

**CALIFORNIA STATE LANDS
COMMISSION**

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February 6, 2025

File Ref: SCH # 2025010149

Connie Chen
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94103

VIA REGULAR & ELECTRONIC MAIL (collinsville@panoramaenv.com;
connie.chen@cpuc.ca.gov)

**Subject: Notice of Preparation for an Environmental Impact Report for the
Collinsville 500/230 Kilovolt Substation Project, Solano, Contra Costa,
Alameda, and Sacramento Counties**

Dear Connie Chen:

The California State Lands Commission (Commission) staff has reviewed the subject Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the Collinsville 500/230 Kilovolt (kV) Substation Project (Project), which is being prepared by the California Public Utilities Commission (CPUC). The CPUC 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 lands and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on State sovereign land under the Commission's jurisdiction, the Commission will act as a responsible agency. Commission staff requests that CPUC consult with us on preparation of the Draft EIR as required by CEQA section 21104, subdivision (a), and the State CEQA Guidelines section 15086, subdivisions (a)(1) and (a)(2).

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 (MHTL), except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

Based on staff's review of the submitted information and internal records, the proposed Project will be located within State sovereign land granted by the legislature to the City of Pittsburg pursuant to Chapter 422, Statutes of 2011, with minerals reserved. The Project will also be located within ungranted State sovereign land in the Sacramento River (also known as Suisun Bay on the 1980 U.S. Geological Survey Honker Bay and Antioch North maps), which at this location is natural, navigable, and tidal. The ungranted State sovereign land falls under the jurisdiction of the Commission and is subject to leasing requirements.

An application for the Project may be submitted to the Commission through the online application portal ([OSCAR.slc.ca.gov](https://oscar.slc.ca.gov)). If you have questions specific to jurisdiction, lease provisions, or the application process, please see the Public Land Manager contact information at the end of the letter.

Potential Land Use Conflicts

The proposed Project passes through State sovereign lands authorized by Commission-issued Lease 7781 for the extraction of sand and gravel for commercial use. It is likely that the proposed transmission line's path within the river intersects multiple portions of the Lease 7781 area to the southwest of Chain Island and to the west of the northern half of Winter Island (see further discussion below). While the Commission seeks to lease public lands under a doctrine of non-exclusivity, staff also seek to ensure that competing uses of these lands do not directly conflict. Therefore, Commission staff request that the proposed Project be designed to minimize or eliminate such conflict. Staff is processing an application for a new 10-year lease for 7781, set for Commission consideration in late 2025 or early 2026, pending completion of a Supplemental EIR for the San Francisco Bay and Delta Sand Mining Project. Commission staff recommend that the CPUC review the Commission's [Notice of Preparation](#), released on May 25,

2023, for the Supplemental EIR for the San Francisco Bay and Delta Sand Mining Project, which includes Lease 7781, and reach out to staff for further information about the application.

Project Description

LS Power Grid California (LSPGC) filed an application for a Certificate of Public Convenience and Necessity with the CPUC for the Project. The California Independent System Operator's 2021-2022 Transmission Plan identified the proposed Project as a needed upgrade to the California electric grid. The proposed Project is located in Solano, Sacramento, Alameda, and Contra Costa counties within an existing regional transmission system that provides electricity to the northern Greater Bay Area.

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

- Transmission Line and Transition Structure: Construction of a new approximately 6-mile long, double-circuit 230 kV transmission line that would include approximately 4.5 miles of submarine cables running beneath the Sacramento River. The submarine cables would be buried to a depth of approximately 6 to 15 feet below the sediment surface, and would connect to an in-river transition structure just off the northern shore of the Sacramento River.
- Underground Utility Vault: The in-river transmission line segment would connect to the utility vault located on the southern shore of the Sacramento River, near the Pittsburg Substation.

Environmental Review

Commission staff requests that the CPUC consider the following comments when preparing the EIR, to ensure that impacts to State sovereign land are adequately analyzed for the Commission's use of the EIR to support a future lease approval for the Project.

General Comments

1. Project Description: A thorough and complete Project Description should be included in the EIR to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. The Project Description should be as precise as possible in describing the details of all proposed activities (e.g., types of equipment and construction methods that may be used, maximum area of impact or volume of sediment removed or disturbed, seasonal work windows, locations for material disposal, etc.), as well as the

details of the timing and length of activities. In particular, illustrate on figures and engineering plans the MHTL of the Sacramento River and provide written description of activities occurring below the MHTL. Thorough descriptions will facilitate Commission staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required.

2. Cumulative Impacts: In accordance with Section 15130 of the CEQA Guidelines, the EIR should include an analysis of how the Project could contribute incremental effects that could be cumulatively considerable or conflict with past, present, or probable future projects occurring in the Project area. As explained in the Potential Land Use Conflicts section of this letter, it is likely that the proposed transmission line's path within the river intersects multiple portions of the lease area for Lease 7781 to the southwest of Chain Island and to the west of the northern half of Winter Island. The proposed burial depth of the transmission line of 6 to 15 feet into the substrate could interfere with sand mining operations and could result in damage to the proposed transmission line because of sand mining operations directly above it. Further, natural fluctuations in the thickness of the substrate would occur over time due to subsurface currents, which could expose portions of the buried transmission line if the depth is not sufficient and exacerbated by sand mining operations.

To mitigate this risk, the path of the transmission line may require some adjustments in trend and depth, particularly for the segments that intersect the sand mining lease area. Commission staff recommends that the CPUC and the LSPGC evaluate the proposed Project's design, considering the sand mining operations of Lease 7781 and the proposed activities evaluated in the Supplemental EIR, to ensure that conflicts are minimized. In addition, the CPUC and LSPGC should ensure that the EIR adequately analyzes cumulative impacts and identifies appropriate mitigation or alternatives.

Additionally, the U.S. Army Corps of Engineers (USACE) conducts maintenance dredging of the federal navigation ship channel in the Sacramento River, which is within a portion of the Project area. Therefore, the CPUC and LSPGC should consult with USACE to ensure the proposed submarine cables are aligned and sited at an appropriate depth of burial for compatibility with USACE maintenance dredging operations, and these operations should be evaluated as part of the cumulative impacts analysis.

3. Proposed Project and Alternatives Analysis: In addition to describing mitigation measures that would avoid or reduce the potentially significant impacts of the Project, the CPUC should identify and analyze a range of

reasonable alternatives to the proposed Project that would attain most of the Project objectives while avoiding or reducing one or more of the potentially significant impacts (see State CEQA Guidelines, § 15126.6).

As explained in the Commission Jurisdiction section and comment #2 (Cumulative Impacts), above, the route and proposed depth of burial of the in-river submarine cables with the proposed Project has potential to conflict with existing uses in the Project area. To maximize compatibility with existing uses, the CPUC and LSPGC should consider development of a Project alternative that uses Horizontal Directional Drilling (HDD) methods to increase the buried cable depth of cover. The HDD method could ensure the safety and integrity of the buried cables.

Biological Resources

4. For land under the Commission's jurisdiction, the EIR should disclose and analyze all potentially significant effects on sensitive species and habitats in and around the Project area, including special status wildlife, fish, and plants, and if appropriate, identify feasible mitigation measures to reduce those impacts. The CPUC should conduct queries of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database and U.S. Fish and Wildlife Service's (USFWS) Special Status Species Database to identify any special status plant or wildlife species that may occur in the Project area. The EIR should also include a discussion of consultation with CDFW, USFWS, and the National Marine Fisheries Service (NMFS), as applicable, including any recommended mitigation measures and potentially required permits identified by these agencies.
5. Invasive Species: One of the major stressors in California waterways is introduced species. Therefore, the EIR should consider the Project's potential to encourage the establishment or proliferation of aquatic invasive species (AIS) such as the Golden mussel (*Limnoperna fortunei*) and other nonindigenous, invasive species including aquatic plants, snails, and clams. For example, construction boats and barges may transport new species to the Project area via vessel biofouling, wherein marine and aquatic organisms attach to and accumulate on the hull and other submerged parts of a vessel.

If the analysis in the EIR finds potentially significant AIS impacts, possible mitigation could include requiring contractors to inspect and clean the hull and other underwater surfaces of vessels prior to arrival at the Project site. The Commission's Marine Invasive Species Program could assist with this analysis as well as with the development of appropriate mitigation measures (information at <https://www.slc.ca.gov/misp/>).

6. Construction Noise: The EIR should also evaluate noise and vibration impacts on fish and birds from construction activities in the water, on the levees, and for land-side supporting structures. Mitigation measures could include species-specific work windows as defined by CDFW, USFWS, and NMFS. Again, staff recommends early consultation with these agencies to minimize the impacts of the Project on sensitive species.

Climate Change

7. Sea Level Rise: Climate change impacts, including sea level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The facilities are located on the Sacramento River, in a tidally influenced site vulnerable to flooding at current sea levels and at a higher risk of flood exposure given projected scenarios of sea level rise.

The 4.5 miles of submarine cables proposed to be buried to a depth of approximately 6 to 15 feet below the riverbed should have adequate protection from the effects of climate change, but may require periodic inspection to ensure the cables do not become exposed from erosion and scouring processes. However, structures proposed along the riverbank (i.e., in-river transition structure just off the northern shore of the Sacramento River and underground utility vault on the southern shore of the Sacramento River) are fixed and therefore more vulnerable to sea level rise and more frequent flood events. These structures may need maintenance, due to increased flood exposure and more frequent storm events, to ensure they do not become dislodged or degraded and to reduce risks to public safety and navigation.

The EIR should address how the riverbank structures have been designed to withstand flood events and the effects of climate change. A lease application with the Commission will require an analysis of the effects of climate change on structures proposed within the lease premises.

Cultural Resources

8. Submerged Resources: The EIR should evaluate potential impacts to submerged cultural resources in the Project area. The Commission maintains a shipwrecks database that can assist with this analysis. Please send inquiries to Shipwreck.Database@slc.ca.gov to obtain shipwrecks data from the database and Commission records for the Project site. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. 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 cultural resources are discovered during any construction activities, Project personnel shall halt all activities in the immediate area and notify a qualified archaeologist to determine the appropriate course of action.

9. Title to Resources: The EIR should also mention that the title to all abandoned shipwrecks, 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). In addition, Commission 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 lands under the jurisdiction of the California State Lands Commission must be approved by the California State Lands Commission."

Mitigation

10. Deferred Mitigation: In order to avoid the improper deferral of mitigation, mitigation measures must be specific, feasible, and fully enforceable to minimize significant adverse impacts from a project, and "shall not be deferred until some future time." (State CEQA Guidelines, §15126.4, subd. (a)). For example, references to the preparation of a Mitigation Plan to reduce an impact, without calling out the specific activities that will be included in the Plan to reduce that particular impact to a less than significant level, is considered deferral. Commission staff requests that specific information be provided in such mitigation measures to demonstrate how the measure is going to mitigate potential significant impacts to less than significant.

Environmental Justice

11. 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 trust lands is for the benefit of all people.

The Commission adopted an updated [Environmental Justice Policy and Implementation Blueprint](#) in December 2018 to ensure that environmental justice is an essential consideration in the agency's processes, decisions, and programs. The twelve goals outlined in the Policy reflect an urgent need to address the inequities of the past, so they do not continue. Through its 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.

Although not legally required in a CEQA document, Commission staff suggests that the CPUC include a section describing the environmental justice community outreach and engagement undertaken in developing the EIR and the results of such outreach. The California Office of Environmental Health Hazard Assessment developed the [CalEnviroScreen](#) mapping tool to assist agencies with locating census tracts near proposed projects and identifying the environmental burdens, should there be any, that disproportionately impact those communities. Environmental justice communities often lack access to the decision-making process and experience barriers to becoming involved in that process. It is crucial that these communities are consulted as early as possible in the project planning process.

Commission staff strongly recommends using the [CalEnviroScreen](#) tool and then, as applicable, reaching out through local community organizations, such as the [California Environmental Justice Alliance](#). For projects in the San Francisco Bay Conservation and Development Commission's (BCDC) jurisdiction and the Delta, Commission staff also recommends using the [BCDC Community Vulnerability Tool](#) and the [Vulnerability to Climate Change in the Delta](#) map developed by the Delta Stewardship Council. Engaging in early outreach will facilitate more equitable access for all community members. In this manner, the CEQA public comment process can improve and provide an opportunity for more members of the public to provide input related to environmental justice. Commission staff also recommends incorporating or addressing opportunities for community engagement in mitigation measures. Commission staff will review the environmental justice outreach and associated results as part of any future Commission action.

Thank you for the opportunity to comment on the NOP for the Project. As a trustee and responsible agency, Commission staff requests consultation on this Project and to be kept advised of changes to the Project Description and all other important developments. Please send additional information on the Project to the Commission staff listed below as the EIR is being prepared.

Please refer questions concerning environmental review to Jason Ramos, Senior Environmental Scientist, at (916) 574-1814 or via email at Jason.Ramos@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Joanne Holt, Public Land Management Specialist, at (916) 574-1832 or via email at Joanne.Holt@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

J. Holt, Commission

J. Ramos, Commission

C. Huitt, Commission

J. Fabel, Commission

P. Regan, Commission

V. Perez, Commission

R. Lee, Commission