CALENDAR ITEM
C77

A) 01/26/12
) Statewide WP 8859
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:

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

BACKGROUND:

University Corporation at Monterey Bay has requested a continuation of an existing low-energy statewide offshore Geophysical Permit for the one-year period from February 1, 2012 to January 31, 2013 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 for purposes such as 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/or location of sunken boats and airplanes. These low-energy surveys use 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 are also the basis for the standards used by the National Oceanic and Atmospheric Administration (NOAA) National Fisheries Service (NOAA Fisheries) in waters under the jurisdiction of the Bureau of Safety and Environmental Enforcement (BSEE). 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 one-year permits at this time to enable the review of these more recent studies while the Commission considers the preparation of a new environmental document pursuant to the California Environmental Quality Act (CEQA).

TERMS OF PROPOSED PERMIT:

One year, beginning February 1, 2012 through January 31, 2013.

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, Article 2.9, section 2100.
E. 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 (Cal. Code Regs., tit. 14, § 15025), CSLC staff prepared a mitigated Negative Declaration (ND) identified as CSLC ND 358, State Clearinghouse No. 1984020113. The mitigated ND was prepared and circulated for public review pursuant to the provisions of CEQA. The Commission adopted the mitigated ND on May 24, 1984, for the program under which issuance of this permit is proposed.

2. Based upon the Initial Study, the mitigated ND, and the comments received in response thereto, there was no substantial evidence that the program would have a significant effect on the environment. California Code of Regulations, Title 14, section 15074, subdivision (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 ND 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. The Commission, however, 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 ND, the Commission approved the continued 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., but such activity will not affect those significant lands. 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 permits, as proposed, are consistent with the use classification.

EXHIBIT:

A. Permit Regions

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDINGS:

1. Certify that a mitigated Negative Declaration (ND), CSLC ND No. 358, State Clearinghouse No. 1984020113, 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 ND and the comments received in response thereto, and that the Non-Exclusive General Permits are within the scope of the project covered by the mitigated ND.

SIGNIFICANT LANDS:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance to The University Corporation At Monterey Bay of a Non-Exclusive General Permit to conduct low-energy geophysical surveys from February 1, 2012, through January 31, 2013, within Permit Regions I, II, III, and IV as designated on Exhibit A, attached hereto.

WP 8859
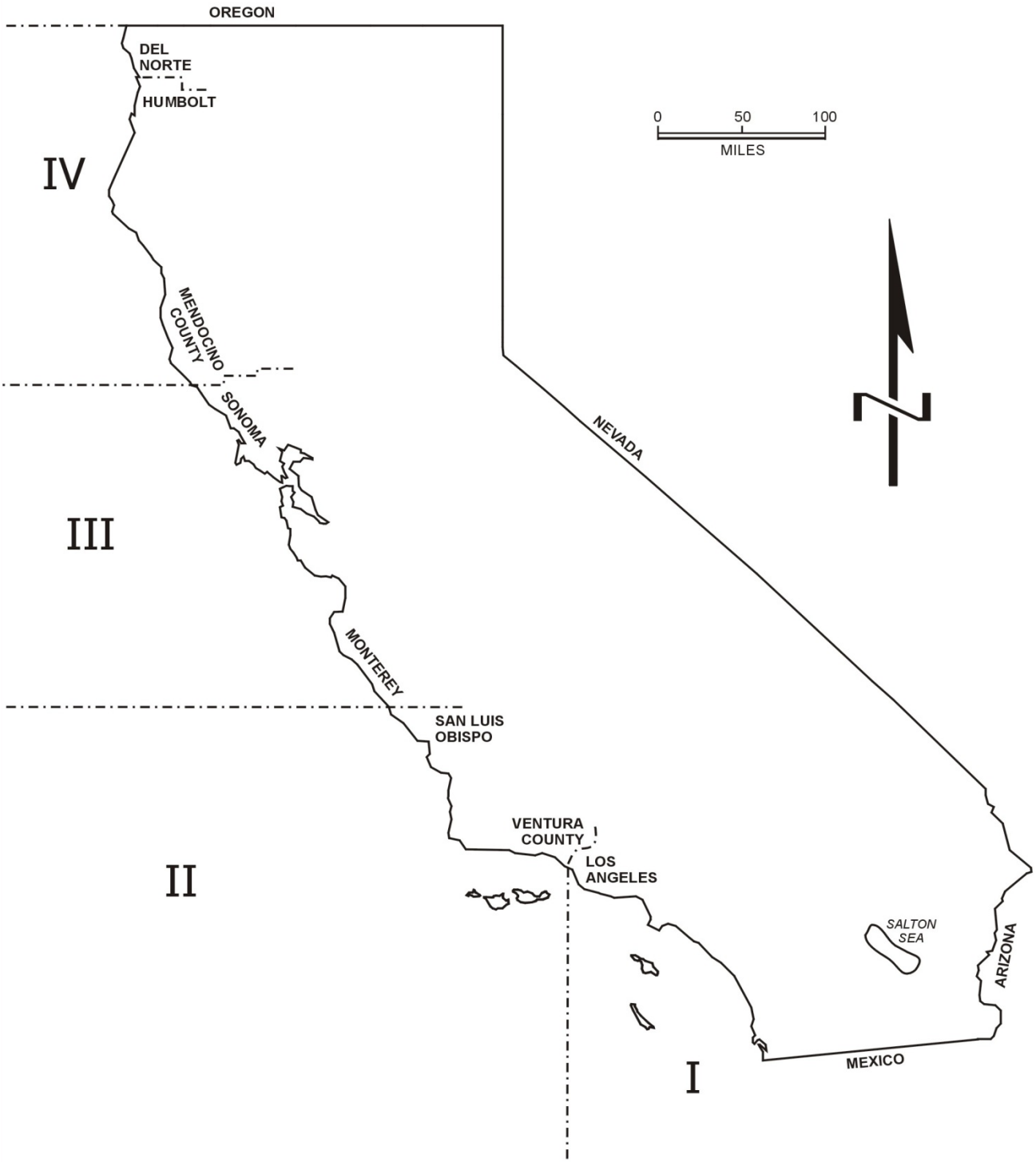
EXHIBIT A
PERMIT REGIONS