

**CALIFORNIA STATE LANDS
COMMISSION**

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Established in 1938

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September 9, 2024

File Ref: SCH #2015042016

Caltrans
Attn: Liza Walker, Eureka Office Chief
Caltrans North Regional Environmental
1656 Union Street
Eureka, California 95501

VIA ELECTRONIC MAIL ONLY (albionbridge@dot.ca.gov)

**Subject: Draft Environmental Impact Report/Environmental Impact Statement
and Draft Section 4(f) Evaluation for Albion River Bridge Project,
Mendocino County**

Dear Liza Walker:

The California State Lands Commission (Commission) staff has reviewed the Draft Environmental Impact Report/Environmental Impact Statement and Section 4(f) Evaluation (EIR/EIS) for the Albion River Bridge Project (Project), which is being prepared by the California Department of Transportation (Caltrans). Caltrans, 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.*). Caltrans is also the lead agency under the National Environmental Policy Act (NEPA) in accordance with a NEPA Assignment Memorandum of Understanding from the Federal Highway Administration (FHWA) (42 U.S.C. § 4321, *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. The Commission will additionally act as a responsible agency because the Project involves work on State sovereign land.

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 granted or ungranted tidelands and submerged lands, 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 ordinary high water mark, which is generally identified as 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.

The Albion River, at the Project location, is State sovereign land under the Commission's jurisdiction. On November 30, 1941, the Commission approved a right-of-way map (No. PRC 342) for the existing bridge pursuant to California Streets and Highways Code section 101.5. Based on the information provided, it appears the proposed Project will extend beyond the approved right-of-way. Therefore, authorization of a temporary construction easement from the Commission will be required for the Project, and authorization of a new permit and a new right-of-way map from the Commission may be required for the Project. An application may be submitted to the Commission through the online application portal ([OSCAR.slc.ca.gov](https://oscar.slc.ca.gov)). If there are questions specific to jurisdiction, lease provisions, or the application process, please contact Public Land Manager Ninnette Lee (contact information below).

Project Description

Caltrans proposes to replace the existing Albion River Bridge (Caltrans Bridge #10-0136) on State Route (SR) 1 in Mendocino County from postmile (PM) 43.3 to PM 44.2. The purpose of the Project is to provide a bridge across the Albion River that meets modern seismic safety standards, provides safe and reliable multimodal access, and minimizes ongoing maintenance costs. The Project is needed to address several functional, safety, and structural deficiencies associated with the existing bridge. Correcting these deficiencies would improve safety for all users and reduce the chance of catastrophic bridge failure.

Caltrans evaluated three Build Alternatives and a No-Build Alternative (also known as the "No-Action" Alternative). The Draft EIR states that a preferred alternative for the Project will not be identified until after the Project's Draft EIR/EIS has been circulated and public and agency comments have been

considered. Per the Draft EIR, design Option 2B was determined to be the environmentally superior alternative.

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

- Demolition and structural removal activities for the existing bridge
- Temporary equipment, falsework, and/or bridge removal trestles necessary for equipment, materials, and/or construction-worker access to the existing bridge and the replacement bridge
- Pier placement
- Embankment shoring

Environmental Review

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

General Comments

1. Project Description: Due to the size of the Project area, details regarding activities on State sovereign land on the EIR/EIS figures are not distinguishable. Commission staff requests that a specific figure (or figures) showing the activities that will occur below the MHTL of the Albion River and an accompanying description of the activities be included in the Final EIR/EIS and submitted to the Commission with the permit application.

Climate Change

2. Sea Level Rise: A tremendous amount of State-owned lands and resources under the Commission's jurisdiction will be impacted by rising sea levels. With this in mind, Caltrans should consider discussing in the Final EIR/EIS if and how various Project components might be affected by sea level rise and whether "resilient" designs have been incorporated. At the Project area, the Albion River and its 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.

Given the height of the proposed replacement bridge, sea level rise is unlikely to impact the bridge span; however, the impact of sea level rise on the location and design of the pier footings and the use of bank stabilization should be discussed in the EIR/EIS. 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. 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. When considering 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.

Cultural Resources

3. Title to Resources Within Commission Jurisdiction: The EIR/EIS 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).

Staff requests that the following statement be included in the EIR/EIS's Mitigation Monitoring and Reporting 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."

Recreation

4. Public Access: According to the EIR/EIS, there is no direct access to the Albion River from SR 1, due to steep slopes, and no deeded public access to the Albion River from other access points because they are on private property. However, the EIR/EIS also states "Access to the beach at Albion Cove is privately owned. The general public may access the beach free of charge during normal day-use hours if they do not park on private campground property and do not use the campground facilities." Please ensure the Final EIR/EIS clearly states if public access is possible at the Project location.

The EIR/EIS should include a section describing the potential for the Project to affect recreational uses and public access to the subject waterway, particularly in light of the Project's construction schedule. The EIR/EIS should discuss the recreational uses and access points in the Project vicinity, whether and to what extent these uses would be facilitated or disrupted by the Project, and what, if any, measures could be implemented to reduce any potential negative impacts. This discussion should also identify any safety measures Caltrans will put in place to ensure public safety for recreational activities. Measures could include a public notice and Project area signage provided in advance of the Project, notifying the public of any disruptions, or creation of alternate access points or use areas.

Pursuant to section 84.5 of the California Streets and Highways Code, during the design hearing process, full consideration of, and a report on, the feasibility of providing public access to the subject waterway is required to be provided. The report should consider the following:

- An assessment of public access needs at the Project location, in addition to a benefit analysis of public access alternatives, not alternatives to access.
- A description of existing public access points and facilities in the Project vicinity, including the existing condition of these resources and entity responsible for maintenance.
- An assessment of existing constraints and hazards that could make on-site public access infeasible.
- A feasibility assessment of proposed on-site public access infrastructure, such as construction of trails, stairs, parking areas, trash cans, restrooms, etc.
- If on-site public access is infeasible, a feasibility assessment of alternatives, such as improving existing public access in the Project vicinity or creating new public access points that could provide a means to access the subject waterway within the project vicinity.
- Environmental impacts of providing public access.
- A conclusion on the feasibility of providing public access.

If the report determines that public access is feasible, the EIR/EIS must reflect how public access improvements will be incorporated into the Project and identify any associated environmental impacts. Planning for preparation of the report should occur during the earliest stages of Project planning, and the report should be used to support the environmental impact analysis of the EIR/EIS. Because the Commission is acting as a responsible agency for purposes of its approval consideration, Commission staff will need to rely on the EIR by Caltrans to make a CEQA-based recommendation to the Commission on the Project. The Final EIR/EIS should, therefore, include the

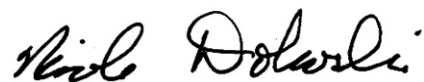
requested analysis on feasibility of providing public access to avoid delays with Commission staff's processing of the application.

Thank you for the opportunity to comment on the EIR/EIS for the Project. As a responsible and trustee agency, the Commission will rely on the Final EIR/EIS for issuance of a new permit and right-of-way map as specified above (see Section "Commission Jurisdiction and Public Trust Lands"). Staff requests that Caltrans considers these comments before certifying the EIR/EIS.

Please send electronic copies of the Final EIR/EIS, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination, approving resolution, CEQA Findings, and, if applicable, Statement of Overriding Considerations 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.) 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 the MMRP and CEQA Findings, must meet accessibility requirements for Commission staff to place the application on the Commission agenda.

Please direct questions concerning environmental review to Cynthia Herzog, Senior Environmental Scientist, at cynthia.herzog@slc.ca.gov or (916) 574-1310. For questions concerning Commission leasing jurisdiction, please contact Ninnette Lee, Public Land Manager, at ninnette.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. Herzog, Commission
N. Lee, Commission
F. Pao, Commission