CALENDAR ITEM
C49

A)		10/16/08
)	Statewide	PRC 8391
S)		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:

Fugro Pelagos, Inc.
Attn.: Mr. Robert Richards
3738 Ruffin Road
San Diego, CA 92123-1812

BACKGROUND:

Fugro Pelagos, Inc. 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, 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 California State Lands Commission (Commission) will receive copies of all data derived from any and all surveys under the permit.

Recent studies addressing potential for impacts of seismic surveys on fish, marine mammals, and marine reptiles have been based on frequency and sound pressure levels, which are also the basis for the standards used by NOAA's National Marine Fisheries Service (NMFS) in waters under the jurisdiction of the Mineral Management Service (MMS). Because 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.

TERMS OF PROPOSED PERMIT:

Beginning October 17, 2008 through October 16, 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, Title 2, section 2100
E. California Code of Regulations, Title 2, section 2905(e)(3)
F. California Code of Regulations, Title 14, section 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, 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 providing 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:

November 1, 2008.

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDINGS:

1. FIND 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 FUGRO PELAGOS, INC. OF A NON-EXCLUSIVE GENERAL PERMIT TO CONDUCT LOW ENERGY GEOPHYSICAL SURVEYS FOR THE PERIOD OCTOBER 17, 2008 THROUGH OCTOBER 16, 2009, WITHIN PERMIT REGIONS I, II, III, AND IV AS DESIGNATED ON EXHIBIT A, ATTACHED HERETO.
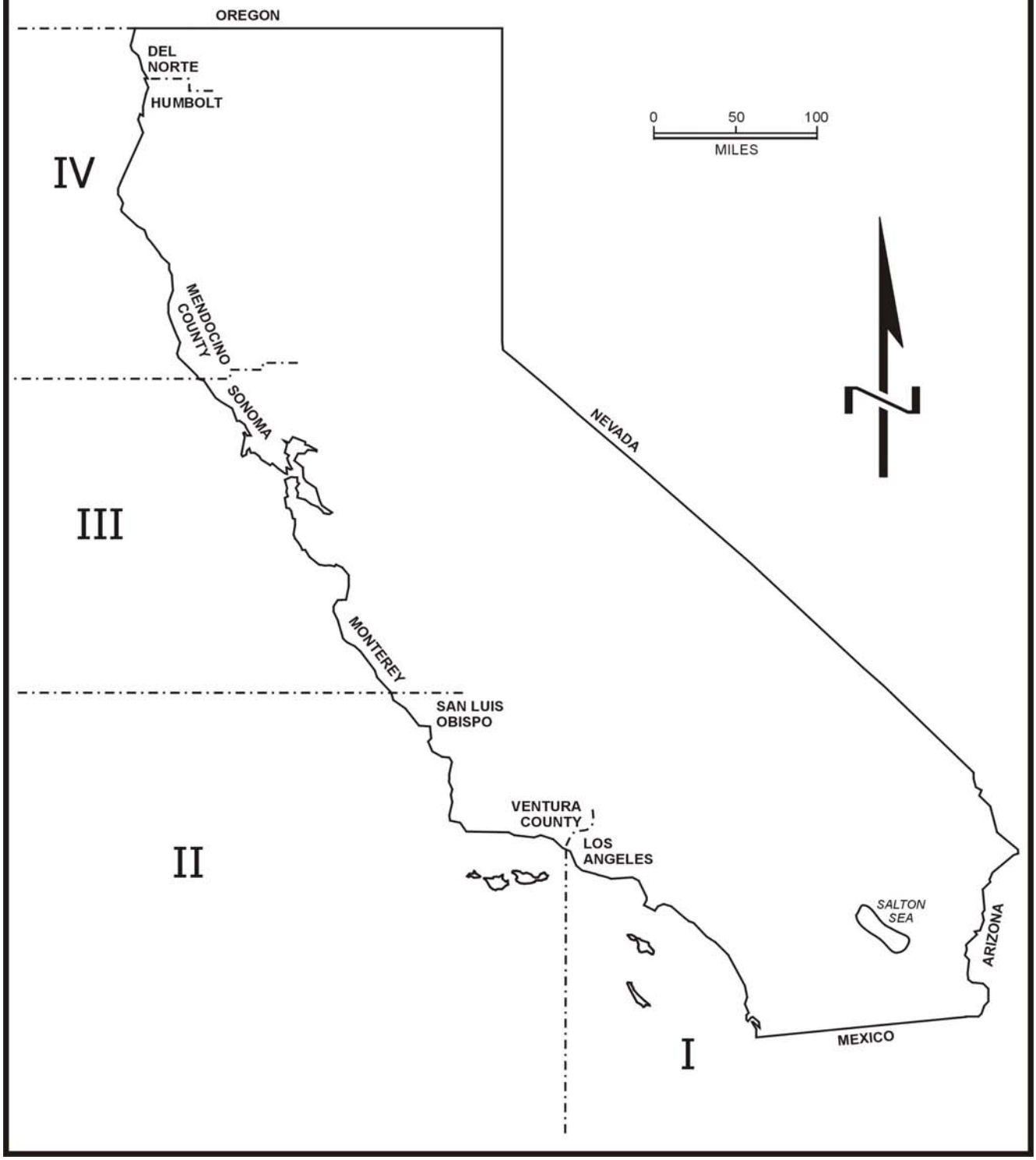
EXHIBIT A
PERMIT REGIONS