

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



Established in 1938

December 2, 2022

JENNIFER LUCCHESI, Executive Officer
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File Ref: SCH #2021080556

County of Sonoma
Georgia McDaniel
2550 Ventura Avenue
Santa Rosa, CA 95403

VIA ELECTRONIC MAIL ONLY Georgia.McDaniel@sonoma-county.org

Subject: Initial Study Mitigated Negative Declaration for The Lodge on Russian River (Formerly GuerneWood Park Resort), Sonoma County

Dear Georgia McDaniel:

The California State Lands Commission (Commission) staff has reviewed the Revised Initial Study Mitigated Negative Declaration (MND) for The Lodge on Russian River (River) (Formerly GuerneWood Park Resort) (Project), which is being prepared by the County of Sonoma (County). The County 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, if the Project involves work on State sovereign land, the Commission will act as a responsible agency.

Commission Jurisdiction and Public Trust Lands

Please see attached Commission staff's previous comment letter dated September 27, 2021. Staff understands from the discussion in the MND on pages 6 and 7 that the relocated public access and engineered trail system proposed within the 50-foot riparian corridor setback of Hulbert Creek and below the ordinary high-water mark (within the riparian forest areas) of the River might require a lease from the Commission since the River at the Project location is State sovereign land under the Commission's jurisdiction.

The MND does not provide sufficient information to determine how much of the Project extends into the River (Figure 15 on MND page 28). Since there are no specific site plans in the MND or submitted to the Commission staff, staff is not able to determine which Project components would require a lease from the Commission. We request that the County please contact Ninette Lee (contact information below) with specific site plans referenced to upland property lines or CAD files in State Plan Coordinate System. Please also include Ninette Lee on any future mailing list for this Project.

Environmental Review

Thank you for considering Commission staff's input by updating the MND and addressing some of the issues raised in Commission staff's previous comment letter dated September 27, 2021. Staff appreciates comments 5 and 6 from that letter being addressed by including requested language in Mitigation Measure CUL-1 (MND page 52). Please note the remaining comments 1, 2, 3, 4, 7, 8, and 9 are still outstanding. If the County staff feels these comments have already been adequately addressed, please provide staff with MND page numbers demonstrating where each of our remaining comments is addressed.

Please send electronic copies of the adopted MND, Mitigation Monitoring Program, Notice of Determination, and approving resolution when they become available. 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, including all CEQA documentation, must meet accessibility requirements for Commission staff to place the application on the Commission agenda.

Please refer questions concerning environmental review to Afifa Awan, Senior Environmental Scientist, at Afifa.Awan@slc.ca.gov or (916) 574-1891. For questions concerning archaeological or historic resources under Commission jurisdiction, please contact Jamie Garrett, Staff Attorney, at Jamie.Garrett@slc.ca.gov or (916) 574-0398.

For questions concerning Commission leasing jurisdiction, please contact Ninette Lee, Public Land Manager, at Ninette.Lee@slc.ca.gov or (916) 574-1869.

Sincerely,

Handwritten signature of Nicole Dobroski in black ink.

Nicole Dobroski, Chief
Division of Environmental Planning
and Management

Attachment: Previous Comment Letter Dated September 27, 2021

cc: Office of Planning and Research

A. Awan, Commission

J. Garrett, Commission

N. Lee, Commission

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September 27, 2021

File Ref: SCH # 2021080556

County of Sonoma
Georgia McDaniel
2550 Ventura Avenue
Santa Rosa, CA 95403

VIA ELECTRONIC MAIL ONLY (Georgia.McDaniel@sonoma-county.org)

**Subject: Initial Study Mitigated Negative Declaration for the GuerneWood Park
Resort, Sonoma County**

Dear Georgia McDaniel:

The California State Lands Commission (Commission) staff has reviewed the Initial Study Mitigated Negative Declaration (MND) for the GuerneWood Park Resort (Project), which is being prepared by the County of Sonoma (County). The County 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, if the Project involves work on State sovereign land, 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 ordinary high-water mark, as generally shown by 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, 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.

The Russian River (River), at the Project location, is State sovereign land under the jurisdiction of the Commission; however, the MND does not provide sufficient information to determine if the Project extends into the River. As the Project proceeds, please contact Public Land Management Specialist Mary Jo Columbus (contact information below), to determine whether the Project or any components of the Project requires a lease. Furthermore, please include Mary Jo Columbus on any future mailing list for this Project.

Project Description

The Project proponent (Lok GuerneWood Park Development Company) has applied for a use permit from the County to construct the GuerneWood Park Resort (Resort), a 120-room Resort with a restaurant, bar, and other hotel amenities near the River. To meet certain County objectives and needs, the Project will adhere to the *2010 Russian River Corridor Design Guidelines* to preserve and enhance the River's aesthetic values. The following two guidelines are pertinent to the Commission's potential jurisdiction over the Project (MND page 40):

- Design riverfront development to capitalize on its unique location by providing riverside amenities such as viewing areas, decks, balconies, large windows, and River access.
- Design new development proposed to be located between the Russian River and the Scenic Corridor to preserve existing views of the River, to the extent feasible.

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

- Access Trail to the River. This Americans with Disabilities Act (ADA)-compliant trail would allow the public to access the River on weekdays and weekends with 25 designated parking spots in the Resort parking lot.

Environmental Review

The comments below are specific to any use of State-owned sovereign land under the jurisdiction of the Commission within the Project area. Commission staff request that the County consider the following comments on the Project's MND to ensure that impacts to State sovereign land are adequately analyzed for the Commission's use of the MND

when considering a future lease application, if it is determined that the Project encroaches upon State-owned sovereign land.

General Comments

1. Project Description: Regarding page 12 of the MND, please provide a detailed Project description for constructing “an ADA accessible public access trail with a sustainable Park Tread surface starting at the public parking lot and ending at the Russian River.” As identified in Figure 7 on page 15 of the MND, if this public access trail is built on lands under Commission jurisdiction waterward of the ordinary high-water mark, then a lease would be required by the Commission. Therefore, staff requests that this trail, and any other Project components under Commission jurisdiction, be explained in detail and analyzed for possible environmental impacts, including how those impacts would be reduced to less than significant levels. These changes are necessary for the Commission to rely on the MND when considering a potential lease.
2. Public Agency Approvals: Please work with Mary Jo Columbus to determine whether the Project or any components of the Project requires a lease. If it is determined that Project components fall under the Commission’s jurisdiction, please add to the table on MND page 4 that the Commission would need to approve a lease for the use of State-owned sovereign land.
3. Outside Guests: Please explain who would be considered an “outside guest” in Mitigation Measure TRAF-3 text below (MND page 80). Are “outside guests” individuals who are visiting the Resort but not using the Resort rooms (e.g., to attend a meeting or conference)? Does the number of “permitted outside guests” (established as 45 to 75 (depending on season)) include individuals who may use the parking lot for the access trail to the River but who are not Resort guests?

“The parking management plan shall address both peak- and non-peak season uses. In no instance shall the number of permitted outside guests exceed 45 during the non-peak season (December to April) and 75 during the peak season (June to October), with “shoulder” periods between the peak and non-peak seasons being the average of the two.”

4. Mitigation Monitoring Program: Staff requests that the County include a Mitigation Monitoring Program (MMP) in the final MND. If a lease with the Commission is required, Commission staff will need to identify mitigation measures (applicable to the Commission’s jurisdiction) and adopt them as conditions of the lease.

Cultural Resources

5. Submerged Cultural Resources: 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 historic or cultural resources are

discovered during construction activities, Project personnel shall halt all activities in the immediate area and notify a qualified archaeologist to determine the appropriate course of action.

6. Title to Resources Within Commission Jurisdiction: The MND should state that the title to all 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 County consult with Staff Attorney Jamie Garrett should any cultural resources on state lands be discovered during construction of the proposed Project.

Staff requests that the following statement be included as a mitigation measure in the final MND, "The final disposition of archaeological, historical, and paleontological resources recovered on State land under the jurisdiction of the California State Lands Commission must be approved by the Commission."

Recreation

7. Current Use of the River: Since the Project is going to provide improved public River access at the former GuerneWood Park Resort location, please explain if this site is currently being used by the public for recreation since the former [R]esort's "steps to the [R]iver" are still there as explained on MND page 5. Has there been a recreational baseline study completed for the Project that analyzed how many people use this location to access the River on weekdays and weekends?
8. 25 Public Parking Spots: MND page 20 states that there would be signs posted at the Resort entrance to direct the public to the 25-space parking lot with time restrictions (sunrise to sunset). To help make the River accessible to the public at the Resort, please include the following analyses in the MND:
 - a. Please explain how it was determined that 25 public parking spots would be sufficient for the public to access the River from the Project site on both weekdays and weekends? Was the existing site surveyed to determine the average number of people currently accessing the River from the Project site? What is the basis for estimating that there will be 16 users on weekdays and 18 users on weekends (MND page 20)?
 - b. How will the Resort make sure all 25 spots are vacant by sunrise and available to the public? While the Resort guests would be informed to not park in those 25 spots until after sunset, how would that be enforced to ensure that all 25 spots are available for the public from sunrise to sunset?
 - c. Please explain if the public (not guests at the Resort) would be allowed to park in the Resort guest parking spots if the 25 public parking spots are full.
9. Free Public Parking Signs and Online Postings: Because the free 25 parking spots are meant for the public (non-Resort visitors) and "... to benefit the greater community..." (MND page 11), please address the following questions and concerns in the MND regarding public access at the site:

- a. Would there be signs on Highway 116 letting people know that there are free parking spots for the public to access the River?
- b. Please make sure that signs posted at the Resort entrance indicate that River access parking on the Resort property is free and that the public does not need to be a guest at the Resort to use the parking lot and access the River.
- c. Please make sure the Resort's website indicates that 25 free public parking spots are available to enable public access to the River.
- d. Would the 25 free public access parking spots be advertised (once they first become available to the public) at the local library, community centers, or local newspapers so that community residents experiencing the construction and operation burdens can also benefit from these parking spots to access the River for free? Would it also be possible to include these 25 free parking spots in the Sonoma County public access map (if there is one)?
- e. Please clarify whether the public (individuals who are not guests at the Resort) will be able to access the restaurant, bar, spa, (MND Figure 6 on page 14) and the accessory buildings which include a public bathroom (128 SF), a pool house (92 SF), and a gate house (188 SF) (MND page 14).
- f. Would there be any lighting, cameras, or security guards monitoring the public access trail (Figure 11 on MND page 24), public parking lot, and the trail to help the public feel safe while visiting this part of the River? If so, please post a signage indicating which areas are under surveillance.

Thank you for the opportunity to comment on the MND for the proposed Project. If the Commission is a responsible agency, the Commission will need to rely on the adopted MND for issuing a new lease as specified above (see Section "Commission Jurisdiction and Public Trust Lands"). Therefore, we request that you please consider our comments before adopting the MND.

Please send electronic copies (when available) of the final adopted MND, MMP, Notice of Determination, and approving resolution to Afifa Awan, Senior Environmental Scientist, at Afifa.Awan@slc.ca.gov. Also, email Afifa or call (916) 574-1891 for questions concerning environmental review. For questions concerning archaeological or historic resources under Commission jurisdiction, please contact Jamie Garrett, Staff Attorney, at Jamie.Garrett@slc.ca.gov or (916) 574-0398. For questions concerning Commission leasing jurisdiction, please contact Mary Jo Columbus, Public Land Management Specialist, at Maryjo.Columbus@slc.ca.gov or (916) 574-0204.

Sincerely,



Nicole Dobroski, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
A. Awan, Commission
M.J. Columbus, Commission
J. Garrett, Commission