CALENDAR ITEM
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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:

Sea Engineering, Inc.
Attn.: Dr. Ken Israel
200 Washington Street, Suite 210
Santa Cruz, CA 95060

BACKGROUND:

Sea Engineering, Inc. has applied for a low energy statewide offshore Geophysical Permit for the one year period from February 2, 2010 to February 1, 2011, within Regions I, II, III, and IV as designated on Exhibit A, attached hereto. These permits are issued to qualified companies to perform geophysical surveys of the ocean bottom as part of geotechnical investigation and study 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. A NOAA-approved marine wildlife monitor is required to be present at all times on vessels performing the survey. Upon request, the California State Lands 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 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 has recommended a

review of these recently published studies on frequency and sound pressure levels. 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 February 2, 2010 through February 1, 2011.

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 6370
D. California Code of Regulations, Title 2, Article 2.9, 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 State CEQA Guidelines (Title 14, California Code of Regulations, section 15025), the staff prepared a Proposed Mitigated Negative Declaration identified as CSLC ND 358, State Clearinghouse No. 84020113. The Proposed Mitigated Negative Declaration was prepared and circulated for public review pursuant to the provisions of 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 on 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 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:

March 5, 2010.

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDINGS:

1. Find that a Mitigated Negative Declaration, CSLC MND No. 358, State Clearinghouse No. 84020113, was prepared for the program pursuant to the provisions of 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 6730, et. seq.

AUTHORIZATION:

Authorize issuance to Sea Engineering, Inc. of a Non-Exclusive Geophysical Survey Permit to conduct low energy geophysical surveys from February 2, 2010 through February 1, 2011, within Permit Regions I, II, III, and IV as designated on Exhibit A, attached hereto.
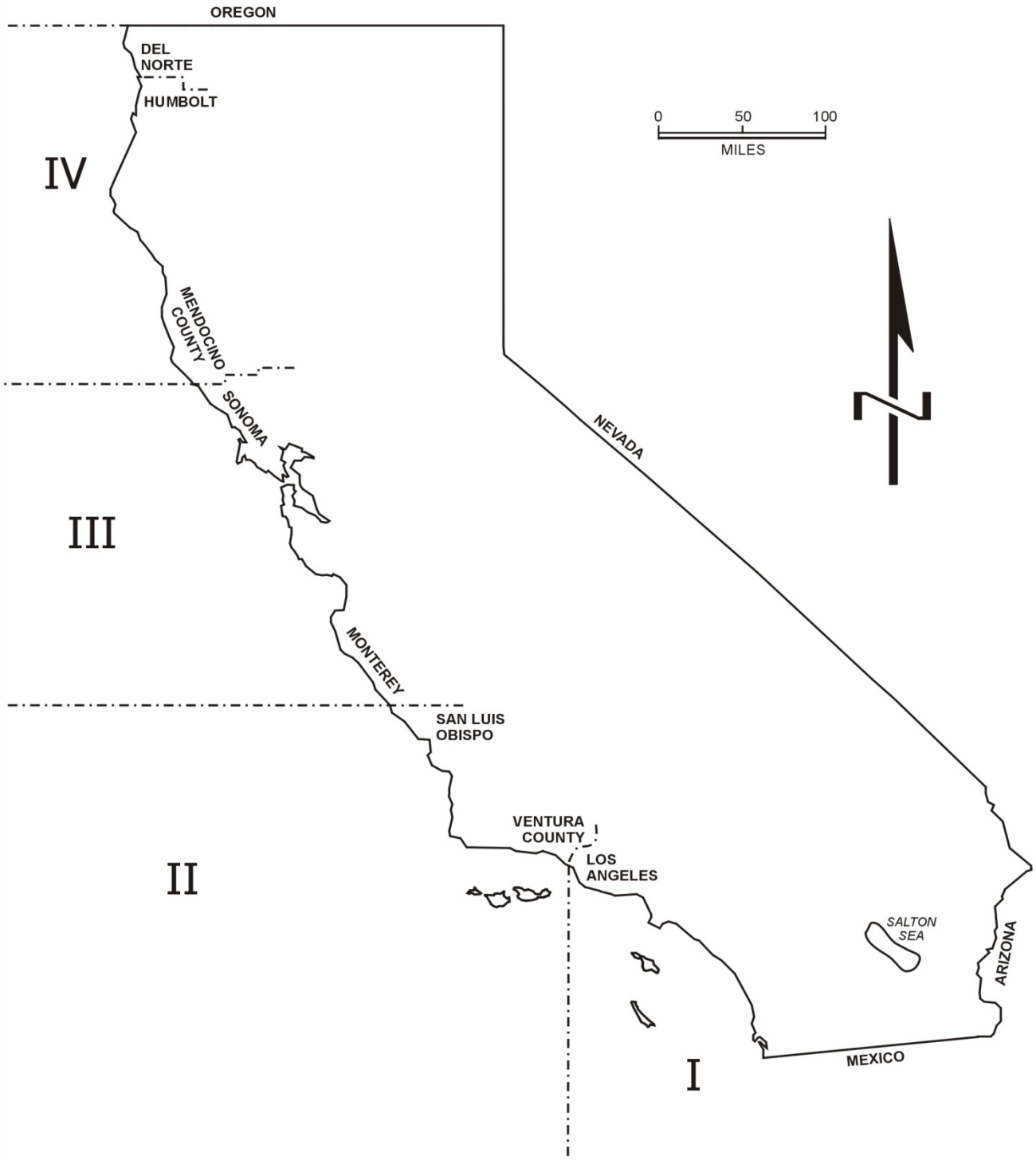
EXHIBIT A
PERMIT REGIONS