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VIA ELECTRONIC MAIL ONLY (collinsville@panoramaenv.com)

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California Public Utilities Commission
Connie Chen
717 Market Street, #400
San Francisco, CA 94103

**Subject: Draft Environmental Impact Report for Collinsville 500/230 Kilovolt
Substation Project, Solano, Sacramento, Alameda, and Contra Costa Counties**

Dear Connie Chen:

The California State Lands Commission (Commission) staff has reviewed the Draft Environmental Impact Report (EIR) for the Collinsville 500/230 Kilovolt Substation Project (Project), which is being prepared by the California Public Utilities Commission (CPUC). The CPUC 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; 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.

Part of the Project area will be located on State sovereign land in the Sacramento River (also known as Suisun Bay), which at this location is natural, navigable, tidal, and meandered on both banks. Therefore, this part of the Project area falls on land under the Commission's jurisdiction and is subject to leasing requirements, with the exception that a small portion of the Project area within the Sacramento River which falls on sovereign land granted by the legislature to the City of Pittsburg (City) pursuant to Chap. 422, Stats. 2011, minerals reserved (G 02-03). The City should be contacted to address any approvals that may be required by the City for the Project.

Shared Use of State-Owned Sovereign Lands

In its February 6, 2025, comment letter to the Project's Notice of Preparation and in subsequent meetings with LS Power Grid California, LLC (LSPGC), staff highlighted the Commission's practice of leasing sovereign lands under the principle of non-exclusivity. The proposed Project components underlying Suisun Bay would intersect with numerous uses that support commerce, navigation, ecology, and the Public Trust. The Sacramento River and Suisun Bay are vital and busy waterways that have various demands on its use in ways that serve and benefit the region. Section 4.12.4 of the Draft EIR recognizes significant and unavoidable impacts to mineral resources caused by the presence of the submarine cable crossing the boundary of sand mining lease 7781. The Commission appreciates the CPUC's inclusion of Mitigation Measure MM-MIN-1 to reduce conflict and improve coordination amongst authorized users of state Sovereign-Lands. The Commission encourages LSPGC to continue its coordination with Suisun Associates at all phases of the Project and keep the Commission staff updated on the status and progress of its coordination.

If you have questions specific to jurisdiction, lease provisions, or the application process, please contact Public Land Management Specialist Joanne Holt (contact information below).

Project Description

LSPGC filed an application for a Certificate of Public Convenience and Necessity with CPUC for the Project. The California Independent System Operator's 2021-2022 Transmission Plan identified the proposed Project as a needed upgrade to the California electric grid. The proposed Project is located in Solano, Sacramento, Alameda, and Contra Costa Counties within an existing regional transmission system that provides electricity to the northern Greater Bay Area.

From the Project Description, Commission staff understand that the Project would include the following components that have potential to affect State sovereign land.

Transmission Line: Construction of a new approximately 6-mile long, double-circuit 230 kV transmission line that would include approximately 4.5 miles of submarine cables (four cables) running beneath the banks and bed of the Sacramento River. The submarine cables would be buried to a depth of approximately 6 to 15 feet below the sediment surface, or as specified by engineering and permitting agency requirements, to protect them from mechanical damage. In the event that the required burial depth cannot be met using the proposed construction methods, then alternate cable protection measures would be implemented as necessary (e.g., placement of concrete mattresses on the riverbed). As stated in the Draft EIR, the cables would typically be spaced approximately 30 to 90 feet apart to allow for cable repair and abandonment in place. Timber mats may be required in wetlands near the north shore of the Sacramento River to establish construction access for landfall of the submarine segment.

Shoreline Trenching at the Mean High-Tide Line (MHTL): At the south shore work area along the Sacramento River, trenching would be required from land to the MHTL (approximately 70 to 80 feet) and may also be required up to approximately 30 feet waterward of the MHTL.

At the north shore work area of the Sacramento River, a trench would be excavated along each cable path from the shoreline to a point approximately 50 feet waterward of the MHTL.

Trenching at the shorelines will be conducted using a long-reach excavator positioned on land. With the trench open, the cabling will be laid in the trench and a hydroplow will be towed over the cable to complete the cable installation. Immediately following installation of the cables, the trenches would be backfilled to pre-construction contours.

Submarine Cable Installation: The submarine cables would be installed by using a hydroplow that would be pulled along the riverbed behind a barge. As the hydroplow blade moves forward to fluidize and remove the sediment, the submarine cable would be fed from the barge down to the seabed through the blade and would exit at the foot of the blade to be laid directly into the river bottom sediments. The majority of the fluidized sediments behind the blade would fall back into the trench, effectively burying the cable.

Environmentally Superior Alternative: The Draft EIR identifies "Alternative 1 + Proposed Project in remaining areas" as the Environmentally Superior Alternative (ESA) that meets the basic project objectives. The ESA would avoid significant and unavoidable impacts on or from biological resources, greenhouse gases, land use, and noise. These reductions would occur due to the installation of much shorter 500 kV interconnection lines, relocation of the substation and associated infrastructure outside of the Suisun Marsh Priority Habitat Management Area, and relocation of the substation and associated construction noise away from sensitive receptors.

Environmental Review

Commission staff requests that CPUC consider the following comments on the Draft EIR, specifically related to the analysis of the 230kV submarine segment of the proposed transmission line, to ensure that impacts to State sovereign land are adequately analyzed for the Commission's use of the EIR when considering a future lease application for the Project.

General Comments

1. Project Description

- Lease Encumbrance: Page 2-51 of the Project Description includes the following statement, "LSPGC would obtain a lease agreement and a lease encumbrance permit/agreement from the California State Lands Commission (CSLC) for encumbering on the existing mining lease. *With these agreements in place, Suisun Associates' activities in the vicinity of the cables would be prohibited, protecting them from incidental impacts.*" (italics added). As stated above, the Commission's leasing practices operate under the principle of non-exclusivity. The Draft EIR identifies Significant and Unavoidable impacts MIN-1 and MIN-2 which would result in a loss of access to 52 acres of sand mining lease area. While the Draft EIR identifies that the Project and sand mining may, for practical purposes, be incompatible activities within a certain portion of Lease 7781, the application submitted by LSPGC to the Commission is for issuance of a Lease to construct and operate

the proposed Project on State sovereign lands. The Commission does not possess unilateral authority to alter or limit Suisun Associates' current entitlements, and Commission staff cannot predetermine the precise final terms and conditions upon which the Commission will approve a potential new lease to Suisun Associates or to LSPGC. As a result, Commission staff requests that the sentence emphasized above on page 2-51 (in italics), be deleted in the Final EIR. Commission staff believes the statement near the bottom of Draft EIR page 4.12-9 more accurately reflects the circumstances, "[a]dditionally, the CSLC has an existing lease for sand and gravel mining in the area, and CSLC requires LSPGC to coordinate with the entities who hold the sand and gravel mining lease to resolve conflicts prior to granting an easement to LSPGC within the existing sand and gravel mining lease."

- Cable Installation: The Project Description very broadly describes the excavation and installation process for the submarine segment of the 230kv transmission line, which is composed of four separate cables, as one overall excavation area. The Project Description should be updated to explain that excavation and cable installation would occur separately for each cable, as noted in various resource areas in Section 3 of the Draft EIR. This updated information would provide a more accurate description of the movement and presence of work barges along the 4.5-mile route of in-water cable installation, which would better support the environmental analysis and impact determinations in Section 3.
- Location of Home Port(s): The Project Description should identify the home port location for work barges and vessels and distance from the Project construction area. This information would inform potential impact considerations for the spread and introduction of aquatic invasive species, ensure that vessel emissions are accurately calculated as part of project generated emissions analyses, and potentially be incorporated into discussion of impacts to transportation resources.
- Transmission Line Maintenance and Repair: The Project Description states that future repairs of the transmission line cables would result in abandonment in place of the damaged cable and installation of a new cable segment. Please be advised that abandonment in place of any sections of cable within the Commission's jurisdiction (as opposed to full removal) would require authorization by the Commission, considering numerous factors including feasibility and potential for impact. Discontinued use of the transmission cables may also require removal from the river bottom as a

condition of the lease for decommissioning of the cables. The Draft EIR should be updated to acknowledge that cable abandonment in place would only occur if authorized by agencies with discretionary authority over the disposition of the cables, otherwise, the discontinued cable segments would be removed from the river bottom. The Draft EIR should also be updated to explain that excavation and cable installation activities for cable replacement, including removal of discontinued cables, would be subject to additional environmental review, since the specific details for those activities are not known at this time or adequately addressed in the Draft EIR.

2. Alternatives:

The Draft EIR analyzed and compared seven alternatives to the proposed Project, including a “no project” alternative. However, Appendix C, *Alternative Screening Report*, identifies and rejects two other alternative construction methods: 230 kV Submarine Segment – Full HDD Installation and 230 kV Submarine Segment – Partial HDD Installation. Full horizontal directional drilling (HDD) installation is rejected due to land workspace limitations and limitations on boring, with the Draft EIR stating that “HDD methods require a workspace the length of the entire boring/cable.” While significant workspace limitations can occur for natural gas or fuel pipelines that must be welded and hydrotested prior to HDD pullback, PVC conduit segments can be assembled and connected at or near the entry or exit pit, creating a reduced workspace/lay-down area. In addition, the Draft EIR has no information that explains the drilling technology limitations for boring. The Final EIR should include the supporting technical studies, memos, and/or figures that justify the CPUC’s determinations in Appendix C as they relate to both the boring and land workspace limitations for the Full HDD Installation alternative.

Appendix C’s discussion of the Partial HDD Installation alternative notes that “The alternative would not avoid any significant impacts of the Proposed Project.” Please include sufficient detail in the Final EIR to support this determination. For example, Appendix C should include a discussion, including any relevant supporting technical studies, memos, and/or figures, on the affected resource areas and impacts that could have a reduced impact from the Partial HDD Installation alternative, and whether that reduction would change the impact determination(s) from Significant and Unavoidable to Less Than Significant with Mitigation (LTSM), or LTSM to Less Than Significant.

As a future CEQA responsible agency, the Commission must review and evaluate the supporting information and documentation in the alternatives

analysis as part of lease application processing and would need to concur with the CPUC's determinations in order to fulfill its obligations under CEQA Guidelines section 15906 (g)(2).

3. Recreation and Transportation

As explained in the Section 3 Recreation and Transportation subsections, LSPGC would implement APM REC-1 ("Access Restrictions in the Delta") for public noticing to inform the public and mariners of the in-water work schedule and construction activities. However, the measure does not actually restrict public access. The Draft EIR does not discuss whether the Project activities would require buffer areas around work vessels to protect public safety during in-water work activities. Such buffer areas would prohibit public navigation within the work areas using temporary buoys, spud piles, or other navigation markers. Page 4.17-52 of the Transportation section explains that the 6 month in-water construction period could have significant impacts on navigation, and proposes implementation of APM REC-1 to reduce impacts to a less than significant level. Please confirm whether the barge activities would require any buffer areas. If so, the Final EIR must provide a mitigation measure that explains how the in-water work area will be sectioned off from non-project navigation to ensure public safety.

4. Environmental Justice

Commission staff provided comments on the Notice of Preparation for the Draft EIR that encouraged the CPUC to include a section describing the environmental justice community outreach and engagement for the proposed Project and the results of such outreach. Commission staff also recommended using the [CalEnviroScreen](#) mapping tool to search for census tracts near the Project area to identify any environmental burdens that disproportionately impact those communities. If the CPUC has conducted any environmental justice research or outreach with communities in the surrounding Project area, then Commission staff recommend this information be included in the EIR.

The Commission adopted an updated [Environmental Justice Policy and Implementation Blueprint](#) in December 2018 to ensure that environmental justice is an essential consideration in the agency's processes, decisions, and programs. Please be advised that a lease application with the Commission will require research and consideration of Environmental Justice related Project impacts on surrounding communities, and if applicable, public outreach with affected communities.

Thank you for the opportunity to comment on the Draft EIR for the proposed Project. As a responsible and trustee agency, the Commission will rely on the Final EIR for issuing a new lease. Staff requests that you consider these comments before certifying the EIR.

Please send electronic copies of the Final EIR, Mitigation Monitoring Program, Notice of Determination, approving resolution, CEQA Findings, and Statement of Overriding Considerations 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.

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 requirements and jurisdiction, please contact Joanne Holt, Public Land Management Specialist, at joanne.holt@slc.ca.gov or (916) 574-1900.

Sincerely,



Nicole Dobroski, Chief
Division of Environmental Science,
Planning and Management

cc: Office of Land Use & Climate Innovation
J. Holt, Commission
J. Ramos, Commission
J. Fabel, Commission