

**CALENDAR ITEM
C86**

A Statewide

06/29/15

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R. B. Greenwood

**CONSIDER AN APPLICATION FOR A PERMIT TO CONDUCT
A NON-EXCLUSIVE GEOPHYSICAL SURVEY
ON TIDE AND SUBMERGED LANDS
UNDER THE JURISDICTION OF THE
CALIFORNIA STATE LANDS COMMISSION**

APPLICANT:

Bay Marine Services, LLC
Attn.: Mr. Kevin Tweed
10 Commercial Blvd., Suite 100
Novato, CA 94949

BACKGROUND:

Bay Marine Services, Inc. has applied for a statewide offshore Geophysical Survey Permit covered under the California State Lands Commission's (Commission) Low-Energy Offshore Geophysical Permit Program (OGPP). This Permit is issued to qualified companies to perform geophysical surveys of the ocean bottom for purposes including, but not limited to:

- Scientific research, including near-shore sand erosion and deposition surveys, seafloor changes, and seafloor topography and bathymetry;
- Surveying existing pipelines to assess any structural damage or spanning;
- Identifying and avoiding seafloor faults and hazards when designing pipeline and cable projects, reducing the likelihood of ruptures due to these hazards;
- Surveying existing fiber-optic cables and other seafloor structures and utilities to determine how well they are buried;
- Developing maps of hard bottom and essential fish habitat or cultural resources indicating where the placement of permanent or temporary objects (e.g., cables, anchors) should be precluded;
- Searching for the locations of historic shipwrecks, sunken boats, airplanes;
- Auditing and supporting dredging of harbors and navigation channels.

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Low-energy geophysical surveys conducted under the OGPP authorize the use of electromechanical equipment such as echosounders, side-scan sonars, or subbottom profilers, as well as passive equipment such as magnetometers or remotely operated vehicles. The use of high-energy equipment such as airguns or water guns is expressly prohibited by the OGPP Permit. Under the general terms of the OGPP Permit, the Permittee is required to post a \$50,000 surety bond and provide Commission staff advance notification of operations, specifications of equipment to be employed, a Marine Wildlife Contingency Plan, and a Spill Contingency Plan. The Permittee will also submit post-survey reports, including records of observations and/or incidents. Upon request, Commission staff will receive copies of all data derived from any and all surveys under the permit.

PROPOSED PERMIT APPLICATION AND RECOMMENDATION:

Bay Marine Services, Inc. is a subsea survey and mapping company that is generally focused on harbor dredging operations. Other survey applications include sediment transport studies, pipeline routes, archaeological surveys, and benthic habitat surveys. Staff recommends approval of this data-gathering permit application.

TERMS OF PROPOSED PERMIT:

Three (3) years, beginning July 1, 2015, through June 30, 2018.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

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

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code section 6826.
- B. Public Resources Code section 21080, subdivision (c).
- C. California Code of Regulations, Title 2, Article 2.9, section 2100.
- D. California Code of Regulations, Title 14, section 15074.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State California Environmental Quality Act (CEQA) Guidelines (Cal. Code Regs., tit.14, § 15025), Commission staff prepared a Mitigated Negative Declaration (MND) identified as CSLC MND 751, State Clearinghouse No. 2013072021. The MND was prepared and circulated for public review pursuant to the provisions of CEQA, and adopted by the Commission together with a Mitigation Monitoring Program on September 20, 2013 (Calendar Item 120).

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2. On September 20, 2013, the Commission found that, based upon the entire record before the Commission, including the Initial Study, the MND, and the comments received in response thereto, there was no substantial evidence that the program may have a significant effect on the environment; California Code of Regulations, Title 14, section 15074, subdivision (b). A Mitigation Monitoring Program was prepared in conformance with the provisions of CEQA (Pub. Resources Code, § 21081.6).
3. Commission staff prepared an addendum to the previously adopted MND pursuant to California Code of Regulations, Title 14, section 15164, subdivision (b). Commission staff reviewed the proposed changes to the General Permit and Mitigation Monitoring Program and determined that none of the events specified in Public Resources Code section 21166 or section 15162 of the State CEQA Guidelines had occurred, and therefore, no additional CEQA analysis was required.
4. On April 23, 2014, the Commission adopted an addendum to CSLC MND No. 751, State Clearinghouse No. 2013072021, which revised the General Permit and Mitigation Monitoring Program (Calendar Item C67).
5. 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 the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Permit Regions

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDINGS:

1. Find that the MND, CSLC No. 751, State Clearinghouse No. 2013072021, and the Mitigation Monitoring Program were prepared by Commission staff and adopted on September 20, 2013.
2. Find that the addendum to the MND, including a revised General Permit and Mitigation Monitoring Program, was prepared by Commission staff and adopted on April 23, 2014, pursuant to the provisions of CEQA.

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3. Find that the Commission has reviewed and considered the information contained in the previously adopted MND and addendum, and that in the Commission's independent judgment, the scope of activities to be carried out under the permit to be issued under this authorization have been adequately analyzed, that none of the events specified in Public Resources Code section 21166 or State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impacts has occurred, and therefore, no additional CEQA analysis is required.

SIGNIFICANT LANDS:

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 to Bay Marine Services, LLC, of a Non-Exclusive General Permit to conduct low-energy geophysical surveys from July 1, 2015, through June 30, 2018, within Permit Regions I, II, III, and IV as designated on Exhibit A, attached hereto.

EXHIBIT A PERMIT REGIONS

