

Staff Report 49

APPLICANT:

The Regents of the University of California, San Diego / Scripps Institution of Oceanography

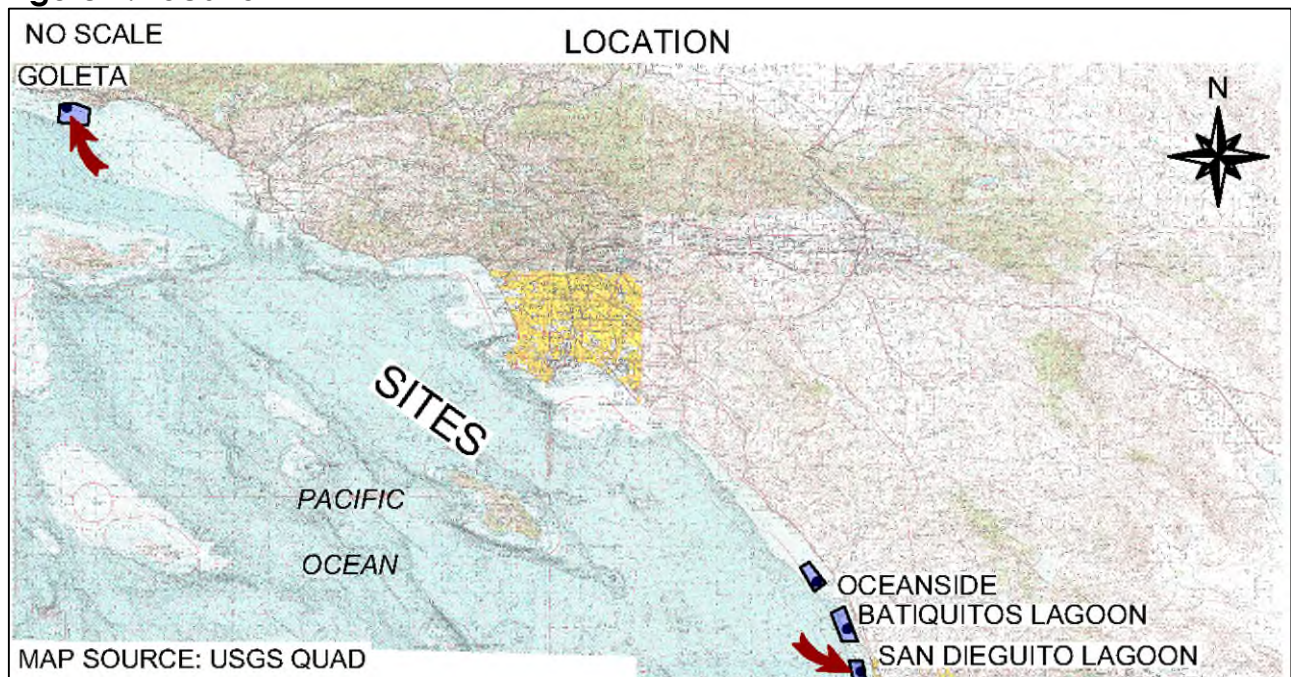
PROPOSED ACTION:

Issuance of a Non-Exclusive Geological Survey Permit.

AREA, LAND TYPE, AND LOCATION:

Ungranted sovereign land near Goleta Slough, Santa Barbara County, and near Batiquitos Lagoon, Santa Margarita River, and San Dieguito Lagoon, San Diego County (as shown in Figure 1).

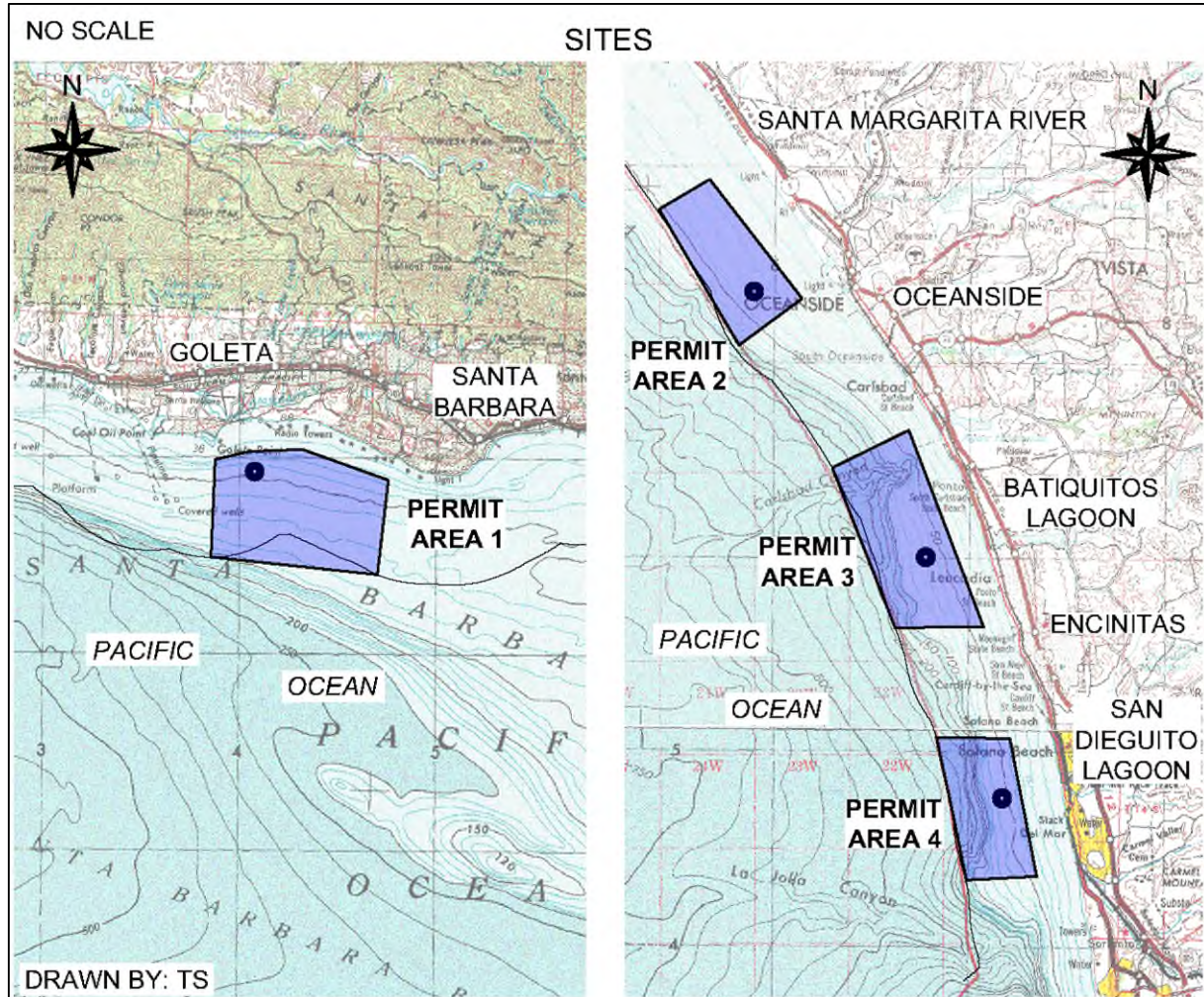
Figure 1. Location



AUTHORIZED USE:

Collection of geological data by utilizing vibracore sampling methods. No activity or method employing rotary drilling operations is authorized by this permit (as shown in Figure 2).

Figure 2. Site Map



TERM:

1 year, beginning December 17, 2024.

SPECIFIC PERMIT PROVISIONS:

- 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.

- No activity or method employing rotary drilling operations is authorized.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

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

PUBLIC TRUST AND STATE'S BEST INTERESTS:

The Regents of the University of California, San Diego / Scripps Institution of Oceanography has applied for a 1-year Geological Survey Permit to collect geological and geotechnical data from ungranted sovereign land near Goleta Slough, Santa Barbara County, and near Batiquitos Lagoon, Santa Margarita River, and San Dieguito Lagoon, San Diego County. The permit will enable the collection of up to 40 vibracore samples of 4 inches in diameter and up to 15 feet deep, across the four sample sites to study the soils of the Younger Dryas period, a time of rapid increase in warming and sea level rise.

Exact vibracore sample sites will be chosen from previously collected survey data and sub-bottom profiling within the permitted survey areas. The vibracores will be collected using a vibracorer. The work is expected to take no more than 10 days.

California courts have recognized the collection of data for scientific study on lands subject to the Public Trust as a use consistent with the common law Public Trust Doctrine. (See e.g., *Marks v. Whitney* (1971) 6 Cal.3d 251, 259-260.)

Additionally, California Public Resources Code section 6212.2 expressly permits the Commission to issue permits for the taking of cores or other samples for the purpose of obtaining geological information so long as the activity is not for the purpose of commercial exploration or exploitation. The proposed permit contains restrictions to safeguard public rights and environmental resources. In addition, the permit grants non-exclusive use of the permit area to the permittee, and the defined work must be completed within 1 year. Furthermore, all work must be conducted in an environmentally conscientious manner.

Given these considerations, staff believe authorizing the permit will not substantially interfere with the Public Trust needs at this location at this time or for the term of the permit.

For all the reasons above, staff believe that approving the permit application does not substantially interfere with Public Trust needs and values and is in the best interests of the State. Staff recommend approval of this Non-Exclusive Geological Survey Permit application.

OTHER PERTINENT INFORMATION:

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. The Applicant is also applying for a Non-Exclusive statewide General Offshore Geophysical Survey Permit. The application will be considered by the Commission, at the same meeting, under a separate staff report.
3. This action is consistent with the "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
4. Staff recommend 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 and California Code of Regulations, title 14, section 15061 and California Code of Regulations, title 2, section 2905.

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 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 Regents of the University of California, San Diego / Scripps Institution of Oceanography to conduct geological surveys for one year, beginning December 17, 2024, to gather geological data by collecting up to 40 vibracores near Goleta Slough, Santa Barbara County and near Batiquitos Lagoon, Santa Margarita River, and San Dieguito Lagoon, San Diego County.