

MINUTE ITEM

This Calendar Item No. C122 was approved as Minute Item No. 122 by the California State Lands Commission by a vote of 3 to 0 at its 6-19-98 meeting.

**CALENDAR ITEM
C122**

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) Statewide
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06/19/98
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CONSIDER 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.
Mr. Neil Marshall
2270 Camino Vida Roble, Suite L
Carlsbad, CA 92009

TERMS OF PROPOSED PERMIT:

1. Beginning July 1, 1998 through June 30, 2001.
2. Survey Permit Area Regions I, II, III and IV as designated on Exhibit A.
3. Low Energy Survey Equipment as designed on Exhibit B.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Required fees, expense deposit, and other security have been received.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code section 6826.
- B. Public Resources Code section 21080(c).
- C. Public Resources Code section 6870.
- D. California Code of Regulations, section Title 2, Article 2.9, 2100.
- E. California Code of Regulations, section Title 2, 2905(e)(3).
- F. California Code of Regulations, section Title 14, 15074.

PERMIT STREAMLINING ACT DEADLINE:

October 2, 1998

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15025), the

CALENDAR PAGE	589
MINUTE PAGE	003917

CALENDAR ITEM NO. C122 (CONT'D)

staff has prepared a Proposed Negative Declaration identified as CSLC ND 358, State Clearinghouse No. 84020113. Such Negative Declaration was prepared and circulated for public review pursuant to the provisions of the CEQA. The CSLC adopted the Negative Declaration on May 24, 1984 for the Program under which issuance of this permit is proposed.

2. Based upon the Initial Study, the Negative Declaration, and the comments received in response thereto, there was no substantial evidence that the program would have a significant effect on the environment; Title 14, California Code of Regulations, section 15074 (b).
3. On October 5, 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 the issuance of permits which provided for the use of equipment which has no more than two kilojoules of energy input.
4. Since 1987, geophysical surveys employing passive or low-energy equipment have continued under the Commission's permits without significant incident or new evidence of potential environmental effects from the surveys.
5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 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.

EXHIBITS:

- A. Permit Regions

CALENDAR PAGE	590
MINUTE PAGE	003918

CALENDAR ITEM NO. C122 (CONT'D)

B. Authorized Equipment and Survey Methods

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDINGS:

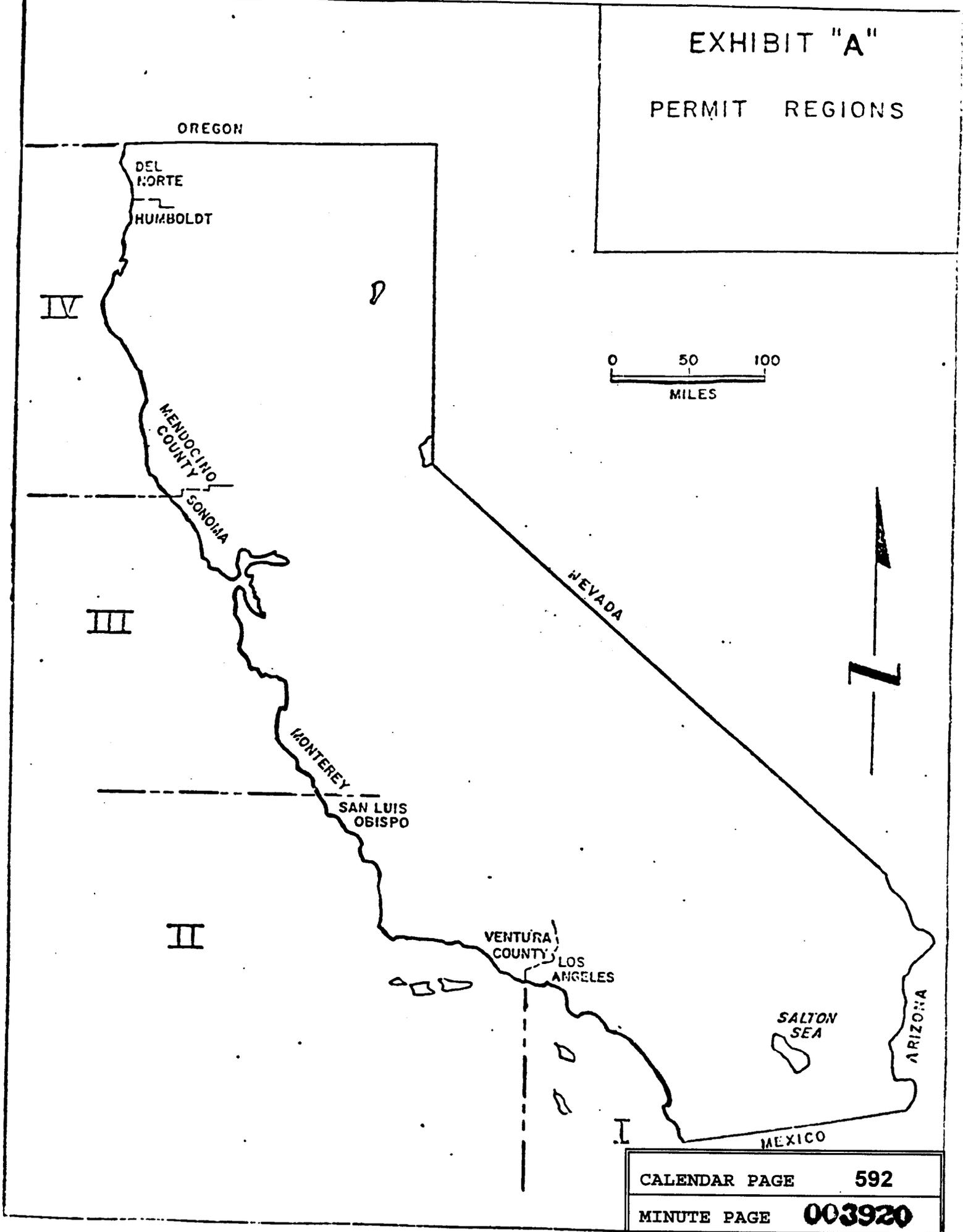
1. CERTIFY THAT A NEGATIVE DECLARATION, CSLC ND NO. 358, STATE CLEARINGHOUSE NO. 84020113 WAS PREPARED FOR THE PROGRAM PURSUANT TO THE PROVISIONS OF THE CEQA AND WAS ADOPTED BY THE CSLC ON MAY 24, 1984.
2. FIND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE NEGATIVE DECLARATION AND THE COMMENTS RECEIVED IN RESPONSE THERETO.
3. FIND THAT THE INFORMATION CONTAINED IN THE CITED NEGATIVE DECLARATION REMAINS VALID FOR THE CONSIDERATION OF THE PROPOSED PERMIT.
4. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO ECOSYSTEMS MANAGEMENT ASSOCIATES, INC., OF A NON-EXCLUSIVE GENERAL PERMIT TO CONDUCT LOW ENERGY GEOPHYSICAL SURVEYS FOR THE PERIOD JULY 1, 1998 THROUGH JUNE 30, 2001, WITHIN PERMIT REGIONS I, II, III, AND IV AS DESIGNATED ON EXHIBIT A.

EXHIBIT "A"

PERMIT REGIONS



CALENDAR PAGE 592

MINUTE PAGE 003920

EXHIBIT B

AUTHORIZED EQUIPMENT AND SURVEY METHODS

Under this permit, Permittee is authorized to collect geophysical data utilizing sniffers, energy receivers, and/or acoustic pulse-generating devices not utilizing chemical explosives.

Notwithstanding the above, the permittee is authorized to operate geophysical survey equipment in state waters only under the following conditions:

1. No more than 2 kilojoules of energy input may be used on any acoustic pulse generating equipment during a survey.
2. No survey equipment may be used other than the following and equipment necessary for use of the following:
 - a. Mini-sparkers;
 - b. Electro-mechanical devices;
 - c. Side scan sonar;
 - d. Fathometers;
 - e. Subbottom profilers; and,
 - f. Passive data collection devices, such as magnetometers and gravity meters.
3. Use of any air or water compression devices for generating acoustic pulses is expressly prohibited.

Any question or uncertainty as to whether particular survey equipment or methods are permitted or whether more than two kilojoules of energy input are being used shall be determined by the Staff of the State Lands Commission.

CALENDAR PAGE 593

MINUTE PAGE

003921