

**CALIFORNIA STATE LANDS  
COMMISSION**

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December 5, 2025

File Ref: SCH #2024110143

Giuseppe Sanfilippo  
San Joaquin County Community Development Department  
1810 E. Hazelton Avenue  
Stockton, CA 95205

VIA ELECTRONIC MAIL ONLY (gsanfilippo@sjgov.org)

**Subject: Mitigated Negative Declaration for Administrative Use Permit No. PA-2200045, San Joaquin County**

Dear Giuseppe Sanfilippo:

The California State Lands Commission (Commission) staff has reviewed the Draft Mitigated Negative Declaration (MND) for Administrative Use Permit No. PA-2200045 (Project), which is being prepared by the San Joaquin County Community Development Department (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, 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. 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.

The San Joaquin River (Turner Cut), at the Project location, is State sovereign land under the Commission's jurisdiction. In 2022, the Commission authorized Lease 7080 to The Lost Isle Partners, a California Limited Partnership, for caretaker status and maintenance of derelict boat docks and ramps, 25 pilings, barge and work vessels, an underground power line, a derelict boardwalk structure and decks (covered and uncovered), and a Sheriff boat dock and ramp ([Item 34, April 26, 2022](#)). The lease expires on April 25, 2027, and allows for the remediation of the derelict facilities on State sovereign land. The lease does not allow for the rebuilding of existing structures or addition of new structures. A new commercial marina lease will be required for the Project. An application may be submitted to the Commission through the online application portal ([OSCAR.slc.ca.gov](https://oscar.slc.ca.gov)). If you have questions specific to jurisdiction, lease provisions, or the application process, please see the Public Land Manager contact information at the end of the letter.

### **Project Description**

Lost Isle Resort, LLC has applied for an Administrative Use Permit from the County for the reconstruction of existing structures and addition of new structures to rebuild Lost Isle Resort on Acker Island, which was previously destroyed by a fire in 2022. The Project would be developed in two phases over 5 years. The purpose of the Project is to rebuild Lost Isle Resort for mixed-use marina, commercial, and recreation services.

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

- **Demolition** of existing water-side docks, dock bridge, and access ramps. Demolition activities may also include the following existing structures authorized by Lease 7080 with the Commission: 25 pilings, barge and work

vessels, boardwalk structure and decks (covered and uncovered), an underground power line, and a Sheriff's boat dock and boat ramp.

- **Construction/replacement** of the existing in-water structures and addition of new structures: reconstruction of existing docks, bridge, and access ramps; retrofit and remodel two barges for entertainment uses; installation of a 100-foot-tall security tower; installation of sewage and waste haul-out lines; and new Sheriff's boat dock and boat ramp.

### **Environmental Review**

As explained in the following comments, the Initial Study (IS) for the MND is inadequate under CEQA and cannot support a future lease approval by the Commission. Commission staff requests 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 for the Project. In addition, Commission staff strongly recommends that the County recirculate the MND once the document has been updated with more information on Project construction and operation activities, associated impacts, and mitigation measures to ensure meaningful responsible agency input and public review.

In the absence of an updated IS/MND, Commission staff would need to undertake subsequent environmental review as part of future lease application processing.

### **General Comments**

1. **Project Description:** To comprehensively inform the environmental impacts of the Project, the Project Description should clearly identify the existing structures proposed for demolition, state whether reconstruction of existing structures will be in-kind replacement or with modified locations and dimensions, and identify all new structures. The Project Description should also distinguish in-water structures that will be movable/removable, floating, or with fixed foundations. In addition, the document must include construction methodology and staging activities for all proposed construction activities to adequately inform the relevant impact analyses and associated mitigation measures. If the Project includes any work with the underground power line (referenced in Lease 7080), then the Project Description must describe this work as well. The Project site plan provided at the end of the IS is illegible and contains no contrasting colors to help differentiate Project components. Overall, the Project Description lacks sufficient detail for Commission staff to assess whether potential environmental impacts have been appropriately analyzed and mitigated, if necessary.

Lease 7080 authorized existing bank stabilization structures within the lease area along the embankment of the river. The lease also identifies future plans for expanded shoreline protective structures, such as a terrawall system, sheet pile system, and riprap. The Project Description should be updated to identify the existing bank stabilization improvements and whether these improvements will remain or be subject to reconstruction, including description of any new bank stabilization improvements.

2. Public Agency Approvals: Please update the IS to identify the Commission as a public agency with jurisdiction and as having a discretionary approval over the Project.
3. Mitigation Monitoring and Reporting: The Environmental Checklist identifies potential impacts to Air Quality, Biological Resources, Hydrology and Water Quality, and Utilities and Service Systems as "Less Than Significant with Mitigation Incorporated." However, the attached "Mitigation Monitoring Reporting Plan" only includes mitigation measures for Air Quality and Biological Resources. Please update the "Mitigation Monitoring Reporting Plan" to ensure that all mitigation measures are included.

### Biological Resources

4. In the Biological Resources section, Item A of the Environmental Checklist identifies that mitigation has been incorporated to reduce impacts to special status species to a less than significant level. However, the impacts and mitigation measures are not described or identified. The response for Item A and for Items B through F explains that the Project is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (Plan), and that Project participation with the Plan will ensure that impacts are reduced to a less than significant level.

The Biological Resources section should be updated to include the following information:

- Identify the specific special status species that may be impacted by the Project.
- Describe how the Plan addresses both state and federal Endangered Species Act requirements.
- Describe how the Project will conform to the Plan.

### Climate Change

5. Sea Level Rise: The IS explains that all new construction in special flood hazard areas shall be elevated a minimum of nine feet or flood proofed in accordance with San Joaquin County Development Title Section 9-1605.12

(a), (b), and (c). Commission staff recommends further explanation or a graphic that shows the "area of special flood hazard" found within the Project area.

Commission staff also recommends that the County describe how new in-water structures and bank stabilization improvements, if any, will be designed for sea level rise resiliency and adaptation. Climate change impacts, including sea level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The Project area is in a tidally influenced site vulnerable to flooding at current sea levels and at a higher risk of flood exposure given projected scenarios of sea level rise. Please be advised that this information will be required with a Commission lease application for the Project.

### Cultural Resources

6. Submerged Resources: The Cultural Resources section of the Environmental Checklist identifies that all Project impacts will be less than significant. However, the County's response for cultural resource impact considerations is "no impact." Therefore, the analysis is inconsistent. At a minimum, Commission staff recommends a records search for cultural resources and consideration of submerged resources. The Commission maintains a shipwrecks database that can assist with this analysis. Please send inquiries to [Shipwreck.Database@slc.ca.gov](mailto:Shipwreck.Database@slc.ca.gov) to obtain shipwrecks data and Commission records for the Project site. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown.

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 condition for the County's Administrative Use Permit requiring that, "in the event 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."

7. Title to Resources Within Commission Jurisdiction: The Cultural Resources section of the Environmental Checklist should state that the title to all abandoned shipwrecks, 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 California State Lands Commission (Pub. Resources Code, § 6313).

Staff requests that the following statement be included in the Cultural Resources section and as a condition for the County's Administrative Use Permit: "The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the California State Lands Commission must be approved by the California State Lands Commission."

### Hydrology and Water Quality

8. In the Hydrology and Water Quality section, Items A through C of the Environmental Checklist identify that mitigation has been incorporated to reduce impacts to a less than significant level. However, the impacts and mitigation measures are not described or identified. The response for all items (A through E) is that all new construction in the area of special flood hazard shall be elevated a minimum of nine feet or flood proofed in accordance with San Joaquin County Development Title Section 9-1605.12 (a), (b), and (c), which is unresponsive to the impact considerations for Items A through E. The response further explains that all Project impacts pertaining to Items A through E would be less than significant without mitigation, which is inconsistent with the checklist for Items A through C. The Hydrology and Water Quality section should be updated to directly address the impact considerations of Items A through E and identify if any specific mitigation measures are required to reduce impacts to a less than significant level.

### Tribal Cultural Resources

9. Tribal Monitor: The Tribal Cultural Resources (TCR) section of the Environmental Checklist explains that some Native American Tribes received a referral regarding the Project, but the section does not effectively explain how the County complied with AB 52 (Pub. Resources Code, § 21000 et seq.) prior to circulating the Draft MND for public review. For example, the TCR section explains that if TCR resources are discovered during Project construction activities, that construction activities will halt and require consultation with a tribal monitor, and construction will not resume until full compliance is achieved with AB 52, which defers compliance with AB 52 to the construction stage of the Project.

The TCR section should be updated to explain the following information:

- Describe how the County attempted to identify all Native American Tribes with cultural affiliation over the Project area, such as through a Sacred Lands File search and Native American Contacts List request with the Native American Heritage Commission.
- Identify if any Native American Tribes requested consultation with the County or participation as a Tribal Monitor, and if so, include a

mitigation measure identifying the applicable tribe(s) and tribal monitors and specific responsibilities. The mitigation measure should also clarify that Tribal monitoring may occur, at a Tribe's request, outside of recorded precontact archaeological site locations.

This information is required to be completed and identified in the Draft MND for conformance with CEQA and AB 52.

### Utilities and Service Systems

10. The Utilities and Service Systems section of the Environmental Checklist should clarify whether any work is proposed with the underground power line within the Commission's jurisdiction. If so, as noted in comment #1, the Project Description should include those activities and the Environmental Checklist must discuss potential impacts and mitigation measures, as applicable. The Checklist identifies Items A through C as less than significant with mitigation incorporated. However, the specific impacts and mitigation measures are not identified or described. This section must be updated to identify all specific impacts with enforceable mitigation measures for conformance with CEQA and for inclusion in a Mitigation Monitoring and Reporting Program.

### Mandatory Findings of Significance

11. The Mandatory Findings of Significance section of the Environmental Checklist identifies no impact for all impact considerations (Items A through C). Based on the above comments, the MND does not provide sufficient information to determine "no impact" for this section. The MND should be updated with all requested information to support adequate analyses for the Mandatory Findings of Significance.

Thank you for the opportunity to comment on the Draft MND for the Project. As a responsible and trustee agency, the Commission will rely on the adopted MND when issuing a new lease. As it stands, the MND is substantially incomplete for conformance with CEQA and to support a future lease approval by the Commission. Commission staff strongly recommends that you consider staff's comments and revise the MND prior to adoption.

Please notify Commission staff (identified below) once the Project is scheduled to be heard at a Planning Commission and/or Board of Supervisors public meeting. Please also send electronic copies of the adopted MND, Mitigation Monitoring Reporting Program, Notice of Determination, and approving resolution 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](mailto:Jason.Ramos@slc.ca.gov). For questions concerning Commission leasing jurisdiction, please contact Ninette Lee, Public Land Manager, at [Ninette.Lee@slc.ca.gov](mailto:Ninette.Lee@slc.ca.gov).

Sincerely,



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

cc: Office of Planning and Research  
J. Ramos, Commission  
N. Lee, Commission  
David Wheeler, The Lost Isle Partners