

CALIFORNIA STATE LANDS COMMISSION

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Established in 1938

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File Ref: SCH #2023030403

County of Shasta
Charleen Beard
1855 Placer Street
Redding, CA 96001

VIA ELECTRONIC MAIL ONLY: cbeard@co.shasta.ca.us

**Subject: Initial Study/Mitigated Negative Declaration for Spring Creek Road
Bridge Replacement Project, Shasta County**

Dear Charleen Beard:

The California State Lands Commission (Commission) staff has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the Spring Creek Road Bridge Replacement (Project), which is being prepared by the County of Shasta (County). The County, 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.

Fall River, at the project location, is natural, navigable, non-tidal, and, therefore, State sovereign land under the Commission's jurisdiction. A lease will be required for the portion of the bridge extending over the River.

Project Description

The County proposes to replace the bridge on Spring Creek Road over Fall River because the bridge is structurally deficient, functionally obsolete for width and loading, and does not meet current federal or local design standards.

From the Project Description, Commission staff understands that the Project would include removing the current Spring Creek Road bridge and replacing it with a new bridge that has the potential to affect State sovereign land.

Environmental Review

Commission staff requests that the County consider the following comments on the Project's IS/MND, to ensure that impacts to State sovereign land are adequately analyzed for the Commission's use of the IS/MND when considering a future lease application for the Project.

General Comments

1. Permits and Approvals: In Section 1.6 (page 6 of the IS/MND), include the Commission in the Required Proposed Action Permits and Approvals list. This Project will need a new lease.

Cultural Resources

2. Title to Resources Within Commission Jurisdiction: The IS/MND should state that 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 Commission (Pub. Resources Code, § 6313). Commission staff requests that the County consult with Staff Attorney Jamie Garrett should any cultural resources on State lands be discovered during construction of the proposed Project.

Staff requests that the following statement be included in the IS/MND's Mitigation Monitoring Program: "The final disposition of archaeological,

historical, and paleontological resources recovered on State land under the jurisdiction of the California State Lands Commission must be approved by the Commission.”

Thank you for the opportunity to comment on the IS/MND for the Project. As a responsible and trustee agency, the Commission will rely on the adopted IS/MND when issuing a new lease as specified above (see Section “Commission Jurisdiction and Public Trust Lands”). We request that you consider our comments before adopting the IS/MND.

Please send electronic copies of the adopted IS/MND, Mitigation Monitoring Program, and Notice of Determination, and approving resolution 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 or (916) 562-0027. For questions concerning archaeological or historic resources under Commission jurisdiction, please contact Jamie Garrett, Staff Attorney, at Jamie.Garrett@slc.ca.gov or (916) 574-0398. For questions concerning Commission leasing jurisdiction, please contact Ninette Lee, Public Land Management Specialist, at Ninette.Lee@slc.ca.gov or (916) 574-1869.

Sincerely,



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

cc: Office of Planning and Research
C. Day, Commission
J. Garrett, Commission
N. Lee, Commission