

**STAFF REPORT
C76**

A 4, 6, 7, 8, 9, 12, 13

10/18/18

W 6005.193

S 1, 3, 4, 5, 6, 7, 8

R. B. Greenwood

NON-EXCLUSIVE GEOPHYSICAL SURVEY PERMIT

APPLICANT:

United States Geological Survey

BACKGROUND:

The U.S. Geological Survey has applied for a 3-year Geophysical Survey Permit to conduct low-energy geophysical surveys on inland submerged granted and sovereign lands located in Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties; using low-energy geophysical devices 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 equipment to be employed. Submission of post-survey reports, including records of environmental observations and incidents, are also required. Staff may obtain copies of all geological and geophysical data derived from any and all surveys under this Permit upon request.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6212.3, 6216, and 6301; California Code of Regulations, title 2, section 2100.

Public Trust and State's Best Interests Analysis:

The U.S. Geological Survey is a government scientific agency that has applied for a permit to conduct low-energy geophysical surveys in Delta Region. 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.) Staff believes that granting the Permit, which allows occasional short duration daytime geophysical surveys by boat, is consistent with and will not interfere with Public Trust uses at this time, and for the foreseeable term of the Permit.

For all the reasons above, staff believes the approval of the permit

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application is in the best interests of the State. Staff recommends approval of this Non-Exclusive Geophysical Survey Permit application.

TERM OF PROPOSED PERMIT:

3 years, beginning October 18, 2018, through October 17, 2021.

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)(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 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 Regions

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 the 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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AUTHORIZATION:

Authorize issuance of a Non-Exclusive Geophysical Survey Permit to the U.S. Geological Survey to conduct geophysical surveys during the period October 18, 2018, through October 17, 2021, in the areas generally designated on the attached Exhibit A.

EXHIBIT A

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