

**CALIFORNIA STATE LANDS  
COMMISSION**

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Governor's Office of Planning & Research

January 12 2024



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**STATE CLEARINGHOUSE**

January 12, 2024

File Ref: SCH #2023120404

Reclamation District No. 2060  
1143 Crane Street, Suite 200  
Menlo Park, CA 94025-4341  
[kynett@mbkengineers.com](mailto:kynett@mbkengineers.com)

**Subject: Initial Study/Mitigated Negative Declaration for the Hastings Tract Pipe Replacement Project, Solano County.**

Dear Micheal Kynett:

The California State Lands Commission (Commission) staff has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the Hastings Tract Pipe Replacement Project (Project), which is being prepared by Reclamation District No. 2060 (District). The District, 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.

Cache Slough, Lindsey Slough, and portions of Hastings Cut, at the project location, are State sovereign land under the Commission's jurisdiction. An application for a lease will be required for any portion of the Project located on State sovereign land. Please contact Ninette Lee (information provided below) for information on the Commission's leasing jurisdiction, and reference Inquiry No. 4412.

### **Project Description**

The District proposes to relocate twin 48-inch-diameter tide gates along Hastings Cut, from the Cache Slough levee to Lindsey Slough levee, to maintain levee integrity and provide long-term flood protection to Hastings Tract. From the Project Description, Commission staff understands that the Project would include the use of cofferdams in the sloughs that have potential to affect State sovereign land. While staff understands that there are no activities currently contemplated within Hastings Cut, the District should be aware that portions of that waterbody are within the Commission's jurisdiction. As such, any Project changes involving activities or infrastructure within Hastings Cut would need to be evaluated for potential Commission action.

### **Environmental Review**

Commission staff requests that the District 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. Public Agency Approvals: In the Project Summary (page ii), the Commission was not included in the list of public agencies whose approval is required. The cofferdams included in the project description will be in Commission jurisdiction and will require a lease.

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 in considering a new lease as specified above (see Section "Commission Jurisdiction and Public Trust Lands"). Staff requests that you consider these comments before adopting the IS/MND.

Please send electronic copies of the adopted IS/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 to Christine Day, Environmental Scientist, at [Christine.Day@slc.ca.gov](mailto:Christine.Day@slc.ca.gov) or (916) 552-0027. For questions concerning Commission leasing jurisdiction, please contact Ninette Lee, Public Land Management Specialist, at [Ninette.Lee@slc.ca.gov](mailto: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  
N. Lee, Commission  
A. Kershen, Commission