

STATE LANDS COMMISSION

TRANSCRIPTS

May 5, 1992

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MEETING

STATE LANDS COMMISSION

ORIGINAL

ENERGY COMMISSION CHAMBERS

1516 NINTH STREET

SACRAMENTO, CALIFORNIA

TUESDAY, MAY 5, 1992

9:55 A.M.

Nadine J. Parks  
Shorthand Reporter

**PETERS SHORTHAND REPORTING CORPORATION**

3336 BRADSHAW ROAD, SUITE 240  
SACRAMENTO, CALIFORNIA 95827  
TELEPHONE (916) 362-2345

MEMBERS PRESENT

1  
2 Leo McCarthy, Lieutenant Governor, Chairman

3 Jay Ziegler for Gray Davis, State Controller, Commissioner

4 Susanne Burton for Thomas W. Hayes, Director of Finance,  
Commissioner

5  
6  
7 Staff:

8 Charles Warren, Executive Officer

James Trout, Assistant Executive Officer

9 Robert Hight, Chief Counsel

10 James Goldstene

11 Kim Cranston

Jane Sekelsky

12 Dwight Sanders

Mark Meior

13 Jan Stevens, Deputy Attorney General

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P R O C E E D I N G S

--oOo--

1  
2  
3 CHAIRMAN MC CARTHY: Good morning, ladies and  
4 gentlemen. Welcome to this meeting of the State Lands  
5 Commission.

6 We want to welcome Jay Ziegler, representing the  
7 State Controller's Office this morning, working with  
8 old hands here from the State Lands Commission.

9 COMMISSIONER ZIEGLER: Thank you.

10 CHAIRMAN MC CARTHY: We'll be happy to help you  
11 through the rocky shoals of this Commission meeting.

12 The consent items that are going to be pulled  
13 off the calendar are 20, 24. Regular calendar items also  
14 pulled off, 54 and 55. Does that complete the number of  
15 items that are going to be removed?

16 EXECUTIVE OFFICER WARREN: That's it, Mr. Chairman.

17 CHAIRMAN MC CARTHY: The minutes of the last  
18 Commission meeting, without objection --

19 COMMISSIONER BURTON: Move the item.

20 CHAIRMAN MC CARTHY: Moved, thank you. The minutes  
21 are approved.

22 Any discussion on any items in the consent  
23 calendar before we adopt it as presented?

24 COMMISSION BURTON: I move the item.

25 CHAIRMAN MC CARTHY: Moved and seconded, and

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1 unanimously adopted.

2 I'll now ask Charles Warren, our Executive  
3 Officer, to move into our regular calendar items.

4 EXECUTIVE OFFICER WARREN: Yes. Items 48 through  
5 53 have been prepared by our Land Management Division.  
6 And Jane Sekelsky, Chief of the Division, will present  
7 those items.

8 MS. SEKELSKY: For the record, my name is Jane  
9 Sekelsky.

10 Item No. 48 is a 15-year general lease for a  
11 long-time existing marina on the San Joaquin River near  
12 Lathrop. Elva Radford, the current owner of the marina,  
13 purchased the property in 1987. The lease terms are  
14 included in the document for this --

15 CHAIRMAN MC CARTHY: Any questions by the  
16 Commissioners?

17 COMMISSIONER BURTON: No.

18 CHAIRMAN MC CARTHY: Any questions from the  
19 audience on this item? If not, the recommendation is  
20 approved. Next item.

21 MS. SEKELSKY: Item No. 45 (sic) is a proposed  
22 title settlement and boundary line agreement regarding  
23 property along the San Joaquin River within the City of  
24 Fresno.

25 EXECUTIVE OFFICER WARREN: You said 45. It's Item

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1 49.

2 MS. SEKELSKY: I'm sorry. Item 49. As you are  
3 aware, this is the first phase of the mapping of the high  
4 and low water marks on both sides of the river between  
5 Friant Dam and Highway 99.

6 You have materials this morning that include a  
7 package of 8-1/2 by 11 copies of maps prepared by the  
8 staff. This effort has taken several years for settling  
9 title for the public trust in the study area, benefiting  
10 private property owners, as well as State, local, and  
11 federal agencies in planning land uses consistent with  
12 public trust values within the study area.

13 The proposed title settlement will establish the  
14 boundary between the uplands and the State-owned lands in  
15 the bed of the river and the high water mark as outlined  
16 on Sheet 15 of your maps.

17 CHAIRMAN MC CARTHY: Any questions by Commissioners?

18 COMMISSIONER ZIEGLER: I was just wondering if  
19 the Commission staff has been receiving any input from the  
20 public on this issue after releasing the maps?

21 MS. SEKELSKY: We have begun to get some calls,  
22 yes. They have not, so far, been frequent. But there is  
23 a lot of interest in the area. We're getting calls both  
24 from tenants and landowners. But the maps -- most of the  
25 maps are just 8-1/2 by 11 reductions. The prints are being

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1 made by different copy companies, and the maps are being  
2 made available by a blueprint company here and two in  
3 Fresno. So the property owners have not had blown-up  
4 scale prints. When they do, they'll have a better  
5 opportunity to see whether they have a real problem with  
6 that.

7 COMMISSIONER ZIEGLER: Thank you.

8 CHAIRMAN MC CARTHY: Okay. Without objection, the  
9 recommendation is approved. Next item.

10 MS. SEKELSKY: Item No. 50-- both Items 50 and  
11 51 deal with proposed public agency permits: the first  
12 one in San Diego and the second one in Stockton.

13 As you recall, in January, you approved the  
14 original extension to Pt. Loma -- not the extension, but  
15 the original line. And, as you recall, there was a large  
16 amount of sewage that was released in the ocean waters.

17 Following that spill, we contacted all of our  
18 lessees, approximately 60 of them, that have sewer outfall  
19 lines, and asked them to provide information about the  
20 technical character of their lines and the current  
21 condition of these lines, and what type of monitoring  
22 they conduct.

23 At this point in time, we have heard back from  
24 all but nine of them. The nine include three that the  
25 Post Office returned marked "Addressee Unknown". And  
we're trying to chase those down.

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1           But of the lessees that responded, approximately  
2 30 of them still operate their lines. And we have sent  
3 the material they sent to us to our Long Beach Systems  
4 Safety staff.

5           These two items both include detailed monitoring  
6 requirements which have not been included in the past.

7           The first one, again, is the City of San Diego.  
8 The Pt. Loma outfall originally was approved prior to this  
9 spill, but now there are monitoring requirements not only  
10 on the extension to the line, but the entire line.

11           CHAIRMAN MC CARTHY: Any questions on 50?  
12 All right.

13           COMMISSIONER BURTON: Move.

14           CHAIRMAN MC CARTHY: Moved and unanimously  
15 adopted.

16           EXECUTIVE OFFICER WARREN: Mr. Chairman, we  
17 have an attendance report of witnesses who want to speak  
18 on Item 51.

19           CHAIRMAN MC CARTHY: Yes. Mr. Nader Shareghi?

20           EXECUTIVE OFFICER WARREN: He is on his way.  
21 He was misdirected to the Capitol. So, if we could  
22 postpone Item 51 --

23           CHAIRMAN MC CARTHY: All right. We'll postpone  
24 that for the moment and we'll get back to it. We'll go on  
25 to Item 52.

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1 MS. SEKELSKY: Item 52 is a denial of an  
2 application to Del Norte County. You will see on Exhibit  
3 A two lakes along the coast, one in back of the other.  
4 Lake Talawa lies closer oceanward and opens into the Pacific  
5 Ocean. Each year, siltation causes a sand bar to be  
6 formed and the sand bar essentially closes the flow of  
7 the lake into the ocean.

8 Periodically, the county has gone in there and  
9 breached the sand bar, usually in the spring, in order to  
10 assure the lake waters will flow out into the ocean rather  
11 than rising and overflowing on agricultural lands and  
12 getting to the residences that are in the area.

13 We had, at one time, given a permit for this  
14 activity, which expired in 1987.

15 During the time of that permit, there was a  
16 dispute arising over how low the lake level should be  
17 dropped to at this time of year. The dispute continues  
18 to this day.

19 And we feel, as staff of the Commission, that  
20 environmental work ought to be done to analyze not only the  
21 need for this flood control, but also the environmental  
22 impact of it.

23 We have tried to encourage both the county and  
24 others to conduct studies for several years. Nevertheless,  
25 the studies have not been completed, although they have

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1 continued to breach the sand bar on an emergency basis.

2 This year, through a series of errors, they have  
3 breached the sand bar, and all but about a foot of water  
4 is left in the lake, which subsequently reduced the amount  
5 of wetlands existing.

6 The Corps has ordered the county to rebuild the  
7 sand bar to a level to keep the waters from continuing  
8 to flow from the lake.

9 Although the activity for which Del Norte  
10 applied to us for a period has already occurred, we don't  
11 feel that it is appropriate to give an after-the-fact  
12 permit.

13 We would like to ask you to deny the permit,  
14 but in recognition of the order to rebuild the sand bar,  
15 we ask also that you authorize us to send a no-objection  
16 letter to the rebuilding of the sand bar according to the  
17 Corps specifications.

18 CHAIRMAN MC CARTHY: Any questions by members  
19 of the Commission? By the audience? If not, the  
20 recommendation is approved.

21 Next item.

22 MS. SEKELSKY: Item No. 53 is a termination of a  
23 permit to place rip-rap along the Sacramento River. The  
24 staff is requesting you to terminate this protective  
25 structure permit for three reasons:

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1 First, the fill that was authorized in the  
2 permit was broken concrete and rock. It was to be clean  
3 fill. In fact, the upland property owner dumped all kinds  
4 of rubble in there -- pieces of rebar and other unsafe and  
5 unclean fill.

6 The second reason is that the original property  
7 owner -- this is the person to whom we issued the permit  
8 and assigned this permit -- sold to a purchaser without  
9 getting prior written consent, as was required in the  
10 permit.

11 The third reason is that the current owner  
12 of the property proposes to use this fill to support a  
13 wall to increase the stability of the upland area upon which  
14 he is choosing to build residential units.

15 And we do not feel that residential use is an  
16 appropriate use of our land, which would essentially be  
17 the critical portion of the residential use.

18 CHAIRMAN MC CARTHY: Questions by members of  
19 the Commission? Anyone in the audience on this one?

20 All right. Approved as recommended. Next item.

21 EXECUTIVE OFFICER WARREN: 54 and 55 have been  
22 pulled. Before Ms. Sekelsky leaves, let's see if  
23 Mr. Shareghi is here.

24 CHAIRMAN MC CARTHY: Is Mr. Shareghi in the  
25 audience yet?

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1 EXECUTIVE OFFICER WARREN: He's not here,  
2 Mr. Chairman.

3 (Thereupon, Mr. Shareghi entered the  
4 hearing room.)

5 CHAIRMAN MC CARTHY: Are you Mr. Shareghi?

6 MR. SHAREGHI: Yes.

7 CHAIRMAN MC CARTHY: Good. Would you like to  
8 address Item 51, or would you like to have a few minutes  
9 to collect your thoughts while we go to some other items?

10 MR. SHAREGHI: I'd like to take a minute.

11 CHAIRMAN MC CARTHY: All right. We're on 56?

12 EXECUTIVE OFFICER WARREN: That item will be  
13 presented by our Chief Legal Counsel, Mr. Hight.

14 MR. HIGHT: Mr. Chairman, 56 is an extension of  
15 time to construct a pedestrian/bike trail by Grupe  
16 Development in Stockton, San Joaquin County. As you will  
17 recall, the Commission approved a settlement of the  
18 litigation with Grupe Development, which included  
19 construction of the trail along the levee. Through no  
20 fault of their own, this process has taken longer than we  
21 anticipated. We are asking for an extension of time until  
22 March 31st of '93 to complete the construction.

23 CHAIRMAN MC CARTHY: Any questions by members  
24 of the Commission on that?

25 COMMISSIONER BURTON: No.

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1 CHAIRMAN MC ARTHY: Anyone in the audience?  
2 That's fine. Approved. Next item?

3 EXECUTIVE OFFICER WARREN: Item No. 57, Mr.  
4 Chairman and Commissioners, was prepared by the  
5 Environmental Planning and Management Division.

6 Mr. Sanders, who is Chief of the Division, will  
7 present this item.

8 MR. SANDERS: Thank you. For the record, I am  
9 Dwight Sanders.

10 Item 57, Mr. Chairman, would authorize a pilot  
11 bioremediation program at Owens Lake in Inyo County. To  
12 give you some background, the lake has been dry since  
13 1952 as a result of the water withdrawals through and  
14 by the City of Los Angeles. Subsequently, a dust problem  
15 has developed with the dry lake bed.

16 In 1987, the Environmental Protection Agency  
17 revised the suspended particulate standard and identified  
18 the southern Owens Valley as having the highest particulate  
19 emissions in California at this time.

20 The EPA subsequently required, as part of the  
21 provisions of the State Implementation Plan to bring the  
22 area into compliance with the federal standards by the  
23 year 2001.

24 Now, this State Implementation Plan, or SIP,  
25 was approved in 1992 by the Great Basin Unified Air

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1 Pollution Control District, with whom we've been working  
2 extensively on this program.

3 The program before you this morning is a critical  
4 step in the implementation of this SIP. And the  
5 Commission has taken a pivotal role in a cooperative effort  
6 with the Great Basin Air Pollution Control District,  
7 the University of California at Davis campus, the  
8 University of Nevada, the State Air Resources Board, and  
9 the Los Angeles Department of Water and Power.

10 The pilot program is composed of nine separate  
11 pilot or exploratory projects, each of which will approach  
12 the dust emissions in a different manner.

13 The final design of the dust mitigation strategy  
14 will be based on the scientific information developed  
15 by each of these pilot projects. The design of the final  
16 mitigation plan would be completed by a technical group  
17 which is composed of the staff of the Great Basin Unified  
18 Air Pollution Control District, the University of  
19 California at Davis, and the State Lands Commission.

20 The Commission staff has prepared an extensive  
21 initial study on this program to examine its potential  
22 for causing any negative environmental effects in  
23 conjunction with the District and with the Department of  
24 Fish & Game in the area.

25 The initial study concludes that the program,

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1 as proposed, incorporates mitigation measures which will  
2 avoid any significant environmental impacts. And the  
3 comments received in response to the initial study agree  
4 that the program will not have a significant effect on  
5 the environment.

6 Staff are thus proposing your adoption of the  
7 proposed negative declaration for the program.

8 We have received four letters during the review  
9 period: one from Los Angeles Water & Power, which  
10 provided some suggestions from an editorial point of view,  
11 and clarification of some of the information in the  
12 document.

13 The Department of Fish & Game also sent us a  
14 letter indicating that they are in support of the  
15 mitigation measures included within the program and the  
16 mitigation monitoring plan, which you're also requested  
17 to adopt, and requesting they be continued to be involved  
18 in the continuing process of the program, which we intend  
19 to do.

20 The last two letters, Mr. Chairman, came from  
21 the City of Keeler, which is in the area. One of the  
22 letters was received out of the comment period. The  
23 first letter expresses concern over the potential affect  
24 on the city's water supplies.

25 We have examined this problem rather

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1 extensively, Mr. Chairman. And based on the fact that no  
2 pumping will occur at the well of concern to the City of  
3 Keeler, and on the basis of historical information,  
4 staff at the Great Basin District feel that there will  
5 not be any adverse effects to the city's water supply by  
6 this program.

7 The second letter, which was received outside  
8 the comment period, requested that we prepare an  
9 environmental impact report for this program. Staff  
10 believe, Mr. Chairman, that the program, as constructed,  
11 is more appropriately covered by a negative declaration,  
12 and this is what is before you today.

13 I'm available for any questions, if you have any.

14 CHAIRMAN MC CARTHY: Questions by the  
15 Commissioners?

16 COMMISSIONER BURTON: About the funding of this  
17 first step, it looks to me like a five or six million  
18 dollar project. Could you explain what the funding sources  
19 will be and what the State's involvement will be for the  
20 future costs?

21 MR. SANDERS: Yes. The program is expected to  
22 cost approximately \$5,081,989; \$300,000 of which is  
23 attributable to the UCD project components, and the  
24 remainder of the amount is attributable to the Great Basin  
25 project components.

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1           Other funding is coming from a variety of  
2 sources, including legislatively authorized funds for  
3 the control of air pollution through the Air Resources  
4 Board. And we're funded also from sources outside of the  
5 State -- namely, Los Angeles Department of Water & Power.

6           COMMISSIONER BURTON: How much money is the  
7 Commission putting in?

8           MR. SANDERS: None out of our budget.

9           COMMISSIONER BURTON: And the staff support  
10 costs?

11          MR. SANDERS: That's --

12          MR. STEVENS: There's a Health & Safety Code  
13 provision expressly providing -- once the program is  
14 settled on and embarked upon, the District has the  
15 authority to charge the cost of it to the Los Angeles  
16 Department of Water and Power, which, of course, removed  
17 the water from the lake and is basically responsible for  
18 the dust coming off it.

19          EXECUTIVE OFFICER WARREN: Ultimately, it will  
20 be the Los Angeles Department of Water & Power. They are  
21 obligated to underwrite any project required to mitigate  
22 the effects of their water withdrawals. They can do so,  
23 as ordered by the District, and the District can go to  
24 the Air Resources Board for relief.

25          But the statutory provision is rather rigid on  
this issue.

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1 I would like to take the opportunity, if I may,  
2 Mr. Chairman and Commissioners, to introduce Professor  
3 Tom Cahill of the University of California at Davis, one of  
4 the world's renowned experts in this field. Tom, would you  
5 stand up?

6 (Thereupon, Professor Cahill stood in  
7 the audience to be recognized.)

8 EXECUTIVE OFFICER WARREN: As Mr. Sanders  
9 indicated, this is a cooperative effort among the Air  
10 Pollution Control District, University of California at  
11 Davis, the Air Resources Board, the State Lands Commission,  
12 and the LAWPD is an active participant. All agencies are  
13 moving forward.

14 We understand that the area will soon be  
15 visited by Russian scholars who are working on a far  
16 greater problem, but similar problem, involving the Aral  
17 Sea in Russia.

18 CHAIRMAN MC CARTHY: Thank you, Mr. Cahill, for  
19 attending.

20 EXECUTIVE OFFICER WARREN: That concludes our  
21 presentation, Mr. Chairman.

22 CHAIRMAN MC CARTHY: Any other comments? Anybody  
23 in the audience wish to comment on this item?

24 COMMISSIONER ZIEGLER: One question. Is there a  
25 timetable when this project is to start and a target for

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1 completion at this point?

2 MR. SANDERS: The first phase of the project  
3 will begin almost immediately by Great Basin District, which  
4 if I recall correctly, is to occur on the 15th of this  
5 month. The project, in its entirety, will span two to  
6 four years. At the end of that time, the information from  
7 each one of the scientific studies, as I indicated, will  
8 determine the final plan for the control of the dust  
9 to meet the standard at Owens Lake. So, to answer your  
10 question, it will begin almost immediately.

11 EXECUTIVE OFFICER WARREN: But it will take  
12 a number of years, at least 10 years, to completion.

13 COMMISSIONER ZIEGLER: And the correspondence  
14 was from the City of Keeler, and --

15 MR. SANDERS: The correspondent, Mr. Ziegler,  
16 is Richard M. Lopez, who's Chairman of the Board of  
17 Directors of the Keeler Community Service District. It is  
18 this district that is responsible for the water supply  
19 for the City of Keeler.

20 COMMISSIONER ZIEGLER: Okay. Thank you,  
21 Mr. Chairman.

22 CHAIRMAN MC CARTHY: All right. Any further  
23 comments on this issue? Approved as recommended.

24 EXECUTIVE OFFICER WARREN: The next item,  
25 Mr. Chairman and Commissioners, is Item 58, which was

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1 prepared for us by our Marine Facilities Inspection  
2 Division.

3 Commander Gregory is the Division Chief of the  
4 Oil Spill Prevention Service in Houston.

5 Mark Meier is counsel to the Division.

6 MR. MEIER: This is a memorandum of understanding  
7 between the Texas General Land Office and the State Lands  
8 Office of Oil Spill Prevention.

9 The Texas General Land Office is responsible  
10 for marine oil pollution prevention and responsible to the  
11 State of Texas; and the State Lands Commission is  
12 responsible for oil pollution prevention from the marine  
13 terminals and offshore oil production in the State of  
14 California.

15 Staff from the two agencies in the past have  
16 attended conferences on these matters and have found  
17 that most of the attention has been addressed to response  
18 issues. And the staffs have desired to establish some  
19 framework for promoting prevention. For that reason, we  
20 have worked on this memorandum of understanding, which  
21 would be for communication between Texas and the State  
22 Lands Commission to that end.

23 There are basically three parts to the agreement.  
24 The first involves sharing information on regulatory  
25 development and the affect of regulatory programs by the

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1 two agencies.

2 The second part concerns sharing information  
3 regarding research and development which will, in  
4 effect, allow us to pool our efforts and avoid unnecessary  
5 duplication.

6 And the third matter concerns the establishment  
7 and development of an interstate oil pollution prevention  
8 association.

9 Staff has already had some initial communications  
10 with representatives from the State of Washington, Florida,  
11 and New Jersey, since those states have been in the  
12 forefront in this area. And we expect to be in contact  
13 with representatives from other coastal states.

14 CHAIRMAN MC CARTHY: Questions from the  
15 Commissioners?

16 COMMISSIONER BURTON: I have a question. It  
17 sounds like a good idea to find out ways to share  
18 information about this important issue.

19 To what extent, though, has the State agency  
20 that's responsible for California's oil spill program  
21 been involved in this?

22 MR. MEIER: There has been communication with  
23 the Oil Spill Prevention Office in the Department of Fish &  
24 Game. That office is responsible for oil spill  
25 response and also a significant number of responsibilities

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1 in the prevention area.

2           However, the Commission's responsibility is  
3 pretty much limited to prevention. In a sense, we are  
4 in a better position to promote oil spill prevention, and  
5 we feel we have specific responsibilities for prevention  
6 under the OSPR Act.

7           EXECUTIVE OFFICER WARREN: There have been and  
8 there are scheduled to be numerous conference committees  
9 on changing management strategies and emerging  
10 technologies that deal with oil spills, cleanup of oil  
11 spills, but everybody recognizes that, at best, they will  
12 be successful in cleaning up maybe 25 or 30 percent of any  
13 oil spill.

14           So, we feel what's being lost here from the agenda  
15 is the different strategies and technologies for  
16 preventing oil spills.

17           This MOU is directed exclusively to oil spill  
18 prevention. And this effort initially began when we  
19 received an inquiry from Texas asking about our oil spill  
20 prevention program and our regulations.

21           We, during the course of a visit, learned from  
22 them that they had undertaken some research efforts in  
23 order to improve their oil spill prevention program,  
24 the results of which we felt would also benefit us.

25           So, we decided that it might be worthwhile, in

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1 order to showcase oil spill prevention more than it has  
2 been in the past, to form a coastal states oil spill  
3 prevention association, so that conferences among the  
4 professionals from those states could focus exclusively  
5 on oil spill prevention. That's the ultimate purpose of  
6 this effort.

7 Of course, to the extent that oil spill  
8 prevention remains part of the OSPR's agenda, they'll be  
9 given an opportunity or offered an opportunity to become  
10 involved in the effort.

11 This is just a first step in what we hope will  
12 be a successful government response to the whole problem  
13 of oil spills.

14 COMMISSIONER BURTON: Well, I agree. It's an  
15 important area. I guess I would be more comfortable if  
16 we have some comments from that organization. Because,  
17 to the extent that we diffuse the responsibilities, then  
18 it makes us -- it seems to me even less effective. And  
19 I'm not an expert in this area, but it was clear to me  
20 they were the lead agency in oil spill prevention, and  
21 I'd be a lot more comfortable if we had some  
22 recommendation from them about whether to proceed with  
23 this organization with such an agenda -- this memorandum  
24 of understanding with such an agenda.

25 EXECUTIVE OFFICER WARREN: They will be informed

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1 and welcome to participate. That's all I can say. There  
2 is no intention to leave them out or exclude them. But  
3 someone has to make the effort to begin the process, and  
4 this is the beginning of the process, I think.

5 And once this MOU has been approved, then we can  
6 proceed to bring other agencies in other states into the  
7 process.

8 It's not our intent to exclude anybody, and we  
9 just want to get things started, and hope that somebody  
10 else may want to take a leadership role.

11 CHAIRMAN MC CARTHY: I think Commissioner  
12 Burton's concern has some value to it. Why don't we  
13 just -- I'm not sure if anybody from Fish & Game, the  
14 lead agency, wants to attend any meetings in this area.  
15 But why don't we make sure that -- even though it's  
16 pretty clear what the statutory responsibilities are --  
17 they are completely informed from the beginning of such an  
18 undertaking and what we have in mind to do.

19 EXECUTIVE OFFICER WARREN: We will be happy to  
20 do that, Mr. Chairman, forthwith.

21 CHAIRMAN MC CARTHY: And affirmatively ask them  
22 to participate in such meetings. And they can choose  
23 whether to do so. Don't just leave it to our own staff to  
24 do so.

25 EXECUTIVE OFFICER WARREN: We thought our first

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1 steps would be to get the ideas of this Commission and  
2 the thoughts and wisdom of this Commission on this  
3 approach, and if you thought it was worthwhile and  
4 approved the MOU --

5 CHAIRMAN MC CARTHY: Do you understand the larger  
6 point being made? Since the statute names them as the  
7 lead agency, that we just want to keep them informed on  
8 all things that we do on this issue.

9 EXECUTIVE OFFICER WARREN: Very good. We will be  
10 happy to do that.

11 COMMISSIONER ZIEGLER: Just a quick comment.  
12 It would be a good idea to find out what progress the  
13 Energy Department is making on this problem, and that we  
14 recognize in California what our vulnerability is on oil  
15 spills, and the weakest link is with other states that  
16 import oil and have a lot of oil traffic off their  
17 coasts. And I think, from that perspective, that it  
18 would be useful to move ahead and also let the Federal  
19 Government know that we'd appreciate their action on  
20 this -- in this area. I think it would be very useful  
21 for the Commission to be involved in this, and it should  
22 be a cooperative effort with the Administration.

23 CHAIRMAN MC CARTHY: I think we all agree on that.

24 COMMISSIONER BURTON: I would be more comfortable  
25 that -- before actually officially signing the MOU --  
you had a clear understanding from the Oil Spill

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1 Prevention Office that they concur that we should  
2 proceed with it.

3 MR. MEIER: I will say that Commander Gregory  
4 has been in touch with Roger Dunstan at the Department  
5 and discussed this matter. And Roger indicated no concern  
6 about this matter.

7 CHAIRMAN MC CARTHY: What would you like from  
8 Roger, or whoever the appropriate official is?

9 COMMISSIONER BURTON: I think I'd like in writing  
10 a concurrence and a recommendation that the Executive  
11 Officer proceed with this. Are you unlikely to get that?

12 EXECUTIVE OFFICER WARREN: Yes.

13 COMMISSIONER BURTON: I'd like to hear from the  
14 Oil Spill Prevention Office. I think it's best to make  
15 sure that California operates with one voice in this area.

16 CHAIRMAN MC CARTHY: All right. We'll put this  
17 matter over until the next Commission meeting.

18 COMMISSIONER BURTON: Okay. Thanks.

19 EXECUTIVE OFFICER WARREN: Okay, Mr. Chairman.  
20 We're back to Item 51.

21 CHAIRMAN MC CARTHY: Mr. Shareghi?

22 MR. SHAREGHI: I have no comments at this time.

23 CHAIRMAN MC CARTHY: Any questions or comments  
24 on 51? Approved as recommended.

25 Does that conclude the full calendar for today?

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1 EXECUTIVE OFFICER WARREN: Yes, it seems so.

2 CHAIRMAN MC CARTHY: Thank you very much,  
3 ladies and gentlemen. We're adjourned.

4 (Thereupon, the meeting was adjourned  
5 at 10:25 a.m.)

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