

**CALIFORNIA STATE LANDS
COMMISSION**

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Established in 1938

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February 14, 2025

File Ref: SCH # 202510471

California Department of Parks and Recreation

Katie Metraux, General Plan Manager

P.O. Box 942896

Sacramento, Ca 94296-0001

VIA REGULAR & ELECTRONIC MAIL: Katie.Metraux@parks.ca.gov

**Subject: Notice of Preparation of an Environmental Impact Report for the Delta
Meadows Park Classification and General Plan Project, Sacramento
County**

Dear Katie Metraux,

The California State Lands Commission (Commission) staff has reviewed the subject NOP for an Environmental Impact Report (EIR) for the Delta Meadows Park Classification and General Plan Project (Project), which is being prepared by the California Department of Parks and Recreation (CDPR). The California Department of Parks and Recreation, 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 lands and their accompanying Public Trust resources or uses. Additionally, if 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 CDPR 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, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low-water mark and a Public Trust easement landward to the ordinary high-water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

Upon review of the information contained in the NOP, Commission staff understands that the proposed Project may extend into the Snodgrass Slough Side Channel and into the Meadows Slough, which are State sovereign lands under the jurisdiction of the Commission. Therefore, any future activities related to the General Plan and within these waterways may require a lease.

Based on the information submitted to CEQAnet, staff is currently unable to determine if the Project will extend onto State sovereign land in either slough. As future activities connected to this Project are implemented, please contact the Commission's Land Management Division (contact information at the end of the letter) to determine whether a lease is required. We additionally request to be placed on any future distribution mailing list for the Project.

Project Description

CDPR proposes to prepare a General Plan for the Delta Meadows Property. The General Plan will outline the long-term management framework for the property and, depending on the classification outcome, establish the foundation for future park improvements.

The NOP's Project Description does not provide sufficient information on future activities for Commission staff to evaluate Project impacts on the Snodgrass Slough Side Channel and the Meadows Slough, which are State sovereign lands

under the jurisdiction of the Commission. Staff anticipate reviewing this information in the Draft EIR.

Environmental Review

Commission staff requests that CDPR 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's future activities.

General Comments

1. Programmatic Document: The NOP is unclear as to whether the General Plan will be analyzed through a program EIR, a project-level EIR, or with a document that includes a combination of the two approaches. The Draft EIR must clearly identify which General Plan components, if any, are being evaluated at a project level and which are being evaluated at a program level.

If the Draft EIR is being proposed as a programmatic rather than a project-level document, as identified on page 2, the Commission expects the implementation of the General Plan will be presented as a series of distinct but related sequential activities. The State CEQA Guidelines, section 15168, subdivision (c)(5) states that a program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. In order to avoid the improper deferral of mitigation, a common flaw in program-level environmental documents, mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (State CEQA Guidelines, § 15126.4, subd. (a)). As such, the program EIR should make an effort to distinguish what activities and their mitigation measures are being analyzed in sufficient detail to be covered under the program EIR without additional project specific environmental review, and what activities will trigger the need for additional environmental analysis (see State CEQA Guidelines, § 15168, subd. (c)).

2. Project Description: A thorough and complete Project Description should be included in the EIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. For any General Plan components analyzed at a project level, the Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or 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, please illustrate on figures and engineering plans and provide written description of activities occurring below the mean high tide line for Project area waterways. 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.

Biological Resources

3. 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. CDPR 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.
4. 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 and quagga mussel, or other nonindigenous, invasive species including aquatic plants. For example, construction boats and barges brought in from long stays at distant projects 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 wetted surfaces of a vessel.

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

5. Construction Noise: The EIR should also evaluate noise and vibration impacts on fish and birds from construction, restoration, or flood control 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

6. Greenhouse Gas (GHG): A GHG emissions analysis consistent with the California Global Warming Solutions Act (Assembly Bill [AB] 32; Nuñez, Chapter 488, Statutes of 2006) and required by the State CEQA Guidelines should be included in the EIR. This analysis should identify a threshold of significance for GHG emissions, calculate/estimate the level of GHGs that will be emitted as a result of construction and ultimate build-out of the Project, determine the significance of the impacts of those emissions, and, if impacts are significant, identify mitigation measures that would reduce them to the extent feasible.
7. Sea Level Rise: State-owned lands and resources under the Commission's jurisdiction will be impacted by rising sea levels. With this in mind, CDPR should consider discussing in the EIR if and how various General Plan project components might be affected by sea level rise and whether "resilient" designs have been incorporated. The Snodgrass Slough Side Channel, Meadows Slough, and their surroundings are generally in a low-lying, flood-prone area that will be affected by rising sea levels. Additionally, because of their nature and location, these lands and resources are already vulnerable to a range of natural events, such as storms and extreme high tides. As individual projects are designed and evaluated, attention should be given to sea level rise projections to ensure the structures' designs are sufficient to ensure function, safety, and protection of the environment over the expected life of the structure. Governor Brown issued Executive Order B-30-15 in April 2015, which directs state government to fully implement the Safeguarding Plan and factor in climate change preparedness in planning and decision making. Please note that when considering lease applications, Commission staff will (1) request information from applicants concerning the potential effects of sea level rise on their proposed projects, (2) if applicable, require applicants to indicate how they plan to address sea level rise and what adaptation strategies are planned during the projected life of their projects, and (3) where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from sea level rise, including adverse impacts on public access. In addition, the State of California released the 2018 Update to the Safeguarding California Plan in January 2018, to provide policy guidance for state decision-makers as part of continuing efforts to prepare for climate risks. The Safeguarding Plan sets forth "actions needed" to safeguard ocean and coastal ecosystems and resources as part of its policy recommendations for state decision-makers.

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 and Alternatives

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 or performance criteria 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 more specific information be provided in such mitigation measures to demonstrate how the measure will mitigate potential significant impacts to less than significant.
11. Alternatives: In addition to describing mitigation measures that would avoid or reduce the potentially significant impacts of the Project, CDPR 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).

Environmental Justice

12. 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 CDPR 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 climate change map developed by the Delta Stewardship Council, [Vulnerability to Climate Change in the Delta](#), and then, as applicable, reaching out through local community organizations, such as the [California Environmental Justice Alliance](#). 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 Christopher Hall, Environmental Scientist, at (916) 574-1845 or via email at christopher.hall@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Madison Waldo, Public Land Management Specialist, at (916) 562-00038 or via email at madison.waldo@slc.ca.gov.

Sincerely,



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

cc: Office of Planning and Research
C. Hall, Commission
M. Waldo, Commission
J. Fabel, Commission