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MEETING
STATE OF CALIFORNIA
STATE LANDS COMMISSION

State Capitol
Room 437
Sacramento, California

Thursday, May 9, 1996
3:30 p.m.

Janet H. Nicol
Certified Shorthand Reporter
License Number 9764

A P P E A R A N C E S

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COMMISSION MEMBERS PRESENT

Kathleen Connell, Ph.D
State Controller
Chairperson

Gray Davis
Lieutenant Governor
Commissioner

Theresa Parker
for Craig L. Brown
Director of Finance
Commissioner

STAFF PRESENT

Robert Hight, Executive Officer
Bill Morrison, Assistant Executive Officer
Jack Rump, Chief Counsel
Sharon Shaw, Executive Assistant
Jan Stevens, Assistant Attorney General

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P R O C E E D I N G S

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2 COMMISSIONER DAVIS: All right. The Lands
3 Commission will come to order. Secretary will call the
4 roll.

5 EXECUTIVE ASSISTANT SHAW: Member Davis.

6 COMMISSIONER DAVIS: Present.

7 EXECUTIVE ASSISTANT SHAW: Chief Deputy Parker.

8 ACTING COMMISSIONER PARKER: Here.

9 EXECUTIVE ASSISTANT SHAW: Chairwoman Connell.

10 COMMISSIONER DAVIS: I'm sure she'll be here
11 momentarily.

12 We have a quorum, so we'll begin.

13 The first item of business is adopting the minutes
14 from the last meeting.

15 ACTING COMMISSIONER PARKER: I move the minutes.

16 EXECUTIVE OFFICER HIGHT: Yes, Mr. Chairman.

17 COMMISSIONER DAVIS: Hearing no objection, that's
18 unanimously adopted.

19 And we'll begin with the consent calendar.

20 EXECUTIVE OFFICER HIGHT: Yes. And we know of no
21 opposition to the consent calendar and we can take it up in
22 its entirety, Items No. 1 through 82, with the exclusion of
23 13, 43, 66 and 67.

24 COMMISSIONER DAVIS: 13, 43?

25 EXECUTIVE OFFICER HIGHT: 66 and 67.

1 COMMISSIONER DAVIS: All right. Is there anyone
2 in the audience that has objection to any item on the
3 consent calendar?

4 Hearing none --

5 ACTING COMMISSIONER PARKER: Mr. Chairman, could I
6 ask a question?

7 Since 66 just got pulled, do we have any sense
8 about when that issue, since it's obviously been ongoing,
9 rather lengthy issue, when this is likely to come back?

10 EXECUTIVE OFFICER HIGHT: 67. I think you are --

11 ACTING COMMISSIONER PARKER: I am sorry.

12 EXECUTIVE OFFICER HIGHT: 67, Mr. Chairman, is K&C
13 Marina and we had hoped that -- we thought we had an
14 agreement on that and I will report back at the next
15 meeting. But it's a matter between the two private parties
16 that we thought was resolved and it's kind of in their
17 discretion at the moment. So we will report back at the
18 next meeting on that.

19 ACTING COMMISSIONER PARKER: As you recall this is
20 the --

21 COMMISSIONER DAVIS: Right. Did you have any
22 other questions?

23 ACTING COMMISSIONER PARKER: No.

24 COMMISSIONER DAVIS: Isn't this the issue that
25 went to court, there was a court case?

1 EXECUTIVE OFFICER HIGHT: Yes.

2 ACTING COMMISSIONER PARKER: Had a special
3 master --

4 EXECUTIVE OFFICER HIGHT: The parties basically
5 solved the case without going to court.

6 COMMISSIONER DAVIS: Right.

7 EXECUTIVE OFFICER HIGHT: But at the last moment
8 there was some hesitation about signing the agreement by one
9 of the parties. And so it will either go back to court or
10 it will be resolved.

11 ACTING COMMISSIONER PARKER: So that's the
12 question. There's the potential that it could go back into
13 court again?

14 EXECUTIVE OFFICER HIGHT: Yes.

15 COMMISSIONER DAVIS: How much time has the court
16 given the parties to resolve this matter?

17 EXECUTIVE OFFICER HIGHT: Jim?

18 Since they were going to resolve it, the court
19 hasn't given the parties any time, and so it will go back
20 and be set.

21 COMMISSIONER DAVIS: I recall that there was a
22 dispute over who would replace the former operator of the
23 marina?

24 EXECUTIVE OFFICER HIGHT: Correct.

25 COMMISSIONER DAVIS: Is that marina currently

1 functional?

2 EXECUTIVE OFFICER HIGHT: It's currently
3 functional. They are doing major improvements there under
4 an agreement that Mr. Gibbs is basically running the
5 operation. And it's being brought up to standard and
6 everybody is happy.

7 COMMISSIONER DAVIS: So no one is quarreling with
8 the quality of the service that's currently being provided?

9 EXECUTIVE OFFICER HIGHT: No.

10 COMMISSIONER DAVIS: So there's really no harm --

11 EXECUTIVE OFFICER HIGHT: Right.

12 COMMISSIONER DAVIS: -- in not having the thing
13 permanently resolved?

14 EXECUTIVE OFFICER HIGHT: Yes. Correct.

15 ACTING COMMISSIONER PARKER: I move adoption of
16 the consent calendar.

17 COMMISSIONER DAVIS: I'll support that, so that
18 passes two to nothing.

19 The next item is Item 83.

20 EXECUTIVE OFFICER HIGHT: Yes. Item 83,
21 Mr. Chairman, is the retrocession of jurisdiction for seven
22 closing military bases and the cession of jurisdiction for
23 one base that is not closing.

24 In the military base closing process, most of the
25 bases are under exclusive federal jurisdiction, and the

1 State law provides that the Lands Commission is the entity
2 to hold a hearing in the locality to determine whether
3 there's any opposition to the retrocession putting it back
4 under State law.

5 Commission staff has held hearings.

6 There is no opposition. In fact, all of the local
7 entities are excited about this prospect because it is kind
8 of one -- it's the first step that is visible that brings
9 the bases into the public domain.

10 Those bases are Defense Distribution Region West
11 at Lathrop, Defense Distribution Region West at Tracy, Fleet
12 and Industrial Supply Center at Oakland, March Air Force
13 Base at Riverside, Naval Air Center at San Diego, the Naval
14 Radio Transmission Facility at San Diego, and Mare Island
15 Shipyard at Vallejo.

16 COMMISSIONER DAVIS: Is there any opposition to
17 this transfer of jurisdiction back to the State?

18 EXECUTIVE OFFICER HIGHT: None.

19 COMMISSIONER DAVIS: Anyone in the audience
20 opposed to this transfer?

21 ACTING COMMISSIONER PARKER: Have we received any
22 letters in support of this proposal?

23 EXECUTIVE OFFICER HIGHT: Yes. We have letters of
24 support from each of the local entities.

25 ACTING COMMISSIONER PARKER: Okay. Because there

1 wasn't anything that I saw in the document of support. So
2 we have letters?

3 EXECUTIVE OFFICER HIGHT: Yes.

4 ACTING COMMISSIONER PARKER: On file?

5 EXECUTIVE OFFICER HIGHT: Yes.

6 ACTING COMMISSIONER PARKER: And there's obviously
7 no issues with the Attorney General's office in what we're
8 doing here?

9 ASSISTANT ATTORNEY GENERAL STEVENS: No. Our
10 office has worked with Mr. Fry and staff on this and it's
11 quite satisfactory.

12 COMMISSIONER DAVIS: Are there any financial
13 implications in our assuming jurisdiction?

14 EXECUTIVE OFFICER HIGHT: The local entity will be
15 required to police the area. And there would be no State
16 cost, but the local entities, the county or the city, will
17 have to provide police and fire services.

18 COMMISSIONER DAVIS: And all those jurisdictions,
19 I assume, are well aware of that?

20 EXECUTIVE OFFICER HIGHT: Right, yes. They would
21 have to do that if it were not federal land and the fact
22 that they're going to get it back in order to turn it to
23 private use, it will be in a tax base and they'll in effect
24 be compensated for that service.

25 COMMISSIONER DAVIS: All right. Could I have a

1 motion to approve?

2 ACTING COMMISSIONER PARKER: Yes. I would
3 recommend that we adopt the findings that are on page two, 1
4 through 4, and the determination, which is Item No. 5, in
5 the staff's analysis, Mr. Chair.

6 COMMISSIONER DAVIS: Hearing no opposition to
7 that, I will support it. And that passes two to zero.

8 EXECUTIVE OFFICER HIGHT: Okay.

9 COMMISSIONER DAVIS: The next item is Item 84.

10 EXECUTIVE OFFICER HIGHT: Yes, Mr. Chairman. This
11 is an informational item.

12 And the staff proposes to enter into a Memorandum
13 of Understanding with other federal and state agencies to
14 expedite the processing of dredging permits in the Bay Area.

15 This is a one-year pilot project that will be
16 reevaluated at the end of six months.

17 The goal is to have one permit application that
18 all dredgers would apply to the Army Corps of Engineers, who
19 will be the host agency, and then will dispense the
20 information to all of the other affected agencies. It will
21 eliminate individual applications from each agency.

22 The Commission and the other agencies are
23 retaining all of their jurisdiction. It will still have to
24 have a permit from the Commission or the other agencies, if
25 applicable.

1 But it's the start of a one-stop processing,
2 elimination of additional paperwork, and with the goal of
3 simplification and efficiency.

4 So we're rather excited about this possibility and
5 we'll report back in six months as to its effectiveness.

6 COMMISSIONER DAVIS: Well, how long do you
7 estimate it will take for the permit process to run its
8 course?

9 EXECUTIVE OFFICER HIGHT: Some of it depends upon
10 each permit, but some of them can be very short
11 applications, depending upon the amount of material to be
12 dredged, a couple of months, and others may be longer than
13 the six months.

14 But the information that will be supplied will be
15 analyzed by the agencies to make sure that is in fact the
16 information that is needed and it will -- the process in
17 effect will start at the first application, which should be
18 soon.

19 COMMISSIONER DAVIS: Let me ask this question
20 another way. How can I put this? How much time will be
21 saved for the applicant through this modified permit
22 process?

23 EXECUTIVE OFFICER HIGHT: Well, it's the goal that
24 they would -- right now four applications or four permits
25 are necessary, so the time to contact four agencies will

1 only be -- will be reduced to one. So time wise, paperwork
2 wise, days, I think, would be reduced from the process.

3 COMMISSIONER DAVIS: All right. Is there any
4 other questions on that item?

5 ACTING COMMISSIONER PARKER: This isn't an action
6 item?

7 COMMISSIONER DAVIS: It's just an information
8 item.

9 ACTING COMMISSIONER PARKER: I don't have any
10 questions.

11 COMMISSIONER DAVIS: Okay. That's fine.

12 On the items that we pulled, 13, 43, 66 and 67, or
13 67?

14 EXECUTIVE OFFICER HIGHT: 67. Those just weren't
15 ready for this agenda and they will be placed on a
16 subsequent agenda.

17 COMMISSIONER DAVIS: Okay. Fine.

18 CHAIRPERSON CONNELL: Great. Thank you.

19 COMMISSIONER DAVIS: Madam Chair, I think that
20 completes the business on the open session.

21 CHAIRPERSON CONNELL: Good. Thank you.

22 And are there any comments from members of the
23 audience present?

24 If not, then we will go to closed session. If we
25 may ask only the appropriate members of the staff to stay

1 for closed session, we'd appreciate it.

2 (Thereupon the meeting was adjourned

3 at 3:40 p.m.)

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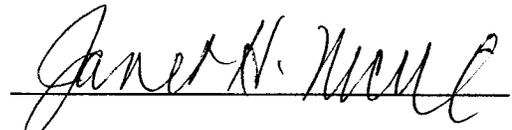
CERTIFICATE OF SHORTHAND REPORTER

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I, JANET H. NICOL, a Certified Shorthand Reporter of the State of California, do hereby certify that I am a disinterested person herein; that I reported the foregoing meeting in shorthand writing; that I thereafter caused my shorthand writing to be transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said meeting, or in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of May 1996.



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