

Staff Report 51

APPLICANT:

U.S. Army Corps of Engineers

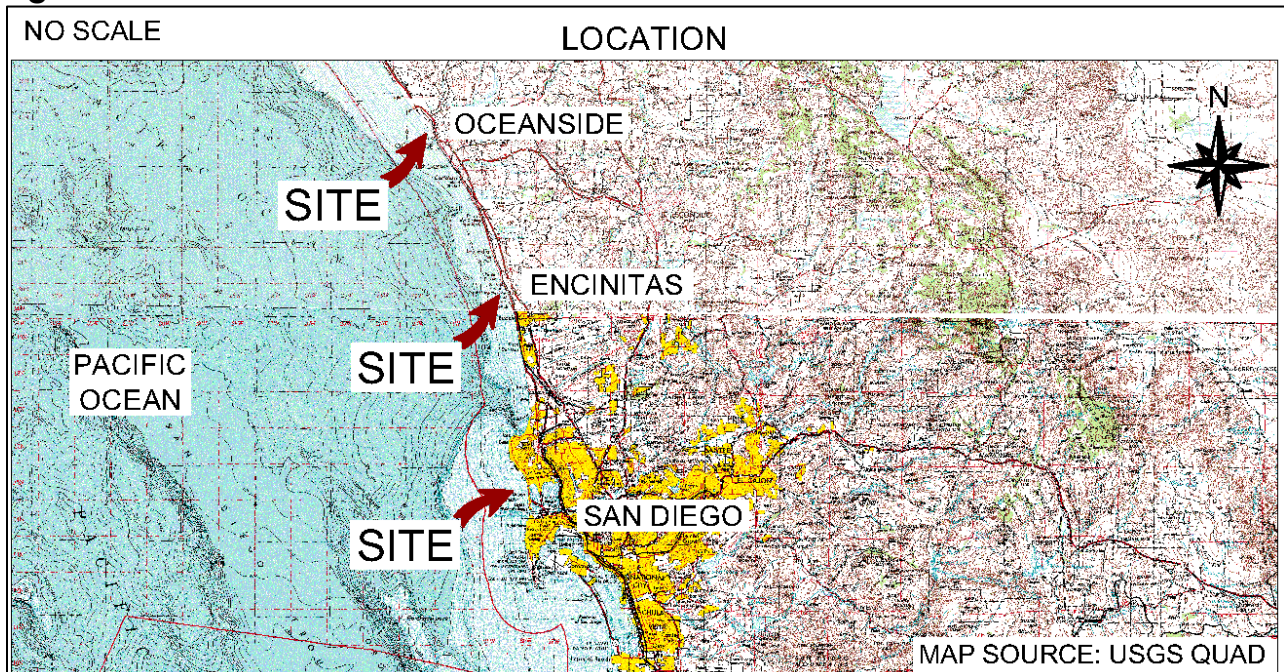
PROPOSED ACTION:

Issuance of a Non-Exclusive Geological Survey Permit.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in three predetermined offshore survey areas in Southern California including Oceanside Harbor, Oceanside, San Diego County; offshore Cardiff State Beach, Cardiff, San Diego County; and offshore Mission Beach, San Diego, San Diego County (as shown in Figure 1).

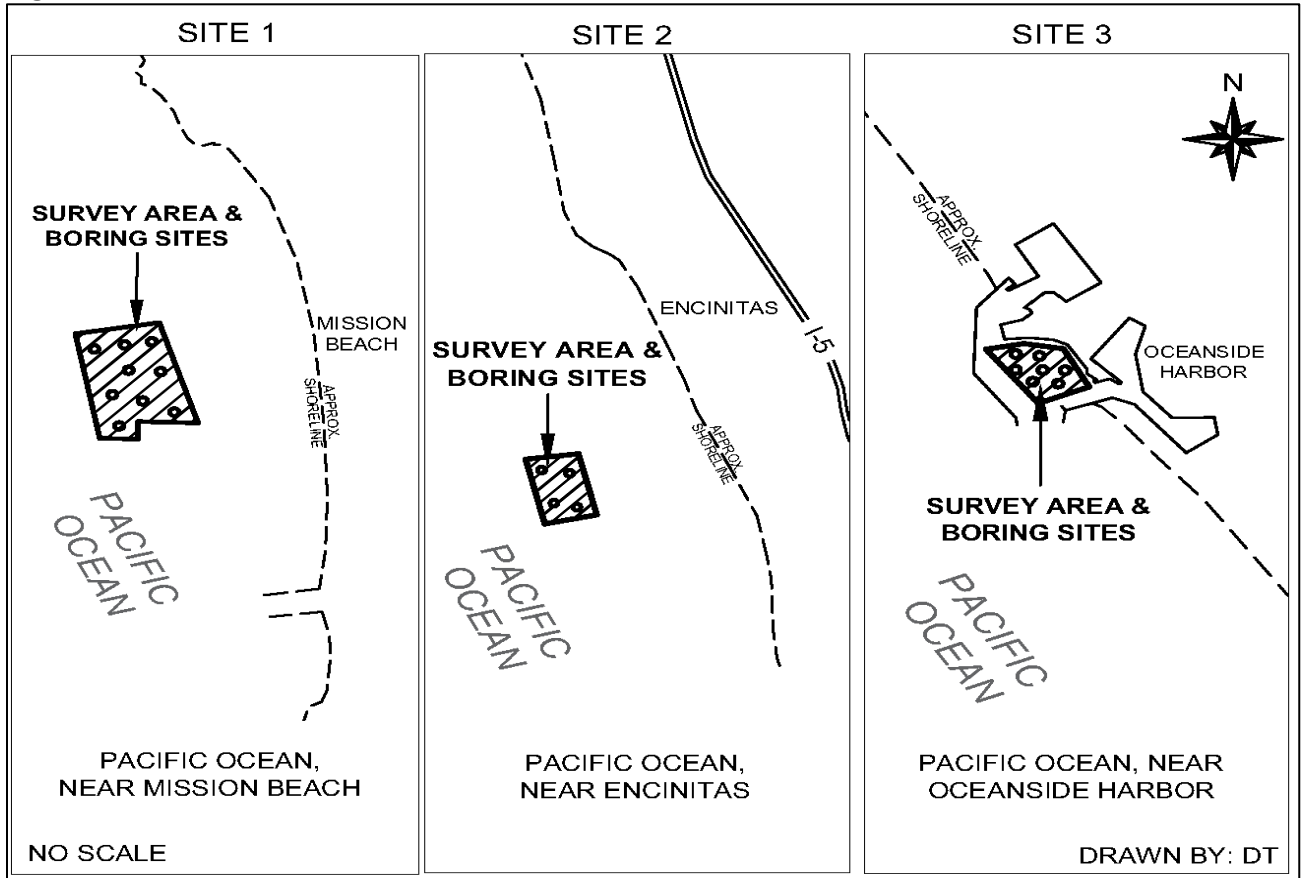
Figure 1. Location



AUTHORIZED USE:

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

Figure 2. Site Map



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 April 7, 2026.

SPECIFIC LEASE PROVISIONS:

The general terms of this Geological Survey Permit require the permittee to provide staff with advance notification of operations, including identification of the vessels deployed and locations and depth of the sampling, as well as a field operations report following any survey activities. The permit requires staff approval of sampling locations. Staff may obtain copies of all geological data derived from any surveys under this permit upon request.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

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

PUBLIC TRUST AND STATE'S BEST INTERESTS:

The U.S. Army Corps of Engineers applied for a 1-year Geological Survey Permit to collect geological and geotechnical data from sovereign land in three predetermined offshore survey areas in Southern California, including Oceanside Harbor, Oceanside, San Diego County; offshore Cardiff State Beach, Cardiff, San Diego County; and offshore Mission Beach, San Diego, San Diego County. The permit will enable the collection of vibracores of 4-inch diameter and up to 20-feet deep. Twenty samples are planned to be collected with a maximum of 25 vibracore attempts in the sampling areas. The Applicant has also applied for a General Offshore Geophysical Survey Permit to help determine exact sampling locations within each survey area. The geophysical permit is also scheduled for the April 7, 2026 Commission meeting.

The geological sampling covered under this permit supports the collection of geotechnical data to identify potential sources of sediment for beach and nearshore sand replenishment projects in Oceanside and Carlsbad.

The Applicant has notified the California Coastal Commission of the proposed geological and geophysical surveys. California Coastal Commission staff agree with the U.S. Army Corps of Engineers that the proposed project will not adversely affect coastal zone resources and concur with the Negative Determination No. ND-0001-26.

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 such that the Permittee shall perform all work with due regard for the preservation of property covered under this permit, potential environmental impacts, and with due caution to minimize damages to

third parties. 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 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 April 7, 2026, to gather geological data by conducting core sampling as described in the Permit.