

**CALENDAR ITEM
C69**

A	Statewide	08/19/15
		W 6005.157
S	Statewide	R. B. Greenwood

**CONSIDER AN APPLICATION FOR A THREE-YEAR NON-EXCLUSIVE
GEOPHYSICAL SURVEY PERMIT TO CONDUCT
LOW-ENERGY GEOPHYSICAL SURVEYS
ON TIDE AND SUBMERGED LANDS
UNDER THE JURISDICTION OF THE
CALIFORNIA STATE LANDS COMMISSION**

APPLICANT:

eTrac, Inc.
Attn.: Mr. Eric Mueller
637 Lindaro Street #100
San Rafael, CA 94901

BACKGROUND:

eTrac, Inc. has applied for a statewide offshore Geophysical Survey Permit under the California State Lands Commission's (Commission) Low-Energy Offshore Geophysical Permit Program (OGPP). Generally, this permit is issued to qualified companies to perform geophysical surveys of the ocean bottom for purposes including, but not limited to:

- Scientific research, including surveys of near-shore sand erosion and deposition, seafloor changes, and seafloor topography and bathymetry, and sediment transport studies;
- Surveying existing pipeline routes and assessment of any structural damage or free spanning;
- Identifying and avoiding seafloor faults and hazards when designing pipeline and cable projects, reducing the likelihood of damages due to these hazards;
- Surveying existing fiber-optic cables, utilities and other seafloor structures to determine how well they are buried;
- Benthic habitat surveys, hard bottom map development, and essential fish habitat or cultural resources indicating where the placement of permanent or temporary objects (e.g., cables or anchors) should be precluded;
- Searching for the locations of historic shipwrecks, other sunken boats, airplanes, and archeological surveys; and
- Auditing and supporting dredging of harbors and navigation channels.

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The OGPP authorizes the use of electromechanical equipment to conduct low-energy geophysical surveys such as echosounders, side-scan sonar, and sub-bottom profilers, as well as passive equipment such as magnetometers and remotely operated vehicles. The use of high-energy equipment such as airguns or water guns is expressly prohibited. The OGPP permit requires posting of a \$50,000 surety bond, advance notification of operations to staff, specifications of equipment to be employed, a Marine Wildlife Contingency Plan, and a Spill Contingency Plan. Submission of post-survey reports, including records of observations and/or incidents, are also required. Commission staff may receive copies of all data derived from any and all surveys under the permit upon request.

PROPOSED PERMIT APPLICATION AND RECOMMENDATION:

eTrac, Inc.'s permit application is to conduct geophysical surveys associated with dredging operations. Staff recommends approval of this permit application.

TERMS OF PROPOSED PERMIT:

Three years, beginning August 20, 2015, through August 19, 2018.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

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

STATUTORY AND OTHER REFERENCES:

1. Public Resources Code section 6826.
2. Public Resources Code section 21080, subdivision (c).
3. California Code of Regulations, Title 2, Article 2.9, section 2100
4. California Code of Regulations, Title 14, section 15074.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State California Environmental Quality Act (CEQA) Guidelines (Cal. Code Regs., tit.14, § 15025), Commission staff prepared a Mitigated Negative Declaration (MND) identified as CSLC ND 751, State Clearinghouse No. 2013072021. The MND was prepared and circulated for public review pursuant to the provisions of CEQA, and adopted by the Commission together with a Mitigation Monitoring Program on September 20, 2013 (Calendar Item 120).
2. On September 20, 2013, the Commission found that, based upon the entire record before the Commission, including the Initial Study, the MND, and the comments received in response thereto, there was no substantial evidence that the program may have a significant effect on the environment; California Code of Regulations, Title 14, section 15074,

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subdivision (b). A Mitigation Monitoring Program was prepared in conformance with the provisions of CEQA (Pub. Resources Code, § 21081.6).

3. Commission staff prepared an addendum to the previously adopted MND pursuant to California Code of Regulations, Title 14, section 15164, subdivision (b). Commission staff reviewed the proposed changes to the General Permit and Mitigation Monitoring Program and determined that none of the events specified in Public Resources Code section 21166 or section 15162 of the State CEQA guidelines had occurred, and therefore, no additional CEQA analysis was required.
4. On April 23, 2014, the Commission adopted an addendum to CSLC MND No. 751, State Clearinghouse No. 2013072021, which revised the General Permit and Mitigation Monitoring Program (Calendar Item C67).
5. 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 project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Permit Regions

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDINGS:

1. Find that the MND, CSLC ND No. 751, State Clearinghouse No. 2013072021, and the Mitigation Monitoring Program were prepared by Commission staff and adopted on September 20, 2013.
2. Find that the addendum to the MND, including a revised General Permit and Mitigation Monitoring Program, was prepared by Commission staff and adopted on April 23, 2014, pursuant to the provisions of CEQA.
3. Find that the Commission reviewed and considered the information contained in the previously adopted MND and addendum, and that in the Commission's independent judgment, the scope of activities to be carried out under the permit to be issued under this

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authorization have been adequately analyzed, that none of the events specified in Public Resources Code section 21166 or State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impacts has occurred, and therefore, no additional CEQA analysis is required.

SIGNIFICANT LANDS INVENTORY FINDING:

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 eTrac, Inc. of a Non-Exclusive General Permit to conduct low-energy geophysical surveys from August 20, 2015, through August 19, 2018, within Permit Regions I, II, III, and IV as designated on Exhibit A, attached hereto.

EXHIBIT A PERMIT REGIONS

