MINUTE ITEM
This Calendar Item No. C37 was approved as Minute Item No. 37 by the California State Lands Commission by a vote of 3 to 0 at its 10-01-02 meeting.

CALENDAR ITEM
C37

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PRC 7831.9

10/01/02
WP 7831.9
N. Quesada

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

United States Department of Commerce
National Oceanic and Atmospheric Administration (NOAA)
2115 SE OSU Drive
Newport, Oregon 97365-5258

AREA, LAND TYPE, AND LOCATION:

Tide and submerged lands in the Pacific Ocean, near Pillar Point, San Mateo County.

AUTHORIZED USE:

Continued use and maintenance of an undersea cable and hydrophone arrays (listening devices) to monitor oceanographic and acoustic conditions of the nearshore environment of central California which allows the long-distance detection of a variety of deep-ocean processes, including human activities.

LEASE TERM:

Five years, beginning January 1, 2001.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.

2. Originally, an undersea cable was installed as part of the California Acoustic Thermometry of Ocean Climate (ATOC) project conducted by the University of California, San Diego, Scripps Institution of Oceanography and its associated Marine Mammal Research Program. This cable

stretches from Pillar Point Air Force Station waterward to the underwater seamount known as, Pioneer Seamount, and is approximately 100 kilometers long. From the terminus at Pillar Point, the cable is enclosed in a 1.25-inch high-density polyethylene dielectric (HDPE) pipe conduit leading to the bluff to a deadman anchor. NOAA has attached a 4-element vertical line array (VLA) to the cable end which rests at an ocean depth of 930 meters. The four-hydrophone arrays (listening devices) are spaced roughly 30 meters apart, up to 120 meters above the seafloor.

3. The Commission authorized a General Lease – Public Agency Use to the Regents of the University of California, University of California, San Diego, Scripps Institution of Oceanography (Scripps) on May 3, 1995, for a period of five years; on May 2, 2000, that lease expired. Pursuant to Scripps' request, on September 19, 2000, the Commission extended the lease through December 31, 2000, to allow additional time for Scripps to remove the power cable pursuant to the terms of its lease which required removal of the cable at the termination of the lease. However, NOAA has agreed to take responsibility for the entire cable to conduct passive acoustic research and is now applying for a new General Lease – Public Agency Use.

4. NOAA plans to use the cable to monitor oceanographic and acoustic conditions of the nearshore environment of central California. The passive underwater acoustic monitoring allows the long-distance detection of various ocean processes, including earthquakes, volcanic eruptions, landslides, weather, marine mammals, fish and human activities. As part NOAA's Ocean Exploration Program, this data will be analyzed by NOAA's scientists and students at the San Francisco University. This cable will also monitor the resources of the Monterey Bay National Marine Sanctuary and the impact of noise on these resources. The Ocean Exploration Program information and data results are presented on a public website, along with non-classified real-time acoustic data that is available to the scientific community.

5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

   Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

APPROVALS OBTAINED:

California Coastal Commission; Monterey Bay National Marine Sanctuary; National Marine Fisheries Service.

EXHIBITS:

A. Site Map and Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

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.

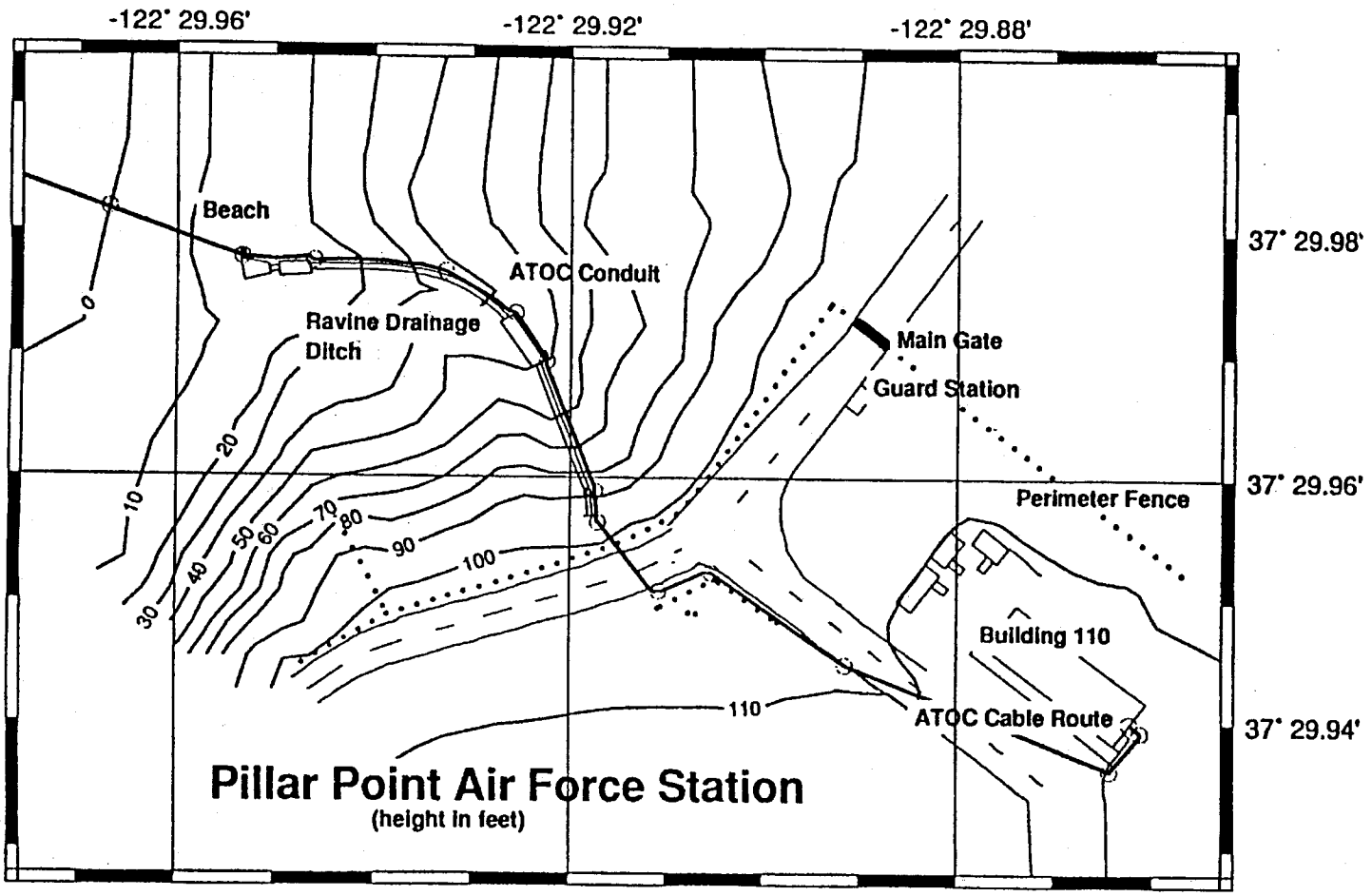
AUTHORIZATION:

AUTHORIZE ISSUANCE TO UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING JANUARY 1, 2001, FOR A TERM OF FIVE YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN UNDERSEA CABLE AND HYDROPHONE ARRAYS TO MONITOR OCEANOGRAPHIC AND ACOUSTIC CONDITIONS OF THE NEARSHORE ENVIRONMENT OF CENTRAL CALIFORNIA ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.

EXHIBIT A

SITE MAP

NO SCALE

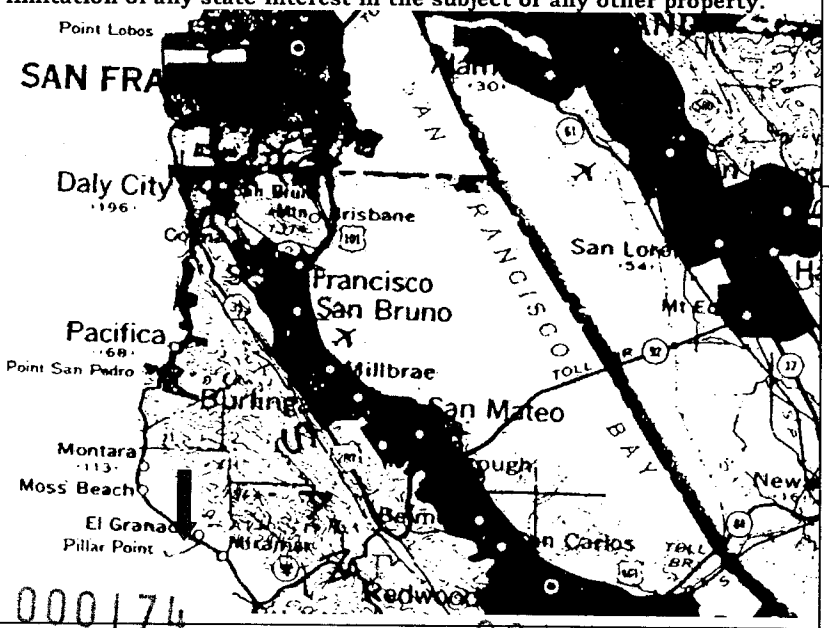


NO SCALE

LOCATION MAP

USGS Quad Map

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any state interest in the subject or any other property.



Section 3

PRC 7831.1
National Oceanic
Atmospheric
Administration
San Mateo County

N.Q. 7/9/02

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