

# Staff Report 42

## **APPLICANT:**

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Sacramento Area Flood Control Agency

## **PROPOSED ACTION:**

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Issuance of a Non-Exclusive Geological Survey Permit

## **AREA, LAND TYPE, AND LOCATION:**

Sovereign land, Assessor's Parcel Number 002-0010-023, adjacent to the Sacramento River, Sacramento county, as shown on Exhibit A.

## **AUTHORIZED USE:**

The Sacramento Area Flood Control Agency has applied for a 2-year Geological Survey Permit to collect geological information by drilling two shallow borings.

## **TERM:**

2 years, beginning October 22, 2020, through October 21, 2022.

## **CONSIDERATION:**

This soil boring/testing work is being done at the request of the U.S. Army Corps of Engineers, and under the Project Partnership Agreement between the applicant and the U.S. Army Corps of Engineers. The data collected under this permit will be used to evaluate and provide recommendations for the final geotechnical report related to levee conditions for the part of the Sacramento River East Levee Project proposed to be located on sovereign land.

## **SPECIFIC PERMIT PROVISIONS:**

The proposed 59-foot and 137-foot deep borings will be drilled using a truck-mounted 8-inch-diameter hollow-stem auger to groundwater, then continuing drilling via truck-mounted rotary drill rig, with bentonite clay and water drilling fluid. Two support trucks will also be used by the drilling company and two pickup trucks will be on-site to support the field data logging crew. Soil sampling tubes and standard penetration tests will be used. Soil cuttings will be stored in 55-gallon drums

and removed from the site upon completion of drilling, which is anticipated to take 3 days per boring. The borings will be drilled under a Sacramento County Environmental Health Drilling permit and will be backfilled with cement/bentonite grout. The upper 5 feet of the boreholes will be backfilled with soil. There are no known historic or archaeologically significant values located at the project site. An archaeologist and tribal monitor will be on-site to observe the soils up to 20 feet below the levee.

The general terms of this Geological Survey Permit require the permittee to provide staff with advance notification of operations and the specifications of the equipment to be employed. Staff may obtain copies of all geological data derived from any and all surveys under this permit upon request.

## **STAFF ANALYSIS AND RECOMMENDATION:**

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### **AUTHORITY:**

Public Resources Code sections 6005, 6212.2, 6216, and 6301; California Code of Regulations, title 2, section 2100.

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

The Sacramento Area Flood Control Agency is a government agency that has applied for a permit to conduct geological surveys on sovereign land. The statewide public benefit of this Sacramento River East Levee Project is reducing the risk of flood for metropolitan Sacramento, reducing the demands on State services, and augmenting emergency response during a large flood event.

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 2 years. Staff believes that granting the Permit will not substantially interfere with the Public Trust needs at this location at this time and for the foreseeable term of the Permit.

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.

## **OTHER PERTINENT INFORMATION:**

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1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Applicant will not be authorized to conduct geological surveys on sovereign land. Upon expiration or prior termination of the permit, the applicant has no right to a new permit or to renewal of any previous permit.
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.
3. 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.

## **EXHIBIT:**

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A. Location Map

## **RECOMMENDED ACTION:**

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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)(1).

**FINDING:**

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 Sacramento Area Flood Control Agency to conduct geological surveys for the period October 22, 2020, through October 21, 2022, on sovereign land adjacent to the Sacramento River, Sacramento County, as shown on Exhibit A, attached and incorporated by reference herein.

# EXHIBIT A: LOCATION MAP

A2722



Boring Identification	Approximate Boring Depth (Feet)	Approximate Boring Duration (Days)	Drill Method
2F-20-001	137	3	Mud Rotary
2F-20-002	59	2	Mud Rotary