

CALIFORNIA STATE LANDS COMMISSION
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Established in 1938

March 7, 2016

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Subject: California State Lands Commission's Geophysical Survey Permit Program's Draft Regulations – Informal Comment Period

To All Interested Parties:

The California State Lands Commission (CSLC) is soliciting comments on its Geophysical Survey Permit Program's (Program) draft regulations and associated permits during a 30-day informal public comment period. The purpose of the proposed regulations (Title 2, Division 3, Chapter 1, Article 2.9) is to establish conditions to ensure that geophysical surveys performed on State lands are conducted in a manner that ensures public safety and protection of the environment and to address and minimize potential impacts to aquatic life or to the marine and coastal environment as required by statute. The authority for these proposed regulations is found in section 6212.3 of the Public Resources Code. This informal public comment period is intended to solicit comments and suggestions that may be implemented into the draft regulations prior to the commencement of formal rulemaking, expected in May 2016.

Under the Program, the CSLC issues non-exclusive permits to perform geophysical surveys of lands under the CSLC's jurisdiction, including tide and submerged lands extending from the shoreline to three nautical miles offshore. The CSLC also issues permits for geophysical surveys that occur on sovereign and school lands located on dry land. The Program's draft regulations have outlined these permit types as follows: (1) General Offshore Geophysical Survey Permit, (2) General Inland Geophysical Survey Permit, and (3) Project-Specific Geophysical Survey Permit. These permits will be incorporated by reference into, and therefore are a part of, the proposed regulations.

Program Background

The CSLC has been the State agency with jurisdiction over geophysical survey activities in State navigable waters since 1941. Between 1984 and 2013, the CSLC relied on a Mitigated Negative Declaration (MND), with subsequent additional conditions imposed in 1987 and 2008, to comply with the California Environmental Quality Act (CEQA) when issuing geophysical survey permits. In 1987, based on new information related to the potential effects of high-energy geophysical surveys on marine life and divers, the CSLC determined that permits for high-energy geophysical surveys

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employing airguns and water cannons could not be issued without preparation of an Environmental Impact Report. CSLC staff administered a Low-Energy Offshore Geophysical Permit Program (OGPP) based on the earlier MND that authorized low-energy geophysical surveys using certain types of acoustic generating equipment (e.g., side-scan sonar, multibeam echosounders).

In 2013, the CSLC updated its Low-Energy OGPP by incorporating the latest science on ocean acoustics and impacts to marine life. As part of the update, the CSLC conducted an environmental analysis of the Low-Energy OGPP, with public review, and adopted an MND pursuant to CEQA, which identified protective mitigation measures to minimize impacts to marine life and the coastal environment from the use of low-energy equipment. Additionally, the update helped improve public transparency and outreach to surveyors and others about the Low-Energy OGPP and permit requirements.

A 2014 assessment of the updated Low-Energy OGPP found that enforcement and permit compliance were concerns. In response, the CSLC sponsored Assembly Bill 1274, which modernized existing law and directed the CSLC to promulgate updated implementing regulations to clarify the application of its Program, including identifying activities that do not require a permit and the process for applying for a permit.

How to Provide Comments

The Program's regulations and associated non-exclusive permits are available for a 30-day informal public comment period. The document(s) can be downloaded, in PDF format, at www.slc.ca.gov (click on "Programs" then "Offshore Geophysical Survey Permit Program"). All comments must be received by **April 6, 2016**, and can be sent to:

California State Lands Commission
Attention: Kelly Keen
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825

Email: slc.ogpp@slc.ca.gov
Fax: (916) 574-1885

We encourage commenters to submit their comments on both the proposed regulations and permits in electronic form. If comments are submitted by email to slc.ogpp@slc.ca.gov, please include the subject line: **Geophysical Survey Permit Program Comments**. If you represent a public agency, please provide the name, email address, and telephone number for the contact person in your agency.

Comments received during this informal public comment period will be considered in the preparation of the regulations and associated non-exclusive permits for the official rulemaking and comment period, which is expected to commence in May 2016.

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Should you have any questions or need additional information, please contact Kelly Keen at (916) 574-1938 or via email at kelly.keen@slc.ca.gov.

Sincerely,



Kelly Keen
Environmental Scientist