

**STAFF REPORT  
C67**

A 78, 80

S 39, 40

11/29/17  
W 6005.183  
R. B. Greenwood

**NON-EXCLUSIVE GEOPHYSICAL SURVEY PERMIT**

**APPLICANT:**

Scripps Institution of Oceanography

**BACKGROUND:**

Scripps Institution of Oceanography has applied for a 3-year Geophysical Survey Permit to conduct low-energy geophysical surveys in San Diego Bay. The project will improve the understanding of the location and historical movement of geologic faults underneath San Diego Bay.

The general terms of this Geophysical Survey Permit require the permittee to provide staff with 21 days advance notice of operations and the specifications of the equipment to be employed. Submission of post-survey reports, including records of environmental observations and incidents, are also required. Staff may obtain copies of all geological and geophysical data derived from any and all surveys under this permit upon request.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6106, 6212.3, 6216, and 6301;  
California Code of Regulations, title 2, section 2100.

**Public Trust and State's Best Interests Analysis:**

Scripps Institution of Oceanography is an academic, scientific organization that has applied for a permit to conduct low-energy geophysical surveys in San Diego Bay. Scientific study has been recognized by the courts to be a use consistent with the common law Public Trust Doctrine. (See, for example, *Marks v. Whitney* (1971) 6 Cal.3d 251, 259-260.) Staff believes that granting the permit will not interfere with, and is consistent with, the common law Public Trust Doctrine uses at this time, and for the foreseeable term of the permit. Furthermore, the scientific data generated by the activity will result in greater public knowledge of geologic faults under San Diego Bay.

For all the reasons above, staff believes the approval of the permit application is consistent with the common law Public Trust Doctrine and is

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in the best interests of the State. San Diego Bay is an inland waterway and is, therefore, not part of the Commission's Offshore Geophysical Permit Program. Staff recommends approval of this Non-Exclusive Geophysical Survey Permit application.

**TERM OF PROPOSED PERMIT:**

3 years, beginning November 29, 2017, through November 28, 2020.

**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 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 2, section 2905, subdivision (e)(3).

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

2. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.
3. This action is consistent with 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. Permit Region

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**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 2, section 2905, subdivision (e)(3).

**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.

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

**AUTHORIZATION:**

Authorize issuance of a Non-Exclusive General Permit to Scripps Institution of Oceanography to conduct geophysical surveys for the period November 29, 2017, through November 28, 2020, within San Diego Bay as designated on the attached Exhibit A.

# Exhibit A

W 6005.183



Basemap for San Diego Bay low energy geophysical survey. Inset shows regional location. Below is an enlargement of the study region showing the bounding box and coordinates for the survey box.

