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FEB 10 2020

STATE CLEARINGHOUSE

February 10, 2020

File Ref: SCH # 2020019027

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VIA REGULAR & ELECTRONIC MAIL (kelly.bayer@aecom.com)

Subject: Draft Environmental Assessment/Initial Study/Environmental Assessment (EA/IS/EA) for the United States Coast Guard Station Lake Tahoe Year-Round Mooring Project (Project), Placer County

Dear Lead Agency Representatives:

The California State Lands Commission (Commission) staff has reviewed the subject Draft EA/IS/EA for the Project, which is being prepared by the U.S. Coast Guard (USCG), Lahontan Regional Water Quality Control Board (LRWQCB), and Tahoe Regional Planning Agency (TRPA). The USCG, 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.); LRWQCB is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.); and, TRPA is the lead agency pursuant to Article 6 of the TRPA Rules of Procedure for preparation of an Environmental Assessment. 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.

Commission Jurisdiction and Public Trust Lands

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 (OLWM) and a Public Trust easement landward to the ordinary high-water mark (OHWM), except where the boundary has been fixed by agreement or a court of proper jurisdiction. Such boundaries may not be readily apparent from present day site inspections. 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.

Lake Tahoe, at the Project location, is State sovereign land under the jurisdiction of the Commission. However, the USCG is exercising Navigational Servitude over the submerged lands in Lake Tahoe. Therefore, a lease from the Commission will not be required for the Project. In addition, so that Commission staff knows the location and extent of the USCG's use of State sovereign land, please provide Commission staff with a copy of the pier construction plans and final as-builts.

The Project also lies in an area that is subject to a public navigation easement. This easement provides that members of the public have the right to navigate and exercise the incidences of navigation in a lawful manner on state waters that are capable of being physically navigated by oar or motor-propelled small craft. Such uses may include, but not be limited to, boating, rafting, sailing, rowing, fishing, fowling, bathing, skiing, and other water-related public uses. The Project must not restrict or impede the easement right of the public.

Project Description

The project involves implementing modifications to the USCG's existing pier to provide consistent long-term, year-round mooring capabilities for two rapid response boats and ancillary equipment (fueling station and boat lift). For the Proposed Action, a barge-mounted excavator and a conveyor system would be temporarily connected to the station parking lot and used to dredge a channel adjacent to the existing pier to an elevation of 6,215 feet Lake Tahoe Datum (LTD). The proposed dredging footprint would be approximately 410 feet long, would range from 50 to 90 feet wide, and would cover an area of approximately 27,816 to 29,749 square feet. Maintenance dredging would be required approximately once every 10 to 15 years to remove accumulated sediments and to maintain an elevation at the pier head of 6,215 feet LTD. The Proposed Action also includes removing the pier's existing 8,000-pound capacity boat lift from the eastern side of the pier head, replacing it with an 18,000-pound lift and installing a 35-foot by 8-foot floating dock.

Environmental Review

Commission staff requests that the lead agencies consider the following comments for the Draft EA/IS/EA.

General Comments

1. **Significant and Unavoidable Impacts:** The Draft EA/IS/EA identifies significant and unavoidable scenic impacts for alternatives two and three. Pursuant to State CEQA Guidelines Section 15064 (a)(1), "If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, the agency shall prepare a draft EIR." Consequently, alternatives two and three would require preparation of an EIR, recirculation of the document, and preparation of findings and statement of overriding considerations prior to certification of the EIR and approval of the Project by the CEQA lead agency. Similar requirements also pertain to the NEPA and TRPA process.

Cultural Resources

2. Title to Resources: The Cultural Resources Section of the EA/IS/EA should identify 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). Commission staff requests that the lead agencies consult with Staff Attorney Jamie Garrett, should any cultural resources on state land be discovered during construction of the proposed Project. In addition, Commission staff requests that the following statement be included in BMP C1-21: "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 Commission."

Recreation

3. Regulatory Setting: Section 3.10.2.1 of the Recreation Section states that there are no state regulations related to recreation that are applicable to the Project. As explained in the Commission Jurisdiction section of this letter, the Project will reside on State sovereign land that is subject to the Public Trust; therefore, the Project must be compatible with Public Trust uses. Please revise Section 3.10.2.1 to identify the Project area (within the bed of Lake Tahoe landward to the OHWM elevation 6,228.75 feet LTD) is subject to the Public Trust, and include the following description:

Public Trust: The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. All tidelands and submerged lands, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine. 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 navigable non-tidal waterways, including lakes, the state holds fee ownership of the bed of the waterway landward to the OLWM and a Public Trust easement landward to the OHWM, except where the boundary has been fixed by agreement or a court of proper jurisdiction. Such boundaries may not be readily apparent from present day site inspections.

4. Long-Term Dredging Impacts: The Recreation Section identifies temporary impacts on use of the Tahoe City Public Utility District (TCPUD) boat ramp and pier during dredging activities for the proposed Project but identifies no impact from the long-term operations of the Project. The Recreation Section should be revised to identify that future periodic maintenance dredging may have the same level of temporary impacts on the public's use of the TCPUD facilities or explain why these impacts would not occur.

Thank you for the opportunity to comment on the Draft EA/IS/EA for the Project. As a trustee agency, Commission staff requests that you keep us 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.

Please refer questions concerning environmental review to Jason Ramos, Senior Environmental Scientist, at (916) 574-1814 or Jason.Ramos@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Mary Jo Columbus, Public Land Management Specialist, at (916) 574-0204 or MaryJo.Columbus@slc.ca.gov.

Sincerely,



Eric Gillies, Acting Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
J. Ramos, Commission
M. Columbus, Commission
W. Crunk, Commission
J. Garrett, Commission