

MEETING
STATE OF CALIFORNIA
LANDS COMMISSION

PORT COMMISSION HEARING ROOM
FERRY BUILDING
2ND FLOOR
ONE FERRY BUILDING
SAN FRANCISCO, CALIFORNIA

THURSDAY, OCTOBER 1, 2015
12:32 P.M.

JAMES F. PETERS, CSR
CERTIFIED SHORTHAND REPORTER
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A P P E A R A N C E S

COMMISSION MEMBERS:

Mr. Gavin Newsom, Lieutenant Governor, Chairperson

Mr. Michael Cohen, Director of Department of Finance,
represented by Ms. Eraina Ortega

Ms. Betty T. Yee, State Controller

STAFF:

Ms. Jennifer Lucchesi, Executive Officer

Mr. Mark Meier, Chief Counsel

ATTORNEY GENERAL:

Mr. Andrew Vogel, Deputy Attorney General

ALSO PRESENT:

Ms. Lisa Belenky, Center for Biological Diversity

Mr. Lance Carnes

Ms. Erica Brand, The Nature Conservancy

Ms. Karen Douglas, Commissioner, California Energy
Commission

Mr. Jon Gollinger

Mr. James Kenna, Bureau of Land Management, California

Mr. Lee Radner, Friends of the Golden Gateway(FOGG)

Mr. Lee Robbins, Friends of the Golden Gateway(FOGG)

Ms. Nan Roth, Friends of the Golden Gateway(FOGG)

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III REGULAR CALENDAR	
01 BUREAU OF LAND MANAGEMENT AND THE CALIFORNIA STATE LANDS COMMISSION, ACTING AS THE SCHOOL LAND BANK FUND TRUSTEE (PARTIES): Consider authorizing a memorandum of intent with the Bureau of Land Management for the proposed Phase I land exchange transaction involving the conveyance of up to approximately 61,000± acres of school lands to the Bureau of Land Management in exchange for approximately 5,600± acres of federal lands pursuant to California Public Resources Code Division 7.7, located in San Bernardino, Inyo and Riverside counties. CEQA consideration: not a project. (W 26922) (A&S: Statewide) (Staff: J. Porter, J. DeLeon)	2
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P R O C E E D I N G S

1
2 CHAIRPERSON NEWSOM: Good. All right. Well,
3 then we'll call this special meeting of the State Lands
4 Commission to order. All the representatives of the
5 Commission are present. I'm Lieutenant Governor Gavin
6 Newsom. I'm joined today by State Controller Betty Yee,
7 and Eraina Ortega, the representative from the Department
8 of Finance.

9 For the benefit of those in the audience, the
10 State Lands Commission manages State property interests of
11 over five million acres of land, though that will be
12 reduced today potentially --

13 (Laughter.)

14 CHAIRPERSON NEWSOM: -- including mineral
15 interests. Today, we will consider a Memorandum of Intent
16 to the Bureau of Land Management concerning the land
17 exchange that, if implemented, is anticipated to protect
18 nationally significant lands and generate significant
19 revenue for the benefit of California's retired teachers.

20 The first item of business today is the Executive
21 Director's -- or Executive Officer's report. Ms.
22 Lucchesi, do you have anything you wish to report?

23 EXECUTIVE OFFICER LUCCHESI: Not at this time.
24 Thank you.

25 CHAIRPERSON NEWSOM: All right. Next order of

1 business is the regular calendar. Item number 1 is to
2 consider authorizing a memorandum of intent with the
3 Bureau of Land Management for the proposed Phase 1 land
4 exchange located in San Bernardino, Inyo, and Riverside
5 counties.

6 May we have a staff presentation?

7 (Thereupon an overhead presentation was
8 presented as follows.)

9 EXECUTIVE OFFICER LUCCHESI: Yes. Thank you. It
10 is with great pleasure -- and we're going to be pulling up
11 a PowerPoint presentation here shortly. It's with great
12 pleasure that I present the Commission with this
13 Memorandum of Intent for your consideration. Through the
14 proposed Memorandum of Intent, the Commission and the
15 Bureau of Land Management expressly recognizes significant
16 benefits associated with the Phase 1 land exchange and
17 commit to working together to implement the land exchange
18 and future phases throughout the entire process.

19 The BLM and State Lands have each long pursued
20 efforts to protect nationally significant lands designated
21 as National Conservation Lands, and to consolidate lands
22 that generate revenue for the California State Teachers'
23 Retirement System respectively.

24 Beginning in 2011 and through diligent
25 collaboration and partnership, the BLM and the State Lands

1 Commission have developed a proposed series of land
2 exchanges that will achieve mutual objectives of
3 protecting and conserving valuable, biological, and other
4 natural resources, and provide access and recreational
5 opportunities for the public through the consolidation of
6 federal lands within the National Conservation Lands units
7 and other BLM management lands.

8 In addition, the proposed series of land
9 exchanges will provide an immediate and continuing revenue
10 source dedicated to benefiting California's teachers
11 through the State acquisition of lands with operational
12 renewable energy facilities, or lands that otherwise have
13 potential to generate revenue for CalSTRS.

14 There we go. Almost. There we go.

15 This series of land exchanges supports the energy
16 and conservation goals for the Desert Renewable Energy
17 Conservation Plan, and supports the State's School Land
18 Bank Act and the California Public Resources code sections
19 8720.

20 Phase 1 of the exchange, as outlined on your
21 screen, will include approximately 61,000 acres of State
22 school lands and approximately 5,600 acres of federal
23 lands that have the potential for, or are previously
24 developed with, renewable energy facilities.

25 Future phases contemplate conveying approximately

1 consolidated area that has the potential for renewable
2 energy facilities, siting, and development.

3 --o0o--

4 EXECUTIVE OFFICER LUCCHESI: This next screen
5 shot shows the area of land that BLM is proposing to
6 convey to State Lands with the operational solar facility
7 on it. It's commonly known as Desert Sunlight. And you
8 can see underneath the yellow shading are the solar
9 panels.

10 The Commission and the BLM recognize the
11 complexities and challenges in completing a land exchange,
12 especially one of this magnitude. The process can take
13 many years, and frequently involves issues and conflicts
14 that arise along the way, including potential adjustments
15 to the selected lands once the formal appraisals are
16 conducted.

17 Additionally, land exchanges require
18 environmental review, and robust public participation in
19 accordance with NEPA and CEQA. It requires Congressional
20 notification, review and approval by the State Lands
21 Commission, Department of Justice and at the BLM national,
22 State, and local office levels.

23 Specifically, in the Phase 1 land exchange, there
24 will be four BLM offices involved. Interested
25 stakeholders and the public will have an opportunity to

1 review and comment on the proposed land exchange through
2 the federal and State process, and as required by NEPA and
3 CEQA.

4 Because of the process -- because the process
5 will involve a significant amount of staff time and
6 resources from both the federal agencies involved and the
7 State agencies, the Commission and the BLM wish to
8 memorialize their continuing commitment to pursue the
9 proposed exchanges and work cooperatively to resolve any
10 issues.

11 In summary the proposed Memorandum of Intent
12 recognizes that the Phase 1 land exchange, as well as
13 future phases will provide clear, significant, and
14 comprehensive public benefits, including environmental
15 protection, land conservation, facilitation of renewable
16 energy, greenhouse gas reduction, and a critical and
17 ongoing revenue source dedicated to CalSTRS for the
18 benefit of California's retired teachers.

19 As such, staff recommends the Commission
20 authorize the Memorandum of Intent.

21 And then what I'd also like to do, at this point,
22 is introduce State Director, Jim Kenna, from the Bureau of
23 Land Management who would like to say a few words, and
24 also California Energy Commissioner, Karen Douglas, who
25 would like to say a few words after Jim.

1 CHAIRPERONS NEWSOM: Perfect. Great. Jim,
2 thanks.

3 MR. KENNA: Lieutenant Governor and Board
4 members, thank you for allowing me to speak. And I wanted
5 to offer just a few quick thoughts about this land
6 exchange and the approach we've been taking. It's taken
7 years, I think, to reach this point and the efforts of
8 many. We have to engage in land-use planning. And one of
9 the things we have to do is come to, what we call, a land
10 tenure decision, which makes lands available for exchange.

11 We're closing in on the end of that process with
12 the Desert Renewable Energy and Conservation Plan. And
13 we've closed, I believe, or hopefully we will close today
14 with the State Lands Commission on the policy direction
15 that is necessary here going forward.

16 There are three major benefits that I think
17 emanate from this proposal. And let me preface this by
18 saying, from our perspective in the Bureau of Land
19 Management, and I would say from our interactions with the
20 State Lands Commission and staff, we believe that this is
21 about good governance for the benefit of citizens. It
22 really doesn't have anything to do with State, federal,
23 local. It's for the benefit of citizens, and there are
24 three primary areas where I see benefit to citizens, and
25 they were -- have already been mentioned.

1 One is that you can improve the situation for
2 schools in California. You can benefit the financial
3 situation for those schools. The second is that you can
4 also at the same time give a major shot in the arm to the
5 conservation design in the California desert. And the
6 third thing equally important in a time when we're trying
7 to work on reducing greenhouse gases and address the
8 challenges of climate change is the emphasis on renewable
9 energy and continued generation of renewable energy going
10 forward.

11 To have all of those things as policy goals
12 inside the same proposal to me is highly significant.
13 There is further processes, Jennifer mentioned, going
14 forward. So there's plenty of opportunity to make
15 adjustments based on actual appraisals, to make
16 adjustments on any issues that might surface in the public
17 process and that's totally appropriate. I think the
18 question today is do we have the policy direction correct?

19 And in my view this is a win-win-win. And thank
20 you for your attention to this item.

21 CHAIRPERSON NEWSOM: Thank you. Appreciate that.
22 Thank you very much.

23 MS. DOUGLAS: Well, thank you, Lieutenant
24 Governor and members of the Commission. I'm Karen
25 Douglas. I'm a Commissioner at the California Energy

1 Commission. We've been working with the Bureau of Land
2 Management and the State and federal wildlife agencies and
3 the State Lands Commission on the Desert Renewable Energy
4 Conservation Plan for years. The topic of a potential
5 land exchange came up in the very early days of working on
6 DRECP.

7 And it came up in the context, as Jim said, of
8 this being a clear win-win. That was something that we
9 really wanted to be able to facilitate and help make
10 happen. And since those early days, the State Lands
11 Commission staff, certainly Jennifer Lucchesi, Jenny
12 DeLeon, Jim Porter and others have been in the meetings
13 with us, both generally working on the DRECP over the
14 years, and also specifically working with BLM on the land
15 exchange.

16 I know this has been a long process, because at
17 least from the outside on the land exchange discussions,
18 I've seen it, and been strongly supportive of it. And I'm
19 really delighted that it's reached this point. So I just
20 wanted to come and express my support and congratulations
21 to the State Lands Commission staff and also BLM for
22 working so hard to make this happen.

23 Thank you.

24 CHAIRPERSON NEWSOM: Appreciate that. Thank you.

25 Thank you.

1 Jennifer, anyone else in terms of your formal
2 presentation? I know I have a number of speaker cards.

3 EXECUTIVE OFFICER LUCCHESI: Yeah. No, we can
4 move on to the public comment.

5 CHAIRPERSON NEWSOM: Great. At this stage, just
6 jump in to the speakers. Great, and we can talk
7 afterwards.

8 So I'll just mention a number of you. If you
9 haven't filled out a speaker card, please do so. No
10 urgency, because there are a number of speakers in front
11 of you, if you haven't.

12 But Erica Brand, followed by Lisa Belenky and
13 then we'll ask Lance Carnes or Carness to come up.

14 Thank you.

15 MS. BRAND: Good afternoon. My name is Erica
16 Brand. I'm the California Energy Program Director for The
17 Nature Conservancy. The Conservancy is a nonprofit
18 organization working in California and around the world
19 for more than 50 years to conserve the lands and waters on
20 which all life depends.

21 We have partnered with the Commission on a number
22 of projects in California over the years, and are pleased
23 that the Commission will be pressing forward with the next
24 step in the land exchange process. We have analyzed the
25 proposed exchange and find that generally the transaction

1 would offer significant support to the conservation
2 priorities revealed in The Nature Conservancy's ecological
3 assessments of the California desert, and would enhance
4 desert ecological integrity in other respects.

5 For these reasons, we support the framework and
6 goals of the proposed land exchange to advance low-impact
7 renewable energy siting and long-term conservation of
8 ecologically important lands.

9 And we recommend that the Commission enter into
10 the Memorandum of Intent with the Bureau of Land
11 Management to formally pursue the proposed Phase 1 land
12 exchange transaction.

13 I'd like to offer a few more comments for the
14 future phases of the transaction process. So first, we
15 recommend that all lands transferred to BLM include all
16 mineral rights and be placed, upon transfer, within a
17 durable and lasting conservation designation, and managed
18 to ensure the long-term maintenance of ecological values.

19 Second, we recommend that the exchange
20 transaction provide transparent documentation and public
21 disclosure of the process employed to assess the
22 conservation values of the lands exchanged, as well as the
23 appraisal process and valuation criteria.

24 Third, we recommend early public disclosure of
25 the lands proposed for future transactions phases.

1 We look forward to working with the Commission,
2 the Bureau of Land Management, and other stakeholders
3 through the Phase 1 land exchange transaction. I thank
4 you for the opportunity to provide comments today.

5 CHAIRPERSON NEWSOM: Great. Thanks so much.
6 Appreciate it.

7 MS. BELENKY: Good afternoon, Lisa Belenky. I'm
8 a senior attorney at the Center for Biological Diversity,
9 and I want to thank you for this opportunity to speak on
10 this item.

11 The Center for Biological Diversity has been very
12 involved in the DRECP process, and we do support the
13 concept of a land exchange. We have some concerns about
14 this specific proposal that will certainly be dealt with
15 as we move forward in the CEQA and NEPA process.

16 But as an initial matter, I also want to say that
17 if this Commission wants to look in a meaningful way at
18 climate change, this is not necessarily the best place to
19 start. The Commission needs to reject any future oil and
20 gas leasing on lands that are managed by the Commission or
21 owned in trust for the People of the State of California,
22 and should be working to shut down all oil and gas
23 operations and all fracking on those lands. That is the
24 way we are going to move forward in a climate change
25 scenario with changing our own behaviors.

1 Nonetheless, this land exchange is important, and
2 we strongly support the exchange of lands within
3 wilderness and conservation areas that already are
4 designated on BLM lands. We have some concerns about some
5 of the other areas that have been identified, which are
6 not currently under conservation, and where it is unclear
7 what the strength of those conservation measures will be
8 once the lands are transferred to the BLM.

9 Secondly, as far as the transfer from the BLM to
10 State Lands, we are very concerned about the idea of
11 transferring an already permitted large-scale project that
12 actually has been quite controversial and was quite
13 controversial during the time that it was being permitted.

14 This project destroyed over 4,000 acres of very,
15 very high quality habitat that was intact in the desert.
16 It is also on the doorstep of Joshua Tree National Park.
17 We don't think that this is a kind of project that you
18 would consider to be well sited. And so for the State
19 Lands Commission to come in now and pick it up, so to
20 speak, for the revenue is problematic, because there was
21 not really the kind of alternatives analysis we would have
22 liked to see, under a full CEQA process you would have
23 had.

24 In this case, it was primarily under a NEPA
25 process. It was under the ARRA process, which is also

1 called fast track. There was a lot of pressure to permit
2 this project in this place and not look at alternative
3 sites. So I just wanted to put that in context for the
4 Commission, that this was -- is a controversial issue.

5 CHAIRPERSON NEWSOM: But you're still supportive
6 despite that, is that it?

7 MS. BELENKY: We're not necessarily --

8 CHAIRPERSON NEWSOM: I'm sort of now getting
9 confused.

10 MS. BELENKY: We're not supportive of that
11 particular site being the site that the State Lands
12 acquires. We are supportive of an exchange. And as has
13 been said, this is the very beginning of the process. All
14 of the details have not been worked out. There has not
15 yet been a NEPA or CEQA process for the exchange. So
16 we're not supportive of necessarily that site being picked
17 up, because we do believe that it would look like an
18 endorsement of a very poor siting process.

19 Similarly, the other set of lands in Lucerne
20 Valley have quite a few habitat values. It may have more
21 appropriateness in some of that area for siting, but it is
22 not clear that all of those lands are appropriate for
23 siting large-scale utility renewable energy.

24 So these are the kinds of details we hope to work
25 with the Commission on as you go forward. We do support,

1 in general, the concept of the exchange, and particularly
2 consolidating lands in conservation areas in the
3 California desert.

4 Thank you so much.

5 CHAIRPERSON NEWSOM: Thanks. Appreciate it.

6 MR. CARNES: I'm pass. I wanted to speak on
7 public comment.

8 CHAIRPERSON NEWSOM: Oh. Okay. More generic --
9 generally. Okay. Because I see a number of people just
10 that have interest in -- during public comment. Anyone
11 else specific to this issue that wishes to speak?

12 Seeing none. We will close public comment on
13 this item.

14 Jennifer, any reflections on some of the comments
15 about future disclosures, transparency issues, obviously
16 concerned about -- I mean, any reflective thoughts?

17 EXECUTIVE OFFICER LUCCHESI: Just to emphasize
18 that both the Bureau of Land Management and the State
19 Lands Commission staff have every intent to make the
20 future process to analyze and identify the specifics of
21 the proposed Phase 1 land exchange. We have every intent
22 to make that a very full, transparent, public
23 participation effort. And at various different times, it
24 will come back to the Commission for concurrence or for
25 ultimate approval, and same through the BLM federal

1 process. And in addition to that, CEQA and NEPA will both
2 be complied with for this Phase 1 land exchange and for
3 future phases.

4 CHAIRPERSON NEWSOM: Excellent. Any thoughts,
5 comments? I just want to compliment all the extra effort
6 that's gone into this. We've been watching this process
7 chug along over the last few years. And, you know, I
8 agree, it's a win-win-win. It establishes a framework
9 that advances all of our collective goals. And I
10 appreciate the representation from the outset that we're
11 all in this together.

12 And I always find it, as a former Mayor of a City
13 also a County, and looking at the State and the federal,
14 you know, we're many parts, but one body. And so this
15 kind of collaboration is, to me, self-evident in terms of
16 its benefit. And I appreciate the intentionality of this
17 particular effort.

18 And, you know, this is not insignificant. We
19 know CalSTRS has a huge gap and a hole to fill, so four
20 million, if that is indeed where we're going to end up is
21 not going to plug it. But in and of itself, it is a
22 significant step in the right direction, and it's exactly
23 the kind of work we should be doing.

24 So I want to compliment all of you for your
25 leadership on this. And I also want to compliment the

1 speakers and their expressed concern. And I'll just say,
2 you know, we all -- I'm looking forward to living a low
3 carbon green growth future. And that requires us to
4 dramatically change the way we produce and consume energy,
5 but there's a bridge to that future. And this is part of
6 building that bridge.

7 And so this is certainly part of the foundation
8 that we need to build. And so I'm grateful for those
9 comments, and certainly want to sort of assert my support
10 for the spirit of which they were advanced.

11 And I'm now looking for either final closing
12 comments or a motion to support, and then we will move to
13 public comment.

14 COMMISSIONER YEE: Mr. Chairman, let me add my
15 thanks to Mr. Kenna and the State Lands Commission staff.
16 It's been an arduous long tedious process, but a very
17 important point where we have ended up, starting today,
18 but this is, as everyone's represented, just the beginning
19 of the process. So I'm looking forward to some continued
20 robust discussions going forward.

21 With that, I would make a motion to authorize the
22 Memorandum of Intent to be executed. And do we need a
23 motion also on the CEQA finding as well?

24 EXECUTIVE OFFICER LUCCHESI: No, just a motion to
25 authorize.

1 COMMISSIONER YEE: Okay. All right. So moved.

2 ACTING COMMISSIONER ORTEGA: Second.

3 CHAIRPERSON NEWSOM: Moved and seconded. Without
4 objection.

5 Thank you all very much. Appreciate all the
6 work. We have more work today.

7 EXECUTIVE OFFICER LUCCHESI: Yes, you do.

8 Well, what I'd like to do, at this point, is
9 actually have, Chair, you and State Director Kenna execute
10 the Memorandum of Agreement, and take some pictures.

11 CHAIRPERSON NEWSOM: It seems like you knew we
12 were going to decide.

13 EXECUTIVE OFFICER LUCCHESI: Yeah, I was hoping.
14 You can actually stay where you're seated.

15 CHAIRPERSON NEWSOM: Oh, we can?

16 EXECUTIVE OFFICER LUCCHESI: Yes.

17 CHAIRPERSON NEWSOM: Okay. Great. Good.

18 Oh, that's why you have all these fancy pens. I
19 was wondering. Unbelievable.

20 EXECUTIVE OFFICER LUCCHESI: And Controller Yee,
21 and Commissioner Ortega, please stay seated because we're
22 going to take pictures with all of you.

23 Thank you, by the way.

24 MR. KENNA: Thank you, sir.

25 CHAIRPERSON NEWSOM: Well done.

1 You've got a better signature.

2 MR. KENNA: I don't know. Let's debate that.

3 Thanks again. Let's all get in.

4 (Thereupon pictures were taken.)

5 CHAIRPERSON NEWSOM: All right. Public comment.

6 EXECUTIVE OFFICER LUCCHESI: Well, and if I may,
7 just before we jump to regular public comment, and while
8 Mr. Kenna is still here, I just want to acknowledge his
9 service and everything he brought to the table in terms of
10 negotiating this land exchange and for all his work in
11 California with the DRECP. He is actually retiring. His
12 last day is tomorrow.

13 CHAIRPERSON NEWSOM: Wow. Wow. Big deal.

14 EXECUTIVE OFFICER LUCCHESI: And I wanted to just
15 acknowledge his retirement and just talk a little bit
16 about him and my personal experience with him.

17 CHAIRPERSON NEWSOM: Fabulous.

18 EXECUTIVE OFFICER LUCCHESI: In 2011, the State
19 Lands Commission received special direction -- legislative
20 direction through AB 982 to pursue land exchanges with
21 BLM. It obviously did not direct the federal government
22 to engage in those negotiations with the State on that.
23 However, with Jim's leadership, collectively we have been
24 able to successfully implement the direction of AB 982.
25 And I can't overstate how valuable that leadership on this

1 effort was, and how it really started us on a path to
2 successful implementation thus far.

3 The fact that the MOU envisioned by AB 982 was
4 executed and implemented just a mere nine months from the
5 time AB 982 was signed by the Governor is really a
6 testament to Jim's leadership. Further, his personal
7 attention to this effort really empowered his extremely
8 skilled and talented staff to be very proactive, timely,
9 and responsive to our staff's needs and wishes as it
10 related to this land exchange.

11 The Commission has a very unique role as a
12 landowner in the California desert with specific fiduciary
13 duties. And through Jim at BLM, through Karen's
14 leadership at the Energy Commission, they were able to
15 really learn that unique responsibility, understand it,
16 and respect it. And that's reflected in all the documents
17 that they have produced out of the Energy Commission, out
18 of the DRECP planning effort, and out of BLM.

19 And I just can't thank them enough for that,
20 because it's incredibly important, not only to the State
21 but for this Commission as well. So I just want to take
22 to opportunity to thank Jim for his leadership and his
23 personal engagement on this.

24 CHAIRPERSON NEWSOM: Thank you. Well deserved,
25 Jim.

1 MR. KENNA: Thank you.

2 CHAIRPERSON NEWSOM: Thank you. Do you have
3 anything you want to say before you retire to get off your
4 chest?

5 (Laughter.)

6 MR. KENNA: I hope you get it done.

7 (Laughter.)

8 CHAIRPERSON NEWSOM: Yeah. Amen. You'll be
9 watching us. And thank you, Karen, for everything.
10 Grateful. That's nice. Wonderful, Jennifer. Thank you.

11 So now time for public comment?

12 EXECUTIVE OFFICER LUCCHESI: Yes.

13 CHAIRPERSON NEWSOM: Next item.

14 So we've got a number of you ready to talk.
15 Lance, why don't we start off with you.

16 MR. CARNES: I'll pass on my turn.

17 CHAIRPERSON NEWSOM: Okay. You're -- all right.
18 Well, jump in, and then -- so we've got Nan Roth and
19 Lee -- I can't make out the last name -- Robbins or Lee
20 Radner as well.

21 So come on up you guys. Any order. Just -- you
22 know who you are. Step on up.

23 MS. ROTH: My name is Nan Roth.

24 CHAIRPERSON NEWSOM: Nan, that's -- grab that
25 bigger mic that's working actually.

1 MS. ROTH: If I set something on this computer,
2 am I going to upset anything?

3 EXECUTIVE OFFICER LUCCHESI: No.

4 MS. ROTH: Okay. Thank you.

5 My name is Nann Roth. I'm here today as a
6 neighbor, as a supporter of FOGG since day one, and as a
7 retired urban planner with a deep concern for protecting
8 our northeastern waterfront from the excesses plaguing the
9 areas south of us. I served on and never missed a meeting
10 of the Port's Waterfront Plan Advisory Board.

11 Both then, back in the 1990s, and now, it was and
12 continues to be clear that the overwhelming majority of
13 San Franciscans strongly oppose high-rise development on
14 the northeast waterfront. Yet, Mr. Simon Snellgrove
15 relentlessly continues to try to impose this grossly
16 oversized and unpopular project on our community,
17 regardless of the many unresolved legal issues surrounding
18 it.

19 I'm here today to oppose the inclusion of Seawall
20 Lot 351 in what is referred to as the 8 Washington
21 Project. Twice, twice the majority of the residents of
22 San Francisco have stepped up the polls -- to the polls
23 and voiced their opposition to this project. Yet, Simon
24 Snellgrove continues to press forward despite the legal
25 and environmental issues that have been raised.

1 The time is nearing, if not already before you,
2 to reconsider your support for this project, particularly
3 in view of the Lieutenant Governor Newsom's involvement
4 and the considerable financial support he has received
5 from Simon Snellgrove and his specific waterfront
6 partners.

7 I urge the Commission to at the very least to
8 withhold, if not firmly deny, approval for the inclusion
9 of Seawall Lot 351 in the 8 Washington Project.

10 Thank you.

11 CHAIRPERSON NEWSOM: Next speaker.

12 MR. RADNER: Thank you, Commissioners for this
13 opportunity. My name is Lee Radner. I chaired the
14 Friends of Goden Gateway, FOGG, for 13 years. As I say to
15 my friends, I'm only 45, but look at me.

16 We're not sure, Commissioners, what your next
17 move will be on Seawall Lot 351, 8 Washington. Our
18 serious suggestion asked that you stop trying to aid a
19 developer who has no more interest in the needs of the
20 community of the future of the San Francisco waterfront.
21 It is all about dollars.

22 The voters of San Francisco, as Nan has already
23 stated, gave the project a huge thumbs down, not once, but
24 twice. And the courts have agreed with them. Now, while
25 nothing is done illegally, both as Mayor and Lieutenant

1 Governor, Mr. Newsom received substantial donations from
2 PWP and Mr. Snellgrove.

3 His TV ads with Mayor Ed Lee in support of the 8
4 Washington Project did not come from a Salvation Army
5 bucket. It is really time to stop this pay-for-play. We
6 don't want to be adversaries. We would like to work with
7 you. We'd like you to join the community in developing a
8 project for Seawall Lot 351 that provides a city-wide plan
9 for everyone, allowing for the views to maintain and
10 Seawall Lot 351 be open to the public, not just for a
11 private few.

12 Thank you very much.

13 CHAIRPERSON NEWSOM: Next speaker.

14 MR. ROBBINS: I'm Lee Robbins. I'm a local
15 resident --

16 CHAIRPERSON NEWSOM: The other mic, please.

17 MR. ROBBINS: I'm Lee Robbins. I'm a local
18 resident and a college professor. I teach management and
19 organizations with degrees from Harvard and Wharton. And
20 I will say something that's -- briefly that's somewhat
21 academic, but I am, after all, an academic.

22 So the basis of liberal democracy is a balance
23 between democracy, which is the voters, law, which is the
24 longer term structured system, and the State, which, in
25 this case, is represented by the Commission and Gavin

1 Newsome, who is present, a former Mayor of San Francisco.

2 In order to have it function as a liberal
3 democracy, which ours is still managing to do, including
4 California, with its many difficulties, it requires a
5 balance between the three of those. If anyone of them
6 becomes predominant than the others are pushed aside.
7 And, in this case, it seems to me like once again, under
8 the leadership of our former Mayor Gavin Newsom, is
9 attempting to do is push aside both the voters, who, as
10 was mentioned not once but twice, have voted down the
11 high-rise developments, and by a 2 to 1 majority, which in
12 politics, as I understand it, is a land slide -- slide
13 Tsunami.

14 And the attempt is to push aside both the voters
15 and the legal system, which has decided multiple times
16 against this. It's really time to stop this.

17 And my personal emotional experience is dismay at
18 the results of contributions, which as we know is a much
19 wider problem in our still liberal democracy. And I can
20 only say that I noticed Lieutenant Governor Newsom amused
21 when talking about the contributions. It reminds me of
22 the comment he laughed all the way to the bank. But when
23 the next election comes up, I think there may be a San
24 Francisco voters for anyone but Gavin, if this continues.

25 Thank you.

1 CHAIRPERSON NEWSOM: And I'll just -- yeah.
2 Thank you. I appreciate your professionalism and lack of
3 personalization.

4 Mr. Gollinger, in that spirit, look forward to
5 this being the final public comment.

6 MR. GOLLINGER: Good afternoon, Chairman Newsom,
7 Commissioner Yee, Commissioner.

8 My name is Jon Gollinger. I'm an environmental
9 attorney here in San Francisco and a long-time waterfront
10 advocate. And I'm also a newly appointed member of the
11 Port's Waterfront Land-Use Advisory -- Waterfront Land-Use
12 Working Group, which is the group of 32 folks, including
13 your staff, Reid Boggiano - if I'm saying his name right -
14 who's also been appointed to that.

15 I wanted to speak -- I mean, specifically, I'm
16 here today, because you had -- the first two items on your
17 litigation calendar, which you'll discuss in private, so
18 we won't know what you do, but I want to encourage you to
19 ask very specific questions about the first two items, the
20 State Lands Commission lawsuit against the City and County
21 of San Francisco over Proposition B, which allowed the
22 voters to weigh-in on height limits on the waterfront.
23 That comes -- that's going before a judge -- scheduled to
24 go before the judge next month for a hearing.

25 And there are some very important decisions for

1 you to make before that occurs. I urge you not to just
2 leave it to staff.

3 The other item is Defend Our Waterfront against
4 State Lands. And as you may know or will hear, last month
5 the judge court of appeal unanimously upheld the trial
6 judge and -- nullifying the State Lands decision on the 8
7 Washington project to use a very narrow exemption for a
8 title and boundary dispute to avoid doing an environmental
9 review. And the judge and the court of appeal and your
10 decision, I believe, is whether to appeal to the Supreme
11 court already I think has back-fired and set, not just a
12 precedent here, but regionally and perhaps statewide, that
13 more environmental reviews need to be done, and you can't
14 use a loophole.

15 I want to spend my last minute and a half on the
16 Prop B issue. We want to move forward here in San
17 Francisco. That's why we're fighting so hard for our
18 waterfront. The reason I'm about to spend, and your
19 staff, and 30 other people and many others paying
20 attention in the next two years is to update the
21 waterfront plan that Ms. Roth worked on 25 years ago, is
22 we want a reasonably planned waterfront. That includes
23 projects that go up and also open space everyone can
24 enjoy.

25 The suit that State Lands has brought, and I urge

1 you to consider dropping it, would nullify not just Prop
2 B, it would nullify all planning and zoning laws in San
3 Francisco that apply to the waterfront. And that's not my
4 view, that's the city attorney of San Francisco, and we'll
5 see what the court says.

6 So if you proceed as planned with the lawsuit and
7 succeed, the process your staff is about to engage in is
8 worth nothing. And the fact that the lawsuit will
9 continue, unless you drop it, whether you win or lose, it
10 will be appealed all the way up, will put a cloud of
11 uncertainty over how we can move forward on our
12 waterfront.

13 I will just lastly say that last year 72 percent
14 of the voters approved a height limit increase on the
15 waterfront for Pier 70. So it shows that the process
16 we've got, letting voters weigh-in, allows us to do
17 something. Next month, the voters will decide whether the
18 Mission Rock Project gets the same approval, but we've
19 certainly had a good and balanced debate.

20 So I urge you really to ask specific questions,
21 because that litigation is incredibly important to all of
22 us.

23 Thank you.

24 CHAIRPERSON NEWSOM: All right. Anyone else wish
25 to speak?

1 Seeing none, we'll close public comment.

2 Ms. Lucchesi, any other business today?

3 EXECUTIVE OFFICER LUCCHESI: No.

4 CHAIRPERSON NEWSOM: And it turns out we're not
5 meeting in closed session.

6 EXECUTIVE OFFICER LUCCHESI: That's correct.

7 CHAIRPERSON NEWSOM: So that will, Commissioners,
8 do it. Thank you very much.

9 Oh, you have more, you wish.

10 EXECUTIVE OFFICER LUCCHESI: I don't have more.

11 CHAIRPERSON NEWSOM: What do you have.

12 COMMISSIONER YEE: Just to keep the focus on our
13 strategic planning process, I wanted to thank Jennifer and
14 her staff and Deputy Controller Anne Baker for convening a
15 pretty broad-based stakeholder meeting to get feedback on
16 the draft strategic plan. I noticed that today the
17 deadline for final comments was posted for November 1st.
18 And it's my hope that we can then have more input in the
19 October Commission meeting in San Diego, and look forward
20 to the next phase of a draft, probably sometime early
21 December, is that a good time frame?

22 EXECUTIVE OFFICER LUCCHESI: Yes.

23 COMMISSIONER YEE: And really hope that we can
24 use our December meeting to have a pretty robust
25 conversation about the elements of it.

1 I know, Mr. Chairman, your input has been
2 invaluable with respect to just looking at how we can
3 accomplish operational excellence a little bit better with
4 the use technology. So that's a big part of it.

5 CHAIRPERSON NEWSOM: I appreciate all that.
6 Jennifer.

7 EXECUTIVE OFFICER LUCCHESI: I was just going to
8 add that the stakeholder meeting last week was really
9 insightful, and we received a lot of different
10 perspectives that will help us in revising the draft
11 strategic plan, in addition to the -- as Controller Yee
12 said, invaluable comments by Chair Newsom and by
13 Commissioner Yee at the last Commission meeting.

14 We kind of received a shot in the arm of momentum
15 to, I think, meet all of your expectations, and your
16 visions for what this document should look like and what
17 the path should look like for the Commission over the next
18 five years.

19 CHAIRPERSON NEWSOM: Great.

20 COMMISSIONER YEE: We should have taken a photo
21 in terms of all the interests in the room together.

22 (Laughter.)

23 CHAIRPERSON NEWSOM: Thank you for that.

24 All right. Well, this will conclude the meeting.

25 Thank you all very much.

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COMMISSIONER YEE: Thank you.
EXECUTIVE OFFICER LUCCHESI: Thank you.
(Thereupon the California State Lands
Commission meeting adjourned at 1:10 PM)

C E R T I F I C A T E O F R E P O R T E R

I, JAMES F. PETERS, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing California State Lands Commission meeting was reported in shorthand by me, James F. Peters, a Certified Shorthand Reporter of the State of California;

That the said proceedings was taken before me, in shorthand writing, and was thereafter transcribed, under my direction, by computer-assisted transcription.

I further certify that I am not of counsel or attorney for any of the parties to said meeting nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of October, 2015.

JAMES F. PETERS, CSR
Certified Shorthand Reporter
License No. 10063