

Staff Report 45

APPLICANT:

Coastal Frontiers Corporation

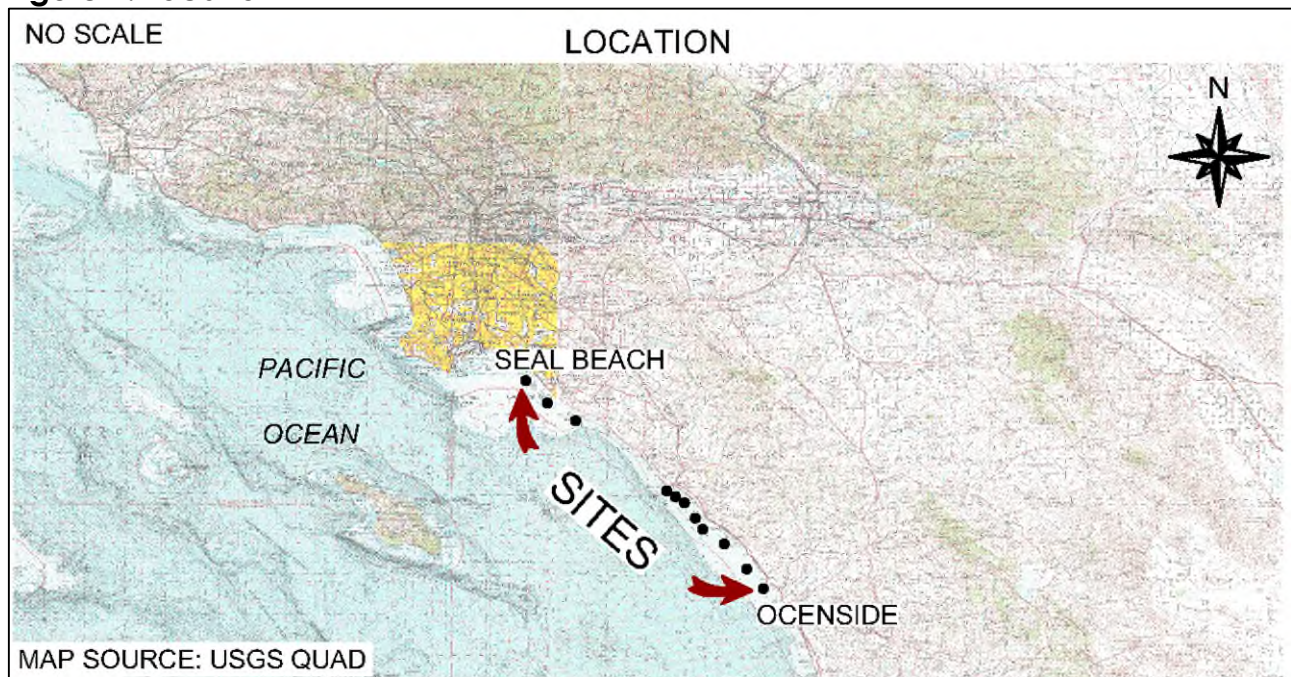
PROPOSED ACTION:

Issuance of a Non-Exclusive Geological Survey Permit.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in 11 predetermined offshore survey areas in Southern California, approximately ranging from Surfside/Sunset Beach, near Seal Beach, Orange County, to the Santa Margarita River, near Oceanside, San Diego County (as shown in Figure 1).

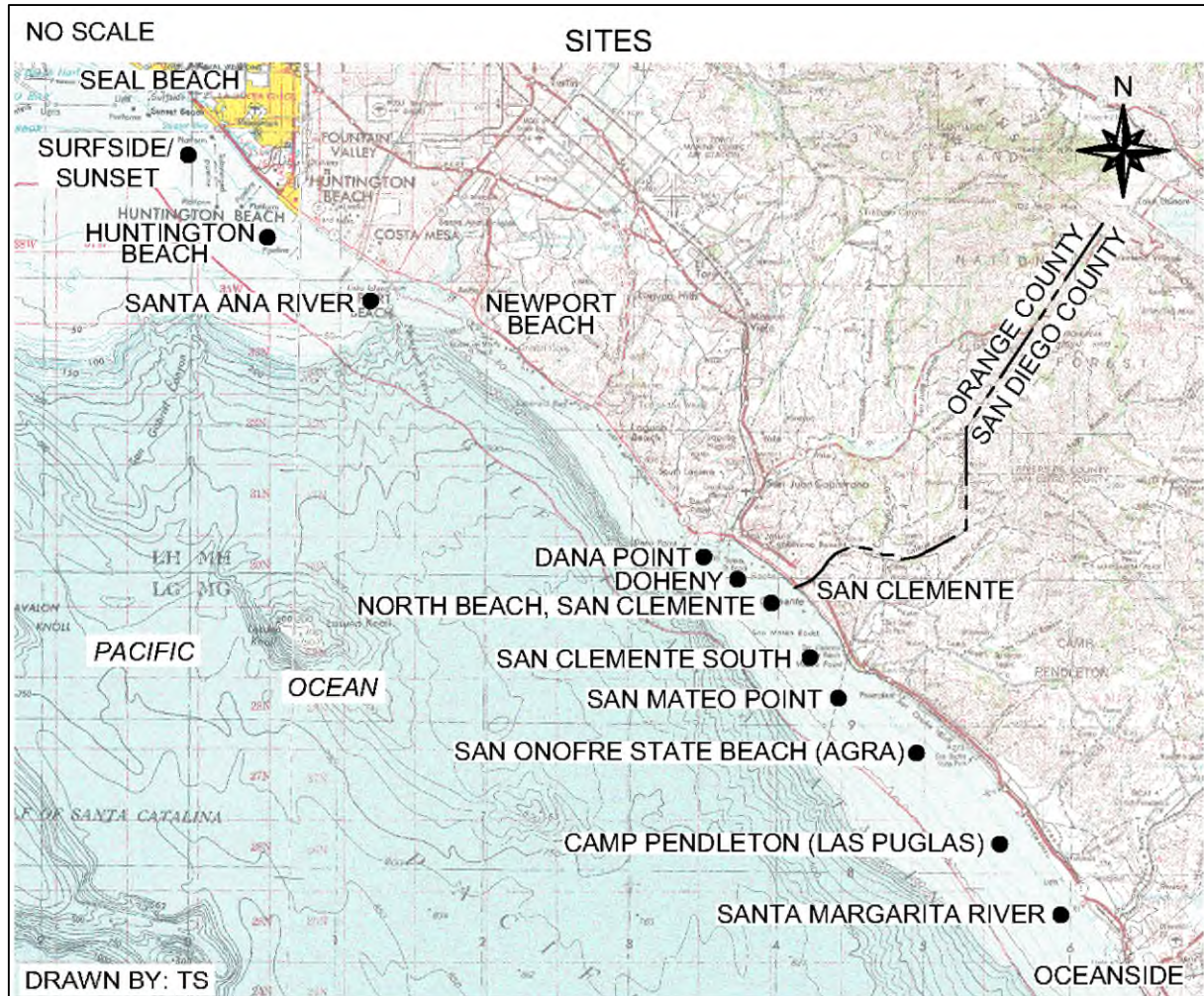
Figure 1. Location



AUTHORIZED USE:

Collection of geological data by vibracore methods (as shown in Figure 2).

Figure 2. Site Map



TERM:

1 year, beginning June 3, 2025.

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.
- The permittee shall only sample cores strictly necessary to analyze donor site suitability. If a site is determined to be inadequate as a donor site based on real-

time findings, no further sampling activities shall take place at that site. The full 20 cores at any one of the authorized sites under this permit shall only be reserved for sites identified as promising donor sites based on real-time findings. The total number of cores authorized under this permit shall not exceed 35.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6212.2, 6216, and 6301.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Coastal Frontiers Corporation applied for a 1-year Geological Survey Permit to collect geological and geotechnical data from sovereign land in 11 predetermined survey areas offshore of Southern California, ranging from Surfside/Sunset Beach, near Seal Beach, Orange County, to the Santa Margarita River, near Oceanside, San Diego County. The permit will enable the collection of 4-inch-diameter vibracores of up to 20 feet deep with a limit of 20 cores at each of the 11 predetermined survey locations as outlined in Figure 2. The total number of cores authorized under this permit shall not exceed 35. The geological sampling covered under this permit supports the collection of geotechnical data necessary for the development and analysis of potential donor sites for beach nourishment as part of the City of San Clemente's (City) coastal resilience and sea level rise adaptation strategies. The City was awarded a grant by the California Coastal Commission to conduct the Offshore Sand Investigation.

Eleven candidate exploration sites have been selected for potential vibracore sampling. The Applicant identified the survey areas using information in the public domain, including investigations conducted by federal and state agencies, universities, local cities and counties, as well as habitat maps and National Oceanic and Atmospheric Administration (NOAA) navigation charts. While this permit authorizes the collection of up to 20 vibracores in the 11 predetermined sites, actual sampling will be dependent on field findings and available budget such that less than 20 cores may be collected per site and not all the identified sites may be sampled. Priority will be given to identifying a suitable borrow site with suitable material and sufficient quantity to support multiple coastal resiliency efforts as close to San Clemente as possible. The permittee shall only sample cores strictly

necessary to analyze donor site suitability. If a site is determined to be inadequate as a donor site based on real-time findings, no further sampling activities shall take place at that site. The full 20 cores per site authorized under this permit shall only be reserved for sites identified as promising donor sites based on real-time findings.

The overall exploration program is expected to be conducted in multiple phases over a period of two to three years and subject to change depending on previous findings and budget. This permit only authorizes the first phase of the overall exploration plan as defined in this permit. The applicant must apply again for a geological or geophysical permit for any sampling/surveying beyond the scope of this permit.

Sampling activities authorized under this permit are expected to take about one week, with each site expected to take one to two days depending on the number of cores taken at each site and budget. Under the current plan, not every site is expected to be sampled. If additional funding is secured, the plan may change to extend the timeline and sample more of the eleven predetermined survey areas or to take more cores than planned from each sampled area but not to exceed the permitted allowance.

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. Furthermore, all work must be conducted in an environmentally conscientious manner. The drilling contractor will take all necessary precautions to minimize environmental impacts, including but not limited to disposing of all drilling fluids and cuttings in a safe and legal manner. 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.

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 the 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 the "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
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 14, section 15306.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15061.

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 14, section 15306.

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 Applicant to conduct geological surveys for one year, beginning June 3, 2025, to gather geological data by conducting core sampling as described in the Permit.