

**CALIFORNIA STATE LANDS COMMISSION**

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*Established in 1938*

July 10, 2023

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File Ref: SCH # 2022040559

Jill Demers  
Humboldt County Resource Conservation District  
5630 South Broadway  
Eureka, CA 95503

Governor's Office of Planning & Research

**Jul 10 2023**

**STATE CLEARINGHOUSE**

VIA REGULAR & ELECTRONIC MAIL: [jillhcrd@gmail.com](mailto:jillhcrd@gmail.com)

**Subject: Draft Environmental Impact Report (EIR) for the Russ Creek and Centerville Slough Restoration Project, Humboldt County**

Dear Jill Demers:

The California State Lands Commission (Commission) staff has reviewed the Draft EIR for the Russ Creek and Centerville Slough Restoration Project (Project), which is being prepared by the Humboldt County Resource Conservation District (District). The District, as a California public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission is a trustee agency because of its trust responsibility for projects that could directly or indirectly affect State sovereign land and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on State sovereign land, the Commission is also a responsible agency. On May 26, 2022, Commission staff submitted a comment letter in response to the Notice of Preparation for an EIR for this Project.

### **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, §§ 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.

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 ordinary high-water mark as generally indicated by the mean high tide line (MHTL), except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. 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. Such boundaries may not be readily apparent from present day site inspections.

At the Project area, the Eel River, portions of Centerville Slough, and the Pacific Ocean seaward of the MHTL are State sovereign land under the Commission's jurisdiction. A lease for the use of State sovereign land will be required from the Commission for any portion of the Project encroaching on State sovereign land. Please see the contact information below for more information on leasing requirements with the Commission.

### **Project Description**

The Project would restore a landscape of mostly diked pastureland to approximately 500 acres of pasture and natural habitats, including estuarine and tidal slough channels, freshwater streams, freshwater ponds, and agricultural pastures by placing set-back berms to provide increased resiliency to ongoing and projected geomorphic and climactic changes. In addition, the Project would re-establish the connection between Centerville Slough and the Eel River as well as remove and reconfigure dikes to provide the full tidal prism into the restored Centerville Slough. Finally, Project construction requires approximately 750,000 cubic yards of balanced excavation and sediment placement for reuse on-site.

From the Project Description, Commission staff understands that the Project would include the following components that have potential to affect State sovereign land:

- Levee lowering and removal at Centerville Slough
- Excavation of approximately four miles of Centerville Slough to re-connect the Eel River Estuary to the restored tidal wetlands and tributary streams; material excavated from Centerville Slough would be reused on-site to construct the set-back berm and other Project elements
- Increase in flows and tidal exchange with Centerville Slough and Eel River, and increased discharge to the Pacific Ocean

### **Environmental Review**

Commission staff requests that the District consider the following comments.

#### **General Comments**

1. Project Description: Please be as specific as possible regarding all proposed work within the Commission's jurisdiction waterward of the MHTL, inclusive of the historic bed of the Eel River, Centerville Slough, and if applicable, seaward of the MHTL of the Pacific Ocean. From the Project Description, the western Project area boundary appears to be the approximate MHTL of the Pacific Ocean, but the specific boundary of the Project area is unclear, including if any work is proposed along this area. Please provide a clear statement in the Project Description defining the limits of the western Project boundary and if any work will occur along this area.

### Biological Resources

2. Invasive Species: Although the Draft EIR addresses presence and measures to prevent spread of existing invasive plant species within the Project area, Commission staff recommends additional measures to ensure the prevention of introducing invasive species to the Project area. One of the major stressors in California waterways is introduced nonindigenous species. Construction equipment and materials brought in from long stays at distant projects may transport nonindigenous species to the Project area via biofouling, wherein marine and aquatic organisms attach to and accumulate on the submerged parts of equipment and materials. Potential minimization and avoidance measures include contracting and use of construction equipment and materials from nearby the Project area or requiring contractors to perform a certain degree of cleaning of equipment and materials prior to contact with Project area waters. The California Department of Fish and Wildlife's Invasive Species Program and Commission Marine Invasive Species Program could assist with this analysis as well as with the development of appropriate mitigation (information at <https://www.wildlife.ca.gov/Conservation/Invasives> and <https://www.slc.ca.gov/misp/>).

### Cultural Resources

3. Title to Resources: Within the Cultural Resources section of the Draft EIR, please identify 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). Commission staff requests that the District consult with Commission staff should any cultural resources on State lands be discovered during construction of the proposed Project. In addition, staff requests that the following statement be included in the EIR'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."

### Geology

4. The Geology section of the Draft EIR provides baseline setting information for sediment discharge from the Eel River and the Eureka Littoral Cell within the Pacific

Ocean, including historic areas of erosion and accretion along the Pacific coastline within the Project vicinity. The Project area marsh network is further characterized as a location of sediment deposition versus source to receiving waters. The Geology section does not address potential effects to coastal processes along the Pacific coastline within the Eureka Littoral Cell from Project alterations to sediment discharge from the Eel River. Although the impact is likely to be less than significant, Commission staff recommends additional analysis to address this impact.

### Recreation

5. Within the Recreation section, describe any restrictions or limitations on public access to the Project area during construction, and if applicable, include measures to provide notice to the public prior to construction.

Thank you for the opportunity to comment on the Draft EIR for the Project. As a responsible and trustee agency, the Commission will rely on the Final EIR to issue a new lease as specified above (see Section "Commission Jurisdiction and Public Trust Lands"). We request that you consider our comments before certifying the EIR.

Please send electronic copies of the Final EIR, Mitigation Monitoring Program, Notice of Determination, approving resolution, CEQA Findings, and if applicable, Statement of Overriding Considerations when they become available. Please note that federal and state laws require all government entities to improve accessibility of information technology and content by complying with established accessibility requirements. (29 U.S.C. § 794d; 36 C.F.R. § 1194.1 et seq.; Gov. Code, § 7405.) California State law prohibits State agencies from publishing on their websites content that does not comply with accessibility requirements. (Gov. Code, § 115467.) Therefore, any documents submitted to Commission staff during the processing of a lease or permit, including all CEQA documentation, must meet accessibility requirements for Commission staff to place the application on the Commission agenda.

Please refer questions concerning environmental review to Jason Ramos, Senior Environmental Scientist, at (916) 574-1814 or via e-mail at [Jason.Ramos@slc.ca.gov](mailto:Jason.Ramos@slc.ca.gov). For questions concerning Commission leasing jurisdiction, please contact Ninette Lee, Public Land Manager, at (916) 574-1869, or via e-mail at [Ninette.Lee@slc.ca.gov](mailto:Ninette.Lee@slc.ca.gov).

Sincerely,



Nicole Dobroski, Chief  
Division of Environmental Science, Planning,  
and Management

CC: Office of Planning and Research  
N. Lee  
J. Ramos