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VIA ELECTRONIC MAIL ONLY (ana.chiono@stocktonca.gov)

File Ref.: SCH #2026061007

Ana Chiono
City of Stockton
Municipal Utilities Department
2500 Navy Drive, Stockton, CA 95206

Subject: Initial Study/Mitigated Negative Declaration for Stockton San Joaquin Pipeline Remediation Project, San Joaquin County

Dear Ana Chiono:

The California State Lands Commission (Commission) staff has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the Stockton San Joaquin Pipeline Remediation Project (Project), which is being prepared by the City of Stockton (City). The City, 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 ordinary high water mark (OHWM) as generally shown by the mean high tide line (MHTL), except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court decision. Such boundaries may not be readily apparent from present day site inspections.

Based on the Project Description and Commission records, the San Joaquin River is State sovereign land. The Commission has an existing lease, Lease 2081, for the subject 36-inch-diameter sewer pipeline and associated lease area. An amendment or other authorization by the Commission will be required for the proposed remediation work waterward of the OHWM of the west and east banks of the San Joaquin River, which consist of levees. 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 Public Land Management Specialist, Jannalisa Toy (contact information below).

Project Description

The City operates a Regional Wastewater Control Facility (RWCF) on both sides of the San Joaquin River at the Project area. The City proposes to remediate an existing 36-inch-diameter sewer line buried below the bed of the San Joaquin River with gravel and larger riprap rock materials to comply with state and federal depth of coverage requirements (minimum 5 feet) for public health and safety and protection of the pipeline.

The Project involves both in-water and terrestrial work, including grading on the landside of the eastern levee, dredging and excavation of the riverbed above and around the pipeline, and the addition of gravel and riprap fill above and around the pipeline. From the Project Description, Commission staff understand that the Project would include the following components that have potential to affect State sovereign land. The remediation area within the river is approximately 4,703 square feet (0.11 acre). Approximately 115 cubic yards (CY) of existing natural cover above and around the pipeline will be excavated and replaced with approximately 192 CY of riprap and approximately 10 CY of clean gravel fill. The riprap fill will be used as both pipeline cover and backfill to match the existing grade of the riverbed. A clamshell dredging process using a crane with clamshell attachments or a long reach excavator will excavate the existing natural cover necessary for the substrate repairs, while a crane or long reach excavator will also place the gravel and riprap fill through the water column to the channel bed. Suction dredging may also be utilized within the channel to remove existing materials, subject to agency approvals.

Portable barges will transport cut and fill material between the staging area on the levee crown and the in-channel work site. Dredged materials will be dewatered by decanting within the river channel or within the landside staging area. Dredged materials will be placed in containers on the portable barges and then ferried back to the staging area on the levee crown. Rip rap fill materials will be loaded from the staging area and placed on the portable barges with a crane and ferried back to the in-channel work area to be placed over the pipeline via a crane with clamshell attachment or a long reach excavator.

Environmental Review

Commission staff requests that the City 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 when considering a future lease application for the Project.

General Comments

1. Introduction/Background: For background information, the IS/MND should describe when the 36-inch-diameter pipeline was installed, the original area and depth of rock coverage, and the as-built conditions. This description should also clarify if currently proposed remediation would restore rock coverage to that as-built condition. This information is needed to distinguish original, as-built conditions versus baseline conditions.

The Introduction section of the IS/MND also does not identify the existing rock coverage conditions over the 36-inch-diameter pipeline, or how that existing rock coverage was surveyed or assessed to determine the need and extent of required remediation. This information is needed to inform baseline conditions and support the City's determination for the area and volume of materials required for dredging and rock coverage. Lease 2081 specifically requires periodic surveys to monitor depth of rock coverage over the pipeline. The IS/MND must provide survey information to describe the current rock coverage, or lack thereof, over the pipeline to support the Project's purpose and need.

2. Project Description (PD): The PD does not contain the following critical information that would provide for a complete and accurate analysis of impacts. The PD should be updated with the following information:
 - The PD does not identify the specific footprint for the proposed dredging and rock coverage work within the bed and banks of the San Joaquin River to identify the location of direct Project impacts. The PD must identify

the specific areas of impact within the riverbed (waterward of OHWM) and if dredging/remediation work will occur above the OHWM on the waterside slopes of the west and east levee banks and subject to levee engineering design standards. Commission staff recommend inclusion of a figure to show the full footprint (extent of area coverage) of dredging and rock coverage over the pipeline. This information should include a description of work spread operations conducted from work vessels within the river channel. This information will also be required to determine the extent of proposed work within the Commission's leasing jurisdiction waterward of the OHWM. As an appendix, the PD would also benefit from inclusion of cross-section engineering drawings of existing bathymetry and post-construction rock coverage design to show finished elevations on the riverbed to inform potential impacts to navigation, hydrology, etc.

- The PD must clearly explain if proposed dredging and sediment removal will be limited to previously installed rock coverage materials over the pipeline as a maintenance and repair activity. If dredging will result in removal of river bottom materials that have not been previously disturbed or dredged, then this activity must be identified as new dredging, and the IS/MND must provide a full analysis of impacts for the expanded dredging footprint. The PD should also explain why dredging is necessary for remediation work, and if the intent of dredging is to remove all or a portion of existing materials over and around the pipeline.
 - The PD explains the use of portable barges for construction activities, which would require the use of motorized work vessels for towing of the portable barges. The PD should provide a complete description of all work vessels required for the Project and the home port location of work vessels to inform environmental impacts associated with work vessels (i.e., miles traveled, air emissions, aquatic invasive species, etc.).
3. Environmental and Regulatory Setting – Multiple Resource Areas: Most of the affected resources in the IS/MND lack a detailed description of environmental setting information applicable to the Project area, which prevents an accurate analysis of Project impacts on existing baseline conditions. Most of the affected resources also lack applicable regulations that govern regulatory conformance and permitting requirements for the Project. The affected resources sections should be updated to include enhanced environmental and regulatory setting information.

Air Quality/Greenhouse Gas (GHG)

4. Work Vessel Emissions: The IS/MND evaluates criteria pollutant emissions pursuant to the Air District's Small Project Analysis Levels guidance. However, the proposed Project activities do not appear to fall under any of the project-type reference tables in that guidance document; the proposed dredging and remediation is not a residential, commercial, industrial, educational, or recreational development. Therefore, the MND appears to improperly rely upon pre-quantified emissions values in the analysis on page 18. Unless the Air District has provided a second, alternative evaluation mechanism, the MND must have a Project-specific quantification to determine whether the criteria pollutant emissions would considerably increase any criteria pollutant for which the region is in nonattainment. This analysis and supporting calculations would include a full inventory of work vessels required for the Project, miles traveled from the home port location, and inclusion with total Project emissions generated by the Project. The air quality and GHG regulatory setting must also include applicable regulations, such as California Harbor Craft regulations. The air quality and GHG analysis must clearly identify whether Project emissions create a potentially significant impact or not, and identify applicable mitigation that is specific, measurable, and enforceable if needed.
5. GHG: The IS/MND identifies a City of Stockton Climate Action Plan and explains the components and objectives of the Plan, but does not appear to explain how the Project complies with the Plan. Commission staff recommend the GHG section discuss whether and how the Project complies with the Plan in order to support the agency's determination that there is no impact.

Biological Resources

6. Impact Analysis: The biological resources section in the IS/MND appears to defer heavily to Appendix A, Biological Resources Technical Report, for supporting information with regard to impact determinations, but does not include adequate reference to Appendix A as providing the supporting information for baseline surveys, environmental setting, and impact analysis conclusions. The biological resources section should be updated to include more information from Appendix A for these subject areas, and must clearly identify Appendix A as a supplemental resource for all supporting information.
7. Undefined Project Footprint: The PD does not identify the specific project footprint for proposed dredging and rock coverage, which consequently, does not show where specific biological resources will be directly impacted within the

river channel by the Project, such as vegetation and aquatic habitats for special status species. As a requirement of the CEQA Checklist, the PD and biological resources section must clearly identify this information.

8. Aquatic Invasive Species (AIS): The MND does not include a discussion of the inadvertent introduction of aquatic invasive species, such as the Golden mussel. Work vessels can introduce invasive species into the Project area or could move species from the Project area to new locations. The MND should discuss these possibilities in addition to evaluating the extent to which AIS may directly or indirectly impact native and special status species as well as local infrastructure, such as other RWCF in-water structures. Please ensure that the Final MND identifies the port location from where work vessels and in-water construction equipment will be deployed. If the port location is outside of the Delta region, then the MND should include the post-construction measures that will be implemented to ensure that work vessels and in-water equipment will be cleaned and decontaminated to avoid potential transport of Golden mussels (and other AIS) to waterways outside of the Delta region.
9. Tree Restoration: Mitigation Measure (MM) BIO-08b requires native replacement trees to be planted on the waterside levee slopes of the river banks at unspecified locations. Replanting of woody vegetation on a regulated levee (as a flood control structure) is generally not allowed pursuant to local, state, and federal levee management agencies and regulations. Commission staff encourages the City to confirm the feasibility of MM BIO-08b with Reclamation District 404, Central Valley Flood Protection Board, and U.S. Army Corps of Engineers prior to adopting the Final MND, to ensure that the mitigation conforms to allowable restoration requirements on the Project area levees. If the planting cannot occur, the biological resources section and MM BIO-08b must be updated to include this information and provide different mitigation to address the potentially significant impact.

Cultural Resources

10. Appendix B Archaeological Survey Report: The cultural resources section does not include information for environmental setting and substantially defers to Appendix B for supporting information on cultural resources. However, Appendix B is identified as confidential and is therefore not reviewable to confirm the limited information and impact determinations in the cultural resources section. So that the cultural resources section is supported by substantial evidence, the Final MND should include either (1) an updated Appendix B that redacts confidential information and is included as a publicly-available appendix to

support the information in the cultural resources section, or (2) new text in the Cultural Resources environmental setting that provides the non-confidential information from Appendix B.

11. Submerged Resources: The MND must evaluate potential impacts to submerged cultural resources in the Project area. The Commission maintains a shipwrecks database that can assist with this analysis. Please send inquiries to Shipwreck.Database@slc.ca.gov to obtain shipwrecks data and Commission records for the Project site. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Please note that any submerged archaeological site or submerged historic resource that has remained in state waters for more than 50 years is presumed to be significant.
12. 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 California State Lands Commission (Pub. Resources Code, § 6313).

Staff requests that the following statement be included in the MND's mitigation measure CUL-1, Accidental Discovery of Archeological Resources or Human Remains: "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

13. Alteration of Hydrology: The IS/MND does not provide an analysis of how the post-construction rock coverage design would or could alter hydrology in the San Joaquin River in comparison to existing baseline bathymetric conditions over and around the pipeline. The proposed fill material may have potential to alter river currents with potential for surrounding channel erosion, sedimentation, and turbidity. The MND must provide supporting evidence to demonstrate that the additional rock cover and fill material does not create a significant hydrologic impact.

Recreation:

14. Public Navigation and Recreation: The PD does not identify the Project footprint and location of work spread operations within the river channel, and the IS/MND does not identify public impacts to navigation and recreation during in-river

construction activities. Commission staff note that in-river construction activities could affect public uses of the river during construction, including limitations to public navigation and recreational use of the river, and that impact should be evaluated in the MND to determine whether it is potentially significant under CEQA. The MND should also include the public safety measures that will be implemented during in-water work as a Project feature or mitigation measure (depending on the impact determination), including public noticing and notice to mariners through the U.S. Coast Guard.

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 issuance of a lease authorization. Staff requests that you consider these comments before adopting the MND.

Please send electronic copies of the adopted 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.

Please refer questions concerning environmental review to Jason Ramos, Senior Environmental Scientist, at jason.ramos@slc.ca.gov or (916) 574-1900. For questions concerning Commission leasing jurisdiction, please contact Jannalisa Toy, Public Land Management Specialist, at jannalisa.toy@slc.ca.gov or (916) 574-1900.

Sincerely,



Nicole Dobroski, Chief

Division of Environmental Science,
Planning, and Management

Ana Chiono

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cc: Office of Planning and Research

J. Ramos, Commission

J. Toy, Commission