

**STAFF REPORT
C82**

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R. B. Greenwood

NON-EXCLUSIVE GEOLOGICAL SURVEY PERMIT

APPLICANT:

City of Sacramento

BACKGROUND:

The City of Sacramento (Applicant) has applied for a 6-month Non-Exclusive Geological Survey Permit (Permit). The City of Sacramento is a government agency and this authorization would allow the Applicant to collect geologic core samples to provide recommendations for the City's proposed project to replace the existing I Street Bridge. The proposed survey involves drilling of four exploratory boreholes (100 to 240 feet below the mudline, 6.5 and 3.25 inches in diameter) in the bed of the Sacramento River over a period of 16 days. The samples will be collected at the locations depicted in attached Exhibit A using rotary wash drilling methods, down-hole sampling, and standard penetration testing from a self-contained drill-barge platform. The 24-foot by 14-foot drilling barge platform will be anchored to the river bottom, and a small "tool boat" will provide project support. The boreholes will be drilled using a rotary bit and water or bentonite clay drilling fluid using a closed circulating system completely isolated from the river waters. After drilling and sampling, the boreholes will be backfilled with Portland cement. 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, 6106, 6212.2, 6216, and 6301;
California Code of Regulations, title 2, section 2100.

Public Trust and State's Best Interests Analysis:

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 rights and environmental resources; for example, the Permit would be non-exclusive and is limited to 6 months. 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.

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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 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 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)(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).

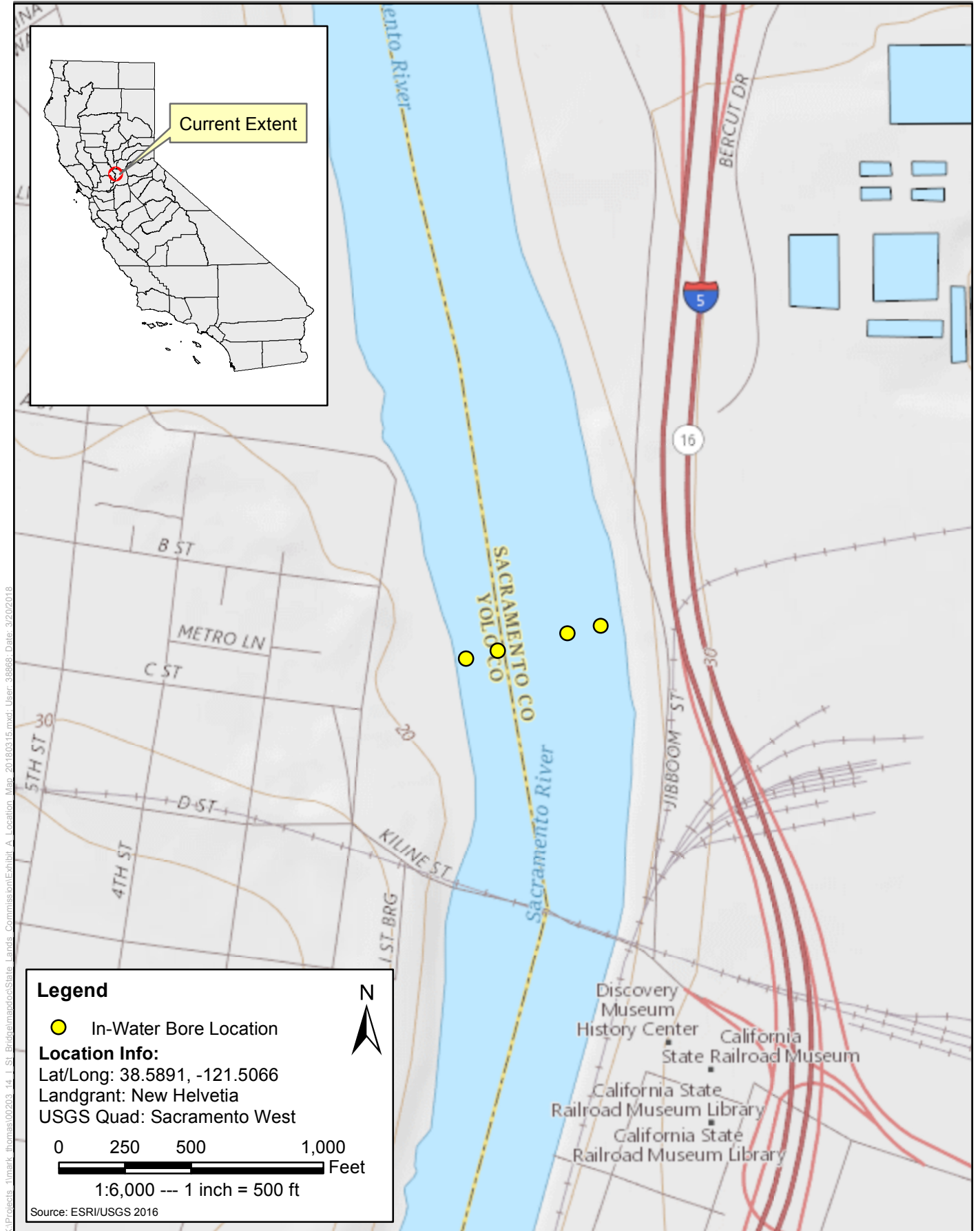
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PUBLIC TRUST AND STATE'S BEST INTERESTS:

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 the City of Sacramento 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.



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Exhibit A
Location Map