

MEETING
STATE OF CALIFORNIA
LANDS COMMISSION

PORT OF SAN DIEGO ADMINISTRATION BUILDING
BOARD ROOM - FIRST FLOOR
3165 PACIFIC HIGHWAY
SAN DIEGO, CALIFORNIA

FRIDAY, OCTOBER 16, 2015
1:00 P.M.

JAMES F. PETERS, CSR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

A P P E A R A N C E S

COMMISSION MEMBERS:

Mr. Gavin Newsom, Lieutenant Governor, Chairperson,
represented by Mr. Kevin Schmidt

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

Ms. Betty T. Yee, State Controller, represented by Ms.
Anne Baker

STAFF:

Ms. Jennifer Lucchesi, Executive Officer

Mr. Dave Brown, Assistant Executive Officer

Mr. Mark Meier, Chief Counsel

Ms. Kathryn Colson, Staff Attorney

Ms. Kim Lunetta, Executive Assistant

Dr. Avinash Nafday, Senior Engineer

Ms. Kendra Oliver, Senior Engineer

Mr. Phil Schlatter, GIS Coordinator

ATTORNEY GENERAL:

Mr. Andrew Vogel, Deputy Attorney General

ALSO PRESENT:

Mr. Greg Cox, Supervisor, County of San Diego

Mr. Marshall Merrifield, Commissioner, Port of San Diego

Mr. Job Nelson, Port of San Diego

Ms. Amanda Sekich-Quinn, Surfrider Foundation

Mr. Ed Selich, Bay City Partners

Ms. Amanda Winchell, Surfrider Foundation

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I 1:00 P.M. - OPEN SESSION	1
II CONFIRMATION OF MINUTES FOR THE REGULAR MEETING OF AUGUST 19, 2015, AND THE SPECIAL MEETING OF OCTOBER 1, 2015.	4
III EXECUTIVE OFFICER'S REPORT	5
IV CONSENT CALENDAR C01-C69 THE FOLLOWING ITEMS ARE CONSIDERED TO BE NON-CONTROVERSIAL AND ARE SUBJECT TO CHANGE AT ANY TIME UP TO THE DATE OF THE MEETING.	9

LAND MANAGEMENT DIVISION

NORTHERN REGION

- C01 THE KOURETAS FAMILY TRUST U/A DATED NOVEMBER 15, 1978, AS AMENDED (LESSEE); RONALD E. RIVERA, TRUSTEE AND STEPHANIE TAMAYO-RIVERA, TRUSTEE OF THE RONALD E. RIVERA AND STEPHANIE TAMAYO-RIVERA REVOCABLE TRUST (2009) (APPLICANT): Consider acceptance of a quitclaim deed for Lease No. PRC 1710.1, a General Lease - Recreational Use, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5230 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 1710.1; RA# 36414) (A 1; S 1) (Staff: M.J. Columbus)
- C02 MICHAEL G. AKATIFF AND CHRISTY D. AKATIFF, TRUSTEES OF THE MICHAEL G. AKATIFF AND CHRISTY D. AKATIFF REVOCABLE LIVING TRUST (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8796 and 8782 Brockway Vista Avenue, near Kings Beach, Placer County; for two existing mooring buoys previously authorized by the Commission; and an existing double jet ski lift and one mooring buoy not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 8271.1; RA# 36610) (A 1; S 1) (Staff: M.J. Columbus)

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- C03 SELECTIVE RUBICON PROPERTY, LLC; THOMAS R. HARRY, TRUSTEE OF THE THOMAS R. HARRY AND CAROLYN D. HARRY FAMILY DECEDENT'S TRUST, ESTABLISHED OCTOBER 23, 1997; MICHAEL R. HARRY; ANNE L. HARRY, THOMAS J. HARRY; CYNTHIA A. HARRY; DEBORA D. GOEHRING; AND ARDEN GOEHRING (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 7449.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8579 Meeks Bay Avenue and 8581 North Lane, near Rubicon Bay, El Dorado County; for an existing joint-use pier and two mooring buoys. CEQA Consideration: not a project. (PRC 7449.1) (A 5; S 1)(Staff: M.J. Columbus)
- C04 SPALDING COMMUNITY SERVICE DISTRICT (LESSEE): Consider revision of rent to Lease No. PRC 8155.1, a General Lease - Commercial Use, of sovereign land located in Eagle Lake, adjacent to Assessor's Parcel Number 077-030-09, near the city of Susanville, Lassen County; for a commercial marina, known as the Spalding Marina, with two boat launch ramps, fishing pier, floating courtesy dock, two floating breakwaters, four mooring buoys, swim area with float, 10 seasonally operated recreational and commercial floating boat docks, rock slope bank protection, and maintenance dredging. CEQA Consideration: not a project. (PRC 8155.1) (A 1; S 1) (Staff: M.J. Columbus)
- C05 TAHOE LAKEVIEW, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (LESSEE): Consider an amendment of lease and revision of rent to Lease No. PRC 8913.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 969 Lakeview Avenue, city of South Lake Tahoe, El Dorado County; for an existing pier, boat lift, and four mooring buoys. CEQA Consideration: not a project. (PRC 8913.1) (A 5; S 1) (Staff: M.J. Columbus)
- C06 TAHOE SWISS VILLAGE HOMEOWNERS ASSOCIATION, INC. (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to Assessor's

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- Parcel Numbers 085-020-048 and 085-020-080, near Homewood, Placer County; for two existing piers, two marker buoys, and 70 mooring buoys. CEQA Consideration: categorical exemption. (PRC 5449.1; RA# 07115) (A 1; S 1) (Staff: M.J. Columbus)
- C07 ALICE RUSSELL-SHAPIRO, AS TRUSTEE, OR THE SUCCESSOR TRUSTEE OR TRUSTEES, OF THE ALICE RUSSELL-SHAPIRO QUALIFIED PERSONAL RESIDENCE TRUST OF 1996, U/A/D MAY 13, 1996 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3695 Idlewild Way, near Tahoe City, Placer County; for an existing pier, boat lift, and two mooring buoys previously authorized by the Commission; and one existing freshwater intake pipeline not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 4232.1; RA# 33314) (A 1; S 1) (Staff: S. Kreutzburg)
- C08 BRUCE T. EISENHARD AND NANCY EISENHARD, TRUSTEES, OR THEIR SUCCESSORS IN TRUST, UNDER THE EISENHARD LIVING TRUST, DATED SEPTEMBER 11, 2007 AND ANY AMENDMENTS THERETO (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6790 North Lake Boulevard, near Tahoe Vista, Placer County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (PRC 8680.1; RA# 32814) (A 1; S 1) (Staff: S. Kreutzburg)
- C09 CARIN COOPER BATHAM, AS TRUSTEE OF THE CARIN L. COOPER TRUST DATED JULY 20, 1998 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8235 Meeks Bay Avenue, near Meeks Bay, El Dorado County; for an existing pier, portion of a boathouse, and one mooring buoy. CEQA Consideration: categorical exemption. (PRC 3553.1; RA# 32714) (A 5; S 1) (Staff: S. Kreutzburg)

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- C10 DIANA DOLLAR KNOWLES, TRUSTEE OF THE DIANA DOLLAR KNOWLES REVOCABLE TRUST DATED JANUARY 31, 1995 (LESSEE); MANITOU, LLC (APPLICANT): Consider termination of Lease No. PRC 4283.9, a Recreational Pier Lease, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 7791 Highway 89, near Meeks Bay, El Dorado County; for an existing pier, boathouse, and boat lift previously authorized by the Commission; and two existing mooring buoys not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 4283.1; RA# 28314) (A 5; S 1) (Staff: S. Kreutzburg)
- C11 DIOSDADO P. BANATAO AND MARIA C. BANATAO, TRUSTEES, OR THEIR SUCCESSORS IN TRUST, UNDER THE BANATAO LIVING TRUST DATED JULY 21, 1999 (LESSEE); TAHOE, LLC, A SOUTH DAKOTA LIMITED LIABILITY COMPANY (APPLICANT): Consider termination of Lease No. PRC 4178.9, a Recreational Pier Lease, and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6790 and 6810 West Lake Boulevard, near Tahoma, Placer County; for an existing pier, boat lift, and four mooring buoys. CEQA Consideration: categorical exemption. (PRC 4178.1; RA# 34414) (A 1; S 1) (Staff: S. Kreutzburg)
- C12 MARK ALAN HOGAN, FAMILY ADMINISTRATIVE TRUSTEE OF THE HOGAN FAMILY TRUST (LESSEE): Consider correction to lease consideration in prior authorization of Lease No. PRC 3203.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2624 West Lake Boulevard, near Tahoe City, Placer County; for an existing pier, boathouse with boat lift, and one mooring buoy previously authorized by the Commission; and an existing sundeck with stairs not previously authorized by the Commission. CEQA Consideration: not a project. (PRC 3203.1; RA# 32614) (A 1; S 1) (Staff: S. Kreutzburg)

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- C13 R. DOUGLAS RHODES AND VICKI LYN RHODES (ASSIGNOR); MICHAEL EDWARD SCHAUFELD, TRUSTEE OF THE MICHAEL EDWARD SCHAUFELD REVOCABLE TRUST DATED SEPTEMBER 28, 2006 (ASSIGNEE): Consider application for the assignment of Lease No. PRC 8868.9, a Recreational Pier Lease, of sovereign land located in Lake Tahoe, adjacent to 7150 North Lake Boulevard, near Tahoe Vista, Placer County; for two existing mooring buoys. CEQA Consideration: not a project. (PRC 8868.9; RA# 38314) (A 1; S 1)(Staff: S. Kreutzburg)
- C14 ROBERT D. BENNETT AND NORMA J. BENNETT (LESSEE); RNS MANAGEMENT, LLC, AN OREGON LIMITED LIABILITY COMPANY (APPLICANT): Consider termination of Lease No. PRC 7148.9, a Recreational Pier Lease and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8255 Meeks Bay Avenue, near Meeks Bay, El Dorado County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 7148.1; RA# 37014) (A 5; S 1) (Staff: S. Kreutzburg)
- C15 U.S. TRUST COMPANY, N.A. AND UTE W. ZAPF, CO-TRUSTEES OF THE QTIP TRUST UNDER THE ZAPF FAMILY REVOCABLE TRUST AGREEMENT DATED MAY 5, 1993; AND UTE W. ZAPF, AS TRUSTEE OF THE UTE W. ZAPF QUALIFIED PERSONAL RESIDENCE TRUST DATED NOVEMBER 29, 2012 (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2770 West Lake Boulevard, near Tahoe City, Placer County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 4456.1; RA# 39814) (A 1, S 1) (Staff: S. Kreutzburg)
- C16 PACIFIC GAS AND ELECTRIC COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 8856.1, a General Lease - Right-of-Way Use, of sovereign land located in the Sacramento River, adjacent to Sutter County Assessor's Parcel Number 35-330-020 and Yolo County Assessor's Parcel Number 057-050-03, north of the city of Woodland, Sutter and Yolo Counties; for a natural

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gas pipeline. CEQA Consideration: not a project.
(PRC 8856.1) (A 4; S 3) (Staff: N. Lee)

- C17 ADAIR RIDEOUT MCCLATCHY, CARLOS FUGITT MCCLATCHY, AND SUSAN B. MCCLATCHY, SUCCESSOR CO-TRUSTEES OF THOSE TRUSTS CREATED UNDER THE EXERCISE OF SPECIAL POWERS OF APPOINTMENT EXECUTED BY PHEBE B. MCCLATCHY, ALSO KNOWN AS PHEBE CONLEY, AND DATED JANUARY 11, 1989, IDENTIFIED COLLECTIVELY AS THE GRACE BRIGGS TRUSTS UNDER SPOA DATED 1/11/89 AND INDIVIDUALLY AS: GRACE BRIGGS TRUST UNDER SPOA DATED 1/11/89 FBO JAMES B. MCCLATCHY - TRUST 1; GRACE BRIGGS TRUST UNDER SPOA DATED 1/11/89 FBO WM. ELLERY MCCLATCHY - TRUST 2; AND GRACE BRIGGS TRUST UNDER SPOA DATED 1/11/89 FBO C.K. MCCLATCHY - TRUST 3 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 2400 and 2460 West Lake Boulevard, near Homewood, Placer County; for an existing pier, two boathouses, sundeck with stairs, an adjustable landing, and two mooring buoys previously authorized by the Commission, and two existing boat hoists and two boat lifts not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5600.1; RA# 24814) (A 1; S 1) (Staff: M. Schroeder)
- C18 HENRIS INVESTMENTS, LP (LESSEE/SUBLESSOR); LIND MARINE INCORPORATED (FORMERLY JERICO PRODUCTS, INC.) (SUBLESSEE): Consider revision of rent to Lease No. PRC 532.1, a General Lease - Industrial Use, and approval of a sublease, of sovereign land located in the Petaluma River, adjacent to Assessor's Parcel Numbers 019-220-036 and 019-220-004, near the city of Petaluma, Sonoma County; for a loading pier with dolphins and off-loading dock for sand and gravel. CEQA Consideration: not projects. (PRC 532.1; RA# 17614)(A 10; S 3) (Staff: M. Schroeder)
- C19 HERATAGE COVE HOMEOWNERS ASSOCIATION, INC. (LESSEE): Consider revision of rent to Lease No. PRC 4322.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent

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to 7580 North Lake Boulevard, near Tahoe Vista, Placer County; for an existing pier, 28 mooring \ buoys, and two marker buoys. CEQA Consideration: not a project. (PRC 4322.1) (A 1; S 1) (Staff: M. Schroeder)

C20 JAY L. STONE AND FAYE E. STONE, AS TRUSTEES OF THE 1991 STONE TRUST (ASSIGNOR); WILLIAM A.S. MAGRATH, II AND JUDITH B. MAGRATH, AS TRUSTEES OF THE MAGRATH FAMILY TRUST U/T/D FEBRUARY 11, 2008 (ASSIGNEE): Consider application for the assignment of Lease No. PRC 8938.9, a Recreational Pier Lease, of sovereign land located in Lake Tahoe, adjacent to 8357 Meeks Bay Avenue, near Tahoma, El Dorado County; for an existing pier and two mooring buoys. CEQA Consideration: not a project. (PRC 8938.9; RA# 01015)(A 5; S 1) (Staff: M. Schroeder)

C21 SAMUEL N. HARROSH AND SUZANNE C. HARROSH, TRUSTEES OF THE HARROSH FAMILY TRUST DATED NOVEMBER 13, 1984; LYNNE M. HARROSH; MICHAEL A. HARROSH; AARON F. HARROSH; AND LYNNE M. HARROSH-MAROVIC, TRUSTEE OF THE LYNNE M. HARROSH-MAROVIC REVOCABLE TRUST DATED FEBRUARY 14, 2008 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5550 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, boathouse, sundeck with stairs, and two mooring buoys previously authorized by the Commission; and two existing boat lifts not previously authorized by the Commission. CEQA Consideration: categorical exemption.(PRC 6158.1; RA# 21314) (A 1; S 1) (Staff: M. Schroeder)

C22 VERHOEVEN FAMILY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY; AND ROBERT J. WHALEN AND KIRSTEN J. WHALEN, TRUSTEES OF THE ROBERT J. WHALEN AND KIRSTEN J. WHALEN FAMILY TRUST DATED FEBRUARY 10, 1987 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to Assessor's Parcel Numbers 090-282-018 and 019, near Kings Beach, Placer County; for an

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existing joint-use pier, two boat lifts, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 4204.1; RA# 36114) (A 1; S 1) (Staff: M. Schroeder)

- C23 FLEUR DU LAC ESTATES ASSOCIATION (LESSEE): Consider correction to revision of rent amount in prior authorization and an application for an amendment to Lease No. PRC 6454.1, a General Lease - Recreational and Maintenance Dredging Use, of sovereign land located in Lake Tahoe, adjacent to 4000 West Lake Boulevard, near Homewood, Placer County; to extend the maintenance dredging area and allow installation of wave attenuation rock riprap. CEQA Consideration: categorical exemptions. (PRC 6454.1; RA# 04414) (A 1; S 1) (Staff: B. Terry)
- C24 LAKE TAHOE CRUISES, LLC (APPLICANT): Consider application for a General Lease - Commercial Use, of sovereign land located in Lake Tahoe, adjacent to 900 Ski Run Boulevard, city of South Lake Tahoe, and various locations around Lake Tahoe, El Dorado and Placer Counties; for the commercial operation, maintenance, and overnight berthing of two commercial passenger vessels that operate from Ski Run Marina and dock at various locations around Lake Tahoe. CEQA consideration: categorical exemption. (PRC 8705.1; RA# 00315) (A 1, 5; S 1) (Staff: B. Terry)
- C25 LIND MARINE INCORPORATED (APPLICANT): Consider application for a General Lease - Industrial Use, of sovereign land located in the Petaluma River, adjacent to Assessor's Parcel Number 007-700-006, near the city of Petaluma, Sonoma County; for an existing dock and dolphin pilings used for the mooring of vessels for off-loading fossilized oyster shells. CEQA Consideration: categorical exemption. (PRC 6695.1; RA# 04114) (A 10; S 3) (Staff: B. Terry)
- C26 NAPA SANITATION DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Napa River, adjacent to Assessor's Parcel Number 057-010-010,

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near Rattos Landing, city of Napa, Napa County; for an existing non-operational outfall pipeline. CEQA Consideration: categorical exemption. (PRC 3617.9; RA# 30114) (A 4; S 3) (Staff: B. Terry)

C27 NAPA SANITATION DISTRICT (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land located in the Napa River, adjacent to Assessor's Parcel Number 057-010-010, near Rattos Landing, city of Napa, Napa County; for three existing non-operational outfall pipelines and riprap. CEQA Consideration: categorical exemption. (PRC 3618.9; RA# 38514) (A 4; S 3)(Staff B. Terry)

C28 RED WOLF LAKESIDE LODGE AND TAHOYA SHORES (LESSEES): Consider amendment of lease and revision of rent to Lease No. PRC 7954.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in Lake Tahoe, adjacent to 7610 and 7630 Lakeside Boulevard, Tahoe Vista, Placer County; for an existing joint-use pier, rock jetty and a portion of a second rock jetty, and four mooring buoys. CEQA Consideration: not a project. (PRC 7954.1) (A 1; S 1)(Staff: B. Terry)

BAY/DELTA REGION

C29 COUNTY OF SANTA CRUZ (LESSEE): Consider application for amendment of a General Lease - Public Agency Use, of sovereign land located in the Pacific Ocean, adjacent to Assessor's Parcel Numbers 032-182-01 and 032-251-01, near the city of Santa Cruz, Santa Cruz County; to update and replace the land description exhibits. CEQA Consideration: not a project. (PRC 8767.9; RA# 02015) (A 29; S 17)(Staff: G. Asimakopoulos)

C30 ICEPLANT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Other, of sovereign land located in the Pacific Ocean, adjacent to 3054 Pleasure Point Drive, near the city of Santa Cruz, Santa Cruz County; for the repair, reconstruction, use, and maintenance of an existing private

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- residential seawall, and the construction, use, and maintenance of a public access trail and stairway not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26867; RA# 35014) (A 29; S 17) (Staff: G. Asimakopoulos)
- C31 THE SUSAN M. SCHABER LIVING TRUST, UTD, JUNE 23, 2005, SUSAN MARTHA SCHABER, TRUSTEE (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in Georgiana Slough, adjacent to 401 West Willow Tree Lane, near the city of Isleton, Sacramento County; for an existing uncovered double-berth U-shaped floating boat dock with boat lift, floating boat dock, ramp, and bank protection previously authorized by the Commission; and a gangway with railings, eight pilings, and electric and water utility outlets not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5159.1; RA# 05915) (A 11; S 3) (Staff: G. Asimakopoulos)
- C32 LEE A. STEARN (APPLICANT): Consider correction to lease beginning date in prior authorization of Lease No. PRC 9140.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 2611 Garden Highway, near the city of Sacramento, Sacramento County; for an existing uncovered floating boat dock, appurtenant facilities, and bank protection. CEQA Consideration: not a project. (PRC 9140.1; RA# 25813) (A 7; S 6) (Staff: V. Caldwell)
- C33 WILLARD C. COLLINS (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Middle River, adjacent to Assessor's Parcel Number 129-060-03, near the city of Stockton, San Joaquin County; for an existing uncovered floating boat dock, covered platform, water ski jump, a 10-buoy slalom course, and appurtenant facilities previously authorized by the Commission and 12 existing buoys not previously authorized by the

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Commission. CEQA Consideration: categorical exemption. (PRC 7189.1; RA# 20514) (A 13; S 5) (Staff: V. Caldwell)

- C34 PACIFIC GAS AND ELECTRIC COMPANY (LESSEE): Consider adoption of a Mitigated Negative Declaration, State Clearinghouse No. 2015062010; adoption of a Mitigation Monitoring Program; and application for an amendment to Lease No. PRC 5438.1E, a General Lease - Right-Of-Way Use, of sovereign land located in the San Joaquin River, near Oakley, Contra Costa County; to decommission, remove, and abandon in place segments of three existing 12.75-inch diameter natural gas transmission pipelines. (PRC 5438.1E; RA# 31014) (A 11; S 7, 3)(Staff: A. Franzoia)
- C35 SHORE TERMINALS LLC (LESSEE): Consider application for an amendment to Lease No. PRC 5735.1, a General Lease - Industrial Use, of sovereign land in the Carquinez Strait, located west of the unincorporated town of Crockett, Contra Costa County; to authorize installation of a hose product transfer system to replace the loading arms. CEQA Consideration: Implementation of Mitigation Measure OS-1c of adopted EIR identified as CSLC EIR No. 744, State Clearinghouse No. 2007112108. (PRC 5735.1; RA# 06012) (A 14; S 9) (Staff: A. Franzoia, S. Mongano)
- C36 BRUCE BENNINGER AND ALYCE BENNINGER, AS TRUSTEES OF THE BRUCE BENNINGER REVOCABLE LIVING TRUST (APPLICANT): Consider an application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the San Joaquin River, adjacent to 2047 Cove Court, city of Stockton, San Joaquin County; for an existing single berth floating dock, two jet ski lifts, ramp, and bank protection. CEQA Consideration: categorical exemption. (PRC 6934.1;RA# R33214) (A 13; S 5) (Staff: W. Hall)
- C37 EAST BAY REGIONAL PARK DISTRICT (APPLICANT): Consider an application for a General Lease - Public Agency Use, of sovereign land located

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adjacent to 1001 McAvoy Road, near the city of Pittsburg, Contra Costa County; for use and maintenance of open space. CEQA Consideration: categorical exemption. (PRC 8640.9; RA# R06415) (A 14; S 7) (Staff: W. Hall)

- C38 JOINT POWERS AUTHORITY FOR STRATEGIC CONSOLIDATION SEWERAGE PLAN (PERMITTEE); SILICON VALLEY CLEAN WATER (APPLICANT): Consider termination of Lease No. PRC 4348.9, a Public Agency Permit, and an application for a General Lease - Public Agency Use, of sovereign land located in the San Francisco Bay and Steinberger Slough, adjacent to 1400 Radio Road, Redwood City, San Mateo County; for an existing sewer outfall, pipeline access, and stormwater basin. CEQA consideration: categorical exemption. (PRC 4348.9; RA# 30614) (A 22; S 13) (Staff: W. Hall)
- C39 STEAMBOAT LANDING, LLC (LESSEE): Consider application for an amendment to PRC 4244.1, a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 12414 State Highway 160, near Courtland, Sacramento County; for an existing accommodation dock and appurtenant facilities; and the reconstruction of a guest dock and appurtenant facilities; to extend the deadline for reconstruction of the guest dock. CEQA Consideration: categorical exemption. (PRC 4244.1; RA# 06315) (A 11; S 3) (Staff: W. Hall)

CENTRAL/SOUTHERN REGION

- C40 BRETT AND KATHLEEN FOWLER AND TERRY N. AND JEANETTE D. FOWLER (ASSIGNOR); DAVIS HUNTER DOTY AND DANIELLE MARIE DOTY, AND DAVID HUNTER DOTY AND ANN-GRETE DOTY, AND BRADLEY OLSON AND GENEVIEVE OLSON (ASSIGNEE): Consider application for an assignment of Lease No. PRC 9281.9, General Lease - Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1207 Beach Drive, City of Needles, San Bernardino County; for riprap bankline. CEQA Consideration: not a project. (PRC 9281.9; RA# 08015) (A 33; S 16) (Staff: R. Collins)

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- C41 JESSE A. BERBER AND ELIZABETH A. BERBER, AS TRUSTEES OR ANY SUCCESSOR TRUSTEE OF THE JESSE A. BERBER AND ELIZABETH A. BERBER FAMILY TRUST DATED JULY 6, 2001 (LESSEE): Consider application for an amendment to Lease No. PRC 9282.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1138 Beach Drive, City of Needles, San Bernardino County; for the construction of an aluminum sundeck; and to adjust the rent to reflect a change in the lease area. CEQA Consideration: categorical exemption. (PRC 9282.1; RA# 03714)(A 33; S 16)
(Staff: R. Collins)
- C42 MICHAEL F. DENTON, SR. (LESSEE): Consider application for an amendment to Lease No. PRC 9086.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1178 Beach Drive, City of Needles, San Bernardino County; to allow for the removal of an existing retractable stairway, and for the construction of two aluminum stairs and a gangway with railing, a floating walkway, and boat dock; and to revise the annual rent to reflect a change in the lease area. CEQA Consideration: categorical exemption. (PRC 9086.1; RA# 39914) (A 33; S 16)
(Staff: R. Collins)
- C43 PATRICK A. HOWARD AND TERRI L. HOWARD (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1194 Beach Drive, City of Needles, San Bernardino County; for an existing concrete patio with railing, concrete block retaining walls, and stone veneer, raised planter area, water fountain, fire pit, concrete stairs with railing, sidewalk, enclosed storage area, and riprap bankline not previously authorized by the Commission; and the construction, use, and maintenance of two aluminum gangways, sundeck with railing, and a floating walkway and boat dock. CEQA Consideration: categorical exemption. (W 26878; RA# 01915) (A 33; S 16)
(Staff: R. Collins)

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- C44 ROYCE L. MATHEWS AND MERLE D. MATHEWS (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1242 Beach Drive, City of Needles, San Bernardino County; for an existing raised beach area with stone steps and rock retaining walls, concrete stairway with railing, and riprap bankline not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 26800; RA# 09814) (A 33; S 16) (Staff: R. Collins)
- C45 SAN DIEGO GAS AND ELECTRIC COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 5392.1, a General Lease - Right-of-Way Use, of sovereign land located in San Diego Bay, between the cities of San Diego and Coronado, San Diego County; for two existing natural gas pipelines and conduits for existing and future electrical transmission, electrical distribution, and telecommunication lines. CEQA Consideration: not a project. (PRC 5392.1) (A 78; S 39) (Staff: R. Collins)
- C46 STEPHEN DOYLE ANTHONY AND ROXANNE MARIE ANTHONY, TRUSTEES OF THE ANTHONY LIVING TRUST (LESSEE): Consider application for an amendment to Lease No. PRC 9134.1, a General Lease - Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1182 Beach Drive, City of Needles, San Bernardino County; to allow for the construction, use, and maintenance of an aluminum sundeck with railing, aluminum stairway, walkway, and gangway with railing, a floating walkway and boat dock; and to revise the annual rent to reflect a change in the lease area. CEQA Consideration: categorical exemption. (PRC 9134.1; RA# 40014) (A 33; S 16) (Staff: R. Collins)
- C47 TODD SEIDNER, TRUSTEE OF THE SEIDNER FAMILY TRUST DATED JUNE 14, 2001 (ASSIGNOR); JOHN WOOLSTON (ASSIGNEE): Consider application for the assignment of Lease No. PRC 9090.1, General Lease - Recreational and Protective Structure Use, of

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sovereign land located in the Colorado River, adjacent to 1228 Beach Drive, City of Needles, San Bernardino County; for an existing stairway with railing, landing with railing, gangway with railing, floating walkway, floating boat dock, and riprap bankline. CEQA Consideration: not a project. (PRC 9090.1; RA# 06515) (A 33; S 16) (Staff: R. Collins)

- C48 TONIA S. WRIGHT, AS TRUSTEE OF THE TONIA S. WRIGHT REVOCABLE TRUST DATED APRIL 20, 2011 (LESSEE): Consider application for an amendment to Lease No. PRC 9192.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Colorado River, adjacent to 1172 Beach Drive, City of Needles, San Bernardino County; to allow for the construction of an aluminum gangway with railing, a floating walkway and boat dock; and revise the annual rent to reflect a change in the lease area. CEQA Consideration: categorical exemption. (PRC 9192.1; RA# 02115) (A 33; S 16) (Staff: R. Collins)
- C49 COUNTY OF SANTA BARBARA (APPLICANT): Consider rescission of approval of Lease No. PRC 1431.9, a General Lease - Public Agency Use, Termination of Lease No. PRC 7343.9, a General Lease - Public Agency Use, and an application for a General Lease - Public Agency Use and approval of a sublease, of sovereign land located in the Pacific Ocean, Goleta Slough, and Tecolotito Creek at Goleta Beach County Park, near the City of Goleta, Santa Barbara County; for existing improvements adjacent to a public recreational park, including a public recreational pier and appurtenant structures, and rock riprap revetment previously authorized by the Commission; for existing improvements including a restroom building, portion of a restaurant building, observation platform, parking area, and additional rock riprap revetments not previously authorized by the Commission; and for the removal and replacement of an existing vehicular access bridge and culvert not previously authorized by the Commission. CEQA Consideration: rescission -

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not a project; lease for existing facilities - categorical exemption; approval of a sublease - not a project; lease for bridge and culvert construction - Mitigated Negative Declaration, adopted by the County of Santa Barbara, State Clearinghouse No. 2014051081, and adoption of a Mitigation Monitoring Program. (PRC 1431.9, PRC 7343.9; RA# 32214) (A 37; S 19) (Staff: K. Foster)

C50 CALIFORNIA STATE LANDS COMMISSION AND CALIFORNIA COASTAL COMMISSION (PARTIES): Consider acceptance of an offer to dedicate a lateral public access easement over land adjacent to State tidelands in the city of Malibu, 22752 Pacific Coast Highway, Los Angeles County. CEQA Consideration: not a project. (W 24665) (A 50; S 27) (Staff: D. Simpkin)

C51 CALIFORNIA STATE LANDS COMMISSION AND CALIFORNIA COASTAL COMMISSION (PARTIES): Consider acceptance of an offer to dedicate a lateral public access easement over land adjacent to State tidelands in the city of Malibu, 25236 Malibu Road, Los Angeles County. CEQA Consideration: not a project. (W 24665) (A 50; S 27) (Staff: D. Simpkin)

C52 SANTA CATALINA ISLAND CONSERVANCY (LESSEE/APPLICANT): Consider termination of Lease No. PRC 6439.1, a General Lease - Recreational Use, and application for a General Lease - Recreational Use of sovereign land located at White's Cove, Santa Catalina Island, Los Angeles County; for the replacement, use, and maintenance of a fixed recreational pier and the continued use and maintenance of a float and two string lines. CEQA Consideration: categorical exemption. (PRC 6439.1; RA# 05714) (A 70; S 26) (Staff: D. Simpkin)

C53 SHEA HOMES LIMITED PARTNERSHIP (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign land located in the city of Huntington Beach, Orange County; for the construction, use, and maintenance of deep soil-cement mix columns. CEQA

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Consideration: Addendum and related Environmental Impact Report, certified by the City of Huntington Beach, State Clearinghouse No. 97091051. (W 26738; RA# 13113) (A 72; S 34) (Staff: D. Simpkin)

C54 SHEA HOMES LIMITED PARTNERSHIP (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land located in the city of Huntington Beach, Orange County; for the construction, use, and maintenance of a bike and pedestrian trail. CEQA Consideration: Addendum and related Environmental Impact Report, certified by the City of Huntington Beach, State Clearinghouse No. 97091051. (W 26738; RA# 13113) (A 72; S 34)(Staff: D. Simpkin)

C55 SOUTHERN CALIFORNIA EDISON COMPANY (APPLICANT); SAN DIEGO GAS AND ELECTRIC COMPANY (CO-APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean, Marine Corps Base Camp Pendleton, San Diego County; for two concrete pipelines associated with San Onofre Nuclear Power Generating Station Unit 1. CEQA Consideration: categorical exemption. (PRC 3193.1; RA# 02415) (A 76; S 36) (Staff: D. Simpkin)

SCHOOL LANDS

C56 BAR ONE CATTLE COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 8018.2, a General Lease - Grazing Use, of State school land, administered by the Commission as trustee, located in a portion of Section 16, Township 22 North, Range 16 East, MDM, near the city of Loyalton, Plumas County, for cattle grazing and an existing fence. CEQA Consideration: not a project. (PRC 8018.2) (A 1; S 1) (Staff: C. Hudson)

C57 IMPERIAL IRRIGATION DISTRICT (LESSEE): Consider revision of rent to Lease No. PRC 7188.2, a General Lease - Right-of-Way Use, of State school and lieu lands, administered by the Commission as

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trustee, located in a portion of Section 30 and Section 36, Township 9 South, Range 13 East, SBM, east of the Salton Sea, Imperial County; for an existing 230 kV electrical transmission line. CEQA Consideration: not a project. (PRC 7188.2) (A 56; S 40) (Staff: C. Hudson)

- C58 SAN DIEGO GAS AND ELECTRIC COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 8909.2, a General Lease - Right-of-Way Use, of State indemnity school lands, administered by the Commission as trustee, located in a portion of Section 27 and Section 28, Township 16 South, Range 9 East, SBM, northwest of Coyote Wells, Imperial County; for an existing 500 kV overhead electrical transmission line. CEQA Consideration: not a project. (PRC 8909.2) (A 56; S 40) (Staff: C. Hudson)

MINERAL RESOURCES MANAGEMENT

- C59 GERALD W. BAUGHMAN (APPLICANT): Consider application for a one year extension of a Mineral Prospecting Permit for minerals other than oil, gas, geothermal resources, and sand and gravel on State school lands, Assessor's Parcel Number 009-140-007, about 15 miles northeast of the town of Bridgeport and north of Bodie State Historic Park, Mono County. CEQA Consideration: categorical exemption. (PRC 9145.2; RA# 00815) (A 5; S 14) (Staff: V. Perez)
- C60 CALIFORNIA STATE LANDS COMMISSION: Consider approval of qualifying miles for Subventions for fiscal year 2015-2016 to the Counties of Ventura and Santa Barbara; to the City of Carpinteria located in Santa Barbara County; to the Cities of Huntington Beach and Seal Beach, located in Orange County; and to the City of Long Beach, located in Los Angeles County. CEQA Consideration: not a project. (W 4848.1, W 4848.3, W 4848.4, W 4848.5, W 4848.6, W 4848.8) (A 37, 53, 68, 70, 72, 74; S 19, 24, 33, 34, 37) (Staff: N. Heda, C. Connor, D. Brown)

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- C61 CITY OF LONG BEACH (APPLICANT): Consider acceptance of the Final Report and Closing Statement for the Long Beach Unit Annual Plan (July 1, 2014 through June 30, 2015), Long Beach Unit, Wilmington Oil Field, Los Angeles County. CEQA Consideration: not a project. (W 17166) (A 70; S 33, 35) (Staff: E. Tajer)
- C62 DEEP ROSE DEVELOPMENT, LLC (APPLICANT): Consider an application for a State Geothermal Resources Prospecting Permit on State school lands, Assessor's Parcel Number 037-500-03, located approximately 20 miles south of Owens Lake and northwest of the Coso Geothermal Field, Inyo County. CEQA Consideration: Mitigated Negative Declaration, adopted by the Division of Oil, Gas, & Geothermal Resources, State Clearinghouse No. 2005121125, and re-adoption of a Mitigation Monitoring Program. (W 40980; RA# 06615) (A 26; S 8) (Staff: V. Perez)
- C63 TETRA TECH, INC. (APPLICANT): Consider an application for a three-year Non-Exclusive Geophysical Survey Permit to conduct low-energy geophysical surveys on tide and submerged lands under the jurisdiction of the California State Lands Commission. CEQA Consideration: Mitigated Negative Declaration, State Clearinghouse No. 2013072021, and addendum adopted by the California State Lands Commission. (W 6005.160; RA# 09115) (A&S: Statewide) (Staff: R. B. Greenwood)
- C64 LIQUID ROBOTICS, INC. (APPLICANT): Consider an application for a permit to conduct Non-Exclusive Geophysical Surveys using an unmanned autonomous wave glider on tide and submerged lands under the jurisdiction of the California State Lands Commission. CEQA Consideration: categorical exemption. (W 6005.161; RA# 10315) (A&S: Statewide) (Staff: R. B. Greenwood)
- C65 FUGRO CONSULTANTS, INC. (APPLICANT): Consider approval of a Non-Exclusive Geological Survey Permit in the Mare Island Strait, Napa River, Solano County. CEQA Consideration: categorical

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exemption. (W 6005.162; RA# 10615)
(A 14; S 3) (Staff: R. B. Greenwood)

MARINE FACILITIES - SEE REGULAR CALENDAR

ADMINISTRATION - NO ITEMS

LEGAL

C66 CALIFORNIA STATE LANDS COMMISSION, IN ITS REGULAR CAPACITY AND AS TRUSTEE OF THE KAPILOFF LAND BANK FUND; WATERFRONT OFFICE BUILDING CA, LLC; PETALUMA THEATRE DISTRICT, LLC; PALO ALTO BAYSHORE INVESTORS, LLC; JOVIAN, LLC; AND DAVID KALKBRENNER, AS TRUSTEE OF THE KALKBRENNER FAMILY 1999 TRUST DATED 8/18/99 (PARTIES): Consider approval of the Petaluma Theatre District Compromise Title Settlement Agreement resolving title disputes to certain real property located on the 200 and 300 blocks of 1st Street and adjacent to the Petaluma River in the City of Petaluma, County of Sonoma, California. CEQA consideration: statutory exemption. (PRC 6008.1) (A 10; S 3) (Staff: J. Garrett)

C67 CALIFORNIA STATE LANDS COMMISSION: Consider authorizing the Executive Officer to sign, as a Consulting Party, the agreement titled "Final Programmatic Agreement Among The Advisory Council on Historic Preservation, The Bureau of Land Management - California, and The California Office of Historic Preservation Regarding National Historic Preservation Act Responsibilities For The West Mohave Plan Environmental Impact Statement and The West Mohave Route Network Project." CEQA Consideration: not a project. (A 26, 33, 34, 36, 38, 42; S 8, 16, 19, 21, 23, 28) (Staff: J. DeLeon, A. Awan, J. Fabel).

KAPILOFF LAND BANK TRUST ACQUISITIONS - NO ITEMS

EXTERNAL AFFAIRS

GRANTED LANDS

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- C68 CITY OF LONG BEACH (APPLICANT): Review the proposed expenditure of tideland oil revenues, in an amount not to exceed \$378,610 by the City of Long Beach for a capital improvement project located adjacent to legislatively granted sovereign land in the City of Long Beach, Los Angeles County. CEQA Consideration: not a project. (G 05-03) (A 70; S 33) (Staff: R. Boggiano)
- C69 CITY OF REDONDO BEACH (APPLICANT): Consider authorizing the expenditure of tidelands funds in the amount of \$667,696 by the City of Redondo Beach for the emergency repair of the Redondo Beach Pier deck located within legislatively granted sovereign land in the City of Redondo Beach, Los Angeles County. CEQA Consideration: not a project. (G 05-07) (A 54; S 28) (Staff: R. Boggiano)

LEGISLATION AND RESOLUTIONS - NO ITEMS

V. INFORMATIONAL

- 70 CALIFORNIA STATE LANDS COMMISSION: Staff Report on the monitoring of possible subsidence, Long Beach Unit, Wilmington Oil Field, Los Angeles County. CEQA Consideration: not applicable. (W 16001, W 10442)(A 70; S 33, 34, 35) (Staff: R. B. Greenwood)
- 71 CALIFORNIA STATE LANDS COMMISSION: Legislative report providing information and a status update concerning state and federal legislation relevant to the California State Lands Commission. CEQA Consideration: not a project. (A&S: Statewide) (Staff: S. Pemberton, M. Moser)

VI. REGULAR CALENDAR

- 72 CALIFORNIA STATE LANDS COMMISSION (INFORMATIONAL): Update on Draft Commission Strategic Plan and opportunities for public comment. CEQA Consideration: not applicable. (A&S: Statewide) (Staff: J. Lucchesi, D. Brown, C. Oggins)

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73	BAY CITY PARTNERS LLC AND CALIFORNIA STATE LANDS COMMISSION, IN ITS REGULAR CAPACITY AND AS TRUSTEE OF THE KAPILOFF LAND BANK FUND (PARTIES): Consider modifications to the Compromise Title Settlement and Land Exchange Agreement involving certain interests in land located adjacent to and in the San Gabriel River, along First Street and Marina Drive, in the City of Seal Beach, County of Orange, California. (APNs: 043-171-02, 043-172-07 (portions), 043-172-08, 043-172-12, and 043-172-13). CEQA consideration: statutory exemption; Addendum prepared by State Lands Commission and related Environmental Impact Report certified by City of Seal Beach, State Clearinghouse No. 2011061018. (AD 642) (A 72; S 34) (Staff: R. Collins; K. Colson)	24
74	CALIFORNIA STATE LANDS COMMISSION: Consider approval of Proposed Regulatory Amendments to the 2013 California Building Code, California Code of Regulations, Title 24, Part 2, Chapter 31F - Marine Oil Terminals. CEQA Consideration: not a project. (W 9777.106, W 9777.226) (A&S: Statewide) (Staff: A. Nafday, R. Varma)	55
75	CALIFORNIA STATE LANDS COMMISSION (INFORMATIONAL): Informational update on Geographic Information Systems at the Commission and review of GIS Services Annual Report. CEQA Consideration: not applicable. (A&S: Statewide) (Staff: P. Schlatter)	64
VII	PUBLIC COMMENT	78
VIII	COMMISSIONERS' COMMENTS	83
IX	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:	83

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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):

California State Lands Commission v. City and County of San Francisco

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

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

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

San Francisco Baykeeper v. California State Lands Commission

Keith Goddard v. State of California

Sportsman's Paradise v. California State Lands Commission

California State Lands Commission v. Lee Stearn

Center for Biological Diversity v. California State Lands Commission

City of Santa Monica, et al. v. Nugent

City of Santa Monica, et al. v. Ornstein

City of Santa Monica, et al. v. Bader

City of Santa Monica, et al. v. Levy

City of Santa Monica, et al. v. Philbin

City of Santa Monica, et al. v. Greene

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City of Santa Monica, et al. v. Prager

Sierra Club, et al. v. City of Los Angeles, et al.

United States, et al. v. Walker River Working Group

2. THE COMMISSION MAY CONSIDER MATTERS THAT FALL UNDER GOVERNMENT CODE SECTION 11126(e)(2)(B) or (2)(C).

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. Provide instructions to negotiators regarding entering into a new lease of state land for the Broad Beach Restoration Project, City of Malibu, Los Angeles County. Negotiating parties: Broad Beach Geologic Hazard Abatement District, State Lands Commission; Under negotiation: price and terms.

C. OTHER MATTERS. THE COMMISSION MAY CONSIDER MATTERS THAT FALL UNDER GOVERNMENT CODE SECTION 11126 (e)(2)(B) or (2)(C). THE COMMISSION MAY ALSO CONSIDER PERSONNEL ACTIONS TO APPOINT, EMPLOY, OR DISMISS A PUBLIC EMPLOYEE AS PROVIDED IN GOVERNMENT CODE SECTION 11126(a)(1).

Adjournment 84

Repoerter's Certificate 85

P R O C E E D I N G S

1
2 ACTING CHAIRPERSON SCHMIDT: I call this meeting
3 of the State Lands Commissions to order. All the
4 representatives of the Commission are present. I'm Kevin
5 Schmidt representing Lieutenant Govern Newsom. I'm joined
6 today by Deputy Controller Anne Baker, who's representing
7 State Controller Betty Yee and Karen Finn representing
8 Department of Finance.

9 For the benefit of those in the those in the
10 audience, the State Lands Commission manages State
11 property interest in over five million acres of land
12 including mineral interests. The Commission also has
13 responsibility for the prevention of oil spills at marine
14 oil terminals and offshore oil platforms, and for
15 preventing the introduction of marine invasive species
16 into California's marine water.

17 Today, we will hear requests and presentations
18 involving the lands and resources within the Commission's
19 jurisdiction.

20 EXECUTIVE OFFICER LUCCHESI: Chair, if it pleases
21 the Commission, before we get down to business, I'd like
22 to introduce the Vice Chair of the Board of Port
23 Commissioners for the Port of San Diego, Mr. Marshall
24 Merrifield up to make some welcoming remarks.

25 ACTING CHAIRPERSON SCHMIDT: Thank you. Welcome.

1 SAN DIEGO PORT COMMISSIONER MERRIFIELD: Thank
2 you. Thank you, Commissioners and Jennifer. I'd like to
3 bring greetings today from the Port of San Diego. Welcome
4 to our headquarters here in San Diego and thank you for
5 bringing the rain. That was super.

6 (Laughter.)

7 SAN DIEGO PORT COMMISSIONER MERRIFIELD: We'd
8 love to have you more often. That would be great. I'm
9 the Vice Chair and the Chair Elect for next year. I did
10 speak in opposition to that motion, but they did it
11 anyway.

12 We've always had a great relationship with State
13 Lands Commission. And we're just so excited that in the
14 last couple years we've been working together on a variety
15 of projects. Your staff has been down to visit. Our
16 staff gets up there regularly. So that kind of
17 collaborative partnership we think is just the key to
18 allowing us to be that mixed use port that we are. We try
19 very hard to balance maritime with environmental, with
20 protect lands, visitor serving amenities, as well as we're
21 the home to the largest sportfishing boat fleet in
22 California here. So lot's going on. And, of course, it's
23 been the best sportfishing season we've ever had this past
24 year.

25 So we try to keep those in careful balance. In

1 2013, we had \$4.4 billion of economic impact that we had
2 generated with our 800 different tenants and subtenants
3 around the bay. There's 32 miles of land, submerged land,
4 as well as short bayside land. And that -- we did all
5 that while cutting our water use almost in half since
6 2008. And also our greenhouse gas emissions by almost a
7 quarter. And those two things are very important to us.
8 We adopted a climate action plan two years ago, and we're
9 hard at work at a lot of different things there, which has
10 been terrific.

11 Just recently we -- this Board created a
12 mitigation for Pond 20, which is 90 acres of salt pond
13 that we're going to bring back. But we love the idea of
14 how to make that a good business deal. So there's going
15 to be some credits that we'll maybe figure out how to sell
16 with a land bank, a mitigation bank.

17 So as you think about your direction for the next
18 five years, I urge you to seek the same type of balance
19 that we're trying to achieve here. That environmental
20 protection and economic opportunities do not necessarily
21 disagree. They're not mutually exclusive. And I'm
22 looking forward to many more years of great, strong
23 partnership. And thank you for coming down to be with us
24 here in San Diego.

25 ACTING CHAIRPERSON SCHMIDT: Thanks.

1 EXECUTIVE OFFICER LUCCHESI: Okay. Just to echo
2 what the Vice Chair just said, we have a very long history
3 of working collaboratively with the Port of San Diego from
4 the Commission itself on down to Commission staff. And
5 we're looking forward to an even better future of
6 collaboration with the Port. They really take their
7 responsibilities in managing State Public Trust Lands
8 seriously, and we appreciate that for sure.

9 Again, before we get into our regular business, I
10 want to have Chief Counsel Meier just remind the
11 Commission on some voting requirements, because the
12 Commission is represented by all alternates today.

13 CHIEF COUNSEL MEIER: Yeah. Since no
14 Constitutional Officer is present, as you per the -- under
15 the Government Code section 7.6, only one of the
16 alternates representing the Constitutional officers may
17 vote, which one votes is up to you.

18 ACTING CHAIRPERSON SCHMIDT: Great. The first
19 item of business will be the adoption of minutes from the
20 Commission's meeting of August 19th, 2015, and the special
21 meeting of October 1st, 2015. May I have a motion to
22 approve the minutes.

23 ACTING COMMISSIONER BAKER: Move adoption of the
24 minutes.

25 ACTING COMMISSIONER FINN: I'll second.

1 ACTING CHAIRPERSON SCHMIDT: And I will abstain
2 for most of these votes, so that we can have these two
3 folks vote.

4 EXECUTIVE OFFICER LUCCHESI: In this event, we'll
5 call a roll call vote.

6 Kim.

7 EXECUTIVE ASSISTANT LUNETTA: Commission Chair?

8 ACTING CHAIRPERSON SCHMIDT: Abstain.

9 EXECUTIVE ASSISTANT LUNETTA: Commissioner
10 Controller?

11 ACTING COMMISSIONER BAKER: Aye.

12 EXECUTIVE ASSISTANT LUNETTA: And Commissioner
13 Department of Finance?

14 ACTING COMMISSIONER FINN: Aye.

15 ACTING CHAIRPERSON SCHMIDT: The motion passes.

16 Next order of business Executive Officer's
17 Report, Ms. Lucchesi.

18 EXECUTIVE OFFICER LUCCHESI: Yes. Great. Thank
19 you. I have just a couple of items to report on today.
20 The first is my regular update on our negotiations for
21 acquiring public access at Martin's Beach in San Mateo
22 County.

23 Just as a reminder, pursuant to legislative
24 directive in Chapter 922 Statutes of 2014, Commission
25 staff has been in discussions with representatives of

1 Martin's Beach, LLC to acquire a public access easement to
2 and along Martin's Beach in San Mateo County. Staff has
3 also conducted a significant amount of research and
4 analysis associated with this potential public access
5 easement acquisition, including a field survey of the mean
6 high tide line, and appraisal of the property, and
7 outreach to interested stakeholders.

8 With the completion of the mean high tide line
9 survey and the appraisals, staff met with representatives
10 from Martin's Beach, LLC yesterday afternoon to present an
11 initial offer. While I do not want to get into the
12 specifics about the initial offer at this time in order to
13 protect the very sensitive and delicate nature of the
14 current state of these good faith negotiations, I do want
15 to emphasize that staff's initial offer and our subsequent
16 negotiations was, and will be based, on the comprehensive
17 in-depth appraisal completed by staff and the valuable
18 input that we have received from the local community and
19 the statewide public who have a vested interested --
20 interest in seeing these negotiations succeed.

21 I anticipate that representatives of Martin's
22 Beach, LLC will respond to staff's initial offer within
23 the next month, and that negotiations will continue to
24 progress in good faith.

25 Additionally, I want to assure the Commission and

1 the interested stakeholders that if Commission staff and
2 Martin's Beach, LLC come to an agreement for the
3 acquisition of a public access easement, that proposed
4 agreement will be presented to the Commission for its
5 consideration and approval at a properly noticed public
6 meeting, where interested stakeholders will have the
7 opportunity to voice their opinions and comments on any
8 proposed agreement.

9 I also want to take this opportunity to provide
10 an update about legislation sponsored or supported by the
11 Commission this year. The Commission sponsored five
12 bills, while one the bill changing the Statutory Trust
13 Grant to the San Diego Unified Port District as a two-year
14 bill, four others were signed into law and take effect
15 January 1st, 2016.

16 The four bills now laws improve administration of
17 our marine invasive species program by authorizing our
18 staff to inspect vessels for compliance with biofouling
19 management requirement, and by extending the
20 implementation date for ballast water performance
21 standards to allow technology to develop.

22 This week we sent a letter to industry
23 representatives and interested parties informing them
24 about these changes. The other key bill signed into law
25 improves our Geophysical Survey Permit Program, and gives

1 the Commission enforcement actions for unpermitted
2 operators and permit violations. The equipment used in
3 geophysical surveys can impact the marine environment and
4 aquatic wildlife. The permits issued by the Commission
5 have conditions that protect the aquatic wildlife and the
6 marine and coastal environment during survey activity.
7 The Commission is developing regulations now to clarify
8 and enhance the survey program, and staff anticipates
9 circulating the draft regulations for public review and
10 comment early next year.

11 The other bill signed into law clarified the
12 Humboldt Bay Harbor Recreation and Harbor -- or Recreation
13 District. A trustee of legislatively granted Public Trust
14 Lands can sell or transfer not sovereign lands acquired
15 with trust revenue, and require the district to notify the
16 Commission prior to selling or acquiring non-sovereign or
17 upland lands.

18 And it also -- and the other bill also improves
19 administration of the Commission's cession and
20 retrocession duties, which is a process of ceding
21 legislative jurisdiction to the federal government or
22 accepting back a retrocession of this authority.

23 Additionally, the Commission supported three
24 bills that reduced marine debris by banning plastic
25 microbeads and personal care products. It eased the

1 removal of derelict vessels from waterways, and facilitate
2 waterfront redevelopment in the City of Los Angeles by
3 increasing the maximum lease term for the leasing of
4 Public Trust Lands within the grant to the city to 66
5 years. These bills were all signed into law.

6 Overall, it was a successful year for us in the
7 legislature. Looking ahead, staff is contemplating
8 legislative concepts for the second half of the 2015-16
9 session and will request sponsorship from the Commission
10 at subsequent meetings as necessary and appropriate.

11 And finally, I just wanted to take this
12 opportunity to welcome our new Deputy Attorney General,
13 Andrew Vogel to our meetings. Since the retirement of Joe
14 Rusconi, he is now our Attorney General liaison. And
15 you'll be seeing him a lot more. And he has a lot to
16 offer, and he's been a great partner so far.

17 Thank you.

18 ACTING CHAIRPERSON SCHMIDT: Thank you. Welcome.

19 The next order of business will be the adoption
20 of the consent calendar. Commissioner Baker, Commission
21 Finn, are there any items you'd like removed?

22 ACTING COMMISSIONER FINN: No.

23 ACTING COMMISSIONER BAKER: (Shakes head.)

24 ACTING CHAIRPERSON SCHMIDT: Ms. Lucchesi, will
25 you indicate which items have been pulled?

1 EXECUTIVE OFFICER LUCCHESI: There are no items
2 that need to be pulled from the consent agenda. That
3 might be the first.

4 (Laughter.)

5 ACTING CHAIRPERSON SCHMIDT: All right. Is there
6 anyone in the audience who wishes to speak on a consent
7 item?

8 If not, we will proceed with a vote. Can I get
9 roll call?

10 ACTING COMMISSIONER FINN: I'll move adoption of
11 the consent calendar.

12 ACTING COMMISSIONER BAKER: Second.

13 EXECUTIVE ASSISTANT LUNETTA: Commissioner
14 Schmidt?

15 ACTING CHAIRPERSON SCHMIDT: Abstain.

16 EXECUTIVE ASSISTANT LUNETTA: Commissioner Baker?

17 ACTING COMMISSIONER BAKER: Aye.

18 EXECUTIVE ASSISTANT LUNETTA: Commissioner Finn?

19 ACTING COMMISSIONER FINN: Aye.

20 EXECUTIVE OFFICER LUCCHESI: The consent agenda
21 is adopted. Thank you.

22 ACTING CHAIRPERSON SCHMIDT: On to regular
23 calendar. Item 72 is an informational update on the
24 Commission's draft strategic plan. Can we get the staff
25 presentation?

1 ASSISTANT EXECUTIVE OFFICER BROWN: Good
2 afternoon. Dave Brown, Assistant Executive Officer with
3 the Commission here to give you an update.

4 After the August 19th meeting, our Executive
5 Officer reengaged staff of the Commission challenging them
6 to bring some fresh ideas forward. Now, we specifically
7 engaged younger staff and recent hires to get their input
8 and impressions of the Commission's work and future
9 direction. Many had watched the meeting and had heard the
10 Commissioners expressing the need for fresh challenging
11 and aspirational thinking. We have collected those
12 thoughts and will be incorporating them into the update
13 and the plan focusing on more active and inspirational
14 goals.

15 On September 24th, the Controller held a meeting
16 of Commission stakeholders to discuss the strategic plan
17 and to ask their perspective of the direction of the plan.
18 Represented were stakeholders from the oil industry, the
19 major ports, major utilities, shipping industry,
20 environmental and conservation groups, Public Trust and
21 access advocates.

22 Input was provided on a vast array of issues
23 within the Commission's program purview, which will be
24 taken into consideration in the preparing of the next
25 draft.

1 The different constituencies all had their own
2 view. But one common theme was the perception that the
3 Commission needed more resources to carry out its myriad
4 of program responsibilities.

5 On October 1st, staff sent out a supplementary
6 email blast to all that had received the original notice
7 as well as those who attended the stakeholders' meeting
8 requesting that written comments be received by November
9 1st. Few comments have been received to date, but there
10 were several commitments from those attending that other
11 written comments would be forthcoming.

12 Staff is committed to make available the revised
13 strategic plan no later than December 1st. The
14 stakeholders group is scheduled to reconvene on December
15 7th, and the final plan will be presented to the
16 Commission at the December 18th meeting.

17 And that's the end of my report. Any questions.

18 ACTING CHAIRPERSON SCHMIDT: Great.

19 ACTING COMMISSIONER FINN: No, nothing.

20 ACTING CHAIRPERSON SCHMIDT: We have two speakers
21 that have sent in forms. And if there's any others, feel
22 free to come up after. But we'll start with Supervisor
23 Cox. And before he starts, I want to congratulate him.
24 He was recently appointed to the National Ocean Council
25 Governance Coordinating Committee.

1 SAN DIEGO COUNTY SUPERVISOR COX: Well, thank you
2 very much, and good afternoon. Welcome to San Diego.
3 We're delighted to have you here visiting our fine city.
4 And picking up on the theme of the Vice Chair of the Port
5 Commission, we love the fact that you brought this rain
6 with you from Sacramento. Hope you'll come back and visit
7 us again and do that some more.

8 (Laughter.)

9 SAN DIEGO COUNTY SUPERVISOR COX: I am honored to
10 be a Speaker's appointee to the California Coastal
11 Commission, where I have the tremendous opportunity to
12 serve with Jennifer Lucchesi, and occasionally with Kevin
13 Schmidt, and even on occasion the Lieutenant Governor.
14 And it's been a great opportunity over these last two
15 years to serve on that committee. And as you referenced,
16 I was very honored Wednesday to be appointed to a two-year
17 term on the National Ocean Council's Governance
18 Coordinating Committee.

19 It just doesn't quite roll-off the tongue yet,
20 but I'm really honored to have that opportunity. In fact,
21 I'm leaving on Sunday to go to the first meeting on Monday
22 and Tuesday. So I guess I'll have a better idea of what
23 we're going to be working on and some of the tasks that
24 will be before us. But I certainly do appreciate the
25 certificate of recognition from the State Controller.

1 Please extend my thanks to her for that.

2 So the timing is really perfect, I think, to have
3 this discussion that you're going to be having about the
4 strategic plan. And given my involvement with the Coastal
5 Commission and the National Ocean Council, my comments are
6 going to be focused on the ocean environment where I see
7 just an incredible potential, and an opportunity to
8 balance conservation with sustainable science-based
9 development of our ocean industry.

10 I've been working with local leaders and industry
11 associations like The Maritime Alliance on promoting our
12 local blue economy. And when you think about the blue
13 economy here in San Diego, we do have, to the best of our
14 knowledge, the largest cluster of maritime or blue economy
15 related industries in the San Diego region of anywhere in
16 the United States and perhaps the world. When you really
17 start aggregating all those different businesses and
18 industries and technology companies that are here in San
19 Diego, it's about a \$14 billion a year impact on our local
20 economy. It employs some 14,000 -- excuse me, it employs
21 some 46,000 employees, and over 1,400 individual companies
22 and businesses.

23 And it goes the full gamut from obviously a
24 maritime industries with BAE ship building and NASCO to
25 underwater robotics, to aquaculture, to developing the

1 screening material for desalinization, and obviously
2 just -- in fact, in the next 30 days we'll have the
3 opening of the largest desalinization facility in the
4 United States and Poseidon's project up in Carlsbad.

5 And it also gets into areas such as cybersecurity
6 and the maritime domain offshore renewable energy. And as
7 I mentioned, aquaculture is, I think, a really unique
8 opportunity, not just for, you know, northern California,
9 but for here in southern California. So it's a great
10 opportunity and a great timing, I think, for you to talk
11 about your strategic plan.

12 And just before I came over here, I was honored
13 to get together with Speaker Toni Atkins, where we just
14 had a media event down at the Tuna Harbor Dockside Market.
15 We were successful just a couple days ago to getting the
16 Governor's signature on a bill that Speaker Atkins carried
17 AB 226, which will allow not just San Diego but anywhere
18 in California that wants to have a tuna -- or wants to
19 have a dockside fish market to be able to do that.

20 It's kind of ironic, but, you know, we've had
21 certified farmers markets for a good number of years. And
22 there are some provisions in the food and retail code that
23 precludes, at least up to this point, the ability to have
24 the sale of fresh fish in an open air type of a market.
25 You see it maybe tied into restaurants, like in

1 Fisherman's Wharf, but you don't see the ability to kind
2 of go some place, like maybe like what they have up on the
3 Pike Place Market Street -- or Market up in Seattle.

4 So we think this is going to be a tremendous
5 opportunity, not just for San Diego, but certainly for
6 coastal areas up and down the State of California.

7 San Diego is a world leader in many of these blue
8 tech sectors. And we have, as I mentioned, the largest
9 blue tech cluster in the United States. I've been working
10 with our Mayor of San Diego, Kevin Faulconer, and
11 representatives from the Port District. Dan Malcolm, the
12 current Chair, has been a part of this and The Maritime
13 Alliance, to create a blue tech incubator, so we can
14 develop and attract more of these companies to come to San
15 Diego, if they're here in San Diego, to help them grow and
16 prosper and create even more jobs than we have now.

17 It's really a great initiative that creates both
18 blue collar and white collar jobs. And most of those jobs
19 are very well paying.

20 I'll give you one example of the economic
21 opportunity we have in our region in aquaculture. The
22 United Nations predicts that the world will need an
23 additional 50 million metrics tons of seafood over the
24 next 15 years to sustain a growing population, and quality
25 of life. That's double the current production.

1 The United States already imports about 91
2 percent of the seafood we eat. And half of that is farmed
3 and shipped here from overseas operations, long distances,
4 questionable practices in some of the countries that we're
5 importing those foods from. And it really kind of begs
6 the question, why can't we have sustainable aquaculture
7 here in California in a way that also protects the
8 environment?

9 Well, I think the answer to that is I think we
10 can. And I know that based on some studies, we could be
11 producing almost 500 metric tons of fish, which is worth
12 more than \$3.3 billion annually just off the coast here of
13 San Diego. It would create more than \$6 billion in new
14 spending and support about 22,000 jobs. And it would
15 require zero fresh water, which, as we all know, is a big
16 issue here in California.

17 I'd love to work with the State Lands Commission
18 to figure out how we can create those 22,000 jobs here in
19 San Diego, and even more across the State of California.

20 We also need to think about implementing marine
21 spacial planning, which is one of the main goals of
22 President Obama's National Ocean Policy to reduce
23 conflicts over ocean uses, and includes certainly military
24 operations, it includes sports fishing, it includes
25 commercial fishing, and, you know, the full gamut of all

1 the different businesses and industries the are tied into
2 the ocean and to the blue economy.

3 I understand the Port of San Diego is working
4 collaboratively with the State Lands Commission to take
5 over jurisdiction of submerged lands in San Diego Bay and
6 out to three miles to the California limits.

7 I think it's a great opportunity to plan for the
8 various uses of the ocean and the ocean environment. And
9 it could be a national model for marine spatial planning,
10 and that's certainly one of the things I hope I get a
11 chance to talk to at the Governance Coordinating Committee
12 when I go back there this next week.

13 I want to thank you for allowing me the
14 opportunity to make some brief comments on the strategic
15 plan. I certainly commend you for your efforts. I think
16 we have a great opportunity and vision for the San Diego
17 region, particularly as it relates to San Diego Bay and
18 coastal waters. And we just thank you for being here
19 today, and giving us an opportunity to give you some
20 input.

21 Thank you.

22 ACTING CHAIRPERSON SCHMIDT: Thank you.

23 Next up is Job Nelson with the Port.

24 MR. NELSON: Home field advantage. I know that
25 this thing actually comes up.

1 (Laughter.)

2 MR. NELSON: Commissioners and Jennifer and legal
3 counsel, I would also like to welcome you today on behalf
4 of the Port of San Diego. We very much do view you as a
5 partner. My name is Job Nelson, and I'm the chief policy
6 advisor here at the Port of San Diego. I've spoken(sic)
7 to you previously on your strategic plan. I was at the
8 August meeting, and I was also thankful to be invited to
9 be part of the stakeholder group that met with the
10 Controller to discuss the latest iteration.

11 I won't go into detail with recommendations.
12 We're actually going to be sending you a long letter with
13 some of our kind of thoughts and comments now it will be
14 coming your way in the next year.

15 But as I -- as was mentioned earlier, we are a
16 unique port. We are a mix of maritime, environmentally
17 protected lands, visitor serving amenities, and the home
18 to California's largest sportfishing fleet. Think we're
19 proud of it?

20 We have strived to keep all these things in
21 careful balance, and we would urge you to do the same as
22 you're thinking about your strategic plan. Some will try
23 and tilt the scale one way or the other. We would urge
24 you to kind of keep it balanced, and not tilt it one way
25 or the other to view somebody's favorite -- kind of

1 favorite view of the world. Some will try and get you to
2 remove terms like customer service or revenue generation,
3 others will try and get you to try and soften some of the
4 sustainability language, but I think doing either one of
5 those things would be a mistake.

6 So what should your higher level goals be?
7 You've already spelled them out. Your staff has done a
8 great job of spelling those out in terms of your
9 objectives. Be solution oriented. And one way to do that
10 is to continue to unlock and incentivize creativity with
11 our partner agencies like us. Collaboration is one of the
12 things you spell out. Continue to be a convenor and an
13 advocate for your partner agencies and lands.

14 One of the things that Jennifer and her team did
15 really well is when the Coastal Commission was wrestling
16 with the issue, wrestling with their own sea level rise
17 guidance documents, she came in and kind of convened and
18 advocated on behalf of ports to say, they're a different
19 animal, they need to be treated differently, and we were.

20 And objectivity and science. This State faces
21 significant challenges, but the maximum do-no-harm cuts
22 both ways. Environmental protection -- as was mentioned
23 earlier, environmental protection, economic opportunities
24 do not need to be mutually exclusive.

25 I'll finish by saying the one thing that I think

1 you might add that I would highlight today is on page
2 eight, partnerships. Think about expanding it to include
3 ports and harbors and other special relationship trustee
4 agencies, because I view us as being integral to helping
5 State Lands Commission meet its mission.

6 Again, I am looking forward to many more years in
7 our strong partnership. I'm looking forward to continue
8 to be part of the discussion on your strategic plan. It's
9 an exciting time. We're going through kind of some
10 strategic planning ourselves. It helps you shape your
11 vision and your future as an agency, and so we're glad to
12 be part of that.

13 Thank you.

14 ACTING CHAIRPERSON SCHMIDT: Thank you.

15 Our last speaker is Amanda Winchell, it looks
16 like.

17 MS. WINCHELL: Hi there. My name is Amanda
18 Winchell. I'm the California Coastal Policy Coordinator
19 for the Surfrider Foundation.

20 The State Lands Commission deserves recognition
21 and praise for the effort invested in the development of
22 the draft strategic plan. Surfrider participated in its
23 stakeholder workshop, hosted by Controller Yee, to discuss
24 the plan. We applaud the Commission and staff for going
25 the extra mile to include diverse participants.

1 Commendable in particular is the highlighting of
2 areas for the SLC to address climate change, especially
3 with regard to sea level rise. Currently, text pointedly
4 addresses the effort to avoid shoreline armoring where
5 possible, and the goal to provide the best available
6 science of sea level rise impacts to applicants and
7 grantees.

8 By not using shoreline armoring as a panacea to
9 coastal climate change impacts, the SLC is taking a
10 significant step towards embracing sustainable and
11 resilient climate change response strategies. While
12 current language does call for analysis of alternatives
13 including natural alternatives, when reviewing proposed
14 coastal protection projects, the SLC could go one step
15 further and include assessment for the potential of
16 managed retreat for vulnerable infrastructure.

17 Additionally, the draft plan generally does a
18 good job of stating the need to provide for, protect, and
19 enhance public access where applicable. But this is also
20 a case where climate change needs to be factored in.
21 Public access needs to be analyzed in the context of
22 potential sea level rise. Public beaches and other
23 recreational areas will be threatened by sea level rise
24 itself, but also substantially by anticipated actions in
25 response to sea level rise, such as seawalls and

1 revetments. Access should be expressly considered in
2 SLC's work on sea level rise.

3 I'll add that surfrider is increasingly concerned
4 about leases being given to private entities that encroach
5 upon Public Trust Lands, which is currently being seen
6 where preemptive shoreline armoring is diminishing public
7 access to Public Trust Lands. In aiming to arm applicants
8 and grantees with best available science on sea level
9 rise, the draft plan also fosters community -- a community
10 of climate change savvy decision-makers, which is critical
11 for sustainable long-term planning.

12 We'd also add that holding trainings and
13 workshops to further educate on vulnerability assessments
14 and adaptation strategies would support the capacity
15 building aimed for.

16 Additionally, it is not new news that the dollar
17 is quite the persuasive factor. I'd urge the SLC to
18 pursue economic analysis of sea level rise impacts to
19 Trust lands. Having potential fiscal impacts of climate
20 change on -- of climate change -- having potential fiscal
21 impacts of climate change, but also potential fiscal
22 savings utilizing present ecosystem services that
23 resources, such as wetlands, can offer in the face of sea
24 level rise would be incredibly beneficial information.

25 As discussed at the stakeholder planning meeting,

1 we commend the SLC for investigating orphaned wells in the
2 Santa Barbara Channel, and hope that work can be more
3 fully reflected in the strategic plan.

4 Last but not least, thank you for working to
5 safeguard marine protected areas by overhauling your
6 guidelines for seismic testing in and around MPAs, and for
7 your collaborative work with academics and NGOs to
8 overhaul these guidelines.

9 Thank you.

10 ACTING CHAIRPERSON SCHMIDT: Thank you.

11 And that concludes public comment on the item.

12 And it's informational so there will no vote.

13 On to Item 73, consider modifications to the
14 previously authorized compromised title settlement and
15 land exchange involving certain party's interests in land
16 located adjacent to and in the San Gabriel River and Seal
17 Beach.

18 Can we get the staff report?

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

21 STAFF ATTORNEY COLSON: Good afternoon,
22 Commissioners. My name is Kathryn Colson, staff attorney.

23 I have a PowerPoint presentation.

24 No, wrong one. Number 73.

25 All right. Thank you.

1 Bay City Partners, LLC owns a 10.9 acre parcel of
2 land adjacent to the San Gabriel River in Seal Beach. It
3 is bordered by Marina Drive and 1st Street, and the
4 river's End Staging Area, which is next to the beach in
5 the Pacific Ocean. Bay City is in the process of
6 obtaining entitlements to build residential houses on a
7 portion of this property, and intends to convey 6.4 acres
8 of the property to the City of Seal Beach for open space
9 and passive recreation.

10 --o0o--

11 STAFF ATTORNEY COLSON: Previously, this land was
12 used for the L.A. Department of Water and Power plant, and
13 that plant was fully removed about 35 years ago. There
14 were several boundary line agreements and title settlement
15 land exchanges in the late 1960s and early 1970s involving
16 the property. And as a result of those agreements, staff
17 believes that the Public Trust easement was confirmed on a
18 1.16 acre portion of the property.

19 --o0o--

20 STAFF ATTORNEY COLSON: Part of the residential
21 development that is planned in this location is on that
22 1.16 acre Public Trust easement. Since residential use is
23 not consistent with the Public Trust doctrine, Bay City
24 has proposed a title settlement and land exchange
25 agreement. Last October, the Commission approved a title

1 settlement and land exchange agreement that included
2 terminating the Public Trust easement on the 1.16 acre
3 parcel in exchange for receiving a new Public Trust
4 easement on a 1.177 acre parcel that is located in and
5 along San Gabriel River. And if you look on the diagram,
6 we refer to it as a trust termination easement parcel,
7 because at the end of the day, the trust would be
8 terminated on that parcel, and the area with the new
9 Public Trust easement is called the Public Trust easement
10 parcel.

11 In addition to exchanging a property, the
12 Commission would also receive \$2.71 million for the
13 Kapiloff Land Bank Fund. And any money deposited into the
14 Kapiloff Land Bank Fund from land exchanges may only be
15 used to purchase interest in land that further Public
16 Trust purposes.

17 In March, 2015, the California Coastal Commission
18 considered Bay City's coastal development permit. The
19 original plan called for 32 residential lots. Coastal
20 approved the permit with several conditions, one of those
21 conditions being that four out of the 32 proposed
22 residential lots must be offered in dedication in fee for
23 visitor serving uses, and the priority use being lower
24 cost overnight accommodations. And these revised findings
25 were approved by Coastal at their September meeting.

1 --o0o--

2 STAFF ATTORNEY COLSON: Bay City has requested
3 that the Commission consider a proposal to modify the
4 authorized exchange agreement that was approved last
5 October. The Bay City proposal is shown on Exhibit B of
6 the staff report in the presentation. And the proposal
7 would terminate the Public Trust easement only where the
8 actual residential development will be located.

9 So the four lots that are located close to Marina
10 Drive, as well as the public streets, would continue to
11 have a Public Trust easement on them. So the total trust
12 termination easement parcel would be approximately 0.38
13 acres, and Bay City would pay approximately \$883,000 into
14 the Kapiloff Land Bank Fund. The new Public Trust
15 easement parcel would remain the same.

16 --o0o--

17 STAFF ATTORNEY COLSON: An alternate proposal is
18 shown, Exhibit C of the staff report, and would terminate
19 the Public Trust easement on the entire parcel, except for
20 those four lots. The Trust termination easement parcel
21 would be approximately 0.78 acres, and Bay City would pay
22 \$1.82 million into Kapiloff Land Bank Fund. And again,
23 the new Public Trust easement parcel would remain the
24 same.

25 --o0o--

1 STAFF ATTORNEY COLSON: Last week Bay City
2 submitted a modified alternative proposal, which did not
3 make into our staff report, but is shown on the slide.
4 The proposal carves out the four lots that must be
5 dedicated, as well as half of the public streets adjacent
6 to the four lots. The total Trust termination easement
7 parcel would be 0.55 acres, and 1.42 million would be
8 deposited into Kapiloff.

9 In October 2014, the Commission prepared an
10 addendum to the EIR, and that was certified by the City of
11 Seal Beach in 2012 to analyze the environmental effects of
12 the land exchange. And last October, we posted the
13 addendum to our website and circulated to interested
14 parties. No new significant effects to the environment
15 were found to the addendum. And staff believes that all
16 of these proposed modifications to the title settlement
17 land exchange agreement do not substantively modify the
18 analysis of that addendum. And additionally, staff
19 believes the statutory exemption for the settlement of
20 title and boundary problems is applicable here.

21 And the next slide.

22 --o0o--

23 STAFF ATTORNEY COLSON: This shows a table, kind
24 of summarizing all the different -- the authorized
25 agreement as well as the three other proposals. It shows

1 the size of the Trust termination easement parcel, and the
2 associated amount of money that would go into the Kapiloff
3 Land Bank Fund. So staff is recommending a no action,
4 which would mean letting the authorized agreement remain.

5 And the reason that staff is recommending no
6 action and sticking with the authorized agreement is we
7 believe it's in the best interests of the Public Trust and
8 the State. The Commission has already found the entire
9 trust termination easement parcel to be relatively useless
10 for Public Trust purposes. It's one of the findings that
11 was made last October. And returning -- retaining
12 remnants of that larger parcel are even less likely to be
13 useful for Public Trust purposes.

14 It will be -- in any of the different scenarios
15 it will be a smaller parcel of land. It won't be
16 connected with other sovereign interests in the San
17 Gabriel River and it will be bordered by residential on
18 two sides.

19 Additionally, those remnant areas will be open to
20 the public through the offer to dedicate and as public
21 streets.

22 Finally, the full \$2.71 million for the Kapiloff
23 Land Bank Fund would be used to purchase more suitable
24 land that does provide public access and -- or that would
25 serve other Public Trust purposes. And recent examples of

1 our acquisitions include Camp Pollock which is a parcel
2 along the American River in Sacramento, and also a parcel
3 of land adjacent to El Dorado Beach in South Lake Tahoe.

4 Thank you.

5 ACTING CHAIRPERSON SCHMIDT: Thank you. I know I
6 have a few questions, but I'd like to move on and hear
7 from public comment before, unless a Commissioner wants to
8 ask a question directly of staff.

9 ACTING COMMISSIONER FINN: That's fine.

10 ACTING COMMISSIONER BAKER: That's fine.

11 ACTING CHAIRPERSON SCHMIDT: Ed Selich.

12 (Thereupon an overhead presentation was
13 Presented as follows.)

14 MR. SELICH: Good afternoon, Commissioners. My
15 name is Ed Selich with Bay City Partners. Can we get our
16 PowerPoint up there.

17 Thank you.

18 The parcel in question was sold under a land
19 patent in 1901. And in that, there was no mention made of
20 a Public Trust easement. And over the years, there's been
21 a number of court cases on that, but they do get
22 complicated and somewhat confusing. And as your staff
23 said, in 1967 and '68, three boundary line adjustments
24 were approved to set the Rancho Alamitos boundaries.

25 And then in one of those, BLA 94, the State

1 stated that it had a right to claim a Public Trust
2 easement on all the -- in the future on all these parcels
3 that were in that land adjustment -- or boundary line
4 adjustment.

5 So in 1970, there was a fourth one that was done.
6 And that was approved. It segregated our parcel from the
7 river. And so we were processing our project through the
8 City of Seal Beach. And in May of 2012, the staff sent me
9 a letter claiming that there was a Public Trust easement
10 on the parcel in question.

11 --o0o--

12 MR. SELICH: We rejected the claim, but we chose
13 to negotiate an exchange agreement. We're businessmen and
14 didn't want to get into litigation over it. But we did
15 get into an issue with the Coastal Commission where we
16 were getting batted back and forth for about eight months.
17 They wanted the exchange agreement on the project before
18 it was approved, and before they would accept the
19 application as complete.

20 So your staff was cooperative on that. We did a
21 dispute resolution with the Coastal Commission, and they
22 said go to State Lands Commission first. So we came to
23 you last year, a year ago this month, and the exchange
24 agreement was approved.

25 And then we had our project hearing in March of

1 this year. And the Coastal Commission changed the
2 project, as your staff had mentioned in their report. And
3 after that, in May of this year, we requested the exchange
4 agreement be modified so it reflected the actual changes
5 that the Coastal Commission made to our project.

6 --o0o--

7 MR. SELICH: This diagram shows -- it's called
8 BLA 120, the 1970 agreement. And the parcels that are
9 shown in yellow are parcels that were segregated from the
10 river by that boundary line adjustment -- or they're the
11 ones that the exchange agreement was approved on, and the
12 Public Trust easement was removed.

13 Parcels 9, 11, and 12, which are the green
14 parcels, which were owned by LADWP at the time, those were
15 the ones that were segregated from the river by that
16 boundary line adjustment. So that's why we have this
17 segregation issues. And if you look at it, parcel 9 only
18 touches the river with the point. It's an intersection of
19 the two parcel lines and provides no access to the river.
20 But that was really done because of an action that State
21 Lands Commission took to segregate these parcels from the
22 river.

23 --o0o--

24 MR. SELICH: Now, if you look on parcel 11 -- go
25 back here. Parcel 11 is that little green strip across

1 from parcel 9, you'll see that there's 12 homes that are
2 constructed on this claimed Public Trust easement. The
3 State has never made a claim that there's a Public Trust
4 easement for those 12 homes constructed on parcel 11. And
5 thus, we feel that you can't make a claim on parcel 9.
6 It's not equitable treatment. Either there's a Public
7 Trust easement there or there isn't, and, if it is, then
8 both parties should be treated equally.

9 --o0o--

10 MR. SELICH: Looking at the new easement that
11 we're providing, it's 1.177 acres. The existing exchange
12 agreement has a 1.16 acre termination parcel on it. So
13 we're offering the larger parcel. It's larger than the
14 area claimed by the State. It's larger than the area in
15 the existing exchange agreement. And it's more valuable
16 for Public Trust purposes than the parcel that the
17 easement is claimed on, because it is actually along the
18 river, and it's within the river.

19 --o0o--

20 MR. SELICH: Our modification request is only for
21 land area that's used for residential use, as your staff
22 said. Public streets and the visitor serving use areas
23 are excluded from our request. It's similar to the
24 residential use on parcel 11. You see here we have
25 residential use area, public streets, visitor serving.

1 And then you go back to the slide I showed before, and you
2 can see the parcel 11 has homes on the area, and parcel
3 11, and portion of it's a public street.

4 --o0o--

5 MR. SELICH: Now, one of the reasons that we feel
6 that the public streets should not be excluded from the
7 Public Trust easement is they do provide a valuable
8 service as access to the river trail and the open space
9 lands that we're dedicating to the City of Seal Beach.
10 They provide access to the visitor serving parcel.

11 The Coastal Commission required that those
12 streets be -- remain public. We originally were going to
13 do them as private streets, but they required them to be
14 public streets, so that the public would have access to
15 the river trail and the open space area.

16 And the red arrows showed the public streets, how
17 you would get to the river trail, which is the arrow on
18 the bottom left. The arrow pointing towards the bottom
19 goes to the open space area and the other arrows show how
20 you get to the visitor serving use area.

21 This is the modification that your staff showed
22 you. It shows that there's a proportional assignment of
23 the public street area to residential and visitor serving
24 use area. We submitted this to the staff last week, and
25 we went down the center line of the adjacent streets and

1 And with that, I'm happy to answer any questions,
2 and be available for it later, if you'd like.

3 ACTING CHAIRPERSON SCHMIDT: Thank you.

4 MR. SELICH: Thank you.

5 ACTING CHAIRPERSON SCHMIDT: We'll probably have
6 you come up a little bit later, if we have questions.

7 And then our last speaker is Stefanie Sekich.

8 MS. SEKICH: Good afternoon, Commissioners.
9 Stefanie Sekich-Quinn with the Surfrider Foundation. My
10 remarks today actually are going to be very quick. I
11 think there's a fundamental principle that needs to be
12 articulated here in terms of the Kapiloff funds.

13 But let me just start by saying I strongly urge
14 you not to amend the agreement that is before you and has
15 been proposed by Bay City Partners. I think in the past
16 your staff has been just outrageously generous in terms of
17 trying to find a compromise and helping lift this public
18 burden -- or the Public Trust burden.

19 I find that your staff has put so much work into
20 coming to this compromise over the years. And just
21 because Coastal has required that they do low cost visitor
22 serving accommodations, I don't -- it just gives me pause
23 to have them come back here and try to reconfigure the
24 compromise that you and your staff have already come up
25 with.

1 I'm adamantly suggesting that they are not
2 allowed to pay anything less than the \$2.7 million into
3 the Kapiloff Fund. The Kapiloff Fund is extremely
4 important for public access. As your staff had noted
5 before, there are tremendous amount of opportunities
6 around this State for us to codify what we deal with with
7 our Public Trust Lands. And one of them, in particular,
8 although it's not entirely Public Trust Lands, is the
9 Martin's Beach issue that Jennifer was speaking of this
10 morning.

11 I think, you know, that has been such a high
12 profile campaign. And getting monies to actually help
13 facilitate that easement purchase was exactly what this
14 fund is set up for, right, especially for really
15 controversial items like that.

16 So I would just really urge you to stay the
17 course, do not amend this. Again, your staff has been
18 very generous. So therefore, we strongly believe that
19 terminating the entire public easement on the entire
20 parcel and receiving the \$2.7 million in the Kapiloff Fund
21 is the best way to continue to protect the public
22 interest. Thank you for your time.

23 ACTING CHAIRPERSON SCHMIDT: Thank you.

24 Questions.

25 ACTING COMMISSIONER FINN: So one of the disputes

1 I understand is that none of this was recorded correctly,
2 is that -- none of the original Public Trust, was that
3 true, it was recorded on State -- on the original parcels?

4 EXECUTIVE OFFICER LUCCHESI: No, it certainly
5 was.

6 ACTING COMMISSIONER FINN: It was?

7 EXECUTIVE OFFICER LUCCHESI: Yeah. Doing a
8 proper title search should have -- and being able -- let
9 me back up. It's not easy to connect all these dots, in
10 terms of how land title was transferred through the years,
11 especially with the number of title settlements and
12 boundary line agreements that occurred in the sixties and
13 seventies.

14 However, you know, through professional title
15 companies, you can certainly connect those dots. And
16 staff believes that the State's claim to the Public Trust
17 easement is a matter of public record. You just have to
18 connect those dots through the title report, and actually
19 review all the various documents that are attached to
20 that.

21 So Commission staff fully stands behind the
22 validity of the Public Trust easement claim on this
23 parcel.

24 ACTING COMMISSIONER FINN: Okay. Good. Thank
25 you. And then does anybody -- is there any dispute on the

1 various fiscal crisis? Does anybody dispute those? Is it
2 just a proportional -- so we all agree on the 2.71 value.
3 Does anybody dispute how the other alternative prices are
4 just calculated? I just want to get the facts.

5 EXECUTIVE OFFICER LUCCHESI: Not that I'm aware
6 of. The State Lands Commission conducted an appraisal,
7 and the \$2.71 million was what was negotiated with the Bay
8 City Partners in the original deal -- the originally
9 approved deal --

10 ACTING COMMISSIONER FINN: Last year?

11 EXECUTIVE OFFICER LUCCHESI: -- and that was
12 based on an appraisal that both parties were able to
13 review and rely on.

14 ACTING COMMISSIONER FINN: Okay. Good. Thank
15 you. I just wanted to make sure all the facts I
16 understood. Thanks.

17 ACTING CHAIRPERSON SCHMIDT: I guess my problem
18 with this, and it's a problem I identified before it even
19 came before us last time, was we continually get projects
20 back from Coastal that completely change the project. And
21 now we have to take what they give us and then make a
22 decision on it. Whereas, thankfully with Broad Beach,
23 they kind of laid out what parameters they want to work
24 with and then we can make decisions based on that.

25 So when we originally negotiated this deal, we

1 looked at -- my understanding is we looked at what it
2 would, the value of the hotel minus the value of the
3 residential to come up with that original number, correct?

4 EXECUTIVE OFFICER LUCCHESI: Um-hmm.

5 ACTING CHAIRPERSON SCHMIDT: And the reason we
6 did that was because we recognized that a hotel is not
7 feasible, and we came to that conclusion and we don't need
8 to rehash that anymore.

9 But now, we're looking at -- and this is where
10 I'm conflicted, we're looking at a hotel minus residential
11 minus the lots. So no longer is it that same formula in
12 my mind. So that's what I'm struggling with.

13 The other problem I think is just the fact that
14 we've identified it as useless land. And Coastal staff
15 defended it as not use -- or as useful in front of us and
16 that was staff not the Commission, but they had staff
17 appear and say it's not useless. There's a use for it.
18 And then it seems they've confirmed that by saying well
19 these four parcels have a use. And yet, we are given no
20 direction on what use that is.

21 So now, we have a big parcel that's cut down to a
22 very small parcel. That, in my mind, is still under your
23 same assumption that it's still useless with no direction.

24 So is there an obligation -- what is the
25 obligation of the applicant now that we've carved this out

1 at Coastal Commission? Is it they just can't develop
2 there or is there some sort of process they need to go
3 through?

4 EXECUTIVE OFFICER LUCCHESI: Yeah. Well, I
5 believe that the obligation of the Bay City Partners,
6 based on the condition of the Coastal Commission approved
7 the CDP under, was that they are required to, through an
8 offer to dedicate mechanism, basically kind of a quitclaim
9 or grant, if you will, offer to dedicate those four
10 parcels for visitor serving uses, including lower cost
11 overnight accommodations. And it's up to a third party or
12 a public entity to accept that offer to dedicate, so --
13 and they have to do so within 21 years. This is by virtue
14 of law or the offer reverts back to the Bay City Partners.
15 That's a condition of the Coastal Commission's Coastal
16 Development Permit pursuant to the Coastal Act.

17 If I may, I'd like to just back up a little bit
18 and kind of reemphasize the progression of the
19 conversations and the deals that were made.

20 When the Commission originally considered the
21 land exchange agreement almost a year ago, there were a
22 number of participants, including Coastal Commission staff
23 and local stakeholders, that encouraged the State Lands
24 Commission not terminate the Trust easement on this
25 parcel, because of their perceived benefits of keeping the

1 easement on this parcel.

2 The Commission found, however, on balance that
3 the Trust easement was relatively useful for Public Trust
4 purposes, and that the trust was better served through a
5 land exchange where the trust was terminated on the entire
6 easement in exchange for a more useful easement and a
7 deposit of \$2.71 million in the Kapiloff. And that money
8 could be used to acquire, and will be used to acquire,
9 more meaningful public access rights elsewhere in the
10 State, including southern California.

11 Subsequently, the Coastal Commission issued a
12 Coastal Development Permit, including -- that included
13 certain conditions consistent with Coastal Act policies,
14 in part because of the action that the State Lands
15 Commission took to agree to terminate the Trust easement
16 on this parcel.

17 Now, the developers are requesting that the State
18 Lands Commission revise its finding and make changes to
19 the agreement that primarily serves only, in staff's
20 opinion, to benefit the private development. You know,
21 when talking about the relationship between the State
22 Lands Commission and the Coastal Commission in various
23 determinations on the same project or the same deal, it's
24 staff's position that the trust should not be put in a
25 position to mitigate a private development because of

1 actions by the Coastal Commission taken pursuant to the
2 Coastal Act. The Coastal Act is a law distinct and
3 separate from the common law Public Trust Doctrine and the
4 responsibilities of the Commission in managing the State's
5 lands and resources.

6 I certainly understand the equity argument that
7 the Bay City Partners is putting forth here. But at the
8 same time, the Public Trust and the lands and interests of
9 the public -- of the State's Public Trust is really on
10 behalf of the public. And staff was, in recommending in
11 its no action recommendation, was looking at this request
12 for a modification through the lens of the equity of the
13 public.

14 I'm not sure if I answered your question, but --
15 ACTING CHAIRPERSON SCHMIDT: I'm not sure I had a
16 question. I'm just frustrated at the process.

17 (Laughter.)

18 ACTING CHAIRPERSON SCHMIDT: But I get, I mean,
19 that I can ask a question that's based on what my diatribe
20 was about, which is my understanding was we got the value
21 based on a hotel project minus a residential project.
22 Now, that residential project -- had this come after
23 Coastal, the value of that residential project would have,
24 in theory, been a different value.

25 EXECUTIVE OFFICER LUCCHESI: It's possible. I

1 will say two things on that is that Bay City Partners is
2 required to record an offer to dedicate. That still has
3 to be accepted, and the provisions of that offer to
4 dedicate -- so, for example, if it's not accepted within
5 the 21 years as provided by law, it reverts back to Bay
6 City Partners, so it has to be accepted.

7 Visitor serving, the offer to dedicate also
8 includes -- while the umbrella context was the low cost
9 overnight accommodations, it also talks about visitor
10 serving uses. So I think the -- I suspect that the
11 Coastal Commission in its condition was trying to allow
12 for greater flexibility on that. What -- so it's not
13 clear that the -- what types of uses. It could be a
14 commercial use that goes in there. Who knows?

15 At least at this moment in time, both based in
16 the October 2014 Commission decision and today, based on
17 what we know today and what we're certain of today,
18 Commission staff stands behind the appraisal and the
19 values associated with the land exchange that was
20 previously approved.

21 ACTING CHAIRPERSON SCHMIDT: Okay.

22 EXECUTIVE OFFICER LUCCHESI: I will say -- can I
23 just make one more mention of something.

24 ACTING CHAIRPERSON SCHMIDT: Yes.

25 EXECUTIVE OFFICER LUCCHESI: The offer to

1 dedicate in fee condition of the Coastal Commission's
2 approval, you know, to a certain extent, overly restricts
3 the management of any remaining Public Trust easement
4 interest that remains on the property, that the Commission
5 would be responsible for keeping an eye on, in the sense
6 that it also creates further uncertainty.

7 So, for example, there have been times in the
8 past where the Coastal Commission has approved commercial
9 development on Public Trust Lands that they believe is
10 visitor serving under their Coastal Act, but that the
11 State Lands Commission later, the Commission itself, made
12 a determination that those particular uses were not
13 consistent with the Trust.

14 And so they're still -- if the Trust easement
15 remains on these four lots, there is that potential
16 uncertainty for any future uses that may be made of those
17 lands. There's no doubt that a hotel that serves to bring
18 visitors to the waterfront is a use that's generally
19 consistent with the trust, but it's that other uncertainty
20 that there could be other visitor serving uses that go in
21 there.

22 And so again, leaving the Trust easement on this
23 very small portion of the parcel, not only creates an
24 isolated Public Trust easement with no connection to the
25 water, but it also shifts the burden of a potential

1 conflict for the State to resolve in the future, again for
2 the benefit of a private development, in staff's opinion.

3 ACTING COMMISSIONER BAKER: Yeah. I understand
4 why we're behind and supportive the original agreement.
5 Why did you propose an alternate agreement? It's odd to
6 be sitting here with four -- you know, two from you --

7 EXECUTIVE OFFICER LUCCHESI: Well, again, we are
8 here at -- the staff is here to serve the Commission and
9 provide the best information, the most comprehensive
10 information that we can to the Commission in order for you
11 to make the most informed decision that you can. Staff's
12 recommendation is clearly no action and to stick with the
13 prior agreement terms that were agreed to a year ago.

14 However, again, in -- under the concept of
15 providing the Commission with all the information and the
16 options that are available to it legally, we included a
17 compromise between what the Bay City Partners was
18 proposing and what staff's recommendation was for, again
19 for informational purposes and to provide the Commission
20 with the most comprehensive options available to it.

21 ACTING CHAIRPERSON SCHMIDT: (Nods head.)

22 MR. SELICH: Mr. Chairman, Ed Selich again for
23 the record. Just a couple of points of clarification.
24 One, on the offer to dedicate it at expiration 21 years, I
25 believe under current law, the Coastal Conservancy is

1 required to take that over. So it does keep it as the
2 visitor serving lower cost accommodations as required by
3 the Coastal Commission.

4 The other point I'd like to make is I think, Mr.
5 Chair, it was on your question on the value. If we were
6 coming from the whole cloth and negotiating after we went
7 to the Coastal Commission, the appraisal would have been
8 different, because you're correct, it was the difference
9 between a hotel use and residential. So the entire
10 property was going to residential, but now only a portion
11 of the property would be going to residential. So the
12 appraisal value would not have come out to \$2.71 million.
13 You still would have been releasing the Public Trust
14 easement on the entire parcel.

15 So again, all we're looking for here is some
16 fairness and equity, because we had -- you know, in all
17 fairness, we had to go to Coastal Commission with an
18 unapproved project, negotiate our project with you on that
19 project, and now we have a different project that the
20 Coastal Commission approved.

21 Thank you.

22 ACTING CHAIRPERSON SCHMIDT: Okay.

23 ACTING COMMISSIONER FINN: I think -- I can tell
24 we're all very frustrated and feel for you, so I don't --
25 discussion. And I also, you know, recognize what staff's

1 recommendation. You know, I recognize how conflicting
2 State agencies, looks very frustrating to public and -- so
3 I -- you know, my heart goes out for them, and I -- you
4 know, but I'm just not sure how far, you know --
5 personally, I'd be willing to consider some type of
6 compromise, but some type of -- excuse me, amendment or
7 adjustment. I don't know where the rest of you are.

8 ACTING CHAIRPERSON SCHMIDT: Do you have an
9 amending motion?

10 ACTING COMMISSIONER BAKER: I'm going to move the
11 modified alternate proposal.

12 ACTING COMMISSIONER FINN: Hang on. I'm not sure
13 which one that one is.

14 ACTING COMMISSIONER BAKER: Since they all have
15 odd names to them.

16 (Laughter.)

17 EXECUTIVE OFFICER LUCCHESI: One option, if I
18 may --

19 ACTING COMMISSIONER BAKER: Taking it from the
20 chart, since that seems to be the easiest way to --

21 ACTING COMMISSIONER FINN: The modified. Okay.
22 I see where you are.

23 Can somebody just explain the difference between
24 the alternative and the modified alternative? It had
25 something to do with the --

1 ACTING COMMISSIONER BAKER: I'm going to let them
2 do that --

3 ACTING COMMISSIONER FINN: Yeah, yeah.

4 ACTING COMMISSIONER BAKER: -- because it's a
5 safer alternative at this point.

6 (Laughter.)

7 ACTING COMMISSIONER FINN: It something to do
8 with the streets.

9 EXECUTIVE OFFICER LUCCHESI: Can I have them pull
10 up the slides.

11 So yeah -- so hopefully we'll pull up a slide
12 that will --

13 ACTING COMMISSIONER BAKER: And a map that might
14 show that.

15 EXECUTIVE OFFICER LUCCHESI: -- help depict the
16 difference. The modified alternative that the Bay City
17 Partners has suggested is basically bringing the Trust
18 termination parcel to the centerline of the streets that
19 surround those four lots. So the alternative includes the
20 full streets. The modified includes only half that
21 street. So keep going. Oh, so if you -- this is the
22 modified alternate proposal. And just from a pictorial
23 depiction, you can see that the trust termination would
24 occur on half the street. It would go to the centerline
25 of the street. The Trust would remain on from that

1 centerline to Marina Drive for those four lots.

2 And we can go to the next slide to show -- or the
3 next two slides to show the chart again, which shows you
4 kind of the difference between the acreages and the
5 associated amount to be deposited into Kapiloff.

6 ACTING COMMISSIONER FINN: And the theory being
7 that the streets are shared between -- that they're shared
8 usage -- I mean, is that -- or is it -- is that what
9 the --

10 EXECUTIVE OFFICER LUCCHESI: I suspect that
11 that's what Bay City Partners was trying to achieve there.

12 ACTING COMMISSIONER FINN: Okay. But the Bay
13 City proposal was excluding the streets, I think, right?

14 ACTING CHAIRPERSON SCHMIDT: They provided an
15 alternate to their proposal, so we have alternates of both
16 staff and --

17 ACTING COMMISSIONER FINN: Right, right. Okay.
18 Is there any more discussion? I'm sorry, did you want to
19 add something.

20 So we have a motion? Is that what Anne said,
21 motion for the --

22 ACTING COMMISSIONER BAKER: Yes.

23 ACTING COMMISSIONER FINN: -- modified alternate
24 proposal.

25 ACTING COMMISSIONER BAKER: Let me just add, I

1 think it's unfortunate, you know -- this bouncing between
2 the Lands Commission and the Coastal Commission is
3 unfortunate. And I -- you know, Jennifer we talked --
4 we've talked about, you know, that developer, you know,
5 does -- I don't know, getting stuck is not quite the right
6 word. They picked one way. Things didn't go -- things
7 end up how they end up. You pick one way, it goes one
8 way. You pick another way, it might have gone another
9 way, but it ends up. And I guess I think -- I think this
10 is a fair --

11 EXECUTIVE OFFICER LUCCHESI: May I offer just one
12 other alternative, especially in light of the
13 Commissioners' discussion about the appraised values, is
14 that because of the Coastal Commission's action, one
15 option for the Commission to consider is to defer action
16 on this request to modify and direct staff to update the
17 appraisal that was used, given the decision of the Coastal
18 Commission, and come back with that updated information.

19 ACTING CHAIRPERSON SCHMIDT: My only concern with
20 that is knowing our calendar for December.

21 (Laughter.)

22 ACTING CHAIRPERSON SCHMIDT: I mean, is there a
23 reason -- you think there's going to be a significant
24 difference in -- or change of rationale from our point of
25 view from what you've heard?

1 EXECUTIVE OFFICER LUCCHESI: Well, again, you
2 know, staff's perspective is leaving an isolated Public
3 Trust easement parcel with no connection to the water, and
4 with relatively useless potential for Trust purposes. I
5 would garner -- and maybe we could ask Bay City Partners
6 for their perspective. I would suspect that their
7 concerns revolve around the monetary deposit into the
8 Kapiloff Land Bank. And so maybe, you know, one option is
9 to get an updated appraisal to reflect what the Coastal
10 Commission -- the conditions the Coastal Commission
11 imposed to see how that might impact the value, because I
12 think from staff's perspective, engaging in a deal where
13 the entire Trust termination occurs on this parcel is more
14 beneficial to the Trust.

15 So if the concern is the money associated with
16 it, let's get it -- let's update the appraisal. I can't
17 speak to the agenda in December. It certainly, at this
18 point, appears to be a pretty full agenda, so -- but I'm
19 not sure exactly what the timing is for the Bay City
20 Partners development either.

21 ACTING CHAIRPERSON SCHMIDT: Ed, do you mind
22 coming up real quick?

23 MR. SELICH: Yeah. We'd prefer that you act
24 today. We're willing to go with the modified alternative.
25 Although, we believe our original proposal is certainly

1 reasonable. We're on -- we're getting our track map on
2 the city council agenda in Seal Beach on the 26th to get
3 recorded. We're moving ahead with the project, so we'd
4 would like to move ahead.

5 And, you know, again for clarification, the
6 visitor serving parcels for affordable accommodations,
7 they are Public Trust uses. Just because they're not
8 actually on the water, I don't think particularly devalues
9 them. I take issue with the staff talking about this as
10 being relatively useless for Public Trust purposes.
11 Affordable accommodations on or near the water are high
12 priority uses from the Coastal Commission's standpoint,
13 and certainly well within the boundary of Public Trust
14 uses. It's not like we're talking about building an
15 office building for doctors or dentists there. These are
16 things that are related to the Public Trust Doctrine. So
17 we'd encourage you to move ahead today on the modified
18 alternative.

19 Thank you.

20 ACTING CHAIRPERSON SCHMIDT: Did you want to move
21 forward with the motion?

22 ACTING COMMISSIONER BAKER: Yeah, I do.

23 ACTING CHAIRPERSON SCHMIDT: Okay. Before we do
24 that, I just want to speak to Jennifer's point on this
25 piece of land. And I know our jurisdiction is very

1 limited in this. And obviously, you know my frustration
2 that now we're going to have a parcel that will probably
3 sit vacant for 21 years, and probably go into
4 receivership. And I don't think we're better off than if
5 we'd developed that and had to complete the project.

6 With that said, I am curious, because we've had
7 testimony from Coastal staff, and obviously they believe
8 there's value in a public serving land. This parcel being
9 for the public, if staff would write a letter to Coastal
10 and offer some sort of joint meeting, where although it's
11 not our responsibility to do, I think it's our public
12 service to do it, is sit down with them and say, well, who
13 do you have on your list of folks that put money into
14 these type of projects, and what funds do you have
15 available? And I know they have a couple of accounts that
16 sit there that keep growing and not being spent.

17 So I just ask that we get some sort of
18 communication going between them. And I'm happy to
19 convene it. And I know Anne would probably be happy to
20 join and figure out if there's something our two agencies
21 can at least do a public-private partnership with or
22 something to get this resolved, because it does nobody any
23 good to leave this vacant for another 20 years.

24 With that, I think --

25 ACTING COMMISSIONER FINN: You're making your

1 motion? Then I would second it.

2 ACTING CHAIRPERSON SCHMIDT: Can we get roll
3 call?

4 EXECUTIVE ASSISTANT LUNETTA: Commissioner
5 Schmidt?

6 ACTING CHAIRPERSON SCHMIDT: Abstain.

7 EXECUTIVE ASSISTANT LUNETTA: Commissioner Baker?

8 ACTING COMMISSIONER BAKER: Aye.

9 EXECUTIVE ASSISTANT LUNETTA: Commissioner Finn?

10 ACTING COMMISSIONER FINN: Aye.

11 ACTING CHAIRPERSON SCHMIDT: Thank you, everyone.

12 Now, we'll move to Item 75, which is
13 informational update on our Geographic Information
14 System --

15 EXECUTIVE OFFICER LUCCHESI: Actually, 74.

16 ACTING COMMISSIONER FINN: Seventy-four first.

17 ACTING CHAIRPERSON SCHMIDT: Sorry. I'm really
18 trying to get out of here.

19 Item 74 is consider approval of proposed
20 regulatory amendments to the 2013 California Building Code
21 for marine oil terminals.

22 Staff presentation, please.

23 (Thereupon an overhead presentation was
24 Presented as follows.)

25 DR. NAFDAY: Good afternoon, Commissioners,

1 Avinash Nafday, lead engineer for Marine Facilities
2 Division of the California State Lands Commission.

3 I have with me my colleague Ms. Kendra Oliver,
4 Senior Engineer of petroleum structures who will
5 present -- help with part of this presentation.

6 It's not on?

7 Staff is recommending Commission approval of
8 Agenda Item number 74 about regulatory amendments to
9 chapter 31F of the 2013 California Building Code, also
10 known as MOTEMS. The proposed updates will form part of
11 the 2016 Building Code.

12 --o0o--

13 DR. NAFDAY: To provide some background, MOTEMS
14 has been in effect for about 10 years. The item now
15 before you is the third revision of MOTEMS. The
16 Commission approved previous MOTEMS revisions in 2009 and
17 2012.

18 --o0o--

19 DR. NAFDAY: MOTEMS is the only worldwide
20 comprehensive marin oil terminal standard, and is utilized
21 in other states and countries for both oil and non-oil
22 terminals. U.S. Navy references MOTEMS in their technical
23 standards, and MOTEMS has also inspired other institutions
24 for developing their own technical standards of similar
25 kind.

1 --o0o--

2 DR. NAFDAY: The proposed amendments updates
3 seismic, structural, geotechnical provisions to later
4 standards, provide guidance for offshore moorings,
5 submerged piped lines, transfer of liquefied natural gas,
6 and establish linkage with other State regulations.

7 We had help from Professor Goel of Cal Poly San
8 Luis Obispo and USC and from Earth Mechanics in developing
9 seismic and geotechnical sections.

10 --o0o--

11 DR. NAFDAY: Staff has worked for about three
12 years on this project throughout this process, information
13 was shared with engineering firms and marine oil terminal
14 operators. MOTEMS was noticed to the public informally
15 once and two formal public comment periods. All comments
16 that were received were responded to either in the Final
17 Statement of Reasons or by modifying the Express Terms.

18 The final regulatory text is shown in Exhibit A
19 of the staff report.

20 --o0o--

21 DR. NAFDAY: The proposed amendments will
22 maintain MOTEMS state-of-the-art reputation. And
23 MOTEMS -- the goal of the MOTEMS is to upgrade existing
24 facilities to current standards. And for that purpose,
25 MOTEMS requires marine terminals to perform periodic

1 audits and inspections by California licensed engineers.

2 Two cycles of audits have been completed at
3 California marine oil terminals. And these terminals are
4 in various stages of upgrades. My colleague, Kendra
5 Oliver will provide some description about these efforts.

6 SENIOR ENGINEER OLIVER: Good afternoon. Most
7 Californian marine oil terminals were -- oh, sorry. Move
8 on.

9 --o0o--

10 SENIOR ENGINEER OLIVER: Most California marine
11 oil terminals were constructed in the early to mid 1900s.
12 And the passage of time since has yielded aging
13 infrastructure, original work designs which predate modern
14 seismic standards, and significantly larger ships today.
15 And if you take a look at the two photos on the left-hand
16 side, you'll see a terminal and the progression in time
17 from the late 1940s to modern times. And the size of the
18 tankers is obviously quite a bit bigger today.

19 Therefore, MOTEMS requires all California marine
20 oil terminals to satisfy current building standards. To
21 evaluate each terminal's MOTEMS compliance status,
22 operators are required to conduct routine engineering
23 audits and inspections of their facility. All the
24 deficiencies identified during these audits and
25 inspections must be mitigated through repair or

1 replacement.

2 California's marine oil terminals are at various
3 stages of upgrading to address such deficiencies.
4 Commission staff is working with owners and port
5 authorities, such as the Port of Long Beach, Port of L.A.
6 and, Port of San Diego towards MOTEMS compliance.

7 --o0o--

8 SENIOR ENGINEER OLIVER: To understand the
9 magnitude of MOTEMS implementation at California marine
10 oil terminals, we have a view examples of common MOTEMS
11 deficiencies and upgrades.

12 Beginning on the left-hand side, the top pipe-way
13 photo shows widespread corrosion along the pipe-way
14 trestle, which was found during MOTEMS initial
15 inspections. It was determined during the assessments
16 that this widespread corrosion was due to a paint defect.
17 And so you can see then on the bottom that the pipeline
18 was repaired by cleaning the whole structure and recoating
19 it.

20 Moving over to the center -- the center
21 structural photos, the top structure -- structural photo
22 shows a 40-year old steel platform structure that extended
23 off one of the wharves. And as you can see, it has some
24 very advanced deterioration going on at the time.

25 And the photo below shows that this platform was

1 replaced in it's entirety, and there was some concrete
2 repair as well that needed to be done around it.

3 On the right-hand side, we have mooring hooks.
4 Mooring hooks are a piece of equipment that are used in
5 tying up ships to the wharf via mooring lines or wires.
6 On the top, you can see the mooring hook as it was
7 discovered in the initial audit, and it is in a failing
8 state. And you can see on the bottom, the hook that it
9 was -- the hook assembly that replaced it. This is a
10 quintuple hook assembly, and it has significantly greater
11 capacity than the original.

12 --o0o--

13 SENIOR ENGINEER OLIVER: Here we have a few
14 additional examples. Beginning on the top left, we have a
15 new gravel fire access road. This was approved in
16 conjunction with the local fire department to ensure that
17 emergency services can access the facility in the case of
18 an emergency.

19 On the bottom left-hand side, we have a seismic
20 retrofit of a timber wharf structure. Moving over to the
21 right-hand side, we have a new breasting dolphin.
22 Breasting dolphins are structures that help cushion --
23 provide cushioning for vessels as they approach and arrive
24 at the wharf, as long as -- as well as when they rest
25 alongside the wharf.

1 And on the bottom right-hand side, we have a
2 photo of some new LED lighting that is installed to
3 improve visibility and allow for safe operations.

4 --o0o--

5 SENIOR ENGINEER OLIVER: In a few cases,
6 operators choose to rebuild their terminals to comply with
7 MOTEMS. In the example I have up here, this was a timber
8 wharf that was originally constructed about circa 1952.
9 And during the MOTEMS initial assessments, it was
10 determined that this wharf would require major seismic
11 upgrades.

12 The terminal operator took a proactive approach
13 to compliance. And they have rebuilt their wharf to the
14 highest MOTEMS standards making this the newest marine oil
15 terminal structure in the state.

16 --o0o--

17 SENIOR ENGINEER OLIVER: In conclusion,
18 Commission staff recommends that the Commission approve
19 the proposed regulatory amendments for the California --
20 for chapter 31 of the 2016 California Building Code, also
21 known as MOTEMS.

22 Thank you.

23 ACTING CHAIRPERSON SCHMIDT: Thanks.

24 And just out of curiosity, where do we rank
25 nationally? Are we the best?

1 SENIOR ENGINEER OLIVER: Oh, yeah.

2 (Laughter.)

3 SENIOR ENGINEER OLIVER: We're the only one.

4 ACTING CHAIRPERSON SCHMIDT: It's always good to
5 hear. I kind of suspected that.

6 (Laughter.)

7 EXECUTIVE OFFICER LUCCHESI: I just want to add a
8 couple of things. You know, the Commission -- it's not
9 widely known with our land management -- land and resource
10 management responsibilities, but we have an incredibly
11 robust oil spill prevention program. And our MOTEMS
12 project -- or program is a critical element of that.

13 With these marine oil terminals that are both
14 located on private lands, on lands granted to local
15 jurisdictions and on State Lands, we're regulating all of
16 them. And they're critical transfer points obviously for
17 the oil and other petroleum products that are coming to
18 the market through tankers and the transfer of that
19 product to refineries and then back out again.

20 And so there's a huge amount of risk that's
21 associated with these oil terminals. And our staff, both
22 monitors and inspects those transfers, but also through
23 our MOTEMS program, ensures that the facilities are either
24 up to the appropriate standards or are working towards
25 refurbishing them to get to those standards. And those

1 standards not only include seismic safety, but Tsunami --
2 in events of tsunamis, and also to address sea level rise
3 as well.

4 So I can't say enough good things about our
5 MOTEMS program, and the staff and engineers that work in
6 that program, and the benefits that are realized by the
7 State of California because of that.

8 Thank you.

9 ACTING COMMISSIONER BAKER: I just want to add to
10 that. You know, when we were looking at the Santa Barbara
11 stuff back in June, you provided us some information from
12 those folks that was astonishing. And I wrote up the
13 numbers, because the Controller wasn't here to hear that
14 piece of the presentation. And she assumed that I had a
15 typo, because the number was so low, and couldn't believe
16 that those were our success numbers. And I just want
17 to -- I think it is worth recognizing and applauding the
18 work do. And we've shared it with people subsequently who
19 were like, well, why don't more people know that we're so
20 successful at this?

21 And I sort of laughed and said to some of my
22 environmental friends, because you don't want them to know
23 that offshore we're that successful and that good at doing
24 that. And I think it's quite an accomplishment.

25 ACTING COMMISSIONER FINN: That's on my

1 compliments and I hope I don't get quizzed on the
2 regulations, because I was --

3 (Laughter.)

4 ACTING COMMISSIONER FINN: I tried to read them,
5 but I apologize, I --

6 (Laughter.)

7 ACTING CHAIRPERSON SCHMIDT: All right. Without
8 further ado, do we have a motion?

9 ACTING COMMISSIONER FINN: I will move staff's
10 recommendation of adoption.

11 ACTING COMMISSIONER BAKER: Second.

12 ACTING CHAIRPERSON SCHMIDT: Roll.

13 EXECUTIVE ASSISTANT LUNETTA: Commissioner
14 Schmidt?

15 ACTING CHAIRPERSON SCHMIDT: I will abstain.

16 EXECUTIVE ASSISTANT LUNETTA: Commissioner Baker?

17 ACTING COMMISSIONER BAKER: Aye.

18 EXECUTIVE ASSISTANT LUNETTA: And Commissioner
19 Finn?

20 ACTING COMMISSIONER FINN: Aye.

21 EXECUTIVE OFFICER LUCCHESI: Great. Thank you.

22 Now, on to 75, informational update on geo
23 information systems.

24 May I have a staff presentation.

25 (Thereupon an overhead presentation was

1 presented as follows.)

2 GIS COORDINATOR SCHLATTER: Good afternoon. My
3 name is Phil Schlatter. I'm the GIS Coordinator for the
4 California State Lands Commission. I'M here today to talk
5 a little bit about some of the activities we've been doing
6 with GIS, and some of the kind of cool new tools and
7 features that we're trying to make happen at the
8 Commission.

9 --o0o--

10 GIS COORDINATOR SCHLATTER: So just a quick
11 primer. What is GIS? GIS, of course, stands for
12 geographic information systems. It could be geospatial.
13 And what a GIS does, it lets us visualize, analyze, ask
14 questions about, discover relationships, patterns, and
15 trends to better understand the world we live in. It's
16 really about putting different pieces of the puzzle
17 together to create visibility about what's going on in a
18 certain place.

19 So some of the benefits of that are efficiency.
20 We can make better decisions based on better data better
21 information. We have the ability to communicate and
22 deliver information to others. And we also have the
23 ability to kind of manage geographically.

24 --o0o--

25 GIS COORDINATOR SCHLATTER: When I say manage

1 geographically, I'm talking about basically everything
2 that the Commission does, all of the work starts around a
3 point on the ground somewhere. And although we have very
4 different missions and responsibilities in each division
5 of the Commission, the geography is the common thread that
6 brings all of that together. And so being able to utilize
7 GIS will -- is a huge benefit for us.

8 When we formed the GIS Services Unit, we set
9 about to come up with a framework of processes and things
10 that we could fix and solve to implement GIS in a real
11 deep integrated way. And so we developed these four
12 tenets. The tenets of the GIS Services Unit are to
13 provide Commission-wide coordinations, outreach and
14 support. We want to ramp up the creation of new data and
15 new data projects at the Commission. We want to implement
16 technology solutions to centralize and organize our
17 geospatial information. And then we want to align that
18 capability with the broader organizational goals and
19 particularly the strategic plan.

20 --o0o--

21 GIS COORDINATOR SCHLATTER: So just briefly on
22 the coordination aspects. We've developed a GIS -- a GIS
23 steering committee. And that includes members from each
24 of our divisions. We meet quarterly. We talk about
25 projects. We prioritize, and we come up with plans and

1 standards for how we implement GIS at the Commission.

2 We also outreach with State GIS folks to have a
3 better understanding of what's going on on the statewide
4 level, other agency projects, and -- as well as trends in
5 State government with GIS.

6 The GIS coordination -- the GIS Coordinator also
7 interfaces with IT. We have our system administrators,
8 application developers. We need to understand what
9 technology solutions are available and how we can
10 implement that within the constraints of our IT
11 environment at State Lands. And last but not least, we
12 serve as a public facing coordinator as well, being able
13 to deliver information to the public, GIS data, and also
14 being there to support any questions or issues that the
15 public may have with some of our existing data sets.

16 --o0o--

17 GIS COORDINATOR SCHLATTER: So we worked really
18 hard to create some key data sets of high value over this
19 past year. We've had work -- working on new data sets and
20 also refining existing ones. Some of those data sets are
21 the granted lands layer. That is almost completed. We
22 did a significant update to our school lands. Our lease
23 layer is being upgraded, as well as the submerged lands --
24 Submerged Lands Act boundary, which was recently approved
25 by the Supreme Court.

1 GIS COORDINATOR SCHLATTER: One other thing we're
2 trying to do with our data sets is, where possible, we
3 want to link those to the original source data. So what
4 you see here in this slide is where we click on the Palos
5 Verdes grant, we have some basic information about the
6 grant, but we also have a link to the original grant
7 statute on our public website. It's something small and
8 simple, but it allows us to kind of really connect the
9 dots in a meaningful way without having to go and look and
10 reference and search multiple systems.

11 --o0o--

12 GIS COORDINATOR SCHLATTER: From the technical
13 side, what we're really trying to accomplish is to have a
14 common infrastructure for building and deploying
15 geospatial solutions. We want to extend geospatial to
16 non-traditional users. So people who aren't maybe highly
17 tech savvy or highly trained in a specialized application,
18 but can be -- benefit from that information.

19 We also want to improve -- as I mentioned before,
20 improve the capabilities of other enterprise systems by
21 leveraging the value of geospatial information.
22 Basically, we want a broad set of tools to solve many
23 problems, all by maintaining a central location for our
24 data.

25 --o0o--

1 GIS COORDINATOR SCHLATTER: So what's next for
2 us?

3 Well, we want to build on these accomplishments.
4 We definitely want more data. We want to build out a data
5 library, so we can begin to reuse and imagine new ways to
6 surface new information to more clearly identify things
7 that are important decision points for the Commission.

8 --o0o--

9 GIS COORDINATOR SCHLATTER: We're very excited
10 about the strategic plan. We're looking forward to the
11 adoption of the strategic plan, so that it can provide us
12 a structure and guidance on future GIS projects and
13 priorities. As the plan is finalized, we hope to
14 contribute solutions to help meet the strategic goals
15 outlined in this plan.

16 --o0o--

17 GIS COORDINATOR SCHLATTER: Related to the
18 strategic plan goals, one of them is operational
19 excellence. We feel like mobile capabilities can really
20 solve and provide a lot of benefit for our organization.
21 We recently did a pilot project over the summer with our
22 marine invasive species program. We had an intern go out
23 that normally they use a paper form to fill out an
24 inspection report. We had them take out an iPad, and was
25 able to fill out a form, upload it into the cloud, and we

1 were able to see in real-time that inspection from
2 Sacramento while they were out in the field. So that was
3 pretty neat stuff. We hope to expand on these services in
4 the future.

5 --o0o--

6 GIS COORDINATOR SCHLATTER: We're also looking at
7 operations dashboards, combining mapping with key
8 performance indicators, to get a better understanding of
9 what is going on in a certain area. A particular project
10 is working with our lease data information, getting some
11 performance indicators in terms of what may be -- what
12 leases may be expiring or coming up for review, and moving
13 a way from -- we already have traditional reports that say
14 some of that information, but we were providing that
15 additional context of what's going on in that area, and
16 what other -- what other possibilities are out there
17 related to those leases.

18 ACTING CHAIRPERSON SCHMIDT: So currently on that
19 note, this is all for staff use, but are all of our
20 lease -- you mentioned we're working on it. How much --
21 what percentage of our leases are in this type of format
22 with this dashboard and what's the timeline on that?

23 GIS COORDINATOR SCHLATTER: So we're currently in
24 the process of updating those 900 points that I mentioned.
25 Those are actually getting, as we speak, collated into our

1 larger lease layer of which is about 3,500 or so points.

2 ACTING CHAIRPERSON SCHMIDT: So at some point, is
3 it -- are we going to be able to maybe take out some of
4 the information that's private, and then release it so if
5 I'm Joe citizen I can look and see what leases are to what
6 companies for -- and we determined what the privacy
7 standards are there.

8 GIS COORDINATOR SCHLATTER: Exactly. The lease
9 layer -- that lease data comes from our calendar items.
10 So that information is already there and available to the
11 public, but we're just going to provide it in a new and a
12 little more meaningful way instead of having to dig
13 through an archive.

14 ACTING CHAIRPERSON SCHMIDT: That's good.

15 EXECUTIVE OFFICER LUCCHESI: And also, if I may
16 add, connecting the GIS capabilities with our new lease
17 data base that, under the direction of the Lieutenant
18 Governor a couple years ago, in order to be able to
19 provide that kind of dashboard look, both internally,
20 which is incredibly important, but also use some of that
21 information for a public face -- for some public
22 interfacing.

23 --o0o--

24 GIS COORDINATOR SCHLATTER: Another big effort
25 we're looking forward to in the future is public

1 engagement. We recently put a web map that we embedded on
2 our site for the special Commission meeting related to the
3 BLM land exchange, which I think was a huge success for
4 us. And not only was the map available, but we were
5 making that underlying data available as services as well.
6 And so people could link to that data and pull that into
7 their own maps, and their own information, their own
8 GIS's.

9 We hope to expand on that to create an open data
10 portal with data sets and maps available for the public.

11 --o0o--

12 GIS COORDINATOR SCHLATTER: Another new tool that
13 we have at our disposal now is story maps. A story map
14 allows us to take GIS data and integrate it with pictures
15 and text to create a narrative. I was thinking, during my
16 colleagues' MOTEMS presentation, about the history of
17 MOTEMS and all the significant progress they made. That
18 would be a perfect example of where we could use a story
19 map to convey the rich history of the Commission. And we
20 go back all the way to 1850 and there is some much
21 potential to really give a compelling narrative about the
22 Commission's history.

23 --o0o--

24 GIS COORDINATOR SCHLATTER: Another new tool that
25 available is a public comment mapping template. This

1 would allow us to post maps on our site and allow for
2 feedback from the public where they can like, or add
3 comments about a specific project.

4 --o0o--

5 GIS COORDINATOR SCHLATTER: And finally, although
6 not related to a specific strategic plan goal, we're
7 trying to expand collaboration within the Commission and
8 beyond. We want to use some cloud-based web mapping tools
9 to be able to share information and work from the same
10 canvass, so to speak, when we are conducting our
11 activities at the Commission.

12 What the web mapping allows us to do is it allows
13 the subject matter experts to create those specialized
14 data sets, and then it allows the broader audience to
15 build their own maps, save them, share them, I can create
16 a map, save it, share it with you. You can then save your
17 own copy, make changes, additions all in real-time in the
18 cloud. So that's I think that's a -- that will be a very
19 transformative tool for us.

20 --o0o--

21 GIS COORDINATOR SCHLATTER: So that's all I have
22 for you today. Thank you very much.

23 Any questions, any other questions?

24 ACTING COMMISSIONER FINN: Pretty cool stuff.

25 ACTING CHAIRPERSON SCHMIDT: Yeah. Just real

1 neat. And thankful for your work and your leadership and
2 really taking to heart kind of the direction we've been
3 pushing on this.

4 And what -- do we still have old maps in our
5 vaults at State Lands? And if so, even on the Resources
6 side, so we know -- you know, I know we're working with
7 some people in the valley on some natural resources out
8 there. Is there going to be an effort -- and I know it's
9 not mission critical, but to get all of our old maps
10 scanned and on, so that --

11 GIS COORDINATOR SCHLATTER: Digitized.

12 ACTING COMMISSIONER BAKER: Before they dissolve.

13 (Laughter.)

14 ACTING CHAIRPERSON SCHMIDT: And then so that
15 could be overlaid, and -- for two-fold, right, so the
16 public can just see kind of the history of how we've
17 managed these lands. And then secondly, if it has natural
18 resources on it, people can go on and say, well, this was
19 found here at this time, under this lease, and all that
20 sort of thing.

21 EXECUTIVE OFFICER LUCCHESI: Yeah. Parallel to
22 all the efforts that Phil has been leading on GIS, we also
23 have, within our existing resources and budget, a robust
24 effort going on to overhaul our records management, and
25 including working on digitizing all of our historic

1 records, not only the historic surveys and maps, but the
2 land patents that date back even prior -- you know, to
3 1850.

4 And so we're kind of working in tandem with both
5 of these efforts, A, to get our own house in order, given
6 our existing resources, but also then with the ultimate
7 goal of making a lot of this information public and useful
8 and educational to all of our stakeholders and the general
9 public. And, of course, all of that allows us as staff to
10 better analyze and develop more comprehensive and informed
11 recommendations, and allows the Commission to be able to
12 make more informed relevant decisions as it relates to all
13 the activities and programs that we do.

14 So certainly, it's a pretty large and
15 overwhelming effort, and we're taking baby steps right
16 now. But that is certainly part of our larger vision and
17 goal for the agency, especially with the really delicate
18 and sensitive and important records that we have and we
19 use daily in all of our work.

20 Do you have anything to add to that, Phil.

21 GIS COORDINATOR SCHLATTER: Just that once we're
22 able to get those maps scanned and in a digital format,
23 then we can start to convert the data on the map into GIS
24 data, and then integrate it into the GIS. And so
25 that's -- that will have a huge benefit for us, but it is

1 very resource intensive, that kind of analog to digital
2 conversion is very time intensive.

3 EXECUTIVE OFFICER LUCCHESI: And I think Dave
4 would like to speak on the records management part.

5 ASSISTANT EXECUTIVE OFFICER BROWN: This is
6 something very near and dear to me. Another thing that
7 we're embarking on is we have started working with Fresno
8 State - I don't think it's CSU - Fresno State and their
9 library. And they are actually going out and looking for
10 grants at various foundations, federal government, and so
11 on for our benefit. And when we can get those grants,
12 then we will take our maps, give them to them, and they
13 will be doing the digitizing at very little cost to us.
14 And we're really looking forward and really excited about
15 that.

16 ACTING CHAIRPERSON SCHMIDT: That's huge. Great.
17 Thanks.

18 EXECUTIVE OFFICER LUCCHESI: The only thing I
19 just want to add, I just again want to take this
20 opportunity, because the Commission has incredible staff
21 working hard and really making huge strides in this area.
22 And, in particular, as with a lot of State agencies and
23 institutions that have been around for a long time,
24 changing the culture, you know, moving away from the
25 physical maps or the physical documents to electronic

1 documents, the ability to be able to analyze in more
2 real-time and improve collaboration, not only internally
3 and externally, we are working very hard to change that
4 culture at State Lands. And we have very key people on
5 staff from all of our divisions working in concert with
6 Phil and the executive management to ensure that that
7 transition and that culture change occurs smoothly.

8 And it really empowers staff to be able to do
9 their job and utilize the resources available to them in a
10 much more comprehensive and effective way. So I just
11 wanted to take that moment to acknowledge all of the staff
12 that are working on this, in addition to their everyday
13 jobs, and then especially under Phil's leadership in
14 moving, you know, at a pretty good pace our progress on
15 the GIS front. So thank you.

16 ACTING CHAIRPERSON SCHMIDT: Thank you.

17 GIS COORDINATOR SCHLATTER: Thank you.

18 ACTING CHAIRPERSON SCHMIDT: Great. We are on
19 to -- what is the next order of business?

20 EXECUTIVE OFFICER LUCCHESI: Public comment.

21 ACTING CHAIRPERSON SCHMIDT: Perfect.

22 I have one speaker card. If anybody else wants
23 to speak, feel free to come up, but we will start with
24 Stefanie Sekich.

25 MS. SEKICH: Good afternoon. I'm here again. I

1 actually live here, so I couldn't miss the opportunity to
2 speak to you twice.

3 (Laughter.)

4 MS. SEKICH: Stefanie Sekich-Quinn, Coastal
5 Preservation Manager for Surfrider Foundation. I'm just
6 going to take a couple minutes to talk about Broad Beach.
7 I appreciate you mentioning it earlier.

8 And I think it's -- just to get a little bit of
9 historical background for you in case you're not familiar,
10 but it's a relatively small beach in Malibu. There's
11 about 121 parcels that are on that land. And really since
12 the development happened in the seventies, it's just been
13 really rapidly eroding. So it's no longer a Broad Beach
14 at all.

15 And so the science is pretty clear that once we
16 put any of these hard structures, with it be homes,
17 revetments, it just exacerbates erosion, which is where we
18 are now.

19 So in 2010, the homeowners put down an emergency
20 rock revetment. And unfortunately, by doing that, it
21 exacerbated the erosion even further. And so now there is
22 very little areas in front of the revetment where there's
23 dry sand, thus completely eliminating public access.

24 In a large portion of the revetment itself. And
25 I'm a little disheartened Commissioner Cox left from the

1 Coastal Commission, because I was going to go over a
2 decision that they had made last week. So essentially,
3 what they did last week was actually relatively good.
4 There's an enormous problem there. There's no sand.
5 Peoples homes are in harm's way. I mean, we get it.

6 So the majority of the project has improved over
7 the past couple years. But unfortunately, there's still
8 some implications for public access that really need to be
9 looked at. And so given your unique role as an agency
10 that kind of has this overlord of looking at Public Trust
11 Lands, I'm coming here today with some suggestions and
12 really just excited about your unique role that you have
13 in this.

14 So, first of all, the Coastal Commission staff
15 report it explains thoroughly what happened with that
16 revetment. It's a -- the majority of the proposed
17 revetment is directly impacting public access,
18 recreational use of Public Trust Lands and existing
19 lateral access easements. And this will continue to
20 impact public access over the course of the coming years.

21 So today, I would like to just highlight briefly
22 your distinct role that you could have in this situation.
23 Not only is this Commission a landowner that has property
24 interests in fee lands, in which where this revetment
25 sits, but you also have property interests in maintaining

1 lateral access easements, which is fundamentally important
2 to this entire crux of the situation here.

3 So briefly just so you know, the revetment itself
4 is three acres. And two of -- two acres is on Public
5 Trust land. So essentially at the end of the day, I mean,
6 the quickest way to say it is that the public has been
7 utilizing our Public Trust lands to protect private
8 infrastructure for quite some time now.

9 So originally what the Coastal Commission had
10 decided was that they were going to, on the backside of
11 the revetment, have a pedestrian pathway. So, for
12 instance, if the beach eroded on the front side of
13 revetment where there was no more access, it would be kind
14 of a -- like a stopgap, so that the public could access
15 that.

16 Unfortunately, the homeowners did not agree to
17 that. And so while the Commission passed a good project
18 to, you know, look at marine protected areas and septic
19 tanks that are there, this was really, really kind of left
20 to the wayside.

21 So essentially, what I think is fundamental for
22 this agency to understand is currently there's 51
23 easements that are within the area. You all hold 36 of
24 those easements, and 20 of them are directly impacted by
25 the revetment itself. So those numbers are pretty

1 alarming in terms of what your mandate is in terms of
2 protecting Public Trust land. You can't really do that in
3 this situation because you have a giant rock revetment on
4 top of our public lands.

5 So I think even though -- another disconcerting
6 point to me is that although this revetment is gobbling up
7 our public lands, the homeowners have never received a
8 lease from you all to have that revetment there. So
9 technically, it is quite trespassing on Public Trust lands
10 in order to keep that revetment there.

11 And so what I would like for you to do is just
12 kind of analyze what you can do with your jurisdiction in
13 the future to really bring this kind of full circle to
14 your mandate. And your analysis of the impacts to Public
15 Trust was very clear. You guys did a great job on having
16 that because of the CEQA exemption, because they formed
17 themselves a geological abatement district. And so you
18 guys did an APTR analysis. And it was very clear that you
19 said that, you know, the Commission plays a major role in
20 protecting public access, particularly through the
21 management of our lateral access easements.

22 And so therefore, we just continue to -- that you
23 continue to work with your staff and the Coastal
24 Commission to ensure that there's some type of
25 compensation to the public not only in terms of the land

1 fees that have been used, but also in terms of maintaining
2 those lateral access easements and really making it come
3 to fruition. And so this goes back to the kind of the Bay
4 City Partners project where you are bouncing back and
5 forth between two agencies.

6 Both of you have a mandate of public access. And
7 so I really have hope that in the future we can all come
8 together and really uphold both of your mandates for
9 public access.

10 So thank you so much for your time.

11 ACTING CHAIRPERSON SCHMIDT: Thank you.

12 Any other comments, questions, concerns?

13 That concludes our open meeting. We will now
14 adjourn into closed session.

15 EXECUTIVE OFFICER LUCCHESI: Yes.

16 (Off record: 2:46 PM)

17 (Thereupon the meeting recess
18 into closed session.)

19 (Thereupon the meeting reconvened
20 open session.)

21 (On record: 3:01 PM)

22 ACTING CHAIRPERSON SCHMIDT: I call the State
23 Lands meeting back into open session, and now immediately
24 close the meeting.

25 Thank you, all.

(Thereupon the California State Lands
Commission meeting adjourned at 3:02 PM)

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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 30th day of October, 2015.



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