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SPECIAL MEETING
STATE LANDS COMMISSION
STATE OF CALIFORNIA

ORIGINAL

STATE CAPITOL
DEPARTMENT OF FINANCE
ROOM 1145
SACRAMENTO, CALIFORNIA

MONDAY, SEPTEMBER 11, 1989
9:00 A. M.

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Certified Shorthand Reporter
License Number 2780

PETERS SHORTHAND REPORTING CORPORATION

3336 BRADSHAW ROAD, SUITE 240
SACRAMENTO, CALIFORNIA 95827
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MEMBERS PRESENT

1

2 Mr. Leo T. McCarthy, Lieutenant Governor, Chairman

3 Mr. James Tucker, Acting Commissioner, for
4 Mr. Gray Davis, State Controller

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5 Mr. LaFenus Stancell, Acting Commissioner, for
6 Mr. Jesse R. Huff, Director of Finance

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STAFF PRESENT

11 Ms. Claire T. Dedrick, Executive Officer

12 Mr. Robert Hight, Chief Counsel

13 Ms. Gail Moore, Secretary to the Commission

14 Mr. Daniel Cohen, Environmental Coordinator

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P R O C E E D I N G S

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2 CHAIRMAN MC CARTHY: Welcome, everybody. This
3 is the Public Hearing of the State Lands Commission. We would
4 like to welcome Commissioner Stancell back from the difficult
5 and stressful vacation that he was on.

6 (Laughter.)

7 CHAIRMAN MC CARTHY: Also we have Commissioner
8 Tucker, and I am pleased to be here alive.

9 Let's start with number one -- no, we have
10 the previous minutes?

11 EXECUTIVE OFFICER DEDRICK: Yes, we do.

12 CHAIRMAN MC CARTHY: We approve the previous
13 minutes unanimously.

14 Let's start with number one.

15 EXECUTIVE OFFICER DEDRICK: Number one, the
16 City of Palo Alto is a 49-year General Permit, Public
17 Agency Use, for Recreational Development in Palo Alto
18 near Embarcadero Way in Santa Clara County.

19 CHAIRMAN MC CARTHY: Any questions about this?

20 All right. That is approved.

21 Number two.

22 EXECUTIVE OFFICER DEDRICK: Item two is a
23 49-year General Lease, Right-of-Way-Use over a variety
24 of parcels for a two-inch diameter fiber optic cable
25 conduit, which crosses Cosumnes, Mokelumne and San Joaquin.

1 The blue document before you is the Environmental
2 Impact Report.

3 We have also been asked to put into the record
4 the comments and the answers to those comments of the
5 Forest Service, which are available here.

6 Is there a problem?

7 CHAIRMAN MC CARTHY: Not yet.

8 EXECUTIVE OFFICER DEDRICK: This is the item for
9 which we scheduled the special meeting because these
10 people have been waiting for the end of the circulation
11 of this.

12 (Thereupon a short discussion was held
13 off the record.)

14 EXECUTIVE OFFICER DEDRICK: If you have had a
15 chance to review the findings and so forth which are in
16 the calendar item, this is just the final --

17 CHAIRMAN MC CARTHY: Is there anyone here to
18 speak on this issue?

19 ACTING COMMISSIONER TUCKER: Who can answer
20 questions?

21 EXECUTIVE OFFICER DEDRICK: Who can answer
22 questions?

23 ACTING COMMISSIONER TUCKER: I mean from the
24 State Lands Commission.

25 EXECUTIVE OFFICER DEDRICK: Dan Cohen, behind you.

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1 ACTING COMMISSIONER TUCKER: In looking at the
2 comments, there are comments like from Caltrans, where
3 they question the point five acres, miles of impact.

4 EXECUTIVE OFFICER DEDRICK: Well, it's point --

5 ACTING COMMISSIONER TUCKER: 11-2, Response
6 Letter Number 11, by District Biologist, questions how
7 there could only be point five acre permanent disturbance
8 for 317 miles of new pipelines with the clarification of
9 point as needed.

10 ENVIRONMENTAL COORDINATOR COHEN: Yes.

11 ACTING COMMISSIONER TUCKER: What is the response
12 on that?

13 ENVIRONMENTAL COORDINATOR COHEN: Well, I think
14 they had a pipeline confused with what is actually taking
15 place here. That is only point five acres because it is
16 a shortened trench that is going to be involved. It's not
17 a pipeline in a normal sense. It is a three-quarter-inch
18 pipeline, actually a cable line.

19 ACTING COMMISSIONER TUCKER: So then the answer
20 is that there is sufficient mitigation for the disturbance
21 that is going to be caused?

22 ENVIRONMENTAL COORDINATOR COHEN: That is correct.
23 Fish and Game issued a no-jeopardy determination on this
24 project and considered the available mitigations in the
25 form of compensation land.

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1 ACTING COMMISSIONER TUCKER: Then there's later
2 comments about, in 11-4 --

3 ENVIRONMENTAL COORDINATOR COHEN: Yes.

4 ACTING COMMISSIONER TUCKER: -- what plants
5 listed on B-3 are now proposed or listed as federal
6 endangered species?

7 ENVIRONMENTAL COORDINATOR COHEN: Yes. All the
8 listed plants are going to be avoided. Extensive surveys were
9 done on all the habitats of the endangered species, and
10 in each case they will be avoided.

11 ACTING COMMISSIONER TUCKER: It's the same on
12 14-3, I think it is, 14-4, and maybe it's 14-2, they
13 list a number of animals, including our good friend the
14 Kangaroo Rat.

15 ENVIRONMENTAL COORDINATOR COHEN: That's
16 correct. Again, Fish and Game, we have a letter on file
17 from Fish and Game as to the no-jeopardy determination
18 because of the avoidance of these endangered species.

19 ACTING COMMISSIONER TUCKER: And the blunt-noised
20 leopard. Those are the ones that are in your backyard.

21 ACTING COMMISSIONER STANCELL: I noticed
22 that. I saw a couple of them when I was on vacation.

23 ACTING COMMISSIONER TUCKER: Okay. So none
24 of those are going to be impacted?

25 ENVIRONMENTAL COORDINATOR COHEN: None of those

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1 are going to be impacted. There is going to be a Project
2 Biologist on site to insure that also.

3 ACTING COMMISSIONER TUCKER: Okay. How are
4 they doing the mitigation? What is the 50 acres? Is it
5 one place or is it --

6 ENVIRONMENTAL COORDINATOR COHEN: That's going
7 to be identified by Fish and Game.

8 ACTING COMMISSIONER TUCKER: Will it be one
9 place?

10 ENVIRONMENTAL COORDINATOR COHEN: It could be
11 a number of places.

12 ACTING COMMISSIONER TUCKER: And they will buy
13 property or they will restore property or what will they
14 do?

15 ENVIRONMENTAL COORDINATOR COHEN: Most likely,
16 buy it.

17 ACTING COMMISSIONER TUCKER: Okay. Thank you.

18 CHAIRMAN MC CARTHY: Any questions?

19 ACTING COMMISSIONER STANCELL: No.

20 CHAIRMAN MC CARTHY: Anyone else present wish to
21 ask a question or make a comment on this?

22 If not, the Commission unanimously accepts
23 the recommendations.

24 Next item.

25 EXECUTIVE OFFICER DEDRICK: Item four.

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