

MEETING
STATE OF CALIFORNIA
LANDS COMMISSION

STATE CAPITOL
ROOM 447
SACRAMENTO, CALIFORNIA 95814

FRIDAY, FEBRUARY 22, 2013
10:00 A.M.

TIFFANY C. KRAFT
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 12277

APPEARANCES

COMMISSION MEMBERS

Mr. Gavin Newsom, Chairperson Lieutenant Governor, also represented by Mr. Chris Garland

Mr. John Chiang, State Controller, represented by Mr. Alan Gordon

Ms. Ana J. Matosantos, Director of Finance, represented by Mr. Pedro Reyes

STAFF

Ms. Jennifer Lucchesi, Executive Officer

Mr. Mark Meier, Assistant Chief Counsel

Ms. Jennifer De Leon, Coordinator, Renewable Energy Program

Ms. Grace Kato, Public Land Manager, Division of Land Management

Ms. Sheri Pemberton, Legislative Liaison

Mr. Chris Scianni, Staff Environmental Scientist

ATTORNEY GENERAL

Mr. Joseph Rusconi

ALSO PRESENT

Ms. Shaunn Cartwright, Peninsula Direct Action

Mr. Rick Drain, Save Pete's Harbor

APPEARANCES CONTINUED

ALSO PRESENT

Mr. James Lee, Save Pete's Harbor

Ms. Alison Madden, Pete's Harbor

Mr. Eric Pease

Mr. Joseph Rojas, Peninsula Direct Action

INDEX

	<u>PAGE</u>
I. 10:00 A.M. - OPEN SESSION	
II. CONFIRMATION OF MINUTES FOR THE SPECIAL MEETING OF January 24, 2013	2
III. EXECUTIVE OFFICER'S REPORT	2
IV. CONSENT CALENDAR C01-C98	5
Motion and Vote	6

C01

JAMES R. DAVENPORT AND SUSAN M. DAVENPORT, CO-TRUSTEES UNDER THE JAMES R. AND SUSAN M. DAVENPORT FAMILY TRUST DATED JULY 15, 2004; TIMOTHY EDWARD ROWE AND ROSE MARY ROWE; AND KIM G. ROWE AND CANDICE L. ROWE (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Donner Lake, adjacent to 13992 South Shore Drive, near the town of Truckee, Nevada County; for an existing pier. (PRC 7547.1; RA# 03411) (A 1; S 1) (Staff: G. Asimakopoulos)

C02

GERALD A. LINGLEBACH, TRUSTEE OF THE GERALD A. LINGLEBACH TRUST, DATED APRIL 30, 2007 (ASSIGNOR); LAWRENCE R. SOLOMON AND JANE A. SOLOMON, TRUSTEES OF THE SOLOMON FAMILY TRUST OF 1997, DATED JANUARY 6, 1997, AS AMENDED AND RESTATED (ASSIGNEE): Consider application for the assignment of Lease No. PRC 3525.9, a Recreational Pier Lease, of sovereign land located in Lake Tahoe, adjacent to 2590 West Lake Boulevard, near Tahoe City, Placer County; for an existing pier, boathouse, boat lift, and two mooring buoys. (PRC 3525.9; RA# 13712) (A 1; S 1) (Staff: G. Asimakopoulos)

C03

WILLIAM G. FLECKLES AND JACQUELINE N. FLECKLES (ASSIGNORS); SHELDON J. KAPHAN, TRUSTEE OF THE SHELDON J. KAPHAN REVOCABLE TRUST OF 2000, DATED DECEMBER 19, 2000 (ASSIGNEE): Consider application for the assignment of Lease No. PRC 3505.9, a Recreational Pier Lease, of sovereign land located in Lake Tahoe, adjacent to 3095 Jameson Beach Road, near the city of South Lake Tahoe, El Dorado County; for an existing pier and one mooring buoy. (PRC 3505.9; RA# 11812) (A 5; S 1) (Staff: G. Asimakopoulos)

INDEX CONTINUED

PAGE

C04

JOHN O. WYATT, TRUSTEE OF THE JOHN O. WYATT, JR. TRUST, INITIALLY ESTABLISHED ON AUGUST 14, 2001 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 14060 State Highway 160, near Walnut Grove, Sacramento County; for an existing uncovered floating boat dock, two pilings, and gangway. (PRC 7604.1; RA# 04812) (A 11; S 3) (Staff: G. Asimakopoulos)

C05

KENDALL F. ROSEMEYER, AS TRUSTEE FOR THE KENDALL F. ROSEMEYER REVOCABLE INTER VIVOS TRUST DATED NOVEMBER 11, 1998, AS AMENDED (LESSEE); JAROTH II, LLC, A DELAWARE LIMITED LIABILITY COMPANY (APPLICANT): Consider termination of Lease No. PRC 8105.9, a Recreational Pier Lease, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6103 North Lake Boulevard, near Tahoe Vista, Placer County; for an existing pier, boat lift, and two mooring buoys. (PRC 8105.1; RA# 04212) (A 1; S 1) (Staff: G. Asimakopoulos)

C06

JOHN E. WARNOCK AND MARVA M. WARNOCK, AS TRUSTEES OF THE WARNOCK FAMILY TRUST DATED AUGUST 27, 2012 (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5470 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier previously authorized by the Commission and one existing mooring buoy not previously authorized by the Commission. (PRC 4186.1; RA# 15712) (A 1; S 1) (Staff: G. Asimakopoulos)

C07

ANNE B. PHIPPS, TRUSTEE, OR HER SUCCESSOR, OF THE RICHARD L. PHIPPS AND ANNE B. PHIPPS EXEMPTION TRUST (APPLICANT): Consider rescission of approval of Lease No. PRC 8698.9, a Recreational Pier Lease, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3295 West Lake Boulevard, near Tahoe City, Placer County; for two existing mooring buoys. (PRC 8698.9; RA# 09005) (A 1; S 1) (Staff: R. Barham)

INDEX CONTINUED

PAGE

C08

SCOTT EDMONDSON, MARK EDMONDSON, AND GREGG EDMONDSON, TRUSTEES OF THE EDMONDSON HERITAGE TRUST; AND GEORGE EDMONDSON, TRUSTEE OF THE JANET LOUISE EDMONDSON IRREVOCABLE TRUST; AND KEVIN R. RAY AND LEE E. SEVISON (APPLICANTS): Consider application for a General Lease - Recreational Use of sovereign land located in Lake Tahoe, adjacent to 5390 and 5394 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing joint-use pier previously authorized by the Commission and two existing open-sided boathouses, two boat lifts, and two mooring buoys not previously authorized by the Commission. (PRC 3310.9; RA# 20209) (A 1; S 1) (Staff: R. Barham)

C09

KJELL H. QVALE, TRUSTEE OF THE KJELL H. QVALE SURVIVOR'S TRUST; AND KJELL H. QVALE, TRUSTEE OF THE KATHRYN C. QVALE NONEXEMPT MARITAL TRUST DATED JANUARY 31, 2006 (APPLICANTS): Consider rescission of approval of Lease No. PRC 4317.9, a Recreational Pier Lease, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4410 North Lake Boulevard, near Tahoe City, Placer County; for an existing pier previously authorized by the Commission, and an existing boat lift and one mooring buoy not previously authorized by the Commission. (PRC 4317.9; RA# 14305) (A 1; S 1) (Staff: R. Barham)

C10

MEGANNE G. HOUGHTON-BERRY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 9120 South Lane, near Meeks Bay, El Dorado County; for two existing mooring buoys not previously authorized by the Commission. (W 26397; RA# 19309) (A 5; S 1) (Staff: R. Barham)

C11

ROBERT W. PETERS AND CAROLYN H. PETERS, TRUSTEES OF THE ROBERT W. PETERS AND CAROLYN H. PETERS 1992 TRUST UTA JANUARY 10, 1992 (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3220 Edgewater Drive, near Tahoe City, Placer County; for two existing mooring buoys not previously authorized by the Commission. (W 26399; RA# 20109) (A 1; S 1) (Staff: R. Barham)

INDEX CONTINUED

PAGE

C12

RONALD SCHWARCZ, AS TRUSTEE OF THE RONALD SCHWARCZ REVOCABLE LIVING TRUST AGREEMENT DATED JULY 7, 1993, AS RESTATED AND AMENDED (LESSEE); DOMINIC A. IANNITTI, TRUSTEE OF THE DOMINIC IANNITTI TRUST DATED NOVEMBER 13, 2002 (APPLICANT): Consider termination of Lease No. PRC 4147.9, a Recreational Pier Lease, and an application for a General Lease - Recreational Use of sovereign land located in Lake Tahoe, adjacent to 3099 Jameson Beach Road, city of South Lake Tahoe, El Dorado County; for an existing pier and two mooring buoys. (PRC 4147.9; RA# 15608) (A 5; S 1) (Staff: R. Barham)

C13

RAYMOND L. DEGENNARO AND MARGARET E. DEGENNARO, TRUSTEES OF THE DEGENNARO FAMILY TRUST DATED AUGUST 20, 1991 (APPLICANTS): Consider application for a General Lease - Recreational and Protective Structure Use of sovereign land located in the Sacramento River, adjacent to 17376 Grand Island Road, near the city of Isleton, Sacramento County; for an existing fishing pier, ramp, and uncovered floating boat dock with two metal brace attachments attached to deadmen on the upland, previously authorized by the Commission, and existing bank protection not previously authorized by the Commission. (PRC 5597.9; RA# 24809) (A 8; S 4) (Staff: R. Boggiano)

C14

KENNETH W. ADGATE JR. AND DONNA L. ADGATE (LESSEES): Consider revision of rent to Lease No. PRC 8780.1, a General Lease - Recreational Use, of sovereign land located in Georgiana Slough, adjacent to 17035 Terminous Road, in the city of Isleton, Sacramento County; for an existing single-berth covered floating boat dock with boat lift, four attached covered personal watercraft lifts, four pilings, ramp, and an uncovered area of the dock used for water-oriented recreational purposes with a slide and diving board. (PRC 8780.1) (A 8, 15; S 2, 5) (Staff: R. Boggiano)

INDEX CONTINUED

PAGE

C15

JOHN W. WARD AS TRUSTEE OF THE EXEMPTION TRUST, AND JOHN W. WARD, JR., EDWARD B. WARD III, PAMELA C. W. COOPER, AND MICHAEL J. WARD (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3300 Edgewater Drive, near Tahoe City, Placer County; for one existing buoy previously authorized by the Commission, and one existing buoy not previously authorized by the Commission. (PRC 5356.1; RA# 26909) (A 1; S 1) (Staff: R. Boggiano)

C16

FRANK E. SILVA, JR. AND ANGELA SILVA (APPLICANTS): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 17364 Grand Island Road, near the city of Isleton, Sacramento County; for an existing uncovered floating boat dock, gangway, and pier previously authorized by the Commission, and existing bank protection not previously authorized by the Commission. (PRC 4809.1; RA# 14912) (A 8; S 4) (Staff: R. Boggiano)

C17

JILL STEINBACHER AND MICHAEL STEINBACHER (APPLICANTS): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 13201 River Road, near the town of Courtland, Sacramento County; for the construction of a single-berth uncovered floating boat dock, six steel pilings, metal gangway and bridge, concrete landing, utility conduit to accommodate electric, water, and irrigation lines; and existing bank protection not previously authorized by the Commission. (W 26625; RA# 08612) (A 9; S 3) (Staff: V. Caldwell)

INDEX CONTINUED

PAGE

C18

CHARLES (CHUCK) GREGORY KLEIN AND JOAN E. (JONI) KLEIN, CO-TRUSTEES OF THE CHUCK AND JONI KLEIN FAMILY TRUST (APPLICANTS): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 2125 Garden Highway, near the city of Sacramento, Sacramento County; for the construction of an uncovered floating boat dock, two steel pilings, gangway, and utility conduit to accommodate electric and water lines; and an existing concrete landing and bank protection not previously authorized by the Commission. (W 26592; RA# 32011) (A 7; S 6) (Staff: V. Caldwell)

C19

JOEY N. CARTER AND RENEE M. CARTER, TRUSTEES OF THE JOEY N. CARTER AND RENEE M. CARTER FAMILY REVOCABLE TRUST OF 1997 (APPLICANTS): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 3941 Garden Highway, near the city of Sacramento, Sacramento County; for an existing uncovered floating boat dock, three steel pilings, gangway, electric and water utility outlet, and bank protection not previously authorized by the Commission. (W 25786, RA# 09412) (A 5, 9; S 6) (Staff: V. Caldwell)

C20

GENE H. COLVER AND KATHY C. COLVER (LESSEES): Consider revision of rent to Lease No. PRC 5498.1, a General Lease - Commercial Use, of sovereign land located in the Sacramento River, adjacent to 14090 State Highway 160, Walnut Grove, Sacramento County; for a commercial marina known as Deckhands. (PRC 5498.1) (A 8, 5; S 14, 15) (Staff: V. Caldwell)

C21

CRESCENT CITY HARBOR DISTRICT (LESSEE): Consider application for an amendment to Lease No. PRC 5202.9, a Dredging Lease, of legislatively-granted sovereign land located in the Crescent City Harbor, Pacific Ocean, near Crescent City, Del Norte County; to authorize the extension of time to dredge a maximum of 502,000 cubic yards of sediment from the Crescent City Harbor Inner and Outer Boat Basin. (PRC 5202.9; RA# 13312) (A 2; S 2) (Staff: R. Collins)

INDEX CONTINUED

PAGE

C22

CHARLES WILBUR KING, TRUSTEE OF THE 1999 MICHAEL JAMES KING FAMILY TRUST DATED MARCH 26, 1999 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4830 West Lake Boulevard, near Homewood, Placer County; for one existing mooring buoy. (PRC 8400.1; RA# 10711) (A 1; S 1) (Staff: M.J. Columbus)

C23

ANTHONY P. REBELE AND ELIZABETH A. REBELE, TRUSTEES UNDER THE ANTHONY P. REBELE AND ELIZABETH A. REBELE 1994 TRUST (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6120 and 6115 West Lake Boulevard, near Homewood, Placer County; for one existing mooring buoy not previously authorized by the Commission. (W 26637; RA# 10712) (A 1; S 1) (Staff: M.J. Columbus)

C24

JOHN OROSZ AND DIANA OROSZ (APPLICANTS): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 2365 Garden Highway, near the city of Sacramento, Sacramento County; for an existing covered floating boat dock, boat lift, gangway, and bank protection not previously authorized by the Commission. (PRC 6053.1; RA# 10612) (A 5; S 6) (Staff: M.J. Columbus)

C25

JOSEPH P. BARATTA, II AND ABIGAIL W. BARATTA (LESSEES): Consider application for an amendment to Lease No. PRC 4330.1, General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5486 North Lake Boulevard, near Carnelian Bay, Placer County; for a proposed modification to an existing pier, removal of a sundeck with stairs, and revision of rent. (PRC 4330.1; RA# 14212) (A 1; S 1) (Staff: M.J. Columbus)

INDEX CONTINUED

PAGE

C26

JUDITH A. WRIGHT, TRUSTEE OF THE WRIGHT TRUST, DATED NOVEMBER 22, 1983, AS AMENDED AND RESTATED ON JUNE 10, 1998 (LESSEE); 3790 NLB, LLC., A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider termination of Lease No. PRC 5751.9, a Recreational Pier Lease, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3790 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, boat lift, and two existing mooring buoys. (PRC 5751.1; RA# 27111) (A 1; S 1) (Staff: M.J. Columbus)

C27

RAY STONE, JR., TRUSTEE OF THE RAY STONE TAHOE RESIDENTIAL TRUST DATED MAY 18, 1999 AND MARY LOU STONE, TRUSTEE OF THE MARY LOU STONE TAHOE RESIDENTIAL TRUST DATED MAY 18, 1999 (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4880 West Lake Boulevard, near Homewood, Placer County; for two existing mooring buoys. (PRC 8357.1; RA# 30710) (A 1; S 1) (Staff: M.J. Columbus)

C28

WILLIAM R. TIMKEN AND JUDITH P. TIMKEN, TRUSTEES OF THE 2007 WILLIAM R. TIMKEN QUALIFIED PERSONAL RESIDENCE TRUST I B AND TRUST II B U/D/T DATED SEPTEMBER 10, 2007; AND WILLIAM R. TIMKEN AND JUDITH P. TIMKEN, TRUSTEES OF THE 2007 JUDITH P. TIMKEN QUALIFIED PERSONAL RESIDENCE TRUST I B AND TRUST II B U/D/T DATED SEPTEMBER 10, 2007 (LESSEES): Consider revision of rent to Lease No. PRC 3705.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1300 West Lake Boulevard, Tahoe City, Placer County; for a pier, boat hoist, slip, and sundeck. (PRC 3705.1) (A 1; S 1) (Staff: W. Hall)

INDEX CONTINUED

PAGE

C29

SALVATORE P. SCURTI AND SHIRLEY A. SCURTI, AS TRUSTEES OF THE SCURTI FAMILY REVOCABLE TRUST OF FEBRUARY 3, 1997 (LESSEES); LUIS PARRAGUE AND SHARON PARRAGUE (APPLICANTS): Consider termination of Lease No. PRC 5728.9, a Recreational Pier Lease, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3115 West Lake Boulevard, near Tahoe City, Placer County; for an existing mooring buoy. (PRC 5728.1; RA# 13112) (A 1; S 1) (Staff: W. Hall)

C30

NORMAN W. SCHLINGER, TRUSTEE OF THE NORMAN WARREN SCHLINGER LIVING TRUST, DATED APRIL 17, 1995 (APPLICANT): Consider application for a General Lease - Recreational Use of sovereign land located in Lake Tahoe, adjacent to 5298 North Lake Boulevard, Tahoe City, Placer County; for an existing pier, open-sided boathouse, boat lift, and two mooring buoys. (PRC 4878.1; RA# 09812) (A 1; S 1) (Staff: W. Hall)

C31

ALBERT S. WEAVER, III AND KATHERINE WEAVER BARNETT, AS SUCCESSOR CO-TRUSTEES OF THE ALBERT S. WEAVER, JR. AND EMILY BAKER WEAVER TRUST DATED DECEMBER 31, 1969 (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8797 Rubicon Drive, near Rubicon Bay, El Dorado County, for an existing pier previously authorized by the Commission and two existing mooring buoys not previously authorized by the Commission. (PRC 3094.1; RA# 24911) (A 5; S 1) (Staff: C. Hudson)

C32

KENNETH D. VANDEVENTER AND JUDITH M. VANDEVENTER, TRUSTEES OF THE KENNETH AND JUDITH VANDEVENTER FAMILY TRUST, UNDER TRUST DATED APRIL 11, 2006 (APPLICANTS): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the San Joaquin River, adjacent to 491 W. Brannan Island Road, near Isleton, Sacramento County, for an existing uncovered single-berth floating boat dock, walkway, gangway, and five pilings, previously authorized by the Commission and existing bank protection not previously authorized by the Commission. (PRC 8331.1; RA# 05211) (Staff: C. Hudson)

INDEX CONTINUED

PAGE

C33

ROBERT P. VALLIER AND MABLE R. VALLIER TRUSTEES OF THE VALLIER LIVING TRUST DATED JULY 10, 1996 (LESSEES/APPLICANTS): Consider acceptance of a quitclaim deed for Lease No. PRC 6108.1, a General Lease - Commercial Use; and an application for a General Lease - Commercial Use, of filled and unfilled sovereign land located in Mayberry Slough, near the city of Rio Vista, Sacramento County; for an existing marina with parking, known as Sherman Lake Marina, previously authorized by the Commission and an existing recreational vehicle camping area and breakwater not previously authorized by the Commission. (PRC 6108.1; RA# 04611) (A 15; S 5) (Staff: N. Lavoie)

C34

MARK C. STEVENSON AND RAQUEL A. STEVENSON, AS CO-TRUSTEES OF THE STEVENSON FAMILY TRUST, DATED NOVEMBER 7, 2005 (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 7829 Garden Highway, near the city of Verona, Sutter County; for an existing uncovered floating boat dock, gangway, and four pilings previously authorized by the Commission and an existing boat lift and electrical and water conduit not previously authorized by the Commission. (PRC 7649.1; RA# 10512) (A 5; S 4) (Staff: N. Lavoie)

C35

MARK D. LENG AND SHERRI E. LENG (APPLICANTS): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 2541 Garden Highway, near the city of Sacramento, Sacramento County; for an existing uncovered floating single-berth boat dock, ramp, two pilings, and bank protection. (PRC 7833.1; RA# 08112) (A 7; S 6) (Staff: N. Lavoie)

INDEX CONTINUED

PAGE

C36

JANE TRIEST BURROWS, SOLE TRUSTEE OF THE SUMMER AND JANE BURROWS COMMUNITY PROPERTY TRUST, DATED NOVEMBER 7, 1989 (LESSEE); PEDER E. JONES AND NANCY B. JONES, TRUSTEES OF THE PEDER AND NANCY JONES LIVING TRUST U/D MARCH 25, 2009 (APPLICANTS): Consider termination of Lease No. PRC 4762.9, a Recreational Pier Lease, and an application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 17436 Grand Island Road, near Isleton, Sacramento County; for an existing uncovered floating boat dock, two pilings, and gangway previously authorized by the Commission and existing bank protection not previously authorized by the Commission. (PRC 4762.1; RA# 12012) (A 11; S 7) (Staff: N. Lavoie)

C37

BARRY N. FINKEL AND MARLA L. MCCLAREN (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 973 Piedmont Drive, near the city of Sacramento, Sacramento County; for an existing uncovered floating boat dock, gangway, stairs, and guide rails. (PRC 5084.1; RA# 10412) (A 9; S 6) (Staff: N. Lavoie)

C38

JOHN LEE, TRUSTEE OF THE JOHN LEE FAMILY TRUST DATED NOVEMBER 18, 2011 (APPLICANT): Consider rescission of approval of Lease No. PRC 8963.9, a General Lease - Recreational Use, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3420 Edgewater Drive, near Tahoe City, Placer County; for two existing mooring buoys not previously authorized by the Commission. (PRC 8963.1; RA# 11712) (A 1; S 1) (Staff: N. Lavoie)

INDEX CONTINUED

PAGE

C39

PS TAHOE, LLC; WILLIAM E. HAGLER AND JEAN E. HAGLER, AS TRUSTEES OF THE HAGLER TRUST DATED JANUARY 28, 1975, FOR THE BENEFIT OF WILLIAM E. HAGLER AND JEAN E. HAGLER; JACK B. HAGLER AND ELIZABETH KOHL HAGLER, AS TRUSTEES OF THE HAGLER FAMILY TRUST UAD AUGUST 21, 2007; RICHARD W. HAGLER; KATHRYN HAGLER TAYLOR (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8559 and 8565 Meeks Bay Avenue, near Tahoma, El Dorado County; for an existing joint-use pier and four mooring buoys. (PRC 6120.1; RA# 36810) (A 5; S 1) (Staff: N. Lee)

C40

NORMAN A. NAGEL AND RITA NAGEL, AS TRUSTEES, OR ANY SUCCESSOR TRUSTEE, OF THE NORMAN A. NAGEL AND RITA NAGEL 1981 LIVING TRUST UNDER AGREEMENT DATED OCTOBER 26, 1981, AND CLINTON MYERS AND JANELLE MYERS (LESSEES): Consider revision of rent to Lease No. PRC 3257.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4904 and 4910 North Lake Boulevard, near Carnelian Bay, Placer County; for a joint-use pier, two boathouses, three boat hoists, two sundecks with stairs, and four mooring buoys. (PRC 3257.1) (A 1; S 1) (Staff: N. Lee)

C41

PATRICIA MOZART, TRUSTEE OF THE PATRICIA MOZART TRUST AGREEMENT UTA DATED DECEMBER 11, 1995 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6350 West Lake Boulevard, near Homewood, Placer County; for an existing pier, boathouse with boat lift and sundeck with stairs, and two mooring buoys previously authorized by the Commission and one existing mooring buoy not previously authorized by the Commission. (PRC 6525.1; RA# 08509) (A 1; S 1) (Staff: N. Lee)

C42

SUISUN ASSOCIATES, A JOINT VENTURE (APPLICANT): Consider application for a General Lease - Minerals Extraction, of sovereign lands located in Suisun Bay in Solano, Sacramento and Contra Costa counties; for commercial sand and gravel extraction. (PRC 7781.1; RA# 21705) (A 8, 11; S 7) (Staff: D. Oetzel, J. Frey)

INDEX CONTINUED

PAGE

C43

VALERO REFINING COMPANY-CALIFORNIA (APPLICANT): Consider application for a Dredging Lease to dredge material from legislatively granted sovereign land, minerals reserved; located in the Carquinez Strait at the Benicia Refinery, Solano County; disposal of dredged material at approved disposal sites. (PRC 4941.9; RA# 11612) (A 7; S 2) (Staff: D. Oetzel)

C44

INVERNESS YACHT CLUB (LESSEE): Consider revision of rent to Lease No. PRC 7957.1, a General Lease - Recreational Use, of sovereign land located in Tomales Bay, near Inverness, Marin County; for continued use and maintenance of an existing walkway, pier, and two floating boat docks. (PRC 7957.1) (A 2; S 11) (Staff: S. Paschall)

C45

CHRISTIAN P. ERDMAN; AND CAROL FRANC BUCK, AS TRUSTEE UNDER THE CAROL FRANC BUCK FAMILY TRUST AGREEMENT (AS RESTATED) DATED AUGUST 25, 2004 (APPLICANTS): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, Placer County, adjacent to and offshore of an upland property located in the State of Nevada known as 53 Somers Loop, Washoe County at the State line; for one existing mooring buoy not previously authorized by the Commission. (W 26611; RA# 02812) (A 1; S 1) (Staff: B. Terry)

C46

COTTONWOOD ESTATES OWNERS ASSOCIATION, INC., A NON-PROFIT MUTUAL BENEFIT CORPORATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6548 North Lake Boulevard, Tahoe Vista, Placer County; for three existing mooring buoys not previously authorized by the Commission. (W 23330; RA# 19702) (A 1; S 1) (Staff: B. Terry)

INDEX CONTINUED

PAGE

C47

S. LARSON FAMILY LIMITED PARTNERSHIP, A NEVADA LIMITED PARTNERSHIP (LESSEE); JON W. BALL AND PAULA K. BALL, TRUSTEES OF THE JON W. BALL AND PAULA K. BALL FAMILY TRUST (APPLICANTS): Consider termination of Lease No. PRC 4994.1, a General Lease - Recreational Use, and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4850 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, boat lift, marine railway, and one mooring buoy. (PRC 4994.1; RA# 01712) (A 1; S 1) (Staff: B. Terry)

C48

GORDON PROPERTIES, L.P., A CALIFORNIA LIMITED PARTNERSHIP (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4550 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, boat lift, and two mooring buoys. (PRC 8448.1; RA# 12412) (A 1; S 1) (Staff: B. Terry)

C49

JEROME J. BERNAL, TRUSTEE OF THE JEROME J. BERNAL TRUST DATED MAY 13, 1998 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 7097 State Highway 89, near Tahoma, El Dorado County; for an existing pier and two mooring buoys previously authorized by the Commission and an existing boat lift and boat hoist not previously authorized by the Commission. (PRC 5352.1; RA# 07412) (A 5; S 1) (Staff: B. Terry)

C50

SCOTT G. DOUGLASS; GORDON DOUGLASS AND SUSAN DOUGLASS, TRUSTEES OF THE GORDON AND SUSAN DOUGLAS FAMILY 1983 REVOCABLE TRUST DATED AUGUST 2, 1983; AND LISA S. DOUGLASS (LESSEES/APPLICANTS): Consider termination of Lease No. PRC 5622.9, a Recreational Pier Lease, and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8425 Meeks Bay Avenue, near Meeks Bay, El Dorado County; for two existing mooring buoys previously authorized by the Commission and the construction of a new pier with an adjustable catwalk. (PRC 5622.1; RA# 10911) (A 5; S 1) (Staff: B. Terry)

INDEX CONTINUED

PAGE

C51

DONNER TRACT IMPROVEMENT ASSOCIATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Donner Lake, adjacent to 13954 Donner Pass Road, near the town of Truckee, Nevada County; for an existing rock crib pier and an open pile pier. (PRC 8340.1; RA# 19510) (A 1; S 1) (Staff: B. Terry)

C52

JOHN V. KEARNS (ASSIGNOR); HARRY BOYAJIAN, JR. (ASSIGNEE): Consider application for the assignment of Lease No. PRC 6387.9, a Recreational Pier Lease, of sovereign land located in Lake Tahoe, adjacent to 4720 West Lake Boulevard, near Homewood, Placer County; for an existing pier, boathouse, and two mooring buoys. (PRC 6387.9; RA# 04112) (A 1; S 1) (Staff: B. Terry)

C53

WILLIAM R. PARKER AND SUSAN D. PARKER, TRUSTEES OF THE PARKER FAMILY TRUST DATED JANUARY 21, 1997 (LESSEES): TAHOE MOUNTAIN PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider termination of Lease No. PRC 4067.9, a Recreational Pier Lease, and application for a new General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6900 West Lake Boulevard, near Tahoma, Placer County; for an existing pier, two mooring buoys, reconstruction of the existing boathouse, and replacement of the boatlift. (PRC 4067.1; RA# 16112) (A 1; S 1) (Staff: B. Terry)

CENTRAL REGION

C54

FISHBIO ENVIRONMENTAL, LLC (APPLICANT): Consider application for a General Lease - Data Collection Use, of sovereign land located in the Stanislaus River, near the town of Riverbank at river-mile 31.4, Stanislaus and San Joaquin Counties; for seasonal installation, use, maintenance, and removal of a resistance board fish counting weir, not previously authorized by the Commission. (W 26598; RA# 09212) (A 12; S 14) (Staff: G. Asimakopoulos)

INDEX CONTINUED

PAGE

C55

CITY OF TURLOCK (LESSEE): Consider application for an amendment to Lease No. PRC 8822.9, a General Lease - Public Agency Use, of sovereign land located in the San Joaquin River, adjacent to Assessor Parcel Number 058-023-028, near Crows Landing, city of Turlock, Stanislaus County; to extend the construction completion date for a slope of gabions to support a new municipal wastewater outfall pipeline, temporary installation of a sheet pile cofferdam, and placement of warning signs and buoys. (PRC 8822.9; RA# 10112) (A 26; S 12) (Staff: R. Boggiano)

C56

PORT OF STOCKTON (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the San Joaquin River, near Rough and Ready Island, adjacent to Assessor's Parcel Numbers 145-020-09 and 162-030-01, city of Stockton, San Joaquin County; for the installation of four 4-inch diameter, fiber optic cable conduits. (W 26525; RA# 15811) (A 13; S 5) (Staff: V. Caldwell)

C57

SAN JOAQUIN RIVER PARKWAY AND CONSERVATION TRUST, INC. (APPLICANT): Consider application for a General Lease - Habitat Restoration Use, of sovereign land located in the San Joaquin River, from Friant Dam to the confluence of the Merced River, including Mendota Pool, and the East Side and Mariposa bypasses, Fresno, Madera, Merced, and Stanislaus Counties; for the removal of invasive weeds and restoration of natural riparian habitat. (PRC 8162.9; RA# 05312) (A 5, 21, 23, 31; S 12, 14, 16) (Staff: R. Collins)

C58

FELCOR/CSS HOLDINGS, L.P. (APPLICANT/SUBLESSOR); DJONT OPERATIONS, LLC (SUBLESSEE): Consider termination of Lease Nos. PRC 4689.1, 4690.1, and 4691.1, each a General Lease - Commercial Use; and application for a new General Lease - Commercial Use and endorsement of a sublease, of filled and partially filled tidelands in the San Francisco Bay, city of Burlingame, San Mateo County; for an existing 10-story hotel, restaurant, lounge, hotel concessions, and public park. (PRC 4691.1; RA# 000811) (A 19; S 8) (Staff: C. Connor)

INDEX CONTINUED

PAGE

C59

STOCKTON WATER SKI CLUB, A CALIFORNIA CORPORATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the San Joaquin River, near Ward Island, San Joaquin County; for an existing uncovered floating boat dock, eight pilings, walkway, swim float, and five speed buoys previously authorized by the Commission and an existing uncovered floating boat dock, six pilings, and walkway not previously authorized by the Commission. (PRC 5373.1; RA# 04209) (A 17; S 5) (Staff: C. Hudson)

C60

MATTANIAH EYTAN (LESSEE): Consider acceptance of two Lease Quitclaim Deeds from Mattaniah Eytan and termination of Lease Nos. PRC 4680.9 and PRC 4681.9; for public purposes, of filled tide and submerged land adjacent to San Francisco Bay near the City of Burlingame, San Mateo County. (PRC 4680.9 and 4681.9) (A 22; S 13) (Staff: G. Kato, S. Haaf)

C61

SAN MATEO COUNTY HARBOR DISTRICT (APPLICANT): Consider application for a Dredging Lease to dredge material from legislatively granted sovereign land, minerals reserved; located in Half Moon Bay at the Pillar Point Harbor, San Mateo County; disposal of dredged material at the upland portion of Perch Beach on the northeast side of the inner harbor approximately 0.2 miles west of the dredge site, San Mateo County. (PRC 6619.9; RA# 01012) (A 19; S 8) (Staff: D. Oetzel)

C62

SANTA CRUZ PORT DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use of sovereign land for the continued use and maintenance of two jetties, a channel entrance, and a buried dredge disposal pipeline; and to dredge material from legislatively granted sovereign land, minerals reserved; located in the Santa Cruz Harbor in Monterey Bay in the City of Santa Cruz, Santa Cruz County; and disposal of dredged material at approved wetlands restoration sites. (PRC 2836.9; RA# 09211) (A 17; S 5) (Staff: D. Oetzel)

INDEX CONTINUED

PAGE

C63

PEBBLE BEACH COMPANY (LESSEE): Consider application for an amendment to Lease No. PRC 7958.1, a General Lease - Protective Structure Use, of sovereign land located in the Pacific Ocean, adjacent to the Pebble Beach Golf Course, Pebble Beach, Monterey County; to amend the authorized improvements to include a new seawall, revise the rent, and revise the Land Description. (PRC 7958.1; RA# 16012) (A 27; S 15) (Staff: D. Simpkin)

C64

RICHARD H. NOVAK, TRUSTEE OF THE RICHARD H. NOVAK TRUST DATED DECEMBER 3, 1986 (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located in the Pacific Ocean, adjacent to 4460 Opal Cliff Drive, near the city of Santa Cruz, Santa Cruz County; for existing riprap not previously authorized by the Commission. (W 26640; RA# 11412) (A 27; S 11) (Staff: D. Simpkin)

SOUTHERN REGION

C65

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (LESSEE): Consider application for an amendment to Lease No. PRC 8129.9, a General Lease - Public Agency Use, of sovereign land located in the Burton Mesa Ecological Reserve, near the City of Lompoc, Santa Barbara County; to add two parcels of land acquired by the California State Lands Commission subsequent to the authorization of this lease and to define the Lessee's management authority at the Burton Mesa Ecological Reserve. (PRC 8129.9) (A 35; S 19) (Staff: R. Collins)

C66

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign lands located in the historic bed of the Colorado River, in Beal Slough, near Needles, San Bernardino County; for maintenance of existing artificial fish habitat and an unimproved boat launch. (PRC 7138.9; RA# 13412) (A 33; S 16) (Staff: R. Collins)

INDEX CONTINUED

PAGE

C67

MICHAEL SHUTT AND CHRISTINE D. SHUTT, AS TRUSTEES, OR ANY SUCCESSOR TRUSTEE, UNDER THAT CERTAIN DECLARATION OF TRUST NAMED MICHAEL SHUTT AND CHRISTINE D. SHUTT FAMILY TRUST, CREATED BY MICHAEL SHUTT AND CHRISTINE D. SHUTT, AS TRUSTORS, DATED SEPTEMBER 8, 2006 (APPLICANTS): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1170 Beach Drive, City of Needles, San Bernardino County; for existing concrete stairs with railing and appurtenances, rock walls, concrete patios, landing, and riprap not previously authorized by the Commission. (W 26548; RA# 23411) (A 33; S 16) (Staff: R. Collins)

C68

WESTERN LOS ANGELES COUNTY COUNCIL, INC., BOY SCOUTS OF AMERICA (LESSEE): Consider application for an amendment to Lease No. PRC 6442.1, a General Lease - Recreational Use, of sovereign land located in the Pacific Ocean at Emerald Bay and Doctor's Cove, near Two Harbors, Santa Catalina Island, Los Angeles County; to revise the rent and Land Description. (PRC 6442.1; RA# 14712) (A 54; S 27) (Staff: K. Foster)

C69

SAN GABRIEL VALLEY COUNCIL BOY SCOUTS OF AMERICA (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Pacific Ocean, adjacent to Cherry Cove, Santa Catalina Island, Los Angeles County for an existing pier, access ramp, floats, and string line. (PRC 6441.1; RA# 11312) (A 54; S 27) (Staff: A. Franzoia)

C70

GUIDED DISCOVERIES, INC. (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Toyon Bay, Santa Catalina Island, Los Angeles County; for an existing pier, gangway, float, nine moorings, and two safety cans. (PRC 6457.1; RA# 18905) (A 54; S 27) (Staff: A. Franzoia)

INDEX CONTINUED

PAGE

C71

INTERVARSITY CHRISTIAN FELLOWSHIP (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Pacific Ocean adjacent to Gallagher Beach, Santa Catalina Island, Los Angeles County; for an existing pier, access ramp, floats, seven moorings, and swim area. (PRC 6456.1; RA# 30500) (A 54; S 27) (Staff: A. Franzoia)

C72

EMERALD BAY COMMUNITY ASSOCIATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Gulf of Santa Catalina, Laguna Beach, Orange County; for seven existing marker buoys and three existing swimmer safety lines. (PRC 4513.1; RA# 08812) (A 70; S 35) (Staff: A. Franzoia)

C73

RONNIE R. RIDENOUR AND GEORGIA H. FROUSIAKIS (LESSEES): Consider application for an amendment to Lease No. PRC 8967.1, General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1146 Beach Drive, city of Needles, San Bernardino County; to revise the rent as the stairs allow for the public access to the waters of the Colorado River. (PRC 8967.1) (A 34; S 18) (Staff: G. Kato)

C74

KENNETH D. WHEAT AND EDITH J. WHEAT, AS CO-TRUSTEES OF THE WHEAT FAMILY TRUST, U/A DATED FEBRUARY 21, 2011 (LESSEES): Consider application for an amendment to Lease No. PRC 8997.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1174 Beach Drive, city of Needles, San Bernardino County; to revise the rent as the stairs allow for the public access to the waters of the Colorado River. (PRC 8997.1) (A 34; S 18) (Staff: G. Kato)

INDEX CONTINUED

PAGE

C75

JOHN ANTHONY TESOIERO AND KIMBERLY JOAN TESORIERO, TRUSTEES OF THE JOHN AND KIMBERLY TESORIERO FAMILY TRUST (LESSEES): Consider application for an amendment to Lease No. PRC 8996.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1134 Drive, city of Needles, San Bernardino County; to revise the rent as the stairs allow for the public access to the waters of the Colorado River. (PRC 8996.1) (A 34; S 18) (Staff: G. Kato)

C76

RANDY A. BAKER, TRUSTEE OR HIS SUCCESSOR(S), FOR THE BENEFIT OF THE TCOB TRUST UNDER DECLARATION OF TRUST DATED DECEMBER 29, 1999 (APPLICANT): Consider rescission of approval for Lease No. PRC 8968.1 and an application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1218 Beach Drive, city of Needles, San Bernardino County; for an existing firepit and riprap bankline and construction of a boat dock and gangway. (PRC 8968.1) (A 34; S 18) (Staff: G. Kato)

C77

PLAINS EXPLORATION AND PRODUCTION COMPANY (PXP) (LESSEE/ASSIGNOR); FREEPORT-MCMORAN OIL & GAS LLC (ASSIGNEE): Consider a conditional approval, subject to completion of merger, of an assignment for an existing General Lease - Right-of-Way Use, of sovereign lands located in the Pacific Ocean, near Point Pedernales, Santa Barbara County; for an existing crude oil pipeline, gas pipeline, wastewater pipeline, and power cable serving Platform Irene in federal waters. (PRC 6911.1; RA# 20312) (A 35; S 19) (Staff: G. Kato)

C78

SOUTHERN CALIFORNIA EDISON (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean near Jewfish Point on Santa Catalina Island, Los Angeles County; for the use and maintenance of two existing source saltwater wells with appurtenant buried pipeline and electrical conduit, two well heads on concrete pads, and a fence surrounding the well site. (PRC 8330.1; RA #28611) (A 54; S 27) (Staff: D. Oetzel)

INDEX CONTINUED

PAGE

C79

SAN PEDRO BAY PIPELINE COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 5636.1, a General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean, San Pedro Bay, offshore of the cities of Seal Beach and Huntington Beach, Orange County; for an existing 16-inch diameter crude oil pipeline serving federal oil and gas leases within the Outer Continental Shelf in the Beta Unit Oil Field. (PRC 5636.1) (A 67; S 35) (Staff: D. Oetzel)

C80

DCOR LLC (LESSEE): Consider revision of rent to Lease No. PRC 5967.1, a General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean near the city of Oxnard, Ventura County; for two existing bundled pipeline systems, which include crude oil, natural gas, and water and electrical lines that extend offshore to serve federal oil and gas leases associated with Platforms Gina and Gilda within the Outer Continental Shelf. (PRC 5967.1) (A 35, 41; S 19, 23) (Staff: D. Oetzel)

C81

SCOTT S. BROWN, TRUSTEE U/D/T DATED MAY 23, 2011, F/B/O OF THE SCOTT S. BROWN TRUST (APPLICANT): Consider correction to prior authorization and issuance of Lease No. PRC 3859.1, a General Lease - Recreational Use, of sovereign land located in Huntington Harbour, adjacent to 16801 Bolero Lane, city of Huntington Beach, Orange County; for use and maintenance of existing boat dock, access ramp, and cantilevered deck. (PRC 3859.1; RA# 10809) (A 67; S 35) (Staff: S. Paschall)

C82

ARCO ENVIRONMENTAL REMEDIATION, LLC (Party): Approve Lease Termination Agreement for PRC 2932.1, Pacific Ocean, Santa Barbara Channel near Gaviota, Santa Barbara County. (PRC 2932.1) (A 35; S 19) (Staff: A. Scott)

C83

ARCO ENVIRONMENTAL REMEDIATION, LLC (Party): Approve Lease Termination Agreement for PRC 2739.1, PRC 3073.1 and PRC 3233.1, Pacific Ocean, Santa Barbara Channel near Coal Oil Point, Santa Barbara County. (PRC 2739.1, PRC 3073.1 and PRC 3233.1) (A 35; S 19) (Staff: A. Scott)

INDEX CONTINUED

PAGE

C84

BOBBY BOYCE GODSEY AND MARIANNE GODSEY (APPLICANTS): Consider application for a General Lease - Protective Structure and Recreational Use, of sovereign land located in the Colorado River adjacent to 1158 Beach Drive, city of Needles, San Bernardino County; for existing riprap and stairs not previously authorized by the Commission and the construction of a gangplank and floating boat dock. (W 26530; RA# 18611 (A 34; S 18) (Staff: D. Simpkin)

SCHOOL LANDS

C85

SOUTHERN CALIFORNIA EDISON COMPANY (LESSEE): Consider the revision of rent for Lease No. PRC 2378.2, a General Lease - Right-of-Way Use, of State school land located in a portion of Section 36, Township 11 North, Range 8 East, SBM, near Soda Lake, San Bernardino County; for existing 220 kV overhead transmission lines, steel support towers, and an unpaved access road. (PRC 2378.2) (A 34; S 18) (Staff: C. Hudson)

C86

MOLYCORP, INC (ASSIGNOR); MOLYCORP MINERALS, LLC (ASSIGNEE): Consider application for the assignment of Lease and continuation of rent for Lease No. PRC 6375.2, a General Lease - Right-of-Way Use, of State school land located in a portion of Section 16, Township 16 North, Range 13 East, SBM, near the unincorporated community of Mountain Pass, San Bernardino County, for an existing 14-inch diameter potable water line. (PRC 6375.2; RA# 20211) (A 34; S 17) (Staff: C. Hudson)

C87

CITY OF LOS ANGELES (LESSEE): Consider the revision of rent for Lease No. PRC 4645.2, a General Lease - Right-of-Way Use, of State school land located in a portion of Section 36, Township 2 South, Range 31 East, MDM, near the city of Bishop, Mono County; for an existing 375 kV transmission line. (PRC 4645.2) (A 25; S 1) (Staff: C. Hudson)

INDEX CONTINUED

PAGE

C88

AT&T CORP., A WHOLLY-OWNED SUBSIDIARY OF SBC COMMUNICATIONS, INC. (LESSEE): Consider revision of rent to Lease No. PRC 7202.2, a General Lease - Right-of-Way Use, of State school land located in a portion of Section 36, Township 18 North, Range 16 East, MDM, near the town of Truckee, Nevada County; for an existing fiber-optic communications cable. (PRC 7202.2) (A 3; S 1) (Staff: C. Hudson)

MINERAL RESOURCES MANAGEMENT

C89

VENOCO, INC. (ASSIGNOR) AND VINTAGE PRODUCTION CALIFORNIA LLC (ASSIGNEE): Consider approval of: (1) A lease amendment and assignment of 100 percent of Venoco, Inc.'s interest in Oil and Gas Lease No. PRC 8377.1; and (2) an assignment of 100 percent of Venoco, Inc.'s interest in Oil and Gas Lease Nos. PRC 3743.1, PRC 3986.1 and PRC 8989.1; all to Vintage Production California LLC; Colusa, Contra Costa, Solano, and Sutter Counties. (PRC 3743.1, PRC 3896.1, PRC 8377.1, PRC 8989.1) (A 2, 7, 8, 11; S 2, 4, 7) (Staff: M. LeClair)

ADMINISTRATION

C90

CALIFORNIA STATE LANDS COMMISSION (PARTY): Request authority for the Executive Officer to solicit statements of interest for consultant services, negotiate fair and reasonable price, award and execute agreements for preparation of environmental documentation and mitigation monitoring for a proposed reverse osmosis seawater desalination facility at the Moss Landing Power Plant in Moss Landing and offshore waters within the Monterey Bay National Marine Sanctuary, Monterey County. (W 30193, RA# 11112) (A & S: Statewide) (Staff: D. Brown, C. Herzog, A. Abeleda)

INDEX CONTINUED

PAGE

C91

CALIFORNIA STATE LANDS COMMISSION (PARTY): Request authority for the Executive Officer to solicit statements of interest for consultant services, negotiate fair and reasonable price, award and execute agreements for preparation of environmental documentation and mitigation monitoring for the proposed 4H Platform Shell Mounds Disposition and Carpinteria Salt Marsh Enhancement Project located both onshore and offshore the city of Carpinteria, Santa Barbara County. (W 30089, RA# 23011) (A & S: Statewide) (Staff: D. Brown, C. Herzog, A. Abeleda)

C92

CALIFORNIA STATE LANDS COMMISSION: Consider setting meeting schedule dates and locations for remainder of calendar year 2013. (A & S: Statewide) (Staff: K. Lunetta)

LEGAL

C93

MICHAEL SKARRY; CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider authorization for the staff of the California State Lands Commission and /or the Office of the Attorney General to take all steps necessary, including litigation, to cause compliance with the Commission's leasing authority; and to prohibit unauthorized mooring of vessels on sovereign state lands in San Joaquin River and Seven Mile Slough; and to remove sunken barges and cranes at the confluence of the San Joaquin River and Seven Mile Slough. (W 503.2054) (Staff: J. Frey)

C94

PALMERO LLC, DBA DELTA SHORES RESORT AND MARINA (lessee): Consider the default and termination of Lease No. PRC 2610.1, a General Lease - Recreational Use, for an existing recreational accommodation dock system with 43 berths, located in the Mokelumne River, near the city of Isleton, Sacramento County; and authorization for the staff of the California State Lands Commission and/or the Office of the Attorney General to take all steps necessary, including litigation, to cause payment of rent and back rent, the removal of the improvements, and the restoration of the land to the satisfaction of the Commission. (PRC 2610.1) (A 15; S 5) (Staff: M. Meier, R. Boggiano)

INDEX CONTINUED

PAGE

V. LEGISLATION AND RESOLUTIONS

C95

CALIFORNIA STATE LANDS COMMISSION: Consider co-sponsoring state legislation that would require trustees of legislatively granted public trust lands to address the impacts of sea level rise on natural and manmade resources and facilities located on trust lands. (A & S: Statewide) (Staff: S. Pemberton)

C96

CALIFORNIA STATE LANDS COMMISSION: Consider sponsoring state legislation to eliminate, notwithstanding any other provision of law, the requirement that dredging on granted public trust lands wherein minerals are reserved to the State requires a lease from the State Lands Commission. (A & S: Statewide) (Staff: S. Pemberton)

C97

CALIFORNIA STATE LANDS COMMISSION: Consider supporting state legislation that would prohibit stores that have a specified amount of dollar sales or retail floor space from providing single-use carryout bags and would require these stores to make recycled paper, compostable, or reusable bags available for purchase by customers. The legislation also sets standards for the definition of "reusable," requires stores to provide plastic bag recycling collection bins, and creates a reusable bag certification program administered by the Department of Resources Recycling and Recovery. (AB 158, Levine) (A & S: Statewide) (Staff: S. Pemberton)

C98

CALIFORNIA STATE LANDS COMMISSION: Consider supporting state legislation that would remove the January 1, 2014 sunset date on the State's Voluntary Vessel Turn In Program, which allows recreational vessel owners to turn in their derelict and dilapidated vessels to a public agency for the purpose of disposal. (SB 122, Lieu) (A & S: Statewide) (Staff: S. Pemberton)

VI. INFORMATIONAL

INDEX CONTINUED

PAGE

99

THE FOLLOWING ITEM IS INFORMATIONAL ONLY AND WILL BE DISCUSSED AND ACTED UPON IN A CLOSED SESSION:

CALIFORNIA STATE LANDS COMMISSION: Notification that, in closed session, a discussion will take place and instruction will be given to staff regarding negotiations over amendments to and assignment of various oil and gas leases of state lands (PRCs 735, 3120, 3242 and 3314) currently held by Venoco, Inc. Under negotiations: price and terms.

100

CALIFORNIA STATE LANDS COMMISSION: Staff update on renewable energy program activities involving school land consolidation efforts pursuant to Assembly Bill 982 and participation in the Desert Renewable Energy Conservation Plan. (A & S: Statewide) (Staff: J. DeLeon) 100

101

CALIFORNIA STATE LANDS COMMISSION (APPLICANT): Staff Report on the monitoring of possible subsidence, Long Beach Unit, Wilmington Oil Field, Los Angeles County. (W 16001, W 10442) (A 54, 55; S 27, 28) (Staff: R. B. Greenwood)

VII. REGULAR CALENDAR

102

THE STATE LANDS COMMISSION (PARTY): Consider acceptance of 7 the Legislative Report titled "2013 Biennial Report on the California Marine Invasive Species Program." (W 9777.234) (A & S: Statewide) (Staff: C. Scianni, N. Dobroski, G. Gregory) 7

Motion and Vote

20

INDEX CONTINUED

	<u>PAGE</u>
103	
CALIFORNIA STATE LANDS COMMISSION: Consider adoption of a resolution acknowledging the 150th anniversary of the Port of San Francisco and its contribution to the economic vitality of the State and the nation. (A & S: Statewide) (Staff: S. Pemberton)	20
Motion and Vote	22
104	
FRANK M. COXE, LLC (PARTY): Consider termination of Lease No. PRC 5467.1, a General Lease - Commercial Use, of sovereign land located on and adjacent to San Francisco Bay, in the city of Burlingame, San Mateo County; for a floating restaurant and appurtenant facilities, parking lot and public access amenities; and authorization for the staff of the California State Lands Commission and/or the Office of the Attorney General to take all steps necessary, including litigation, to eject Frank M. Coxe, LLC from the lease premises; to recover rents, trespass damages and/or other amounts as may be due under the lease; to cause the removal of the vessel, gangway, pilings and other restaurant-related improvements from the lease premises, including restoration of lease premises to the satisfaction of the Commission; and to take such other actions as are reasonably required or may be necessary. (PRC 5467.1) (A 19; S 8) (Staff: G. Kato)	22
Motion and Vote	27
VIII. PUBLIC COMMENT	44
IX. COMMISSIONERS' COMMENTS	

INDEX CONTINUED

PAGE

X. CLOSED SESSION: AT ANY TIME DURING THE MEETING THE COMMISSION MAY MEET IN A SESSION CLOSED TO THE PUBLIC TO CONSIDER THE FOLLOWING PURSUANT TO GOVERNMENT CODE SECTION 11126:

A. LITIGATION.

THE COMMISSION MAY CONSIDER PENDING AND POSSIBLE LITIGATION PURSUANT TO THE CONFIDENTIALITY OF ATTORNEY-CLIENT COMMUNICATIONS AND PRIVILEGES PROVIDED FOR IN GOVERNMENT CODE SECTION 11126(e).

1. THE COMMISSION MAY CONSIDER MATTERS THAT FALL UNDER GOVERNMENT CODE SECTION 11126(e)(2)(A):

State of California, acting by and through the State Lands Commission v. Venoco, Inc.

Seacliff Beach Colony Homeowners Association v. State of California, et al.

State of California, acting by and through the State Lands Commission v. Singer

State of California, acting by and through the State Lands Commission v. Crockett Marine Services, et al.

Defend Our Waterfront v. California State Lands Commission, et al.

The Melton Bacon and Katherine L. Bacon Family Trust, et al. v. California State Lands Commission, City of Huntington Beach

SLPR, LLC, et al. v. San Diego Unified Port District, State Lands Commission

San Francisco Baykeeper v. State Lands Commission

2. The commission may consider matters THAT fall under government code section 11126(e)(2)(B) or (2)(C).

INDEX CONTINUED

PAGE

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS.

THE COMMISSION MAY CONSIDER MATTERS THAT FALL UNDER GOVERNMENT CODE SECTION 11126(c)(7) - TO PROVIDE DIRECTIONS TO ITS NEGOTIATORS REGARDING PRICE AND TERMS FOR LEASING OF REAL PROPERTY.

1. Consider and provide instruction to staff regarding negotiations over amendments to and assignment of various oil and gas leases of state lands (PRCs 735, 3120, 3242 and 3314) currently held by Venoco, Inc. Under negotiations: price and terms.

ADJOURNMENT	59
REPORTER'S CERTIFICATE	60

1 of the minutes from the Commission's January 24th, 2013,
2 special meeting. Do I have a motion?

3 ACTING COMMISSION MEMBER GORDON: Move adoption
4 of the minutes.

5 ACTING COMMISSION MEMBER REYES: Second.

6 ACTING CHAIRPERSON GARLAND: We have a motion and
7 second. All those in favor?

8 (Ayes)

9 ACTING CHAIRPERSON GARLAND: For those in the
10 audience, because there is no principle here, let me turn
11 it over to Jennifer to explain our voting system.

12 EXECUTIVE OFFICER LUCCHESI: Pursuant to the
13 Government Code Section 7.6, I believe, because neither
14 constitutional officer is here at the meeting, only one of
15 those offices can vote. The other has to abstain. So for
16 the minutes, who voted?

17 ACTING COMMISSION MEMBER GORDON: Alan and Pedro.

18 EXECUTIVE OFFICER LUCCHESI: Excellent.

19 ACTING CHAIRPERSON GARLAND: So they're adopted.
20 Next order of business is the Executive Officer's
21 report. Ms. Lucchesi, may we have that report?

22 EXECUTIVE OFFICER LUCCHESI: Good morning. I
23 just have a couple of things to report.

24 At the direction of Lieutenant Governor and also
25 in response to recommendations by the Bureau of State

1 Audit, on the report in 2011, on the Commission's leasing
2 practices, staff is currently exploring a new lease
3 database project. A team of management staff has been
4 established to identify agency needs and improvements to
5 the lease and the accounting databases.

6 Staff has met with vendors and discussed needs
7 and capabilities, and we are currently completing the
8 required business case justification and drafting a Scope
9 of Work. We anticipate procurement documents will be
10 circulated to vendors in March.

11 Staff has also initiated the rule-making process
12 through OAL to update certain sections of its land
13 management regulations. This is also in response to the
14 Bureau of State Audits' report. Specifically, the
15 sections to be updated pertain to the definition of
16 sovereign lands and other terms, the leasing of State
17 lands, and rental rates for leasing.

18 Staff has sent a notification of the proposed
19 updates to a global list of all of our leasees, the
20 distribution list of people that have requested our
21 meeting agenda, and other people that may be interested,
22 but didn't show up on either list. In addition, staff
23 will hold a public hearing beginning at 10:00 a.m. on
24 Tuesday, April 16th, 2013, in the Sacramento offices of
25 the Commission.

1 Finally, as you may know, the Commission was
2 established on June 11th in 1938, and we'll be celebrating
3 our 75th anniversary this year. Staff has asked Assembly
4 Member Bonnie Lowenthal to sponsor a 75th anniversary
5 display in the four glass cases on the second floor
6 rotunda of the State Capitol, which would feature the
7 history and accomplishments of the Commission.

8 We are awaiting a response from the Joint Rules
9 Committee, who must approve the use of the exhibit cases.
10 On Wednesday, the Commission was honored by the California
11 Maritime Leadership Symposium by receiving the Honoree of
12 Merit Award. The Honoree of Merit Award is bestowed each
13 year upon an individual organization that has made
14 significant contributions to the marine transportation
15 system in the State of California.

16 As the 2013 Honoree, the Commission was
17 recognized for its 75th anniversary and acknowledged for
18 its stewardship to the lands, waterways, and resources
19 entrusted to its care through economic development,
20 preservation, and restoration.

21 That concludes my report.

22 ACTING CHAIRPERSON GARLAND: Excellent. Thank
23 you, Ms. Lucchesi.

24 I want to on behalf of the Lieutenant Governor
25 say thank you for all the work you're doing on the lease

1 database and thank you for the report on that.

2 Any comments by other Commissioners on that?

3 ACTING COMMISSION MEMBER REYES: Mr. Chair, I was
4 at the ceremonies, the event. And I was surprised and I
5 wanted to make sure folks know that one of our own back
6 there actually was named, as an award is named after him.
7 And it was the third year it was given out by somebody who
8 has contributed to the maritime industry-captain. And I
9 think it just speaks to the quality of our staff that an
10 award is actually named after one of our folks. So
11 congratulations, Gary, and to the State Lands folks as
12 well as for a well-deserved award.

13 EXECUTIVE OFFICER LUCCHESI: Thank you.

14 ACTING CHAIRPERSON GARLAND: Excellent.

15 Our next order of business is the adoption of the
16 consent calendar, Items C 1 through C 93.

17 I'll call on Ms. Lucchesi to indicate which
18 items, if any, have been removed from the consent
19 calendar.

20 EXECUTIVE OFFICER LUCCHESI: Items C 58, C 65,
21 C 68, C 94, C 95, C 96, C 97, and C 98 are all removed
22 from the agenda and will be considered at a later time.

23 Item 100 will be moved to the regular agenda for
24 a presentation.

25 ACTING COMMISSION MEMBER REYES: With that, I

1 move approval of the consent calendar as revised.

2 ACTING CHAIRPERSON GARLAND: Thank you. Do I
3 have a second?

4 ACTING COMMISSION MEMBER GORDON: Second.

5 ACTING CHAIRPERSON GARLAND: All in favor?

6 (Ayes)

7 ACTING CHAIRPERSON GARLAND: All opposed?

8 The ayes have it.

9 That would be Reyes and Garland voting.

10 Is there anyone in the audience who wishes to --
11 oh, we probably should have done that.

12 EXECUTIVE OFFICER LUCCHESI: We did not have any
13 speaker slips submitted.

14 ACTING CHAIRPERSON GARLAND: Excellent. So we
15 will skip that. Thank you to the audience.

16 The next item of business is the regular
17 calendar. We're going to start with 100 since we pulled
18 it or --

19 EXECUTIVE OFFICER LUCCHESI: Whatever you wish to
20 do.

21 ACTING CHAIRPERSON GARLAND: All right. Let's
22 stick to the script, since I don't do well off script.

23 And Item 102 is to consider acceptance of the
24 2013 biennial report on the California Marine Invasive
25 Species Program. May we have the staff presentation?

1 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: Good
2 morning, Mr. Chair and Commissioners. My name is Chris
3 Scianni. I am a Staff Environmental Scientist with the
4 Marine Invasive Species Program within the Commission's
5 Marine Facility's Division. I'm going to be presenting
6 the staff report for the 2013 biennial report on the
7 California's Marine Invasive Species Program.

8 --o0o--

9 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: This
10 report is required to be submitted by the Commission to
11 the Legislature every two years as mandated by Public
12 Resources Code section 71210 and 71212. This report is
13 the sixth biennial report since the program was put into
14 place in the year 2000, and this particular report
15 outlines the program activities and vessel reported
16 traffic and management practices for the two-year period
17 beginning July 1st, 2010, through June 30th, 2012.

18 --o0o--

19 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: Among the
20 topics that are covered in this report are an introduction
21 to the issues of nonindigenous species and vessels serving
22 as vectors of their introduction into California and
23 coastal areas all around the world, an overview of the
24 worldwide ballast water and biofouling regulatory regimes,
25 both those currently in place, as well as those that are

1 in development, a chapter on the California's Marine
2 Invasive Species Program, including a description of the
3 program's origins and the structure and function of the
4 various components of the program, an analysis of the
5 vessel reported data on traffic and ballast water and
6 biofouling management. I've underlined that to indicate
7 I'm going to show you a couple of examples in the next
8 couple of slides.

9 --o0o--

10 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: We
11 include an overview of the external and Commission-funded
12 research on ballast water, biofouling, and marine invasive
13 species in general that have been conducted or published
14 over the past two years. And finally, a section on
15 conclusions and looking forward to what we will be doing
16 over the next couple of years.

17 --o0o--

18 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: So we
19 wanted to share some of the data that we present in the
20 report on California's -- on traffic to California ports.
21 And over the past two years, we saw an average of about
22 4,800 vessels arriving per six-month period into
23 California. It's important to know what types of vessels
24 are calling on California's ports and which ports they're
25 calling to. I'm not sure if you can see that from where

1 you guys are sitting.

2 ACTING COMMISSION MEMBER REYES: We have a screen
3 here. Our eyesight is down there not because we're bored,
4 but we're actually reading.

5 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: This is
6 showing us the Ports of L.A., Long Beach, and Oakland on
7 the X axis. And along the Y axis on the left-hand side is
8 the average number of qualifying voyages or arrivals per
9 six-month period.

10 The color scheme represents the different types
11 of vessels that are arriving to California's ports, and
12 those ports in particular. So for example, the green
13 portion of each bar represents container vessels, which
14 made up almost all of the arrivals to the Port of Oakland
15 and a large fraction of the arrivals to the Ports of L.A.
16 and Long Beach.

17 Overall for the State, container vessels made up
18 about 48 percent of all the arrivals during this two-year
19 period.

20 ACTING COMMISSION MEMBER REYES: Please indulge
21 me. Tell me what the blue, the red, the orange lines
22 means. I can't see from here.

23 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: The very
24 top pink is unmanned barges.

25 The light blue is tank vessels.

1 The next one I believe is orange, is a passenger
2 vessel.

3 The next category is other. It's a catch-all for
4 cranes and other types of barges that don't fit into these
5 categories.

6 The purple is general cargo.

7 The green is container vessel.

8 The red is bulk vessels.

9 And blue at the bottom are auto carriers.

10 ACTING COMMISSION MEMBER GORDON: Are bulk
11 vessels and green carriers filled up --

12 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: Yes.

13 ACTING CHAIRPERSON GARLAND: And then one more
14 question before we leave the number of vessels here. How
15 does this compare to the previous report and previous two
16 reports maybe?

17 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: During
18 the last report, we saw a decline in the arrivals, mainly
19 because of the economic downturn. We did see a lot of the
20 arrivals during the last. This report covers the end of
21 2010 through the beginning of 2012. So the previous
22 two years, we did see a big dip, and then saw a slight
23 incline for this period.

24 ACTING CHAIRPERSON GARLAND: So we are --

25 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: Yes,

1 especially the last six months.

2 ACTING COMMISSION MEMBER GORDON: Can you
3 address -- and maybe not here, but somewhere in there. I
4 did a tour of the Ports of Long Beach and Los Angeles
5 about a month ago. And one of the things I found really
6 interesting, which I guess maybe you folks working this
7 are well aware of, which I wasn't, which is how many of
8 the ships come in full and we send them out empty? And
9 I'm trying -- common sense would indicate to me that
10 they're going to have -- they're doing something different
11 with the ballast water because the weight of the ship is
12 going to be different. Can you address that and how that
13 particular circumstance of all these empty ships going
14 back affects --

15 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: Sure. I
16 will get to a bit of that a little bit later. But I do
17 want to say a lot of the -- we don't really collect data
18 on the containers ships, whether they're bringing or
19 taking goods away.

20 But we do know we have a lot of vessels coming in
21 from the western Pacific coming into the Ports of L.A. and
22 Long Beach, first is the first stop, dropping off cargo
23 there, maybe taking some containers and moving up to the
24 Port of Oakland or other ports in Northern California and
25 maybe going further up the coast before going back to the

1 western Pacific.

2 ACTING COMMISSION MEMBER GORDON: And then would
3 they add ballast water there to make up for the lighter
4 loads?

5 STAFF ENVIRONMENTAL SCIENTIST SCIANNI:
6 Sometimes. A lot of the container vessels do not. They
7 don't need to carry ballast, because they're taking either
8 full or empty containers, and they are configured so they
9 can move ballast water from tank to tank within a vessel,
10 so they don't need to discharge. I'll get to that in the
11 next slide.

12 --o0o--

13 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: And then
14 this one is even more difficult to see, but it's a similar
15 slide, but just showing the same types of patterns for the
16 rest of the ports in California. We separated them
17 because there is the order of magnitude difference between
18 the Ports of L.A. and Long Beach and these ports. But we
19 do discuss that in the report.

20 --o0o--

21 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: We wanted
22 to share some information about ballast water exchange
23 compliance rates, particularly compliance with the
24 requirement to exchange ballast water in the open ocean if
25 it's going to be discharged in California. So they have

1 to exchange that water at least 50 nautical miles or at
2 least 200 nautical miles from land, depending where the
3 vessel is coming from and where that water was originally
4 sourced.

5 So during this two-year time period, over 122
6 million metric tons of ballast water was reportedly
7 carried into California in the ballast tank of vessels.
8 About 98 percent of that water that was carried in was
9 reportedly managed in compliance with California law. So
10 that's a great compliance rate, and the industry should be
11 commended for that.

12 The majority of the vessels do achieve compliance
13 by reporting they do not discharge ballast water in
14 California. So 84 percent of the arrivals during this
15 two-year period reported that they retained all ballast
16 water on board. Some of it is the container vessels and
17 some of it may be tank vessels that are bringing product
18 here and take our ballast somewhere else.

19 ACTING COMMISSION MEMBER GORDON: Let me ask a
20 question with regard to that breakdown.

21 So if we've got 84 percent compliance -- and I
22 mean obviously having been in different regulatory
23 capacities in different parts of my life, to use an
24 example, it's a lot easier to regulate Chevron than it is
25 Joe's Auto Body on the corner.

1 Are we finding a particular pattern among the 16
2 percent -- I'm trying to figure out -- you have limited
3 staff in your division. And I'm trying to determine
4 whether randomly checking boats is our wisest path forward
5 or whether there is a certain subset that we should be
6 targeting and giving some kind of housekeeping seal of
7 good approval to a company's boats that have regular
8 compliance records that are excellent, rather than wasting
9 our time bothering those folks where we can really focus
10 on the 16 percent that we know are our problem.

11 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: So the 84
12 percent isn't necessarily the vessels that are complying.
13 They're complying automatically because they don't
14 discharge. There is still a large chunk that is still
15 complying beyond that. We don't randomly go out and
16 inspect and provide outreach. We do have a tiered
17 approach where if it is the vessel's first time in
18 California, they may not be aware of our requirements. So
19 we do -- that's our highest priority is to go reach those
20 vessels. If they have a previous violation or they're
21 flagged for whatever reason, we go back on board to make
22 sure they understand what they should be doing and they're
23 doing it this time. So we do take a tiered approach so
24 it's not completely random.

25 ACTING CHAIRPERSON GARLAND: So it's quick. It's

1 a minimal difference. Is that 84 percent of the 98 or 84
2 percent of the whole?

3 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: That's 84
4 percent of the arrivals. I was going to say in spite --
5 even with that, we do see about 28 million metric tons of
6 water that is discharged in California during the two-year
7 period. And that in the report, we analyze that 28
8 million metric tons to determine whether it was compliant
9 or not with the requirements.

10 --o0o--

11 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: And
12 another small figure -- I'll kind of skip over this and
13 just say the last four or six-month period is what we're
14 wanting to show you.

15 The black bars represent compliant ballast water
16 and the gray bars represent noncompliant ballast water.
17 So overall, for this two year period, about 12 1/2 percent
18 of the water that was actually discharged was not
19 compliant with the exchange requirements.

20 ACTING COMMISSION MEMBER GORDON: Let me ask one
21 other question.

22 It's come to mind that as we see things from the
23 Japanese tsunami washing up on west coast shores with lots
24 of living organisms on them, so we've got this arbitrary
25 50 mile you can discharge outside the 50 mile. Has there

1 been any science done on when we discharge -- we picked up
2 stuff in Singapore or Shanghai or Yokohama, we discharge
3 it 50 miles from California. It would strike me, if
4 things are making it all the way across the Pacific alive
5 that that 50-mile radius might not exactly be what we
6 need?

7 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: When we
8 went through that process of setting that 50-mile
9 discharge limit or exchange limit, there was a lot of
10 discussion with scientists. And that was -- there was a
11 lot of models that played into that. There was some
12 science behind why the 50 nautical miles was chosen.

13 Overall, the big theory is that if the organisms
14 that are coastal in nature and more numerous because
15 they're along the coast, they're exchanged in the open
16 ocean, even 50 nautical miles from shore, the water
17 chemistry and the temperature and the lack of substrate
18 will not allow them --

19 ACTING COMMISSION MEMBER GORDON: How does that
20 jive with the fact we're having docks float up from
21 coastal regions of Japan that are still got numerous
22 living organisms that are still alive when they get here?

23 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: That's a
24 big piece of floating substrate --

25 ACTING COMMISSION MEMBER GORDON: So we think if

1 we discharge them into open ocean with nothing --

2 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: It's not
3 perfect. That's where the world is moving towards
4 performance standards.

5 --o0o--

6 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: This
7 figure is just showing of that noncompliant water, that
8 twelve and a half percent of the discharge that was
9 noncompliant, the black bars here represent that water
10 that was exchanged, but in an incorrect location, not at
11 the 50 nautical mile limit or the 200.

12 So the gray bar shows water that was not
13 exchanged at all. So what we see is that even though 12
14 1/2 percent of the discharge was not compliant, the vast
15 majority was actually exchanged. The intent was there.
16 The execution wasn't quite there. Those are areas when we
17 go out and try to target those vessels for better
18 compliance. That's where the outreach comes in.

19 --o0o--

20 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: And then
21 finally just wanted to close with a quick bullet point of
22 some of the issues that we're going to be dealing with
23 over the next couple of years.

24 Just mention on the last slide, we want to
25 continue to provide outreach to the vessels to improve

1 compliance where we can. Ninety-eight percent overall is
2 great, but 12 1/2 percent of the discharge water is still
3 noncompliance. We want to make sure that we reach those
4 vessels.

5 We want to continue to support ballast water and
6 biofouling research. Both are research that is funded by
7 the Commission that we are mandated by the Legislature to
8 fund and also research that's external to what we're doing
9 but will still push us forward.

10 We continue to compile and analyze data related
11 to vessel hull husbandry. As of the end of last year, we
12 now have a good five-year data set of hull husbandry
13 trends for the vessels that operate in California. And
14 staff intends to analyze those and release those in the
15 next year, year and a half in the form of a white paper
16 and several peer-reviewed published journal articles.

17 We plan to use all of this information to
18 continue the ongoing process of developing biofouling
19 management regulations in collaboration with our
20 stakeholders and also work with our stakeholders to
21 evaluate plans to implement California's performance
22 standards for ballast water discharge. That includes
23 supporting an assessment of shore-based ballast water
24 reception and treatment facilities, as well as the
25 continuation of the development of transparent protocols

1 for compliance assessment with ballast water performance
2 standards.

3 That's it. I'd like to take any questions, if
4 you have any.

5 ACTING CHAIRPERSON GARLAND: Mr. Reyes.

6 ACTING COMMISSION MEMBER REYES: Mr. Chair, I
7 want to say I found the report very informative.

8 The one sentence that struck me when I read it
9 was on page 60, "despite the overall decrease in the
10 numbers of ships reporting discharge of ballast water, the
11 potential risk of NIS introduction per discharging ship is
12 higher today than at any other time since the reporting
13 began." That's pretty --

14 STAFF ENVIRONMENTAL SCIENTIST SCIANNI: We're
15 seeing much larger ships now with greater ballast
16 capacities. So that's just the function of the fact that
17 each discharge event carries a lot more water. Even
18 though there are less discharge events, each one is
19 probably more risky.

20 ACTING COMMISSION MEMBER REYES: I was just
21 struck by that. It's going to get worse just because of
22 the size of the ships, unless we do something. Thank you.

23 ACTING COMMISSION MEMBER GORDON: Good report.
24 Thanks.

25 ACTING CHAIRPERSON GARLAND: Excellent report.

1 Thank you.

2 Any comments from the public on this report?

3 Excellent. And we need to adopt the report officially.

4 Yeah.

5 EXECUTIVE OFFICER LUCCHESI: Yes.

6 ACTING COMMISSION MEMBER REYES: Move adoption of
7 the report.

8 ACTING COMMISSION MEMBER GORDON: Second.

9 ACTING CHAIRPERSON GARLAND: Motion and second.

10 All those in favor?

11 (Ayes)

12 ACTING CHAIRPERSON GARLAND: Opposed?

13 It's passed unanimously with Commissioner Reyes
14 and Commissioner Gordon voting in the affirmative. Thank
15 you. Great report.

16 The next item is 103, Consider Adoption of the
17 Resolution Acknowledging a 150th Anniversary of the Port
18 of San Francisco. May we have the staff presentation?

19 LEGISLATIVE LIASON PEMBERTON: Good morning.

20 ACTING COMMISSION MEMBER REYES: Good morning.

21 LEGISLATIVE LIASON PEMBERTON: Calendar Item 103
22 recommends that the Commission adopt a resolution
23 acknowledging the 150th anniversary of the Port of
24 San Francisco and recognize the contributions of the Port
25 to the State and nation and to the San Francisco Bay Area.

1 The Port of San Francisco was created in 1863
2 during the American Civil War. The lands underlying the
3 port were granted to the City and County of San Francisco
4 in 1968 as part of the statutory trust grant known as the
5 Burton Act.

6 Since that time, the Commission staff has worked
7 very collaboratively and diligently with the Port on a
8 variety of projects that help bring people to the
9 waterfront and revitalize the area, such as the AT&T
10 Ballpark, the Exploratorium, which will open on the
11 waterfront in April, the rehabilitation of the Ferry
12 Building, and many other projects.

13 To mark its anniversary, the port is having a
14 series of celebrations, beginning with a big birthday bash
15 on April 24th, the Maritime Day, and a reception at the
16 historic Ferry building.

17 So in recognition of the port as a very important
18 public trust asset and the work of the port, this
19 recommendation is that the Commission support a resolution
20 acknowledging the 150th anniversary of the Port of
21 San Francisco. Thank you.

22 ACTING CHAIRPERSON GARLAND: Thank you.

23 ACTING COMMISSION MEMBER REYES: Move approval of
24 the resolution.

25 ACTING COMMISSION MEMBER GORDON: One question.

1 You've managed to put together a resolution about San
2 Francisco where there is no opposition?

3 LEGISLATIVE LIASON PEMBERTON: Correct.

4 ACTING COMMISSION MEMBER GORDON: Wonderful work.
5 A first time for everything. I'll second.

6 ACTING CHAIRPERSON GARLAND: We have a motion and
7 a second.

8 Do we have any public comment before we vote?
9 Excellent.

10 All those in favor?

11 (Ayes)

12 ACTING CHAIRPERSON GARLAND: This one I had to
13 take. That's two nothing. So the motion carries. The
14 Resolution is adopted.

15 We'll move on now to Item 104, the Consideration
16 of Termination of the Commercial Lease to Applicant Frank
17 H. Cox, LLC.

18 May we have the staff presentation?

19 (Whereupon an overhead presentation was presented
20 as follows.)

21 MS. KATO: Good morning. I have a PowerPoint
22 presentation. If at any time you decide you want me to
23 nix the presentation, I'm more than willing to do so.

24 My name is Grace Kato. I'm a member of the Land
25 Management Division with the Commission.

1 Calendar Item 104 is the Consideration of the
2 Termination of a Lease for the Commercial Use of Filled
3 and Unfilled Sovereign Land located at 410 Airport
4 Boulevard in the city of Berlingame.

5 I tried to get new photos for you.

6 --o0o--

7 MS. KATO: As you're aware, there is a long
8 history of failed restaurant operations at this particular
9 site.

10 The Commission was given a presentation at its
11 August 14th, 2012, meeting with the staff recommendation
12 to deny the lease based on an incomplete application.

13 The Commission then directed staff to continue
14 working with Mr. Bothwell and the Frank M. Cox, LLC, and
15 bring forth a recommendation at its next meeting.

16 --o0o--

17 MS. KATO: At the October 19th, 2012, Commission
18 meeting, staff recommendation on the lease application was
19 again for denial, this time due to unresolved ownership
20 issues of the vessels, a history of failed restaurant
21 operations on the boat at this location, combined with
22 concerns about the viability of Mr. Bothwell's and Frank
23 M. Cox's particular business plan as presented by the
24 applicants, and ongoing disagreement with the applicant on
25 the lease terms.

1 Mr. Bothwell and Mr. Higby represented Frank M.
2 Cox and responded to the staff's recommendations for
3 denial of the lease application and promised the
4 Commission the following: Prepayment of three years of
5 rent with a five-year rent review; a contract from a
6 reputable insured tug boat company to remove the vessel,
7 the Frank M. Cox, from the lease premises; and a guarantee
8 from Maxim Commercial Capital, the actual owner of the
9 vessel, in lieu of a \$500,000 bond to pay and be
10 responsible for the removal of the vessel in case the
11 lease was to be terminated.

12 The Commission approved the lease with these
13 conditions and directed staff to then draft a lease
14 subject to the conditions presented and promised to at the
15 meeting.

16 --o0o--

17 MS. KATO: There are several communications that
18 have occurred with Mr. Bothwell as well as Mr. Higby since
19 the Commission meeting advising him of the lease
20 conditions that have not been met, and we have
21 subsequently provided three default notices: November
22 14th, December 18th, January 25th. As of this date, none
23 of the lease conditions have been met by the applicant.

24 The January 25th letter also addressed the
25 unauthorized parking of Hertz rental cars on the leased

1 premises.

2 The staff has participated in several phone calls
3 now with Maxim Commercial Capital, LLC, who is the owner
4 of the vessel. They have advised staff that Frank M. Cox,
5 LLC, is in default under the terms of their agreement and
6 that Maxim is interested in terminating their agreement
7 with the Frank M. Cox, LLC.

8 Therefore, at that point, once the agreement is
9 terminated, Mr. Bothwell will no longer have the authority
10 or the right to utilize the vessel at the site.

11 Maxim has stated that they support staff's
12 recommended default and termination action recommendation.

13 --o0o--

14 MS. KATO: This is a slide of the unauthorized
15 parking at the site. I don't think I need to go into it
16 any further. The lessee is in default under the first
17 three conditions. This is just another example of the
18 lessee not doing what was authorized.

19 --o0o--

20 MS. KATO: The last slide is basically the
21 staff's recommendation for the Commission to find that the
22 Frank M. Cox, LLC, is in default of the lease for failure
23 to pay rent as provided in the lease, failure to maintain
24 a contract from a reputable licensed tug boat company,
25 failure to provide an executed guarantee from Maxim

1 Commercial Capital, and just to put a last nail in the
2 coffin, failure to provide evidence of insurance coverage.

3 To also ask the Commission to authorize staff to
4 issue a Notice of Termination for the lease and authorize
5 the staff and Office of the Attorney General to take all
6 necessary steps, including litigation, to eject Frank M.
7 Cox, LLC, and recover trespass damage, seek removal of all
8 restaurant-related improvements from the lease premises,
9 restore lease premises to the satisfaction of the
10 Commission and recover rents due under the lease term.

11 I'm available for any questions.

12 ACTING CHAIRPERSON GARLAND: Any questions from
13 the Commission?

14 I do have one comment, but I'll refrain.

15 ACTING COMMISSION MEMBER GORDON: Just a comment.
16 Just all credit goes to the staff for the phenomenal job,
17 particularly Ms. Kato, of trying to get this business up
18 and running. I think we've bent over backwards putting
19 the resources of -- limited resources of Commission staff
20 to make this project work. And they've given them every
21 opportunity to comply, every opportunity to get this
22 business going. It's just clear that Mr. Bothwell doesn't
23 have the resources to run a restaurant at this location.

24 So Ms. Kato, you've done a fantastic job. And I
25 think you have brought this as close as you possibly can.

1 It's not going to happen. That's the end of this, sad
2 saga.

3 ACTING CHAIRPERSON GARLAND: Echo that.

4 Our office was involved in trying to make this
5 work every way possible. And regrettably, I think we've
6 come to a conclusion on this that we agree with the
7 staff's recommendation.

8 So do we have any public comment?

9 ACTING COMMISSION MEMBER GORDON: I would like to
10 make a motion to support the termination of the lease and
11 the notice as required by staff.

12 ACTING COMMISSION MEMBER REYES: Second.

13 ACTING CHAIRPERSON GARLAND: We have a motion and
14 a second.

15 All those in favor?

16 (Ayes)

17 ACTING CHAIRPERSON GARLAND: Those opposed?

18 We have Commissioner Reyes and Commissioner
19 Gordon voting in the affirmative. Motion carries.

20 Thank you, again.

21 MS. KATO: Thank you very much.

22 ACTING CHAIRPERSON GARLAND: Now we are on the
23 items removed from the consent calendar. It's item 100,
24 an informational staff report on the renewable program
25 activities involving school land consolidation efforts and

1 largest solar tower collector projects that's being done
2 and it has been permitted and is under construction.

3 --o0o--

4 MS. DE LEON: So the contents of this
5 presentation -- and it looks like my Mohave ground
6 squirrel covered up some of the text there.

7 So I'm going to cover three things:

8 Just give a brief background on the legislative
9 and policy history that guides our current efforts.

10 A few of the milestones that we have reached to
11 date.

12 And then our upcoming activities for this and
13 next year.

14 --o0o--

15 MS. DE LEON: The purpose of our activities in
16 the desert are two:

17 To pursue land exchanges with the BLM and also
18 other available land transaction activities that would
19 consolidate our school lands to allow us to more
20 effectively administer our duties under the School Lands
21 Act and provide revenue to the State Teachers Retirement
22 System.

23 Secondly, participate in the development of the
24 DRECP to ensure that our needs are protected and that it's
25 consistent with and advances our goals and

1 responsibilities on school lands.

2 If we can accomplish these things, it would
3 vastly improve our effective stewardship of the school
4 lands and dramatically increase our revenue-generating
5 potential. As you all know, our ownership pattern
6 currently is very scattered, not a lot of large contiguous
7 land holdings can make receiving and processing
8 applications somewhat difficult.

9 --o0o--

10 MS. DE LEON: So again, the first part of this is
11 just to give -- breeze through the brief background on
12 some legislation and policy framework.

13 In 2005, there was Schwarzenegger's Executive
14 Order. Among other targets, it set a goal of reducing
15 greenhouse gases to 80 percent of 1990 levels by 2050. So
16 we had our 2020 goal and our 2050 goal.

17 In 2011, the SB 2X in extraordinary session
18 codified the 33 percent renewable by 2020 goal into law.
19 That's what we're currently most motivated looking at now
20 what's driving the standards for generation set in the
21 DRECP.

22 Also in 2011, you all authorized the Executive
23 Officer to enter into an MOU with the four REAT agencies,
24 the Renewable Energy Action Team Agencies, to participated
25 in development of the DRECP. This MOU discussed exchange

1 of data, information, cooperation, participating in
2 meetings and ongoing development teams and also expressed
3 an intent if at the end of the day we felt comfortable
4 that we would sign onto implementation as a plan
5 participant.

6 --o0o--

7 MS. DE LEON: And then again late last year and
8 taking effect in January 2012 -- or the year before and
9 taking effect January 2012, AB 982 was passed. And this
10 bill basically provided a mechanism and specific direction
11 for the Commission to enter into a series of land
12 exchanges with the Bureau of Land Management in order to
13 consolidate school lands specifically for the development
14 of commercial scale renewable energy projects.

15 So that is basically the lay of the land, what
16 we're working under.

17 So what is AB 982? Why is it so important? And
18 how does it relate to the DRECP? And they really do work
19 in a coordinated way together to help us achieve our
20 goals.

21 It created a new chapter in the School Land Act
22 under 7.7 that directs us to pursue these land exchanges
23 to consolidate school lands.

24 The second thing that it does that is equally as
25 important and really relates even more to the DRECP is

1 that it requires us to consult with the California
2 Department of Fish and Wildlife to ensure that any
3 development application -- that any exchanges that we
4 undertake to create contiguous parcels for renewable
5 energy development are not located in areas that the
6 wildlife agencies believe are important for conservation
7 of species or natural communities.

8 --o0o--

9 MS. DE LEON: So again, it relates to the DRECP
10 because of this consultation provision. And in addition
11 to screening these land exchanges, helping guide our
12 prioritization of the land exchanges to see where we do
13 not want to have projects, it's also to screen and to say
14 where do we have lands or where can we create blocks of
15 land that would be suitable for mitigation or
16 conservation.

17 This is important because it helps the Commission
18 with its policy resolution on the environmentally
19 responsible development of renewable energy projects that
20 was approved in 2008.

21 Another really important part of this is the data
22 sharing. There has been massive, massive amounts of data
23 collected, modeling, expert reports, ground truthing, and
24 that has really helped drive the proposal that we have
25 been working on with the BLM.

1 And then lastly, both AB 982 and the DRECP share
2 common goals of both developing renewable energy, more
3 streamlined, cost effective and efficiently, but also hand
4 in hand with the environmental protection.

5 The photograph here is just an example of a solar
6 PV project, as opposed to the earlier one which was a
7 solar collector type of project. And you can see that
8 there are a few differences. And so one of the things the
9 DRECP does is it tries to look at not only locations for
10 development generally, but also looks at what different
11 types of projects are suitable for which areas. There are
12 some that wind is okay, wind is not okay. So that's one
13 of the things. So it's really to help us pre-screen
14 almost areas that would benefit applicants and the amount
15 of money and time they have to expend to get a project off
16 the ground.

17 So we have a few opportunities. Most
18 importantly, momentum. AB 982 has really been a good tool
19 for us to use when we go to meetings and participate in
20 groups developing the DRECP, because we can then go to
21 them and say this is a goal. It has been stated that BLM
22 has signed the Memorandum of Agreement. We need to do
23 this. And the DRECP needs to not stand in the way of
24 effectuating that legislation.

25 It can help us resolve our in-holdings, which has

1 been a big problem. And then there is the potential
2 streamlining advantage of having these areas that there
3 are known quantity. The applicants can come in. They
4 know significant work has been done related to the types
5 of communities, vegetation, animals there, and they know
6 that their project is much more of a sure thing.

7 Challenges, on the other hand, that we're still
8 working on, is the concept of long term or perpetual
9 conservation is one of the important pieces of the Natural
10 Community Conservation Planning Act, which is the State
11 side approval process. And for our lands, in particular,
12 if we were to use it for conservation, we have lease terms
13 that are not in perpetuity.

14 There is also the question of is using it for
15 conservation maximizing the revenue potential. And then
16 we would need to work on resolving our minerals
17 constraints whereby even if we were to transfer title to
18 the surface, we would not be able to preclude somebody
19 from developing minerals which may be incompatible with
20 conservation.

21 And lastly, just as a side note, there are some
22 federal process constraints that can slow and complicate
23 our exchange process. But we are working to resolve those
24 with the BLM reality staff.

25 So really quickly, we have had three milestones

1 from last year. We did sign the MOA with the BLM. We set
2 out a process for prioritizing the land exchanges.

3 --o0o--

4 MS. DE LEON: In December, the DRECP working
5 group released an interim document. It's a pre-CEQA.
6 They wanted to show transparency, progress, and they
7 wanted to get some feedback from the public. And this had
8 maps that showed their preliminary screening for
9 development areas.

10 In January, we presented our land exchange
11 proposal to BLM. This was a requirement in the AB 982
12 legislation that we do this, and we met our deadline to
13 provide that to them.

14 This basically set forth, we will give you all of
15 our lands, but for a few or offer them. And what we want
16 back is all of your BLM land in the development areas.
17 And as you heard from our GIS folks last time, they've
18 gotten quite advanced with their GIS capability. They've
19 made a lot of progress on mapping some of the lands. So I
20 wanted to throw in this little map.

21 --o0o--

22 MS. DE LEON: This is what they did for us. They
23 were able to run a query so that the BLM land popped out
24 in pink. That was what we wanted. So all of those pink
25 lands are BLM-owned lands that are within the areas

1 identified in the interim document as being developable
2 areas.

3 So even though as of now these may change and
4 evolve as the DRECP gets developed further, the concept is
5 there. And we have the capability of very quickly and
6 easily identifying BLM lands to say this is what we would
7 like from you because our goal is to develop renewable
8 energy.

9 --o0o--

10 MS. DE LEON: And lastly, coming up in this next
11 year or year and a half, we will continue to participate
12 in developing the DRECP. The REAT agencies met last week
13 in order to respond to comments received on the December
14 interim document. And they are now revising some of the
15 development areas, revising how their zoning conservation
16 areas. So we'll make sure that we continue to protect the
17 Commission's interests as we develop the DRECP.

18 We'll continue to coordinate with BLM staff. We
19 hope to develop maps as well as language to go actually
20 into the DRECP itself to memorialize the commitments made
21 to exchange lands, which will go a long way to helping us
22 feel more comfortable those exchanges would actually
23 happen and provide momentum to sign on as a plan
24 participant. We hope to enter into one or more exchange
25 agreements during the next year as well.

1 ACTING CHAIRPERSON GARLAND: If you can hold
2 right there for a second.

3 I'd like to ask our counsel, both in-house and
4 from the Attorney General's Office, about that last point
5 and if we would be hamstringing or hurting ourselves by
6 participating and agreeing to the larger conditions and
7 limitations and what that would mean for us, long-term.

8 DEPUTY ATTORNEY GENERAL RUSCONI: I have not
9 specifically looked at this program, and I don't know that
10 anybody from our office has.

11 But school lands are not like your usual
12 sovereign lands which are subject to the public trust and
13 have restrictions on long-term use and alienation. So
14 these school lands, if the Commission wanted to, it would
15 have the discretion to make itself subject to terms,
16 conditions, that it wouldn't have the discretion to do on
17 its sovereign lands.

18 ACTING CHAIRPERSON GARLAND: That's exactly the
19 answer I was looking for. If you'd like to expand on
20 that, please do.

21 EXECUTIVE OFFICER LUCCHESI: I just wanted to add
22 to that -- Jennifer, correct me if I'm wrong.

23 But if the Commission chose to exercise its
24 discretion in that matter and become a permittee, it could
25 also withdraw from that.

1 MS. DE LEON: Correct.

2 EXECUTIVE OFFICER LUCCHESI: At any point it
3 decided it was not in the best interest of the School Land
4 Bank Trust or the School Land Bank Fund, the Commission
5 and the State's best interest.

6 MS. DE LEON: Yes. That's correct. The permits
7 that are issued under the federal and State statutes are
8 intended to be fully severable. The California Energy
9 Commission is currently the other entity that is looking
10 at being a permittee under the DRECP. And there are
11 continuing discussions with the counties that are
12 encompassed by the planning area. And it looks as though
13 the City of Lancaster is very interested and the county I
14 -- think the County of San Bernardino. I'm not
15 100 percent sure on that. But there are ongoing
16 discussions and outreach with the counties, and the
17 permits are severable.

18 Those terms are outlined in the implementation
19 agreement, which would also be signed. And so there would
20 be opportunity for legal counsel to make recommendations
21 on the implementation agreement.

22 EXECUTIVE OFFICER LUCCHESI: And we're very
23 sensitive to both the pros and the cons of becoming a
24 permittee. So when it is time to bring this to the
25 Commission for your consideration, we will very clearly

1 articulate all the pros and all the cons so that the
2 Commission can make an informed decision. But we're very
3 sensitive to all those issues.

4 ACTING CHAIRPERSON GARLAND: Thank you.

5 MS. DE LEON: It would basically be a trade-off
6 where we would have the opportunity to get some sort of
7 additional development revenue on our school lands that we
8 are not currently getting because of their configuration
9 and the difficulties in getting development permits.

10 But it would also then help us achieve our policy
11 goals as outlined in the 2008 resolution of doing it in a
12 balanced and environmentally responsible fashion, because
13 we would be committing to conservation and trade-off for
14 our ability to develop those lands.

15 ACTING CHAIRPERSON GARLAND: Thank you.

16 Any other comments from the Commissioners?

17 Commissioner Reyes.

18 ACTING COMMISSION MEMBER REYES: She was on a
19 roll, so I didn't want to interrupt. But I want to take
20 you back a little bit here.

21 When we talk about developable lands, you talk
22 about renewable energy development, not just any
23 development; right?

24 MS. DE LEON: That's correct. The DRECP, the
25 covered activities are specifically for renewable energy

1 development, which includes the several types of solar,
2 wind, and geothermal.

3 ACTING COMMISSION MEMBER REYES: I just wanted to
4 make sure people understood we're talking about renewable,
5 not just open.

6 When we do work with the federal government. Do
7 we work with any other State agencies in the process? Are
8 we involved with the Energy Commission or other -- we go
9 in as a team with other State agencies?

10 MS. DE LEON: Yes. The four REAT agencies are
11 the Fish and Wildlife Service and the BLM on the federal
12 side, the Department of Fish and Wildlife and the Energy
13 Commission on the State side.

14 In addition to those four -- we call them the big
15 four -- we are participating, Department of Defense,
16 National Parks, State Parks, a huge number of
17 collaborators, as well as independent science advisors.

18 ACTING COMMISSION MEMBER REYES: I was able to
19 download the application on my iPad, the mapping. So
20 kudos to whoever did that work. That was great. And very
21 appreciative to the person that helped me get to there.
22 Because even though I have one, I'm technically
23 inefficient.

24 EXECUTIVE OFFICER LUCCHESI: If I may, just put a
25 shout out to them, that was Michael Bell, Jim Koepki, and

1 the rest of our boundary staff in our Land Management
2 Division.

3 ACTING COMMISSION MEMBER REYES: Incredible work.
4 That was fantastic.

5 And one last observation, Mr. Chair. I should
6 have brought this up to Jennifer separately, but I'll
7 bring it up publicly. When you do a PowerPoint
8 presentation, if you could share that with us so we can
9 follow ahead of time, either electronically or hard copy.
10 When we're doing the ballast, invasive species one, I
11 recognize a lot of the charts from the report. But, you
12 know, I did not want to start looking for page 56 and 57
13 where I thought the reports were when you were showing
14 them to us. So we can have that here and that way we
15 don't have to -- some of us are kind of old and our vision
16 is gone.

17 EXECUTIVE OFFICER LUCCHESI: Of course. We will
18 definitely provide the PowerPoints ahead of time. And
19 then hopefully our next Commission meeting will be in a
20 room that we can have bigger screens.

21 MS. DE LEON: I was physically adding cute animal
22 photos this morning at ten after 9:00, per Jennifer's
23 recommendation. She said it gets them every time.

24 ACTING COMMISSION MEMBER GORDON: I do have one
25 question. Among the agencies you guys have been

1 negotiating with, are you in ongoing conversations with
2 the Marine Corps.? It's my understanding they have some
3 significant land exchanges they would like to engage in
4 that they have some -- the Marine Corps. has become a
5 major wildlife protection agency, which for whatever
6 reason, they don't view as their primary function. And
7 they seem to have a lot of land they said in the Chocolate
8 Mountains they would like to exchange for lands that they
9 could do their stuff on.

10 MS. DE LEON: Yes. The Department of Defense has
11 been very actively engaged in all of the executive team
12 meetings, all of the technical team meetings. Major Garza
13 has been at every meeting, very, very dedicated.

14 The lands that are encompassed by the 29 Palms
15 training base expansion were not included in -- for that
16 very reason that you state -- were not included in the
17 list of lands that we sent in our exchange proposal to the
18 Bureau of Land Management. And those transactions I
19 believe are ongoing, but I would have to ask Jim Porter.

20 ACTING COMMISSION MEMBER GORDON: Thanks.

21 ACTING CHAIRPERSON GARLAND: Thank you very much
22 for your presentation.

23 Any public comments? Excellent.

24 EXECUTIVE OFFICER LUCCHESI: Actually, staff
25 report was informational, so there is no vote needed.

1 ACTING CHAIRPERSON GARLAND: Excellent. All
2 right. That concludes our consent and pulled items in
3 regular session. What is the next order of business?

4 EXECUTIVE OFFICER LUCCHESI: We can move onto
5 public comment.

6 ACTING CHAIRPERSON GARLAND: Excellent. We have
7 several cards here for public comment. I believe they are
8 all relating to a single issue. Yes. Pete's Harbor, one
9 of our favorites.

10 I would like to acknowledge that during this
11 meeting, we did receive communication from the proponents
12 of Pete's Harbor.

13 EXECUTIVE OFFICER LUCCHESI: Actually, from the
14 representative, the legal representative, Ms. Uccelli.

15 ACTING CHAIRPERSON GARLAND: There you go. That
16 was the word I was looking for. And they seem a little
17 confused about what public comment at an open meeting
18 means. But we are in receipt of that, and the staff has
19 noted it and taken those comments to their proper
20 consideration.

21 EXECUTIVE OFFICER LUCCHESI: Mr. Hannig's e-mail
22 will be made part of the record for the public comment
23 portion of this meeting.

24 ACTING CHAIRPERSON GARLAND: Excellent. Thank
25 you for that.

1 Moving on now, we've got -- I'm going to call a
2 couple at a time. Remember, there is a time limit. The
3 public comment microphone is over here on the left. It's
4 the stand-up mike. Keep an eye on our lights in front of
5 you or do we want to just use the center mike? We'll use
6 the center mike, plus the lights are there.

7 Ask you be respectful of those behind you and of
8 the time keepers. And we'll start with Rick Drain and
9 then Eric Pease, Alison Madden, Joseph Rojas, and then
10 finally with Shaunn Cartwright. Thank you. Mr. Drain.

11 MR. DRAIN: Good morning. I'm Rick Drain. I'm
12 here to talk to you about Pete's Harbor. And we briefed
13 you a couple of weeks ago as well that Pete's Harbor is
14 being developed. You own land that has a marina on it
15 that was leased to Pete Uccelli, dba, Pete's Harbor, some
16 decades ago. And we want to be sure that in this
17 development a marina continues to exist for the public.
18 We want it to be a public marina, consistent with the
19 public trust. And we want to be sure that its an
20 economically viable marina from the start. Otherwise,
21 it's just going to die.

22 So if we want to keep a marina there, and we
23 certainly do, it has to be big enough. And we've talked
24 to some organizations that manage marinas. It's also
25 important that it be kept in good condition, that the

1 turn-over be in good condition.

2 So we do hope that you will -- since there will
3 be discussions between your organization and the
4 developers, we hope that you will keep those things in
5 mind. Please keep a public access marina. Please make
6 sure that it's big enough and in good enough condition
7 when it's turned over to be economically viable so it will
8 continue to be a marina for more decades. Thank you.

9 ACTING CHAIRPERSON GARLAND: Thank you, sir, for
10 your comments.

11 Next up is Eric Pease.

12 MR. PEASE: We'd like Alison to go first. She's
13 my attorney. If it's possible.

14 ACTING CHAIRPERSON GARLAND: Ms. Madden, good to
15 see you again.

16 MS. MADDEN: Thank you.

17 So I wanted to say we are here speaking in public
18 comment just so we can continue to make the public record.

19 We've been working -- everyone has been working
20 very closely with staff. And they've just done a
21 tremendous job really from the start, collecting all the
22 information and kind of progressively informing the City
23 Council of Redwood City and the Planning staff about the
24 nature of the public trust lands.

25 And the initial proposal was to make this a fully

1 private marina appurtenant to the Uplands condo
2 development. And it looks like it's developed to the
3 point where that's probably not going to happen, and
4 that's a huge victory.

5 And in the mean time, the Commission was
6 successful in getting a serious delinquency cured and
7 showing that it is currently in an insurable status, which
8 is another huge win. That's two victories already.

9 And there was -- the same developer actually took
10 over a marina down the road and then said it's uninsurable
11 and ripped it out. So it's unclear whether the approval
12 of a private marina and this status of whether it needs
13 repairs and upgrades was going to lead to the same thing.

14 So right now, we have the staff looking at the
15 repairs and upgrades and the staff is saying please show
16 us your plan. That's the third victory.

17 So right now, just the involvement of the State
18 Lands Commission has resulted in three victories, I think.
19 And I think the State Lands Commission was approached two
20 days before the tenant were, which was months after the PD
21 permit application was filed.

22 So really a lot of this should have happened last
23 July, last October, you know, and not now. Because my
24 understanding from a Public Records Act request is that a
25 plan for repairs and upgrades has still not been

1 delivered. If you had that planned all along, you would
2 think you would have your engineer. You would have your
3 milestones. And you would have already disclosed that.
4 So we think it's been a huge victory all around to at
5 least protect this asset until there is a full and final
6 determination.

7 We'd like to say going forward to please continue
8 to include the public. I think right now there is a
9 current owner who's closing the marina. And there is a
10 potential new buyer who now is representing to the public
11 they are willing and able to make it a commercial marina
12 for recreational use. But I'd like to say that their term
13 sheet offered to us included actually destroying the
14 consent lease. There is a smaller lease. It's called a
15 small lease, the Leslie Salt lease, the consent lease.

16 And there's also existing use of a public kayak
17 and small flat bottom boat launch there. People have been
18 doing that for decades. It would be reducing the public
19 access to tear that out. So part of their proposal for
20 the public trust and the commercial marina is actually
21 destroying the lease on which the State Lands Commission
22 has leverage. You didn't need to give it to them in the
23 first place, is my understanding. It's fully in the State
24 Lands Commission's discretion whether to transfer that and
25 to transfer it with conditions.

1 And I see my time is up.

2 The condition I'd like to see is the ten percent
3 liveaboards. There's 263 slips in the EIR. If you
4 consented to transfer that and requiring 26 liveaboards to
5 stay there, I think it's consistent with the public trust,
6 which includes commerce, navigation, recreation, and
7 fisheries. And liveaboards living on water is not the
8 same kind of exclusive private residence that is usually,
9 you know, not favored on a large public open trust tract.

10 So thank you very much.

11 ACTING CHAIRPERSON GARLAND: Thank you.

12 Next would be Mr. Pease.

13 MR. PEASE: Hello. And thank you.

14 I'm currently living at Pete's Harbor, and I've
15 been watching the eviction of all my neighbors during this
16 time in advance of, I think, your final decision. So I
17 don't know what their rush to empty the marina is. It
18 seems inconsistent with what I've heard and what I've
19 learned through my attorney, Alison Madden.

20 I do think it's important to keep a marina there
21 for the public trust. And based on the plans I've seen, I
22 don't know that that's going to happen. And it makes me
23 concerned.

24 I'm also concerned in the manner of which the
25 marina is currently evicting folks and getting rid of

1 them. They are literally terrorizing them. They've
2 closed walkways. They've shut off lights. They've
3 removed trash receptacles for people to responsibly get
4 rid of their refuge, all under the guise that, you know,
5 they can do what they want on their land. It's not
6 theirs. It's yours. And I don't believe they're managing
7 it consistent with the rules that you've set forth.

8 That's really all I have to say.

9 I just would like to see it remain a marina that
10 has people live there. People enjoy it. I think the
11 public wants it there. Every day, new boats are being
12 terrorized to leave. Boats that don't run are being towed
13 away. They're making neighbors of mine sign things that
14 say they'll have judgments, even though they're leaving.
15 It seems inconsistent with anything that I've ever seen or
16 heard of in anything like this. It's just ridiculous.

17 That's basically what I have to say. I'd like to
18 see it remain a marina that allows people to live there,
19 allows it for public use, and not decimate a water-front
20 community all up and down the state. We're losing
21 water-front communities everywhere, and I think it's a
22 shame.

23 Thank you.

24 ACTING CHAIRPERSON GARLAND: Thank you, sir.

25 Next up is Joseph Rojas.

1 MR. ROJAS: Good morning, Commission, fellow
2 Californians.

3 Actually, my comments are going to be fairly
4 quick today. I just came to thank the Commission for any
5 and all communications that there was between the
6 Commission and the City of Redwood City.

7 As a -- as somebody who doesn't live in Redwood
8 City, I'm often seen when I go to their meetings that I
9 have less say in the matter, even though this is an issue
10 that concerns everybody on the peninsula and everybody in
11 the State, as this is public land. So I would once again
12 like to thank you for amplifying our voice for those that
13 aren't often heard at the local level.

14 And I would also like to thank anybody else who's
15 been involved in the issue on one side or the other,
16 because it is very important that as this is public land
17 everybody is heard on issues regarding things that are
18 technically ours.

19 I would like to thank everybody for any political
20 and personal pressure that they have placed on the City
21 of -- or the Council of Redwood City, as they have not
22 been very receptive to public comments from anybody
23 outside of their personal circle.

24 Once again, thank you.

25 ACTING CHAIRPERSON GARLAND: Thank you, sir.

1 We have two speakers left. Shaunn Cartwright
2 would be next, and then followed by James Lee. Welcome
3 back, Ms. Cartwright.

4 MS. CARTWRIGHT: Howdy. Nice to see you again.

5 I wanted to thank you all for everything you've
6 done so far. We really appreciate it. It's nice to have
7 people doing the right thing and fighting for public trust
8 and public lands.

9 The developer has offered a select few
10 well-publicized what could be deemed move-out incentives,
11 but no actual compromise on the size of the development
12 which would allow the harbor and the development to
13 peacefully co-exist. I think it was something you had
14 suggested, which would make a lot of sense. But instead,
15 has just thrown money out there, rather than saying if I
16 made the development smaller, you guys could stay. I
17 could stay. And there could be some harmony. But
18 instead, thinking that money cures all.

19 There is also the issue of -- which I think is an
20 interest -- maybe not your purview, but your interest --
21 of BMR housing. There's 10,000 housing projects right now
22 or 10,000 units in San Mateo County alone that are
23 proposed housing units, and not one of them is BMR
24 housing. Not one in 10,000. And Pete's Harbor has always
25 been part of the General Plan, partly because it is

1 affordable housing. That's definitely something to
2 consider.

3 Shade; we're talking five, six-story buildings
4 and definitely going to be shade that's going to be on the
5 trail and definitely going to be effecting things. If I'm
6 going to take part in something and I'm going to enjoy the
7 land, I want to enjoy the sun, the air, the water. Not be
8 someplace that's cold and chilly and definitely in the
9 shade.

10 They've torn out the cleats. They've put
11 wires -- really thick gauge wires across your land, my
12 land. This isn't private land. This is public land,
13 which endanger the public, which endanger the boats. And
14 so when you take out cleats, nobody can tie their boats
15 off. If a boat in trouble came in, they can't tie off.
16 Putting wires across it, there is no caution tape or
17 nothing that says it's there. It can damage a boat. It
18 could rip a cleat off. It could hurt somebody who is
19 there. Could hurt a boat. This is what's happened on
20 your land, not private land.

21 There is sawhorses there saying people can't go
22 down there. There's the harassment of the boaters.

23 Lastly, this is, was, and should remain an
24 economically viable public marina. It's public trust for
25 public use. It's public land. And I'm hoping you guys

1 continue to do the right thing and keep it that way.

2 And I'm also hoping in the mean time something
3 can be done, because you only had a couple boaters there.
4 And they're really holding down the fort for us. And the
5 abuse that's being hurled upon them and the torture they
6 go through on a daily basis, I don't know if they can hold
7 out much longer. They need all the help they can get.
8 Thank you.

9 ACTING CHAIRPERSON GARLAND: Thank you very much.

10 I do have one question for staff. If, as was
11 just asserted, there is a dangerous situation or dangerous
12 conditions being presented to people who were there on our
13 land, have we had anybody go out and inspect and see if
14 they're in lease compliance? And particularly troubling
15 is wires being -- chain being put up and creating a
16 dangerous situation on State Lands. And if we could just
17 have somebody check that out and make sure they're in
18 compliance and they're not creating a dangerous situation.

19 EXECUTIVE OFFICER LUCCHESI: Yes. We will
20 definitely send somebody out there next week.

21 ACTING CHAIRPERSON GARLAND: Thank you. Our
22 final comment would be James Lee.

23 MR. LEE: Really good to see you guys again.

24 Well, first, I just want to thank you for that.
25 That would be extremely helpful to have you guys come out

1 to the harbor and see firsthand what's going on.

2 I, first, want to start off by, like Joseph,
3 thanking you for -- in particular, for the letter you sent
4 to the City of Redwood City late last month. That was
5 really helpful.

6 I wanted to also let you guys know that Save
7 Pete's Harbor did formally incorporate as a nonprofit
8 public benefit entity. We're really proud of the fact
9 that we've done this. We formalized a process that we
10 started last fall or winter. And we're excited because
11 we're also drawing in members of the public. And we
12 really want to make the case that this is a public issue.
13 It's not -- I think the perception has been in a lot of
14 pieces this is a tenant versus landlord issue. And it's
15 really not. You guys know that. But I'm really proud of
16 the fact we're making that case to the public.

17 Our President, Leslie Webster, wasn't able to be
18 here today. She wants to apologize for not being here.
19 She spoke to you guys at the special meeting last month,
20 and I think on the December 5th meeting as well. She
21 looks forward to coming up again.

22 I do want to mention that I'm concerned about one
23 of the impacts which could be -- which I think falls under
24 CEQA is the community displacement issue. Pete's Harbor
25 isn't the only harbor or marina in Redwood City that's

1 under threat. We have Dockettown Marina under threat. And
2 before Pete's Harbor, there was Peninsula Marina, which
3 right now sits empty and had about 450 slips before folks
4 were evicted back in 2006.

5 There is a lot of displacement of the boating
6 community on the peninsula. A lot of these people have
7 nowhere to go. As Shawn mentioned earlier, this does tie
8 in with the fact that people are being pushed off of land
9 onto water because of the lack of affordable housing.

10 So boating communities are ever more crucial to
11 the health of the Bay Area and the peninsula. And so we
12 just really feel that the impact of all these people being
13 displaced and being dispersed across the Bay Area is
14 really huge, something to consider.

15 And to kind of piggy-back on what Allison said,
16 we want to make sure that once -- hopefully we can get a
17 commercial environmentally friendly marina open again at
18 Pete's Harbor that it will be something where we can have
19 liveaboards where it is affordable to live aboard, like
20 Pete's Harbor was.

21 I want to thank you for all your work. Please
22 stay in touch with us. Thank you.

23 ACTING CHAIRPERSON GARLAND: Thank you very much.
24 I believe that concludes our public comment session,
25 unless something has come in. It doesn't appear that it

1 has.

2 EXECUTIVE OFFICER LUCCHESI: If I may just
3 provide a couple of comments on Pete's Harbor to give the
4 Commission a sense of where staff is and our interactions.
5 We've had numerous communications with Ms. Madden and
6 other folks at Save Pete's Harbor and other interested
7 individuals. We've also recently received a lease
8 application for the smaller lease, the consent lease, from
9 the developer. We are just beginning to process that.

10 And finally, we're continuing to work with
11 Ms. Uccelli and her representatives on obtaining a work
12 plan, which if you may recall, that was the reason why
13 they needed to close down the marina because they had to
14 do certain repairs. So we are continuing to work on all
15 fronts to move this thing forward.

16 ACTING COMMISSION MEMBER GORDON: I have two
17 comments on this.

18 Did you have something?

19 Number one, I was contacted about a month ago by
20 a fairly well-respected local politician in the Bay Area
21 who had been contacted by the Uccelli developer. He
22 wasn't in any way putting pressure. He just wanted to see
23 what's ongoing and where we were going with it. When I
24 told him we were open to -- the Commission through its
25 comment and votes were very open to a compromise where the

1 marina would remain open and yet the development would go
2 on, he relaid that message back to the developer. And
3 nothing has come of that whatsoever, which the silence
4 leads me to believe the developer is not interested in any
5 compromise whatsoever.

6 The second piece of this that is becoming more
7 apparent to me as time goes on is the Controller's Office
8 is sponsoring a bill having to do with local government
9 and impacts of climate change in low-lying areas around
10 the State strikes me that a develop -- that a development
11 down close to the water is exactly what we don't want
12 going forward as we look at projections for where sea rise
13 is going to go over time and keeping affordable housing
14 close to the water strikes me as a long-term positive land
15 use for the State, as those will be able to remain while
16 lots of other types of development are going to be in a
17 situation where we're either going to back off of them in
18 the future or we are going to have to seriously go for
19 Dutch-style levees to protect them, which has a cost that
20 I don't believe the people of California wish to spend.

21 So to the extent that local governments are
22 permitting housing projects in what is going to be a sea
23 level rise conflicted zone strikes me as extremely stupid
24 development, at least from the perspective of the
25 Controller's Office where we are sponsoring legislation to

1 force local governments to at least consider these
2 long-term impacts. It strikes me that we need to work
3 very hard -- and the staff is doing so.

4 But I just wanted to reiterate from our office
5 the perspective that developing down in that tidal zone is
6 not wise use for State Lands in the future. And we need
7 to start considering those impacts going forward. Thank
8 you.

9 ACTING CHAIRPERSON GARLAND: Any additional
10 comments or concerns from the Commissioners? Excellent.
11 That I believe concludes our open meeting. We'll now
12 adjourn into closed session. Will the public please clear
13 the room.

14 (Whereupon the State Lands Commission adjourned
15 into closed session from 11:13 a.m. to
16 12:02 p.m.)

17 ACTING CHAIRPERSON GARLAND: Back in session.
18 We've concluded our closed session.

19 Any other business for us to take up at this
20 time?

21 EXECUTIVE OFFICER LUCCHESI: No.

22 ACTING CHAIRPERSON GARLAND: Do I have a motion
23 to adjourn?

24 ACTING COMMISSION MEMBER REYES: So moved.

25 ACTING COMMISSION MEMBER GORDON: Second.

(Whereupon the California State Lands Commission
meeting adjourned at 12:02 PM)

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