

**STATE OF CALIFORNIA
CALIFORNIA STATE LANDS COMMISSION MEETING
OPEN SESSION MINUTES
ELIHU M. HARRIS STATE BUILDING
1st FLOOR AUDITORIUM
1515 CLAY STREET
OAKLAND, CALIFORNIA 94612**

1:00 PM

September 13, 2007

APPEARANCES

COMMISSIONERS PRESENT

John Garamendi, Lt. Governor, Chair
Cindy Aronberg, Alternate for Controller
Anne Sheehan, Alternate for Department of Finance

COMMISSIONERS' STAFF PRESENT

Brian Bugsch, Alternate for Lt. Governor

STAFF MEMBERS IN ATTENDANCE

Paul D. Thayer, Executive Officer
Jack Rump, Chief Counsel

REPRESENTING THE OFFICE OF THE ATTORNEY GENERAL

J. Matthew Rodriguez, Senior Assistant Attorney General

**RECORD OF ACTION TAKEN BY THE
CALIFORNIA STATE LANDS COMMISSION
MEETING OF SEPTEMBER 13, 2007**

Lt. Governor John Garamendi, Chair, called the regular meeting of the California State Lands Commission to order at 1:06 p.m. at the Elihu M. Harris State Building, 1st Floor Auditorium, Oakland, California 94612.

The minutes of the July 13, 2007 meeting were approved by a vote of 3-0.

Calendar Items C01, C02, C03, C06, C07, C09, C11, C13, C15, C16, C57 and C58 were postponed. Items C46 and C47 were moved from Consent to Regular Calendar. Regular Item 68 was pulled from the agenda.

The recommendation of staff, relative to Calendar Items C04, C05, C08, C10, C12, C14, C17-C44, C48-C56, and C59-67 were approved by unanimous vote of Commission Chair John Garamendi, Cindy Aronberg and Anne Sheehan.

(The items appear in the order that they were heard and voted on.)

Calendar Items 46 and 47: The Commission was asked to approve two offers to dedicate lateral public easements and informed of the concerns of the affected party. The Commission approved both items by a vote of 3-0.

Regular Item 69: The Commission listened to a staff presentation and comments from the lessee concerning his failure to comply with the terms and conditions of his lease for a covered floating boat dock. After much discussion the Commission gave the lessee the option of removing the dock or modifying the current structure to conform more closely to the lease application, allowing the expanded constructed length and width of the dock and boathouse and gangway length, and the spiral stairway, but requiring the removal of all other unauthorized development, including reducing the overall height of the structure to conform with that shown on the application submitted in 2003 for the existing lease. The Commission also gave the lessee 180 days to remove or modify the dock; and until October 31, 2008 to remove pilings (if necessitated by the USACE/USFWS construction window); the lessee was given 30 days in which to notify the Commission what option he chose. The action was approved by a 3-0 vote.

Regular Item 70: The Commission was asked to consider the termination of a lease for the South Bay Yacht Club due to various default issues associated with the lease. After listening to comments from representatives of the Yacht Club, the Commission adopted staff's recommendation with a 90-day cure period by a vote of 3-0.

Regular Item 71: The Commission was asked to consider a resolution supporting S. 1499 which would reduce the emission of air pollutants from all marine vessels entering or leaving U.S. Ports. The Commission approved the resolution as presented by a vote of 3-0.

The meeting was adjourned by Lieutenant Governor John Garamendi at 3:44 p.m.

**PUBLIC ADDRESSING THE FOLLOWING CALENDAR ITEMS
CALIFORNIA STATE LANDS COMMISSION MEETING**

SEPTEMBER 13, 2007

CALENDAR ITEMS 46 AND 47 – OFFERS TO DEDICATE

- Curtis Fossum, Assistant Chief Counsel, CSLC

REGULAR ITEM 69 – BOATHOUSE/DOCK LEASE

- Barbara Dugal, Chief, Land Management Division, CSLC
- Robert Hulbert, Applicant/Lessee
- Zachary Simmons, U.S. Army Corps of Engineers

REGULAR ITEM 70 – SOUTH BAY YACHT CLUB

- John Asuncion, President, Blue Whale Sailing School
- Judy Asuncion, Vice President, Blue Whale Sailing School
- Rhovy Lynn Cansino, Policy Analyst, representing Council Member Kensen Chu of San Jose
- Mark Hannelly, California Outdoor Heritage Alliance
- Mary Hays, Public Land Manager, Land Management Division, CSLC
- Colleen O'Brien, Attorney representing South Bay Yacht Club
- Lordes Rivera, Resident of Alviso
- Charles Taylor, Secretary, South Bay Yacht Club

REGULAR ITEM 71 – MARINE VESSEL EMISSION RESOLUTION

- Mario DeBernardo, Legislative Liaison, CSLC

PUBLIC COMMENT

- Susan Gearhard, Board of Directors, North Tahoe Citizens Action Alliance
- Steven Kaufmann, representing Woodfin Suites Hotels
- Owen Li, representing Unite Here
- Darlene Nicandro, representing San Diego Unified Port District
- Sandy Threlfall, Executive Director, Waterfront Action