

W _____

PRC _____

**CALIFORNIA STATE LANDS COMMISSION
STATE OF CALIFORNIA
SURVEY PERMIT PRC _____
GENERAL OFFSHORE GEOPHYSICAL SURVEY PERMIT**

Pursuant to Division 6 of the California Public Resources Code and Title 2 of the California Administrative Code, the State of California, acting by and through the California State Lands Commission (State or CSLC) hereby issues _____ (Permittee), a non-exclusive geophysical survey permit subject to the following terms and conditions.

TERMS AND CONDITIONS

1. **Permit Area**: Geophysical surveys conducted under this permit occur in marine waters, excluding San Francisco Bay and inland waterways, between the California-Mexico and California-Oregon borders out to three (3) nautical miles.
2. **Terms of Permit**: This permit shall commence on _____, and shall continue until _____, unless terminated sooner as provided in this permit.
3. **Scope of Activities**: The Permittee shall comply with the terms of this permit whenever the equipment specified in Exhibit A is deployed or geophysical data are to be collected within the permit area.
4. **Definitions**: As used within this permit, unless the context indicates otherwise, "CSLC staff" means the Executive Officer of the CSLC or other person designated by the Executive Officer. Any other terms used within this permit shall be consistent with the definitions found in Title 2, California Code of Regulations section 2100.02.
5. **Pre-Survey Requirements**: The Permittee is authorized under this permit to collect geophysical data utilizing such equipment as is set forth in Exhibit A, subject to the following conditions.
 - a. **Pre-Survey Notices (MM REC-1 and MM FISH-1, Exhibit G)**: The Permittee shall follow the complete notification procedure set forth in Exhibit B for all proposed geophysical surveys.
 - b. **Pre-Survey Notification Package**: At least twenty-one (21) calendar days prior to the proposed survey start date, the Permittee shall electronically submit the following information to CSLC staff as part of the Pre-Survey Notification Package:

- i. Pre-Survey Notification Checklist (Exhibit C): The Permittee shall complete and submit Exhibit C of this permit, which provides a list of the required materials, described below, that must be submitted to CSLC staff as part of the Pre-Survey Notification Package.
- ii. Pre-Survey Notification Form (Exhibit D): The Permittee shall complete and submit Exhibit D of this permit. The information on Exhibit D shall include, but not be limited to, the expected dates of survey operation; number of survey days; and a written list of the specific make and model of all such equipment the Permittee intends to use, including any and all specifications regarding operating decibel levels and frequencies.
 1. If, after the list of equipment is provided by the Permittee pursuant to this Section, CSLC staff requests additional information about the listed equipment, the Permittee shall promptly provide all such requested information.
 2. If, after receipt of the list of equipment and any information that may be requested under this Section, CSLC staff directs the Permittee that certain equipment may not be used or may be used only under certain specified circumstances or that the Permittee must delay the survey until more information is provided, then the Permittee shall comply with any and all such direction.
- iii. Survey Location: The Permittee shall provide a full-sized navigation chart of the survey area, including survey track lines, and the positions (i.e., latitude and longitude) of each track line start and end point or provide a shapefile of the survey track lines.
- iv. Marine Wildlife Contingency Plan (MWCP) (MM BIO-2, MM BIO-3, MM BIO-5, MM BIO-6, MM BIO-7, and MM BIO-8, Exhibit G): The Permittee shall prepare a MWCP for review and approval by CSLC staff and include, at a minimum, measures that specify the: (1) distance, speed, and direction transiting vessels will maintain when in proximity to a marine mammal or reptile; (2) qualifications, number, location, and authority of Marine Wildlife Monitors (MWMs) aboard the survey vessel; (3) methods of reducing noise levels generated by geophysical equipment, as outlined in Exhibit A; (4) acoustic safety zone(s) radius that will be enforced by the MWM(s) (if applicable); (5) location of pinniped haul-out sites within or immediately adjacent to the proposed survey area; and (6) observation recording procedures and reporting requirements in the event of an observed impact to marine organisms, as outlined in Exhibit E.
 1. Qualified MWMs who are experienced in marine wildlife observations shall be aboard the survey vessel to visually

monitor for marine wildlife during transit and data collection activities. Qualifications of the proposed MWM(s) shall be submitted by the Permittee to the National Oceanic and Atmospheric Administration (NOAA) and CSLC staff for approval; survey operations shall not commence until the CSLC approves the MWM(s) and the MWCP. Depending on the type of equipment used and its operational frequency, the number of MWMs required to be on the survey vessel will vary:

- a. One (1) MWM is required for surveys operating geophysical equipment at frequencies ≥ 200 kilohertz (kHz).
- b. Two (2) MWMs are required for surveys operating geophysical equipment at frequencies < 200 kHz.
- c. For surveys requiring two (2) MWMs, the Permittee may petition to conduct geophysical activities with one (1) MWM if the survey is nearshore and/or using a small vessel. Petitions shall be received by CSLC staff at least twenty-one (21) calendar days prior to survey commencement and describe in the MWCP how the marine mammal and reptile protection measures will be implemented and effective with only one (1) MWM. CSLC staff will evaluate such petitions on a case-by-case basis and, in granting such authorization at its discretion, will consider factors such as the timing, type, and location of the survey, the size of the survey vessel, the availability of alternate vessels, and the ability of one (1) MWM to effectively observe for marine wildlife.
- d. For surveys operating geophysical equipment at frequencies ≥ 200 kHz, the Permittee may petition to have the captain and/or crew fulfill the role of the MWM. Petitions shall be received by CSLC staff at least twenty-one (21) calendar days prior to survey commencement and include the résumés (including at-sea-time, if possible) of the captain and/or crew member that will fulfill the role of the MWM. Additionally, the MWCP shall describe how the marine mammal and reptile protection measures will be implemented and effective with the captain and/or crew member as the MWM. CSLC staff will evaluate such petitions on a case-by-case basis and, in granting such authorization at its discretion, will consider factors including the timing, type, and location of the survey, the size of the survey vessel, the availability of alternate vessels, and the ability of the captain and/or crew member to effectively implement the

marine mammal and reptile mitigation measures.

2. Safety zones around the sound source (i.e., geophysical equipment) shall be monitored by the MWM(s) when acoustic-generating geophysical equipment is operating. To determine the size of the safety zone, the Permittee shall calculate/model, and provide to CSLC staff, the expected or estimated distances to the received sound pressure levels established by the NOAA for injury and behavioral modification for marine mammals and sea turtles. The minimum safety zone radius for each equipment type is as follows:

Equipment Type	Safety Zone (radius, meters)
Single Beam Echosounder	50
Multibeam Echosounder	500
Side-Scan Sonar	600
Subbottom Profiler	100
Boomer System	100

- a. If geophysical equipment is operated at a frequency ≥ 200 kHz, safety zone monitoring/enforcement is not required.
3. For surveys within 300 meters of a pinniped haul-out site, the MWCP shall further require that:
 - a. The survey vessel shall not approach within 91 meters of a haul-out site, consistent with National Marine Fisheries Service guidelines;
 - b. Survey activity close to haul-out sites shall be conducted in an expedited manner to minimize the potential for disturbance of pinnipeds on land; and
 - c. The MWM(s) shall monitor pinniped activity onshore as the vessel approaches, observing and reporting on the number of pinnipeds potentially disturbed (e.g., via head lifting, flushing into the water).
 - v. Oil Spill Contingency Plan (OSCP) (MM HAZ-1, HAZ-2, and HAZ-3, Exhibit G): An OSCP shall be prepared and submitted by the Permittee for review and approval by CSLC staff and include, at a minimum, measures that: (1) specify the steps to be taken in the event of a spill, including names, phone numbers, and locations of (i) nearby emergency medical facilities, (ii) wildlife rescue/response organizations (e.g., Oiled

Wildlife Care Network), (iii) containment procedures, and (iv) cleanup procedures; (2) describe crew training and equipment testing procedures; and (3) describe the quantities and location of spill response equipment aboard the vessel; and (4) specify that vessel fueling shall only occur at an approved docking facility (i.e., no cross-vessel fueling shall be allowed).

- vi. Verification of Equipment Service and/or Maintenance and Sound Output (MM BIO-6, Exhibit G): The Permittee shall conduct routine inspection and maintenance of acoustic-generating equipment to ensure that the equipment remains in proper working order and within the manufacturer's equipment specifications. The Permittee shall provide the date of the equipment's most recent inspection/maintenance on Exhibit D.
- vii. Verification of Pre-Survey Noticing: The Permittee shall provide verification (i.e., copy of emails and notices) of the Pre-Survey Notices sent to the required parties listed in Exhibit B.
- viii. Verification of California Air Resources Board's (CARB) Tier 2 Engine Requirement (MM AIR-1, Exhibit G): The Permittee shall provide verification of vessel engine compliance with CARB's Tier 2-certified engine requirement, as outlined in Exhibit F.
- ix. Permits or Authorizations from Federal and State Agencies: The Permittee shall obtain permits or authorizations from other Federal or State agencies and indicate on Exhibit C which permits were obtained and the permit number(s).
 1. Proposed Operation in Marine Protected Areas (MPAs) (MM BIO-9, Exhibit G): Prior to commencing survey activities in or potentially affecting MPAs, the Permittee shall coordinate with CLSC staff, the California Department of Fish and Wildlife (CDFW), and any other appropriate permitting agencies regarding such operations. The scope and purpose of each survey proposed within MPAs shall be defined, and an analysis of the consistency of the survey with the allowable MPA activities and the goals of the Marine Life Protection Act shall be conducted.
 - a. If deemed necessary by the CDFW, the operator shall obtain a scientific collecting permit, or other appropriate authorization, to secure approval to work within a MPA, and shall provide a copy of such authorization to CSLC staff prior to the survey according to the terms and conditions of this permit.
 - b. CSLC staff, the CDFW, and/or other permitting

agencies may impose further restrictions on survey activities within MPAs generally or any specific MPA as conditions of approval.

- c. Current Biological Information (MM BIO-1, Exhibit G): Prior to commencement of survey operations, the Permittee shall: (1) contact the NOAA Long Beach office staff and local whale watching operations and shall acquire information on the current composition and relative abundance of marine wildlife offshore; and (2) convey sightings data to the vessel operator and crew, survey party chief, and onboard MWMs prior to departure.
 - d. New Information Provided: If, subsequent to the issuance of this permit, it is the CSLC staff's opinion that evidence has emerged indicating that the location, type, length, equipment to be used, or conduct of a proposed survey, noticed under Exhibit B, herein, has the potential to cause substantial environmental impact, CSLC staff reserves the right to impose conditions on the location, type, length, equipment to be used, or conduct of the proposed survey in order to reduce the risk of substantial environmental impact, up to and including cancellation of the survey activity.
 - e. Compliance with the Provisions of this Section: The Permittee shall not perform any geophysical survey under this permit unless the Permittee has complied with the provisions of this section.
6. **Multiple Use:** This permit is non-exclusive and is issued subject to all existing valid rights of the State at the date of this permit. Such rights shall not be affected by the issuance of this permit. The State shall have the right to issue additional non-exclusive survey permits and leases or other entitlement for uses, which are not inconsistent with this permit.
7. **Operations:**
- a. The Permittee shall conduct all activities with due regard for the preservation of the property covered by this permit, potential environmental impacts, peak fishing seasons, and with due caution to minimize damage to third parties.
 - b. Geophysical Survey Permit: The operator shall maintain a copy of its CSLC Geophysical Survey Permit aboard the primary survey vessel during survey operations, as well as copies of all other permits or authorizations from other Federal or State agencies (if applicable).
 - c. Daily Equipment Use Duration: Acoustic pulse-generating survey equipment shall be operated for no more than ten (10) hours total each survey day.
 - d. Nighttime Operations (MM BIO-4, Exhibit G): The Permittee shall not conduct nighttime survey operations; however, CSLC staff may authorize, at its discretion, the Permittee to use single beam echosounders at night on

a case-by-case basis. CSLC staff will take into consideration the equipment specifications, location, timing, and duration of survey activity.

- e. Engine Tuning, Engine Certification, and Fuels (MM AIR-1, Exhibit G): The Permittee shall maintain all construction equipment in proper tune according to manufacturers' specifications; fuel all portable diesel-powered equipment with CARB-certified motor vehicle diesel fuel limiting sulfur content to 15 parts per million or less (CARB Diesel); and operate equipment in conformance with specific county air quality guidelines as described in Exhibit F.
- f. Marine Wildlife Monitors (MM BIO-2, Exhibit G): MWMs shall be aboard the survey vessel during transit and data collection activities to observe for marine wildlife. All visual monitoring shall occur from the highest practical vantage point aboard the survey vessel; binoculars shall be used to observe the surrounding area, as appropriate.
- g. Safety Zone Monitoring (MM BIO-3, Exhibit G): MWMs aboard the survey vessel will monitor an area (i.e., safety or exclusion zone) based on the equipment used, centered on the sound source (i.e., geophysical equipment), when the survey equipment is operating. MWMs shall have authority to stop operations if a marine mammal or sea turtle is observed within the specified safety zone, or if a large concentration of diving birds/seabirds is observed in the immediate vicinity. MWMs shall also have authority to recommend continuation or cessation of operations during periods of limited visibility (e.g., fog, rain). Periodic reevaluation of weather conditions and reassessment of the continuation or cessation recommendation shall be completed by the MWMs. During operations, if a marine mammal and/or sea turtle's actions are observed to be irregular, MWMs shall have authority to recommend that equipment be shut down until the animal(s) moves further away from the sound source. If irregular behavior is observed, the equipment shall be shut off and will be restarted and ramped up to full power, as applicable, or will not be started until the animal(s) is/are outside of the safety zone or have not been observed for 15 minutes.
- h. Noise Reduction Methods (MM BIO-5 and MM BIO-6, Exhibit G): The Permittee shall implement the equipment operations in Exhibit A to reduce noise levels produced by acoustic-generating geophysical equipment.
- i. Fishing Gear Interaction (MM FISH-2, Exhibit G): To minimize interaction with fishing gear that may be present within a survey area: (1) the geophysical vessel (or designated vessel) shall traverse the proposed survey corridor prior to commencing survey operations to note and record the presence, type, and location of deployed fishing gear (i.e., buoys); (2) no survey lines within 30 meters (100 feet) of observed fishing gear shall be conducted. The survey crew shall not remove or relocate any fishing gear; removal or relocation shall only be accomplished by the owner of the gear upon notification by the survey operator of the potential conflict.

8. **Observers:**

- a. CSLC staff may require the Permittee to furnish food, quarters, and marine transportation, if necessary, for a CSLC staff representative on any vessel conducting operations authorized by this permit. The CSLC staff representative may observe or inspect all operations conducted pursuant to this permit.
- b. If the CSLC staff representative notes permit violations or determines adverse environmental impacts are being caused or are imminent, the representative may recommend suspension of activities to CSLC staff. Upon approval by CSLC staff, the representative may carry out the suspension of the activities allowed under this permit pursuant to Section 14 of this permit.

9. **Post-Survey Requirements:**

- a. The Permittee shall notify the Statewide Geophysical Coordinator by email at slc.ogpp@slc.ca.gov within one (1) working day of survey completion.
- b. The Permittee shall submit a Post-Survey Field Operations and Compliance Report to CSLC staff as soon as possible, but not more than thirty (30) days after the completion of any survey activities conducted under this permit. The Report shall include, at a minimum:
 - i. Survey Information:
 1. A narrative description of the work performed, the data obtained, and the logs produced from the operations;
 2. Information about the weather and sea state during operations;
 3. Charts, maps, or plots indicating the areas in which any exploration was conducted, specifically identifying the lines of geophysical traverses (pre-plot maps(s) may be used provided it accurately depicts the area and lines surveyed), accompanied by a reference sufficient to identify the data produced from each activity;
 4. Spatial information related to the survey track lines (either Global Positioning System (GPS) coordinates or Geographic Information System (GIS) files);
 5. The dates and times during which the actual data collection was performed;
 6. The nature and location of any environmental hazards encountered, and what adjustments, if any, were made;

7. A description of any accident, injury, damage to, or loss of property which resulted from the reported activities; and
8. Such other information relative to the permitted activities as may be requested.

ii. Biological Information:

1. A narrative description of any encounters with marine mammals, reptiles, and/or unusual concentrations of diving birds/seabirds (e.g., species, group size, age/size/sex categories (if determinable), behavior, distance, and bearing from vessel) and the outcome of those encounters;
 2. The number of times shutdowns or slow-downs were ordered due to animals being observed in the safety zone or due to poor visibility conditions, as assessed by the MWM(s);
 3. A summary of observations of pinniped behavior at haul-out sites, if applicable, and any recommendations made by the MWM(s) related to pinniped avoidance;
 4. The number of collision events, if applicable, and type and disposition of animal;
 5. A copy of Exhibit G with the date(s) of implementation and/or compliance with each mitigation measure (MM) and the initials of the person overseeing compliance; and
 6. A summary narrative written by the MWM(s) or other qualified survey personnel describing implementation of the required MMs in Exhibit G, any problems encountered with implementing the MMs, an assessment of the effectiveness of the MMs, and any recommendations for improvements or additions to increase protection of the marine environment.
- c. The Permittee shall make available, upon request, and the Commission shall have the right to inspect and/or copy factual and physical survey results, logs, records, field-acquired data, processed records, or any other data/information resulting from operations under this permit. These data and information shall include, but not be limited to, geophysical data from:
- i. High-resolution systems including, but not limited to, bathymetry, side-scan sonar, subbottom profiler, and electromechanical devices;
 - ii. Copies of final stacked sections and migrated sections. Sections chosen for CSLC staff use shall be made at one-half scale, (2 ½ inches per second);

- iii. Post-plot maps at a reasonable and appropriate scale for the dimensions of the survey and whenever possible, at least a scale of 1:24,000 (1 inch equals 2000 feet). A narrative summary of accuracy of shot points and ship tracks;
 - iv. Copies of navigation tapes or files and velocity tapes or files with a narrative summary of accuracy of shot points and ship tracks;
 - v. Gravity data reduced or compiled as Free-Air or Bouguer maps whenever possible or in profile form. Magnetometer data corrected for International Geomagnetic Reference Field in profiles or, whenever possible, in map form. Data to include how reductions and corrections were made; and
 - vi. The CSLC shall reimburse the Permittee for the reasonable costs of reproducing any data or information.
- d. In the event that information or data obtained under this permit are transferred from the Permittee to a third party, or, subsequently, from a third party to another third party, the transferor shall notify CSLC staff and shall require the receiving third party, in writing, to expressly agree to abide by the obligations of the Permittee under Section 9 of this permit as a condition precedent to the transfer of the information or data.
- e. The following definitions apply to words used in this section:
- i. "Factual or physical survey" results include all data and information gathered as the result of any and all operations conducted under this permit by whatever means.
 - ii. "Data" means all facts, statistics, or samples.
 - iii. "Processed Records" mean data collected under a permit which has been processed. Processing involves changing the form of data so as to facilitate interpretation. Processing operations include, but are not limited to, applying corrections for known perturbing causes, rearranging or filtering data, and combining or transforming data elements.
- f. Such data and information, as well as products derived therefrom, shall be held confidential as required by Public Resources Code, section 6826, subdivision (c); however, CSLC staff reserves the right to disclose any data or information acquired from the Permittee to an independent contractor or agent for the purpose of reproducing, processing, reprocessing, or interpreting such data or information for the use of the Commission.

10. **Third Party Damage Claims**: The Permittee shall make a good-faith effort to settle all claims brought by third parties for damages resulting from the Permittee's geophysical survey activities.
11. **Bond**: Unless deemed inapplicable pursuant to California Code of Regulations, title 2, section 2100.06, the Permittee shall furnish and maintain, until released by the CSLC, a bond or letter of credit in the sum of fifty thousand dollars (\$50,000.00), in favor of the State, for its exclusive use and benefit, to guarantee the faithful performance by the Permittee of this permit's terms and conditions and satisfaction of third-party damage claims. The bond or letter of credit shall be delivered to the CSLC at the address specified in Section 16, prior to the effective date of this permit. The bond or letter of credit shall be non-cancellable and shall, by its own terms, remain in effect until at least one hundred fifty (150) days after the termination date of this permit, unless released earlier by the CSLC.
12. **Insurance**: At the option of CSLC staff, the Permittee shall submit a certificate of self-insurance or procure and maintain liability, property damage, or other insurance for the benefit of the State in an amount satisfactory to CSLC staff.
13. **Indemnity**: The Permittee agrees to indemnify, save harmless and, at the option of the State, defend the State of California, its officers, agents, and employees against any and all claims, demands, causes of action, or liability of any kind which may be asserted against or imposed upon the State of California or any of its officers, agents, or employees by any third person or entity arising out of or connected with the Permittee's operations hereunder.
14. **Modification, Revocation, or Suspension**: The activities provided for in this permit may be suspended, in whole or in part, upon a finding by CSLC staff that suspension of the activity authorized by this permit would be in the public interest. Such suspension shall be effective upon receipt by the Permittee of a written or oral (to be confirmed in writing) notice thereof which shall indicate: (1) the extent of the suspension; (2) the reasons for the action; and (3) any corrective or preventive measures to be taken by the Permittee deemed necessary by CSLC staff to meet the general public interest.
 - a. The Permittee shall take immediate action to comply with the provisions of the suspension. The Permittee may request a hearing before the CSLC in order to present information relevant to a decision as to whether the Permittee's permit should be reinstated, modified, or revoked.
 - b. This permit may be modified or revoked by CSLC staff upon thirty (30) days' notice at its reasonable discretion. Notwithstanding, if pursuant to Section 5(b)(ii) of this permit, the permit is modified because new information indicates that use of certain equipment that had been permitted prior to modification of the permit is likely to result in significant adverse effects upon the environment, then a prohibition on use of that equipment shall become effective immediately upon receipt of the notice of modification from CSLC staff.

c. Any suspension, modification, or revocation of the Permittee's permit shall not be a basis for any claim for damages against the State of California.

15. **Permits:** The Permittee shall obtain all necessary and applicable permits and obey all laws and regulations applicable to the conduct of operations under this permit.

16. **Notices:** All written notices to the State or Permittee which are not part of the notification procedure identified in Exhibit B shall be deemed to have been fully given when made in writing, and deposited in the United States mail, with first class postage prepaid, addressed as follows:

To the State: California State Lands Commission
Attention: Statewide Geophysical Coordinator
100 Howe Ave., Suite 100-S
Sacramento, CA 95864

To the Permittee: _____
Attention: _____

The address to which notices shall be mailed may be changed by written notice, as is provided in this paragraph.

17. **Assignment:** The Permittee may not assign, sublease, or transfer this permit or any interest therein. However, the Permittee may subcontract part or all of the work to be performed. No subcontract shall relieve the Permittee of its responsibilities or obligations herein. The subcontractor shall be the agent of the Permittee, and the Permittee shall remain responsible to the State under the terms of this permit.

18. **Successors:** If for any reason this permit is transferred by operation of law or otherwise, it shall apply to and bind the heirs, successors, executors, administrators, and assigns of all of the parties to this permit. All parties to this permit shall be jointly and severally liable under the terms of this permit.

19. **Section 504 Federal Rehabilitation Act of 1973 Compliance Statement:** "The Permittee will not discriminate against any person or entity, in regard to the administration or operation of any agreement made under this procedure, on the basis of race, color, creed, national origin, sex, marital status, religious or political affiliation, ancestry, disability, age or sexual orientation."

IN WITNESS WHEREOF, the parties hereto have executed this permit as of the date entered below.

**STATE OF CALIFORNIA
STATE LANDS COMMISSION**

Date

Marina Voskanian
P.E. Division Chief
Mineral Resources Management Division

PERMITTEE*

Date

By: _____
Title: _____
Address: _____

City, State, and Zip Code

* In executing this document, the following is required:

Corporations: Certificate of Corporate Secretary providing that the Board of Directors authorized the execution of this permit specifically or authority to execute documents of this type generally. An example of the type of form required is attached as Exhibit H.

Individuals: Acknowledgment of signature is required.

EXHIBIT A

AUTHORIZED EQUIPMENT AND NOISE REDUCTION METHODS

Under this permit, the Permittee is authorized to collect geophysical data utilizing energy receivers and/or acoustic pulse-generating devices in State waters only under the following conditions. Any question or uncertainty as to whether particular survey equipment or methods are permitted shall be determined by CSLC staff.

1. No survey equipment may be used other than the following (consistent with or substantially similar to those referenced in Table 2-3 of the Mitigated Negative Declaration):
 - a. Echosounders (i.e. single beam and multibeam echosounders, fathometers);
 - b. Side-scan sonars;
 - c. Subbottom profilers (i.e. mini-sparkers, boomers, chirp, general subbottom profiler systems), excepting boomers proposed for harbor porpoise habitat from Point Conception to the Oregon border¹; and
 - d. Multi-component systems.
2. Use of any air or water compression devices or chemical explosives are expressly prohibited.
3. When several pieces of equipment are operating simultaneously, they shall be timed so that they will not be transmitting at the same time in order to avoid cumulative effects.
4. The Permittee shall use a “soft start” at the beginning of survey activities each day or following a shutdown to allow any marine mammal that may be in the immediate area to leave before the sound source reaches full energy. Each piece of equipment shall be initiated at the lowest practical sound level, increasing output in such a manner as to increase in steps not exceeding approximately 6 decibels per 5-minute period.
5. The Permittee shall follow, to the maximum extent possible, the following guidelines as they pertain to the use of subbottom profilers and side-scan sonar, including:
 - a. Using the highest frequency band possible for the subbottom profiler;
 - b. Using the shortest possible pulse length; and
 - c. Lowering the pulse rate (pings per second) as much as feasible.

¹ OGPP surveys in this area may be proposed, but would be evaluated on a case-by-case basis and may require additional analysis and/or modeling prior to being allowed.

EXHIBIT B

PRE-SURVEY NOTIFICATION REQUIREMENTS

The State may, upon thirty (30) calendar days' notice to the Permittee, prescribe additional or different procedures to be followed by the Permittee.

1. General Requirements: Whenever surveys are proposed to be commenced under this permit, the Permittee shall give notice in the following manner:
 - a. At least twenty-one (21) calendar days in advance of any proposed operations, written notice of the proposed operations (see subsection 2 below) must be received by the following parties:
 - i. Statewide Geophysical Coordinator
California State Lands Commission
100 Howe Ave., Suite 100-S
Sacramento, CA 95825
Fax: (916) 574-1890
Email: slc.ogpp@slc.ca.gov
 - ii. USCG Local Notice to Mariners
Commander (dpw)
CG Eleventh District Bldg.
50-2, CG Island Alameda,
CA 94501-5100
Faxing: (510) 437-5836
Emailing: D11LNM@uscg.mil
 - b. At least twenty-one (21) calendar days in advance of any proposed operations, the Permittee shall submit the notice described in subsection 2 (by fax, email, or in person), below, to: (1) the harbormasters' offices of regional harbors; and (2) dive shops in coastal locations adjacent to the proposed offshore survey operations.
 - c. The Permittee shall use its best efforts to notify the parties listed in 1.a. and 1.b. and any other affected individuals of substantial addition, modification, deviation, delay, or cancellation, concerning the survey area or survey dates, in the original notice. The Permittee shall notify the Statewide Geophysical Coordinator by email of such modifications or delays prior to their occurrence.
2. Contents of Notice: The written notice shall include information in the format requested in Exhibit D and outlined below:
 - a. The name of the vessel, the name of the ship's captain/designee, the ship's call signs, and the specific radio channel which will be monitored by the vessel at all times during operations authorized by this permit;

- b. The exact dates through which the survey will be conducted within any given specific area of the general permit area and the daily hours of operation during such period;
- c. A full-sized navigation chart showing the area to be affected by the survey, including turning areas;
- d. Global Positioning System (GPS) coordinates of each proposed track line and turning point;
- e. A list of equipment to be used during the survey, including all of the equipment information requested in Exhibit D, and the and length(s) of the tow(s), if applicable; and
- f. The name and telephone number of a representative of the Permittee who can resolve multiple-use conflicts.

EXHIBIT C

PRE-SURVEY NOTIFICATION PACKAGE CHECKLIST

All parts of the Pre-Survey Notification Form must be adequately filled out and submitted to CSLC staff a minimum of twenty-one (21) calendar days prior to the proposed survey date to ensure adequate review and approval time for CSLC staff. Note that one or more of the items may require the Permittee to plan well in advance in order to obtain the necessary documentation prior to the Notification due date (e.g., permits from other State or Federal entities).

Please use the boxes below to verify that all the required documents are included in the Pre-Survey Notification Package. If "No" is checked for any item, please provide an explanation in the space provided. If additional space is needed, please attach separate pages.

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Exhibit D: Pre-Survey Notification Form Explanation: _____
<input type="checkbox"/>	<input type="checkbox"/>	Full-sized navigation chart and GPS coordinates (or shapefile) for each proposed track line Explanation: _____
<input type="checkbox"/>	<input type="checkbox"/>	Permit(s) or authorization(s) from Federal or State agencies (if applicable) Explanation: _____
<input type="checkbox"/>	<input type="checkbox"/>	Permit or authorization from the California Department of Fish and Wildlife if the survey occurs in or affects Marine Protected Areas (if applicable) Explanation: _____
<input type="checkbox"/>	<input type="checkbox"/>	U.S. Coast Guard Local Notice to Mariners Notification Explanation: _____
<input type="checkbox"/>	<input type="checkbox"/>	Harbormaster and Dive Shop Notifications Explanation: _____
<input type="checkbox"/>	<input type="checkbox"/>	Marine Wildlife Contingency Plan (including current biological information as outlined in Section 5 of the General Permit) Explanation: _____
<input type="checkbox"/>	<input type="checkbox"/>	Oil Spill Contingency Plan Explanation: _____
<input type="checkbox"/>	<input type="checkbox"/>	Verification of California Air Resources Board's Tier 2 Engine Requirement Explanation: _____

EXHIBIT D

PRE-SURVEY NOTIFICATION FORM

Permittee's Mailing Address

Date: _____

Permit # PRC: _____

State/Federal Waters: _____

Survey Location: _____

- Check one: New Survey Time Extension
 New Survey Series Part of Existing Survey Series

_____ (Applicant/Permittee) will conduct a geophysical survey offshore California in the survey area outlined on the accompanying navigation chart segment.

If you foresee potential interference with commercial fishing or other activities, please contact the person(s) listed at the end of this notification.

- Any comments regarding potential conflicts in Federal waters (outside 3 nautical miles) must be received by the Permittee's representative and lead Federal agency within ten (10) days of the receipt of this notification.
- Any comments regarding potential conflicts in State waters (within 3 nautical miles) should be received as soon as possible by the Permittee's representative and within fifteen (15) days of the receipt of this notification.

1. Date(s) of Operation (Survey Window): _____
2. Number of Survey Days: _____
3. Hours of Operation: _____
4. Survey Purpose/Objective: _____

5. Vessel Name: _____
6. Vessel Official Number: _____
7. Vessel Radio Call Sign: _____
8. Vessel Captain's Name: _____
9. Radio Channel(s) to be Monitored by Vessel: _____

10. Survey Equipment:

Equipment Type			
Frequency (Hz, kHz)			
Source Level (dB re 1 uPa at 1 m [rms])			
Number of beams			
Across and Along Track Beamwidth			
Pulse Rate/Length			
Rise Time			
Deployment Depth			
Tow Speed			
Cable Tow Length			
Date of Service/ Maintenance			

11. Estimated Distances to the Following Isopleths (in meters):

Equipment Type	190 dB re 1 uPa	180 dB re 1 uPa	160 dB re 1 uPa

Applicant's Representative

CSLC Representative

Kelly Keen
 Statewide Geophysical Coordinator
 100 Howe Ave., Suite 100-S
 Sacramento, CA 95825
 (916) 574-1938

BOEM Representative

Joan Barminski
 Regional Supervisor
 Office of Strategic Resources
 770 Paseo Camarillo
 Camarillo, CA 93010
 (805) 389-7585

Other Federal Representative

EXHIBIT E

MARINE MAMMAL AND REPTILE COLLISION REPORTING

If a collision with a marine mammal or reptile occurs, the Permittee shall document the conditions under which the accident occurred, including the following:

1. Vessel location (latitude, longitude) when the collision occurred;
2. Date and time of collision;
3. Speed and heading of the vessel at the time of collision;
4. Observation conditions (e.g., wind speed and direction, swell height, visibility in miles or kilometers, and presence of rain or fog) at the time of collision;
5. Species of marine wildlife contacted (if known);
6. Whether an observer was monitoring marine wildlife at the time of collision; and
7. Name of vessel, vessel owner/operator, and captain officer in charge of the vessel at time of collision.

After a collision, the vessel shall stop, if safe to do so; however, the vessel is not obligated to stand by and may proceed after confirming that it will not further damage the animal by doing so. The vessel will then immediately communicate by radio or telephone all details to the vessel's base of operations, and shall immediately report the incident. Consistent with Marine Mammal Protection Act requirements, the vessel's base of operations or, if an on-board telephone is available, the vessel captain him/herself, will then immediately call the National Oceanic and Atmospheric Administration (NOAA) Stranding Coordinator to report the collision and follow any subsequent instructions. From the report, the Stranding Coordinator will coordinate subsequent action, including enlisting the aid of marine mammal rescue organizations, if appropriate. From the vessel's base of operations, a telephone call will be placed to the Stranding Coordinator, NOAA National Marine Fisheries Service, Southwest Region, Long Beach, to obtain instructions. Although NOAA has primary responsibility for marine mammals in both State and Federal waters, the California Department of Fish and Wildlife will also be advised that an incident has occurred in State waters affecting a protected species.

EXHIBIT F

ENGINE TUNING, ENGINE CERTIFICATION, AND FUELS

The Permittee shall implement the following measures, as applicable, depending on the county offshore of where a survey is being conducted.

1. All Counties: Maintain all construction equipment in proper tune according to manufacturers' specifications; fuel all off-road and portable diesel-powered equipment with California Air Resources Board (CARB)-certified motor vehicle diesel fuel limiting sulfur content to 15 parts per million or less (CARB Diesel).
2. Los Angeles and Orange Counties: Use vessel engines meeting CARB's Tier 2-certified engines or cleaner*; the survey shall be operated such that daily NOx emissions do not exceed 100 pounds based on engine certification emission factors. This can be accomplished with Tier 2 engines* if daily fuel use is 585 gallons or less, and with Tier 3 engines if daily fuel use is 935 gallons or less.
3. San Luis Obispo County: Use vessel engines meeting CARB's Tier 2-certified engines or cleaner*; all diesel equipment shall not idle for more than 5 minutes; engine use needed to maintain position in the water is not considered idling; diesel idling within 300 meters (1,000 feet) of sensitive receptors is not permitted; use alternatively fueled construction equipment on site where feasible, such as compressed natural gas, liquefied natural gas, propane or biodiesel. Maximum diesel fuel consumption allowed in any day is 720 gallons.
4. Santa Barbara County: Use vessel engines meeting CARB's Tier 2-certified engines or cleaner.*
5. Ventura County: Use alternatively fueled construction equipment on site where feasible, such as compressed natural gas, liquefied natural gas, propane or biodiesel.

* The Tier 2 engine requirement applies only to diesel-fueled vessels, pursuant to section 93118.5 of CARB's Airborne Toxic Control Measures.

EXHIBIT G

[Mitigation Monitoring Program (MMP) for the Low-Energy Offshore Geophysical Permit Program. To view the Program's MMP, please visit:
http://www.slc.ca.gov/Programs/OGPP/OGPP_ExH.pdf.]

EXHIBIT H

INSTRUCTIONS: CORPORATE APPROVAL

In order for a Non-Exclusive Geophysical Permit to be issued, the Commission requires proof that the Directors of the Corporation seeking the permit have given their approval to the terms of the permit. Attached is a Certificate of Corporation. Please complete the form and attach a copy of the resolution adopted by the Applicant to obtain the permit.

If the Applicant is not a corporation, please provide some explanation as to the authority of the person seeking this permit.

CERTIFICATE OF SECRETARY

I certify that:

I am the duly qualified and acting (Assistant) Secretary of _____
_____, a _____
(Name of Corporation) (Name of State)

corporation authorized to do business in California.

The attached is a true copy of a resolution duly adopted by the Board of Directors of the corporation at a regular (or special) meeting duly held on _____, 20 __ and entered in the minutes of such meeting in the minute book of the corporation.

The resolution is in conformity with the articles of incorporation and by laws of the corporation, has never been modified or repealed, and is now in full force and effect.

Dated: _____, 20__.

(Corporation Seal)

Signature

Secretary