

**CALIFORNIA STATE LANDS
COMMISSION**

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



Established in 1938

JENNIFER LUCCHESI, Executive Officer
916.574.1800

TTY CA Relay Service: 711 or Phone **800.735.2922**
from Voice Phone **800.735.2929**
or for Spanish **800.855.3000**

Contact Phone: 916.574.1900

July 31, 2023

File Ref: SCH #2023060798

Sonoma County Water Agency
Jeff Church, Senior Environmental Specialist
404 Aviation Boulevard
Santa Rosa, CA 95403-9019

Governor's Office of Planning & Research

July 31 2023

VIA ELECTRONIC MAIL ONLY (Jeff.Church@scwa.ca.gov) **STATE CLEARINGHOUSE**

**Subject: Draft Initial Study and Mitigated Negative Declaration for Russian River
County Sanitation District Headworks, Lift Stations, and Force Mains
Project, Sonoma County**

Dear Jeff Church:

The California State Lands Commission (Commission) staff has reviewed the Draft Initial Study and Mitigated Negative Declaration (MND) for the Russian River County Sanitation District Headworks, Lift Stations, and Force Mains Project (Project), which is being prepared by the Sonoma County Water Agency (SCWA). SCWA, 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.

SCWA submitted Inquiry 3857 in March 2022 to determine the extent of Commission jurisdiction within the Project area. Commission staff informed SCWA that an application is required for proposed work in the Commission's jurisdiction. In 1977, the Commission issued [Lease No. 5339](#) to the Russian River County Sanitation District at the Project location. The lease will expire on July 31, 2026, and authorizes the following structures:

1. 16-inch-diameter influent force main in the Russian River (River) at Vacation Beach
2. Two 10-inch-diameter effluent force mains and one 8-inch-diameter pipe outfall in the River at Edendale, near Guerneville

A new lease will be required to authorize the Project. An application will need to be submitted to the Commission through the online application portal (<https://oscar.sl.c.ca.gov/>). If you have questions specific to jurisdiction, lease provisions, or the application process, please contact Public Land Manager Ninette Lee (contact information below).

Project Description

SCWA proposes this sanitation system repair and replacement Project to meet its objectives and needs to replace existing aged infrastructure and to reduce the potential damage from geologic hazards.

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

- Beanwood Force Main. Segment 2 of the 8-inch-diameter welded steel force main, known as Beanwood Force Main, would be replaced and suspended under the Guerneville Bridge where it crosses the Russian River. Construction would require the use of an excavator, front loader, and dump trucks to facilitate the removal and replacement of the force main

pipe. A boom truck would be used to remove and replace the pipe on the Guerneville Bridge.

- Main Force Main. The Project would replace segment 6 of the 16-inch-diameter steel pipe known as Main Force Main. Trenchless construction would be required for the new pipeline casing, and the Project also includes a temporary replacement component. The old force main would be abandoned in place.
- Staging Areas. Various staging areas, such as staging areas 6, 7, and 8 could occur on lands under the Commission's jurisdiction, including all paved and unpaved trenching, regrading, and staging areas. Trenching, regrading, and soil stockpiling would require the use of backhoes, excavators, and various hand tools.

Environmental Review

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

General Comments

1. Project Description: The Project Description should be as precise as possible in describing all existing structures identified in Lease No. 5339 and the final disposition of those structures after the Project is complete. In addition, the MND does not provide sufficient information to determine the Project's areas of disturbance, the location of construction activities relative to the Russian River and its mean high tide line, and the total Project footprint including the trenchless construction areas. The figures do not show staging and construction areas to an adequate level of detail to support either the Project Description or the CEQA analysis. Please also include a detailed construction schedule to clarify and support the analyses in Section 3.0 of the MND, particularly air quality and biological resources.
2. Abandonment in Place: Lease No. 5339 requires full removal of all improvements and complete site restoration upon the expiration or earlier termination of the lease. Commission staff requests that SCWA include an option, including associated environmental analysis, for complete removal of all non-operational infrastructure under the Commission's jurisdiction and not limit the analysis to abandonment of existing improvements in place ([MND Appendix A on pdf page 162](#)). Without this analysis, the Commission may require additional environmental review under CEQA to process a future lease application.

3. Cumulative Impacts: Staff understands that "[The Lodge on Russian River \(formerly Guernewood Park Resort\)](#)" project (SCH# 2021080556) is also being proposed in the Guerneville area along the Russian River. The MND analysis should include a cumulative impacts analysis (i.e., construction emissions, traffic) that includes the proposed resort project.

Cultural Resources

4. Submerged Cultural Resources: The MND evaluates potential impacts to submerged cultural resources in the Project area. Please note that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant. Because of this possibility, please add a mitigation measure requiring that in the event historic or cultural resources are discovered during construction activities, Project personnel shall halt all activities in the immediate area and notify a qualified archaeologist to determine the appropriate course of action.
5. Title to Resources Within Commission Jurisdiction: The 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). Please contact Commission staff (contact information below) 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 MND's Mitigation Measure CUL-1: "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."

Recreation

6. River Recreation: Staff requests that the MND discuss whether the Project-related activities could temporarily impact public recreation and access to the River. Please also include in the MND information on how the public will be notified about this Project and potential temporary recreational impacts.

Environmental Justice

7. Although not legally required by CEQA, Commission staff suggests that SCWA include a section describing the environmental justice community outreach and engagement undertaken in developing the MND and the results of such outreach.

Environmental justice is defined by California law as “the fair treatment and meaningful involvement of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” (Gov. Code, § 65040.12.) This definition is consistent with the Public Trust Doctrine’s principle that management of Public Trust lands is for the benefit of all people.

Through its [2018 Environmental Justice Policy](#), the Commission reaffirms its commitment to an informed and open process in which all people are treated equitably and with dignity, and in which its decisions are tempered by environmental justice considerations. Among other goals, the policy commits the Commission to strive to minimize additional burdens on and increase benefits to marginalized and disadvantaged communities resulting from a proposed Project or lease.

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

Please send electronic copies of the adopted MND, Mitigation Monitoring Program, 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, archaeological or historic resources under Commission jurisdiction to Afifa Awan, Senior Environmental Scientist, at Afifa.Awan@slc.ca.gov or (916) 574-189. For questions concerning Commission leasing jurisdiction, please contact Ninette Lee, Public Land Manager, at Ninette.Lee@slc.ca.gov or (916) 574-1869.

Please send inquiries regarding the Commission's shipwrecks database to Shipwre@slc.ca.gov. For questions relating to the Commission's Environmental Justice Policy and outreach, please contact Yessica Ramirez, Environmental Justice Liaison, at Yessica.Ramirez@slc.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Nicole Dobroski". The signature is written in a cursive, flowing style.

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

cc: Office of Planning and Research
A. Awan, Commission
N. Lee, Commission
Y. Ramirez, Commission