

**STAFF REPORT  
C70**

A 11, 13, 14

S 3, 5, 7

08/17/17  
W 6005.180  
R. B. Greenwood

**CONSIDER AN APPLICATION FOR A  
NON-EXCLUSIVE GEOPHYSICAL SURVEY PERMIT  
ON INLAND SUBMERGED SOVEREIGN LANDS**

**APPLICANT:**

San Diego State University Research Foundation

**BACKGROUND:**

The San Diego State University Research Foundation has applied for a Geophysical Survey Permit to conduct a low-energy sonar survey throughout the open waterways of the Sacramento-San Joaquin Delta, Contra Costa, Sacramento, San Joaquin, and Solano counties; using a Compressed High Intensity Radar Pulse (CHIRP) device to image underlying sediments and side-scan sonar to image the river bathymetry. The project goal is to improve the understanding of location and movement history of geologic faults underneath the Delta by geophysical imaging.

The general terms of this Geophysical Survey Permit require the permittee to provide staff with advance notification of operations and the specifications of the low-energy CHIRP and side-scan sonar devices to be employed. Submission of post-survey reports, including records of environmental observations and incidents, are also required. Staff may obtain copies of all geologic and geophysical data derived from any and all surveys under this permit upon request.

**PROPOSED PERMIT APPLICATION, STAFF ANALYSIS AND RECOMMENDATION:**

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

The San Diego State University Research Foundation is an academic scientific organization that has applied for a permit to conduct low-energy sonar surveys utilizing a CHIRP subbottom profiler and side-scan sonar. Scientific study has been recognized by the courts to be a use consistent with the common law Public Trust Doctrine. (See, for example, *Marks v. Whitney* (1971) 6 Cal.3d 251, 259-260.) Commission staff believes that granting the permit will not interfere with, and is consistent with, the common law Public Trust Doctrine uses at this time, and for the foreseeable term of the permit. Furthermore, the scientific data generated

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by the activity will result in greater public knowledge of geologic faults in the Delta.

For all the reasons above, 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 Geophysical Survey Permit application.

**TERM OF PROPOSED PERMIT:**

4 months, beginning August 17 through December 16, 2017.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

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

**STATUTORY AUTHORITY AND OTHER REFERENCES:**

1. Public Resources Code sections 6005, 6212.3, 6216, 6106, and 6301
2. California Code of Regulations, title 2, section 2905, subdivision (e)(3)
3. California Code of Regulations, title 14, section 15061

**OTHER PERTINENT INFORMATION:**

1. Staff recommends that the Commission find that this activity is exempt from the requirements of the 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.

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**EXHIBIT:**

- A. Permit Region

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirement 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 the Public Trust needs and values, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

**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 of a Non-Exclusive Geophysical Survey Permit to San Diego State University Research Foundation to conduct geophysical surveys for the period August 17 through December 16, 2017, within the Permit Region as designated on the attached Exhibit A.

# EXHIBIT A

## PERMIT REGION

W 6005.180

