

COMMISSION MEETING  
STATE OF CALIFORNIA  
LANDS COMMISSION

SECRETARY OF STATE BUILDING  
AUDITORIUM  
SACRAMENTO, CA

TUESDAY, JUNE 24, 2008

10:01 A.M.

LINDA KAY RIGEL, CSR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 13196

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMISSIONERS

Mr. John Chiang, State Controller, Chair

Mr. John Garamendi, Lieutenant Governor, Represented by  
Mr. Brian Bugsch

Mr. Michael C. Genest, Director of Finance, Represented  
by Ms. Anne Sheehan

STAFF

Mr. Paul D. Thayer, Executive Officer

Mr. Jack Rump, Chief Counsel

Mr. Joe Rusconi, Attorney General's Office

Mr. Mario T. De Bernardo, Legislative Liaison, Staff  
Counsel

Ms. Kimberly Lunetta, Executive Assistant

Ms. Lynda Smallwood, Calendar Coordinator

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## 1 P R O C E E D I N G S

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3 CHAIRPERSON CHIANG: Good morning. I call  
4 this meeting of the State Lands Commission to order.  
5 All the representatives of the Commission are present.

6 I am John Chiang, I'm the State Controller;  
7 and I am very pleased to be joined this morning by  
8 Brian Bugsch representing the Lieutenant Governor, John  
9 Garamendi, and Anne Sheehan who represents the  
10 Department of Finance.

11 For the benefit of those in the audience, the  
12 State Lands Commission administers properties owned by  
13 the State as well as its mineral interests. Today we  
14 will hear proposals concerning the leasing and  
15 management of these public properties.

16 The first item of business will be the  
17 adoption of the minutes from the Commission's last  
18 meeting. May I have a motion to approve these minutes?

19 COMMISSIONER SHEEHAN: I'll move approval, if  
20 there are no changes.

21 CHAIRPERSON CHIANG: Okay. Motion by Anne.  
22 Is there a second?

23 ALTERNATE MEMBER BUGSCH: Second.

24 CHAIRPERSON CHIANG: Second by Brian. Without  
25 objection, the motion passes. The minutes are

1 unanimously adopted.

2           And the next order of business is the  
3 Executive Officer's Report. Paul, may we have that  
4 report, please?

5           EXECUTIVE OFFICER THAYER: Yes. Thank you.  
6 Good morning, Members of the Commission. I have  
7 several different items I wanted to cover.

8           The first is the Commission had previously  
9 asked staff to keep you regularly updated on the  
10 progress of resolving some of the violations that have  
11 been identified over the last year. We started doing  
12 this at the last meeting, and I wanted to continue  
13 today.

14           First is the South Bay Yacht Club. At the  
15 last meeting, I erroneously said that I think several  
16 days after the Commission meeting we anticipated that  
17 the Yacht Club would be before the Santa Clara Valley  
18 Water District for a lease which is necessary to get  
19 some of the other permits they need to do the cleanup  
20 that we'd like to see happen.

21           In fact, the matter was scheduled for a  
22 hearing at the Yacht Club's own board, and today is the  
23 day we anticipate that this item will go to the Water  
24 District itself.

25           The staff recommendation from the Water

1 District is for approval. Once they have that  
2 approval, they can get the permit from BCDC and be able  
3 to do more work with Department and Fish and Game.

4 And in the long run, of course, just to  
5 refresh your memory, we are looking to see some of the  
6 docks replaced there, some of the excess vegetation  
7 that made the docks inaccessible to be removed.

8 And finally, a condition of the Commission's  
9 lease was that the public have access to the water  
10 here, and some of these improvements are necessary to  
11 safely get them there.

12 So we think good progress is being made, but  
13 they're still working on the December deadline from the  
14 Commission to achieve all of this.

15 With respect to the Courtland docks, this is a  
16 small marina that's in Courtland, California south of  
17 Sacramento perhaps 20 miles. The problem is generally  
18 that the docks are in poor shape. A house has been  
19 reconstructed so that it extended slightly out over the  
20 Public Trust lands, and the neighbors were concerned as  
21 to whether or not the marina owners were living on a  
22 vessel there.

23 There is a deadline of June 15th for this to  
24 be corrected. The individuals are now living in the  
25 house which had extended too far in the Public Trust

1 land, and the house has been reconstructed so it's been  
2 drawn back off the Trust land. Some of the old docks  
3 have been removed, and they've accepted delivery of all  
4 the new docks, and some of them have been installed.

5 I have some pictures here that I'd like to  
6 share with Commission that shows the docks are in the  
7 process of being installed and some of them are still  
8 on the bank.

9 So technically, they did not meet the  
10 Commission's deadline of June 15th; but nonetheless,  
11 given the progress that's been made there and the fact  
12 that they have all the docks there that need to be  
13 installed and that's really the last physical thing  
14 they need to do, we think that the Commission should  
15 hold in abeyance any effort for further enforcement  
16 action there.

17 The one last other item they need to do is  
18 obtain a bond. The owners here don't have a lot of  
19 money, and they are in litigation with another  
20 individual not related to the commission's enforcement  
21 action. And because of that litigation, they've had  
22 trouble getting that bond.

23 They hope to get a court judgment by the end  
24 of this month on the 27th for -- that will clear up the  
25 litigation, and they expect to be able to get a bond

1 after that.

2 And so I think our proposal is to come back to  
3 the Commission meeting on August 22nd and report on the  
4 progress of all these items, but that, as I say, good  
5 progress is being made.

6 Then the next item is Jeanne Bird. She owns a  
7 houseboat, a very nice houseboat, down in the Delta.  
8 The staff discovered that this houseboat was for sale  
9 in real estate ads as a residence. Of course, that's  
10 inconsistent with the Public Trust Doctrine.

11 The Commission allowed the lease to remain in  
12 holdover because it was expiring and directed her to  
13 seek ways to either sell this floating house, really --  
14 it's not a houseboat; it's more like a floating  
15 house -- and have it moved to some place that didn't  
16 include Public Trust waters. There are a number of  
17 artificial waterways in the Delta, and so that would be  
18 appropriate. Or to seek use of it by somebody else,  
19 selling it to somebody else who might convert it into  
20 office space for a marina.

21 So far, none of that has happened. She has a  
22 deadline of June 30th, and it is looking to us like  
23 probably she's not going to end up complying. She's  
24 supposedly taking some efforts to try to market the  
25 houseboat, but she's not yet out of compliance because



1 the deadline hasn't come yet.

2 And once again, we'll report back on this in  
3 August, but we're less optimistic on this one as we are  
4 with the other two.

5 Then I also just wanted to make sure you knew  
6 we're still working on the Holbert case. This is a  
7 gentleman just south of Sacramento who had overbuilt  
8 the dock, built the dock much larger than the  
9 Commission had approved.

10 And the Commission authorized litigation, and  
11 Attorney General's office is working on that through  
12 the preliminary briefs and discovery in that matter.  
13 No real -- nothing real to report on that other than  
14 we're continuing to work on that.

15 So that concludes the enforcement actions,  
16 unless there are question you had about any of these.

17 CHAIRPERSON CHIANG: Questions? No.

18 EXECUTIVE OFFICER THAYER: While I'm on the  
19 subject of legal work, I guess, I wanted to make sure  
20 that all of you knew Joe Rusconi here, to introduce him  
21 to you if you haven't met him before.

22 He's been at a number of our meetings, has  
23 worked specifically through the years on a whole bunch  
24 of State Lands Commission projects. But he's now with  
25 us on a permanent basis.

1           Matt Rodriguez, who's been filling in for the  
2 Attorney General's office has been elevated. What's  
3 his official --

4           DEPUTY ATTORNEY GENERAL RUSCONI: He's now the  
5 Chief Deputy Attorney General in charge of the Public  
6 Rights Unit.

7           EXECUTIVE OFFICER THAYER: Lot more people,  
8 lot more responsibilities. We're lucky to have this  
9 happen because he's so familiar with the Public Trust  
10 Doctrine. He'll continue to be a real asset for us in  
11 the Attorney General's office, but he can't come to the  
12 meetings anymore.

13           And we're blessed to have Joe. Joe worked as  
14 well on the Hanson Sand Mining case and a whole bunch  
15 of things.

16           I also wanted to close with another update on  
17 Poseidon. I know that the Department of Finance is  
18 particularly interested in doing this. We talked about  
19 this at an earlier meeting. To refresh the  
20 Commission's recollection, we heard this in October.

21           The proposal is for a 50-million-gallon-a-day  
22 desalination facility in Carlsbad, and the Commission  
23 was reluctant to approve a lease because of concerns  
24 about whether or not mitigation has been worked out  
25 sufficiently to understand that it was adequately going

1 to address the impacts of once-through cooling, the  
2 intake of the water from the Agua Hedionda Lagoon, and  
3 also to see whether or not Poseidon was going to be  
4 able to meet the commitment expressed at the Commission  
5 meeting to have a zero greenhouse gas footprint from  
6 the project.

7           Staff has been working on this since then.  
8 The Coastal Commission had similar concerns, and so we  
9 have been working with them as well.

10           The Coastal Commission actually approved the  
11 permit, conditioned issuance of that permit upon  
12 dealing with the same issues, and so there's been a lot  
13 of cooperation there.

14           We have changed information with Poseidon. We  
15 have been working with the Water Board who has primary  
16 jurisdiction over the biological impacts, the Coastal  
17 Commission, Energy Commission, and Air Resources Board.

18           On the wetlands matter, Poseidon claims that  
19 in both phases the 42 wetland acres are sufficient  
20 mitigation. The Coastal Commission has hired a  
21 consultant who's worked on a number of coastal projects  
22 who believes -- it's made a presentation that 55 acres  
23 is the appropriate amount. That report is not yet  
24 finalized.

25           Poseidon is working to obtain a site for

1 wetlands mitigation in the San Dieguito Lagoon. Our  
2 understanding is that it has not yet received  
3 permission from the project there. It's a big  
4 restoration project. It's mostly to mitigate the  
5 nuclear generating facility, and Edison is involved  
6 with it.

7           Those -- that entity controls the land there  
8 and has not yet agreed to its use by Poseidon, so  
9 Poseidon really hasn't met what the Commission asked  
10 for which was some assurance about where the mitigation  
11 site's going to be until it gets that approval.

12           The Water Board did approve earlier this  
13 spring, the flow plan which was intended to deal --  
14 include the mitigation. But that was left somewhat  
15 ambiguous and the Water Board directed its staff to  
16 continue to work on this and develop final answers by  
17 this fall. And yet we haven't received, therefore,  
18 from the Water Board and its staff the guidance we're  
19 hoping to get from the experts on that matter.

20           On the greenhouse gas emissions, Poseidon  
21 continues to rely on a plan for offsetting the impacts.  
22 Most of the impacts are from the use of electricity in  
23 the desalination facility. It's developed a list of  
24 potential mitigation measures but would like to be able  
25 to choose from that list just before the plant opens.

1           There is some justification for that because  
2   offsetting greenhouse gases is a relatively new thing,  
3   and there continues to be new mitigation measures and  
4   perhaps some of these will be more efficient than the  
5   ones now available.

6           But it certainly doesn't give us very much in  
7   the way of specificity in terms of how we're going to  
8   do the mitigation.

9           The plan excludes mitigation for vehicles and  
10  for plant construction. It's just for the use of  
11  electricity in the finished plant.

12          It relies heavily on offsets from the foregone  
13  electrical use of the water that they say will be  
14  displaced -- the use of water which will be displaced  
15  by the new plant.

16          This is probably the most fundamental issue,  
17  whether we should be counting the total emissions  
18  associated from the electricity used by this plant, or  
19  whether we should subtract the amount of electricity  
20  that's used to bring the water from the State Water  
21  Resources project or the Colorado River from the  
22  emissions that are generated by the plant.

23          Staff's present conclusion, based on what we  
24  know, is that the water purveyors there that provide  
25  water in the area use every drop that's available to

1 MWD and the San Diego Water Authority; and as such, we  
2 don't think there is really a substitution occurring  
3 here. It will be an addition, additional water, and  
4 will therefore be an addition of emissions, and we  
5 don't think there is an offset.

6 But at the end of the day, we imagine we will  
7 bring calculations that are figured both ways to the  
8 Commission with an explanation of our approach; and  
9 Poseidon, of course, has its own reason why it believes  
10 an offset approach is a better way to go.

11 In terms of going forward, the Coastal  
12 Commission met in June to adopt findings to justify its  
13 approval of the project. The original staff report to  
14 the Commission recommended denial, so when the Coastal  
15 Commission went the other way for approval, they needed  
16 a reply staff report to provide a legal basis for the  
17 decision.

18 There was a debate between Poseidon and the  
19 Coastal Commission staff over what the appropriate  
20 findings would be. Poseidon had its own version they  
21 wanted the Coastal Commission to adopt. And in the  
22 end, the Coastal Commission put over adoption of those  
23 findings until August.

24 So we have been operating on the assumption,  
25 or something of a promise, that the Coastal Commission

1 would hear this in July. Because of this fight over  
2 Poseidon findings, it's been put off to August. The  
3 Coastal Commission staff believes that it's not  
4 appropriate to adopt both the findings that justify  
5 what the Coastal Commission is asking for in compliance  
6 with that, with those requirements.

7           So the Coastal Commission staff has taken the  
8 position that it will bring back revised findings in  
9 August, and perhaps not until September, to get  
10 compliance with the Coastal Commission's conditions to  
11 deal with those same issues as the wetlands mitigation  
12 and greenhouse gas mitigation.

13           As I've discussed previously with you, it's  
14 our intent to act in a way -- and I believe this  
15 represents the State Lands Commissioners' perspectives  
16 as well -- act in a way that does not unduly delay the  
17 project.

18           So my view is if the Coastal Commission hears  
19 both of these things, findings and compliance in  
20 August, we will hear this at the August 22nd meeting.  
21 If the Coastal Commission puts off final compliance  
22 until September -- especially if the wetlands  
23 mitigation is not resolved in terms of the site or the  
24 appropriate number of acres -- then it would be my  
25 recommendation that we hear this immediately after the

1 Coastal Commission hears it, either in a special  
2 meeting or at the October 16th meeting which is the  
3 next one after the September meeting of the Coastal  
4 Commission.

5 So that's where it rests right now. And if  
6 this is consistent with your desires on that, that's  
7 how we'll proceed. We'll bring it August 22nd if the  
8 Coastal Commission acts finally in August, otherwise in  
9 a subsequent meeting.

10 COMMISSIONER SHEEHAN: But it sounds like what  
11 you were saying on the -- at least the staff on the  
12 Coastal Commission wants to bifurcate the issue?

13 EXECUTIVE OFFICER THAYER: Yes.

14 COMMISSIONER SHEEHAN: But I guess,  
15 considering the Commissioners' desire to do it at the  
16 same time, that's still a possibility.

17 EXECUTIVE OFFICER THAYER: Yes. We had a  
18 staff member ask the Coastal Commission when it heard  
19 this earlier this month. And I haven't talked with  
20 Peter since then about where he thinks that's going to  
21 go.

22 COMMISSIONER SHEEHAN: Okay.

23 EXECUTIVE OFFICER THAYER: I'm sure he'll have  
24 discussions with his chair and probably be involved.

25 COMMISSIONER SHEEHAN: Okay.



1 CHAIRPERSON CHIANG: Brian?

2 ALTERNATE MEMBER BUGSCH: I just trust, Paul,  
3 that the Coastal Commission is aware of our situation.  
4 You've been in contact with them in terms of --

5 EXECUTIVE OFFICER THAYER: Yes.

6 ALTERNATE MEMBER BUGSCH: -- preference not to  
7 delay and push it forward.

8 EXECUTIVE OFFICER THAYER: We have discussed  
9 all of this with the Coastal Commission staff  
10 generally, you know. We've taken a position that we'd  
11 like to be prompt in our evaluation of this project.

12 But on the other hand, a lot of the work that  
13 the Coastal Commission has done and staff has done has  
14 been consistent with trying to get to the bottom of  
15 some of these issues that this Commission was  
16 interested in as well.

17 ALTERNATE MEMBER BUGSCH: And in terms of the  
18 Coastal Commission's information and its relevance to  
19 us, I mean you feel pretty strongly that it would  
20 inform our understanding of the mitigation dimension of  
21 that?

22 EXECUTIVE OFFICER THAYER: Absolutely. They  
23 have biologists on staff. And although our current  
24 head of our Environmental Planning Unit has a biology  
25 background, we don't deal with the issues with the same

1 frequency the Coastal Commission does. They have  
2 coastal policies and wetlands, and they have a lot of  
3 expertise on it.

4 So in the absence of the Water Board making  
5 some sort of final determination on it, we're looking  
6 for some help in all this from the Coastal Commission.

7 CHAIRPERSON CHIANG: Understanding the sense  
8 of the Lieutenant Governor's office, if you would keep  
9 us apprised of the timeliness of the findings of the  
10 Coastal Commission? I'm sensitive to my colleagues and  
11 when they want to hear this. I'm not wedded to the  
12 October time frame.

13 EXECUTIVE OFFICER THAYER: Sure.

14 CHAIRPERSON CHIANG: Just want to keep that  
15 open.

16 EXECUTIVE OFFICER THAYER: We'll continue to  
17 coordinate with all of the commissioners' offices about  
18 this.

19 ALTERNATE MEMBER BUGSCH: In terms of  
20 location, that October meeting is in?

21 EXECUTIVE OFFICER THAYER: San Diego.

22 ALTERNATE MEMBER BUGSCH: San Diego.

23 EXECUTIVE OFFICER THAYER: Yes.

24 ALTERNATE MEMBER BUGSCH: And then August in  
25 LA.

1 EXECUTIVE OFFICER THAYER: If we heard it  
2 then, it would be proximate to the location.

3 ALTERNATE MEMBER BUGSCH: Okay.

4 EXECUTIVE OFFICER THAYER: Then I think that  
5 concludes, yes, Executive Officer's Report.

6 CHAIRPERSON CHIANG: Thank you. The next item  
7 of business is the Consent Calendar. Is there anyone  
8 in the audience who wishes to speak on an item that is  
9 still on the Consent Calendar?

10 Seeing none, if not, the remaining group of  
11 consent items will be taken up as a group for a single  
12 vote. Is there a motion?

13 EXECUTIVE OFFICER THAYER: I just want to make  
14 sure that we are clear the two items that are being  
15 removed from consent are items 8 and 26.

16 One of those deals with emission control for  
17 the dust at Owens Lake. And the other one is  
18 associated with an emergency revetment to prevent  
19 erosion already in place at a beach in Santa Barbara  
20 County. We expect to hear those at a later date.

21 CHAIRPERSON CHIANG: Okay. That's noted.

22 ALTERNATE MEMBER BUGSCH: I move to approve  
23 the Consent Calendar, taking items 8 and 26 off that  
24 calendar.

25 COMMISSIONER SHEEHAN: And I'll second.

1           CHAIRPERSON CHIANG: We have a motion by  
2 Brian, seconded by Anne. Without objection, the motion  
3 passes.

4           Next item.

5           EXECUTIVE OFFICER THAYER: The next item is  
6 the sole item on the regular calendar which is a  
7 resolution requested by the Controller's Office to  
8 support HR 21, a measure presently in Congress.

9           Mario De Bernardo, our legislative  
10 representative, will make the presentation.

11          CHAIRPERSON CHIANG: Okay.

12          MR. DeBERNARDO: Good morning, Mr. Chairman  
13 and Committee members. Mario De Bernardo, Legislative  
14 Liaison for State Lands.

15                 And this resolution here is in support of the  
16 Ocean Conservation Education and National Strategy for  
17 the 21st Century Act, which is HR 21, otherwise known  
18 as oceans 21. And the author is Sam Farr in the House  
19 of Representatives.

20                 This bill is in response to two Commission  
21 reports, one by the Pew Oceans Commission, the other by  
22 the US Commission on Ocean Policies. And these reports  
23 were conducted earlier in this decade, and they  
24 concluded that major changes in ocean management are  
25 needed to stop degradation of ocean resources and to

1 restore and protect oceans for future generations.

2 The bill does five things.

3 It establishes a national ocean policy to  
4 minimize environmental impacts to ocean waters, coastal  
5 waters, and to ocean resources.

6 It creates a Committee on Ocean Policy in the  
7 Executive Office to implement the national ocean  
8 policy.

9 And the third thing it does is formally  
10 codifies NOAA which was created in 1970 according to an  
11 a Executive Order by President Nixon. This would  
12 formally codify NOAA.

13 The fourth thing it would do is implement this  
14 regional ocean coordination program which would split  
15 the country into nine different regions, and there  
16 would be a partnership between state and federal  
17 agencies and entities to develop a regional ocean plan  
18 which would then be implemented through this bill.

19 And it creates a trust fund and also a stamp  
20 to fund the program.

21 CHAIRPERSON CHIANG: Okay, very good. Any  
22 comments?

23 COMMISSIONER SHEEHAN: No. I would be happy  
24 to move approval.

25 CHAIRPERSON CHIANG: Would anybody like to

1 make public comment? Okay. I'll accept a motion.

2 COMMISSIONER SHEEHAN: I'll move approval of  
3 the resolution.

4 CHAIRPERSON CHIANG: We have a motion by Anne.

5 ALTERNATE MEMBER BUGSCH: Second.

6 CHAIRPERSON CHIANG: Second by Brian. Without  
7 objection, motion passes.

8 COMMISSIONER SHEEHAN: Very good.

9 EXECUTIVE OFFICER THAYER: Actually, that's  
10 all of the regular calendar items except we have one  
11 off-calendar item that we wanted to bring up, and that  
12 is to appropriately recognize Jack Rump in his  
13 impending retirement.

14 And I think what I'd like to do is read the  
15 resolution, and perhaps if the Commissioners would sign  
16 this resolution and would care to make comments then I  
17 might close with a few since I worked with Jack so  
18 much.

19 CHAIRPERSON CHIANG: Sure.

20 EXECUTIVE OFFICER THAYER: And it's an  
21 unfortunately big day for me. But let me read through  
22 this resolution because it says a lot about Jack:

23 A Resolution by the California State  
24 Lands Commission Commending Jack E. Rump  
25 WHEREAS, Jack Rump has given the People

1 of California over 35 years of dedicated  
2 and distinguished public service; and  
3 WHEREAS, Jack Rump, following two years  
4 of private practice, entered state  
5 service with the Department of Social  
6 Welfare in November of 1972 as a hearing  
7 referee, during which time he also  
8 taught Business Law at the University of  
9 the Pacific; and  
10 WHEREAS, Jack Rump, since May 1973, has  
11 provided expert legal advice to the  
12 Commission and its staff, initially as a  
13 Legal Counsel, followed by his promotion  
14 to Staff Counsel and in June 1984  
15 Assistant Chief Counsel; and  
16 WHEREAS, Jack Rump, since 1995, has  
17 served as the Chief Counsel of the  
18 California State Lands Commission and  
19 has now been a legal counselor to the  
20 Commission for over half of its 70 year  
21 existence, longer than any other  
22 attorney; and  
23 WHEREAS, Jack Rump has guided the  
24 Commission's legal staff with his  
25 expertise, supervision and leadership;

1 I don't know about supervision.

2 (Laughter)

3 And

4 WHEREAS, Jack Rump's accomplishments  
5 include providing environmental  
6 protection to tens of thousands of acres  
7 of San Francisco Bay wetlands and Public  
8 Trust lands through litigation and by  
9 negotiations of major title settlements,  
10 including the 10,000+ acre Westbay  
11 Settlement; and

12 WHEREAS, Jack Rump provided the  
13 Commission with the legal guidance  
14 necessary to resolve a major dispute  
15 involving public access to moorings for  
16 recreational vessels at Catalina Island;  
17 and

18 WHEREAS, Jack Rump's Renaissance Man  
19 knowledge, including expertise involving  
20 complex areas of Constitutional law, the  
21 Public Trust Doctrine, environmental  
22 law, administrative law, land title and  
23 boundary law and public rights, has  
24 resulted in a legacy of benefits to the  
25 People of California; and



1           WHEREAS, as a result of his  
2           conscientious commitment, dedication and  
3           superior intellect Jack Rump has  
4           succeeded in compiling an impressive  
5           record of career achievements and earned  
6           the admiration and respect of not only  
7           those who have had the privilege of  
8           working with him, but those representing  
9           opposing interests; now therefore be it  
10          RESOLVED BY THE CALIFORNIA STATE LANDS  
11          Commission, that Jack E. Rump be  
12          commended and thanked for his  
13          distinguished record of professional  
14          public service for more than thirty-five  
15          years representing and advising the  
16          California State Lands Commission; we  
17          extend sincere best wishes for a  
18          rewarding and gratifying retirement; and  
19          the Commission wishes Jack, his wife  
20          Sally and their daughter Megan the very  
21          best in the years to come.  
22          I hereto set my hand and have caused the  
23          Seal of the California State Lands  
24          Commission to be affixed on this 24th  
25          day of June, of the Year 2008.

1 (Ovation)

2 CHAIRPERSON CHIANG: Very good. I know all  
3 three commissioners would like to make comments.  
4 Brian?

5 ALTERNATE MEMBER BUGSCH: Yeah. I would just  
6 like -- I worked with Jack for about a year and a half  
7 now, and his integrity and work and knowledge and sage  
8 advice helping guide me and the Commissioner through  
9 everything is very much appreciated.

10 I wonder if that resolution is only slightly  
11 shorter than his tenure with the State --

12 (Laughter)

13 ALTERNATE MEMBER BUGSCH: But I don't know  
14 that I can add too much more to that. We just really  
15 appreciate you and I think we're really going to miss  
16 you. And I think -- I know there's a whole body of  
17 people underneath Paul and Jack, and they're kind of  
18 the figureheads we deal with primarily and everything.

19 I think that he's a great representative of  
20 everything and helps synthesize all that, and I know  
21 the team underneath him is tremendous. And the  
22 Commissioner and I both work with lots of different  
23 State entities and everything, you know, and this is  
24 one of the most impressive bodies that I've ever worked  
25 with and staffs I've ever worked with, and I think

1 you're a big part of that, Jack, and I wish you the  
2 best in future.

3 And as always, Commission Garamendi is never  
4 to be outdone, right? So he also is giving Jack a  
5 resolution. I won't read it here, but I'll give that  
6 to you after we're all done and everything.

7 So thank you, Jack.

8 CHAIRPERSON CHIANG: Great. Anne?

9 COMMISSIONER SHEEHAN: Sure. I would like to  
10 add my sentiments to both Brian's and the resolution.  
11 Let's see, I think I've been on a little bit longer  
12 than four years.

13 But I have to say it is truly your wisdom and  
14 counsel that I've been able to navigate and help me  
15 understand better the issues before the Commission. So  
16 I really appreciate and respect the dedication that you  
17 have for this.

18 We wish you the best in your retirement.  
19 We're going to miss you. You have really made it  
20 easier for me to do my job. So with that, I will  
21 always be truly grateful and wish you the best.

22 CHAIRPERSON CHIANG: Thank you, Anne.

23 My comments: Jack, you've been nothing short  
24 of extraordinary. You have been most generous in your  
25 assistance. You obviously bring formidable

1 intellectual competence to the work here. You are held  
2 in extraordinarily high regard, and you have my -- and  
3 this is heartfelt -- thanks.

4 We are very, very blessed in this state to  
5 have wonderful talent, and you're part of the blessings  
6 of this great state.

7 So I wish you, your wife Sally, and Megan -- I  
8 guess you can try to learn French from her and you can  
9 speak German as you do your travels, even though it's a  
10 little bit expensive now with the dollar.

11 But I hope you look back very, very fondly  
12 upon your work here because we hold you in the deepest  
13 regard.

14 EXECUTIVE OFFICER THAYER: And I'd like to  
15 just add a couple comments of my own.

16 Obviously I would echo everything the  
17 Commission had to say. It represents a lot of my own  
18 views toward Jack.

19 But I think the Commission cannot know the  
20 number of times problems have been resolved early on  
21 and never get to you, or when they finally do get to  
22 you, they have been fully worked up and developed, that  
23 the options have been clarified, the lousy ones that I  
24 think of have been discarded.

25 And the work of the Commission is enormously

1 facilitated, not only at a Commission meeting like  
2 this, but day-to-day operations in the Commission  
3 offices.

4 Jack's voice has been one of wisdom, and I  
5 really cannot count the number of times where he sort  
6 of, Paul, you know, do you really want to go there and  
7 have you thought about the consequences of that?

8 And I'm a fool if I don't accept his advice on  
9 these sorts of things, so I always do.

10 So it's going to be an enormous loss for me on  
11 a day-to-day basis to figure out how we're going to do  
12 this stuff. I can't imagine without Jack's presence.

13 So I'm just hoping he won't be a stranger and  
14 will come by and I'll ask okay, on this one, what  
15 should we do. And I really appreciate his fellowship  
16 and advice since I've been with the Commission.

17 So with that, perhaps -- we do have a couple  
18 of cameras. Curtis you brought yours as well. We  
19 could do a presentation of the resolution.

20 CHAIRPERSON CHIANG: Is there anybody who  
21 would like to make comments about Jack? This is your  
22 last chance.

23 (Laughter)

24 CHAIRPERSON CHIANG: Let's go off the record.

25 (Presentation of the Resolution)

1 CHIEF COUNSEL RUMP: I should say a few words.

2 (Laughter)

3 CHIEF COUNSEL RUMP: I'll keep it to three,  
4 which is my normal manner.

5 Yeah, it is a difficult moment for me because  
6 I've had a wonderful career, and it's very much due to  
7 fine commissioners such as you.

8 It's been wonderful to see people come in new  
9 to a subject matter which is extremely complex, pick it  
10 up with the ease that you do, and then implement it  
11 with good public policy. I couldn't be happier when I  
12 see that.

13 We deal with a complex mixture of history, of  
14 law, of science, public policy, all stirred around,  
15 public input, and you've made terrific decisions.

16 I was particularly proud to be here during the  
17 L&G hearings which were very difficult and very  
18 controversial, but we saw it through and got it done.

19 I have had the pleasure over a number of  
20 years. When I began with the Commission, think of it.  
21 Ronald Reagan was governor. Not president, but  
22 governor.

23 So it's been a few years, and it's a little  
24 shocking to me to hear that I've been here half the  
25 existence of the term of the creation of this

1 Commission. So in many ways these will be terrific  
2 memories, but I think the thing that makes me happiest  
3 is the baton has been passed to you. The torch has  
4 come from future Commissions, from you, and from the  
5 ones in the past. There is a continuity.

6 This is an interesting doctrine we have, the  
7 Public Trust. It means something. And it's to be  
8 used. And I couldn't be happier to have you all in  
9 office now. I feel like the days are assured that the  
10 public will get the full benefit.

11 Thank you very much. Appreciate everything.

12 EXECUTIVE OFFICER THAYER: And the last item  
13 on the regular session.

14 CHAIRPERSON CHIANG: Okay. Would anybody like  
15 to make any public comment? This is the time for  
16 public comment. Okay. Hearing none, we will now  
17 adjourn into Closed Session.

18 --o0o--

19 (Thereupon the CALIFORNIA STATE LANDS  
20 Commission meeting adjourned to Closed  
21 Session at 10:35 a.m.)  
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24  
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