

~ MINUTES (REVISED) ~
CALIFORNIA STATE LANDS COMMISSION
MEETING OF DECEMBER 18, 2015

**CAPITOL EVENT CENTER
1020 11TH STREET – 2ND FLOOR
SACRAMENTO, CALIFORNIA 95814**

APPEARANCES

COMMISSIONERS PRESENT

- Gavin Newsom, Lieutenant Governor
- Betty T. Yee, State Controller
- Eraina Ortega, Chief Deputy Director and Alternate for Director of the Department of Finance Michael Cohen

STAFF MEMBERS IN ATTENDANCE

- Jennifer Lucchesi, Executive Officer
- Mark Meier, Chief Counsel

REPRESENTING THE OFFICE OF THE ATTORNEY GENERAL

- Andrew Vogel, Deputy Attorney General

NOTE: A list of individuals making statements before the Commission and the entities they represent, along with the Executive Officer's Report, are included in a complete transcript of the proceedings, which is on file in the Sacramento offices of the Commission and posted on the Commission's website at www.sl.c.ca.gov. Also included on the website is the voting record of the meeting with the staff report for each agenda item linked to the respective consent, regular or informational item number. A link to a recorded <http://slc.videossc.com/archives/> webcast of the meeting is also available on the Commission's website. All of these items may be found under Previous Meetings, by date of the meeting.

**RECORD OF ACTION TAKEN BY THE
CALIFORNIA STATE LANDS COMMISSION
MEETING OF DECEMBER 18, 2015**

Chair Gavin Newsom called the meeting of the California State Lands Commission to order at 1:30 P.M. at the Capitol Event Center, 2nd Floor, Sacramento, California 95814; also present were Commissioner Betty Yee and Commissioner Alternate Eraina Ortega.

The Minutes of the October 16, 2015 meeting were approved by a vote of 3-0 (Newsom-Yes; Yee-Yes; Ortega-Yes).

EXECUTIVE OFFICER'S REPORT

Executive Officer Jennifer Lucchesi updated the Commission on the following items:

- The Commission is committed to the safety of its leases, grantees and stakeholders and the integrity of their facilities. Commission staff sent letters encouraging our leases, stakeholders, and regulated community to plan and prepare for El Niño events and also identified state resources to help them prepare for those conditions.
- The Poseidon desalination facility, located at Agua Hedionda in Carlsbad will begin commercial operations soon. This facility is the largest desalination facility in the western hemisphere, with production capacity of 50 million gallons of fresh water per day.
- Tentative meeting dates for 2016: February 9th in Sacramento, April 5th in San Francisco, June 7th in Sacramento, August 9th in Los Angeles, October 13th in San Diego, and December 6th in Sacramento.
- The Commission recently released the Commission's Draft Tribal Consultation Policy for public review and comment. This policy will establish a process for early collaboration and meaningful consultation with tribal officials on Commission actions with tribal implications.
- Jennifer DeLeon has been appointed as the Commission's new Science Policy Advisor and Tribal Liaison. Ms. DeLeon will coordinate activities across all the Commission's divisions and programs in the following areas: sea level rise adaptation, climate change, ocean health policy teams, and also leading the Commission's efforts on the greenhouse gas reduction and renewable energy opportunities.
- A brief summary was provided on the State Lands Commission's successes for 2015 across all divisions and programs, including surface leasing, oil spill and marine invasive species prevention, coastal hazard removal, abandoned mine remediation, legislation, land exchanges and acquisitions to enhance public access, and title settlements.

RECORD OF ACTION CONTINUED

CONSENT CALENDAR

- Consent Items C07, C22, C26, C31, C96, C111, and C116 were removed from consideration.
- Consent Items C21, C57, and C64 were moved to the Regular Calendar.
- Consent Items C01-C06, C08-C20, C23-C30, C32-C56, C58-C63, C65-C95, C97-C110, and C112-C115 were approved as presented by a vote of 3-0 (Newsom-Yes; Yee-Yes; Ortega-Yes).

REGULAR CALENDAR

(Items appear in the order heard)

ITEM C21: A staff presentation was made to the Commission to consider rescission of approval of a General Lease – Recreational Use; and consider acceptance of payment and an application for a General Lease of sovereign land located in Lake Tahoe.

Item C21 – was approved as presented by a vote of 3-0 (Newsom-Yes; Yee-Yes; Ortega-Yes).

ITEM C57: A staff presentation was made to the Commission to consider an application for a General Lease – Recreational Use, of sovereign land located in Corte Madera Creek.

Item C57 – was approved as presented by a vote of 3-0 (Newsom-Yes; Yee-Yes; Ortega-Yes).

ITEM C64: A staff presentation was made to the Commission to consider an application for a General Lease – Recreational Use, of sovereign land located in Corte Madera Creek.

Item C64 – was approved as presented by a vote of 3-0 (Newsom-Yes; Yee-Yes; Ortega-Yes).

ITEM 118: A staff presentation was made to the Commission to consider sponsoring legislation to repeal Chapter 1700, Statutes of 1967, a conditional grant of sovereign lands to the county of Los Angeles.

Item 118 – was approved as presented by a vote of 2-0 (Newsom-Yes; Yee-Yes; Ortega-Abstained).

RECORD OF ACTION CONTINUED

ITEM 119: A staff presentation was made to the Commission to consider sponsoring legislation to repeal a grant of public trust land made in 1977 to the City of Albany and enact a new grant of public trust land to the City that includes updated terms and conditions.

Item 119 – was approved as presented by a vote of 2-0 (Newsom-Yes; Yee-Yes; Ortega-Abstained).

ITEM 122: A staff presentation was made to the Commission to consider proposed adoption of regulations implementing statutory provisions that authorize administrative hearings to address unauthorized structures on State lands.

Item 122 – was approved as presented by a vote of 3-0 (Newsom-Yes; Yee-Yes; Ortega-Yes).

ITEM 121: A staff presentation was made to the Commission to consider proposed amendments and additions to the California Code of Regulations, Title 2, Division 3, Chapter 1, Article 4.8 – Biofouling management to minimize the transfer of nonindigenous species from vessels operating in California waters.

Item 121 – was approved as presented by a vote of 3-0 (Newsom-Yes; Yee-Yes; Ortega-Yes).

ITEM 120: An informational presentation was made to the Commission by Greg Murphy of the Maritime Alliance on its efforts to promote sustainable, science-based ocean and water industries.

Item 120 – was informational – no vote required.

ITEM 124: An informational presentation was made to the Commission to report on the status of negotiations to acquire a public access easement to and along Martins Beach near the City of Half Moon Bay in San Mateo County.

Item 124 – was informational – no vote required.

ITEM 125: An informational presentation was made to the Commission updating them on the status of the Becker Well at Summerland Beach, Santa Barbara County.

Item 125 – was informational – no vote required.

RECORD OF ACTION CONTINUED

ITEM 117: A staff presentation was made to the Commission to consider adoption of the California State Lands Commission's 2016-2020 Strategic Plan. After hearing testimony from individuals in the public and private sector, the item was approved as presented.

Item 117 – was approved as presented by a vote of 3-0 (Newsom-Yes; Yee-Yes; Ortega-Yes).

ITEM 123: A staff presentation was made to the Commission to consider an application to terminate two existing leases for the intake and outfall structures at Diablo Canyon in San Luis Obispo County and issue an application for a new lease to cover those same facilities for a limited term. After hearing testimony from a PG&E representative and from members of the public, the Commission decided to defer the item and hear it at a future meeting.

Item 123 – was deferred by a 3-0 vote (Newsom-Yes; Yee-Yes; Ortega-Yes).

(The State Lands Commission adjourned into closed session from 6:34 P.M. to 7:04 P.M., then resumed open session at 7:05 P.M.)

The Commission meeting public session was adjourned at 7:06 P.M.

**STAFF AND PUBLIC ADDRESSING
THE FOLLOWING CALENDAR ITEMS
DECEMBER 18, 2015**

ITEM C21

Brian Bugsch, Chief, Land Management Division, CSLC

- Dale Frost

ITEM C57

Brian Bugsch, Chief, Land Management Division, CSLC

- Jean Severinghaus, Chair, Environment and Planning Committee of the Greenbrea Improvement Club

ITEM C64

Brian Bugsch, Chief, Land Management Division, CSLC

- Lee. R. Miller, property owner

ITEM 117

David Brown, Assistant Executive Officer, CSLC

- Lee Callister, Docktown Marina
- Jenn Eckerle, Ocean Policy Analyst, Natural Resources Defense Council
- Jim Haussener, Executive Director, California Marine Affairs and Navigation Conference
- James Jonas
- Rita Kampalath, Science and Policy Director, Heal the Bay
- Mark Krausse, Senior Director, Pacific Gas and Electric
- Bill Magavern, Policy Director, Coalition for Clean Air
- Job Nelson, Chief Policy Advisor, Port of San Diego
- Tim Schott, Executive Director, California Association of Port Authorities
- Dave Steindorf, California Stewardship Director, American Whitewater
- V. John White, Executive Director, Center for Energy Efficiency and Renewable Technologies

ITEM 121

Chris Scianni, Senior Environmental Scientist, Marine Facilities Division, CSLC

- Charles Costanzo, Vice President, Pacific Region, The American Waterways Operators
- Lauren DeValencia, Lobbyist, MAERSK, and Cruise Lines International Association (CLIA)
- Karen McDowell, Environmental Planner, San Francisco Estuary Partnership
- Richard Smith, General Manager, Westar Marine Services

ITEM 122

Warren Crunk, Staff Attorney, Legal Division, CSLC

- Jim Fletter
- James Jonas
- Gregg Lien, Attorney

ITEM 123

Jennifer Lucchesi, Executive Officer, CSLC

- Linda Adams, Senior Advisor, EcoConsult and Coastkeeper Alliance
- Jim Boyd, Friends of the Earth
- Jenn Eckerle, Ocean Policy Analyst, Natural Resources Defense Council
- Mark Krausse, Senior Director, Pacific Gas and Electric
- Bill White, Counsel, Friends of the Earth
- V. John White, Consultant, Friends of the Earth

ITEM 124

Colin Connor, Chief, Administrative Services Division

- Dylan Christensen
- Amber Gill, Vice Chair SMC Surfrider, Surfrider Foundation
- Jenn Eckerle, Ocean Policy Analyst, Natural Resources Defense Council
- Helen Horn

PUBLIC COMMENT

- Falicia and Mary Lund, property owners
- Daniel Berman
- Efrat Berman
- Mary Bernier
- Lee Callister, representing Docketown

PUBLIC COMMENT CONTINUED

- Orlene Chartain, representing Docketown Marina-Redwood City
- Emilio Diaz, USMC, Retired
- Captain Aimee Grace, representing Docketown
- Bob Heflin, Docketown homeowner
- Helen Horn
- Jed Humphries
- James Jonas
- David McCallum, Creek Master, Redwood Creek Preservation Trust
- JoAnn McDonnell, representing Docketown Marina
- Judi McDowell, Commodore Peninsula Yacht Club
- Carolyn Miller
- Ellen Savage, representing Docketown Marina
- Tania Solé
- Edward Stancil
- William Sloan, Partner, Morrisen & Foerster, representing Redwood Creek Association (Docketown)
- Bob Taomina, Engineering Consultant and Docketown Resident
- Lilley Yee, representing Docketown Marina