MINUTE ITEM

This Calendar Item No. 37 was approved as Minute Item No. 37 by the State Lands Commission by a vote of 2 to 0 at its 5/23/85 meeting.

CALENDAR ITEM

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APPROVAL OF GEOPHYSICAL SURVEY PERMIT
FOR PROPRIETARY LANDS UNDER THE
JURISDICTION OF THE STATE LANDS COMMISSION

APPLICANT: Grant-Norpac, Inc.
Attn: Martin V. Elmore
6160 South Syracuse Way
Englewood, Colorado 80111

PROPOSED AUTHORIZATION:
Approval of a Geophysical Survey Permit to conduct geophysical studies along approximately 15 miles of seismic lines on State-owned proprietary lands in the vicinity of Grizzly and Joice Islands, Solano County.

TYPE OF LAND: The State lands subject to this permit are part of the Grizzly Island and the Joice Island State Game Refuges. The Department of Fish and Game, which administers the refuges, has reviewed and approved this project, subject to specific operating conditions and time requirements.

TERM: The term of the Geophysical Survey Permit shall be 15 months, from June 1, 1985 through August 31, 1986.

PROJECT: Grant-Norpac plans to acquire geological data using seismic geophysical methods to explore further for oil and gas accumulations on State Oil and Gas Leases and Joice Island, which covers portions of Grizzly Island and Joice Island, Solano County. Seismic explosive charges and geophones will be emplaced in holes 100 feet deep, along lines which will run across the leased lands, unleased portions of proprietary lands on Grizzly Island, Joice

Island and State lands located northwest of Joice Island. A total of approximately 80 miles of seismic line will be run with approximately 15 miles being on State-owned proprietary lands. No explosive charges or geophones will be emplaced in the tide and submerged lands. As proposed the project is not anticipated to have a significant effect on the environment.

All geophysical data obtained from State-owned lands will be furnished for the confidential use by the Commission pursuant to terms of the Geophysical Permit on file in the office of the Commission.

BOND: Applicant will submit a faithful performance bond of $25,000 in favor of the State.

STATUTORY REFERENCES:

A. P.R.C. 6826.

B. Cal. Adm. Code, Title II, Article 2.9, Section 2100.

C. P.R.C. 21080.5 and CEQA Guidelines, Section 15250 et seq.

AB 884: 10/05/85.

OTHER PERTINENT INFORMATION:

This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370 et seq.

Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

This project was approved by the lead agency, the San Francisco Bay Conservation and Development Commission, in an administrative permit as a project which has been determined to have no significant effect on the environment. The Bay Commission's findings are contained in that permit (Exhibit "B"). The State Lands Commission's staff has reviewed such document and believes that it complies with the requirements of CEQA.

EXHIBITS: A. State Lands Permit Area.
B. BCDC Permit.

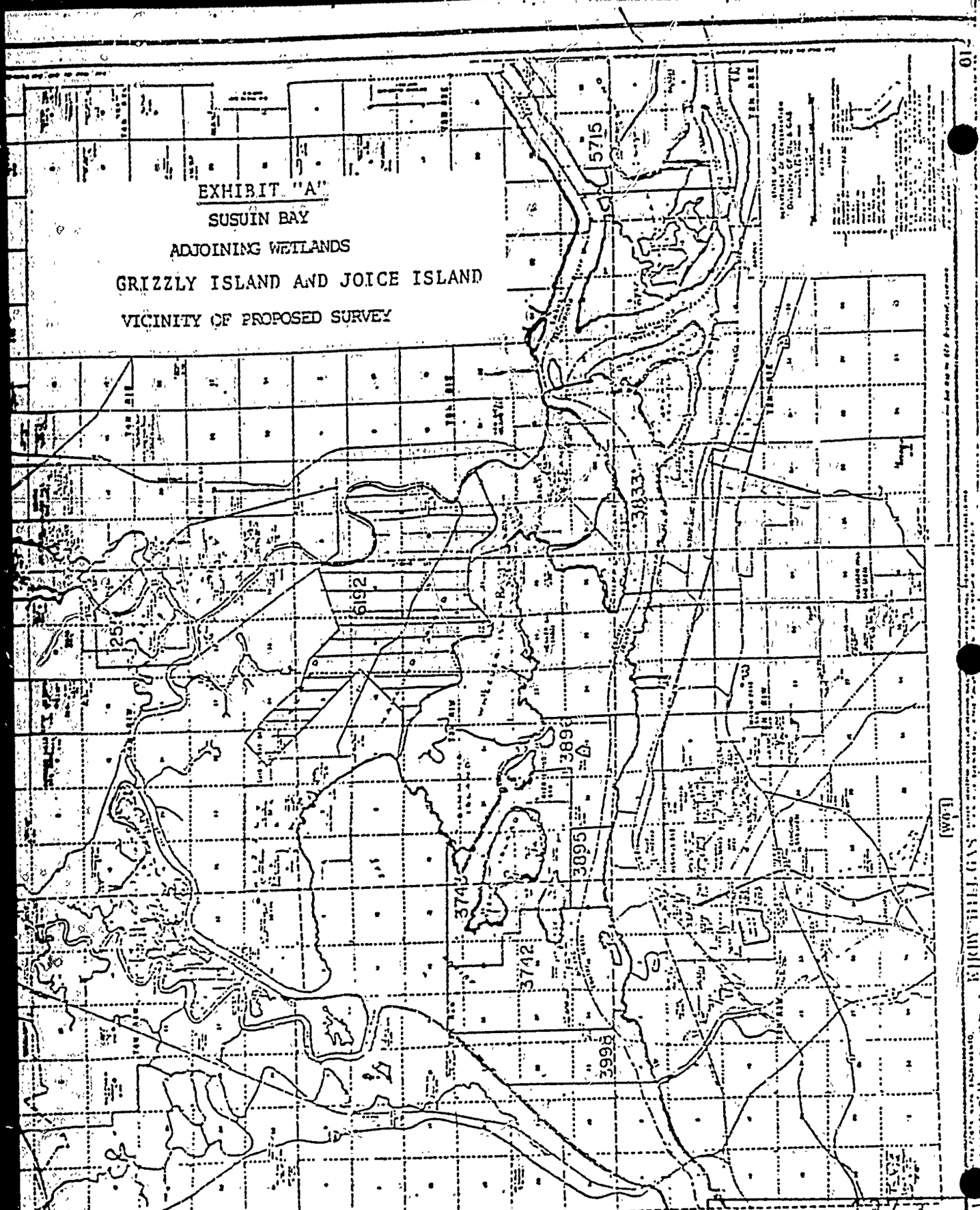
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE LEAD AGENCY FOR THIS ACTIVITY, THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION, HAS DETERMINED BY ADMINISTRATIVE PERMIT THAT THE PROPOSED ACTIVITY AS APPROVED WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THAT PERMIT.

2. CONCUR WITH THE LEAD AGENCY'S DETERMINATION THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

3. FIND THAT THIS ACTIVITY, AS PROPOSED, IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370 ET SEQ.

4. AUTHORIZE ISSUANCE TO GRANT-NORPAC, INC. OF A PERMIT TO CONDUCT A GEOPHYSICAL SURVEY ON STATE PROPRIETARY LANDS, IN THE VICINITY OF GRIZZLY AND JOICE ISLANDS, SOLANO COUNTY, FOR THE PERIOD JUNE 1, 1985 TO AUGUST 31, 1986.



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STATE OF CALIFORNIA

EXHIBIT "B"

GEORGE DEUKMEJIAN, Governor

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

VAN NESS AVENUE
FRANCISCO, CALIFORNIA 94102-6080
PHONE: (415) 557-3686

Permittees' Copy

MARSH DEVELOPMENT PERMIT NO. M84-41(M)

October 31, 1984

Grant Geophysical Company
P. O. Box 3316
Englewood, CO. 80155

ATTENTION: Sam L. Evans, Vice President
Proprietary Data

Gentlemen:

I. Authorization

A. Subject to the conditions stated below, the permittee, the Grant Geophysical Company, is hereby authorized to do the following:

Location: Throughout the primary and secondary management areas of the entire Suisun Marsh, including portions of State wildlife areas, but excluding all tidal areas within the State Lands Commission's jurisdiction, in Solano County.

Description: Perform a geophysical survey for potential natural gas deposits. The work involves drilling approximately 9,920, 100-foot-deep, 4-inch diameter holes within which explosives will be detonated to generate seismic data. Small portable drills and recording stations will be used which will be transported to the drill sites by amphibious vehicles equipped with special tires to minimize damage to vegetation.

B. This authority is generally pursuant to and limited by your revised application dated May 9, 1984, including all accompanying and subsequent correspondence and exhibits thereto, and all conditions of this marsh development permit.

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C. Work authorized herein must be performed only during the time periods specified in Special Condition II-B. This marsh development permit expires on October 15, 1986, unless an extension of time is granted by an amendment of this marsh development permit.

II. Special Conditions

The authorization made herein shall be subject to the following special conditions, in addition to the standard conditions in Part IV:

A. Scheduling of Work. All work within managed wetlands that are involved in the Department of Fish and Game's early flooding program shall be performed only between July 15 and August 30. All work in other managed wetlands and tidal areas shall be performed only between April 15 and October 15.

B. Consent of Landowners. Prior to commencing work on any parcel of land, the permittee shall discuss the work with the landowner of the parcel on which the work will occur and obtain all necessary permission to do the work.

C. Vehicle Use. The permittee shall use either helicopters or marsh vehicles equipped with wide terra or flotation tires to transport drilling and survey equipment, materials, and personnel to the drilling sites to minimize disturbance of wetlands and its vegetation. Survey work shall be organized to minimize the number of trips through the Marsh.

D. Restoration of Drilling Sites. At the completion of testing at each drill site and prior to the time limits specified in Special Condition II-A, the permittee shall restore the site to its original condition to the extent feasible by (1) backfilling and capping the shot hole with the excavated material; (2) spreading any EXcess excavated material that cannot be backfilled into the shot hole over the surrounding area so that the material is no deeper than two to three inches above the original ground surface; and (3) removing all debris and litter from the site to an upland location outside of the Commission's jurisdiction. Any other area disturbed during the course of the work authorized herein shall be restored to its previous condition by the time limits specified in Special Condition II-A.

III. Findings and Declarations

On behalf of the Commission, I find and declare that:

A. The project authorized by this marsh development permit involves performing geophysical surveys in the primary and secondary management areas of the Suisun Marsh and, therefore, is a similar activity that would have

no greater adverse impact on the Bay, as defined in Regulation Section 10122(e)(2), than the grading of any materials, as defined in Regulation Section 10122(d)(4), and thus is a "minor repair or improvement" for which the Executive Director may issue a permit, pursuant to Government Code Section 66632(f) and Regulation Section 10530(a).

B. The project authorized by this marsh development permit is consistent with the McAteer-Petris Act, the San Francisco Bay Plan, and with the Suisun Marsh Protection Plan in that it will not adversely affect the Bay and Marsh nor public access to and enjoyment of the Bay and Marsh. Special Condition II-A is necessary to assure that all work within managed wetlands and surrounding areas will occur when such activities will least disturb wintering waterfowl. Special Condition II-B will assure that the project is reviewed by each property owner for consistency with the landowner's management plan and that the owner has given permission to enter the property. Special Conditions II-C and II-D are necessary to assure that the authorized activity has minimal impact on habitat in the Suisun Marsh.

C. The project authorized by this marsh development permit is within the primary and secondary management areas of the Suisun Marsh Preservation Act of 1977, as defined in Section 29102 of Chapter 2, Division 19, of the Public Resources Code. This project is consistent with Solano County's local protection program.

D. The Commission further finds, declares, and certifies that the activity or activities authorized herein are consistent with the Commission's Amended Management Program for San Francisco Bay, as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.

E. Pursuant to Regulation Section 10910, the project authorized by this permit is categorically exempt from the requirement to prepare an environmental impact report.

F. Pursuant to Regulation Section 10542, this project was listed with the Commission on August 16, 1984.

IV. Standard Conditions

A. All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city and/or county in which the work is to be performed, whenever any of these may be required. This marsh development permit does not relieve the permittee of any obligations imposed by State or Federal law, either statutory or otherwise.

B. The attached Notice of Completion shall be returned to the Commission within 30 days following completion of the work.

C. Work must be performed in the precise manner and at the precise locations indicated in your revised application, as such may have been modified by the terms of the marsh development permit and any plans approved in writing by or on behalf of the Commission.

D. Work must be performed in a manner so as to minimize muddying of waters, and if diking is involved, dikes shall be waterproof. If any seepage returns to the Bay, the permittee will be subject to the regulations of the Regional Water Quality Control Board in that region.

E. The rights derived from this marsh development permit are assignable as provided herein. An assignment shall not be effective until the assignee shall have executed and the Commission shall have received an acknowledgment that the assignee has read and understood the application for this marsh development permit and the marsh development permit itself and agrees to be bound by all terms and conditions of the marsh development permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms of the marsh development permit.

F. Unless otherwise provided in this marsh development permit, all the terms and conditions of this marsh development permit shall remain effective for so long as the marsh development permit remains in effect or for so long as any use or construction authorized by this marsh development permit exists, whichever is longer.

G. Unless otherwise provided in this marsh development permit, the terms and conditions of this marsh development permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

H. Unless otherwise provided in this marsh development permit, any work authorized herein shall be completed within the time limits specified in this marsh development permit, or, if no time limits are specified, within three years. If the work is not completed by the date specified in this marsh development permit, or, if no date is specified, within three years, this marsh development permit shall become null and void. If this marsh development permit becomes null and void for a failure to comply with these time limitations, any fill placed in reliance on this marsh development permit shall be removed by the permittee or its assignee upon receiving written notification by or on behalf of the Commission to remove the fill.

I. Except as otherwise noted, violation of any of the terms of this marsh development permit shall be grounds for revocation. The Commission may revoke any permit for such violation after a public hearing held on reasonable notice to the permittee or its assignee if this marsh development permit has been effectively assigned. If this marsh development permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this marsh development permit shall be removed by the permittee or its assignee if the marsh development permit has been assigned.

J. This marsh development permit shall not take effect unless the permittee executes the original of this marsh development permit and returns it to the Commission within ten days after the date of the issuance of the marsh development permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.

K. Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time this marsh development permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this marsh development permit.

L. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this marsh development permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction up to the line of highest tidal action.

M. Unless the Commission directs otherwise, this marsh development permit shall become null and void if any term, standard condition, or special condition of this marsh development permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this marsh development permit becomes null and void, any fill or structures placed in reliance on this marsh development permit shall be subject to removal by the permittee or its assignee if the marsh development permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

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Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

ALAN R. PENDLETON
Executive Director

Enc.

ARP/rjb

cc: U. S. Army Corps of Engineers, Attn: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board, Attn: Certification Section
Department of Fish and Game, Attn: Dennis Becker
County of Solano, Attn: Planning Department
Suisun Resource Conservation District, Attn: Mike Lewis
State Lands Commission, Attn: Robert Faber
Frank Boerger

Receipt acknowledged, contents understood and agreed to:

Executed at 6160 S. Syracuse Way, Englewood, Colorado 80111

On November 19, 1984

GRANT-NORPAC, INC.
Applicant

By:

Manager Proprietary Data
Title

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MARSH DEVELOPMENT PERMIT NO. M84-41(M)

GRANT GEOPHYSICAL COMPANY

NOTICE OF COMPLETION

San Francisco Bay Conservation
and Development Commission
30 Van Ness Avenue, Room 2011
San Francisco, California 94102

Gentlemen:

You are hereby informed that the work authorized by the above-referenced marsh development permit was completed on _____.

Executed at _____ On _____, 19___.

By: _____

_____
Title

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MARSH DEVELOPMENT PERMIT NO. M84-41(M)

GRANT GEOPHYSICAL COMPANY

NOTICE OF COMPLETION

San Francisco Bay Conservation
and Development Commission
30 Van Ness Avenue, Room 2011
San Francisco, California 94102

Gentlemen:

You are hereby informed that the work authorized by the above-referenced marsh development permit was completed on _____.

Executed at _____ On _____, 19___.

By: _____

_____
Title

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