CALENDAR ITEM
C50

A)
) Statewide
S)

08/22/08
PRC 8394
R. B. 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:

United States Geological Survey
Attn.: Mr. David Hogg
400 Natural Bridges Drive
Santa Cruz, CA 95060

BACKGROUND:

The United States Geological Survey has applied for a low energy statewide offshore Geophysical Permit. These permits are issued to qualified entities 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 vessels 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 California State Lands Commission (Commission) will receive copies of all data derived from any and all surveys under the permit.

Recently published studies indicate a potential for impact of seismic surveys on fish, marine mammals, and marine reptiles. These studies are based on frequency and sound pressure levels, which is also the basis for the standards used by NOAA's National Marine Fisheries Service (NMFS) in waters under the jurisdiction of Mineral Management Service (MMS). Since the current Commission permits are based on energy levels, staff is recommending that a review of these recently published studies on frequency and sound pressure levels be conducted. Therefore, staff is recommending a one year permit at this

time to enable the review of these more recent studies and to determine if preparation of a new CEQA document is warranted.

TERM OF PROPOSED PERMIT:

Beginning October 1, 2008 through September 30, 2009.

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

2. Based upon the Initial Study, the Mitigated 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, Mitigated Negative Declaration revealed that use of geophysical equipment emitting 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, Mitigated Negative Declaration, the Commission approved the issuance of permits that provided for the use of equipment that has no more than two kilojoules of energy input.

4. 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:

September 6, 2008 (CSLC acting as a lead agency under the CEQA).

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDINGS:

1. CERTIFY THAT A MITIGATED 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 MITIGATED NEGATIVE DECLARATION AND THE COMMENTS RECEIVED IN RESPONSE THERETO.

SIGNIFICANT LANDS:

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 THE UNITED STATES GEOLOGICAL SURVEY OF A NON-EXCLUSIVE GENERAL PERMIT TO CONDUCT LOW ENERGY GEOPHYSICAL SURVEYS FROM OCTOBER 1, 2008, THROUGH SEPTEMBER 30, 2009, WITHIN PERMIT REGIONS I, II, III, AND IV AS DESIGNATED ON EXHIBIT A, ATTACHED HERETO.
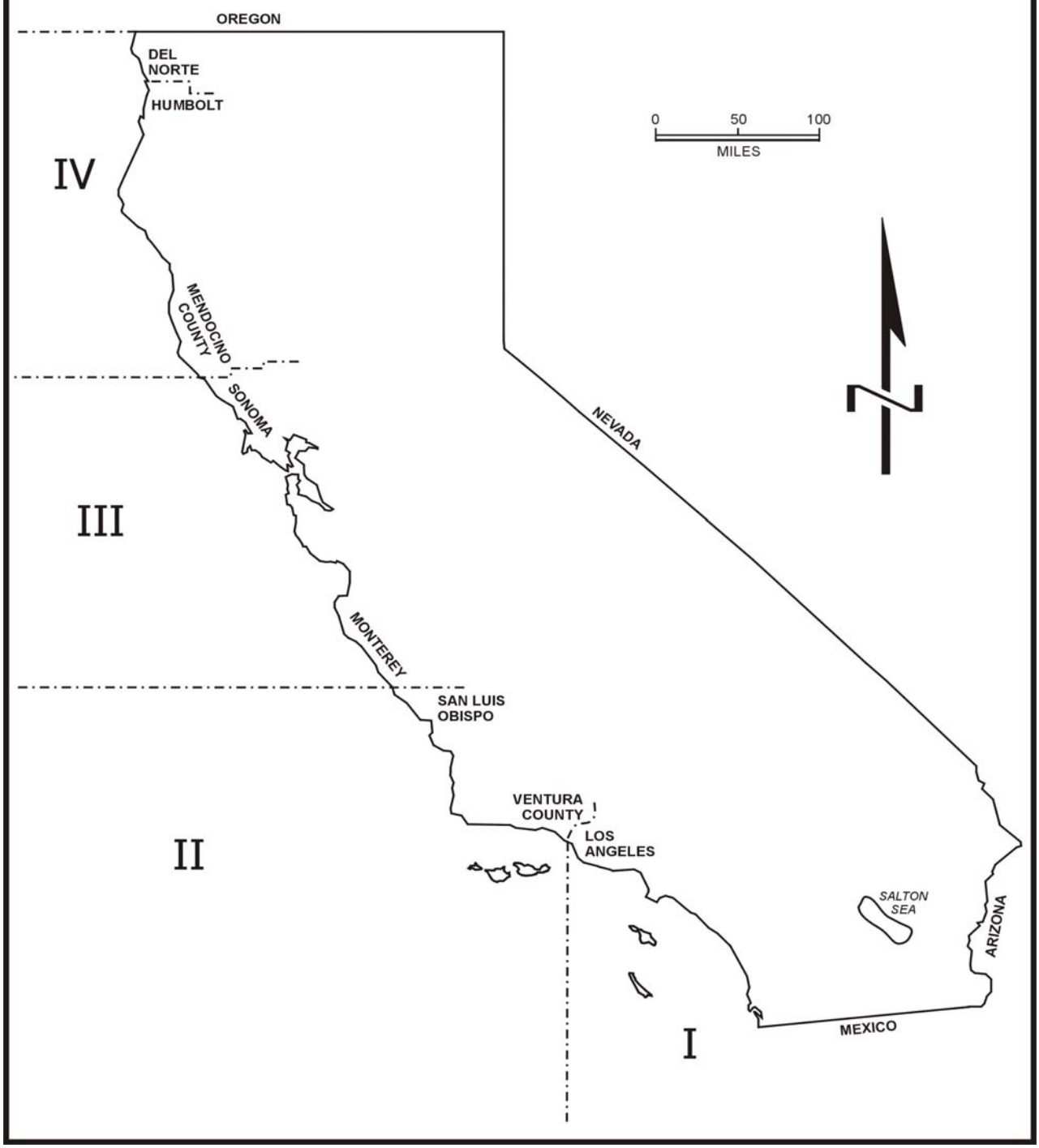
EXHIBIT A
PERMIT REGIONS