

Comment Set 5

STATE OF CALIFORNIA

GRAY DAVIS, Governor

CALIFORNIA STATE LANDS COMMISSION
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July 31, 2000

File Ref: SD 1998-04-13.2

Ms. Nadell Gayou
 The Resources Agency
 1020 Ninth Street, Third Floor
 Sacramento, CA 95814

Ms. Judith Ikle, CPUC
 C/O Aspen Environmental Group
 235 Montgomery Street, Suite 800
 San Francisco, CA 94104

Dear Ms. Gayou:

Staff of the California State Lands Commission (CSLC or Commission) has reviewed the proposed Draft Environmental Impact Report for the Proposed Northeast San Jose Transmission Reinforcement Project, SCH#2000042073. Based on this review, we offer the following comments.

Jurisdiction

The State 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 the people of the State for statewide Public Trust purposes that include waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. The landward boundaries of the State's sovereign interests are generally based upon the ordinary high water marks of these waterways as they last naturally existed. In non-tidal navigable waterways, the State holds a fee ownership in the bed of the waterway between the two ordinary low water marks as they last naturally existed. The entire non-tidal navigable waterway between the ordinary high water marks is subject to the Public Trust. The State's sovereign interests are under the jurisdiction of the CSLC.

To the extent any plan implementation activities extend waterward of the ordinary low water marks of these waterways, a lease from the Commission will be required. If you have any questions, please contact Diane Jones, Public Land Management Specialist, at (916) 574-1843.

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Nadell Gayou and Judith Ikle

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We appreciate the opportunity to comment on the proposed project and look forward to receiving the FEIR and notification of consideration of the CPUC's final decision.

Sincerely,

Dwight E. Sanders, Chief
 Division of Environmental
 Planning and Management

cc: Diane Jones
 OPR