MINUTE ITEM
This Calendar Item No. C59 was approved as Minute Item No. 59 by the California State Lands Commission by a vote of 3 to 0 at its 8-8-05 meeting.

CALENDAR ITEM
C59

A)
) Statewide
S)

08/08/05
PRC 8391
R. Greenwood

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

APPLICANT:

Fugro Pelagos, Inc.
Attn.: Ms. Marjorie Neumann
3738 Ruffin Road
San Diego, CA 92123

BACKGROUND:

Fugro Pelagos, Inc. has applied for a low energy statewide offshore Geophysical Permit. These permits are issued to qualified companies to perform geophysical surveys of the ocean bottom for the purpose of geotechnical investigation of nearshore sand erosion and deposition studies, optic cable routes, oil and gas pipeline routes, marine facility sea bottom changes, seafloor hazards and debris, and location of sunken boats and airplanes. These low energy surveys utilize equipment such as side scan sonar and magnetometer, which use no more than two kilojoules of energy. Air guns and other sources of high energy are expressly prohibited in the permit. Upon request, the Commission will receive copies of all data derived from any and all surveys under the permit.

TERMS OF PROPOSED PERMIT:

Beginning October 1, 2005 through September 30, 2008.

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

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 staff has prepared a Proposed Negative Declaration identified as CSLC ND 358, State Clearinghouse No. 84020113. The Negative Declaration was prepared and circulated for public review pursuant to the provisions of the CEQA. The Commission 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, 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 that 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 permit, as part of the program for the project as proposed, is consistent with its use classification.

EXHIBIT:

A. Permit Regions

PERMIT STREAMLINING ACT DEADLINE:

January 11, 2006

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 COMMISSION ON MAY 24, 1984.

2. FIND THAT THE COMMISSION REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE NEGATIVE DECLARATION AND THE COMMENTS RECEIVED IN RESPONSE.

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, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND THAT IT 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 FUGRO PELAGOS, INC. OF A NON-EXCLUSIVE GENERAL PERMIT TO CONDUCT LOW ENERGY GEOPHYSICAL SURVEYS FOR THE PERIOD OCTOBER 1, 2005, THROUGH SEPTEMBER 30, 2008, WITHIN PERMIT REGIONS I, II, III, AND IV AS DESIGNATED ON EXHIBIT A, ATTACHED HERETO.
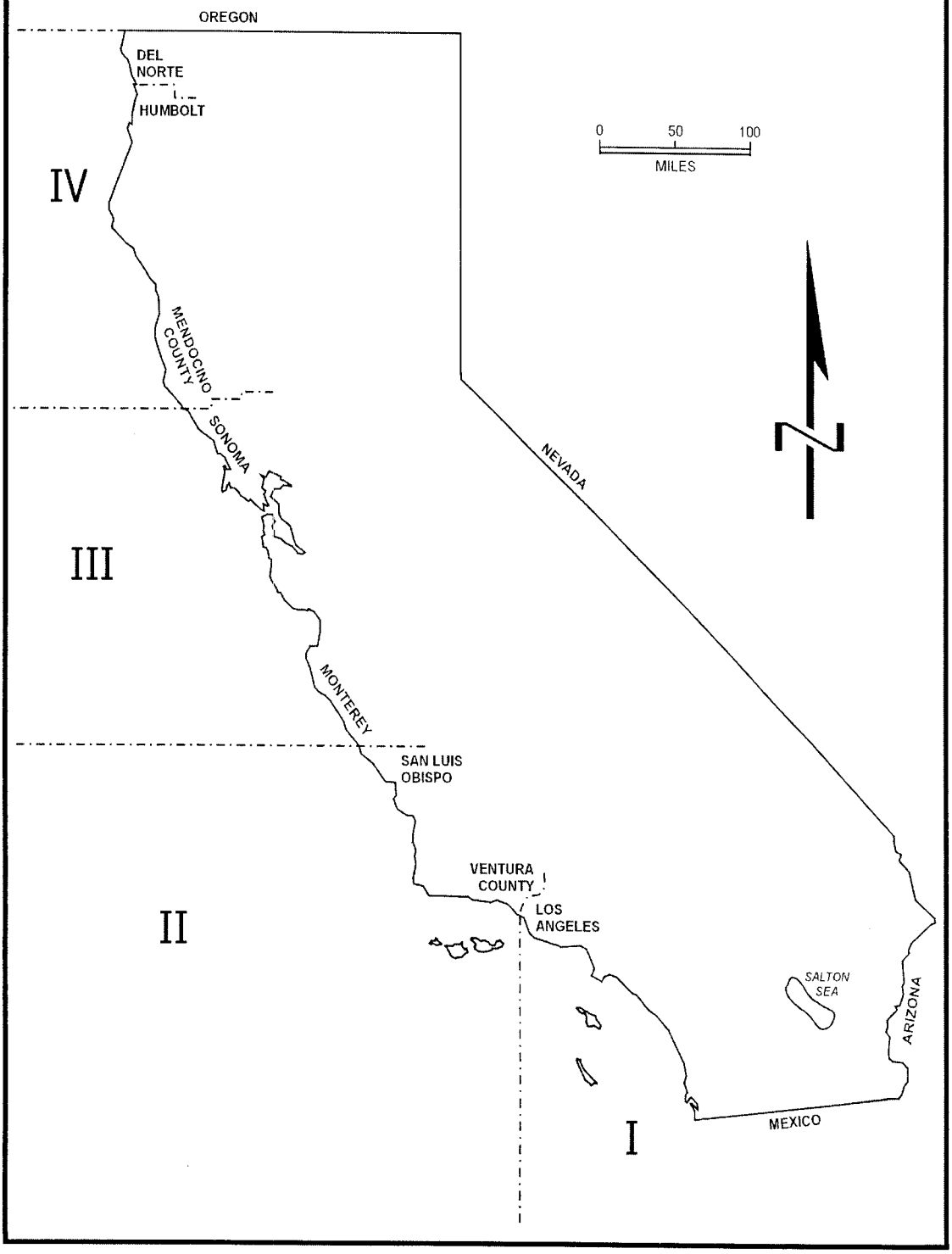
EXHIBIT A
PERMIT REGIONS