

Staff Report 23

APPLICANT:

West Sacramento Area Flood Control Agency

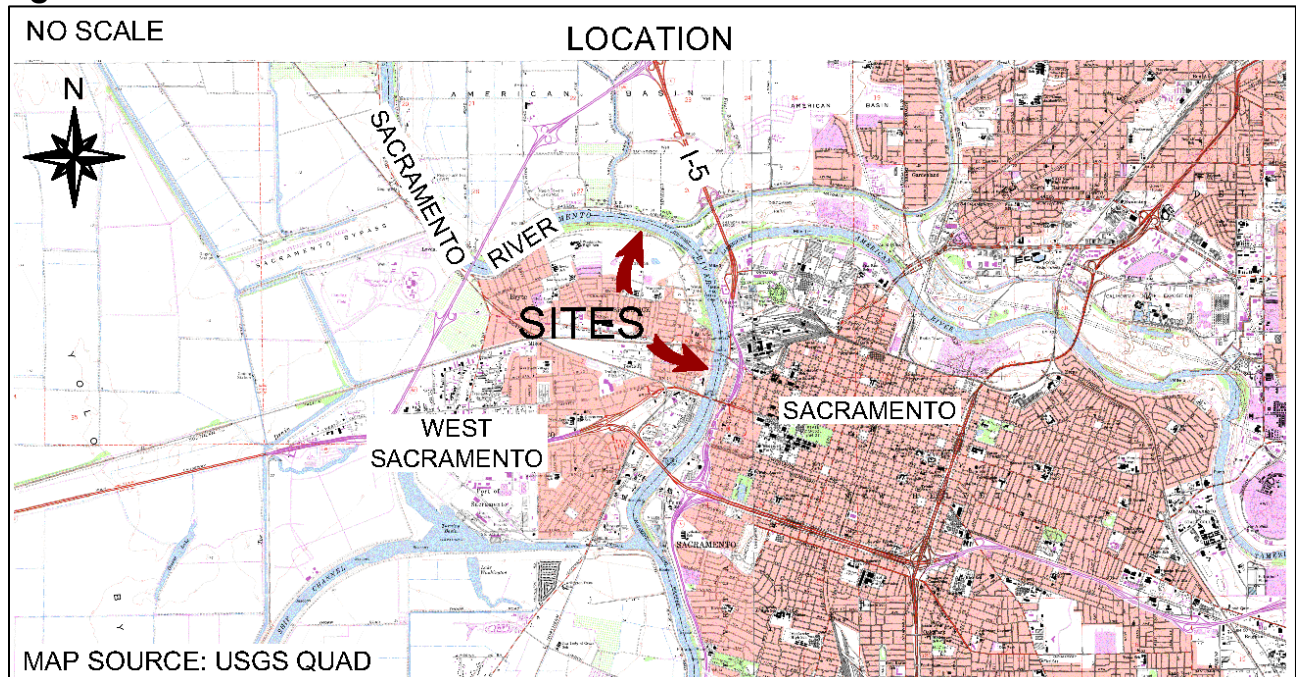
PROPOSED ACTION:

Issuance of a Non-Exclusive Geological Survey Permit.

AREA, LAND TYPE, AND LOCATION:

Sovereign land on right bank of the Sacramento River in Assessor's Parcel Numbers (APN) 014-760-002; 010-422-013; 010-473-019; and 014-760-001, West Sacramento, Yolo County (as shown in Figure 1).

Figure 1. Location



AUTHORIZED USE:

Collection of geological data utilizing hollow-stem auger and mud-rotary drilling methods (as shown in Figures 2A through 2C).

Figure 2A. Site Map

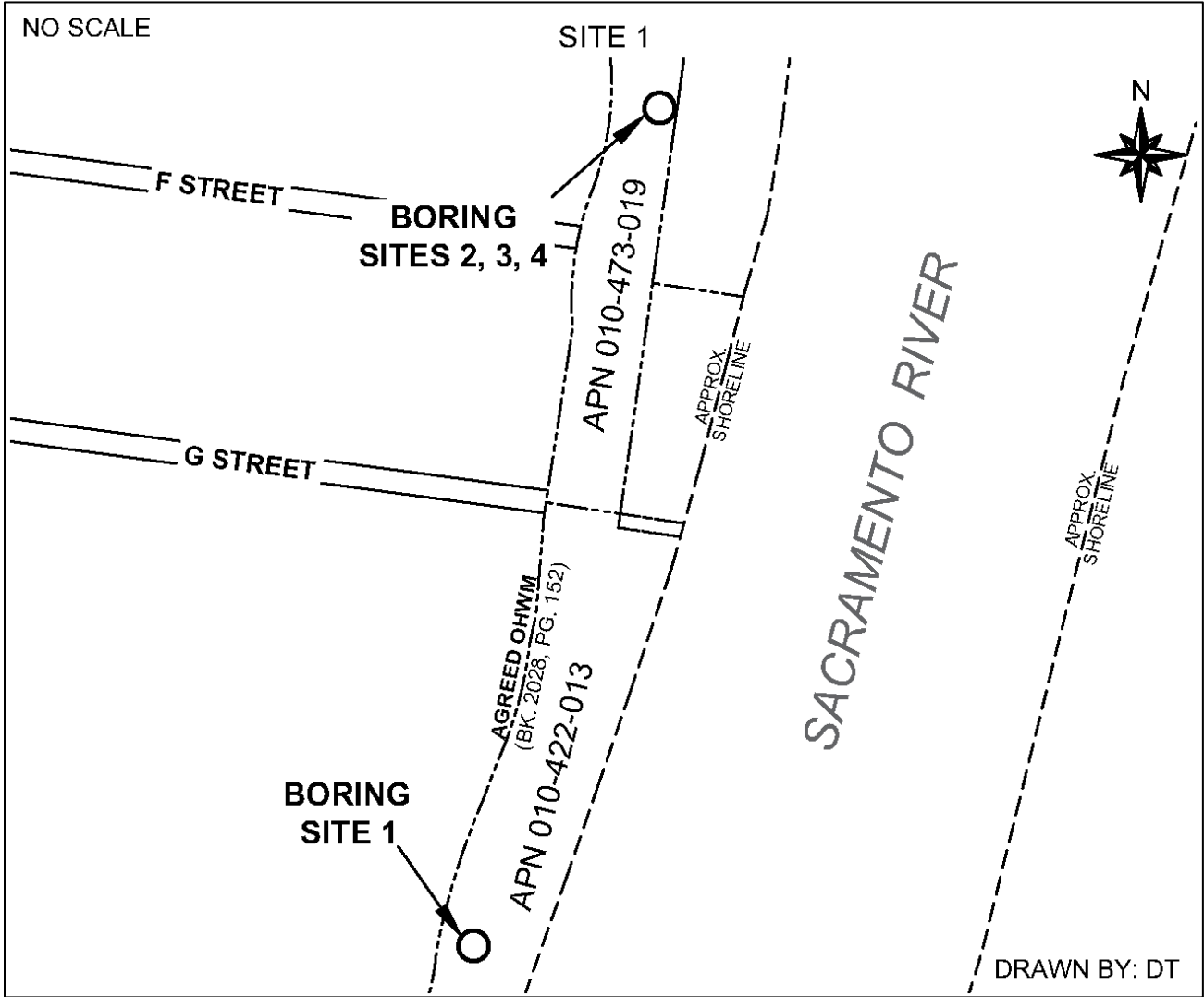


Figure 2B. Site Map

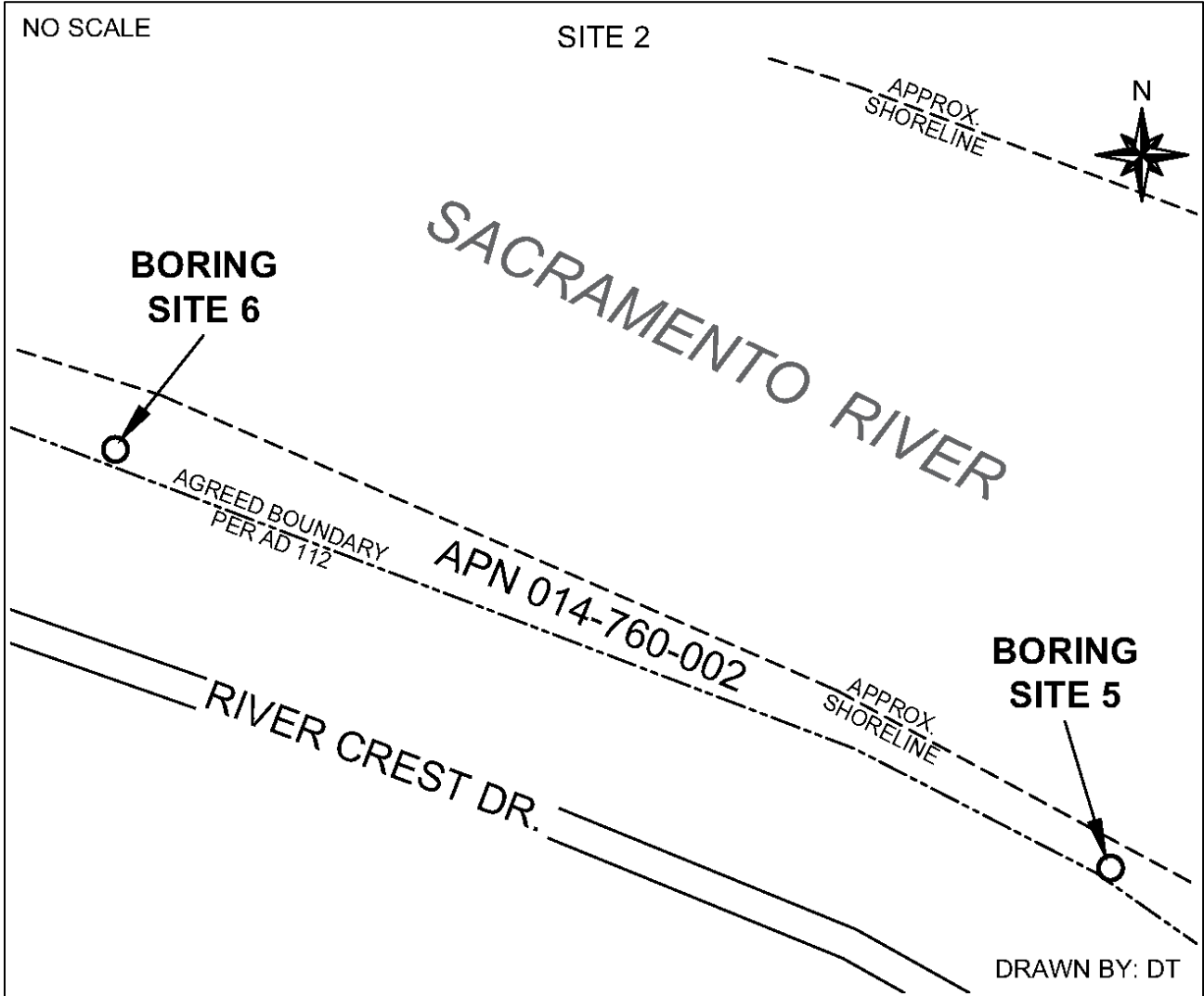
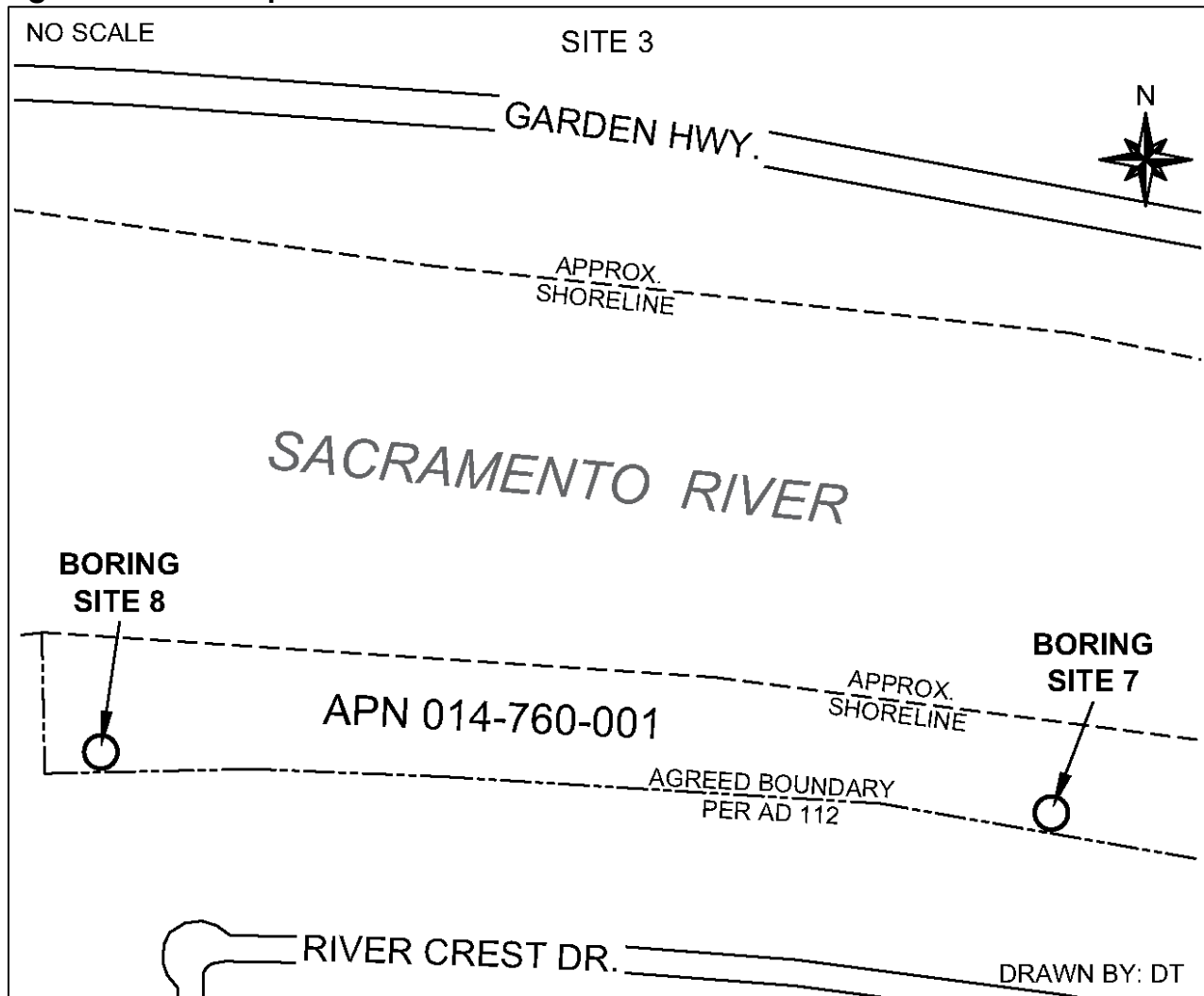


Figure 2C. Site Map



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 August 25, 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 vehicles 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. 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:

AUTHORITY:

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

PUBLIC TRUST AND STATE'S BEST INTERESTS:

West Sacramento Area Flood Control Agency applied for a 1-year Geological Survey Permit to collect geological and geotechnical data from sovereign land on the right bank of the Sacramento River in APNs 014-760-002; 010-422-013; 010-473-019; and 014-760-001 in the city of West Sacramento, Yolo County. The permit will authorize the collection of up to six borings and two companion borings utilizing a combination of hollow-stem auger and mud-rotary drilling methods. The inside diameter for the hollow stem augers will be 6.25-inches which will create approximately 10.5-inch diameter boreholes. The mud-rotary drill bit will be 4.875-inches which will create 5-inch diameter boreholes. If caving conditions occur during mud-rotary drilling, the Permittee can switch to using a 3.7-inch diameter casing which will create 4-inch diameter boreholes. Sampling may also include using Standard Penetration Testing, California Modified Sampling, or Shelby tube sampling techniques. Companion borings will be sampled similar to the other borings, but sampling near the end of the borehole will occur using a 3-inch Shelby tube. The borings will be up to 120 feet deep and the companion borings up to 50 feet deep. Drilling will be conducted using land-based drilling equipment such as a CME-55 tracked carrier auger drilling rig or similar equipment.

The geological sampling covered under this permit supports the collection of geotechnical data to supplement existing subsurface information to characterize riverbank erodibility and assess subsurface soils. The data will support erosion protection design and levees improvement planning to contribute to legislative requirement compliance to achieve 200-year level of flood protection for urban areas.

The proposed borings are located in lands currently under leases 7967 and 7983. On December 5, 2012, the Commission authorized assignment and amendment of Lease 7967, a General Lease – Protective Structure and Recreational Use, to The Rivers Community Association Inc. for the repair of existing bank stabilization and

construction, use, and maintenance of new bank stabilization and a habitat enhancement project, including a pedestrian trail; and the removal of 15 pilings in the bed of the Sacramento River ([Item 21](#)). On April 26, 2013, the Commission authorized issuance of Lease 7983, a General Lease – Public Agency Use and Protective Structure, to the City of West Sacramento for the continued use and maintenance of riverfront improvements, open space, public access, preservation and enhancement of riparian habitat, levee structure, and bank protection, associated with the West Sacramento Riverfront Improvement Project, also known as River Walk Park ([Item 29](#)). For public safety during drilling operations, the Permittee will implement temporary trail closures on State lands. Approximately 0.75 miles of trail will be temporarily barricaded at both access points and are expected to last approximately one week. Additional temporary closures will occur along the Riverwalk Trail on State lands between the I-Street bridge and the Tower Bridge for approximately one week. Closures will be limited to the minimum area and duration necessary to safely complete the work and will be coordinated with the adjacent communities and the City of West Sacramento. The Applicant has reached out to The Rivers Community, and the Community has no objections, but requested advance notice of trails closures to disseminate to the homeowners.

Upon sampling completion, the Permittee will grout each borehole to prevent vertical migration of water between soil strata, consistent with Yolo County drilling requirements. All drill cuttings, grout residuals, and other materials generated from sampling will be containerized and transported to an appropriately permitted disposal facility.

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:

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:

- Yolo County Monitoring Well and Exploratory Boring Permit

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; 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 August 25, 2026, to gather geological data utilizing hollow-stem auger and mud-rotary drilling methods as described in the Permit.