

Staff Report 06

APPLICANT:

California Department of Transportation

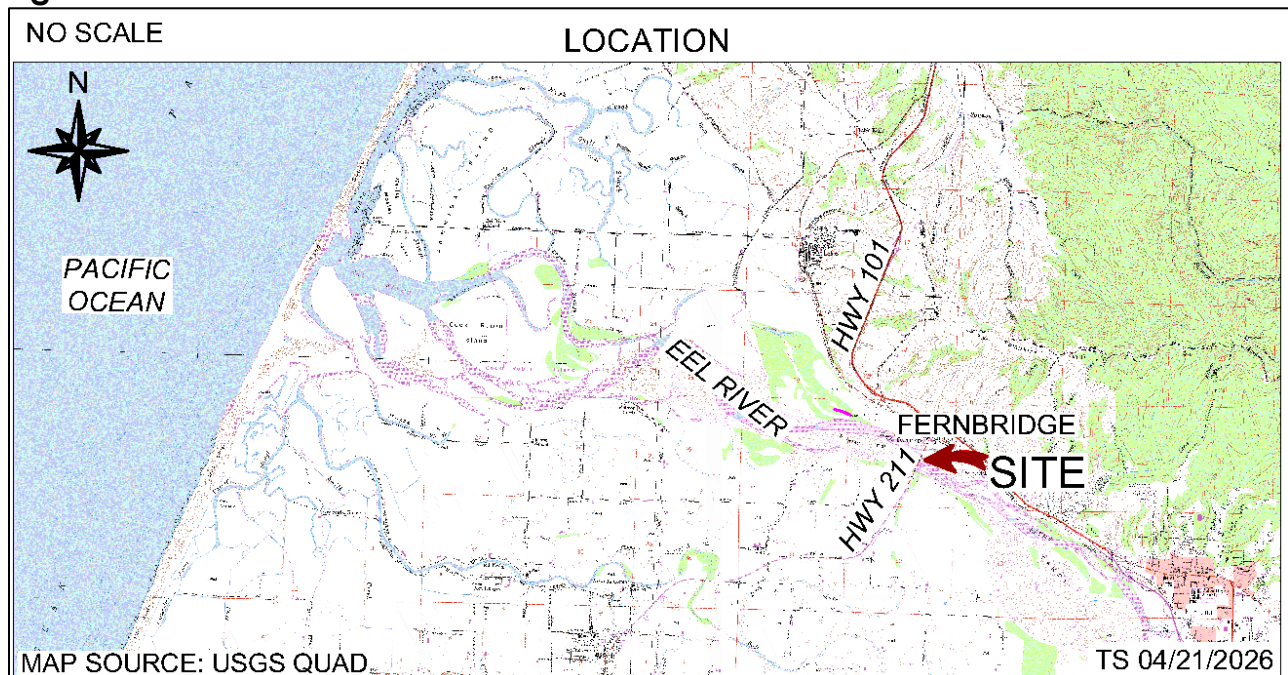
PROPOSED ACTION:

Issuance of a Non-Exclusive Geological Survey Permit.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Eel River, Southeast of State Highway 211 crossing the Eel River, Humboldt County (as shown in Figure 1).

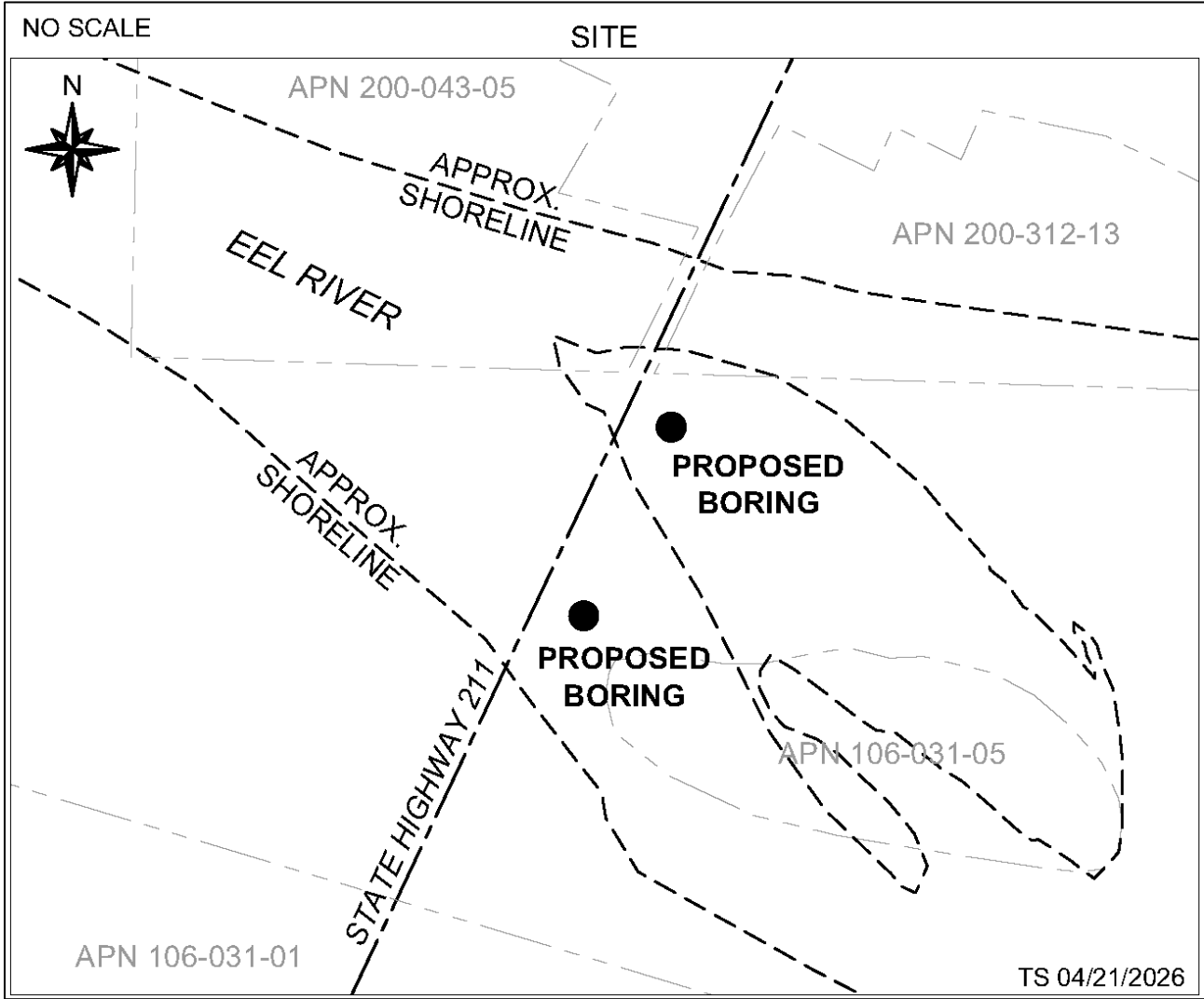
Figure 1. Location



AUTHORIZED USE:

Collection of geological data by mud-rotary drilling methods and standard penetration tests (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:

3 years, beginning June 23, 2026.

SPECIFIC LEASE PROVISIONS:

The general terms of this Geological Survey Permit require the permittee to provide staff with advance notification of operations, including 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 three years.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

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

PUBLIC TRUST AND STATE'S BEST INTERESTS:

The California Department of Transportation applied for a 3-year Geological Survey Permit to collect geological and geotechnical data from sovereign land in the Eel River, Southeast of State Highway 211 crossing the Eel River, Humboldt County. The permit will enable the collection of up to two mud-rotary borings up to 300 feet deep using an 8-inch outer steel casing and a 94-millimeter drill bit. Sampling of these borings will rely on Standard Penetration Tests using a split-spoon sample tube approximately 25.6 inches long with an outside diameter of two inches and an inside diameter of 1.4 inches. The tube will be driven into the ground at desired sampling intervals in the borehole from blows of a 140-pound slide hammer, free falling 30-inches, driving the tube 18-inches into the ground or until refusal. Sampling equipment will be truck-mounted, and sampling work will depend on the gravel bed of the Eel River being exposed. Drilling fluid will be contained in a closed system including the steel casing, drill rod, and mud tank. Drillers will take precautions and use Best Management Practices to mitigate excessive noise and minimize possible equipment leaks and drilling fluid spillage.

Once the borings are completed, soil cuttings and drilling fluid from sampling will be placed into 55-gallon drums for hazardous waste characterization and appropriate disposal. The borings will be destroyed in accordance with Humboldt County Health Department requirements.

The geotechnical information gathered from sampling authorized under this permit is part of the investigation that will be used to design the embankments and foundations to rehabilitate or replace State Highway 211 over the Eel River.

Each boring is expected to take approximately three to four days to complete. A total of seven borings are planned in the surrounding area, but only two of which are within the Commission's jurisdiction. Total drilling in the community is estimated to take eight to nine weeks with sampling only being performed Monday through Thursday.

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 three years.

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:

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:

- Coastal Development Permit De Minimis Waiver (1-26-0270-W)

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 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 three years, beginning June 23, 2026, to gather geological data by conducting mud-rotary drillings and standard penetration tests as described in the Permit.