

# Staff Report 43

## APPLICANT:

Sacramento County Department of Transportation

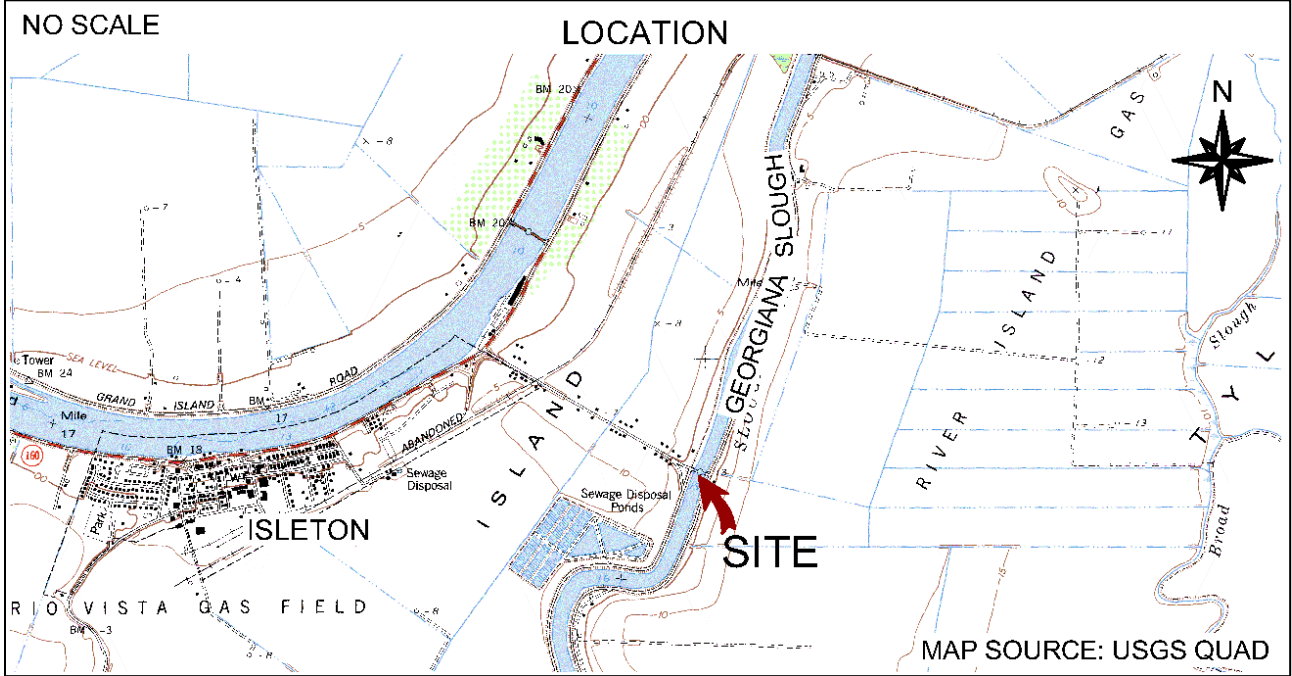
## PROPOSED ACTION:

Issuance of a Non-Exclusive Geological Survey Permit.

## AREA, LAND TYPE, AND LOCATION:

Sovereign land in Georgiana Slough, South of the Tyler Island Bridge, in Sacramento County (as shown in Figure 1).

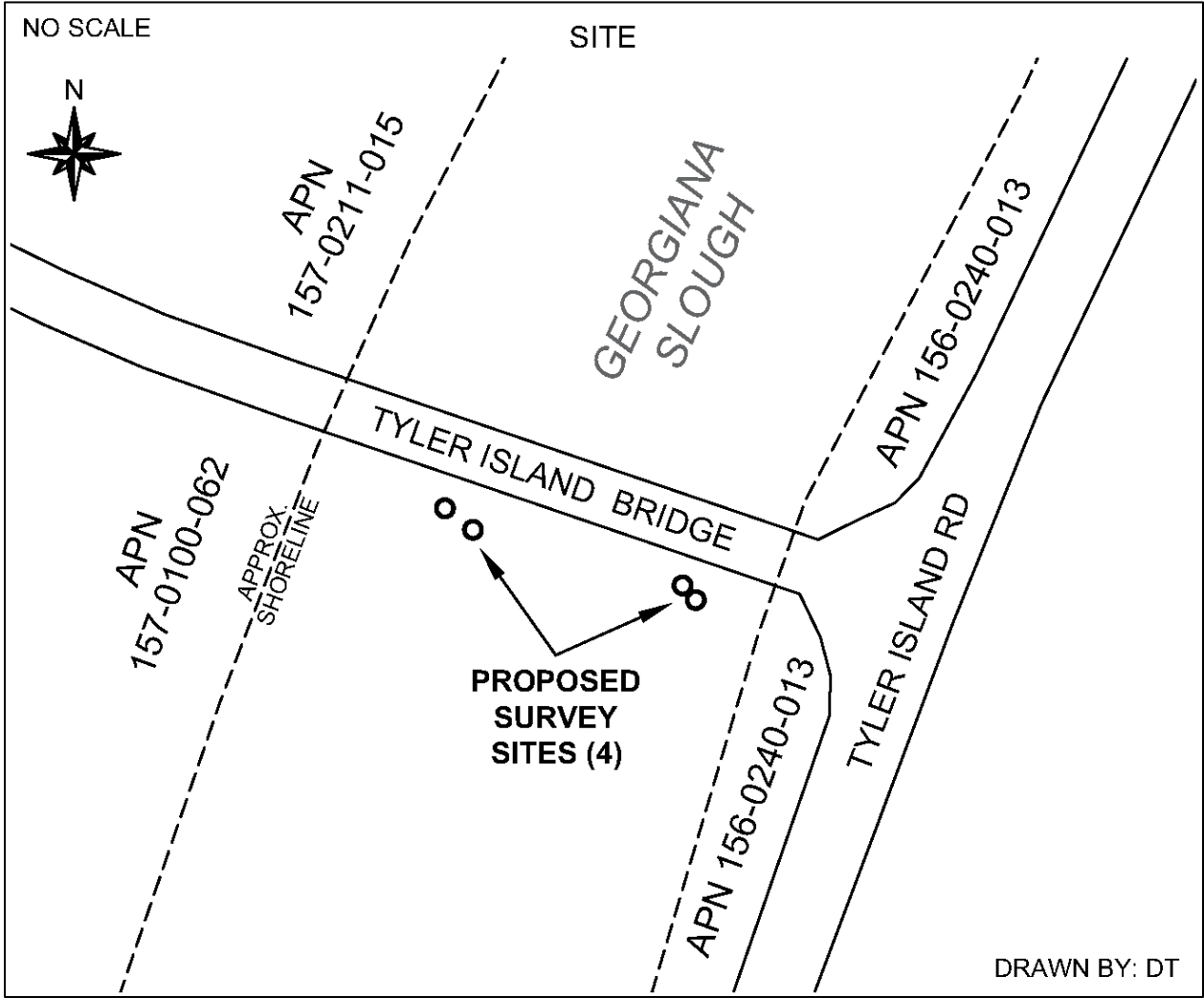
Figure 1. Location



**AUTHORIZED USE:**

Collection of geological data by mud-rotary drilling methods and cone penetrometer test soundings (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 June 23, 2026.

**SPECIFIC PERMIT 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. The permittee must perform all work with due regard for the preservation of property and potential environmental impacts, and with due caution to minimize damages to third parties. The work must be completed within one year.

**STAFF ANALYSIS AND RECOMMENDATION:**

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**AUTHORITY:**

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

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

Sacramento County Department of Transportation applied for a 1-year Geological Survey Permit to collect geological and geotechnical data from sovereign land in Georgiana Slough, South of Tyler Island Bridge, in Sacramento County. The permit will enable the collection of up to two mud-rotary borings and up to two cone penetrometer testing (CPT) soundings. The borings will be 4-inch diameter and up to 120 feet deep. The two CPT soundings will use a 3.25-inch diameter casing lowered to at least 10-feet under the mudline and from there, a 1.5-inch diameter push cone rod within the casing advanced to a depth of up to 100 feet.

Routine bridge inspections of the Tyler Island Bridge Road over Georgiana Slough have determined the existing bridge to have deficiencies including foundation scour. The geological sampling covered under this permit supports the collection of geotechnical data necessary to analyze subsurface conditions and create soil profiles for foundation analysis and development of a preventative maintenance plan.

Drilling mud will not come into contact with other soils except at the wireline casing tip during drilling. Drill cuttings will be drummed for removal and offsite disposal. Once sampling is completed, all borings and CPT soundings will be backfilled/sealed with a concrete grout mix. Borings and CPT backfills will be performed in compliance with the United States Army Corps of Engineers

guidelines, California regulations and industry standards, and the Sacramento County Environmental Management Department well requirements.

Sampling is expected to take approximately four days to complete, with working hours of 7am to 5pm.

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 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 believes that approving the permit application does 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. 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.

## **APPROVAL OBTAINED:**

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- California Department of Fish and Wildlife (EPIMS-SAC-58445-R3)

## **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 the 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 23, 2026, to gather geological data by conducting mud-rotary drillings and cone penetrometer test soundings as described in the Permit.