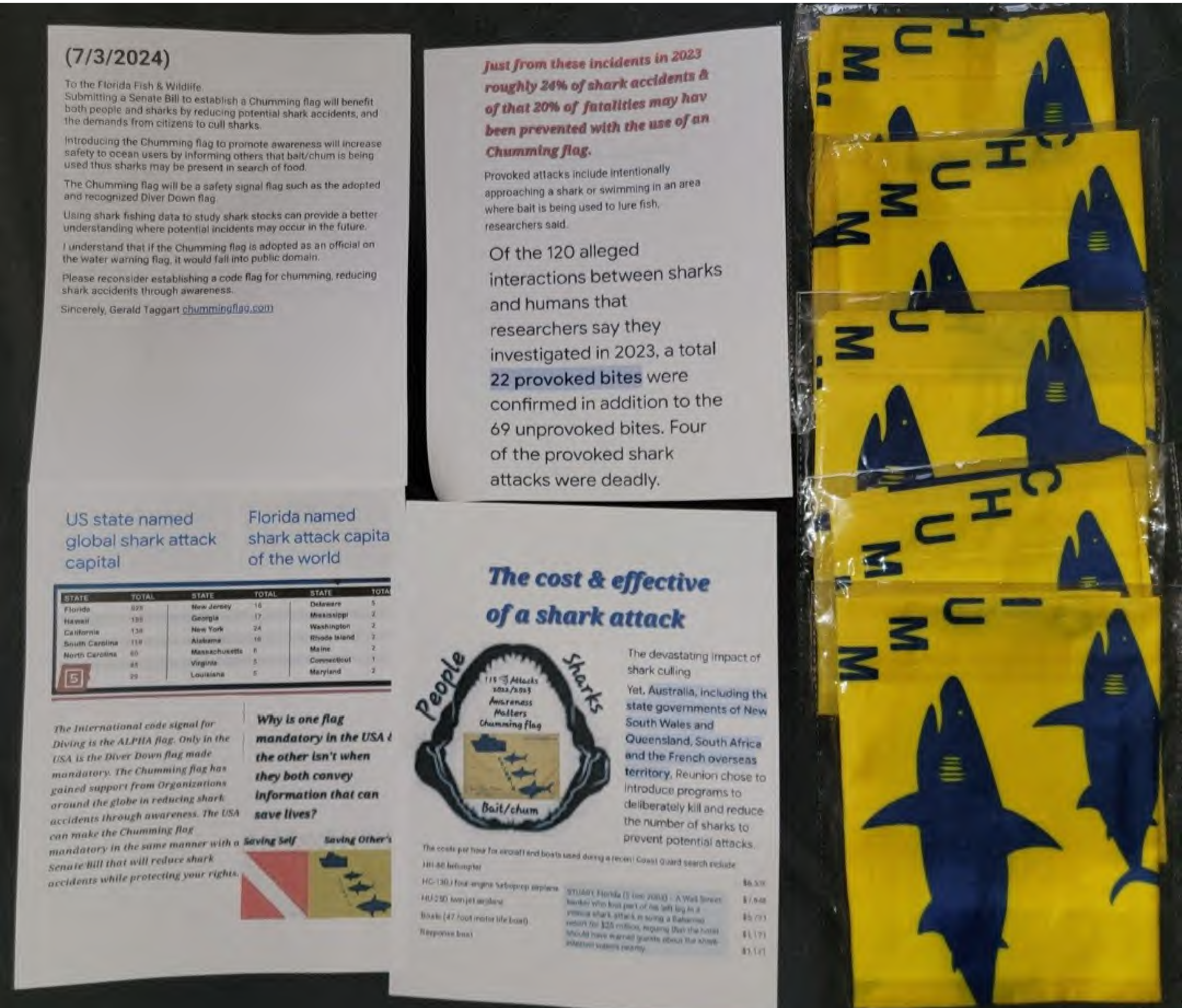
Hello FGC
Please consider officially adopting the Chumming flag to help reduce unwanted shark encounters through awareness. The Chumming flag has many benefits listed below.
For more information contact Gerald Taggart
Chumming flag

How would an official Chumming flag benefit society.
An official Chumming flag - a bright standardize banner flown from boats, beach towers, or drone masts to signal "WE ARE ACTIVITY CHUMMING HERE"_ would quietly solve a dozen small tragedies and annoyances that happen every summer. Here's the concrete payoffs for 5 different groups:
1. SWIMMERS & SURFERS: Instant 200m safety bubble: One glance at the flag tells you exactly which area of water is full of shark buffet. No more "Was that blood or just red tide?" panic. FEWER SURPRISE SHARK ENCOUNTERS: In the 2023 Volusia County data, 42% of unprovoked shark bites happen within 500m of charter boats that had just dumped bait. A Chumming flag turns an invisible plume visible.
2. SHARK FISHERMEN •LEGAL COVER: Most states already require a shark-fishing permit; pairing it with a mandatory flag removes the "I didn't know they were chumming" defense in court.
•Neighbor courtesy: Other boats will see the flag and steer clear avoiding pushing down fish and shouting arguments.
3. BEACH LIFEGUARDS & DRONE TEAMS: 5-second decision tool: Instead of debating on the radio, the lifeguard tower hoists an answering flag and clears the areas water in 90 seconds.
Data goldmine: Flags logged with time/GPS create a public "chum map" that marine biologists can overlap with tag data to prove which practices actually raise bite risk.
4. DIVE OPERATIONS & UNDERWATER PHOTOGRAPHY
• Predictable viz: Chumming slicks murder visibility for 45 minutes. A Chumming flag let's divemasters reroute to the next dive site for better visibility.
HOW IT WOULD LOOK & WORK
•Design: The color yellow/blue is the same as the nautical flag steer clear, the diagonal pattern is easy to see at a distance,

the pictogram is easy to understand much like road signs are.
•Rule: If you dumped 1gallon or more of fish parts, the Chumming Flag flies for 30 minutes after the last scoop. •Enforcement: 250 fine + photo evidence from drone or beach cam. Self-policing is crucial, as no one wants to be the next viral idiot. One-sentence benefit. An official Chumming flag turns an invisible, odorless hazard into a bright, polite "KEEP OUT" sign that saves lives, limbs, lawsuits and arguments - while still letting fishing, dive tourism, researchers to continue to use an effective tool.


DEMA 2022
CHUMMIN
DEMA 2021
SHARK CON 10


CHUMMING FLAG
thescubanews.com
letstalkhoohup.com
sharks.org
nava.org
jcsa.org
gue.com
inthebite.com
spearfishing.live
women's usa spearfishing team
josewejebefoundation.org
scubalife.hr
fishyology.com
feike.co.za
idssc.org
sharknewz.com
IF YOU'RE GOING TO CHUM TELL SOMEONE


(7/3/2024)
To the Florida Fish & Wildlife.
Submitting a Senate Bill to establish a Chumming flag will benefit both people and sharks by reducing potential shark accidents, and the demands from citizens to cull sharks.
Introducing the Chumming flag to promote awareness will increase safety to ocean users by informing others that bait/chum is being used thus sharks may be present in search of food.
The Chumming flag will be a safety signal flag such as the adopted and recognized Diver Down flag.
Using shark fishing data to study shark stocks can provide a better understanding where potential incidents may occur in the future.
I understand that if the Chumming flag is adopted as an official on the water warning flag, it would fall into public domain.
Please reconsider establishing a code flag for chumming, reducing shark accidents through awareness.
Sincerely, Gerald Taggart chummingflag.com
Just from these incidents in 2023 roughly 24% of shark accidents & of that 20% of fatalities may hav been prevented with the use of an Chumming flag.
Provoked attacks include intentionally approaching a shark or swimming in an area where bait is being used to lure fish, researchers said.
Of the 120 alleged interactions between sharks and humans that researchers say they investigated in 2023, a total 22 provoked bites were confirmed in addition to the 69 unprovoked bites. Four of the provoked shark attacks were deadly.
US state named global shark attack capital
Florida named shark attack capita of the world
STATE TOTAL STATE TOTAL STATE TOTA
New Jersey 16 Delaware 5
Georgia 17 Mississippi 2
New York 24 Washington 2
Alabama 16 Rhode Island 2
Massachusetts 6 Maine 2
Virginia 5 Connecticut 1
Louisiana 5 Maryland 2
Florida
Hawaii
California
South Carolina
North Carolina
The International code signal for Diving is the ALPHA flag. Only in the USA is the Diver Down flag made mandatory. The Chumming flag has gained support from Organizations around the globe in reducing shark accidents through awareness. The USA can make the Chumming flag mandatory in the same manner with a Senate Bill that will reduce shark accidents while protecting your rights.
Why is one flag mandatory in the USA & the other isn't when they both convey information that can save lives?
Saving Self
Saving Other's
The cost & effective of a shark attack
People
Sharks
Awareness Matters
Chumming flag
Bait/chum
The devastating impact of shark culling
Yet, Australia, including the state governments of New South Wales and Queensland, South Africa and the French overseas territory, Reunion chose to introduce programs to deliberately kill and reduce the number of sharks to prevent potential attacks.
CHUM

Outlook

**NOAA unveils plan to cut seafood regulations under Trump directive | National Fisherman**

**From** mbcfo member <mbcfo1972@gmail.com>
**Date** Tue 07/07/2026 06:25 PM
**To** FGC <FGC@fgc.ca.gov>

# NOAA unveils plan to cut seafood regulations under Trump directive

NOAA said its newly outlined regional priorities are intended to increase opportunities for American fishermen and women. Shutterstock photo.

NOAA announced a set of regional priorities on July 2 aimed at cutting regulatory burdens on domestic fishing fleets and boosting seafood production, part of the agency's response to a presidential executive order.

The announcement follows an August 2025 request for public comment in which NOAA Fisheries sought input from stakeholders, including the eight regional fishery management councils, on ways to stabilize markets, improve access and prevent closures. The agency said it received more than 700 comments from individuals and organizations, along with detailed action plans submitted by each council.

"These regional priorities are a critical step in our efforts to fulfill the President's vision of making the United States the world's dominant seafood leader," said NOAA Administrator Neil Jacobs said in a statement. "We look forward to partnering with the councils to advance seafood competitiveness and support our American fishermen."

The Restoring American Seafood Competitiveness executive order was issued in April 2025 and directs federal agencies to reduce regulatory barriers facing U.S. commercial fishermen amid a decline in domestic seafood landings since 2019.

NOAA Fisheries Assistant Administrator Eugenio Piñeiro Soler outlined the priorities in a statement, saying input from council meetings pointed to a consistent theme. "Fishermen just want to fish, and they are asking for our support in overcoming the barriers preventing them from doing so," he said.

Piñeiro Soler said the agency received input from 787 individuals and organizations in addition to the council action plans, and that the resulting priorities were selected because they would "reduce burdens on domestic fishing, increase production, stabilize markets, improve access, and enhance economic profitability."

In New England, NOAA said priorities include alleviating industry-funded monitoring burdens, modernizing fleet capacity, and re-evaluating static area closures. Specific actions listed include implementing rotational access for the Northern Edge scallop fishery, implementing scallop permit stacking, rescinding industry-funded monitoring requirements, and considering reopening the Great South Channel habitat management area to surfclam operations. NOAA also said it would deprioritize advancing requirements for ropeless gear.

In the Mid-Atlantic, priorities focus on modernizing fleet capacity and improving quota distribution, including evaluating vessel baseline restrictions jointly with the New England council and considering joint management of squid, mackerel, and butterfish.

In the South Atlantic, NOAA said it will prioritize improving access and flexibility and advancing state-led data partnerships, including revising Snapper Grouper permit policies under Amendment 60, supporting state agency-led exempted fishing permits for red snapper, and addressing shark and dolphin depredation.

In the Caribbean, priorities include reviewing the effectiveness of marine protected areas — NOAA cited Tourmaline Bank and Abrir La Sierra as examples — shifting spiny lobster and queen conch management to the territories, and revising accountability measures for pelagic stocks and spiny lobster.

In the U.S. Gulf of Mexico, renamed under the Trump administration as the Gulf of America, NOAA said it would defend the domestic shrimp fleet against trade imbalances and optimize Individual Fishing Quota accessibility, including refining IFQ participation requirements under Amendments 59A and 59B and prioritizing rulemaking to extend provisions of the DESCEND Act.

In the Pacific, NOAA will review trawl observer redundancies and reconsider Pacific sardine stock definitions and science.

In the North Pacific, priorities include reviewing Steller sea lion closure boundaries, eliminating a 2 percent IFQ deduction for bled sablefish, and pursuing rulemaking on small sablefish voluntary release and maximum retainable amount calculations.

In the Western Pacific, NOAA said it would act to enable commercial fishing previously restricted by marine monument closures, consistent with the Endangered Species Act. Listed actions include removing the shallow-set longline leatherback hard cap and two-turtle trip limit, removing the swordfish retention limit in the deep-set longline fishery, and removing the American Samoa longline turtle mitigation measure.

For Highly Migratory Species, NOAA said it would pursue international quota increases and maximize target catch retention, including reviewing weak hook requirements in the Gulf and retention rules for dead bluefin tuna under 73 inches, and reconsidering upgrading restrictions for the swordfish handgear limited access permit.

Piñeiro Soler said the agency would continue working with councils to advance the priorities, some of which he said "may implicate other statutory requirements." He said NOAA also encouraged councils to expand use of Exempted Fishing Permits to test gear innovations and explore new fishing opportunities, and to assess current Fishery Management Plans for species that "no longer require conservation and management."

Tom Hafer
Secretary MBCFO
(805) 610-2072
mbcfo1972@gmail.com

Outlook

**Why ferrets should be legal in California**

**From** Darlene [redacted]
**Date** Wed 07/08/2026 10:10 AM
**To** FGC <FGC@fgc.ca.gov>

**Brooklyn [redacted]**

**7/8/2026**
**California Fish and Game Commission**
**P.O. Box 944209**
**Sacramento, CA 94244-2090**

**Dear President Eric Sklar and Members of the Commission,**

**First, I am writing to request a change. Yes, I am only 10 years old. Yes, I did fall in love with ferrets only a month ago. I've done weeks of research and consistently received the same answer. There is no evidence why ferrets should be banned. So I ask that you listen to me while I tell you all the facts about these playful and intelligent little creatures.**

**Next, Ferrets are very lovable and intelligent little creatures. Ferrets have also been domesticated for around 2,500 years and have lost almost all of their survival skills, and could survive in the wild for only around 3 days due to a lack of water and starvation. Also, by banning ferrets, California misses out on tax revenue from ferret breeders and supplies, and the ferrets that were sold in the state. Let's not forget that ferrets are very intelligent animals and, with the right owner, can be very beneficial the owners of these loving and adorable little pets.**

**Thank you for your patience and understanding of my concern.**

**Sincerely,**
**Brooklyn [redacted] 10yrs old**

Please send me letter back when you have time.

Brooklyn [redacted] + 10 years old + loves ferrets + and sent you an Email

P.S on my Email please

# Ferret Team

Temp:

96F°

Please send me a letter back!

:)

Help us let these little guys be pets

Ferrets can't survive in temps above 80 degrees so it's unlikely there form colonies!

From -

Brooklyn [redacted]

Outlook

**Strong Support for Petition 2025-003 to Legalize Domestic Ferrets in California**

**From** Cameron Smith
**Date** Sat 07/11/2026 11:34 AM
**To** FGC <FGC@fgc.ca.gov>

Dear President and Members of the California Fish and Game Commission,

I am writing to express my strong support for Petition 2025-003, which requests the removal of the domestic ferret (*Mustela putorius furo*) from California's restricted species list. As a resident of California, I urge the Commission to finalize its evaluation and align state regulations with modern veterinary science, agricultural data, and the legal frameworks of 48 other U.S. states.

The current classification of domestic ferrets as a prohibited wild or restricted species is an administrative artifact that lacks contemporary scientific justification. For decades, the primary arguments against ferret legalization have centered on fears regarding feral population establishment, threats to native wildlife, and public health risks. However, extensive data from across the United States demonstrates that these concerns are entirely unfounded:

- **No Feral Populations:** Ferrets have been kept as legal household pets in 48 states for decades. In that time, not a single feral colony of domestic ferrets has been established in any of those states. Domestic ferrets are completely dependent on human care for survival and cannot survive long-term in the wild.
- **Minimal Environmental Impact:** Decades of data from states with similar climates and fragile ecosystems, such as Arizona and Texas, show that escaped pet ferrets pose zero measurable threat to local agricultural interests or native wildlife populations.
- **Public Health and Safety:** Domestic ferrets present no greater risk of rabies or aggressive behavior than domestic dogs or cats. Modern veterinary medicine provides effective, standard rabies vaccines explicitly approved for ferrets, neutralizing the historical public health arguments used to justify the original 1930s-era ban.

The Commission's historical rationale—that ferrets are not "normally domesticated in this state"—creates an unfair, circular barrier to regulatory change. Furthermore, I note that while the Commission unanimously accepted Petition 2025-003 for further consideration in June 2025, the administrative review remains delayed.

California pet owners deserve a fair, science-based, and efficient evaluation process. Decriminalizing ferrets will allow responsible owners to seek standard veterinary care without fear of confiscation, while simultaneously allowing state wildlife officials to focus resources on true conservation priorities.

Thank you for your time, your public service, and your serious consideration of this matter. I strongly urge the Commission and the Department of Fish and Wildlife to move Petition 2025-003 forward to a final, favorable determination.

Sincerely,

Cameron Smith
San Clemente, California

Outlook

**Klamath River Salmon Fishing**

**From** Gary Horne
**Date** Thu 07/23/2026 11:58 AM
**To** FGC <FGC@fgc.ca.gov>

July 23, 2026

Fish and Game Commission,    I see that the current Fishing regulations do not allow Salmon fishing above the I-5 bridge.  I contacted Dan Trucksell and asked why that area is closed.

I was told that it was closed because of river restoration work.  I have floated that area, Iron Gate to Klamathon Bridge in my drift boat and there is no work going on.  That section of river is in great shape with trout and steelhead in the river and turtles and birds active.

That section is a favorite of locals and vacationers.   Myself and friends have fished that area for many years and were very excited when we thought it would be open to Salmon fishing this year.

With its closure to Salmon fishing , I believe this is the third year being closed, fishermen will be pushed down below I-5 which is much more dangerous water to fish in.

Opening Salmon fishing above  I-5  up to the traditional no fishing boundary 1500 feet below Iron Gate dam, or now the old dams footprint, would make for a much  improved public safety fish and a much more enjoyable time in the public waterway on the Klamath.

This area has always been fished and is safer water to row for novices and old guys like me.  Would you please open up this area to Salmon fishing.

In actual use doing so really only opens up about 4 additional miles of fishing on the traditional float that nearly all use to fish.  That area is from  1500 feet below the old dam to the Klamathon Bridge.

If there are pressing needs that keep that section of river closed,  please let me know.

Thank you for your consideration.

Gary Horne

Outlook

**Please Continue Protecting California's Wildlife from Rodenticides**

**From** Victoria Waters
**Date** Sun 07/26/2026 03:01 PM
**To** FGC <FGC@fgc.ca.gov>

Dear Members of the California Fish and Game Commission,

I am writing as a concerned California resident to ask that the Commission continue to advocate for stronger protections against rodenticides that continue to harm our state's wildlife.

Like hundreds of thousands of others, I have spent years watching the Big Bear bald eagles, Jackie and Shadow, through the Friends of Big Bear Valley live nest cam. Their story has inspired an extraordinary community of people who have come to love and appreciate California's wildlife. Jackie's recent illness motivated me to learn more about the many threats facing birds of prey, and I was saddened to discover how many eagles, hawks, owls, bobcats, foxes, mountain lions, and other native animals continue to suffer from rodenticide poisoning.

One of the greatest ironies is that birds of prey are among nature's most effective rodent control. By poisoning the rodents they eat, we are poisoning the very animals that help keep rodent populations in balance. Healthy predator populations are one of our greatest allies in naturally controlling rodents.

I respectfully ask the Commission to continue advocating for science-based policies that reduce wildlife exposure to rodenticides, support safer alternatives through Integrated Pest Management, and encourage habitat improvements that help natural predators thrive.

Where appropriate, I hope California will also expand the use of proven tools such as barn owl nest boxes in agricultural and other suitable areas as part of a comprehensive, non-toxic approach to rodent management.

Jackie has inspired countless people, and Californians, including me, to become stronger advocates for wildlife conservation. I hope California will continue leading the nation in protecting the magnificent wildlife that belongs to all of us.

Thank you for your service and for your commitment to preserving California's natural heritage for future generations.

Sincerely,
Victoria Waters

Outlook

## Public comment letter for inclusion in the FGC August 2026 Meeting

**From** Tinabennett
**Date** Sun 07/26/2026 07:29 PM
**To** FGC <FGC@fgc.ca.gov>
**Cc** Thompson, Geneva@CNRA <Geneva.Thompson@resources.ca.gov>; Ray Haupt <rhaupt@co.siskiyou.ca.us>; carlson@usda.gov <carlson@usda.gov>; Christofferson, Chris - FS, CA <chris.christofferson@usda.gov>

Dear FGC Staff:

Attached please find a letter from the Forks of Salmon Shasta Konomihu community and local residents.

We would appreciate this letter being included in the Commissioner's binders along with the official digital meeting binders for both the FGC Tribal Committee and the full Commission.

Thank you for acknowledging receipt of this letter and confirming its inclusion in the binders.

We will be referring to this letter during our public comment at both the FGC Tribal Committee meeting on August 11th and the full Commission meeting on August 12th.

Sincerely,

Tina Bennett and Kathy O'Connor

July 27, 2026

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

**RE: Follow-up to the Shasta Konomihu letter to the FGC dated March 30, 2026**

*To the FGC Tribal Committee and FGC Commissioners:*

This is the second letter from the Shasta Konomihu community residing in Forks of Salmon in Siskiyou County expressing ongoing, unresolved concerns regarding Salmon River Restoration Council (SRRC) projects funded by, and in collaboration with, the California Department of Fish and Wildlife on the Salmon River North Fork, South Fork, and associated creeks and tributaries.

As we wrote to you earlier, Natives and long-term residents of Forks of Salmon continue to be excluded from SRRC projects in our ancestral homelands. Although we were invited at the last minute to meet with two members of SRRC staff for 1.5 hours on July 17th, once again we have no assurances or follow-up that our concerns are being addressed.

We are reaching out again to the California Natural Resources Agency and the California Fish and Game Commission because we feel there is no oversight, monitoring, or evaluation of SRRC projects that local Tribal elders are opposed to, either in principle or in practice.

Following is a list of current pressing concerns that we have for the health of culturally significant ecosystems, species, and sites within the Salmon River watershed:

A. The proposed "**Windler Bar Habitat Enhancement Project** " (USFS Project #287041 with $1.89M in funding from CDFW[1]) addressing "the need to enhance fisheries and riparian habitat within the Project area, which is known to host rearing and spawning at-risk salmon" has not conducted any formal consultations with the most proximate Tribal entity to Windler Bar, a.k.a., the Shasta Konomihu, despite repeated attempts by Konomihu elders to obtain detailed information on the project and its implementation schedule and activities. No acknowledgement has been made of the downstream repercussions on community members residing along the Salmon River, i.e., Shasta Konomihu ancestral homelands.

   We expressed our concerns about inappropriately toxic methods proposed to rid the Gallia pond historical pond (from the 1930s) of invasive bullfrogs in our 3/30/26 letter. Although those methods were curtailed, during a recent visit to the area, we observed bullfrog tadpoles in the river, demonstrating that escapism has occurred. We have not been appraised of any plans to deal with this, despite repeated written and verbal entreaties to relevant agencies.

[1] Source: "News release: CDFW awards $15 million for salmon and steelhead habitat restoration projects" https://www.watereducation.org/aquafornia-news/news-release-cdfw-awards-15-million-salmon-and-steelhead-habitat-restoration

B. We are in total opposition to the insertion of any **fish passage barriers** in the North Fork or the South Fork of the Salmon River. Due to historical mining operations in the watershed, accompanied by significant erosion following the Butler Fire, the Salmon River is overburdened by gravel and sediment and we believe it is more important to relieve the river of its overburden than to insert barriers that result in slower and warmer waters.

   We are especially concerned about barriers being installed during low water flows when our river is overly warm (72 degrees), and fish are held back – as they are now – at Mathews Creek, Indian Creek, Black Bear Creek, and Methodist Creek. We have advocated instead for enlarging pools at the mouths of the creeks to serve as refugia for the salmon.

C. We have repeatedly requested that the poorly placed log jam at **Kelly Bar**, which currently is positioned in the middle of an island in the North Fork of the Salmon River, be removed as it is not fulfilling its objectives of creating fish habitat or wicking water out of the gravel bar and resdistributing it to riparian vegetation. When we asked when the situation would be fixed, we were told by SRRC that "we don't go back into projects once they are done."

D. We have requested that **screw traps** in the North and South Fork rivers be removed because the waterflows are low enough that the traps are serving as barriers to fish passage.

E. We have repeatedly requested that **fin clipping of juvenile salmon** be temporarily halted when river water levels are low and water temperatures are elevated because it makes the juveniles more susceptible to heightened bacterial and cyanobacteria populations present in the water.

F. We continue to be culturally opposed to **sampling techniques** that involve pulling spawning salmon out with a gaff hook, cutting them in half, and throwing the remains onto the sand bar. As we have stated to SRRC staff, tradition holds that salmon remains are to be returned to the waterway, so the salmon bodies dissolve naturally and feed the water creatures.

G. We continue to disagree with the **rerouting** of too many creeks and parts of the river with hundreds of logs before careful consultation by SRRC with long-term residents who are familiar with waterway flows and passages. We are concerned that periods of extremely high water flows will lead to footbridges, residential bridges, and roadways that the community relies on being taken out when dozens of logs come crashing downstream.

H. When side channel enhancements were being completed at the **Red Bank Bar** along Salmon River as part of an SRRC project, a Konomihu elder noted that a Konomihu ancestral village had been located nearby and documented by the USFS[2]. He requested that an archaeological survey be completed before any excavation work was initiated. His requests were ignored, and the site was destroyed.

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[2] Source: Kathryn R. Winthrop and Robert H. Winthrop, "Konomihu Studies: Ethnology and Archaeological Data Recovery, CA-SIS1457" (report prepared for the US Forest Service, Klamath National Forest, Contract 53-91W8-8-8103, 1991).

I. We continue to be concerned with the **lack of community engagement, transparency, and accountability** for millions of dollars being allocated to the Salmon River Restoration Council for work that we do not agree with taking place in our homelands.

Following our testimony at the April 14, 2026 FGC Tribal Committee meeting, we were counseled by Commissioner Hostler-Carmesin to take our concerns to the Karuk Tribal Council. We did so, in person, on May 28, 2026. At the Council meeting, instead of having our concerns listened to and addressed, during our testimony we were repeatedly interrupted and verbally berated, to the point that we stopped trying to speak.

Thus, we are returning to the FGC Tribal Committee and the Commission to request your assistance with helping our community to achieve the goals we articulated in our prior letter:

1. We expect SRRC and other agencies to act respectfully when they are operating within our ancestral territories. We want Shasta Konomihu community members to have review and oversight of SRRC/other agency project design, budgeting, implementation, and monitoring.

2. We expect the institution of new protocols and policies by SRRC to ensure substantive community engagement and consultation on current fisheries and forest management activities within the Salmon River watershed. We expect project activities to be culturally respectful and to incorporate traditional ecological knowledge and Native expertise.

3. We expect hyperlocal (i.e., Shasta Konomihu and long-term Forks of Salmon residents) oversight of proposed riparian alterations by SRRC — especially dams — and assurances that all necessary permitting processes have been followed.

4. We expect the inclusion of Shasta Konomihu Tribal representatives on the SRRC Board: i.e., people who have lived within this specific watershed for decades.

5. We expect significant representation of Forks of Salmon Shasta Konomihu and Salmon River Watershed youth and adults on SRRC workforces [with pay commensurate with that of SRRC staff] for fisheries, forestry, and invasive species projects, and the consistent inclusion of Shasta Konomihu adults, elders, and youth on projects involving cultural resources and cultural landscapes. We want summer employment opportunities offered to local Native children, and we expect our youth to be treated with respect.

6. We expect proactive and frequent communications when grant-funded work or grant-funded projects are slated to be carried out in sacred Shasta Konomihu areas such the Salmon Mountain Trailhead and Mullins Camp.

**In summary, we demand hyper-local oversight for ongoing activities conducted within our homelands and Tribal cultural landscapes by the Salmon River Restoration Council and related outside agencies.**

**We respectfully request that all major decisions, plans, and projects proposed by the SRRC and other outside agencies be overseen and approved by Shasta Konomihu descendants and long-term residents of the Forks of Salmon community.**

In closing, we, as Elders and Culture Bearers of Forks of Salmon, continue to ask for your help.

Thank you for your kind assistance with helping us to achieve these goals.

Respectfully,

Tina Bennett (Shasta Konomihu)

Kathy O'Conner (Shasta Konomihu)

*This letter is supported by forty-nine Forks of Salmon Shasta Konomihu residents and local community members whose signatures appear on the attached four sheets.*

CC:

- Geneva Thompson, *Deputy Secretary for Tribal Affairs, California Natural Resource Agency*
- Sarah Fonseca, *Department Tribal Liaison, California Department of Fish and Wildlife*
- Danaika Carlson, *Deputy District Ranger, Salmon River/Scott River District of the Klamath National Forest*
- Chris Christofferson, *Supervisor, Klamath National Forest*
- Ray Haupt, *District 5 Siskiyou County Supervisor*

**Signature of Support to California Department of Fish and Game Commission**

| Print Name | Signature Name | Tribal Affiliation |
|---|---|---|
| Margaret Nichols | [redacted] | Shasta Konomihu |
| Patricia Hendrickson | [redacted] | non |
| Emalee Lincoln | [redacted] | Karuk |
| DEAN MCBROOM | [redacted] | SAlmon River HGTAEWOK SHASTA |
| Hunter MCBroom | [redacted] | Salmon River Shasta |
| Kathy McBroom | [redacted] | Kathy McBroom |
| Johnnie McBroom | [redacted] | Shasta |
| Jerry SAMUEL | [redacted] | |
| Angelique Lucero | [redacted] | None |
| Patricia OB | [redacted] | en Kaak Shasta |
| Kasey OBrien | [redacted] | Karuk |
| RYAN S BENNETT | [redacted] | SHASTA KONOMIHU KARUK |
| Tammi Bennett | [redacted] | |
| Trey Bennett | [redacted] | Shasta Konomihu Karuk |
| Branden Cone | [redacted] | non |
| Aidan Fernandez | [redacted] | Shasta KonomiHU KARUK |
| Justin O'Connor | [redacted] | Shasta Konomihu KARUK |
| Megan Bennett | [redacted] | Shasta Konomihu Karuk |
| Caitlin Bennett | [redacted] | SHASTA KONOMIHU KARUK |
| Linda Bennett | [redacted] | Shasta KONOMIHU Karuk |

**Signature of Support to California Department of Fish and Game Commission**

| Print Name | Signature Name | Tribal Affilation |
|---|---|---|
| Gregory Randazzo | [redacted] | Karuk |
| DANIEL H. STANSHAW | [redacted] | KARUK |
| Sylvia Clark | [redacted] | — |
| Michael Nichols | [redacted] | Karuk 1/4 |
| Ann McBroom | [redacted] | Karuk |
| Amanda Caswel | [redacted] | Karuk |
| Andy McBroom | [redacted] | |
| Byron McBroom | [redacted] | Karuk Shata Konomihu |
| Robert A Bennett | [redacted] | Karuk Shast Konomihu |
| Richard B Bennett | [redacted] | Karuk Shasta Konomihu |
| Jeffrey P Bennett | [redacted] | Karuk |
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|---|---|---|
| Jayah Jordan | [redacted] | Shasta, Konomihu Karuk |
| Lisa Jordan | | Shasta Konomihu Karuk |
| Kathy Bennett O'Connor | | SHASTA - KONOMIHU Karuk |
| Sofia Deas | | Shasta - Konomihu Karuk |
| Brooks O'Conn | | Shasta Konomihu Karuk |
| PATRICK B. O'... | | Non |
| Raymond Deas | | Non |

**Signature of Support to California Department of Fish and Game Commission**

| Print Name | Signature Name | Tribal Affilation |
|---|---|---|
| RAYMOND D. AUTRY | | NONE |
| MITCH MCLAUGHLIN | | SHASTA |
| Holly McLaughlin | | None |
| Sally Autry | | Shasta |
| Dale Richardson | | |
| Michael A Kerrick | | |
| Jean M. George | | Shasta Konomihu Karuk |
| Tanner W. Griggs | | Shasta Konomihu Karuk |
| WILLIAM KELLER | | |
| Jan Clarridge | | |
| Sally Hutchinson | | |
| Craig Kody | | |
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Outlook

## Yosemite Lakes & Bear Issues

**From** Alison Rogers
**Date** Sun 07/26/2026 08:21 PM
**To** tiarra_ivazes@equitylifestyle.com <tiarra_ivazes@equitylifestyle.com>
**Cc** FGC <FGC@fgc.ca.gov>; Wildlife R4 Manager Assistant [redacted]

Dear Thousand Trails Management,

I am writing to formally express my deep concern regarding the significant number of dangerous bear encounters my family experienced during our recent four-night, five-day stay at Yosemite Lakes Thousand Trails, located at: 31191 Hardin Flat Rd, Groveland, CA.

During our stay, we observed *more than seven* black bears repeatedly entering the Ponderosa tent camping area and the RV/trailer sites directly across from Ponderosa. While we understand that camping in bear country comes with inherent wildlife risks, what we experienced went *far* beyond normal wildlife encounters. The frequency of these incidents and the bears' complete lack of fear of humans created an environment that felt increasingly unsafe for families, children, and campers throughout the campground.

The most alarming incident occurred at our cousins' campsite along the river. An exceptionally large bear entered the campsite and refused to leave despite repeated efforts by multiple campers to safely scare it away by making loud noises, banging pots and pans, yelling, and doing everything possible to encourage it to leave. The situation escalated to the point that screams from the campsite drew numerous neighboring campers who rushed over to help. As the bear began moving toward the crowd, someone within the large group discharged what sounded like a firearm twice into the air. Whether it was a firearm or another deterrent, the fact remains that the situation had escalated to a level where campers feared for their safety and felt desperate.

Immediately afterward, we contacted the campground office expecting concern, guidance, and assistance. Instead, the initial response we received was accusatory, as though our family had been responsible for firing the shots. Rather than first asking if everyone was safe or gathering information about the emergency, we felt we were immediately treated as if we were at fault.

To make matters worse, while visiting the Valero store on the property after the incident the following day, a member of our family was immediately recognized and told, “Oh, that was YOU GUYS? Well, now that bear is going to be put down!” That statement was incredibly inappropriate, insensitive, and unacceptable. At no point did anyone ask whether our family was safe or acknowledge the frightening situation we had just experienced. Instead, we were met with blame. We did not create this situation, we were campers trying to protect ourselves, our children, and others during an active wildlife emergency. Suggesting that we were somehow responsible for the potential fate of an already habituated bear was both unfair and deeply upsetting.

What concerns me even more is that multiple staff members informed us that this particular bear had become habitual and that California Fish and Game would likely need to intervene because the bears had become increasingly problematic over the past year. If management is aware that these bears have become habituated to people and campsites, then stronger preventative measures should already be in place to protect both guests and the wildlife.

One of the most shocking observations during our stay was the complete absence of bear-resistant food storage lockers throughout the campground. For a campground capable of accommodating nearly a thousand guests, the lack of bear lockers is a serious safety concern. It places paying guests at unnecessary risk while simultaneously encouraging bears to continue associating campsites with accessible food sources. This not only creates dangerous situations for families, but also puts the bears themselves in jeopardy, as habituated bears often face relocation or euthanasia after repeated human interactions.

Our stay became exhausting rather than enjoyable. Every evening and throughout the night, campers across the campground could be heard yelling, blowing horns, banging pots and pans, clapping, and doing everything they could to drive bears away from their campsites. Instead of relaxing around the campfire and enjoying the beauty of Yosemite, hundreds of campers were forced into a constant cycle of trying to protect their families, food, and belongings from wildlife that appeared entirely comfortable wandering through occupied campsites.

My family loves camping. We understand the importance of properly storing food, respecting wildlife, and accepting the natural risks that come with camping in bear country. However, there is a significant difference between the occasional bear sighting and a campground where habituated bears repeatedly enter occupied campsites night after night with little fear of people.

I respectfully request that Thousand Trails conduct a thorough review of the following:

1. The current bear management and deterrence procedures at Yosemite Lakes.
2. Why bear-resistant food lockers have not been installed throughout the campground despite staff acknowledging an ongoing habituated bear problem?!
3. Staff training regarding appropriate responses to guests reporting wildlife emergencies. The professionalism demonstrated by staff when interacting with guests following serious safety incidents.
4. Additional measures to discourage bears from entering heavily occupied camping areas and to protect both guests and wildlife.

Our family paid for a safe and enjoyable camping experience. Instead, we left feeling anxious, sleep-deprived, and disappointed, not simply because of the repeated bear encounters, but because the campground appeared unprepared for a problem that staff openly acknowledged has existed for over a year. The current situation is unfair to guests, who deserve to feel safe, and equally unfair to the bears, whose habituation is being reinforced by inadequate preventative infrastructure.

I sincerely hope this letter is received as an opportunity to improve conditions before someone is seriously injured or another bear pays the ultimate price for circumstances that could have been mitigated. I would appreciate a response outlining the steps Thousand Trails intends to take to address these serious concerns.

Sincerely,
Alison Rogers

Outlook

## Consider Expanding the legal salmon fishing zone on Klamath River

**From** Sean McMillan
**Date** Mon 07/27/2026 02:10 PM
**To** FGC <FGC@fgc.ca.gov>

Greetings,

I am writing this email to respecfully request the consideration of expanding the legal Fall Run Chinook salmon fishing area to the original location, which was located just downstream from the old hatchery and Bogus Creek. It was determined that this year, after a multi-year closure, the Klamath would finally have an open season for Fall Run Chinook and that the legal fishing could only take place west of the I-5 Bridge.

TRADITION; There are many recreational anglers, including myself, who have fished and navigated these waters for many decades. I have fished the area from the old hatchery to the R-Ranch and Klamathon Bridge for 25 years for salmon, trout and steelhead. I suppose you could say it is my home water. It is safe and easy to navigate with several takeouts/ put-ins.

ECONOMICS: Since the dam removal project, Hornbrook, and east have suffered economic loss. Opening this stretch of river would certainly help to draw in recreational anglers and guides to the area, increasing occupancy at the Blue Heron and R-Ranch potentially. I have floated this stretch last October and again this past June, 2026, and there appears to be no "restoration" work in this section of river. I have only seen biologists collecting fish samples from the wheel at the old hatchery. Everything else seems to be shaping up nicely.

I don't know if this message with bear fruit, but it would be really amazing to fish this section of river for not only safety purposes, but local economics and traditions.

Respectfully,

Sean McMillan
R-Ranch Klamath share owner
Captain, Alameda County Sheriff's Office

# LAGUNA BEACH MARINE RESERVE

## COME PLAY - NO TAKE

Laguna Beach is a 6.2 mile Marine Protected Area. Enjoy and play in Laguna's Underwater Park and help protect it for future generations. To restore our once abundant ocean, it is prohibited to take or disturb the marine life throughout our tidepools, beaches and coastal waters. Pick up the Laguna Bluebelt brochure at the Visitor's Center for a map and more details.

*The Laguna Bluebelt Coalition works to protect and restore our marine life.*

Laguna Bluebelt®

Learn more at www.lagunabluebelt.org and visit our Facebook page.

ARTS

Professional category 1st place: Jordan Manning with "The Quiet Connection"

Amateur category 2nd place: Mark Garcia with "My Best Life"

Professional category 2nd place: Seth Willingham with "Electric Sharks"

Amateur category 3rd place: Robert Wenger with "Dream Job"

Professional category 3rd place: Noah Gilbert with "Seaside Supermodels"

# Laguna Bluebelt Photo Contest Winners Announced

**By LB Indy Staff**

The winners have been announced for the 15th annual Laguna Bluebelt Photo Contest. The event attracted top professionals and emerging amateur photographers, whose work explored the importance of protecting Marine Protected Areas (MPAs).

"Through the lens of these talented photographers, we are reminded of the unique biodiversity, natural beauty and need to protect our precious marine protected areas," Bluebelt contest coordinator Anne Girtz said.

Professional winning photographer Jordan Manning shared his adventure beneath the kelp: "Where the world grows quiet, a curious harbor seal met my gaze without fear. In that brief exchange, the boundary between human and wild seemed to disappear."

Noah Gilbert, the third-place winner in the professional category, caught two male pelicans with the vibrant reds and yellows at the peak of breeding plumage while searching for a mate. Once the breeding season is over, they will molt, trading their high-fashion colors back to a practical, everyday coat of understated brown.

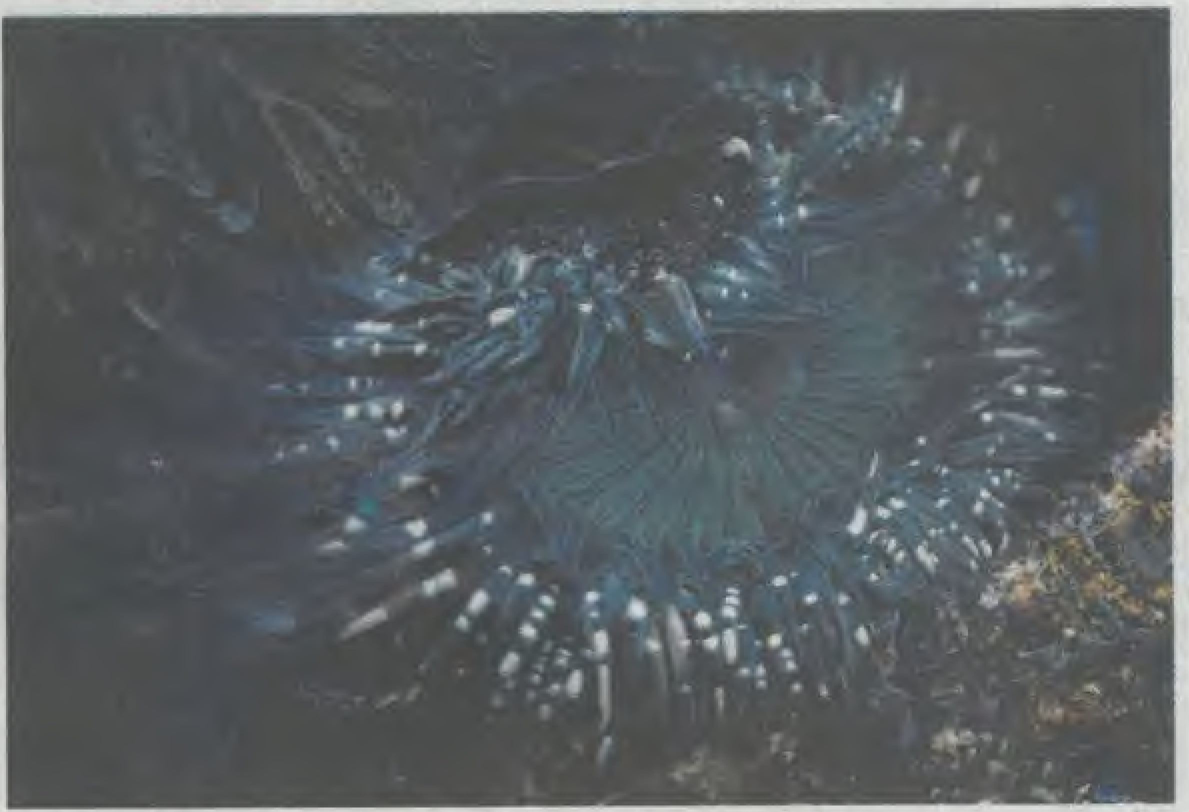
"Every year the photographic submissions get better and better — the photographic eye and artistic sense of the ocean lovers in Laguna shows us how important the health of the ocean is to all of us living on land," contest judge and filmmaker Greg MacGillivray said.

Perfectly clear, calm waters gave Seth Willingham the chance to photograph a large group of leopard sharks near the shoreline while Mark Garcia captured a mother harbor seal with her pup on a lazy afternoon at Treasure Island.

"The winners of this year's Bluebelt Photo Contest beautifully showcase the stunning diversity of this lively ecosystem. From the delicate Babakina nudibranch to the charismatic megafauna, these images remind us of the importance of safeguarding our vibrant Bluebelt. Every species plays a crucial role in balancing the health and splendor of this environment," marine scientist and contest judge Julianne Steers said.

see BLUEBELT page 15

Amateur category 1st place: "Kaelan Housewright with Baba's Festive Creamsicle"



Professional category honorable mention: Rick Musto with "Anakin Anemone"

## • BLUEBELT

*Cont. from* page 14

### Professional Winners

1st Place: Jordan Manning with "The Quiet Connection"

2nd Place: Seth Willingham with "Electric Sharks"

3rd Place: Noah Gilbert with "Seaside Supermodels"

### Amateur Winners

1st Place: Kaelan Housewright with "Baba's Festive Creamsicle"

2nd Place: Mark Garcia with "My Best Life"

3rd Place: Robert Wenger with "Dream Job"

### Amateur Honorable Mention Winners

Sarah Lichtenberg with "Tiny Pop of Colorful Aeolid"

Roger Su with "The End of the Rainbow…"

Andrew Campbell with "The Great Blue Dorid"

### Professional Honorable Mention Winners

Cliff Wassman with "Moonrise"

Rick Musto with "Anakin Anemone"

Veronica Gray with "Coastline Study 6"

**From:** Richard Calkins, CA Public High School History/Government/Economics Teacher, 1970-1993. Grass Valley, CA, July 29, 2026

**To:** California Fish and Game Commission and Executive Director fgc@fgc.ca.gov
CDFW Heritage and Wild Trout Program, WildTrout@wildlife.ca.gov
CDFW Region Six Watershed Biologists, R6Info@wildlife.ca.gov
USFS San Bernardino District Historian, sm.fs.sbnfinfo@usda.gov

**RE:** For potential archival value and evidential bases for my advocacy of scientific support of trout populations, this is a report of my angling in California's fresh water resources covering several decades. Deep Creek (1941-59), Bear Creek (1943-86), Robinson Creek (1956-2024), Smith and Klamath Rivers (for Steelhead and Salmon, 1994-2001), North Yuba River Gold Lakes area headwaters (2002-2025).

**Introduction:** I fished the premier Bear Creek trout habitat from the Glory Ridge (and once from Camp Creek) trail access for decades, as many as four times a season. Due to the Line Fire, I checked online resources for updated historical information – the most gratifying finding being the state's arrangement for a minimum release of water into the creek to provide for wild trout viability.

I am very aware of the constraints, policies, strategies and restrictions in effect now (and the changes over time) for managing trout populations throughout the state. I am aware of the waterfalls that served as barriers to the upstream migration of ancestral ("native") Rainbow/Steelhead populations – such as Loves Falls. I am also aware of the historical causes for California's native trout to become extinct or very much genetically modified, as in the Santa Ana River watershed and Bear Creek in particular.

**Deep Creek:** My father, Elchard Calkins, of Monrovia, CA and our family began fishing (for recreation and food) the Arrowbear area of Deep Creek after our cabin was built in 1940 -- before the damming of Deep Creek for a lake was permitted. Some of the trout planted in Arrowbear Lake (where we also fished) and Deep Creek Lake were washed over dams to supplement the small trout population under increasingly heavy angler pressure. We rarely bagged more than a handful of trout worth cooking for dinner when fishing down to Dry Creek. When new, Deep Creek Lake was well stocked with 9-12 inch trout. I unsuccessfully tried throwing a line over its fence to catch them. It became difficult and dangerous to find one's way to fish below the dam. Of course, the lake no longer provided year round trout habitat due to being more or less full of gravel (reportedly caused by the lack of safeguards in headwaters development) -- and Arrowbear Lake dried most years. To no avail, we tried fishing below "Rainbow Lake" below Running Springs and accessed the lower creek by way of Hooks Creek. When Bear Creek was stocked with fingerling Brown trout after the 1970 fire, an attempt to create a Brown trout population in Deep Creek failed when a limited number of fingerlings were planted in very shallow water at the Green Valley Lake Bridge.

**Bear Creek:** We learned about Bear Creek and Glory Ridge access to trout habitat from a hitch-hiking, gold mining geologist in 1943. Despite the forestry road's condition and apparent lack of any trail, my father's first trip into what he affectionately called, "The Hole", was very rewarding. For decades, he woke at 4 a.m. in Arrowbear to beat a few other anglers to the Glory Ridge parking area. (We rarely encountered any other angler.) Bear Creek was my father's premier angling paradise through his last trip with me at age 70 in 1978. His purchase of a 1946 jeep for the explicit purpose of navigating the Glory Ridge road had served us well for three decades. We fished with garden worms and artificial eggs, dry fly fishing being near impossible. Original access to the creek was only possible by use of a machete.

For 43 years – mostly in the summers spent in my Green Valley Lake summer home (1963-76) -- I fished Bear Creek almost every year and as many as four times a year. Father, brother or friend fished upstream from the Glory Ridge Trail. I fished downstream through the boulder field and over the upper falls to the North Fork – on a couple of occasions all the way to the lower falls. The CDFG's Bear Creek bag limit was twenty in 1954 when – on my 18th birthday – after my refreshing spring water consumption at the big rock at the base of the trail – I carried eighteen 9-12 inch trout wrapped in wet willows the thousand foot climb to the parking lot sign naming it, "The Poop Out Trail." Our family of five dined on those healthful and delicious trout in one of the most meaningful and memorable days of my life -- a time when the CDFG did not prioritize the viability of the Brown trout population.

My involvement in creating the the Bear Creek wild trout primary ancestry: After seeing the heavy sedimentation in Bear Creek following the 1970 fire – and bagging less than a handful of trout after hours of fishing – I reported the condition to the CDFG. The near immediate response was the use of volunteers to plant fingerling Brown trout in the area of Glory Ridge. That turned out to be a very successful endeavor benefiting for both trout and anglers – in stark contrast to the Deep Creek planting results at the same time.

Having observed several (Big Bear Lake planted) Kokanee Salmon in the deep pool below the upper falls – I assumed the relatively small population of Rainbows had also escaped the lake in high water years – as had those planted in Arrowbear and Deep Creek lakes. I found it interesting that Rainbows were the large majority of trout in the North Fork's clear and drinkable water between its confluence and the falls a short distance above it. When I fished Bear Creek by Camp Creek Trail access upstream to the lower falls in the 1950's, I found a similar percentage – as did a friend who preferred to fish there for several years.

Since the planting of triploid Rainbows serves to introduce competition to the already genetically modified reproducing Rainbows in Bear Creek below both falls – which already faces threats to there existence by fire and hotter summers – the state's plants are only adding to the deterioration in Rainbow trout reproduction and natural selection by allowing fish biologists to select appropriate fertile Rainbows (perhaps like those allowed to be imported from Oregon by local interests). Thus, unlike the wild Brown trout population, the wild Rainbow trout population is allowed to constantly shrink due to – unlike the planting of fertile Brown trout planting upstream – the "wild trout" designation will inevitably exclude Rainbows – and at great expense to CFDW budgets. (A conclusion confirmed by CFDW officials on the "front line" of triploid Rainbow plants.)

**Sierra and Mono County Additional Bases for My Advocacy:** The work being done by the CDFW for Yuba River Salmon, Eastern Sierra Cutthroat Trout and northern California Rainbow/Steelhead trout gives me hope that the Rainbow trout populations will soon be supported by a much more effective, science based, strategy for supporting the viability of declining numbers in accessible reproducing Rainbow populations.

This appears to be a matter of some increasing *urgency* due to published hatchery conditions heavily impacting trout populations and angler opportunities. (Warmer water, disease, staff cut and accident at Fish Springs and/or Rancho Cordova hatcheries over the last decade having major consequences.)

**Upper Salmon and Lower Sardine Lakes, Sierra County:** This resource is prime habitat for Rainbow trout due to altitude, water depth/temperature and number of anglers. Nevertheless, the fertile Rainbow population is nearly non-existent, my having caught and released only one (female) fertile Rainbow in the last decade making two or three trips each season. The planting of triploids has drawn more anglers from far distances to bag remaining diploids along with triploids – further depleting the number of diploids (beyond competition for food) and making a wild trout population impossible to exist there. Switching the burden of planting onto the Rancho Cordova hatchery has resulted in less attention and service to prime Gold Lake area resources. When I arrived, Lower Sardine Lake held a healthy population of essentially wild fertile Brown trout – now decimated by substituting plants of sterile Rainbows which eat the abundant population of frogs as surely as the Browns and snakes along the shore consumed them.

**Robinson Creek, Mono County:** I have occasionally fished the eastern Sierra campground streams and lakes since 1956, especially near Bridgeport. For decades, it did not matter when a trip was scheduled because the fertile Brown and Rainbow trout populations were supported by CDFG plants of fertile trout. Over the last 25 years, the Brown population is surviving, not the Rainbow population. The only large Brown I caught above Bridgeport Reservoir was a sixteen inch beauty seven years ago. (That was only possible on light line because large Browns put up less than half the “fight” of the Rainbows planted by local interests that I always “lost”.)

To be specific: Over the last 12 year visits, I saw the planting of triploid Rainbows in Robinson Creek campgrounds drop from several large nets per season to much fewer plants of half-tied nets. Robinson Creek quickly became Rainbow sterilized. The only angler parents and children catching trout were the lucky ones there in the few days trout were planted. Browns? They were usually five inches in size and only caught when hatchery trout no longer beat them to the bait.

************************

So, I’ve had “my day” with many unreported highlights -- such as catching a Brown trout in Bear Creek of healthy girth, 21 inches long, in the 1970’s. Could happen to another besides my brother -- given the responsible and laudable wild trout management of Bear Creek *above* the two falls. But more than gratitude seems appropriate and required from this “old scout”; therefore….

With all due respect, I encourage state elected, appointed and hired officials to take scientific and pragmatic steps to support the *quantity* of trout populations as well as the *quality* of trout populations by adopting a trout viability strategy much less imperfect the one with such document consequences as reported above.

Hyperbole or not so much, from my experiential and informed perspective, it seems to me that the planting of triploid Rainbows -- rather than the being the most appropriate diploid trout that fish biologists find available -- has introduced an **invasive species** into

California's natural and human-made resources with **unintended consequences** -- the likes of which have occurred many times throughout history by those with the best of intentions – thereby making triploid Rainbow planting a least desirable of the remaining imperfect options. **E.g. Doing for Rainbows (that do not migrate for food to the ocean) – similar to what is being done for the Steelhead Rainbows in Northern California rivers?** (In the Eastern Sierra cases, perhaps gradually substituting the planting of fertile Cutthroat in many places with initial severe bag restrictions rather than Rainbows – as well as supporting the small population of fertile Rainbows with fertile hatchery Rainbows in others, like Bear Creek below the lower falls?)

**Thank you** for your service appropriate to your mission!

Permission to copy in whole or in part is implied. Correspondence is not requested but welcomed at richere at comcast dot net. Richard Calkins

Outlook

## Disturbing of Sea Lions and fishing in their Habitat in Channel Islands Oxnard


**From** Kimberly Kelly

**Date** Thu 07/30/2026 10:10 AM
**To** Wildlife DIRECTOR <DIRECTOR@wildlife.ca.gov>; FGC <FGC@fgc.ca.gov>; Wildlife CalTIP <CalTIP@wildlife.ca.gov>; nmfs.wcr@noaa.gov <nmfs.wcr@noaa.gov>

**Subject: Question Regarding Protection of Federally Protected Sea Lions**

Dear California Department of Fish and Wildlife,

I am writing to ask why fishing continues to be allowed immediately adjacent to the sea lion haul-out area at Channel Islands Harbor in Oxnard.

Sea lions are protected under the **Marine Mammal Protection Act**, yet I continue to observe multiple people fishing directly beside resting sea lions and pups. The attached photograph shows **five people fishing in the haul-out area at one time**.

If these marine mammals are federally protected, why is fishing still permitted so close to their habitat? What is the California Department of Fish and Wildlife doing to prevent fishing-related injuries, entanglements, and disturbance?

As a concerned citizen, it appears there is very little visible enforcement or accountability in this area. I respectfully request a written response explaining why this activity continues and what actions your Department plans to take to better protect these federally protected animals.

**Our community is actively organizing a petition calling for permanent wildlife protection signs to improve the safety of both marine life and the public. Many residents are concerned that responsibility for this issue appears to be passed between agencies, resulting in a lack of clear oversight and timely.**

**“This isn’t about catching fishermen—it’s about preventing sea lions from getting caught.”**

Thank you for your time and consideration


**Kimberly Kelly**
Concerned Citizen
Channel Islands Harbor, Oxnard, California


9:21
5G 47
IMG_6501.jpeg
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Photos
Drive
Share

Outlook

**Public comment- Bear tags in Tahoe basin**

**From** Lindsay Hildebrandt
**Date** Thu 07/30/2026 01:01 PM
**To** FGC <FGC@fgc.ca.gov>

Hello,

Thank you for your attention to matters that affect environment and the people that inhabited it.

I grew up in Tahoe City, CA and now reside in Reno, NV. My family has a home in Tahoe City and we frequently visit the area. I have continued to watch the bear activity escalate year after year. It's getting trickier and tricker for humans to be so active in an area with such a high number of bears. The bears seem to be increasing as well.

I feel like a logical solution would be to open up some bear tags. I hope that you will be reasonable, look at numbers and facts and leave ideology to the side.

Thank you for your consideration.

*Lindsay Hildebrandt*
[redacted]

To:
**California Fish and Game Commission**
Attn: Marine Protected Area Petition Process
715 P Street, 16th Floor
Sacramento, CA 95814

**To the Members of the California Fish and Game Commission:**

We attended the screening of *Ocean with David Attenborough* at the Alcazar Theatre in Carpinteria on July 22, 2026.

We urge you to continue supporting California's world-leading Marine Protected Area Network through science-based management, strong enforcement, long-term monitoring, and thoughtful expansion where warranted by the evidence.

Healthy marine ecosystems are essential for whales, kelp forests, fisheries, coastal communities, and future generations.

Thank you for your leadership in protecting California's extraordinary ocean heritage.

**Presented by:** *Ocean with David Attenborough* Community Screening
Alcazar Theatre, Carpinteria, California
July 22, 2026

## LETTER OF SUPPORT FOR CALIFORNIA'S MARINE PROTECTED AREA NETWORK

**We, the undersigned, support science-based protection and management of California's Marine Protected Areas to conserve marine biodiversity, sustain healthy fisheries, and preserve our coastal ecosystems for future generations.**

| # | Printed Name | Signature | City | Zip Code |
|---|---|---|---|---|
| 1 | Michael Lazaro | | Carpinteria | 93013 |
| 2 | Paul M. Stall | | Carpinteria | 93013 |
| 3 | Erin Smith-Remmling | | La Quinta | 92253 |
| 4 | Anna Carrillo | | Carpinteria | 93013 |
| 5 | Alison Coutts-Jordan | | Santa Barbara | 93105 |
| 6 | Chloe Brown | | Carpinteria | 93013 |
| 7 | Jennica Moran | | Carpinteria | 93013 |
| 8 | EMMA DUGE | | SANTA BARBARA | 93101 |
| 9 | Declan DeGeorge | | SB | 93101 |
| 10 | TIM GRAY | | CARPINTERIA | 93013 |
| 11 | Jean Bailard | | Carpinteria | 93013 |
| 12 | Jim Bailard | | Carpinteria | 93013 |
| 13 | Jean Weitenstein | | Carpinteria | 93013 |
| 14 | Jan Munoz | | Carpinteria | 93013 |
| 15 | Don LeSage | | Carpinteria | 93013 |
| 16 | Paula Emmen | | Carpinteria | 93013 |
| 17 | Elise Newman | | Carp | 93013 |
| 18 | Chris Hedberg | | Carp | 93013 |
| 19 | Alex McMeekin | | Carp | 93013 |
| 20 | Ashwin Manthripragada | | Moorpark | 93021 |

*These signatures support the attached letter to the California Fish and Game Commission regarding California's Marine Protected Area Network. If this page becomes separated from the cover letter, please keep it attached to the submission.*

# LETTER OF SUPPORT FOR CALIFORNIA'S MARINE PROTECTED AREA NETWORK

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| # | Printed Name | Signature | City | Zip Code |
|---|---|---|---|---|
| 1 | Paige Warren | [illegible] | Carpinteria | 93013 |
| 2 | Lorien Rennie | Lora R Renn | Carpinteria | 93013 |
| 3 | Catrina Gomez | Catrina Gomez | Carpinteria | 93013 |
| 4 | Susan Mailheau | [illegible] | carpinteria | 93013 |
| 5 | Mary Bohrer Dunn | Mary Bohrer Dunn | Camarillo | 93010 |
| 6 | KEN HENRIQUES | K Henriques | SB | 93103 |
| 7 | Angela Budreika | Angela L. Budreika | Ojai | 93023 |
| 8 | Mario Cepeda | [illegible] | Ojai | 93023 |
| 9 | Christine Culver | Christine Culver | Carp | 93013 |
| 10 | Julie Beller | JA Beller | Carp | 93013 |
| 11 | Pat Ary | P Ary | Carp | 93013 |
| 12 | Margaret Connors | MARGARET CONNORS | " | 93013 |
| 13 | Jaime Marino | [illegible] | Santa Monica | 90403 |
| 14 | FLORA PETRONIO | [illegible] | Santa Monica | 90403 |
| 15 | Matisse Smith | [illegible] | Oakland | 94610 |
| 16 | JOHN WARNER | [illegible] | GOLETA | 93117 |
| 17 | Lee Mandell | [illegible] | Carpinteria | 93013 |
| 18 | Asa Olsson | ASA OLSSON | Ventura | 93001 |
| 19 | Gerri French | Gerri French | Summerland | 93067 |
| 20 | Alexandra Baer Peralta | Alexandra Baer Peralta | Carpinteria | 93013 |

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| # | Printed Name | Signature | City | Zip Code |
|---|---|---|---|---|
| 1 | McKenna VanKoppen | [illegible] | Summerland | 93067 |
| 2 | Jill Stassinos | Jill Stassinos | Carpinteria | 93013 |
| 3 | Gary Delanoeye | [illegible] | " | " |
| 4 | Kathy Le Sage | Kathy LeSage | Carp | 93013 |
| 5 | Silvia Gutierrez | Silvia Gutierrez | Carpinteria | 93013 |
| 6 | Michelle Valney | Michelle Valney | Carpinteria | 93013 |
| 7 | Danielle Barzoloski | D Barzoloski | Carpinteria | 93013 |
| 8 | BONNIE LADD | Bonnie Ladd | Santa Barbara | 93111 |
| 9 | Brittany McMeekin | [illegible] | Carpinteria | 93013 |
| 10 | Alex McMeekin | [illegible] | Carpinteria | 93013 |
| 11 | Callum McMeekin | [illegible] | Carpinteria | 93013 |
| 12 | Griffin McMeekin | [illegible] | Carpinteria | 93013 |
| 13 | LAURA MANRIQUEZ | Laura Manriquez | Carpinteria | 93013 |
| 14 | Barbara Menne | Barbara Menne | Carpinteria | 93013 |
| 15 | GEORGINE CARTER | Georgine Carter | " " " " | 93013 |
| 16 | Alexander Manriquez | Alexander Manriquez | Carpinteria | 93013 |
| 17 | Stephen Manriquez | [illegible] | Carpinteria | 93013 |
| 18 | Laura Manriquez | Laura Manriquez | CARPINTERIA | 93013 |
| 19 | Rebecca Norton | R Norton | Carpinteria | 93013 |
| 20 | SANDY EVANS | Sandy Evans | Carpinteria | 93013 |

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| # | Printed Name | Signature | City | Zip Code |
|---|---|---|---|---|
| 1 | Ramachandra Tata | [illegible] | Moorpark | 93021 |
| 2 | JAY MANTHRI | [illegible] | MOORPARK | 93021 |
| 3 | CHERRY STOCKTON | Cherry Stockton | CARPINTERIA | 9303 |
| 4 | TRISTAN GERHART | [illegible] | CARPINTERIA | 93013 |
| 5 | Cheryl Goldenbear | [illegible] | Ventura | 93001 |
| 6 | Debra Rygel | [illegible] | Ventura | 93001 |
| 7 | Alfredo Peralta | [illegible] | Carpinteria | 93013 |
| 8 | Connie Geston | C Geston | Carp | 93013 |
| 9 | Mateo Peralta | MAP | carpinteria | 93013 |
| 10 | Luca Peralta | LLP | carp | [illegible] |
| 11 | PEGGY OKI | Peggy Oki | CARPINTERIA | 93013 |
| 12 | Doug Norton | Doug Norton | Carpinteria | 93013 |
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Norton
5294 El Carro Lane
rpinteria, CA 93013-1474

SANTA CLARITA CA 913
25 JUL 2026 PM 5 L


California Fish + Game Commission
Attn: Marine Protected Area Petition Process
715 P Street, 16th Floor
Sacramento, CA 95814

95814-551299