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April 22, 2019

Governor's Office of Planning & Research

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STATE CLEARINGHOUSE

Gina Dorrington
City of Ventura
510 Poli Street, Room 120
Ventura, CA 93002-0099

VIA REGULAR & ELECTRONIC MAIL (gdorrington@venturawater.net)

Subject: Draft Environmental Impact Report (EIR) for the Ventura Water Supply Projects, Ventura County

Dear Ms. Dorrington:

The California State Lands Commission (Commission) staff has reviewed the subject Draft EIR for the Ventura Water Supply Projects (Project), which is being prepared by the City of San Buenaventura (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 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

Please see the attached letter, previously submitted for the Notice of Preparation, regarding the Commission's potential jurisdiction and its responsibilities under the Public Trust.

Project Description

The City proposes to construct and implement a full-scale Advanced Water Purification Facility (AWPF) and a potential seawater desalination facility to meet the City's objectives and needs as follows:

- Compliance with the February 3, 2012, Consent Decree that requires identification of the maximum amount of treated effluent that can be diverted to

the Santa Clara River Estuary while still protecting the ecology and listed species therein

- Improvement of surface water and groundwater quality in the City's service area
- Augmentation of local water supply in an environmentally responsible and cost-efficient manner

From the Project Description, Commission staff understands that the Draft EIR includes both project-level and programmatic analysis. Water supply augmentation activities analyzed at a program level of review would be reviewed subsequently at a Project level. The following components have potential to affect State sovereign land.

- Project-Level Analysis (Phase 1): Concentrate Discharge Facility: The brine concentrate from the treated wastewater would be conveyed to: either 1) the existing Calleguas Salinity Management Pipeline (SMP) to be discharged through their outfall, or 2) a new outfall pipeline which would be constructed north of the Ventura Harbor.
- Programmatic Analysis (Phase 2): Desalination Facility Intake System: The proposed seawater desalination facility would be designed to deliver up to 2.7 million gallons per day (MGD) of potable water. This facility would require a subsurface intake system (slant well, subsurface intake gallery, etc.) or a surface intake system (wedgewire screen filtration).

The Draft EIR appears to identify Alternative 4, with 100 percent of wastewater diversion for treatment, as the Environmentally Superior Alternative among the alternatives evaluated, and concludes that the proposed Project is the overall Environmentally Superior Alternative due to the ecological enhancement provided to the Santa Clara River Estuary.

Environmental Review

Commission staff requests that the City consider the following comments on the Draft EIR, to ensure that impacts to State sovereign land are adequately analyzed for the Commission's use of the EIR to support a future lease approval for the Project.

General Comments

1. 2019 CEQA Amendments: New amendments to the CEQA Guidelines went into effect on December 28, 2018, which included amendments to the Appendix G Environmental Checklist (<http://opr.ca.gov/ceqa/updates/guidelines/>). Amendments to the Environmental Checklist included additions of new affected resource sections and considerable changes and additions to existing resource sections. The Draft EIR does not appear to use or consider the current Environmental Checklist for assessment of affected resources. In accordance with CEQA Guidelines section 15007, subdivision (c), documents circulated for public review after December 28, 2018, are subject to the revised Guidelines, and so the EIR should be updated to

include analysis covering the new or modified resource impacts. Without this information, CEQA responsible agencies, including the Commission, could require subsequent environmental review.

Project Description

2. New Ocean Outfall: The Project Description does not provide enough information regarding the feasibility of vibratory pile-driving for outfall/diffuser installation, construction methods and associated impacts from laying the outfall pipeline on the seafloor, and the maximum length of pipeline and associated riprap armoring that would create permanent seafloor disturbance. This information would be needed to ensure an accurate and consistent Project Description required by State CEQA Guidelines, section 15124, subdivision (c). Without this information, CEQA responsible agencies may need further CEQA review or action.

For example, the Project Description first notes on page 2-13 that the outfall pipeline will be installed with horizontal directional drilling (HDD) from an onshore location, emerging on the ocean floor 2,000 to 4,000 feet offshore. However, the document does not specify the worst-case scenario for seafloor impacts. If the diffuser must be placed at a minimum of 50 feet below the water surface and the HDD emerges 2,000 feet offshore, then the EIR must provide the bathymetric data at the proposed outfall location and determine, in the Project Description, the worst-case scenario for the maximum amount of pipeline that would need to be placed on the seafloor. The document could then appropriately analyze impacts associated with anchoring, construction footprints, and areas of temporary and permanent sediment and benthic community disturbance.

In addition, page 2-50 states that approximately 150,000 cubic yards of sediment could be dredged, but it is unclear whether that comprises only the area dredged for the HDD exit hole and the outfall diffuser¹, or whether seafloor dredging to level the pipeline is included. The construction activities associated with the offshore diffuser are only briefly mentioned; it is not until page 3.9-59 (Section 3.9, Hydrology and Water Quality) where the seafloor activities are first discussed.

Finally, Table 2-6 does not clearly identify whether the "Excavating/Trenching" for the new outfall facility includes the dredging that would need to occur offshore. Please have the EIR clarify whether the 1,900 truck trips that are included in the construction assumptions for HDD/Outfall Installation include trips to bring riprap armoring as well as trips needed for onshore sediment disposal (if the City is unable to side-cast the dredged sediments). If not already included, the offshore dredging, impact pile-driving, and onshore sediment activities should also be incorporated into Table 2-6.

3. Outfall Diffuser Maintenance: The Draft EIR notes on page 2-59 that the diffuser would be cleaned by divers using hand-held tools. The document does not,

¹ Figure 2-18 appears to show the diffuser assembly below the seafloor.

however, clarify the frequency of these maintenance trips or appear to include them in the operational impacts analyses in Chapter 3. Please have the document consistently include these activities and evaluate the associated potential aesthetics, air quality, marine biological resource, and greenhouse gas impacts.

4. Calleguas SMP Outfall: Page 2-13 notes that the concentrate from the AWPf could be sent to the existing Calleguas SMP ocean outfall, but that this activity is subject to the pipeline's availability and the water district's approval. The EIR fails to provide information relating to the current discharge volumes, overall outfall capacity, and diffuser configuration and does not disclose whether any offshore modifications would be needed to accommodate the increase in volume and/or salinity from the AWPf's discharge for Phase I activities. Choosing this option may require an amendment to the existing Calleguas Municipal Water District lease.

Commission staff again request, from the December 1, 2017 comment letter, to have the EIR provide additional details of, and maps showing, the Calleguas Municipal Water District's existing SMP ocean outfall. Figure 2-2 only shows the proposed onshore pipeline connection to the Calleguas SMP, and does not show the location of the SMP outfall.

5. Construction Staging Areas: Please include the offshore construction areas in Table 2-7 with a figure showing the maximum possible offshore construction footprint and impact area.

Aesthetics

6. Offshore Vessels: Commission staff note that the ocean outfall is being evaluated as part of Phase 1 activities, and therefore must be analyzed as part of the Project-level Draft EIR. However, the document fails to include offshore impacts in several resource analyses. For example, page 3.1-18 (Section 3.1, Aesthetics) discusses potential impacts to scenic views from the onshore HDD drilling, but does not include offshore impacts from the vessels anchored in the ocean. Page 3.1-31 analyzes light and glare impacts, but does not discuss nighttime vessel lighting, which could occur as described on page 2-40.

Air Quality

7. Significance Determination: The Draft EIR concludes that Impact AQ 3.3-2 is less than significant with mitigation, and the City uses Appendix G criteria to determine that the impact would be potentially significant if it would violate an air quality standard or contribute to an existing air quality violation. However, the analysis for Phase 1 does not clearly state that any of the associated construction activities will result in a potentially significant impact, and therefore it is unclear why Mitigation Measures AQ-1 and AQ-2 are applied. Please have the EIR include a significance determination for Impact AQ 3.3-2, and clearly state whether Mitigation Measures AQ-1 and AQ-2 are mitigating a potentially significant impact.

8. Phase 2 Construction – Outfall: Please ensure that Table 3.3-13 includes the short-term emissions associated with constructing a new outfall. If the City decides to transport the AWPf concentrate to the Calleguas SMP outfall for Phase 1, then the Project would need to construct the new outfall pipeline and diffuser if desalination is selected in Phase 2.

Cultural and Tribal Cultural Resources

9. Unanticipated Discovery: Commission staff recommend that the EIR evaluate all offshore ground disturbing activities that extend more than 3 feet below the ground surface. In particular, please evaluate dredging for the HDD exit and pipeline placement, outfall modifications, and pile driving as having the potential to cause adverse direct and indirect impacts to presently unidentified cultural resources, including Tribal cultural resources. Without this information, the Commission may need to undertake further environmental review to ensure all potential impacts are evaluated. In particular, the Draft EIR determines that impacts to Tribal cultural resources are less than significant, requiring no mitigation. Commission staff strongly recommend that Impact CUL 3.18-1 include both a discussion regarding potential impacts to unanticipated offshore Tribal cultural resources and include mitigation measure CUL-5.

The Draft EIR also includes development of an Anchoring Plan in Mitigation Measure HAZ-1, which will presumably involve geophysical surveys to identify areas of hard and soft substrate (also used to determine whether vibratory pile driving is feasible). Therefore, Commission staff recommends that mitigation measure CUL-4 include language requiring that a qualified maritime archaeologist participate in the development and implementation of the geophysical surveys for offshore activities, identify any cultural resources found, and prepare a summary report to be submitted to the City and Commission staff.

Please also 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. Because of this possibility, please add the following language to Mitigation Measure CUL-5, "In the event cultural resources are discovered during any offshore construction activities, Project personnel shall halt all activities in the immediate area and notify both the California State Lands Commission and a qualified archaeologist to determine the appropriate course of action."

10. Deferred Studies and Analysis: Mitigation Measure CUL-6 inappropriately defers studies and analysis regarding the outfall pipeline. While the desalination facility intake system analysis may be evaluated at a programmatic level, the Draft EIR presents the new outfall pipeline as a Phase 1 activity, and therefore the cultural resource impact analysis must be present in the document to avoid subsequent environmental review. The EIR should include the cultural resource assessment for the offshore discharge pipeline area as well as any identified cultural or tribal cultural resources, determine the impact's significance, and provide feasible mitigation measures to reduce the impact.

11. Title to Resources: The Draft EIR should mention 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 the City consult with Staff Attorney Jamie Garrett should any cultural resources on state lands be discovered during construction of the proposed Project. In addition, Commission staff requests that the following statement be included in the EIR's Mitigation and Monitoring Plan, "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."

Marine Biological Resources

12. Pile Driving for Diffuser: The Draft EIR explains on page 3.11-48 that, "since it is unknown at this time whether anchor piles will be required for the construction of the outfall nor what kind of anchor piling design would be required (i.e. the quantity of anchor piles needed, the diameter and composition of anchor piles, pile spacing, or the type of pile driving equipment...)," the potential impacts associated with underwater noise cannot be estimated. The document improperly defers the Project-level review needed for the Phase 1 component (the potential outfall pipeline), therefore CEQA responsible agencies would need to conduct additional environmental review and provide a subsequent document to address gaps in the analysis.

Page 3.11-47 states that the careful design and selection of materials, equipment, and schedule in a "pile driving plan" can reduce the potential underwater acoustic impacts to less than significant, but fails to provide data and designs to demonstrate that the worst-case scenario would still result in a less-than-significant impact with mitigation incorporated. Absent a geotechnical survey to determine the nature of the seafloor, the City appears unable to select a pile driving method (Impact versus vibratory). Therefore, the EIR must fully analyze impact pile driving for the Phase 1 outfall diffuser as the worst-case scenario. This includes providing the cumulative sound exposure level (SEL) for impact pile driving, which is absent from the Draft EIR. Cumulative SEL must be analyzed, because acoustic thresholds for impulsive sounds are presented as dual metric acoustic thresholds using cumulative SEL and peak SPL, and the National Marine Fisheries Service (NMFS) considers the onset of Level A harassment to have occurred when either of the two metrics is exceeded. The associated distance to the permanent threshold shift must be included in the EIR, and the City must then determine whether that component of Impact MARINE 3.11-1 can be feasibly mitigated.²

² Commission staff note that the Final Supplemental Environmental Impact Report for the Seawater Desalination Project at Huntington Beach (October 2017) concluded the cumulative SEL for impact pile-driving resulted in a distance threshold of 1,520 meters (approximately 5,000 feet) for high-frequency cetaceans. The document concluded that residual impacts, after feasible mitigation, remained significant and unavoidable.


Mitigation Measure MARINE-2 requires a completed underwater acoustic analysis once the type of pile and pile driving method are finalized. This information would then be evaluated to determine whether a sound attenuation reduction and monitoring plan is required. The NMFS-approved plan found in Mitigation Measure MARINE-2 provides buffer distances of 500 meters. This distance, however, is apparently not found anywhere else in the Draft EIR and is thus not adequately supported. The Caltrans 2015, NOAA 2016, and NMFS 2016 worksheets provide an accurate underwater acoustics analysis, and therefore the buffer should be derived from those calculations.

13. Offshore Demolition: The Draft EIR does not mention offshore demolition of structures until page 3.11-46, where it is briefly included in one sentence. Please have the EIR clarify when there would be demolition occurring offshore, the associated impacts with any best management practices to minimize debris, and the resulting significance determination.

Thank you for the opportunity to comment on the Draft EIR for the Project. As a responsible and trustee agency, the Commission will need to rely on the certified EIR for the issuance of any amended or new lease as specified above and, therefore, we request that you consider our comments prior to certification of the EIR.

Please send copies of future Project-related documents, including electronic copies of the Final EIR, Mitigation Monitoring and Reporting Program, Notice of Determination, CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available. Please refer questions concerning environmental review to Alexandra Borack, Senior Environmental Scientist, at (916) 574-2399 or Alexandra.Borack@slc.ca.gov. For questions concerning archaeological or historic resources under Commission jurisdiction, please contact Staff Attorney Jamie Garrett, at (916) 574-0398 or Jamie.Garrett@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Mr. Kelly Connor, Public Land Management Specialist, at (916) 574-0343 or Kelly.Connor@slc.ca.gov.

Sincerely,



on behalf of

Eric Gillies, Acting Chief
Division of Environmental Planning
and Management

Attachment: Commission Comment Letter on NOP

cc: Office of Planning and Research
K. Connor, Commission
A. Borack, Commission
A. Kershen, Commission

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December 1, 2017.

File Ref: SCH # 2017111004

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City of Ventura
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**Subject: Notice of Preparation (NOP) for a Draft Environmental Impact Report
(EIR) for the Ventura Water Supply Projects, Ventura County**

Dear Ms. Dorrington:

The California State Lands Commission (Commission) staff has reviewed the subject NOP for a Draft EIR for the Ventura Water Supply Projects (Project), which is being prepared by the City of Ventura (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 sovereign land and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on sovereign land, the Commission will act as a responsible agency. Commission staff requests that the City consult with us on preparation of the Draft EIR as required by CEQA section 21153, subdivision (a), and the State CEQA Guidelines section 15086, subdivisions (a)(1) and (a)(2).

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. 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.

After reviewing the information contained in the NOP, staff has concluded that this Project will extend onto the Pacific Ocean, which is State owned sovereign land. The Project includes an advanced water purification facility (AWPF) that will require construction of a new brine discharge pipeline. The City proposes two alternatives for the pipeline terminus; a new ocean outfall to be constructed near the City, or use of Calleguas Municipal Water District's existing Salinity Management Pipeline (SMP) ocean outfall. If the City selects the new ocean outfall alternative, then any placement of an outfall that extends westward into the Pacific Ocean, including the outfall structure and any associated pipelines, will require a lease from the Commission. If the City decides to use Calleguas Municipal Water District's existing SMP ocean outfall, then a lease will not be required for the onshore portion of the pipeline extension, which would cross the Santa Clara River at a location between Rancho San Miguel and Rancho Río de Santa Clara, and is outside the Commission's jurisdiction; however, if the existing SMP ocean outfall is currently under lease, a lease amendment may be required. Please contact Kelly Connor, Public Land Management Specialist (see contact information below) once the brine discharge alternative has been selected, to confirm whether any Project components will require a lease or lease amendment.

The Project also includes a seawater desalination facility, which would be co-located with the AWPF. While the conveyance pipeline locations would be similar to those analyzed for the AWPF, the seawater desalination facility would also require an intake structure, either subsurface or a wedgewire screen manifold pursuant to the Ocean Plan, and intake pipelines which would run above or below the Pacific Ocean seafloor. In addition, the NOP is not clear whether the brine discharge outfall for the AWPF would also be able to release the brine generated from the discharge facility. Any placement of intake and outfall structures and pipelines in the Pacific Ocean at the Project location will require a lease from the Commission.

Project Description

The City proposes to construct and implement a full-scale AWPF, and construct both a pipeline to access imported water and a seawater desalination facility. The Project would meet the City's objectives and needs as follows:

- Compliance with the March 30, 2012, Consent Decree that requires identification of the maximum amount of treated effluent that can be diverted to the Santa Clara River Estuary while still protecting the ecology and listed species therein
- Improvement of surface water and groundwater quality in the City's service area
- Augmentation of local water supply in an environmentally responsible and cost-efficient manner

From the NOP, Commission staff understands that the Project would include the following components:

- VenturaWaterPure Project: This component would include the AWPf with its associated conveyance system, a groundwater injection and extraction system, a concentrate discharge facility, and freshwater treatment wetlands.
- State Water Interconnection: This component would include a potential connection from the City's water service area to the existing Calleguas potable water system.
- Ocean Desalination: The proposed seawater desalination facility would be designed to deliver up to 2.7 million gallons per day (MGD) of potable water, and would require an intake and outfall system.

Environmental Review

Commission staff requests that the City consider the following comments when preparing the Draft EIR.

General Comments

1. Programmatic Document: Because the EIR is proposed as both a programmatic and a project-level document, the Commission expects the State Water Interconnection and Ocean Desalination Project components will be presented as a series of distinct, but related sequential activities (i.e., the City's "separate but coordinated" CEQA review for the State Water Interconnection Project, referenced in the NOP). State CEQA Guidelines section 15168, subdivision (c)(5) states that a program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. As such, the program EIR should make an effort to distinguish what activities and their mitigation measures are being analyzed in sufficient detail to be covered under the program EIR without additional project specific environmental review, and what activities will trigger the need for additional environmental analysis (see State CEQA Guidelines, § 15168, subd. (c)). Additionally, please ensure that the Project Description and subsequent environmental analysis continue to clearly distinguish between programmatic analysis and project-level analysis.
2. Project Description: A thorough and complete Project Description should be included in the EIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact or volume of sediment removed or disturbed, seasonal work windows, locations for material disposal, etc.), as well as the details of the timing and length of activities. Thorough descriptions will facilitate Commission staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required. Please also provide additional details of, and maps showing, the Calleguas Municipal Water District's existing SMP ocean outfall.

3. Seawater Desalination Facility: The NOP indicates that the design details for the seawater desalination facility are in a preliminary stage, and that the EIR will evaluate the proposed water supply project at a "program-level" of detail. Commission staff strongly encourages the City to begin joint coordination and consultation with the California Coastal Commission, Los Angeles Regional Water Quality Control Board (LARWQCB), and Commission staffs as soon as possible to ensure that any subsequent regulatory permits or approvals proceed efficiently and in accordance with the Ocean Plan, in particular the 2015 Desalination Amendment.

Biological Resources

4. Special-Status Species and Habitats: The EIR should disclose and analyze all potentially significant effects on sensitive species and habitats in and around the Project area, including special-status wildlife, fish, and plants, and if appropriate, identify feasible mitigation measures to reduce those impacts. The City should conduct queries of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDB) and U.S. Fish and Wildlife Service's (USFWS) Special Status Species Database to identify any special-status plant or wildlife species that may occur in the Project area. The EIR should also include a discussion of consultation with the CDFW, USFWS, and National Marine Fisheries Service (NMFS), including any recommended mitigation measures, construction work windows, and potentially required permits identified by these agencies.
5. Invasive Species: One of the major stressors in California waterways is introduced species. Therefore, the EIR should consider the Project's potential to encourage the establishment or proliferation of aquatic invasive species (AIS) or other non-indigenous, invasive species including terrestrial plants. For example, construction boats and barges brought in from long stays at distant projects may transport new species to the Project area via hull biofouling, wherein marine and aquatic organisms attach to and accumulate on the hull and other submerged parts of a vessel. If the analysis in the EIR finds potentially significant AIS impacts, possible mitigation could include contracting vessels and barges from nearby, or requiring contractors to perform a certain degree of hull-cleaning. The CDFW's Invasive Species Program could assist with this analysis as well as with the development of appropriate mitigation (information at www.dfg.ca.gov/Invasives/).

In addition, in light of the recent decline of native pelagic organisms and in order to protect at-risk fish species, the EIR should examine if any elements of the Project would favor non-native fisheries within the Pacific Ocean.

6. Construction Noise: The EIR should also evaluate noise and vibration impacts on fish and birds from in-water construction and dredging activities, and any restoration activities in the water or for land-side supporting structures. Activities of concern include, but are not limited to, pile driving, dredging, welding, installation of subsurface or seabed pipelines, etc. Mitigation measures could include species-specific work windows as defined by CDFW, USFWS, and NMFS. Again, staff recommends early consultation with these agencies to minimize the impacts of the Project on sensitive species.

Climate Change

7. Greenhouse Gas (GHG): A GHG emissions analysis consistent with the California Global Warming Solutions Act (Assembly Bill [AB] 32) and required by the State CEQA Guidelines should be included in the EIR. This analysis should identify a threshold for significance for GHG emissions, calculate the level of GHGs that will be emitted as a result of construction and ultimate build-out of the Project, determine the significance of the impacts of those emissions, and, if impacts are significant, identify mitigation measures that would reduce them to the extent feasible. Please include a full evaluation of all the equipment that could be used for any aspect of construction activities, including marine vessels required for offshore work. Commission staff recommends that the City contact the Ventura County Air Pollution Control District (APCD) to discuss appropriate air impact analysis models for identifying the impacts of the proposed Project.

The NOP notes that long-term operations of the Project components will result in increased energy usage. Please include an analysis of the indirect GHG emissions associated with the AWPf and seawater desalination facility operations.

8. Sea-Level Rise: A tremendous amount of State-owned lands and resources under the Commission's jurisdiction will be impacted by rising sea levels. With this in mind, the City should consider discussing in the EIR the effects of sea-level rise on all resource categories potentially affected by the proposed Project. Because of their nature and location, these lands and resources are already vulnerable to a range of natural events, such as storms and extreme high tides. Note that the State of California released the final "Safeguarding California: Reducing Climate Risk, an Update to the 2009 California Climate Adaptation Strategy" (Safeguarding Plan) on July 31, 2014; to provide policy guidance for state decision-makers as part of continuing efforts to prepare for climate risks. The Safeguarding Plan sets forth "actions needed" to safeguard ocean and coastal ecosystems and resources as part of its policy recommendations for state decision-makers.

In addition, Governor Brown issued Executive Order B-30-15 in April 2015, which directs state government to fully implement the Safeguarding Plan and factor in climate change preparedness in planning and decision making. Please note that when considering lease applications, Commission staff will:

- Request information from applicants concerning the potential effects of sea-level rise on their proposed projects
- If applicable, require applicants to indicate how they plan to address sea-level rise and what adaptation strategies are planned during the projected life of their projects
- Where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from sea-level rise, including adverse impacts on public access

Cultural and Tribal Cultural Resources

9. Submerged Resources: The EIR should evaluate potential impacts to submerged cultural resources in the Project area. The Commission maintains a shipwrecks database that can assist with this analysis. Commission staff requests that the City contact Staff Attorney Jamie Garrett (see contact information below) to obtain shipwrecks data from the database 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. Because of this possibility, please add a mitigation measure requiring that in the event cultural resources are discovered during any construction activities, Project personnel shall halt all activities in the immediate area and notify a qualified archaeologist to determine the appropriate course of action.
10. Title to Resources: The EIR should also mention 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). Commission staff requests that the City consult with Staff Attorney Jamie Garrett (see contact information below) should any cultural resources on state lands be discovered during construction of the proposed Project.
11. Tribal Resources: The NOP does not indicate whether Tribal cultural resources would be potentially affected and whether the Project would have a potentially significant impact on Tribal resources. Therefore, the NOP does not contain sufficient information as to how the City is complying with Assembly Bill (AB) 52 provisions. These provisions provide procedural and substantive requirements for lead agency consultation with California Native American Tribes, consideration of effects on Tribal cultural resources (as defined in Pub. Resources Code, § 21074), and examples of mitigation measures to avoid or minimize impacts to these resources. Even if no Tribe has submitted a consultation notification request for the Project area covered under the NOP, the City should:
- Contact the Native American Heritage Commission to obtain a general list of interested Tribes for the Project area
 - Include the results of this inquiry within the Draft EIR
 - Disclose and analyze potentially significant effects to Tribal cultural resources, and avoid impacts where feasible

Since the NOP does not disclose if notification or outreach to interested Tribes has occurred and does not document their response, Commission staff recommends that the City include this information in the Draft EIR in order to maintain a clear record of the City's efforts to comply with AB 52. This information would aid responsible and trustee agencies in their independent review processes and help eliminate potentially duplicative work. Please include information as to whether there are any anticipated or unanticipated submerged Tribal cultural resources in the Project area,

and provide recommended mitigation measures to reduce or eliminate any potential impacts to those resources.

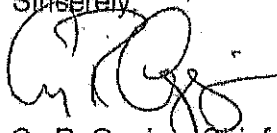
Mitigation and Alternatives

12. Deferred Mitigation: In order to avoid the improper deferral of mitigation, mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (State CEQA Guidelines, §15126.4, subd. (a)).
13. Alternatives: In addition to describing mitigation measures that would avoid or reduce the potentially significant impacts of the Project, the City should identify and analyze a range of reasonable alternatives to the proposed Project that would attain most of the Project objectives while avoiding or reducing one or more of the potentially significant impacts (see State CEQA Guidelines, § 15126.6). The NOP indicates that, in January 2018, the City will provide the LARWQCB with a recommended maximum volume of treated effluent to be discharged into the Santa Clara River Estuary. The EIR should analyze this volume and determine its effect on the Project's need for the State Water Interconnection or the Seawater Desalination Facility.

Thank you for the opportunity to comment on the NOP for the Project. As a trustee and responsible agency, Commission staff requests that you consult with us on this Project and 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 as the EIR is being prepared.

Please refer questions concerning environmental review to Alexandra Borack, Environmental Scientist, at (916) 574-2399 or via e-mail at Alexandra.Borack@slc.ca.gov. For questions concerning archaeological or historic resources under Commission jurisdiction, please contact Staff Attorney Jamie Garrett, at (916) 574-0398 or via e-mail at jamie.garrett@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Kelly Connor, Public Land Management Specialist, at (916) 574-0343 or via e-mail at Kelly.Connor@slc.ca.gov.

Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
A. Borack, CSLC
K. Connor, CSLC
P. Huber, CSLC
J. Garrett, CSLC