STATE OF CALIFORNIA

Minutes of the meeting of the
State Lands Commission
Sacramento, California

APPEARANCES

Commissioners Present:

David Ackerman, Acting Chairman, Commission-Alternate for Mike Curb, Lieutenant Governor, Member
Susanne Morgan, Commission-Alternate for Mary Ann Graves, Director of Finance
John Jervis, (NON-VOTING), Commission-Alternate for Kenn Cory, State Controller

Staff Members in Attendance

William F. Northrop, Executive Officer
James F. Trout, Assistant Executive Officer
R. C. Hight, Chief Counsel
R. S. Golden, Chief, Division of Land Management and Conservation
D. J. Everitts, Chief, Division of Energy and Mineral Resources Development
W. M. Thompson, Chief, Division of Long Beach Operations
Allen D. Willard, Supervising Mineral Resources Engineer
Francois D. Uzes, Supervisor, Boundary Determination Officer

Representing the Office of the Attorney General

Dennis Eagan, Deputy Attorney General
Alan Hager, Deputy Attorney General

Re Minute Item 21:

Peter Bacon, representing Atlantic Richfield

Re Minute Item 22:

Walter C. Bench, Air Space Management Specialist, Air Force Flight Test Center, Edwards Air Force Base

Re Minute Item 23:

Jack Hundley, representing Atlantic Richfield Company

MINUTES OF THE STATE LANDS COMMISSION
MEETING OF

OCTOBER 30, 1980

The regular meeting of the State Lands Commission was called to order by Acting Chairman David Ackerman representing Lieutenant Governor Mike Curb, Commissioner, at 10:02 a.m. in Room 2170, State Capitol, Sacramento.

Also present were Commission-Alternates Susanne Morgan, representing Director of Finance, Mary Ann Graves, Commissioner; and John Jervis (NON-VOTING) representing State Controller Kenneth Cory, Chairman.

Robert C. Hight, Chief Counsel, noted for the record that Commission-Alternate John Jervis was sitting in a non-voting capacity.

The minutes of the meeting of September 24, 1980 and October 8, 1980 were approved as presented.

EXECUTIVE OFFICER'S REPORT

Mr. William F. Northrop's written report is attached as Exhibit "A".

The California Desert Plan was also discussed. W 7310
W 22084

James F. Trout, Assistant Executive Officer, advised that the staff had serious concerns about the speed with which the Department of the Interior and the Bureau of Land Management are attempting to get the California Desert Conservation Plan signed by the Secretary of Interior. The reasons are as follows:

1. The plan consists of large volumes of material, the last of which was just received. The public comment period expires November 21 which does not allow the staff sufficient time to review the material.

2. The plan does not address the state's remaining school land entitlement.

3. The value of the state's existing school lands in the desert will be diminished by the restrictions placed on those lands.

4. The plan does not adequately address that the state's right of access to its property will be restricted.

5. The plan inhibits the development of energy resources.

CALENDAR PAGE
MINUTE PAGE 2276

(Non-substantive revision, 4/29/81)

6. The plan is subject to the wilderness designations which is a separate issue. By tying it to the wilderness designations, it puts the plan in a holding pattern until 1991 which is the deadline for the wilderness study.

7. Some of these issues are discussed in an appeal before the Board of Land Appeals, and the Secretary's certification should be postponed until that Board has time to consider these issues.

At the suggestion of Acting Chairman David Ackerman, the Commission authorized the staff to explore the legal alternatives to forestall the Secretary's approval, noting that timeliness is important, and that the staff proceed in this manner until the next meeting when they return with a definite course of action. During the interim, the staff should poll the individual Commissioners for their views.

EXHIBIT "A"

EXECUTIVE OFFICER'S REPORT

BY

WILLIAM F. NORTHROP

OCTOBER 30, 1980

EMERGENCY PERMIT

W 22552
PRC 5919

ON OCTOBER 20, 1980, THE STAFF RECEIVED A LETTER FROM DANADESIGN, LTD., ACTING AS AGENT FOR PAULETTE KELMAN, PATRICIA BURGESS AND SOHAN DUA. THE LETTER STATED THAT DURING THE WINTER STORMS OF 1979, SEVERE DAMAGE HAD OCCURRED UNDER THE EXISTING RESIDENCES AT 19264, 19300 AND 19302 PACIFIC COAST HIGHWAY IN MALIBU, LOS ANGELES COUNTY. THE STORMS HAVE RENDERED THE SANITARY FACILITIES INOPERATIVE AND THE LOS ANGELES COUNTY HEALTH DEPARTMENT HAS REQUIRED THAT THESE FACILITIES BE REPAIRED OR REPLACED AND THAT THEY BE PROTECTED FROM FUTURE STORM CONDITIONS AS THIS WINTER APPROACHES.

IN RESPONSE TO THE APPLICANT'S DESIRE TO PROCEED WITH CORRECTIVE WORK, AS SOON AS POSSIBLE, AND PURSUANT TO MINUTE ITEM NO. 21 APPROVED BY THE COMMISSION ON FEBRUARY 28, 1980, THE EXECUTIVE OFFICER WILL ISSUE AN EMERGENCY PERMIT TO DANADESIGN FOR CONSTRUCTION OF A CONCRETE BAG BULKHEAD AT 19264, 19300 AND 19302 PACIFIC COAST HIGHWAY, MALIBU, LOS ANGELES COUNTY. THE TEMPORARY EMERGENCY PERMIT WILL EXPIRE ON JANUARY 31, 1981. THE PERMIT IS SUBJECT TO CONDITIONS AS SPECIFIED BY THE COASTAL COMMISSION, AS WELL AS ANY OTHER GOVERNMENTAL AGENCIES HAVING LAWFUL JURISDICTION. STAFF WILL CONTINUE PROCESSING THE APPLICATION AND SUBMIT THE GENERAL PERMIT TO THE COMMISSION AT THE DECEMBER 1980 MEETING.

EXHIBIT "B"

STAFF REPORT ON COASTAL ZONE MATTERS

W 9601

SEVERAL MATTERS WHICH WERE ON THIS COMMISSION'S AGENDA LAST MONTH WERE PASSED ON BY THE COASTAL ZONE AGENCIES DURING THIS MONTH. THE OCEANSIDE SAND REPLACEMENT PROJECT WAS APPROVED BY THE STATE COASTAL COMMISSION ON OCTOBER 1, 1980. ON OCTOBER 2, 1980 THE BAY CONSERVATION AND DEVELOPMENT ISSUED A PERMIT TO AMERICAN PROTECTIVE SERVICES, INC. THE GRANTING OF A COMPROMISE TITLE SETTLEMENT BY THIS COMMISSION CLEARED THE WAY FOR THE BAY COMMISSION'S ACTION.

BECAUSE OF CONTINUING QUESTIONS RAISED BY STATE COASTAL COMMISSIONER'S AS TO TANKER TERMINAL SAFETY ISSUES, A PROGRESS REPORT ON OUR TANKER TERMINAL INSPECTION PROGRAM WAS PRESENTED TO THEM. THIS UP-DATE WAS PARTICULARLY APPRECIATED BY THE COMMISSION SINCE COASTAL ENERGY IMPACT FUNDS WERE GRANTED BY THE COASTAL COMMISSION TO ASSIST IN FUNDING THIS PROGRAM. COPIES OF THAT REPORT HAVE BEEN FURNISHED TO YOU THIS MORNING. (Exhibit "C")

THE STATE COASTAL COMMISSION CERTIFIED THE SAN DIEGO PORT MASTER PLAN WITH CONDITIONS. ONE PROPOSED LAND USE CONDITION WAS INCONSISTENT WITH PROVISIONS IN THE LEGISLATIVE GRANT TO THE PORT. THIS CONDITION WAS MODIFIED AS A RESULT OF OUR LIAISON WITH THE COASTAL STAFF. THIS IS THE FOURTH AND FINAL PORT MASTER PLAN TO BE CERTIFIED.

Attachment

(Non-substantive revision, 4/29/81)

EXHIBIT "C"

PROGRESS REPORT ON TANKER TERMINAL SAFETY

STATE LANDS COMMISSION W 22302

In 1977, following the explosion of the tanker Sansinena in the L.A. Harbor and several subsequent tanker related pollution incidents in U.S. waters, the State Secretary for Resources created the California Interagency Tanker Task Force at the request of nine members of the Legislature. Among the numerous recommendations published in the task force report in May 1978, was one supporting the State Lands Commission's proposed rules to improve the safety performance of marine petroleum terminals. There are currently over 60 such facilities located on State Lands. The first step in this regard was to establish a marine terminal safety program with authority provided by the Legislature to designate which of the State entities would be made responsible for regulation, inspection, and enforcement of the proposed rules.

An inspection of marine terminals by the Long Beach staff of the State Lands Commission was first initiated on May 19, 1976, by a visit to Chevron's Carpinteria facility. Subsequently there were eleven other inspections, each to a different marine terminal, their purpose being to observe the transfer of petroleum between tankships and land storage and to evaluate the methods and equipment used to prevent spillage into tideland waters. These staff inspectors made recommendations to Lessees on several occasions regarding the upgrading of equipment and the improvement of some operational procedures which were evaluated, accepted, and incorporated into a more efficient work program by industry.

The Federal Government has primary jurisdiction, principally vested in the United States Coast Guard in the regulation of equipment design and safety requirements for vessels; and as a result, has allocated its limited resources to the regulation of vessels and personnel qualifications (primarily shipboard). With the enactment of the Federal Ports and Tanker Safety Act in 1978, this emphasis has of necessity assumed greater importance.

The States, or any subdivision thereof, may specify and enforce more stringent controls in regard to safe operational procedures, fire fighting capability, response to oil spills or any other emergency condition that may arise during the transfer phase of petroleum or hazardous cargoes. It is appropriate for the State of California to continue to develop and administer a marine terminal safety program which complements and supplements existing governmental efforts. This program includes, but is not limited to:

1. Formulating an effective training course to be offered through the California Maritime Academy tailored to best meet the needs of industry.

2. Drafting a standard terminal manual covering those parts of oil transfer operations that are most critical in terms of the potential for oil spills.

3. Preparing a marine terminal/vessel check off list to be used by inspectors in recording the conditions of, and operational methods employed by, operators of hazardous cargo facilities.

The formal marine terminal safety program was implemented in 1979 and was placed under the direction of Mr. Don Everitts, Chief, Division of Energy and Mineral Resources. Mr. Everitts is a registered petroleum engineer.

In addition to the earlier twelve inspections, there have been another 38 visits to date under the formal program. All facilities have been inspected at least once, and wherever possible the visit was planned to coincide with a vessel's arrival or at a time when a transfer of cargo was in progress.

To date, there have been 6 meetings with the Western Oil and Gas Association (WOGA) Ad Hoc Committee. The purpose and goals of these meetings were to propose a standardized terminal manual and a training program. Sub-committees were formed and a subsequent meeting between Capt. Armbrust, representing the California Maritime Academy,(CMA) and WOGA's training sub-committee was held on July 29, 1980. Capt. Armbrust indicated that the CMA will proceed with the development of course material most meaningful to industries' needs to supplement their own training programs.

The adoption of lease covenants and restrictions in lieu of the aforementioned regulations was predicated, specifically upon unanimous consent of the terminal operators to incorporate by amendment, such provisions in their existing leases. Industry representatives and staff of the State Lands Commission feel that these covenants and restrictions are responsive to the concerns of the Commission and operators in the long standing quest for the safest possible terminal operations on State lands. Toward this end, the Western Oil and Gas Association, its member companies, and other terminal operators agreed to the marine terminal lease agreement provisions prior to adoption by the Commission.

CALENDAR PAGE
MINUTE PAGE 2281

RECORD OF ACTION TAKEN BY THE

STATE LANDS COMMISSION

AT ITS MEETING OF OCTOBER 30, 1980

During the meeting, the recommendations of the staff relative to Calendar Items C1, C2, C3, C4, C5, C6, C7, C8, C9, C10, C11, C12, C13, C14, C15, C16, C17, C18, C19, 26, 27, 28, 29, 30, 31, 32, 35, 37, 38, 39, 40, 41, 42, 43, 44 were adopted as resolutions of the Commission by unanimous vote.

Commission action on Calendar Items 21, 22, 23, 24, 25, 36 are set forth on pages 2389, 2430, 2465, 2469, 2473, 2583.

Calendar Items 20, 33, 34 were withdrawn from the agenda prior to the meeting.

Calendar Item 45 was submitted for information only, no action thereon being necessary.