

CALIFORNIA STATE LANDS COMMISSION
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PAUL D. THAYER, *Executive Officer*
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April 15, 1999

File Ref: W24712

Mr. William R. Normark
U.S. Geological Survey
Coastal and Marine Geology Team, MS 999
345 Middlefield Road
Menlo Park, CA 94025

Re: Seismic Reflection Survey

Dear Mr. Normark:

The Staff of the State Lands Commission has reviewed the U.S. Geological Survey's request for an incidental Harassment Authorization from the National Marine Fisheries Service, dated February 10, 1999, and has found that the project, as shown thereon, involves State sovereign lands for which no lease or permit has been issued.

You must therefore secure a geophysical permit from the California State Lands Commission for the use of those State-owned lands over which your project will extend.

In addition, your proposed project is subject to environmental review by the Commission's staff. Standards for this review are set forth in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Public Resources Code. It should be noted that the Commission in 1987 determined that, before it could consider the use of high acoustical energy geophysical survey equipment in State waters, an environmental impact report was required.

It is the Commission's position that, because the State of California owns the property in question and requires an application for a permit from all others who carry out geophysical surveys on State lands, the U.S. Geological Survey must also obtain a permit just as it would from any other land owner upon whose land it conducts a survey. There is no issue of preemption, since the authority of the State in this case is as landowner, rather than as regulator. I would also like to refer you to the High Energy Seismic Survey Review Process and Interim Operational Guideline for Marine Surveys Offshore Southern California prepared by the High Energy Seismic Survey Team for the California State Lands Commission and the U.S. Minerals Management Service. September 1996 through February 1999. These guidelines provide directions for all

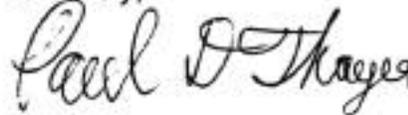
Mr. William R. Normark
April 15, 1999
Page 2

offshore high-energy surveys off California, and they include a clear requirement for close and early consultation with the State.

I have enclosed information relative to the Commission's application requirements. If you need more information or any assistance in preparing the application, please call Art Nitsche at (562) 590-5270.

Your cooperation and early response will be appreciated.

Sincerely,



PAUL D. THAYER
Executive Officer

Cc: Michael A. Fisher
U.S. Geological Survey
Coastal and marine Geology Team, MS 999
345 Middlefield Road
Menlo Park, CA 94025