

**STAFF REPORT
C60**

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04/05/19
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R.B. Greenwood

NON-EXCLUSIVE GEOLOGICAL SURVEY PERMIT

APPLICANT:

California Department of Transportation

BACKGROUND:

The California Department of Transportation (Applicant) has applied for Non-Exclusive Geological Survey Permit (Permit) with a term of approximately 6 months. The California Department of Transportation is a public agency and this authorization would allow the Applicant to collect geotechnical bridge design data for a proposed project to widen the Sacramento County State Route 51 bridge over the American River, east of Sacramento. The proposed survey involves drilling four, 6-inch boreholes, from 150 to 200 feet deep. The borings will be drilled over a period of 12 days. The borings will be drilled at locations depicted in attached Exhibit A, using hollow stem auger and rotary wash drilling methods, down-hole sampling, and standard penetration testing. The truck-mounted drill rigs will drill into the river bottom through the existing bridge deck. All drilling will be conducted behind an 8-inch-diameter casing and will use closed circulating systems, which will isolate all activities from river waters. Excess drill cuttings, bentonite drilling fluid, and wash water, will be retained and properly disposed of off-site. Upon request, the Commission will receive copies of all data collected under this Permit.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6212.2, 6216, and 6301; California Code of Regulations, title 2, section 2100.

Public Trust and State's Best Interests Analysis:

The California Department of Transportation is a public agency and this authorization would allow the Applicant to collect geologic core samples. Collection of scientific data is a use recognized by the courts to be consistent with the common law Public Trust Doctrine. (See, for example, *Marks v. Whitney* (1971) 6 Cal.3d 251, 259-260.) The Permit contains restrictions that protect public rights and environmental resources; for example, the Permit would be non-exclusive and is limited to 6 months. Staff believes that granting the Permit will not substantially interfere with

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the Public Trust needs at this location at the time and for the foreseeable term of the Permit.

For all the reasons above, staff believes the approval of the Permit application 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.

TERM OF PROPOSED PERMIT:

6 months beginning April 5, 2019, through September 30, 2019.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Required fees, expense deposit, and other security have been received.

OTHER PERTINENT INFORMATION:

1. Staff recommends that the Commission find that this activity is exempt from the requirements of California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 6, Information Collection; California Code of Regulations, title 2, section 2905, subdivision (e)(1).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

2. This action is consistent with the Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction.

EXHIBIT:

- A. Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDINGS:

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 2, section 2905, subdivision (e)(1).

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PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that 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 Geologic Survey Permit to conduct geotechnical studies to the California Department of Transportation for the period April 5, 2019, through September 30, 2019, within the project locations as shown on Exhibit A, attached and incorporated by reference herein.

EXHIBIT A

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