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October 21, 2025

File Ref: SCH #2025091009

Glenn-Colusa Irrigation District
Jeff Sutton
PO Box 150
Willows, CA 95988
jsutton@gcid.net

Subject: Initial Study/Mitigated Negative Declaration for Glenn-Colusa Irrigation District Gradient Facility Rehabilitation Project, Butte, Glenn, and Tehama Counties

Dear Jeff Sutton:

The California State Lands Commission (Commission) staff has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the Glenn-Colusa Irrigation District Gradient Facility Rehabilitation Project (Project), which is being prepared by the Glenn-Colusa Irrigation District (GCID). The GCID, as the public agency that oversees the Gradient Facility and is 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; 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 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 on a review of the information contained in the IS/MND for the Project, the Sacramento River between River Miles 205 and 206 is State sovereign land under the jurisdiction of the Commission, and portions of the Project will occur within the Commission's jurisdiction. On June 27, 2000, the Commission issued Lease 8176 to the GCID authorizing construction of the riverbed gradient facility at this location. An application to amend Lease 8176 for the Project activities has been received.

Project Description

GCID proposes to construct bank stabilization and river channel protection to meet the agency's objectives and needs of restoring geomorphic and hydraulic conditions of the Sacramento River channel and to maintain safe fish passage and boat navigation at the GCID diversion.

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

Phase One: (Summer/Fall 2026)

- Project Component 1. Constructing spur dikes on the east and west banks of the river.
- Project Component 2. Installing a riprap pad on the east overbank.
- Project Component 3. Installing rock slope protection near the intake bypass return channel on the west bank.
- Project Component 4. Possible mechanical removal of gravel from the mid-channel bar in the middle of the river.

Phase Two: (completed between 5 to 15 years after Phase One)

- Project Component 5. Constructing additional spur dikes on the east and west banks.
- Project Component 6. Installing additional rock protection riprap pads and a rock protection berm in the east overbank area.
- Project Component 7. Partially filling the scour hole.

- Project Component 8. Installing rock protection on the west bank near the scour hole.
- Project Component 9. Possible mechanical removal of gravel from the mid-channel bar in the middle of the river.

In addition, according to the Project Description, it is possible that not all of the Phase 2 components will be implemented.

Environmental Review

Commission staff requests that the GCID consider the following comments on the Project's IS/MND, to ensure that impacts to State sovereign land are adequately analyzed for the Commission's use of the IS/MND when considering the lease application for the Project.

Cultural Resources

1. Title to Resources Within Commission Jurisdiction: The Cultural Resources section of the IS/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 California State Lands Commission (Pub. Resources Code, § 6313).

Staff requests that the following statement be included in the IS/MND's MM-CUL-1: Inadvertent Discovery Provisions: "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."

Tribal Cultural Resources

2. Tribal Consultations: In the Tribal Cultural Resources Section of the IS/MND, please indicate if tribal consultations have concluded and explain the results of those consultations. Should tribal monitors be required, please include that Tribal monitoring may occur outside of the recorded precontact archaeological site locations and include it as a mitigation measure.

Recreation

3. Signage: Page 169 of the IS/MND includes the statement, "occasional public boat navigation on the Sacramento River through the 1-mile project site." Please include signage informing recreational boaters of the in-water work of the Project as part of Section 2.5 Construction Sequencing.

Thank you for the opportunity to comment on the IS/MND for the Project. As a responsible and trustee agency, the Commission will rely on the adopted IS/MND when considering an authorization. Staff requests that you consider these comments before adopting the IS/MND.

Please send electronic copies of the adopted IS/MND, Mitigation Monitoring Program, Notice of Determination, and approving resolution 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.

Refer questions concerning environmental review to Christine Day, Senior Environmental Scientist, at Christine.Day@slc.ca.gov or (916) 562-0027. For questions concerning Commission leasing jurisdiction, please contact Madison Waldo, Public Land Management Specialist II, at Madison.Waldo@slc.ca.gov or (916) 562-0038.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole Dobroski".

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

cc: Office of Planning and Research
C. Day, Commission
M. Waldo, Commission