

MINUTE ITEM

This Calendar Item No. 38
was approved as Minute Item
No. 22 by the State Lands
Commission by a vote of 3
to 0 at its 3/27/90
meeting.

CALENDAR ITEM

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**APPROVAL OF A NON-EXCLUSIVE GEOPHYSICAL SURVEY PERMIT
ON TIDE AND SUBMERGED LANDS UNDER THE JURISDICTION OF THE
STATE LANDS COMMISSION**

APPLICANT: Ecosystems Management Associates, Inc.
Attn: Karel Zaboudil
2270 Camino Vida Roble #2
Carlsbad, California 92009

PROPOSED AUTHORIZATION:

Approval of a Non-Exclusive Geophysical Permit to conduct geophysical surveys on tide and submerged lands under the ownership jurisdiction of the State Lands Commission (see Figure 1).

TERMS OF PROPOSED PERMIT:

The term of the Non-Exclusive Geophysical Survey Permit is from April 1, 1990 through September 30, 1990.

PREREQUISITE CONDITIONS, FEES, AND EXPENSES:

Filing fee, expense deposit, and performance bond have been received.

STATUTORY REFERENCES:

- A. P.R.C. Section 6826.
- B. Cal. Code Regs., Title 2, Article 2.9, Section 2100.
- C. Cal. Code Regs., Title 2, Section 2905(e)(3).

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0.1470

AB 884: 07/19/90.

OTHER PERTINENT INFORMATION:

1. On May 24, 1984, the Commission, pursuant to the provisions of the CEQA, considered and adopted a Proposed Negative Declaration (ND 358, State Clearinghouse 84020113), for the program under which issuance of this permit is proposed. The Commission found, based on its record, that there was no substantial evidence that the program, as revised and approved, would have a significant effect on the environment. (14 Cal. Code Regs. 15074(b)).
2. On October 7, 1987, the Commission considered applications for general geophysical permits. The Commission found that new information, obtained after the May 24, 1984 Negative Declaration, revealed that use of geophysical equipment which emits strong acoustic pulses may cause significant adverse effects upon the environment and that approval of a permit allowing use of such equipment required preparation of an environmental impact report. However, the Commission also found that no new information revealed any substantial evidence that use of passive equipment or low acoustic pulse-generating equipment, such as side-scan sonar and magnetometer, would have a significant effect on the environment. Based upon the May 24, 1984 Negative Declaration, the Commission, therefore, approved issuance of permits of the kind for which the Applicant here applies.
3. 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 person nominating such lands and through the CEQA review process, it is the staff's opinion that the permit as part of the program for the project, as proposed, is consistent with its use classification.

CALENDAR ITEM NO. 38 (CONT'D)

EXHIBIT: Figure 1. Map of Permit Areas.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT ON MAY 24, 1984, A NEGATIVE DECLARATION, ND 358, STAFF CLEARINGHOUSE 84020113, WAS CONSIDERED AND ADOPTED FOR THE PROGRAM UNDER WHICH ISSUANCE OF THIS PERMIT IS PROPOSED PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN AND THE COMMENTS IN THE COMMISSION'S FILES WHICH WERE RECEIVED IN RESPONSE THERETO.
2. DETERMINE THAT THERE IS NO SUBSTANTIAL EVIDENCE THAT THE PROGRAM UNDER WHICH ISSUANCE OF THE PERMIT IS PROPOSED, AS REVISED AND APPROVED, WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. FIND THAT THIS ACTIVITY AS PROPOSED IS CONSISTENT WITH THE USE CLASSIFICATIONS DESIGNATED FOR THE LANDS PURSUANT TO P.R.C. 6370, ET. SEQ.
4. AUTHORIZE ISSUANCE TO ECOSYSTEMS MANAGEMENT ASSOCIATES, INC. OF A NON-EXCLUSIVE GENERAL PERMIT TO CONDUCT GEOPHYSICAL SURVEYS FOR THE PERIOD APRIL 1, 1990 THROUGH SEPTEMBER 30, 1990 WITHIN TIDE AND SUBMERGED LANDS AS DEFINED ON FIGURE 1 ATTACHED HERETO.

Figure 1

PERMIT REGIONS

