

**CALENDAR ITEM
C62**

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02/07/17

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W 6005.172

R. B. Greenwood

**CONSIDER APPLICATION FOR A
NON-EXCLUSIVE GEOLOGICAL SURVEY PERMIT
ON FILLED TIDE AND SUBMERGED LANDS NEAR HUNTERS POINT
ADJACENT TO SAN FRANCISCO BAY,
SAN FRANCISCO COUNTY**

APPLICANT:

CP Development Company

BACKGROUND:

CP Development Company has applied for a 1-year Non-Exclusive Geological Survey Permit (Permit). The Permit would allow the gathering of data that will be used in evaluating the feasibility of constructing storm drains on filled tide and submerged lands adjacent to San Francisco Bay near Hunter's Point, located in the City and County of San Francisco. The proposed survey will obtain core samples from two possible locations over a 12-month period by drilling to a maximum depth of 30 feet. Core samples provide soil properties that are used to design shallow storm drain foundations. The core samples will be collected using common drilling methods, down-hole sampling, and testing from a self-contained truck-mounted drilling rig. Additionally, 12 cone penetration tests (CPT) will be conducted to a maximum depth of 100 feet. CPTs are used to demonstrate similar soil properties (as sampled in cores) over a wider area and are also used to identify soil changes with depth. A CPT quickly and inexpensively measures the density of sediments by measuring the resistance encountered in pushing a cone-tipped steel probe into the ground. All sample and CPT locations are depicted on attached Exhibit A.

Using water or bentonite clay drilling fluid, the 6-inch diameter boreholes will be drilled in a closed circulation system isolated from the adjacent bay waters. After drilling and sampling, the boreholes will be backfilled with heavy drill cuttings and clean sand. Any 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.

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STAFF ANALYSIS AND RECOMMENDATION:

Public Trust and State's Best Interests Analysis:

The CP Development Company is a real estate development company, and this authorization would allow the Applicant to conduct geological surveys to investigate subsurface soil conditions and obtain storm drain foundation design data.

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 12 months in length. Commission 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.

For all the reasons above, Commission 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.

TERMS OF PROPOSED PERMIT:

Twelve months beginning February 7, 2017, through February 6, 2018.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

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

STATUTORY AUTHORITY AND OTHER REFERENCES:

- A. Public Resources Code sections 6005, 6212.2, 6106, and 6301
- B. California Code of Regulations, title 2, section 2905, subdivision (e)(1)
- C. California Code of Regulations, title 14, section 15061

OTHER PERTINENT INFORMATION:

1. The staff recommends that the Commission find that this activity is exempt from the requirements of 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).

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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 the Commission's Strategic Plan, Strategy 1.1 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).

PUBLIC TRUST AND STATE'S BEST INTEREST:

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 this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

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AUTHORIZATION:

Authorize issuance of a Non-Exclusive Geological Survey Permit to CP Development Company for the period February 7, 2017, through February 6, 2018, within the project locations as shown on Exhibit A, attached hereto and incorporated by reference herein.

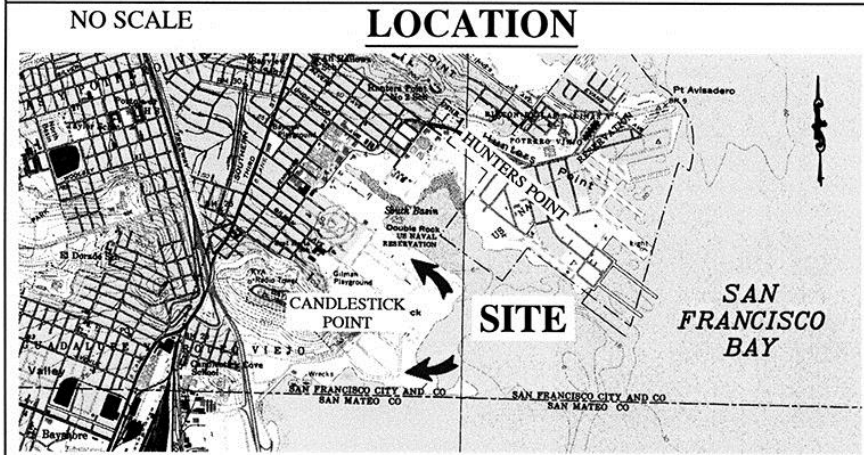
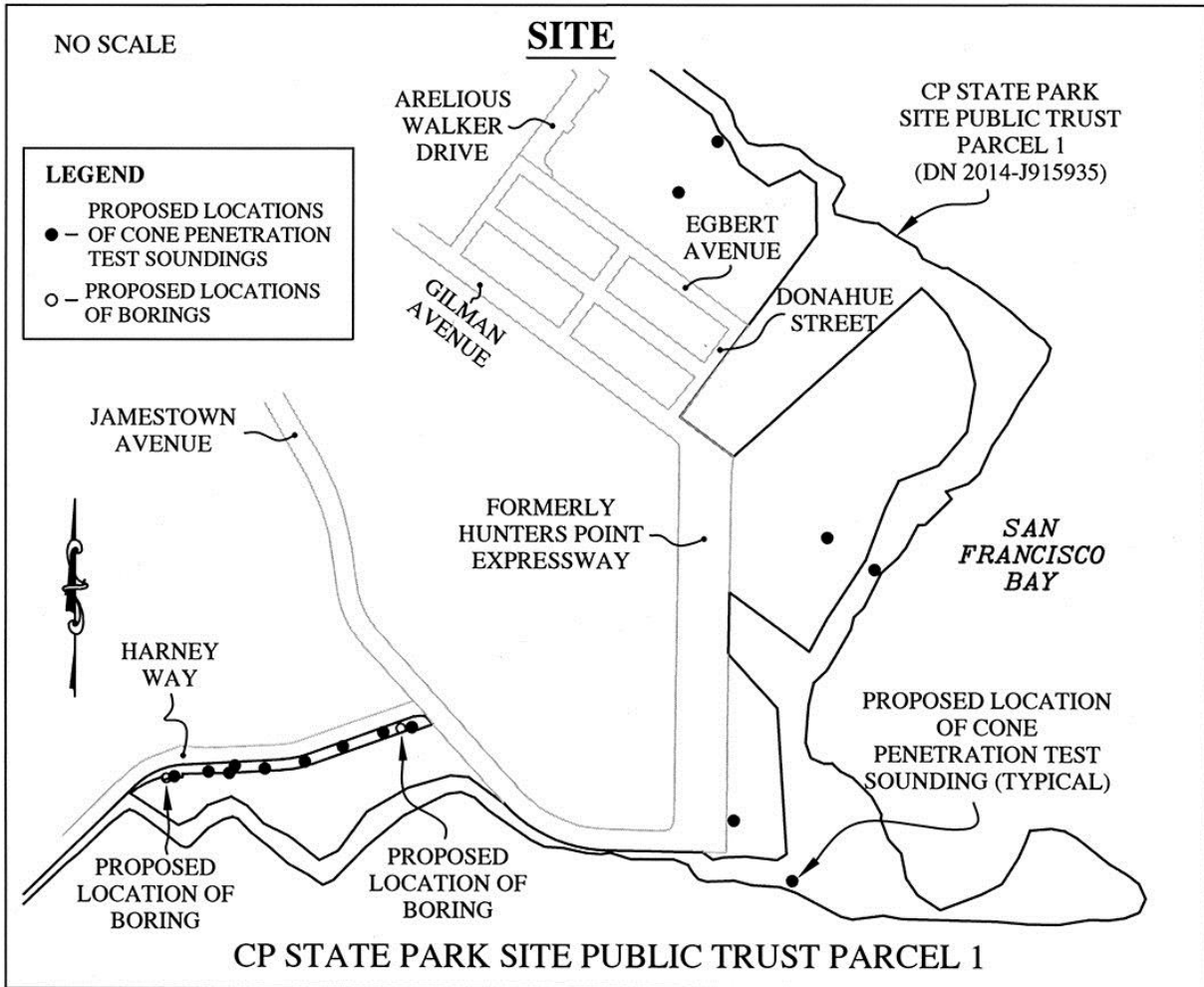


Exhibit A

W 6005.172
 CP DEVELOPMENT CO., LP,
 A DELAWARE LIMITED
 PARTNERSHIP
 GEOLOGIC SURVEY
 PERMIT
 SAN FRANCISCO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.