

**CALIFORNIA STATE LANDS
COMMISSION**

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



June 23, 2023

JENNIFER LUCCHESI, Executive Officer

916.574.1800

TTY CA Relay Service: **711** or Phone **800.735.2922**
from Voice Phone **800.735.2929**
or for Spanish **800.855.3000**

Contact Phone: 916.574.1900

File Ref: SCH #2023050623

Falak Fatima Zaidi, Senior Planner
University of California, Santa Barbara
Office of Campus Planning and Design
Santa Barbara, California 93106-2032

VIA ELECTRONIC MAIL ONLY (falakzaidi@ucsb.edu)

**Subject: Draft Initial Study/Mitigated Negative Declaration for Ellwood Marine
Terminal Demolition and Restoration Project, Santa Barbara County**

Dear Falak Fatima Zaidi:

The California State Lands Commission (Commission) staff has reviewed the draft Initial Study/Mitigated Negative Declaration (MND) for the Ellwood Marine Terminal Demolition and Restoration Project (Project), which is being prepared by the University of California Santa Barbara (UCSB). Because the Ellwood Marine Terminal (EMT) site is located on the southwestern portion of the North UCSB Campus, UCSB 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'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.

Based on the MND, Commission staff understand that a portion of the Project falls within the Commission's jurisdiction. The 10-inch-diameter loading line section under the beach to the offshore pipeline-end manifold (PLEM), six 7-foot by 10-foot diameter mooring buoys, a 30-inch diameter sphere hose buoy, and a spar pipeline marker waterward of the mean high-tide line are located within State sovereign lands.

Project Description

The objective of the Project is to restore the EMT project site located on the UCSB North Campus and the adjacent offshore site to a condition comparable to that found on surrounding lands. This objective would be achieved through:

- Demolition and removal of existing onshore EMT structures and abandonment of offshore piping
- Remediation of contamination
- Grading to create natural contours where needed
- Preservation, enhancement, and creation of wetlands
- Invasive species removal
- Revegetation with local, native plant species

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

- Removal of the buried 10-inch-diameter loading line section under the beach to the offshore PLEM valve (approximately 1,890 feet long)
- Removal of the offshore mooring system consisting of six 7-foot by 10-foot diameter mooring buoys, a 30-inch-diameter sphere hose buoy, and a spar pipeline marker

Environmental Review

Commission staff requests that UCSB consider the following comments on the Project's MND to ensure that impacts to State sovereign land are adequately analyzed for the Commission's use of the MND for any activities planned under Commission jurisdiction.

General Comments

1. On page 1-3, at the top of the page, the Project Location is described as "The Project site is located on the North Campus of UC Santa Barbara." Commission staff request that "and offshore in the Pacific Ocean," be added to that description.
2. On page 1-7 (Section 1.6), there is a statement that "a lease with the CSLC will be required for work removing the loading line at the University and CLSC jurisdictional boundary," (emphasis added). Commission staff request that the underlined text be replaced with "...on areas within the CSLC's jurisdiction."
3. Public Agency Approvals: Removal of the offshore loading line from waters of the U.S. may require a permit from the U.S. Army Corps of Engineers and water quality certification from the Regional Water Quality Control Board. Commission staff suggest that these agencies be mentioned in Section 1.6.

Cultural Resources/Tribal Cultural Resources

4. Commission staff request confirmation that tribal consultation has provided interested tribes with the opportunity to evaluate and discuss any potential impacts to offshore tribal cultural resources. Commission staff request UCSB discuss this issue with the Commission's Tribal Liaison, Yessica Ramirez (information provided below), prior to adopting the MND.
5. Title to Resources Within Commission Jurisdiction: The MND 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 UCSB consult with Staff Attorney Jamie Garrett should any cultural resources on State lands be discovered during construction of the proposed Project.

Staff requests that the following statement be included in the MND's Mitigation Monitoring 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."

Thank you for the opportunity to comment on the MND for the Project. As a responsible and trustee agency, the Commission will rely on the adopted MND for any activities planned under Commission jurisdiction (see Commission Jurisdiction and Public Trust Lands section). We request that you consider our comments before adopting the MND.

Please send electronic copies of the Final MND, Mitigation Monitoring Program, Notice of Determination, and approving resolution (if applicable) 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 including all CEQA documentation, must meet accessibility requirements.

Refer questions concerning environmental review to Cynthia Herzog, Senior Environmental Scientist, at cynthia.herzog@slc.ca.gov or (916) 574-1310. 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 regarding tribal cultural resources, please contact Yessica Ramirez, Tribal Liaison, at yessica.ramirez@slc.ca.gov or (916) 574-1888. General questions should be directed to Joseph Fabel, Staff Attorney, at joseph.fabel@slc.ca.gov or (916) 574-0964.

Sincerely,



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

cc: Office of Planning and Research
C. Herzog, Commission
J. Fabel, Commission
Y. Ramirez, Commission
J. Garrett, Commission
C. Basavalinganadoddi, Commission