

CALIFORNIA STATE LANDS COMMISSION
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Established in 1938

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Governor's Office of Planning & Research

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STATE CLEARINGHOUSE

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Contact Phone: (916) 574-1890

File Ref: SCH #2018092017

City of Stockton Municipal Utilities Department
Deedee Antypas, Deputy Director of Wastewater Operations
2500 Navy Drive
Stockton, CA 95206

VIA ELECTRONIC MAIL ONLY (deedee.antypas@stocktonca.gov)

Subject: Draft Supplemental Environmental Impact Report (SEIR) for City of Stockton Regional Wastewater Control Facility Modifications Project, Outfall Relocation Project, San Joaquin County

Dear Deedee Antypas:

The California State Lands Commission (Commission) staff has reviewed the Draft Supplemental Environmental Impact Report (SEIR) for the City of Stockton Regional Wastewater Control Facility Modification, Outfall Relocation Project (Project), which is being prepared by the City of Stockton (City). The City, as the public agency responsible for the Regional Wastewater Control Facility (RWCF) 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 holds fee ownership of the bed of the waterway 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 final court decision. Such boundaries may not be readily apparent from present day site inspections.

Based on the Project description, staff understands that the proposed Project will be located in the bed of the San Joaquin River. The San Joaquin River at this location is a natural, navigable, tidal watercourse. The Commission's jurisdiction includes the river and levees below the ordinary high-tide line. In addition, Project construction requires in-water work. Therefore, a lease from the Commission will 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 you have questions specific to jurisdiction, lease provisions, or the application process, please contact Public Land Management Specialist, Al Franzoia (see contact information below).

Project Description

The City proposes to relocate an existing outfall to meet the City's objectives and needs for the Project as follows:

- Further consolidate treatment facilities, thereby eliminating the need to construct approximately 2,000 feet of pipeline along the western edge of the San Joaquin River;
- Allow gravity discharge of effluent to the San Joaquin River to the maximum extent possible (more than 90 percent of the time) thereby reducing overall disposal cost; and
- Comply with receiving water limitation specified in the RWCF National Pollutant Discharge Elimination System permit.

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

- Project Component 1. Reinstatement of an existing 60-inch reinforced concrete pipe running from the RWCF to an abandoned outfall apron on the east bank of the San Joaquin River.
- Project Component 2. Modification of the outfall apron structures to create a new outfall outlet.
- Project Component 3. Construction of a pipeline running from the Final Effluent Pump Station (a component of the RWCF) to the reinstated 60-inch reinforced concrete pipe.

Outfall construction would involve installation of a temporary cofferdam and dewatering in the San Joaquin River.

Environmental Review

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

General Comments

1. The Executive Summary, p. 2-1, Section 2.2.2 Project Objectives states that one of the objectives of the Project is to "eliminate the need to construct approximately 2,000 feet of **54-inch** pipeline..." However, the Project Description, p. 3-1, Section 3.3 Project Purpose and Objectives states that the objective is to "eliminate the need to construct approximately 2,000 feet of **72-inch** pipeline..." Staff requests a clarification on the size of the pipeline to avoid confusion as to what part of the Final Environmental Impact Report would be eliminated through certification of this SEIR.

Cultural Resources

2. Title to Resources within Commission Jurisdiction: The SEIR should state 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 Commission (Pub. Resources Code, § 6313)." Commission staff requests that the City consult with Staff Attorney Jamie Garrett should any cultural resources on state lands be discovered during construction of the proposed Project.

Although Cultural Resources were not required to be further analyzed in the SEIR, staff requests that the following statement be included in the final Mitigation Monitoring Program for the Project: "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

3. Commission staff believes that there could be temporary potential impacts to recreational activities during the construction phase of the Project. Because the Project's use of a temporary cofferdam is within a recreational site, Commission staff suggests that the City include additional analysis to address impacts to existing and ongoing recreational activities, even on a temporary basis. For example, would the Project interfere with the existing use of in-river recreational opportunities, such as kayaking, paddleboarding, or fishing? Mitigation to address potential impacts to recreational users may include safety and informational signage and a clear

demarcation of the Project area during construction or temporary relocation/redirection of river access.

Thank you for the opportunity to comment on the SEIR for the Project. As a responsible agency, the Commission will rely on the Final SEIR when considering a new lease as specified above (see Section "Commission Jurisdiction and Public Trust Lands"). We request that you consider our comments before certifying the SEIR.

Please send electronic copies of the Final EIR, Final SEIR, Mitigation Monitoring Program, 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.) 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 or (916) 562-0027. For questions concerning archaeological or historic resources under Commission jurisdiction, please contact Jamie Garrett, Staff Attorney, at Jamie.Garrett@slc.ca.gov or (916) 574-0398. For questions concerning Commission leasing jurisdiction, please contact Al Franzoia, Public Land Management Specialist, at Al.Franzoia@slc.ca.gov or (916) 574-0992.

Sincerely,



Nicole Dobroski, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
C. Day, Commission
A. Franzoia, Commission
A. Kershen, Commission
J. Garret, Commission