

**CALENDAR ITEM  
C47**

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R. B. Greenwood

**CONSIDER AN APPLICATION FOR A NON-EXCLUSIVE  
GEOLOGICAL SURVEY PERMIT ON SOVEREIGN LAND  
IN THE NORTH FORK MOKELUMNE RIVER,  
SACRAMENTO AND SAN JOAQUIN COUNTIES**

**APPLICANT:**

San Joaquin County Public Works Department

**BACKGROUND:**

The requested Geological Survey Permit (Permit) would allow the gathering of data by the San Joaquin County Public Works Department to be used for bridge foundation design under the North Fork Mokelumne River. The proposed survey involves drilling a 5-inch-diameter rotary wash boring from a location in the middle of the North Fork Mokelumne River to a total depth of 80 feet below the river bottom. Drilling and sampling will be conducted over a period of 3 days. The samples will be collected at the location, as depicted on the attached Exhibit A, using rotary wash drilling methods, down-hole sampling, and testing from a self-contained barge.

The boring will use water or bentonite clay drilling fluid, in a closed circulation system completely isolated from the river waters. After drilling and sampling, the borehole will be backfilled with neat cement grout. Excess drill cuttings, drilling fluid, and wash water will be contained within a water tight steel casing during the drilling process and properly disposed of offsite.

The drilling barge dimensions are 30 feet by 14 feet, and will be secured by the existing bridge pier. A smaller supply and tool boat will support the operation. Upon request, the Commission will receive copies of all data derived from any and all surveys under the Permit.

**STAFF ANALYSIS AND RECOMMENDATIONS:**

**Public Trust and State's Best Interests Analysis:**

The San Joaquin County Public Works Department is a county agency, and this Permit application is part of the agency's plans to replace an ageing

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county bridge. The Permit would allow geological surveys to obtain scientific data, 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 protective of public rights and environmental resources; for example, the Permit would be non-exclusive and is limited to 3 months in length. The activity is only scheduled to last 3 days. The drill rig is originating from West Sacramento and is stored on a trailer on land when not in use (i.e., dry stored). The barge will be launched at the nearest suitable boat launch facility available at the time of the drilling (anticipated to be Walnut Grove Marina located approximately 1,500 feet upstream). The drill barge will be left moored at the drilling location during the duration of the drilling. A small support boat will travel from a local marina (likely Walnut Grove Marina) to the drill barge each day during drilling. The drilling barge will be located outside of the main channel and close to the existing bridge in the vicinity of existing fender piles. The location will place the barge in a location outside of typical boat traffic which is typically constrained to the main channel. It is anticipated that impact to recreational boating will be minimal and will not affect existing access to the river banks. 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:**

Three months beginning September 1, 2016, through November 30, 2016.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

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

**STATUTORY AND OTHER REFERENCES:**

- A. Public Resources Code sections 6005, 6212.2, 6016, and 6301
- B. California Code of Regulations, title 2, section 2905, subdivision (e)(3)
- C. California Code of Regulations, title 14, section 15061

**OTHER PERTINENT INFORMATION:**

- 1. Staff recommends that the Commission find that this activity is exempt

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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)(3).

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 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 staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.
3. This action is consistent with 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. Permit Location

**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)(3).

**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.

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**SIGNIFICANT LANDS INVENTORY FINDING:**

Find 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 of a Non-Exclusive General Permit to conduct Geological Surveys for the period of 3 months, September 1, 2016, through November 30, 2016, as designated on the attached Exhibit A, to the San Joaquin County Public Works Department.

