

**CALIFORNIA STATE LANDS COMMISSION**

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*Established in 1938*

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June 17, 2019

File Ref: SCH #2016114004

Governor's Office of Planning & Research

**JUNE 17 2019**

**STATE CLEARINGHOUSE**

Ms. Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way  
Sacramento, CA 95825

VIA REGULAR & ELECTRONIC MAIL ([chad.broussard@bia.gov](mailto:chad.broussard@bia.gov))

**Subject: Draft Environmental Impact Statement (EIS) for the Redding Rancheria Fee-to-Trust and Casino Project, Shasta County**

Dear Ms. Dutschke:

The California State Lands Commission (Commission) staff has reviewed the subject Draft EIS for the Redding Rancheria Fee-to-Trust and Casino Project (Project), which is being prepared by the Bureau of Indian Affairs (BIA). The BIA, as the public agency proposing to carry out the Project, is the lead agency under the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.). The Commission is a trustee agency for projects that could directly or indirectly affect land under the Commission's jurisdiction and the accompanying Public Trust resources or uses. Additionally, if the Project involves work on land under the Commission's jurisdiction then the Commission will act as a California Environmental Quality Act (CEQA) lead or 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.

The State of California 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 Commission's jurisdiction 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.

Based upon review of the Draft EIS and associated appendices, it appears that the Project will not involve use of land under the Commission's jurisdiction. However, Alternatives A, B, C, and D contemplate bank stabilization along the Sacramento River as part of the Project activities. As outlined in Section 6.2 of Appendix C (Redding Rancheria Casino Master Plan Draft Grading and Drainage Study), the bank stabilization recommendations would remove existing material above the ordinary high-water mark (outside Commission jurisdiction) and place a row of boulders over the area and up to at least the flood water surface elevation of the river. These boulders would then be covered with cobbly alluvium and finished with native loam to the desired grade.

If any of the bank stabilization activities occur below the ordinary low-water mark of the Sacramento River, then a lease will be required by the Commission and the Commission will act as a CEQA lead or responsible agency. Please contact Ninette Lee, Public Lands Manager (see contact information below), for any questions regarding Commission leasing requirements.

In addition, Commission staff encourages the BIA to consider bioengineering as an alternative to rock protection and to include vegetative cover for the native loam as part of the Project in order to improve the structure's climate change resiliency. As stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, fire, drought, extreme heat, and storms. More frequent and powerful storms can result in increased riverine flooding conditions and damage from storm-created debris as well as decreased bank stability and structure. Conversely, climate-change induced droughts could decrease river levels and flow for extended periods of time. Climate change and sea-level rise will further influence riverine areas by changing erosion and sedimentation rates. Flooding and storm flow, as well as runoff, will likely increase scour and decrease bank stability at a faster rate.

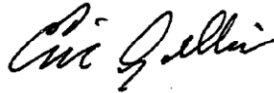
As shown in the photos on page 27 of Appendix C, the top four to eight feet of the streambank has already been eroded from exposure to high river flows in early 2017. Exposed portions of any current or future protective structures could remain at risk of accelerated deterioration from currents and floods, but vegetation can provide additional stability and would reduce the amount of erosion and scour pressure experienced during future storm and flood events.

Thank you for the opportunity to comment on the Draft EIS for the Project. If determined to be a responsible and trustee agency, the Commission would rely on the analysis

present in the Final EIS for the issuance of any new lease as specified above and, therefore, we request that you consider our comments prior to certification of the EIS.

Please send copies of future Project-related documents, including electronic copies of the Final EIS, Mitigation Monitoring and Reporting Program, and Record of Decision when they become available. Please refer questions concerning environmental review to Alexandra Borack, Senior Environmental Scientist, at (916) 574-2399 or [Alexandra.Borack@slc.ca.gov](mailto:Alexandra.Borack@slc.ca.gov). For questions concerning Commission leasing jurisdiction, please contact Ninette Lee, Public Land Manager, at (916) 574-1869 or [Ninette.Lee@slc.ca.gov](mailto:Ninette.Lee@slc.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Gillies".

Eric Gillies, Acting Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research  
N. Lee, Commission  
A. Borack, Commission  
J. Fabel, Commission