

# Staff Report 49

## APPLICANT:

City of Lathrop

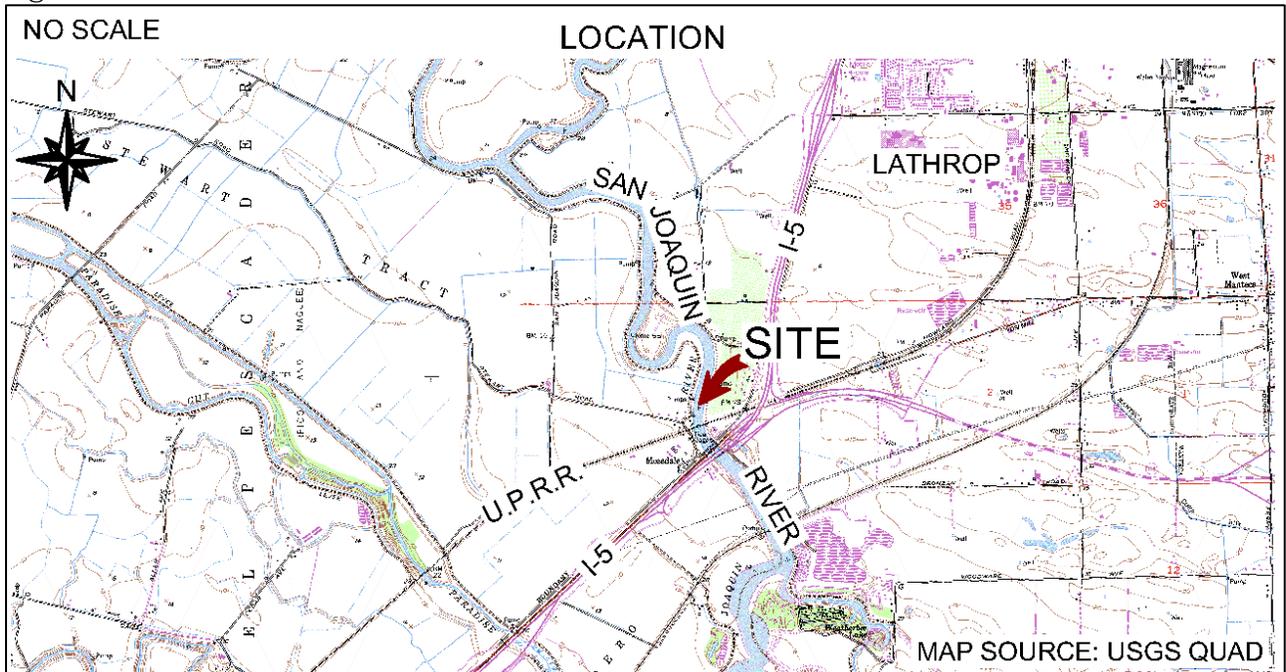
## PROPOSED ACTION:

Issuance of a Non-Exclusive Geological Survey Permit.

## AREA, LAND TYPE, AND LOCATION:

Sovereign land in the San Joaquin River, North of the Mossdale Railroad Bridge, in Lathrop, San Joaquin County (as shown in Figure 1).

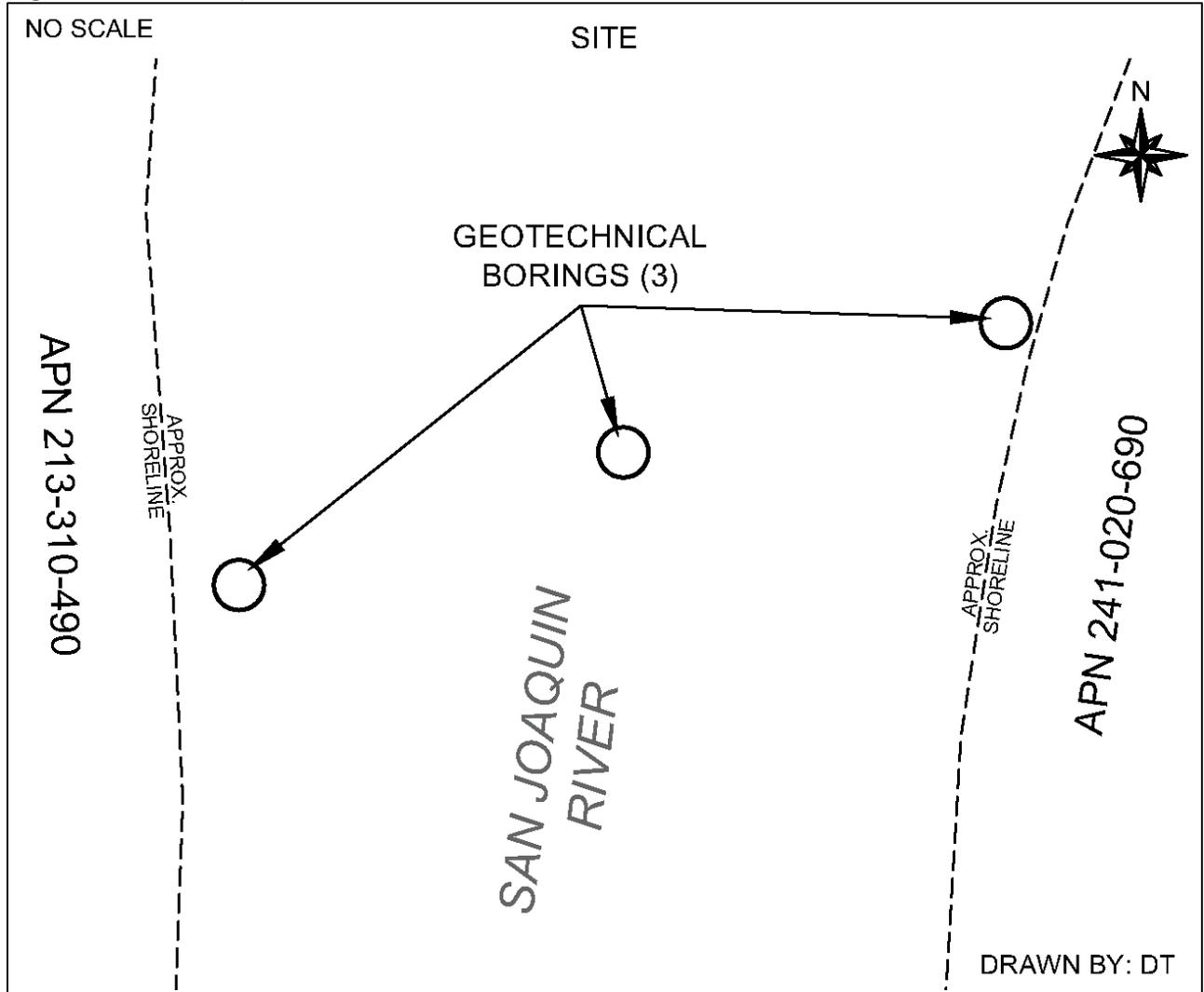
Figure 1. Location



AUTHORIZED USE:

Collection of geological data by mud-rotary drilling method (as shown in Figure 2).

Figure 2. Site Map



NOTE: This depiction of the lease premises is based on unverified information provided by the Applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

TERM:

1 year, beginning February 9, 2026.

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.

## 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 et seq.

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

The City of Lathrop applied for a 1-year Geological Survey Permit to collect geological and geotechnical data from sovereign land in 3 locations in the San Joaquin River, North of the Mossdale Railroad Bridge, in Lathrop, San Joaquin County. The permit will authorize three mud-rotary drillings of 4-inch diameter and 175-feet deep. This sampling will collect geotechnical data to support the design process for the new bridge and associated roadway to replace the Manthey Road Bridge that has been deemed structurally deficient and functionally obsolete by the California Department of Transportation.

Drilling mud will extend from the drilling barge to approximately 10 feet below the mudline to achieve an adequate seal and will be in contact with soils from approximately 10 to 175 feet below the mudline. A San Joaquin County Environmental Health Specialist will be present during the drilling and sealing of all holes in the river in accordance with the San Joaquin County Well Standards.

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 authorizes 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 one year.

For all the reasons above, staff believes 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 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 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.

## APPROVALS REQUIRED:

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- California Department of Fish and Wildlife
- Central Valley Flood Protection Board
- U.S. Army Corps of Engineers

## 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 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 February 9, 2026, to gather geological data by conducting core sampling as described in the Permit.