



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

MATTHEW DURLAO, PhD, Executive Officer
Reception: 916.574.1900
TTY: 711

January 23, 2026

VIA ELECTRONIC MAIL ONLY (tbyler@sfcjpa.org)

File Ref.: SCH #2022040504

San Francisquito Creek Joint Powers Authority
Tess Byler
750 Menlo Avenue, Suite 250
Menlo Park, CA 94025

Subject: Draft Environmental Impact Report for Strategy to Advance Flood Protection, Ecosystems, and Recreation along San Francisco Bay Project, San Mateo County

Dear Tess Byler:

The California State Lands Commission (Commission) staff has reviewed the Draft Environmental Impact Report (Draft EIR) for the Strategy to Advance Flood Protection, Ecosystems, and Recreation along San Francisco Bay Project (Project), which is being prepared by the San Francisquito Creek Joint Powers Authority (SFCJPA). The SFCJPA, 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.) The Commission is a trustee agency for projects that could directly or indirectly affect State sovereign lands and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on State sovereign land under the Commission's jurisdiction, 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; and 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 tideline (MHTL), except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court.

After review of the information contained in the Draft EIR and the Commission's records, Commission staff has determined that portions of the Project area will include State-owned sovereign land under the jurisdiction of the Commission. Therefore, a lease from the Commission will be required for any portion of the Project on State sovereign land. The Commission has a lease in the Project area with the U.S. Fish and Wildlife Service including Ravenswood Slough. On August 20, 1981, the Commission authorized a General Lease – Public Agency Use, Lease No. PRC 6045.9, for the operation, management, protection, and maintenance of State sovereign land to be used in conjunction with the San Francisco Bay National Wildlife Refuge, which encompasses refuge areas in Alameda, San Mateo, and Santa Clara counties. The lease will expire on August 31, 2047.

The Commission also has a lease in the vicinity of Flood Slough with the Menlo Park Sanitary District. On December 20, 1979, the Commission amended a Permit – Public Agency Use, No. PRC 5486.9, for the construction and maintenance of a sanitary pumping station. This lease will expire on May 31, 2044. Commission staff has identified Commission-owned parcels that may be within the project area, particularly San Mateo County Assessor's Parcel Numbers (APNs): 055-400-170, 055-400-460, 055-411-060, and 096-220-270. These parcels occur waterward of the MHTL within Ravenswood Slough. The Commission also has jurisdiction over APN 055-400-430 adjacent to the northern San Francisco Bay side of Pond R1 of the Project area. Any Project work activities extending into this APN would also require Commission authorization.

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 the Public Land Management Specialist identified at the end of the letter. Commission staff encourage the Project team to coordinate with Commission staff early when applying for a lease for the use of state lands. This includes staff in our Land Management Division and staff in the Commission's Climate Adaptation and Special Initiatives (CASI) team. Early coordination will ensure the Project's consistency with the protection and enhancement of Public Trust resources, and the Commission's guidance on how to minimize risks to Public Trust resources from sea level rise (see the [2023 Shoreline](#)

[Adaptation and the Public Trust](#) report). Please see the end of the letter for CASI staff contact information.

Project Description

The overall purpose of the Project is to reduce risks to people, property, and infrastructure from current tidal flooding and projected sea level rise through engineered and natural features that enhance shoreline ecosystems and improve recreational opportunities.

The Project area has designated reaches for shoreline protection, habitat improvements, and recreation. From the Project Description, Commission staff understands that the following Project reaches (evaluated at a program level of detail) have the potential to affect State sovereign land:

- Tech Campus Reach: For shoreline protection, levee and levee/floodwall hybrid construction is proposed along Ravenswood Slough adjacent to State Route 84. Habitat improvement work includes a primary breach location between Ravenswood Slough and Pond R1.

A bayward channel is proposed to be excavated through Ravenswood Slough, downstream of the primary breach, to improve the tidal connection between Ponds R1 and R2 and the Bay (via Ravenswood Slough). In addition, revegetation of levee slopes with transition zone habitat may extend into the Commission's jurisdiction on the northern San Francisco Bay side of Pond R1.

- Bedwell Bayfront Park Reach: For shoreline protection, levee construction is proposed along Flood Slough. Habitat improvement work includes revegetation of levee slopes with transition zone habitat adjacent to Flood Slough.

Environmental Review

Commission staff requests that SFCJPA consider the following comments on the Project's Draft EIR 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. Program vs. Project EIR Analysis: Project components within Commission jurisdiction are evaluated at a program level (10 percent design level) and would likely require supplemental CEQA analysis following further development/design of the Project components. Consequently, many affected resources were not evaluated at a Project level. Please be advised that the

Commission's use of the Final EIR for issuance of a lease for Project components within Commission jurisdiction must include a Project-level analysis of environmental impacts in accordance with CEQA.

2. Project Description: The Project Description lacks a detailed description of construction activities occurring waterward of the MHTL, particularly for proposed work along Ravenswood Slough and Flood Slough. With current figures in the Draft EIR, Commission staff cannot determine the extent of proposed work occurring waterward of the MHTL within the Commission's leasing jurisdiction. In particular, the Project Description should include design elevation details from Appendix BIO3 for the proposed high tide refugia habitat improvements.

Biological Resources:

3. Aquatic Invasive Species: One of the major stressors in California waterways is introduced species. The Biological Resources section of the Draft EIR only includes analysis of invasive plant species. Therefore, the EIR should consider the Project's potential to encourage the establishment or proliferation of all aquatic invasive species (AIS), including aquatic plants. For example, construction boats and barges brought in from long stays at distant projects may transport new species to the Project area via vessel biofouling, wherein marine and aquatic organisms attach to and accumulate on the hull and other submerged parts of a vessel.

Prevention measures or mitigation could include contracting local vessels and barges or requiring contractors to inspect and clean the hull and other underwater surfaces of vessels prior to arrival at the Project area. The Commission's Marine Invasive Species Program could assist with this analysis as well as with the development of appropriate mitigation (information at <https://www.slc.ca.gov/misp/>).

The EIR should identify the home port location of barges and work vessels to inform the analysis of potential risk from work vessels coming from a known location with AIS of management concern. Commission staff recommends contracting with work vessels within San Francisco Bay west of the Carquinez Strait to avoid the introduction of new AIS to the Project's aquatic area.

Climate Change

4. Sea Level Rise: The partial designs for the Project's shoreline protection structures (levees and floodwalls) include information about other relevant site conditions

that will impact the protective structures' function, such as the emerging groundwater table, land subsidence, drainage systems, and other flood control infrastructure such as pump stations, new and existing flood channels, and diversion and overflow storage. However, Commission staff recommends that the final designs articulate the extent to which these complex site condition factors will affect the ultimate height of the flood protection structures, as well as settlement and structural stability and integrity.

Cultural Resources

5. Title to Resources within Commission Jurisdiction: The EIR 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 California State Lands Commission (Pub. Resources Code, § 6313).

Staff requests that the following statement be included in Mitigation Measure CUL-3 (Inadvertent Discovery of Cultural Resources) of the EIR: "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."

Hydrology/Water Quality

6. Dredging and San Francisco Bay Dredge Materials Management Office (DMMO): The EIR should clearly identify if proposed dredging of the bayward channel would be new dredging or a continuation of existing dredging activities (see next paragraph, below, for a discussion on dredging and jurisdictional agency review). The EIR should also explain if future maintenance dredging would be needed for the bayward channel in order to maintain the proposed design elevation for the channel and tidal exchange with Ponds R1 and R2.

The Hydrology and Water Quality (HYDRO/WQ) section of the Draft EIR states that SFCJPA has not submitted an application for the Project to the DMMO for review of proposed dredging and reuse of dredged materials. The DMMO's process requires preparation and review of a Sediment Analysis Plan (SAP), and the DMMO provides a Final Sediment Analysis Results (SAR) letter (representing completion of the DMMO process) with advisory recommendations to permitting agencies pertaining to dredging and proposed reuse or disposal of dredged materials. The lease application to the Commission must include the SAP and SAR documents demonstrating completion of the DMMO process. It is preferable for the DMMO documents and recommendations to be

incorporated into the Project-level design and analyzed in the EIR. As explained in Comment 1, all Project components within the Commission's jurisdiction must include a Project-level analysis of environmental impacts in accordance with CEQA for the Commission's use of the EIR for consideration of a lease. This information will be required prior to Commission action on a lease application for the Project.

Thank you for the opportunity to comment on the Draft EIR for the Project. As a responsible and trustee agency, the Commission will rely on the Final EIR, along with any supplemental CEQA analysis following further development/design of the Project components, when issuing a new lease. Staff requests that you consider these comments before certifying the EIR.

Please send electronic copies of the Final EIR, Mitigation Monitoring and Reporting Program, Notice of Determination, approving resolution, CEQA Findings, and Statement of Overriding Considerations when they are final. 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 that will be posted online, including relevant CEQA documentation, must meet accessibility requirements for Commission staff to place the application on the Commission agenda.

Please refer questions concerning environmental review to Jason Ramos, Senior Environmental Scientist, Jason.Ramos@slc.ca.gov or (916) 574-1814. For questions concerning Commission leasing jurisdiction, please contact Marlene Schroeder, Public Land Management Specialist, Marlene.Schroeder@slc.ca.gov or (916) 574-2320. For climate change and sea level rise-related coordination, please contact Maren Farnum, Senior Environmental Scientist, Maren.Farnum@slc.ca.gov or (916) 574-0966.

Tess Byler
January 23, 2026
Page 7

Sincerely,

A handwritten signature in black ink, reading "Nicole Dobroski". The signature is written in a cursive, flowing style.

Nicole Dobroski, Chief

Division of Environmental Science,
Planning and Management

cc: Office of Planning and Research
J. Ramos, Commission
M. Schroeder, Commission
M. Farnum, Commission