

**STAFF REPORT**

**C72**

A 4, 10, 11, 14, 15, 20, 22, 24, 25

08/17/17

W 6005.181

S 2, 3, 7, 9, 10, 13

R. B. Greenwood

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

**APPLICANT:**

United States Geological Survey

**BACKGROUND:**

The United States Geological Survey has applied for a Geophysical Survey Permit (Permit) to conduct low-energy geophysical surveys in San Francisco Bay, San Pablo Bay, and the western Delta region inland waterways, Alameda, Contra Costa, Marin, Napa, Sacramento, San Mateo, Santa Clara, Solano, and Sonoma Counties; to conduct marine research and studies, including: earthquake hazard assessments, tsunami hazard assessments, regional coastal erosion studies, coastal inundation studies, benthic habitat studies, and sediment studies. This Permit applies to estuarine and freshwater bays and confined inland waterways which are not subject to the Commission's open ocean (marine) Offshore Geophysical Survey Permits.

Surveys would be conducted using a small vessel and low-energy geophysical equipment, including echosounders, side-scan sonar, and subbottom profilers, which provide both images of the bay floor and cross-sectional images of the sub-bay floor. Under the general terms of this proposed Geophysical Survey Permit, the permittee is required to provide advance notice to staff of its operations and the specifications of the equipment to be employed. Submission of post-survey biological and logistical reports, including records of observations and incidents, are also required. If requested, staff may obtain copies of all geophysical data derived from any and all surveys under this Permit.

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

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

The United States Geological Survey is a federal agency that conducts underwater surveys and geologic mapping. It has applied for a Permit to conduct low-energy geophysical surveys. 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.) Moreover, this geophysical survey to gather

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scientific data is in the best interests of the State because it is anticipated to provide greater understanding of submerged lands. 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.

Staff recommends approval of this Non-Exclusive Geophysical Survey Permit application.

**TERM OF PROPOSED PERMIT:**

3 years, beginning August 17, 2017, through August 16, 2020.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

Required application and processing fees of \$5,025 have been received.

**STATUTORY AUTHORITY AND OTHER REFERENCES:**

1. Public Resources Code section 6005, 6106, 6212.3, 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 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.

**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 General Permit to the United States Geological Survey to conduct geophysical surveys for the period August 17, 2017, through August 16, 2020, within the Permit Regions as designated on the attached Exhibit A.

# EXHIBIT A

W 6005.181

## Permit Region

