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IN ATTENDANCE:

Cruz Bustamante
Lt. Governor
Kathleen Connell
Controller
Annette Porini Department
of Finance

VOTING RECORD SUMMARY

MEETING OF THE CALIFORNIA STATE
LANDS COMMISSION

**STATE CAPITOL
ROOM 447
SACRAMENTO, CA 95814**

KATHLEEN CONNELL, STATE CONTROLLER, CHAIR
CRUZ M. BUSTAMANTE, LIEUTENANT GOVERNOR, MEMBER
B. TIMOTHY GAGE, DIRECTOR OF FINANCE, MEMBER

**ALL ITEMS WERE APPROVED BY THE COMMISSION BY A 3 -0 VOTE EXCEPT ITEMS
46 AND 47 WHICH WERE POSTPONED PRIOR TO THE MEETING.**

January 30, 2002

ORDER OF BUSINESS

- I. **9:30 A.M. CLOSED SESSION** AT ANYTIME DURING THE MEETING THE COMMISSION MAY MEET TO CONSIDER POSSIBLE AND PENDING LITIGATION IN A SESSION CLOSED TO THE PUBLIC PURSUANT TO THE ATTORNEY-CLIENT PRIVILEGES (SEE GOVERNMENT CODE SECTION 11126). THE FOLLOWING MATTERS WILL BE CONSIDERED UNDER GOVERNMENT CODE SECTION 11126 (e)(2)(A):

Ellwood Pipeline Inc. vs. City of Carpinteria et al

Sierra Club et al vs. City of Los Angeles et al

California Earth Corps vs. State Lands Commission et al

Pacific Gas and Electric Company; FERC 137-002

IN ADDITION, THE COMMISSION MAY CONSIDER MATTERS WHICH FALL UNDER GOVERNMENT CODE SECTION 11126 (e)(2)(B) or (2)(C)

- II. AT THE CONCLUSION OF THE CLOSED SESSION WILL BE THE **OPEN SESSION (PUBLIC MEETING)**

CALENDAR ITEM REFERENCES TO AB 884 DENOTE THE PERMIT STREAMLINING ACT (CALIFORNIA GOVERNMENT CODE SECTION 65920 ET SEQ.).

IF YOU NEED REASONABLE ACCOMMODATION, IN ORDER TO CONDUCT BUSINESS WITH THE COMMISSION, FOR A DISABILITY AS DEFINED BY THE FEDERAL AMERICANS WITH DISABILITIES ACT AND THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT, PLEASE CONTACT THE COMMISSION IN ADVANCE TO ARRANGE FOR SUCH ACCOMODATION.

- III. **CONFIRMATION OF MINUTES FOR THE MEETING OF NOVEMBER 26, 2001**

ANYONE WISHING TO ADDRESS AN ITEM ON THE AGENDA MAY COME FORWARD AND STATE THEIR NAME FOR THE RECORD.

IV. EXECUTIVE OFFICER'S REPORT

V. CONSENT CALENDAR C01-C45 THE FOLLOWING ITEMS ARE CONSIDERED TO BE NON-CONTROVERSIAL.

LAND MANAGEMENT DIVISION

C 01 VOLLMAN-CLARK RANCH (LESSEE): Consider the continuation of rent for Lease No. PRC 7620.1, a General Lease - Commercial Use, of sovereign lands located in the Sacramento River, at Walnut Grove, Sacramento County. (PRC 7620.1) (A 8; S 4) (Negotiator: L. Burks)

C 02 MERCED COUNTY (APPLICANT): Consider application for a General Lease – Public Agency Use, of sovereign lands located in the Merced River, seven miles north of the town of Atwater, Merced County; to construct a new two-lane bridge for Oakdale Road; refurbish the existing Shaffer Bridge; and remove the remains of an old railroad trestle. (W 25798; RA# 05301) (A 26; S 12) (Negotiator: L. Burks)

C 03 NOBLE YACHT GROUP, INC. (LESSEE): Consider the continuation of rent for Lease No. PRC 7975.1, a General Lease - Recreational Use, of sovereign lands located in the San Joaquin River, at Little Tinsley Island, San Joaquin County. (PRC 7975.1) (A 10; S 5) (Negotiator: L. Burks)

C 04 COUNTY OF SAN BERNARDINO (APPLICANT): Consider authorization, as school lands trustee, of the sale of school lands located at Larrea Road, which intersects State Highway 247 approximately midway between Lucerne Valley and Yucca Valley for road improvement purposes and issuance of a patent to the County of San Bernardino. (SA 5756) (A 65; S 31) (Negotiator: B. Crandall, J. Frey)

C 05 RONALD R. ROTT (APPLICANT): Consider application for a new Recreational Pier Lease of sovereign lands located in the Sacramento River, adjacent to the Garden Highway, Sacramento County; for an existing floating dock, ramp and stairway previously authorized by the Commission. (WP 6088.9; RA# 08501) (A 5; S 6) (Negotiator: E. Gulli)

C 06 MARC P. DESAUTELS AND MAUREEN M. DESAUTELS (APPLICANTS): Consider application for a new Recreational Pier Lease of sovereign lands located in Lake Tahoe, Kings Beach, Placer County; for relocation and retention of four existing buoys not previously authorized. (W 25788; RA# 03401) (A 4; S 1) (Negotiator: M. Hays)

C 07 CLIFFORD L. WINGET III AND KATHLEEN K. WINGET, TRUSTEES OF THE WINGET FAMILY TRUST (APPLICANTS): Consider application for a new Recreational Pier Lease of sovereign lands located in Huntington Harbour, Huntington Beach, Orange County; for an existing boat dock previously authorized by the Commission. (WP 5746.9; RA# 09001) (A 67; S 35) (Negotiator: M. Hays)

- C 08** **MARK G. TIMMERMAN (APPLICANT):** Consider application for a new Recreational Pier Lease of sovereign lands located in the Sacramento River, along the Garden Highway, Sacramento County; for an existing floating boat dock, dolphins and walkway previously authorized by the Commission. (WP 6862.9; RA# 08701) (A 5; S 6) (Negotiator: D. Jones)
- C 09** **FLORENE D. HECK AS TRUSTEE, OR SUCCESSOR TRUSTEE, OF THE FLORENE D. HECK 1991 REVOCABLE TRUST DATED MARCH 27, 1991 (APPLICANT):** Consider application for a new Recreational Pier Lease of sovereign lands located in Lake Tahoe, Tahoe City, Placer County; for the retention of two existing mooring buoys. (WP 4412.9; RA# 10100) (A 4; S 1) (Negotiator: N. Lee)
- C 10** **ABBETT ELECTRIC CORPORATION, A CALIFORNIA CORPORATION (APPLICANT):** Consider application for a new General Lease - Recreational Use, of sovereign lands located in Lake Tahoe, Carnelian Bay, Placer County; for retention of two existing mooring buoys. (W 25726; RA# 17100) (A 4; S 1) (Negotiator: N. Lee)
- C 11** **JAMES A. AFFLECK AND DONA J. AFFLECK, CO-TRUSTEES OF THE AFFLECK 1980 TRUST, DATED 10/9/80 (APPLICANTS):** Consider application for a new Recreational Pier Lease of sovereign lands located in Lake Tahoe, Tahoma, El Dorado County; for retention of two existing mooring buoys. (W 25800; RA# 05801) (A 4; S 1) (Negotiator: N. Lee)
- C 12** **THE UNITED STATES OF AMERICA, ACTING THROUGH THE NATIONAL PARK SERVICE (APPLICANT):** Consider application for a new General Lease - Public Agency Use, of sovereign lands located in the Pacific Ocean, adjacent to Redwood National and State Parks, Humboldt and Del Norte counties; for management of tide and submerged lands. (W 24586; RA# 21900) (A 1; S 2) (Negotiator: N. Lee)
- C 13** **TERRY R. PEETS AND DIANE M. PEETS, AS TRUSTEES OF THE TERRY R. PEETS AND DIANE M. PEETS TRUST DATED MARCH 9, 1989; MICHAEL C. SCROGGIE AND KATHLEEN J. SCROGGIE AS TRUSTEES OF THE SCROGGIE FAMILY TRUST DATED SEPTEMBER 13, 1995; AND JEAN E. HAGLER, TRUSTEE UNDER THAT CERTAIN AMENDED TRUST AGREEMENT DATED MAY 26, 1983 (APPLICANTS):** Consider acceptance of the termination of Lease No. PRC 6120.9, a Recreational Pier Lease; and consider application for a new Recreational Pier Lease of sovereign lands located in Lake Tahoe, Meeks Bay, El Dorado County; for an existing joint-use pier and one mooring buoy previously authorized by the Commission and retention of three additional existing mooring buoys. (WP 6120.9; RA# 07901) (A 4; S 1) (Negotiator: N. Lee)
- C 14** **CITY OF CARPINTERIA (APPLICANT):** Consideration of a request by the City of Carpinteria, Santa Barbara County, to assign a pier lease and an oil and gas pipeline lease, located on granted lands, from Chevron, USA, Inc., to Veneco, Inc., and Ellwood Pipeline, Inc., and to amend certain terms of these leases. (G15-02) (A 35; S 18) (Negotiator: J. Lucchesi, R. Ludlow, J. Rusconi)

- C 15** **STATE OF CALIFORNIA-DEPARTMENT OF TRANSPORTATION (APPLICANT):** Consider authorization, as school lands trustee, of the sale of school lands located along State Route 247 in San Bernardino County for road improvement purposes and issuance of a patent to the Department of Transportation (Caltrans). (SA 5757) (A 65; S 31) (Negotiator: J. Martin, J. Frey)
- C 16** **PACIFIC GAS AND ELECTRIC COMPANY (LESSEE):** Consider application for an amendment to Lease No. PRC 6205.1, a General Lease - Right of Way Use, of sovereign lands located in the San Joaquin River, Fresno and Madera counties; to approve Addendum No. 24 to maintain and extend an existing 12kV overhead electrical line. (WP 6205.1); (A 30; S 16) (Negotiator: J. Porter)
- C 17** **SAN DIEGO UNIFIED PORT DISTRICT (LESSEE):** Consider application to amend Lease No. PRC 7987.1, a General Lease - Public Agency Use, of sovereign lands located in San Diego Bay, National City, San Diego County; to include a mooring dolphin and a portion of a catwalk associated with the National City Marine Terminal Wharf Extension. (WP 7987; RA# 09801) (A 78; S 35) (Negotiator: J. Porter)
- C 18** **RONALD E. MULLER AS TRUSTEE OF THE GM FAMILY REVOCABLE TRUST, DATED JANUARY 13, 2001 (APPLICANT):** Consider application for a new Recreational Pier Lease of sovereign lands located in the Sacramento River, near the Garden Highway, Sacramento County; for an existing floating dock and ramp previously authorized by the Commission. (WP 5077.9; RA# 12001) (A 5; S 6) (Negotiator: N. Quesada)
- C 19** **VICTOR DALLARI, JR. AND MICHAEL TODD MITCHELL (APPLICANTS):** Consider application for a new General Lease – Protective Structure and Recreational Use, of tide and submerged lands located in the Sacramento River, near the Garden Highway, Sacramento County; for an existing floating dock, a walkway, and riprap previously authorized by the Commission. (WP 7027.9; RA# 11501) (A 5; S 6) (Negotiator: N. Quesada)
- C 20** **DICK BRITT AND KAREN KAY FURTH (APPLICANTS):** Consider application for a new Recreational Pier Lease of sovereign lands located in the Napa River adjacent to Edgerly Island, near the city of Napa, Napa County; for an existing floating dock, a pier and ramp previously authorized by the Commission. (WP 6051.9; RA# 09101) (A 7; S 2) (Negotiator: N. Quesada)
- C 21** **KING AND LYONS, A PARTNERSHIP (APPLICANT):** Consider application for a General Lease – Right of Way Use, of sovereign lands located in Coyote Creek, city of Fremont, Alameda County; for the proposed placement of four flap/slide-gate culverts, reinforced concrete pipe, combination drainage, and canal gate. (W 25206; RA# 09401) (A 20; S 10) (Negotiator: N. Quesada)
- C 22** **FRANK N. YOKOI AND YUKI YOKOI (APPLICANTS):** Consider application for a new Recreational Pier Lease of sovereign lands located in the Sacramento River, near the city of Sacramento, Sacramento County; for an existing covered floating boat dock and ramp previously authorized by the Commission. (WP 4616.9; RA# 30400) (A 9; S 6) (Negotiator: F. Singer)

- C 23** **SONOMA COUNTY WATER AGENCY (APPLICANT):** Consider application for a new General Lease - Public Agency Use, of sovereign lands located in the Russian River, near Jenner, Sonoma County; for the continued breaching of the sandbar barrier at the mouth of the Russian River previously authorized by the Commission. (WP 7918.9; RA# 07601) (A 1; S 2) (Negotiator: F. Singer)
- C 24** **MARK KAPRIELIAN AND JAN A. KAPRIELIAN (APPLICANTS):** Consider application for a new Recreational Pier Lease of sovereign lands located in Georgiana Slough, near Isleton, Sacramento County; for the construction of a new retractable boat dock and gangway. (W 25469; RA# 02000) (A 8; S 4) (Negotiator: F. Singer)
- C 25** **RMC PACIFIC MATERIALS (ASSIGNOR); SAN JOAQUIN RIVER CONSERVANCY (ASSIGNEE):** Consider application for the assignment of Lease No. PRC 5514.1, General Lease - Right of Way Use, termination of existing Lease No. PRC 5514.1, and issuance of a new General Lease - Public Agency Use for maintenance and use of an existing bridge crossing, approach embankments and associated riprap bank protection, of sovereign lands located in the San Joaquin River, near Friant, Fresno and Madera counties. (WP 5514.1) (A 25; S 12) (Negotiator: J. Smith)
- C 26** **KIEWIT PACIFIC CO. (APPLICANT):** Consider application for a new General Lease -Industrial Use, of filled sovereign lands located just east of the new Benicia-Martinez Bridge, in the city of Martinez, Contra Costa County; for construction of a temporary fence, a batch plant and laydown area to be used in conjunction with the bridge construction project. (W 25819; RA# 12201) (A 11; S 7) (Negotiator: N. Smith)
- C 27** **TOSCO CORPORATION (ASSIGNOR); ULTRAMAR, INC. (ASSIGNEE):** Consider application for the assignment of Lease No. PRC 3454.1, a General Lease - Industrial Use, of sovereign lands located in Carquinez Strait, city of Martinez, Contra Costa County; for the Avon marine terminal. (WP 3454.1; RA# 23700) (A 11; S 7) (Negotiator: N. Smith)
- C 28** **TOSCO CORPORATION (ASSIGNOR); ULTRAMAR, INC. (ASSIGNEE):** Consider application for the assignment of Lease Nos. PRC 731.1, 1558.1, 2757.1, & 3453.1, a General Lease - Industrial Use, of sovereign lands located in Carquinez Strait and New York Slough, city of Martinez and Pittsburg, Contra Costa County for two marine terminals Amorco and Diablo and two leases for dredging of Pacheco Slough. (WP 731.1, 1558.1, 2757.1, & 3453.1; RA# 23700) (A 10,11; S 4,7) (Negotiator: N. Smith)
- C 29** **EAST BAY MUNICIPAL UTILITY DISTRICT (APPLICANT):** Consider application for a General Lease – Public Agency Use, of filled sovereign lands located along Carquinez Straits, town of Crockett, Contra Costa County; for an abandoned 18-inch diameter steel pipeline previously used for potable water and a newly constructed 18-inch diameter steel pipeline for potable water. (W 25739; RA# 23998) (A 11; S 7) (Negotiator: N. Smith)

- C 30** **ACACIA CREDIT FUND 7, LLC AND DUC HOUSING PARTNERS, INC., A CALIFORNIA CORPORATION (PARTIES):** Consider the execution of a Compromise Title Settlement, resolving title to real property in the city of Hayward, Alameda County. (W 23965) (A 18; S 10) (Negotiators: D. Plummer, B. Stevenson)
- C 31** **CALIFORNIA STATE LANDS COMMISSION (APPLICANT):** Consider request for authorization to amend the Public Agency Lease approved in conjunction with the Mare Island Property Settlement and Exchange Agreement to amend indemnification for Navy contamination so that the city of Vallejo and its sublessees will seek insurance proceeds and/or contribution from the Navy to protect the State's interest. (W 25116) (A 7; S 2) (Negotiators: D. Plummer, B. Stevenson, J. Rusconi)
- C 32** **JAMES A. GREGORY AND MAUREEN GREGORY (APPLICANTS):** Consider application for a new Recreational Pier Lease of sovereign lands located in Lake Tahoe, Tahoe City, Placer County; for the retention two existing mooring buoys. (W 24078; RA# 10500) (A 4; S 1) (Negotiator: B. Young)

LEGAL

- C 33** **SAN FRANCISCO MARITIME NATIONAL HISTORICAL PARK (APPLICANT):** Consider authorizing the transfer of ownership of a spoon and engine builder's plaque recovered from the shipwreck to the SS Lewis of the San Francisco Maritime National Historical Park. (W 25823) (A 13; S 03) (Negotiator: P. Griggs)
- C 34** **RICHARD DANIEL GOVER AND CALIFORNIA STATE LANDS COMMISSION (PARTIES):** Consider approval of a boundary line agreement between the State Lands Commission and Richard Daniel Gover and exchange of lands along dry and filled channel of the Sacramento river and Battle Creek in Shasta and Tehama Counties. (W 24480) (A 2,3; S 4,1) (Negotiator: D. Jones, J. Frey)

ADMINISTRATION

- C 35** **CALIFORNIA STATE LANDS COMMISSION (PARTY):** Request authority for the Executive Officer to solicit bids; award and execute agreements for services incidental to investment in revenue generating property; solicit proposals for revenue generating property investments, and as trustee, authorize expenditure for such activities from the school land bank fund. (W 25822) (A & S Statewide) (Negotiator: D. Brown; H. Anderson; B. Crandall; A. Cueva)
- C 36** **CALIFORNIA STATE LANDS COMMISSION (PARTY):** Request authority for executive officer to solicit proposals, negotiate fair and reasonable price, award and execute agreement for preparation of environmental documentation for the proposed construction of a petroleum products pipeline extending from Concord, Contra Costa County to West Sacramento, California. (W 25815, RA# 10701) (A & S Statewide) (Negotiators: J. Brown, D. Brown, A. Cueva)
- C 37** **CALIFORNIA STATE LANDS COMMISSION (PARTY):** Request authority for Executive Officer to solicit proposals, negotiate fair and reasonable price, award and execute agreement for preparation of environmental documentation for the removal of various hazards located in Ventura and Santa Barbara counties and along the Sacramento River in Sacramento, Yolo, and Contra Costa counties. (W 40575.5, W 25613) (A & S Statewide) (Negotiators: E. Gillies, D. Brown, A. Cueva)

C 38 **CALIFORNIA STATE LANDS COMMISSION (PARTY):** Request authority for Executive Officer to solicit proposals, negotiate fair and reasonable price, award and execute agreement for preparation of environmental documentation for the proposed expansion of an existing mooring buoy field, Lake Tahoe At Rubicon Bay, El Dorado County. (W 25815, RA# 10701) (A & S Statewide) (Negotiators: J. Brown, D. Brown, A. Cueva)

MARINE TERMINAL MANAGEMENT

C 39 **CALIFORNIA STATE LANDS COMMISSION (PARTY):** Consider adoption of emergency regulations establishing a security program for marine oil terminals. (W 9777.104) (A & S Statewide) (Negotiators: D. Hermanson, J. Kloman, L. Prabhu)
TEXT SUBJECT TO CHANGE

MINERAL RESOURCES MANAGEMENT

C 40 **CALIFORNIA STATE LANDS COMMISSION (INFORMATIONAL):** Staff report on the status of the conditions required to release Atlantic Richfield Company as guarantor of performance under the Contractor's Agreement, the Tract 2 Agreement, and the Optimized Waterflood Agreement, Long Beach Unit, Wilmington Field, Los Angeles County. (W17003, PRC 3455, W17000.1) (A 54, S 27) (Negotiators: D. Mercier, J. Hemphill)

C 41 **CALIFORNIA STATE LANDS COMMISSION (PARTY):** Consider approval of the award of the Royalty Oil Sales Contract, Oil and Gas Lease Nos. PRC 91, PRC 163, PRC 425, PRC 426 and E-392, Huntington Beach Oil Field, Orange County, to the highest responsible bidder. (W 9603.113) (A 57, 58; S 29) (Negotiator: J. Tanner)

C 42 **SCIENCE APPLICATIONS INTERNATIONAL CORPORATION (PARTY):** Authorize issuance of a permit to Science Applications International Corporation (SAIC) to conduct an offshore geological survey on State tide and submerged lands at each site of the former Chevron 4h Platforms, Santa Barbara County. (W 40654) (A 35; S 18) (Negotiators: G. Walker, J. Planck)

C 43 **CITY OF LONG BEACH (APPLICANT):** Consider approval of the award of the Crude Oil Sales Contracts, to the highest responsible bidder, Tract No. 1, Long Beach Unit, Wilmington Oil Field, Los Angeles County. (W 9603.27) (A 57, 58; S 29) (Negotiator: J. Tanner)

C 44 **CITY OF LONG BEACH (APPLICANT):** Consider approval of the Specifications and Forms for the sale of the City's share of crude oil from various tracts within the Fault Block IV Unit and Fault Block V Ranger Zone Unit, Wilmington Oil Field, Los Angeles County. (W 9603.56) (A 57,58; S 29) (Negotiator: J. Tanner)

C 45 **OXY RESOURCES CALIFORNIA, LLC (APPLICANT):** Consider approval for a negotiated limited surface use Oil and Gas Lease covering tide and submerged lands underlying Roaring River, Howard Slough, Grizzly Slough, Montezuma Slough, and certain acquired lands under the jurisdiction of the Department of Fish and Game on Grizzly and Hammond Islands within the Grizzly Island Wildlife Management Area, Solano County. (W 40834) (A 8; S 2) (Negotiators: J. Planck, R. Nobles, M. Hamilton)

VI. REGULAR CALENDAR ITEMS 46-50

- [46](#) **RUBICON TAHOE OWNERS, INC. (LESSEE/APPLICANT):** Consider acceptance of a quitclaim deed for a portion of the lands and revision of rent for the remainder under Lease No. PRC 5676.1; and consider application for a new General Lease -Recreational Use, of sovereign lands located in Lake Tahoe, Rubicon Bay, El Dorado County; for an existing pier, swim area, swim float and twenty-four mooring buoys previously authorized as a part of Lease No. PRC 5676.1 by the Commission and installation of one U.S. Coast Guard marker buoy. (PRC 5676.1) (W 25820; RA# 12401) (A 4; S 1) (Negotiator: N. Lee; J. Frey) **THIS ITEM HAS BEEN POSTPONED FROM THIS COMMISSION MEETING**
- [47](#) **SAN DIEGO UNIFIED PORT DISTRICT (LESSEE/SUBLESSOR); SAN DIEGO MOORING COMPANY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (SUBLESSEE):** Consider request for approval of a sublease covering a portion of Lease No. PRC 7987.1, a General Lease - Public Agency Use, of sovereign lands located in San Diego Bay, San Diego and Coronado, San Diego County; involving four mooring basins. (WP 7987.1; RA# 24198) (A 78; S 35) (Negotiator: A. Scott) **THIS ITEM HAS BEEN POSTPONED FROM THIS COMMISSION MEETING**
- [48](#) **NORTH BAJA PIPELINE, LLC. (APPLICANT):** Consider the certification of a Environmental Impact Report (SCH 2001011020) and an application for a new General Lease – Right of Way Use, of State school land located in S6, T12S R20E, SBM, near State Highway 78, Imperial County; for the construction and use of a new 30-inch diameter pipeline to transport natural gas. (W 25717; RA# 15700) (A 80; S 37) (Negotiator: B. Dugal and K. Walker) **TEXT SUBJECT TO CHANGE**
- [49](#) **CALIFORNIA STATE LANDS COMMISSION (PARTY):** Consider certification of Bolsa Chica Lowlands Restoration Project Final EIR and adoption of the proposed project. (W 25306) (A 67, S 35) (Negotiators: J. Trout; D. Sanders; L. Kiley; J. Clark) **TEXT SUBJECT TO CHANGE**
- [50](#) **CALIFORNIA STATE LANDS COMMISSION (INFORMATIONAL):** Staff Report on the status of the statewide Safety Audit Program as requested by the Commission. (W 40821) (A & S: Statewide) (Negotiator: J. Hemphill) **TEXT SUBJECT TO CHANGE**

VII. PUBLIC COMMENT