

**CALIFORNIA STATE LANDS  
COMMISSION**

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*Established in 1938*

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April 12, 2024

File Ref: SCH #2022050478

California Department of Parks and Recreation  
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Governor's Office of Planning & Research

**Apr 12 2024**

**STATE CLEARINGHOUSE**

**Subject: Environmental Impact Report for Topanga Lagoon Restoration Project,  
Los Angeles County**

Dear John Ota:

The California State Lands Commission (Commission) staff has reviewed the draft Environmental Impact Report (EIR) for the Topanga Lagoon Restoration Project (Project), which is being prepared by the California Department of Parks and Recreation (CDPR). CDPR, as the 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 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 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.

After review of the information contained in the draft EIR, there are several components of the Project that would require further review and Commission authorization. Under Alternatives 2, 3, and 4, CDPR proposes to increase the area of Topanga Beach from 50 to 90 feet of additional depth. The proposed expansion would add 1 to 1.2 acres of beach area. While the draft EIR mentions that this expansion of beach area would be installed above the mean high tide line, staff requests CDPR conduct a mean high tide line survey when design of this element is further developed for the preferred alternative to confirm whether this project component will encroach upon State sovereign land and require Commission authorization.

Additionally, under Alternatives 2, 3, and 4 of the Project, CDPR proposes the removal of existing fill from the Project area (Topanga Lagoon) and reuse in the nearshore environment to renourish the littoral cell and benefit beaches downcoast. The proposed fill placement would consist of approximately 156,000 – 256,000 cubic yards placed nearshore in the Pacific Ocean. The lands waterward of the mean high tide line remain ungranted sovereign lands under the management of the Commission. Therefore, the proposed Project and the placement of fill material from the Project area in the Pacific Ocean will require Commission authorization. Information on the Commission's lease application process can be found at [www.slc.ca.gov/leases-permits/](http://www.slc.ca.gov/leases-permits/), the online application can be found at [www.oscar.slc.ca.gov/](http://www.oscar.slc.ca.gov/), and any related questions can be directed to Public Land Management Specialist, Mr. Kelly Connor (contact information below).

### **Project Description**

The CDPR proposes the project to meet the agency's objectives and needs as follows:

- Optimize beneficial reuse of excavated sediment by increasing sediment replenishment via nearshore placement and long-term conveyance increased by a wider bridge to the littoral cell while maintaining the integrity of the surf break as well as protecting the surf break and beach recreation.
- Replace the 1933 Pacific Coast Highway bridge to accommodate lagoon restoration and expansion that would improve estuarine hydrologic

functions and protect endangered species. Replacing the bridge will also increase safety and coastal access.

- Establish a visitor-serving “Gateway Corner” at the northwest corner of the intersection of Topanga Canyon Boulevard and State Route 27, consistent with the Topanga State Park General Plan goal of providing a coastal gateway to the park. Manage historic and archaeological resources in the Project area and the lagoon ecosystem consistent with the guidelines in the Topanga State Park General Plan.

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

- Deposition Area. The nearshore Deposition Area located offshore in the Pacific Ocean for the relocation of sediment from Topanga Lagoon.
- Temporary Pipeline Construction and Operation. Temporary pipeline on risers running from the beach, below the mean high tide line, out to the Pacific Ocean for the transport of sediment into the nearshore deposition area.

The draft EIR identifies Alternative 3 – Limited Lagoon Habitat Expansion as the Environmentally Superior Alternative.

### **Environmental Review**

Commission staff requests that CDPR consider the following comments on the Project’s draft EIR to ensure that impacts to State sovereign land are adequately analyzed for the Commission’s use of the EIR when considering a lease application for the Project.

### **General Comments**

1. Project Description: The Final EIR must contain a more robust description of the activities that are to occur in the Nearshore Deposition Area before the Commission could issue a lease for Project activities. This includes construction methods and materials proposed for the temporary pipeline, size of the pipeline, specific methods of powering any pumps (if necessary) that may be used to transport the sediment slurry, how the barge will be transported to the Nearshore Deposition Area, the barge’s route to the Nearshore Deposition Area, and potential anchoring locations. Additionally, figures showing where the pipeline, barge, and slurry area will be located and incorporation of all the new Project Description information into the environmental analyses will ensure an accurate depiction of environmental impacts to sovereign lands. Based on the requested updates to the Project description, the Final EIR should therefore have associated updated analyses in, but not limited to, Section 3.2 *Air Quality*, Section 3.2 *Biological Resources*,

Section 3.7 *Greenhouse Gas Emissions/Climate Change*, and Section 3.8 *Hazards and Hazardous Materials*. In particular, Section 3.2 *Air Quality* should include criteria pollutant calculations for vessels traveling between the Nearshore Deposition Area and Port Hueneme, and that data should be incorporated into all relevant tables. Lastly, Commission staff suggest creating a larger buffer area for the temporary pipeline to account for the possibility that the pipeline location may need to be altered to avoid sensitive and/or critical habitat.

2. Public Agency Approvals: On page 2-1, the Commission and State sovereign land in the Pacific Ocean offshore were excluded from the list of publicly managed areas. Please include the Pacific Ocean and the Commission in the list.

### Marine Biological Resources

3. Mitigation Measure MAR-1: On page 3.11-29, the draft EIR states that the mitigation measure will use preconstruction surveys to “ensure that sediment is *not* [emphasis added] placed on hard-bottom habitats or other sensitive marine resources.” However, the language of the mitigation measure on page ES-46 states that the placement of the pipeline will avoid hard-bottom habitats to “the maximum extent feasible.” Please clarify if the mitigation measure will ensure that the Project will fully avoid hard-bottom habitats. If the mitigation is not able to fully avoid hard-bottom habitats, please indicate what parameters would define “the maximum extent feasible” and how impacts would remain less than significant if sediment is ultimately placed on hard-bottom habitat or other sensitive marine resources.

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 in issuing a new lease as specified above (see Section “Commission Jurisdiction and Public Trust Lands”). Staff requests that you consider these comments before certifying the Final EIR.

Please send electronic copies of the Final EIR, Mitigation Monitoring Program, and 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.

Refer questions concerning environmental review to Christine Day, Environmental Scientist, at [Christine.Day@slc.ca.gov](mailto:Christine.Day@slc.ca.gov) or (916) 562-0027. For questions concerning Commission leasing jurisdiction, please contact Mr. Kelly Connor, Public Land Management Specialist III, at [Kelly.Connor@slc.ca.gov](mailto:Kelly.Connor@slc.ca.gov) or (916) 574-0343.

Sincerely,

A handwritten signature in black ink that reads "Nicole Dobroski". The signature is written in a cursive style with a distinct dot over the 'i' at the end.

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

cc: Office of Planning and Research  
C. Day, Commission  
K. Connor, Commission