

This Calendar Item No. C39 was approved as
Minute Item No. 39 by the California State Lands
Commission by a vote of 2 to 0 at its
10-20-05 meeting.

CALENDAR ITEM
C39

A 6, 7, 8, 11, 13, 14

10/20/05

PRC 8641 W 6005.104

S 2, 3, 5, 7

R. Greenwood

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

APPLICANT:

Trans Bay Cable, LLC
C/o Babcock and Brown, LLC
Attn.: Mr. Samuel Wehn
2 Harrison Street
San Francisco, CA 94105

BACKGROUND:

The coordinated geophysical survey/geological sampling program that would be authorized under the terms of the permit will gather data that will be used in the design, routing, and preparation of an environmental impact report (EIR) for a proposed 400-mega watt High Voltage Direct Current (HVDC) cable connecting existing electrical substations in the City of Pittsburg, Contra Costa County to a receiving facility at Potrero Point in the city and County of San Francisco.

The geophysical survey will employ low energy and passive methods, described below, currently authorized for use within State offshore waters. The geophysical survey will include the following equipment: 1) echo sounders for bathymetric surveys, 2) side scan sonar, 3) magnetometer, and 4) low energy (less than 2 kilojoules) seismic transmitters.

The geological survey will obtain shallow core samples of the beds of the Carquinez Strait, San Pablo, and San Francisco Bays to gather geotechnical information about the subsurface conditions and composition of the route of the proposed cable.

CALENDAR ITEM NO. C39 (CONT'D)

The shallow samples may be collected at up to 323 locations, but more likely at up to 65 locations, as generally depicted on Exhibit A (attached hereto) and as specifically described in Exhibit A-1 (attached hereto), utilizing vibrocore sampling methods and cone penetration tests from a self-contained vessel. The vessel is typically no larger than a fishing boat (usually 50 to 150 feet in length, with a six-foot draft). No activity or method employing rotary drilling operations is authorized by this permit. The Commission will receive copies of all data derived from any and all surveys conducted under the proposed permit.

The proposed 59 mile long sub-sea cable is to be buried throughout its route and would be composed of a combined bundle of three cables, having a total diameter of approximately ten inches.

TERMS OF PROPOSED PERMIT:

Two years beginning October 20, 2005, through October 19, 2007.

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. California Code of Regulations section: Title 2, section 2905(e)(3)
- C. California Code of Regulations section: Title 14, section 15061

OTHER PERTINENT INFORMATION:

1. Commission staff's CEQA recommendation is made in consideration of the following information. Trans Bay Cable, LLC, has provided copies of its project description to and coordinated the project with the following agencies: San Francisco Bay Conservation and Development Commission (BCDC), San Francisco Bay Regional Water Quality Control Board (RWQCB), the San Francisco District U.S. Army Corps of Engineers (COE), and the U.S. Environmental Protection Agency (EPA), California Department of Fish and Game, Marine Region (CDFG), the National Marine Fisheries Service (NOAA), and the Fish and Wildlife Service, each of which has considered and indicated no issue with the proposed activities.

Further, staffs of the NOAA and the CDFG Marine Region have indicated that the proposed use of a low-energy Chirp system (160 dB at 4 meters) to conduct the geophysical survey along the proposed route will not

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produce sound levels that will result in physical injury to or mortality of fish.

2. 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 6, Information Collection; Title 2, California Code of Regulations, section 2905(e)(3).

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

3. 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 Location Map
- A-1. Land Description

PERMIT STREAMLINING ACT DEADLINE:

N/A (CSLC acting as lead agency under the CEQA)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDINGS:

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, UNDER CLASS 6, INFORMATION COLLECTION, TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(e)(3).

AUTHORIZATION:

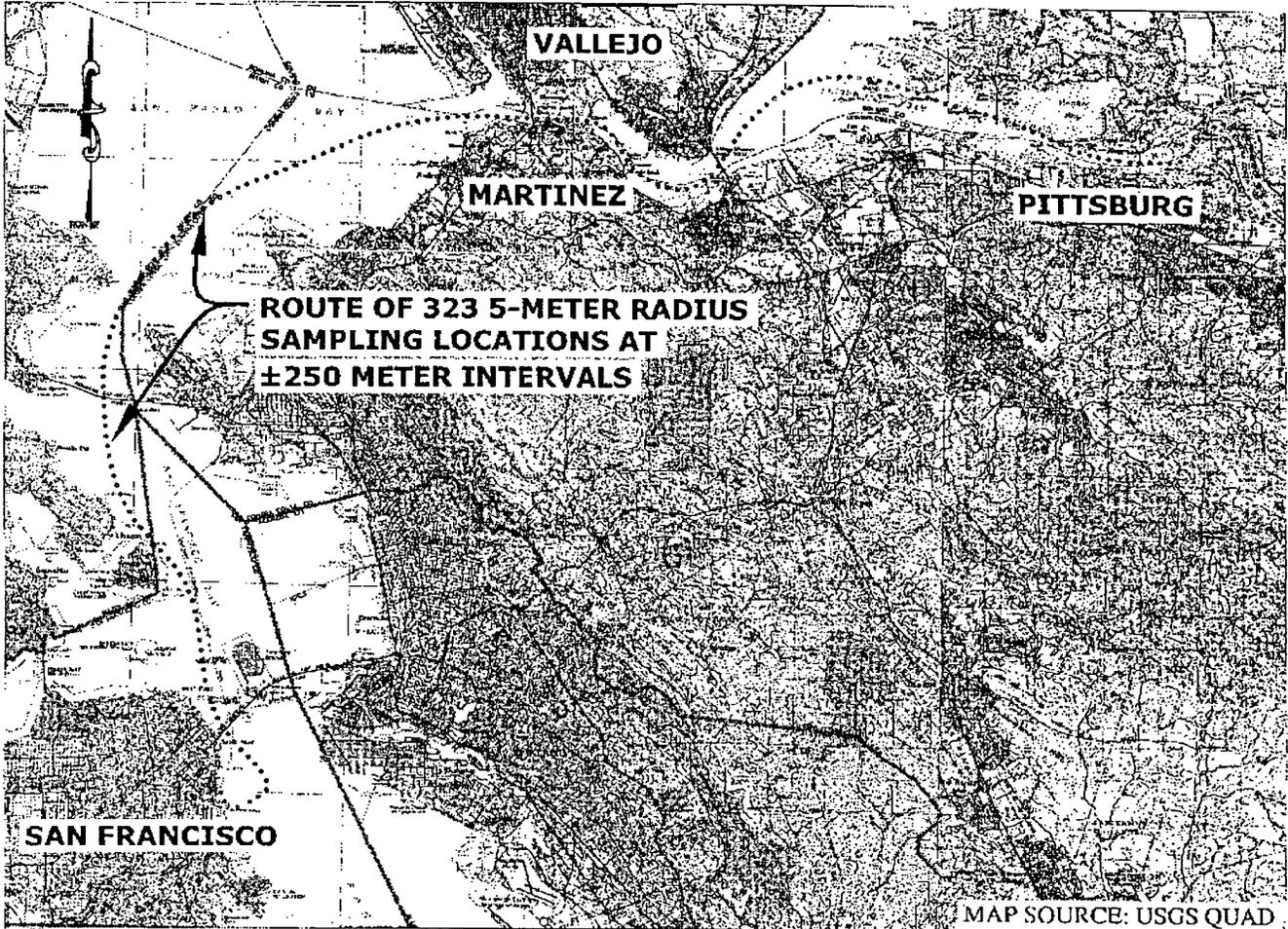
AUTHORIZE ISSUANCE TO TRANS BAY CABLE, LLC, OF A NON-EXCLUSIVE GENERAL PERMIT TO CONDUCT A GEOPHYSICAL

CALENDAR ITEM NO. C39 (CONT'D)

SURVEY AND GEOLOGICAL SAMPLING PROGRAM AS HEREIN DESCRIBED FOR THE PERIOD OCTOBER 20, 2005, THROUGH OCTOBER 19, 2007, WITHIN THE PERMIT REGION AS DESIGNATED ON EXHIBITS A AND A-1, ATTACHED HERETO.

NO SCALE

SITE



TRANS BAY CABLE LLC., SEDIMENT SAMPLING LOCATIONS

NO SCALE

LOCATION

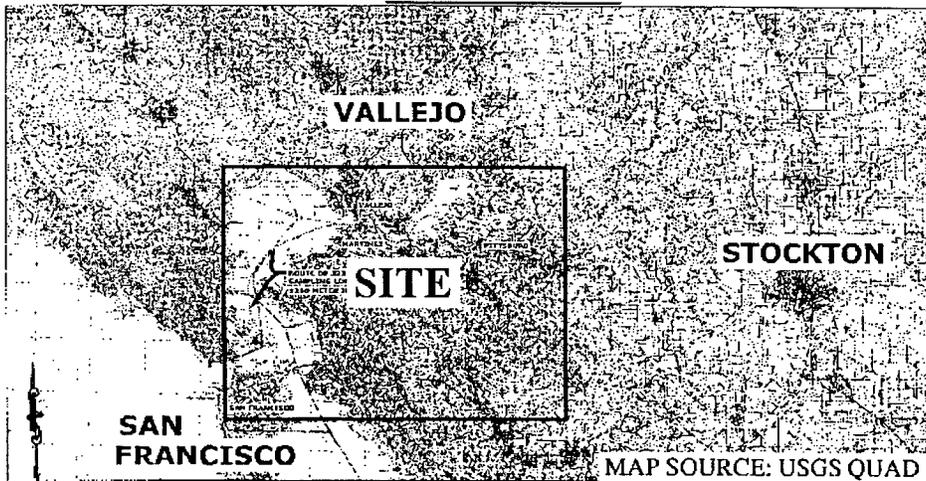


Exhibit A
 TRANS BAY CABLE LLC
 W6005.104
 NEW YORK SLOUGH, SUISUN BAY,
 SAN FRANCISCO BAY &
 CARQUINEZ STRAIT



MI 09/27/05

This Exhibit is solely for purposes of generally defining the permit premises, is based on unverified information provided by the Permittee 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.

LAND DESCRIPTION

Three hundred twenty-three (323) circular parcels of tide and submerged land, each having a radius of 5 meters, in New York Slough, Suisun Bay, Carquinez Strait, San Pablo Bay and San Francisco Bay, in the Counties of Contra Costa, Solano, Marin and the City and County of San Francisco, State of California, the center points of said parcels having the following NAD83 geographic coordinates, respectively:

- (1) 38.02641°N, 121.84258°W
- (2) 38.02787°N, 121.84370°W
- (3) 38.02890°N, 121.84628°W
- (4) 38.03042°N, 121.84876°W
- (5) 38.03222°N, 121.85062°W
- (6) 38.03471°N, 121.84994°W
- (7) 38.03711°N, 121.85080°W
- (8) 38.03951°N, 121.85160°W
- (9) 38.04195°N, 121.85272°W
- (10) 38.04361°N, 121.85480°W
- (11) 38.04517°N, 121.85704°W
- (12) 38.04684°N, 121.85944°W
- (13) 38.04850°N, 121.86186°W
- (14) 38.04982°N, 121.86475°W
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- (16) 38.05075°N, 121.87100°W
- (17) 38.05001°N, 121.87383°W
- (18) 38.04904°N, 121.87648°W
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- (20) 38.04659°N, 121.88186°W
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- (26) 38.04278°N, 121.90038°W
- (27) 38.04268°N, 121.90354°W
- (28) 38.04244°N, 121.90656°W
- (29) 38.04249°N, 121.90952°W
- (30) 38.04263°N, 121.91280°W
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- (32) 38.04347°N, 121.91916°W
- (33) 38.04381°N, 121.92230°W

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- (321) 37.75832°N, 122.37406°W
- (322) 37.75656°N, 122.37618°W
- (323) 37.75598°N, 122.37932°W

EXCEPTING therefrom any portions of said parcels lying landward of the ordinary high water mark of said Slough, Strait and Bays.

ALSO EXCEPTING therefrom any portions of said parcels lying within those lands shown on Exhibit A of that certain Lease Number PRC 7781.1 issued by the State of California, acting by and through the California State Lands Commission, effective July, 1998, and filed in the records of said Commission.

ALSO EXCEPTING therefrom any portions of said parcels lying within those lands conveyed by that certain State Patent for Tideland Survey 39, a Contra Costa survey, dated June 6, 1873, and filed in the records of the California State Lands Commission in Tideland Patent Book 1 at Page 76.

ALSO EXCEPTING therefrom any portions of said parcels lying within those lands described as Parcels 1 and 2 in that certain Judgment in Solano County Superior Court, Case No. 40184, recorded November 9, 1964 in Book 1304 at Page 675, Official Records of Solano County.

END OF DESCRIPTION

Prepared 9-28-2005 by the California State Lands Commission Boundary Unit



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