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Established in 1938

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Governor's Office of Planning & Research

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STATE CLEARING HOUSE

File Ref: SCH # 2021040230

Joelle Inman, Environmental Coordinator
Sacramento County
Office of Planning and Environmental Review
827 7th Street, Room 225
Sacramento, CA 95814

VIA ELECTRONIC MAIL ONLY (CEQA@sacounty.net)

Subject: Draft Subsequent Environmental Impact Report (SEIR) for the American River Parkway Natural Resources Management Plan, Sacramento County

Dear Joelle Inman:

The California State Lands Commission (Commission) staff has reviewed the Draft SEIR for the American River Parkway Natural Resources Management Plan (NRMP), which is being prepared by Sacramento County (County). The SEIR will supplement the Final EIR, certified in September 2008, for the American River Parkway Plan (Plan), State Clearinghouse No. 2007032125. The County, as the public agency proposing to carry out the NRMP, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission is a trustee agency for projects that could directly or indirectly affect State sovereign lands and their accompanying Public Trust resources or uses. Additionally, as future NRMP projects and activities are implemented on State sovereign lands, the Commission will act as a responsible agency.

Commission Jurisdiction and Public Trust Lands

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The state holds these lands for the benefit of all people of the state for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court decision. Such boundaries may not be readily apparent from present day site inspections.

The American River (from approximately 3 miles upstream of the confluence with the Sacramento River to Nimbus Dam) is navigable, non-tidal State sovereign land under the Commission's jurisdiction. In addition, Camp Pollock, located on the north side of the American River, west of Northgate Boulevard (Assessor's Parcel Numbers 274-0120-007 and 274-0120-009), and adjacent to the American River, is State sovereign land under the Commission's jurisdiction. In 2012, the Commission authorized Lease No. PRC 9033 to the Sacramento Valley Conservancy for the use, maintenance, and operation of the land (Camp Pollock) and existing improvements comprising the lease premises for purposes of public access, conservation, recreation, education, and public/private events.

The portion of the American River from the confluence with the Sacramento River to approximately 3 miles upstream is partially natural and partially artificial. The natural portion of the River (including the abandoned channel) at this location is granted to the City of Sacramento (City) pursuant to chap. 519, stats. 1868, minerals reserved (G 21-01). A lease from the Commission is not required for future projects extending into the River at this location. Commission staff advises that you contact the City to address any permits required for future projects at this location.

Project Description

The NRMP is intended to advise resource management to promote healthy ecosystems and resource protections while balancing concurrent American River Parkway Plan goals of flood control, recreational opportunities, and public safety.

Environmental Review

The Sacramento County Board of Supervisors certified the original NRMP Final EIR on September 10, 2008, and approved the Plan. Because proposed updates to the NRMP contain modified elements that were not considered in the previous analysis, the County determined that an SEIR should be prepared to revise the analysis of environmental impacts presented in the previous EIR. The SEIR for the NRMP supports a

programmatic level policy document, with project related analysis associated with hydraulic modeling for specific locations within the Plan area. No other project specific analysis was presented within the SEIR for the NRMP. Future projects and activities proposed as part of the NRMP would be subject to project level review under CEQA.

Commission staff offers the following comments and recommendations on the SEIR.

1. Cultural Resources: In the Cultural Resources section of the SEIR, under the Regulatory Setting for state regulations, please include the following language acknowledging the Commission's jurisdiction and title to resources, "The title to all archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the California State Lands Commission (Pub. Resources Code, § 6313)." In addition, staff requests that the following statement be included as a mitigation measure in the SEIR's Mitigation and Monitoring Plan: "The final disposition of archaeological, historical, and paleontological resources recovered on State sovereign land under the jurisdiction of the California State Lands Commission must be approved by the Commission."
2. Land Use and Planning: In the Land Use and Planning section of the SEIR, under the Regulatory Setting for state regulations, please include a section on Commission jurisdiction. Please use the description of Commission jurisdiction in the Commission Jurisdiction and Public Trust Lands section of this letter.

Thank you for the opportunity to comment on the SEIR for the NRMP. As a trustee agency, please keep us advised of changes to the NRMP and all other important developments. Please refer questions concerning environmental review to Jason Ramos, Senior Environmental Scientist at (916) 574-1814 or jason.ramos@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Ninette Lee, Public Land Manager, at (916) 574-1869 or ninette.lee@slc.ca.gov.

Sincerely,



Nicole Dobroski, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
Eric Gillies, Commission
Ninette Lee, Commission