CALENDAR ITEM
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WP 8859
R.B. Greenwood

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

APPLICANT:

University Corporation at Monterey Bay
Attn.: Mr. Kevin R. Saunders
100 Campus Center, Building 201
Seaside, CA 93955-0801

BACKGROUND:

University Corporation at Monterey Bay has requested a continuation of an existing low energy statewide offshore Geophysical Survey Permit for the one-year period from January 1, 2011 to December 31, 2011, within Regions I, II, III, and IV as designated on Exhibit A, attached hereto. These permits are issued to qualified entities to perform geophysical surveys of the ocean bottom as part of geotechnical investigations of nearshore sand erosion and deposition, fiber 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 magnetometers, which use no more than two kilojoules of energy. Air guns and other sources of high energy are expressly prohibited in the permit. A marine mammal observer is required to be aboard the vessel conducting the survey. 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 are also the basis for the standards used by the National Marine Fisheries Service (NMFS) in waters under the jurisdiction of the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE). Since the current Commission permits are based on

energy levels, staff recommends that a review of these recently-published studies on frequency and sound pressure levels be conducted. Therefore, staff recommends a one year continuation of the existing permit held by the aforementioned company at this time to enable the review of these more recent studies and to determine if preparation of a new environmental document pursuant to the provisions of the California Environmental Quality Act (CEQA) is warranted.

TERMS OF PROPOSED PERMIT:

One year, beginning January 1, 2011 through December 31, 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 14, section 15074(b)

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 Mitigated Negative Declaration was 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 adoption of the 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 magnetometers, 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:

January 1, 2011

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDINGS:

1. Certify that a Mitigated Negative Declaration, CSLC MND 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 University Corporation at Monterey Bay of a Non-Exclusive Geophysical Survey Permit to conduct low energy Geophysical Surveys from January 1, 2011, through December 31, 2011, within Permit Regions I, II, III, IV as designated on Exhibit A, attached hereto.

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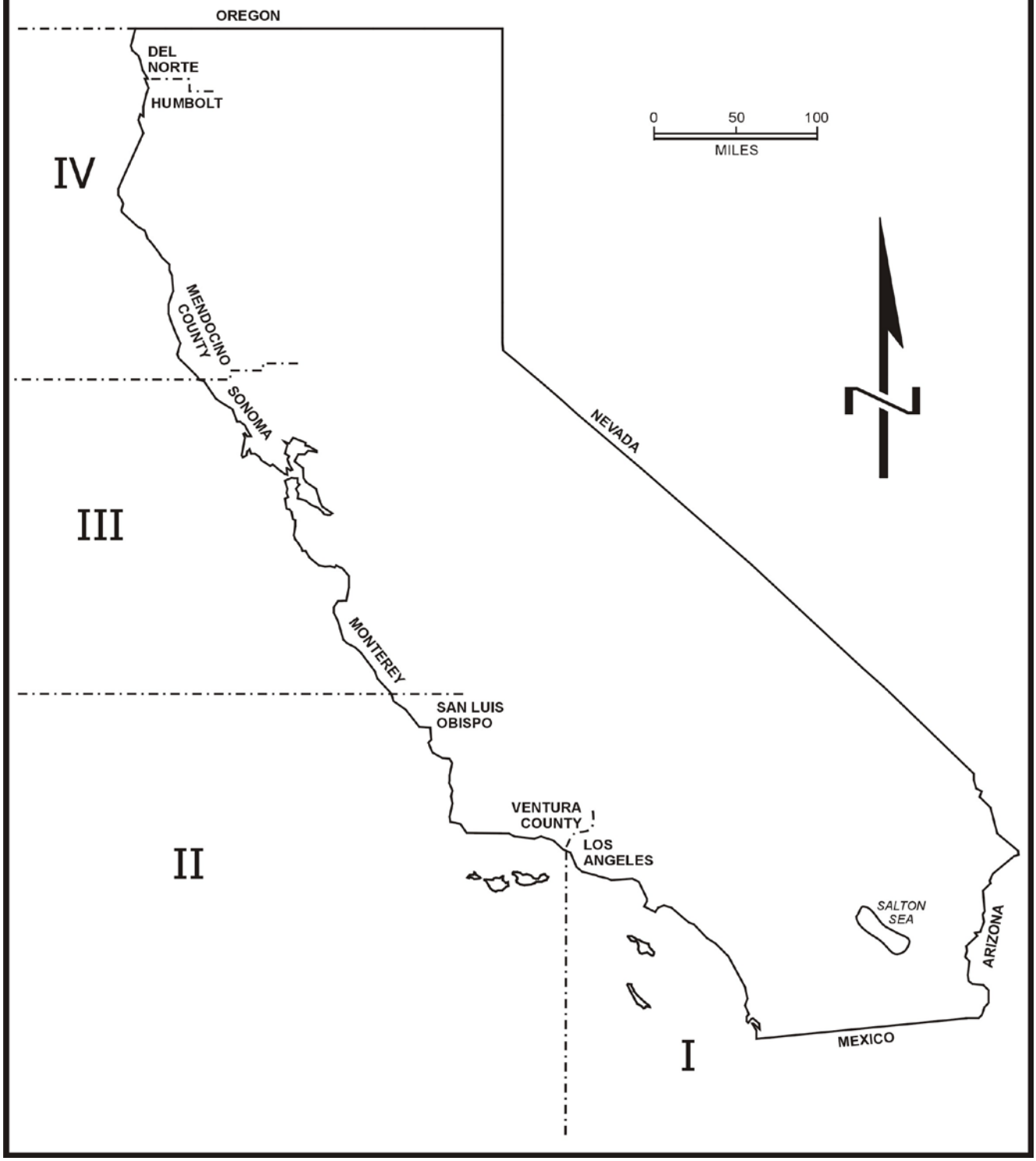
EXHIBIT A
PERMIT REGIONS