

**STAFF REPORT
C84**

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04/19/18
W 6005.188
R. B. Greenwood

NON-EXCLUSIVE GEOLOGICAL SURVEY PERMIT

APPLICANT:

COWI North America

BACKGROUND:

COWI North America (Applicant) has applied for a 6-month Non-Exclusive Geological Survey Permit (Permit). COWI North America is a private company and this authorization would allow the Applicant to collect geologic core samples to provide recommendations for a proposed project to repair and replace the existing AMPORTS Wharf on State Lease Nos. PRC 4813.1 and PRC 1546.1 near the city of Antioch, Contra Costa County. The proposed survey involves drilling six exploratory boreholes: two nearshore borings 100 feet deep in the San Joaquin River and four shoreline parking lot borings 150 feet deep. The borings will be drilled over a period of 11 days. The borings will be drilled at locations depicted in attached Exhibit A, using rotary wash drilling methods, down-hole sampling, and standard penetration testing from a self-contained 100-foot by 30-foot drill ship. The drill ship will be secured by two spuds (steel posts), and a 14-foot by 6-foot tool boat will provide project support. All boreholes will be drilled using a 3 7/8-inch diameter rotary drill bit and water-guar gum drilling fluid using a closed circulating system completely isolated from river waters. After drilling and sampling, the boreholes will be backfilled with grout. Excess drill cuttings, drilling fluid, and wash water will be retained and properly disposed offsite. Upon request, the Commission will receive copies of all data collected under this Permit.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6016, 6212.2, 6216, and 6301;
California Code of Regulations, title 2, section 2100.

Public Trust and State's Best Interests Analysis:

COWI North America is a private company and this authorization would allow the Applicant to collect geologic core samples. Collection of scientific data is a use recognized by the courts to be consistent with the common law Public Trust Doctrine. (See, for example, *Marks v. Whitney* (1971) 6 Cal.3d 251, 259-260.) The Permit contains restrictions that protect public

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rights and environmental resources; for example, the Permit would be non-exclusive and is limited to 6 months. Commission staff believes that granting the Permit will not substantially interfere with Public Trust needs at this time or for the foreseeable term of the Permit.

For all the reasons above, Commission staff believes the approval of the Permit application is consistent with the common law Public Trust Doctrine and is in the best interests of the State. Staff recommends approval of this Non-Exclusive Geological Survey Permit application.

TERM OF PROPOSED PERMIT:

6 months beginning April 19, 2018, through October 18, 2018.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Required fees, expense deposit, and other security have been received.

OTHER PERTINENT INFORMATION:

1. Staff recommends that the Commission find that this activity is exempt from the requirements of California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 6, Information Collection; California Code of Regulations, title 2, section 2905, subdivision (e)(1).

Authority: Public Resources Code section 21084; California Code of Regulations, title 14, section 15300; and California Code of Regulations, title 2, section 2905.

2. This action is consistent with the Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.

EXHIBIT:

- A. Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDINGS:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 6, Information Collection; California Code of Regulations, title 2, section 2905, subdivision (e)(1).

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PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that proposed Permit will not substantially interfere with Public Trust needs and values, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a Non-Exclusive Geological Survey Permit to COWI North America for the period April 19, 2018, through October 18, 2018, within the project locations as shown on Exhibit A, attached and incorporated by reference herein.

EXHIBIT A

W 6005.188

