

STATE OF CALIFORNIA

GRAY DAVIS, Governor

**CALIFORNIA STATE LANDS COMMISSION**  
 100 Howe Avenue, Suite 100-South  
 Sacramento, CA 95825-8202



**PAUL D. THAYER, Executive Officer**

(916) 574-1800 FAX (916) 574-1810

California Relay Service From TDD Phone 1-800-735-2922  
 from Voice Phone 1-800-735-2829

Contact Phone: (916) 574-1833

Contact FAX: (916) 574-1835

June 26, 2003

File Ref: SD 2002-04-24.3  
 and SCH 2002042074

Mr. Tom Stokely  
 Trinity River Restoration Program  
 PO Box 1300  
 Weaverville, California 96093

Dear Ms. Gayou and Mr. Stokely:

**Subject: Draft Environmental Assessment/Draft Environmental Impact Report for the Proposed Trinity River Bridges Project, Trinity County**

Staff of the California State Lands Commission (CSLC) has reviewed the subject document. Under the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), the U.S. Department of the Interior - Bureau of Reclamation and the Bureau of Land Management and Trinity County are co-lead agencies. The CSLC is a Responsible and/or Trustee Agency for any and all projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters.

The State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable 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 includes 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, as it last naturally existed. On navigable non-tidal waterways, the State holds fee ownership of the bed landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, as they last naturally existed. Such boundaries may not be readily apparent from present day site inspections. The State's sovereign interests are under the jurisdiction of the CSLC.

a.

Mr. Tom Stokely  
June 26, 2003

We have not determined the extent of the State's sovereign interest in the Trinity River at the proposed project locations. Therefore, a lease from the Commission will not be required at this time. However, a lease may be required at such time that the extent of the State's interest is determined.

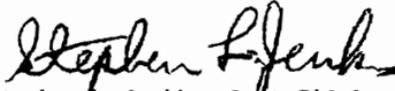
Additionally, the Trinity River at the proposed project locations may be subject to a public navigational easement. The proposed project must not restrict or impede this easement right of the public.

b.

This conclusion is without prejudice to any future assertion of State ownership or public rights, should circumstances change, or should additional information come to our attention.

Please contact Barbara Dugal, Public Land Manager, at (916) 574-1833 should you have any questions regarding the above.

Sincerely,



Stephen L. Jenkins, Asst. Chief  
Division of Environmental  
Planning and Management

Cc: Barbara Dugal

## **RESPONSE TO COMMENT: 45**

### **California State Lands Commission (Stephen L. Jenkins)**

45-a: The comment states that the State Lands Commission will not require a lease at this time but may require one in the future if the extent of the State's interest is determined. Thank you for your response. Your comment has been noted. No response is required.

45-b: The comment states that the proposed project locations may be subject to a public navigational easement. The project, as proposed, would not restrict or impede any existing public easement to the Trinity River. A specific goal of the project is to provide safe and reasonable year-round access to parcels of land served by the Salt Flat, Bucktail, Poker Bar, and Biggers Road bridges across the Trinity River.