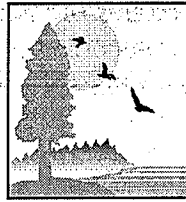


**CALIFORNIA STATE LANDS COMMISSION**

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February 27, 2017

File Ref: SCH# 2008051003  
PRC 8737.1

Aaron Yue  
Project Manager  
California Department of Toxic Substances Control  
5796 Corporate Avenue  
Cypress, CA 90630

**Subject: Draft Subsequent Environmental Impact Report (SEIR) for the PG&E  
Topock Compressor Station Groundwater Remediation Project,  
Adjacent to the Colorado River, near Needles in San Bernardino County.**

Dear Mr. Yue:

The California State Lands Commission (CSLC) staff has reviewed the Draft SEIR for the Pacific Gas and Electric Company (PG&E) Topock Compressor Station Groundwater Remediation Project (Project), which is being prepared by the Department of Toxic Substances Control (DTSC). The DTSC, 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 CSLC is a trustee agency for projects that could directly or indirectly affect sovereign lands and their accompanying Public Trust resources or uses. Additionally, because the Project may involve work on sovereign lands, the CSLC may act as a responsible agency.

### **CSLC Jurisdiction and Public Trust Lands**

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC 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.

Please be advised that in 2006, the CSLC approved the issuance of a 20-year General Lease — Right-of-Way Use, Lease No. PRC 8737.1, to PG&E for the use and maintenance of groundwater monitoring wells extending from the Havasu National Wildlife Refuge and into the bed of the Colorado River (Calendar Item C41, December 14, 2006; [http://archives.slc.ca.gov/Meeting\\_Summaries/2006\\_Documents/12-14-06/Items/121406C41.pdf](http://archives.slc.ca.gov/Meeting_Summaries/2006_Documents/12-14-06/Items/121406C41.pdf)). The Lease was subsequently amended twice in 2007 to revise lease provisions and to provide for additional well sites to be drilled from the Arizona side of the bed of the Colorado River.

The alteration, removal, or addition to the existing wells, or proposed new construction of improvements on sovereign State-owned land, will require a lease amendment and submittal of a lease application by PG&E to the CSLC. Project elements possibly under CSLC jurisdiction include the planned California riverbank extraction wells, conveyance pipelines, and the provisional slant wells extending beneath the Colorado River. Please contact Ken Foster, Public Lands Manager (see contact information below), to further discuss these and other Project components that may be under the jurisdiction of the CSLC, or if you have any questions regarding CSLC leasing or permitting requirements.

### **Project Description**

The Project involves the in situ treatment of contaminated groundwater with freshwater flushing and the conversion of hexavalent chromium Cr(VI) dissolved in groundwater to relatively insoluble trivalent chromium. The Project meets the DTSC's objective to clean up the groundwater contamination related to the historical release of chemicals at the PG&E Topock Compressor Station, in a manner that would be consistent with all applicable regulatory requirements and to do so within a reasonable period of time.

From the Project description, Commission staff understands that the Project would include a line of injection and extraction wells to distribute groundwater amended with a carbon substrate for treatment of Cr(VI). Commission staff understands that the following Project components may have the potential to occur on State-owned sovereign land:

- Five river bank extraction well boreholes (plus up to four future provisional well boreholes) along the Colorado River (discussed on page 3-27);
- Slant well screens in the Colorado River (as shown on Figure 3-5); and
- Conveyance pipelines.

The Aboveground Pipeline Infrastructure Alternative is considered the Environmentally Superior Alternative. However, the construction and long-term maintenance/operation of the alternative would result in greater risks to worker and public safety issues; therefore, this alternative would not meet the objectives of the Project.

### Environmental Review

CSLC staff requests that DTSC consider the following comments on the Project's SEIR.

#### Project Description

1. Figure 3-5 of the Project description shows the location of a provisional "area for potential slant well screens," which if constructed would likely be within the jurisdiction of the CSLC. However, staff was unable to find an explanation for why these screens would be necessary, or a thorough description of the construction and operation of these components (e.g., types of equipment or methods that may be used, maximum area of impact, seasonal work windows, etc.), as well as the details of the timing and length of activities. If the requested descriptions can be found in existing documentation, please provide a reference. Thorough descriptions will facilitate CSLC 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.

#### Hydrology

2. Section 3.6.1.2 explains that "the purpose of the Inner Recirculation Loop (IRL) is to induce a hydraulic gradient that would flush the plume toward the National Trails Highway in situ reducing zones (NTH IRZ), facilitate the cleanup of the Colorado River floodplain, and provide secondary protection for the Colorado River by controlling the migration of potential byproducts generated by the NTH IRZ." The IRL includes five river bank extraction well boreholes, and up to four future provisional well boreholes, along the Colorado River. Although the IRL system should prevent groundwater with Cr(VI) from flowing into the Colorado River, what contingency plan would be put in place should monitoring of the River show an increase in Cr(VI) or byproducts?

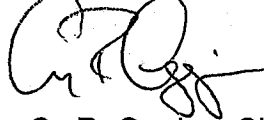
#### Cultural Resources

3. Please identify in the SEIR that the title to all abandoned archaeological sites, and historic or cultural resources on or in submerged lands of California is vested in the State and under the jurisdiction of the CSLC (Pub. Resources Code, § 6313). CSLC staff requests that DTSC consult with Attorney Jamie Garrett (see contact information below) should any cultural resources on State lands be discovered during construction of the proposed Project. In addition, CSLC staff requests that the following statement be included in the SEIR's Mitigation and Monitoring Program (MMP): "The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the CSLC must be approved by the Commission."

Thank you for the opportunity to comment on the SEIR for the Project. As a potential responsible and trustee agency, the CSLC will need to rely on the Final SEIR for the issuance of any amended lease as specified above and, therefore, we request that you consider our comments prior to certification of the SEIR.

Please send copies of future Project-related documents, including electronic copies of the Approving Resolution, Final SEIR, MMP, Notice of Determination, CEQA Findings, and if applicable, Statement of Overriding Considerations when they become available. Please refer questions concerning environmental review to Cynthia Herzog, Senior Environmental Scientist, at (916) 574-1310 or via e-mail at [cynthia.herzog@slc.ca.gov](mailto:cynthia.herzog@slc.ca.gov). For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Attorney Jamie Garrett, at (916) 574-0398 or via e-mail at [jamie.garrett@slc.ca.gov](mailto:jamie.garrett@slc.ca.gov). For questions concerning CSLC leasing jurisdiction, please contact Kenneth Foster, Public Lands Manager, at (916) 574-2555 or via e-mail at [kenneth.foster@slc.ca.gov](mailto:kenneth.foster@slc.ca.gov).

Sincerely,



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

cc: Office of Planning and Research  
J. Garrett, CSLC  
K. Foster, CSLC  
C. Herzog, CSLC